

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 SUMMIT SENIOR LIVING PDD
5 33 & 45 FORTS FERRY ROAD
6 APPLICATION FOR REVIEW AND ACTION ON
7 SEQR DETERMINATION, CONCEPT SUBMISSION
8 AND RECOMMENDATION TO THE TOWN BOARD
9 ON THE PROPOSED PDD REZONING

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9 THE STENOGRAPHIC MINUTES of the above entitled
10 matter by NANCY L. STRANG, a Shorthand Reporter,
11 commencing on March 22, 2016 at 8:25 p.m. at The
12 Public Operations Center, 347 Old Niskayuna Road,
13 Latham, New York

12 BOARD MEMBERS:
13 PETER STUTO, CHAIRMAN
14 TIMOTHY LANE
15 LOU MION
16 BRIAN AUSTIN
17 SUSAN MILSTEIN
18 KATHLEEN DALTON

17 ALSO PRESENT:

18 Kathleen Marinelli, Esq. Counsel to the Planning Board

19 Joseph LaCivita, Director, Planning and Economic
20 Development
21 Joseph Romano, PE, CHA

21 Paula A. Mahan, Supervisor

22 Jennifer Whalen, Town Board

23 Mary Beth Slevin, Esq., The Nigro Group

24 Mike Tucker, PE, VHB

25 John Allen, Performance Matters

1 Adam DeSantis, Summitt Senior Living
2 Gloria Jean Knorr
3 Doug Amsden
4 Cindy DiDonna Drake
5 Richard Bruno
6 Mark Kornfein
7 John Van Heertum
8 Rosanne Van Heertum
9 Tim Nichols
10 Mike Patrizzio
11 Eric Smith
12 Dave Smith
13 David Decore
14 Mike Vinci
15 Jim Kelleher
16 John Hulbert
17 John Gray
18 Rich Paulson
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1 CHAIRMAN STUTO: We will call up the next
2 project which is the final project. There is
3 obviously a lot of public interest in this for a good
4 reason and we have a few preliminary things that we
5 want to talk about because there is so much interest.

6 There are two sign-in sheets; one here
7 (Indicating). If other people want to sign in, we're
8 onto a second sheet.

9 There is a lot of interest and everybody is
10 going to be heard. There are no points that are not
11 going to be made and even though this is on for
12 concept submission, I strongly suspect that no vote is
13 going to be taken tonight - so that everybody knows.

14 Joe, we received a lot of emails this afternoon
15 and we printed them out. I looked through them
16 quickly, but I didn't have time to read them in
17 detail. You can see from the headings the points that
18 the neighbors are making. We'll hear in more detail
19 what the neighbors are going to say. We'll try to
20 make it so that the neighbors can learn from us and
21 learn from the process and we'll answer all the
22 questions. I know that we are going to learn a lot
23 from the neighbors because I don't live in that
24 neighborhood and I'm not sure if anybody else here
25 does. We probably do go by that general vicinity.

1 The buffer from the 2007 land use law change is
2 obviously an issue from all the feedback that we have
3 been getting. I think that Joe has something to
4 report on that and as the questions arise, we'll try
5 to answer as best we can, how that fits in.

6 MR. LACIVITA: I have a copy of the Town Board
7 agenda for March 24th, which is this Thursday at 7:00
8 p.m. Resolution number 173 for 2016 is to rescind the
9 Resolution 532 of 2013 regarding the buffer area
10 affecting a parcel of land designated as the Town of
11 Colonie tax map parcel 19.01-1-28.1. It's commonly
12 known as 45 Forts Ferry. That action will be
13 rescinding the Resolution that was done back in 2013.

14 Peter, you mentioned something about a process.
15 I fielded a number of phone calls. I fielded a number
16 of meetings that I've had with Town residents as to
17 what was portrayed as a thought process in the
18 planning that the residents were not brought into the
19 process.

20 The process is defined under the Land Use Law.
21 The Land Use Law that we adopted back in 2007, which
22 we carry through every project, details the process as
23 to how planning a project comes before the Planning
24 Department and the Planning Board.

25 The first and foremost process start is the

1 DCC. That's the Development Coordination Committee
2 Meeting. That's when an applicant can meet with all
3 of our Town Departments, New York State DOT and Albany
4 County. So, they can get to hear the complexities of
5 the project because some projects don't go any
6 further, when in fact they may not have the supporting
7 infrastructure for a project to go forward.

8 The next step in that project is for the
9 applicant -- two weeks after the DCC meeting, is to
10 meet with the Planning Board independently, which this
11 project has done as well outside the bounds of any
12 residential conversation. Why? Because again, what
13 are the complexities that this Board will place on the
14 project prior to submitting for concept review.
15 That's where we are at this point. That's the first
16 time, under the Land Use Law, where we bring the
17 residential people in -- as you can see there are a
18 number of them that are here and that's why Peter
19 suggested that there will probably not be a vote
20 because this is the first time that we hear from you.
21 Then, if the project does go forward, can the
22 developer put in the restrictions or restraints or
23 whatever you want to call them of what the residents
24 want to hear. It's a process designed by law and
25 that's how we do it.

1 CHAIRMAN STUTO: And we want to hear what the
2 residents have to say.

3 I'll also note that I see four Town Board
4 members, plus the Town Supervisor. So, the majority
5 of the Town Board are here. I don't know if
6 Supervisor Mahan wants to say anything before we get
7 started?

8 SUPERVISOR MAHAN: I'd like to piggy-back on
9 what Joe just had to say.

10 CHAIRMAN STUTO: Okay, so we have five Town
11 Board members. So, we have six out of seven.

12 SUPERVISOR MAHAN: The Town Board is obviously
13 very interested in this. This is something that we
14 have been discussing and what has been happening is
15 that we have been getting bits and bits of
16 information, not that we can find in Town Hall but we
17 are getting it from the neighbors which is helping us
18 to put these pieces together.

19 As Joe said, there is a process and when this
20 started out, someone came to the Attorney's office and
21 presented something. Our Attorney's office staff
22 looked everywhere to try to find information regarding
23 a line that was on the map. There was nothing to be
24 found and if you don't have a point to start from,
25 it's very difficult. You're talking about a large

1 amount of paperwork throughout the whole Town. With
2 technology we can go into things and we can try our
3 best to try them. We've looked through all the files
4 - everything. They could not locate anything. If the
5 Town Attorney's office had the information that you,
6 as residents, have been sending us, we would have had
7 a starting point which would have helped us to find
8 some information. So, with the Town Attorney's office
9 not being able to find any information, using the
10 process that's in place -- and before I go any
11 further, the Land Use Law was done in 2007 which was
12 prior to this administration. So, this was something
13 that was handed to us and we followed that. There was
14 no place to find any information.

15 We've had circumstances like that before.
16 We've found boxes of deeds that were not filed. There
17 was information that we couldn't track. It happened.
18 It's common for us to have to really use every
19 resource possible and sometimes we come to a dead-end.

20 They came to a dead-end in the Town Attorney's
21 office when all they saw is a line on the map and the
22 line didn't coincide with what's in the Land Use Law.
23 That's where, in good faith, the Attorney's office
24 thought that it was a mistake. When the information
25 started coming forward, that's when we were made aware

1 that the fact that there was paperwork out there and
2 we were given some transcripts. We couldn't find the
3 laws being followed for the paperwork that needed to
4 be done to go along with them.

5 I commend the neighbors that hung onto those
6 papers for all that time. I don't live that far from
7 there - just the other end of Forts Ferry. I know
8 some of the history that went along with that
9 particular area. There were some things that we
10 looked into very carefully. Some of those were
11 dealing with wetlands and things like that.

12 With the issues based on this particular piece
13 of property, it had to do two main things that we were
14 looking for and as I said, more and more information
15 is coming out. One of those is buffers and the other
16 issue is height.

17 I'm sorry that I can't remember the name. We
18 just answered a couple that sent us some important
19 information and it has to do with a notice of public
20 hearing. That gave us a really good reference point
21 that dated back to 1998. So, in that notice in that
22 public hearing it gave us a point to start from to be
23 able to find a Resolution that had to do with
24 Harrowgate, if I remember correctly. There was
25 something in there that referred to height. That was

1 the fifth comment on the public hearing notice.

2 That dates back to 1998 and then we are moving
3 up to conversations going on in 2006, from information
4 that you gave us.

5 Then, in 2007 the Town did a Land Use Law.

6 What year did they change the zoning map?

7 MR. LACIVITA: It was actually adopted later on
8 in 2007.

9 SUPERVISOR MAHAN: So, there were some major
10 changes made to the entire zoning map for the entire
11 Town. So, looking back with the clues that you gave
12 us, as I said, we were able to find a Resolution that
13 goes back to that 1998. We were working in the 2005,
14 2006, but it goes all the way back to then.

15 What they did is they did the Resolution but
16 then they did a Land Use Law on top of that in 2007.
17 So, there was a lot that went on between what we can
18 see from 1998 to 2007.

19 So, I agree with Joe. I don't think that there
20 was a flaw in the Town Attorney's office. Not that
21 they don't ever make mistakes. We all make mistakes.
22 In this case, they could find nothing. There are
23 people in there that are very good at going back years
24 and years to structures that were built in the 1940's
25 and 50's. This particular item didn't show up and I

1 think that part of it is some of the paperwork that
2 you kept, we can't find where certain regulations that
3 you are supposed to follow when you do something like
4 that -- that would typically be in the Attorney's
5 files or in their records. That's what we couldn't
6 find.

7 The piece that someone sent us from 1998 was
8 really very helpful. As peter said, there probably
9 won't be a vote tonight. There is a lot to sort out
10 here.

11 There is one thing that we are very convinced
12 of and that is why that Resolution is on for Thursday.
13 We've talked about that Resolution a lot with the
14 neighbors who have been coming consistently. There is
15 enough information, there is enough black and white
16 documentation from what you gave us that shows us that
17 it was not a mistake - that line on the map. It
18 doesn't appear to be a mistake. It appears that there
19 is more background to it that we didn't have access to
20 until you gave us those clues. We still don't have
21 all of the information, but we have enough and we feel
22 confident that the right thing to do is to rescind
23 that Resolution from 2013 and that's what will happen.
24 Thursday night is the 24th and so that will happen
25 Thursday evening.

1 It's very complicated. There is a lot to sort
2 out of the idea of the senior housing versus some
3 other things is not a bad idea. It's low impact and
4 all those kinds of things, but there are
5 considerations when it comes to what was done in the
6 past regarding the height and things like that which
7 are legitimate concerns. The concept of senior
8 housing - we have it in different parts of the Town
9 and it's very well needed because we have a large
10 senior population in the capital region and people
11 want to stay in Town.

12 The question is: Can it be done in a way that
13 it meets all of what needs to be met? That is to be
14 determined at this point. Something can go there
15 because they did change the zoning.

16 CHAIRMAN STUTO: It's office/residential now;
17 right?

18 MR. LACIVITA: Right.

19 SUPERVISOR MAHAN: What was it prior to that,
20 residential?

21 MR. LACIVITA: It was Business 2.

22 SUPERVISOR MAHAN: Part of it was residential.
23 It was a split zone.

24 MR. LACIVITA: The COR zone came into be within
25 the Land Use Law change in 2007.

1 SUPERVISOR MAHAN: It's very complicated. As
2 Joe said, that is the Resolution that's on for
3 Thursday night and that's what we talked about. We
4 all talked about this and people that were at the Town
5 Board meetings -- we appreciate the information that
6 they gave us and that's the conclusions that we came
7 to in order to put forth this Resolution on Thursday.

8 MR. LACIVITA: Thank you.

9 One other thing, Peter, if I could. Our
10 Planning and Economic Development is responsible for
11 collecting all information on all projects. Someone
12 out in the audience may feel uncomfortable going to a
13 mic to speak. I have business cards, if you feel more
14 comfortable sending me an email, my email is on there.
15 I can meet with you personally on the site, as well or
16 in my office to go over the site plans or take it by
17 phone call. There is a way to be heard and I offer
18 that by way of my business card, go back and send out
19 an email to me and I will transfer it right to the
20 Planning Board members. So, don't feel uncomfortable.
21 You will have a voice.

22 CHAIRMAN STUTO: I just want to start out also
23 saying where I understand we are in this process
24 because for our Board Members - they probably already
25 have an inkling and for those members of the public

1 that don't understand it. This is zoned currently,
2 even after Thursday, office/residential. So, some mix
3 of office and residential is permitted at a certain
4 density, at a certain height, certain setbacks and so
5 forth. What the applicant is coming in for is a
6 Planned District Development, commonly known as a PDD,
7 which basically says that we want to rezone this into
8 this particular type of Planned District Development
9 which allows it to make its own rules. The Town Board
10 has to agree to it and the Planning Board has to agree
11 to it.

12 The Planning Board's perspective is - and my
13 personal perspective is -- I'm always comparing what
14 they could build there because they could, as a matter
15 of right, build office and residential under the
16 office/residential zone -- of what they could build
17 there compared to what they are building now and
18 whether it's more or less impactful on the Town,
19 whether it has more traffic impact, whether it has
20 more visual impact and so forth. I have no
21 preconceived notions about that. I generally don't
22 favor more impact. That's my personal opinion.
23 Sometimes they come in and there is actually less
24 traffic or less something, or they can do things with
25 the building that actually do have less impact. I

1 have no preconceived notions about this. We're going
2 to ask questions about how big could you have made it,
3 or impactful and how impactful is this going to be?
4 So, we are going to have an open mind and we are going
5 to learn from the residents. We are going to learn
6 from the applicant and I just ask the residents to
7 keep the same open mind. Nothing is going to be voted
8 on tonight. If we go through in that vein, I think
9 that we'll be fine.

10 Do you have anything else before we turn it
11 over to the applicant?

12 MR. LACIVITA: We can turn it right over to
13 Mary Beth and Michael.

14 MS. SLEVIN: Good evening. My name is Mary
15 Beth Slevin and I'm here on behalf of the Nigro Group,
16 the applicant, for the Summit at Forts Ferry project.

