

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 COLONIE SENIOR SERVICE CENTER PDD
5 11 ELKS LANE
6 APPLICATION FOR CONCEPT ACCEPTANCE
7 AND RECOMMENDATION TO THE TOWN BOARD
8 FOR PLANNED DEVELOPMENT DISTRICT REZONING

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10 THE STENOGRAPHIC MINUTES of the above entitled
11 matter by NANCY STRANG-VANDEBOGART, a Shorthand
12 Reporter, commencing on July 14, 2015 at 7:47 p.m.
13 at The Public Operations Center, 347 Old Niskayuna
14 Road, Latham, New York

15 BOARD MEMBERS:
16 PETER STUTO, CHAIRMAN
17 BRIAN AUSTIN
18 TIMOTHY LANE
19 CRAIG SHAMLIAN
20 SUSAN MILSTEIN
21 TIMOTHY LANE

22 ALSO PRESENT:

23 Kathleen Marinelli, Esq., Counsel to the Planning Board
24 Joe LaCivita, Director, Planning and Economic Development
25 Daniel Hershberg, PE, Hershberg and Hershberg
26 Joseph Grasso, PE, CHA
27 Roy Marsh
28 Teresa Bakner, Esq., Whiteman Osterman and Hanna
29 Michael Stapleton
30 Ann Sage
31 Ed Neary, Colonie Senior Services
32 David Such, Colonie Elks
33 Linda Heitzman
34 Karen Smith
35 Diana Anderson
36 John Zeto
37 Geraldine Crista DePaul

1 Margaret Force
2 Kathy Gilcrist
3 Joan Slingerland

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1 CHAIRMAN STUTO: There appears to be a lot of
2 public interest on this item. We have a sign-in sheet
3 on the right that allows us to take comments in an
4 orderly fashion and to be fair to everyone. We'll still
5 give you opportunities later, but there is a sign-in
6 sheet to your left on that table to our right.

7 The next item is Colonie Senior Service, Inc.
8 PDD - that's planned district development. This is
9 at 11 Elk's Lane. This is an application for
10 concept acceptance and SEQRA which is the
11 environmental determination and recommendation to
12 the Town Board for a planned development district
13 rezoning.

14 Joe LaCivita, I'll give this to you.

15 MR. LACIVITA: Peter, I think that you and the
16 Board recognize the project. It's been around for a
17 period of time. It's changed several times and it's
18 again changed tonight. The last legislation had about a
19 7.5 acre parcel and now we are going to be encompassing
20 the entire Elk's parcel.

21 There are some additional changes that Dan will
22 discuss and we hope at the end, we can move toward a
23 recommendation to the Town Board and I'll turn it
24 over to Dan Hershberg.

25 MR. HERSHBERG: Thank you, Joe, my name is Dan

1 Hershberg from the firm of Hershberg and Hershberg.
2 With me is Ed Neary, the Executive Director of Colonie
3 Senior Services Center, Teresa Bakner, their attorney,
4 Greg Seleman and Kirk Woodward representing the
5 architects, Steve Obermayer from BBL and a whole bunch
6 of other people who are involved with the project. I
7 see a whole bunch of friendly faces out there.

8 The project has gone a long way. You may
9 recall for at least one meeting and perhaps two
10 meetings, a major effort was made to try to identify
11 the public benefits of the project. We went through
12 a number of iterations. Teresa Bakner wrote a
13 letter identifying why the public benefits that we
14 have proposed meets the definition of 190.65 and
15 190.66 of the Town Code.

16 I just make a couple of boards and I don't want
17 to do a long presentation, since I'm sure that there
18 are questions and information that the residents of
19 the area and the people in the audience may want to
20 bring out. So, rather than repeating everything
21 that I've said before, let me just hit some of the
22 issues that were handled here.

23 The first public benefit on this board talks
24 about construction or provision of funds for
25 approving the accessible parking sidewalks at the

1 Town of Colonie Memorial Town Hall. This is based
2 upon a plan that was prepared and that the Town
3 would be desirous of doing. Colonie Senior Citizens
4 Center would physically do it, or provide the funds
5 to do that.

6 The next issue is construction or provision of
7 funds to extend concrete sidewalks from the Beltrone
8 Living Center at 6 Winners Circle out to Aviation
9 Drive. It's going to be called Maxwell Road. This
10 is important because not only does it make this area
11 more accessible, but it provides a pedestrian access
12 starting all the way at the Crossings and continues
13 all the way to Wolf Road. You will have a
14 continuous pedestrian access that entire run.

15 The third item on our benefits list is
16 providing affordable housing service and activists
17 for senior citizens in the Town of Colonie. I'll
18 point out that affordable housing was one of the
19 items that is physically mentioned in the Code of
20 the Town of Colonie.

21 Site distance improvements along Watervliet
22 Shaker Road - to do that we are going to have to
23 clear vegetation from this intersection down to here
24 (Indicating). It turns out that we thought we might
25 have to grade something, but the site distance shows

1 that it can be handled just by clearing vegetation
2 which then will have to be continually maintained so
3 that doesn't interfere with site distance. This
4 will improve the site distance to meet the New York
5 State DOT standards.

6 The next item that we are going to be improving
7 is the water distribution system. Currently, there
8 is a water main which comes through from Abedar and
9 stops here (Indicating). We would continue it down
10 and out to Watervliet Shaker Road and make a tie in
11 at the main on the opposite side of Watervliet
12 Shaker Road. That will improve both the service and
13 reliability of this entire system.

14 The next public benefit is preservation of open
15 space - someplace between 6.7 and 8.2 acres of
16 woods, steep slopes and wetlands and ravines going
17 all the way down to the Krumkill stream corridor
18 will be retained as open space, so that it will
19 never be developed.

20 The last item on here is the opportunity for
21 complementary and mutually beneficial land uses
22 between the residents of the senior housing complex
23 and the members of the Elks Lodge with support of
24 community volunteers, civic organizations and
25 activities. We have already talked to the Elks Club

1 and we think that essentially there are good
2 opportunities there and there will be a certain
3 synergy between the people in the senior residence
4 and the Elks Club. First of all, a number of the
5 Elks Clubs are senior citizens and we can see that
6 there is a certain capability of some trading of
7 efforts and events, etcetera. We think that is
8 another public benefit.

9 Now, I'd like to move forward with something
10 else which is -- I want to review briefly the
11 changes that have been made to the property since we
12 came here this first time with sketch plan. I won't
13 take a lot of time with it because people are pretty
14 much aware of what we have done.

15 First, we defined the building orientation and
16 the first orientation had the main side of the
17 building on the Abeidar Lane side, so that despite
18 it's coming up Elks Lane with a better view, we
19 revised the building orientation to place the
20 building facades, most compatible, in scale with the
21 neighborhood along Abedar Lane. We revised the
22 building orientation to remove the building further
23 away from Abedar Lane. We relocated from the
24 garages side adjoining the rear lots on Abedar Lane
25 and we reduced the height of the building roof. All

1 of those changes were made through the use of a
2 visual impact of this building when viewed from
3 Abedar Lane.

4 We added a berm between the parking lot and
5 parking lot adjoining the rear of those lots. We
6 increased the density of the trees on top. We
7 originally had a single row of white fir on there.
8 After discussing it with Joe Grasso and Clough
9 Harbour, they said essentially that we could do a
10 much better job of screening if we did a double rows
11 of them and we did an alternating spacing of them.
12 The white fir is planted at six to eight feet. It
13 will grow to 20 feet within nine or 10 years. Also
14 planted between 10 and 15 feet on center, it will
15 fill in almost entirely within that same time
16 period.

17 The other change that we made were that we
18 relocated the pavilion. We originally had the
19 pavilion located in a slightly different location
20 with the side of the park not furthest to the
21 property line adjoining the rear lots of Abedar. We
22 oriented the building so that the activity area of
23 the facility is remote and focused away from the
24 property line adjoining abidar.

25 Another change which is probably the most

1 dramatic one that we made since we were here before
2 has to do with the location of the emergency access
3 drive. The emergency access drive, we had
4 originally shown going down this side here right
5 along the rear of the Abedar lots (Indicating). We
6 worked it out and we did a grading plan. It turned
7 out in order to do that, not only would we have to
8 clear a lot of trees in this area, we'd have to
9 grade the slope back to here (Indicating). That
10 would be most convenient to the Elks because if
11 there was any future use of the site, it would have
12 kept it as far out of the way -- but we did meet
13 with Clough Harbor. We brainstormed a little bit
14 with them and we determined that we could take the
15 emergency access drive which is going to have a
16 gated emergency access drive with an Knox Box on it
17 so the fire department can access it if they have
18 to. That will be recessed back from Watervliet
19 Shaker Road so a fire truck coming in can pull off
20 the road, get to the gate, operate the gate and go
21 into the site. The emergency access drive, by the
22 way, is only going to be needed if in fact coming up
23 Elks Lane is prohibited at some time due to an
24 accident - something else happening there while an
25 event requiring their attendance at either the Elks

1 Club or at the senior citizen housing was needed.
2 These emergency access drives are very rarely used,
3 however, the people from Fire Safety said that we
4 should have it, so we have provided it. We did it
5 here (Indicating) where we were able to retain trees
6 on both sides so that it become a very narrow, if
7 you will -- cut of trees and it's down the side of
8 the slope. It will hardly be visible from either
9 side. The only place that it will be visible from
10 is when you drive on Watervliet Shaker Road. If you
11 look in this direction, you will be able to see it.

12 The rest of the site plan has pretty much
13 stayed the same since the last time that we were
14 here. All of that first group of changes we
15 discussed had been made.

16 I think that rather than me repeating the
17 details of it, I'm prepared to answer any questions
18 that they Board may have or respond to questions.

19 CHAIRMAN STUTO: Okay, we'll hear from the Town
20 Designated Engineering and then the public.

21 We'll turn it over to the Town Designated
22 Engineer, CHA in the form of Joe Grasso.

23 MR. GRASSO: Yes, there is a letter in your packet
24 - our most recent letter on the application. You should
25 begin on page 6 of your packet. It's a June 16, 2015

1 letter. It's the most recent review of what we've done,
2 although we have done numerous reviews of the project up
3 to this point. All of our previous comments that we
4 have had on the site plan, the PDD, the public benefits,
5 the open development area application, the emergency
6 access arrangement and the evaluation of the impacts on
7 the environment, as documented on the full EAF have been
8 adequately addressed.

9 Regarding the concept site plan that we're
10 looking at tonight, the layout of the project
11 components have been designed to mitigate the
12 impacts on both the adjacent properties and the
13 environment to the greatest extent practicable,
14 based on the currently proposed development program.
15 Any remaining technical items should be able to be
16 addressed during the later stages of the project
17 during preliminary and final site plan review.

18 According to the Chapter 190-13 of the Land Use
19 Law that covers the PDDs, the next step in the
20 process is for the Planning Board to complete the
21 concept plan review of the application and issue
22 written findings in either support of or against the
23 PDD to the Town Board, and to make a SEQRA
24 determination and then issue written findings in
25 support of or against the proposed open development

1 area application.

2 So, regarding the PDD, because it's a PDD,
3 public benefits that add to the long-term assets of
4 the community are recommended in the PDD
5 legislation. Per the PDD requirements, the Town
6 Board may then require the benefits by requiring the
7 project to either include them or provide the
8 necessary funding for them. The benefits can either
9 be on-site or off-site.

