

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

3 \*\*\*\*\*  
4 ALBERT MIXED USE DEVELOPMENT  
5 840-844 TROY SCHENECTADY ROAD  
6 APPLICATION FOR CONCEPT ACCEPTANCE  
7 \*\*\*\*\*

8 THE STENOGRAPHIC MINUTES of the above entitled  
9 proceeding BY NANCY STRANG-VANDEBOGART,  
10 a Shorthand Reporter, commencing on  
11 February 28, 2012 at 7:40 p.m. at the Public  
12 Operations Center 347 Old Niskayuna Road,  
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, CHAIRMAN
- 16 TIM LANE
- 17 MICHAEL SULLIVAN
- 18 LOUIS MION
- 19 KATHY DALTON
- 20 BRIAN AUSTIN
- 21 BRIAN HAAK
- 22 ELENA VAIDA, Esq., Counsel to the Planning Board

23 Also present:

- 24 Joseph LaCivita, Director, Planning and Economic  
25 Development
- Joe Grasso, PE, Clough Harbour & Associates
- Jon Endres, Ingalls and Associates
- Anna Albert
- Jeff Blynn
- Donna Condon
- Bob Conant
- William Duax

- 1 (cont.)
- 2
- 3 Keith Gager
- 4 Vinoth Govindarajulv
- 5 Annette Holleger
- 6 Matthew P. Mazzariello
- 7 Lorraine Reith
- 8 Richard Riddell
- 9 Susan Rys
- 10 Joy Tallmadge
- 11 Larry Van Appledorn
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1                   CHAIRMAN STUTO: Just for the record with  
2 regard to the Scaringe open development. They  
3 are a neighbor of my parents.

4                   We're now onto the Albert Mixed Use  
5 Development, 840-844 Troy Schenectady Road.  
6 This is application for concept acceptance.  
7 This is 10,488 square feet of retail office  
8 building and 11 residential apartment units  
9 presented by Ingalls and Associates on behalf  
10 of the applicant and reviewed by our Town  
11 Designated Engineer, CHA.

12                   I'll turn it to Joe LaCivita, our  
13 Planning Director, for any introduction.

14                   MS. DALTON: I just need to go on record  
15 as saying that last time this project was  
16 presented I was on record as saying that I was  
17 a neighbor to this development project. I  
18 continue to be a neighbor to this development  
19 project and as such - as a ruling from the  
20 Town Attorney and our Ethics Board, they ruled  
21 that I did not have to recuse myself due to  
22 fact I had no financial interests in this  
23 development. I will not be recusing myself  
24 from this and I will be participating with the  
25 understanding that everyone is aware of that.

1 MR. LACIVITA: Peter, the only thing that  
2 I will add to your summary was this project  
3 has been before us back at the DCC level on  
4 August 12, 2009. It then came to our sketch  
5 plan review a few years thereafter;  
6 October 11, 2011. Then it came to concept  
7 January 20, 2012. We're back here as a result  
8 of that last meeting to advance the project  
9 forward.

10 CHAIRMAN STUTO: Now, we'll hear from the  
11 applicant's representative on the project.

12 MR. ENDRES: Good evening. My name is Jon  
13 Endres of Ingalls and Associates in  
14 Schenectady.

15 As Mr. LaCivita said, this project was  
16 confirmed for sketch plan approval back on  
17 October of 2011. Since that time, there have  
18 been a number of minor changes made to the  
19 plans and comments that have been made by  
20 various Town agencies and the TDE. So, I'm  
21 going to go through this project again as an  
22 introduction to what we are proposing for the  
23 site.

24 This is two parcels of land, actually.  
25 They are residential parcels that are located

1 at 840 and 844 Troy-Schenectady Road. It's  
2 located on the south side of Troy-Schenectady  
3 Road, approximately across the road from  
4 Knadler Drive. The property is just adjacent  
5 to and west of a small commercial property  
6 which contains the DeWalt store, EZ Lift and  
7 Sherry Lynn's Gluten Free Café. The property  
8 right now as I said is two small homes and  
9 they comprise a total of 2.51 acres of land.

10 The proposal for this site is to  
11 redevelop both properties, combine them and  
12 construct a 10,488 square foot commercial  
13 property which will contain a business which  
14 already exists in the Town of Colonie. This is  
15 for Top Tile which is currently located on  
16 Route 9 in Latham. The owners of that property  
17 own this land and they wish to redevelop this  
18 and relocate their business to this property.  
19 That 10,488 square foot warehouse is going to  
20 contain a retail tile store, a showroom, a  
21 warehouse component and also tenant space for  
22 additional office -- if somebody else needs to  
23 rent some space. It's probably about 2,700  
24 give or take square feet.

25 Sharing that property and also sharing

1 parking for the property is going to be a  
2 three story 11 unit apartment  
3 building - single building.

4 The general plan of this three-story  
5 building is going to be three apartments on  
6 the first floor, four on the second floor and  
7 four on the third floor. This is designed as a  
8 12-unit apartment building. Because of density  
9 requirements here in this zone, there is going  
10 to be some kind of community room for the  
11 tenants of the apartment building; whether  
12 it's a recreation room, or an exercise room,  
13 or media, or something like that.

14 As far as infrastructure on the site  
15 itself, we're proposing a single entrance off  
16 of Troy-Schenectady Road. Currently, there are  
17 two driveways right now. So, we'll be  
18 consolidating them into one single driveway.

19 There will be a total of 37 parking  
20 spaces. That's shared between both the  
21 apartments and the commercial building. What  
22 we are proposing to do is share the  
23 spaces - the 37 does not meet the number of  
24 parking spaces that are required by Town Code.  
25 We are proposing to bank some parking. In

1 other words, provide an area for future  
2 parking, if necessary. If there becomes some  
3 sort of conflict with timing as far as tenants  
4 coming and going from the apartments and  
5 people going and coming from the commercial  
6 space, we put a total of 24 banked parking  
7 spaces and made room available basically on  
8 the site. Those could be built if either the  
9 Town decided or required that they needed to  
10 be built; or if the occupants or the owners,  
11 decided that they needed the additional  
12 parking space.

13 CHAIRMAN STUTO: Can we go over the  
14 numbers again? What would the normal required  
15 number of parking spaces be?

16 MR. ENDRES: The normal requirement for  
17 parking spaces would be 60. There are 14  
18 spaces required for the retail tenant, four  
19 for the warehouse, 20 for the retail showroom  
20 and 22 for the apartments for a total of 60.  
21 So, we're actually proposing 37 actual built  
22 parking spaces and 24 banked spaces for a  
23 total of 61.

24 MS. DALTON: What is the greenspace area  
25 that will be available in both scenarios?

1 MR. ENDRES: I'm hoping that everyone on  
2 this Board has a copy of the plan.

3 CHAIRMAN STUTO: Yes.

4 MR. ENDRES: So, in the lower right hand  
5 corner you'll see that there is a chart of  
6 project area uses. It says, with the banked  
7 parking area constructed we're looking at 53.9  
8 percent of greenspace - green area remaining.  
9 that includes wetland buffer and that includes  
10 lawns, landscaping and everything that isn't a  
11 hard surface.

12 CHAIRMAN STUTO: Can you just say for the  
13 record what the requirement is for greenspace?

14 MR. ENDRES: I think I might need help on  
15 that, Joe.

16 MR. LACIVITA: It's 35 percent.

17 MR. ENDRES: We'll have 61.6 if we don't  
18 build the banked parking.

19 MS. DALTON: Could you point out on your  
20 version where the greenspace will be?

21 MR. ENDRES: The greenspace is anything  
22 that isn't effectively impervious surface. The  
23 majority of it is going to be at the back of  
24 the site, which is going to be a 100 foot  
25 buffer from the existing wetlands.



1                   CHAIRMAN STUTO: We do have a drawing  
2 here, but it's also important for the public  
3 to understand -- they want to know where their  
4 streets are in relation to where that is, too.

5                   MR. ENDRES: There is a 100 foot wetland  
6 buffer that is from DEC wetlands that is off  
7 the subject property. The wetlands are not on  
8 the property.

9                   That's right here and that appears to be  
10 a tree line (Indicating). That is our limit of  
11 disturbance. The remainder is simply going to  
12 be landscaped area which is going to be to the  
13 west of the site, within the site itself. If  
14 we don't use the back parking area, it's going  
15 to be behind the apartment building.

16                   CHAIRMAN STUTO: Can you point out the  
17 banked parking area? I can see it here, but I  
18 want everyone to see it.

19                   MR. ENDRES: It's hard for everybody to  
20 see if you go looking, but there is a section  
21 of 11 parking spaces which is directly  
22 opposite the entrance to the building. This is  
23 going to be the main entrance to the building  
24 right there (Indicating). There are 11 spaces  
25 here (Indicating) and then there are 13 spaces

1 behind the apartment building. So, if both of  
2 those were built, that would actually provide  
3 more of a separation of apartment/tenant and  
4 commercial/tenant as well.

5 The idea behind the banked parking is the  
6 commercial space would be generally used  
7 during the day when the apartment tenants are  
8 somewhere else or at work. That's why we are  
9 proposing to share it.

10 I believe that there is a letter from one  
11 of the Town departments that we have in our  
12 possession that indicates that there is some  
13 level of support of this banked parking  
14 concept.

15 MS. DALTON: With regard to the banked  
16 parking, is Top Tile going to be open on  
17 Saturdays?

18 MR. ENDRES: Yes.

19 MS. DALTON: Okay, how about Sundays?  
20 Saturdays will be a day that most residents  
21 will be home.

22 MR. ENDRES: It could be a little bit  
23 tighter on Saturday mornings when you have the  
24 apartment tenants home, and you have maybe  
25 homeowners who are at the store looking for

1 tile for their home. There might be a full  
2 parking lot at that point.

3 MR. HAAK: Wouldn't that make sense to  
4 build out those 11 banked parking spaces up in  
5 front and leave the 13 in the bank? As long as  
6 you have the access on the weekends -

7 MR. ENDRES: We could do one, or we could  
8 do both. I think that it's going to depend on  
9 the demand. That's why we're proposing to  
10 share them at this point in time, at least at  
11 a concept stage. If there is a demand for it,  
12 it's not a really big deal from a construction  
13 point of view to simply remove curbing and put  
14 some pavement down and put some new parking  
15 spaces in there.

16 CHAIRMAN STUTO: On that point, I think  
17 that parking is going to be important.  
18 Normally, we wait for the Town Designated  
19 Engineer, but I would like to ask Joe Grasso.

20 Is it normal for residential apartment  
21 tenants to share apartment spaces with retail  
22 shoppers? Is it a good planning practice to do  
23 that?

24 MR. GRASSO: I think that it is good  
25 planning practice, as long as the uses are

1           somewhat compatible. These uses appear to be  
2           compatible. It is supported by the zoning and  
3           obviously sharing parking is something that we  
4           often talk about with planning principals.

5           If the Board is desirous of trying to  
6           provide some separation of the two  
7           uses - obviously this isn't like having  
8           apartments above and a commercial retail shop  
9           down below. So, because we're talking about  
10          two separate uses, the Board could say okay,  
11          well, maybe the parking spaces up front closer  
12          to the tile shop should be built and the  
13          residential spaces could be closer to the  
14          apartment building.

15                 MR. ENDRES: That's right.

16                 MR. GRASSO: The only ones that they are  
17          proposing to be land banked are the ones on  
18          the left hand side of the access drive as you  
19          come in.

20                 MR. MION: I have a question on those  
21          ones up front. Those are trees there, right?  
22          Are they the existing trees?

23                 MR. ENDRES: No. Again, this is a  
24          conceptual plan. So, we have scattered some  
25          landscaping effectively on this site. There

1 will be a fully developed landscape plan. The  
2 idea would be probably not to put anything  
3 there. Maybe just to leave it grass or some  
4 kind of small shrubs, or something like that.  
5 If the parking space needed to be built, they  
6 could easily be built without ripping out some  
7 trees.

8 MR. MION: Are you going to take the  
9 existing trees out?

10 MR. ENDRES: There are existing trees  
11 there. There are some fairly substantially  
12 sized trees. There are some big spruces. Yes,  
13 they would have to come out if that bank  
14 parking was constructed.

15 MS. DALTON: What if that banked parking  
16 isn't constructed?

17 MR. ENDRES: Then they would stay. There  
18 is no reason to take them out.

19 CHAIRMAN STUTO: Okay, let's keep parking  
20 as a focal point.

21 MR. ENDRES: One thing to keep in mind is  
22 that there would be no utilities on the site.  
23 There would be a sewer force main for the  
24 apartments. It can certainly be routed to  
25 avoid some of those existing trees. We don't

1 want to cut them down and would rather go  
2 through the roots if we could avoid them.

3 MR. DALTON: If you were going to make  
4 the spaces, is there value - you have a  
5 parking lot right next door with spaces over  
6 there. Would it be valuable to just make one  
7 giant parking lot?

8 MR. GRASSO: I can speak to that.

9 I don't think that it's desirable to link  
10 those two parking lots together, other than  
11 provide cross access which was one of our  
12 original comments. They have done a good job  
13 of accommodating that in this plan. I think  
14 that the Board needs to understand the uses  
15 that are proposed for this site include both  
16 commercial uses and residential uses. I think  
17 that by having a plan where you only have the  
18 commercial parking on the side of the access  
19 drive - it provides some identity for the  
20 access drive to serve the residential uses so  
21 that you're not always feeling like you're  
22 driving through a commercial use to get to the  
23 apartments.

24 I don't see any advantage of expanding  
25 that existing parking lot across the front of

1 the DeWalt store.

2 MS. DALTON: I would just suggest that  
3 from a commercial point of view, to make that  
4 look like one parking lot - I'm thinking of  
5 the plaza where they have a separation in the  
6 building between Brueggers and -- but there is  
7 one big parking lot and it makes it look like  
8 a more commercial zone. It would have the  
9 possibility of increasing commercial business  
10 in both Top Tile, DeWalt and Sherry Lynn's so  
11 that people would just walk back and forth and  
12 it would look a little bit more like a  
13 destination for commercial shopping and kinds  
14 of retail purposes rather than -- it would  
15 just draw more attention.

16 CHAIRMAN STUTO: We'll be talking again  
17 about parking, I'm sure.

18 You can continue and get through the  
19 first phase of your presentation.

20 MR. ENDRES: I may have nearly reached  
21 the end of what I was going to say as far as  
22 this project is concerned.

23 Again, the Board did see this as a sketch  
24 plan. The difference between the sketch plan  
25 that you saw in October and the plan that you

1 see before you now is the shape, location and  
2 size of a commercial structure has changed  
3 slightly. They've also moved the access road  
4 due to comments from New York State DOT. The  
5 access road moves slightly to the west. So,  
6 the front portion of this project has changed  
7 around in terms of its layout. Nothing has  
8 really changed in the back as far as the  
9 apartments are concerned.

