

STATE OF NEW YORK COUNTY OF ALBANY

TOWN OF COLONIE

PUBLIC HEARING AND SUBSEQUENT VOTE IN CONNECTION WITH THE PROPOSED REZONING OF LAND LOCATED AT 606 & 608 LOUDON ROAD AND PROPOSED LOCAL LAW ESTABLISHING THE LOUDON ROAD PLANNED DEVELOPMENT DISTRICT

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing at 7:43 PM on July 23, 2020 at Memorial Town Hall, 534 New Loudon Road, Latham, New York

BOARD MEMBERS:

- PAULA A. MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- MELISSA JEFFERS VONDOLLEN
- DANIELLE FUTIA
- DAVID GREEN
- RICHARD FIELD
- JILL PENN

ALSO PRESENT:

- MICHAEL C. MAGGUILLI, ESQ., TOWN ATTORNEY
- JULIE GANSLE, TOWN CLERK

1 SEAN MAGUIRE, AICP, CECD, DIRECTOR, PLANNING
AND ECONOMIC DEVELOPMENT

2 Jonathan Teale, Chief, Police Department
3 DONALD ZEE, ESQ., DONALD ZEE, P.C.

4 GAEL COAKLEY

5 ED DUNCAN

6 AMY MCCAIN

7 JOHN MONET

8 HENRY NOLAN

9 MIKE QUINN

10 KEVIN WANG

1 MS. GANSLE: This public hearing is
2 being held by order of the Town Board to hear
3 all persons in connection with the proposed
4 rezoning of land located at 606 & 608 Loudon
5 Road and proposed Local Law establishing the
6 Loudon Road planned development district.

7 Notice of the public hearing has been
8 published in the official Town newspaper which
9 is the Spotlight and has been posted on the
10 Town Clerk's bulletin Board. I have an
11 affidavit for each. The Town Board will now
12 hear all persons interested in this proposal.

13 MR. MAGUIRE: Good evening. Back in
14 November 2018 the Town Board passed
15 Resolution 480 requiring the Planning Board
16 to review and consider the application and
17 create a plan development district at 606 and
18 608 Loudon Road. At its meeting on February
19 25, 2020 the Planning Board did issue its
20 findings and recommendations on the matter.
21 Here to present the case is Nick Costa.

22 MR. ZEE: Good evening. My name is
23 Donald Zee and I am here on behalf of the
24 applicant, as well as the property owner.

25 This property is known as the Hoffman

1 Playland site. This lot is a planned
2 development district for the creation of a
3 26,000 square foot retail building which would
4 include up to 8,000 square feet of restaurant
5 use with limitations on the sizes of the
6 restaurant spaces. We have shown that we have
7 adequate parking there.

8 In addition in the rear we propose a
9 senior housing project; one of 85 senior
10 apartments.

11 When we first came before this Board, the
12 application was 109. We were going through the
13 Planning Board process and we reduced it from
14 109 to 85.

15 In addition, we are proposing to have 91
16 assisted living and memory care beds. We think
17 this is a great area for this type of
18 development and it complies with the Town
19 Comprehensive Plan which had indicated that
20 you wanted to look at redeveloping vacant or
21 old commercial sites. This playland has
22 obviously been out of business for five years.
23 Dave Hoffman is here and he still tries to
24 maintain it, but everything is developed
25 around it.

1 We think that even though we are
2 proposing senior housing, we think that the
3 seniors would like a facility like this
4 because it would be near Newton Plaza, it
5 would be near Bellini's and all the other type
6 uses so that seniors aren't stuck in an
7 institutional setting.

8 During our review process the Town
9 Designated Engineer in looking at the parcel,
10 in and of itself, and what it could be
11 developed for indicated that by changing the
12 use as we propose it we would create a
13 development where the maximum traffic count
14 would be 25% of what could be built there. So,
15 under the NCOR zoning you could have 158,000
16 square feet of retail space and that would
17 generate I think during peak hours somewhere
18 around just under 560 cars under a normal
19 traffic analysis, which we had presented to
20 the Town. With our development we are
21 proposing somewhere around 30% of that traffic
22 level.

23 We understand that Route 9 is tough in
24 that area. There's always concerns about
25 traffic and this is the least intense use

1 possible.

2 Since we been before the Planning Board,
3 the traffic light has been placed in front of
4 the Bellini's are,a, as well. There also will
5 be a bus stop in that area.

6 With regard to the public benefit, we had
7 proposed initially a \$200,000 public benefit
8 and during the course of our discussions with
9 the Town fathers and the Planning Board, we
10 are willing to increase that to half a
11 million.

12 During the course of the last Planning
13 Board meeting, there were residents from
14 Homestead who were concerned a little bit
15 about our project when we had demonstrated
16 where our traffic would not impact their
17 traffic but there was still concerned about
18 traffic movements on their street. We had
19 offered and the Planning Board thought it was
20 wise to take \$20,000 or so of the \$500,000 and
21 use that for a traffic study so that the
22 residents on Homestead could see, as well as
23 the Town could see what changes could occur,
24 if any, in that neighborhood would be a
25 benefit to the neighbors. In addition, we had

1 offered to put in sidewalks and the neighbors
 2 at Homestead had requested that we place the
 3 sidewalk on the east side of Route 9 from
 4 Homestead up to Stewart's and that was
 5 recommended by the TDE as well as the Planning
 6 Board. We had no objections to that.

7 In addition, we were talking about
 8 building a sidewalk from Glennon down to Fresh
 9 Market. That \$500,000 could afford to do that.

