

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 CRISAFULLI SENIOR LIVING

5 28 EVERETT ROAD EXTENSION

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7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter by NANCY L. STRANG, a Shorthand Reporter  
9 commencing on July 21, 2020 at 7:01 p.m. at  
10 Memorial Town Hall 534 New Loudon Road, Latham,  
11 New York.

12

13 BOARD MEMBERS:

14 PETER STUTO, CHAIRMAN

15 CRAIG SHAMLIAN

16 PAUL ROSANO

17 SUSAN MILSTEIN

18 STEVEN HEIDER, RECUSED

19 LOUIS MION

20 FREDERICK ASHWORTH

21

22 ALSO PRESENT:

23 KATHLEEN MARINELLI, ESQ. COUNSEL TO THE BOARD

24 SEAN MAGUIRE, AICP, CEcD, DIRECTOR, DEPARTMENT  
25 OF PLANNING AND ECONOMIC DEVELOPMENT

1 (cont.)  
2 ZACHERY HARRISON, PLANNING AND ECONOMIC  
3 DEVELOPMENT  
4 DANIEL HERSHBERG, PE, HERSHBERG & HERSHBERG  
5 JOSEPH GRASSO, RLA, CHA  
6 MICHAEL CRISAFULLI, CRISAFULLI AND ASSOCIATES  
7 SCOTT CAREY  
8 CAROL CHIARELLA  
9 JOHN TOMELL

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1           CHAIRMAN STUTO: The next item on the  
2 agenda 28 Everett Road Extension, Crisafulli  
3 Senior Living Planned Development District.  
4 Application to rezone approximately 10 acres  
5 located at 28 Everett Road Extension from  
6 neighborhood/commercial/office to planned  
7 development district with the intent to develop  
8 a four-story 197,600 square-foot building with  
9 153 independent senior apartments.

10           Sean, do you have anything before we  
11 turn it over to the applicant?

12           MR. MAGUIRE: Sure. Just to refresh  
13 everybody's memory on this project. Our main  
14 goal tonight is to talk about the planned  
15 development district that is being requested to  
16 accomplish this development here. It is an NCOR  
17 zone but in order to do this as senior living  
18 apartment units - 153 units - we would need to  
19 get to a planned development district in order  
20 to do so.

21           I think it's important for the Board to  
22 communicate to the applicant that the  
23 project as proposed is either in the right  
24 direction or is not in the right direction  
25 and have a discussion on the PDD and whether

1 or not the Board is ready to make a  
2 recommendation to the Town Board for the  
3 planned development district.

4 CHAIRMAN STUTO: Okay, thank you. I will  
5 turn it over to the applicant.

6 MR. HERSHBERG: Thank you, Mr. Chairman.  
7 Daniel Hershberg from Hershberg and Hershberg.  
8 With me today is Mike Crisafulli from  
9 Crisafulli Associates.

10 This is an architectural view of the  
11 building. It is four stories. I say that  
12 because if we look at the next slide -- this  
13 shows how far it is back from Everett Road.

14 CHAIRMAN STUTO: Can you give us some  
15 dimensions - like 100 feet, or whatever?

16 MR. HERSHBERG: The closest corner of the  
17 building is about 220 feet from the edge of the  
18 pavement. That right-of-way is a very odd  
19 right-of-way around it. From the closest corner  
20 of this building to the pavement is 220 feet  
21 (Indicating).

22 The proposed statistics - we are using  
23 porous pavement so that we have a 58% green  
24 area and 24% porous pavement. That's 82% of  
25 the site.

1           The total parking spaces -- the Code  
2           says two per unit and that's an awful lot  
3           for senior housing. We don't think it's  
4           necessary to build. There are 306 parking  
5           spots. Based upon ratios that the  
6           Crisafullis have built for other projects,  
7           they think that the right amount would be  
8           for us to have 239 parking spots; 179 on  
9           surface and 79 garages. We still have some  
10          banked parking which we don't believe we'll  
11          ever need. We have no intention of building  
12          that. If the demand came from more parking  
13          spots, we definitely have the space to do it  
14          but we definitely don't have a plan to do  
15          it.

16          This is a rendered view from the  
17          elevation. This is standing right across  
18          from the Zaloga Post. That's pretty much  
19          what you see now. We will be adding a few  
20          more trees on our site, but that's pretty  
21          much the view from the Zaloga Post.

22          Looking at the site from the  
23          intersection of Everett Road and Sand Creek  
24          Road, we intend to leave all the trees in  
25          place there, so that the building will

1 essentially be invisible at this angle.

2 Beyond those trees which start at about 40  
3 feet -- that's before you get to the new  
4 common driveway we're putting in.

5 FROM THE FLOOR: Are they really trees?

6 MR. HERSHBERG: Yes, they are trees.

7 FROM THE FLOOR: I don't think they're  
8 trees. I think it's just like brush.

9 CHAIRMAN STUTO: Ma'am we will give you a  
10 chance to talk.

11 FROM THE FLOOR: Well, he was just talking  
12 about trees and I was just looking to clarify.

13 MR. HERSHBERG: Regarding traffic which is  
14 always an issue. We had Creighton Manning do a  
15 trip generation study and they actually counted  
16 the trips in and out of the American Legion  
17 Post for three days during the week. They added  
18 in for senior apartments. Senior apartments  
19 don't generally have an awful lot or peak hour  
20 traffic coming out of them. So, the total  
21 traffic AM is 38 vehicles and 47 vehicles in  
22 the evening. The maximum in any one movement is  
23 24 cars. So, that's not a very big change.

24 In comparison, if we did a  
25 neighborhood/office/residential building

1 here - we actually had an original plan for  
2 138,000 square foot medical office building.  
3 That would generate 280 to 445 trips in the  
4 AM peak hour. It's 9 or 10 times the traffic  
5 that this facility is going to generate. I'm  
6 pointing it out because traffic was an issue  
7 in every road and also the intersection of  
8 Sand Creek and Everett Road

9 The next one shows you that both the  
10 new intersection on this site to Everett  
11 Road will continue to function at the same  
12 level that it does now with the intersection  
13 of Sand Creek and Everett Road with the few  
14 number of trips that we add to it. The queue  
15 shows that between the average queue which  
16 is three to five cars, which is 85% - that  
17 says that if you take all the peak hours on  
18 the chart with 50 being the average and on  
19 200 but at an 85% value, the queue gets two  
20 or three spaces longer. It's not a  
21 significant problem. People were concerned  
22 about the queue piling up and backing up  
23 their driveway. It just doesn't happen. It  
24 doesn't mean that sometimes when you get up  
25 near the 100% value where there are high

1 traffic volumes, it might come close but it  
2 does not appear that's a problem.

3 One issue has been the proposed public  
4 benefits. We heard originally there was a  
5 major concern of the area and flooding  
6 concerns. We met with people from the  
7 Department of Public Works and we talked  
8 about what was done here and what could be  
9 done here and what the value of it is. It  
10 turns out that a drainage study was done a  
11 number of years ago. They have addressed a  
12 number of issues developed in there. There's  
13 still one location that has to be done and  
14 it turns out that some of the flooding is  
15 actually outside the area that was studied.  
16 What we thought we would do was try to  
17 quantify what we could afford to put into it  
18 and identify what could be done. That study  
19 could be expanded to be included in new  
20 areas that have given them some drainage  
21 concerns. That was done for projects that  
22 have nothing to do with our project and  
23 other projects in the area that have  
24 complicated the drainage. Whether or not  
25 they are enforcement problems or anything

1       else - it appears like additional  
2       improvements are needed, but they don't know  
3       exactly what. They could expand the original  
4       study that was done to determine what has to  
5       be done and undertake a portion of those. A  
6       recommendation was made that because the  
7       contribution not only that but there are  
8       other public improvements in this area that  
9       are needed and whatever was left from that  
10      can go to that and if there was more money  
11      available not spent on the above, the town  
12      of Colonie local development Corporation  
13      good use of her local economic development.  
14      in other words the contribution without a  
15      specific restriction on it. Quite often when  
16      we have put money in escrow accounts, it's  
17      got a limited use on it and sometimes it  
18      sits there because the rest of the escrow  
19      the contributions have not come in to make  
20      it feasible. Here it would be unrestricted.  
21      The \$250,000 would be given for the  
22      unidentified use, as specified by the Town.

