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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

THE SUMMIT AT FORTS FERRY
33 AND 45 FORTS FERRY ROAD
APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on March 20, 2018 at 7:35 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:

Kathleen Marinelli, Esq., Counsel to the Planning
Board
Michael Tengeler, Planning and Economic Development
Department
Michael Tucker, PE, VHB
Michael C. Magguilli, Esq. Town Attorney
Mary Elizabeth Slevin, Esq.
Wendy Holsberger, PE, VHB
Joseph Grasso, PE, CHA
Jeff McGlynn
Jim Fesel
Dave Smith
Susan Weber
Cindy Methe
Todd Drake
John Drake
Erich Smith
John Fahey

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Mary Cox 2.....Pg. 40

1 CHAIRMAN STUTO: We'll let the next applicant
2 get set up.

3 The Summit at Forts Ferry, 33 and 45 Forts
4 Ferry Road, application for concept acceptance,
5 two-story 30,000 square foot office building,
6 three-story 62-unit independent senior living
7 apartment, five garage buildings and a maintenance
8 shack.

9 Mike, do you have any comments on this before
10 we hear from the applicant?

11 MR. TENGELER: No, I think that we should get
12 right into it.

13 CHAIRMAN STUTO: I see that a lot of residents
14 have signed up and there is a sign-up sheet on the table
15 to your left, if you would like to speak.

16 Please identify yourself and start the
17 presentation.

18 MR. TUCKER: Good evening. Mike Tucker from VHB
19 again. I'm here to present the concept plan from the
20 Summit at Forts Ferry. We were recently in front of the
21 Board and had a couple of alternative plans that we were
22 looking at - zoning compliant plans that showed a mix of
23 senior apartments and office space.

24 Some of the input that we received from the
25 Board that night - we have pushed into this concept

1 plan which was submitted for concept approval.

2 Just to run though the site quickly, we are
3 proposing a three-story 62-unit apartment building
4 towards the rear of the site - senior independent
5 living and a two-story 30,000 square foot office
6 building towards the front.

7 When we had discussed that previously before
8 with the Board, what we got back was to look for some
9 waivers instead of building out the frontage of the
10 site right at the front of the property line to
11 potentially turn the building so the short side faces
12 the street and push it back. So, we have done that
13 here.

14 We have reduced the height of that building
15 to two stories so that the footprint is 15,000 square
16 feet.

17 We're showing a single access point onto
18 Forts Ferry Road. The site distance has all been
19 analyzed and been submitted with a potential for a
20 secondary gated emergency access drive on the
21 south side of the office building as we were working
22 through the design with Emergency Services. If they
23 determine that would be something that they would be
24 interested in, then we can certainly provide that
25 connection.

1 Beyond that, we are still protecting the
2 100-foot no disturb area which wraps around
3 three-quarters of the site and again that is a
4 complete no-touch zone with the exception of the
5 potential cut-through to Omega Terrace for utility
6 connections. Again, that's as we work through that
7 with Latham Water and Pure Waters and we will figure
8 out a way to do that.

9 The last time that we were here we talked
10 about the potential of zig-zagging that so that you
11 can't see straight down Omega Terrace into the site.

12 We have shown some preliminary landscaping
13 here (Indicating). Again, as the site gets fully
14 grated out as we take that next step, we'll be able
15 to come with a much better estimate of the trees that
16 can be saved along the frontage and along the
17 perimeter and kind of outside that 100-foot buffer
18 and any supplemental plantings that could be placed
19 in that buffer to help shield the apartment building
20 from the residents.

21 Again, I think it was shown on the last plan
22 - we moved the garages to the opposite side of the
23 building to provide some additional screening. That
24 was a discussion that we had with the TDE and the
25 Board the last time that we were here. That's really

1 where things stand at this point.

2 CHAIRMAN STUTO: Okay, thank you.

3 Again, this has reviewed by our Town
4 Designated Engineer, CHA. Joe Grasso, can you give us
5 your comments on this project?

6 MR. GRASSO: Sure. There is a comment letter in
7 your packets dated May 5th from our office. The plan has
8 been revised substantially, as Mike talked about,
9 through the various reviews by the Planning Board and
10 the latest plan in front of you is consistent with what
11 was discussed with the Planning Board back in December
12 during the sketch plan review meeting.

13 In summary, it includes a 30,000 square foot
14 two-story building with a 100-foot setback from Forts
15 Ferry Road and a 62-unit three-story apartment
16 building on the eastern portion of the parcel. A
17 100-foot vegetative buffer is proposed along the
18 northern/eastern property lines. The project appears
19 to be zoning compliant and no longer triggers the
20 need for a planned development district or any zoning
21 variances.

22 There are two items that we think that
23 waivers from the office/residential design standards
24 would be required.

25 The first one is the maximum front yard

1 setback of 20 feet. The front building proposed -
2 there is a front yard setback of 100 feet. We believe
3 that the additional setbacks on Forts Ferry Road
4 makes the proposed development fit better into the
5 character of the existing neighborhood. Although the
6 scale of the buildings is larger than nearby
7 residences, the greatly expanded front yard setback
8 will minimize the aesthetic setback on the Forts
9 Ferry Road corridor.

10 The front building is being proposed as a
11 two-story building approximately 28 feet high whereas
12 40 feet is allowed per Code and that will also allow
13 the building to better fit in the context of the
14 corridor.

15 There is also a design standard that says
16 that the buildings must present their main façade and
17 entrance toward the street and that's something that
18 the Planning Board should take a close look at
19 because the way that this building is oriented, there
20 are entrances on both sides of the office building
21 and no entrance on the front towards Forts Ferry
22 Road. So, it doesn't appear that design standard is
23 met. That is something that the Planning board can
24 grant a waiver from, but it's something that the
25 Planning Board should comment on.

1 I think that we have a comment later in our
2 letter about the architecture of that building.

3 CHAIRMAN STUTO: Let's focus on that for a
4 moment. When you say that we should take a close look,
5 you mean the architectural part?

6 MR. GRASSO: The architecture. Mike can go
7 through the architecture of this building. All the
8 elevations look very similar. The narrow side is facing
9 Forts Ferry Road which we think is a better design and
10 that's something that we commented on earlier and I
11 think that the Planning Board was in favor of it. There
12 is no front door on that front elevation.

13 CHAIRMAN STUTO: Do you have a rendering of
14 that?

15 MR. TUCKER: Sure.

16 MR. GRASSO: So, there are side doors that -
17 they are not significantly highlighted along those side
18 elevations, but you can see them. So, if the Board feels
19 like a waiver is not appropriate and that they should
20 change the architecture of the building, then they would
21 need to come back and have more of a presence in the
22 front of the building towards Forts Ferry Road. Maybe
23 they could bring the sidewalks around in front of the
24 building and add an entrance to the building along the
25 Forts Ferry frontage.

1 CHAIRMAN STUTO: You're not suggesting to twist
2 it back around.

3 MR. GRASSO: No, not at all. We are not
4 recommending re-orienting the building.

5 CHAIRMAN STUTO: Can you walk that by the
6 Board? It's hard to see.

7 MR. TUCKER: Sure. This is a perspective on the
8 opposite side of Forts Ferry and again this isn't meant
9 to present the landscaping. I can hear the rumblings in
10 the public. This is so you can actually see what the
11 buildings are going to look like.

12 This is the two-story office building. It
13 does have the look of a front door along the Forts
14 Ferry side. However, Joe is correct in that we are
15 not showing any sidewalks wrapping around to that
16 side. We were trying to really protect that side.
17 It's certainly something that we can look at and
18 provide sidewalks around there. The design intent was
19 to give the image that there is an entrance on that
20 side.

21 CHAIRMAN STUTO: On the front.

22 MR. TUCKER: But the main entrances to the
23 building are obviously from the parking lot and the
24 sign. Again, this is showing this pretty wide open. It's
25 so you can see what the buildings look like from this

1 perspective and the landscaping is obviously going to be
2 much more dense and we'll string them along the
3 buildings much more than what we are showing right now.

4 CHAIRMAN STUTO: What do the Board Members
5 think?

6 MR. AUSTIN: If you could make the office
7 building look more like the apartment building, that
8 would definitely improve the aesthetic look of it - with
9 the gables and such on the roof. That would also maybe
10 add to the shielding of the roof air conditioner and
11 that kind of thing. It would make it less office-like, I
12 guess. It might make the residents a little happier. A
13 flat roof is kind of flat.

14 CHAIRMAN STUTO: He's asking your opinion.

15 MR. GRASSO: Yes, I thought that we had that
16 similar comment in the letter. I think that's a great
17 comment. With the character of Forts Ferry Road, trying
18 to match the architectural style of the apartment
19 building and keeping it in character of more of a
20 residential scale - peaked roofs.

21 MR. AUSTIN: At least on that side of the road,
22 for sure. I know that 713 is right across from it. That
23 is obviously a very commercial building. On the
24 residents' side of the road it would be nice to look a
25 little more residential, I guess.

1 CHAIRMAN STUTO: Everyone agree with that?

2 (All Board Members agreed.)

3 MR. SHAMLIAN: I'm okay with not highlighting
4 the Forts Ferry side. In general, I still think that the
5 buildings need some architectural work.

6 MR. GRASSO: So, the Board is in support of the
7 waiver so that they don't have the front of the building
8 facing Forts Ferry Road. It will face the parking lots
9 on both sides.

10 CHAIRMAN STUTO: You mean the real front door?

11 MR. GRASSO: The real front door. It will still
12 have architectural appeal when you're looking at it from
13 the Forts Ferry corridor, so it won't look like a blank
14 side of a building.

15 CHAIRMAN STUTO: And we'd like them to match
16 and have a little more architectural appeal.

17 MR. GRASSO: Okay.

18 The concept plan doesn't show a minimum
19 frontage build-out of 60% which is the design
20 standard. It's not an item that requires a waiver.
21 It's not mandatory. We ask that the applicant clarify
22 whether or not they were planning on trying to comply
23 with that standard. We don't, per se, believe that
24 adding fencing along the frontage would add to the
25 aesthetics of the site. That is something that,

1 obviously, the Planning Board should consider, too.
2 Given the context of Forts Ferry Road and the more
3 suburban feel, we don't feel that adding continuous
4 fencing is necessary along that corridor.

5 CHAIRMAN STUTO: I think that the landscaping
6 should be what takes care of that. We'll talk about that
7 in some way.

8 MR. GRASSO: They are proposing a five-foot
9 wide concrete sidewalk across the project's frontage on
10 Forts Ferry Road. The OR design standards state that
11 proposed sidewalks shall adjoin adjacent properties and
12 existing sidewalks. So, since the project is going to
13 increase the need for pedestrian facilities in that
14 area, we recommend that sidewalks be extended to the
15 north approximately 190 feet to tie into the existing
16 sidewalk that's just south of Omega Terrace. We also
17 recommend that the sidewalk be extended to the south to
18 tie into the existing sidewalk on the opposite side of
19 Forts Ferry Road, just west of the new Stewart's
20 sidewalk. The sidewalk terminates approximately 50 feet
21 south of the project site. So, that's a pretty
22 significant distance.

23 If a mid-block crossing were to be safely
24 implemented at the proposed project access drive or
25 across from the existing curb cut serving the Capital

1 Region Health Park, it appears this route would only
2 involve the frontage of the Health Park and is likely
3 to be reasonably implemented through conveyance of an
4 easement from the Health Park to the Town to cover
5 ownership and maintenance of that sidewalk.

6 Our determination is that a conceptual plan
7 of the sidewalk should be developed and any impact to
8 adjacent land owners contacted regarding the need for
9 an easement or additional right-of-way. If the timing
10 of the easement or land acquisition prevents the
11 sidewalk from being built concurrently with the site
12 development, we recommend an escrow be established
13 for the construction of the sidewalks.

14 CHAIRMAN STUTO: It make sense to me. I don't
15 know what the other Board Members think.

16 MR. GRASSO: If not, if the project does
17 proceed as planned and only building their sidewalks
18 across their frontage, we're basically going to have a
19 gap to the north and again to the south. Going to the
20 south it's 650 feet and the sidewalk would be on the
21 opposite side of Forts Ferry Road, where the Stewarts is
22 on the corner. Stewarts extended the sidewalk across
23 their frontage.

24 MR. AUSTIN: What's the gap to the north?

25 MR. GRASSO: The sidewalk only comes down from

1 Omega Terrace one residential property. So, then there
2 is a gap of about 190 feet between the northern limits
3 of this project site and where that sidewalk gaps. That
4 would require an easement from an adjacent landowner
5 because there is not enough width within the
6 right-of-way.

7 So, I wanted to touch on the traffic impacts
8 of the project. It is expected to generate
9 approximately 59 trips during the a.m. peak hour and
10 62 trips during the p.m. peak hour and that's both
11 land uses combined. A detailed traffic study has been
12 prepared which demonstrates that the project isn't
13 going to result in significant impacts to the amount
14 of vehicle delay at the adjacent intersections. All
15 area intersections that will serve the majority of
16 the project generated traffic currently operates at
17 and will continue to operate at acceptable levels of
18 service.

19 In addition, a left turn analysis was
20 completed which demonstrated that a left hand turn
21 lane into the site is not warranted. I just wanted to
22 speak to that. Their analysis did include an
23 evaluation of the impacts during - when the bus
24 routes were serving the area schools.