10 If there is any extra money left over,
 11 there was a discussion about making some
 12 improvements along Spring Street. We had no
 13 objections to any of the public benefits
 14 costs. As the Town had indicated in a lot of
 15 its demographics and comprehensive study, the
 16 Town of Colonie like this entire State of New
 17 York is getting older. So, we think this type
 18 of housing is appropriate for the Town.

19 We have our traffic engineer here to
 20 answer any questions and Dave Hoffman is here
 21 as well. Thank you, very much.

22 SUPERVISOR MAHAN: I just wanted to make
 23 a few comments. This has been a work in
 24 progress and one of our big concerns was
 25 reducing it, which you have done in different

1 ways.

2 Also, we had clarification on the amount
3 of restaurants that could be there, but also
4 the size of what they look like because we
5 didn't want to have -- some of these places
6 are huge and it wouldn't fit in with the
7 others. We worked through that.

8 We also had real good conversation and
9 Amy, you are here tonight - Amy McCain you
10 were at the meeting and a couple other
11 residents as well as - I'm trying to remember
12 back because this is been going on for so
13 long. Anyway, we had a really good meeting.

14 One of the suggestions that came out of
15 that was to move the sidewalk to the east side
16 which would allow a connection at the traffic
17 signal at Newton Plaza which would be much
18 safer for people walking safe from the
19 Homestead area or whatever, or from Glennon in
20 that area over the other way. The Stewart's is
21 there, as well. So, it was a really good
22 suggestion. I know that was one thing to
23 figure out is -- if the topography there and
24 the infrastructure there would allow us to do
25 that. Hopefully that will.

1 There were a couple of other ideas that
2 the Planning Board brought forth because there
3 were things that were brought up before like a
4 gap at Aviation Drive -- a gap in the
5 sidewalks there - continuing Spring Street,
6 which was another one that was brought out.
7 The Town Board has the discretion to accept
8 the recommendation, modified or reject it.

9 After our conversations and the amount of
10 area that's there and Route 9 -- the traffic
11 study that was \$20,000 - the remainder of the
12 money -- my recommendation would be to the
13 Town Board to consider using all of it in that
14 area there that goes from -- we've got
15 Homestead all the way to Fresh Market. There
16 certainly is plenty to do in that part of
17 Route 9. It is a real focal point. There's
18 been a lot of new development there and
19 redevelopment and bringing it back to life.
20 So, there are many things that could be done.

21 I know \$480,000 is a lot of money, but
22 all this stuff costs a lot of money. If we
23 could in that corridor get more connections to
24 these stores and these restaurants, that would
25 really be a safe way for people to travel on

1 foot. That's one of the things that people had
2 requested was they wanted a way to walk to
3 more places. So, I thought that they were good
4 suggestions that came out of our meeting with
5 the residents. I just think that it makes the
6 most sense. There are times when there are
7 certain areas and there aren't a lot of ideas
8 for public benefit but on that Route 9
9 corridor in that area, there's more than
10 enough there. I personally think that's a
11 great idea. I don't think you guys really care
12 what we put these.

13 MR. ZEE: When the neighbors brought
14 that up, we thought it was a good idea and
15 that's why we said we would agree to it. We
16 think it complies with your Comprehensive
17 Plan when you talk about redevelopment and
18 making more pedestrian friendly. So, we are
19 developing on Route 9 and it would be
20 appropriate to have the sidewalks enhanced on
21 Route 9 near the project.

22 SUPERVISOR MAHAN: Sean Maguire, our
23 Planning Director - we've had a chance to
24 talk about that and what a benefit that could
25 be when you're able to do that. When the time

1 comes, I would just ask the Town Board if
2 they would consider that because I think it's
3 a real positive way to go and be a great
4 asset in that area. I just wanted to talk a
5 little bit about that.

6 MS. JEFFERS VONDOLLEN: It's also just
7 safer, too, because there are some accidents
8 that are happening on our major roadways and
9 having sidewalks as an option or something
10 that is more pedestrian friendly would
11 definitely protect the residents and I think
12 that's a great idea.

13 MR. ZEE: Thank you.

14 SUPERVISOR MAHAN: Does anybody have any
15 questions or comments?

16 MR. WANG: My name is Kevin and I live
17 in the neighborhood right behind Hoffman's. I
18 grew up in this area. I was want to Hoffman's
19 as a kid so I understand the need to develop
20 that area. It's just been a vacant lot for a
21 while. The one thing that I have noticed is
22 that I'm already located behind Bellini's and
23 every day I hear the sound of construction
24 trucks, people still building stuff back
25 there. I have a family, too, around here.

1 Whoever's moved in there, they're already
2 letting their dogs run through the woods into
3 my backyard and all that stuff.

4 In the wetlands behind my house - me and
5 my family and a couple other neighbors are
6 pretty avid bird watchers. There's a lot of
7 protected bird species back there such as Blue
8 Jays, owls, red cardinals and all sorts of
9 birds back there.

10 I was just wondering what type of
11 mitigation are you guys doing for the noise
12 pollution and the construction here. I've been
13 looking at these plans and I noticed in the
14 corner right there (Indicating), that little
15 lawn spot at the end is just jutting through
16 the wetlands and into basically bordering into
17 our neighborhood. We've already had plenty of
18 people letting out their pets and whatever
19 through our neighborhood from Bellini's
20 already. I was just wondering what is being
21 done to protect our space behind Hoffman's for
22 the sake of development?

23 I totally understand that you guys want
24 to add new construction and new development to
25 this area, but it's also consideration behind

1 who lives behind this area and the
2 neighborhoods you're cutting into and all the
3 noise pollution that comes with the
4 construction daily.

