

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

PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

\*\*\*\*\*

MEADOWDALE ESTATES  
297 OLD NISKAYUNA ROAD  
APPLICATION FOR CONCEPT ACCEPTANCE

\*\*\*\*\*

THE STENOGRAPHIC MINUTES of the above entitled matter by  
NANCY STRANG-VANDEBOGART, a Shorthand Reporter, commencing on  
May 20, 2014 at 7:00 p.m. at The Public Operations Center, 347  
Old Niskayuna Road, Latham, New York

BOARD MEMBERS:  
PETER STUTO, CHAIRMAN  
TINA GOODWIN SEGAL  
SUSAN MILSTEIN  
BRIAN AUSTIN  
TIMOTHY LANE  
LOU MION  
KATHY DALTON

ALSO PRESENT:  
Kathleen Marinelli, Esq., Counsel to the Planning Board  
Joe LaCivita, Director, Planning and Economic Development  
Michael Tengeler, Planning and Economic Development  
Chuck Voss, PE, Barton and Logudice  
Diane Davies  
Rick Nottke  
Lynn Sipperly, Sipperly and Associates  
Brian Sipperly, Sipperly and Associates  
Teresa Weten

1           CHAIRMAN STUTO: We only have one item on the  
2 agenda today.

3           If I count the transcripts, I think that we have seen it  
4 five times before; which is a good thing. It's a fairly large  
5 project and I think that it shows that we have done some due  
6 diligence on it. My understanding is that the concept  
7 approval that had been granted has now expired, so they are  
8 reapplying for concept. There is also some changes to the  
9 project.

10           I'll read the title and then I'll ask Joe LaCivita our  
11 head of Planning if he has any introductory remarks and then  
12 we'll turn it over to the applicant.

13           Meadowdale Estates, 297 Old Niskayuna Road. This is an  
14 application for concept acceptance. This is a residential  
15 subdivision to create 98 townhomes, 30 cottage homes, two  
16 executive townhouse units, six three-story apartment buildings  
17 totaling 204 units and a 6,400 square foot community building  
18 with pool.

19           Joe LaCivita, do you have anything else to add to that?

20           MR. LACIVITA: I think that you're right, Peter.  
21 This project has been before this Board five different  
22 times going back from April of 2010 to November of 2011.  
23 We've granted concept May 24th of 2011 and as the  
24 applicant was going through the final stages of final  
25 plans we realized that they changed the plans a little

1 bit, but we also realized that concept has expired.

2 We did a Land Use Law change back in 2010 granting  
3 concept to go from one year to 18 months. As the applicant  
4 was preparing and really concentrating on preparing final  
5 plans, unfortunately the concept has lapsed. We would have  
6 brought the project back in for a Board update prior to going  
7 for final, but it's better now to go right back to concept  
8 because the plans have changed a little bit.

9 Back in 2011 the project actually had 112 townhomes and  
10 30 family cottage units and then four three-story buildings  
11 totaling 174 units, so you'll hear tonight from the applicant  
12 and you'll see the difference in changes as to what they are  
13 doing.

14 CHAIRMAN STUTO: Okay, we'll turn it over to the  
15 applicant.

16 Mr. Sipperly, are you presenting?

17 MR. SIPPERLY: Yes, I am, Mr. Chairman; thank you.

18 CHAIRMAN STUTO: Can you identify yourself for the  
19 record?

20 MR. SIPPERLY: Thank you, Mr. Chairman. My name is  
21 Lynn Sipperly with Sipperly and Associates.

22 With me this evening also is the project applicants which  
23 is Meadowdale Estates, LLC, Dan O'Brien and Joe Sosstos. We  
24 are the presenting team tonight, if there is a question with  
25 regard to the particular units.

1           As Joe indicated, we received concept acceptance on May  
2           24, 2011. Concept acceptance at that time left out a 5.3 acre  
3           parcel right at the corner of Old Niskayuna Road and  
4           Watervliet Shaker Road which was at that time slated for  
5           retail development or some commercial development. As we  
6           further thought about that in order to put retail or  
7           commercial there, we would need a zone change. It was a  
8           five-acre parcel. It could be construed as spot zoning, so we  
9           returned to the Board on November 22, 2011 for an  
10          informational meeting only. It wasn't a published meeting  
11          with regard to the public.

12          We presented three schemes for development on that 5.3  
13          acre parcel. One of the schemes was for senior citizen  
14          apartments; a large building. That concept took us over the  
15          allowable density for the property, but it was permitted under  
16          the MFR zone.

17          A second concept was retail and commercial in that area.  
18          Again, that was just there for informational purposes but it  
19          wasn't advanced because again, it would require a zone change.

20          The third plan that we had presented that evening was to  
21          add two additional buildings to the site. Actually, it was  
22          the addition of one additional building and now comprising six  
23          apartment buildings. There were five proposed, preceding  
24          that.

25          That's what the plan tonight shows. There are two

1 apartment buildings at this location which is a 5.3 acre  
2 parcel.

3 The property is 58.34 acres in size in a multi-family  
4 residential zone. We're bordered on the east by a single  
5 family residential zone which is Beverly Park and most closely  
6 to the project with homes backing up on Sherwood Drive. That  
7 is this area at the bottom of the map (Indicating).

8 To our southwest and north is the area zoned airport  
9 development area. There are commercial uses of office and  
10 warehouse uses developed on adjacent properties to us. That  
11 is to our southwest and to our north. The property has access  
12 on Watervliet Shaker Road and has access on Old Niskayuna  
13 Road. It also has access on Hastings Drive, which is an  
14 existing road that was built to the northerly boundary of our  
15 property. We also have access from Sherwood Drive which is a  
16 paper street which is owned by the Town of Colonie at about  
17 this location right here (Indicating).

18 CHAIRMAN STUTO: When you say access, that's  
19 pedestrian access?

20 MR. SIPPERLY: All we are proposing is pedestrian  
21 access. It is right now a 50 foot wide right of way  
22 that the Town owns. It was a decision in fact when we  
23 had presented the concept plan initially that would not  
24 be developed as any kind of vehicle access to the  
25 project. It would only developed as a pedestrian

1 connection. That is between Beverly Park and our  
2 development.

3 CHAIRMAN STUTO: How far is the entrance on Old  
4 Niskayuna from the roundabout? I mean that just to put  
5 some perspective on that.