25 CHAIRMAN STUTO: Speaking of the front entrance

1 it just occurs to me that the last time we asked that
2 not be directly across from a residential house. Did we
3 change that?

4 MR. GRASSO: I don't remember that.

5 MR. TUCKER: It was closer to that 100-foot
6 buffer before. We have pulled it this way (Indicating).
7 It is somewhat driven by the site analysis. There is a
8 little crest through there. That's really why it's
9 located where it is. There is a house across the street,
10 but we are just off to the side of that.

11 MR. GRASSO: Is that where the site distance
12 becomes critically limited? That is something where it's
13 not directly opposite the residential house but one of
14 the things that we always look at is the headlight swing
15 as you're coming out of it.

16 MR. TUCKER: We can look at it and see if maybe
17 we could shift it more. We'll try to do that. We'll try
18 to shift it more.

19 MR. GRASSO: The elevations that were submitted
20 for the proposed senior apartments as part of the
21 concept application shows the building height at 45 feet
22 high, not including the cupola which is an additional 10
23 feet above the roof line. The maximum building height in
24 this zone is 40 feet and based on our discussions with
25 Mike, updated elevations are being prepared with a

1 maximum building height of 40 feet and without a cupola.
2 So, we would ask that the updated elevations be
3 presented to the Planning Board.

4 MR. TUCKER: Those were redone. The cupola has
5 been taken off and the building elevation has been
6 dropped, so it scales off and it is designed to be a
7 maximum -

8 MR. GRASSO: Which we feel is a significant
9 change to the plans that should reduce the impact of the
10 scale of the building, if you're able to see views of it
11 through the 100-foot buffer.

12 MR. TUCKER: With the architects we understood
13 that the cupola could be there and not count towards the
14 building height.

15 MR. GRASSO: Our interpretation of the Code is
16 that the cupola is counted towards the building height.
17 It's a nice feature but under the Code, with the height
18 it's not allowed.

19 CHAIRMAN STUTO: So, for the record it's 39
20 feet.

21 MR. GRASSO: Yes, 30 feet and eight inches.

22 We had a comment regarding clarification of
23 the data regarding the residential density being
24 added to the plans. We had some comments regarding
25 some pit tests and infiltration tests needed to

1 support the stormwater management design. We did
2 recommend that future plan submissions include a more
3 detailed landscaping plan.

4 The existing areas of vegetation to remain
5 should also be more clearly identified on the plan
6 and if clearing within the proposed 100-foot buffer
7 is required for the installation of water, we
8 recommend the roots be defined to minimize the extent
9 of clearing and that the trees to be removed be
10 identified on the plan and compensatory screening be
11 provided to an equitable level of screening between
12 the proposed building and the adjacent residences.

13 Just to clarify for the Board, it's a
14 100-foot vegetative buffer, but installation of
15 utilities is allowed within that buffer into
16 something that is permitted.

17 CHAIRMAN STUTO: In speaking with Chief Heider
18 before - does that address your question? You said
19 something about the screening and other areas.

20 MR. HEIDER: I brought up at the last meeting
21 the screening behind the garages. Right now in that
22 whole area back there are evergreens in that buffer and
23 I thought it would be nice if the evergreens could be
24 incorporated behind the garages. The growth will rise up
25 in the future and create more of a buffer and you're not

1 showing me anything behind the garages.

2 MR. TUCKER: That is something that we can
3 investigate and go out there and look at that buffer
4 just a little bit more to see what can be planted in
5 there without actually creating more disturbance in the
6 buffer.

7 MR. GRASSO: So, currently the garages are as
8 close as 5 or 10 feet from the buffer in some areas. In
9 some of the other areas it's about 20 feet away so they
10 could either plant within that lawn area space that
11 remains or actually plant within the buffer now to
12 provide more screening. I think that's what you are
13 asking them to investigate.

14 MR. HEIDER: There is a lot of scrub there.
15 There is deciduous - you can look right through. You
16 have two or three streets that border and they would
17 help for the neighbors not to have to look at the back
18 of 300 feet of garage.

19 MR. GRASSO: Yes, there is a high canopy. I
20 wouldn't consider it scrub, but there is some mature
21 trees in there that create a high canopy. They
22 self-prune and there are not a lot of lower branches
23 that would create a dense screening. So, we can follow
24 up on that.

25 The remainder comments are related to the

1 utility design and coordination with the Town
2 Department of Public Works Department.

3 Also, regarding the stormwater we heard some
4 comments regarding - this site has some lower areas
5 which provides storage of stormwater runoff and that
6 is something that needs to be factored into the
7 design of the stormwater management system. We are
8 confident that the areas that they have proposed are
9 adequate in size, but it's something that they will
10 need to provide us the models when you get to the
11 final engineering stage.

12 The project is classified as an unlisted
13 action pursuant to SEQR and a full EAF has been
14 provided with the application materials. We believe
15 that the full EAF adequately describes the
16 environmental setting and the proposed project, but
17 we recommend that a SEQR determination be made as
18 more information regarding the tree clearing and
19 wetland information is provided.

20 CHAIRMAN STUTO: Okay, a number of residents
21 have signed up to speak. We will ask that they come up
22 to the microphone and identify themselves.

23 Erich Smith.

24 MR. SMITH: Good evening. My name is Erich
25 Smith. I live at 19 Omega Terrace. I am the President of

1 the Latham Neighborhood Association. I have been asked
2 to make some comments and I have no questions. I thank
3 you for the opportunity to speak to you.

4 The residents of the neighborhood feel that
5 this project does not make a smooth transition with
6 the one-family homes that are located on three sides
7 of it. They feel that the apartment building is too
8 big and that the traffic on both Forts Ferry and
9 Omega Terrace will be adverse and that there will be
10 a problem with water runoff.

11 They are concerned that the entrance/exit is
12 directly opposite a single-family house at 52 Forts
13 Ferry. This family has young children and it would be
14 a dangerous constant nightmare for the family.

15 The intersection of Forts Ferry and Wade Road
16 Extension is a major problem. School buses now go up
17 and down Omega Terrace to avoid that intersection. I
18 know because I sit in bed and read the paper and I
19 see them going up and down. They avoid the
20 intersection because just today - myself - the light
21 was red, it turned green, it turned red, turned green
22 - that fast. The people on the side roads never made
23 it out. Forts Ferry is the bad one.

24 CHAIRMAN STUTO: You're saying that something
25 is wrong with the timing of the light?

1 MR. SMITH: Oh, definitely. It's called the
2 one-second light by the local residents.

3 CHAIRMAN STUTO: That's at the big
4 intersection?

5 MR. SMITH: It's right on the corner of Forts
6 Ferry and Wade Road Extension.

7 I made an inquiry a couple of years back.
8 It's geared toward the light on Wade Road Extension
9 and Route 7. So, as the cars come around, they can go
10 right on down.

11 So, there was a man sitting there waiting to
12 go across Forts Ferry. The light was red for him. It
13 turned green, it turned red and he was stuck there
14 again. That's the way it goes.

15 CHAIRMAN STUTO: Okay, I'm going to see if we
16 can get some explanation on that.

17 MR. SMITH: So, we know that the buses are
18 using Omega Terrace to go up there. There are only four
19 kids on Omega Terrace that go to the Forts Ferry School.
20 Three or five buses go up there. So, you know that they
21 are avoiding that corner. The people coming out of that
22 new project are going to do the same thing. They're
23 going to go down and around Omega Terrace.

24 Thank you, very much.

25 CHAIRMAN STUTO: Do we have any traffic

1 engineers here?

2 Wendy can you speak to that?

3 MS. HOLSBERGER: Wendy Holsberger, VHB.

4 So, we did obtain the signal timing
5 information from the Department of Transportation who
6 controls those signals.

7 CHAIRMAN STUTO: So, that's New York State DOT.

8 MS. HOLSBERGER: Yes, and I can talk back to
9 them because it sounds like what you're saying is there
10 might be a glitch. There definitely is some connectivity
11 between some of the signals and that corner. So, Route 7
12 would obviously dominate that system, if that's the
13 case. When we went out to observe that we didn't
14 actually see it jump like that, but that's not to say
15 it's not happening. So, we can definitely follow up with
16 the department and ask if they can check it out.

17 CHAIRMAN STUTO: Do you have any questions or
18 comments?

19 (There was no response.)

20 Do some of the Board Members want to comment?

21 MR. SHAMLIAN: That's DOT?

22 MS. HOLSBERGER: I believe that it is
23 connecting because of the spacing of that intersection
24 with Route 7. I would have to double check my notes
25 again. We got all the timings from the state and then

1 the one out that Sparrowbush.

2 CHAIRMAN STUTO: Do you have your notes with
3 you?

4 MS. HOLSBERGER: I do not have all my notes
5 with me. I can certainly follow up quickly and let Joe
6 know and he can let you know.

7 CHAIRMAN STUTO: The public would like to know.

8 MS. HOLSBERGER: Absolutely. Certainly the
9 timing information that we got from DOT is not showing a
10 one second cycle. That's not what we analyze. Regardless
11 of that, it goes back to the magnitude of traffic from
12 this development and that impact on the signal is still
13 - what Joe had confirmed is it's not showing a big
14 impact. What they're talking about is a little bit of an
15 existing issue which I understand.

16 CHAIRMAN STUTO: This might be a good time to
17 try to resolve that. That's not an expensive item. If
18 something is wrong -

19 MS. HOLSBERGER: And we have called the
20 department before and they have a routine maintenance
21 system and if you point things out, they can put in and
22 prioritize it so we can certainly try to do that. Again,
23 I will follow up with Joe on that.

24 CHAIRMAN STUTO: I don't think that issue is
25 going away, in terms of at least getting the

1 information.

2 MR. GRASSO: Just to clarify the concern - this
3 is an issue where it is short cycling and it's during a
4 p.m. peak hour.

5 FROM THE FLOOR: No, it's all the time.

6 MR. GRASSO: It is important, so that we ask
7 DOT the right questions.

8 This is happening all the time?

9 FROM THE FLOOR: Yes.

10 MR. GRASSO: Because if they go out and verify
11 that it is not happening all the time, they may not do
12 anything. If we can be very specific about what you are
13 observing -

14 CHAIRMAN STUTO: Erich, do you mind coming back
15 up please?

16 Can you explain it to Erich?

17 MR. GRASSO: In terms of the timing issue that
18 is being observed -

19 MR. SMITH: I came from Wade Road over Route 7
20 onto Wade Road Extension. The light was green. It turned
21 red and then turned green immediately. I had tripped
22 that light so that I could make a right onto Forts
23 Ferry.

24 MR. GRASSO: And the time of day? Was it in the
25 afternoon?

1 MR. SMITH: It was either 12:30 p.m. or 1:00
2 p.m. - something like that.

3 CHAIRMAN STUTO: So, the consequence of that is
4 it favors people traveling on Wade Road and people on
5 Forts Ferry - it makes them avoid that and go through
6 the neighborhood.

7 MR. SMITH: Yes. That's why the buses go there.
8 They start to back up. I know the Chief says they make
9 it anyhow, but there are a lot of people who are now
10 making that left-hand turn to get into Stewart's to get
11 the gas. It is improving. The backup and Forts Ferry to
12 get out to Route 7 is bad.

13 CHAIRMAN STUTO: Do you have any insight into
14 that?

15 MR. HEIDER: When DOT controls a major
16 intersection, they have somewhat the control of others
17 nearby. We have that problem throughout the Town. What
18 they care about is the traffic on the state highways. I
19 hate to say it, but they don't care about Forts Ferry
20 Road. So, I can understand what Erich is saying.

21 I go to that intersection a lot. I don't
22 think it's not quite a one second, but it's
23 definitely shorter. They don't want that much traffic
24 dumping out onto Wade at one time because of the
25 backup to Route 7.

1 MR. SMITH: The other thing on Wade Road
2 Extension - that road is in horrible repair. People are
3 avoiding all of those potholes by going down Omega
4 Terrace. We have potholes, but not as bad.

5 CHAIRMAN STUTO: Thank you.

6 MR. GRASSO: As I mentioned, we can follow up
7 with the DPW to talk about that.

8 CHAIRMAN STUTO: John Drake.

9 MR. DRAKE: Good evening. My name is John
10 Drake. I am the Vice President of the West Latham
11 Neighborhood Association. My wife Lisa and I built the
12 house at 4 Catalina Drive. That would be right about
13 there (Indicating). We built that house 25 years ago. We
14 still live there today and have every intention of
15 staying in our house for the foreseeable future.

16 I would like to thank the Members of the
17 Planning Board and the Town Board that are here
18 tonight, as well as the community. I know we've all
19 spent a lot of long nights here talking about this
20 topic and I really do appreciate it. I know this is
21 one of many projects that you, the Planning Board,
22 see every month. I appreciate the time and commitment
23 that you have to the Town of Colonie in dealing with
24 these proposals.

25 I would like to ask that the Planning Board

1 if they are aware that an appeal of this project was
2 filed or submitted to the Zoning Board of Appeals on
3 March 9, 2018. I'm sure you have a copy of that
4 appeal.

5 CHAIRMAN STUTO: That is an important issue and
6 normally we ask you to ask all the questions and then we
7 will answer them because it goes more efficiently.

