

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 LOUDON ROAD
PLAN DISTRICT DEVELOPMENT
606 AND 608 LOUDON ROAD

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled matter
7 by NANCY L. STRANG, a Shorthand Reporter commencing on
January 21, 2020 at 7:36 p.m. at Memorial Town Hall,
8 Loudon Road, Newtonville, New York

8 BOARD MEMBERS:
9 PETER STUTO, CHAIRMAN
10 CRAIG SHAMLIAN
11 STEVEN HEIDER
12 BRIAN AUSTIN
13 CHIP ASHWORTH
14 ALSO PRESENT:

15 Kathleen Marinelli, Esq., Counsel to the Planning
16 Board
17 John Cunningham, Commissioner, DPW
18 Nicholas Costa, PE, Advance Engineering and Surveying
19 Joseph Grasso, RLA, CHA
20 Alanna Moran, PE, VHB
21 Andy Brick, Esq.
22 Tom Burke
23 Carol Cowal
24 John Monetta
25 Barbara Numerick
Mike Quinn

1 CHAIRMAN STUTO: Next item on the agenda is
2 Loudon Road PDD, plan district development; 606 and 608
3 Loudon Road. Review and recommendation for PDD to the
4 Town Board and request for rezoning to include 26,000
5 square foot retail restaurant with a senior living
6 component to include 85 apartments and 92 assisted
7 living with overall parking of 414 spaces.

8 This is being reviewed by Joe Grasso of CHA.

9 Joe, give anything to say before we turn it
10 over to the applicant?

11 MR. GRASSO: No.

12 MR. BRICK: Good evening, Mr. Chairman and
13 members of the Board and members of the public. My name
14 is Andy Brick on behalf of the applicant. You have seen
15 this project before. We've been here close to a year
16 now. This is our fifth meeting.

17 Briefly what I would like to do is a
18 PowerPoint is recap some of the significant changes in
19 how this project has evolved and then address some of
20 the concerns that we heard from the neighbors at the
21 last meeting and then proceed to take any questions
22 that the Board may have at that juncture.

23 CHAIRMAN STUTO: That sounds great. I just want
24 to say one more thing. If there are members of the
25 public that want to speak on this, we have a sign-in

1 sheet in the back of the room. If you can sign in, it
2 would help us take comments in an orderly fashion.

3 MR. BRICK: This is the proposed PDD at 606 and
4 608 Loudon Road. It is the former Hoffman's Playland.
5 That's the rendering that you see of the front retail
6 portion.

7 Since you started this process, as you
8 recall, we are proposing to lots; the retail with the
9 commercial out in front with the independent
10 apartments and assisted living in the rear.

11 Since the original application was submitted,
12 we have revised Lot 1 significantly. We have reduced
13 the square footage of the building by 13%. We reduced
14 the building footprint by 7%. We reduced the square
15 footage of the second floor by 50%. We increased the
16 width of the landscape buffer along Route 9. We
17 actually doubled it from the original proposal. It's
18 now at least 10 feet wide.

19 We have reduced the restaurant seating by
20 15%. If you remember, it was really 400, but now we
21 are proposing our restaurant seating up to 340. That
22 would include the seasonal outside seating. So, the
23 340 would be in the good weather. Realistically at
24 this time of year we anticipate the interior seating
25 would be about 240 to 250 seats. By way of comparison,

1 if you have been to the new Longhorn Steakhouse on
2 Wolf Road, that is about a 250 seat restaurant. So,
3 that's about the size and the number of seats we would
4 be looking at inside. The 340 include the patio in the
5 back in the good weather.

6 For Lot 2, the assisted living and
7 independent apartments, we reduced the square footage
8 of the building by 11% as well as reduce the building
9 footprint by 12%. That was based upon concerns raised
10 by both Board Members as well as the public about the
11 size and scope of the building. We think we have
12 developed a building that fits into the parcel much
13 better than the original proposal.

14 One of the issues early on was parking and
15 whether or not we have sufficient parking to park the
16 retail commercial as well as the independent living
17 and senior assisted living in the back. As it stands
18 now for Lot 1 - we have revised it by reducing the
19 number of seats in the restaurant and reducing the
20 square footage overall the building. We now are
21 showing 220 parking spaces which is 114 for restaurant
22 parking, 16 employees and 90 for the retail. That
23 meets Code. So, now we are balanced on Lot 1 in terms
24 of what the Code would require if it was a PDD. It
25 would require 220 and we are providing 220. So, for

1 Lot 1, we now meet the parking Code.

2 For Lot 2, in the rear we are proposing 194
3 spaces, 134 of which are going to be the underground
4 parking garage and not visible. It is underneath the
5 building. There are 23 for the assisted living and 34
6 for employees. On the next slide we have shown the
7 employee calculation; 28. Independent senior living -
8 we are proposing 85 parking spaces. The proposed
9 operator of the independent senior living, if you
10 remember, in one of our meetings stated that in their
11 lease they would specifically state there would only
12 be one car per unit. We also believe that due to the
13 nature of the independent senior apartments that one
14 space per unit would be sufficient. I believe your
15 Town Designated Engineer may have supported the
16 proposal. Although it is a PDD, we technically don't
17 request a waiver. In effect, we would be requesting a
18 waiver of the Town's Code of two per unit to allow one
19 per unit.

20 We also show 56 overflow parking or visitor
21 parking in addition to what we are providing for the
22 employees and the units. So, that's our parking
23 calculation for the back. Again, although it's not
24 technically a waiver, we are requesting a waiver to
25 allow for the one per unit and as stated by Kelly

1 Address the leases would include a provision that it
2 would one parking space per unit.

3 This is just the employee chart that shows
4 the maximum per shift which would be 20.6 employees.
5 So, we accounted for 30 spaces.

6 This is also the parking plan that we showed
7 how we would be parking both lots in terms of by type
8 of use; where the visitors are, where the employees
9 are, where the retailer is and where the restaurant
10 is. I just want to remind you that we have shown that
11 we can park the site based upon the use is proposed.

12 This is new and this came up to a certain
13 degree from some concerns raised at the last meeting
14 about the visibility of the rear building. What this
15 diagram is showing is that from someone standing at
16 Route 9, due to the height of their retail commercial
17 in front back to the four-story independent senior, if
18 you're standing on Route 9, your visibility which is
19 the yellow line - you would not see the independent
20 senior apartments behind the retail commercial and
21 that the visibility is blocked by the size of the
22 retail commercial building out in front. That was to
23 address concerns people had raised about what they
24 would be looking at on the site.

25 We just wanted to highlight some of the

1 components of the plan and put it on one sheet for you
2 and show you the details.

3 We met with Joe Bisognano from Fire Services
4 and he had asked us to provide four separate locations
5 around the buildings where their ladder truck could
6 set up and operate so we have shown the four 26 by 40
7 sites where the ladder truck could set up, as needed,
8 around the building. That's in orange. We also are
9 showing three hydrants on the site; one to the rear
10 and two out to the front. The light green is the
11 minimal impacts to wetlands. We have provided a
12 calculation that we will provide a minimal impact to
13 wetlands. We anticipate getting a national permit
14 number 29 to allow that.

15 The yellow shows the receiving and loading
16 areas.

17 Light blue shows the storm snow storage.
18 Someone had requested showing where the snow was going
19 to be stored. Then, the dark blue is stormwater
20 management. Ponds are to the rear, but they are
21 underground in the retail/commercial underneath the
22 parking lot.

23 One of the questions that had come up a
24 number of times is for the amount of rents that people
25 will be paying in the assisted living and in the

1 independent senior living and what services are
2 provided. We have provided to you the list of
3 services. It's actually two pages. It's two slides on
4 the PowerPoint. I'm not going to go through each one
5 of them for you, but I would urge you to look at that
6 and you'll see that it's an all-inclusive price.

7 People were somewhat in question about the
8 amount of rent that is being proposed by the
9 applicant. We just wanted to give you a list of all
10 the things that are included. It's really an
11 all-inclusive price. When you look at it in those
12 terms, it changes the perspective a little bit on the
13 actual monthly rents that we are proposing.

14 This is just a sample of the menu and what's
15 available for the people and it goes along well with
16 the amenities. There will be a number of food choices
17 and it's based upon a credit program. We get a certain
18 amount of credits which are included in your rent and
19 those credits translate into meals at the on-site
20 facilities.

21 One of the proposed changes that you're
22 seeing for the first time - and this comes as a direct
23 result of public comments at the last meeting where a
24 number of residents and people in the neighborhood
25 have stated that hey, this is a PDD in it's going to

1 provide a public benefit. That public benefit should
2 be kept close to the neighborhood. It should be close
3 to the project and it should stay local with the
4 project. So, taking into account those statements,
5 what we are proposing now as part of our public
6 benefit is to construct and install sidewalks along
7 Route 9 and a gap that exists from just north of
8 Bellini's to Fresh Market. There are no sidewalks
9 currently in that location.

10 In addition to what we had proposed -- I may
11 have missed spoke to you earlier, Joe, but our
12 proposal, just so it's clear, is we had originally
13 proposed Aviation Road to fill in the gap from the
14 condos up to the Ciccotti Center where there is a
15 sidewalk. There is also a gap that was identified by
16 the Town along Spring Street Road. So, in addition to
17 those two previous proposals that you have seen, we
18 also are proposing to construct or cover the cost of
19 installation of a sidewalk to fill this gap with the
20 recognition that this is near the proposed project.
21 So, based upon those comments, we are now proposing
22 this as a public benefit as well to the maximum amount
23 of \$500,000 as the public benefit. So, this is added.
24 So, I apologize that I confused Joe a little bit by
25 saying this was to replace Aviation. It is not. We are

1 proposing Aviation as we had previously proposed it
2 and Spring Street Road as well. Contingent on this one
3 is that the Town obtain the easements from the
4 individual property owners as we go up there. We would
5 fund the cost of that sidewalk. So, the public
6 benefit, if you are put a dollar figure on at this
7 point, is sidewalks up to this \$500,000 in sidewalk
8 improvements.

9 CHAIRMAN STUTO: Have you communicated that
10 with the Supervisor's office or the Town Board - the
11 public benefit?

12 MR. BRICK: We provided a letter that I believe
13 was in December where we did state that the people
14 utilizing the Fresh Market sidewalk because it gets us
15 to Fresh Market - - it has been proposed. I think it was
16 proposed in addition to.

17 So, I just want to clarify that on the
18 record. That proposal is in addition to the Aviation
19 Road gap and the Spring Street Road gap.

20 Pedestrian friendly - it's clearly a
21 comprehensive goal that we met. I won't go through
22 each of these. We have touched upon this in the past.
23 We a have pedestrian access throughout the property
24 and now we are proposing the access up to Fresh Market
25 along Route 9 to make it a pedestrian connection from

1 our side all the way to Fresh Market. And not just for
2 our property, but everyone will benefit. That's a
3 pretty significant gap along Route 9 with a sidewalk
4 that doesn't exist.

