

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 MEADOWDALE ESTATES
5 297 OLD NISKAYUNA ROAD
6 PUBLIC HEARING FOR FINAL SUBDIVISION
& SITE PLAN APPROVAL
AND SEQR DETERMINATION

7 *****

8
9 THE STENOGRAPHIC MINUTES of the above entitled
10 matter by NANCY STRANG, a Shorthand Reporter,
11 commencing on September 29, 2015 at 7:02 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

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

19 ALSO PRESENT:
20 Kathleen Marinelli, Esq., Counsel to the Planning Board
21 Joseph LaCivita, Director, Planning and Economic
22 Development
23 Chuck Voss, PE, Barton and Loguidice
24 Lynn Sipperly, PE, Sipperly and Associates
25 Brian Sipperly, PE, Sipperly and Associates
James Oliver
Rick Nottke
Daniel O'Brien, Meadowdale Estates
Joseph Sausta

1 CHAIRMAN STUTO: Welcome to the Town of Colonie
2 Planning Board. We have a number of items on the
3 agenda.

4 Before we call up the first item, Joe, do you
5 any administrative matters you'd like to talk to the
6 Board or the public about?

7 MR. LACIVITA: Yes, we have our agenda already set
8 for the October 6th date. You have those packets in
9 front of you so please make sure that you take those
10 with you tonight and hang onto them.

11 The other thing that you're going to see and I
12 encourage the people in the audience if anyone has
13 interest -- there are pamphlets over there. On
14 October 5th the Town of Colonie has partnered with
15 the International Center of the Capital Region, the
16 Colonie Chamber, the National Committee on US/China
17 Relations - doing business in China. The
18 International Center of the Capital Region actually
19 received the approval to go forward with doing an
20 upstate kind of a town hall meeting and trying to
21 promote import/export business in China. We're
22 working with Empire State Development, Confucius
23 Institute of SUNY Albany and the US State Department
24 and it's going to be monitored by John McDonald from
25 the Assembly. Again, it's trying to figure how we

1 can get upstate products, New York State products
2 into the hands of the Asian market and then also
3 visa versa - get products there to us. It's going
4 to be a great meeting and it's great that they
5 selected the Town of Colonie as a site location to
6 house this because we are the nexus of everything
7 happening. We're excited to have that. So if
8 anyone knows of any business that is interested in
9 doing anything internationally, certainly there are
10 some pamphlets over there to look at.

11 The last I have, Peter, is kind of an update on
12 the Ad Hoc Committee. I know that we've looked at
13 the Times Union development of that parcel. They
14 have since pulled out their project and they are no
15 longer going forward.

16 CHAIRMAN STUTO: Can you state for the record what
17 the purpose of the Ad Hoc Committee was for the members
18 of the public that don't know?

19 MR. LACIVITA: One of the things that we were
20 looking at with that Ad Hoc Committee as there was a lot
21 of development going on in the Albany Shaker Road
22 corridor -- part of the planning process is that you
23 always do a SEQRA component. Part of that SEQRA
24 component is the impacts in the neighborhood. Traffic
25 is one impact that is actually listed in that. All

1 projects do traffic impacts and studies based on their
2 project based on their density. This, as we saw, a
3 number of items going on in the Albany Shaker corridor
4 and we expanded the study a little bit. The Ad Hoc
5 committee was formed with the New York State Department
6 of Transportation, our Town Designated Engineer, Chuck
7 Voss, Capital District Transportation Committee who
8 handles all of our mitigation calculations. We also had
9 a number of people from our departments here in the
10 Town, and also Albany County as well. So, we were
11 looking at it as a holistic approach and the impacts in
12 that area. Since the Ad Hoc Committee got formed,
13 projects of impact which were the Foeglti Farm which was
14 the 80 unit cluster that they were doing -- this Board
15 elected not to make a favorable recommendation and
16 rightfully so because of the density. The Times Union
17 themselves, because of the complexities of the traffic
18 impacts of the area opted to pull that project and not
19 table it but pull the project and we probably will not
20 see that. There was rumor, of course, that Costco was
21 coming and they never were. So, that unfortunately put
22 it in a different light because of the intensity of the
23 development. There was a plan for a big box, but Costco
24 was not coming to the Town. Cabella's is still
25 interested, but we don't have any information on that as

1 yet.

2 So, with that, the Ad Hoc Committee was formed
3 for that. We did the study. We got the density
4 information.

5 Chuck, I don't know if you want to speak to it
6 as well.

7 We realized the complexity and that area was
8 not the right suitable space for that development.
9 We are going to try to, I believe, the second
10 meeting in October they are going to do -

11 CHAIRMAN STUTO: Of the Town Board, right? Not the
12 Planning Board.

13 MR. LACIVITA: Yes, we are going to make a
14 presentation at the Town Board level.

15 CHAIRMAN STUTO: One of the meetings in October.
16 You want to leave it at that, or do you know which one?

17 MR. LACIVITA: I believe, Peter, that it is the
18 22nd. I can confirm that, but it is that second meeting
19 in September that we will have members of the Ad Hoc
20 Committee there to present briefly to the Town Board our
21 findings and just bring everybody up to date.

22 CHAIRMAN STUTO: So, basically it's an update on
23 traffic and what to expect and what improvements can be
24 made in that corridor and the adjacent corridors as
25 well. Didn't it expand to like Old Niskayuna and so

1 forth?

2 MR. LACIVITA: It did. It's a holistic approach.
3 I know that the county is also trying to do a study.
4 They're trying to partner with Capital District
5 Transportation Committee to do their study as well as
6 the Town has been asked to partner with them, as well.

7 CHAIRMAN STUTO: I'm going to try to attend, if at
8 all possible. I would encourage the Board to attend
9 also.

10 MR. LACIVITA: And hopefully Members can attend the
11 China Hall Town Hall meeting as well. It will be a lot
12 of fun and a lot of interest.

13 CHAIRMAN STUTO: Great. Thank you.

14 The first item on the agenda is Meadowdale
15 Estates, 297 Old Niskayuna Road. This is a public
16 hearing for final subdivision and site plan approval
17 and SEQRA environmental determination. We'll
18 officially open the hearing now. Any members of the
19 public want to speak on this project, there is a
20 sign-in sheet to your left. Please sign in.

21 I'll give it back to Joe LaCivita for any
22 introductory remarks. I know that we've seen this
23 project several times in the past.

24 MR. LACIVITA: I'll read the publication of the
25 public notice.

1 "Town Planning Board, Town of Colonie, Albany
2 County , New York. Notice is hereby given that
3 pursuant to Section 276 of the Town Law, the Town
4 Planning Board of the Town of Colonie, Albany
5 County, New York will meet to conduct a public
6 hearing at Public Operations Center, 347 Old
7 Niskayuna Road, Latham, in said Town of Colonie,
8 County of Albany, New York on the 29th day of
9 September, 2015 at 7:00 p.m. for the purpose of
10 hearing all persons upon approval, modification or
11 disapproval of a certain residential subdivision in
12 the Town of Colonie, County of Albany known as
13 Meadowdale Estates consisting of 58 acres to be
14 divided into 130 residential building lots."

15 That notice was dated September 16, 2015,
16 Latham, New York and signed by Peter Stuto, Chairman
17 of the Planning Board.

18 CHAIRMAN STUTO: We'll turn it over to the
19 applicant.

20 Could you give us an introduction? We've seen
21 it as a Board, but all members of the public may not
22 have.

23 MR. SIPPERLY: Thank you, Mr. Chairman. My name is
24 Lynn Sipperly with Sipperly and Associates.

25 As you mentioned, the development of this

1 project has been before the Board for several years
2 now. Really what it proposes is a development that
3 has many styles of residential land use. We have
4 204 apartments located in this area here of the site
5 which is west of the spine road, Hastings Drive
6 (Indicating).

7 CHAIRMAN STUTO: Can you orient us in terms of the
8 road so the public understands?

9 MR. SIPPERLY: Sure. At the left side of the map
10 is Watervliet Shaker Road. The north side of the map
11 here is Wade Road, at this point right here
12 (Indicating). This is Hastings Drive, which is
13 presently constructed from Wade Road to this point here
14 where our project begins (Indicating).

15 CHAIRMAN STUTO: Where is the traffic circle with
16 Old Wolf - the roundabout, as you call it?

17 MR. SIPPERLY: The roundabout is right here at this
18 location (Indicating). That's at the corner of our
19 property.

20 CHAIRMAN STUTO: Thank you.

21 MR. SIPPERLY: To our east is Beverly Park, which
22 is a single family residential subdivision. The closest
23 street there is Sherwood Drive.

24 As I mentioned, the project involves several
25 different styles and types of residential housing.

1 We have apartments which are located at the west
2 side of the site. We have 98 townhomes which are in
3 clusters of two and three per building, and we have
4 30 cottage homes at this location here (Indicating).
5 The proposal again is to extend Hastings Drive from
6 its present terminus to Watervliet Shaker Road
7 somewhat providing like a mini collector roadway and
8 from the new streets within the development would
9 access and enter onto that spine road.

