

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LOUDON ROAD PLAN DISTRICT DEVELOPMENT
5 606 & 608 LOUDON ROAD
6 REVIEW AND RECOMMENDATION
7 FOR A PLANNED DISTRICT DEVELOPMENT
8 TO THE TOWN BOARD

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10 THE STENOGRAPHIC MINUTES of the above entitled matter
11 by NANCY L. STRANG, a Shorthand Reporter commencing on
12 February 25, 2020 at 7:45 p.m. at Memorial Town Hall,
13 Loudon Road, Newtonville, New York

14 BOARD MEMBERS:
15 PETER STUTO, CHAIRMAN
16 CRAIG SHAMLIAN
17 SUSAN MILSTEIN
18 CHIP ASHWORTH
19 LOU MION

20 ALSO PRESENT:
21 Kathleen Marinelli, Esq., Counsel to the Planning
22 Board
23 Sean Maguire, AICP, CECD, Director, Planning and
24 Economic Development
25 Zach Harrison, Planning and Economic Development
Joseph Grasso, RLA, CHA
Donald Zee, Esq.
Wendy Holsberger, VHB
Amy McKane
Steven Fink
Ed Duncan
Etta Fink
John Monette
Alan Goldstein
David Cerniglia
Amy Stenstein
Gloria Jean Knorr
Bill Wytral

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EXHIBIT INDEX

- Exhibit 1. Homestead Neighborhood Association Letter
- Exhibit 2. Memo from Holsberger, VHB to the applicant

1 CHAIRMAN STUTO: Next is Loudon Road Plan
2 District Development, 606 and 608 Loudon Road, review
3 and recommendation for a planned district development to
4 the Town Board. Request for rezoning to include 26,000
5 square foot retail restaurant with a senior living
6 component to include 85 apartments, 92 assisted living
7 with overall parking spaces of 414 spaces.

8 We are going to ask the applicant - there are
9 probably several members of the audience that have
10 seen the description of the property and we are going
11 to ask you to describe it again.

12 First, we're going to ask Joe Grasso, if he
13 could, to summarize the issues that we were focused on
14 at the end of the last meeting and what has happened
15 since then, just to get the Board oriented to where we
16 are. Then, we will go through the whole thing. I want
17 to highlight the issues that seem to be those issues
18 that were a focus at the last meeting.

19 MR. GRASSO: They were primarily three issues
20 that the Board discussed at length with the applicant at
21 the last meeting.

22 The first one was regarding the public
23 benefit. Obviously, this is a planned development
24 district, so there's typically a public benefit
25 component and the applicant has agreed at the last

1 meeting to contribute \$500,000 as a public benefit to
2 be used for various pedestrian improvements.

3 There was concern that there wasn't
4 prioritization of how those monies would be spent to
5 various sidewalk segments within the Town. So, we
6 spent some time prioritizing those segments and I will
7 go into those in a little bit more detail later.

8 There was a lot of comments regarding the
9 restaurants and the number of seats and the adequacy
10 of parking and the Board was desirous to some
11 additional language just controlling the number of
12 restaurants in the size and the various seating
13 capacity of those. So, we spent some time working that
14 into a recommendation.

15 Lastly, there were comments regarding the
16 traffic issues along the Loudon Road corridor and the
17 difficulty with sidestreet access onto Loudon Road and
18 the continuous development along the Loudon Road
19 corridor and the difficulty that people are having
20 accessing the corridor. Then, the lack of pedestrian
21 accommodations along the corridor.

22 So, all those three things - the applicant
23 had agreed to work with us on. We did work on revised
24 recommendations from the Planning Board regarding the
25 planned development district.

1 This project requires an open development
2 area.

3 Then, we had issued a letter dated February
4 17 to summarize the comments of the Planning Board and
5 how those comments had been addressed with the revised
6 PDD recommendation.

7 CHAIRMAN STUTO: I just want to get this on the
8 record. This is with respect to one of the issues which
9 was the impact or the situation with the side roads and
10 with the traffic that is there - particularly Homestead
11 - across the street and a little bit south. They get
12 quite a bit of traffic there.

13 Certain people in the Town delivered a
14 petition entitled Homestead Neighborhood Association
15 dated February 19, 2020 - hand-delivered.

16 It says: Dear Supervisor Mahan and Town
17 Board.

18 They raise issues which we will talk about
19 more in detail. I want to get this marked and we can
20 call it Homestead Neighborhood Association Exhibit 1
21 or whatever our counsel suggests. I don't know if
22 anybody from the department has a clean copy of this.
23 We will get one into the record.

24 With that all said, we're going to come back
25 and focus on the issues we just talked about.

1 We will turn it over to the applicant. Donald
2 Zee is the attorney and it looks like he's ready to
3 speak.

4 MR. ZEE: Good evening, my name is Donald Zee
5 and I'm the attorney for the applicant. With me tonight
6 is Tom Burke in the room and he is the developer. Also
7 is Nick Costa who is the project engineer, Linda Leary
8 who is cocounsel with myself and Wendy Holsberger from
9 VHB and she is the traffic consultant.

10 We acknowledge, as Mr. Grasso had indicated,
11 the three key issues that were still outstanding from
12 our last meeting and we would like to start off by
13 discussing the traffic issue along Homestead first.

14 Wendy Holsberger had done some analysis and
15 has been involved in several of the projects along the
16 Route 9 corridor. She is in the best position to talk
17 about that. I believe a lot of residents in that area
18 are here tonight. So, I will leave it to Wendy to
19 start off.

20 MS. HOLSBERGER: Good evening. Wendy
21 Holsberger, VHB.

22 So, as Don indicated, we heard the comments
23 and concerns specifically regarding Homestead Avenue.
24 So, we have prepared a memorandum and have taken a
25 look at that street.

1 Homestead Avenue connects between Fiddler's
2 Lane and Route 9. There obviously several homes and
3 neighborhoods within Homestead Avenue. There are also
4 a lot of residents on Fiddler's Lane that can also be
5 using Homestead Avenue when they are traveling. Beyond
6 that, Homestead Avenue is known - - Fiddler's Lane -
7 more Fiddler's Lane is known as kind of a back way to
8 get to the school campus - the junior high and the
9 high school campus. Then, to cut down Watervliet
10 Shaker to get to the far east side of Town and into
11 Watervliet. So, that's what Fiddler's Lane traffic
12 kind of does.

13 I guess Homestead Avenue does make that
14 connection, as does Maxwell Road which actually has
15 access to a signal. Homestead also has connection to
16 that signal through North Meadow Lane. So, there is
17 connectivity there.

18 Adjacent to Route 9 there is a bank and there
19 is the doctor's office that also accesses both onto
20 Homestead Avenue. (I was personally involved in the
21 bank project and before that bank, there was a
22 restriction from Homestead onto Route 9 that you could
23 not make a left-hand turn. Part of the changes that
24 happened during the bank project was to try to
25 minimize that bank traffic - more commercial traffic

1 that utilizes Homestead Avenue.

2 The site line along the doctor's office
3 frontage was improved so that left turn movement could
4 be added back into the intersection. There are several
5 times a day were people still go Homestead down to
6 North Meadow to get access to that signal, but it
7 certainly is an outlet to minimize some of that
8 commercial traffic on that street with all the
9 residents.

10 So, just kind of knowing the background - we
11 look at what is the desire of on-site traffic to use
12 Homestead Avenue as a path coming in and out of that
13 development. Kind of knowing the land uses with this
14 senior housing and some higher restaurants and
15 retailers, there's not a high demand that we think
16 that there will be traffic utilizing Homestead - kind
17 of knowing where Fiddler's Lane takes you. So, we are
18 not seeing that as a high generator distribution for
19 this specific site.

20 We did put some numbers to it. Based on the
21 traffic analysis we have about 40% of our site trips
22 traveling to and from the north would be passed
23 Homestead Avenue. We do think primarily the traffic is
24 either going to continue on Route 9 or Maxwell Road to
25 cut across - probably more towards the Wolf Road area.

1 If we did kind of a conservative 10 % of that 40 %,
2 that traffic did go to Homestead, that would be two
3 trips during the morning and five trips in the
4 afternoon. So, that really equates to one trip every
5 half hour, one trip every 12 minutes which is not a
6 high magnitude of traffic. Understanding the concerns
7 are that there is already existing traffic there, but
8 our job is to really look at what impact that is for
9 this particular site and that's kind of a
10 conservatively high worst-case of that 10% that would
11 travel to and from potentially from our site. So, we
12 are not seeing that is a big impact from the site
13 particularly.

14 CHAIRMAN STUTO: I understand what you're
15 saying, but since we have you here and since you were on
16 the other project you know the corridors and we want to
17 pick your brain.

18 MS. HOLSBERGER: That's okay.

19 CHAIRMAN STUTO: I'm going to ask for Joe
20 Grasso's help.

21 MS. MARINELLI: Before you do that, for the
22 record this is a memo from Wendy Holsberger to the
23 applicant.

24 CHAIRMAN STUTO: VHB, dated February 11, 2020.

25 MS. MARINELLI: Yes.

1 CHAIRMAN STUTO: There are at least some
2 residents on Homestead that think the change that was
3 made where there were no lefts out was not beneficial
4 and that encouraged more cut-through traffic from
5 Fiddler's. I think there are some - the ones that I have
6 communicated with - they would prefer the traffic get
7 diverted - coming from that direction to - - so it can
8 get to Maxwell Road. I forgot the name of the road -
9 Meadowbrook?

10 MS. HOLSBERGER: North Meadow Lane.

11 CHAIRMAN STUTO: They also had a suggestion of
12 putting a couple of stop signs there. I know there are
13 different schools of thought on stop signs being
14 utilized for traffic calming devices rather than purely
15 safety.

16 Joe, is there anything else you would like to
17 add for her to comment on?

18 Can you comment on reverting it back and
19 putting stop signs in there - - I'm not saying it's
20 directly attributable -

21 MS. HOLSBERGER: Absolutely.

22 CHAIRMAN STUTO: How helpful would be and where
23 does DOT stand? There was an opinion that DOT is the one
24 that mandated getting rid of the no left-turns and
25 changing that.

1 MS. HOLSBERGER: I wouldn't necessarily say
2 that they mandated it. As part of that particular
3 project, it was a recommendation that was really made to
4 try to help Homestead to minimize that.

5 CHAIRMAN STUTO: So, bank traffic wouldn't go
6 through the neighborhood.

7 MS. HOLSBERGER: Right because the access on
8 Route 9 is a right-in/right-out which means anybody
9 coming from the north traveling to go south from the
10 site would have to go on to Homestead to do that, cut
11 around and we are really trying to keep it so that all
12 that traffic didn't need to. Knowing that there are
13 times of day without a left turn-out of Homestead is
14 difficult and the thought was that during the same times
15 of day it was difficult to take a left and most people
16 would tend to go down to Maxwell to get to the signal to
17 take a left onto Route 9. That's not an easy movement
18 when it's busy because you also have Newton Plaza on the
19 other side where there is conflicting traffic as well.
20 The thought is the most people would go that way.

21 I use Fiddler's a lot and personally I think
22 maybe once I have gone down Homestead and it wasn't to
23 take a left when I got to Route 9. I would always go
24 down to Maxwell to take that left. So, I would think
25 that would be the more natural pattern to go on to

1 Maxwell.

2 CHAIRMAN STUTO: Just to let you know, Comely
3 is part of the neighborhood. Maybe they go down
4 Homestead when they're trying to get to Route 9.

5 MS. HOLSBERGER: I'm not saying people don't do
6 it. We have not done a study to say what was that
7 traffic before the bank went in and what the traffic now
8 that's happening. What are the changes that are
9 happening in the Town that people could be using
10 different routes? We haven't done that. The one thing
11 that it focuses on is obviously what we think our site
12 might do to go down that road. I don't see that as a
13 particular path.

14 There are times when you put in stop signs
15 where traffic calming - - if you're saying put in a
16 three way stop where North Meadow is, that's something
17 that could be looked at. It could be looked at to
18 change that back. I'm not sure. That was obviously an
19 approval of the bank's. So, the bank got their
20 approval with that access there. That would be
21 changing their site plan approval. So, that's kind of
22 a bigger issue that I can't talk about.