23             The work on Duffy Street - Duffy Street  
24      has a small diameter water main. We are  
25      taking and putting an 8-inch water main to

1 hook up bars down to there and as we do it,  
2 we will be connecting in the services from  
3 those other buildings which are attached to  
4 an undersized water main. We will be adding  
5 a hydrant right at the end of Duffy Street,  
6 which now has nothing for fire protection in  
7 that area. The value of \$30,000 was  
8 established for the approximate cost of  
9 that.

10 The last public benefit that we have  
11 identified is the applicant has offered the  
12 Zaloga Post an amount of \$220,000 if in fact  
13 they can share a driveway with them and move  
14 it over onto the Zaloga's parcel and in  
15 front of our parcel. That was worked out. We  
16 believe that should be counted as a public  
17 benefit for the following reasons. Number 1  
18 Zaloga is a corporation which has a list of  
19 charitable needs. The American Legion which  
20 has a long history of being involved in a  
21 whole bunch of charitable needs. This money  
22 could be used for them for whatever they  
23 need it for.

24 Secondly, by not having any driveway  
25 cuts at all and replacing one driveway cut

1 with another, that's a benefit because the  
2 Town and New York State DOT and Albany  
3 County Department of Public Works are always  
4 trying to reduce the number of curb cuts. In  
5 that place, it is a benefit too.

6 So, we think that the benefit of that  
7 is real. It totals up to \$500,000. Joe  
8 Grasso who did the computation calculated  
9 \$4,273 per unit for the additional units.  
10 Based upon the permitted development of this  
11 site, we're adding 117 additional units and  
12 that's what the \$500,000 is based upon.

13 I prepared to answer any questions  
14 which the board may have.

15 CHAIRMAN STUTO: We're going to hear from  
16 our Town Designated Engineer.

17 Just by a show of hands, who was  
18 looking to speak from the public?

19 (Several audience members raised their  
20 hands.)

21 You'll get your chance. We're going to  
22 have a little bit more discussion and then  
23 we do want to hear from you.

24 I guess I'll turn it over to you, Joe.  
25 You can take it in whatever order you think

1 is best.

2 MR. GRASSO: Sure thing. We did issue a  
3 concept review letter which encompasses the  
4 view of the site plan, as well as the PDD  
5 recommendation. I'm not going to go through the  
6 requirements for a PDD because Sean had covered  
7 that during his introduction.

8 Going back to the last time this was in  
9 front of the Planning Board for an informal  
10 review - a sketch plan review - there were  
11 some comments regarding a lack of specifics  
12 regarding the public benefit portion of the  
13 PDD, as well as some comments regarding the  
14 scale and the height of the proposed  
15 apartment building and whether or not the  
16 apartments were an appropriate use of the  
17 site because obviously they are looking to  
18 change from the existing zoning which is the  
19 neighborhood/commercial/office/residential  
20 use.

21 So, our first comment touches on the  
22 requirements of a PDD and the findings that  
23 the Planning Board needs to create as part  
24 of its recommendation either for or against  
25 the PDD establishment which would then go to

1 the Town Board for actual adoption.

2 The next comment is regarding the  
3 density. Anytime somebody is looking to  
4 change the zoning on a parcel to a PDD, we  
5 try to help the Planning Board understand  
6 what would be allowed if the project was  
7 developed in accordance with the underlying  
8 zoning. So, with this being the NCOR zone,  
9 it makes it a commercial density of 18,000  
10 square feet per acre and we are looking at a  
11 10 acre site with about two and half acres  
12 of constrained lands that comes out of the  
13 buildable land calculation. So, the actual  
14 acreage that is developable is about  
15 approximately 7 1/2 acres. So, when you do  
16 the math at 18,000 square feet per acre, you  
17 can develop the site with about 135,000  
18 square feet of commercial office space which  
19 I think Dan touched on in his comments,  
20 already with potential traffic impacts. If  
21 you're going to convert that to a  
22 residential use, the NCOR zoning allows 80%  
23 of the commercial density to be converted to  
24 a residential use at a ratio of 3,000 square  
25 feet per residential unit. So, when you do

1 the math, the underlying zoning will allow a  
2 maximum of 36 residential units per the  
3 underlying zoning. The project as proposed  
4 is proposing 153 senior independent living  
5 apartments with a total of 202 beds. For  
6 analysis purposes, we considered each  
7 apartment as a residential unit. So, there  
8 was an increase of 117 units from the  
9 underlying zoning.

10 Next we get into the review of the  
11 public benefit components and Dan went  
12 through what they are proposing. Just to  
13 recap, they have come up with a value of  
14 one-half million of public benefit, of which  
15 \$220,000 would be the payment to the Zaloga  
16 Post for the common access arrangement.

17 Then, they are looking to construct a  
18 new water main along Duffy Street which we  
19 have assigned a value of \$30,000.

20 Lastly, a contribution of \$250,000 for  
21 the Town's potential flood mitigation  
22 measures which are pretty specific. Dan  
23 talked about the drainage issues in the area  
24 and the historical flooding. We had reviewed  
25 this with the Planning Department staff and

1       there were some concerns regarding the  
2       specifics of the \$250,000 contribution for  
3       flood mitigation. They felt that it was more  
4       appropriate to have that more be generalized  
5       and potential uses not only to address  
6       existing flooding issues within the  
7       watershed, but also other public  
8       improvements that would benefit the  
9       neighborhood such as improvements to the  
10      streetscapes, sidewalks, parks and other  
11      infrastructure as well as a possible  
12      contribution to the Colonie Local  
13      Development Corporation to support local  
14      economic development areas and initiatives.

15             So, if you did consider all of those  
16      improvements to the public benefits - the  
17      values that were listed, you're coming up  
18      with one-half million of public benefits. If  
19      you look at it on a per unit basis, that  
20      would be a public benefit value of  
21      approximately \$4,300 per unit. That is  
22      consistent with the value per unit of the  
23      recently proposed Galleria PDD in  
24      Loudonville for comparison purposes.

25             Attached to the letter, we have drafted

1 findings for consideration. We have gone  
2 through and added those public benefits to  
3 the draft findings.

4 Next, we comment on the access  
5 arrangement.

6 CHAIRMAN STUTO: Do you mind if we talk  
7 about the public benefit for a minute? We are  
8 reminded on occasion -- I think we know that we  
9 only make a recommendation and the public  
10 benefit is finally disposed of by the Town  
11 Board with the Supervisor. I know Sean has had  
12 discussions. I don't want to just ignore it.  
13 There are issues raised with how it's currently  
14 configured. Do you want to help me with that?  
15 And I think counsel is involved as well.

16 MR. MAGUIRE: Yes, Kathy and I discussed  
17 this. We initially talked about the public  
18 benefit of the contribution to the Zaloga Post  
19 as something we might consider for public  
20 benefit. B but I think as we discussed that  
21 more, there was a concern I think at the Town  
22 level that a contribution to a charitable  
23 organization - a private charitable  
24 organization is not the same as a public  
25 benefit to all Town residents.

1 MS. MARINELLI: Yes, Sean and I discussed  
2 that we both agreed that the public benefit  
3 needs to go to all Town residents and that a  
4 distribution to a private charitable  
5 Corporation is something that the Planning  
6 Board needs to consider in their recommendation  
7 to the Town Board.

8 CHAIRMAN STUTO: We are not the ultimate  
9 decider.

10 MR. GRASSO: So, the value of that was  
11 \$220,000. So, it's roughly half of the public  
12 benefit. The value per unit could conceivably  
13 be considered to be half of about \$2,500.

14 We also talk about the access  
15 arrangements and the fact that they did do a  
16 detailed traffic study. They are proposing  
17 full access onto Everett Road with a  
18 consolidated access with the Zaloga Post,  
19 which we are supportive of. We know that  
20 Albany County is supportive of that, as  
21 well.

22 One change to the plan was a connection  
23 to -- Duffy Street - is it Duffy Street or  
24 Duffy Lane?

25 FROM THE FLOOR: It's Duffy Lane on the

1 sign.

2 MR. GRASSO: That's what I thought. I'm  
3 going to call it Duffy Lane because that's  
4 maybe what you guys are used to.