10 The project is 58.3 acres. We have
11 incorporated a significant area of greenspace. The
12 project is presently at 58 acres has 21.7 acres of
13 greenspace which is 41% of the site. That
14 greenspace does several things. First, it protects
15 some environmental features, but it also provides
16 buffering between neighborhoods of different
17 residential types. We have the townhomes here and
18 we have this large open space area here that
19 separates the townhomes from the cottage homes.
20 Again, another area of open space that separates the
21 cottage homes (Indicating). So, another section of
22 townhomes.

23 Then we have a couple of large sections of open
24 space that separate the apartments from the main
25 highway and also separates the apartments from other

1 units of apartments within the development.

2 There are six apartment buildings proposed.
3 Like I said, there are 204 units. They are
4 three-story in size. We are proposing to bring
5 water and sewer to all the units within the
6 development. Water will be connected from Wade Road
7 to Albany Shaker Road and also a secondary water
8 service would be extended along Ace Place which is
9 right here (Indicating) to provide a secondary
10 supply to Sherwood Drive.

11 The streets within the single family
12 residential and multi family residential are
13 proposed to be Town roads. All the streets and
14 roads within the apartment development would be
15 private and would be retained by the apartments.
16 The greenspace that's shown on the map will be
17 protected by a homeowners association. So, that
18 would restrict it from any further development. The
19 plan is really kind of a transitional development
20 plan between single family residential on the east
21 and light industrial/office on the west. The plan
22 incorporates a 50-foot corridor of open space to be
23 preserved between the residents on Sherwood Drive at
24 this location and the cottage homes in this location
25 here (Indicating). On a portion of the project,

1 southerly of Ace Place, we are proposing to put in a
2 six-foot solid privacy fence which will help both
3 the neighbors and the residents who may move in
4 there from -- actually it will shield the residents
5 from construction activity that's going to be
6 occurring on our site.

7 The site will be phased. The first phase will
8 be the construction of one or two of the apartment
9 buildings. Then, it will proceed into some of the
10 single family residential components, also.

11 A traffic study was performed by Greenman
12 Pedersen for us in 2011 and it was updated in 2015.
13 That traffic report was provided to DOT and DOT has
14 given us acceptance of this curb cut onto Watervliet
15 Shaker Road (Indicating).

16 The traffic study really indicates that about
17 60% of the traffic from the development will go
18 southerly to Watervliet Shaker Road. The other 40%
19 will go to Wade Road which then goes to Route 7 and
20 has access to Exit 65 on the Northway and also Route
21 9 via the Wade Road Extension.

22 We also have done an archeological
23 investigation of the whole site and there was one
24 area of historic interest which really occurs right
25 here where my finger is pointing (Indicating) -

1 between these executive townhomes which are the two
2 units here and this apartment building. This is the
3 site of the former John Hill residence back in the
4 1800's. There has been a Phase I performed and then
5 also a Phase II which went further to determine what
6 was the intensity of cultural resources in the area.
7 The applicant has entered into a Phase III
8 memorandum of understanding with SHPPO stating that
9 further investigation will be performed in this area
10 here and any artifacts that might be impacted by
11 construction or development would be removed and
12 catalogues and stored for future reference.

13 Other than that site there, the site was
14 cleaned, with regard to any cultural resources. We
15 also performed an environmental study with regard to
16 wetlands and endangered species. There are 7.3 acres
17 of wetlands on the site of which we are only
18 impacting forty five hundredths of an acre; less
19 than half an acre. Those impacted wetlands are
20 really impacted by roadways. There are two wetland
21 crossings near Hastings Drive and another wetland
22 crossing with regard to a local driveway. None of
23 the wetland impacts are to provide new residential
24 units. It's all related to utilities and the
25 roadway corridors.

1 We have made application to the Corp of
2 Engineers and the permitting process to receive our
3 wetland permit. Wetland mitigation will occur
4 on-site so that the forty-five hundredths of an acre
5 that we are impacting will be mitigated on-site,
6 adjacent to the wetlands on-site. It's all going to
7 be self-contained on the parcel.

8 The development will impact schools. There
9 could possibly be 135 new students at the end of
10 full build-out. That's broken down by the various
11 units. We have been very conservative on that
12 estimate in the sense that we've assumed townhomes
13 to have three bedrooms. That will probably not be
14 the case. It will probably be two bedrooms and a
15 den. We've assumed the apartments all to be two
16 bedrooms which would have the opportunity to
17 generate some students. We've also considered the
18 cottage homes to have three bedrooms. Again, being
19 conservative in the sense that we really think that
20 the demographics here - the cottage homes would be
21 like empty nesters who really want to down-size to
22 smaller lots. I know that gets used quite a bit
23 these days in presentations, but there is a real
24 desire for people to sell their large homes and get
25 down to smaller homes where there is not a lot of

1 yard maintenance and not a lot of home maintenance
2 either. The townhomes would be again, young
3 professionals. They could be single people, married
4 couples, divorced people. Again, they could be
5 looking for some equity at a lower price on a single
6 family home - a large single family home.

7 That's pretty much an overview of what we are
8 doing. We could get into more specifics if you'd
9 like.

10 CHAIRMAN STUTO: I'm sure that it will come up when
11 we ask questions. I'm going to ask the Town Designated
12 Engineer to give his comments; Chuck Voss. Then, we'll
13 hear what the public has to say and then we'll ask our
14 questions.

15 Chuck, do you want to talk about the project?

16 MR. VOSS: Yes, let me just kind of go through some
17 of the history of the project. I will mention, as
18 Peter did that this project has been under review for
19 well over two years now. The Board has seen it multiple
20 times and it has evolved a fair amount since it was
21 first proposed.

22 Lynn didn't touch on the renderings and the
23 styles of the building, but just to reiterate to the
24 Board, it's that Shaker style look.

25 CHAIRMAN STUTO: We will ask Lynn to do that.

1 MR. VOSS: From a technical standpoint, we've had a
2 long look at this and the latest set of plans you can
3 tell are fairly significant and are thick now as we've
4 gotten really into the final design phase. We issued
5 our final review letter on August 13th which the Board
6 has in its packets and I'll just go through that
7 quickly.

8 This really only highlights kind of the final
9 technical comments that we've had with the plan.

10 CHAIRMAN STUTO: Has anything changed since the
11 last time we were here?

12 MR. VOSS: Technically not, Peter, no. The design
13 and the issues that we had with the stormwater where
14 it's a flat site so they had to spend a lot of time on
15 their stormwater management system which they did a
16 great job with. That's considering the amount of site
17 that is being worked on and the amount of stormwater
18 that the site could potentially generate. They've taken
19 great pains to keep all that on site and we are very
20 comfortable with the types of systems that they are
21 using and the facilities that they are using there.

22 That really makes up the bulk of the comments
23 from our last letter.

24 CHAIRMAN STUTO: Maybe this is a good time to show
25 the elevations. Do you have boards with the elevations?

1 I know that we have them here.

2 MR. SIPPERLY: Unfortunately, I only have the small
3 8 1/2 by 11 which is probably what you have.

4 CHAIRMAN STUTO: We have there here. I don't know
5 if the public -- do members of the public want to see
6 them? If they want to come up, you can take a look.

7 MR. VOSS: Peter, other than that, they were just
8 waiting for a couple of minor things. They did get their
9 DOT sign-off. A letter was issued on May 27th of this
10 year by Mark Kennedy, the regional traffic engineer. I
11 don't know if you have it in your packets, but basically
12 they concur with the fact that the traffic study was
13 complete and it was accurate.

14 If you remember early on there was discussion
15 about potential left turn lane on Watervliet Shaker
16 Road. DOT did not necessarily endorse that idea.
17 They felt that the traffic warrants weren't there
18 and weren't being generated by this site, so they
19 did not endorse that. Other than that, they
20 approved the curb cut as proposed, as Lynn
21 mentioned, on both ends of New Hastings Drive
22 Extension.

23 Peter, other than that, we are satisfied with
24 the site. It's been engineered sufficiently.

25 CHAIRMAN STUTO: Lynn, I think that everybody from

1 the public that wants one, has one. Can you go through
2 the elevations?

3 MR. SIPPERLY: Sure. The whole site has kind of
4 taken on a Shaker aesthetic atmosphere, especially the
5 apartment buildings which are going to be Shaker style
6 with clad siding. They are so much more simple in
7 design which is the essence of Shaker development. They
8 were not ornate in their design of buildings and their
9 sites. We have again, six buildings, three stories
10 high. Again, they're all Shaker style.

11 CHAIRMAN STUTO: Can you tell us about the surfaces
12 and the roofs in that building?

13 MR. SIPPERLY: The roofs are typical asphalt
14 shingles which is a very durable product. The siding
15 will be clapboard type siding and I think that it's
16 going to be concrete board which really resembles cedar
17 siding with the present textures.

