

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 CRISAFULLI SENIOR LIVING PDD

5 28 EVERETT ROAD EXTENSION

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled

8 matter by NANCY L. STRANG, a Shorthand Reporter

9 commencing on August 25, 2020 at 6:06 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 ZACHERY HARRISON, PLANNING AND ECONOMIC
DEVELOPMENT
- 2
- 3 DANIEL HERSHBERG, PE, HERSHBERG AND HERSHBERG
- 4 JOSEPH GRASSO, RLA, CHA
- 5 MICHAEL CRISAFULLI, CRISAFULLI AND ASSOCIATES
- 6 ANTHONY CATALANO
- 7 JASMINE CATALANO
- 8 JOHN PANETTA
- 9 FRANK MARINO
- 10 SCOTT CAREY
- 11 CAROL CHIARELLA
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1 CHAIRMAN STUTO: Next item on the agenda,
2 28 Everett Road Extension, Crisafulli Senior
3 Living Planned Development District;
4 application to rezone approximately 10 acres
5 located at Everett Road Extension from
6 neighborhood/commercial/office/residential to
7 planned development district with the intent to
8 develop a three-story building with 46,416
9 square-foot footprint for 113 independent
10 senior apartments, 128 surface parking and 48
11 garage parking spaces.

12 Sean, do you have an introductory
13 comments?

14 MR. MAGUIRE: No, let's turn it over to
15 Dan.

16 MR. HERSHBERG: We are here tonight based
17 upon our previous submissions here. The thought
18 of a four-story building was too big. This
19 shows the new three-story rendering
20 development. The materials stay pretty much the
21 same. The architecture stays pretty much the
22 same. We took off one story. It has been
23 reduced from 153 units to 113 units.

24 This is a site plan and on the site
25 plan we did a few other things. We split the

1 garages because the thought was that a
2 continuous line of garages would be
3 difficult to screen. We left a continuous
4 line of garages adjoining the Sand Creek
5 side so that it's not visible to the
6 neighbors. The ingress/egress stays the
7 same. At the last meeting we added a
8 secondary ingress/egress to Duffy Street.
9 That stays the same. The parking was
10 reduced.

11 We had 275 parking spots. We are down
12 to 177. We had 275 and we banked 36 of them,
13 so it's going to be 239. It turns out that
14 177 - we are still less than the
15 requirement, but we understand it is
16 acceptable to this Board because senior
17 housing never needs two parking spots per
18 unit. We will be banking spots, but we don't
19 think we are ever going to need anymore. We
20 think this is the right number. We are
21 committed to provide some parking when they
22 have major events next door at the Zaloga
23 Post. Between that and our sites, the 177
24 parking spots is the same.

25 We increased the amount of green space

1 area and we are reducing the parking. I
2 think we went to the right direction from
3 everything we heard before; too much
4 parking, too big of a building, too many
5 units. So, all those things were taken care
6 of with this submission.

7 This is the view from Everett Road in
8 front of the Zaloga Post (Indicating). It is
9 the same view you saw before, but the
10 building is one-story shorter.

11 We have developed the view from Duffy
12 Street. This is the view from the end of
13 Duffy Street (Indicating). It's looking at
14 the last building at the end of Duffy Street
15 towards the site.

16 I have shown these views before to show
17 you that the vegetation will stay in place.
18 Part of that is on the Albany County
19 right-of-way and they don't have intentions
20 to remove it. The portion that is on our
21 side - we intend to leave it.

22 On our landscape plan, we're adding
23 more landscaping over towards the entrance
24 next to the Zaloga Post so we will have
25 fairly significant screening. That elevation

1 view that was prepared didn't have the
2 vegetation that was shown on our landscaping
3 plan. So, I think it will be a significant
4 improvement to that view.

5 The traffic generation changed by about
6 one-third. It went down 40 units. It wasn't
7 very large before, but we have 23 total AM
8 movements. We had about 40 before and we
9 have 23 PM movements and that had been 31.
10 So, there was a reduction in the number of
11 traffic movements; not that they were very
12 big before.

13 We noticed in Joe's letter that he
14 quickly estimated that without using Duffy
15 Street - that would be between 10 and 15 in
16 the a.m. and that agrees with what our
17 traffic consultant said; between 5 and 10
18 in the PM over Duffy Street - just based
19 upon the division of traffic in two
20 directions. More will use it in the morning
21 going out because they're trying to get into
22 traffic. If they're coming home from Albany,
23 depending upon when they are coming, they
24 may come Sand Creek in and around the back.

25 Another item that was proposed public

1 benefits - here we had discussed with the
2 Planning staff and people from DPW about
3 what they would like to see there and the
4 definition of public improvements stayed the
5 same; something to study the flooding in
6 that area and the public improvements in
7 that area and a further contribution to the
8 Colonie Local Development Corporation to
9 support for global economic development. We
10 also claim credit for the \$58,000 worth of
11 water main. The original proposal was to add
12 \$250,000 as a contribution towards the first
13 three items and this would make it a total
14 of \$308,000 which is \$4,000 per unit.

15 There was one more with the traffic
16 information on it, but I don't think it was
17 important.

18 CHAIRMAN STUTO: We will be hearing from
19 the public a little bit later. I will ask our
20 Town Designated Engineer, CHA -- Joe Grasso to
21 give his comments on the project.

22 MR. GRASSO: Thanks, Pete.

23 So, I'll go through our letter that we
24 issued yesterday on the project. I'm going
25 to paraphrase the letter because a lot of

1 the things, Dan covered in his initial
2 presentation.

3 Some of the concerns that we noted from
4 the Planning Board at the last meeting on
5 July 7 was the scale of the four-story
6 building, the proposed architecture, the
7 placement of the garages and the value of
8 the public benefit. As Dan mentioned, they
9 reduce the height of the building from four
10 stories to three which took the density down
11 from 153 units to 113.

12 They also revised the parking garages
13 to break up the long rows of continuous
14 garages and they proposed a new public
15 benefit value of \$308,000 of which \$58,000
16 would go to the water main improvements
17 along Duffy Street and \$250,000 would go for
18 the additional three items that Dan had
19 mentioned.

20 Our second comment was regarding
21 reducing the scale of the building which we
22 are supportive of. We feel that adequately
23 addressed the Planning Board's concerns.

24 We are also in favor of the
25 architectural design with the gabled roof in

1 the style of the proposed building. The
2 exterior siding is a combination of vinyl
3 siding and brick and we raised a concern
4 about the use of vinyl siding with the
5 longevity of the building material and we
6 would recommend that samples of the proposed
7 siding materials be provided to the Planning
8 Board, assuming the project advances to the
9 preliminary final site plan review stage.

10 The next comment is regarding the
11 redesign of the garages and providing the
12 breaks in the garages where they are
13 adjacent to the residences, which we are
14 supportive of because we do think that these
15 garages and the site in general will still
16 be visible from the end of Duffy Street
17 which is validated on Dan's rendering.

18 We would recommend appreciable
19 landscaping along the rear of the garages
20 facing those residences to further mitigate
21 any visual impact.

22 The next comment is regarding the
23 density allowed by the underlying zoning
24 which is NCOR. Based on the size of the
25 project site, it's a maximum allowable

1 density of 180,000 square feet of commercial
2 space and with the NCOR zoning you would be
3 allowed to convert 80% to residential use.
4 So, the maximum number of residential units
5 permitted by the underlying zoning would be
6 48 units. So, because the project includes
7 113 residential units, there's a proposed
8 density of 65 units.

9 That factors into our next comment
10 which is comparing the public benefit of
11 this project as was compared to the public
12 benefit of a recently approved Galleria PDD.
13 Just remembering that project - the Galleria
14 PDD included 92 assisted living units, 85
15 senior apartments and an additional 26,000
16 square feet of commercial space. That's
17 26,000 square feet of commercial space is
18 basically what was allowed under the
19 underlying zoning as the commercial
20 component. When we were reviewing that
21 project, we looked at the amount of assisted
22 living units and senior apartments compared
23 to what was allowed by the underlying
24 zoning. You will recall there was a
25 discussion about the assisted living units

1 not being equitable for each assisted living
2 unit being considered was one equivalent
3 dwelling unit and there was discussion about
4 the 2 to 1 ratio. Just for comparison
5 purposes we went through what that analysis
6 would be from a public benefit standpoint
7 and you may recall that project was approved
8 with the public benefit value of \$500,000.
9 Based on an increase and density of the 91
10 units, it equated to a public benefit value
11 of \$5,500 per unit. Applying that same
12 public benefit to the Crisafulli PDD, you
13 would come up with the public benefit value
14 of \$357,500 to be exact. That's compared
15 against the public benefit value that's
16 currently proposed which is \$308,000.

