

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3

4 *****
5 THE PUBLIC HEARING REGARDING THE MAXWELL ROAD
6 SENIOR PDD ALSO KNOWN AS 605 ALBANY SHAKER ROAD
7 AND 210 MAXWELL ROAD
8 *****

9 THE TAPED AND TRANSCRIBED MINUTES of the above
10 entitled proceeding BY NANCY STRANG-VANDEBOGART
11 commencing on July 28, 2009 at 8:47 p.m. at the
12 Public Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14

15 BOARD MEMBERS:

- 16 JEAN DONOVAN, CHAIRPERSON
- 17 CHARLES J. O'ROURKE, JR.
- 18 MICHAEL STEWART
- 19 ELENA VAIDA
- 20 TIMOTHY LANE
- 21 TOM NARDACCI
- 22 PETER STUTO, Jr. Esq., Attorney for the Planning
23 Board

24

25

26 Also present:

- 27 Joe LaCivita, Director, Planning and Economic
28 Development
- 29 Kevin DeLaughter, Planning and Economic
30 Development
- 31 James Finning, Finning Properties, LLC
- 32 Mark Jacobson, PE
- 33 Jamie Easton, PE

34

1 CHAIRPERSON DONOVAN: The next on the
2 agenda is the senior PDD, which is the
3 senior citizen town homes and one estate
4 lot.

5 MR. FINNING: My name is Jim Finning
6 and we are the developers. We've been at
7 this project for almost five years now.

8 We're here tonight and the project is
9 actually an approved project. We've had the
10 opportunity to think and rethink this
11 project and play with some different
12 designs that we think work best for not
13 only the town and the existing neighborhood
14 but the developers, as well. Basically it
15 is the same project. It is a senior project
16 for people 55 and older. It is a
17 subdivision with 51 units. We're not
18 changing that. We're staying with the same
19 density.

20 The improvements, I think, probably
21 are numerous. The most important one that
22 I'll point out now is the single point of
23 access into a development. That's what we
24 had before. It was a single point of access
25 with numerous cul-de-sacs.

1 The new design has two points of entry
2 that loop through the majority of the
3 project and we think that is a huge
4 advantage to the new design.

5 Another advantage that we think works
6 well for the neighborhood is that the
7 original project had three six-plexes in
8 it. We now have broken it down so that it
9 is all two or three unit clusters. We call
10 them twin homes. So we have removed the
11 apartments or condominiums. With that, it
12 eliminates the need for a homeowners
13 association which we think works best for
14 us, as developers, and the town, as well.

15 I think that's basically it in a short
16 presentation. I'll turn it over to my
17 engineers and then we'll open it up to
18 questions. We're here tonight because we
19 think that with the timing of the new
20 Maxwell Road that will hopefully start this
21 fall, it would work very well with us. In
22 the timing of that project, it would also
23 allow us to be able to cooperate with what
24 they are doing contiguous to us and we
25 think that works best for everyone.

1 CHAIRPERSON DONOVAN: This project is
2 substantially different from the one that
3 was originally approved. This does not have
4 the apartment complex?

5 MR. FINNING: It does not have any
6 apartments in it. It's all ownership.

7 CHAIRPERSON DONOVAN: Kevin, does this
8 have to be approved? This is a PDD?

9 MR. DELAUGHTER: This is a planned
10 development district. That is a specific
11 zoning designation. When it's approved by
12 the Town Board that approval locks in the
13 concept as presented. So, it does require
14 an amendment of the planned development
15 district legislation by the Town Board.
16 That, in turn, requires a recommendation
17 from the Planning Board. Because of the
18 nature of the changes being very
19 substantial as far as the layout, it
20 requires a concept review by the town
21 departments.

22 So, my understanding is that we are
23 here tonight just to get a sense of the
24 board whether this is heading in the right
25 direction.

1 This was presented to the town
2 development coordination committee last
3 Wednesday for some preliminary input on the
4 design issues.

5 CHAIRPERSON DONOVAN: Brad forwarded
6 that information to us.

7 MR. DELAUGHTER: The next step, if the
8 board feels that this is heading in the
9 right direction, would be preparation for a
10 fully developed concept plan review by the
11 town departments, reviewed by the Planning
12 Board, a recommendation by the Town Board,
13 action on the PDD amendment and eventually
14 back to the Planning Board for final
15 planning.

16 CHAIRPERSON DONOVAN: Kevin, why would
17 this still be considered a PDD?

18 MR. DELAUGHTER: Because it is
19 something that does not, as approved
20 originally and as presented now, fit in the
21 prior zoning with single family
22 residential. Certainly the apartment units
23 that were proposed originally as well as
24 the overall density were not consistent
25 with that single family district. I don't

1 know that what was presented here really
2 would fit within any district that we have
3 on the books, other than a PDD.

4 CHAIRPERSON DONOVAN: Couldn't this
5 just go for a variance?

6 MR. DELAUGHTER: I don't think that
7 for something of this scale that it would
8 be really appropriate. Again, it is a PDD
9 already.

10 MS. VAIDA: But is that PDD still
11 valid if it's been changed?

12 MR. DELAUGHTER: The change to the
13 plan would require an amendment of the PDD
14 by the Town Board.

15 CHAIRPERSON DONOVAN: We would have to
16 send a recommendation to the town board?

17 MR. DELAUGHTER: Yes.

18 CHAIRPERSON DONOVAN: And that being
19 an amendment to the PDD.

20 Now the originally PDD - I believe
21 that you talked about a commercial
22 building, and that was on the estate lot.

23 MR. FINNING: It was a bad idea that
24 went away.

25 CHAIRPERSON DONOVAN: Yes, and the

1 apartments are gone.

2 MR. FINNING: Yes, the apartments are
3 gone.

4 I think one of the reasons that it
5 might be made directed into a PDD
6 originally was because of the senior
7 component. I don't know if you have
8 districts specifically cut out for that,
9 but I'm sure that that would have density
10 issues.

11 The six-plexes were part of it. As a
12 developer, I think that it's been a need of
13 the community to hear that from our leaders
14 for years and years that a senior component
15 is something that we both look for under a
16 developer. It is a risk for developers to
17 isolate their market area to seniors but we
18 agree that we think that the demographics
19 and the demand for senior housing in the
20 Town of Colonie are stronger than what is
21 being provided.

22 CHAIRPERSON DONOVAN: I agree. Again,
23 the apartments were gone because you
24 thought that the townhouses would be more
25 independent for the individuals that were

1 going to live there. Is that why you were
2 going to do town houses rather than the
3 apartments?

4 MR. FINNING: The original idea of the
5 six-plexes was to offer a different mix.
6 The original thought was that we can get to
7 more of the demographic. The pricing of the
8 six-plexes would be less than what the town
9 homes would be. The downside for the
10 developer is the concern of the homeowners
11 association.

12 I'm involved in one up in Malta right
13 now and as a developer, I can tell you that
14 it's a sheer nightmare. Dealing with the
15 state and the AG's office, trying to get a
16 homeowners association is very, very
17 difficult.

18 So with that little component to this
19 project, it really did make a lot of sense
20 for us to go down that road. That's one of
21 the things that we had years to think
22 about. So, it's best for everyone, we
23 believe, if it's removed at this point.

24 CHAIRPERSON DONOVAN: One of the
25 things that they did note was the way that

1 it's developed now, some of the town homes
2 or duplexes or whatever are a lot closer to
3 the properties on Margaret Drive. I noticed
4 that you have buffering. You said that you
5 would have a fence and shrubs; is that
6 correct?

7 MR. FINNING: Correct.

8 CHAIRPERSON DONOVAN: But there is one
9 house or one duplex that looks like it's
10 right on the property line on Karen Court.
11 It looks like the first house in the PDD as
12 you come off of Maxwell right near the
13 estate lot.