10 I'm not going to go through the various public
11 benefits proposed as a part of the project citing.
12 Dan did a good job describing each of those, but
13 they are listed in your letter. So, assuming that
14 the public benefits are agreeable to the Planning
15 Board, they would then be made conditions of your
16 recommendation in support of the PDD to the Town
17 Board. Then, we'll also document them in the SEQRA
18 findings and the PDD findings.

19 For the Planning Board's consideration we have
20 drafted a Resolution in support of the PDD
21 application, and that's further back in your packet.

22 Regarding the ODA, the application has been
23 made to the Town Board. The proposed subdivision
24 will create a new parcel without frontage on a
25 public roadway and access to the project will be

1 provided by a common access easement from the end of
2 Elks Lane, which is currently a public Road.

3 As Dan described it, an emergency access road
4 is provided to provide a second means of access from
5 both parcels out to Watervliet Shaker Road. It's
6 our opinion that the proposal, alignment and grading
7 of the access road has been designed to minimize the
8 impacts on the adjoining properties and is
9 acceptable to us. As such, we are in support of the
10 proposed open development area application and also
11 in your packet is a draft Resolution for the
12 Planning Board's consideration.

13 Lastly, regarding the SEQRA review which has
14 been extensive up to this point in the project with
15 a lot of documentation in the file regarding the
16 potential environmental impacts as well as the
17 mitigation measures that are included in the project
18 to mitigate those impacts, those have been thoroughly
19 evaluated throughout the course of the project.

20 Regarding lead agency: It's an unlisted action,
21 so coordinated review is optional. It is our
22 understanding that no other involved agency has
23 requested to be lead agency and as such, the
24 Planning Board may accept lead agency status and
25 based on our review, it doesn't appear that the

1 project will result in any significant environmental
2 impacts and as such, the Planning Board may also
3 consider issuing a negative declaration pursuant to
4 SEQRA.

5 In support of that, we have worked on
6 preparation of Part II of the full EAF and a draft
7 negative Declaration and Resolution for
8 consideration by the Planning Board.

9 That's the status of our current review and the
10 actions before the Planning Board for tonight's
11 considerations.

12 CHAIRMAN STUTO: Okay, we'll take comments from the
13 public.

14 David Fonseca.

15 MR. FONSECA: I'd like to let the other people talk
16 first and I'll talk afterwards.

17 CHAIRMAN STUTO: Okay.

18 Roy Marsh.

19 MR. MARSH: I'd like to thank the Board for this
20 opportunity to speak. I live at 2 Abedar Lane and I
21 have lived there for 19 or 20 years.

22 I hear some public benefit for other areas of
23 Colonie to get sidewalks and stuff like that. I
24 haven't heard one public benefit for the residents
25 in that area. I haven't heard one. Nobody can

1 address that. There is not one public benefit to
2 the people that live there. Really, that's my major
3 concern.

4 I appreciate you moving the access road from
5 behind my property. I'm still concerned about the
6 pavilion moving from one side of the parking lot to
7 the other and the possible noise and the people - if
8 they are using the outside pavilion looking into my
9 property and while I'm in the backyard looking at my
10 property. I really hear no benefit to the people of
11 Abedar Lane; zero. If somebody could address that,
12 that would be great.

13 CHAIRMAN STUTO: Can you talk about the pavilion
14 briefly? I remember Mr. Marsh's comments before. Then,
15 the public benefit question, if you could.

16 MR. HERSHBERG: The pavilion previously had its
17 long side here (Indicating) and was located about here.
18 We relocated it to a point about here. We took this
19 grade out of there and we propose to put some
20 landscaping here (Indicating). We are leaving a
21 substantial growth of trees at this point here to block
22 any view and cut along this axis from 2 Abedar Drive.
23 There is a significant stand of trees between that and
24 where the pavilion would go. I think that essentially we
25 were cognizant of the request to reduce the impact on

1 people on the pavilion location. The current pavilion
2 is down at the other end of the site and it has
3 functioned for a number of years with a whole bunch of
4 events going on and I think essentially what we have
5 done is we have relocated it to the other side.

6 CHAIRMAN STUTO: And public benefit?

7 MR. HERSHBERG: Let me just review briefly - again,
8 I don't want to repeat these public benefits. Our
9 position is that the goal is to provide public benefits
10 for the people of the Town of Colonie, which includes
11 everybody that live on Abedar Lane. I heard the
12 Chairman say it at the last presentation. Provision of
13 affordable senior housing is a major public benefit to
14 the citizens of the Town of Colonie. I know that it
15 requires certain other additions to it, but again, we
16 hold that as the major improvement.

17 The improvement of the sight distance at the
18 end of Elks Lane - it makes accidents much less
19 likely along Watervliet Shaker Road and Abedar
20 adjoins Watervliet Shaker Road.

21 FROM THE FLOOR: A direct access to people on
22 Abeidar?

23 MR. HERSHBERG: I don't want to claim that it is,
24 but there is a public benefit to that; constructing a
25 watermain and making that watermain a loop. In fact,

1 that does provide a benefit to the people on Abedar
2 Lane. Now, if the watermain should break coming up to
3 Watervliet Shaker Road, the Latham Water District can
4 close it out there and serve it a second way. That's a
5 benefit. It may not seem like a public benefit, but it
6 is.

7 The preservation of open space - all this area
8 is being preserved. Agreed that there are slopes in
9 there. We didn't encroach at all on those slopes.
10 The arrangement of the site plan was made
11 essentially to keep away from the slopes so that we
12 can keep foliage all the way around there.
13 Preserving open space is a benefit to the citizens
14 to the Town of Colonie, which includes our
15 neighbors. Obviously, the opportunity to provide
16 for events, etcetera, going on between people at the
17 Elks Club and the senior center - a whole bunch of
18 those events are open to the public and I think that
19 Ed Neary made a good point of it at one of these
20 presentations. They are in the business of providing
21 services for senior citizens and senior citizens are
22 an ever increasing proportion of the population of
23 the Town of Colonie.

24 MR. MARSH: Just one rebuttal, sir? You're not
25 giving us anything that we don't already have.

1 CHAIRMAN STUTO: Joe Grasso, do you have a comment?

2 MR. MARSH: Let me just say it this way. When you
3 explain with the way that the other projects are - you
4 explained about a park or trails or something and I see
5 nothing along those lines in this project. I don't even
6 know if it's possible, but you're asking for change and
7 you're asking for a change in a variance in a
8 neighborhood that has been the same way for 20 years
9 since I've been there, and probably long before that.
10 I'm just saying that you're asking us to come along with
11 all of this and be okay.

12 I understand the need for senior housing. I
13 will be there shortly. I'm not that far away, as my
14 kids remind me often. But it probably won't be
15 here, to be honest with you, because New York State
16 is too expensive to live, to be honest with you. I
17 can tell you that you're looking for a benefit for
18 the next person that buys my home and I'm not seeing
19 it. That's all that I'm saying. I will respectfully
20 disagree.

21 MS. BAKNER: I apologize for being so tremendously
22 short. My name is Teresa Bakner. I'm with the law firm
23 of Whitman Osterman and Hanna and I'm here tonight for
24 the Colonie Seniors. I just wanted to point out that
25 the Town's Zoning Law, which we have covered in the

1 letter, has the actual definition of community benefit
2 or amenity. It defines it as open space which we have,
3 housing for persons of lower or moderate income, which
4 this is, and parks, eldercare, daycare of other specific
5 physical, social or cultural amenities or a cash in lieu
6 of benefits to the residents of the community.

7 Also, the Zoning Code goes on to encourage
8 applicants for PDD, as you guys have encouraged us,
9 to show the provision of or funding for significant
10 amenities and open space on or off-site. So, what
11 we have done in the letter here is try to show that
12 in every point the Comprehensive Plan really
13 recognizes the value to the community as a whole of
14 the affordable senior housing that we are providing.
15 This is not market rate. This is for people who
16 need to get by on social security. The open space
17 that Dan has pointed out, the improvement in the
18 water, the fact that the two uses really complement
19 each other -- we all know and appreciate the
20 charitable purposes to which the Elks devote
21 themselves and the fact that some of those
22 charitable purposes will now be able to also be
23 benefitted with the proximity of the senior housing.

24 Also, I don't know if this is known, but this
25 organization is actually funded in part by the Town

1 in order to provide these services to the community
2 as a whole. So, we are very sympathetic and
3 understand the concerns of the people on Abedar
4 Lane, but what we have tried to do as part of the
5 environmental review is reduce the impact to them as
6 much as possible, and we've tried to be very
7 sensitive to that.

8 The Zoning Code's own definition includes
9 affordable senior housing as an important benefit,
10 not only in and of itself, Peter. I've been trying
11 to convince you that. It's also in addition to the
12 other things that we are proposing to offer.

13 MR. AUSTIN: Ma'am, I don't disagree with you, but
14 I think that the residents down on Abedar Lane already
15 have a lot of open space there already. You're taking a
16 lot of that open space away, so to say that you still
17 have open space - that's great and all, but you are
18 actually reducing the open space that they already have.
19 So, I'm not sure if that can be considered a public
20 benefit.

21 I'm not sure what they are looking for. I'm
22 still trying to figure that out too; whether it's a
23 trail or a park. I'm not really sure. I hear what
24 they are saying. I know that it was previously
25 brought up the idea of -- maybe Mr. Hershberg can

1 jump in on this one -- a sidewalk that was going to
2 be to the convent -

3 MR. GRASSO: Delatour.

4 MR. AUSTIN: Right. All the way down to Delatour.
5 That's a public benefit, I would assume, to the
6 community, to have a sidewalk. It's always nice to be
7 able to run, or jog, or ride your bike without being hit
8 by a car. Was that an option for a public benefit? I
9 think that was on the table at one point.

10 MR. HERSHBERG: We reviewed it quite heavily. As a
11 matter of fact I think that Clough Harbour came out and
12 at least looked at our planning to show that essentially
13 that's a very difficult connection to make without
14 acquiring additional property from the adjoiners. You
15 have grade differences. You have curbs to address. It
16 would require either contributational land from the
17 homeowners to make that sidewalk or eminent domain by
18 the Town. We don't think that's a feasible thing to put
19 on this one applicant to do. First, it would be a
20 significantly long space going all the way down to
21 Delatour Road. People talk about going all the way from
22 the school down to Delatour Road. That's significant.

23 CHAIRMAN STUTO: That's the first time that I've
24 heard that one.

25 MR. HERSHBERG: Well, at one point it was out

1 there. I know that somebody said that we need sidewalks
2 on that entire run. That might have been at one of the
3 neighborhood meetings. Maybe it wasn't in front of the
4 Planning Board. The answer is that we did consider it.
5 It was beyond the scope of what this applicant can do as
6 a public benefit.

7 CHAIRMAN STUTO: I'm going to ask Joe Grasso, our
8 Town Designated Engineer, to address the question
9 generally and anything that you think needs
10 clarification.

11 MR. GRASSO: It's something that has been discussed
12 by the Planning Board.

13 CHAIRMAN STUTO: Well, the question that Mr. Marsh
14 asked in this particular example.

15 MR. GRASSO: Understood. The perception is that
16 there is no public benefit proposed as part of this
17 project that the neighborhood is going to see as a
18 physical improvement that something new to them that is
19 going to provide a service or benefit that they don't
20 see now. I agree that the open space -- the project is
21 going to result in addition of develop, that they are
22 not seeing.

23 CHAIRMAN STUTO: Let me just ask you a question on
24 that point. What could they have put there if they
25 didn't do a PDD?

