

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 FOEGLI FARMS PDD
499-507 ALBANY SHAKER ROAD
APPLICATION FOR REVIEW AND ACTION ON CONCEPT
5 SUBMISSION AND RECOMMENDATION TO THE TOWN BOARD
ON THE PROPOSED PDD REZONING

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7 THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY STRANG-VANDEBOGART, a Shorthand
8 Reporter, commencing on April 28, 2015 at 7:54 p.m.
at The Public Operations Center, 347 Old Niskayuna
9 Road, Latham, New York

10

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

15 ALSO PRESENT:

16 Kathleen Marinelli, Esq. Counsel to the Planning Board

17 Joseph LaCivita, Director, Planning and Economic
Development

18

19 Daniel Hershberg, PE, Hershberg and Hershberg

20 Brad Grant, PE, Barton and Loguidice

21 Tom Johnson, PE, Tom Johnson Engineering

22 Dominick Ranieri, PC

23 Jeff Emptage
Brian Manion
24 Joe O'Brien, Albany County Legislator
Mike White
25 Jay Smith
Charles Beach

1 Paul Merges
Patrick Quinn
2 Howard Taylor
Debra Sterna
3 Joseph Raviere
Jim Kitts
4 Matt Werken
Bill Jeffarian
5 Patrick Palmer
Marlene Papa
6 Jerry Paris
Sharon Smith
7 Sam Candib

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1 CHAIRMAN STUTO: I'll call up the next item on the
2 agenda.

3 If people want to comment on it, there is a
4 sign-in sheet right on the table.

5 Next on the agenda is Foegtli Farms. This is a
6 planned district development; 499 to 507 Albany
7 Shaker Road. This is an application for review and
8 action on concept submission and recommendation to
9 the Town Board on the proposed PDD and rezone. This
10 is for 80-townhouse cluster unit development.

11 Joe LaCivita, can you give us an introduction
12 on this?

13 MR. LACIVITA: Sure We actually had four projects
14 on this evening and not one of you raised your hands for
15 one of those projects. So, I'll assume that you are all
16 here for this one.

17 The request tonight is actually for a rezoning.
18 The parcel currently is a single family zone. It's
19 going to be requesting a PDD, which is a planned
20 development district which allows for greater
21 density and allows for a little bit of difference in
22 design. You all were noticed this evening for this
23 project.

24 Mr. Peter Ziamerdanis is here along with his
25 engineer, Dan Hershberg.

1 The project was before the DCC on June 11, 2014
2 and has had both meetings with Town departments and
3 this Board to go through the design processes of
4 this 203 acre parcel.

5 I'd like to turn it over to Dan so that he can
6 tell us where we are today, the traffic and other
7 concerns.

8 MR. HERSHBERG: Thank you, Joe. I'm Dan Hershberg
9 from Hershberg and Hershberg. I'm the civil engineer
10 for the project. I would like Peter Ziamandanis to do a
11 brief introduction.

12 Peter?

13 MR. ZIAMANDANIS: Good evening, everyone. My name
14 is Peter Ziamandanis and I own Palatial Building and
15 Development. I am the developer for this particular
16 project.

17 I just wanted to do a quick two-minute thing on
18 what my intensions are and what they have always
19 been for this property. I have lived around the
20 corner on Maria Drive for the past 24 years. My
21 kids were raised in the Colonie School System and I
22 have had my eye on that property for at least 15 or
23 20 years. My intentions were always to purchase the
24 property and build a development on it; not your
25 cookie-cutter everything with the same type of thing

1 but an elegant townhome project that is affordable
2 to just about everyone. There is going to be a lot
3 of standard amenities in it; granite countertops and
4 lots of other things like hardwood flooring and
5 upgraded carpets. Those are all going to be
6 standard. There will be Y casing around doors and
7 windows. The other thing that was most important to
8 me was the way that they would look. As I said
9 about the cookie cutter, I didn't want it to all
10 look the same. I passed out some packets to the
11 Board Members and we're going to try to lower the
12 screen and show you exactly what we are trying to
13 do. If that doesn't work, I have some other packets
14 over there that you guys can look at after the fact.

15 I didn't want these units to look all the same.
16 As they are combined, I wanted them to look like
17 individual homes going down the street.

18 Let's say that this gets approved and I do a
19 three-plex which is three units put together.
20 They'll have stone out front, some siding, shutters
21 and different colors. Even if it's across the
22 street, adjacent or kitty corner - they will not be
23 allowed to have that same kind of look. They will
24 all be different so that when you drive up and down
25 the streets, they're going to look completely

1 different and they'll look like individual homes
2 that fit with the Loudonville name in the Town of
3 Colonie.

4 Some of the questions that were brought to me
5 about the density -- I just wanted to say one thing
6 about that. I am at 66% greenspace; two-thirds of
7 the property is going to remain green. I'm
8 sensitive to that because I didn't want to come in
9 and just level everything and put up these homes or
10 townhomes or whatever. I wanted it to be conducive
11 to the adjacent neighbors that are on Danielwood and
12 coming around in James. I understand your feelings
13 about something that you're used to seeing - all the
14 beautiful trees and everything. Now there is going
15 to be development. Like I said, I wouldn't want
16 that to happen to me. As you can see, there is
17 going to be greenspace. The mature trees are a
18 barrier that I'm going to leave there will be a
19 minimum of 30 feet deep and sometimes even larger.
20 You'll still be able to look out your backyards and
21 see squirrels and birds and this and that and
22 whatever. You won't be able to see the backyards or
23 the townhomes. I'm going to leave that there.

24 Most of these units are duplexes. The reason
25 that three-quarters of them are duplexes is that

1 when my parents who both passed away recently, they
2 were in the center unit of a three-plex. Every time
3 they needed something around back done, whoever they
4 hired had to walk around the side and intrude on
5 other people's property and my parents didn't like
6 the intrusion for their neighbors and the neighbors
7 didn't like it. That's why I could get a lot more
8 units on this property but again, I'm trying to keep
9 everybody happy; the existing neighbors and the new
10 people that will buy. If somebody needs something,
11 they'll walk around their own property. The
12 contractors and workers will walk around their own
13 property without intruding on other people's
14 property.

15 The other thing too - the gentleman who is
16 selling this property, Victor Foegtli, passed away
17 in October of 2009. He was a wonderful man and I
18 got to know him really well. I asked him early on
19 if I could buy the land from him at some point and
20 he said never, not while I'm alive. I was born here
21 in that rickety white house - his mother bore him in
22 that house. I researched the deed and that family
23 has had that property since 1864 and it's been a
24 horse farm. I want to keep that equestrian feel and
25 theme. So, the streets are named after Saratoga

1 races, Travers Way, Saratoga Boulevard and Derby
2 Court. The models are named after horse breeds.
3 It's going to keep an equestrian theme that will
4 keep to the actual neighborhood that it has been the
5 whole time.

6 As far as the details of density and traffic
7 and this and that - I'll leave that to Mr. Hershberg
8 and also my architect here, Dominick Ranieri, who
9 will address all those other questions and discuss
10 that for you.

11 MR. HERSHBERG: Thank you, Peter.

12 First of all I want to apologize to the Board.
13 I'm the guilty party as to why all these people are
14 out. We only had to inform people within 200 feet
15 of the site, which 57 homes would have gotten the
16 mailing. I determined, based upon a response when
17 we had the public meeting previously, people
18 complained that they were impacted and were not
19 noticed. I went out to 750 feet from the site and
20 consequently the list grew from 57 to 309 notices.
21 I'm the guilty party why the big crowd came out, but
22 I think that it's better to be more inclusive than
23 less inclusive and that's the goal here.

24 I would just like to take up some issues that
25 were raised during previous meetings and take the

1 opportunity to address those. We'll get to the
2 major issues which are pretty much our traffic and
3 density that are two issues that we've heard
4 repeatedly on the site. There are a couple of other
5 issues that were raised.

6 At the last meeting Planning Board Member Lane
7 mentioned the problem of school taxes and again, I
8 did a study and I don't know whether the Board
9 Members have a copy of my study. If you haven't I
10 have additional copies. I don't know if you got a
11 copy of the letter and the study that I sent out.
12 Let me just pass it out.

13 Let me first talk briefly about the
14 demographics of a site like this. When you take a
15 look at a site like this which is a townhome
16 development without age restriction, it's clear that
17 there are different types of impacts based upon the
18 age distribution of the people that occupy the
19 units. It turns out that the applicant has received
20 18 inquiries from people who want to be on the list
21 to purchase units and it turns out that 17 of the 18
22 are 55 or older. That goes pretty much with the
23 demographic that we are targeting. Although we said
24 that our goal would be primarily 55 and older, we
25 also did not want to age restrict it to that because

1 we think that a good mix of the community would also
2 allow some newly married couples and people that are
3 looking for townhomes. It's certainly upscale, but
4 affordable. When you see some of these units, I
5 think that you'll see how nice they are and how rich
6 they look. The target range for these is somewhere
7 between \$375,000.00 and \$395,000.00 which may not
8 sound like affordable housing, but it's certainly
9 more affordable when in a number of units we see a
10 better than \$500,000.00 plus range for units that
11 have the amenities that these units will have.

12 I'm going to hand out the information with the
13 South Colonie School information on it.

14 The reason that I mentioned the demographics is
15 that we are finding there may be a number of
16 students that will be generated. Obviously, with a
17 population of 55 and older, that would generate
18 some. In order to be as conservative as possible, I
19 assumed that to be the standard townhouse
20 development would have a whole age range of
21 residents and occupants. It turns out that based
22 upon a projection, it would be about 27 additional
23 school-aged children from a development like that.
24 I did the math and essentially I show a positive
25 benefit to the school district to be \$110,000.00 to

1 \$345,000.00 depending on which costs you have in it.
2 I shared this with the assistant superintendent for
3 management services and strategic planning at the
4 South Colonie School District. I have not gotten a
5 response from her yet, but I would assume that if in
6 fact the Board or staff were to request a response
7 -- I did mail this to her on March 26, and I did
8 follow it up in April with requests for a comment,
9 but we have not gotten any comments back. I do
10 believe that the math pretty much speaks for itself.
11 I went back and took their latest budget and used
12 all those figures.

13 The other letter that I did pass out talks
14 about the Code Section 190-65 and 190-66 which talks
15 of the need for passing a test for when a PDD is
16 appropriate. I made comments in that letter. I am
17 prepared to answer any questions that the Board may
18 have based upon whether or not they understood or
19 agreed with the comments. I can certainly do that
20 after I complete my presentation - maybe after
21 Dominick has a chance to show the elevation views.

22 One other issue did come up and it had to do
23 with maintenance responsibility if in fact -- this
24 plan has a few features to it. First, the roadway
25 is entirely going to be privately owned and

1 maintained. There is going to be a public sewer and
2 water main in it. The homeowner's association will
3 be responsible to maintain this roadway. Based upon
4 the soils, we do intend to use porous pavement for
5 all the roadways and all the driveways on the site.
6 There were some questions raised as to what is the
7 proximity is to the buildings, but we think that all
8 of this can be resolved.

9 The question was raised what happens if they
10 come and repair a watermain right in the middle of
11 your porous pavement? I took that up with the
12 attorney for the homeowner's association and I asked
13 him to make an amendment to the maintenance and
14 replacement and repair section and I'll pass that
15 out too.

