

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

GORDON APARTMENTS

4 945 & 957 WATERVLIET SHAKER ROAD

APPLICATION FOR SEQR DETERMINATION

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY L. STRANG, a Shorthand Reporter,
8 commencing on April 19, 2016 at 10:01 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

9

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 BRIAN AUSTIN
13 TIMOTHY LANE
14 KATHLEEN DALTON
15 CRAIG SHAMLIAN
16 SUSAN MILSTEIN

14

15 ALSO PRESENT:

16 Kathleen Marinelli, Esq. Counsel to the Planning Board
17 Michael Tengeler, Planning and Economic Development
18 Charles Voss, PE, Barton and Loguidice
19 Jonathan Lapper, Esq., Bartlett Pontiff Stewart & Rhodes
20 Michael Tucker, VHB Engineering
21 Elaina Moran, PE, Creighton Manning Engineering
22 Afrim Nezaj, Afrim's Sports
23 Jessica Ansen Klami, Shaker Heritage Society
24 Lauren Hunt, Shaker Heritage Society
25 Tom Lyons
John Vero
William Risler

1 CHAIRMAN STUTO: We have one more item on the
2 agenda.

3 Mike, I'll call the item and then if you have
4 anything to say, you can let me know.

5 Gordon Apartments, special use permit; that's
6 what their application is for. This is 945 to 957
7 Watervliet Shaker Road. This is an application for
8 environmental determination; State Environmental
9 Quality Review Determination. The project application
10 is for 125 townhome style apartments in 17 buildings,
11 plus five apartment units and three existing
12 buildings.

13 The review tonight is the environmental review.

14 Do you have anything else, to say Mike?

15 MR. TENGELER: No. You described it well.

16 CHAIRMAN STUTO: We'll turn it over to the
17 applicant.

18 MR. LAPPER: Good evening, everyone. For the
19 record, I'm Jon Lapper, the project attorney with Mike
20 Tucker, the project engineer. This is our third time
21 back and given the hour, we'll be brief.

22 We're here tonight seeking a SEQRA
23 determination and a recommendation to the Zoning Board
24 so that we can be there for the special use permit in
25 May.

1 The last time that we were here, the Chairman
2 and the Board asked us to make some specific changes
3 to the site plan, which we did. We added a walking
4 path through the whole length of the back for the
5 residents. We showed the pool and the clubhouse as an
6 amenity.

7 Throughout the whole process we've had a
8 dialogue with the Shaker Historical Society and even
9 since we have submitted this, they have continued to
10 press us to make some changes.

11 One of the most important to them was to keep
12 the existing barn on the site which because of its
13 condition and the cost of renovation we had originally
14 proposed to remove, and we had talked about saving the
15 boards for recycling and other use. Ultimately, we
16 decided that if it's really important to the Shakers,
17 we'll keep it and use it as a storage building and
18 renovate it. That's now on the plans to remain.

19 The building that used to be there, we have
20 split up into two different buildings and Mike will
21 show you that.

22 The Chairman was also concerned about the
23 parking along the drive aisle in the center of the
24 project and we eliminated much of that to address that
25 issue.

1 Finally, the Shaker Historical Society had sent
2 us some elevation drawings and asked us to modify the
3 architectural design of the buildings to make them
4 more Shaker in concept, and that's what we have
5 tonight. Of course, this will go through and we'll be
6 back here for site plan review after hopefully we are
7 successful at the Zoning Board. This is still a
8 conceptual level, but we just wanted to show that
9 we're being responsive to the Shaker Society and we've
10 made changes.

11 Let me just turn it over to Mike to talk a
12 little bit more in detail about the changes that we
13 made.

14 MR. TUCKER: Thanks, Jon.

15 I'm Mike Tucker from VHB. I think that Jon hit
16 on all of the issues, but I just wanted to show
17 specifically a couple of things.

18 As Jon mentioned, we are now saving the barn so
19 all of the existing Shaker buildings that are out
20 there will remain and be used in some fashion or
21 another, but they will remain in place.

22 To accomplish saving the barn we ended up
23 changing these larger buildings (Indicating). They
24 are 12-unit buildings. We basically just plotted a
25 six-unit building and a 12-unit building and changed

1 their spaces and saved that barn and provided parking
2 and moved this parking off of the street (Indicating).

3 Regarding the other SEQRA issues, we've been
4 working with Chuck and the developers of Afrims and
5 have come up solutions for water and sewer that will
6 both benefit the Town. I think that I touched on this
7 briefly at the last meeting, so I won't go into too
8 much detail on those.

9 Basically, the sewer line will come up from
10 behind the church, off our main drive across and
11 through an easement to the Afrims driveway. They will
12 run their sewer down to that and we will do the same
13 on our side. Water will be looped through both sites
14 and also an easement will be provided to the property
15 to the east for any future development for water
16 there.

17 We have also worked through some preliminary
18 stormwater discussions with Chuck and he's comfortable
19 now that the stormwater management on site could be
20 handled relatively easily. We have a lot of
21 greenspace on the site. We have plenty of places to
22 take care of the infrastructure.

23 Also, since we were here last, we submitted our
24 traffic study. There were specific questions to that.
25 At the end of the day, it really doesn't have any

1 affect on that signalized intersection other than our
2 main access.

3 MR. LAPPER: Talk about the shared access.

4 MR. TUCKER: Sure. The main access point for
5 our development is through a shared access at that
6 signal at Sand Creek and Watervliet Shaker. This will
7 probably be a public Town road up to this point
8 (Indicating). So, this will be a Town road with a
9 cul-de-sac. Our access will come in off of that and
10 again, that will be the existing signalized
11 intersection and will be utilized.

