

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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

7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG, a Shorthand Reporter,
10 commencing on August 11, 2015 at 7:45 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TIMOTHY LANE
14 LOU MION
15 KATHY DALTON
16 TIMOTHY LANE
17 SUSAN MILSTEIN
18 CRAIG SHAMLIAN

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq., Counsel to the Planning Board
18 Joseph LaCivita, Director, Planning and Economic
19 Development

20 Michael Tengeler, Planning and Economic Development
21 Daniel Hershberg, PE, Hershberg & Hershberg
Peter Ziamandanis
22 Dominick Ranieri, PE, Ranieri Architects & Land Planners
Donald Fletcher, PE, Barton and Loguidice
23 Paul Bergdorf
Laura Vincent
24 Tim Dennis
Ben Syden
25 Jim Kitts, Green Meadows Civic Association
Sharon Smith

1 CHAIRMAN STUTO: Next on the agenda is Foegtli
2 Farms Planned District Development, 499 to 507 Albany
3 Shaker Road. This is an application for review and
4 action on concept submission and recommendation to the
5 Town Board on the proposed PDD rezoning.

6 I know that we've seen this a number of times,
7 Joe. Do you want to give any opening remarks?

8 MR. LACIVITA: Yes, we have seen this project a
9 number of times. We're here tonight to see if we can
10 hear some final changes to the project and then at that
11 time ascertain if it can move forward with
12 recommendations to the Town Board in order for the Town
13 Board to act on it.

14 CHAIRMAN STUTO: Can we be a little more specific?
15 I'll say it and you can tell me if I'm wrong.

16 The application has been with us for a bit. We
17 had a public comment period last time we were here.
18 Subsequent to the end of that meeting we got a
19 letter from the applicant stating that they wanted
20 to restrict the ownership of the property to 55 and
21 older and they gave us traffic projections based
22 upon that. That's the amendment. They asked us to
23 consider that formally.

24 MR. LACIVITA: Correct.

25 CHAIRMAN STUTO: So, that's where we are now.

1 MR. LACIVITA: That's where we are tonight. We are
2 going to hear from the applicant and any commentary from
3 the TDE and at that point, it's a recommendation.

4 CHAIRMAN STUTO: Okay, thank you.

5 We're going to turn it over to the applicant.

6 MR. HERSHBERG: Thank you, Mr. Chairman. My name
7 is Daniel Hershberg. The firm is Hershberg and
8 Hershberg. I'm going to turn this over to Dominick
9 Ranieri who has a little Powerpoint that he wants to
10 show.

11 I'll call the audience's attention also - there
12 are two plans up there. One is the 38-lot standard
13 subdivision which by right can be put on the site
14 and the other is the eight-unit proposed townhome
15 project which is the subject of this PDD request.

16 CHAIRMAN STUTO: I think that there is a lot of
17 public interest.

18 Do we have duplications of that map, Joe, to
19 share?

20 MR. LACIVITA: Oh yes. I'm sorry, Peter.

21 FROM THE FLOOR: Excuse me, Mr. Chairman, will
22 there be public comment allowed?

23 CHAIRMAN STUTO: Yes, there will be.

24 MR. RANERI: Good evening. My name is Dominick
25 Raneri of Raneri Architects and Land Planners and I'm

1 working with Dan Hershberg. Dan is handing out some
2 documents that can help, for those of you that might not
3 be able to read some of the language on the signs or the
4 boards that we have over there.

5 For those of you straining your eyes trying to
6 look at the boards on the other side of the room,
7 I've made it simple here with tonight's presentation
8 with the Powerpoint. We're going to project them on
9 the big screen so that you'll see them from there.

10 One of the boards that we may want to put up is
11 the mathematics that we'll get into. Dan Hershberg
12 is the engineer on the site. I'm the architect and
13 land planner and we've been working very diligently
14 with Peter on trying to come up with a very positive
15 project in the community.

16 Peter lives in the community and it's his
17 neighborhood and his friends. As in our earlier
18 presentation when we talked about the architecture
19 of the buildings, not just the land plan, it's
20 probably important to note that Peter, being a
21 resident from here, was very concerned about the
22 project being something positive and not just
23 attractive and pretty, but positive. He wanted to
24 do something that would be a nice result for
25 everybody in the community.

1 The previous slide was the pretty images of the
2 buildings and the site and how we are going to try
3 to create a nice community.

4 Part of the discussion that we got from
5 everybody last time that we were here was really
6 focused on traffic and the traffic impact on Albany
7 Shaker. The Supervisor explained what is going to
8 be happening and the fact that they are going to be
9 focusing on a long-term plan and solution for that
10 corridor. We have kind of looked at it from the
11 same standpoint. We heard you loud and clear;
12 Peter, Dan and myself and some of the municipal
13 agents and engineers all sat down and we talked
14 about different options.

15 The solution that came to hand was suggested by
16 Dan Hershberg. If we consider it as a 55 and older
17 community, from a developer's standpoint, that's not
18 a great idea but from a community standpoint, the
19 math made sense. It made sense from the standpoint
20 of reducing traffic and Dan will get into the math
21 and where that comes from and how it's created. I'm
22 here to kind of talk about the big picture and help
23 maybe explain it in more laymen's terms.

24 The mathematics of the project being 55 and
25 older as being a positive thing for the community

1 is that the present site is allowed to have 38
2 single family homes. Based on the analysis of the
3 drawing to the right that Dan had done, trying to
4 figure out how to meet all the requirements of the
5 size of lots and setbacks, etcetera and knowing the
6 size of the houses would have to be a certain size
7 to accommodate for the price point that they would
8 have to hit doing only 38 houses on the site, the
9 footprint of the houses are physically bigger. So,
10 a \$600,000.00 house - you're going to have a
11 three-car garage, you're going to have a bigger
12 first floor. Today's market wants masters down.
13 All of those things kind of create the physicality
14 of the building of a single family house to be
15 bigger. I will circle back on the physicality.

