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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

ROSETTI APARTMENT COMPLEX
54 VLY ROAD

APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on December 18, 2018 at 7:41 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
LOU MION
STEVEN HEIDER
SUSAN MILSTEIN
BRIAN AUSTIN
CRAIG SHAMLIAN

ALSO PRESENT:

Kathleen Marinelli, Esq. Counsel to the Planning
Board
Joseph LaCivita, Director, Planning and Economic
Development Department
John Lapper, PE
Charles Voss, PE, Barton and Loguidice
Mike Tucker
Chris Falvey
Gilda Leone
Bill Fahey
Glen Boni
John Moore
Michael Watkins
Larry Lagace

1 CHAIRMAN STUTO: Next item on the agenda is
2 Rosetti Apartment Complex, 54 Vly Road, application for
3 concept acceptance, two-story eight-unit each and one
4 duplex two-unit building.

5 Joe LaCivita?

6 MR. LACIVITA: Mr. Rosetti is here before us
7 tonight to come back again for concept acceptance. They
8 have a few things to talk through and they will walk us
9 through that to see where this project leads to.

10 MR. LAPPER: For the record, I'm John Lapper
11 and I'm here with Mike Tucker and Chris Falvey.

12 When we were here last time you sent us home
13 with some homework and we made some changes and we are
14 here to discuss that in the hope of getting concept
15 approval.

16 Basically what has happened is that
17 everything was shifted to the west away from Vly Road
18 and the residents who had concerns. The berm was
19 substantially increased along the neighbor to the
20 north. There were also significant plantings that were
21 added along New Karner and a lot more plantings and
22 berm along Vly Road so everything is shifted away. You
23 asked that the patio area be moved closer to the
24 apartment area to the middle of the residential area
25 and that was accomplished there. The changes of

1 greenspace and the pavement made it narrow and
2 efficient as we could. We previously removed the
3 garages which was a big issue with greenspace that you
4 had asked for. The goal was to be respectful of the
5 neighbors that had concerns.

6 CHAIRMAN STUTO: This is also being reviewed by
7 our Town Designated Engineer, Barton and Loguidice;
8 Chuck Voss.

9 Chuck, can you give us your comments about
10 the changes that were made and whether they conform
11 with what the Board had suggested.

12 MR. VOSS: Sure, Peter. As John outlined and as
13 Mike mentioned it looks like they have shifted the
14 project a little bit further to the west that I think
15 the Board had a concern with early on.

16 CHAIRMAN STUTO: Can you be more specific? They
17 shifted the buildings. Where did they shift and how many
18 feet did they shift?

19 MR. VOSS: The two primary apartment buildings
20 - the two larger buildings shifted about 20 feet further
21 to the west which I think freed up more room on the east
22 side of the site - the Vly Road side of the site.
23 Initially, the Board had some concern with the garages
24 and now the garages are gone. The two-story apartment
25 building is still there.

1 It looks like they have narrowed up the
2 emergency access road which again the more concern was
3 - it is noted on the plans that it is a gated access
4 which again is what the Board had asked for.

5 The berm is something that I know the Board
6 had discussed in relation to the neighbors' concerns.
7 It looks like a four foot high berm, give or take,
8 from the plans that I saw. They are proposing a fence
9 on top and then landscaping kind of interspersed
10 between that as well.

11 MR. LAPPER: Yes.

12 MR. VOSS: That was the additional buffer that
13 the neighbor had raised some concerns with.

14 The play area certainly was moved in
15 conformance with what the Board had asked for. The
16 stormwater basin looks like it has gotten larger.
17 There is some additional landscaping out front. The
18 one thing that I don't see which I think that we had
19 discussed was the second means of access to the
20 parking area on the New Karner Road side coming from
21 the office park.

22 MR. LAPPER: Mike looked at that and because of
23 the stormwater basin, there didn't seem like there was
24 enough room to accommodate that, but we can look at
25 that.

1 MR. VOSS: Other than that, it looks like the
2 applicants have made some adjustments since they were
3 before the Board the last time.

4 CHAIRMAN STUTO: Couldn't they do the drive
5 over on that side? Is that what we are saying, or no?

6 MR. VOSS: Yes. From what John was just saying,
7 by expanding that potential stormwater management area,
8 it precluded an additional driveway to cut through
9 there.

