

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 CANTERBURY CROSSINGS - PDD

5 RECOMMENDATION TO TOWN BOARD

6 MINOR SITE PLAN AMENDMENT

7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled

9 matter by NANCY STRANG-VANDEBOGART, a Shorthand

10 Reporter, commencing on August 13, 2013 at 7:01 p.m. at

11 The Public Operations Center, 347 Old Niskayuna Road,

12 Latham, New York

13

14 BOARD MEMBERS:

15 PETER STUTO, CHAIRMAN

16 TIMOTHY LANE

17 SUSAN MILSTEIN

18 KATHY DALTON

19 KAREN GOMEZ

20 LOU MION

21

22 ALSO PRESENT:

23 Elena Vaida, Esq., Counsel to the Planning Board

24 Joe LaCivita, Director, Planning & Economic

25 Development

Lynn Sipperly, PE, Sipplerly and Associates

John Bossolini

Chuck Voss, PE, Barton and Loguidice

Matt Vino

Bob Eaton

1 CHAIRMAN STUTO: We'll call this meeting to order.

2 Any preliminary matters that we need to talk
3 about, Joe, before we get into the first agenda item?

4 MR. LACIVITA: No.

5 CHAIRMAN STUTO: Okay, we'll call up the first
6 project; Canterbury Crossings PDD, recommendation to
7 Town Board, minor site plan amendment.

8 Do you want to give us an introduction on this,
9 Joe?

10 MR. LACIVITA: Sure. The applicant has come before
11 us - and actually Resolution 373 of 2013 by the Town
12 Board has asked that the Planning Board make
13 recommendation to relocating the 58 age restricted
14 condos to another phase of the project. Based on our
15 PDD legislation and how constricting it is, they're
16 looking to locate kiosk mailboxes. Currently, they
17 don't reside on the plan or in the plan for putting
18 mailboxes in for the cluster of condominiums. In order
19 for them to get permitted and for those to be built, we
20 have to do this minor site plan amendment tonight which
21 will be, again, relocating the 58 age restriction condo
22 units to another phase of the development and also
23 adding the kiosk mailboxes for the condo locations.

24 With that, I'll turn it over to Lynn Sipperly and
25 John Bossolini.

1 MR. SIPPERLY: Thank you, Joe.

2 Mr. Chairman, as Joe had mentioned, we requested
3 from the Town Board two modifications of the PDD. The
4 area outlined in red here is the condominium phase of
5 the project. (Indicating) The yellow area here is the
6 first phase of the condominium (Indicating). This one
7 is the drawing that is reflected as age restricted; 55
8 and older. This is where the streets have already been
9 put in here and Amedore builders are looking to start
10 construction (Indicating).

11 What we have asked the Town Board is if we could
12 modify the PDD drawings to take these 58 units and put
13 them over in this area here in blue and take the villa
14 condos and put them in this area here (Indicating).
15 That's not to say that if buyers approached Amedore
16 Builders and they were 55 and older, they wouldn't sell
17 to them. It just means that this would not be
18 restricted now to only people 55 and older.

19 CHAIRMAN STUTO: How many units are you going to
20 encumber in the new proposal? Is it the exact same
21 number?

22 MR. SIPPERLY: It's the exact same number. There
23 are 58 units proposed and in this blue area we would do
24 58 units also (indicating).

25 The second thing is a mail kiosk. This drawing

1 here with the orange dots indicate where we propose
2 four mail kiosks to service each one of these pods of
3 development (Indicating). I believe that in your
4 documents we had individual sketches of the larger
5 plans showing where the kiosks will go and how they
6 blend in with the proposed construction and development
7 of the project.

8 CHAIRMAN STUTO: While we are looking through that,
9 what is your rationale for the 55 and older? If you
10 said it, I didn't hear it.

11 MR. SIPPERLY: We're restricted in this first
12 phase. The road is constructed here (Indicating). The
13 plan that is being prepared for the Attorney General to
14 approve right now says that we can only sell to people
15 55 years and older.

16 CHAIRMAN STUTO: I understand that. What is your
17 rationale for not wanting to do that now and wanting to
18 move it to the other phase?

19 MR. SIPPERLY: Really, it's the economy. We would
20 need to build another 800 foot street to get down to
21 this location here (Indicating). If somebody under 55
22 or younger approached our builders and wanted to build a
23 condo or wanted to buy a condo, we'd have to turn them
24 away right now until we could construct more street.