16 Dan did that analysis of that site to show how
17 that site could be done with 38 as presently zoned.
18 The change to a new zone of 55 and older - we
19 reconfigured the site to be a little more eumorphic
20 and what you will notice is that the buildings, like
21 a typical duplex - its physical footprint is about
22 the same size as the large single family house.
23 It's just that there are two residents in the same
24 physical footprint. Mathematically, Dan and
25 everyone did the analysis of traffic impact and,

1 again, I'll let Dan get back to the point of that.
2 On the chart in the middle, that board explains the
3 number of traffic generation, which was similar to
4 what you were handed out.

5 On this map you'll see a comparison between 38
6 single family houses and 80 senior homes. The
7 comparison are greater, so I'm hoping to see it on
8 that site. I'll let Dan talk about the comparison
9 of his chart here. Those numbers and where they
10 came from show a significant difference in the
11 reduction of the amount of traffic that would come
12 out of what you would think 80 houses would generate
13 more or similar to. There is a good example of
14 that.

15 There is a project called Brando Meadows in
16 Guilderland. It has 72 homes or residences in it.
17 It's 55 and older. That particular site happens to
18 house my folks. My father is very involved in that
19 community. I asked him to give me some ideas of a
20 common scenario for 55 and older. There are 72
21 residents. Out of the 72 residents, 27 of them are
22 single women, seven of them are single men and 38
23 are couples. Out of the 27 single women, only six
24 of them go to work every day. Out of the seven
25 single men, none of them go to work. Out of 38

1 couples, three of them go to work. That's nine
2 working people out of 72 homes that would be part of
3 that traffic impact. They take trips every day.
4 The 34 residents that are singles most likely have
5 one car and would only use one car at a time. The
6 38 couples - the other half - have two cars
7 typically, but they don't typically use them every
8 day at the same time. Most of them go together most
9 places.

10 The math that I believe that Dan did, doesn't
11 even take into consideration that 30% of the
12 residents of this community are snowbirds, so
13 they're not even in the community four to six months
14 of the year. That's why when you see the math, I
15 hope that you can understand why the residents in
16 this kind of community would generate much less
17 traffic than the 38 single family homes.

18 One of the positives that we think this brings
19 in changing it to 55 and older -- 38 single family
20 homes will generate a similar tax base in terms of
21 tax revenues to the Town and the community as 59
22 single family homes. The math is a guesstimate, but
23 we're guesstimating that each one of the single
24 family houses would have two student aged kids in
25 it.

1 Dan will talk to you about the taxes. There is
2 a tax benefit that we think comes out of the seniors
3 55 and older community versus the single families.
4 Dan will get into that and show you how that is.
5 There are two things that we think bring value to
6 it.

7 The third thing is that Peter is willing also
8 to put in some money to help the solution that is
9 going to be coming down the path for the entire
10 corridor. He's willing to do something to
11 accommodate some of the real improvements to Albany
12 Shaker Road. Dan is going to get into those
13 mathematical charts that are tough to read here.

14 MR. HERSHBERG: Thank you, Dom.

15 The main question all along has been traffic.
16 By recommending that Peter change it to a age
17 restricted over 55 was based upon the knowledge that
18 there is a good body of data - the ITE manual which
19 has a whole number of projects that are evaluated
20 tells us that a 38 single family unit project like
21 that over there, will generate 36 total vehicles
22 going in and out in the morning - that's in and out
23 and then 44 in the p.m. arriving. That's people
24 coming in and out. There might be 28 coming in at
25 night and 16 going out -- people going in and out

1 during that peak hour volume.

2 Meanwhile this project over (Indicating) here
3 being 80 senior adult attached homes - there is a
4 Land Use Code for that. That indicates that based
5 upon a significant number of studies - that will
6 generate 16 total new traffic movements in and out
7 in the morning and 21 total in and out in the
8 evening during the peak hour. They're only talking
9 peak hour. It doesn't mean that people are home
10 bound and that they stay home. They travel, but
11 they don't traditionally travel during the peak
12 hours. The peak hours were studied and we did do
13 traffic counts on four different intersections at
14 the request of Bill Neeley and Jim Merkle. They
15 recommended the intersections and we studied those
16 and we got the background data.

17 We also generated level of service tables for
18 the plan and it's apparent that there is an impact.
19 We're not saying that there is zero impact for his
20 project, but there is less impact than from this
21 project. As a matter of fact, from some of the
22 level of services, it is significantly a different
23 impact.

24 Dom was talking about school aged children.
25 There is a lack of understanding of how those

1 figures are arrived. Capital District Regional
2 Planning Commission has the figures. The 2010
3 census was updated to 2013. I used those figures.
4 What I did was I said with an age-restricted house
5 we have age groups from 55 to 59 all the way up to
6 80 to 85. There might be a few older than that, but
7 that's normally the market rate that we're talking
8 about. I totaled it up and figured out how many
9 school aged children would be in there. A school
10 aged child is somebody between five and 17 or that's
11 the range that you normally use. It works out that
12 is six - six school aged children would be from this
13 project. How many school aged children would be in
14 38 single family homes? I think that you'd be
15 surprised that the statistic says about 23. We used
16 to have a lot larger families and now the families
17 are smaller and there are a lot of families with no
18 children. There are 23 school aged children coming
19 out of this (Indicating). There are six school aged
20 children coming out on this plan (Indicating). Now,
21 in both those analysis, I didn't deduct anything for
22 people who would choose to send their students to
23 private or parochial schools. I said essentially
24 that everyone is going to send their kids to the
25 Colonie school system. That's not exactly true.

1 So, the figures would be less for both. How much
2 less is anyone's guess. Normally 15% of the
3 students, countrywide, are educated someplace else
4 than in a public school; a private school or a
5 parochial school. If you want to go back, that
6 figure is five and that one is 20 (Indicating), but
7 it wasn't worth making an analysis.

8 Based upon this analysis, I also did an
9 analysis of taxes paid. We figured that 38 homes at
10 \$600,000.00 a home -- those are the kinds of prices
11 that we would have to sell 38 single family homes to
12 have it happen. We didn't skimp on that.

13 These over here (Indicating), we know the price
14 point that Peter intends to sell them - 80 townhomes
15 - at \$375,000.00.

16 On those we did a couple of things. We totaled
17 up the total market value of them and then we did
18 the equalization rate. Most people are aware that
19 the Town base is an assessment based on an
20 equalization rate at about 69%. We ran an
21 equalization rate and then I ran the taxes.