5 MS. JEFFERS VONDOLLEN: What street you
6 live on, Kevin?

7 MR. WANG: Green Leaf Drive.

8 SUPERVISOR MAHAN: As far as the
9 construction and the trucks and things, until
10 things are done it's hard to avoid that.
11 Obviously, you understand that the owners of
12 the property have a right to develop the land
13 and try to do it in a way that is going to be
14 the least impactful. The senior housing and
15 the memory care is a real plus because they
16 are the least impact that you can get.

17 As far as the border that crosses over
18 into the wetlands and in your neighborhood -
19 maybe Donald, you might have some ideas?

20 MR. WANG: I don't see much the need to
21 chop all the trees and mow this whole area
22 down.

23 MR. ZEE: Part of that land are DEC
24 wetlands. We are not proposing to disturb
25 that whatsoever. We have in the past when we

1 have appeared before the Planning Board taken
2 photographs from Ashley Drive and showed the
3 visual and there is substantial vegetation
4 there and we are not proposing to cut down
5 any of the trees. The vegetation there,
6 again, is DEC wetlands.

7 We are putting in a stormwater management
8 system to handle the stormwater there, but
9 most of the questions this gentleman asked - a
10 lot of it will be brought up during the site
11 plan approval, if we are to get approval for
12 the PDD. That's the more technical aspects of
13 it.

14 Though, the Planning Board had already
15 suggested with regard to the north and south
16 perimeters that they want a certain amount of
17 vegetation included on that. We didn't get
18 into the area next to your homes because as I
19 said, that is really not to be disturbed
20 whatsoever.

21 SUPERVISOR MAHAN: Have you ever seen
22 cases where DEC and wetlands - they will put
23 up signs of no trespassing or something like
24 that?

25 MR. ZEE: Well, we have to have deed

1 restrictions placed on it. That's something
2 we can discuss during the approval process.

3 With regard to the senior apartments and
4 the assisted living, people who are living in
5 the senior apartments are 55 and older and yes
6 they are more active. Those are the
7 buildings -- if I may just approach the Board
8 just to point out -- the senior apartments are
9 here (Indicating) the memory care and assisted
10 living are here. The entrance to the assisted
11 living and memory care are in the part of the
12 building closest to this gentleman's home. So,
13 I don't believe the memory care and the
14 assisted living will have pets.

15 SUPERVISOR MAHAN: I think it's probably
16 coming from the other new development where
17 there are apartments.

18 MR. MAGGUILLI: Donald, what if anything
19 can you do to help him with his noise
20 concerns?

21 MR. ZEE: The way we are discussing it
22 right now if this project were to be
23 approved, when we do our development we are
24 not going to be doing it piecemeal. We would
25 be coming in one shot and developing it

1 because that's the most cost-efficient way.
2 There would be a sharing of the development
3 of the water line, the roadway system, the
4 sewer system, etcetera and the stormwater
5 management. As a result, that is going to be
6 developed all-in-one phase. Yes, the senior
7 apartments and the assisted living are going
8 to take a little while to build, but it is
9 going to be in a phased construction like
10 what's happening behind Bellini's where you
11 have apartment buildings and townhomes built.
12 It would be built in one shot and it would be
13 done.

14 SUPERVISOR MAHAN: Thank you.

15 MR. MAGGUILLI: Kevin, is there any time
16 that the noise is worse than others?

17 MR. WANG: Usually it's just sunup to
18 sundown. I'm working from home right now, so
19 I'm hearing it a lot more.

20 MR. MAGGUILLI: The Town does have noise
21 ordinances. You can't produce a certain level
22 of noise before or after a certain time of
23 day. I think it's 6 o'clock in the morning
24 and 10 o'clock at night.

25 MR. WANG: Usually it's between those

1 hours, though.

2 I know there's been an argument that
3 because it senior and assisted living that it
4 won't add too much traffic. There's not going
5 to be as much people driving and it's going to
6 be more people visiting their parents or
7 whatever. So, we're adding a 26,000
8 square-foot commercial building would pretty
9 much negate any argument that there won't be
10 as much traffic because of senior living in
11 that area?

12 SUPERVISOR MAHAN: You mean there's a
13 balance between the two?

14 MR. WANG: Yes.

15 SUPERVISOR MAHAN: Because if you had
16 all commercial, you would have a lot more.

17 MS. JEFFERS VONDOLLEN: The point is
18 what it is zoned for right now without us
19 voting on it - you could have -- I can't
20 remember what Mr. Zee said -

21 MR. ZEE: 570.

22 MS. JEFFERS VONDOLLEN: There would be
23 570 additional trips.

24 MR. ZEE: Based on a traffic study that
25 was done under the existing PDD during the

1 peak PM hours there could be 584 trips. With
2 our project we are proposing 179. That's when
3 we had the increased number of senior
4 apartments. So, it's actually a little bit
5 lower.

6 We also reduce the number of square feet
7 for the retail building. Initially the retail
8 building was from 30,000 square feet and now
9 it's down to 26,000 square feet. So, there is
10 a 70% reduction actually in the amount of
11 traffic based on our project.

12 MS. PENN: The traffic study included
13 both the residences and the commercial
14 spaces.

15 MR. ZEE: Yes, and it was reviewed by
16 the Town Designated Engineer.

17 Just so you know, Wendy Holsberger of VHB
18 is here and she had discussions with the New
19 York State Department of Transportation and
20 they had commented on the project and they
21 liked the fact that right now with the Hoffman
22 Playland property, you had basically one
23 continuous curb cut. With this project it will
24 be reduced to just two curb cuts. So, that's
25 better traffic management. So, they like that

1 as well. They said they look forward to us
2 going forward as does the CDTA because there
3 would be further need for a bus stop.

