

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

3  
4 \*\*\*\*\*  
5 THE PUBLIC HEARING REGARDING THE MAXWELL ROAD  
6 SENIOR PDD ALSO KNOWN AS 605 ALBANY SHAKER ROAD  
7 AND 210 MAXWELL ROAD  
8 \*\*\*\*\*

9 THE TAPED AND TRANSCRIBED MINUTES of the above  
10 entitled proceeding BY NANCY STRANG-VANDEBOGART  
11 commencing on July 28, 2009 at 8:47 p.m. at the  
12 Public Operations Center 347 Old Niskayuna Road,  
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 JEAN DONOVAN, CHAIRPERSON
- 16 CHARLES J. O'ROURKE, JR.
- 17 MICHAEL STEWART
- 18 ELENA VAIDA
- 19 TIMOTHY LANE
- 20 TOM NARDACCI
- 21 PETER STUTO, Jr. Esq., Attorney for the Planning  
22 Board

23 Also present:

- 24 Joe LaCivita, Director, Planning and Economic  
25 Development
- Kevin DeLaughter, Planning and Economic  
Development
- James Finning, Finning Properties, LLC
- Mark Jacobson, PE
- Jamie Easton, PE

1                   CHAIRPERSON DONOVAN: The next on the  
2 agenda is the senior PDD, which is the  
3 senior citizen town homes and one estate  
4 lot.

5                   MR. FINNING: My name is Jim Finning  
6 and we are the developers. We've been at  
7 this project for almost five years now.

8                   We're here tonight and the project is  
9 actually an approved project. We've had the  
10 opportunity to think and rethink this  
11 project and play with some different  
12 designs that we think work best for not  
13 only the town and the existing neighborhood  
14 but the developers, as well. Basically it  
15 is the same project. It is a senior project  
16 for people 55 and older. It is a  
17 subdivision with 51 units. We're not  
18 changing that. We're staying with the same  
19 density.

20                   The improvements, I think, probably  
21 are numerous. The most important one that  
22 I'll point out now is the single point of  
23 access into a development. That's what we  
24 had before. It was a single point of access  
25 with numerous cul-de-sacs.

1           The new design has two points of entry  
2           that loop through the majority of the  
3           project and we think that is a huge  
4           advantage to the new design.

5           Another advantage that we think works  
6           well for the neighborhood is that the  
7           original project had three six-plexes in  
8           it. We now have broken it down so that it  
9           is all two or three unit clusters. We call  
10          them twin homes. So we have removed the  
11          apartments or condominiums. With that, it  
12          eliminates the need for a homeowners  
13          association which we think works best for  
14          us, as developers, and the town, as well.

15          I think that's basically it in a short  
16          presentation. I'll turn it over to my  
17          engineers and then we'll open it up to  
18          questions. We're here tonight because we  
19          think that with the timing of the new  
20          Maxwell Road that will hopefully start this  
21          fall, it would work very well with us. In  
22          the timing of that project, it would also  
23          allow us to be able to cooperate with what  
24          they are doing contiguous to us and we  
25          think that works best for everyone.

1                   CHAIRPERSON DONOVAN: This project is  
2 substantially different from the one that  
3 was originally approved. This does not have  
4 the apartment complex?

5                   MR. FINNING: It does not have any  
6 apartments in it. It's all ownership.

7                   CHAIRPERSON DONOVAN: Kevin, does this  
8 have to be approved? This is a PDD?

9                   MR. DELAUGHTER: This is a planned  
10 development district. That is a specific  
11 zoning designation. When it's approved by  
12 the Town Board that approval locks in the  
13 concept as presented. So, it does require  
14 an amendment of the planned development  
15 district legislation by the Town Board.  
16 That, in turn, requires a recommendation  
17 from the Planning Board. Because of the  
18 nature of the changes being very  
19 substantial as far as the layout, it  
20 requires a concept review by the town  
21 departments.

22                   So, my understanding is that we are  
23 here tonight just to get a sense of the  
24 board whether this is heading in the right  
25 direction.

1                   This was presented to the town  
2                   development coordination committee last  
3                   Wednesday for some preliminary input on the  
4                   design issues.

5                   CHAIRPERSON DONOVAN: Brad forwarded  
6                   that information to us.

7                   MR. DELAUGHTER: The next step, if the  
8                   board feels that this is heading in the  
9                   right direction, would be preparation for a  
10                  fully developed concept plan review by the  
11                  town departments, reviewed by the Planning  
12                  Board, a recommendation by the Town Board,  
13                  action on the PDD amendment and eventually  
14                  back to the Planning Board for final  
15                  planning.

16                  CHAIRPERSON DONOVAN: Kevin, why would  
17                  this still be considered a PDD?

18                  MR. DELAUGHTER: Because it is  
19                  something that does not, as approved  
20                  originally and as presented now, fit in the  
21                  prior zoning with single family  
22                  residential. Certainly the apartment units  
23                  that were proposed originally as well as  
24                  the overall density were not consistent  
25                  with that single family district. I don't

1 know that what was presented here really  
2 would fit within any district that we have  
3 on the books, other than a PDD.

4 CHAIRPERSON DONOVAN: Couldn't this  
5 just go for a variance?

6 MR. DELAUGHTER: I don't think that  
7 for something of this scale that it would  
8 be really appropriate. Again, it is a PDD  
9 already.

10 MS. VAIDA: But is that PDD still  
11 valid if it's been changed?

12 MR. DELAUGHTER: The change to the  
13 plan would require an amendment of the PDD  
14 by the Town Board.

15 CHAIRPERSON DONOVAN: We would have to  
16 send a recommendation to the town board?

17 MR. DELAUGHTER: Yes.

18 CHAIRPERSON DONOVAN: And that being  
19 an amendment to the PDD.

20 Now the originally PDD - I believe  
21 that you talked about a commercial  
22 building, and that was on the estate lot.

23 MR. FINNING: It was a bad idea that  
24 went away.

25 CHAIRPERSON DONOVAN: Yes, and the

1 apartments are gone.

2 MR. FINNING: Yes, the apartments are  
3 gone.

4 I think one of the reasons that it  
5 might be made directed into a PDD  
6 originally was because of the senior  
7 component. I don't know if you have  
8 districts specifically cut out for that,  
9 but I'm sure that that would have density  
10 issues.

11 The six-plexes were part of it. As a  
12 developer, I think that it's been a need of  
13 the community to hear that from our leaders  
14 for years and years that a senior component  
15 is something that we both look for under a  
16 developer. It is a risk for developers to  
17 isolate their market area to seniors but we  
18 agree that we think that the demographics  
19 and the demand for senior housing in the  
20 Town of Colonie are stronger than what is  
21 being provided.

22 CHAIRPERSON DONOVAN: I agree. Again,  
23 the apartments were gone because you  
24 thought that the townhouses would be more  
25 independent for the individuals that were

1 going to live there. Is that why you were  
2 going to do town houses rather than the  
3 apartments?

4 MR. FINNING: The original idea of the  
5 six-plexes was to offer a different mix.  
6 The original thought was that we can get to  
7 more of the demographic. The pricing of the  
8 six-plexes would be less than what the town  
9 homes would be. The downside for the  
10 developer is the concern of the homeowners  
11 association.

12 I'm involved in one up in Malta right  
13 now and as a developer, I can tell you that  
14 it's a sheer nightmare. Dealing with the  
15 state and the AG's office, trying to get a  
16 homeowners association is very, very  
17 difficult.

18 So with that little component to this  
19 project, it really did make a lot of sense  
20 for us to go down that road. That's one of  
21 the things that we had years to think  
22 about. So, it's best for everyone, we  
23 believe, if it's removed at this point.

24 CHAIRPERSON DONOVAN: One of the  
25 things that they did note was the way that

1           it's developed now, some of the town homes  
2           or duplexes or whatever are a lot closer to  
3           the properties on Margaret Drive. I noticed  
4           that you have buffering. You said that you  
5           would have a fence and shrubs; is that  
6           correct?

7                     MR. FINNING: Correct.

8                     CHAIRPERSON DONOVAN: But there is one  
9           house or one duplex that looks like it's  
10          right on the property line on Karen Court.  
11          It looks like the first house in the PDD as  
12          you come off of Maxwell right near the  
13          estate lot.

