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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

VILLAGE OF NEW LOUDON
622 LOUDON ROAD

MODIFY ELEVATIONS FOR REMAINING TOWNHOMES

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on December 18, 2018 at 7:00 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- LOU MION
- STEVEN HEIDER, RECUSED
- SUSAN MILSTEIN
- BRIAN AUSTIN
- CRAIG SHAMLIAN

ALSO PRESENT:

- Kathleen Marinelli, Esq. Counsel to the Planning Board
- Joseph LaCivita, Director, Planning and Economic Development Department
- Bob Marini, Marini Homes
- Charles Voss, PE, Barton and Logidice
- John Schanz
- Chris Nougaim
- Joan Olendorf
- Valerie Albino

1 CHAIRMAN STUTO: Welcome everybody to the Town
2 of Colonie Planning Board. This is the last meeting of
3 2018.

4 We have several items on the agenda.

5 Joe LaCivita, do you have any business
6 announcements before we get started?

7 MR. LACIVITA: The only thing that I would like
8 to mention to the Board is we did go through the last
9 meeting along with Chuck of the Comprehensive Plan
10 Committee. We have a set of recommendations and goals
11 that we will be forwarding to the Town Board. We're
12 aggregating some comments that we are currently getting
13 from the public and some of our committee members. Once
14 we have that, we will send that revised goals and
15 recommendations to the Town Board. We believe that it
16 will probably be for that second meeting in January or
17 first in February. That leads us to the final steps of
18 potential adoption.

19 CHAIRMAN STUTO: Okay, thank you.

20 We will call up the agenda.

21 The first item is Village of New Loudon, 622
22 Loudon Road, modify elevations for remaining
23 townhomes.

24 We will ask the applicant to make their
25 presentation.

1 MR. HEIDER: Before you begin I just want to
2 make it known for the record that I have to recuse
3 myself.

4 MR. MARINI: Thank you, Mr. Chairman. I am Bob
5 Marini from Marini Homes. I have entered into a contract
6 to take over the remaining 37 townhomes at the Village
7 of New Loudon.

8 We hired an architect out of Washington DC.
9 He came to the area and we did a study on what was
10 there and knew that we had to do something a little
11 bit different because we wanted one master bedroom
12 down plans. We designed the product to kind of
13 complement what's already been there. We are not
14 exactly doing the same thing and in the process of
15 that because it is a PDD, I knew that I had to come
16 back to this Board to get the Board's blessing to
17 amend what was previously approved for the elevations
18 at the Village of New Loudon for the residential
19 townhomes. So, I supplied the Board with elevations.

20 The interesting thing about this project is
21 some of the units are front-load garages and some of
22 the units are rear-load garages. What I have for the
23 Board here are the units that are rear-load garages.
24 The way these kind of work is depending if it is a
25 three-unit building or four-unit building, this unit

1 here just gets a reverse image and becomes a bookend
2 on the other side (Indicating). So, if we have a four
3 unit building, it is this unit and then this one and
4 then this one just mirrors on the other side
5 (Indicating). The same thing for the three-unit. Each
6 building would have two of these types of units on the
7 rear-load garages, depending upon if it was a three or
8 four-unit building. Then, on the front-load garage
9 this is what it would look like (Indicating). If it
10 was a three-unit building, this unit would just mirror
11 and attach on the other side. If it was a four-unit
12 building, it would just be a mirror image of this
13 duplex that is shown on the other side. This look just
14 kind of repeats itself.

15 CHAIRMAN STUTO: I'm sure that there's going to
16 be a number of questions. I will turn it over to Joe
17 LaCivita.

18 This has been reviewed by the Department. You
19 have anything that you want to add?

20 MR. LACIVITA: If you look back on the
21 historical elevations that we had here, I just want to
22 make one - maybe a little bit more of a correction as to
23 Bob's opening statement. This is underlying zoning that
24 came in and the reason why a lot of people in the Town
25 sometimes thinks it's a PDD. This is the first time that

1 we really tried to enhance the project that was in the
2 Comprehensive Plan under the zoning laws that existed at
3 the time. So, we had to make several corrections to our
4 Land Use Law such as open development areas because they
5 became private roads so it didn't really flow and that
6 was the original intent of our original idea. It is
7 underlying zoning.

8 CHAIRMAN STUTO: And that is a mixed-use zone.

9 MR. LACIVITA: It is a mixed-use zone. The
10 actual density was provided by the overlying zoning. It
11 didn't go anywhere over and above what was originally
12 intended back in the day. What we see left is the 72
13 townhomes that were approved by a variation of this
14 Board. So, as Mr. Marini said, he is looking to take
15 over the remaining lots that have been slowly getting
16 built. He is going to be now the builder of record. We
17 typically do elevation changes when this happens within
18 our various residential neighborhoods. A new builder
19 comes in, they have their own models, they have their
20 own idea as to how to advance forward and that's what we
21 are seeing today.

