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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

THE SUMMIT AT FORTS FERRY PDD
33 & 45 FORTS FERRY ROAD
APPLICATION FOR REVIEW AND ACTION ON SEQ
R DETERMINATION, CONCEPT SUBMISSION
AND RECOMMENDATION TO
THE TOWN BOARD ON THE PROPOSED PDD REZONING

THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY L. STRANG, a Shorthand Reporter,
commencing on March 7, 2017 at 8:50 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham, New
York.

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
LOU MION
CRAIG SHAMLIAN
SUSAN MILSTEIN

ALSO PRESENT:

Joseph LaCivita, Planning and Economic Development
Department
Michael Tengeler, Planning and Economic Development
Department
Paula Mahan, Supervisor
Michael Brennan, Colonie Conservation Advisory Council
Mary Elizabeth Slevin, Esq.
Mike Tucker, PE, VHB
Adam DeSantis
Alanna Moran, PE, VHB
Joseph Grasso, PE, CHA
Michael DeSantis, Summit Senior Living
John Allen, Esq.

Terry Barlow
Crystal Bruno
Rick Bruno
Mary Cox

- 1 (cont.)
- 2 Sonya DeMicco
- 3 John Drake
- 4 Todd Drake
- 5 John Fahey
- 6 Joe Fesel
- 7 Julie Jolie
- 8 Gloria Knorr
- 9 Mark Kornfein
- 10 Susan Laurilliard
- 11 Sudir Mahetma
- 12 Ye Liu
- 13 Melissa McGlynn
- 14 Tim McGuire
- 15 Cindy Methe
- 16 Brian Methe
- 17 Phyllis Mooney
- 18 Tim Nichols
- 19 Rick Nottke
- 20 Bob Sanlite
- 21 Mike Slocum
- 22 Erich Smith
- 23 David Takor

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1 CHAIRMAN STUTO: Joe LaCivita, you want me to
2 just turn this right over?

3 MR. LACIVITA: Yes, we'll turn it right over.

4 CHAIRMAN STUTO: The applicant can get going
5 whenever it chooses.

6 MS. SLEVIN: Good evening. My name is Mary Beth
7 Slevin. I'm here this evening on behalf of Summit
8 Senior Living. With respect to the senior independent
9 living project that is proposed for Forts Ferry Road.

10 We have a very brief video that provides just
11 an oversight of a similar project that our client has
12 constructed and is operating in the Town of Wilton.
13 That is one of three projects that our client has
14 constructed and currently operates. There is one in
15 Wilton, Glenville and in North Greenbush. The
16 projects in Wilton and Glenville are very similar if
17 not almost identical that is proposed for Forts Ferry.
18 We wanted to give the Board the opportunity to just
19 get a better glimpse of it.

20 (The video was played.)

21 Thank you, everybody, for your patience.

22 This is a senior project. We ask the Board to
23 take note that in the past 10 years only two other
24 senior independent living projects have been
25 constructed in the Town of Colonie. One is Shaker

1 Pointe, which is 90% plus occupied. The other is King
2 Thiel which is 100% occupied with a long waiting list.

3 Additional independent living facilities
4 include the Beltrone facility with 250 units which is
5 100% occupied with a long waiting list and also
6 Hearthstone Village which is actually a little bit
7 older. It's 144 units and it is 90 plus occupied with
8 limited additional capacity.

9 Given those types of facilities that are really
10 comparable and they provide market rate apartments for
11 seniors, there is clearly a growing need in the Town
12 of Colonie for this type of facility which is not
13 going to be met in the future. The Town has 90,000
14 people within an aging population, many of whom would
15 like to stay in the Town as they grow older. Most of
16 the folks in the facilities that our client operate -
17 and Adam DeSantis will talk about this a little bit
18 later on - are between the ages of 70 and into their
19 80's. So, these are truly seniors, but they are
20 vibrant people who want to remain vibrant and want to
21 remain in the community and are looking for a way to
22 do that. That's the reason why this facility is
23 proposed.

24 The underlying zoning is office/residential. We
25 are proposing a PDD, a planned development district

1 for the property. It is approximately 13 acres. We
2 believe that the PDD, given the manner of the design
3 of this particular project, provides less impacts to
4 the neighborhood than an as-of-right development would
5 do which would be either all office or a mix of office
6 and residential uses on a property.

7 We have done an analysis for a maximum build
8 for the office residential. It doesn't mean that's
9 what's going to be built but just in terms of having
10 something to compare, we used a comparison to look at
11 what the likelihood of the impacts of this project
12 versus the potential impacts of as-of-right project
13 might look like.

14 CHAIRMAN STUTO: We see the pictures there. Can
15 you talk more and give us some statistics on that with
16 respect to square footage? Or if it's later in the
17 program, that's fine.

18 MS. SLEVIN: We were going to do that a little
19 later in the program. I just have a couple more
20 comments and I'm going to turn it over to Mike Tucker
21 who can review all those issues.

22 We were here before the Planning Board, as you
23 know, approximately a year ago. Since that time there
24 has been a judicial resolution of the magnitude of the
25 buffer. The buffer that is required to be on this

1 property is 100% protected and preserved with this
2 project design.

3 Additionally, we did meet with the neighbors
4 and members of the Forts Ferry Neighborhood
5 Association last week. We reviewed with them a number
6 of their concerns which I believe that they have
7 articulated to this Board as well through writings and
8 through contact with the Board. Those concerns
9 included things such as concerns about drainage,
10 concerns about lighting, visual impacts, possible
11 traffic impacts and the size and density of the
12 project.

13 Mike Tucker is going to review all those issues
14 with you to really demonstrate that this project
15 provides significantly less impacts than as-of-right
16 build would be under the office/residential zoning on
17 the property.

18 MR. TUCKER: I'm Mike Tucker from VHB.

19 Before I kind of dive in to our proposed plan,
20 as Mary Beth said the existing site is 13.06 acres.
21 It is zoned OR and the plan that you see there in the
22 middle shows 235,080 square feet of office building
23 and the associated parking that goes with that.

24 CHAIRMAN STUTO: Can the whole public see that
25 drawing?

1 Can you point to it?

2 MR. TUCKER: It's this one right here.

3 So, this by right plan shows 235,000 square
4 feet of office space in the three buildings, surface
5 parking and a three-story four-level parking garage to
6 account for the parking. The maximum footprint in that
7 OR zone is 30,000 square feet, so we have respected
8 that with that building - with what we have shown
9 there.

10 The proposal in front of you is 110-unit senior
11 apartment building on the same site in a single
12 building with some detached garages. The building,
13 based on the initial feedback from the Planning Board
14 at one of our earlier meeting - the building has been
15 pushed back on the site. I think that originally we
16 had it right out on Forts Ferry Road with the majority
17 of the parking and garages to the rear. We are still
18 respecting that 100-foot buffer that Mary Beth
19 mentioned. We are not doing any grading or clearing
20 with that 100-foot buffer. So, that runs along this
21 property line and along the back. That buffer will
22 remain.

23 As a point of reference, I just wanted to run
24 through some comparisons between what we are proposing
25 and that maximum build-by-right plan. Like Mary Beth

1 said, this isn't something that we are saying is going
2 to be built, but a point of reference, it is
3 allowable. That is the maximum office building that
4 could be built on that site.

5 So, the building area under our proposed
6 development is 146,540 square feet. As I mentioned,
7 the by-right is 235,080 square feet. That equates to a
8 density for the proposed PDD plan of just over 11,000
9 square feet per acre while the by-right plan is at
10 that maximum 18,000 square feet per acre that is
11 allowed in that COR zone.

12 We are showing 192 total parking spaces on the
13 senior apartment project. In order to park per Code
14 for the office development that we are showing 1,054
15 parking spaces; again, some at grade and some in the
16 parking garage.

17 From a traffic standpoint - Alanna Moran from
18 my office will come up shortly to just talk through
19 the traffic a little bit. The peak hour for the senior
20 apartment development is 28 vehicles per hour and
21 that's in the PM peak. The office development
22 generates 379 vehicles per hour in the AM peak.

23 Water and sewer - both are much, much less for
24 the senior apartment development. The by-right office
25 is about 20,000 gallons per day. The senior is about

1 6,000 and those numbers are spelled out right here for
2 you (Indicating).

3 Lighting and noise is another issue that came
4 up from the neighbors. The lighting on this is very
5 residential in nature. It's very pedestrian-scale. We
6 don't have any wide open parking lots that need to be
7 lit with high lights.

8 This would be more of a typical office
9 development parking lot lighting.

10 That was just a real quick comparison just to
11 give you an idea of where this is what is allowed, a
12 PDD does allow us to limit the impacts and get a nice
13 project in there.

14 Based on the requests at the last Planning
15 Board meeting we have developed some visualization
16 renderings of the site from various points around the
17 perimeter. This photo is roughly back here at the end
18 of Catalina Drive (Indicating). You can see that
19 100-foot buffer does provide some screening while the
20 building is certainly visible, that 100-foot
21 undisturbed buffer does provide some screening.

22 This photo rendering is taken from this corner
23 of the property (Indicating).

24 This rendering is taken from this back corner
25 (Indicating) roughly back in here. This one is taken

1 back here and looking in toward the site. This is just
2 to give you an idea of what the building will look
3 like.

4 I do want to point out that the proposed senior
5 apartment building is within that 40-foot height limit
6 of the underlying zoning. No matter what gets built
7 on that site, even if it's under the current zoning,
8 it would still be under that same height. It would
9 still have the same visual impacts from -- the
10 perimeter of the site is what we are proposing, as
11 long as that 100-foot buffer is respected.

12 Drainage-wise, the existing site today drains
13 back toward the back property line. That will
14 somewhat continue. We're trying to capture as much as
15 we can, roughly from this area of the site and drain
16 it towards this behind. We will capture, treat and
17 store underground. We know that the drainage is an
18 issue on the back property line. We're committed to
19 exceeding the New York State DEC and Town of Colonie
20 guidelines and improving the run-off and reducing the
21 run-off over what gets there today. The guidelines
22 that we need to match - we are committed to making it
23 better and actually reducing it by an amount back to
24 those areas.

25 The last thing that I wanted to talk about

1 before Alanna speaks about traffic is the archeology.
2 We had a full archeological report done by Harken.
3 There is one site that we are providing an avoidance
4 plan for and SHPPO has concurred with. So, once we get
5 a little further into the design, avoidance plan will
6 go in to SHPPO and we will get full approval from
7 them.

8 MS. MORAN: Alanna Moran with VHB.

9 A traffic evaluation was prepared for this
10 project in March 2016. As it has been stated, the
11 project includes development of 110 senior housing
12 units with two full access driveways on 2 Forts Ferry
13 Road.

14 The traffic evaluation was completed included
15 both a trip generation estimate and a site distance
16 evaluation of those two - the North and South side
17 driveways.

18 As Mike had said, the trip generation for the
19 proposed project - the higher generating peak hours -
20 the PM peak hour with about 20 trips being generated
21 during the morning peak hours about 22 trips being
22 generated. So, there is that one hour that would be
23 sometime between 7:00 and 9:00 in the morning. And
24 that one peak hours that would be sometime between
25 4:00 and 6:00 in the evening when those people are

1 going to and from work.

2 From a comparison perspective, the by-right
3 plan with 235,000 square feet of office development
4 will generate roughly 380 trips during the morning
5 peak hour and roughly 340 trips during the PM peak
6 hour. So, we're talking an access of more than 300
7 troops as a comparison when we look at chip generation
8 for the peak hours.

9 CHAIRMAN STUTO: I am not advocating, but that
10 is like 15 times more.

11 MS. MORAN: Yes, it is between 12 and 17 times
12 more, depending upon the peak hour.

13 The next step and this was the sight distance
14 evaluation, looking at both the site driveways. The
15 recommendation is really to make sure the vegetation
16 is cleared roughly 15 feet back from the travel way
17 along the site frontage, which is going to maximize
18 and maintain good sight lines.

19 South side driveway meets all the American
20 Association of State Highway and Transportation
21 Officials Site Distance Guidelines. The north site
22 driveway there is one distance that is about 20 feet
23 less than the guideline presented by AASHTO. It is
24 less than desirable, but not critically limited so no
25 mitigation is actually needed. The one thing about

1 that is that it is actually a left turn out of the
2 north side driveway so most people, if they are going
3 to left really going to come out of the south driveway
4 anyway.

5 That really cleaned up traffic evaluation. I
6 will turn it back over to Mary Beth.

7 MR. TUCKER: We turn it back over to Marybeth,
8 but one thing to mention - density being an issue, I
9 think that I showed Marybeth the overall density is
10 less for the proposed apartment building. However, the
11 by-right plan to show the maximum footprint 30,000
12 square feet. The first floor footprint of this
13 facility is just over 52,000. So, it does exceed
14 underlying zoning. Again, the overall square footage
15 of the building is much less than what is allowed by
16 right.

17 MS. SLEVIN: I was going to ask Adam DeSantis -
18 one of the other comments that we received was
19 concerns on the impacts on school district. As I
20 believe I indicated earlier, the majority of the
21 residents are between 70 and 80+ years old.

22 Adam, perhaps you can address the statistics.

23 While Adam is doing that, one other follow-up
24 to Mike's discussion about density - I wanted to
25 remind the Board that there is also substantially more

1 green space that is proposed with this project than
2 there would be for the as-of-right.

3 CHAIRMAN STUTO: There are a few therefore the
4 neighbors - anybody who wants to see what's going on.

5 MS. SLEVIN: That provides another significant
6 benefit for this project versus the end development
7 under the underlying zoning.

8 CHAIRMAN STUTO: More green space; is that what
9 you're saying?

10 MS. SLEVIN: That is correct.

11 MR. DESANTIS: Thank you, Mary Beth. When we
12 met before the Board approximately a year ago and then
13 again when we met with the neighborhood association
14 just last week, questions were raised in concerns were
15 voiced about both the impact on the school system of
16 the proposed development and also the typical age
17 profile of our resident population. The concern being
18 that we would have seniors 55 years old who would have
19 children living on the property when obviously be
20 impactful on the school system.

21 The data that you have in front of you shows
22 age range and gender profiles for our three operating
23 properties. What you see is consistent as far as age
24 range - all of the properties, 85% of our tenants are
25 in excess of 70 years old. That leaves 15% who would

1 be less than 70 years old. The gender profile shows a
2 pretty consistent split of 70% female to 30% male.
3 What this shows us is that when you combine the age
4 range and the gender profile of the typical resident
5 at one of our communities - and there would be no
6 reason to believe that the typical resident at the
7 proposed facility would be any different - they are
8 single women, 70 years old, or older. What we would
9 like to emphasize to the Board today is that we do not
10 rent nor do we plan to rent apartments at this
11 facility to anyone who is 55 years or younger, and we
12 also have the ability to restrict rental
13 accommodations to anyone who has school-aged children.
14 So, we will not have residents living at this property
15 who have school aged children living there with them.

16 MS. SLEVIN: Finally, I just want to address
17 the Comprehensive Plan and the application of the
18 provisions of the plan to this particular project. I
19 apologize for reading, but I don't want to misquote
20 anything. These are provisions directly out of the
21 Comprehensive Plan. "Provide a mix of housing options
22 including senior housing. Encourage a mix of housing
23 types for seniors in appropriate areas of the
24 community. Areas where senior housing might be
25 appropriate could be characterized as areas with

1 services such as medical offices and neighborhood
2 commercial uses within walking distance."

3 Which of course is exactly where this project
4 is. There are medical offices immediately across the
5 street and other retail facilities nearby.

6 "Whenever possible, housing opportunities for
7 these seniors should be integrated into existing
8 neighborhoods or mixed use centers."

9 By providing this facility, really as a
10 transition between the very intense commercial
11 development on the other side of Forts Ferry and then
12 the single-family homes within Forts Ferry
13 neighborhood, we believe that it provides not only a
14 transition but also a buffer for the neighborhood from
15 the commercial development.

16 "Encouraged the use of buffers between
17 commercial development and existing residential
18 development."

19 As indicated earlier, the required buffer has
20 been preserved and protected within the project design
21 and that is something that the project sponsor is
22 fully committed to. Thank you.

23 CHAIRMAN STUTO: There is a requirement of
24 PDD's that they have a benefit to the outside
25 community - connectivity and so forth. There is a set

1 of criteria in the Land Use Law. Can you speak to
2 that?

3 MS. SLEVIN: Yes. The project sponsor is
4 proposing sidewalks from -- Mike, maybe you could show
5 us the limits of that.