18 CHAIRMAN STUTO: It looks like a stone treatment or
19 something in the middle.

20 MR. SIPPERLY: Yes, there is some stone at the
21 bottom.

22 CHAIRMAN STUTO: What about at the front middle
23 section of this large apartment building; what is that
24 surface?

25 MR. SIPPERLY: What you are seeing there is that

1 the building is not a totally flat front. There is a
2 setback in the middle-sections.

3 CHAIRMAN STUTO: Is that a clapboard? It looks
4 like something else.

5 MR. SIPPERLY: It's all intended to be clapboard,
6 but it has recesses where it gives a shadow effect to
7 the building so it's not one large facade. The lower
8 floor as you can see on the drawing is stone on part of
9 the first floor. Then, from there up it's clapboard.
10 The entrance is in the center of the building. The
11 front and rear would be main entrances.

12 CHAIRMAN STUTO: And each building would have how
13 many units in it?

14 MR. SIPPERLY: We have four buildings at 36 units
15 and we have two buildings at 30 units.

16 CHAIRMAN STUTO: Any questions from the Board on
17 that?

18 (There was no response.)

19 You want to go into the single family
20 townhomes?

21 MR. SIPPERLY: Yes, again, the single family are
22 kind of a cottage appearance. There are several
23 different - at least three different elevations and the
24 elevations will be duplicated, not every lot, but every
25 second or third lot. You won't see two units on the

1 same adjacent lots. They appear to be two-story in
2 height. Actually, they are one and a half stories, as
3 the diagram in the elevations shows. Some of them will
4 have a bedroom or a den on the second floor, but mostly
5 it's the modern style that seniors are looking for with
6 at least a master bedroom and one of the bedrooms on the
7 first floor.

8 CHAIRMAN STUTO: Do we have an elevation of the
9 townhomes? I don't see that here.

10 MR. SIPPERLY: I think that the townhomes are off
11 to the corner of this (Indicating).

12 CHAIRMAN STUTO: Well, we need to vote on that so
13 we need copies of that.

14 MR. SIPPERLY: There's a black and white that is
15 not colored in. This is like the large home concept in
16 a sense that it looks like a large home. The facade is
17 uniform throughout all three units. I don't want to
18 give the impression that it's not just three units put
19 together but it has a homogenous elevations in the front
20 and the sides. The townhome units have two-car garages.
21 The cottage homes have two-car garages. Actually on the
22 apartments we would be proposing that there would be 100
23 garage units also there. So, there will be 300-some
24 surface parking spaces for the apartments and also be
25 disbursed throughout the apartments are garages.

1 CHAIRMAN STUTO: Does the Board have any questions
2 before we turn it over?

3 The elevations that we have in our packets are
4 different than what you handed out.

5 MR. LACIVITA: Back in 2014 - we have this one here
6 that shows some stone frontage. Also, the elevations of
7 the carriage house are exactly what you are seeing
8 today. This dates back to April 15, 2014.

9 CHAIRMAN STUTO: That's why I was mentioning the
10 stone.

11 MR. SIPPERLY: I pulled these out of the file. It
12 looks like we have two different elevations for the
13 apartments.

14 MR. LACIVITA: These are what you have in your
15 packets tonight. It's this one that is not
16 (Indicating).

17 CHAIRMAN STUTO: This also shows little balconies
18 too.

19 MR. AUSTIN: So, which one are you looking to do?

20 MR. LACIVITA: Lynn took my packet over there.

21 MR. AUSTIN: Are we looking to do the one with the
22 stone, or the one with the plain front?

23 MR. LACIVITA: This is the one that we gave concept
24 on in 2014. This is what I recommend that the Board
25 goes for and moves toward - which is what we gave

1 concept to.

2 CHAIRMAN STUTO: They said that nothing has
3 changed.

4 MR. LACIVITA: And then if you look back on 2014,
5 what we saw - this building here is what you see on this
6 packet right here (Indicating), which Lynn just handed
7 out today. It's actually the same.

8 CHAIRMAN STUTO: You're saying that the carriage
9 homes are the same.

10 MR. LACIVITA: Correct. It's the elevations of the
11 apartments -- but you gave concept on what we saw with
12 the brick facade.

13 CHAIRMAN STUTO: That's an issue.

14 MR. SIPPERLY: I stand corrected, Mr. Chairman.
15 The drawing that you have in your packet - the building
16 elevation is the building elevation that the applicant
17 is pursuing toward the apartment building. That does
18 show the stone on the front and the clapboard type
19 siding.

20 MR. LANE: That was an early stage rendering, I
21 take it?

22 MR. SIPPERLY: Yes, I think that was before.

23 CHAIRMAN STUTO: Okay, I suggest that you come up
24 with a definitive package of the elevations with staff
25 right now and we'll take comments from the public, while

1 you're doing that.

2 James Oliver.

3 MR. OLIVER: Mr. Chairman, first of all thank you
4 for letting me speak. I'm not quite sure about the
5 address. It says 297 Old Niskayuna Road. Are we
6 talking about the field across from Nexus Park?

7 CHAIRMAN STUTO: I know where it is, but I'm not
8 sure exactly where Nexus Park is.

9 MR. BRIAN SIPPERLY: I can address that as they are
10 going through the elevations.

11 For the record, I'm Brian Sipperly from
12 Sipperly and Associates.

13 The answer to your question, the Nexus Business
14 Park Drive is right here (Indicating). The farm
15 field that you're looking at is where this apartment
16 is here (Indicating).

17 MR. OLIVER: So, where is the circle?

18 MR. BRIAN SIPPERLY: The circle is right here. You
19 proceed down the circle and you take a right on Nexus
20 and as you go past the wetland crossing, that's the farm
21 field that you see there.

22 MR. OLIVER: The only comment that I have is that
23 if you add up all the living units, we're talking about
24 330 or 340 units. If you assume that every house is
25 going to have a minimum of two cars, you're talking

1 about 668 more cars in this area. I'm sure that every
2 Board Member who has gone down that road between 330 and
3 530 knows what I'm talking about with the congestion.
4 DOT may have done a traffic impact study, but they
5 obviously haven't driven down that road between those
6 hours. I live at 302 and I have to plan my life around
7 not going out at that time because the traffic is so
8 bad. In addition to that, cars turn onto the access
9 road. That right now it's a dead end road because it
10 leads out to the state building. I have ruts in my lawn
11 for cars turning left, and cars going straight drive up
12 on my lawn to get around the circle.

13 CHAIRMAN STUTO: Can you show us on the map where
14 you are or where it would be?

15 MR. OLIVER: I live right there.

16 CHAIRMAN STUTO: Adjacent to this property?

17 MR. OLIVER: Kitty corner. The house next to the
18 house where I reside in -- that's directly across from
19 that road.

20 CHAIRMAN STUTO: So, you have to cross the road to
21 get to this property, am I right?

22 MR. OLIVER: Yes, sir. My only concern is the
23 traffic is horrendous now. I'm sure that everybody has
24 gone down that road. At the end of the day - that's
25 what I'm talking about.

1 CHAIRMAN STUTO: And the staff's office is right
2 over there, too. We'll ask the applicant and our Town
3 Designated Engineer to talk about that.

4 MR. OLIVER: One other point, Chairman - you're
5 talking about 668 more cars. That doesn't include
6 school busses, service vehicles and employees that work
7 there. You're talking about a lot of traffic and
8 quality of life issues. Thank you.

9 CHAIRMAN STUTO: Thank you.

10 Usually after each speaker, we address the
11 comments that they've made. Can either the
12 applicant or Chuck talk about traffic generation and
13 specific numbers of a.m. and p.m. and all the normal
14 traffic generation things that we talk about?

15 MR. SIPPERLY: Again, the traffic study was
16 performed by Greenman Pedersen engineers and indicates
17 that in the a.m. peak hour it will be 188 vehicles
18 leaving the site.

19 CHAIRMAN STUTO: Per hour?

20 MR. SIPPERLY: In one peak hour.

21 CHAIRMAN STUTO: You said 60 will be going one way
22 and 40 the other?

23 MR. SIPPERLY: Sixty would be going toward Albany
24 Shaker Road and 40% will go north along Hastings Drive
25 to Wade Road and then they would turn right and go to

1 Route 7 - the Northway or Route 9 for disbursement.

2 CHAIRMAN STUTO: Okay, what's the number again?

3 MR. SIPPERLY: That was 177. The peak p.m. is a
4 little bit higher. It's 235. Again, the distribution
5 is thought to be the same; the 60/40. The 60% of people
6 would be going toward Albany Shaker Road and 40% Wade
7 Road to Hastings Drive.

8 CHAIRMAN STUTO: In my mind, that's like three cars
9 per minute, approximately, with 40% going north and
10 coming back north and 60% going south.

