

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 COLD SPRING
ALSO KNOWN AS FOEGLTI FARMS
5 499 TO 507 ALBANY SHAKER ROAD
39 LOT SINGLE-FAMILY CLUSTER SUBDIVISION

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
8 on December 4, 2018 at 7:33 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

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10 BOARD MEMBERS:
PETER STUTO, CHAIRMAN
11 KATHLEEN DALTON
LOU MION
12 STEVEN HEIDER
SUSAN MILSTEIN
13 BRIAN AUSTIN

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15 ALSO PRESENT:

16 Joseph LaCivita, Director, Planning and Economic
Development Department
17 Daniel Hershberg, PE, Hershberg and Hershberg
Frank Barbera, Barbera Holmes
18 Skip Francis, PE, Barton and Loguidice
Patrick Quinn, Green Meadows Civic Association

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1 CHAIRMAN STUTO: Cold Spring, also known as
2 Foegliti Farms, 499 to 507 Albany Shaker Road, 39 lot
3 single-family cluster subdivision.

4 MR. LACIVITA: One of the things I think we
5 should put on the record here is that we saw this
6 project in a different style. It was coming to us once
7 before as a planned development district. That was when
8 the prior person was engaged in the parcel.

9 Now, there is a new developer on this one
10 called Cold Spring. This is a project that is
11 underlying zoning. There is no PDD request here.

12 Dan Herschberg is going to walk us to the
13 project.

14 MR. HERSHBERG: My name is Daniel Hershberg
15 from the firm of Hershberg and Hershberg. We are
16 representing Starlite Development Company. Don
17 Luccarelli is their principle of that.

18 With me tonight is Frank Barbera who is
19 working with us regarding the buildings that are going
20 to be constructed on the site. This is not the plan
21 that that we are here to approve. I have put up for
22 comparison the plan that this Board disapproved in
23 2015. There was buildings, duplexes and triplex and
24 four-plexus. The density issue is the principal issue
25 and the Board determined not to approve that.

1 I just put that up for comparison with the
2 concept plan of single-family dwellings, separate
3 lots, separate driveways that serve each spot.

4 There is a conservation area down here
5 (Indicating). There is a buffer area all the way
6 around - a no-cut buffer all the way around. This is
7 called the stormwater area and it is primarily green.

8 The reason that we have two stormwater
9 facilities is that we intend to use an infiltration
10 basin because the soil in this area is porous. We do
11 intend to use infiltration basins. There will be
12 collections of one part of the site and then a portion
13 will go down to this here (Indicating).

14 Some of the comments that we had previously -
15 the buildings here - we removed one building there and
16 we actually added a building over here (Indicating).
17 We still have the 39 buildings that we had when we did
18 the DCC review. The issue previously was primarily
19 traffic. There are 39 single-family residential units.
20 The peak a.m. our will generate 32 cars; seven
21 entering in 25 leaving. The traffic study was done on
22 Albany Shaker Road. We intend to incorporate the
23 findings from that data from that into any traffic
24 study that we produce on the site. There was a traffic
25 study that was previously done on the site and we are

1 sort of waiting until the Albany Shaker Road/Maxwell
2 Road study is complete.

3 The issue of trees - the principal area here
4 is actually a field. More than two-thirds of the site
5 is in a field with very few trees. It used to be horse
6 paddocks originally when it used to be Foeglti Farm.
7 There are trees to be cleared back here (Indicating).
8 We do intend to maintain a 25 foot buffer and where we
9 can maintain more than that, we will maintain more
10 trees. Frank doesn't want to cut down any trees that
11 we don't have to cut down. This area here will be
12 entirely maintained as-is. There is no reason to do
13 any work here. We don't have the utilities to cross
14 it. This will remain as it is. We did hear from some
15 people that joined us on the side here. They
16 essentially said they would like us to move some of
17 the dead trees in that area. The other applicant, in
18 the course of doing the transfer there, isn't getting
19 anything cleaned up. We would like to clean up any
20 dead or dying trees just for the general safety of the
21 area. We don't want people walking in the area and
22 having a tree fall on them. That much can clearly be
23 done, but strictly with the approval of the Town of
24 each tree that we want to take down.

25 The size of the houses are relatively small

1 for the market that Frank is intending to hit. I can
2 ask him to go over that a little bit.

3 From the standpoint here, we have addressed
4 some issues that had to do with the water service. We
5 had two dead end water services. Latham Water said
6 they wanted it connected, so we propose to put a water
7 main in this easement to connect those two water mains
8 together so it won't create a dead-end piece. The only
9 dead-end piece would be to serve these last three or
10 four houses on the cul-de-sac.

11 Sewer all comes together by gravity. There is
12 no need for any pumping. The gravity all goes down to
13 a connection out on Albany Shaker Road.

14 I point out that the major issues were
15 previously density. This really solves it. This is a
16 cluster subdivision. We are not in a conservation
17 district. The calculation was done by staff at the
18 PDD. They said the maximum density would be 41 units
19 because we don't have to subtract the wetland areas
20 and steep slope areas from it. We are proposing 39.

