

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 ALBERT MIXED-USE DEVELOPMENT  
5 840-844 TROY-SCHENECTADY ROAD  
6 PLANNING BOARD UPDATE

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8 THE STENOGRAPHIC MINUTES of the above  
9 entitled matter by NANCY STRANG-VANDEBOGART, a  
10 Shorthand Reporter, commencing on February 5, 2013  
11 at 7:17 p.m. at The Public Operations Center, 347  
12 Old Niskayuna Road, Latham, New York

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11 BOARD MEMBERS:  
12 PETER STUTO, CHAIRMAN  
13 LOU MION  
14 BRIAN AUSTIN  
15 KAREN GOMEZ  
16 SUSAN MILSTEIN  
17 KATHY DALTON  
18 TIMOTHY LANE

15

16 ALSO PRESENT:

17 Elena Vaida, Esq., Counsel to the Planning Board  
18 Joe LaCivita, Director, Planning and Economic Development  
19 Jesse Holland, Sunrise Management Consulting

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1                   CHAIRMAN STUTO: The second and final project  
2 tonight is the Albert mixed-use development, 848 to 844  
3 Troy-Schenectady Road. This a Planning Board update  
4 for an application for 10,488 square foot retail/office  
5 building and 11 residential apartments.

6                   Unlike the prior application, there is not  
7 going to be any vote taken tonight. This is  
8 similar to a sketch plan and is a project update.  
9 We're not going to take public comment. We're  
10 just going to hear from the applicant and we can  
11 ask questions. However, if they do move forward  
12 with their application, we will open it up to a  
13 hearing and listen to the comments from the  
14 public.

15                   Joe, do you want to give an introduction? I  
16 know that there was a letter circulated by the  
17 applicant's consultant. He invited to meet with  
18 the neighbors; is that right?

19                   MR. LACIVITA: Yes, he invited to meet with the  
20 neighbors this evening for a short time out in the  
21 foyer.

22                   The project was before this Board, as you  
23 remember, back in August 7, 2012. There were  
24 several recommendations, comments and questions  
25 and concerns held by the neighbors and some of the

1 Planning Board. The applicant has done a great  
2 job moving the project forward and working with  
3 DOT, our Town Designated Engineer, Joe Grasso and  
4 our Town departments trying to address some of the  
5 comments, questions and concerns that were  
6 presented at that meeting. They've had a couple  
7 of draft proposals as to how to address those  
8 concerns and they'd like to present tonight to see  
9 if they're heading in the right direction for this  
10 project.

11 CHAIRMAN STUTO: Okay, we'll hear from the  
12 applicant.

13 MR. HOLLAND: Good evening. My name is Jesse  
14 Holland and I'm with Sunrise Management Consulting. At  
15 the last hearing our goal was to take into account the  
16 comments that were made at that hearing and comments  
17 from the neighbors, both living on Route 7 as well as  
18 the Laura Drive neighborhood. To that end, we have met  
19 with the owner of 838 Troy Road and had several  
20 discussions with him and moving together with a bit of  
21 joint vision which I will explain shortly. We also  
22 sent out 22 letters to the Laura Drive neighborhood and  
23 invited them to come prior to this meeting to see and  
24 discuss the plans to give their input and feedback to  
25 us. Several members of the neighborhood did come this

1 evening and provide that to us.

2 The overall design features have been  
3 submitted. There are two concepts. Overall,  
4 there are some of the things that are  
5 significantly different from the past. There is a  
6 shared driveway arrangement with 836 and 838 Troy  
7 Road. That creates a "T" intersection with  
8 Knadler Drive. That would include closing the  
9 driveway at 836, so that there would be less  
10 number of driveways in that span of space.

11 CHAIRMAN STUTO: You gave us four drawings. Which  
12 drawings should we be looking at?

13 MR. HOLLAND: Let's start with Concept 2. If you  
14 look in the center of that, you'll see a shared  
15 driveway.

16 CHAIRMAN STUTO: And that serves the commercial  
17 property.

18 MR. HOLLAND: That would serve just the  
19 commercial property. Then farther to the west would  
20 be a second drive that would serve just the apartment  
21 property.