6 MR. SIPPERLY: This is 100 scale map, so I would  
7 say that we are probably about 600 or 700 feet away.  
8 Actually, next door to us is the North Colonie building  
9 maintenance facility. That's just to give it some  
10 identification. Our entrance road is another 100 feet  
11 east of that.

12 What is proposed at this time is to reinstate our concept  
13 approval and to do a modification with regard to including the  
14 development of that 5.3 acre parcel. That was an issue left  
15 out or eliminated from the original concept acceptance  
16 received back in May of 2011. As you mentioned, the project  
17 comprises 30 cottage homes.

18 CHAIRMAN STUTO: I'm looking at the old transcript  
19 from November. Can you describe the differences between  
20 alterative two and three?

21 MR. SIPPERLY: Alternative two and three were  
22 really with regard to this corner right over here  
23 (Indicating).

24 Alternative two was two apartment buildings. We have  
25 five apartment buildings in this area here (Indicating) and we

1 were proposing to take one of these apartment buildings that  
2 was in the original plan and move it up here (Indicating) and  
3 add a second building. That brought our total apartments  
4 again from 374 to 204 which is proposed right now.

5 CHAIRMAN STUTO: That's 374 to 204.

6 What was three?

7 MR. SIPPERLY: Three was a large single structure.  
8 It was a senior citizen building, three stories high.  
9 It brought the total density of the project to 396  
10 units.

11 CHAIRMAN STUTO: What was one again? I'm sorry. I  
12 know that the senior didn't seem to fit.

13 MR. SIPPERLY: It didn't fit because it exceeded  
14 the density and the Board didn't see any reason to  
15 exceed density.

16 CHAIRMAN STUTO: What was one, then?

17 MR. SIPPERLY: One showed several buildings in this  
18 area which were dedicated to retail and office use  
19 (Indicating).

20 CHAIRMAN STUTO: So, did you do two? I think that  
21 the Board expressed that they liked two.

22 MR. SIPPERLY: That's correct. The Board expressed  
23 that two was an acceptable -- it was the preference of  
24 the Board. It wasn't acceptable, because there was no  
25 acceptance requested. It was for informational purposes

1           only.

2           CHAIRMAN STUTO:  So, is what you're doing -- does  
3           that match two?

4           MR. SIPPERLY:  That's correct; yes.  I have a  
5           little reduction of the plans if the Board wants to see  
6           them now.

7           CHAIRMAN STUTO:  I don't need to see them now.

8           MR. SIPPERLY:  What that hand-out shows is the  
9           original concept acceptance of May 24, 2011 and also in  
10          plan two, which was presented on November 22, 2011.

11          CHAIRMAN STUTO:  If anybody in the public wants to  
12          see this, you're welcome to come up and get it.

13          MR. SIPPERLY:  So, what we have really done now is  
14          we've revised the project to include these two apartment  
15          buildings that are in that area which in the original  
16          concept was left undeveloped.

17          CHAIRMAN STUTO:  Right, and I remember the whole  
18          history of that.  You eliminated some townhomes as well?

19          MR. SIPPERLY:  We did, yes.  At the client's  
20          request we took a look at the townhomes.  We previously  
21          had townhomes of four and five unit clusters.  They were  
22          thought to be a problem with regard to marketing and we  
23          reduced all the townhomes down to either two-unit duplex  
24          unit or a three-plex unit, so that there would only be  
25          one interior unit.  So, they were previously 112

1 townhome units and now we're proposing 98 townhome  
2 units. The cottage homes, which is this area right in  
3 here (Indicating) has remained the same. We had 30  
4 cottage homes previously and we still have 30 cottage  
5 homes in this area here (Indicating).

6 Again, what kind of stands out on the drawing here is  
7 that what we are proposing is between the buildings and the  
8 pavement and roadways is 35 percent development of the site.  
9 There is 65 percent of the site that is going to remain green  
10 and that would be protected under the homeowner association  
11 and/or -- it will be protected. The homeowners association or  
12 within the apartment area will be open area space that will be  
13 set aside for no future development.

14 CHAIRMAN STUTO: While you're on greenspace, can  
15 you talk about buffers to the neighbors? I recall that  
16 we had a lot of discussion about that.

17 MR. SIPPERLY: That was one of the items that we  
18 also wanted clarification on when we revisited with the  
19 Board on November of 2011.

20 We provided in the rear of the cottage homes a 50-foot  
21 no-cut buffer zone to the rear of the homes on Sherwood Drive.  
22 These four townhome clusters right here (Indicating) will back  
23 up to the adjacent lots of Sherwood Drive. However, we are  
24 proposing to put a solid fence along there, so that would be a  
25 buffer. We propose to do that depending on if the homeowner

1 wants a solid fence, or to be fenced in like that.

2 We have 7.27 acres of wetlands on the site. They are all  
3 federal wetlands with the exception of a little wedge in the  
4 corner over at this area here (Indicating) and that is state  
5 wetland. Our impact on the wetlands right now is four-tenths  
6 of an acre. We really have made a great effort to not impact  
7 the federal wetlands. Most of that impact occurs with the  
8 continuation of Hastings Drive and the spine road. Some of  
9 the wetlands are across the spine road and that's why we have  
10 our impact. The proposed new development does not affect the  
11 wetlands.

12 MR. MION: Where are we putting the two executive  
13 townhomes?

14 MR. SIPPERLY: The two executive townhomes are  
15 right here (Indicating). They would have separate  
16 access to Watervliet Shaker Road at this location here.  
17 The applicant feels that there is a real need in the  
18 area for executive townhomes.

19 Industry has moved in and we have the nanotech center in  
20 Albany. We have GE facilities in the area and we have the  
21 tech park in Malta. Large corporations will rent an executive  
22 type apartment for their people to come in and out of the area  
23 so that they have some place to go rather than putting them up  
24 in a motel room, because they are also here sometimes for  
25 extended stays. The applicant felt that there was a real

1 demand for this.

2 CHAIRMAN STUTO: Is somebody going to buy it or are  
3 they going to lease it out?

4 MR. SIPPERLY: It's just for a rental. It will be  
5 the same as the apartments, but it's kind of a different  
6 configuration. It's a little larger in size and much  
7 more private. As you can see, it's much more separated  
8 from the other apartments.

