

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****
4 WAGONER MIXED USE
5 2074 CENTRAL AVENUE
6 APPLICATION FOR CONCEPT ACCEPTANCE
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on June 9, 2015 at 8:35 p.m. at
11 The Public Operations Center, 347 Old Niskayuna
12 Road, Latham, New York.

13 BOARD MEMBERS:
14 PETER STUTO, CHAIRMAN
15 LOU MION
16 BRIAN AUSTIN
17 TIMOTHY LANE
18 KATHY DALTON
19 CRAIG SHAMLIAN

20 ALSO PRESENT:
21 Kathleen Marinelli, Esq. Counsel to the Planning Board
22 Joseph LaCivita, Director, Planning and Economic
23 Development
24 Michael Tengeler, Planning and Economic Development
25 Nick Costa, PE, Advanced Engineering
26 Sara With
27 Charles Voss, PE, Barton and Loguidice
28 Kenji Cline
29 Bob Martino
30 James Lewis
31 Nicole Weloth

1 CHAIRMAN STUTO: Next is Wagoner Mixed Use. This
2 is 2074 Central Avenue. This is an application for
3 concept acceptance. This is 9,800 square foot one-story
4 office and two two-story apartment buildings totaling
5 12 units.

6 MR. LACIVITA: Just for the record, we have seen
7 this project through the DCC meeting on February 11,
8 2015 and then sketch plan on this Planning Board was
9 March 24, 2015. Nick Costa, who is setting up for this
10 project is here for concept.

11 MR. COSTA: Good evening. My name is Nick Costa
12 and I'm with Advanced Engineering and Surveying. We are
13 here tonight to present the site that is located at 2074
14 Central Avenue, which is shown on this map with an
15 aerial photograph.

16 The site is 2.72 acres. It's currently vacant
17 and the applicant is proposing to develop the site
18 in accordance to the zoning which is COR. They're
19 proposing to develop the site with three buildings.
20 One building will be used as an office building and
21 the site will be developed with three buildings.
22 One building will be used as an office building and
23 the other two buildings located here (Indicating)
24 will be two six-unit apartment buildings. The
25 office building will be utilized by the applicant to

1 house their offices. They are going to be
2 relocating their current operation to this location.

3 The site, again, is located along side of
4 Central Avenue not that far from the intersection of
5 Lishakill Road. It's currently vacant. It has all
6 of the utilities - municipal utilities, water, sewer
7 necessary to support the site. Those utilities are
8 already serving the site. There is a sanitary sewer
9 system that runs along the frontage and there is
10 water main that runs along the north side of Central
11 Avenue. Those will be extended to serve the three
12 buildings. Access will be expanded at the current
13 curb cut drive that's already at the site and will
14 be extended into the site to provide circulation and
15 access to the parking areas. The site will have 61%
16 greenspace after it's developed. The sewer, again,
17 will be extended to the rear and along with the
18 water.

19 I know that there were some comments that water
20 was going to come in from Albany Street. Albany
21 Street is located right here (Indicating). We are
22 not going to get the water supplied from that side.
23 We will go underneath Central Avenue with a
24 directional drill and come across to this side.

25 I also have with me some renderings of the

1 elevations of the office building and the two-story
2 apartment building. As you can see, the applicant
3 is making use of a variety of materials. There is
4 some stone and some siding and some shake siding.
5 They are going to be utilized on both the apartment
6 buildings and the one-story office building.

7 There is a waiver that's being requested. That
8 waiver is for a setback from a major street, which
9 is supposed to be 25 feet. Because of the sanitary
10 sewer easement that runs along the frontage, we have
11 to stay beyond that and I think that the Planning
12 Department and also the TDE have agreed that the
13 setback that we are proposing is supported - the
14 waiver is supported.

15 We have also met with the Pine Bush Commission
16 and we've gone over the plan and I believe that they
17 are okay with the proposal.

18 If there are any questions, I'll be happy to
19 answer them if I can.

20 CHAIRMAN STUTO: Does the Board have any comments?

21 (There was no response.)

22 Sara With.

23 MS. WITH: Good evening, Mr. Chairman and Members
24 of the Board. My name is Sara With. I'm a resident in
25 the Town of Colonie. I own the property at 4085 Albany

1 Street. I'll point that out to you in a minute, but I
2 want to make a note that I am first presenting a letter
3 from one of my neighbors on their behalf as they were
4 not able to be present. I will read her brief letter
5 first.

6 This is from Theresa Corlew. She lives at 4089
7 Albany Street. This is her property right here
8 (Indicating) in relation to where the proposed
9 project is. She writes:

10 I am writing a letter as I am unable to attend
11 the meeting scheduled for June 9 at 7:00 p.m.
12 regarding the project noted above which is
13 specifically the project for Wagoner Mixed Use. I
14 hope that you will accept this in my absence as I
15 had some concerns that I would like to make known to
16 the Planning Board.

17 I have been a resident in my home for over 40
18 years. I was born, raised and purchased my family
19 home. I always enjoyed being able to look out my
20 back yard and see a natural environment filled with
21 trees. My concerns regarding the project in
22 question as follows: My view of nature will
23 disappear and be replaced with several buildings.
24 Trees being removed will cause much more road
25 traffic noise. I already have a lot of this on

1 Albany Street with big trucks driving by and this
2 will only increase the disturbance. Wildlife living
3 in the small wooded area will be displaced and look
4 to other places to build their homes. Most likely
5 they will turn to our homes, garages, etcetera. A
6 mostly residential area of single and two family
7 homes will not be more commercial with apartment
8 buildings bringing all different kinds of people and
9 personalities that may be unfavorable. Property
10 values may be negatively impacted. Increase in
11 traffic with residents of these apartments arriving
12 and departing, increase of overall noise of
13 residents talking, partying, etcetera where this is
14 currently non-existent. Increased amounts of
15 garbage based on the large amount of residents that
16 will be living in these apartments. I appreciate
17 your time and I ask that you take my concerns into
18 consideration during your Board meeting. Sincerely,
19 Theresa Corlew.