12 Given that it's 10:00, I think that I've said
13 all that I've needed to say.

14 CHAIRMAN STUTO: I'm just going to direct the
15 Board's attention to the environmental documents that
16 are in there, particularly the long Environmental
17 Assessment Form Part III. You can look through the
18 headings there and obviously the content. You
19 probably have already read it. The discussion would
20 be on the major topics that are in there; impact on
21 land, impact on water, impact on air, impact on
22 transportation.

23 I'm going to ask them a little bit more about
24 traffic.

25 Impact on aesthetic resources, archeological --

1 that might have listed a question or two; plants and
2 animals; impact on growth, character and health of the
3 community; impact on noise and odor. Those are the
4 topics that are headlined in Part III.

5 We will be taking public comment here.

6 Anybody here looking to speak from the public?

7 (Several hands were raised in the audience.)

8 I'm going to ask you to sign in over here
9 (Indicating). It helps us keep our record.

10 Can you talk a little bit more about the
11 traffic generation? I know you touched on it.

12 MS. MORAN: Hi. I'm Elaina Moran with
13 Creighton Manning Engineering. We completed a traffic
14 valuation for this project.

15 The site itself with 130 apartment units is
16 expected to generate 67 trips during the morning peak
17 hour and 89 trips during the evening peak hour.
18 That's less than the New York State DOT and the
19 Institute of Transportation of Engineers 100-trip
20 threshold, which is 100 trips on any one intersection
21 approach. So, we're well below that threshold for
22 requiring any off-site intersection analysis, which is
23 why the evaluation is limited to the main side
24 driveway of the Watervliet Shaker Road/Sand Creek Road
25 intersection and then the right-in/right-out driveway

1 on Watervliet Shaker Road.

2 Did you have anything specific that you had
3 questions about?

4 CHAIRMAN STUTO: Do you agree with what she has
5 said so far, Chuck?

6 MR. VOSS: Yes.

7 MR. SHAMLIAN: Can you talk a little bit about
8 the intersection where Afirms is joining your
9 property?

10 MS. MORAN: Sure. So, we coordinated pretty
11 directly with the engineers doing the Afirms site with
12 regard to the traffic engineers to make sure that our
13 analysis included a modification to the traffic signal
14 that they will be doing as part of their project.

15 So, our analysis included the additional
16 approach and had some lanes and traffic signal timing
17 as part of that. So, basically what happens is with
18 the Afrims project under the a.m. peak hour, the
19 intersection operates at an overall level of service
20 B. It maintains that overall level of service with
21 our project. During the p.m. peak hour it's going to
22 operate under no-build conditions, so that's with the
23 Afrims and actually a bunch of other projects in the
24 Town of Colonie as well. It operates at level of
25 service B overall, and that's going to be maintained

1 during the p.m. peak hour with the project.

2 MS. MILSTEIN: Can you translate what you just
3 said?

4 MS. MORAN: It operates well and you don't need
5 anything; you're all set.

6 MS. MILSTEIN: What were the numbers that you
7 used during the a.m.?

8 MS. MORAN: During the morning it is 67 trips.
9 So, that's a total of 13 trips that would be entering
10 the site during the morning and 54 would leave the
11 site as people are leaving for work and whatnot.
12 During the p.m. peak hour it's an 89 total trips; 58
13 of those are going to enter the site as people are
14 coming home from work and 31 would be exiting. That
15 would be something like bringing the kids out to
16 soccer practice right now.

17 MS. MILSTEIN: What assumptions are you using,
18 since this is 130 units? That's less than one car
19 going out in the morning.

20 MS. MORAN: It is. So, apartments and in fact,
21 all trip generation estimates are completing using
22 industrial standards. So, in the case of trip
23 generation, it's the Institute of Transportation
24 Engineers trip generation. It's been around for
25 decades and the trip generation for each specific land

1 use is based upon data that's been collected through
2 the United States. So, for an apartment land use, the
3 trip generation rate is less than one trip per unit.
4 If you're looking at say, a single family home as the
5 previous project was, you're generating at a trip rate
6 of one trip per peak hour, per unit. So, the trip
7 generation rate is based upon a lot of data that's
8 been compiled over several decades.

9 MS. DALTON: You're talking only about a
10 specific rush hour. So, for example, if I went to
11 work at 6:00 in the morning, I wouldn't be counted.

12 MS. MORAN: No, you're not counted because it's
13 not the peak hour analysis.

14 MS. DALTON: My guess from what I've learned
15 about this is that also, because of apartments, people
16 tend to work more staggered hours and swing shifts and
17 that kind of thing.

18 MS. MORAN: The other part is that it's only
19 one vehicle per apartment. So, it may be a single
20 person living there as opposed to a family that would
21 have more than one vehicle. So, there are all sorts
22 of reasons. Those are some of them - the different
23 kinds of shift work.

24 The point is that it's comprehensive data and
25 the analysis is based on the peak hours because that's

1 when traffic on your main roads is going to be
2 highest. You're going to see that what we are going
3 to evaluate then, is the potential highest impact of
4 the site. At 10:00 in the morning there is not going
5 to be a lot of traffic in and out. It's not going to
6 show us what the potential biggest impact would be.

7 MS. MILSTEIN: Does it take into consideration
8 one-bedroom apartments and two-bedroom apartments?
9 Does it consider whether you're in the city as
10 compared to the suburbs as compared to being in
11 Wyoming?

12 MS. MORAN: So, the apartment land use really
13 takes into account - it's all of those things. The
14 number of bedrooms per unit is not part of how the
15 data set is taken apart. It's a mix of single,
16 two-bedroom -- there isn't as many three-bedroom
17 apartments. It takes up a myriad number of bedrooms
18 per apartment and compiles all that data to come up
19 with an industry standard rate that's been used for
20 decades. It doesn't apply whether it's suburb, rural
21 or whatever.

