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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

SUMMIT AT FORTS FERRY
33 AND 45 FORTS FERRY ROAD
BOARD UPDATE

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on May 22, 2018 at 7:35 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:
CRAIG SHAMLIAN, ACTING CHAIRMAN
LOU MION
CRAIG SHAMLIAN
SUSAN MILSTEIN
STEVEN HEIDER

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Planning
Board
Michael Tengeler, Planning and Economic Development
Department
Michael Tucker, PE, VHB
Joseph Grasso, PE, CHA
Mary Elizabeth Slavin, Esq.
Michael C. Maguilli, Esq., Town Attorney
Adam DeSantis
John Drake
John Fahey
Mary Cox
Crystal Bruno
Joe Fesel

1 ACTING CHAIRMAN SHAMLIAN: The next project is
2 the Summit at Forts Ferry, 33 and 45 Forts Ferry Road,
3 Board update.

4 You can go ahead and get set up. The agenda
5 called for that at 7:30 and we have about a minute
6 before we get to that.

7 (There was a brief break in the proceedings.)

8 MR. TUCKER: Good evening. Mike Tucker from
9 VHB. We were last in front of the Board on March 20 at
10 concept review.

11 At the time there were three issues or
12 questions that we wanted to take care of this
13 evening. I will kind of go through them one at a
14 time.

15 The project itself is still the same. It is
16 mixed-use, office and age restricted apartments -
17 independent living.

18 The first issue that we took a look at was
19 dealing with the site plan.

20 Originally this driveway kind of hugged this
21 100 foot no disturb zone to the north. It exited the
22 property in close proximity to the neighbor who is
23 across the street on Forts Ferry.

24 Since the last Planning Board meeting, we did
25 go out and do some additional sight distance analysis

1 and were able to move that driveway roughly 50 feet
2 to the south. So, it's no longer across the street
3 from his driveway or home now and it's kind of out of
4 that limit of sight so he won't have headlight issues
5 or anything like that exiting there. There is no
6 conflict now.

7 At the request of the Board, we made this a
8 real emergency access driveway. It was called a
9 potential access drive on our site plans. Now it is
10 shown as an emergency access drive. That driveway is
11 pushed as far south as we can to meet the site
12 distances.

13 The second issue that was brought up to the
14 Board was the look of the office building. The
15 reaction of the Board was that it looked too much
16 like an office building and didn't fit in with the
17 apartment look.

18 The architect has since gone back and
19 redesigned the building to have instead of a flat
20 roof, it's more of a peaked roof residential look
21 really in keeping with what the apartment building is
22 going to look like. It has stone façade along the
23 base and peaked roofs to kind of break it up so it's
24 much more in keeping -- and it will be the same color
25 or same family of colors as the apartment building.

1 Again, we think this is a much nicer building and I
2 think that it has addressed the Board's concern.

3 Again, at the request of the Board and the
4 neighbors that were here at the last meeting, we set
5 up a meeting on site with Mr. John Drake. We went out
6 and took photographs from three abutting properties.
7 First, from Mr. Drake's house, Ms. Mary Cox's house
8 on this corner (indicating) and then from Paulson's
9 house looking this way. We Photoshopped in as best we
10 could what the apartments and garages are going to
11 look like based on a 3-D computerized model. This is
12 the view looking from Mr. Drake's house. Again, this
13 is during leaf-off conditions. These are all done
14 during leaf-off conditions and without the benefit of
15 showing any additional screening. So, this is what it
16 looks like in early spring or winter before leaves
17 have popped out. You can see the apartment in the
18 background and the roof of the apartment or the
19 garages a little bit closer.

20 So, when we were out there, there were two
21 people in the field. One person went out with a
22 handheld GPS with coordinates and stood on the corner
23 of the garages so we knew that where we Photoshopped
24 those in and built that model was accurate.

25 Just to give some distances there, the

1 garages are about 130 feet off of the spot where we
2 took the photo. The building corner here is 220 feet
3 from that photo.

4 This is the photo that was taken from Mary
5 Cox's house (Indicating). This is looking out her
6 backyard. Again, the same thing. The garages are in
7 the foreground and the apartment building towards the
8 rear during leaf-off and sort of worst case
9 conditions when you would be able to see.

10 The distances from there are 193 feet from
11 where we stood and took the photo to the corner of
12 the garage and 360 feet from the apartment building.
13 Again, that 100 foot buffer still remains
14 undisturbed.

15 This third photo was taken from this corner
16 of Paulson's property looking in toward the rear of
17 the site. The garages are again in the foreground and
18 the apartments in the back. This is also leaf-off
19 condition.

20 ACTING CHAIRMAN SHAMLIAN: Mike, would you mind
21 bringing them closer so the Board can see them?

22 MR. TUCKER: Again, to get the baseline, we
23 haven't shown any additional plantings or anything at
24 this point. It's just leaf-off condition.