9 CHAIRMAN STUTO: What duration of rentals are you  
10 expecting?

11 MR. SIPPERLY: Annual.

12 CHAIRMAN STUTO: So, there will be one-year leases.

13 MR. SIPPERLY: Yes, and there are really only two  
14 units that we are proposing to be executive townhomes.  
15 They are like apartments in that they are not going to  
16 be for sale. Again, they are quite private, as you can  
17 see and they would have a private driveway.

18 CHAIRMAN STUTO: Is that going to be a problem that  
19 close to the intersection?

20 MR. SIPPERLY: I don't believe so. Really, there  
21 are driveways even closer to the intersection on the  
22 other side of the street.

23 CHAIRMAN STUTO: Two wrongs don't make a right.

24 MR. SIPPERLY: No, but again we're looking at maybe  
25 two to three vehicle trips a day; just going in and

1 coming back out.

2 CHAIRMAN STUTO: I just want to make sure that's  
3 it's not dangerous.

4 We'll ask our TDE to comment on it also.

5 MR. SIPPERLY: We are proposing 100 garage units  
6 for the apartments. There are 204 apartments. Almost  
7 half of the parking set aside for the apartments are  
8 garage units. The garages occur - there is a section  
9 of garages here between two of the buildings. There are  
10 garages in the rear back over here (Indicating). There  
11 are garages on either side of this building here. There  
12 are garages along Old Niskayuna Road. We have placed  
13 the garages so that they create a buffer between Old  
14 Niskayuna Road and the actual apartment building. That,  
15 together along with vegetation, looks like a progression  
16 of how development occurs next to the highway.

17 CHAIRMAN STUTO: You want to talk about stormwater?  
18 You mentioned the wetlands on there and I think that the  
19 natural flow of the water now and what you're doing -

20 MR. SIPPERLY: To our benefit, the site has Type A  
21 soils, which is kind of the best soils that you can have  
22 with regard to stormwater recharge. That's what we are  
23 proposing to do. Part of our delay in getting the plans  
24 engineered was again, the change in the stormwater  
25 regulations that occurred in 2010 but were implemented

1 in 2011. We looked at several ways of implementing  
2 stormwater management here. The best plan is to go with  
3 infiltration basins.

4 We show a series of blue ponds. They look like ponds,  
5 but they're really not ponds. They're very temporary ponds  
6 for the one and the five-year storm. You probably would  
7 expect about an inch of water, but with Class A soils we've  
8 done percolation tests out here. We expect that water to be  
9 gone in probably within 10 to 15 minutes after the storm ends.  
10 All the ponds are designed for a 100-year storm so they all  
11 will allow storage for a 100-year storm. In a 100-year storm  
12 we're probably looking at 18 to 20 inches of water in a pond.  
13 Again, they are really temporary. What the ponds do is kind  
14 of implement green infrastructure and we are able to recharge  
15 the ground water. That's what we are doing here. Our system  
16 is also designed so that if we had a catastrophe or maybe a  
17 500 or 1,000 year storm - if the ponds were to overflow it  
18 would all kind of flow from south to north to an existing  
19 culvert that was placed when this parcel here was developed  
20 (Indicating) which would then carry the water to this large  
21 wetland area here. This wetland is about 30 acres in size.  
22 It would allow the water to be transported off the site to an  
23 area where if it was to store, it wouldn't create any damages.  
24 We looked at porous pavement and we looked at conventional  
25 stormwater management, but all those systems just caused much

1 more site disturbance than what we are doing right now. What  
2 is proposed and what would have to occur was that over a  
3 100-year storm it would then flow into this wetland area here  
4 (Indicating). Then there would be culverts under the road  
5 that would allow it to connect to this wetland area  
6 (Indicating). It would then continue on downstream.

7 CHAIRMAN STUTO: Is that the natural flow of the  
8 water now?

9 MR. SIPPERLY: It is. It's from south to north on  
10 the site. It's kind of the way that the land slopes.  
11 The site is very flat. It probably has about four feet  
12 of elevations between north and south. There are maybe  
13 a few knobs in it, but it's really generally only about  
14 four feet of elevation change which became a challenge  
15 also in order to be able to create elevation for water  
16 to flow by gravity.

17 We have reviewed our stormwater management plan early on  
18 with the Town and the Department of Public Works and with the  
19 Planning Department and in concept, it was acceptable. We  
20 have, again, proceeded to final design. We have made our  
21 first submission and received technical comments back on that  
22 and the TDE also seemed to be in harmony with what we are  
23 proposing for stormwater management plans.

24 Other facets of the project haven't changed. We are  
25 proposing to extend the existing utilities - water and sewer

1 at this point at the northern end of the site. We would  
2 extend that south and connect the waterline to the waterline  
3 at Watervliet Shaker Road. We'd also connect that waterline  
4 to this paper street and Sherwood Drive which will strengthen  
5 the system.

6 MR. LANE: There will be a loop system and it won't  
7 dead end?

8 MR. SIPPERLY: No dead ends. It's all looped.  
9 This, again, was at the suggestion of the Latham Water  
10 Department with regard to our connection to Sherwood  
11 Drive. Again, I think that Sherwood Drive, at this  
12 point or Beverly Park only has one connection where they  
13 come out onto Watervliet Shaker Road. This here would  
14 give it a second connection which would improve pressure  
15 but also improve flows. If a situation occurred where a  
16 break occurred, there would only be one feed to the  
17 development.

18 There will be sidewalks provided along the main  
19 sub-collector road which is Hastings Drive, and also sidewalks  
20 proposed on one side of the street within the residential area  
21 of the project.

22 What is proposed is that everything on the east side of  
23 Hastings Drive would be for sale units or fee units. People  
24 would purchase their own townhome. People would purchase  
25 their own cottage home. So, the streets that are proposed on

1 the east side of the main sub-collector roadway would be Town  
2 roads, built to Town road standards. All the roads that would  
3 be servicing the apartments or driveways or roads would all be  
4 private and owned by the apartment development.

5 CHAIRMAN STUTO: Is that how it's proposed?

6 MR. SIPPERLY: Yes.

7 CHAIRMAN STUTO: Joe, you're aware of that - and  
8 the other Town departments?

9 MR. LACIVITA: Yes.

10 CHAIRMAN STUTO: The sidewalks are going to be  
11 maintained by the HOA, as I recall?

12 MR. SIPPERLY: That's correct. There is a HOA to  
13 be set up to both own and maintain the open space lands  
14 and to maintain sidewalks and landscaping.