17 The applicant, also as part of the
18 public benefit, talked about replacing the
19 water main on Duffy Street which we do feel
20 is a justifiable public benefit because it
21 will improve service to existing residences
22 in the area. We have received a contract
23 assessment for this work and that values
24 that work at \$15,000. So, the balance of the
25 public benefit would go towards those other

1 items identified in our letter.

2 One of the things in terms of the
3 public benefit in terms of where those
4 improvements could be used - consideration
5 should be given to streetscape improvements
6 along the Duffy Street corridor because as
7 you recall, we have been in favor of a
8 direct connection to Duffy street all along
9 for an additional access point. Duffy Street
10 is a lightly traveled road - a combination
11 of a private road and the public road. Duffy
12 Street directly adjoins the church parking
13 lot with very little separation. It is a
14 narrow corridor and we do see some marriage
15 in making improvements to Duffy Street to
16 maintain the privacy between the increased
17 activity on Duffy Street as a result of this
18 connection and the adjoining residences and
19 the church property. So, that could be a use
20 of some of that public benefit funds.

21 Furthermore to the access connection of
22 Duffy Street, there was some questions at
23 the last meeting about the number of trips
24 that would be likely to use Duffy Street -
25 primarily for the reason to get out onto

1 Exchange Street, you have to take a left out
2 onto Everett Road. We estimated during that
3 AM peak hour a maximum of 10 to 15 vehicles
4 used on Duffy Street and 5 to 10 vehicles
5 using Duffy Street during the PM peak hour.
6 We feel that's a relatively minor amount of
7 traffic using Duffy Street that will not
8 have a significant impact on Duffy Street or
9 those residences. Again, we continue to
10 support that access connection being part of
11 the project.

12 Lastly, just what we had is just
13 regarding the SEQRA review as a reminder
14 because it is a PDD and the Town Board will
15 be lead agent to make a SEQRA determination.
16 We have reviewed the environmental
17 assessment documents provided by the
18 applicant and don't believe this project is
19 going to result in any significant
20 environmental impact or be worthy of a
21 greater level of environmental review. We
22 would expect that the Town Board would make
23 a SEQRA determination as they consider the
24 zone change.

25 CHAIRMAN STUTO: This is either to the

1 applicant or you, Joe. I got a call today from
2 an elected person asking about the stormwater
3 situation. I know there's an issue down in that
4 area. When we talk about the stormwater
5 collection on the site, can we talk about the
6 stormwater collection on this site and what
7 impact is going to have on the area? Some of
8 the public improvement money, we are saying,
9 should be used towards studying stormwater and
10 preliminarily having some fixes and maybe if
11 there's enough money -

12 FROM THE FLOOR: There's definitely not
13 enough money there, no.

14 CHAIRMAN STUTO: Well, the money has to
15 come from somewhere. We will let him speak.

16 You'll get your chance.

17 MR. HERSHBERG: The stormwater situation
18 on the site - we've done infiltration tests -
19 the soils and their infiltration capability.
20 We're using porous pavement over the entire
21 site. Our roof drainage goes down into spinning
22 devices that look like dry wells with a spider
23 sticking out of them - we've used them on other
24 sites. Or, we can actually take the roof
25 drainage, combine it with the drainage from the

1 pavement and discharge it all through the stone
2 reservoir in the filter stone into groundwater.
3 What happens here is the amount of rain water
4 that hits that site now, and goes into the
5 ground because the site is so porous - very
6 little runs off into the Sand Creek. It's the
7 same situation here where the rainwater hits
8 the ground and goes into the groundwater. So,
9 we don't change the stormwater rate in the Sand
10 Creek or any other place on site that goes into
11 the groundwater. Groundwater does have a level
12 and the level rises and falls seasonably with
13 the site. So, depending upon where in the
14 season we are, the groundwater table will come
15 up a little bit or if it's down a lot, it will
16 just restore itself. So, there is no negative
17 impact from the stormwater on the site. We've
18 done calculations and the Stormwater Pollution
19 Prevention Plan. Our goal, when we talked to
20 DPW about the stormwater issue - the thought
21 was that the previous study had not covered
22 some areas that are now showing some problems.
23 So, they thought a portion of that \$250,000
24 could be used to expand the study. Being given
25 to the Town without strings attached - this

1 contribution from the Crisafullis to the Town
2 to use as they see fit. We are not sure how
3 much would go to the study, and how much would
4 go to improvements, and how much would go to
5 site improvements or how much is left over for
6 the IDA.

7 CHAIRMAN STUTO: Do you agree with that
8 analysis? Do you have any specific ideas on the
9 stormwater improvements?

10 MR. GRASSO: I agree with the analysis.
11 Dan did a very good job describing it. There
12 are two parts. One is that this project is not
13 going to negatively impact or increase the
14 likelihood of flooding that occurs in the area.
15 If anything, it could make it a little bit
16 better. I think the drainage problems that
17 plague this area is because of a regional large
18 watershed. This project is in the downstream
19 reach and is a very small part of watershed. No
20 matter what you do on the site, you're not
21 going to radically change or be able to improve
22 the flooding that occurs in the area. Anything
23 they do on this site is not considered a public
24 benefit. It's just a required part of the
25 project.

1 Dan did say that if there are public
2 benefit monies available, it would be up to
3 the Town to decide how those monies get
4 spent. Dan is correct that the DPW does have
5 some thoughts about the need to update that
6 drainage study so that it does include some
7 additional areas that they think are both
8 contributing to drainage problems in the
9 area, as well as areas that may offer
10 potential for some comprehensive stormwater
11 management improvements that could possibly
12 affect drainage. I will say whether or not
13 we are talking about \$250,000 or \$300,000 of
14 monies available, that's not enough money -
15 I don't believe - that is going to address
16 the drainage situation and flooding problems
17 that occur in this area, but it could be
18 used and could have a positive impact.

19 CHAIRMAN STUTO: Thank you.

20 Sean did you have anything?

21 MR. MAGUIRE: In the West Albany area -
22 and we're frequently talking about the flooding
23 concerns down there and how to address those.
24 This is an issue that predates current
25 development like this. These are older

1 practices and older developments that have
2 occurred that we're trying to examine and
3 resolve. The good news is that there have been
4 some measures that have reduced the conveyance
5 of stormwater to the creek that goes under I90
6 which is one of the sources and one of the
7 challenges here is that we have what we believe
8 is an undersized culvert going into Albany into
9 the watershed. We are constantly monitoring it
10 and aware of it and we are regularly discussing
11 how we can mitigate against it, including when
12 we discover when development has occurred
13 without the Town being aware of it and we are
14 going after it.

15 CHAIRMAN STUTO: Any questions or comments
16 from the Board either on this topic or anything
17 before we go to the public?

18 MR. ROSANO: I just want for the record --
19 Dan, the stormwater culvert in the area of Sand
20 Creek where we have this chokepoint, it's
21 actually in the City of Albany and not in the
22 Town of Colonie.

23 MR. HERSHBERG: It starts in the Town of
24 Colonie. It goes underneath the railroad and
25 into the Patroon Creek in the City of Albany.

1 MR. ROSANO: But what I am saying is at
2 the end of Corning Street, you take a left on
3 Sumpter to the L-shape - when you step off of
4 Corning Street, off the blacktop, you're in the
5 City of Albany. We have been maintaining that
6 and spending thousands of dollars over the
7 years cleaning that out and it's not our
8 responsibility. We are doing it and we
9 shouldn't be doing at. I agree with that. At
10 some point in time we have to think about
11 sharing that problem possibly with the City
12 because that's their property.

