

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 SUNRISE DEVELOPMENT MIXED USE
836, 840 & 844 TROY SCHENECTADY ROAD
5 APPLICATION FOR CONCEPT ACCEPTANCE

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY L. STRANG, a Shorthand Reporter,
8 commencing on November 1, 2016 at 8:53 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York.

9

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

17

18 ALSO PRESENT:

19

20 Kathleen Marinelli, Esq. Counsel to the Planning Board
21 Joseph LaCivita, Planning and Economic Development
22 Department
23 Michael Tengeler, Planning and Economic Development
24 Department
25 Joseph Grasso, PE, CHA
Joseph Bianchini, PE, ABD Engineers
Bob Bucher, Design Logic Architects
Jessie Holland
Sudhir Kulkarni, Conservation Advisory Council
Bob Conant

26

27

28

1 CHAIRMAN STUTO: Sunrise Development Mixed-use,
2 836, 840 and 844 Troy Schenectady Road, application
3 for concept acceptance, raze the two existing
4 residential structures and construct a two-story 9,000
5 square foot retail office and two-story apartments
6 building with a total of 21 units.

7 Joe LaCivita, do you have any introductory
8 remarks?

9 MR. LACIVITA: Yes, Peter. What we see here is
10 the project that was once independent of the current
11 design in the sense that it was a smaller project. We
12 talked to the developer of the project at the time to
13 look to acquire the parcel to the East. We saw it once
14 before through a sketch plan review. We are here
15 tonight for concept. We have Joe Bianchini as the
16 engineer.

17 MR. BIANCHINI: Thank you, Joe.

18 The project as Joe indicated - you have kind of
19 seen this before. It was basically these two lots here
20 (Indicating) that were being developed a couple years
21 ago. The project now has three lots that we are
22 proposing to develop; 836 which is here (Indicating);
23 840 and 844.

24 MS. DALTON: Is there 838?

25 MR. BIANCHINI: No, there is not. There is not

1 an 842 either.

2 This fronts on Troy Schenectady Road opposite
3 Knadler Drive. It goes back quite a ways to the back.
4 There is a single-family residence on the west side, a
5 single-family residence on the east side, lands of New
6 York State Teachers over here (Indicating) and lands
7 of Palma in the back.

8 Starting with 836, contains an existing one
9 story 8700 square foot masonry structure that houses
10 a tool company - DeWalt tools equipment. I think it
11 also houses EZ Lift. There are two tenants.

12 Jessie Holland, who is here tonight, is the
13 owner of that property and the developer.

14 This property has some pavement and has parking
15 in the front and parking in the back.

16 Parcel 840 has an existing one story
17 wood-framed structure here. It has a garage and it
18 has access from a driveway to Route 7.

19 Parcel 844 has a one story wood framed house
20 and driveway out to Route 7.

21 These buildings here (Indicating) would be
22 removed as part of the project. The building at 836
23 would remain.

24 The front portion of the property - there are
25 some large spruce and pine trees. I think there are

1 some deciduous trees along the side, along the front
2 and in between on the property line. In the back there
3 is lawn. Everything in the back is wooded. Way in the
4 back there are wetlands that are basically on the
5 adjoining property of Palma. Just a little bit of the
6 DEC wetlands is on this side (Indicating). But the
7 100 foot adjacent area for the wetlands come into our
8 site through here (Indicating).

9 The site is in a COR,
10 commercial/office/residential zone and the three
11 parcels together will total 4.55 acres. It is located
12 way to the back that is a residential community. This
13 is single-family residential zoning back here
14 (Indicating). This is Laura Drive (Indicating). The
15 closest building is over 500 feet to the back with the
16 wetlands and the buffer area between it.

17 Our proposal, as I was indicating - 836 will
18 stay where it is. The parking will be modified around
19 the back and a little bit in the front. There is a
20 lot of extra pavement here so we are removing quite a
21 bit of the extra pavement. We will keep some trees on
22 this side (Indicating) in the front.

23 One of the comments that came back from the
24 Town designated engineer, DOT and I think Albany
25 County was to eliminate this one way in that we have

1 for 836. We would like to keep that. That provides
2 access to 836. The existing curb cut is quite a bit
3 wider and what we are doing is restricting it so it is
4 only a one way in.

5 We have responded to DOT comments just the
6 other day. Basically, the reasons for us wanting to
7 keep this is because this will remain as 836 Troy
8 Schenectady Road. People who are used to coming here
9 are going to be looking for 836 Troy Schenectady Road,
10 so we would like them to get into the site for the two
11 tenants that are there.

12 Route 7 has a center median, so anybody making
13 a left turn into the site can stack in the center
14 median. Anybody making a right turn into the site -
15 obviously, a right turn doesn't cause any real
16 restrictions. That goes in rather easily.

17 What we suggested is maybe moving this down to
18 this location here (Indicating) so that it is further
19 away from our main entrance, but leaving it as it one
20 way and only. It also provides another means of
21 access for emergency vehicles to get into the site.

22 In terms of parking on this site, we can meet
23 the Town's parking requirements. I have forgotten the
24 exact number. I believe it is 39 spaces. We have
25 provided 34 spaces on the site. We are asking to bank

1 five spaces because we really don't need them. That
2 would just cause additional blacktop. We are asking
3 for a waiver of five spaces on this site.