20 I'm not going to present my personal concerns
21 over the proposed project.

22 So, as I already said, My name is Sara With. I
23 live at 4085 Albany Street. My property is a double
24 lot located right here (Indicating), which consists
25 of my two family home. I live on the first floor

1 and I rent to a family on the second floor. I
2 obviously love this house, or I wouldn't have
3 purchased it in the first place. I had bought it 12
4 years ago. One of the other selling points for me
5 was its location on the lot. It's wooded on three
6 sides. It's quiet and it's private. My patio,
7 where I spend the most of time, is located on the
8 rear of my house. My back yard is facing this
9 development. This is what I am trying to explain to
10 you. I spend a lot of time out there. I cook out
11 there. I have company out there. I read and study
12 out there and I just enjoy the beauty and the nature
13 of my back yard.

14 So, I stand before you this evening to present
15 my concerns over the proposed development for the
16 Wagoner Mixed Use project. The plot of land
17 involved in this development, as is obvious by this
18 diagram, borders the entire rear of my property. I
19 provided you with some diagrams and photos to give
20 you a better understanding of the location of my
21 property in relation to the proposed project.

22 Just a little disclaimer - anything highlighted
23 up around the borders are not to scale necessarily,
24 but a pretty good depiction of that property versus
25 mine.

1 I'd like to refer first to the 2012 Central
2 Avenue corridor inventory study conducted by the
3 Town of Colonie Planning and Economic Development
4 Department which identified Central Avenue West near
5 where our properties lie, as predominantly single
6 family residential land use with the majority of the
7 parcels found one parcel in from Central Avenue. In
8 other words, the parcels in that area are
9 residential. A lot of them don't have frontage on
10 Central Avenue. They are set one parcel back away
11 from Central Avenue such as mine and Theresa
12 Corlew's. This limits the depth of commercial
13 development along the corridor in that area. The
14 Town also indicated in the same study that they were
15 committed to protecting the interests of this single
16 family zoning district. Depending on the type of
17 proposed business, I'm not necessarily opposed to a
18 commercial business going in at 274 Central Avenue,
19 if it is located close to Central Avenue and
20 providing that there is a significant treed area
21 remaining between my property and any commercial
22 business located close to Central Avenue. However,
23 I am opposed to 12 apartment units going in at this
24 location. Twelve units will bring in more than 12
25 residents, as I have been told that these are

1 two-bedroom two-bath units proposed to be. The
2 proposal shows this L shaped key lot with the only
3 entrance from Central Avenue, also serving as the
4 only exit from the property. The two apartment
5 buildings being proposed along with the 38 space
6 parking lot and an area with a dumpsters would all
7 be located immediately adjacent to my back yard.

8 Now, I didn't get a chance to even see this
9 drawing until today, earlier, just prior to being en
10 route here. I'm no engineer, but from the way that
11 I read what I saw - and correct me if I'm wrong -
12 but I think that the dumpsters are located at 37
13 feet from my back yard. Just to put it in context,
14 that is less than the depth of this room.

15 The multitude of unwanted issues associated
16 with multiple families in this type of rental
17 atmosphere is unwelcome in my backyard and in my
18 neighborhood. Once the present barrier between my
19 property and Central Avenue is removed, so is my
20 privacy and my safety and the privacy and the safety
21 of my neighbors. There are already two motels in
22 the immediate area; the Quinlan Motel at 2084
23 Central Avenue with eight units and the Lawrence
24 Motel at 2155 Central Avenue with 15 units. Both of
25 which appear to attract less than desirable

1 clientele. There are individuals living in three
2 Winnebago-type campers behind the house at 2080
3 Central Avenue and have been there for several
4 years, of which again the residents are questionable
5 and the Town does not seem to have any concern over
6 that, or maybe they weren't aware of it. They are
7 now. I shudder to think what type of people might
8 be perspective tenants in new apartments if they
9 were to go up in the area, as this will be located
10 right on the busline. I'm not profiling when I say
11 any of this that I'm saying. It's just my feelings.

12 What is to stop individuals on Section 8 or
13 registered sex offenders from moving in? What about
14 people in upper floor apartments? These are
15 two-story apartment buildings, we have been told,
16 looking over into my back yard?

17 In the aforementioned 2012 study by the Town of
18 Colonie, the Town indicated "uses compatible with a
19 single family residential zoning should be
20 emphasized and those that are not compatible should
21 not be allowed or expanded".

22 There are also environmental factors to
23 consider. As a proposal narrative makes reference
24 to removal of existing vegetation, if trees are
25 removed there is potential for erosion, disruption

1 to wildlife that currently live in the area,
2 increased area of noise pollution from Central
3 Avenue.

4 I would like to refer you to the Code of the
5 Town of Colonie, specifically Section 177. It's the
6 last page of the handout that I gave you, which I am
7 sure that you are familiar with, which relates to
8 any future tree removal relative to proposed
9 development. The wooded area behind my home is
10 quite barron in the winter months already and
11 removing even more trees would worsen the situation.
12 Also, the narrative proposal for the mixed use
13 development project stays "the proposed project will
14 not have a noise impact on adjoining properties and
15 the proposed project will not generate noises that
16 would be louder than what is currently generated at
17 the adjacent properties." This couldn't be further
18 from the truth. The 2012 Town study indicated
19 traffic volumes along this western corridor of
20 Central Avenue averaged 23,000 daily trips. With a
21 peak hour 2:00 p.m. volume of 2,400 vehicles.