25 ACTING CHAIRMAN SHAMLIAN: Can you leave them

1 so the public can see them too?

2 MR. TUCKER: Sure. So, on the photo taken from
3 Paulson's house, it is 160 feet to the garages and 264
4 to the apartment building.

5 ACTING CHAIRMAN SHAMLIAN: And the building
6 heights that you used in the computer simulation?

7 MR. TUCKER: They are the lower heights; 39
8 foot, 8 inches. We took into account the roughly three
9 or four feet in grade change that we anticipate is going
10 to happen.

11 Our geotechnical engineer has been out there
12 over the last week or so doing his test borings and
13 getting groundwater elevations. So, we are proceeding
14 now, with the full storm water management design.
15 Obviously, we know storm water management is a big
16 issue out there. Once we get those results, we will
17 be able to work through that design meeting both the
18 town and New York State DEC standards. We are
19 confident we can make that work. Hopefully, that will
20 improve some of the situation that is there today.

21 That's all I have.

22 ACTING CHAIRMAN SHAMLIAN: Our TDE is Joe
23 Grasso with CHA.

24 Joe, I know obviously you didn't do a formal
25 review -

1 MR. GRASSO: Yes, I will try to comment on the
2 fly on the issues.

3 I think that this meeting coming in - the
4 project had already received concept. Their next step
5 would typically be final site plans after multiple
6 rounds of review by our office and Town Departments.
7 Often times before he gets back to the Planning
8 Board, it's ready for final decision. I think this
9 step is good where the Planning Board can still be
10 engaged as the design details of the project are
11 getting worked out and the public can hear as the
12 design advances. So, I appreciate the Board having
13 this step in the process and the applicant actually
14 gave us good information to review.

15 We had received copies of the building
16 elevations and the revised site plans. We had not
17 received copies of the renderings which obviously we
18 will take a closer look at those.

19 In terms of the site plan, I really think
20 that moving that access drive onto Forts Ferry Road
21 50 feet to the east is a substantial improvement.

22 We went out there and we looked at that
23 location. There is a hedgerow on that property across
24 the street between the residence and the Capital
25 Region Health Park and this is going to be just

1 slightly to the east of that. I think it's going to
2 do a good job of making sure that as headlights come
3 out of that access drive - obviously, taking a left
4 there won't be any impact on the residence. There
5 could be a little bit of light swing across the front
6 if the vehicle is taking a right turn out. There are
7 not a lot of trips making that movement based on the
8 traffic study.

9 At the last meeting we talked about the
10 possibility of working with that land owner across
11 the street and possibly incorporating some
12 landscaping within their frontage. That is something
13 that the applicant committed to and I think that is
14 something that should continue to be explored.

15 The other thing is if we could just get the
16 site distance numbers for that proposal?

17 The only other thing that I would like to
18 validate is if the access was to shift anymore
19 towards the east, they would really need to go down
20 about 90 feet to where it lined up across from the
21 rights-in/rights-out access - the back access to the
22 Capital Region Health Park. We wouldn't want a slight
23 offset there.

24 Mike, I would like if you could give us that
25 site distance data for that location. We think that

1 it's going to be substandard and not meet the
2 requirements that we would typically apply to it, but
3 we would like that data just to validate that.
4 Obviously, if the site distance proved to be
5 acceptable, we would consider actually shifting it 90
6 feet further to the east and then taking that
7 headlight swing out of the picture and the need for
8 that landscaping across the street off the table
9 altogether. We are much more in favor of the access
10 location on Forts Ferry where it is shown now.

11 The other revision to the plan was the
12 emergency access which is actually proposed as part
13 of the project.

14 We've talked to Fire Services about these
15 emergency access connections and how they like them
16 articulated. Their preference is that it be gated and
17 paved. They have allowed gravel access for emergency
18 access-only drives in the past. They have allowed
19 some grass block pavers where it looks like a lawn
20 area, but has the structural integrity of a road.
21 That has not worked out well for them. They are not
22 supportive of that. We are indifferent as to whether
23 it's paved or gravel, but that is something that the
24 Board may want to comment on because we know the
25 location of the emergency access drive. We know it's

1 going to be there and it's going to be a visible
2 element as you drive down Forts Ferry Road. So, it's
3 something that the Board may want to comment on.

4 Regarding the architecture of the office
5 building, we think they have done a really good job
6 addressing the concerns that were raised by the Board
7 and even some members of the public at the last
8 meeting to try to make it look more in tune to the
9 architecture of the apartment building in the back.
10 Really, that office building is going to be really
11 what you see for the most part every day as you drive
12 by. The apartment building is about 600 feet off the
13 road and this one is only 100 feet or so.

14 So, the last time the office building - it is
15 a two-story building and it is still two-story. It
16 had a flat front façade up to and eave height 28 feet
17 and then a flat roof. So, it looks dark and blocky.
18 What they have done as they have changed to a pitched
19 roof line with hip roof style. It is a shingled roof.
20 The ridgeline actually goes up from 28 feet to 36
21 feet at the peak. The eave is down at 20 feet. So, I
22 think the scale of the building is less and it's
23 going to look better along that corridor of Forts
24 Ferry Road. I think it's a big step in the right
25 direction.