4 SUPERVISOR MAHAN: Amy, you had your
5 hand up for a long time.

6 MS. MCCAIN: I want to really focus -- I
7 know that I've spoken on behalf of the
8 Homestead neighborhood Association before and
9 that's what I'm here for today. We are
10 focused on one thing - and by the way
11 Supervisor Mahan, we were very pleased to
12 hear you say that you supported the
13 expenditure of the entire \$500,000 in public
14 benefits in the neighborhood because as you
15 know that was a big issue for us and we're
16 very pleased to hear it. That was one of the
17 items that I was going to talk about.

18 Item number one for us has been that we
19 have brought before the Planning Board and
20 this body on several occasions and we also had
21 a meeting with you, Steve Fink -- and I met
22 with you in your office with your staff. Our
23 issue is traffic mitigation on Homestead
24 Drive. It is related. Basically, at this
25 point, we have been asking for relief. We've

1 started long before February, but I'm just
2 citing all the different instances that we've
3 had we have come before various bodies looking
4 for relief. The Town's own Comprehensive Plan
5 says that PDD's need to be evaluated in terms
6 of their negative impact of the surrounding
7 neighborhood. We've come before you and
8 numbers to talk from our lived experience
9 about what's going on. What we have gotten so
10 far out of this is a promise of 20 K for
11 another traffic study. That's not what we're
12 looking for. We would like the Town to trust
13 our lived experience and what we've had with
14 pets that have been run over, children they
15 can't play in their front yard and the
16 speeders volume and all of that and the fact
17 that right now with Covid, nothing is normal.
18 If this going to be \$20,000 spent on a traffic
19 study, when's it going to happen? Three years
20 from now? Right now anything that happens
21 wouldn't even be relevant. It won't be
22 probably right through the school year of 2020
23 through 2021.

24 What we are asking for here and we had
25 talked about in depth was to make Homestead

1 Drive at Fiddlers Lane no entry. It doesn't
2 mean it's a one-way street. It just means at
3 that end - and you've done it before with
4 Arthur Drive for similar reasons -- that
5 traffic can only exit at that end of the
6 street. There would be two-way traffic within
7 the street. What we were looking at would be
8 installing three-way stop signs at two
9 locations. We have North Meadow Lane joining
10 Homestead Drive at the bottom of the hill
11 where it comes off of Fiddlers. Then, we have
12 another hill situation where Meadow Lane comes
13 out onto Homestead Drive. It's at the top of
14 the hill just before Route 9 which everybody
15 takes and says oh, I'm going to gun it. As
16 someone who lives at 10 Homestead Dr. - I'm
17 right at the base of that hill and honestly
18 cars coming off of that often times are
19 speeding so fast - they're probably doing 50
20 miles an hour because they want to make it to
21 9. What we are looking at is relief. We are
22 seeking direct public benefit and not a study
23 but direct public benefit which we don't think
24 would cost that much to mitigate our traffic
25 concerns from the PDD rezoning. All of our

1 concerns are cumulative. We are not setting
2 this all at the door of this one development.
3 This is the only opportunity put forward for
4 us, particularly in the current environment
5 where we have deficits and all kinds of other
6 problems. This is our opportunity to get this
7 finally addressed and we are asking you as a
8 Town Board, since it's your decision to make,
9 to give us some relief and get this done and
10 not spent \$20,000 on another traffic study. We
11 just don't see the value in that.

12 Finally, we would just like to express
13 our support for what Supervisor Mahan said
14 earlier which is to really look at this area
15 from Newton Plaza down to the traffic light at
16 155 and look at how all of that can be really
17 made more livable and a little less dangerous,
18 particularly if you are having bus traffic
19 going up and down Route 9. People dart across
20 Route 9 because there's not enough crosswalks.
21 I know the state is involved and I know how
22 complicated that is and yes, that's not easy.
23 The point is that something needs to be done.
24 This is supposed to be the center of our Town.
25 It's one of our Town centers. That's what the

1 planning tells us. Let's get it to start
2 working like one. That's what we are really
3 asking for.

4 So, the sidewalk right now in the current
5 plan goes as far as the traffic light. We had
6 asked it to go to Stewart's. Why Stewart's?
7 Because people walk to Stewart's all the time.
8 So, if it doesn't go to Stewart's, then
9 they're going to be walking in the road.
10 That's the sort of thing we are trying to
11 avoid.

12 So, I really appreciate your time. I hope
13 you can do something for us. I feel like we
14 have come a long way here. We just need that
15 little extra. So, thank you, very much. We
16 appreciate it.

17 SUPERVISOR MAHAN: Amy, you know we have
18 talked to the Police Department and we can
19 discuss it further with them, but we have to
20 refer to their expertise in that area. As a
21 Board, we are not traffic people but
22 certainly we can discuss it again with them.

23 As far as the sidewalks and things like
24 that, it's the perfect idea. The road is a
25 tough thing.

1 MS. MCCAIN: When Steve and I met with
2 you, you had directed Jeff Cunningham to get
3 back to us, right? He never did. We never
4 heard anything from the Town. This is not the
5 first time. Every time we come in and we ask
6 for something, we are told it can't happen or
7 somebody else or some godlike figure has to
8 come in make this possible. It can't be that
9 hard. I have seen it happen.

10 They just installed a three-way stop sign
11 immediately behind my house where Skyline
12 comes together with Aspen and Lori Lane. There
13 is no traffic there. Skyline is a dead-end
14 road. Whatever - that was done this past
15 spring and a striped it and they did it and
16 I'm not saying it's a bad thing. It probably
17 does slow people down a little bit and I'm
18 sure there were some hot doggers coming down
19 from there. The point is they don't get
20 anything in the way of traffic. So, to be put
21 off again - I'm sorry but I understand what
22 you're saying and I know there is a
23 bureaucratic process, but we have been in this
24 wringer for well over a year, all kinds of
25 meetings, spoke to all kinds of people and we

1 just want the same kind of relief that other
2 streets have gotten to go through all this. I
3 appreciate it. Thank you.

