

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 HUDSON PRESERVE II  
5 122 - 134 TROY SCHENECTADY ROAD  
6 APPLICATION FOR CONCEPT ACCEPTANCE  
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8 THE STENOGRAPHIC MINUTES of the above entitled  
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
10 Reporter, commencing on August 26, 2014 at 7:21 p.m.  
11 at The Public Operations Center, 347 Old Niskayuna  
12 Road, Latham, New York

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

20 ALSO PRESENT:  
21 Kathleen Marinelli, Esq., Counsel to the Planning Board  
22 Chuck Voss, PE, Barton & Loguidice  
23 Michael Tengeler, Planning and Economic Development  
24 Daniel Hershberg, PE, Hershberg and Hershberg  
25

1           CHAIRMAN STUTO: Okay, we're going to try to get  
2 started with this next one so we can keep them moving.  
3 We have a few more projects.

4           The next project on the agenda is Hudson  
5 Preserve II, 122 - 134 Troy Schenectady Road. This  
6 is an application for concept acceptance. This is  
7 11 apartment buildings totally 158 units.

8           We have seen this several times before. I  
9 think that we had a rezone on this; is that correct?

10          MR. HERSHBERG: That's correct, Mr. Chairman. It  
11 was zoned multi-family residential by the Town Board.

12          CHAIRMAN STUTO: Okay, rezoning has occurred and  
13 I'll ask Mike Tengeler if he has anything else to add  
14 before we turn it over to the applicant.

15          MR. TENGELER: It's been before the Board two  
16 different times. They're here tonight and it has gone  
17 through the Town Board and the rezoning has gone into  
18 effect.

19          CHAIRMAN STUTO: Okay, we'll turn it over to Dan  
20 Hershberg from Hershberg an Hershberg for a  
21 presentation.

22          MR. HERSHBERG: I'm Dan Hershberg from Hershberg  
23 and Hershberg. I'm here today representing Hudson  
24 Preserve Operational, LLC who are the proposed owners of  
25 this parcel here. I'm here with the same principals

1           that own the balance of the Hudson Preserve site.

2           I think that you folks had seen the buildings  
3 here. The handouts that you are receiving are  
4 photos of the buildings that are on-site and on the  
5 existing Hudson Preserve. They look a lot like  
6 photo renditions, but they are actually photographic  
7 of the existing buildings.

8           This site is going to be slightly more than 80  
9 percent green in the final analysis. We have 27  
10 acres and a density of six and theoretically 168  
11 units. We're proposing 158 units.

12           You may recall on a previous rendition we were  
13 crossing over this ravine and wetlands and setting  
14 buildings back here (Indicating). That meant  
15 essentially a very expensive roadway connection and  
16 difficulty get in. It also meant essentially an  
17 area which has got some very nice natural features  
18 on it that would have to be significantly graded.  
19 By doing this we can keep everything behind these  
20 buildings undisturbed really with the exception of a  
21 couple of connections down to the stream course for  
22 stormwater. Everything from this point here to the  
23 rear will be undisturbed land (Indicating). We also  
24 do have some problems with soils over here that is  
25 not very forgiving. It doesn't have a lot of

1 infiltration. We do intend to use green  
2 infrastructure methods, however, we talked to the  
3 client and the client is willing to have us use a  
4 method of using the porous pavement and having it  
5 function in a green method that it actually treats  
6 the stormwater as it's passing through the porous  
7 pavement. It then could be discharged down to the  
8 stream course. We do have a plan also of having  
9 flow through planters that essentially the water  
10 from a roof is discharged to a planter. It's an  
11 elevated planter. Water goes to it. The stormwater  
12 is treated and then is discharged to a pipe at the  
13 bottom. It's a method of adapting green  
14 infrastructure methods to soils that do not have the  
15 infiltration we're normally looking for.

16 We have 158 units. We have shown up to 316  
17 parking spots. We would like to bank 25 of them  
18 since we think that two per unit is more than we  
19 really need. Pretty much we are at 1.85 or 1.88 and  
20 we don't think that we need the two. We'd like to  
21 bank them and build them as required.

22 CHAIRMAN STUTO: Do you designate parking spots for  
23 given apartments?

24 MR. HERSHBERG: The way that it works is that if  
25 they rent a garage, they get a garage and the parking on

1           some of these garages - there is a parking spot behind  
2           that garage that's given to the same apartment. It is a  
3           designated spot, if you're in a garage. Virtually all  
4           these units we think will want to rent a garage. The  
5           total number of garage units provided is 100 garages.  
6           So, a significant number of these units will have their  
7           own garage and some of them have double up parking  
8           spaces behind, so the second car in their family will  
9           have that spot available. Hudson Preserve does require  
10          that the garage be used strictly for parking vehicles.  
11          They do have some parking garages over here (Indicating)  
12          which did have storage units attached to them. They  
13          think that they may use those here too.