6 MR. TUCKER: It goes down to the Wade Road
7 intersection, up north to Omega Terrace.

8 CHAIRMAN STUTO: How many feet of extra
9 sidewalk will there be?

10 MR. TUCKER: It is 1,400+ or minus.

11 CHAIRMAN STUTO: In addition to what is in
12 front of your property?

13 MR. TUCKER: In addition to what is in front of
14 our property, correct.

15 CHAIRMAN STUTO: Thank you. Is that it?

16 MS. SLEVIN: In addition to the sidewalks - as
17 Mike indicated earlier, it is the commitment of the
18 project sponsor to improve the drainage conditions
19 beyond what is required by DEC in the Town's
20 regulations. We believe that provides an additional
21 benefit to the Town, in addition to the project
22 itself. Given the statistics and the need for this in
23 your housing - the recognized need for senior housing,
24 this provides a benefit in that fashion, as well.

25 CHAIRMAN STUTO: How much is an average unit

1 going to cost? It is market rate?

2 MS. SLEVIN: It is market rate.

3 CHAIRMAN STUTO: Where will that be?

4 MS. SLEVIN: Adam, can you speak to that? I
5 understand that the rents have not been finalized as
6 of yet

7 MR. DESANTIS: Rental rates will be
8 approximately \$1,600 per month to \$2,500 or for \$2,600
9 for a two bedroom/2 bath.

10 CHAIRMAN STUTO: Thank you

11 MR. SHAMLIAN: What services do you provide?

12 MR. DESANTIS: There are a number of things
13 that are included in that rent. We include daily
14 continental breakfast, transportation services, water,
15 sewer, trash, all of the maintenance, your cable
16 television and high-speed Internet and all of the
17 activities that are inclusive of the senior engaged
18 life program. The brochure that I passed out, in
19 addition to having the data that discussed, talks
20 about those programs at length. Things like aqua
21 aerobics, tai chi, water walking, so on and so forth.

22 CHAIRMAN STUTO: We had a Town Designated
23 Engineer who happens to be the same gentleman you have
24 seen for the last two projects, Joe Grasso from CHA.

25 Joe, can you give us your comments?

1 MR. GRASSO: So, we did issue a dated comment
2 letter dated today on the project. Within our letter
3 we go through a lot of background and through a lot of
4 the disputed that was presented by both Mary Beth and
5 Mike during their presentations. For the sake of time,
6 I'm going to try to skip through our letter so I am
7 not sounding repetitive.

8 In our first letter we touch on the PDD and we
9 mention that the underlying zoning district is OR,
10 office/residential. The application as presented it as
11 a PDD and generally conforms to many of the design
12 standards that we see in an OR zone except for three
13 primary things. I think these things are salient
14 points.

15 The first is the increased residential density.
16 The OR zone permits a maximum commercial density of
17 18,000 square feet per acre so, as Mike had presented
18 a maximum of 235,000 square feet. But in the zone you
19 can convert 80% of that density to residential use
20 which would allow you at the Town's ratio of 3,000
21 square feet of commercial use per unit, it would allow
22 63 residential units. In essence, proposed the maximum
23 residential density the project could have 63
24 residential units as well as it would be 47,000 of
25 additional commercial retail. Obviously, Mike

1 presented a different alternative under the underlying
2 zoning that would allow up to 235,000 square feet of
3 strictly commercial. Both those would be allowed
4 within the underlying zoning. The project, as
5 proposed, is 110 residential units.

6 The other thing that the OR zone does not allow
7 exclusive -- residential use of a project site. Like I
8 said, it only allows up to 80% conversion from
9 commercial to residential use and obviously the
10 project is proposed at hundred percent residential
11 use.

12 You may have heard Mike mention the size of the
13 building footprint. In the OR zone they allow a
14 maximum building footprint of 30,000 square feet. This
15 building's footprint is 52,500 square feet. So, it is
16 a substantial increase over the maximum.

17 The last time this project was before the
18 Board, the Board raised questions regarding the
19 potential of full build-out of the project site, based
20 on actual realistic development plan. I commend Mike's
21 office for putting that as-of-right plan together. I
22 think it provides a lot of good information.

23 Just to clarify, that plan shows two and
24 three-story buildings as well as a four level parking
25 garage. We have determined that all of those could

1 reasonably be developed within that 40 foot maximum
2 height requirement within the OR, office/residential
3 zone.

4 An important part is that as-of-right plan
5 shows a three-story parking garage with 520 spaces.
6 Not that that could not ever be developed but based on
7 our understanding of the project site in the land
8 values in this area, we do believe that it would be
9 unlikely that the market conditions would ever support
10 the costs associated with the parking garage on this
11 site. We have done some calculations and we've
12 estimated approximately 660 parking spaces could be
13 developed on-site which would support approximately
14 150,000 square feet of office space. As you recall,
15 the zoning allows 235,000. We estimated that would
16 actually be approximately 150,000 square feet. Just by
17 comparison - Alanna had touched to this regarding
18 traffic - and office development of this size, 150,000
19 square feet would generate approximately eight times
20 as much traffic as we expect to see from the proposed
21 senior housing development.

22 CHAIRMAN STUTO: Just to clarify that point:
23 They said 12 to 17, but you think -

24 MR. GRASSO: Well, that is based on 235,000.
25 Taking that down to 150,000 it cuts it down to an

1 eight time multiplier.

2 CHAIRMAN STUTO: It is still eight to one.

3 MR. GRASSO: Yes. Looked at another way, the
4 amount of traffic that this project is going to
5 generate equates to the amount of traffic that we
6 would see from a 19,000 square feet office building.
7 Obviously, this site can accommodate much more than
8 19,000 square foot office building. That's just for
9 comparison for traffic generation.

10 Regarding the parking - based on currently
11 accepted industry standards, this type of facility
12 would generate a parking demand of approximately one
13 space per residential unit; so 110 spaces. They are
14 currently proposing 192 spaces. So, we would request
15 that the Planning Board consider reducing the amount
16 of parking that would be constructed initially and
17 possibly land banking some of those spaces until their
18 actual need is justified.

19 MR. SHAMLIAN: I have a question. They are
20 proposing some parking garages, as well?

21 MR. GRASSO: Yes.

22 MR. SHAMILIAN: The 192 included?

23 MR. TUCKER: Yes, correct.

24 CHAIRMAN STUTO: Can you show us where the
25 parking garage is on there?

1 MR. TUCKER: There are 13 attached garages that
2 are around -

3 CHAIRMAN STUTO: Oh, around there?

4 MR. TUCKER: Yes. They vary from 9 to 10 units
5 per detached garage. There are 57.

6 MR. GRASSO: At least based on our
7 interpretation of the plan, they propose to disturb a
8 quarter within the restricted buffer approximately 30
9 feet wide for the installation of utilities and
10 covering up by a utility easement. We think that it
11 would be unlikely that the Town Department of public
12 works would permit any real landscaping of that 30
13 foot utility easement.

14 CHAIRMAN STUTO: Can you show us where that is?

15 MR. GRASSO: It kind of conflicts with what was
16 presented with Mike and Mary Beth.

17 MR. TUCKER: I meant to bring that up. So, the
18 Latham Water District has requested that we loop the
19 water line from Forts Ferry to the dead-end line on
20 Catalina. So, we will have to disturb a small portion
21 of that 100 foot buffer to get that water line in and
22 potentially a sewer line also. We have talked about
23 zigzagging then in so that when you are going down
24 Catalina or you're standing at the end of Catalina,
25 you can see a clear path in its site. That water line

1 may zigzag in. So, at least you do not have a clear
2 shot.

3 MR. LANE: Is that problematic for the water
4 line? Is that something you generally want to do?

5 MR. GRASSO: No, it would be permitted. It is
6 not uncommon.

7 MR. TUCKER: I actually talked to John Frazier
8 from Latham water about doing something like that. He
9 said it was fine.

10 MR. GRASSO: I think it is an important
11 difference. A PDD basically allows them to have that
12 level of flexibility.

13 CHAIRMAN STUTO: Do you own all the property to
14 make that connection?

15 MR. TUCKER: We do. It is also right on our
16 property.

17 CHAIRMAN STUTO: If this were a matter of right
18 and not a PDD, are you allowed to do that through a
19 buffer area?

20 MR. GRASSO: Not based on our interpretation,
21 but it is something that we would need to research
22 more.

23 CHAIRMAN STUTO: Joe, have we done that before?

24 MS. SLEVIN: The Town Code does specifically
25 provide for disturbance of buffers. It is of a

1 specific purpose for utilities only.

2 CHAIRMAN STUTO: We will double check that;
3 thank you.

4 MR. LANE: Is looping of the lines also
5 considered a benefit as well?

6 MR. LACIVITA: The water department does look
7 at it as a benefit. They have requested in a number of
8 times in projects.

9 MR. GRASSO: The system as it exists now may
10 already be a looped system. This project site
11 obviously requires public water extended to it as a
12 public mean because it requires fire hydrants. This
13 project is what would create the dead and which the
14 Latham Water District would not want. I would not
15 stretch it to say that it was a public benefit.

16 MR. LANE: I didn't mean it that way. I meant a
17 benefit to the system.

18 MR. GRASSO: I would not think so.

19 CHAIRMAN STUTO: It is already looped now.

20 MR. GRASSO: There was a comment in there about
21 the public benefit and the amenity and the 1,400
22 linear feet of sidewalk. Sometimes it is helpful to
23 have a dollar value associated with that. We had
24 estimated the value of that work at approximately
25 \$200,000. Obviously, we don't have detailed plans to

1 go by but that is our estimate based on our experience
2 of building sidewalks within the Town.

3 We do have a comment that touched on how the
4 project fits in with some of the language in the
5 Comprehensive Plan and Mary Beth included that in her
6 presentation.

7 CHAIRMAN STUTO: Do you agree?

8 MR. GRASSO: We do agree with everything that
9 she had mentioned. That was taken right out of the
10 Comprehensive Plan.

11 Regarding SEQRA - the applicant did provide a
12 Full Environmental Assessment Form which provides a
13 lot of information regarding the environmental setting
14 and the potential impacts of the project. The two
15 involved agencies are the Colonie Town Board as well
16 as the Town of Colonie Planning Board.

17 Regarding that 100 foot buffer along the
18 northern property line - the Planning Board may wish
19 to require a detailed tree survey to assist in
20 determining the appropriateness of the buffer and if
21 there are existing trees within the project site
22 worthy of protection that may be on the fringes of
23 that buffer.

24 So, I'm going to ask Mike - just in terms of
25 the photo Sims that were done, if you could just

1 explain how they were generated and if they were
2 existing photos that were manipulated or are they just
3 photo simulations?

4 MR. TUCKER: Sure. They are photo simulations,
5 but they are based on real photos that we took from
6 places that we could access. We did not go on any of
7 the neighbors properties. We took them within our site
8 bounds. We took a few photos and basically used that
9 tree cover to manipulate and make those simulations
10 based on a computerized model. So, they are
11 computerized, but they are from photos. The issue that
12 we were having with doing a real photo segment and
13 taking a real photo and adding a building to it was
14 that the canopy interior to the site where the
15 buildings are would not allow us to effectively float
16 the balloon to get that height because it would get
17 caught up in the trees and we couldn't necessarily see
18 that from the areas that we wanted. So, we basically
19 ended up building a model of the building and kind of
20 dropping it into it.

21 MR. GRASSO: So, just to build off the comment
22 that we had in our letter - because we are currently
23 in a leaf off condition and were going to lose it
24 within a couple of months, I would recommend that you
25 take additional photos. I understand that you want to

1 respect the private property owners that are adjacent
2 to the site, but maybe from the back of Catalina
3 Drive -- but also if you get into the site 100 feet
4 and then shoot views back towards the perimeter of the
5 site, I think that would help us understand exactly
6 what that vegetation looks like and how significant
7 that buffer is expected to be.

8 We had a comment regarding the scale and the
9 visibility of the three-story building. Based on our
10 knowledge of the site and having visited it, we do
11 know that appreciable landscaping exists along the
12 site frontage that could assist in screening views
13 from Forts Ferry Road. It looks in their plan and in
14 their renderings in the video that they are looking to
15 create that large lawn and water feature and storm
16 water management area in their front lawn. We would
17 recommend that consideration be given to preserving
18 some of the vegetation in that front yard. That could
19 minimize the views of the building site. I know the
20 scale of the building was a concern of the Planning
21 Board.

22 CHAIRMAN STUTO: That ties into the ingress and
23 egress. Are you ready to address that now?

24 MR. GRASSO: Yes. We are supportive of the
25 ingress and egress arrangement. We are supportive of

1 the two curb cuts. We've got a concern with all the
2 clearing that is proposed.

3 CHAIRMAN STUTO: Why are you supporting that?

4 MR. GRASSO: Just from a traffic flow -- it is
5 a large facility. Emergency access is really
6 important. The only access to this facility is going
7 to be from Forts Ferry because we don't support a
8 connection to Catalina. So, those separated access
9 points is desirable from our perspective as well as
10 fire services.

11 CHAIRMAN STUTO: They are both full access.

12 MR. GRASSO: They are both full access.

13 MR. MION: I have a question. I think we
14 discussed this at the last meeting - bringing in and
15 doing like a boulevard effect in bringing it into one
16 curb cut where you have -- this is just my idea right
17 now -- you have two lanes going in and two lanes going
18 out. You could leave the pond there if you wanted to
19 and bring everything to one curb cut in the center.

20 MR. GRASSO: The traffic generation from this
21 facility is going to be so low that it doesn't support
22 two lanes in and two lanes out. It is not a traffic
23 flow, it is strictly in emergency access
24 consideration. If the Board is concerned about having
25 the two separate access points, we would be happy to

1 review it again with fire services and come back with
2 clarity for the Board.

3 MR. MION: I think that it would be different
4 type of a thing - the boulevard effect going in front
5 of the building and then branching off and going
6 around. You could bring them down, and it could be one
7 or two lanes.

8 MR. GRASSO: Understood.

9 CHAIRMAN STUTO: Esthetically, I agree with
10 Lou. I don't know if there's another way to do it.

11 MR. GRASSO: Sometimes what we do is we have
12 one dominant normal vehicle access and then we make
13 another one a minor and we screen it and we have it
14 strictly for emergency purposes. We could take that up
15 with fire services.

16 CHAIRMAN STUTO: I agree with your point about
17 saving trees up front. They probably want to have a
18 big dramatic effect from the road and it would help
19 their marketing. It is just my guess. I agree that I
20 would like to save some of the vegetation up front.

21 MR. LANE: It is more of a scrub. I didn't see
22 anything -

23 CHAIRMAN STUTO: Or do plantings.

24 MR. GRASSO: Then, just to finish up our letter
25 - our last comment was regarding the additional detail

1 that we need regarding the flooding conditions among
2 the back. I am sure that we will get some more
3 information on that from the residents.

4 CHAIRMAN STUTO: Any comments from the Board?

5 (There was no response.)

6 I'm going to get some editorial comment. This
7 is a big project. It is impactful on the neighborhood.
8 This is a process where we think about these things
9 and talk about them and try to get through them. I
10 doubt that I am personally going to be ready to vote
11 on this tonight. This is an application for review and
12 action on SEQRA. That is the environmental concept
13 submission and recommendation to the Town Board on the
14 proposed PDD. Personally, I doubt that I'm going to be
15 ready to vote on that tonight.

16 That said, in addition, we obviously have a lot
17 of interest from the neighbors here. There are
18 approximately 25 names signed up ready to speak. We're
19 going to call everybody up. We never close down the
20 discussion before everybody's had their turn to say
21 everything that they want to say. We try to ask that
22 you keep your comments relatively brief. For example,
23 if the first or second person wanted to talk for in
24 half an hour, that wouldn't be fair to the people
25 further down the list. So, we ask that you keep them

1 relatively short and then we will put you to the back
2 of the line and will keep running it through. Usually,
3 the issues come out and they could potentially get
4 repeated. Usually all of the good issues come out well
5 before you get through 25 people, or there could be
6 potential for repetition. Everybody gets their chance
7 to say whatever they want to say. Hopefully, everybody
8 can respect that.

9 That all said, we ask that if you are
10 physically able to come up to the microphone, I will
11 call the names on the list in the order in which they
12 appear.

13 MS. MILSTEIN: How many staff are you planning
14 to have on-site?

15 MR. DESANTIS: As far as staff on-site, we will
16 have approximately 4 to 5 full-time staff and then one
17 or two part-time positions.

18 MS. MILSTEIN: What are those positions?

19 MR. DESANTIS: We have a community manager
20 people. We call it a concierge, which supports
21 resident events and resident needs. We have 2 to 3
22 maintenance staff. During our lease up, we have
23 full-time sales staff and then administrative support.

24 MR. MAGGUILLI: This is not assisted living of
25 any kind, correct?

1 MR. DESANTIS: Correct. This is independent
2 living. There are no medical services here.

3 CHAIRMAN STUTO: The first name on the list is
4 Erich Smith.

5 MR. SMITH: Hello, my name is Erich Smith. My
6 wife and I have lived at 19 Omega Terrace for 19
7 years. That is right there (indicating). It is right
8 off of Catalina.