22 MR. LANE: Did this have to do with addressing  
23 DOT?

24 MR. HOLLAND: Once this was ran and showed to Mr.  
25 LaCivita, we did get some further comment from DOT. As

1 far as DOT is concerned, this is the preferred  
2 methodology not to see a separate drive. The benefit  
3 of Concept 2 is that the apartment would be completely  
4 separated. There would be no mix of traffic or uses in  
5 that way. However, there are several drawbacks to this  
6 plan. One is that it puts the driveway past the  
7 neighbors house at 848, which would be up over here  
8 (Indicating). There would be less greenspace on the  
9 property, the apartments would fully face the Laura  
10 Drive neighborhood, so that they would see the full  
11 back of the building. There would be more impervious  
12 area. Obviously, we would have to pave a lot more and  
13 less greenspace. Taking that into account, in trying  
14 to serve many masters here, I'll bring you to Concept 1  
15 which shows a shared driveway for all the uses of the  
16 property.

17 The apartments are still separated in the  
18 back and they're no longer connected to a loading  
19 dock area. Previously this was connected and now  
20 it's completely separate. So, trucks can go here  
21 to the loading dock (Indicating). Trucks can go  
22 back here to the adjoining property, but the  
23 apartments remain separated so there is no cross  
24 traffic in that way. This give us basically from  
25 what was three entrances onto Route 7 would be one

1 entrance onto Route 7. DOT definitely preferred  
2 that option. There is less impact on the  
3 neighborhood with the sight lines from the Laura  
4 Drive neighborhood - they're kind of seeing the  
5 quarter view. It's sort of more on the corner  
6 of the property as opposed to the full back of the  
7 property. The uses are separate but still  
8 connected with sidewalks so that you can walk from  
9 the apartment building through a designated  
10 walking area to the sidewalk up to Route 7 and up  
11 into the retail stores there also. Ultimately,  
12 there will be more greenspace.

13 Since this was originally submitted, as we  
14 said, we've had conversations with Mr. Bogossian  
15 which is why we handed out a third concept to you  
16 tonight. This design has advanced. This shows  
17 how the concept of sharing parking between the two  
18 parcels - while there were agreements that were  
19 worked out in detail, there is still a general  
20 commitment from both parties to do that type of  
21 thing. It allows us to reduce the parking on our  
22 site, have more greenspace and potentially move  
23 the apartment building a little farther forward  
24 away from the Laura Drive neighborhood and  
25 potentially even banking more spaces. It's our

1 belief that although it only requires 60 spaces  
2 for this development, that is way above what was  
3 actually needed in use. As we work through the  
4 design we would be able to bank some more of those  
5 spaces and have more green area.

6 CHAIRMAN STUTO: It's difficult for me to see on  
7 that one. Is that connected with the Bogossian  
8 property?

9 MR. HOLLAND: It is connected with the Bogossian  
10 property. As it's drawn at this point, there are three  
11 different spaces as you come from Troy Road all the way  
12 back, there is an entrance or exit in the front. There  
13 is another one in the middle and a third one in the far  
14 back. So, the truck getting to the dumpsters and such  
15 will be better so people don't get trapped back there.  
16 Again, these are ongoing discussions.

17 CHAIRMAN STUTO: Can you come up here and show me  
18 where the connections are to the adjacent properties?

19 (Mr. Holland complied with the request.)

20 CHAIRMAN STUTO: Okay, we can see it now. It says  
21 Site Concept 3.

22 MR. HOLLAND: That's the general site layout. We  
23 will need to end up having this treated as one project  
24 connecting both of the driveways with Mr. Bogossian's  
25 property. I'll add that we still need to have final

1           agreements between parties on this and we expect that  
2           there will be some entrances and other things and this  
3           is by no means the final project, but this is the  
4           general concept that we're heading for.

5                     From there, we'd like to open it up to  
6           questions and thoughts and see what the feeling  
7           is. We'd like to know what the Board thinks and  
8           which way you would like to see us go.

9                     CHAIRMAN STUTO: I think that it would be helpful  
10          to get comments from our Town Designated Engineer. I  
11          know that he didn't draft a letter. We asked him  
12          specifically not to because we didn't want to expend  
13          your client's money on that. I know that he's looked  
14          at least at the two plans. I'm not sure if he's looked  
15          at the third one.

16                    MR. GRASSO: I haven't, but I can speak to it.  
17          Both changes are relatively minor.

18                    Going back to the last Planning Board meeting  
19          - what we took from that was that there were some  
20          comments regarding the compatibility of the two  
21          uses on the site; one being commercial and the  
22          other being the apartment building.

23                    Then there were a lot of comments regarding  
24          the layout of the site and the adjacencies between  
25          the uses and whether or not they were



1 appropriately separated and had their own  
2 identity. So, with that I think that it prompted  
3 the applicant to take a hard look at the layout.  
4 Basically what we're looking at tonight, I would  
5 consider substantial changes to the project in  
6 response to the concerns raised. They also did a  
7 great job taking into consideration the  
8 suggestions made by the adjacent owner by what  
9 we're not seeing as basically a commingling of  
10 some of the layout components.