14                 The building design will matched the photos  
15                 that were passed around here. That is the same  
16                 design that they intend to use on the site.

17                 One feature is that we do want to put a clock  
18                 tower in. It's right at this point here  
19                 (Indicating). It's a free-standing clock tower  
20                 which we think is attractive. It will be a feature  
21                 at this point here. We do have a couple of garages  
22                 that will back up to a roadway and we'll landscape  
23                 those areas.

24                 All the dwellings that are currently on the  
25                 site will be demolished and all of the curb cuts

1 along the stretch will be abandoned.

2 We also had to go for an open development area  
3 by the Town Board because although we do have access  
4 on Billy's Way, that's a private road. So, the Town  
5 granted us an open development area approval which  
6 says essentially that even though we have all this  
7 frontage and we're not using it for ingress and  
8 egress, you have to get an open development area  
9 approval by the Town Board which was granted. So,  
10 all ingress and egress will come off of Billy's Way  
11 and the roadways are 24 feet wide.

12 We're aware of the fact that there are  
13 limitations. We'll have to have one side tagged no  
14 parking so that we don't narrow it down too much for  
15 fire access. We're comfortable with that. We don't  
16 want to encourage people parking on the roadways  
17 anyway since we have provided enough parking. We  
18 have a schematic landscape plan shown on here  
19 (Indicating).

20 This courtyard area we feel will be a very nice  
21 courtyard area. We intend to landscape the garages  
22 were backed up on Billy's Way. We'll have  
23 landscaped beds behind them and those will be raised  
24 beds that will actually be up off the ground - three  
25 or four feet off the ground. There will be planter

1 boxes filled with shrubs, as well as annual flowers.

2 If you've been on the site before you know that  
3 landscaping is very important to them. The garden  
4 at the entranceway is a very attractive garden.  
5 We're very pleased with the way that came out. It's  
6 got the rock wall on it. The landscaping within the  
7 site is well done and well maintained. This group  
8 intends to maintain the landscaping.

9 We were asked to identify those trees that  
10 remain. There is a row of oak trees down along this  
11 side here which will be maintained (Indicating).  
12 There are not an awful lot of trees we want to  
13 maintain in this area due to the grading, but behind  
14 this line is the line of disturbance. Everything  
15 back there will be retained. There is no intention  
16 of clearing anything else.

17 We will provide a nature trail. People that  
18 have been over to Hudson Preserve realize that they  
19 have a nice nature trail that goes around what's  
20 called the Lake Shore pond. It goes over the Lake  
21 Shore Dam. There is a bird watching area over there  
22 which has coverage so that people can stand and  
23 watch the birds and listen to the birds on the  
24 water. It's a very nice attractive area. We think  
25 essentially that this will tie in very well with

1 that because it will connect straight with the same  
2 nature trail. We believe that it's a good project.

3 We did get some recent comments - I think it  
4 was a letter dated August 18th from Barton and  
5 Loguidice. There was no real surprise in there.  
6 The study needs additional work to make a full  
7 stormwater pollution prevention plan. We do have to  
8 do additional testing because the first testing was  
9 spread all over the site trying to find proper soil.  
10 Because it all showed essentially no infiltration,  
11 we will do additional tests in all the areas that  
12 are going to get porous pavement and see whether or  
13 not we have any capability of infiltrating into the  
14 ground.

15 The sewer system - we intend to use the same  
16 system that we did on a number of units over here  
17 (Indicating). It's a private sewer system only  
18 maintained by the applicant. They're using E1 pumps  
19 so that we don't have to dig the pipes so deep.  
20 Essentially, all the pipes can be five or six feet  
21 into the ground and they discharge over to a manhole  
22 over here (Indicating). The water main will be a  
23 public water main. We have allowed for a 35-foot  
24 wide easement to go around the site so that the  
25 water main can be public. That prevents us from

1           having to put a hot box in - one of those hotbox  
2           deals that are ugly and difficult to maintain and  
3           not the nicest device. Latham Water District is  
4           willing to accept that water main.

5           If there are any questions by the Board, I'll  
6           try to answer them.

7           CHAIRMAN STUTO: We normally turn it over to our  
8           Town Designated Engineer for their comment. That is  
9           Barton and Loguidice and they are represented here by  
10          Chuck Voss.