1 I know you have provided some colored
2 renderings. One thing that I would say as I delved
3 into the conversation about the buffer is the
4 architectural treatment and the color of the shingles
5 of the building are really going to have a big impact
6 as to how these buildings fit into the character and
7 the visibility to the buffer - primarily the backs of
8 the garages and the apartment buildings.

9 So, Mike I think it's important that you try
10 to pick colors of the building and the shingles that
11 are going to have the least impact on the neighbors
12 that if they look through the buffer because
13 obviously from the visuals, the building is going to
14 have some limited views during the leaf-off
15 conditions. I think the more that we can do to blend
16 the buildings into those wooded portions of the
17 buffer, the less visual impact it will be on those
18 residents in the back.

19 I do still think that some landscaping
20 between the buildings in the buffer - evergreen type
21 is appropriate. Even still, you can look at those
22 elevations and I don't think any amount of
23 landscaping is going to totally screen it. Obviously,
24 the landscaping is going to have to get pretty tall
25 to get above those garages to start screening views

1 towards the building. I do think that incorporating
2 some additional evergreen plantings in between the
3 garages in the buffer or even within the buffer is
4 something that could make the project even that much
5 more appealing to the Board.

6 A couple of things that haven't been advanced
7 - at least that we haven't reviewed is a more
8 developed landscaping plan. That was something that
9 we talked about and the Board can decide whether or
10 not they want to look at that before they get into
11 the final engineering.

12 The other thing that has not been addressed
13 is the sidewalk connectivity. We had some concerns
14 about where the sidewalk was being built. We haven't
15 gotten any additional information on that and that
16 may be something that they may want to work on and
17 bring back to the Board before they proceed to final.

18 There were some other follow-up items as I
19 was going to the minutes. There was a comment that I
20 would talk to the Department of Public Works about
21 potholes on Omega Terrace. It is a bit unrelated to
22 the project, but that is something that I have not
23 had a chance to do. I will before the project gets to
24 final review.

25 I think that's all of my comments. That's all

1 I've got.

2 ACTING CHAIRMAN SHAMLIAN: Thank you.

3 Does the Board have any questions?

4 MR. MION: I would like to see that landscaping
5 plan. I think that would benefit everybody and I'm sure
6 the public would like to see the plants that you are
7 going to be putting in.

8 MR. TUCKER: We were holding off doing the
9 final landscaping plan until our preliminary final
10 submission. That is typically when it is done. We wanted
11 to make sure that things were good with the layout and
12 the access road that we had shown. We are certainly
13 planning on doing a landscape plan as part of that.

14 MR. MION: I think you did a great job
15 answering a lot of the questions and concerns that we
16 had.

17 ACTING CHAIRMAN SHAMLIAN: Do you have an
18 elevation that you can show from Forts Ferry?

19 MR. TUCKER: We do not. I have a black and
20 white copy, but not a color copy.

21 ACTING CHAIRMAN SHAMLIAN: Just something so
22 that the residents can see what that looks like, as
23 well.

24 MR. TUCKER: We talk to the architect based on
25 the comments that we had about making - even though it's

1 not necessarily the front door of the office building -
2 making it present as though it is the front because it
3 is facing Forts Ferry.

4 ACTING CHAIRMAN SHAMLIAN: Thank you.

5 Before calling up some people who wanted to
6 speak, the Board update is something that the
7 Planning Board has been kind of toying around with in
8 terms of an idea to get bigger projects back before
9 the Board and back before residents so that an
10 exchange of information can take place. It is
11 important to understand that the Board update is not
12 a full-blown concept plan meeting. So, everyone who
13 wants to speak is certainly able to speak, but we
14 would like you to concentrate your comments on the
15 things that were presented tonight and not the
16 project in totality. Otherwise, these Board updates
17 are not going to be productive. The sole purpose is
18 to foster communication through this process.

19 With that in mind, Mr. John Drake?

20 MR. DRAKE: I appreciate that. Again, my name
21 is John Drake. My father was Mr. Drake. He was the
22 principal at our school so I'm just John. He's Mr.
23 Drake. I live at 4 Catalina Drive. I appreciate the
24 discussion tonight.

25 I just have a couple of follow-up questions.

1 I will start with the buffering. I haven't seen the
2 renderings yet, but I do appreciate them being taken.

3 The question that I have is last time Ms.
4 Slevin said that they welcome the opportunity to have
5 discussions about landscaping that is necessary. I
6 heard some Board Members again endorse that. So, my
7 question is how do we have involvement of the
8 neighbors before we get to the final review? How do
9 we encourage that discussion over the next weeks,
10 months or whatever that is so we can come here as a
11 neighborhood and at least understand and hopefully in
12 alignment and support of what is being proposed by
13 the project? So, that is one question that I have.
14 How do you help us connect with the team - the
15 development team to come here together -- maybe not
16 in full agreement, but at least understanding and in
17 some form of alignment for the next meeting.