5 The advantage of the connection to  
6 Duffy Lane is that vehicles that during peak  
7 traffic times, if they want, can go to the  
8 intersection of Everett Road and Exchange  
9 Street and basically have a protected left  
10 turn movement. So, we were supportive of  
11 that secondary connection.

12 We did have a suggestion though that no  
13 truck or service vehicle should be allowed  
14 to use Duffy Lane only because that's a very  
15 residential neighborhood and we think that  
16 commercial traffic could have an adverse  
17 impact on the neighborhood. Other than that,  
18 from a traffic impact standpoint, we don't  
19 expect there to be a significant impact on  
20 traffic. As Dan said, we validated it  
21 through our analysis that there is a low  
22 trip generation from the site. The  
23 consideration is that if the site was  
24 developed under underlying zoning, a lot  
25 more trips could be coming out of the site

1       than would come from an adult residential  
2       facility.

3               In terms of the parking, they are  
4       looking to land-bank some parking and then  
5       provide a combination of surface parking and  
6       garage spaces. We are generally supportive  
7       of the amount of parking that they are  
8       providing, although it is less than the two  
9       spaces per unit as per Town Code. What they  
10      are looking to build is generally consistent  
11      with what we find across the industry for  
12      parking demands. We did have a concern  
13      though about the number of garage spaces and  
14      whether or not those garage spaces would be  
15      reserved for parking of the residents as  
16      opposed to being used for storage or other  
17      uses which could create a parking deficiency  
18      on the site plan. So, that is something for  
19      the Board to consider as the plan moves  
20      forward.

21              The next comment is just regarding the  
22      proposed method of stormwater management and  
23      that is something that additional validation  
24      will be required as grading plans get  
25      developed for the site. We had a number of

1        comments regarding the landscaping and the  
2        preservation of existing vegetation, which  
3        we think is really important because there  
4        are sensitive residential receptors in the  
5        area. As you can see from the pictures along  
6        Everett Road, there is some vegetation that  
7        could definitely provide substantial  
8        screening of views into the site. So, we  
9        would recommend the preservation of the  
10       vegetation around the perimeter of the site  
11       as much as possible.

12                They also propose some relatively minor  
13       landscaping on the south side towards the  
14       Duffy Lane residences. We would recommend  
15       trying to save any existing vegetation there  
16       and then substantially improving the amount  
17       of proposed vegetation and make sure that  
18       because of the scale of the building still  
19       being a four-story large-scale apartment  
20       building, to make sure there is substantial  
21       screening between those proposed garages and  
22       the adjoining residences along Duffy Lane.

23                The recent application letter indicates  
24       that an archaeological investigation is  
25       currently being completed and that is

1 something that we will have to go through  
2 SHPO for review. I think that is an  
3 important consideration as far as SEQRA  
4 determination is made.

5 SEQRA would be handled at the Town  
6 Board level because that is the first  
7 official action which would be the zone  
8 change. It is an unlisted action and does  
9 not warrant a full environmental assessment  
10 form. They have provided a short EAF and we  
11 have reviewed that, I believe it adequately  
12 describes the environmental setting of the  
13 project site and the proposed impacts which  
14 we do not anticipate at this time to be  
15 significant. That is something that the  
16 Planning Board should consider, as well.

17 CHAIRMAN STUTO: We are going to turn it  
18 over to the public, but I want to ask a point  
19 of clarification.

20 Is Duffy Road a dedicated Town Road, or  
21 is it just an easement?

22 MR. GRASSO: It is our understanding that  
23 it is a public road.

24 FROM THE FLOOR: The sign says private.

25 MR. GRASSO: Dan, I think if you could

1 clarify the ownership of Duffy Lane?

2 MR. HERSHBERG: A portion of the road,  
3 even though it has a private road sign, is  
4 actually a portion of a public right-of-way.  
5 That's the first portion. The balance of it is  
6 owned by the owner that is selling to  
7 Crisafulli. They own that and have granted an  
8 easement for the church and the adjoining  
9 owners. That actually is property of the owner.

10 CHAIRMAN STUTO: Can you show us?

11 MR. HERSHBERG: This portion from here to  
12 here is a public right-of-way (Indicating).  
13 Further back right here is owned by the same  
14 owner that Crisafulli is buying from. Everybody  
15 else gets there by easement. They don't intend  
16 to challenge any easements.

17 CHAIRMAN STUTO: I guess that's the best  
18 we can do for right now.

19 MR. GRASSO: So, half of it is under  
20 public ownership.

21 MR. CAREY: My name is Scott Carey and I  
22 will show you where my property is. This is my  
23 home. This is my garage and this is my house  
24 (Indicating).

25 So, I did have concerns with the water

1 runoff and where it's going to go. There is  
2 an intersection -- you're familiar, but I  
3 will show you a picture. This is the corner  
4 of Sumpster. This is as of 2011 and this is  
5 the flooding that you guys are all aware of  
6 (Indicating). So, I'm glad you're following  
7 up through SEQRA. That's great.

8 You said it's going to be porous  
9 asphalt, which is going to let everything go  
10 into the ground. With that large of a  
11 footprint and not much of a hardscape - I  
12 believe it's going to end up in my basement.  
13 It's going to be hard to convince me that  
14 it's not.

15 Also, the sewer - is that going to be  
16 efficient? You're going to research that  
17 also? Because there are 202 beds, so that's  
18 202 people and 202 toilets, I assume.

19 Stormwater - one more thing because you  
20 did answer a lot of my questions - pre-Covid  
21 19 - there was a big demand -

22 CHAIRMAN STUTO: Can you address the  
23 Board? I want them to hear too.

24 MR. CAREY: So, with pre-Covid 19, I have  
25 read articles where senior housing was an

1 up-and-coming thing and people were attracted  
2 to it - the senior living. Now we all know that  
3 during coven 19, the senior citizens are at  
4 high risk. So, they're kind of being deterred  
5 from senior housing. So, if this thing was  
6 built and you can only fill 10 of these  
7 apartments, what are you going to do the rest  
8 of them?

9 CHAIRMAN STUTO: Can you get all your  
10 questions out? We will take your comments and  
11 address as appropriate.

12 MR. CAREY: That's pretty much it because  
13 you answered my questions and you guys are  
14 going to research about water and sewer water  
15 pressure on Duffy Lane. I have great water  
16 pressure now. I just want to continue that  
17 water pressure. I would like for that to not  
18 have access to that community - have nobody  
19 come in and out of there.

20 CHAIRMAN STUTO: On Duffy?

21 MR. CAREY: Yes.

22 CHAIRMAN STUTO: Okay.

23 MR. CAREY: Also, make me some type of  
24 guarantee that this water is not going to end  
25 up in my basement.

1           CHAIRMAN STUTO: Okay, he is bringing up  
2           issues which we hear a lot about with projects;  
3           water, sewer, water pressure and then we can  
4           talk about the other ones - the senior living  
5           and access on Duffy.

6           MR. HERSHBERG: From a technical  
7           standpoint, I can talk about drainage all night  
8           on this project because we are using porous  
9           pavement. I just want to explain and you guys  
10          have heard my pitch so many times, but porous  
11          pavement - what it does is the rainfall comes  
12          down now and goes into the ground. When you put  
13          porous pavement over, the rainfall comes down  
14          goes into the ground. It was exactly where it  
15          is now. There is no increase in it. We take the  
16          roof drainage and we discharge into the same  
17          sort of structure either underneath the porous  
18          pavement or dry wells underneath the pavement  
19          and everything goes into the ground. So, if you  
20          have two inches of rain or three inches of rain  
21          or whatever comes down now, it goes into the  
22          groundwater and that's exactly where it goes  
23          when we're all done. We are using porous  
24          pavement on the entire site. The material is  
25          very good.

1           The one question is always the depth of  
2           the water table. We have a real solid water  
3           table and we think by grading we can solve  
4           that problem. So, we think porous payment  
5           works on the entire site, whether or not  
6           there are problems there with existing  
7           drainage. We also intend to improve Duffy  
8           Street because we have to put a new pipe  
9           down there and when we repave the portion  
10          that we disturb -- there are some areas  
11          we're against 10 feet wide at the end of it,  
12          so, that will all be taken care of.