10 MR. TUCKER: When we squeezed that a little
11 bit, it pushed it.

12 The other thing that I would want to mention
13 is based on the comments at the last meeting we did
14 have a discussion with Fire Services. We had talked
15 about potentially even narrowing that up even more to
16 20 feet or using a grass creek type surface that could
17 be green and mowed. They wouldn't accept that as a
18 true emergency access if we had done that because it
19 has to be maintained and that stuff gets a little beat
20 up. We did approach them and try to come up with some
21 ideas.

22 CHAIRMAN STUTO: So, that is emergency only,
23 right?

24 MR. TUCKER: That's emergency only and it's
25 gated. There will be no access onto Vly Road.

1 MR. VOSS: So, those are the changes that I
2 have seen, Peter. It looks like they have tried to
3 address what the Board's concerns were last time.

4 CHAIRMAN STUTO: Who wants to comment?

5 MR. HEIDER: I have just a couple of things.
6 The trees that you have out on the Vly Road side - all
7 deciduous. I wouldn't mind seeing you replace about half
8 of them with evergreen so that in the wintertime it
9 would provide some buffer between Vly Road and there.
10 *The other thing is that I know that the Rosetti
11 property in the past have built duplexes that look like
12 houses and not look like duplexes. That could be
13 designed and worked into this. Not that there is
14 anything against apartment buildings. Their apartment
15 buildings look like Shaker Run and I get that, but I
16 think that the eaves and with a softer look on Vly -
17 that could make the two-unit look more housey than
18 apartment-like. I think that it would be much
19 appreciated by the neighbors. I'm not crazy about the
20 project being in the middle of the office park but
21 that's what COR stands for. It is what it is. It's what
22 the Town wanted at that point when they designed that
23 zoning. As far as I'm concerned that by adding the berm
24 and the shrubs and moving the buildings, that's fine. I
25 would like to see something before final - an elevation

1 on the house. I'd like to see what it's going to look
2 like.

3 MR. LAPPER: We are only at concept, so we will
4 be back with that.

5 MR. SHAMLIAN: So, the area that you brought up
6 there that is green is about an acre; is that correct?

7 MR. LAPPER: The total for the entire site is
8 2.4.

9 MR. SHAMLIAN: One of the questions that I have
10 asked a couple of times is what are the cover ratios on
11 just a lot that you are looking to combine with the
12 other properties? I continue to ask that question.

13 MR. TUCKER: I don't know the exact numbers off
14 the top of head.

15 MR. SHAMLIAN: That's what you keep saying
16 every time. Honestly, I'm going to vote no on the
17 project until I get an answer on that.

18 CHAIRMAN STUTO: Anymore questions, Craig?

19 MR. SHAMLIAN: No.

20 CHAIRMAN STUTO: Susan?

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

22 MR. MION: I agree with Craig. We've asked this
23 question and asked this question over and over and we
24 get the same answer. I think that it's about time that
25 we do have an answer.

1 I think that you did some good work by
2 building the berm. I still don't like the two-story
3 building - the two-unit residential. I just think that
4 there is too much going onto too little.

5 You put a patio in and that's nice. If you
6 have kids in there one day, what are they going to do?
7 I think that we asked for some amenities for children.
8 I still don't see them, unless you can point them out
9 to me.

10 MR. AUSTIN: Is that the kids' play area - the
11 patio?

12 MR. LAPPER: Yes.

13 MR. FALVEY: With respect to issue about the
14 amenities for the kids, if a potential renter doesn't
15 feel that there is not enough amenities then it would be
16 their choice to look elsewhere. However, we can offer
17 them the amenities at Shaker Run off of Sand Creek Road
18 which has a full tennis court and a basket ball court.
19 So, they would be allowed to use those amenities.

20 MR. MION: So, how do they get over there?

21 MR. FALVEY: I would assume by their vehicle.

22 MR. MION: I guess when somebody comes in and
23 they want to rent some place they are looking for the
24 amenities. They are looking for something to take care
25 of the kids. Granted, you're not going to let the small

1 children run around but you have kids that are capable
2 of going outside and utilizing something by their house
3 and not having to go four miles away to another facility
4 to do that. I think that you are asking too much. I
5 don't think that it's asking much to say, let's put
6 something in there for these children.