5 We will be developing the existing
6 commercial. We are creating opportunities for
7 increasing underutilized - - that means it's been
8 vacant for five years and it is high density mixed-use
9 development which is exactly what the Comprehensive
10 Plan recommends as goals. So, we're definitely in
11 conformity with the Comprehensive Plan goals.

12 Also based upon some comments at the last
13 meeting, we went out and took some pictures looking
14 from our site looking east to the neighborhood that is
15 located east of Route 9 and you can see from these
16 pictures that it's a little tough from this distance
17 but you can see that there is vegetative screening and
18 you can barely see some rooftops in the back. You
19 don't necessarily see straight visibility of the
20 structures. It also shows the structures that we are
21 looking at; primarily the Goldstein's and the
22 Stewart's. That is looking east from our site.

23 This is looking west (Indicating). This
24 picture was taken from the back of the A-Frame
25 property. We want to include this picture because

1 people were questioning what they would see from that
2 side of the project.

3 Here you can just about see the existing
4 structure which was the Subway on the Hoffman's
5 property to the left behind that pickup truck
6 (Indicating). That just gives you perspective from
7 that distance of the size of what you're going to see.
8 That just shows the distance from where the picture
9 was taken.

10 This is from the back of Goldstein's looking
11 again at the existing structure, which is a two-story
12 structure (Indicating). Our retail building is going
13 to be roughly equivalent to that height out at the
14 front. That height would possibly be what you would be
15 seeing on that side of the road.

16 Again, we're just providing where in the
17 distance that we took it from.

18 I wanted to show you this because this goes
19 to the analysis of the public benefit and the NCOR
20 comparison that I know Joe Grasso has provided to you.

21 When you do the comparison to NCOR, we would
22 be entitled to 144,000 square feet of commercial and
23 that converts - when you do the analysis 237 homes
24 plus 28,000 commercial. So, we could do the retail
25 commercial building out front with 37 3,000 square

1 foot single family homes in the rear. We also wanted
2 to point out was this is the ground-floor
3 (Indicating). The front non-colored portion - that is
4 the garage. That is the parking garage which will be
5 completely underground. So, it's 59,000 square feet.
6 So, we would submit that in calculating and looking at
7 the square footage of our building, 59,000 of the
8 garage which is underground shouldn't necessarily be
9 in the equation because when you look at the
10 single-family homes, the square footage of garages
11 were not added into that analysis. So, when you add up
12 the square footage of two and three car garages and we
13 did it in our December 18 letter, for those 37 homes
14 it's roughly equivalent. Considering the analysis,
15 size, and scope of our building, the 59,000 square
16 foot garage underneath should not be part of that
17 analysis. We just want to have that documented.

18 This is looking north (Indicating). We took a
19 number of pictures based upon comments and submitted
20 written comments from the neighbor to the north at the
21 last meeting. This shows from standing on our property
22 looking north - that's the Dunkin' Donuts building.
23 More importantly, you can see the difference in
24 elevation. You can see the large retaining wall. We
25 are lower than the property next door. We just have a

1 couple more pictures to show. Again, that's looking at
2 between the apartment and the Dunkin' Donuts into the
3 parking lot of the Village of New Loudon. As you move
4 back to the property, that's looking from our property
5 up to the existing apartment building.

6 This is from the other side.

7 I apologize. That is my partner Don's thumb
8 in the way. I probably should've noticed that before
9 tonight.

10 That's a picture looking from the Village of
11 New Loudon down back to the Hoffman site.

12 We received written comments from the
13 neighbor to the north at the last meeting. Based upon
14 that, one of our principles, our applicant, Tom Burke
15 reached out to representatives of our neighbor to the
16 north directly. So, rather than relay the results of
17 that conversation, I would ask time to come up and
18 speak to directly about the results of that
19 conversation.

20 MR. BURKE: Good evening. Tom Burke, applicant.

21 After the last meeting apparently Bob Marini
22 submitted a letter the day of the hearing with
23 half-truths and out-right misstatements, I was a
24 little taken back. I approached Paul Goldman, his
25 partner, an attorney and I said gee, I read this

1 letter but I was a little surprised as much as you
2 never came to any of the meetings and never came to
3 any of the public meetings we had with the neighbors.
4 You never called me or my lawyer or my engineer to get
5 the facts. I just want to know why you feel this way.
6 You're doing your project next door and you've got all
7 kinds of special considerations.

8 I would note that while you're very concerned
9 about my green space, you provided me with none behind
10 your detention basin. You note here that I should be
11 required to work with you to provide green space on
12 your property. I would've thought that would've been
13 Bob's issue.

14 Mr. Goldman advised me that they were very
15 concerned about the race track ring-road that
16 encircled our property. I advised him that it was not
17 a racetrack. It was mainly designed for fire
18 apparatus. It was a one-way road leading to the rear
19 of the property and then out again where there were 24
20 Alzheimer's units and there wasn't going to be a lot
21 of road racing back there. It is a 20 foot wide
22 one-way road with 10-foot green space on each side of
23 the road which would have evergreens planted because
24 he was also very concerned about his view shed and how
25 my property was going to affect his property. I

1 explained to him that we were going to plant
2 eight-foot arborvitae's all the way around and he was
3 certainly free to plant any number of trees where he
4 has one singular tree between me and his building.

5 He also noted in his letter that he was
6 extremely concerned about density and height and so
7 forth. So, I looked at his three-story apartment
8 building and I got the grades and I believe each of
9 you have been furnished with a copy of this document
10 tonight. You will note that in spite of the concerns
11 of Mr. Goldman and Mr. Marini that our building at the
12 point where his three-story apartments currently
13 exist, tops out at 405. He is at 410. So, he's
14 actually five feet taller than me.

15 In the rear where he has been approved for
16 additional buildings - Townhomes, he is 166 feet away
17 from my property which again will have evergreens
18 screening in my top of building is 395 feet. If we
19 assume that his two-story Townhouses do not exceed 20
20 feet in height - I'm trying to be generous and
21 conservative there, he would be a 392 for a difference
22 of three feet. That's hardly an issue for scale, mass,
23 density or any of that.

24 I guess my concern is that I don't want the
25 Board to be swayed by fear or unfounded concern about

1 the size of the project. It is wholly consistent with
2 everything that exists in the neighborhood already.
3 The character of the neighborhood is well-established.
4 This is going to provide a needed service - a needed
5 benefit which doesn't currently exist. You will have
6 high quality retail and restaurant out front. You will
7 have a great senior facility at the back. It will be a
8 huge benefit to the Town and you will redevelop a
9 vacant blighted, derelict piece of property in a way
10 that doesn't tax services, doesn't tax the schools and
11 will be a credit to the Town.

12 I think that it's important to note that in
13 spite of the concerns that are sometimes hard to
14 identify, the traffic that is generated by this
15 project is demonstrated to be one-quarter of what
16 would be permitted under current zoning. That's not
17 just my opinion, that is a fact. I think it's borne
18 out by CHA's comment letter as well and our traffic
19 engineers here this evening to answer questions in
20 that regard as well. I think we need to deal with the
21 true facts, the reality on the ground and put aside
22 unfounded issues about height and consistency with
23 other projects that exist or might exist in the
24 future. This is absolutely consistent with what is
25 there and what should be there.

1 CHAIRMAN STUTO: Just for a point of
2 clarification on the height, you're saying they're
3 roughly equal in terms of the top-out level. Is that
4 because of the size of the building's the ground
5 elevation? It says the ground start's higher than yours.

6 MR. BURKE: Yes, but he has a three-story
7 building with a peak roof. If you look at the photos
8 that were present this evening, I'm lower than that. I'm
9 five feet lower at my highest point.

10 CHAIRMAN STUTO: Is your building shorter? I'm
11 not being argumentative. I just want to get the facts
12 out on the record.

13 MR. BURKE: I can tell you exactly. Looking at
14 our finished grade, it's 357. His is 365. His building
15 is 410 in height or maybe 405. So, he's got a
16 three-story building with a peaked roof. My building is
17 going to be five feet below. Doesn't matter about how we
18 got there. The reality is when you're on the street, his
19 building is taller than mine.

20 CHAIRMAN STUTO: For different reasons, it may
21 matter.

22 MR. BURKE: It is closer to the street. At the
23 point where the two buildings exist, my building is five
24 feet lower.

25 CHAIRMAN STUTO: You may argue that the visual

1 impact is different, but there are other arguments about
2 density if you're building an extra story.

3 MR. BURKE: Part of our building is below
4 grade, so you don't see it. So, although it is part of
5 the building, it's not entirely fair to call a part of
6 the building.

7 Are there any other questions?

8 (There was no response.)

9 CHAIRMAN STUTO: Okay, thank you.

10 MR. BURKE: Thank you.

11 MR. BRICK: Can you go to the slide that shows
12 the section? One of the things that Tom mentioned that
13 we are proposing, and you see it on the site plan, is a
14 complete green wall of arborvitae's around both sides of
15 the project as a visual green buffer between the Newton
16 Plaza side as well as the Village of New Loudon on the
17 north side. You can see it on our plan. We propose it
18 all the way around - a dense row of vegetative
19 arborvitae's. I think we're showing them 6 to 8 feet
20 surrounding the property.

21 We received two letters in support, just
22 today. So, I wanted to hand them out. They are both
23 from operators of establishments at Newton Plaza as
24 our neighbor. They have asked that we submit them on
25 their behalf.

1 I would ask for Dave Hoffman to come up and
2 let us know where we are and hopefully we are headed.

3 MR. HOFFMAN: Good evening. I am Dave Hoffman,
4 owner of the property.

5 After closing the amusement park in 2014, I
6 began the process of redeveloping the property. I
7 could've subdivided and sold off pad sites to
8 convenience stores and fast food restaurants. Instead,
9 I waited for years doing my due diligence before
10 selecting a developer.

11 I believe that the project proposed by Tom
12 Burke and Kelly Andress of Sage Life is attractive,
13 economically viable and appropriate for the community
14 that I love. The project will honor the legacy of
15 Hoffman's playland and will greatly enhance the
16 quality of life in Colonie.

17 This is a personal request. This application
18 has been before the Board many times over the past 13
19 months. I believe the applicant has addressed all the
20 questions and comments made by the Board and by the
21 public. Due to contractual reasons, I would asked the
22 Board to act tonight and give a positive
23 recommendation for PDD, a positive recommendation for
24 ODA and a recommendation for public benefit. Thank
25 you.