13 MR. HERSHBERG: There might be a broader
14 solution to the stormwater that will work more
15 than a regional solution they were talking
16 about here. It would be a combination between
17 the City of Albany and the Town of Colonie to
18 take it on. It would more than likely be, I
19 guess, a long-range plan because these sort of
20 regional drainage problems become very
21 expensive.

22 CHAIRMAN STUTO: Okay, now we're going to
23 go to members of the public. If you haven't
24 signed up, we will take you at the end.

25 Anthony Catalano.

1 MR CATALANO: I'm a lifelong resident of
2 the Town of Colonie. I lived in western Albany
3 for the last 20 years. I am here with some of
4 my neighbors. We all are very concerned with
5 this project. I've lived through so many floods
6 in my life. I currently just got hot water
7 back. I have lost my hot water tank, my
8 furnace, my central air, my electricity about 9
9 or 10 times over the past 9 years. The problem
10 isn't getting better.

11 By taking the last remaining piece of
12 green space in west Albany and replacing
13 that with blacktop is not the solution. I
14 understand that everyone wants to make
15 money, but we are residents. We pay our
16 Colonie taxes. This is our lives.

17 I had one time my whole house washed
18 out through my windows and watched every
19 picture of my parents, my daughter, all of
20 her toys- I lost everything. The
21 infrastructure of west Albany is already
22 overstressed.

23 We've heard from Paula Mahan before -
24 we're going to pave the streets up in
25 Loudonville with absorbent black-top top to

1 stop the water from coming down. It doesn't
2 work. All of these solutions have not been
3 working. We pay taxes. We are people. No
4 development should be done in west Albany
5 until the flooding situation is solved. You
6 should not vote for this. You should take
7 care of your citizens first before your
8 pockets.

9 CHAIRMAN STUTO: Thank you.

10 Jasmine Catalano.

11 MS. CATALANO: I wasn't planning to speak
12 today, but I and discouraged by what I have
13 seen.

14 I am a graduate from Siena in
15 environmental studies. I'm surprised this
16 project has not had a full environmental
17 impact study done on the property. There was
18 not one I have been able to see when I was
19 online.

20 As far as what was available, it stated
21 that the property - they were going to try
22 to do stuff 100 feet away from the creek. I
23 know that water runs and it runs downhill.
24 That whole thing is downhill. Unfortunately,
25 it runs through my backyard. Like my husband

1 said, this has disrupted our lives many,
2 many times. I have lived there six years and
3 I have lived through four or five floods
4 already. The first time I was so scared. It
5 was coming out my first floor and I was
6 moving everything I own into my car. I'm
7 trying to figure out where we are going to
8 stay the night and with all of my
9 stepdaughters items. She wasn't home with
10 us. She was texting me. The thought that my
11 18-year-old has to text me every time it
12 rains outside - to watch the creek, to be
13 scared - that my house is going to flood. I
14 joke that she harps on me, but it is fear.
15 Fear is driving the child to be concerned
16 the rainstorm is going to wash away our home
17 and everything we have and our animals. And
18 to think about that every time this happens
19 -- sometimes it rains for weeks. Sometimes
20 it's a month. One time in February I had no
21 power. I had no heat. We were just trying to
22 survive. We can't here.

23 I spoke to Paula Mahan in my
24 neighborhood. She seemed helpful there and
25 when I came here she said to me: what are

1 you, a renter? I'm not a renter. I own my
2 home. We try to do right by our neighborhood
3 all the time. We are here because we care
4 about it and we're always talking it up and
5 how Colonie is trying to do things and
6 trying to create a real community. We feel
7 dismissed by our community. We feel like a
8 project of this scale is too large for this
9 neighborhood. It's a small neighborhood. It
10 was like a little Italy thing. My house used
11 to be the ice cream parlor. Now, it's like
12 you want to put a huge facility right around
13 the corner from me, but it's going to
14 possibly flood my home more often than it
15 already does. Obviously, like you spoke of
16 before, the culvert that runs under 90 is a
17 huge problem.

18 My husband and I have tried multiple
19 times to contact different individuals at
20 different levels of government in each of
21 these places; New York State, Albany County,
22 here and all we get is put up against a wall
23 saying it's kind of a three-person problem.
24 Nobody wants to take ownership for it and I
25 get it. The answer is: Everyone needs to

1 take ownership for it. Even if your house
2 doesn't flood, you need to realize that
3 other people are. I even have Crisafulli
4 Brothers who work in my home come into my
5 home and say how does your house flood? How
6 do you have three inches of sand and mud
7 left in your house weeks after this
8 happened?

9 What happened a few weeks ago was crazy
10 with the rain. I've had it happen with just
11 a really bad rainstorm on a crazy freak day
12 and there goes everything.

13 Like I stated previously, the water
14 eliminating asphalt that they're putting
15 down has been shown to not work. In terms of
16 what I've understood in the community,
17 there's a lot of concern that it was a
18 wasted expense because what was purported to
19 be - the result did not succeed - not to the
20 level that they were told. As far as I know,
21 it's making the water run downhill even
22 further. Well, I am at the bottom of the
23 hill. We are all at the bottom of the hill.
24 We are just sitting here trying to make it
25 and putting a huge facility that has 113

1 units - that is more than everybody who
2 lives my whole neighborhood. You're going to
3 put them in just rise them up in the air and
4 tell me that's not going to cause a problem.
5 They're going to use water just the same as
6 everybody and the water that hits the ground
7 - you can tell me that the ground is very
8 porous, but that groundwater still makes it
9 straight to the creek. That's how water
10 goes. It doesn't just move infinitely down
11 into the ground to the stone and just
12 disappear.

13 From what I viewed, the snow removal
14 area where they are going to store their
15 snow - it's going to be right on the edge of
16 the creek. In is spring, that is snow that
17 has accumulated throughout the winter and
18 will then melt and enter this creek, which
19 will make an already scary situation worse.
20 The spring is already a rough time. Besides
21 losing my house, I lost my pools and I lost
22 my garden - things that aren't covered. I'm
23 just trying to make a life and I need
24 someone else to hear us and try to do
25 something for us. And if the answer is that

1 you need push this project forward, then you
2 need to address our concerns.

3 The storm drain - they said they fixed
4 it right before the flood. We spoke to the
5 folks after the flood they told me that they
6 didn't really think that happened. They
7 didn't replace the steel girders with
8 homemade welded rebarb, but the accumulation
9 out there is like a beaver dam.

10 If anybody is interested to see
11 pictures of what my house looks like after
12 storm, we have plenty. In fact, in my yard I
13 can't get the mud off of everything. So, you
14 can come and take a look for yourself. If
15 you have to push this forward, please also
16 push forward the need for change in our
17 area. Thank you.

18 CHAIRMAN STUTO: Okay, thank you.

19 John Panetta.

20 MR. PANETTA: I'm a lifelong west Albany
21 resident.

22 First, how does Duffy Lane get
23 involved? Why don't we have an entrance in
24 and exit out at Everett Road? That's the
25 easy part.

1 The second part which is the hardest -
2 the Albany/Colonie quarreling over the water
3 situation at Corning Street. That's a major
4 problem and we just went through it last
5 month. I haven't seen any of you people down
6 there. I used to see Mary Brizzell down
7 there. I didn't see Paula down there.

8 MR. ROSANO: I'm there every time it
9 rains. I have pictures in my phone so please
10 don't -- I'm down there with the Fire
11 Department.

12 MR. PANETTA: I appreciate west Albany
13 Fire Department. They're Al and down there
14 every time.

15 MR. ROSANO: I was down there just last
16 week.

17 MR. PANETTA: Those are my two concerns.
18 We have a water problem. We definitely don't
19 have enough money to fix it with the funds that
20 they are allowing.

21 John Panetta, lifelong resident of west
22 Albany and I'm trying to stay there. Thanks,
23 guys

24 CHAIRMAN STUTO: Thank you.

25 Frank Marino.

1 MR. MARINO: I don't think I can top that.
2 Frank Marino, 8 Sumpter Street. I'm 52 years
3 there.

4 A long-time friend of mine was Thomas
5 Ricardo. Everybody probably knows him and
6 yes Paul, I did see you stop down there.