17 As the Chairman discussed, this is an
18 application for a PDD. It does propose a rezoning of
19 the property to support a senior independent housing
20 project which would include 110 residential units and
21 a community center within the project. This is a
22 market rate apartment project which includes
23 significant amenities for seniors. It is a type of
24 project that is not currently available in the Town of
25 Colonie. It includes numerous amenities within the

1 rents for the residents. So, there are no additional
2 charges for things like transportation to doctors
3 appointments to shopping, to any kind of
4 transportation needs the residents might have. It
5 provide exercise and wellness classes for the
6 residents. It provides seminars for the residents in
7 areas of interest to the residents and it provides
8 various other entertainment and educational organized
9 activities for the residents. Again, all as part of
10 the amenities of the project. That's an important
11 component of the project because the idea is to allow
12 seniors to remain active in their community.
13 Initially, it would be in the project but then it
14 would be in the greater community as well.

15 One of the things that the Comprehensive Plan
16 appropriately recognizes is that it's important for
17 senior projects to be located within the proximity of
18 medical offices and other neighborhood facilities.
19 This project specifically satisfies that objective of
20 the Comprehensive Plan.

21 Also, it looks to achieve many of the
22 objectives of a PDD, including such things as the
23 project proposes approximately 68% open space on the
24 property. It's a little over 13-acre parcel. It's
25 actually multiple parcels put together; 13 acres all

1 together. Approximately 68% of that will be left as
2 open space, which includes buffer areas along
3 Harrogate and Omega Terrace. It also includes
4 recreational areas within the project for the
5 residents and their visitors.

6 Additionally, the project does propose
7 appropriate soil erosion and stormwater management
8 facilities consistent with both state and local law.
9 The Town of Colonie's parameters are a little more
10 stringent. Those will be supported within the site.

11 Historic amenities on the site are actually
12 going to be left undisturbed. To the extent that
13 there is any significant historical elements on the
14 site, or archeological areas on the site - those will
15 remain undisturbed under the proposed development.

16 Additionally, what this project provides an
17 opportunity for, as the Chairman said - the project
18 could be developed for office/residential. We believe
19 that this project, as a residential use alone,
20 provides a better buffer and a better transition
21 zoning from the commercial zoning that's across the
22 street on the west side of Forts Ferry versus the
23 residential neighborhood that is located immediately
24 to the east and the south of the project. This way,
25 this is a residential use. It will have residential

1 scale lighting. It will not have the same kind of
2 impact.

3 Mike Tucker, who is here this evening, is the
4 engineer for the project with VHB will more
5 specifically address the differences between what we
6 are proposing and what could be built on the project.
7 We think that those distinctions and those differences
8 are very important in terms of evaluating the merits
9 of this proposal.

10 Additionally, we are proposing a public benefit
11 of sidewalks on the opposite side of Forts Ferry, from
12 the project - to be 1,400 feet, approximately, going
13 from Wade Road to Omega Terrace. Sidewalks will also
14 be included on the frontage of the property. For a
15 public amenity we are trying to make sure that we can
16 provide some real connectivity between the
17 neighborhoods and those other offices and commercial
18 uses.

19 With that as an introduction, I will ask Mike
20 Tucker to run through the site plan with the Board.

21 MR. TUCKER: Good evening. I'm Mike Tucker
22 with VHB. We are the site engineers on the project.

23 Since Mary Beth touched on a lot of the PDD
24 requirements, I just wanted to quickly run through the
25 site plan.

1 As she said, the project is two parcels; 33 and
2 45 Forts Ferry Road. It totals approximately 13
3 acres. We are proposing 110 unit senior apartment
4 building that is three stories, with the exception of
5 this wing in the back. That's the area where the pool
6 and a lot of the common space is, including community
7 rooms and a gym and things of that sort.

8 We are showing two access points onto Forts
9 Ferry Road. Since the last meeting, I think that we
10 were in front of you back in July. At that point, we
11 had the building turned and pushed towards the front
12 of the site and hearing some of the responses to that
13 design from the Board, we've addressed some of those
14 concerns by moving it back, providing much longer
15 driveways into the site, really being able to
16 landscape. There will be much more landscaping than
17 is being shown on this rendering. We'll be able to
18 provide a really nice entrance as you come into the
19 site.

20 So, we are proposing 197 parking spaces,
21 roughly. Fifty-seven of them will be in separate
22 garages from the building. The rest of the parking
23 will be scattered around the site. There are several
24 entrances to the building so we are really trying to
25 locate them where it makes sense for the residents.

1 There is also a maintenance building and
2 dumpster pad and all enclosed per the Town Reg. They
3 will be kind of tucked back in that corner.

4 As Mary Beth said, the buffer that is shown
5 here - there is not an actual buffer line shown on
6 here but we are respecting that 100-foot buffer for
7 the 2013 Resolution. We're not even showing any
8 grading or clearing or anything within that buffer.

9 There will be a sidewalk along that frontage
10 and as Mary Beth said the sidewalk will continue all
11 the way down to the main road when it's constructed.

12 I also just wanted to touch briefly on what the
13 underlying zoning does allow. This is an
14 office/residential zone. Based on the area of the
15 site, you could be allowed to construct approximately
16 235,000 square feet of office. In the underlying
17 zoning, the maximum footprint was 30,000 square feet.
18 So, this plan shows how you could achieve that square
19 footage on the site in three separate buildings with a
20 parking garage between the buildings. So, if we can
21 reach the parking numbers we can achieve those in the
22 235,000 square feet that is actually allowed under the
23 current zoning by right.

24 Just to give you a point of comparison between
25 the two projects -

1 CHAIRMAN STUTO: Just to stop on that point, so
2 that everybody understands, you're proposing 155,000
3 square feet of floor space and you could do -

4 MR. TUCKER: Roughly, 235,000 square feet of
5 office.

6 CHAIRMAN STUTO: If it was pure office without
7 any residential.

8 MR. TUCKER: Correct.

9 CHAIRMAN STUTO: Can you talk about the mix of
10 office/residential?

11 MR. TUCKER: Yes. You can either do all
12 office/residential or you can back it down to all
13 office or you can back it down to 80% of the allowable
14 office, convert 20% of that allowable square footage
15 to residential based on 3,000 square feet per unit.
16 On this plan we are just strictly showing all office.

17 CHAIRMAN STUTO: Hopefully, that gives everyone
18 enough sense.

19 MR. TUCKER: And just to give you a point of
20 comparison, I just wanted to run through a couple of
21 the impacts that there could be.

22 CHAIRMAN STUTO: How tall are those buildings
23 that you have out there?

24 MR. TUCKER: They are three-story buildings.
25 They meet the current zoning. Two of them are

1 three-story buildings and one is a two-story building.

2 Again, as Mary Beth mentioned, the greenspace
3 that is provided by this senior apartment is roughly
4 68%. It drops down to about 40% for the office
5 scheme. I should note that the office scheme does
6 also respect that 100-foot buffer. We are really
7 trying to make it a buildable project based on the
8 current zoning.

9 Parking spaces - we have 192 for the apartment
10 building; 1,021 under the office scenario.

11 The impervious lot coverage is 32% building and
12 pavement coverage on this; 60% building and pavement
13 coverage on the office scheme.

14 The traffic generation - Creighton Manning just
15 completed the traffic study for us. This results in
16 28 peak hour trips for the senior apartment building.
17 The office would result in about 350 p.m. peak hour
18 trips.

19 CHAIRMAN STUTO: Okay 28 versus 350. Can you
20 explain peak hour traffic?

21 MR. TUCKER: Yes. Peak hour traffic is the
22 traffic spread out over the day, but typically the
23 critical periods take place during either the a.m.
24 commute for an hour or the p.m. In this case, both of
25 these, the actually peak hour is the p.m. commute.

1 So, during that peak hour 28 trips would be generated
2 by this; 350 would be generated by an office.

3 MR. LACIVITA: And that's based on ITE
4 standards?

5 MR. TUCKER: It is based on ITE standards.

6 CHAIRMAN STUTO: Which is what?

7 MR. LACIVITA: The Institute of Transportation
8 Engineers.

9 MR. TUCKER: That's the standard and we will be
10 submitting that. We just received that traffic study
11 and we will be submitting that.

12 Water and sewer generation numbers - office is
13 approximately 20,000 a day, based on records from
14 similar projects. This is on a 5,800 or 6,300 gallons
15 a day for both water and sewage. I know you had
16 mentioned prior to us presenting that you wanted to
17 see something for comparison. I think that gives you
18 a good idea. They are all on the order of magnitude
19 of 12 times greater with the office scenario.

20 A couple of other things that Mary Beth had
21 mentioned, we have had an archeological done on the
22 site and there was one area of slight concern. We are
23 going through and developing an avoidance plan with
24 that and we expect -

25 CHAIRMAN STUTO: Can you point to where that

1 is?

2 MR. TUCKER: It's in the northern area. I'm
3 not supposed to point it out in too much detail.
4 Everyone knows where it was on the map. So, we are
5 avoiding the old structure totally. They wanted some
6 buffers on there that we weren't going to do any
7 excavation. Your desirousness to meet those
8 requirements - we're just waiting on the final
9 sign-off at this point.

10 We had the Army Corp of Engineers come out and
11 provide us with a jurisdictional determination. There
12 was a questionable area back in this area of the site.
13 I think that when we saw you previously, we had shown
14 it as a wetland and that's one of the reasons that the
15 building was pushed up to the front of the site. They
16 came out and they walked it with us after we
17 delineated it. They came up with the determination
18 that it's not a jurisdictional wetland. It's an
19 isolated wetland. Therefore, it's non-jurisdictional.
20 It's certainly something, as our stormwater design
21 progresses, we know that this area back in here is
22 obviously wet. It's something that we are going to
23 take into account and we'll get into great detail as
24 we are going through that stormwater design. To
25 minimize any of the existing flooding to the extent

1 that we can, but certainly not exacerbate the issues.

2 CHAIRMAN STUTO: Is that the end of your
3 presentation?

4 MR. TUCKER: That is.

5 MS. SLEVIN: Thank you. We did ask John Allen
6 who has significant experience in senior issues and
7 senior housing to provide some of his insight.

8 MR. ALLEN: Thanks, Mary Beth.

9 I'm John Allen with Performance Matters, a
10 local management consulting firm.

11 Just as quick background, I was the initial
12 Executive Director that opened up Glen Eddy, a
13 retirement community that you may be familiar in
14 nearby Niskayuna back in 2001, which is part of
15 Northeast Health. Since 2003 I have had my own
16 management consulting practice, working with senior
17 living organizations throughout the region, also not
18 for profit. Some of the senior living providers have
19 been Loudonville Home for Adults, Demar Place,
20 Kingsway over in Schenectady and for the last four
21 years I have served as Vice Chair of the Wesley Health
22 Center Board. You may have heard of it. It's a large
23 skilled nursing facility up in Saratoga Springs.

24 I'm happy to comment on sort of the general
25 value of this kind of project.

1 As we have all heard tonight we know that the
2 senior population is one of the fastest growing
3 segments of the population and a large percentage of
4 residents in Colonie are now 55 and older.

5 Coincidentally, I happen to be doing some
6 consulting work right now for the Town of Colonie
7 Sanford Library. As you may know we are conducting
8 what the library is calling community conversations
9 where we are going out into the village and town and
10 schools, churches and public gathering places - senior
11 centers, the Ciccotti Center. One of our questions
12 has been: What are the challenges facing Colonie and
13 how can the library help? I just thought that I'd
14 share with you one of the things that we have
15 consistently heard is that the Town needs to continue
16 to provide and support services for seniors and
17 especially affordable housing as top to people that we
18 have talked to.

19 In my work with the senior living industry in
20 the region, the type of senior housing that is most in
21 demand right now is what we call market rate
22 apartments, which is what Summit Senior Living is
23 proposing to build here on this site. The reason that
24 the appeal is so high is because it's a monthly lease
25 with no up-front entrance fee. The senior housing

1 projects that charge an up-front entrance fee like
2 Glen Eddy, Beverwyck -- you may have heard of,
3 Highland Meadows in Queensbury. Those are all part of
4 the St. Peter's Healthcare system now. Those all have
5 an up-front entrance fee and frankly what happens is
6 that becomes prohibitive for middle income seniors.
7 The largest percentage of the senior population. So,
8 here in Colonie as well as the capital district.

9 So in closing, I would say that the general
10 public value of this type of project is the
11 affordability for the middle income senior and as the
12 Town Supervisor referenced, it's the retention of
13 seniors in your community where they already have
14 family, medical providers and services and social
15 connections. The ability to have affordable,
16 age-appropriate housing that allows you to keep
17 seniors in Colonie is an advantage and it also becomes
18 what we have seen senior communities across the
19 country -- it helps to retain young families that are
20 living and working here and they bring their parents
21 here to live or if their parents are already here and
22 they move into a senior living project like this, the
23 family is more likely to stay as well.

24 CHAIRMAN STUTO: Okay, thank you.

25 MS. DALTON: What is the price point that

1 you're talking about with this project?

2 MR. ALLEN: The sweet spot that we call it in
3 the senior living industry that has been tough to do
4 is \$1,200.00 to \$1,500.00 to \$2,500.00 a month rent.
5 At the Glen Eddy, there is a front entrance fee of
6 \$200,000.00 to \$300,000.00 plus a \$3,000.00 to
7 \$3,500.00 monthly rental. The idea of \$1,000.00 of
8 \$1,500.00 to \$2,000.00 - that varies based upon the
9 size of the unit. That's what we call affordable.

10 CHAIRMAN STUTO: What amenities are going to be
11 offered here?

12 MR. DESANTIS: I'm Adam DeSantis of Summit
13 Senior Living.

14 CHAIRMAN STUTO: What is your role?

15 MR. DESANTIS: I'm a representative from Summit
16 Senior Living which would be the management company
17 for the Summit at Forts Ferry.

18 We have a program that we call the Senior
19 Engaged Life Program and that is our amenity program
20 that we offer at all of the communities that we own
21 and manage. It really encompasses a wide variety of
22 amenities and programs that hit on wellness, health
23 and fitness, community involvement and voluntarism.
24 So, some of the specific amenities would be a daily
25 continental breakfast, transportation services to and

1 from doctors appointments and periodic shopping trips.
2 Physical fitness programs such as Tai Chi, Yoga,
3 Pallatis, aquarobics which is therapeutic water
4 walking in our indoor swimming pool and a wide variety
5 of educational programs that a community that we
6 manage over in Glenville we have done programs most
7 recently with the Schenectady division of the
8 International Guard. We've had representatives that
9 have come in and talked about their recent trip to
10 Antarctica.