9 I would like to thank the Planning Board for
10 allowing us and giving us the opportunity to speak
11 this evening.

12 I am the president of the West Latham
13 Neighborhood Association. We changed our name. We have
14 a few concerns and comments about the Summit at Forts
15 Ferry. We live in a very diverse neighborhood with
16 many different age groups, ethnicities and cultural
17 backgrounds. We, as a neighborhood association, are
18 opposed to granting the PDD for this project. We are
19 concerned about the water issues, density, size,
20 height of the building, traffic and the need for this
21 type of facility in our area.

22 I handed out the photos. The first one is a
23 topographical map. It shows that there is a difference
24 of 18 feet from Forts Ferry back to Harrowgate. That
25 means water has to run uphill to get up there. There

1 is a slope of approximately 18 feet. It affects
2 drainage, storm water and if it is planned to run to
3 Forts Ferry this would create a need to elevate that
4 property in the back which would elevate the building.

5 Number two: these are two photos of the storm
6 water problems for the people who live on Omega
7 Terrace.

8 Number three: There are three Aerial views of
9 the completed projects. The first is the Meadows at
10 Glennwick. There are six houses at the rear of the
11 building and nothing is in close proximity on the
12 South East and North of the property.

13 Next is an aerial view of Eastwick Village at
14 East Greenbush. Note that there are only four houses
15 on the Western view Terrace and nothing else around
16 it.

17 The third is the project in Wilton. The
18 yellowish area is where the project is now built. It
19 was totally clear-cut. Their houses across the road
20 with a dense mature tree line between them in the road
21 and the project.

22 The fourth is the proposed project at Forts
23 Ferry. There are only 16 homes that up but the
24 property, nine more are adjacent to it in there are an
25 additional 22 houses that surround the property. It is

1 very different from the first three pictures you just
2 looked at. The traffic is a concern because there is a
3 knoll on Forts Ferry. When you are going in either
4 direction you can't see what is on the other side of
5 that knoll. We are concerned about that. We are
6 concerned about the emerging traffic from the health
7 Park at the peak times and also from Stewart's.

8 Mr. and Mrs. Dochey from Catalina will live
9 right next door to this property - they are not able
10 to be here and they called me on the phone and asked
11 me to convey that they are opposed to the granting of
12 the PDD.

13 Our treasurer and her husband are out of Town
14 and could not be here tonight and they asked us to
15 deliver the same message and said that they are asking
16 you to deny this request.

17 The last item in that handout that I gave you
18 is an article from the March 2 issue of the Times
19 Union newspaper. We were told that there was no demand
20 for single-family homes in the Capital District area.
21 We inserted this to show you that is not the case.*My
22 last item, with the help of Supervisor Mahan, Attorney
23 Magguilli and Joe LaCivita - the neighborhood finally
24 got to meet with the group from Nigro after a year and
25 a half of work. Thank you.

1 CHAIRMAN STUTO: John Drake.

2 MR. DRAKE: Good evening, my name is John Drake
3 and my wife Lisa is passing out the handouts. I have
4 lived at 4 Catalina Drive for the past 24 years. We
5 have raised our two sons in the community and have
6 every intention of staying in our home for many years
7 to come.

8 Over the past 18 months I have learned a lot
9 about the Summit at Forts Ferry planned development
10 District and the Town of Colonie Comprehensive Plan.
11 Based upon what I have learned, tonight I am asking
12 you to reject the requested planned development
13 District - if you vote tonight.

14 There are a long list of concerns that I have
15 about the proposal, but I have one positive. At the
16 price of this, my mother in law will not be moving in
17 to this building, if you should approve it. I will
18 take that as a positive.

19 Some of my concerns - and I will just speak in
20 more detail - despite what we have heard, this does
21 not meet several of the fundamental requirements for a
22 planned development District as per the Town of
23 Colonie Codes. There is no significant public benefit
24 as part of a high-end -- which is what we saw in the
25 video - high and 55+ apartment being built.

1 Water management is a concern. Eric talked
2 about the risk of a left-hand turn onto Forts Ferry
3 with the obstructed view coming up over the knoll.

4 Tonight I'm going to focus on the visual impact
5 of the project to the neighborhood and the approach
6 the development team has taken in working with both
7 the neighborhood in the Town of Colonie.

8 In a January 20 article Mr. Nigro stated that
9 you won't even be able to see the building. By and
10 large, you were right and you certainly will not hear
11 any noise.

12 I've had several photos taken this weekend so
13 that the Planning Board could clearly see what by and
14 large looks like. This first photo is taken from
15 Catalina Drive looking into the property to be used
16 for the Summit at Forts Ferry. A tape shows the 30
17 foot span that would be approximately where the 30
18 foot clear-cut would be over the sewer and water that
19 you heard talked about earlier.

20 The second photo is taken from hundred and 75
21 feet on the property which is the northeast corner of
22 the Main building. That would be right about their
23 (indicating). Again, I am at 4 Catalina and that is
24 roughly 175 feet based on the distance as you showed
25 the other night. So, that is where the second photo is

1 taken from.

2 From that photo, you can clearly see 7
3 two-story, 2,500 square foot single-family homes.
4 There are many more homes that would be impacted that
5 are not in the photo.

6 The final photo that was taken is from 100
7 feet. This is what the 100 foot buffer actually looks
8 like.

9 We saw some of these at the meeting the other
10 night. I don't think what you say is actually what is
11 depicted here. You see very little of the building,
12 that I think the reality of those trees -- I think Mr.
13 Lane described them as scrub trees - there is very
14 little buffer with 100 feet. I hope that these photos
15 clearly show that three-story 40 foot tall 146,000
16 square foot building.

17 The other thing that we did not hear about
18 tonight was how much the building was going to be
19 raised.

20 MR. TUCKER: About 6 feet.

21 MR. DRAKE: So the building will raise
22 approximately 6 feet above the existing grade. That's
23 not within the 40 feet. It is 6 feet plus another 40
24 feet for the building. They need to do that to be able
25 to deal with the drainage. To me, by and large, this

1 will be something many homeowners in the neighborhood
2 will definitely be able to see.

3 In my opinion, this 110-unit apartment building
4 will significantly change the character of the
5 neighborhood.

6 Before I go on, does anybody have any questions
7 about the photos that were taken that I passed out?

8 (There was no response.)

9 On the subject of working with the neighborhood
10 in the same January 20 article, Mr. Nigro stated that
11 he wants to talk to the neighbors and show them his
12 other properties, but have declined previous efforts
13 to meet. Over the past 18 months I have met with over
14 100 neighbors and members of the West Latham
15 community. I have yet to find a single person that Mr.
16 Nigro and his team tried to reach out to and set up a
17 meeting with over the past two years.

18 In a January 30 article in the Times Union, Mr.
19 Nigro stated that he "asks the Planning Board and
20 Colonie to delay discussing his proposal from February
21 to March to give him more time to convince the
22 neighbors of the worth of this project."

23 As we heard, the officers of the West Latham
24 Neighborhood Association met with Supervisor Mahan in
25 early February and she helped facilitate a meeting

1 with the Nigro group. I worked with Ms. Slevin to
2 facilitate that session on March 1. The session was
3 attended by upwards of 35 neighbors, as well as Mr.
4 Nigro and VHB. We had a very open exchange of
5 opinions, as well as many new facts that came to
6 light. At the end of the session even though the
7 neighbors made multiple suggestions of modification of
8 the proposal, Mr. Nigro was very clear that he was not
9 willing to make any changes to the proposed design. He
10 also stated that someone else would put something much
11 worse in this space if we did not support the approval
12 of the PDD. You saw that proposed here tonight.

13 In my opinion, that is not collaborating or
14 convincing. That is intimidation and it follows that
15 this project has taken for the past several years.
16 Their actions include using the courts to change the
17 buffer zone that was agreed upon in collaboration with
18 2013 when they requested the buffer be changed to 100
19 feet, they failed to inform the Town Board about the
20 2007 agreement to have the larger buffer put in place
21 as part of changing the zoning to office/residential.
22 Until March 1, they failed to have any conversations
23 with the neighborhood on the proposed project.

24 We have tried our best to be open-minded and to
25 work with the development team, but that does not seem

1 to be the approach that they want to take. We need
2 your help to do what is right for the Town of Colonie
3 in the West Latham Neighborhood. Not is what is right
4 for Mr. Nigro or right for Ms. Mooney and Mr.
5 Kelleher, or even right for John and Lisa Drake. I ask
6 for your help to make sure that we follow our zoning
7 laws, our current Comprehensive Plan and consider the
8 Comprehensive Plan that is in the works. I ask for
9 your help to review the information being presented
10 and make sure the developer, the neighborhood in the
11 Town are all represented in these discussions with the
12 Town of Colonie.

13 Per code of ethics 17.12 everyone be treated
14 equally by Town officials. Like you, I want what is
15 best for our community. I understand that this
16 property will be developed but what is being proposed
17 changes the character of our neighborhood.

18 If you are voting tonight, I request that you
19 deny the request for the PDD. Thank you.

20 CHAIRMAN STUTO: In fairness, the applicant's
21 is something that wants to say - I see that they are
22 convening -- we will give it to you, or just go onto
23 the next neighbor.

24 MS. SLEVIN: I think that we will go onto the
25 next neighbor.

1 CHAIRMAN STUTO: Mary Cox.

2 MS. COX: Hello. We purchased our home at 31
3 Omega Terrace when the property behind our house was
4 zoned single-family residential. That was in 2003.
5 Since that time, our Town has changed the zoning on
6 the property to office/residential with a 200+ buffer
7 and then again in 2013 to office/residential with a
8 100 foot buffer.

9 I, and dozens of other concerned homeowners sat
10 with you guys in the developer and expressed our
11 concern about granting a PDD for this particular
12 project.

13 CHAIRMAN STUTO: Let me ask Joe.

14 Is that consistent with your knowledge of the
15 zoning of this?

16 MR. MAGGUILLI: It was changed to
17 office/residential in 2007 and then the zoning was
18 unchanged. The issue was with the buffer on that
19 particular parcel.

20 MS. COX: The zoning was changed from
21 single-family residential to office/residential with a
22 buffer.

23 CHAIRMAN STUTO: She said in 2003

24 MS. COX: No, I bought it in 03 and it was 07.
25 It was single-family residential when I bought it.

1 MR. MAGGUILLI: And 07 it was
2 office/residential.

3 MS. COX: A change to office/residential with a
4 larger buffer.

5 MR. MAGGUILLI: And then it stayed that way the
6 whole time. The only issue was the buffer that
7 office/residential.

8 CHAIRMAN STUTO: So, it was changed from
9 single-family residential, as far as we know.

10 MS. COX: Yes, when I bought it.

11 CHAIRMAN STUTO: And that wasn't 2007.

12 MR. LANE: So, what happens to the designation
13 on the buffer?

14 MR. MAGGUILLI: Well, if it goes to PDD that is
15 up to this Board to decide the size of the buffer.

16 CHAIRMAN STUTO: What I understood the
17 applicant to say is that they respect to the 100 foot
18 buffer the current design. I just want to get our
19 facts straight.

20 MS. COX: That's fine.

21 So, last March we sat here and some of the
22 common concerns were the same as tonight; traffic
23 issues, flooding issues and primarily density issues.
24 Comments such as 10 pounds in a 5 pound bag, density
25 right, project is not fit, three stories is absurd and

1 it should be smaller, carriage houses, one story, 20
2 homes, built something that fits. They were the
3 recurring comments. I went to the minutes the other
4 day. Over and over they were the same comments.

5 So, at the conclusion of the meeting I even
6 came through with you, Chairman Stuto - you said we
7 have heard loud and clearly from the neighbors. I hope
8 that the applicant has heard the neighbors too. That
9 you stated that the one particular point of agreements
10 that I have with several neighbors is what is a PDD
11 and what is the rationale here. I would encourage the
12 developer to look at that if they continue with this
13 application, try to integrate and also hit the other
14 points of a PDD.

15 You went on to say "if the Town Board passes
16 the Resolution on Thursday to reinstate the larger
17 buffer, in my opinion, they are making a statement.
18 That is that they think that the buffer should be back
19 where it is and I think the developer should think
20 hard about respecting that buffer if they come back
21 with another design."

22 So, here we are today. We are looking at the
23 exact same proposal that we saw one year ago.

24 CHAIRMAN STUTO: Just to add to that - that may
25 have been the thoughts that night - they sued in the

1 court said that the buffer can only be 100 feet. It is
2 my understanding, not being involved with the
3 litigation -- the COR zone throughout the Town is 100
4 feet it has to be uniformly applied throughout the
5 Town. The court decided that.

6 MS. COX: We were not defended as I would have
7 liked to have seen us defended, but that is apparently
8 what happened.

9 So, as I stated last year, I would absolutely
10 support a PDD for senior or restricted use apartment
11 if it was done properly and fairly. This proposal is
12 not fair.

13 Until last week, when we went to meet with
14 supervisor Mahan -- thank you -- the developer had not
15 even included us in any of this. We have some good
16 ideas. So, to me, this proposal is not fair. This
17 proposal appears to benefit a limited few, while it is
18 causing economic and quality of life reduction for
19 most of us. I am against the proposal and I ask you to
20 reject it for the following reasons: As I stated last
21 year, this project as proposed is too dense. It is
22 three stories, 146,000 feet, 110 units and one
23 structure is too large for this piece of land that is
24 surrounded on three sides by single-family homes
25 ranging in size from 1,500 square feet to 2,500 square

1 feet. This structure is up to 100 times as large as
2 some of those homes. That is not transitional. That is
3 not fair.

4 As one of the tenants at one of the developers
5 Summit at Saratoga property stated in the Times Union
6 article in January, it is like an ocean liner without
7 leaving a port. That might be great to live in that.
8 It's not great to see that every day and live outside
9 and 100 feet from it.

10 Is this really the only possible design that we
11 can come up with for that parcel of land? It's a great
12 use and a great idea. Make it fit.

13 I don't believe this hits the PDD requirements
14 that it is supposed to hit. It does hit some of them,
15 but not all of them. It is not transitional. There is
16 limited benefit, outside of the sidewalk. You can go
17 on and on with the looks of the building compared to
18 the neighbors. It doesn't accomplish what a PDD should
19 be used for. We should not just be abusing PDD's for
20 new development. I agree, we do actually need high-end
21 apartments in our area. There are not that many. This
22 particular proposal is too dense.

23 The narrative that they submitted goes on to
24 say that the proposed project will not produce any
25 noise, odors, lights which would affect the existing

1 residential areas. There are 110 units and 192 parking
2 spaces 100 feet from my property line. That is not a
3 fact. That can't possibly be a fact.

4 I also don't think that we have been provided
5 with sufficient information to conclude that our area
6 needs this high and age restricted apartments. The
7 proposed rents are high. We just heard it;
8 \$1,500-\$2,400 a month. That is a lot of money. The
9 units are on the small side; 700 feet to 1,200 feet.
10 This plan is aggressive. Those are things that we and
11 the Planning Board, should be looking into before we
12 particularly use PDD and area that could change
13 forever because of this decision.

14 To discuss for just one second the by-right
15 plan -- which I really appreciate you guys doing and I
16 appreciate you speaking to -- you mentioned
17 economically that parking garage would never happen.
18 That was my first thought. My second thought was would
19 we ever really approve it and not counted toward any
20 kind of density? It is very hard to find in the zoning
21 rules how that fits in. I think that is a little
22 misleading as to what could be there. Again, I am very
23 happy with senior housing as a use for that property,
24 if we could find the right development. I am baffled
25 as to why we are here talking about the same thing

1 that we talked about a year ago, to be honest with
2 you.

3 So, I am strongly opposed to the Planning Board
4 recommending to the Town Board that we grant a PDD for
5 this particular development and I appreciate your
6 time.

7 CHAIRMAN STUTO: Let me ask you a question. You
8 said you would be open to senior housing and had a lot
9 of good ideas. You may not be an engineer or an
10 architect, but what would you envision they are that
11 would be acceptable?

12 MS. COX: The project out in Delmar where they
13 have single-family carriage houses. Some one-bedroom
14 and some are two bedroom. They are really cute. Would
15 it be more dense and probably less green space? Yes,
16 it probably would. I think that it fits and
17 transitions nicely from single-family homes. Even,
18 perhaps, two-story. We were looking at your video and
19 it's like that is a very beautiful apartment. It needs
20 to be one less story. Granted, I know we have 40 feet
21 is the restriction but we are trying to transition
22 from single-family to commercial. That is too big. It
23 needs to be something smaller. The same idea but
24 something smaller.

25 CHAIRMAN STUTO: Thank you.

1 Virginia Styczynski.

2 MS. JOLIE: Hi. Thanks for giving me a minute.
3 My name is actually Julie Jolie and I am Virginia's
4 daughter. No, I'm not. I am Virginia's niece. I am
5 related to her.

