

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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5 THE PROPOSED PLANNED DEVELOPMENT DISTRICT KNOWN AS  
6 HOFFMAN SENIOR COMPLEX, 1 ALICE AVENUE  
7 UPDATE MEMBERS OF THE BOARD  
8 AS TO CONCEPT SKETCH REVIEW  
9 \*\*\*\*\*

10 THE TAPED AND TRANSCRIBED MINUTES of the above  
11 entitled proceeding BY NANCY STRANG-VANDEBOGART  
12 commencing on June 22, 2010 at 7:10 p.m. at the Public  
13 Operations Center 347 Old Niskayuna Road, Latham,  
14 New York 12110

15 BOARD MEMBERS:

- 16 CHARLES J. O'ROURKE, CHAIRMAN
- 17 ELENA VAIDA
- 18 MICHAEL SULLIVAN
- 19 THOMAS NARDACCI
- 20 PETER GANNON
- 21 TIMOTHY LANE
- 22 PAUL ROSANO
- 23 PETER STUTO, Jr. Esq., Attorney for the Planning  
24 Board

25 Also present:

- 26 Joseph LaCivita, Director, Planning and Economic  
27 Development
- 28 Daniel Hershberg, Hershberg & Hershberg
- 29 Joe Grasso, Clough Harbour & Associates
- 30 Tom Thompson

1                   CHAIRMAN O'ROURKE: First up is  
2 Mr. Daniel Hershberg. This is an update on the  
3 sketch review for the Hoffman Senior Complex.

4                   MR. HERSHBERG: Mr. Chairman, we've  
5 changed the name from 1 Alice Avenue since it  
6 confused people. We determined that we prefer  
7 to call it the Hoffman Senior PDD.

8                   Thank you, Mr. Chairman. My name is  
9 Daniel Hershberg. I'm here on behalf of the  
10 applicant. We're here tonight to talk about  
11 the changes that have been made in the plan.

12                   There were 198 independent living  
13 apartments, 78 assisted living apartments, and  
14 52 Alzheimer units, with a total of 328 units.  
15 The greenspace was 81.1% and the impervious  
16 area was 18.9% of the site.

17                   Since that time we have amended the plan  
18 and submitted it. You folks were provided with  
19 black and white copies of this plan. I've also  
20 provided copies of this PowerPoint presentation  
21 which has all the slides that I have on this  
22 overhead.

23                   The current plan has 170 independent  
24 living apartments, and 90 assisted living. We  
25 did away with the Alzheimer's units. They are

1 now zero. The total number of units is 260 and  
2 that's down from 328. The greenspace is 85%  
3 and the impervious area is 15%. The reduction  
4 in impervious area was 21.5%.

5 This is a current rendering of the  
6 independent living units. This is looking at  
7 it from the National Grid right of way, as it  
8 exists. This is the view of the assisted  
9 living facility, also looking at it from the  
10 National Grid right of way (Indicating).

11 For your information, there are views of  
12 the Hudson River Valley from the site, but  
13 looking at ground level you can't really see  
14 much. If you were to visualize this three  
15 stories in the air, you will have great views  
16 of the Hudson Valley looking toward the  
17 northeast and the southeast.

18 I have put some section locations where I  
19 can run them. You can see them here as AA, BB,  
20 CC, DD, and EE. That shows you where I brought  
21 sections to the site. There is always a  
22 question as to how the buildings set relative  
23 to these different sites.

24 The first one is section AA. This goes  
25 through the independent living site and it

1 gets 528 feet from the closest point of a  
2 property line on the rear of the Eastern  
3 Avenue properties to the closest point on the  
4 building.

5 The other plan shows that there is fill  
6 on the site. We will excavate most of the fill  
7 to make the garage level for that building. We  
8 have moved some small amount of fill and added  
9 some select fill.

10 This is the other concession - this is  
11 for the independent unit. This is the next one  
12 down at 730 feet from the Eastern Avenue  
13 backing of each and every property of that  
14 building. From the assisted living facility  
15 it's 628 feet. Those extensions are drawn to  
16 scale. Those are the slopes. We still have  
17 this peak going down to the dry river. It's a  
18 wooded slope. We put trees where there are  
19 trees. The trees are actually drawn to scale  
20 with the trees that are there. We don't show  
21 evergreens because the trees are primarily  
22 deciduous.

23 This plan shows looking in from the  
24 Highland Club Apartments (Indicating). This is  
25 the view that you would get. It's actually a

1 retaining wall 25 feet from the property line.

2 This is a view where that roadway gets  
3 cut into the slope. At the point where I drew  
4 that extension line - the roadway will be a  
5 23 foot cut. It will be screened by that  
6 Gabion Wall that we show so that traffic will  
7 be back and forth on that roadway and it will  
8 not be visible by the homes on Eastern Avenue  
9 until it gets up to grade. That's very near  
10 that intersection where it runs down toward  
11 the independent living apartments.

12 These are the views from Eastern Avenue.  
13 I took views here from Eastern Avenue looking  
14 in the area of the house where I could  
15 actually see something. Those are the trees  
16 (Indicating). A portion of those trees are  
17 actually on the rear of the property and the  
18 other trees are of course the natural screen  
19 that's available in what is primarily the  
20 federal wetlands. A large portion of that is  
21 federal wetland. This is a view again from  
22 Alice Avenue. These are the views in two  
23 directions (Indicating).

24 These are the views of the wooded area  
25 along the western property line. As you can

1 see, the property line has deciduous trees.  
2 There are large gaps in between where we have  
3 the very thick area of trees in the backs of  
4 the buildings and our new roadway.

5 Here is a view of Western Avenue. That's  
6 the view down and that is the stop line  
7 (Indicating). This is the sight distance. Down  
8 in the left hand corner is the sight distance  
9 looking left out of Western Avenue and the  
10 sight distance looking on to Western Avenue.

11 The average grade of that roadway for the  
12 first 100 feet is 10.59%. The average grade  
13 over 150 feet is 9.5%. This is the existing  
14 access drive. This is the Highland Club  
15 Apartments. The one on the top left is looking  
16 up from Route 2, and the one on the right is  
17 looking at the right hand portion of the  
18 driveway. The view on the left is the sight  
19 distance on the left.

20 I have to tell them to take down that  
21 sign that says apartments for rent. That  
22 impacts the sight distance, but you'll see  
23 that the sight distance is really fairly  
24 significant there if that sign wasn't there.  
25 The sight distance looking right is

1 significant looking right of Eastview Drive.

2 The grade of Eastview Drive - and we have  
3 the profile in there. The grade for the first  
4 100 feet is 5.02%. The grade overall for the  
5 first 150 feet is 5.53%. As you may recall  
6 there was some big discussion regarding the  
7 grades of our future street when we set them  
8 all at 5.5% - less than 6%, so that matches  
9 the grade that exists on the lower portion of  
10 Eastview Drive.

11 Comparison on the profiles - here is the  
12 horizontal line. Here is Eastview Drive  
13 (Indicating). You can see that the grade  
14 coming down Western Avenue is significantly  
15 steeper of any existing grade - coming in from  
16 the Highland Club Apartments which is known as  
17 Eastview Drive.

18 CHAIRMAN O'ROURKE: Can you point out  
19 where on the entrance of the Highland  
20 Club - where your entrance is going to start?

21 MR. HERSHBERG: Our entrance is going to  
22 be about where the end of the word drive is.  
23 That's where ours is going to start.

24 CHAIRMAN O'ROURKE: Can you go back to  
25 one of the pictures?

1           MR. HERSHBERG: You can see that with the  
2 length of this driveway starting at Route 2,  
3 the area starts to swing to the right. This is  
4 about 150 feet and we're going to continue  
5 straight through that hill. You can see where  
6 that 23 foot cut comes from. If you can,  
7 imagine that grade continued right through  
8 that hill. There is a significant removal of  
9 material along side of that National Grid  
10 right of way.

11           CHAIRMAN O'ROURKE: So it will be left of  
12 the National Grid?

13           MR. HERSHBERG: Yes, just left of those  
14 towers until it gets to an intersection where  
15 it goes down to the right towards the  
16 independent housing.