8 Yes, we did get that letter and we had it
9 reviewed by counsel.

10 Kathleen, would you mind speaking on that?

11 MS. MARINELLI: Yes, basically it's a very
12 short answer. The case law is clear. It provides that
13 the automatic stay provisions are not applicable to
14 appeals filed by third party complainants. That's what
15 you're Neighborhood Association is. The case law is
16 clear.

17 MR. DRAKE: So, you're saying that if I was a
18 developer and there was an appeal, we would stop doing
19 things? As a neighbor, I have no right to appeal?

20 MS. MARINELLI: The Planning Board has to go by
21 what the case law says. That's what the case law says.

22 CHAIRMAN STUTO: They have no right to appeal
23 or the stay does not go into effect?

24 MS. MARINELLI: The stay doesn't go into
25 effect.

1 MR. DRAKE: So, we can still be here tonight,
2 and your opinion or the counsel's opinion for the Town -
3 we can still be here tonight.

4 MS. MARINELLI: That's correct.

5 MR. DRAKE: I would just like to submit the
6 letter that was sent to the Planning Board and the Town
7 Planning Department, for the record along with the
8 appeal.

9 CHAIRMAN STUTO: I know we're trying to mark
10 these for the record.

11 Do you have any more submissions, or no?

12 MR. DRAKE: No, I have a copy if the members of
13 the Planning Board would like it -- or, do you already
14 have it?

15 CHAIRMAN STUTO: We already have it. We will
16 call this Exhibit John Drake 1.

17 MR. DRAKE: That's the only one that I've got.
18 Somebody else might have another one, but I just have
19 one.

20 I think that answered my next question. For
21 the record, I do want to state that the West Latham
22 Neighborhood Association supports building senior
23 living at 33 and 45 Forts Ferry Road.

24 We met with the Summit at Forts Ferry legal
25 and engineering team on February 12, 2018. We've been

1 talking about options for senior living that include
2 a two-story building or a blend of smaller 428-unit
3 apartments instead of one three-story building. I
4 think that you will see many of this type of building
5 around the capital district in terms of senior
6 living.

7 We also asked about the possibility of
8 putting in additional natural buffers between the 22
9 to 27 unit garages or along the two boundaries and to
10 buffer the 2,000 to 2,500 square foot homes from an
11 84,000 square foot three-story apartment complex.

12 I know I heard some of you address that and I
13 was happy to hear that - talking about putting
14 something other than scrub trees. I promise that you
15 could see way more than 100 feet into the property
16 right now. There are zero branches. You can see well
17 into it.

18 CHAIRMAN STUTO: How do you feel about new
19 plantings in the buffer?

20 MR. DRAKE: There's plenty of room to plant
21 pine trees or something else. That's my opinion. There
22 is lots of room between the existing tree without
23 disturbing any significant trees in that buffer zone.

24 MR. GRASSO: We are supportive of that.

25 MR. DRAKE: I am an engineer, but I'm not that

1 kind of engineer. I think you need some space. You need
2 to put them at the right distance.

3 MR. DRAKE: Again, I think Mr. Heider pointed
4 out that that's a long stretch of garages that is right
5 next to our houses that you will see not just on
6 Catalina but across to Forts Ferry and back here to
7 Harrowgate. So, you have shorter trees and then they're
8 going to screen the garages, but as those trees grow
9 they will start to screen the senior living apartments,
10 if this moves forward. So, I just want to highlight
11 that.

12 Again, as we talked about this with the team
13 and the feedback that we were given is there were no
14 changes possible. I heard some more openness tonight.

15 Again, the consistent feedback that we have
16 gotten is this building structure is all there is.
17 There are no options. For senior living, this is the
18 one they are putting forward. They don't really want
19 to consider anything else. This is the first time I
20 have heard in the openness about buffers. That was a
21 positive thing.

22 I do want to just briefly share the key
23 points that are in the zoning appeal just so you are
24 aware of it.

25 Again, in 2006 a significant portion of 45

1 Forts Ferry was zoned residential. It is documented
2 in both the Town of Colonie Board Meeting minutes and
3 in the Colonie Spotlight, Town Officials, neighbors
4 and the owner of 45 Forts Ferry were all represented
5 in the discussion and decision around the buffer and
6 an increased buffer was put in place as part of the
7 2007 land-use law and has been documented on the
8 Town's zoning map ever since. This change in the
9 buffer was needed due to the change in zoning from
10 residential to office/residential and to provide a
11 buffer between the OR district and what's all
12 residential. I'm sure you're all aware that if you go
13 out this way (Indicating), three sides of this
14 property are single family residential. This is a
15 huge single family neighborhood and this is the
16 transition. So, putting the buffer in made all kinds
17 of sense.

18 In 2013 the owner of 45 Forts Ferry came to
19 the Town of Colonie Planning Board claiming she had
20 no knowledge of why there was a buffer in place
21 despite the fact that she was represented in the
22 discussion in 2006 and in 2007 and proposed a 20-unit
23 duplex development in 2009 and 2010 and has gone
24 before the Zoning Board of Appeals and had her appeal
25 denied.

1 The Town of Colonie was not able to find
2 either the Town Board Meeting notes nor the Spotlight
3 articles from 2006/2007 regarding the buffer.

4 CHAIRMAN STUTO: I'm going to ask you how much
5 longer this is going to be.

6 MR. DRAKE: Two minutes.

7 The buffer was removed without any
8 communication to or notification of the adjacent
9 property owners. There has been many actions taken
10 since then, but as the appeal states, the: Local Law
11 and zoning map established in 2007 supersede any
12 action taken over the past six years. We believe
13 this project is not zoning compliant since the
14 project clearly infringes on the buffer established
15 in 2007.

16 The second area addresses the height. I just
17 have a question. You said previously the building was
18 45 feet plus a 10 foot cupola or was 45 feet with the
19 10 foot cupola?

20 MR. GRASSO: It was 45 feet plus an additional
21 10 feet for the cupola.

22 MR. DRAKE: And now the building is 39 feet, 8
23 inches.

24 MR. GRASSO: My comment was regarding the
25 conceptual elevations that we had received as part of

1 the concept application materials.

2 MR. DRAKE: So, how does the building go from
3 45 feet down to 39 feet, 8 inches?

4 MR. GRASSO: They revised the plan, based on
5 our comment.

6 MR. DRAKE: So, they squashed the building down
7 by 6 feet.

8 MR. GRASSO: And they removed the cupola.

9 MR. DRAKE: I understand, but it was 45 feet
10 before and now you're saying -- so, they squashed the
11 building down 5 1/2 feet.

12 MR. GRASSO: That's correct.

13 MR. DRAKE: That's a big change.

14 MR. GRASSO: Yes, that is a big change.

15 MR. DRAKE: Again, as we understood it, we were
16 looking at this and we were saying this building was
17 going to be 45 feet to 50 feet which clearly exceeded
18 the 40 foot limit. In addition, everyone should be aware
19 the feedback that we have been given is there is going
20 to be a 3 to 5 foot increase and the building is going
21 to be raised up from the current ground level to help
22 deal with water management. I don't know if that's part
23 of the current proposal. We have never got the specific
24 number, but it was going to go up in the air at least 3
25 to 5 feet. So, even at 40 feet, it's still going to be

1 raised up 3 to 5 feet above current ground level.

2 Again, since nothing was in the detailed
3 documents that we have been able to receive, we felt
4 it was not compliant just based on lack of
5 information. That is the second point.

6 The last one was about the turn. You
7 addressed that. I think Mr. Grasso already
8 highlighted that. There's going to be waivers
9 required. I think we all agree that turning the
10 office building makes sense, but that's not
11 compliant. That's not what the zoning is. So, waivers
12 are going to be required to turn the building and
13 have the 100-foot setback.

14 So, those are the key issues addressed in the
15 zoning appeal. Again, based on what we say, we think
16 that it is significant - anyone of those three.
17 That's why we are requesting that no decision be made
18 tonight until the appeal is fully resolved so we know
19 if this is really a zoning compliant project.

20 Thank you.

21 CHAIRMAN STUTO: Thank you.

22 Does anybody want to comment on any of that?

23 MR. AUSTIN: So, do you want the garages not to
24 be on that side?

25 MR. DRAKE: It's hard to tell. I don't know.

1 It's a full package, right?

2 MR. AUSTIN: The King Theil senior residents up
3 by the Elks Club - there was a residential street - I
4 think it was Abedar. I think the garages were originally
5 put facing Abedar or facing the backyards of the people.
6 The residents said we don't like that. So, we moved to
7 the garages. Now, they can see King Theil. What's more
8 appealing; the side of the residence, or the side of the
9 garage?

10 MR. DRAKE: I would say that there are a lot of
11 moving parts. I'm not representing the West Latham -

12 MR. AUSTIN: That's a lot to think about, too.

13 MR. DRAKE: It's going to depend on what kind
14 of buffer -- if this project is done, what kind of
15 buffering that we put in there -- I mean, the trees that
16 are going into the Crossings - there are some beautiful
17 pine trees at the entrance.

18 I have heard somebody at this meeting talk
19 about that they get very low to the ground. They grow
20 very fast. They are great cover. So, if you add a
21 line of those around you there - you really wouldn't
22 see the garages. Yes, it does put the three-story 39
23 foot 8 inch building further away from the
24 residential district. So, those are the positives. I
25 understand that. You really need to understand what

1 else is going on because those are big buildings. I
2 know they are one story. That's a lot of building.
3 It's going to be ugly. Let's be honest. It's the back
4 of the garage. It's not going to be the most
5 attractive -

6 MR. AUSTIN: Well, if you look at the building
7 on Aviation - that's a beautiful building, but then you
8 have the garages going toward the Ciccotti Center. You
9 have to look at the back of those.

10 MR. DRAKE: I understand the reason for pushing
11 the building away and having a one-story building. It
12 really depends on what kind of screening comes with the
13 project, I would say.

14 MR. AUSTIN: This is where the dialogue
15 happens.

16 MR. DRAKE: So, I appreciate the comments that
17 putting trees in the buffer is required because there's
18 just not room enough with this design to put them
19 outside the buffer and do anything.

20 Any other questions for me?

21 CHAIRMAN STUTO: Do you want to comment on any
22 of that?

23 MR. GRASSO: No, but I think the comment
24 regarding where the garages are located may have stemmed
25 from our recommendation to relocate them to where they

1 are currently shown. We were concerned about the
2 headlights coming and shining through the woods because
3 you've got a circular road. So, every time a car is
4 going around one of those corners, you have those
5 headlights. We thought these garage buildings would do a
6 good job screening that. I think when we get into the
7 materials of the garages, the color of the garages -
8 those are all things that the Planning Board should be
9 reviewing to make sure that it minimizes the ecstastic
10 impact to the buffer. We think that the location that
11 they are currently shown as the best location,
12 understanding the concerns of the neighbors.

13 CHAIRMAN STUTO: Thank you.

14 MR. SHAMLIAN: I have a question for the
15 applicant. Just following up on a few points.

16 So, if you take the center point of the
17 apartment building, approximately what is the current
18 elevation there now?

19 MR. TUCKER: We have not done the detailed
20 engineering on the site yet because were not there yet.

21 MR. SHAMLIAN: I will ask my question and maybe
22 you can look it up and we can come back to it. So,
23 wherever the center of that elevation is - where is the
24 elevation for the top of the roof is going to be in
25 relation to that?

1 MR. TUCKER: The initial roof that we took was
2 back when we were looking at the PDD. So, the site has
3 changed. The intent was to create around that much
4 larger building at the time. It was probably going to
5 come up about 4 feet. So, this will probably be less
6 than that. Now we have some more flexibility as we pull
7 things in a little bit. It probably will come up over
8 the existing grade. Obviously, after hearing the
9 concerns, we will try to do everything we can to keep it
10 down. There are some other considerations on the site to
11 make the stormwater work. There's a big storm water
12 concern in this corner (Indicating). So, if we can get
13 more of it going towards the front of the property, it
14 helps alleviate some of those concerns. Again, hearing
15 the concerns, we will have a balance of those two
16 things.

17 CHAIRMAN STUTO: Thank you.

18 Mary Cox.

19 MS. COX: Hello my name is Mary Cox. I live at
20 31 Omega Terrace.

21 I just handed each of you a copy of the
22 letter that was sent today to Joe LaCivita from
23 Sterling Environmental Engineering. Sterling was
24 engaged by the West Latham Neighborhood Association
25 to review the Summit at Forts Ferry application.

1 CHAIRMAN STUTO: Okay, I'm going to interrupt
2 you for one second. Is the picture also from Sterling?

3 MS. COX: No, I did the picture.

4 CHAIRMAN STUTO: We will mark that separately;
5 Sterling Exhibit. We will call the Mary Cox 2.

6 MS. COX: I'd like to highlight a couple of the
7 areas where they have concerns based on their initial
8 view of the application in the Environmental Assessment
9 Form.

10 Number one, to all of us, is the stormwater
11 management. As you can see from the sample photos
12 that I just sent to and that I have on my poster here
13 - this is just a sampling of the six properties. You
14 have 31 Omega, 33 Omega, 27, 29 Omega, 3 Harrowgate
15 and 37 Omega. We are not even touching this back
16 corner where he says they know of water issues. These
17 are our water issues on a regular basis. This is not
18 springtime. These are summer photos. These are winter
19 photos. These are the water issues we deal with. So,
20 as you can see, our neighborhood has very serious
21 stormwater management failures. They are failures.

