

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 FOEGLI FARMS PDD
499 - 507 ALBANY SHAKER ROAD
5 PLANNING BOARD UPDATE

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7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on March 24, 2015 at 7:28 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 LOU MION
13 SUSAN MILSTEIN
14 TIMOTHY LANE
15 CRAIG SHAMLIAN
16 BRIAN AUSTIN

17 ALSO PRESENT:

18 Kathleen Marinelli, Esq, Counsel to the Planning Board

19 Joseph LaCivita, Director, Planning and Economic
20 Development

21 Michael Tengeler, Planning and Economic Development

22 Chuck Voss, PE, Barton and Loguidice

23 Daniel Hershberg, PE, Hershberg and Hershberg

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1 CHAIRMAN STUTO: We'll let the next applicant set
2 up. This is Foegtli Farms PDD, 499 - 507 Albany Shaker
3 Road. This is a Board update. This is an 80 townhouse
4 cluster unit development.

5 MR. LACIVITA: You may remember this one. It's
6 been before us once before for a sketch plan. At that
7 time we thought that these were going to be condos.
8 When they originally came in, they talked about
9 condo/townhouse. We are now looking at it as townhouses.
10 It's before us tonight to look at a rezoning under
11 Resolution 248 of 2014.

12 Tonight we're here to talk about the public
13 amenity for the PDD Resolution and I'll turn it over
14 to Mr. Hershberg to advance it forward.

15 MR. HERSHBERG: Thank you. I'm Daniel Hershberg
16 from the firm of Hershberg and Hershberg. With me today
17 is Peter Ziamandanis whose name I spelled and gave to
18 your stenographer.

19 The site hasn't changed very much since we have
20 first presented this project at Sketch Plan. We
21 have shown significant details on a set that we have
22 submitted for review at a further meeting for
23 concept review. We have submitted a full package of
24 details and a revised narrative report which
25 included a traffic study and archeological study.

1 So, we think that we have come a long way since we
2 were here from Sketch Plan Review.

3 One issue that we would like to get some
4 feedback from this Board is with regard to the
5 public amenities benefit. We have asked for some
6 guidance and one place that we think that we could
7 add a nice public amenity is this area right here
8 (Indicating) where we are going to use community
9 gardens for our residents here. We think that there
10 is a need for public community gardens available to
11 others and we would set aside up to 20 community
12 garden spaces for use of the public in addition to
13 those for residents on site. That was only a
14 portion of the package. In our narrative report we
15 said essentially that we thought that another nice
16 public amenity is to provide for a handicapped
17 accessible parking lot at the Town Park.

18 Another issue that came up is to improve the
19 ingress and egress to the park and put a turn lane
20 in. That's proximate to their site on Albany Shaker
21 Road and again, the applicant is willing to consider
22 either one of those or any other public improvements
23 which the Board and the Town might like us to
24 consider. So, our goal here would be to try to get
25 some feeling for this Board about which way they

1 would like us to go so that we can try to pin down
2 the public benefit package that we're talking about.

3 That's pretty much our application. We have
4 just generically talked about the type of work that
5 could be done at the park such as the handicap
6 accessible playground and what we are talking about
7 is a turning lane.

8 When there are major events going on at the
9 Crossings there is back-up traffic on Albany Shaker
10 Road. People are backing up to turn left and we
11 think that a left hand turn lane would be a nice
12 amenity there. It was brought to our attention that
13 there are other projects coming along which might be
14 willing to share that cost that the applicant is
15 talking about. The benefit would range in the area
16 of \$100,000.00. That's what he thought the package
17 that we had laid out previously would cost and
18 again, if that would be better spent towards that
19 intersection improvement towards a turn lane on
20 Albany Shaker Road, the applicant is certainly
21 willing to switch ears at this point.

22 That's pretty much our presentation.

23 MR. LACIVITA: That's one of the things that we
24 have to here tonight Peter. We've had many
25 conversations with the applicant and his engineer. We

1 really have to nail down for the next time that this
2 comes before us because we have to do a findings and the
3 recommendation to the Town Board. So, the public
4 benefit is still kind of on the fence and we'd really
5 like to nail that down with the Planning Board so that
6 we can make recommendation.

7 CHAIRMAN STUTO: I'm personally not at that point,
8 myself. I'll just put my cards on the table. I think
9 that it's too dense - to double the density. There is a
10 reason in the Town Law that they set the minimum lot
11 size at 18,000 square feet - almost half an acre. By
12 granting the PDD, you double that and half the size of
13 the lot, essentially.