4 SUPERVISOR MAHAN: Thank you, Amy.

5 Anybody else?

6 (Whereas the above entitled proceeding
7 was adjourned momentarily recommenced.)

8 MR. DUCAN: I really didn't have
9 anything prepared really. I just wanted to
10 speak from the heart and piggyback what Amy
11 had to say.

12 MR. MAGGUILLI: Can you state your name
13 for the record please, sir?

14 MR. DUCAN: Yes, my name is Ed Duncan. I
15 live on Homestead Drive. Again, thanks for
16 letting me speak.

17 Like I said, I don't have anything
18 prepared and I just want to speak from the
19 heart. I just wanted to differ to the big
20 project that's going on. Of course the traffic
21 is going to increase. I'm not trying to speak
22 cynically. Of course, you're going to have a
23 huge conglomerate and it goes without saying
24 that the influx of traffic is going to
25 increase.

1 In terms of the traffic signs - that
2 should have been done a while ago. The bottom
3 line is this: I know you're having police
4 studies or traffic studies done, but we live
5 it. I've been living on Homestead Drive for
6 the past 20 years. With each passing year- and
7 I know because as I said I lived there - the
8 influx of traffic is going up.

9 Basically this is what I think. I think
10 if we keep going back and forth -- okay, we
11 will look into it -- I'm not trying to be
12 cynical, but you know where I'm going with
13 this. Someone is going to get hurt. God forbid
14 if somebody dies. Then, there's the
15 finger-pointing, he said this, she said that.
16 We have to do something. It just stands to
17 reason that if you're on the street and
18 there's a huge influx of traffic on the street
19 and the street simply can't accommodate the
20 cars, yes, put some stop signs. Why are we
21 just going back and forth on this? Again, I
22 don't really know. I teach in Albany, but like
23 I said I've lived up here for the past 20
24 years. I just really think that it's a
25 no-brainer. I'm just afraid something is going

1 to happen. That's why we are here.

2 One time I was going out to my car right
3 in front of the house and all the sudden I
4 heard what appeared to be a bomb going off.
5 Somebody just smashed into my car. Her cell
6 phone went off and instead of driving -- the
7 bottom line is there have been accidents and
8 with the project there's going to be huge
9 increase in traffic. At least I think there's
10 going to be an increase. Obviously, we should
11 just make the necessary accommodations to deal
12 with this. I can't make it any simpler than
13 that. Thanks for listening to me.

14 SUPERVISOR MAHAN: Thank you.

15 MS. MCCAIN: I just wanted to make a
16 point about signage. We used to have a right
17 turn only sign at the end of our street when
18 it lets out to Route 9. It was removed when
19 Capital Bank was installed. We weren't
20 consulted. Nobody told us. It just
21 disappeared one day.

22 There also used to be a sign where Meadow
23 comes in at the top of the hill -- as you
24 start down Homestead and it used to be when
25 you are come from the Fiddlers direction,

1 there was a sign that directed you that if you
2 wanted to head south, you were to go down
3 Meadow to Maxwell to the light. It also
4 disappeared.

5 So, my point is this stuff is totally
6 fungible. When it somebody's interest to
7 remove signs, they do it. We would just like
8 to have some put in. I just don't think it's
9 that big a deal, or that it has to take an act
10 of God to get it to happen.

11 SUPERVISOR MAHAN: Amy, I can't answer
12 why that other sign was removed. I know with
13 the right turn there - it was a right turn
14 only at 9 and Homestead. I know Jack has been
15 in contact with New York State DOT
16 transportation for that reason. So, we are
17 waiting to hear on that because it's their
18 road. We would prefer that they would just
19 have turned only onto Route 9 because you've
20 got CVS there and they are coming out -

21 MS. MCCAIN: There have been so many
22 close calls there. It's really bad.

23 SUPERVISOR MAHAN: I know he's been in
24 contact-

25 MS. MCCAIN: Well, it's great that he's

1 been in contact and that would certainly be
2 helpful, but we would also like an answer to
3 get the stop signs in and the one-way at the
4 other end. Because they come tearing down off
5 of Fiddlers and you can't see particularly in
6 the winter and it narrows down because of the
7 snow plowing and it gets to be a real pain.

8 MR. GREEN: Amy are you suggesting a
9 one-way from Fiddlers down to Route 9?

10 MS. MCCAIN: Basically what we were
11 asking for is the same thing they did on
12 Arthur which says if I'm coming down
13 Fiddlers, I can't enter Homestead. If I'm on
14 Homestead, I can exit but I can't enter. So
15 what that means is that's going to push you
16 down to Maxwell to the light if you going in
17 that direction. That's what we're asking for.
18 That's really to keep people from doing this.
19 We've got that bizarre three-way intersection
20 there; you've got Lori Drive coming in;
21 you've got Comely; you've got Fiddlers;
22 you've got Homestead. It makes no sense. If
23 you had to do it today, you would never do it
24 that way. That's the way it is. It was built
25 up and you're not going to change that.

1 What we are asking for is just no entry
2 onto Homestead from that end. As I said, there
3 is precedent. You have done it before because
4 Arthur asked for it because people were doing
5 cut-through's. As Route 9 was being developed,
6 they didn't want cut-throughs to their
7 neighborhood. We are basically asking for the
8 same thing.

9 MR. GREEN: I'm going to ask Chief Teale
10 just answer a question on that.

11 Chief, you heard Amy propose the one-way
12 out but not coming in. What obstacles, if any,
13 are you aware of that would prevent us from
14 doing something like that.

