

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 HOFFMAN PDD  
5 1 ALICE AVENUE  
6 APPLICATION TO AMEND PDD  
7 PLANNED DISTRICT DEVELOPMENT

8 \*\*\*\*\*  
9 THE STENOGRAPHIC MINUTES of the above entitled matter  
10 by NANCY L. STRANG, a Shorthand Reporter commencing  
11 on January 8, 2019 at 7:32 p.m. at The Public  
12 Operations Center, 347 Old Niskayuna Road, Latham,  
13 New York

14 BOARD MEMBERS:  
15 PETER STUTO, CHAIRMAN  
16 BRIAN AUSTIN  
17 LOU MION  
18 CRAIG SHAMLIAN  
19 STEVEN HEIDER  
20 SUSAN MILSTEIN

21 ALSO PRESENT:  
22 Joseph LaCivita, Director, Planning and Economic  
23 Development Department  
24 Michael Tengeler, Planning and Economic Development  
25 Department  
Luigi Palleshi, PE, ABD Engineering  
Joseph Grasso, RLA, CHA

1                   CHAIRMAN STUTO: The next item on the agenda is  
2 Hoffman PDD, 1 Alice Avenue, application to amend PDD,  
3 Planned District Development, 170 market rate Senior  
4 Apartments reduced to 140 market rate senior Apartments,  
5 98 assisted-living units.

6                   Once again, we have had discussion on this. I  
7 would like to ask our Town Designated Engineer, CHA,  
8 Joe Grasso to tell us where we left off at the last  
9 meeting.

10                  MR. GRASSO: So, I'm not going to use the mic  
11 for fear of creating feedback. This is an amendment to  
12 the PDD. It was approved back in 2011. It is a  
13 relatively simple process because it is just an  
14 amendment to a previous PDD and it is proposing a  
15 reduction in the density.

16                  There are two uses proposed on the site. One  
17 is a three-story assisted-living facility which is 90  
18 beds which is staying the same as previously proposed.  
19 The second is a senior housing building which was  
20 previously proposed for 170 units and now is down to  
21 140 units.

22                  When it was last before the Board, there was  
23 not that much concern about the site plan. There was  
24 some clarification requested regarding the emergency  
25 access - which there is an emergency access that goes

1 up to Alice Avenue. That access will be gated so there  
2 won't be any normal traffic coming in off of Alice  
3 Avenue. The Town DPW had stipulated that Alice Avenue  
4 had to be improved for a certain length of it that  
5 would be used for emergency access. Right now it is a  
6 minimum width of maybe 15 feet that serves as a  
7 residential driveway. It is a Town road right-of-way  
8 there and about 200 feet would be expanded to 24 feet  
9 wide. So, that could serve the needs of emergency  
10 access vehicles.

11 There was a question regarding the public  
12 amenities that were previously proposed as part of the  
13 PDD. The original one - the findings had referenced  
14 water system improvements, scenic overlook and a  
15 sidewalk connection down to Route 2 for an unspecified  
16 distance and an unspecified location along Route 2.

17 There was a question regarding what the  
18 current proposed public amenity would be because a  
19 sidewalk is not feasible down to Route 2 because there  
20 is no other pedestrian facilities along the Route 2  
21 corridor. Based on the right-of-way constraints in  
22 the grades, we don't think it is likely to be  
23 additional pedestrian facilities anywhere along that  
24 court or in the near future.

25 At the last meeting there was questions that

1 the applicant would need to come back to the Planning  
2 Board and propose a set of public amenities to support  
3 the change in use from what was originally zoned as -  
4 and obviously the additional density.

5 Also it was discussed that there was some  
6 neighbors that spoke the last meeting about the  
7 condition of the roads in the Eastern Avenue  
8 neighborhood. There was a question whether or not the  
9 improvements to those neighborhood streets which are  
10 all Town roads would need to be made. Obviously, this  
11 project would not generate any traffic within the  
12 neighborhood, but those concerns were expressed at the  
13 last meeting. We did issue a comment letter on this  
14 going through the facts regarding the project and  
15 reduce density. We raised a comment that at the last  
16 meeting the Planning Board had raised concerns  
17 regarding the architecture of the building. They  
18 didn't provide any architectural renderings or  
19 elevations in support of the resubmission that we had  
20 reviewed so we would ask that those be brought to the  
21 meeting.