22 CHAIRMAN STUTO: Okay, I have questions, but
23 does anybody else have questions that would like to
24 start?

25 MR. SHAMLIAN: The townhouses that are

1 currently under construction that are framed - there's
2 maybe six or so, is the correct?

3 MR. MARINI: I don't know. I'm not building
4 those. There is a four-unit that is under construction.
5 I work there every day, so I see what goes on.

6 CHAIRMAN STUTO: Are you proposing to take
7 those over?

8 MR. MARINI: No, sir.

9 MR. SHAMLIAN: How is what you are proposing
10 different than what is currently under construction?

11 MR. MARINI: I think what I have proposed is
12 much nicer than what is under construction. Do you want
13 me to elaborate?

14 MR. SHAMLIAN: Yes, please.

15 MR. MARINI: Well, from what I see, they are
16 just one-story ranch units that are being built with
17 dormers stuck on the elevations. They are one-bedroom
18 plans on the first floor with a small loft that's on the
19 second floor. So, I believe that those have to be
20 approved by this Board as well. That's currently what is
21 under construction, so they have two four-unit buildings
22 that they are proposing to do all as one-story homes.

23 CHAIRMAN STUTO: Let's just stay on that point.
24 Are they all one-story homes? They sure don't look like
25 one-story homes, to me.

1 MR. LACIVITA: I don't believe they are, to be
2 honest with you.

3 MR. MARINI: They're two-units, I believe, with
4 a loft.

5 CHAIRMAN STUTO: Of the ones that are fully
6 built out?

7 MR. MARINI: Of the ones that are under
8 construction right now.

9 MR. SHAMLIAN: The ones that are framed up.

10 MR. MARINI: The ones that are finished are a
11 variation of two-story - - they are all two-story homes.
12 I believe there is a certain number of models that have
13 masters on the first floor. It's not that many of them.
14 Maybe half of them, at best, have masters on the first
15 floor.

16 CHAIRMAN STUTO: That's your marketing thing.
17 You believe that is more marketing.

18 MR. MARINI: I believe so.

19 MR. SHAMLIAN: Okay, let's change of the
20 question. With what you are proposing, how is that
21 different than what I will call the original Georgian
22 look?

23 MR. MARINI: What I am proposing is comparable
24 in style and design to what was originally built there
25 and what was originally proposed.

1 MR. SHAMLIAN: Will they be as tall? I guess I
2 will start there.

3 MR. MARINI: I believe so. The very tall
4 buildings that are there right now - they are high
5 pitched roofs and they are tall because they span a big
6 distance between front to back which causes the roofs to
7 go much higher. So, all of these plans that I am
8 proposing are similar in size. They range from 2,100
9 square feet to 2,600 square feet. Every single one of
10 these models has a master bedroom on the first floor
11 with an open living area that encompasses a kitchen, a
12 dining area and a family room. Some of the plans have
13 dens on the first floor and they all have two bedrooms
14 and a bath and a loft on the second floor. One of the
15 plans actually has a second master suite, so there two
16 master suites in one of these plans. It has a master
17 suite on the second floor and one on the first floor.
18 The point is that if any empty nester wants to come to
19 this project and wants to live here, they are going to
20 find four different variations of a floorplan in which
21 all of them have a master bedroom on the first floor. I
22 believe that is a very important component to marketing
23 houses in this project.

24 So, all the materials are going to be
25 comparable to what has already been built. It's all

1 going to be hard plank siding that's painted. There is
2 no vinyl siding. I wanted to use some stone, but since
3 there is primarily brick that's used in the project,
4 we stuck with brick.

5 In this elevation here, there's not much
6 difference than what was already built there. So,
7 you've got the traditional Williamsburg Virginia kind
8 of look.

9 Does that answer your question, I hope?

10 MR. SHAMLIAN: I think for right now, yes. This
11 doesn't really have anything to do with you, but the
12 vast majority of what they are going to build is going
13 to be a front-load garage, just from the site plan and
14 access.

15 MR. MARINI: The majority of what I'm going to
16 build is going to be rear-load. I only have four, eight,
17 12 and 16 units that are front-load. There will be 21
18 that will be alley-loaded or rear-loaded.

19 CHAIRMAN STUTO: My questions are along the
20 same lines as Craig's. I want to make sure that it fits
21 in with what is there in terms of architecture, in terms
22 of scale and in terms of quality. So, my questions are
23 along those lines.