15 MR. TEALE: Not aware of any. I think
16 the Town Highway Safety Committee needs to be
17 involved to take a look at it and talk to the
18 neighbors. I understand a lot of people come
19 through that street.

20 MR. GREEN: Because that's a pretty
21 inexpensive fix.

22 MS. MCCAIN: Obviously emergency
23 vehicles will do what they want to do. That's
24 like a non-issue.

25 MR. TEALE: We should probably take a

1 look at it.

2 SUPERVISOR MAHAN: We get a lot of kids,
3 too. The high school kids that don't ride the
4 bus -- so there's a lot more traffic cutting
5 through thetr.

6 MS. MCCAIN: Honestly Paula, I look at
7 the drivers. There are hardly any kids. They
8 are parents. They are speeding and there are
9 signs for a deaf child as you come into the
10 street and they still speed.

11 SUPERVISOR MAHAN: I don't know about
12 the Skyline one there. I'm not familiar as to
13 why they had that. You told us it was done.

14 MR. MAGUIRE: It went in pre-Covid.

15 SUPERVISOR MAHAN: It's hard for us to
16 give traffic advice. I understand what you're
17 saying. Don't get me wrong. I know Lieutenant
18 Donnelly has looked into it.

19 MR. TEALE: We can talk more about it
20 and see if it's a possibility.

21 MS. MCCAIN: We would really appreciate
22 it. We really would. There are several young
23 families. Our street is turning over. There's
24 a lot of older people still on our street.
25 Most of them will not wall on the street

1 because they're terrified. There's a lot of
2 young families that are moving and
3 particularly in the upper numbers on the
4 street, which is at the Fiddlers end. They
5 are really concerned.

6 MR. TEALE: Can you send me an email
7 tomorrow? This is my email address.

8 MS. MCCAIN: Absolutely. Thank you, very
9 much, Chief.

10 MR. TEALE: You're welcome.

11 SUPERVISOR MAHAN: Are there any more
12 questions on Hoffman?

13 MR. MONET: Hi Paula. John Monet. I've
14 had several conversations with you, the Board
15 and Mr. Green a couple of years ago. You are
16 the one who encouraged me to come here and
17 start addressing the issue.

18 I've got to disagree with you
19 wholeheartedly that this will not affect my
20 street. Over the last five years the traffic
21 volume has increased significantly.

22 MR. GREEN: We're talking about
23 Homestead, right?

24 MR. MONET: Yes, Homestead. I live at 14
25 Homestead Drive.

1 You can look at every traffic study that
2 has been done - probably at least five of them
3 within the last two years. The speeding data
4 is not accurate and what I mean by that is if
5 you had just the strips on the street when no
6 one knows why they are there for car counting
7 and speeding, 53% of the traffic on our street
8 is speeding. If you use the white sign with a
9 radar on it - the first day the number of
10 speeders is going to be great. The rest of the
11 week everybody else knows the sign is there
12 and they go by it at the normal speed. So,
13 that's why the speeding data is kind of
14 inaccurate. The car count is there. For a
15 street that has roughly 40 houses and when we
16 have 802,000 cars go by on a daily basis,
17 that's kind of high. You cannot say those are
18 the residents of our neighborhood.

19 Like I said, it has increased greatly.

20 I submitted a petition probably in August
21 or September or something like that when I
22 went to the meetings; 99% of our street is in
23 agreement with making that exit the way it is
24 - exit only onto Fiddlers - cannot enter,
25 just like Arthur is. If you look at the Clough

1 Harbor study that was done in February, what
2 we are asking for is minimal. The Clough
3 Harbor study actually recommends a dead-end
4 street.

5 If you come down Fiddlers curve to make a
6 left-hand turn onto Homestead, it does not
7 meet the requirement for distance that is
8 supposed to be there. They said at the Traffic
9 Safety meeting, we will cutback the brush, if
10 that's the problem. In February there is no
11 brush there. There were no snow banks there.
12 So, brush is not fixing the problem. Once
13 again, signs I think are cheap. They're not
14 that expensive compared to what Clough Harbor
15 was suggesting. I can't stand here good
16 heartedly and say this traffic will not affect
17 my street because it definitely will. I can
18 tell you right now that there is probably at
19 least 20 small kids living on the street. We
20 have several neighbors who are in wheelchairs.

21 You met my neighbor, Scott, when you
22 were there. He uses the street to get in and
23 out of his wheelchair and gets almost run over
24 once a week trying to get into his van.

25 Something has to be done before someone

1 gets killed. The Town has known about this
2 problem for almost 2 years now. I really want
3 a solution before something bad happens.

4 MR. GREEN: Chief Teale is going to get
5 in contact with Amy this week. Chief Teale
6 will try to fast-track it.

7 MR. DUCAN: As a side note, for the
8 funding and the money - we have addressed
9 several issues with this project going
10 forward - environmental, traffic, sound, but
11 one thing that has happened fairly recently
12 since March which all of us are aware of is
13 Covid 19. Has anybody done a study - if you
14 look at the data from the news every night
15 who is affected; how they get affected; areas
16 where they get infected -- this project
17 involves huge restaurants which is like a no
18 no for all the data. You also have senior
19 housing mixed in with assisted living. If you
20 look at where the most of the cases have
21 become positive in New York - as in
22 retirement homes and assisted living
23 facilities. Is this really the best cocktail
24 for this project? Think about and look what
25 happened here with the restaurants, senior

1 housing and now we have the assisted living.
2 Senior housing would be the best option. We
3 have plenty of restaurants nearby already.
4 There are tons of retail nearby. If that
5 housing could have a little space between it,
6 that's something that I know hasn't been
7 addressed yet. I don't know if some of the
8 funding can be put towards a study like that.
9 Dense population, or Covid or any future
10 virus is not the answer. You read articles
11 and dense housing is going away because of
12 the virus. I do realize there is a need for
13 senior housing. I fully support it because we
14 look at the senior housing that we have in
15 Colonie coming there it really hasn't been
16 affected by Covid. When you start looking at
17 assisted living, that's pretty positive
18 testing there. Just something I wanted to
19 mention.

