

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 MOHAWK RIVERFRONT ESTATES
 5 1360 LOUDON ROAD
 6 PROJECT UPDATE

7 *****

8 THE STENOGRAPHIC MINUTES of the above
 9 entitled matter by NANCY STRANG-VANDEBOGART, a
 10 Shorthand Reporter, commencing on January 22, 2013
 11 at 7:41 p.m. at The Public Operations Center, 347
 12 Old Niskayuna Road, Latham, New York

13 BOARD MEMBERS:
 14 PETER STUTO, CHAIRMAN
 15 LOU MION
 16 BRIAN AUSTIN
 17 KAREN GOMEZ
 18 SUSAN MILSTEIN
 19 KATHY DALTON

20 ALSO PRESENT:
 21 Elena Vaida, Esq., Counsel to the Planning Board
 22 Joe LaCivita, Director, Planning and Economic Development
 23 James Easton, PE, WSP Sells Engineering
 24 Paul Rosano, Town Board Member
 25 Pat Cavanaugh, Applicant

1 CHAIRMAN STUTO: We'll call up the third and final
2 project update. This is Mohawk Riverfront Estates PDD,
3 1360 Loudon Road. This is a project update. This is
4 19 condominium units, 30 rental apartment units, 10,000
5 square foot office retail and 4,000 square foot
6 clubhouse.

7 Joe, could you give us an introduction and
8 refresh our memory about this project?

9 MR. LACIVITA: Sure. With us tonight is Jaime
10 Easton who is the engineer for the project along with
11 Pat Cavanaugh who is one of the principals in the
12 project.

13 Back in April of 2009 this Planning Board --
14 not the members that are currently sitting here,
15 but the Planning Board made recommendation to the
16 Town Board to adopt a PDD legislation for this.

17 CHAIRMAN STUTO: So, there is a final PDD that's
18 been adopted?

19 MR. LACIVITA: They adopted a concept component.
20 The reason that it's here tonight is to bring the
21 Board -- because the members that are currently sitting
22 on the Board were not here when this was adopted. We
23 wanted to bring you up to speed because the project is
24 advancing towards final designs. In fact, it's very
25 close to final designs and we wanted to get this in

1 front of the Planning Board so that they can see what
2 has been done over the past three years in the design
3 component, and hopefully bring it to the board for
4 final approval within the next few cycles of our
5 planning process. Then, they need to get back before
6 the Town Board to adopt the final so that we can get
7 the project under way.

8 CHAIRMAN STUTO: Okay, we'll turn it over to the
9 applicant.

10 MR. EASTON: Hello, my name is Jaime Easton. I'm
11 with WSP Sells. I'm here this evening representing
12 the applicant, Pat Cavanaugh. Again, just like Joe
13 said, basically in 2009 Clough Harbour Associates got a
14 PDD approved for this project to include 92
15 condominiums units, an apartment unit building,
16 commercial zone space and a clubhouse for this
17 project. They went through this process for about
18 three years and got approved.

19 Joe LaCivita recommended that we bring this
20 Board up to speed because it's been a long time
21 and some of you have never seen it before. So,
22 I'm really just going to go over the general
23 portions of it.

24 The first package that I gave you was just 11
25 by 17s that are on the boards that I'm

1 representing here (Indicating).

2 CHAIRMAN STUTO: These visuals are very, very
3 helpful.

4 MR. EASTON: The location of the site is behind
5 Seymour's Motor Sports. They are basically located on
6 Route 9 on the far end of the Town across from the
7 landfill, almost toward the Crescent Bridge. The
8 current site right now is a trailer park behind
9 Seymour's Motor Sports. Two access points exist; one
10 to the north and south that services basically about
11 this 50 trailer park complex. That's what is currently
12 out there.

13 Clough Harbour did a wonderful job in getting
14 this process going and working through many
15 iterations.

16 This is a 14-unit condo building
17 (Indicating). Four of them are located across the
18 water, two behind it, one eight-unit condominium
19 building, which is the smaller building in this
20 cluster area, an apartment building located in the
21 rear and this one 10,000 square foot commercial
22 building.