23 CHAIRMAN STUTO: Which part would be changing
24 your site plan approval. You still don't have access to
25 Homestead.

1 MS. HOLSBERGER: Right, but I guess part of
2 that was the approval included that change to have that
3 left turn direct onto Route 9. From a commercial
4 standpoint -

5 CHAIRMAN STUTO: I'm not sure that's
6 necessarily so.

7 MS. HOLSBERGER: From a commercial standpoint I
8 know if we get approved and you have a certain access
9 scenario - if that changes, your changing your site. So,
10 again, that was years ago. I can't speak for that
11 client.

12 CHAIRMAN STUTO: But that turn is not on their
13 site. I guess that's all I'm saying.

14 MS. HOLSBERGER: Right, but it was part of the
15 access to get in and out of Route 9.

16 CHAIRMAN STUTO: It was for the greater good of
17 the community -

18 MS. HOLSBERGER: To your point, there's always
19 things that you can look at to change the situations and
20 that is something that could be addressed. I don't know
21 how that fits into this project, but it is something
22 that could be looked at.

23 CHAIRMAN STUTO: Joe, do you have anything to
24 add?

25 MR. GRASSO: Yes, just a couple of things.

1 In terms of the bank, the control of the
2 intersection of Homestead and Loudon Road is between
3 the Town and DOT. Obviously, I think Wendy brings up a
4 really good point about the Town. If it's going to
5 support a change to the access onto Loudon Road by
6 maybe restricting the lefts-out, you've got to
7 consider the traffic from the bank because I agree,
8 now we are taking those trips that would come out to
9 the left and head south on Loudon Road and routing
10 them up to North Meadow and around. So, that's
11 something that would have to be considered.
12 Understanding the concerns out there, I think it's
13 worthy of looking at.

14 I think we can validate that this project
15 isn't going to have a significant impact on the amount
16 of traffic using Homestead, but nonetheless the
17 residents are bringing up good points about the fact
18 that Homestead is still being used or being used as a
19 cut-through more than before when the access
20 restriction was there. Then, there are issues about
21 the traffic calming and safety which is something that
22 I think the Town will take a close look at and could
23 see if there are improvements that are worthy. Whether
24 or not they're built into the project, I don't know.
25 It's hard to make a connection when so little of the

1 traffic from this project is going to use it.

2 The other concern that we heard, though, was
3 about pedestrian connectivity of the neighborhood or
4 lack thereof from Homestead to these commercially
5 developed properties, including the project that
6 you've got in front of you tonight. We took a look at
7 that today and there are no pedestrian accommodations
8 when you're down on Homestead Avenue to get up to
9 Newton Plaza, or the Galleria project or further up
10 the Route 9 corridor.

11 One of the things that we've been working
12 with the PDD recommendation is where those pedestrian
13 improvements should be and where the money should be
14 spent and how it should be prioritized. I do think,
15 based on what we have been hearing from the residents,
16 that may be a sidewalk connection from Homestead
17 heading north on the east side of Route 9 - because
18 there is nothing there now - up to at least the signal
19 at Newton Plaza - - because then from there you can
20 get to the commercial properties and that is something
21 that the Town should look at.

22 CHAIRMAN STUTO: Or possibly Stewart's.

23 MR. GRASSO: Or possibly up to Stewart's, yes.
24 Maybe when we look at those various sidewalk segments in
25 the PDD recommendation - the last one was the Aviation

1 Road connection. Maybe we can take that one off and we
2 bump the Loudon Road section up to either the first one,
3 or the one that would come right after the connection up
4 to the Fresh Market, based on priorities.

5 I will say we haven't taken a close look at
6 the feasibility of a sidewalk along that route
7 obviously knowing that the applicant's team hasn't
8 done it either, but nonetheless building it into the
9 PDD recommendation gives us the ability to look at it
10 further as the project advances from a design
11 standpoint.

12 I know that when you're coming out onto
13 Homestead and you're looking north up Loudon Road,
14 you've got the steep bank there and that was the site
15 distance obstruction that they mitigated. To try to
16 fit a sidewalk between the edge of the pavement on
17 Loudon Road and the edge of their parking lot is going
18 to be problematic. It's going to require some
19 retaining wells. I don't even know if it can be done
20 all within the right-of-way, but those are the things
21 that could be looked at as the project advances
22 through the design process and figure out the best way
23 to spend the \$500,000 public benefit contribution.

24 CHAIRMAN STUTO: Okay, since we are talking
25 about it now, and I know in a sense it's divergence from

1 our normal narrative, anybody on the Board want to
2 comment either on the Homestead traffic and thinking
3 about that and may or may not having a big connection
4 with this project, and also the sidewalk connection that
5 was just described?

6 Paul, would you like to say something?

7 MR. ROSANO: I'm the infrastructure guy.

8 I don't know. I haven't had a chance to
9 review it. I don't know if the underground utilities
10 are there. I know we have a National Grid gas line
11 under there. We have a 12-inch water line. I don't
12 know where the electrical utilities are. So, I can't
13 say that it's functional to be on that side of Route 9
14 to have a sidewalk until I get a technical report. I'm
15 a proponent of sidewalks, but we have rights-of-way
16 and we have easements and I don't have that in front
17 of me. So, I just want you to understand that we can't
18 say that we can't have a sidewalk. It's not because we
19 don't want one. It's just that the utilities could be
20 there and be an obstruction, at this point in time. I
21 just wanted to bring that forward. Thank you.

22 CHAIRMAN STUTO: Anybody else want to comment?

23 MS. MILSTEIN: The one thing I would like to
24 say is as if we do go ahead with the project and they do
25 a PDD, I would like to see the benefit directly related

1 to that area and not another part of Colonie. I want it
2 to be directed to that area.

3 CHAIRMAN STUTO: I am in agreement with that.
4 Are we in the middle of the narration of your
5 project?

6 MR. ZEE: I just want to address that we have
7 no objections if you eliminate the proposed public
8 benefit that we put on Aviation Road. Just so that the
9 public knows where that came from, my office used to be
10 on Aviation Road. So, when we came up with the project,
11 we were aware of PDDs and other projects that were being
12 approved, my office said okay, where are there blank
13 spaces in sidewalks?

14 Since we are on Aviation, we saw that from
15 the Cicciotti Center going towards Sand Creek Road
16 where you have the senior condominium units. Right now
17 there entire sidewalks for the Cicciotti Center down
18 Aviation Road towards Cap Com and the sidewalks
19 extended onto the Crossings.

20 When Mr. Crisafulli developed his apartments,
21 the Town put sidewalks up to Wolf Road. So, we thought
22 that would complete that area. It wasn't anything that
23 was thought of by the Town or Town officials. It was
24 by my office and that's why we proposed it.

25 We estimated the dollar amount. I proposed it

1 to our client Tom Burke and we offered it initially
2 \$200,000. The Town, through various discussions, has
3 indicated that was insufficient. We increased it to
4 \$300,000. They indicated that was insufficient. We had
5 quite a bit of discussion over the past year or so and
6 hopefully we have reached a compromise or an agreement
7 as to dollar amount which is the half million dollars.

8 As to where that is to be utilized, I have no
9 problems with the Town Planning Board recommending
10 that it be used for projects that are in this vicinity
11 and if it can include the sidewalk that you just
12 discussed, we have no problems with that. I just want
13 to put that out there. As I said, we are willing to
14 work with the Town and we appreciate the neighbors'
15 comments with regard to that item. Thank you.

16 Just so that everybody can see, so we can put
17 to bed the issue of the public benefit, six of the
18 last seven slides show the proposed public benefit
19 that we are showing. This is the distance from our
20 site going towards Route 155 to the Fresh Market.
21 That's where we had proposed. We had estimated that
22 cost, subject to what easements that are necessities
23 and what utilities had to be moved - there's an
24 approximate estimate of about \$200,000 for just over
25 1,000 feet of road. That's where that's proposed. I

1 think the next slide showed what the condition was a
2 week or so ago when there was some snow. You can see
3 where the poles are so we wanted to make sure of where
4 the easements and the right-of-way is. That is
5 something that occurred at two of the most recent
6 Planning Board meetings.

7 We heard at least two of the most recent
8 Planning Board meetings that neighborhood was
9 interested in the and we would have no objections to
10 that.

11 The next slide shows the area on Aviation
12 Road. That's the area that I had indicated that we
13 looked at initially and the Ciccotti Center was over
14 in this area (Indicating).

15 Across the street we were proposing to put
16 the sidewalk down to where it ends right now off of
17 Computer Drive East.

18 The next slide will just show what that looks
19 like at the end. We thought that it would not be that
20 difficult to get easements because my office happens
21 to represent the owners of Wolf Road Shoppers Park, so
22 we could have a dialogue with them about knowing what
23 the utilities are, getting access to surveys,
24 etcerera. We thought that was approximately 1,000
25 feet.

1 Then there was the discussion along Spring
2 Street by Siena College and Schuyler Meadows, I
3 believe.

4 These were the conditions about a week or so
5 ago (Indicating).

6 As you said, we have no objections if it's
7 moved around - the one half million dollars that we
8 proposed.

9 I'm going to throw something out without my
10 clients approval, but if there is a discussion about
11 the sidewalks that the neighborhood is proposing and
12 instead of using the \$200,000 for Aviation Road that
13 comes in a little bit less, we have no problems if the
14 Town wants to use - - I asked Wendy as a traffic
15 engineer what it would cost to do an updated traffic
16 analysis about the streets at Homestead and everything
17 - that you take the \$5,000 estimated traffic
18 engineering cost from the \$500,000 and utilize that, I
19 think that would also be deemed a public benefit
20 because you indicated the neighborhood is specifically
21 concerned. If you take the money out of that, we have
22 no objections. If that \$500,000 is all there - as the
23 Town decides to divvy it up and rather than having my
24 client's traffic consultant stand up here, if you have
25 the Town traffic consultant do it and maybe the

1 neighbors would feel a little bit more comfortable on
2 having it done as an independent study. We can take it
3 right out of that money. That is something that we
4 would have no objections to.

5 CHAIRMAN STUTO: Okay, I think we get the point
6 and we appreciate the flexibility there. We will talk
7 further at the end of the process, probably on
8 specifically how to prioritize.

9 Feel free to continue with your presentation.

10 MR. ZEE: This is the elevation that you would
11 see from Route 9. You would be on the northern end of
12 the curb cut from Route 9 looking into the Hoffman
13 Playland site which is on an 8.5 acre parcel. Of the 8.5
14 acres there is approximately just a little bit over an
15 acre of wetlands, be it New York State DEC wetlands or
16 Army Corps freshwater wetlands in the rear of the
17 parcel. Since we had been before the Board several times
18 - somewhere around five or six times - and through our
19 various courses of presentations we have discussed the
20 sizing of the project, the number of beds that are
21 proposed.

22 Just so you know, we have two parcels in
23 front. In front is a commercial retail restaurant
24 parcel. You heard the Town Designated Engineer talk
25 about parking and the number of spaces in the

1 restaurant. We have reduced the front building by 7%
2 over the course of the presentations. We reduced the
3 overall size of the building by 13%. We have increased
4 the area along Route 9 by 100%.

5 The building in the rear consists of senior
6 apartments - 85 senior apartments as well as 92 beds
7 for assisted living or memory care, along with an
8 underground parking garage that has 134 spaces.

9 With regard to the parking for the parcel
10 number one which would have the restaurant, the Board
11 had raised a lot of concerns through our presentations
12 with regard to it. So, at the last meeting there was a
13 discussion about reducing the number of seats that
14 would be committed in the restaurants that are being
15 proposed. We have agreed to reduce the total number of
16 seats in the restaurant space which would be 8,000
17 square feet total, maximum, to 340 seats. Of the 340
18 seats, 240 would be indoor and 100 would be outdoors
19 and seasonal.

