

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 HUDSON PRESERVE
122-134 TROY SCHENECTADY ROAD
5 APPLICATION FOR ODA RECOMMENDATION TO TOWN BOARD

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on June 3, 2014 at 7:45 p.m. at
The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TINA GOODWIN SEGAL
14 SUSAN MILSTEIN
15 BRIAN AUSTIN
16 TIMOTHY LANE
17 LOU MION
18 KATHY DALTON

19 ALSO PRESENT:
20 Kathleen Marinelli, Esq., Counsel to the Planning Board
21
22 Joe LaCivita, Director, Planning and Economic Development
23 Michael Tengeler, Planning and Economic Development
24 Daniel Hershberg, PE, Hershberg and Hershberg
25 Brad Grant, PE, Barton and Loguidice

1 CHAIRMAN STUTO: We'll call up the next project.
2 This is Hudson Preserve II, 122 to 134 Troy Schenectady
3 Road. This is an application for ODA recommendation to
4 the Town Board. This is 11 apartment buildings totaling
5 158 units.

6 Did we get concept or final approval from those
7 departments?

8 MR. HERSBERG: No, this is the first step. We made
9 the presentation previously to you folks in order to go
10 for the rezoning of the site. That was just to get your
11 preference with regard to the zoning.

12 The open development area came about based upon
13 the fact that we don't create any driveways along
14 this section of Route 2. Therefore, the open
15 development area has to be attended to and then we
16 should be able to come back to you for concept
17 approval.

18 CHAIRMAN STUTO: Okay. Joe LaCivita, do you have
19 anything that you'd like to say?

20 MR. LACIVITA: No, I think that Dan was starting to
21 present on it. We can just continue to go forward.

22 MR. HERSBERG: My name is Daniel Hershberg of
23 Hershberg and Hershberg. With me today is Marvin
24 Chudnoff who is the principal and the applicant. Joseph
25 Garland, Seph Garland, who is the project manager for a

1 number of the apartments. The applicant is Hudson
2 Preserve Operational, LLC.

3 I think that you folks are all familiar with
4 the existing Hudson Preserve site. We originally
5 showed 168 units that were spread out across the
6 other side of the ravine and to an area back here
7 (Indicating). It was determined for a number of
8 reasons, not the least of which was the difficulty
9 of getting that roadway in and accommodating water
10 issues and other things. Consequently, we have 158
11 units which is 10 units less than what we did
12 before. What we were able to make up this site plan
13 which does everything that the applicant really
14 wants. It does a combination of unit size and it
15 also has a significant number of garage units which
16 is a key element in regard to the rental of these
17 facilities. The garages are very popular entity
18 with regard to residents to the site. So, we are
19 comfortable with that.

20 The reason that we are here is to talk about an
21 open development area and I want to take this
22 opportunity to go a little bit further to just talk
23 about that because I have the floor. The reason for
24 the ODA is if we wanted to put one driveway on Troy
25 Schenectady Road, we wouldn't be here for the open

1 development area. We thought about it and we said
2 that's a waste of effort and it's not good. Nobody
3 would like another driveway along this steep area.
4 We are eliminating five existing driveways in the
5 area. We said, let's go through the extra effort of
6 not putting a driveway in and the ODA was the
7 reference there. All of our accesses are off of
8 Billy's Way, which is a fully developed roadway that
9 serves Hudson Preserve. They all have permanent
10 ingress and egress over the site. We take our water
11 main off of Billy's Way. We have a loop water main
12 off of Billy's Way. The sanitary sewer will be
13 discharged back into Hudson Preserve. So, these two
14 sites work very close together.

15 The question was asked why can't we combine
16 them into the same address and then we don't need an
17 ODA because we would have the frontage. It turns
18 out that it would be very difficult to do this at
19 this point because there are two separate entities
20 owning and operating. So, it's virtually impossible
21 to combine it all into 136 Troy Schenectady Road,
22 which is the address of Hudson Preserve. That's why
23 we are here today to ask this Board's recommendation
24 to the Town Board that an open development area be
25 approved.

1 As long as I have you here - and because the
2 architect was nice enough to give me some nice
3 renderings, I'm going to show you the rendering of
4 what we call the clock tower, which is right there
5 (Indicating). I think that this is a nice element
6 of the site. It sits right there on the right
7 corner between Route 2 and Billy's Way. This is a
8 nice landscaped area. People that drive in are
9 always impressed with that landscaped area. It's a
10 beautiful job of landscaping that was done there.
11 This clock tower will definitely be a feature if
12 this goes forward. We think that it would be a
13 beautiful element there.