25 CHAIRMAN STUTO: You're not saying it clearly that

1 I can understand. You're saying that the market isn't
2 there, in your estimation?

3 MR. SIPPERLY: In our estimation, right, there is
4 probably not a market for 58 senior or age restricted
5 buyers at this particular time in the economy. Again,
6 that's not to say that if a senior was to want to
7 construct in this location that they wouldn't have the
8 opportunity.

9 MR. LANE: So, your first phase is that you have to
10 widen up your sell-ability and then once that is done,
11 you can have the age restricted and that would be the
12 second phase?

13 MR. SIPPERLY: That's correct; yes.

14 CHAIRMAN STUTO: Did you want to say anything else
15 about that or the post boxes before we turn it over to
16 our Town Designated Engineer?

17 MR. SIPPERLY: No, I think that's really what we
18 are asking to be done, or we're asking that you
19 recommend to the Town Board.

20 MR. LANE: Both sections have the same number of
21 units?

22 MR. SIPPERLY: This area in blue is 94 villa
23 condos.

24 MR. LANE: Where will the 58 age restricted be?

25 MR. SIPPERLY: Those will be over here

1 (Indicating).

2 CHAIRMAN STUTO: Fifty eight of the units will be
3 55 and older.

4 MR. SIPPERLY: Yes.

5 MR. LANE: What happens if you sell 10 to 55 and
6 older in the first phase? Do you still do 54 or 55 in
7 the second phase?

8 MR. SIPPERLY: No, they have to be the same.

9 MR. LANE: So, we don't lose anything.

10 CHAIRMAN STUTO: There is no net loss here of the
11 designated apartments.

12 MR. SIPPERLY: That's correct.

13 MR. LACIVITA: It's specific in the PDD language
14 that the units have to be in a cluster. I think that at
15 one point in time there was conversation about
16 scattering them throughout the PDD and then we all
17 agreed that the 58 have to be in a cluster.

18 CHAIRMAN STUTO: We'll take all questions and so
19 forth, but we'll hear from our Town Designated Engineer,
20 Chuck Voss from Barton and Loguidice.

21 Chuck, can you comment on this?

22 MR. VOSS: Sure, Peter; thank you.

23 We took a look at the plan that was submitted by
24 the applicant along with their narrative explaining why
25 and we formalized comments in our letter of August 9th.

1 I think that all the Board Members have that in their
2 packets. Really, we just looked at two basic things.
3 We wanted to ensure that they're basically doing an
4 even flip. They're physically moving the location of
5 58 units to the other side of the site. There was no
6 net loss or net gain, so the density is not changing at
7 all here. They may have effected the SEQRA review if
8 the density was changing. In essence, they're just
9 relocating one set of units for another set of units on
10 the same site. We didn't see any SEQRA issues here or
11 environmental issues associated with it and it's more
12 just kind of a notation, as Mr. Sipperly said, on the
13 map. We're just kind of changing where they're going
14 to build their particular units versus where they are
15 going to build the senior units.

16 The other issue that we looked at was the kiosks.
17 They're relatively small in nature. They're six foot
18 long units. They're proposed to be located on the site
19 in areas that are not going to effect the street lines,
20 or the sight lines or curbing issues. The architecture
21 is going to be similar to what they're proposing to
22 build. So, we really didn't see any issues with that
23 either.

24 Really, based on what they are proposing, it looks
25 like a relatively minor notational change. We really

1 had no concerns.

2 CHAIRMAN STUTO: That's clearly designated where
3 the units are, right?

4 MR. VOSS: Yes.

5 CHAIRMAN STUTO: Elena just brought that up.

6 Is there anybody in the public with any interest
7 in this project?

8 Can you identify yourself? You're welcome to the
9 microphone, if you'd like.

10 MR. VINO: My name is Matt Vino and I live on
11 Meadow Street. I'm just wondering what the difference
12 is in what the condos are in terms of what the villa
13 condos are that are going to be placed there instead.

14 MR. SIPPERLY: There is no difference. They are
15 the same building. It's just that one area was
16 designated as age restricted and the other didn't.