1 MR. BRICK: I'm here with the team to answer
2 any questions that the Board or the public.

3 CHAIRMAN STUTO: As we do with all of our
4 projects, we have them reviewed by our Town Designated
5 Engineer. In this case it is CHA. Joe Grasso is here. He
6 has reviewed this project in significant depth and we
7 would asked for your comments now.

8 MR. GRASSO: So, we did issue a new letter on
9 this project dated January 15 that should be in your
10 packets. Our letter is shorter than it has been in the
11 past because we really wanted to touch on the things
12 that have changed in response to the comments that the
13 Board made at the last meeting and things that the
14 applicant has changed and brought forth with a revised
15 application.

16 Our first comment touches on the public
17 benefit. We have been able to validate the importance
18 and the need for that additional pedestrian connection
19 on the west side of Route 9 from Glennon up to Fresh
20 Market Plaza. We could also validate the length of
21 that is being approximately 1,100 feet and the value
22 of that work at approximately \$200,000. Fortunately we
23 had assumed when we did the review that this was in
24 addition to the previous two proposals which the
25 applicants have deemed and confirmed to us tonight. In

1 total, we are looking at a proposed public benefit of
2 a maximum of \$500,000. So, that is something that the
3 Planning Board should take into consideration when you
4 look at the project in totality regarding the use and
5 the scale of the project.

6 CHAIRMAN STUTO: On number one, the applicant
7 had said something about rights-of-way having to be
8 acquired by the Town. Can you comment on that?

9 MR. GRASSO: Yes. So, very often when you're
10 building a sidewalk not right along the curb line and if
11 you need to provide a landscape strip along the road,
12 that sidewalk gets shifted towards the private property
13 and sometimes you need an easement - either an easement
14 or right-of-way taking from the property owner to allow
15 the improvement to go in. At this stage, there has been
16 no survey and no design efforts done to any of these
17 three sidewalk segments, so we don't know if additional
18 right-of-way would be required for the property owners.
19 We always like to think not, but sometimes you do.
20 Sometimes you have to relocate the utility like a
21 utility pole closer to the private property and that can
22 trigger the need for an easement. What the applicant has
23 tried to do is say if those easements or additional
24 right of ways are required, they would hope that the
25 Town or the state helps in their quest to gain the

1 required lands so that they could put these improvements
2 in the ground. Nonetheless, I think the financial
3 commitment is made regardless. The reason why we
4 consider that is because when you get into obtaining an
5 easement or additional right-of-way, the Town often
6 doesn't want to use eminent domain to take it, so you
7 get into a negotiated cost of that and sometimes that
8 cost is very hard to estimate and can drive costs for
9 the project.

10 I feel like we are being conservative in our
11 number with the value that we have assigned to each of
12 the three segments. So, we are confident the \$500,000
13 - - that's a lot of sidewalk for a half-million
14 dollars. I think that's what we want to focus on.

15 MR. SHAMLIAN: Is there reason why sidewalks
16 can't continue down to 155? I know sometimes we see
17 sidewalks and physically sometimes they just don't work.
18 That sidewalk won't be built - - if it's not built now,
19 it won't be built considerably for long time. Fresh
20 Market Plaza is not going to do it.

21 MR. GRASSO: If the money is made available,
22 the expectation is that this applicant would advance
23 plans to build it as part of this project. We would
24 prefer to have the improvement built as opposed to
25 collecting -

1 MR. SHAMLIAN: Yes, but they are proposing to
2 Fresh Market and not to 155.

3 MR. GRASSO: Understood. Again, that's what we
4 have to look at. There's nothing that I know that would
5 prevent additional sidewalk extension. I think what the
6 applicant is representing is that they will take it up
7 to Fresh Market Plaza. If the Board says hey, we want to
8 use all of the \$500,000, if it's available, and build as
9 many sidewalks as we can throughout the Town, that
10 something that the Planning Board should consider. I
11 don't think that's what they're currently proposing.

12 MR. BRICK: If I may, Joe, when we looked at
13 the aerials, there is a small little sidewalk that comes
14 off of the Fresh Market parking lot that heads south and
15 goes nowhere. What we had proposed is where it ends by
16 Bellini's, up to that sidewalk. That sidewalk goes into
17 the site. It doesn't run down to the corner. It doesn't
18 matter to us. We are offering \$500,000 for sidewalks. If
19 that gets you to the corner, and that's what you want to
20 do, that's great. We just connected the two that are
21 existing.

22 MR. GRASSO: Does that answer your question,
23 Craig?

24 MR. SHAMLIAN: Yes.

25 MR. GRASSO: Our second comment gets into the

1 additional information that was provided by the
2 applicant regarding the height of the front building and
3 how that, in effect, blocks views to the residential
4 building towards the rear.

5 Just to recap, that front retail building is
6 two-story with an approximate height of 30 feet. So,
7 it's about 15 feet per floor. Obviously, a commercial
8 building has typically taller heights per floor than
9 the residential. The residential in the back is four
10 stories above grade and one story below. That
11 four-story building has a maximum height above grade
12 of 48 feet. When you draw your line of sights from the
13 Route 9 corridor, that front retail building is
14 cutting off views towards the residential in the back
15 even though it is a taller building and twice as many
16 stories. So, they have done that line of sight
17 analysis.

18 What we bring to the Board's attention is
19 that it's not to say that the back building will
20 always be obscured from view from the Route 9
21 corridor. That is not a fact. When you are approaching
22 the site from the north or south, we do expect that
23 there would be limited views of that back building. We
24 just wanted to bring that to the Board's attention.
25 What they have presented, we have been able to review

1 and validate that those facts are accurate.

2 The third comment is the analysis regarding
3 additional square footage. We agree with their
4 calculations regarding when you look at the total
5 square footage over the residential building compared
6 to a total square footage that you would get from the
7 37 allowable single-family homes and using the 3,000
8 square feet per home. They are proportionate with one
9 another. What the Board has to do is continue to weigh
10 the impacts associated with the 37 single-family homes
11 versus the assisted living and independent living
12 units. We go into more of that analysis further on in
13 our letter.

14 I just wanted to mention regarding the 3,000
15 square feet per residential unit - that is strictly in
16 the Code for density calculation purposes. It's not to
17 say that you couldn't build 37 single-family homes
18 that are much larger than 3,000 square feet or
19 conversely smaller. Sometimes people when they see
20 that 3,000 square feet they see that as a max and
21 that's not the intent. The purpose of that is to
22 strictly allow the maximum allowable density for
23 single-family homes on the site. Again, that's in
24 addition to the commercial - the 28,000 square feet of
25 commercial that would also be allowed.

1 Our fourth comment acknowledged the
2 information that the applicant provided regarding the
3 amenities in the services. There was some questions
4 from the Planning Board at the last meeting.

5 Our next comment is regarding the additional
6 screening along the site property lines. There is
7 obviously more specificity regarding what they are
8 looking to plant there and the eight foot tall
9 arborvitae at the time of planting, which will
10 probably continue to grow a couple of feet a year and
11 probably top-out at the 15 to 18 foot range. So, there
12 is some additional information there provided by the
13 applicant.

14 Next is regarding where we are in the process
15 and I think you have heard both from the property
16 owner and the applicant's team talk about the various
17 reviews of the Planning Board which include
18 recommendation on the PDD to the Town Board as well as
19 a recommendation for the ODA to the Town Board. We
20 touched on SEQRA. Even though it's an unlisted action,
21 the applicant has provided a full Environmental
22 Assessment Form with a lot of detail regarding the
23 environmental setting and the characteristics of the
24 project and the level of environmental impact
25 expected. We would expect that the Town Board would be

1 lead agent and make a SEQRA determination when they
2 consider the application, so there's nothing more from
3 the SEQRA standpoint that the Planning Board needs to
4 do at the time other than just continue to review the
5 information and compare it to the full Environmental
6 Assessment Form that's been submitted.

7 The next comment - we took from our previous
8 letter because there is a lot of analyses there
9 regarding the proposed project density and how that
10 compares through various factors with the allowable
11 density that will be allowed if the site was developed
12 under the underlying zoning which is NCOR. We thought
13 that would be good to have that as a reference in case
14 the Planning Board wanted to see that information. We
15 could validate the reduction in the traffic. If you
16 compared it to 37 single-family homes as compared to
17 the residential building including both the
18 independent living as well as the assisted living, the
19 traffic is going to go down by about 50% from 38 trips
20 down to 22 p.m. peak trips.

21 We also validated that if you looked at the
22 site zoned NCOR, what is the maximum allowable per
23 zone which is about 140,000 square feet of commercial.
24 Obviously, the amount of traffic from this project is
25 going to be about 25% that would otherwise be

1 generated. That's not to say that the Board would
2 approve that project, but that there could be a lot
3 more traffic generated from this project site if it
4 was developed in another way. I think that's something
5 for the Board to take into consideration. Obviously,
6 one of the concerns that we hear, especially along the
7 Loudon Road project is traffic conditions along the
8 corridor.

9 Lastly, we just summarized the SEQRA review
10 and the classification of the project - that we have
11 reviewed the full EAF and agree with its analysis of
12 the project and its impacts.

13 That's where we are with our review.

14 There was some additional information
15 presented tonight regarding the height of the proposed
16 project as it relates to the height of the three-story
17 apartments or condos on the adjacent property. Based
18 on my review of this application, I can validate that
19 the facts as presented as it relates to this project
20 are accurate and I can validate that there is about a
21 10-foot step in elevation as you go from this project
22 site up to the next. We didn't review that project and
23 I don't know exactly how tall that residential
24 building is. It looks to be about 35 or 40 feet so it
25 seems to jive with the information that they

1 presented. We just have not had a chance to validate
2 those numbers. It would be difficult. We would have to
3 go through some files at planning to understand
4 exactly the height of the adjacent building. I'm
5 pretty confident that what's being presented tonight
6 is an accurate analysis when you look at the tops of
7 those buildings, understanding that we are looking on
8 the adjacent property of the three-story building with
9 peaked roofs and here we're looking at four stories
10 above grade, lower floor to deck heights and a flat
11 roof. I think that's why the other property is in 35
12 to 40-foot range and on this site we're looking at a
13 48 foot maximum height above grade for four stories.

14 CHAIRMAN STUTO: We normally go to the public,
15 but I went out some basic questions before we do that,
16 just to refresh my memory and everybody else's about the
17 project.

18 Can you talk about the composition of the
19 commercial property up front? I know we talked about
20 the restaurant seats. What percentage is restaurant
21 and what else is everything else?

22 MR. GRASSO: I don't know and I'm going to have
23 to defer that. It's been a while since I went through
24 those numbers. There is a combination of set-ups for a
25 couple of restaurants I believe as well as commercial

1 retail.

2 MR. BRICK: That's correct. It's
3 retail/commercial and I believe - - again, it's
4 flexible, but I think we we're looking at the idea of
5 two restaurants in the 4,000 square foot range.

