

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 ROSSETTI APARTMENT COMPLEX, 54 VLY ROAD,
5 APPLICATION FOR CONCEPT ACCEPTANCE, TWO-STORY
6 EIGHT-UNIT AND TWO-STORY TEN-UNIT APARTMENT
7 BUILDINGS

8 *****

9 THE STENOGRAPHIC MINUTES of the above entitled matter
10 by NANCY L. STRANG, a Shorthand Reporter commencing on
11 October 30, 2018 at 7:00 p.m. at The Public Operations
12 Center, 347 Old Niskayuna Road, Latham, New York

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14 BOARD MEMBERS:
15 PETER STUTO, CHAIRMAN
16 CRAIG SHAMLIAN
17 BRIAN AUSTIN
18 KATHLEEN DALTON
19 SUSAN MILSTEIN
20 LOU MION
21 STEVEN HEIDER

22

23 ALSO PRESENT:

24 Michael C. Magguilli, Esq., Town Attorney
25 Joseph LaCivita, Director, Planning and Economic
Chris Falvey, Rossetti Associates
Mike Tucker, PE, VHB
Chuck Voss, PE, Barton and Loguidice
John Lapper
Carol Lagace
Larry Lagace
John Moore
William Fahy
Dolores Stuart
Dave Teague
Gilda Leone
Ronald Dessormeau
Michael Watkins

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1 CHAIRMAN STUTO: Welcome to the Town of Colonie
2 Planning Board. I see people are signing in over there
3 to speak. That's fine. We're going to try to get going.
4 We have a lot of work to do tonight.

5 Before we start, we have a couple of items.

6 One is: In light of the recent tragic events
7 throughout the country, we would like to observe a
8 moment of silence.

9 (A moment of silence was observed)

10 Thank you.

11 Another item of information - there had been
12 an inquiry asked and I'm not sure what exactly the
13 context was because we talk about a lot of things. The
14 question had been: What is the water capacity of for
15 future development in the Town?

16 We made an inquiry of John Frazer who runs
17 the Water Department. It may have another official
18 name. I'm going to ask counsel, Mike Magguilli, if he
19 could read in the response to that question.

20 MR. MAGGUILLI: Good evening. I will have this
21 marked later as Board Exhibit 1. This is an email from
22 John Frazer to Paul Rosano. It is dated Thursday,
23 October 25, 2018 at 12:13 p.m., eastern daylight time.
24 It reads as follows: Paul, Pursuant to your request, I
25 am writing to discuss the capacity of the Latham Water

1 District with respect to future development within the
2 Town. Based on our conversation, there has been concern
3 by the public that the water system capacity is not
4 being considered when various development projects are
5 approved.

6 In May of 2002 O'Brien and Geer Engineers
7 completed the Mohawk View Water Treatment Plant
8 Expansion Basis of design report. The Latham Water
9 District recognized the need to upgrade the treatment
10 plant and pumping capacity to meet both growth within
11 the Town and new quality water requirements. As a part
12 of that report, O'Brien and Geer evaluated, among
13 other design considerations, the long-term capacity of
14 the treatment plant to meet the potential growth of
15 the Town's population. They utilized historical water
16 use data for the plant, as well as historical U.S.
17 Census data and CDTA population growth projections to
18 estimate the necessary future plant capacity. The
19 plant capacity was chosen as 30 million gallons per
20 day MGD, which was to meet the maximum projected day -
21 the highest one-day demand of the calendar year and in
22 an average day, water demands throughout the year
23 2025. Construction of the treatment plant upgrade was
24 completed in 2005 providing what was expected to be 20
25 years growth capacity. However, the actual demands

1 have been lower than were projected in 2002. For
2 example, the report expected our average day and
3 maximum day demands in 2017 to be approximately 15 MGD
4 and 28 MGD, respectively. In actuality, the 2017
5 average day demand was 9.0 MGD and the maximum day
6 demand was 15.1 MGD; both significantly less than
7 projected. In fact, the greatest average day demand we
8 have had in the last seven years is 11.4 MGD; in 2016
9 (when we were selling water to Albany during their
10 emergency) and the greatest maximum day demand is 23.3
11 MGD in 2012. Again, below projections. Factors
12 contributing to lower than expected water use can be
13 included. The use of water efficient devices in the
14 home i.e. low flow toilets, high-efficiency washing
15 machines, etc, a loss of industrial customers and
16 weather patterns.

17 While we believe that we have sufficient
18 capacity to meet the demands beyond 2025, we will be
19 updating the basis of design report in 2020 or 2021 to
20 identify improvements to meet the future demands and
21 water quality regulations, if any. Improvements
22 identified would be added to the districts five year
23 capital plan for implementation by 2025. If you have
24 any questions or need any additional information,
25 please don't hesitate to call me.

1 CHAIRMAN STUTO: Are there any comments or
2 questions from the Board Members on that?

3 We also like to put people on the spot on
4 occasion. I see two young women in the second row. Are
5 you students?

6 FROM THE FLOOR: Yes.

7 CHAIRMAN STUTO: Can you tell us where you are
8 from?

9 FROM THE FLOOR: Columbia.

10 CHAIRMAN STUTUO: Columbia High School?

11 FROM THE FLOOR: Yes.

12 CHAIRMAN STUTO: What class are you here for?

13 FROM THE FLOOR: Participation in government.

14 CHAIRMAN STUTO: Great. If you have any
15 questions, we are happy to answer them between items, or
16 at the end. During the middle, you can go up and speak
17 on the microphone.

18 Joe LaCivita any departmental announcements
19 before we call the agenda?

20 MR. LACIVITA: Nothing at this time, Peter.

21 CHAIRMAN STUTO: First item on the agenda is
22 Rossetti Apartment Complex, 54 Vly Road, application for
23 concept acceptance, two-story eight-unit and two-story
24 ten-unit apartment buildings.

25 Do you have any preliminary comments before

1 we turn it over?

2 MR. LACIVITA: Yes, Peter. I just want to make
3 a correction to that. It was copy and pasted from a
4 different one. It's actually 2 two-story eight-units and
5 then a twelve-unit complex. There are actually three
6 buildings on this new plan before us tonight.

7 CHAIRMAN STUTO: Two eights and a duplex,
8 right?

9 LACIVITA: Correct.

10 MR. FALVEY: Good evening. I am Chris Falvey
11 with Rossetti Associates. We were here back in the
12 summer for the initial plan and we have come back this
13 evening with some significant changes.

14 As you mentioned, we have 2 eight-unit
15 buildings and a duplex. We have actually eliminated
16 all the garages that were part of the initial plan.
17 There was a concern. So, we have completely taken the
18 garages out.

