

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 MURRAY MANOR APARTMENTS  
5 616A BOGHT ROAD  
6 BOARD UPDATE

6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above  
8 entitled matter by NANCY STRANG-VANDEBOGART, a  
9 Shorthand Reporter, commencing on April 9, 2013 at  
7:01 p.m. at The Public Operations Center, 347 Old  
Niskayuna Road, Latham, New York.

10

11 BOARD MEMBERS:  
12 PETER STUTO, CHAIRMAN  
13 BRIAN AUSTIN  
14 SUSAN MILSTEIN  
15 TIMOTHY LANE  
16 LOU MION

17 ALSO PRESENT:

18 Elena Vaida, Esq., Counsel to the Planning Board  
19 Joe LaCivita, Director, Planning and Economic  
20 Development  
21 Mary Berger  
22 Chuck Voss, PE, Barton and Loguidice  
23 Russ Harding  
24 Eric Tanski  
25

1                   CHAIRMAN STUTO: Welcome to the Town of Colonie  
2 Planning Board.

3                   Joe, do you have any business that you need  
4 to talk about?

5                   MR. LACIVITA: Nothing administratively, Peter.

6                   CHAIRMAN STUTO: Okay, then we'll go straight down  
7 the agenda and we'll call up the first item. Murray  
8 Manor Apartments, 616A Boght Road, Board update from  
9 the March 12th meeting. This is a two story/two unit  
10 apartment building.

11                  MR. LACIVITA: You'll remember that at the March  
12 12th Planning Board meeting, the Planning Board granted  
13 concept on the 12-unit project. They did ask the  
14 applicant to go back and review the elevations and  
15 consider a couple of options for the building, based on  
16 the fact that they were looking at it being 55 years of  
17 age and older. The applicant went away and did their  
18 homework on a number of the issues and they're here  
19 tonight to update the Board so that they can progress  
20 to final. I don't know who is going to be talking  
21 tonight.

22                  MS. BERGER: My name is Mary Berger. Mr. Chairman  
23 and Members of the Board on March 12th the applicant,  
24 Mr. Eric Tanski and Mr. Russ Harding came before the  
25 Board seeking concept approval for the project, Murray

1 Manor Apartments which is a 12-unit residential  
2 dwelling at 616A Boght Road. What they did receive, I  
3 believe, is called concept acceptance. They were asked  
4 to review some questions that were raised in those  
5 minutes by the Board at the next meeting which is  
6 tonight.

7 As a follow up to the March meeting, Eric and  
8 Russ met with Mr. LaCivita on March 29th to  
9 discuss the minutes a little bit further as well  
10 as discuss their ideas to make the project more  
11 acceptable to the Board. As a result of the  
12 meeting, Mr. LaCivita asked the applicant to  
13 submit a new packet to the Board to review, which  
14 I hope you all have. It includes a revised front  
15 elevation, the floor plan and a list of amenities  
16 as well as a list of comparable apartment  
17 buildings in the capital district which have a  
18 single point of entry. Russ and Eric will discuss  
19 the project in detail.

20 What I would like to address is one of the  
21 concerns raised by the Board, which was the  
22 project being 55 years of age and older. From the  
23 start, Eric and Russ wanted an apartment building  
24 that would serve the community design for  
25 occupancy by persons 55 and older because they

1 felt that the need existed for such housing. This  
2 concept was first discussed when Eric and Russ  
3 went before the Zoning Board in December of 2012.  
4 The concept for older persons housing was also  
5 well received by the neighbors at 616A Boght Road.  
6 Having researched further what is entailed for 55  
7 and older housing, Eric and Russ found that such  
8 housing falls under the housing for older persons  
9 act of 1995 which was signed into law by President  
10 Clinton of December of that year. In accordance  
11 with the act, as landlords, Eric and Russ would be  
12 required to rent to one person 55 years of age or  
13 older per unit. There is also a requirement that  
14 the facility maintain at least 80 percent  
15 occupancy of at least one person per unit of age  
16 55 or older. Additionally, the act eliminated the  
17 requirement that housing for older persons had  
18 significant services and facilities designed for  
19 its elderly residents. Eric and Russ would also  
20 be required to establish age verification  
21 procedures.