23 After meeting with the client and talking to
24 some of the Town departments, we had to tweak this
25 layout a little bit to get it to work based upon

1 what they are looking for. So, if you kind of
2 look at this one - because there is a roundabout
3 proposed right here in the center - right above it
4 you see this little brown square that's supposed
5 to be a pump station that the Town of Colonie
6 required for this project (Indicating). If you
7 flip to that last plan, I will show you where it's
8 now going.

9 Down here in the northern most corner point
10 of the project site - that's where Pure Waters
11 wanted this regional pumping station. The reasons
12 why they wanted it here rather than in the former
13 place on the site was to have the ability to
14 service projects that are further north of the
15 project; the old Saratoga Winners site, Mr.
16 Ballard's existing trailer park that's to the
17 north right here -- to help service and provide
18 regional coverage. So, that was one of the major
19 components that they did. As you look at the
20 10,000 square foot apartment building, they are
21 sitting exactly where they were. We just moved
22 them a little bit and actually provided a little
23 bit better separation from the property line and
24 reorientated the parking a little bit to get a
25 better efficient use out of it. As you can see,

1 the buildings are still facing the water. The
2 only difference is that we put the clubhouse -
3 instead of the center, down to the end. The
4 reason why we moved from the center down to the
5 end was for a couple reasons.

6 One is that the Town required in the PDD
7 legislation that these roughly seven parking
8 spaces in this commercial parking lot area
9 (Indicating) were to be dedicated to townspeople
10 to have access rights to the water; unload their
11 canoes and be able to walk. So, we provided that.
12 Instead of walking next to a condominium building,
13 we kind of put the clubhouse down there so that it
14 would be a formal entranceway. We also provided
15 additional parking down there in front of the
16 clubhouse so that the residents or people
17 unloading their boats could easily use it. There
18 was another reason that we moved the clubhouse
19 down from the center. The original plan had 18
20 feet from the garage door to the center aisle;
21 just enough for our power line. Because it was
22 just one 18-foot aisleway, the person pulling
23 out -- it would have been tough pulling out to get
24 two cars; one in the garage and one outside. So,
25 what we did is we widened that to a standard 25

1 foot wide area. We complied with the standard
2 parking stall or drive aisle with a normal parking
3 lot. By doing that, we actually separated the
4 buildings a little farther apart and that would
5 make fire separation a little bit better, access
6 in and out better and by doing all of that --
7 that's why the clubhouse was moved down quite a
8 bit. So, there is multiple reasons. That's
9 basically about it. The clubhouse got moved down,
10 the pump station moved from the center and that's
11 really about it. All the buildings are exactly in
12 the same locations that they were before.

13 One of the other amenities that the PDD
14 required was an installation of multiple use path
15 and park benches along the way. You'll see that
16 we have access coming off the walkway, following
17 the whole river and then it comes back out with
18 the park benches along the way. That multi-use
19 path required a variance by SEAMAB, which was
20 granted for this project because we were within
21 the 50-foot buffer zone of the Mohawk River.

22 I would like the Planning Board to note that
23 the plans that we just currently submitted are
24 called phase construction. The subdivision is
25 going to be filed and we are going to build this

1 project in parts because capital construction
2 costs are a lot of money.

3 The first plan is to build this whole parking
4 lot, pump station, the apartment building, the
5 clubhouse and the first 14-unit building, the
6 closest to the clubhouse. The way that gravity
7 works is that everything naturally wants to flow
8 from south to north, so infrastructure will be put
9 in from south to north. The waterline will be
10 looped entirely for this project per Latham Water
11 requirements. Really, it will be just the sewer
12 and the stormwater system that will be phased
13 during construction.

14 As part of this project, along Route 9 we
15 will be installing a new 12-inch water main.
16 Currently there exists an 8-inch water main out
17 there. Part of the Latham Water requirements was
18 to update that 8-inch water line to a 12-inch
19 water main for approximately 3,000 linear feet.
20 That's just a general overview of the project.

21 Certainly, the plans that were submitted in
22 your application goes into more detail of the
23 project itself. You saw the landscaping plans,
24 and they were very developed. There are all the
25 species that we're planting in there and the

1 things that are going on with this project. So,
2 at this point, if the Planning Board has any real
3 comments or general comments of what has been
4 really changed from the PDD to what it is now, I'd
5 at least like to know about it. If we need to
6 modify something really quickly, we can.