17           CHAIRMAN O'ROURKE: Thank you.

18           MR. HERSHBERG: The next thing that we  
19 show is the vehicle template of a fire truck  
20 which we think is actually the fire truck  
21 used. We believe that this is actually the  
22 truck radius. We show this because instead of  
23 the slides, we do use that information.

24           I also asked New York State for accident  
25 data from the period of 1/1/01 to 1/31/10.

1           During that nine year period there was a toll  
2           of 11 accidents. I asked them to give me from  
3           the town line to about 100 feet beyond Western  
4           Avenue. It's a span of about a little more  
5           than three-tenths of a mile. In that area they  
6           came up with 11 accidents; six of which were  
7           injuries and five of which were property  
8           damage only. The majority of them occurred  
9           beyond the first 150 feet from the town line  
10          which goes beyond the Eastview driveway. It  
11          appears more of them are associated with  
12          Western Avenue than were associated with  
13          Eastview Drive. The first two-tenths of a mile  
14          were three that were associated in the  
15          vicinity of Eastview Drive. Eight accidents  
16          were in the vicinity of Western Avenue. The  
17          majority of those were not even involving  
18          turning. They were due to the driver's  
19          attention. Accidents were the backs of cars.  
20          Four of them were cars turning left onto  
21          Route 2. So of the 11, only four had to do  
22          with people turning. It doesn't mean that they  
23          have turned and become straight, but they were  
24          not currently turning. So, a lot of issues  
25          were raised about the intersection and I don't

1 think they are warranted based upon the  
2 instance of traffic accidents. The 11 were not  
3 a lot of accidents. We can do an estimate with  
4 the state average but we didn't do that. It's  
5 probably low on the state average.

6 This is a vehicle template of getting a  
7 fire truck in and out. We took this photo and  
8 we made a map of it and we took that vehicle  
9 template and we showed it on there. It shows  
10 essentially that there are no cars parked at  
11 that intersection, and it could easily make  
12 it. Even if there were a car parked, we  
13 believe that unless the cars were parked  
14 strategically at the wrong points, that fire  
15 truck could easily make that access turn.

16 This is a photograph of Lillian Avenue  
17 and Western Avenue and the superimposed fire  
18 truck template on there (Indicating). It shows  
19 that turn could also be made there. This  
20 becomes important because we said that in  
21 order to provide for an emergency ingress to  
22 the site -- I want to emphasize emergency.  
23 Emergency means that a fire truck or an  
24 ambulance is not going to come this way unless  
25 something obscures their capability of coming

1 up the main roadway. So concurrently with a  
2 need for an emergency vehicle getting to the  
3 site, that would be something like a water  
4 break or a big car accident or something that  
5 avoids from accessing that roadway. These are  
6 truly emergency roadways that are being  
7 covered by a gate which will be operated with  
8 a Knox box type of situation. It's not to be  
9 used for any purpose during construction. It's  
10 not to be used for any regular purpose. It's  
11 strictly for emergency access. Because a  
12 question was raised if an emergency occurs,  
13 can a fire truck get in? It's worthwhile going  
14 through this demonstration.

15 The intersection of Alice Avenue and  
16 Eastern Avenue is a different situation.  
17 You're looking at pavement that's between 12  
18 and 15 feet wide. That area that we show there  
19 is pavement and is required to have the full  
20 32 foot width of town roadway. It's clear that  
21 even if we were to build that to a 24 foot  
22 width, there is much less width than a typical  
23 town highway. This board has opted to  
24 encourage people to use less pavement where  
25 required.

1           Fiscal impacts - we decided that this was  
2 worthwhile going through it because I  
3 mentioned it before that one of the benefits  
4 that we think the site has is positive fiscal  
5 impacts. The existing 1 Alice Avenue has a  
6 total full value of \$264,847. The equalization  
7 rate is 65.75%. The assessed valuation is  
8 \$173,900. County taxes at that rate is \$777.  
9 The town tax is \$491. Latham Fire District is  
10 \$242. The North Colonie School taxes is  
11 \$3,650. The total taxes paid by the property  
12 as it exists today, and they are currently  
13 paid to date is \$5,161.

14           These are the fiscal impacts if this  
15 project was built as it currently is zoned.

16           We estimated the full value of the  
17 Hoffman Senior Housing PDD. In order to do  
18 that -- this is not the constructed value.

19           What we did is we looked at Hudson  
20 Preserve. We took the unit value and said  
21 these would be valued at 80% of the value of  
22 Hudson Preserve. We had to take something for  
23 approximation. We don't think that they are  
24 the full value of Hudson Preserve, which is an  
25 upscale community with a lot of site

1 amenities, but pretty close. The 90 units of  
2 assisted living are a different animal and  
3 it's very difficult to find a comparative  
4 there. We rated that at 45% of the full value  
5 of an apartment at Hudson Preserve. Obviously,  
6 an assisted living unit is much smaller than a  
7 luxury apartment, but it also does have a lot  
8 of amenities to provide for the treatment of  
9 people.

10 The total full value of the project is  
11 \$16,970. I might point out that the  
12 construction costs of this were estimated at  
13 approximately 24 million dollars. The  
14 difference between the full assessed value and  
15 the construction value is a function of  
16 figuring out whether or not it's the brick and  
17 mortar value, or an equivalent of a unit in  
18 the town. We think that this is a reasonable  
19 estimate.

20 The equalization rate of 65.75% is an  
21 estimated assessed valuation of 11 million  
22 dollars. County taxes roughly at \$49,861. Town  
23 taxes are up to \$31,500. Latham Fire District  
24 adds another \$15,549. North Colonie School  
25 taxes get \$234,209.

1 I'll point out that it is senior housing  
2 and the chances of them having a single  
3 student are just about nil. It is feasible  
4 that someone who qualifies might have an older  
5 child in a year of high school or two, but  
6 virtually these units will not generate school  
7 children.

8 The total tax is \$331,164 and the total  
9 increased taxes are \$326,000.

10 I also wanted to go through the  
11 mitigation costs after the GEIS was being  
12 revisited. It might change again, but the  
13 schools per one unit was \$139,000. Water per  
14 dwelling unit is \$591,000. We propose to do  
15 some water main improvements for the Latham  
16 Water District.

17 We had just asked for a credit for the  
18 improvements. Whether it's granted is another  
19 issue. By the improvement of laying that  
20 portion of the water main that they want to be  
21 laid is approximately in the range of  
22 \$120,000. Theoretically, it would cost that  
23 and we would apply for that reduction in this  
24 impacted mitigation process.

25 Transportation is a major one; \$28,000.

1           Recreation is a small one. Park land per  
2           dwelling unit is \$223,000. We might try to get  
3           a credit there, but even the cost of that will  
4           only be about \$50,000 or \$75,000. Fire  
5           protection is a small amount. The GEIS  
6           preparation is a small amount.

7           The total mitigation costs as the project  
8           currently exists is \$1,350,000. That's a good  
9           size number being paid by a schedule that's  
10          being set up for mitigation costs. It's not  
11          all paid up front. A portion is paid up front  
12          and a portion is paid at various benchmarks as  
13          the project proceeds. I'd say that we might  
14          apply for a reduction due to the water main  
15          replacement.

16          Benefits to the Town of Colonie - this  
17          provides needed independent senior housing. It  
18          provides a needed assisted living housing. It  
19          increases the town's annual tax base. It  
20          provides mitigation costs. It constructs  
21          public outlook. It also provides a new water  
22          main.

23          That concludes my presentation,  
24          Mr. Chairman. I'd be happy to answer any  
25          questions that the board members might have.

1                   CHAIRMAN O'ROURKE: Great. Thank you,  
2 Mr. Hershberg.

3                   Joe?

4                   MR. GRASSO: We have two issued letters  
5 on the project. I have additional copies if  
6 anybody needs those. The first letter was  
7 dated May 18<sup>th</sup> which was in response to a  
8 revised sketch plan that the applicant had  
9 submitted. Then a subsequent letter that we  
10 issued on June 3<sup>rd</sup> was a response to a revised  
11 full environmental assessment form that was  
12 submitted by the applicant.