22 For this project here (Indicating), they will
23 pay for the average six students \$92,767.00 per
24 student. For the 23 students here, they'll pay an
25 average of \$18,392.00. That is pretty close to the

1 total cost of educating a child in the South Colonie
2 School District.

3 Town taxes paid - on this project here
4 (Indicating), the Town taxes are \$72,748.00. On
5 this project here (Indicating), the Town taxes are
6 \$55,288.00. Why is that important? It's important
7 not necessarily because there is a big \$17,000.00
8 difference being cut to the Town.

9 This project here has a total of 2,277 linear
10 feet of roadways that will be dedicated to the Town
11 for maintenance and 2,296 feet worth of sidewalks.

12 I'll point out one other change was made from
13 the original plan that we presented. Barton and
14 Loguidice recommended that we consider sidewalks.
15 CDTA recommended that we consider sidewalks. So,
16 this plan shows a sidewalk going down one side and
17 all the way around here (Indicating) and coming down
18 here and here and crossing this area here. We show
19 sidewalks on at least one side of the street all the
20 way around. That led us to significant square
21 footage of sidewalks, but we were able to do that by
22 sliding the buildings back.

23 The deal is that we did not want to encumber
24 driveways. If someone decides to park in a driveway
25 you don't want the car hanging out over the sidewalk

1 so we moved the buildings back far enough so that
2 they would work fine.

3 The Town, in addition to getting more money
4 from this project and this project, will have to
5 maintain no roads. All the roads will be owned and
6 maintained by the homeowners association. There
7 will be sewer and water there but as you well know,
8 sewer and water is sort of a self-liquidating thing.
9 Pure Waters Division comes out with annual fees
10 based upon what they need to maintain the sewers and
11 what they need for capital and the same for the
12 water district. These 80 units will actually pay
13 more per project than will the 38 because some of
14 the payments are based upon units and not based upon
15 footage. This project will pay more toward the
16 Latham Water District and Pure Waters.

17 I want to point out that the county taxes paid
18 here would be about \$114,177.00 and \$86,775.00. So,
19 the county will end up with more.

20 The long and short of it is that I think that
21 by changing it to an age-restricted project, we took
22 advantage of the capability of telling you that
23 there would be significantly less impact from this
24 project than it would for the 38 standard homes and
25 significantly less from the original project that we

1 proposed. The original project that we proposed
2 actually had slightly more traffic than the 38
3 standard homes. This project has significantly less.

4 We also have the capability, like I said,
5 providing a sidewalk.

6 There was a recommendation from the CDTA that
7 we also provide a bus shelter. The applicant is
8 willing to do that as part of the plan here because
9 they wanted a bus shelter down at this intersection
10 some place and we can certainly add that into the
11 plan.

12 One advantage over the other plan is that there
13 is a definite buffer here and here (Indicating) the
14 buildings had to come closer.

15 Again, the situation here is that there are
16 also three wetlands on the site. One is a
17 delineated wetland that is under government control.
18 Two are isolated wetlands. Under this plan, we wipe
19 out the isolated wetlands and we wipe out
20 nine-hundredths of an acres of this piece of federal
21 wetland. Nine-hundredths being an operative figure
22 because if you're under one-tenth of an acre, it's
23 much easier to get your Corp permit. Again, this
24 was a plan with a legitimate thought of how we
25 develop the 38 lots, if that's all we could build,

1 of single family homes. I think that it's clear
2 that there are whole bunch of more desirable
3 situations with the 80 age-restricted townhomes than
4 the 38 standard homes.

5 We are prepared to answer any questions that
6 the Board may have.

7 CHAIRMAN STUTO: Thank you very much for the
8 presentation. We have our Town Designated Engineer
9 here; Barton and Loguidice in the form of Don Fletcher.

10 Don, do you have any comments? I know that you
11 have a letter submitted.

12 MR. FLETCHER: We have a letter submitted from the
13 earlier concept based on the said plan. The letter is
14 in your packet and it's from May 7, 2015. It's got a
15 variety of general comments on the wetlands and on
16 SEQRA. At a concept level the project can be
17 constructed with regard to those internal circulation
18 gradings and so on and so forth.

19 CHAIRMAN STUTO: Thank you. We will open it up to
20 the public. We have a few signatures here of people who
21 want to speak. If anybody else does, we'll put the sheet
22 back out.

23 First name on here is Paul Bergdorf.

24 MS. MILSTEIN: I'd just like to ask one quick
25 question.

1 Age-restricted 55 housing - say it's a couple.

2 Do one or both need to be age 55?

3 MR. HERSHBERG: The normal routine is that one of
4 the home owners needs to be 55 years or older. It can
5 be one with a younger wife or a wife with a younger
6 husband.

7 CHAIRMAN STUTO: Okay, if you can, just say your
8 name?

9 MR. BERGDORF: I'm Paul Bergdorf and thank you very
10 much Mr. Chairman Stuto and Members of the Board.

11 I'm very glad to hear that the Supervisor
12 talking about the broad efforts that the Town is
13 taking to take a broad look at this whole corridor.
14 I happen to live off of Old Niskayuna Road. I have
15 lived there for 31 years across from the Pruyne
16 House and I like to think of this as the Shaker
17 Road/Maxwell Road/Old Niskayuna Road corridor
18 because every street up there is impacted by the
19 Maxwell/Old Niskayuna Road intersection -- the
20 traffic coming off of Route 5 of the Northway and
21 everything coming up Shaker Road. With that, I'd
22 like to ask that the Supervisor said that if there
23 were requests to look at a broader area, that you
24 please include that two-lane highway which is all of
25 the sudden with the other developments that are

1 being proposed in that area are going to be
2 besieged.

3 "Dear Planning Board Members, My family has
4 lived off of Old Niskayuna Road for the past 31
5 years."

6 By the way, I delivered this statement to the
7 Planning Board later this afternoon so I think that
8 everyone, I was told, had it in their packet.