6 CHAIRMAN STUTO: So, almost one-third and the
7 rest will be stores or something like that.

8 MR. GRASSO: The reason why we really wanted to
9 focus on the restaurants and their sizes because it's a
10 big driver of the parking generation. I know there were
11 some previous concerns from the Planning Board about the
12 site not accommodating enough parking spaces around that
13 retail building and that more of the parking was
14 provided either in the garage or at the rear of the
15 site. Through some revisions to the plan, they have
16 proven to us that based on the reduced size of the
17 restaurants and the reduced size of the building, they
18 are providing enough parking up front to accommodate
19 that site fully occupied in those restaurants.

20 CHAIRMAN STUTO: Is there a second floor up
21 front?

22 MR. GRASSO: Yes.

23 CHAIRMAN STUTO: How many square feet and what
24 is there?

25 MR. BRICK: It's 2,000 square feet.

1 CHAIRMAN STUTO: What's going to be up there?

2 MR. BRICK: It's not determined right now. It
3 may be a private room for the restaurant or maybe back
4 offices. We don't really have a game plan.

5 CHAIRMAN STUTO: Because I know we had
6 discussions about that before.

7 MR. BRICK: We have drastically reduced the
8 size of it. It's only 2,000 square feet now. It was much
9 larger originally.

10 CHAIRMAN STUTO: You talked about parking up
11 front. What about the plan for the residential to only
12 have one car and to have that as a basis in the lease.
13 Is that an effective way - - I'm a little skeptical of
14 that.

15 MR. GRASSO: The Town's requirement for two
16 spaces per residential unit doesn't look at the type of
17 use that they're looking at. We feel like that is
18 excessive. If we were looking at a project that was per
19 Code and we were looking at this specific use, we would
20 support a reduction of parking. We may want some land
21 banked, but we would not want them to build two spaces
22 per unit. When you look at what the industry standards
23 are, the amount of parking is slightly less than one per
24 unit. They are building one per unit. So, we can support
25 that. So, the site is going to be adequately parked

1 based on what they're looking to build.

2 Like Andy says, in theory they're asking for
3 a waiver because the Town Code in any residential use
4 is supposed to have two spaces per unit. They are only
5 proposing one space per unit. Technically you don't
6 need a waiver because it's a PDD where you're allowed
7 to look at the specifics of the uses and the parking
8 generation and build what you really need.

9 CHAIRMAN STUTO: I may ask more questions about
10 that. I understand what you're saying.

11 MR. GRASSO: There is a portion of that which
12 is underground structured parking, which obviously is
13 more costly and we are supportive of. We would rather
14 have underground structured parking as opposed to
15 surface parking. So, I think that's worthy of
16 consideration. I think out of 90 spots for the back, I
17 think about 60 are structured and 30 are surface. I
18 think it's good for the Board to understand just how
19 much of that parking supporting the back is structured.
20 If they were trying to put structured parking for the
21 retail, we wouldn't support it because people wouldn't
22 go there. I think that was a previous concern of the
23 Planning Board. Now, we are past that. Now we are
24 confident that what they are providing for the
25 structured parking is for those residents or employees

1 and they are confident that they would take advantage of
2 the underground parking.

3 CHAIRMAN STUTO: Can we go over ingress and
4 egress again, and also connectivity? Off to the north
5 and to the south? If we are not connected, are we
6 reserving the right to connect in the future?

7 MR. GRASSO: There are couple things. There are
8 two full access curb-cuts proposed on Loudon Road; the
9 north side of the site and then the south side. So,
10 those are full accessed signalized.

11 Andy, can you just point to those two
12 curb-cuts?

13 MR. BRICK: There is an existing easement to
14 the property to the north that we are proposing to
15 connect to. Then, if you recall, we attempted to obtain
16 an easement to the neighbor to the south and they were
17 not interested. We documented that. We are still showing
18 that we are going to design to the property line so in
19 the event in the future an easement is possible to be
20 obtained, we will have the connection already in place
21 on our side.

22 MR. GRASSO: Andy, if you could just point to
23 those two curb-cuts that you're proposing to build to
24 Route 9?

25 MR. BRICK: One is here on the south end and

1 then up on the northern end (Indicating). There are two
2 curb-cuts. I'm sure you all know the site. It's a big
3 gigantic curb-cut right now. Most of the property is
4 just a curb-cut. We are doing access on the southerly
5 side and on the northerly side.

6 MR. GRASSO: So, we support the reduction in
7 the curb-cuts. Obviously, the applicant would love to
8 have a signal, but you want a certain spacing of signals
9 along the Route 9 corridor and therefore we don't
10 support a signal serving the site. We did support them
11 building a physical connection to either both the north
12 and the south because we want them to get access to the
13 signals. Unfortunately, the landowner to the south would
14 not allow that connection to go in. It may be something
15 that we may be in a position later on to force that
16 access through there.

17 CHAIRMAN STUTO: Is the connection spot in the
18 right place?

19 MR. GRASSO: It's in the right spot. It's in as
20 good of a spot as you can provide for that.

21 CHAIRMAN STUTO: And the property to the north?

22 MR. GRASSO: To the north it's a little bit
23 different because it's a relatively recent project and
24 the Planning Board had the foresight to require an
25 ingress/egress easement through that property in a

1 logical connection spot to get access to the signal that
2 the project has put in place because those left turns
3 heading north are really important that you can provide
4 the protection of the signal. They have designed what we
5 feel is an appropriate connection spot and you can see
6 it there in orange on the exhibit that's on the screen
7 (Indicating). When you come to that property to the
8 north, it's a relatively direct connection to that
9 signal. We don't think that it would be used heavily,
10 but for those people who are familiar with traffic
11 conditions along Loudon Road and want the benefit of a
12 protected left turn, they've got the ability to take
13 advantage of that. That's something that if the project
14 moved into final design, we would want to make it signed
15 in such a way that if somebody is a first-time visitor
16 to the site, they know that they can take advantage of
17 the signal by going that way.

18 CHAIRMAN STUTO: Have you looked closely at
19 where that connection is?

20 MR. GRASSO: We have, from a grade.

21 CHAIRMAN STUTO: And how it's going to interact
22 with the layout and the property to the north?

23 MR. GRASSO: I think there is some parking. So,
24 I think you're driving down a parking row. It's not like
25 it's a circuitous route. You not jumping from parking

1 lot to parking lot. It's a rather direct connection.

2 CHAIRMAN STUTO: Does this work? I see an
3 opening and it looks like it goes over parking spots.

4 MR. BRICK: It's a pretty straight line.

5 MR. GRASSO: And then it's a right turn right
6 out to Route 9.

7 CHAIRMAN STUTO: So, they have to eliminate
8 those two spots.

9 MR. GRASSO: That's the plan that it shows best
10 on (Indicating). Unfortunately, it doesn't show all the
11 way.

12 CHAIRMAN STUTO: But they are legally required
13 to grant that access where they now have parking. It
14 shows parking spots.

15 MR. GRASSO: Yes, they are required to provide
16 it.

17 CHAIRMAN STUTO: And that's a straight shot.

18 MR. GRASSO: That is a street shop. You can
19 write up that parking asile and then take a left at the
20 roundabout in the development.

21 CHAIRMAN STUTO: I wanted to get those facts
22 out.

23 Anything else from the Board before we go to
24 the public?

25 (There was no response.)

1 Okay, we have several people signed up to
2 speak.

3 Mike Quinn.

4 MR. QUINN: My name is Mike Quinn and I live in
5 the Village of Shaker Creek, just north of this
6 property. I have two points that I would like to touch
7 on.

8 First, the \$500,000 for the sidewalks. You
9 might consider prioritizing those three projects so
10 that the first one would be the one to Fresh Market
11 and then the other two would come in when it's
12 available. The discussion on easements and where
13 things go and what the costs are going to be - makes
14 me a little bit worried that you could take \$500,000
15 sidewalks but not necessarily \$500,000 of sidewalks in
16 that spot.

17 The second point is actually for the
18 presenters. You have a staff of 28, as I learned
19 today, and 30 parking spots; 28 plus change. This is
20 probably a three-shift operation. How do you do a
21 shift change?

22 CHAIRMAN STUTO: If you could get all your
23 questions out, we will try to answer them.

24 MR. QUINN: The last point is: At the last
25 meeting it was my understanding that the current height

1 exceeds the zoned height and that's probably based to
2 the top, I assumed. That's not a problem coming from an
3 optic standpoint, but when you see it on the paper if
4 you could acknowledge that deviation and accept it.
5 Those are my three points.

6 CHAIRMAN STUTO: I will ask the applicant to
7 address the parking and what the impact is, given the
8 shift changes.

9 MR. BRICK: The quick answer to that, Mr.
10 Chairman, is that the 28.6 is the maximum shift. It is a
11 three-shift operation. The maximum shift is 30 parking
12 spaces. We also have the overflow excess parking of 56
13 additional spaces. So, during shift changes we would
14 actually have 56 as the overflow excess which would fill
15 in and then 30 would allow if there are people working
16 double shifts. Clearly, there's no new car coming in.
17 The car has not moved. That's how we would address that.

18 CHAIRMAN STUTO: Do you want to address the
19 height? I do recall at the last meeting that you said if
20 this were built not under PDD but in accordance with the
21 permitted zoning, that the building was, as I recall,
22 one-story too high or so many feet higher.

23 MR. BRICK: My recollection is that in the
24 zoning district that we are in is a 45 feet height
25 maximum. We are proposing a 48 foot high building.

1 CHAIRMAN STUTO: So, it's only three feet?

2 MR. GRASSO: Is it any taller in the back -
3 that walkout floor?

4 MR. BRICK: Well, that's because the grade does
5 slope down on the back sides of the building.

6 MR. GRASSO: The building steps down in the
7 back end. So, I think the 48 is the max allowed by Code,
8 but once you go to PDD, there is no maximum.

9 CHAIRMAN STUTO: Understood, but I thought it
10 was a higher number. That's my recollection.

11 MR. GRASSO: Based on what they are presenting,
12 it's 48 feet and that's at the front.

13 MR. BRICK: It is 48 at the front.

14 MR. GRASSO: Just to clarify: that's 48 feet at
15 the front. If the building is ever taller than 48 above
16 grade, that something that the Planning Board would need
17 to know.

18 MR. BRICK: Correct.

19 MR. GRASSO: But the grade slopes to the back.

20 MR. BRICK: Right, the grade slopes. Also, the
21 receiving area around the back is slightly lower. So, if
22 you measured from that point, it would be slightly
23 higher than the 48 only because the grade is going down.
24 The building is flat on top.