15 CHAIRMAN STUTO: Do you want to show us the  
16 elevations? I'm sure that the public would like to see  
17 that, too. I don't think we have any boards on that.

18 MR. SIPPERLY: We don't have the big boards. We  
19 have the small ones.

20 The apartment buildings are three-story and are proposed  
21 to be designed in a Shaker theme with regard to the  
22 architecture on-site. There would be a clapboard siding of  
23 vinyl siding or cement board.

24 CHAIRMAN STUTO: There is a big difference between  
25 those two. Do you know which one?

1 MR. SIPPERLY: I think that it's probably going to  
2 be vinyl, but it will have the appearance of clapboard.

3 CHAIRMAN STUTO: Can you bring in samples for  
4 final?

5 MR. SIPPERLY: Yes, we can very definitely do that.

6 CHAIRMAN STUTO: And other materials would be  
7 helpful -- if there is any stone or anything like that.

8 MR. SIPPERLY: This area here is the proposed  
9 community building. It is 6,400 square feet with a  
10 pool. We're proposing a playground in this area here  
11 (Indicating), which would have the normal swings,  
12 slides, sandbox and normal playground equipment. We're  
13 looking at pre-k up to probably about fourth or fifth  
14 grade.

15 We're also proposing in this area over here a dog park  
16 (Indicating). A dog park is just a fenced in area where  
17 residents could bring their dogs.

18 CHAIRMAN STUTO: Where is that?

19 MR. SIPPERLY: Over in this area here (Indicating).  
20 It's kind of away from the heart of the development, so  
21 to speak, and would provide parking spaces there and  
22 benches for people who bring their dogs. That's some of  
23 the amenities that are being proposed. The dog park  
24 would be open to the public and not just for the  
25 residents of this development.

1           Again, a community room in the community building would  
2           be allowed for meetings. We're also looking at putting the  
3           mail kiosk for all the apartments for this particular building  
4           here (Indicating). It hasn't been totally decided yet, but  
5           we're thinking that this building here would have the mail  
6           kiosk for all the apartments and there would be several kiosks  
7           for each of the neighborhood pods. They would be covered so  
8           people would be out of the elements for people who go to their  
9           mailboxes. They're all connected by sidewalks.

10           CHAIRMAN STUTO: That's a pretty good overview and  
11           we'll have our Town Designated Engineer give his  
12           comments and then we'll open it up to the neighbors and  
13           the Board.

14           Chuck Voss, do you want to go through your review?

15           MR. VOSS: Yes. As the Board knows, we have seen  
16           this now for quite some time. It's been almost two  
17           years and we've been with the applicant almost every  
18           step of the way. They've been great at working with us  
19           and working their way through the technical comments.

20           In relation to the latest submission, I think that the  
21           Board all has a copy of our February 4th letter that we put  
22           together. It's quite extensive. It's really getting into  
23           that preliminary final level of technical review which is  
24           really where the project was prior to them having to take that  
25           step back and getting the concept acceptance. So, we had

1 advanced pretty far into the technical review of the project  
2 with the applicants. We actually met with them on several  
3 occasions to go through some of these comments. We had some  
4 initial comments and then we reworked them in association with  
5 our engineers. They have been very good at working with us.  
6 They are typical comments that we would see. I'm not going to  
7 go through them because at this point we're just talking about  
8 concept. We had advanced the project pretty far into our  
9 typical technical review that you would see really for any  
10 project that had advanced this far. When we looked at the  
11 resubmission tonight for concept re-acceptance, I didn't see  
12 any inconsistencies with prior concept approval and the Board  
13 looked at just some minor changes in some of the unit  
14 configurations that Lynn mentioned tonight. There was nothing  
15 that certainly raised any concerns from us at this point.  
16 They've gone above and beyond working on the stormwater  
17 management aspects of the project and as Lynn said, that was  
18 really what kind of stalled them a little bit in the design  
19 was kind of dealing with the new DEC regs that came out and  
20 having to kind of rework their thinking and coming back in.  
21 They did very good working with Brad in terms of the really  
22 heavy technical engineering aspects of the stormwater  
23 management system. Everything that we are seeing right now  
24 gives us a pretty good level of comfort. I think that we're  
25 certainly on the right track and moving forward from the

1 technical perspective.

2 Having said that and having advanced the project as far  
3 as they have, we have no concerns at this point with concept  
4 re-acceptance. It's consistent with everything that we have  
5 seen for the last two years.

6 CHAIRMAN STUTO: Does the Board want to say  
7 anything or have any questions before we turn it over to  
8 the neighbors?

9 (There was no response.)

10 CHAIRMAN STUTO: On the list here we have Diane  
11 Davies.

12 MS. DAVIES: I'm Diane Davies and my maiden name is  
13 Hillard and I grew up on the Hillard Farm. I had spoken  
14 to Dan, my family and myself about possibly  
15 incorporating some of the local farm names in the street  
16 addresses, or some of the local businessmen and women  
17 who are no longer around here just for historical  
18 significance. That is my request.

19 CHAIRMAN STUTO: Okay, thank you.

20 Rick Nottke.

21 Hi, we have read your letters. They are in our file.  
22 There is one from 2011 and one recently.

23 MR. NOTTKE: That would have been my first  
24 question, so thank you. I won't repeat myself.

25 CHAIRMAN STUTO: No, you can go right ahead.

1 MR. NOTTKE: I'm opposed to the street connection.

2 CHAIRMAN STUTO: The walking connection?

3 MR. NOTTKE: Yes.

4 CHAIRMAN STUTO: Do you want to point to it on the  
5 map?

6 MR. NOTTKE: Certainly. This is my residence and  
7 that is 19 Sherwood (Indicating). This is the street in  
8 question. This is 21 Sherwood. Notice that from the  
9 main Sherwood Drive both vehicles have to go into  
10 driveways albeit this street. I don't know if the Board  
11 has actually seen an actual picture of 19A, but I'd be  
12 more than happy to submit it.