4 Aside from that, we will have a main entrance
5 that doesn't quite line up with Knadler Drive. Again,
6 we have had comments to have this lined up but we
7 would like to keep it where it is. I think that DOT
8 just recently agreed to it because there is a utility
9 pole right here (Indicating) and there are a couple of
10 large spruce trees right there. Rather than move it
11 over so it lines up, we would have to move the pole
12 and we would have to take down two more trees. So,
13 there is not that much cross traffic, if any, in this
14 street and Knadler Drive. Route 7 is wide enough
15 where a car can make a slight jag if they need to go
16 across.

17 This building here (Indicating) will be a
18 two-story office building. It will contain the office
19 for sunrise management. It will be a 9,000 square foot
20 building, 4,500 square feet on each floor. There was a
21 little discussion about having a basement, but we
22 decided to drop the basement. There is no basement and
23 this. It is just a slab on grade and then two
24 stories.

25 Bob Boucher will get into the architecture of

1 this building. As with the other two buildings, we are
2 orienting it with a southwest/northeast direction with
3 a passive solar orientation for the building. I know
4 the COR standards suggests that we have this parallel
5 with Route 7, but we would like to keep that
6 orientation because of the passive solar benefits of
7 it.

8 CHAIRMAN STUTO: Are you talking southern
9 exposure?

10 MR. BIANCHINI: Yes, basically.

11 CHAIRMAN STUTO: Where is South?

12 MR. BIANCHINI: North is this way (Indicating).

13 CHAIRMAN STUTO: So, it will hit the backs of
14 the buildings.

15 MR. BIANCHINI: Yes, right. You will get the
16 maximum exposure on the outside. It is oriented about
17 26 degrees off of North/South.

18 Parking will be provided. We have sufficient
19 parking to meet Town Code for this building in this
20 area here (Indicating).

21 We have two apartments in this mixed-use
22 project. So, there are two apartment buildings. The
23 building back here will be a 12-unit building which is
24 three stories in height. There will be patios.
25 Obviously, we are trying to preserve as much of the

1 green space around it as we can. The parking back here
2 meets the required parking for this building
3 (Indicating), as does the parking here for this
4 building. This is a nine unit building. Again, it is
5 three stories. This building that has nine units, has
6 a two-car garage here and also a rec room.

7 Site wise, this whole site grades from about
8 the front of the buildings along Route 7 towards the
9 rear, towards the wetlands in the back. The grading
10 and drainage will be such that the lighter green area
11 is the area that we have to disturb and make
12 everything grade out. We are keeping all the trees in
13 the back. We are not disturbing anything in the 100
14 foot wetland adjacent area here (Indicating). We are
15 preserving buffers along the side (Indicating) and
16 there is already some pine trees along through here.
17 We are preserving as many as we can along Route 7 of
18 the bigger pine trees. Of course, we are adding
19 landscaping throughout the site to manage that.

20 A couple features on the site that we'd like to
21 point out are the passive solar. All of our drainage
22 will collect here (Indicating) in the storm water
23 area. We were thinking that we will probably use what
24 is called bio retention areas and then have the pond
25 in here for the volume storage. That will be a feature

1 of the site. As I have said, people in the apartments
2 can look out at the pond on both sides. There will be
3 a fountain in the pond. There will be benches and
4 picnic tables and so forth around the pond so that we
5 are trying to create an nice atmosphere back there for
6 the tenants.

7 Another feature we have incorporated is a
8 walking trail that will come in from the sidewalk
9 along the Route 7 and go to this building
10 (Indicating). You can circle the whole site and come
11 back out to Route 7 on that side.

12 Lighting - obviously, we will have lights on
13 the site, but they will be LED lights. They will be
14 residential lights with low poles and maybe 10 feet
15 high. Nothing will be real high and it will be low
16 intensity.

17 There's a water line out in front on Route 7,
18 but it is on the opposite side of Route 7. We will
19 have to bore underneath to put a new water line in.
20 That line will come in and serve the buildings and we
21 will put a fire hydrant back here (Indicating) so
22 there's fire protection. The apartments will be
23 sprinkler as required by Code.

24 There is a sewer easement across the front with
25 the sewer line. We will be putting in a small

1 connection to one of the manholes - a small gravity
2 line to pick up the first building and because the
3 site drops to the back, you have to use grinder pumps
4 to pump the sewage from the buildings out to the
5 front.

6 This will be a private road. We are calling at
7 Sunrise Court and we will have a pull off here for the
8 mail. There will be a mail kiosk.

9 I think I've covered everything.

10 You can see that we have a large patio like
11 porch in the front. We are trying to get an appearance
12 that this fronts on Route 7. We will probably have
13 some landscaping around there.

14 I will turn this over to Bob.

15 MR. BUCHER: Good evening everybody. My name is
16 Bob Bucher and I'm with Design Logic Architects.

17 As Joe said, we are very excited about this
18 project because of its sustainable component. I'd like
19 to start with our design for the office building.

20 As Joe mentioned, Sunrise is going to be
21 housing their headquarters in this building. They will
22 be occupying the ground floor. This building in
23 conjunction with the sustainability of the site is, as
24 Joe mentioned, oriented as close to a perfect solar
25 axis as we can get the orientation. So, what I tried

1 to do with that patio is to have it connectivity point
2 for the streetscape. This is the Route 7 elevation.
3 We have created a more contemporary building. It is
4 also a very comprehensive building for solar gain and
5 solar design. For example, all these panels are a
6 screen system. The colors that are chosen help absorb
7 the passive solar gains of the sun on the Sunrise
8 Court side which is the true south. All these
9 overhangs add to the path of the sun so have the
10 summer shading - natural summer shading in the warm
11 weather. At the lower angle of the building it has a
12 lower designed for maximum passive solar gain. We have
13 a parapetted roof design because we will be adding
14 active solar collector panels as well.