18 The next question is on water management.
19 Unfortunately for the last three days there has been
20 standing water behind 27 and 29 Omega Terrace.

21 ACTING CHAIRMAN SHAMLIAN: I'm just going to
22 interrupt you for one second. The stage that the project
23 is in - there is a lot of engineering that still needs
24 to be done. Water has come up before in virtually every
25 meeting. So, again, I want to stay focused on the things

1 that were brought up tonight because that's on the
2 record. Storm water is definitely an issue that is all
3 around it.

4 MR. DRAKE: I was to say that this is the first
5 time -- I have lived there for 25 years and this is the
6 first time there has been standing water in the
7 retention basin behind 27 and 29 Omega Terrace - that I
8 can remember in 25 years. We didn't have that big a
9 rainfall on Saturday, so I didn't think it was that wet
10 of a spring but I will just say that there is still
11 water there and has been water there all weekend.

12 So, as they talk about water retention. I
13 have heard about tree surveys. So, I'm assuming there
14 will be a full tree survey as part of what's going to
15 happen. A lot of the trees that are on the property
16 that do take groundwater up into the atmosphere are
17 going to be gone. There is a large amount of
18 impervious surface. We have talked before and there's
19 actually extra parking here above and beyond. I just
20 want to find out about how those things get
21 addressed. I think you guys have talked about the
22 exit to the property and that's great.

23 The last thing is just about the building
24 height.

25 At the last meeting when I heard from Mr.

1 Grasso, you guys had not seen the 39 foot, 8 inch
2 building drawings yet. That was my understanding from
3 the comments that you made. Has the Board seen those
4 drawings now? Just so we all understand, this is not
5 the standard design for Summit. It is a reduced
6 height.

7 The other question that Mr. Grasso raised was
8 about potentially reducing the height of the floors
9 so that the roofline could be more aesthetically
10 pleasing. The question I have is: Has that been
11 done? Has the development team looked at shrinking
12 the level of the three-story to make the roofline
13 more aesthetic. Again, I appreciate it and those are
14 some additional questions that I would like to see if
15 we could get answers to tonight.

16 ACTING CHAIRMAN SHAMLIAN: Mike?

17 MR. TUCKER: I will let Marybeth speak to how
18 we get together with the neighbors and talk through the
19 buffering. The building height - we have reduced it to
20 be under Code. I don't know that necessarily the
21 architect is at the point yet where he has looked at
22 changing floor to floor heights to try to make the roof
23 back up to the pitch that they are used to. I don't
24 think that there's necessarily any reason to do that
25 structurally with the building. We will certainly bring

1 it to his attention and see if he can make it.

2 MR. DESANTIS: I can also comment as to the
3 heights to the various floors. These are 8 foot ceiling
4 heights; the first, second and third floors. With the
5 mechanicals that are necessary to run between the
6 floors, there isn't much latitude to minimize those any
7 further.

8 ACTING CHAIRMAN SHAMLIAN: Collaboration with
9 the neighbors?

10 MS. SLEVIN: We obviously plan to submit a full
11 proposal for the landscaping for both of the banked
12 parking and Planning Board review.

13 In the context of that, once those plans are
14 at a point where they are ready for review we would
15 be happy to sit down with the neighbors and review
16 them concurrently with the Planning Department review
17 and incorporate, to the extent possible, any comments
18 that we received. It would probably make sense to
19 just get those submissions in so that the Planning
20 process can continue, but also to make sure the
21 neighbors know when the submissions are made. If
22 there is an opportunity or if there is a desire to
23 meet and discuss them, we would be available to do
24 that.

25 ACTING CHAIRMAN SHAMLIAN: I think Mr. Drake is

1 making a very clear that he would like to.

2 MS. SLEVIN: And we have done that in the past.

3 MR. DRAKE: I don't feel like you have.

4 Can I speak again for about 30 seconds?

5 ACTING CHAIRMAN SHAMLIAN: Sure. They did meet
6 with you to take photos, right?

7 MR. DRAKE: Yes, I reached out to Mr. Tucker
8 after the meeting and he did follow up and they did come
9 out. That is collaboration. Doing something beforehand -
10 before the final drawings are -- that is collaboration.
11 Meeting with us a day or two before the final review
12 with this Board is not collaboration. That's telling us
13 what the answer is. This is the answer. We are not
14 changing it. This is what we're going to present. That's
15 better than nothing, but only a little better. What we
16 are asking for is to really collaborate because I don't
17 know what the right answer is and we may have some
18 suggestions that are less costly to the project than
19 what they come up with to buffer. We may say you don't
20 really need a buffer. You know what? It's okay. We need
21 to talk and there seems to be no willingness to do that.
22 I appreciate the comments, but that's not collaboration
23 in my view.