7 CHAIRMAN STUTO: I think that I was here as the
8 Attorney for the Board. Who else was here for this
9 project?

10 (There was no response.)

11 MR. MION: I think that Paul Rosano was here.

12 CHAIRMAN STUTO: Do you have any comments that
13 you'd like to make Mr. Rosano?

14 MR. ROSANO: No.

15 CHAIRMAN STUTO: Brad Grant is our Town Designated
16 Engineer from Barton and Loguidice.

17 Brad, is there anything that you want to add
18 to that?

19 MR. GRANT: We'll say that the project does offer
20 a number of amenities; the river walk is one of them
21 and also a nod towards future infrastructure needs, the
22 upgrade of the watermain, the provision of the sewer
23 and the northerly point. Not that there is anyone
24 clambering to get into that pump station, but the
25 capacity would be there.

1 We reviewed the plans and reports, which
2 there were a number of them. Our letter is in
3 your packet. I'm not going to go into great
4 detail because I think that we'll be here for
5 awhile. Jaime has already gone through, and I got
6 a response letter from him today. I've been
7 reading through it as I was waiting here, but I'm
8 going to need some time to digest this.

9 CHAIRMAN STUTO: That's fine because we're only
10 here for a sketch plan. We'll be back with concept.

11 MR. GRANT: They're still seeking some permits
12 from DEC, Army Corps and DOT. I guess one of my
13 biggest concerns is not water and sewer. The Town has
14 the capacity, it's just a matter of getting the right
15 size pipe to replace them. I think that we're well on
16 our way towards that. Traffic could be an issue. DOT
17 will review this project, obviously, and it has been
18 looked at before.

19 The previous traffic study did not include a
20 restaurant as part of the commercial space, as it
21 was originally going to be office space
22 predominantly which generates --

23 CHAIRMAN STUTO: Is that a change?

24 MR. EASTON: I'll clarify that right now.

25 The applicant wanted the ability to be able

1 to put a restaurant in this location. As per the
2 PDD, it's only approved for office space and
3 commercial space only. We designed the
4 infrastructure for the ability of a restaurant and
5 the parking requirements per Town Code, if a
6 restaurant was installed here. Per the project
7 narrative that you have and correspondence that
8 we've had, if the applicant so desires to put a
9 restaurant in there, that would come back to the
10 Planning Board as a complete separate application
11 for the project and review of traffic reports.
12 Things like that would be discussed at that point
13 in time. The only thing that I'm going to
14 reiterate is the infrastructure meeting Town
15 requirements for loading capacities, fire, water
16 usage, sewage rates and things like that have been
17 designed for this project. That's the only thing
18 that we've really done and really designed for
19 those things. The Planning portion of it, we
20 still have to go through again.

21 CHAIRMAN STUTO: When you come back for final,
22 you're not going to request a restaurant change?

23 MR. EASTON: As the report stated on the project,
24 the water report and the sewer report, we've just
25 designed infrastructure for the ability to have that

1 placed in the future.

2 MR. LACIVITA: And that's specific to item 10 in
3 the findings statement we adopted that says the exact
4 same thing.

5 CHAIRMAN STUTO: I do have a couple of questions.
6 Are there garages in all the condos?

7 MR. EASTON: Yes.

8 CHAIRMAN STUTO: But not so for the apartments?

9 MR. EASTON: Right.

10 CHAIRMAN STUTO: The residents that are there now
11 -- I recall a lengthy discussion with them. You
12 offered a fairly generous package above and beyond the
13 statutory requirement. Am I remembering that
14 correctly?

15 MR. CAVANAUGH: Yes, you are. We offered a \$3,000
16 gratuity to help them move and relocate. If they could
17 do it themselves, they could do it. If they couldn't,
18 we could take care of the whole thing and move their
19 home with them. There are three folks left.