11          MR. VOSS: Peter, thank you.

12          As Dan mentioned, we did issue a concept review  
13          letter on August 19th and essentially, it is our  
14          standard look at a project of this nature at a  
15          concept level.

16          Let me just go through a couple of quick  
17          highlights with the Board. Dan touched on most of  
18          these topics that we have in our letter.

19          The proposed action will be a Type I Action  
20          under SEQRA which we recognize and move forward with  
21          that as we go. Really the major concern here that  
22          we have - and it's not a major concern but the  
23          primary concern, I should say, is going to be the  
24          stormwater management; the infiltration issues. As  
25          Dan mentioned, the soils just aren't good and aren't

1 of a nature for really good kinds of porous  
2 materials that they might be able to use, but Dan  
3 still can do some more research on that. We clearly  
4 recognize that the soil borings that were conducted  
5 quite some time ago were kind of scattered and  
6 random across the site before they really had their  
7 concept plan nailed down. So, Dan is going to go  
8 out and do some more soil borings and we'll take a  
9 look at those reports when they come back. Our  
10 guess is that given some of the issues out there and  
11 the poor soil conditions, Dan will get creative with  
12 some good stormwater management techniques.

13 Other than that, site access, we feel, is  
14 adequate at this point through Billy's Way. It is a  
15 private road, however. If you've ever traveled it  
16 you certainly now that it's been improved and it has  
17 the capacity to handle this.

18 Curb cuts will not go out onto Route 2, which  
19 certainly makes DOT happy. They would prefer to see  
20 this all off of Route 2.

21 I remember that I think it was a year or two  
22 ago when we were looking at the ODA process, we had  
23 discussed that this is probably a very compatible  
24 land use simply because the existing Phase I has  
25 already been built and it's very close by. We're

1 happy to see that Dan is preserving as much as the  
2 back of that site as they can. That's probably  
3 partially driven by practical realities of slopes  
4 and soils to Billy's, but certainly I think that it  
5 lends itself nicely to kind of clustering this  
6 development in that northwestern corner of the site  
7 which should work very well.

8 Again, if a structure is in place, the sewer is  
9 there and water is there, but Dan will certainly  
10 take a look at the capacity of those systems and  
11 give us adequate information as we move forward.

12 We'll be looking forward to a pretty thick  
13 geotechnical report that Dan will provide certainly  
14 as they move forward. Other than that, we are  
15 pretty comfortable with what we are seeing so far.

16 CHAIRMAN STUTO: If there are any members of the  
17 public that would like to be heard, please sign in on  
18 the sign-in sheet right next to the door.

19 Is there anyone who would like to speak on  
20 this?

21 (There was no response.)

22 Okay, there doesn't appear to be, so we'll open  
23 it up to the Board for comment.

24 MS. DALTON: My first question is how do you  
25 monitor the garage usage?

1 MR. HERSHBERG: There is a full-time person on site  
2 and there is a property manager who is very good at  
3 that, generally. That would be Joseph Garland who is  
4 managing Lake Shore and other apartments in the Town.

5 What they do is when they rent it, they tell  
6 them that they can't use it for storage and that  
7 there has to be a car in it. They go around and  
8 everybody gets a tag for the apartments that say  
9 that so they don't park where they are not supposed  
10 to park. Essentially, if they find that cars are  
11 not parked in a garage, they'll mention it to the  
12 people on how to do it. It's part of the lease.  
13 It's an enforceable condition of the lease that you  
14 must park one of your cars in the garage.

15 MS. DALTON: My next question is if you get a  
16 parking sticker that you live there, do you have guest  
17 parking or overflow parking so that if I have company I  
18 know where to send them?

19 MR. HERSHBERG: We have these spots right here  
20 (Indicating) which are convenient. Every place in here  
21 there are more spots than we think will be used. We do  
22 have some areas in there which have significantly more  
23 parking that will be used by the units and they're not  
24 going to be tagged or we're not tagging visitor parking.  
25 We're just taking handicapped parking and spreading it

1 around the site for the reasons of providing  
2 accessibility. We didn't intend to tag anything  
3 restricted for visitors. It hasn't been a problem at  
4 Hudson Preserve now. They have just about the same  
5 parking ratio that we propose here and it has not become  
6 a problem. I think that it has a lot to do with the  
7 market that they are appealing to.

8 The entire Hudson Preserve I, which is 256  
9 units, has five school-aged children picked up.  
10 There are very few family units in there with  
11 school-aged children. School-aged children will be  
12 teenagers and then they need cars. I know that for  
13 a fact. I have four of those. So, in any event, I  
14 think that the 1.8 or 1.9 that we're trying to get  
15 there is adequate, but we do have space to get to  
16 the 2.0.