9 "I served for 16 years on the Colonie Town
10 Board and been the veteran of a lot of land use and
11 zoning issues. I am currently a candidate for the
12 23rd district of the Albany County Legislature, the
13 area that is directly and negatively impacted by a
14 number of non-compliant development projects in the
15 Shaker Road/Maxwell Road/Old Niskayuna corridor. I
16 appear tonight to strongly object and ask that you
17 suspend consideration of the Foegtli Farm Planned
18 Development District of 499 Albany Shaker Road.
19 Approval would cause a 200% increase in the
20 underlying density for single family homes in the
21 area and would cause irreparable damage to the
22 already overcrowded Shaker/Maxwell/Old Niskayuna
23 Road corridor. Please consider the existing
24 residents and zoning before prematurely approving 80
25 new townhomes to appease a developer at the expense

1 of the Local Residents.

2 Many people ask me how this can even happen.
3 Albany County just recently adopted a Resolution to
4 study the Shaker Road/Maxwell Road corridor. This
5 is also a Resolution to consider installing a turn
6 lane at the intersection of the Crossings.

7 The Town of Colonie announced that it has
8 undertaken an intermunicipal study of the corridor
9 and suggested that they will review land use,
10 existing and proposed traffic patterns from current,
11 past and proposed projects and the highway
12 infrastructure. Why would the Planning Board more
13 than double the density for a project before the
14 results and recommendations of a study with DOT,
15 Albany County, the Capital Region Transportation
16 Committee are complete? Recommendations are made.
17 They are vetted by independent engineers and
18 discussed with the public. The Supervisor told us
19 that this was all going to happen. Yet, we sit here
20 today talking about increasing the density of a
21 project by 200%.

22 I looked on the website and the memo on traffic
23 generation filed in support of the change to senior
24 adult housing comprised one lane of data."

25 CHAIRMAN STUTO: Do you have a lot more?

1 MR. BERGDORF: No, I don't. I have about a
2 paragraph left, Pete.

3 "It indicated a proposed decrease in traffic.
4 I'm not traffic engineer, but if 38 single family
5 homes each have two cars and 80 units of a senior
6 housing has an average of 1.5 cars and there are 76
7 cars in a single family development and 120 cars in
8 the senior housing -- I'm not a traffic engineer. I
9 don't see how 120 cars cannot possibly do anything
10 to aid our already overcrowded neighborhoods and
11 roads. Only the developer will benefit if the
12 Planning Board hastily approves this short-sighted
13 plan before the results of the county and Town's
14 studies are released and presented to the public.
15 Any other action at this time would only increase
16 density from underlying zoning and make the current
17 10-minute traffic jams in our neighborhoods 20
18 minutes long. That's unacceptable.

19 For the past two months I have been going door
20 to door in the impacted area and can assure you that
21 the vast majority of the households are opposed to
22 this project and increase traffic in our
23 neighborhoods.

24 Please stop this action now. Don't let it be
25 considered again until all the studies are completed

1 and shared with the public. No one who was truly
2 concerned about the Shaker Road/Maxwell Road/Old
3 Niskayuna Road corridor would approve this plan
4 before all the studies are complete and the public
5 has a chance to have a say. Thank you."

6 CHAIRMAN STUTO: Thank you.

7 MR. LACIVITA: Peter, I would just like to
8 follow-up with one comment.

9 I know that Mr. Bergdorf was talking about
10 inclusion of certain corridors. The study itself
11 actually as you were talking Paul -- the study
12 itself is including the Maxwell Road and Old
13 Niskayuna Road intersection. It's also including
14 the Maxwell Road and Route 9 intersection. We're
15 going that far. We have gone to Osborne and Albany
16 Shaker - to that level of it. Then, it goes to the
17 far end, where it goes to the Engel Farm
18 intersection. We made it pretty broad. Also during
19 the course of the study, as well, we looked at
20 several projects both within the planning process
21 from a concept level and what has received final
22 approval and tried to incorporate the traffic
23 studies from those as well.

24 MR. BERGDORF: Thank you, very much. I appreciate
25 that.

1 As everyone knows there is a GIS done in the
2 90's which included certain assumptions for density,
3 build-out, traffic patterns, etcetera. That GIS has
4 never really been updated. So, this is close to a
5 compatible look at the overall traffic and zoning in
6 the Town. I ask you once again please stop, take a
7 deep breath and don't do anything that is
8 irreversible. Maybe this is the right thing to do.
9 A year from now when you have the results from all
10 of this -- please don't hurt our neighborhoods.
11 Thank you.

12 CHAIRMAN STUTO: Laura Vincent.

13 MS. VINCENT: Mr. Chairman and Board Members, good
14 evening.

15 My family has lived off of Albany Shaker Road
16 for the past 22 years. I am here tonight to express
17 my objection to the proposed Foegtli Farm planned
18 development located at 499 Albany Shaker Road.

19 I am aware of several Resolutions to study the
20 Albany Shaker Road/Maxwell Road corridor, as well as
21 a right turn lane into the Crossings park. To my
22 knowledge, these studies have not been completed.
23 My objection is two-fold.

24 First and foremost the Shaker Elementary School
25 on Shaker El will be directly and adversely

1 effected. The school busses carrying our drivers
2 and our children to school daily cannot enter or
3 exit Shaker El Road currently without facing extreme
4 danger from the overcrowded road conditions. Not
5 once do our drivers and children face this danger
6 with our children on board, but twice daily they
7 experience this danger. I want to know how the
8 Planning Board members can consider development and
9 more traffic prior to studies being completed and
10 publicized thereby creating more dangers to the
11 drivers, children and parents on this strip of
12 Albany Shaker Road. It does not make any sense to
13 me.

14 Secondly, the Crossings creates huge traffic
15 back-up currently on Albany Shaker Road; both
16 eastbound and westbound from April through
17 September, every single year. Since folks come from
18 all over to use our Town Park, the traffic is
19 probably doubled or triple on any given day during
20 that time period mentioned. It is unacceptable to
21 me that I have to take my life into my hands each
22 time that I attempt to access Albany Shaker Road. I
23 implore the Board Members to use their good
24 judgment and allow the studies to be completed and
25 publicized to each taxpaying Town resident prior to

1 a decision on either of these proposed projects. We
2 all deserve it. Thank you, so much.