1 MR. GRASSO: Well, they could have done a
2 residential development with say 30 or 40 residential
3 lots and not been required to provide any open space.
4 They are providing six or eight acres that is going to
5 be deed restricted in perpetuity. From the applicant's
6 side, they are providing permanent open space from the
7 neighborhood side. It's already a sparsely developed lot
8 with a lot of open space. That's not a benefit and it's
9 nothing new that they are getting.

10 The other benefits that are proposed as part of
11 the project don't result in any physical improvement
12 that is going to benefit the neighborhood. I
13 appreciate that and you'll understand as part of our
14 earlier discussions, we talked about the possibility
15 of public benefits that would impact positively the
16 neighborhood area. It's not required that public
17 benefits associated with the PDD benefit the
18 neighborhood. It's looked at as a townwide basis.
19 So, that is something that I think is important for
20 the Planning Board to consider, and obviously all of
21 the benefits as proposed as part of the project
22 including the fact that it's the senior housing is a
23 townwide benefit. That's something that the
24 Planning Board should take into consideration. I'm
25 not negating the comment that there are no physical

1 improvements to the neighborhood. To try to answer
2 Brian's question about what exactly a public benefit
3 that would benefit the neighborhood be, I would
4 think that the sidewalk along Watervliet Shaker Road
5 is probably the most logical physical project that
6 could be done, but it does have significant
7 challenges and we have vetted that with the
8 applicant during the review of the project because
9 if those challenges weren't there, it would be made
10 as part of the project.

11 CHAIRMAN STUTO: So, what did you say about
12 sidewalks? Did you study it hard?

13 MR. GRASSO: Yes, we did study it hard. There are
14 significant challenges associated with that sidewalk
15 project moving forward in a timely manner, being taken
16 on by a private applicant. If it was a municipal
17 project and relocation of overhead utilities wasn't
18 going to be burdened on the applicant, there is no
19 charge for that if the availability of right of way was
20 an issue, but you put that on the back of an applicant
21 and it can become a show-stopper for years. There are
22 challenges and we have vetted that.

23 We've gone out there and we've walked the
24 route. We looked at the side with the least impacts
25 which is the side on the Elks Lane side, but still

1 there are significant challenges there. If it was
2 to go in, not to have logical terminus, we would
3 recommend that it would start at Fiddler's Lane and
4 go all the way down to Delatour. That's the
5 improvement that would be required.

6 CHAIRMAN STUTO: Was there consideration of paths
7 and/or a public area that the neighbors could share with
8 the community there?

9 MR. GRASSO: It was considered, but other than
10 housing this Elks facility, which was also considered
11 which is being retained on the site, there was no other
12 consideration given to a public park within a project
13 site.

14 CHAIRMAN STUTO: Can I direct that question to the
15 applicant, too?

16 MR. HERSHBERG: One issue that we did address was
17 the potential of putting a nature trail on the site.
18 And quite honestly, our major concern was the safety of
19 the people because we had a slope to contend with. We
20 have some federal wetlands and we could have crossed
21 them by putting woodchip trails along them, but
22 everybody knows that a woodchip trail underfoot on a
23 slope is not the place to invite people with some
24 infirmities to walk. We determined that the nature
25 trail was probably not the best benefit. It's not a big

1 deal to do. We can do it, but the answer is that we did
2 not think that it was the reliable type of benefit to
3 put on a site like this.

4 CHAIRMAN STUTO: You have addressed the question
5 and we'll continue with creating a record and discussing
6 it with the community.

7 Michael Stapleton.

8 MR. STAPLETON: Good evening. My name is Michael
9 Stapleton and I live at 12 Starlight Road in Latham.
10 thank you for letting me speak, and I'd also like to
11 apologize for not following protocol a couple of minutes
12 ago.

13 Under the mandatory findings of Section 190-70
14 of the Town Law it says "compatible with the
15 surrounding neighborhood context and character". I
16 know that I was not at the February Board Meeting,
17 but I was at the other two Board meetings and this
18 was brought up. This is a three-story apartment
19 building that is being placed in a single family
20 residential area and I don't know how that meets the
21 "compatible with surrounding neighborhood context
22 and character". That's just a statement of my
23 opinion.

24 Under D: "Will not erode the livability or
25 economic viability of existing neighborhood areas"

1 Again, this is a three-story apartment building
2 being placed in a single family neighborhood. This
3 will adversely affect the property values of those
4 houses more than the proximity to the Elks Club
5 already does.

6 On the access road - is that going to be
7 opposite Dan-Del or just east or west of Dan-Del on
8 Watervliet Shaker?

9 MR. HERSHBERG: Mr. Chairman, I would ask you for
10 permission to comment.

11 CHAIRMAN STUTO: Go ahead.

12 MR. HERSHBERG: There is Dan-Del, and that's offset
13 from it. There is no reason for the opposite because
14 there is no real traffic on this street.

15 MR. STAPLETON: No, I was just curious as to where
16 it was going to be.

17 I'm probably in the minority tonight because I
18 don't think that this should be put there. I
19 believe that most of the people in this room are
20 senior citizen services people and I respect the
21 fact that they would like it there. I live within
22 shouting distance, literally, because I can hear
23 some of the events at the Elks Club. I don't really
24 think that this should be placed there. I don't
25 have anything else to say. Thank you.

1 CHAIRMAN STUTO: Thank you.

2 Ann Sage.

3 MS. SAGE: Mr. Chairman, Members of the Committee,
4 I'm Ann Sage and I live at 2 Abedar Lane.

5 I agree with everything that has been said, as
6 far as the use of the area. One of my concerns,
7 when you're talking about open spaces, is that you
8 have talked about the benefits to the neighbors and
9 the Town. I think that's great, but nobody is
10 talking about safety. That 155 is so dangerous for
11 all of us that live there. Making a left turn onto
12 155 - you know the traffic studies. I'm not telling
13 you anything. At 7:00 in the morning when the school
14 kids are going to school and when the school kids
15 are getting out, you've got 18-wheelers on that
16 road, propane and all sorts of hazardous materials.
17 There is no access in the event that there is a
18 major accident and I know that the Fire Department
19 and EMTs - you're going to say oh, we can get
20 through anything and maybe they can. But what if
21 they can't and we're stuck there and there is gas or
22 some dangerous situation happening? We can't get
23 out. There is nowhere to go. You have Abedar Lane
24 and 155 and if you're lucky you can get to Fiddlers.
25 Last year 155 got shut down in both directions.

1 Then what do we do? I don't know where to go. If
2 someone could tell me, that would be good but I
3 can't get out of my neighborhood. It's my choice
4 and I bought there. I heard some of the comments.
5 I know that. I didn't buy there when this project
6 was going in. I think that we've got renters coming
7 in, great. I've rented. What kind of renters?
8 They are low-income. How is this project going to
9 be controlled. It's low-income housing.

10 CHAIRMAN STUTO: Let's be polite, please. You've
11 made your point; thank you.

12 MS. SAGE: How is it going to be controlled? The
13 amount of money that people who can rent - are they
14 going to be able to maintain that, or are some of these
15 rental units sublet? There is control lost over the
16 entity and the owners by who is going in those over
17 time.

18 Another thing that has not been mentioned is
19 what are the Elks Club restrictions? Are we going
20 to have a major commercial banquet facility there
21 that we have to put up with? It's going to be
22 commercial now, or is it a planned development
23 district? I haven't heard and maybe I have missed
24 it.

25 CHAIRMAN STUTO: My understanding is that the Elks

1 is going to stay the same as the Elks. This is really
2 not part of this project.

3 MS. SAGE: Is that a restriction that is being
4 placed on them or after you're done, do they all the
5 sudden decide to do weddings or -

6 CHAIRMAN STUTO: They can do that now.

7 MS. SAGE: I mean, major advertising in bringing in
8 really big projects where there is noise pollution and
9 there is the density problem of too many people in a
10 controlled space with only one access and the ingress
11 and egress. It's a major accident waiting to happen,
12 especially -

13 CHAIRMAN STUTO: You're saying ingress and egress
14 of this parcel?

15 MS. SAGE: Yes.

16 CHAIRMAN STUTO: They have two.

17 MS. SAGE: Yes, but still you only have 155. You'd
18 be stuck.

19 I was looking through your meeting minutes
20 going back to Carondolet. You did talk about the
21 sidewalks and running them down 155.

22 In February you mentioned that people in this
23 facility won't be driving because of their age.
24 They get around. There isn't anything that is going
25 to stop people from driving and getting around and

1 further impacting 155.

2 So, we have the school kids and all the people
3 on that state road and I have not heard one person
4 from the state address this project because it's
5 messing with their state road. I haven't heard
6 anything.

7 Has this gone before the County of Albany?

8 CHAIRMAN STUTO: We can address that.

9 MS. SAGE: I'm sure that you will and you know your
10 procedures. I don't. I had all I could do to get up
11 here. I live right there and talking about putting in
12 sidewalks at the Town Hall is nice for everyone down
13 there and all of us going to the Town Hall -

14 CHAIRMAN STUTO: That's a parking area for seniors
15 -- a handicapped area, so that they can have access.

16 MS. SAGE: For 155, seniors who want to exercise
17 and get out and about - they can't do on the hill on the
18 property because it's a wetland and it's not safe. They
19 can't walk on 155 safely because it's so narrow.
20 Runners who are solid with their balance can't run
21 safely on 155. So, when you talk about a benefit to my
22 neighborhood, this doesn't benefit me. Thank you for
23 your time.

24 CHAIRMAN STUTO: I can almost address some of it.

25 They are legitimate questions and she mentioned

1 safety and I know that you have addressed some of
2 that. The traffic patterns, I know, are not the
3 same as working families where they would make it
4 worse at a.m. and p.m. hours because they would be
5 going to work. These people, I would say, tend to
6 travel on the non-peak hours so in that sense -

7 MR. HERSHBERG: That's exactly true, Mr. Chairman.
8 We had Creighton Manning do a traffic study for us and
9 determined that at the peak a.m. hour it generated 20
10 movements of which 11 were out and nine were in. The
11 p.m. hour 25 movements of which 14 are coming in and 11
12 are leaving -- those are very, very small impacts on a
13 traffic pattern on Watervliet Shaker Road. It's less
14 than the daily variation of a couple percent of traffic
15 on the roadway. We are doing nothing to encourage large
16 trucks which have been a problem in the past on 155. We
17 will have deliveries coming in and out, but the
18 deliveries will take place on van-sized trucks or
19 smaller trucks that come from the Colonie Senior Service
20 Center.

21 I'll point out the concern about low-income
22 housing is not the case here. This is affordable
23 housing for seniors.

24 CHAIRMAN STUTO: Can you talk about the sideline
25 improvement that you're making, so that we can all

1 understand that?

2 MR. HERSHBERG: Right now if you come out Elks Lane
3 now and you look to the left, you'll only be able to see
4 to maybe Dan-Del Drive. That's about as far as you can
5 see with all the foliage in the way. We are going to
6 clear the foliage down so that you can see to a point
7 about here (Indicating) which meets the site distance
8 requirement that New York State DOT has and we had
9 Creighton Manning do that and we prepared a sight line
10 drawing which shows how it's done. So, we think that
11 essentially we are clearly going to improve that
12 situation.

13 CHAIRMAN STUTO: I'm trying to be objective here
14 and I'm not selling the project, but if someone is
15 taking a right out of Abedar, it's going to be safer
16 because somebody taking a left out of the project is
17 going to be able to see that.