20 CHAIRMAN STUTO: So, they've been moving out.

21 MR. CAVANAUGH: Some of them are coming with me to
22 another mobile home park that we have.

23 CHAIRMAN STUTO: Here is another thing that you
24 probably covered before when I was here, but I don't
25 remember it. It looks like the state owns the actual

1 property towards the river. How does that work getting
2 access? Could you just refresh my memory?

3 MR. EASTON: The lands of the Canal Corporation
4 property where we are installing the multi-use path
5 require a permit to put the multi-use path there. This
6 is very typical as you look across the river in
7 Halfmoon and Clifton Park. You'll see the bike path
8 that's really on the Canal Corporation's property. The
9 only thing that we had to do is obtain a permit to put
10 that multi-use path on it. That's it. People all over
11 New York have access rights to that property. We have
12 provided an easement within our plan sets to allow
13 public access through this parcel legally to get out to
14 the waterfront.

15 CHAIRMAN STUTO: I think that's a great public
16 benefit.

17 I don't have any more questions.

18 MS. DALTON: In the letter there was a question
19 about the buildings closest to the water and whether or
20 not they were designed within the 100-year floodplain.
21 Was a response to that

22 MR. EASTON: The buildings are within the 100-year
23 floodplain as they are shown in the construction
24 drawings. Per New York State Building Code, we have to
25 be two feet outside the 100-year floodplain elevations.

1 The 100-year floodplain elevation in this project is
2 194.2 in this location (Indicating). Our proposed
3 buildings are 196.25 or higher, so we meet that
4 requirement. Per the Town of Colonie's Land Use Law,
5 we submitted an application to the Planning Department
6 for an approval for construction within this
7 floodplain. That application has been within the Town
8 since September 18th of last year. You're right.
9 There is a process that we have to go through. There
10 is nothing illegal about building within the
11 floodplain, but it's a height requirement of the
12 structure and where it needs to be placed.

13 MS. DALTON: I'm just concerned because it seems
14 like we're having 100-year rainstorms every year.

15 MR. EASTON: When Irene and all those storms -- as
16 they came through, none of these trailers actually
17 flooded out during that storm event, which is kind of
18 amazing. It's tough to see in your picture, but there
19 is a little trailer here (Indicating) and it got up to
20 there. When you look at the existing conditions, it's
21 really an elevation of 190. Our finished floors are at
22 196 or six feet above them. You have to take what you
23 have out there and what you're looking at -- there are
24 large storm events and there are FEMA studies that are
25 along the Mohawk River that we have to comply with.

1 MS. DALTON: I have a question with regard to the
2 water engineering report. It talks about the fact that
3 for the 230 bedrooms, there is presumably only one
4 person per bedroom, in terms of the water usage. That
5 seems really low. I wondered if you could explain
6 that.

7 MR. EASTON: The water calculations that we
8 provided were based on a similar project called Shelter
9 Cove up the road, with regard to required usage. It
10 wasn't just 100 gallons per bedroom. It was basically
11 250 gallons per unit. That was the average that was
12 dictated to us. We kind of followed that same
13 procedure for this project and that was what was
14 presented before. Our cover response letter back and
15 the revised water report follows the standards for
16 bedrooms and everything else that are spelled out. By
17 doing the numbers, it increased it by about 2,000
18 gallons. It wasn't that much more over. I understand
19 Barton and Loguidice's comment. It was kind of tough
20 to follow that and how it was labeled in the report,
21 versus following something that is a more
22 straight-lined out of a manual.

23 MS. DALTON: What happens if you underestimate the
24 numbers?

25 MR. EASTON: Underestimate the water flow?

1 MS. DALTON: Yes.

2 MR. EASTON: In this project the fact that you're
3 putting down a 12-inch water line, you really almost
4 have an infinite capacity at this location. It's
5 really kind of tough to underestimate with a 12-inch
6 line. We, again, design things within parameters and
7 we have an average daily demand and then say that it's
8 150 gallons per bedroom or whatever it is. We went and
9 multiplied that by four to say that this is the worst
10 case that we see as engineers. Then we take that and
11 we say, okay, we're going to put a fire on a building
12 to see how this is going to work. As engineers, we
13 take all these things into account. All these things
14 go into our model and that's what we showed in our
15 water report. We take into consideration all those
16 elements that are required by the Town.