3 CHAIRMAN STUTO: Thank you, very much.
4 Tim Dennis.

5 Did you deliver a letter to us today?

6 MR. DENNIS: Yes, I did. My name is Tim Dennis and
7 I've been in the design, drawing, development business
8 for over 40 years. I like to think that I'm
9 pro-development. However, I cannot support the density
10 that you're looking at here.

11 Sorry, Peter, but I just can't.

12 At the last meeting, I refrained from saying
13 anything at the last meeting because I wanted to
14 hear everything before I formed an opinion. So,
15 after the last meeting which was all black and
16 white, I took the liberty to run my own site plan
17 off, and I colored in the houses red.

18 Now, in my years in design and development, I
19 always color them in red because in plain view, all
20 you're seeing is the footprint of everything. The
21 building has volume and mass. So, I color them in
22 red and you ID them as to how much the density is.
23 They are not colors that are too similar.

24 Dan, I heard you say that you have more
25 separation here in this plan than in this plan here

1 (Indicating). I'm seeing more separation between
2 people here than I am here (Indicating). I also see
3 less separation on the back lots. I don't know
4 about the people who live there, but they are
5 definitely closer.

6 As far as the entrance or the exit from the
7 property, this is Miracle (Indicating). I know that
8 the Town, in most cases, want to line streets up.
9 You always made me line streets up across from one
10 another because it's safer. That street should be
11 here (Indicating) and I think that there should only
12 be one. If one handled this situation, why do we
13 now have two?

14 The second one is right across from Shaker El.
15 This person made a legitimate point here. I live on
16 Shaker El. It's a dead end street and it's hell
17 getting in and out right now. I have a way out. I
18 have a farm over here and I can go through the farm
19 and get out the other way. Nobody else can. You
20 can sit there and count the number of squeals -
21 tires - during school exiting. Parents are coming
22 and busses are leaving. You have a real dangerous
23 situation there. You need to really study that long
24 and hard.

25 I have questions and not just statements.

1 CHAIRMAN STUTO: We will take down the questions
2 and then we'll address them at the end, rather than one
3 by one.

4 MR. DENNIS: I'm questioning the standard use for
5 the 210/230 and 250 because I've always used the
6 National Transportation Library.

7 CHAIRMAN STUTO: You're saying the traffic standard
8 that he's going by?

9 MR. DENNIS: Yes, sir.

10 If I run those numbers, they are significantly
11 larger. I'll leave you just a rough-hand
12 calculation of that.

13 Again, I have been pro-development all of my
14 life. I think that the density here is just too
15 intense.

16 I see a bunch of lawyers here that I know that
17 work with -- how do you hold to that 55 and older?
18 I have been involved in developments before where we
19 tried that and it doesn't work.

20 Victor, can you legally make that work? I have
21 been involved with two developments where they could
22 not.

23 CHAIRMAN STUTO: Could you repeat that succinctly?
24 I was looking at your traffic numbers.

25 MR. DENNIS: If you restrict it to 55 and older,

1 how do you do that? In theory, it's great. The actual
2 carrying out of that particular phase is difficult to
3 do. Somebody wants to sell their house, you're going to
4 stop them? I guess you have some control because it's
5 private development, right? The Town didn't take over
6 the roads and everything. We were involved in one of
7 those and we just couldn't restrict it to the 55.

8 Next thing is the particular design. I think
9 that they are beautiful houses. That's what I have
10 done for a living for a long time. However, I'm
11 hearing master suite downstairs. I'm hearing 55 and
12 older. Does that mean all the upstairs are going to
13 be empty in each of these houses? I don't think so.
14 If you have people in those bedrooms, you have more
15 cars; I'm sorry.

16 That's about all I have to say.

17 CHAIRMAN STUTO: Okay. I only heard one question
18 which was about the traffic generation standards.

19 MS. DALTON: No, the other one was restricting the
20 housing to 55.

21 CHAIRMAN STUTO: How do you enforce the housing to
22 55 and enforce that?

23 MR. DENNIS: I have been involved with projects
24 where we have tried to do that and we couldn't do it. I
25 don't know the answer to it.

1 CHAIRMAN STUTO: Okay, we'll let the applicant
2 address those.

3 MR. DENNIS: My biggest concern is the two exits
4 versus one.

5 MR. HERSHBERG: The question about how do you
6 restrict the 55 is older -- this Town has approved a
7 significant number of projects restricted to 55 and
8 older. It's done by a deed restriction which says that
9 a person that purchases that dwelling must be 55 years
10 or older. One of the members of the family that
11 purchase that has to be 55 years or older.

12 Getting to the design of the house. You have a
13 master bedroom downstairs. My guess is that you'll
14 have a couple of guest bedrooms upstairs because
15 those grandchildren will come.

16 I know that when we downsized my house about 10
17 years ago, we put it all on one level. It turns out
18 that I have a daughter and son who come from Boston
19 with their six children and my other four
20 grandchildren arrive also. We run out of space very
21 quickly. I had to add five other bedrooms in
22 addition to the master bedroom in our new downsized
23 house. I think that it's clear that as you get
24 older with families, you have to make some
25 accommodation for visitors.

1 The question on the traffic - we use what is
2 the standard. The IT Manuel is definitely the
3 standard. The Land Use Codes are very specific.
4 Let me just tell you that the Land Use Code 252 is
5 right on the money; age restricted, non-detached
6 homes where they are actually connected. There are
7 other Land Use Codes that you can use, but they
8 don't fall into place with this one.

9 By the way, members of the Board have seen that
10 we did a full TIS study - a traffic impact study
11 which had all the charts and all the computations.
12 It ran about 120 pages. My son Hershberg Traffic
13 Engineering and I did it. I think that it was a
14 complete study. We raised a point with Tom Johnson
15 who is a consultant through Barton and Loguidice
16 about whether or not we should redo that based upon
17 the new change. His opinion the first time around
18 was that there was no unusual impact over and above
19 what a single family residential development would
20 accommodate, so he didn't feel the need to redo the
21 entire study because now we are significantly less
22 than that. If someone wants to see the full study,
23 we will certainly do it, but it seemed like a wasted
24 effort. The data speaks pretty well for itself and
25 Mr. Bergdorf said that he's not a traffic engineer.