7 I'm not an engineer. I'm a west Albany
8 guy. There are two different significant
9 problems that I would like to address-
10 mainly to you because I am not an engineer.
11 You have one issue of the culvert and when
12 it backs up, we have an issue. What we are
13 really talking about with this proposed site
14 is flooding. It's a two-ply issue. When the
15 retention pond on Russell Road gets
16 released, that's when the flooding occurs.
17 That's when I have a total disaster. What
18 happened last time - the culvert -- and I
19 wish I could really get this picture to you
20 guys. It was taken two hours prior to the
21 start of the rain. It's a beaver dam. It is
22 fully blocked. I talk to Jack quite
23 regularly and he tries to get somebody down
24 there. I am not a hater. I support you guys
25 immensely. It's a tough nut to swallow. I

1 get it. It takes money. I've been through 52
2 years of this. I can't take no more and I'm
3 a homeowner now. I cannot do this. It's
4 taken every ounce of emotion, financially,
5 emotionally trying to take care of the
6 neighbors and their loss and my loss
7 partnering up with the West Albany Fire
8 Department which is great and you're going
9 to hear that a lot. I think we have an issue
10 one with the culvert which backing up - that
11 gets one-half of the street before it hits
12 me at 8 and then we have flooding which
13 happened the other night.

14 One thing about that retention pond
15 though, it's coming downhill. The Fire
16 Department was pleading with whomever was on
17 the other end of that line, don't open that
18 up. They had it under control. It wasn't
19 rising. The water stopped for hours. The
20 rain stopped. All the sudden water started
21 coming up again. Why? Because they let that
22 go.

23 Listen, all this looks good. I agree
24 that it looks good. Tax money - that's going
25 to bring me to Duffy Road. In that corridor

1 of Duffy and Exchange, you have eight houses
2 with a total of 22 kids. Maybe it's not like
3 the Sand Creek communities. Maybe it's not
4 like the Menands communities. Those kids
5 play from sunup to sundown in that area. Now
6 you're going to send a bunch of traffic to
7 that area? We can't even manage the junk
8 cars coming back to the Albany dump station
9 in the back by the railyard. It's
10 ridiculous. I'm constantly on the phone with
11 our Police Department, who is awesome. I
12 don't blame their frustration, too. They
13 can't manage everything. We've got drug
14 dealings going down there.

15 Paul, you worked on the project, but
16 they have trash dumps down there in the
17 middle of the park. It's out of control down
18 there. You know on Sumpter Street, we are
19 still there. We encounter this. We take
20 those blows financially and mentally. You
21 know what? We aren't going anywhere. So, all
22 I ask of you is before the Resolution -
23 listen, I'm not a politician and I'm not a
24 Planning Board Member. Take a look at
25 everybody who's talking here and just to the

1 emotion and passion that we do. I called
2 Jack regularly and he sends dumpsters down
3 there. No problem. I've never talked to
4 Paula, but I don't have to. That's what she
5 has her people in place for.

6 Paul, I have seen you at the IBS. My
7 heart goes to you, bud. You've tried and I
8 have talked to you. You know what? I can't
9 take it no more. I don't know what to do. I
10 really don't know what to do. I'm losing
11 electrical. Luckily, I moved the hot water
12 tanks and the heaters out so when National
13 Grid comes in, they don't clip the power
14 lines on the house. If they clipped the
15 power on the house, I am two or three weeks
16 out. Then they have to get electrical
17 inspectors and then they've got to get
18 building inspectors. I can't do it no more.
19 I can't do it no more. I don't know what the
20 answers are. I don't know what the solution
21 is. I've got some ideas, but what I'm saying
22 to is that this culvert was plugged two
23 hours prior to this rainstorm. Does a team
24 come down from DPW? Yes, they do. I know
25 them very well. Like I said, I have been

1 there my whole life. They do a fantastic
2 job. They are buried, too. I understand that
3 8 Sumpter Street and 10 and 12 Sumpter
4 Street - I know they're not just going to
5 run down. You know what? I don't know if
6 you've ever put somebody full-time on the
7 thing and I don't know if you want to pay me
8 to do it. Something's got to be done to the
9 culvert. That's going to stop the problem
10 with the water backing up.

11 Flooding - I can tell you that the
12 infrastructure that you guys did on Sand
13 Creek Road - that has helped the flooding
14 but in our minds, water is water. Flooding
15 is flooding. The problem with me is that I'm
16 at the crest of getting a total demolishing
17 of my first floor or 6 feet into my
18 basement. Backing up, I get saved a little
19 bit. The neighbor to my left of me gets
20 buried. When it becomes flooding instead of
21 backing up, I get buried and he gets saved a
22 little bit. I'm talking a little bit.
23 Instead of 10,000 it's 5,000.

24 The structure that we are looking to
25 propose is not the only problem. In two

1 months we're going to be starting the Tobin
2 packing site. What's going happen then? That
3 needs to go. I am all for that, but we need
4 to look at the economic impact and the
5 environmental impact that it's going to have
6 on us. That's all I ask. I don't know how
7 this all goes and what we can do, or how we
8 can allocate money. I don't know none of
9 that. All I ask is for a simple resolution.
10 You know what? We understand. This is what
11 we propose. This is what we can do. This is
12 what we can't do. That's all we ask. I don't
13 want to be lied to. I'm not a politician. I
14 talk to everybody. At the end of the day, I
15 cannot take one drop of water then what is
16 already there. I can't take no more. I
17 can't. I can't do it. That's all.

18 CHAIRMAN STUTO: Thank you.

19 Scott Carey.

20 MR. CAREY: My name is Scott Carey and I
21 live at 4 Duffy Lane. I'll continue with the
22 water.

23 The drainage you guys propose - I'm
24 sure that works, but water does travel the
25 path of least resistance. My property

1 borders this property. I feel as though that
2 water is going to end up in my basement.
3 I've heard horror stories where groundwater
4 causes pressure and caves in foundations. I
5 would like to get something in writing
6 saying that's not going to happen to my
7 house.

8 CHAIRMAN STUTO: Do you want to show us
9 where your house is?

10 MR. CAREY: I am right here (Indicating).

11 By the way, that picture was taken on
12 Exchange Street. So, Crisafulli and
13 Hershberg - if they want to come in my
14 backyard and take a picture of what the
15 building will look like from my backyard,
16 you are more than welcome. I would like to
17 get an idea of what I will be looking at.

18 Three-stories - I would say two-stories
19 I do think that a three-story building with
20 our Fire Department being volunteer - if
21 there is a disaster and you cut the power
22 off, you've got to get all these people out.
23 They are senior housing. I think that's
24 going to cause a problem.

25 My grandfather grew up right across

1 from the church on Exchange. That goes back
2 into the 1915. So, being around that area
3 myself - I've gotten to talk to some of the
4 old-timers the live in that development and
5 most of them are gone now.

6 The water for the brick house at the
7 end is on a well. I am told that's an
8 artesian well. He doesn't even need a pump
9 to get the water from the ground, so there
10 is a large body of water underneath there.
11 Constructing this lateral underground and
12 disturbing it - that may cause some problems
13 and with bordering it. I'm a little worried.

14 So again, I would like to get something
15 in writing, that would be great. If not -
16 maybe don't build it.

17 The traffic on the road - last week
18 Hershberg said that going out onto Everett
19 Road is going to cause a traffic jam and
20 traffic problems. Paul Rosano said traffic
21 is very light because our seniors don't go
22 out on peak hours. Then, that tells me it's
23 going to cause a problem on Duffy, also.
24 Everyone is saying it's not going to cause a
25 problem. Just bump them all onto Everett.

1 You're giving \$225,000 to Zaloga when I
2 believe you guys do have a curb-cut already
3 on Everett that you could put that money
4 towards your own exit. If not, right across
5 the street there is another corner that
6 could be developed. That dumps onto Sand
7 Creek and Everett. So, the traffic on Duffy
8 - I'd like to not have it. If you do have to
9 have it, maybe we should be doing emergency
10 only for fire and ambulances because there's
11 a lot of kids on tricycles and it's been a
12 dead-end for years and nobody pays
13 attention. The kids there are going crazy
14 down there and having fun.

15 The water main - like I said, I don't
16 have a problem with my water at all. It
17 blows up my hoses, if I leave my spigot on.