18 MR. HERSHBERG: Yes, you'll see them coming. The
19 issue of a two lane highway - New York State has
20 literally thousands of two-lane highways that they
21 maintain all over the state and if an accident occurs on
22 a two-lane highway, emergency vehicles have a method of
23 getting there and they can do it. It may be inconvenient
24 for the people when an accident occurs on the road
25 because essentially an accident occurring on 155 will

1 probably close both lanes because of the narrowness of
2 the pavement. That happens today. This project won't
3 increase the frequency of that happening.

4 CHAIRMAN STUTO: Can you talk about what the
5 traffic would be if it were single family houses?

6 MR. HERSHBERG: We didn't do an exact plan, but
7 even leaving out the entire slope at the back, we think
8 that the density would be about 40 single family
9 dwellings on the site. Forty single family dwellings
10 would have developed about 1.7 times the traffic on the
11 am and about 1.5 time the traffic on the p.m. It's
12 about 40 to 42 vehicle movements per hour. If the Elks
13 Club decided to bail out and sell it to a developer and
14 develop a portion of the site, 40 single family houses
15 would have a greater impact with regard to traffic.

16 MR. AUSTIN: Mr. Hershberg, I noted that the
17 residents are very concerned about that general curve in
18 the road. There has been at least one that I know of -
19 a fatality on that curve involving a high school student
20 years ago. At least it was a very serious accident. I'm
21 not sure if it was a fatality. Speed was an issue,
22 obviously, and such like that, but is there anything
23 that we can do to monitor that traffic?

24 MR. HERSHBERG: General traffic safety is beyond
25 the purview of our applicant to really address.

1 However, we did ask Creighton Manning to pull up the
2 accident records and it turned out that there were 26
3 accidents during a five-year period that they studied.
4 Only one of them included a pedestrian and that was not
5 a fatal accident. That was during the past five years
6 and it was labeled as inattention and a drunk driver.
7 That was the reason why that pedestrian accident
8 occurred. So, there aren't many accidents on the road.
9 That was taking up an area of about a half mile of the
10 road. They didn't have anything specific at Elks Lane.
11 There wasn't a single accident reported, but there could
12 have been one because they didn't do it by intersection.
13 They did it by the mileage on the road. Essentially, we
14 did ask them to take a look at that since there is no
15 more propensity for accidents on this section of the
16 road than most two-land highways in the State of New
17 York. It's very compatible with other highways.

18 MR. AUSTIN: That's good information for the
19 residents. Thank you.

20 MR. GRASSO: Can I just add to that? We did
21 solicit comments from DOT regarding the project and the
22 condition of Watervliet Shaker Road because they do own
23 and maintain that section and they did not identify any
24 safety concerns with Watervliet Shaker Road in its
25 current configuration.

1 CHAIRMAN STUTO: How is the rent going to work?

2 MR. HERSHBERG: Ed Neary could probably address
3 that. Let me take a little crack at it. I told Ed that
4 I wouldn't call on him unless I really needed him.

5 Colonie Senior Services is currently has
6 facilities that they manage and rent. They keep
7 good control of the residents. The residents do
8 have to pay rent. They do set the rents at an
9 affordable rate. Affordable is affordable. It's
10 not low-income housing. It's people that have
11 limited income and people who might be living on
12 social security or a small retirement, or somebody
13 with a part-time job. Those people can afford to
14 live in these units. That's the goal here. All
15 these beds will be filled by people who come very
16 close to meeting that definition. The idea that
17 somehow the renters in this building are going to
18 take advantage of the building - first of all
19 Colonie Senior Services takes care of their
20 buildings. They do a wonderful job of taking care
21 of their buildings, of the site, of the landscaping,
22 of everything else on the site. I don't think that
23 there is any concern about the income level of
24 people that live there. We think essentially that
25 Colonie Senior Services has the capability of

1 handling those residents. They do it quite well at
2 their existing facilities.

3 CHAIRMAN STUTO: When I was out in the community,
4 somebody on the same point asked me, is this available
5 for only current -- somebody said that they were a
6 current Colonie resident and thought that they would
7 have an advantage in applying for housing. Can somebody
8 address that? And could you also talk about where the
9 price points are on the rent?

10 MR. NEARY: My name is Edward Neary and I'm the
11 Executive Director of Colonie Senior Service Centers.

12 In regards to the rents: In addition to what
13 Dan has indicated, we also sat down with the
14 administration for the Town to talk about what the
15 rents would be several years ago as we went through
16 this process. We predetermined what the income
17 levels would be and what the parameters would be for
18 increases on an annual basis and used our experience
19 in our housing projects that we have at the present
20 time to be able to demonstrate that we can control
21 the costs because of the nature of who we are, which
22 is a nonprofit organization for the purposes of
23 serving the senior citizen community.

24 We are proud to say that at the Beltrone Living
25 Center the rent increases there have been less than

1 1% for the past five years. There is no one in this
2 marketplace that lives up to that record for one
3 year, much less five. We do the same thing at
4 Sheehy Manor where those increases are small. So,
5 we have a pretty good understanding of how to manage
6 and keep our expenses down which then translates
7 into small increases for the seniors who, by the
8 way, receive small increases from social security
9 which is part of the target of what we look for.
10 So, we have negotiated and had our discussions with
11 Town administration in terms of how we will manage
12 the rents and how we keep them down. That's done by
13 controlling the expenses.

14 CHAIRMAN STUTO: Can you talk about price points
15 and also the question of whether Colonie residents have
16 an advantage?

17 MR. NEARY: We have not gone through the complete
18 IDA process where additional limitations or covenants
19 may be asked of us. None of our properties require that
20 you be a resident of the Town of Colonie. If you look
21 at any of the residences that we have, there are large
22 number of people who maybe their family lies in Colonie,
23 but they moved from out of Town to be close. There are
24 no restrictions or limitations that you must be from the
25 Town of Colonie in order to live at any of our

1 facilities, including this one as well.

2 MR. LANE: Would law prohibit that?

3 MR. NEARY: The municipality, I'm sure, could apply
4 covenants that say preference to residents of the Town
5 of Colonie, if they chose to. But the Public Housing
6 Law does not prohibit us from renting to anyone who
7 applies for rent.

8 CHAIRMAN STUTO: Can you approximate the real price
9 points of the units?

10 MR. NEARY: Yes. We envision that at the beginning
11 of this project several years ago that we would be able
12 to do the one bedroom apartments at \$850.00 per month
13 and two bedrooms at \$1,100.00 a month, which we think
14 are significantly lower than the market rates that are
15 out there at the present time. Although we are so
16 committed to that challenge that comes with increased
17 costs of building, increased interest rates - that stuff
18 happened to us - and not to put any pressure, but while
19 the project goes on, the more challenging that becomes
20 for us to stay within that. We are still committed to
21 those levels.

22 CHAIRMAN STUTO: Thank you.

23 The Elks Club - is the Elks Club going to
24 change? Who knows that answer?

25 MR. NEARY: We have representatives of the Elks. I

1 don't know if they want to address that issue. Our
2 understanding is that the purchase of the land will
3 allow them to refurbish the Elks Club. We have not been
4 privy to the extent of those plans, but they certainly
5 will do a great job of rehabilitating that facility and
6 maintaining that as an Elks Club, as they do now. As
7 Dan had pointed out, the synergy is between the senior
8 citizen population and the Elks is one that we can all
9 envision will be valuable to everybody involved.

10 CHAIRMAN STUTO: Anyone from the Elks that wanted
11 to speak on this?

12 MR. SUCH: I'm David Such, Chairman of the Board of
13 the Directors up at the Elk's Lodge.

14 We have no plans to make any changes in our
15 operation. It's a benevolent club. We are governed
16 by a not for profit. We have a club license so we
17 cannot open to the public, per se, to become a big
18 banquet house and compete with the locals. We do
19 have parties and weddings that have to be sponsored
20 by a member of our organization and we have no
21 intentions at this time of changing the way that we
22 operate.

23 CHAIRMAN STUTO: Okay, thank you.

24 Next is Linda Heitzman.

25 MR. HEITZMAN: Probably a lot of neighbors have

1 seen me because I have been a broker in the Latham and
2 Newtonville area for 47 years. I have lived in Latham
3 and Newtonville for 55 years.

4 I live at Shaker Pointe and it was to be a
5 beautiful senior living area. Carondolet Lane is
6 for low-income, however, when Steve Grifferty, Jim
7 and Catherine Grifferty started, I was part of the
8 initial Shaker Pointe. After I moved in, Steve died
9 at 49. His wife just died. The nuns run Shaker
10 Pointe. I am in one of the little houses on the
11 corner of Curry off of 155. I sold everything along
12 155 because I lived on Hoffman Drive for 50 years.
13 Now, I can tell you everything about 155. It is a
14 busy road. I sold Dan-Del and I sold four houses on
15 Abedar - probably more than people remember. I am
16 74. I think that it's a wonderful project. I sold
17 the Smith house. I sold Metro. They put the road
18 in. It was six acres with that old farm house.
19 Before they put the road in, I think that if they
20 could come out on Spring Avenue or come in off of
21 Maxwell and avoid 155, I think that it would be a
22 wonderful project. If they come out onto 155, they
23 are going to have to widen that road.

24 After I lived on Hoffman Drive, I moved across
25 from Nameco in a big home. I can tell you that back

1 then Beltrone said that they were going to widen the
2 road from the bakery to the Northway and they were
3 going to widen to three lanes. That never occurred.
4 The traffic getting off of 155, when it's backed up
5 from the Northway to Route 9, is hectic. I lived
6 behind Burger King and Dunkin Donuts on Hoffman
7 Drive.

8 I used to work at Moffit Hollis which is right
9 on Route 9. I've been a broker for 47 years. I
10 have lived in Latham and Newtonville 55 years.

11 I think that the project connecting the Elks is
12 wonderful. I didn't want to go to Wolf Road. I did
13 look into Beltrone.

14 I want to tell you what I pay. It started out
15 with rich people that lived there. You have to be
16 rich. My husband died in 1999. My social security
17 is \$1,550.00 my rent is \$3,200.00 and I had a buy in
18 at \$260,000.00. So, I said to the nuns, after the
19 Griffertys died, I said Sister Lauren and Sister
20 Kay, I'm going to move into the building and it
21 should be less. Oh yes, just put up another
22 \$20,000.00. That's now \$280,000.00 with no
23 interest. If I'm over into the building, I have to
24 put up another \$20,000.00. Senior living and the
25 cheapest rent there is \$1,900.00. Okay, you get

1 senior services. We have a pool. The nuns man the
2 pool. You know how long it's opened? It's open for
3 two hours a day because they don't want to spend
4 money for a lifeguard. Is that senior living? No,
5 it's not inexpensive. So, I think that the project
6 is great, as long as they don't come out onto 155.
7 You can come in on Bentley. I sold four houses and
8 one of them was a Beltrone fellow. He worked for
9 Beltrone. I sold 2, 4 and 6 towards the end. I
10 sold Catherine. I sold Dan-Del and I think that
11 where it's situated and part of the Catholic church
12 going back out to the boulevard now that connects
13 Spring near the college or Maxwell is fine. Route
14 155 is difficult because I lived at Delatour at 155.
15 I sold the Smith house. I sold Metro. I sold
16 everything along 155. I sold probably 1,000 in
17 Latham; Brookwood Park and I can tell you that I
18 think that for a senior complex, if you don't want
19 to be on Wolf Road, which I didn't. I lived in
20 Newtonville, I think that it's wonderful.

21 CHAIRMAN STUTO: Thank you. I don't know if you
22 want to talk about alternative access. That seems to be
23 a concern.