17 MR. VINO: So, they are the same condos. It's
18 basically taking the 55 plus -

19 MR. SIPPERLY: We're just taking the age
20 restriction out of there.

21 CHAIRMAN STUTO: You're not changing any structure
22 or building.

23 MR. SIPPERLY: No, the building sizes are the same
24 and the materials are the same.

25 CHAIRMAN STUTO: Any other questions?

1 MR. EATON: Bob and Mary Eaton. We're at 418 Baker
2 Avenue and we're at the Eagle Lane entrance to this
3 project. We've got no problem with them flip flopping
4 these structures up here because it's not going to
5 effect us that much.

6 I did ask Mr. Sipperly if they're going to do any
7 thing about the retention pond that is at the end of
8 Eagle Lane. It looks like a crap house right now. The
9 grass is growing up. The cattails are coming up and
10 it's a mess. Mr. Sipperly informs me that is the way
11 that the state wants it. I hope that they don't. It
12 makes Baker Avenue look terrible.

13 CHAIRMAN STUTO: That's a little bit outside of our
14 scope.

15 Lynn, I don't know if you want to talk about that.

16 MR. SIPPERLY: There is a detention pond right here
17 (Indicating) and it's all been constructed and it's
18 working well. It's probably functioning the way that
19 the DEC regulations asked. They're wet ponds, so
20 they're going to encourage the growth of cattails and
21 that type of vegetation.

22 CHAIRMAN STUTO: Is that what you don't like; the
23 cattails and so forth?

24 MR. EATON: Unfortunately, we have to look at that
25 and as you're going down the road, it looks terrible. I

1 realize that it has to be there, but if they could cut
2 the grass or something and make it look decent, that
3 would be nice.

4 CHAIRMAN STUTO: Is there any grass around it that
5 could be cut?

6 MR. SIPPERLY: There is probably grass around it
7 outside the fence, or maybe inside the fence before the
8 actual pond structure begins. This is an area that's
9 being constructed by Marini Builders and we can bring
10 that point up to Bob Marini.

11 MR. LACIVITA: In the housing subdivisions, those
12 ponds get turned over to the Town. I'm not sure if this
13 happens here, John, or not. Once the typical stormwater
14 basins - whether they be retention -- once they get
15 turned over to the Town, there is a regular schedule of
16 maintenance for the Town. Again, we're not at that
17 point yet. Once that happens, we'll start to maintain
18 those as they go along.

19 CHAIRMAN STUTO: Can somebody let the Marini
20 company know about it?

21 MR. SIPPERLY: Yes, I'll give them an e-mail from
22 us for them to take a look at it. We'll take a look at
23 it for ourselves, also.

24 CHAIRMAN STUTO: Thank you.

25 MS. VAIDA: If I could ask a question? The PDD

1 findings - you're not really amending the findings,
2 correct? If you look at the findings and I assume that
3 you're working off of the 2009, right?

4 MR. SIPPERLY: That's correct.

5 MS. VAIDA: It talks about a variety of housing
6 styles, 77 traditional single family homes, 42 carriage
7 homes, 92 villa condominiums, 60 estate condominiums and
8 58 age restricted condominiums. In that grouping, what
9 is the change?

10 MR. SIPPERLY: We're just changing the 58 age
11 restricted condos for 58 of the villa condos.

12 MR. LACIVITA: But you're only changing locations.
13 Anything in the findings statement is still applicable.

14 MR. SIPPERLY: That's right. The only modification
15 really is to the map. The findings statement and the
16 PDD legislation make reference to the 58 senior age
17 restricted units. It doesn't show the location.

18 MS. VAIDA: So, they'll be contained in the 92
19 villas?

20 MR. SIPPERLY: Yes, that is our intension.

21 MS. VAIDA: And in the homeowners association
22 agreement how are you going to deal with that? I
23 understand that was what brought this to your attention.

24 MR. SIPPERLY: Yes, we are in the process of
25 putting together the offering plan and the plans that

1 are required to proceed to approval to sell condominium
2 units. We were advised by our attorney that at one time
3 the discussion was we would intermingle 58 age
4 restricted units within the total of the 140-some condo
5 units. We were told that's not possible. If you're
6 going to do senior citizen, that has to be in a
7 particular area in a group. Because of the documents
8 and the state regulations, you can't have a mix of age
9 restricted units and non-age restricted units. You
10 could have seniors living in non-restricted areas, but
11 if you're going to have an age restricted area or 58
12 units, they all need to be in a community. If we go in
13 and co-mingle them, then the total of 140 units would
14 need to be age restricted which then brings the number
15 up to over 128.