24 ACTING CHAIRMAN SHAMLIAN: Mike?

25 MR. MAGGUILLI: In the past we've been very

1 successful in working with Mr. Smith - Erich Smith and
2 the developers and getting the parties together. My
3 office would be willing to do that again, working with
4 Erich to arrange meetings in a timely fashion so that
5 the developer and the West Latham people can get
6 together with the landscaping plan. We would be glad to
7 do that.

8 ACTING CHAIRMAN SHAMLIAN: Okay.

9 Mr. John Fahey.

10 MR. FAHEY: In the interest of time - and I
11 know the folks from Fuller Road I can to keep you here
12 for a while tonight - I will just leave my written
13 comments. Would you mind making copies? I ran out of
14 ink.

15 ACTING CHAIRMAN SHAMLIAN: Nancy, please make
16 that part of the record.

17 Mary Cox.

18 MS. COX: I live at 31 Omega Terrace. As a
19 neighbor, I feel like there's going to be a period of
20 time here where we are totally out of the loop. We may
21 or may not get some smudges of information between now
22 and the major presentation that goes on. I think you,
23 the Planning Board, and this Town have a real great
24 opportunity here to make sure that everyone is involved,
25 to make sure that a lot of items are not just touched on

1 or contemplated may be down the road but actually
2 mandated for this project. Some of what you have touched
3 on tonight -- I'm just going to say that the ones that I
4 think are pretty critical -- that we need your
5 experience and your authority to make sure happens for
6 this project. I'm just going to give you a quick list.

7 Regarding the buffer, I think that we need to
8 require that they are planted evergreen buffers on
9 all sides that abut single-family residential. These
10 plantings should be on their property and perhaps
11 even in the buffer if the neighbors are okay with
12 that. We should mandate that.

13 Sidewalks - we should mandate that. We has
14 said over and over for two years now that there
15 should be sidewalks between Wade Road and Omega. This
16 should not be something that we allowed down the
17 road, this should be concurrent with construction.
18 Perhaps the exit should really be lined up with the
19 medical office building. Perhaps there should be a
20 light if there is not the right sight distance.
21 Perhaps we need a crosswalk there. These things have
22 to be thought about by you guys in mandated to this
23 developer.

24 One thing with water run off - I know that we
25 have talked about it - we cannot settle for no

1 additional runoff. That will be acceptable. There is
2 such a storm water management failure in this
3 neighborhood and it's not acceptable. The Town may be
4 has to pay for it and fix it, but it has to be fixed
5 and it has to be fixed concurrently with whatever we
6 are approving at the site.

7 The building height reduction scares me. Many
8 of you have seen the project and you say you love it.
9 We have no visual right now as to what this is going
10 to do. I know they have 8 foot high ceilings right
11 now. That's not competitive with a multi-family
12 product if they're going at nine and above. So, we
13 are taking something that were not even sure is going
14 to be market competitive anymore and allowing it to
15 be shrunk even further when we don't have a good
16 visual. You need to mandate a good visual - even a
17 3-D something that you can see and really stand
18 behind that this is good for our community.

19 One thing that sticks with me is - is it
20 prudent planning for the Town to require a second
21 survey. We know that there is a discrepancy between
22 what is on the books - 11 acres - and what they are
23 survey showed - 13 acres. People make mistakes.
24 Should the Board be mandating a second survey to
25 confirm that we are not letting overbuilding happen

1 here?

2 I guess my last thing is that we talked about
3 deed restriction. How are we going to make sure this
4 stays senior citizen housing? I think that was the
5 answer - that the Board was going to mandate some
6 type of deed restriction. We all know that can be
7 undone as easily as it's done and if not this Board,
8 the next Board. I think to take that approach -- we
9 are going to be comfortable that this is going to
10 remain senior housing, you need to make the abutting
11 property owners a party to this, too. It can't be
12 just between the developer and you guys. We are going
13 to be affected down the road, every day of our lives
14 with this.

15 So, I am hoping that you guys can step up and
16 really take charge of this. My Town elected officials
17 and Town Attorney have really betrayed us at this
18 point. That's all I have.

19 ACTING CHAIRMAN SHAMLIAN: Mike, do you want to
20 respond to a couple of those and then I will turn it
21 over to Joe.

22 MR. TUCKER: I don't know if there are
23 necessarily any questions there that I can respond to
24 off the top of my head. Obviously, the storm water - we
25 know. I did speak to that. The survey is - the site is

1 13 acres. I'm not sure where the other numbers coming
2 from. Certainly, it has been checked with all the deeds.

3 We will provide these numbers to Joe, but we
4 went out into that sight distance analysis, we did
5 kind of a sliding sight distance analysis. So, we
6 went as far as we could and still met acceptable
7 sight distances. So, moving it even further - even
8 across from the medical driveway - it will be a
9 sufficient sight distance.