13 CHAIRMAN STUTO: Sure, we'd be happy to look at it.

14 MR. NOTTKE: Thank you.

15 CHAIRMAN STUTO: That's paved now?

16 MR. NOTTKE: Yes, sir.

17 CHAIRMAN STUTO: I just want to clarify something.  
18 We called it a paper street.

19 MR. NOTTKE: It is not. That is a designated  
20 highway.

21 CHAIRMAN STUTO: So, it's a dedicated street?

22 MR. NOTTKE: It's a legal designated highway. It's  
23 designated by use because the Town has been plowing it  
24 since 1960 when we moved in.

25 CHAIRMAN STUTO: Well, dedicated and by use are two

1 distinct ways to create a highway.

2 MR. NOTTKE: Yes, sir. I am aware, but it is a  
3 legal street. It's not a paper street.

4 CHAIRMAN STUTO: Let me just ask Joe.

5 MR. LACIVITA: I think that your concern was that  
6 there was going to be connection going through from a  
7 vehicle.

8 CHAIRMAN STUTO: I just want to clarify; is it a  
9 street?

10 MR. LACIVITA: Yes, it is and it is plowed and they  
11 do back up through there and go forward.

12 CHAIRMAN STUTO: Somebody is parked right in the  
13 street in the middle and they shouldn't have parked  
14 there.

15 MR. NOTTKE: It looks like the gentleman is parked  
16 on the right side of the street. You have to remember  
17 that street has not really been brought up to standards.  
18 In other words, it's not as wide as Sherwood, such that  
19 you park a standard vehicle on Sherwood. You can still  
20 get cars through there if you parked on the pavement on  
21 Sherwood. If you do that on 19A, it's impossible.

22 I understand that there is something called a chip list  
23 and I'm investigating to see if 19A is going to be developed  
24 into a true street in the future. I don't know. My main  
25 point is as you see in the letters, this is my only objection

1 to the project.

2 CHAIRMAN STUTO: Just to further the conversation,  
3 how is that going to be connected at the end of that  
4 dead end? Can you describe that in more detail?

5 MR. SIPPERLY: We're just going to have a five foot  
6 asphalt walkway that connects to the existing pavement  
7 that's there.

8 CHAIRMAN STUTO: Can you show me where?

9 MR. SIPPERLY: Right here (Indicating).

10 CHAIRMAN STUTO: So, it's going to connect to both  
11 cul-de-sacs. That's the way that it looks like on this  
12 drawing.

13 MR. SIPPERLY: Exactly so, yes. When we were here  
14 with previous presentations, the Board felt very  
15 strongly that a pedestrian connection between the  
16 neighborhoods --

17 CHAIRMAN STUTO: Or a biking path --

18 MR. SIPPERLY: Yes - would be very advantageous for  
19 both neighborhoods.

20 MR. NOTTKE: And I'm aware of that, sir. My  
21 objection in light of the concept approval three years  
22 ago -- the Board will approve the concept. I also  
23 understand that it is concept and that could change at  
24 final, which I certainly intend to promote, but that's  
25 enough of that.

1 I think that the project is great except for that one  
2 thing. My next question would be assuming that it gets  
3 approval tonight, what is the time frame? Does the developer  
4 expect to break ground this summer?

5 CHAIRMAN STUTO: We will answer that, but the  
6 concept is good for 18 months. We will ask the  
7 developer that.

8 MR. NOTTKE: Okay, fair enough. I will be as brief  
9 as possible.

10 I just want to verify also from the developer that the  
11 only actual construction on 19A Sherwood would be the water  
12 connection. I believe that was in the previous concept  
13 approval.

14 CHAIRMAN STUTO: We'll get that answered, too.

15 MR. NOTTKE: And then some sort of schedule of  
16 construction would be nice if indeed the pedestrian  
17 connection does get approved at final. When would that  
18 occur; during the beginning of the construction or  
19 toward the end of the construction or the middle? Would  
20 that information be available to the public?

21 CHAIRMAN STUTO: We will ask the applicant to  
22 respond to that also.

23 MR. NOTTKE: Thank you, sir. I guess that's it. I  
24 have no more questions.

25 MS. MILSTEIN: Can I ask you a question? I just

1 want a clarification on the pedestrian crossway. Are  
2 you opposed to it no matter what, or if it's done in a  
3 certain way, could you be amendable?

4 MR. NOTTKE: I'm opposed to it unless it gets  
5 approved at final in which case, I have no choice and I  
6 would certainly like to contribute to the design.  
7 Myself and the resident of 21 Sherwood are really the  
8 people that are affected in a 100-parcel neighborhood  
9 which is one of the oldest neighborhoods in the Town.  
10 There was farm land before this Beverly Park was  
11 developed and now we have a development that's going in  
12 some 60 years later. I know that the neighborhoods are  
13 compatible in the sense that the houses are similar and  
14 that kind of thing.

15 I went down the road at Brookwood Park for example. When  
16 they put Colonie East in, there is no pedestrian connection at  
17 all. With Hunters Run, I don't see a pedestrian connection  
18 there and then there is way to do it through Partridge Lane.  
19 I don't think that's going to happen. I think that there are  
20 going to be Knox boxes there. So, from a stand point of  
21 looking at development in this Town over the last five to 10  
22 years, it almost seems to me that just because that street was  
23 a designated paper street when the development was built in  
24 1955 or thereabouts -- it just seems like it doesn't have to  
25 be that way.

1 MS. MILSTEIN: So, the answer I guess is possibly  
2 that you would agree to it. Your preference is no but -

3 MR. NOTTKE: No, I don't think that I have much of  
4 a choice if my opinion is heard and considered but  
5 overruled. If it does go to final and it is approved,  
6 that stops any action that I could possibly take.

7 CHAIRMAN STUTO: I'll just be up front. I still  
8 favor that connection.

9 MR. NOTTKE: And I know that you do, sir. I know  
10 that most of the Board does. You've all gone on record  
11 at the last concept that you had.

12 CHAIRMAN STUTO: And I respect that and appreciate  
13 that. If you want to talk about design, you can talk  
14 about it now. There is a decent chance that it will  
15 stay in the project.

16 MR. LANE: I seem to recall that the difference  
17 with Hunters Run was the fact that it had more to do  
18 with having emergency access.