11 MR. SIPPERLY: It would be three cars a minute.

12 CHAIRMAN STUTO: So, a little over one and a half
13 going towards Albany Shaker and a little less than that
14 going towards Route 7.

15 MR. SIPPERLY: That's the distribution that the
16 engineers thought would be realistic. It could be
17 50/50. People always find the most convenient and
18 shortest route so that may change. Really what occurs
19 here though is this Hastings Drive really intercepts
20 traffic that wants to continue down - not any traffic,
21 but project traffic that would run and continue down
22 Wade Road to Old Niskayuna Road to Watervliet Shaker.
23 The residents here would go out here and there is no
24 need to take that surreptitious course to Old Niskayuna
25 Road and then back into the development at Albany Shaker

1 Road. We don't believe that section of Wade Road and
2 Old Niskayuna Road should see any appreciable increase
3 in traffic. In fact, there might be some increase in
4 traffic by people short-cutting through here, through
5 this development, but that again is why we put the
6 roundabout in there to really kind of delay that so
7 there would be no real savings of time cutting through
8 from Wade Road to Watervliet Shaker Road because the
9 roundabout is going to slow everybody down and take some
10 time to negotiate.

11 CHAIRMAN STUTO: I'm going to ask a question
12 because I know that there has been some talk about this
13 stuff. With the Ad Hoc Committee, Joe, when a.m./p.m.
14 peak hours come, there is a lot of traffic movement;
15 people going to work and people coming back from work.
16 There is a question of how much is from the new houses
17 and how much are going somewhere else. For example, if
18 the Northway is backed up and people are going from
19 Albany to Halfmoon or Clifton Park and something
20 happens, they spill out onto Route 9 and other
21 north/south roads. I think that we are going to talk
22 more about that when the Ad Hoc Committee meets in front
23 of the Town Board, but is there anybody here who can
24 talk about background traffic versus -

25 MR. LACIVITA: If you don't mind, I'll go first and

1 then I'll let Chuck speak.

2 CHAIRMAN STUTO: There is a lot of misinformation
3 going around.

4 MR. LACIVITA: Absolutely. There is a ton of
5 misinformation going around when it comes to traffic
6 studies and the fact of when a project comes -
7 especially something in this magnitude, in any project
8 that hits one of the major corridors, DOT looks at it
9 and Albany County looks at it. We also have under a
10 Town Memorandum of Understanding that whenever a project
11 that is in a mitigation area, which this is in the
12 airport area GIS area, so therefore there would be
13 impact fees for traffic related impacts that the project
14 which will be spent on improvements -

15 CHAIRMAN STUTO: Infrastructure improvements to
16 make traffic go smoother.

17 MR. LACIVITA: Correct. Under a Memorandum of
18 Understanding with the Capital District Transportation
19 Committee - they analyze the level of development, they
20 analyze the narrative, they have discussions with DOT,
21 they look at background growth and they look at
22 background traffic. This is virgin land. Nothing is
23 there right now. When we have the development, what are
24 the impacts going forward? They look at the traffic
25 study that was provided by the applicant. They offer

1 comment to it. They work collaboratively with DOT and
2 then they come up to a -

3 CHAIRMAN STUTO: And they don't just accept the
4 traffic study.

5 MR. LACIVITA: Exactly. They counteract some
6 questions and they have to make some changes to it and
7 then they come up with some mitigation information here.
8 For example, this project being in the airport GIS will
9 pay approximately 1.6 million dollars in mitigation fees
10 of which \$138,917.000 is attributed to new development
11 on this site. All the rest are water impacts,
12 recreation impacts and GIS prep. Again, it's Capital
13 District Transportation Committee's role to review the
14 information that we have, talk with DOT and provide the
15 background to that. They do the calculation am/pm.
16 They say yea or nay to what the traffic study has been
17 done by Greenman Pedersen and say well, we actually came
18 up with this number versus yours.

19 CHAIRMAN STUTO: I cross through that traffic
20 roundabout sometimes a.m. and p.m. When we leave here,
21 it's pretty quiet - at the end of this meeting. There
22 is a fair amount of traffic and I agree that you have to
23 hesitate before you get into the roundabout. But it's
24 not generated from that vicinity. It's usually
25 generated from somewhere else and people are crossing

1 through to somewhere else. I don't know if that's the
2 background. I'm trying to get the terminology straight
3 in my mind and try to convey that here at this meeting
4 of how much is from new development and how much is
5 going to Clifton Park and Niskayuna and Halfmoon and
6 coming from Albany and so forth. Is there any way to
7 speak about that?

8 MR. VOSS: Peter, it's a good question. This
9 project didn't rise the level to address more of a
10 regional look.

11 CHAIRMAN STUTO: Can you give us a sense of how
12 much this contributes in terms of -- so much traffic is
13 going to go through that roundabout in a peak hour.
14 What is the percentage this is going to contribute? It
15 is a fraction of 1%, or is there any way to give us a
16 sense of it?

17 MR. VOSS: That's a good question. I don't know if
18 the traffic study actually moved to that level where
19 they analyzed on a continuous basis where the traffic
20 coming through was going and where they were coming
21 from. That study was never done for this project. It
22 really wasn't within the purview of this project. The
23 GIS that Joe was describing - the airport area GIS did
24 take a larger look at all the different intersections
25 included in this area and within that study area. That

1 study is now 10 years old, give or take.

2 CHAIRMAN STUTO: Well, will someone venture a
3 guess?

4 MR. VOSS: I can't say because I haven't looked at
5 the GIS in a long time.

6 CHAIRMAN STUTO: Does the applicant want to address
7 that? Do you have any traffic engineers here? People
8 have been throwing a lot of information around.

9 MR. SIPPERLY: I kind of focused on this evening
10 the traffic that would really be generated by this
11 development also.

12 CHAIRMAN STUTO: I mean, your office isn't far
13 away, so you understand the question that I'm asking.

14 MR. SIPPERLY: A couple of things have happened.
15 First, since that roundabout has been put in, this whole
16 intersection of Old Niskayuna Road/Watervliet Shaker
17 Road and Old Wolf Road works very well. Previously it
18 was a stop sign and it was probably a level D or F
19 service. Now it's probably a level C service.

20 The traffic study did also investigate an
21 intersection. The traffic light at the Northway -
22 it investigated that and I think that there was no
23 change in the level of service caused by this
24 development. Similarly, the traffic study looked at
25 the intersection of Wade Road and Troy Schenectady

1 Road which is a major intersection. Again, the
2 traffic that was surveyed by this development didn't
3 change the level of service. The background traffic
4 that we talked about is really different for various
5 components of the transportation system here. We
6 all know the traffic on Route 7 is very heavy. The
7 traffic on Watervliet Shaker Road is heavy, but a
8 lot of the traffic is really from businesses that
9 are really on Old Niskayuna Road or Wade Road. When
10 they get out, everyone leaves within 10 minutes of
11 quitting time so you get an influx of traffic at
12 that point and then it kind of peters out.

13 The other leg of Old Niskayuna Road and Wade
14 Road kind of goes west along the airport and divides
15 another route for people to travel to get further
16 west on Route 7 so that there is a whole series of
17 intersections or roadway networks that service this
18 area. Naturally, again, the level of background
19 traffic on Watervliet Shaker Road - I'm saying that
20 we're probably maybe 2% or 3% of what the background
21 traffic would be at peak hour from our development.
22 Going by the number of vehicles on Troy Schenectady
23 Road, we would probably be one half of a percent.

24 MR. LACIVITA: I think that one of the things that
25 we should remember is the permitting entity for this is

1 the New York State Department of Transportation.
2 Watervliet Shaker Road is their road. They maintain it.
3 They offer the permit where they give the permit based
4 on the review of the project. So, they look at the
5 development. They look at the impacts of the cars and
6 everything going onto their roadway. If they have
7 concerns or whatever, they offer comments of what
8 improvements need to be done. Again, the permitting
9 entity here for that curb cut is New York State
10 Department of Transportation.

11 MR. VOSS: Peter, let me just add to that just
12 based on some of the documentation that we have that can
13 further describe the traffic issue there.

14 In the Greenman Peterson supplemental follow-up
15 to DOT's questions -- DOT asked them a few questions
16 about their traffic study -- this was dated March of
17 this year. The study basically said "for the
18 analysis shown in the traffic impact study, a 1%
19 annual background growth was added to the existing
20 traffic volumes to represent the no-build
21 condition." So, in other words DOT assumed that
22 there was going to be annually a 1% increase in
23 traffic. That's generally their standard that they
24 apply across the Town. In looking at available New
25 York State DOT historic account data for the

1 Watervliet Shaker Road area and the New York State
2 Route 7 area, it was revealed that Watervliet Shaker
3 Road traffic has been steadily declining by more
4 than 1% per year over the last decade and traffic on
5 Route 7 has been relatively the same with a slight
6 increase. Thus Greenman Pedersen in their analysis
7 was confident the traffic volumes included in the
8 study were certainly valid and then in the May 27
9 final letter from DOT the traffic engineer, Mark
10 Kennedy, the regional reviewing engineer wrote "With
11 regards to the validity of the traffic volumes used
12 in the traffic impact study, decreases in counts
13 taken at specific points in time are most likely to
14 result in seasonal fluctuations or impacts from
15 nearby construction projects as opposed to an
16 overall long-term decrease in traffic volumes. With
17 that being said, the 1% growth rates used in the
18 traffic impact study to established the 2015 volume
19 seems reasonable and any minor fluctuation in that
20 rate would not significantly affect the overall
21 outcomes of the study per se."