16 I'll go through a little bit of the background
17 for the site and what it shows here. There are
18 additional people here that were not here at
19 previous presentations.

20 The development proposed is two entrances; one
21 opposite Shaker El and one opposite Miracle Lane.
22 There are some features on the site that we did not
23 intent to disturb. There are two isolated wetlands.

24 Those who know about the Army Corp of Engineers
25 know that the isolated wetlands are not the wetlands

1 that have any protection under the Clean Water Act.
2 It was determined about 10 or 12 years ago that they
3 don't have any of that protection and therefore if a
4 developer wants to develop and fill it in, there is
5 no reason why you can't do that. We determined that
6 it was a nice enough feature - the wetland back here
7 and the pond area (Indicating).

8 We did hear from some neighbors that are
9 concerned about some of the dead trees back there.
10 We certainly could do some selective clearing.
11 There were a couple of homes in here that complained
12 that there are dead trees on the site caused by a
13 high groundwater table and have caused some concern
14 and we propose to clean those out. This wetland is
15 actually a protected wetland because it's connected
16 to a drainage system. That having been said, we do
17 not intent to disturb any protected wetland at all
18 at the site. So, that all of the wetlands are
19 maintained. As Peter was saying, we are clearing
20 this line here which would leave a substantial
21 buffer of trees. Most of the people familiar with
22 the site know that the center portion is primarily a
23 pasture area and then you come to the bottom of the
24 slope which is a point about here (Indicating) and
25 then it goes up. We do have to clear some trees in

1 here, but we do intend to leave a substantial buffer
2 around the site. The proposal also calls for a
3 central area in here (Indicating). We're not so
4 sure whether or not it's going to be a picnic area
5 or something a little more formal. We do believe
6 that it will be a gathering space for the people in
7 the townhomes. We also want it to be a community
8 gardens.

9 We have contacted the corporation that
10 maintains the community gardens. We asked them if
11 they have an interest to have a certain portion of
12 these open to the public. People can come over here
13 and use this as a community garden. It will also be
14 for the use of the residents on-site. We have
15 provided some spaces where we have off-street
16 parking for people who have parties, etcetera
17 because this road, when we try to keep the roadway
18 as narrow as possible, consistent with New York
19 State DEC's request under SPDES Permit GP015-002 is
20 that we reduce impervious pavement to the maximum
21 extent possible so consequently we went with the 26
22 foot wide roadway. That's too narrow for a standard
23 Town roadway, but it's perfectly suitable for a
24 private roadway.

25 Consequently, we anticipate when we get through

1 with the project, we believe that fire and emergency
2 services are going to want one side of this roadway
3 placarded 'fire lane no parking' and that will solve
4 the question of making access possible. It also
5 reduces the amount of pavement.

6 As Don Ranieri will present later, we do have a
7 variety of different entrance capabilities in and
8 out of the site. Some are where the garages are all
9 accessed from the rear, some from the side. We
10 tried not to have a whole bunch of garage doors
11 visible from the roadway, etcetera.

12 There was an issue raised by Tom Johnson's
13 review. We did have a very large intersection here
14 (Indicating). We have since modified it to the
15 standard intersection. What that does is that it
16 means that these driveways that used to come out
17 into the center section are now at a more normal
18 point.

19 Let me talk about two issues which were
20 probably the major issues and if the Board has any
21 others, I can certainly raise them. One is density.
22 The site density here - this is 20.3 acres. It's
23 3.95 units per acre. What can you fit in a single
24 family residence? We actually did a plan that we
25 submitted for review by the Town and they concurred

1 that if in fact we wanted to break it up in entirely
2 conforming lots where we would put lots all the way
3 across here and back up here (Indicating) and all
4 standard lots, we could fit in 38 single family
5 residential units. So, as a base point what we are
6 talking about being is able to raise it from 38 to
7 80. It sounds like a big difference, but I might
8 point out that Parkside at the Crossings has 5.07
9 units per ace.

10 There is a project that was approved a number
11 of years ago and hasn't built yet on 1 Alice Drive
12 which has 7.10 units per acre. This Board agreed to
13 build in a different zone on 38 and 42 Aviation Road
14 and approved a project that had about 19.19 units
15 per acre. The Northern Pass has about 3.50 units
16 per acre, but it also has some commercial site on
17 it. We are not really out of line with other
18 densities that has been raised by the Town.

19 Now, I'd like to take up the issue which brings
20 a lot of people out and that's traffic. We did a
21 traffic study. First of all let me say that the
22 traffic generation figures on this are somewhat up
23 in the air. I say that because by using the
24 standard definition for townhouse development, it
25 has a range of values. If we had age restricted it

1 then we can consider it senior housing and the
2 traffic generation would be significantly less. So,
3 we had made an original estimate of the traffic
4 generation that said essentially that if it was more
5 senior oriented, the traffic generated here would be
6 no different than from a single family residential
7 housing development. That having been said, we
8 submitted the plan. Tom Johnson from Barton and
9 Loguidice is here tonight as is Brad Grant, the Town
10 Designated Engineers so they can speak to their
11 review. They said that it's not proper for me to
12 take it upon myself to assume that that most of the
13 business here will be senior here even though the
14 marketing shows that is going to be the case. So,
15 we went back and we did it as per a fully accessible
16 site for people that wanted to buy a town house of
17 the full range of ages. Based upon that figure, the
18 key figures are at p.m. times. The p.m. time turned
19 out to be a key time for maximum delays at
20 intersections. If this was a single family
21 residential home coming out onto Shaker Road from
22 the site for our 38 units, the total traffic
23 movement would be 39; some in and some out. Based
24 upon the 80 units designed entirely as fully
25 available for everybody at every age, there are 50

1 traffic movements. That may sound like a
2 significant difference, but I will point out that
3 Tom Johnson says in his letter that the key movement
4 that gave us some problem would be those turns on
5 Shaker El onto Albany Shaker Road and those would be
6 impacted because what we are doing here is we have a
7 three-legged intersection. We're adding a fourth
8 leg. By their nature, adding a fourth leg would
9 cause the denegation of a service level of some
10 seconds for delay. I want to point out that when
11 you're talking about average delay at an
12 intersection -- I say average because it's different
13 every time. The average light of an intersection at
14 a peak hour has ranges that go from A to F and an F
15 at an unsignalized intersection means an average
16 delay of 50 seconds or more. Most of these traffic
17 movements do not reach the F level. The key one
18 that reaches the F level are people leaving the
19 development. The people that would be most impacted
20 by traffic are the people leaving this development.
21 The intersections for their sort of improvement will
22 operate at the F level. We asked for all the
23 accident figures for the last few years from Albany
24 County Department of Public Works that maintains
25 those figures.

1 We also took a look at all the items that would
2 normally warrant a traffic signal. The question was
3 raised, why won't we put a traffic signal at Shaker
4 El?

5 We did what is called the warrant analysis.
6 There are nine different warrant analysis and the
7 documents that people use for that sort of
8 definition. Each one of those warrant analysis did
9 not meet the test for a traffic light. Albany
10 County said essentially that they did not think that
11 we met the definition. As a matter of fact Jim
12 Urkle from Albany Count Department of Public Works
13 indicated that normally a traffic study for a
14 development of this size would not even be required.
15 The peak volume of movements in and out of the site
16 during the peak hours -- the 50 that I mentioned
17 during the p.m. hour -- normally the test is New
18 York State DOT doesn't even require that you do an
19 analysis unless you reach 100 vehicle movements
20 starting in the peak hour. So, we thought that we
21 were in pretty good shape.

22 Let me just point out the fact that we did the
23 study, we upped it so that we considered this as a
24 fully accessible site for people of every age. We
25 took it out as not being impacted at all by the age

1 of the people that appear to be applying to live
2 here and we did the analysis. I think that review
3 shows that there will be a degradation of turn
4 levels at both of these intersections, but the
5 principal ones that are most affected are for
6 leaving the site.

7 I'm prepared to answer any questions that this
8 Board may have and then move on.

9 There is one other issue that maybe I'll have
10 Dom show you the views of the building first. I
11 think that impacts some of the comments that I made
12 regarding the type of construction.

13 MR. RANIERI: I think that Dan and Peter have done
14 a good job explaining the technical aspects of the
15 project and my job is to kind of talk about how pretty
16 it's going to be. The goal, when we started this
17 project, was to create a community that was worthy of
18 being a Loudonville address and a place that this Town
19 of Colonie would be very proud of, as well as the
20 developer. The developer approached me and asked me to
21 think about the project as a whole and not just a land
22 exercise or an engineering exercise, but also in terms
23 of the architecture of the design.

24 My background is new urbanism. I've been doing
25 new urbanism since 1980. The founders of that

1 movement which is a movement going across the
2 country is really not new urbanism, it's old
3 urbanism which has been reversed. In other words,
4 we all know great communities anywhere in the county
5 that you would probably like to visit or places
6 around the world that you'd like to visit that we
7 wish we could have here in our communities and we
8 just don't have them. By the way, those communities
9 that you probably could point out, if you look back
10 in history, were all probably designed before the
11 invention of the automobile. Unfortunately, with
12 the last 60 or 70 years, the United States has
13 enacted codes that basically became autocentric.
14 They became design parameters that required parking
15 and vehicle movements and that's exactly what we are
16 talking about today. Unfortunately, the
17 conversation about how human interaction happens,
18 how the sense of community happens is either never
19 discussed or pushed so far down on the list of
20 requirements that we end up with communities that
21 don't have walkability, they don't have a sense of
22 place, they don't have some of the other aspects
23 that you find in other communities. That's kind of
24 a 101 quick description of what new urbanism is
25 which is basically designed in communities around

1 human scale and human interaction and around human
2 experience and subjugating the car and not making
3 the car's presence in the community so prominent.
4 We don't want the cars parked out in front if we can
5 help it. We can push them to the back. We push the
6 garages toward the back portion of the house, either
7 side load, rear load or recessed back so that when
8 you enter into a community the garage isn't the most
9 prominent element you see. Those are kind of really
10 basic concepts. And then the whole concept of
11 trying to make houses have front porches versus rear
12 decks so that people can engage each other and be
13 friendly with each other, say hi to their neighbors
14 as they are walking around the street. You actually
15 would want to walk around the street because it's
16 safe and it's pretty and it's got elements that you
17 want to look at. It has buildings that are
18 attractively designed. So, another component that
19 we added in the design processes in the menu of
20 elements that we wanted to try to incorporate - a
21 real porch, not a four foot or five foot deep
22 porches that you can't really sit on, but real eight
23 and ten foot porches and wrap around porches like
24 you see in some of the older communities around the
25 upstate New York and the country. We felt that

1 would bring people out and make them more engaging
2 with their neighbors and their community.