24 How many units are total approved and how
25 many are you doing -

1 MR. MARINI: I don't know.

2 Joe, what is there, 72?

3 MR. LACIVITA: Yes, 72 originally approved.

4 CHAIRMAN STUTO: Are you going to end up with
5 more than half of them?

6 MR. MARINI: Just slightly more than half, 37.

7 CHAIRMAN STUTO: Okay, got that.

8 You say that the span going backwards is a
9 lot - the depth of the building.

10 MR. MARINI: The second floor is deeper than
11 what these are.

12 CHAIRMAN STUTO: Why is that?

13 MR. MARINI: I don't know. It's just that their
14 plans are deeper on the second floor than these are.

15 CHAIRMAN STUTO: That means the square footage
16 is greater or the interior areas greater.

17 MR. MARINI: No, if you compare the square
18 footage of what is being offered now and what we are
19 offering, it is very comparable.

20 MR. LACIVITA: We're looking at a footprint
21 here, Peter, of the original that was back in 2014.

22 MR. MARINI: They are 68 feet deep, Joe. So, if
23 he uses the second floor at 68 feet, he's got to span 34
24 feet until he hits the ridge. I'm not going back that
25 far on these houses.

1 CHAIRMAN STUTO: So, your top floor is smaller.

2 MR. MARINI: My top floor is probably smaller,
3 yeah, because my bottom floor is probably larger but I'm
4 still fitting within the envelope that I am allowed.

5 CHAIRMAN STUTO: You mean the current
6 footprint.

7 MR. MARINI: What's on the site plan, yes.

8 CHAIRMAN STUTO: Do the original plans call for
9 any front-loaded garages?

10 MR. MARINI: Sure.

11 MR. LACIVITA: Yes.

12 CHAIRMAN STUTO: And you're doing the same
13 ratio?

14 MR. MARINI: I'm doing whatever is left.
15 Probably half of the project is frontload.

16 CHAIRMAN STUTO: It is already laid out that
17 way.

18 MR. MARINI: It has already been approved that
19 way.

20 CHAIRMAN STUTO: Obviously, those buildings
21 would be attached.

22 MR. MARINI: Yes, they are attached.

23 CHAIRMAN STUTO: And you are saying your
24 materials are the same - the hardboard and the brick?

25 MR. MARINI: Yes.

1 CHAIRMAN STUTO: Variety, that's the other
2 thing. We don't want to end up with one building with
3 four of the same type.

4 MR. MARINI: That's what you're going to get.
5 That's what is already there now. These buildings will
6 repeat themselves down the boulevard. That's the look of
7 a townhouse.

8 CHAIRMAN STUTO: Within a given townhouse -
9 there is variety.

10 MR. MARINI: And with a three-plex you will end
11 up with -- let's say this building in the middle
12 (Indicating) and then this one that is a mirror image
13 will go on the other side. This has an entry around the
14 side. On an end unit, I'm not going through the front of
15 the house. I'm coming around the side.

16 CHAIRMAN STUTO: Joe, can you hold up the
17 elevations for the other one? I don't want three or four
18 bland buildings or units - - by the way, I mean the
19 neutral color right in a row.

20 MR. MARINI: That's what you got there right
21 now.

22 MR. LACIVITA: This is the three-plex now
23 (Indicating).

24 CHAIRMAN STUTO: Yes, those are different.

25 MR. MARINI: The end units are almost

1 identical.

2 CHAIRMAN STUTO: That's fine, as long as they
3 are broken up. I personally don't have a problem with
4 it. I want to break them up. That's what I'm trying to
5 say.

6 MR. MARINI: These two units are exactly the
7 same (Indicating) - the floor plans. This has a shed
8 roof on the porch. This has a different porch. This has
9 a shed dormer. These have gabled dormers to make them
10 different.

11 CHAIRMAN STUTO: That's the variety I'm talking
12 about.

13 MR. MARINI: You will have variety in the row.
14 It's just when you put two four-unit buildings together
15 - - so, if you have a four-unit building here and
16 another four-unit building next to it, they are both
17 going to be the same building. They repeat the same,
18 it's just you're not going to have four of these models
19 in a row (Indicating). You will have one, two and three
20 and then this one will reverse it will be the bookend.

21 CHAIRMAN STUTO: I understand. That's exactly
22 what I want to make sure happens.

23 MR. MARINI: Sure.

24 CHAIRMAN STUTO: Those are the ends of my
25 questions.

1 Anybody else?

2 (There was no response.)