6 Virginia has been a resident of Latham for -
7 was a resident of Latham - native of Latham for 68
8 years and she is currently living in the Summit up in
9 Saratoga Springs. I just wanted to share with you her
10 thoughts. She had written a letter to the Board just
11 about that this really is a great project. Whether it
12 fits into the neighborhood is not for me to say. I
13 would like to share her thoughts about what she
14 experiences there.

15 I appreciate all of your thoughtful planning
16 and hard work to make Colonie a wonderful place to
17 live. You definitely think things through and make
18 good choices for the community. Therefore, I am hoping
19 you see the value of approving Summit senior living's
20 independent senior living community at the Summit at
21 Forts Ferry in Colonie.

22 I was a Latham resident for 68 years and loved
23 living there. It was my home. When the time came for
24 me to sell my home and move to a senior community I
25 was hoping to find a perfect place and Latham.

1 However, after touring dozens of communities and
2 Latham and beyond, there was not a place that provided
3 what I was looking for in a new home. After living
4 briefly in another community, I decided to move into
5 the Summit at Saratoga in Saratoga Springs New York.
6 This is a sister community that has been discussed to
7 what is being proposed.

8 I absolutely love it and I wanted the seniors
9 of Colonie to have the opportunity to have the
10 positive environments that I am fortunate enough to
11 experience every day. The Summit at Saratoga is a
12 beautiful place that keeps us busy all day long. I was
13 first attracted to the look of the exterior, but the
14 interior was just as beautiful. Then I saw all the
15 activities that were offered every day. Between the
16 pool, exercise classes, day spa, movie theater,
17 library, arts and crafts and more, I was blown away. I
18 knew this is home for me.

19 At the senior community that I previously lived
20 at there were not any activities so I felt lonely and
21 isolated. Now I am busy with friends all day long. I
22 make quilts and I used to make one a month. Now I'm so
23 busy that it probably would take me a whole year to
24 complete one. I am truly happy.

25 With more people getting older every day and

1 looking for active senior communities, I believe
2 Colonie would benefit from the Summit at Forts Ferry.
3 The Planning Board and neighbors should visit the
4 Summit at Saratoga to see exactly how attractive it is
5 in the happiness that it brings to the seniors in the
6 community. I may even consider coming home to Latham
7 and being one of the first residents.

8 Thank you so much for your consideration
9 approving the Summit at Forts Ferry. I truly believe
10 that it will help seniors in the community and I am
11 hopeful for a positive outcome.

12 CHAIRMAN STUTO: John Fahey.

13 MR. FAHEY: My name is John Fahey and I live on
14 Perry Avenue, which parallels Forts Ferry.

15 They did a great job. I just need to take a
16 look at the plot plan. I can't even see the details on
17 the iPad on the website.

18 I have a question. Connectivity to Omega
19 Terrace - they have to cross Forts Ferry to get on
20 that other sidewalk, go out to Omega and then cross
21 again; correct?

22 MR. TUCKER: As of right now we are showing it
23 on that opposite side of Forts Ferry.

24 MR. FAHEY: Why? Why not just from that thing
25 from where it ends on Omega Terrace right down to your

1 property line on that side of the road?

2 MR. TUCKER: There is a little bit more
3 right-of-way to work with.

4 MR. FAHEY: You have enough right-of-way rate
5 down here (Indicating).

6 MR. TUCKER: On the frontage, we do.

7 MR. FAHEY: The average resident age is 70s to
8 80s. I can picture them walking out across that road
9 in any of those crosswalks if they are not signalized.
10 It would be suicide on Forts Ferry Road during the
11 peak hour.

12 CHAIRMAN STUTO: Can you address your comments
13 to the Board?

14 MR. FAHEY: I'm sorry. I am looking at the map.
15 Without a signalized crosswalk there, the 70 -
16 85 year old people, should they take advantage of it,
17 they are dead meat especially during the peak hours.

18 They also talked about walk ability as part of
19 the PDD process - walk ability to services like the
20 medical offices across the road and shopping
21 opportunities. Stewart's? That's all there is. There
22 are no sidewalks down to Carraba's or Ruby Tuesday's
23 or Saki or the shortest route to Target. If this was
24 going up on Wade Road or Sparrowbush Road, they would
25 not be here. As all the people said the talked

1 earlier, this doesn't fit. My apologies to O.J.
2 Simpson's lawyer - if it doesn't fit, you must acquit.

3 On traffic - you are adding 28 cars to - how
4 many exists today? I have not heard that number. I
5 also have to point out that because of that traffic in
6 the way those roads are set up, I am on the next
7 street over and I'm getting traffic bailing out and
8 finding alternate routes through the residential
9 neighborhood out to route seven. Specifically, the
10 ones that I have seen are Marshall's tractor-trailers,
11 T.J. Maxx tractor-trailers, a Wade Tours bus, a couple
12 moving vans and a couple weeks ago a tanker comes down
13 my street carrying liquid carbon dioxide.

14 MR. LANE: That goes to public safety. That
15 should not be happening.

16 MR. FAHEY: I know. There's a 4 ton weight
17 limit. That's like a right in/right out. That curb cut
18 across the way at the health park - that was supposed
19 to be a right in/right out. People go out there and
20 take a left turns at night going home. They take left
21 turns going in. That's not supposed to be. There are
22 problems on that route; plus, there are only two
23 lanes.

24 A dedicated turning Lane? Maybe.

25 I know darn well that a GPS is going to bring

1 people in from Schenectady, Saratoga County and east
2 of here through the back roads - the shortest way
3 possible. They find their way home at night. Pollock
4 road - anybody who lives up there knows what I'm
5 talking about.

6 Anyway, like I said, I can't support this. I
7 could not support it. Not in that location. Thank you.

8 CHAIRMAN STUTO: Thank you.

9 Phyllis Mooney.

10 MS. MOONEY: Thank you for allowing me to
11 speak. I am the owner of 45 Forts Ferry Road. My
12 family has lived on that land or around it where most
13 of you live since the late 1800s. It is not an easy
14 decision for me to sell this property, but I live in
15 Pennsylvania and have lived there since 1986. That is
16 where my family is now.

17 We have had a couple of other possible
18 developments. We have had different zoning and I would
19 request that Mr. Magguilli give you the accurate
20 evolution of the zoning of the property. I think he
21 has the best handle on all of the grasp of it.

22 What I would like to say, though, is that in
23 December 2014 my attorney came to me with two offers
24 for the property. I looked at them and I wanted to be
25 sensitive to all of you because I know you about the

1 property and you live there and other things have not
2 worked. One was an office building that was going to
3 be more commercial. The other option was the Summit. I
4 looked extensively at it. I looked at other buildings
5 that Mr. Nigro had built and I thought they were
6 quality. They were well thought out. They were well
7 landscaped and done well. I wanted to see - because I
8 didn't think I would end up here tonight - I wanted to
9 see something that was going to go well and that
10 serves the older population. Where I live, we have a
11 whole variety of ways to serve that older population;
12 buildings like this, assisted living, moving from
13 independent to assisted into the nursing care. There
14 is quite a few. There is a high demand for it. Since
15 they are both the capital region of both states, I
16 can't believe this is any different. That's where I am
17 at. Again, I think it's a great plan. It may not be
18 exactly what everybody wants, but if you look at the
19 medical office building, it goes nice with the medical
20 into this type of transition into the single-family
21 homes.

22 So, people spoke about the knoll and pulling in
23 and out of there. I have pulled in and out of there my
24 entire life. I'm 56 years old and I have never had an
25 accident. I even backed out of there last week. It may

1 seem bad but if you look both ways and take your time,
2 you will get out of there without a problem. I don't
3 mean to be flip, but it is the truth, from my
4 perspective.

5 So, I know that there is also concern about the
6 buffer. It is 100 foot buffer. There is nothing that
7 can be done to it. Mr. Nigro cannot take it down and
8 the neighbors can't take it down. It is only going to
9 become more dense. I have stood in the middle of that
10 property last week where our home used to be. I can
11 see 47 Forts Ferry Road and I can see the closest one
12 on Catalina just a little bit. It is dense and it is
13 winter. It is only going to get thicker.

14 I just think this is a great use of the
15 property and that's pretty much all I have to say. I
16 hope that you will look at what is needed here in this
17 community. Look for the whole Town of Colonie and not
18 necessarily just those that are right up out there.
19 Thank you for the time.

20 CHAIRMAN STUTO: Thank you.

21 Sonya DeMicco.

22 MS. DEMICCO: My west end neighborhood would
23 not want you to approve this and have articulated
24 everything.

25 CHAIRMAN STUTO: Susan Laurillard.

1 MS. LAURILLIARD: I would just like to ask to
2 wait for the neighbors to speak and then I would like
3 an opportunity.

4 CHAIRMAN STUTO: Okay.

5 Sudir Mahetma.

6 MR. MAHETMA: I am Sudir Mahetma 11 of the 2
7 Catalina Drive. My neighbor, Mr. Drake, has already
8 presented to you photographs. I also respectfully
9 requests that Board Members oppose this plan. Our
10 president has also stated several objections and I
11 also totally wholeheartedly agree. I do not have
12 anything more to add so, it will not take a lot of
13 your time. I respectfully request the Board Members to
14 oppose this plan.

15 CHAIRMAN STUTO: Thank you.

16 Cindy Methe.

17 MS. METHE: My name is Cindy Methe. My husband,
18 Brian, and I live at 45 Omega Terrace for the past 24
19 years. We have raised our son and daughter were both
20 in college now. I don't personally have anything
21 against senior housing. I don't think any of my
22 neighbors do. Mary Cox has already expressed that. We
23 would love to have something like that there, but this
24 building is too big for 13 acres. I know that this has
25 been expressed before. In 2010 my understanding is

1 that you basically turned down a 45 unit project that
2 was supposed to be put on the site and it was due to
3 density issues. I may be incorrect.

4 CHAIRMAN STUTO: When do you think that was?

5 MS. METHE: It was a 45 unit -

6 CHAIRMAN STUTO: What year?

7 MS. METHE: That was in 2010. Somebody can
8 maybe check on it. It was due to density issues. Yet,
9 here we are and 2017 and we have a much, much larger
10 project that has been proposed and that we are looking
11 at and possibly ready to approve because you could put
12 another commercial building right next door.

13 When I moved in 24 years ago there was green
14 space on both sides of the Northway. There was no
15 Latham Farms. I can see Target. I can see the
16 bull's-eye in the winter from my back window. People
17 come over at Christmas time and say what is that back
18 there? I can see T.J. Maxx. I love this neighborhood
19 and I love this area. We need to preserve some of the
20 residential areas. We have become an island on Omega
21 Terrace. We are surrounded by commercial buildings. I
22 would respectfully, again, ask that you would not
23 approve this PDD. This project needs to be smaller.
24 Thank you.

25 CHAIRMAN STUTO: Thank you.

1 Does Brian want to speak?

2 MR. METHE: Mr. Chairman, at this time I would
3 like to hold my comments in the interest of time.

4 CHAIRMAN STUTO: Okay.

5 William Conway.

6 MR. CONWAY: I will yield to Tim McGuire
7 because my babysitter is younger than his.

8 MR. MCGUIRE: Hi, my name is Tim McGuire. I am
9 a resident of the Town of Colonie. I have been for
10 several years. Over the past two years I have been
11 through an emotional roller coaster with my parents
12 who are first of all, aging. It has taken them two
13 years to find a place to move to from the home that
14 they built 27 years ago. They didn't want to have to
15 move over to the East Greenbush facility. Their home
16 is here. I can't think of a better use for this
17 property. This Town needs this type of use. Had this
18 been built, my parents would've had a place to go.
19 Now, they are in transition at Dutch Village which is
20 totally inappropriate for their age but there was
21 nowhere else for them to go and their friends and
22 family are here.

23 I strongly hope and pray that you approve this
24 project. I think it is a perfect use of the land.
25 Thank you.

1 CHAIRMAN STUTO: Thank you.

2 Mike Slocum.

3 MR. SLOCUM: My name is Mike Slocum. I have
4 been a resident of the Town of Colonie for 50 years
5 now. I presently live on Turnberry Lane, but when we
6 first moved to Colonie to raise our family we built a
7 house on Sparrowbush South which is right off of the
8 area that you are talking about.

9 I also own a commercial building on Albany
10 Shaker right next to Plug Power. In that building, I
11 am the managing partner of a CPA firm. The point that
12 I really want to make is that I have had a lot of
13 Colonie residents - I have a significant number of
14 Colonie residents. As I have seen over the last many
15 years as they age, they want to stay in the Town of
16 Colonie and they have no place to go. They are looking
17 for senior housing like this. I can't imagine a better
18 project than this. I supported totally. I hope the
19 Board votes for it. I have heard consistently through
20 these aging clients of mine that they have lived in
21 the Town all their lives, they love the Town, they
22 don't want to leave it, they don't want to move to
23 Saratoga or Delmar. They like to be close to what they
24 are used to seeing. They want to live the rest of
25 their days in the Town of Colonie. There is not

1 sufficient senior housing at this point. So, I can't
2 imagine a better project than this to provide these
3 folks -- we need more than this in our Town - much
4 more than this. You have got to be sensitive about the
5 individuals that are living in the Town now that want
6 to stay there. I don't know what else to say.

7 As far as the aesthetics are concerned, putting
8 in a large four-story or three-story commercial
9 building as you pass there -- I know the area very
10 well because I lived on Sparrowbush South. I cannot
11 imagine something nicer than this - certainly better
12 than any commercial building. I am for it 100% and I
13 recommend that you vote for it. Thank you.

14 CHAIRMAN STUTO: Thank you.

15 David Takor.

16 MR. TAKOR: I am David Takor. I live on 27
17 Omega Terrace. I have lived there for 22 years. I have
18 two sons and a daughter. Two are in college now and
19 one in junior high school. Basically, I don't want to
20 beat a dead horse here. The issue is not that we don't
21 want senior living or apartments in the Town of
22 Colonie. We respect our seniors. Where I come from
23 originally, seniors are our kings and queens. So, we
24 know that. The problem here is that we have to be able
25 to build the senior living to be able to conform with

1 the neighborhood.

2 When it's raining, there is flooding. So, I
3 don't know what is going to happen when they build
4 this unit. I am saying that we need to be able to
5 build senior living to accommodate the neighborhoods
6 and also to be able to respect the integrity of the
7 neighborhood. People have already spoken. It is almost
8 like trying to fit a square peg into a round hole. We
9 should try to modify this building in a way that it
10 can fit the neighborhood. If not, I would respectfully
11 appeal to the Board to reject it. Thank you.

12 CHAIRMAN STUTO: Rick Nottke.

13 MR. NOTTKE: I have decided not to speak.

14 CHAIRMAN STUTO: Thank you.

15 Todd Drake.

16 MR. DRAKE: Thank you, Mr. Chairman and Board.

17 I am the Albany County Legislator representing
18 the 19th district, which includes the site at hand. I
19 live on Forts Ferry Road. I don't come here tonight to
20 express personal opinions. I come here to briefly
21 convey conversations and opinions expressed to me by
22 neighbors in the area who have a vested interest in
23 the project. Because all of these topics have been
24 spoken on, I will be very brief.

25 No one that I spoke to had any concerns about

1 senior living, per se. They are very supportive of
2 senior living. The concerns that I found were the
3 height of the structure. The concerns were that in the
4 opinion of many people that I spoke with, the design
5 did not conform to the standards of the PDD for senior
6 housing which were that they should be
7 indistinguishable from the neighborhood - the
8 surrounding residential neighborhood.

9 The big issue - height, lights - we heard
10 drainage earlier and traffic. I would like to again,
11 express that's I spoke to several dozen residents in
12 addition to the groups that have met on this subject
13 and they all expressed concerns primarily about the
14 scope of the project, but they were very interested in
15 a modification of the project. I did not speak to
16 anybody who was in support. I am simply here to report
17 those conversations. Thank you for your time.

18 CHAIRMAN STUTO: Thank you.

19 Melissa McGlynn.

20 MS. MCGLYNN: Good evening. My name is Melissa
21 McGlynn. I live at 52 Forts Ferry Road. I am the
22 building rate here (Indicating).

23 I am definitely in agreement with what has been
24 said tonight. Again, I am not going to repeat myself.
25 I will say that I also am in agreement for senior

1 housing, and I do agree that there is a need. I don't
2 think we need to put all the need into the one
3 building. Some of the concerns that I have because of
4 my location is -- I think the last meeting a year ago
5 -- I couldn't really tell from the maps but because we
6 are on the end of the neighborhood, we have lines
7 throughout our entire backyard. We have them overhead,
8 on the side of our property and we kind of get
9 everything from Perry and the roads behind us and the
10 roads in front. I think that one of the things that we
11 had seen is that one of the telephone poles that since
12 facing the road to my right was supposed to be moved.
13 If that does happen, which I'm not sure if it will
14 earn not - the way that we saw it was that our lines
15 were going to be moved closer to our house which
16 obviously is a concern for us.