22 Victor Caponera who represents the applicant  
23 recently spoke to Mr. Tengeler and provided him  
24 with a letter which outlines this fact in which he  
25 feels adequately addresses the 55 age issue.

1 Has everyone seen that letter?

2 CHAIRMAN STUTO: Is that in our package?

3 MR. LACIVITA: We have copies.

4 MS. BERGER: One point that I'd like to make  
5 regarding the age issue is that while the housing for  
6 older persons act eliminated the requirements of such  
7 housing, this provides significant facilities and  
8 services specifically designed to meet the physical or  
9 social needs of older persons.

10 Eric and Russ are proposing the six bottom  
11 floor apartments which constitute 50 percent of  
12 their units be handicapped accessible. They'll  
13 comply with ADA requirements regarding the door  
14 width, the ability to maneuver in bathrooms,  
15 replacement of light switches, towel bars and grab  
16 bars in the showers.

17 CHAIRMAN STUTO: Is that the first floor plan?

18 MR. TANSKI: Yes.

19 MS. BERGER: Having discussed briefly the 55 age  
20 issue, I'd like to turn this over to Eric and Russ so  
21 that they discuss the project and the changes that  
22 they've made since March.

23 CHAIRMAN STUTO: Thank you. We appreciate your  
24 efforts on that.

25 MR. HARDING: I'm Russ Harding. Last time we were

1 here, we had a few questions that we didn't answer, so  
2 we're back here to answer some questions.

3 One of the questions that we were asked was  
4 on the doorways and why we do the three instead of  
5 the separate doorways. The main reason why we did  
6 it this way is because of the lot. We have a  
7 weird configuration of this lot that as the lot  
8 comes in, we have the 80-foot frontage and we go  
9 all the way back here (Indicating) which is quite  
10 a distance in the back where the building is  
11 positioned and the parking lot is in front and, of  
12 course there is the proposed detention ponds. By  
13 going to the other side of the building, which we  
14 did look at - we went to Cornerstone and Hudson  
15 River - those that have the separate doors. Those  
16 buildings are much larger and wider and we cannot  
17 actually do that on our plot here. Where our plot  
18 is - that will not work with all the separate  
19 doorways. It won't work with our parking lot and  
20 our retention area. We cannot get the building to  
21 that style. That's why we went back to our  
22 architect and we redid an elevation on this  
23 building with the three door entrances here  
24 (Indicating).

25 CHAIRMAN STUTO: I'm a little slow. Can you go

1 over that one more time? I'm not being argumentative.  
2 Why the lot configuration such that you can't get the  
3 extra doors in?

4 MR. HARDING: Because of the way that the lot is.  
5 The buildings that have separate doors are much larger  
6 buildings than ours. The width of those buildings are  
7 about 87 to like 85 feet in width. Our building here  
8 is about 40 foot in width and that's with the awnings,  
9 too. So, to put the building in with all the different  
10 doorways, the building would have to be a much bigger  
11 building. It just doesn't fit on our parcel of land  
12 that we have.

13 CHAIRMAN STUTO: What percent bigger did you say?  
14 You went from 40 to 80?

15 MR. HARDING: Our building here is 34 foot wide.  
16 With the front awnings that go over the doorways, that  
17 makes it about 40 - these are about six feet here  
18 (Indicating). So, actually the width of our building  
19 is about 40 feet. These buildings, like Cornerstone,  
20 which Marini just built and Hudson River - when you go  
21 and see them, those buildings with the separate  
22 doorways which the Board kind of said that they think  
23 those are most desirable or whatever -- those buildings  
24 are about 87 or 85 feet in width. So, it's almost  
25 double the width.

1                   CHAIRMAN STUTO: That can't all be just  
2                   attributable to the extra doors. There may be a  
3                   percentage.