22 So, DOT basically said that we kind of agreed
23 with that 1% issue is occurring. The slight decline
24 that they saw in some of their data, they contribute
25 to seasonal issues. As Joe said, DOT was certainly

1 comfortable with the traffic impact study. We
2 reviewed the traffic data and certainly we are
3 comfortable with its findings as well. I think that
4 the broader question, Peter was a very valid one.
5 Most communities in the whole capital district area
6 are certainly grappling with that. Traffic is
7 increasing and population is increasing in this
8 area. Growth and development certainly is occurring
9 in the Town of Colonie.

10 CHAIRMAN STUTO: Thank you for that and if we go to
11 the Ad Hoc study, we'll learn some more as well.

12 This hearing is still alive and we'll call up
13 the next resident.

14 Rick Nottke.

15 MR. NOTTKE: My name is Richard Nottke and I live
16 at 19 Sherwood Drive.

17 CHAIRMAN STUTO: Can you show us where that is?

18 MR. NOTTKE: It's right at the abutment of the
19 pedestrian connection to the road, Ace Place, next to my
20 house. This is my house here, Mr. Chairman.

21 CHAIRMAN STUTO: Thank you.

22 MR. NOTTKE: My main question, I think, is the
23 revision to the pedestrian connection what was mentioned
24 in the narrative as well as the screening behind my
25 house. I know that there is going to be a 30-foot no

1 cut to the north of my house on the western portion of
2 Sherwood but from Ace Place south, I don't think that
3 there is going to be that same cut. The pedestrian
4 connection was a concern of mine, but I believe now -
5 and I just found out about this in the last four days -
6 that there will be a fence installed behind my house. I
7 would just like the applicant to elaborate on the exact
8 style of the fence, how far away it would be from my
9 property, where it would start, where it would end. I'd
10 like the applicant to address 17 Sherwood because there
11 is a portion of their property that 17 Sherwood is
12 occupying right now. I believe that's going to be
13 solved when the construction of fence occurs.

14 Also, I think that it was mentioned that the
15 fence will be constructed as a mitigation to the
16 construction as well. I just want to get into the
17 record the question of whether or not that fence
18 will be definitely constructed prior to the
19 construction of the cottage homes.

20 I understand that the HOA will maintain the
21 area up to Ace Place. Will the Town have the
22 responsibility for maintaining that area beyond Ace
23 Place, or as a part of Ace Place?

24 CHAIRMAN STUTO: What is Ace Place, the paper road?

25 MR. NOTTKE: Ace Place is now a legal street. I

1 would prefer it not to be referred to it as a paper
2 street anymore.

3 CHAIRMAN STUTO: It's paved?

4 MR. NOTTKE: It's paved. It took me five years to
5 get that street renamed. Ace Place is named after my
6 father, Howard Ace Nottke. I moved in as an eight-year
7 old into 19 Sherwood Drive.

8 Part of my concern - and I know that the Board
9 has heard me speak before - about the privacy issue
10 but I believe -- I'm trying to say that the
11 applicant and Mr. Sipperly stopped by yesterday and
12 I had a good conversation with him. So, a lot of
13 the stuff that we discussed, I just asked that it
14 would be addressed as part of the public record.

15 CHAIRMAN STUTO: Absolutely.

16 MR. NOTTKE: That's really all I have to say.

17 CHAIRMAN STUTO: Thank you.

18 I'll leave that to the applicant.

19 MR. SIPPERLY: Mr. Chairman, in our previous
20 presentations it was always stated that we would provide
21 a buffer between the residents of Sherwood Drive and the
22 new development. That was accomplished in this area
23 here (Indicating). We were able to set aside a 50-foot
24 no-cut zone which is the green area here (Indicating).
25 In this location here because of the way that the site

1 lays out, we are proposing to put in a six foot privacy
2 fence all along the rear of these homes on Sherwood
3 Drive. I think that it's 3 Sherwood Drive up to 19
4 Sherwood Drive. The fence would start at the northwest
5 corner of Mr. Nottke's property, which is the same
6 corner as the Ace Place - his property line at Ace
7 Place. It would go down on the property line to again,
8 3 Sherwood Drive, which is the closest to Watervliet
9 Shaker Road. It would be a six-foot privacy fence.
10 We're thinking about a colored vinyl - not a white vinyl
11 but a colored vinyl that has low maintenance and
12 longevity with regard to not having to be replaced
13 often.

14 The applicant would really work that out with
15 the homeowners. We don't want to have a
16 hodge-podge. We would like it to be one continuous
17 fence of the same style.

18 CHAIRMAN STUTO: Understood.

19 MR. NOTTKE: That fence, again, would start at Mr.
20 Nottke's corner -

21 CHAIRMAN STUTO: So, it would be along his corner
22 but it wouldn't go along the back of his property.

23 MR. SIPPERLY: No, it would go all along the back
24 of his property and it would also go along the back of
25 3, 5, 7, 9, 11 and 13.

1 It can be put in the record that the fence will
2 be constructed at the beginning of activity on this
3 particular portion of the development. That would
4 then provide these neighbors with early on screening
5 and buffering of any construction activity. The
6 fence would be constructed on the property line. As
7 Mr. Nottke said, 17 is presently approaching about
8 20 feet onto Meadowdale's property with a lawn and a
9 swing set. That swing set would have to be brought
10 back onto their property and the fence would then be
11 put onto the official property line.

12 CHAIRMAN STUTO: Mr. Nottke, does that clarify?

13 MR. NOTTKE: Yes, I'm satisfied.

14 CHAIRMAN STUTO: Okay, thank you.

15 Gloria Jean Knorr.

16 MS. KNORR: For elementary school I went to the
17 airport school which was two rooms with three grades in
18 each room around the corner on Watervliet Shaker Road.

19 I visit the outside of the Drug Enforcement
20 Administration building off of Wade Road and noticed
21 a for sale sign. I know the building from the
22 outside is very well designed and constructed. My
23 son was a special agent for the Drug Enforcement
24 Administration for 17 years being stationed in
25 Denver Colorado, Ecuador, Brazil and Portland,

1 Oregon. He visited the Latham office when he was
2 here. He brought me a coffee mug and I was hoping
3 that this would be his stop before he retired.

4 I came here for probably another reason eight
5 years ago. I saw the beginning of this proposed
6 project and I just thought that it was created to
7 facilitate the well being and quality of life for
8 future residents. Now that I'm 74 I'm very excited.
9 I just wish that it didn't take all this time. I
10 thought that the process was supposed to be speeded
11 up.

12 One of the goals in the vision statement of the
13 Town of Colonie Comprehensive Plan in December of
14 2004 is to provide opportunities and incentives for
15 the development and redevelopment of a variety of
16 housing options in the Town to meet the needs of its
17 increasing diverse population. So, there are three
18 different housing options here and I'm very happy
19 about that. I'm always looking for a number of
20 residential options that offer better homes and
21 better communities with an architectural style in a
22 village atmosphere and I love the Shakers. I heard
23 that eight years ago - it was going to be Shaker
24 designed and not the old vinyl or aluminum siding
25 and there is just so much charm to it.

1 I do go to the Shaker site. I'm a member there
2 and I go to all the craft shows, the barn opening
3 and the barn things. This is just around the corner
4 from the Shaker site.

5 I strongly support that this project move
6 forward as soon as possible and I would like to live
7 to see the footprint of this vision.

8 I would like to tell you that I'm a bus
9 traveler and I want to tell you that this area has
10 very good bus service to Colonie Center, to which
11 you can then get many routes and also Latham Farms.
12 So, this will be very good for the residents who
13 live here for the transportation.

14 I live on Albany Shaker Road between Osborne
15 and Everett and it's very hard for me to get home at
16 night because there are no busses after 5:30. I do
17 know that there are later busses in this area.

18 I have lived in the Bronx and I've lived in
19 Boston and I know Atlanta Georgia is horrible. I
20 used to be an airline hostess with TWA so I know
21 that cities have a lot worse traffic than we do. I
22 live on Albany Shaker Road between Everett and
23 Osborne.

24 Although one thing about Colonie is that we are
25 the crossroads; we have the Northway that's easy to

1 get to the Thruway. One of the parts of our area is
2 because it's so convenient. It's a bedroom
3 community.

4 This is what I believe is the vision that I
5 have for my footprint. This is what I'd like you to
6 consider when you look forward to having anything
7 developed here in Colonie.