10 A signal is certainly not warranted. We have
11 spoken about that previously and it is documented in
12 the traffic study.

13 ACTING CHAIRMAN SHAMLIAN: Does somebody want
14 to speak about the deed restriction on the senior
15 housing?

16 MR. GRASSO: I won't be able to speak to
17 whether or not deed restrictions in favor of the
18 neighborhood is appropriate. That is not my area of
19 expertise and I will defer to Kathleen or the Town
20 Attorney to answer that question. I think that the
21 question has come up before about it and it is being
22 proposed as an apartment complex or apartment building
23 that is geared toward seniors over 55. It has been
24 stated on the record. It has been stated on the record
25 that children are not allowed there. It has been stated

1 that any changes to those provisions would require
2 additional site plan review by the Planning Board. So, I
3 do think those types of conditions are appropriate by
4 the Planning Board as part of its final decision, with
5 appropriate notes on the plans.

6 Whether or not deed restrictions are
7 appropriate - again, I will again defer to the Town
8 Attorney's office.

9 The last speaker brought up really good
10 comments about the need to make things requirements
11 as part of the project. I think that's exactly what
12 the Town does to the process. Just to understand
13 where we are, the project recently received concept
14 acceptance with just a general intent of the layout
15 and look of the project. It is working towards final
16 engineering. When the project is ready for final site
17 plan approval, those things that we talked about - if
18 they're going to be incorporated into the plan - will
19 be made conditions of the final site plan approval.
20 The applicant needs to go through their additional
21 engineering studies and due diligence. Our office
22 needs to go through multiple rounds of review of
23 information to make sure it's accurate and addresses
24 the concerns of the Planning Board.

25 So, those things that they are asking for I

1 think for the most part will be built into the
2 project.

3 There are some things that we have talked
4 about - it could be sidewalks or landscaping - that
5 won't make it into the project based on all of the
6 comments that we have heard - comments about
7 landscaping around every building, around the
8 continuous perimeter of the site -- I personally feel
9 is inappropriate. That's not the level of review that
10 we are going to apply. That is something that the
11 Planning Board will get another chance to review and
12 comment on when the project comes back for final. I
13 think that we are headed in the right direction. I
14 think the Board is aware of the concerns and you will
15 do your job to make sure that what you are approving
16 actually gets built and the residents are good
17 neighbors. I will leave it at that.

18 ACTING CHAIRMAN SHAMLIAN: Mary Beth, do you
19 want to talk about the deed restriction?

20 MS. SLEVIN: I think that Joe really said it
21 best. This Board will have the opportunity to impose
22 appropriate restrictions on the conditions of the site
23 plan. That's really the place for those types of
24 restrictions and where they should be. Deed restrictions
25 start to create problems with lenders and with other

1 issues that really are beyond the purview of what is
2 needed to accomplish the goal. The goal is to make sure
3 that what is ultimately built is what was approved by
4 the Board. So, we would asked the Board to stay within
5 the jurisdiction of the Planning Board's purview and to
6 look at restrictions relative the site plan review,
7 rather than look at going beyond that into deed
8 restrictions.

9 ACTING CHAIRMAN SHAMLIAN: Crystal Bruno.

10 MS. BRUNO: Hi, good evening. I just want to
11 point out that I still believe that on many levels that
12 this is wrong.

13 The Town Land Use Law Section 190-16 - the
14 last sentence is: The scale of the development in
15 the OR district is intended to relate to the scale of
16 the adjacent residential neighborhood.

17 I can't see this relating to all of these
18 single-family homes that surround this parcel. I know
19 there is utility easement that runs directly to this
20 parcel at this diagonal that is connecting this home
21 that I used to own to its utility service. I also
22 know that home operates on a well. The storm water
23 management and the disturbance of this land - I know
24 that well is between 20 and 30 feet down. There is
25 going to be a problem with the adjacent parcels. That

1 has never been addressed. We have been going through
2 this now for over three years. However, this project
3 really has been going on for a lot longer than that.

4 There was a variance request made on 45 Forts
5 Ferry.

6 ACTING CHAIRMAN SHAMLIAN: Can we just stay
7 on -

8 MS. BRUNO: Our neighbor has been being told
9 that nobody knew of this buffer zone.

10 ACTING CHAIRMAN SHAMLIAN: We are going to stay
11 on topic tonight.

12 MS. BRUNO: But my issues have not been
13 addressed from the recent Planning Board meetings. So, I
14 am here to address them.

15 ACTING CHAIRMAN SHAMLIAN: You're talking about
16 a variance and not something that this Board has
17 anything to do with.

18 MS. BRUNO: No, this was in 2010. I know.
19 That's the Zoning Board of Appeals. I'm just here to let
20 you know so that we can -

21 ACTING CHAIRMAN SHAMLIAN: It is already on the
22 record. Let's move to something else.

23 MS. BRUNO: Well, I have a letter here from Mr.
24 Magguilli in 2010 recognizing that he is aware of the
25 variance request. He has been telling us that he has had

1 no knowledge of it - anything. This project has been
2 going on since then.