13                   I'll go through our comments on that May  
14 letter that primarily relates to the sketch  
15 plan and our comments do give a little bit of  
16 history, so I'm going to read them verbatim.

17                   The project was previously subject to a  
18 formal concept site plan review and  
19 subsequently placed on the town Planning Board  
20 agenda in May of 2009 for consideration of the  
21 proposed PDD.

22                   To summarize a lengthy discussion of the  
23 project, in general, the proposed land use  
24 appeared to be well received however numerous  
25 challenges associated with site development

1 including steep slopes, geotechnical issues,  
2 emergency vehicle access, and traffic and  
3 circulation were cited as concerns by the  
4 Planning Board and residents. The meeting was  
5 adjourned with no formal action by the  
6 Planning Board.

7 In response to these comments, the  
8 consultant has revised the plans and requested  
9 an informal sketch plan review by the Planning  
10 Board. If the revised is deemed acceptable by  
11 the board, then the applicant and its  
12 consultant will provide additional  
13 documentation and analysis required for a  
14 formal concept review and SEQRA determination.

15 Dan went through the major site plan  
16 changes which are consistent with the ones  
17 that were noted, so I'm not going to go  
18 through those.

19 We commend the project consultant on  
20 these revisions in an effort to address the  
21 comments received. In addition, we also  
22 understand that a certain project density is  
23 required in order to make development of the  
24 project financially viable. Nonetheless, this  
25 latest sketch plan does not completely address

1 our concerns for potentially significant  
2 environmental impacts. In order to adequately  
3 evaluate those impacts, we recommend a full  
4 EAF be submitted.

5 I'll get into that our comments on that  
6 later.

7 Although the project has been reduced in  
8 size, significant development continues to be  
9 proposed on slopes in excess of 20%, including  
10 portions of the main access drive, much of the  
11 assisted living site and portions of the  
12 independent living site.

13 Numerous geotechnical considerations were  
14 identified in the preliminary geo report  
15 prepared for the previous project layout.  
16 These issues include slopes stability, bedrock  
17 cuts, fills, trapped ground water, removal of  
18 on-site fill materials, building footing,  
19 foundation design, retaining wall design and  
20 generally poor soils. As such we recommend the  
21 geotechnical engineer review and comment on  
22 the adequacy of the latest sketch plan.

23 The applicant is requesting a PDD that  
24 reduces the number of parking spaces required  
25 from two per unit down to one and a half

1 spaces per unit including the use of  
2 underground parking structures. However,  
3 clarification is requested regarding the  
4 parking analysis provided on the latest plan.

5 Based on the unit count, a total of 390  
6 parking spaces should be provided, however the  
7 table indicates that only 313 parking spaces  
8 will be provided.

9 T-type turnaround is proposed at the  
10 terminus of Alice Avenue for the use of  
11 emergency vehicle access. The adequacy of the  
12 turnaround should be confirmed with the town's  
13 Highway Department and emergency services.  
14 It's our understanding that the town typically  
15 requires a cul-de-sac for turnarounds.

16 This next comment is related to the SEQRA  
17 information.

18 Additional analysis and documentation  
19 should accompany a formal concept submission  
20 in order to fully evaluate a potential for  
21 significant amount of impacts pursuant to  
22 SEQRA. This information includes, but is not  
23 limited to a preliminary geo analysis,  
24 stormwater management report, phasing,  
25 sequencing plans, parking demand study, a

1 traffic study, wetlands and other  
2 correspondence from National Grid regarding  
3 improvements within their right of way.

4 Our next letter is dated June 3<sup>rd</sup>,  
5 relative to the full environmental assessment  
6 form that is submitted.

7 Prior to the Planning Board making a  
8 determination of environmental significance,  
9 we recommend additional documentation and  
10 analysis be provided including the following.

11 There were some changes from that last  
12 letter. We dropped the recommendation to  
13 include traffic study based on additional  
14 information provided by the applicant. We did  
15 add to that correspondence from New York State  
16 Office of Parks, Recreation and Historic  
17 Preservation and correspondence from the  
18 school, police and fire departments as  
19 recommendations, as well as a commitment  
20 letter from Latham Water District.

21 I'll get into our comments.

22 As Dan mentioned, the project is subject  
23 to mitigation of cumulative impacts in  
24 accordance with the Boght Road GIS statement  
25 of findings, and they will be required to

1 contribute their proportionate share of those  
2 mitigation payments.

3 The project will involve construction on  
4 slopes of 15% or greater, according to the  
5 full EAF, only 30% of the site contains slopes  
6 flatter than 10%. The form correctly  
7 identifies the steep slopes along the dry  
8 river as a unique or unusual land form.  
9 Construction on slopes in excess of 15% pose a  
10 greater risk for erosion and slope instability  
11 and that's the reason that we recommend a  
12 preliminary geotechnical analysis be done to  
13 see how that potentially large impact could be  
14 mitigated.

15 According to the full EAF construction,  
16 it's going to occur over three years and eight  
17 months and in two project phasings; therefore  
18 we are recommending that construction phasing  
19 and sequencing plan or narrative be provided  
20 to demonstrate how that impact could be  
21 mitigated.

22 Construction is going to occur in  
23 federally designated freshwater wetlands.  
24 Copies of the Corp and jurisdictional  
25 determination should be provided. In

1 additional, the total quantity, while  
2 undisturbed, and any wetland mitigation should  
3 be identified on the plans.

4 According to the full EAF, the total  
5 water usage is going to be 52,000 gallons per  
6 day. Documentation of the ability and  
7 willingness to serve the project from the  
8 Latham Water District should be provided. Any  
9 proposed or required mitigation or  
10 improvements to the town source and  
11 distribution system should be identified. The  
12 proposed project has the potential to cause  
13 siltation or other discharge into an existing  
14 body of water. As such, we recommend that the  
15 stormwater pollution prevention plan and  
16 stormwater management report should be  
17 provided to demonstrate how that potentially  
18 large impact could be mitigated.

19 The next comment is relative to the site  
20 being designated as a potentially sensitive  
21 site for archeological artifacts by the New  
22 York State Office of Parks and Recreation. The  
23 applicant's consultant has since provided us  
24 with a report that includes a sign-off from  
25 New York State Office of Parks and Recreation,

1 so that concern has been addressed.

2 According to the full EAF, the maximum  
3 vehicle trips per hour is 18 exiting during  
4 the afternoon peak hour. However, comments  
5 have been received regarding concerns over the  
6 geometry and profile of the proposed access  
7 drive as well as site circulation and  
8 emergency vehicle accessibility. Emergency  
9 accessibility assessment should be provided  
10 and we can provide additional comments on the  
11 additional information that Dan has provided  
12 us tonight.

13 The proposed project is going to result  
14 in a change in the density of land use.  
15 According to the full EAF, the maximum  
16 development potential of the site as permitted  
17 by the present zoning, which is single family  
18 residential, is approximately 60 residential  
19 units. As now proposed, the project includes  
20 260 units. Justification as to why that's  
21 relatively constrained property should be  
22 developed with three or four times the density  
23 allowed by the underlying zoning and the  
24 public benefits that are being provided by the  
25 project should be presented in the application

1 materials.

2 Impacts on the growth and character of  
3 the community or neighborhood should be  
4 evaluated.

5 Lastly, the proposed project will create  
6 a demand for additional community services  
7 including schools, police, fire protection,  
8 etcetera. Correspondence from these community  
9 service providers and evaluation of impact  
10 should be provided.

11 The evaluation of impact should compare  
12 impacts of this use and density as compared to  
13 the use and density allowed by the underlying  
14 zoning.

15 That's where we're at with our review.

16 MR. NARDACCI: I have a couple of quick  
17 questions.

18 First, I agree with the engineer that  
19 this is a project that on its face does call  
20 for what the Comprehensive Plan calls for.  
21 There is a need for different types of housing  
22 for seniors including assisted living. That's  
23 something that's been identified as a priority  
24 for the town. The applicant did quite a bit of  
25 work. The first time that we met, they tried

1 to make changes and tried to meet some of the  
2 challenges of the site. We both agreed on the  
3 first day that it was a real tricky site so  
4 I'd just like to reiterate that.