20 This is a PDD, but we would comply with the
21 Town's requirements for the number of parking spaces.
22 It is calculated by taking the number of seats - 340
23 and dividing it by three. We rounded up to 114. There
24 is 18,000 square feet of retail space left over. Of
25 the 18,000 square feet of retail space you require

1 five parking spaces per thousand for a total of 90.

2 Then, we have employee parking spaces of 16.
3 The parking spaces required under the Code, even if we
4 weren't going under PDD, would be 220 and we provide
5 220 parking spaces on Lot 1.

6 It should be pointed out, as I said, the
7 exterior seats are seasonal. So, today we wouldn't
8 have anybody utilizing the outside restaurant seats.

9 With regard to the parking for the assisted
10 living, independent senior living and the memory care,
11 once again we are a PDD which means we don't have to
12 follow the Code, but we just wanted to point out that
13 with regard to the assisted living and memory care,
14 you have to have one space for every four units which
15 requires 23 parking spaces. You have to have one
16 parking space for every employee during the peak
17 shift. The peak shift is actually 28.6.

18 There's another slide which I will get to
19 later on which shows how the person would be operating
20 it calculates the number of employees. We rounded it
21 up to 30 parking spaces.

22 For the independent senior living, we have
23 one parking space per apartment. That's 85 parking
24 spaces. We have a total of 194. Of the 194, 134 are
25 indoor parking garage.

1 Just to point out with regard to the
2 independent senior living, the person who will be
3 operating the facility has agreed that they will put
4 in their lease that each apartment can only have one
5 car. So, in effect we have 56 excess parking spaces.
6 We've had some discussion and I believe the TDE letter
7 had acknowledged that they thought 85 was appropriate.
8 It should be pointed out that when we get to another
9 portion of the presentation where we talk about the
10 amenities of the senior apartments and the memory
11 care, we provide transportation for all of our
12 occupants. That's part of the amenities for the
13 independent senior living, the memory care and
14 assisted living residents. They have transportation
15 provided for them. Even though initially people think
16 they'll want to have a car, at the end of the day
17 based on our operators experience I believe they have
18 six current facilities and at the end of the day maybe
19 20% to 25 % wind up having cars after living there for
20 a period of time because they really find no need for
21 it.

22 As I indicated how we calculated, we show 30
23 parking spaces set aside for employees. We asked the
24 operator to go through and point out every single
25 position that is in their employ with regard to their

1 operations; what time of day and what shifts. There
2 are three shifts in a day; the afternoon and the
3 overnight. As they go through the concierge security
4 shift, the kitchen staff which is primarily part of
5 your rent in the independent senior living apartments,
6 you get 16 meals a month included in your rent. So,
7 that's why we have kitchen staff and then we have the
8 other staff with regard to services, nurses, RNs,
9 caregivers, etcetera. We have during the peak hour
10 28.6 employees. So, we rounded up to 30.

11 So, during the course of our discussions and
12 presentations to the Board, they had requested a
13 colored plan showing where the parking would be for
14 the various uses. So, we have the front parcel divided
15 here and you can see the parking spaces set aside for
16 the parcel in front. That's where we have the 220
17 parking spaces.

18 In this area here, that's the underground
19 parking garage (Indicating). We don't obviously have
20 the building elevation here. That's where the parking
21 lot is and there are two entrances. One here and one
22 on the side going into the parking garage
23 (Indicating).

24 Then, you also have some exterior parking
25 here, some exterior parking here, as well as there

1 (Indicating). So, those are employees as well as
2 guests.

3 Just so you know, the entrance to the
4 assisted living is here (Indcating). That's why we
5 have visitors parking right here and employee parking
6 over in this area as well as in there (Indcating).

7 I'm going to have Linda Leary come up because
8 there were some questions raised by neighbors with
9 regard to what the viewscape would be if you lived to
10 the east of Route 9, looking at the project.

11 We did, on three occasions, go along Ashley
12 Drive because there are a couple of residents - - and
13 one of the residents is here that permitted us to go
14 into their backyard. We took pictures from the rear
15 yards from Ashley Drive towards the Hoffman Playland
16 site. The first time we took the pictures, I believe
17 it was in October and the residents and the Board
18 rightly complained because there were leaves on the
19 trees. So, we went back again in late November and we
20 found out the trees were still covered with leaves.
21 So, we went back a third time and this time the leaves
22 were all gone and we showed that to the Board and to
23 the residents at that point in time that you could not
24 see the site because you were close to 600 or 700 feet
25 away from the nearest home looking at the rear of

1 Hoffman Playland.

2 I will have Linda come up and talk about
3 this.

4 MS. LEARY: The only thing for the visual is
5 the fact that the retail restaurant building is 30 feet.
6 So, what our engineer did was mark the view. So, if
7 you're standing here and looking - - the concern was,
8 what about the building in the back? Well, the view from
9 here - because this actually blocks and you don't see if
10 you're looking (Indcating). You can't see the height of
11 these buildings in the back from Route 9. If you're
12 traveling north, you may see a part of the building in
13 the same way if you're coming in the other direction.

14 In the PowerPoint, this is just showing
15 standing in the Hoffman lot and looking across the
16 street and what you can see. There are homes back here
17 which you can see from our site (Indcating).

18 This is standing across the street looking at
19 the Hoffman site. So, this is what we have here.

20 I think if you go to the next slide it will
21 show the positioning. Our photographer was back here
22 shooting that and looking towards the Hoffman site.
23 The first picture was from here looking back. These
24 are the homes back here. That's a distance of 660 feet
25 away.

1 The next slide is again taken in December
2 looking across. This is the Marini building at the
3 Hoffman site. Over here are the Marini buildings
4 (Indcating).

5 Again this was standing across the street
6 from the Hoffman site. I think this is the same slide
7 showing the distance.

8 One of the things of concern was that our
9 buildings were going to overpower or overshadow the
10 buildings on the Marini site. Our site is considerably
11 lower than the Marini site. This is the parking lot in
12 what is at Hoffman's, looking up at the Dunkin'
13 Donuts. I think the next slide shows further back on
14 Hoffman's. Again, looking into the Marini site. You
15 can see the visual at how much higher they are. The
16 site continues to decrease as we go back.

17 Again, these are the apartment buildings that
18 Mr. Marini has built and you can see they are quite a
19 bit higher than our site.

20 The next shot was taken from the Marini
21 property. These are the apartment buildings. This is
22 looking down and this is the building on the Hoffman
23 site (Indicating). Again, you can see visually the
24 difference in elevation. I apologize that everyone
25 can't see this. You'll have to trust me.

1 What our engineer did was go out and actually
2 measure from the highest - - if you move back to the
3 assisted living which is the rear building of ours -
4 this is the apartments - the independent living. So,
5 the very corner - the highest part of this building
6 would be at a point of - the building would be at a
7 point of highest point at 405 feet. If you measure the
8 distance to the Marini apartments that we showed, the
9 top of their building is at 410 feet. So, they are
10 actually five feet higher than our building. Because
11 our topography slopes back, the building in the back
12 is 395 feet at the tallest point. On the Marini site
13 they are proposing to build townhomes and our
14 understanding is that they would only be two stories.
15 Because the height of his property is higher, the top
16 of his buildings to be at 392 feet. So, there's only a
17 three-foot difference. In the rear ours would be a
18 three-foot difference and in the front part, his
19 buildings are higher. So, this proposed blocking of
20 views just really doesn't exist.

21 MR. ZEE: Just the elevations we are talking
22 about is above sea level - the heights that were talking
23 about. They are the heights of the buildings,
24 themselves.

25 CHAIRMAN STUTO: Don, can you tell me how much

1 more you're going to go through? I think we have to move
2 a little bit brisker. We have to hear from a lot of
3 neighbors. When we get to the decision process -

4 MR. ZEE: As you know, we have one new Board
5 Member who may have or have not heard our presentation.
6 I know Mr. Rosano is a liaison to the Town Board and has
7 attended, to the best of my recollection, every one.

8 I know Ms. Milstein wasn't here for our
9 presentation and she had raised serious concerns with
10 regard to services and why someone would pay \$3,000 a
11 month for an independent senior living unit. So, if we
12 can skip this in the utility plan -

13 CHAIRMAN STUTO: I'm not asking you to miss
14 anything.

15 MR. ZEE: This portion showed where the
16 stormwater management areas were, where the three fire
17 hydrants on site are and the two fire hydrants off-site.

18 There was one resident who is on Ashley Drive
19 who raised the concern about the proximity to the DEC
20 wetlands, the 100-foot buffer and the Army Corps and
21 whether the stormwater management system was impacting
22 that. The Town TDE reviewed our plan and they
23 acknowledged that we are not impacting the 100-foot
24 buffer of the DEC wetlands. The stormwater management
25 areas are outside the 100-foot buffer, as well as

1 outside of the Army Corps wetlands. We do show some
2 disturbance of an Army Corps wetland and we would be
3 going under some minor permitting under that
4 situation.

5 We met with the Fire Department and the loop
6 road in the rear of the site is all one way from
7 approximately this location going around the building
8 (Indicating).

9 We show areas of snow storage.

10 We show a cross easement area to the parcel
11 to the north. We did not get approvals to have an
12 access to Newton Plaza, but we agreed to grant an
13 easement in the future if that were to occur. That
14 would give us access to the traffic light as they
15 would come in by the Bellini site.

16 As to the amenities, what is provided - we
17 have apartments. Some are one-bedrooms and
18 two-bedrooms between 600 to 1,100 square feet. I
19 believe there are 72 bedrooms and all the rest are
20 one-bedrooms. Some of the amenities - there are two or
21 three restaurants - dining venues plus a bar in the
22 lounge.

23 I asked Kelly Andres who had made
24 presentations of this is accurate. As part of your
25 rent, you get happy hour every day. You get a drink

1 every day.

2 We have concierge services, various
3 programming, gym, underground parking and covered
4 entrances. Included in your rent are the cable TV,
5 gas, electric, water, sewer, basic Internet services,
6 obviously trash removal.

7 As I said, meals - we provide two meals a
8 day.

9 As I said earlier transportation services
10 provided and obviously with a concierge we have
11 someone who will pick up passengers because we find a
12 lot of times - I know my wife likes to call Amazon and
13 get packages. She's not home at times so we have
14 someone there to pick it up. This also provides 24/7
15 security.

16 To get into the parking garage for the
17 residents, there's a barrier. You have to be able to
18 get in via fob. So, there is security there.

19 They come in and do maintenance for your
20 apartments. They maintain your HVAC and your
21 appliances are also included. Obviously, you don't
22 have any outdoor services for the apartment -
23 independent senior living. They come in once a month
24 to do your cleaning of your apartments.

25 With regard to the assisted living, they do

1 it weekly and on the memory care, it is as needed.
2 They have holiday parties and the gym and fitness
3 services and they also have the ability if you want a
4 menu of services with regard to other people coming in
5 and providing services for you. For safety purposes,
6 they check on every single resident every single day
7 by 10:00 in the morning just to make sure that seniors
8 are up and about.

9 This is just the schedule of activities for
10 the month of October 2019. As you can see, everything
11 is happening - be it classes for bridge, other card
12 games, dance classes, various groups - they have
13 activities every single day. We also provided the
14 September and November activities as well to the
15 Board.

16 CHAIRMAN STUTO: I'm getting feedback up here
17 that we can do this a lot quicker. You are already on
18 record with all of this. If there any questions, we can
19 come back to it.

20 MR. ZEE: What's important for us is that we
21 meet the Comprehensive Plan. The Comprehensive Plan on
22 page 24 specifically says redevelopment of existing
23 commercial site. Hoffman Playland existed for 60 years.
24 To create opportunities for increasing value of
25 underutilized commercial spaces. It's been vacant for

1 five years. Permit high density mixed-use development
2 with emphasized pedestrian access. We have sidewalks
3 throughout the site.

4 Once again, it was a question about the mass
5 of the building. As I said, everything in white here
6 is underground. So, when Linda talked about the
7 heights of the building in the parking, as you can
8 see, it's all underground.

9 There was a concern about buffers along the
10 edge of the property and there was a discussion of
11 having a minimum of 10 foot green space between our
12 property line and our loop road. That's what we are
13 showing.