17 MR. GRANT: The water demand numbers are more for
18 planning with sizes, water distribution systems and 99
19 times out of 100, the flow demands. It's nice to be
20 able to flush a toilet and boil water, but it's even
21 nicer to put a fire out after.

22 MS. DALTON: Lots of places like this have a large
23 number of kids and the clubhouses are often used for
24 events. It doesn't look like the clubhouse is large
25 enough for that.

1 MR. EASTON: It's a smaller clubhouse. Some
2 places have a clubhouse with meeting rooms and kitchens
3 and things like that. Per the architectural floor
4 plans, it's really just basically a meeting room, a
5 couple bathroom facilities and a small exercise room.
6 It's more mainly so that you can walk out to the pool.
7 That's really what it's meant for. It's not meant for
8 the general -- let's have 100 people gather into this
9 facility.

10 MS. DALTON: Thank you.

11 MR. GRANT: Jamie, I had a question. On the ice
12 jam report, there is a potential elevation -- I think
13 that in your response it's like 196.9.

14 MR. EASTON: In the project narrative, the
15 original narrative had -- we had a typo on our part.
16 We put 194.2. Per the ice jam report in the revise
17 project narrative that we have submitted, it basically
18 says that it raised from elevation 185 up to 193 in
19 elevation. That was based upon the gentleman from
20 Union College who was doing the ice jam study in the
21 worst location. Nine feet above was actually located
22 near Stewart's across the way. If you looked at the
23 ice jam report, there was color coding on elevation
24 heights. Basically, in this location it was only two
25 to three feet above it. We took that ice jam report

1 and said this was the worse case -- nine feet above
2 existing water elevation or 184 in this location was
3 this answer. So, we did revise that.

4 MR. GRANT: S,o, is that 2.3 above the 10 year or
5 the 100 year?

6 MR. EASTON: The 2.3 in regards to what you're
7 stating is the flood insurance study for Schenectady
8 County which is just downstream from Lock 7. What
9 they've done is they've done the ice right there and it
10 would be 2.3 above the 10-year storm event which was
11 the average ice height at that location. It was only
12 in that specific location and we kind of looked at that
13 as a baseline of 2.3 over the whole thing. The Union
14 College study was more in depth and more exacting into
15 the ice jams along the Mohawk River and really stating
16 what the elevations would be.

17 MR. GRANT: In the context of the 100-year flood
18 elevation and the ice jams, can you discuss the garages
19 and any impacts that those events would have on that?

20 MR. EASTON: Brad, I know that you haven't read
21 the letter, but in our response there is actually no
22 structural damage to any elements. Basically where you
23 see the property line, imagine that as elevation 194.
24 Water would come up to there. Ice wouldn't come up
25 that high. So, there isn't any permanent structures

1 there. The only thing that may be damaged would be the
2 multi-use path or the picnic benches in that location.
3 This building in here is much higher and you have woods
4 and structure buffering in there. Ice would never get
5 back in here. The 100-year floodplain would come back
6 in a year, but this parking lot and everything is
7 higher than those elevation.

8 MR. GRANT: What's the lowest garage floor
9 elevation?

10 MR. EASTON: The lowest garage elevation would be
11 196.25 or the finished floor would be six inches higher
12 than that. Just to let the Planning Board know, garage
13 floors are actually considered uninhabitable space and we
14 could have them within the flood plain. I didn't think
15 that it would be prudent because it's attached to the
16 building. We actually have designed things that have
17 garages below the finished floors. You can flood cars
18 and insurance companies pay for it. As long as your
19 structure and your house is above it, your fine.
20 That's actually this building right down here
21 (Indicating). The 196.25 is the garage. Six inches
22 higher is that (Indicating). The rest of these are
23 much higher in elevation. They are actually one or two
24 feet higher.

25 CHAIRMAN STUTO: Any more questions?

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(There was no response.)

CHAIRMAN STUTO: Thank you for coming in tonight.

Whereas the proceeding was concluded at.
8:05 p.m.)

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CERTIFICATION

I, NANCY STRANG-VANDEBOGART, 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.

NANCY STRANG-VANDEBOGART

Dated January 30, 2013