3 Okay, you want to carry us through, Joe?

4 Are there members of the public that want to
5 speak on this?

6 MR. OLENDORF: So, I am a resident at Shaker
7 Creek. I live in the outer circle. It is called
8 Cambridge Way. We were a part of the third building that
9 was there. I have seen a lot of this going up. I just
10 have a comment to just kind of enhancement what you have
11 been saying.

12 The new houses that have been going in all
13 have elevators in them. Yes, people like to be on the
14 same floor but they like the houses that have the
15 master bedroom on the second floor. So, the builder
16 has been putting elevators in. It is essentially the
17 same thing as having a master bedroom. My wife and I
18 have a bedroom on the first floor and we like that.
19 He's got two or three floor plans right now that have
20 master bedrooms on the first floor and everything
21 else. That kind of solves that problem of the master
22 bedroom on the first floor. As a resident, I have a
23 bunch of concerns.

24 CHAIRMAN STUTO: Excuse me, sir, you have to
25 address the Board.

1 MR. OLENDORF: You had a whole bunch of time to
2 go someplace and do a study. We get this a couple of
3 days ahead of time. It would have been nice to have some
4 pictures of how this would look as part of the whole
5 development.

6 The other thing that is going on is they are
7 talking about putting in the senior citizen center
8 just south of our development. There is a lot going on
9 and it's kind of difficult to absorb all of this and
10 see what's going on. It's not that I object to this, I
11 just think we need some more information and some more
12 time and to understand how everything is shaping up
13 and how everything put together will affect our
14 community.

15 There are other questions like: We have been
16 promised sidewalks and streetlights and a secure entry
17 into the development which has not been provided.
18 Then, we have two builders, so who's going to be
19 responsible for that? I just have a feeling that we
20 could have the back-and-forth; no, it's his job, no
21 it's his job and never get the things that were
22 promised us that were in the original specs - those
23 things taken care of. So, before you vote, I would
24 just ask that we be allowed to get more information
25 from Mr. Marini and get answers to those questions on

1 how things are going to work.

2 Also, we would like to see a little more as
3 to what's going to happen just south of this that will
4 have a direct impact if that senior center does go in.

5 CHAIRMAN STUTO: Okay, thank you.

6 My understanding - and you correct me - is if
7 Mr. Marini buys this, he's buying all the
8 responsibilities and finishing up the project.

9 MR. LACIVITA: Correct, but we could also put
10 some of that responsibility before the sale goes through
11 on Mr. Viscusi as to what has not been done on the site.

12 CHAIRMAN STUTO: Do you have a comment on that?

13 MR. MARINI: I'm going to take over the
14 homeowners' association, once I come in here. What I
15 will not take responsibility for is what has already
16 been done by Viscusi. Whatever Viscusi built and
17 whatever he did is his responsibility. It is not mine.
18 I'm going to be responsible for finishing up the
19 project.

20 CHAIRMAN STUTO: I'm talking about common
21 areas. I'm not talking about warranties on the houses.

22 MR. MARINI: The homeowners are paying dues
23 into a homeowners association which is being managed by
24 a separate management company which Viscusi is
25 ultimately responsible for. I'm going to step into

1 Viscusi's shoes and ultimately be responsible.

2 CHAIRMAN STUTO: If there are sidewalks that
3 are not completed -

4 MR. MARINI: I'm going to complete the
5 sidewalks that are necessary to be completed on the lots
6 that I have and not on the lots that are already built
7 on.

8 CHAIRMAN STUTO: If he owes us sidewalks -

9 MR. LACIVITA: One of the things we do, Peter,
10 prior to certificate of occupancy on the remaining
11 projects that he is building - Viscusi - we will make
12 sure that conditions -

13 MR. MARINI: There are streetlights that still
14 need to go in there, which will be put in as the project
15 gets built out.

16 CHAIRMAN STUTO: Are they bonded? Do they bond
17 for that stuff?

18 MR. LACIVITA: I don't believe so.

19 CHAIRMAN STUTO: Is he up to where he is
20 supposed to be?

21 MR. LACIVITA: Not really because he's actually
22 the owner or the builder of record so he is intending to
23 build the entire thing. He is in the process of building
24 these homes right here (Indicating) which again, we can
25 put conditions on such as making sure the sidewalks are

1 in place and the lighting is in place.

2 CHAIRMAN STUTO: We are going to lose our
3 leverage if we approve this.

4 MR. LACIVITA: Not really because he will never
5 be able to rent or sell the ones that we put those
6 conditions on. It is our leverage that will be before
7 the sale.

8 CHAIRMAN STUTO: I'm not sure I agree with that
9 we will have as much leverage. I don't know the
10 particulars of what has been done and what he still
11 owes. You're saying that he just owes us stuff in front
12 of the things that are being framed?