22 Currently my neighbors and I have been able to
23 maintain a quiet and safe neighborhood, which we are
24 proud to call home. I have been able to attract and
25 retain good respectable tenants in my two-family

1 home for the past 12 years, as they love the
2 neighborhood and the privacy my property offers.
3 Allowing 12 apartment units to go up at 2074 Central
4 Avenue would drive property values down and cause
5 many long term residents to leave the area,
6 including myself. I have done my homework and it's
7 my understanding that like me, several of you also
8 live in wooded areas. I would hope that you could
9 put yourself in my position and the position of my
10 neighbors. I would ask that you give my feedback
11 and my opinion serious consideration when making
12 your decision about the proposal for mixed use
13 development at 2074 Central Avenue. Before making
14 your decision ask yourselves, would you want this in
15 your backyard? I am providing you with those
16 diagrams. They are pretty self-explanatory. If you
17 have any questions, I'd be happy to answer them. If
18 there is any extra time, I have some questions. I
19 know that it's getting late.

20 CHAIRMAN STUTO: Thank you. We are going to
21 address everything that you said. I made a mistake. We
22 usually hear from the Town Designated Engineer before we
23 open it up to the public. So, I've heard everything
24 that you've said. I have read through your material.
25 We are going to address everything that you said. I

1 would like to hear from the Town Designated Engineer.

2 If you could address some of her things along
3 the way, that's fine. I share some of her concerns,
4 frankly.

5 MR. VOSS: Thank you, Peter. We issued a concept
6 review letter to the Board on June 1st. Again, just as
7 a reminder to the Board, at this level we usually look
8 at the general issues associated with the site. Let me
9 just walk through some of our comments that we have with
10 respect to the site layout. As we noticed earlier, the
11 project is in the COR district. It does have the COR
12 design standards that are applied. I think that
13 specific to what was mentioned earlier, there was that
14 one setback issue - the waiver issue of the 20 foot
15 maximum setback. As we looked at the project, we have
16 concurred that it makes more sense to have that building
17 setback for obvious reasons such as it does not
18 interfere with the existing utility right of way that's
19 out there. I think that the original proposal, the
20 Board will remember, had that building literally within
21 about five feet of the watermain out front and the sewer
22 lines. That was an issue certainly for the Town
23 Departments. So, through conversations with the
24 applicant and Nick, that building was actually proposed
25 to be pushed back. That's why the proposed building out

1 front sits in that location to avoid those utilities.

2 In terms of site access, the Board looked at
3 this certainly at the sketch level. There is an
4 existing curb cut that serves the site. We don't
5 have any necessary concerns with that. The parking
6 analysis provided by the applicant looks like it
7 will certainly address the demand that is being
8 proposed. So, we were okay with those issues.

9 Again, stormwater - we are going to want to
10 look at the details. There is not a significant
11 amount of paving. There is not a significant amount
12 of impervious pavement being proposed. Yet, we will
13 still want to see Nick's design and how he proposes
14 to lay that out, as we certainly move forward and we
15 get to that point.

16 Again, the site is serviced by sewer and by
17 water. As Nick mentioned, the applicant is
18 proposing to access the watermain on the north side
19 of Central and directionally bore a line under
20 Central Avenue. This was also at the request of the
21 Latham Water District. They felt that was the best
22 interconnect for the site as opposed to coming off
23 the existing water right of way from Albany Street
24 at the rear of the property. Accessing that
25 watermain would have encroached on some potential

1 wetland issues and some flood areas back there. The
2 Town thought it best to avoid those. I think that
3 in terms of overall site layout, the Board did have
4 some initial concerns at the last meeting about the
5 size of the Apartment building - the configuration.
6 How they are going to be laid out.

7 There was some discussion about potential play
8 areas and outdoor use areas. I think that the
9 applicants have looked at that. We don't have an
10 enhanced landscaping plan yet.

11 Certainly in relation to the woman who just
12 spoke, that is something that we would be obviously
13 very interested in seeing and I'm sure that the
14 Board would be.

15 How, Nick, would you propose to buffer the back
16 end of that site, basically at the west end of the
17 site, along the property line? I don't know if a
18 fence is something that you would consider or
19 additional trees. I think that those would go a
20 long-way towards alleviating some potential
21 concerns.

22 CHAIRMAN STUTO: Can you repeat what you said? I
23 was reading the transcript.

24 MR. VOSS: We were talking about landscaping,
25 Peter, in the back.

1 We'd like to see what you are proposing in
2 light of the public comments.

3 CHAIRMAN STUTO: Can you comment on that now?

4 MR. COSTA: We certainly showed some landscaping.
5 This is just a generic landscaping that is shown on
6 here. A more detailed landscaping, as Chuck mentioned,
7 would be prepared and presented in the next design
8 phase. We certainly would entertain a fence and we
9 could meet with the neighbors to kind of come to a
10 meetings of the mind with the type of fence. Also, for
11 buffering the removal of existing vegetation - we can
12 certainly plant some evergreens which provide a
13 year-round screening. A lot of the current vegetation is
14 deciduous.

15 CHAIRMAN STUTO: What is the distance between the
16 back of the parking lot - the furthest reach of the
17 parking lot and the boundary?

18 MR. COSTA: It's about 37 feet. That's the
19 dumpster.

20 MR. VOSS: We will look at all the separate issues,
21 certainly.

22 From a utility standpoint, the site is serviced
23 by municipal sewer and water. It's accessible to
24 Central Avenue directly. Certainly I think that
25 we're going to want to look at the enhanced designs

1 for all of those various elements as we go forward.
2 That's what we have.

3 CHAIRMAN STUTO: We are still going to go back over
4 the issues that Ms. With brought up. You touched on
5 some of them. We do have another few people that would
6 like to speak from the public; Kenji Cline and Nicole
7 Weloth.

8 MR. CLINE: My name is Kenji Cline. My fiancée
9 Nicole, we lawfully own 2070 Central Avenue. That is
10 our property right here (Indicating). Right now we have
11 a few issues with this.

