

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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PARKSIDE AT THE CROSSINGS

MULBERRY DRIVE

APPLICATION TO AMEND PRIOR PDD

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6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY L. STRANG, a Shorthand Reporter,
8 commencing on March 8, 2016 at 7:02 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 TIMOTHY LANE
13 LOU MION
14 CRAIG SHAMLIAN
15 SUSAN MILSTEIN

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18 ALSO PRESENT:

19 Kathleen Marinelli, Esq. Counsel to the Planning Board

20 Michael Tengeler, Planning and Economic Development

21 Joseph LaCivita, Director, Planning and Economic
22 Development

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24 Melissa Currier, PE, CT Male
25 Maria Colavito, President, Parkside at the Crossings
Homeowners Association

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1 CHAIRMAN STUTO: We'll call up the first item
2 on the agenda. This is Parkside at the Crossings,
3 Mulberry Drive, application to amend prior planned
4 district development, allows for decks from homes
5 abutting the stormwater basins.

6 MR. LACIVITA: Correct. I think that the
7 Planning Board knows that when we create a PDD under
8 legislation, it is locked in -- I'll say locked in
9 solid as to how the project actually evolves. If the
10 applicant, through the course of the Planning process,
11 leaves off such things such as a patio deck, a pad for
12 a back-up generator like you saw at Shaker Point, that
13 PDD is what it is as it gets approved. Any changes to
14 that PDD, based on the way our legislation is, has to
15 come back in the process.

16 We're here tonight with Parkside at the
17 Crossings because under Land Use Law 18 of 2002 when
18 the Parkside at the Crossings was created, there were
19 seven sites, 14, 16, 20, 22, 24, 26 and 28 Mulberry
20 that did not have decks or any patio decks because of
21 the grade by the stormwater basin.

22 The Homeowners Association is here tonight
23 asking for relief of that PDD and asking to amend the
24 PDD to allow for the seven decks at those specific
25 locations with decks, 22 by 12 or 18 by 12, based on

1 the Resolution that we have before us.

2 Melissa is here tonight to take us through the
3 process in order to amend the PDD.

4 CHAIRMAN STUTO: For the public, can you tell
5 us what that is? I think that the Board Members all
6 know.

7 MS. CURRIER: Good evening. My name is Melissa
8 Currier and I'm from CT Male Associates. I'm here
9 representing Parkside at the Crossings Homeowners
10 Association tonight.

11 As Joe had said, we are looking to amend the
12 previously approved PDD that approved in 2009 that
13 showed no decks on these areas. Really what it comes
14 down to is that right in the rear of these lots, which
15 I will show ou on this board - these seven units have
16 a stormwater basin in the backyard and the slopes are
17 pretty steep in those areas. Therefore, it is hard to
18 construct concrete patios which many of the residents
19 have a ground unit. Those patios - they can enjoy
20 their outdoor living. They can sit outside and have
21 grills and enjoy the outside and really that's what
22 these units are looking to have because they cannot
23 have access to the outdoor patio.

24 There was no other proposed change. This is
25 just for the seven, as Joe had said.

1 CHAIRMAN STUTO: And they face the backyards.

2 MS. CURRIER: They face the backyards; yes.

3 The Homeowners Association does have some
4 strict requirements with what they would like to see.
5 They set up that Homeowners Association and they come
6 together as a group and make those decisions. So,
7 they can't just build any deck that they want. They
8 actually have to go through this process to conform to
9 the design requirements that they have set forth in
10 that association.

11 MR. LANE: So, if they weren't originally
12 allowed because of the slope, what was changed to make
13 these allowable?