13 MR. LACIVITA: Bob is taking over the remaining
14 37 lots.

15 CHAIRMAN STUTO: Right, and I understand that.

16 MR. LACIVITA: Everything that I know or at
17 least the Building Department knows that they look for
18 has not been completed to a certain degree on what
19 exists today.

20 CHAIRMAN STUTO: Is he commensurate of where
21 they are in the construction, or is he behind?

22 MR. LACIVITA: The lighting, I hear now, is
23 what we need to be looking at.

24 MR. MARINI: Mr. Chairman, it is a very dense
25 site. So, the construction of the buildings takes place

1 in a very tight area. It makes no sense to go
2 streetlight the whole project before building the units
3 out because the streetlights are only going to get
4 damaged during the construction because you only have so
5 much room to move. So, the units that are built - I
6 can't speak as to whether all the streetlights are in
7 for the units that are built, but there is an improved
8 plan that shows what the streetlights are and as the
9 project gets built out, those streetlights will be put
10 in. As the project gets built out, the sidewalks will be
11 put in. You can't do all this stuff in advance because
12 you end up doing it twice.

13 The fact of the matter is that this thing was
14 approved probably back in 2013. I built my office on
15 the site and I have built 57 apartments in the last
16 year over there and these townhouses have been under
17 construction since 2014. It's not 2018. The fact of
18 the matter is that there is probably only been about
19 eight townhomes sold in there, which is what I can see
20 on record in terms of what is reported to MLS in four
21 years. So, my plan is to come in here and market a
22 project that gets built out in a reasonable period of
23 time so that people don't have to deal with
24 construction for the next 10 years. I have to do it
25 with a design that I feel comfortable with marketing.

1 This is what we are presenting.

2 CHAIRMAN STUTO: Nobody's disagreeing with
3 that. We are trying to focus on the problem of whether
4 the current owner owes us anything, in terms of the
5 exterior of the structure.

6 MR. MARINI: I can't speak to that because I
7 don't know. The Town certainly has leverage against him.

8 CHAIRMAN STUTO: With respect to what is
9 proposed on the south end of that - that's a totally
10 separate project, as far as I'm concerned.

11 MR. LACIVITA: It is a totally separate project
12 and a totally separate developer that's coming in.

13 CHAIRMAN STUTO: With an application and we
14 don't even know -

15 MR. LACIVITA: We don't even have an
16 application at this point. We only got a letter request.

17 CHAIRMAN STUTO: The other person who signed
18 up?

19 MS. NOUGEIM: I have a question about the
20 remaining number. Marini said that he was going to take
21 over 37 and there are 21 that are sold and then the
22 other eight, I believe, are being built now close to the
23 parking lot near Rumors. That leaves seven remaining -
24 six or seven remaining. So, there are some lots that
25 he's not taking over?

1 CHAIRMAN STUTO: Can you help with that, Joe?
2 Do you know what she's talking about?

3 MR. LACIVITA: I don't know.

4 MS. NOUGEIM: The numbers don't jive.

5 MR. LACIVITA: Bob, do you have any idea what
6 is currently built out there.

7 MR. MARINI: I think she is talking buildings.
8 I'm talking units. I think the whole project is 72
9 units. It was 71 but one unit got added to the end of
10 one building back in 2013. I don't know what is built. I
11 just know that I am taking 37 lots. If I brought a map I
12 could circle them on the map and tell you. There was one
13 unit added right here (Indicating). I'll put a bubble
14 around this one. This is not built, but he is retaining
15 that. These are all built here (Indicating).

16 CHAIRMAN STUTO: What is under construction?

17 MR. MARINI: I will put a square around what is
18 under construction. They intend to build those ranches
19 that are being built right now. They're building four
20 here (Indicating). To my knowledge they're going to
21 build another four here.

22 CHAIRMAN STUTO: I want to make sure that Joe
23 understands.

24 MS. NOUGEIM: Those are under construction?

25 MR. MARINI: No, it is an empty lot. It is not

1 under construction. It doesn't add up to any more than
2 what was approved.

3 MS. NOUGEIM: Can the minutes reflect what lots
4 he's taking over?

5 MS. MILSTEIN: Can we mark and make it an
6 exhibit?

7 MR. LACIVITA: Yes, we can. I just want to see
8 if we have identified all of the number that we have
9 done to the narrative. We do say 37 townhomes in the
10 narrative. So, we will make sure that we put in an
11 exhibit labeled Marini 1.

12 So, what Mr. Marini just showed us - he is
13 acquiring these here (Indicating). I can duplicate
14 this and I can send this to you.