14 We would be installing arborvitae's eight
15 feet plus in height and then we have 20 foot wide
16 roadway and then we would have enough room for
17 foundation plantings. Those would be a minimum of 10
18 feet, as well. The minimum is 10 feet. They are
19 substantially above that.

20 We went through the public benefit.

21 So, what we are looking for tonight is a
22 positive recommendation from the Board for the PDD, a
23 positive recommendation for the ODA and obviously some
24 sort of recommendation on the public benefit as I went
25 through and we talked about earlier.

1 With regard to the restaurant use, the TDE,
2 Mr. Grasso, and I talked to Tom Burke with regard to
3 restrictions as to the maximum size of one single
4 restaurant, ecterera. It is set forth in his letter
5 and we are agreeable to those.

6 CHAIRMAN STUTO: And Joe will go over those.

7 Joe, go over what you want to go over before
8 we turn it over for clarification before returning to
9 the neighbors.

10 MR. GRASSO: The only thing that I would like
11 to say is just to reiterate the conditions of the PDD
12 would be regarding pedestrian improvements which I can
13 go through those. Do you want me to through those now,
14 or do you want me to wait until after public comment?

15 CHAIRMAN STUTO: Why don't you go through them
16 quickly? He went over them.

17 MR. GRASSO: So, there was a comment about a
18 traffic study and Homestead Drive and I had written it
19 out as such and this is for the Board's consideration.
20 This would be part of the public benefit package, which
21 would be completion of an applicant sponsor traffic
22 study that evaluates traffic conditions along Homestead
23 Drive and evaluates potential improvements with respect
24 to vehicular site lines, traffic calming, cut through
25 traffic, pedestrian safety and access considerations. We

1 value that work at about approximately \$20,000.

2 Then, to build the component of the possible
3 pedestrian connection along Loudon Road from
4 Homestead, it would be design and installation of
5 approximately 600 linear feet of sidewalk along the
6 east side of Loudon Road from Homestead Drive heading
7 north to the signal at Newton Plaza. We would value
8 that work at approximately \$200,000. That would be the
9 second priority.

10 Third would be design and installation of
11 approximately 1,100 linear feet of sidewalk along the
12 west side of Loudon Road from Glennon Road headed
13 north to the Fresh Market Plaza. We value that work at
14 approximately \$200,000.

15 We would no longer look at the extension of
16 sidewalk from Fresh Market up to the Route 9 and 155
17 intersection. We would also no longer look at the
18 design installation of the sidewalk along Aviation
19 Road.

20 The last one would be design and installation
21 of approximately \$100,000 of work of sidewalk along
22 Spring Street with limits to be determined during
23 final site plan review. That would be any remaining
24 balance of the unused monies for that improvement
25 there.

1 Obviously, if all those things add up over
2 \$100,000, that's where the prioritization come in.
3 That is something where each site and scope of work
4 would be verified through an engineer's estimate, as
5 well as contractors bids for the work. We would
6 recommend that the traffic study in the design of
7 those improvements would be included in the final site
8 plans for the project so that construction could be
9 simultaneously with development of the project site.

10 Furthermore in terms of the conditions, just
11 so I'm getting them out there - in terms of the
12 seating, Don had talked about this. Restaurants within
13 the retail building would be limited to no more than
14 three full service restaurants with a combined square
15 footage of no greater than 8,000 square feet and 340
16 seats including 240 inside year-round and 100 outdoor
17 seasonal with up to a 10% variation between these
18 indoor/outdoor seating counts and no single restaurant
19 would have a site greater than 4,500 square feet with
20 a maximum of 200 seats.

21 Then, to address the concern about potential
22 for live outdoor music and noise: any restaurant shall
23 be restricted from having live music outdoors between
24 the hours of 10:00 p.m. And 3:00 p.m. and no live
25 music shall achieve a decibel level of greater than 40

1 decibels at the limit of the project site at any time
2 which is equitable to a typical suburban nighttime
3 noise level readings.

4 So, those are all things that would be built
5 into the PDD legislation.

6 CHAIRMAN STUTO: I just want to clarify the 10%
7 variance. The overall limited is 340. The variances are
8 only between the indoor and outdoor.

9 MR. GRASSO: The indoor and outdoor only.

10 CHAIRMAN STUTO: So, you have more indoor and
11 you have fewer outdoor and vice versa.

12 MR. GRASSO: Yes, 10% variation only applies to
13 the balance between the 240 and the 100 was still the
14 max of 340.

15 CHAIRMAN STUTO: We will call up the neighbors.
16 We have 12 people that have asked to speak. We're going
17 to ask that you keep it to a reasonable time if you
18 still have questions, once all 12 people have spoken, we
19 will go back and talk after the 12th person.

20 MS. MILSTEIN: The 300-seat restaurant - what
21 would that be equivalent to?

22 CHAIRMAN STUTO: The maximum is 200, just so
23 you know.

24 MS. MILSTEIN: What would be a restaurant that
25 would be comparable to it? Would it be Taco Bell?

1 MR. GRASSO: No. Taco Bell is like 40, or so. I
2 can't think of a restaurant that large that would be 340
3 seats.

4 CHAIRMAN STUTO: Chip was talking about
5 Moscatello's.

6 MR. GRASSO: Olive Garden might be in the 200
7 to 250 range. That's why I said we wanted to limit it. A
8 Longhorn Steakhouse would be 200?

9 MR. SHAMLIAN: A typical Moe's is about 80.

10 MR. GRASSO: Okay, so a typical Moe's is about
11 80. That puts it a little bit more into perspective.

12 MS. MILSTEIN: Okay, thank you.

13 CHAIRMAN STUTO: Okay, there will be about 13
14 speaking, so why ask you to try to be concise.

15 Amy McKane.

16 MS. MCKANE: Thank you. My name is Amy McKane
17 and I live at 10 Homestead Drive. That's where we live.
18 I have a few comments of my own and then I also have two
19 written statements from residents on the street. I put
20 their names on the list.

21 Can I read this into the record?

22 CHAIRMAN STUTO: They're not here; is that what
23 you're saying?

24 MS. MCKANE: Yes. They're not here, but they
25 asked that they be presented.

1 CHAIRMAN STUTO: Okay.

2 MS. MCKANE: First, I would like to thank Mr.
3 Stuto for introducing the letter that we did distribute
4 and discussed with the Supervisor and with several
5 people who are here this afternoon. I just want to
6 stress that the reason we are here and the reason we
7 submitted the letter is because with the Town's own
8 traffic studies, we had one that the Town conducted over
9 Labor Day weekend which is certainly not when school is
10 in session.

11 We had 5,300 cars coming down our street. So,
12 we have a serious volume and speed problem on our
13 street. There have been two studies already done by
14 the Town to verify that. I would have to say that I'm
15 not particularly in favor of spending money on traffic
16 expert to do things that we are asking for which we
17 think are very practical and just happened. That was
18 outlined in the letter, but essentially what we are
19 looking for is a one-way entrance at the Comely and
20 Homestead intersection, which is very dangerous right
21 now and has a blind curve/blind hill. We are looking
22 for two three-way stop signs where the intersection of
23 Meadow and Homestead occurs and North Meadow and
24 Homestead.

25 I would also like to state that I am a

1 customer of Capital Bank. It has very few customers. A
2 lot of people bank online these days and so traffic
3 would not be a problem.

4 Our third ask is to restore the right-turn
5 only sign at the end of Homestead. People do turn left
6 all the time and it's quite dangerous.

7 Finally, I would just like to emphasize
8 what's been discussed here about putting sidewalks on
9 the east side of Route 9, New Loudon Road. So, we can
10 begin to have a walkable neighborhood which is
11 supposed to be the goal for doing this type of dense
12 development. I would ask that the Board consider our
13 original ask which was to get the sidewalk to go to
14 Stewart's on the east side rather than stopping at the
15 light at Newton Plaza. Frankly, sidewalks on Spring
16 Street do not provide this existing neighborhood or
17 anywhere immediately around us with any public
18 benefit. We are the ones being impacted by the
19 development on New Loudon Road. So, consistent with
20 the comprehensive plan, that's were asking for.

21 With that I would just like to conclude my
22 remarks and also, as I said, thank you for the
23 consideration that you've given.

24 I would like to briefly read a statement from
25 Jessica Stanton. She lives on Homestead Drive. I

1 believe her number is 31.

2 She says: My family moved into our home last
3 January. Our kids are eight, six and one. We live at
4 the end of the street where Homestead meets Fiddler's.
5 The speed at which cars enter our street and the
6 volume cutting through concerns us. When we had moved
7 onto the street I had hoped that it would be a street
8 my family could go on walks down and safely ride our
9 bikes together. This isn't a possibility at all, based
10 on what we have observed. We found comfort that many
11 of our neighbors felt the same way and were a bigger
12 voice for us, being new to the street. I often find
13 myself parking a car across the end of the driveway
14 when my kids are outside playing.

15 Coming off of the curve off of Fiddler's,
16 especially with the speed they go up and down that
17 hill, I fear for my children safety. We often find
18 ourselves parking a car in the front side of our
19 property to try to slow traffic down, as well. I want
20 my kids to be outside playing and enjoying themselves,
21 but I need them safe. Our concerns are real and
22 presentable. I want my kids to be able to be outside
23 playing without any risk that high traffic and speed
24 cause.

25 Thank you for taking a moment to listen to my

1 concerns. I'm just one of many voices with a story to
2 share. Please, for a moment, put yourself in my shoes
3 and imagine it's your children outside playing instead
4 of mine in what used to be a much quieter street. The
5 numbered houses on our street hasn't changed, but the
6 signage on the street has.

7 The second one is from Laura Matuski who is
8 at 15 Homestead.

9 She says: My husband and I walk our dogs
10 twice a day and are in constant fear of our and our
11 dog's safety while doing so. Cars are definitely going
12 in excess of the speed limit and there is a continuous
13 flow. We have to pull our dogs up on lawns constantly
14 because cars whizzed by us and don't take caution to
15 steer clear of us. We've actually had people stopped
16 to yell at us and on a few occasions steer their cars
17 toward us to teach us a lesson for walking our dogs on
18 the street we live on. It has become very dangerous
19 and makes living on Homestead Drive very undesirable.
20 I'm hoping we can work together to make Homestead
21 Drive as safe desirable street to live on once again.
22 Thank you.

23 CHAIRMAN STUTO: Thank you.

24 Steven Fink.

25 MR. FINK: So, speaking of high speed and

1 access relevant to the PDD, I would like to go on record
2 with some information about the current state of traffic
3 on Homestead Drive. In 2019 from August 30th to
4 September 6th the Town of Colonie recorded how many cars
5 went in both directions and how fast they were going
6 over an eight-day period, which included the Labor Day
7 weekend. The total volume was 5,361 of which 2,939 were
8 speeding faster than the 30 mile-per-hour posted Town
9 limit. More than half were speeding. This is an average
10 of 670 cars per day and this is not even a regular
11 commuting week because of the holiday. This will only
12 increase on a daily basis as a development on Route 9
13 near us continues and more cars are on the road.
14 Homestead Drive is used as a cut-through to get from
15 Route 9 to Watervliet Shaker Road and in reverse, as
16 well. The three roads that go from the Newton Plaza/Town
17 Hall area to Shaker High School, Delatour Road and
18 Watervliet Shaker roads are Fiddler's Lane, Maxwell Road
19 and Homestead Drive.

20 Maxwell at Fiddler's have double yellow
21 stripes and I think people drive much faster than the
22 posted 30 miles per hour. I personally feel that
23 drivers see Homestead as a time-saving shortcut and
24 are endangering the life of people and pets and
25 wildlife that live there by speeding in the same

1 manner as they do on the other two roads and speeding
2 in general.

3 We don't have sidewalks to use for safely
4 walking or biking up and down Homestead. People I know
5 have lost pets to the speeding cars. I walk my dog and
6 when I see or hear a car coming on fast, I have to
7 pull him onto someone's lawn to make a safe. This is
8 even more difficult when there are large snowbanks.

