

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 THE CROSSINGS APARTMENTS PDD  
5 32 & 40 AVIATION ROAD  
6 APPLICATION FOR REVIEW AND ACTION ON CONCEPT  
7 SUBMISSION AND RECOMMENDATION TO THE TOWN BOARD  
8 ON THE PROPOSED PDD REZONING

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10 THE STENOGRAPHIC MINUTES of the above entitled  
11 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
12 Reporter, commencing on December 2, 2014 at 7:37  
13 p.m. at The Public Operations Center, 347 Old  
14 Niskayuna Road, Latham, New York

15 BOARD MEMBERS:  
16 PETER STUTO, CHAIRMAN  
17 TIMOTHY LANE  
18 LOU MION  
19 KATHY DALTON  
20 TIMOTHY LANE  
21 CRAIG SHAMLIAN

22 ALSO PRESENT:  
23 Kathleen Marinelli, Esq., Counsel to the Planning Board  
24 Michael Tengeler, Planning and Economic Development  
25 Joe LaCivita, Director, Planning and Economic Development  
26 Joe Grasso, PE, CHA  
27 Michael Crisafulli, Jr., Crisafulli and Associates  
28 Nick Costa, PE, Advance Engineering  
29 Michael Crisafulli, Sr., Crisafulli and Associates  
30 George Olsen, Olsen and Associates

1           CHAIRMAN STUTO: The next project is the Crossings  
2 Apartments PDD; 32 & 40 Aviation Road. This is an  
3 application for review and recommendation to the Town  
4 Board. This is two multi-story apartment buildings  
5 totaling 158 units.

6           Joe Grasso, do you want to an introductory?

7           MR. GRASSO: Sure, I will.

8           The project is the Crossing Apartments PDD.  
9 It's at the corner of Aviation and Metro Park Drive,  
10 off the Wolf Road corridor about a block. The site  
11 abuts up against the Crossings Park and also abuts  
12 up against the Rudy Ciccotti Center located behind  
13 the site. It's a proposed PDD so it's a zone change  
14 and it requires Town Board approval. When the  
15 applicant makes the initial rezoning request to the  
16 Town Board, the Town Board typically refers it right  
17 back to the Planning Board for review and  
18 recommendation.

19           This project has been before us only for a  
20 sketch plan review, so it's back before us for a  
21 concept site plan review and recommendation on the  
22 rezoning request back to the Town Board.

23           Tonight there is a letter in your packet from  
24 us. You'll hear from the applicant. We can go  
25 through our comment letter and hear from the public

1 and obviously hear from the Town Board. You can  
2 decide whether or not the application is ready to go  
3 back to the Town Board, or you can continue to hear  
4 it until you feel satisfied that it's ready to go  
5 back to the Town Board. If the project does make it  
6 back to the Town Board or it always can even with  
7 unfavorable recommendation and the Town Board  
8 decides to vote favorably upon the PDD legislation  
9 and rezoning request, then it would come back for  
10 the Planning Board for final site plan approval.

11 CHAIRMAN STUTO: I want to understand the  
12 procedure. I know that you have done this before but do  
13 they make a joint application or do they apply to the  
14 Town Board or the Planning Board?

15 MR. GRASSO: Their initial application is to the  
16 Town Board. That's where they started. Then, the Town  
17 Board immediately refers the application - I think that  
18 it was -

19 CHAIRMAN STUTO: Was there a Resolution from the  
20 Town Board?

21 MR. GRASSO: There is. It's in your packet all the  
22 way in the back. It was a while ago.

23 CHAIRMAN STUTO: That answers my question; thank  
24 you.

25 MR. GRASSO: It was April 2014; about nine months

1 or so ago.

2 CHAIRMAN STUTO: Okay, you want to turn it over to  
3 the applicant for the presentation?

4 MR. CRISAFULLI JR.: I'm Mike Crisafulli from  
5 Crisafulli and Associates. I just want to give you a  
6 brief overview on the project and where it stands now.  
7 I'll then turn it over to Nick Costa, our engineer and  
8 George Olsen, our architect, to review.

9 We apologize. We thought that we were going to  
10 have a Powerpoint presentation for you today. We're  
11 having some technical difficulties, so that won't be  
12 happening.

13 The entire Powerpoint presentation is in your  
14 hands now. That's what I just passed out. We can  
15 go over it as you look at it.

16 Basically when we first came in for sketch plan  
17 review we were at 175 units and two buildings and  
18 developing the floorplans further, as well as the  
19 site plan and the parking. We have since reduced  
20 that to 158 units.

21 There will be 48 units on the east property  
22 which is about a 2.5 acre parcel and 110 units on  
23 the western property which is about almost six  
24 acres.

25 The project will be a mix of one and two

1 bedroom apartments with about six studio apartments  
2 mixed in. They will be higher-end units, a little  
3 bit larger units of 1,235 square foot two bedroom  
4 units, 800 square foot one-bedrooms and a few  
5 studios that would have about 785 square feet.

6 The common amenities within the building would  
7 be your typical fitness room, library, business  
8 center and meeting room. There would be community  
9 gardens on the outside of the project and we're also  
10 in discussion with the Rudy Ciccotti Center to work  
11 out a membership with the residents. I actually got  
12 a really nice letter today from Nikki Caruso from  
13 Colonie Youth Center fully supporting the project.  
14 We've been working with her to address their  
15 concerns and they think it's great, which is great.  
16 We're hoping that will be a nice relationship with  
17 them.

18 We feel that the project meets many of the  
19 Town's Comprehensive Plan goals including providing  
20 housing for the aging and affordable work force  
21 population and to improve mobility throughout the  
22 Town. It would also be a great example of the  
23 development of an existing site to create a higher  
24 density of development that would be pedestrian  
25 friendly and a high quality design.

1           We believe that the project will have appeal to  
2           young professionals, to retirees and many different  
3           sectors of the marketplace that are looking for  
4           higher-end rentals. The market has shown that this  
5           has been a strong demand and we feel that this  
6           location within the Town and the amenities around it  
7           will make it a successful project.

8           With that, I'll turn it over to Nick to discuss  
9           the site plan.

10           MR. COSTA: Good evening. My name is Nick Costa  
11           with Advance Engineering and it's my pleasure to be the  
12           site engineer for the Crossings Apartment project.

13           The project is located on Aviation Road. There  
14           are two parcels that are shown on this map. The two  
15           parcels are located on Aviation Road and they're  
16           bisected by the National Grid parcel that goes  
17           across country through this area (Indicating). The  
18           two parcels in total are eight areas 7.92 acres.  
19           The larger parcel here would contain building 1  
20           which would be three stories in height and contain  
21           110 apartments. Building two would be in the  
22           smaller size parcel and it would contain the 48  
23           units; again, three stories in height. Access for  
24           both buildings would be from the existing Aviation  
25           Road and also from Metro Park Road along this area

1 (Indicating). There is an existing driveway that  
2 provides access to the Ciccotti Recreational Center  
3 that was built for that purpose to provide that  
4 access. This access road will remain where it's  
5 located. It is located on the parcel that we'll  
6 have Building 1. As Mike mentioned, the location of  
7 these parcels and this apartment complex is very  
8 well centralized. Wolf Road is located right here  
9 (Indicating) and the hotel is currently being built  
10 on this parcel.

11 This is in a zone called  
12 commercial/office/residential; COR, and obviously  
13 you can look at this and see that there is a lack of  
14 residential in this zone. This would provide that.  
15 That would fill that need and provide that variety  
16 that the Comprehensive Plan discusses.

17 The parking would be located along the  
18 perimeter of the buildings and in Building 1 there  
19 would be a court area that would be kept with  
20 greenspace where residents would be able to enjoy  
21 the relaxing atmosphere of greenspace and also have  
22 access to the Rudy Ciccotti walking paths that are  
23 available.

24 Utilities are all available within the existing  
25 developed Aviation. There is sanitary sewer and

1           there is water within that corridor.

2           As far as site statistics, both parcels will  
3           meet the requirements of 35 percent minimum  
4           greenspace. We're actually at 39.2 for Building 1  
5           and 38.1 for Building 2. Again, some of the  
6           features of the site plan is that there would be  
7           some garages that would line up the perimeter of the  
8           buildings. This would be available obviously to the  
9           residents for convenience of having an indoor  
10          storage of their vehicle. There is also parking  
11          along the perimeter of the buildings and the  
12          entrance, the porta cohere on both buildings are for  
13          the ease of dropping people off. There is an  
14          interconnection between Building 1 and 2 for  
15          security and emergency purposes. This was a  
16          requirement of the fire and safety folks.