15 CHAIRMAN STUTO: Which building is that on the
16 layout?

17 MR. BUCHER: That is right over here
18 (Indicating).

19 As Joe mentioned, at first we explored a garden
20 level basement area, but we are not going to do that.
21 So, it will be just a two-story building. Again, that
22 orientation is for maximum solar gain. When I have
23 also tried to do which doesn't manifest itself in this
24 two-dimensional rendering - the building is angled and
25 skewed. It is compounded to help sequence out to Route

1 7. By the time it gets to the community patio, it
2 will be parallel with Route 7 and it will sequence out
3 into a sort of nice street friendly fashion.

4 The entry elevation again is on the southern
5 side and the Route 7 elevation also has the same
6 atrium space that will give the appearance as per the
7 design standards of a front entry to the building. So,
8 we are trying to do something very unique and
9 different, but still be very compatible.

10 Again, the colors have a reason for their
11 passive solar capability. A lot of the things that we
12 are doing interior help to add to that solar gain.
13 There are a lot of sustainable materials and
14 everything that is going to go into the building is
15 really going to be something that we would even
16 consider applying for LEAD status of that. The
17 mechanical systems in the water - those technologies
18 are also incorporated into the building design.

19 This is a typical view of the apartments
20 (Indicating). This is the 12 unit building on the
21 entry side. Again, the same passive solar techniques
22 are being utilized in this design. We have circulation
23 towers that allow the heat to escape. There is a solar
24 gain load on the other elevation. There is more
25 glazing on the back elevations where the decks and the

1 view of the pond and things are. They have excellent
2 cross ventilation. They have a series of again, inside
3 these towers, that allow a circulation through the
4 heating system that were going to be utilizing that
5 again also on the southern side passively will heat
6 the units predominantly throughout the winter months.
7 Those same technologies that we are employing into the
8 office building will be incorporated into the
9 apartments. Again, the same thing - their orientation
10 as well is in that same passive solar arc of the sun.

11 Some of these are direct entrances and some of
12 these are upper-level units.

13 CHAIRMAN STUTO: Can you walk that by the
14 Board?

15 MR. BUCHER: Sure.

16 MR. BIANCHINI: Two other things that I thought
17 all that I forgot to mention - since we are in the COR
18 zone and were not fully oriented to Route 7, we will
19 have a 4 foot decorative fence along this portion of
20 the project.

21 CHAIRMAN STUTO: Will you be putting fencing in
22 there?

23 MR. BIANCHINI: We will be putting fencing in
24 there.

25 CHAIRMAN STUTO: Does that help with the

1 frontage requirement?

2 MR. GRASSO: It will help with the frontage
3 requirements, although I may not recommend that it be
4 a component of the project. It seems to be
5 inconsistent with some of the other concepts that I
6 think are appealing to the project.

7 MR. BIANCHINI: The other thing is on the
8 walking exercise trail, there will be an exercise area
9 and amenities there for physical fitness.

10 CHAIRMAN STUTO: Outside?

11 MR. BIANCHINI: Outside.

12 CHAIRMAN STUTO: Can you be more specific?

13 MR. BIANCHINI: Not right now. We just
14 designated an area for that. On the exercise and
15 jogging trail we have set aside an area for an
16 exercise area; whether their pull-ups or chin-ups or
17 whatever - something so that there is room for them to
18 do some exercises.

19 MR. BUCHER: I think the concept is more as
20 designated stations.

21 CHAIRMAN STUTO: Okay, this has been reviewed
22 by our Town Designated Engineer, CHA, Joe Grasso. I
23 see there is a letter here from Joe.

24 Joe, do you want to go through the project?

25 MR. GRASSO: Yes. The project represents a

1 significantly revised site plan that we had previously
2 reviewed and had been reviewed by the Planning Board.
3 So, this is just a recap.

4 The previous application included the
5 development of the western half of the current project
6 site and was one 12,000 square foot commercial
7 building which was going to be used as tile store and
8 one 11-unit apartment building to the rear. The new
9 application includes two apartment buildings with a
10 total of 21 units and a new 9000 square foot rental
11 office up front. These new buildings are proposed on
12 an expanded site that now includes the existing retail
13 building.

14 The previous concerns of the Planning Board
15 included concerns over the compatibility of a single
16 apartment building behind a commercial building, as
17 well as appropriate separation between the uses and
18 the lack of amenities or recreational facilities.

19 The new proposal appears to address the
20 land-use compatibility concerns by including the
21 commercial use complementarity to the apartments and
22 by having a larger complex than previously proposed.
23 The applicant should address the need for amenities to
24 serve the appropriate population and I think Joe did a
25 good job in touching on some of the things that they

1 are looking to build to the project including the
2 walking trail and some outdoor exercise area.

3 It does appear as though the new application
4 materials address many of the comments that were
5 brought up by the various Town departments at the DCC
6 meeting that was held this past July. The response
7 letter also identifies a number of comments that will
8 be addressed in the preliminary final submission.