13          Sewer is not a problem. There is an old  
14          sewer there and it ends in a manhole and  
15          that manhole is in poor condition and we  
16          intend on rebuilding the manhole. But the  
17          sewer pipe, we believe, still functions  
18          well.

19          Again, the capacity to handle 202 beds  
20          of the site there -- I always tell people  
21          that if you have an 8 inch sewer line, which  
22          this is running at a minimum of 1% - which  
23          this does, you can pass enough drainage  
24          through there for 1,000 single-family  
25          dwellings. It's an amazing amount of sewage

1       that goes through an 8 inch diameter pipe. I  
2       can do the calculation for you all day and  
3       tell you about it. There is no problem with  
4       sewer capacity.

5               On water - we are looping the water  
6       main from a water main on Everett Road. It's  
7       on the opposite side. We are moving it down  
8       to go into the existing line on Exchange  
9       Street. There is an existing small diameter  
10      water main that comes up from Exchange  
11      Street and dead-ends on Duffy Lane. This  
12      process will increase the pressure. It will  
13      actually stabilize the pressure because we  
14      are connecting two water mains. I think  
15      essentially pressure problems probably date  
16      back to and undersized water main which is,  
17      I think, a four-inch. It's not meant for the  
18      size that we have here. For Fire Protection  
19      we have to put in an eight-inch. So, we are  
20      doing that and adding a hydrant very close  
21      to the facility. So, the eight-inch will be  
22      about right here and we think that the water  
23      pressure will certainly be solved  
24      (Indicating).

25               CHAIRMAN STUTO: Before you move on this,

1 we have our engineer who was hired by us and I  
2 will ask Joe to comment on whether you agree  
3 with Dan or disagree.

4 MR. GRASSO: No, we agree with him. Those  
5 things will be looked at. The Town has its own  
6 water and sewer department and those things get  
7 checked and reviewed. We get into the detail  
8 if a project advances to final design and we  
9 will get into more of those - the scope of the  
10 improvements and what the capacity that they  
11 are designed for. We don't think there will be  
12 any impact whatsoever from a water and sewer  
13 standpoint.

14 MR. CAREY: What about the sewer though?  
15 How do you calculate for 140 units?

16 MR. GRASSO: Because there are  
17 calculations that will be done to evaluate the  
18 flows from the site, as well as other  
19 connections to the system and understanding the  
20 capacity of the pipe. The Town has a very  
21 rigorous infrastructure monitoring program in  
22 place to make sure that they never run into  
23 capacity issues for the existing residences.  
24 Those departments have already been involved in  
25 the process and will continue to be before a

1 project can get final approval. So, I can say  
2 that there would be no impact whatsoever from a  
3 water and sewer capacity standpoint.

4 The resident also voiced concerns about  
5 the flooding. This is a little bit different  
6 because what the stormwater requirement that  
7 is in place will require that no more runoff  
8 will leave this project site after it's  
9 developed than leaves there today. So, there  
10 is always going to be a reduction in the  
11 amount of runoff and the rate of runoff. We  
12 are going to ensure that Dan, who is one of  
13 the best designers of these kinds of  
14 projects, will make sure that's the case. I  
15 will say that you point to a very important  
16 issue and that is the flooding that occurs  
17 in the area. This project, no matter how it  
18 is designed, is never going to alleviate or  
19 have any significant reduction on the  
20 flooding that occurs in the area because of  
21 the amount of runoff from the watershed and  
22 restrictions of the downstream drainage  
23 system from the site. The only way that  
24 those things are going to get addressed is  
25 through comprehensive analysis and

1 comprehensive improvements within the  
2 watershed which is something that the only  
3 way that this project can contribute to that  
4 is funding improvements through a public  
5 benefit contribution. I totally appreciate  
6 the flooding concerns that the residents are  
7 having to live with in this area.

8 CHAIRMAN STUTO: But this project will not  
9 make it any worse.

10 MR. GRASSO: It won't make it any worse.  
11 The only way that it can make it better is by  
12 doing comprehensive improvements.

13 MR. HERSHBERG: The other two issues had  
14 to do with the demand for senior housing.

15 CHAIRMAN STUTO: I think that's what it  
16 was. He said with Covid. Can we specify what  
17 type - I think I know, but can you just go over  
18 it?

19 MR. HERSHBERG: The demand for senior  
20 housing is well documented by Mike Crisafulli  
21 on the papers that we circulated at sketch  
22 plan. It appears that every senior housing  
23 development has a waiting list that is full.  
24 There really is a demand.

25 Regardless - most of the deaths that

1 occurred at health facilities, or nursing  
2 homes or assisted living homes were where  
3 there is more contact with staff and that's  
4 why they had to restrict visitors.

5 CHAIRMAN STUTO: My understanding is this  
6 is independent living; 55 and over.

7 MR. HERSHBERG: Yes; 55 and older and  
8 consequently there is no more danger than  
9 living in their existing house.

10 The last question was?

11 MR. GRASSO: Duffy Lane access.

12 MR. CAREY: My question was what if you  
13 only rent 10 apartments out and you can't get  
14 the rest for senior living, what are you going  
15 to do with the project?

16 MR. CRISAFULLI: I have gotten this  
17 question in the past and it's a difficult  
18 question to answer. Especially if you just  
19 developed it, you are in a tough spot. I'm not  
20 sure there's an answer you can give except to  
21 work harder to fill it up. If it was a PDD  
22 approved as senior only, that's what it would  
23 be. We would have to come back before the Board  
24 to request that we be unrestricted on age. The  
25 Board could vote favorably or unfavorably. We

1       hope not to be in that position. We have done  
2       our homework on the demand in the area, on the  
3       demographics that are coming and exist now and  
4       in the coming years and we continue to monitor  
5       the Covid 19 situation and its effects on  
6       senior living. Like Dan said, we are seeing  
7       that it has more of an effect on the skilled  
8       nursing and nursing home type facilities as  
9       opposed to an independent. Prior to us actually  
10      building the building, if it was approved, we  
11      would be absolutely sure this is something that  
12      we believe we can continue to work. It's the  
13      best answer I can give as far as that goes.  
14      We're going to make sure that it works. We can  
15      do our best. We have a good track record and I  
16      think we know what we're doing and we've done  
17      our homework.

18             MR. CAREY: Why such a large footprint?

19             MR. CRISAFULLI: We believe that this  
20      level of development with this many apartments  
21      gives us the best shot to staff it  
22      appropriately and amenitize it appropriately  
23      and get the rents to where we believe they  
24      should be, which are not on the higher end of  
25      the spectrum. We've got a 10-acre site and I

1 think we've got 50% green space. We don't view  
2 it as an over development. This is sort of the  
3 level that we are comfortable with and  
4 hopefully moving forward with.

5 MR. GRASSO: There was a comment regarding  
6 the Duffy Lane access.

7 Dan, did you want to speak to that?

8 MR. HERSHBERG: Onto file and we think  
9 that by adding the Duffy Lane access, it gives  
10 us the opportunity -- first of all this will be  
11 restricted from delivery trucks. Our goal here  
12 would be to allow someone who is coming out to  
13 that intersection -- it doesn't feel  
14 comfortable coming down to making a left-hand  
15 turn. Especially as they get older, they can  
16 come up there and go to the intersection and go  
17 out to the light. That's the advantage of that.

18 MR. CAREY: Right now that is more alley  
19 than a road.

20 MR. GRASSO: So, if I could just speak to  
21 that - regarding that.

22 CHAIRMAN STUTO: Can you talk numbers,  
23 too? We have a traffic study, right?

24 MR. GRASSO: Yes. I don't recall the  
25 distribution of trips. It was located and its

1 connection to the site plan was in such a way  
2 that it would not be a dominant use for egress  
3 or ingress from the site and based on the  
4 traffic study, we don't expect that there's  
5 going to be congestion at the access onto  
6 Everett Road. We definitely think that the  
7 majority of the trips like 95% or greater would  
8 use that access. I just want the Planning Board  
9 were to understand that CHA had supported to  
10 provide a secondary access to the site and to  
11 benefit the left turning vehicles to take  
12 advantage of a signal, which is something that  
13 we always advocate for. The Planning Board, I  
14 think, can rightly consider the concerns of the  
15 neighbors on Duffy Lane. This connection to  
16 Duffy Lane was not required by the Town  
17 departments from an emergency access  
18 standpoint. They feel that access onto Everett  
19 Road is sufficient. We thought that the truck  
20 restriction was appropriate. You could further  
21 restrict that to emergency vehicles, or if you  
22 felt that it was not enough of a benefit to the  
23 project, cut out that connection entirely.