17          The other features of this development is that  
18          there are discussions between the applicant and  
19          National Grid to develop some type of community  
20          gardens within the space and they have been  
21          receptive to allowing that use.

22          CHAIRMAN STUTO: Are there underground utilities  
23          there?

24          MR. COSTA: There is both underground and overhead.  
25          There are towers and then there is underground gas. I

1 believe that there is cable and telephone.

2 There would be interconnection to the walking  
3 paths from the site. We are requesting a waiver for  
4 parking. We don't quite make the two spaces per  
5 unit. We're 1.6 for Building 1 and 1.9 for Building  
6 2. That is just because of all of the  
7 transportation that is accessible to this particular  
8 area. There are busses that run along Wolf Road  
9 which is fairly close to the site. There will be a  
10 maintenance facility that will be located here  
11 (Indicating) and that will be responsible to  
12 maintain the facility. Again, the sanitary sewer is  
13 located here and here (Indicating). Water is also  
14 located along both of those frontages.

15 If there are any questions, I'd be more than  
16 happy to answer those.

17 CHAIRMAN STUTO: We normally turn it over to our  
18 Town Designated Engineer for their comment.

19 Joe Grasso from CHA can you offer your  
20 comments?

21 MR. GRASSO: Sure. There is a comment letter that  
22 we prepared in your packet a few pages back in your  
23 packet. A comment letter dated November 21st on the  
24 current application that we have before us. It's rather  
25 lengthy and it brings up a lot of salient points. I'll

1 try to get through them as quickly as possible, but I  
2 think that it will put a lot of things in context for  
3 the Board to consider.

4 As Nick mentioned, this property is zoned COR  
5 and the reason why they need a PDD is two-fold. One  
6 is because in a COR district you're not allowed to  
7 develop a strictly residential project. Two, the  
8 density exceeds what would be allowed under the  
9 underlying zoning district.

10 When we heard this project before for sketch  
11 plan there was a lot of discussion regarding the  
12 density and how that compares with what we could see  
13 if we're seeing a project developed in accordance  
14 with the zoning, so we did some analysis. This  
15 project is proposing 158 units and based on the  
16 existing zoning it would allow 38 units. So, we're  
17 seeing an increase in density of about 120 units.

18 Another way to look at the density allowed  
19 would be on a square footage basis. This is  
20 something that the Planning Board had asked us to  
21 follow up on during sketch plan review and looking  
22 at it from that perspective, this project is  
23 proposing about 210,000 square feet of residential  
24 space and about 114,000 square feet would be  
25 allotted by the strict application of the underlying

1 zoning. Again, it's a significant increase in the  
2 density there.

3 Relative to the PDD and why we need to look at  
4 this project so carefully - There are a number of  
5 findings that the Planning Board should apply to the  
6 project in its review. Those are listed on the  
7 second page of our comment letter and I'll go  
8 through them quickly.

9 That the PDD is consistent with the purpose and  
10 intent of the zoning including the design standards,  
11 that it is compatible with the surrounding  
12 neighborhood context and character, fits into the  
13 Comprehensive Plan, that the SEQRA requirements have  
14 been fulfilled and the PDD has mitigated potential  
15 adverse environmental impacts, that the PDD will add  
16 to the long-term assets of the community and will  
17 not erode the livability or economic viability of  
18 the existing neighborhood areas, that the open space  
19 and recreation areas and facilities provided are  
20 commensurate with the level of development proposed  
21 and the predevelopment open space resources  
22 potentially available for protection, that the  
23 provisions to protect open space resources are  
24 sufficiently secured by dedication where appropriate  
25 and desirable or legal instruments or monitoring

1 programs are established, that the proposal is  
2 conceptually sound and that it meets local and area  
3 needs and it conforms to accept the design  
4 principals as it relates to roads, land use and open  
5 spaces and drainage systems, that there are adequate  
6 community facilities, services and utilities  
7 available and that traffic will not have an adverse  
8 impact on any transportation systems.

9 In summary, although the project proposed has  
10 significant merit and could generally be viewed as  
11 complying with all of these above requirements, at  
12 this point in time we don't feel that the applicant  
13 has provided sufficient response to comment provided  
14 thus far in order for the Planning Board to complete  
15 the required findings.

16 Required items that we feel are required are  
17 listed further. We have grouped these comments in  
18 categories so that we can easily understand them and  
19 put them in proper context.

20 Regarding the proposed land use and density,  
21 it's all residential at a density that could be  
22 viewed as inconsistent with the underlying zoning.  
23 We support the proposed residential land uses as  
24 well as the density; it's about 158 units and  
25 although the project is all residential, there is a

1 lack of market rate up-scale residential apartments  
2 in the immediate vicinity of the project site.

3 Approximately a quarter mile to the north we  
4 have the Beltrone Living Center providing a  
5 comparable scale and higher density of residential  
6 development. Other surrounding land uses in this  
7 area are the suburban office park retail  
8 development, hotels kitty-cornered from the site and  
9 a public park obviously behind the site.

10 The underlying COR zoning that applies here is  
11 intended to create a mix of land uses that  
12 complement one another, but when we look at this use  
13 in a more of a neighborhood-wide basis rather than  
14 just the project site, the project fits within this  
15 mixed-use context extremely well.

16 Regarding the proposed building height of three  
17 stories, this also fits within the character of the  
18 existing surrounding area which includes a  
19 seven-story Beltrone Living Center, single-story  
20 retail, a new six story hotel just kitty-corner from  
21 the site and one to three-story office building in  
22 the immediate vicinity.

23 When we look at PDDs, because of the deviation  
24 from the underlying zoning and that we know that  
25 development has a level of impact on the public and

1 the Town, a public benefit is often required in  
2 order to justify the change from the zoning and the  
3 increase density. So, because of the additional  
4 density that we're looking at here - the additional  
5 120 units - we do think that public benefits that  
6 add to the long-term assets of the community should  
7 be considered. We think that those public benefits  
8 should be commensurate with the amount of additional  
9 density that is being granted. Per the PDD  
10 requirements, the Town Board would then make the  
11 ultimate decision regarding the public benefits that  
12 should be required of the project. These can  
13 include constructing actual improvements or  
14 providing funding for them and they can be benefits  
15 within the project site or very typically off the  
16 project site.

17 When we reviewed the application presented,  
18 they talk about the public benefit and some of the  
19 things that they talk about is creating a  
20 residential community where one doesn't exist and  
21 providing that mixed-use within the larger context.  
22 It doesn't speak to specific public benefits that we  
23 would typically see as part of a project.

24 One thing that they did mention as a potential  
25 public benefit would be the construction of a

1 sidewalk from the Home 2 Suites Hotel project .w.  
2 That is just west of the site out to Wolf Road and  
3 that sidewalk connection from Wolf Road to the  
4 Crossings is a very desirable asset that the Town  
5 would be in favor of developing because we think  
6 that would be a very high public pedestrian use  
7 corridor and within the application materials they  
8 do speak to building that connection.

9 Other public benefits that we have heard  
10 considered by the Planning Board during the Planning  
11 Board review as well as things that we have heard  
12 from the applicant as well as from our review --  
13 I've listed them and in order to provide a context  
14 of those, because everything obviously has a cost to  
15 the applicant and I think that is something that the  
16 Board should take into consideration closely.

17 So, we have listed the possible public benefit  
18 along with potential cost that it would take the  
19 Town to develop these if they wanted to do these  
20 things themselves. So, the first one is what we  
21 talked about with the sidewalk along Metro Park  
22 Drive from Home 2 Suites to Wolf Road. We valued  
23 that improvement at between \$60,000.00 and  
24 \$100,000.00.

25 Other things that are spoken of are

1 recreational improvements at the Crossings that  
2 deserve to enhance the availability recreational  
3 opportunities there. Obviously, it could be any  
4 monetary value but we have listed - it's likely that  
5 they would be in the range of \$25,000.00 to  
6 \$100,000.00.

7 Sanitary flows are contributory to the Wolf  
8 Road Pump Station, which you have heard us talk  
9 about, can be at capacity during periods of  
10 significant wet weather events. During most  
11 circumstances with a project like this, there is  
12 adequate capacity to accept the flows but we would  
13 think that this project would need to mitigate its  
14 additional flows to the station. Based on an  
15 analysis that Nick Costa has done for other projects  
16 we know that there are other improvements that could  
17 be made to this station at a reasonable cost that  
18 would not only address flows from a project of this  
19 size, but also provide additional capacity that  
20 would reduce the number of issues that the Town is  
21 currently seeing with the Wolf Road Pump Station.