22 The standard for new developments here
23 certainly should not be to maintain the status quo.
24 It should not be to make things worse. Responsibly,
25 it should be to improve things. So, I don't know

1 without really acknowledging the severity of our
2 issues that anything we talked about here tonight can
3 help this particular issue.

4 Sterling points out that since storm water
5 management has not been engineered and the size and
6 the nature of the system are unknown, the associated
7 environmental impacts to construct, install and
8 operate a viable management system and potential
9 impacts to downstream properties cannot be evaluated.
10 Sterling notes that the Environmental Assessment Form
11 indicates the future condition that will result in 4
12 1/2 acres increase in impervious surface, 7 acres of
13 lost existing forests cover and the loss of a .78
14 acre wetland. These are significant condition changes
15 and they will significantly alter the stormwater
16 runoff from this property.

17 Wetlands - the Environmental Assessment Form
18 checked that there were no wetlands. Yet, there are
19 .78 acres of delineated wetland on the property and
20 they are proposed to be completely eliminated. So,
21 the benefit this wetland affords the stormwater
22 retention under existing conditions should be
23 accounted for - and all the analysis that we look at.

24 The Environmental Assessment Form also
25 indicates that the stormwater runoff will be directed

1 to the existing nonjurisdictional wetlands. Yet, the
2 wetlands are proposed to be eliminated.

3 The county's Zoning Law requires that as part
4 of a site plan review that all wetlands be preserved
5 in so far as possible. The sizing in the placement of
6 the proposed building on the .78 acres of wetland
7 does not comply with the standard.

8 We talked about this a little bit all already
9 tonight - the building height. The Environmental
10 Assessment Form did not have it in there, so we were
11 not aware of it. Generally, properties exposed to
12 the side elevation view of the proposed building may
13 realize a substantially taller building than those
14 exposed to the front elevation. So, even if the front
15 elevation is 39 feet 8 inches, the side elevations
16 could be looking closer to 50 feet.

17 Sterling Environmental engineering's
18 conclusion is that the Environmental Assessment Form
19 is fairly incomplete with inaccuracies. There is
20 uncertainty with regard to height. There is no
21 demonstration of an adequate stormwater management
22 system. The record is incomplete with respect to SEQR
23 and concept site plan review. They recommend and the
24 West Latham Neighborhood Association requests that
25 the Planning Board address these defects prior to

1 taking any further action on this application.

2 Thank you.

3 CHAIRMAN STUTO: Thank you.

4 I'm going to ask the engineers to address the
5 comments made.

6 Joe, do you want to start, or do you want the
7 applicant to?

8 MR. GRASSO: Regarding the stormwater - it's a
9 great comment because it is something that we are keenly
10 aware of.

11 The site is going to change dramatically when
12 you add that much impervious surface area and when
13 you do that much vegetative clearing. There are
14 strict regulations that must be followed now that
15 apply to developments of this size that makes sure
16 there is no increase in stormwater runoff from the
17 site than the way it currently exists. If there is a
18 release of stormwater that matches or is less than
19 pre-existing conditions, that it also be treated for
20 water quality. Because the current site serves as a
21 catch area from areas within the site and we know of
22 no concentrated discharges, we expect that they will
23 need to provide full retention of the stormwater
24 within the site. That is something that we have
25 raised concerns about. We do feel that they have

1 areas on the site that they can do that storm water
2 management. That is something we have made the
3 applicant's consultant aware of. That is something
4 that we will do a thorough job reviewing as well with
5 the Town Departments for compliance with those
6 standards.

7 Again, we don't have a lot of those details
8 now so it is difficult to say that something needs to
9 be changed on the plan because they have to go
10 through that engineering analysis.

11 The other thing that I want to say is
12 regarding the SEQR review in the building heights and
13 evaluations of those - again, those are one of the
14 reasons why we recommended that the Board cannot make
15 a SEQR determination now so that they can modify
16 those SEQR documents and the full EAF as the
17 engineering advances through the project so that when
18 we get to the end and they are ready to make a
19 determination, we are making that determination based
20 on more engineering detail in all the facts that they
21 have available to us.

22 With that, Mike, if you want to speak?

23 CHAIRMAN STUTO: Can you address her and also
24 explain in lay terms what you are doing with the
25 stormwater?

1 MR. TUCKER: Regarding a couple of the points
2 that she brought out.

3 We did delineate a wetland on the site. The
4 Army Corps came out and looked at it. It is not
5 connected hydraulically to any waters of the US. So,
6 it is a non-jurisdictional wetland. So, in the Army
7 Corps' eyes, it is not a wetland.

8 Joe is correct and that it is acting as a
9 catch for some of the areas on the site to drain,
10 too. That is certainly something that when we do the
11 full-blown existing analysis - the existing
12 conditions analysis of the site - we will show water
13 runs to that. No water runs to that. So, that will
14 have to be taken into account when we are trying to
15 manage peak flows off-site, if anything even gets
16 off-site today. We are certainly aware and we have
17 been talking to Joe. Joe has commented on it since
18 day one.

19 CHAIRMAN STUTO: Which way does the water flow?

20 MR. TUCKER: Portions of this flow toward the
21 back and into the non-jurisdictional wetland area.

22 CHAIRMAN STUTO: So, it doesn't flow toward
23 Omega. It drains Omega, probably, right?

24 MR. TUCKER: There is a drainage easement
25 there. We haven't done the research so I'm not sure -

1 CHAIRMAN STUTO: You're not going to add water
2 towards Omega, though, right?

3 MR. TUCKER: No.

4 MR. GRASSO: So, the storm water management
5 concept - there is a stormwater management area between
6 the office building and the apartment building. So, that
7 is a large detention basin.

8 CHAIRMAN STUTO: Can you show that?

9 MR. TUCKER: That's this area shown here
10 (Indicating). That is a significant size. We have a lot
11 of grade to work with, also, for that. That will handle
12 a lot of the peak runoff for the site. We are also
13 showing either underground storage or infiltration areas
14 and some of these courtyards depending on how the
15 geotechnical analysis comes back.

16 MR. GRASSO: So, everything for the east side
17 of the apartments is basically going to drain to that
18 area that Mike was just speaking to. There is no way
19 from a grade perspective to get it to the larger pond in
20 between the two buildings. So, that's why there are
21 those storm water infiltration areas along the outside.

22 MR. TUCKER: This is what we talked about -
23 that balance of trying to not raise the site too much
24 just to make the stormwater work, but making sure that
25 the storm water does work.

1 The only other thing I would want to bring up
2 from her comment letter was the building height. I am
3 assuming that they are talking about as you come to
4 the front of the building -- they are thinking that
5 this height to the eaves of the roof is 39 feet 8
6 inches. It is actually the peak of the roof. So, no
7 matter what side you're looking at the building, that
8 is the highest.

9 CHAIRMAN STUTO: She also made the statement
10 that - and it's in the letter from the engineer - -
11 Environmental Assessment Form is incomplete and
12 inaccurate. Can you address that?

13 MR. GRASSO: So, very often at this stage of
14 the game there are things that are incomplete.
15 Additional information gets provided as they do that
16 additional engineering analysis. We agree and that's why
17 we would recommend that we not just put in place but
18 wait for accurate information to be provided and build
19 it into the documents.

20 MR. TUCKER: When we get to that next
21 preliminary final and we do the full SWPPP, the grading
22 design and all of that. All of those numbers can be
23 accurately plugged in.

24 CHAIRMAN STUTO: We said at a lot of meetings
25 that concept acceptance is not a quote/endquote approval

1 and it's not an action under SEQOR. Do you agree with
2 that?

3 MR. GRASSO: Yes, I agree.

4 MR. TUCKER: The Zoning Code -- a lot of the
5 information that is needed for that isn't required for
6 that concept submission.

7 CHAIRMAN STUTO: We will look forward to a
8 fully developed stormwater plan.

9 John Fahey.

10 MR. FAHEY: Good evening. John Fahey, Perry
11 Avenue.

12 My remarks will shed some light on that Forts
13 Ferry/Wade Road traffic signal.

14 I believe it was back when Home2 Suites was
15 being discussed. I brought that up in this room. I
16 called DOT - Mark Masaglo [sic] - he wrote back to me
17 and what Erich Smith said is right. When that left
18 turn signal goes on, it doesn't care what's happening
19 at Wade and Forts Ferry. Wade Road gets the green.
20 That's the way this is designed and they have no
21 plans to change it.

22 CHAIRMAN STUTO: You're saying the left-hand
23 off of 7?

24 MR. FAHEY: Off of Route 7 going eastbound. No
25 matter what is going on, it will turn green for them. I

1 understand that, but they forgot about Forts Ferry.

2 I'm not an engineer, so I can't say the
3 traffic volume numbers are right or wrong. I've been
4 driving that road for 45 years and believe me, it
5 needs a lot of work.

6 Volume is based on the use of the building -
7 the office building. You have 135 spots. If that was
8 going to be a medical building, you would need 175.
9 That's right in the Town Law. We don't know who the
10 tenants are, so we can't shoot at a moving target. We
11 know that there are some projects that were approved
12 a certain way and wound up being built and operated a
13 little bit differently. I don't know what the
14 solution is there. If you should plan for the massive
15 parking for a particular land use and zoning -- I
16 don't want to see people get caught short.

17 Site access - I see that we have gone from
18 two driveways to one. The emergency access is not
19 proposed - it is potential. So, no one has decided
20 whether to build it or not. However, planning was
21 advised formally that this is not acceptable and it
22 should be a two way out because if the 8-inch water
23 line under that road goes - springs a leak, nobody
24 leaves. We can remember what happened on Century Hill
25 Drive when the medical office burned years ago.

1 Everybody down there wound up sitting there until the
2 Fire Department cleared the road. It was ours. I am
3 just thinking in terms of safety.

4 Then, there's the question of the site line
5 here - right where that fire hydrant is. If you crest
6 that fell, that one existing dirt driveway and
7 there -- in a blink of an eye you are on it. I speak
8 from experience because way back in May a traffic
9 safety cop used to park in that driveway. When you
10 cross that hill, you have the ticket and have a nice
11 time.

12 Last, but not least - everybody is talking
13 about the senior housing - 55 plus. Is that cast in
14 concrete?

15 CHAIRMAN STUTO: We will get that question
16 answered. It's one of my questions, too.

17 MR. FAHEY: In perpetuity. I don't want to see
18 that they ended up being a college dormitory or party
19 house. Unless that guarantee is there, you can't go
20 forward with this. That is one less benefit. It sounds
21 nice. I know that.

22 CHAIRMAN STUTO: We will talk about that more.

23 MR. FAHEY: Thank you.

24 CHAIRMAN STUTO: I think the 55 and over and
25 the emergency exit - it's probably a good time to talk

1 about those things. We research this one time a while
2 back on a 55 and over and it is my understanding that
3 it's a federal designation. Can the applicants speak to
4 that? Once it is locked in, is it locked it?

5 MS. SLEVIN: Mary Beth Slevin.

6 Typically you can't have any kind of
7 discrimination in housing for a number of reasons.
8 The one exception to that is age restricted. By
9 Federal Law - Federal Housing Law, you can age
10 restricted apartment dwelling specifically for 55 and
11 older. The reason for that is there has been a
12 determination on the federal level that there is a
13 benefit towards the elderly population to allow them
14 to have housing that is specifically designed for
15 them.

16 It is expected that any approval from this
17 Board, should this Board approved this project, to
18 have as a contingency that the project would
19 maintain - the residential portion - as 55 or older.
20 That would be a condition for the approval. So, if
21 there was ever a request to change from that, the
22 Board would have to review it. It couldn't
23 unilaterally be changed. It could not be changed
24 without Town review.

25 CHAIRMAN STUTO: Once we make that designation

1 - I am in favor of personally -- what are the
2 restrictions at that point under Federal Law for the
3 property - for the rentals on the property? Do you have
4 any way to describe that? I know that it's generally 55
5 and over, but if you have grandkids they can live there.
6 Do you know how the rules work with that?

7 MS. SLEVIN: This project is specifically for
8 seniors only. It does not accommodate children. It is
9 not required to accommodate children.

10 CHAIRMAN STUTO: Does the Board agree that we
11 want to designate this and restricted as a condition of
12 55 and over?

13 (The Board agreed.)

14 I think that the Board has spoken in the
15 affirmative on that. So, we will make sure that is a
16 condition of final approval.

17 MS. SLEVIN: Understood. Thank you.

18 CHAIRMAN STUTO: Also on the emergency road - I
19 assumed we were going to have an emergency road.

20 MR. GRASSO: It is shown as a potential
21 emergency access. It is something that we have been
22 supportive of. It's a good time that we can get the
23 Planning Board's sense of it.

24 We do like to have those conversations with
25 the Department of Fire Services at the Town to see if

1 they think it is required to support the project. The
2 applicant is willing to build it into the project.

3 So, that's where it stands. The Board has a
4 sense one way or the other that it either should be
5 in or should not be in. Now is a good time to decide
6 that.