19 MR. LACIVITA: Yes, I was just going to clarify  
20 that.

21 MR. LANE: It was somewhat of a different  
22 circumstance.

23 MR. NOTTKE: I understand that, but my point would  
24 still be that you have means to put a pedestrian access  
25 at Partridge. Why not do that?

1 MR. LACIVITA: They would have the access be at the  
2 emergency access.

3 MR. NOTTKE: But pedestrians can't go through that  
4 Knox gate.

5 MR. LACIVITA: Oh, you can. You can walk along the  
6 sides.

7 MR. NOTTKE: Could that be designed in?

8 MR. LACIVITA: Absolutely.

9 MR. NOTTKE: Then I'll check that site plan review  
10 for that.

11 CHAIRMAN STUTO: Joe, correct me if I'm wrong.  
12 There is a fence, and then they can walk around the  
13 sides.

14 MR. LACIVITA: Yes, there are bollards on the side.  
15 We're changing the way that we are designing the fire  
16 accesses, as well. We're not using a gate anymore.  
17 We're actually putting bollards that are knock-down  
18 bollards that the fireman have with a key lock on it.

19 Paul, I think that you can actually talk to that as well.  
20 There are different designs now.

21 CHAIRMAN STUTO: Is that like the Batman thing?

22 MR. LACIVITA: Exactly. They hit them and they  
23 roll over and they drive right through them. That's  
24 what I'm trying to get at here is that I think that you  
25 understand what the Board is saying because every type

1 of planning process that we go through now, we're doing  
2 connectivity of all the different neighborhoods that we  
3 have. We'd rather have you part of the process than  
4 against the process, and I'm not sure exactly what you  
5 are against on it. I think that this development here  
6 allows for your development to walk through something  
7 that is really going to beautiful.

8 MR. NOTTKE: That would be my next question. I  
9 have access into that development. How much access do I  
10 have? Can I walk my dog down to the dog park and use  
11 it? Can I take a child to the tot park and use it? Can  
12 I use the community center? Can I swim in the pool?  
13 Will it be a two-way street?

14 CHAIRMAN STUTO: I'm sure that you can walk on the  
15 sidewalks and through the development, but I'm not sure  
16 about the pool.

17 MR. NOTTKE: If you're asking me the question of  
18 what would convince me to go along with it, that would  
19 be kind of nice. One of the people in the Planning  
20 Department actually said to me well, you don't need a  
21 pool. You can drive up to the Colonie Town Park. I  
22 said, wait, I thought that the whole purpose of this was  
23 to walk to a swimming pool if it's available. He didn't  
24 have an answer to that. That was Mr. Mike Lyons just  
25 the other day.

1 I can't be convinced otherwise, but I can't stop you if  
2 you decide to do it.

3 There is a certain point which I learned in the military.  
4 If you object to your senior and the senior says I've listened  
5 to everything that you've said. It's going to be this way, I  
6 will go along with it. I don't know how else to put it.

7 CHAIRMAN STUTO: We appreciate your comments and  
8 we'll get your questions answered right now.

9 MR. NOTTKE: Thank you very much, sir.

10 CHAIRMAN STUTO: He asked about construction on  
11 that lot. Is there going to be more than water impacted  
12 construction-wise, and what is the schedule for  
13 construction? Where does that lot fit in? When do you  
14 think that you're going to break ground; any idea?

15 MR. SIPPERLY: Probably August of September of this  
16 year.

17 CHAIRMAN STUTO: How is that going to be phased?

18 MR. SIPPERLY: It will probably be phased with the  
19 apartments and the three here (Indicating) and then the  
20 townhomes. The street will extend up and perhaps some  
21 cottage homes will be offered at that time.

22 CHAIRMAN STUTO: Are you going to cut the street  
23 all the way through before we get any COs?

24 What is the minimum that he has to do infrastructure-wise  
25 before he gets a certificate of occupancy?

1 MR. LACIVITA: It all depends on their phasing plan  
2 as to how the infrastructure is actually going to be put  
3 in. That's going to dictate where it's going to go.

4 CHAIRMAN STUTO: We don't know that yet?

5 MR. LACIVITA: We haven't heard the phasing plan as  
6 of yet.

7 CHAIRMAN STUTO: Chuck, you haven't seen anything?

8 MR. VOSS: No, not yet. They haven't advanced that  
9 far yet.

10 MR. SIPPERLY: Actually, the water will connect  
11 from our northerly terminus point and that will happen  
12 in the first phase.

13 CHAIRMAN STUTO: That has to be done up front.

14 MR. SIPPERLY: Yes. The water connection over to  
15 Ellingham Court will occur at such time that Ellingham  
16 Court is constructed.

17 CHAIRMAN STUTO: Is that water connection the only  
18 impact that you're having at 19A?

19 MR. SIPPERLY: That would be the only impact; the  
20 waterline connection and the sidewalk construction.

21 CHAIRMAN STUTO: Does the waterline run under the  
22 road or along side?

23 MR. SIPPERLY: Probably alongside of the pavement  
24 as it's presently done.

25 CHAIRMAN STUTO: So, you're going to dig up some

1 dirt and then fix it.

2 MR. SIPPERLY: That's correct. And we could also  
3 work with the adjacent owners to put the sidewalk to the  
4 side of the existing pavement so if they are concerned  
5 about their driveway having interference with pedestrian  
6 traffic, it would be like any normal street where  
7 pedestrians would be to one side of any kind of a  
8 carriage way.

9 CHAIRMAN STUTO: So, Phase I is you put the  
10 waterline all the way through, and what roadways would  
11 you put in during Phase I?

12 MR. SIPPERLY: Hastings Drive.

13 CHAIRMAN STUTO: You're going to put Hastings Drive  
14 all the way through?

15 MR. SIPPERLY: No, not all the way through. We're  
16 probably going to go back to the roundabout for the  
17 first phase. Again, that will allow us to have access  
18 to the apartments, allow us access to the townhomes.

19 CHAIRMAN STUTO: I'm unclear. Are you going all  
20 the way through with the main road?

21 MR. SIPPERLY: Not at the first phase.

22 CHAIRMAN STUTO: And how do you access those  
23 townhomes?

24 MR. SIPPERLY: Right here and right here  
25 (Indicating).

1           CHAIRMAN STUTO: And you're not going to go all the  
2 way through to Old Niskayuna?

3           MR. SIPPERLY: Not for the first Phase.

4           MR. LACIVITA: It's similar to the way that they  
5 constructed Canterbury Crossings going from Route 9 to  
6 Boght Road.