24 CHAIRMAN STUTO: Thank you.

25 Ma'am, your turn.

1           We will take all of these things into  
2           consideration.

3           MS. CHIARELLA: Most of my concerns were  
4           addressed.

5           CHAIRMAN STUTO: Tell us who you are and  
6           where you live.

7           MS. CHIARELLA: I'm Carol Chiarella and I  
8           actually grew up in West Albany on Richmond  
9           Street, which is the neighborhood that adjoins  
10          this property.

11          I moved away 30 years ago and I just  
12          moved back a year ago. The neighborhood is  
13          totally different from when I grow up,  
14          obviously. this has always been a cornfield.  
15          It was a cornfield. Farmers used to plant  
16          their corn there and that's all it was. We  
17          used to run through the field and play.  
18          There are three houses on Duffy Lane.

19          There's really nobody on there. We know  
20          them as 2, 4 and seven, so I don't know  
21          where 11 and 12 came from. I don't know what  
22          that property is. That's confusing to me as  
23          to exactly where this is going to sit in  
24          that lot. My main concern other than the  
25          drainage, the flooding and the sewers and

1 all of that -- also the four stories. The  
2 whole neighborhood, is too. So, this  
3 four-story unit is going to stand out. It's  
4 going to stand higher than the steeple of  
5 our church. I don't think I like that.  
6 That's my main concern; the height of the  
7 buildings.

8 The Duffy Lane - I think most people  
9 are going to try to come up that way rather  
10 than try to get out onto Everett Road.  
11 Everett Road is a busy road. It's four  
12 lanes. It's going to be hard to get in and  
13 out. They're going to come through the  
14 neighborhood and congest us. We've got all  
15 the businesses up in Burdick and all of that  
16 area. I think it's just going to make things  
17 worse if we have that access. That's my  
18 concern.

19 I am also the West Albany Neighborhood  
20 Association Secretary, even though we're  
21 dormant. I'm the secretary and I'm taking  
22 notes.

23 CHAIRMAN STUTO: Yes, thank you.

24 Yes sir?

25 MR. TOMELL: Good evening to all. My name

1 is John Tomell. My family is been on Exchange  
2 Street for 90 years.

3 Like Carol was saying, you can count on  
4 your left hand the number of trips that the  
5 two or three houses on Duffy Lane make every  
6 day. I think you will all agree that little  
7 V there were Duffy Lane would go to the back  
8 corner of that building - I would say any of  
9 those people when they leave are going to go  
10 right out Duffy Lane. I'm just going to go  
11 right out Duffy Lane. Why would I want to go  
12 well all the way around it have to wait for  
13 a left-hand turn. There's a whole lot of  
14 houses. There's lots of children at play  
15 there.

16 The first light went into where J.A.  
17 Carman is across from Bridgeway and  
18 Bridgeway Lumber -- it got redeveloped and  
19 there's a lot of truck traffic like three or  
20 four-ton trucks that go up and down Exchange  
21 Street now. So, I wouldn't go for access to  
22 Duffy Lane.

23 The last handout you had didn't say  
24 anything about that. I think it said it  
25 wasn't going to do it.

1           I'm not crazy about the four stories  
2           and plus the roof probably makes it higher  
3           than the cross on the church. There's got to  
4           be a way not to use Duffy Lane.

5           I feel sorry for the two houses that  
6           are going to be there because it's just  
7           going to be a total thoroughfare for them.  
8           It's not right. I see accidents at Duffy and  
9           Exchange Street and back-ups and people  
10          trying to go right or left and the truck  
11          traffic coming up from lower Exchange Street  
12          is just going to back it up at times --  
13          especially at quitting time. There's a lot  
14          of people that were - that instead of going  
15          out lower Everett, they come up Exchange.  
16          So, traffic will be an issue.

17          I don't see so much of the flooding  
18          part, but accessing Duffy Lane is a killer  
19          for me. I don't agree with that. Thank you.

20          CHAIRMAN STUTO: Thank you. Is there  
21          someone else from the neighborhood?

22                 (There was no response.)

23          Anything you want to finish up with Joe  
24          Grasso?

25          MR. GRASSO: No.

1           CHAIRMAN STUTO: We will turn over to the  
2 Board.

3           Paul?

4           MR. ROSANO: I will start with Duffy Lane.  
5 When you have a senior housing project -- I  
6 think if you look up here you can see that  
7 there's quite a few seniors appear. What you  
8 will find is that Michael Crisafulli will tell  
9 you is that don't go out during the peak time  
10 traffic hours. You just don't see it. They know  
11 what they're doing and they know where they're  
12 going. They will use Duffy - no question about  
13 it. My wife grew up on Exchange Street and I  
14 know this area very well. I don't see that as  
15 really being a problem. Actually I would rather  
16 have seniors driving up and down that road than  
17 anybody else.

18           As far as the height of the building is  
19 concerned, I've done my homework and I've  
20 been down there a couple of times with the  
21 CAC. Most of the project is actually  
22 screened by very large trees. It's a corner  
23 lot. I'm talking about along Sand Creek  
24 where the Red Creek come together. I know  
25 this area very well from the flooding. It's

1 got quite a bit of screening. If you come  
2 down Everett Road from Central Avenue, you  
3 look at the Zaloga Post and it is completely  
4 surrounded by large trees. There's a corner  
5 property on Exchange and it's got five large  
6 maple trees there. I doubt very much that  
7 you're really going to see this building  
8 from the ground level.

9 MS. SHERELL: My concern is Everett Road.  
10 It's the neighborhood that's on the other side  
11 of Exchange Street. That's what the main  
12 concern is that we're going to see that  
13 building.

14 MR. ROSANO: I understand that, but I am  
15 just saying that -- you asked about the trees  
16 and we were talking about trees before. That's  
17 right along the Sand Creek bed and they can't  
18 come out and like I say, I have Google Earth  
19 shots showing all the trees around that. I  
20 doubt very much that you're going to be able to  
21 see very much with these trees. There's a lot  
22 of evergreens in there too. You won't see the  
23 building, but the height of the building is  
24 really - there's such a tremendous need for  
25 senior housing in this area I can tell you

1 firsthand. We are the largest senior component  
2 in the region. Over 20% of our population is  
3 over 55. As Michael said, every place in Town  
4 has a waiting list for seniors. They don't want  
5 to leave Colonie. They want to finish up the  
6 lives here. It's a great location.

7 I just wanted to cover those points.

8 Thank you.

9 CHAIRMAN STUTO: Craig.

10 MR. TOMELL: Can I ask another question?

11 CHAIRMAN STUTO: Sure, why not.

12 MR. TOMELL: I think the Audi family is  
13 selling that brick ranch. Is that going to be  
14 demolished?

15 MR. CRISAFULLI: Yes.

16 MR. TOMELL: Okay, so the house on Duffy  
17 that's closest to this project - what is the  
18 distance from their property line to the  
19 building let's say, roughly?

20 MR. HERSHBERG: From the building on the  
21 end of Duffy -

22 MR. TOMELL: You've got 2 and you've got  
23 4. From their property line to the building -

24 MR. HERSHBERG: This closest point here is  
25 70 feet. From here to here is 70 feet and

1 another 70 feet -- I think it's about 200 feet  
2 (Indicating).

3 MR. TOMELL: Okay, thank you.

4 CHAIRMAN STUTO: Craig?

5 MR. SHAMLIAN: I'm a little concerned  
6 about the four stories. Obviously, there are  
7 serious questions about some of the public  
8 benefit. I'm not sure if I agree with the water  
9 main, quite frankly, being included in the  
10 public benefit either. It sounds like they have  
11 to do that to make the project work.

12 If I understood what this gentleman  
13 said, he's got great water pressure. Where's  
14 the public benefit? It's not a big number.  
15 the Zaloga Post number is a much bigger  
16 number.

17 MR. CRISAFULLI: Our main connection is on  
18 Everett Road, so the connection on Exchange  
19 with the request from the Latham Water  
20 District.