14                    MR. FINNING: Yes.

15                    CHAIRPERSON DONOVAN: What is the  
16          setback on just that lot?

17                    MR. O'ROURKE: I think they're  
18          25 feet.

19                    MR. FINNING: We're actually toying  
20          with that one.

21                    CHAIRPERSON DONOVAN: I would ask you  
22          to toy with that.

23                    MR. JACOBSON: As we get further into  
24          the design, as Kevin said, we're back at  
25          the concept phase and we have to go back

1 through and readdress our stormwater  
2 issues, set a new length for the roadway,  
3 figure out which way water is going to flow  
4 and all that. At that point both basins may  
5 not be necessary. We may be able to  
6 incorporate the proposed basin area at  
7 which point this would be relocated down  
8 here (Indicating). This is just kind of an  
9 idea to demonstrate that we can get two  
10 access points and we can keep the same  
11 density.

12 I'd like to answer a question and I  
13 don't know who had it. The PDD was changed  
14 by resolution of the Town Board so that's  
15 the zoning right now and that's why it's  
16 the way it is.

17 CHAIRPERSON DONOVAN: It's zoned PDD  
18 right now.

19 MR. JACOBSON: Right.

20 CHAIRPERSON DONOVAN: I know that  
21 you're here for an overall review tonight,  
22 but that one lot concerns me. That's so  
23 close to Karen Court.

24 MR. FINNING: With the design that we  
25 have in front of you tonight, we do have

1           some flexibility to adjust some of the  
2           units where they align. As Jake said, we  
3           give and take with the pond issue and that  
4           could easily afford us the ability to  
5           switch over to what's here now.

6           MS. VAIDA: I have questions  
7           procedurally for Kevin.

8           So, the zoned planned development  
9           district that was approved in '06 was based  
10          upon a certain proposal. This proposal  
11          substantially is different. All new  
12          studies, I would think, need to be done.  
13          It's dramatically different. Doesn't that  
14          change avoid the prior PDD approval since  
15          they're not doing that now?

16          MR. DELAUGHTER: That's why I say that  
17          to go to this plan would require an  
18          amendment of the PDD going forth.  
19          Essentially, you're replacing the concept  
20          that was accepted with the original  
21          document of the PDD with this concept. By  
22          amending the PDD, you're replacing one PDD  
23          with another.

24          MS. VAIDA: I mean, it seems like a  
25          whole new PDD application. You go through

1 the same criteria and standards.

2 MR. DELAUGHTER: Essentially you're  
3 doing a completely new review.

4 CHAIRPERSON DONOVAN: The PDD zone  
5 exists though.

6 MR. LACIVITA: It is a zoning  
7 designation. If you remember back when we  
8 did Mohawk River Estates and we were  
9 specific as to what components they wanted  
10 to put in, were they going to be looking  
11 for a restaurant. We asked them to put in  
12 certain things that they wanted to make  
13 sure that they wanted. As soon as that  
14 changed, they had to come right back before  
15 the board to do it. Mr. Finning is here  
16 tonight because with the roadway change and  
17 everything else, this allows for a  
18 secondary means of egress. He now has an  
19 opportunity to change his originally  
20 approved PDD; which is his only  
21 designation. Now, we just have to go  
22 through the review process again and that's  
23 what we did. It doesn't negate the approved  
24 zoning, but it actually negates the  
25 project.

1 CHAIRPERSON DONOVAN: The zoning still  
2 exists.

3 Kevin, is that what you were saying?

4 MR. DELAUGHTER: As proposed, it's  
5 zoned as a PDD now, and it will continue to  
6 be zoned as a PDD but the conditions where  
7 it can be developed will change.

8 MS. VAIDA: When the PDD was approved,  
9 there is that whole list of criteria that  
10 you go through; impacts on the environments  
11 and all of those test questions that you  
12 look at. That's all different now.

13 MR. DELAUGHTER: Then we'll need to be  
14 looking at those all again.

15 MS. VAIDA: So hypothetically what if  
16 you go through that and find that the  
17 project doesn't meet all that criteria;  
18 then what happens?

19 MR. DELAUGHTER: That would be up to  
20 the Planning Board and the Town Board.

21 MS. VAIDA: So it's not a given that  
22 it's an approved PDD.

23 MR. DELAUGHTER: No.

24 MR. STUTO: Elena, if I could offer  
25 some clarification: It's not like you're

1 changing it from one zone to a different  
2 zone. It's true that a PDD is looked at as  
3 a different zone but it's also specific to  
4 the resolution that's bypassed by the Town  
5 Board. It's got a lot of specifics in it  
6 for that particular project. That doesn't  
7 mean that it's all adaptable to a different  
8 PDD project.

9 MR. O'ROURKE: There are 20 expressed  
10 conditions that they were granted.

11 MR. STUTO: Plus the plan that it was  
12 under.

13 MR. O'ROURKE: That's to accept that  
14 PDD from single family residential. Now,  
15 they have changed that.

16 MR. STUTO: So all bets are off. I  
17 think that's a fair way to characterize it  
18 legally. They can go back to their old  
19 plan. They can continue with that, but it's  
20 not like you're saying that you're going  
21 from COR to ENCOR and you have to meet the  
22 criteria of ENCOR. The word codified  
23 would - - it would be whatever the town  
24 resolution is and you can modify that or  
25 reject it as you see fit as a board.

1 I just want to be clear about that.  
2 It's not speaking in favor or against the  
3 project. I just want the board to have that  
4 same understanding.

5 CHAIRPERSON DONOVAN: I had asked for  
6 and received from Joe that there was a  
7 Planning Board recommendation that was  
8 given back in May of 2006. It's a three or  
9 four page document.

10 Kevin, what happens with this document  
11 now?

12 MS. VAIDA: It's a new application,  
13 basically, right?

14 MR. DELAUGHTER: You would have to  
15 generate a similar document for your  
16 recommendation on this plan.

17 MR. LACIVITA: And Barton and  
18 Loguidice happen to be the town designated  
19 engineer on this one.

20 CHAIRPERSON DONOVAN: Well, you win  
21 tonight, Brad. Tonight is your night.

22 Brad sent us the comments from the DCC  
23 and I know that there are some issues like  
24 the realignment of the fire hydrant and  
25 sprinkler systems in the town houses. I

1 think that was from Fire Safety. Kevin has  
2 comments. DPW has comments. Stormwater,  
3 believe it or not, did not have many. Water  
4 had some comments. All of these would  
5 obviously be addressed as the project went  
6 on.

7 Gentlemen, you have seen them or you  
8 were at the meeting I assume so you're  
9 aware of that, right?

10 MR. JACOBSON: Yes, we're aware of it.

11 MR. FINNING: And I can tell you right  
12 up front that we don't have any issues with  
13 the comments. It was a very fruitful  
14 meeting and the issues that the department  
15 heads raised I thought were valid and I  
16 didn't see any problems meeting any of  
17 their concerns.

18 CHAIRPERSON DONOVAN: There is no  
19 question that the town has been looking at  
20 least over the last two years with the  
21 Carondelet and other senior housing and  
22 this is different from the other ones that  
23 we have seen so far. This is a different  
24 area of town out by Maxwell Road when it's  
25 eventually realigned. So there is certainly

1 a need. I think that we know that there is  
2 a need for this type of housing.

3 The homes themselves - most of your  
4 living arrangements will be on one floor;  
5 is that correct?

6 MR. FINNING: That's correct. The  
7 design right now is that the living would  
8 be on the first floor and the second floor  
9 would be two guest rooms and an additional  
10 bathroom.

11 CHAIRPERSON DONOVAN: I know that Pete  
12 Lattanzio said that the town may require  
13 sliding doors instead of swinging doors for  
14 senior projects for EMS personnel. These  
15 are all things that you're aware of though.

16 MR. FINNING: We are.

17 CHAIRPERSON DONOVAN: Okay. Tom, do  
18 you have any questions?

19 MR. NARDACCI: I have a brief comment,  
20 thanks Jean. I also have two quick  
21 questions.

22 First, Jean, I agree with you that our  
23 comprehensive plan is pretty clear about  
24 the need for development of more senior  
25 housing options in the town. Frankly, in

1 the last two years I think that we've seen  
2 too few projects going forward that are for  
3 the senior community and empty nesters. So,  
4 I think that's a positive.