19 We have added amenities including a patio,
20 bike rack and a mail kiosk. We have shifted the
21 buildings away from Gilda Leone's property. We have
22 added a fence and extra landscaping at the property
23 line where Gilda's property meets our property. We
24 have increased the overall landscaping. We have
25 decreased the building area by 14%. We have decreased

1 the paved area by 5 1/2% and we have increased the
2 green space by 10%.

3 I have Mike Tucker with VHB and John Lapper
4 are here to take you through the project in further
5 detail.

6 CHAIRMAN STUTO: Can you repeat the amenities
7 again? I just didn't hear what you said.

8 MR. FALVEY: Yes. Mike can show you on the map.

9 We added a patio, a mail kiosk and a bike
10 rack and increased significantly the green space.

11 CHAIRMAN STUTO: Okay, thank you.

12 MR. TUCKER: Good evening. I am Mike Tucker
13 from VHB.

14 The plan that is here on the easel is the new
15 site plan so you can see the 28 unit buildings and the
16 duplex that is now closer to Vly Road. Access is still
17 what we had proposed previously through the office
18 park and off of New Karner Road. The connection to Vly
19 is emergency only and it is shown as an emergency
20 access with a gate. You can see in comparing the two
21 plans, the older one being over there (Indicating) we
22 have shifted the buildings to the south, provided the
23 parking between the offices and the residential
24 buildings, eliminated the garages and as Chris said,
25 we greatly increased the green space.

1 The buildings themselves are a total of 5,000
2 square feet smaller in footprint, which has allowed us
3 to do that - to increase that green space and also
4 eliminating the garages that got rid of a lot of the
5 pavement to get in and out of the driveways. That is
6 a summary of the changes.

7 MR. MAGGUILLI: Smaller each?

8 MR. TUCKER: Between these three buildings and
9 what was shown on these two previously, correct.

10 CHAIRMAN STUTO: Is that the end, for now?

11 MR. TUCKER: Yes.

12 CHAIRMAN STUTO: Okay, this has been reviewed
13 by our Town Designated Engineer, Barton and Loguidice,
14 Chuck Voss.

15 Chuck, I know that you have some thoughts on
16 this. Can you share this with us?

17 MR. VOSS: Sure, Peter.

18 The Board should have in their packet our
19 letter dated September 6 which was our concept review
20 of this application. As the Board will remember, this
21 is the second time we have looked at a concept
22 application for this. Basically, the difference with
23 this one is, as they were just mentioning, the
24 buildings have been shifted. The development is
25 smaller. The site has been slightly reconfigured to

1 kind of pull development away from the adjacent
2 neighbors and closer to the Vly Road section.

3 The utilities, in terms of any changes, are
4 basically the same. The sewer connections will still
5 connect out to New Karner at this point and maybe
6 potentially to Vly. That depends on what the Town
7 ultimately decides.

8 The water is certainly there. The water line
9 capacities are there. Those districts haven't changed.
10 The access points are essentially the same from a
11 prior diagram.

12 We did want to note a couple additional
13 things. They did add a couple additional amenities and
14 I know the Board had talked about that at the past
15 meeting with the folks.

16 The one concern is the proposed patio
17 location is close to that building - Johnson and
18 Multiple Sclerosis sites. It seems to be a little far
19 away from where the potential users might be. The
20 concern there is the users of that office building
21 might use that patio, instead. Maybe that could be
22 reconfigured. Maybe there could be a lawn area between
23 the two buildings. That is a potential thought.

24 The other thought is we would like to see
25 some additional landscaping around the site. I can

1 certainly go through that with the applicants once
2 they get to that point. There is additional street
3 trees that we thought were appropriate to further
4 screen the potential apartment buildings from the
5 existing office park off to the north and then
6 certainly some additional screening to New Karner
7 Road.

8 There was also an additional thought about
9 potentially allowing the eastern end of the site to
10 remain almost green instead of the two unit
11 residential building in that location. It is, in and
12 of itself, somewhat compatible with the uses along Vly
13 Road. The thought is to prevent and help screen the
14 new apartment building site. Potentially, a new garage
15 building could be talked back in there with some
16 additional landscaping, or you could just leave that
17 area as green space for open amenities for the
18 residents.

19 I think the Board was certainly concerned the
20 last time that if you have children or families in
21 that location, there is really nothing for them to be
22 able to recreate on the site, or move around the site.

23 Other than that, the only other thing that I
24 want to make the Board aware of that is different - -
25 it's not really different, but the Board has

1 established since the last time that this action is
2 considered an unlisted action as part of SEQR.

3 CHAIRMAN STUTO: Have you thought about another
4 means of egress?

5 MR. VOSS: Yes, thank you Peter for reminding
6 me.

7 We were curious about the front parking lot
8 in front of that office building at 421 New Karner
9 Road. There is a parking lot there with a stub out. It
10 looks like it was potentially made for interconnecting
11 basically to the south. The thought was maybe it's a
12 second means of ingress or egress to bring a small
13 parking lot right around the front of that building
14 and into the western side of the site. It is something
15 that we might take a look at and just kind of get your
16 ideas. Maybe you could arc it back through. It's
17 another way to get in on that side and encourage
18 folks. Five-o'clock is going to be tough for people to
19 come and go up through the middle of those office
20 buildings and into that residential component.

21 CHAIRMAN STUTO: I am weighing whether I should
22 make the statement or not, but I will make this
23 statement.

24 I think if you lost the two-unit, this would
25 tend to be an easy one. I will just leave that

1 statement there.

2 I'm sure that there are members of the public
3 that want to speak.

4 Is there anyone that has initial comments?

5 (There was no response.)

6 Does the applicant have any thoughts on the
7 alternative means of egress from an engineering or
8 whatever perspective that you might have?

9 MR. TUCKER: Yes. I don't see any reason why we
10 couldn't do that. It ends up going to the same entrance
11 onto New Karner Road, but it may split the trips up a
12 little bit. We were thinking that we would use one as an
13 emergency and get rid of this or just providing -

14 MR. VOSS: I think there's a sense that the
15 Fire Department may want to keep that emergency access
16 on Vly Road. Feasibly, if we can really get that closed
17 off, that would be even better.

18 CHAIRMAN STUTO: Carol Lagace.

19 MS. LAGACE: Hi, I'm Carol Lagace. I live at
20 68 Vly Road.

21 The only question I have for the Board is:
22 Would any of you want this on your nice suburban
23 streets? Think about it. That is all I'm saying. Would
24 you like it there? All of our property is where our
25 money is and we don't want to see our property value

1 go down. Thank you.