14 MR. FINNING: Yes.

15 CHAIRPERSON DONOVAN: What is the
16 setback on just that lot?

17 MR. O'ROURKE: I think they're
18 25 feet.

19 MR. FINNING: We're actually toying
20 with that one.

21 CHAIRPERSON DONOVAN: I would ask you
22 to toy with that.

23 MR. JACOBSON: As we get further into
24 the design, as Kevin said, we're back at
25 the concept phase and we have to go back

1 through and readdress our stormwater
2 issues, set a new length for the roadway,
3 figure out which way water is going to flow
4 and all that. At that point both basins may
5 not be necessary. We may be able to
6 incorporate the proposed basin area at
7 which point this would be relocated down
8 here (Indicating). This is just kind of an
9 idea to demonstrate that we can get two
10 access points and we can keep the same
11 density.

12 I'd like to answer a question and I
13 don't know who had it. The PDD was changed
14 by resolution of the Town Board so that's
15 the zoning right now and that's why it's
16 the way it is.

17 CHAIRPERSON DONOVAN: It's zoned PDD
18 right now.

19 MR. JACOBSON: Right.

20 CHAIRPERSON DONOVAN: I know that
21 you're here for an overall review tonight,
22 but that one lot concerns me. That's so
23 close to Karen Court.

24 MR. FINNING: With the design that we
25 have in front of you tonight, we do have

1 some flexibility to adjust some of the
2 units where they align. As Jake said, we
3 give and take with the pond issue and that
4 could easily afford us the ability to
5 switch over to what's here now.

6 MS. VAIDA: I have questions
7 procedurally for Kevin.

8 So, the zoned planned development
9 district that was approved in '06 was based
10 upon a certain proposal. This proposal
11 substantially is different. All new
12 studies, I would think, need to be done.
13 It's dramatically different. Doesn't that
14 change avoid the prior PDD approval since
15 they're not doing that now?

16 MR. DELAUGHTER: That's why I say that
17 to go to this plan would require an
18 amendment of the PDD going forth.
19 Essentially, you're replacing the concept
20 that was accepted with the original
21 document of the PDD with this concept. By
22 amending the PDD, you're replacing one PDD
23 with another.

24 MS. VAIDA: I mean, it seems like a
25 whole new PDD application. You go through

1 the same criteria and standards.

2 MR. DELAUGHTER: Essentially you're
3 doing a completely new review.

4 CHAIRPERSON DONOVAN: The PDD zone
5 exists though.

6 MR. LACIVITA: It is a zoning
7 designation. If you remember back when we
8 did Mohawk River Estates and we were
9 specific as to what components they wanted
10 to put in, were they going to be looking
11 for a restaurant. We asked them to put in
12 certain things that they wanted to make
13 sure that they wanted. As soon as that
14 changed, they had to come right back before
15 the board to do it. Mr. Finning is here
16 tonight because with the roadway change and
17 everything else, this allows for a
18 secondary means of egress. He now has an
19 opportunity to change his originally
20 approved PDD; which is his only
21 designation. Now, we just have to go
22 through the review process again and that's
23 what we did. It doesn't negate the approved
24 zoning, but it actually negates the
25 project.

1 CHAIRPERSON DONOVAN: The zoning still
2 exists.

3 Kevin, is that what you were saying?

4 MR. DELAUGHTER: As proposed, it's
5 zoned as a PDD now, and it will continue to
6 be zoned as a PDD but the conditions where
7 it can be developed will change.

8 MS. VAIDA: When the PDD was approved,
9 there is that whole list of criteria that
10 you go through; impacts on the environments
11 and all of those test questions that you
12 look at. That's all different now.

13 MR. DELAUGHTER: Then we'll need to be
14 looking at those all again.

15 MS. VAIDA: So hypothetically what if
16 you go through that and find that the
17 project doesn't meet all that criteria;
18 then what happens?

19 MR. DELAUGHTER: That would be up to
20 the Planning Board and the Town Board.

21 MS. VAIDA: So it's not a given that
22 it's an approved PDD.

23 MR. DELAUGHTER: No.

24 MR. STUTO: Elena, if I could offer
25 some clarification: It's not like you're

1 changing it from one zone to a different
2 zone. It's true that a PDD is looked at as
3 a different zone but it's also specific to
4 the resolution that's bypassed by the Town
5 Board. It's got a lot of specifics in it
6 for that particular project. That doesn't
7 mean that it's all adaptable to a different
8 PDD project.

9 MR. O'ROURKE: There are 20 expressed
10 conditions that they were granted.

11 MR. STUTO: Plus the plan that it was
12 under.

13 MR. O'ROURKE: That's to accept that
14 PDD from single family residential. Now,
15 they have changed that.

16 MR. STUTO: So all bets are off. I
17 think that's a fair way to characterize it
18 legally. They can go back to their old
19 plan. They can continue with that, but it's
20 not like you're saying that you're going
21 from COR to ENCOR and you have to meet the
22 criteria of ENCOR. The word codified
23 would - - it would be whatever the town
24 resolution is and you can modify that or
25 reject it as you see fit as a board.

1 I just want to be clear about that.
2 It's not speaking in favor or against the
3 project. I just want the board to have that
4 same understanding.

5 CHAIRPERSON DONOVAN: I had asked for
6 and received from Joe that there was a
7 Planning Board recommendation that was
8 given back in May of 2006. It's a three or
9 four page document.

10 Kevin, what happens with this document
11 now?

12 MS. VAIDA: It's a new application,
13 basically, right?

14 MR. DELAUGHTER: You would have to
15 generate a similar document for your
16 recommendation on this plan.

17 MR. LACIVITA: And Barton and
18 Loguidice happen to be the town designated
19 engineer on this one.

20 CHAIRPERSON DONOVAN: Well, you win
21 tonight, Brad. Tonight is your night.

22 Brad sent us the comments from the DCC
23 and I know that there are some issues like
24 the realignment of the fire hydrant and
25 sprinkler systems in the town houses. I

1 think that was from Fire Safety. Kevin has
2 comments. DPW has comments. Stormwater,
3 believe it or not, did not have many. Water
4 had some comments. All of these would
5 obviously be addressed as the project went
6 on.

7 Gentlemen, you have seen them or you
8 were at the meeting I assume so you're
9 aware of that, right?

10 MR. JACOBSON: Yes, we're aware of it.

11 MR. FINNING: And I can tell you right
12 up front that we don't have any issues with
13 the comments. It was a very fruitful
14 meeting and the issues that the department
15 heads raised I thought were valid and I
16 didn't see any problems meeting any of
17 their concerns.

18 CHAIRPERSON DONOVAN: There is no
19 question that the town has been looking at
20 least over the last two years with the
21 Carondelet and other senior housing and
22 this is different from the other ones that
23 we have seen so far. This is a different
24 area of town out by Maxwell Road when it's
25 eventually realigned. So there is certainly

1 a need. I think that we know that there is
2 a need for this type of housing.

3 The homes themselves - most of your
4 living arrangements will be on one floor;
5 is that correct?

6 MR. FINNING: That's correct. The
7 design right now is that the living would
8 be on the first floor and the second floor
9 would be two guest rooms and an additional
10 bathroom.

11 CHAIRPERSON DONOVAN: I know that Pete
12 Lattanzio said that the town may require
13 sliding doors instead of swinging doors for
14 senior projects for EMS personnel. These
15 are all things that you're aware of though.

16 MR. FINNING: We are.

17 CHAIRPERSON DONOVAN: Okay. Tom, do
18 you have any questions?

19 MR. NARDACCI: I have a brief comment,
20 thanks Jean. I also have two quick
21 questions.

22 First, Jean, I agree with you that our
23 comprehensive plan is pretty clear about
24 the need for development of more senior
25 housing options in the town. Frankly, in

1 the last two years I think that we've seen
2 too few projects going forward that are for
3 the senior community and empty nesters. So,
4 I think that's a positive.