7 MR. FALVEY: Again, that's a decision that we
8 have made. If there are not enough amenities for them,
9 they don't have to rent there.

10 CHAIRMAN STUTO: Okay, we will hear Ms. Leone.

11 MS. LEONE: Again, as far as the amenities,
12 that has to be the greenspace. When the greenspace that
13 they talked about is 105,000 square feet and the
14 property that they are going to build on doesn't even
15 equate to that - so, there are your amenities right
16 there. The whole property is their greenspace,
17 supposedly, according to this project. This project is
18 an aberration. I'm sorry but you're putting 18
19 apartments on, if you're lucky, an acre and a half or
20 1.83 as my friend keeps saying - he might know the real
21 number but we aren't the engineers. On 1.83 acres of
22 land you're putting 18.

23 The last time the Board didn't even want that
24 duplex and they came back with it again.

25 I have other questions.

1 Where is my fence going across all the way
2 there and the back (indicating)? There is no fence. I
3 wanted an 8-foot fence so they don't hop over it. We
4 discussed noise pollution. We discussed compressors
5 and compactors and all that stuff. They were supposed
6 to come back with that. That information never came
7 back either. We are entertaining this and I don't know
8 why. I really don't. Considering the space that is
9 there, I don't care about COR. The place that you're
10 building - maybe if you're lucky two acres of land and
11 18 apartments -- that's unmanageable. I don't get it.
12 Like I said, the greenspace that they keep saying that
13 they have - that's not the right answer. They are
14 saying that they have 105,000 square feet of
15 greenspace. Maybe that little patio equals 105,000
16 square feet. I don't know what to tell you. I'm sorry
17 that they are wasting my time and your time. Thank
18 you.

19 CHAIRMAN STUTO: Thank you.

20 Bill Fahey.

21 MR. FAHEY: I think that this is not a very
22 good project at all. First of all, I admire a man who
23 lived in this neighborhood and bought up where he stands
24 now - his riches. He's building new apartments - 165 off
25 of Shaker. I think it's already been approved. He's

1 making all kinds of money and I admire that. It's great
2 to make money, but at my expense? No. I don't like that.
3 The last time we were here we said we're not going to
4 have the duplex. We have a duplex appearing again. You
5 know why? The number is 18. By the way, this is our
6 fourth meeting on this. This is ludicrous. John said at
7 one time if I don't have 18 apartments, I'm not going to
8 make money. Well, that's what it's all about; making
9 money. They don't care about the neighborhood. I want to
10 see the duplex gone. I don't want the duplex. I don't
11 need a service road - a 24-foot service road onto Vly
12 road. If there was a fire, Midway Fire Department will
13 tend to that fire. The village of Colonie will not call
14 in substitute service. They are only building this for
15 their own money making project. They are not caring for
16 us, the residents of Colonie or Vly Road. I have one
17 interesting question. How are the tenants getting to
18 these apartments? The last time I heard, they were going
19 through the office lot. If I was a tenant, I wouldn't
20 want to drive through an office park to see an
21 apartment. That, to me, is not good. If I want to get an
22 apartment, I want to be able to drive in peacefully,
23 park my car, have my kids have entertainment and
24 everything. I don't want to spend a lot of time hashing
25 over things that should not be hashed over. Vly Road

1 should not be traveled with any more traffic. There is
2 no pedestrian safety path on Vly Road. We have dead
3 man's curve just two weeks ago and you heard at the last
4 meeting that we had another accident where someone
5 couldn't make the curve. We have pedestrians walking the
6 road. We have schools. We have an elementary school. We
7 have a daycare school. We have a church. We don't need
8 additional traffic. We don't need this project. We need
9 greenspace. If the project is approved, we need
10 greenspace between the two apartment building which I
11 hope it will be reduced to 16 and not 18 and Vly Road
12 with no access whatsoever to Vly Road.

13 I'm sorry if I took up your time, but this is
14 the way that I feel and I really think that this has
15 been carried on too far. We've been here on this four
16 times. Four times it has been tabled. It will probably
17 be tabled again tonight. Your Christmas present to me
18 would be vote it down. I hope that in your wisdom that
19 you come to a good result on this project. Thank you
20 and have a happy holiday.

