

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 PEREGRINE ASSISTED LIVING FACILITY  
5 5 SOUTH FAMILY DRIVE  
6 APPLICATION FOR FINAL REVIEW  
7 WAIVER REQUESTS AND SEQRA DETERMINATION

8 \*\*\*\*\*

9 THE STENOGRAPHIC MINUTES of the above entitled  
10 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
11 Reporter, commencing on August 26, 2014 at 7:37 p.m.  
12 at The Public Operations Center, 347 Old Niskayuna  
13 Road, Latham, New York

10

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

15

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq., Counsel to the Planning Board  
18 Chuck Voss, PE, Barton & Loguidice  
19 Michael Tengeler, Planning and Economic Development  
20 Daniel Hershberg, PE, Hershberg and Hershberg  
21 Mark Blackburn, MWT Architecture  
22 Wayne Larson

23

24

25

1           CHAIRMAN STUTO: Okay, we'll try to get started  
2 with the next item on the agenda. This is Peregrine  
3 Assisted Living Facility, 5 South Family Drive. This is  
4 an application for final review. This is also for a  
5 waiver request and SEQRA determination. This is a  
6 35,700 square foot 70 bed facility.

7           What's the right word I should use?

8           MR. HERSHBERG: We're calling it an assisted living  
9 facility.

10          CHAIRMAN STUTO: Okay. Mike Tengeler, do you have  
11 any introductory remarks? We've seen this a few times.

12          MR. TENGELER: The Board has seen this a few times  
13 as well. It's on South Family Drive where the Board  
14 last year or the year before granted approval on the  
15 Funeral Director's project. That's another project that  
16 Hershberg and Hershberg worked on. This is their  
17 neighbor on South Family Drive and they're here tonight  
18 for final.

19          CHAIRMAN STUTO: Okay, we'll turn it over again to  
20 the same consultant; Hershberg and Hershberg.

21          MR. HERSHBERG: My name is Dan Hershberg, for the  
22 record.

23          Hey, I talk in front of court reporters all the  
24 time. You've got to identify yourself because that  
25 record may stand by itself and they won't know who I

1 am.

2 With me tonight is Mark Blackburn, the  
3 architect; Rob Collins representing Peregrine; Dave  
4 Martin from BBL and Steve Oberon from Ashfield  
5 Associates, the property owner of the project.

6 I'm looking also at Sean McCloskey who has  
7 labored over this project for the last 22 months or  
8 so. He's earned his spurs on this project.

9 The building changed part way through this and  
10 we had to go back and amend our original variance.  
11 We originally said 35,000 in and it will be 35,759  
12 square feet. So, we had to go back to the ZBA and  
13 take care of that.

14 The waivers that we're asking for are the  
15 building is too far back from South Family Drive.  
16 We do have parking in front and we are at this one  
17 point here, 7.2 feet off the property line with the  
18 corner of the driveway. So, we are within 10 feet.  
19 The parking is all clear of 10 feet, but the  
20 interpretation is the emergency driveway is closer  
21 than 10 feet, so it required three waivers.

22 The parking in the front is the one that we  
23 spoke to before. The type of building it is, it  
24 only has one public entrance, despite the fact that  
25 it has other exits to it - it only has one public

1 entrance. That's for patient control. You have  
2 people with dementia or Alzheimer's. You really  
3 cannot allow multiple methods of ingress or egress  
4 to the building; thus the courtyards. I'm going to  
5 let Mark talk a little bit about the building design  
6 in a minute or two. I just wanted to touch on some  
7 of the issues that normally come up.

8 We have met with the Watervliet Water  
9 Department. We went out there and dug test pits  
10 over that Watervliet water main which crosses our  
11 site. It's fairly shallow and we agreed not to  
12 reduce the grade over the top of it anyplace. In  
13 fact, we're raising the grade a couple of spots.  
14 They asked us to put a whole bunch of notes on  
15 regarding how to protect that line and we have  
16 agreed to that. BBL is aware of that. There is  
17 obviously a fee for crossing the easement and we're  
18 aware of that too.