5 I have a specific question with regard  
6 to the layout being so close to  
7 Albany-Shaker Road and Maxwell Road. Have  
8 you given any thought to sidewalks through  
9 the project or connecting to Albany-Shaker?

10 MR. JACOBSON: We did. As a matter of  
11 fact at the DCC meeting we mulled it over.  
12 It was the opinion of the town at that  
13 point that they probably didn't want  
14 sidewalks through here because if it wasn't  
15 going anywhere, then it's coming down  
16 Maxwell Road anyway. They asked us to put  
17 on the roadway and show you where the  
18 proposed sidewalk was going to be.

19 MR. NARDACCI: Are there plans for a  
20 sidewalk on Maxwell Road after they align  
21 Maxwell Road?

22 MR. JACOBSON: Yes.

23 MR. NARDACCI: Seeing how popular the  
24 sidewalks are along Albany-Shaker Road,  
25 it's one of those few areas of the town

1           where we would have this back for the  
2           conversation about sidewalks. Bob Mitchell  
3           doesn't want them because it's a  
4           maintenance issue, but we have some  
5           planning documents that afford sidewalks in  
6           certain areas of the town and this is an  
7           area of priority. It's just something that  
8           if you have an active senior community  
9           that's going to walk, perhaps they want to  
10          take Albany-Shaker Road. That's just my  
11          thought.

12                   CHAIRPERSON DONOVAN: Now you're  
13          saying that Maxwell Road is going to have  
14          sidewalks by the county anyway. Are you  
15          saying sidewalks from Justin Court down to  
16          Albany-Shaker?

17                   MR. NARDACCI: Yes, within the  
18          development that would be connecting.  
19          That's my opinion.

20                   The other thing is an issue that comes  
21          up regularly. Jean mentioned your lot depth  
22          and there is a number of lots in here that  
23          have abutting neighbors. We want to be  
24          sensitive to new developments that are  
25          coming in on existing residential lots.

1           I see some screening here but I'd like  
2           you to pay particular attention to some of  
3           that screening, especially where you're  
4           abutting some of these directly on other  
5           property owners.

6           CHAIRPERSON DONOVAN: Margaret Drive  
7           and Karen Court appear to be relevant here.

8           MR. NARDACCI: I would encourage you  
9           to seek out the homeowners on those  
10          abutting lots. Maybe they're here tonight  
11          and discuss with them what they're  
12          interested in seeing.

13          MR. FINNING: We did that for the last  
14          proposal and we pretty much put in what  
15          they asked us to do.

16          MR. NARDACCI: Okay, very good.

17          MR. DELAUGHTER: Just so that the  
18          board is aware, there are some new homes on  
19          Alicia Lynn Court where Brizzell's farm  
20          used to be along Maxwell Road that also  
21          abuts the property. We have asked that  
22          those folks be shown on the plans for  
23          further review to make sure that you're  
24          aware that there are other homes out there.

25          MR. NARDACCI: Are they on notice,

1 Kevin, for that?

2 MR. DELAUGHTER: Yes.

3 MR. FINNING: Oh, absolutely.

4 CHAIRPERSON DONOVAN: The rear  
5 setbacks along Margaret Drive and probably  
6 Karen Court are a lot less than they were  
7 on the original plan that you had; is that  
8 correct?

9 MR. FINNING: I don't know if I would  
10 go as far as a lot less, but they go back  
11 and forth as you look at the old drive and  
12 the old cul-de-sacs. They move in and out a  
13 lot more.

14 CHAIRPERSON DONOVAN: Okay, because  
15 I'm looking at a couple of them here that  
16 look like they're pretty close. I don't  
17 know the scale on here. One inch equals  
18 100 feet?

19 MR. FINNING: I don't think that's the  
20 scale that you're looking at.

21 CHAIRPERSON DONOVAN: I was going to  
22 say, that doesn't seem right.

23 MR. JACOBSON: This is the old plan  
24 and some of the lots did move closer and  
25 some of them moved further away. These lots

1 on the other side of this area here  
2 (Indicating) for instance, with a new  
3 alignment of the road - there aren't any  
4 homes behind those few on the end. It's a  
5 give and take but there is no question  
6 about it and we're sensitive to buffering.  
7 As Jim said, we're willing to sit down with  
8 the neighbors and provide whatever they  
9 want.

10 CHAIRPERSON DONOVAN: There is one  
11 home or possibly two on Margaret Drive. One  
12 in particular looks like it would be a  
13 three-unit townhouse that is particularly  
14 close to their backyard. There is also the  
15 one on Karen Court which you said that you  
16 were going to go back and reconsider anyway  
17 because that looks like it's on top of the  
18 structure itself. It looks like it's almost  
19 on top of that property. That isn't fair to  
20 the existing homeowners.

21 MR. FINNING: It's actually into the  
22 end units.

23 CHAIRPERSON DONOVAN: This is  
24 something for you, as we proceed, to know  
25 that we're going to possibly have a problem

1 with.

2 MR. LANE: I have a couple of  
3 questions. First, what is the difference  
4 between what the density is for this to  
5 require the PDD and what it would have been  
6 under a single family? What kicks in the  
7 density issue?

8 MR. JACOBSON: The senior component,  
9 the 55 and over kicked in when this was  
10 2005 or 2006, when we first came in. There  
11 wasn't a provision in the Town Code for a  
12 senior development. We went through it at  
13 one time because the realignment of  
14 Maxwell Road was not in the near future.

15 MR. LANE: So the density doesn't have  
16 anything to do with it.

17 MR. JACOBSON: It may and I don't know  
18 what the single family residential is right  
19 now which has changed since we got the  
20 zoning change.

21 MR. LANE: Well, obviously on the  
22 single family residential it's going to be  
23 a lot lower density.

24 MR. DELAUGHTER: I think that with the  
25 old zoning or current yield it is two

1 units per acre on an unconstrained site.  
2 With the dwellings that you have on this  
3 site, it's probably something similar.

4 MR. STUTO: What's the number?

5 MR. JACOBSON: There are 16 acres, so  
6 30 lots.

7 MR. LANE: And here we're talking 51.  
8 That's a significant difference.

9 Under the planned development district  
10 there are certain things that are required  
11 and I'm not sure that it addresses several  
12 of them; one being a requirement for open  
13 space or at least 35%.

14 There is a requirement for a public  
15 accommodation, links to the community,  
16 innovation of design, connectiveness to the  
17 rest of the community and similarity to the  
18 surrounding community. I'm not seeing that  
19 here at all, to be perfectly honest with  
20 you.

21 MR. FINNING: We could connect to  
22 Margaret Drive through the link. I don't  
23 think that the neighbors would like that.

24 CHAIRPERSON DONOVAN: That's a bike  
25 path of some sort going from your unit over

1           there to Margaret Drive?

2                   MR. LANE:   So the public  
3 accommodations might be a walking path that  
4 goes to the next street?

5                   MR. FINNING:   Yes.

6                   MR. LANE:   And what's the percentage  
7 of greenspace?

8                   MR. FINNING:   Within the lot, it's  
9 certainly greater than the 35%.

10                  MR. JACOBSON:   We meet the 35%. What  
11 the actual number is, I don't have that.

12                  CHAIRPERSON DONOVAN:   Tim, I just want  
13 to say that I could remember that when we  
14 did a project, I think that it was back in  
15 the beginning of 2008, it was off of  
16 Consaul Road.

17                   Remember that one, C.J.; it was  
18 Consaul Road and Crosby Street?

19                  MR. O'ROURKE:   The little one?

20                  CHAIRPERSON DONOVAN:   Right. The  
21 developer came in and he had plans. He had  
22 a street to connect over to Crosby Court  
23 from the new development and the neighbors  
24 on Crosby Court didn't want any part of it.  
25 They wanted a bike path or a walking path.

1           They did not want traffic going from that  
2           development to their street. I don't know  
3           for sure but I would bet that the people on  
4           Margaret Drive would have that same  
5           feeling.

6           MR. FINNING: We spent quite a bit of  
7           time in the last public forum talking about  
8           that and I can assure you that is not  
9           something that our neighbors wanted.