9 The current plan would require two waivers from
10 the COR design standards; the first being a reduction
11 in the proposed parking, which includes the five land
12 banked spaces that Joe mentioned associated with the
13 existing retail building. The second being the less
14 than 80% minimum frontage of build-out. We briefly
15 discussed - were not thinking that a fence across the
16 frontage of the site a fence across the frontage of
17 the site may be in keeping with the context of the
18 development as proposed and there is no other fencing
19 along the Route 7 corridor until you get down to the
20 Kinderhook Bank - quite a ways down to east. That may
21 be out of context to try to incorporate some fencing
22 along the frontage.

23 CHAIRMAN STUTO: Do you have an opinion on
24 that?

25 MR. BUCHER: Yes. I would vote absolutely not

1 in favor of doing any fencing because I think what we
2 are really trying to accomplish is a street friendly
3 building and again, I emphasize three different
4 cascading angles.

5 CHAIRMAN STUTO: We can't put anything in front
6 of your building. I get it.

7 MR. BUCHER: - sequencing to complete with this
8 large terrace that will have - it will have angled
9 walls that are very low, but very street friendly and
10 inviting. It's going to be a trapezoidal shape but
11 it's going to also have an outreach to the street
12 scape. I think offense would be, as the TDE mentioned,
13 just not the best. If you wanted something a little
14 decorative that had a wide open section to it or
15 something - - I just think it might be appropriate.

16 MR. GRASSO: I agree with everything he said.

17 CHAIRMAN STUTO: How about in front of other
18 sections and not in front of that building?

19 MR. GRASSO: I think that when we get into the
20 preliminary plans, I think that is something that will
21 take a close look at. I would like to go out there and
22 revisit the site but their plan in front of me and
23 walk it and give it some more thought to that.

24 Regarding the access arrangement, we are in
25 favor of the elimination of the two residential

1 drives. We do think that the site can be adequately
2 served by one single point of access. So, we recommend
3 that that the one way in be eliminated. We think that
4 based on the layout that we had reviewed, it could
5 definitely cost some driver confusion along Route 7.
6 It could cause some safety concerns.

7 Joe mentioned possibly wanting to shift that to
8 the east. That is something that we will look at and
9 consider, unless the Planning Board asked us not to
10 but we could consider that to see if that alleviates
11 our concerns and we could follow up with DOT to see
12 what their thoughts are on that. I remain uncommitted
13 to supporting any additional second curb cut at this
14 time.

15 Joe mentioned -in all fairness - he brought up
16 the emergency access consideration. That is another
17 important consideration that I think needs to factor
18 into that. I would prefer to leave that open right now
19 and give it some more thought.

20 MR. HOLLAND: Part of our fear - these are both
21 long-term tenants that all exist. Their customers are
22 already used to coming in over here (Indicating) at
23 this entrance. Obviously, coming from the east going
24 west - no big deal. You can see that there is an
25 entrance here. If you were coming west and going east,

1 once you pass this now you're in front where you are
2 used to going in and now they're going to jam on the
3 brakes and go, what do I do now? We are worried about
4 that situation primarily. So, decide I'm not overly
5 worried about the coming from this way, you have
6 passed the entrance to a retail establishment and we
7 suggested with the letter to DOT to leave it open for
8 a period of two years to assess any kind of traffic
9 issues with that and then go from there.

10 MR. GRASSO: Okay, we can consider that as
11 well.

12 Most of her other comments are relatively minor
13 and we are sure that Joe can address those as he
14 advances the plans.

15 The Town Attorney's office has classified this
16 as an unlisted action pursuant to SEQRA. They have
17 provided a short EAF with the application materials.
18 All the agencies appear to be - the Town of Colonie
19 Planning Board, Albany County DPW and DOT. We do
20 think that the short EAF described the environmental
21 setting and evaluates the effects on the project. We
22 do not believe that significant environmental impacts
23 are expected at this time, but we think that a SEQRA
24 determination can be made with the Planning Board for
25 review of the final plans.

1 I just wanted to end on that it's not very
2 often that the Planning Board sees applications or
3 such sustainability and we commend the applicant for
4 that as well as their consideration of seeking a
5 formal LEEDS certification. It seems like a lot of
6 design features that they were describing that they
7 would probably easily achieve at least a basic level
8 of certification, but there is a possible timeframe
9 associated with the process. I don't think it's
10 something that ever should be required of applicants,
11 but just that level of commitment is something that
12 should definitely be acknowledged and commended.

13 MS. DALTON: Can you, or someone go through the
14 incentive zoning?

15 MR. GRASSO: There were two sets of
16 calculations. One was with the basement floor plan -
17 the basement level space being included and then one
18 without. Basically, what the calculation demonstrated
19 is that they meet the limitations of both residential
20 use as well as commercial use as long as they didn't
21 build out or include a basement floor on the
22 commercial office building. So, as long as there are
23 two floors than the incentive zoning provisions in our
24 code would not apply in the project as proposed is
25 totally compliant with the density limitations. One

1 limits the amount of residential and the other limits
2 the amount of commercial. They are compliant with both
3 of those.

4 CHAIRMAN STUTO: We have a member of the public
5 would like to speak; Bob Conant.

6 MR. KULKARNI: Mr. Chairman, I would like to
7 read the comments of the CAC.

8 CAC recommends a six and in diameter commercial
9 grade trees to be used for the landscaping. The plan
10 does not indicate which trees will be saved and which
11 will be replaced by trees. Please do not clear-cut
12 the property. Please, outside the building and
13 driveway space 10 feet should remain, if possible. The
14 project is with the Schenectady/Niskayuna aquifer.
15 What steps are being taken to protect the ground water
16 supply? Does the walking trail connect to another
17 wooded area? Those are our comments.