11 Jesse did a good job describing the changes  
12 to the project from the plan that we were  
13 previously looking at. I had noted nine  
14 significant changes to the plan - things that I  
15 see that have made the plan better and Jesse spoke  
16 to three of those -- those being shared access,  
17 the separation of the parking areas from the  
18 commercial and residential, and the elimination of  
19 the curb cut on the adjacent lot on the adjacent  
20 Bogossian property.

21 The other things that I had picked up and I  
22 think that are noteworthy is that the new access  
23 arrangement provides a separation of the driveway  
24 from the commercial building. When you came in  
25 you basically came in right along side the

1 commercial building where you had the parking for  
2 the commercial - right along side to your right.  
3 Before, there was no separation. If you were  
4 going to the apartment building, there was no  
5 separation from that building. So, we think  
6 that's noteworthy.

7 Also the loading dock orientation to the  
8 building has been changed, based on the original  
9 plan, the loading dock was directed straight to  
10 the back of the property where now it's orientated  
11 between the two commercial properties. That will  
12 be pointing to the east. If you can note that  
13 locating dock orientation change, we felt that was  
14 noteworthy.

15 The original plan proposed -- and I say the  
16 original plan but it was really the last plan that  
17 we had looked at. This plan has obviously gone  
18 through a lot of iterations through the years.  
19 The original plan had overflow parking behind the  
20 apartment building, which might have been required  
21 if the demand was there and that's no longer  
22 proposed. All of the building is now either in  
23 front of the apartment building, or to the side or  
24 on the adjacent commercial lot. So, we felt that  
25 was noteworthy.

1           Regarding the access location on Route 7,  
2           it's now proposed to line up directly across from  
3           Knadler Drive, which is a suggested access  
4           arrangement from DOT and from our perspective in  
5           terms of highway design.

6           Regarding the shape of the commercial  
7           building, it's changed slightly from what was  
8           originally proposed. There is a greater frontage  
9           build-out of the building facade and that's  
10          something that the Code encourages in its design  
11          standards. It's got to be made up of either  
12          building or fencing. What they have been able to  
13          do through that redesign is have more greater  
14          front facade of the building. So, it's better in  
15          keeping with the Code.

16          The last thing that I noted was the number of  
17          parking spaces now proposed to meet the Code.  
18          Before we were trying to wrestle with how many  
19          they were going to build now and how many parking  
20          spaces they might ultimately need if demand  
21          increased. They were proposing to bank some  
22          spaces. I think that's a another positive aspect  
23          of the project.

24          Obviously, the cooperation between the two  
25          properties is now what is vitally important

1           regarding the access and the shared parking. The  
2           one question that we would have right now would be  
3           the agreement - are there any agreements in place  
4           or plans to memorialize the agreement with the  
5           adjacent property owner regarding the shared  
6           access arrangement, the closing of the curb cut  
7           and the commingling of the parking areas? That's  
8           where we're at.

9                   CHAIRMAN STUTO: We'll take comments from the  
10           Board.

11                   Susan?

12                   MS. MILSTEIN: No.

13                   CHAIRMAN STUTO: Karen?

14                   MS. GOMEZ: No.

15                   CHAIRMAN STUTO: Tim?

16                   MR. LANE: Going back to Concept 2 where you had  
17           the building at another angle - what was the  
18           disadvantage? You mentioned something about it.

19                   MR. HOLLAND: Based on that angle and the curb of  
20           Laura Drive, that gives you sort of a full view or  
21           straight on view of that building from the Laura Drive  
22           area. When it's perpendicular to Route 7, you get a  
23           quarterly review of the building.

24                   CHAIRMAN STUTO: Internally, I like the angle.

25                   MR. LANE: Looking at it from this standpoint, it

1 looks more advantageous. Do you lose parking?

2 MR. HOLLAND: We needed to do that to make enough  
3 parking to bring it in on a separate driveway. This  
4 way, we don't need that extra parking there.

5 MR. LANE: So, you don't need the extra driveway.

6 MR. HOLLAND: Right, and you add a lot more  
7 pavement to it.

8 MR. LANE: Thank you.

9 CHAIRMAN STUTO: Brian?

10 MR. AUSTIN: I'm quite impressed with what you've  
11 done compared to what we have seen before. I'm  
12 pleasantly surprised with the separation of the two  
13 uses and how you've gone about doing that. I like  
14 Concept 3 because I know that it gets rid of some of  
15 the parking. As you said, you don't need all that  
16 parking. That would be a waiver that you would need  
17 from zoning and planning.