10 Again, this is a concept plan so  
11 landscaping, lighting, grading, stormwater  
12 treatment - that's the kind of stuff that we  
13 want to do the hard engineering on when we  
14 receive concept approval so that we don't  
15 start moving more pavement and building and  
16 road and so forth. It's a waste of our time  
17 and our client's money.

18 CHAIRMAN STUTO: I see that we have  
19 potential renditions of the commercial part of  
20 this. Do you have any for the apartments?

21 MR. ENDRES: Yes, I do.

22 CHAIRMAN STUTO: Are those in our  
23 packets?

24 MR. ENDRES: They should have been. I  
25 don't know if there is a smaller version of



1           this (Indicating). This is the apartment  
2           building. This is just a front rendering of  
3           the apartment building (Indicating). Again,  
4           you can see that it's a three-story with mixed  
5           materials on the façade. Basically, it would  
6           be a fiber cement siding and a cultured stone.  
7           Again, concept stage would be obviously show  
8           those materials, but I don't think that it's  
9           going to look a lot different from what you  
10          see on this drawing.

11                   CHAIRMAN STUTO: Do you have a smaller  
12          rendition of this?

13                   MR. ENDRES: I don't believe that I have  
14          a smaller version. I thought that a smaller  
15          version was given to the PEDD.

16                   MR. LACIVITA: We don't have those.

17                   MR. ENDRES: I don't have a smaller one.  
18                   The other thing, if you'd like me to pass  
19          the large board around -

20                   CHAIRMAN STUTO: We'll wait on that for  
21          now.

22                   MR. ENDRES: This is the commercial  
23          building, which you have copies of so you can  
24          see that it's basically the same -- we want to  
25          try to make it look similar, yet different.

1 This is actually a metal building and we've  
2 changed the façade so that there is some  
3 cultured stone, some vertical siding on the  
4 warehouse portion and probably some stucco  
5 look to the office showroom areas. It's not a  
6 flat roof. It's a gently pitched roof. It's a  
7 good rendering and a good rendition of  
8 probably very close to what we're going to try  
9 to have for this site.

10 CHAIRMAN STUTO: Okay, we'll hear from  
11 our Town Designated Engineer. We have a  
12 comment letter from November. Is that the  
13 latest?

14 MR. GRASSO: Yes. November 28, 2011 is  
15 our latest comment letter. Then there is a  
16 response letter provided from your package  
17 where the applicant's consultant responded to  
18 our comments and that letter is dated  
19 December 1<sup>st</sup>. I'll be making reference to both  
20 of those.

21 Our first comment is regarding some of  
22 the requirements of the COR, which is the  
23 Commercial Office Residential design  
24 standards. The first one is the minimum build  
25 out of 80 percent of the property frontage is

1 recommended to create a near continuous façade  
2 along the sidewalk in the front of the  
3 property. This can be a combination of  
4 building and landscaping and fencing and items  
5 such as that. The intent is to create that  
6 continuous frontage to more clearly define the  
7 pedestrian environment and an improved  
8 aesthetic setting. Based on the current  
9 concept plan the building façade would provide  
10 approximately 50 percent frontage build out.  
11 We recommended in order to obtain the 80  
12 percent, additional fencing would appear or  
13 required if a waiver of that is not sought.

14 CHAIRMAN STUTO: That doesn't show on the  
15 plans, right?

16 MR. GRASSO: It does not. In Jon's  
17 response letter, it says a landscaped fence  
18 consisting of masonry stone columns and  
19 wrought iron handles would be installed in the  
20 location shown on the concept plan. Can you  
21 point out where that is?

22 MR. ENDRES: It's not on the concept  
23 plan, but we would basically extend it off to  
24 the corners of the building basically to  
25 screen the parking area if banked parking was

1 constructed. That would make up basically two  
2 symmetrical sections across the front.

3 MR. GRASSO: Do you know as a percentage  
4 if that is going to get to the 80 percent, or  
5 if a waiver is going to be required?

6 MR. ENDRES: We're going to try to get as  
7 close to the 80 percent as we can. Because the  
8 lot is narrow, we're taking up a fairly  
9 significant amount of sidewalk and roads and  
10 we may not be able to get to the 80 percent.  
11 As I said, we'll get as close as we can and if  
12 we ask for a waiver for three or five percent,  
13 we will.

14 MR. GRASSO: As the project moves  
15 forward, I think that is something that we  
16 would clearly want to specify - exactly how  
17 close we are to that percentage.

18 CHAIRMAN STUTO: Joe, since you're in  
19 that neighborhood on the drawing, can you tell  
20 us about the setback frontage from the road  
21 and whether it complies with the standard, and  
22 whether it should be set back further?

23 MR. GRASSO: It meets the standard. There  
24 is a maximum setback requirement of, I  
25 believe, 25 feet.

1                   CHAIRMAN STUTO: I know that there have  
2                   been some complaints about Route 7 that some  
3                   of the buildings are actually too close to the  
4                   road.

5                   MR. ENDRES: It's a 20 foot building  
6                   setback and a 15 foot parking setback.

7                   MR. GRASSO: You're right at 20 feet.

8                   When we've seen waivers commonly sought  
9                   for this to allow buildings to be set back  
10                  further from the road, then we look at what  
11                  that would be to the layout of the site. We  
12                  talked a lot about the commercial business to  
13                  the left side of the site and that building is  
14                  at 58 feet. So, this one is going to be  
15                  substantially closer than that. But this is  
16                  something that is supported -

17                  CHAIRMAN STUTO: What is your opinion?

18                  MR. GRASSO: We think that it's  
19                  reasonable. When you look at it on the other  
20                  side, there is an existing residential house.

21                  CHAIRMAN STUTO: But that's not going to  
22                  stay there forever.

23                  MR. GRASSO: No, it's not, but this is  
24                  something where as these properties get to be  
25                  where the redevelopment in accordance with

1           what the zoning regulations require. It's  
2           unlikely that a commercial building on that  
3           side wouldn't be set back in accordance with  
4           what the code would require.

5           MS. DALTON: If you look at what  
6           developed there, you have the New York State  
7           United Teachers building, which is set back  
8           and then you have the State Police building,  
9           which is back from that. So, if you look at  
10          that half-mile area, I think that this would  
11          be pretty consistent.

12          MR. GRASSO: It would be, but I think  
13          that you also have to look at the scale of  
14          development. We're talking about a building  
15          here that's what size?

16          MR. ENDRES: It's about 90 feet wide.

17          MR. GRASSO: The total square footage of  
18          the tile store?

19          MR. ENDRES: It's about 10,000.

20          MR. GRASSO: You talk about buildings  
21          that are over 100,000 square feet and the  
22          impact that they would have on the road could  
23          lead credence to that being further set back.  
24          It's just something to consider. We embrace it  
25          as an issue and a recommendation that the

1 building should be set back further from Route  
2 7.

3 CHAIRMAN STUTO: Let's keep that as an  
4 open issue because my initial instinct is that  
5 it should be pushed back further. I'll let the  
6 Board make that decision.

7 MR. GRASSO: Our second comment is  
8 regarding landscaped buffers. The design  
9 standards recommend landscaped buffers be  
10 between residential and commercial areas to  
11 lessen the impact between those uses. They  
12 have proposed quite a bit of landscaping on  
13 the site and they said that additional  
14 plantings have been shown on the concept plan,  
15 and that a detailed plan would be submitted to  
16 the Town. So, they have addressed our  
17 landscaping concerns.

18 The third one being site lighting  
19 regarding what the design standards required.  
20 Our recommendation is that they be very  
21 limited in height so that it's more of a  
22 pedestrian environment. They agreed that they  
23 would do that. They will provide additional  
24 information on that as they get the final  
25 design.

1                   "Architectural design should be  
2                   compatible or improved upon the surrounding  
3                   neighborhood. The building design shall  
4                   consider such features such as roofs, façade  
5                   treatment, fenestration, awnings and canopies  
6                   and screening of specialty equipment as well  
7                   as building materials and colors. The  
8                   applicant should be prepared to present  
9                   colored elevations for both proposed buildings  
10                  for Planning Board review."

11                  Obviously they have presented some  
12                  renderings.

13                  MR. LANE: Joe, I don't mean to interrupt  
14                  you, but we've always discussed the  
15                  requirement of the front of the building and  
16                  he mentioned that the building will be facing  
17                  the drive and not the main road. Is this an  
18                  issue in this circumstance? We generally  
19                  required that the frontage -- use the front of  
20                  the building.

21                  MR. GRASSO: I think that you bring up a  
22                  very good point, Tim. The look of the building  
23                  for Route 7 is paramount. I think that the  
24                  Planning Board really has to focus on that.  
25                  It's a commercial building with metal siding



1 and the Planning Board should look at how that  
2 all coordinates with the residential uses.  
3 Really, we're looking at a mixed use  
4 development within this parcel. So, the  
5 Planning Board needs to pay close attention to  
6 the aesthetics of the building and the  
7 orientation.

8 CHAIRMAN STUTO: What is your advice on  
9 that?

10 MR. GRASSO: We think that there is room  
11 for improvement regarding the aesthetics of  
12 the building and the architectural treatment.  
13 There are some things that we picked up on  
14 there in the design standards that we don't  
15 think that are provided in this current  
16 building. We like the looks of the residential  
17 building and we don't make any recommendations  
18 there.

19 CHAIRMAN STUTO: How about  
20 recommendations on the commercial part?

21 MR. GRASSO: Well the type of siding - we  
22 think that the Board should consider whether  
23 or not the siding should be consistent with  
24 the siding used on a residential building on  
25 the back. The color should be consistent and I

1 think that consideration should be to  
2 eliminating the use of metal siding. There is  
3 a canopy shown on the side entrance. If we  
4 could have some additional architectural  
5 treatment on the roof on the Route 7 side of  
6 the building?

7 CHAIRMAN STUTO: The side on Route 7?  
8 What are you suggesting?

9 MR. GRASSO: If you look and try to  
10 compare the view there of the Route 7 side to  
11 the residential building to the back, they're  
12 drastically different types of architectural  
13 treatment. We'd rather see more residential  
14 treatments brought up to the commercial  
15 building just so that there is a  
16 compatibility.

17 MS. DALTON: With regard to that, too,  
18 there is the issue of what it looks like from  
19 Route 7. The proposed residential behind this  
20 building - it potentially has two sides to the  
21 building which are attractive. You're  
22 proposing an attractive residential building,  
23 but if I was looking at that building looking  
24 at the side of a warehouse, I wouldn't be  
25 compelled to live there.

1           MR. ENDRES: We'll take that under  
2           advisement.

3           MR. LANE: Is there any particular reason  
4           why the main entrance doesn't face Route 7?

5           MR. ENDRES: The thought process behind  
6           this - and I can't necessarily speak for the  
7           owner or the architect -- but the thought  
8           process behind this is we've got our parking  
9           in somewhat of an L-shape here (Indicating).  
10          So, we have the entrance where we wouldn't  
11          want to have all the parking in front and have  
12          the entrance - we'd have to probably push the  
13          building back and then we'd be squeezing these  
14          two building together (Indicating). We don't  
15          want people to have to park here and walk all  
16          the way around to the front of the building  
17          and walk in the entrance. On the side, it's  
18          still a decent looking façade. You can be  
19          looking at it as you're driving up  
20          Troy-Schenectady Road from the east looking at  
21          it like this (Indicating). You've got these  
22          residential properties here with large trees  
23          and brush overgrown as you get between this  
24          property and the car dealership, which I  
25          believe is the next commercial property down.

1           You're coming onto this kind of suddenly. So,  
2           there is really nothing to see until it's  
3           basically right in front of you. I'm not  
4           necessarily saying that the entrance needs to  
5           be in the front.

6           MR. LANE: If you're going to make that  
7           trade-off then you're really going to want a  
8           façade that is really attractive.

9           MR. ENDRES: You're point is well taken.

10          MS. DALTON: I've heard other  
11          presentations. I'm thinking of Rumors right  
12          now where what we did was we had them change  
13          the frontage and design the front even though  
14          it was not going to be used in the front of  
15          the building.

16          MR. ENDRES: Again, we'll certainly take  
17          that under advisement and we'll discuss that  
18          with the architect.

19          MR. GRASSO: Just to clarify the issue,  
20          does the Planning Board feel comfortable with  
21          the side entrance to the building? Is that  
22          generally agreeable that the primary entrance  
23          to the building can be on that side? Is it  
24          okay that there is an entrance there?  
25          Would it be more desirable to have an entrance

1 element on the front?

2 CHAIRMAN STUTO: I think that's what  
3 we're saying.

4 MR. LANE: We did it at Rumors. I think  
5 that it was developed for emergency, but it  
6 was made to look like some sort of a main  
7 entrance.

8 MS. DALTON: So that the front facing is  
9 attractive and is consistent.

10 MR. GRASSO: Is that something that you'd  
11 consider?

12 MR. ENDRES: Sure.

13 MR. HAAK: If the awning that sort of  
14 extends over the entrance is near the front,  
15 that might help the aesthetics.

16 MR. ENDRES: It's all in the details that  
17 we're talking about here. We can work with  
18 that.

19 MS. VAIDA: I have an issue although I  
20 think that it can be overcome, I assume. To be  
21 consistent, the design standards require that  
22 the buildings must present their main façade  
23 and entrance toward the street. I think that  
24 we've been over this provision once before.  
25 The Planning Board can waive those types of

1 requirements when it has language like that.  
2 It includes the word shall or must, it is  
3 integral to the goals of the district. It's  
4 mandatory. It says: "The Planning Board may  
5 waive these standards to the extent that it  
6 deems necessary in order to secure a  
7 reasonable development of the site. In such  
8 case, the applicant must establish that there  
9 are no practical alternatives to the proposed  
10 waiver that would conform to the standard. The  
11 Planning Board shall issue written findings  
12 stating the extent of the justification of the  
13 waiver."

14 MR. LANE: So, should they get concept  
15 approval, we'll have to come back in a day?

16 MS. VAIDA: They would have to  
17 demonstrate -

18 MS. DALTON: I will say that based on  
19 what Elena just read and the concerns of  
20 setting this back further so that it looks  
21 like the other parcel right next door -- I  
22 don't think that there is any way that we  
23 could reasonably say that there aren't other  
24 alternatives. Of course there are other  
25 alternatives.

1 MS. VAIDA: There are other projects that  
2 have been denied concept based solely on that.

3 CHAIRMAN STUTO: There have been a lot of  
4 waivers granted as well. I don't think that we  
5 should restrict ourselves. If we have a vision  
6 of what we think is good, I think that we  
7 should do everything that we can to try to  
8 achieve that.