22 One of the things that we have talked about  
23 with Pure Waters is the installation of new  
24 impellers within the pumps. The value of that  
25 improvement we have targeted at between \$20,000.00

1 and \$30,000.00.

2 Another potential item that has been discussed  
3 was the development of a left turn lane on Albany  
4 Shaker Road at the entrance to the Crossings which  
5 we know has some historical back-ups at times with  
6 peak traffic and peak park use. That's an expensive  
7 ticket item and we have established a ballpark cost  
8 of between \$200,000.00 and \$300,000.00 dollars.

9 The last one that we list is something that is  
10 kind of related to the project site. Along Aviation  
11 Road right across the project site's frontage there  
12 is no integral curb and drainage system along that  
13 road and one is needed. That may be something that  
14 the Town would need to take on in the future. It  
15 could be something that if this project was to be  
16 developed based upon the plan that we see, it could  
17 be appropriate to incorporate into the plan and we  
18 value that improvement between \$100,000.00 and  
19 \$150,000.00.

20 This list was not intended to indicate all that  
21 is being required for the project or appropriate in  
22 order to support the PDD, but merely to assist the  
23 Board in future decision making.

24 Regarding the layout that we have before us, we  
25 think that the layout is generally well thought out

1 and very efficient and organized. One of the  
2 significant concerns that we have with the layout is  
3 the location of the garages between the front of the  
4 buildings and Aviation Road. It's something that  
5 there are a lot of big graphics in the packet that  
6 Mike handed out that can dovetail in with this  
7 discussion. The COR district design standard  
8 supports buildings being made more prominent along  
9 the street frontage.

10 We believe that the location of the garages  
11 along Aviation Road are really inconsistent with  
12 that design intent. It appears significant effort  
13 and expense is going into making the apartment  
14 buildings attractive, but the location of the  
15 garages really is going to significantly block views  
16 and not create a desirable street scape feel.  
17 Specifically we recommend that two of the seven  
18 garages be relocated back up against the National  
19 Grid easement and that the remaining five garages  
20 located along Aviation Road be converted to surface  
21 parking or integrated into the site pan another way.

22 Under infrastructure I already talked about the  
23 issues regarding the Wolf Road Pump Station and how  
24 this project will need to mitigate its impacts on  
25 that station.

1           Regarding sidewalks - the current plan shows  
2           sidewalks along Aviation Road and Metro Park Drive  
3           across the site's frontage as being "by others".  
4           There are no other "by others" right now coming to  
5           the table looking to develop the sidewalk.  
6           Typically when we see commercial properties, we see  
7           the applicant being required to construct sidewalks  
8           along the project site's frontage and we think that  
9           is something that is appropriate for this project to  
10          do too. So, we would like to see those incorporated  
11          into those projects. Those are not public benefits  
12          because we think that it's something that is  
13          typically required by the Planning Board when  
14          commercial properties get developed.

15          Going further onto the parking, they talk about  
16          needing a waiver. They are close to the Town's  
17          required parking ratio of two spaces per unit. They  
18          are proposing 1.9 spaces per apartment. When you  
19          look at generally accepted parking standards, ITE is  
20          a common reference Manual that we use. The 1.9 is  
21          on the upper limits of the range that we typically  
22          see across the country. The typical parking demand  
23          rates we see between 0.6 and 1.9 spaces per  
24          apartment. So, when they are proposing 1.9 for one  
25          apartment building and 1.6 for the other, we feel

1           that adequate parking is going to be provided on  
2           this site.

3           We also had a comment regarding the cross  
4           connection between the two apartment sites across  
5           the National Grid right of way. It is located right  
6           on the property line of the Crossings Park and we  
7           think that needs to be shifted away so that an  
8           appropriate buffer can be provided.

9           In terms of SEQRA, we had identified in our  
10          letter that this is a Type I action, so a  
11          coordinated review is required. We thought that the  
12          Town Board may want to be lead agent as they  
13          sometimes do for PDDs. They have commented since  
14          our letter came out and said that they suggest that  
15          the Planning Board be lead agent. So, before the  
16          project goes to the Town Board, the Planning Board  
17          will be charged with completing SEQRA. They have  
18          provided a full EAF for our review, but we have not  
19          dealt with the detailed environmental impacts. We  
20          would think that they would want to see or respond  
21          to some of these comments and hear from the Planning  
22          Board before we can start to draft a SEQRA  
23          determination.

24          CHAIRMAN STUTO: On that point I noticed that was  
25          an inconsistent recommendation on who should be lead

1 agent. There is also a letter from DEC to Rebekah  
2 Kennedy from the Town Attorney which implies that  
3 someone already sent out a coordination letter.

4 MR. GRASSO: They did, yes. A coordinated review  
5 for lead agency was already initiated by the Town  
6 Attorney's office and DEC was one of the involved  
7 agencies.

8 CHAIRMAN STUTO: With us as the lead agency?

9 MR. GRASSO: That's right, with the Planning Board  
10 as lead agent.

11 CHAIRMAN STUTO: Do we have to do a Resolution  
12 declaring ourselves lead agent?

13 MR. GRASSO: Eventually, yes. You don't need to do  
14 it tonight. It doesn't stop the Town Board from doing  
15 their own investigation if they so choose.

16 There are various Town Department comments in  
17 your packet. I would say about half-way through  
18 there is a letter from the Town of Colonie Parks and  
19 Recreation Department regarding some specific  
20 concerns with the project as designed. I think that  
21 it's important for the Planning Board to pay  
22 particular attention to those.

23 CHAIRMAN STUTO: I see that the Director of  
24 Community Services is here who wrote it; Alicia Osur. I  
25 don't know if she wants to speak eventually but can you

1 highlight the points that she made?

2 MR. GRASSO: I can. I'll go through them. It's  
3 the letter dated November 24th.

4 The first comment is regarding potential visual  
5 impacts that the apartment complex is going to have  
6 when viewed from the Crossings. There are specific  
7 recommendations regarding opportunities to screen  
8 the parking areas through earth berming and  
9 landscaping. We have to understand that it's an  
10 appropriate comment because if we're looking at  
11 screening and berming, screening parking areas and  
12 cars is one thing. Trying to screen the buildings  
13 when they are three-story buildings at this location  
14 really isn't going to be possible. We can look at  
15 some buffering that will help buffer the views to  
16 the building, but the buildings are going to be  
17 visible from the Crossings Park.

18 The second comment is regarding that cross  
19 connection driveway across the National Grid right  
20 of way that is consistent with the comment that we  
21 just spoke of regarding it being directly adjacent  
22 to the Crossings. We need a buffer there so that we  
23 can address any safety concerns, maintenance  
24 concerns and again, provide some visual buffer as  
25 well.

1           The next comment is regarding the proposed  
2           driveway access onto Metro Park Road. This is the  
3           one in the lower right corner of the map there  
4           (Indicating). That access connection comes out, I  
5           think, it's right on the cul-de-sac there that's at  
6           the end of Metro Park. I can't remember exactly  
7           where it was but that cul-de-sac is used as one of  
8           the parking lots by visitors to the Crossings park.  
9           There is a concern as to how that is going to relate  
10          and whether or not that curb cut location is going  
11          to impact the operation of that cul-de-sac and  
12          people parking there and that's something that we  
13          would obviously need to take a closer look at  
14          through the design process.

15          The last comment is regarding the architecture  
16          of the building. They're going to be visible for  
17          visitors to the park and want to make sure that they  
18          complement the Crossings park and fit into the  
19          context of the area.

20          So with that, I think that it's best to turn  
21          this back over to the Planning Board.

22          CHAIRMAN STUTO: Thank you. Maybe we'll just go  
23          down the line.

24          Craig, do you have questions or comments?

25          MR. SHAMLIAN: Not at this particular moment.

1           CHAIRMAN STUTO: Kathleen, do you have any comment,  
2           on it?

3           MS. MARINELLI: Basically the PDD sections of the  
4           code say that the Planning Board conducts a major sit  
5           plan review and in the major site plan review section  
6           190-56b(10) it says, "The Planning Board may, at its  
7           discretion, require that a provision be made for public  
8           amenities and off-site improvements as conditions of  
9           their approval provided that the same have a rational  
10          nexus to the project. Such improvements or amenities  
11          shall be installed or provided or prior to issuance of a  
12          temporary or final certificate of occupancy."

