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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

COLONIE SENIOR SERVICE CENTER, INC.
11 ELKS LANE
BOARD UPDATE

THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY STRANG-VANDEBOGART, a Shorthand
Reporter, commencing on February 10, 2015 at
7:15 p.m. at The Public Operations Center, 347 Old
Niskayuna Road, Latham, New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
TIMOTHY LANE
CRAIG SHAMLIAN
SUSAN MILSTEIN

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Planning Board
Mike Tengeler, Planning and Economic Development
Joseph LaCivita, Director, Planning and Economic
Development
Daniel Hershberg, PE, Hershberg and Hershberg
Ed Neary, Colonie Senior Services, Inc.

1 CHAIRMAN STUTO: Next item on the agenda is
2 Colonie Senior Services, Inc., 11 Elks Lane. This is a
3 Board update.

4 We have seen this a couple of times.

5 This is a 20,858 square foot three-story 100
6 senior apartments and garages.

7 This is a PDD, right?

8 MR. LACIVITA: Yes.

9 CHAIRMAN STUTO: Do you want to give any more of an
10 introductory remarks?

11 MR. LACIVITA: Just the fact that it's been before
12 the Planning Board June 17, 2014 and again on August 12,
13 2014. I know that we are trying to work through some of
14 the public benefit criteria in order to enact the PDD
15 legislation and hopefully we'll hear a little bit of
16 that update as well tonight.

17 CHAIRMAN STUTO: Thank you.

18 Mr. Hershberg?

19 MR. HERSHBERG: Mr. Chairman, my name is Daniel
20 Hershberg from the firm of Hershberg and Hershberg.

21 With me today representing Colonie Senior
22 Service Center is Ed Neary and Rick Rowland, our
23 counsel. With me also is Teresa Bakner from
24 Whiteman Osterman and Hanna and architects Greg
25 Solomon and Kirk Woodward.

1 This project has been before you. We have made
2 significant changes regarding orientation of the
3 building, landscaping and also traffic patterns
4 around the building. I'd like to point out the key
5 elements. I know you have a long agenda and I'll
6 try to get it done so that we can answer any
7 questions that the Board may have.

8 The original building had been reversed so that
9 the rear of the building was facing Abedar Lane.
10 This now has the one-story portion and the more
11 attractive portion of the building if you will,
12 facing Abedar Lane side.

13 Also with the traffic patterns that will exist
14 now, the tenants will have no reason to come in this
15 direction (Indicating). Their parking and parking
16 garage are all accessible directly from here
17 (Indicating) so that the significant traffic coming
18 in this direction would be limited to visitors or
19 people that want to drop off at the front entrance.
20 The major traffic route for tenants will be here and
21 here (Indicating).

22 Another change that was made was that we did
23 add a berm in there. The height of the berm is
24 somewhat limited because we don't want to make it
25 high enough that it will have to cut down more

1 existing trees to accommodate it. So, we're
2 currently showing a two-foot high berm.

3 I do have a rendering prepared by Greg Solomon
4 showing what the appearance will be. The building
5 elevation view is a very attractive building. We
6 believe it goes a long way towards easing the view
7 from Abedar Lane rather than the rear elevation of
8 the building which will be this part here. The
9 front elevation for the building will be most
10 visible from those sites. When I say most visible,
11 this is a plan that shows the distances from the
12 property line to the one-story portion and to the
13 street story portion is 205 feet and 260 feet. We
14 had it in the other direction and we were slightly
15 more than 100 feet from the property line for the
16 rear portion of the building to this side of the
17 building.

18 The next board shows essentially the view.
19 This is the berm. obviously we're going to plant
20 evergreen trees, something that will keep its shape.
21 We've been using an awful lot of white fir or spruce
22 to make that sort of delineation and these are
23 rendered with the smaller sides (Indicating). There
24 is a copy in your package which physically shows the
25 smaller sides of the trees, as planted. This

1 renders the growth pattern of probably four or five
2 years later or essentially they will be 13 or 14
3 feet tall and essentially this shows that at that
4 height those will screen the building and that will
5 be enough to have that viewscape from a point of 10
6 feet above the ground interrupted by those trees.
7 Obviously when we say screen, it's not going to be a
8 solid screen. We do have a significant layout of
9 trees at that location but again, the number of
10 trees in the orientation I think are enough to
11 effectively screen the building.