17 Another thing that I just learned tonight which
18 I didn't realize was the sidewalk. Obviously, that
19 means there is going to be construction in front of
20 our home and in the front of our properties. That is
21 also a concern for me.

22 CHAIRMAN STUTO: Just as a general proposition,
23 would you like sidewalks?

24 MS. MCGLYNN: I was just going to say that I
25 had three small children; I have one in junior high

1 and two at the elementary school. They do tend to walk
2 to school. They use Perry because of the fact that we
3 do not have sidewalks. They only run just past Omega
4 and then they stop. Like I said, I am not opposed to
5 that but it does pose a concern to me on how the front
6 of my home will look afterwards, and not to mention
7 the amount of traffic that we get. We do get a lot of
8 kids walking by. With the amounts of kids that to walk
9 by and people that walk by, especially coming from the
10 medical building more from Stewart's, we get a lot of
11 trash. We are constantly picking up trash. We're
12 picking up trash across the street. Luckily, my kids
13 found \$20.00 across the street one day when they were
14 picking up trash. They said how messy that it looked.
15 So, that is always a concern for us. With people,
16 comes garbage.

17 I am not fully opposed to having construction
18 across the street, but how is that going to affect us?
19 How is that going to affect traffic, my driveway and
20 how much is coming?

21 We hear dumpsters all the time from the medical
22 building. Sometimes it's in the middle of the night.
23 We hear crashes and we hear things all the time at the
24 medical building. It is not to say that it is going to
25 be as busy, but are we still going to be hearing more

1 traffic coming in and things happening? Are we going
2 to hear trucks and things like that coming in to make
3 deliveries? That is obviously another concern that we
4 have.

5 I just wanted to voice those tonight. Thank you
6 very much. I appreciate it.

7 CHAIRMAN STUTO: Thank you.

8 Crystal Bruno.

9 MS. BRUNO: Hi, I'm Crystal Bruno and I
10 purchased the property to the north of 45 Forts Ferry
11 from Mrs. Mooney's family member - from Donna Connolly
12 and William Connolly who has now passed away.

13 Yes, there was a big issue over the buffer zone
14 in 2005. I learned about it when I saw the proposal
15 that came about us here today. The buffer zone was
16 shown as 100 feet. That was an instant red flag for me
17 when I saw that because when I purchased the property
18 I verified the larger buffer zone. The slide is
19 clearly - it was single-family/residential and there
20 is a clear line that goes red across the medical
21 building parking lot and it did take over 60% of Ms.
22 Mooney's property.

23 There was a compromise between Mrs. Mooney and
24 the Connolly's and the rest of the neighborhood in
25 2007 when the Land Use Law was being reviewed.

1 Back in 2015 when we met with Mr. Magguilli to
2 let him know about this. Mrs. Mooney was there at the
3 meeting and she said to us that she had no idea about
4 this.

5 What I brought for you tonight was just some
6 examples of the things that we been dealing with
7 regarding this particular buffer zone issue with Ms.
8 Mooney as well as the developer. I am just going to
9 review those with you tonight.

10 It is correct that she did sue. I did request
11 the Town appeal because there is another buffer zone
12 that is larger than 100 feet in our Town. I am not an
13 attorney. I'm not a judge, but there is one and is on
14 Executive Woods. So, for that determination to be
15 made, I am really unsure as to why we didn't appeal
16 that.

17 I am also going to talk about the 2010 decision
18 that was made by the Town to deny Ms. Maloney's
19 application for building 40 single-family attached
20 homes on this parcel that were going to be marketed to
21 mainly seniors, as described on attachment a that I
22 have it here for you.

23 On the second page you will see the attached
24 houses were expected to be marketed to seniors.

25 How is it now that we are here before this

1 Planning Board with this structure being proposed on
2 this property? It doesn't make sense. The buffer zone
3 thing didn't make sense. I have an email that is --
4 first I want to say that Ms. Mooney was represented
5 back in 2006. Mr. Donald Zee represented her. He
6 stated her case as to why it should become an OR zone
7 completely. Then, Mr. Connolly wanted it to be -- a
8 larger buffer zone was the compromise. If you take a
9 look at that, it is attachment B.

10 Attachment C - you will see an email from Mr.
11 Michael Rosch at the Town. Actually, he printed it out
12 but it was written by Jeanne Donovan. It was in 2010
13 when she applied for this 2010, 45 single-family
14 attached homes that on behalf of Paula Mahan Mrs. Jean
15 Donovan writes "Supervisor Mahan is in receipt of your
16 email regarding the properties north of Wade Road
17 extension and in particular your concerns about the
18 proposed development for 45 Forts Ferry Road." This
19 was addressed to Mr. Connolly and Mr. VanErdum.

20 In 2009 Supervisor Mahan says "An internal
21 land use review process to deal with the issues and
22 concerns by the 2007 Land Use Law. Today, several
23 recommendations have been made and adopted by the Town
24 Board. The current office/residential zoning in the
25 area described above is scheduled for internal review

1 in March 2010. Once this process is completed, a
2 report will be sent to the Planning Board. The
3 Planning Board will hold a public forum to discuss the
4 rezoning of the area and if the Board so recommends, a
5 formal request to rezone will be sent to the Town
6 Board for its consideration."

7 It goes on to say that the public will be urged
8 to speak about the concerns and recommendations.

9 So, how is it in 2013 that Mrs. Mooney brings
10 to the Town Board and Mr. Magguilli on the scheduled D
11 that I presented to you tonight -- she didn't know
12 about this buffer zone, but she applied in 2010. This
13 is her application here (indicating). Phyllis H
14 Mooney, residing at -- with her address and phone
15 number as the owner and applicant's for the proposed
16 modification of the office/residential zone buffer at
17 45 Forts Ferry Road -- the next paragraph goes on to
18 say than 9.64 acre parcel is bisected by a zoning
19 buffer area such that 6.11 acres or 63.4% of the 9.64
20 acre parcel is on developable buffer area. As can be
21 seen from the site survey, the buffer area leaves only
22 a narrow strip of land for development. This buffer
23 area was created by the Town's rezoning in 2007. Later
24 it says the new buffer area was intended to protect
25 the residential neighborhood.

1 Ms. Mooney already benefited by that 2007
2 change in her parcel in the 2007 land-use law because
3 she received the OR transitional zoning she wanted.
4 The neighborhood got that larger buffer because she
5 would have had to have been 100 feet from the
6 single-family line in order to build any structure.
7 This prevented her from having to do that by creating
8 the area as a buffer zone. It gave her an extra
9 hundred feet of buildable land at her road frontage.
10 So, she benefited then. The neighborhood benefited
11 then. It was a compromise. She knows that it was a
12 compromise.

13 So, we are here tonight because most of us here
14 tonight -- just a show of hands of everyone who is
15 opposing this?

16 (A number of audience members raised their
17 hands.)

18 We can agree that a majority of the room here
19 tonight - and the room is packed are opposing this.
20 This all did not go down correctly and it's just an
21 awful feeling for the neighborhood that they were
22 promised by -- I know that it was the former
23 administration, but this was a note disturbed buffer
24 zone and that nothing would be in that 200 feet. I
25 also believe that in those minutes -- I'm going to

1 quote those minutes because I want this in here for
2 the future for any other proposals that may become
3 here for this parcel - the height restriction is also
4 in that Land Use Law regarding this proposal to have
5 that buffer zone for this neighborhood. The height of
6 the building was smaller than the 40% that is allowed
7 in the regular Land Use Law. I don't have that page
8 here for you tonight.

9 Nothing seems right here. Ms. Maloney didn't
10 know about the buffer zone, but she applied in 2010.
11 She described her buffer zone. She got turned down
12 because the proposal had homes within that buffer
13 zone. That proposal got turned down. The Town reviewed
14 this parcel in 2010 under this internal review that
15 Mahan put out. In 2013 we just don't know about this
16 buffer zone anymore and somehow it got reduced to 100
17 feet on this poor neighborhood - we are just
18 exhausting all of our time and energy towards getting
19 you some facts that we had to research and it's just
20 not fair to them.

21 So, in regards to a PDD and single-family
22 housing, yes, we do need single-family housing. As a
23 real estate broker, I deal with seniors all the time
24 who are downsizing. They typically want to go to a
25 smaller single level ranch style home or move in with

1 family or something. After hearing the concerns last
2 year - and if I were the developer that wanted to buy
3 this parcel -- and I'm hearing from this neighborhood
4 because I also do development -- if I were the
5 applicant, I would have re-created the proposal after
6 listening to the neighborhood. I would've took the
7 concerns and I would have changed the scale of the
8 building, lower the density, camouflage the storm
9 water management within a parcel. I would've followed
10 the Comp Plan and created twin homes or carriage style
11 homes for the seniors to go into. It should be
12 indistinguishable from single-family housing.

13 I have an article that Mary mentioned earlier
14 in one of the quotes in there is the beauty of this is
15 that it really feels like your pulling into the same
16 kind of neighborhood you've always lived in.

17 So, there are both sides of the arguments. This
18 is a beautiful design. I love the building. I love the
19 idea, but it just doesn't fit on this parcel. They
20 tried too hard and jumped through way too many hoops.
21 It is not benefiting the neighborhood. That is what
22 PDD's are supposed to do.

23 I want to reference the December 7 and 21st
24 2016 Town Board meeting minutes, the January 4, 2007
25 Town Board meeting minutes, December 12, 2013 and

1 November 19, 2015 Town Board meeting minutes. There is
2 also a Town Board meeting in March 2016 that we
3 discuss this in the Planning Board meeting minutes
4 from March 22, 2016.

5 I think that is it. Thank you.

6 CHAIRMAN STUTO: Thank you.

7 Rick Bruno.

8 MR. BRUNO: Good evening, Chairman, Board,
9 citizens.

10 We have seen this movie before unfortunately. I
11 think a big problem in this entire process has been
12 since the beginning, there has been a lack of
13 transparency and a lack of honesty. Some of the things
14 that have been said and the way the process has
15 unfolded, quite honestly is insulting to me, to the
16 neighborhood and should be to the Planning Board as
17 well. Just because you say things doesn't mean they're
18 true. There should be a simple process followed, which
19 is to be neighborly. They were neighborly. They did
20 not walk by my driveway, knock on my door and say hey
21 this is what we're looking to do over here. Let's talk
22 about it. Of course, they told you and everybody and
23 the press that they try to meet with us. We can't find
24 anybody who said yes, they tried to contact us. I will
25 be polite, but that is a fallacy. No two ways about

1 it.

2 If this was unfolded differently, if they came
3 to us, if they discuss this with us, it probably would
4 have gone differently. They probably would not have
5 had so many upset people - angry people. There are
6 things that are happening - little sleight-of-hand -
7 all these things that are said that are not
8 necessarily true and passed over as fact - things that
9 are taken out of context. I will give you a perfect
10 example.

11 The Comprehensive Plan - and yes, this is being
12 read from the Comprehensive Plan but, unfortunately
13 there were portions left out. She is not alone. It has
14 been done before. Pieces left out - read in the
15 Comprehensive Plan. She read right up to the point
16 just before it says, as others have said, that the
17 housing should be indistinguishable from the
18 surrounding neighborhood. Is that how it goes? We can
19 just pick and choose whatever we want to say well,
20 this is what it should be. I would ask the Board - I
21 have a question. Is the Comprehensive Plan something
22 that should be followed word for word or is it
23 something that is a guideline? Does anyone have an
24 opinion on that?

25 CHAIRMAN STUTO: You want to answer that, Joe?

1 MR. LACIVITA: It has a combination of both,
2 Peter.

3 MR. MAGGUILLI: It is primarily a guideline,
4 sir.

5 MR. BRUNO: Okay, primarily a guideline but it
6 does have a mix. Okay, I can accept that. But if it
7 says that it should be carriage homes, Townhomes and
8 indistinguishable from the surrounding community - I
9 don't think there is a lot of ambiguity to that. What
10 it mentions things specifically like the Route 7
11 corridor door as the location, I don't think there is
12 any ambiguity to that. I think it's pretty clear what
13 the intent is. It should be spirit, right? So, what is
14 the spirit of the Comprehensive Plan? It is going to
15 be to make the Town better for the future; future
16 planning, better for its citizens. You can't just take
17 pieces of things and that is what has been done. You
18 took pieces of it to bolster your position. It is
19 insulting. I am sorry. It is insulting to me and to
20 many in this room.

21 I'll point to the traffic study. With this
22 scary rendering of the by-right plan - 1,054 parking
23 spaces in this three-story garage of which would never
24 come close to being affordable for developer, nor
25 would it be approved. I cannot see that happening.

1 Let's just go with it and say that it was. It was
2 affordable and it was approved. Three hundred seventy
3 nine cars at peak - that's 30% of the parking
4 approximately. Yet, magically, when you have senior
5 housing and this particular project, you get 192
6 parking spaces and only 28 cars at peak. That's about
7 15%. So, somehow, it's half that. It's like a card
8 trick. Don't look over here, watch this hand. It
9 doesn't work. You can't just make things up for your
10 benefit. *I like to take a look at this rendering. I
11 am going to point out 45 Forts Ferry Road in both of
12 these. I specifically asked in our meeting with these
13 folks - which by the way, thank you because this is
14 the first time we had an opportunity to interact and
15 even though it wasn't pleasant for all parties, it
16 gave everybody an opportunity to be neighborly and
17 actually exchange information and ideas.

18 CHAIRMAN STUTO: Mr. Bruno, no disrespect but
19 could you please make your points?

20 MR. BRUNO: Certainly. On the rendering I had
21 mentioned that I was concerned that this might have
22 been altered for the benefit of their position, which
23 is to make all the surrounding foliage looks so much
24 fuller. If you look at the by-right plan which is the
25 scary alternative, this looks incredibly different

1 than this (Indicating). This is just another way to
2 make it more palatable to somebody. It is not actual.
3 I understand that it is a rendering, but you use
4 rendering on one side to make it look so horrible that
5 hey, look at that, you're going to be able to see all
6 of these buildings here because there is nothing -
7 there is no foliage.

8 I happen to have a pretty good view from that
9 property and I can tell you that it does not look like
10 that. I am just trying to educate everybody and let
11 the Board know that what has taken place and what
12 they're telling you is not necessarily the truth.

13 CHAIRMAN STUTO: I don't know if you are going
14 to keep going on in this vein. You have made a point
15 that you don't trust them and you don't think they're
16 honest in that sense.

17 MR. BRUNO: And I'll point to a few other
18 things -

19 CHAIRMAN STUTO: Excuse me, I'm talking. Please
20 let me finish.

21 The point that I am making is we have a Town
22 designated engineer and we have Town staff. We are a
23 Board that has probably sat through hundreds of
24 presentations. Sometimes developers do things similar
25 to what you are saying. They are selling, okay? I

1 don't say they are lying. It is our job from an
2 engineer's perspective in a lot of cases to check
3 everything that they say. We are hopefully good at
4 that and that's why I said this is a process. If you
5 want to make a point that the foliage isn't that thick
6 as it appears on that picture, we get it. So, just
7 tell us what's wrong and tell us how it should be.

8 MR. BRUNO: Certainly. I will be more concise.
9 I'm not an engineer and I'm not a planner. I don't sit
10 on the Board so I'm just giving you a layman's
11 perspective.

12 We have nothing against senior housing. You
13 have heard that repeatedly. I have for senior housing.
14 If you put this over on Route 7, great, I am all for
15 it. For this to be in a neighborhood where we
16 understand clearly that it is incredibly oversized -
17 they are looking for just about - 63 allowable and up
18 to 110 units - it is enormous. While we agree that
19 senior housing may be in need, I am not going to deny
20 that it is a need and I'm not going to say that if one
21 living in this Town and I might continue to want to
22 live in this Town that I would certainly hope that
23 there is enough senior housing. I would say that there
24 are already a couple of senior housing facilities.
25 There are a couple more being built and now this one.

1 Is there since this information or survey information
2 or something that they could present to the residence
3 and the Board to say that yes, this is a need because
4 of fact. I'm asking that question.

5 CHAIRMAN STUTO: I can respond to that, in
6 part.

7 The attorney cited what she understood to be
8 senior housing in Colonie. I can't contest what she
9 said. The development that is behind the Elks Club
10 which is developed by the Colonie Senior not for
11 profit is well oversubscribed. I know that for a fact.
12 There is a waiting list.

13 MR. TUCKER: It is still indicative of the need
14 for senior housing.

15 MR. BRUNO: Again, all I am asking for is a
16 citizen is - what is it that we are drawing from
17 because we have heard from their side frequently
18 things that were not accurate. So, all I am doing is
19 asking that - again, if it were different from the
20 beginning and they said look, here is the facts and
21 the information, here is served, here's the census. It
22 is easier for people to understand - just regular
23 people and not developers.

24 I asked about a PILOT at first it was I don't
25 know. Then this was not our intent. PILOT; payment in

1 lieu of taxes. It is often used. They come in and make
2 one payment, not nearly as substantial as would be if
3 they were actually paying the full amount.