3 So, the rendering that you see on the wall
4 there is a depiction of a tri-plex. Those are three
5 townhouses. I designed every one of the townhouses
6 to look like a single family house. You have seen
7 some of them being passed around. We started to
8 look at how they would be connected if we created a
9 variable scenario. So, you don't always have the
10 exact same elevations. We wanted to get the
11 community to have diversity; diversity in siding
12 materials, diversity in aesthetics. As somebody
13 might want to buy particular home, they may want a
14 ranch unit. They may want to be in a specific
15 location on the site, whereas somebody else may want
16 a different unit. We have designed it in a way that
17 we can literally link -- we have six different unit
18 types or residences and we can link all six of those
19 residences in just about any combination. We have
20 selected some combinations that we think are more
21 appropriate to the demographic that the developer is
22 going after, and that's what is indicated on the
23 site plan for multiple reasons. We had to design
24 the site to fit and work and know how the driveways
25 are going to work and know how the approaches to the

1 houses will work. You have to understand grading so
2 there are some complexities in the design solution
3 when we came up with it that you saw there. Another
4 concept that the developer wanted to make sure that
5 we had was that every one of the houses has a first
6 floor master. Again, he is targeting the empty
7 nesters that maybe own a big house or want a house
8 that they just don't want to take care of anymore.
9 This is maintenance-free living. They are smaller.
10 They are between 1,600 square feet and 2,000 square
11 feet. They are smaller homes. They are relatively
12 comfortable sized homes. Masters are on the ground
13 floor. Some have all the bedrooms on the ground
14 floor. Then, the other ones would have guest suites
15 upstairs. The primary target market obviously are
16 empty nesters or young professionals that maybe
17 don't have kids, but don't want to have to mow the
18 lawn and take care of the outside of the building.
19 They are people that want to go and participate in
20 the community and do other things besides mow the
21 lawn. However, in the site we do know that people
22 do like to do that and so we have provided in that
23 community area that Dan was talking about which was
24 located at the precipice of the highest point of the
25 site, a beautiful community garden and a picnic

1 area. There might be a pavilion or something. So,
2 that location at the highest point, everybody in
3 this neighborhood would be able to go up there and
4 see the Helderbergs off in the distance. The goal
5 was to create this place that people would be proud
6 to live in, keep the residence in the Town of
7 Colonie and Loudonville - to allow them an
8 opportunity of choice. They have a place that they
9 can live. They can downsize. They can stay in
10 their neighborhoods and their community and stay a
11 part of this great place. Maybe their house becomes
12 available for younger people. Everything in the
13 house is also designed on the ground floor - on any
14 first floor unit. It is designed to meet ADA
15 standards. There is no requirement by the code
16 because they are single family houses detached. The
17 client wanted to make sure that this community was
18 really geared to and catered to seniors. However,
19 it's proportionately a curse to a project to try to
20 restrict that to just seniors. The development and
21 the world that we live in today just doesn't absorb
22 fast enough. In other words, units don't sell fast
23 enough to justify the efforts of putting in all the
24 landscaping and the roads. They have to open up the
25 market and leave the market to as many people as

1 they can but the facts are, and there is data to
2 show, that these types of communities designed with
3 these things in mind and his market and approach
4 will most likely glean a higher percentage of
5 seniors than it will with people with children. As
6 Dan said, we did all the math for the traffic and
7 other things based on the general zoning.

8 I don't know if we want to show any of the
9 other floor plans, but we can pick up some of the
10 other images. We can show you some examples. I
11 thought that this was nice and you can see here that
12 the garages are subjugated. You kind of see one
13 garage in between that is pushed back. These houses
14 each have kind of an individual roof line;
15 individual aesthetic. The rendering shows them
16 white even though we're going to allow every
17 resident to pick out colors. The reason that we do
18 the rendering like this is that when they pick out
19 the colors, my Photoshop girl can actually put the
20 color on the different buildings and we can see how
21 they look, how they blend together and it all looks
22 nice. They're not all white, but they could be.

23 These are very similar to the ones that you had
24 in your hands. I can't get the image to get larger
25 for you to see the different combinations. You can

1 see at the bottom of the page that we have units A
2 through F and we started to look at them in terms of
3 what they would look like. This is actually a duplex
4 and the goal was to make the buildings look like
5 either large houses or individual houses. This is a
6 three-plex and when they start to glue together, we
7 can change roof lines and make them look nice and
8 different elements of that facade are obviously a
9 different planes. What we like about them is that
10 even when they are a weird unit, they're quite nice.
11 They actually have some very nice aesthetics. That
12 looks like a big old house that you can see
13 somewhere on Delaware Avenue. That's the goal - to
14 make them look like they are appropriate to this
15 community and appropriate to this area and this area
16 of the country. We can have flexibility on a site
17 so that you have diversity in the architecture. You
18 don't have repetitive barrages and you have a sense
19 of place. I think that pretty well a good rendition
20 on the architecture.

21 MR. HERSHBERG: Thank you for the presentation,
22 Don. I think that we're ready to entertain any
23 questions from the Board.

24 CHAIRMAN STUTO: We will take comments from our
25 Town Designated Engineer, Barton and Loguidice, Brad

1 Grant.

2 MR. GRANT: This project has been through the DCC
3 and sketch plan process previously. The Board has made
4 some comments on this project at the sketch plan
5 presentation. We are now in the concept plan review
6 stage. We did issue a comment letter on May 7th of this
7 year addressing the submission materials from Hershberg
8 and the applicant. I'm not going to go through that
9 letter item by item. I am substituting for Chuck Voss
10 who is the PM on the project, but was involved in the
11 review. At this stage at a concept level it isn't full
12 design details. There is still a lot of work to be done
13 on utilities. Sufficed to say that there is capacity out
14 there in the town systems for water and sewer. They
15 plan well ahead of time and this project has been a
16 known commodity for a while. As Dan alluded to it is
17 going to look at on-site solutions, perhaps some
18 infiltration where able. Porous pavement is being
19 proposed. It's a relatively new design feature - not
20 totally new. Dan has been doing it for a long time.

21 MR. HERSHBERG: The first one was 1972.

22 MR. GRANT: We are seeing it more and more with the
23 stormwater regulations. There were some comments and
24 some concerns about where infiltration practices are
25 done, particularly in reference to existing homes and

1 they have basements nearby. There is a good note to
2 preservation of open spaces on this project and staying
3 away from the buffers, somewhat less true to the east
4 but at this stage we know basically in concept what
5 utility wise is proposed.

6 We have retained Tom Johnson for this project
7 to review the traffic study. That is his specialty
8 and I'll introduce him to talk about that in a
9 moment.

10 We have seen the plan evolve and one of our
11 more significant concerns was the triangular
12 intersection in the middle of the site which I can
13 see somewhat. That has been revised and something
14 that we would be looking at how the driveway ties
15 into that. There were some that were tying in at
16 the intersection and that appears to have been
17 revised, but it's something that we will follow up
18 with. We did have some meetings and talked about,
19 as Dan has already discussed, that the assumption
20 should be that this would be open market and a
21 mixture of seniors and people of all ages; thus the
22 higher traffic generation numbers at which to revise
23 analysis was performed and reviewed by Tom Johnson.

24 Just a few things that I wanted to talk about -
25 the landscaping and retention of buffers. The

1 applicant had made some comments about retaining
2 mature trees along the site and that's going to be
3 particularly important on the east side where
4 development gets closest to some existing homes.
5 There are maybe instances where existing trees need
6 to be supplemented to provide a good barrier for
7 that. We haven't seen a formal landscaping plan per
8 se. There are some features shown on a median that
9 serves Saratoga Boulevard and intersects and crosses
10 Shaker El. That's going to be a vegetative curbed
11 island. All the intersections will be full service
12 intersections. The only thing that I would add is
13 to keep the trees back from the Albany Shaker Road
14 for maximizing site distance -- that a new planting
15 doesn't grow up to the point that is something that
16 is difficult to see through. Smaller vegetation
17 should not be a problem at all.

18 At this point I like what I am hearing on what
19 we used to call neo-traditional development. It's
20 the type of development where it differs greatly
21 from single family homes. There would be a lot more
22 disturbance of these open spaces to fit those 38 or
23 39 homes. This type of development - sometimes they
24 call them clusters, but concentrating the
25 development together and trying to preserve open

1 spaces as much as possible. When I look at this
2 plan and was looking at Derby Way, at first I didn't
3 see all the driveways and basically I'm seeing that
4 it's serving six driveways off the back garages that
5 would not be seen on the front elevation. There is
6 good and bad parts of that, in my opinion. I like
7 the garages in the back and getting that proverbial
8 garage door out of the frontage. Other than serving
9 those six driveways, I'm wondering if Derby Way is
10 worth the pavement and space that it is taking. If
11 that wasn't there, could you get those same amount
12 of units with driveways out to the road and perhaps
13 retain more open space back there? It's something
14 to consider. I don't have the answer here tonight.
15 I'm just throwing it out there as something to be
16 considered.

17 With that, I want to introduce Tom Johnson from
18 Tom Johnson engineering who has assisted Barton and
19 Loguidice with the review of the traffic study.

20 MR. JOHNSON: Thanks Brad.

21 Dan did touch upon all the aspects of my review
22 letter of April 14th. I do want to touch upon just a
23 couple of those.

24 First is the trip generation of the project
25 site since there has been some question about that.

1 For the 80 units of the condos and townhouse project
2 it will generate 50 trips as the traffic study did
3 report. We do concur with that. The trip rates were
4 based on industry standards that are typically used.

5 Regarding the density, if it was single family
6 houses, it would drop down to about 40 single family
7 units versus the 80 condos. It would generate
8 slightly less trips but again, the same number of
9 trips; 80 townhouses versus the 38 to 40 single
10 family units would have the same amount of traffic
11 coming from them. It is also correct - the 100 trip
12 threshold is kind of rule of thumb that many
13 agencies use - whether or not to do an actual
14 traffic study, however, that does not preclude
15 someone from asking a study to be done. In which
16 case, it was asked to have a traffic study done and
17 we did review that.

18 It's also true that the project will have some
19 increased delay on the Shaker El approach because of
20 the fourth leg of the intersection being added from
21 the site. There will be an increase in delay
22 regardless of what the project is on the site and
23 the size of the project.

24 Also there is a striped crosswalk out there
25 now. It is my recommendation that the applicant

1 work with Albany County Department of Public Works
2 to bring it up to standards; either restripe it and
3 make sure that it's ADA compliant and perhaps even
4 put some pedestrian crossing signs out there for the
5 crosswalk.

6 That basically is the summary of the traffic
7 study. Again, there is very little impact; 50 trips
8 for the total project site.

9 There was a question from Albany County
10 Department of Public works engineer that came in
11 after my comment letter concerned about the number
12 of projects that are happening in the corridor and
13 there should be a comprehensive look at that. I
14 agree with that - not part of this project though
15 because this is such a small project, but it's
16 something that has been requested for a project that
17 is located down the road to make sure that the
18 larger shopping center project takes into account
19 all these other developments that are occurring
20 along Albany Shaker Road. I do believe that Dan is
21 correct that the applicant will be contributing to a
22 left turn lane somewhere on Albany Shaker Road.

23 MR. HERSHBERG: As a public benefit, we came around
24 and around with other things and we said essentially
25 that the applicant is willing to contribute to a left

1 hand turn lane and that will be a contribution of
2 approximately \$100,000.00 which will go a long way
3 towards building a left hand turn lane either at the
4 Crossings or another location. It was suggested that we
5 might want to consider Shaker El as a location. The
6 applicant would be willing to consider any location
7 which this Board or the Town Board should like us to
8 consider.

9 CHAIRMAN STUTO: There is a lot of people here that
10 have been out. We'd like to hear from the public. I'm
11 going to call your name in the order in which you signed
12 in on the sheet. Hopefully you're comfortable in going
13 to the microphone and identifying yourself.