22 We raise the issue about the sidewalk coming  
23 off the plan which they have done in either putting  
24 money in escrow to be put toward a public amenity or  
25 proposing another list of public amenities. When this

1 project was originally approved back in 2011 and since  
2 then the stormwater requirements have continued to  
3 change. So, the project never made it to final site  
4 plan, but because the project is going to go through  
5 the process now in 2019, it is going to have to comply  
6 with the new stormwater management requirements. So,  
7 that is something that should be looked at on the plan  
8 to make sure that the stormwater management areas  
9 isn't going to affect the layout. The design of those  
10 things would not come until the project came back to  
11 us for final site plan review, but we wanted to bring  
12 it to the applicant's intention because those new  
13 requirements will apply. That's all we have.

14 CHAIRMAN STUTO: What are the public amenities  
15 that are proposed?

16 MR. PALLESHI: The public amenities would be,  
17 as Joe mentioned, widening the delay in width for  
18 emergency vehicles.

19 The proposed outlook area and water  
20 improvements on the site which there is an existing  
21 10-inch water main that is owned by Latham Water -  
22 some improvements and pressure reducing valves would  
23 be constructed per Latham Water requirements.

24 CHAIRMAN STUTO: Have you had discussions with  
25 the Supervisor on this about the public amenities?

1                   MR. PALLESHI: I have not. I know the applicant  
2                   has. The other thing that we had talked about at the  
3                   last meeting was in lieu of building sidewalks from our  
4                   site down steep slopes to Route 2 where there is no  
5                   logical terminus point, the applicant has agreed to  
6                   putting money towards some other public benefit  
7                   regarding sidewalks somewhere in Town where you can use  
8                   them or you can upgrade a sidewalk where it makes the  
9                   most sense.

10                  CHAIRMAN STUTO: What dollar amounts have you  
11                  discussed?

12                  MR. PALLESHI: We haven't discussed any dollar  
13                  amounts. That is something that we can discuss as we  
14                  move forward and we will work with the Town Board on  
15                  that.

16                  CHAIRMAN STUTO: Please let us know. I'm  
17                  surprised you haven't come back with something a little  
18                  bit more specific. I'm not sure if that's adequate,  
19                  either. What you continue with the rest of your  
20                  presentation?

21                  MR. PALLESHI: Other discussions from the last  
22                  meeting - there was a concern with this residence along  
23                  Eastern Avenue in the proposed emergency access and gate  
24                  area. We have added a row of mixed pines to buffer  
25                  further from that adjoining resident.

1                   I did speak with the residents after I left  
2                   last meeting. We had detailed discussions outside of  
3                   this room. Those are things that we agreed upon was  
4                   providing an additional row of trees there. Again,  
5                   just to know, that will be gated and only used for  
6                   emergency access only.

7                   Other concerns, again, was the width of Alice  
8                   Avenue. It is only about 12 feet wide. We will widen  
9                   that and improve Alice Avenue for emergency access  
10                  which will also improve the access to the other  
11                  neighbor that comes off of Alice Avenue. That's pretty  
12                  much it on the site plan that was revised.

13                  Then, I remember from the last meeting there  
14                  was some discussion about the architectural look. If  
15                  you recall, this was the previous rendering or  
16                  building elevation it was proposed. A little less  
17                  cupolas and when I passed this around at the last  
18                  meeting, some of the Planning Board members had asked  
19                  for additional cupolas which we have added now and  
20                  some stonework on the first floor façade.

21                  It also gave you a look at all four sides of  
22                  this building and if you want right now, I can bring  
23                  this closer to you.

24                  CHAIRMAN STUTO: Please. We do have printouts.

25                  MR. PALLESHI: That's pretty much it. Hope

1           tonight that we've answered a lot of your questions and  
2           that we can go to the Town Board and move this along so  
3           that we can get back to this board for further details  
4           on site plan approvals.

5                     CHAIRMAN STUTO:  Okay, let's open it up to the  
6           Board.

7                     MR. SHAMLIAN:  I have a question.  We need to  
8           make a recommendation to the Town Board.  That's what  
9           we're are looking to do tonight?

10                    CHAIRMAN STUTO:  No, I don't think so.

11                    MR. GRASSO:  In terms of the process, this  
12           process should end with a recommendation to the Town  
13           Board regarding the PDD and whether or not the Town  
14           Board should grant the zone change to a revised  
15           development plan with a revised density.  It's like a  
16           concept approval.