21 CHAIRMAN STUTO: Thank you.

22 Glen Boni.

23 MR. BONI: I live on 5 Seabring and my major
24 concern is -- I agree with him 100%. I do not want the
25 project. My main concern is traffic. Vly Road is an old

1 road. Now we have traffic at 5:00 and there is a line
2 going onto 5 or Central Avenue and also to Shaker Road -
3 Watervliet Shaker. That's it. I just don't want the
4 project. There will be too much traffic. There are too
5 many people in this village to begin with. It's just
6 overcrowded. Thank you.

7 CHAIRMAN STUTO: Thank you.

8 Anyone else looking to speak on this?

9 MR. SCHANZ: My name is John Schanz. I own the
10 building at 1 Lorelei Drive/45 Vly Road. I am a
11 landlord. I rent out apartments. I have my own system
12 for selecting tenants and I'm very, very careful as to
13 how I do select my tenants. I would like to know what
14 process they're going to use to screen potential
15 tenants. In my screening I have found people with tax
16 liens, judgements. I have found people with criminal
17 histories. What process are they going to use? We want
18 good people in the neighborhood. We don't want potential
19 troublemakers. If you have two buildings with eight
20 tenants each, you're going to get at least one or two
21 bad apples. Even with my own screening process which I
22 think is very good, I can't be 100% sure. You are always
23 taking a risk.

24 CHAIRMAN STUTO: Okay, thank you.

25 Could the applicant address that?

1 MR. FALVEY: So, we have several apartments in
2 the area. We run everybody through the same process;
3 income verification - how long have they been working at
4 their job; references; we do background checks; we take
5 credit reports; we don't choose to get into this
6 business to rent to the wrong people. Sometimes we make
7 mistakes, just like when somebody hires some people do
8 well. For the most part, we would rather have the
9 apartment be empty than rent to the wrong person.

10 CHAIRMAN STUTO: Thank you.

11 MS. LEONE: Excuse me. They're having criminal
12 background checks? Is that what you said?

13 MR. FALVEY: I don't believe I said that.

14 MR. FALVEY: We have the numbers and Mike did
15 the calculations in terms of greenspace of just the new
16 project area and then the whole site. It's 52% in this
17 case on just the 1.93 acres.

18 MR. LACIVITA: Mike, if you have 52% on that
19 1.93 acres, how does adding in the commercial side of
20 things actually decline that to what we have today? Do
21 you know what that final number is?

22 MR. LAPPER: The final number for the entire of
23 all the parcels is 2.37 acres.

24 MR. LACIVITA: I'm sorry, what is the -

25 CHAIRMAN STUTO: It should be on the drawings,

1 right?

2 MR. LAPPER: It's 44%.

3 MR. LACIVITA: On the whole site?

4 MR. LAPPER: That's just on this lot.

5 CHAIRMAN STUTO: Is there a comparison on the
6 drawings?

7 MR. LACIVITA: If we have 53% on this apartment
8 component and then you add all that pavement in with the
9 larger, it's only going down to 44 -

10 MR. LAPPER: Well, this is a much smaller
11 parcel.

12 MR. LACIVITA: Oh, I agree. Your major
13 greenspace component is there. When you add the whole
14 office complex to it, you're not reducing that number.

15 CHAIRMAN STUTO: The number goes down or the
16 number goes up?

17 MR. LACIVITA: The number goes down.

18 CHAIRMAN STUTO: That doesn't make sense.

19 MR. LAPPER: This area has less greenspace
20 (Indicating).

21 CHAIRMAN STUTO: Right, so adding it should
22 increase it. If you need space, you should increase the
23 overall.

24 MR. LAPPER: Correct, but I don't know what
25 this currently is. It's probably less than - it's

1 probably 40-ish. If you add this, it probably bumps it
2 up to 42.

3 CHAIRMAN STUTO: Okay, got it.

4 We have an application before the Board. Do
5 we have any discussion before we entertain a motion?

6 Oh, sorry, we still have people that want to
7 speak.

8 MR. WATKINS: I just want to touch on a couple
9 of things that I want to mention. Everyone has pretty
10 much said everything that we need to know. We talked
11 last time about sidewalks, a bus stop because a school
12 is right there. There was nothing about updating that.
13 On my corner, if you look at the site, they did increase
14 20 feet on the stormwater management side and only an
15 apartment - they did go up 11 feet. It used to be 25.