11 Coming up this week we have a Falconry program.
12 So, people will come in with the Falcons. Actually,
13 that's open to the public as well. They'll have an
14 opportunity to learn about Falcons and some of the
15 native birds.

16 One of the most important components of our
17 senior engaged life program is the wellness program.
18 We work with local providers to offer classes that are
19 specific to the needs of seniors. So, we work with
20 the Alzheimers Association to run Alzheimers awareness
21 programs within our community. Most often, those are
22 open to the public as well. We've worked with the
23 Oasis program out of SUNY Albany that provides balance
24 workshops. So, these are six-week segments where they
25 come in once a week and they talk about fall

1 prevention; what to do if you have a fall, how to
2 mitigate the affects of having a fall, how to get over
3 your fear of having a fall. So, these are they types
4 of programs that are really tailored to meet those
5 needs of seniors.

6 Macular Degeneration is something that we see
7 affecting the senior population and so we work with
8 the Northeast Division of the Blind. Our community
9 over in East Greenbush is a site for low vision
10 support group. So, that is something that is open to
11 the public. They meet periodically. They are able to
12 meet with people who can provide different programing
13 and different physical features within your home to
14 help seniors mitigate the effects of Macular
15 Degeneration and other types of vision ailments.

16 So, those are things that specifically pertain
17 to our residents, but some of them are available to
18 the public as well. Then, we have physical features
19 in the community like a movie theater, a library,
20 different types of lounges. We are proposing a boche
21 court and a pickle ball court at this community. So,
22 there are physical features as well that run along
23 with the programming that we offer under our Senior
24 Engaged Life Program.

25 MS. DALTON: So, one of the key things of

1 senior living is allowing seniors to age in place.
2 That requires essentially more periodic checking and
3 proving more services in not a centralized location
4 but in fact going into their homes and providing any
5 kind of assistance that they might require. For
6 example, you're going to bring them shopping instead
7 of bringing that in. Do you incorporate any of those
8 aging in-place services?

9 MR. DESANTIS: I guess I'll answer that
10 question in a couple of different ways. Being that we
11 are an independent living community, we are not
12 licenced by the State of New York. So, there are some
13 very specific regulations that prohibit us from
14 providing supervision to our residents. A number of
15 things that we do to address the needs of aging
16 in-place is we work with different organizations,
17 depending on where we are geographically. We have
18 worked with groups like Home Instead, which is a
19 companion care. They provide non-medical services.
20 Our community over in North Greenbush they had an
21 office on-site temporarily. They found that
22 ultimately our community didn't provide the need for
23 them to be on-site and that we could help to
24 coordinate those services and provide residents with
25 the information so that when their family members are

1 on their own, they can reach out to specific providers
2 so that they can get the type of care that is really
3 specific to them. If it's something like medication
4 management, if they need assistance with showering or
5 toileting -

6 MS. DALTON: That's fine. You answered my
7 question.

8 MR. DESANTIS: Okay. Then, we have things like
9 we have a weekly health coach. So, this is a
10 registered nurse who comes on-site and does blood
11 pressure clinics, can talk about any medication
12 questions or disease questions that our residents
13 have. They help the resident to maintain a weekly
14 health log and that's something that they can then go
15 when they visit their physician, can take, and that
16 provides some context of what their weekly progression
17 is.

18 MS. MILSTEIN: Where do you have facilities?
19 You mentioned one in Glenville. What are the names
20 and where do you have other ones in this area?

21 MR. DESANTIS: The first community that we
22 opened is Eastwyck Village. That is in the Town of
23 North Greenbush. Most recently, this past June we
24 opened the Meadows at Glenwyck, which is in Glenville
25 and we currently have a community almost identical to

1 the Summit at Forts Ferry that is under construction
2 in the Town of Wilton and will be opening this summer.

3 CHAIRMAN STUTO: Any other questions from the
4 Board?

5 (There was no response.)

6 There is more presentation? If you have any
7 more on the elevations to the building, can you bring
8 those up so that everybody can see what those are
9 going to look like?

10 MR. DESANTIS: This picture here is a few
11 different views of the community that we finished the
12 construction this past June. This is our Glenville
13 facility, the Meadows at Glenwyck. This would be the
14 porte cochere which you would see at the main entrance
15 here. This is a view along one of the sides of the
16 building and then this is one of the rear patios off
17 of either our great room or the indoor swimming pool.

18 CHAIRMAN STUTO: What's that other rendition
19 over there?

20 MR. DESANTIS: This is a rendering of this
21 project.

22 CHAIRMAN STUTO: So, you don't have any
23 specific elevations for this one?

24 MR. TUCKER: Peter, we did submit building
25 elevations with the package. They were black and

1 white. They haven't been colored.

2 CHAIRMAN STUTO: You don't have any big ones.

3 MR. TUCKER: The wings change shape a little
4 bit but in general, it's going to be the same.

5 CHAIRMAN STUTO: We want to get to the
6 neighbors. We normally go to the Town Designated
7 Engineer. Today we have Joe Romano from CHA. You
8 heard him on the other project.

9 Joe can you just give an elevated view and try
10 to go quickly? I don't think that there is any need
11 tonight to go into too many technicalities. I think
12 that we would like your opinion of the project.

13 MR. ROMANO: Sure. Many of the points in our
14 letter that we prepared for the Board have been
15 addressed in the applicant's presentation so I'll
16 quickly just run through a couple of these.

17 As stated, this is a Planned Development
18 District to allow the construction of one senior
19 housing facility with 110 residential living units.
20 The underlying zoning district, as has been discussed,
21 is office/residential. The application appears to
22 generally conform with the requirements and design
23 standards for the OR zone with the exception of the
24 following:

25 There is a proposed increased residential

1 density. The OR zone permits a maximum base
2 commercial density of 18,000 square feet of commercial
3 space per acre and at 13.06 acres, the property would
4 permit a maximum of 235,080 square feet of gross
5 commercial area. That's the same number that Mike had
6 presented.

7 In the OR zone, only 80% of the base commercial
8 density can be converted to a residential use at a
9 ratio of 3,000 square feet of commercial use per
10 dwelling unit for a maximum allowable density of 63
11 residential units. This project is proposing 110
12 residential units with the application.

13 In the underlying zoning, exclusively
14 residential use is not permitted. The OR zone allows
15 up to 80% of the base commercial density converted to
16 residential use and this project is proposing 100%
17 residential use.

18 CHAIRMAN STUTO: You said up to 80% could be
19 converted to residential. I thought it was 80/20.

20 MR. LACIVITA: The 80/20 is the rule. You can
21 take a percentage of the commercial density to convert
22 that and that would be 3,000. That's what Joe was
23 explaining.

24 CHAIRMAN STUTO: Eighty percent could be
25 residential?

1 MR. LACIVITA: That's what we have.

2 MR. TUCKER: I may have misspoke. Joe is
3 right. It's 80% residential and 20% commercial. It's
4 converted at that 3,000 per square foot. That's what
5 the zoning code says.

6 CHAIRMAN STUTO: Okay.

7 MR. ROMANO: The other thing is the increased
8 building footprint. The OR zone allows a maximum
9 building footprint of 30,000 square feet and the
10 project is proposing approximately 55,000 square feet.
11 I believe that Mike's office layout represented 30,000
12 square feet.

13 CHAIRMAN STUTO: Okay, let's explore that
14 question a little bit more. If we went with the
15 underlying zoning, you're not going to go 3,000 square
16 foot apartments, probably, right?

17 MR. TUCKER: Correct. That establishes the
18 density.

19 CHAIRMAN STUTO: So, you could go something to
20 235,000 square feet -

21 MR. TUCKER: Of commercial use.

22 CHAIRMAN STUTO: You're still standing by that.

23 MR. ROMANO: Yes, they have the option to do
24 the conversion.

25 Again, in the presentation they discussed some

1 of the previous Planning Board concerns that were
2 expressed during sketch plan including moving the
3 building and parking areas further back from Forts
4 Ferry Road, adding longer driveways for a boulevard
5 feel and providing pedestrian facilities that connects
6 the project to the community. They have discussed
7 their proposed public benefit of a sidewalk
8 connection.

9 We did review the Town's Comprehensive Plan for
10 either consistencies or inconsistencies with the
11 proposed project and in general we find the proposal
12 to be consistent with the Comprehensive Plan. The
13 following are excerpts taken from the Comprehensive
14 Plan that appear to support the proposed action
15 providing a mix of housing options including senior
16 housing, encouraging a mix of housing types for
17 seniors in appropriate areas of the community, areas
18 where senior housing might be appropriate could be
19 characterized as areas with services such as medical
20 offices and neighborhood commercial uses within
21 walking distance. Whenever possible, housing
22 opportunities for the seniors should be integrated
23 into existing neighborhoods or mixed use centers,
24 encourage the use of buffers between commercial
25 development and existing residential development. The

1 Route 7/Route 2 corridor is a very diverse corridor
2 with retail, commercial and residential uses in areas
3 where residential uses are adjacent to commercial or
4 retail uses, landscape buffers should be in place and
5 the Town should encourage buffers to be preserved or
6 creates as new development or redevelopment occurs.
7 So, those are all excerpts from the Town's
8 Comprehensive Plan.

9 We did have other technical comments, but I
10 will hold those.

11 CHAIRMAN STUTO: Can you take that down and
12 show us the layout again and talk about the buffer and
13 why you think that is good. You know, whether it's
14 adequate and so forth.

15 MR. TUCKER: The 100 foot buffer?

16 CHAIRMAN STUTO: Yes, that's what you depicted,
17 right?

18 MR. TUCKER: Yes, we are depicting the 100 foot
19 buffer for that 2013 Resolution. That 100 foot buffer
20 is a total no-disturb buffer.

21 CHAIRMAN STUTO: How would you describe the
22 vegetation that is there now?

23 MR. TUCKER: This is an aerial so it's pretty
24 thick wooded area now.

25 CHAIRMAN STUTO: So, mature trees of a mixed

1 variety?

2 MR. TUCKER: Yes.

3 CHAIRMAN STUTO: What do you think that the
4 visual impact is going to be to the residents that are
5 around that?

6 MR. TUCKER: I think depending on the time of
7 year, you will be able to see the building. I think
8 that it's going to have a much less visual impact than
9 the alternative office layout for use. It's a much
10 better looking building than a three-story office
11 building and parking garage. I think that those
12 renderings show that. You will see it. It is a
13 building and the building itself is probably 150 feet
14 from the property line and probably 200 feet from the
15 closest house.

16 CHAIRMAN STUTO: So, two-thirds of a football
17 field.

18 MR. TUCKER: Yes. But I think that it's an
19 attractive building. It's broken up and it's not a
20 big mass that you will see from anywhere. It's a
21 residential looking building.

22 CHAIRMAN STUTO: The height you have versus
23 what you could do under office/residential. Can you
24 talk about that?

25 MR. TUCKER: This building is roughly the same

1 height. You're allowed 40 feet but this is roughly 40
2 feet.

3 CHAIRMAN STUTO: Anything else? I want to get
4 to the neighbors.

5 MR. TUCKER: No.

6 CHAIRMAN STUTO: We'll call this in the order
7 that is here. I think there are 20 names here at this
8 point. The way that we normally conduct it, nobody is
9 going to be denied a right to speak and nobody is
10 going to be denied a right to say everything that they
11 want to say. Sometimes people make the same points
12 and that's fine. We don't allow people to talk
13 endlessly. If it starts to get too long, we asked
14 their comments to be addressed and then they go to the
15 back of the line to let the next person talk. If
16 everybody wanted to talk for a half-hour, we'd be here
17 for 10 hours. We try to limit to three to five
18 minutes and then if you haven't said everything that
19 you wanted to say, we ask that you let the next person
20 speak and go to the back of the line. We found that
21 to be the most fair way. I just wanted to repeat
22 that.

23 We do ask everyone that is physically able, to
24 go to the microphone. The stenographer wants to be
25 able to hear you. That's one of the main reasons and

1 also so that everybody else can hear you. We also ask
2 that you identify yourself for the record.

3 First person is Gloria Jean Knorr.

4 MS. KNORR: I came here tonight because in the
5 Loudonville Spotlight there were a couple of other
6 projects mentioned that I'm in favor of. The one at
7 the Elks Club is affordable housing for seniors. I'm
8 interested in that and I thought that was going to be
9 talked on tonight.

10 Also, I'm very interested in the Ann Lee Home.

11 Everything you said I was going to say because
12 I brought my Town Comprehensive Plan with me and of
13 course what I've always been interested in is housing
14 options. I felt that the Soldier On program --
15 veterans certainly deserve better protection and
16 service than they are getting. So, I'm definitely in
17 favor of Colonie Senior Service Center near the
18 Delatour Road. The only thing that I ask for that
19 project is that there is not good bussing service
20 there. When that is proposed you check and have
21 better bussing.

22 Definitely I am in favor of this project in
23 that I'm interested in universal design for elders.
24 That would be very good so that the housing place that
25 they live is adapted to the needs of seniors. They

1 mentioned the need for assistance to seniors for
2 independent living. That's important.

3 Their senior housing here is close to support
4 facilities which is good.

5 What I am specifically interested in, myself --
6 Im 75 years old and I was born in Colonie on a farm
7 and pigs were there before I came on that farm. I
8 love the farm - the feeling of this and what I would
9 like to see more of, instead of parking lots, would be
10 a garden, some trees, picnic tables, maybe even a
11 labyrinth to be able to walk and meditate - more
12 outside activities. Definitely, I'm interested in the
13 intergenerational housing universal home. I realize
14 that this is for senior housing. We do need senior
15 housing. I am for this project, but I, personally
16 myself would like to live around kids and more open
17 space. So, I am particularly interested - my focus is
18 providing a mix of housing options. Colonie, I'm
19 seeing, is doing that now. I just saw a lot of
20 condominiums and townhouses that I could not afford.
21 I'm happy to see these different types of housing
22 available. Thank you, very much.

23 CHAIRMAN STUTO: Thank you.

24 Doug and Ginny Amsden.

25 MR. AMSDEN: I'm Doug Amsden and I've lived at

1 37 Omega for 24 years. And for 24 years we have had a
2 severe water problem in our yard, especially in the
3 spring. In the late 90's the Town through Lou Lemoyne
4 thought he had an excellent idea with a lot of catch
5 basins and they have done absolutely nothing. So,
6 when you're doing this project, Forts Ferry Road and
7 all though here, there is a natural drain right
8 through here and it goes to Harrowgate. There is one
9 family on Harrowgate that to prevent from flooding the
10 yard they built a two foot concrete wall the whole
11 width of their lot just to prevent their yard from
12 being flooded. The house next door averages about 10
13 or 12 inches of rain accumulation in the spring.