3 I have seen a letter of intent from Nigro to
4 the landowner for this parcel in 2010. So, nothing
5 that I have been addressing - like the well - like
6 the utility easement -- there is also another
7 easement that gives this parcel permission to access
8 this. So, if you are doing the deed research that you
9 should have been doing as a developer -

10 ACTING CHAIRMAN SHAMLIAN: I am sure that they
11 have done all of that. They would not be at this stage
12 if there was a deed restriction that was going to
13 prevent them developing the property.

14 MS. BRUNO: It would not be at this stage if I
15 didn't see the initial application and see that the
16 buffer zone showed 100 when it should've been well over
17 230 feet.

18 ACTING CHAIRMAN SHAMLIAN: We are not talking
19 about the buffer zone.

20 MS. BRUNO: I understand that.

21 ACTING CHAIRMAN SHAMLIAN: That subject has
22 been closed

23 MS. BRUNO: I still think this is wrong in many
24 legal levels and ethical levels. They have been arguing
25 that uniformity within the OR district.

1 There is also Town Law Section 269 which
2 conflict with other laws. This is the one with the
3 larger more restriction -- to govern. The larger
4 restriction is the larger buffer.

5 I like this project. I am actually a
6 developer - even a little one. I am not commercial at
7 all. However, I have built three single-family homes.
8 One of them is in this own. I know what I was put
9 through in developing that. There was a lot of hoops
10 to jump through. If I was even in this space, I would
11 read Section 190-16 of the OR residential district
12 classification and see the scale of the development
13 is intended to relate to the scale of the adjacent
14 neighborhood. I wouldn't even touch that, especially
15 in the Town of Colonie. We are relying on you to
16 uphold our Town Land Use Law and our Town Law. That's
17 what we are relying on you to do and we are relying
18 on Mr. Magguilli to be our Town Attorney and not Ms.
19 Mooney's or Mr. Nigro's attorney. Every meeting that
20 I have been to, he has had everything to say in their
21 favor and I don't feel that he is representing our
22 whole Town as a whole. So, I wish this project would
23 just move to a different location.

24 I think it's a great idea. We all do. If it
25 does go through, I just hope that you guys require

1 them to put a huge berm around the entire perimeter
2 of the buffer zone - not touching the buffer zone,
3 but within their parcel space. A berm and evergreens
4 for this neighborhood.

5 ACTING CHAIRMAN SHAMLIAN: Thank you.

6 I skipped over Joe Fesel.

7 MR. FESEL: Joe Fesel, 36 Nelson Avenue. I will
8 make it quick.

9 I wish there was a projector because it would
10 make it so much easier. I tried to go down to
11 Staples, but these cost -- Staples charges about \$380
12 for one of these.

13 I think we kind of underestimated the traffic
14 around this project, or just in general in this area.
15 I will make it short. This is the gateway into the
16 Forts Ferry community. If you have driven that road
17 every single day or come up Route 7, I don't
18 understand how that's going to totally work.

19 When you're coming from the Target area and
20 hit that light, it seems to be a little bit better. I
21 haven't seen the two second light recently. You hit
22 that road and then you hit Wade Extension and then at
23 the busiest worst of times, it starts to backup from
24 the other side - from Sparrowbush. You finally get
25 across in all of the cars stopped to get into the

1 Stewarts and then you're backing up and stuck in the
2 middle of the intersection. Now you're going to be
3 approaching it more and there is going to be another
4 entrance coming from the other side. Then, you get
5 from the back entrance of the medical facility which
6 was supposed to be only a one-way turn, but their
7 angle was allowed to be so short that everyone makes
8 a left and a right.

9 Then, you hit the McGynns and the Alexanians
10 and then you hit Eileen.

11 Have you ever driven that area during that
12 time? It is a nightmare. During the day sometimes,
13 but especially during rush hour. Then, from Route 7
14 when that backs up, you have everyone coming through
15 all of our communities - Omega Terrace and getting
16 in -- have you really considered without even the
17 project - about all that and how you're going to work
18 it all out and how you going to fix it so it doesn't
19 get worse and worse to the point where it gets really
20 dangerous at that intersection.

21 Everyone is getting more and more frustrated
22 that they can't make it through the light to get
23 there. Now, you're just adding more and more entrance
24 points in such a short distance. Is that considered
25 oars that discussed? Every time we talk about traffic

1 patterns, we just talk about the number of cars it
2 will add. We don't talk about how it works as a
3 system and I'm a little confused that was never
4 addressed because were just adding to the problem
5 more and more. If you live in that neighborhood, it's
6 getting more and more frustrating to come home at
7 night or to even pick up your kid or get to a scout
8 meeting or anything. It's becoming worse and worse.
9 More and more traffic is cutting through Omega
10 Terrace to avoid the Wade Road Extension. You pass by
11 the pocket park there and I just hope you're really
12 considering not just how many cars it's going to add,
13 but how it's going to affect the system and what
14 you're doing to make it better and not to make it
15 more difficult. I can only imagine what will happen
16 if those two other corners are ever developed more
17 than they already are. That's all I have to say. I'm
18 glad the road was move so the McGlynn's do not have
19 the light. I think that you really have to consider
20 traffic in the community and how it is affecting us
21 in the streets and what is going to be done as a
22 system. Thank you.