9 MR. AUSTIN: Maybe it's just me, but can  
10 you tell me why you wanted an apartment  
11 complex behind a retail store?

12 MR. ENDRES: I can't answer that. I'm  
13 just the engineer.

14 CHAIRMAN STUTO: I guess it would have  
15 something to do with revenue.

16 MR. ENDRES: There have been some brief  
17 discussions in our office. The concept being  
18 that if we have some mid to high level  
19 apartments here in neighborhood, which doesn't  
20 have much in the way of rental units, it would  
21 be attractive for young single professionals  
22 who might be working for the Teacher's Union  
23 or working at the State Troopers or working at  
24 the airport or something like that. There is a  
25 health complex and a bunch of offices that are

1 further west on Troy-Schenectady Road. There  
2 are a lot of possibilities.

3 MR. AUSTIN: But if you're going to be  
4 having a nice apartment complex in the back of  
5 a commercial, you're not going to see it from  
6 the street. So, you're not going to appreciate  
7 the aesthetic value of it because of the large  
8 commercial building. And the residents of that  
9 apartment building are going to be looking at  
10 that commercial building every day when they  
11 wake up. I like one or the other. I'm not sure  
12 that I like both. That's just me.

13 MS. DALTON: I wanted to ask that too  
14 with regard to the upscale. If I were renting,  
15 I wouldn't be renting somewhere where I had to  
16 drive by a warehouse that was loading and  
17 unloading trucks. Remember that part of this  
18 is going to be a warehouse and there will be  
19 noise from the loading and unloading of the  
20 trucks.

21 The other thing is that there is no area  
22 here for kids to play. So, if I have a  
23 two-bedroom -- I'm a single mom. I'm not going  
24 to want my kids in an apartment if there is  
25 nowhere for them to play and they have to go



1 through traffic to get anywhere that they want  
2 to go to.

3 It's one thing for the two houses that  
4 are currently there in residential uses, they  
5 have a huge backyard where they can have  
6 barbeques and people there and put whatever  
7 kind of settings that they want. Plus, they  
8 built their houses on Route 7 to begin with.  
9 When you're making an argument for a large  
10 upscale apartment, I don't see it in that  
11 place, in that setting.

12 Last but not least, you said that there  
13 were not many other rental areas there. That's  
14 not true. They're not on the main road, but  
15 there are tons. There are Sparrowbush and  
16 Berry Oxford and Latham Apartments.

17 MR. ENDRES: I stand corrected.

18 MS. DALTON: So, that's not accurate. And  
19 they're off the main road for exactly some of  
20 those reasons that people can move into those  
21 apartments and attend good school districts  
22 even though they're not particularly wealthy.  
23 It meets what many of us would consider some  
24 of the more diverse and attractive aspects of  
25 living in Latham.

1                   CHAIRMAN STUTO: Okay, back to the Town  
2 Designated Engineer. I don't know if you want  
3 to address any of those.

4                   MR. GRASSO: No, but I think that it's a  
5 good discussion to take place. I think that  
6 you have to get past the use issue. We can  
7 talk a lot about technical items and parking  
8 and landscaping and screening, but I think  
9 that if the Board has concerns regarding the  
10 uses proposed on the site, then that's really  
11 where we should focus the discussion. What is  
12 proposed now is allowed by the zoning  
13 regulations.

14                   All residential is not allowed because  
15 this forces a commercial component within this  
16 zoning district. It could be all commercial.  
17 It could be mixed as proposed, but it can't be  
18 all residential. I think that it's important  
19 for the Board to provide some consensus  
20 regarding whether the uses as they're set up  
21 on the site -

22                   CHAIRMAN STUTO: They're proposing  
23 something that's permitted, correct?

24                   MR. GRASSO: They are.

25                   CHAIRMAN STUTO: Would we be within our

1 rights to say that we don't want to do  
2 residential, or would that be something that  
3 they could challenge?

4 MR. GRASSO: No, it's within your rights  
5 as long as there are grounds. I think that  
6 Kathy brings up a lot of concerns regarding  
7 the compatibility of the neighborhood, the  
8 compatibility between the two buildings, the  
9 uses and the lack of areas for outdoor  
10 recreation. All of those are good issues that  
11 could support a decision for this type of  
12 mixed use on the site.

13 MS. DALTON: Can I say one other thing  
14 about the mixed use? Personally, I'm not even  
15 objecting to a mixed use. So, you could keep  
16 the residential building and along the side,  
17 change the size of the building that you're  
18 referring to. It could be a small convenience  
19 store, and maybe a toddle time playground or a  
20 dry cleaner. So, you have a little strip mall  
21 that catered to a residential area making it  
22 attractive to residents. Then, you would have  
23 mixed use residential property. I'm saying get  
24 rid of the warehouse.

25 MR. ENDRES: I really don't want to speak

1 to that as the design consultant here. I will  
2 say that just driving past that site a couple  
3 of hours ago to get here tonight - I drove  
4 past Peter Harris Plaza. That's less than half  
5 a mile away and that has everything.

6 MS. DALTON: It doesn't have residents.

7 MR. ENDRES: No, but it's within walking  
8 distance.

9 MS. DALTON: It doesn't have a lot of  
10 amenities and I'll tell you that since I'm a  
11 neighbor of that area, I'd like to be able to  
12 walk to those things.

13 CHAIRMAN STUTO: Are you saying that a  
14 pedestrian can walk -

15 MR. ENDRES: Yes, absolutely.

16 MR. AUSTIN: You're concerned about  
17 potentially, revenue?

18 MR. ENDRES: I'm not. I'm just the design  
19 consultant here, and that's what I'm here to  
20 talk about.

21 CHAIRMAN STUTO: Let me just suggest that  
22 if we're asking these questions, somebody  
23 should be here from your side to react to  
24 them.

25 MR. ENDRES: My client is here. Would you

1           like her to speak to these?

2                   CHAIRMAN STUTO: Well it's helpful.

3                   You could speak through your consultant,  
4           or however you want to do it.

5                   MR. AUSTIN: Just as a thought before she  
6           speaks so that she can get my general idea: If  
7           it was a concern about possible revenue with  
8           the apartment complex - that's why you want to  
9           have that built - and if you didn't do the  
10          residential side, make the commercial side  
11          bigger. You're adding a 2,700 square foot  
12          tenant and maybe making another add-on to the  
13          Top Tile part of it and make office space.  
14          That would cover that additional potential  
15          revenue.

16                  CHAIRMAN STUTO: I'm not categorically  
17          opposed to residential. I'm trying to think  
18          over near Crossgates on Western there is the  
19          grocery store there and there is a big giant  
20          luxury apartment building behind it. I don't  
21          see anything necessarily wrong with that. If  
22          we need a fenced in area for the kids, maybe  
23          that's something to talk about. You do have  
24          pedestrian connectivity. That's why you have  
25          it so that people can walk around. I'm not

1           categorically opposed to it. I think that it  
2           is a permitted use. I'm not sure that I agree  
3           that we can just say that you can't do  
4           residential if they're willing to make the  
5           accommodations. That's my opinion.

6           There is still some discussion going on.

7           MR. LACIVITA: When you look at COR,  
8           NCOR, HCOR - those are zoning districts that  
9           are typically around the major corridor from 7  
10          to 9. The mixed zoning uses are promoting  
11          mixed use and all those things. So, really  
12          what you're seeing here is compliant.

13          Also, in your packets we have a density  
14          calculation that actually constricts the  
15          housing component.

16          CHAIRMAN STUTO: Is that on the concept  
17          site plan?

18          MR. LACIVITA: It's actually in your  
19          packets that you have this evening. If you  
20          look at an urban setting - Saratoga,  
21          Watervliet and those types of place, you  
22          typically see mixed uses.

23          CHAIRMAN STUTO: There are residential  
24          density calculations in the drawings, right?

25          MR. ENDRES: Yes, there is.

1           MR. LACIVITA: When you look at an urban  
2 setting, it's typically a one to one ratio. If  
3 you have 1,000 square feet on your first floor  
4 for retail, you have 1,000 square feet for  
5 residential because the owners of the shop  
6 live there. Here, we're saying, eight dwelling  
7 units that will be 3,000 square feet. Correct  
8 me if I'm wrong, but they could get more  
9 residential if they wanted to go strictly  
10 residential, but this is destined to lessen  
11 the impact. Based on a calculation factor,  
12 they could have gotten 12 units although  
13 they're only asking for 11 units.

14           MR. ENDRES: Because we're trying to  
15 comply with the density requirements.

16           MR. LACIVITA: They're trying to still  
17 keep within the density calculations. Again,  
18 they are restricting the density.

19           MR. GRASSO: Yes, and in summary, those  
20 calculations - they limit the amount of  
21 residential to 80 percent of the development.  
22 They're slightly less than that.

23           CHAIRMAN STUTO: Joe suggested that we  
24 focus on this major concept, rather than go  
25 over details.

1           MR. GRASSO: I think that we should focus  
2 on the mix of the uses and the relationship of  
3 the commercial to the residential.

4           CHAIRMAN STUTO: How quickly can you get  
5 through the rest of your letter?

6           MR. GRASSO: When I look through the  
7 comments, I really don't think that there are  
8 other technical comments that I need to focus  
9 on, other than a parking one. They are  
10 proposing a significant amount of shared  
11 parking or land banked parking of about 40  
12 percent. We support it, based on the two uses  
13 and how they're going to share the parking.  
14 There is some land banked in the front for the  
15 commercial use. There is some land banked in  
16 the back behind the residential units. We  
17 think that is an appropriate proportion of  
18 land banked parking.

19           CHAIRMAN STUTO: If I were in the  
20 apartment, I would want some of my parking  
21 that is only for residents.

22           MR. GRASSO: When you look at this and  
23 it's a commercial use, there is going to be  
24 ample parking right in front of the apartment  
25 building for the residents.



1                   CHAIRMAN STUTO: You're saying that  
2 shoppers won't gravitate to far away parking.

3                   MR. GRASSO: There are enough spaces.  
4 When you look at how many the building  
5 requires, it's 14 or -

6                   MR. ENDRES: It requires 22 spaces.

7                   MR. GRASSO: There is a number on the  
8 side and then there is one row across the  
9 back.

10                  MR. ENDRES: We have 21 effectively that  
11 are right in front of the apartment building.  
12 They are separated by an island for all  
13 intents and purposes. Then the commercial  
14 parking is here and here (Indicating). So,  
15 we've separated them. We just haven't  
16 separated them by putting up signs that say  
17 "residents park here" and "commercial park  
18 here." They are separated and it would be  
19 obviously to somebody who drove in the site.  
20 They're not going to park over in this corner  
21 if they want to shop at the tile store - or  
22 unless the parking lot is full.

23                  CHAIRMAN STUTO: Do the other members  
24 want to talk about these major issues or do  
25 you want to hear from the residents?

1 MR. AUSTIN: Please understand my  
2 comments. When I say that I can't see it. Help  
3 me see it. I think that's why we're here.  
4 That's what I want to know. I want to know how  
5 we can see this vision that you have and why  
6 we should approve this as is.

7 CHAIRMAN STUTO: Does the applicant want  
8 to speak now?

9 MS. ALBERT: I'm Anna Albert. My partner,  
10 Ken, and I are trying to make our business  
11 better from the Latham site we're on now.

12 We met with Joe a long time ago and we  
13 just thought that we could build a nice little  
14 building. We did a lot of research and thought  
15 that there was a need for the apartment  
16 building. Money-wise, that's what's good for  
17 us. We've had a lot of input from a lot of  
18 people and that's what we came up with.  
19 Financially, we can't build a bigger building;  
20 so this is what we have for a plan.

21 CHAIRMAN STUTO: When you say that you  
22 did a lot of research on the residential, can  
23 you share that? Like, why you think that there  
24 is a need for this type of housing in that  
25 location?

1 MS. ALBERT: We had a lot of opinions  
2 from a lot of people who we believe are smart  
3 people - management companies and things like  
4 that. So, we just thought that was the smart  
5 way to do it. It's a pretty big piece of land  
6 for just our tile store. We're trying to make  
7 it nice and better. The place that we're in  
8 right now is really a junky building. So, we  
9 were looking at a couple more jobs for people  
10 too. That's really about it.

11 CHAIRMAN STUTO: Okay, thank you.

12 Annette Holleger.

13 MS. HOLLEGER: I certainly didn't intend  
14 to be the first to speak.

15 I live at 6 Garling Drive where you turn  
16 in from Roberts, my house is the third house  
17 on the left. This is my backyard (Indicating).

18 CHAIRMAN STUTO: Can you show us on the  
19 map?

20 MS. HOLLEGER: No, because I can't see  
21 where Garling is here.

22 CHAIRMAN STUTO: You know where Knadler  
23 is, right?

24 MS. HOLLEGER: Yes.

25 CHAIRMAN STUTO: Where are you in

1 relation to that; just a guesstimate?

2 MS. HOLLEGER: Right here (Indicating).  
3 My yard backs up to that creek.

4 CHAIRMAN STUTO: Your street takes a  
5 turn, right?

6 MS. HOLLEGER: Right, and I'm right at  
7 the turn.

8 I'm a single mother and I moved into that  
9 house to rent that house because I have two  
10 Special Ed kids that needed that school  
11 district and that's what I could afford. I  
12 liked that my kids could have a yard. I liked  
13 that my kids could have a neighborhood.

14 CHAIRMAN STUTO: I don't mean to  
15 interrupt you, but can you just tell us what  
16 the distance is from the corner of Garling to  
17 the apartment building? I can see it, but I  
18 just want to get it on the record.

19 MR. ENDRES: It's about 600 feet.

20 CHAIRMAN STUTO: Okay, thank you.

21 MR. ENDRES: That's a straight line from  
22 the corner of Garling to the back of the  
23 apartment building.

24 MS. HOLLEGER: When you go down there and  
25 you're on my deck, you can see Route 7 when

1           there are no leaves on the trees. I see that  
2           and I see the water.

3                     It's not a great house. Actually, it's  
4           not really even that nice of a house. It's  
5           what I could afford. I was renting and they  
6           sold the house. I had a really nice house when  
7           I was married, but now I have this crummy  
8           house now. But I do have this lot and  
9           everybody has always said to me, what's great  
10          about this house is this lot. If this house  
11          burns down, you have a lot that's worth a lot  
12          of money and you can build something on it.  
13          You have the forever woods behind you. I have  
14          a flock of turkeys and deer. My kids can enjoy  
15          the backyard.

16                    My kids aren't so much kids anymore, but  
17          in listening to you talk about residential;  
18          Forts Ferry is an 8:30 school. If I lived in  
19          that house as a single parent, how would my  
20          kids get to the bus in the morning? They'd  
21          walk through a commercial parking lot? I would  
22          be concerned about that. I know I'm  
23          hypersensitive to that.