12 By the way, the package that was distributed to
13 you - I think inadvertently got left out some
14 letters of support that have been received. Ed
15 Neary has some copies that we will give to you now
16 that show a certain number of letters of support
17 that this project has received.

18 CHAIRMAN STUTO: I think that they were emailed
19 out. We'll take the hardcopies too.

20 MR. HERSHBERG: Ed, why don't you pass them out so
21 that they can read them at their leisure?

22 The other issue had to do with the building.
23 this is the building plan. It is now entirely in
24 the parking lot on the other side of the Elks Club.
25 The existing pavilion is at this location here on

1 the site (Indicating). A new pavilion is going to
2 be built. That building will be demolished. It
3 will have the capability of having various events at
4 it.

5 The other issue that had been addressed
6 previously -- and I think that we are continuing
7 trying to address it to everyone's satisfaction --
8 is we do have the emergency access road going down
9 to Watervliet Shaker Road which goes down along the
10 rear of the Abedar Lane properties. We will have to
11 take down trees, obviously, to put it in. We do
12 propose to provide in-fill landscaping to attempt to
13 rescreen that view, but we remind everybody that
14 it's strictly emergency ingress and egress. It will
15 be gated and not used for regular ingress and
16 egress; only in the event that some accident should
17 occur that would block emergency vehicles from
18 getting up Elks Lane or to our site.

19 I might point out that we are also, in addition
20 to requesting PDD recommendations back to the Town
21 Board, in need an ODA recommendation because this
22 site does not have frontage on the road. Elks Lane
23 stops short of the site down here and this is
24 through an easement over the property from the Elks
25 Club.

1 That's a very quick update of where we stand
2 with the site and I'm prepared to answer any
3 question which the Board may have.

4 CHAIRMAN STUTO: The public benefit - I know that
5 there has been a lot of talk about that.

6 MR. HERSHBERG: I think that right now the existing
7 situation is that we were asked to offer public benefits
8 and we did verify - does the Town have any projects that
9 they really think want to be considered? One project
10 that was mentioned was improvements to the Newtonville
11 Post Office. We're not certain exactly what scope or
12 role that they would anticipate the Colonie Senior
13 Services taking in that, but we are willing to
14 participate in the cost of doing those improvements.

15 There was a mention of some potential park
16 improvements and the applicant is willing to
17 consider those. Quite honestly we think essentially
18 for us to come through and offer a specific benefit
19 without being able to see the plans of what the new
20 developed improvements are without being able to
21 brake off a portion of that and say that we want to
22 fund that -- the Newtonville Post Office might be
23 the right place to do those improvements. We're
24 certainly willing to speak to and negotiate with the
25 Town and any departments that have a feeling for

1 what they would like to see. We sort of have fallen
2 on the Newtonville Post Office, the Town has
3 recommended one site to us. We would like to know
4 if there are other sites that the Town feels could
5 warrant the public benefit from us.

6 Regarding a sidewalk: We do not think that
7 significant public benefit can be yielded from that
8 based upon how much of the sidewalk this project can
9 afford to do.

10 There are also problems with the right of way.
11 We would take additional right of way, but have to
12 be required to get the sidewalk for any distance.

13 CHAIRMAN STUTO: Can you describe what was
14 discussed? All the Board Members will want to know. My
15 understanding was connecting Fiddlers Lane to Delatour
16 in some fashion.

17 MR. HERSHBERG: Again, I think essentially that our
18 goal there was to try to connect from the foot of Elks
19 Lane or from our site down Elks Lane along Watervliet
20 Shaker Road to Delatour Road and around the corner.
21 There is an existing sidewalk on Delatour Road. That
22 does present problems. To go entirely from Fiddlers
23 Lane, again, would be a significant cost but we think it
24 would be a difficult project to bring around because
25 there would be additional acquisition of a right of way.

1 Again, we did take a look at it and we do not think that
2 it would be something that Colonie Senior Services can
3 offer as a public benefit for this project.

4 MR. LACIVITA: Peter, one of the things that came
5 to light this morning when I was speaking to the
6 Supervisor was a connection from the existing Senior
7 Center over on Winner's Circle into Aviation Drive. I
8 guess there have been a number of comments from the
9 residents there that there is a gap in sidewalk
10 capability or connectivity from the existing Senior
11 Center into Aviation and out to Wolf Road. I know that
12 the Crisafulli project - the other PDD that we'll be
13 talking about - has that connection of sidewalk. From
14 the Senior Center now to that area may be another public
15 benefit to offer on this project as well. That just
16 came to light this morning in talking to the Supervisor.