7 CHAIRMAN STUTO: Lou is a fire safety guy.

8 MR. MION: It makes sense to put it in. You
9 need a way in and out. I think you are very good
10 explaining why, John. What I'm saying is that one will
11 be full-service and the other one will be emergency
12 only, but they will be able to get in and out. So,
13 you're not blocking people in. I can't speak for Fire
14 Services, but I think they probably would agree to that.

15 MR. FAHEY: PRD has that recommendation from
16 the Highway Safety Committee. I was at the meeting and I
17 sat there. Fire Services said full-service driveway -
18 that's crazy because those things don't work. Traffic
19 Safety said the same thing. I concurred with them and
20 that recommendation went back to the Planning
21 Department. I don't know what happened to it. That was
22 February 21.

23 MR. AUSTIN: Joe, the hotel at Colonie Center -
24 I believe we put in a turf driveway. It was grass
25 covered.

1 MR. GRASSO: That's not something that Fire
2 Services is very keen on. It has been done in the Town
3 but again, we would defer to them for this. This should
4 be a gated connection.

5 MR. MION: It's very similar to what we put up
6 by the Elks.

7 MR. AUSTIN: So, it will be a gravel road and
8 not necessarily a paved road.

9 MR. GRASSO: Twenty feet wide and gated on one
10 end or the other and fully maintained. There is limited
11 sight distance at that curb cut location, which is one
12 of the reasons why we supported it being an emergency
13 access only. We didn't want it to be a full access to
14 the project. I just want the Board to understand the
15 reason why we went from full access to an emergency
16 access only.

17 CHAIRMAN STUTO: I think that's more attractive
18 and better in every respect.

19 Cindy Methe.

20 MS. METHE: My comments are not going to be
21 nearly as technical as Mary and John's.

22 Good evening. My name is Cindy Methe and my
23 husband Brian and I have lived at 45 Omega Terrace
24 for the past 25 years. In fact, I was just noting
25 that it was 25 years ago last week that we moved in -

1 just before the blizzard of '93. We raised two
2 children; a daughter that graduated from college last
3 year and we also have a son that is attending
4 college.

5 When we moved into Omega Terrace, Latham
6 Farms did not exist. It was approximately a year
7 before that land was developed. Our house is located
8 on the Sparrowbush Road end of Omega and the land
9 behind our house leading up to the Northway and the
10 lands on the other side of the Northway all the way
11 up to Route 9 was all completely wooded and
12 undeveloped.

13 Obviously, a great deal has changed since
14 then. We now have Target Center as well as George's
15 Market directly behind my backyard.

16 I actually took some pictures today of my
17 shed in the view of George's Market and Ulta and the
18 new Michael's sign this afternoon and they are easily
19 visible from my kitchen table, from my upstairs
20 bedroom and from the patio.

21 The noise from the Northway has increased a
22 great deal over the years with the loss of trees as a
23 buffer. We can hear the dumpsters being emptied at
24 4:00 a.m. The dump trucks delivering stone and mulch
25 are around the clock in the spring and the summer. We

1 also have a great view of the Marriott Hotel from our
2 master bathroom.

3 Our family and neighbors have adjusted to all
4 of this with few complaints. There comes a point
5 where you, as members of the Planning Board, have to
6 ask yourselves what I want this as a view of my
7 backyard? Do I want to look out at an office building
8 where I once had privacy? Do I want to look at a
9 three-story apartment building where I once had
10 trees? Do I want the Northway to be an even greater
11 presence in my backyard?

12 We have nothing against senior housing. The
13 size and scope of the project do not fit with the
14 surrounding neighborhood. The residents have no issue
15 with a two-story senior housing complex. All of you
16 are aware of this. We have been through this before.

17 Mr. Nigro is also proposing another office
18 building right next to a very large Health Park. The
19 road leading to this is across from a single family
20 property.

21 For years and years there was no light on the
22 Sparrowbush Road side leading into Latham Farms.
23 Eventually, a light had to be put there. There is
24 going to be another light. There has to be. There is
25 no way that you're going to have a senior housing

1 facility and an office complex without a light on
2 Forts Ferry.

3 Omega Terrace has been through a great deal
4 of development, particularly in the last 15 years. My
5 question is: How much more can we fit in this small
6 amount of space?

7 When we moved here we did so with the feeling
8 that the Town took note of the residents and the
9 rates we have as homeowners and taxpayers. I feel
10 this is slipping away every single day. Please
11 consider how you and your family would feel if after
12 all this development -- there is more in the works.
13 Again, what if it was right behind your street? How
14 would you feel after 25 years of homeownership if you
15 are facing a drop in property value? I don't think it
16 is at all unreasonable to say that this proposed
17 project is too large for the available 13 acres. I
18 would ask the Board not to approve the concept as
19 proposed.

20 Thank you.

21 CHAIRMAN STUTO: Thank you for your comments.

22 I do want to respond to one thing. This is
23 office/residential. They have to have office, right?

24 MR. GRASSO: They have to have a commercial
25 component. It could be all office. We evaluated that it

1 could be up to 235,000 feet of commercial office. It
2 doesn't have to have a residential component, but it
3 cannot be all residential.

4 CHAIRMAN STUTO: It was originally proposed as
5 a PDD, a planned district development and that was 100%
6 residential. The neighbors were quite clear that they
7 did not want that.

8 MR. GRASSO: It was a much larger facility. It
9 was 110 units that was proposed.

10 CHAIRMAN STUTO: At that time, we judged the
11 neighbor's temperament, or we judged on our own that the
12 project -- the neighbors were quite adamant that they
13 did not want it. So, we voted that one down. It was
14 within our discretion to do that. This project is fully
15 compliant with the zoning.

16 FROM THE FLOOR: Mr. Stuto, I don't think you
17 turn down the project. The developer withdrew the
18 application.

19 CHAIRMAN STUTO: Thank you.

20 This is fully compliant. Have they built it
21 out all the way to their maximum capacity?

22 MR. GRASSO: No.

23 CHAIRMAN STUTO: Does anyone have any numbers
24 on that point - of what it could've been built out to?

25 MR. GRASSO: I think it was 235,000 square feet

1 of office space.

2 CHAIRMAN STUTO: What do we have now?

3 MR. GRASSO: There is 30,000 square feet of
4 office and the building is 85,000 square feet, but it is
5 a residential use. You would have to do the conversion.

6 CHAIRMAN STUTO: Thank you.

7 I just wanted to get those points out to the
8 public.

9 Dave Smith.

10 MR. SMITH: My name is Dave Smith and I live on
11 Harrowgate and my house is somewhere around here
12 (Indicating).

13 We share the concerns about water, but that's
14 been discussed. My concern is whether this matches
15 the character of the neighborhood. I know you have
16 used this phrase, but does this fit the character of
17 the neighborhood?

18 With that concern in mind, I have come to
19 meetings before this and when I came here I asked
20 since we have these renderings of what the entrance
21 looks like, can we get the renderings of what is this
22 going to look like when you're in the neighborhood?
23 When you're on Omega? What will it look like when
24 you're on Harrowgate what will it look like? This is
25 a bird's eye view and I'm not an architect. I can't

1 look at this and have a good sense of what it's going
2 to look like. Is it going to look like I am in
3 permanent darkness behind the Great Wall of China? Is
4 it going to be hardly noticeable because it is set so
5 far back? I just don't know. I'm going to guess those
6 renderings were never done, just based on the way the
7 world works. I am going to request those renderings
8 again, if that could be done. I think that's an
9 important detail. If you are assessing, does it fit
10 the character of the neighborhood? If you're pushing
11 your grandkids along the road, what does it look
12 like?

13 CHAIRMAN STUTO: Thank you.

14 MR. GRASSO: I think when the project was
15 proposed as a PDD, a much larger residential building -
16 I think they had done a view shed analysis of what it
17 would look like. I don't know if it was from Omega and
18 Harrowgate, or from the backyards or at the end of the
19 stub street looking towards the buffer. It may be useful
20 to get those updated based on the scale of the new
21 building and the garage is being there. I think that's
22 important information for the applicant.

23 Mike, can you provide that?

24 MR. TUCKER: We can. We did do them previously
25 and obviously we were not in people's backyards taking

1 pictures of the site, but we got to the spots that we
2 could either on our property line -

3 MR. GRASSO: I will say that it is hard to
4 analyze. You're looking at 300 feet of woods and you try
5 to emulate what it's going to look like when you only
6 have 100 feet left. My recollection was the analysis
7 that they did during the PDD application was a pretty
8 thorough analysis. I think it would be useful now.

9 CHAIRMAN STUTO: I agree. Does everybody agree?

10 MR. SHAMLIAN: Yes.

11 Mike, where can you get those perspectives
12 from?

13 MR. TUCKER: We had previously done them from
14 the ends of the stub street there. We didn't want to go
15 into people's backyards. Ideally, I would like to take
16 them from people's houses so we can have real renderings
17 of what they would look like.

18 MR. SHAMLIAN: I was thinking that there would
19 be some people who would volunteer to do that.

20 CHAIRMAN STUTO: How would you suggest they
21 communicate their willingness? Do you have an email they
22 can email to or contact you after the meeting?

23 MR. TUCKER: Sure, I will give them a card.

24 CHAIRMAN STUTO: Can they superimpose the
25 landscaping?

1 MR. TUCKER: Yes.

2 CHAIRMAN STUTO: Let's do that. I'm thinking
3 out loud. I don't know if this is a good idea or bad
4 idea but if we voted positively tonight, should we have
5 an interim meeting before final to look at that stuff?

6 MR. GRASSO: Yes, I would recommend that.

7 CHAIRMAN STUTO: Because this is a significant
8 project. Let's think about that.

9 Mr. Fesel.

10 MR. FESEL: Hi, my name is Joe Fesel and I have
11 lived at 36 Nelson Avenue for little over 13 years. I
12 know a lot of the neighbors that live here. I don't
13 think it fits in too much with the residential area. I
14 don't think there's going to be much sway over changing
15 that side of the project. I think that we really
16 underestimate how much the traffic is going to impact
17 the area.

18 We haven't talked once -- I can attest that
19 the lights do change instantly and has done so for
20 the past two years. It's very frustrating. Two
21 seconds - maybe two seconds, but if you don't step on
22 the gas as fast as you can - you are the first car,
23 you get stuck at that light again. We have all
24 experienced that.

25 I think the amount of traffic and the hill

1 going over here is being underestimated. You really
2 have to think about -- I wish you guys would drive
3 that area for like two weeks. You should all drive it
4 for two weeks during rush hour when all the roads
5 back up. There is no turn lane coming from the
6 target, so everyone gets stuck behind the lead car
7 that's trying to make the left. Then, the light is
8 changing instantly and it gets further and further
9 backed up. Then, when you finally get through the
10 light, everyone is trying to make a left into the
11 Stewarts to get gas.

12 Originally, when the Health Park was built,
13 we were told this would be made so that cars could
14 turn left into the Health Park. That angle was
15 decreased so much that now cars stop there. So, now
16 you stop when cars are going to the Stewarts and you
17 go 10 feet or maybe 50 feet more in the near stopping
18 again for cars making a left to the Health Park. Now,
19 you're going to add another entrance into here -- I
20 have to resist not going down Omega Terrace. I used
21 to cut through it a little more before coming to
22 these meetings. I really resist not going down Omega
23 Terrace and it pains me because then I have to go
24 down Sparrowbush and hit that light. It's a
25 nightmare. It's only going to increase the problems

1 on Omega Terrace. I don't know if you could consider
2 no entrance during certain times for Omega Terrace.
3 Now, adding people running across the street from the
4 office park to go to Stewarts to get a coffee -- I
5 think the impact is going to be a lot more than what
6 we are seeing.

7 We really have to consider everything. You
8 can't change the concept too much. I understand that.
9 I think that we are really underestimating what could
10 happen to that corner and what is going to happen to
11 the hill rise here (Indicating) in the roads.

12 Now, you want to add sidewalks in. So, the
13 kids from my neighborhood can bike there with all
14 that going on. I think it's being underestimated as
15 to what is going to happen once all this is built. I
16 think that has to be taken into consideration a
17 little bit more.

18 Thank you.

19 CHAIRMAN STUTO: Susan Weber.

20 MS. WEBER: Good evening everybody. I am Susan
21 Weber and I am part of Save Colonie, a partnership for
22 planning. Thank you very much for all the attention that
23 your giving to this very, very important project.

24 I have a two questions. How many residents
25 are there likely to be in the senior apartments? How

1 many workers in the office building? I know that will
2 depend on the tenants in the office building
3 significantly. I think we should plan for the worst
4 case scenario because of the importance of the
5 traffic here. What are the numbers there, Joe?

6 CHAIRMAN STUTO: Is that your last question?

7 MS. WEBER: Yes, and then I have a couple of
8 statements.

9 CHAIRMAN STUTO: Why don't you give your
10 statements?

11 MS. WEBER: The first thing originally when we
12 are talking about this space here - this site --
13 originally was way back in 2010 when Mrs. Mooney was
14 going to be developing this and came before the Board
15 with duplexes, two-story. It wasn't massive, like this.
16 The Town Board felt that because of the discordance with
17 the residential neighborhood, there should be a bigger,
18 wider buffer - a 300-foot buffer. The Town Board
19 approved a change in the zoning to impose a 300-foot
20 buffer in this neighborhood to protect this community.
21 For some strange reason, the legal department when it
22 was challenged on this, was unable to find the backup
23 for this buffer in position. It is clearly in the
24 record and I believe it's important for this Board to
25 take that into consideration. The Town Board felt that

1 300 feet was necessary to protect the residents here and
2 not only from the sightlines, but also from the runoff I
3 am sure because these people around the sides lived down
4 hill. I trust engineering but it's downhill, folks.