14 Another issue is the view of the building. I
15 have the advantage of having pictures of the
16 existing buildings because that's what the new
17 buildings are going to look like. So, there is
18 really very little artistic change.

19 Because I'm so proud the way that that these
20 things turned out, I want to take the opportunity to
21 play Vanna White and show you these.

22 This is Billy's Way (Indicating). This is
23 Lakeshore Drive which we increased the size of by
24 building a new dam. It looks a lot like Long Lake
25 up the Adirondacks. This is a beautiful picture.

1 The reason that I'm showing this is to show you
2 the quality of what this project is going to look
3 like. We feel very comfortable with it and we think
4 that essentially this ODA is an important step but
5 more than that, we want to be back in front of this
6 Board relatively quickly for concept approval so
7 that we can get on with preliminary and final
8 approval.

9 If there are any questions by the Board, I'll
10 be pleased to try to answer them.

11 CHAIRMAN STUTO: Any questions or would we like to
12 hear from our TDE on this?

13 MS. DALTON: TDE.

14 CHAIRMAN STUTO: Brad, can you comment on the open
15 development area proposal?

16 MR. GRANT: Yes, this is a ODA that definitely
17 makes sense particularly when you look at starting from
18 Route 2 and going back. Having multiple driveway
19 entrances that exist out to Route 2 now -- that's more
20 or less near the path of the hill. There are pretty
21 significant slopes on Route 2. The sight distances are
22 okay but somewhat limited. This is an ODA that makes
23 sense to utilize Billy's Way for the main ingress and
24 egress out of this site. DOT has authored a letter in
25 support of that, also.

1 There was a document in your package, a memo
2 from the PEDD regarding this and recommending its
3 adoption.

4 CHAIRMAN STUTO: There is a proposed Resolution for
5 us to consider, right?

6 MR. LACIVITA: Yes.

7 CHAIRMAN STUTO: How deep in is it?

8 MS. MARINELLI: It's pretty far in.

9 CHAIRMAN STUTO: We have some new Board Members and
10 for all of our edification or re-edification for the
11 prior ones, an open development area is required where a
12 parcel is not going to gain access on a public road, or
13 where it's not going to gain access.

14 MR. LACIVITA: Right, in order for the Building
15 Department to permit it, Peter, it has to be on a
16 dedicated Town road. This doesn't have that here
17 because all of the accesses coming through Billy's Way
18 which is privately owned by the Hudson Preserve.

19 CHAIRMAN STUTO: We have Section 280-a in here of
20 the Town Law. We have a Resolution from the Town Board
21 asking us to consider this and to make a recommendation
22 for them. So, our Resolution is just a recommendation
23 to the Town Board, correct?

24 MR. LACIVITA: Yes.

25 CHAIRMAN STUTO: Kathy, can you read subdivision

1 four of 280-a? That's just so that we can get it into
2 the record so everybody understands what we are doing
3 here.

4 MS. MARINELLI: "The Town Board may, by Resolution,
5 establish an open development area or areas within the
6 Town wherein permits may be issued for the erection of
7 structures to which access is given by right of way or
8 easement on such conditions and subject to such
9 limitations as may be prescribed by general or special
10 rule of the Planning Board, if one exists or if a
11 Planning Board does not exist. If a Planning Board
12 exists in such Town, the Town Board before establishing
13 any such open development area or areas shall refer the
14 matter to such Planning Board for its advise and shall
15 allow such Planning Board a reasonable time to record."

16 CHAIRMAN STUTO: So, the Town Board's request to us
17 is to study this and make a recommendation. We've had a
18 presentation. We have all the materials before us.
19 We're being asked to consider the Resolution which
20 starts out "Special Rule".

21 Who is most familiar with this? Does someone
22 want to walk us through the Resolution; either
23 Kathy, Brad, Joe or somebody. I don't know if we
24 need to read all the "Whereas" or not.

25 MR. LACIVITA: Do you want to read the whole thing,

1 Peter?

2 CHAIRMAN STUTO: Yes.

3 MR. LACIVITA: "Special rule of Planning Board
4 setting conditions and limitations and recommending
5 establishment of an open development area for the Hudson
6 Preserve II located at 122-134 Troy Schenectady Road,
7 Town of Colonie, pursuant to Town Law Section 290-a.