18 CHAIRMAN STUTO: Do you mind handing them your
19 memo? I'm going to ask him to address it.

20 MR. BIANCHINI: As I indicated, there are
21 several mature trees on the site. The ones right along
22 Route 7 in the ones along this property line
23 (Indicating) and in through here -- we are making
24 every attempt to save those trees. Because of the
25 grading, we can't save everything within here, but we

1 are saving everything back here that is in the hundred
2 foot buffer area. That's all being saved, as well as
3 these trees that are here (Indicating). We will be
4 supplementing, obviously, with additional landscaping
5 on the site.

6 MS. DALTON: With regard to that - and the
7 places that you could -- I mean, you have to save the
8 trees for the buffer because that is the point of the
9 buffer. On the other areas where you are proposing to
10 clear-cut for the project, have you done a tree study
11 with regard to how big the trees are?

12 MR. BIANCHINI: We have done a tree study on
13 the area up in here (Indicating), but none in this
14 area back here. We cannot save them and do this
15 project because of the grading, because the way that
16 the contours are in the way the you have to grade for
17 parking lots, storm water and everything else. So,
18 these trees in this area -- they have to go,
19 unfortunately.

20 The aquifer - yes, we are aware that this is in
21 the aquifer and we will be doing our stormwater
22 management for this site. That is why we are
23 indicating that we would like to use a pond and we
24 would like to use a bio retention area to meet all the
25 DEC standards including the aquifer separation

1 requirements that have to be complied with.

2 We are at about 55% green. The only wetlands
3 that we have is just this little tiny corner here
4 (Indicating). The rest is within the 100-foot buffer.
5 Yes, that is part of the 55% green space.

6 MS. DALTON: you have to leave that buffer. In
7 one sense, counting that in as part of the green space
8 isn't really your calculation. It's not an option not
9 to do it.

10 MR. BIANCHINI: Yes, it is. I disagree with
11 that. We have gotten many permits from DEC to grade
12 within a buffer area. We can't put a building there,
13 but we can clear things and grade as long as we
14 demonstrate that we have to do it. You can do it. I
15 can do a calculation that shows this. As you can see,
16 the lighter green -- there still is a significant
17 amount of green area around the buildings and within
18 the overall site.

19 The walking trail -

20 CHAIRMAN STUTO: Does it connect to another
21 wooded area? I think that is what he asked.

22 MR. BIANCHINI: It connects frontload seven
23 through here and it goes up along the wooded area here
24 and then through the wooded area (Indicating).

25 MR. LANE: So, basically it just skirts it.

1 MR. BIANCHINI: Yes, it just skirts it.

2 MR. HOLLAND: As far as I know, there is
3 nothing to connect to.

4 MS. DALTON: There actually is.

5 MR. BIANCHINI: That is off our property.

6 MS. DALTON: If you go behind the building and
7 go down, there is a whole area back there. If you went
8 back that way and up -

9 MR. BIANCHINI: This is across the teacher's
10 property.

11 MS. DALTON: No, I am suggesting from there.
12 Wear your red line is - essentially follow the red
13 property line and go in the other direction. People
14 use the trails back there and run back there and walk
15 their dogs back there. All I am suggesting is that you
16 could in fact -

17 MR. BIANCHINI: I don't know where the trails
18 are back there.

19 MR. HOLLAND: We believe that we can connect to
20 that, if we can.

21 MR. BIANCHINI: If there is an existing trail
22 back there and all we have to do is clear a little bit
23 of brush or something -

24 MS. DALTON: All I know is that everybody uses
25 it.

1 MR. LACIVITA: Joe, did you say that was
2 wetland back there?

3 MR. BIANCHINI: This corner is wetlands right
4 here (Indicating). This is the wetland line and the
5 100-foot adjacent area is there also.

6 CHAIRMAN STUTO: Mr. Bob Conant.

7 MR. CONANT: I live it 814 Troy Schenectady
8 Road, which is this property right here (Indicating).
9 I was very happy to hear about your planning to keep
10 the existing trees in this area because that will do a
11 nice job and masking that three-story building from
12 the back of my property.

13 I also wanted you to consider -- and this was
14 something that I also mentioned at the previous
15 submission of Top Tile. This section in the road
16 right here is a high point. So, from my driveway - if
17 you have snowbanks or plantings or potentially even a
18 fence along here, it will obstruct my view of oncoming
19 traffic since there is no shoulder right along Route 7
20 in that area. So, anything you can do to minimize
21 obstructions to views for people coming through would
22 be helpful.

23 CHAIRMAN STUTO: Joe, will you make sure you
24 take a look at that?

25 MR. LANE: So, no signs or things -

1 MR. CONANT: Even tall grassy type plantings
2 can obstruct the view. In the winter time plowing the
3 snow out of the parking lots - and if it gets
4 accumulated in this area, you just can't see oncoming
5 traffic.

6 CHAIRMAN STUTO: That's very dangerous. I agree
7 with you.

8 MR. CONANT: Recognizing the amount of traffic
9 with 21 units -

10 MR. LANE: When you travel, do you usually go
11 left?

12 MS. DALTON: And, it depends on what time of
13 day.

14 MR. CONANT: If it's dark and there are
15 headlights coming, you can safely pull out of your
16 driveway because you can see oncoming traffic from the
17 headlights. It does get scary sometimes. Recognizing
18 also that traffic backs up all the way past year
19 during rush hour at 5:45 p.m. or so - people will be
20 pulling into that turning lane and having to wait.
21 Safety is the key on that. Being a defensive driver,
22 it's very much key.