25 CHAIRMAN STUTO: Thank you.

1 The prioritization is a good point. It might
2 be something we would want to think about.

3 John Monetta.

4 MR. MONETTA: Good evening. I live in the
5 neighborhood. I'm very involved with my neighbors. So,
6 just to go over a few things -

7 CHAIRMAN STUTO: Can you tell us roughly where
8 you live?

9 MR. MONETTA: I live on Homestead Drive.

10 As a resident of the neighborhood, it was
11 stated here tonight that there is a need for
12 additional retail space. If you look in Newton Plaza,
13 there are empty spaces. The A-Frame is being built for
14 more retail space. Go to Fresh Market and that whole
15 one section that they built is still sitting empty,
16 just about. I think there's a Verizon store in there,
17 along with other empty storefronts. If you want to
18 continue up on 9, there's still more vacant retail
19 spots. I really doubt that we need more retail in our
20 neighborhood.

21 We definitely appreciate what Mr. Hoffman has
22 done with his due diligence and his love for the
23 community. He didn't go out and get the hamburger
24 joints and the supermarkets and stuff for the
25 property. A retirement community sounds great with an

1 assisted living, but the commercial end is where the
2 problem lies, pretty much.

3 So, tonight was the first night - - I
4 couldn't see it from back there, but they said there's
5 some amenities that come with the property. When you
6 look at the last meeting, people were concerned with
7 the high rents and stuff like that. We were told this
8 is to promote an active lifestyle for seniors and
9 stuff like that. I have yet to see anything that talks
10 about an indoor gym, an indoor pool, a meeting room
11 for the residents, an activity center, a community
12 room or maybe even a solarium so that on these nice
13 cold winter days, the seniors can go sit in a room
14 filled with sun and enjoy it.

15 Instead, the large parking lots are out in
16 front of the commercial space and stuff. You should
17 have things that keep seniors active. You could do a
18 community garden or put bocce ball courts and shuffle
19 board, an outdoor pavilion with a barbecue area. You
20 could have an outdoor pool for them. These are all
21 things that would keep people active and if that's the
22 purpose behind this, none of this has been mentioned
23 yet.

24 Once again, Mr. Hoffman has mentioned that
25 when the Playland was open, he has fond memories that

1 were made there. The same thing with seniors. How do
2 you create these fond memories? By having activities
3 for them.

4 The parking garage underground sounds great.
5 The one thing that I would add to it is if you go down
6 to Harmony Mills in Cohoes they have door parking, but
7 they also have a storage unit at the end of the
8 parking spot. So, if this is an active community, you
9 have an area to store your bicycle, an area to store a
10 kayak, holiday decorations; a little storage area to
11 put their things right next to their car.

12 As a resident of the community, Mr. Hoffman
13 had his businesses which were seasonal before; the
14 driving range and the playground. Between the village
15 there and this, I have asked what is the carbon
16 footprint? How is that changing? I have not seen one
17 yet. I live in the community and I've small kids. We
18 are all being exposed to this. Not once have I heard
19 anything about solar panels being put on the roof.
20 They won't be seen. I haven't heard anything about
21 geothermal heating. That would reduce emissions, too.
22 Electric cars are going to be big over the next 10 or
23 15 years. There's nothing about plug-ins for them
24 inside the parking garages or anything like that.
25 These are all concerns and as a neighbor and resident

1 that everyone is concerned with.

2 The sidewalk sound like a great idea. My only
3 problem with that is who is going to do the upkeep on
4 them? Who is going to mow the grass between the
5 sidewalk and the road? If you say the Town, if you
6 look between Maxwell and Fiddlers every summer the
7 grass is 3 to 4 foot high before they come in mow it.
8 Who is going to do the snow removal? Once again, these
9 are all added expenses. Who picks up those costs going
10 forward?

11 Lastly, we talked about the cutouts and stuff
12 like that. There's been nothing mentioned about having
13 a pull-in for like a CDTA southbound bus.

14 If anybody has driven north on Route 9, when
15 a bus stops what happens? Traffic is at a standstill.
16 So, something like that would be nice. Even a
17 crosswalk there also to catch a northbound bus for
18 someone who doesn't drive as they get older would be
19 nice.

20 You were talking about the outdoor area for
21 the commercial side. At Bellini's, it was approved.

22 I live in the neighborhood. I have small
23 kids. Do you know what it's like not having the
24 ability to open your windows during the evening
25 because there's a band playing over at Bellini's and I

1 can still hear it at my house? It would be nice to be
2 able to open my windows during the summer and enjoy
3 some fresh air during evening. On Fridays and Saturday
4 nights, that's not possible.

5 Those are my concerns. Thank you for your
6 time.

7 CHAIRMAN STUTO: Thank you.

8 I will ask the applicant to address those and
9 I have been taking notes here.

10 MR. BRICK: I apologize. You're totally correct
11 that you can't read that from anywhere in the audience.
12 As part of the amenities list, the facility will have a
13 gym and there will be associated program activities -
14 fitness activities with the gym. It's included in the
15 list.

16 If it's related to the bus, Alanna Moran from
17 VHB, traffic engineer, is here this evening and I will
18 let her come up and briefly talk to about their
19 conversations with both New York State DOT and CDTA
20 related to the bus stops.

21 MS. MORAN: Good evening, Alanna Moran with
22 VHB.

23 As Andy had mentioned, we did have the
24 opportunity to speak with Guy Tedesco at DOT about
25 relocating the bus stops that are currently in front

1 of the site to the proposed traffic signal that's
2 going to be constructed. CDTA would definitely like to
3 see those relocated. They definitely prefer to have
4 the bus stop at a controlled location. Right now with
5 the plans that are underway for the traffic signals,
6 somehow there was some oversight when it came to the
7 actual relocation of the bus pads. So, Mike Lyons at
8 CDTA is still working with Creighton Manning who is
9 working on the design plans for that to have those bus
10 pads relocated as part of the actual construction
11 project, so they can be taken care of in a timely
12 manner. It's not a DOT project, or else they would
13 just do it at that point. What the applicant has
14 agreed to do is if those bus pads are not able to be
15 put in as part of the current project, as part of the
16 DOT work permit for this particular project, those bus
17 pads could be installed so that is taking care of.

18 Does that answer your question?

19 CHAIRMAN STUTO: Well, he was asking about a
20 pullover. I think we're down to two lanes at this
21 location.

22 MS. MORAN: No, there would still be three
23 lanes there. There's the left turn lane into the A-Frame
24 and into the Village.

25 CHAIRMAN STUTO: In front of the site?

1 MS. MORAN: So, at this site there is also the
2 two-way left-turn lane along the frontage, but these
3 would be relocated to the controlled crossing.

4 CHAIRMAN STUTO: He's asking for dedicated
5 pullover of the bus.

6 MS. MORAN: CDTA does not prefer to do that
7 anymore. They like to keep their busses in the lane; get
8 them in and get them gone. So, they have a very short
9 window of time when they're actually at the stop.
10 Usually it is less than 10 to 20 seconds that they're
11 actually there, but they don't like to pull out and get
12 their busses out of the flow of traffic because it's so
13 much harder to get back in. So, there's that 20 second
14 window or so when they are there, loading and unloading
15 and then they continue on.

16 CHAIRMAN STUTO: Some members of this Board
17 don't necessarily agree with the philosophy.

18 MS. MORAN: I have been a party to those
19 conversations before so I understand.

20 Anything else on that, or are we good?

21 CHAIRMAN STUTO: Joe, do you have anything to
22 add?

23 MR. GRASSO: No.

24 MR. BRICK: Just to confirm so that it is
25 clear: The applicant is proposing - I guess, as part of

1 the public benefit, if they are relocated and the sites
2 will be poured with concrete, we would be willing to
3 pour the concrete to the relocated sites as part of the
4 work that we are doing with our highway work permit.

5 CHAIRMAN STUTO: That's where people are
6 waiting for a bus.

7 MR. BRICK: Correct.

8 CHAIRMAN STUTO: Can you describe the amenities
9 more, or is there someone here who could for the seniors
10 that are going to be living there?

11 MR. BRICK: The list here is pretty much the
12 standard package that they're looking at right now. It
13 could be subject to change. In the apartment there is a
14 bar/lounge internally. There are multiple dining venues,
15 concierge services and programming and activity space
16 for the individual homeowners. There is a gym,
17 underground parking and covered entrances. As part of
18 the rent, there is access control, keyless apartment
19 entries, cable television, all utilities are included,
20 Internet service, trash removal and clearly snow and ice
21 removal. All the groundskeeping outside will be taken
22 care of. There are meal systems and transportation
23 service. You could do shopping if you wanted to cook
24 your meals internally. Security services, home security
25 for each unit and interior repairs are done internally.

1 Depending upon the size of the repair, it is likely
2 included in your rental as well as equipment
3 maintenance. There is all the outdoor maintenance,
4 housekeeping, linen services are available and
5 programmatic activities.

6 I misspoke before I said there was a menu
7 included. That wasn't a menu, that was the October
8 list of things to do. It definitely qualifies as
9 active.

10 CHAIRMAN STUTO: There was a food menu in
11 there, too.

12 MR. BRICK: I think there were a couple venues.
13 There are different venues on site, depending on your
14 mood. Gym and fitness classes, holiday entertaining. I
15 know it's a big deal with Kelly around the larger
16 holidays every year. Then there is available on site
17 wellness and homecare. That's available on site and the
18 additional cost is not included but it is available so
19 you wouldn't have to go out. To have emergency response
20 systems. They have people on 24/7, so there's always
21 somebody in the event of a concern or an emergency that
22 is available.

23 MR. GRASSO: There is some additional
24 information regarding typical programming. They provided
25 their calendar for September where there's about 10 or

1 12 activities that they sponsor every day.

2 CHAIRMAN STUTO: Who takes care of the
3 sidewalks?

4 Jack, you grab that one?

5 MR. CUNNINGHAM: We take care of the sidewalks.

6 MR. GRASSO: The strip in between is the
7 responsibility of the landowner.

8 CHAIRMAN STUTO: Thank you.

9 Carol Cowal.

10 MS. COWAL: I'm Carol Cowal, 11 Ashley Drive.
11 Listening tonight to the presentation brought up some
12 questions.

13 First of all, Mr. Monette did a fabulous job
14 on a lot of different points. One of his points was
15 one of my points. That is the retail stores and the
16 occupancy.

17 Verizon just left a couple doors down last
18 week or two weeks ago and they're out. Across the
19 street there are a couple stores out. There are three
20 stores out in that line of stores; the fitness center
21 and a couple of the other ones. They are completely
22 empty. So, I guess I would say that I don't know how
23 many retail stores you're looking to put in there, but
24 I certainly would be careful because high-end stores
25 don't last. There's just not enough support for them.