2 CHAIRMAN STUTO: I appreciate that comment, but
3 they are entitled to build something there, ma'am.

4 MS. LAGACE: I understand. We would like to
5 have something compatible.

6 CHAIRMAN STUTO: Thank you.

7 Larry, would you like to speak?

8 MR. LAGACE: Sure. As my wife indicated, we
9 live at 68 Vly Road. We have been there for 50 years.
10 So, I have seen a lot of changes in the Town.

11 I'll keep my comments pretty much to some
12 technical points. I was here for the last meeting and
13 I did make some points. It looks like in general, the
14 plan is moving in the right direction. I think there
15 are some other things that could be done.

16 One of the things that I mentioned the last
17 time was my concern on the technical basis for the
18 water proposals. I think some study has been done for
19 the water table and so forth.

20 CHAIRMAN STUTO: We will answer all your
21 comments all at once.

22 MR. LAGACE: The whole east side of Vly Road in
23 the Village has a very high water table - and also on
24 the west side - very high water table. You are basically
25 sitting on an aquifer over there. The east side is

1 currently being drained by the Village storm storage
2 system. Additionally, there's also a running creek - a
3 very small running stream - maybe 150 feet south of this
4 facility. So, putting a water catchment basin in there
5 really requires a close look.

6 We have a real poor example of one over at
7 the Price Chopper, if anybody here goes over there. We
8 have got a pond - a surface pond there that is in
9 terrible condition for the same reason that we have a
10 high water table. So, I think that really needs a
11 close study before we buy into that so that we don't
12 end up with something similar.

13 I think my main concern initially was more
14 traffic on Vly Road. It looks like that is being
15 addressed. One thing to think about: We're going to
16 put maybe another 40 to 50 people on that site mixed
17 from youths, teenagers and adults. That may very well
18 encourage pedestrian traffic and we have no shoulder
19 on the road. There are no sidewalks. There's a
20 playground over at Saddlewood School. There is a
21 beverage center at the end of the road. There is a
22 pizza shop. There is McDonald's.

23 It wasn't more than a month ago that there
24 was a very serious accident just south of this
25 facility that took out the guardrails. Had a

1 pedestrian been there, somebody would have been
2 killed. So, even though perhaps we are addressing
3 motor vehicle traffic, there is a potential for
4 pedestrian traffic. I think we need to be aware of
5 that.

6 This site is really a very nice site for
7 another commercial building - office building, much as
8 Rossetti has done north of here. They have done a nice
9 job. It is a nice clean site. There's plenty of green
10 space, but this technicality of incorporating these
11 lots so that you can claim green space is a hoax. You
12 can't come outside this facility and two kids play
13 frisbee on this piece of property without encroaching
14 on the office buildings. We keep talking about the
15 green space but this idea of - we are going to get to
16 the green space requirement by combining these lots -
17 I can see this facility using the screen space.

18 I will tell you that the way the site is
19 currently, if my vote counted, you would get a vote of
20 no. I don't know how many people here agree with me on
21 that - a show of hands -

22 CHAIRMAN STUTO: Sir, you have to address the
23 Board.

24 MR. LAGACE: I think you want the input from
25 the residents. That's all I have to say.

1 CHAIRMAN STUTO: Thank you.

2 Can you address the water catchment area and
3 the general stormwater of the property?

4 MR. TUCKER: We did a really preliminary study
5 that included two test pits on the site and some
6 infiltration testing. As you work your way west, the
7 groundwater does get further down so that's why we are
8 proposing the infiltration basin on that side. We
9 actually went down 5 1/2 feet for that infiltration
10 basin that was proposed and did not hit groundwater. We
11 did hit it in the middle of the site and further on the
12 side and it varied from roughly 4 feet to 5 1/2 in the
13 middle.

14 FROM THE FLOOR: We can't hear.

15 MR. TUCKER: As part of that initial study, we
16 did do some infiltration testing in test pits. We did
17 not hit groundwater at 6 1/2 feet where that is
18 proposed. It did infiltrate rather well so that's why we
19 are proposing that again. We have not done a full study
20 at this point. We just did some initial testing to make
21 sure what we are showing at work.

22 CHAIRMAN STUTO: Chuck, do you have any
23 preliminary comments on that?

24 MR. VOSS: At this point, Peter, we haven't
25 seen any stormwater management plan other than just a

1 concept proposal. They are talking about an infiltration
2 basin and the soils in that area are generally fairly
3 decent with Colonie sands, in general, but the site
4 might be a little bit different. Once we see the
5 stormwater report, we will obviously have some more
6 information. If Mike is not finding water in those test
7 pits -- I assume they were witnessed by the stormwater
8 office here at the Town, as they usually are - that's
9 pretty deep, all things considered in terms of
10 stormwater management.

11 CHAIRMAN STUTO: And we are not making a final
12 decision now.

13 MR. VOSS: No, but we will certainly work with
14 the applicant on the design to make sure that it
15 conforms with all the DEC requirements and that it
16 works.

17 CHAIRMAN STUTO: John Moore.

18 MR. MOORE: I want to second what Larry said.
19 Our neighborhood is a residential area. I'm very
20 familiar with Vly Road. I use it all the time. I
21 actually got knocked off my bike with my son on the back
22 of my bike by a driver on Vly Road. It is extremely
23 dangerous. We don't need any more traffic.

24 His point is very well taken. If you put 18
25 units in there, you're going to get a lot of foot

1 traffic. There is a good chance that somebody will get
2 killed because the kids run up and down that road at
3 50 and 60 mile per hour. It is a very dangerous road.
4 We don't need any more foot traffic. If the Town wants
5 to put in sidewalks, we would support that. I have
6 asked Linda and others and the Mayor of the Village
7 for sidewalks in the past. It sort of falls on deaf
8 ears because you have the Village on one side and you
9 have the Town on the other. We could really use them.
10 If you put in sidewalks, I will support the project -
11 and reduce the traffic.

12 CHAIRMAN STUTO: Where's the Village line?

13 MR. MOORE: I think it's right down the middle
14 of the road. So, you have both entities there. It is
15 going to be very dangerous as people start walking on
16 it. Any more foot traffic is going to be bad. Thanks.

17 CHAIRMAN STUTO: William Fahy.

18 MR. FAHY: I live right there (Indicating),
19 right across from where that driveway is going. I don't
20 want that there.