10          CHAIRPERSON DONOVAN: They didn't want  
11          a road.

12          MR. FINNING: No, they did not want a  
13          road.

14          MR. O'ROURKE: They probably didn't  
15          want the bike path.

16          CHAIRPERSON DONOVAN: It's a walking  
17          path.

18          MR. FINNING: I don't know. I didn't  
19          hear anyone say that they were opposed to  
20          that.

21          MR. LACIVITA: If I could just answer  
22          that question with regard to your  
23          greenspace for you, Jim?

24          The proposed PDD has 59.1% of lawn  
25          area. The approved PDD, the prior, had

1           53.4. So they have increased the greenspace  
2           in this design. They've actually reduced  
3           the paved area from 19% to 16.8%.

4           MR. LANE: Well, that's because of the  
5           loss of the apartments and the paving and  
6           all of that.

7           MR. LACIVITA: Right, but the  
8           greenspace has gone up.

9           MR. FINNING: The cul-de-sacs  
10          attribute to most of that difference right  
11          there and the circulation change.

12          MR. LANE: In going forward, I would  
13          certainly like to see a closer look at each  
14          of these requirements within the PDD, under  
15          the plan and how this meets those  
16          requirements.

17          CHAIRPERSON DONOVAN: Right, because  
18          we have to send a recommendation to the  
19          Town Board and it has to be based on those  
20          requirements, so we'll need that  
21          information. There's no question about it.

22          Anything else, Tim?

23          MR. LANE: No, that's it.

24          CHAIRPERSON DONOVAN: Elena?

25          MS. VAIDA: I'm just a little

1           concerned about the density of the project.  
2           There were comments from before in your  
3           original application. There was some  
4           criticism about a PDD creating more usable  
5           open space and recreation areas and I guess  
6           this project doesn't meet that criteria at  
7           all. I don't know if that's been changed at  
8           all in this changed plan or if that's been  
9           addressed or not - the open space.

10                   MR. JACOBSON: The open space has  
11           increased by virtue of the layout. This  
12           intent with the new design was to take  
13           something that was already there. We felt  
14           that while we changed a product from six  
15           unit apartment buildings and incorporated  
16           all ownership, and figured out a way to get  
17           back out to realign Maxwell Road and put  
18           two points of access while not increasing  
19           the density - we thought those were all  
20           good things.

21                   MR. FINNING: I'm a little concerned.  
22           We're here trying to make the project  
23           better and I'm getting a sense from this  
24           board that you don't want us to do that.  
25           I'm really confused by the feedback that

1 we're getting.

2 MS. VAIDA: To me, this is really a  
3 new application and you need to meet all  
4 the criteria of a planned development  
5 district. I'm just looking at what was  
6 submitted originally to try to give you  
7 some feedback and I can tell you that the  
8 density concerns me.

9 MR. FINNING: It hasn't changed. It's  
10 gotten better with the new plan. If I were  
11 here requesting 60 units, I could hear that  
12 comment all day. It's a better layout with  
13 less density with the same number of units  
14 that is already approved.

15 MS. VAIDA: But this is a whole new  
16 application.

17 MR. FINNING: I would differ with you  
18 on that as well; that's your call.

19 MR. LACIVITA: The department comments  
20 that you heard through DCC, is that going  
21 to ultimately change the design of what you  
22 currently had before? You said that the  
23 comments were not that concerning to you.

24 MR. FINNING: As far as I'm concerned,  
25 the comments that were made from that

1 meeting were all comments that we could  
2 implement without any concern. I'll let  
3 Kevin speak because he was in the meeting.  
4 The department heads were very much in  
5 favor of the new design as opposed to the  
6 old deign. Certainly with the fire  
7 departments and all the other concerns that  
8 we had with the approved project with the  
9 new plan, I thought it was a home run with  
10 all the department heads. I'm not sensing  
11 that here.

12 MR. O'ROURKE: Well, I would think so.  
13 Townhouses versus apartments?

14 MR. FINNING: I would think that.

15 CHAIRPERSON DONOVAN: I think that  
16 it's a better living option with the  
17 townhouses. One of the issues that I'm  
18 hearing is that there should be some type  
19 of recreation.

20 MS. VAIDA: This one big lot at the  
21 end - what is that for?

22 MR. FINNING: I said earlier that lot  
23 down there was held back for an estate lot  
24 but with this design, it does give us a lot  
25 of flexibility, as Jean said earlier, to

1           manipulate some of the lots that maybe are  
2           too close to the Margaret Drive people. We  
3           can move units.

4           MS. VAIDA: I think that's what I'm  
5           sort of getting at. The concept is  
6           certainly a good concept; it's just very  
7           densely laid out right now. It does look  
8           like you have some extra room at the end  
9           here now that you could move some things  
10          there or keeping with the open space  
11          requirement. Maybe you and do some sort of  
12          common area park.

13          MR. FINNING: I don't think that I  
14          need to remind you, but this is truly  
15          within walking distance of The Crossings.  
16          That's one of the amenities that make this  
17          project a home run. People can walk out  
18          their door and be at The Crossings in less  
19          than five minutes. So, for us to put a  
20          recreation in a 15-acre parcel when  
21          The Crossings are less than five minute  
22          away -

23          MS. VAIDA: Would you be able to walk  
24          there from here on sidewalks?

25          MR. FINNING: Yes.

1                   CHAIRPERSON DONOVAN: And the town  
2                   library is almost connected to this; is  
3                   that correct?

4                   MR. FINNING: Yes, within walking  
5                   distance.

6                   CHAIRPERSON DONOVAN: That, in and of  
7                   itself is nice for seniors.

8                   MR. LANE: I have one more comment. Is  
9                   there any reason why the street at the far  
10                  end couldn't become a T at Coyote rather  
11                  than the way that it's set up now? It's  
12                  kind of distorted.

13                  MR. STUTO: Line up the streets.

14                  MR. LANE: Line up the streets;  
15                  exactly.

16                  MR. JACOBSON: I think that can be  
17                  done.

18                  MR. O'ROURKE: But Coyote is not a  
19                  town road. Why line it up?

20                  MR. LANE: It has nothing to do with  
21                  whether it's a town road. Traffic wise does  
22                  it make more sense to have the streets  
23                  conjoin at one point rather than the way  
24                  that this is set up? It's just a thought.  
25                  Does anyone have a better thought on this?

1           MR. EASTON: Your point is certainly  
2           valid and from looking at it and our  
3           original design that we had before, we've  
4           taken construction plans of realigning  
5           Maxwell Road. I noticed that and in looking  
6           at that, I think that it should be a T.

7           Monday morning it really kind of hit  
8           me that this seems to be a little bit of a  
9           problem. So, we're just trying to get some  
10          input from you and what you like and what  
11          you don't like.

12          MR. CLARK: There is a constraint  
13          there. There is an existing wetland.

14          MR. LANE: It doesn't necessarily need  
15          to be a straight shot. It could curve.

16          MR. FINNING: It would be better if it  
17          could line up.

18          MS. VAIDA: Did you address the  
19          drainage issues that were raised in the  
20          earlier project?

21          MR. JACOBSON: We did.

22          MS. VAIDA: And how did you adjust  
23          those?

24          MR. JACOBSON: Our stormwater will be  
25          designed in accordance with the DEC

1 regulations and all the stuff that goes  
2 through there. Once we set the roadway  
3 alignment, the high point and the low point  
4 to see where the water is flowing, then  
5 we'll design the stormwater.

6 That kind of leads to your question:  
7 What are we doing down here (Indicating)?  
8 We don't know yet. I've been told that this  
9 could go away, and this could be shifted.  
10 So, until we get a little further in our  
11 design, I can't answer that question but I  
12 can't say that it's going to comply with  
13 everything DEC mandates and everything that  
14 Brad and this board oversees that this town  
15 has.

16 MS. VAIDA: That doesn't really seem  
17 to prevent problems, as we have seen.  
18 Because you were using a lot of the  
19 existing vegetation and changing the  
20 topography of the area there was a concern,  
21 and it seems like a pretty big concern,  
22 about the drainage issue and people having  
23 to use sump pumps.

24 MR. JACOBSON: That's one of the first  
25 things that we go forward and do. Is this

1 area in accordance for having high ground  
2 water? Once we figure out where our  
3 stormwater basins are going to go, we get  
4 our excavator and dig a deep hole and see  
5 if there is evidence of high ground water  
6 modeling, or if we suspect that in some  
7 spots it will be and we'll adjust our BMP  
8 practice to accommodate that. DCC has  
9 several options that we can use and we  
10 don't do that in a vacuum. We work with the  
11 town and then we turn it over to Barton and  
12 Loguidice and Brad reviews that in  
13 conjunction with us.