14 MR. LACIVITA: One of the things internally - I
15 checked with John Dzialo in the Stormwater Department.
16 That stormwater basin is actually a private stormwater
17 basin. So, they had an engineer look at it to see if
18 the stormwater basin would be compromised and they had
19 agreed that it's not going to be compromised. It's
20 not an encroachment that they would going forward. I
21 think that based on the grades and the letter -

22 MS. CURRIER: The elevation change from the
23 building to the high water table goes down lower, but
24 the elevation change to the top of the pond to the
25 back of the house is such a change that they can't

1 just put a patio on the back yard. They wouldn't be
2 binding the stormwater pond; correct.

3 MR. LANE: But they would be limited in size.

4 MS. CURRIER: Yes, they would be limited in
5 size.

6 MR. SHAMLIAN: Why not 18? I don't see one
7 with 18.

8 MS. CURRIER: My understanding is that they
9 didn't want it. We have Maria here who is the
10 President of the Homeowners Association. That was my
11 understanding.

12 MS. COLAVITO: Actually, we did a walk-thru --
13 the Board of Manager did a walk-thru on this site to
14 find only those areas where a patio was not an option.
15 So, 18 did have enough room to have a patio if they
16 wanted to. So, we only made the application for those
17 kinds where it was not possible to have a patio.

18 MR. LANE: If the property changes hands and
19 they have room for one, they'd have to come back
20 still. So, whether they want to do it now -

21 MS. COLAVITO: As a Board, we would not approve
22 a patio on that location because we took the position
23 that only those lots where people could not have a
24 patio which is the preferred option would rule out
25 decks. Otherwise, many people who were forced to have

1 a patio would opt to have a deck. Some people would
2 prefer to have a deck.

3 CHAIRMAN STUTO: And you're the President of
4 the Homeowner Association.

5 MS. COLAVITO: Yes, we're the Board of
6 Managers.

7 CHAIRMAN STUTO: And they voted in favor of
8 this?

9 MS. COLAVITO: Yes.

10 CHAIRMAN STUTO: I see your letter of support
11 in the package.

12 MS. COLAVITO: Just to clarify, somebody just
13 spoke in my ear and said that 18 already built a
14 patio.

15 CHAIRMAN STUTO: Any other questions?

16 (There was no response.)

17 Any members of the public want to be heard on
18 this one?

19 (There was no response.)

20 What are we going procedurally here? Are we
21 voting favorably on this or in favor of a
22 recommendation to the Town Board?

23 MR. LACIVITA: Right, it does have to go back
24 to the Town in order for them to adopt an amended PDD.
25 You have an amended findings statement that I just

1 handed out to you, in order that we can send that to
2 the Town Board so that they vote at their next
3 meeting.

4 CHAIRMAN STUTO: Okay, we have a Resolution
5 entitled Planning Board Resolution Amendment to
6 Planned Development District Known as Parkside's
7 Crossings.

8 I would ask the stenographer to enter this in
9 its entirety into the record.

10 Could you read the resolves on that?

11 MR. LACIVITA: It says "Now therefore be it
12 resolved, the Board hereby finds the extent of the
13 requested amendment for the PDD is not considered
14 substantial; and be it further

15 Resolved, the Board finds the applicant has
16 established there are no adverse impacts for the
17 allowance of the patio decks at the locations stated
18 above; and be it further

19 Resolved, the Board hereby approves the request
20 for the decks to be constructed as requested at the
21 locations state above; and be it further

22 Resolved, this amendment to the PDD be a
23 condition of the original approval and be kept in the
24 project file in the office of the Planning and
25 Economic Development Department.

1 CHAIRMAN STUTO: Okay, do we have a motion for
2 that Resolution?

3 MR. MION: I'll make the motion.

4 MR. LANE: Second.

5 CHAIRMAN STUTO: Any discussion?

6 (There was no response.)

7 All those in favor say aye.

8 (Ayes were recited.)

9 All those opposed say nay.

10 (There were none opposed.)

11 The ayes have it.

12 Thank you.

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14 (Whereas the above entitled proceeding was
15 concluded at 7:10 p.m.)

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CERTIFICATION

I, NANCY L. 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.

NANCY L. STRANG

Dated _____