12 CHAIRMAN STUTO: What is on your property now?

13 MR. CLINE: It's a single family home.

14 CHAIRMAN STUTO: Do you live there?

15 MR. CLINE: We live there, yes. It's just a single
16 family home. It's just us in our back yard here and we
17 love that this is all wooded area. We're losing all of
18 that with this project. This is all mature forest in
19 here and there are mature trees. As it stands now,
20 Wagoner had bought this property next door to us and
21 this property here (Indicating) and they deforested all
22 this area already. It is now much more open - all the
23 sunlight and noise -- and all the issues here with all
24 the tree cutting.

25 CHAIRMAN STUTO: So, they bought the next two

1 properties down?

2 MR. CLINE: So, now they completely surround my
3 property. They bought this (Indicating) and they own
4 these two parcels as well. They have clear cut all
5 the -

6 CHAIRMAN STUTO: Did they discuss with you buying
7 your property or not?

8 MR. CLINE: Informally, yes and then they put in a
9 formal offer and then they offered us less than what we
10 paid for the house 10 years ago. We declined. We would
11 love for them to buy our house and we could move away.
12 We bought this property with all this wooded land around
13 us because of the privacy.

14 Living right on Central Avenue, it's quite a
15 noise issue. We have some arborvitaes in front of
16 our house and we built this patio back here
17 (Indicating) and put a fence up. We enjoy this
18 quietness that's back here. We are going to lose
19 all of that. This literally is going to be 15 feet
20 from my patio - this paved road is going to be
21 coming in this access road here.

22 We went over and we visited with Mike and
23 looked over the plan. We have a few specific
24 questions because we don't think that we can stop
25 this. We would really like to stop this. I don't

1 think that we can.

2 We had issues about lighting. We were
3 concerned about lighting. This is all dark through
4 here (Indicating). It's going to be 24-hour
5 lighting and we are concerned about lighting being
6 down and away from us. We had issues with the
7 mature trees. There is a line of mature trees right
8 here along my patio and a bunch along the back here.
9 As many trees as they have taken out over on the
10 other properties they have bought, we're really
11 concerned that they are going to clear cut them. We
12 would like to leave as many mature trees along that
13 property line as much as possible and not to be
14 replaced with 50 foot trees with 10 foot evergreens.
15 We are also concerned about what kind of tenants
16 they might be bringing in to the 12-units that they
17 are bringing back here (Indicating).

18 Across the street there is a long-term motel.
19 The area is mostly single families around here.
20 Just having apartments back there we are concerned
21 with what type of tenant there that they are looking
22 to bring in.

23 That's about all the concerns that I had. I
24 would just like to state that we are really opposed
25 to this project. We love that this is all forest

1 back here.

2 There is lots of wildlife back here. There are
3 deer and turkey that come into my yard. We're going
4 to lose all that. I'm going to be looking out my
5 backyard to what was complete forest to apartment
6 buildings and a big sea of asphalt and quite a large
7 commercial building with Wagoner Incorporated and
8 all their trucks and other issues that they have and
9 traffic that they are going to have coming in there.
10 I understand it's Central Avenue here, but we try to
11 keep it as quiet as possible. It's just going to be
12 a lot of noise to my house. That's all I had. Thank
13 you.

14 CHAIRMAN STUTO: Any more members want to speak?

15 Bob Martino.

16 MR. MARTINO: My name is Bob Martino and I live at
17 8 Lishakill Road, which is here on the corner
18 (Indicating). I am basically here representing my son
19 who lives at 10 Lishakill Road. His name is Chris
20 Martino.

21 There are several things. The gentleman up here
22 was talking about how they clear cut all of this in
23 here and part of my problem with this project is
24 going to be alike. Since they clear cut this, there
25 are lights on this house that shine right into my

1 window across all of this that we never had before.
2 I'm really concerned about how much light this is
3 going to generate because it's obviously going to
4 have to have light poles to light the parking lot
5 and light the buildings. He talks about trees and
6 he's got this building 10 feet from the line, and he
7 is showing trees. He's got 37 feet here
8 (Indicating). I don't know why this isn't shoved
9 down so that there is 37 feet here as well.

10 I am in the process of looking to build another
11 house and when I talk about setbacks, this is the
12 minimum. A project like this seems to me that there
13 should be 40 feet of setback. It looks like there
14 are going to be patios on the backs of these houses.
15 There will be lights and all kinds of stuff going on
16 here. That's my main concern; the light pollution
17 and the fact that this is all directed in this
18 direction instead of being pushed back in that
19 direction (Indicating). The fact is that they are
20 going to clear cut this whole thing. I've already
21 been told that they are going to clear cut the whole
22 mess and that's going to create problems in its own
23 right. I don't know what kind of trees that they can
24 put here or here (Indicating) that would compensate
25 what is being lost. This here definitely has to be

1 addressed.

2 CHAIRMAN STUTO: Thank you. Anyone else from the
3 public, at this point?

4 MR. LEWIS: My name is James Lewis.

5 CHAIRMAN STUTO: Are you next door?

6 MR. LEWIS: Originally this was my grandparent's
7 home. I'm from this area since forever.

8 I was just pointing out that this is high
9 ground and the Lishakill Creek is literally there.
10 Lishakill Creek is forever wild. Everyone should
11 know that one. If you clear cut this or really make
12 a mess of this, there is going to be a ton of water
13 going into the creek that didn't used to because
14 this held it. I know that anytime a tree fell down,
15 it would make a difference in the water flowing
16 through. I don't know the answer. Somebody should
17 really be concerned about that because the Lishakill
18 Creek-- ENCON should be watching over it. Anything
19 within 100 feet of the creek cannot be messed with.

20 CHAIRMAN STUTO: Anybody else from the public?

21 MS. WITH: To specifically state that there be some
22 kind of barrier put between this proposed project and my
23 property - a fence doesn't cut it with me. We are
24 talking two-story apartment buildings - two two-story
25 apartment buildings. I hear that six foot is the

1 maximum. Maybe that doesn't apply in this case, but I
2 don't think that you can make a fence tall enough that
3 would suffice to please me with what is proposed here.
4 Trees take years to develop, as the woods that are there
5 now took years to develop. I just wanted to give
6 feedback on that.