15 MS. NOUGEIM: May I say one more thing?

16 CHAIRMAN STUTO: Yes.

17 MS. NOUGEIM: I just want to also mirror what
18 John said. I don't blame you for not wanting to take
19 over things that should've been done by Mr. Viscusi, but
20 we don't expect sidewalks to be built where there's
21 going to be future construction but there are sidewalks
22 missing on the corner of Sudberry and Cambridge. That's
23 next to 1 Sudberry and 13 Sudberry. Also, there are
24 sidewalks that are reflected in between the buildings
25 and I don't think anybody cares whether those get built.

1 The streetlights aren't in. It took two years
2 to get a lawn. Thanks to the Town, I don't think we
3 would have gotten them if it wasn't for the Town.

4 The landscaped plan was not adhered to as was
5 approved. That's it.

6 CHAIRMAN STUTO: Joe, can you check with the
7 Department and see where we are with those open items?

8 MR. LACIVITA: Yes.

9 CHAIRMAN STUTO: Mr. Schanz.

10 MR. SCHANZ: My question as to the exact
11 location of these proposed buildings and what exists on
12 that property right now? What would be the address of
13 these buildings?

14 CHAIRMAN STUTO: You can have this map of the
15 property. I understand that there was one more unit
16 added. That is what is supposed to be built except there
17 was one additional unit. You can take that with you. I'm
18 not sure what you're asking about the address.

19 MR. SCHANZ: Whereabouts in Colonie would it
20 be?

21 CHAIRMAN STUTO: Where is this?

22 MR. SCHANZ: Yes.

23 CHAIRMAN STUTO: This is already started to be
24 built. Do you know where the Hoffman's was?

25 MR. SCHANZ: Yes.

1 CHAIRMAN STUTO: Do you know Bellini's?

2 MR. SCHANZ: No. I do know the area.

3 CHAIRMAN STUTO: Do you know where the driving
4 range used to be?

5 MR. SCHANZ: Yes.

6 CHAIRMAN STUTO: That's right where this is.

7 MR. SCHANZ: Thank you

8 CHAIRMAN STUTO: Who else wanted to be heard on
9 this project?

10 MS. OLENDORF: My name is Joan Olendorf. I am
11 John's wife. My concern is that when we originally got
12 involved with building and purchasing a home in this
13 Town complex, it was presented as a village. It had a
14 cohesiveness to it. There was a look that it was
15 supposed to achieve. It was not supposed to be something
16 that turned into basically a mishmash, for lack of a
17 better word; different styles and different buildings.
18 It was supposed to be a symmetry to it. If you look at
19 the original building plan, you can really see that
20 symmetry there.

21 As Chris had mentioned, the sidewalks and the
22 original areas that Viscusi had were not done. The
23 lighting is not done. While I understand that we have
24 a new builder coming in here, we still need to think
25 about the overall look of what this was meant to be

1 and if we have part of this village that is being
2 built by new builder - while the elevations may be
3 similar, they are not necessarily the same. There are
4 different heights. I don't know if the width of what
5 you had is different than the front elevation. If you
6 start to have something that looks like it's just a
7 mess of different styles and it is not completed, my
8 concern is that the value of our homes is going to go
9 down. Of course, none of us want to see that. It
10 started out to be really a lovely idea and it is
11 starting to turn into something that the people who
12 are living there now are becoming very fearful as to
13 where this is all going to go.

14 So, I would like you to get some real
15 consideration to what can be done to complete the
16 buildings that are there, the way that they should
17 have been and also to ensure that if there is a new
18 builder that is approved for this, the buildings that
19 are going to be put up are going to be close enough in
20 appearance that they are not going to detract from the
21 look in the symmetry of what was supposed to be
22 because that's what we purchased.

23 CHAIRMAN STUTO: Ma'am, I agree with what you
24 are saying. I think that's what some of us were trying
25 to get at. You can take my elevations, if you want.

1 These are the drawings of what is going to go in there.
2 This is the layout. The layout is not changing. In my
3 estimation, these were similar enough but I want to open
4 it up to the Board for discussion. I agree with your
5 concern.

6 You can take those with you.

7 MS. OLENDORF: Thank you.

8 CHAIRMAN STUTO: I think they are similar
9 enough in quality. The footprints are the same. The
10 layout is the same.

11 Where there is a garage in front, there is
12 still going to be a garage in the front, correct?

13 MR. MARINI: Correct.

14 CHAIRMAN STUTO: And where there was a garage
15 in the back, they're still going to be a garage in the
16 back.

17 MR. MARINI: They are all going to conform to
18 weigh the site plan was approved in terms of front-load
19 garage and alley-load garage.

