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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

MAXWELL ROAD PDD

605 ALBANY-SHAKER ROAD AND 210 MAXWELL ROAD

CLAIRIFICATION FOR LOT #2 JORDAN ROAD

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY STRANG-VANDEBOGART, a Shorthand Reporter, commencing on December 18, 2012 at 7:00 p.m. at The Public Operations Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
TIMOTHY LANE
LOU MION
BRIAN AUSTIN
KAREN GOMEZ
MICHAEL SULLIVAN

ALSO PRESENT:

Elena Vaida, Esq., Counsel to the Planning Board

Joe LaCivita, Director, Planning and Economic Development

Michael Tengeler, Planning and Economic Development

Allegra Edelman, Esq., Town Attorney's Office

1 CHAIRMAN STUTO: Welcome everybody to the opening
2 of the Town of Colonie Planning Board meeting. We have
3 a couple of things to attend to before we start.

4 Mike Tengeler, did you want to discuss financial
5 disclosure?

6 MR. TENGELER: Yes, per the memorandum from the
7 Town Board, I'm going to pass out tonight the 2012
8 disclosure forms. There is a deadline of January 31st
9 that the form has to be completed by; that's 2013.

10 CHAIRMAN STUTO: Let me ask you a question that
11 you may not know. If nothing has changed, is there a
12 form to fill out to say that nothing has changed from
13 last year?

14 MR. TENGELER: I'm going to defer to Allegra.

15 MS. EDELMAN: No, there is not; I'm sorry. If you
16 kept a copy of yours from last year, you could --

17 CHAIRMAN STUTO: You could photocopy it and sign
18 it fresh.

19 MS. EDELMAN: Sure. Do the certification on the
20 signature page.

21 MR. LANE: Is this the same as the Ethics Board?
22 Is that the one that you're talking about?

23 MS. EDELMAN: If you already received a financial
24 disclosure form, you may be all set.

25 MR. LANE: Does this go to Ethics?

1 MS. EDELMAN: Yes. It's two names for the same
2 thing, Tim.

3 CHAIRMAN STUTO: I understand that there is a call
4 for a public hearing. Elena, do you have that notice?

5 MS. VAIDA: Yes, I do. There is going to be a
6 public hearing on the Jones Special Use Permit and that
7 will be January 8, 2013.

8 MR. LACIVITA: Actually Peter, I just need to
9 have an action on the 2013 calendar so that we can post
10 that up on our web site, if you get a chance. You all
11 have the dates in front of you. You all have
12 calendars. All I would ask for is a motion to have
13 that adopted so that we can put that on the web site.

14 MR. LANE: Can we amend that? I see that we have
15 three meetings scheduled for July including the 2nd and
16 that's a big vacation week. I would prefer that we
17 keep two in July.

18 CHAIRMAN STUTO: How did that end up being three?

19 MR. LACIVITA: Basically, we put it in to go every
20 other week. We didn't go by the holidays that are the
21 school calendars.

22 CHAIRMAN STUTO: I should know this after five
23 years, but it's not second and fourth Tuesday?

24 MR. LACIVITA: We can do that; the 16th and the
25 30th.

1 CHAIRMAN STUTO: Or should we do the 9th and the
2 23rd?

3 MR. LANE: I prefer the 16th and the 30th.

4 MR. LACIVITA: So, we'll just remove the 2nd.

5 MR. LANE: Yes, if that's okay.

6 MR. LACIVITA: We tried to hit every holiday.

7 CHAIRMAN STUTO: You need a vote on that? Is that
8 what you're saying?

9 MR. LACIVITA: Yes, with the change of the 2nd.

10 CHAIRMAN STUTO: In November you have two weeks in
11 a row, is that for Thanksgiving?

12 MR. LACIVITA: It's Election Day.

13 CHAIRMAN STUTO: Other discussion?

14 (There was no response.)