18 The \$58,000 - I thought you said the
19 Water Department wanted you to put a loop
20 in. So, that \$58,000 shouldn't be taken out
21 of the funds you wanted to give to the
22 community. That's part of the building and
23 they wanted it anyway.

24 My other question was: It was zoned for
25 36 residences in that area and now you're

1 trying to get 100-plus. That's three times
2 the amount. I'm just wondering -

3 CHAIRMAN STUTO: We can go over that
4 square footage. It is zoned for a lot of square
5 footage of office, but if they want to convert
6 it they could get whatever number Joe cited. He
7 did the analysis. Senior housing is less
8 impactful than office. From a traffic
9 standpoint, that can be demonstrated on that
10 one thing.

11 MR. CAREY: I am a little confused on
12 those numbers and how that works.

13 CHAIRMAN STUTO: Okay, we will go over
14 that again.

15 Okay, thank you.

16 You raised an interesting point. With
17 his property be impacted, do you know
18 anything about the artesian well?

19 MR. HERSHBERG: Let me try to respond.

20 First of all the flooding will not
21 impact that at all. You folks are familiar
22 with the fact that we are committing to
23 porous pavement all over and we use this all
24 over Town. I am not convinced that there
25 were municipal projects that it didn't work

1 on, but we have done one Town road out of
2 porous pavement which seems to be working
3 fine. It was put in seven years ago and
4 still working fine and it absorbs the water.
5 I'm a big fan of the porous pavement, as you
6 well know. The fact though - even the
7 direction that water goes doesn't change
8 because right now there's rain coming on the
9 ground and goes straight down. The roof
10 run-off on poorest pavement goes straight
11 down. The idea that this will change the
12 direction of the plume of the groundwater is
13 not true. It goes right down in the same
14 place where it's going now. Rain comes off
15 the roof and goes into the pavement and goes
16 where it is going now. We don't impact
17 groundwater around us.

18 As I said before, the water table tends
19 to go up and down. If you could have a rainy
20 spring of higher groundwater or also a rainy
21 fall and summer will be slightly lower. Most
22 of the flooding problems predate our
23 project. We didn't cause it. The fact by the
24 law is that we can't cause any flooding
25 problems on the adjoining property. DEC and

1 the Town Law both make it not permissible
2 for us to do that. This plan is definitely
3 aware of that.

4 The issue of an artesian well - we had
5 borings down there on site and normally if
6 you have an artesian condition, it would
7 come up in the borings and it did not. I'm
8 not saying there's no artesian condition
9 there, but it doesn't appear like the type
10 of borings that we took on the site did
11 intercept any groundwater that was under
12 pressure. In order for an artesian condition
13 to exist normally, you would have to have a
14 layer of porous material underneath it that
15 carries the water and then an impervious
16 layer over the top to hold it in place. So,
17 the pressure kind of weaves the water into
18 that layer down there. That is not the
19 geomorphology of our site. It's much
20 different.

21 So, that having been said, I don't know
22 what I can say about the flooding. It has
23 existed for a long time. I get that all the
24 time because my office manager's mother
25 lives on Sumpter. I get a ton of floods and

1 I haven't done anything there. Like I said
2 before, solving the problem may be a long
3 range problem that has to be addressed and
4 it will also be - probably an expensive one.

5 Cleaning the grate on the end of a
6 culvert- there are some things to be done to
7 redesign the entrance into a culvert to
8 reduce that from happening, but it's
9 maintenance and again that whole issue is
10 timing and the maintenance so you have to
11 take care of it before rainstorms occur.
12 DPW is quite busy all over the Town.

13 I don't know any other comments that
14 were raised.

15 As you may recall, we initially
16 proposed no entrance onto Duffy Street and
17 then we proposed a second entrance onto
18 Duffy Street. Then, at this Planning Board
19 meeting it was determined that would be
20 better to have the full-service driveway at
21 that point. So, we responded quite honestly
22 as we were directed, as it went through this
23 process. We think it works as a second exit.
24 We think that the volume of traffic is very
25 small.

1 You may recall when I first got hired
2 by the Crisafullis, they wanted to design a
3 medical office park here. We came along with
4 a 135,000 square-foot medical office park
5 that if the right party would sign it, we
6 would be batting our heads against you
7 trying to put a 135,000 square-foot medical
8 office building on the site, which you can
9 have according to Code. It would be with a
10 whole bunch of traffic problems, but it
11 could be done.

12 From every avenue, this development has
13 less impact than many other alternatives -
14 the office park, or a park that didn't make
15 use of the porous asphalt and discharge
16 anything to the Sand Creek. There is no
17 connection between the site and the Sand
18 Creek other than groundwater. Groundwater
19 will surface in the Sand Creek, but it
20 surfaces much after the storm subsides and
21 travels slowly to the groundwater.

22 I'm prepared to answer the questions
23 that the people have and the Board would
24 like me to address.

25 CHAIRMAN STUTO: Can you make further

1 inquiry after the meeting with respect to that
2 one -

3 MR. HERSHBERG: The artesian well?

4 CHAIRMAN STUTO: Yes, the artesian well
5 and see if that changes your opinion at all.

6 MR. SHAMLIAN: I do have a question, Dan.
7 Normally we are all in favor of porous
8 pavement. On this particular site, given the
9 flooding issues around it, would this be a site
10 where a retention pond would actually be more
11 beneficial to hold the water and release it at
12 a slower rate well after the storm?

13 MR. HERSHBERG: The problem with the
14 retention pond is that the design for retention
15 pond is - that is theoretically for a 100-year
16 storm and you get a 150-year storm, it breaches
17 the retention pond and flows downstream. The
18 amount of water that comes down all absorbs to
19 the porous pavement.

20 I wish I could put up one of the things
21 for my seminar to show you. There have been
22 some bad jobs done in the Town which may not
23 work so well. The other jobs I've been
24 working on -- the Town porous pavement came
25 out usable and all the stuff on top of the

1 hill goes right in the groundwater. I have a
2 slide on my seminar that takes a 55-gallon
3 drum of water turned upside down to the
4 pavement and the way it's absorbed to the
5 pavement and the area it goes is 6 inches
6 beyond the outline of that 55-gallon drum.
7 It goes down vertically through the
8 pavement.

9 If anybody has gone up to Lia's auto,
10 there is porous pavement on one side and
11 standard pavement on the other side. Stand
12 on the divide and the standard pavement is
13 accumulating water and building up and the
14 poorest pavement is perfectly dry. Again, it
15 does work.

16 I'm convinced on the site this is the
17 best thing for the site because it transfers
18 the water to exactly where it's going today.

19 MR. CAREY: Why can't you have porous
20 pavement and a retaining well.

21 MR. HERSHBERG: Because the retention pond
22 won't catch anything. You take a retention pond
23 and it has got to accumulate the water. If you
24 put in porous pavement, where does the water
25 come to going to the retention pond? There is

1 no water if you put in porous pavement. Now if
2 you didn't have enough space to have pavement
3 take the roof drainage, we might put an
4 underground structure underneath the pavement
5 to scale the water subsurface, but we've never
6 had to put a retention pond in where we're
7 using porous asphalt and groundwater
8 absorption. There's no use for it.

9 CHAIRMAN STUTO: Thank you.

10 MR. CAREY: So, my property doesn't flood.
11 I don't have the problem that these guys have.
12 During the thaw in the winter months, yes, my
13 sump pump will go off. The heavy rains that we
14 just had - it takes a while for that
15 groundwater to go down and yes my pump will go
16 off. I think that footprint is going to cause
17 the groundwater to be higher and the next thing
18 you know my sump is going off all the time.
19 It's going to increase the water table and
20 that's what I'm concerned about - the problem
21 with the pressure against my foundation and
22 caves it in, or my pump is going all the time,
23 flooding or any nonsense that can happen
24 because there's more groundwater getting pushed
25 my way. That's why would like to be covered and

1 insured on my end. I want something in writing
2 that I'm not going to have to hassle or be
3 hassled with that.