22 The apartment land use code is a general land
23 use code. There are other ways to divide it up within
24 the trip generation manual. Those could be a low-rise
25 apartment, high-rise and some type of duplexes have

1 their own land use that they can use. This one is
2 specifically general apartments.

3 MS. MILSTEIN: And not geographic.

4 MS. MORAN: It is not geographic.

5 MR. SHAMLIAN: Just to clarify, I think that
6 there were a number of people that were at the last
7 presentation. So, 54 exits in the p.m. peak, correct?

8 MS. MORAN: Correct.

9 MR. SHAMLIAN: That doesn't mean that from 6:00
10 in the morning to 9:00 in the morning that there are a
11 total of 134 exits. It's just one hour and that's the
12 peak hour; 54.

13 MS. MORAN: Yes, it's the one worst case hour
14 during the morning and then the one worst case hour
15 during the evening.

16 MR. SHAMLIAN: The little spur that's going to
17 become a Town road - what kind of stop sign -- there
18 are going to be periods of time where there is going
19 to be plenty of congestion there.

20 MS. MORAN: Most likely this site approach to
21 this Afrims road is going to be stop controlled. You
22 have the stop control, you look, you wait, you turn.
23 Actually, the two sites should be very complementary.
24 Typically when you have people entering and exiting an
25 apartment land use, that's not the same time that

1 you're going to have people attracted to the Afrims
2 site for a soccer tournament or that type of thing.
3 Saturdays and Sundays I spend a lot of my time at the
4 soccer field right now.

5 CHAIRMAN STUTO: Archeological - what can we
6 expect to find on that topic?

7 MR. TUCKER: We've completed the first chunk of
8 the Phase I and we have submitted our protocol - the
9 archeologist has submitted his protocol to SHPPO.
10 There are four areas where the project disturbance
11 overlaps old Shaker structures. We're going through
12 that now. We have to do our field work - shovel
13 tests. That has been submitted ot SHPO and I believe
14 that it was submitted in a letter to the Town that
15 kind of explains where we are in the process. We're
16 continuing to work with SHPO on that.

17 MR. LAPPER: Anything that is found is going to
18 be catalogued.

19 CHAIRMAN STUTO: Okay.

20 MR. LANE: In consideration of what we heard at
21 the previous session, any existing trees -

22 MR. TUCKER: Fortunately, most of the site is
23 field. This is a really old plan and this is where we
24 started on this probably a year ago. Under here, you
25 can kind of see where the woods start (Indicating).

1 The majority of this area is field. This is all open
2 toward the front. There is a limited area of tree
3 clearing in the back. This is actually pushed forward
4 on the new plan (Indicating), so that is probably two
5 acres of trees.

6 MR. LANE: That section toward the rear -
7 that's all just field?

8 MR. TUCKER: This is all field; yes.

9 MR. LANE: Further back.

10 MR. TUCKER: This is all wooded. We have slid
11 this.

12 MR. LANE: So, that's to be left as is.

13 MR. TUCKER: Correct.

14 MS. DALTON: So, my follow-up question about
15 the wildlife corridor - you will be displacing some
16 animals. While I understand from your narrative, they
17 are not endangered species, they are going to be
18 moved. Is there a planned wildlife corridor so that
19 when you're going in there, they have places to go and
20 a means to get there?

21 MR. TUCKER: In this direction, from an
22 east/west direction (Indicating) it would be toward
23 the rear of the site because they're going to be cut
24 off by the Afrims development. This continues to be
25 woods all the way back to the Shaker Ridge Country

1 Club. From a north/south, it's such a really narrow
2 lot that we don't have a lot of room to provide a
3 dedicated corridor from Watervliet Shaker Road towards
4 the back of the property.

5 MS. DALTON: My other question has to do with
6 noise and odor. You have that noise generating
7 activity, but for weekdays from 7:00 a.m. to 7:00 p.m.
8 No noise generation from construction on Sunday and in
9 my mind that leaves Saturday which is not a weekday
10 and that does not address that. Do you have a plan
11 for Saturday?

12 MR. TUCKER: We'll comply with whatever the
13 Town regulations are for noise during construction.
14 If they allow construction on Saturday -- they may. I
15 think that they were trying to avoid overlapping with
16 Afrims, by then; thinking that Afrims would probably
17 be built - potentially not doing construction when
18 they are having tournaments and things like that.

19 MS. DALTON: My only concern is that on 7:00
20 a.m. on Saturday morning. If you could start at 8:00
21 or 9:00, that would be preferable.

22 MR. LANE: Just stay within the ordinance.

23 MR. AUSTIN: What is the screening between your
24 property and Afrims?

25 MR. TUCKER: We're currently showing a berm

1 with some landscaping. I don't know that we have
2 really discussed it in too much detail.

3 MR. AUSTIN: Is there fencing around the
4 fields?

5 MR. NEZAJ: In different places, yes.

6 MR. VOSS: And there is a grade change between
7 the two properties back in there.

8 MR. AUSTIN: My thought is -- I'm looking out
9 for Afrim as well pertaining to the use of his
10 property by any particular residents or potential
11 residents of the apartments after hours and any
12 impacts it might have on the turf.

13 MR. TUCKER: I think that as we progress the
14 design, that's certainly something that we'll work
15 through with them. At the end of the day, we might
16 decide that we want to put a fence in to provide some
17 additional screening from the fields and the lights.

18 MR. LANE: Screening is one thing. Trying to
19 protect the property is another and I don't know how
20 you're going to keep people from going in there, if
21 they're going to try to get in there.