14 CHAIRPERSON DONOVAN: That would be  
15 your test pits.

16 MR. JACOBSON: Yes.

17 MR. CLARK: There is known high ground  
18 water in this area, particularly here.

19 There are no basements proposed for  
20 the development?

21 CHAIRPERSON DONOVAN: This will be on  
22 a slab?

23 MR. FINNING: We're leaning towards a  
24 slab, but that's not been decided yet.

25 CHAIRPERSON DONOVAN: How wide is the

1 street? Is Justin Street 24 feet or 26 feet  
2 wide?

3 MR. JACOBSON: It's a standard town  
4 road; 32 feet wide.

5 CHAIRPERSON DONOVAN: Do these units  
6 have driveways and parking garages?

7 MR. JACOBSON: Yes, they do.

8 CHAIRPERSON DONOVAN: They all have  
9 garages?

10 MR. FINNING: Two stalls for each  
11 unit.

12 CHAIRPERSON DONOVAN: Mike?

13 MR. SULLIVAN: I had a few questions.  
14 One is a continuation of Elena's.

15 Will the stormwater management areas  
16 be retention basins or detention basins?

17 MR. FINNING: Detention.

18 MR. SULLIVAN: Okay, because there was  
19 some mention here that they may be  
20 retention basins.

21 MR. JACOBSON: That's an oversight  
22 from the two things that we had put  
23 together. In fact, I think that calls out  
24 for an HOA, which is left over from the  
25 previous area.

1                   MR. SULLIVAN: Because that concerned  
2 me especially with the existing land  
3 owners; I would not want to see a retention  
4 basin.

5                   Do we have any traffic numbers or trip  
6 generation numbers and how that would  
7 impact with the realigned Maxwell Road? Do  
8 we have any sense of what the a.m. and p.m.  
9 peak hour traffic counts would be here?

10                  MR. JACOBSON: We do have that and I  
11 don't have it off the top of my head. The  
12 number that comes to mind was 17 in the  
13 a.m.

14                  MR. SULLIVAN: I would just like to  
15 see how it works out because I'm concerned  
16 about the proposed use and high traffic  
17 area potential for accidents.

18                  I did have a question that was similar  
19 to Tim's with the other roadway that's near  
20 Coyote Avenue and with the site distance.  
21 I'd like to see that basically come to a  
22 90 degree intersection or better alignment  
23 there. It seems like that's been an issue  
24 already.

25                  CHAIRPERSON DONOVAN: Is this going to

1 be a roundabout? Am I looking at this  
2 right?

3 MR. SULLIVAN: On Albany-Shaker, yes.

4 MR. JACOBSON: We did talk about the  
5 sight distance at our meeting last week  
6 with the town. Unfortunately, we can't rely  
7 on any analysis because Maxwell Road has  
8 not been built yet. We are going to kick  
9 around some ideas and we're going to look  
10 at the site distance as it is existing and  
11 then put a number to that. I think that  
12 you're gong to find that you're going to  
13 have somewhere in the threshold of 45 to  
14 50 miles per hour. It's posted 30 miles an  
15 hour and that should give us some sense.

16 MR. DELAUGHTER: You might take the  
17 numbers on the existing alignment of  
18 Maxwell Road and at least you'll get a  
19 sense of what's happening.

20 CHAIRPERSON DONOVAN: C.J., you're on.

21 MR. O'ROURKE: I think that this is a  
22 great project. I wish it was around a  
23 couple of years ago. I'd have my folks in  
24 there with the library right there and The  
25 Crossings. I think that it's a perfect spot

1 for it because it is wetland down there.

2 The other side, Brad, is wet too - up the  
3 Coyote side. There are always puddles.

4 If you drive Maxwell especially in the  
5 winter it doesn't even freeze up there.

6 That water comes out in the winter. So, I  
7 was concerned about the wet areas and  
8 certainly you guys are developing it. I  
9 would love to see what the test pit results  
10 are because I think that basements are  
11 going to be a big problem.

12 The estate lot - I'm glad that there  
13 was some clarification. I thought it was  
14 like King Arthur and the fiefdoms. I would  
15 not be in favor of an estate lot in a  
16 project like this only because if we're  
17 saying that it's 55 and older and it's a  
18 senior housing area, why designate one spot  
19 for somebody to own two acres of land? In  
20 terms of the overall equity of the  
21 attention of the PDD, I'm not sure that the  
22 estate lot fits.

23 Now, you guys are telling me that it's  
24 going to be for SWPP or whatever ends up  
25 down the road and I think that's smart.

1           In my opinion, I would remove the term  
2           estate lot because I don't think that it  
3           fits within the context of what you're  
4           trying to do in the PDD.

5           The sight distance - I had a note on  
6           that as well. I was wondering how you were  
7           going to get that through the woods  
8           presently because Maxwell is not in but  
9           honestly I'm 100% behind the PDD on this  
10          section of property. I think that it's a  
11          great use. I think that it's a much needed  
12          commodity. Honestly, I think that this  
13          project will sell out in six months. I  
14          think that there is such a need in this  
15          town for properties like this and it's much  
16          better in my opinion than apartments.  
17          Again, I have folks at that age and I'd  
18          much rather see ownership rather than  
19          rental within this section in this area of  
20          the town.

21                 That's all I have, Jean.

22           CHAIRPERSON DONOVAN: Did you tell me  
23           that this is going to be a homeowners  
24           association that was going to run this; am  
25           I correct?

1 MR. O'ROURKE: No, not any longer.

2 MR. FINNING: It would have been  
3 required if we had gone forward with the  
4 apartments or the condo units.

5 CHAIRPERSON DONOVAN: But as this, it  
6 will not need a homeowners association.

7 MR. FINNING: It will be all  
8 ownership.

9 CHAIRPERSON DONOVAN: Kevin, does that  
10 post any difficulties for the town that you  
11 can see?

12 MR. DELAUGHTER: No, I don't see any  
13 problems.

14 CHAIRPERSON DONOVAN: Anybody have  
15 anything else?

16 ***(There was no response from the board.)***

17 CHAIRPERSON DONOVAN: Gloria?

18 MS. KNORR: This is what's left of the  
19 [SIC] Miazda farm. My mother's best friend  
20 was the daughter and I know that she'd be  
21 very happy with a project like this.

22 I like the density because I am a  
23 proponent of preventing suburban sprawl. We  
24 need housing like this. I am sorry that you  
25 don't have the apartments. I realize the

1           thing with the apartments.

2                   I have 13 acres across from this  
3           project and I would like to see apartments  
4           because you cannot always take care of a  
5           place.

6                   I'm also interested in affordability.  
7           So, I'm interested to know what the price  
8           would be for this. Also, as a developer  
9           what can we do to help developers do  
10          affordable housing? My answer is that I've  
11          read books on it. This is a wonderful  
12          project and I'm interested to know what the  
13          prices will be.

14                   There are many of us with health  
15          problems or spouses or widows or caregivers  
16          and I want to mention that. What is so good  
17          about the townhouses here is that the  
18          person can really live sufficiently  
19          downstairs. But with those two bedrooms and  
20          the bathroom upstairs, a caregiver - I was  
21          a caregiver for 16 years and this would be  
22          so nice for a caregiver. The thing is that  
23          you can hire someone or have family that  
24          could have their own bedroom and a  
25          bathroom.

1                   So, I'm really in favor of your  
2 project.

3                   MR. FINNING: Thank you.

4                   CHAIRPERSON DONOVAN: Anyone else?

5                   Yes, sir.

6                   MR. MONTAVON: My name is Virgil  
7 Montavon and I live at 40 Margaret. Are we  
8 starting new with this? Is this an an  
9 amendment to the original plan? I couldn't  
10 quite follow you.

11                   CHAIRPERSON DONOVAN: I think that was  
12 part of the discussion and I believe that  
13 we are starting new, is that right?

14                   MR. STUTO: The point that I was  
15 making is that it's an amendment to the  
16 plan but the review by this board is the  
17 same. This board has to approve it and then  
18 the Town Board has to approve it and then  
19 it comes back again to this board for final  
20 site plan review. The criteria for this are  
21 the same.