8 When we build, let us think that we build
9 forever. Let us not be for present delight nor for
10 present use alone. Let it be such work as our
11 descendants will thank us for and let us think as we
12 lay stone on stone that in times to come when those
13 stones will be held sacred because their hands have
14 touched them and that men will say as they look upon
15 the labor and raw substance of them see this our
16 fathers did for us. Ruskin wrote it.

17 I would say this project is an A plus. Thank
18 you.

19 CHAIRMAN STUTO: Thank you.

20 Any other comments from the public?

21 (There was no response.)

22 Okay, we'll open it up to the Board for
23 questions.

24 I'd like to see a package that we can
25 definitively vote on.

1 MR. SIPPERLY: We do have that package for you, Mr.
2 Chairman. I was presenting one to you that didn't
3 include the stone on some of the apartment buildings.

4 CHAIRMAN STUTO: So, you're saying that the one
5 that was in our packet -- there are no townhouses in
6 this one.

7 MR. SIPPERLY: The townhouse shows up in the
8 package that I had passed out. I guess it's a
9 combination of the two packages.

10 CHAIRMAN STUTO: Somebody is going to have to have
11 to put together the right combination for us to vote.
12 There can be one and that's fine.

13 MR. BRIAN SIPPERLY: You guys can take one copy and
14 then just vote on it?

15 CHAIRMAN STUTO: Yes, but I need a correct copy
16 because I have to initial it.

17 MR. SIPPERLY: This drawing here does show the
18 facades of the elevation of the townhomes. It's called
19 big homes, so to speak, in that this is a uniform
20 elevation for one large structure as opposed to three
21 units.

22 CHAIRMAN STUTO: Can you put that together and give
23 it to our Town Designated Engineer and we'll ask
24 questions?

25 I want to ask a question on the HOA. What will

1 the HOA be responsible for? We don't have
2 transcripts of our prior meetings. I seem to
3 remember that we did have discussions at some of the
4 prior meetings.

5 Do you understand what the HOA is taking care
6 of, Chuck? I thought that there were sidewalks that
7 they were taking care of.

8 MR. SIPPERLY: The sidewalk for the full length of
9 Hastings Drive - that's the responsibility of the HOA.

10 CHAIRMAN STUTO: Who is going to be members of the
11 HOA? Every single resident in there? The apartment
12 dwellers will be paying rent, right?

13 MR. SIPPERLY: That's correct.

14 CHAIRMAN STUTO: They will not own their units.

15 MR. SIPPERLY: That's correct.

16 CHAIRMAN STUTO: So, they won't be paying an HOA
17 fee. That would be the members.

18 MR. SIPPERLY: It would be the owners of the
19 apartment area that would be responsible for the HOA and
20 the sidewalks that are occurring within the apartment
21 portion.

22 CHAIRMAN STUTO: So, how many HOA members are
23 there? I don't want to answer your questions for you.

24 MR. SIPPERLY: There would be two HOAs for the fee
25 owners - the residential homes and there will be another

1 HOA for the apartment side of the project.

2 CHAIRMAN STUTO: Does someone want to clarify that?
3 To have an HOA for an apartment building doesn't sound
4 right to me. Either you have an apartment owner or you
5 don't.

6 MR. SIPPERLY: It wouldn't be the apartment owners,
7 it would be the actual owners of the apartments.

8 CHAIRMAN STUTO: That's what I'm saying. It's not
9 an HOA though.

10 MR. SIPPERLY: We can call it an HOA or it's really
11 just an open spaced area that is restricted from future
12 development on the apartment side -

13 CHAIRMAN STUTO: A homeowners association is a
14 legal entity that people pay dues into. I'm a member of
15 one. I have studied it a little bit. We need to know
16 for the record.

17 MR. BRIAN SIPPERLY: One of the changes that we
18 forgot to mention earlier - when we worked through the
19 final stages with the Planning Office and the DPW, there
20 was an offer to the developer. If the developer put
21 sidewalks from the terminus of Hastings to Wade Road on
22 their project budget, the Town will allow the sidewalks
23 on Hastings within the Town right of way and be the
24 responsibility of the Town.

25 CHAIRMAN STUTO: That's a major change.

1 Joe are you aware of this?

2 MR. LANE: It's in the narrative.

3 MR. BRIAN SIPPERLY: It's in the narrative. The
4 site plan does have it on there. We just validated with
5 the applicant right now that we just want it to stand
6 for the correct record.

7 MR. LACIVITA: Is that the Town road component that
8 you're talking about?

9 MR. BRIAN SIPPERLY: Correct.

10 MR. LACIVITA: So, the maintenance would be
11 typically on a Town road where we have sidewalks anyway.

12 MR. BRIAN SIPPERLY: Correct. That offer came out
13 from Planning in maybe February - if you want to build
14 sidewalks to Wade Road from the current terminus, the
15 offer would be to put the private sidewalks back in the
16 Town right of way and we'll take them. The applicant
17 said sure, we'll do that. So, the current plan of
18 record has sidewalks located in the Town right of way.
19 So, we wanted to make sure that we didn't let the
20 conversation go on too long before we straighten the
21 record out.

22 CHAIRMAN STUTO: Let's talk about all the
23 pedestrian connections, if we could. What about the
24 signal family homes and the townhomes? Are there
25 sidewalks there?

1 MR. SIPPERLY: There is a sidewalk connection from
2 Sherwood Drive to this first street here (Indicating).
3 There are sidewalks -- there are no sidewalks within the
4 residential component here. It just would be the street
5 right of way where you would walk. There are sidewalks
6 within the apartment component of the development
7 between buildings and roadways keeping people off the
8 roadways.

9 CHAIRMAN STUTO: And along the main corridor?

10 MR. SIPPERLY: Again, my son just mentioned that
11 there is a sidewalk for the full length of Hastings
12 Drive to Wade Road to Watervliet Shaker Road that is now
13 within the right of way of Hastings Drive and would be
14 maintained and plowed by the Town of Colonie.

15 CHAIRMAN STUTO: Joe, were you part of that
16 negotiation?

17 MR. LACIVITA: Yes, the installation came in Phase
18 I that the entire roadway has to be connected and paved
19 through Phase I, as we all agreed during that meeting.

20 MR. SIPPERLY: Again, that was a meeting between
21 the Town DPW and the Planning office that if the
22 developer would put in this 800 feet of sidewalk, that
23 the Town would then take over the sidewalk maintenance
24 for the remaining part of Hastings Drive.

25 CHAIRMAN STUTO: Joe, have they changed their

1 policy in the Highway Department? My understanding is
2 that they didn't want to take care of sidewalks. I
3 thought that was a selling component of this
4 development. Now they have reversed themselves?

5 MR. LACIVITA: We're seeing more and more sidewalks
6 being maintained by DPW.

7 CHAIRMAN STUTO: Any other surprises on what has
8 changed since the last one?

9 MR. SIPPERLY: The only other change is the plan
10 that the Board had seen before that was the cul-de-sac
11 at this location here and a cul-de-sac at this location
12 here. DPW wanted this to be a continuous street to
13 assist in their plowing in the wintertime.

14 MR. LACIVITA: That was for ease of maintenance in
15 the winter.

16 CHAIRMAN STUTO: Back to the HOA question. An
17 entity that owns an apartment complex is usually not an
18 HOA in my experience. It's an owner. They are
19 responsible for their own grounds. If the greenspace is
20 forever green, it's forever green. There is an HOA and
21 that's my understanding and correct me if I'm wrong, for
22 the single families and the townhouses.

23 MR. SIPPERLY: That's correct.

24 CHAIRMAN STUTO: What will they be responsible for?

25 MR. SIPPERLY: They will be responsible just for

1 insurance and maintenance of the open space area.

2 CHAIRMAN STUTO: Who is going to mow lawns on
3 individual lots for the single families and for the
4 townhouses?

5 MR. SIPPERLY: That hasn't been worked out yet.
6 That would be another HOA that the residents -

7 CHAIRMAN STUTO: The applicant should know by now.
8 I'd like an answer on that.

9 Dan, you're here. Do you know?

10 MR. O'BRIEN: Either until we have a builder who
11 hasn't decided whether or not people are going to cut
12 their own lawns or if it's going to be -

13 CHAIRMAN STUTO: What are the lot sizes on the
14 townhouses? How much real estate is the townhouse owner
15 going to own? We're voting on a subdivision here.

16 MR. SIPPERLY: Generally 32 feet wide by 130 feet
17 deep.

18 CHAIRMAN STUTO: So, how much grass is on each
19 individual townhouse?

20 MR. SIPPERLY: The townhouses are set back 30 feet,
21 so they'll probably be 35 feet of front lawn including a
22 portion of grass within the street right of way.
23 Another 30 feet behind the unit. They have a yard of 25
24 or 30 feet. That is typical of low maintenance.