5 I have a specific question with regard
6 to the layout being so close to
7 Albany-Shaker Road and Maxwell Road. Have
8 you given any thought to sidewalks through
9 the project or connecting to Albany-Shaker?

10 MR. JACOBSON: We did. As a matter of
11 fact at the DCC meeting we mulled it over.
12 It was the opinion of the town at that
13 point that they probably didn't want
14 sidewalks through here because if it wasn't
15 going anywhere, then it's coming down
16 Maxwell Road anyway. They asked us to put
17 on the roadway and show you where the
18 proposed sidewalk was going to be.

19 MR. NARDACCI: Are there plans for a
20 sidewalk on Maxwell Road after they align
21 Maxwell Road?

22 MR. JACOBSON: Yes.

23 MR. NARDACCI: Seeing how popular the
24 sidewalks are along Albany-Shaker Road,
25 it's one of those few areas of the town

1 where we would have this back for the
2 conversation about sidewalks. Bob Mitchell
3 doesn't want them because it's a
4 maintenance issue, but we have some
5 planning documents that afford sidewalks in
6 certain areas of the town and this is an
7 area of priority. It's just something that
8 if you have an active senior community
9 that's going to walk, perhaps they want to
10 take Albany-Shaker Road. That's just my
11 thought.

12 CHAIRPERSON DONOVAN: Now you're
13 saying that Maxwell Road is going to have
14 sidewalks by the county anyway. Are you
15 saying sidewalks from Justin Court down to
16 Albany-Shaker?

17 MR. NARDACCI: Yes, within the
18 development that would be connecting.
19 That's my opinion.

20 The other thing is an issue that comes
21 up regularly. Jean mentioned your lot depth
22 and there is a number of lots in here that
23 have abutting neighbors. We want to be
24 sensitive to new developments that are
25 coming in on existing residential lots.

1 I see some screening here but I'd like
2 you to pay particular attention to some of
3 that screening, especially where you're
4 abutting some of these directly on other
5 property owners.

6 CHAIRPERSON DONOVAN: Margaret Drive
7 and Karen Court appear to be relevant here.

8 MR. NARDACCI: I would encourage you
9 to seek out the homeowners on those
10 abutting lots. Maybe they're here tonight
11 and discuss with them what they're
12 interested in seeing.

13 MR. FINNING: We did that for the last
14 proposal and we pretty much put in what
15 they asked us to do.

16 MR. NARDACCI: Okay, very good.

17 MR. DELAUGHTER: Just so that the
18 board is aware, there are some new homes on
19 Alicia Lynn Court where Brizzell's farm
20 used to be along Maxwell Road that also
21 abuts the property. We have asked that
22 those folks be shown on the plans for
23 further review to make sure that you're
24 aware that there are other homes out there.

25 MR. NARDACCI: Are they on notice,

1 Kevin, for that?

2 MR. DELAUGHTER: Yes.

3 MR. FINNING: Oh, absolutely.

4 CHAIRPERSON DONOVAN: The rear
5 setbacks along Margaret Drive and probably
6 Karen Court are a lot less than they were
7 on the original plan that you had; is that
8 correct?

9 MR. FINNING: I don't know if I would
10 go as far as a lot less, but they go back
11 and forth as you look at the old drive and
12 the old cul-de-sacs. They move in and out a
13 lot more.

14 CHAIRPERSON DONOVAN: Okay, because
15 I'm looking at a couple of them here that
16 look like they're pretty close. I don't
17 know the scale on here. One inch equals
18 100 feet?

19 MR. FINNING: I don't think that's the
20 scale that you're looking at.

21 CHAIRPERSON DONOVAN: I was going to
22 say, that doesn't seem right.

23 MR. JACOBSON: This is the old plan
24 and some of the lots did move closer and
25 some of them moved further away. These lots

1 on the other side of this area here
2 (Indicating) for instance, with a new
3 alignment of the road - there aren't any
4 homes behind those few on the end. It's a
5 give and take but there is no question
6 about it and we're sensitive to buffering.
7 As Jim said, we're willing to sit down with
8 the neighbors and provide whatever they
9 want.

10 CHAIRPERSON DONOVAN: There is one
11 home or possibly two on Margaret Drive. One
12 in particular looks like it would be a
13 three-unit townhouse that is particularly
14 close to their backyard. There is also the
15 one on Karen Court which you said that you
16 were going to go back and reconsider anyway
17 because that looks like it's on top of the
18 structure itself. It looks like it's almost
19 on top of that property. That isn't fair to
20 the existing homeowners.

21 MR. FINNING: It's actually into the
22 end units.

23 CHAIRPERSON DONOVAN: This is
24 something for you, as we proceed, to know
25 that we're going to possibly have a problem

1 with.

2 MR. LANE: I have a couple of
3 questions. First, what is the difference
4 between what the density is for this to
5 require the PDD and what it would have been
6 under a single family? What kicks in the
7 density issue?

8 MR. JACOBSON: The senior component,
9 the 55 and over kicked in when this was
10 2005 or 2006, when we first came in. There
11 wasn't a provision in the Town Code for a
12 senior development. We went through it at
13 one time because the realignment of
14 Maxwell Road was not in the near future.

15 MR. LANE: So the density doesn't have
16 anything to do with it.

17 MR. JACOBSON: It may and I don't know
18 what the single family residential is right
19 now which has changed since we got the
20 zoning change.

21 MR. LANE: Well, obviously on the
22 single family residential it's going to be
23 a lot lower density.

24 MR. DELAUGHTER: I think that with the
25 old zoning or current yield it is two

1 units per acre on an unconstrained site.
2 With the dwellings that you have on this
3 site, it's probably something similar.

4 MR. STUTO: What's the number?

5 MR. JACOBSON: There are 16 acres, so
6 30 lots.

7 MR. LANE: And here we're talking 51.
8 That's a significant difference.

9 Under the planned development district
10 there are certain things that are required
11 and I'm not sure that it addresses several
12 of them; one being a requirement for open
13 space or at least 35%.

14 There is a requirement for a public
15 accommodation, links to the community,
16 innovation of design, connectiveness to the
17 rest of the community and similarity to the
18 surrounding community. I'm not seeing that
19 here at all, to be perfectly honest with
20 you.

21 MR. FINNING: We could connect to
22 Margaret Drive through the link. I don't
23 think that the neighbors would like that.

24 CHAIRPERSON DONOVAN: That's a bike
25 path of some sort going from your unit over

1 there to Margaret Drive?

2 MR. LANE: So the public
3 accommodations might be a walking path that
4 goes to the next street?

5 MR. FINNING: Yes.

6 MR. LANE: And what's the percentage
7 of greenspace?

8 MR. FINNING: Within the lot, it's
9 certainly greater than the 35%.

10 MR. JACOBSON: We meet the 35%. What
11 the actual number is, I don't have that.

12 CHAIRPERSON DONOVAN: Tim, I just want
13 to say that I could remember that when we
14 did a project, I think that it was back in
15 the beginning of 2008, it was off of
16 Consaul Road.

17 Remember that one, C.J.; it was
18 Consaul Road and Crosby Street?

19 MR. O'ROURKE: The little one?

20 CHAIRPERSON DONOVAN: Right. The
21 developer came in and he had plans. He had
22 a street to connect over to Crosby Court
23 from the new development and the neighbors
24 on Crosby Court didn't want any part of it.
25 They wanted a bike path or a walking path.

1 They did not want traffic going from that
2 development to their street. I don't know
3 for sure but I would bet that the people on
4 Margaret Drive would have that same
5 feeling.

6 MR. FINNING: We spent quite a bit of
7 time in the last public forum talking about
8 that and I can assure you that is not
9 something that our neighbors wanted.