19 That easement runs out to here. Originally,  
20 they told us to put a pump in the building because  
21 we couldn't maintain a two percent grade normally  
22 required by Pure Waters. After talking to them they  
23 said, well if you went down to this manhole here,  
24 you can make a one percent grade which is normally  
25 adequate for flow and your sanitary sewer and do

1 away with pump six. We really liked that idea of  
2 not having a pump station to maintain and not having  
3 a concern about transfer switches between a  
4 generator and a pump station. It was an ideal  
5 situation. That's one change that has been made.

6 The size of this swale was increased  
7 significantly, not necessarily because there is much  
8 water coming off of the Funeral Director's site.  
9 There is very little water coming off of that. Any  
10 storm, until you get to like a 50 or 100 year storm,  
11 has very little water crossing it. But this has the  
12 capacity to carry that water over and underneath the  
13 driveway and discharge it down in this direction,  
14 which is the same direction that the existing flow  
15 goes. So, we are matching the existing flow.

16 We are using porous pavement on the entire  
17 site, including the emergency access road, which is  
18 26 feet wide. A portion of New York State Building  
19 Code designates 26 feet wide. We understand that if  
20 you come around there with a fire truck that has  
21 outriggers on it and you had to put the outriggers  
22 down you want enough space to put the outriggers  
23 down and have them on solid pavement and thus the 26  
24 foot wide is warranted. So, this is a 26 foot wide  
25 porous pavement road that will be fully maintained

1 and plowed. All pavement is porous, as I said.

2 A portion of the site did not have enough  
3 infiltration; very similar to what I talked about at  
4 the last project. We're using an underdrain system.  
5 The water is stored in the porous pavement, but  
6 there is an underdrain underneath it to take the  
7 overflow. That overflow is piped down and goes  
8 around into another infiltration basin so that it  
9 has to be sod set. It's treated going through the  
10 stone and it's treated at the infiltration basin.  
11 We modified these basins to provide the adequate  
12 clearance.

13 Barton and Loguidice pointed out the fact that  
14 we were very tight with the clearance to the  
15 groundwater table. We raised the bottoms of those  
16 so that we have good clearance for the groundwater  
17 table. We think that the stormwater system is  
18 ideal. It's very green.

19 The amount of parking that we require here is  
20 limited. It's limited because first of all none of  
21 the users of the building drive. It's primarily for  
22 staff and visitors and we thought that the amount of  
23 parking provided is adequate.

24 We do provide for a potential area for banked  
25 parking that we want to provide for just in case we

1 should ever need it.

2 That is basically the project. You've seen  
3 this project before.

4 There was some concern about lighting. We  
5 modified the lighting so that the area that is lit  
6 is basically this driveway there and in the front of  
7 the building only. The only lights at the back of  
8 the building are going to be over exit doors. We  
9 don't intend to light that road at all. The  
10 photometric plan only shows lit areas at the front  
11 of the building, which is the only activity area of  
12 the building.

13 I would like to ask Mark Blackburn to talk  
14 briefly about the building.

15 MR. BLACKBURN: Good evening. I'm Mark Blackburn  
16 with MWT Architecture.

17 The building itself, again, as Dan says is  
18 35,579 square feet. It's a single-story wood frame  
19 building memory care facility for 64 residents.  
20 There would be 32 on this side and 32 on this side  
21 in two resident wings (Indicating). In the center  
22 is the entry porte-cochere, administration area and  
23 kitchen which leads out into our large courtyard.

24 Each of the resident wings also has an enclosed  
25 courtyard for the residents, themselves. In the

1 back we also have a chapel that's connected to both  
2 resident wings.

3 The building itself is sited with horizontal  
4 shake shingles and some stacked stone with accents.  
5 There are double-hung windows with shutters and  
6 round accent windows. Again, we have a large  
7 porte-cochere here for arrival and departure of  
8 guests and residents.

9 CHAIRMAN STUTO: Do you mind bringing that closer  
10 to the Board?

11 MR. BLACKBURN: Sure.

12 CHAIRMAN STUTO: Actually, we already have it.

13 MR. BLACKBURN: You've got architectural roof  
14 shingles with dormers and cupolas to accent and break up  
15 the large roof on top.