17 CHAIRMAN STUTO: It just seems to me that this
18 neighborhood and this area is impacted more. I don't
19 know if it's a legal requirement -- but some nexus
20 between this project and the benefit in its vicinity to
21 make its impact on the vicinity or have connectivity
22 with the neighborhood around it.

23 MR. HERSHBERG: Again, although this Board has
24 heard it and I don't know whether or not you're willing
25 to accept it, the applicant believes that there is a

1 significant public benefit by supplying a needed housing
2 option that the Town does not have which is affordable
3 senior housing. The goal here is to provide that so
4 that although not apparently striking a chord with this
5 Board in acting a public benefit, I just want to keep on
6 pointing out that the goal is to provide affordable
7 senior housing.

8 CHAIRMAN STUTO: I guess the logical issue with
9 that is every project thinks that they have to meet a
10 market need so they can all use that argument.

11 MR. HERSHBERG: The affordable senior housing is
12 something that the profit motive isn't there. This is a
13 non-profit corporation. Their goal here is to meet --
14 which has been repeatedly identified in every study that
15 we've seen from the Town is the lack of affordable
16 senior housing. That having been said, I don't want to
17 belabor the point here.

18 MR. LANE: That being said, what is the cost and is
19 it subsidized by any else? What is the cost for you?

20 MR. HERSHBERG: I'll let Ed talk about it because
21 he's the expert with regard to that.

22 MR. NEARY: In our discussions with the Town
23 administration we talked about the level of affordable
24 housing and also the pricing on the affordable housing.
25 We had proposed this project at a single bedroom unit at

1 \$850.00 per month and a two-bedroom at \$1,100.00 a
2 month. It's not currently available in the market place
3 for seniors at this time. With further conversations
4 and discussions we talked about the amount of increases
5 that we could have on an annual basis and how that would
6 be structured. The administration had requested and we
7 had agreed to a 2% cap on an annual basis to increase
8 those. I do want to point out that our facility at the
9 Delatour Living Center, the residents there enjoy
10 increases of less than 1% that has happened in the past
11 five or six years and that's primarily because we don't
12 have a profit motivation for the housing that we build.
13 It's built to the need in the community.

14 MR. LANE: What is the cost as opposed to the
15 Beltrone Living Center?

16 MR. NEARY: The cost of the Beltrone from a single
17 bedroom can go from \$1,150.00 to some of the suites that
18 are up on the 6th floor could be over \$2,000.00.

19 MR. LANE: That's declared as affordable housing?

20 MR. NEARY: That is considered market rate.

21 MR. LANE: Market rate in my mind is different than
22 affordable.

23 MR. NEARY: Yes, and then there is subsidized
24 housing. We have Sheehy Manor and that's subsidized
25 through Section 8 rent payments. In our world, there

1 are three levels of housing; subsidized housing for low
2 to moderate income, market rate - the Delatour Living
3 Center and then the affordable housing which is the
4 third piece that we're trying to put in the middle.

5 MR. LANE: The price of this sounds like Beltrone.

6 MR. NEARY: No, it's not. It's \$850.00 as compared
7 to \$1,100.00. That's \$300 a month.

8 MR. LANE: But then it will be added at the 2% per
9 year.

10 What is the Beltrone Living Center increase?

11 MR. NEARY: That's 1% a year over the past five or
12 six years. Apartments these days, if you're following
13 those surveys, are going up at 3% to 3.5% a year. We're
14 doing ours at less than 1% and -

15 MR. LANE: Regardless of whether they have a lease
16 - it will go up?

17 MR. NEARY: They have an annual lease and the lease
18 is to be adjusted to market conditions on an annual
19 basis.

20 CHAIRMAN STUTO: Do we want to hear from Joe Grasso
21 who has been reviewing this on our behalf as our Town
22 Designated Engineer?

23 (All Board Members agreed.)

24 MR. GRASSO: In your packets there is a comment
25 letter dated January 20, 2015. It's a long comment

1 letter and I'll just touch on some of the highlights.

2 Under the section on the PDD it is a planned
3 development district, so the Planning Board needs to
4 document required findings and there are a number of
5 bulleted items listed that the Planning Board should
6 consider with their findings. The project appears to
7 have significant merit and could generally be viewed
8 as complying with all of the finding requirements.