10 CHAIRPERSON DONOVAN: They didn't want
11 a road.

12 MR. FINNING: No, they did not want a
13 road.

14 MR. O'ROURKE: They probably didn't
15 want the bike path.

16 CHAIRPERSON DONOVAN: It's a walking
17 path.

18 MR. FINNING: I don't know. I didn't
19 hear anyone say that they were opposed to
20 that.

21 MR. LACIVITA: If I could just answer
22 that question with regard to your
23 greenspace for you, Jim?

24 The proposed PDD has 59.1% of lawn
25 area. The approved PDD, the prior, had

1 53.4. So they have increased the greenspace
2 in this design. They've actually reduced
3 the paved area from 19% to 16.8%.

4 MR. LANE: Well, that's because of the
5 loss of the apartments and the paving and
6 all of that.

7 MR. LACIVITA: Right, but the
8 greenspace has gone up.

9 MR. FINNING: The cul-de-sacs
10 attribute to most of that difference right
11 there and the circulation change.

12 MR. LANE: In going forward, I would
13 certainly like to see a closer look at each
14 of these requirements within the PDD, under
15 the plan and how this meets those
16 requirements.

17 CHAIRPERSON DONOVAN: Right, because
18 we have to send a recommendation to the
19 Town Board and it has to be based on those
20 requirements, so we'll need that
21 information. There's no question about it.

22 Anything else, Tim?

23 MR. LANE: No, that's it.

24 CHAIRPERSON DONOVAN: Elena?

25 MS. VAIDA: I'm just a little

1 concerned about the density of the project.
2 There were comments from before in your
3 original application. There was some
4 criticism about a PDD creating more usable
5 open space and recreation areas and I guess
6 this project doesn't meet that criteria at
7 all. I don't know if that's been changed at
8 all in this changed plan or if that's been
9 addressed or not - the open space.

10 MR. JACOBSON: The open space has
11 increased by virtue of the layout. This
12 intent with the new design was to take
13 something that was already there. We felt
14 that while we changed a product from six
15 unit apartment buildings and incorporated
16 all ownership, and figured out a way to get
17 back out to realign Maxwell Road and put
18 two points of access while not increasing
19 the density - we thought those were all
20 good things.

21 MR. FINNING: I'm a little concerned.
22 We're here trying to make the project
23 better and I'm getting a sense from this
24 board that you don't want us to do that.
25 I'm really confused by the feedback that

1 we're getting.

2 MS. VAIDA: To me, this is really a
3 new application and you need to meet all
4 the criteria of a planned development
5 district. I'm just looking at what was
6 submitted originally to try to give you
7 some feedback and I can tell you that the
8 density concerns me.

9 MR. FINNING: It hasn't changed. It's
10 gotten better with the new plan. If I were
11 here requesting 60 units, I could hear that
12 comment all day. It's a better layout with
13 less density with the same number of units
14 that is already approved.

15 MS. VAIDA: But this is a whole new
16 application.

17 MR. FINNING: I would differ with you
18 on that as well; that's your call.

19 MR. LACIVITA: The department comments
20 that you heard through DCC, is that going
21 to ultimately change the design of what you
22 currently had before? You said that the
23 comments were not that concerning to you.

24 MR. FINNING: As far as I'm concerned,
25 the comments that were made from that

1 meeting were all comments that we could
2 implement without any concern. I'll let
3 Kevin speak because he was in the meeting.
4 The department heads were very much in
5 favor of the new design as opposed to the
6 old design. Certainly with the fire
7 departments and all the other concerns that
8 we had with the approved project with the
9 new plan, I thought it was a home run with
10 all the department heads. I'm not sensing
11 that here.

12 MR. O'ROURKE: Well, I would think so.
13 Townhouses versus apartments?

14 MR. FINNING: I would think that.

15 CHAIRPERSON DONOVAN: I think that
16 it's a better living option with the
17 townhouses. One of the issues that I'm
18 hearing is that there should be some type
19 of recreation.

20 MS. VAIDA: This one big lot at the
21 end - what is that for?

22 MR. FINNING: I said earlier that lot
23 down there was held back for an estate lot
24 but with this design, it does give us a lot
25 of flexibility, as Jean said earlier, to

1 manipulate some of the lots that maybe are
2 too close to the Margaret Drive people. We
3 can move units.

4 MS. VAIDA: I think that's what I'm
5 sort of getting at. The concept is
6 certainly a good concept; it's just very
7 densely laid out right now. It does look
8 like you have some extra room at the end
9 here now that you could move some things
10 there or keeping with the open space
11 requirement. Maybe you and do some sort of
12 common area park.

13 MR. FINNING: I don't think that I
14 need to remind you, but this is truly
15 within walking distance of The Crossings.
16 That's one of the amenities that make this
17 project a home run. People can walk out
18 their door and be at The Crossings in less
19 than five minutes. So, for us to put a
20 recreation in a 15-acre parcel when
21 The Crossings are less than five minute
22 away -

23 MS. VAIDA: Would you be able to walk
24 there from here on sidewalks?

25 MR. FINNING: Yes.

1 CHAIRPERSON DONOVAN: And the town
2 library is almost connected to this; is
3 that correct?

4 MR. FINNING: Yes, within walking
5 distance.

6 CHAIRPERSON DONOVAN: That, in and of
7 itself is nice for seniors.

8 MR. LANE: I have one more comment. Is
9 there any reason why the street at the far
10 end couldn't become a T at Coyote rather
11 than the way that it's set up now? It's
12 kind of distorted.

13 MR. STUTO: Line up the streets.

14 MR. LANE: Line up the streets;
15 exactly.

16 MR. JACOBSON: I think that can be
17 done.

18 MR. O'ROURKE: But Coyote is not a
19 town road. Why line it up?

20 MR. LANE: It has nothing to do with
21 whether it's a town road. Traffic wise does
22 it make more sense to have the streets
23 conjoin at one point rather than the way
24 that this is set up? It's just a thought.
25 Does anyone have a better thought on this?

1 MR. EASTON: Your point is certainly
2 valid and from looking at it and our
3 original design that we had before, we've
4 taken construction plans of realigning
5 Maxwell Road. I noticed that and in looking
6 at that, I think that it should be a T.

7 Monday morning it really kind of hit
8 me that this seems to be a little bit of a
9 problem. So, we're just trying to get some
10 input from you and what you like and what
11 you don't like.

12 MR. CLARK: There is a constraint
13 there. There is an existing wetland.

14 MR. LANE: It doesn't necessarily need
15 to be a straight shot. It could curve.

16 MR. FINNING: It would be better if it
17 could line up.

18 MS. VAIDA: Did you address the
19 drainage issues that were raised in the
20 earlier project?

21 MR. JACOBSON: We did.

22 MS. VAIDA: And how did you adjust
23 those?

24 MR. JACOBSON: Our stormwater will be
25 designed in accordance with the DEC

1 regulations and all the stuff that goes
2 through there. Once we set the roadway
3 alignment, the high point and the low point
4 to see where the water is flowing, then
5 we'll design the stormwater.

6 That kind of leads to your question:
7 What are we doing down here (Indicating)?
8 We don't know yet. I've been told that this
9 could go away, and this could be shifted.
10 So, until we get a little further in our
11 design, I can't answer that question but I
12 can't say that it's going to comply with
13 everything DEC mandates and everything that
14 Brad and this board oversees that this town
15 has.

16 MS. VAIDA: That doesn't really seem
17 to prevent problems, as we have seen.
18 Because you were using a lot of the
19 existing vegetation and changing the
20 topography of the area there was a concern,
21 and it seems like a pretty big concern,
22 about the drainage issue and people having
23 to use sump pumps.