21 CHAIRMAN STUTO: It is emergency access. You do
22 understand that?

23 MR. FAHY: I could care less about emergency
24 traffic. Us on Vly Road don't want any exits of traffic
25 onto Vly Road. You say emergency exit - you could put a

1 fence up there, you could put a gate up there, but
2 change is constant. It will be knocked over, eventually.
3 It will be used eventually for traffic. Probably not
4 when it is brand-new, it probably three or four years
5 down the road. It will be knocked down and it will be
6 used.

7 There is one instance over by the Home Depot
8 on Washington Avenue. They have a fence to block the
9 traffic from going out by the Albany Fire Department.
10 That gate is always open and everybody uses it.

11 Change is constant. We don't want anything on
12 the side of the road.

13 The architects like the number 18. The number
14 18 is the number of what they started out with a year
15 ago for apartments. They wanted a ten-unit apartment
16 and then an eight-unit apartment. They wanted 18. They
17 still got 18 by putting that duplex there. They don't
18 need 18 apartments and a separate duplex. They can
19 keep that out of there and have a green space. He's
20 got 162 units going over Shaker Road. He doesn't need
21 any more apartments with those two units. I would be
22 happy if he eliminated the service road and eliminate
23 the duplex. Thank you.

24 CHAIRMAN STUTO: Delores Stuart.

25 MS. STUART: I am from the Village and we do

1 not need any more traffic on Vly Road than what we have
2 now. It is hard to get out of our street onto Vly Road
3 in the morning and in the evening when there's 5:00
4 traffic. It just doesn't need any more. If they go out
5 to Karner Road, that's fine. They've got lots of room
6 out there. We cannot have it on Vly Road.

7 CHAIRMAN STUTO: Thank you.

8 Dave Teague.

9 MR. TEAGUE: I agree and I'm on the same side.

10 CHAIRMAN STUTO: Thank you.

11 Gilda Leone.

12 MS. LEONE: I am the one that is highly
13 impacted. I'm the one next door by the inground pool
14 right there.

15 CHAIRMAN STUTO: Can you point to your house?

16 MS. LEONE: My house is right there
17 (Indicating).

18 There's the house. There is the cabana. There
19 is the car.

20 The fence - how high is that fence? If it is
21 not 10 feet at least, don't talk to me. I want it all
22 the way down, if it happens at all. I have the
23 eight-foot fence on the other side that was there that
24 he promised me and it became six-foot because he put
25 it in the drain ditch. I told you before that the

1 disabled will hop over. I am done with playing with
2 this garbage as far as Rosetti's yeah, yeah, yeah,
3 I'll do it and that it doesn't happen.

4 Like I said, if he puts it in a drainage
5 ditch - I don't even want to get into it.

6 Some of the things that I want to discuss - -
7 the only changes that I have seen from the last time
8 was he went to two buildings, eight units, throw in a
9 duplex and got rid of the garages. That was it. There
10 is only an acre of land that he bought for \$350,000.
11 Maybe there's another half-acre behind it. So, you are
12 putting all this on approximately an acre and a half.
13 I don't care that you add all this office building and
14 pretend there's more space to build. That's wrong. It
15 is honest to God wrong. This is all you have. You all
16 should have a community trip or something - Board
17 Member trip and see that he bought a parcel of an
18 acreage and the little bit that he had behind it. It
19 is an acre of land - a little bit more than an acre of
20 land. It's one and a half, maybe. So, to throw three
21 buildings on it, let alone even one building of 10
22 apartments, is ridiculous.

23 If we want to discuss green space, the green
24 space still says 104,892 square feet of green space.
25 Where? The property itself doesn't even equal that.

1 One acre is 43,560 square feet. He bought 1 acre.
2 Maybe he has half an acre back here. One and a half
3 acres at 43,000 - approximately 43,000 square feet is
4 an acre of land -

5 CHAIRMAN STUTO: Can you tell us how big that
6 is, Mike?

7 MR. FALVEY: We would just ask her to be a
8 little more civil right now.

9 CHAIRMAN STUTO: And I am asking you a
10 question. I would like to ask the engineer: What is the
11 acreage on the spot that is green on the site?

12 MR. ENGINEER: The new site is 1.83 acres.

13 MS. LEONE: I'm not an engineer, I am an
14 educator. Still, you do not have 105,000 square feet of
15 green space when 1.8 doesn't equal that amount. So, this
16 is all green space? We are not putting in any buildings?
17 Is that what we're doing? I can do the math. I'm sure
18 everyone else can.

19 CHAIRMAN STUTO: With all due respect, we
20 understand.

21 MS. LEONE: Thank you.

22 I don't care about the parking, or the
23 garages, or visitors that don't have anything. That
24 doesn't even bother me anymore.

25 Eighteen apartments - again, you have 36 to

1 72 people being in those places. It is an impact of
2 more than 40 people. If there are families, that's
3 going to be real hard.

4 Again, no water pressure. You can't build six
5 inches to eight-inch pipes. You need an eight-inch
6 sewer main at least. There are no storm drains. The
7 high water table, like they were talking about -- the
8 6-inch line on Vly Road is the white transit asbestos
9 pipe, if anyone cares. My husband saw it being put in,
10 so he does this stuff. The garbage pad is supposedly
11 supposed to be 25 to 30 feet away from my home. This
12 is on the borderline. He put that garbage pad in a
13 year before, by the way, if anyone cares.

14 I'm wondering about the noise. Is there going
15 to be a compressor that's going to be going all the
16 time, or is it going to be the dumpster that at 3:00
17 or 4:00 in the morning that always comes and gets the
18 garbage from the office spaces. All over here -- that
19 is next to me. There are parking lights that go into
20 my bedroom. I get to enjoy the noise level, too. As
21 far as trips being 10 trips, I don't think 72 people
22 is going to be 10 trips.

23 How many months of construction will it be?

24 I'm sure we brought this up, but Rosetti owns
25 a duplex next to this property on this side

1 (Indicating). So, is he going to put some giant wall
2 here so they are not using that driveway to get out,
3 instead of the emergency exit? Do you understand what
4 I'm saying? They would just go out that driveway on
5 his property on the other side. That is what I'm
6 thinking. I would do that. What the heck? Again, we
7 are using Vly Road.

8 Finally, if you want to really have some
9 green space, buy my home for \$250,000 and you have all
10 the green space and everything you want in the world
11 to make yourselves happy. Thank you.

12 CHAIRMAN STUTO: Thank you.

13 Can you answer a couple questions? Talk about
14 water pressure, noise from compressors and
15 construction time period.