16 I'm curious about the fencing just going down
17 by the gate. It pretty much ends next to his next
18 property. Why isn't there fencing going along -

19 CHAIRMAN STUTO: Can you show us on the
20 drawing?

21 MR. WATKINS: Sure.

22 According to this, the fencing ends right
23 there (Indicating).

24 CHAIRMAN STUTO: Where does it start?

25 MR. WATKINS: it starts just past the gate. So,

1 it's only the front facing that has a fence. The length
2 - why isn't the fence here? They do own the duplex next
3 door. I'm just curious as to why the fencing ends at the
4 driveway that exists now and doesn't encompass the whole
5 project.

6 Does the storm management count as
7 greenspace? Is that whole area considered greenspace?

8 CHAIRMAN STUTO: We will answer all your
9 questions.

10 MR. WATKINS: Okay, that's the only question
11 that I wanted to ask.

12 CHAIRMAN STUTO: Thank you.

13 Sidewalks, bus stop, fence and does the
14 stormwater count as greenspace? I don't recall the
15 sidewalks discussion.

16 MR. LAPPER: So, that whole discussion about -
17 one of the gentlemen was talking about pedestrian
18 traffic on Vly Road and traffic on Vly Road and of
19 course we're not using Vly road at all as an access
20 because you didn't want us to. That really is
21 irrelevant.

22 The woman next door talked about the fence. I
23 don't think that she understood that we have a fence
24 on top of a berm. The Board understands that there are
25 plantings on both sides of the fence to give her

1 screening. There is no reason to screen apartments
2 from apartments. We're doing it along Vly Road and
3 along the top. We tried to be sensitive and increase
4 the greenspace in the area where it would count the
5 most to the neighbors.

6 CHAIRMAN STUTO: Does stormwater count toward
7 the greenspace?

8 MR. LAPPER: Yes.

9 MR. MION: That's on top of the berm. That's
10 your fence?

11 MR. LAPPER: That's going to be our fence.

12 MR. MION: That's going to be the fence that
13 you're going to install?

14 MR. LAPPER: Yes, where it will have the
15 maximum effect.

16 MR. TUCKER: The stormwater is greenspace
17 because it is an infiltration basin. So, it will only
18 have water in it temporarily.

19 CHAIRMAN STUTO: Okay, anyone else?

20 MR. LAGASE: First I would like to thank the
21 Chairman of the Board and the Board for hearing the
22 comments and concerns of my neighbor and myself.
23 Obviously we are very passionate about the neighborhood
24 and I hope that you consider that when you go forward.

25 I wanted to make a couple of technical points

1 and a few oversight comments. For one, a water
2 retention area - I am concerned that is an open water
3 retention area. I made this point one other time at
4 one of the other meetings. If you want to see a
5 terrible example of one of those, go over to price
6 Chopper. They have a similar high water table over
7 there. The water does not seep into the ground. That
8 is an open sewer over there with paper and plastic --
9 that is a horrible design. If this is going to be a
10 similar water retention, we need to be aware of that.
11 This is a very high water table for that area.

12 There was a comment that was made about more
13 greenspace possibly with the emergency road. The Town
14 of Bethlehem has a number of these emergency access
15 roads. What they have done is laid two narrow concrete
16 pads separated by lawn on both sides. Apparently that
17 is at least in concert with state requirements. So,
18 you don't have to have a total paved area necessarily.
19 It will still qualify for an emergency access road.

20 We all here tonight realize that this project
21 would not be on the Board if we didn't have the slight
22 of hand of combining lots. We still have very little
23 greenspace. It's an unsightly project in a residential
24 area and I'm hoping that enough of you on the Board
25 feel likewise and vote this down. What would be a

1 tasteful revision and maybe not as much of a return or
2 square foot, dollar-wise but a duplex on Vly Road
3 tastefully designed and another office complex facing
4 New Karner Road. The office complex that Rosetti
5 currently has is nicely done. It's well taken care of
6 and it's very attractive. I would support that
7 entirely if that were an option. I think that most of
8 my neighbors would, likewise. Thank you.

9 CHAIRMAN STUTO: Thank you.

10 Can you speak about water retention once more
11 and your engineer.

12 Chuck, if you could chime in when Mike is
13 done.

14 MR. TUCKER: Sure. We completed some really
15 preliminary test pits and infiltration tests out there.
16 That area did give us the distance that we needed
17 between the bottom of what would be an infiltration
18 basin and ground water and those soils worked well
19 enough to support an infiltration basin.