14 CHAIRMAN STUTO: Is your house on that map?

15 MR. AMSDEN: My home is at 37. It's off the
16 end.

17 The water flows through here. It's a stream.
18 I have a ditch in the back of my property for that.
19 That's the first thing.

20 The second thing is not pertaining to this but
21 I wish that they would take a second look at the
22 Swatling Road project. That was on awhile back and I
23 kind of fell through the crack on it. I don't know
24 the reason why. When you look at this building,
25 awhile back the owners of these properties brought

1 this up once before to build some stuff like this in
2 there. One of the Board members who is not here
3 tonight and he didn't get re-elected. I don't know.
4 He said it so correctly. He said it looks like you're
5 trying to put 10 pounds of sugar in a five pound bag.
6 That's what I think this is too.

7 These are conifers. These are poplars.
8 They're crap trees. How would you like to be around
9 here and have to look at that Catalina Drive and look
10 through the junk at this? It's three-feet high.
11 They're going to see it. You can plan on whatever you
12 want, but you're going to see it.

13 My main concern is the water. Putting those
14 catch basins in is a joke. Thank you.

15 CHAIRMAN STUTO: I'm going to try to get more
16 neighbors to speak but we're making notes.

17 Stormwater, we are going to address. We didn't
18 get into those technical things, but it sounds like
19 the neighbors will probably want to hear about that.

20 Also, if there are ways to improve the
21 screening.

22 Frank Paladino and Mary Cox.

23 MS. COX: We live at 31, which is right here
24 (Indicating). So, just to give you some perspective,
25 our lot is 130 feet long from here to here

1 (Indicating). So, basically nearly my lot, a little
2 less, is where their pavement will begin and slightly
3 beyond that is where I will see the three-story
4 building.

5 So, I have a few questions. First, they made a
6 lot of references to all the zoning variance type
7 things based upon the 100-foot buffer. So, after
8 Thursday, making the assumption that we do get
9 rescinded and we are back to the legitimate buffer,
10 what do those numbers look like? Do they change?

11 CHAIRMAN STUTO: We'll look at that.

12 MS. COX: I think that's critical because what
13 was presented -

14 CHAIRMAN STUTO: But let me just finish the
15 thought. It may not change the numbers in terms of
16 the density and the number of units. It will change
17 the buffer, obviously, by definition.

18 MR. ROMANO: The density is based on the
19 acreage of the parcel.

20 MS. COX: But you can only build what fits,
21 right? You're restrained by height and in a number of
22 ways. That's another thing -- kind of the way that
23 things are being presented to us. It's like, here is
24 your choice, guys. You have this or you can have an
25 office building. That's not the case. No one who

1 wants an office building has come in -

2 CHAIRMAN STUTO: That's a good point and I
3 think that we're going to ask them to do exactly what
4 you are suggesting. I don't know how much it's going
5 to impact, but we'll find out.

6 MS. COX: I think that it's important. I feel
7 a little misled. I feel like we are given a choice.

8 CHAIRMAN STUTO: There are a lot of moving
9 parts at one time, in fairness. I'm not sure what the
10 applicant did know or didn't know. I only recently
11 discovered that something is on for the Town Board on
12 Thursday. So, there are a lot of moving parts that
13 are moving. It's not like there is some plan to
14 conspire.

15 MS. COX: My next question for the Board is:
16 What is our motivation for ignoring zoning and going
17 to this PDD? What is our motivation? Is it the use?
18 It is that it's going to be senior -

19 CHAIRMAN STUTO: Does somebody want to talk
20 about the philosophy of PDDs? There are public
21 benefits that are given back by the developer. They
22 talk about the 1,400 feet of sidewalk on the other
23 side. The idea is that they create community.

24 MR. LACIVITA: I have it here. It's Section
25 190.65.

1 CHAIRMAN STUTO: And we've been through this so
2 pick out what would explain it.

3 MR. LACIVITA: Well, if I can go backwards,
4 Peter. I started talking about when a project comes
5 to the Planning Department, we look at the Land Use
6 Law and how a project fits within it and we also look
7 at the intent of the project and how it adapts to the
8 Comprehensive Plan.

9 Joe started talking about the items as how it
10 addresses the Comprehensive Plan. Specifically, the
11 Comprehensive Plan calls out in several areas of
12 Section 3 to provide a mixed-use of housing,
13 specifically for seniors.

14 As Kathy articulated, there are certain levels
15 of care for seniors. There is one thing that says for
16 all the other levels of service, the type of senior
17 housing discussed in this case, in this section of the
18 Comprehensive Plan, 3.1.2 - the case is intended for
19 those seniors who are independent and do not need a
20 higher level of care, aging within the township.
21 People who have grown up here, raised their kids here
22 and they want to find an opportunity for them to stay
23 here until that next level of care is needed and
24 provided. That is specifically how this project is
25 addressing how it gets forwarded into it.

1 The next section of the Comprehensive Plan it
2 talks about encouraging a greater use of mixed uses
3 throughout and finding nodes specifically uses on the
4 Route 2/Route 7 corridor near Exit 6, offices - which
5 this is not - smaller to moderate scale of retail -
6 which this is not - higher density of residential such
7 as senior housing.

8 Again, that's how it matches back to the
9 Comprehensive Plan.

10 There is 3.4.9 encourage the use of buffers
11 between commercial and existing residential houses.
12 The buffer has been a question of this. Is it 210?
13 It is 150? This project designed with the intent of
14 100 foot buffer as it is consistent around that area.
15 Again, keeping in mind the Comprehensive Plan.

16 CHAIRMAN STUTO: Which is likely to change on
17 Thursday.

18 MR. LACIVITA: Correct, and you bring up a
19 great point. This is moving towards a PDD and with a
20 PDD, everything changes. Underlying zoning changes.
21 The buffer can potentially go away.

22 MS. COX: Understood, but we should understand
23 the variance that you're granting.

24 MR. LACIVITA: Correct, and that's what where
25 we are going. How do you get to the PDD - the rezone

1 request? Part of that becomes: How is it addressing
2 the Comprehensive Plan?

3 CHAIRMAN STUTO: But Joe, she asked about the
4 PDD.

5 MR. LACIVITA: Correct, and that's what I was
6 getting to. This is a component of the PDD because
7 it's addressing the Comprehensive Plan. Within the
8 PDD language, there are several sections as you get
9 through the intent, objectives, general standards of
10 the PDD and then you get into the process.

11 Do you want me to read all of these items?

12 CHAIRMAN STUTO: No.

13 MS. COX: Give me the highlights.

14 CHAIRMAN STUTO: She can continue her questions
15 as you look at that.

16 MS. COX: My next question is: I'm sensing its
17 the use that we like. We all like to have senior
18 citizen housing.

19 CHAIRMAN STUTO: That's what we are here to
20 find out.

21 MS. COX: I like it. The American Senior
22 Housing Association has definitions for different
23 types of senior housing and you were alluding to it.
24 One is nursing homes; full medical and 24-hour care.
25 The next is assisted living where they have some

1 medical needs. They give medicine and they have other
2 help within. The next is independent living. They
3 have essentially dining facility and other things.
4 Then there is something called senior apartments.
5 They are not truly senior housing. They are 55 and
6 up. They don't get financed with HUD or other groups
7 that do senior housing financing. They are really
8 market rate housing where they do have social
9 amenities, which most apartment complexes do, too. I
10 sort of wonder what is the difference between this and
11 a market rate apartment complex. I looked at some of
12 the rates and that's the big difference. These guys
13 with their pro forma rents, what they have in
14 Glenville and North Greenbush and I imagine that these
15 are going to be the same, you're talking in the
16 \$1400.00, \$1,500.00, \$1,600.00 and \$1,700.00 a month
17 rent. That's almost \$2.00 a foot at their properties.

18 You can go to the brand new Cornerstone
19 Apartments and pay about \$1.20 a foot. You can go to
20 the Woodlands which is nice and they're older and it's
21 not going to be high-end like this one and pay between
22 \$1,000.00 and \$1,400.00. So, I don't understand why
23 this is serving a need for a senior citizen community
24 who begins at age 55.

25 I guess in conclusion, I'm not for this

1 project. I think the same thing. It's 10 pounds of
2 sugar in a 5 pound bag. I love the concept of senior
3 and transition. We say, go back out to the market and
4 see who wants to build something that fits here that
5 actually services the seniors in the community.

6 CHAIRMAN STUTO: Thank you.

7 MR. PALADINO: I'm Frank Paladino. Mary is my
8 wife. I'm kind of along the same line of things. It
9 just doesn't seem to fit the neighborhood. Why not go
10 back and work in a collaborative manner. The Nigro
11 Group, the neighborhood association and the Town Board
12 and put something there that fits and really
13 complements the neighborhood that we can all accept.

14 CHAIRMAN STUTO: Thank you.

15 Okay, Joe is going to talk a little bit about
16 the PDD and the component of the Land Use Law.

17 MR. LACIVITA: For those who are taking notes,
18 it's Article 13, Planned Development District, Section
19 190-65, Intent. Part of this has a number of items
20 here. The PDD enables greater flexibility other than
21 conventional zoning. A Planned Development District
22 shall advance the goals of the Comprehensive Plan.
23 It's to provide an adequate and integrated system of
24 open space, recreational area and designed to tie the
25 PDD together internally and link into the larger

1 community, preserve the significant natural topography
2 and geographic features and to prevent soil erosion
3 and control the surface water drainage. Again, we are
4 not going to get into the technical components. Those
5 are just a couple of items that somehow tie back to
6 the Comprehensive Plan, as you heard initially and
7 there are several other ways that we can actually have
8 the PDD intent meet this development.

9 CHAIRMAN STUTO: How about the part about the
10 benefits?

11 MR. LACIVITA: Part of the public benefit is
12 that we look to see what is the over-density that it
13 shall get. What is the impact to the Town? They
14 could either be site specific within this community,
15 improving drainage, adding connectivity with the
16 sidewalks. What else is the Town looking for? We
17 have projects that have donated lands. We have
18 projects that have done things to community
19 playgrounds and so forth. Again, it's the greater
20 density that it provides the significant use that it
21 provides. What are some of the other community
22 amenities that this bring.

23 CHAIRMAN STUTO: We may get back to that, as
24 well.

25 David Toutai and Roxanne Toutai.

1 MR. TOUTAI: I have to tell you that this is my
2 house right here (Indicating). I cook in the summer.
3 I mostly use fire. I'm from Hawaii and my mom is from
4 Samoa. I held the biggest event in the Town of
5 Colonie. Maybe most of them know it. The thing is
6 that I play music and people come to this thing. I
7 held from 200 to 500 people in this event. I don't
8 charge nobody. I spend \$4,000.00 every year for
9 everyone to come to this thing. My concern is I hope
10 that they're not going to mind the noise. The biggest
11 thing is the noise. We were there first.

12 One more thing that I have to say about the
13 water. My back yard right here (Indicating), when it
14 rains, it's a swimming pool. We call the Town every
15 time it rains because my kids want to swim in it.
16 They think they're in Samoa. The water runs from her
17 house (Indicating) all the way up here. I put a stick
18 there and there was almost five feet. They have
19 pictures of this thing. We called the Town and nobody
20 showed up. I don't mind because I know that you guys
21 will fix it after tonight.

22 I cook the pig in the ground. I cook my food
23 and I hope that they are not going to mind the fire
24 and they don't mind the noise. I sing Tiny Bubbles
25 over there. That's all I want to say.

1 I'm glad to see that something is happening in
2 the neighborhood. Thank you so much.

3 CHAIRMAN STUTO: Have you picked a date this
4 year?

5 MR. TOUTAI: The second Saturday in August
6 every year. Almost everyone here knows that.

7 CHAIRMAN STUTO: Thank you and we'll get back
8 to stormwater.

9 Cindy DiDonna Drake.

10 MS. DRAKE: First of all I live on 24 Citation
11 which is the street over from Omega.

12 My main concerns are coming from traffic. I
13 believe that I now live in the Bermuda Triangle of
14 Forts Ferry, Sparrowbush and whatever that road in the
15 front of Target. Whatever you put in, I guess I have
16 to pick now between commercial or this. I guess it's
17 my choice. Do I want commercial or do I want seniors?
18 What would I like to have? My point is that whatever
19 you put in there is going to affect traffic somewhere.
20 People that don't want to deal with it, like to drive
21 down Omega. We have Fed Ex trucks coming down
22 Citation. We have big trucks coming down the road all
23 the time.

24 I have four kids. He has two kids. That's six
25 kids who like to play and like to run around and we

1 get nervous about traffic. Even though you have two
2 lanes going out onto Forts Ferry, that's not a lot of
3 lanes. Two lanes hitting that Forts Ferry - I don't
4 know all about your fancy numbers on the traffic flow
5 and all of that, but I'm going to tell you that there
6 is traffic. Whatever you put in there is going to
7 cause more traffic. So, I don't know if they can come
8 out this way and hit Target somehow instead where
9 there can be a light. I don't know how you want them
10 to come out of here. If you went towards Target and
11 you had a light, they could at least have some
12 direction. This is going to be a free for all. Are
13 they going right or are they going left? We have
14 Forts Ferry school right down the road and no one even
15 mentioned that. Forts Ferry Elementary is right down
16 the road. We've got busses coming back and forth.
17 CYC program is down there. Kids are going to the
18 playground. People are cutting through to get over to
19 Troy Schenectady Road. I know that it doesn't look
20 like it's on there but traffic is going to be a
21 problem at some point because whatever you decide to
22 put in there, there is going to be traffic and it's
23 going to have to get managed. This is a little
24 two-laned road. There are no sidewalks. There is no
25 real side on it. What if someone wants to turn quick?

1 I don't know what to tell you on that. There are more
2 road surface area towards Target than if you go
3 towards that medical part. There is just a little
4 two-laned road and now you've got Stewart's that you
5 put there, which is nice. I like getting my milk
6 there. There is traffic coming in and out of that all
7 the time; for gas, for milk, for sundaes, for shakes.
8 Long story short, how are we going to address traffic?
9 That's my main concern. If that doesn't get
10 addressed, people are going to find a way around and
11 the way around is Omega, Citation, Cimneron. That is
12 the way to get through the Bermuda Triangle that we
13 live in - in this corner. That's the best way that I
14 can explain it.