22 Is that something that you're concerned about?

23 MR. NEZAJ: I've thought about it and I think
24 that there are certain people that will pay to use the
25 fields. Some kids from there -- I've never kicked

1 kids off of my field. You can show up at 3:00 and
2 play because I know that at 4:30 I rent the field
3 until 6:00, so we'll have to see where it goes. If
4 it's something where they're doing damage or they're
5 not safe where they're going to get hurt and there's
6 an insurance issue, then I'll deal with it. But at
7 the beginning I would rather say let's not put fences
8 up. You can always put fences up, but it's harder to
9 take it down.

10 MR. AUSTIN: I just know that your other
11 properties are not next to residential communities.
12 In Latham there are no residents -- through the woods
13 maybe, but not directly next door.

14 MR. NEZAJ: I've never had a problem.

15 MR. TUCKER: Just as a side note, we don't
16 anticipate a lot of children, although that's not to
17 say that an adult won't go over and use the fields.

18 CHAIRMAN STUTO: Chuck, do you want to comment
19 on anything, or wait until the end to wrap it all up?

20 MR. VOSS: In terms of impacts, that's really
21 the question before the Board. You're looking at the
22 potential SEQRA impacts and not the site planning
23 issues. Those are something that we're going to get
24 back to.

25 CHAIRMAN STUTO: We want to hear from the

1 residents.

2 MR. VOSS: Of course, but we don't see any
3 adverse impacts.

4 I think, as Mike touched on, the beauty of this
5 project - and I say that kind of tongue in cheek - is
6 that it's being done in combination with the Afrims
7 project, which I think that we all agree is a good
8 idea. There are mutual benefits for those projects in
9 working together and moving forward because now you
10 have a far greater improved signalized access point
11 which should mitigate access to both parcels very well
12 with the new four-leg intersection at Sand Creek and
13 Watervliet Shaker Road, as opposed to the three-legged
14 intersection. Keep in mind that intersection was just
15 rebuilt a few years ago, so the capacity is certainly
16 there to handle the traffic issues. You now have
17 combined sewer systems, which the Town has requested.
18 We have combined water distribution system, which the
19 Town has requested. These applicants and Afrim
20 together did a combined larger sewer study at the
21 request of the Town to look at the general area out
22 there because obviously Chreit's department was very
23 concerned about long-term sewer issues. They worked
24 to his satisfaction to come up with those solutions.
25 You've got an existing site that is a farm

1 site. There certainly might be some wildlife using
2 those fields. Some of that might just get displaced
3 towards the rear of that property, but I think that
4 those corridors are still there in the back to allow
5 some of the critters to move back and forth.

6 In terms of the impacts, it's a pretty straight
7 forward project, at this point. We don't see anything
8 at our end that raises any red flags that would
9 preclude the Board from moving forward with a SEQRA
10 determination, at least allowing them to go to the
11 Zoning Board for those issues.

12 CHAIRMAN STUTO: We'll turn it to the public
13 for comments.

14 There are two women that signed on this sheet.
15 I apologize for having you sign the second one. It's
16 helpful to us, though. I'll call you up first.

17 Jessica Klami.

18 MS. KLAMI: I am President of the Board of
19 Trustees for the Shaker Heritage Society. Star is the
20 Executive Director and she sometimes is usually here,
21 but I believe that she met with you guys and she is
22 recovering from surgery, so she has sent me and some
23 of our other Board Members in her place, so forgive us
24 if we are not as up to date as she would be.

25 I am concerned with some of the

1 characterizations that this is not going to have a
2 negative impact. This is in a historic district and
3 there are very historic buildings on this property. I
4 am a little concerned with just the simple fact that
5 one of the first ideas was to tear down one of these
6 buildings. This is a gem that Colonie has and I think
7 that we all have a responsibility to look after these
8 buildings. We appreciate everything that the
9 developer has done thus far and we understand that
10 they're not tearing it down now. This isn't a normal
11 project. This is a project over an extremely
12 historical nationally significant site. So, I think
13 that certain things really need to be paid attention
14 to.

15 We have some concerns still with the layout of
16 this. I haven't seen these before. This is an
17 improvement. This is better than what we had talked
18 about before. You are taking our concerns and we
19 appreciate that - into consideration.

20 MR. TUCKER: Can you say that again for the
21 Chairman?

22 MS. KLAMI: And they have met with us and we do
23 appreciate that. Obviously, we don't own this site.
24 We can't physically move these buildings, nor would we
25 want to. This is where they belong. This

1 dramatically changes that landscape and has a dramatic
2 impact on the historic district.

3 One of our concerns -- and some of my
4 colleagues may be more eloquent, but the site view
5 from the roadway. Right now you can see those
6 buildings. The public can see those buildings and
7 enjoy those buildings and still appreciate the
8 historic nature of those buildings. Once this is up,
9 that's going to be gone. So, we are losing that as
10 far as a view or vista for the cultural and historic
11 significance. We just really want to reiterate that
12 we think that this is having a negative impact and it
13 should be a positive finding. So, I just want to make
14 that very clear that we feel very strongly that this
15 is having a negative impact on cultural and
16 archeological aspects of this property.

17 CHAIRMAN STUTO: The only thing that I heard
18 specifically was the view from the road. Do you have
19 anything else specifically?

20 MS. KLAMI: We have a couple of things that I
21 think that my colleagues are going to state. That was
22 one of our main concerns.

23 CHAIRMAN STUTO: Do you have a letter on
24 record, or no?

25 MS. KLAMI: We believe that there is a letter

1 that went out today or yesterday.

2 CHAIRMAN STUTO: Do we have one, Mike?

3 MR. TENGELER: I don't see one, but I'll look
4 again.

5 MS. KLAMI: We can get one to you. One of the
6 other things is just -- like I said, I just saw this
7 for the first time tonight, but was just the general
8 design of the plan.

9 CHAIRMAN STUTO: The applicants have been
10 working hard on this and we've been asked for quite
11 awhile to make a determination on SEQRA. So, I don't
12 know that if these are problems that are going to
13 potentially hold up the project. Anyway, we'll hear
14 what else you have to say.