9 An 87-year-old neighbor of mine, and I won't
10 mention Reverend Thompson by name, said he was very
11 fearful every time he takes his daily walk. There's a
12 huge potential for something very bad to happen unless
13 some changes are made to the volume of cars and the
14 speeding. When North Meadow meets Homestead as a rise
15 and while going in either direction near there, you
16 cannot see over the rise to see what's coming. A
17 driver certainly cannot see you. This presents a
18 problem for school buses dropping off and picking up
19 kids in the rush-hour parts of the day at that corner
20 and there's also a problem at the corner of Meadow and
21 Homestead, a little further down the block. Lack of
22 visibility combined with speed is a recipe for
23 disaster. This can be avoided with simple changes. It
24 is my feeling that stop signs at every corner would
25 alleviate the speeding. I have driven about and

1 stopped at each corner as if there was a stop sign. It
2 really does slow you down. Putting up signs that say
3 stop ahead - they can be seen when you were at one
4 sign indicating the next one is not far off and that
5 will keep people from going too fast between corners.
6 Stop signs might even help lower the volume of people
7 using our street.

8 There was a young couple next door to us who
9 really like the neighborhood, but sold the house and
10 moved to a cul-de-sac because they were terrified of
11 letting their kids play in their own driveway.

12 One of the things that I find myself
13 regularly doing is picking up and disposing of
14 roadkill into a small wooded area across from my house
15 on the western third of Homestead. They are animals
16 whacked by speeding cars. I understand this can't be
17 completely controlled, but it's a lot easier to swerve
18 and break to avoid animals at 30 miles per hour than
19 it is at 50 and 60 miles per hour.

20 Maria Drive and the firehouse on Albany
21 Shaker Road has stop signs at every corner. I use that
22 road sometimes as an approach to the Crossings park. I
23 never see anybody speeding there. The neighborhood
24 behind us which is Skyline Drive, Aspen Road, Laurie
25 Lane and Comely Lane has three-way stop signs at one

1 intersection and stop signs at most of the corners and
2 the rest of the neighborhood. This is not a
3 cut-through situation like Homestead is.

4 I'm asking the Town to consider three-way
5 stop signs for the intersections where Homestead meets
6 North Meadow and Medow roads. Something needs to be
7 done before the traffic increases due to a development
8 along Route 9 and the volume and speed of vehicles
9 cutting through gets more out of control than it
10 currently is. Thank you.

11 CHAIRMAN STUTO: Thank you.

12 Ed Duncan

13 MR. DUNCAN: Hi I'm going to keep this brief
14 because I know we have a lot of speakers.

15 I just want to start with what you were
16 saying earlier - the greater good of the community.
17 That's what this is about. The presentation and the
18 slides - the bottom line is it's about one thing and
19 one thing only; safety.

20 Basically in terms of what I'm going to focus
21 on is that do not enter sign from Fiddler's Lane to
22 Homestead Drive. It's a no-brainer. For those of you
23 who go there periodically, you would know that but we
24 have to live it every single day. When I go to work, I
25 hugged the side of the road when I'm making a right

1 turn onto Fiddler's. It's dangerous. It's as simple as
2 that.

3 To be honest with you, I don't even have
4 anything prepared. I just like to speak off the top of
5 my head.

6 In the worst-case scenario I suppose if we
7 just sit on it - okay, yes we'll do something about
8 it. Famous last words. And suppose somebody gets hit
9 or dies?

10 The only thing I'm going to say is would you
11 please take this into consideration - what we're
12 saying in particular - the do not enter sign going
13 from Fiddler's to Homestead. Thank you.

14 CHAIRMAN STUTO: Thank you.

15 Etta Fink.

16 MS. FINK: Thank you again for all of your
17 consideration. I do not need to say that we are
18 recognizing concerns that Homestead Drive residents -
19 many of them are related to this project. Maybe some of
20 them have been in existence for a long time - but this
21 is the tipping point because of our concerns for safety.
22 So, thank you for including this as part of this. I
23 think that when I hear high density as part of the
24 proposed project, all my mind hears is higher volume
25 traffic on my street and my safety.

1 My husband was very, very humble and didn't
2 even mention that at that intersection that Ed was
3 just referring to, we had a car totaled. My husband
4 was in the lane, hugging the right side as Ed just
5 described, trying to turn right onto Fiddler's and
6 someone swung around Fiddler's because there is no
7 marking on the street. There are no stop signs. They
8 crashed the car. I got that phone call. I'm here and
9 the car has been crashed. I think God that he is
10 alive.

11 I'm going to speak to the more human aspect
12 of this. I walk the neighborhood all the time, but
13 less more frequently. I will drive now elsewhere
14 because I don't feel safe and comfortable to walk in
15 my neighborhood.

16 I work as a consultant in one of the
17 buildings - in the Schuyler Building at Newton Plaza
18 and I don't even want to walk to work anymore because
19 it's so uncomfortable.

20 I have watched people come out in a left-hand
21 turning lane, coming onto Route 9 to turn left onto
22 Homestead. We have a left-hand turning lane. I come
23 face-to-face with a car pulling left out of Newton
24 Plaza, right, face-to-face with me because they think
25 they're going to use that right hand turning lane as a

1 way to get onto Route 9.

2 We have multiple, multiple issues on the
3 streets that just say safety, safety, safety. I don't
4 want to see anybody die.

5 I watched a toddler on a tricycle come down
6 Meadow with a grandma couldn't keep up with the child
7 and pulled across the diagonal to come onto Homestead
8 heading towards the west. As I saw a car coming up
9 over the ridge on the other side, I ran after that
10 child to try to stop them and get them off to the side
11 of the road.

12 My dog is a senior. I can't pull him off the
13 road as quickly anymore as I used to. You're getting
14 to that point.

15 This is a very human issue here and I do
16 believe the growth and development in our community is
17 significant and there is a lot of goodness that comes
18 with that but honestly, we're talking about housing
19 seniors and I'm afraid for their safety if we are not
20 providing proper ways for them to be able to walk
21 where they are. Yes, they have transportation provided
22 but the goal would be to walk within your community
23 and make it feel more like a Town - is what I'm
24 hearing. It sounds to me like we just need to take
25 greater consideration. This is what I would ask for.

1 Match our care and mindfulness and humanness for the
2 consideration of the residents who live in this area
3 with the ambition and excitement and enthusiasm of the
4 growth that we may be looking at in this proposed
5 development. Thank you.

6 CHAIRMAN STUTO: Thank you.

7 C. Flanagan.

8 You're not looking to speak right now? Okay.

9 John Monette.

10 MR. MONETTE: Good evening. I live on 14
11 Homestead. I think you guys have seen me at a few
12 meetings, so far. You hear my neighbor speaking. You
13 know it's more than just me.

14 On the petition that you guys have - I just
15 want to point out there are a couple of extra things.
16 There is a right-hand turn only from Homestead to go
17 north onto 9 but also across the street, leaving the
18 Plaza, it would be great to have a right turn only to
19 head south on Route 9. Anybody who wants to go north,
20 can easily go up to the other end of the Plaza and use
21 the traffic light exit.

22 Second, there is also mention on there that
23 at any one end of the street, it don't matter what and
24 - just to give you a little history, I think you
25 remember me from last March when I was at the Town

1 Board meeting and Paul told me to get a petition
2 signed. I really didn't know what to do. So, I went
3 over and attended several Traffic Safety Meetings with
4 Lieutenant Donnelly. I met with him several times and
5 I attended several meetings. I was handed this and at
6 the traffic safety meeting in July. I'm not sure if
7 that's part of the previous petition or not, but I
8 believe it was. If not, I have a copy for you.

9 What this really addressed was - when you
10 looked at the traffic studies that were done, 60% of
11 the traffic comes from Fiddler's onto Homestead.
12 That's a huge safety concern. On Fiddler's there's a
13 curve. If you're headed north on Fiddler's to try to
14 take a left-hand turn onto Homestead, you can't even
15 see what's coming at you. If you're coming off of
16 Comely onto Homestead, you have to do a U-turn pretty
17 much to oncoming traffic. As you enter Homestead, not
18 only is there a downward hill, you can't even see over
19 the ridge because there's also a curve.

20 There are several traffic safety concerns
21 down there. We mentioned stop signs. My big concern is
22 at the corner of North Meadow and Homestead. We have
23 several driveways that enter there. I don't think stop
24 signs would be appropriate there. Plus I have a
25 handicap neighbor next-door who uses that to enter his

1 vehicle and he is against that, too. That would hinder
2 his ability to safely do so. North Meadow and
3 Homestead - a few of us are against that.

4 I would just like to go off of what they
5 proposed earlier. They did a traffic study. When the
6 Town comes out, and they have come out twice, they
7 came out during the school year and they have come out
8 during the summer. Everybody keeps telling me data,
9 data, data. If you look at the data, the data speaks
10 for itself. It shows that during the summer time,
11 traffic is higher than during the school year. So, it
12 is not the school cutting through creating all the
13 traffic. That's very misleading.

14 Second of all, it's like 54% of the volume on
15 the street is speeding - in excess of 30. So, I worked
16 with Lieutenant Donnelly several times at Traffic
17 Safety meetings and that was kind of like one of the
18 best things - an exit only off of Homestead onto
19 Fiddler's. It's only been provided right next to
20 Newton Plaza because everybody was coming south onto
21 taking a right-hand turn, taking a right-hand turn
22 cutting through Arthur to get to Maxwell. So, it's
23 already been provided there. I don't see why a couple
24 blocks away where Homestead meets Fiddler's - that it
25 can't be provided there.

1 Again, we talked about the money coming in to
2 help with this. What is the cost of a few signs? I
3 don't think it's that much.

4 You talk about studies. The study has already
5 been done. The data has been collected.

6 Just to throw it out there - you mentioned
7 earlier federal regs and stuff like that and stop
8 signs are never supposed to be used for speeding.

9 CHAIRMAN STUTO: There are certain traffic
10 guidelines -

11 MR. MORETTE: Lieutenant Donnelly has also
12 mention that to me, too.

13 There a couple of other things. I mentioned
14 at the last meeting that I'm not sure if we're really
15 being transparent when information is being provided
16 to us through this.

17 In November, if you remember the meeting
18 then, there was talk about an entrance and an exit
19 coming onto Route 9 from this proposed development.

20 Last month I asked about CDTA cut-out for
21 them to pull in. Imagine yourself coming south on
22 Route 9 during rush hour and as you come up to
23 Glennon, after that there is going to be a traffic
24 signal at Burger 21. With a bus stop there, how many
25 times will that light circle through and traffic start

1 backing up even further down 9?

2 My neighbors on Glennon - I wish they were
3 here to speak - think about them. The solution someone
4 said a couple meetings ago for them to be able to come
5 off of their street and head north on 9 was to turn
6 and go through the bank's parking lot and then go
7 through Rumor's Hair Salon, and then go through
8 Belinni's parking lot to come out at the future
9 traffic light at Burger 21 in order to turn at that
10 traffic light. Is that really a good solution on
11 resolving their problem that they should be cutting
12 through commercial property? They lived on that street
13 long before all of this commercial development. I
14 think there there's a better solution for them to be
15 able to access their street.

16 Retail space - we keep on hearing there's a
17 demand for retail space. I think everybody does
18 shopping online. Most of our shopping comes in the
19 mail, now.

20 Just the other day I went up Route 9 starting
21 at Newton Plaza and the Verizon store is empty.
22 Fitness Together in Newton Plaza is also empty.
23 Goldstein car dealership is empty.

24 With the propose restaurants that they want
25 to build, remember on the corner of Wolf Road in

1 Central? There used to be a Sear's repair shop and now
2 it's BJ's restaurant. They went in and redeveloped
3 that and were able to create a nice restaurant.
4 Something like that.

5 You've got the parking lot at Goldstein and
6 you've got the building there. That could be
7 redeveloped, not that there's really a need for a
8 restaurant that size. That's an option. If you go to
9 the Village at New Loudon, that has two vacancies.
10 That's a fairly new development. You've got Jimmy
11 John's and you've got the gym that's empty. The
12 A-frame - they're building a strip mall there which is
13 going to be more retail. Bryant Restaurant which used
14 to be the old Pizza Hut - there empty and that's
15 vacant.