15 MR. NETHWAY: My name is Shawn Nethway and I
16 live at 24 Citation. My concern is the traffic and
17 everything else. Was there a study done and what date
18 was that done on?

19 CHAIRMAN STUTO: We'll write that down and
20 we'll ask the applicant. We're not going to stop for
21 individual questions.

22 MR. NETHWAY: There is flooding on Forts Ferry
23 down near the incline. That's going to be another
24 huge issue that nobody has brought up. The emergency
25 response - has anybody contacted the EMS to see how

1 that response is going to be? Who is going to be
2 paying for their services?

3 As for the security issues for the seniors,
4 what kind of security are they going to have? Are
5 they going to roam the streets or whatever? Are we
6 going to know about it? Are they going to be on the
7 Amber Alerts and stuff like that? Who is going to be
8 responsible for that? This is going cause an
9 influxuation of emergency services.

10 Also evacuation routes, in case there is a
11 disaster. Who is going to be concerned for that and
12 how they are going to get out of there?

13 I think that's about it.

14 CHAIRMAN STUTO: I'm going to ask the applicant
15 to address some of your questions and some of the
16 other ones now because you raised a lot of new ones.

17 Let's start with stormwater. That's been
18 raised by several people. Evidently, they have an
19 issue up on there on Omega. This gentleman also
20 mentioned Forts Ferry. I'm not sure where on Forts
21 Ferry you meant. Why don't we talk about that and
22 then traffic. They were suggesting that there might
23 be an alternative route. Let's focus on those two.

24 MR. TUCKER: Okay, from a stormwater standpoint
25 we were aware, based on our discussions with staff,

1 that there is an issue on that site. We just haven't
2 progressed our stormwater design to the point yet
3 where we can bring forth to show one way or the other.

4 CHAIRMAN STUTO: Can you speak generally on the
5 topic and the current SWPPP standards and how that
6 generally ends up working?

7 MR. TUCKER: In general, the New York State DEC
8 stormwater guidelines say that you cannot let anymore
9 water run off the site after development that runs off
10 it today. That's really what we are designing for.
11 That, and there is a water quality component to make
12 sure that the water that does run off is higher
13 quality that does under current conditions. So, the
14 stormwater management design that we designed to meet
15 those regulations -- as Mary Beth mentioned earlier,
16 the Town of Colonie has their own standards that are a
17 little bit more stringent. They build in a little bit
18 of a buffer there so in actuality, meeting those
19 exceeds what is needed from a DEC standpoint and given
20 what we have heard tonight and based on conversations
21 with staff, we're going to do whatever we can to help
22 mitigate the existing issues out there so hopefully at
23 the end of the day, not only is it the same, which is
24 required by regs but it's going to hopefully be
25 better.

1 CHAIRMAN STUTO: Can you talk anymore
2 specifically? Do you know how the water generally
3 flows on this property? Do you have any tentative
4 ideas of -

5 MR. TUCKER: Currently, it flows from Forts
6 Ferry back. I think that you've already heard that
7 tonight. Our current thought, from a stormwater
8 standpoint is to try to capture as much as we can that
9 is coming this way and it seems a little
10 counter-intuitive but to push it this way (Indicating)
11 into this area where we have left that open space and
12 have an infiltration basin in that area. Again, we
13 haven't taken the design that far yet at this stage.

14 CHAIRMAN STUTO: How do you push it back? Do
15 you have pumps?

16 MR. TUCKER: With grading.

17 CHAIRMAN STUTO: So, you're going to make that
18 the low spot.

19 MR. TUCKER: Yes, we're trying to make that the
20 low spot, at least to capture as much of the site that
21 we can.

22 CHAIRMAN STUTO: Do you have anything to add to
23 that, either in general or specific terms?

24 MR. ROMANO: Generally speaking what Mike is
25 saying is correct in terms of the regulations and the

1 Town of Colonie has more stringent regulations than
2 what DEC has. Without reviewing a detailed grading
3 plan and an analysis, it's tough at this point to
4 speak technically on what they are proposing. As with
5 all projects, we thoroughly review the stormwater
6 management report and the stormwater pollution
7 prevention plan that the applicant has provided.

8 CHAIRMAN STUTO: From an engineering
9 perspective, it will not get any worse and it may get
10 better; is that a fair statement?

11 MR. ROMANO: Right. They are obligated by the
12 permit that they give that they cannot increase runoff
13 from the site in the post development condition.

14 CHAIRMAN STUTO: And we can require a little
15 bit of overengineering to improve it. It's not going
16 to fix everything.

17 MR. ROMANO: I think that as part of their
18 analysis, they need to analyze the existing drainage
19 conditions. At that point we can identify where we
20 think the problems are occurring and how to best
21 resolve them.

22 CHAIRMAN STUTO: And that hasn't been done yet.

23 MR. ROMANO: Correct.

24 CHAIRMAN STUTO: Traffic. Why don't you
25 describe that in a little more particularity?

1 MR. TUCKER: We did have a traffic study
2 completed. Creighton Manning completed that. It's
3 dated March 18th so it's fresh. We haven't submitted
4 it to the Town yet.

5 CHAIRMAN STUTO: Even if you repeat yourself,
6 describe that. Is there an alternative way to send
7 the traffic to Target?

8 MR. TUCKER: The only place that we have
9 frontage on our site right now is Catalina and Forts
10 Ferry Road. We're obviously not proposing any
11 connection to Catalina. The only access that we truly
12 have is out to Forts Ferry and that's all we are
13 proposing. There is no other land under our control
14 that could get you anywhere else.

15 CHAIRMAN STUTO: They have another question on
16 that but I want you to address -- that's where you
17 have to go. To me, that's kind of obvious.

18 Emergency services - what do you anticipate?
19 Security and evacuation and those kinds of things;
20 what do you anticipate for that?

21 MR. TUCKER: Again, part of the DCC review and
22 as part of the ongoing review of the Town, fire and
23 police are reviewing the plans. We have designed the
24 site to accommodate the Town of Colonie's fire
25 apparatus around the site. We've located the hydrants

1 where they and Latham Water wanted them.

2 From a security standpoint, I may have to have
3 Adam speak more to it but the building is a secure
4 building. It's going to have all the appropriate
5 alarms and all of that as part of the design that is
6 required by the state.

7 CHAIRMAN STUTO: Do you have anything to add to
8 that?

9 MR. DESANTIS: Yes, I would add that it is a
10 secure facility and we will have security cameras at
11 all of the entrances and we will, in all of the
12 apartments and common areas, have an emergency
13 response system. It's essentially a wireless
14 nurse-call system. The response would be monitored
15 24/7 by an outside agency that, depending on an alarm
16 on the fire side or medical side came in, they would
17 dispatch the appropriate responders.

18 I think that it's important to say that we
19 anticipate that 90% of our residents will come from a
20 three to five mile ring around this property so the
21 vast majority of our perspective residents are current
22 residents of the Town of Colonie and by having a
23 uniform system where emergency responders can come and
24 train and be familiar with the community beforehand,
25 it standardizes the response of both fire and EMS and

1 I think that it minimizes the potential risks to the
2 residents if they were living in their own homes where
3 they may have had stairwells where the EMS can't get
4 gurneys up. Obviously, our building is fully
5 fire-protected so, I really think that it's a net
6 benefit.

7 MS. DRAKE: When did they do the traffic study?

8 MR. TUCKER: The traffic study is dated March
9 18th.

10 MS. DRAKE: So, they did it on a non-school
11 day.

12 MR. TUCKER: No, that's the date of the letter.
13 The counts were completed during school. That's part
14 of the requirement of ITE. It was a school day when
15 the counts were totaled.

16 MR. LACIVITA: One final comment on emergency
17 services. We have internally a Traffic Safety
18 Committee where we have our Police, our EMS, our Fire
19 Services, New York State Department of Transportation
20 along with our Public Works Department, specifically
21 Highway that meet on all major projects such as this.
22 The next set of comments that come out of that
23 committee will go directly into the incorporation of
24 this project as well.

25 CHAIRMAN STUTO: Okay.

1 Crystal Bruno.

2 MS. BRUNO: Thank you.

3 Good evening. Thank you for hearing us
4 finally. We have reached the day.

5 I'm Crystal Bruno and I own the home at 47
6 Forts Ferry Road. I live there with my husband Rick,
7 daughter Lexie, son Anthony and we've been Latham
8 residents for over 12 years. We love our Latham
9 community and enjoy living in our home. This is
10 directly next to 45 Forts Ferry Road.

11 I, along with at least 40 neighboring homes
12 within 100 feet, strongly oppose the rezoning for this
13 Planned Development District at 45 Forts Ferry and
14 have the petition here for you tonight. If we could
15 just see by a show of hands how many actually showed
16 up and signed the petition and are opposing this
17 Planned Development District in our community.

18 (A number of audience members raised their
19 hands.)

20 Thank you.

21 Our neighborhood association that was recently
22 formed is committed to spending the time, energy and
23 resources needed to fight for what is right, defeat
24 this and ensure that the facts are on the record.

25 I have emailed you a letter and provided you a

1 printed copy here this evening with more details of
2 just a few main points that I'm going to sum up from
3 that letter.

4 Allow me to begin by noting that Nigro Group
5 approached the landowner on the other side of 33 Forts
6 Ferry a few years back regarding a purchase that they
7 did not come to terms on. They knew then that they
8 needed more land for this project to work here.

9 Then, in 2013 Ms. Moody who owns 45 Forts Ferry
10 requested and was granted by the Town Board, as we
11 know and heard earlier the reduced buffer zone on her
12 lot. The Town didn't notify any of us. It wasn't
13 until I saw the plot plan from Nigro's sketch review
14 that the reduced 100-foot buffer was shown, which
15 prompted me to dig deeper to find out how this buffer
16 was no longer 210 feet at the road front. This same
17 neighborhood fought so hard for this with the Town
18 Board and with the property owner at 45 Forts Ferry
19 back in 2006 and finally had a Resolution in 2007 with
20 a Local Law.

21 I found the Town Board meeting minutes that I
22 FOILED that illegally changed this buffer zone on us.
23 Since November of 2015 our neighborhood has been
24 calling for the Resolution that they are going to
25 rescind, hopefully this time because they have been

1 promising us for a while, on Thursday night.

2 Here is the zoning history of 45 Forts Ferry
3 Road, just to bring everybody up to speed. The owner
4 of 45 Forts Ferry had a split-zoned lot that consisted
5 of 210 feet of single family residential and 150 feet
6 of business prior to 2007. She asked for 100%
7 office/residential zoning when the Town was going
8 through their rezoning and had an opportunity to
9 speak. The neighborhood came and objected. The
10 compromise was that she could have 100% office rezone
11 of OR but the single family residential portion was
12 become the no-disturb buffer zone. This benefitted her
13 because she was now able to build up closer to that
14 buffer zone line instead of having to be 100 feet as a
15 setback from her single family residential line.

16 I have provided you with that second map in the
17 packet so you can see that.

18 This gave her an extra 100 feet of usable
19 office/residential frontage on Forts Ferry Road. We
20 verified the 210 foot buffer zone prior to our
21 purchase in 2011.

22 Please take an opportunity to read the Town
23 board meeting minutes from December 7th and 21st in
24 2006; January 4, 2007 and December 12, 2013.

25 It talked about the special handling of this

1 particular area and parcel and in specific detail and
2 how they adopted the Local Law that set apartments and
3 square footage requirements and setbacks, etcetera,
4 outside of this buffer area.

5 Our environmental concern is that our well is
6 about 20 feet deep and it's located about 50 feet from
7 our property line adjacent to 45 Forts Ferry Road. I
8 saw that the stormwater management plan that they have
9 in their front yard, in this PDD proposal and this
10 would be approximately what I think is 150 feet from
11 my well. This is a major concern for us and should be
12 a major concern for this Town.

13 Two other concerns on 45 Forts Ferry: I read in
14 the meeting minutes that there was approximately a 100
15 by 100 foot area of grades that were found during a
16 survey done decades ago on 45 Forts Ferry Road.

17 Second, the Delphus Kill tributaries. We have
18 heard all this information about the wetlands. I have
19 the wetland map that I can show you if you're
20 interested. There was a study done and I recall
21 reading that the study recommends that large amounts
22 of concrete should not be placed on this surface. So,
23 I recommend that you all read that study as well.

24 These concerns were all recorded in Town
25 meeting minutes and I urge you to read them. This PDD

1 does not conform to our Comprehensive Plan in our
2 opinion. PDDs are considered, if they conform with
3 the Town's Comprehensive Plan. While our plan covers
4 senior housing in great detail, it covers that buffer
5 zone.

6 There are some lines that we heard earlier but
7 there were pieces that were left out that I will bring
8 to everyone's attention now.

9 Regarding senior housing: I have read that
10 whenever possible, housing opportunities for these
11 seniors should be integrated into existing
12 neighborhoods.

13 A following paragraph goes on to describe
14 accessory apartments, carriage homes and well-designed
15 twin homes as options that would be appropriate in
16 some existing neighborhoods that may require special
17 use permits and permit requirements to ensure that
18 such units are designed to be indistinguishable from
19 single family homes in a neighborhood.

20 Another area that the plan talks about senior
21 housing is the Route 7 study, which describes a
22 specific planned uses on Route 7 and Route 2.

23 One of the suggested uses for this corridor
24 describes the higher density, residential, such as
25 senior housing. It suggests some senior housing on

1 Route 7 between NYSUT and Exit 6 or off Everett Road
2 to utilize the First Prize parcel.

3 One more thing that I'd like to mention there
4 regarding our Comprehensive Plan and how it doesn't
5 fit is that we do not see adequate or integrated
6 system for open space and recreational area designed
7 to tie the PDD together internally to link it to the
8 larger community, as our Land Use Law states.

9 Sidewalks are already a requirement, as design
10 standards still apply to PDDs as it states in our Land
11 Use Law 190-70; required findings for PDDs.

12 Other design standards not met include their
13 proposed parking lot in the front of their building is
14 not perpendicular to the street and their stormwater
15 management should not be in the front yard.