9 At this point in time, we do not feel that the
10 applicant has provided sufficient response to the
11 comments provided thus far in order for the Planning
12 Board to complete the written findings. Additional
13 items that we feel are required in order to bring
14 the project into compliance with the requirements
15 are listed below. We have grouped these comments in
16 the typical planning categories for ease of
17 reference and understanding.

18 Under the first section of land use and
19 intensity, towards the later paragraphs, it says
20 that the concept plan should show the location with
21 the length of existing trees and vegetation proposed
22 to be preserved along the northern property
23 boundary. In addition, specific planting and
24 supplemental plantings and/or berming and screening
25 should be specified. The locations of all of the

1 evergreen plantings should be specified and it
2 should be noted that the project visual impacts
3 appear to have been minimized however, the project
4 will be visible from adjacent properties.

5 One of the required PDD findings are provisions
6 to protect open space resources to be sufficiently
7 secured by dedication where appropriate and
8 desirable or legal instruments and/or monitor
9 programs or establishment or use of an existing
10 trust to ensure their long-term protection. To
11 support this finding we recommend that a deed
12 restriction be placed on the environmentally
13 sensitive portions of the site to be preserved.

14 The next section is on public benefits and I'm
15 not going to go through all of this. The applicant
16 has stated that the project's greatest contribution
17 to the community is to provide affordable housing
18 and services to seniors including Town contracted
19 transportation meal and education programs. Other
20 amenities include health and wellness activity
21 centers, a library and meeting rooms.

22 Another project benefit will be improved site
23 distance at the existing intersection of Elks Lane
24 and Watervliet Shaker Road by the proposed removal
25 of trees and vegetation. This work most directly

1 benefits the future residents of the housing
2 development and visitors to the Elks facilities.

3 In addition, the existing water distribution
4 system in the vicinity of the site will be improved
5 by replacing existing water mains along Elks Lane
6 and creating a loop connection to provide
7 redundancy. This work will provide benefit to the
8 Town's water distribution system and would be
9 required of the project to mitigate some direct
10 impacts on the system.

11 At our request the applicant investigated the
12 possibility of extending sidewalks along Watervliet
13 Shaker Road which would extend from the existing
14 sidewalks along Delatour Road and travel along the
15 south side of Watervliet Shaker Road and terminate on
16 Fiddlers Lane. The intent would be to build a
17 stronger pedestrian connection from the Route 2 area
18 all the way to the Route 9 corridor by way of
19 sidewalks and travel and low volume residential
20 streets. This would benefit not only residents of
21 the proposed senior housing development, but also
22 the residents in the vicinity of the project site.
23 The applicant has indicated that the existing DOT
24 right of way was deemed to be insufficient along
25 with other lane acquisition and constructability

1 issues.

2 Finally, according to the narrative
3 description, the applicant is prepared to contribute
4 toward improvement projects at the Newtonville Post
5 Office, the Colonie Mohawk River Park, the North
6 Colonie Sports Complex or another site selected by
7 Town officials. The Planning Board should review
8 and comment on what it believes to be the
9 appropriate public benefits in relation to the
10 project, or discuss additional alternatives that
11 should be considered. Once the applicant and the
12 Town reach consensus, then the specific proposals
13 for public benefit should be documented and made a
14 condition of establishment of the SEQRA findings and
15 the PDD findings.

16 The next section is on the subdivision and the
17 open development area application. In summary to
18 that, access to the site will be provided via a
19 common access easement from their termination of the
20 public road, Elks Lane. An emergency access road is
21 proposed to provide a second means of access to
22 Watervliet Shaker Road, a state highway. It appears
23 that an extension of the Town roadway known as Elks
24 Lane provides no benefit to either the Town or the
25 applicant. As such, we support the proposed ODA

1 application.

2 Under layout and architecture, in summary, the
3 potential impacts associated with the proposed
4 emergency access drive to Watervliet Shaker Road
5 should be investigated further. A schematic design
6 based upon early images should be advanced using an
7 accurate survey base map and show the conceptual
8 driveway layout limits of clearing, grading,
9 drainage, stormwater management and method of
10 screening and buffering from the adjacent
11 residential properties.