23 I had a question in terms of your typical
24 occupancy of the apartment buildings. There are 21
25 units. I'm just curious how many of expect to have.

1 MR. BIANCHINI: There will be a mix of one, two
2 and three bedroom apartments.

3 MR. CONANT: I like your plan and I think it's a
4 good use of the space. Those are my only comments. I
5 like your design.

6 MR. BIANCHINI: Thank you.

7 CHAIRMAN STUTO: Board Members?

8 MS. DALTON: my first question is: the last
9 time you guys appeared all of the neighbors - not all
10 of them but the Laura Drive neighbors and the Garling
11 Drive asked that any time anything came to the
12 Planning Board, that you notice them. And there was an
13 agreement that you want. You have not. If you look at
14 the picture that you gave, my house is here in the
15 picture. I was not noticed. I knew that and be here
16 because I am on you were going to be here because I am
17 on the Planning Board. None of my neighbors were
18 noticed. I feel strongly that that is problematic for
19 going forward with concept tonight. The people who are
20 going to be most affected by this plan, as we assessed
21 the last time the project for this area, are the
22 people on the other side. Where you are developing is
23 a higher land. We are lower. Once those trees are gone
24 and the leaves are gone after the summer time, all of
25 those lights and our view is going to be 3 three-story

1 apartment building.

2 MR. HOLLAND: Hold it. There is only going to
3 be two three-story apartment buildings.

4 MS. DALTON: Sorry. Two three-story apartment
5 buildings and a two-story building. That was part of
6 an of what the builder heard the last time was that
7 there was a big part of the building that would be
8 looking down into the neighborhood and clear-cutting
9 that that area. This plan still does that. My biggest
10 problem is with the notice - the last time that
11 everybody appeared I thought there was agreement that
12 they would be noticed.

13 MR. BIANCHINI: I'm sorry. I did not present
14 the project last time. There was a different engineer
15 and a different company. I did read the comments from
16 that, but I don't recall seeing -- I may have missed
17 it, but I don't recall seeing it. We did notice
18 everybody -

19 MS. DALTON: You noticed everybody according to
20 the requirements, and I get that. That happened the
21 very first time the Top Tile was here. We made a point
22 to Top Tile in that particular case that the
23 residential neighborhood that was most affected was
24 the one that was behind the project.

25 MR. BIANCHINI: I'm sorry I was not aware of

1 that. I wasn't brought up in the DCC meeting or
2 anything else. I apologize.

3 MS. DALTON: That was the problem that I had.
4 Second is the traffic. One of the biggest problems
5 that I have with the last project which had a smaller
6 number of apartments was - as this gentleman was
7 saying - there are periods of time in the morning and
8 rush hour that you literally cannot move from Wade
9 Road all the way back almost to Peter Harris. This
10 area right here where you are now adding all of these
11 apartments is the prime area where the stacking
12 occurs. What is your wish your consideration with
13 regard to the traffic?

14 MR. BIANCHINI: We had submitted an estimate
15 for the morning traffic and the p.m. traffic that went
16 to DOT. We didn't get any comments back from DOT on
17 the traffic. I will look at a further period I wasn't
18 aware that there was a big concern.

19 MS. DALTON: It is a huge area. There's a lot
20 of problems there, as I said, during rush hour time.
21 You can't leave my neighborhood from about 4 o'clock
22 in the afternoon to almost 6:00 at night. I wasn't
23 joking when I asked which direction you go because
24 frequently even if I'm going toward Wade Road, I will
25 take a left go up Mill and go all the way around and

1 that's about the traffic is. I have lived there 30
2 years so I can tell you that I have watched it get
3 this way. Of course, putting up the Teacher's
4 Retirement and then adding the state police and all of
5 that certainly hasn't helped the traffic there. So,
6 I'm very concerned about that.

7 The three floors, again, looking at the last
8 set of plans that were made for top tile for the
9 residential building -- we were very concerned about
10 how high those buildings were because of the fact that
11 they would pop up. The marshmallow lights up the
12 entire sky from where we are. I wasn't on the Planning
13 Board one that came before the Town. I would've
14 objected to that too. I have a problem with three
15 stories. I think it is too high for the area.

16 MR. HOLLAND: I want to interrupt you but I
17 would like to address the three-story piece. The
18 original design had the three-story building going
19 across this way (Indicating). So, all of the lights
20 were facing that way. Since these buildings are
21 angled, what faces the neighborhood is a flat end of
22 the building. I don't even know if there's Windows on
23 that end. Where was facing that way, you now have the
24 profile of the building.

25 MS. DALTON: I was going to get to the fact

1 that there were things that I liked better about this
2 project. That was one of them.

3 MR. HOLLAND: That was one that we definitely
4 changed.

5 MS. DALTON: Another one of our concerns was in
6 some of the apartments could be school kids. We
7 talked about what the sidewalk pattern and the walk to
8 the bus stop was going to look like for the kids.
9 Again, that's less than a problem before not having
10 top tile trucks going back and forth. It is still a
11 consideration. So, do you have internal sidewalks?

12 MR. HOLLAND: No. That's the outside walking
13 path in the back.

14 MS. DALTON: So, you're suggesting that kids
15 will walk around there. At least you giving them an
16 option.

17 I was wondering what the price point was for
18 apartments like this.

19 MR. HOLLAND: They would be \$1,100.00 to
20 \$1,300.00 or \$1,400.00 a month.

21 MS. DALTON: Amenities for kids?

22 MR. HOLLAND: There is nothing specifically for
23 kids. There's going to be a fitness room on-site,
24 there's the walking trails with the picnic tables.
25 There's also the area in the back. There's not enough

1 room for playground nor would we really want a
2 playground there.