17 MR. LANE: What is the demographic that you're  
18 marketing these places to that you need so few families  
19 with school-aged children?

20 MR. HERSHBERG: Again, it's primarily two-bedrooms  
21 and some one-bedroom and den units that is the mix here.  
22 We think that the market is going to be virtually  
23 identical to the existing Hudson Preserve market which  
24 has been empty nesters and young married couples. There  
25 is a significant number of people from divorced families

1 and single parents that do move in sometimes with a  
2 teenaged child. The mix is primarily empty nesters and  
3 young recently married couples. These units are market  
4 rate and they are \$1,600.00 to \$1,800.00 and you have a  
5 garage to pay for, too.

6 MR. LANE: I do appreciate the fact that you're  
7 leaving that back area. Based on the cost  
8 effectiveness, it also works out on the other end as  
9 well.

10 MR. HERSHBERG: We also considered the fact that  
11 this Board raised the concern about the way that we were  
12 going across the valley and disturbing all that area.  
13 We worked with Dominick Ranieri, the architect, to make  
14 sure that these units would fit here and we're able to  
15 do it.

16 MS. MILSTEIN: As you go down Route 2, can you  
17 explain what a car going down Route 2 would be seeing,  
18 with the start of the clock tower?

19 MR. HERSHBERG: From Route 2, you're coming from  
20 Delatour Road and you'll see the clock tower and then  
21 you'll see a landscaped strip behind this garage  
22 (Indicating). Everything else would just be  
23 landscaping. The key feature is the garage and  
24 landscape area. This area, if you know the area, starts  
25 fairly level with Route 2, but down here it's up on a

1 plateau (Indicating). These lots are actually 12 feet  
2 above the road at a point down here and 6 or 7 feet  
3 above the road here (Indicating). They don't get level  
4 with the road until you get up here so that essentially  
5 as you are driving, your view scape is going to be  
6 primarily of the side slope there. Unless you're  
7 looking up, you're looking out of your window at the  
8 sideslope there which will be landscaped. We anticipate  
9 maintaining that. It's within the highway right of way,  
10 but normally the lawn area will be maintained by the  
11 property owner and I don't think that you want to trust  
12 the Highway Department to come in and mow your lawn  
13 quite regularly.

14 The question was raised by DOT regarding any  
15 drainage going into the New York State right of way.

16 There is actually no drainage going to it at all  
17 other than what falls in the right of way line.  
18 Everything else is directed back into our system.  
19 Right now there is drainage coming down those  
20 driveways and all that slope goes down into Route 2.

21 The major advances of the street scape is the  
22 dwelling there and the driveways are all going to be  
23 removed. Quite honestly we think that is going to  
24 be an improvement of the street scape just by doing  
25 that.

1 MS. MILSTEIN: So, you'll see the back of the  
2 garages and then some of the apartments -

3 MR. HERSHBERG: This is five and this is six  
4 (Indicating). This one here you'll see a little corner  
5 of that area there, but again, we intend to landscape  
6 this area fairly dramatically. The view scape when  
7 you're driving here - at this point here, this building  
8 is already seven or eight feet above the roadway  
9 elevations (Indicating). You're view scape will be  
10 dominated by the slope and the low planting at the top  
11 of the slope will be enough to probably screen it from  
12 your normal view. If you're looking out the car window,  
13 again, normally your view scape might be 10 or 12 feet  
14 above the roadway unless you're arching your head to  
15 look at something else going on. We think essentially  
16 that we can landscape this area here to have this appear  
17 to be a very natural area.

18 CHAIRMAN STUTO: Anything else?

19 MS. MILSTEIN: No.

20 CHAIRMAN STUTO: Tina?

21 MS. GOODWIN SEGAL: No, I'm good.

22 CHAIRMAN STUTO: Thank you for all the hard work  
23 that you've done. I know that you've been in front of  
24 us several times. We've worked through a number of  
25 issues and I think that you've been very responsive to

1 the requests. Thank you for that.

2 Are we ready for a motion on a concept  
3 approval?

4 MS. DALTON: I'll make the motion.

5 MR. MION: I'll second.

6 CHAIRMAN STUTO: Okay, we have a second.

7 Any discussion?

8 (There was no response.)

9 All those in favor say aye.

10 (Ayes were recited.)

11 All those opposed say nay.

12 (There were none opposed.)

13 The ayes have it.

14 Thank you.

15 MR. HERSHBERG: Thank you, very much.

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18 (Whereas the above referenced proceeding was

19 concluded at 7:35 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 September 8, 2014