4                   MR. HARDING: It is for the doors. The building  
5                   has to be that much bigger -

6                   CHAIRMAN STUTO: You're saying that the width has  
7                   to double?

8                   MR. HARDING: Yes, it does. The buildings are  
9                   about 85 or 87 feet wide to about 120 feet long.

10                  CHAIRMAN STUTO: And I'm saying is: Is that all  
11                  attributable to the separate entrances, or are there  
12                  other reasons?

13                  Joe or Mike, can you help me on this? This  
14                  doesn't sound right to me.

15                  MR. LACIVITA: Russ, I think that what Peter is  
16                  trying to say is the fact that this right now - the  
17                  length of your building based on single entry points to  
18                  your complex is 40 feet. You're saying that trying to  
19                  accommodate what the Board is asking for and by adding  
20                  individualized entry points, it goes up to 87 or  
21                  deeper. That's what you said.

22                  CHAIRMAN STUTO: I understand that you're saying  
23                  that, but you're comparing it to a particular apartment  
24                  complex. I'm saying that it just doesn't seem right to  
25                  me. I don't know if any of the engineers want to chime

1 in. That dimension is going to double because of that?  
2 That doesn't seem right to me. Are you saying that's  
3 the single factor of the separate doors that causes  
4 that dimension to double? If you double one dimension,  
5 you double the square footage of the whole building.  
6 That's simple geometry.

7 MR. LACIVITA: Even if you're looking at a  
8 four-foot entry point and multiplying that -

9 MR. HARDING: The lot size - they couldn't get  
10 that configuration in. There are other reasons why we  
11 picked it. The main reason was because of the lot.

12 CHAIRMAN STUTO: I understand that you're saying  
13 that there is a size increase, but to say that it  
14 doubles one of the dimensions - which in effect doubles  
15 the square footage of the whole building, doesn't sound  
16 correct to a layperson like me.

17 Can one of the engineers help me?

18 MR. HARDING: I'm just going by the building that  
19 I saw at Cornerstone. Their building is about 87 feet.

20 CHAIRMAN STUTO: And I'm saying that there must be  
21 other reasons other than the doors -

22 MR. HARDING: There are different entrances all  
23 around the building. There is not just one thing all  
24 the way around. I'm saying that they have different  
25 points where they enter.

1                   CHAIRMAN STUTO: I understand that.

2                   Paul Rosano, you're a Town Board Member and a  
3 former Planning Board Member -

4                   MR. ROSANO: I haven't heard anyone say there is  
5 a different size in the apartments.

6                   CHAIRMAN STUTO: That's what I'm saying. There  
7 has to be another reason.

8                   MR. ROSANO: I would think that a building that  
9 spans 87 feet wide -- that the rooms are larger in  
10 size?

11                  CHAIRMAN STUTO: That's what I'm trying to figure  
12 out.

13                  MR. HARDING: They are larger; that's correct.

14                  MR. VOSS: Russ, are you saying that to  
15 accommodate a separate entryway for every unit, at  
16 least on the ground floor, you'd have to change your  
17 internal floor plan to allow that to happen?

18                  MR. HARDING: Yes. You'd lose all your natural  
19 light through the windows.

20                  MR. VOSS: And you'd have to reconfigure the walls  
21 and rooms?

22                  MR. HARDING: Yes. There was also better security  
23 for the tenants. Also, the more energy efficient - the  
24 three doors versus the less amount of doors and the  
25 sidewalks and not having all the different doorways

1 coming out the sidewalk where you had to make sure that  
2 everything was clean in front of those doors. We'd  
3 have just the main entrance.

4 CHAIRMAN STUTO: I don't agree on the security  
5 point that you make. You have hiding spaces where  
6 somebody can get in that door - in the common  
7 vestibule. I think that Kathy said before that she  
8 wouldn't want to be in that situation. I'm not going  
9 to say that I'm going to stop you. I'm glad that you  
10 looked at it and I appreciate it. I don't necessarily  
11 agree with that point. Most people want a separate  
12 doorway so that when they know that when they open the  
13 door, they know that nobody else can be in there and  
14 that it's their separate door.