4 MR. MAGGUILLI: There's no proposal of any
5 PILOT here. We all know what a pilot is. Please move
6 on.

7 MR. BRUNO: You are saying there is not an
8 issue of the PILOT. All I am saying is I asked the
9 question and there was a meeting that you were not at,
10 but I asked the question and they said they didn't
11 know and they did not intend. My concern, as a citizen
12 of Colonie as is my right - and given the potential
13 for a PILOT and given the physical challenges that any
14 municipality faces these days -

15 CHAIRMAN STUTO: Joe, you run the IDA; right?

16 MR. LACIVITA: Yes. That is correct.

17 CHAIRMAN STUTO: Is there a pilot application
18 for this?

19 MR. LACIVITA: There is not.

20 MS. BRUNO: Wasn't there discussions about it?

21 MR. LACIVITA: No, there has not been
22 discussions about it. One of the tests for a
23 municipality to show is the economically distressed.
24 Colonie cannot prove that when it comes specifically
25 to apartment use. So, that's why the property - if

1 there was an application, it would be denied because
2 of the economic distress.

3 MR. BRUNO: Perfect; thank you. Again, that was
4 all I was asking for was fact. Was it in our best
5 interest?

6 Yes, I asked whether voting now or in the
7 future that you reject this proposal, but not
8 necessarily senior housing. We would love to see
9 something like this. It is a beautiful complex. We
10 would love to see it on Route 7. Thank you.

11 CHAIRMAN STUTO: Thank you.

12 Michael Brennan.

13 MR. BRENNAN: The Colonie CAC recommends that
14 that after reviewing some of the plans, that there
15 were a lot of mature trees in the buffer zone and we
16 recommended that whenever possible that those trees be
17 preserved.

18 CHAIRMAN STUTO: Thank you.

19 Tim Nichols.

20 MR. NICHOLS: First of all, I think that
21 Crystal should have just dropped the mic and we
22 could've gone home. You really summed it up really
23 well. Even though I started out with a little bit of
24 humor, I am extremely upset and dismayed that we are
25 here again looking at almost the same exact project

1 that we debated and talked about last year. There have
2 been no significant changes. They didn't listen to
3 anything we said at the Planning Board meeting. We
4 purchase back to square one.

5 I will say it again. This time I went and got
6 the bill jacket for the legislation that created the
7 planned development district law in New York where it
8 actually created enabling legislation so that
9 municipalities could then pass their own local laws to
10 create and establish a planned development District. A
11 bill jacket is basically the history of the
12 legislation.

13 I just want to read one memo - part of a memo
14 in support of that and then I will explain why I think
15 it is important.

16 This is a memorandum of support from the
17 legislative commission on rural resources.

18 Increasingly planned unit developments is being
19 recognized as a tool which can promote flexible design
20 and incorporate complementary features of many current
21 land-use tools such as incentive zoning and cluster
22 development. Planned unit development offers
23 communities a constructive way to promote a mix of
24 land uses within a single coordinated development plan
25 for the purpose of encouraging the efficient use of

1 infrastructure, the effective delivery of public and
2 private services as well as enhancing opportunities
3 for conserving open space and promoting
4 neo-traditional development. That is a fancy word for
5 smart growth.

6 That is the whole purpose for this law. That is
7 what gave birth to these planned development District
8 laws. This is not anything - what I just read is not
9 mixed-use. With the exception of open space
10 preservation which is practically a necessity because
11 of the size of the property and the land that they
12 cannot develop on. There are no amenities. It doesn't
13 fit with the neighborhoods. It is actually going to
14 front to the quality of life of the existing
15 neighborhood. It does not conform with the
16 Comprehensive Plan and I think this Town has overused
17 and misused the planned development District as a way
18 of shoving and projects in areas where they don't
19 belong. It is supposed to be a tool, not a shoehorn to
20 make something fit where it doesn't fit normally. We
21 would not even be here if this law was not in place in
22 Colonie. You need a special law to make a project like
23 this fit. You would think that to apply this special
24 law that would be standards and criteria - basic
25 standards and criteria that have to be met before it

1 could be used in that manner. You would think that
2 when you go to that extent, you would want the
3 neighborhood and the community in support of it. It
4 obviously is not. Nobody is against senior housing.
5 Every single person who has spoken against the planned
6 development district designation applaud this design
7 and the facility. I know you hear it all the time -
8 not in my back yard. Seriously, it would not fit. It
9 does not fit in this neighborhood. This neighborhood
10 has been through the ringer, not just this time but as
11 Crystal indicated -- I have been involved with working
12 - I don't live in the neighborhood. I live up the road
13 about half a mile. I represented this neighborhood
14 proudly for almost 16 years in the county legislature.
15 In and out of my term as Legislator I always was
16 involved because I feel a connection to these guys.
17 These guys were instrumental in getting us the
18 Comprehensive Plan to begin with. That neighborhood
19 fought tooth and nail to get a Comprehensive Plan
20 created. They fight tooth and nail to get a building
21 moratorium established in our neighborhood, so, we
22 could design a Comprehensive Plan. They worked tooth
23 and nail to get a deal so that should this property
24 ever be developed, there would be a buffer zone. The
25 fact that that thing went down the way it did, as my

1 kids will say today - it's very sketchy.

2 All the sudden out of nowhere the Town Board
3 passes a law to rescind the buffer zone. Then, the
4 neighbors find out. Then, they pass a law to repeal
5 the law that recent of the buffer zone. Then, the
6 party that doesn't like the buffer zone anymore sues
7 and now there's no buffer zone. Here we are with a
8 planned development District. *I don't know how many
9 times this neighborhood is going to get kicked by this
10 Town, but I hope it stops.

11 MR. MAGGUILLI: Mr. Nichols, this Town is
12 kicking anyone, Sir.

13 MR. NICHOLS: This Town did a lousy job on that
14 lawsuit, pal. If I had the resources, I would call for
15 an investigation. I'm done, thank you.

16 MS. BRUNO: Why didn't we appeal?

17 MR. MAGGUILLI: We did appeal. We filed an
18 appeal based upon -

19 MS. BRUNO: Did you provide the language
20 regarding Executive Woods?

21 CHAIRMAN STUTO: We don't get into it.

22 MR. MAGGUILLI: Ma'am, Executive Woods was a
23 totally different project. There was a larger buffer
24 and Executive Woods and that's because the Town did it
25 according to the law. They did it correctly, which

1 they did not do in this case. So, when you look at
2 Executive Woods, you can go back into the Town records
3 and see the Resolution and see the Local Law that
4 created the special larger buffer and Executive Woods.
5 That was all missing. The only thing created in your
6 mind - this bigger buffer - was statements made at a
7 Town Board meeting. You and I can make statements
8 tonight back and forth. I can tell you yes, I will
9 give you the larger buffer. In fact, if I don't do
10 anything else and I don't take that to the Town Board
11 and I would have a Resolution or a Local Law passed,
12 and it's just me telling you -

13 MS. BRUNO: what about the 2007 Land Use Law?

14 MR. MAGGUILLI: Let me finish, ma'am. You had
15 your chance so please let me finish.

16 You make all these accusations and you make all
17 of these innuendos and I'm going to tell you something
18 - you are wrong. What the former administration did
19 was wrong. It is as simple as that. They told you at a
20 meeting that we are going to give you a larger buffer
21 and then they never did anything about it. So, five
22 years later when we come on the scene and I have a
23 gentleman say to me how to this larger buffer get
24 here? I said well, I will look. I don't know. We
25 couldn't find anything. The emails were gone. They

1 were all erased - that you happened. As soon as we
2 found out about that and was the Town's intent to give
3 you a larger buffer, yes, we created it Mr. Nichols.
4 We change that. So, if you think that's sketchy,
5 that's too bad. You're wrong.

6 MS. BRUNO: What about the 2013 where you
7 changed it -

8 CHAIRMAN STUTO: If you want to come back up,
9 you can come back up when it's your turn again.

10 MR. MAGGUILLI: I am bound by law. I took an
11 oath when I became an attorney to follow the law and I
12 try to keep that oath. I could not in good conscience
13 do what you wanted me to do because it was in
14 violation of law. I challenged their ruling based on
15 what I thought was legally permissible. I wasn't going
16 to bring a baseless lawsuit. What was legally
17 permissible was challenging the statute of limitations
18 issue. The facts are the facts.

19 The stuff you brought up tonight - again, you
20 got it all wrong.

21 And Jeanne Donovan's email she was talking
22 about that the Town was looking at the entire land-use
23 law in 2009 and not just one part.

24 MS. BRUNO: Because of the 2010 application to
25 build on the parcel. She is responding to Mr.

1 Connelly's concerns about that.

2 MR. MAGGUILLI: Do you know where this came
3 from?

4 MR. BRUNO: It is on file right now in this
5 building. I could probably go pull it from the file.

6 MR. MAGGUILLI: Because there is nobody that
7 signed this.

8 CHAIRMAN STUTO: It is a narrative description.
9 It purports to be an application. It says narrative
10 description. I really don't want to get into this
11 debate - the proposed modification of
12 office/residential zoning at 40-45 Forts Ferry Road,
13 Latham. There is a notation that says apply July 2009.
14 Disapprove 1/26/10. I don't recall seeing that on the
15 Planning Board. A lot of us have been involved since
16 2009. These are not minutes of the Board meeting. It
17 says narrative description of proposed modification.
18 It looks like an application prepared by the
19 applicant. It doesn't show what the Town did.

20 MR. MAGGUILLI: Who was the applicant?

21 MS. BRUNO: That is in the first sentence.

22 CHAIRMAN STUTO: Phyllis Mooney. It does say
23 that.

24 Joe, do you know this is? Have you seen it? Do
25 you recall it coming before the Planning Board?

1 MR. LACIVITA: I do not recall it coming before
2 the Planning Board.

3 CHAIRMAN STUTO: I don't either.

4 MS. BRUNO: It is either the Building
5 Department or the Zoning Board of Appeals.

6 CHAIRMAN STUTO: Those are all different
7 things -- some are Boards and some are departments.

8 MS. BRUNO: This is why the research needs to
9 be done so the facts are all there.

10 CHAIRMAN STUTO: If somebody said in 2010 that
11 there was an application for 45 houses -- something
12 like that.

13 MS. BRUNO: That is the narrative, right there.

14 CHAIRMAN STUTO: An application for subdivision
15 would be before this Board. I said I don't recall
16 seeing it. My memory is not perfect. I don't think it
17 ever came before this Board. An application is an
18 application.

19 Paula, do you know the history?

20 SUPERVISOR MAHAN: There was some kind of --
21 whether it actually put in an application or it was
22 just an idea that they brought forward, I believe it
23 was town houses on 45 Forts Ferry. What I remember is
24 that it was very very dense and it would create a lot
25 of traffic. There was an age restriction or anything

1 like that. It was for typical families, or whatever.
2 Never got any further than that, that I can remember.
3 *As far as applications for the Planning Board, you
4 would have to go back and see. I don't know what was
5 said that the Planning Board. I don't recall that.

6 CHAIRMAN STUTO: We usually remember when the
7 project comes before us.

8 SUPERVISOR MAHAN: I definitely recall 45 Forts
9 Ferry being some sort of Town houses and very dense.
10 That is my recollection. I also note that our attorney
11 Mike Magguilli and Sue Pelligrini, our paralegal in
12 the office - I do know that they did extensive
13 research to try to find out about this whole issue.
14 They couldn't find anything. Unfortunately, the
15 records were not Town Hall or the Planning Department
16 worked anyplace else. A lot of things were gone before
17 we got there. I do know that crystal and some of the
18 other people produced emails and things that the 400
19 foot or 300 foot buffer was offered. I know that
20 Mike's office did some research. By 2007, all the
21 zoning was changed back to 200. We went with the
22 spirit of the information of the emails and everything
23 else you guys had. That is when we went forward. The
24 spirit of those emails said one thing and then when
25 they change the zoning 2007 was not the same.

1 The residents here tonight -- I live in the
2 same area a little further down the road. I know the
3 area very well. I know that I put a lot of time and
4 years back in the early 2000's or whatever it was
5 sifting through to take a look at what was going on;
6 target, Wade road extension, the wetland permits that
7 were needed there - all kinds of things that went on.
8 Personally, I spent a lot of time years of my life
9 just trying to figure out what was going on. That was
10 my passion to straighten that out. The idea of
11 something that is not right going on, in your opinion
12 is of setting. I can pretty much chart a map of the
13 Town and point out where things were going on and what
14 was going on.

15 Mr. Nichols knows how much time and effort I
16 put into that. The fact is I even met and sat with
17 people that I had to be the one to bring all that
18 forward and putting myself in a very difficult
19 situation. I did it because I was committed to finding
20 out what was going on in the area and doing what I had
21 to do. So, the idea that there was something going on
22 here that shouldn't be going on - that's offensive to
23 me personally because I put a lot of years of my life
24 into that war fought to make sure that doesn't happen.
25 It's very hard for you guys to understand but when you

1 don't have records and they are gone before you even
2 get there, it is difficult to put things together. I
3 can only vouch for the people that worked for me; our
4 attorney's office, are Planning Department - the
5 PEDD's work is really the Town of Colonie's second
6 check to help us and guide us. We still have our own
7 engineers. Most municipalities - they don't have their
8 own engineers participating in the process. We have a
9 double check with our Town Designated Engineers and it
10 makes it better. There is so much emotion going on
11 here tonight. Reality is that can take away a few
12 things from this.

13 First, nobody is against senior housing. I
14 guess I am a senior now. I guess I could go live in
15 here. No one is against senior housing and no one
16 wants to destroy any area. Everyone here seems to be
17 in favor of senior housing. They are concerned about
18 that particular lot. It could be modified, that would
19 be something that everyone would really like. Maybe it
20 can't be modified. I don't know. I usually don't come
21 here to these meetings and give my opinion for a
22 reason. That is because this Board is assigned to do
23 that and we have worked so hard to make the Planning
24 Board independent so that they can have objective
25 looks at things. They look at these things and then

1 come back with an objective view. Not to have any
2 interest in anything - if I ever found that out, I
3 would be fighting matches the way I did all those
4 years. The reality is, they have a job with their task
5 with that. I'm not going to go backwards. I know how
6 planning was done here before. It's very very, very
7 upsetting. In my opinion, it was illegal - what was
8 going on.

9 These guys do the very best they can with the
10 information that they have. Everybody has stated their
11 opinion. We know they like senior housing. The project
12 could go one way or the other. It gets approved or it
13 gets denied. The fact is, I think the developers and
14 everybody that is working for them heard loud and
15 clear that everybody like senior housing. It is
16 probably the lowest impact that you could put
17 anywhere. You have to take a look at all the
18 conditions that came up in all the opinions and the
19 idea of looking at the Comprehensive Plan and
20 everybody's view. Does it fit or doesn't fit? If that
21 doesn't work, it doesn't work. The can be modified, I
22 think they should look at your suggestions and I think
23 that they would. It'd a can, or they can't. It is
24 getting to the point where pointing fingers at people
25 and stuff like that - were not like that. We don't

1 want to be like that. The fact is when it starts to
2 become - you should do this - I think this should
3 happen -- that is nonsense. This is a Planning Board
4 meeting. You are here for the right reasons. You are
5 interested in your community and you want to voice
6 your opinion. I live in the area and I love the area.
7 I don't want to move. I'm not ready to move into
8 senior housing yet. When I am, I would pick a place.
9 The reality is that you are all here for the right
10 reason. The developers are here because they have a
11 project. These guys have a really difficult task. When
12 you start pointing fingers, it makes it even more
13 difficult. I think that this could be resolved in a
14 professional rational way. Everybody just has to calm
15 down and realize that they are doing the best they
16 can. All I can say to you is the Planning Board is
17 working with the people and not for their own
18 interests. When people point the finger and say that
19 kind of stuff, it really, really makes me upset. That
20 is not the way we work here in Colonie. I am sorry
21 that I gave you a dissertation. I don't know about you
22 guys, but I haven't eaten yet.

23 CHAIRMAN STUTO: Okay, it is getting late and
24 we still have about five other folks that have not
25 spoken yet. Somebody might still want to add something

1 at the end and they can. It is not always ideal to be
2 this late, but it is what it is and we have to work
3 through it.

4 Joe Fesel.

5 MR. FESEL: My name is Joe Fesel. My son just
6 turned 12 and I have lived 36 Nelson Avenue for about
7 13 years. I have a long list of things to talk about,
8 but we all talked about them already so I will keep it
9 brief under three minutes.

10 I think it was a mistake to bring this
11 (Indicating). First, because the proposal at hand.
12 This is not.

13 CHAIRMAN STUTO: We asked for some type of
14 comparison of what they could build, through our Town
15 Designated Engineer. We like diagrams. So, I
16 respectfully disagree with that. There may be a bias
17 in that. We get that.