15 CHAIRMAN STUTO: Do we have a motion to adopt the
16 calendar in front of us, deleting July 2nd?

17 MR. MION: I'll make a motion to accept the
18 calendar with the changes as noted.

19 MR. AUSTIN: Second.

20 CHAIRMAN STUTO: Any discussion?

21 (There was no response.)

22 CHAIRMAN STUTO: All those in favor?

23 (Ayes were recited.)

24 CHAIRMAN STUTO: All those opposed?

25 (There were none opposed.)

1 CHAIRMAN STUTO: The ayes have it.

2 Joe LaCivita, did you want to say something on
3 the record?

4 MR. LACIVITA: Actually, a lot of you that have
5 come here over time as well as the Board, I know, has
6 changed a little bit -- but the residents that come get
7 to see a gentleman that sits in the back of the room on
8 occasion that keep control of our activities. Billy
9 has been with us now since, at least I know, 2008 and I
10 know a couple of years beforehand. Unfortunately,
11 Billy is resigning at the end of this year. He's
12 moving on. He's moving with his family up to the great
13 State of Maine. I know that he might go kicking and
14 screaming. We're going to miss him. He's done a lot
15 for us.

16 Bill, I value your friendship that we've had over
17 the years and all the work and the service that you've
18 done for the Town, especially me. It's very much
19 appreciated. We're going to miss you.

20 One other thing before we get started: I know
21 that one of the things that we may take for granted is
22 the fact that the holiday season is before us soon.
23 The lives of 27 families has changed over the tragic
24 events that we know happened in Connecticut. When you
25 have an opportunity, when you're enjoying your holiday

1 season, reflect on the lives and the changes of those
2 individuals. If you don't mind, for a moment, just
3 think about them and we'll carry on.

4 (A moment of silence was observed.)

5 MR. LACIVITA: Thank you.

6 CHAIRMAN STUTO: Thank you.

7 Tim has asked for a moment.

8 Tim, do you have something?

9 MR. LANE: One of our colleagues who has been with
10 us for awhile, Mike Sullivan, who has served on the
11 Town Planning Board for the past four years -- and this
12 is Mike's last meeting. He's requested not to be
13 reappointed at the end of this term due to increased
14 commitments with his family and his job. I just want
15 to say that it's been a pleasure serving with Mike.
16 He's brought a lot of knowledge to the table. We've
17 counted on him a lot especially in regard to the
18 traffic studies because he's had a keen eye on them.
19 He's been very helpful on the GEIS on the agenda
20 because he's the one guy that I could look at and
21 actually pretty much understand what's on it.

22 I would like to offer a Resolution that the Town
23 Planning Board recognize Mike for his service to the
24 Board, and thank you.

25 MR. SULLIVAN: Thank you. It's been a pleasure

1 working with all of you.

2 CHAIRMAN STUTO: Do we have a second on that?

3 MR. MION: I'll second.

4 CHAIRMAN STUTO: Discussion?

5 (There was no response.)

6 CHAIRMAN STUTO: I'd like to also echo what Tim
7 said. It's been a pleasure, Mike. I know you have
8 kids that are getting to that age where they demand a
9 lot more of your attention, but I've really enjoyed it
10 and hope to see you around. Maybe you'll be back.

11 MR. SULLIVAN: Thank you.

12 CHAIRMAN STUTO: Thank you.

13 On the motion, all those in favor?

14 (Ayes were recited.)

15 CHAIRMAN STUTO: All those opposed?

16 (There were none opposed.)

17 CHAIRMAN STUTO: The ayes have it, unanimously.

18 The first item on the agenda is the Maxwell Road
19 PDD, 605 Albany-Shaker Road and 210 Maxwell Road. This
20 is clarification for Lot 2, Jordan Road. This will be
21 presented by our counsel, Elena Vaida.

22 MR. LACIVITA: For the members, what happened here
23 is -- I don't know if you remember when we did the
24 Maxwell Road Planned Development District amendment
25 over the summer. It was one of the conditions which

1 talked about the front yard building setbacks and the
2 other setbacks that applied to the property. We should
3 have included in there two exceptions. The second
4 being for 2 Jordan Court. It was an oversight. The
5 property setbacks are laid out on the plan that were
6 submitted to us and we're not changing anything. We're
7 just including additional language to reflect what was
8 submitted and what was voted on by way of a resolution
9 which you should have in your package. That was drawn
10 up by the Town Attorney's office.