15 MS. BERGER: May I raise something on the security  
16 issue? I did some research on safety in the area and  
17 back in 2008 there were a series of rapes at Woodlake  
18 Apartments in Guilderland which were all single point  
19 entrance buildings. You can Google that. They felt  
20 that perhaps it was a lighting issue. They just said  
21 that you can take an end apartment that has a single  
22 point of entry and an individual can be standing on the  
23 side of the building. When they heard the person go  
24 into the building, what they were doing is coming  
25 around and pushing the person in because it was a

1 single entrance and they just shut the door behind  
2 them. There was at least two reported rapes and they  
3 said that there may have been a couple of others in  
4 2008. It's one or the other. Anything can happen at  
5 any point of entrance.

6 CHAIRMAN STUTO: Okay, thank you.

7 MR. HARDING: And also the energy also would cost  
8 more.

9 We also found that most of the apartment  
10 complexes in the area - as you see there isn't so  
11 many that have their own entrances in the Town of  
12 Colonie. Most of them have the common entrance in  
13 this Town. The ones that we found that I saw -  
14 especially the older ones - had separate doors  
15 going in that everybody left their stuff outside  
16 their door - all their snow shovels and everything  
17 that they use for outside stuff. So, they were  
18 more cluttered. The gas grills and the ones with  
19 the common doorways like this. We saw that in the  
20 area here, except for Cornerstone that is brand  
21 new and Hudson River which is fairly new. Still,  
22 even there they had some of the clutter rather  
23 than people that had the common entranceway like  
24 this (Indicating).

25 We took the elevation of the middle section

1 here and we raised the roof. We put heels on the  
2 trusses here and we raised this roof a foot.

3 CHAIRMAN STUTO: I think that's a very good  
4 feature, personally.

5 MR. HARDING: We also added stone. Before we had  
6 stone on just part of these other units here  
7 (Indicating). We didn't have it all the way on the  
8 outside. So, we added the stone on the outside and it  
9 went all the way up. Plus, you have stone on the other  
10 part. We added the cupolas and then by the trim here  
11 on the middle section, we added the trim pieces and  
12 then shaved the siding on the middle building so that  
13 instead of looking like one building completely the  
14 same, we made it look like three different buildings.  
15 We have a sample of the stone here that we're going to  
16 use.

17 MR. AUSTIN: The gables are different also?

18 MR. HARDING: No, the gables are the same. This  
19 middle one will be taller because we raised the roof  
20 about a foot or so.

21 MR. AUSTIN: You have overhangs on the first floor  
22 on the entryways?

23 MR. HARDING: No, they were there. It wasn't a  
24 very good picture the last time that we were here. The  
25 shades are in the middle section. The shades are in

1 the middle but they're also on the side gables. The  
2 shades come all the way down and the rest is siding.  
3 The sidewalk all the way from the building front -- all  
4 the way down Boght road -- that's added on your plan.  
5 My plan doesn't show it, but yours does.

6 CHAIRMAN STUTO: What was the last point?

7 MR. HARDING: The sidewalk goes all the way down  
8 Boght Road. We added that.

9 Also on your plan you can see where the old  
10 warehouse is to be removed.

11 Somebody was asking about garages. I went  
12 back and asked Sang Kim and he says that we could  
13 configure garages where the old warehouse is. It  
14 would be angled toward the driveway going in. He  
15 figures that he might be able to get seven or  
16 eight there, depending on the setbacks. They  
17 would be 12 by 22. He says he might be able to  
18 get seven or eight there. They would face the  
19 driveway coming in. We can't do that now because  
20 we'd have to go back to the Zoning Board, but we  
21 would be able to add that later on at a later  
22 date.

