

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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VENTURA CONSERVATION SUBDIVISION

560 BOGHT ROAD

APPLICATION TO REISSUE CONCEPT ACCEPTANCE

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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY STRANG, a Shorthand Reporter,  
8 commencing on January 12, 2016 at 7:11 p.m. at The  
Public Operations Center, 347 Old Niskayuna Road,  
Latham, New York

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10 BOARD MEMBERS:  
11 PETER STUTO, CHAIRMAN  
12 CRAIG SHAMLIAN  
13 TIMOTHY LANE  
14 LOU MION  
15 SUSAN MILSTEIN  
16 KATHY DALTON

17 ALSO PRESENT:

18 Kathleen Marinelli, Esq. Counsel to the Planning Board

19 Michael Tengeler, Planning and Economic Development

20 Joseph LaCivita, Director, Planning and Economic  
21 Development

22 Brian Sipperly, PE, Sipperly and Associates

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1                   CHAIRMAN STUTO: Joe, did you have a comment  
2 from the next one on the agenda?

3                   MR. LACIVITA: Yes, the next one is the Ventura  
4 Conservation Subdivision at 560 Boght Road. The  
5 applicant is here for concept acceptance.

6                   Through the process this applicant has been  
7 here before, received concept back in 2012 and then  
8 new concept given in 2014. During the course of that  
9 review of the concept, which is typically 18 months,  
10 the applicant was going through the final plan review,  
11 had a second iteration in addressing some of the  
12 comments and the concept acceptance had lapsed. The  
13 applicant is here tonight to discuss the issuance of  
14 the concept and I'm going to turn it over to Brian  
15 Sipperly for comment.

16                  MR. SIPPERLY: Thank you, Joe.

17                  Good evening, Chairman and Members of the  
18 Board. My name is Brian Sipperly with Sipperly and  
19 Associates. Here tonight with me is the  
20 owner/applicant Joseph Ventura of the Ventura Estates  
21 Residential Conservation Subdivision.

22                  To Joes, intro, I'm going to pull a little bit  
23 of an audible at the line of scrimmage here and  
24 request that we table this meeting to find some time  
25 on a future Planning Board agenda to dive into this.

1 We have come prepared to talk about a different  
2 density on Renas Drive than I think that the Board has  
3 time for tonight. So, I would like to request that.

4 CHAIRMAN STUTO: In a sense - and we have  
5 talked this over with counsel - concept has expired so  
6 they're applying for concept in a sense anew. So, I  
7 think that we're going to have a full presentation  
8 again.

9 MR. SIPPERLY: Actually, I'm applying for an  
10 extension under 190.63A of the Town Code.

11 CHAIRMAN STUTO: Yes, that's good to get on the  
12 record.

13 MR. SIPPERLY: I'm not here to get concept --  
14 enough said.

15 CHAIRMAN STUTO: I'm getting different  
16 information so, I'm glad that you're getting that on  
17 the record.

18 MR. LANE: What happened? Did the concept  
19 expire?

20 MR. LACIVITA: Well, it was through the course  
21 of the Planning Board review -- 163A actually talks  
22 about extension of approval. If there is no  
23 substantial change in the condition of a site or its  
24 environs, or inapplicable law, letter A says "concept  
25 acceptance may be extended for one year upon written

1 request by the applicant and after due consideration  
2 by the Planning Board." Now, that would be applicable  
3 but again, I think that if you look at the condition  
4 of no substantial change, the Planning Board had,  
5 during the course of review seen a project that had  
6 three houses on Renas Drive -

7 CHAIRMAN STUTO: You're saying that the  
8 proposed change is substantial and therefore it's not  
9 a simple renewal.

10 MR. LACIVITA: Right. I think that it has the  
11 change of significance in the fact that we've asked  
12 for two homes on Renas drive, fronting Renas Drive and  
13 that application has yet to be changed through the  
14 course of that. Since then, they have gone through  
15 the Army Corp and so on and trying to work through  
16 through the process, we're at a lapse of concept.  
17 It's probably best to table it.

18 CHAIRMAN STUTO: And bring it back for a fuller  
19 presentation.

20 MR. LACIVITA: So we can have that full  
21 discussion.

22 MR. SIPPERLY: I would like to go on record as  
23 saying I don't believe that there have been  
24 significant changes to the plan. It's the exact same  
25 concept that the Board saw on 3/24/14 and has not

1 changed whatsoever.

2 CHAIRMAN STUTO: My understanding is that we  
3 reduced the number of lots, in our concept approval.  
4 That's my recollection, as well.

5 MR. SIPPERLY: So, let's table it and we'll  
6 come back and do a full presentation and hash it out.

7 CHAIRMAN STUTO: Okay, great. Thank you.

8 MR. SIPPERLY: Thank you.

9 CHAIRMAN STUTO: Because we only allotted you a  
10 couple of minutes.

11 MR. SIPPERLY: That's why I was pulling kind of  
12 an audible here.

13 CHAIRMAN STUTO: If any members of the public  
14 are here for this, that's why we are tabling it.

15 MR. LACIVITA: When we find a Planning Board  
16 agenda, which I will try to get on for the next  
17 possible one, we'll re-issue letters to the community.

18 CHAIRMAN STUTO: Since we're here and it's been  
19 noticed, do you want to let us know what's going on  
20 with those other aspects that have been holding it up?

21 MR. SIPPERLY: In general, subconsultants  
22 bringing through the archeological findings, report  
23 generation and subsequent feedback from SHPPO in  
24 addition to negotiations with the Corp and the State  
25 DEC pertaining to critical wetland boundaries of DEC

1 jurisdictional things.

2 CHAIRMAN STUTO: Do you expect those things to  
3 be resolved?

4 MR. SIPPERLY: I do. I think a 100 foot versus  
5 a 50 foot buffer -- we're trying to go for a 50 foot  
6 because there have been some previous issues that --  
7 in a nutshell that's the overall general stuff.

8 CHAIRMAN STUTO: Thank you. That's  
9 informative.

10 MR. SIPPERLY: With that being said, thank you.

11 MR. LACIVITA: Thanks, Brian.

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18 (Whereas the above proceeding was concluded at  
19 7:17 p.m.)

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CERTIFICATION

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I, NANCY STRANG, 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.

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NANCY STRANG

Dated \_\_\_\_\_