20 CHAIRMAN STUTO: What is that distance? Is that
21 why it got bigger? Is that why it got wider?

22 MR. TUCKER: No, it got wider because we pushed
23 everything down a little bit. The minimum required in
24 the standards is two feet and I think that we had close
25 to four here. I don't have it with me. So, the thought

1 is that is going to be an infiltration basin that will
2 hold water as it infiltrates immediately after a storm
3 and within 24 hours will be dry. It can be maintained
4 and mowed and all of that.

5 CHAIRMAN STUTO: Okay, thank you.

6 MR. MOORE: Look at this entrance here - the
7 size of it and then this great big road that comes out
8 to Vly Road. Maybe the engineers can tell me why is this
9 - I don't know how wide that is supposed to be but this
10 looks a lot larger than this entrance here. Does this
11 small entrance meet Code? Would this have to be a larger
12 road? Why is this so wide and this is so small?

13 CHAIRMAN STUTO: Do you have any other
14 questions?

15 MR. MOORE: No, that's it.

16 CHAIRMAN STUTO: Thanks.

17 MR. TUCKER: They are both shown on the plan
18 that we submitted at 24 feet wide.

19 MR. MOORE: They are both the same size?

20 MR. TUCKER: Yes.

21 CHAIRMAN STUTO: Okay, any other comments?

22 MR. SCHANZ: Peter, I have one more that I
23 forgot to mention. If this project goes forward, I think
24 that from the Town's point, we need to get that gate and
25 fence up immediately before construction. I cannot see a

1 year's worth of heavy construction going in and out of
2 that office park. I can't see unloading a bulldozer
3 there or back hoe or front-end loader. I can see that
4 temptation to do that on Vly Road and come in from Vly
5 Road. So, I think that if this project were to go
6 forward, I think that we better get that barrier up
7 initially.

8 CHAIRMAN STUTO: Do you know where you propose
9 to do your construction?

10 MR. TUCKER: The problem with that is that
11 generally DOT wants you to use a smaller road rather
12 than a larger road in terms of not impacting New Karner.
13 Ordinarily it would be split between the two for
14 construction stagings, but it's certainly something that
15 we can talk about during the project review.

16 CHAIRMAN STUTO: Any other comments?

17 MS. LEONE: Can I have a fence all the way back
18 to the office buildings, please?

19 CHAIRMAN STUTO: Can you address that one final
20 thing and then the Board is going to take it over.

21 MR. LAPPER: The fence is going all the way
22 along the side of the property.

23 CHAIRMAN STUTO: And her house is where?

24 MR. LAPPER: Here (Indicating).

25 MS. LEONE: I have three-quarters of an acre of

1 land.

2 MR. LAPPER: So, we are going all the way to
3 the back.

4 MS. LEONE: That goes beyond my fence because
5 people smoke on my land.

6 CHAIRMAN STUTO: The comments are taken.

7 MR. LAPPER: I also want to say on the record
8 that the Rosettis have 14 apartments already on Vly road
9 south of here. They are well-maintained.

10 CHAIRMAN STUTO: Adjacent or no?

11 MR. LAPPER: And they have had the same tenants
12 there for many years with no complaints and no issues.
13 They know how to manage both residential and commercial
14 projects, obviously.

15 MR. LACIVITA: Is the property abutting?

16 MR. TUCKER: Some of it. They are scattered
17 lots.

18 CHAIRMAN STUTO: Okay, Chuck, I'm going to ask
19 you to sum up where we are.

20 MR. VOSS: It sounds certainly as if the Board
21 has still some concerns with the density being proposed.
22 I think to address the access road because some people
23 have had questions about why is it so big and why is it
24 so wide? In the early DCC meeting with Fire Services,
25 they requested that road be 24-feet wide not simply to

1 allow a firetruck to pass through there, but if a
2 firetruck has to set up on that road, they have to have
3 outriggers out, they have to have the 24 feet wide. If
4 they had to fight a fire from the distance, they would
5 have to be able to set up anywhere along that road. So,
6 that's really where the new standard is going with the
7 fire access roads in Towns. You see that a lot in
8 projects.