14 Jeff Emptage.

15 MR. EMPTAGE: Thank you. Let me preface this
16 letter that I am about to read with the fact that my
17 wife and I went to the firehouse's initial meeting about
18 the concept for the farms. We are interested and we are
19 residents on Charlton Terrace for 44 years. We are
20 interested in possibly downsizing.

21 I bring to you a letter from the Pastor of Good
22 Shepard Lutheran Church which is located at 510
23 Albany Shaker Road on the corner of Shaker El and it
24 reads as this:

25 To Whom it May concern: At a recent meeting of

1 the church counsel of Good Shepard Luthern Church,
2 510 Albany Shaker Road, the development of Foegtli
3 Farms into a subdivision of farms was discussed.
4 The information presented was made by Jeff Emptage,
5 an officer of the church for 30 years who along with
6 his wife, Barbara, are interested in a possible
7 purchase of the farm site. General discussion
8 ensued over new traffic patterns on and surrounding
9 Albany Shaker Road and the impact on the church and
10 our neighbors on Shaker El, Danielwood Drive, James
11 Drive, Miracle Lane and Wertman Lane. Agreement was
12 made that new opportunities would present themselves
13 to the church by the addition of the new homes to
14 serve the community and for the possibility of new
15 membership. Sincerely, Pastor John Knarvik.

16 I will leave this letter with you.

17 CHAIRMAN STUTO: Thank you.

18 Brian Manion.

19 MR. MANION: Thank you. I've been a resident of the
20 neighborhood behind the proposed property for
21 approximately 18 years. I did attend the meeting at the
22 firehouse as well. I am long time in construction -
23 roughly 23 years in construction and I'm very much pro
24 development. I am for an architecture like that. I
25 think that it's a great look. However, I'm pro

1 development that makes sense and I believe that the
2 residents in the area, anybody who travels Albany Shaker
3 Road -- I know Peter Ziamandanis and I'm not against him
4 developing the property. However, Albany Shaker Road
5 can be a nightmare. With this project along with the
6 retail development that we are looking at down towards
7 the Times Union, it's something that I think that the
8 Board needs to take a look at.

9 Reading through the minutes of one of the past
10 meetings, two-thirds of the Board spoke out against
11 the density of this project. I think that's real
12 and I think that is a concern of obviously the Board
13 and I think that's something that really needs to be
14 looked at with a keen eye. I'm kind of surprised
15 that they spoke out against 80 units, but yet 80
16 units is again what is being presented today. It
17 seems like there has been no consideration of
18 possibly changing that. Again, I think that there
19 is a need in the Town for housing that caters
20 towards 55 and over. I know that there is a need in
21 the Town. I'm not opposed to it being here. I'm
22 just opposed to the density. I would like to know
23 from some of what has been discussed tonight -- you
24 mentioned a contribution towards a public benefit.
25 A contribution is one thing. I guess my question

1 would be: What would the Town expense be on top of
2 that contribution to get that public benefit done?
3 That's something that I think needs to be
4 considered.

5 One of the public benefits listed in the write
6 up was community gardens. I think that really can
7 only be viewed as a benefit to the development and
8 not necessarily the community. We don't live in an
9 intercity environment. People from outside the
10 development would not be going there to use
11 community gardens.

12 The 1.9 cars per unit that Mr. Hershberg spoke
13 about at the meeting at the firehouse I think is
14 light and I know that there is data to back up why
15 that is being used. However, whether it's a 55 and
16 over owner or less than that, I think that we all
17 know that there are plenty people 55 and over that
18 still have their college aged kids or high school
19 aged kids living with them that have cars. I think
20 that is something that really needs to be looked at
21 realistically as opposed to maybe some data that is
22 simply not relevant. I think that's all I have to
23 say. Thank you.

24 CHAIRMAN STUTO: Thank you.

25 Joe O'Brien.

1 MR. O'BRIEN: Hi, my name is Joe O'Brien and I'm
2 the County Legislator for Loudonville and West Albany.
3 I represent the county here.

4 I too am concerned about the growth and the
5 size of that property. I have spoken with the
6 County Engineer in regards to is and he uses the
7 formula of 2.5 cars per unit. That equals about 200
8 cars in that development that we would be dumping
9 onto Albany Shaker Road. He also says that there is
10 18,000 vehicles that travel that corridor every day.
11 I have traveled it and I'm sure that a lot of folks
12 have traveled it. It's congested. I think that I'm
13 willing to work with the Town and introduce a
14 resolution to work with the Town and do a
15 comprehensive study not only on that property, but
16 the whole corridor of Albany Shaker Road. I think
17 that it's needed because of the Times Union
18 development and possibly the Constantine Farm coming
19 on the market at some point. If you're going to
20 approve the density here on this farm, what are you
21 going to do with the Constantine Farm? You have to
22 approve that as well.

23 There is also an issue with emergency vehicles
24 going in and out of that development. The roads are
25 too narrow for fire trucks and you might want to

1 look at that as well.

2 That's all I had to say.

3 CHAIRMAN STUTO: Thank you.

4 Mike White.

5 MR. WHITE: Good evening. I have lived on Maria
6 Drive for 22 years. I'm very familiar with traffic. I
7 lived there when it was a dead end street. It's now
8 from Albany Shaker Road all the way over to Sand Creek
9 Road. I'm familiar with traffic. I can't even fathom
10 the traffic that everybody may be concerned with - with
11 the development of Foegtli Farms -- is in fact going to
12 happen. I think that most of the traffic that is
13 generated there that is coming from all the way up
14 Albany Shaker Road is going to the Crossings, going up
15 to Wolf Road. I just don't see how this development of
16 80 units is going to impact the traffic that much more
17 than it is.

18 I just would like to go on record as saying as
19 a senior citizen that wants to down-size, wants to
20 enjoy maintenance free living -- I think that it's
21 great and there is just not enough of it around.
22 There is nothing even close to that area outside of
23 the pastures. I don't see anything in Loudonville
24 development off of Route 9. I can understand what
25 the people on the side streets are thinking because

1 I thought the same thing. Trust me, Maria Drive
2 with Albany Shaker on one end, the church on the
3 other end and a short cut to Sand Creek Road -- you
4 learn to live with it. It's not that bad and I don't
5 think that this is going to be very bad. I just
6 want to say that I'm pro development. Thank you.

7 CHAIRMAN STUTO: Thank you.

8 Jay Smith.

9 MR. SMITH: Thank you. There would be more people
10 here if the sign that you put out was a little bigger.
11 I had to walk on the sidewalk to see the sign that there
12 was a meeting here tonight. I was not one of the 395
13 that got a special notice and I live on Albany Shaker
14 Road about 200 feet from Timberland. The traffic is
15 horrendous. Two weeks ago we got a roll over on the
16 next door neighbor's lawn because a person got impatient
17 because of the traffic and tried to get around it and
18 flipped his truck over on my next door neighbor's lawn.
19 On Saturday he could have taken out many people. He
20 missed everybody. Every single day when I have to get
21 out of the driveway at quarter of eight I can just sit
22 there and whatever you're talking about your elapsed
23 times -- it's absolutely ridiculous sometimes. I sat
24 there the other day and if my daughter-in-law wasn't
25 coming down the street at the same time, I'd still be

1 sitting there, but she let me out. At night it's the
2 same situation. The traffic is unbelievable and if
3 you're going to have a another project by the Times
4 Union dumping more traffic out - 500 cars or whatever
5 they are saying a day and then you're going to add
6 traffic here - it can't happen. In 38 years that I have
7 been here I have seen it grow, but this is out of sight.
8 It's dangerous and if your child or grandchild is going
9 to Shaker El, do you want them on a school bus or trying
10 to walk across that intersection when you're going to
11 add another lane into that? I don't think so. Thank
12 you.

13 CHAIRMAN STUTO: Thank you.

14 Charles Beach.

15 MR. BEACH: I'm Charles Beach and I live sort of
16 southwest of Albany Shaker Road and I'm trying to
17 reinforce the opposition to the traffic that we have. I
18 often come out of Miracle Lane or Wertman and try to
19 turn left during rush-hour and it's almost impossible.
20 I have the choice of going to Maria to the firehouse or
21 to Osborne Road to be able to make a left turn safely.
22 Traffic release from Osborne Road or the Maria Drive
23 light comes in chains and often they overlap. You may
24 see an open lane one way and then the traffic is coming
25 the other way. Without traffic control people in this

1 development are not going to have a choice of going to
2 another road. They either have Shaker El or Miracle
3 Lane. By the looks of their roads on the map, it looks
4 like the roads are also quite narrow for emergency
5 vehicles. If there are private roads, I assume that the
6 Town won't be plowing it so they'll have to take care of
7 it. If they have a winter like this last one, the road
8 may be too narrow to get fire vehicles in or ambulances
9 or so forth. I was up in Parkside at the Crossings the
10 other day and there were two cars parked on opposite
11 sides of the street. I could barely get between them
12 and there are no snowbanks. These roads may be a little
13 wider, but there could still be a hazard to life and
14 property there, the way that they're set up now.

15 I'm in favor of having a traffic control light
16 or something like that, if they do have this
17 development. But with all the development going on
18 in that area, they could probably use an extra lane
19 on Albany Shaker Road all the way from Wolf Road
20 down to Osborne Road. Thank you.

21 CHAIRMAN STUTO: Thank you.

22 Paul Merges.

23 MR. MERGES: I'm Dr. Paul Merges. I live within
24 that 750 feet area on Pheasant Ridge Drive. I have been
25 a resident of Colonie and the area since 1971 and you

1 have right here a site that is zoned already for single
2 family residential. We had a similar proposal to this a
3 few years ago down on Hilton Court and they tried to put
4 in cluster development and at the least the Board had
5 the guts to stand up to the developer and say no, you're
6 not going to stick all those units in there.

7 In the meantime, you have here a proposal from
8 a developer who is claiming that he can put in over
9 40 units based on single family residential
10 development, but you can't stick all those units in
11 there without having access roads, right of ways for
12 utilities, protection for your stream and your
13 wetland areas and addressing your soil problems and
14 the site problems. You have a steep slope in the
15 one corner, right by where Danielwood makes the
16 elbow turn. I'm just saying enough is enough. You
17 already had -- why don't you just use the
18 residential development zoning that is on the books
19 and don't have additional proposals that are more
20 than double the size of them. The reasons that we
21 have these proposals for these little tiny narrow
22 roads and they are privately owned roads is because
23 those things effect the offsets on how far back that
24 80 feet on a Town road. They know it and we know
25 it.

1 Let's get down to the basics here. This is
2 unnecessarily development of the site that should
3 stay single family residential.

4 CHAIRMAN STUTO: Thank you.
5 Patrick Quinn.

6 MR. QUINN: I'm Patrick Quinn and I'm a member of
7 the Green Meadows Civic Association Board which was
8 founded as a result of a discussion of a project similar
9 to this. It raised very great community interest six
10 years ago about the same time that Paula Mahan was
11 elected to the position that she has held with
12 distinction ever since.