16 MR. TUCKER: I can answer the water pressure
17 question. There is a six-inch in Vly. There is also a
18 16-inch in New Karner, which we are connecting through
19 with an eight-inch to the site. So, with that 16 -
20 everything that you have heard from Latham Water says
21 that there will be sufficient flow and pressure. Also,
22 it should also help on Vly also.

23 CHAIRMAN STUTO: So, you are going to connect
24 the two systems?

25 MR. TUCKER: We are, correct.

1 CHAIRMAN STUTO: Noise and construction time?

2 MR. TUCKER: The noise - I don't think there's
3 anything -

4 CHAIRMAN STUTO: Air conditioners?

5 MR. TUCKER: Air conditioners - obviously, they
6 will be tucked as far away from the residential
7 neighborhood as we can and hide them in a corner from
8 the buildings.

9 MS. LEONE: Will there be a compactor or
10 something? Will there be a dumpster?

11 MR. TUCKER: They are sharing a dumpster with
12 the office park.

13 CHAIRMAN STUTO: Where's the location for that?

14 MR. FALVEY: It's back in this area
15 (Indicating).

16 MR. TUCKER: It's actually not a dumpster. It
17 will be a compactor, which gets emptied a lot less
18 frequently.

19 CHAIRMAN STUTO: Do the individuals have to
20 bring their garbage out there?

21 MR. TUCKER: Yes.

22 MS. LEONE: How high is the fence?

23 CHAIRMAN STUTO: Ma'am, you can't run the
24 meeting, okay?

25 MR. TUCKER: I don't know that we have decided

1 on the fence yet. I don't think in the Town of Colonie
2 you're allowed to build a 10-foot fence. I think the
3 maximum is eight, if I'm correct. So, we are probably
4 putting in an eight-foot fence.

5 CHAIRMAN STUTO: Construction time?

6 MR. TUCKER: If we start during the
7 construction season, it's probably less than one year.

8 CHAIRMAN STUTO: Thank you.

9 Ronald Dessormeau.

10 MR. DESSORMEAU: Everybody said everything that
11 I was going to say anyway. I live next door to Gilda.

12 I'm at fault for Rosetti being there. My
13 brother sold my father's house at 64 Vly Road to
14 Rosetti. He owned from Vly Road to New Karner Road and
15 that's why Rosetti is there now and that's why we are
16 here speaking with everybody. Am I correct? My brother
17 is at fault and not me.

18 I agree with what everyone has said. I'm
19 putting up with the Rosetti's neighbors next door to
20 me. They are pain in the neck. Putting up with the
21 kids that are in Rosetti's building behind my house -
22 my son - as he rents the house from me. The kids come
23 over and they try to jump over the fence. I agree with
24 everybody else has said also.

25 CHAIRMAN STUTO: Okay, thank you.

1 Michael Watkins.

2 MR. WATKINS: Hello, I am Mike Watkins. I am
3 actually impacted. I live at 51 Vly which is directly
4 across from where the old driveway was going to go. Now,
5 I gained a little bit more room there, I guess.

6 I just want to restate some of the points
7 that have been out there with a little more fact. On
8 the sheet of the project narrative, if you look at it,
9 the first line - a kind of confuses me. Let me repeat
10 it. "Rosetti properties proposes to then construct two
11 eight-unit apartment buildings and one two-unit
12 apartment building for a total of 18 apartments on
13 approximately 5.4 acres."

14 Well, now we know that it's only 1.83. Is
15 that exact statement true? It's not true. That should
16 say approximately 1.83 acres. The 3.7 acres is where
17 everything else is located. I don't know how the Town
18 even in the beginning allowed that to be part of what
19 they are doing. That is a question for the Board. I am
20 not sure.

21 Was there any environmental impact study
22 done? I'd like an answer for that.

23 The fence - we know there is a gate. I just
24 want to know why we have to have a gate. Everybody is
25 arguing about how we should not have a gate and we

1 should. I understand emergencies, but we had a fireman
2 here three meetings ago saying we wouldn't come that
3 way. We come down New Karner. We know cul-de-sacs
4 don't have a back entrance and Colonie has a lot of
5 them. So, do we have to have an emergency gate? If we
6 do get an emergency gate, can they petition two years
7 from now to have it removed? Is that possible? The
8 idea that she brought up about his property to the
9 south of this - - we know there's going to be a fence
10 along the front across from my house, but why is there
11 only fencing around the neighbors here, but not his
12 own? Why isn't there a fence along the length in
13 between? I just want to make sure that in the future,
14 since he owns the property next door, what is stopping
15 him to petition to open up and knock down that
16 building and add another building? Is there protection
17 for neighbors? They do have a right to build, but how
18 do we protect ourselves from in the future of
19 expansion? Do we come and fight again and they win
20 because they are allowed to build? What is our
21 protection and writing or other means to the Board - -
22 since you know the property around it, we can't clear
23 the house and put another 140 like Shaker Run or
24 Shaker West - - the new 146 on Quaker land.

25 I would like to understand once construction

1 starts, can we have a gate - if we can't eliminate the
2 gate, can we have that built first? I don't want
3 construction trucks coming down Vly Road all day long.
4 You know that would be a mess. Can we have a
5 protection for that? The gate would probably be the
6 last thing up because they're going to use that side
7 to bring all the construction trucks in and out. Or
8 are they going to ride through the businesses and
9 bring their construction trucks? I'd like to find out
10 if that's possible.

11 We all know that 18 apartments - and they are
12 two bedrooms, right? There are 18 two-bedroom
13 apartments in that area - there are some small houses,
14 not all - - isn't that like adding a small
15 neighborhood into a neighborhood? Take 18 of our
16 houses. We are mostly two-bedroom and three-bedroom.
17 Is there any kind of justice for that, too?

18 Again, was there an EIS done for this
19 property? Thank you.

20 CHAIRMAN STUTO: Okay, I will try to walk
21 through some of these.

22 I'm going to try to answer these and anyone
23 can jump in and correct me, if I am wrong, just for
24 the sake of speed.

25 The acreage of the five point something is

1 for the entire property, which includes the office,
2 which you may already know. The way this property is
3 zoned is COR which is commercial/office/residential.
4 So, they can do a combination of office and
5 residential. I think it is viewed as a transition item
6 between the office and the residential that allow you
7 to do this. Part of this application converts the two
8 parcels and it makes all of that possible under the
9 Zoning Law. That's how the law reads.

10 With respect to what they can do in the
11 future: The application that is here - - I think it is
12 for maximum density, is that right? It is the most
13 number of units they can get in. So, under current
14 law, they couldn't get any more units into that
15 property. To speculate if they buy other property - -
16 I can't even say if there is family or residential
17 around it. I am not sure what the zone is.