22                   The board does have the option of  
23 sticking to the PDD that's already on the  
24 books or reviewing this as if it were a new  
25 one. It amounts to the same thing.

1                   CHAIRPERSON DONOVAN: That's why  
2 they've come here tonight to see if we  
3 would review the new concept.

4                   MR. MONTAVON: The walkway is not  
5 going to be an emergency access?

6                   MR. FINNING: It is not. That's a  
7 definite.

8                   MR. MONTAVON: I'm so very  
9 disappointed. There are people sitting here  
10 and there should have been an ample supply  
11 of maps for them to look at.

12                   I think that Jean brought it up. I  
13 would look at three houses that look to be  
14 a problem. There was a lot of time spent on  
15 the other problem. You're talking about  
16 leaving more buffer room. This has really  
17 voided the whole original plan.

18                   Another comment that I have is that I  
19 really enjoy the other property was  
20 converted to a development. I was at the  
21 same meeting. I don't think that any of you  
22 were here. It was the same board and I  
23 asked very pointed question: Is there going  
24 to be a lot of fill moved in? Absolutely  
25 not. The first day that the project came in

1           there were semi loads - - and they weren't  
2           the average semi. They were the size of a  
3           small railroad car. All day long they were  
4           lined up in the road for two days from six  
5           in the morning till about 8:00 at night  
6           every day.

7                     I called the town and they said that's  
8           the way that it was planned and that there  
9           was no grading. After we approve the plan,  
10          they can do what they want.

11                    I think that we've listened here for  
12          an hour and a half on water and so forth  
13          and I think that you need to give a lot  
14          more consideration to this. I've seen what  
15          happens here and everybody has talked about  
16          wetlands and grading. What are we going to  
17          do with the water? That's a problem.

18                    The new development is going to have  
19          basements? Where is this water going to go?  
20          It's going to go in these basements. If  
21          this is suitable for building houses, I  
22          believe that there should be basements so  
23          that we have an equal balance here. This is  
24          unfair to all of the neighbors to build up  
25          this area with no basements because they

1 know it's too wet. One hundred feet over,  
2 we have a basement.

3 All this stuff is going to come in  
4 here and the town wants to avoid problems  
5 that they said they have in project three.  
6 You're looking at the same potential grade  
7 here. We saw that before with the other  
8 board members and really no concern was  
9 given to it. I'm bringing it up again.

10 If this is not suitable for basements,  
11 then this is not going to be suitable 100  
12 feet away after we have the next rain when  
13 this development goes in.

14 MR. O'ROURKE: Can I ask you a  
15 question? Alicia Lynn - that development  
16 created problems on Margaret?

17 MR. MONTAVON: it hasn't yet. It  
18 hasn't been finished. I don't want this to  
19 be built up like Alicia Lynn was. I was  
20 flat out told by the developer that there  
21 was going to be no fill brought in. As soon  
22 as it's all signed, they can do what they  
23 want. I think that's a problem. Apparently  
24 that's a problem in the town that maybe has  
25 never been addressed before.

1           I heard comments about filling in the  
2           swale. They can do what they want. Once  
3           these people own the property, they can do  
4           what they want. They can build it up and  
5           that will affect Margaret and Karen.

6           If this is not suitable for basements,  
7           then you're going to have problems on  
8           Margaret. I really want you to consider  
9           this because when you place something you  
10          could end up in two or three years saying  
11          well, we made a mistake.

12          I really do have to be concerned about  
13          several houses which were not looked at. I  
14          really wish that you would give that more  
15          attention.

16          I probably would have some more  
17          questions, but that's it for now.

18          CHAIRPERSON DONOVAN: They actually  
19          may be able to be moved over to the estate  
20          lot. It could take them right off the one  
21          that's on the other corner near Karen Court  
22          and the two end units on Justin.

23          MR. MONTAVON: You mentioned that  
24          there is more greenspace but all the  
25          greenspace is over here, really

1 (Indicating). It is really imbalanced.

2 MR. JACOBSON: Let me address just a  
3 couple of things there. To speak of the  
4 estate lot, that was put in there because  
5 that was in the first PDD. We've heard your  
6 concerns and we'll get rid of that. That  
7 does allow us to have some flexibility to  
8 move stuff around, which is really the  
9 point of getting comments from the board.  
10 We have heard it from the town and now  
11 we're getting it from you folks.

12 If I could ask, where is your house?

13 MR. MONTAVON: Right here

14 (Indicating).

15 MR. JACOBSON: Is your basement dry?

16 MR. MONTAVON: Yes.

17 CHAIRPERSON DONOVAN: Yes, sir.

18 MR. RIVERS: Hi, I'm Leo Rivers and I  
19 live at 601 Albany-Shaker. I'm the only  
20 house next to it.

21 I just want to say that I have like  
22 500 roses in the front. I work on them  
23 three or four hours a week. Whenever Jim  
24 comes over he'll look over and say hi, or  
25 do you have any concerns, or are you

1 worried about anything? He says here is my  
2 name and number. Give me a call and I'll  
3 address whatever problems you have. I just  
4 want to say, unlike the previous people  
5 that were here, Jim seems to me to be a  
6 very concerned person about the neighbors  
7 next door.

8 That's all I wanted to say.

9 MR. O'ROURKE: And I think that's very  
10 important as we go forward. My hat is off  
11 to you for reaching out to the neighbors.  
12 That's how smart development should be done  
13 in this town.

14 CHAIRPERSON DONOVAN: The gentleman  
15 with the glasses.

16 MR. DEFELICE: Tom DeFelice, I live at  
17 6 Karen Court. I happen to be the one  
18 that's on the point there with the four  
19 unit area where that unit is real close  
20 (Indicating).

21 How did you address the ground level  
22 right now as far as fill goes? Are you  
23 going to do anything like? Cameron Court,  
24 as it affects me and everybody on Karen  
25 Court is lower than Margaret Drive by two

1 feet already. So, I don't know what your  
2 plan is. It's wet all the time there. I  
3 don't know what your plan is to address  
4 that.

5 MR. JACOBSON: I can't address fill  
6 because to be honest with you, we don't  
7 have that level of design done yet. With  
8 the previous design, there were swales, if  
9 you recall, along your back that brought  
10 down the stormwater area that discharged  
11 the other way away from your area. No water  
12 is allowed to leave our property. It was  
13 just inside of the fence which is exactly  
14 the same place as it was before.

15 MR. DEFELICE: My suggestion to you is  
16 to come in spring thaw. That's when most of  
17 the water is there.

18 FROM THE FLOOR: We have a sump pump  
19 and we have water all the time.

20 CHAIRPERSON DONOVAN: Karen Court  
21 seems to be the problem where Margaret  
22 Drive doesn't seem to have the extent of  
23 the problems.

24 MR. O'ROURKE: Karen Court is  
25 definitely lower.

1                   MR. DEFELICE: What's the grade going  
2 to be for the unit behind us? Is it going  
3 to be whatever the finished grade is or is  
4 it going to slope towards us?

5                   MR. JACOBSON: Again, the houses that  
6 are a foot and a half higher in the  
7 centerline of the road, that's just the way  
8 that it goes. If the road is at 10 and this  
9 is at 11 ½ the backyard is going to slope  
10 away from the house. That's where your  
11 swale interrupts things and brings things  
12 back to wherever our BMPs or stormwater  
13 treatment areas are going to be.

14                  MR. DEFELICE: My final comment is  
15 that I'd like to echo what Mr. Montavon  
16 said. I don't want to see a repeat three  
17 years like we had with this other  
18 development.

19                  MR. O'ROURKE: Understand that the  
20 difference is that now we have a town  
21 designated engineer and Brad will be  
22 working on this project. He works for the  
23 town now.

24                  MR. NARDACCI: He's a stormwater  
25 expert.

1                   MR. O'ROURKE: So if it's done  
2 properly, it will be better than it was.

3                   CHAIRPERSON DONOVAN: It's going to  
4 alleviate the problems.

5                   MR. O'ROURKE: Right, and not create  
6 what happened there.

7                   FROM THE FLOOR: A problem like this  
8 happened before. We have a brand new house  
9 and we were told that there will be no  
10 problems. Our first fall we had water in  
11 our basement. They told us that we wouldn't  
12 have any problems.