9 The gated access is something that I think
10 that the Board would want. I think that John, any
11 construction stage, you would have to come in
12 internally. I would certainly support the Board
13 looking at not allowing any construction access off
14 Vly Road for the neighbors' concerns. Plus, it is a
15 small road to try to maneuver tractor trailers in and
16 out of there with equipment will be tough.

17 The stormwater basin - I think that what Mike
18 was saying was accurate. We obviously haven't seen the
19 calculations yet or any final designs but we know that
20 there are Colonie sands over there which drain very
21 well. If Mike is saying that they are finding anywhere
22 from two to four feet of separation, that works for us
23 in terms of that being a manageable facility.

24 I think that the density question is really
25 what the focus is.

1 CHAIRMAN STUTO: Okay, I'm going to ask a
2 question of our attorney.

3 This is office/residential, correct?

4 MR. LACIVITA: Yes.

5 CHAIRMAN STUTO: What are the objectives of
6 office/residential? I'm asking what's in the Land Use
7 Law - just to get our thinking aligned with what's in
8 the Land Use Law.

9 MR. LACIVITA: In 190.43 office/residential -
10 The design and the development standards of
11 the OR district have been created to facilitate a
12 mixed-use environment that fosters greater
13 opportunity, balance and planning and housing
14 opportunities. The following standards are organized
15 in three categories; site organization, site design
16 and architectural design. In general, the standards
17 reflect recommended and encouraged design elements
18 that are intended to promote the goals of the
19 district and should be implemented to the fullest
20 extent practicable. Wherein a standard includes the
21 word shall and must -- and this is typical with the OR
22 language - it is integral to the goals and the
23 district and is mandatory. The Planning Board may
24 waive these standards to the extent that it deems
25 necessary in order to secure reasonable development of

1 the site. In such case, the applicant must establish
2 that there are no practical alternatives to provide
3 the proposed waiver that would conform to the
4 standards.

5 CHAIRMAN STUTO: We understand that. Is there
6 anything else in there that they are trying to achieve?

7 MR. LACIVITA: That's kind of the entry level.
8 When you look at site organization and the site design
9 and the architectural design that goes into the
10 different practices along the way -- I mean when you
11 look at site design, some of the concerns we talked
12 about tonight were screening and buffering. It's
13 specific to this. When you talk about site lighting, it
14 talks about pedestrian scale.

15 When you talk about organization, it talks
16 about the placement and we've been discussing quite a
17 bit about this. It talks about a minimum frontage
18 build-out of 60%, maximum/minimum setbacks. So, I
19 think it goes into really having certain components to
20 be qualified.

21 CHAIRMAN STUTO: The points that I'm trying to
22 make or the questions I am trying to get answered as far
23 as what guidance is in there - office/residential is
24 some type of integrated mix of office and residential.
25 If this project were taken as a whole in the beginning,

1 the layout would probably have been different. It is
2 supposed to be a coexisting use and not two separate
3 uses that are complementary uses and be integrated well.

4 I would say that the developer has gone
5 pretty far in changing to mitigate the impacts on the
6 neighbors with respect to moving the thing over and
7 mainly with respect to the screening.

8 I'm disappointed that they could not have
9 found an alternative route other than Vly Road.

10 We had also requested that the duplex not be
11 there.

12 Back to the overall point which I am trying
13 to make which is to achieve the objectives of
14 office/residential is to have the proper integration.
15 If this had been done all together, the layout
16 probably would not be the way it is here. So, to add
17 an adjacent parcel and just make that all residential
18 without the integration or thoughts - coordinated
19 thought with the office - it raises questions just to
20 say the least.

21 It is a close call for me. My preference
22 would be not to have the duplex and to have more green
23 space, so that it would be a more pleasant integration
24 of the office versus the residential. That said, it is
25 still a close call for me. I don't know if any of the

1 Board Members want to share their thoughts on this to
2 help with the decision process.

3 MR. AUSTIN: I agree with the Chairman. I think
4 that when we last spoke, the duplex was kind of an issue
5 for everybody on the Board. Maybe I'm speaking out of
6 turn, but I think we all agreed that was something that
7 we were looking at possibly removing. I understand that
8 the amount of units that you want - it's all about the
9 dollar. I get it. I understand that. That being said,
10 getting rid of the duplex and shifting everything
11 towards Vly a little bit - maybe shrinking the
12 stormwater and making an access out to New Karner and
13 having some sort of signage where we would actually have
14 an entranceway which is for an apartment complex, rather
15 than weaving through the office complex to get there.