24 MR. JACOBSON: That's one of the first
25 things that we go forward and do. Is this

1 area in accordance for having high ground
2 water? Once we figure out where our
3 stormwater basins are going to go, we get
4 our excavator and dig a deep hole and see
5 if there is evidence of high ground water
6 modeling, or if we suspect that in some
7 spots it will be and we'll adjust our BMP
8 practice to accommodate that. DCC has
9 several options that we can use and we
10 don't do that in a vacuum. We work with the
11 town and then we turn it over to Barton and
12 Loguidice and Brad reviews that in
13 conjunction with us.

14 CHAIRPERSON DONOVAN: That would be
15 your test pits.

16 MR. JACOBSON: Yes.

17 MR. CLARK: There is known high ground
18 water in this area, particularly here.

19 There are no basements proposed for
20 the development?

21 CHAIRPERSON DONOVAN: This will be on
22 a slab?

23 MR. FINNING: We're leaning towards a
24 slab, but that's not been decided yet.

25 CHAIRPERSON DONOVAN: How wide is the

1 street? Is Justin Street 24 feet or 26 feet
2 wide?

3 MR. JACOBSON: It's a standard town
4 road; 32 feet wide.

5 CHAIRPERSON DONOVAN: Do these units
6 have driveways and parking garages?

7 MR. JACOBSON: Yes, they do.

8 CHAIRPERSON DONOVAN: They all have
9 garages?

10 MR. FINNING: Two stalls for each
11 unit.

12 CHAIRPERSON DONOVAN: Mike?

13 MR. SULLIVAN: I had a few questions.
14 One is a continuation of Elena's.

15 Will the stormwater management areas
16 be retention basins or detention basins?

17 MR. FINNING: Detention.

18 MR. SULLIVAN: Okay, because there was
19 some mention here that they may be
20 retention basins.

21 MR. JACOBSON: That's an oversight
22 from the two things that we had put
23 together. In fact, I think that calls out
24 for an HOA, which is left over from the
25 previous area.

1 MR. SULLIVAN: Because that concerned
2 me especially with the existing land
3 owners; I would not want to see a retention
4 basin.

5 Do we have any traffic numbers or trip
6 generation numbers and how that would
7 impact with the realigned Maxwell Road? Do
8 we have any sense of what the a.m. and p.m.
9 peak hour traffic counts would be here?

10 MR. JACOBSON: We do have that and I
11 don't have it off the top of my head. The
12 number that comes to mind was 17 in the
13 a.m.

14 MR. SULLIVAN: I would just like to
15 see how it works out because I'm concerned
16 about the proposed use and high traffic
17 area potential for accidents.

18 I did have a question that was similar
19 to Tim's with the other roadway that's near
20 Coyote Avenue and with the site distance.
21 I'd like to see that basically come to a
22 90 degree intersection or better alignment
23 there. It seems like that's been an issue
24 already.

25 CHAIRPERSON DONOVAN: Is this going to

1 be a roundabout? Am I looking at this
2 right?

3 MR. SULLIVAN: On Albany-Shaker, yes.

4 MR. JACOBSON: We did talk about the
5 sight distance at our meeting last week
6 with the town. Unfortunately, we can't rely
7 on any analysis because Maxwell Road has
8 not been built yet. We are going to kick
9 around some ideas and we're going to look
10 at the site distance as it is existing and
11 then put a number to that. I think that
12 you're gong to find that you're going to
13 have somewhere in the threshold of 45 to
14 50 miles per hour. It's posted 30 miles an
15 hour and that should give us some sense.

16 MR. DELAUGHTER: You might take the
17 numbers on the existing alignment of
18 Maxwell Road and at least you'll get a
19 sense of what's happening.

20 CHAIRPERSON DONOVAN: C.J., you're on.

21 MR. O'ROURKE: I think that this is a
22 great project. I wish it was around a
23 couple of years ago. I'd have my folks in
24 there with the library right there and The
25 Crossings. I think that it's a perfect spot

1 for it because it is wetland down there.
2 The other side, Brad, is wet too - up the
3 Coyote side. There are always puddles.

4 If you drive Maxwell especially in the
5 winter it doesn't even freeze up there.
6 That water comes out in the winter. So, I
7 was concerned about the wet areas and
8 certainly you guys are developing it. I
9 would love to see what the test pit results
10 are because I think that basements are
11 going to be a big problem.

12 The estate lot - I'm glad that there
13 was some clarification. I thought it was
14 like King Arthur and the fiefdoms. I would
15 not be in favor of an estate lot in a
16 project like this only because if we're
17 saying that it's 55 and older and it's a
18 senior housing area, why designate one spot
19 for somebody to own two acres of land? In
20 terms of the overall equity of the
21 attention of the PDD, I'm not sure that the
22 estate lot fits.

23 Now, you guys are telling me that it's
24 going to be for SWPP or whatever ends up
25 down the road and I think that's smart.

1 In my opinion, I would remove the term
2 estate lot because I don't think that it
3 fits within the context of what you're
4 trying to do in the PDD.

5 The sight distance - I had a note on
6 that as well. I was wondering how you were
7 going to get that through the woods
8 presently because Maxwell is not in but
9 honestly I'm 100% behind the PDD on this
10 section of property. I think that it's a
11 great use. I think that it's a much needed
12 commodity. Honestly, I think that this
13 project will sell out in six months. I
14 think that there is such a need in this
15 town for properties like this and it's much
16 better in my opinion than apartments.
17 Again, I have folks at that age and I'd
18 much rather see ownership rather than
19 rental within this section in this area of
20 the town.

21 That's all I have, Jean.

22 CHAIRPERSON DONOVAN: Did you tell me
23 that this is going to be a homeowners
24 association that was going to run this; am
25 I correct?

1 MR. O'ROURKE: No, not any longer.

2 MR. FINNING: It would have been
3 required if we had gone forward with the
4 apartments or the condo units.

5 CHAIRPERSON DONOVAN: But as this, it
6 will not need a homeowners association.

7 MR. FINNING: It will be all
8 ownership.

9 CHAIRPERSON DONOVAN: Kevin, does that
10 post any difficulties for the town that you
11 can see?

12 MR. DELAUGHTER: No, I don't see any
13 problems.

14 CHAIRPERSON DONOVAN: Anybody have
15 anything else?

16 ***(There was no response from the board.)***

17 CHAIRPERSON DONOVAN: Gloria?

18 MS. KNORR: This is what's left of the
19 [SIC] Miazda farm. My mother's best friend
20 was the daughter and I know that she'd be
21 very happy with a project like this.

22 I like the density because I am a
23 proponent of preventing suburban sprawl. We
24 need housing like this. I am sorry that you
25 don't have the apartments. I realize the

1 thing with the apartments.

2 I have 13 acres across from this
3 project and I would like to see apartments
4 because you cannot always take care of a
5 place.

6 I'm also interested in affordability.
7 So, I'm interested to know what the price
8 would be for this. Also, as a developer
9 what can we do to help developers do
10 affordable housing? My answer is that I've
11 read books on it. This is a wonderful
12 project and I'm interested to know what the
13 prices will be.

14 There are many of us with health
15 problems or spouses or widows or caregivers
16 and I want to mention that. What is so good
17 about the townhouses here is that the
18 person can really live sufficiently
19 downstairs. But with those two bedrooms and
20 the bathroom upstairs, a caregiver - I was
21 a caregiver for 16 years and this would be
22 so nice for a caregiver. The thing is that
23 you can hire someone or have family that
24 could have their own bedroom and a
25 bathroom.

1 So, I'm really in favor of your
2 project.

3 MR. FINNING: Thank you.

4 CHAIRPERSON DONOVAN: Anyone else?

5 Yes, sir.

6 MR. MONTAVON: My name is Virgil
7 Montavon and I live at 40 Margaret. Are we
8 starting new with this? Is this an an
9 amendment to the original plan? I couldn't
10 quite follow you.

11 CHAIRPERSON DONOVAN: I think that was
12 part of the discussion and I believe that
13 we are starting new, is that right?