16 CHAIRMAN STUTO: Just a suggestion - you can go
17 through all of the empty properties in Town, but they
18 are and titled to develop and this is private property
19 and they are entitled to take their chance on retail, if
20 that's what they want.

21 MR. MORETTE: I'm just concerned about the
22 size. That's what I'm really concerned about. There are
23 several large parcels already empty that aren't being
24 used.

25 I also am concerned about the environment. I

1 asked three meetings ago to see if we could get an
2 environmental impact study done. With all this dense
3 population, our neighbors and our neighborhood are
4 being exposed to more carbon emissions than before.

5 Hoffman's playland was a seasonal business
6 from May to September with very limited hours during
7 the weekdays and open on the weekend. Now we're
8 exposing everybody to a lot more carbon emissions in
9 the neighborhood.

10 Also, I mentioned solar on the rooftop. It's
11 a flat roof top and they're not going to see it.
12 Currently there are 50% incentives between the federal
13 rebate and NYSERDA rebates.

14 EV cars - these residents could have EV cars
15 soon. When will we plan for that for them?

16 I know you guys are concerned about the
17 rents, so I went out and did some homework for you.

18 Harkland, including utilities for one bedroom
19 was \$1,900 a month; plus it includes several amenities
20 including transportation.

21 I forgot the name of the sisters - the
22 facility on Delatour Road - but they can go there and
23 use the pool and all that type of stuff.

24 King Theil is \$1,200 a month and it doesn't
25 include utilities. It includes transportation to the

1 grocery store and to the Town of Colonie Senior Center
2 and stuff like that.

3 My last concern was - I made a notation to a
4 10:00 p.m. noise ordinance. There are small kids in
5 the neighborhood. It's not right not to be able to
6 sleep with the windows open and get some fresh air.
7 That's kind of late. There are tons of people that
8 work safety sensitive jobs go to bed at 8:00 or 9:00
9 at night. I think 10:00 is kind of late. I think that
10 should be up to more like 8:00, just so residents can
11 open their windows and enjoy the fresh air or sit
12 outside and enjoy the patio or their deck without
13 having to listen to all that.

14 That's my last concern. I thank you guys for
15 your time.

16 CHAIRMAN STUTO: Alan Goldstein.

17 MR. GOLDSTEIN: Good evening. Alan Goldstein.
18 I'm the president of Goldstein Enterprises. We are auto
19 dealerships. We're on the property right across the
20 street. I have been in the building for 40 years.

21 My office has been there and this gentleman
22 talked about Hoffman's Playland. I remember seeing 200
23 to 300 cars. I never counted them. On a Sunday my yard
24 would be full.

25 Referring to traffic as this project was

1 presented, the traffic I believe is going to be less.
2 It is senior citizens, to my disappointment, only one
3 car - because we sell cars. I believe the traffic is
4 going to be less than Hoffman's playland, which was
5 seasonal.

6 I do understand the neighbors concerns about
7 traffic. It was mentioned that the developer has the
8 right to develop the land. I believe that he is
9 probably doing the best you can for the people. This
10 is quite a large sum of money to develop sidewalks,
11 etcerera. If you look up the project, senior citizens
12 is a heck of a fit for that whole project because
13 these people can get out. They can go to restaurants.
14 They can enjoy themselves and not have to get in their
15 cars and travel places.

16 Our group is totally 110% for the project.
17 Just take care of the neighbors on Homestead and
18 Fiddler's and all that stuff. Thank you.

19 CHAIRMAN STUTO: David Cerniglia.

20 MR. CERNIGLIA: Thank you for the Board and
21 secondly, I'm a homeowner, business owner and actually
22 an investor in another senior living project. So, I just
23 wanted to put that out there.

24 Our concern would be with regards to the
25 traffic study that was done, specifically, if there

1 was any service change at the intersections that were
2 studied in the area. Specifically, if there was a
3 large change in the level of service, it would go
4 against the resolution that there would not be an
5 impact on traffic in the area.

6 I don't see how Hoffman's Playland, being
7 seasonal as was just described, would have more cars
8 than a large facility like this.

9 Our facility is currently being built is on
10 13 acres and we have 61 units. We were asked for 110
11 units which we were able to with regard to the density
12 proposal. We were denied that because they said it was
13 too high of a density. So, we went down to the 61.
14 This is eight acres and approximately three acres will
15 be retail. Five acres would be the residential - both
16 senior living and assisted living and they want to put
17 177 units in there. So, we just had a question as to
18 why the density would be so much higher and why you
19 would change the ability to increase the density for
20 this project when you have done for others of the same
21 nature of the project.

22 CHAIRMAN STUTO: The project you referring to?

23 MR. CERNIGLIA: The Forts Ferry Senior Living.
24 That would be our concern. Thank you.

25 CHAIRMAN STUTO: We may get to those points. I

1 have a couple of comments on that.

2 Amy Sternstein.

3 MS. STERNSTEIN: I don't live on Homestead. I
4 live in Ashley Drive. My concern is the wetland.

5 Nick has discussed the wetland and I feel
6 good about what he said, but I still have concerns
7 because back in 1990 is when I first dealt with the
8 wetland behind Ashley Drive.

9 In 1990 Elias Weiss was given final
10 permission actually to build 25 homes parallel to
11 Ashley Drive. That was before I moved back to the
12 area. Robert Hoffman was going to build where his
13 driving range was, a huge housing complex. The housing
14 complex was denied because there was no access to it
15 except to the wetland. The housing project along
16 Ashley Drive was put on hold because DEC had to first
17 put that wetland on the map. It took three years but
18 in 1993 wetland A9 became an official wetland and it
19 was labeled a Class I wetland meaning most
20 significant, most protected.

21 My concern is back in 93 we had Hoffman's
22 Playland which yes, a lot of it was paved, but a lot
23 of it in the back was not. You have the driving range
24 which had no pavement. Now where the driving range was
25 you've got all these townhouses, plus the apartments

1 and all the parking area that's paved. You have all
2 the run-off coming from that into the wetland.

3 I know they're saying that this particular
4 project will have drainage basins to collect the water
5 so that it doesn't go directly into the wetland, but
6 ultimately it will go directly into the wetland.

7 So, has anybody considered the combined
8 effects of this project that we are looking at
9 combined with the townhomes and the apartments - their
10 effect on the wetland as well as this new project that
11 hasn't been built yet? What will it do to that
12 wetland? A class I wetland needs to be protected and I
13 wonder what DEC would have to say about all of this
14 impact on the wetland.

15 We have to consider the environment. We have
16 no choice anymore. It's in the news every single day
17 that we have global warming. We have climate change.
18 We are cutting down trees in massive numbers and trees
19 are what control our environment the most. If we
20 destroy wetlands - if we keep cutting down trees - -
21 people think oh, the Amazon rain forest - - yes,
22 that's big but we have to look at each individual
23 small project because it adds up. All of these small
24 project add up and have a global impact.

25 My concern is this wetland that I worked

1 really hard to protect has now been impacted by the
2 Marini project to the north and now will again be
3 impacted by this project. Most of this land will now
4 be paved. It will have tremendous run-off into the
5 wetland. That needs to be considered. Please consider
6 that. Thank you.

7 CHAIRMAN STUTO: Thank you.

8 Gloria Jean Knorr.

9 MS. KNORR: This location is a better location
10 for me. I take two buses instead of three. Plus, it is
11 well lit here instead of the dark on Old Niskayuna Road.
12 Plus, when I left planning, I would have to get a bus to
13 go and get off across from near Professor Java's and
14 then get a cab home. This way, I will be visiting my
15 daughter in Cohoes. I am concerned about the five or six
16 times this proposed development has been before the
17 Board.

18 I attended every Town comprehensive meeting
19 in 2005. I really don't think that it is fair that we
20 hit the same things over and over. I got tired of it.
21 Quite frankly, I got sick. I have a pulmonary
22 embolism.

23 Don't forget my family has been here for
24 hundred and five years - 1914. So, you've all come
25 here, but you want your neighborhood to be the last

1 one developed. I believe land owners have rights. Of
2 course, I love the Hoffman's and all the family
3 enjoyment they gave us. Also, there was the other
4 Hoffman family who developed duplexes. That's
5 affordable housing. We desperately need affordable
6 housing in Colonie. So, I am in favor of the Board to
7 give this proposal positive recommendation for PDD, a
8 positive recommendation for an ODA - - I'm sorry, I
9 don't know what that is. Also, a recommendation for
10 public benefit because one-quarter of your citizens
11 and residents are seniors.

12 My son wanted to have an investment property
13 at 426 Albany Shaker Road.

14 Mr. Zee, you said it could be.

15 Then, he was in Ecuador as a drug enforcement
16 agent and I wasn't exactly happy about one of those
17 modular homes. Now, my legacy and I want to help the
18 Hoffman's in every way I can. When I read that in the
19 paper in the Spotlight - the legacy of the Hoffmans.
20 My legacy to my son. He left me.

21 The last time I talked to him I was doing
22 income tax time and it was March 19 - my father's
23 birthday. I was complaining about two people that
24 needed affordable housing that didn't pay me rent -
25 two people. I told him that I couldn't afford to pay

1 where I was living and they were living. I know the
2 need of affordable housing and I said to Tim, if Jesus
3 asked me to have this house to rent, the answer will
4 be no. I am so sorry. I hope he forgives me.

5 So, my son died March 20, the next day. I was
6 left \$58,000 of his life insurance policy. Then, I
7 found out a Roth IRA.

8 I ride the bus. I can be very frugal and
9 thrifty.

10 I want the legacy of my grandparents farm -
11 there's 13 acres left. I wanted to be tiny homes for
12 veterans. Why are there homeless veterans? What about
13 the Lee home? What are we doing for veterans? It
14 shouldn't be so hard to serve your country. Most of my
15 time now, I'm doing art events at the Zaloga Post
16 where I am just so happy. I'm so happy when I'm in the
17 presence of a man or woman who served their country.
18 They are men and women of honor.

19 Now that I see Mr. Zee again, those 13 acres
20 - he will be the one to help me. I may have to have
21 him divide that two lots at 426 Albany Shaker Road and
22 move to 7 Saybrook Drive, which is falling down
23 because I can't can take care of it.

24 I pay \$8,000 a year in taxes for three
25 parcels of land. Tonight I'm coming to show I have a

1 senior exemption. I hope you do this. I have been able
2 to work with the Town of Colonie - not in 1995 when
3 they did the paper street. I'm at the age - 78 - -
4 actually, I'm 79 now - my mother had Alzheimer's. I
5 had to do lots of financial planning. I have to do
6 this now. I do trust my children. I have five
7 children; one is a lawyer, one is a teacher, one was
8 selling real estate. Do I do a trust? I don't know.
9 This land - that 13 acres - I worked so hard - my
10 family has sacrificed for the good public benefit so
11 much.

12 Times Union - you like the paper? Times Union
13 owns 18 acres of my grandparents land in my uncles
14 land was a pig farm.

15 CHAIRMAN STUTO: Gloria, can you talk about
16 this project?

17 MS. KNORR: What project? Oh, yes.

18 So, it is easier tonight because the Hearst
19 Media Center is going to have something for veterans,
20 so I can't come to the Board meeting, but please
21 support this project - the Hoffman's. Thank you.

22 CHAIRMAN STUTO: Thank you.

23 Bill Wytral.

24 MR. WYTRAL: Hi, Bill Wytral, 67 Maxwell Road.

25 We bought our house - my wife and I got our

1 house in 1995. It's just past Arthur on the right-hand
2 side, the former Taney house.

3 I was told that I had wetlands - a small
4 amount of wetlands on my property. I share that - -
5 there is a seasonal pond that would appear there
6 usually in the spring and then evaporate off by the
7 time summer got close. For the rest of the year, even
8 if it was raining, it wasn't really a pond any longer.
9 Then again, there would come the winter time and
10 spring and there would be a pond and it would
11 evaporate. For about the last several years this year
12 in particular, it's been pond year-round.