5 Since you talked about impacts and the  
6 benefits and the economic impacts and the low  
7 impacts on the schools, one of the things that  
8 we're going to have a large impact on is EMS.  
9 Do you have a sense of what can we expect as  
10 far as EMS calls on a yearly basis?

11 MR. HERSHBERG: We can provide that  
12 figure. I believe that it's available from  
13 other units. We can use a comparison to other  
14 types of units that we could have. The  
15 existing senior citizen housing along  
16 Delatour Road - we can find out how many  
17 emergency calls are made there. That would be  
18 a pretty close comparison.

19 MR. NARDACCI: I think that would be  
20 important to provide as we look at the overall  
21 circulation of traffic on the site and how EMS  
22 gets in and out and make sure that will be  
23 engaged.

24 I just wanted to clarify - you think that  
25 you'll have to pay the 1.35 million with the

1 GEIS in mitigation fees.

2 MR. HERSHBERG: Just about, although we  
3 might get a small credit for a water main or  
4 some other improvements.

5 MR. NARDACCI: It's a very significant  
6 number.

7 MR. HERSHBERG: It is. Mr. Grasso  
8 mentioned that the increase in density may be  
9 required to afford the project. It would have  
10 not only been the infrastructure improvements,  
11 but the cost of doing the access road for a  
12 5.5% grade to the maximum width. Part of that  
13 being the sewer and water and the other type  
14 of stormwater management system, and on top of  
15 that we have the other costs. There are all  
16 things that add up to the increased density  
17 over the 60 single family homes. It was  
18 mentioned why we clustered the 60 units. You  
19 can see with just the mitigation costs there  
20 is a large cost here.

21 MR. NARDACCI: Moving forward, the  
22 process of getting those numbers  
23 verified -- we recently just dealt with a  
24 small number of mitigation fees of like a  
25 couple of thousand dollars. Just ensure that

1 before we go into a final situation, that this  
2 is all worked out. Work with the town and the  
3 Public Works Development to be sure that this  
4 is all agreed upon.

5 What is the process that you understand  
6 going forward and working out the GEIS  
7 mitigation fees?

8 MR. HERSHBERG: The mitigation fees are  
9 set to a schedule. We picked up the schedule  
10 and we counted the number of units and most of  
11 these mitigation fees on the site are directly  
12 unit related; either unit or acreage related.  
13 We took the number of units and multiplied by  
14 those figures and you come up with that.  
15 Sometimes the traffic impacts are relayed on  
16 the number of trips, but this one is not. It's  
17 based on number of dwelling units.

18 MR. GRASSO: Tom, could I just expand on  
19 your comment? You bring up a good point. The  
20 transportation mitigation fee right now is in  
21 fact calculated based on number of units. The  
22 number of units is a very high unit count on  
23 the site. Dan correctly calculates the fee at  
24 \$328,000. The new calculation formula that  
25 we're recommending for approval in short order

1 in front of the Planning Board for the Boght  
2 GEIS is a trip generation type of calculation  
3 where the number of trips actually generated  
4 by the project is routed through the  
5 transportation network. Wherever it's using up  
6 capacity of those improvements, you assigned  
7 an improvement cost and you add them all up to  
8 generate the total mitigation costs for the  
9 project. This is the kind of project that I  
10 would expect the transportation mitigation fee  
11 to be drastically reduced - significantly  
12 reduced - where there are other types of uses  
13 that we've talked about where the mitigation  
14 fee could go up. Although he correctly  
15 evaluated the \$328,000 based on the current  
16 unit count, that mitigation fee may actually  
17 go down assuming that this project gets  
18 approved under a new findings statement for  
19 the Boght area; just so you know.

20 MR. NARDACCI: That's important to know.

21 With regards to the engineer's comment,  
22 you'll work with the Army Corp, obviously.  
23 It's a lot of wetlands on the site. Have you  
24 had conversations with them regarding the  
25 wetlands?

1           MR. HERSHBERG: We have delineated. We  
2 held off getting a jurisdictional letter.  
3 Luckily we did because it was delineated in  
4 2004 and the jurisdictional numbers only go  
5 for five years. We're prepared to go get a  
6 jurisdictional letter.

7           These things were delineated by Bachmann  
8 Environmental Associates. It's a competent  
9 firm that does a lot of delineation. We're  
10 comfortable with those delineations.

11           We've changed the plan significantly so  
12 that we're disturbing less than one-tenth of  
13 an acre of the federal wetlands. Normally  
14 mitigation is required. You have to go through  
15 a process but mitigation costs are nil with  
16 regard to that.

17           MR. NARDACCI: But in going forward to  
18 whatever the next steps are, through the  
19 process, that's something that you'll work  
20 with.

21           MR. HERSHBERG: I know that we can't ask  
22 for a vote, but my feeling is that we're on  
23 the right track and we'll authorize our people  
24 to go forward to the next step. We will do the  
25 final preliminary plan and we'll do the

1           relocated SWPPP basins and we'll have this  
2           whole analysis redone. It seems premature for  
3           us to do it. We were hung up with the last  
4           presentation over a year ago. We were far  
5           apart in terms of where we wanted to go and  
6           what you folks wanted to see. That's why I  
7           think that it's important that we have this  
8           opportunity to present where we are today and  
9           find out if we're closer. If not, the project  
10          will go away. If we are, then we'll take the  
11          next step. There are probably another \$50,000  
12          or \$60,000 worth of engineering work required.

13                 MR. NARDACCI: I think that's the benefit  
14          of us having the sketch plan phase. We've had  
15          it with other projects.

16                 We did something with Stewart's where we  
17          just had a candid conversation so I think that  
18          this is an important step.

19                 I was glad that to see your letter to  
20          Jeff Boudreau, who is the engineer for the  
21          City of Watervliet. I know that there are some  
22          specific concerns with the types of run-off.  
23          As you're dealing with those kinds of  
24          concerns, I would just ask that you continue  
25          to work with their engineers moving forward on

1 the issue related to -- you have it in here  
2 with flood control.

3 That's just kind of technical, but on the  
4 sketch plan side of things, one of the things  
5 that we recently looked at -- and I wouldn't  
6 say this in sketch plan, but we recently went  
7 through this process with Shaker Pointe at  
8 Carondelet. We had a very interesting  
9 architectural design. It was something that  
10 was unique that was very attractive. While we  
11 want to be careful with regards to overuse of  
12 the Shaker styles, in looking at the  
13 rendering, it's just very bland. It would be  
14 nice to see something that was interesting. I  
15 know it's tucked away and it's not really on  
16 the road, but I'm thinking that in 15 more  
17 years from now, what's going to make this  
18 project stand out? I think that it will be  
19 successful because it's a needed thing, but  
20 what happens down the road as more and more of  
21 these living areas are available? I feel like  
22 the architecture is pretty much a square box  
23 and doesn't really do much. That's something  
24 that you would want to take the architects and  
25 have them take a look at it.

1           MR. HERSHBERG: I would say that Shaker  
2 look is not necessarily appropriate for every  
3 building. We can do something with the  
4 materials to make it more attractive, but I'm  
5 not so sure that the Shaker motif is what you  
6 want.

7           MR. NARDACCI: I don't think so either. I  
8 think that we want to be sensitive and we  
9 don't want to overuse it. I think that the  
10 Planning Department has had conversations with  
11 the Shaker Heritage Society. I think that  
12 there are interesting things that you can do.  
13 You can make this more than what it looks like  
14 right now.

15           MR. HERSHBERG: We're not married to  
16 those elevations. That was our first attempt.  
17 In order to get prices on a project, you  
18 really have to have a building that - you  
19 know, we're talking about  
20 materials - materials that someone can take a  
21 look at a building and get us some sort of  
22 estimate. So that's where we came up with our  
23 24 million dollar cost.