17                    MR. SHAMLIAN:  So, we are not necessarily  
18           voting on this elevation or anything like that.

19                    MR. GRASSO:  Well, it won't be final.  If the  
20           PDD gets approved by the Town Board, then would come  
21           back to the Planning Board for a final site plan review  
22           and you get another bite at the apple.  I would say that  
23           when a PDD gets approved by the Town Board, it is based  
24           on a certain application package.  It shouldn't get into  
25           the look of the building and the layout of the site so

1 if there is concerns, now is the right forum I think to  
2 at least get those in the record.

3 CHAIRMAN STUTO: Thank you for clarifying that.

4 Now, the public benefit part, I think it  
5 should be part of a recommendation and I'm not  
6 prepared to vote without having that a little more  
7 solid than it is tonight. That's my opinion.

8 MR. MION: I agree. I think we should have the  
9 whole package. Also, what the public benefit will be.

10 MR. PALLESHI: Let's not forget that the only  
11 changes that were making - were going from 170 assisted  
12 living units to 140. We are actually reducing the number  
13 of units and then Phase II will remain the same. All the  
14 other proposals that were part of the 2011 PDD are  
15 exactly the same.

16 I think at the last meeting we went into lots  
17 of detail about whether that sidewalk would be logical  
18 on this plan to get to Route 2 and a logical terminus  
19 point. Here we are agreeing to providing money where  
20 it would be used. What other public benefit would you  
21 be looking for? We're not looking at removing what was  
22 originally approved on the original PDD.

23 CHAIRMAN STUTO: I think there was supposed to  
24 be more concrete discussions with the Supervisor's  
25 office. She could talk to the Town Board members and it

1           could be hashed out a little more and filtered out  
2           discussion and then we would have something concrete  
3           before us to make the recommendation back. I think that  
4           is a prerogative and an obligation of our Board to know  
5           that. I will also say that this thing has been sitting  
6           idle for almost 8 years. It was originally single-family  
7           residential, I think, which I think is about 30 units.  
8           You are pumping it up to 230 or something like that. I  
9           think the public benefit is inadequate, as described. I  
10          think that discussion really has to be flushed out.

11                       MR. GRASSO: It is a large parcel, but it is  
12          very constrained. It's got a lot of wetlands and a lot  
13          of steep slopes. So, that really cuts into the  
14          development ability. In terms of the public amenity,  
15          it's important to realize what a public amenity is or  
16          what a public amenity is supposed to constitute. It is  
17          something that is for the greater good of the Town and  
18          not really just for this development.

19                       I know you speak about the improvements to  
20          Alice Avenue, but at the last meeting we heard  
21          concerns about the resident at the end of Alice Avenue  
22          regarding changing the widths of Alice Avenue to  
23          accommodate emergency access out. I don't know if that  
24          would constitute a public benefit. Even the overlook -  
25          even the overlook is a function of the fact that

1           you're going to be developing this facility on top of  
2           a large hill. It creates an overlooked but the  
3           overlook really isn't designed for anybody other than  
4           the residence in the senior housing building.

5                     MR. PALLESHI: Well, by having senior housing  
6           it provides diversity in the Town.

7                     CHAIRMAN STUTO: But we don't look at it that  
8           way.

9                     MR. PALLESHI: But these are public benefits.

10                    MR. GRASSO: But you didn't mention it before  
11           and that's why I say the that can be listed as a public  
12           benefit for whatever weight it carries. You replied that  
13           if that is a public benefit the fact that you are  
14           providing senior housing projects whatever the  
15           restrictions are, you should meet that part of your  
16           application.

17                    MR. PALLESHI: It is. It is part of the  
18           application. The public benefits were approved last  
19           time. We are providing the same -

20                    CHAIRMAN STUTO: Eight years ago, yes. This  
21           thing has laid idle for eight years.

22                    MR. PALLESHI: So, we cannot amend this and go  
23           back to 170 units that is an approved PDD right now?

24                    CHAIRMAN STUTO: Yes, I guess that is one of  
25           your options.

1                   MR. PALLESHI: What other public benefits with  
2 this board be looking for?

3                   CHAIRMAN STUTO: You had between last meeting  
4 and this meeting to come up with something. You can talk  
5 to Joe Grasso in the Supervisor's office and have a  
6 discussion off-line on that.