4 CHAIRMAN STUTO: I think you may have
5 responded to that, Joe -

6 MR. GRASSO: No, but I will speak to that
7 comment. It's a great comment and what Dan is
8 describing is trying to promote infiltration
9 into the surface water to the groundwater and
10 obviously we have to be concerned about raising
11 the groundwater along the adjacent properties.
12 So, obviously that is something that Dan will
13 have to address and we will be sure to review
14 to be sure that we are not promoting a greater
15 level of infiltration where we can cause an
16 impact on the adjacent properties. Most of the
17 time we are all about the infiltrations based
18 on these soil conditions and flooding
19 conditions. Again, we are all about
20 infiltration, but we will address those
21 individual concerns to make sure we don't
22 affect those adjacent properties.

23 CHAIRMAN STUTO: Thank you.

24 Carol Chirarella.

25 MS. CHIARELLA: I don't need to speak. I

1 just support my neighbors. But it's Duffy Lane,
2 so we can call it all the same thing.

3 CHAIRMAN STUTO: Thank you.

4 Was there any other neighbor looking to
5 speak on this project?

6 (There was no response.)

7 Okay now we will turn it over to the
8 Board. I just note for the record that Chip
9 arrived earlier in this presentation.

10 Chief, you want to start?

11 MR. HEIDER: I recuse myself.

12 CHAIRMAN STUTO: Lou?

13 MR. MION: I don't have anything right
14 now.

15 CHAIRMAN STUTO: Chip?

16 MR. ASHWORTH: It says in the description
17 that there are 40 garages. Are those the yellow
18 spaces?

19 MR. HERSHBERG: Yes.

20 MR. ASHWORTH: Because I count 49 spaces.

21 MR. GRASSO: Yes, I think there are 49
22 garage spaces. That is in your table, as well.

23 MR. HERSHBERG: Yes, 49. The description
24 might be different, but our table is the same.

25 MR. ASHWORTH: What is the pitch of the

1 roof?

2 MR. HERSHBERG: It's 5 on 12, but I'm not
3 100% sure.

4 MR. ASHWORTH: I was wondering what it
5 was.

6 MR. HERSHBERG: We had talked about doing
7 some other things, but I think essentially the
8 peaked roof on that adds a lot of class to it.
9 If we try to make it a lower roof it would
10 detract significantly from the appearance of
11 the building. The roof behind it - it will be
12 affected by the slope. The roof that peaks in
13 front of it would not be affected.

14 MR. ASHWORTH: I think with all the
15 gables on it -

16 MR. HERSHBERG: If you took the gables
17 off, it would be a very plain building but the
18 5 on 12 is the slope behind it going up there.
19 I'm not so sure it would be any less. Five on
20 12 is a fairly normal slope for roof.

21 MR. ASHWORTH: The only issue I have is
22 your color pallet with black and dark gray -

23 MR. HERSHBERG: We agree that sometime
24 between now and the time we apply for a final
25 approval here, we will come in with a pallet

1 and samples of all of our materials so we can
2 discuss that more fully. We are certainly
3 willing to address that. We do think that the
4 brick looks good at the bottom. The colors
5 above it are certainly open for discussion.

6 MR. ASHWORTH: It is not welcoming.

7 MR. HERSHBERG: Okay, we can work on that.
8 We will send it over the architect to have them
9 do it.

10 CHAIRMAN STUTO: Paul do you have any
11 comments or questions?

12 MR. ROSANO: There was some question about
13 environmental issues and I just want our
14 counsel to read into the record that the Town
15 Board will be doing the SEQRA.

16 MS. MARINELLI: SEQRA will be completed by
17 the Town Board prior to making a determination
18 on the project. The project will mitigate any
19 environmental impacts as set forth in the SEQRA
20 review to the maximum extent practical.

21 CHAIRMAN STUTO: Susan?

22 MS. MILSTEIN: The question came up about
23 the snow removal and how that would affect or
24 impact the area especially in the spring.

25 MR. HERSHBERG: What we do on a snow area

1 with pavement - push it up to the side of the
2 pavement or island and we let it melt there and
3 discharge into the ground because with the
4 porous pavement and the ground around it except
5 when the ground is frozen - it's is frozen and
6 in the winter the pavement doesn't give you any
7 problem because the bottom of that thick
8 pavement is actually below the frost line and
9 the heated air keeps the pavement not frozen.
10 The stone on porous pavement never freezes even
11 if wintertime rain occurs during the winter.
12 Sometimes we have a freak storm that might be
13 15° outside and the rain comes on the ground.
14 Porous pavement works quite well like that. A
15 lot of people are concerned about it. Because
16 we have almost a 4 foot total depth between
17 stone layers and the reservoir on the pavement,
18 that stays defrosted. On the areas where we are
19 storing snow, however, we could have some frost
20 penetration. So, what we plan on doing there is
21 a warm-up along the outside, hold it in that
22 area there so it will recharge the groundwater
23 when it melts into the ground and it will take
24 care of it. It is unlikely that the frost will
25 get very deep, especially for storing snow

1 there. This means essentially that it should
2 help defrost the ground.

3 We are cognizant of the fact that on
4 one side we do have that one area toward
5 Sand Creek that we held for storage and we
6 will make sure we hold that in place and it
7 will melt and go over the top.

8 MS. MILSTEIN: Just one other comment.
9 Number seven on Joe Grosso's letter - if there
10 are improvements along Duffy Street, I don't
11 think part of the PDD money should not go -
12 part of the public benefit should not be going
13 into the improvements along Duffy Street. I
14 think it should be part of the project, itself.
15 I think there is more important uses for the
16 money for the public benefit, but there is a
17 lot of if's involved in that as well.

18 CHAIRMAN STUTO: Craig.

19 MR. SHAMLIAN: I guess my comments are in
20 two areas. Architecturally I think that you've
21 discussed that there are still some issues. It
22 looks very similar to the building at The
23 Crossings, which is done well although I think
24 that some of the materials at The Crossings are
25 little bit different and some of the color

1 schemes are little bit different. The one thing
2 that I personally don't care for a lot at The
3 Crossings is the look of the garages. So, if we
4 get to that point, that's an area that I
5 personally am going to want to see something
6 that looks more attractive than what ended up
7 at The Crossings, despite the fact we did try
8 some things there. That's on the architectural
9 side.

10 The bigger issue is the whole flooding
11 issue in that whole area. Over the years we
12 have had a lot of residents come out and
13 talk about different things in their
14 neighborhoods. Many times there are some
15 things that we as a Planning Board can do
16 revolving around the project to help the
17 situation. In this particular case, not only
18 was everybody impassioned and it was
19 heartbreaking to hear everyone speak and yet
20 as a Planning Board, we have virtually no
21 power to fix any of that. I'm really torn.

22 This is a good project. It's
23 appropriate for the site. I would love for
24 it to fix the problem down there, but I know
25 it's not going to. I'm also very confident

1 that it's not going to make anything worse.
2 I might be speaking out of turn, but
3 everybody needs to go to the Town Board
4 because we can't fix this.

5 CHAIRMAN STUTO: I agree with a lot of
6 your comments. The impassioned pleas that were
7 made here today - I feel very bad for the
8 residents. We sit through a lot of these
9 meetings. The engineering as such these days as
10 I understand it as a non-engineer - they used
11 to just take the water and send it off site and
12 send it down a pipe and eventually would make
13 its way to the river. Now the new SWPPP is
14 designed to keep the water on-site and the
15 regulations are such and are designed by the
16 engineer or the applicant and reviewed by our
17 engineer as well as our department so we have
18 SWPPP expertise in our departments is first, to
19 make the situation no worse than current
20 conditions. That's my understanding of it. I
21 trust because it's been repeated so many times
22 and there are checks and balances on the
23 designs that come in - there should at least a
24 double review once the applicant comes in.

25 I also agree with Craig to this extent

1 that this project is better than what could
2 go there which would be - can you give me
3 the number there?

4 MR. GRASSO: That's 180,000 square feet.

5 CHAIRMAN STUTO: Because if its medical
6 office, you're going to have traffic all day.
7 If it's the typical classical office, you're
8 going to have a flood of traffic in the morning
9 and then a flood of traffic leaving at night.
10 They came in originally with four stories. We
11 got him down to three stories. They came in
12 with how many units?

13 MR. HERSHBERG: 153.

14 CHAIRMAN STUTO: And where are we now?

15 MR. HERSHBERG: 113.

16 CHAIRMAN STUTO: So, that was an
17 improvement. I think architecturally it looks
18 good. I think it's a lot better than what could
19 go there.