13          MR. SHAMLIAN: But ultimately its the Town Board's  
14          decision as to what it is; correct?

15          MS. MARINELLI: Right, but in the Planning Board's  
16          major site plan review we have the ability to lay out  
17          what we view as the appropriate public benefits.

18          CHAIRMAN STUTO: Joe, do you want to give us some  
19          context of what we have done in the past, or what your  
20          view of it is? You've already gone over it a little bit  
21          in your letter.

22          MR. GRASSO: Again, I think that it's regarding how  
23          much it deviates from the underlying zoning. I think  
24          the density is a big thing so we're looking at an  
25          underlying zoning that would allow 38 units and we're

1 looking at 120 additional apartments. I think that we  
2 have to look at the impacts that a project like this add  
3 onto the community that are not addressed through  
4 project design or payment or mitigation fees.

5 CHAIRMAN STUTO: Craig, in larger projects we've  
6 had paths that the whole community could use and connect  
7 up to other paths and they can cross through the  
8 property or use a passive park there or have a  
9 connection to the river. That's one that I remember.  
10 That's where the general public could put kayaks on.  
11 Joe lists some possibilities in his letter.

12 MR. GRASSO: These aren't things that are only  
13 benefitting the project site, but truly things that are  
14 benefitting the neighborhood or the Town as a whole.

15 MR. LACIVITA: I think that's the key component  
16 within the Land Use Law here that it talks about is that  
17 it provides the nexus to the area in which it develops.  
18 One example is that it talks about the left turning  
19 lane.

20 We're already talking with the [SIC] Figlioli  
21 farm people down on Albany Shaker. We are trying to  
22 get the people that are going to be residing in that  
23 area into the Crossings in a safe manner, whether it  
24 be by car, bike or walking by expanding that left  
25 lane or that right lane, whatever it might be.

1 Again, you try to provide the nexus within the  
2 region that's being developed within.

3 MS. DALTON: The last time that everybody appeared  
4 we talked about the existing bus routes. What was your  
5 response to that?

6 MR. GRASSO: Sorry. I had looked at that and I  
7 didn't include it in the letter. There are obviously a  
8 series of bus routes along Wolf Road. There is nothing  
9 off the Wolf Road corridor currently. There may be in  
10 the future. You have to understand that the whole  
11 Maxwell Road/Aviation Road corridor is going to change  
12 dramatically over the next decade or so.

13 MR. CRISAFULLI JR.: I believe that the Beltrone  
14 Center has an arrangement with CDTA for a specific  
15 service that they run from there which we hope to  
16 incorporate into our project as well, as well as most  
17 stops on Wolf Road.

18 MS. DALTON: Someone needs to check about how far  
19 down the bus stop was.

20 MR. GRASSO: I did check. They are not right at  
21 the intersection of Metro Park. They're down about a  
22 block if you head towards Central Avenue. About a block  
23 down. The closest one is on the other side of Wolf  
24 Road, also about a block down.

25 MS. DALTON: How much discretion do we have to work

1 with CDTA to try to get them to bring more people into  
2 the Crossing and the other shops there?

3 MR. GRASSO: Very little. The request can come  
4 from the Town. I think that they are willing to work  
5 with the Town if they can substantiate the need.

6 MR. LACIVITA: It always comes down to budget.

7 MR. GRASSO: It's also a ridership issue.  
8 Obviously they don't want to change their route if they  
9 don't have the riders. If the Town creates the demand  
10 they'll provide the bus service if it's warranted.

11 CHAIRMAN STUTO: Tim?

12 MR. LANE: I would just like to ask the applicant  
13 that within the letter the recommendations - do you have  
14 any major obstacles that you see or issues?

15 MR. CRISAFULLI JR.: No. The one thing that I  
16 would put in there was that Kim George, also an  
17 architect, has garage comments if you don't mind.

18 CHAIRMAN STUTO: Can we hold that thought? I want  
19 to go through some of the Board's comments.

20 MR. LANE: But generally thinking, you don't see  
21 any major obstacles here?

22 MR. CRISAFULLI JR.: I thought that the letter was  
23 pretty positive, for the most part.

24 CHAIRMAN STUTO: I'll make my comments.

25 It's a major increase in density as we have

1           said, four and a half times of what would have been  
2           permitted or double the square foot if it had stayed  
3           commercial. To me, it's shy on the public benefit.  
4           This is a combination approval between us and the  
5           Town Board. It think that there should be more  
6           discussion with the Town Board and us. I think that  
7           Joe has laid out some good suggestions, but I really  
8           think that we should flush that out.

9           MR. CRISAFULLI JR.: We went into this knowing that  
10          there would be a public benefit component. The one  
11          thing that really hasn't been discussed yet is the  
12          significant mitigation fees that are also associated  
13          with this project, which are obviously a public benefit.  
14          There are massive payments to the Town to offset the  
15          impacts that the project potentially has. We have to  
16          incorporate that into the discussion.

17          CHAIRMAN STUTO: Do you have an approximation of  
18          what your mitigation fees are going to be?

19          MR. CRISAFULLI JR.: I don't know. We're trying to  
20          work that out. They're going to be huge. That has to  
21          be worked into the equation. There is a breaking point.  
22          At some point the benefits and the mitigations make  
23          projects not feasible. That needs to be hashed out.

24          MR. LACIVITA: We are working through that, Peter,  
25          because there is a way they are calculating the fee,

1           whether it be based on the square foot or based on the  
2           unit cost, residential.

3           CHAIRMAN STUTO:   Isn't it traffic generation?

4           MR. LACIVITA:   There is.   There is traffic  
5           generation but there is also a water component to it and  
6           they're trying to figure that out now with the water  
7           department as they are considering this residential or  
8           commercial.   It does calculate different ways.

9           CHAIRMAN STUTO:   It's not like this is the first  
10          time that we've seen apartments.

11          MR. LACIVITA:   Right, but we do have to look at how  
12          they are going to treat it and we're trying to get that  
13          information.

14          MR. GRASSO:   Right now the calculation for water is  
15          based on an equivalent dwelling unit.   So, whether or  
16          not you're looking at a five-bedroom house or an  
17          apartment, it's just one EDU.   It's got the same rate.  
18          Each apartment is going to pay what's called -

19          CHAIRMAN STUTO:   This is the airport?

20          MR. GRASSO:   Yes.

21          CHAIRMAN STUTO:   Did we change that up in the Route  
22          9 one, or is it the same?   It doesn't matter.

23          MR. CRISAFULLI JR.:   I think that it's important to  
24          note that the water portion of the fee is 80 percent of  
25          the fee.   That's charged whether it's a 4,500 square

1 foot single family or whether it's 700 square foot  
2 studio. We're paying the same rate if we are charged  
3 the residential rate. We don't find that consistent. I  
4 think that it's just an oversight in the code, actually.  
5 I don't think that was ever intentioned.

6 CHAIRMAN STUTO: It's the GEIS.

7 MR. CRISAFULLI JR.: It's just not clear.

8 CHAIRMAN STUTO: Okay, well, we're not going to  
9 resolve that right now.

10 You have made your point on the GIS.

11 The other issues, I think, from the Park's  
12 Department and the garages are the major things. My  
13 initial reaction is that it's too big and it's too  
14 dense. Other people disagree with me so we're just  
15 going to play it out and see how it goes.

16 MR. AUSTIN: My only comments are that I was  
17 looking once again at the density of the property and  
18 coming from a Fire Services point of view and getting  
19 the ladder truck in there for a three story building. I  
20 would assume that they probably want to put a ladder up  
21 there and not just a regular stationary ladder or  
22 extension ladder. It's tight. We don't have any hook  
23 and ladders like they have down in the city where they  
24 make those tight turns. It looks pretty tight in there.

25 MR. CRISAFULLI JR.: Fire Services hasn't reviewed

1 at the sketch or DCC level and we had addressed our  
2 comments in regards to circulation.

3 MR. AUSTIN: I see that EMS had made some comments  
4 but I haven't seen Fire Services. I guess they didn't  
5 have any comments?

6 MR. COSTA: They requested that we make the  
7 driveways 45 feet wide.

8 MR. AUSTIN: I think that if you got rid of the  
9 garages that would probably help and you'd have parking  
10 too.

11 MR. CRISAFULLI JR.: Some of these comments have  
12 forced a unit count down as well, given those concerns.

13 MR. AUSTIN: I'm sensing that from looking at the  
14 emergency alarms -- is that there is some senior housing  
15 as well?

