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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

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GORDON APARTMENTS SPECIAL USE PERMIT  
945 - 957 WATERVLIET SHAKER ROAD  
APPLICATION FOR SEQR DETERMINATION  
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THE STENOGRAPHIC MINUTES of the above entitled  
Public Hearing by NANCY L. STRANG, a Shorthand  
Reporter, commencing on May 10, 2016 at 7:40 p.m. at  
The Public Operations Center, 347 Old Niskayuna Road,  
Latham, New York.

BOARD MEMBERS:  
PETER STUTO, CHAIRMAN  
LOU MION  
KATHLEEN DALTON  
TIMOTHY LANE  
SUSAN MILSTEIN  
CRAIG SHAMLIAN

ALSO PRESENT:  
Michael C. Magguilli, Esq. Town Attorney and Counsel to  
the Planning Board  
Joseph LaCivita, Planning and Economic Development  
Department  
Jonathan Lapper, Esq., Barlett Pontiff Stewart & Rhodes  
Starlyn D'Angelo, Executive Director, Shaker Heritage  
Society  
William Risler

1                   CHAIRMAN STUTO: Next on the agenda is Gordon  
2 Apartments, Special Use Permit, 945 to 957 Watervliet  
3 Shaker Road. This is an application for environmental  
4 review determination and the special use permit is not  
5 granted here but it would be granted, if it is so  
6 granted, with the Zoning Board of Appeals.

7                   MR. LACIVITA: That is correct. The last time  
8 that the applicant was before us, we had tabled the  
9 voting and ask the applicant to work with the Shaker  
10 Heritage Society on a couple of outstanding issues.

11                   We have with us Jon Lapper this evening along  
12 with Mike Tucker to show what they have done along  
13 with the Shaker Heritage Society in moving forward  
14 with the project.

15                   MR. LAPPER: Very briefly, we had a very  
16 thorough discussion, I think, at the last meeting and  
17 then some of the members of the Shaker Heritage  
18 Society got up and said that they still had some  
19 concerns and before the Board made a SEQOR  
20 determination and a recommendation to the ZBA, we  
21 tabled so that we could meet with them and have some  
22 discussions.

23                   I think that we were very successful and it  
24 resulted in a letter to the Town from Starlyn which  
25 documented all the terms of our agreement which really

1 got it formalized quicker than it probably would have  
2 been.

3 CHAIRMAN STUTO: Do you agree with the terms  
4 that are in the letter?

5 MR. LAPPER: Yes, we do. I think that it  
6 advanced the project a lot.

7 CHAIRMAN STUTO: Do you want to highlight what  
8 those terms are?

9 MR. LAPPER: We've got her letter and I can  
10 just go through it.

11 Gordon agrees to maintain the structural  
12 integrity of the five Shaker buildings. These five  
13 structures are the contributing features to the  
14 Natural Historical District.

15 Gordon agrees to maintain the original exterior  
16 and interior features still present in the Shaker  
17 buildings including exterior facades, chimneys, fascia,  
18 soffits, shutters, porches and windows along with  
19 original material, woodwork, built-in covers, drawer,  
20 handrails, wooden mechanical devices, stairway  
21 railings, steps, doors, original painted surfaces.  
22 Gordon will refrain from modification of attic space  
23 as well as meeting room on the third floor of the 1827  
24 dwelling house. Before modifications of Shaker  
25 buildings will not be undertaken without prior review

1 of the Shaker Heritage Society before adaptive reuse  
2 of these structures can be undertaken, an assessment  
3 of structures -- structural needs as well as  
4 identification of original features and modifications  
5 of the buildings as needed. Whenever it is  
6 financially reasonable, Gordon agrees to comply with  
7 Secretary of the Interior standards for preservation,  
8 rehabilitation and restoration when undertaking  
9 maintenance and adaptive reuse of the Shaker  
10 buildings.

11 Whenever possible, original windows, doors,  
12 stairways, siding, porches and other original  
13 components of the Shaker buildings will be retained.

14 Gordon will allow limited public access to the  
15 basement, attic and stairwells of the Shaker buildings  
16 for research and education purposes. Shaker Heritage  
17 Society will contact Gordon a minimum of 30 days prior  
18 to any tour of the Shaker buildings and will not  
19 access these spaces without prior approval from  
20 Gordon.

21 Shaker Heritage Society and Gordon will work  
22 together to develop interpretive signage that provides  
23 information about the history of the west family  
24 property. Gordon will pay for content development  
25 provided by SHS for a mutually agreed upon consultant

1 for design fabrication and installation of the signs.  
2 A specific project budget and timeline will be  
3 approved by SHS and Gordon.

4 Gordon will design a walking path within the  
5 west family property that links the Shaker buildings.  
6 The path will include the above mentioned interpreted  
7 information panels and will be accessible to the  
8 general public.

9 Prior to any construction, Gordon will allow  
10 SHS access to the Shaker buildings and landscape  
11 within the west family property for documentation of  
12 existing conditions using photography and written  
13 descriptions. This information will be gathered for  
14 informational, educational and research purposes.