24 MR. HERSHBERG: Ma'am, I'm at the exact right age.
25 I'm also 74. We speak the same language.

1 Providing alternate access to the site is just
2 not feasible. We don't own any property on another
3 road. We would have to acquire additional
4 properties and the only feasible is down Elks Lane
5 to Albany Shaker Road, despite the problem there.
6 We think that essentially, given the traffic
7 generated by the site, it won't be a particular
8 problem.

9 CHAIRMAN STUTO: Okay, Karen Smith.

10 MS. SMITH: Hi, I'm Karen Smith and I've spoken
11 many times before and I appreciate all the attention
12 that you've made to every point that I've brought up so
13 far. I've had a lot of input on your changes and you
14 hate the look of my face at this point.

15 I have one last major issue and it is related
16 to the Elks.

17 Peter, I sent you a letter probably a year ago
18 about the actual traffic study that was done. I want
19 to just bring that up for the public record, my
20 concerns regarding that traffic study. I also
21 talked with Joe about that, too. The thought was
22 possibly repeating that study. That study was done
23 several years ago. Since that time there has been a
24 significant amount of increased completed projects,
25 plus there is another project of an apartment

1 complex. I can't give you the address. It's by the
2 cemetery over off of Route 2 and that is going to be
3 -- I remember that it just went through your
4 Planning Board six months ago. That will be
5 servicing families, so you will have children trying
6 to get to the school system. That's going to add
7 another major in-flow across Delatour up to the 155
8 site. I think that you have to reconsider now that
9 the dates of that actual -- it's a couple of years
10 old now. We might want to revisit that.

11 I want to also point out for the record that
12 Sheehy Manor, which you continue to use as your
13 comparison of a senior facility, is an independent
14 complex with 49 living units. The one that they are
15 proposing for our back yard is 100 units. They did
16 not double the value of the traffic for the senior
17 citizens when they were computing what was the
18 appropriate amount of expected traffic. So, you
19 underestimated the Sheehey traffic by one-half.

20 Then, when they used for comparison, they said
21 if you were going to have a residential lot and they
22 used 30 lots as the comparison use to get for
23 traffic flow and use those numbers - to put 30 lots
24 on, you'd have to take the Elks Club as it exists
25 off the property to be able to fit 30 houses on that

1 entire parcel. They are not planning to do that so
2 that level of residential traffic was actually
3 overestimated by one-half. One was pushed up and
4 one was pushed down, obviously in their favor.

5 The last thing that I noticed was that they
6 were looking at the current flow of traffic. I know
7 and you know and everybody that's in the Elks Club -
8 you guys are not in real good shape. One of the
9 reasons that you don't attract your banquets and
10 weddings and I wouldn't have one there right now
11 because you really need some repairs. You know that
12 and I know that and you can't wait to get your hands
13 on that money because the first thing that you guys
14 are going to want to do is fix that place up. I'm
15 all for you making the place look better. What that
16 is going to do for the traffic? I have been there
17 for 35 years. When I moved in there that place was
18 bopping. We had weddings all the time. You haven't
19 had them in a really long time because you can't
20 attract them. So, we don't know what that traffic
21 flow will be when that place actually gets improved.
22 Was that accounted for in the study, and my guess is
23 it was not.

24 Adding all of those little pieces - even if you
25 prove and you do this all and then I lose this

1 battle, my last question would then be, even if you
2 correct the study and I don't know if anybody tried
3 to travel around Palm Sunday or Easter when Grace
4 Fellowship was doing their thing. It took me 45
5 minutes to make it a half mile from just beyond
6 Delatour to Abedar Lane. I did it two nights in a
7 row like an idiot. It was 45 minutes both times.
8 You couldn't move. I live on Abedar Lane. That's
9 my problem. I have no choice. Coming from work and
10 I come from church and that's the way that I come.
11 I would love to take another route.

12 My thought would be for safety as these seniors
13 are trying to make a left out of the corner which
14 the DOT said was okay, could you consider making
15 that a right turn only for the seniors coming out -
16 speaking of another route - so that they are not
17 taking lefts coming out of there?

18 CHAIRMAN STUTO: I'll let the applicant address
19 that.

20 MR. HERSHBERG: The study was actually completed
21 May 28, 2014; slightly more than a year ago. Meanwhile,
22 the Sheehy Manor, which is quoted as another comparison
23 - the trip generation figures that I mentioned before;
24 20 a.m. and 25 p.m., split 14 and 11. That's in the IT
25 manual generation figures from a project of this size

1 and had nothing to do with the Sheehy Manor. It was
2 directly land use 252 which is an attached senior
3 housing development and those figures are well
4 documented. The IT manual has done a great number of
5 studies in these sort of facilities. I don't think that
6 the problem would warrant.

7 Second, DOT has a level at which they normally
8 would be required to do a more intensive
9 intersection analysis; maybe a couple of
10 intersections in each direction or maybe a more
11 elaborate study to tell about anything on the
12 drawing boards and to do that sort of traffic
13 analysis, DOT says that you have to have 100
14 vehicles per hour during one of your peak hours to
15 warrant that level of study. We are one quarter of
16 that and nowhere near the level that would trigger
17 that kind of study. Although it might be nice data
18 to have, it really would not impact the results of
19 this study. Making that a right-in and a right-out
20 only would really hamper the use of the Elks Club
21 and everybody else on the site. We don't think that
22 it's necessary. It's a safety issue. There is
23 always the capability of DOT if there was a
24 significant number of accidents on the site and you
25 realize that the people leaving the Elks Club are

1 still going to be leaving the Elks Club, so ours is
2 an added. What we are estimating was the added
3 traffic. That's what you normally do. How much
4 traffic are you adding to existing traffic?
5 Meanwhile, it would be wrong to kind of make it
6 right-in and right-out.

7 CHAIRMAN STUTO: I'm going to ask Joe Grasso to
8 speak on the right-in and right-out. He's recommended
9 that on other occasions that we have right-in and
10 right-out. We have adhered to that and to the
11 consternation of certain applicants.

12 MR. GRASSO: It's a viable comment and it's
13 something that we talk about in access management and
14 restricting turning movements all the time on projects.
15 When we do that, we look at is it a safe movement? Is
16 it expected to be a safe movement? We look at the
17 number of lefts that are trying to be taken and the
18 volumes and the gaps that exist on that roadway during
19 the peak hour. The traffic study demonstrated that
20 there are going to be adequate gaps provided during the
21 peak times of Watervliet Shaker Road for those left-out
22 movements to occur. So, we don't think that it's going
23 to create an unsafe situation where those lefts won't be
24 able to come out.

25 We also look at the viability of other options

1 to accommodate that movement. Is there a safer
2 movement to accommodate that left turn? That would
3 be taking a right-out and then having those trips
4 loop around somehow to be getting in the right
5 direction down Route 155. We don't think that is a
6 direction that we should go and would create more
7 safety problems at the proposed intersection. It is
8 something that we consider, but we don't think that
9 it's right for this project.

10 Regarding the traffic: This project will
11 increase traffic on 155 and there are high traffic
12 volumes on 155 with substantial back-ups at certain
13 times of the day and certain seasonal times of the
14 year. We take that into consideration. But the
15 Board must look at the level of increased delays
16 that are going to occur and the level of increase
17 traffic and whether or not we are going to be
18 encouraging any unsafe traffic situations to occur
19 and those things are not going to happen as a result
20 of this project. We do consider background growth
21 as well as part of any traffic study, we project
22 years out for when this project will actually be in
23 operation. Although the perception is that traffic
24 is growing leaps and bounds - 5% or 10% a year -
25 that's not what the studies actually show.

1 Background growth in this part of the Town is
2 normally in the 1% to 2% and sometimes in some
3 years, less than 1%. So, it's pretty negligible.
4 It's not enough that is going to change the findings
5 of the traffic study, or our review.

6 CHAIRMAN STUTO: Thank you.

7 Diana Anderson.

8 MS. ANDERSON: I have both sides. I have lived in
9 senior housing at Carondolet. I saw the buildings go up
10 that were three or four-stories high, which is around
11 the corner from the Elks Club. There are buildings
12 there that are already established higher in height.
13 The sisters that ran that have taken part of our
14 property when we were there. They took lawns and stuff.
15 That was going to happen. I think that what the Elks
16 Club has - and I want to be in that building to have a
17 safe secure place with a little land around, quieter as
18 a senior. You would have 30 houses up there with a
19 family with children enjoying themselves as they should,
20 playing and making noise as they should, busses going up
21 because there are school busses coming and going. The
22 situation would probably help most of the seniors that
23 don't drive. Most of the seniors that drive well, don't
24 have the accidents. They don't. You're very careful.
25 I back in because everybody else knows that you pull out

1 first, you take your AARP course and get a discount.

2 To say something about the Elks, I'm an Elk.
3 I've been involved in it seven years. I really
4 believe in the Elks Club. I believe that it's a
5 healthy place. I'm there Friday nights for a
6 reasonable dinner. There are banquets and parties.
7 They have things like a band that looked like the
8 60's people. It's enjoyable. People that don't
9 have to go so far can walk out of that apartment and
10 eat, have some enjoyment and you're not bothering
11 anybody and God bless you because no matter where
12 you live, something is coming.

13 CHAIRMAN STUTO: Thank you.

14 That's the last name on the list. Is there
15 anybody else that wants to speak?

16 MR. ZETO: I'm John Zeto and I live on Dan-Del
17 Drive. I hadn't intended to speak, but there was a
18 comment made about the stormwater coming down from
19 Abedar and it would cut over. I thought that you said
20 that it was going to cut it over.

21 CHAIRMAN STUTO: I think that he was talking about
22 the waterline.

23 MR. HERSHBERG: We're putting in a new public
24 watermain.

25 MR. ZETO: It's not a stormdrain.

1 MR. HERSHBERG: No. The stormdrain is all handled
2 on-site.

3 MR. ZETO: There are no changes in that.

4 MR. HERSHBERG: No.

5 MR. ZETO: Thank you. I misunderstood.

6 CHAIRMAN STUTO: Ma'am?

7 MS. CRISTA DEPAUL: I'm Gerarldine Crista Depaul
8 and my mother lived at Beltrone for many years.
9 Beltrone is a lovely place. The seniors are wonderful.
10 They offered her many services. There were never any
11 loud parties. My mother used to actually beg for people
12 to sit and talk with her outside. It's a calm wonderful
13 place to live. The new place that we're all looking
14 forward to - those that are 55 and up - it's not to go
15 to a rock band or act up or come in with hot rods. If
16 they make that street - and I was a realtor for many
17 years - if they make that 30 houses, they're going to
18 end up being 60 to 70 cars because each house has two to
19 three cars. The school busses will be there at 6:30 in
20 the morning. Everybody is going to be going to work by
21 8:00. The monoxide coming from the cars will be
22 unbelievable.

23 This is a quiet wonderful, lovely not for
24 profit group for people 55 -- I don't consider
25 myself low-income. I consider myself affordable

1 with a social security check. So, if somebody is
2 going to object to that, they need to remember that
3 they're going to be 55 or 60 also and they're going
4 to need social security and they're going to be
5 praying that they can find a place like this with
6 the Colonie Seniors behind them. I am a witness.

7 My mother lived in Beltrone seven or eight
8 years and she was treated with nothing but the most
9 wonderful quality of care. The benefits were
10 wonderful and we're all looking forward to going in
11 there and you can laugh all you want or say what you
12 want, but I think that the architects and everybody
13 that is beyond that program that have done
14 everything to keep the Abedar neighbors happy.
15 They've moved buildings. They moved trees. They've
16 moved garages. I just think that it's wonderful and
17 that's all I've got to say.