5 One more point I would like to make in that
6 is that 55 and older is not necessarily forever. In
7 the Town of Guilderland - and I know Ms. Slevin knows
8 this - there was a senior project called Mill Hollow.
9 In 2014 it was approved as a senior condo facility,
10 but they couldn't sell the condos. So, they had to
11 come back before the Planning Board and ask for a
12 waiver from that agreement. The argument was made by
13 one of our real property attorneys in our area,
14 Donald Zee. He said that he was not involved in that
15 project, but they are very, very difficult to finance
16 now because the market is oversaturated with senior
17 housing. He spoke to the Board in April 2016 saying
18 that this area was oversaturated with 55 and older. I
19 just want to put that out there.

20 Are we going to have Mr. Nigro or his
21 minions, since he doesn't show up himself -- is Mr.
22 Nigo here? Mr. Nigro does not show up. Anyway, are we
23 going to have his minions come back and a couple of
24 years and say gee, it's really too bad but we need
25 buses and we need school buses and a bunch of people

1 here who are not seniors because we can't market to
2 the seniors?

3 So, can I have the answers to my questions?

4 CHAIRMAN STUTO: Sure, take a seat.

5 How many people do you expect in the
6 apartments and in the offices? Do we have that data?

7 MR. GRASSO: For general office I would use one
8 employee for between 200 and 300 square feet. That would
9 provide an occupancy of between 100 and 150 employees
10 with any office building.

11 The apartments have 62 units, but I don't
12 know the make-up of those units - if they are one
13 bedroom or two bedroom.

14 MS. SLEVIN: It's estimated to be approximately
15 84 or 85 people in the apartments.

16 If I could just respond to some of the other
17 comments that were made?

18 CHAIRMAN STUTO: Certainly.

19 MS. SLEVIN: With respect to the buffer, there
20 was a court decision that this Board has reviewed before
21 that determined that the buffer should be established as
22 100 feet because that's a like kind buffer to all the
23 other areas in the Town. Under Town Law 262, that is the
24 limit that the Town can impose upon this property.

25 An adversary of Ms. Weber's analysis, which

1 the Board has heard before so I'm not going to go
2 through that again, but suffice it to say that the
3 court decision is really what governs what the
4 applicable buffer area is in this case. It is 100
5 feet. The buffer area has been 100% respected in the
6 application. We will make sure that is respected.

7 We had discussions with the neighbors and we
8 indicated to the neighbors that we were willing to
9 have discussions about landscaping and what the scope
10 of that would be.

11 Mike Tucker said tonight that we continue to
12 have - to welcome the opportunity to have discussions
13 about landscaping that is necessary to make sure that
14 there is appropriate buffering, that it is an
15 attractive addition to the neighborhood and to the
16 community and welcome comments from the Board and the
17 public with respect to that.

18 CHAIRMAN STUTO: I see the Town Attorney here.

19 Do you want to add anything to that, or no?

20 MR. MAGGUILLI: I would just like to correct
21 some inaccuracies that Ms. Weber made.

22 First, she started off by saying that the
23 Town Board acted in 2010. It certainly did not. It
24 was 2006. I think she is very well aware of the true
25 underlying facts of this case. I don't know why she

1 would refer very unprofessionally to these people as
2 minions.

3 That was very unprofessional on your part and
4 I don't know what you're trying to prove, but I took
5 offense at that and the rest of the people here
6 should take offense with the way you treat people.

7 With that out of the way, I will say this -

8 MS. WEBER: I do apologize if I offended any of
9 you people who are not - I was kidding. It was a joke.
10 It was a bad joke, okay? I apologize. I'm a silly person
11 sometimes.

12 MR. MAGGUILLI: You are also very inaccurate on
13 many occasions. I don't know if you're misrepresenting
14 the facts intentionally or if you just don't do the
15 work. If you do the work, you will see that this all
16 happened in 2006, that a buffer was never created. We
17 have been through this so many times it's ridiculous. I
18 don't want to get into it because I can't stand it when
19 people talk down to other professionals.

20 CHAIRMAN STUTO: Jeff McGlynn.

21 MR. MCGLYNN: Hello, my name is Jeff McGlynn. I
22 live at 52 Forts Ferry. The full service Road exit also
23 is right across from my front door. Snowplows will be
24 here all through the evening. We have heard mentioned
25 the 4:00 a.m. dumpsters that they hear over and the

1 other section while I am hearing them constantly from
2 the medical center. I'm sure we will be hearing them
3 here as well.

4 With 55 and over you going to have family
5 members, ambulances, parcel packages, trucks and all
6 sorts of transit coming in down here. I don't see
7 this as a safe proposal whatsoever. It's going to
8 diminish the value of my home. Headlights will be on
9 our house. This is appalling. I really don't know how
10 else to say it. It's got us really shaken. I don't
11 even know why it's proposed. That's all I really have
12 to add.

13 There are a lot of points. One of the
14 original proposals had been moving a telephone pole
15 that when over further across my property. The new
16 proposal isn't even showing where those are going to
17 be located. So, I don't know if they're planning on
18 moving the telephone poles again on this proposal.
19 It's not stated on there.

20 The manhole cover is already dilapidated here
21 and falling into the road.

22 Water runoff is a huge issue. Our backyard is
23 a swamp right now. I can only imagine -

24 CHAIRMAN STUTO: Where does the water come
25 from, to your knowledge.

1 MR. MCGLYNN: I'm guessing because it's clay.

2 CHAIRMAN STUTO: Does it come from the road?

3 MR. MCGLYNN: I don't know if it's being pushed
4 over here (Indicating) off of the wooded area and
5 settling down. I'm trying to look into building some
6 kind of a drainage pipe that will help alleviate the
7 water. My backyard - we have a play yard in the backyard
8 with half of it often - the kids can't go in it because
9 it's a swamp area. I can only imagine what other
10 neighbors are dealing with. It is clay. A lot of it sits
11 on top of the clay, raises to this top of the surface of
12 the water and raises to the top of the soil. It's a
13 mess.

14 As you can see, I already have a 100-foot
15 buffer. There is garbage all through here. My family
16 is constantly going out -- we have been on this
17 property since '83 - my family. *This area has not
18 even been kept up. We came across here and often you
19 will see me across the road picking up garbage. It's
20 blowing from the medical building, from Stewarts,
21 Target, Sonic bags -- when Sonic came, remember the
22 traffic that happens on Forts Ferry Road?

23 People constantly passing the medical
24 building are turning around in my driveway all day
25 long. This is going to be happening over again with

1 this. People will be overshooting it and pulling into
2 my driveway to turn around. I don't know what more to
3 say about it. I could go on and on. I am clearly very
4 upset about it.

5 I have three kids; 14, 12 and six. I needed
6 to come up and say something. Thank you for hearing
7 me.

8 CHAIRMAN STUTO: The driveway was mentioned. I
9 am going to fight to get that driveway moved, for sure.

10 With respect to the drainage, having sat in
11 on a lot of these meetings, the standard is not to
12 increase the water and often it detains the water
13 more. You will never see it get worse. You could see
14 an improvement.

15 I want to go back over the driveway thing.

16 MR. GRASSO: Based on the 100-foot buffer and
17 the fact that I don't think there is runoff from the
18 site onto the adjacent properties, I do not think that
19 this project is going to make existing drainage problems
20 that these folks are experiencing better. It's when we
21 have discharged from the site going-

22 CHAIRMAN STUTO: Because it's not going from
23 that site to their site.

24 MR. GRASSO: And if it was, we could over
25 detention.

1 CHAIRMAN STUTO: But it certainly is not going
2 to get any worse.

3 MR. GRASSO: It's not going to get any worse
4 but they can only deal with the water that is within the
5 site. I agree that we should look at that intersection
6 and push it as far to the east as possible.

7 If there is a potential to do landscape
8 improvements on the other side of the road, sometimes
9 it's more beneficial to do it there at the
10 intersection has to be there because the site
11 distance requirements, then that is something that we
12 could ask the applicant to try to work with the
13 adjacent landowners as well.

14 CHAIRMAN STUTO: I wouldn't mind doing that
15 anyway. There is a big impact there.

16 MR. GRASSO: So, is that something you would be
17 willing to consider?

18 MR. MCGLYNN: The landscaping you are
19 suggesting?

20 MR. GRASSO: The landscaping on your side of
21 the road as opposed to the other side of the road.

22 MR. MCGLYNN: What kind of landscaping?

23 MR. GRASSO: It would be a discussion between
24 you and the applicant.

25 MR. MCGYNN: It would have to block all the

1 oncoming lights during the night, snowplows and stuff.
2 My daughter's room is lit up at night during snowfall
3 from the plows. You are constantly hearing the sounds of
4 backing up beeping sounds. You are constantly - car
5 alarms are going off. I didn't live in the house at that
6 point. My parents were there. I would have been here
7 fighting on that one myself. Having that across the
8 street - I am beside myself.

9 CHAIRMAN STUTO: Do you want to work on
10 landscaping on your side? Maybe on your property or
11 maybe to the adjacent property. It would at least pretty
12 up the area and provide some screening.

13 MR. MCGYNN: That first rendering looked like
14 they were sitting in our yard.

15 CHAIRMAN STUTO: They are going to thicken that
16 landscaping up, as well.

17 MR. MION: When you originally came in, wasn't
18 that driveway on the east side of the building? I
19 thought and I might be wrong - where the driveway is
20 now, that's where we made the emergency entrance for the
21 fire. There was, why did we change it? If it isn't, why
22 don't we change it?

23 MR. GRASSO: I thought that we had raised a
24 concern regarding site distance along the Forts Ferry
25 Road.

1 MR. AUSTIN: Can they put it further to the
2 corner on that side, right along the property line?

3 MR. TUCKER: That's the buffer.

4 MR. MION: Where the emergency drive would be.

5 MR. AUSTIN: Even farther down.

6 MR. GRASSO: My recollection is that it didn't
7 provide adequate site distance at that intersection.

8 MS. HOLSBERGER: Our goal when we are out there
9 - obviously, for the site we are trying to maximize
10 sites distance.

11 Hearing these concerns as was spoken before,
12 there has been several people that talked about the
13 little bump in the road. Obviously, that is impacting
14 the site lines. We can certainly go out and see if we
15 can shift that driveway down a little bit. Where we
16 have that driveway shown, which I to maximize the
17 site lines. That's normally what we are trying to do
18 is put the driveway in the best location.

19 Understanding the concerns, we can go back out there.
20 We want to make sure that if we tweak it, it's not
21 creating a sideline issue because there are some
22 little bumps in the road that to impact the site
23 line. Certainly we can go back out and see what we
24 can do to shift it as much as we can. As a lot of
25 people mention, there are constraints there that are

1 limiting.

2 MR. MION: That was the site line and that's
3 why we moved it up west.

4 MS. HOLSBERGER: Yes, there definitely have
5 been changes made to maximize the site distance.

6 MR. AUSTIN: If we put the driveway the
7 furthest possible west, why can't you put it the
8 furthest possible east? Is that a buffer? When you come
9 right up along the property line -

10 MR. MION: If you going to put an emergency
11 access in there, why not just reverse the emergency
12 access?

13 MS. HOLSBERGER: With an emergency access, we
14 typically don't look at the sight lines. You obviously
15 want it to have some sight line, but you are not looking
16 at the same standards that you do for a public use
17 driveway. The assumption is that an emergency access in
18 an emergency situation - the site lines are not as
19 critical as the emergency is.

20 CHAIRMAN STUTO: Does it violate any
21 engineering standards?

22 MR. AUSTIN: I'm pretty familiar with that road
23 myself. I travel it often. I think that's the top of the
24 hill.

25 MR. GRASSO: I think the crest of the hill is

1 about 50 feet west of the easternmost property line.

2 MR. AUSTIN: So, put it on the easternmost
3 property line. I think it would look kind of nice to
4 have the driveway on the easternmost going up at an
5 angle.

6 MR. MION: You're talking about the sight
7 distance to the west or the sight distance to the east?

8 MR. AUSTIN: I think it's coming from the west.

9 MR. MION: Traveling from the west to the east
10 or traveling east to west?

11 MS. HOLSBERGER: I don't know where exactly it
12 is on the map at this point.

13 CHAIRMAN STUTO: Coming downward on there from
14 west to east, you're coming over a hill -- is that what
15 the concern is?

16 MS. HOLSBERGER: Right, there is a little bump
17 in the roadway. The sightlines are measured at a certain
18 distance at a certain eye height or an object height.
19 There are a lot of standards.

20 CHAIRMAN STUTO: Coming back about the
21 landscaping -- so we will also examine that issue.

22 MS. HOLSBERGER: We will definitely take
23 another look across the frontage and see where we can
24 shift.

25 MR. MION: That will be a problem in front of

1 his house with the lights.