20 With respect to traffic - this is my
21 opinion on traffic. It will address a couple
22 of the comments that people have made. One
23 gentleman said perhaps they should have
24 their own entrance on Everett Road. What is
25 proposed here is a shared entrance with the

1 post that is next-door. The engineers tell
2 us that you're better off having one
3 driveway combined then several smaller
4 driveways because it's more safe and you can
5 design that inlet and outlet more
6 engineering-wise feasible.

7 With respect to Duffy - access to that
8 light - you have senior citizens here. If
9 they make a bad left-hand turn out onto
10 Everett Road without a light, I personally
11 don't want to live with that. I think they
12 deserve access to that traffic light. I'm 60
13 years old and I find my coordination not as
14 good as it used to be. That's my personal
15 opinion. If somebody has a different
16 personal opinion on the Board, we can hear
17 it.

18 I do want to talk a little bit about
19 process. What we are being asked to do today
20 is make a recommendation to the Town Board.
21 The final decision is with the Town Board
22 with respect to whether this project goes
23 through. I'm not trying to throw it off on
24 them, but I'm going to have further
25 discussion with Sean who is the head of the

1 department and our Town Designated Engineer.
2 I'm trying to accelerate the study and maybe
3 looking for sources of funding to make some
4 kind of improvement down there.

5 I lean in favor of this project. I
6 think it's significantly better than what
7 could go there and I think there's a real
8 need for 55 and older rentable housing. I
9 think the apartments are going to fill up
10 quickly. That's my opinion. We hear that a
11 lot that seniors are looking for alternative
12 styles of housing. That's my personal
13 opinion. That's the end of my comment.

14 MR. SHAMLIAN: Pete, can we maybe talk a
15 little bit about Susan's point about the
16 improvements on Duffy and who should be paying
17 for that? Also, whether or not the water main
18 extension should be part of the public benefit?

19 CHAIRMAN STUTO: Can you help us dissect
20 that?

21 MR. GRASSO: Yes. I don't think there's a
22 question about the value of the public benefit.
23 They are proposing. They're proposing \$308,000
24 as a public benefit. They have made a case that
25 they are doing improvements to the water main

1 or replacing the water main on Duffy Street, as
2 well as providing new services to the
3 residences. It is something that Latham Water
4 has requested early on in the project. They
5 would probably be forced to do it, regardless.
6 Even though it is a benefit to the residences
7 on Duffy Street - that's why we consider it a
8 public benefit, even though the project would
9 be required to do it anyways. That is obviously
10 something that the Planning Board can say well,
11 because they going to already do it, it should
12 no longer be considered as a public benefit .

13 MR. SHAMLIAN: I guess my rebuttal to that
14 is that it's only one resident, but it doesn't
15 sound like he has a flow problem.

16 MR. GRASSO: You're right. The resident
17 has not complained about no water pressure or
18 lessened flow. It will improve - it's the
19 increase in the size of the main and it will be
20 a new main. The fact is there is an existing
21 flooding problem that they're trying to solve.

22 MR. SHAMLIAN: We have other water
23 situations where water mains have been replaced
24 and there has been low water pressure.

25 MR. HERSHBERG: We also provide a fire

1 hydrant at the end of Duffy Street.

2 MR. GRASSO: We raise the comment about
3 that we have been on Duffy Lane a lot. We
4 understand the context and we see a potential
5 improvement being there that this project can
6 play a part in, whether or not they are funds
7 that should come out of the public benefit or
8 it should just be made part of the project
9 separate from the public benefit. That's really
10 up to the Planning Board. When we get into
11 off-site improvements, we always consider those
12 public improvements and therefore if worthy of
13 the public benefit. The value of the public
14 benefit and the amount is really up to the
15 Planning Board and the Town Board. Again, if
16 it's off-site improvements that we feel are
17 benefiting not just the project site, we're
18 going to consider the public benefit.

19 CHAIRMAN STUTO: And you wanted to talk
20 about the roads, as well.

21 MR. SHAMLIAN: Well, just the improvements
22 Joe was talking about. Joe touched on them.

23 MR. GRASSO: Duffy Street does have a
24 certain character. The church parking lot is
25 right there on the side. It is a narrow road.

1 We have been clear that we have been supportive
2 of an access connection there. We're talking
3 about adding a little bit of traffic, but we
4 think that's an important connection.
5 Nonetheless, we are trying to respect the
6 neighbors who are there and looking for an
7 opportunity to make improvements that are
8 better than it is today. We think with some
9 sensitive site planning we can make some
10 appreciable improvements there and make it a
11 more pedestrian-friendly/resident-friendly
12 access drive without creating a lot of traffic.

13 CHAIRMAN STUTO: Craig's question is:
14 Should they get a credit against their public
15 improvement contribution, or not?

16 MR. GRASSO: Again, we see that is
17 something that the Planning Board should decide
18 whether or not the value should be considered
19 part of the public benefit, but it's clearly
20 off the project site and it's like a trade-off.
21 The applicant did not want to propose a
22 connection to Duffy Street. We think it's an
23 important part of the project and by doing so
24 we think that additional improvements along
25 Duffy would be a public improvement for the

1 neighborhood.

2 CHAIRMAN STUTO: Does anyone else have
3 thoughts on that?

4 Chip?

5 MR. ASHWORTH: There's something else I
6 like to cover -

7 CHAIRMAN STUTO: Okay give us a second
8 because I want to see if anybody else -

9 MR. MAGUIRE: I just want to share with
10 the Board -- because I did have a conversation
11 with Latham Water about this improvement and
12 whether or not it would be required on a
13 similar development that did not have a public
14 benefit calculation to it. If this were medical
15 office space that would have this location, we
16 would have to loop the water through here, too.
17 Just so you know, I think we discussed that
18 with them and what would be required versus
19 what is more than the minimum expectation.

20 CHAIRMAN STUTO: So, that is not in favor
21 of giving them a credit for the water. I'm
22 trying to get a consensus from the Board.

23 MR. GRASSO: Just to clarify, there is a
24 water main there. So, we're not just looping
25 the water main. The connection would be

1 required.

2 CHAIRMAN STUTO: There are two components.

3 MR. GRASSO: This is the replacement and
4 an increase in size of the new main and a new
5 residential connections.

6 CHAIRMAN STUTO: You're saying it would
7 only be required - the looping?

8 MR. MAGUIRE: Yes, I think we talked a
9 little about the looping, but I did not get
10 into a discussion about the increase -

11 MR. GRASSO: They would always require the
12 connection.

13 CHAIRMAN STUTO: I have heard that on
14 other projects.

15 MR. GRASSO: The placement of the line is
16 a little bit different. It's about taking the
17 next step.

18 CHAIRMAN STUTO: Anybody have any feeling
19 on that?

20 MR. CRISAFULLI: I had a conversation with
21 the Water Superintendent who clarified that
22 this would be required either way.

23 CHAIRMAN STUTO: Can you identify
24 yourself?

25 MR. CRISAFULLI: Sure, Mike Crisafulli of

1 Crisafulli Associates. We are the applicant on
2 the project.

3 His comment was while I would require
4 it from anyway, don't let anybody tell you
5 it is not a public benefit.

6 CHAIRMAN STUTO: So, there is some
7 ambiguity.

8 MR. MAGUIRE: The discussion -- I said
9 that this is the Board's deliberation to make
10 whether or not this is a public benefit or not.
11 This is not my decision to make, and it's not
12 the Water Superintendent's decision to make.
13 This Board has to make the recommendation.

14 CHAIRMAN STUTO: Right, so we have to make
15 the hard decision.

16 MS. MILSTEIN: And I think that it is a
17 part of - if you want to do this project, it
18 should be done.

19 CHAIRMAN STUTO: Okay, anybody else want
20 to express themselves?

21 MR. SHAMLIAN: I'm kind of leaning in that
22 direction, as well.

23 CHAIRMAN STUTO: And we are only making
24 the recommendation, if we do get to that stage.

25 Okay, anyone else?

1 Chip?

2 MR. ASHWORTH: I see in this corner you
3 put in EV sites for electric vehicles; the
4 charging station.

5 MR. HERSHBERG: We show electric vehicle
6 sites, but we are in discussion with Mr.
7 Crisafulli. We think we will probably set up a
8 lot more.