24           MR. NARDACCI: Because really where  
25 you're located and isolated like that - if

1           this goes forward and you get to that point,  
2           you're really going to be your own little  
3           community. Instead of being your own little  
4           community and it looks like an institution,  
5           maybe it can be your own little community that  
6           looks interesting.

7                   CHAIRMAN O'ROURKE: Again, there will be  
8           some kind of public benefit. Whether it's the  
9           overlook or something else. So on Tom's point,  
10          the architectural - enough said on that.

11                  MR. HERSHBERG: We'll certainly look into  
12          it, but like I said, we're not married to  
13          those elevations.

14                  MR. NARDACCI: Thank you.

15                  CHAIRMAN O'ROURKE: Paul?

16                  MR. ROSANO: I just had one quick  
17          question. The trips per hour in the p.m. peak,  
18          can you just touch on that real quick?

19                  MR. HERSHBERG: We used the IT manual and  
20          it has an amazingly low figure for assisted  
21          living and independent housing. Assisted  
22          living is higher than the independent housing  
23          because there are employees that come in to  
24          serve you in assisted living, as opposed to  
25          independent housing where there is very few

1 additional employees coming and leaving. There  
2 are people that do not follow the peak hour.  
3 Those are peak hour figures. If you talk about  
4 the number of daily trips in and out, they are  
5 significantly higher.

6 People tend to leave the house on  
7 independent living units later than 7:30 to  
8 9:00 peak hours and they don't necessarily  
9 arrive home between the 4:00 to 5:30 peak  
10 hours. Essentially, the IT figures were  
11 correctly estimated, but it doesn't estimate  
12 the full numbers of vehicles coming in and  
13 out. We can provide additional data on that,  
14 but it's taken right out of the IT manual.

15 CHAIRMAN O'ROURKE: Elena?

16 MS. VAIDA: You may have addressed this  
17 at one of the earlier meetings, but are there  
18 going to be any sort of medical services  
19 provided on-site?

20 MR. HERSHBERG: Assisted living will  
21 definitely have medical services. They will  
22 have them. Probably a nursing staff there at  
23 least 16 hours a day. If 24 hours is what they  
24 decide as a function of how they do that and  
25 evening time calls -- the applicant would

1 continue to own and maintain the independent  
2 housing and contracts with the health service  
3 group. He does have an assisted living that he  
4 runs down in Texas, but he says that New York  
5 State has its own set of rules and laws and  
6 he'd be much more comfortable having a local  
7 health care provider provide the management  
8 for the assisted living. He's talking to a  
9 couple of people that might be interested.  
10 That means that there will be some health  
11 services available with the assisted living.

12 On the independent housing, we intend to  
13 provide a place in there for visiting nurses.  
14 People that come in and do diet control issues  
15 and things like that. Things that people are  
16 concerned with. They have an opportunity to  
17 meet with people either on a one on one basis  
18 or a small group basis. They will provide  
19 those sort of services, but there will not be  
20 a constant type of medical presence with the  
21 independent living.

22 MS. VAIDA: I guess I was driving at  
23 whether or not there was going to be more of a  
24 clinic set up to reduce the impact of the EMS  
25 people. If someone had a heart attack you'd

1 have somebody there to deal with it.

2 MR. HERSHBERG: I would imagine that the  
3 assisted living that would be there - it's not  
4 normal to have on-call staff on-site unless  
5 you have a very large community. However, they  
6 will be 400 feet away in an assisted living  
7 unit.

8 MS. VAIDA: This is going to be for  
9 seniors, correct?

10 MR. HERSHBERG: Yes.

11 MS. VAIDA: How do you control that? How  
12 is that enforced to make sure that it  
13 is restricted to seniors?

14 MR. HERSHBERG: I think that the town  
15 code says 55 plus is a definition of a senior  
16 or people with certain handicaps. Our goal  
17 here would be to serve the 55 plus community,  
18 which is a very large and growing community in  
19 the Town of Colonie. We would have an  
20 application that people would have to provide  
21 proof of date of birth when they make their  
22 applications that they do meet the definition.  
23 It normally says that if it's a couple moving  
24 in, one person has to be a qualifying person.

25 MS. VAIDA: What about children? Are

1           there going to be any children that live  
2           there?

3           MR. HERSHBERG: I've done a number of  
4           senior housing developments. My recollection  
5           is that one time there was a student that did  
6           move in. It was a case of a divorce and a  
7           senior person was there and his son was a  
8           junior or senior in high school who moved in  
9           with him, and there was no way to stop them  
10          because he was a family member. One member of  
11          the family exceeded the qualifying age. It was  
12          only for a couple of years. We didn't  
13          anticipate any school children to be in there.  
14          I'm not aware of children moving in with  
15          people in independent or assisted  
16          living.

17          MS. VAIDA: I just see that there's a  
18          real growing trend, I think, for people 55 and  
19          older to actually be having children or  
20          adopting children, or taking care of  
21          grandchildren. I don't think that it's an  
22          unrealistic concern.

23          MR. HERSHBERG: It may be a growing  
24          trend, but we think that essentially most of  
25          those people are moving from a home to an

1 independent living apartment, which is a  
2 reduction in unit size and everything else.  
3 These are primarily going to be two bedroom  
4 units or a one bedroom and a den unit. I guess  
5 there are limited opportunities for children  
6 to move in. I don't think that it's something  
7 that we legislate against. The qualification  
8 is that one member of the family has to be 55  
9 plus. That's part of the regulations unless  
10 there is an assistance that we say no that we  
11 won't allow. We'd probably have a hard time  
12 enforcing it.

13 MS. VAIDA: In your papers you talk about  
14 the impact on the school system. What impact  
15 do you mean?

16 MR. GRASSO: In his presentation he  
17 provided the positive fiscal impacts and  
18 that's the kind of data that we're looking  
19 for. He had already made statements regarding  
20 the lack of school aged children so we look  
21 for those comparisons in terms of positive  
22 impact as well as negative impacts.

23 MR. HERSHBERG: Joe asked that we get  
24 confirmation from the school district. We will  
25 provide the data on our facility to the school

1 district and see whether or not they estimate  
2 any numbers that are different than we would  
3 have estimated. We believe that would be a  
4 rare case.

5 MS. VAIDA: You've already had  
6 discussions with our Water Department  
7 regarding the impact on the Latham Water  
8 District?

9 MR. HERSHBERG: Yes, when we made our  
10 first concept approval, their comment was that  
11 the Latham Water District has no objection to  
12 this being put on the agenda for concept  
13 approval. We're actually reducing the amount  
14 of water, as we have cut down the number of  
15 units. There won't be a significant problem.  
16 They do have a problem with a section of the  
17 water main that they want us to replace as  
18 part of our project, which we have proposed to  
19 do.

20 MS. VAIDA: Can you just describe a  
21 little bit the federally designated freshwater  
22 wetlands that are going to be impacted?

23 MR. HERSHBERG: The quantity is shown on  
24 our EAF.

25 MR. GRASSO: It's the green colored plan.

1                   MR. HERSHBERG: We have a total of  
2                   4.478 acres. In a lot of people's eyes, they  
3                   wouldn't look like wetlands, but if you walk  
4                   through them they look like wooded areas. They  
5                   are primarily the forest and woods, which are  
6                   wet woods. They are a type of wetland. The  
7                   water table is shallow. There might be a  
8                   little standing water after a rainstorm in the  
9                   springtime, but it's not heavily wet like a  
10                  lot of visions of the wetlands. Those are  
11                  forested wetlands. We're only disturbing less  
12                  than eight-hundredths of an acre.

13                 MS. VAIDA: That was my question. How  
14                 much of it was going to be disturbed?

15                 MR. HERSHBERG: We'd be allowed to  
16                 disturb up to approximately one-half acre.  
17                 It's called a nationwide Permit 29. That  
18                 allows us to disturb federal wetlands as part  
19                 of development. If it exceeded one-tenth of an  
20                 acre, we'd get an area where we'd not only  
21                 have to get the Army Corp but we'd have to get  
22                 water quality certification from New York  
23                 State DEC and we'd also have to do some  
24                 mitigation if we exceeded the one-tenth of an  
25                 acre. That's why we try to keep the

1 disturbance down. Mitigation can be to create  
2 new wetlands, or removal of evasive species in  
3 the wetlands. There are various ways to  
4 mitigate wetlands. They all have a price to  
5 them. We try to avoid disturbing too much.