13 In the project narrative on pages three and
14 five, this project is saying: The existing coverage of
15 green space right now is 220,998 square feet. The
16 propose coverage is 129,605 square feet which is a
17 difference of 91,393 square feet less green space.

18 As was mentioned before, when Hoffman's was a
19 driving range, that was open ground. Any moisture that
20 came down, had a chance to evaporate. There was no
21 water being fed in from the surrounding area because
22 that was all undeveloped as, well. For the last
23 several years the sump pump in my basement runs
24 year-round pumping out water. All my neighbors have
25 sump pumps. A neighbor down the street was telling me

1 that when they had their property, a house was built
2 behind them. That construction resulted in surface
3 water in their yard. I say that with this particular
4 project, it's going to be a lot of parking lot. It's
5 going to be a lot of roof. It's going to be a lot of
6 shedding of water.

7 The plan for that water is to route it out to
8 the wetlands. I'm not a hydrogeologist, but I do
9 believe all of the development - there is a confluence
10 kind of quality here where there's open ground, it has
11 a chance to evaporate and has a chance to gradually
12 come and form and pulls in the wetlands. Now, with all
13 of these sources of run-off where there is no place
14 for the water to evaporate, it is changing - I'm
15 seeing changes in my own property. I'm seeing what
16 used to be an occasional pond is now a year-round
17 pond. My sump pump is running year-round as opposed to
18 running a couple times during the winter seasons. I am
19 concerned about having the wetlands be the solution
20 for the drainage, not only for this project but the
21 other projects. I think if you looked at this project
22 by itself, you could say well, that seems reasonable -
23 putting it out to the wetlands. But when there has
24 been other projects and there has been other instances
25 of open land where again, evaporation could take care

1 of some of this moisture, it is being concentrated.

2 I have concerns and I would really appreciate
3 if you would take a look at that. It's starting to
4 affect me and it's starting to affect my neighbors in
5 a very immediate way, in terms of how damp our
6 basements are, how easily they flood and how long they
7 sump pumps have to work to take care of it. It's a
8 little ways away, but not all that far away. I do
9 think it has a direct tie to the development. Thanks.

10 CHAIRMAN STUTO: Thank you, very much.

11 Joe, we've got to keep the process going. So,
12 I'm going to ask you - - I'm going to address certain
13 points that were brought up that I think are relevant.
14 Feel free to address them and obviously the other
15 Board Members will.

16 I'm going to ask you in particular, would you
17 start off talking about the environmental review and
18 what we are expected to do tonight and how the
19 environmental review is getting done, where it stands
20 and what we are being asked to do. Tonight is not an
21 action under SEQRA. It's just a recommendation. So,
22 the environmental is not going to be neglected.

23 Could you also talk about the stormwater?

24 MR. GRASSO: So, from an environmental review
25 standpoint, although the recommendation for the Planning

1 Board doesn't require an environmental determination by
2 the Planning Board, those ultimate decisions will be
3 made by the Town Board if the application goes there for
4 final decision-making. The Town Board will be lead
5 agency for the environmental review.

6 It's not to say that the environmental review
7 hasn't started. It started when the applicant first
8 started providing application materials. They provided
9 a lot of information regarding the potential
10 environmental impacts of the project, whether we are
11 talking about traffic, drainage, wetlands, loss of
12 green space - all of those things are evaluated and
13 they provided those environmental forms. We have been
14 working on those reviews for probably a year now. They
15 will continue up until through the final design of the
16 project to make sure that the projects are designed in
17 an environmentally sensitive way and one that won't
18 result in significant environmental impacts. A
19 decision on SEQRA will be made by the Town Board.

20 Secondly regarding the wetlands and the
21 drainage and the cumulative impacts - you always hear
22 me say that when it comes to traffic, new development
23 creates traffic. Traffic has a common cumulative
24 impact issue. For this project, it won't have
25 significant trafficked impacts but multiple projects

1 can result in cumulative traffic impacts.

2 Drainage is something different. The EPA and
3 the state realized long ago that the lack of stringent
4 stormwater regulations were allowing cumulative
5 development to have an impact on hydrology, wetlands,
6 all of our drainage and streams and they have maintain
7 this through the years to make it so stringent that
8 each project, in and of itself, will not have any
9 individual impact on drainage or the wetlands or
10 downstream run-off conditions. So, they forced every
11 project over an acre - and this project is obviously
12 over an acre - to have treatment systems in place to
13 deal with the stormwater. So, all the run-off has to
14 be caught from everything that gets developed and has
15 to be treated for water quality control and quantity
16 controls.

17 There was probably some amount of run-off
18 that would leave the project site and get into the
19 wetlands and flow off the site. That's quantified by
20 the engineers and validated by our office. Those
21 quantities will not be exceeded. If anything, they
22 will be reduced by the stormwater management
23 practices.

24 There were comments made about the wetlands
25 receiving the run-off. Ultimately, they may receive

1 some run-off from the development portion of the
2 project site, but they are not the treatment system
3 for the run-off. The treatment is built within the
4 project and that's going to be done for this project
5 throughout.

6 CHAIRMAN STUTO: They're receiving run-off now
7 from the site, correct?

8 MR. GRASSO: Most of the time. That's something
9 that we evaluate because we have to evaluate where is
10 that run-off going? Is it actually getting into the
11 wetlands or is it infiltrating into the ground? Those
12 calculations are done and we compare the existing
13 conditions to the post conditions to make sure there is
14 no more run-off getting into the wetlands than there are
15 now. Sometimes we are finding out the wetlands are not
16 receiving any run-off, then we are forcing them to do
17 infiltration so that they are losing the water. If there
18 wasn't a certain amount that the wetlands were getting
19 because of existing pervious payments or soil
20 conditions, then yes, they would be allowed to discharge
21 either the same amount or less than what those wetlands
22 received before.

23 So, we are not dealing with downstream
24 impacts of any neighbors. There should never be any
25 downstream impacts caused by a new development project

1 as it relates to drainage.

2 CHAIRMAN STUTO: Okay, thank you.

3 MR. SHAMLIAN: Is there any runoff going to the
4 wetlands from where Marini has developed - the project
5 to the north?

6 MR. GRASSO: Yes. I know that they have their
7 own stormwater management system that addresses -
8 collects all the runoff. I assume that there are
9 discharges to the wetlands out of their stormwater
10 management basins, as there may be for this project
11 site, too. We don't know that yet because the
12 engineering studies haven't been done. I would expect
13 that there could be discharged to the wetlands from the
14 site, as well. The wetlands need runoff. A gentleman
15 spoke about changing hydrologic conditions and is that
16 something that we're really sensitive to? Sometimes you
17 have to maintain some flow or else the wetlands are
18 going to dry up and they provide a lot of environmental
19 benefits and we want those wetlands to continue to see a
20 certain amount of water.

21 CHAIRMAN STUTO: Okay, thank you.

22 Do anything else, at this point?

23 MR. GRASSO: There were a couple of notes.

24 There was some comments about the fact that
25 we shouldn't do a traffic study and that we should

1 just immediately jump to transportation improvements,
2 specifically as it relates to Homestead Drive.

3 I did a cursory review of the traffic data
4 that the Town had collected. That's not a really
5 detailed traffic study. That looked at volumes along
6 Homestead and speeds. So, it was more of a speed study
7 than a true traffic study. Before the Town or anybody
8 implements a traffic improvement, you have to have a
9 study that justifies the need for the improvements and
10 what kind of positive impact it's going to have. I am
11 saying you can't just skip that step of the traffic
12 study and I think that's why it's important.

13 I totally appreciate the traffic concerns
14 that are expressed, but it's important to understand
15 that this project is not going to result in
16 significant traffic impacts. There will be some
17 traffic impacts caused at all the intersections and on
18 the roadways, but they won't be significant. That
19 traffic study that we talked about earlier is an
20 important step before any improvements are done.

21 CHAIRMAN STUTO: I'm in full support of that, I
22 don't know about anyone else.

23 MR. GRASSO: That's all I have.

24 CHAIRMAN STUTO: Craig, is anything you want to
25 say?

1 MR. SHAMLIAN: No, I think that it's all been
2 said before.

3 CHAIRMAN STUTO: Susan?

4 MS. MILSTEIN: One thing that I agree with is
5 the Spring Street - I think that improvement should be
6 moved into this area rather than Spring Street.

7 CHAIRMAN STUTO: I think they have taken the
8 improvement at the Crossings out. Spring Street is in
9 this, but it is the last one to consider. Do you agree
10 with that? That is what Joe has proposed.

11 MS. MILSTEIN: I would prefer to see more
12 direct benefit around that area.

13 CHAIRMAN STUTO: Around Route 9.

14 MS. MILSTEIN: Yes.

15 CHAIRMAN STUTO: That's what Joe is proposing,
16 as well. I think we all agree with that.

17 Lou.

18 MR. MION: It's all been said.

19 CHAIRMAN STUTO: Chip?

20 MR. ASHWORTH: It's all been said.

21 CHAIRMAN STUTO: Paul?

22 MR. ROSANO: Can we go back to the sidewalks
23 again? I haven't had a chance to look and see where the
24 underground utilities are. So, I don't want to start
25 talking about sidewalks because we been burned before

1 with utilities and rights-of-way. I have to see that
2 information. I will be going to the office tomorrow take
3 a look.

4 CHAIRMAN STUTO: I will just make this one
5 comment on the public benefit.

6 The ultimate decision is with the Town Board.
7 I assume it's going to be based on feasibility and
8 reasonableness. So, if it's normally \$10 a foot and
9 this is \$1,000 a foot, I assume that they are going to
10 leave room for the Town to juggle that around. That's
11 what my assumption is as to what it is - if it is cost
12 prohibitive to do any of these improvements.

13 MR. GRASSO: And just to speak to that, I think
14 all those answers won't be known by the time the Town
15 Board has to make a decision. That's why this is a
16 half-million dollar contribution being committed to. By
17 having the design work advance before the final site
18 plan when it's just going to come back to the Planning
19 Board - the Planning Board will have a better
20 understanding of exactly how much sidewalk is going to
21 be put into the project so there will be another chance
22 to reevaluate the prioritization.

23 CHAIRMAN STUTO: Yes, Craig.

24 MR. SHAMLIAN: So, the traffic study is done -
25 looking at Homestead and whatever other intersections

1 around the area. I want to address, so the neighbors
2 know, what has to happen in this process. Then,
3 ultimately, if there are recommendations in terms of
4 changes to any streets, how that process in the Town
5 happens because it doesn't happen here.

6 MR. GRASSO: No, you're exactly right. I think
7 the only thing we are committing to as part of this
8 process is the initial study part to help inform the
9 Town. Other than the access onto Loudon Road which
10 involves DOT, these are Town decisions. These are Town
11 roads. The traffic study is intended to help the Town
12 make decisions. There's a Highway Safety Committee that
13 the Town has that they rely on heavily to review these
14 types of issues. Then, there has to be some suggestions
15 from that committee to the Town Board and the Town Board
16 has to consider if it's something that they want to take
17 on themselves, or they might want to use public benefits
18 for it, or grant money or some other form of
19 partnerships to determine -

20 CHAIRMAN STUTO: We are only talking about
21 signs.

22 MR. GRASSO: There were a lot of issues that
23 were brought up and not just signs. The signage is - I
24 call it - low hanging fruit, but there are some other
25 issues that were brought up that with a more

1 comprehensive study, the Town has a fuller picture of
2 the issue and can decide is this something that yes, we
3 just want to start the signage, or we want to work
4 towards more significant improvements.

5 CHAIRMAN STUTO: I'm with you. I agree that we
6 need a traffic study. That's just the professional
7 process that we go through to go to the Traffic
8 Committee. Paul was talking about that before. And then
9 the recommendations to go to the Town Board. I think you
10 need that professional study.