16 The Comprehensive Plan states that all
17 stakeholders - we heard from Joe LaCivita earlier that
18 it's not procedure to involve the community in the
19 planning for PDDs.

20 I read in the Comprehensive Plan that all
21 stakeholders should be invited and encouraged to
22 participate in the planning effort including residents
23 from the neighborhood.

24 In the meeting minutes from their sketch plan
25 review meeting on July 14, 2015 Mr. Lane asks about

1 outreach to the community. Ms. Slevin states that
2 they spent several months trying to reach out to our
3 neighborhood group, however, we didn't hear from them
4 and we live right next door.

5 CHAIRMAN STUTO: Since you brought up Joe's
6 name, I'm going to defend him.

7 If you want to defend yourself, you can.

8 I don't think that Joe said that - that the
9 community should not be involved in a PDD. I never
10 heard him say that. I never have heard him act that
11 way. He was trying to explain what the sketch plan
12 was, which is a first look/see and it's very brief.
13 It's just like this is what we are going to propose
14 and it's an opening meeting and everybody can come.
15 It's the next step where there is a notice and we have
16 a meeting like this. We were never going to skip this
17 step and Joe never said that. He was trying to
18 explain the steps in the process. So, I'll defend
19 him.

20 I don't know if you want to add to that.

21 MR. LACIVITA: No, I think that's perfectly
22 fine, Peter.

23 MS. BRUNO: I'm not saying that you're saying
24 that you're going to skip this step. I'm saying that
25 earlier in the meeting tonight he said that the

1 procedure was -

2 MR. LACIVITA: DCC, sketch then concept which
3 is where we are tonight.

4 MS. BRUNO: So we weren't involving the
5 neighborhood before this.

6 CHAIRMAN STUTO: The notice isn't mailed out
7 until the evening, like tonight. That's correct.

8 MS. BRUNO: What I'm saying here is that the
9 Comprehensive Plan suggests that all stakeholders
10 should be invited and be encouraged to participate in
11 this PDD planning.

12 MR. LACIVITA: And that's where we are today.

13 MS. BRUNO: Well, we're not really in the early
14 planning stages, though. If you brought us in a
15 little bit sooner, maybe we could have had more ideas
16 or -

17 CHAIRMAN STUTO: You have to start somewhere.

18 MS. BRUNO: This is how it comes down to
19 interpretation, I guess.

20 So, regarding buffer zones and our
21 Comprehensive Plan, it states that buffer zones should
22 be preserved or created as new development occurs. By
23 reducing the buffer zone at 45 Forts Ferry Road, it
24 would be going against our Comprehensive Plan.

25 Tonight I stand before you along with almost

1 approximately 60 residents or more here that are
2 within 100 feet of the lots in question asking you to
3 vote against this PDD.

4 In conclusion, the buffer should appear as 210
5 feet at the road front and not 100, as the proposal
6 shows in the plan. This project needs more land or a
7 different location. It is not right to place a
8 155,000 square foot building in the middle of single
9 family homes just as it is not right to reduce a
10 no-disturb buffer zone adopted by law, appears on the
11 zoning map and is protected by a Comprehensive Plan.

12 Several neighbors have communicated to the rest
13 of the group that when they call for information
14 regarding this proposal, that it sounded to them as if
15 Joe LaCivita -- again, I'm mentioning you Joe, I'm
16 sorry -- was trying to sell them the idea. They said
17 that he was explaining how great it was. I think that
18 this proposal should disappear. I think that's a
19 great idea. This community does not want it. We are
20 organized and we are not going away and we'll make it
21 our mission that this doesn't happen in our
22 neighborhood.

23 There are proper ways to get things done and
24 how this all progressed was not right. We do think
25 that this neighborhood from here down to the corner

1 (Indicating) is going to be developed some day but in
2 terms of what that use is, needs to really be planned
3 as a whole, I think. Our community is very
4 interested.

5 MR. BRUNO: My name is Rick Bruno and I live at
6 47 Forts Ferry and this is my wife Crystal. I'm a bit
7 further down the list, but this is killing two birds
8 with one stone.

9 Again, she pointed out our property. Right
10 here is our house (Indicating), and I appreciate the
11 spin put on the rendering. Unfortunately, it's in the
12 middle of summer and then you have six months where
13 you have these beautiful leaves are not on these
14 trees. To put a spin on it that there will be no
15 visual impact, I can tell you right now that sitting
16 on my front porch it will be quite a visual impact.
17 It's not to just us, but to all these neighbors, as
18 you can see, as soon as the leaves are off the trees.

19 The noise impact - I know that there was a
20 statement in the plan that there would be no noise
21 impact. Emergency vehicles, garbage trucks, UPS for
22 110 units, maintenance, landscaping and other
23 deliveries, visitors and certainly noise will be a
24 factor. When you take into account 196 or so parking
25 spaces for 110 units, almost laughable that someone is

1 going to come out and say that there is going to be 28
2 cars in the road at a given time. If that was it,
3 they could have saved themselves a ton of money and
4 put in 50 parking spaces.

5 A very experienced and knowledgeable friend of
6 ours who does development told me that no one in the
7 Town is going to care about your property values.
8 They're not going to care about the impact and that it
9 may well come to threatening political jobs and
10 litigation. I choose not to believe that. That's me
11 and I choose not to believe that. There are many
12 facts. Obviously, my wife has done an amazing job of
13 researching many facts that show that this does not
14 conform with the Comprehensive Plan. It can be
15 restated a number of ways, but when the Comprehensive
16 Plan says that a buffer zone should be encouraged,
17 stripping that from 200 feet back to 100 feet for this
18 PDD is not encouraging a buffer zone.

19 The plan does not conform with Town Law 190.44
20 and 190.70. We left that for your folks to take a
21 look at, rather than bore everybody. The point is
22 that this is a beautiful facility. It's beautiful and
23 I love it. I think that they are high-jacking the
24 term senior, to be quite honest with you - to get this
25 done. I don't like that at all. However it's a

1 beautiful facility and I love what they do. It just
2 doesn't fit here; plain and simple. It doesn't fit.

3 This is the kind of thing that will forever
4 change and very negatively impact our entire
5 neighborhood. There is such a thing as right and
6 wrong and to approve this project really is the
7 ultimate wrong.

8 My wife and many of our neighbors have already
9 made certain points. I'm just going to take a moment
10 and talk about instead of very specific point, speak
11 about community.

12 The project owners falsely stated that they had
13 reached out to the community. Not one of my neighbors
14 heard anything from these folk.

15 With a show of hands, has anyone here heard
16 from these people?

17 (Several audience members raised their hands.)

18 Thank you.

19 Did any of the project owners walk down my
20 driveway? Look, I know that it's 400 feet but did
21 they walk down and knock on my door and say, hey, this
22 is what we are planning next door. Let's sit down and
23 have a cup of coffee and talk about this. I didn't
24 hear anything. Why didn't they look to purchase the
25 properties to the south, down to Wade Road? It's a

1 much better area. It's even just a step closer to the
2 medical building. That would have eliminated issues
3 with the buffer all together and protected the
4 neighborhood. I realize that cost is involved, but
5 guess what? You can't have everything. You can't say
6 it's got to be cost effective. I understand that.
7 Sticking this thing in here - the size that it is,
8 you're making it that way because it has to be
9 economically feasible. Sometimes you don't get what
10 you want. If they got the property down here to the
11 south and eliminated the buffer issue, they could have
12 put in a true public benefit; not a sidewalk that is
13 already required. That's a joke. Put in a park or a
14 playground, a bike or walking trail, a fountain with
15 picnic tables. Something the neighbors can enjoy;
16 neighbors and community.

17 We formed this community association because my
18 wife and I uncovered an illegal unannounced change in
19 the buffer zone with no notification to the neighbors
20 which led to the discovery of this massive project in
21 the middle of our neighborhood. We invited our
22 neighbors over to break bread and discuss it all.
23 Many of them came, thank you. We did it as a
24 community. We haven't coached anyone which was
25 suggested by a Town official. We simply shed light on

1 this process. We simply informed our neighbors by
2 providing them with public documents allowing them to
3 come to their own conclusion. That's why they are
4 here tonight.

5 People use these words and toss them around too
6 lightly; neighbors and community. They still mean
7 something in Forts Ferry. They mean something to all
8 of us here. What happened to talking to your
9 neighbors? Now it's lawyers and litigation. Sure, we
10 can go down that path, if necessary and we have the
11 resolve and the resources to do so. However, as naive
12 as I may be, I choose to believe that each member of
13 this Board will ultimately vote no on this project,
14 that you will choose right over wrong, that you will
15 remember the community where you live and that you
16 will choose to protect our neighborhood and community
17 instead of this drawing here. Thank you of your time.

18 CHAIRMAN STUTO: Mark Kornfein.

19 MR. KORNFEIN: Good evening. My name is Mark
20 Kornfein and I live at 17 Omega Terrace. I'm going to
21 try not to repeat a lot of what I heard from some of
22 the other neighbors, although I do agree with most of
23 it. I do want to address a few specific issues and
24 questions.

25 To start off, when I first heard that there was

1 thought of putting an independent living community
2 back on that property, I thought great. This is a
3 nice use of the property. It turns out that my mom,
4 for a couple of years, has lived in a senior
5 independent living community and it's a very nice
6 community and I envisioned something like that. Then,
7 I started learning some of the things about this
8 particular community.

9 One is that the buffer zone, from what I
10 understood it was as I lived in the neighborhood for
11 20 years and know a lot about the history of some of
12 this - it was cut back from the 210 feet to 100 feet,
13 although we understood that the 210 feet was the
14 compromise so that it could be developed.

15 The next thing that I learned was that it was a
16 three-story community which had been a surprise as the
17 other communities -- and we looked at a few with my
18 mom -- were all two stories including the Glen Eddy
19 which John Allen referred to and several others.
20 Also, if you look and you can go online and you can
21 look at this. Many of these other communities, and I
22 don't know the exact number of acres of Glen Eddy the
23 independent living part is on, but it's only 84 units.
24 Some of the other ones I looked at were 60, 70 and 80
25 units and they all seem to be on bigger pieces of

1 property than this. So, this really strikes me as
2 someone putting 10 gallons into a five gallon can.
3 It's really a big concern, besides being the size of a
4 community and the removal of a buffer zone.

5 There was talk of grading it so that the water
6 would go toward Forts Ferry. I'm not a grader or
7 involved in that. I just want to point out that I
8 walk my dog every day on Omega Terrace. From the top
9 by Forts Ferry - and it's pretty level - when you walk
10 down to 45 down to where you get to Harrogate, that
11 has to be a full story or more. That's going to be a
12 heck of a lot of grading, if you're going to push
13 water up from one end to the other on that. I don't
14 know how you can do that.

15 The other thing that I wanted to point out is
16 part of the reason that this has come up and the
17 neighbors have been concerned over the years and back
18 in 2006 when we met with the former supervisor, 45, if
19 you look on a map is surrounded on three sides by
20 residential property. It kind of sticks out there.

21 The other thing is that I'm not sure if it's
22 the Master Plan or the Route 7 corridor study - there
23 was a suggestion in those studies that development
24 back on our side of Wade Road Extension, that the
25 egress should be from the Wade Road Extension because

1 that's the busier road and there was enough traffic on
2 Forts Ferry.

3 I'm very concerned about this proposed
4 development. As other folks have said.

5 My one other questions to the Planning Board is
6 that I have heard that you're not going to vote on
7 this tonight. I understand that the Town is going to
8 be voting on Thursday, hopefully to rescind the 100
9 and go back to what it was. What are the next steps?
10 Will there be another meeting like this? What will
11 happen next?

12 CHAIRMAN STUTO: If I envision it correctly,
13 we're going to conclude this meeting, make some
14 suggestions if the applicant is still going forward -
15 of maybe some first impressions. They can apply to
16 get back on the agenda to continue this discussion.
17 Ultimately we will take a vote on making a
18 recommendation to the Town Board as to whether to
19 create a PDD or not.

20 MR. KORNFELD: So, that will happen at another
21 meeting.

22 CHAIRMAN STUTO: Yes, if the process continues.

23 MR. KORNFELD: Thank you.

24 CHAIRMAN STUTO: Okay, thank you.

25 Dave Smith.

1 MR. SMITH: I won't repeat, but I did have a
2 question that I think addresses -- it's been brought
3 up as to how impactful is this development. I'm not
4 an architect so I'm having a hard time visualizing how
5 this is going to look like from the street. These
6 renderings are helpful, but that's what it looks like
7 from the entrance. I live on Harrowgate. I'm curious
8 because I looked out of my window before I came here
9 this evening. I was looking out and seeing what I
10 always see; my neighbors houses and trees and
11 sometimes the sunset. I'm just trying to picture what
12 it would look like if this goes in. I'm not an
13 architect so I'm not sure if I have a good mental
14 image of how big it's going to look. Will I ever see
15 a sunset again? It's that sort of thing.

16 CHAIRMAN STUTO: Can you point to where you
17 live?

18 MR. SMITH: I would be right here (Indicating).

19 So, I look at my neighbor's house and it's two
20 stories. This could be three, so I'm trying to
21 picture something around half again as tall. It's
22 hard to visualize.

23 CHAIRMAN STUTO: I talked with Joe before -
24 -our engineer and he had suggested perhaps balloon
25 tests. I don't know if that's something that's

1 warranted here.

2 MR. SMITH: I was going more towards -- can we
3 get computer renderings from different angles?

4 CHAIRMAN STUTO: Okay. This is from a
5 different project but they say that it's going to be
6 similar. As it goes forward in the process, it would
7 definitely give front/back -- actually we have them
8 here but they are in black and white.

9 MR. SMITH: If you're on Harrowgate and if
10 you're on Omega - if you're walking or you're in your
11 house looking out your second story window, how much
12 of that will you see?

13 MR. LACIVITA: That's where that balloon test
14 would come in. What they do is they fly balloons at
15 points of the building at the maximum height of the
16 building and then they take those pictures of an
17 elevation standpoint and from certain areas.
18 Certainly it would be the Harrowgate, Omega Terrace,
19 Catalina and Forts Ferry.

20 CHAIRMAN STUTO: And they can superimpose the
21 building, based on the data that they gather.

22 MR. LACIVITA: We've had engineers do that on
23 other sites when specifically this issue came up.
24 This will probably be one of the suggestions that we
25 ask of the developer.