14 I think that these are the Planning and
15 Economic Development Department comments from June
16 11th.

17 "The existing 20.3 acre site is currently zoned
18 single family residential and would require a zoning
19 change to a PDD to obtain the increase in density.
20 The density of four units per acre is very high for
21 the site and far exceeds the current two units per
22 acre."

23 Then they go on and site a need for traffic
24 analysis that would need to be performed due to the
25 increased density and site layout. Access to the

1 site should be coordinated with Albany County DPW.

2 South Colonie has requested intersection
3 improvements at Albany Shaker and Shaker El. A
4 traffic analysis to determine whether a roundabout
5 at this intersection might be warranted must be
6 prepared for review by the Town and Albany County
7 DPW.

8 Then they also suggest a right-in and right-out
9 to be considered.

10 MR. HERSHBERG: The traffic study was done and is
11 attached to our latest submission. I don't know if it
12 was circulated with you folks yet, but we have submitted
13 that to the Town. We do have a full traffic report that
14 finds essentially that we don't meet any of the warrants
15 for either a traffic signal and we're far from meeting
16 the warrants for that issue. Albany County Department
17 of Public Works expressed the opinion at the DCC meeting
18 that they did not see the need for a traffic signal or a
19 roundabout at that intersection.

20 We did talk about a right-in and right-out at
21 this intersection as a secondary intersection, but
22 at this intersection we feel that a full service
23 intersection is maintainable. The traffic study
24 identifies that. I don't think that there are any
25 issues unresolved in the traffic study. The density

1 issue is something that I know that your opinion has
2 been consistent. You expressed that at the very
3 first Sketch Plan meeting. I point out that the
4 Barbera project has density that is twice this
5 amount and your considering PDDs for -

6 CHAIRMAN STUTO: Which project is that? I'm not
7 sure what you are talking about.

8 MR. LACIVITA: Parkside at the Crossings.

9 CHAIRMAN STUTO: That's an entirely different
10 context.

11 MR. HERSHBERG: I know that, but it's a PDD.

12 CHAIRMAN STUTO: You can put a skyscraper there and
13 say that a PDD allows it.

14 MR. HERSHBERG: But when you're talking about a
15 PDD, the idea is to allow increased density. You're
16 considering an area for apartments which is going to be
17 24 to 30 units per acre. Again, I'm not saying
18 essentially that there is an increase in density, but we
19 think that the density is reasonable given what we are
20 talking about doing here.

21 CHAIRMAN STUTO: The other thing is that we haven't
22 opened this up to the neighbors yet or have them
23 notified I don't think.

24 MR. HERSHBERG: Yes, we have had public meetings
25 with the neighbors.

1 CHAIRMAN STUTO: And I'm happy to hear what you
2 have to say about that, but I'm not ready to give an
3 opinion yet. The other Board Members may feel
4 differently.

5 MR. HERSHBERG: I thought that the goal here was
6 not to discuss the merits of the project. We still have
7 to go through a concept review. Our goal here was to
8 try to find out whether or not there is any feeling for
9 regards to the type of public benefit that we would
10 throw into the package. If in fact this Board chooses
11 not to give us any guidance with that issue, we'll
12 consider the opportunity to make that presentation when
13 we go through the concept approval.

14 CHAIRMAN STUTO: I'm not hostile to talking about
15 the public improvement.

16 Does anybody have a comment on that?

17 MR. AUSTIN: I think that the public benefit would
18 be to have less townhouses. As a former colleague of
19 mine on the Zoning Board used to say, you're putting 10
20 pounds in a five pound bag. It's a lot of stuff. It's
21 very, very dense.

22 Also, have you looked at the potential for the
23 impact on schools?

24 MR. LANE: That's my question because you stated in
25 your narrative that you would generate 24 school-aged

1 children and that would not have a negative impact. You
2 didn't provide in the calculations. So, what I would
3 like to see is based on the expected value of the homes,
4 the property assessments, how much that would generate
5 per home and then against the cost per student which is
6 about \$18,000.00. That, to my knowledge, is what it
7 costs per student to have someone in the school
8 district. When you come back I would like to see those
9 calculations.