18 CHAIRMAN STUTO: Thank you.

19 MS. FORCE: My name is Margaret Force and I've got
20 a question about the potential access road. My first
21 one is who is responsible for maintaining that road?

22 CHAIRMAN STUTO: Why don't you ask all your
23 questions, and then we'll get answers.

24 MS. FORCE: Okay, and second: It makes it look like
25 the road ends just before the pavilion. So, how are

1 they going to get from the pavilion all the way over to
2 the senior living center? If they're going to continue
3 going around one side or the other, they're now going to
4 be taking more land space from the pavilion - that is
5 already going to be quite small compared to what it is
6 now, to put another road back through there. We really
7 need the grass that is going to be there in order to do
8 games, volleyball, badminton, bocce, horseshoes, kids to
9 run around. That's one of the big things that happens
10 there; parties and graduations and things like that.
11 So, those are really my two main questions.

12 CHAIRMAN STUTO: I'm sure that we'll be able to
13 answer those.

14 MR. HERSHBERG: The maintenance of that road is the
15 responsibility of the applicant. How if physically gets
16 done - the Elks Club is currently -

17 CHAIRMAN STUTO: That's for emergencies only;
18 correct?

19 MR. HERSHBERG: Emergency only.

20 CHAIRMAN STUTO: You expect them to be used how
21 often?

22 MR. HERSHBERG: Never. I have been designing
23 subdivisions in the Town of Colonie since 1963 and every
24 project that didn't have a dual access - we had to put
25 in an emergency access road and put gates on them.

1 MS. FORCE: So, it doesn't have to be plowed in the
2 winter?

3 MR. HERSHBERG: No. Hold on one second.

4 To this day, I'm not aware of a single one that
5 had to be used. Thank God. If it had to be used and
6 then something catastrophic happened on the main
7 road when a house is burning -- this is for the
8 unknown thing. Yes, it does have to be plowed.
9 Currently, the Elks Club plows a portion of their
10 parking lot now. We will have to specify a lane and
11 it's actually going to be a 24-foot wide land
12 through the pavement that will be maintained for
13 emergency access where it hooks down and comes all
14 the way down into this area here (Indicating) where
15 it comes here and into the site here. That all has
16 to be maintained in the winter. Somebody has to
17 plow it. Normally on these gravel roads, because we
18 get a major snowstorm - no one will figure out where
19 it is. We normally put lollipops on both sides of
20 that emergency access road to show the plow where to
21 go, but it does have to be maintained. The same
22 sort of normal situation. After a snowstorm, after
23 a certain amount of time, it has to be maintained
24 and I don't know whether or not Fire Safety would
25 have limitations on it, but again, after a

1 reasonable amount of time, you do have to be able to
2 plow it and make it accessible. As a matter of fact
3 we believe with a gate at the bottom, somebody is
4 going to have to open that gate, plow through the
5 gate so it can be accessible and then take care of
6 all the snow. It is a concern, but it can be done
7 and we think that it all is covered. We will not be
8 taking any of the greenspace around the pavilion
9 because this road is going to come like this
10 (Indicating) and there actually is parking. This is
11 the edge of the parking here. This is the
12 greenspace, so there is parking between that
13 greenspace and the edge of the parking. So, this
14 emergency access will be in the aisle behind the
15 parking. This is s currently gravel. Again, a
16 gravel road is perfectly accessible for emergency
17 access as long as it's maintained. There is no need
18 to pave this. The same gravel roadway put in here
19 can be plowed. It just has to be plowed and
20 maintained and that is a requirement.

21 MS. FORCE: So, the applicant being you all, plows
22 and maintains that.

23 MR. HERSHBERG: And again, I want to be careful
24 with that. I'm not involved to contact between the Elks
25 and the Colonie Senior Services. My guess is that they

1 are both going to have to plow the parking lots and
2 their access driveways. Everything else other than Elks
3 Lane which the Town maintains - somebody has to plow it.
4 It would make sense to me for them to get together and
5 hire one -- since they hire contractors to do it, hire
6 one contractor and arrange the cost of that. Again, as
7 far as account is concerned, this applicant is causing
8 the reason for that emergency access road so as part of
9 requirement, the applicant has to see that it's
10 maintained. The maintenance might be an arrangement
11 deal.

12 CHAIRMAN STUTO: Other questions?

13 FROM THE FLOOR: What I have is a document that was
14 linked on the website for the agenda for today. it's a
15 letter dated May 14, 2015 to the Town Supervisor and
16 it's from Mr. Hershberg's firm.

17 "Since that time we were made aware that the
18 Elks Club had been previously granted a use variance
19 which limited use of the site to a fraternal lodge
20 or clubhouse..."

21 The question that I have is was that in
22 perpetuity? Was that a forever-type thing?

23 CHAIRMAN STUTO: Can you repeat what it says there?
24 I don't have the letter right here in my package.

25 FROM THE FLOOR: "Had been previously granted a use

1 variance which limited the use of the site to a
2 fraternal lodge or clubhouse."

3 CHAIRMAN STUTO: I can't address that myself.

4 MR. GRASSO: We have researched it, but I'll defer
5 to Teresa first and if she can't, then I'll answer it.

6 MS. BAKNER: We did research and thanks to the Town
7 staff, they were able to find a use variance that was
8 granted to the Elks Club back in 1966 when I was four
9 years old. That was a long time ago. Because a use
10 variance travels with the land and stays with it, what
11 we did in this event is expand the boundaries of the PDD
12 to include the Elks Club itself, so that the PDD
13 approval that you would be granting would cover the
14 existing Elks Club as well as our proposed project.
15 That addresses that issue as a matter of law.

16 CHAIRMAN STUTO: I'm not sure that I fully
17 understand that.

18 MR. GRASSO: So, there is a variance granted on the
19 property. The PDD encompasses the Elks' use. So,
20 basically the PDD now overlays on the existing zoning
21 and becomes the new zoning of the site and allows both
22 the senior housing to occur as well as the Elks as a
23 use. So, it's both permitted.

24 MS. SMITH: So, Joe, I asked you that question
25 about what the variances -- thank you for finding that.

1 I didn't spot that or I would have been all over that
2 before.

3 So, my understanding is that if it's in
4 perpetuity - that you said to me that the Elks Club
5 then could not sell the land for this other use and
6 that if that land has a variance, it travels with
7 the owner. You said something about this. Then,
8 therefore, the Elks Club would have to sell the
9 whole property and Elks Club -

10 MR. LACIVITA: I think that when it got further
11 into the review of the attorney's office, that's how
12 they came up with expanding -

13 MS. SMITH: So, they were able to play a game and
14 wrap it around.

15 MR. LACIVITA: I wouldn't say that it was a game,
16 but they expanded the use where both were able to be
17 absorbed under the PDD.

18 Teresa, is that correct?

19 MS. BAKNER: That's correct.

20 MS. SMITH: But that's a change. You guys don't
21 realize. The reasons that this all got upsetting to the
22 residents, is that they put this Elks Club on a
23 residentially zoned land. All of us - that developed our
24 houses around Abedar, did that because we were abutting
25 residentially zoned land -

1 CHAIRMAN STUTO: Ma'am, I'd like you to address the
2 Board, if you could. This is not a place to make
3 speeches.

4 MS. SMITH: My apologies. But that is the problem.
5 They were there because there was a variance and they're
6 on residential land with a variance to be there for a
7 club that we allowed them to do back in 66 -

8 CHAIRMAN STUTO: Right, but they could still do
9 single family houses. The base zone is single family
10 houses. The only reason that there is an Elks Club
11 there is that they got a variance from the Zoning Board
12 which allowed them to create the Elks Club, limiting the
13 use to fraternal Lodge or clubhouse. That doesn't mean
14 that they couldn't still build single family houses.

15 To say that it's in perpetuity - I would say
16 that it runs with the land. It can still change. I
17 wouldn't say that it's in perpetuity. That's how I
18 would interpret it. You have single family now with
19 a variance allowing the Elks Club. The PDD would
20 allow this other residential use, if it's granted.
21 Whatever phrase you used before, it's not playing
22 games. It's an appropriate procedure to change the
23 zoning from single to this particular PDD use. I'm
24 just giving you my legal and read analysis of it.
25 Just so that we are all on the same page. I can be

1 corrected.

2 MR. GRASSO: I think that you're exactly right from
3 a legal perspective; that's it.

4 From a practical perspective, it's important
5 that the Planning Board is considering both the
6 senior housing project as well as the Elks
7 continuing to exist there. That's why this PDD asks
8 the Planning Board for this consideration.

9 MR. LACIVITA: I think that by wrapping it under
10 the PDD, it actually falls in line with the zoning under
11 fraternal and sorroral uses when they are accessory to
12 all the different zoning districts where they are
13 allowed.

14 CHAIRMAN STUTO: The variance states that the Elks
15 Club can continue to be a fraternal lodge or clubhouse,
16 but the base zone will change from signal family to PDD.
17 Im not trying to talk you down.

18 Other questions or comments?

19 (There was no response.)

20 Mr. Fonseca, do you want to say something?

21 MR. FONSECA: Yes, I wonder if I could sit here and
22 use the microphone.

23 I'm David Fonseca and I live at 6 Winner's
24 Circle. I live at the Beltrone Living Center as a
25 senior citizen. I've also been retired as a

1 professional city and regional planner for 35 years.

2 I got a little compilation the other night that
3 relates to the Comprehensive Plan for the Town of
4 Colonie for the period of July 1, 2010 to June 30,
5 2015. So, we are just beyond that now. There are a
6 few figures that might be of interest to sort of
7 broaden this subject out a little bit.

8 There are 33,000 households in the Town of
9 Colonie. The elderly 60 years and older are 21% of
10 which 40% are considered a frail condition. That
11 means 70 years old or older have some form of
12 handicap or illness. Medium income for a household
13 is \$68,000.00; approximately. Renters pay around
14 \$900.00 a month. That's the average rent. The Town
15 has 33,000 occupied housing units and renters occupy
16 10,000 or approximately 30% of that.

17 So, then we go down and one of the things that
18 this Comprehensive Plan provides that there are
19 federal funds or community block grants and other
20 types of things given to the Town. They started out
21 at \$590,000.00 and now it's down to about
22 \$450,000.00.

23 In general, an accepted definition of
24 affordability is for the household to pay no more
25 than 30% of its annual income in housing. That's a

1 standard national procedure. If you pay more, you
2 are cost burdened. So, the Department of Housing
3 and Urban Development determines fair market rates;
4 2005 fair market rents for one-bedroom unit in the
5 Town of Colonie is \$559.00. This approximates a
6 threshold of an annual income needed would pay
7 \$22,500.00. That's the total gross income. If you
8 have a two-bedroom unit, you're going to need an
9 income of \$27,500.00; a three-bedroom house you're
10 going to need \$32,520.00. In Colonie 75% of the
11 householders with income under 30% of the median and
12 45% of owners in the 31% to 50% range suffer cost
13 burdens. In other words, what this is really saying
14 is we might look at these nice houses going up and
15 down the streets in Colonie, but underneath there is
16 a lot of deprivation that goes on even among
17 so-called middle income people.