20 CHAIRMAN STUTO: The way he is explaining it
21 and the quality of materials - similarity - - as she
22 said, he stayed with brick instead of stone. Unless
23 someone can refute that, I think they are matching the
24 idea of the original - - at least in terms of quality,
25 style and architecture of the original. That is my

1 opinion.

2 The other side of it, from my opinion, is
3 that if the other units were not selling and it did
4 seem like they were selling awfully slow, you may be
5 better off with a product that will sell quicker. I
6 think it will be better off, overall. That's where I
7 sit at this point.

8 I would be interested to see how the other
9 Board Members feel about it. It is an important point.

10 MR. AUSTIN: I don't think you should build it
11 to sell it quicker with less quality. I don't think it's
12 less quality. It looks very nice.

13 I will go back to what John was saying about
14 the security issue. Is there any way to address that
15 as far as - - originally, when it was presented to us
16 on the Board way back in 2013 or even before that, it
17 was a gated community and now I see that it's kind of
18 like a little drop bar.

19 MR. MARINI: I had nothing to do with that. I
20 am only inheriting what was already built.

21 I tried to get in there this morning and I
22 couldn't. You have to press a code to go in. The gate
23 on the way out is always down in it opens. It must be
24 pressure censored so that it opens when a vehicle
25 approaches that.

1 During the day the gate is always up because
2 you have a lot of construction traffic that goes in
3 and out of there and you can't give a contractor the
4 code because then that violates security issues, as
5 well.

6 If I may just add one thing? What is more
7 detrimental to the value of the community is one that
8 doesn't get built or takes 10 or 15 years to get built
9 out. Who knows over time whether it's going to get
10 built the same way or somebody could easily take over
11 Viscusi's designs, stripped the interiors out, keep
12 the exteriors the same and try to build them? In my
13 estimation, the plans that are there don't fit with
14 what the market wants. That's why I am proposing to
15 bring my plans and my architect -

16 MR. SHAMLIAN: You are talking about the floor
17 plan.

18 MR. MARINI: The floor plans, yes.

19 MR. SHAMLIAN: Not the exterior elevations.

20 MR. MARINI: No, I think that the elevations
21 are nice. At the same time, it's not my style. It is
22 somebody else's style. I'm just trying to blend my style
23 with what is already there and try to keep some kind of
24 harmony and some concern as to what has already been
25 built. I would've done something completely different,

1 but I had to stay somewhere along the line of what is
2 already there. This is my version of what that is. This
3 is my architect's version of what this is. The architect
4 that I have design these things is a nationally known
5 architect. They go around the country and they do high
6 density projects.

7 CHAIRMAN STUTO: Chuck, can we get your free
8 opinion on this issue?

9 MR. VOSS: Really, the question comes down to,
10 I think, architectural style. The footprints are the
11 same. The units are essentially the same. I don't think
12 Bob is adjusting the site plan, per se. I think that it
13 is an aesthetic issue and I think the one resident
14 raised an issue that there is certainly a liability that
15 goes with improving a project of a certain particular
16 architectural style and I think the way this project was
17 presented - I think you want to try to preserve that as
18 best you can.

19 CHAIRMAN STUTO: Do you think he's
20 accomplishing that?

21 MR. VOSS: I think really, really close in my
22 personal opinion. With the architectural design in what
23 I see here I have seen the buildings that are up that
24 are already there and I can't speak to who owns those
25 that are being framed right now because we just haven't

1 been involved with the project that closely. But of what
2 I have seen constructed and what I have seen presented,
3 they are very similar in architectural style. The
4 materials are the same. They are the same quality and
5 same types of glazing and same architectural detailing.
6 Maybe with a slightly different design, to me, that
7 seems reasonable.

8 MR. LACIVITA: When you look at what Bob is
9 proposing from a window, it is a six over six. He's
10 putting a bank of four versus a bank of three. So, I
11 think the intent is still there as to what he is trying
12 to bring in.

13 CHAIRMAN STUTO: Yes, that is my opinion too.
14 Okay, is there anyone else from the public
15 would like to speak?

16 MS. ALBINO: Hi. My nickname is Valerie Albino.
17 My question is: When are we getting a traffic light at
18 Route 9 there? With the density of your building - - it
19 is a high traffic area.