1 I acknowledge that, but if you're a traffic engineer
2 you know for a fact that two cars and a house or a
3 car and a half a house does not relate to the
4 traffic movements. The traffic movements strictly
5 have to do with people coming in and out of
6 subdivisions during a peak hour of volume. That is
7 what is traditionally used. You can have a house
8 with a family of six with four cars. The question
9 is how many people come in and out during the peak
10 hour volume. That's what the IT manual does a great
11 job of studying.

12 In our multiple studies sometimes there is a
13 Land Use Code that only has a couple of studies.
14 Land Use 252 had multiple studies on it so it's not
15 a questionable figure. Would it end up to be one
16 car more or one car less, two cars more or two cars
17 less? Yes. Those sort of variances take place all
18 the time, but I think that it's a good
19 approximation. As a matter of fact if you want to
20 look at the curve in the IT manual for Land Use Code
21 252, it's a fairly good curve with essentially a
22 very low variation between high and low figures.
23 I'm comfortable with the IT traffic generation
24 manual for the basis for this.

25 Any other questions that you'd like me to

1 answer, I will try.

2 CHAIRMAN STUTO: Thank you.

3 Ben Syden.

4 MR. SYDEN: Thank you, Mr. Chairman and Members of
5 the Planning Board. I don't have a letter, so I'm not
6 going to sit and read to you what you have in front of
7 you.

8 I want to first take a chance to applaud the
9 Town and also Albany County. As you know, the
10 County passed a Resolution last night to work with
11 the Town on the traffic impact study on the entire
12 corridor. It's something that when I'm on the
13 Albany County Planning Board, we recommend it to the
14 Town when this came before us, you look at the
15 entire corridor. You even look as far south out to
16 Route 5 and Central Avenue on the entire impact. I
17 like that you also looked at Maxwell Road and Route
18 9 and including Old Niskayuna and Osborne and that
19 entire corridor.

20 As many of you know, I'm also running for
21 County Legislator. I spent the last two months
22 going door to door and it's not just the traffic
23 that people are concerned about. It's also the
24 density. It's the neighborhood character that we
25 have here. I work for a planning firm and

1 engineering firm, so I do understand the ITE.

2 When I'm looking at these numbers, the ITE
3 numbers come out with their averages of what people
4 are looking at. You look at the price point of what
5 we have here - and 375,000.00. I don't know how
6 without seeing a market analysis that we can
7 determine whether or not there is even a market for
8 that number of homes in this area for \$375,000.00.
9 I saw before that people mentioned that we just sold
10 homes in the 325 to 350 market at the Crossings over
11 by Colonie Center. That's a different place all
12 together because seniors have an opportunity to
13 walk. The whole idea of senior housing age limit of
14 55 and up is very attractive to communities in
15 upstate New York. Locating where it is in the
16 Crossings, by the Colonie Center, you have the
17 opportunity to walk to the Crossings and walk to the
18 Ciccotti Center and to go shopping and have the
19 sidewalks and go to the mall. You don't have all of
20 those amenities in this location. I'm talking to
21 neighbors and they are all concerned about density
22 in their back yard.

23 If you flip through to the site plan, it's
24 interesting to me, as a planner, to see what is a
25 textbook example of this or that.

1 It's like when I got married. Do you want
2 chicken wings, or do you want the filet mignon? I
3 want the fillet mignon. She knew I wasn't going to
4 pick the chicken wings.

5 You gave us a 38-lot subdivision over here
6 which is a standard practice in any urban design
7 manual. Then, you gave us the 80 units next to us
8 saying, this is better. Our ITE says that we have
9 less traffic.

10 I do want to commend both the Planning Board
11 and the applicant because in the last two or three
12 weeks you have changed it from an 80-unit townhouse
13 complex to age-restricted because we all see the
14 traffic impacts that are out there. Every single
15 person looks at traffic, traffic, traffic.

16 They're saying that we have an 18,000 square
17 foot building at Afrims and we have the farm's 80
18 units and then we have the six-story building on
19 Wolf Road and then we have the potential
20 recreational destination location development behind
21 Maxwell Road. Then we have all the other activities
22 happening along Wolf Road. This particular location
23 and the folks on Danielwood are screaming because
24 you took away their backyard and you crammed more
25 units against them. You have two entrances and

1 exits and again, as Ms. Vincent had mentioned,
2 already having challenges getting in and out on
3 Albany Shaker and I do understand the ITE manual
4 very well. I understand averages very well. I also
5 understand that you're not only going to have at a
6 price point of 350 and 375 one car going and one
7 person there. You say age-restricted -- my biggest
8 concern with age restricted is that many, many
9 developments throughout our state and throughout our
10 county -- age restricted developments say that I'm
11 going to build this and Planning Boards jump at that
12 opportunity. They say, I want that because I want
13 to be pro-senior and pro-development and I also want
14 to reduce my traffic. At the same time, ones that
15 are already approved come back and say, oh, I can't
16 sell it. I have a hardship now. I need you to
17 change that so that I can sell them to everybody. I
18 don't want to see that ever happen here. It's
19 happened throughout the state. So, I'm against this
20 development as proposed. The 38-unit subdivision
21 does have more traffic impact. I'd like to see the
22 Planning Board work with the applicant to reduce it
23 from 80 to something between 55 and 60, provide more
24 of a buffer against the neighborhood, address the
25 two ingress/egress, provide mitigation impact fees

1 back over here where it's needed and not at the
2 crossings and allow for a safer access for our
3 children going back and forth. I urge more
4 consideration. I want to see it happen with the
5 traffic impact analysis and I want it in context
6 with our neighborhood and not just dropped out of a
7 book into our community. Thank you.

8 CHAIRMAN STUTO: Thank you.

9 MR. KITTS: My name is Jim Kitts and I'm with the
10 Green Meadows Civic Association. We have a problem with
11 the 80 homes because of the density and also because it
12 does not follow the comprehensive land use. It seems
13 like there have been a lot of changes to the land use
14 that went in 2010. We need to follow that.

15 The other thing is that we just heard that the
16 Town and the County are doing a traffic study. This
17 should not be done until that traffic study is done
18 - a comprehensive traffic study that encompasses the
19 whole area. Thank you.