15 MR. TUCKER: Can I just respond to that?

16 CHAIRMAN STUTO: Sure.

17 MR. TUCKER: Just in terms of the history of
18 how this has evolved, we came here the first time --
19 we originally had more density up front and after
20 meeting with the Shaker Historical Society, they had
21 said that it was important to keep the viewshed to the
22 existing buildings and that's why this is arranged
23 with more density in the back and less density in the
24 front. So, those buildings are all visible and when
25 they explained how important keeping the barn, as I

1 said before, we kept the barn. So, all of the Shaker
2 buildings are staying and we think that there is
3 visibility from the road because of the less density
4 in front and that was the intention.

5 MS. DALTON: Which building is the barn?

6 MR. TUCKER: This one here (Indicating).

7 MS. MILSTEIN: Where is the existing building
8 that is remaining?

9 MR. TUCKER: This is one of those changes that
10 we just made. I think that the plans that you have
11 don't show the barn.

12 This changed only because we were asked to keep
13 the barn, so we kept the barn.

14 MS. DALTON: What we have doesn't have the
15 barn.

16 MR. TUCKER: Right, because we were going to
17 take the barn down and put up a building, but we are
18 now keeping the barn.

19 CHAIRMAN STUTO: When did that one come out?

20 MR. TUCKER: Last week. We just sent this to
21 the Shakers.

22 CHAIRMAN STUTO: Do you know what day?

23 MR. LAPPER: I think that we sent it to Joe and
24 to Chuck yesterday. It was a very recent decision.

25 CHAIRMAN STUTO: We should have had copies for

1 us.

2 MR. TENGELER: It was done yesterday or the day
3 before and the packets were being done before that.

4 MR. TUCKER: The reason for that was just
5 because we've had this dialogue with the Shaker
6 Historical Society and they told us that's what they
7 wanted, so we said yes. That's why it changed.

8 MS. KLAMI: And we do appreciate everything
9 that they have done.

10 CHAIRMAN STUTO: So, you just stated one
11 specific. What would you do to improve it in that
12 regard? Then, we'll let your other colleagues speak,
13 as well.

14 MS. KLAMI: We would lower the density. It's
15 simple as that.

16 CHAIRMAN STUTO: Can you be specific?

17 MS. KLAMI: Sure. You would just have the
18 buildings in the back. I didn't want to be repetitive
19 and I didn't want to keep us all night long.

20 CHAIRMAN STUTO: No, we want to hear what you
21 have to say.

22 MS. KLAMI: We do have other comments.

23 CHAIRMAN STUTO: Lauren Hunt, did you want to
24 speak?

25 MS. HUNT: Jessica is far better than I am.

1 She is able to talk without notes.

2 My name is Lauren Hunt and I am the Secretary
3 on the Board of Trustees and I'm also giving somewhat
4 mixed remarks because I'm sort of standing in the
5 place of Star, who is typically before this Board. I
6 completely recognize the late hour and I appreciate
7 you guys indulging me.

8 As to this proposed development, our
9 organization has some significant concerns. As
10 Jessica has already mentioned, this is a nationally
11 recognized historic site. So, to hear the Board say
12 that there are no problems with this and that there is
13 no impact when we are building on nationally
14 recognized historic land that is a significant concern
15 to our Society. To hear that there is no concern
16 there - there seems to be a disconnect.

17 In addition, we are not just talking about
18 Shaker buildings, but we are also talking about the
19 actual land. This land has been farmland and
20 agricultural land since the Shakers settled it back in
21 the 1800's. So, we are now completely changing the
22 use of that land. We are having people residing and
23 not just farming on the land. It's been farmland the
24 entire time. We are completely altering that
25 landscape.

1 Relative to the view of the buildings, it's a
2 little difficult for me and I would appreciate hearing
3 them speak a little bit more about it, but it's a
4 little difficult for me to see how those buildings are
5 actually still visible from the road when we are
6 talking about one building being here (Indicating),
7 directly in front of these two buildings and then also
8 then blocked by that building. We're also talking
9 about another building here, again, blocked by that
10 building (Indicating), similar here, again, blocked by
11 that building (Indicating) and that building. So,
12 there are blockages and there are significant impacts
13 on a nationally recognized historic district.

14 My concern here and I think our society's
15 concern is really much more broad than what we are
16 talking about here and what I am hearing discussed
17 here. We are talking about a historic district. This
18 district is historic, first. So, we have to consider
19 the historic nature of the district and not just the
20 buildings but the land before we consider the
21 development.

22 When I look at this, I look at how can we cram
23 as much as possible into this district and then let's
24 consider where do we keep these buildings. In looking
25 at this, I see first, let's put in our buildings and

1 then kind of figure out how we work in the Shaker
2 buildings. Those are my initial concerns.

3 In terms of kind of working in the concerns
4 that Star had asked me to share, Star has again asked
5 me to remind the committee that Gordon development,
6 although she seriously appreciates how much they have
7 worked with the society and we completely admit that
8 they have and that they have been very open to the
9 suggestions and concerns that we have had, we want the
10 Board to recognize that this is going to permanently
11 alter and damage this significant and cultural
12 resource that has been there and like I said, farmed
13 since the 18th century. This is a tremendous loss to
14 the community and the nation as a whole.

15 Star has asked me to relay that she would like
16 the Town to issue a positive declaration and require a
17 full draft Type I EIS review and Final Impact
18 Statement.

19 As to the view of the historic structures,
20 again, we're asking that it be unimpeded and thus
21 decreasing the density and starting the buildings
22 perhaps back in this area (Indicating).