21 MR. SHAMLIAN: They want you to loop it.

22 CHAIRMAN STUTO: They always try to get  
23 you to loop it. They don't like dead-ends.

24 MR. SHAMLIAN: I understand your position.

25 CHAIRMAN STUTO: They usually require it.

1           MR. GRASSO: They're going to require a  
2           looped connection where they would have to  
3           replace that segment.

4           MR. SHAMLIAN: In the grand scheme of  
5           things it's not the biggest number. Obviously,  
6           the Zaloga Post - if this project moves  
7           forward, would need to be replaced somehow.  
8           Whatever they have to pay the Zaloga Post  
9           that's part of their development cost.

10          Again, I do have some concerns about  
11          the height. While I'm not enamored with  
12          putting traffic out on Duffy, I don't like  
13          the idea of putting everything out on  
14          Everett, either.

15          I do agree with, I think, the other  
16          gentleman. There will be a fair amount --  
17          the back end of this project people are  
18          going to go on Duffy. There's no reason why  
19          you would traipse all the way to the project  
20          to get to Everett directly. That's it.

21          CHAIRMAN STUTO: Susan?

22          MS. MILSTEIN: I have the same concerns of  
23          public benefit in that they are sorely  
24          inadequate especially the Zaloga Post.

25          Also, what do you anticipate the cost

1 of the apartments to be?

2 MR. CRISAFULLI: Right now, we are  
3 projecting as one-bedroom apartment that start  
4 at \$1,350 a month and two-bedroom apartments. I  
5 want to say start at \$1,350. They are mainly in  
6 that range of \$1,350 to \$1,450 there are  
7 two-bedrooms that are \$1,952 \$2,000 - in that  
8 range, which we are finding is 45% or 50% lower  
9 than the competition in the Town. That's always  
10 been the intention behind this project was not  
11 to be on the higher end. I know \$1,350 for  
12 one-bedroom seems like a lot to a lot of folks  
13 but it's not for new apartments.

14 MS. MILSTEIN: And how do you define a  
15 senior project? Is it 55 plus?

16 MR. CRISAFULLI: Yes.

17 MS. MILSTEIN: And then does one person  
18 have to be 55 or over?

19 MR. CRISAFULLI: Generally it's one. We  
20 haven't gotten to the specifics about it. We  
21 follow industry norm.

22 CHAIRMAN STUTO: I think that's the fair  
23 housing norm.

24 MR. CRISAFULLI: Yes, the fair housing  
25 norm.

1           CHAIRMAN STUTO: Grandpa can live there if  
2 he's 35, or grandma or whoever.

3           MR. CRISAFULLI: Exactly.

4           MS. MILSTEIN: I am opposed to Duffy  
5 because they're going to use it. It's just too  
6 logical, especially during busy hours

7           MR. CRISAFULLI: There was something that  
8 we were opposed to, as well. Initially through  
9 discussions with CHA in the Town Planning  
10 Department, that was encouraged of us. We are  
11 indifferent on it, if you will.

12          MR. SHAMLIAN: Did you explore purchasing  
13 any of the other houses on Exchange?

14          MR. CRISAFULLI: We did not explore that  
15 option, no. We felt that we had enough between  
16 Everett Road and Duffy, if it came into play,  
17 which obviously does now, that would be  
18 adequate to get out of the site.

19          CHAIRMAN STUTO: Lou?

20          MR. MION: My biggest concern is the  
21 \$220,000 to the Zaloga Post. Your public  
22 benefit is very narrow. Those are veterans.  
23 That is not the overall Town. I think the public  
24 benefit has to be for the whole Town of  
25 Colonie.

1           MR. CRISAFULLI: I think were willing to  
2 entertain ongoing discussions with the Town for  
3 a public benefit that is adequate for the Town.

4           MR. MION: And with Duffy, it is a narrow  
5 street. One thing I like about it is it's  
6 another way out.

7           Other than that, I think there is some  
8 legitimate concern for Duffy.

9           MR. CRISAFULLI: Our concern was the folks  
10 that actually live on the street - Duffy  
11 primarily, but also Exchange. That's initially  
12 why we just had garages going right across  
13 that. We were just going to let that go and no  
14 access.

15           Then, there's the other side of the  
16 just says they let folks out. You have to  
17 balance the scenario to figure out what  
18 works best. Again, we are different on it  
19 really. Through our traffic analysis, the  
20 shared entrance with the Zaloga would be  
21 adequate to serve on this project and  
22 Zaloga. I do know that obviously Everett  
23 Road gets busy. Dan touched on it and folks  
24 in senior housing don't generally follow the  
25 9-to-5 type traffic patterns and would avoid

1 coming in and out when they didn't need to.  
2 I don't know that it would be such a big  
3 deal. We are fine with letting it go if  
4 that's the direction that the Board prefers  
5 to see and the engineer prefers to see.

6 MR. MION: Personally, I like the idea of  
7 having another way in.

8 MR. CRISAFULLI: I don't disagree. I  
9 really don't.

10 CHAIRMAN STUTO: Chip?

11 MR. ASHWORTH: Regarding disabled parking  
12 spaces - how did you arrive at that number?

13 MR. HERSHBERG: Well, it exceeds the ADA  
14 requirements. Normally for 279 parking spots  
15 you would need nine parking spots as an ADA  
16 requirement, or maybe a little bit more so  
17 probably a few more handicap people -- quite  
18 honestly, I'm 80 and I'm not disabled yet. I  
19 think 55 is pretty young. They should be able  
20 to get around. The question of how many  
21 handicap spots is really something that would  
22 be decided after you rented. People would say I  
23 have a handicap sticker and we are out of  
24 handicap spots. Depending upon the use of the  
25 site, we think we will have enough parking

1 spots there. We think banking the 36 - they  
2 probably will never be needed but if we needed  
3 to, we can always create those handicap spots.

4 MR. ASHWORTH: How many electric vehicle  
5 receptacles do you have?

6 MR. HERSHBERG: We have two, but we will  
7 conduit as many as you want.

8 MR. CRISAFULLI: I think initially the  
9 thought was to install two dual-port so there  
10 would be four cars at once. I am entirely in  
11 agreement with this is the way things are  
12 going. We will put an additional conduit in for  
13 more EV charging stations.

14 MR. ASHWORTH: They expect that in 20  
15 years from now in 2040 that 56% of the cars  
16 sold are going to be electric. I would have to  
17 say putting in the infrastructure is smart.  
18 These are apartment people and they can't plug  
19 it into their own house.

20 MR. CRISAFULLI: No, that's a great  
21 suggestion. I think one thing to understand  
22 that other people don't know is that National  
23 Grid has fantastic programs to essentially pay  
24 for a lot of the stuff. Developers and  
25 applicants should always take advantage of

1       those programs. There is really some good stuff  
2       out there. It's really going in that direction.  
3       I don't disagree at all. I think it gets to a  
4       point where if you don't have them, you're not  
5       competitive either. A lot of folks are coming  
6       in with Tesla's and Prius' and you need to  
7       accommodate them.

8               CHAIRMAN STUTO: Craig had another  
9       question.

10              MR. SHAMLIAN: I think we are all somewhat  
11       uncomfortable with Duffy, but I guess one of  
12       the questions to ask - what I'm thinking is  
13       whether it is this project or some other  
14       project, are we always going to be looking --  
15       it's a big piece of property. Are we always  
16       going to be looking for a second point of  
17       ingress and egress? If we are, then this is the  
18       least intensive of any of those things that  
19       would probably come across. The reason I'm  
20       asking the question is because there have been  
21       some other projects where sometimes we've had a  
22       lot of neighborhood opposition and we have  
23       accounted for that opposition and in the end,  
24       the project hasn't been as good because the  
25       developer has come back or subsequent developer

1 has come back with something that we can't deny  
2 and it ends up being more detrimental to the  
3 neighbors than what was originally intended  
4 from the original project.

5 It's just a hypothetical question. Are  
6 we always going to require another point? If  
7 we are, I don't know what has less usage  
8 than senior housing.