6 CHAIRMAN O'ROURKE: That disturbance of  
7 the wetland is just a road.

8 MR. HERSHBERG: Just the roadway across  
9 it. We're going to directionally design the  
10 water main so that there won't be any  
11 disturbance.

12 MS. VAIDA: What is the body of water  
13 that is described in Joe's comment letter? It  
14 was number seven - the potential to cause  
15 siltation or other discharge?

16 MR. HERSHBERG: That's the dry river, and  
17 there's a portion of the dry river that's  
18 partially on my client's property. There is a  
19 flood control dam at the corner of my client's  
20 property which they are in the process of  
21 doing an improvement to. They're just about to  
22 work on it. I know that the bids were sent in  
23 to DEC for final review. My guess is that  
24 they'll start working on the improvements down  
25 there. They are going to be doing some work on

1 the dam itself and some access to the dam and  
2 they are going to be silting a lot of the area  
3 there.

4 MR. NARDACCI: That's the City of  
5 Watervliet, right?

6 MR. HERSHBERG: Right, that's the City of  
7 Watervliet.

8 MS. VAIDA: Can you tell me what is the  
9 definition of select fill?

10 MR. HERSHBERG: Select fill is a material  
11 that we use when you're -- it's an item that's  
12 brought in from normally the gravel yard.  
13 Select fill is of a finer material. They can  
14 easily compact it. It's material that you put  
15 in when you're building a building over a  
16 roadway. The term select fill is generic in  
17 that it's not naturally occurring on the  
18 ground. You bring it in from a gravel yard.

19 MS. VAIDA: Maybe you can enlighten me on  
20 this.

21 MR. GRASSO: I guess the issue that the  
22 Planning Board should be concerned with is the  
23 soils that are on the site. When they try to  
24 balance the cuts and fills, some of that  
25 material is going to be unsuitable from a

1 structural perspective. We're not going to be  
2 able to put a building on it and they're not  
3 going to be able to put parking lots on it. So  
4 you could result in some material that you  
5 need to remove from the site and when you're  
6 looking at a project with this much earth work  
7 associated with it, we could be talking about  
8 tens of thousands of cubic yards. So there  
9 could be a lot of construction and related  
10 impacts and Dan will provide some additional  
11 information as the project advances. It's got  
12 those structural qualities that you can use it  
13 as replacement for unsuitable fill. Again,  
14 we're talking about the import of material. It  
15 could be thousands of yards that they end up  
16 having to bring in and that would be a concern  
17 that the Planning Board could raise regarding  
18 the trucking in of material.

19 MS. VAIDA: One of my concerns is the  
20 source of the fill and what it's comprised of.

21 MR. GRASSO: And that's the kind of  
22 information that we would normally see in that  
23 geotechnical evaluation regarding the effects  
24 of soils that are there and the suitability or  
25 lack thereof, of the existing on-site soils.

1 MS. VAIDA: Obviously you've read the  
2 letter, and you're going to be able to comply  
3 with all of this. There is quite a bit of  
4 studies and reports and information that's  
5 needed and your client is prepared to provide  
6 all of that information?

7 MR. HERSHBERG: Yes.

8 CHAIRMAN O'ROURKE: Thanks, Elena.  
9 Tim?

10 MR. LANE: My question is basically  
11 continuing on that line. Within the response  
12 to the apartments and in regard to the  
13 geotechnical survey, the types of soils that  
14 are there and the shallow water table  
15 etcetera, there is a comment here in reference  
16 to a particular excavation where it exceeds 15  
17 feet in depth. Can you explain the drainage  
18 layer? First of all you say that the most  
19 significant cut - where it cuts through to  
20 begin the road. It's a 23 foot cut; is that  
21 what you stated?

22 MR. HERSHBERG: Yes.

23 MR. LANE: You're definitely going to hit  
24 that 15 foot mark.

25 MR. HERSHBERG: Again, the geotechnical

1 report didn't necessary say where we were  
2 going to hit it. It says the potential for the  
3 first water tables. Geotechnical reports  
4 always say that you might get something that  
5 doesn't follow what they -

6 MR. LANE: Do you have any particular  
7 location?

8 MR. HERSHBERG: I think that in fact if  
9 we are going to be sent back to do additional  
10 geotechnical work - because we have relocated  
11 the location for our SWPPP plans, we have  
12 changed the location. The only thing that we  
13 did is we pulled away from that steep slope  
14 and we had shown like a 20 foot tall retaining  
15 wall around that entire side. We're going to  
16 do away with most of that retaining wall by  
17 our redesign. So a lot of the comments were  
18 taken to heart from the geotechnical  
19 engineers. They said that the retaining walls  
20 might be a difficult expenditure to construct  
21 and we took that to heart, so we tried to  
22 eliminate those things.

23 Most of your technical work provides you  
24 with a problem and a solution. The solution  
25 normally says, like Joe Grasso was saying

1           regarding the excess fill on the site -- it's  
2           unsuitable to use under buildings or  
3           pavements. That means that essentially our  
4           only choice will be to use them under a  
5           landscaped berm or truck it off site. So, we  
6           haven't gotten to the point yet and it would  
7           really be premature for us for us to do the  
8           geotechnical work to figure out exactly what  
9           our earth balance would be. In other words,  
10          even with this modified geographical review,  
11          my guess is that we're going to do seven or  
12          eight additional borings at places that are  
13          more critical for our new layout. In order to  
14          get the entire site, we should probably go out  
15          there and dig a whole bunch of test pits with  
16          back hoes and then we would know exactly what  
17          was there. That's a level of geotechnical  
18          inspection that isn't normally required at the  
19          concept approval level. It really is a final  
20          construction issue. We have a reasonable  
21          estimate of how much excess fill has to be  
22          removed. We know that this underneath where  
23          the independent living is going, and we have  
24          the depth of it. The borings went through it.  
25          They found four or five feet of it in most

1 places. As a matter of fact when the  
2 archeologist went over the site, they had to  
3 dig through four or five feet worth of  
4 material in some places to get down to the  
5 ground that they had to check for  
6 archeological resources. There were 250 tests  
7 made for archeologists. We believe that we  
8 have a handle on it.

9 We think that we have a fairly good deal  
10 for the excess material. I believe that we can  
11 get rid of most of that material on site by  
12 building architectural berms, screening around  
13 the site, etcetera. I estimate 1,000 cubic  
14 yards would have to come off site. Again, who  
15 knows how much? There might be a little more.  
16 We would obviously have to bring in a lot more  
17 materials into the site. Our road sub-grade is  
18 going to be a minimum of 12 to 15 to 18 inches  
19 deep. We'll bring in stone for that. Our  
20 drainage layer underneath the  
21 building - you'll normally have to put a layer  
22 of material that quickly drains water  
23 underneath your slab. That's going to be 8, 10  
24 or 12 inches deep probably, or maybe more in  
25 some areas. By the time you figure out the

1 trucking into the sites, it will probably be  
2 more than is trucking out of the site. We're  
3 going to be trucking in about 25,000 to 35,000  
4 cubic yards of material over a three year  
5 period. Our highway construction gets done,  
6 but then we're going to be building other  
7 areas. We estimate a three year build-out  
8 period. The infrastructure is going to take  
9 about a year and then we have about two and a  
10 half years to build-out buildings. During that  
11 time, we'll be hauling the material. We're  
12 going to be sure that we're not going to allow  
13 any overloaded trucks to be careful of your  
14 roadways. We're also going to have to be  
15 careful that if we damage the roadway into  
16 Eastview Apartments, we have a plan.