2 MR. AUSTIN: And if you can keep the access to
3 this development far as possible away from the
4 residential neighborhood, potentially that might be
5 another healing point to the residents.

6 CHAIRMAN STUTO: We will look at that.

7 Todd Drake.

8 MR. TODD DRAKE: Good evening. My name is Todd
9 Drake. I live at 222 Forts Ferry Road.

10 I come tonight not so much as an
11 individual. I do live on Forts Ferry Road. You cannot
12 see the project from my home. I empathize, of course,
13 for those who can. I come more in the capacity as the
14 Legislator for this district - the 19th District.
15 Everyone has come up and given great detail as to the
16 objections to this project and some of the mechanics
17 of the engineering. I haven't come to do that. In
18 that role as Legislator, I have come to sort of
19 provide a summary of the feedback that I have gotten
20 in the past year in coming to meetings and doing all
21 of this. There are sort of concluding summaries that
22 won't ask too many questions. Everyone here, I think
23 can agree that this is a developable parcel and at
24 some point somebody is going to put something on it.
25 That's fair. They own the property and they have that

1 right.

2 I think that the OR district does a great
3 deal to try to transition neighborhoods. The trouble
4 that we seem to have here is the transition of the
5 second iteration of this project that includes the
6 office space is a bit too abrupt. The first iteration
7 of this project was multi-family and very appropriate
8 however, the size of the project was the objection.

9 In summary, the feedback that I have gotten
10 from almost all the residents - and I can safely say
11 that no one has come to me and said Todd, I would
12 like you to champion this project, so I can't say
13 that anybody has given me positive feedback. I'm not
14 here to be the Debbie Downer, but I am here to read
15 late what I have been told. I think that regardless
16 of the iteration, the residents have felt threatened
17 by this project and they have felt threatened for a
18 number of reasons. One of them is that in the first
19 phase when everyone said hey, we get it and we like
20 senior housing but it's too big - the developer said
21 hey, we can do anything we want here and it could be
22 a lot worse. I think a lot of people took that
23 poorly. Now, the developer has come back with a
24 different project and a different iteration. Without
25 speaking to the merits of the project, I think that

1 the area residents still feel that it exceeds the
2 character of the neighborhood - that it is too big.
3 Why? Because it is three stories. I think that's
4 really the big problem. I don't think it was ever
5 whether it was office or multi family, but it was the
6 height and the volume and the complexity.

7 One thing that I do participate in is the
8 traffic issue and the condition of the road. One
9 suggestion I might make is that any approval of
10 whatever project or whatever iteration comes to pass
11 include some kind of maintenance for Forts Ferry
12 Road. With that said, the biggest piece here is does
13 it fit in the neighborhood? Does the buffer of 300
14 feet or 200 feet - is that warranted? I think these
15 residents have spoken very clearly. They feel that it
16 is warranted.

17 While Town Law, as quoted, may not demand
18 that, they feel that it is warranted. If you have
19 something in your power to help revise this project
20 and bring the height down to make it to stories and
21 to add to a buffer and to increase screening, to
22 compromise and bring us to a point where this project
23 feels like it belongs in the neighborhood, I think we
24 all would greatly appreciate that.

25 So, thank you for hearing me tonight.

1 CHAIRMAN STUTO: Thank you.

2 John Drake.

3 MR. DRAKE: Again, I am John Drake, for
4 Catalina Drive.

5 I just want to make it clear that I am not a
6 lawyer. I don't play a lawyer on TV and I didn't stay
7 at a Holiday Inn Express tonight. My lawyer did say
8 not to argue with lawyers tonight, so I'm not going
9 to do that. That was one piece of advice.

10 CHAIRMAN STUTO: But you are an engineer.

11 MR. DRAKE: I am an engineer - a chemical
12 engineer, but not a very good one. I just want to say
13 that I hope the Board feels like myself and the other
14 members of the West Latham Neighborhood Association are
15 trying to be fact based and bring information to the
16 Board to help you make a decision. Again, we have a
17 vested interest in this project. Obviously, we live in
18 this neighborhood. We have worked very hard to be fact
19 based. That's why we hired attorneys. That's why we
20 hired professional engineers with money out of our
21 pockets and our neighbors pockets and other people's
22 pockets was that we wanted to be fact based.

23 When I hear emotional responses coming from
24 the Town Engineer, that is upsetting to me. I felt
25 that Mr. Magguilli's response was emotional and that

1 bothered me. I understand that we have been talking
2 about this for a long time, but our attorneys feel
3 like the 2007 decision was legitimate. I know he
4 disagrees. That's why we have an appeal and that
5 needs to be worked out. That's all I want to say. We
6 are open to compromise. We are open to work with the
7 Board.

8 I will say that other than coming to these
9 meetings and spending two hours here and I know you
10 guys do it every other week, it's hard to get into
11 this process. This process is not designed to bring a
12 neighborhood in unless the developer wants to come in
13 and I have heard that they want us in, but I will
14 just say that's not what it feels like as one of the
15 neighbors. I don't feel like it's easy and we are
16 being invited in. I hope that changes and I hope we
17 do different, but those are the things that I wanted
18 to say just to close things out tonight.

19 So, thank you.

20 CHAIRMAN STUTO: We will open it up to the
21 Board.

22 MS. DALTON: So, I want to start by saying that
23 I did listen to everybody, but I want to go back to the
24 very beginning when Kathy spoke and said that we were
25 not required to accommodate this stay because of the

1 various legal considerations.

2 I understand we are not required, but
3 personally as a neighbor and a resident and a Town
4 Appointee, I believe that it is appropriate to
5 provide a stay while we wait for this to work through
6 the other Board - the Zoning Board of Appeals, and
7 not take action until they have made a decision
8 whether or not the zoning in this area is appropriate
9 and meets all of the regulations. So, I am not
10 prepared to vote tonight. That is my reason why.

11 MR. MION: We have seen this project quite a
12 few times now. I think that the engineers have really
13 done a good job trying to work with us and work with the
14 neighbors. I think that with everything we discussed
15 tonight to make it better, it will certainly make a
16 better project. We are here tonight to vote on concept.
17 If we vote on concept, that doesn't mean that it is
18 finally approved, it just means that we agree with the
19 concept and they can move forward. Based on that, I'm
20 ready to vote on that concept.

21 MR. AUSTIN: Joe, what is the maximum build-out
22 that they could do on this property?

23 MR. GRASSO: I was looking at my notes and it's
24 approximately -- if you went strictly commercial office,
25 there is 235,000 square feet.

1 MR. DALTON: If they did get a zoning appeal so
2 that it was only residential -

3 MR. GRASSO: You mean as strictly residential?

4 MS. DALTON: Right, instead of the office
5 residential -- when we first saw this project and it was
6 entirely senior apartments -

7 MR. GRASSO: It was proposed as a PDD.

8 MS. DALTON: Right, but I liked it much better
9 when it was just the apartments and I realize that it
10 was PDD instead of meeting the zoning. My understanding
11 of the appeal here is that they are appealing the OR
12 zone.

13 MR. TUCKER: Just the buffer.

14 MS. DALTON: I'm sorry. okay.

15 MR. AUSTIN: Unfortunately, I think we all like
16 the PDD much better, but the residents spoke against
17 that very clearly. Then, the developer withdrew his
18 project. Then, he said he was going to come back with
19 something else and he did. Here it is. It is smaller in
20 scale, I believe, than what he can put on the property;
21 is that correct?

22 MR. GRASSO: Correct.

23 MR. AUSTIN: So, there is not as much square
24 footage on the property right now as there could be. I
25 think he has taken into account a lot of the residents

1 concerns. Even though it may not be directly in
2 communication with many of the residents on a regular
3 basis because it is a business and they have to go about
4 building these things and preparing. The engineering
5 part of this whole thing is extremely complicated, of
6 course. I think with some of the things that we
7 suggested and many of the things that you suggested
8 tonight as residents that we could move ahead with this
9 project. As long as they come back, we can have this
10 interim meeting that we have been talking about. We can
11 look at these issues that we have talked about like the
12 driveway and lights and other architectural issues and
13 stuff like that.

14 Also, seeing the elevations and seeing the
15 sight distance. I think that's really important. It
16 is difficult and I understand people on Harrowgate
17 and people on Citation and on Forts Ferry that are
18 just in the neighborhood.

19 I feel for the McGynns, especially. I really
20 do. That's very difficult to have a development right
21 across the street.

22 As Mr. Drake did say, that property is going
23 to be developed at some point. It is a matter of what
24 is going to go on there and what it is zoned for.

25 As Ms. Dalton said, it is in front of the

1 Zoning Board and right now it's OR so it's
2 office/residential, so it has to have a component of
3 office on it. It has to have that, by zoning. I don't
4 believe that rezoning was done in this current
5 administration.

6 CHAIRMAN STUTO: The zoning was before this
7 administration.

8 MR. AUSTIN: So, unfortunately that is
9 something that has happened many, many years ago. So, to
10 rezone that is a process as well. Just understanding
11 that it is a continual process, I feel for the emotions
12 of the people in the room. I really do. I feel that you
13 guys are not in my backyard kind of thing. I get it. I
14 really do. Nobody wants to see development especially
15 when you have lived someplace for 25 years and with a
16 nice backyard. Now she's looking at Michael's signs
17 which is very difficult. I completely get it. This is a
18 property that will be developed. So, it's our purview as
19 a Planning Board to make sure it's developed properly
20 with the zoning and with the appropriate amount of
21 square footage and everything that goes along with it.
22 So, that's why we have been put here as laypeople and
23 with the guidance of our Town Designated Engineer who is
24 phenomenal because many Planning Boards do not have this
25 in under this current administration, that was

1 implemented. That's a very important thing to
2 understand, too, that we have the use of this engineer
3 professionally to guide us along these different things.

4 So, sorry for the long-winded response, but I
5 don't know how I'm going to vote yet. I don't. I
6 think I'm going to go ahead with the understanding
7 that we will have the second meeting before final.

8 MS. MILSTEIN: At this point, I am not ready to
9 vote on it. I think there are too many questions and too
10 many issues and potentially a lot of hurdles that need
11 to be overcome before I would be satisfied with it. So,
12 I'm not prepared at this time to vote for concept.

13 MR. SHAMLIAN: I agree with Kathy and Susan.
14 I'm not ready to vote tonight either. I would like to
15 see where this driveway ends up and I would also like to
16 have some discussion with the applicant about whether
17 the apartment building can be broken up into smaller
18 buildings or not or whether it has to be a single large
19 building.

20 MS. SLEVIN: Do you want me to address that?

21 MR. SHAMLIAN: Sure.

22 MS. SLEVIN: Because of the way that the
23 programming works for this particular facility, it's
24 designed so that everyone has an opportunity to
25 participate at all times. It's really integral to the

1 programmatic aspect of the overall project to ensure
2 that it is one building. Quite frankly, the community
3 room is designed in the center of it to be sure that
4 nobody is further than anybody else from those
5 amenities. So, there is a rationale for that.

6 MS. DALTON: This is the same programming as
7 they have in Saratoga; is that correct?

8 MS. SLEVIN: That's correct.

9 MS. DALTON: Lou and I went to see the Saratoga
10 program and while I recognize that when it looks like
11 this, it kind of looks overwhelming - when you go to the
12 Saratoga version, it really is lovely. I wanted to live
13 there. It really is lovely. It doesn't look
14 overwhelming. It looks really nice. Inside, if you went
15 inside, you would want to live there.

16 MS. SLEVIN: That's 110 units and this is 62 -
17 just to give you some difference in scope.

18 MS. DALTON: So, in terms of just of that part
19 of the project, there would still be issues but I was
20 very impressed. I'm just not thrilled with this.

21 MS. SLEVIN: We respect that. We are asking the
22 Board to proceed with concept approval at this evening
23 for the simple reason that in order to advance the
24 project to the next stage, in order to look at
25 stormwater issues and things like that, we really need

1 to understand whether the concept is something that is
2 acceptable to the Board. Otherwise, we're still working
3 with a black slate and it makes it very difficult to
4 advance those engineering aspects.

5 One other thing that I would also ask,
6 regardless of what the Board does tonight, we would
7 like to get a little bit of guidance on what you
8 would want for the architecture for the office
9 building. One of the reasons that it was maintained
10 as a flat roof was to minimize the height of it
11 because we had heard that was a concern before.

12 CHAIRMAN STUTO: What's the height of that
13 building now - the office?

14 MS. SLEVIN: I believe that it's 28 feet.

15 MR. AUSTIN: So, it brings it to the same
16 height?

17 MS. SLEVIN: Well, it won't bring it to the
18 same height of the other building because this is three
19 stories, but it would certainly increase the height of
20 it if we put a roof line on it the same as the
21 apartments.

22 CHAIRMAN STUTO: Does it have to be the same?
23 Could it just be a façade?

24 MS. SLEVIN: That's why I'm asking for
25 guidance.

1 CHAIRMAN STUTO: We will talk about that more.

2 MS. SLEVIN: Thank you.

3 MR. SHAMLIAN: Understanding that it needs to
4 be a single building, I guess from an architectural
5 standpoint, personally I would like to see the building
6 appear not quite as massive so that it doesn't look like
7 just 300 plus feet of building and have the façade on it
8 broken up creatively, more than it is. Maybe that's just
9 the rendering that we have. Maybe in person it will look
10 different. But when I look at the rendering, I'm not
11 impressed.