20 SUPERVISOR MAHAN: There are two
21 separate illnesses. I think when you talk
22 about the density, that's the idea of the
23 balance because what could be there under the
24 regular zoning would bring a lot more density
25 and a lot more things like more restaurants

1 and things like that. That's one of the
2 reasons we talked about the size of the
3 restaurant. The amount of square footage for
4 restaurant - that's not one big restaurant
5 and that's what we thought at first. That is
6 something we didn't want to see. Route 9 - it
7 is a commercial road there and it could be a
8 lot more there. Trying to balance it all
9 out -- there could be a lot of people in
10 there if it was commercial.

11 MR. MONET: From what I was last told,
12 are they restaurants still the size of the
13 Longhorn on Wolf Road? Where have they been
14 reduced? That's a pretty good size
15 restaurant.

16 SUPERVISOR MAHAN: Donald, can you
17 answer that please?

18 MR. ZEE: Under the Planning Board's
19 recommendation and issues that you brought
20 up, we agreed that the largest size
21 restaurant would be 4,500 square feet. For
22 example, Reel Seafood is 6,000 square feet.
23 So, we would be three-quarters the size of
24 that. Texas Longhorn, yes, is a much bigger
25 restaurant but we also put a restriction on

1 the maximum number of seats in the restaurant
2 and that was 200 seats.

3 MR. GREEN: And these aren't
4 free-standing either.

5 MR. ZEE: No, it's all one continuous.

6 MS. JEFFERS VONDOLLEN: Obviously, I
7 would think whatever is going on at the time
8 these things open would be dictated by CDC
9 guidelines in the state with how much of a
10 percentage of population you can have in
11 these kinds of spaces.

12 MR. ZEE: Correct.

13 SUPERVISOR MAHAN: Circumstances happen
14 and you try to adapt the best you can.
15 There's nothing in the Zoning Law that
16 pertains to a pandemic. We have to deal with
17 these things as they come up and that's the
18 reason why the government handles that with
19 the help of CDC so that they can adapt to it
20 by reducing the density whether it's no
21 dining inside, or closedown/shut-down. That's
22 why we saw the shut-down and we saw the
23 things that we did. That's the way we have to
24 approach it.

25 MR. ZEE: As this gentleman had

1 indicated, there are a lot of senior housing
2 projects but this one is a little bit
3 different because we're talking about having
4 underground garages. I was involved in the
5 Beltrone Living Center. I represented Sal
6 Beltrone when he sold that property and had
7 it constructed and I understand that there is
8 a waiting list there.

9 I understand from the King Theil -
10 because I've worked with them - that there is
11 a waiting list there. So, there is a need for
12 this and this is a little bit different type
13 of housing when you have garages that are
14 underground and it's all with elevators and
15 you have a lot of security, which is a little
16 bit different than the open parking that you
17 have in some of the other senior housing
18 facilities.

19 As I said also, my office is next door to
20 the Beltrone Living Center and even though
21 it's off Wolf Road, it's quite a distance from
22 the Beltrone Living Center to any restaurant,
23 whereas in this case we're talking about being
24 immediately next door to Newton Plaza which
25 has several dining choices as well as several

1 types of shopping. So, what our thought was
2 with regard to senior housing is not to
3 isolate them, but in fact put them in part of
4 the community so that when their children or
5 grandchildren come to visit, they are not
6 necessarily in an institution. They can go to
7 Dunkin' Donuts, they could go to Bellini's,
8 they could go to a variety of places. They
9 don't have to be stuck indoors.

10 One of the gentlemen asked about noise.
11 Even after construction it was proposed in the
12 recommendation with regard to having no live
13 entertainment and the patios of the
14 restaurants at certain hours. So, that is
15 already in the recommendations to restrict
16 noise.

17 SUPERVISOR MAHAN: Thank you.

18 MR. MONET: Just a couple other little
19 things. The noise - I was at that meeting and
20 it's still 10 o'clock at night. Currently
21 Bellini's, when they did have outside
22 entertainment - I can hear it loud and clear
23 at my house. I have three small kids. For me
24 - we can't even open the windows when they go
25 to bed at night listening to loud music. I

1 realize there are ordinances in place and
2 stuff like that which I will call and deal
3 with that then, but at 10 o'clock it's
4 nothing special. It's standard, I think.

5 Is the senior living and assisted living
6 in separate buildings?

7 MR. ZEE: Yes.

8 MR. MONET: Okay, that was my other
9 concern. Thank you.

10 SUPERVISOR MAHAN: Yes, sir.

11 MR. COAKLEY: Hi my name is Gael Coakley
12 and a resident of Glennon Road. I just wanted
13 to say that I am in favor of this project. I
14 think there were a lot of choices. To me,
15 this seems like the best choice that you
16 could make. It's low impact. It's beautiful
17 looking, architecturally. I just wanted to
18 say that I'm very much in favor. Thank you.

19 MR. WANG: One thing that I wanted to go
20 over is there is already a Newton Plaza next
21 to the area and I know there's a need for
22 senior and assisted living apartments. That's
23 totally understandable.