25 CHAIRMAN STUTO: Could you tell me which map we

1 should be looking for to see the subdivision that
2 delineates the lot sizes in the drawings that we have?

3 MR. SIPPERLY: Sure.

4 CHAIRMAN STUTO: I see subdivision 1, C103, C104,
5 subdivision 2.

6 Chuck, can you help me with this too? I guess
7 it's every one that says subdivision plan, right?

8 MR. VOSS: It's 103 through 106.

9 CHAIRMAN STUTO: Okay, which one shows the
10 townhouses?

11 MR. SIPPERLY: C105 and 106. That shows the single
12 family, the townhomes and the cottage homes.

13 CHAIRMAN STUTO: Thank you. They're going to own
14 those lots, right?

15 MR. SIPPERLY: That's correct.

16 CHAIRMAN STUTO: Thank you. That was my question.
17 We just don't know who is going to mow their lawn yet.
18 How do you think that's going to go?

19 MR. SIPPERLY: I think that it will probably go
20 with a homeowners association set up for the various
21 components of townhomes and also cottage homes.

22 CHAIRMAN STUTO: Everything that's green on there
23 would be commonly owned by the HOA?

24 MR. SIPPERLY: That's correct.

25 CHAIRMAN STUTO: So, the Town's only responsibility

1 is to plow the road and the sidewalks and to maintain
2 them, right?

3 MR. LACIVITA: Upon a certain amount being
4 constructed or built and Dan or Joe correct me if I'm
5 wrong, you have to have so many sold before the HOA has
6 to be finalized? Is that how it typically goes through
7 the state? When do you have to finalize the HOA through
8 the State of New York?

9 MR. SIPPERLY: The HOA actually has to be finalized
10 prior to the sale.

11 MR. LACIVITA: And is it a flipping point that it
12 goes from -

13 MR. SAUSTA: The models can go up, but prior to the
14 sale. Those documents have to be filed prior to the
15 first deeds that are filed. The deeds that are filed
16 prior are not subject to those regulations.

17 MR. LACIVITA: So, there is a little bit of time to
18 get this all finalized.

19 MR. SAUSTA: There is plenty of time.

20 CHAIRMAN STUTO: I don't know if there is anything
21 in the application but the HOA documents - we'll make it
22 contingent upon approval by the Town Attorney's office
23 approving the HOA documents.

24 Does anyone have any objection to that?

25 (There was no response.)

1 Where is the packet with the final elevations?

2 MR. TENGELER: I handed a couple out to every other
3 Board Member.

4 CHAIRMAN STUTO: Can somebody initial them as a
5 final application or something? I don't see the
6 townhouses in there either. Maybe I'm wrong.

7 Any other questions?

8 MR. LANE: The only other one that I had was with
9 the sidewalks and that was answered.

10 CHAIRMAN STUTO: I think that we're going to close
11 the public hearing. Were there any more comments from
12 the Board?

13 MR. LACIVITA: Peter, I wrote on here that final
14 elevation packet determined that the Planning Board
15 hearing on September 29, 2015; five sheets included;
16 even though it's stamped 2014.

17 CHAIRMAN STUTO: Any other comments from the
18 public? I am going to try to address one of them.

19 Can we have a motion to close the hearing?

20 MR. MION: I'll make that motion.

21 MR. AUSTIN: Second.

22 CHAIRMAN STUTO: All those in favor?

23 (Ayes were recited.)

24 All those opposed?

25 (There were none opposed.)

1 The ayes have it.

2 We're up for Board discussion now on moving on
3 some of these items.

4 Before we move on that, I would like to say to
5 the gentleman who spoke on traffic, I sympathize
6 with what you're saying. I learn every day and I've
7 been involved with this for a few years. There is
8 going to be a contribution, in my opinion, from this
9 to the traffic. They've laid out the numbers and
10 I've no reason to dispute the numbers that they laid
11 out. I think that it's a relatively small
12 percentage. I'm not trying to minimize it or say
13 that your comments are invalid of the overall
14 traffic, but there is also a lot of other factors
15 that go into traffic which are, in my opinion, the
16 outside communities and the Town is growing and the
17 outer communities are growing. We are going to
18 collect money through the mitigation fees so that we
19 can put back into the infrastructure to widen roads,
20 to put traffic lights in and so on and so forth. It
21 is their property and it's zoned multifamily and
22 they are entitled to develop it.

23 I don't know if you've been to the prior
24 meetings here, but we've worked and I think that the
25 developer has worked fairly hard in trying to craft

1 this into something that works within the parameters
2 of what they are legally zoned for and what they are
3 legally entitled to do. I'm not invalidating your
4 statements but I'm not sure what else they can do.
5 They have been paying taxes on it for years and it's
6 zoned that way and it's been zoned that way as far
7 as I know for a long time. Now, they believe that
8 the market is right to develop it. I'm not sure
9 what else to say. That's my feeling on it.

10 With respect to the environmental review,
11 SEQRA, Chuck can you walk us through that? The
12 Board will either vote one way or the other on that.

13 MR. VOSS: As we typically do with Type I actions,
14 we prepare a Part II of the Full Environmental
15 Assessment Form and then Part III, which is the notice
16 of determination of no significant effect and the
17 negative declaration. The Part II we prepared basically
18 led to the conclusion of Part III. So, let me go
19 through Part III with the Board. You have a copy of
20 this in your packet, if you just want to follow along.
21 It's six pages so I'll read the whole thing. I think
22 that it's appropriate to go through that.

23 CHAIRMAN STUTO: Notice of determination; is that
24 how it's titled?

25 MR. VOSS: Yes.

1 Notice of determination of no significant
2 effect on the environment. This was the long
3 Environmental Assessment Form prepared, Part III and
4 it's a negative declaration as well for the Board.

5 In accordance with Article 8 of the State
6 Environmental Quality Review Act of the
7 Environmental Conservation Law and Statewide
8 Regulations under Act 6 NYCRR Part 617 of the
9 regulations, the lead agency which is the Planning
10 Board has received an Environmental Assessment Form
11 in connection with the proposed action described
12 below and the lead agency has determined that said
13 proposed action will result in no major impacts and
14 therefore will not have a significant effect on the
15 environment and therefore that an Environmental
16 Impact Statement is not required to be prepared with
17 respect to said action. This notice is a negative
18 declaration for the purposes of the act.

19 The lead agency is the Town of Colonie Planning
20 Board. The person to contact for further
21 information is Rebekah Nellis Kennedy, attorney for
22 the Town of Colonie. The project is identified as
23 Meadowdale Estates residential development and the
24 action is described. The project proposes the
25 construction of 334 residential units consisting of

1 204 market rate apartments located in six buildings,
2 100 garages and 100 surface parking spaces and site
3 circulation roadways, a community building with mail
4 kiosk, exercise room and meeting room, outdoor
5 swimming pool and tot playground, dog park for pet
6 exercised interaction, construction of 98 two-story
7 townhomes in building clusters of two and three
8 units per building, 30 single family cottage homes,
9 two executive townhomes and 21.7 plus or minus
10 acres, 41% of open space lands. The project is
11 located in the multi-family residential district in
12 the Town of Colonie and the proposed development and
13 land uses are permitted within this zoned district.
14 Access to the variety of residential type styles
15 will be from Hastings Drive.

16 A new sub-collector roadway will be constructed
17 by the project. Hastings Drive, upon completion,
18 will create a new highway connection between Wade
19 Road and Watervliet Shaker Road. Local streets and
20 circulation roadways servicing the proposed
21 development will connect to Hastings Drive.

22 All units within the project will be serviced
23 by municipal water and sanitary sewer. The project
24 potable water system will provide a network
25 interconnection of municipal watermains located in

1 Wade Road and Watervliet Shaker Road and will also
2 provide an important second supply to the water
3 system on the adjacent Beverly Park residential
4 development. The actual location is formally known
5 as the undeveloped lands at 297 Old Niskayuna Road
6 containing 58.3 acres in the Town of Colonie.

7 Reasons for determination of non-significance.
8 The lead agency has reviewed the application, site
9 plans, project description and all supporting
10 documentation and conducted such further
11 investigation of the project and its environmental
12 effects as the lead agency has deemed appropriate.
13 Based on this review, the lead agency has determined
14 that the action will have no significant affects on
15 the environment.

16 It goes through impacts on land and I can read
17 those to you, if you want.

18 CHAIRMAN STUTO: Why don't you read the
19 conclusions, based upon the record and so forth and then
20 if we have any questions, we'll ask the questions.

21 MR. VOSS: Impact on the land - basically it says
22 that there was no impact basically for anything. It
23 basically says that for impacts on land - based on the
24 above it appears that the project will not have a
25 significant impact on the environment related to land

1 resources.

2 In regards to water, again, based on the above,
3 it appears that the project will not have a
4 significant impact on the environment related to
5 water resources.

6 Impact on air - based on the above it appears
7 that the project will not have a significant impact
8 on the environment related to air quality.