9 MR. ASHWORTH: I was just going to say, if
10 you don't want to put anymore and right now, at
11 least put the infrastructure either to the
12 northeast or the east side of the project.

13 MR. HERSHBERG: Yes, we would normally put
14 extra conduits in for electric vehicles. We
15 have done that for every process we have done
16 so far, with the exception of Ayco where we put
17 in 16 charging stations. They had a lot. Other
18 than that project, we put in the required two.
19 We normally set up for two, four six or eight.
20 Maybe Mike would like to put in more originally
21 because it's becoming more in demand.

22 MR. CRISAFULLI: We certainly would
23 provide additional conduits out and then we
24 would install them as required which could be
25 two or four.

1 CHAIRMAN STUTO: Okay, anything else from
2 the Board Members?

3 (There was no response.)

4 What we have before us is an
5 application to make a recommendation to the
6 Town with respect to the proposed
7 development. We have before us a draft
8 Resolution entitled Planned Development
9 District Colonie Land Use Law written
10 findings of the Colonie Planning Board.

11 Can we get somebody to read that?

12 MR. GRASSO: So, it reads: The Planned
13 Development District, a Land Use Law Written
14 findings of the Colonie Planning Board for the
15 Crisafulli senior Living PDD, Everett Road
16 Extension.

17 Whereas, Crisafulli Associates LLC,
18 herein after referred to as the applicant,
19 made application to the Colonie Town board
20 for planned development District approval
21 for a project that consists of a three-story
22 approximately 139,248 square-foot building
23 with 113 independent senior apartments on a
24 10-acre parcel of land, hereinafter referred
25 to as the project, and

1 Whereas the Colonie Town Board referred
2 the project to the Town of Colonie Planning
3 Board for review and recommendation, and

4 Whereas pursuant to Chapter 190-13 of
5 the Colonie Land Use Law, entitled plan
6 development districts, the Planning Board
7 shall develop written findings that document
8 the facts and information relied upon to
9 each its conclusions in rendering a decision
10 on a PDD, and

11 Whereas the project is consistent with
12 the purpose and intent of this Chapter
13 including the design standards, and

14 Whereas the project is compatible with
15 the surrounding neighborhood context and
16 character and is in conformance with the
17 comprehensive plan, and

18 Whereas the requirement of the SEQRA
19 will be completed by the Town Board prior to
20 making a determination on the project, the
21 project will mitigate potential undue
22 adverse environmental impacts as set forth
23 during the SEQRA review to the maximum
24 extent practicable, and

25 Whereas the project will add to the

1 long-term assets of the community and will
2 not erode the livability or economic
3 viability of the existing neighborhood
4 areas, and

5 Whereas the project is conceptually
6 sound and that it meets local and area-wide
7 needs and it conforms to acceptable design
8 principles and the proposed functional
9 roadway and pedestrian system, land-use
10 configuration, open-space system, drainage
11 system and scale of elements, both
12 absolutely and to one another, and

13 Whereas there are adequate community
14 facilities, services and utilities available
15 or proposed to be made available in the
16 construction of the development, and

17 Whereas the traffic will not have an
18 adverse impact on the adjoining
19 transportation system.

20 Now therefore be it resolved that the
21 Planning Board recommends approval of the
22 Crisafulli senior living planned development
23 district for the subject property subject to
24 the following minimum public benefits being
25 proposed by the applicant which will add to

1 the long-term assets of the community.

2 1. The applicant shall contribute
3 \$357,500 to the Town to benefit the
4 surrounding areas which includes, but is not
5 necessarily limited to A. The study and/or
6 mitigation of the existing flooding issues
7 within the Sand Creek watershed and adjacent
8 to the project site B. Public improvements
9 to streets, sidewalks, parks and other
10 public infrastructure in the west Albany
11 neighborhood C. A contribution to the Town
12 of Colonie Local Development Corporation to
13 support local economic development.

14 2. the existing water main of Duffy
15 Street will be replaced with a 8 inch DIP
16 water main and will reconnect the existing
17 services.

18 Be it resolve the pursuant to Chapter
19 190-13 of the Colonie Land Use Law, entitled
20 Plan Develop Districts, the Planning Board
21 has developed these written findings that
22 document the facts and information relied
23 upon to reach its conclusions in rendering a
24 decision to recommend approval of the
25 proposed PDD.

1 This Resolution shall take effect
2 immediately and shall be transmitted to the
3 Town Supervisor and Members of the Town
4 Board.

5 Just as a side note, the value of the
6 public benefit was what we had referred to
7 in CHA's letter of \$357,500 which is above
8 the value that was proposed by the applicant
9 which was \$308,000.

10 CHAIRMAN STUTO: This is a discussion that
11 I had with Sean and Joe Grasso. The A, B and C
12 and paragraph 1 at the end - the discussion was
13 the priorities are flooding, the improvements
14 to the neighborhood in west Albany and if there
15 is any money left over, a contribution to the
16 Town of Colonie Local Development Corp. to
17 support local economic development. There is no
18 objection from the Board -- I'm asking counsel
19 for a little help on the drafting - modified to
20 say to the extent that there are funds left
21 over to contribute them to the Local Economic
22 Development.

23 MS. MARINELLI: Or you could say list the
24 items in the order of importance.

25 CHAIRMAN STUTO: That's okay with me. We

1 will trust you to mark that up.

2 I would suggest that either Susan or
3 Craig propose an amendment to this
4 Resolution to say that the improvements to
5 Duffy Road and the water main shall not be
6 part of the public improvement - will not be
7 part of the public monies expended.

8 MS. MILSTEIN: Agreed.

9 CHAIRMAN STUTO: Does someone want to make
10 a motion to that effect?

11 MS. MILSTEIN: I will make a motion.

12 CHAIRMAN STUTO: Do we have second?

13 MR. SHAMLIAN: I'll second.

14 CHAIRMAN STUTO: With respect to the
15 motion?

16 MR. ROSANO: I just want to be clear. On
17 B, I want to make sure that we are all clear
18 that any improvements are going to stay in the
19 west Albany neighborhood and they are not going
20 to find their way out of there. Are we clear on
21 that?

22 CHAIRMAN STUTO: I am in agreement with
23 that.

24 MS. MILSTEIN: I also would like to make
25 sure that the flooding in the watershed is a

1 priority.

2 CHAIRMAN STUTO: I think Kathleen has
3 addressed that in her comment that she is
4 working on.

5 MR. MAGUIRE: Number one was - say the
6 applicant should contribute \$357,500 to the
7 Town to benefit the surrounding areas in the
8 following priority order, which include but
9 but does not necessarily limit to.

10 CHAIRMAN STUTO: Everyone has agreed to
11 that. There's no objection to that. We have a
12 motion to amend to exclude Duffy expenditure
13 and waterline expenditure from the
14 quote/end quote public benefits.

15 Any discussion on that?

16 (There was no response.)

17 All those in favor, say aye.

18 (Ayes were recited.)

19 All those opposed, say nay.

20 (There were none opposed.)

21 The ayes have it on that amendment.

22 Okay, those changes haven't been made
23 to this Resolution.

24 Do I have a motion on the Resolution,
25 as amended?

1 MR. ROSANO: I'll make the motion.

2 CHAIRMAN STUTO: Paul makes the motion. Do
3 we have a second?

4 MR. SHAMLIAN: Second.

5 CHAIRMAN STUTO: Craig seconded it.

6 Any discussion?

7 All those in favor, say aye.

8 (Ayes were recited.)

9 All those opposed, say nay.

10 (There were none opposed.)

11 The ayes have it.

12 The next step is that this goes to the
13 Town Board. I think Sean is going to be
14 actively engaged in this and also with
15 respect to studying and looking for
16 solutions to the overall flooding. This is
17 headed to the Town Board, so you should
18 probably make yourself heard at the Town
19 Board.

20 Thank you.

21 We will take a five-minute break and go
22 to the next item.

23 (Whereas the above entitled proceeding
24 was concluded at 7:28 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: _____

Nancy L. Strang
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