3 MS. DALTON: You don't think you're going to
4 have kids there?

5 MR. HOLLAND: I don't know who is going to be
6 there. Obviously, we cannot discriminate against kids
7 but in general, the complexes around there aren't
8 necessarily a lot of specific amenities for kids. This
9 is not a big enough project. A basketball court tends
10 to create a lot of noise and people are very unhappy
11 with that. Obviously, there is no room for a tennis
12 court.

13 MS. DALTON: I was thinking more of a swing
14 set.

15 MR. HOLLAND: Because of liability, we tend to
16 shy away from swing sets and playgrounds.

17 MS. DALTON: Again, going back to our concerns:
18 One of the things that I remember saying last time -
19 actually, I think it was Brian the last time - is this
20 really too much parking area and too much ground space
21 for that many people living in that area? On top of
22 putting children in that area, which I imagine they
23 would get, I see them playing on parking lots.

24 MR. HOLLAND: That's why I think that parents
25 are going to look at a place and decide based on that

1 if they don't seek amenities for their kids, they're
2 not going to go there. That's a personal decision.

3 MR. BIANCHINI: In addition, you are now on a
4 4.5 acre site versus a 2 acre site.

5 MS. BUCHER: Also, going back to how this
6 project is going to be designed with a high
7 sustainability component - it is going to be marketed
8 as such. So, each of those units - sunrise
9 development managers a time apartments. This concept
10 that were going above and beyond with a sustainable
11 component is going to be very prevalent in the market.
12 So, we are sort of charting new ground, but even
13 though the three bedrooms are going to be very few,
14 most of them are going to be one-bedroom and
15 two-bedroom units and there also a little smaller than
16 a typical apartment. We don't see it as going to be a
17 child friendly environment or something that would
18 typically attract a young family. We don't see that
19 being the case, given the size and our design
20 direction.

21 MS. DALTON: I thought I heard something about
22 putting a patio in front of the rental building.

23 MR. BIANCHINI: In front of the office building
24 here, we will have some sort of patio in this area.

25 MS. DALTON: Is that intended just for show or

1 do you really think people are going to set on Route 7
2 on a patio?

3 MR. BUCHER: Jesse's company will be moving
4 there. His employees will definitely be using it. The
5 second floor tenant will also have access to it.

6 MS. DALTON: So, it's mostly for break time?

7 MR. BIANCHINI: Yes.

8 MR. BUCHER: Small events - it's going to be
9 large enough to have small events on it. The way that
10 I'm designing it is again to have that connectivity to
11 the circulation space. It's going to be very prominent
12 as part of the design of the Route 7 elevation.

13 MR. HOLLAND: As I recall, the Planning Board
14 was looking for that sort of frontage to the road. We
15 were trying to meet that.

16 MR. DALTON: It would make sense if it is for
17 employees and stuff like that.

18 Can you talk a little bit about the less than
19 80% waiver that you're asking for?

20 MR. BIANCHINI: We are supposed to have 80%
21 across the front - build out. Obviously, because of
22 the existing building here, we cannot accommodate that
23 in this area of the road and to the property line
24 here. We touched the front setback line, but we want
25 to keep the orientation of this building in that

1 direction. That is why we cannot do the 80% build-out
2 there. We had offered a fence, but would really
3 rather not have the fence there. Maybe we can see if
4 we can do something else.

5 MR. DALTON: So, my other comment going back to
6 the lighter green area -- because again, those trees
7 provide a lot of buffer to that back neighborhood. I
8 would request that you take a look at that area and I
9 think we can't even require that you do a tree study
10 and tell us which of the big trees that are left there
11 or that are currently there -- that you have to take
12 down. That would make a difference but the green area
13 that I see right now there. I don't understand why
14 that must come down.

15 MR. BIANCHINI: Again, you have to grade this
16 out to certain standards. Joe can take a look at it
17 and see if there is anything that we can do. I think
18 that because we have to grade that whole area to make
19 the parking lots at a certain grade and make the
20 building a flat slab here (Indicating) - this has to
21 be graded out and you have to get a certain amount of
22 storage there. Then, it slopes down. Basically, the
23 grades tell you what you have to do. You have to meet
24 certain grades.

25 MR. HOLLAND: Our goal is to keep as many trees

1 as possible.

2 MR. BIANCHINI: We will work to keep as many
3 trees as we can.

4 MR. HOLLAND: We are going to add a significant
5 amount of trees.

6 MR. GRASSO: What we can do is -- there is an
7 interim design step here in the plans where they could
8 share with me their conceptual grading plan and I
9 could review that to validate what Joe is talking
10 about in terms of does the sloping nature and grading
11 necessary to accommodate these features necessitated
12 clearing to where he is showing. If not and if we
13 cannot validated, then we can say we want a change in
14 grading or a tree resurvey in these areas to see are
15 there specific trees that you can tighten up your
16 grading in order to save. We can do that during the
17 design step. All I would ask is that I have given the
18 ability to do it with their design team outside the
19 Planning Board's review. I will be asked to come
20 before the Planning Board if there is a discrepancy.