23 ACTING CHAIRMAN SHAMLIAN: Thank you.

24 Joe, do you have any comments?

25 MR. GRASSO: I'll just make a general comment

1 about traffic. Obviously, we hear it a lot and it is the
2 primary topic that the Town tries to take a really
3 proactive Planning approach with to mitigate the impacts
4 of the development in the Town. It is a desirable Town.
5 There is a variety of uses and a tremendous amount of
6 traffic in which traffic comes traffic delays.

7 The Town has done extensive plans in the
8 past. They have done these regional traffic studies.
9 The intersections around the site are a part of the
10 airport area GIS. If any of us have ever driven on
11 Wade Road Extension, that road was built and paid for
12 by developers in response to the traffic impacts of
13 all of these projects so the traffic conditions could
14 continue to operate at what we consider acceptable
15 levels of service. That's with the studies prove.
16 Things still operate acceptably. There is definitely
17 a lot of traffic congestion, especially during peak
18 hours but the Town tries to be proactive and have
19 development to its fair share.

20 I will say one step further that this area
21 that we are talking about - although the site is not
22 in the airport area GEIS study area, a lot of these
23 intersections that handle a lot of traffic are in the
24 Town has taken steps to initiate an update to the
25 airport area GEIS and all these things will be looked

1 at again with a whole new build-out scenario trying
2 to look forward another 15 or 20 years so that the
3 Town can keep abreast with what improvements are
4 needed to mitigate traffic as vacant properties get
5 developed or properties come up for redevelopment.
6 The own is working on a plan to try to keep abreast
7 of the traffic issues.

8 FROM THE FLOOR: So, a couple meetings ago we
9 discussed a two second light. Is there an update as to
10 how that conversation went with the Transportation
11 Department?

12 MR. GRASSO: Sure. So, we reached out and talk
13 to DOT.

14 Here's the thing. When a vehicle is coming
15 eastbound on Route 7, they take a left onto Wade Road
16 Extension and they are approaching the intersection
17 of Forts Ferry and Wade Road Extension. That car is
18 being given priority service. That signal is
19 immediately going to go to green for that car so that
20 they can go through down through Sparrowbush. So,
21 that was done as part of the Exit 6 reconstruction
22 project. What DOT told us is that it has never been
23 changed since then.

24 Their preference is to keep it that way and
25 to give it a priority service so that the cars on

1 Forts Ferry would be cycled at certain times in order
2 to keep traffic getting off of Route 7 and getting
3 through those two signals. That is something that if
4 the Town raised to DOT and asked them to relook at
5 that or recommend a change to it, that is something
6 that DOT would consider. It is not related to this
7 project, but it is a general thing that would come
8 out of the Town. It is typically something that would
9 go to their Highway Safety Committee and the
10 correspondence would go from the Town to DOT and then
11 DOT would follow up and see if the change is
12 appropriate.

13 ACTING CHAIRMAN SHAMLIAN: Joe, is that
14 something that you can talk to them about and see
15 whether or not the Town is in support of that change?

16 MR. LACIVITA: We can actually talk to Joe at
17 DOT.

18 ACTING CHAIRMAN SHAMLIAN: Chief? Comments?

19 MR. HEIDER: No.

20 ACTING CHAIRMAN SHAMLIAN: Susan?

21 MS. MILSTEIN: I don't have any comments.

22 ACTING CHAIRMAN SHAMLIAN: Brian?

23 MR. AUSTIN: No.

24 ACTING CHAIRMAN SHAMLIAN: Lou?

25 MR. MION: Nothing.

1 ACTING CHAIRMAN SHAMLIAN: I think right now
2 the office building looks much better than it did. I
3 think there is probably still some enhancements that you
4 can make to it. When you look at it, there is a lot of
5 the same -- it's a big building but perhaps there are
6 some things that you can do to break up that façade so
7 that it's not quite the mass of sameness.

8 Take into account everything you have heard
9 tonight and thank you for the Board update.

10 As I said, this is an experimentation with
11 Board updates and getting feedback from residents
12 along the way. Hopefully this is something that
13 everyone felt was useful. Thank you.

14 (Whereas the above entitled proceeding was
15 concluded at 8:10 p.m.)

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CERTIFICATION

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I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York,
hereby CERTIFY that the record taken by me at the
time and place noted in the heading hereof is a true
and accurate transcript of same, to the best of my
ability and belief.

Dated: _____

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