7           CHAIRMAN STUTO: But if you're that close to Old  
8 Niskayuna, why wouldn't you make the connection? I  
9 guess that's what I don't understand.

10          MR. SIPPERLY: Old Niskayuna would be made and not  
11 Hastings.

12          CHAIRMAN STUTO: That's what I'm asking.

13          MR. SIPPERLY: The initial connection would be to  
14 Watervliet Shaker. We would come in from Watervliet  
15 Shaker to the roundabout and then the driveways are with  
16 where the apartment project would be constructed as  
17 buildings are -

18          CHAIRMAN STUTO: But on the north end you wouldn't  
19 make the connection?

20          MR. SIPPERLY: No. This would be like a Phase II  
21 to do the connection from the roundabout north -

22          CHAIRMAN STUTO: Do you see it in two phases?

23          MR. SIPPERLY: Probably see it in three phases.

24          MR. BRIAN SIPPERLY: Page five of the narrative has  
25 a detailed phasing plan that was there. It actually

1 starts talking about going from the north to the south,  
2 but it has a lot to do with the developer and the  
3 products that they want to do first. So, there is one  
4 described in here. It's somewhat arbitrary because when  
5 we describe a phasing plan to you, it's conceptual as we  
6 think it is. When the developer goes to break ground,  
7 it may change where we do the apartments first, followed  
8 by the road. But there is a detailed section there that  
9 describes the phasing of utilities -

10 CHAIRMAN STUTO: But he's saying the opposite of  
11 what you're saying. That causes more confusion.

12 MR. SIPPERLY: What would occur also is that when  
13 we constructed the waterline through the development,  
14 this roadway would be constructed but it would be a dirt  
15 road at that particular time. It would be barricaded  
16 off, but it would be a second means of ingress and  
17 egress for the fire company or emergency vehicles.

18 CHAIRMAN STUTO: Do you see anything inconsistent  
19 with that, Chuck?

20 MR. VOSS: It's typical for a project of this size  
21 to phase it out.

22 CHAIRMAN STUTO: No, I mean that the road will be  
23 able to carry the fire equipment.

24 MR. VOSS: Oh yes. It will have to be constructed  
25 to Town specs.

1           CHAIRMAN STUTO: No, he's talking about the dirt  
2 road, temporarily.

3           MR. SIPPERLY: We would put the gravel down and we  
4 wouldn't put the pavement down.

5           MR. VOSS: No, those are usually fine.

6           MR. SIPPERLY: It would support emergency vehicles,  
7 yes.

8           CHAIRMAN STUTO: Is that is for the phasing?

9           MR. SIPPERLY: That's it for the first phasing.  
10 The second and third phasing - it's really to be  
11 developed. It's based on market demand and market  
12 absorption of the various units.

13          CHAIRMAN STUTO: Felicia Myers.

14          MS. MYERS: I've had pretty much all my questions  
15 answered. I agree with them about having a pedestrian  
16 walkway because about that brings all these -- there are  
17 going to be about 400-plus people there that can now  
18 access my little circular community. With him, I'm  
19 going to accept it but it's not what I want.

20          CHAIRMAN STUTO: Thank you.

21          Anyone else from the public?

22          (There was no response.)

23          CHAIRMAN STUTO: We'll still give you a chance if  
24 you have a question.

25          I'll just open it up to the Board. I don't have anything

1 right now.

2 MR. LANE: We recently approved an extended stay  
3 hotel right near Colonie Center. I wonder if you  
4 believe that there is still a big demand for these types  
5 of units that you're proposing.

6 MR. SIPPERLY: We're proposing two units to be the  
7 extended stay.

8 CHAIRMAN STUTO: You said they're a year lease,  
9 right?

10 MR. SIPPERLY: Right. That would be something like  
11 an extended stay in the sense that you may have  
12 different tenants during the year. There are two units  
13 that are much more private than the extended stay only  
14 because there is a number of units in a motel. A motel  
15 would be 100 units or whatever it might be. Here we're  
16 talking two units.

17 CHAIRMAN STUTO: Well, they're no different from  
18 the apartments in terms of the duration; correct?

19 MR. BRIAN SIPPERLY: Correct. In an extended stay  
20 hotel the average duration is going to be two to seven  
21 days. Our average stay will probably be about three  
22 years.

23 CHAIRMAN STUTO: Other questions?

24 MR. AUSTIN: You've obviously done a lot of market  
25 research trying to figure out whether or not this is a

1           viable plan for the community to support it. It seems  
2           like an awful lot of housing that's going in and an  
3           awful lot of people going in, too. There might be a lot  
4           of families too.

5           Can the school district accommodate the amount of -- the  
6           apartments will have children and the cottage homes might have  
7           a little bit older folks. Has that been looked at too? The  
8           school district is kind of bursting at the seams as it is.

9           MR. SIPPERLY: We have. We have used existing  
10          statistics with regard to the number of school-aged  
11          children that are created by apartments and townhomes  
12          and cottage homes. Looking at our demographic of who we  
13          think would be attracted to this site -- definitely the  
14          cottage homes are probably going to be more of a mature  
15          or maybe a young couple who don't have children yet.

16          CHAIRMAN STUTO: Do you have a hard number on what  
17          your projection is?

18          MR. SIPPERLY: Yes, we're looking at 145 school  
19          aged children at full build-out. Again, full build-out  
20          could be four to five years. So, there is an absorption  
21          rate. They won't all occur in the same year to the  
22          school system.

23          CHAIRMAN STUTO: I'll just mention this out loud.  
24          Joe and I have had conversations about this topic.

25          You meet with the school district periodically, Joe?

1 MR. LACIVITA: Yes.

2 CHAIRMAN STUTO: And has this one been put in the  
3 hopper in terms of their projections?

4 MR. LACIVITA: It was actually in the hopper when  
5 they came to concept. At that time frame, I usually  
6 look at the manual.