23 MR. AUSTIN: Are those mostly for storage?

24 MR. HARDING: We would offer them to the tenants.  
25 Someone from the Board was mentioning that last time.

1 That's something that we can do in the future.

2 CHAIRMAN STUTO: He's asking if that's big enough  
3 for a vehicular garage.

4 MR. TANSKI: Yes, it is.

5 MR. HARDING: Yes, it would be.

6 MR. AUSTIN: I just wondered if the tenants would  
7 want to walk all that distance to their car.

8 MR. HARDING: Well, like I was saying, we could  
9 put it there and we could offer them. It's something  
10 that we could go back and do and we could offer them.

11 MR. MION: That's active 55.

12 MR. HARDING: That's active 55, so they would have  
13 to walk to get to there.

14 MR. LANE: What is that approximate distance?

15 MR. HARDING: I'd have to say probably like 50 or  
16 60 feet. We can add that down below.

17 MR. VOSS: It's closer to 100 feet from the  
18 building to the closest garages.

19 CHAIRMAN STUTO: Anything else?

20 MR. HARDING: I think that's it. That's basically  
21 what the Board was asking for.

22 CHAIRMAN STUTO: Okay, thank you. I appreciate  
23 the presentation and all the work that you did.

24 Susan, do you have any comments or questions?

25 MS. MILSTEIN: Most of these referenced apartments

1 are mostly older. Are any of them more recent  
2 construction?

3 MR. HARDING: The recent ones are probably Hudson  
4 River Preserve and the one that Marini just built.  
5 Those are the most recent.

6 MS. MILSTEIN: That are on your list?

7 MR. LACIVITA: The newest ones on his list are  
8 probably Harmony Hills.

9 MR. HARDING: Right, and that's an older building.

10 CHAIRMAN STUTO: Right, but that's a retrofit of a  
11 factory.

12 MR. HARDING: Right.

13 MS. MILSTEIN: So, is it fair to say that these  
14 are older apartment complexes?

15 MR. HARDING: I went to this area and outside  
16 areas. I went into Cohoes and Albany. I went into  
17 Dutch Village and Park Lane. Most all of them have  
18 common areas like this.

19 CHAIRMAN STUTO: Those are all older ones. You've  
20 done some vast improvements.

21 MR. HARDING: The townhouse ones on Sparrowbush  
22 Road are townhouse style and they are upstairs and  
23 downstairs apartments. They're Berry Oxford  
24 Apartments. They are more of a townhouse style  
25 apartment. That's older, also.

1                   CHAIRMAN STUTO: I was thinking of the Paddocks.  
2                   You can see them from the Northway. That's up toward  
3                   Saratoga. The ones that are on Van Schaick Island.  
4                   I've forgotten what they are called. There is the  
5                   Riverwalk. I think that they're newer, and I think  
6                   they have the separate entrances. I think that's maybe  
7                   Green Island.

8                   MR. HARDING: I don't think that the Riverwalk is  
9                   separate.

10                  CHAIRMAN STUTO: I think that the other  
11                  improvements that you did are really good. You broke  
12                  up the building in three sections. You've changed the  
13                  finishes so that they look like three separate  
14                  buildings and I think that aesthetically that makes a  
15                  good difference. The cupolas are nice. The stone and  
16                  the shape is nice. The education on the 55 and over, I  
17                  think, is good. The fact that you're differentiating  
18                  the upper floors from the lower floors - I think that's  
19                  good too.

20                  Other feedback?

21                  (There was no response.)

22                  MS. BERGER: Do we come back for final?

23                  MR. LACIVITA: You'll have to go back through your  
24                  final submission packet and apply towards that so that  
25                  we can get you back on here. Just as we talked in the

1 meeting, prepare your final submission packet so that  
2 we can get it to the Town Designated Engineer, our  
3 departments, and then we can get you up here as soon as  
4 we possibly can.

5 MS. BERGER: Thank you.

6 CHAIRMAN STUTO: Okay, thank you.

7

8 (Whereas the above entitled proceeding was  
9 concluded at 7:28 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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.

\_\_\_\_\_  
NANCY STRANG-VANDEBOGART

Dated April 15, 2013