14 MR. STUTO: The point that I was
15 making is that it's an amendment to the
16 plan but the review by this board is the
17 same. This board has to approve it and then
18 the Town Board has to approve it and then
19 it comes back again to this board for final
20 site plan review. The criteria for this are
21 the same.

22 The board does have the option of
23 sticking to the PDD that's already on the
24 books or reviewing this as if it were a new
25 one. It amounts to the same thing.

1 CHAIRPERSON DONOVAN: That's why
2 they've come here tonight to see if we
3 would review the new concept.

4 MR. MONTAVON: The walkway is not
5 going to be an emergency access?

6 MR. FINNING: It is not. That's a
7 definite.

8 MR. MONTAVON: I'm so very
9 disappointed. There are people sitting here
10 and there should have been an ample supply
11 of maps for them to look at.

12 I think that Jean brought it up. I
13 would look at three houses that look to be
14 a problem. There was a lot of time spent on
15 the other problem. You're talking about
16 leaving more buffer room. This has really
17 voided the whole original plan.

18 Another comment that I have is that I
19 really enjoy the other property was
20 converted to a development. I was at the
21 same meeting. I don't think that any of you
22 were here. It was the same board and I
23 asked very pointed question: Is there going
24 to be a lot of fill moved in? Absolutely
25 not. The first day that the project came in

1 there were semi loads - - and they weren't
2 the average semi. They were the size of a
3 small railroad car. All day long they were
4 lined up in the road for two days from six
5 in the morning till about 8:00 at night
6 every day.

7 I called the town and they said that's
8 the way that it was planned and that there
9 was no grading. After we approve the plan,
10 they can do what they want.

11 I think that we've listened here for
12 an hour and a half on water and so forth
13 and I think that you need to give a lot
14 more consideration to this. I've seen what
15 happens here and everybody has talked about
16 wetlands and grading. What are we going to
17 do with the water? That's a problem.

18 The new development is going to have
19 basements? Where is this water going to go?
20 It's going to go in these basements. If
21 this is suitable for building houses, I
22 believe that there should be basements so
23 that we have an equal balance here. This is
24 unfair to all of the neighbors to build up
25 this area with no basements because they

1 know it's too wet. One hundred feet over,
2 we have a basement.

3 All this stuff is going to come in
4 here and the town wants to avoid problems
5 that they said they have in project three.
6 You're looking at the same potential grade
7 here. We saw that before with the other
8 board members and really no concern was
9 given to it. I'm bringing it up again.

10 If this is not suitable for basements,
11 then this is not going to be suitable 100
12 feet away after we have the next rain when
13 this development goes in.

14 MR. O'ROURKE: Can I ask you a
15 question? Alicia Lynn - that development
16 created problems on Margaret?

17 MR. MONTAVON: it hasn't yet. It
18 hasn't been finished. I don't want this to
19 be built up like Alicia Lynn was. I was
20 flat out told by the developer that there
21 was going to be no fill brought in. As soon
22 as it's all signed, they can do what they
23 want. I think that's a problem. Apparently
24 that's a problem in the town that maybe has
25 never been addressed before.

1 I heard comments about filling in the
2 swale. They can do what they want. Once
3 these people own the property, they can do
4 what they want. They can build it up and
5 that will affect Margaret and Karen.

6 If this is not suitable for basements,
7 then you're going to have problems on
8 Margaret. I really want you to consider
9 this because when you place something you
10 could end up in two or three years saying
11 well, we made a mistake.

12 I really do have to be concerned about
13 several houses which were not looked at. I
14 really wish that you would give that more
15 attention.

16 I probably would have some more
17 questions, but that's it for now.

18 CHAIRPERSON DONOVAN: They actually
19 may be able to be moved over to the estate
20 lot. It could take them right off the one
21 that's on the other corner near Karen Court
22 and the two end units on Justin.

23 MR. MONTAVON: You mentioned that
24 there is more greenspace but all the
25 greenspace is over here, really

1 (Indicating). It is really imbalanced.

2 MR. JACOBSON: Let me address just a
3 couple of things there. To speak of the
4 estate lot, that was put in there because
5 that was in the first PDD. We've heard your
6 concerns and we'll get rid of that. That
7 does allow us to have some flexibility to
8 move stuff around, which is really the
9 point of getting comments from the board.
10 We have heard it from the town and now
11 we're getting it from you folks.

12 If I could ask, where is your house?

13 MR. MONTAVON: Right here

14 (Indicating).

15 MR. JACOBSON: Is your basement dry?

16 MR. MONTAVON: Yes.

17 CHAIRPERSON DONOVAN: Yes, sir.

18 MR. RIVERS: Hi, I'm Leo Rivers and I
19 live at 601 Albany-Shaker. I'm the only
20 house next to it.

21 I just want to say that I have like
22 500 roses in the front. I work on them
23 three or four hours a week. Whenever Jim
24 comes over he'll look over and say hi, or
25 do you have any concerns, or are you

1 worried about anything? He says here is my
2 name and number. Give me a call and I'll
3 address whatever problems you have. I just
4 want to say, unlike the previous people
5 that were here, Jim seems to me to be a
6 very concerned person about the neighbors
7 next door.

8 That's all I wanted to say.

9 MR. O'ROURKE: And I think that's very
10 important as we go forward. My hat is off
11 to you for reaching out to the neighbors.
12 That's how smart development should be done
13 in this town.

14 CHAIRPERSON DONOVAN: The gentleman
15 with the glasses.

16 MR. DEFELICE: Tom DeFelice, I live at
17 6 Karen Court. I happen to be the one
18 that's on the point there with the four
19 unit area where that unit is real close
20 (Indicating).

21 How did you address the ground level
22 right now as far as fill goes? Are you
23 going to do anything like? Cameron Court,
24 as it affects me and everybody on Karen
25 Court is lower than Margaret Drive by two

1 feet already. So, I don't know what your
2 plan is. It's wet all the time there. I
3 don't know what your plan is to address
4 that.

5 MR. JACOBSON: I can't address fill
6 because to be honest with you, we don't
7 have that level of design done yet. With
8 the previous design, there were swales, if
9 you recall, along your back that brought
10 down the stormwater area that discharged
11 the other way away from your area. No water
12 is allowed to leave our property. It was
13 just inside of the fence which is exactly
14 the same place as it was before.

15 MR. DEFELICE: My suggestion to you is
16 to come in spring thaw. That's when most of
17 the water is there.

18 FROM THE FLOOR: We have a sump pump
19 and we have water all the time.

20 CHAIRPERSON DONOVAN: Karen Court
21 seems to be the problem where Margaret
22 Drive doesn't seem to have the extent of
23 the problems.

24 MR. O'ROURKE: Karen Court is
25 definitely lower.

1 MR. DEFELICE: What's the grade going
2 to be for the unit behind us? Is it going
3 to be whatever the finished grade is or is
4 it going to slope towards us?

5 MR. JACOBSON: Again, the houses that
6 are a foot and a half higher in the
7 centerline of the road, that's just the way
8 that it goes. If the road is at 10 and this
9 is at 11 ½ the backyard is going to slope
10 away from the house. That's where your
11 swale interrupts things and brings things
12 back to wherever our BMPs or stormwater
13 treatment areas are going to be.

14 MR. DEFELICE: My final comment is
15 that I'd like to echo what Mr. Montavon
16 said. I don't want to see a repeat three
17 years like we had with this other
18 development.

19 MR. O'ROURKE: Understand that the
20 difference is that now we have a town
21 designated engineer and Brad will be
22 working on this project. He works for the
23 town now.

24 MR. NARDACCI: He's a stormwater
25 expert.

1 MR. O'ROURKE: So if it's done
2 properly, it will be better than it was.

3 CHAIRPERSON DONOVAN: It's going to
4 alleviate the problems.

5 MR. O'ROURKE: Right, and not create
6 what happened there.

7 FROM THE FLOOR: A problem like this
8 happened before. We have a brand new house
9 and we were told that there will be no
10 problems. Our first fall we had water in
11 our basement. They told us that we wouldn't
12 have any problems.