1 They are gone. Mr. Monette and I will are on the same
2 wavelength when it comes to the stores.

3 One of the first slides that we saw tonight
4 showed color-coded portions of the whole plan. The one
5 that struck me is in the back. That blue space - I am
6 told that as a pond. Is that a retention basin?

7 MR. BRICK: The stormwater retention basin.

8 MS. COWAL: That's a retention basin right up
9 against Ashley?

10 MR. BRICK: No, Ashley would be off of the
11 screen. Ashley Drive would be over here (Indicating).
12 This is our property line here, back in the woods. This
13 would be the Ashley property line (Indicating).

14 MS. COWAL: Thank you for pointing that out
15 because the last thing we need is a retention basin with
16 mosquitoes and everything else back there.

17 The pictures you provided this evening to the
18 north, to the east, to the south - I didn't see any to
19 the west. Ashley Drive would be to the west.

20 I think Chief Heider was interested in having
21 more pictures shown from their land to the west - to
22 the trees that were there without the leaves on them.
23 I didn't see any tonight without the leaves to the
24 west.

25 Also, you made a comparison to the Longhorn

1 Steakhouse as far as size and capacity goes. When I
2 think about it, seeing Longhorn and thinking about it
3 in that retail space, it seems awfully big. So, you
4 have addressed retail in the restaurants and retail
5 stores. I guess I'm curious about how many retail
6 stores you are talking about.

7 I think in that last meeting we had
8 considerable discussion about traffic. There's very
9 little that was said tonight about the number of cars
10 coming and going. Living on Ashley, we have to get out
11 to Maxwell before we can turn left. We can't turn left
12 anymore. We have to turn right, go all the way down
13 Maxwell, go over Old Niskayuna Road, and then come up
14 Route 9 if we want to go someplace. We can't turn left
15 between 4:00 and 6:00 p.m. It is ridiculous. The line
16 goes beyond Old Niskayuna Road. That's just Maxwell.
17 That says nothing about Route 9 because at Route 9
18 you're trying to blend into the traffic coming from
19 the south on Route 9 and maybe two cars can squeeze in
20 and turn left onto Route 9 that are sitting on
21 Maxwell. So, that's very, very slow moving.

22 Also, one parking place per apartment? Where
23 does the visitor park who wants to visit someone in
24 that complex? Where do they park?

25 CHAIRMAN STUTO: They did have access spaces,

1 but I will at the applicant address that. I'm not
2 defending the project.

3 MS. COWAL: These are just things that came up
4 while listening to the presentation because I have lived
5 there almost 40 years and I know what the wetlands are
6 like, where they are, the traffic and the noises from
7 the traffic. In a way, I'm glad Goldstein is gone
8 because we used to hear them paging the men all the time
9 and then at night there would be someone who would maybe
10 have gotten too close to the car so we would hear the
11 sirens going off. I don't know what the future holds for
12 the whole project.

13 Thank you for letting me speak.

14 CHAIRMAN STUTO: Thank you, ma'am.

15 MR. BRICK: There were a number of points
16 raised and I will try to briefly try to address each
17 one.

18 We had previously provided to the Board
19 pictures from Ashley Drive looking into the site both
20 with liaison and then we went back out in the fall
21 with leaves off and we provided them at the last
22 meeting. Prior to that, at the request of a resident
23 up there we actually went up there in their backyard
24 and took the pictures to show what they would be
25 seeing. The Board has that. We provided that prior and

1 didn't want to rehash that this evening. Dave Hoffman
2 also took pictures from his property out to Ashley
3 Drive which we provided at the last meeting, so you
4 can see what Hoffman sees out to Ashley Drive. The
5 Texas Longhorn Steakhouse I used as an example - I
6 believe that restaurant is 5,200 square feet. By way
7 of comparison, we're looking at two 4,000 square foot
8 restaurants. That's going to leave us with 14,000
9 square feet proposed for the retail. I am fortunate
10 because my client is Tom Burke who is an expert in
11 this area in the retail industry and he knows that
12 this project, as designed, is going to work and he's
13 going to fill up those spaces. There is no doubt in
14 his mind regarding it. We are confident that the
15 retail commercial portion will be highly successful
16 and occupied pretty quickly. There is no concern there
17 on that end. Tom has been doing this for years. He
18 owns retail throughout the capital region and is
19 successful everywhere he goes. So, we are not
20 concerned about that portion of it at all.

21 The overflow parking we show is 56 spaces. We
22 call it overflow or excess because that could include
23 visitors, as well. So, there is sufficient parking for
24 visitors to the site.

25 In terms of traffic, I would just refer you

1 back to what Joe Grasso stated. We are, by one
2 analysis, providing half the traffic and by another
3 analysis providing almost one-quarter of the traffic
4 that could occur if it was built out commercially.

5 I think that was the list.

6 CHAIRMAN STUTO: Any other members of the
7 public that would like to speak?

8 FROM THE FLOOR: At the last meeting you
9 addressed the side street traffic and the Board said
10 there was definitely a concern and that should be
11 addressed. I haven't heard anything on that.

12 MR. GRASSO: So, there isn't a detailed traffic
13 study done that looks at the impacts on those side
14 streets. It is something that we could get into if the
15 project continues to move forward. We could ask for that
16 level of detail. This project, based on what's been
17 reviewed, there isn't expected to be a significant
18 impact on the corridor because of the existing traffic
19 conditions out there. So, what we are really focused on
20 is the accessibility to the Route 9 corridor. I have
21 always said that it was new development. If you look at
22 this as being a vacant site, which it obviously wasn't,
23 but if you look at it as a vacant site, this project is
24 going to add traffic to the Route 9 corridor. Anytime
25 you add traffic to the corridor, it's going to have an

1 impact on all the sides entrances. Obviously, as you get
2 further away from the site, it dissipates. We don't
3 expect that the traffic that this project will generate
4 will trigger a need or justification for changes for any
5 other types of access controls along the Route 9
6 corridor including the two signals and including the
7 curb-cuts that they are proposing. That's really the
8 limit of our evaluation. That's not to say that we don't
9 get into it a little bit deeper when the project gets to
10 a detailed site plan review but that's the level of our
11 investigation.

12 If Alanna wants to speak more about the
13 traffic, she can but I think that's a synopsis of
14 where we are.

15 MS. MORAN: Thanks, Joe. That's an excellent
16 synopsis of where we are.

17 I just want to clarify that New York State
18 DOT has signed off on the project as is and is
19 comfortable with the findings of the analysis as well
20 as the access today. I just wanted to put that out
21 there for the record.

22 CHAIRMAN STUTO: Can I ask that we prioritize
23 what the gentleman is saying about the impact on the
24 sidestreets? At least give it some thought and be
25 prepared to discuss that the next time we meet.

1 FROM THE FLOOR: I know when the Village was
2 built, the traffic increased on my street.

3 CHAIRMAN STUTO: Is Homestead one-way? Refresh
4 my memory.

5 FROM THE FLOOR: No, it's two-way.

6 MR. BRICK: I would just add that we are here
7 for a recommendation on the proposed PDD. Clearly we
8 have to come back to if we are successful to that
9 process for final site plan design. I think that would
10 be the appropriate juncture to provide - for you to
11 provide some traffic scope to us on what you would like
12 to see as part of that process and then we can engage in
13 the traffic analysis at that point. I think it might be
14 just premature at this point to start looking at all the
15 potential traffic impacts in a full-blown traffic study
16 at this point.

17 CHAIRMAN STUTO: I didn't say full-blown
18 traffic study. I said be prepared to discuss. He did ask
19 it at the last meeting. It is a fair question.

20 Any other members of the public like to
21 speak?

22 MS. MUMERICK: My name is Barbara Numerick and
23 I have been a resident for probably about 40 or 45
24 years. I want to thank Mr. Hoffman for all the fun that
25 I had growing up at Hoffman's and that my kids have had.

1 I just want to make sure that we're looking at this
2 project to see if it's really something appropriate for
3 the average people in Latham.

4 The Summit over there for independent living
5 is really priced out of range for most average people.
6 This again is very pricey. I think we need to be
7 looking for average priced independent living. I
8 appreciate that he's trying to make this very
9 memorable or something special for us, but the people
10 that went to Hoffman's are really kind of your average
11 people. It would've been nice if it was a senior
12 housing that we could afford. It's just a statement.

13 CHAIRMAN STUTO: Thank you.

14 Okay, we will just open it to the Board. I
15 have several comments.

16 Chief, do you have some stuff?

17 MR. HEIDER: I have a couple things. I totally
18 agree with the prioritizing of the sidewalk. The
19 neighborhood impact I think it's very important here. I
20 think that needs to be a direct priority for the simple
21 reason that they need all those easements and things and
22 I think that's a project that could fall by the wayside
23 because of some difficult issues you're going to have
24 with it. Therefore, that should be a priority to get it
25 done.

1 As far as the traffic, I am on record here so
2 I'm not changing my opinion. This project is the best
3 project for the traffic for Route 9, considering the
4 size of what could go there and considering everything
5 that could happen there and considering what was there
6 in the past. I spent 30 years dealing with the traffic
7 from Hoffman's Playland. Believe me, I know what
8 traffic was generated on Route 9, seven nights a week
9 from May 1 through October. It was hundreds and
10 hundreds of cars in and out all day and all night
11 long.

12 The senior housing component - believe me, I
13 know people who would like affordable senior housing.
14 Realistically folks, you need to have the people that
15 want to build it and the demand for it. The demand for
16 it is in Colonie, but not for Route 9 in Latham. It's
17 just not economically feasible. It is economically
18 feasible for high-end apartments and people are
19 filling these apartments throughout the Town and
20 throughout the areas. It's not unreasonable to think
21 that it will be successful here. Where you typically
22 see lower income or affordable housing apartments is
23 on land that is not easily developed for anything
24 else. I'm not saying that it's right. I'm just saying
25 that is where it is economically feasible because the

1 cost of the land is not as high as it would be on
2 Route 9. It's like saying you're going to have senior
3 housing on Wolf Road. It would never happen.

4 As far as the traffic on 9 and the back-ups
5 on Ashley, I don't disagree with what you're saying.
6 That has nothing to do with this project. The peak
7 traffic in the morning and the evening will not be
8 affected greatly by this project. This project in
9 conjunction with the light that's going up at
10 Bellini's - - is there traffic around noon Plaza? Yes.
11 I've traveled that section of Route 9 my whole career.
12 I still do almost every day on Route 9. I have no
13 problem getting in and out of Newton Plaza and in and
14 out of Newtonville post office where I have a PO Box.
15 I'm not saying it's always easy. From 4 o'clock to
16 6:00 PM I don't go there. I think that anybody in the
17 Town of Colonie knows that there's a couple roads that
18 you don't go on if you can help it between 4 o'clock
19 and 6:00 PM.