7 CHAIRMAN STUTO: How do they react to that? They  
8 have to plan for those things. How does that process  
9 work?

10 MR. LACIVITA: When we meet with the school  
11 system, we show them overall that these are all the  
12 projects that are currently being reviewed and this is  
13 where they are in the process and when we looked at the  
14 finals we talk to them as how many are being projected  
15 in the basic plan. So, we give them a best guess from a  
16 planning process. If there is like 32 townhomes, we'll  
17 estimate maybe 15 to 20 of those might be and that's how  
18 they project their planning from that point. So, we'll  
19 go through every single commercial and residential  
20 activity.

21 CHAIRMAN STUTO: Any other questions from the  
22 Board?

23 (There was no response.)

24 CHAIRMAN STUTO: Anything else from the public?

25 (There was no response.)

1           CHAIRMAN STUTO: Okay, we have before us an  
2 application for concept and I appreciate it because you  
3 refreshed my memory on a lot of things. When I  
4 initially saw it, I forgot the history of how that extra  
5 apartment building got developed. I originally had a  
6 lot of questions about that. For myself, that's been  
7 satisfied and answered. I think that it's a great  
8 project, in terms of the way that it looks and in terms  
9 of the layout and in terms of the use of that particular  
10 land. There is a lot of greenspace and I like the  
11 connectivity. It's your land and you're entitled to  
12 develop it and I think that you've done a good job with  
13 your schematic here.

14           MR. LACIVITA: Also for the neighbors, before you  
15 come to a meeting, if you visit our website -- we're  
16 starting to put plans and narratives on our website. I  
17 don't know if anyone has been on there as of yet. You  
18 go off the Colonie Portal, but you can actually get to  
19 our website and start to see all the plans and the  
20 narrative so that it helps you with your questions and  
21 you can also call us directly and answer questions  
22 before you come to the evening meeting. At least we're  
23 putting information out to you now.

24           CHAIRMAN STUTO: I haven't spent enough time on it,  
25 but I spent a little time on it and it looks great. The

1 website looks great.

2 MS. WETEN: I just had a couple of questions. You  
3 didn't go over the entrances or the exits totally.

4 CHAIRMAN STUTO: Automobile?

5 MS. WETEN: Yes.

6 CHAIRMAN STUTO: I will ask the applicant to do  
7 that.

8 MS. WETEN: And also I' would like to know about  
9 that Hastings - they have a federal building there on  
10 the property. Will that come all the way down Sherwood  
11 Drive? I just wanted to know if that was going to cut  
12 into our street as a dead end.

13 CHAIRMAN STUTO: That's a different project.

14 Do you know what she is talking about?

15 MR. LACIVITA: You can see it in the white area.  
16 Correct me if I'm wrong, but there is no connection  
17 coming back into Sherwood at all.

18 MS. WETEN: So, it won't come in. So, it's just  
19 for the people that live in that area. They can somehow  
20 come into Hastings and turn into their property?

21 MR. SIPPERLY: Hastings Drive currently ends at  
22 this location here. We're proposing to bring it through  
23 our property and connect it to Watervliet Shaker Road at  
24 this location here (Indicating). This is the DEA  
25 building -- the government building right here

1 (Indicating). Here is a cul-de-sac of Sherwood Drive  
2 right here. There is no roadway connection proposed to  
3 Sherwood Drive at all. All the roadway that we have in  
4 our development all come off of Hastings Drive. They  
5 come off and enter back onto Hastings Drive. This one  
6 is like a horseshoe shaped and comes back out to  
7 Hastings. They all interconnect to Hastings Drive.

8 MS. WETEN: So, there will be nothing on Wade Road  
9 at all, just 155?

10 MR. SIPPERLY: Wade Road is right here  
11 (Indicating).

12 MS. WETEN: Isn't that Wade Road -- the one that's  
13 across from the federal building there? Down Old  
14 Niskayuna Road and past the roundabout and you take a  
15 right. What is that?

16 MR. SIPPERLY: That's Wade Road.

17 MS. WETEN: So, they won't have any entrance that  
18 way either?

19 MR. SIPPERLY: Yes, right now that's where Hastings  
20 Drive is.

21 MS. WETEN: Okay. The last question is there is a  
22 virtual dump across from this whole project. If anybody  
23 has been driving by there lately, it's piled up. I  
24 don't know any people that would want to live across  
25 from all that. Nothing has been done about it. I know

1           that they have certain permission to sort out metals  
2           from the debris that they have, but that's been there  
3           and increasing since last year. It's like a dump area  
4           and nothing seems to be done about that. I can't  
5           imagine spending all that money to live in a project  
6           like that and you go out and you're going to see a dump  
7           across the street.

8           MR. SIPPERLY: That's Murphy's Recycling Center  
9           that is there.

10          MR. LACIVITA: To talk a little bit about that,  
11          ma'am, we actually have been on them quite a bit.  
12          They've had a couple of notice of intents to remediate  
13          what is going on there. We found that they were over  
14          their capacity and DEC has been on them.

15          MS. WETEN: I talked to a gentleman in the state  
16          last year and he went to check it out and said, we know  
17          what they are doing and they are in their guidelines but  
18          anytime you go by it, it looks bigger. It's like a town  
19          dump.

20          MR. LACIVITA: We are trying to get them under  
21          wraps and we're doing the best that we can. Thank you.

22          CHAIRMAN STUTO: Thank you.

23          Do we have a motion for concept?

24          MR. LANE: Ms. Davies had asked earlier about  
25          consideration of the street names. Are the street names

1 set in stone? I'd like to know the nexus of where some  
2 of the names came from? They're a bit unusual.

3 MR. SIPPERLY: They are unusual. We had someone in  
4 our office name the streets and we had asked for name  
5 changes, but I think that it was a very good suggestion.  
6 The streets will be changed.

7 MR. BRIAN SIPPERLY: We've been working with the  
8 Town Historian and we have the deeds and we're looking  
9 into that.

10 CHAIRMAN STUTO: Motion for concept?

11 MR. MION: I'll make that motion.

12 MR. LANE: Second.

13 CHAIRMAN STUTO: Any discussion?

14 (There was no response.)

15 CHAIRMAN STUTO: All those in favor say aye.

16 (Ayes were recited.)

17 CHAIRMAN STUTO: All those opposed say nay.

18 (There were none opposed.)

19 CHAIRMAN STUTO: The ayes have it.

20 Thank you.

21

22 (Whereas the proceeding was concluded at 8:02 p.m.)

23

24

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, 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 June 6, 2014