8 Whereas, Hudson Preserve Operational, LLC, the
9 applicant, made a request for an open development
10 area to the Town Board; and.

11 Whereas, the Town Board referred this matter to
12 the Planning Board for review and recommendations
13 via Town Board Resolution No. 296 for 2014 on May
14 15, 2014; and.

15 Whereas, New York State Town Law 280-a provides
16 the Town Board may establish an open development
17 area within the Town, wherein permits may be issued
18 for the erection of structures to which access may
19 be given by right of way or easement, upon such
20 conditions and subject to such limitations as may be
21 prescribed by special rule of the Planning Board;
22 and

23 Whereas, the applicant has filed for site plan
24 review to construct 11 apartment buildings totaling
25 158 units on 10 lots (122, 122A, 124, 124A, 126,

1 128, 130, 130A, 132 and 134 Troy Schenectady Road)
2 to be merged into a single 27.99 acre parcel to be
3 known as 134 Troy Schenectady Road zone multi-family
4 residential by Resolution No. 463 for 2013; and

5 Whereas the 27.99 acre parcel will have
6 suitable access as it abuts a private roadway known
7 as Billy's Way with sufficient frontage to allow the
8 ingress and egress of emergency vehicles as required
9 by New York State Town Law 280-a and other
10 applicable laws.

11 Now, therefore be it resolved the Planning
12 Board recommends the open development area as
13 requested by the applicant be approved in all
14 respects subject to the following conditions:

15 1. The address of the parcel and the apartment
16 building units must meet required 911 communication
17 designations; and be it further

18 2. Any further changes to the recommended open
19 development area, including but not limited to
20 additions, demolition, structural or site changes,
21 subdivision, and/or change in use must comply with
22 all applicable Town of Colonie processes and
23 approvals.

24 3. A hold harmless and indemnity agreement
25 shall be entered into with the Town protecting the

1 Town from liability in connection with the access
2 and maintenance of the roadway to the subject
3 property.

4 4. The 10 parcels that constitute the 27.99
5 acre parcel shall be merged into a single parcel.

6 5. The applicant must demonstrate to the Town
7 by satisfactory proof that the proposed 27.99 acre
8 subject parcel and any future heirs, assigns and
9 successors in interest have a legal right of way or
10 perpetual easement providing unrestricted
11 ingress/egress and public utility access over the
12 adjoining property of 136 Troy Schenectady Road.
13 Such proof must be provided prior to final stamping
14 of any such final site plans for the subject parcel.

15 6. The owners of the proposed 27.99 acre
16 subject parcel and buildings to be constructed
17 thereon, their heirs, assigns and successors in
18 interest, shall be bound by the afore described
19 reciprocal easement agreement.

20 7. The granting of the open development area
21 does not relieve the applicant from compliance with
22 all other underlying MFR zoning district
23 requirements, or applicable environmental, building
24 and Land Use Law requirements.

25 8. The owners of the proposed 27.99 acre

1 subject parcel and buildings to be constructed
2 thereon, their heirs, assigns and successors in
3 interest shall be fully responsible for all
4 maintenance, upkeep, required improvements, snow
5 plowing, etcetera of the roadway which abuts and
6 provides access to the subject property.

7 This was dated June 3, 2014.

8 CHAIRMAN STUTO: Any comments or questions before
9 we take a motion?

10 (There was no response.)

11 CHAIRMAN STUTO: Anybody like to make a motion?

12 MR. MION: I'll make a motion.

13 MR. AUSTIN: I'll second.

14 CHAIRMAN STUTO: Any comments or questions?

15 (There was no response.)

16 CHAIRMAN STUTO: All those in favor say aye.

17 (Ayes were recited.)

18 CHAIRMAN STUTO: All those opposed say nay.

19 (There were none opposed.)

20 CHAIRMAN STUTO: I'll asked that the marked up
21 Resolution be given to the stenographer for inclusion in
22 the record of tonight's proceedings.

23 I guess that's it. Congratulations.

24 MR. HERSBERG: Thank you. We'll be back.

25

1 (Whereas the above entitled proceeding was
2 concluded at 8:01 p.m.)
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CERTIFICATION

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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 June 16, 2014