20 CHAIRMAN STUTO: Thank you. Christine Benedict.

21 MS. BENEDICT: Good evening, Mr. Chairman, Members
22 of the Board. I'm Christine Benedict and I am not
23 running for the Albany County Legislature. I'm in the
24 Albany County Legislature. So, in the last few months
25 when I was talking to neighbors around the Albany Shaker

1 Road area, many many complaints came to me concerning
2 westbound traffic going into the Crossings.

3 Last evening in the County Legislature, I
4 introduced a Resolution calling for a green arrow
5 light in the westbound direction going into the
6 Crossings and a delay green light in the eastbound
7 direction. So, people going in the westbound
8 direction will have an opportunity to go into the
9 Crossings and you won't have to wait four or five
10 lights before you turn.

11 So, that being said, today I came home to an
12 email and I'm going to read it. It's very short,
13 but it's from a retired engineer and I'm not going
14 to mention his name because I'm sure that many
15 people here know who it is.

16 "I heard on WABY that you had a press
17 conference at the Crossings yesterday at noon. As a
18 former blank blank engineer, I have an abiding
19 interest in the corridor. Recent exposure of
20 development plans for the area from Everett Road to
21 Wolf Road cause me concern as the ability of the
22 Albany Shake Road to handle all of the resulting
23 traffic. I sent emails to CDTC, Albany County
24 Executive, Albany County DPW Commissioner, Colonie
25 DPW and the only response that I received was from

1 CDTC."

2 He went on and I'm going to leave these names
3 out.

4 "I'd like to hear your thoughts and I'd like to
5 have a meeting with you."

6 I just need to point out that even a retired
7 engineer is having concerns, and he closed with:

8 "The entity holding the bag on this issue will
9 be the County of Albany."

10 So, I am opposed to this. I feel badly for the
11 people who live in that area. I have heard them.
12 I've heard them yell about the traffic in front of
13 the Crossings. I hope that we can come to some sort
14 of a solution. Thank you.

15 CHAIRMAN STUTO: Thank you.

16 MS. SMITH: I'm Sharon Smith and I live on
17 Danielwood. I have been to every meeting and I
18 understand that the Town of Colonie wants to build
19 something there. I truly understand that. It's not
20 going to stay there big and forever.

21 CHAIRMAN STUTO: You said that the Town of Colonie
22 wants to build something there?

23 MS. SMITH: I understand that we have to make money
24 - the Town of Colonie. So, something has to go there or
25 no? It's not going to stay vacant - is my question.

1 It's never going to stay vacant.

2 CHAIRMAN STUTO: I just want to clarify that.
3 That's private property. If you owned the lot and you
4 wanted to build a house -- it's the builder's decision
5 who contracts with the owner. It's not the Town of
6 Colonie that wants to build anything.

7 MS. SMITH: Okay, so I'll rephrase it. We all know
8 that something eventually is going to go on that
9 property. It's going to happen and we, as a community,
10 all know that. I have been to every meeting and I have
11 seen every one of these faces. I know the faces that
12 want it and I know the faces that are opposing it. I'm
13 the closest house on that property, from what I see.

14 The print-out that we got today - you can't
15 even read the addresses on it. I have the regular
16 one at home, so it's fine. I understand that it's
17 not only a traffic thing. I moved from Albany for a
18 reason. I wanted my kids to grow up in Colonie. We
19 have the Crossings for our children. That's another
20 reason. We all came to Colonie for a reason because
21 it's a suburban area. I understand that everyone is
22 concerned about the traffic. Other people are
23 saying it's traffic. Times change and traffic
24 changes.

25 My street is a cut-thru street now. I live on

1 Danielwood. Shaker Road is right there. Danielwood
2 is right here. Miracle is right there. I don't
3 have a map in front of me. I have been over this
4 again and again. Anybody that wants to take a left
5 off of Danielwood - and I know that you guys are
6 saying that it's peak time. It's not peak time.
7 It's a problem. I'm not only saying that it's about
8 the traffic. It's about our children. We all moved
9 to the Town of Colonie for our kids. We want the
10 Crossings. We want them to get on their bikes and
11 go to the Crossings. It's supposed to be
12 kid-oriented.

13 Now, this development that we're looking at
14 which is 55 and older - I'm 51 years old. I have
15 three college kids living with me right now. My
16 kids are 23, 19 and 21 and they all have cars. So,
17 55 has nothing to do with that development. Kids
18 now when they graduate from college, they can't get
19 a job. They can't afford to get an apartment and
20 move out. There are no jobs. So, it doesn't matter
21 if you're 55 or 60. You're still going to have your
22 kids living at home when you're 55, 65 or 70. I
23 really am concerned. The reason that I moved to
24 Colonie was for my kids. We lived in Albany and I
25 wanted to go to Colonie. Now, people - they're not

1 going to want to come to Colonie. It's just like
2 you're building more and more developments. I'm
3 concerned about it.

4 I have nothing against Peter and I have nothing
5 against the developers, but we really have to take a
6 look at why people are coming to Colonie to live.
7 It's a problem.

8 CHAIRMAN STUTO: Thank you.

9 Any other members of the public like to speak
10 on this? If not, we're going to close the public
11 comment and deliberate amongst the Board.

12 (There was no response.)

13 Okay, we'll close the public comment and
14 deliberate amongst the Board.

15 I think that this is our fourth time here. We
16 have the transcripts of all the material that's been
17 presented. We've heard from the public. We have
18 memos in our file from the various Town Departments
19 and the engineers advising us and also advocating
20 for the applicant. This is a planned development
21 district, which is legally a rezoning of the
22 property. In this case, it will be from single
23 family residential to what is being proposed today.
24 The planned development district chapter of the Land
25 Use Law spells out certain things that should be

1 considered by this Board and by the Town. We are
2 just making a recommendation to the Town - of
3 whether they should change the zone under the PDD
4 and they are proposing that we vote on concept
5 acceptance. Some of the members of the public here
6 suggested that we wait for the various studies to be
7 completed.

8 Speaking for myself, I'm ready to vote today
9 against recommending the PDD and against concept
10 acceptance. If a motion is made, that's how I'm
11 going to vote and at that time I'll give my reasons.
12 I don't want to dominate the speaking at this point.

13 MR. LANE: I would agree. There is required
14 planning of the PDD and I think that there are several
15 that are required and I still think that there are a
16 couple that are still questionable.