21 Maybe I'll ask Frank to talk a little bit
22 about the product he intends to build here. That
23 indicates the type of development that it will be.

24 MR. BARBERA: Thank you, Dan. Good evening. My
25 name is Frank Barbera with Barbera Homes. What we are

1 proposing over here with the smaller lots that range
2 from .22 to .35 acres will be houses with smaller
3 footprints, actually very similar with what's happening
4 across the street at Meadowdale because they have the
5 small lots there. That's the type of footprint that will
6 typically fit in here with a colonial or a small ranch
7 style home going into the neighborhood. Really what we
8 are working on now and based on what comes out of this
9 meeting will really be the designs. These designs were
10 meant to give people who are maybe looking for a smaller
11 lot - that seems to be the popular thing these days; a-
12 house where there is less maintenance and nicer features
13 going into the homes themselves.

14 MR. HERSHBERG: If there were any questions by
15 the Board, we are prepared to take them.

16 CHAIRMAN STUTO: Again, this is being reviewed
17 by our Town Designated Engineer. This time it is a
18 different firm, Barton and Loguidice. Skip Francis is
19 here.

20 Skip, do you have some comments you could
21 give us or observations?

22 MR. FRANCIS: Sure. I have just a couple of
23 pros and cons for the Board to consider. This being just
24 a sketch at this time, we have nothing formally to
25 review of things but seeing what we have here tonight

1 and seeing what has been given to us so far - the pros
2 are that it is reduced to 39 from the previous 80 that
3 was proposed. So, that is a good thing. It is clustered
4 to avoid environmentally sensitive areas. So, summing up
5 those two things, it fits and it works. It makes sense.

6 The other pro is there is no significant
7 traffic mitigation measures needed or required as per
8 the conclusions in Creighton Manning's report in
9 January 2017.

10 Some of the cons to think about - we have
11 seen the conservation easement. It is down 3.6 acres
12 and that has come down from a previous plan in
13 November 2016 showed a little over 8 acres.

14 MR. HERSHBERG: On that one I would like to
15 point out that we attempted to count all of the buffer
16 areas of the conservation area. It was eyed by the PDD
17 and that wasn't a proper use of a conservation easement.
18 We are going to have a portion of the lots - each lot be
19 a conservation easement.

20 CHAIRMAN STUTO: Yes, but you also increased
21 the lots on the bottom part of that map, from the
22 drawing that I saw. I think there was 8 acres on the
23 bottom.

24 MR. HERSHBERG: No, I think the 8 acres also
25 included the strip around it.

1 CHAIRMAN STUTO: We increase the size of those
2 lots, am I correct?

3 MR. HERSHBERG: Yes, some of the lots did
4 increase in size.

5 MR. FRANCIS: Two other things quickly - I
6 thought maybe the storm water management areas - the
7 front entrance might have a permanent water pool in it,
8 but you had mentioned possibly infiltration. If things
9 don't have permanent water pool in them, the Town will
10 not require fencing. If it was a water pool, I was
11 concerned that the entry into the subdivision would have
12 a chain linked fence around a water pool on the other
13 side and it might detract from the entrance.

14 The third, would be - we didn't see any
15 proposed sidewalks at this time.

16 Those are just some things to think about, to
17 ask and look for as more plans advance.

18 The last question I really have is: Does the
19 applicant have any entity that is willing to take on
20 the conservation easements? Was the plan to give that
21 to the Town?

22 CHAIRMAN STUTO: They normally don't - - that
23 is not our call.

24 MR. FRANCIS: Is there an HO a or something
25 like that being considered?

1 MR. BARBERA: It would be more of something
2 simple in here because there is a mail kiosk that was
3 requested and that really is what the postal services
4 requiring. In order to maintain that, some of the
5 conservation easements will need an HOA - some form that
6 will be set up to address that and take those lands.

7 MR. FRANCIS: Thank you.

8 That's all I had.

9 CHAIRMAN STUTO: Chief, do you want to start?

10 MR. HEIDER: It's a minor thing. It's good to
11 see that it has been dropped down to almost half of what
12 was proposed.

13 I know there is a lot of concern on Shaker
14 Road about walkers. This would be close enough to
15 Shaker El because there are kids here that have to
16 walk to school and would not be served by bus. So, I
17 don't know if you have given any consideration to a
18 sidewalk that would go down to Shaker El. It would
19 basically be bordering the front of your property. I
20 don't know if there is one now. It sort of shows
21 there's not.

22 MR. HERSHBERG: On Shaker Road, yes.

23 MR. HEIDER: Other than that, I would be
24 concerned about the two retention basins out front. I
25 can see that you make a nice looking development, Mr.

1 Barbera. To me, that's not the most pleasant entry into
2 it.

3 The condos on Aviation has it at one end, but
4 it's not on both sides of the road.

5 That's all that I have.

6 CHAIRMAN STUTO: Susan?

7 MS. MILSTEIN: Nothing.

8 CHAIRMAN STUTO: Brian? Lou? Kathy?

9 (There was no response.)