13 I was delighted Mr. Ranieri mentioned the new
14 urbanism because the founders of that organization
15 happen to be old friends of mine. There were two
16 young architects that developed the concept
17 somewhere in the early 80's because I invited them
18 both to an international meeting in New Orleans to
19 present their ideas to 2,000 professors from across
20 America and practicing architects. Their position
21 was that the reaction to what was happening in
22 suburban America they referred to as suburban sprawl
23 or as an eminent critic of the south describes it as
24 the slerbs, sleazy slotherly, semi-cities. They
25 were fed up with the traffic that was causing

1 tremendous commuter delays not only in the south,
2 but in the west coast. As a result of that urban
3 sprawl, planned unit developments were developed,
4 which proceeded PDDs. That was meant to condense
5 that sprawl so that we could save some land and
6 property and reduce traffic flows and so on.

7 Now, the other person who is a member of this
8 organization that founded the new urbanism was
9 Lorinda [SIC] Spire who was a fellow with me in
10 architecture. When I had reviewed what those people
11 did in establishing the new urbanism, what they
12 wanted to do was not only to condense and increase
13 the concentration of things but to leave existing
14 ecological material trees and animals, birds and the
15 whole ecological structure relatively intact. I
16 have visited many new urbanism developments and the
17 last one that I visited was a pale reflection of
18 Elizabeth Platter [SIC] Zyberg's first one. It was
19 like a Hollywood Space set because the original
20 concept seems to have been forgotten. When I look
21 at the site plan here and I walked the site, I
22 notice that there are all sorts of new trees there
23 that have no lower branches and are behind those
24 houses which are 30 feet from the borders of the
25 suburban houses behind them. That's the space that

1 would be left for the neighbors. The neighbors of
2 course with given grading of the site would be
3 looking down from Daniel Road and down of all these
4 higher buildings.

5 The second point has to do with the fact that
6 just where the new road - the new entrance is
7 proposed, there is presently a stand of magnificent
8 trees which form a band all the way around the site
9 and if you look at Google Earth, you'll see it. You
10 can swing your lens all the way around it and you
11 can say, my God, it's beautiful. Then you go to the
12 site plan and you read it and yes, there is a lot of
13 greenspace. What will it be? Lawn, with lots of
14 chemical to keep the animals away and that sort of
15 thing and dandelions.

16 We come then to the question of traffic. When
17 I moved here six years ago I was a stranger to the
18 place, but we instantly loved it and the community
19 that we found ourselves in. Most of our friends are
20 only eight minutes to the airport and eight minutes
21 from downtown Albany. Yesterday morning I drove the
22 same road. It took me a minimum of 18 going and a
23 maximum of 24 coming back to that eight minute run.
24 I travel that road almost every day. Seldom do I
25 find less than 10 cars lined up at 1:00 in the

1 morning towards Osborne Road. Seldom do I get to
2 the intersection at the park without a hold up.
3 Those that say that the traffic has increased seem
4 to have some common sense, but I have never noticed
5 on Albany Shaker Road a cable across counting
6 traffic. I don't remember the last time a traffic
7 count was made on Albany Shaker Road, but it was
8 last year. When we compared it with one that was
9 made 10 years ago, we would find an extraordinary
10 difference. I must complement Mr. Rainieri that the
11 buildings are quite sensitive and very lovely.
12 However, the density of them is such that all of the
13 marriage of the site and the potential of it, if we
14 did use the new urbanism, is lost. Thank you very
15 much.

16 CHAIRMAN STUTO: Thank you.

17 Howard Taylor.

18 MR. TAYLOR: Good evening. I live in Tower
19 Heights and I have lived here for 20 years. My concern
20 is with stormwater. How will it be remediated? Where
21 will it be directed?

22 At a public meeting for the roundabout that
23 exists on Albany Shaker Road now, I was told by the
24 state DOT or the county that the stormwater system
25 in the road was already at capacity. So, where is

1 the run-off going to go from this development? All
2 you have to do is walk through the Crossings and see
3 the ponds in there after a rain. It doesn't have to
4 be after a thunderstorm; just a heavy rain. There
5 is no place for the water to go. It's a very high
6 water table in that area. I'm lucky. I'm up in
7 Tower Heights and I am sitting in a pile of sand
8 left over from the glacier. I don't have to worry
9 about it, but people down below will. That's my
10 main concern. Thank you.

11 CHAIRMAN STUTO: Debra Sterdna?

12 MS. STERDNA: Hi. I live on Danielwood and I
13 travel to downtown Albany every day because I work for
14 the state. I'm listening to everything that they're
15 saying. I love what they're doing and developing the
16 land or whatever.

17 I'm concerned about traffic. I already have a
18 hard time getting on Albany Shaker Road to head down
19 to Everett Road and get on I90. They're saying that
20 we don't need another light on Albany Shaker Road
21 because they are only dumping a few more cars on
22 there. I disagree. I travel that road every day;
23 Monday through Friday. So, I would like to see more
24 done about the traffic on that road and more studies
25 done before this development goes in. That's my

1 only concern.

2 CHAIRMAN STUTO: Thank you.

3 Joseph Raviere.

4 MR. RAVIERE: I'm Joe Raviere. A lot of people
5 know me as the walker. I'm usually walking up Shaker
6 Road towards the airport and down Osborne Road. I was
7 going to yell at these people and say what a stupid
8 idea. Then, I listened to the presentation and the
9 numbers blew me. The guy with the glasses - when he
10 started with the numbers I was gone. Actually, a lot of
11 people were gone because you could see their heads.
12 They're talking about stuff and then you go, what did
13 they say? I'm not saying that the presentation wasn't
14 true or anything else, but I don't know. To tell you
15 the honest truth I think that people are mixed. They
16 have these mixed opinions. I hate saying that I'm an
17 old guy. Old guys don't like admitting that we're old
18 just like young ladies don't like admitting they're old.
19 There are a lot of white hairs here. It's real hard. I
20 came here saying that there is no way. I walk Shaker
21 Road and I know what the traffic pattern is. It's
22 horrendous. When you look at the site map and you go,
23 oh they're going to put another goddamn - pardon the
24 French - they're going to put another light on Shaker
25 Road and it's going to back up traffic. If you go there

1 between 4:00 and 6:00, we all know that. You all know
2 that there is a light on Maria. The Maria light backs
3 up traffic almost to Osborne Road. In fact, it goes to
4 Bank of America. I walk it. If you get beyond that,
5 you have the Crossings that you have to deal with.
6 Thank God they're not going to put another traffic light
7 where you have the two access roads that are coming on
8 Shaker Road. If they ever do that, forget it. You're
9 never going to be able to get by. Fortunately, somebody
10 was smart enough and they don't have a light on either
11 one.

12 Why doesn't somebody say, why don't you put a
13 road opposite Shaker El? You have grammar school
14 children there. You have got to be kidding me. You
15 going to put an access road where the school is?
16 You're going to get some idiot who is going to drive
17 50 miles an hour, he's going to go through that
18 intersection and he's going to go over there. Give
19 me a break.

20 I guess all I'm doing is saying what everyone
21 else is saying; traffic is horrendous.

22 I would like to do one thing. Everybody is
23 going to get a voice. The ayes, you like to
24 project. The nays you don't like the project. I
25 won't do what he did and just cut you off. I just

1 need ayes. Everyone in favor say aye.

2 (Ayes were recited.)

3 Everybody against it, say nay.

4 (Nays were recited.)

5 Nays have it.

6 CHAIRMAN STUTO: You were so entertaining that we
7 let you get away with that.

8 Jim Kitts.

9 MR. KITTS: They are nice looking buildings but
10 that's not why we are here.

11 I'm Jim Kitts from the Green Meadow Civic
12 Association.

13 The buildings are nice, but we are here to look
14 at a PDD and a concept approval.

15 Mr. Hershberg talked about 50 trips a day, but
16 I believe that there is about 160 cars that will be
17 in this 80 unit place. I think that there is going
18 to be a lot of problems on Albany Shaker Road, as
19 everybody else has said. The commuter time now goes
20 from the Albany City Line and it stops and goes all
21 the way up past Wolf Road every night. There is no
22 changing that.

23 I guess that I would think that the Board
24 should not approve this for the high density.
25 Single family homes - we could probably absorb. I

1 don't think that we need 80 more units in there with
2 160 cars. Thank you.

3 CHAIRMAN STUTO: Thank you.

4 Mr. Kitts was the last name on this list. Are
5 there any other members of the public that would
6 like to speak?

7 MR. WERKEN: Matt Werken from Albany Shaker Road.
8 I live right across the street from the project. I'm
9 all for it. The traffic is going to be there and there
10 isn't a damned thing that we are going to do about it.
11 You can put red lights, roundabouts or whatever you want
12 to do, but you're going to have the traffic no matter
13 what. A lousy 50 cars - who cares? They're going to be
14 there. Put the houses in there and you're still going
15 to have cars. Whatever you put there, you're going to
16 have cars. You have to live with it. It's as easy as
17 that.

18 MR. JAFFARIAN: My wife and I have lived in the
19 Town for about 28 years now. We live over on Princess
20 Lane. We are one of those that are among the A's.
21 We're interested in downsizing and we feel that this is
22 one location that is acceptable to us. We have looked
23 at a number of other developments. We feel that there
24 is a need for townhomes for people who are 55 and over.
25 We have looked at other plans and other developments and

1 this one seems to at least meet a lot of the things that
2 we are looking for. There are really three factors that
3 we are looking at. One is location, of course. As I
4 said, that meets our needs. The second is design. We
5 haven't gotten to that point yet, but we have looked at
6 some of the designs and they are interesting. I think
7 that there needs to be more discussion in that matter.
8 Of course, there is cost. We are looking for something
9 in the \$300,000.00 to \$350,000.00 or maybe \$400,000.00
10 range. If you reduce the number of units here, I
11 suspect that the developer is going to have to get his
12 money out of what he paid for the property and the work
13 that goes into the development of all the utilities and
14 the roadways and so forth that go into a project of this
15 kind. I suspect that is going to drive the cost up. If
16 it drives the cost up above \$400,000.00 we are out of
17 the market and we'll stay where we are. I want you to
18 really consider that as a possibility here.

19 We are looking for low maintenance. We are
20 tired of mowing lawns and maintaining property. At
21 our age we would like to have something of the type
22 that is being proposed here. So, whether it's here
23 or someplace else, I think that in the Town we need
24 this kind of development. I think that there is a
25 need for it and this is one of the few places that

1 looks interesting to us. We have been looking for
2 almost two years now and this is the first one that
3 has piqued our interest. Thank you, very much.

4 CHAIRMAN STUTO: Thank you.

5 Patrick Palmer.

6 MR. PALMER: Good evening. I'll echo the traffic
7 concerns that everyone else has brought up. Not
8 necessarily the additional cars being put onto Albany
9 Shaker Road, but the outlet right across from Shaker
10 Elementary. I think that if that design could be
11 addressed if the Board decides to approve this and let
12 it move forward, I think that would be useful.

13 Earlier the engineer and architect both
14 mentioned how much they wanted this to be a
15 Loudonville project and fit in with the Town of
16 Colonie and yet every street has a Saratoga name or
17 horse designation and I think that there is enough
18 history in the Town that those road names could
19 certainly be addressed.

20 They mentioned that three-quarters of the units
21 are expected to be duplexes. I wasn't clear if the
22 rest of the units were going to be tri-plex units.
23 So, that should be addressed. The width of the
24 roads in the development is also something that they
25 might want to take a look at. They said that they

1 were minimizing the width to meet DEC requirements
2 for impervious surfaces, but they also mentioned
3 that they were going to be using permeable pavement.
4 So, those two concepts should be looked at again.
5 They can certainly make wider roads if they are
6 using permeable surfaces and DEC regulations
7 wouldn't necessarily apply in that case.