16 CHAIRMAN STUTO: Okay, thank you.

17 MR. HERSHBERG: Regarding the Shaker Historical  
18 Society, Rob Collins from Peregrine has been working  
19 extensively with Starlyn. He met with her today and  
20 what we have agreed to do is use photos and historical  
21 items from the Shakers on the inside of the building.

22 We will name the dining room the Ann Lee Dining  
23 Facility. They're going to have changeable displays  
24 there and they'll work with Starlyn and be sure that  
25 it's good from the Historical Society. We think

1           that they're going to be very pleased with what they  
2           see there. They never wanted us to try to imitate  
3           the Shaker architecture for the building. They want  
4           it to be something that would be compatible with it.  
5           We think that this building does that in using the  
6           shake siding and stuff like that.

7           Watervliet is another letter that we're waiting  
8           for. I think that the City of Watervliet will be  
9           satisfied with everything that we've done there. If  
10          they need us to do anything more, we're certainly  
11          willing to do it.

12          If there are any questions from the Board, we'd  
13          be glad to answer them.

14          CHAIRMAN STUTO: Again, we'll turn it over to our  
15          Town Designated Engineer. Again, on this project is  
16          Barton and Loguidice and Chuck Voss.

17          MR. VOSS: Thank you, Peter. Again, we issued our  
18          final recommendation letter to the Board dated August  
19          20th. Really what this did was just go over some of the  
20          final details that we had from their second preliminary  
21          final submission. Really we had no outstanding issues.  
22          There were a few minor technical things. You can see in  
23          our comment letter some details on the plans that just  
24          needed clarifying. We were satisfied literally with  
25          everything that they had done.

1           We had prepared a waiver recommendation as well  
2           which we have here which we would go through with  
3           the Board. We also prepared a SEQRA negative  
4           declaration findings that the Board will want to go  
5           through. In terms of the site plan, we feel that  
6           they are certainly ready for final.

7           At this point any of the comments that we have  
8           in our letter which were minor in nature, we would  
9           make a condition of approval and ask the Board to  
10          make those conditions of approval. That would be in  
11          addition to the outstanding issues that might come  
12          in from the City of Watervliet and any other  
13          entities. At this point we are very pleased.

14          CHAIRMAN STUTO: Are there members of the public  
15          that have an interest in speaking on this project?

16          MR. LARSON: My name is Wayne Larson and I live  
17          right up the road. The only thing that I was wondering  
18          about is the lighting. I realize that it's probably  
19          going to be very quiet environment, but you can see the  
20          parking lot and the parking area just beyond the Funeral  
21          Directors and we were curious as to what kind of  
22          lighting that they would have in the parking lot. It  
23          only pertains at night. If it's down-type lighting that  
24          would just cover the parking lot and doesn't shine --  
25          it's a very dark area. If you get a bright light in

1           there, you can't even see to drive. I was just curious  
2           about the lighting in the parking lot primarily.

3           CHAIRMAN STUTO: I'll ask the applicant to address  
4           that.

5           MR. HERSHBERG: Yes, Mr. Chairman, using what we  
6           call dark skies type lighting which is the typical  
7           down-lighting and we've limited the height of these  
8           light standards to 16 feet; so, essentially it's all  
9           down. We had to add a few more fixtures because of the  
10          lack of height of it, but this is the closest fixture to  
11          the gentleman's house on Sand Creek Road. That  
12          gentleman lives right over here )Indicating). You have  
13          a line of sight in front of there, but the closest to  
14          his site would probably be here (Indicating), and there  
15          is another one here on the roadway. Other than that,  
16          they're all going to be down-lighting and they'll all be  
17          fully screened with the dark skies type of filter.

18          CHAIRMAN STUTO: Thank you.

19          Members of the Board?

20          (There was no response.)

21          We've seen this a number of times and I guess  
22          all of our questions are answered.

23          MR. HERSHBERG: That's good.

24          CHAIRMAN STUTO: We'll try to walk through the  
25          procedural aspects of this. I think that the first is

1 the environmental review. I don't know if Chuck and  
2 Kathleen, our attorney, can help us with that.