21 MS. DALTON: Yes, because I think that with the
22 jogging path that they are describing, that would work
23 very nicely if they were more woods there. As far as
24 the rest of the project, this works a lot better than
25 top tile. I think that not having commercial trucks

1 come in and out doing deliveries makes it a safer
2 project plan than the one that it was zoned for. I'm
3 still not thrilled with the plan but I would have to
4 say that I really like the angles and I like the
5 sustainability concept. So, it pleases me to see -- I
6 know one of the things that we asked you to do - it
7 was a mixed-use and we said the use you came with was
8 allowable, but it didn't seem very well thought out to
9 us. I know that I was the most vocal critic. This is
10 a far better plan. I still don't like where it is
11 going and how it is going near my house, but it is a
12 better plan than the former one. So, I do appreciate
13 that.

14 CHAIRMAN STUTO: Anyone else have any
15 questions?

16 MR. LANE: Well, I agree with Kathy. I like the
17 hope concept and I like the sustainability. It is a
18 far better project than the one we had before. I'm
19 really happy to see that the comments that were taken,
20 were taken to heart and you can back with something -
21 - I think it might be a bit of a showpiece once it is
22 done.

23 MS. MILSTEIN: I like the plan.

24 CHAIRMAN STUTO: I like the plan, as well.

25 Joe, we have asked you to look into a couple of

1 things a little bit more. I am particularly sensitive
2 to Bob Conant who lives to the east and that his
3 vision is not impaired as pulling out of his driveway.
4 That can be dangerous situation.

5 MR. GRASSO: There is a sidewalk out there
6 along Route 7, right?

7 MR. BIANCHINI: Yes.

8 MR. GRASSO: You're talking about between the
9 sidewalk and the parking in front of the DeWalt Store.
10 Is that the strip?

11 MR. BIANCHINI: Yes.

12 MR. GRASSO: So, that area you would like to
13 see without obstructions, including snow storage. That
14 is an issue that we need to look at there to make sure
15 that is not used as a snow storage area.

16 MR. HOLLAND: There is no room to put snow
17 storage there.

18 MR. GRASSO: The Town uses their blower on the
19 sidewalk, right? They blow it towards the building.

20 MR. CONANT: That's fine. There just can't be
21 a bank or build up of snow.

22 MR. BUCKER: This project is unique in a way
23 because the developer is also the owner and also a
24 large property management company. He just gave Mr.
25 Conant's card. If there is ever an issue with that -

1 plus these guys know how to manage other projects that
2 we are involved in -- it does make a difference that
3 the property would be maintained. It's going to be a
4 great addition.

5 MR. HOLLAND: We are making this our home.

6 MR. LANE: Next time we come back, please make
7 sure we have the notification to the neighbors.

8 MR. GRASSO: That was one of my notes. Is there
9 a list of -

10 MS. DALTON: There should have been a list from
11 the last time - when there was a public hearing on top
12 tile, there were people who signed up. At the very
13 least, along Garling and along Laura - those people
14 were very much concerned.

15 MR. GRASSO: I just think it is important that
16 we get some clarity, so there is no confusion later as
17 to who was supposed to get noticed.

18 And just going through my notes: in terms of
19 the playground, it sounds like the approach is to try
20 to design a development to discourage accommodations
21 for children.

22 MS. DALTON: If that is the approach in who you
23 are renting to, then I don't need a playground. If
24 there is going to be a smaller unit -- the whole
25 marketing plan is not for small families. If you

1 recall one of the things that we talked about the last
2 time was - my fear was people who were going to move
3 in behind the top tile were going to be single with
4 small kids who could not afford to live someplace else
5 and had to live behind top tile. You're talking about
6 kids who need to be able to do something or get in
7 trouble. So, there was a lot of discussion about that.
8 This is not that. Again, it is different.

9 CHAIRMAN STUTO: Joe, you have a question about
10 that?

11 MR. GRASSO: We are not going to direct him to
12 incorporate any additional recreational facilities.

13 MS. DALTON: Right.

14 CHAIRMAN STUTO: Who rents a three bedroom
15 apartment?

16 MR. BUCKER: Empty nesters, people who want
17 that extra bedroom. It runs the gamut.

18 MR. HOLLAND: In our other projects,
19 predominantly to young professionals share with that
20 extra room for a guest, or a home office.

21 CHAIRMAN STUTO: Any other questions or
22 comments?

23 MS. MILSTEIN: These notice requirements are
24 not required.

25 CHAIRMAN STUTO: Okay, we have an application

1 for concept acceptance with other comments
2 incorporated today. Concept acceptance is not a
3 binding act by the Town, but it moves the project in a
4 certain direction.

5 Do we have a motion?

6 MR. MION: I'll make that motion.

7 MR. LANE: Second.

8 CHAIRMAN STUTO: Any discussion?

9 (There was no response.)

10 All those in favor, say aye.

11 MR. MION: Aye.

12 MR. AUSTIN: Aye.

13 CHAIRMAN STUTO: Aye.

14 MR. LANE: Aye.

15 MS. MILSTEIN: Aye.

16 CHAIRMAN STUTO: All those opposed, say nay.

17 MS. DALTON: Nay. I want it to go on record to
18 be clear that because of the lack of notice, I could
19 not support this. There are people that I know would
20 want to speak are not here tonight.

21 CHAIRMAN STUTO: Okay, there is one negative.

22 The ayes have it.

23 Thank you.

24 (Whereas the above entitled proceeding was
25 concluded at 9:44 p.m.)

CERTIFICATION

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

I, NANCY L. STRANG, 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 L. STRANG

Dated _____