24                    I had a car accident two years ago where  
25          a little boy went in front of my car and I

1 dragged the boy 30 feet and the mother had a  
2 baby and the baby died. I'm very sensitive to  
3 what happens when you're walking on a road. I  
4 walk that road. I work for the Department of  
5 Health and walking is a great thing. When you  
6 go that way, it would obviously be nicer if it  
7 looked nicer. It's overgrown. It's ugly. The  
8 cars come right up next to you. That is a  
9 concern of more traffic going in your path to  
10 walk, and that concerns me.

11 I think that you raised some interesting  
12 equations about what residential would be if  
13 you lived there. It might be fine if you had  
14 single people who don't have kids. If you  
15 wanted to attract people who had kids, I think  
16 that you'd have to recognize that your kids  
17 would be in a parking lot and you'd be  
18 crossing to get to the school bus at 8:30 when  
19 people are getting ready to go to work or  
20 later. A warehouse doesn't open at 9:00.

21 Obviously, my concerns are selfish.  
22 That's what I would be looking at and hearing.

23 MR. AUSTIN: Ma'am, you say that you can  
24 see through the woods right now to the  
25 existing property?

1 MS. HOLLEGER: Yes, I mean when there are  
2 no leaves on it, you can see pretty far from  
3 my deck. I have a raised ranch, so the deck is  
4 up.

5 MR. AUSTIN: So, in the summer or spring  
6 when the leaves come out -

7 MS. HOLLEGER: I can still hear the  
8 noise. There isn't a lot of traffic there. I  
9 didn't see cars going to Sherry Lynn's. I  
10 wouldn't see anyone going there at all. It's  
11 pretty quiet.

12 The other direction - people come out of  
13 the development, they walk over there and it's  
14 not as overgrown. They're not going as far.  
15 This is a really nice family neighborhood and  
16 what's great about that neighborhood is that a  
17 few hundred feet from my house, you're on a  
18 main road and you're on an expressway. You can  
19 be in suburbia, but when you're in my  
20 backyard, you don't feel like you're in  
21 suburbia because you're looking at the woods.  
22 That is the attraction to me and it was what I  
23 could afford. Thank you.

24 CHAIRMAN STUTO: Thank you.

25 Keith Gager.

1           MR. GAGER: Good evening, ladies and  
2 gentlemen of the Board, applicant and  
3 engineer. My name is Keith Gager and I live at  
4 18 Garling Drive. I have a couple of concerns  
5 with this development.

6           The thing is, I live at 18 Garling Drive  
7 and maybe there is a bit of nimbyism, but  
8 Garling Drive in that neighborhood  
9 there - it's a nice neighborhood, but it's got  
10 some problems and I think that this is going  
11 to make it worse. I think that the Board's  
12 intent and the Planning Zones are good, but  
13 they have to be things that keep this  
14 neighborhood connected with other residential  
15 areas.

16           If you look at other areas around that  
17 development, we have Pepsi behind it so we get  
18 to hear tractor trailers banging and things  
19 like that. We have a car dealer, and more  
20 tractor trailers actually stop on Garling  
21 Drive. I wonder if they're allowed to do that,  
22 but I guess it's better than parking on  
23 Route 7. I would certainly hope that when you  
24 say mixed development, it would be things  
25 compatible with places that we could go; small



1 retail or maybe something of a development  
2 above it. Something that would tie us in that  
3 would be somewhere to go and not have us be  
4 this little island of a few units of houses  
5 and nothing else around but huge police  
6 barracks and huge buildings. I appreciate that  
7 people want to make money and have a store,  
8 but I think that their plan is flawed at least  
9 from the perspective of the people that live  
10 in the area.

11 For me, personally, I would see what's  
12 beautiful on the front view, but compared to  
13 having some nice trees that I could see -- my  
14 house is not too far. If you plot it out on  
15 the map, it's not too far from this property;  
16 it really isn't. Right now, I see some trees  
17 and what I would see probably is the back of a  
18 building, and is not probably very pretty.  
19 There would be more noise from Route 7, and I  
20 assume that most of the neighbors would feel  
21 the same way about what they are going to see.  
22 It would put us more in the mindset that we're  
23 not really a residential neighborhood anymore.  
24 We're just kind of a dot. That's about what I  
25 have to say. Thank you for your time.

1                   CHAIRMAN STUTO: Joe, could the  
2                   landscaping help obscure the view from the  
3                   residents to the building and even make it  
4                   better than it is now? Pine trees, or whatever  
5                   type of trees?

6                   MR. GRASSO: Yes, it would definitely  
7                   provide some screening. You can tell from the  
8                   aerial photo that it looks to be a combination  
9                   of hardwood and some evergreens. It a shallow  
10                  ravine between Garling and the back of this  
11                  property. It is far. I'm trying to measure it.  
12                  It looks to be about 400 feet or so between  
13                  the closest residence and the apartment  
14                  building as proposed. They do show some  
15                  amendable landscaping back behind the  
16                  apartment building. In a leaf-off condition  
17                  you're going to have some filtered views  
18                  toward the apartment building. We don't bring  
19                  it up as a comment because we thought that the  
20                  400 feet would be a substantial buffer; more  
21                  than you would typically see between the  
22                  closest resident to the commercial.

23                  CHAIRMAN STUTO: Donna Condon.

24                  MS. CONDON: I live at 12 Garling Drive.  
25                  My name is Donna Condon. I've been there about

1           35 years and the reason that we bought there  
2           was because of the woods in the back and how  
3           quiet and peaceful it was, and to raise  
4           children. We haven't moved and could have  
5           afforded to move many years ago. We didn't  
6           because the lots are so beautiful and there is  
7           wildlife back there. Colonie has taken that  
8           away. It was more prevalent when I first moved  
9           into the Town.

10           I'm a little nervous. I didn't expect to  
11           speak tonight.

12           CHAIRMAN STUTO: Speak from the heart.

13           MS. CONDON: I'm not speaking from the  
14           pocketbook. I am speaking from the heart. I  
15           think that we need to leave more land and  
16           wildlife in our Town and I'm concerned about  
17           the forever wild aspect of the whole thing. It  
18           can't be all about money. It's got to be about  
19           other things. It's got to be about preserving  
20           nature. Let's not take all the land that we  
21           have and make it commercial. That's what the  
22           Town of Latham was when I first moved there.  
23           It was about having wild places. We have a lot  
24           of deer and turkeys in the back and it is  
25           nice. It was a nice place to raise children.

1 I'm also concerned about how this will  
2 affect our water system, our sewer systems and  
3 I know that when they first put up the extra  
4 piece in the back of Garling Drive and  
5 Dussault. It was all woods at one time. When  
6 they started building back there, I never got  
7 water in my cellar. Then, I began to get water  
8 in my cellar and I had to get a sump pump. So,  
9 everything affects everything else. Those are  
10 some things that we have to consider.

11 And the traffic - many years ago a few  
12 neighbors and I were concerned and we tried to  
13 get a traffic light there because there were  
14 so many accidents going into Garling Drive  
15 from Route 7. There was no turning zone. What  
16 we were first told was that there wasn't many  
17 fatalities there, so it didn't warrant a  
18 traffic light. That was about 20 years ago. We  
19 finally petitioned all the neighbors at that  
20 time and we were able to get a turning lane  
21 there. There is nothing like sitting out on  
22 Route 7 without a turning lane to get into  
23 Garling Drive. How is this going to affect the  
24 traffic with the apartment complex and so  
25 forth?

1 I'll say this: I used to live on Knadler  
2 as well, and there used to be a convenient  
3 store in that little strip mall. That was  
4 great to come out of it if you just needed a  
5 loaf of bread or some milk. That might be  
6 something that you might want to consider. I  
7 am concerned. I'm concerned about how it's  
8 going to look or how it's going to depreciate  
9 the values of our property. So, these are all  
10 of my concerns.

11 I'm not really prepared and I'm a little  
12 nervous because I only got this thing about an  
13 hour ago before I got here. Please consider  
14 some of these things.

15 Consider leaving some nature in our Town  
16 because that's what our Town was about when I  
17 first moved into it. Thank you, very much.

18 CHAIRMAN STUTO: Thank you, ma'am.

19 Larry Van Appledorn.

20 MR. VAN APPLIEDORN: Hi, my name is Larry  
21 Van Appledorn and I live at 60 Laura Drive. I  
22 have a couple of concerns about the  
23 development going on. One is the traffic.

24 You're going to have tractor trailers  
25 coming in and out of the commercial building

1 and with all the other traffic being in that  
2 housing development, that's a problem. On the  
3 back side of that there is a valley of very  
4 unstable ground where trees are falling down  
5 every time it rains. A lot of that gets eroded  
6 and it's falling down into that valley. I can  
7 see this area here sits up on a little hill  
8 and my house is like straight across from it.  
9 I look through the woods and I can see that. I  
10 can see the lights of Black and Decker's  
11 parking lot. That's not too bad in the summer  
12 when there are leaves on the trees, but I  
13 wouldn't want to look at the back of an  
14 apartment complex.

15 The other concern that I have would be  
16 the run-off going into that area. It's all  
17 wetlands back in there. What kind of pollution  
18 is going to go down to that area?

19 That's all I have. Thank you.

20 CHAIRMAN STUTO: Thank you.

21 Lorraine Reith.

22 MS. REITH: I have a lot of issues and  
23 I'm just going to run through them as quick as  
24 I can. I personally think that this is too  
25 much development for this space. Again, like

1 Larry said, I'm concerned about the amount of  
2 run-off that has been going to that wetland  
3 that's in front of my house. I'm at 56 Laura  
4 Drive. I'm in the same position as Larry. I  
5 can see in this area and I can see the lights  
6 of Black and Decker. You don't hear much  
7 because it's kind of a quiet business over  
8 there, but I can definitely see that. That  
9 water that Larry was talking about runs right  
10 in front of my house, right across the street  
11 and into the woods and that's where that is.  
12 By developing all of this, that's got to make  
13 more of that water come into that area.

14 I appreciate that I've got woods in front  
15 of my house and that water is there and it  
16 creates a barrier of not being able to build  
17 right in front of my house, but in the  
18 summertime, we do smell it. Also, there is  
19 definitely going to be an increase of  
20 mosquitoes if it winds up more wet back there.  
21 It does stay wet even when it's dry and we're  
22 not getting rain. It's always a wet area. It's  
23 going to get worse.

24 The fact that this apartment building is  
25 going to be three stories concerns me

1           tremendously because the Black and Decker  
2           right now is a one-story building and I can  
3           see it. I can't see the building perfectly,  
4           but I can see the lighting from it. You're  
5           talking about two more stories up. If the  
6           property that this sits on is a higher  
7           elevation than mine or even the same, I'm  
8           going to be able to see the top story of that  
9           building either through it or over the tree  
10          line.

11                 As Larry has said, a lot of those trees  
12           are falling because of the eroding land. So,  
13           the fact that there is a significant -- you  
14           had said a 400 foot buffer and that does sound  
15           like a lot. It really isn't as much when you  
16           think about the fact that this is going to be  
17           up over the tree line. That definitely changes  
18           the view of all of the neighbors that live on  
19           my side of the street.

20                 CHAIRMAN STUTO: Ma'am, which direction  
21           is your house on that?

22                 MS. REITH: Garling runs about here  
23           (Indicating). I'm not great with the visual  
24           thing. I can see through this (Indicating).  
25           There is no house in front of me, so I'm



1 looking right at the woodland. So, I can see  
2 right through that there. Obviously, more in  
3 the winter than the summer.

4 The tile warehouse seems to be  
5 inconsistent with the surrounding type of  
6 stores. We haven't touched on that, but the  
7 tile warehouse is somewhere that you go when  
8 you're building your house or remodeling your  
9 house. Down Route 2 you have Grossman's and a  
10 fencing company and you've got a lot of space  
11 over there. I think that there is space down  
12 there. That seems to be more consistent. In  
13 the studies that I've done for business. Light  
14 business brings light customers. You know you  
15 have Peter Harris and you've got the dry  
16 cleaner and now you've got the tile warehouse.  
17 It's just kind of odd.

18 The deliveries to the warehouse are a  
19 huge concern and I guarantee that it will be a  
20 huge concern to all of the neighbors in my  
21 development.

22 Because of the fact that we have Pepsi  
23 behind us, I met with a couple of neighbors  
24 who were there when they were building that  
25 and they were promised that there would be

1           fencing and trees put up behind the fencing to  
2           limit the noise and that there would be limits  
3           to the time of deliveries and the sound  
4           ordinance. This was before I bought my house,  
5           but I've been told that what they were  
6           promised was something that they had to  
7           continuously fight for after Pepsi was put in.  
8           Some things were done but not all of it was  
9           done. I'm just a little bit concerned about  
10          what limitations there might be and followed  
11          through with.

12                   CHAIRMAN STUTO: Have they proposed any  
13                   time limitations on deliveries?

14                   MR. GRASSO: We had some of these  
15                   discussions with the sketch plan review which  
16                   are very valid. They came up. Regarding the  
17                   types of operations and the types of  
18                   deliveries, it might be good for the applicant  
19                   to talk about that to refresh our memory?

20                   CHAIRMAN STUTO: Do you mind? I think  
21                   that it's a good time.

22                   MR. ENDRES: I just spoke briefly with  
23                   the applicant about the nature of the  
24                   deliveries. First of all, you need to keep in  
25                   mind that this is a tile warehouse and it's

1 not like a Home Depot, Lowes or something like  
2 that. It's a high-end custom tile store. This  
3 is not something where trucks are going to be  
4 coming and going all the time. This is for  
5 people to come in and see what they want to  
6 buy, place an order, probably spend a lot of  
7 money and either come pick their materials up,  
8 have it delivered or have their contractor  
9 come and pick it up. We're talking about two  
10 to three trucks a week for deliveries. That's  
11 two to three a week. That's not two to three a  
12 day, or a dozen. It's two or three a week. So,  
13 it's very irregular and infrequent and we're  
14 talking about typically like a 24-foot Penske  
15 truck - a large box truck - two axel box  
16 truck. Once in a while there might be a  
17 tractor trailer, and they might offload a  
18 couple of pallets or something like that.