17 My understanding is that if we're  
18 bringing stuff out of there, that road could  
19 be in pretty bad condition. So, we're going to  
20 have to maintain it during construction and  
21 build it out after. They have an easement over  
22 that roadway from the existing owners of the  
23 Highland Club Apartments. That easement says  
24 that they could use it for any purpose. It  
25 didn't really talk about damage due to

1 trucking. It's clear that if they damaged it  
2 by the trucking that they're going to have to  
3 repair it. We don't think that there will be  
4 any damage to Route 2. It's built to take the  
5 exact type of trucks that go in and out of the  
6 site all the time. We don't think that there  
7 is any problem there. There is an awful lot of  
8 gravel and materials that are going to be in  
9 reasonable close range of our site.

10 MR. LANE: Going back to the  
11 geotechnical, you are going to have  
12 sub-service drains?

13 MR. HERSHBERG: Oh, yes. Underneath the  
14 building it's clear that we're going to have a  
15 sub-surface draining situation.

16 MR. LANE: There seems to be a  
17 contradictory answer in the comments that said  
18 that it was going to be mostly surface.

19 MR. HERSHBERG: It is mostly, but again,  
20 you're going to have to do sub-service.

21 MR. LANE: That contradicts what was in  
22 here, but okay.

23 MR. HERSHBERG: I think essentially the  
24 major source of your drainage is going to be  
25 your surface drainage. When you build your

1 parking garage, you have to keep it dry, which  
2 will require either a gravity system or a pump  
3 system to have the drainage around that dry.  
4 It's primarily dry. From out site surface  
5 materials, those will all be surface drained;  
6 sidewalks, pavements. It's going to need a  
7 drainage system. We'll have catch basins for  
8 the stormwater pollution prevention plan.

9 CHAIRMAN O'ROURKE: Thanks, Tim.

10 Mike?

11 MR. SULLIVAN: Mr. Hershberg,  
12 unfortunately I have a few more questions on  
13 the retaining wall. I know that people are  
14 probably getting bored with it and would like  
15 to move on to a different subject.

16 First of all, I commend you on the amount  
17 of work that you've done to flatten the  
18 slopes. I appreciate that you took the board's  
19 recommendations to heart. We were concerned  
20 about having slopes over 8%. However, with the  
21 retaining walls come a few more questions. In  
22 sections E and D, I know that you can't get to  
23 them here, but basically section E is the  
24 retaining wall on the entrance roadway and  
25 there is a 23-foot drop. Will there be a fence

1 up above that?

2 MR. HERSHBERG: There will be protection  
3 there. We were proposing to build what we  
4 think would look best with the Gabion wall,  
5 which would allow growth in on the face of it.  
6 It will be more natural and superimposed on  
7 the top of that we have - a four foot chain  
8 link fence for the entire length of that wall.

9 MR. SULLIVAN: I was concerned about kids  
10 in the neighborhood. Also related to that in  
11 Section DD there is another retaining wall  
12 that's parallel to the existing apartments.  
13 That was like a 12-foot drop on that.

14 MR. HERSHBERG: That was shown at the  
15 steepest point at that wall. It is about a  
16 12-foot wall at that point. I decided to show  
17 you the maximum impact there and the maximum  
18 is 12 or 13 feet of the height of that wall.  
19 We think that we could probably do that out of  
20 segmented block. That would be architecturally  
21 more pleasing than a concrete wall. We would  
22 probably do it with a segmented block wall  
23 which is easily built for that height,  
24 especially when you see that section and  
25 everything behind it is like fill. We have the

1 opportunity of putting our geotechnical fabric  
2 behind it.

3 MR. SULLIVAN: Because there is a roadway  
4 there, will there be any sort of guide railing  
5 or anything?

6 MR. HERSHBERG: We have to have a guide  
7 rail on that.

8 MR. SULLIVAN: Are there any other areas  
9 which remain greater than 8% - like walkways  
10 or sidewalks?

11 MR. HERSHBERG: All walks are now at that  
12 5.5%. They are parallel to the pavement. The  
13 steepest walks are 5.5% going down that.  
14 That's primarily down the access road. Once  
15 you get into the site, it's going to be less  
16 than 5% on that site. Most of the grades are  
17 2% or 3%. You have that walkway going around  
18 the independent living building which is  
19 primarily a 1% or 2% sidewalk. They will be  
20 relatively flat.

21 MR. SULLIVAN: Thank you, very much.

22 CHAIRMAN O'ROURKE: Thanks, Mike.

23 Pete?

24 MR. GANNON: I have no more questions. I  
25 just have a few comments for you to ponder

1 with your client.

2 I think that the reduction in  
3 density - if there is no other reason other  
4 than economics or comments of the board, I  
5 personally think that I'd rather squeeze a  
6 little more density out of a new site that's  
7 serving wetlands than be back here with the  
8 next entity going to another site disturbing  
9 even more wetlands. So, I'm for trying to see  
10 some more density out of the site. As you  
11 mentioned there is a need.

12 In the documents there has been no  
13 determination whether or not HUD vouchering  
14 and things of that nature are going to be  
15 accepted. I'd urge your client, as they make  
16 that decision, and based on the economics of  
17 the situation to consider using it because I  
18 think that's where most of the need lies.  
19 That's with the folks that might not  
20 necessarily be able to afford the market  
21 value, especially in the assisted living  
22 portion of the facility.

23 With consideration of the parking,  
24 certainly on the surface without really  
25 drilling down, there seems to be plenty of

1 parking, but we haven't really seen anything  
2 on staffing levels and things of that nature.  
3 So when you do come back with the concept  
4 approval, I think that it would be helpful to  
5 speak to what your expectations are for the  
6 additional parking requirements.

7 With regard to the slopes and the  
8 roadways, I think that the board prior to my  
9 appointment gave you some great guidance. You  
10 probably have already driven around Highland  
11 Club and maybe you folks have here, as well. I  
12 don't see how any emergency vehicle could get  
13 through that place. Even though you're going  
14 to have some of our most experienced drivers  
15 living at this place, I think that we should  
16 still try to make it as easy as possible to  
17 navigate and make it look as little as  
18 Highland Club's driveway situation as  
19 possible. I do have some concerns about that.

20 In light of the data that you have  
21 provided about the accidents, one plus  
22 accident a year - I guess it depends on who  
23 you ask - that sounds like a lot of accidents  
24 to me. I think that a lot of that stuff is  
25 attributed to the sight lines there, the speed

1 and crossing several lanes of traffic. I do  
2 have some concerns about that, but again, I  
3 think that's something that you can address in  
4 the future.

5 You touched on your client's desire to  
6 contract with the local agency to provide the  
7 care at the assisted living. I would have some  
8 questions as to the operator's status in terms  
9 of profit or non-profit. Is their status a  
10 taxable entity, or are we talking about a  
11 pilot agreement and how will that all work  
12 out?

13 I just think that instead of peppering  
14 you with more questions at this point, those  
15 are just some things to take with you. I just  
16 also want to complement you on the  
17 presentation. It's very easy for all of us to  
18 get our arms around it. Don't be discouraged  
19 by the level of questioning that you're  
20 receiving. I think that it is a testament to  
21 how excellent your presentation was tonight.  
22 That's all I have.

23 CHAIRMAN O'ROURKE: Thanks, Pete.

24 I, myself, think that you have done a  
25 Yeoman's job from where this project was. I

1 have no difficulty granting the increase in  
2 density in my opinion. The track of land is  
3 basically - it's useless and nobody would ever  
4 be able to build single family homes in there.  
5 I think that it addresses a need that the  
6 citizens and taxpayers in the town are looking  
7 for and it fills that need. I do have some  
8 questions. Most of them have been answered,  
9 but I read in your brief, it's going to be 55  
10 and not 52?

11 MR. HERSHBERG: We assume 55 and up - I  
12 think that's what the Town Code addresses as  
13 it being a senior.

14 CHAIRMAN O'ROURKE: I think that I would  
15 like to see it narrowed. The next time that  
16 you come back to us and I think that if I'm  
17 reading the board right, I think that we'd  
18 like you to move forward with it to a concept  
19 level. I think that from what I gather - and I  
20 haven't polled the board otherwise - as I sit  
21 here and listen, I think that this is a  
22 project that I think would benefit the  
23 applicant and moving forward and spending the  
24 money. Mainly the issues that I have are  
25 geotechnical. Certainly I also have a

1 background and I know that anything can be  
2 built, it's just what it's going to cost you  
3 to do that and those type of issues that  
4 you're going to run across on this project.  
5 Again, it's your applicant that's going to be  
6 spending the money. My issues and questions  
7 were in regard to the water main and the  
8 infrastructure items. You're replacing how  
9 many feet? 600?