9 MR. CRISAFULLI: If I could just jump in  
10 on that. That's an argument that we have made.  
11 I think I tried to convey it on the first  
12 meeting that it is a challenging site. Without  
13 the access agreement with the Zaloga, the  
14 Everett Road frontage is difficult. It's up  
15 near Sand Creek Road. The traffic and queuing  
16 is all hard. After a while, we were able to  
17 figure out how to get in and work it out with  
18 the Zaloga. This is one of the least - I don't  
19 want to say the least but one of the least  
20 traffic intensive uses you can put on the site.  
21 It feels like the right use for the site.  
22 Applicants in the future who may have office,  
23 or medical office or anything else are only  
24 going to find it to be even more difficult if  
25 they can't work it out and see and then it's

1 going to really be encouraged that they use  
2 Duffy. It's not really a straight forward thing  
3 and I think this kind of has the least impact  
4 on the whole scenario.

5 MR. MION: Is that \$220,000 a public  
6 benefit with the idea that you are going to use  
7 - have access to come in the driveway?

8 MR. CRISAFULLI: Right.

9 MR. MION: So really, you're paying  
10 \$220,000 to get in there.

11 MR. HERSHBERG: Actually, we are building  
12 a new entrance. We're not reusing the Zaloga  
13 Post's entrance.

14 MR. MION: But it's on the Zaloga Post  
15 property.

16 MR. HERSHBERG: Yes, the Zaloga Post comes  
17 over the property, so getting the right to put  
18 a joint roadway and for that the Crisafullis  
19 are paying \$220,000 to the Zaloga in that  
20 situation there is something that if it didn't  
21 work with Zaloga, we would be back here putting  
22 a curb-cut in further down the road beyond the  
23 Zaloga. Actually, when that road was built,  
24 they gave the site a curb-cut very close to the  
25 intersection of Sand Creek Road. There is an

1 existing curb cut there. Theoretically, we  
2 could go there, but that would create all sorts  
3 of traffic concerns and then we are into the  
4 queue at Sand Creek Road.

5 MR. MION: Is it possible to get an  
6 easement from the Zaloga and just do it as an  
7 easement?

8 MR. HERSHBERG: It is an easement.

9 MR. MION: So, you're paying \$220,000 for  
10 an easement.

11 MR. HERSHBERG: That's right.

12 MR. MION: So, it's not a public benefit.

13 MR. HERSHBERG: It's \$220,000 to the  
14 Zaloga. The reason we thought -- and again I'm  
15 hearing loud and clear that this Board does not  
16 want to consider that a public benefit. The  
17 reason we thought was a public benefit is the  
18 \$220,000 comes without strings. The Zaloga can  
19 use it for whatever they want and whatever  
20 efforts they have. It's a community-based  
21 organization.

22 I see what you're saying that it  
23 doesn't benefit the citizens of Colonie and  
24 therefore doesn't qualify under your  
25 definition of public benefit.

1           MR. MION:  If you didn't give him the  
2           \$220,000, would you get an easement?

3           MR. HERSHBERG:  No, but if we didn't, if  
4           we determined that the economics of the site  
5           said the \$220,000 can be afforded, we could put  
6           a curb-cut on Sand Creek.  We do have a lot of  
7           frontage on Sand Creek.

8           MR. MION:  I guess where I am coming from  
9           Dan, is if you go back to them and say look,  
10          are you going to charge us \$220,000 for the  
11          easement?  Can you work with the Zaloga Post?

12          MR. HERSHBERG:  I will tell you again that  
13          Michael Crisafulli has spent -

14          MR. CRISAFULLI:  The Zaloga Post situation  
15          payment is what it is.  We worked it out and I'm  
16          not going back to them.  We are considering what  
17          we are offering is a public benefit is to the  
18          Town and it's obviously something we cannot do.  
19          their deal is memorialized, if you will.

20          CHAIRMAN STUTO:  Dan, I think you misspoke  
21          and said you could do a curb-cut on Sand Creek.

22          MR. HERSHBERG:  Oh no, I'm sorry;  Everett  
23          Road Extension.  We would need a bridge to get a  
24          curb-cut on Sand Creek Road.  Quite honestly,  
25          with 130,000 square feet of medical office

1 building, we can support a bridge up to Sand  
2 Creek Road.

3 CHAIRMAN STUTO: Okay, I'm going to give  
4 my comments and I'm going to try to make it  
5 short. I don't want to make it repetitive.  
6 Obviously, we know the public benefit has been  
7 talked about enough. You are increasing the  
8 square footage and just to point it out for the  
9 record -- my thought process from 135 to 197  
10 and getting so many extra units of residential.  
11 I think there's a need for senior housing and I  
12 think that's a positive.

13 I know what your apartments look like  
14 at the Crossings. They are superb and  
15 visually really good. They fit there.

16 I do have concern about the fourth  
17 floor. That lady pointed out and I feel the  
18 same way about the mass of the building.

19 I'm also taking a new perspective on  
20 Duffy. Under normal circumstances you want  
21 to give people access to a light, but I'm  
22 not really sure what the impact is going to  
23 be. These are my only issues.

24 MR. CRISAFULLI: That raises a good point  
25 and I just have a question for Joe.

1           The site is 10 acres and has roughly 2  
2           1/2 restrained acres. Even though the fact  
3           that they're restrained, you could still see  
4           a zoning compliant 180,000 square-foot  
5           building, or series of buildings on the  
6           site, am I right? Those restrained acres  
7           would just be green space?

8           MR. GRASSO: Correct, I think that there  
9           is a maximum footprint size in this zone. I  
10          think it's 15,000 square feet.

11          MR. CRISAFULLI: But the overall build-out  
12          could be up 100 or 180.

13          MR. SHAMLIAN: No, we would never approve  
14          that.

15          MR. GRASSO: No, the build-out -

16          MR. CRISAFULLI: It would be a series of  
17          buildings of the 180,000 square-foot. In fact,  
18          we had an early rendering of that.

19          MR. GRASSO: The maximum capacity for  
20          commercial would be 135,000 square feet. The  
21          maximum building footprint size is 15,000  
22          square feet.

23          MR. CRISAFULLI: I'm actually trying to  
24          figure it out. The zone allows 18,000 square  
25          feet per acre and there are 10 acres.

1           MR. GRASSO: Developable acres, which we  
2           are assuming 7 1/2 acres times 18,000 square  
3           feet. That's where you get 135,000 square feet  
4           straight commercial.

5           MR. CRISAFULLI: So, you take out the  
6           restrained acres.

7           MR. GRASSO: You do.

8           MR. CRISAFULLI: Okay, that was my  
9           question.

10          MR. HERSHBERG: Did we hear the Chief's  
11          comments?

12          CHAIRMAN STUTO: The Chief is recused.

13          MR. HERSHBERG: Sorry, I'm used to hearing  
14          your comments.

15          CHAIRMAN STUTO: Can I ask a question  
16          because I want to follow-up. It really has to  
17          do the traffic.

18          When Dan was talking and show the  
19          traffic up there, to be honest I didn't  
20          understand it. How bad is the left-hand  
21          turns or potentially bad? Can you address  
22          that? How much is traffic projected to be on  
23          Duffy? Those are really what my questions  
24          are.

25          MR. HERSHBERG: The split of these 11

1 entering and 20 leaving in the morning - I  
2 haven't checked, but I think it's 70% going  
3 towards Albany and 30% going out toward  
4 Colonie.

5 MR. CRISAFULLI: I don't know that we  
6 analyzed how many would use Duffy. I'm not sure  
7 that's in the data.

8 MR. HERSHBERG: I'm pretty sure that they  
9 base it on existing generation traffic and it  
10 would be something like that.

11 MR. GRASSO: If you are basically without  
12 the Duffy connection, you're looking at about  
13 15 vehicles making that left during either the  
14 AM or PM peak hours.

15 CHAIRMAN STUTO: Can you explain that in  
16 layman's terms so the audience and everybody  
17 understands? I think I am following you. Talk  
18 about how you typically analyze traffic in AM  
19 and PM peak hours and what the data shows.

20 MR. GRASSO: So, what we do is we look at  
21 the existing traffic volumes on the roadway  
22 network and then we add to that the trips that  
23 would be generated by the new use. That's based  
24 on the scale of the project and the type of  
25 proposed use and then we distribute those trips

1 with different turning movements to exit the  
2 site.