18 MS. DALTON: So, Peter, the parcel itself is
19 office/residential. So, to the east and west, there are
20 single-family residential and the south property line
21 abuts commercial/office/residential. So, the parcel
22 itself is office/residential. It is surrounded by
23 single-family and that on one side it is
24 commercial/office/residential.

25 CHAIRMAN STUTO: In theory, they could buy

1 other properties and knock it down in do whatever the
2 density allows at that point. I would say it is
3 economically probably not - they would probably look for
4 raw land before they look for developable to do that.
5 There are no absolute guarantees to that. As far as the
6 property that is here, and that's what we're talking
7 about, they're proposing to build to the maximum
8 density.

9 MR. LACIVITA: One of the things that we can do
10 is preserve the integrity of the southerly side which is
11 facing Central Avenue and put a no access to future
12 parcels or existing parcels on there, potentially as a
13 note within the site plan.

14 CHAIRMAN STUTO: Okay, we can do that.

15 So, if we can make a note of that, Chuck?

16 I don't think this warranted an Environmental
17 Impact Statement.

18 Chuck, can you give us a brief sentence on
19 that?

20 MR. VOSS: Yes. Essentially, with all
21 applications there is a SEQR review - a full SEQR review
22 that is done that is required by the Town as part of the
23 site plan approval process. The applicant has so far
24 submitted a Short Form Environmental Impact Statement.
25 It did not identify any potential significant

1 environmental impacts associated with the project,
2 although certainly there will be some impacts. There
3 will be impacts on land, stormwater - I think the Board
4 has also talked about traffic and maybe pedestrian. The
5 applicants will be asked to address all of those in more
6 detail as we get into the project and as the project
7 really takes more shape. So, we will have that
8 opportunity to look at those environmental issues much
9 more closely. This Board will also have to pass a SEQ
10 Resolution affirming that there be no impacts as we get
11 further into the process. Those things will certainly be
12 evaluated as we go forward.

13 CHAIRMAN STUTO: Construction vehicles - where
14 do you propose the construction vehicles travel?

15 MR. TUCKER: Where you tell us.

16 CHAIRMAN STUTO: Okay, so I think it is fair
17 that we don't have them go on Vly Road.

18 What does the rest of the Board think?

19 (All Board Members agreed.)

20 With respect to the fence - and the
21 professionals can jump in and correct me - Fire Safety
22 likes redundancy. So, they want two entrances. One is
23 going to be the main entrance and the other is in case
24 that gets blocked for some reason. It is the
25 recommendation of Fire Safety that we have an

1 emergency access. It has been my experience - and I
2 will asked Joe because he runs the department - that
3 none of the fire safety access fences have been
4 violated in the Town, right?

5 MR. LACIVITA: That is correct. They actually
6 go out there and look at them in the wintertime and
7 check the integrity of them. They all have a similar
8 Knox Box on it so that they can gain access. Nothing has
9 been violated at this point in time.

10 MR. FAHY: They are serviced by Midway Fire
11 Department and I did talk to a representative on that
12 and they said they would go into that development and it
13 would only be through New Karner Road. I also talked to
14 the representative at the Village Fire Department -

15 MR. LACIVITA: You are saying that their access
16 point is that they are coming into Vly Road.

17 CHAIRMAN STUTO: The question is - is that
18 blocked?

19 If you want another turn to speak, you can.

20 Do you have a general follow-up question,
21 Gilda?

22 MS. LEONE: I'm still confused about the green
23 space. I don't see much green space.

24 CHAIRMAN STUTO: Okay, we will come back to
25 that.

1 MS. LEONE: And the fence - it is another ditch
2 again that's why I wanted 10 feet because if you're
3 putting it in the ditch, it will be equal to eight.

4 CHAIRMAN STUTO: Okay, we will talk about both
5 of those issues. I will try to answer those and they can
6 correct me. The green space is calculated on the greater
7 5.7 acres.

8 MS. LEONE: I understood that, but that's what
9 it should not be though.

10 CHAIRMAN STUTO: Do you know the green spaces
11 on the 1.83?

12 MR. TUCKER: I don't have the number, no.

13 CHAIRMAN STUTO: What can we do for her with
14 respect to the fence or berm? I don't know the
15 topography that well.

16 MR. FALVEY: So, to begin with, because we
17 listened last time, everything was moved away from her
18 property line and all that landscaping was added and
19 that fence. So, certainly the applicant is trying to
20 accommodate her.

21 CHAIRMAN STUTO: Yes, I see that.

22 MR. FALVEY: I think what the Board heard is
23 that she has been lobbying them to buy her a lot for a
24 while and that price point doesn't make it
25 cost-effective. That is really what this is about.

1 I just really want to respond to two
2 comments. The majority of people who spoke are
3 concerned about traffic on Vly Road. The applicant
4 came and said we are not proposing any connection but
5 because Emergency Services wanted emergency access, we
6 get it. So, we are proposing a breakaway gate. If the
7 Town changes its mind, that doesn't have to be there.
8 It is not Rosetti who is asking for it. It is the Town
9 who is asking for it. We are not proposing any traffic
10 on Vly Road at any time unless there is an emergency.

11 The second point is that this is a transition
12 between office and residential. So, what is proposed -
13 the 18 units - multi-family is a transition between
14 office and residential. The alternative would be to
15 put more office buildings here. We did the math and
16 the site can accommodate 53,000 square feet of open
17 space which is a lot more building and a lot more cars
18 and a lot more people than 18 apartments. So, we think
19 that this is a softer, quieter use than adding 53,000
20 square feet more to the site. It is the right thing to
21 do when you are next to a residential neighborhood.
22 That's why we are looking for 18 units because the
23 other alternative would be to do a lot of office
24 space.

25 CHAIRMAN STUTO: Thank you.

1 Did you want to go back up, sir?

2 FROM THE FLOOR: The duplex is not 20 feet from
3 the road. The minimum is 25 and they are putting in a
4 proposed objection to that. It went from 89 feet to 20
5 feet from the road. Is that still acceptable? The front
6 corner of that duplex would basically be on Vly Road.

7 CHAIRMAN STUTO: Okay, we will consider that.
8 Thank you.

9 FROM THE FLOOR: At the Zoning Board it went
10 from 18 down to 14. I'm just saying - - so, I don't know
11 if you have gotten paperwork from the Zoning Board.