12 MR. HEIDER: I think that it was at the last
13 meeting that we specifically said that we wanted that
14 off the building to have some resemblance of the
15 building in the back. It wasn't reflected in the notes
16 that you had, Joe. I think that I was the one that
17 talked about it in terms of - to soften the blow of that
18 to make it look somewhat more residential like the one
19 in the back.

20 I also know that the one if the back was not
21 the one that was represented initially, but I think
22 that's because they had to lower the roof. There were
23 very interesting roof lines that were created before
24 which made it actually look better. By lowering the
25 roof it actually took away from the appearance of the

1 building and made it look more domestically
2 residential apartment-type versus something special.

3 I think that's what some people on the Board
4 are looking for and I don't necessarily disagree. I
5 do agree though that the onus is on the developer to
6 satisfy this Board and satisfy all the engineering
7 people and to satisfy everyone within the Town
8 Departments. It's their risk and their money to go
9 through that process, knowing that we still have the
10 final say at the end of the process as we move
11 forward.

12 I believe that a lot of things talked about
13 tonight are not things that we would typically be
14 responsible for because they are much more technical
15 in nature and they are the things that are solved and
16 resolved through the conversations, through the
17 construction meetings and engineering things.

18 So, I said before I'm not against this
19 project. You need to have some shielding for the
20 garages. It's almost 500 feet of garages. I think
21 that if you at least try to satisfy that, that in
22 five years will go a long way in shielding some of
23 that building. I think that's a major part of that.

24 I do believe that the entranceway should and
25 can be relocated through the grid. The little bumps

1 in the road that somebody described, that's a hill.
2 It's a sight-line situation. It's not a hill like
3 going up into the Adirondacks, but it is definitely
4 more than a little bump in the road. So, I can see
5 why that may be presenting problems, as Joe talked
6 about with the sight lines in that location.

7 I think that it's important to move forward
8 both for the developer to try to come up with a plan
9 to satisfy this Board and satisfy the neighbors. I
10 believe that they run the risk - if you win your
11 appeal, they are the ones that run the risk of moving
12 forward at this stage of the game.

13 That's all I've got to say.

14 CHAIRMAN STUTO: I am generally in favor of
15 this project. I think that a lot of good issues were
16 brought up that we need to get resolved and I think that
17 we have already agreed that we are at least going to
18 have an interim meeting before final; one being the
19 driveway and the sight distances and that issue. We are
20 looking for site drawings or site renditions from the
21 backyards and also from across the street. We'd also
22 like to see more detail on the landscaping and the
23 screening. We also had issues about the architecture
24 which maybe we can talk a little bit about. Craig talked
25 about it well. I want them to be consistent.

1 Joe, maybe you can help us. One concept that
2 we brought up was that the office building looks a
3 little stark and not as warm and residential, if you
4 will, as the actual residences in the back. So, we
5 want to conform the office building more to what the
6 rear building looks like.

7 MR. SHAMLIAN: Can I jump in? I would almost
8 argue that the place to start is in back. I think that
9 the back needs help before we get started on the front.

10 CHAIRMAN STUTO: I don't disagree with that.

11 MR. SHAMLIAN: That's kind of one of my
12 reservations. Normally at this stage I have no issue
13 with voting. Because this is such a pivotal transition
14 to a residential neighborhood, the architecture elements
15 are even more critical than they normally are. They are
16 always important, but they are vitally important here.
17 Unless those are right, then maybe the project doesn't
18 fit with the character of the surrounding neighborhood.
19 So, I don't want to send the wrong message to the
20 developer that I'm okay with the project. I am somewhat
21 conceptually, but unless the architecture is right, I'm
22 not. So, I don't want to send the wrong message to the
23 developer.

24 MR. AUSTIN: Isn't that why we're having that
25 interim meeting to bring it back and talk about it?

1 MR. SHAMLIAN: That may be but again I don't
2 want them to start -- I'm trying to be respectful to
3 both sides and recognize that there is a ton of money
4 spent going forward. I don't want them to spend any more
5 money than they need to because if they don't get the
6 architecture right, then I'm not sure I'm in favor of
7 the project.

8 CHAIRMAN STUTO: Okay, to piggy-back onto that,
9 I don't disagree with what Craig said. I guess this is a
10 specific question but is there a way to make the front
11 - for a lack of a better term - match the back without
12 increasing the height too much?

13 MR. GRASSO: well, I think the height is
14 probably going to increase somewhat. Whether or not that
15 front building is 28 feet or 35 feet, I think that it
16 has to fit and it's got to look great. That's the
17 building that you are going to see mostly. You're going
18 to have to be able to see the building in the back, but
19 it is set back 600 feet off the road. The screening from
20 the 100-foot buffer is going to be very appreciable. I
21 remember those photo sims looking through the buffer.
22 During the summer you're not going to see it at all.
23 During the winter, yes, you're going to have limited
24 views. I don't know how much of the architecture of the
25 back building you're going to appreciate. The

1 architecture of the front building is very important. I
2 think it should look much more residential with scale.

3 I agree that it should have peaked roof lines
4 and if the height has to go up 32, 34 or 35 feet, I
5 think that's better than what we are looking at today
6 with the elevations that were submitted. We can look
7 at the architecture and the back of the building.
8 Like I said, I think it was a quick change to go from
9 a 45 foot high building with cupolas and a certain
10 style down to 39 foot 8 inch. I think that was a
11 quick change. We can look at whether or not ceiling
12 heights could be reduced to further drop those roof
13 lines a little bit and steepen up those roof lines a
14 little bit.

15 Those are things that I think the applicant
16 is willing to do, as they advanced the plans. If the
17 Board feels like you want to address these things for
18 another concept review, while then they can focus on
19 these things. I think there are a lot of things that
20 were on answered before and they provided us good
21 information on that we have provided our comments on
22 and the Board is accepting of regarding the scale of
23 the project, location of the buildings, location of
24 the parking garages and traffic impacts, the extent
25 of the clearing but there is no doubt that there is a

1 list of eight or 10 items here that I think the
2 applicant has to work on. I think that these are able
3 to be addressed through - I will call it an advanced
4 concept review. I agree that allowing them to start
5 preliminary engineering is premature until we get
6 some better answers here. I would recommend that the
7 project has gone through so many evolutions that the
8 things that we are looking for information on
9 shouldn't take a long period of time for the
10 applicant to continue on - probably 4 to 6 weeks and
11 then we get it back in front of the board for
12 additional review.

13 MR. AUSTIN: I think just to answer Ms.
14 Slevin's question - she wanted some guidance on some of
15 the architecture. We have already given that. I think
16 some of the siding treatments matching the windows --
17 they seek visual stuff that goes with that. Again, this
18 is a concept, obviously - the drawing that we have in
19 front of us with big glass windows. You could make it
20 more residential. I think to match the siding and the
21 colors are very appropriate. Obviously, I don't know if
22 these colors are what you are looking for with the white
23 siding and kind of stark -- maybe tone it down a little
24 bit. I think you could come back with something very
25 nice. I believe you will, too. There are a lot of

1 examples in the Town of office buildings.

2 MS. SLEVIN: Thank you.

3 MS. MILSTEIN: I don't know if there's anything
4 you can do with the garages facing the residential.

5 MS. SLEVIN: We can take a look at that again.

6 CHAIRMAN STUTO: Joe, you have been working
7 with us a long time. You hear what we are saying and you
8 can help us follow through with the applicant.

9 MR. GRASSO: Yes.

10 CHAIRMAN STUTO: Before us now is the question
11 of whether -- we have had people say on both sides -
12 either postpone the concept -- we are already coming
13 back for second meeting.

14 So, the options are: Somebody makes a motion
15 and we formulate that motion and get a second and
16 then we will take a vote.

17 Let me just say my position. I am generally
18 in favor of the project. If these other items -
19 architectural, landscaping, the driveway and so forth
20 are done correctly, I probably will still be in favor
21 of the project.

22 With respect to the Zoning Board of Appeals,
23 if I postpone my vote, it wouldn't be to match up to
24 when they come up with that answer. We are coming
25 back for a second meeting anyway. We can either vote

1 now on preliminary concept acceptance which is not an
2 approval and then have a final concept acceptance if
3 those things get taken care of, or we can just
4 postpone concept acceptance and take it up at the
5 next meeting once those things are resolved.

6 We will entertain any motion and take
7 arguments that you want.

8 MS. DALTON: I would like to make a motion that
9 we table it until we get more of those questions
10 answered and come back and forth six weeks when more
11 details are worked out.

12 CHAIRMAN STUTO: Is there a second on that?

13 MR. SHAMLIAN: I will second that.

14 CHAIRMAN STUTO: Any discussion?

15 MR. HEIDER: Is there a way to direct Michael
16 to get them on an agenda now and leave the onus to the
17 developer to make that timeline?

18 MR. TENGELER: Friday is when Joe comes back.
19 Joe Grasso and Joel LaCivita can discuss some of the
20 finer points and try to work on -

21 CHAIRMAN STUTO: Do you have the schedule?
22 You're talking about picking a firm date, correct?

23 MR. HEIDER: Correct. I am trying to be fair. I
24 don't want the developer to go through their thing and
25 then call Joe and have Joe say well, we are booked eight

1 weeks out.

2 CHAIRMAN STUTO: I don't know how stacked up he
3 is.

4 MR. TENGELER: I think that is the Joes talk
5 Friday, they could be an agenda that could be opened. I
6 don't want to speak for my Director.

7 CHAIRMAN STUTO: Well, we set the agenda as a
8 Board. We will promise the developer that they will come
9 back in May. Is that what you want to do? I mean, no
10 later than the last meeting in May.

11 MR. AUSTIN: I would tend to agree with the
12 Chief on this. We need to be fair to everyone involved
13 in the process and take into account the developer,
14 obviously in the situation. It is an extremely expensive
15 process.

16 That being said, were very respective to the
17 residence, too.

18 Joe, what was the terminology that you used?

19 CHAIRMAN STUTO: Preliminary concept and final
20 concept.

21 MR. GRASSO: Advanced concept.

22 MR. AUSTIN: I like that idea. So, if we move
23 ahead with the concept acceptance here and then come
24 back for the advanced concept acceptance -

25 CHAIRMAN STUTO: But we have a motion and the

1 second.

2 MR. AUSTIN: This was the discussion.

3 MR. GRASSO: I want to clarify terminology. I
4 don't like the advanced concept acceptance terminology.
5 There is concept acceptance. I was speaking of advanced
6 concept plans where we have a little bit more detail,
7 but not getting into the real engineering but when you
8 look at possibly revising some of the things that we
9 looked at tonight -- in general, the concept of -- the
10 scale of the buildings, their general orientation, the
11 amount of parking, the amount of clearing and that stuff
12 is established before you tonight.

13 MS. MARINELLI: I think you have to decide
14 concept acceptance one way or the other.

15 CHAIRMAN STUTO: Okay, we either do it or we
16 don't.

17 MS. MARINELLI: And as you said, Peter, concept
18 acceptance is a flexible design that could be modified
19 by the builder or the Planning Board at a future date.
20 It is not a final approval.

21 CHAIRMAN STUTO: Chief, are you saying you
22 would be in favor of the motion to table if we could
23 promise to get them on in May?

24 MR. HEIDER: Well, I'm not saying that.

25 CHAIRMAN STUTO: Okay, we have a motion before

1 us. Anymore discussion on the motion?

2 (There was no response.)

3 All those in favor of the motion say yes.

4 MS. DALTON: Yes.

5 MS. MILSTEIN: Yes.

6 MR. SHAMLIAN: Yes.

7 CHAIRMAN STUTO: All those not in favor of the
8 motion, say no.

9 MR. HEIDER: No.

10 MR. AUSTIN: No.

11 MR. MION: No.

12 CHAIRMAN STUTO: No.

13 Okay, the motion is defeated.

14 The motion is for concept approval, based
15 upon all the comments made by the Board, comments
16 made by the Town Designated Engineer, Departmental
17 comments with the proviso that we come back to
18 address the issues that were raised this evening,
19 including but not limited to the driveway, renditions
20 of looking at the project from the backyards and
21 across the street, with landscaping superimposed, a
22 more detailed landscaping plan with the screening and
23 so forth that were discussed today and also revised
24 architectural renditions so we can understand better
25 how that's going to work.

1 MS. DALTON: Which also includes the emergency
2 exit -- the regular driveway and the emergency driveway.

3 CHAIRMAN STUTO: Correct.

4 MR. MION: I will make the motion.

5 MR. AUSTIN: I will second that motion.

6 CHAIRMAN STUTO: Any discussion?

7 (There was no response.)

8 All those in favor, say aye.

9 MS. DALTON: Nay.

10 MS. MILSTEIN: Nay.

11 MR. SHAMLIAN: Nay.

12 CHAIRMAN STUTO: We would just say for the
13 record that Chief Heider says yes, Chairman Stuto says
14 yes, Brian Austin says yes and Lou says yes.

15 Okay, thank you.

16

17 (With the above entitled proceeding was concluded at
18 9:16 p.m.)

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CERTIFICATION

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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