13 CHAIRPERSON DONOVAN: Yes, sir.

14 MR. KOLACH: Steve Koclach,
15 24 Margaret.

16 I know that we've worked really long
17 and really hard with you on the old plan
18 and a lot of magic was performed. A lot of
19 work was put into the water. My concern is
20 that some of that rubber is going to bend
21 back out again towards my property.

22 CHAIRPERSON DONOVAN: Where is his
23 lot?

24 MR. JACOBSON: Right here
25 (Indicating).

1 CHAIRPERSON DONOVAN: That's the three
2 unit that we're looking to move someplace
3 else, is that correct?

4 MR. JACOBSON: Yes.

5 We have the ability to move that stuff
6 around. Three or four years ago we were at
7 the same point and when we got feedback we
8 changed things. We came back and came
9 together on that and it worked out pretty
10 well.

11 CHAIRPERSON DONOVAN: The lady in the
12 green shirt.

13 MS. TIBBITTS: Dody Tibbitts and we're
14 at the beginning of 8 Margaret Drive. I
15 would say that probably at 6 and 8, we have
16 sump pumps there. Over the last couple of
17 years, we have had major water there. It's
18 been unbelievable. We've had some major
19 problems with water there.

20 I guess part of the biggest concern
21 now is that you're not talking about the
22 layout of a nice vacant spot that you have
23 there and how that's going to effect us and
24 of course the buffer zone. We did come to a
25 meeting for three years and for three years

1 we talked about the buffer zone. I don't
2 really remember when we walked out of that
3 meeting what exactly we agreed upon as far
4 as a buffer zone is concerned. I personally
5 would like to know if you know what that
6 is.

7 MR. FINNING: My recollection is
8 evergreens. We were going to put in some
9 evergreens.

10 Some people wanted fences, other
11 people didn't want fences, some people
12 wanted berms.

13 MS. TIBBITTS: I see that they're
14 already starting to clear a lot of the
15 area.

16 MR. FINNING: We had to remove all the
17 existing structures for fire safety. Kids
18 were getting in there.

19 MS. TIBBITTS: So you can clear those
20 woods right up to our property line?

21 MR. FINNING: If we have to for the
22 grading, we want to work with all the
23 neighbors to put back what you want to put
24 back. That's not foreign to us. We did it
25 in our first plan and we'll do it again.

1 So, if you have a preference - whether it's
2 a fence, or evergreens, or lilac bushes,
3 we'll put there what you want.

4 MS. TIBBITTS: Mainly it's going to
5 depend on what it is that you finally
6 decided that you want to put there. If you
7 put units in there, that might effect what
8 we want.

9 MR. JACOBSON: But we're not proposing
10 six-unit buildings and a parking lot.

11 MR. JACOBSON: This is a much, much
12 softer use.

13 MR. FINNING: To reiterate what C.J.
14 said, if everybody does their job right;
15 the town engineers, our engineers - - and
16 we're also builders - your water problem
17 should get better.

18 FROM THE FLOOR: Hi, I live on 3 Karen
19 Court.

20 MR. JACOBSON: Which one is it?

21 FROM THE FLOOR: Three is the second
22 one in. Three years ago I was told that
23 there wouldn't be anything for at least 100
24 to 200 feet. The way my pie-shaped lot is,
25 I would have three units behind me and that

1 cul-de-sac.

2 MR. FINNING: You're in the middle.

3 FROM THE FLOOR: Yes.

4 MR. JACOBS: It looks like to the
5 alcove that you're about 75 feet.

6 MR. FINNING: With that piece of land
7 if we do our job and make everybody happy,
8 we'll soften this impact here (Indicating)
9 on you and shift through and work more with
10 the other end.

11 FROM THE FLOOR: What is the next step
12 with regard to the buffering?

13 MR. FINNING: We'll take the comments
14 that were given to us here and we'll go
15 back and work on our plan.

16 MR. NARDACCI: As per my comment
17 first, if you would, talk directly to the
18 residents. You say that you've talked to
19 some of the other ones. Here is maybe a
20 resident that you haven't dealt with
21 before. Let's try to work out what kind of
22 screening that you'd like to see. We've
23 done this on a lot of projects. It comes up
24 regularly. Whenever there's a new
25 residential development that abuts an

1 existing, that buffering is very important.
2 There are places where there are trees.
3 Let's try to keep the trees, if we can.

4 MR. FINNING: If we can, we would. It
5 certainly works for everybody.

6 MR. NORRIS: I'm Bill Norris,
7 26 Margaret Drive. I'd like to speak to the
8 subject of corresponding with the
9 residents. Is there a way that we can set
10 up a form for questions and you can get the
11 answers for us?

12 MR. FINNING: I can give you my e-mail
13 address and we can exchange e-mail.

14 MR. NORRIS: It's a convenient way to
15 do this instead of leaving a message on
16 somebody's phone. And if you send me an
17 e-mail, there is it in words.

18 MR. FINNING: I'd be happy to do that.

19 MR. O'ROURKE: Who is going to
20 maintain the properties?

21 MR. FINNING: Maintain the property as
22 it's built out?

23 MR. O'ROURKE: Yes.

24 MS. VAIDA: I was just asking C.J.
25 this. If I understand you correctly, it's

1 no longer going to be a homeowners or
2 condominium -

3 MR. FINNING: No, it will be all
4 owned. It will be individually owned.

5 MR. NARDACCI: So it would be the
6 owners of the town homes to maintain their
7 own properties and mow their own grass?

8 MR. FINNING: That's correct.

9 MS. VAIDA: I'm just wondering why you
10 abandoned that idea. With elderly people,
11 one of the advantages of moving into a
12 complex like this is that you don't have to
13 worry about all the maintenance because you
14 belong to an association. This is going to
15 have the same problem that you would have
16 if you were an individual homeowner. I'm
17 just wondering why you abandoned that idea.

18 MR. FINNING: There are a lot of
19 disadvantages with a homeowners association
20 as well. One of the things foremost for us
21 is saying well, it's a timing issue. It can
22 take up to two years to actually set one up
23 and go through the A.G.'s office and that
24 certainly is not in any developer's favor.

25

1 The ongoing operation of a homeowners
2 association is that you need to set up four
3 directors. It's a whole process.

4 CHAIRPERSON DONOVAN: So how are you
5 going to sell these just to seniors?

6 MR. FINNING: The town's designation
7 is a senior PDD. It's allowing only 55 and
8 older. The only form of discrimination that
9 the government allows is for the
10 designation of senior property.

11 CHAIRPERSON DONOVAN: Who enforces
12 that?

13 MR. FINNING: It's in the deed for
14 purchase.

15 CHAIRPERSON DONOVAN: So I would have
16 to show you my birth certificate.

17 MS. VAIDA: I guess the only thing
18 that concerns me a little is the removal of
19 the homeowners association. That seems to
20 be to be an important factor.

21 You were saying, gee, I would have
22 moved my parents there but people don't
23 want to worry about those issues.

24 MR. FINNING: There are just as many
25 people that don't want to pay that fee

1 either.

2 MR. O'ROURKE: My mother-in-law is 82
3 and she'd mow her own lawn.

4 MR. FINNING: I live in a homeowners
5 association and I can tell you that there
6 is nobody in my homeowners association that
7 feels like they are getting their money's
8 worth when they pay their dues. It's not as
9 clean cut as you think. Oh, someone is
10 going to cut the grass and I don't have to
11 worry about it. Somebody has to pay for it
12 and somebody has to administrate it. The
13 state has 1,000 strings attached to it.