16 MR. CRISAFULLI JR.: The project is not geared nor  
17 marketed specifically toward seniors. I think that by  
18 nature we'll end up with quite a few.

19 MR. CRISAFULLI SR.: That was Chief Leonardo's  
20 comments. We had no intent of putting emergency alarms  
21 in units. He's saying that if we did, keep them  
22 separate. This is not senior citizen housing. We hope  
23 to get seniors.

24 MR. AUSTIN: Besides the fact that there is a lot  
25 of stuff -

1 MR. CRISAFULLI JR.: We meet the greenspace  
2 requirement and the parking requirements. It may not be  
3 the typical site plan or project that you would see in  
4 the Town. I think that it is something that is needed  
5 in the Town.

6 MR. AUSTIN: I think that it looks nice according  
7 to your elevations and stuff that you gave us. The  
8 brick wall is kind of a distraction from the building a  
9 little bit. I think that's the height of the garages?

10 MR. CRISAFULLI JR.: That's actually the back of  
11 the garages.

12 MR. AUSTIN: I think that it sort of separates it.

13 MR. CRISAFULLI JR.: We all know that Aviation Road  
14 is set to be improved in the near future which should  
15 greatly increase traffic on that street. We're trying  
16 to buffer our project from that as best as we can.

17 MR. AUSTIN: I don't have any more questions right  
18 now.

19 MR. MION: I feel that most of my questions have  
20 been already discussed.

21 MS. DALTON: I have another question regarding  
22 schools and the impact. Can you speak a little bit  
23 about that?

24 MR. CRISAFULLI JR.: There are one bedrooms and two  
25 bedrooms. We don't have any three bedroom apartments

1 within the building. We obviously don't know exactly  
2 who is going to come and rent these units. We do  
3 believe that we will not have a lot of children here.  
4 We believe that this project will not be a major impact  
5 in the school system.

6 MR. AUSTIN: Why do you believe that?

7 MR. CRISAFULLI JR.: I think that the market there  
8 is more young professionals, singles and retirees. We  
9 don't think that it is a family oriented development.

10 MS. DALTON: Can you talk about the rates?

11 MR. CRISAFULLI JR.: We don't have set rates right  
12 now. They're consistent with the things that you'd find  
13 in the higher-end of the market or some of the new  
14 projects that you see in the Town or other towns around.  
15 It's going to be a nice place. I don't have a number to  
16 give you right now.

17 MS. DALTON: You don't have a range?

18 MR. CRISAFULLI JR.: Somewhere between \$1,200 to  
19 \$1,400.00 fo a one bedroom; maybe \$1,500 to \$1,700 to  
20 the twos or somewhere in there. It's what the market  
21 can bear and ultimately the cost of this whole thing.

22 MS. DALTON: I have a few concerns about the  
23 schools. I think that because of the location of where  
24 you are that could really have an impact. Between the  
25 Ciccotti Center and Colonie Center, I think that there

1 is going to be an impact. I think that you need to be  
2 concerned about that.

3 The other thing is that we have some issues  
4 with garages. I was driving through Hudson Preserve  
5 because they have a lot of garages and we've gone  
6 back and forth about waivers versus garages and I  
7 can't say that I find it particularly practical to  
8 have garages in the back.

9 On the other hand I think that when you're in a  
10 higher-end apartment complex, they're looking at  
11 some people that want to enclose their car. What I  
12 would like to see on the plan - whether it's very  
13 attractive garages that are kind of sprinkled  
14 throughout -

15 MR. CRISAFULLI JR.: Those brick walls that you see  
16 are the garages.

17 CHAIRMAN STUTO: Do you want the architect to talk  
18 now?

19 MS. DALTON: Yes, that would be good.

20 MR. AUSTIN: Are they flat roofs?

21 MR. CRISAFULLI JR.: Yes.

22 MR. OLSEN: George Olsen, Olsen and Associates.  
23 We're architects in Saratoga. Sorry we didn't work out  
24 the Powerpoint.

25 What I basically did was take the aerial

1 photograph and my staff told me that I should number  
2 the pages, but I said that it was going to be up  
3 there so it wasn't necessary.

4 It's your third page in with the aerial  
5 photograph on it with the numbers on it. What we  
6 really did was started down to number one on  
7 Computer Drive and kind of went through past Metro  
8 Drive until there was a circle there. Just to give  
9 you an idea of the model, 7 to 14 are actual photos  
10 of what you would see driving down the right lane of  
11 the road. We just wanted to walk you through and  
12 show you that there was some concern. I know the  
13 Master Plan would like the buildings out and I know  
14 that a lot of municipalities were wanting that same  
15 idea in pushing the buildings out toward the road.  
16 If you look at the first photo right there at the  
17 corner of Computer Drive, it's basically a one story  
18 building. As we walk down or drive down Aviation,  
19 it's basically one to two story buildings set back  
20 from the road with the exception of one of those -  
21 parking in the front. So, as we come down closer to  
22 our buildings and we get closer to the model, we end  
23 past that one last brown one-story building and the  
24 first intersection that you see is the entrance into  
25 the Ciccotti Center. The photos after that

1 represent actually what our buildings would look  
2 like as we move down along the street. One of the  
3 things that we talked about were the Master Plan  
4 which wants the buildings out closer to the road and  
5 creating some of that pedestrian feel and there is  
6 that issue of how much buffer that you have; hence  
7 the idea of the garages. So, we said that if we  
8 took the garages and thought of them more as a fence  
9 - a brick wall around the site with openings into  
10 the buildings -- and the buildings are obviously  
11 three-stories you can see as you drive down there,  
12 that you will visually see plenty of the building as  
13 you move down and the scale of those brick walls set  
14 back - it will really feel like a brick wall with  
15 landscaping in front of it and I think create a nice  
16 street scape for pedestrians at that level and that  
17 would include street trees.

18 CHAIRMAN STUTO: What would the height of the back  
19 of the garage be?

20 MR. OLSEN: No more than eight feet because we  
21 would only need seven feet at the very end where you  
22 actually pull your car in anywhere in the garage we  
23 would need a maximum of seven feet. We're showing those  
24 brick walls and again, these models are with today's  
25 technology - accurate representations of what those -

1           CHAIRMAN STUTO: So, you're showing an eight foot  
2 wall.

3           MR. OLSEN: Right, and in between we would have  
4 areas of wrought iron fence and plantings and things  
5 like that. There would also be, of course, some street  
6 lighting and things like that so as you're walking down  
7 there as a pedestrian it would be active and it wouldn't  
8 have store fronts, but neither do the rest of the  
9 buildings along Aviation. I think that it would be one  
10 of the more attractive sections of Aviation.

11          MR. LACIVITA: So, by not putting any peaks on  
12 these garage walls, you're trying to enhance the  
13 building by making it appear to be a courtyard.

14          MR. OLSEN: Yes, almost as a garden wall that you'd  
15 be walking by. Plantings would enhance that. Again,  
16 the idea was not to put a peak roof on there because I'm  
17 an architect so it's a little self-serving, but we  
18 wanted the visual of the building, which there aren't a  
19 lot of those type of buildings along Aviation. We  
20 didn't want to hide that interest behind there. Again,  
21 there is a sense that there should be a little bit of a  
22 buffer, some privacy and while it's not a totally fenced  
23 in site, those garden walls would offer a sense of  
24 privacy with an established fact that this is a  
25 residential development without the total separation

1 between streetscape and the building.

2 MS. DALTON: The problem with that is that we live  
3 in the he great northeast and when the snow sits on top  
4 of this - at least most of the year it's not going to  
5 look like this.

6 MR. OLSEN: The snow does have a way of melting on  
7 flat roofs.

8 MS. DALTON: In the great northeast that's not  
9 until June.

10 MR. OLSEN: There are cars under there so if they  
11 leak, it won't be a problem.

12 MS. DALTON: It is a flat roof and what you're  
13 showing here is quite attractive, but your whole thought  
14 that you would make a wall - it does look like a wall  
15 and it does provide privacy but it's also going to be a  
16 conduit for snow piling up and other things. I'm  
17 pointing out that it's not going to look like this for  
18 much of the year. I'm not saying that it's bad the way  
19 that it is. I'm a fan of garages. I'm a fan of having  
20 them more centrally located rather than have them  
21 scattered all in the back. That said, it requires a  
22 good and practical plan. This is a start, but I don't  
23 think that it's where we should end up.