3 MR. VOSS: Yes, Kathleen has the SEQRA Resolution.

4 MS. MARINELLI: The Planning Board has been  
5 designated as the lead agency and in your packet is a  
6 proposed negative declaration form.

7 The reasons for the determination of non  
8 significance, the Planning Board has reviewed the  
9 application, the site plan and the project  
10 description and all supporting documentation and  
11 conducted such further investigation of the project  
12 and its environmental impacts as deemed appropriate  
13 and has determined that there are no significant  
14 effects on the environment.

15 The Planning Board looked at the impact on land  
16 and it appears that there is no significant impact  
17 on environment or land resources.

18 It also looked at the impact on water. The  
19 proposed project has only a modest impact on water  
20 and sewer and there are no protected waters in the  
21 project area.

22 The stormwater pollution prevention plan to be  
23 implemented for the site improves permanent measures  
24 that will result in the minimum stormwater run-off  
25 from the projected project site and based on this,

1           there will be no significant impacts on the  
2           environment related to water resources.

3           In terms of impact on transportation and air,  
4           the project will generate only 19 vehicle trips per  
5           hour and therefore will not have significant impact  
6           on the environment related to transportation and  
7           related air quality.

8           In terms of the impact on agricultural,  
9           archeological and historical resources, the site has  
10          been used for agriculture in the past but is not in  
11          an agricultural district and is currently zoned for  
12          office/residential and part of a previously approved  
13          commercial subdivision. Therefore, there will be no  
14          impact on agricultural resources.

15          The project is also within the Watervliet  
16          Shaker overlay district. The Shaker Historical  
17          Heritage Society has reviewed the project and as a  
18          result some invasive plant materials were eliminated  
19          from the project.

20          The proposed building architecture was  
21          designated utilizing historical materials and  
22          features respective of buildings in the Watervliet  
23          Shaker Historical district and based upon the above  
24          it appears that the project will not have a  
25          significant impact on the environment relating to

1 agricultural, archeological and historical  
2 resources.

3 Likewise there was a survey of plants and  
4 animals and it appears that the project will not  
5 have a significant impact on plants and animals.

6 Impact on aesthetic open spaces and  
7 recreational resources: The site is within one-half  
8 mile of the Ann Lee Pond Preserve and Stump Pond  
9 wetland and within one mile of the Watervliet Shaker  
10 Historic Site and Shaker Heritage Society. The  
11 project is unlikely to impact these aesthetic  
12 resources due to the level of a gently sloping  
13 nature of intervening topography and due to the  
14 one-story height of the building which is a lower  
15 profile and neighboring structures. Therefore,  
16 there will not be a significant impact on aesthetic  
17 open space and recreational resources.

18 Impact on the growth, character and health of  
19 community or neighborhood: There will be no impact  
20 on the school system.

21 The proposed facility is consistent in scale  
22 and setting with other developments in the project  
23 vicinity and site planning will meet the "night time  
24 friendly" criteria utilizing full cut off luminaries  
25 to reduce light trespass onto neighboring

1 properties.

2 Based upon the above, the project will have no  
3 significant impact on growth, character, on health  
4 of community or neighborhood.

5 The Town of Colonie Planning Board has  
6 completed a careful review of the reasonably  
7 anticipated areas of environmental concern raised by  
8 the project. Therefore, based upon that review the  
9 criteria for determining significance contained in  
10 the SEQRA regulations and the rules of  
11 reasonableness, the Planning Board issues this  
12 negative declaration concluding that the facts and  
13 circumstances of the project will not result in a  
14 significant adverse environmental impact.

15 CHAIRMAN STUTO: Do we have any comments or  
16 discussion?

17 (There was no response.)

18 Do we have a motion on that negative  
19 declaration?

20 MR. LANE: I'll make a motion.

21 MR. MION: I'll second.

22 CHAIRMAN STUTO: All those in favor say aye.

23 (Ayes were recited.)

24 All those opposed say nay.

25 (There were none opposed.)