10 I may know the answer to this already, but
11 I'm going to ask it just for the record anyway. My
12 understanding is that the Albany Shaker Road traffic
13 study calls at some point for a traffic signal at that
14 Shaker El Road.

15 MR. HERSHBERG: Yes, you're right.

16 CHAIRMAN STUTO: Would it make sense to try to
17 line up the road with that?

18 MR. HERSHBERG: Our point is that we don't
19 think it is necessary. First, it would sort of destroy
20 the pattern if we try to get a road down to there. We
21 are trying to keep it compact and towards that one
22 borderline. If we do that, it will add 600 feet of
23 additional road without any loss on it. It would be an
24 expensive addition. We think essentially for the
25 purposes of people who would buy here, the entrance here

1 is okay. The only people that will be - - every traffic
2 study says the only movement that is tough is to make a
3 left-hand turn out of there at either the a.m. or p.m.
4 hour. It's more difficult in the p.m. hour, but both the
5 a.m. and p.m. hour making a left turn is difficult. That
6 is something that will only impact the people in this
7 development. They would buy their knowing that there is
8 a problem there. A lot of them will elect to go right
9 and get out a different way. Again, even though they are
10 called a storm water system, this is really a very large
11 area that is primarily left alone. We did talk about
12 doing what we did here, but we put a lot of units on
13 here which as you see really cut into usable green
14 space. The heavily wooded areas here comes up here and
15 fades off into this corner here (Indicating). If you
16 take a look at the aerial, the heavy wooded is down
17 here, it comes up here it comes over to this area here
18 (Indicating). So, we are trying to save a lot of those
19 trees on our plan by preserving everything down here and
20 a no-cut buffer all the way around.

21 CHAIRMAN STUTO: When the neighbors come out,
22 they may have comments that we have not thought of.

23 MR. HERSHBERG: By the way, Frank has already
24 reserved a place for a public meeting. We just wanted to
25 hear tonight's comments. If these are all the comments

1 here, we think they are things that we can address. I
2 think Frank will go forward and have that meeting on
3 January 16.

4 CHAIRMAN STUTO: Now, I noticed Mr. Quinn
5 signed up to speak. We normally do not take comments,
6 but you are representing the Neighbor Association?

7 MR. QUINN: Green Meadows.

8 CHAIRMAN STUTO: Tell us what is on your mind.

9 MR. BARBERA: If I might add - on the 16th we
10 will be inviting the neighbors that surround the
11 property. I will also be setting up private meetings
12 with Save Colonie. I have been in touch with them and
13 also with the Green Meadows Association so that we can
14 sit down and explain to them in a more comfortable
15 setting where we can talk about the project and give
16 them some insight. January 16 will be our first meeting.

17 CHAIRMAN STUTO: Okay, thank you.

18 MR. QUINN: My name is Patrick Quinn. I am from
19 the Green Meadows Civic Association. I have been very
20 pleased to see the reduction in density from what came
21 from the other. I studied the narrative and the site
22 plan very carefully over the last couple of days. I
23 don't know how many members of the Board actually walked
24 the site or were around the site. I have gone around it
25 and I find that it's more than half of the size that is

1 occupied by trees. I think the aerial -

2 CHAIRMAN STUTO: We have a copy of the aerial.

3 MR. QUINN: I did find that a number of the
4 lots are indeed smaller than before - less than a
5 quarter of an acre. Some of them are .2 or .3. I find
6 the no-cut buffer zone a problem because there are many,
7 many large trees there with diameters two feet or
8 larger. I don't know how many hundred there are, but
9 there are quite a few that are at least 2 feet. Now, we
10 have a regulation that suggests indicating the trees
11 that are more than 3 inches. In any case, when one walks
12 along or studies along Daniel Wood Road, you find that a
13 no-cut zone would leave no trees there because most of
14 them have a spread of 30 or 40 feet, 60 feet high and
15 there is open space underneath it. A no-cut zone means
16 there is nothing there - open space. So, 25 feet seems
17 very minimal, especially for this time of year. I would
18 suggest and I have studied this and made an effort to
19 suggest a revision of the plan that would allow a 50
20 foot setback - 50 foot buffer along the north side, a
21 100 foot buffer along the east side and of course the
22 area down here left with no trees cut (Indicating). I
23 would like to share that with the committee, if I may.

24 CHAIRMAN STUTO: Sure.

25 MR. QUINN: I should explain that I'm not

1 really an amateur at these things. I have been involved
2 in environmental planning and architectural landscaping
3 for I think longer than most people here would be alive.
4 It is over 60 years, anyway.

5 If you look, you will see that there is a
6 single loop road. Most roads have been moved south
7 about 15 feet. That gains extra land. It doesn't
8 crouch very slightly on the conservation area down
9 here - very slightly, but that is easy to handle. So,
10 I thought I would just suggest that and ask you to
11 consider. Thank you.

12 CHAIRMAN STUTO: That is very interesting.
13 Thank you.

14 Any other comments or questions?

15 (There was no response.)

16 Okay, thank you.

17 MR. HERSHBERG: Thank you.

18 (Whereas the above entitled proceeding was
19 concluded at 7:48 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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
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NISKAYUNA, NY 12309