13                   CHAIRPERSON DONOVAN: Yes, sir.

14                   MR. KOLACH: Steve Koclach,  
15 24 Margaret.

16                   I know that we've worked really long  
17 and really hard with you on the old plan  
18 and a lot of magic was performed. A lot of  
19 work was put into the water. My concern is  
20 that some of that rubber is going to bend  
21 back out again towards my property.

22                   CHAIRPERSON DONOVAN: Where is his  
23 lot?

24                   MR. JACOBSON: Right here  
25 (Indicating).

1                   CHAIRPERSON DONOVAN: That's the three  
2                   unit that we're looking to move someplace  
3                   else, is that correct?

4                   MR. JACOBSON: Yes.

5                   We have the ability to move that stuff  
6                   around. Three or four years ago we were at  
7                   the same point and when we got feedback we  
8                   changed things. We came back and came  
9                   together on that and it worked out pretty  
10                  well.

11                  CHAIRPERSON DONOVAN: The lady in the  
12                  green shirt.

13                  MS. TIBBITTS: Dody Tibbitts and we're  
14                  at the beginning of 8 Margaret Drive. I  
15                  would say that probably at 6 and 8, we have  
16                  sump pumps there. Over the last couple of  
17                  years, we have had major water there. It's  
18                  been unbelievable. We've had some major  
19                  problems with water there.

20                  I guess part of the biggest concern  
21                  now is that you're not talking about the  
22                  layout of a nice vacant spot that you have  
23                  there and how that's going to effect us and  
24                  of course the buffer zone. We did come to a  
25                  meeting for three years and for three years

1 we talked about the buffer zone. I don't  
2 really remember when we walked out of that  
3 meeting what exactly we agreed upon as far  
4 as a buffer zone is concerned. I personally  
5 would like to know if you know what that  
6 is.

7 MR. FINNING: My recollection is  
8 evergreens. We were going to put in some  
9 evergreens.

10 Some people wanted fences, other  
11 people didn't want fences, some people  
12 wanted berms.

13 MS. TIBBITTS: I see that they're  
14 already starting to clear a lot of the  
15 area.

16 MR. FINNING: We had to remove all the  
17 existing structures for fire safety. Kids  
18 were getting in there.

19 MS. TIBBITTS: So you can clear those  
20 woods right up to our property line?

21 MR. FINNING: If we have to for the  
22 grading, we want to work with all the  
23 neighbors to put back what you want to put  
24 back. That's not foreign to us. We did it  
25 in our first plan and we'll do it again.

1           So, if you have a preference - whether it's  
2           a fence, or evergreens, or lilac bushes,  
3           we'll put there what you want.

4           MS. TIBBITTS: Mainly it's going to  
5           depend on what it is that you finally  
6           decided that you want to put there. If you  
7           put units in there, that might effect what  
8           we want.

9           MR. JACOBSON: But we're not proposing  
10          six-unit buildings and a parking lot.

11          MR. JACOBSON: This is a much, much  
12          softer use.

13          MR. FINNING: To reiterate what C.J.  
14          said, if everybody does their job right;  
15          the town engineers, our engineers - - and  
16          we're also builders - your water problem  
17          should get better.

18          FROM THE FLOOR: Hi, I live on 3 Karen  
19          Court.

20          MR. JACOBSON: Which one is it?

21          FROM THE FLOOR: Three is the second  
22          one in. Three years ago I was told that  
23          there wouldn't be anything for at least 100  
24          to 200 feet. The way my pie-shaped lot is,  
25          I would have three units behind me and that

1 cul-de-sac.

2 MR. FINNING: You're in the middle.

3 FROM THE FLOOR: Yes.

4 MR. JACOBS: It looks like to the  
5 alcove that you're about 75 feet.

6 MR. FINNING: With that piece of land  
7 if we do our job and make everybody happy,  
8 we'll soften this impact here (Indicating)  
9 on you and shift through and work more with  
10 the other end.

11 FROM THE FLOOR: What is the next step  
12 with regard to the buffering?

13 MR. FINNING: We'll take the comments  
14 that were given to us here and we'll go  
15 back and work on our plan.

16 MR. NARDACCI: As per my comment  
17 first, if you would, talk directly to the  
18 residents. You say that you've talked to  
19 some of the other ones. Here is maybe a  
20 resident that you haven't dealt with  
21 before. Let's try to work out what kind of  
22 screening that you'd like to see. We've  
23 done this on a lot of projects. It comes up  
24 regularly. Whenever there's a new  
25 residential development that abuts an

1 existing, that buffering is very important.  
2 There are places where there are trees.  
3 Let's try to keep the trees, if we can.

4 MR. FINNING: If we can, we would. It  
5 certainly works for everybody.

6 MR. NORRIS: I'm Bill Norris,  
7 26 Margaret Drive. I'd like to speak to the  
8 subject of corresponding with the  
9 residents. Is there a way that we can set  
10 up a form for questions and you can get the  
11 answers for us?

12 MR. FINNING: I can give you my e-mail  
13 address and we can exchange e-mail.

14 MR. NORRIS: It's a convenient way to  
15 do this instead of leaving a message on  
16 somebody's phone. And if you send me an  
17 e-mail, there is it in words.

18 MR. FINNING: I'd be happy to do that.

19 MR. O'ROURKE: Who is going to  
20 maintain the properties?

21 MR. FINNING: Maintain the property as  
22 it's built out?

23 MR. O'ROURKE: Yes.

24 MS. VAIDA: I was just asking C.J.  
25 this. If I understand you correctly, it's

1 no longer going to be a homeowners or  
2 condominium -

3 MR. FINNING: No, it will be all  
4 owned. It will be individually owned.

5 MR. NARDACCI: So it would be the  
6 owners of the town homes to maintain their  
7 own properties and mow their own grass?

8 MR. FINNING: That's correct.

9 MS. VAIDA: I'm just wondering why you  
10 abandoned that idea. With elderly people,  
11 one of the advantages of moving into a  
12 complex like this is that you don't have to  
13 worry about all the maintenance because you  
14 belong to an association. This is going to  
15 have the same problem that you would have  
16 if you were an individual homeowner. I'm  
17 just wondering why you abandoned that idea.

18 MR. FINNING: There are a lot of  
19 disadvantages with a homeowners association  
20 as well. One of the things foremost for us  
21 is saying well, it's a timing issue. It can  
22 take up to two years to actually set one up  
23 and go through the A.G's office and that  
24 certainly is not in any developer's favor.

25

1           The ongoing operation of a homeowners  
2           association is that you need to set up four  
3           directors. It's a whole process.

4           CHAIRPERSON DONOVAN: So how are you  
5           going to sell these just to seniors?

6           MR. FINNING: The town's designation  
7           is a senior PDD. It's allowing only 55 and  
8           older. The only form of discrimination that  
9           the government allows is for the  
10          designation of senior property.

11          CHAIRPERSON DONOVAN: Who enforces  
12          that?

13          MR. FINNING: It's in the deed for  
14          purchase.

15          CHAIRPERSON DONOVAN: So I would have  
16          to show you my birth certificate.

17          MS. VAIDA: I guess the only thing  
18          that concerns me a little is the removal of  
19          the homeowners association. That seems to  
20          be to be an important factor.

21          You were saying, gee, I would have  
22          moved my parents there but people don't  
23          want to worry about those issues.

24          MR. FINNING: There are just as many  
25          people that don't want to pay that fee

1           either.

2                   MR. O'ROURKE: My mother-in-law is 82  
3           and she'd mow her own lawn.

4                   MR. FINNING: I live in a homeowners  
5           association and I can tell you that there  
6           is nobody in my homeowners association that  
7           feels like they are getting their money's  
8           worth when they pay their dues. It's not as  
9           clean cut as you think. Oh, someone is  
10          going to cut the grass and I don't have to  
11          worry about it. Somebody has to pay for it  
12          and somebody has to administrate it. The  
13          state has 1,000 strings attached to it.

14                  MS. VAIDA: So there is not going to  
15          be any common area then?

16                  MR. FINNING: There really isn't. It  
17          will be all deeded off.

18                  MS. VAIDA: And the sidewalks, I  
19          guess, are maintained by the town.

20                  MR. FINNING: It should be maintained  
21          by the town if we put them in. It's the  
22          prerogative of the people that we met with  
23          the other day that would be more of a  
24          negative than a positive.