10 MR. HERSHBERG: It's 680 feet, I think.

11 CHAIRMAN O'ROURKE: That's all 10 inch?

12 MR. HERSHBERG: Yes, we're going to apply  
13 10 inch HDP pipe, which I think would be at  
14 the direction of the board. The Latham Water  
15 District will accept that for that purpose.

16 CHAIRMAN O'ROURKE: Joe, has there been  
17 any conversation with Mr. Frazer about any -?

18 MR. GRASSO: Not in those types of  
19 specifics.

20 CHAIRMAN O'ROURKE: So that would be at  
21 the next level?

22 MR. GRASSO: Well, we could talk to them  
23 now.

24 CHAIRMAN O'ROURKE: I think that's an  
25 important question for the applicant because

1 if that's considered impacting a wetland, you  
2 have to go right under it. I think that's only  
3 fair that we don't spend the applicant's  
4 money -

5 MR. GRASSO: The town is going to own the  
6 main cell. We'll have that conversation and  
7 make sure that they feel comfortable with  
8 owning an HDP pipe.

9 CHAIRMAN O'ROURKE: I want to make sure  
10 that you're set, Joe, in terms of the town  
11 owning the infrastructure. If there are issues  
12 with that, I want to ensure that the taxpayers  
13 don't own a piece of junk.

14 MR. GRASSO: Understood.

15 CHAIRMAN O'ROURKE: The next part is the  
16 force mains. I know that you're not into it  
17 yet, but what kind of force are you looking at  
18 on that site?

19 MR. HERSHBERG: Probably we'd propose a  
20 PVC force main or SDR-17.

21 CHAIRMAN O'ROURKE: Is there going to be  
22 anything to gravity?

23 MR. HERSHBERG: Yes, it's going to hit  
24 gravity when it hits Alice Avenue. We're doing  
25 some of our collection in gravity before we go

1 to our pump.

2 CHAIRMAN O'ROURKE: Are the applicant's  
3 going to own that?

4 MR. HERSHBERG: We intend that it will  
5 all be privately owned and operated. The only  
6 portion of our infrastructure that we think  
7 should be publicly owned is our water main so  
8 that the fire hydrants and everything can be  
9 part of the water system. There is no reason  
10 for us to want to turn over the sanitary  
11 sewer.

12 CHAIRMAN O'ROURKE: Back to the water  
13 just quickly, I did read some things about  
14 some people only getting 60 psi.

15 Joe, did you come across any of that?

16 MR. GRASSO: No.

17 MR. HERSHBERG: Again, we certainly would  
18 work with the Latham Water District. We are  
19 downstream from the pressure on Eastern Avenue  
20 and obviously up hill from the pressure down  
21 on Route 2. I guess if there is lower pressure  
22 on Eastern Avenue, we're certainly going to be  
23 30 vertical feet below that with our first  
24 hydrants and stuff.

25 CHAIRMAN O'ROURKE: Again, I know that

1 we're real early in the process, but in terms  
2 of the surface sand filters on your SWPPP, it  
3 seems to be -

4 MR. HERSHBERG: I will tell you,  
5 Mr. Chairman, if you want to check with your  
6 Stormwater Department, I recently sent them  
7 the results of two tests that we did.

8 CHAIRMAN O'ROURKE: I'm scared of  
9 anything that I see quoted from John Dzialo  
10 that says I have no problem. Some of those  
11 statements scare me. So when you keep using  
12 them, I start wondering.

13 MR. HERSHBERG: I provided for Mr.  
14 Dzialo, and I can provide for you too - we  
15 have a follow up and strictly for my own  
16 edification -- and I do stormwater seminars  
17 for other people. I want to have the latest  
18 data.

19 I went out and we did tests after a  
20 recent storm. I think that it was June 1<sup>st</sup>. We  
21 did a test of sand filters. We did one off of  
22 the Lia auto place. We did the front portion  
23 with porous pavement, but the back portion we  
24 do have a sand filter. We did another one at  
25 the Hudson Preserve site. We did a SWPPP 2

1 basin there.

2 The results show that the proposed  
3 suspended solid - the GPO-1001 requires that  
4 you remove up to 80%. Our removal rate of  
5 proposed suspended solid exceeded 95% on both  
6 of those. Our phosphorus removal, we had a  
7 minimum of 40% and our total removal exceeded  
8 70%. They are functioning quite well and I'm  
9 very convinced that the surface sand filter is  
10 ideal to use wherever you have people  
11 inhabiting the area and when you have housing  
12 on the site. I like them because the systems  
13 are dry 99% of the year. It has no standing  
14 water.

15 CHAIRMAN O'ROURKE: And the last thing is  
16 a comment. I agree that I think that this  
17 board has made its determination to look at  
18 parking areas and use a level of  
19 reasonableness in developing those standards.  
20 I had the opportunity to go to some of these  
21 places in terms of assisted living and elderly  
22 care facilities and again, the parking lots  
23 are pretty empty in many of them. Again, it  
24 seems like as our elderly population gets more  
25 towards 70 and they go from independent to

1           assisted, their ability to drive and all of  
2           those types of things are limited. They go  
3           from two cars to one car as they downsize. Me,  
4           personally, I look at it and say, I think that  
5           one and a half per dwelling is probably even  
6           more than is required. Again, it's within the  
7           Town Code. As you go forward, I personally  
8           don't see any issue with the parking areas and  
9           the provided parking that you have done for  
10          the applicant.

11                         With that being said, again, this is an  
12          update for the board. Is there anyone in the  
13          audience that would like to speak on this  
14          project?

15                         MR. THOMPSON: With respect to the issue  
16          of density, I'd just like to point out that in  
17          your 60 unit zoning of this property - if you  
18          put 60 single family homes on it, which seems  
19          very unlikely, you'd very likely have a  
20          density of three to four individuals living  
21          there that are people living with children.  
22          That would be some total of 140 individual  
23          people living there full-time. In the  
24          260 units that are proposed here, you've got  
25          90 assisted living and those are single room

1 occupancy. You're only going to have one  
2 person at a time living there. In the  
3 170 independent senior housing, you could  
4 probably - and I don't know all the specifics  
5 from the industry, but you could probably  
6 expect half of those units to be occupied by  
7 two people and half of them occupied by one  
8 person. Between 240 and 390 people would be  
9 your density.

10 CHAIRMAN O'ROURKE: The density in terms  
11 of what we're looking at for this project  
12 isn't people. I don't know that you're going  
13 to only have one person in the assisted  
14 living. Many places allow a single unit, but  
15 the husband and wife can be in assisted  
16 living.

17 MR. HERSHBERG: My experience has been  
18 that 90% to 95% are single occupancy. The  
19 average occupancy with elderly housing is 1.4  
20 per unit. Those are figures and you could get  
21 those figures from other sources than me. It's  
22 about 1.4 per unit.

23 MR. GRASSO: The comment is noted that  
24 there are a lot of ways that we can evaluate  
25 the density, but it's a good comment.

1 CHAIRMAN O'ROURKE: Anyone else?

2 *(There was no response.)*

3 CHAIRMAN O'ROURKE: Okay, Mr. Hershberg,  
4 I say go spend your \$50,000.

5 MR. HERSHBERG: Thank you.

6

7 *(Whereas the proceeding concerning the above*  
8 *entitled matter was adjourned at 8:32 p.m.)*

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*CERTIFICATION*

*I, NANCY STRANG-VANDEBOGART, New York  
State Approved Transcriber and Notary Public  
in and for the State of New York, hereby  
CERTIFY that the record taped and transcribed  
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and belief.*

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*NANCY STRANG-VANDEBOGART*

*Dated August 9, 2010*