24 CHAIRMAN STUTO: Joe, do you have any comments?  
25 You haven't seen these renditions, right?

1           MR. GRASSO: I haven't but they reinforce the  
2 concerns that we tried to express in our letter that we  
3 don't think that the garages in that location create a  
4 desirable feel from the street or from within the fronts  
5 of the buildings. We think that the garages make it  
6 look more like a fortress. We don't think that an  
7 eight-foot high brick wall is going to create a  
8 comfortable environment for cars. If you compare these  
9 two imagines - one that shows views toward the front of  
10 the building without a garage and one that shows it  
11 with, we think that this is dramatically more -

12           CHAIRMAN STUTO: Is that in the package?

13           MR. GRASSO: Yes, it's the last one. It's more  
14 attractive. I think that it's important to look at the  
15 photos that they took along Aviation Road. I commend  
16 them for putting a lot of work into a project where when  
17 you look at that type of setbacks that the buildings  
18 have and a typical 60-foot bay of parking -- what they  
19 are proposing is 42-foot bays, but not as much parking.  
20 That is the context that you see, and I think that if  
21 you replace these office buildings with an attractive  
22 three story building that is appropriately landscaped  
23 like this, I think that it will create a much more  
24 desirable street scape than what we see with the brick  
25 wall along the front. I think that if they wanted a

1 physical element there, we would rather see what you  
2 typically require as part of the project is a low brick  
3 or stone fence wall -

4 CHAIRMAN STUTO: Can the site accommodate as many  
5 garages as there are now?

6 MR. GRASSO: I don't think so. I think that they  
7 have seven buildings up along Aviation Road. We  
8 obviously think that if you look along the National Grid  
9 right of way on both sides there is room to accommodate  
10 additional garage space there. So, you could definitely  
11 take three or four of the buildings and put it there.  
12 We would think that even if it was surface parking where  
13 those garages are, it would be much more aesthetically  
14 pleasing than having those garage structures up along  
15 the front of the building. If they're along the side,  
16 we don't have as strong of a concern but right along the  
17 Aviation Road corridor we think that it will be a  
18 drastic difference in context then what you currently  
19 see up there and not something that we're seeing in  
20 other projects.

21 MS. DALTON: Didn't the Menand Road condos - didn't  
22 they put their parking spaces under their buildings?

23 MR. GRASSO: I'm not familiar with the project.

24 CHAIRMAN STUTO: My recollection is yes.

25 MS. DALTON: Maybe that's an option.

1 MR. AUSTIN: Is it too wet over there to dig down?

2 MR. CRISAFULLI JR.: We initially explored the  
3 possibility of doing the first level parking and that  
4 obviously would require an additional floor -

5 MR. AUSTIN: I'm talking about going down.

6 MR. CRISAFULLI JR.: It's cost prohibitive. We did  
7 explore all of those options.

8 MR. GRASSO: I do think that they would be in the  
9 groundwater and have issues there. I think that the  
10 Planning Board is focused on the garage issue and I  
11 think appropriately so. It's really up to the Board.  
12 We often say that beauty is in the eye of the beholder -

13 MR. SHAMLIAN: I actually like the garages and the  
14 wall. I just think that personally the brick wall -  
15 there needs to be some elevation change along the face  
16 of the brick wall. Not a lot, but just to kind of break  
17 it up. I actually like the idea of a brick wall out by  
18 the road.

19 MR. AUSTIN: I'm not against the garages. I'm not  
20 against the brick wall so much, but if you had a low  
21 gable or if you had something that was just to break up  
22 the flat roof -- like the fortress aspect of it. You  
23 have the fortress and the you have the fences and then  
24 you have the pillars with the thing on it.

25 CHAIRMAN STUTO: Can you tell me how long of a

1 brick wall it is - the longest one?

2 MR. CRISAFULLI JR.: The longest one is 92 feet.  
3 The next one is 72 ,72 and 91. It's about 160 feet on  
4 both sides.

5 CHAIRMAN STUTO: You're breaking it up in the  
6 middle of each run there?

7 MR. CRISAFULLI JR.: Right. They are separated and  
8 that's where the fence would come in and obviously the  
9 entrance ways are there as well.

10 MR. AUSTIN: There is no other place to put the  
11 garages?

12 MR. CRISAFULLI JR.: We can relocate some of them,  
13 as Joe was saying, but we're not going to replace as  
14 many.

15 MR. AUSTIN: You've got the ones on the side.

16 MR. CRISAFULLI SR.: I'm Mike Crisafulli, Michael's  
17 father. We like the garages where they are. I know  
18 that Joe doesn't like them. Joe has never liked them.  
19 We like the buffer between the traffic and the increased  
20 traffic that is coming to our apartments. We're not  
21 about to move the buildings to the front and we would  
22 rather see the wall than cars. I can't believe that the  
23 Board would rather see the front of a pick-up truck or a  
24 car as opposed to the brick walls. That's why we  
25 designed it this way. Until you were told that this was

1 the garages, you didn't know that these were garages.  
2 Joe didn't know that these were the garages. That's why  
3 it's done that way.

4 MS. DALTON: What do you think about the snow?

5 MR. CRISAFULLI SR.: This building is a flat roof.  
6 There are buildings all over the Town that have flat  
7 roofs. Snow will melt.

8 MS. DALTON: I get that. I'm not concerned about  
9 the issue with regard to the -

10 MR. CRISAFULLI SR.: We can't control the snow.

11 MS. DALTON: I get that you can control how much  
12 snow piles up on top of a garage in front of a building  
13 that you want to see. So, you have an eight foot fence  
14 already and God forbid be become Buffalo and have  
15 another eight foot of snow on top of it, now you have an  
16 issue. I'm going to go back to that it's going to look  
17 kind of ugly with so much snow on top.

18 MR. CRISAFULLI SR.: Yes we would really have an  
19 issue; I agree. If we get eight foot of snow, we have  
20 an issue.

21 MS. DALTON: That's not my point. My point is that  
22 on a regular basis we're going to have a certain amount  
23 of snow there. It's going to accumulate and it's not  
24 going to be attractive. You're not talking about a  
25 fence. You're talking about -

1 MR. CRISAFULLI SR.: You're talking about a garage.

2 MS. DALTON: You're talking about a structure that  
3 is going to have a lot of snow on top of it and it's  
4 going to provide a barrier to see the buildings.

5 MR. CRISAFULLI SR.: If this was parking, we would  
6 probably see piles of snow here also.

7 MS. DALTON: No, you would remove it. That is my  
8 point exactly. You remove snow from a parking lot and  
9 there is not a plan currently -

10 MR. CRISAFULLI SR.: I cannot make the argument.  
11 You will get snow on those roofs.

12 MS. DALTON: As currently designed, which gets back  
13 to my point that we should probably look at another  
14 design.

15 MR. CRISAFULLI SR.: We're not going to make the  
16 argument.

17 MR. LACIVITA: Mike, kudos that he got a picture of  
18 his car in here both times. I noticed that.

19 The two that are closest to your entry point,  
20 can they potentially be moved? Do you know the two  
21 smaller ones - leave the 91s on the corner - can  
22 they be moved to the back to maybe open it up to get  
23 that grandiose look as Joe was mentioning it here,  
24 to get the view of that facade and maybe push those  
25 two smaller ones to the back but maintain what

1           you're trying to do as well? That's a compromise in  
2           a sense.

3           MR. CRISAFULLI SR.: We can cut these back, I would  
4           guess, but there is a good distance here. I would guess  
5           that there is about 100 feet here now into the entryway.  
6           If you look at the drawings in your package, it's a wall  
7           with landscaping in front of it.

8           CHAIRMAN STUTO: Any more comments or questions on  
9           that?

10          MR. GRASSO: I think you're beginning to provide  
11          some direction to the applicant. If a specific change  
12          to the plan is required, now is the time -- it's not  
13          that you need to make a final decision tonight but if  
14          you're going to send him back to make changes, tonight  
15          is a good time. If you need more time to review this  
16          specific issue, that's okay too. We don't have this  
17          keyed up to go to the Town Board anyway. I think that  
18          we need to add more color to - such as the public  
19          benefit. If there are specific things that you think  
20          should be on the list, or off the list, or if there  
21          should be a list, I think that now is the time to start  
22          to comment on that.