25                  We are not opposed to putting in the

1 sidewalk, if that's what you want to do.  
2 We actually proposed them on the plan.  
3 We're not taking that off to save money.  
4 We're following the town's recommendation  
5 that they would be happier with the  
6 sidewalks.

7 MS. VAIDA: I actually like sidewalks,  
8 also.

9 What about the parking? There was an  
10 issue before with the parking requirements  
11 that you're supposed to have two spaces per  
12 place?

13 MR. JACOBSON: There will be driveways  
14 and garages.

15 MS. VAIDA: Why was it an issue  
16 before?

17 MR. JACOBSON: I think it was because  
18 of the apartments and parking on the  
19 street. Nobody wanted to see parking on the  
20 street.

21 MS. VAIDA: So there will be parking  
22 on the street the way that this is  
23 proposed?

24 MR. JACOBSON: No, I don't think  
25 that's an issue. There are four parking

1 spaces per unit and two-car garages.

2 MR. FINNING: Every unit has a two-car  
3 garage. The car in the garage affords you  
4 two more spaces off the street.

5 CHAIRPERSON DONOVAN: So Kevin, they  
6 have all of our input and they have heard  
7 from the neighbors and are going to be  
8 working with the neighbors. Our next step  
9 is to come back with plans.

10 MR. LACIVITA: They have to respond to  
11 DEC comments.

12 CHAIRPERSON DONOVAN: Yes?

13 MS. KNORR: I've went to every town  
14 comprehensive meeting and I noticed that it  
15 was discouraged to have cul-de-sacs. Why  
16 was Mr. Marini able to do a cul-de-sac with  
17 six houses?

18 When you're a senior, you don't need  
19 big yards. You don't need a basement. Many  
20 raised ranches are horrible for seniors  
21 because you have to walk up so many steps  
22 to get to your bedroom. There are raised  
23 ranches in Colonie and there are different  
24 kinds of homes on cul-de-sacs. There are  
25 more rules now and they're going to do this

1 right. They are agreeable and we have this  
2 need.

3 I just wondered about the price. I  
4 know you don't have the price yet but to  
5 make your living, you know roughly what you  
6 have to price them.

7 MR. O'ROURKE: He's a developer. He  
8 knows the price. You better know the price.

9 MR. FINNING: The price changes every  
10 day.

11 MR. O'ROURKE: Ballpark.

12 MR. FINNING: Ballpark, we're shooting  
13 for the mid 3's. That's what we're shooting  
14 for. I don't want to be held accountable  
15 for that if something unforeseen happens.  
16 Although we're leaning towards slabs and  
17 not basements, that has an effect on how  
18 long this process takes. It has a huge  
19 effect.

20 I had to pay a lot of money for that  
21 pig farm. I bought it five years ago. I  
22 have been carrying it and waiting for  
23 Maxwell Road and waiting for this town to  
24 give me the approval to do this project.  
25 Every day that goes by runs my costs up

1 higher and higher and higher. There are a  
2 lot of factors that go into price and to  
3 tell you an exact number today, I can't.

4 MS. KNORR: How could the town help  
5 you to get the price lower?

6 MR. FINNING: It has a lot to do with  
7 the time and the approvals. The previous  
8 board and previous administration held my  
9 feet to the approval of the new Maxwell  
10 Road. We were in agreement with that  
11 because that works best with the project  
12 and it works best with all the neighbors of  
13 this project because this road here  
14 (Indicating), this connector piece through  
15 your neighborhood was put there so that I  
16 could do this off of your piece. So, the  
17 Town of Colonie historically does not  
18 land lock property.

19 MS. KNORR: Oh, yes they have.

20 MR. FINNING: Well, they didn't  
21 landlock this piece and that's what this  
22 opening was for. We understand that and we  
23 didn't want to do anything to be bad  
24 neighbors so we have been patiently waiting  
25 for Maxwell Road to happen. Every day that

1 goes by is more money. I'm paying the taxes  
2 on those 16 acres. I'm paying the  
3 insurance. I just spent over \$50,000 taking  
4 down all the old structures and cleaning up  
5 the property. So, all of those costs have  
6 to go into the cost of these.

7 CHAIRPERSON DONOVAN: I will tell you  
8 that the Shaker Road realignment is  
9 supposed to be going, I believe, in front  
10 of the County Legislature on their next  
11 meeting in August. Of course the county  
12 does have some financial problems.

13 MR. FINNING: We've been told that is  
14 a stimulus road.

15 CHAIRPERSON DONOVAN: Like I said, the  
16 county has some financial problems.

17 MR. NARDACCI: I wouldn't bank on  
18 stimulus money.

19 CHAIRPERSON DONOVAN: It is supposed  
20 to be stimulus money. I think it's  
21 5.1 million.

22 Yes, sir.

23 MR. MONTEBAUM: How many living units  
24 are here?

25 MR. FINNING: That would be 51.

1                   MR. MONTAVON: You mentioned a traffic  
2 study, is that correct?

3                   MR. O'ROURKE: No, Mike did.

4                   MR. MONTAVON: What did you say that  
5 the impact was going to be on traffic?

6                   MR. SULLIVAN: I want to know what the  
7 impact would be. I want to know how many  
8 trips would be generated.

9                   MR. MONTAVON: I thought that he had  
10 some numbers.

11                   MR. SULLIVAN: That's what I'd like to  
12 know - what the a.m and p.m. trip  
13 generation would be.

14                   MR. MONTAVON: Anyone that travels  
15 Maxwell at rush hour, will know that it's  
16 already narrow.

17                   MR. FINNING: I can tell you that I  
18 own three other senior projects and that  
19 traffic coming in an out of senior project  
20 will have the least impact because they are  
21 leaving at different times. They move at  
22 different hours than at rush-hour. The age  
23 is 55 and that's only for one person. One  
24 person has to be 55.

25                   MR. MONTAVON: They could be 55 and

1 still working. I'm 66 and I'm still  
2 working. So, we're talking potentially 100  
3 or more cars. And 100 more cars on  
4 Maxwell Road is a lot of cars.

5 MR. JACOBSON: I have to tell you that  
6 there has to be less than 20. We're going  
7 to provide the board, though, with all of  
8 that information.

9 MR. MONTAVON: I question that to the  
10 board.

11 CHAIRPERSON DONOVAN: Well, we'll get  
12 that when we get all the traffic report.

13 MR. MONTAVON: One other thing that  
14 was mentioned was that the back of the  
15 houses were going to run off towards  
16 Margaret and there was going to be a swale  
17 back there. Please consider these seriously  
18 before you get into more trouble.

19 CHAIRPERSON DONOVAN: Brad will look  
20 at it for us.

21 MR. MONTAVON: I'm still upset about  
22 no basements in these houses next to all of  
23 the houses that already have water  
24 problems.

25 CHAIRPERSON DONOVAN: Thank you all.

1 We'll go to the next phase whenever we're  
2 ready, Kevin. They'll have to go back and  
3 address all the comments that we had  
4 tonight and the comments of the people.

5 MR. DELAUGHTER: We would ask the  
6 applicant to do another notification of the  
7 neighborhood when they come back in.

8 CHAIRPERSON DONOVAN: Okay, there will  
9 be another notification.

10 MR. MONTAVON: Some people didn't get  
11 the notification. I'm not saying that they  
12 weren't out there, but they were left in  
13 doorways and they get blown away.

14 MR. FINNING: I personally hand  
15 delivered every one.

16 MR. MONTAVON: There was no question  
17 that they were going around the  
18 neighborhood.

19 CHAIRPERSON DONOVAN: Okay, thank you  
20 all.

21

22 ***(Whereas the proceeding concerning the***  
23 ***above entitled matter was adjourned at***

24

***10:09 p.m.)***

25

**CERTIFICATION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*I, NANCY STRANG-VANDEBOGART, Notary  
Public in and for the State of New York,  
hereby CERTIFY that the record taped and  
transcribed by me at the time and place  
noted in the heading hereof is a true and  
accurate transcript of same, to the best  
of my ability and belief.*

-----

**NANCY STRANG-VANDEBOGART**

*Dated August 21, 2009*