18 MR. FESEL: I think it was not wrong for that,
19 but I think it was wrong for another reason. I think
20 that it evokes something that we are all trying to say
21 here. How many of us have set at the one second light
22 that turns from green to red at Troy Schenectady Road?
23 How many of us have now approached the circle from the
24 south after Walmart was built and now find us thinking
25 that maybe we should go under the circle cousin might

1 be quicker to cut through Omega Terrace now or go
2 around and sit there for half an hour? How many of us
3 go to Guptil's now and we stop at that light because
4 there is new development there? How many of us know
5 people that voted down the school budget when they do
6 support the schools, but they were feeling
7 overwhelmed? I think that is what everyone here is
8 trying to say. We are being overwhelmed.

9 This could be a nice project. I think it has to
10 be changed a little bit. You have to take into
11 consideration everything else. If the project gets
12 belts and we are at the corner, even more now - that's
13 horrible. Why is there no turning Lane there? Now our
14 key mutes are even longer. Now, coming up Nelson there
15 are even more cars trying to cut from Route 7 up
16 Nelson. We are dealing with all of that and feeling
17 overwhelmed and Colonie by some development. I am
18 pro-development, when it's appropriate. I think what
19 they did not take into account is that we are feeling
20 overwhelmed. Instead of approaching it in talking to
21 the community from step one, they made a mistake in
22 waiting to the last minute and only increase the sense
23 of being overwhelmed and overtaken and we have no say
24 in what is happening. We all have young kids that are
25 trying to get across Forts Ferry Road and it's getting

1 harder and harder. The sidewalk idea has been said and
2 it is not a good plan. I think that if they had
3 started with this meeting and the beginning, we would
4 be in a different place. That's all I have to say.
5 Thank you.

6 CHAIRMAN STUTO: Thank you.

7 Terry Barlow.

8 MR. BARLOW: Good evening. It's getting late. I
9 will keep my comments brief.

10 I live the 55 Alpine Drive. I have lived there
11 since 1978, before there was an Omega Terrace, before
12 there was a Dolphin, before that was Winless. The
13 character of the neighborhood has changed. It
14 continues to change. That is the nature of things. I
15 happen to be in support of this project. I think that
16 is has been very well designed. I think that the
17 developer will listen if there are questions that need
18 to be addressed and concerns.

19 Paula has, in her remarks made, some points
20 that I wanted to make. I won't be redundant. I have to
21 feel that this Board takes its duties and
22 responsibilities seriously. You will, in good faith,
23 follow the Comprehensive Plan, PEDD, codes that are
24 appropriate. You will go back to the developers with
25 any questions and concerns. They will have a chance to

1 address them. It has been said many times that this is
2 a process. Let the process go forward and I am hoping
3 that in the end, the Board will approve this project.
4 Thank you.

5 CHAIRMAN STUTO: Thank you.

6 Mark Kornfein.

7 MR. KORNFELD: Mark Kornfein, 17 Omega Terrace.
8 I just have a few comments. This might be more for the
9 residents here. I have lived at 17 Omega Terrace for
10 over 20 years. It may not be what it once was, but
11 when you look at these renditions, there are a couple
12 of things to note. At first I looked at it and said,
13 they made two stories, but it's not. It's just that
14 the bottom story is kind of colored brown to go in
15 with the road so you don't even see it if you're
16 sitting far back. I understand that it's a sales job
17 from them. I just wanted to point that out.

18 Part of the reason that I think that this is so
19 controversial to the folks here is that if you look at
20 a map, you'll see that 45 Forts Ferry Road is
21 surrounded on three sides by residential housing; on
22 Harrowgate, Omega Terrace and on Forts Ferry Road,
23 itself. At one point back when I first lived there in
24 1998 I got a notice of meeting saying that all of 45,
25 which was then split to follow the line in the health

1 park - into residential on one side and whatever the
2 commercial designation was on the other side - to make
3 it all residential. Honestly, that's what I kind of
4 assumed that it happened. I only found out years later
5 when they did the Comprehensive Plan that it was still
6 split 50/50. *There was a proposal from the Town at
7 that point to make it all office/residential and many
8 neighbors were concerned because it is surrounded by
9 residential areas. We met with the former Supervisor
10 of the Town - Supervisor Brizzell and we were told
11 that they are not going to change the zoning if all
12 the neighbors were opposed. We were told that it was
13 going to be left that way - partially residential and
14 partially commercial - the OR, which was the new
15 commercial designation.

16 Then two months later I spoke to my neighbor,
17 Bill Connolly who lived at 47 and he said the Town
18 came to me and the owner of that property wanted it to
19 make it a buffer zone. It would allow the owner to
20 build right up to the line, instead of having another
21 setback which made it mostly unusable and that seemed
22 reasonable to him and I think that it seemed
23 reasonable to the neighborhood.

24 I'm not a lawyer and I don't think that he was
25 a lawyer. None of us are lawyers. We had no clue that

1 the Town did this evidently incorrectly - they didn't
2 file the right paperwork. That's what I'm hearing now
3 and I'm sure you're correct about that.

4 That's just history and part of why people are
5 so upset about this. From our standpoint, we got
6 hoodwinked - whether it's by the former Supervisor or
7 someone else, that's just what happened.

8 I do also have the 1998 thing that I spoke
9 about to make it all residential and I know that I
10 have something from 2010 when the townhouses were
11 proposed. Again, there was a note from the Town
12 saying that it's going to be meeting - perhaps it was
13 the Zoning Board and perhaps it was another Board. I
14 honestly don't remember. I will forward that onto you
15 guys. I believe that meeting did happen. I seem to
16 remember going to it. Again, I can't say what kind of
17 Board. *I think that senior housing is a good idea. My
18 mom lives in the capital district in senior housing in
19 a two-story 84-unit complex. If something smaller
20 could fit in with the neighborhood was proposed, I
21 think that people would not be objecting like this.
22 Thank you.

23 CHAIRMAN STUTO: Thank you.

24 Bob Sanlite.

25 MR. SANLITE: I'm going to yield my time to Mr.

1 Drake.

2 CHAIRMAN STUTO: Do you want to go Mr. Drake?

3 MR. DRAKE: Yes and I will be brief.

4 So, I was personally trying to avoid the whole
5 zoning discussion tonight. Since I got into a heated
6 discussion - the one thing that I would say is in 2013
7 when the decision was made to take the buffer away and
8 it was on the Town maps - that there somehow. I
9 understand and I believe you. You couldn't find the
10 documentation. What I find frustrating and I'm
11 frustrated with the developer - you have human capital
12 in this room that you do not reach out to. I would
13 just remind all of us that the world is not all of
14 Google. A lot of information still sits and human
15 brains. We need to talk to each other about this. I
16 would just ask that if we had just talked 2013 - if
17 you talk to Mark for some of you folks that are in the
18 property, they could've given some history. It may not
19 have changed anything, but I think a lot of the anger
20 and frustration could've been mitigated if we had some
21 conversations in 2013, as opposed to waking up and
22 finding the buffer was gone. It may have gotten us to
23 the same place. I think felt better.

24 The same thing about this proposal. I think it
25 conversations over the last year to try to compromise

1 and try to understand - we did learn stuff from each
2 other a week ago. I learned about the age demographic
3 and it was astounding to me. We have not been talking
4 to each other. If there's going to be a project here,
5 please talk to the neighbors. We are willing to work
6 with the Board. We are willing to work with the
7 developer. You cannot leave us out because we will
8 keep coming back again and again to oppose what is on
9 the table right now. Thank you.

10 MS. KNORR: Is my name on the list?

11 CHAIRMAN STUTO: No, but if I missed it, I
12 apologize.

13 MS. KNORR: At the Town Board meetings you have
14 three minutes, but a lot of people went over three
15 minutes. I was going to stick around three minutes.

16 Why I came here tonight was that in 2004 when I
17 attended all of these for the draft Comprehensive
18 Plan, the most important goal to me was the housing
19 options. We do have a diverse population. Also, our
20 aging population -- I believe a quarter of our
21 population are seniors. I might have given the wrong
22 number. Five hundred people are wanting affordable
23 housing. I am big into affordable housing. I support
24 this project. The letter from the lady who wants to
25 come back to Latham - she is living in one of your

1 other units. I support her.

2 Most of all, I identify with you, the owner of
3 the land. I'm going to say that my grandparents both
4 at farms here in Colonie. I am 20 years older than
5 you, so I will go back a little history.

6 On my father's side they sold lands in the 60s
7 that is from the Hindu Temple to Venus Drive almost
8 back to Oakwood. We did not have Oakwood. They are
9 single-family homes. That was the big housing boom
10 there - people coming to Colonie.

11 I live at 426 Albany Shaker Road. My parents
12 built on my father's land. Now those people are my age
13 - in their 70s and 80s and those houses are not
14 suitable anymore to live there. I am a registered
15 nurse. One of my friends who lives on Red Lane Drive
16 would like help to come back from St. Peter's
17 rehabilitation and would like my help. I am watching a
18 cute little five-month-old boy, Timothy; named after
19 my son. So, I tried to help, but I do know that we
20 need housing options. I am very interested when they
21 say we are not a community. I was at Hearthstone
22 Village. I saw it in the paper that they wanted senior
23 housing. I just showed up because I knew they would be
24 opposition. I was caring for my mother and she had
25 Alzheimer's and a stroke. I was the second speaker and

1 I had to leave. What was the first speaker? Not in my
2 backyard. It's going to be lit up like a football
3 field. Stick them up by Thatchers Park. That will be a
4 nice view.

5 What about Eammon's bar? People opposed that.
6 We don't want to look at those elevator shafts. It had
7 to go back to single family, even when they were
8 threatened. He is the land owner. Did he know what was
9 going to happen to the market in 2008? *As a land
10 owner I'm going to say this: I have talked to my
11 children. I am 76 and I will be 77 when my mother
12 started Alzheimer's disease. In 1992 I have been
13 looking for a dream to have 13 acres in the back of
14 Times Union. Times Union happen to buy 18 acres of my
15 mother's side of the family farm. I am looking for a
16 special project. I would like to help veterans. I
17 would like to have passive solar. I have so many
18 dreams. Now that I am 76, I myself would like to
19 little kids running around. I know there is a need for
20 senior housing. You just mentioned a few. If we have a
21 quarter of our population being seniors -- just a few.
22 The one that I really love - you mentioned carriage
23 houses. What happened? My favorite one would be
24 Meadowdale Estates. I don't know what is happening
25 there because they came right here to support that

1 one.

2 So, I come here to support different housing
3 options. That is my main thing. What I liked about the
4 Meadowdale Estates -- it would be right here. It was
5 going to be cottages and apartments. It was different
6 housing options. *I went to the airport school which
7 was a two room school house; three grades in a room.
8 My sister was fortunate enough to go to Forts Ferry
9 when it was built. She 74 and she will be 75. *The
10 farmers voted down every year for the schools. I had
11 to go to Milne. I was in first graduating class of
12 Shaker in 1959. Our seniors made Colonie what it is
13 today. You like the school districts. You like coming
14 here. The school districts have a lot to do with it.

15 So, I am saying that if I said to you not in my
16 backyard -- do you know how Colonie was with all the
17 farms? Now, you all want to live here. I like the
18 village feel and not suburbia, USA. In fact, I
19 educated my kids in Schenectady. I wanted them to have
20 cultural diversity. I did not want them to have the
21 rich and the poor. I wanted all cultural diversity.
22 Now, I am back because I took care of my mom for 16
23 years. I was able to because I am a nurse and I
24 graduated from Ellis. Our house is horrible. I can't
25 even live there if I have either Alzheimer's or a

1 stroke. It is a farmhouse. Maybe farmers did not live
2 very long. My father died at 28. He was a farmer in a
3 truck accident. The house is horrible. What did I have
4 to take care of her? I haven't a room with just a
5 hospital bed and have a bath. By the way, I missed a
6 bus to go home. So, if you think the bus service is
7 great and Colonie, there is nothing after 5:30 on
8 Albany Shaker Road. So, this is on the bus line. It is
9 in a great location for seniors.

10 When I supported the Hearthstone Village - that
11 was 144 people, people thanked me for supporting
12 Hearthstone Village. I'm glad about the Elks Club. I
13 wish Meadowdale Estates would happen. We need more
14 senior housing.

15 You said put them on Route 7. We don't have
16 that much land left on Route 7. If it was Route 7, it
17 mostly would be commercial. There are some pockets of
18 land. I wanted a Columbia Crest on my 13 acres behind
19 Times Union. What did they say, Mr. Stuto? They would
20 not have the frontage for the sign that would say
21 Columbia Crest. It is the back of Norton's property.
22 Nobody even knows about the 13 acres. So, I will keep
23 dreaming. I have a manager who is working hard. I see
24 the opposition.

25 They had to do a market analysis that there is

1 a need. We all admit that there is a need. You just
2 named a few housing developments. All I know is from
3 the one farm from the Hindu Temple to Venus Drive -
4 single-family - there are a lot of people that cannot
5 stay there. We need universal design. We need the
6 master bedroom to be right across from a great
7 bathroom. That was one criticism that I had. The
8 master bathroom has to be across from the master
9 bedroom.

10 One thing that was said with Hearthstone
11 Village is the den was closer. So, that's why I liked
12 Columbia Crest. I visit Columbia Crest. I talked to
13 the man.

14 MR. MAGGUILLI: Can I ask you a question?

15 MS. KNORR: Yes.

16 MS. MAGGUILLI: Did you walk here tonight?

17 MS. KNORR: No, I am watching my two grandsons
18 today and so my daughter dropped me off.

19 MR. MAGGUILLI: Do you have a ride home?

20 MS. KNORR: I don't want to call her.

21 CHAIRMAN STUTO: We have a few volunteers up
22 here.

23 MS. KNORR: Thank you, very much.

24 MR. LACIVITA: Gloria, call me tomorrow and I
25 will fill you in on Meadowdale Estates. In fact, it

1 does have its approval. They have broken ground and
2 they are putting infrastructure in and I will bring
3 you up-to-date tomorrow.

4 MS. KNORR: Thank you very much. It has a lot
5 of Shaker design and I liked that.

6 I want to say that I do identify because I do
7 feel that the seller has the right to choose. I will
8 tell you that the little grandmother in 1914 - my
9 grandmother and grandfather bought that farm. My
10 mother was three months old. She died 10 years ago in
11 2007. When I started making decisions for her --
12 because she saved the 13 acres for her children and
13 grandchildren to build a house. Now I want many
14 people. We only have a little land left. I want old
15 people like me to feel comfortable and not be socially
16 isolated.

17 CHAIRMAN STUTO: We are at the end of the list.
18 Is there another comment that is going to have a fact
19 so important at five of 11 that it has to be said?

20 MR. HOBSON: some of the information that we
21 got in the mail -- I live right here (Indicating). If
22 I can get a zip line from here to there, I'll be all
23 set. There are a lot of things that have happened in
24 the Town over the years. I have been through a lot in
25 the Town. I served on the Board and everything else. I

1 have never received anybody calling my house -- it's
2 just my wife and I -- from Mr. Nigro's firm where the
3 engineering firm, and how close I live. That statement
4 that he called everybody in the area is not true.
5 Thank you.

6 CHAIRMAN STUTO: Ma'am.

7 MS. LIU: I live here at 6 Omega. This is my
8 first time coming here. I moved here in 2014. I bought
9 a house. Before here, I lived in Loudonville. My son
10 right now is nine years old. Before we moved here, my
11 son went to the Loudonville Elementary School. After I
12 moved here, I had to transfer him to Forts Ferry. He
13 still stayed in the Loudonville School. It is no
14 school bus. I drive him Monday through Friday every
15 week for almost 3 years. Every morning I drive from
16 here to here (Indicating). It only takes 10 minutes
17 from my home to the Loudonville school. Between the
18 lights here and this road (Indicating) it takes 15
19 minutes. Every Monday through Friday and takes me five
20 more minutes. I can't imagine more cars. There will be
21 many more cars in traffic jams through here. For two
22 years I've driven him Monday through Friday. It has
23 taken me five more minutes because of the traffic
24 jams.

25 I am a nurse. I was adopted in China. I am a

1 registered nurse.

2 This is a buffer to the noise of 87, the
3 highway. When the trees come down, there would be a
4 lot of noise. I used to live over on Albany Shaker
5 Road. All of the cars on that road gave me a lot of
6 anxiety. I can't sleep. So, when I bought a house in
7 here (indicating), I still here 87, the highway in the
8 noise. It makes me stay awake. I can't imagine when
9 you cut the trees of all that noise there will be. We
10 will be less buffered. This makes the whole area very
11 noisy.

12 The residents of the senior housing will be
13 over 80, right? So, when the senior residents leave
14 here, 87 will be noisy. It's not because of the
15 housing.