20 I don't think this project is necessarily
21 going to impact it in any big way. I think the retail
22 - it's up to the developer if they think they can
23 build it and fill it. At just looking at what they
24 have designed, it's going to be a class project. I
25 think it will complement the area. I think it will do

1 the area justice.

2 However, as we go forward, the traffic is a
3 big issue. The Town may have to look at some of the
4 sidestreets. Homestead, at one point, was one-way for
5 the first 50 or 100 feet and then it got changed. It
6 wasn't one way, but you couldn't take rights and lefts
7 out of it. For some reason, that got changed. The
8 Town Highway Traffic Safety Committee will have to
9 look at some things. I think I heard you at the last
10 meeting I think I urged you at the last meeting to get
11 in touch with the the traffic department. In the
12 spring, asked them to put up some strips. You'll be
13 surprised how little or how much traffic you actually
14 have when you compare to other roads in the Town of
15 Colonie. The numbers are in the data.

16 I don't question that you have traffic. It is
17 a cut-through. When 155 is backed up to the high
18 school, it comes on Homestead. Again, that has nothing
19 to do with this project on Route 9. That's basically
20 my comments at this point.

21 I have seen the activities that they're going
22 to allow for seniors. I couldn't keep up with the
23 seniors that can do these activities. I see them in
24 other senior projects. I just think the back half
25 especially as complement Terry to the Town with the

1 least amount of impact. I think the front can be
2 mitigated. The developers have reduce the size of it.
3 They have reduced the size of the other entertainment
4 areas and I think they have worked with us to get it
5 to an agreeable situation.

6 CHAIRMAN STUTO: Thank you, Craig?

7 MR. SHAMLIAN: The restaurant space - you
8 talked about 4,000 square feet. Each of them will be
9 4,000 square feet but then you talked about 2,000 square
10 feet upstairs.

11 CHAIRMAN STUTO: He said 4,000 times two.

12 MR. SHAMLIAN: Right. So, is that 2,000 in
13 addition to the 4,000?

14 CHAIRMAN STUTO: In addition to the 8,000, you
15 mean.

16 MR. SHAMLIAN: Right.

17 MR. BRICK: It has not been determined yet.
18 Theoretically it could be or could be back room -
19 administrative offices. It's concept level at this
20 point. We need to put square footages on it only for
21 parking calculations. They are going to work to see what
22 works best and what work they can bring in and maximize
23 what they can get.

24 MR. SHAMLIAN: One of the reasons I asked that
25 is because, assuming this most forward or if it moves

1 forward, there's a difference between two 4,000 square
2 foot restaurants and a single 8,000 square foot
3 restaurant.

4 MR. BRICK: No question.

5 MR. SHAMLIAN: It doesn't necessarily get
6 reflected in the parking calculation but from a
7 practical standpoint, the two 4,000's generate less
8 traffic than the one 8,000 because they don't have as
9 many seats.

10 MR. BRICK: I would agree.

11 MR. GRASSO: Craig, if there are questions
12 about the restaurants and the sizes that we would
13 expect, Tom, I would think, and probably speak to that.

14 Tom do you want to add anything regarding the
15 sizes?

16 MR. BURKE: It's unlikely -

17 MR. GRASSO: Yes, I would think 2,000, 3000 -
18 4,000 I would consider on the big size of a restaurant.

19 MR. BRICK: It is.

20 MR. SHAMLIAN: Having a little bit of
21 experience with independent living and having a parent
22 in one, I do agree that the parking calculation is
23 actually more than adequate. Independent living today
24 really means 65 plus at least. It's really 70 plus. I
25 think I talked about that at the last meeting.

1 I agree with the Chief. There are a lot of
2 other things that could go on Route 9 that would
3 generate a lot more traffic than this.
4 Architecturally, I think it's going to fit in very
5 nicely.

6 I don't want to jump ahead to the public
7 benefit - - I don't have a lot of experience with
8 PDD's because we don't do very many. They are willing
9 to spend up to \$500,000.

10 What is the problem with saying this is where
11 you're going to do sidewalks? Everybody always does
12 engineering work to figure out what things are going
13 to cost beforehand. Here's where you're going to do
14 sidewalks. It doesn't matter whether cost \$500,000 or
15 \$550,000 or \$450,000. This is where you're doing
16 sidewalks and if it ends up being \$700,000 and you
17 don't want to do it, then fine, don't do the project.
18 Is that an unreasonable stance to take?

19 MR. GRASSO: No, I think that's up to the
20 Boards that are reviewing the application to look at it
21 that way. They understand that this project can support
22 a certain amount of public benefit. I don't know what
23 the number is there.

24 Just to clarify a couple of things: it's not
25 just - - there is a commitment of \$500,000 to be put

1 toward sidewalks.

2 MR. BRICK: Yes, there's a commitment of
3 \$500,000 as a ceiling cost. If the Town Board turns
4 around and says we want to do something else with it,
5 were not going to say no, we only do sidewalks.

6 MR. GRASSO: You could say look, the project
7 hinges on a definite sidewalk connection whether or not
8 it's one segment or three segments. It's tough for us to
9 know what the value of those are until you do more. What
10 I would just like to make sure is understood is that if
11 a project hinges on right-of-way that is required from
12 an adjacent landowner, the whole project hinges on the
13 Town either using eminent domain or you're held hostage
14 by that third party. It's not a situation that we would
15 want to put the Town or the applicant in.

16 MR. SHAMLIAN: And the Town typically doesn't
17 like to do anything regarding eminent domain.

18 MR. GRASSO: At this level, I think the way to
19 look at it is what is the value of these different
20 improvements? With our review, we are confident that you
21 could get these three segments for \$500,000. You might
22 even be able to get some more sidewalk. But, they are
23 capping their commitment to \$500,000.

24 MR. SHAMLIAN: Okay.

25 MR. BRICK: Candidly, in our pro forma, that's

1 a little bit beyond we thought works to begin with. We
2 would economically make the project work and give them
3 what we could, but we just can't. The \$500,000 is
4 already bursting her bubble. To a certain degree.

5 CHAIRMAN STUTO: The applicant understandably
6 have gone through a lot of steps here and a lot of
7 meetings and several revisions.

8 Chief has made a lot of good points about the
9 revisions and also the factors that are not really
10 going to be impacted by this like certain traffic,
11 ecterera. However, I think personally, I'm not
12 prepared to vote in the positive tonight. I will tell
13 you my concerns.

14 I think the applicant has done a good job. I
15 think it's a good use. I still want to think about it
16 at least one more meeting. I think the public benefit
17 should be spelled out with the Supervisor's office and
18 make sure that they are in agreement on that. There
19 are some nuances to it that have been brought up about
20 that in terms of prioritization, in terms of
21 easements, in terms of looking at it a little closer.
22 That's my personal opinion - and to see if at least
23 the Supervisor's office - because they do make the
24 proposals and set the agenda for the Town Board - to
25 make sure that they are in agreement with the public

1 benefit.

2 I also have questions that I want to think
3 about regarding the number of seats in the
4 restaurants. I think I heard the applicant say there
5 are 240 - 250 spread over 8,000 square feet - two
6 4,000 square foot spaces to be increased by 340 - so
7 that's an extra 100 seats in the summer. I want to let
8 that digest. I was told that was the equivalent of the
9 Longhorn - at least that's what I heard in terms of
10 total seats. That's a pretty substantial large chain
11 operation. I need to let that sink in a little bit.

12 Also, the various things that were said about
13 parking. I trust our Town Designated Engineer on that
14 analysis, but I want to give that a little bit more
15 thought and I would like to think about the effect on
16 the side streets with respect to traffic.

17 For those reasons, I would like to wait at
18 least one more meeting until I'm ready to vote. The
19 Board can move to move the item but that's how I feel
20 about it.

21 MR. MION: I think it's all been pretty well
22 said. My concern is that public benefit. Like you said
23 Craig, if you can put sidewalks and, let's put them in.
24 If it costs you \$100,000 or \$600,000 or if it costs you
25 \$400,000 - - what is the Town Board going to say they

1 want? Is it more than they want to pay? That's up to
2 them. I think that's one thing that really needs to be
3 worked out.

4 I agree with just about everything else that
5 is been said here. There's no sense in going back
6 over.

7 CHAIRMAN STUTO: Chip?

8 MR. ASHWORTH: My big thing is the parking. I
9 brought it up the last time we went through this,
10 especially the restaurant. That's a lot of parking
11 because first of all, 16 people is not nearly enough to
12 staff to restaurants that are 4,000 square feet. You
13 just can't do it. I'm 70 plus and most of the people I
14 know are 70 plus. I don't know any of them that have
15 given up one of their cars. They all have two cars and
16 they're in that income bracket, too.

17 I have to go along with Peter on the
18 skepticism.

19 MR. BURKE: I think my first comment is: We are
20 deep in the weeds again here. I think the time for
21 answering some of these questions is a final site plan
22 approval. Tonight we are simply seeking a referral to
23 the Town Board for the PDD designation and I think it's
24 within the purview of the Town Board with input from the
25 Planning Board to make a final decision on what they

1 want the public benefit to be. So, we can't hash that
2 here tonight. No one is going to come to a solution.
3 Even if I said I will spend \$1 million, which I won't,
4 on a public benefit because I can afford it and the
5 project doesn't work and if you want to kill it, that's
6 what you would do.

7 I can't compel somebody to sell me land. The
8 Town has power of eminent domain, if they want to use
9 it to accomplish something. I don't know what the Town
10 Board is going to say. Maybe they want to pocket park.
11 Maybe they want a new pump station. Maybe they want
12 two new firetrucks. We are talking about sidewalks
13 like it's the be-all/end-all and it has to be. That's
14 beyond the scope of my authority. I think that's
15 beyond your authority. I think it's the Town Board's
16 purview.

17 MR. MION: And that's what I think we are
18 asking you to do is contact those people.

19 MR. BURKE: We have already met with them.

20 MR. MION: What did they say?

21 MR. BURKE: Frankly, Joe LaCivita and Paula
22 Mahan sat a room with me and Mr. Hoffman months ago and
23 went through this entire thing. They were comfortable
24 with it. It's not right before them. They need a
25 recommendation from you in order for them to consider

1 and make a determination as to what they want to do. You
2 are asking me to bring you the broomstick of the wicked
3 witch of the west. I can't do that. You need to send me
4 to them and I will have that discussion there.

5 MR. MION: What did they say they would like to
6 see is a public benefit?

7 MR. BURKE: There was no final determination
8 made. The discussion about sidewalks was had at that
9 time along with the other things I just mentioned to
10 you.

11 MR. MION: I think what we are asking you to do
12 is go back and see what they are comfortable with and
13 what they would like to see.