1 MR. SMITH: Thank you.

2 CHAIRMAN STUTO: Thank you.

3 John and Rosanne Van Heertum.

4 MR. VAN HEERTUM: This is a pretty tough act to
5 follow, being almost the last one on the list but
6 we'll do the best that we can.

7 MS. VAN HEERTUM: Much has been said already.

8 MR. VAN HEERTUM: So I won't repeat myself.

9 One problem that I can reiterate that Doug has
10 mentioned and so has other people, is that this whole
11 area right here is terrible for water. There is a
12 30-foot difference in grade between 45 up here and 3
13 Harrogate right here, where we live.

14 They're talking about putting a snow storage
15 area here which would not be a good thing for the
16 water attenuation. There is also one here.

17 The one projection showed the trash truck going
18 in and out of the building there and I can just
19 envision it. I usually get up at 6:30 in the morning
20 to go to work. I'll be getting up at 4:00 when this
21 guys backs up to do his trash.

22 MS. VAN HEERTUM: We can hear George's.

23 MR. VAN HEERTUM: George's is another issue.
24 That's here nor there.

25 No one has mentioned -- and this may be a

1 loaded question -- anything about Catalina and the
2 fact that may be gone through. Will it or will it not
3 be?

4 CHAIRMAN STUTO: No, not under the proposal.

5 MS. DALTON: Show me where Catalina is on this
6 picture.

7 MR. VAN HEERTUM: It's right here (Indicating).

8 MS. VAN HEERTUM: We are about right here
9 (Indicating), so we are fairly close. As has been
10 mentioned, right now this is not a nice green look of
11 foliage. It's just sticks. All of this daylight and
12 noise and everything will definitely reach through all
13 of the houses along Harrowgate; not just us.

14 MS. VAN HEERTUM: Apartment lights and parking
15 lot lights, cars.

16 MR. VAN HEERTUM: We certainly would not like
17 to see this happen. That's all I have.

18 CHAIRMAN STUTO: Thank you.

19 Tim Nichols.

20 MR. NICHOLS: Good evening. My name is Tim
21 Nichols and I live on Crystal Lane in Riviera Estates.
22 I'm not here to talk about the specifics of the
23 project because the neighbors that live right there
24 have already heard from me and will hopefully hear
25 more information and can speak to the fact that this

1 proposal would have on them if it actually gets built.

2 What I want to talk about is that the only
3 reason that we are here tonight is because under
4 existing law, this project doesn't work. With the 210
5 foot buffer zone that we fought so hard to get into
6 place in 2007, this project doesn't work. Even if -
7 and I hope that they do - the Town Board votes to
8 repeal the 2013 law that attempted to or at least
9 theoretically took away the 210 foot buffer zone on
10 Thursday, the Planned Development District proposal is
11 still valid, as long as you entertain it, as long as
12 we are sitting here talking about a PDD for this site.
13 What it tells me is that this proposal and this
14 developer is really trying to do an end-run around not
15 only the original zoning law of 210 feet but the whole
16 idea of what a PDD is all about. A PDD is not to
17 build a gigantic building, call it an apartment when
18 it looks more like a hotel in an area where it doesn't
19 fit and say that it's smart growth and its consistent
20 with the Comprehensive Plan. It's a joke. I'd like
21 to propose and maybe I'll do it with the Town Board is
22 we should have a process whereby -- and I know that we
23 have a process -- but the process needs to be
24 reformed. The process is this: Before you even get to
25 this point, you have to hit a few minimum

1 qualifications. If you don't meet the minimum
2 qualifications of a PDD, end of story. You're done,
3 unless you can come back with other ideas -- and maybe
4 they can. Maybe lower density, twin homes, more
5 walkable communities involving the neighbors. There
6 is a lot that we can do that I think that the
7 neighbors have suggested already. Those things that
8 actually conform with the Town Comprehensive Plan and
9 get to the spirit of the law of what a PDD is all
10 about. A PDD is a tool for municipalities to use to
11 enhance communities, to bring communities together.
12 They talk about connectedness. They talk about
13 environmental protection, open space conservation,
14 mixed-use. There is no mixed-use here that I'm aware
15 of where you have a little bit of retail, light
16 retail. A good example of what is going on with Route
17 9 with the Hoffman's project is. You have retail
18 space. You have sidewalks. You have different types
19 of residential development. That's a Planned
20 Development District. That makes sense and it works.
21 This doesn't. It's so blatantly obvious. I am
22 offended that we have somebody using a tool that is
23 meant to make our community better. You've got a
24 project that would otherwise never be built.

25 The ironic part for me is that this community

1 was instrumental back in the day when there was a
2 building moratorium in place and it included our
3 neighborhood and the Comprehensive Plan that the Town
4 adopted in 2007. It was their activism - many of
5 these neighbors were here and some are new and weren't
6 here but it was their involvement. That's why we have
7 a Comprehensive Plan and now a tool of that
8 Comprehensive Plan is using to cut their throats and I
9 find that offensive. I hope that you send these guys
10 packing. I hope that you do not approve this PDD the
11 way that it is. If they really want a Planned
12 Development District, they need to sit down and get it
13 right. This is more than just a slap in the face of
14 the community right next to them. This is a slap in
15 the entire Town's face. What you're saying is that we
16 don't need a Comprehensive Plan. We're going to use a
17 Comprehensive Plan whatever way we feel like using it.
18 I find that very disappointing.

19 I urge you guys to please, don't do this
20 project. If you're serious about considering a PDD
21 which may be something that this area could use, then
22 let's do it with real components and smart growth.
23 Thank you.

24 CHAIRMAN STUTO: Thank you.

25 Mike Patrizzio.

1 MR. PATRIZZIO: Hello. I live at 15 Omega
2 right behind the Brunos. I was the second house built
3 on Omega Terrace back in 1990.

4 Many of the things that were said already, were
5 some of the things that I wanted to say so I won't
6 waste your time. I'm just curious if there was a
7 study done, seeing that there truly is a need for more
8 senior citizen housing in our Town of Colonie and not
9 necessarily for everybody in the capital region. That
10 was question number one that I had and I was hoping
11 that maybe you could look into that.

12 The traffic - my daughters who are now 40 and
13 37 - they learned to ride bikes up and down Omega
14 Terrace and those days are over and I have eight
15 grandchildren and I wouldn't even dream of putting
16 them on a bicycle on Omega Terrace. My other concern
17 is the traffic situation. It's bad now and everyone
18 here knows that it's bad in that area. Now, we're
19 going to stick 190-some odd parking spots and we're
20 going to add all these extra people. It doesn't make
21 sense to me.

22 Finally, putting a wedgie right in the back of
23 my house is like sticking a large building into a
24 little area and that doesn't make sense to me either.
25 There has got to be more spaces in the Colonie area to

1 build this kind of a structure.

2 We are not -- and many of us have spoken -- we
3 are not against developing this. We're just against
4 three stories up against us like that. That's all I
5 have to say. Thank you.

6 CHAIRMAN STUTO: Thank you.

7 Eric Smith.

8 MR. ERIC SMITH: What is a senior citizen; 55?
9 They're still employed, right? I'm 77 and I'm not
10 employed. One hundred ninety two 55 year olds. How
11 many are going to work; 28? That's wrong. I don't
12 like this.

13 I live at 19 Omega. Right now I can see
14 straight through all of the scrub trees to Stewart's.
15 When this is built, all I will see is brick and
16 mortar. I am not in favor.

17 Everybody talks about the water here. The
18 water is unbelievable. I call our backyard the river
19 that runs through it. That's how bad it is. Thank
20 you.

21 CHAIRMAN STUTO: Thank you.

22 David Decore.

23 MR. DECORE: Good evening, everybody. My name
24 is David Decore. I live on 27 Omega.

25 This is scary. Everybody has spoken and the

1 bottom line is that this project doesn't fit. It's
2 like trying to fit a square peg in a round hole. It
3 just doesn't fit.

4 First and foremost, the traffic -- everyone has
5 already said it. We know that it's a lot of traffic.
6 There is Target there and the traffic is all over the
7 place. People speed, especially on Omega Terrace.
8 There is no way that they are going to put another 110
9 units and how many parking spaces? Then, they're
10 going to expect the traffic to improve or something.
11 It just doesn't make sense.

12 Secondly, behind our residence when there is a
13 lot of rain -- we're talking about a river. The
14 drainage is terrible. All the water is just coming
15 out and going nowhere. We've called the Town and
16 spoken about it and it's just like, forget about it.

17 Have we thought about what impact is going to
18 be on the animals? We have deer, turkeys and whatever.
19 We see them. Has anybody thought about how it's going
20 to impact them? That's another thing that we should
21 be thinking about.

22 Also, the noise. You have the airport and it's
23 just terrible. So, I think that they're going to build
24 and the noise is just going to go up.

25 I'm not opposing development but sometimes

1 development but we have to think about what is the
2 impact to the environment. I think that this just
3 doesn't fit.

4 If you're going to be voting, please just use
5 common sense. It just doesn't fit. Thank you.

6 CHAIRMAN STUTO: Thank you.

7 Mike Vinci.

8 MR. VINCI: My name is Mike Vinci. I live at
9 10 Omega Terrace which is a little bit up over here
10 (Indicating).

11 My big concern is already I can see Crystal's
12 house at this time of year already. I'm on the other
13 side of Forts Ferry. I can't imagine a three-story
14 building - seeing from the porch of my house what that
15 is going to look like. It's absurd to think that you
16 should be able to go to three stories. First of all,
17 it's senior living. Is there an elevator in this
18 building?

19 MR. TUCKER: There are two.

20 MR. VINCI: So, to put in an elevator so that
21 they have to go up higher so that they can put this
22 huge monstrosity in there -- I think that's a little
23 bit ridiculous.

24 Right now with the way that trees have no
25 leaves on them, there is no absorption of any of the

1 sound. I can hear the trucks over the Target in the
2 morning from my house when it's quiet. That's how far
3 the sound travels. I can't imagine the noise that is
4 going to come from there when more trees are taken
5 down.

6 I know that a lot of people have spoken to this
7 but there is also the traffic. First of all, you have
8 a Marriott that is going to be open very shortly. You
9 have that Stewart's. I don't know if anyone saw me
10 the other day, but I was videotaping at the Wade Road
11 intersection at Forts Ferry. There are so many cars
12 that come through that intersection. When that office
13 complex across the street empties out, there are so
14 many cars that come through there, it backs up onto
15 Forts Ferry and backs up all the way out to Route 7
16 and to Route 2. I don't know what you're going to do
17 once that Marriott opens. You have Sonic there and
18 everyone is trying to drain through that one
19 intersection there.

20 I know that I have already mentioned this to
21 one of the Board members because she stopped at my
22 house. I lost my train of thought.

23 So you have all that traffic going through
24 there, the sound, the three-story senior housing -- I
25 just think that this is not the right way to develop

1 this property. I think that it's a mistake for the
2 Board to approve it. A one story or twin homes or
3 something like that in there -- I think that it would
4 be much better suited for our neighborhood than to do
5 something like this that is being suggested. If they
6 came back with something like that, I would be all in
7 favor of it. Right now, I'm just not in favor of what
8 they are proposing. Thank you.

9 CHAIRMAN STUTO: Thank you.

10 Jim Kelleher.

11 MR. KELLEHER: Good evening. My name is Tim
12 Kelleher and I own 33 Forts Ferry Road. I am in favor
13 of the project. I'm in favor of it on several levels.

14 In the description of the Master Plan, it
15 sounds like this proposal is a perfect fit.

16 The other thing is that from a tax perspective,
17 this is going to be a win/win for the school district.
18 There will be no impact on the school in terms of
19 having to provide space for more students. This
20 project is going to pay significant school tax when the
21 project is completed.

22 CHAIRMAN STUTO: Thank you.

23 Apparently I missed someone. I apologize.

24 John Hulbert.

25 MR. HULBERT: I'm John Hulbert. I'm coming

1 from a different perspective. I'm actually on the
2 developer's end. I bought 19 and 21 as an investment.
3 I bought six properties in the Town that I own and
4 they were all changed when they went to that
5 Comprehensive Plan. I was involved in the
6 Comprehensive Plan when it first came out. When they
7 talk about the PDDs, a lot of it was about clusters.
8 Putting buildings together and then leaving more
9 greenspace. It wasn't about allowing larger buildings
10 and breaking the rules about how many people or
11 apartments you can have. I think that's what they
12 were doing when they did the Comprehensive Plan.
13 That's what they were thinking about is the cluster
14 homes and the way to use property that you can't use
15 by leaving more greenspace and clustering the homes
16 together. I think that Carondalet is a great example
17 of what they mean by a PDD. Everything is down low.
18 We have a hotel right down the road. That's five
19 stories. If they came back with another plan, I love
20 that Rick and Crystal mentioned buying more land
21 because that's what I'm looking for. That's why I
22 purchased the land in the first place. Buy more land,
23 put in there what the acreage allows. If it only
24 allows for 60 units, only put 60 units in. We keep on
25 bending our rules. I was a builder and the Town of

1 Colonie used to be known to be the hardest Town to get
2 something passed in. It used to be that way. People
3 spent more money and we got nicer buildings. That's
4 why it's the area that it is today. That's why people
5 want to spend the money to live in the Town of
6 Colonie. We have great services for a great price.
7 So, if we back down, this is going to happen. I
8 believe in development and everyone here wants
9 development. We should keep that going.

10 The other thing that I want to mention. In the
11 fall I am going to be 50 and I will still have two
12 kids still in college when I'm 55. That means that I
13 can move in and that means that I'll have three cars,
14 minimum. Is that senior housing. I hope at 55 I'm
15 not considered a senior. I plan on being around here
16 a lot more.

17 Also, I want to mention that we're looking for
18 senior housing for the baby boomers. What happens for
19 my kids if they want to stay in the Town and the baby
20 boomers are gone and this becomes empty? You think
21 that it's going to stay at 55? It's going to become
22 an apartment complex. Things are going to change.
23 The Planning Board has to plan for that. I want to
24 stay in this Town myself. I want to live here my
25 whole life. I have lived here my whole life. I want

1 to be in an environment that hopefully my kids will
2 want to come to and live in. That three-story
3 building is fine. Move it away from the neighborhoods
4 and put some smaller carriage houses maybe on the
5 properties. I think you can make it work, but they
6 have to think about it. It's not all about profit.
7 They want a profit on this. This is the biggest
8 profit part and that's why they're asking for 110
9 apartments because it gives them more profit. We can
10 stop that from happening. I'm not saying to tell them
11 that they can't do it. We should develop it and it's
12 better for us to have residential than to have office.
13 We have plenty of office and plenty of strip malls.
14 We don't need any of that. We do need the senior
15 housing. Let's make is something that is nice like
16 Carondolet. Thank you.