16 MS. VAIDA: I was wondering how you're going to
17 separate it.

18 CHAIRMAN STUTO: They're the units in the blue
19 there. Show her the units that are going to be there.

20 MR. SIPPERLY: It's going to go in this area right
21 here (Indicating).

22 CHAIRMAN STUTO: You'll take the 58 designated
23 units there and move from the yellow to the blue.

24 MR. SIPPERLY: That's right. They'll be a
25 community of a separate condominium association for

1 those particular 58 units. It's the same thing as what
2 is going to occur now. We're just going to move it.

3 MS. VAIDA: So, even though there are 90 units in
4 that section, you're going to be able to separate out
5 the 58?

6 MR. SIPPERLY: That's correct.

7 MR. VINO: Was there any - in choosing the 55 plus
8 placement from what it originally was, was there ever
9 any reason for that being abutted up against the back
10 yards of a lot of the homes of Meadow Street and that
11 the 55 plus might be a little quieter than some of the
12 others? Was that ever a consideration, or was that just
13 a coincidence?

14 MR. SIPPERLY: Way back in the earlier stages of
15 the plan, that area was proposed for a three-unit senior
16 citizen condo building that was going to have about 80
17 units. The people on Meadow Street thought that it was
18 out of character with the Meadow Street homes and the
19 environment. So, what we did is we went with the
20 two-story condominium homes in that area. That was just
21 a left over that originally was earmarked for age
22 restricted and as we developed it in the later plan, the
23 age restricted still stayed within that area.

24 MR. VINO: What is the time span on all of this?
25 When do you see those are going to be built, and when do

1 you see the road being connected to Baker Ave, as well?
2 I know that you said that the reason that you wanted to
3 switch and you don't want to build that part -- when do
4 you think that will be happening?

5 MR. SIPPERLY: To answer your first question, the
6 building foundation is in for the building right now.

7 MR. VINO: I mean, where the rotary is right now,
8 where it will eventually connect to Eagles Lane?

9 MR. SIPPERLY: That will occur in a couple of
10 years.

11 CHAIRMAN STUTO: We'll just open it up generally
12 for the Board. The issues are not that complicated.
13 Anybody have anything?

14 (There was no response.)

15 CHAIRMAN STUTO: I have no objections.

16 Where are we procedurally? We have to vote on the
17 Resolution in front of us?

18 MR. LACIVITA: Yes.

19 CHAIRMAN STUTO: It's a recommendation that we're
20 making?

21 MR. LACIVITA: Correct, it's a recommendation and
22 we'll put that on the next Town Board meeting, depending
23 on how everybody votes tonight. You see the "whereas"
24 and the "therefore and be it resolved". If you want, I
25 can go through it.

1 CHAIRMAN STUTO: I propose that we enter this whole
2 thing into the record. We all have it before us.

3 If you could read one, two and three and we'll
4 entertain the motion on that.

5 MR. LACIVITA: Sure.

6 Now therefore, be it resolved that The Planning
7 Board recommends that the site plan amendments as
8 requested by the applicant be approved in all respects
9 based upon the following findings of fact:

10 1. The request by the applicant to relocate the
11 58 senior citizen condominiums does not change the
12 density or site plan layout from the PDD application as
13 originally approved.

14 2. The request by the applicant to add four mail
15 kiosks does not propose a major site plan change that
16 alters density or site plan layout as originally
17 approved.

18 3. Any future design changes or request to
19 relocate housing stock within the approved PDD must
20 comply with the applicable Town of Colonie processes
21 and approval needed.

22 This Resolution shall take effect immediately and
23 shall be transmitted to the Town Supervisor and members
24 of the Town Board. Dated August 13, 2013, Peter Stuto,
25 Chairman.

1 MR. MION: I'd like to make a motion.

2 MS. DALTON: I'll second it.

3 CHAIRMAN STUTO: Any discussion or comments or
4 questions?

5 (There was no response.)

6 CHAIRMAN STUTO: All those in favor say aye.

7 (Ayes were recited.)

8 CHAIRMAN STUTO: All those opposed, say nay.

9 (There were none opposed.)

10 CHAIRMAN STUTO: The ayes have it.

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14 (Whereas the above proceeding was concluded at
15 7:20 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 August 19, 2013