19 CHAIRMAN STUTO: What time of day do they  
20 usually do that?

21 MS. ALBERT: Early morning or early  
22 afternoon.

23 CHAIRMAN STUTO: How early is early in  
24 the morning?

25 MS. ALBERT: About 8:00 or 9:00.

1                   CHAIRMAN STUTO: What kind of time  
2 restrictions are being used in that zone?

3                   MR. LACIVITA: That would be 7:00 to  
4 7:00.

5                   CHAIRMAN STUTO: Do you want to show on  
6 your diagram how they would turn around?

7                   MR. ENDRES: The idea is that they would  
8 drive straight in so there wouldn't be any  
9 parking or standing on Route 7. We don't want  
10 that. They would come in and turn the corner  
11 and then there is this no parking or standing  
12 zone which is very clearly noted on the plan.  
13 The trucks would pull into that, back into the  
14 loading dock and then unload. When they were  
15 leaving, they would pull out and leave the  
16 site. This will accommodate up to about  
17 probably a 40-foot box trailer. Basically,  
18 we're talking about a single axel tractor  
19 trailer - like a Roadway trailer or something  
20 like that. We're probably not going to take a  
21 full sized sleeper cab, 53 foot-tractor  
22 trailer on this site. It's not going to  
23 happen. More than likely what's going to have  
24 to happen there is they'll have to pull into  
25 the site, unload - or they'll have to back

1 into the site, unload with a forklift or  
2 something like that and then pull out.

3 The other possibility is that the  
4 applicant's own delivery truck would simply  
5 pick it up at a warehouse somewhere and bring  
6 it back to the site.

7 MR. GRASSO: So, you could restrict  
8 tractor trailers?

9 MR. ENDRES: We could simply restrict  
10 tractor trailers.

11 FROM THE FLOOR: What are the business  
12 hours?

13 MR. ENDRES: I assume that it's 8:00 to  
14 5:00; Monday through Saturday.

15 MS. ALBERT: Right. There are also two  
16 late nights; Monday and Thursdays and that  
17 would be until 8:00.

18 MR. AUSTIN: You say that you can see the  
19 lights of the building at night?

20 MR. VAN APPLIEDORN: There is a parking  
21 lot in the back part of the building and  
22 they've got a pole light there.

23 FROM THE FLOOR: I can't imagine someone  
24 from the apartments who wouldn't want security  
25 lights.

1 MR. AUSTIN: Do you have concerns about  
2 the large golf dome?

3 FROM THE FLOOR: We do see a little bit  
4 of it.

5 MR. AUSTIN: I think that's about the  
6 same height.

7 MR. VAN APPLIEDORN: You can see the back  
8 of it at this time of year, but in the summer,  
9 you can't.

10 MS. DALTON: But when they turn off the  
11 lights in the dome, it disappears. When they  
12 built the dome and I went out to walk the dog  
13 the first time that they had the lights on, I  
14 thought there were aliens.

15 MR. AUSTIN: There could be restrictions  
16 on lighting in the back of the apartments.

17 MR. LACIVITA: All the lighting will be  
18 down lighting.

19 MR. GRASSO: And the fixtures are going  
20 to be capped at 12 feet - a residential scale.

21 MS. REITH: Where would the third floor  
22 of the apartments be in relation to the tree  
23 line, do you know? Even if there is no  
24 additional lighting, there is lighting from  
25 the illumination of the housing.

1           MR. GRASSO: I'd estimate the heights in  
2 the 40 to 70 foot range.

3           There is a drop off there.

4           MR. ENDRES: It's in compliance with the  
5 zoning. That's all I can say, but it's a  
6 three-story building.

7           MR. GRASSO: I think that there is going  
8 to be a filtered view. If you can see the  
9 DeWalt store, I think that you're going to see  
10 a filtered view towards both the commercial  
11 building as well as the apartments.

12           MS. DALTON: Currently the two parcels  
13 that are on those pieces of property have a  
14 vast amount of trees that exist now that have  
15 a lot of screening of both light and sound.  
16 All of that would be gone if those parcels are  
17 developed. That's all of the screening that's  
18 high because that parcel of land is much  
19 higher than the houses that are on Laura  
20 Drive. So, the trees that would exist would be  
21 on our level.

22           MS. REITH: That is one of the biggest  
23 values to me of my house. I've said that many  
24 times that if I won the lottery I would just  
25 knock my house down and rebuilt it right where

1           it is because I enjoy the fact that I live in  
2           such a convenient area and I look at the wood  
3           line and the natural view.

4           As far as the apartments, again, I have a  
5           bunch of things here. This is my opinion, but  
6           I can't figure out who would want to live in a  
7           higher-end apartment behind a warehouse that  
8           has really no amenities. We have apartment  
9           complexes in Latham that have pools and tennis  
10          courts and basketball courts and all of those  
11          types of things. I have a hard time seeing  
12          that would stay high-end. Of course if it  
13          doesn't stay high-end, there are other  
14          concerns.

15          I'm also concerned that no matter what  
16          kind of apartment that is - even though I  
17          completely object to the apartments, that  
18          there should be some kind of fencing that  
19          would limit the access to the wood because  
20          again, with no amenities, if you have any  
21          children in that apartment complex, you could  
22          be almost guaranteed that they're going to  
23          play in the woods. Who knows what that will  
24          create? Kids build fires in woods. That's just  
25          more activity back there and more people



1 traipsing through the woods.

2 Robert's used cars is getting enormous.  
3 As we were coming here tonight, there was a  
4 tractor trailer blocking the whole section of  
5 getting out of Laura Drive. That was just  
6 addressed right now about the deliveries and  
7 maybe it won't be as big of an issue, but big  
8 trucks coming in and off of Route 7 - even  
9 though we have that turning lane, it creates  
10 an enormous amount of confusion to the  
11 traffic.

12 As far as traffic goes, we have a lot of  
13 traffic already. At times we come out of the  
14 development and try to turn right towards the  
15 circle and the traffic is backed up just about  
16 to my development. You turn right and you've  
17 got break lights in front of you. Now the  
18 changes in the circle that were just recently  
19 done has alleviated it a little bit. But if  
20 you add 11 apartments and a shopping area,  
21 you're just pushing that back again and I  
22 think that it's going to create a lot of  
23 contention on Saturdays when you have those  
24 issues.

25 The houses that are going to be

1 removed - I know they're older houses and  
2 there are probably and could be asbestos in  
3 there. I would be concerned about how that  
4 would be removed. I know that there are  
5 requirements for it, but it's just a concern.

6 As far as the parking spots - again, I  
7 apologize, it's my opinion, but I can't  
8 imagine that the parking spots that are going  
9 to be reserved will stay reserved. It just  
10 doesn't seem to me that there is going to be  
11 enough parking. Almost every family has two  
12 cars. If they rent an apartment, they're  
13 going to want to have a place to park that is  
14 convenient; especially when so many other  
15 apartment places around have that  
16 availability. I just can't see that reserved  
17 space is going to stay reserved. It's my  
18 opinion, but I think that the land staying  
19 green is not going to happen.

20 I do agree with the comments that were  
21 made that the setbacks should be further. I  
22 just don't think that visually that this is  
23 going to be nice to look at. Not only is it  
24 going to be warehouse, but it's going to be so  
25 close to the road - that is just not

1 consistent with everything else that's there;  
2 as was mentioned before.

3 As far as notification, I'm not positive  
4 of this, but I understand that it's only  
5 required to notify the people that are  
6 directly adjacent to these properties. I can't  
7 imagine how our development shouldn't have  
8 been notified when it's going to affect a good  
9 portion of our development, visually, and our  
10 entire development; both through traffic and  
11 congestion and all of that. Again, I know that  
12 the requirements might not require it, but I  
13 can't imagine why we wouldn't have been  
14 notified. I was made aware of this yesterday  
15 and I ran around and put flyers on everybody's  
16 cars but unfortunately, that was only  
17 potentially a few hours before this meeting  
18 started because by the time that I did it last  
19 night, people probably left for work in the  
20 morning and only saw the notice tonight. We've  
21 already had this much of a turn out just on  
22 that. I would imagine that the rest of the  
23 neighborhood should be notified and have an  
24 opportunity to voice their concerns in a  
25 better format than under the gun. Thank you.

1                   CHAIRMAN STUTO: Thank you. Those are  
2 good comments.

3                   William Duax.

4                   MR. DUAX: Thank you. I'm William Duax  
5 and I live at 46 Laura Drive. I want to go on  
6 record as seconding everything that Lorraine  
7 has stated.

8                   I'd invite everybody on the Board to take  
9 a walk down Laura Drive either early in the  
10 morning or in the evening so you can see for  
11 yourselves how close it really is to this  
12 vantage point. In the winter, particularly,  
13 how clearly you can see -- and we will be able  
14 to hear what's going on in this area. I don't  
15 think that it's a place for an apartment  
16 complex. I think that there are a couple of  
17 unknowns relative to both apartment complex  
18 and the additional tenant area. It didn't  
19 sound like there was any understanding of what  
20 that space might be used for, who might rent  
21 it, how much volume that could derive, if it's  
22 office space, what kind of business they might  
23 be doing and what impact that might be on  
24 parking. Additionally, whether or not the 61  
25 spots would be enough, ultimately, to meet the

1 needs. So, you may be required to do more than  
2 60 spots at some point in time. I understand  
3 the banking. There is an expectation, though,  
4 that you will fill those spots at some point  
5 in time.

6 That leads to my other concern which is  
7 the amount of traffic. Garling Drive is going  
8 to be the first place that somebody can  
9 reasonably turn around if they miss the turn  
10 at the tile warehouse. So, maybe they'll drive  
11 around the neighborhood and drive around and  
12 take a right hand turn and make a right hand  
13 turn into the complex. Whether you are an  
14 apartment person or tile warehouse, that's  
15 going to drive up that traffic. I can  
16 guarantee that there is a truck driver that  
17 misses that turn and goes around the  
18 neighborhood and turns it around there.

19 It's a neighborhood of kids. I have four  
20 of my own. We raised them there. We went to  
21 that neighborhood because it's pretty  
22 isolated. It's quiet. There are no street  
23 lights on Laura Drive. There are some on  
24 Garling. It's pitch black except for the  
25 lights that you can see through the trees in

1 the winter. If you go for a nice run in the  
2 morning, it's quiet. You don't have any  
3 distractions at all. That could be the case at  
4 5:00 in the morning, but I can guarantee you  
5 that with an apartment complex, you will hear  
6 noise, if there are children or whatever. I  
7 played there when I was a kid. I liked the  
8 woods. I didn't only light fires. I did other  
9 things in the woods. That's what people do.  
10 The go out and they play in the woods.

11 I would like to put on record that I  
12 request that a full environmental study be  
13 done of the area to truly understand the  
14 impact before this be done. A thorough traffic  
15 study should be done again because we have the  
16 State Troopers going in and all the traffic  
17 patterns are changing around there; especially  
18 with the changes at 87 and now the State  
19 Troopers.

20 Two or three years ago I was coming out  
21 of Garling Drive at 7:30 in the morning. It  
22 was the middle of winter and there was no  
23 visibility because the snow banks were so high  
24 you couldn't see either way up or down Route  
25 7. The kid in front of me was trying to pull

1 out and skated a bit. He got side-swiped by  
2 another car. He couldn't back up or do  
3 anything.

4 Increased traffic is only going to  
5 increase the probability of those things  
6 happening. I'm really surprised that we don't  
7 have a light there. A traffic pattern study  
8 should be done and presented to the Board and  
9 to the community for thorough review before we  
10 go further with this. I'm more of a business  
11 savvy person and I can appreciate the desire  
12 for the commercialism and wouldn't want to  
13 take that away from anybody. I just don't  
14 think this is the right place for it. Thank  
15 you.

16 CHAIRMAN STUTO: Thank you.

17 Susan Rys.

18 MS. RYS: I'm Susan Rys and I live at 52  
19 Laura Drive. I have a lot of the same  
20 concerns. I'm somewhat relieved to hear that  
21 there won't be huge tractor trailers pulling  
22 in and out. The car dealership has created a  
23 huge amount of traffic. Parking on Route 7 has  
24 really created a huge problem. I agree with  
25 Bill about if someone misses the turn for

1           this place, they're going to be pulling into  
2           Garling. I don't think they'll be driving  
3           around the whole neighborhood. I think that  
4           they're just going to try to whip around in  
5           that entrance to the neighborhood which is  
6           going to be dangerous for our children.

7                        I also have some concerns about what  
8           cutting down all those trees is going to do  
9           with the run-off water and if there are going  
10          to be more bugs and smell and that type of  
11          thing. I'm not going to belabor all the  
12          points. I agree with what my other neighbors  
13          have said.

14                      CHAIRMAN STUTO: Thank you, ma'am.

15                      Matthew Mazzariello.

16                      MR. MAZZARIELLO: I'm Matt Mazzariello  
17          and I live at 58 Laura Drive. We're all in the  
18          same neighborhood and my neighbors have done a  
19          great job of bringing all these points to your  
20          attention. My concerns are the same thing;  
21          traffic, noise, view pollution and stuff like  
22          that. Thank you.

23                      CHAIRMAN STUTO: Anybody else want to  
24          speak?

25                      MS. TALLMADGE: I live at 59 Laura Drive.



1 I have been there as long as Larry has been  
2 there. Matt has been there forever.

3 CHAIRMAN STUTO: Can you say your name  
4 for the record?

5 MS. TALLMADGE: Joy Tallmadge.

6 I can see Route 7 vaguely through the  
7 trees. I'm across the street from Larry. She  
8 is a neighbor and I can see her house  
9 (Indicating). I don't want to look out my back  
10 yard and see an apartment building. I can see  
11 the trees now. I don't think that it's a good  
12 place for it. I don't think that we need to  
13 have this in our neighborhood. It's just an  
14 unwise choice. I've been there 25 years and  
15 I'd like to keep it the way that it is. It's a  
16 nice neighborhood. It's pleasant. We can walk  
17 around without a lot of cars.

18 A few years ago there was a fire at  
19 Grassland. They closed off Route 7. All the  
20 cars came whipping around our neighborhood.  
21 There is no place to get out, but we had more  
22 cars go into our neighborhood because the road  
23 was blocked. I cannot imagine that there won't  
24 be tractor trailers coming through our  
25 neighborhood.

1 I've been by the tile place on Route 9  
2 when I go to Dunkin Donuts. I believe that's  
3 where the place is. There are tractor trailers  
4 in there. I've seen them. I can't imagine that  
5 they wouldn't have them coming into the  
6 building on Route 7. I highly object to it. I  
7 think that it's the wrong place. Have it  
8 across the street where the boat place was.  
9 There is ample space there and there is a lot  
10 of setback along the road.

11 CHAIRMAN STUTO: Thank you.

12 MR. GOVINDARAJULV: I live at 32 Laura  
13 Drive.

14 Once there was like a traffic closure and  
15 cars came whizzing past our neighborhood  
16 because there was no outlet. From that day on,  
17 I have never let my kids play in the front or  
18 back yard when I'm not there. So, if that can  
19 happen on just one day of traffic, imagine  
20 what it can do if there is a new business  
21 there.