23 One of her comments was about the architectural
24 style of the buildings and while Star I don't believe
25 has seen these -

1 MR. TUCKER: We did send her the plans after we
2 changed them.

3 MS. HUNT: This certainly looks like it takes
4 into consideration the concerns that the Society had,
5 so I greatly appreciate those changes that you have
6 made.

7 She is also asking that mitigation fees
8 collected by the Town of Colonie for this project be
9 used for projects that directly benefit the historic
10 district. They have identified a number of
11 improvements to hiking trails and biking paths as well
12 as directional and informational signage in the
13 historic district and perhaps creating some sort of
14 portion to this development that recognizes that, yes,
15 we are in a historic district and perhaps has markers
16 that reflect that.

17 I appreciate your indulgence.

18 CHAIRMAN STUTO: Can I ask a question? Do you
19 have a copy of the letter that you sent? Our
20 department can't find it in the file.

21 MS. HUNT: I have to ask Star. It was one of
22 our members that cc'ed Starr on a letter. I don't
23 know if it was sent to you. She said that she thought
24 it was. I just have to make sure.

25 CHAIRMAN STUTO: Can your organization generate

1 a letter?

2 MS. HUNT: Absolutely and that's not a problem.
3 In our private email correspondence before she was out
4 on medical leave, she did advise that the site
5 committee had forwarded a letter that addressed many
6 of the concerns that we have brought to the Board
7 today. Either there is a disconnect there or on our
8 side, but we will absolutely forward a letter.

9 CHAIRMAN STUTO: What is the site committee?

10 MS. HUNT: That's on our Board - we have a site
11 committee.

12 CHAIRMAN STUTO: Chuck, have you seen it?

13 MR. VOSS: No.

14 CHAIRMAN STUTO: Thank you. We'll go down the
15 list and then carefully consider your comments.

16 Did you want to say something?

17 MR. LAPPER: Gordon based in Albany is a very
18 responsible developer, so when we took a look at this
19 site knowing the constraints, the historical and
20 archeological, the fact that we are proposing how to
21 keep all the existing buildings is no small feat,
22 because that is pretty expensive to maintain those
23 older buildings and renovate them.

24 I understand that the Shaker community would
25 prefer that this stay as farmland, but the people that

1 own it now need to sell it and want to sell it. The.

2 Shaker shed is still in front at the road which
3 has been there. We are trying to adapt this in
4 keeping the historical nature and make it so that it's
5 something that can be purchased from the existing
6 owners who are trying to get rid of it. In terms of
7 the character, you have to keep in mind that there is
8 now Afrims next door which is this big dome. So, it's
9 no longer agrarian from what it was. Nevertheless,
10 all the buildings that are being maintained will
11 always be there in perpetuity. We are certainly
12 willing to put up plaques and mark the historical
13 nature. This is a way to compromise and to blend a
14 modern development and keep the historical and then
15 try to respect it with the architecture. I think that
16 we are doing what we can, under the circumstances.

17 CHAIRMAN STUTO: Thank you.

18 John Vero.

19 MR. VERO: Thanks, folks. I'm John Vero and I
20 represent the property owners to the east.

21 We're certainly not here tonight to speak ill
22 of the project or voice any overall concerns about it.
23 Also, we want to commend the developers on both
24 projects for the immense work that they have done.

25 One of the committee members did talk about

1 screening and a fence between the Gordon project, so
2 to speak, and the Afrims project. We just want to
3 point out the same on the property line with our
4 client. There is a residence there. There is an
5 on-going business there. Our clients will have to
6 live there. This is a significant development that
7 will be right outside of their window and also we have
8 thought quite a bit about people traversing the
9 property line and meandering through those undeveloped
10 woods in the back.

11 Basically, those are our comments. Thanks.

12 CHAIRMAN STUTO: Tom Lyons.

13 MR. LYONS: My name is Tom Lyons and I've been
14 a resident of Colonie for 40 or more years and I'm a
15 member of the Shaker Heritage Society. I work closely
16 with the volunteers and the county including the
17 inmate program in restoring the Church Family.

18 As we all know, this is the very first Shaker
19 site in America. That's why there is so much
20 importance attached to this area. There are three
21 family farms left; the Church Family which was the
22 main family area that brought in the West Family which
23 is what we are talking about here and the South
24 Family. There was also a North Family which has been
25 lost. They would come in and congregate at the Church

1 Family area. So, I just wanted to make a point that
2 this is a very significant historic area with respect
3 to Shakers.

4 Mother Ann Lee was the person who brought the
5 Shakers to us and is buried in the cemetery on this
6 site.

7 Just a few things: I was at the previous
8 meeting listening to a developer and yes, the
9 developer and the representatives have been very
10 receptive and have been moving towards where we would
11 like to be.

12 Nonetheless, I saw what was on the agenda for
13 tonight. I saw the name of the agenda was the special
14 use permit. I was coming here tonight to find out
15 what is this special use permit. Then, underneath
16 that was a SEQRA application and not the SEQRA
17 determination. So, I'm a little disappointed that we
18 have not really had an opportunity to see the long
19 form that all of you have in front of you right now.
20 That long form would help give us basically the
21 response so that these types of things would be better
22 understood of what the developer has done for this.

23 I'd also like to close on Star. Starlyn has
24 done a letter. A letter has been written and I'm not
25 quite sure, but the Executive Director of the Heritage

1 Society has sent a letter and also today by email.
2 You should have received an email from William Burns.

3 One final thing, we are looking for a positive
4 declaration which means an Impact Statement that does
5 not need to be encyclopedic and basically needs to
6 focus on the real issues. One of those real issues is
7 the historical aspects of this site.

8 One final thing: As your attorney probably
9 knows, the standard is not that there will not be
10 environmental impacts, but that there may be
11 significant environmental impacts that leads to a Type
12 I Action. Type I Actions are those that are more
13 likely to require an Impact Statement.