18 The rate hourly is 74% in homeownership
19 category. In other words, 74% of the elderly own
20 their own homes. The faster growing segment of
21 senior population is 75%. This segment grew at a
22 rate of 37% over the last 10 years and now stands at
23 6,400 people. What this really says is that if you
24 look at the statistics, we're just starting to begin
25 taking care of our senior population in the various

1 income categories. The housing development that is
2 being proposed here would be one of those and we'd
3 do that. It doesn't mean that it needs to be the
4 last because the one that takes place as the start
5 of this aside Beltrone which has been there since
6 the year 2000. The Town of Colonie has the largest
7 senior community in Albany County. It is currently
8 estimates at 21,000 people.

9 I don't mean to take up any more of your time,
10 but what I wanted to do is give you a broad look at
11 where we are, what this housing development is
12 proposed to do for us and where we still need to go
13 from there. Thank you, very much.

14 CHAIRMAN STUTO: Thank you.

15 Anyone else?

16 MS. GILCRIST: I'm Kathy Gilcrist and I live on
17 Abedar Lane. I would just like you to speak about the
18 stormwater drainage. There is quite a lot of erosion of
19 the Krumkill between the end of Abedar and Bentley. the
20 road is currently being undermined by the stream and I
21 was wondering if you could speak on that.

22 MR. HERSHBERG: We have one of those sites that has
23 variable type of soils. Some soil is very porous where
24 we can use groundwater recharge methods and some soil is
25 not so porous where we have to come up with some more

1 inventive things. What we propose to do is use porous
2 pavement with underdrains. That means that the porous
3 pavement will allow the water to be absorbed into the
4 ground whenever the ground can take it. Where it
5 doesn't, an underdrain will carry it down to what is
6 called a bio-filter basin. It's actually a
7 bio-retention basin. It will have an overflow basin
8 after that. So, all the water on the site here will
9 either recharge the groundwater, go to a bio-filter
10 basin which has the capability of totally treating the
11 WQV amount which the old first flush amount is storm
12 that is about 1.2 inches worth of rain. That first 1.2
13 inches of rain is normally the stuff that needs the
14 treatment the most. Dirt has accumulated on the ground
15 and on roofs and everything else since the last storm so
16 that has the most silt and other items in it that have
17 to be treated. So, the WQV amount is treated in this
18 basin. The balance goes through a detention basin. It
19 goes over and then it's discharged slowly down the slope
20 here (Indicating). We are a little bit concerned about
21 the discharge point. We had a preliminary geotechnical
22 study done by Fred Dente and their concern is that we
23 have to carry that down far enough so that we won't
24 erode the slope. So, we will have to discharge it
25 closer to the base of the Krumkill, but no stormwater

1 will go in this direction or this direction
2 (Indicating). It's all held on-site and then is
3 discharged onto the streamcourse. It is a compositable
4 site. It's one of the sites that will probably have
5 three or four different methods in there. The back of
6 the garages will probably either have to use a dry swale
7 or a filter strip to pick up that water so that we will
8 have a whole variety of different treatment systems on
9 this one site. They all meet the requirements and the
10 green infrastructure.

11 MS. GILCRIST: How many inches of rain would we
12 have to have to be at capacity?

13 MR. HERSHBERG: There is another body of law which
14 is the Town of Colonie stormwater management
15 regulations. In this area, it would require that we
16 treat it for the 25 year storm. The DEC regulations
17 require that we show that we're not going to discharge
18 any more water off-site at a 100-year storm. So, we
19 have to hold the 100-year storm. The 100-year storm is
20 something between 6.2 and 6.6 inches in a 24-hour
21 period. It's a significant storm. As a matter of fact,
22 even though it's called the 100-year storm, it's never
23 occurred at the -- although we do have short storms that
24 see that, the largest storm measured during a 24-hour
25 period was during Hurricane Floyd where they measured

1 5.9 inches during a 24-hour storm.

2 CHAIRMAN STUTO: What year was that, Dan?

3 MR. HERSHBERG: It was in 1978. Even during Irene
4 and Lee, we never reached the 100-year storm in Albany,
5 based upon those figures. Most people are aware of
6 this, but the worst storms are when we get a very
7 intense storm. When we get a storm where it comes down
8 an inch and a half in 20 minutes, the rate of that is
9 significantly more than 6.5 inches in 24 hours. So,
10 that quick intense storm has to be handled, too. Our
11 system has the capability of doing it without
12 overflowing.

13 CHAIRMAN STUTO: Other questions?

14 (There was no response.)

15 Okay, we'll close the public comment period.

16 Does the Board have any comments or questions
17 at this point?

18 MR. AUSTIN: I'm still a little hung up on the
19 pavilion. I know that it was behind the Elks Club at
20 the present time. I have been to a few events there and
21 that's not to say that they are loud, but they have a
22 lot of people and with the baseball diamond and sports
23 -- moving it up front - I don't see the same amount of
24 land for all that activity. I know that it does slope
25 down toward 155 and I think that the concern with some

1 of the noise issues is a valid -- I know that the Elks
2 Club with being on top of the hill was somewhat of a
3 buffer for some of the noise. Now, it's more up front.

4 MR. HERSHBERG: I point out that the Elks Club is
5 aware of the fact that they are losing their playfield.
6 So, you can't have softball or those sorts of
7 tournaments there. This pavilion will be primarily for
8 picnics. That's what it is intended for. It doesn't
9 mean that there can't be a small area set up with some
10 games for children or stuff like that, but this is a
11 very small area compared to the fields that they had
12 before. This is the pavilion and this is a picture of
13 the pavilion as it's currently designed. Those two
14 doors are at this end here - because it allows access to
15 put some equipment in there. There is a maintenance
16 building and a pavilion on-site. This is the one
17 building that has been replaced (Indicating).

18 CHAIRMAN STUTO: What are the dimensions of the
19 recreational component on that?

20 MR. HERSHBERG: This area here is like 55 by 100,
21 30 by 100 on both sides there. So, there is about a
22 quarter of an acre worth of land in there. That is as
23 compared to about two and a half acres worth of fields
24 before. It is significantly less space, but that area
25 was used primarily for softball games and those games

1 just can't be played anymore. It does limit the type of
2 events that they have here.

3 Although an awful lot of them revolve around
4 food. Again, the food service will be there. We
5 specifically made this green here so we could have
6 picnic tables and that sort of stuff in the green
7 area and not place them out onto a gravel area.

8 The location here - we were concerned with it.
9 The food service is going to be at the far end of
10 this facility. This is access and we think that
11 it's either going to be double-loaded on both sides,
12 which we think is how the plan has it. I'm not so
13 sure. The floor plan here shows that this is a
14 picnic area where people can come in and picnic
15 inside. There is service taking place in the
16 kitchen here over a counter.

17 There are ways to use the facility so that
18 could be either inside or outside picnic area. The
19 goal here would be primarily volume on the food and
20 not around ballgames. It is a change in scope. I
21 point out the fact that in the past the pavilion was
22 here (Indicating) and it faced out towards homes on
23 the back of Abedar and the ballgames were played
24 here. I don't know whether the noise level will be
25 as high as during a ballgame. Again, the goal here

1 would be to try to have people maintain their
2 decorum and again, Elks Club will certainly do their
3 best to keep them so they won't disturb the
4 neighbors but it's during a Saturday or a Sunday on
5 a weekend and people will be out having some food
6 and drink and my guess is that there will be some
7 noise. There is no doubt about it, but we don't
8 think that it's going to be serious.

9 CHAIRMAN STUTO: Ma'am we have closed the public
10 comment period, but we will make an exception for you.

11 MS. SLINGERLAND: I'm Joan Slingerland. I am an
12 Elk.

13 Any of the events taking place at the pavilion
14 only run until 9:00. As you have said, there won't
15 be any baseball field or anything in the new area
16 there.

17 As far as a lodge having weddings at the lodge
18 - we do have weddings and they only go to a certain
19 time. We are not really noisy. Nothing is past
20 9:00. Thank you.

21 CHAIRMAN STUTO: Thank you.

22 Any other comments or questions from the Board?

23 (There was no response.)

24 Okay, I'm going to turn it over to Joe Grasso
25 to recapitulate and tell us procedurally where we

1 are and what we need to consider.

2 MR. GRASSO: There are a number of things under
3 consideration by the Planning Board. The first being
4 SEQRA evaluation and determination; whether or not the
5 Planning Board feels like the project requires any more
6 evaluation of the potential environmental impacts of the
7 project. They have been discussed and documented
8 throughout the course of the project.

9 A SEQRA determination can be made at this time.
10 It needs to be made before the application goes back
11 to the Town Board for action on the PDD legislation
12 and the Planning Board is the appropriate agency to
13 make a SEQRA determination. So, that's a decision
14 for tonight.

15 Second would be action on the ODA. A
16 recommendation to the Town Board on the open
17 development area, and whether or not agree that the
18 access provisions being provided to the senior
19 housing project is adequate. Understanding that it
20 won't have frontage on a public road. The third
21 would be a recommendation on the PDD; whether or not
22 the Planning Board is supportive of the proposed
23 zone change to a PDD.

24 CHAIRMAN STUTO: Do we have a concept approval in
25 here somewhere too?

1 MR. GRASSO: Yes, that goes along with the PDD
2 recommendation to the Town Board. It's built into that.
3 It's not a formal concept acceptance, but it's built
4 into that PDD recommendation to the Town Board. It
5 basically constitutes your acceptance of the concept
6 site plan.

7 This isn't the only time that you'll have to
8 review the application. It will go to the Town
9 Board for consideration of the PDD and the ODA and
10 assuming that the Town Board grants those two
11 approvals, it will come back to the Planning Board
12 for a detailed site plan review when we can provide
13 more analysis of the intricacies of the design of
14 the project like the grading, the lighting, the
15 landscaping, the architecture of the building, any
16 screening and the drainage system and the utilities.

17 CHAIRMAN STUTO: I'm going to say my peace on this
18 and then we'll see what the Board wants to do.

19 We have seen this a number of times. I think
20 that we had sketch. I'm not sure what the number is;
21 whether it's four or five. We've discussed it a
22 lot. I think that we have squeezed a lot of
23 improvements out of what was presented and what is
24 before us now. I was initially - I don't want to
25 say skeptical - but circumspect about the project

1 myself, personally. I think that the Board has had
2 a lot of good questions. We have heard from the
3 public before, I think, on this and I've heard a
4 couple of people from the neighborhood say, you've
5 taken a lot of my suggestions in improving the
6 project and I think that the applicant has.

7 I'm the first one to be skeptical of a planned
8 district development and try to hold the applicants
9 to the standards. If you look at the alternative
10 which is single family housing, I think that the
11 most obvious first impact is traffic and that's the
12 a.m. - the morning and the evening traffic. I
13 believe that our consultants and the consultant that
14 is on our side telling us that this is going to be
15 significantly less.

16 My kids went to Shaker and I know how it is in
17 the morning. It's super-packed heading toward the
18 school and then trying to get out of the school --
19 I do agree with that and I do understand that.
20 This, I believe, is significantly less than the
21 single family houses. I also think that you have
22 the open space benefit. I think that you have the
23 sight line benefit. You have the water main benefit
24 that you're getting. We also pushed for sidewalks
25 on 155 - at least I did and I think that other Board

1 Members did. And they did visit that and we tried
2 to squeeze that out and our department and our Town
3 Designated Engineer and the applicant have told us
4 several times on the record what the difficulties
5 there are.