16 Also, there is a traffic light here. There is
17 only 500 feet between here and that traffic light
18 (indicating).

19 So, your project is good project, but it is not
20 in the right place.

21 CHAIRMAN STUTO: Susan?

22 MS. LAURILLIARD: I had just a couple kind of
23 clean up comments. I have lived in the Town a long
24 time. I am a long time resident of the Town of
25 Colonie. I live along Route 7. I don't know if the

1 Board would include in the administrative record the
2 New York 7 New York 2 corridor transportation and
3 land-use study of December 2005. A lot of the issues
4 that this neighborhood is bringing up about traffic
5 congestion were all mentioned in that study. They
6 definitely looked at this Forts Ferry area. I would
7 just reference page 12, page 11, page 18 and page 24.

8 I know that some of the neighbors gave handouts
9 to the Board. Are those going to be included in the
10 record of this Planning Board?

11 CHAIRMAN STUTO: Yes.

12 MS. LAURILLIARD: I also want to ask the Board
13 to include in the record for tonight the Town Board
14 transcripts from 2006 and 2007 where they talked about
15 the amendments to the 2007 Land Use Law. I would like
16 those to be included in the record tonight. There are
17 explanations there are about -

18 CHAIRMAN STUTO: Do you have copies?

19 MS. LAURILLIARD: I do not have copies.
20 Actually, I have asked Joe to upload those onto the
21 Comprehensive Plan website back in October. I asked
22 the Comprehensive Plan Review Committee to include
23 them. Those provide important background information
24 about the changes to the Land Use Law of two business
25 seven.

1 I know, Joe, we have been in communication on
2 that and you were going to upload those to the
3 Comprehensive Plan website. Yeah, we have been waiting
4 for that. So, those are there. I don't have them. I
5 would just ask that the included in the administrative
6 record tonight.

7 The other thing that I wanted to ask to be
8 included is a letter from Save Colonie that we sent to
9 the Comprehensive Plan Committee. Actually, it was
10 August 2016. The whole issue here about senior housing
11 and where it is appropriate, what type of senior
12 housing should it be, middle-class amenities, should
13 be low income -- these are all questions - you have a
14 Comprehensive Plan review that is ongoing right now. I
15 think this is something that Committee should look at
16 and give guidance to the Planning Board. Their
17 guidance would eventually be adopted by the Town
18 Board, if there is some question here like: What is
19 appropriate? Where is a good location? That is
20 something that the Comprehensive Plan Review Committee
21 should be doing. What Save Colonie did in their August
22 23 letter was actually ask the Town to stop a little
23 bit and before you review projects, have the
24 Comprehensive Plan review finish its job. I think that
25 if you do that, it might help you and give guidance.

1 That would be instead of the Planning Board trying to
2 interpret and 2017 what was meant in the current
3 Comprehensive Plan, which was from 2005 and the
4 land-use regulations that were adopted in 2007. So, I
5 think you need to have a little stop here and have the
6 Comprehensive Plan Review Committee finish its job,
7 give guidance where appropriate senior housing - what
8 type of senior housing and where it should be in the
9 Town of Colonie.

10 MR. LANE: What do you mean what type?

11 MS. LAURILLIARD: Well, should it be low
12 income?

13 MR. LANE: So, you're saying that the Town
14 should decide where it goes, what type it's going to
15 be? These aren't not for profits. This is not a
16 not-for-profit project.

17 MS. LAURILLIARD: I think that you could set up
18 zones. Instead of using the planned development
19 district -

20 MR. LANE: So, create another district or
21 another zone?

22 MS. LAURILLIARD: Well, look in your Town.
23 Where do you think was the best place for senior
24 housing? If you want to put it in a rural area where
25 there is no transportation -- I think they were

1 comments here that this wasn't the right spot, it is
2 next-door to a neighbor, what is a good transition --
3 all of these things I think would be fitting for the
4 Comprehensive Plan Review Committee.

5 MR. LANE: My thought on that is that what you
6 are saying is the Town should decide okay, it doesn't
7 fit here next to these neighborhoods, but it fits next
8 please neighbors. So, the Town is imposing its will on
9 a situation rather than listening to the comments -

10 MS. LAURILLIARD: They could give direction, I
11 think. When you're talking about what's an appropriate
12 transition - I think that was described in the 2007 -
13 2006 minutes - whether it was meant to be
14 transitional -- as well as this Route 2/Route 7
15 corridor study. I just want to leave you with those
16 thoughts.

17 MR. MAGGUILLI: What documents be made a part
18 of what record?

19 MS. LAURILLIARD: This record, tonight -- that
20 this record includes those documents.

21 MR. MAGGUILLI: I wasn't sure whether you meant
22 this for the Comprehensive Plan record.

23 MS. LAURILLIARD: I did ask that, too. It
24 should be in the Comprehensive Plan website.

25 MR. MAGGUILLI: That request would have to be

1 made to the -

2 MS. LAURILLIARD: I'm just making a statement
3 tonight that we have been asking that be uploaded to
4 the Comprehensive Plan Review website. You asked to
5 have copies of those documents. I don't.

6 CHAIRMAN STUTO: Thank you.

7 Who also has not spoken?

8 (There was no response.)

9 Who else would like to speak again?

10 Jack, go ahead.

11 MR. FAHEY: The question on the meeting before
12 the Planning Board for 45 Forts Ferry - I was there. I
13 set over here and Mrs. Mooney sat over there
14 (Indicating). The reason I remember it is that she
15 complained about not being notified from Pennsylvania
16 that her property was being rezoned. I spoke to that.
17 I don't know where the minutes are. There was no
18 stenographer at that time. That is my recollection.

19 MR. LANE: You have a better memory than me
20 because I was on the Board at that time and I do not
21 recall.

22 MR. LACIVITA: I just checked and in 2010 we
23 did have stenographic minutes. There is nothing on for
24 45 Forts Ferry that ever came to this Board. I will
25 check the records and see if there is something else,

1 but nothing is here.

2 CHAIRMAN STUTO: Who else?

3 MS. DEMICCO: My name is Sonya DeMicco in a
4 live act 31 Forts Ferry Road. Being in business for 30
5 years, I have never walked into a client's office
6 without a plan B. I am feeling today that all we have
7 is a plan A and there is no other alternative. There
8 is no plan B. I've never seen anything - I've never
9 done business that way. I don't even understand how we
10 can present this and expect anything to be absolutely
11 approved or disapproved when there is no plan B here.
12 It is either this way, or no way. That is my only
13 comment. I have always coming to a meeting with a plan
14 B. Thank you.

15 CHAIRMAN STUTO: Thank you.

16 Anybody else?

17 (There was no response.)

18 MS. SLEVIN: We would like to comment. I will
19 try not to make it too long. We certainly have
20 listened to the neighbors. The project is designed to
21 really accommodate the population that is assigned to
22 serve. The reason that there is a particular size of
23 the building, the reason there is a configuration for
24 the building is because the services are focused in
25 the center of the building and then the rest of the

1 building is designed so no one has a significant
2 distance from any part of the building back to the
3 services. Reason that the design is important is
4 because my client has found that the design has worked
5 well in the other facilities built. The North
6 Greenbush facility is different. It is a
7 multi-building facility with services and a community
8 center in its own separate building. Seniors have
9 articulated that it is not as convenient and that
10 there is a preference to have one building. Having
11 said that, what we asked this Board to consider is the
12 proposed project in the context of what it could be
13 there as of right; whether we look at 235,000 square
14 feet, or 150,000 square feet. The bottom line is that
15 it still can be a three-story building. It is still
16 going to have parking. A new office and or residential
17 mix is going to have more impacts than this project
18 will have. Granted, the footprint of the building is
19 larger than was permitted under the OR zone, but if it
20 was divided into two buildings it would be compliance.
21 Again, because of the population that my client is
22 trying to serve, it is designed as one building in
23 that multiple buildings.

24 We have had a lot of conversation about whether
25 this is consistent with the Comprehensive Plan. I

1 believe we have articulated the reasons why we think
2 that it is consistent with the Comprehensive Plan.

3 Whether it qualifies as a PDD - when you look
4 at the standard for a PDD under the Town's zoning
5 code, this project is qualified and does satisfy the
6 standards that are articulated in the Town's Code.
7 That is the reason why we believe that there is not
8 only merit to the project, but there is merit to the
9 proposal as a PDD.

10 It does provide a benefit to the community.
11 Does provide a needed asset as a senior housing asset,
12 which is currently in need in the Town.

13 Whether this project goes forward or another
14 one does at some point in the future, the property
15 will ultimately be developed. The neighbors have
16 articulated that. That is a conclusion that at some
17 point - it is a valuable piece of property and will be
18 developed.

19 What we are suggesting is that this is a good
20 use for the land. It is a good design for the land. It
21 has been designed to be sensitive to the community by
22 preserving the buffer, but providing the commitment to
23 additional landscaping in providing the commitment to
24 look at drainage and to make significant efforts to
25 improve drainage. We understand that there will not be

1 a decision tonight, we would like to continue to have
2 a dialogue and continue to work with the Board and
3 with the neighbors. I know the neighbors feel that we
4 had not worked with them adequately. My client has
5 offered on multiple occasions now to take anyone who
6 wants for a tour of the existing facilities. We send
7 it again last week at the meeting. We said before
8 that. That invitation is still open and available and
9 we would invite anybody to come and see. Thank you.

10 CHAIRMAN STUTO: Thank you.

11 Do any of the Board Members want to speak?

12 (There was no response.)

13 Joe Grasso, did you want to say anything?

14 MR. GRASSO: No.

15 CHAIRMAN STUTO: We have had a long evening. It
16 is late in the evening. *Who are you, sir?

17 MR. ALLEN: My name is John Allen. I represent
18 Phyllis Mooney, the property owner at 45 Forts Ferry.

19 CHAIRMAN STUTO: Are you looking to speak?

20 MR. ALLEN: I would like to speak. I will be
21 brief.

22 I would just like to clear up a couple of
23 issues. I believe from being an attorney practicing in
24 land-use and commercial real estate area for more than
25 40 years that Jeanne Donovan who was referenced was

1 the chairperson of the Zoning Board of Appeals of this
2 Town for many years. I don't recall her ever being
3 Chairman of this Planning Board.

4 CHAIRMAN STUTO: She was.

5 MR. ALLEN: Then, I stand corrected on that.

6 My client has owned this property for many
7 years. She told you the story. She was not part of any
8 discussion or any compromise - put that word in quotes
9 please - that was made between the former supervisor
10 Mary Brizzell and residents of Omega Terrace and
11 possibly the Harrowgate subdivision in late 2006/2007.
12 Yes, my client was aware when this application that
13 was discussed tonight for these twin homes -- she was
14 named in it and she was aware at that point that yes,
15 this buffer had been changed. She had no part in that
16 happening. The fact of the matter is Mr. Magguilli
17 articulated what the prior Town Board did was unlawful
18 and violates Section 262 of the Town Law of the State
19 of New York. We simply tried to correct a wrong it was
20 being done to our clients and the court happened to
21 agree. The court, in my humble opinion, was certainly
22 correct.

23 My client has basically been unable to do
24 anything with the property as long as that unlawful
25 buffer existed. We are now into this process and we

1 are going to stick it out with Mr. Nigro. I was simply
2 ask in response to one of the last comments that was
3 made that this Board not take any action that would,
4 in effect, table this project and not pursue it until
5 whatever happens with the Comprehensive Plan. I think
6 my client has been unable to develop her property for
7 many, many years. That kind of administrative action,
8 in my humble opinion, would be very unfair to her.
9 That's all I have to say.

10 Thank you, very much for your time.

11 CHAIRMAN STUTO: Thank you.

12 I will do the best that I can to sum this up at
13 this hour.

14 We have heard from a lot of neighbors. I think
15 that there were a lot of good comments. There was some
16 emotion, which is okay. We have a better
17 understanding. We spoke on our side and we had some
18 emotion up here, as well, on the Board. Hopefully, we
19 understand each other a little bit better.

20 I think that the Board is an agreement that we
21 are not prepared to act on this tonight. Some of the
22 things that I heard in terms of this - in my own
23 personal feeling is that it is probably a little too
24 big. If I were going to consider it, it would have to
25 be scaled down in some fashion.

1 We also heard that the neighbors don't think
2 that the applicant has communicated with them well
3 enough on what they want there. I don't know. I don't
4 know if you did or you didn't. We often find that it
5 is helpful to meet and talk and if there are
6 modifications that can be made that could make senior
7 housing available -- I personally believe that there
8 is a great demand for senior housing here. I know the
9 latest project is oversubscribed. Maybe it is a
10 different type of housing and all that. I do think
11 that there is a demand. I hear it a lot, actually. So,
12 maybe there can be modifications made. Specific things
13 were brought up. I would say, look at Joe Grasso's
14 letter as well, if you want to continue with this
15 application. For myself, it has to be scaled down. I
16 don't know how the Board feels about that. I don't
17 know if the height - the whole thing - I don't like
18 the frontage, myself in terms of the amount of trees
19 that will be taken down and a dual road configuration.
20 That is my personal opinion. I would rather have an
21 emergency road and some type of boulevard in the
22 middle with more screening and saving more trees up
23 front. Those are the particulars from my side.

24 I think I would have a hard time voting for a
25 project of this magnitude - of this size. You are the

1 applicant. Just as Tim Nichols and everybody else has
2 the right to come up here and speak, you have the
3 right to pursue an application. That is just the way
4 the law is. I hope the neighbors understand that. It's
5 not evil to bring an application. I am not picking on
6 Tim on that point. They have a right to bring an
7 application. The neighbors have a right to speak.

8 So, that is the sum of my feelings. I think we
9 are closing the public comments and going forward. If
10 you want to bring it back with this scale, I don't
11 know what is going to happen. I think you should
12 seriously consider some modifications. That's about
13 all I have to say.

14 Does anybody want to add to that?

15 MR. MION: I agree.

16 CHAIRMAN STUTO: I am not saying that it is
17 guaranteed that it will go through with that, too.
18 It's not our job to design a project. That is one
19 general comment.

20 MR. LANE: I did take the opportunity to look
21 at one of the other facilities and I think the scale
22 is being overestimated. I thought it didn't look any
23 different than any other apartment building complex.
24 The impact did not seem like it would be that high,
25 especially traffic wise. It was very quiet and it was

1 very peaceful. It was very high-end.

2 I have a big concern when the public amenity
3 being the sidewalk across the other side of the
4 street. I don't know why it cannot be in front. *The
5 consideration of some additional trees or landscaping
6 in the front will be helpful.

7 CHAIRMAN STUTO: So, what are you saying about
8 scale?

9 MR. LANE: As far as what is in front of the
10 trees, there is nothing of any value.

11 CHAIRMAN STUTO: You're saying that it is scrub
12 brush?

13 MR. LANE: There are older pines in one section
14 and some dead things. Mostly, they are down and did
15 trees. The trees that are of any size don't look like
16 they are in great shape. It is fairly rundown.

17 As far as discussing the transition, it is
18 surrounded by commercial and retail. Yes, there is
19 residential there, as well. It is the idea of the
20 Comprehensive Plan to put seniors in an area that is
21 residential and not off to the side and in a corner
22 and separated. They are part of the community and not
23 separate.

24 As far as the size of the building, this is not
25 even as large as the one is in Glenville.

1 MS. SLEVIN: It is substantially the same size.

2 MR. LANE: Okay.

3 CHAIRMAN STUTO: Susan or Craig, would you like
4 to say something?

5 MS. MILSTEIN: I think that it has all been
6 said. I think that it is unfortunate that there has
7 been a history here and maybe there is an opportunity
8 for some healing here.

9 MR. SHAMLIAN: I think to echo what the rest of
10 the Board has said, I think the project is pretty big
11 for that site. I don't think that in prior meetings
12 that you have taken to heart, necessarily, some of the
13 comments that you heard before. There is a part of
14 this that, quite frankly, shouldn't be a total
15 surprise. That being said, senior housing is obviously
16 needed in the Town. I do think that it is actually a
17 pretty good transition. Your scale is too big. I
18 hurried home to replace s three stories too high? Yes,
19 probably. Just because by right it is allowed, doesn't
20 mean that we are going to prove it, even if it is
21 office buildings.

22 I know that a couple people made a comment
23 about the Comp Plan and holding projects like this and
24 incorporating comments from the Comprehensive
25 Committee. Being a member of the Comprehensive Plan

1 Committee, I am absolutely not in favor of that. The
2 Comp Plan has a trajectory of a timeline. In my
3 opinion, it is not appropriate to hold projects up
4 until that is being developed. What is going on now is
5 just the first step. There are lots of things that
6 have to happen after that and before you put the nuts
7 and bolts of being able to make a project work, after
8 the Comp Plan is done.

9 CHAIRMAN STUTO: Okay, if there is no further
10 business before this Board, and if there is no
11 objection, we will adjourn.

12

13 (Whereas the above entitled matter was concluded at
14 11:25 PM)

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CERTIFICATION

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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 _____