14 In closing, I would like to have had the
15 opportunity to see those documents that are in front
16 of you. I think that all of us would have liked to
17 have had that opportunity. I appreciate all that you
18 have gone through tonight. I appreciate all the
19 receptiveness of everyone here.

20 CHAIRMAN STUTO: Thank you.

21 William Risler.

22 MR. RISLER: Good evening. I first became
23 aware of this project that was in the Times Union in
24 November. I was concerned for a number of reasons;
25 the loss of open space, the loss of the generations

1 upon generations of farming that happened on that
2 property as well as the loss of the history that the
3 West Family Farm had been to the Shaker heritage and
4 the Shaker Heritage Society.

5 So, I called the Planning Department and talked
6 with Joe LaCivita. I had a conversation with him and
7 someone else. I expressed my concern as being a
8 resident of the Town of Colonie my whole life and a
9 resident of the Village of Colonie. His response to
10 me was: Well, greenspace is nice if you have the
11 green. I was offended by that because obviously
12 people who owned this property were selling it - if
13 they are entitled to sell it but we, as a community,
14 need to value those things.

15 I was really saddened by the fact that the
16 people who came to the first presentation left right
17 after. I know that the hour is late, but those three
18 things - open space -- I mean this property is in the
19 airport GIS, as is the other property. The updating
20 of that GIS which was 25 years old - I looked at it
21 again today and I think that it was typewritten back
22 in 1991 and scanned in. That's how old it is. So, it
23 was mentioned tonight that may need to be looked at;
24 an open space policy for the whole Town.

25 Eventually, there will be no land to develop in

1 this Town. As someone said earlier, this is a
2 developing Town. It's a maturing Town. We have to be
3 smart about our developments and do it sustainably.
4 The representatives from the Heritage Society spoke
5 more on the specifics. I think that globally
6 thinking, I know your job is to look at proposals and
7 look at them compared to the zoning and all the other
8 specifics in the proposal.

9 This probably goes to the Town Board and I
10 think that one of the members is still here tonight.

11 So, I looked in the Code and in Chapter 190 and
12 all you referenced is the purpose of a historic
13 overlay district is to recognize the importance of the
14 Loudon Road historical district and the Watervliet
15 Shaker historic district. If you look on maps, there
16 are outlines on the various maps of the overlay
17 district, zoning and the overall plan. All the
18 history is in this one sentence and on a map. We have
19 lost that history. We have lost it.

20 I'm not sure where this nice proposal is in the
21 approval process.

22 I look at Chapter 118 which is about historic
23 places and it talks about that the Town can purchase
24 historic properties and put restrictions on those
25 properties.

1 After I spoke to Joe back in November, I called
2 Starlyn and introduced myself and she mentioned that
3 the Heritage Society tried to buy this property. They
4 tried to raise funds, but the State Department of
5 Agriculture -- I'm not sure if they were in touch with
6 the Town -- and at a Town level to try to do that to
7 not save the entire property. At least save the first
8 one-third of it where there was a farm and there was a
9 barn and the three historic West Family buildings.

10 Now, my concern as an attorney is the
11 developers say that we're not going to tear down the
12 barn now. Where in the law -- obviously, nothing can
13 exist in perpetuity. What are the developers going to
14 do within the legal documents regarding the renovation
15 and upkeep of that barn, as well as the three West
16 Family buildings?

17 I'm also concerned about the site lines. It's
18 not just like driving to the airport and seeing it as
19 a bucolic farm and three West Family buildings and
20 think about the history, or that it's pretty or looks
21 nice. It's not that. It's more than that.

22 I look back to when the Heritage Park was
23 there. Over the objections of the then-living nuns,
24 it is now a scar on the land. It's gone. If you look
25 at it from the air, it's a big scar on the land.

1 I haven't been involved for various reasons
2 with the site committee since my one attendance back
3 in January, but from the Board Members who are here
4 and have seen this, I'd like to see the work has been
5 done to date. I don't think that it's nearly enough.
6 This is a nationally historic site of great
7 importance. The Shaker religion - their faith --
8 granted, there are very few members left. We hold
9 that history. It is ours.

10 Back in the early 1900's when they sold the
11 lands to the county, there was an opportunity lost
12 then to basically do something and make this into
13 Williamsburg of Upstate New York. Now in 1975 there
14 was a book written "Capturing Wisdom Valley". It was
15 co-produced by the Town of Colonie. In the closing
16 chapter the author worked with planners from the Town
17 of Colonie and then the land was much less developed.
18 That was an opportunity lost then, in 1975. It
19 included sports vehicles which I don't think was an
20 objection to the society then, which are now included
21 here.

22 Here we have one last opportunity to do the
23 right thing. It means to make significant changes to
24 the front of this property so that the barn is
25 restored and there are some legal documents

1 incorporated in the approval process that they will be
2 maintained as well as the three West Family buildings,
3 possibly even keeping some farmland. The plan from
4 the Heritage Society was to make it into a farm school
5 and keep the land farmed. Those are things that are
6 lost.

7 I think that there is still an opportunity to
8 partially do the right thing by both the history of
9 the site, by the entire historic district, which I
10 think is chopped up with churches and schools and
11 other businesses.

12 The Ann Lee Pond which is now under the
13 oversight of Albany County is another part of the
14 larger -- thousand acre track that is sorely managed.
15 The trails are not managed, the bridge over the pond
16 is closed and rickety. They can be better stewards.
17 I think that this Town and this Board could be better
18 stewards of this project going forward.

19 I waited here all night long and I wasn't sure
20 that I was going to speak, but the people who are Save
21 our Colonie Trees and the stump pond that you
22 mentioned across the road and that 117 acres -- that
23 is endangered. You said that it was preserved?