8 Anyway, those are my comments. Thank you.

9 CHAIRMAN STUTO: Thank you.

10 Marlene Papa.

11 MS. PAPA: Hi. I live at the corner of Danielwood
12 and Albany Shaker Road. As far as this development, I
13 think that the Town has to do something about a turning
14 lane on Albany Shaker. I heard that it was a 50 second
15 egress from the street. When I leave between 8:30 and
16 8:45 I have at least a five minute wait and I can't turn
17 left to go to Albany. I have to turn right and go up to
18 the next street, turn around and go back because you
19 cannot get through the traffic. That's the same at the
20 Crossings. We need a turning lane.

21 I have a question. I heard that a PUD or a PDD
22 - does that mean it would be the same taxable taxes
23 on the property as the other condo developments in
24 the Town which are -- when you say \$400,000.00 that
25 would equate to me if it were a single family unit,

1 you would be paying probably \$14,000.00 or
2 \$15,000.00 dollar taxes, going by my assessment. If
3 this is a PUD does that mean that there is an
4 adjustment in the taxes of property and school
5 taxes?

6 CHAIRMAN STUTO: Your question is: Will that change
7 the value assessment? I don't have a definitive answer.
8 I think that it will.

9 MR. LACIVITA: I don't have an answer on that
10 either. I know that it has different parcels, but I
11 would have to check into that.

12 CHAIRMAN STUTO: Does the developer want to comment
13 on that?

14 MR. HERSHBERG: I can. This proposal is
15 specifically a townhouse development because it avoids
16 being a condo development which is a limitation on what
17 you can assess the properties for. They own a piece of
18 property that is assessed at whatever the fair market
19 value was and whatever the equalization rate is. So,
20 it's exactly the same as purchasing a \$395,000.00 home.

21 CHAIRMAN STUTO: That sounds accurate to me.

22 MS. PAPA: So, you're talking then, \$15,000.00 in
23 taxes.

24 CHAIRMAN STUTO: I can't attest to that.

25 MS. PAPA: I'm just going by my own assessment on

1 Danielwood.

2 CHAIRMAN STUTO: That sounds high.

3 MS. PAPA: Well, that's what it is.

4 CHAIRMAN STUTO: Are you South Colonie or north?

5 MS. PAPA: South. What I'm saying is that these
6 people own the land. That's what you're saying?

7 CHAIRMAN STUTO: Yes, as I understood the
8 presentation they own the building and they own the
9 footprint -- the land that the building sits on.

10 MS. PAPA: Because the ones that are crossing
11 Colonie Center - they have to pay a maintenance -

12 CHAIRMAN STUTO: They may have to here because I
13 think that there is an association that takes care of
14 the streets and the common areas.

15 MS. PAPA: But their property taxes, if you look it
16 up, are much less for a \$350,000.00 house than I'm
17 paying for my home. That's what I'm saying.

18 CHAIRMAN STUTO: If that's so, I don't think that's
19 applicable here.

20 MS. PAPA: So, they are going to get the regular
21 higher taxes. Thank you.

22 CHAIRMAN STUTO: Thank you.

23 Jerry Paris.

24 MR. PARIS: Good evening everyone. I'd like to
25 thank the Board again for extending the comment hour on

1 this. I'm a fire service guy. I grew up here in
2 Colonie and I've been living in Colonie for 52 years.

3 Mr. Werken brings up a good point. We're not
4 going to stop the traffic. The traffic is going to
5 come. I just want to point out a couple of things.
6 I've been living here for 52 years and Shaker El is
7 right across from the Dennis property. This access
8 that you have here -- I'm looking at this as
9 emergency services and a lot of people don't end up
10 taking that into consideration. This island here
11 with the 26 foot roadway - we'll never get our
12 ladder truck in here if there is an emergency. Why
13 do we have to have an access point so close to
14 Shaker El in close proximity to Danielwood when you
15 can just turn this around and make this a cul-de-sac
16 and make it a dead end? He can still have his
17 development and we're still controlling the flow of
18 the traffic that is coming out of there from Miracle
19 Lane. Not that we're looking for more traffic. I'm
20 all for development, but this is something else that
21 I really think the Board needs to consider and this
22 is something that Mr. O'Brien brings up.

23 The traffic corridor on this road is
24 horrendous. You also have a cut through in a few
25 years coming from Albany Shaker Road, cutting over

1 to Metro Park that is going to be an overflow for
2 Wolf Road and that is going to be dumping more
3 traffic out onto Shaker Road once again. The other
4 thing is that for us in fire service, getting our
5 emergency responders - anybody that lives south of
6 the Shaker Road Loudonville Fire House, to get them
7 from point A home to the fire station is going to be
8 a larger issue. I'll grant you that there is only
9 200-plus cars going into this development. It's not
10 really a lot of cars if you look at the map, like
11 Matt says. Two hundred cars isn't a lot. It's the
12 overall impact of the development.

13 Growing up here, all these trees that border
14 this area through here, (Indicating) most of them are
15 deciduous. That means that it looks beautiful
16 there.

17 I complement the architect. I complemented the
18 developer for such a beautiful development that they
19 want to put in the area. However, deciduous trees
20 lose their leaves. That means that the neighbors
21 that live on James Drive, Danielwood, etcetera - yes
22 the development is going to be sitting low, but
23 there is not going to be any screening six months
24 out of the year. I would just urge the Board to
25 please maybe look into traffic patterns in here. We

1 need to do something with the traffic. Thank you.

2 CHAIRMAN STUTO: Thank you.

3 That was the last name on my list. Anyone else
4 wish to speak?

5 MS. SMITH: My name is Sharon Smith and I live at
6 34 Danielwood Drive. I'm not an architect. I'm not a
7 construction worker. I'm not EMS or a fireman.

8 I agree with Mrs. Papa and Mr. Paris. For me
9 to get out of my street on Danielwood - and I
10 brought this up at the first meeting at the
11 firehouse - to take a left off of Danielwood the
12 other day between quarter to eight and 8:30, I take
13 a right and where do I go? I turn into Shaker Road
14 Elementary School to turn around to take a right
15 down Albany Shaker Road. Other days, I turn around
16 and go back down Danielwood, go back through the
17 backstreets to the light at Maria Drive to get out.
18 Not only is Albany Shaker Road going to be effected,
19 but all the backstreets are.

20 Peter, I believe that you live on Maria Drive,
21 correct?

22 MR. ZIAMANDANIS: Yes, I do.

23 MS. SMITH: And do you have stop signs on your
24 street?

25 MR. ZIAMANDANIS: Yes, I do.

1 MS. SMITH: How were those stop signs put on Maria
2 Drive? Does anybody know?

3 FROM THE FLOOR: We signed petitions.

4 MS. SMITH: You signed petitions and it slowed the
5 traffic down. Yet, I can't get out of my street and
6 this development is only making it 100 times worse. So,
7 if we can put stop signs on Maria Drive where there is
8 not Shaker Elementary school, we need to do something
9 else for Danielwood because one of these kids is going
10 to get hurt and that is a big concern. That's all I
11 have to say.

12 CHAIRMAN STUTO: Thank you.

13 MR. QUINN: There was one point that I forgot to
14 make so forgive me for coming back. I missed the last
15 meeting at which this was discussed and so I read the
16 minutes of October 7, 2014 and March 14, 2015. There
17 are 58 pages of minutes of this so far. There will
18 probably be 158 after the meeting tonight, but in those
19 pages I found an interesting series of judgment.

20 First of all, there was very little discussed
21 about the environmental impact or the traffic
22 impact. Everything was about - a lot of these were
23 about almost horsetrading with the city for giving a
24 token to the park. I would like to see that written
25 down.

1 One of the things that stood out in my
2 rereading of the minutes. I think that it was Mr.
3 Hershberg that mentioned Parkside development as an
4 example of something that you already approved that
5 had up to 80 units per acre. I drive through
6 Parkside three times a week between Sand Creek Road
7 and the Ciccotti Center. I find that I watched it
8 grow over the last four or five years and at first
9 it looked wonderful. Now I find that the people who
10 live there are looking into one another's windows
11 back and front and the few puny little pine trees or
12 the cedar trees - they do very little other than
13 offer a place for the dogs, perhaps. When I look at
14 this site map here, I see the dimensions between the
15 buildings and particularly between the old, the
16 existing and the new. I shuddter that we have yet
17 another Parkside. I would certainly no longer even
18 think of buying a place at Parkside because I don't
19 like looking into my neighbor's toilets or bathrooms
20 or bedrooms or even their kitchens.

21 CHAIRMAN STUTO: Anybody else? It's getting late
22 and we have a pretty good record now of how the public
23 feels.

24 MR. CANDIB: My name is Sam Candib. My comment is
25 really in general of all development. I'm just looking

1 at the roofline. I'm wondering if architects and you
2 guys in general are considering solar energy in
3 developing rooflines such that -- this should be taken
4 into consideration. Those roof lines don't look too
5 good for solar.

6 CHAIRMAN STUTO: Okay, I want to talk a little bit
7 about process. We'll give the applicant a chance to
8 speak before we go.

9 Joe, you and I talked about this and I don't
10 know if you have anything prepared for us to vote on
11 in terms of findings. We talked about closing down
12 the public comment after everybody has had a chance
13 to speak, considering the information and coming
14 back at a future meeting that could be soon for the
15 Board to talk and then at that point take a vote.

16 MR. LACIVITA: Typically, we get to a point where
17 we want to hear public comment like we did tonight so
18 that we can actually develop a findings in order for the
19 Planning Board to make a decision or recommendation to
20 the Town Board. I think that we have a lot of interest
21 of the traffic concerns. I think that we had several
22 meetings to address the traffic issue. Again, it's not
23 this project specific. It's a holistic approach.

24 I agree with Mr. O'Brien. I think that there
25 has to be a study done on a larger component to this

1 in order to get further and deeper down to approval.
2 On the same side, we have an application currently
3 before us. The larger picture problem - and you
4 guys can correct me if I'm wrong - is not put on
5 this project because this project can mitigate
6 itself with traffic. We have to look at the project
7 holistically. Albany County did not offer any
8 comments to that during their review. I think that
9 we have to look at that. But as far as this
10 project, it has to go forward on its merits as to
11 how it addresses and how it mitigates the traffic
12 concerns that are being presented. Then, we can
13 come back and form a findings statement in order to
14 take it to the next level.

15 CHAIRMAN STUTO: Okay, I'll invite the applicant to
16 come back with whoever they want. I'll just rattle off
17 issues that I heard the public say and hopefully I
18 didn't miss it, but I may miss some of the nuance of it.
19 Obviously, they asked about traffic emergency vehicles,
20 stormwater, the width of the roads, fire access - I
21 guess that's emergency vehicles as well, screening and
22 solar was the last one that we just had, as well as the
23 names of the roads.

24 MR. HERSHBERG: Mr. Chairman, I'll take the
25 opportunity to address those comments on behalf of the

1 applicant. I'm still Daniel Hershberg from Hershberg
2 and Hershberg. I do have some white hairs and I'm 20
3 years too old to qualify for this development. I'm 74,
4 so I'm beyond the age target for this development.