17 CHAIRMAN STUTO: Thank you.

18 MR. HULBERT: Just one more thing. I live on
19 Northview Drive. When I bought my house, we had the
20 airport there. I knew it. So, I can't complain about
21 airport noise. These residents had a buffer zone when
22 they bought their house. That's why they are
23 complaining about you taking it away. They bought it
24 knowing that they had a buffer zone.

25 MR. GRAY: My name is John Gray. Do you have

1 the note that I sent everyone this weekend? Do you
2 guys have that? I'm going to refer to it a couple of
3 times. Again, I'll just make a few quick points and I
4 can't be quite as brief that owns 33 but I'll shoot
5 for it.

6 Again, I live at 4 Catalina. So, I think that
7 my wife Lisa and I do win the prize for the closest to
8 this new facility. I can guarantee that it's not 200
9 feet. It's probably less than 150 feet. That just
10 makes a point that there has been a lot of stretching
11 of information and that's part of the reason why I
12 think that the residents are so upset. We feel that
13 we have been left out. I understand that it's
14 following the process but the developer has done
15 nothing to reach out to us and it feels like there has
16 been misinformation or lack of information shared with
17 this Board and with the Town Board.

18 CHAIRMAN STUTO: I'm going to interrupt you to
19 say two things.

20 One is that there was a woman named Drake and
21 she was with her husband and I thought that she said
22 her husband was further on the list. So, that's why I
23 scratched your name.

24 MR. GRAY: I'm perfectly okay with that.

25 CHAIRMAN STUTO: We always encourage the

1 developers to have community meetings with the
2 neighborhood.

3 MR. GRAY: I want to start with the buffer zone
4 and I do want to thank the Town Board for rescinding
5 that because when you go through the records that
6 Crystal pulled together to share, I think that it's
7 clear that the change needs to be made. I guess that
8 I would say that the owner of 45 came to the Town
9 Board to get the change made and the one thing that I
10 would ask is that I think that it would have been nice
11 if you had come to the residents to see if any of the
12 residents had information because clearly they did. I
13 think that we are in an electronic age and we all do
14 emails and everything else. Sometimes just walking
15 down the street to talk to people may be the best way
16 to get information. Again, the information was there.
17 I understand the Town Board did not have that
18 information and either did you last July. It's very
19 important that you know what the buffer is and if you
20 look at the last page of my email, I attached a
21 PowerPoint page that shows the correct buffer zone and
22 the buffer zone runs basically through one-third of
23 the facility. So, when we say that there is an impact
24 with the buffer zone, it's huge. It's a huge impact
25 on this facility and I think that it's very important

1 that we carefully consider that and understand what
2 the right way is to build this facility. So, that
3 will be my comment on a buffer zone.

4 In terms of involvement, again, Ms. Slevin in
5 July made a statement that was in the Town's records
6 that said that they spent several months reaching out
7 to the neighborhood and that they were not able to
8 contact anybody. My question is: What method did they
9 use? My wife and I were out on Saturday collecting
10 some signatures for the petition and in about two
11 hours we talked to 12 neighbors. Some of them,
12 honestly, we never met before. So, in two hours of
13 time, the two of us have talked to 12 neighbors and in
14 several months the developer was not able to talk to
15 any neighbors. That's why, I think, as a
16 neighborhood, we're skeptical. We feel like there is
17 a lack of trust there, just based on that. I don't
18 understand how we got here with no conversation. It's
19 not the Planning Board's responsibility. It's the
20 developer's responsibility. So, I want you to
21 recognize. I would say that they did nothing. They
22 didn't email, they didn't call, they didn't put a
23 letter in the mailbox, they didn't knock on my door.
24 Those are simple things. It doesn't cost any money
25 and for some reason they chose not to do that. That's

1 disappointing to me.

2 I've heard a lot about open space and public
3 benefits. Again, the only thing that we have heard is
4 a sidewalk. Again, in July one of the Planning Board
5 members really said that a sidewalk is required.
6 That's not a public benefit. That's a requirement.
7 Here we are eight or nine months later and still no
8 public benefits.

9 I think that it was Mary Cox that made the
10 point that the services that they talked about, that
11 could be a 25 year old community, a 40-year old
12 community. There is nothing special here. These are
13 events. This is a continental breakfast. That's
14 services? I think that we hear about misrepresenting
15 this. That's why we feel that it is misrepresenting.
16 This isn't a senior housing facility. This is an
17 apartment building that's built in the middle of a
18 residential neighborhood. That's all it is. There is
19 nothing special about this that makes this senior
20 living. Again, I think that there has been
21 misinformation put before the Town Board to represent
22 that this is senior housing. I don't think that it
23 is.

24 The last piece that I'll talk about is
25 neighborhood impact. Obviously, I'm impacted. I have

1 a very strong opinion and I'm very passionate about
2 this, along with many of the other neighbors.

3 We heard Dave talk about water. The pond is in
4 the back of my house and it's very lovely.
5 Thankfully, it doesn't get in my basement, but there
6 is water all the way around this. I don't understand
7 how you can put all this concrete -- it's an isolated
8 wetland. We're going to put concrete on a wetland and
9 push water out from the property towards the edges.
10 Then, we're going to take that water and run it uphill
11 and put it next to Forts Ferry Road. Again, I
12 struggle to see how that fits.

13 We talk about size and again, this is a gradual
14 transition. My house is 2,200 square feet. This is
15 155,000 so that's about 70 times. New York State is
16 45 times bigger than Rhode Island. So, just as a
17 magnitude, just think about how big New York is
18 compared to Rhode Island. This is almost twice as big
19 as that. It's a huge property in the middle of a
20 residential neighborhood. It's going to change our
21 neighborhood. I think that people covered the other
22 points. To me, it's not about just developing this
23 property. It's about this neighborhood. I've live at
24 4 Catalina with my wife Lisa for 23 years now. I've
25 been a resident of the Town of Colonie for 32. I have

1 heard a dozen people say that this is 10 pounds in a
2 five pound bag. It just doesn't fit. We all
3 understand that this property will eventually be
4 developed. Something is going to go in here. This
5 just isn't the right thing. I would ask you to defer
6 or to decline this proposal. Thank you.

7 CHAIRMAN STUTO: Okay, I'm going to try to
8 bring this to a conclusion.

9 MR. PAULSON: Just one more and I'll make it
10 brief.

11 My name is Rich Paulson and I live at 11
12 Harrogate Way here. This is the first time that I've
13 seen this pushed back. From what I understand
14 tonight, you are suggesting to have the developer push
15 it back. So, originally Nigro Development who are a
16 very good company - and I also believe in the use too.

17 The building height is an issue and I've
18 already explained that to Joe.

19 Also, the density. I, as a developer -- I
20 developed Cornerstone Apartments and I put 60 units on
21 the same similar size and it turned out beautiful.
22 Your density is not right with 110 units. Thank
23 you.

24 CHAIRMAN STUTO: I'll give you a brief time if
25 you want to summarize for yourself and then we're

1 going to go to the Board, but please make it brief at
2 this late hour.

3 MS. SLEVIN: We certainly appreciate all the
4 comments that we heard this evening. There are a
5 number of issues that we look forward to having an
6 opportunity to respond to.

7 One thing in particular that I want to talk
8 about is the efforts that we made to reach out to the
9 neighborhoods. We did, in fact, go through the
10 Planning Department and try to reach out to the
11 neighbors. We were told that was the best method for
12 us to use. I know that there were several calls
13 placed to try to set a meeting up which just never
14 came to fruition. I apologize that we didn't go door
15 to door and that was the method that was suggested to
16 us. So, we obviously would have preferred to have
17 some of those conversations earlier. We're having
18 them now and we look forward to completing those
19 conversations as we go along. I just wanted to make
20 sure that it's clear that there was an effort made.
21 It wasn't as successful as the neighbors had
22 indicated. Certainly we look forward to having those
23 further conversations. I think that at this point we
24 just need to digest what we have heard this evening
25 and get back to the Board and obviously hearing what

1 other comments the Board has.

2 CHAIRMAN STUTO: Thank you.

3 Ill open it up. I have a few.

4 We have heard loud and clearly from the
5 neighbors and I have learned a lot and I think that
6 the rest of the Board members have. At this late
7 hour, we'll try to make this brief. My note was that
8 I hope that the applicant has heard the neighbors too
9 and it sounds like they have.

10 The one particular point of agreement that I
11 had was several of the neighbors was what a PDD is and
12 what is the rationale is. It's a long section and I
13 was trying to get Joe to find that section. It does
14 have to do with my understanding which is the public
15 benefit that's given to the community, which is
16 integration with the external community and
17 encouragement of interaction within the development.
18 There is supposed to be connectivity and a lot of the
19 suggestions that were made tonight, I think, is really
20 what the intent of that was.

21 The other point -- I would encourage the
22 developer to look at that if they continue with the
23 application and try to integrate and also hit the
24 other points of the PDD which some of the neighbors
25 said more eloquently than I am right now.

1 The other thing is if the Town Board passes the
2 Resolution on Thursday, in my opinion, they are making
3 a statement and that is that they think that the
4 buffer should be back where it was. I think that the
5 developer should think hard about respecting that
6 buffer if they come back with another redesign. So,
7 those are the two major points that I wanted to make
8 and we'll just open it up to the Board or close it and
9 see what they come back with.

10 MR. LANE: People have given us a lot of
11 consider. I think that we're going to absorb it and
12 think about what both the developer and the residents
13 have stated. There is a lot of work to be done on
14 this too.

15 CHAIRMAN STUTO: Anyone else?

16 MS. DALTON: I think that the buffer --
17 depending on what happens with that, could be a game
18 changer because it will change everything that you
19 have up there now. At that point you'll have to come
20 back anyway.

21 MS. SLEVIN: If I could just speak to that one
22 issue. I understand that the neighbors feel that the
23 buffer is located in a certain location. When you
24 read the Town Board minutes from 2007, it is not at
25 all clear where the buffer was actually supposed to

1 be. As a consequence, I think that the effort in 2013
2 to clarify the buffer was a legitimate effort to try
3 to determine what was appropriate.

4 MS. DALTON: And while I understand that, I do
5 believe that there is dissension on that point and we
6 have a zoning map that had a line on it that was
7 thrown out for reasons that were mistaken because
8 people didn't understand what the line was there for.
9 Until that's clarified, at least for me, I would have
10 a problem with this. I need a lot more clarification
11 on how that zoning map was drawn, why it was drawn the
12 way that it was and why it was changed. If it's all
13 clarified on Thursday, that's great and if it's not
14 clarified on Thursday, I'm going to ask more
15 questions.

16 MS. SLEVIN: And we would invite those
17 questions because I think that it is an issue that
18 needs to be reviewed and needs to be discussed and
19 needs to be ultimately resolved.

20 MS. DALTON: Absolutely.

21 SUPERVISOR MAHAN: We talked about assuming
22 the resolution based on the fact that there is nothing
23 to support it. As I stated earlier, the documentation
24 that we now have indicates that if we didn't feel that
25 a mistake was made - because the attorney's office

1 couldn't find anything but there has been a lot of
2 work that has been done and been brought to our
3 attention. We wouldn't be here if we didn't believe
4 that. The fact is that there was an awful lot of back
5 and forth. You can only go by what you have and there
6 was never any intent to do anything that wasn't right.
7 There was nothing for us to go by. The fact is that
8 we talked about this two weeks ago. We stated at our
9 meeting that we are putting for the resolution to
10 rescind the 2013 resolution which our attorney had
11 said that it was a mistake. It has all that
12 information that the residents gave to us over the
13 last few months, we would not have recommended that
14 Resolution go back to a buffer that they thought that
15 it was. The Board all agreed two weeks ago, they are
16 pushing the Resolution on March 24th to rescind. I
17 know that it's easy to just go forth and to do
18 something but as a Town Board, we can't do that unless
19 we can see some documentation and the things that are
20 in transcripts are not enough. Many things are talked
21 about but nothing is done. We were able to get some
22 information based upon what the residents gave us. It
23 took a lot of time here and it took a lot of time with
24 the Town Board and also the Town Attorney's office.
25 It's a very complex thing. There were many other

1 things that went on in that area. I recall one of the
2 biggest things that we focused on was the army Corp of
3 engineers regarding the wetlands. WE felt that there
4 should have been a wetlands permit at the time that
5 the planning board did not approve that. So, there
6 were a lot of things that were discussed in that whole
7 entire area. I don't want to walk away with people --
8 we are putting it on Thursday night. We talked about
9 putting it on to rescind it. I heard a lot of people
10 say if they do or maybe they will. We put it on the
11 record two weeks ago that's what we were doing. Not
12 everybody was there. So, there were some people that
13 were there that heard that. We put it on the record
14 two weeks ago and the Resolution is in the packet for
15 Thursday night. That is our intent, based on the
16 information that we have been given in the last while.
17 There has been additional information coming in. Our
18 attorney's office have to look at everything. As we
19 got more information we were able to come to this
20 conclusion. If we said that's what we were going to
21 do, that was our intention. I just wanted to clarify
22 it. I feel a little uncomfortable saying that this is
23 what we are working on and we put it on the record two
24 weeks ago. That's what we are doing. Just so that you
25 understand where we are coming from.

1 MS. WHALEN: We have heard from the residents
2 and from Mr. Nichols and the Brunos and we have really
3 been studying this.

4 SUPERVISOR MAHAN: This does go back a long
5 way. We had to go by what we had in front of us and
6 what was in black and white. The Planning Board still
7 needs to do what they need to do. This just takes
8 time when you have to look at everything you need to
9 look at. I just want to put on the record that this
10 Board put on the record two weeks ago its intent to
11 put this resolution on our agenda to rescind. You
12 don't have to believe that if you don't want, but this
13 will be on our agenda for Thursday.

14 CHAIRMAN STUTO: Thank you. On that, we will
15 adjourn.

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17 (The above entitled proceeding was concluded at
18 10:44 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 _____