17 In addition to one of the general standards is
18 that 35% of open space, which I do not see. When we
19 talk about greenspace, we're talking about common
20 open space in addition the recreational area and
21 facilities, that the project is conceptually sound
22 and that it's a long-term asset and that it's
23 compatible with the surroundings.

24 I agree with several of the speakers that it's
25 probably premature to move forward with an approval

1 to the Town Board. We are still waiting on traffic
2 and there seems to be some conflicts and the
3 information that can be had from that. I think that
4 a couple of us still feel that the number of units
5 is still excessive and I think that's what are
6 people's greatest concern.

7 MS. DALTON: I would vote against. I, too, am not
8 prepared to vote for this. I will layout my reasons.

9 The first is that I don't see the public
10 benefit. I want to make a point of saying that
11 generating additional taxes does not count as a
12 public benefit. If that's what we were interested
13 in, we'd just pave over Colonie and build a bunch of
14 whatever. To me, that doesn't count as a public
15 benefit.

16 Secondly, I don't see a driving need for this
17 type of housing right now. We have similar housing
18 at the Loudon House. Those houses are priced at
19 exactly the same point and they are not selling.
20 So, that concerns me. We also have the houses at
21 the Village of New Loudon and my understanding there
22 is that the sales haven't quite taken off either.
23 So, there is not a driving need for this right now
24 and not in that area.

25 The third is obviously the traffic - the fact

1 that there are so many studies going on right now.
2 I think that it's premature to be considering what
3 is happening.

4 Last but not least, I do want to talk about the
5 character of the Town of Colonie because people who
6 have been here before have heard me say this before.
7 I am concerned about the character of the Town being
8 changed by all of the building that is going on. I
9 really do believe that we need a comprehensive view
10 of what that means in terms of those of us who have
11 turkeys and bunnies and groundhogs and all of those
12 other things that contribute to the quality of life
13 in the Town of Colonie and contribute to us wanting
14 to raise our children here. I want our children to
15 come back with our grandchildren here, so I really
16 do believe that we do need to take a close look at
17 the quality of the neighborhood and character and
18 how projects like this contribute to that.

19 MR. LANE: I'd like to add one more thing to Mrs.
20 Smith's point. Being 50 and having your children still
21 at home. I'm only 54 and my children are 4. So, 55 is
22 not what it used to be.

23 CHAIRMAN STUTO: Any other members of the Board
24 want to speak?

25 MR. MION: I tend to agree with what has already

1 been said. I can't add anything to it. I would
2 probably vote against it.

3 MR. SHAMLIAN: I agree and I think that it's not in
4 keeping with what else is around it. The density is
5 just too high. Part of that is traffic, but part of it
6 is overall density.

7 CHAIRMAN STUTO: Did you want to say anything?

8 MS. MILSTEIN: I agree. There is nothing more that
9 I can say.

10 CHAIRMAN STUTO: It's my recommendation that
11 someone make a motion either to make a recommendation to
12 the Board - either in favor or -

13 MS. DALTON: I make a motion that we recommend to
14 the Town Board not to create a PDD.

15 MR. LANE: I'll second that.

16 CHAIRMAN STUTO: Does anybody want to speak on
17 that?

18 I want to speak and explain my vote. I just
19 want to run through some of it for myself. I'm
20 voting in favor of recommending against the PDD to
21 the Town Board. I do want to get the reasons -- my
22 reasons on the record of why.

23 The objections in 190.66 of the Town Zoning and
24 Land Use Law which is the planned district
25 development states that in order to carry out the

1 intent of the article -- and I'm going to read where
2 I think that this application falls short. I'm not
3 going to read every single criteria.

4 "Provide an adequate and integrated system of
5 open space and recreation areas designed to tie the
6 PDD together internally and link it to the larger
7 community."

8 I think that this application falls short,
9 given the scale of doubling the density and
10 proposing 80 homes in the end. I think that they
11 proposed finally pedestrian items inside the thing
12 today and that does arguably connect to the outside
13 community, but the open space or recreation area is
14 not adequate to serve the internal and external
15 community.

16 "Use land use efficiently resulting in smaller
17 networks of streets and utilities and thereby lower
18 development and maintenance costs."

19 I think that the street networks are just as
20 large with this development as they would be under
21 single family and I think that the utilities are the
22 same if not larger because they are serving twice as
23 many homes.

24 Tim talked about open space, which is under the
25 general standards and it doesn't say common open

1 space totally not less than 35% of the total planned
2 development district. I'm not sure what the
3 definitions are. There may be more than 35%
4 greenspace and it is owned by the homeowners
5 association, but they're not in locations where the
6 entire community can enjoy it. I think that they
7 fall short on that.

8 With respect to the required findings, I think
9 that it falls short in that the PDD is one of the
10 criteria that the PDD is compatible with the
11 surrounding neighborhood context and character and
12 is in conformance with the Comprehensive Plan. In
13 my opinion and I think a lot of the Board Members
14 have expressed that it is not compatible with the
15 surrounding neighborhood and that it is not perhaps
16 compatible with the Comprehensive Plan.

17 The next criteria that I think that it fails to
18 meet is that the open space and recreation areas and
19 facilities provided are commensurate with the level
20 of development proposed and the predevelopment open
21 space resources potentially available for
22 protection.

23 I think that for the reasons that we stated on
24 the record, I think that it overlaps one of the
25 criteria that falls short on that count as well.

1 That there are adequate community facilities serving
2 utilities available or proposed to be made available
3 in the construction of the development.

4 Again, I think that it falls a bit short on
5 there.

6 For those reasons I vote affirmative to
7 recommend to the Town Board that the PDD should not
8 be adopted.

9 Anyone else want to explain their vote?

10 (There was no response.)

11 All those in favor of recommending that we
12 recommend to the Town Board that the PDD not be
13 developed say aye.

14 (Ayes were recited.)

15 All those opposed to that motion say nay.

16 (There was no response.)

17 The ayes have it.

18 Thank you.

19

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21 (Whereas the above entitled proceeding was
22 concluded at 8:34 p.m.)

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CERTIFICATION

I, NANCY STRANG, 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

Dated September 20, 2015