12 CHAIRMAN STUTO: No, there has been no
13 connection with the Zoning Board on this.

14 FROM THE FLOOR: I have one more, and then I
15 will refrain from any more this evening. I guess the
16 more that we talk about this, this comes more and more
17 into my mind. I think everybody is concerned and most of
18 the concern of the residents is shoehorning these 18
19 units into less than two acres of land. If another
20 builder developer were to bring this plan to the Town
21 without this fast footwork of merging with this piece of
22 property to get green space, would we even entertain
23 this? I don't think that we would. So, we are allowing
24 this variance for a combination of lots to encompass
25 this into this large parcel strictly so that we can meet

1 green space requirements. As a different developer, we
2 would not even entertain this project. I think the
3 majority of everybody's problem is the high density of
4 this. This resembles, to me, a high density intercity
5 development - something not in liking with Colonie. I
6 will leave it at that.

7 CHAIRMAN STUTO: We are now going to open it up
8 to the Board and we will start with Kathy.

9 MS. DALTON: I want to start with a question
10 regarding the design standards for office/residential
11 because one of the things that bothers me about the
12 layout here. If there are residential properties, should
13 they not be facing the road and have that 80-foot
14 frontage on the major road for each of those buildings?
15 Can anybody answer that?

16 MR. LACIVITA: Frontage is part of the design
17 standards, so there would be a waiver of the action.

18 MS. DALTON: So, that's not listed as one of
19 their requested waivers. Following that, if we did not
20 grant the waiver for them to not keep their residential
21 property on a residential road when everybody else has a
22 residential property, there is no way this would work
23 whatsoever; never mind whether it's 1.83 or merged with
24 the other property. You would have to have those houses
25 or residences fronting those main roads. The reason I

1 got to the design standard is I am really uncomfortable
2 with creating a residential neighborhood, if you will,
3 that you can't get into unless you drive through a bunch
4 of parking spaces. I don't really think that is safe. It
5 doesn't make sense to me. When you add in the fact that
6 there are two bedrooms, there is likely to be children
7 in there. There is no place for children to play and
8 there is no place for them to walk to a bus stop.
9 Frankly, my kids wouldn't walk that far to bring out the
10 garbage. The whole concept here doesn't work for me, as
11 a resident. I understand if you make it an office that
12 there is a lot more going on there, but maybe that is
13 preferable because what is going on there is more
14 appropriate to the area then putting residents here when
15 I don't think they belong.

16 The last thing that I want to say is: I'm not
17 on the Zoning Board. I don't know the criteria that
18 they use to make decisions with merging properties,
19 but I just want to go on record as saying this doesn't
20 make sense to me. I wish that I did understand what
21 criteria they used because I would not have approved
22 these mergers. They just don't make sense. So, I'm not
23 really comfortable with this.

24 CHAIRMAN STUTO: I'm just going to ask a couple
25 points of clarification.

1 With respect to the design criteria that
2 Kathy talked about, can somebody restate that so that
3 I understand it?

4 What waivers are we asking for? Also, has
5 this been to the ZBA?

6 MR. LACIVITA: I just looked in the entire file
7 and nothing shows that this merger -

8 CHAIRMAN STUTO: I don't think the merger has
9 anything to do with the ZBA. They are asking us to merge
10 it, but I believe they are entitled to merge the
11 properties.

12 MR. MAGGUILLI: If the property owner owns
13 adjoining parcels of land, they are entitled to merge
14 their parcels. They can get an architect, an engineer
15 and have a new survey done and get a new boundary line -
16 metes and bounds description, go to the Clerk's office,
17 file it and they have merge their properties. There is
18 nothing that this Board or the Town can do to prevent
19 that. They have a legal right to merge their properties.
20 What the Town would do in that case is probably go in
21 and reassess and things of that nature, but we could not
22 go in there and say no you can't do this. So, I
23 understand what everyone is saying here about what's
24 going on here. This isn't really 5.1 acres of land and
25 it is an acre point one something, but they have the

1 right to merge it so it becomes 5 acres of land. There
2 is not a lot that we can do about it. It is the law.

3 MS. DALTON: But we don't have to grant any
4 waivers.

5 MR. MAGGILLI: Whether or not you approve it
6 is a totally different issue.

7 CHAIRMAN STUTO: Let's go over waivers.

8 MR. LACIVITA: I just want to go back to the
9 zoning verification which I have. It is free and clear
10 with a note on it that says okay from Paul Shepard and
11 Rebekah Kennedy. Previous variance for New Karner Road
12 address was for the lost split. Decision no longer
13 applies due to lot two merger. That is the note on it
14 right here. That's why this is a clean zoning
15 verification with pulling everything together to get
16 that calculation back.

17 CHAIRMAN STUTO: Did you already merge the
18 properties?

19 MR. TUCKER: Yes.

20 CHAIRMAN STUTO: So, what design standard that
21 Kathy talked about are we talking about, with respect to
22 frontage?

23 MR. VOSS: John, you provided the narrative.
24 There are three, essentially, that you have in there.

25 MR. LAPPER: There is only two. On this new

1 design we no longer have parking in the front of the
2 building. So, if the question is whether the building is
3 oriented toward the road, we can do that but then it
4 would be closer to New Karner and the other one that is
5 set back from New Karner -

6 MS. DALTON: It is a just orienting it to the
7 road. My understanding of it is that it has to have
8 front access from the road.

9 MR. LACIVITA: No, it is not front access. It
10 is frontage forward facing design.

11 CHAIRMAN STUTO: I will stand corrected on
12 this. The 5.7 acre parcel has plenty of frontage. So,
13 frontage is not an issue.

14 MR. LACIVITA: Correct, because let's not
15 forget that we are coming in from Karner and this is all
16 accessory to it and coming out to Vly.

17 CHAIRMAN STUTO: The orientation of the
18 building is a different thing. What waivers do you think
19 you are asking for?

20 MR. FALVEY: The distance between the building
21 and New Karner Road.

22 CHAIRMAN STUTO: It is supposed to be closer?

23 MR. FALVEY: It is supposed to be closer. We
24 are trying to pull back from New Karner because it's
25 better for residential and it is a good place for

1 stormwater. Then, the façade of the building - whether
2 the façade faces New Karner or not -

3 MR. LACIVITA: I think if you look at the lot
4 as a whole, you would not look at these new buildings.
5 You actually look at what building in the entire parcel
6 actually has frontage. Your frontage is actually started
7 by what is currently there with that big white rooftop.
8 That's where your frontage actually comes off of.