12 CHAIRMAN STUTO: What are you saying in laymen's
13 terms?

14 MR. GRASSO: We have identified it from the initial
15 sketch plan if an emergency access connection is going
16 to be built down a hill behind the adjacent residences
17 on Abedar Lane, based on our knowledge of topography,
18 there is going to be extensive grading and clearing
19 required. So, we would like more detail so that we can
20 get a handle as to if this access location is even
21 viable and what type of mitigation they need to build
22 into the project or other mitigation for impacts on the
23 neighbors. That could, in effect, open up greater views
24 to the project site.

25 CHAIRMAN STUTO: Have you thought about that, Dan?

1 MR. HERSHBERG: Yes. As a matter of fact although
2 it appears that there is a grade difference, there is
3 not a huge grade difference between the end of that
4 parking lot and Watervliet Shaker Road. The grade is
5 fairly gentle at that point although when you look at
6 the bank on Watervliet Shaker Road it looks like it's
7 significant. Actually, the grade is not a concern.
8 There are concerns about the clearing and we understand
9 the need to do more survey and apply existing trees.
10 We're prepared to demonstrate all of that. The same
11 thing with the stormwater management.

12 MR. GRASSO: So, under the next section is on
13 infrastructure. That's number 8. It talks about the
14 parking and the parking that is proposed and we feel
15 that is appropriate amount of parking. So, as such we
16 support the required parking waiver and believe that the
17 parking proposal to be justified and reasonable.

18 Number 9 goes into a lot of technical detail
19 regarding the traffic generation from the site and
20 feel that it's consistent with the amount of traffic
21 that would be generated from the site. It was
22 developed in accordance with the existing zoning and
23 they had proposed some mitigation associated with
24 the traffic impacts including clearing and clearing
25 within the right of way of Watervliet Shaker Road.

1 The next section is on the concept submission
2 and there is a lot of miscellaneous information that
3 we think should be added as part of the application
4 to clarify exactly what is proposed so we have a
5 good foundation if the project advances into final
6 site plan. So, I'm not going to go through all of
7 those.

8 Obviously, a SEQRA determination is going to
9 need to be made before approval of the ODA by the
10 Town Board before approval of the PDD by the Town
11 Board and then before approval of the site plan by
12 the Planning Board. At this time, we expect that
13 the Planning Board is going to be lead agent and the
14 Town has initiated coordinated review with the
15 Planning Board being the lead agent. But we have
16 identified a number of things that should be
17 addressed so that we initiate preparation of a draft
18 SEQRA determination for the Planning Board to
19 consider before it passes this back to the Town
20 Board. So, one of the big questions tonight is are
21 they in agreement with the recommendations that are
22 included in our letter - is there anything that they
23 do not plan on doing before the Planning Board is
24 expected to take action so that we can advise the
25 Planning Board accordingly.

1 CHAIRMAN STUTO: We'll let the applicant respond to
2 that.

3 MR. HERSHBERG: We have virtually no concerns
4 regarding Joe Grasso's letter. We have read it over. A
5 lot of that was background information and actually
6 supportive of a lot of the issues that we raised herein.

7 From a technical standpoint we do have some
8 questions regarding the need for jurisdictional
9 letters. We have a meeting set up tomorrow to meet
10 with Joe Grasso and Peter Lilholt who also has
11 reviewed the project at their office to have an
12 opportunity to let them know how we intend to answer
13 these questions. Although it seems like a long
14 letter, the real technical concerns are very minimal
15 regarding those issues that we have not yet
16 addressed. We do have delineations and we do have a
17 whole bunch of those issues. We just have not
18 submitted them at this point.

19 CHAIRMAN STUTO: Okay, we're only here for sketch
20 plan and we're not taking a vote. We normally don't
21 take public comment. There might be some neighbors from
22 Abedar or around - we're going to bring this back before
23 we take a vote. We will take public comment at that
24 time. If you have any questions or you need to get any
25 of the documentation, you can contact Joe's office and

1 you can even maybe catch him now -- I don't mean to put
2 that on you, Joe, because we have a lot to do. We want
3 the public input going forward and we remember your
4 comments from last time as well.

5 Are there any other comments or questions from
6 the Board?

7 (There was no response.)

8 Joe, you've asked us to keep this stuff, right?

9 MR. LACIVITA: Yes, please.

10

11 (Whereas the above entitled proceeding was
12 concluded at 7:37 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 February 23, 2015