1           The eyes have it.

2           Land Use Law waiver findings -- does someone  
3 want to walk us through that?

4           MR. VOSS: Yes, Peter, I have a Resolution for the  
5 Board. I'll just go through it quickly.

6           This is Assisted Living Center, Peregrine  
7 Properties at Colonie, LLC., 5 South Family Road,  
8 Land Use Law Waiver Findings.

9           "Whereas, Peregrine Health Management Company  
10 has proposed the construction of a 35,759 SF Nursing  
11 Home at 5 South Family Drive; and

12           Whereas, the applicant is requesting a waiver  
13 from the Town of Colonie Land Use Law, Article IX -  
14 Chapter 190-43, design standards for the office  
15 residential district, related to building setbacks  
16 greater than 20 feet, parking prohibited in the  
17 front yard and parking pavement within 10 feet of  
18 property line

19           Whereas, the Town of Colonie Planning Board may  
20 waive these standards to the extent it deems  
21 necessary in order to secure reasonable development  
22 of the site. In such case, the applicant must  
23 establish that there are no practical alternatives  
24 to the proposed waiver that would conform to the  
25 standard, and the Board shall issue a written

1 finding stating the extent and justification of the  
2 waiver; and

3 Whereas, placing the building setback 20 feet  
4 from South Family Drive, rather than at the proposed  
5 building location would be inconsistent with nearby  
6 and surrounding properties; and

7 Whereas, placing the building 20 feet back from  
8 South Family Drive rather than at the proposed  
9 building location would place the building  
10 immediately adjacent to the 20 foot wide City of  
11 Watervliet public utility easement, making building  
12 construction difficult and requiring encroachments  
13 upon this easement; and

14 Whereas, parking in the front of the building  
15 is consistent with nearby and surrounding  
16 properties; and

17 Whereas, parking in the front of building is  
18 necessary to ensure that all arrivals take place at  
19 the front entrance, which is important because  
20 strict access control is necessary for memory  
21 challenged residents.

22 Whereas, emergency access drive cannot be  
23 feasibly provided in a continuous loop without  
24 encroaching in the required setback, and this  
25 encroachment has been minimized to the greatest

1 extent practical.

2 Now, therefore be it resolved, that the Board  
3 hereby finds that the extent of the requested  
4 waivers are not considered substantial; and be it  
5 further

6 Resolved, that the Board finds the applicant  
7 has established that there are no practical  
8 alternatives to the proposed waivers that would  
9 conform to the standard and that the waiver is  
10 necessary in order to secure reasonable development  
11 of the project site; and be it further

12 Resolved, that the Board hereby issues a waiver  
13 from the 20-foot maximum building setback to not  
14 exceed 260 feet; and be it further

15 Resolved, that the Board hereby issues a waiver  
16 from the prohibition of parking within the front  
17 yard; and be it further

18 Resolved, that these waiver findings be  
19 condition of the site plan approval of the  
20 application and be kept in the project file in the  
21 Office of the Planning and Economic Development  
22 Department."

23 CHAIRMAN STUTO: Any comments, questions or  
24 discussion?

25 (There was no response.)

1 Do we have a motion on that Resolution?

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

3 MR. LANE: Second.

4 CHAIRMAN STUTO: All those in favor say aye.

5 (Ayes were recited.)

6 All those opposed say nay.

7 (There were none opposed.)

8 The ayes have it.

9 The main question before the Board is for final  
10 site plan approval, subject to the terms and  
11 conditions raised by the Town Designated Engineer  
12 and various departments. Do we have a motion?

13 MR. MION: I'll make that motion.

14 MS. GOODWIN SEGAL: I'll second.

15 CHAIRMAN STUTO: Comments, discussions or  
16 questions?

17 (There was no response.)

18 All those in favor say aye.

19 (Ayes were recited.)

20 All those opposed say nay.

21 (There were none opposed.)

22 The ayes have it.

23 Thank you, very much.

24 MR. HERSHBERG: Thank you.

25

1                   (Whereas the above referenced proceeding was  
2                   concluded at 8:00 p.m.)  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

CERTIFICATION

I, NANCY 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