22 I always try to shop locally as much as I  
23 can, but I think that a new apartment complex  
24 or more business in that area is not a good  
25 idea.

1           Just before coming to this meeting, this  
2           big tractor trailer had blocked off part of  
3           Route 7. If somebody had not seen the tractor  
4           trailer, and if I was also coming out at the  
5           same time, there would have been a collision.  
6           I don't really know where else the tractor  
7           trailer is supposed to park, but I think that  
8           it's an awkward place for that tractor trailer  
9           to park. One business is causing that  
10          inconvenience, but I can't imagine that we  
11          wouldn't be subject to that kind of thing if  
12          this were to go in. If it's just a business  
13          that operates from 9 to 5 or something like  
14          that, I don't have a problem with that. But  
15          something of such a big stature and more  
16          people occupying the place - it kind of makes  
17          me uncomfortable. Thank you for giving me an  
18          opportunity.

19                 CHAIRMAN STUTO: Thank you.

20                 MR. LACIVITA: I'd like to speak to the  
21          traffic and CDTC.

22                 CHAIRMAN STUTO: Do you want to do it now  
23          or at the end?

24                 MR. LACIVITA: Whenever.

25                 CHAIRMAN STUTO: We'll hear from the

1 people first.

2 MR. CONANT: My name is Bob Conant and I  
3 live at 814 Troy-Schenectady Road, which is  
4 three houses towards Route 87.

5 I was compared to the other residents or  
6 neighbors here. I was fortunately able to be  
7 here in October and got to see the additional  
8 plan. I've had a little bit more time to mull  
9 it over.

10 Initially, the concept surprised me. It's  
11 not one that I thought of before about how do  
12 you use the COR zoning in a multiuse type  
13 fashion. I thought about what I liked about my  
14 property and what things are beneficial from a  
15 residential standpoint and what would be  
16 beneficial from a commercial standpoint, they  
17 really address a lot of things that I find at  
18 my own house. I'm obviously a single family  
19 residential house and it's set back about 35  
20 feet from the road. I never look out my front  
21 windows toward Route 7. I don't like that  
22 view. I like looking out my sun room towards  
23 the woods and towards the wetlands area and  
24 seeing the turkeys come up and all those  
25 things. I love that.

1           In terms of the view of the  
2 residential - I don't think that the  
3 residential is going to be looking toward  
4 Route 7 much. They're going to be looking out  
5 the back windows, if they can.

6           The other thing that I don't like about  
7 my property is I wish I had something for a  
8 noise blocker for all the traffic. In this  
9 case, they have their commercial building  
10 which is a natural noise block to the  
11 residents behind it. So, that makes a lot of  
12 sense to me. The residential desire of how  
13 you're going to get tenants in here - it makes  
14 sense to me also that the people that they are  
15 looking to market to are the people who are  
16 business professionals or young couples that  
17 don't have kids.

18           That's one reason that I started renting  
19 the house that I bought. It was because it was  
20 very convenient to everywhere. In 20 minutes,  
21 you could be anywhere in the whole Capital  
22 District area. Living right on Route 7, you  
23 were right there. That was very beneficial.  
24 Being a renter, you're not locked in to owning  
25 the property, if you do have kids. You can

1           then move in somewhere where it's more  
2           convenient.

3           Because I live two doors from a current  
4           commercial property there, I see the tractor  
5           trailers go in for deliveries. I hear and see  
6           the garbage truck come in to empty the  
7           dumpster. That's all part of a business  
8           environment. I understand that and it doesn't  
9           bother me. You don't get that many deliveries  
10          and most of them are at times when I'm at  
11          work. That, to me, doesn't really bother me  
12          for being one of the neighbors.

13          Sherry Lynn's, right in this commercial  
14          plaza, I've used for a convenient store when  
15          I've run out of something and I've needed to  
16          get something. That's been a benefit. I know  
17          that it's a specialty convenient store, but  
18          that's something where if I need to get  
19          something, it's there - deli meats or  
20          whatever.

21          The height of the building in the  
22          back - that doesn't bother me having three  
23          stories. Initially, I thought that it kind of  
24          looked big, but then I was thinking about the  
25          other buildings down there -- and you have the

1 State Police building and you have NYSUT and  
2 those likewise are big facades compared to the  
3 street, so that three stories didn't seem too  
4 big to me. The trees on my property are a good  
5 80 to 100 feet tall. If it's only going to be  
6 35 feet, it's only a portion of what the  
7 spruces are in my front yard.

8 Also, with having my property being set  
9 back about 35 feet from the road, from a  
10 residential standpoint, that's a lot of wasted  
11 space. I like the distance to have that noise  
12 block. Being it's commercial, I wouldn't want  
13 to waste that space. I'd rather have that  
14 space because it's not usable for anything  
15 other than putting in some shrubbery or  
16 something to block the noise of the road.  
17 Commercial just makes sense to use as much  
18 space as you could and not waste it.

19 In terms of the traffic usage, that was  
20 one of my concerns initially. I was curious if  
21 they were going to put a traffic light in  
22 opposite Knadler Drive so that people could  
23 get in and out easier. Since then, I've  
24 thought more about it.

25 When I come home from work and I'm

1 driving the wrong way on Route 7, I have to  
2 cross two lanes of traffic when traffic is  
3 backed up from Wade Road all the way past this  
4 whole area (Indicating). what I do is instead  
5 of passing patience, I go all the way down to  
6 the next traffic light, down to Peter Harris,  
7 go in Peter Harris, turn around and come back  
8 and be in the right hand land and make a turn  
9 right into my driveway when traffic is  
10 stopped; rather than trying to cross two lanes  
11 of traffic. Some of those things are just  
12 defensive driving techniques and you have to  
13 show some patience.

14 The one thing that I would be  
15 recommending is that in considering the site  
16 plan, where would they be putting snow removal  
17 so that they don't end up putting that near  
18 the road where it could block visibility for  
19 people pulling out? I know that's one concern  
20 that I already have with the other commercial  
21 property. Those are my thoughts. Thank you.

22 CHAIRMAN STUTO: Thank you.

23 MS. DALTON: Sir, you got one of the  
24 notices and that's why you came in. One of the  
25 points that I had made in the previous October



1 and January meeting was with regard to the  
2 notices that the character of the neighborhood  
3 and the neighborhood who were formally  
4 required to receive them is much different  
5 than the character of the neighborhood and the  
6 neighbors who will, in my opinion, will be the  
7 most affected by this particular parcel's  
8 development. We requested that the residents  
9 that are here today be noticed and it was part  
10 of the comments that we received in our packet  
11 that the applicant was reminded of the fact  
12 that they had to notify the neighbors that are  
13 here now and they did not do so. I understand  
14 why they didn't do so, but I think that every  
15 effort needs to be made by the applicant and  
16 by the Town so that in the future, regardless  
17 of what happens this evening, they'll be some  
18 kind of development on these parcels and I  
19 would respectfully request that the neighbors  
20 who just spoke be included in that notice  
21 packet. Thank you.

22 MR. RIDDELL: My name is Richard Riddell  
23 and I own the property next door to where this  
24 is going to go in. I've lived there for 47  
25 years. I've raised seven children there and

1 never had any problems and I can't, for the  
2 life of me, understand why Garling Drive has  
3 anything to do with this. Were they all given  
4 the notices all through Garling drive?

5 MS. CONDON: No, we were not.

6 MR. RIDDELL: Then you shouldn't be doing  
7 anything here.

8 CHAIRMAN STUTO: You'll have to address  
9 the Board, sir. They're entitled to be here.  
10 It's a public meeting.

11 MR. RIDDELL: I just want to say that I  
12 have no problem with this going in next door  
13 to me. I just want to say that they need their  
14 business. That's all I have to say. I just  
15 wanted to say that we have no problems here  
16 and we've lived there 47 years. Thank you.

17 CHAIRMAN STUTO: Thank you.

18 MR. BLYN: My name is Jeff Blyn and I  
19 spent a lot of time in the neighborhood. Some  
20 of the people here know who I am. I'm speaking  
21 as a father who has raised a four year old in  
22 a situation much like this.

23 I think that a mixed use development  
24 makes a lot of sense when you have stores and  
25 offices and shopping here and then you have a

1 spot for apartments or houses in the back. We  
2 don't have that here. What I see here is  
3 skateboards, rollerblades and hopscotch  
4 occupying the same space; the same area as  
5 people coming in and out buying stuff. There  
6 will be vans backing in and out. I see  
7 accidents and I see people getting hurt. I see  
8 kids getting on and off the school bus at  
9 night when it's dark with people driving in  
10 and out of there. I think that mixed use makes  
11 sense, but I don't think that you have enough  
12 space for an apartment in the back of this  
13 building. I see this as a massive hazard.  
14 Somebody is going to get hurt. Thank you.

15 MR. BARROWS: My name is David Barrows  
16 and I live at 23 Garling Drive. Unlike some of  
17 my neighbors, I don't worry about the view.

18 The traffic, I don't see as any a problem  
19 at all. Most of the traffic that I see comes  
20 from Schenectady or Niskayuna. That's always  
21 the biggest problem. If you have a family of  
22 kids, you don't look at an apartment like this  
23 in this area. You go someplace else. If you're  
24 a single guy or a single person or a couple,  
25 then this is where you want to be. Garling

1 Drive is a great area. I've been there before  
2 a lot of houses on Laura were there. I've seen  
3 the development and I've seen the wildlife go  
4 away as this is common. We used to get deer in  
5 our yard and we don't get deer in our yard  
6 anymore.

7 I have no problem with Top Tile. I'm in  
8 their store a lot. I pick up tile from  
9 wholesalers to deliver to them from time to  
10 time; not constantly. Very seldom. There are  
11 10 or 15 cars and that's it. Tractor  
12 trailers - I know when they come because I'm  
13 usually waiting for a delivery. It's three  
14 days a week. There is only one truck that I  
15 know of that comes at 8:00 and that's the one  
16 that I like to get tile from because I want to  
17 get my day started.

18 I don't really object to this project at  
19 all. I would like to see them succeed as a  
20 business. They're very confined in the area  
21 that they're at. They're just trying to make  
22 life a little better for everybody in the end.

23 CHAIRMAN STUTO: Thank you.

24 Anyone else from the public?

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

1 CHAIRMAN STUTO: Joe?

2 MR. LACIVITA: We've heard a lot of  
3 questions regarding traffic and how much the  
4 project is going to generate. The Town of  
5 Colonie, as members of the Board know, entered  
6 into an agreement with the Capital District  
7 Transportation Committee - which is a  
8 metropolitan planning organization that looks  
9 specifically at traffic. So, when the projects  
10 come into the Town for review by either the  
11 Town Planning Department or the Town  
12 Designated Engineers, we send a narrative and  
13 the site plans and everything off to the  
14 metropolitan planning organizations; CDTC.  
15 They have them review the traffic mitigation  
16 and the traffic concerns, absent any of our  
17 review.

18 Having said that, what they looked at was  
19 the project before us. They looked at a  
20 project that had 11 apartment units and a  
21 10,600 foot building. They compared that area  
22 and the impacts to what they call the ITE  
23 standards, which is the Institute of  
24 Transportation Engineers. They look at a study  
25 that shows that the actual impacts would be on

1 a nationwide scale. That means that with the  
2 design that we currently see before  
3 us - 10,600 square feet and 11 units - the  
4 mitigation or the traffic impacts would be 23  
5 trip units in the peak hour. Fifteen would be  
6 actually entering into the site and eight  
7 exiting. So the impact may not be -- if you  
8 had that many trips coming to your site, I  
9 think that you'd be extremely happy, but the  
10 majority of what we're seeing coming out of  
11 here is attributed to the actual housing  
12 component. Again, this size development here,  
13 which is small relatively to what typically  
14 development - the impact in traffic is not as  
15 great based on standards that were reviewed by  
16 the CDTC.

17 MR. GRASSO: I'd just like to expand on  
18 that. This site is in the airport area GEIS  
19 study area. That study identified the need for  
20 some regional transportation improvements to  
21 address impacts of all impacts brought to the  
22 study area of this part of Town. This project  
23 will be required to pay a mitigation fee that  
24 is basically its fair share contribution of  
25 funds - those portion of those improvements.

1 Joe, I think that you have it in front of  
2 you. You know that transportation component.

3 MR. LACIVITA: The transportation, which  
4 accounts for other areas like the Wade Road  
5 area and even improvements that might be  
6 within this corridor is \$35,380 - in  
7 comparison to the actual commercial in the  
8 dwelling units which is 64,715. So, it's  
9 approximately \$120,000 in mitigation fees for  
10 any impacts that would be in this area.

11 MS. DALTON: I don't know who owns this  
12 land.

13 MR. GRASSO: There is a DEC wetland  
14 corridor over there that has a 100 foot  
15 adjacent buffer along both sides of the  
16 wetlands. That's regulated by DEC. Down the  
17 middle of the wetlands, there is a stream  
18 corridor that's regulated by the Army Corps of  
19 Engineers and then there are some wetlands  
20 associated with that stream corridor. So,  
21 there are two overlapping jurisdictions  
22 regarding the wetlands and the stream. It's  
23 safe to say that it's both the Corps of  
24 Engineers and New York State DEC. There is no  
25 buffer on the Corps wetlands. They would not

1 be involved in the review of this project.  
2 There is no wetlands on the site, which Jon  
3 mentioned on his initial presentation. But  
4 when you apply that 100 foot buffer to the DEC  
5 wetlands, that does extend onto the project  
6 site. The current plan is not to propose any  
7 effect within that buffer. So, theoretically  
8 if the plan moves forward as proposed, they  
9 won't require any permitting or review in that  
10 regard.

11 MS. DALTON: I believe the last project  
12 that had wetlands that was very deep in the  
13 lot was -- it was adjacent to Canterbury  
14 Crossings.

15 MR. GRASSO: The Ventura subdivision.

16 MS. DALTON: Yes, that's the one. The  
17 Army Corps and DEC were very involved in  
18 trying to provide opinions for development on  
19 either side of the wetland, even though there  
20 was no development in the actual wetland. I'm  
21 wondering what makes this project different  
22 insofar as this is not just marshy where we  
23 walked.

24 MR. GRASSO: Those agencies get involved  
25 in their review when there are wetlands on the



1 project site or other areas that they  
2 regulate.

3 MS. DALTON: Can we request a review by  
4 DEC and the Army Corps because the development  
5 of that prior land, and the fact that we are  
6 lower is going to be a lot of water rushing  
7 into that area and possibly into that  
8 neighborhood? I really do think that could be  
9 an impact on a study.