5 The answer here is that there are a number of
6 issues that were raised. Let me just talk briefly
7 first about stormwater.

8 The gentleman mentioned that he lives on a big
9 sandhill. We're exactly on the same thing here.
10 All the soil here is COC which is Colonie Sand. We
11 did infiltration tests on it. It's got great
12 infiltration. I think that all of the areas had 20
13 inches per hour or greater infiltration other than
14 one. We can design the porous pavement. I use the
15 term cut down on impervious area because even though
16 you have a system on it that's permeable pavement,
17 you always try to reduce the volume of the area
18 where you develop the pavement. The width of the
19 roadway - we did discuss it at a DCC meeting.

20 CHAIRMAN STUTO: I saw a comment that stuck out in
21 my mind and I think that it was one of the departments.
22 They talked about sump pumps. They said that it was
23 going to be necessitated in some of the houses. Are
24 there going to be basements or slabs?

25 MR. HERSHBERG: Actually, we did an analysis of the

1 site and we have some units that are developed and have
2 NB on it and that's no basement. The great majority
3 will have basements. There are some areas where the
4 groundwater table is within eight feet of the surface.
5 When it's eight feet of the finished surface, we label
6 no basement. That does not mean that somebody can't
7 raise the house a little bit and put in a sump pump.
8 Our goal there would be not to put in basements where we
9 would have any problem with groundwater tables. Most of
10 the site turned out that we did do ground water tests on
11 it. These were witnessed by the stormwater management
12 office and the ground water table was sufficiently deep
13 around the site to generate no groundwater problems with
14 basements. You do have to, if you have a basement,
15 provide for a sump and not necessarily put a pump in it
16 but you do have to provide a sump and the capability of
17 getting rid of it. so, despite the fact that we do not
18 think that there will be any groundwater that comes into
19 these basements, we still to have to make a provision
20 for what to do if they do have to put a sump pump in it
21 and pump it. Our goal here is to probably have 80% of
22 the units have basements in them. Those that we had a
23 high groundwater table with, we do have them labeled on
24 the plan "no basement". We'll probably still go with
25 that in the final analysis.

1 CHAIRMAN STUTO: I am going to ask our TDE because
2 I know that he's a stormwater efficiando.

3 Do you have any comment to that? Somebody did
4 ask if it would affect any exterior neighborhoods.

5 MR. GRANT: I still have to see some data out of
6 the testing and particularly where those Colonie sands
7 behave wonderfully. I suspect that those areas where we
8 did have ground water is over toward the wetlands. You
9 are developing close to the wetlands, but that's
10 something that we'll have to check through when all the
11 details come through very carefully.

12 CHAIRMAN STUTO: What about the impact on the
13 regulations and the engineering regulations impacting
14 the surrounding neighborhoods?

15 MR. GRANT: They want to promote infiltration. It
16 mimics nature's run-off patterns. Before it was a horse
17 farm - it wasn't always a horse farm. It was fully
18 wooded at one point when Henry Hudson sailed up the
19 river. Porous pavements, infiltration practices,
20 bio-retention, rain gardens - they all can work to mimic
21 the run-off patterns of nature and recharge the areas.
22 When those come in close contact or in close proximity
23 to developments, that's when my ears perk up and we
24 really need to ensure that not only the new people that
25 will occupy this development but the existing properties

1 around it aren't going to be adversely impacted. The
2 devil is in the details and I still have to see those.

3 MR. HERSHBERG: We are concerned about those
4 details, too. One thing that you'll notice about the
5 plans, we have a great number of areas labeled for
6 stormwater practices. Our goal is to spread it around
7 the site as extensively as we can. So, as Brad says, we
8 are mimicking nature. Nature now takes the water - it
9 lands on the ground and goes into the ground. It
10 doesn't go anyplace. So, a small amount of run-off
11 towards the culvert on Albany Shaker Road -- basically
12 just around the house and a little bit east of where the
13 house is a little area that drains under Albany Shaker
14 Road. Everything else goes right into the ground. It
15 lands on the ground and goes into the ground. Our plan
16 is to have it do exactly that and by spreading it out
17 over a large enough area, we avoid concentrating in that
18 area so we do not think that there is any impact on
19 adjoining properties, but we are using what I consider
20 the Cadillac methods for ground water infiltration. We
21 expect to have 100% infiltration and ground water with
22 our design.

23 One major issue was raised a number of times
24 and that was the width of the roadway and the 26
25 foot wide. I'll point out that the minimum width

1 for fire access is 20 feet, but 26 feet is the
2 normal. There is different rationale for that. We
3 paved 26 feet as a width in here because if you took
4 a normal 34 foot wide Town road and you parked on
5 both sides -- because they quite often don't
6 restrict parking at all. The left over paving in
7 the middle is about 20 feet clear. On our roadway
8 here with the 26 feet parking on one side, we'll
9 have approximately 20 feet clear. Our goal is to
10 emulate it. Fire safety didn't take issue with
11 that. They said that their final recommendation will
12 probably be to restrict parking on one side with
13 'fire lane no parking'. That will work with us. We
14 would pick one side or the other and have it work
15 that way.

16 Regarding getting vehicles in and out - one
17 thing that we always have to do is run an auto-turn
18 program to say that this is how vehicles get in and
19 out. We use the longest vehicle and it turns out
20 that the ones that we have the most problem with are
21 not ladder trucks, but are the 53-foot long pumper
22 trucks. They are the ones that traditionally have
23 the most critical turning radius to getting out. We
24 will run those templates as we get into our final
25 design. Be certain that all points of the

1 development are fully accessible. One concern that
2 we did have was Derby Lane that Brad mentioned. If
3 we are going to put garages back there and have
4 access from that site, we probably also have to
5 afford fire access in there and they did insist that
6 we put a hydrant at the entrance of Derby Lane so
7 that they could fight fires from the rear there.
8 That radius will accommodate a pumper truck turning
9 around in the Derby Lane Radius.

10 The EMS are all interrelated and we think that
11 we can certainly address those. We think that 26
12 feet works, but if it turns out that it doesn't we
13 have to raise it to 28 feet. If the island creates
14 a problem, we would address that.

15 There is another concern that was raised here
16 about the figures that I used. I said 50 vehicles
17 per hour. That wasn't a daily figure. Fifty
18 vehicle per hour during the peak hour is what the IT
19 manual says under the Land Use Code would generate.
20 I'm not trying to say essentially that there
21 wouldn't be a two cars per unit or 1.9 cars per
22 unit. That average was taken by -- if you take
23 those same land uses. They have a table there to
24 tell you. The IT has all this data. It's an
25 average. These averages are made up from a great

1 number of studies. Some of the studies are made up
2 of a very few amount of instances. This Land Use
3 Code has a significant number of other type of
4 projects that have gone forward. So, I think that
5 they are fairly well established. The single family
6 site in there - we didn't assume that we were going
7 to fit in 38 lots in there. We did an actual design
8 to show where 38 units would go. We had the roadway
9 in there. We had all the utilities that we needed.
10 We left the wetlands alone. We did all that we
11 would have to do if it was a standard 38-lot
12 subdivision. That's all that we could fit in there.
13 I'm not saying that this was equivalent to a 38-lot
14 subdivision, but a whole bunch of the impacts that
15 this project develops are very similar to a 38-lot
16 single family residential subdivision. The peak
17 hour volume PM volume is something slightly less
18 than 40 vehicles an hour for a 38-unit subdivision
19 and it's 50 vehicles per hour for that. That's a
20 combination of both in and out movements. So, is
21 there a significant difference between this
22 development as a 38-unit single family subdivision
23 or an 80-unit town homes? I would say no. There is
24 still an impact. The major impact from a time
25 standpoint on both Shaker El and Miracle Lane is

1 adding a fourth leg to that. That's the major reason
2 that there is some impact on service. Should we
3 have put an entrance some place other than opposite
4 Shaker El? That came about.

5 We did have a meeting with Jim Merkle from
6 Albany County and he said maybe we should shift it
7 down and shift it back and this is what we ended up
8 with. In fact, if it had to be someplace else, we
9 would propose it someplace else. We did actually do
10 traffic counts there. We did two consecutive days
11 of the week when it was a school day and not in the
12 middle of the winter. We had two consecutive days
13 that we did traffic counts there. They were done
14 and it turns out that the amount of pedestrian
15 movements - and we counted not only cars, trucks,
16 busses pedestrians and bicycles -- all those modes
17 were physically counted. You may be surprised that
18 at Shaker El and Albany Shaker Road going through
19 that intersection, that means crossing that
20 intersection in any direction was two during the
21 peak A.M. hours and two during the peak P.M. hours.
22 That means crossing one of the roadways. Somebody
23 went up the driveway and made a left. They went in
24 the same direction. They did not count as a
25 movement through the intersection. We only counted

1 two pedestrians. It's not a very high volume
2 pedestrian corridor to cross either Albany Shaker
3 Road or Shaker El during the A.M. or P.M. peak
4 hours. There was a question of how many people are
5 short circulating going through Danielwood Drive?
6 We counted that. It was a very small number of
7 cars. It was four during the A.M. peak hour and
8 five during the P.M. peak hour that went Danielwood
9 Drive. We don't know where they are going, but they
10 are probably going to Danielwood Drive because
11 that's a small number of vehicles. We just count
12 what we can see. We counted those vehicle movements
13 and we were careful to do everything that we could.
14 We studied four intersections on an area which only
15 generated 50 peak hour volume traffic. I'm not
16 saying that Albany Shaker Road is a great place to
17 travel on at peak hours. There are problems there.
18 The problems are something that exist now, it will
19 exist when our development occurs and exist when our
20 development doesn't occur.

21 We had a no build solution. What happens if
22 this thing doesn't get built at all? There is still
23 a background that takes place over the next five
24 years. We put that background growth in and these
25 intersections continue to deteriorate. What you

1 have in there is background growth. If the major
2 project on Maxwell Road and Albany Shaker Road comes
3 forward, that's background growth and that's a
4 significant impact that will develop a certain
5 amount of traffic coming down Albany Shaker Road. I
6 concur with the fact of a more generic study of the
7 entire Albany Shaker corridor from Osborne to Wolf
8 Road would be a nice idea, but it goes well beyond
9 the scope of that our client should have to do for a
10 level of traffic that they are generating.

11 Solar panels could be considered. There are
12 certainly benefits for that; tax or grant benefits
13 but there are also problems there. We are trying to
14 maintain trees and certain viewsapes - the trees
15 are going to mitigate against using them. I would
16 say that essentially that we've done more than just
17 saving a little strip of land around that wetland
18 there. The distance here from the back of the
19 Danielwood houses is a minimum of 80 feet to about
20 140 feet. We have a significant barrier there and
21 even with deciduous trees, they'll do some
22 screening. Our goal here is we'll meet with
23 neighbors, determine viewscape situations with them
24 and we'll offer to plant some more evergreen trees
25 to supplement the screening as required. That's

1 something that we've always tried to do not only for
2 the benefit of the neighbors, but the people that
3 live here. No one really likes to have
4 uninterrupted views between rear yards and
5 buildings. We like to have some private space. Our
6 goal would be to maintain that for our development
7 as well as for her neighbors.