24 CHAIRMAN STUTO: Not the pond, but the land.

25 MR. RISLER: So, there is still land over there

1 that I think is called Holy Wisdom which is a piece of
2 land that the Shakers kept very secret which is still
3 suspect - even though it's in a conservation easement
4 - that land could be developed by any developer who
5 had the means and the foresight to bring a project to
6 the Board. That's a side.

7 Getting back to my final point, I still think
8 that there is an opportunity for this Board and for
9 the Town and the developers and working with the
10 Heritage Society to make these few compromises. There
11 is the old issue of the Shaker shed building. Is that
12 going to remain a farm stand?

13 CHAIRMAN STUTO: Is that part of this property?

14 MR. LAPPER: It is part of this property, but
15 there is no plan for it now. It's going to stay the
16 way that it is.

17 MR. RISLER: But whatever that decision is, is
18 that part of your approval process?

19 MR. LAPPER: We're going to stipulate that the
20 Shaker buildings are going to stay and the barn is
21 going to be renovated and remain. The Shaker shed --
22 I don't know what the liability is on that. That's
23 not part of this. We'd have to come back for site plan
24 and talk about that.

25 MR. RISLER: I'll just sum up. There are three

1 or four buildings in the front that obscure the sight
2 lines of the three West Family buildings and the barn.
3 I think that a significant change needs to be made to
4 this plan in order to honor what this Town believes.
5 It says here in one sentence regarding the historic
6 overlay district and the Shaker heritage district.

7 I'll leave it at that and hope that you'll take
8 this under consideration. Thank you.

9 MR. LAPPER: The Shaker buildings have been
10 renovated into apartments. Right now they're all
11 apartment buildings. They are not historical in terms
12 of their use. Certainly the look on the outside is
13 what is important and that's what's going to be
14 maintained.

15 We added an area in the front because the
16 Shaker Heritage Society asked us to and there will be
17 a communal garden, so it will be low. The point is
18 that do not put a fence so that there is a viewshed
19 when you're driving here (Indicated) and here that you
20 can see it. That will be the farm area, but with that
21 said, not every developer is going to be able to
22 afford to maintain the buildings as we proposed. Of
23 course there will be conditions of approval that way.
24 So, that's something that we are offering in
25 perpetuity.

1 CHAIRMAN STUTO: I'm going to speak. If
2 anybody else from the public, they'll still get a
3 chance.

4 This is all new information, as far as the
5 Shakers go, to me. I need time to digest it. I
6 thought that communication was going swimmingly and
7 now they're calling for an Environmental Impact
8 Statement and also significant revisions up front.
9 I'd like to table it to think about it and get advice
10 from counsel on the EIS.

11 Also, you all -- I don't know how long you've
12 known about this, but we don't have anything in
13 writing. I would suggest that we table it. You make
14 your arguments in writing and whatever meetings with
15 the department -

16 MS. KLAMI: What's the best contact to give you
17 guys?

18 CHAIRMAN STUTO: Joe LaCivita.

19 MR. LAPPER: The Gordons aren't wedded to this
20 project. If this goes to an EIS, it's just not that
21 important of a project to them because it's marginal
22 for what they have to do. If you want to just make it
23 go away, pos dec it and we'll withdraw. It's not
24 something that they're going to spend 100 thousand
25 dollars more than they already are studying it.

1 That's fine. They have other things in the hopper.
2 They're trying to do something good to maintain the
3 buildings in this area of Town and you guys have to
4 make the call.

5 MR. LANE: What would be the economic
6 feasibility of the project to lose the building up
7 front, or to move it all to the back and you would
8 lose that section in the back?

9 MR. LAPPER: The problem is that is a wetland
10 and we really need to stay away from there. We're
11 trying to compromise and if this isn't something that
12 the Planning Board wants to support, we'll just
13 withdraw it. It has to make sense and we've been as
14 sensitive as we can to these buildings in
15 incorporating them, but it's really a problem for the
16 sellers. If they can't sell it, maybe somebody does
17 have to buy it, but it can't be the Gordons.

18 CHAIRMAN STUTO: Our job is to take a hard
19 look. Now that this is brought to our attention,
20 that's exactly what I want to do. If I can't say that
21 we don't want it, I want to take a hard look.

22 MR. LAPPER: It surprises us because we've been
23 talking to the Shakers all along and talking to Joe.
24 In terms of these compromises and what we have been
25 willing to do, we figured that you guys were -

1 MR. LANE: Give us the opportunity to give this
2 consideration with the new information.

3 MS. DALTON: Who prepared this neg dec?

4 MR. VOSS: We prepared it in association with
5 the Town Attorney's office.

6 MS. KLAMI: I did want to reiterate that they
7 have been working with the society. I apologize if
8 anyone felt that we had given an approval of this
9 layout and that we were all okay with it. I know that
10 Star has had concerns from the beginning which is why
11 we have been working with them.

12 MR. LANE: It does seem to be a bit of a
13 blind-side.

14 MS. KLAMI: And I apologize for that. I
15 haven't been a part of it. Like I said, before I
16 started this whole thing -- I'm coming in a little bit
17 at the tail-end of this. Our site committee members
18 and Star were not able to make it this evening. I do
19 know, that based upon my conversations with Star that
20 she has had concerns about this from the beginning and
21 that's why she was working with them. We have
22 significant concerns with the project.

23 CHAIRMAN STUTO: I think that we're looking to
24 table to see what they can produce in writing and
25 we'll give it some thought and bounce it off the

1 department and the Town Attorney.

2 MR. LAPPER: We have been trying to work with
3 you all along and will continue to. Thank you.

4 CHAIRMAN STUTO: Thank you.

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8 (Whereas the above entitled proceeding was
9 concluded at 11:00 p.m.)

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CERTIFICATION

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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 _____