3 CHAIRMAN STUTO: Tell them about the AM  
4 and PM, as well.

5 MR. GRASSO: What we do is we always want  
6 to look at the worst traffic condition. We look  
7 at it on an average and look at the worst hour  
8 and in the morning is generally from 7:30 to  
9 8:30 AM we also look at the PM peak hour which  
10 is typically from 4:30 to 5:30 PM. So, we try  
11 to focus on those knowing that if we can  
12 address the impacts during those peak hours,  
13 all the other hours of the day are going to  
14 operate during normal conditions. That's we  
15 always focus on - the a.m. and the p.m. peak  
16 hours.

17 CHAIRMAN STUTO: Does the data show the  
18 split between Duffy and Everett?

19 MR. GRASSO: It does not.

20 MR. HERSHBERG: We didn't evaluate Duffy  
21 at the time.

22 MR. GRASSO: What we had them do was we  
23 evaluated the access on every road as if they  
24 were no connection to Duffy, but because we  
25 wanted to do it with a worst-case scenario for

1 access onto every road.

2 CHAIRMAN STUTO: Is that data that we can  
3 easily get?

4 MR. GRASSO: It is data that we can  
5 definitely get. It would be an approximation,  
6 but we can estimate it and we basically would  
7 take these trips and then do a distribution  
8 based on travel times inconvenience of making  
9 those movements.

10 MR. SHAMLIAN: Dan, didn't you say that  
11 70% were going to go to Albany?

12 MR. HERSHBERG: What I'm saying there is  
13 if you took a look at the traffic on Everett  
14 Road Extension, the way you distribute the  
15 traffic in the morning - 70% or more are headed  
16 toward Albany and only 30% were heading out  
17 toward Colonie. So, that's why we use the 70%.  
18 It may be somewhat different. I haven't  
19 analyzed the actual counts, but it was  
20 something like that. If you had 24 total  
21 movements, 70% or 18 are going toward Albany  
22 and only seven or eight or going toward  
23 Colonie. This is in the afternoon because the  
24 overriding traffic is in the opposite direction  
25 the afternoon.

1           MR. SHAMLIAN: With the reconfiguration of  
2           the Zaloga Post entrance, what is the offset to  
3           the driveway to the office building across the  
4           street? Right now they're pretty close. A left  
5           and a left is a potential conflict right now.

6           MR. CRISAFULLI: It's not directly across  
7           but it is a little bit further towards Albany.  
8           The distance, I don't know.

9           MR. SHAMLIAN: It would be better if they  
10          were directly across.

11          MR. CRISAFULLI: Right, they are a little  
12          misaligned. The one rendering shows the  
13          building step behind the Zaloga is taken from  
14          behind and you can get a little bit more  
15          perspective on that distance. I'm actually  
16          standing in 21 Everett's entrance. So, it is  
17          offset, you can see.

18          MR. SHAMLIAN: That impacts and the ease  
19          of the turns.

20          Obviously, there is some concern about  
21          the four stories and the viewshed of that.  
22          If the building is reconfigured - so right  
23          now I'm not sure what the direction is, but  
24          toward Sand Creek - that's an open  
25          courtyard, right?

1           MR. CRISAFULLI: Coming further up towards  
2 the corner of Sand Creek in Everett.

3           MR. SHAMLIAN: Right, so if you  
4 reconfigured the building to have maybe some of  
5 that open courtyard in an area that is less  
6 visually impacted, is that something you can  
7 take a look at?

8           MR. CRISAFULLI: Yes, we can look at that.  
9 We can run it up against the buffer course  
10 that's there. That's something we can  
11 definitely take a look at.

12          MR. HERSHBERG: That's worth a look and  
13 see.

14          MR. CRISAFULLI: One thing that I wanted  
15 to mention is our intention of this was to go  
16 forward, as we would bring a landscaped  
17 architect in like we did at the Crossings.  
18 There would be a more detailed landscaping plan  
19 we can take into consideration -- obviously  
20 there are new plantings that we are talking  
21 about what we could do some screening as well.

22          MS. SHERELL: The point that wasn't  
23 addressed.

24          CHAIRMAN STUTO: Okay, I'm going to give  
25 the residents another crack.

1 MS. SHERELL: Your seniors don't go out  
2 during busy hours - they are 55. They're still  
3 going to be working, so you really have to  
4 consider that. The majority of your people are  
5 55 or 60 are going to be working. So, you have  
6 to consider that.

7 My main question was exactly where is  
8 this going to be positioned in that field?  
9 Is it going to be up against the Sand Creek  
10 side?

11 CHAIRMAN STUTO: Can you read the map?

12 MS. SHERELL: My neighborhoods not even in  
13 it.

14 MR. HERSHBERG: Right here on this side of  
15 Sand Creek (Indicating)-

16 MS. SHERELL: So, you are going to be  
17 smack dab in the middle of the whole thing.

18 MR. HERSHBERG: A little bit closer this  
19 way. It is centered.

20 MS. SHERELL: That was my main concern. at  
21 least I know where it is.

22 MR. TOMELL: Back to Duffy Lane. I don't  
23 know the width of Exchange Street from edge of  
24 sidewalk to edge the sidewalk because it allows  
25 for a car to be parked on each side and traffic

1 both ways. Obviously, Duffy Lane -- they named  
2 it Lane because of that. If they had to build  
3 that road, would be as wide as Exchange Street  
4 turning there?

5 MR. HERSHBERG: No.

6 MR. TOMELL: So, there would be no parking  
7 along the church? You would be taking away any  
8 property way from 2 or 4.

9 MR. HERSHBERG: The church parking lot is  
10 currently over the line -

11 MR. TOMELL: That's the thing. When you  
12 turn onto Duffy Lane -

13 MR. HERSHBERG: We have to work that out  
14 to allow the church to continue to use it, but  
15 we also have to be careful that would provide  
16 enough of a driving lane for two-way traffic.  
17 The typical Town Road is 26 feet plus a curb  
18 and quite honestly we probably will have to  
19 compromise that a little bit and not allow  
20 parking any place along it.

21 MR. TOMELL: Your footnote there didn't  
22 say there was going to be a traffic light  
23 between Exchange and Sand Creek. Did I read  
24 that right?

25 MR. HERSHBERG: No, we're putting in no

1 traffic light. People can go to Exchange to  
2 Sand Creek and then down to Everett Road  
3 Extension and use a traffic light there.

4 MR. TOMELL: Okay, thank you.

5 CHAIRMAN STUTO: Okay, we have said a lot.  
6 I don't think we are prepared for vote tonight.  
7 Hopefully we have told you how we think about  
8 it.

9 I personally would still like to think  
10 about Duffy and see if we can get some  
11 traffic data on that.

12 For the sake of the neighbors, I will  
13 give my opinion on the stormwater. We've  
14 been through this a lot. It is an engineered  
15 concept of handling the stormwater which  
16 they design according to federal and state  
17 standards in which the Town reviews with  
18 this engineer and also with our experts in  
19 the Town. The law is effective in that it  
20 doesn't make the situation any worse.  
21 Sometimes it makes it better. I'm not going  
22 to say that it will here.

23 The porous pavement is new technology  
24 and that has to be done with engineering  
25 concepts as well in terms of how good is the

1 drainage. The whole concept is that it won't  
2 make it worse.

3 I also have confidence that the sewers  
4 will be adequate and the waters going to be  
5 adequate mainly because our engineer is  
6 confirming that is so.

7 For me, personally, I think you raised  
8 good issues about the fourth floor. I think  
9 Duffy needs to be looked at closer. I  
10 personally think there's too much mass for  
11 the fourth floor. The product they have out  
12 there look similar to this drawing and it's  
13 a quality product. There is a need for  
14 senior housing and I support it to that  
15 extent. It would be an easy vote at three  
16 floors for me. Duffy Road needs a real close  
17 look, so we get it correct. That's my  
18 opinion.

19 Does anybody else have anything else to  
20 add?

21 (There was no response.)

22 Okay, thank you.

23 MR. CRISAFULLI: Thank you.

24 MR. HERSHBERG: Thank you.

25 (Whereas the above entitled proceeding

1        was concluded at 8:07 PM)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter  
and Notary Public in and for the State of  
New York, hereby CERTIFIES 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.

Date: \_\_\_\_\_

\_\_\_\_\_

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