11 The neighbor who mentioned it perhaps has
12 concerns about holding up the process and the
13 timeframe with that. Can you give us an idea of how
14 quickly we can get through the process? Once we
15 commission the study - let's put it that way - how
16 long will it take to do the study? I would just leave
17 it at that.

18 MR. GRASSO: I would guess one or two months.
19 If the project gets PDD approval and the ODA, open
20 development area approval by the Town Board, as the
21 applicant is working on their engineering plans, they
22 will be doing the study as well as looking at the
23 engineering plans for the various sidewalk segment. So,
24 by the time they come back for first final site plan
25 review, we are going to have the results from the study.

1 FROM THE FLOOR: Those of us sitting in the
2 audience listening to the developers traffic expert talk
3 about our street got really angry. Frankly, we don't
4 feel that the developer has it in their best interest to
5 do anything about a traffic study on our street that
6 would be independent. If there's going to be Town money
7 and that's what this is spent on a traffic study, I
8 would like to ask whether there was a traffic study done
9 on this street immediately behind us were they just put
10 stop signs and - - we would like to get some relief,
11 first.

12 Secondly, we don't want to be held hostage to
13 a developers opinion on what goes on in our street. We
14 feel that's where the wagons are circling. We don't
15 like it at all.

16 CHAIRMAN STUTO: That's totally not true. We
17 are going to hire an independent traffic engineer.

18 MR. GRASSO: I think the issue with the traffic
19 study is the funding of the traffic studies by the
20 applicant, but it's done by a qualified engineer.
21 Whether it's done by CHA, or VHB or Barton and Loguidice
22 - there are number of qualified engineering firms are
23 going to come out with the same results of the study.
24 So, this is of no benefit to the applicant in terms of
25 what the recommendations are. I'm just throwing it out

1 there that for me to address the issue or look at the
2 issue, I think the traffic study is required and rather
3 than burden the Town with it, I'm just throwing it out
4 that there is an option to build into a public benefit
5 component of the project. It's not to say that if there
6 is a recommendation that comes out of the traffic study
7 for transportation improvements that they are on the
8 backs of this project - I don't feel that's appropriate
9 at all. If the Town Board wanted to go down that route,
10 they could.

11 I think a traffic study is something that we
12 can get the ball moving rather quickly and give the
13 Town a better options to make decisions.

14 CHAIRMAN STUTO: Okay, thank you.

15 MR. SHAMLIAN: Is there any reason we can't
16 make the recommendation that they don't use VHB?

17 MR. ZEE: If I may, I thought I said that it
18 would be done by an independent and probably most likely
19 would not be done by VHB because I got the sense that
20 the neighbors were not - believes that it was for the
21 benefit of the developer. That's why I said the money is
22 there. It's the Town's money. You can use it so that
23 there are no questions and it would be part of the
24 \$500,000. You could choose whatever engineering firm you
25 want. We would just like it to be done in a timely

1 manner, so it doesn't stop or delay our project. I think
2 it can be done, as Mr. Grasso indicated.

3 CHAIRMAN STUTO: Okay thank you.

4 We have before us two Resolutions. I'm just
5 going to read the titles. These are both
6 recommendations to the Town Board. This is a two Board
7 process. We make a recommendation and the Town Board
8 makes the final determination. One is for the planned
9 district development which generally - - I will read
10 the title.

11 Planned Development District, Colonie Land
12 Use Law, written findings of the Colonie Planning
13 Board.

14 That would set forth a little bit of the
15 history and what our findings are and what our
16 recommendations are to the Town Board, with respect to
17 the PDD that's being applied for here.

18 The other relates to the open development
19 area. I will read the title, as well. What that has to
20 do with it is - they are bifurcating the lots. They
21 are subdividing the lots. One is going to front on
22 Route 9. The one in the rear is not going to front on
23 Route 9, nor is it going to have sufficient frontage
24 on Route 9 under the normal Town Law - the Town Law
25 meaning the state Town Law and also the Town Code,

1 which is normally required. That's one exception to
2 that requirement and that is a creation of an open
3 development area. You do have to provide adequate
4 access to the rear, but that's what the second
5 Resolution is for and that's to create the lot in the
6 back without frontage, but to provide access to that
7 lot. I would just read the title for the record.

8 Special Rule of the Planning Board, setting
9 forth findings, conclusions and recommendations for
10 the establishment of an open development area pursuant
11 to New York State Town Law Section 280 - a (4).

12 So, those are the two things that are before
13 the Board.

14 I'm trying to think which is more logical to
15 take first.

16 MR. GRASSO: The ODA.

17 CHAIRMAN STUTO: We will ask for the
18 stenographer to put the entire Resolution into the
19 record.

20 Can you just read the titles in the title and
21 the now therefore?

22 MR. GRASSO: I will summarize.

23 Special Rule of the Planning Board setting
24 forth findings, conclusions and recommendations for
25 the establishment of an open development area pursuant

1 to New York State Town Law Section 280 - a (4).
2 Whereas the Town of Colonie Planning and Economic
3 Development Department and Building Department have
4 determined that access to the subject property by
5 means other than use of the properties public road
6 frontage will require approval of an open development
7 area; and whereas the open development area requested
8 by the applicant is intended to allow primary access
9 to the subject property by ingress and egress over
10 private roads to which both lots will share equal
11 rights of the ingress and egress.

12 Now therefore be it resolved that the
13 Planning Board has determined that it is in the best
14 interest of the public's health, safety and welfare to
15 permit access to the rear lot over ingress/egress
16 easement and be a result of the Planning Board
17 recommends approval of the open development area for
18 the Galleria at Loudonville plan development district.

19 CHAIRMAN STUTO: Do we have any discussion on
20 that from the Board Members?

21 MR. MION: I make a motion.

22 CHAIRMAN STUTO: We have a motion from Lou.

23 Do we have a second?

24 MR. ASHWORTH: Second.

25 CHAIRMAN STUTO: Second by Chip.

1 Any discussion?

2 (There was no response.)

3 All those in favor, say aye.

4 (Ayes were recited.)

5 All those opposed, say nay.

6 (There were none opposed.)

7 The ayes have it.

8 With respect to the main Resolution before
9 the Board which is plan development District, Colonie
10 Land Use Law - written findings of the Colonie
11 Planning Board.

12 You made some changes to it, right? So, we
13 will give this to the stenographer and ask her to put
14 the entire thing into the record.

15 And I will ask you to handle the reading of
16 the Resolution.

17 MR. GRASSO: This Resolution reads as follows:
18 Planned Development District, Colonie Land Use Law -
19 written findings of the Colonie Planning Board.

20 Whereas the New Loudon Road Realty Company,
21 LLC made application to the Colonie Town Board for
22 plan development district approval; whereas the
23 Colonie Town Board referred the project to the Town of
24 Colonie Planning Board for review and recommendations
25 and whereas the PDD is consistent with the purpose and

1 intent of this chapter including the design standards
2 and; whereas the PDD is compatible with the
3 surrounding neighborhood context and character and is
4 in conformance with a comprehensive plan and; whereas
5 the requirements of the SEQRA will be completed by the
6 Town Board prior to making a determination on the PDD
7 and; whereas the PDD will add to the long-term assets
8 of the community and will not erode the livability or
9 economic viability of the existing neighborhood areas
10 and; whereas the proposal is conceptually sound in
11 that it meets local and areawide needs and it conforms
12 to accepted design principles and the proposed
13 functional roadway and pedestrian system, land use
14 configuration, open-space system, drainage system and
15 scale of elements, both absolutely and to one another
16 and whereas there are adequate community facilities,
17 services and utilities available or proposed to be
18 made available in the construction of the development.
19 Now therefore be it resolved that the Planning Board
20 recommends approval of the plan development district
21 for the subject property subject to the following
22 minimum public benefits being proposed by the
23 applicant which will add to the long-term assets of
24 the community:

25 The applicant shall contribute \$500,000

1 toward the design and installation of pedestrian
2 improvements in traffic study within the Town of
3 Colonie. The installation of pedestrian improvements
4 will be prioritized as follows:

5 With the completion of each segment
6 prioritized for installation before the next. The
7 first one would be: design and installation of
8 approximately 600 linear feet of sidewalk along the
9 east side of Loudon Road from Homestead Drive heading
10 north to the signal at Newton Plaza with a possible
11 extension to Stewart's.

12 Second would be the design and installation
13 of approximately 1,100 linear feet of sidewalk along
14 the west side of Loudon Road from Glennon Road heading
15 north to the Fresh Market Plaza.

16 Lastly, the design and installation of
17 approximately \$100,000 worth of sidewalk along Spring
18 Street with the limits to be determined during final
19 site plan review. In addition, completion of an
20 applicant sponsored traffic study that evaluates
21 traffic conditions along Homestead Drive and evaluates
22 potential improvements with respect to vehicular
23 sightlines, traffic calming, cut through traffic,
24 pedestrian safety and access considerations with the
25 values that work estimated at approximately \$20,000.

1 The value of each scope of work would be
2 verified through engineers' estimates and contract
3 bids for the work. The design for any sidewalks valued
4 at no less than \$500,000 - this includes traffic study
5 note - should be included in the final site plans for
6 the project and constructed simultaneously with
7 development of the project site. Restaurants within
8 the retail building shall be limited to no more than
9 three full-service restaurants with a combined square
10 footage of no greater than 8,000 square feet and 340
11 seats with 240 seats inside year-round and 100 seats
12 outdoor seasonal with up to 10% variation between
13 these indoor/outdoor seating counts, no single
14 restaurant having a size greater than 4,500 square
15 feet with 200 seats. Any restaurant will be restricted
16 from having live music outdoors between the hours of
17 10:00 p.m. and 3:00 p.m. and no live music shall
18 achieve a decibel level greater than 40 decibels which
19 is typical for suburban nighttime conditions at the
20 limit of the project site at any time.

21 Be it resolved subject to Chapter 190 - 13 of
22 the Colonie Land Use Law entitled plan development
23 district, the Planning Board has developed these
24 written findings and document the facts and
25 information relied upon to reach its conclusions and

1 rendering a decision to recommend approval of the
2 proposed PDD.

3 CHAIRMAN STUTO: Do we have any questions or
4 discussion on that?

5 MR. MION: I make a motion.

6 CHAIRMAN STUTO: Do we have a second?

7 MR. ASHWORTH: Second.

8 CHAIRMAN STUTO: Any discussion?

9 (There was no response.)

10 All those in favor, say aye.

11 MR. MION: Aye.

12 MR. ASHWORTH: Aye.

13 MR. ROSANO: Aye.

14 MR. SHAMLIAN: Aye.

15 CHAIRMAN STUTO: Aye.

16 All those opposed?

17 MS. MILSTEIN: Nay, only because I am opposed
18 to the Spring Street improvement and believe it should
19 be more in the area of the project.

20 CHAIRMAN STUTO: I understand your point. It
21 will be up to the Town Board whether they want to do
22 that. I would just respond in my own opinion. It will be
23 up to the Town Board to do that. I could see why you
24 said that. Right now we don't have anything before us to
25 recommend.

1 MS. MILSTEIN: And I don't want to tell Board
2 to think that we are making a recommendation that Spring
3 Street is the priority. That's my opinion. I would
4 rather keep the money closer to the project.

5 CHAIRMAN STUTO: But so far there hasn't been a
6 recommendation.

7 MS. MILSTEIN: There is a Resolution.

8 CHAIRMAN STUTO: Right, but there are specific
9 improvements at this time.

10 MR. GRASSO: If it's any consolation, based on
11 the other segments that we have included and we have
12 prioritized at a higher level, I highly doubt that there
13 will be anything done within Spring Street as part of
14 this. Their other segments here, the way it is worded,
15 that the money would go to to the other segments
16 including around the signal before we get to Spring
17 Street.

18 CHAIRMAN STUTO: If I didn't call it, the eyes
19 have it. Susan has voted in the negative.

20 If there are other ideas, you can appeal to
21 the Town Board - for other improvements up in that
22 area. It will be their ultimate decision.

23 If there's no further business before this
24 Board, we shall stand adjourned.

25 (Where is the above entitled proceeding was

1 concluded at 10:02 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