24 One thing that I am questioning is
25 implementing the 26,000 square-foot commercial

1 buildings in front of it. There is the
2 argument that you don't want to have the
3 seniors living isolated away from restaurants
4 and facilities, but it's like there is already
5 Bellini's and the whole facility next to it
6 and then Newton Plaza also next to those
7 apartments. So, I don't see why there's a need
8 to establish a whole other facility in front
9 of these apartments when there is plenty of
10 restaurants and retail spaces already
11 surrounding this area.

12 SUPERVISOR MAHAN: Yes, sir.

13 MR. NOLAN: My name is Henry Nolan and a
14 resident of Loudonville. I, like Mr. Coakley,
15 am in favor of the project.

16 A number of years ago I had the difficult
17 problem with my sister trying to find an
18 assisted living for my mother. It's very
19 difficult to do. We were finally able to find
20 a place. Having it in a place where the
21 residents can go out to restaurants and
22 entertainment and they don't have to put their
23 lives at risk by walking across streets or
24 things like that, I think it's wonderful. I
25 think it will also provide additional business

1 for the other current businesses that are in
2 the vicinity. I think that generally it really
3 enhances the quality of life for everybody.

4 Realizing that there's going to be some
5 traffic increase over what it is now, there
6 always will be whether it's this project or
7 some other project that could provide even
8 more traffic and noise.

9 So, I think the Hoffman's have done a
10 great job in making sure that adverse impacts
11 are minimal and this is really going to be a
12 wonderful opportunity for the Town of Colonie
13 and for the Latham and Loudonville area. thank
14 you.

15 SUPERVISOR MAHAN: I want everybody to
16 keep in mind, too, that this concept was put
17 into the 2005 Comprehensive Plan. So, this
18 was something that was put into planning a
19 long time ago.

20 I came in 2008 and I know we had a
21 recession and things kind of slowed down and
22 just came to a halt, but this is not something
23 that just popped up. This is something that
24 was put into the 2005 Comprehensive plan Plan
25 and is continued into the update that we just

1 did recently. It's been part of the plan in
2 that area - not this particular project, but
3 part of that area.

4 There are number of things that can
5 happen when it has the zoning that it has. You
6 could have more gas stations, more fast food
7 places. You could have - at some point I think
8 somebody wanted a hotel and that was turned
9 down right there. To find a delicate balance
10 is not an easy thing.

11 We did put a lot of work and time into
12 trying to meet the demands that we asked them
13 to do, which is quite a bit.

14 Again, people have a right to develop to
15 their land. It's like if you were to sell your
16 home, you would want to get what your home is
17 worth and so it's all part of the process.

18 I just want you to know that this was
19 something that was envisioned a long time ago
20 in that particular area. The whole thing is
21 we're doing what we are doing and talking
22 about it and trying to get it as right as we
23 possibly can. That's what we're trying to do.
24 So, the feedback is very helpful and
25 appreciated. I want you to know that. It does

1 go back a long way.

2 MR. QUINN: Supervisor and the Board, my
3 name is Mike Quinn. I live at the Village of
4 Shaker Creek.

5 I sat through the interminable Planning
6 Board meetings on this project. I started off
7 being wildly against it. Actually, I have
8 concluded that I, like some of the other
9 gentlemen here, it's probably the best use of
10 that land that we could get in this condition.

11 I had two points. One was a construction
12 noise. I think you are hearing the Village of
13 Shaker Creek being built. Recently
14 construction there has increased significantly
15 and that's good because it will get done
16 quicker. They are very diligent about the 7
17 o'clock to 5 o'clock rules and there are a lot
18 of trucks.

19 The second point is: I don't know your
20 process here, but I was listening to all the
21 people with the road problem. It would seem
22 like and it's not my place, but it would seem
23 like some Board Member may want to take it as
24 a mission to work with the residents. I found
25 in business usually one person can get things

1 going and then bring it back. You might
2 consider somebody on the Board making that a
3 special mission to see if something can be
4 done.

5 It would be a shame if somebody really
6 got hurt after all these discussions. It
7 sounds like there's a real concern.

8 SUPERVISOR MAHAN: I think we have a
9 person. I think David volunteered.

10 MR. GREEN: Yes, I will follow-up. Chief
11 Teale and I will be in contact with Amy -

12 SUPERVISOR MAHAN: He will follow-up.

13 MR. GREEN: Absolutely.

14 SUPERVISOR MAHAN: Thank you, very much.
15 Anyone else on the Hoffman project?

16 (There was no response.)

17 Okay, we will close a public hearing.

18 MS. GANSLE: We have a Resolution
19 adopting a Local Law for the rezoning of the
20 land located at 606 and 608 Loudon Road from
21 neighborhood/commercial/office/residential,
22 NCOR, to planned development district, PDD.

23 MS. JEFFERS VONDOLLEN: So moved.

24 MS. MURPHY: Second.

25 SUPERVISOR MAHAN: Supervisor votes aye.

1 Clerk, call the roll.

2 (The roll was called.)

3 MS. GANSLE: The ayes have it, Madam
4 Supervisor.

5 SUPERVISOR MAHAN: The Resolution is
6 adopted.

7 (Whereas the above entitled proceeding
8 was concluded at 7:42 p.m.)

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3 CERTIFICATION

4 I, NANCY L. STRANG, Shorthand Reporter
5 and Notary Public in and for the State of New
6 York, hereby CERTIFIES that the record taken
7 by me at the time and place noted in the
8 heading hereof is a true and accurate
9 transcript of same, to the best of my ability
10 and belief.

11 Date: _____

12
13 _____
14 Nancy L. Strang
15 Legal Transcription
16 2420 Troy Schenectady Road
17 Niskayuna, NY 12309
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