10 MR. HERSHBERG: Have you taken a look at the latest
11 narrative report on page 16 where it talks about impacts
12 on schools? I cited the sources as the Capital District
13 Regional Planning Commission and the numbers. I think
14 that we have those numbers where they belong and the
15 other issue that we point out here is -

16 MR. LANE: Not in this one.

17 MR. HERSHBERG: I don't think that this entire
18 packet has been distributed to you.

19 MR. LANE: This does not give the calculations on
20 what I'm asking you. You're saying this is how many
21 school-aged children that it's going to generate, but
22 what is the cost per student against what value is going
23 to be generated in taxes to the school district? I
24 don't see that. That's a broad statement that we have
25 less students now than we used to and there is not going

1 to be a negative impact. That's not my question.

2 MR. HERSHBERG: Again, we can certainly do that
3 calculation. It's on 80 units worth of housing. We
4 know what the assessed valuation would be. We can do
5 the school tax.

6 MR. LANE: That's exactly what I'm talking about.

7 MR. HERSHBERG: We can do that.

8 The other issue that I'd like to raise is
9 essentially the density is a subject of greenspace
10 versus buildings versus type of dwellings, etcetera.
11 We believe that this does a good job of balancing
12 increase density which is required -- the whole goal
13 of the PDD legislation is so people can do things
14 that are not covered in the original computation in
15 the underlying zoning district. Again, I know that
16 this battle will be fought at a later date, but
17 again -- I thought that the reason that we are here
18 today --

19 CHAIRMAN STUTO: If you want to talk about what the
20 public accommodation should be, I would decrease the
21 number of houses, add more greenspace and have some
22 shared pedestrian connection with the community. That's
23 my feeling about it. Improving the Crossings is not a
24 bad idea. I know that they do have traffic issues there
25 at the front gate. I thought that we had expressed that

1 before. We wanted more greenspace and maybe a public
2 park.

3 Everyone else is free to speak for themselves.

4 Craig, do you have an opinion?

5 MR. SHAMLIAN: Yes. I'm probably more in favor of
6 the turning lane at the Crossings. I think that has the
7 widest public benefit. I also have some concerns about
8 the level of density; maybe not as much as some of the
9 other members on the Board, but it is pretty dense.

10 MR. MION: I would have to agree with Craig on
11 that. I think that a turn lane at the Crossings would
12 be ideal. Again, the density is the issue.

13 MR. HERSHBERG: Well, I guess that we'll come back
14 at the concept hearing and talk about the density issue.
15 I think that we got the feeling that from most of the
16 Board Members is that the preferred public benefit to
17 offer if we don't because of the density and increase
18 the greenspace would be to provide funding for the
19 turning lane into the Crossings from Albany Shaker Road.

20 CHAIRMAN STUTO: I don't know if my interpretation
21 is the same.

22 MR. HERSHBERG: Again, I heard at least three
23 members say that's what they prefer. Our goal here was
24 to get that flushed out and I think that we've
25 accomplished that. I guess we accomplished more than

1 that. We got a heads up from some Board Members
2 concerning density although we think essentially that
3 this is a reasonable density for the site and the only
4 density that really makes sense.

5 CHAIRMAN STUTO: Anything else?

6 MR. LACIVITA: If you want to see a potential
7 scenario of a build out for this site of a single family
8 -- did we show that already at the sketch plan?

9 MR. HERSHBERG: We showed that at the sketch plan.

10 MR. LACIVITA: Do you want to review that the next
11 time that it comes around so that we can see that again?

12 MR. HERSHBERG: You may also recall that the first
13 time around we took a look at single family residential
14 impacts. The impacts for single family residential were
15 higher than what they were for the town homes.

16 MR. LACIVITA: Is this going to have an age
17 restriction on it?

18 MR. HERSHBERG: Our market target is 50 or 55 but
19 again, we don't want to age restrict it because the
20 market situation would simply not allow it to be
21 marketed if -

22 MR. LACIVITA: Can you show us those statistics
23 when you come back as to single family and what the
24 potential impacts would be versus -

25 MR. HERSHBERG: I think that we sort of had that at

1 our public meeting with the neighbors. We can certainly
2 do it again.

3 MR. LACIVITA: I think that it's time to refresh it
4 and get it moving.

5 CHAIRMAN STUTO: Dan, just for the record, I'm not
6 sure that we characterized our feelings of a public
7 benefit versus the density, but I think that I've heard
8 from all the Board Members that are here that they think
9 that it's too dense. I just want to make that clear on
10 the record. And make sure that it's clear between us
11 and you and the applicant.

12 MR. HERSHBERG: I've been listening too and I
13 believe that's what I heard the same thing, on different
14 levels of concern.

15 CHAIRMAN STUTO: Okay, thank you.

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19 (Whereas the above referenced proceeding was
20 concluded at 7:42 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 April 20, 2015