14 MS. VAIDA: So there is not going to
15 be any common area then?

16 MR. FINNING: There really isn't. It
17 will be all deeded off.

18 MS. VAIDA: And the sidewalks, I
19 guess, are maintained by the town.

20 MR. FINNING: It should be maintained
21 by the town if we put them in. It's the
22 prerogative of the people that we met with
23 the other day that would be more of a
24 negative than a positive.

25 We are not opposed to putting in the

1 sidewalk, if that's what you want to do.
2 We actually proposed them on the plan.
3 We're not taking that off to save money.
4 We're following the town's recommendation
5 that they would be happier with the
6 sidewalks.

7 MS. VAIDA: I actually like sidewalks,
8 also.

9 What about the parking? There was an
10 issue before with the parking requirements
11 that you're supposed to have two spaces per
12 place?

13 MR. JACOBSON: There will be driveways
14 and garages.

15 MS. VAIDA: Why was it an issue
16 before?

17 MR. JACOBSON: I think it was because
18 of the apartments and parking on the
19 street. Nobody wanted to see parking on the
20 street.

21 MS. VAIDA: So there will be parking
22 on the street the way that this is
23 proposed?

24 MR. JACOBSON: No, I don't think
25 that's an issue. There are four parking

1 spaces per unit and two-car garages.

2 MR. FINNING: Every unit has a two-car
3 garage. The car in the garage affords you
4 two more spaces off the street.

5 CHAIRPERSON DONOVAN: So Kevin, they
6 have all of our input and they have heard
7 from the neighbors and are going to be
8 working with the neighbors. Our next step
9 is to come back with plans.

10 MR. LACIVITA: They have to respond to
11 DEC comments.

12 CHAIRPERSON DONOVAN: Yes?

13 MS. KNORR: I've went to every town
14 comprehensive meeting and I noticed that it
15 was discouraged to have cul-de-sacs. Why
16 was Mr. Marini able to do a cul-de-sac with
17 six houses?

18 When you're a senior, you don't need
19 big yards. You don't need a basement. Many
20 raised ranches are horrible for seniors
21 because you have to walk up so many steps
22 to get to your bedroom. There are raised
23 ranches in Colonie and there are different
24 kinds of homes on cul-de-sacs. There are
25 more rules now and they're going to do this

1 right. They are agreeable and we have this
2 need.

3 I just wondered about the price. I
4 know you don't have the price yet but to
5 make your living, you know roughly what you
6 have to price them.

7 MR. O'ROURKE: He's a developer. He
8 knows the price. You better know the price.

9 MR. FINNING: The price changes every
10 day.

11 MR. O'ROURKE: Ballpark.

12 MR. FINNING: Ballpark, we're shooting
13 for the mid 3's. That's what we're shooting
14 for. I don't want to be held accountable
15 for that if something unforeseen happens.
16 Although we're leaning towards slabs and
17 not basements, that has an effect on how
18 long this process takes. It has a huge
19 effect.

20 I had to pay a lot of money for that
21 pig farm. I bought it five years ago. I
22 have been carrying it and waiting for
23 Maxwell Road and waiting for this town to
24 give me the approval to do this project.
25 Every day that goes by runs my costs up

1 higher and higher and higher. There are a
2 lot of factors that go into price and to
3 tell you an exact number today, I can't.

4 MS. KNORR: How could the town help
5 you to get the price lower?

6 MR. FINNING: It has a lot to do with
7 the time and the approvals. The previous
8 board and previous administration held my
9 feet to the approval of the new Maxwell
10 Road. We were in agreement with that
11 because that works best with the project
12 and it works best with all the neighbors of
13 this project because this road here
14 (Indicating), this connector piece through
15 your neighborhood was put there so that I
16 could do this off of your piece. So, the
17 Town of Colonie historically does not
18 land lock property.

19 MS. KNORR: Oh, yes they have.

20 MR. FINNING: Well, they didn't
21 landlock this piece and that's what this
22 opening was for. We understand that and we
23 didn't want to do anything to be bad
24 neighbors so we have been patiently waiting
25 for Maxwell Road to happen. Every day that

1 goes by is more money. I'm paying the taxes
2 on those 16 acres. I'm paying the
3 insurance. I just spent over \$50,000 taking
4 down all the old structures and cleaning up
5 the property. So, all of those costs have
6 to go into the cost of these.

7 CHAIRPERSON DONOVAN: I will tell you
8 that the Shaker Road realignment is
9 supposed to be going, I believe, in front
10 of the County Legislature on their next
11 meeting in August. Of course the county
12 does have some financial problems.

13 MR. FINNING: We've been told that is
14 a stimulus road.

15 CHAIRPERSON DONOVAN: Like I said, the
16 county has some financial problems.

17 MR. NARDACCI: I wouldn't bank on
18 stimulus money.

19 CHAIRPERSON DONOVAN: It is supposed
20 to be stimulus money. I think it's
21 5.1 million.

22 Yes, sir.

23 MR. MONTEBAUM: How many living units
24 are here?

25 MR. FINNING: That would be 51.

1 MR. MONTAVON: You mentioned a traffic
2 study, is that correct?

3 MR. O'ROURKE: No, Mike did.

4 MR. MONTAVON: What did you say that
5 the impact was going to be on traffic?

6 MR. SULLIVAN: I want to know what the
7 impact would be. I want to know how many
8 trips would be generated.

9 MR. MONTAVON: I thought that he had
10 some numbers.

11 MR. SULLIVAN: That's what I'd like to
12 know - what the a.m and p.m. trip
13 generation would be.

14 MR. MONTAVON: Anyone that travels
15 Maxwell at rush hour, will know that it's
16 already narrow.

17 MR. FINNING: I can tell you that I
18 own three other senior projects and that
19 traffic coming in an out of senior project
20 will have the least impact because they are
21 leaving at different times. They move at
22 different hours than at rush-hour. The age
23 is 55 and that's only for one person. One
24 person has to be 55.

25 MR. MONTAVON: They could be 55 and

1 still working. I'm 66 and I'm still
2 working. So, we're talking potentially 100
3 or more cars. And 100 more cars on
4 Maxwell Road is a lot of cars.

5 MR. JACOBSON: I have to tell you that
6 there has to be less than 20. We're going
7 to provide the board, though, with all of
8 that information.

9 MR. MONTAVON: I question that to the
10 board.

11 CHAIRPERSON DONOVAN: Well, we'll get
12 that when we get all the traffic report.

13 MR. MONTAVON: One other thing that
14 was mentioned was that the back of the
15 houses were going to run off towards
16 Margaret and there was going to be a swale
17 back there. Please consider these seriously
18 before you get into more trouble.

19 CHAIRPERSON DONOVAN: Brad will look
20 at it for us.

21 MR. MONTAVON: I'm still upset about
22 no basements in these houses next to all of
23 the houses that already have water
24 problems.

25 CHAIRPERSON DONOVAN: Thank you all.

1 We'll go to the next phase whenever we're
2 ready, Kevin. They'll have to go back and
3 address all the comments that we had
4 tonight and the comments of the people.

5 MR. DELAUGHTER: We would ask the
6 applicant to do another notification of the
7 neighborhood when they come back in.

8 CHAIRPERSON DONOVAN: Okay, there will
9 be another notification.

10 MR. MONTAVON: Some people didn't get
11 the notification. I'm not saying that they
12 weren't out there, but they were left in
13 doorways and they get blown away.

14 MR. FINNING: I personally hand
15 delivered every one.

16 MR. MONTAVON: There was no question
17 that they were going around the
18 neighborhood.

19 CHAIRPERSON DONOVAN: Okay, thank you
20 all.

21

22 ***(Whereas the proceeding concerning the***
23 ***above entitled matter was adjourned at***

24

10:09 p.m.)

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 STRANG-VANDEBOGART, Notary
Public in and for the State of New York,
hereby CERTIFY that the record taped and
transcribed 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.*

NANCY STRANG-VANDEBOGART

Dated August 21, 2009