23          MR. SHAMLIAN: Well, clearly from the public  
24          benefit we have to have something to justify the PDD;  
25          correct? It think that if I understood things

1           correctly, that's somewhat on hold until the whole  
2           mitigation issue is resolved. I think that from the  
3           applicant's standpoint they're probably limited because  
4           there is a cost -

5           MR. GRASSO: It's important that we understand that  
6           the mitigation fee has nothing to do with public  
7           benefit.

8           MR. SHAMLIAN: I understand that.

9           MR. CRISAFULLI SR.: But we don't know what the  
10          mitigation fee is.

11          The other thing on the project that Joe hasn't  
12          looked at is that if this was office buildings.  
13          What is the square footage that we could put here as  
14          an office building? That's not brought up. It's  
15          apartments to apartments.

16          CHAIRMAN STUTO: You said 144?

17          MR. GRASSO: Yes. I did.

18          CHAIRMAN STUTO: He said 114,000 square feet.

19          MR. GRASSO: It's the first comment in the letter  
20          based on the total density allowed by the underlying  
21          zoning district which is -

22          MR. CRISAFULLI SR.: We're talking about 7.92  
23          acres, Joe.

24          MR. GRASSO: So, you would roughly see about  
25          160,000 square feet of office development.

1 MR. CRISAFULLI SR.: What are we proposing?

2 MR. GRASSO: In terms of density?

3 MR. CRISAFULLI SR.: Yes.

4 CHAIRMAN STUTO: Square footage.

5 MR. GRASSO: You're at 213,000 square feet.

6 MR. CRISAFULLI SR.: So, there is a 52,000 square  
7 foot difference. If we were to take this and let's do a  
8 six story office building. We have to look at that  
9 density and not just look at 36 apartments.

10 MR. AUSTIN: I'm thinking about the people that are  
11 going to live in these apartments. I'm not thinking  
12 about the people going to work in an office building.  
13 That's great. A six story office building doesn't  
14 matter. They can go without garages all day. I'm  
15 thinking about the person who is going to rent this  
16 apartment for a lot of money and every day look out over  
17 their flat roof garage out of the front of their window  
18 and potentially see a foot of snow on it. I'm looking  
19 at an aesthetic point of view.

20 MR. CRISAFULLI SR.: Again, would you rather see  
21 surface parking or would you rather see garages if you  
22 were a renter in this building?

23 MR. AUSTIN: If I was going to see a garage, I  
24 would rather see a shingled roof. That's just me - a  
25 shingled gabled roof.

1 MR. CRISAFULLI JR.: That's fine. That would be a  
2 lot cheaper than these.

3 MR. CRISAFULLI SR.: This is a very expensive  
4 garage which we did to satisfy Clough Harbor. We went  
5 with the brick flat roof garages to make it look like a  
6 wall. Believe me, if you want to get away from the  
7 snow, we can do trusses on a garage -- we're all in.

8 MR. AUSTIN: If it matches the architecture of the  
9 apartments -

10 MR. CRISAFULLI SR.: Absolutely. Originally,  
11 that's what George had. With Joe's comments, we  
12 switched it over to this.

13 MS. DALTON: I can't hear what Brian was saying.  
14 He was talking over him.

15 MR. AUSTIN: We were just talking about the change.  
16 Did you want to go to brick? Was that your idea?

17 MR. GRASSO: No. We were never supportive of the  
18 garages. The comment that we raised during sketch  
19 plan -

20 MR. AUSTIN: You mentioned something about Joe.

21 MR. CRISAFULLI SR.: Joe's comments were that he  
22 never wanted the garages in the front. We didn't want  
23 to put a sided garage with a shingle roof in the front.  
24 What we did was we went to a very expensive brick garage  
25 with a flat roof to give it what is really in the

1 Comprehensive Plan. If your buildings don't line up to  
2 the street scape, you fence it, wall it and that's what  
3 we've done. Until we mentioned that this was the  
4 garage, you guys didn't know that we got it. That's  
5 what we wanted. We wanted it to look like a wall.

6 MR. MION: Then why not just put up the wall and  
7 leave the garages out?

8 MR. SHAMLIAN: Because they want garages.

9 MR. LACIVITA: That's an amenity.

10 MR. MION: Put the garages over on the side. You  
11 have room on the side.

12 CHAIRMAN STUTO: I'll chime in with my opinion, if  
13 I could. Can we discuss this on the record? My own  
14 personal opinion is that it's a little bit difficult to  
15 tell and that's why I was asking the distances. On one  
16 of these renditions it looks like an awful long stretch  
17 of just a brick fence. I don't mind the concept of it.  
18 I think that it could be broken up a little bit more  
19 maybe. Maybe you could do it without having an actual  
20 break, but I think that the fences -

21 MR. CRISAFULLI SR.: We can break that if you want.  
22 That's easy to do. We can lose a stall here and lose a  
23 stall here and here and here (Indicating).

24 CHAIRMAN STUTO: That would do it for me from a  
25 street scape standpoint.

1 MR. LACIVITA: You could put a wrought iron  
2 between?

3 CHAIRMAN STUTO: I don't know how much you have to  
4 break it up. It's hard to tell. Ninety feet is home  
5 plate to first base.

6 MR. CRISAFULLI SR.: Forty feet or forty five feet?

7 CHAIRMAN STUTO: I'm sure that aesthetically that  
8 would look fine. It's probably 40 feet to the clock  
9 there.

10 MR. CRISAFULLI SR.: Yes, we could do something  
11 like that. We're going to give up a garage, but that's  
12 fine.

13 MS. DALTON: Is there a way that you could do a  
14 presentation where you could do a 3-D version of what it  
15 would look like? When you look at this last picture, it  
16 looks like you're going to be able to see through here,  
17 but if there is not a fence, I don't think that you're  
18 going to be able to see through here.

19 MR. CRISAFULLI SR.: What you are seeing is the  
20 National Grid easement, I believe.

21 MS. DALTON: No, I think that here (Indicating) you  
22 would see somebody's car, but I don't think that you  
23 would see somebody's car. I think that you would only  
24 be able to see the brick wall that is the long wall of  
25 the garage. This looks like a wall.

1 MR. CRISAFULLI SR.: If you look down the next  
2 entrance, there are piers.

3 CHAIRMAN STUTO: I think that we need to get back  
4 on the record. We're losing control of the meeting  
5 here.

6 Kathy, do you want to take a break?

7 MS. DALTON: No. I think that now that he  
8 understands what I am saying, maybe he can summarize it  
9 and then give me an answer. I needed to show him.

10 MR. CRISAFULLI JR.: Do you want me to summarize it  
11 now? I think that what we could do is do a 3-D  
12 presentation and you can see it a little more easy.

13 MS. DALTON: Let me go up there and show everybody  
14 what I'm talking about so you can see why I'm saying  
15 that I want a 3-D view.

16 So, when you are looking at the front gate -  
17 right now on that last picture you're looking at a  
18 peak kind of pier out here and here (Indicating).  
19 You have what appears to be the brick wall. What we  
20 are not seeing in that last picture from the  
21 perspective that we're looking is this brick wall -  
22 the one that extends from the roadway into the  
23 parking lot. At one point when you're walking down  
24 the sidewalk are you looking in and all you're  
25 seeing is another brick wall.

1 MR. CRISAFULLI JR.: That wall lines up with this  
2 wall and this is the actual view that you're seeing  
3 (Indicating).

4 MS. DALTON: Okay, got it.

5 CHAIRMAN STUTO: We're going to take a five minute  
6 recess.

7 MS. DALTON: No, I want this on the record.

8 CHAIRMAN STUTO: Then say it because you're not  
9 saying anything on the record.

10 MS. DALTON: What I'm saying is that I want this  
11 picture - the last picture blown up in more of a 3-D  
12 rendering so that in the area that is the entranceway,  
13 we will have a better visual of how much that extending  
14 brick wall - not the side brick wall -

15 MR. LACIVITA: This one will do it for you. You'll  
16 see it. It's the next page down. You can tell by the  
17 wall return right on the corner where the tree is  
18 planted, you can tell the depth of that wall right  
19 there.

20 MS. DALTON: I would like to see that in 3-D.

21 CHAIRMAN STUTO: The renditions, to my mind, do not  
22 match the drawing - if that is the drawing that's here.

23 In terms of the breaks and in terms of the  
24 front entrance way and where the fences are -- am I  
25 incorrect in that?

1 MR. CRISAFULLI JR.: We took Nick's site plan and  
2 modeled our drawing and as you walk down, these were not  
3 artistic renderings. These were actually constructed  
4 and computer generated.