7                   Members of the Board can chime in.

8                   MR. GRASSO: It could be open space, it could  
9 be parkland, it could be transportation improvements, it  
10 could be trails, it could be sidewalks in another area  
11 of the town that serves the general population. There  
12 are other things that the Town can look at in the  
13 applicant can look at.

14                  MR. PALLESHI: We have over 80% of open space  
15 on the site. We can give that to the Town of Colonie.

16                  MR. GRASSO: The Town hasn't come in the past,  
17 wanted additional land under their ownership. The way  
18 that we see it is the land is extremely constrained now.  
19 So, it is on buildable. It's not going to be developed  
20 in accordance with the previous zoning, but it's going  
21 to remain as open space because you can't just build on  
22 it. You're not really giving anything by saying were  
23 going to give you the ownership of the open space. It is  
24 already there.

25                  CHAIRMAN STUTO: I don't know if any other

1 Board Members have any other opinions.

2 MS. MILSTEIN: What I was thinking about was  
3 what is claiming to be public benefit is not really for  
4 the public at large.

5 CHAIRMAN STUTO: Go have the discussion.

6 MR. PALLESHI: If the discussion is done or if  
7 it is made by the Town Board than I don't understand why  
8 this Board couldn't get us to the Town Board so we can  
9 continue these discussions.

10 CHAIRMAN STUTO: I don't know how many times we  
11 have to say it. We want that to be part of our  
12 recommendation - what we recommend is the public  
13 benefit.

14 MR. PALLESHI: And whatever we provided to date  
15 is not enough. You're looking for more.

16 CHAIRMAN STUTO: As one voting member, no.

17 MR. PALLESHI: I believe I have received a  
18 Draft Resolution from Joe LaCivita today thinking that  
19 this was a no-brainer.

20 MR. GRASSO: Luigi, even the sidewalk - - there  
21 was a sidewalk that was like, 1000 feet down to Route 2  
22 and then the previous plan said that the sidewalk was  
23 going to be a extended along Route 2. That was a public  
24 benefit. I think the Planning Board has agreed that it's  
25 not appropriate to build a sidewalk but there has been

1 no proposal in lieu of that. That could've been \$300,000  
2 or \$400,000 worth of improvements. It hasn't been  
3 replicated and another amenity.

4 MR. PALLESHI: So, we will equal that amount -  
5 the amount that was part of the original PDD would be  
6 the amount that we agreed to the public benefit.

7 MR. GRASSO: But that has to be part of the  
8 proposal. That's something that we have to work through.

9 MR. SHAMLIAN: At the end of the day this is  
10 about public benefit in dollars. You're not proposing  
11 anything concrete. We can't really in good conscious  
12 make a recommendation to the Town Board.

13 MR. PALLESHI: So, you can't make a  
14 recommendation with the previous pre-approved PDD - the  
15 amount that was dedicated for sidewalk on the previous  
16 approval.

17 CHAIRMAN STUTO: What was the amount? You  
18 didn't say what the amount was?

19 MR. LACIVITA: There was no amount in the prior  
20 approval.

21 For example, if we were to look at a project  
22 that was done on Aviation Road, they did a couple  
23 hundred thousand dollars worth of sidewalk that goes  
24 all the way out to Wolf Road and in addition to that  
25 because of the level of the density, they donated

1           \$200,000 to the Town. That comes up with a very  
2           defined public benefit. We don't have that here at  
3           this point. We don't know what that number is. I think  
4           that's what the Board is trying to say.

5                   CHAIRMAN STUTO: My personal opinion is that I  
6           think for density increases, I think it should be  
7           mathematical but unfortunately it's not. Unfortunately,  
8           generally for PDD's it's not like that. I think there is  
9           one exception to that which you helped us craft. Can you  
10          help me out, Joe?

11                   MR. GRASSO: It was the hotel at the corner of  
12          Metropark and Aviation. It didn't get built.

13                   CHAIRMAN STUTO: Was there a land-use change to  
14          help with that calculation or was that just a proposal?

15                   MR. GRASSO: No, it was just a proposal, but we  
16          went to the math on it.

17                   CHAIRMAN STUTO: We will try to get you back on  
18          quick if you can come up with a public benefit. Thank  
19          you.

20                           (Whereas the above entitled proceeding was  
21          concluded at 7:58 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  
2420 TROY SCHENECTADY RD.  
NISKAYUNA, NY 12309