8 CHAIRMAN STUTO: You addressed everything that I
9 had on my notes.

10 Does the Board have any questions for the
11 applicant?

12 (There was no response.)

13 MR. ZIAMANDANIS: You mentioned something about the
14 names of the streets being Saratogian. They're actually
15 named after horses and equestrian kind of things because
16 this was a horse farm.

17 FROM THE FLOOR: Going to that point, what about
18 the names of the Foegtli's?

19 MR. ZIAMANDANIS: I can address that. It's Foegtli.
20 I did the research and like I said, the property was
21 owned by the Foegtli family since the 1800's and it was
22 a horse farm.

23 MR. LANE: Why not retain that name within the
24 streets?

25 MR. ZIAMANDANIS: I'm getting to that. I wanted to

1 honor the previous owner and the heritage there by
2 keeping the name Foegtli within the development name. I
3 don't know if you want me to name it after his nieces
4 and nephews or grandchildren. I don't see the point. I
5 think that the equestrian theme is paramount to me only
6 because of the heritage there. Everyone loves Saratoga.
7 I don't think that there is a person in this room that
8 doesn't like Saratoga and the heritage there. Why not
9 bring it down here? There were suggested names and
10 that's why we did it that way. I wanted to keep the
11 name Foegtli within the development name.

12 MR. HERSHBERG: This is not a unique development in
13 the city. In the 1960's and 1970's we did a number of
14 sections of Saddlewood subdivision by James [SIC] Suny
15 in the City. He was a horse owner and virtually all the
16 streets there; Stirrup Circle, Bridle Path -

17 CHAIRMAN STUTO: Where is that?

18 MR. HERSHBERG: Off of Central Avenue.

19 MR. ZIAMANDANIS: The primary reason was to honor
20 the fact that it's was a horse farm since the 1800's.

21 MR. AUSTIN: As far as the number of buildings that
22 are going to be put on the property - you're saying 39
23 single family homes. How many would the triplexes --
24 how many total buildings are you putting on the
25 property?

1 MR. ZIAMANDANIS: Approximately 33.

2 MR. AUSTIN: And the size of the lots?

3 MR. ZIAMANDANIS: The building footprints
4 themselves -- they'll extend a certain dimension forward
5 and then some dimensions backwards -

6 MR. HERSHBERG: Clearing the extent to the building
7 plus all of the porches and patios by a foot clear of
8 that would create an envelope around that building.
9 That will be the lot that someone owns. Everything else
10 the homeowners association owns and maintains.

11 MR. AUSTIN: You mentioned that you did not receive
12 any comment from the South Colonie schools. I'd like to
13 see comment from the South Colonie schools.

14 MR. HERSHBERG: I'll do my best to get a comment.

15 MR. AUSTIN: I see the numbers and everything like
16 that, but it's the South Colonie School District and we
17 should see something from them that says we can support
18 this number of families.

19 MR. HERSHBERG: How would you suggest myself as a
20 private engineer working for a private developer go to
21 south Colonie and say I sent you this analysis and I
22 haven't heard from you? I insist that you give it to
23 me. I'm in a tough position.

24 MR. LACIVITA: I can answer that question on behalf
25 of the Town.

1 We meet with the school districts both North
2 and South Colonie on an annualized basis. They want
3 to know what is projected within the given year from
4 a planning perspective. They don't look five years
5 out in their planning process. They want to know
6 how many houses are in every subdivision that has
7 approval at that given time. That's probably why Mr.
8 Hershberg hasn't received his answer at this point
9 in time because this is not on their radar and it
10 won't be on their radar until probably three years
11 out when the planning process is fully approved from
12 their perspective and not from the developers.

13 MR. AUSTIN: And sometimes that's too late for the
14 schools.

15 MR. LACIVITA: Understood, but that's their process
16 and it's not ours. We meet with them on an annualized
17 basis - here is the approval for both commercial from an
18 apartment standpoint and from a single family residence
19 and then they plan from that point. They have attrition
20 that they know of too.

21 MR. AUSTIN: People that have spoken for the
22 townhomes - I appreciate your desire to live in a
23 townhome and to live in Loudonville. I do know that the
24 old Eammons site - they're empty and for sale for about
25 the same price.

1 FROM THE FLOOR: No, they're absolutely more.

2 MR. AUSTIN: I drove by the sign the other day and
3 they start at three-something. We've had a lot of
4 developments come through; Northern Pass is one that we
5 have been looking at as well. There is a lot of
6 townhome developments - there is the Hoffman property.
7 There is a lot of building going on in the area.

8 MR. RANIERI: They start in the fives and they
9 start in the upper fives.

10 MR. AUSTIN: I know that when I become a senior
11 citizen I don't think that I'm going to be able to afford
12 that. It's good to know that we have a lot of money in
13 the Town. Thank you for those that are putting money in
14 the Town. I think that those are things to kind of
15 consider.

16 Mr. Paris is a well-known fire veteran in the
17 Town. Being in fire service before, myself, I have
18 heard his name mentioned in high regard. So, to
19 listen to him speak about fire service and to talk
20 about fire trucks and such like that and being
21 concerned about entering and exiting a neighborhood
22 - that should be a big concern. A firetruck isn't
23 going to stop because a car is there; that's for
24 sure. These are things that have been discussed,
25 but I think that I as well as other people on the

1 Board have talked about the issue quite a bit and
2 we're still talking.

3 MR. MION: Since the roads are going to be so
4 narrow and the population that you're targeting for -
5 have you considered putting sidewalks in?

6 MR. HERSHBERG: We have. I think that essentially
7 our goal there would be to try to keep it with more
8 greenspace. Sidewalks do not have greenspace in them.
9 We think that the low density of traffic going on these
10 roadways - people can certainly walk in the roadway to
11 go up on the hill to where they are going to go in the
12 common space.

13 MR. MION: You say the low density of the travel
14 within -- you're going to have 80 units in there and
15 you're going to have people driving. If you're going to
16 be targeting people my age, I'd be concerned if I was
17 walking in the center on the road versus the sidewalk.

18 MR. ZIAMANDANIS: We wanted to keep it the same as
19 the surrounding streets. There are no sidewalks on
20 Danielwood and there are no sidewalks on Maria where I
21 live, Wertman, Miracle. There are no sidewalks
22 anywhere. People walk up and down all the time.

23 MR. MION: But the roads are wide enough.

24 MR. ZIAMANDANIS: There is not much of a difference
25 because there is parking on both sides of that road and

1 it happens all the time. I live on that street and have
2 for 24 years. I travel Albany Shaker every morning and
3 every evening. I live and work here. Wertman is the
4 same thing. There is parking on both sides. It's about
5 the same.

6 CHAIRMAN STUTO: Can I ask who is going to enforce
7 the parking, since it's a private road? I'm not sure
8 that I understand.

9 MR. HERSHBERG: The homeowner's association can
10 certainly enforce it. Because it's a fire lane even on
11 a private road, I think that the Town has a right to
12 enforce it too. We have to verify that, but I think
13 that when you have a fire lane at a shopping center,
14 that's on private property. You still have the
15 enforcement right of a municipality to come in and tell
16 people not to park there. Our goal would be to try to
17 have as cooperative a group with the homeowner
18 association taking the lead and have everybody do what
19 they have to do.

20 MR. MION: Getting back to the sidewalks, I'd
21 appreciate it if you just take a look at it.

22 MR. ZIAMANDANIS: Absolutely.

23 MR. HERSHBERG: Also the question of the boulevard
24 entrance - we can certainly take a look at that. We're
25 cognizant of the fact that we don't want emergency

1 services not being able to get to our dwellings in a
2 quick and easy way as possible.

3 MR. SHAMLIAN: Jumping back to the sidewalks, I'm
4 going to go back. Mr. Ferri had pretty eloquently
5 discussed cost and what Mr. Ziamandius is trying to do
6 is bring a product and a price point that is more
7 affordable to a larger spectrum of people and the
8 project - the townhouses of the Hoffman Playland
9 property there - they are starting in the high fours. I
10 think that there is a model there that they are selling
11 for about \$600,000.00. So, those are very small
12 spectrum of the potential buyers. To try to stay into
13 that price point - that's part of the reason why the
14 number of units have to happen because the
15 infrastructure is almost identical for 38 single family
16 residences. And the 30 single family residences would
17 have to eat up the entire site so there would be almost
18 no buffer left on the property because it would be all
19 single family owned property. That would be greatly
20 reduced. That infrastructure cost and if we add
21 sidewalks to that - it just keeps adding to the cost of
22 the lot that subsequently becomes an added cost to the
23 price of the home. We are looking at all those things
24 as new urbanist. I wanted sidewalks and Dan did a good
25 job explaining to me that it's not really necessary in

1 this particular community because there are similar
2 communities around it and also the additional cost is
3 another piece of the puzzle that we want to try to
4 avoid.

5 MR. MION: And there is a lot of concern about the
6 safety issue. People walk around a lot and seeing that
7 you have 31 kids that will be running around there too -

8 MR. HERSHBERG: Let me just point out that the 31
9 school children was based upon assuming your standard
10 subdivision with a mixture of everybody from early 20's
11 to 80-year old homeowners and the entire spectrum. We
12 think that the number of school children will be
13 significantly less in the final analysis.

14 MR. LANE: I think that you may have answered my
15 question before I even got to it. My question was going
16 to be the viability of the project, should there be less
17 units. Why 80 as opposed to 70 and giving the larger
18 lots? Going to Mr. Quinn's point to where the new
19 urbanism looks for to take a lot and prevent sprawl, but
20 basically it's used up all the space anyway.

21 MR. ZIAMANDANIS: Almost 65% of the site is green
22 and we did look at the road geometry to try to preserve
23 as much of the eastern treeline that is there. The
24 boulevard goes into that treeline, but we are going to
25 do selective clearing to try to keep that as a beautiful

1 treeline entry. The reality is that the way that we
2 have it clustered and the building grouped together, it
3 provides much bigger gaps between buildings than you see
4 at the Colonie Crossings.

5 MR. LANE: The way that you have them sitting, you
6 will not have them looking into each other's units?

7 MR. ZIAMANDANIS: Correct.

8 MR. LANE: Going back to your point again these
9 townhomes as opposed to single family lots, I think that
10 we all understand that this lot is going to develop one
11 way or another. You do 60 lots and this project isn't
12 doable?

13 MR. ZIAMANDANIS: The cost of the infrastructure
14 and all the other things are approximately the same
15 between the 38 and 60. It's basically taking the pizza
16 pie and cutting it into eight slices versus 12 slices.
17 The price per lot goes up and marking for housing -

18 MR. LANE: So, you couldn't maintain the price
19 point that you're at now with -

20 MR. ZIAMANDANIS: No, we would not be able to.

21 CHAIRMAN STUTO: Thank you, everybody. Thank you
22 also to the applicant. I think that what we agreed to
23 is that staff and members will all go through the record
24 including the transcripts and all the submissions and so
25 forth and we'll bring this up at a subsequent meeting

1 which you can discussed with the applicant when that's
2 going to be and when the agenda will permit. Then,
3 we'll open it up for the Board discussion and question
4 and answers for the developer and prepare for a vote at
5 that time.

6 That sound good to the Board?

7 (All members agreed.)

8 Okay, thank you

9

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11 (Whereas the above referenced proceeding was
12 concluded at 9:57 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 July 6, 2015