14 MR. BURKE: Again, you're asking me to do the
15 impossible. The time for that discussion is when you
16 make a referral on a PDD to that Board and they will
17 consider that at that time. They're not going to
18 consider it now. So, with respect to parking, one Board
19 Member may feel that we have too much, another may feel
20 we don't have enough. We meet Code.

21 CHAIRMAN STUTO: What Code do you meet? Do you
22 really want to talk about that because you are creating
23 your own Code with the PDD. You have already said you
24 don't meet code. Code calls for two parking spots per
25 unit.

1 MR. BURKE: I'm talking about the detailed
2 building. The discussion was about the restaurants. I am
3 referring to the restaurants, Mr. Chairman. We have more
4 than enough parking for 8,000 square feet of restaurant
5 space there. Not all restaurants are configured in the
6 same manner. A fast food operation is a whole lot
7 different than a fine dining establishment. The number
8 of seats, the dwell time within a facility and all those
9 factors have to be considered. The idea that 240 seats
10 and two restaurants is a lot, is not a lot and we try to
11 illustrate that for you by giving the example of a 5,200
12 square foot restaurant that had 250 seats. Here we have
13 8,000 potentially and it doesn't have to be, but it
14 could be with 240 seats. So, you have 50% more space
15 with no more seats. That's kind of what we we're trying
16 to show you. It's not three pounds in a two pound bag.
17 It's two pounds in a five pound bag. I just want to
18 disabuse you of the notion that this is an overbuilt,
19 under parked white elephant because it's absolutely not
20 that.

21 I've done enough of these that I'm not going
22 to make that mistake. I won't build something that
23 doesn't have sufficient parking because the tenant
24 goes bust, they don't renew their lease and you've got
25 the kiss of death on a project. We are not going to

1 build something that doesn't work.

2 With respect to the number of parking spaces
3 for the assisted-living facility and the independent
4 living and the Alzheimer's unit, the industry standard
5 is less than one per unit. We are providing one plus
6 56 extras. When you talk about people on shift and
7 three shifts a day, not everybody comes to work at the
8 same time. Not everybody drives a car. Some of the
9 people, believe it or not, are actually going to take
10 that CDTA bus, or live in close proximity to the
11 project and walk there. Some people don't work eight
12 hours. Some people come in to work four hours or six
13 hours. They're doing housekeeping where they're doing
14 crafts or in meal preparation. So, there is a constant
15 ebb and flow. It's not like okay, with 30 people
16 coming in and 30 people going out and there's no place
17 to park. It's not that way at all.

18 These people from Sage Life are seasoned
19 experienced high quality operators. They know exactly
20 what they're doing. Believe me, we vetted them first.
21 So, I'm completely comfortable and confident in our
22 ability to provide a high-quality experience whether
23 it's retail, restaurant or senior living. Thank you.

24 CHAIRMAN STUTO: I appreciate your comments. I
25 definitely will take them under consideration. For

1 myself, coming into this week I speak with Joe Grasso as
2 needed on these projects, there was confusion about what
3 the public benefit was; whether the sidewalks here are
4 additive or if they were in substitution for what had
5 been proposed before. So, I came into this meeting
6 thinking they were in lieu of what was proposed before.
7 Andy Brick came and said they are additive to it. So, it
8 is cumulative.

9 I don't think that the Town Board Members or
10 the Supervisor has really focused on this. You said
11 you met them several months ago. This thing has gone
12 through a lot of changes. I'm just being practical and
13 tell you how I feel about it. I think you will be well
14 served to try to make contact with them and educate
15 them as to where you are and make sure they're
16 comfortable. They can, in turn, educate their Town
17 Board Members. Once we vote on the documents they are
18 proposing today, the train will have left the track.
19 I'm not comfortable to send the train off right now.
20 I'm just speaking for myself. The other Board Members
21 can do what they need to do.

22 MR. BURKE: Can I respond?

23 CHAIRMAN STUTO: Yes.

24 MR. BURKE: As the applicant, I have to take
25 responsibility for whatever happens and whatever my team

1 does. It's my fault that it wasn't clear. If it wasn't,
2 it was a miscommunication and for that, I apologize. It
3 was never intended to mislead or confuse.

4 CHAIRMAN STUTO: That's okay. We don't take it
5 personally.

6 MR. BURKE: If anybody is confused, it's
7 probably me. The issue here is we've got a number. We're
8 very comfortable with it. We think it's eminently
9 reasonable and equitable and fair. We did meet with Mr.
10 LaCivita and the Supervisor Paula Mahan. I think Dave
11 Hoffman can attest to the fact -

12 MR. HOFFMAN: Mr. Magguilli was there too.

13 MR. BURKE: Yes, he was.

14 So, there have been those ongoing
15 discussions. We will take your advice and reach out
16 immediately to clarify our position and hopefully get
17 better understanding of what the Town's needs and
18 expectations are as well. I see no reason why we can't
19 get a decision from this Board tonight. We need it. We
20 have obligations to other parties including our
21 partner Sage Life and Mr. Hoffman and two other
22 involved individuals who basically require us to
23 either move forward or step aside.

24 For those reasons, I'm going to request that
25 this Board make a determination's evening. We have

1 talked this thing to death. We've worked at every
2 which way possible. There's nothing left for us to say
3 or do. We've got nothing left to give. You've got our
4 best offer. We are going to ask you to please please
5 make a decision; whatever that decision is, tonight.
6 Thank you.

7 CHAIRMAN STUTO: Does anybody want to make a
8 motion?

9 MR. SHAMLIAN: I will make a motion.

10 CHAIRMAN STUTO: What your motion?

11 MR. SHAMLIAN: I'm not sure which motion -

12 CHAIRMAN STUTO: Joe, if we were going forward,
13 what would you suggest the first motion be?

14 MR. GRASSO: If we were going forward, it would
15 be the findings either for or against the application
16 for the PDD. That would be the first one to consider.
17 The ODA only kicks in after the PDD goes forward.

18 MR. SHAMLIAN: I make a motion to accept the
19 findings and make a recommendation to the Town Board.

20 CHAIRMAN STUTO: Just to help you with the
21 motion, we have a Resolution in front of us - planned
22 development district Resolution. You're proposing to
23 move that Resolution?

24 MR. SHAMLIAN: Correct.

25 CHAIRMAN STUTO: Do we have a second?

1 MR. HEIDER: Second.

2 CHAIRMAN STUTO: Do we have any discussion?

3 (There was no response)

4 I will ask a question. One of the critical
5 paragraphs is paragraph one. Can you read that out
6 loud?

7 MR. GRASSO: It reads: construction of concrete
8 sidewalks along Aviation Road in the vicinity of
9 Metropark Road and Computer Drive East at an estimated
10 cost of \$200,000; construction of concrete sidewalks
11 along Spring Street at an estimated cost of \$100,000;
12 construction of sidewalks along the west side of Loudon
13 Road from Glennon Road to Fresh Market Plaza a distance
14 of approximately 1,100 feet at an estimated cost of
15 \$200,000.

16 That's the way we have worded it. It's kind
17 of specific that appoints to the construction although
18 the value is estimated. It's trying to be specific
19 that the Town is expecting the sidewalks, but I would
20 just add to that I think that it's been clearly stated
21 in the record that they would like to cap investment
22 at \$500,000. So, if the sidewalks and up costing
23 \$600,000 -

24 CHAIRMAN STUTO: Can you mark up the Resolution
25 to say that?

1 MR. HEIDER: I guess the thing is that it goes
2 back to prioritization along Route 9.

3 MR. GRASSO: And I think we can add that.

4 MR. HEIDER: I have to be honest with you. I
5 live off of Aviation Road. That needs a sidewalk like
6 you need a hole in the head. Nobody walks on Aviation
7 Road. That's got 109 miles of park behind the apartment
8 building. I lived there. I know that. So, to me, the
9 Route 9 project, I think, has to be the priority. If
10 it's got to say that in the thing, so that's what we
11 have to say.

12 Spring Street, I know, is very dangerous to
13 the students and everybody running. I think that would
14 be number two and I think Aviation Road connect - -
15 the people from the Crisafulli project or Beltrone are
16 not walking to Colonie Center.

17 MR. GRASSO: So, I think what I am hearing is a
18 prioritization of the sidewalk along Route 9; secondly,
19 the sidewalk along Spring Street; thirdly, the sidewalk
20 along Aviation Road with a maximum financial commitment
21 from the applicant a \$500,000. If we get all three
22 sidewalks for that, then we get all three sidewalks for
23 that.

24 MR. HEIDER: But we keep the change. If there's
25 money left over, we'll figure something out.

1 MR. BRICK: There never is, so that's not a
2 problem.

3 CHAIRMAN STUTO: I would encourage a no vote on
4 the motion. I think the fact that were talking about
5 these details merits a meeting with the Supervisor's
6 office and the Town Attorney to make sure we do this
7 right. That's the end of my comment.

8 Any other comments or questions?

9 (There was no response.)

10 We will take a vote. All those in favor, say
11 aye.

12 MR. SHAMLIAN: Aye.

13 MR. HEIDER: Aye.

14 CHAIRMAN STUTO: All those opposed, say nay.

15 MR. MION: Nay

16 MR. ASHWORTH: Nay.

17 CHAIRMAN STUTO: Nay.

18 The motion is not passed. You still have the
19 opportunity to go there and bring it back.

20 MR. BRICK: Mr. Chair, in light of that, I
21 think that the other two proposed motions would be moot.
22 You identify two things that you would like to do. One,
23 gives some reflection and consideration toward what was
24 said this evening. Two, me with the Supervisor for
25 clarification that we could bring back to. What I would

1 request in the interest of expediency because of our
2 commitments - can we placed upon your next agenda right
3 now so that we can appear at your next meeting?

4 CHAIRMAN STUTO: I'm going to look to Zach and
5 Jack. I'm sure they will do their best.

6 MR. CUNNINGHAM: I don't know what's on for the
7 next meeting, so I have to take a look at that.

8 CHAIRMAN STUTO: I think there's a very good
9 chance that we can do that. I remember talking to Joe
10 and I think the next one had three sketch plans which
11 means that I usually doesn't take too long. I'm pretty
12 sure we can get you back on.

13 MR. BRICK: What I anticipate is that we will
14 update you regarding our conversations about the public
15 benefit with the administration and then ask you to vote
16 based upon the proposed Resolutions. So, it would be a
17 quick item on the agenda. It won't be like it has been
18 in the past.

19 CHAIRMAN STUTO: Joe Grasso, I would encourage
20 you, with Jack, to get a hold of the Supervisor's
21 office.

22 MR. GRASSO: Understood.

23 CHAIRMAN STUTO: Okay, if there is no further
24 business, we will stand adjourned.

25 (Where is the above entitled proceeding was

1 concluded at 9:10 p.m.)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