5 CHAIRMAN STUTO: For example, the pictures that  
6 Kathy is showing has a post, a fence and then the  
7 beginning of a wall/garage. I don't see that on the  
8 drawing.

9 MR. CRISAFULLI JR.: It's very faint. You can see  
10 the fence here (Indicating).

11 CHAIRMAN STUTO: So, it's an L-shaped fence?

12 MR. CRISAFULLI JR.: This L-shaped fence comes out  
13 and it turns here (Indicating).

14 CHAIRMAN STUTO: Okay, I thought it was a straight  
15 fence.

16 MS. DALTON: That was my problem Peter and that's  
17 why I was confused.

18 CHAIRMAN STUTO: Joe, I'm going to go to you.  
19 Where are we now? What specific direction are we going  
20 in -- and we'll go through the Board to give a reaction.  
21 Obviously the facade of a fence garage is an issue. The  
22 amenities are another huge issue. What other things  
23 should we give feedback back to the applicant on?

24 While you're looking, I've give my comment on  
25 the facade and I think that you need to meet with

1 the Town. If you don't know what the GEIS is and  
2 where it fits in with the whole program - I think  
3 that you need to know that before anybody can make  
4 any intelligent decisions. I think that you need to  
5 communicate with the Town.

6 MR. CRISAFULLI JR.: We've been reaching out for a  
7 while trying to get that answer.

8 MR. LACIVITA: We've been trying to get that answer  
9 from the Water Department as to how this will be  
10 treated.

11 CHAIRMAN STUTO: Okay, and that is going to drive  
12 the amenities, to some extent.

13 MR. LACIVITA: This is the water calculation that  
14 you're talking about, Michael, right?

15 MR. CRISAFULLI JR.: Right, exactly. The other  
16 components would remain the same; I believe. It's the  
17 water that really drives the whole thing.

18 MR. LACIVITA: The water is a big number and how  
19 they calculate it.

20 CHAIRMAN STUTO: I think that all of these  
21 recommendations are good. It's the cost analysis. And  
22 you're getting a lot more density on apartments.

23 MR. CRISAFULLI JR.: We understand. But you  
24 understand the business side of it, as well.

25 CHAIRMAN STUTO: We don't need to hash it out here.

1 We have to get serious about that and sharpen our  
2 pencils and figure it out. That's my opinion.

3 What else? Is there anymore feedback from the  
4 Board on that?

5 (There was no response.)

6 Okay, what else?

7 MR. GRASSO: The sidewalks along the frontage of  
8 Aviation Road and Metro Park Road - would those be  
9 considered requirements of the project?

10 CHAIRMAN STUTO: I think that they are requirements  
11 of the project. That's my opinion because that's what  
12 I've seen every other projet that we do.

13 MR. GRASSO: Is everybody comfortable with the  
14 parking ratios that are presented; 1.9 and 1.6 which we  
15 supported?

16 CHAIRMAN STUTO: I want to ask a question on that.  
17 Is that based on per unit or per bedroom? I have seen  
18 in other contexts that they talk about per bedroom.

19 MR. GRASSO: It's based on per unit.

20 MR. CRISAFULLI JR.: I've looked at the per bedroom  
21 analysis and it looks pretty consistent with what's out  
22 there now.

23 MR. GRASSO: It would actually be a little bit  
24 better because I think what he is proposing is an  
25 average number of bedrooms. The ratios that we see are

1 1.9 to 1.6 and industry standards is .6 to 1.9.

2 CHAIRMAN STUTO: What is being proposed on the  
3 current drawings?

4 MR. GRASSO: It's 1.9 or 1.6 depending on which  
5 apartment building that you're looking at.

6 CHAIRMAN STUTO: Garages will be designated, I  
7 assume, or no?

8 MR. CRISAFULLI JR.: Garages will be leased to  
9 people.

10 CHAIRMAN STUTO: How about surface parking?

11 MR. CRISAFULLI JR.: First come/first served.

12 CHAIRMAN STUTO: I'm comfortable with the ratio.  
13 Anybody else have an issue?

14 (There was no response.)

15 MR. GRASSO: The separation from the Crossings park  
16 with the access drive -

17 MR. CRISAFULLI JR.: The reason why it's up against  
18 the Crossing park is that there is a main utility pole  
19 right there. We're trying to go around that. All the  
20 entry and exit points on the site plan are consistent  
21 with the flow of the emergency vehicles and the best  
22 places to put them. We wouldn't have put it around the  
23 park if there wasn't a huge pole right there.

24 MR. GRASSO: Our suggestion would be to go on the  
25 other side of the pole.

1           CHAIRMAN STUTO: That's where I'm at too.  
2 particularly with the comments from Parks.

3           MR. GRASSO: I'm sure that there is a reasons why  
4 they don't have it on the other side of the pole.

5           MR. COSTA: The only reason is that as Mike  
6 mentioned we were trying to get the circulation of the  
7 emergency vehicles to have an easier time and as  
8 somebody else mentioned before, that's why we kept it to  
9 this side. If we have to go to the other side, there  
10 would be that kind of improvement which would be more  
11 restrictive than this. This is more linear.

12          CHAIRMAN STUTO: I would see if you could get the  
13 emergency people to agree to it.

14          MR. GRASSO: I think that they would agree to the  
15 road on the other side of the pole.

16          CHAIRMAN STUTO: I would be in favor of that.

17          MR. GRASSO: I think that would be their  
18 determination.

19          MR. LACIVITA: Joe, can I ask one question about  
20 the sidewalks on Aviation? Maybe it was between  
21 Planning or Highway when we were talking about the whole  
22 change in the connector. I believe we said that during  
23 the course of the redesign of Aviation Road that  
24 sidewalks were part of that project. That's why we have  
25 been directing the applicant to extend the sidewalks to

1 Wolf Road and to other areas. I believe that it came  
2 out of a meeting with Bill Neeley and I that this was  
3 included within that - and Mike Lyons, right?

4 MR. CRISAFULLI SR.: It's riding the thoroughfare  
5 now. The sidewalk should be in that. That's what we  
6 were told. We said that we would pick up the sidewalks  
7 to continue on to Wolf Road.

8 MR. LACIVITA: That's why we were trying to say  
9 let's continue that amenity out to Wolf Road and out to  
10 other areas that the project is not doing.

11 MR. CRISAFULLI SR.: We believe that it's in the  
12 new design. It's been incorporated into that.

13 MR. AUSTIN: Joe LaCivita would that include street  
14 lighting or sidewalk lighting on the street?

15 MR. LACIVITA: No, street lighting is not included.

16 MR. GRASSO: So, if this project was to construct  
17 sidewalks along Aviation Road and if those are a GEIS  
18 improvement and if this project built them, then they  
19 would get a credit against their transportation  
20 mitigation fee based on the value of those sidewalks. I  
21 know that sidewalks are not a GIS improvement along  
22 Metro Park Drive, but I'd have to check with Bill Neeley  
23 on Aviation Road. They very well could be. I think  
24 that they are. The project could still be required to  
25 build but they would get them a dollar for dollar credit

1 on their mitigation fee.

2 MR. CRISAFULLI SR.: I think that the way we left  
3 it at the meeting Joe, as long as you had a contractor  
4 doing the sidewalks, let them do those sidewalks and  
5 we'll pick up the other sidewalks.

6 MR. GRASSO: We have a comment in there about the  
7 difficulty of the construction of sidewalks along that  
8 corridor because of the lack of drainage along Aviation  
9 Road. We're recommending as one of the public benefits,  
10 and it's probably one of our priority public benefits is  
11 the installation of curb and drainage along across the  
12 frontage of Aviation Road. We do think that would  
13 qualify as a public benefit. That is something that  
14 should also be on the table.

15 CHAIRMAN STUTO: What else?

16 MR. GRASSO: That's it.

17 CHAIRMAN STUTO: Is that enough feedback?

18 MR. CRISAFULLI SR.: Are you approving us tonight?

19 CHAIRMAN STUTO: I don't think that we're ready to  
20 do that. That's my sense. I think that we made a lot  
21 of progress.

22 MR. CRISAFULLI SR.: Good. I think that we did  
23 too. Thank you.

24 CHAIRMAN STUTO: See you next time.

25 We'll take a five minute break.

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(Whereas the above entitled proceeding was  
concluded at 9:05 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.

\_\_\_\_\_

NANCY STRANG-VANDEBOGART

Dated December 29, 2014