20 CHAIRMAN STUTO: Okay, we will do our best to
21 answer the question.

22 MS. ALBINO: I guess I understand that the
23 light was going to go in when the project was done -

24 CHAIRMAN STUTO: We will try to answer as best
25 we can.

1 MR. LACIVITA: I have to say thank you to the
2 Olendorfs. John and Joan have been very proactive in
3 trying to get this thing under control. They have even
4 reached out to DOT. There has been a change in the
5 leadership at DOT at the local level, but Guy Tedesco
6 who is our local representative now - he had said to me
7 a few months back - we are at that point where the
8 density trigger is there. So, they have actually set out
9 for the design. They are putting it in - from what I
10 understood, they were looking at hopefully 2019 - Spring
11 - so, they would actually get the bidding -

12 CHAIRMAN STUTO: For the construction of the
13 traffic light.

14 MR. LACIVITA: Yes. I don't know if that falls
15 on you, at this point. Sometimes that does happen.

16 MR. MARINI: Nobody wants a traffic light there
17 more than I do. I have the building on the corner and
18 that's where my office is. Bellini's is there.

19 I just finished construction on a 47-unit
20 apartment building. It is an integral intersection
21 there and to my knowledge the trigger for that traffic
22 light was when 50% of the residential units in the
23 project were built out. That would trigger the
24 necessity for the installation of the traffic light.

25 The installation of the traffic light is the

1 responsibility of the developer who got the project
2 approved - Anthony Fazzino. To my knowledge, he has
3 everything in place to do that. I think that they were
4 just waiting for some wires to be moved. So, you have
5 to coordinate Verizon, Time Warner and anybody else
6 who has wires on those polls to get them moved. I
7 believe that they are in the process of getting those
8 wires relocated so that traffic light can be installed
9 and those poles moved. That's what I know about it.

10 What I can tell you about it is that I am no
11 dummy at negotiating a contract because it is the
12 developer's responsibility and I'm taking over his
13 lots and if he doesn't do it, I will take over the
14 responsibility to do it and back charge it out of my
15 contract. It ultimately has to get done.

16 CHAIRMAN STUTO: Fair enough.

17 Ma'am it sounds like, to me, like it's going
18 to be 2019.

19 MR. LACIVITA: Everything that DOT had said to
20 me that they are looking at - that looks to be what the
21 time is.

22 MR. MARINI: It's also very important for the
23 Imperial Pool project across the street - for that to
24 get built out because anybody that they are marketing
25 that project to is hesitant to go forward until that

1 traffic light is in.

2 MR. AUSTIN: I'm sorry, I thought that there
3 was a distance issue from Newton Plaza to the proposed
4 light.

5 MR. LACIVITA: This far exceeds the distance.
6 DOT has been right on Board right from day one. I think
7 that it was the stand-alone bank that had an issue at
8 the Homestead area.

9 CHAIRMAN STUTO: Okay, anything else?

10 (There was no response.)

11 Any other comments from the Board or do we
12 have a motion to approve the new elevations? I do want
13 to add a condition.

14 MR. AUSTIN: I'll make the motion.

15 MR. MION: I'll second.

16 CHAIRMAN STUTO: I propose a condition that if
17 we vote in favor --- first of all I give my opinion
18 which is I think that these are of the same or similar
19 quality and similar architectural design enough to match
20 the other buildings. The layout hasn't changed.

21 I don't know Mr. Marini personally, but you
22 can see his developments around the Town have been
23 successful. He knocks them out quick and he apparently
24 knows how to market them.

25 I think that this is a better alternative

1 than the current situation. That's my personal
2 opinion.

3 The condition that I would propose is that if
4 we vote in the affirmative, that we don't released the
5 signed plans in terms of allowing this to be finally
6 approved and released to him until you check with the
7 Department, Joe, and ensure that the current developer
8 is where he is supposed to be in terms of the
9 infrastructure that he is supposed to install. *Can
10 you amend your motion?

11 MR. AUSTIN: To what you just said.

12 MR. MION: I second it.

13 CHAIRMAN STUTO: Any more discussion?

14 (There was no response.)

15 MR. AUSTIN: I just want to say thanks to Bob
16 for taking this project on. I know that - as you say -
17 it somewhat stalled in the last few years.

18 MR. MARINI: Well, thank you. With all due
19 respect, I have a \$4 million dollar office building on
20 the corner. I just completed a \$9 million dollar
21 apartment building on one side of the road and a \$1.5
22 million dollar apartment building on the other. I have
23 quite a bit of money invested in there. I want to make
24 sure that it completes out properly.

25 MR. AUSTIN: Thanks, again.

1 MR. MARINI: Thank you.

2 CHAIRMAN STUTO: Anything else?

3 (There was no response.)

4 All those in favor say aye.

5 (Ayes were recited.)

6 All those opposed say nay.

7 (There were none opposed.)

8 The ayes have it. Thank you.

9 (Whereas the above entitled proceeding was
10 concluded at 7:35 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
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