9 CHAIRMAN STUTO: Okay, we will continue to
10 consider all of these things.

11 Lou?

12 MR. MION: With all that being said, what I am
13 going to say is I don't like the residential thing on
14 the end there. I believe looking at this - I would be
15 very happy with two eight-units and get rid of the
16 two-unit, bring the patio over to that, add the green
17 space, bring your trash over to that if you want to, but
18 find another place for the trash between the two units.

19 You're going to have children in there or
20 some kind of people who are going to want to play.
21 You can have a play area over there and give them some
22 room to play. Granted, you lose the two units and
23 you're providing some more accommodations for the
24 residents who are going to use them. That's what I
25 would like to see.

1 MR. AUSTIN: I would agree with Lou as far as
2 the two-unit residential. I think it looks out of place.
3 I think this is something and I'm not sure that this is
4 needed. I can understand why it is needed. My thought is
5 - and this is just a thought - scrap the two-unit. Move
6 everything a little bit closer to Vly - both of the
7 eight-units closer to Vly; although not too much closer.
8 Reconfigure the stormwater and then put the emergency
9 access out to New Karner, thereby getting rid of the
10 emergency exit on Vly and that way it would make the
11 residents a little more happier.

12 CHAIRMAN STUTO: Susan?

13 MS. MILSTEIN: The question I have is: Is there
14 any reason why the emergency access could not be on New
15 Karner Road?

16 MR. TUCKER: In case somehow there is a
17 blockage on New Karner, so that there is an alternative
18 to get into the back.

19 CHAIRMAN STUTO: Chuck may have an alternative
20 idea.

21 You sort of suggested it in the beginning.

22 MR. VOSS: Again, it was more kind of the
23 internal driveway configuration that we talked about.
24 Early in the process Fire Services were involved in
25 certainly reviewing this and it's really their advice

1 that we are following. They were the lead in suggesting
2 the Vly Road connector simply because as the Chairman
3 mentioned, if there was a blockage on New Karner and
4 fire equipment could not get through or even into the
5 office park site, for whatever reason, fire apparatus
6 have to get into that site from another direction. The
7 Fire Departments typically look for the two furthest
8 endpoints into a development to provide this emergency
9 access points just in case.

10 When you talk to the Chief, he said it has
11 been years and years since there has actually been an
12 emergency where we've actually had to effectively get
13 in the site, where a road was blocked so severely that
14 they couldn't get equipment through. That's really
15 their lead now to make sure -

16 CHAIRMAN STUTO: Did you say there was another
17 connection off the office site beside that main?
18 Connection onto New Karner?

19 MR. VOSS: The only thought that we were
20 thinking, Peter, was just that internal piece to be in
21 front of that office building on the west side.

22 CHAIRMAN STUTO: What is your opinion?

23 MR. VOSS: My opinion personally is that I
24 think the emergency access point - - if you could
25 provide a second one out to New Karner Road, that might

1 satisfy the Fire Department because there is some decent
2 separation in there. Potentially that would avoid any
3 potential blockage. Again, in the worst-case scenario, a
4 tanker truck rolls over in the middle of Vly Road and
5 you can't get within a half a mile of that site from
6 that direction and you have to come into the other way.
7 So, I understand Fire Services' concern. From a good
8 planning standpoint, I like the two opposite access
9 points. I also understand the residents' concerns with
10 no access onto Vly Road.

11 MS. MILSTEIN: Another point is that it would
12 allow for more green space because all that - what is
13 now gray would allow for more green space.

14 MR. TUCKER: You're absolutely right. We would
15 lose pavement.

16 CHAIRMAN STUTO: Craig?

17 MR. SHAMLIAN: I have a couple things. First
18 off - I agree with everyone that the duplex is a
19 nonstarter. I also agree with Kathy. I understand that
20 you can merge these properties or that you have merged
21 these properties. I think you're playing fast and loose
22 with the intent of the Town's requirements. The duplex,
23 in my mind, is a nonstarter. Even with that, I think the
24 16 units is far too much density for the property.

25 MR. LAPPER: It meets zoning.

1 MR. SHAMLIAN: It doesn't mean that I have to
2 like it.

3 MR. MAGGUILLI: As far as what the developer is
4 saying, this is an OR zone, as I understand it;
5 office/residential.

6 CHAIRMAN STUTO: Correct.

7 MR. MAGGUILLI: This is exactly what an
8 office/residential zone contemplates in the Town, when
9 they adopted the new Zoning Law back in 2007 - this is
10 exactly the kind of thing they wanted to see built in an
11 office/residential zone; a combination of office space
12 and residential. The thought was at the time that you
13 would have walkable space where people could live where
14 they work and things of that nature. Things never work
15 out the way they planned, but again, I have to say this:
16 this is exactly what was contemplated with an OR zone
17 and that's why there not looking for the zoning waivers.
18 This is a permitted use - what they're trying to do
19 here.

20 CHAIRMAN STUTO: Thank you.

21 Chief?

22 MR. HEIDER: I agree with the duplex and the
23 elimination of that - to make it disappear. I will say
24 one thing about the emergency access: for one thing, I
25 think they've got about 26 feet wide. I don't think you

1 needed that wide. So, you've got it almost the width of
2 the Town Road and I know emergency vehicles don't quite
3 need that width. We have narrowed them before in other
4 parts of the Town.

5 As far as an emergency gate goes, in my prior
6 experience, I have never seen one dismantled. I have
7 never seen one taken down. They serve a very important
8 function because I will be honest with you folks -
9 what would block the Fire Department here is the Fire
10 Department. If there is a major fire in one of those
11 buildings, there would be so much apparatus stuffed in
12 that front corner, they couldn't get any more
13 apparatus in. That is why that second access point is
14 so important to do. I have seen things before in my
15 prior life where you can't get near the scene because
16 the Fire Department themselves - the Police and EMS
17 are blocking their own way. That's what that second
18 access does. That's why they want it. I think if you
19 did away with the duplex and make it a little more
20 green there, narrow that roadway and make it look a
21 lot more residential - - I think you can create a lot
22 better looking project.

23 CHAIRMAN STUTO: Thank you.

24 MR. LAPPER: So, we hear you, but the applicant
25 is not prepared to go to 16 tonight. So, we would ask

1 you to table it and we will consider your comments. I
2 think that what we have presented tonight shows that
3 they listened to you last time and listened to the
4 neighbors. What is ironic is that more people are really
5 concerned about is a duplex next to residential and
6 that's really compatible because it's residential and
7 residential. Let's go home, as we did last time, and
8 think about it and will get it back on the agenda and
9 talk about it again.

10 CHAIRMAN STUTO: Okay, thank you.

11 (Where's the above entitled proceeding was
12 concluded at 7:50 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