10 MR. GRASSO: You could request it. I  
11 don't think that you're going to get any  
12 feedback from the agencies. We've looked at  
13 the information that the wetlands behind the  
14 site have been delineated and they have been  
15 confirmed to be off the project site. So, we  
16 could request confirmation from DEC and the  
17 Corps, but based on our review of the  
18 information provided in the environmental  
19 assessment form, it states that there aren't  
20 any wetlands on the project site.

21 CHAIRMAN STUTO: She's worried about  
22 run-off I think.

23 MR. GRASSO: In terms of the drainage,  
24 the stormwater plan is to provide a series of  
25 treatment mechanisms within the developed

1 portions of the property. There is no proposed  
2 discharge.

3 CHAIRMAN STUTO: Does somebody want to  
4 talk about that detail for us and for the  
5 neighbors?

6 MR. GRASSO: Jon, did you want to talk  
7 about the stormwater approach?

8 MR. ENDRES: Briefly. You're not going to  
9 be happy with my answer. This is a concept  
10 plan. We have to developed the final  
11 stormwater discharge plan at this point in  
12 time because we don't want to have to do the  
13 engineering over and over again. That is one  
14 of the largest components of the engineering  
15 design which is the stormwater design. The  
16 objective of stormwater planning is to either  
17 eliminate or reduce to a point where it  
18 equaled the current run-off from the site.

19 Am I correct in saying that, Joe?

20 MR. GRASSO: Yes.

21 MR. ENDRES: So, that's going to be our  
22 objective. It's a requirement by New York  
23 State DEC regulations that we either decrease  
24 the amount of run-off from the developed part  
25 of this site to a level that is equal to or

1 less than the current run-off from the site. I  
2 hope that's understandable to everybody.

3 As far as the actual design of the  
4 stormwater systems, we haven't gotten to that  
5 point yet.

6 CHAIRMAN STUTO: Do you think that you  
7 know how it's generally going to work? I see  
8 that you do have a stormwater management area.

9 MR. ENDRES: It's just in-house. It's  
10 conceptual, but yes. We wouldn't have come up  
11 with these plans if we didn't think that it  
12 was going to work.

13 CHAIRMAN STUTO: Can you describe how it  
14 appears to be? It's not readily apparent.  
15 We're not engineers - except I think that one  
16 of us is.

17 MR. ENDRES: This is a concept stage so  
18 I'm not going to go into the nuts and bolts of  
19 stormwater discharge when I'm not even 100  
20 percent sure of our final methods myself. I  
21 hate to say that but -

22 CHAIRMAN STUTO: That's a little too  
23 vague.

24 MR. GRASSO: The current run-off is that  
25 the run-off slopes to the back toward the

1 wetland that Kathy was speaking of. What they  
2 generally show at the concept stage is a  
3 series of stormwater management areas so that  
4 they've got the area preserved on their plan  
5 to provide that both to basically hold back  
6 the amount of run-off, as well as provide  
7 water cleansing and water treatment qualities.  
8 So, there is an area within the main parking  
9 lot between the two buildings that has been  
10 preserved for stormwater management.

11 CHAIRMAN STUTO: Can you point that out?

12 MR. ENDRES: It would be right  
13 here - this island effectively.

14 MR. GRASSO: And then there is that  
15 additional land to the back of the banked  
16 parking spaces. We think that would only be  
17 used if that banked parking back there had to  
18 be constructed.

19 MR. ENDRES: One of the things that we  
20 had to look at in the design process is what  
21 DEC's calls for infrastructure. We have to go  
22 through a whole checklist of different  
23 treatment practices that either reduce or  
24 eliminate run-off in what would be considered  
25 a green fashion. There is a number of

1 different practices that can be accommodated  
2 among which are rain gardens. There is even  
3 such a thing as a green roof - plants on the  
4 roof, bioretention and porous pavement. That's  
5 something that is picking up more and more  
6 popularity in the area.

7 CHAIRMAN STUTO: Right - we on the Board  
8 have seen all that stuff.

9 MR. ENDRES: We had to go through that  
10 first and then what's left over, we use  
11 conventional stormwater practices to treat it,  
12 get rid of it - but we can't let more of it  
13 exit the site then what's already leaving the  
14 site.

15 CHAIRMAN STUTO: Thank you.

16 I'll get back to the public, if they have  
17 any more questions.

18 Do you have anything else, Joe?

19 MR. GRASSO: No, just that if there are  
20 any other questions, based on the public  
21 comment -

22 FROM THE FLOOR: So, when you say equal  
23 to or less than and have no additional  
24 run-off, can it be directed? Right now it's  
25 dispersed. Does it matter if you directed it

1 in one place?

2 MR. GRASSO: That's something that's  
3 regulated, too. That's if they have a  
4 discharge, and how that discharge went from  
5 the current condition to the proposed  
6 condition. So, if there is no concentrated  
7 discharge point on the site right now, they're  
8 not allowed to have that concentrated to a  
9 certain point after development - because then  
10 we get concerned with erosion and things of  
11 that nature.

12 CHAIRMAN STUTO: Okay, we'll go through  
13 the Board now.

14 Brian?

15 MR. HAAK: I would have to say that in  
16 looking over the packet, this is probably the  
17 item -- there are other items that I thought  
18 that we were going to spend a whole lot more  
19 time on than this one. I probably have a lot  
20 of questions that are still formulating  
21 around. I'm not even sure that I'm ready to go  
22 ahead with the concept approval.

23 CHAIRMAN STUTO: Mike?

24 MR. SULLIVAN: I have a few questions.

25 Do you know how many parking spots that

1           you have at the current Top Tile location?

2           MR. ENDRES:   Maybe 20.

3           MS. ALBERT:   There are two businesses in  
4           the building.

5           MR. SULLIVAN:  Did you ever experience a  
6           problem with -

7           MS. ALBERT:   No.

8           MR. SULLIVAN:  What would be your busiest  
9           times - would that be the weekends?

10          MS. ALBERT:  Right, like Saturdays and  
11          maybe there is six to eight cars there, and  
12          ours.

13          MR. SULLIVAN:  I do share the concerns  
14          that on Saturday you may have - in the short  
15          term - problems with parking.

16          The other question I had is that you  
17          mentioned that you had gotten some advice on  
18          this idea of having the parking there, but did  
19          you consider more retailing with perhaps a  
20          convenience store and your tile store? I do  
21          share the concerns with the other Board  
22          Members that -- I know that it's zoned for it  
23          and you have the right to do that. You have a  
24          right to develop your property, but I'm  
25          concerned about the viability of tying in

1           apartments with the tile store. I was  
2           wondering if you had looked into perhaps  
3           having a convenience store and a tile store  
4           and something larger than 27 feet as allotted  
5           for another business?

6           MS. ALBERT: We looked at all different  
7           entities with this. We just thought that this  
8           was the logical thing to do.

9           FROM THE FLOOR: If there was a  
10          convenient store, wouldn't there be a hell of  
11          a lot more traffic than with this proposed  
12          project?

13          MR. SULLIVAN: There would be, but the  
14          concern that I shared was if there are  
15          children there - I know that you're saying  
16          that if you're going high-end, you're looking  
17          for the urban professional. Again, I share the  
18          concern of the other Board Members that I  
19          don't know if that's a good mix with a  
20          high-end apartment and the warehouse. I'm  
21          concerned about the viability of that.

22          If you did have children there, it would  
23          be a problem because they have no place to  
24          play. I know that's not your responsibility,  
25          but it's the reality of that particular



1           situation. I know that you could go and put a  
2           sidewalk all the way to the road, and you  
3           could prevent them from not walking through  
4           the parking lot. I know that you couldn't  
5           improve that situation, but it's still a  
6           concern. I was wondering if there were any  
7           other options without the apartments. I'm not  
8           opposed to the tile store. I think that it's a  
9           great idea. I think that the combination of  
10          the apartment and the tile store is one that  
11          concerns me.

12                 MR. GRASSO: Mike, could I just speak to  
13          the use and the traffic issue? I've heard a  
14          lot of comments regarding the compatibility  
15          that is proposed when you look at the  
16          allowable uses within the zoning. There is a  
17          long list of allowable uses. Access, we know,  
18          is an issue out there and the application  
19          before us is a rather benign proposal in terms  
20          of traffic impacts. I think that Joe did a  
21          good job discussion that. I think that we're  
22          only talking about 25 trips coming out of  
23          this.

24                 As we start to think about what  
25          alternative uses are appropriate, to go to a

1 type of convenience type of retail or any  
2 other host of more intense retail uses - we  
3 would have significant concerns regarding the  
4 access strategy for this. Because we're not on  
5 a corner and we don't have signal control.  
6 We've got a two way left turn lane. DOT  
7 wouldn't even be supportive of striping out a  
8 dedicated left turn on a section of Route 7.  
9 We're kind of across from Knadler Drive, which  
10 has its own potential conflict if we generated  
11 a high use curb cut in this location. We have  
12 to be careful of how far we push in terms of  
13 intensifying the use on this site from a  
14 retail perspective.

15 FROM THE FLOOR: I've lived on this  
16 property all my life. There used to be a  
17 convenient store right where that gluten free  
18 place is now. We were sitting down to dinner  
19 every night around 5:00 and there was an  
20 accident there almost every night because  
21 there were so many cars going in and out. Is  
22 that really what you want?

23 MR. SULLIVAN: My point is that I'm not a  
24 fan of the apartment store/tile store  
25 combination. I think that it could be some

1 other use. I'm saying something other than the  
2 apartments. Joe made a great point that yes,  
3 that would be increasing the traffic and we  
4 don't want that, but the problem that I have  
5 with the project as it stands is the combo  
6 behind - the parking and the warehouse. I'm  
7 concerned about the viability of that.

8 MR. GRASSO: So, a compatible type of  
9 benign commercial use?

10 MR. SULLIVAN: Right, I think that some  
11 smaller uses and then tile store moves into  
12 the back and perhaps angled it to match the  
13 back lines. With the tile store in the back, I  
14 think that you'd have more room in the back  
15 for a larger trailer. The tractor trailers  
16 could scoop around and back in and then have a  
17 smaller store in front that wouldn't generate  
18 much traffic.

19 MR. GRASSO: There are a lot of other  
20 retail uses that could effectively be  
21 considered.

22 MR. SULLIVAN: Right. That's all I had.

23 CHAIRMAN STUTO: Tim?

24 MR. LANE: I'd like to go back to my  
25 prior comment. I think that the challenge that

1           you're facing is the orientation of the  
2           building and those requirements and how the  
3           front facing the main road. I think that you  
4           might need to justify that entryway being on  
5           the side and addressing going in from the side  
6           and to be a little more aesthetic. I agree  
7           that we're really at concept yet with the  
8           questions that we have out there, but I'd like  
9           to see you address as much as you possibly  
10          could.

11                   CHAIRMAN STUTO: I'll make my comments.

12                   I'm not categorically opposed to  
13           apartments there. I think that certain things  
14           could be done to make it a little bit better.  
15           Maybe there could be an outdoor recreational  
16           area, maybe it could be screened, maybe there  
17           could be a child play area there to address  
18           some of the concerns. I'm not sure if there is  
19           a pedestrian connection from the apartments to  
20           Route 7. That would be helpful. I think that  
21           the neighbor's comments are very valid, but I  
22           think that some of the impacts could be  
23           mitigated. I think that with the proper  
24           screening in the back and the tree plantings,  
25           I think that you may even end up with a better

1 project than you have now.

2 The height thing - I'm not sure about.  
3 I'm not sure if the trees can be higher than  
4 the building or not, given the change in  
5 elevation. I don't know if it could be totally  
6 mitigated, but I think that if you planted  
7 pines along the back border, I think that you  
8 could make the screening more dense.

9 I think that apartments are  
10 relatively - I think that benign is the word  
11 that Joe used - use in terms of traffic  
12 impact. I think that retail or something like  
13 that would have even more impact. This is just  
14 one person's opinion.

15 I agree with what Tim said about the  
16 aesthetics. I'm not going to beat that to  
17 death. I think that it needs an architectural  
18 spruce up. I think that it needs to be pushed  
19 back from Route 7. We may or may not be ready  
20 for concept. I would vote on concept, but I'm  
21 not sure if we have the majority of people  
22 here that want to. If we don't have a motion  
23 and a successful vote on concept, then think  
24 about some of these things. Is there a market  
25 study that shows that apartments are good

1 here? Is there a more persuasive argument why  
2 apartments would be good here? Maybe you could  
3 come back with something like that.

4 MR. LANE: It's their property. I don't  
5 think that you're going to have children or  
6 people with children looking at this place.  
7 Can we actually say no children?

8 CHAIRMAN STUTO: We can do 55 and above  
9 for principal tenants, but otherwise you're  
10 being discriminatory if you say no children.

11 MS. ALBERT: We had no intension of kids  
12 going in there.

13 MR. LACIVITA: So, you're restricting it?

14 CHAIRMAN STUTO: Well, you know how there  
15 is discrimination on various things? I think  
16 that you can target 55 and above, but if a 55  
17 year old wants to bring their grandchild, you  
18 can't tell them that they can't.

19 MR. LANE: I still don't think that  
20 you're going to attract kids there.

21 CHAIRMAN STUTO: I agree. I think that  
22 you're going to attract people without kids,  
23 maybe professionals that may stay there for a  
24 couple of years and that's it.

25 MS. VAIDA: Is there like a playground

1 space that you want to consider?

2 CHAIRMAN STUTO: That was my suggestion  
3 too. If there is a playground space, that  
4 would count toward greenspace, right?

5 MR. GRASSO: Yes.

6 MR. SULLIVAN: That would also be  
7 counterproductive.

8 CHAIRMAN STUTO: Well, you could have a  
9 picnic area there.

10 MR. ENDRES: I'm just not sure that it  
11 makes sense to say that you're having a higher  
12 scale apartment building that's now looking at  
13 retail space and parking. I would like to see  
14 if there are possible other uses for us.

15 CHAIRMAN STUTO: Brian?

16 MR. AUSTIN: I would have to echo the  
17 other comments. I think that I'm still not  
18 sold on the apartments. I was hoping that I  
19 would be sold on that by now, but I don't see  
20 it. That's just me. To have a high-end  
21 apartment complex -- even in that general  
22 neighborhood around - I understand you have  
23 NYSUT and the State Troopers and that's an  
24 opportunity for those people. Also, the  
25 location of the building being so close to

1           Route 7 and the neighboring commercial  
2           building as well - with the whole aesthetic  
3           look, I think that there is a lot that could  
4           be done, essentially. Maybe expanding the  
5           commercial building with tenants or maybe  
6           making the smaller commercial buildings  
7           instead of the apartments. I'm not saying to  
8           have a convenient store. I don't think that  
9           the high-end apartment tenants would like to  
10          see loading docks when there are trucks  
11          pulling into that. So, there are a number of  
12          issues that I'm questioning on the concept  
13          acceptance.