7 CHAIRMAN STUTO: Thank you
8 Kathy?

9 MS. DALTON: Ms. With, I will say that if you did
10 your homework then you know that a project very similar
11 to this has been before this Board and it was very close
12 to my house. So, in addition to my voicing exactly the
13 same concerns that you have, I made all my neighbors
14 come in and do the same thing. So, I completely
15 understand.

16 With that said, I do want to go on record as
17 saying that to me, a very crucial component of
18 living in the Town of Colonie is that we have up
19 until now done what I think is a fairly reasonable
20 job of balancing the nature and the trees and the
21 animals that we all enjoy in our back yard with the
22 development that we have benefited from through
23 taxes and through having businesses that service and
24 support us. I too am concerned about clear cutting
25 and replacing so much of our natural beauty and our

1 natural resource that keeps our creeks clear, keeps
2 the animals around, gives them natural pathways so
3 that they cannot move into our garages. So, I got
4 it. I completely understand.

5 I'm going to say on the other hand in that
6 people have the right to develop their properties.
7 They do have to develop it within certain
8 parameters. I'm going to start to address some of
9 them now.

10 I do think that there is too much on this site.
11 If you go back and look at the last time that we saw
12 something like this, it was the Top Tile on Route 7
13 and it was almost the exact same design. We had
14 concerns with regard to the traffic.

15 If you put children in those buildings and they
16 have to walk up that area to the front, through the
17 office parking traffic in the morning, that is not a
18 safe situation. You don't have any place right now
19 that is indicated as places that kids can play or do
20 anything else. I think that putting that much
21 residential development here, you're very likely
22 going to have children waiting at bus stops. I
23 don't see any accommodation for stuff like that.
24 More importantly, I'm not a fan of the clear cutting
25 and I think that there is too much on that property.

1 So, we can have a whole lot of conversation about
2 what the alternatives are including I'm not sure
3 the stormwater management has to be where it is, but
4 if you made it one building - if you moved it over,
5 you would allow yourself to have a lot more space
6 that you didn't clear cut and I think that not clear
7 cutting should be a requirement. I think that there
8 are other methodologies that you can use that would
9 take up less space, be safer, provide more amenities
10 to the people who live there and still protect our
11 residential neighborhoods to the rear of that
12 property.

13 MR. COSTA: Can I respond to that?

14 CHAIRMAN STUTO: Sure.

15 MR. COSTA: As I said before, this site is
16 conserving 61% green.

17 MS. DALTON: Green is not trees.

18 MR. COSTA: It historically has not been 100%
19 green. Mr. Lewis pointed out -

20 CHAIRMAN STUTO: She's talking about wooded
21 screening.

22 MR. COSTA: I understand, but the other thing is
23 that the reason why we have the stormwater at that
24 location is as Mr. Lewis pointed out, the slope is
25 towards the Lishakill. We can't take the stormwater and

1 put it elsewhere. We have to put it at the lowest point
2 of the site. So, that's where the stormwater has to go.
3 We don't really have much of a choice there.

4 As far as amenities, there are amenities that
5 we have shown for a play area and barbeque area.

6 The other thing that I want to point out is
7 that the applicant has heavily invested in the
8 neighborhood and he has cleaned up the sites. I
9 think that I would invite any of the Board Members
10 to visit the improvements that he's made to this
11 particular site. He has just purchased this and he
12 will be making more improvements to that site. This
13 is another large component of his investment that he
14 has made to the site. He will be on the site for
15 most of the time of the day. I also think that he
16 has the properties that he owns and they are always
17 meticulously kept.

18 CHAIRMAN STUTO: What type of business is this?

19 MR. COSTA: It's an electrical contractor.

20 CHAIRMAN STUTO: Will he store vehicles there?

21 MR. COSTA: He will be storing some of his vans
22 that have valuable equipment. He will be parking them
23 inside and the inventory will also be stored inside.

24 CHAIRMAN STUTO: Residential work or commercial?

25 MR. COSTA: I think that he does both.

1 CHAIRMAN STUTO: Heavy commercial? How big is the
2 equipment that he is going to be storing there?

3 MR. COSTA: A van and maybe a truck.

4 MR. SHAMLIAN: Can you give us an idea of what
5 percentage of the existing trees might still be retained
6 in that particular plan?

7 MR. COSTA: We haven't done a grading plan because
8 it's too early in the phases to do a phasing plan at
9 this stage. I think that we would try to keep as much
10 as we can of the native natural -- we could also do some
11 berming to help with the height of the new plantings.
12 To tell you how much we would be removing, it's too
13 early to speak to that.

14 MR. MION: I have been back in there and I have to
15 agree that they have taken down quite a bit of the trees
16 there.

17 MS. WELOTH: I wanted to say that in between all
18 the properties, I have watched them and I feel bad for
19 the people. They really have cut down the trees. These
20 are old houses. Some of the trees in our yard I can
21 tell you right now are 100 years old. I have a Norfolk
22 Pine that is ginormous. I pray that it never falls. I
23 don't think I have enough home insurance. They have cut
24 the tree line on the other side of where we live and all
25 the way to the corner. I felt bad for other people.

1 It's behind the commercial building, so I didn't
2 understand the value of it. The worry for me to be
3 honest in cutting big trees like that is when they built
4 these homes back then they didn't have air conditioners.
5 They didn't have fans. These trees provided shade for
6 these houses. If you ever cut my trees down, I would
7 never be able to put enough air conditioners in the
8 window or ceiling fans to cool my house. I just watched
9 them cut a line of trees right next to the first house.
10 I don't know their address. I don't understand the
11 purpose unless people wanted them cut near their house.
12 They don't seem tree friendly. I'm sorry, but putting a
13 tree in that's my height when there is something there
14 now that's 50 feet tall is not comparable at all. I did
15 appreciate the fact that they are trying to incorporate
16 greens back in.