9 Impact on transportation -- do you want me to
10 read through that one?

11 CHAIRMAN STUTO: Yes, please because that was of
12 interest to the public.

13 MR. VOSS: A traffic impact study was conducted by
14 Greenman Pedersen, Incorporated in late 2010 to evaluate
15 the project impact on local transportation systems. The
16 reports dated February 2011 and March 18, 2015
17 respectively state that access to the tie will remain
18 unchanged from the existing planned locations onto Wade
19 Road and Watervliet Shaker Road. The report found that
20 access to the site from the north would be via an
21 extension to Hasting Drive at its current terminus
22 cul-de-sac from the south. A new full access roadway
23 intersection and proposed extension of Hastings Road to
24 Watervliet Shaker Road. The project is expected to
25 commence and begin occupancy starting in 2017. The

1 proposed project will generate new traffic to the area
2 highway system with the development of 334 residential
3 units. An estimated addition of 177 vehicle trips
4 during and a.m. peak hour and 215 vehicle trips during
5 the p.m. peak hour. The report concludes that the
6 project induced traffic impacts are not significant in
7 the evaluation of off-site intersection operations and
8 that the future build today remains similar to the
9 existing condition analysis. The report also concludes
10 that the project's two principal access points will
11 access at a level of service D or better during a.m. and
12 p.m. peak hours in the future build condition. The
13 report recommends the following to aid in the flow of
14 traffic which are incorporated into the design to
15 provide one lane entering and two lanes existing at the
16 site driveway to Watervliet Shaker Road, provide sign
17 control at the site driveway to Albany Shaker Road and
18 to ensure adequate site distances provided at all site
19 driveways.

20 An addendum to the traffic impact study dated
21 March 18, 2015 was provided in response to the
22 original traffic impact study report and a letter of
23 correspondence received from New York State DOT
24 dated January 26, 2015. The addendum report and
25 subsequent New York State DOT response letter dated

1 May 27, 2013 concluded that the findings and
2 recommendation presented in the 2011 traffic impact
3 study report remains germane and valid after
4 updates were applied to the background traffic data.
5 Additionally, the report concluded that the
6 requirement for the dedicated left turn lane on
7 Watervliet Shaker Road was not warranted and
8 further construction of Hastings Drive would not
9 cause a significant diversion of cut through traffic
10 through the residential development to Wade Road.

11 Based on the above, it appears that the project
12 will not have a significant impact on the
13 environment related to transportation.

14 Then it goes on - impacts with associated with
15 aesthetic resources were analyzed. The assessment
16 again was based on the above it appears that the
17 project will not have a significant impact on the
18 environment related to aesthetic resources.

19 CHAIRMAN STUTO: There will be 41% of open space
20 lands; is that what I read there?

21 MR. VOSS: Yes.

22 CHAIRMAN STUTO: Which is 21.7 acres?

23 MR. VOSS: Yes. A little less than half of the
24 project site.

25 Archeological impacts - as the applicant noted

1 in the presentation, Phase I was done, Phase IA and
2 Phase IB investigative study were done on the site.
3 It revealed that the potential for additional
4 historical artifacts, Phase II, was also conducted
5 at the Robert Hill residence location. Again, that
6 revealed that there was some potential for artifacts
7 to be found. The applicant would be mitigating
8 those, as the develop the site.

9 MR. LACIVITA: Can I ask a question about that? If
10 should they find something from the Hill house, you said
11 that they would be cataloged?

12 MR. SIPPERLY: Right, they would be removed,
13 cataloged and then placed with Parks and Recreation.

14 MR. LACIVITA: Is there any possibility that any of
15 that could be residing at the Pruyne House within the
16 Town of Colonie? Is that something that we could work
17 through?

18 MR. SIPPERLY: Sure.

19 MR. LACIVITA: Thank you.

20 MR. VOSS: Again, the impact on plants and animals
21 - the applicant has prepared a threatened and endangered
22 species report. That report summarizes the review of
23 the New York State Department of Environmental
24 Conservation and the US Fish and Wildlife databases to
25 determine if any species of plants or animals identified

1 as threatened or endangered exist on the site. That
2 study reviewed that there were no known species. So,
3 based on that, it appeared that the project would not
4 have a significant impact on plants and animals.

5 Impact on growth, character and health of
6 community or neighborhood - the proposed project is
7 compatible with adjacent residential and like
8 commercial office land uses. The proposed single
9 family development abuts and adjoins existing single
10 family neighborhoods and land uses. The apartment
11 land uses lie along the westerly side of the project
12 and interfaces with existing light industrial land
13 uses located westerly of the project site. The
14 proposed development is solely residential in land
15 use and consistent with the MFR zoning code. The
16 project is not expected to significantly increase
17 demand for emergency services. The project has the
18 potential to add new students to the North Colonie
19 School System, however, due to the variety of
20 products of proposed residential development, for
21 example apartments, cottage homes and townhomes, the
22 impact to the school system are anticipated to be
23 small. It's estimated that at full build-out 137
24 students may be generated by the project. This
25 addition of new students will occur over the

1 duration of the build-out estimated to be five to
2 six years and will be gradual and not occur all at
3 once. The project is estimated to create up to 80
4 construction related jobs and 8 permanent jobs not
5 including service related jobs.

6 Based on the above it appears that the project
7 will not have a significant impact on growth,
8 character and health of community or neighborhood.

9 Impact on energy - the project site will not
10 require creation or extension of an energy supplier
11 transmission system. Electric natural gas and
12 communication lines exist along the project
13 frontages and will be extended to service the
14 development. The project will require energy for
15 construction and occupancy of a new residential
16 units, however, the project will not significantly
17 increase the use of energy in the Town of Colonie.
18 Based on the above it appears that the project will
19 not have a significant impact on energy.

20 It goes on to describe noise and odor.

21 The project will generate noise and odors
22 during construction from construction activities and
23 equipment operations. Noise generated during
24 construction may exceed current ambient levels
25 however once construction is completed, ambient

1 noise levels will be consistent with existent
2 ambient levels. Noise generating activities will
3 occur weekdays between 7 a.m. and 7 p.m. No noise
4 generating construction activities will occur on
5 Sunday. Based on the above it appears that the
6 project will not have a significant impact on noise
7 and odor.

8 In conclusion, the Town of Colonie Planning
9 Board has completed a careful review of the
10 reasonably anticipated areas on the environmental
11 concerns of the project. Based upon that review,
12 the criteria for determining significance contained
13 in the SEQRA regulations and the rule of
14 reasonableness, the Planning Board issues this
15 negative declaration including that the facts and
16 circumstances of this project will not result in a
17 significant adverse environmental impact statement.
18 An Environmental Impact Statement therefore will not
19 be required.

20 CHAIRMAN STUTO: Do we have a motion on this notice
21 of determination of no significant affect on the
22 environment?

23 MR. MION: I'll make that motion.

24 MR. LANE: Second.

25 CHAIRMAN STUTO: Any discussion or questions on

1 that?

2 (There was no response.)

3 All those in favor say aye.

4 (Ayes were recited.)

5 All those opposed say nay.

6 (There were none opposed.)

7 The ayes have it.

8 On the question of final subdivision and site
9 plan approval. We can take that as one motion. Do
10 we have a motion?

11 MR. MION: I'll make that motion.

12 MR. LANE: Second.

13 CHAIRMAN STUTO: Would that be contingent upon all
14 Town Designated Engineer comments, all department
15 comments, all comments here including the one but not
16 limited to the HOA documents that will be approved by
17 the Town Attorney.

18 MR. LACIVITA: Yes, and then we had the conditions
19 written in for the fencing for Mr. Notkke.

20 CHAIRMAN STUTO: Okay, those are all part of the
21 record here tonight. So, we have that motion and it
22 includes all of those provisos, correct?

23 (All Board Members agreed.)

24 Any discussion or questions on that?

25 MR. AUSTIN: I would just like to say that for what

1 the lady saying that it's been in the works for eight
2 years. I see that it's been five years in some of the
3 documents that I'm reading. I would have liked to have
4 seen more of the elevations and some of the things that
5 were last minute. We understand what the project is.
6 We all have seen it multiple times. But you have simple
7 things like that and at the final approval there will be
8 discussion on things like sidewalks and things like
9 that. It's important that the public understand this as
10 well.

11 As the Chairman did state, you own the property
12 and you've had it and you've had it for quite a
13 while and you have the right to develop it. It's a
14 good project and it looks like it's pretty strong.

15 MR. SIPPERLY: My apologies for the building
16 elevations. I picked the wrong ones.

17 CHAIRMAN STUTO: Anything else?

18 (There was no response.)

19 All those in favor say aye.

20 (Ayes were recited.)

21 All those opposed say nay.

22 (There were none opposed.)

23 The ayes have it.

24 Thank you.

25

1 (Whereas the above entitled proceeding was
2 concluded at 8:10 p.m.)
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CERTIFICATION

I, NANCY L. 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 L. STRANG

Dated _____