14                   CHAIRMAN STUTO: Lou?

15                   MR. MION: I think that it's all been  
16                   said. I agree with Mike and others on the  
17                   Board here that I'm not sold on the apartment  
18                   complex. There are other areas within the Town  
19                   that have the apartments and they have a lot  
20                   nicer things to look at. They have a picnic  
21                   area. They have a lot of amenities and are not  
22                   looking at the back of a warehouse. I think  
23                   that the building itself needs to be moved  
24                   farther back.

25                   Also, I would have an issue with the



1 entrance being on the side, but I think that  
2 you should do a façade that would make it at  
3 least appear that the front of the building  
4 faces -

5 MR. LANE: Well, they need to show why it  
6 couldn't be done another way.

7 MS. DALTON: I echo all the same  
8 comments. I think that if the use of the  
9 property is as a retail commercial space, it  
10 needs to look like a retail commercial space  
11 to attract the clients and customers that  
12 you're looking for. So, we could have a front  
13 façade that looks like a showroom and a big  
14 sign and a parking lot so that people will not  
15 drive past it and not recognize that it's a  
16 retail space.

17 I think that if you do all of that and  
18 the things that you need to do to make it an  
19 attractive retail building, you will not have  
20 the space in the back that would be necessary  
21 to create a high-end apartment building with  
22 the amenities that you need to attract  
23 high-end apartment patrons. I think that if  
24 you don't do it that way and you use your  
25 existing design, that you will not attract the

1 high-end people that you want. You will  
2 attract a lower income people who are willing  
3 to put up with no amenities and all they will  
4 do is look at a parking lot and the back of a  
5 warehouse. Unfortunately - and I say this not  
6 with prejudice because I have been a single  
7 mother and I am a single mother now - but  
8 you're going to get a lot of lower income  
9 single mothers. My neighbor -- that's where  
10 they can afford to live and that means that  
11 we're going to put kids in that parking lot  
12 with no place to play, walking to a bus stop  
13 while people are coming in and pulling in to  
14 deliver goods, pick goods up and shop. So, I  
15 think that the safety issues are a real  
16 concern for me.

17 The aesthetic issues of Route 7 are a  
18 concern for me. I'm okay with the mixed use if  
19 it's a consistent mixed use. This mix seems  
20 inconsistent to me. From that perspective, I  
21 would also say that if it's retail, that's  
22 great and then you can use the back for  
23 parking your tractor trailer or whatever and  
24 leave some of that screening so that you can  
25 protect the wetlands and the turkeys and a lot

1 of wildlife. I look at this as a neighbor, but  
2 I also look at this as a member of the Town of  
3 Colonie. One of the things that makes our Town  
4 nice is that we have a lot of that protected  
5 wetland and wildlife that we need to make sure  
6 it still has a place to be.

7 My colleagues on the Board will tell you  
8 that whether it's my neighborhood or not, I'm  
9 known as the Bambi member. I'm always saying  
10 where are the birds going? Where are the deer  
11 going? So, my concern about the wildlife is  
12 there.

13 From the perspective of if you want to  
14 change it and bring the apartment building up  
15 to make it a five scale apartment building,  
16 then I agree with my colleagues again. Put  
17 some amenities in. Maybe a very small  
18 convenience store. It's not going to be a  
19 destination. They are for the people that are  
20 going to walk there. Put a pool in the back or  
21 something. Then, you can attach a whole lot of  
22 rent and you don't have some of those other  
23 issues.

24 I am I favor of Top Tile. I'm in favor of  
25 business. I'm in favor of developing parcels

1           for commercial development. I just think that  
2           with this particular plan, it needs something  
3           else.

4           CHAIRMAN STUTO: I'm going to give the  
5           applicant a chance to respond. As of right  
6           now, as of my account, you don't have support  
7           for a concept. We can vote if you want. I'm  
8           not opposed to that. If you want to react to  
9           anything that's been said, or think about it  
10          before we do whatever our final action is,  
11          I'll give you that opportunity.

12          MR. ENDRES: I will. In spite of the fact  
13          that I kind of know what direction the Board  
14          is leaning, a couple of things I wanted to  
15          bring up. Specifically regarding the façade. I  
16          know that the applicant's architect - they've  
17          had a couple of architects and they have spent  
18          a lot of time and money going through these  
19          designs and looking for what fits best for the  
20          site. Architectural changes are really not in  
21          the big scheme of things and is not a big  
22          component of this plan. It's simply the  
23          physical appearance of this from the highway.  
24          So, if that is something that is going to sway  
25          the Board one way or the other with regard to

1 accepting this or denying this simply by  
2 saying that -

3 CHAIRMAN STUTO: It's my judgment that in  
4 and of itself is not going to -

5 MR. ENDRES: I understand, but if you  
6 want façade changes, that's an architectural  
7 component that can be done just as site plan  
8 changes can be done. I don't think that's a  
9 stumbling block.

10 One of the things that I want to point  
11 out is that in the intervening period between  
12 the sketch plan review and today, there was  
13 some emphases placed on accesses to provide  
14 access to properties to the east or west.  
15 Through this site, we're basically looking at  
16 minimizing the curb cuts and minimizing the  
17 access directly off of Route 7. So, if this  
18 property to the west becomes developed at some  
19 point in time with something other than  
20 residential, maybe there is an apartment  
21 building here (Indicating). Maybe there is a  
22 commercial building here (Indicating). What's  
23 in front of the building? If we've got people  
24 that are driving through this site to get to  
25 this site, we have people driving through this

1 site to get to this site, they're driving past  
2 what could potentially be the front of the  
3 building here (Indicating). So, I think that  
4 in this particular circumstance, we're being  
5 asked for an access easement - you could make  
6 a case that maybe there is two fronts to this  
7 building. There is a front on Route 7 and a  
8 front on this access that might provide access  
9 to multiple properties. So, I just want to  
10 make a point here. I'm not asking for  
11 anything. I'm just trying to make a point.

12 The other thing that I want to make a  
13 point on is that everybody keeps referring to  
14 this as high-end apartments. Maybe I said that  
15 myself in the very beginning. You need to look  
16 at it as just an apartment building; whether  
17 it's high-end or low-end or middle of the  
18 road, the people that are going to be looking  
19 and renting this building are going to rent  
20 here simply based on whether they want to rent  
21 here or not. If the price is right, they don't  
22 mind looking at the back of a warehouse, they  
23 don't mind looking into a wetlands, they don't  
24 mind the lights that are in the back of the  
25 Black and Decker store, then they're going to

1 rent and they're going to pay the rent and  
2 they're going to live there and walk or  
3 bicycle or travel to wherever they work. So, I  
4 think that by referring to this as a high-end  
5 apartments, you're making a judgment call for  
6 the marketability of this site when the  
7 marketability is being determined by the  
8 people who are ultimately going to live there.

9 So, I maintain that this apartment  
10 building and this commercial building,  
11 regardless of the use - and it could  
12 potentially be a mixed use in this commercial  
13 building because we have an additional 3,000  
14 square feet of space, it isn't being  
15 necessarily accounted for; but we don't know  
16 who is going to be a tenant here. So, you've  
17 got a little community in and of itself here  
18 that meets the zoning that you, as a Town,  
19 have imposed on this property. So, if we meet  
20 the zoning and the applicant wants to put this  
21 here, and they think that it's a viable,  
22 marketable project, then we ask for your  
23 approval. That's all I have.

24 CHAIRMAN STUTO: Would the applicant like  
25 us to take a vote on the concept approval?

1 MR. ENDRES: We would.

2 CHAIRMAN STUTO: I'll make a motion on  
3 the concept approval incorporating all the  
4 suggestions with respect to architecture,  
5 screening, comments by the Town designated  
6 engineer and the Town departments. I hereby  
7 make that motion.

8 Do I have a second?

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

10 CHAIRMAN STUTO: Okay. I don't even have  
11 a second on the motion.

12 Does anybody want to make a comment that  
13 would be helpful to the applicant?

14 MS. DALTON: I would like to respond to  
15 what you just said, sir. I understand what  
16 you're saying in terms of what the market  
17 trend is. With all due respect to your  
18 thoughts about that, I feel like it's our job  
19 to make sure that we're creating an  
20 appropriate space for our residents to be. I  
21 think that the part of this that you might not  
22 completely embrace yet is it's important to  
23 determine and market the building to a set of  
24 people for which the building was built for.  
25 So, if the building is high-end and has future



1 amenities for the young professionals that  
2 you're thinking would walk to the State Police  
3 Building - I don't disagree with you. If we  
4 don't think that you're going to meet that  
5 goal of high-end, then we have to consider  
6 that you're likely to get people with less  
7 income which could include children. Then, our  
8 concern is the health and safety of the  
9 residents in the area, which includes kids  
10 walking to bus stops, playing hopscotch in the  
11 road and being in a space that isn't designed  
12 for it.

13 So, my suggestion is that when you come  
14 back with a new concept is come back with a  
15 concept that is consistent. If you're going to  
16 market as a residence, hoping that the market  
17 will bear that, that's great. Come back with a  
18 building concept that is designed and directed  
19 for the community. If you can't do that in  
20 that space, come back with a really cool Top  
21 Tile building that is going to be attractive  
22 for other tenants to use as well and details  
23 that screams to people driving by that this is  
24 a really cool retail space that you should  
25 stop in and look at.

1 CHAIRMAN STUTO: Anybody else?

2 MR. AUSTIN: I think that I can speak for  
3 the entire Board when I say that we're not  
4 against the development of business. We  
5 support Top Tile and your business being  
6 there. We want to make sure that we're saying  
7 to you that we're supporting you and we want  
8 Top Tile.

9 MS. VAIDA: If I may just speak  
10 procedurally? The applicant may want to  
11 consider just withdrawing the concept  
12 application at this time. That would give you  
13 the right to resubmit it and maybe answering  
14 some of the Board's questions to alleviate  
15 some concerns.

16 MR. ENDRES: I don't think that we're  
17 prepared to make that decision at this time.

18 MR. GRASSO: I just want to ask one  
19 question to the applicant.

20 Would the project be brought back before  
21 the Planning Board if it only included the  
22 commercial use without the apartment building?  
23 Is it still a viable project or is the  
24 accommodation of uses integral to the project  
25 moving forward?

1           MR. ENDRES: I can't answer that right  
2 now. We'd have to think about it.

3           MR. GRASSO: Only that it could be a  
4 topic for the Planning Board's consideration,  
5 if that was the case. If it's not, there is no  
6 sense discussing it.

7           MR. ENDRES: I don't think that we're  
8 interested in putting in another clone of  
9 what's next door. You're talking about  
10 additional retail space as opposed to having  
11 the apartment complex there. Do you really  
12 want another small strip mall? I guess that's  
13 the question and it's rhetorical.

14          MR. HAAK: I'm certainly not opposed to  
15 developing here.

16          CHAIRMAN STUTO: Can anybody say where  
17 they stand on apartments? Are they willing to  
18 relook at the apartments? In fairness to the  
19 applicant -- or do you think that apartments  
20 are ever going to work at this location? You  
21 don't have to respond to that.

22          MR. LACIVITA: You have to remember, too,  
23 Peter, that this site specifically goes back  
24 to eight adjoining parcels. That was in 2008  
25 or 2009, and the Land Use Law changed and this

1 became single family. They looked at it and  
2 the Planning Board rezoned this.

3 CHAIRMAN STUTO: We made a recommendation  
4 to the Town Board.

5 MR. LACIVITA: Right, and that in fact  
6 allowed what we are seeing before us this  
7 evening; that COR zoning.

8 MR. ENDRES: We see it as we're coming in  
9 front of you with a use that the Town wants by  
10 zoning.

11 CHAIRMAN STUTO: I agree with you.

12 MR. ENDRES: And now you're telling us  
13 that you don't want what you say that you want  
14 in the zone. I don't think that we want to put  
15 another strip mall in there.

16 MR. GRASSO: There has been a lot of  
17 feedback provided by the Board and a lot of  
18 great dialogue that's on the record that the  
19 applicant can consider. I don't think that the  
20 Board has to feel compelled to make a decision  
21 tonight. There are a lot of unanswered  
22 questions as well and a lot of comments  
23 provided. You don't have to feel that you have  
24 to accept or deny the application.

25 CHAIRMAN STUTO: We didn't.

1 Does anyone have any more comments?

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

3 CHAIRMAN STUTO: The matter is adjourned.

4 You can do what you have to do.

5 MR. ENDRES: Can I request that the board  
6 offer a continuance, basically?

7 CHAIRMAN STUTO: Yes. A motion to table  
8 this matter so the applicant can come back and  
9 consider -

10 MR. LANE: I'll make that motion.

11 MR. SULLIVAN: I'll second that.

12 CHAIRMAN STUTO: All in favor?

13 ***(Ayes were recited.)***

14 CHAIRMAN STUTO: All those opposed?

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

16 CHAIRMAN STUTO: The ayes have it.

17 FROM THE FLOOR: Can I ask you a  
18 question? He asked you to take a vote, and you  
19 did.

20 CHAIRMAN STUTO: I didn't get a second on  
21 the motion.

22 FROM THE FLOOR: I don't understand -

23 CHAIRMAN STUTO: He can tweak his thing  
24 and come back and reapply for concept. As a  
25 practical matter -

1 FROM THE FLOOR: You gave him a chance  
2 and he said call the roll.

3 MR. GRASSO: Ma'am there is an option to  
4 defer a decision. If there are unanswered  
5 questions that the Board has or additional  
6 information or changes that they would like to  
7 see -

8 MS. DALTON: Are you asking why it  
9 couldn't get a second and then we just say  
10 well, we reject this concept.

11 FROM THE FLOOR: I'm just asking about the  
12 procedure.

13 MS. DALTON: I think that the answer is  
14 that we weren't willing to go for concept  
15 acceptance, but none of us felt compelled to  
16 force concept rejection. So, instead of  
17 rejecting it parliamentary, we essentially  
18 table it.

19 CHAIRMAN STUTO: I agree with that  
20 analysis.

21

22 ***(Whereas the proceeding concerning the above***  
23 ***entitled matter was adjourned at***  
24 ***10:10 p.m.)***

25

**CERTIFICATION**

1  
2  
3  
4            *I, NANCY STRANG-VANDEBOGART, Shorthand*  
5            *Reporter, and Notary Public in and for the*  
6            *State of New York, hereby CERTIFY that the*  
7            *record taken by me at the time and place*  
8            *noted in the heading hereof is a true and*  
9            *accurate transcript of same, to the best of*  
10           *my ability and belief.*

11  
12  
13  
14            -----  
15            **NANCY STRANG-VANDEBOGART**

16  
17  
18            **Dated March 20, 2012**

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