17 CHAIRMAN STUTO: We have to maintain order here and
18 that's fine. This gentleman here looks like he wants to
19 speak.

20 MR. CLINE: They just bought what used to be a drug
21 store and they clear cut all these trees. It's my
22 understanding that it is the intension to put a large
23 garage in here for their property maintenance or whatever.
24 We've got another noise factor.

25 CHAIRMAN STUTO: Do we have another application?

1 MR. LACIVITA: No.

2 CHAIRMAN STUTO: You may be right, but we don't
3 have another application.

4 MR. CLINE: It's my understanding, but it's just
5 going to be another noise situation and another light
6 situation compounding this as well.

7 MR. LACIVITA: I think that through the landscaping
8 design we can certainly work to do lighting that
9 complements it by maybe doing small urban style setting
10 lights that are not that high street lighting.

11 MR. COSTA: Joe, the lights would be down-case
12 light.

13 MR. LACIVITA: From a commercial standpoint what
14 I'm saying is maybe anything that comes into the back,
15 we can do an old fashioned street style lighting.

16 Let me go back to the Land Use Laws change in
17 2005 with the zoning, when this changed from
18 Business E to COR which is commercial office
19 residential.

20 The Land Use Law change that came, Kathy, to
21 your point about the density and it's too dense -- I
22 was just running the numbers on it with the 80/20
23 rule that is governed by the COR zone. The 9,800
24 square feet is an office that is allowed within this
25 zone. Actually, the maximum density they could get

1 on this site could be up to 16 units based on the
2 acreage. So, it's actually currently under zoning
3 in which they have.

4 They're right on with the office complement,
5 which is the commercial office. They are reduced at
6 this point. They are four units less than what they
7 are. Complementary to the back, based on the
8 traffic study that we did with the analysis of the
9 corridor, the depth of it and complementary uses to
10 the back is single family. This is what we consider
11 multifamily because it's more than three units.
12 Behind us, we have a two-family home. You can draw
13 a little bit of a nexus as to what it is. Typically
14 with a buffering stage, you go from commercial
15 activity to a multifamily to a single family to
16 protect the integrity of the single families. This
17 project does do that. It's zoned applicable and
18 it's not asking for anything more than what it
19 typically would get. As we go through this, we can
20 work through the process to maybe meet some of the
21 concerns.

22 When you start looking at the codes that we
23 were given here, 177, as far as tree-cutting and
24 things like that, we have our Stormwater Department
25 who oversees our grading. Any resident at this point

1 in time - anyone in this room can clear cut their
2 property, up to an acre before they have to get a
3 grading permit. So, what this gentleman may have
4 done on some of the smaller parcels is under the
5 code. Nothing right now has alerted us to a
6 violation of the Codes, but again it's how do you
7 make what every person is entitled to by right to
8 develop the property in which they own to be
9 complementary to the existing uses.

10 MR. LANE: But it's not.

11 MR. LACIVITA: It's commercial office residential,
12 Tim.

13 MR. LANE: But it's not complementary. It's
14 surrounded by residents.

15 MR. SHAMLIAN: But the two-family changes that.
16 That being said, I agree with Kathy. While it may meet
17 the letter, I think that it is certainly pushing the
18 boundaries. You are definitely putting a lot on that
19 property.

20 MR. LANE: And the clear cutting shows no
21 sensitivity.

22 MS. DALTON: There is a transition there. Again,
23 Joe, I think that I included in my comments that I
24 understand that in terms of zoning and what is
25 allowable, it might fall within the letter of what is

1 allowable, but I think that it's important and I will at
2 least say that my goal as a Planning Board Member is to
3 continue to balance what I consider to be the quality of
4 life in the Town of Colonie with the rights of
5 individuals to develop their property and the rest of
6 the laws and the codes. Having said that, I don't think
7 that any of us wants to see the Town become a place that
8 is clear cut, paved over, no animals, no wildlife, no
9 trees, no shade. We have seen communities that have
10 been going that way. So, perhaps we need to look at
11 changing our zoning. I'm not sure what we need to look
12 at, but I am certain that if we continue to let people
13 cut down all the trees and develop every inch of their
14 property, even if they put lawns in to meet the
15 greenspace requirement, it's going to change our
16 community in a negative way. That's how I feel.

17 MR. LACIVITA: Let me ask about the addition of
18 parcels that were already required. Is there a plan to
19 actually wrap this into a larger development?

20 MR. COSTA: No.

21 MR. LACIVITA: So, what he has done thus far is he
22 has just clear cut it for the optimal use -

23 MR. COSTA: I think that there has been a lot of
24 tree debris. I think that he has just gone though and
25 cleaned it up. I'm sure that some folks here disagree

1 with that, but that's what he has done. You can see
2 from this aerial photo that there are trees right up
3 next to this building. That could be a problem to the
4 roof and the building if they fall down. I think that's
5 what he has gone through and done is cleaned the place
6 up. Like I said, I would like anyone to visit.

7 MR. MION: He took them right down. He didn't just
8 clean it up. He took them right down. Like I said,
9 I've been there. I know what he has done.

10 MR. LACIVITA: And I think, as I said earlier,
11 every property owner has that capability to clear up to
12 one acre without having to get a grading permit.

13 MS. DALTON: And while I understand that, Joe, on
14 the other hand, when you have the same property owner
15 who is now buying blocks of property and taking
16 advantage of the fact that he is clearing under an acre
17 but using them all as if they are a single parcel, they
18 are leveraging to do something that we wouldn't normally
19 allow them to do if they used it as a single parcel.

20 MR. COSTA: When you say clear cutting on this lot,
21 I'm not sure that we are going to be doing clear
22 cutting. Like I said before, there hasn't been a
23 grading plan. A lot of trees can be preserved along
24 those buffers.