18 What you have done is a complete 180 from  
19 before and we really appreciate that; at least I  
20 do.

21 CHAIRMAN STUTO: Lou, do you have anything?

22 MR. MION: I'd like to complement you also. I'm  
23 very impressed with the work that you did and the  
24 changes that you made and I like them.

25 CHAIRMAN STUTO: Kathy?

1 MS. DALTON: Thank you for sending me a letter,  
2 first of all. I really appreciate it. I know that my  
3 neighbors appreciated it. Did they have any  
4 significant comments?

5 MR. HOLLAND: Nothing in particular. Some people  
6 don't want anything in there whatsoever. Others just  
7 want to see how it's laid out. We're commenting on  
8 this project versus the bubble and how they can hear  
9 the cheering in the bubble.

10 MS. DALTON: The bubble is bad. I have to tell  
11 you that the bubble is bad. Thank you, though. I did  
12 appreciate the notification.

13 I noted the change in the loading dock.  
14 Could you just kind of show up there how it's  
15 going to work now with the trucks coming in and  
16 turning around?

17 MR. HOLLAND: A truck can come in this way  
18 (Indicating) and then back in the loading dock and pull  
19 straight out, or pull in and pull back into Mr.  
20 Bogossian's property. You sort of have a number of  
21 different ways that you can do so and the apartments  
22 are still separated from it.

23 MS. DALTON: I was thinking of the turn around -

24 MR. HOLLAND: No, we're going to make them back up  
25 and then go out.

1 MS. DALTON: That's a better plan. So, thank you.

2 MR. HOLLAND: If I may address those comments  
3 there? There won't be a written agreement, as they  
4 have not been drafted yet. We wanted to see if we  
5 actually had a project before going to the extent of  
6 getting lawyers involved. I believe that Mr. Bogossian  
7 has come up from Pennsylvania if you want to hear  
8 comments from him also.

9 MS. DALTON: My second question has to do with the  
10 crosswalks. One of our big concerns, as you are  
11 probably aware, was the safety if there were children  
12 living in the building and getting the children from  
13 the building out to the main road in the morning and  
14 the afternoon when they have to get to the busstop. I  
15 just want to make a point of saying that I note that  
16 you put in a crosswalk there so that if they do have to  
17 pass through the parking lot, it will be designated as  
18 part of other sidewalks. So, I think that's an  
19 important part of the plan.

20 Just by way of the information, Joe, I would  
21 note that as another big change that they  
22 incorporated that in the aspect. It thought that  
23 was good.

24 MR. LANE: As per DOT, it will have the ADA  
25 compliance?

1 MR. HOLLAND: Yes.

2 MS. DALTON: So, the only other suggestion would  
3 be is that I note that you have lots of greenspace in  
4 your backyard now and you've taken into account a  
5 possible patio and so forth, but you also say that  
6 there is going to be a fence. I would just suggest  
7 that if you didn't clear all that and keep some of the  
8 natural vegetation there, that might work just as  
9 nicely. People want to get back there if they can, but  
10 it would still provide some of that shading so that the  
11 neighbors won't be more exposed to any portion.

12 MR. HOLLAND: Absolutely.

13 MS. DALTON: Otherwise, I think that you did a  
14 great job, and as one of the neighbors I thank you very  
15 much for taking our concerns into account.

16 MR. HOLLAND: Thank you.

17 CHAIRMAN STUTO: I want to make a couple of  
18 comments. I appreciate all the effort as well and I  
19 echo everything that's been said so far. I actually  
20 like the aesthetic too, but I understand the reason why  
21 that's not practical - extra driveways and the other  
22 impervious pavement.

23 I do have questions on elevations on the  
24 apartment building. I've been paying a lot of  
25 attention to apartment buildings as I drive around



1 the Town. I didn't see them in here, but I assume  
2 that we'll get them.

3 MR. HOLLAND: Obviously, we had to rebound the  
4 entire project and now everyone is kind of starting  
5 from scratch.

6 CHAIRMAN STUTO: The architectural details of the  
7 apartments are going to be very important as one member  
8 of this Board. Also, I think that the ones with  
9 separate entrances are better than the internal  
10 hallways. That's my comment.

11 MS. DALTON: When Lou and I were out walking the  
12 property, we were thinking about where you were going  
13 to put that driveway. I seem to recall that there was  
14 a utility pole there.

15 MR. HOLLAND: The only place that utility poles  
16 exist is where you want to put a driveway.

17 MS. DALTON: I believe that it's going to line up  
18 with Knadler Drive.

19 MR. HOLLAND: That's correct. That will need to  
20 be addressed.

21 MS. DALTON: Is that something that can be done?

22 MR. HOLLAND: With money, you can do anything.  
23 Obviously, that's one of the issues that have to be  
24 addressed is the utility poles and all that type of  
25 stuff.