11 CHAIRMAN STUTO: Joe, I don't think that we
12 actually have the resolution. They were still drafting
13 that.

14 MR. LACIVITA: We'll go and get those. They're
15 upstairs.

16 MS. VAIDA: It's letter W and I guess we'll wait
17 until that comes downstairs for you to review that.

18 CHAIRMAN STUTO: This is a minor clarification.
19 We'll vote on it and have copies also.

20 MS. VAIDA: If it's okay, I'm going to skip all
21 the introductory parts, other than to say that it's
22 also entitled written findings for the Maxwell Road
23 Planned Development District, 605 Albany-Shaker Road
24 and 210 and 220 Maxwell Road. It cites the section of
25 law according to Article 13, Section 190-65 to 190-72

1 of the Town of Colonie Land Use Law entitled Planned
2 Development Districts.

3 "The Planning Board shall develop written
4 findings that document the facts and information relied
5 upon to reach its conclusions in rendering a decision
6 on a PDD. On June 5, 2012, the Planning Board adopted
7 findings in connection with the Maxwell Road Planned
8 Development District at 605 Albany Shaker Road and 210
9 and 220 Maxwell Road.

10 Therefore, the Planning Board issues the following
11 clarification to its written findings dated 6/5/12
12 pursuant to Colonie Code Section 190-70, documenting
13 the facts and information relied upon to reach its
14 conclusions in rendering a decision to recommend
15 approval of the Amendment to the Maxwell Road PDD, as
16 more fully appears in the plans entitled "Open Space
17 Area Map" for Maxwell Road Senior Citizen PDD, as
18 prepared by WSP Sells and dated April 23, 2012 subject
19 to the following additional condition."

20 What we did is we added in one more condition
21 that reflects this site. The property setback that was
22 shown on the map. It's under "W."

23 As previously shown on the approved map, Lot 2
24 Jordan Court has dual frontage setbacks and does not
25 meet the already approved setbacks for this PDD.

1 Therefore, the setbacks are hereby amended to be 25
2 feet on Jordan Court and 10 feet on Maxwell Road."

3 CHAIRMAN STUTO: We have a Resolution in front
4 of us. Anybody have any questions on that?

5 (There was no response.)

6 MS. VAIDA: It's really just changing and saying
7 that the Maxwell Road - it's a corner lot and has two
8 front yards, as reflected on the map that was submitted
9 to us and it shows the 10 foot setback on Maxwell. We
10 just failed to approve that language when we discussed
11 the setback requirements of the PDD. So, this corrects
12 that.

13 CHAIRMAN STUTO: Any question on that by the
14 Board?

15 (There was no response.)

16 MR. LANE: This doesn't amend anything --

17 MS. VAIDA: There are no changes. This just
18 reflects what we already approved.

19 CHAIRMAN STUTO: Other questions?

20 MR. LACIVITA: What this allows the developer to
21 do when it comes to building permits is that this won't
22 be kicked back or anything because they don't have the
23 setbacks needed. So, at least we're getting into the
24 record the clarification of what is going to happen.

25 CHAIRMAN STUTO: Other questions?

1 (There was no response.)
2 CHAIRMAN STUTO: Do we have a motion on that?
3 MR. MION: I'll make the motion.
4 MS. GOMEZ: Second.
5 CHAIRMAN STUTO: Any discussion?
6 (There was no response.)
7 CHAIRMAN STUTO: All those in favor?
8 (Ayes were recited.)
9 CHAIRMAN STUTO: All those opposed?
10 (There were none opposed.)
11 CHAIRMAN STUTO: The ayes have it, unanimously.
12 Thank you.

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14 (Whereas the proceeding concluded at 7:14 p.m.)
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CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated January 3, 2013