25 MR. AUSTIN: There seems to be a lot of unanswered

1 questions, especially a lot of maybes or not really sure
2 and that kind of answer even with the trucks being
3 parked. We need to have some more specifics next time,
4 I think.

5 MR. COSTA: The trucks parked?

6 MR. AUSTIN: You mentioned that there may be some
7 trucks that might be parked in there. You didn't seem
8 like you were really sure about what kind of trucks.

9 MR. COSTA: There is no maybe. There will be at
10 least a van and a truck parked in the garage.

11 MR. AUSTIN: Okay, that's more specific. I think
12 that I'm torn between the sensitivity to the neighbors
13 and the right of the owners to develop. I think that if
14 the owner was to put two apartment complexes or units on
15 that property, I believe that Ms. With would still be
16 against the development. I believe that if there was
17 going to be just the commercial development then the
18 other neighbors would be against it. So, the owner
19 can't win either way. It's unfortunate.

20 Do I think that it's very similar to the other
21 properties? Yes, it's almost identical; the
22 commercial and the residential part of it.

23 There are some concerns with that because of
24 the pedestrian issues with smaller kids going to the
25 bus stop and that kind of thing. I think that you

1 can work those kinds of things out. They did with
2 the other property that we looked at. We haven't
3 seen them develop it yet.

4 As far as some of the comments that were made
5 in some of the letters toward the applicant as far
6 as the clientele that might be moving in, I don't
7 think that you can really say that. The people who
8 move in the apartments are the people who move into
9 the apartments. They are the people who pay to live
10 in the apartments and you can't force people or
11 prevent people from apartments no matter who they
12 are. To assume that a certain cliental - I don't
13 think that should be presented. That's my own
14 personal opinion. We should be sticking to the nuts
15 and bolts of the situation. I understand that some
16 of the hotels and motels and RV parks and places
17 might not be amenable to the neighbors and I believe
18 that this Town has worked on some of those issues.
19 Now that they might be aware of some of those
20 issues, they might pursue some work on that. To put
21 that in formal speak, I don't think that is what we
22 are here for. That's not our job. I felt a little
23 uncomfortable having to address that.

24 As far as the whole property goes, it's a lot
25 on a little property. Moving the apartments, to Mr.

1 Martino's issue, off the lot line more, you have the
2 wetlands up there that are an issue too. So, they
3 would be encroaching on those wetlands.

4 There is a lot that still needs to be done on
5 this. I'm not sure how I'll vote tonight. I just
6 want to let you know.

7 MR. COSTA: I think that there was a letter from
8 CDTA that actually was positive toward the sidewalks
9 that are being shown in the drawing - the pedestrian
10 accommodations.

11 CHAIRMAN STUTO: I'm going to ask a question from
12 Joe, actually and lay my cards on the table of how I
13 view this so far.

14 What is the 80/20 rule? Can you explain that in
15 lay terms?

16 MR. LACIVITA: Yes, when you have COR which is
17 commercial office residential; you have NCOR,
18 neighborhood, commercial office residential and then you
19 have HCRO, highway commercial office residential, that
20 considers the 80/20 rule where it's the ratio of your
21 commercial density to your residential density. Now
22 they calculate the residential density at 3,000 square
23 feet per unit. Some homes aren't even that big, but yet
24 when they consider an apartment component, in order to
25 keep the density down -- I know that Mr. Bette and I

1 have had this conversation time and time again that each
2 commercial office residential or any of these mixed uses
3 are different throughout the Town, each of them are
4 looked at independent, that's kind of what this tracking
5 study is though.

6 CHAIRMAN STUTO: I still don't understand the
7 ratio, though. What is the ratio of what to what?

8 MR. LACIVITA: Commercial to residential.

9 CHAIRMAN STUTO: Which is 20 and which is 80?

10 MR. LACIVITA: The 2.72 acres -- then you multiply
11 that by 18,000 square feet which is the lot dimension so
12 you come up with 48,960.

13 MR. COSTA: That's how much commercial development
14 that you can put on the site is the 48,000. If you were
15 to do 100% commercial, you could 48,000 square feet on
16 this site.

17 MR. LACIVITA: Then you multiply that times the .8,
18 you come up with 39,168. You divide that by 3,000 --
19 that's what he could be allowed by a residential -

20 CHAIRMAN STUTO: How much is he proposing?

21 MR. LACIVITA: Twelve.

22 CHAIRMAN STUTO: So, he's only one under.

23 MR. LACIVITA: Then you subtract your overall
24 square footage, the 48,960 minus the 39,168 and you come
25 up with your 9,800 square foot commercial. That's your

1 allowance for this site. So, that's the 80/20 rule. But
2 it's for all your mixed uses.

3 MR. SHAMLIAN: That being said, it may meet that
4 but I'm not sure that you're doing an adequate job of
5 protecting the neighbors with certainly what you have
6 presented currently. That's my understanding -- this is
7 Central Avenue. His right to have cleared the other
8 lots that he purchased from my perspective -- and I
9 understand the neighbors' concerns that it's the same
10 owner. That, to me, has no bearing on how I would view
11 this project as long as this does everything else that
12 it should do in terms of reasonable protecting the
13 neighbors.

14 CHAIRMAN STUTO: I said that I would put my cards
15 on the table. They're are similar to Craig Shamlan's
16 -- I'm just looking at this property. To me, it's too
17 much with that and it doesn't provide enough wooded
18 screening for the neighbors. I guess that's what it
19 boils down to. You are on Central Avenue. I do
20 understand that. You are entitled to commercial
21 development there. Why the code would want to mix
22 residential in with that right there - I don't know.
23 I'm not comfortable with that. The way that it's laid
24 out, it doesn't provide enough screening for the
25 neighbors.

1 MS. DALTON: Can I ask another question? I now
2 understand why the stormwater management needs to be
3 where it is, but I go back to -- if you need a
4 stormwater management location that is that large and in
5 that location, it almost seems to me that you shouldn't
6 be allowed to count that area as developable land. It
7 seems to me that should come out of the bottom line of
8 the calculation and we should only be calculating
9 against what you are actually able to develop in which
10 case it would be much smaller.