6 So, I think that we have gotten improvements
7 and public benefit here to the extent that we
8 reasonable can and we are getting other public
9 benefits throughout the Town. I'm also convinced
10 that we do need affordable housing for seniors on
11 this end of Town and maybe more throughout the Town
12 in certain ways. I think that is a pretty good
13 benefit. I'm ready to vote affirmatively going
14 forward for at least tonight for the PDD and the
15 concept approval. I'll point out though that if
16 there are other improvements that can be made, this
17 is coming back for final approval. Come back, write
18 letters. It's also going to the Town Board for
19 approval. So, when it gets there and you don't like
20 the pavilion or something else about it, tell the
21 Town Board about it. I think that we do listen and
22 try to make it as best we can but the property can
23 be developed and I think that this is a better
24 development than the single family housing and does
25 fulfill a Town need just generally. That's my two

1 cents. I don't know if anybody wants to say
2 anything before we take up the environmental.

3 MR. SHAMLIAN: I would agree with Pete. I am also
4 prepared to vote affirmatively. I would like to see
5 when you come back for final, for some of the neighbors,
6 a visible tangible benefit to people on Abedar Lane.
7 I'm not looking for anything dramatic. Maybe there
8 isn't anything. I understand that there are a lot of
9 benefits already, but perhaps something that is a little
10 more visible would be appreciated.

11 MR. AUSTIN: I was going to just agree. Once
12 again, I'm in favor of the project, for any of the
13 reasons that Chairman Stuto mentioned because the
14 developer has a right ot develop that property. They
15 own that property and would you rather see 30 single
16 family homes with that much traffic, or would you rather
17 see a senior center? I know that many of you would
18 rather see nothing. I understand that. Really the
19 option of the developer is that they have that right to
20 develop their property. They purchased that and we
21 can't stop them from developing it in some way, shape or
22 form. I guess we could.

23 In many ways this does look like a very good
24 project and if you stop and think about it and look
25 at the long term effects that you might have, I

1 think that you'll see that this is a much better
2 project than 30 single family homes going in - or
3 more. I'm in favor of the project as well. I will
4 most likely be voting affirmatively, at least for
5 this evening. I would also like to echo Craig's
6 comment. I would also like to see something. Maybe
7 there is nothing.

8 MR. HERSHBERG: We'll certainly look and we're
9 certainly willing to accept any ideas and we'll bring it
10 to our clients.

11 MR. AUSTIN: Swing sets; I don't know.

12 MR. HERSHBERG: Playgrounds aren't normally
13 associated with senior complexes, however -

14 MR. LANE: I don't know what else I can add other
15 to say that I think that we all came from the same
16 skepticism, but concern that the scale of the project
17 and the impacts would not have a negative affect on the
18 rest of the neighborhood. While there is still concern
19 about especially Abedar, I think that the changes that
20 you have made - as usual you have listened well to the
21 Board and you have listened well to the people and the
22 changes that were made were suitable.

23 CHAIRMAN STUTO: Onto the environmental. Who is
24 going to walk us through that?

25 MR. GRASSO: I will go through the reasons in

1 support of the neg dec just so you know what is in the
2 packet. I'm sure that you have looked at it. The
3 applicant prepares Part I of the full EAF and we have
4 gone through and have completed both Parts II and III
5 with just an evaluation of all the potential
6 environmental impacts. So, I'll go through the reasons
7 supporting the determination.

8 The Town of Colonie Planning Board as lead
9 agency has reviewed the full EAF completed by the
10 project sponsor along with supporting reports,
11 studies and plans, potential environmental affects
12 of the project were discussed at regularly scheduled
13 Town Planning Board meetings held on June 27, 2014,
14 August 12, 2014 and February 10, 2015 and the
15 Planning Board as lead agent has completed or has
16 caused to have completed Part II of the full EAF
17 after reviewing information provided by the project
18 sponsor.

19 The Planning Board has determined that this
20 action is an unlisted action pursuant to SEQRA and
21 conditional review is optional. No other involved
22 agencies have expressed any interest in being lead
23 agent.

24 The Planning Board appointed a TDE to assist
25 with the technical review of the project pursuant to

1 SEQRA. The project design consultants have
2 completed a significant amount of investigative work
3 and site design modifications have been made as
4 requested both by the Planning Board and the TDE.
5 The Planning Board has determined that the
6 environmental impacts of this proposal have been
7 mitigated to the greatest extent practicable and that
8 the preparation of an environmental impact
9 statement is not necessary.

10 Included in your packet is an evaluation of the
11 impacts on land, surface water, impacts on flooding,
12 impacts on plants and animals, impacts on asthenic
13 resources, impacts on historical and archeological
14 resources and impact on open space and recreation,
15 impacts on energy, noise, odors and light. And
16 consistency with community plans and consistency
17 with community character.

18 So, under the SEQRA conclusion acting as lead
19 agency, the Colonie Planning Board has completed a
20 careful review of the reasonably anticipated areas
21 of environmental concern raised by the project.
22 Based upon the review, the criteria for determining
23 the significance contained in SEQRA and the rule of
24 reasonableness, the Planning Board issues this
25 negative declaration concluding that the facts and

1 circumstances of this project will not result in
2 significant adverse environmental impacts and an
3 environmental impact statement is not required.

4 In conclusion, there is a Draft Resolution of
5 the Town of Colonie Planning Board accepting lead
6 agency designation and issuing a negative
7 declaration and I'll read that, if you care me to.

8 CHAIRMAN STUTO: Is this the notice of
9 determination?

10 MR. GRASSO: Yes, this is the Resolution; the last
11 item.

12 CHAIRMAN STUTO: Yes, please.

13 MR. GRASSO: Now therefore be it resolved that the
14 Planning Board declares itself lead agency for the
15 purposes of SEQRA, and be it further resolved that based
16 on a thorough review of the project by the Planning
17 Board that there will be no significant adverse
18 environmental impacts and no EIS will be required, and
19 be it further resolved that the draft negative
20 declaration be adopted in accordance with SEQRA.

21 CHAIRMAN STUTO: By draft negative declaration,
22 it's the document entitled notice of determination of no
23 significant effect on the environment?

24 MR. GRASSO: Yes.

25 CHAIRMAN STUTO: We'll ask that be included in its

1 entirety in the stenographic record.

2 Do we have a motion on that Resolution?

3 MR. LANE: I'll make that motion.

4 MR. SHAMLIAN: Second.

5 CHAIRMAN STUTO: Any discussion?

6 (There was no response.)

7 I think that we've done a thorough review.

8 I'll just make a comment on all these components of
9 the environmental of the environmental impact. I
10 think that we have mitigated as much as we could.

11 We'll take a vote.

12 All those in favor say aye.

13 (Ayes were recited.)

14 All those opposed, say nay.

15 (There were none opposed.)

16 The ayes have it.

17 Next on the open development area.

18 MR. GRASSO: There is a special rule of the
19 Planning Board setting forth findings, conclusions and
20 recommendation for the establishment of the ODA.

21 Whereas Colonie Senior Service Centers made
22 application to the Town of Colonie Planning Board
23 for site plan approval -- I'm going to skip down
24 through some of the whereas.

25 Whereas on February 27, 2014 the Town Board

1 referred the application for the ODA to the Planning
2 Board for review and recommendation.

3 Now therefore be it resolved that the Planning
4 Board has determined that it is in the best interest
5 of the public's health safety and welfare to limit
6 access to the subject property by way of ingress and
7 egress through 11 Elks Lane, and be it resolved that
8 the Planning Board recommends approval of the ODA
9 subject to the following conditions:

10 Satisfactory proof shall be demonstrated to the
11 Town that the subject property and any future heirs
12 successors and assigns shall have legal right of way
13 or perpetual easement providing unrestricted
14 ingress, egress through Elks Lane. Such proof shall
15 be provided prior to final site plan approval for
16 the property.

17 Second: An emergency access road shall be
18 constructed to provide a second means of access to
19 Watervliet shaker Road, a state highway.

20 Third: Any further changes to the recommended
21 open development area including but not limited to
22 additional, demolitions, structural site changes,
23 subdivision and/or change in use must comply with
24 all applicable Town of Colonie processes and
25 approvals.

1 Fourth: A hold harmless and indemnity
2 agreement shall be entered into with the Town
3 protecting the Town from liability in connection
4 with the access and maintenance of the roadway to
5 the subject property.

6 Fifth: The granting of the open development
7 area does not relieve the applicant from compliance
8 with all other underlying zoning permitted uses,
9 dimension or requirements where applicable,
10 environmental building and land use requirements.

11 CHAIRMAN STUTO: We will ask that the special rule
12 be entered in its entirety in the stenographic record.

13 Do we have a motion on that resolution?

14 MR. AUSTIN: I'll make that motion.

15 MR. LANE: Second.

16 CHAIRMAN STUTO: Any discussion?

17 All those in favor say aye.

18 (Ayes were recited.)

19 All those opposed, say nay.

20 (There were none opposed.)

21 The ayes have it.

22 Now on the main question which is the planned
23 district development recommendation which inherently
24 has the concept acceptance as part of it.

25 MR. GRASSO: Under the planned development district

1 Colonie Land Use Law written findings of the Colonie
2 Planning Board.

3 Whereas the Colonie Senior Services Center made
4 application to the Colonie Town Board for plan
5 development district approval for a project
6 consisting of a three-story building containing 100
7 senior apartments, a senior center, a wellness
8 center and other common areas as well as
9 approximately 25 bay detached garages, 105 surface
10 parking and 25 land banked parking for a total of
11 approximately 155 off-street parking spaces.

12 Now therefore be it resolved that the Planning
13 Board recommends approval of the PDD for the subject
14 property subject to the following public benefits
15 being provided by the applicant which will add to
16 the long-term assets of the community.

17 First, providing affordable housing services
18 and activities for senior citizens in the Town of
19 Colonie.

20 Second: Sight distance improvements at the
21 existing intersection of Elks Lane and Watervliet
22 Shaker Road by removal of trees and vegetation.

23 Third: Construction of improvements to the
24 water distribution and fire protection systems by
25 replacing the existing water main along Elks Lane

1 and creating a loop connection.

2 Forth: Preservation of a minimum of six acres
3 of open space consisting of woods, steep slopes,
4 wetlands, along the Krumkill stream corridor.

5 Fifth: Construction or providing funds to
6 extend concrete sidewalks from the Beltrone Living
7 Center at 6 Winners Circle to the sidewalks proposed
8 along the extension of Maxwell Road which is
9 currently Winner's Circle a distance of
10 approximately 750 feet pursuant to the attached
11 figure.

12 Sixth: Construction of or providing funds to
13 construct accessible parking and sidewalk
14 improvements at the Town of Colonie Town Hall
15 pursuant to the attached sketch.

16 Seven: Provide an opportunity for complementary
17 and mutually beneficial land uses between the
18 residences of the senior apartments and members of
19 the Elks Lodge in support of community volunteerism
20 and civil organizations and activities.

21 Be it further resolved that pursuant to Chapter
22 190-13 of the Colonie Land Use Law entitled PDDs the
23 Planning Board has developed these written findings
24 that document the facts and information relied upon
25 to reach its conclusions in rendering a decision to

1 recommend approval of the proposed PDD.

2 CHAIRMAN STUTO: I ask that the Resolution be
3 entered in its entirety into the stenographic record.

4 Do we have a motion on that resolution?

5 MR. LANE: I'll make that motion.

6 MR. AUSTIN: Second.

7 CHAIRMAN STUTO: Any discussion?

8 All those in favor say aye.

9 (Ayes were recited.)

10 All those opposed, say nay.

11 (There were none opposed.)

12 The ayes have it.

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15 (Whereas the above referenced proceeding was
16 concluded at 9:15 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 August 23, 2014