1                   CHAIRMAN STUTO: Did you hear what I was saying on  
2 the apartment?

3                   MR. HOLLAND: Yes.

4                   CHAIRMAN STUTO: Did you want Mr. Bogossian to  
5 speak?

6                   MR. HOLLAND: He traveled all this way.

7                   MR. BOGOSSIAN: Thank you. My name is Gary  
8 Bogossian and I own 836 Troy-Schenectady Road and I did  
9 have other business to attend to too and part of my  
10 family is up her,e, too. It wasn't just for tonight.

11                   As you all have heard, the applicant has gone  
12 back to the last hearing in August that we were  
13 here talking with Mr. Grasso and some of the Board  
14 Members. During the hearing there was some  
15 interest in trying to free up their property with  
16 some additional greenspace and again, the  
17 separation between the uses to make them a little  
18 more livable. So, someone had asked if we had  
19 been involved in trying to share, as you hae done  
20 on some other properties throughout the township,  
21 which is a great concept. So, we went back and  
22 looked at it with them. I came up with some  
23 suggestions that a few of you hadn't seen. We  
24 have come with this particular type of concept  
25 plan which we would agree with and we are

1 promoting with the applicant to create one central  
2 drive that would be a better access than multiple  
3 drives on Route 7. And you all know what a hard  
4 road that is to negotiate. As you know, parking  
5 can be used at different times of day with  
6 different uses. So while the code may require a  
7 number of spaces - and we can take some of their  
8 spaces and put them on our side - we don't have a  
9 particular parking problem. They could use some  
10 of our space or the spaces that were built there,  
11 if they need them.

12 MS. DALTON: Mr. Bogossian, just to clarify the  
13 record, part of the problem of the way that they had  
14 banked parking spaces and the other parking spaces was  
15 again adjacent to the building and there's no place for  
16 those children to actually be. Being able to move  
17 those parking spaces and get rid of the banked parking  
18 spaces entirely, in my mind, includes the other issues  
19 that we were concerned with.

20 MR. BOGOSSIAN: Absolutely. And you saw, as Mr.  
21 Grasso pointed out, they are able to bring a driveway  
22 in and separate that from the actual activity of the  
23 commercial parking. All of those things contribute to  
24 the separate uses to make them more distinct and  
25 usable. Then you'll see even as the engineer

1 progresses, if he's able to provide some of the  
2 required parking as banked parking spaces for the  
3 future, they can increase the green area and decrease  
4 the impervious area. So, it would be working with the  
5 Town's engineer on that to see if there is some  
6 additional work that can be done to provide even more  
7 greenspace.

8 Mr. Stuto, when you had seen the plan at the  
9 45 degrees, one of the things that they were  
10 trying to show the Board was that if you created a  
11 whole separate entrance, it was really enough of a  
12 solution. It doesn't mean that Mr. Ingalls can  
13 come back and he can now look at different  
14 orientations of the building that might be more  
15 appealing to the Board. Now, there is more  
16 freedom. So, just to reiterate, we are committed  
17 to working with them. We've talked several times  
18 about what needs to be done. We would like again,  
19 as Mr. Holland mentioned, for this to be looked at  
20 as one project so that the improvements can be  
21 looked at together in conjunction at the same time  
22 with these improvements.

23 CHAIRMAN STUTO: Sounds good.

24 Anything else?

25 (There was no response.)

1                   CHAIRMAN STUTO: Joe Grasso, any final comments?

2                   MR. GRASSO: No.

3                   CHAIRMAN STUTO: Okay, we look forward to you  
4 coming back, having listened again to our comments. We  
5 thank you for all the work that you put in. If you do  
6 come back -- and I'm pretty sure that you're going  
7 to -- we'll be hearing from the neighbors then as well  
8 and there will be a closer review from our Town  
9 Designated Engineer. We look forward to seeing you.  
10 Thank you.

11                   MR. LACIVITA: Just for the record we're looking  
12 at concept three as the preferred method from this  
13 Board and we're advancing. That's what we're looking  
14 at. I just want to make sure that we're headed forward  
15 with the one that's acceptable at this point.

16                   CHAIRMAN STUTO: I think that the Board is in  
17 agreement on that. If somebody isn't, they can speak  
18 up.

19  
20                   (Whereas the proceeding was concluded at  
21 7:40 p.m.)

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CERTIFICATION

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

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NANCY STRANG-VANDEBOGART

Dated February 7, 2013