11 MR. COSTA: The 80/20 or the 100% is based on the
12 2.72 acres.

13 MS. DALTON: Right, but does every piece of land
14 need that large an area for stormwater management or is
15 that because of the nature of the land that is there?

16 MR. COSTA: The stormwater is required on every
17 parcel.

18 MS. DALTON: But does it have to be that large or
19 is it because of the nature of the wetland there because
20 it's so close to the creek?

21 MR. COSTA: No, that's based on the New York State
22 DEC requirements.

23 MR. VOSS: Is there a way to redesign the site
24 whereas somebody mentioned earlier, where you can slide
25 the residential component further to the west on the

1 site? You're going to go slightly down slope and then
2 redesign your stormwater to go underneath your parking
3 areas instead of in that large -- we would certainly
4 consider the most appropriate area. It would certainly
5 add cost to the project with the redesign.

6 MR. COSTA: Chuck, the issue is that if we slide
7 this down, we still have to bring that water back uphill
8 because we're going down.

9 CHAIRMAN STUTO: Is that a federal or a state
10 wetland?

11 MR. LEWIS: It really is. I've lived there all my
12 life, but the creek is meandering. It's a giant
13 floodplain area and when it rains, just the other side
14 of my house - that whole area becomes 10 feet deep.
15 What I'm getting at is the area that is green that feeds
16 that. So, if it disappeared in any way, the creek would
17 be impacted by getting five times as much water as it
18 gets now and they can barely handle it.

19 MR. VOSS: My question was based on your initial
20 grading analysis, is there another place or location to
21 redesign your stormwater other than that general area?

22 MR. COSTA: I don't think so. This is quite a bit
23 higher. I think that Mr. Lewis mentioned that. The
24 topography on the drawing show that. This is quite a
25 bit higher.

1 MR. SHAMLIAN: Nick, can the stormwater area be
2 configured so that it's smaller but it's still
3 maintained in roughly the same spot? Maybe smaller in
4 that it would allow the entire building and the parking
5 to shift 30 or 40 feet?

6 MR. LANE: And maintain some of the trees?

7 MR. COSTA: Again, we are at the concept stage.
8 When we do the detailed design, we'll know the exact
9 size. What we have shown on that is just pictorial.
10 It's not designed. At this stage, Chuck hasn't gone
11 through all of our detailed design calculations to show
12 what the size is. Certainly, from the comments that we
13 have received tonight, if we can shift things to the
14 west, we will. But we have to go to the next step for
15 us to find that out.

16 MS. WITH: First, Mr. Austin or any Members of the
17 Board. I want to apologize if I offended anyone by my
18 personal opinions or speculation on perspective tenants
19 at the properties.

20 With that said, I want to address Mr.
21 LaCivita's remark about my two-family home. I don't
22 see a parallel between that and two buildings
23 housing six units each. My home was built in 1903.
24 It was originally a single family home that was
25 converted into a two-family long before I purchased

1 it. I don't see a parallel between that and two six
2 unit buildings. I just wanted to say that. Thank
3 you.

4 MR. AUSTIN: Ms. With, no offense taken. Thank you
5 very much for your apology.

6 I do, once again, ask the Board - when we were
7 talking about this and even the public - what do you
8 want to see on the property? It's going to be
9 developed one way or another. Do you want just
10 residential, or do you want just commercial, or do
11 you want a mixture of both? That is the difficulty
12 of this property. They are not putting the
13 commercial in the back where the residential is,
14 where the apartments are, which is a good thing, I
15 guess. They are not putting the residential up
16 front, next to Central Avenue. They are mixing it up
17 as mixed use and as Mr. LaCivita said, it's going in
18 a gradual state from the apartments to the two
19 family. It's a tough one. It really is a very
20 difficult siltation for the Board here to try to
21 figure out, as well.

22 CHAIRMAN STUTO: We need to wrap this up one way or
23 another. Again, I'm going to try to get my thoughts
24 out. I think that the mixed use was envisioned as some
25 kind of community where you need a certain amount of

1 scale. You need to be able to have an apartment complex
2 somehow mixed with commercial so that you can have the
3 neighborhood community-type atmosphere. I think that
4 with the smaller lots the scale is not achieved and it
5 doesn't work, in my opinion, even though the zoning
6 allows it. That's my humble opinion on that.

7 I'm not prepared to vote in favor of concept
8 tonight. I think that even though you say that we
9 can work out the details later and I understand
10 that, I think that you need to do a little more work
11 personally before I would even consider voting for
12 concept. I don't want to give the wrong signal that
13 it's okay and then we get down a path that we can't
14 back out of.

15 I think that you're trying to do too much on
16 that lot. I don't personally agree with mixing
17 residential in that location, especially larger
18 multiple family. Before I would even consider it,
19 it would have to be scaled down I think or some
20 ingenious configuration to come up with and provide
21 significant forested screening to the residents;
22 that includes the couple on Central and the folks in
23 the back and whoever borders them. That's my
24 personal opinion. It's not our job to design your
25 project, but those are my concerns. Maybe you can

1 reconfigure it another way to convince me
2 personally, but that's where I'm at.

3 MS. DALTON: I agree.

4 MR. LANE: I agree.

5 CHAIRMAN STUTO: We may have some agreement up
6 here. We can vote it or we can table it and you can
7 reconfigure it and come back.

8 MR. AUSTIN: I make a motion to table it.

9 MR. LANE: Second it.

10 CHAIRMAN STUTO: Any discussion?

11 (There was no response.)

12 All those in favor say aye.

13 (Ayes were recited.)

14 All those opposed say nay.

15 (There were none opposed.)

16 The ayes have it.

17

18 (Whereas the above referenced proceeding was
19 concluded at 9:10 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 July 30, 2015