16 I think the one neighbor had a great comment
17 about weaving to the office complex to try to get to
18 the apartments. It is a little awkward.

19 The amenities for the children - that was an
20 issue that we had, as well.

21 I think the neighbors need to understand that
22 there won't be any access onto Vly Road. So, the
23 concern of the traffic on Vly Road is really - it is
24 an emergency access gate. Nobody will be going in and
25 out. There will be construction obviously in and out

1 and they mentioned that. I think for the actual
2 project, there's not going to be traffic added to Vly
3 Road. So, I think that's a point that we don't need to
4 maybe keep addressing, but I don't think it's
5 something that is going to happen. I think they have
6 done a lot.

7 I appreciate the fence for the neighbor. It
8 is very nice. She's got her fence all the way to the
9 back of the property. You have done a lot to that. In
10 my opinion, it's just too much.

11 MR. LAPPER: We wanted to see if with these
12 changes - if the Board was comfortable keeping the three
13 buildings. We do have an alternative that doesn't reduce
14 two new units, but it eliminates the duplex. If that
15 seems to be really what the Board wants, the applicant
16 is willing to do that.

17 MR. LACIVITA: Before we go here, I have to be
18 honest with you. I met with Mr. Falvey in our office and
19 this two-unit was a major component during our
20 conversation and they pushed to be back on here because
21 that was their demand.

22 What they are going to show you today is
23 something that I was proposing right from the get-go
24 to address what the concerns were for the Board.

25 I also heard something here tonight that I

1 didn't hear before. It was the fact of the ownership
2 to the southern side of this of this component. I
3 think we have to look at this before you move tonight
4 on this project. I think we have to look at what that
5 design could be by using the residential component.
6 Instead of meandering someone through an office
7 complex, how about we use something that they control
8 currently and go through a residential component?

9 What I wanted Mr. Falvey to do today was to
10 make sure that came in as a proposal and he did not
11 listen to Planning.

12 So, in moving forward what I would like you
13 to do is consider the fact that he meet the demands of
14 the Department before we get back onto the next
15 Planning Board agenda and look at this as a holistic
16 approach with Chuck Voss and myself.

17 CHAIRMAN STUTO: So, in that regard, you're
18 suggesting that we table it.

19 MR. LACIVITA: That is correct.

20 MR. AUSTIN: I like the idea of a southern
21 access. I think that we were just discussing that down
22 here. Why couldn't there be a southern access to the
23 existing residential?

24 MR. LAPPER: Can I -

25 CHAIRMAN STUTO: No. We are not going to review

1 a whole new plan today.

2 MR. LAPPER: The only thing that I want to show
3 you on this is what is changed is the two units are
4 incorporated on this building and there is all the green
5 space that wasn't there previously on Vly Road. I think
6 it is a response to what we've heard.

7 CHAIRMAN STUTO: It is my suggestion that we
8 either vote on the plan or we vote to table. I think
9 that's where we should be.

10 MR. HEIDER: I'll make the motion to table.

11 CHAIRMAN STUTO: Okay the Chief has made a
12 motion to table. Doing a second?

13 MR. AUSTIN: Second.

14 CHAIRMAN STUTO: All those in favor?

15 (Ayes were recited.)

16 MR. LAPPER: Dan I ask one really quick
17 question?

18 CHAIRMAN STUTO: Sure.

19 MR. LAPPER: Joe, can you just explain what you
20 meant by access to the south?

21 MR. LACIVITA: It is my understanding that if
22 you guys were talking correctly, you have control to the
23 south of this development which is residential. I want
24 to see this in a larger picture where we can see access.

25 MR. LAPPER: Onto Vly?

1 MR. LACIVITA: No. What I am saying is from an
2 emergency standpoint, there is a gated community only or
3 maybe figure out a way that there can be some traffic to
4 go through. I have to look at it as a larger picture
5 development and not just what we are seeing here today.

6 CHAIRMAN STUTO: Okay, that's something you
7 going to work out and were not going to get into that
8 right now.

9 (Whereas the above entitled proceeding was
10 concluded at 8:12 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: _____

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