15 Gordon will include the words "Shaker" and  
16 "West" into the name of the new apartment complex.

17 SHS has met with Gordon's architect to review  
18 the elevation plans for the new apartments. Gordon  
19 and SHS are currently working together to develop the  
20 design for the new structures that will be sympathetic  
21 to the Shaker buildings but will not be replicas of  
22 Shaker buildings. The new buildings will reflect the  
23 agriculture heritage of the site.

24 I'll stop there and say that this has been  
25 redone just this week based upon the meetings last

1 week.

2 CHAIRMAN STUTO: That's not the current?

3 MR. LAPPER: This is the current (Indicating).

4 CHAIRMAN STUTO: Why don't you put it up so the  
5 public can see it? I think that we have a rendition  
6 of it.

7 MR. LAPPER: So that was updated from the last  
8 February after our meetings with them.

9 While Gordon will not modify the current  
10 proposed aesthetic drawings without prior consultation  
11 with SHS, the site plans will reflect the historical  
12 layout of the historic buildings and landscape.

13 Gordon will not increase the current proposed  
14 density of the project which is 126 new apartments.

15 The site plan will include community garden  
16 space that reflects the agricultural heritage of the  
17 property.

18 Gordon development will consult with SHS to  
19 develop a landscape plan for the project. The  
20 landscaping will reflect the history of the site and  
21 will not include invasive plant species.

22 We're in agreement with all of those.

23 CHAIRMAN STUTO: Star, did you want to speak on  
24 this?

25 MS. D'ANGELO: Yes. Thank you for reading all

1 of the many points of that letter. I have to say that  
2 first, it's sad to see the historic districts losing  
3 so much of the open space and its historic context. I  
4 think that I have to say up front that we are very  
5 pragmatic and we understand the rights of the property  
6 owners and the need for change. We need to be mindful  
7 of the facts that Colonie has what I would say is an  
8 Internationally significant historic site. I think  
9 that it's important to point out that we are altering  
10 forever that historic site and our national heritage.

11 Having said that, I will also say that Gordon  
12 has been a pleasure to work with. They have listened  
13 to us. They have met with us many times. We've asked  
14 a lot of them and we initially talked about the  
15 possibility of some of the buildings being torn down  
16 and Gordon has agreed to maintain those buildings.

17 If you go into the bell house, in particular,  
18 it's astonishingly intact. That meeting room on the  
19 third floor still has soot marks on the walls from the  
20 woodstoves. It's astounding that they have agreed to  
21 leave that space open so that it can be enjoyed by the  
22 public and that we can use it for educational purposes  
23 is really wonderful and I think that we should commend  
24 Gordon for taking on that responsibility.

25 Last week we lost a barn in the South Family

1 property. It collapsed because the owner of the  
2 buildings in the South Family property - they're just  
3 not maintaining them.

4 So, with this project - while we are losing  
5 some of the original context of the historic site and  
6 some of the open space - the agricultural use of that  
7 space, we are guaranteed that those buildings will be  
8 preserved and left intact. I feel that is a really  
9 great benefit for the community as a whole. I don't  
10 think that we'll see the type of destruction that we  
11 are seeing in the South Family property.

12 If you are not familiar with the historic  
13 district, you have to remember that it's 776 acres.  
14 It's huge. We've had a lot of development already in  
15 the district. I think that the Shaker Heritage  
16 Society, my Board and I feel that we really have come  
17 to a solid agreement with Gordon and we've done the  
18 right thing as much as we can. We would love to  
19 reduce the density a little bit and preserve the view  
20 from the road but I really think that we've asked for  
21 a lot out of this project and Gordon has been very  
22 responsible in working with us.

23 At this point we are willing to provide some  
24 support for moving forward with the project.

25 CHAIRMAN STUTO: Thank you.

1 William Risler.

2 MR. RISLER: Thank you. I spoke at length at  
3 the last meeting, so I won't go over some of my  
4 comments.

5 I would echo what Starlyn said about the loss  
6 of this property and not just to our community but to  
7 the state and the nation.

8 This past week I happened to see a couple of  
9 episodes of jazz and Jackie Robinson by Ken Burns and  
10 one of Ken Burns' first films in 1984 was on the  
11 Shakers. His first film was on the Brooklyn bridge  
12 and it was in an urban environment and he wanted to do  
13 a documentary on an urban part of our history and  
14 we're losing that now.

15 I defer to Starlyn and her negotiations with  
16 Gordon as to the best case situation for this  
17 property. It's sad because as the Save Colonie's Tree  
18 people note and as Mr. Quinn noted, we are losing open  
19 space here. This property is part of the 2005 open  
20 space and recreational plan. This property also has  
21 the farm next to it.

22 As I mentioned at the last meeting, there was a  
23 book published in 1975 by Dorothy Filley. It was  
24 published by the Town of Colonie. In one of the  
25 chapters she writes this:

1           A Shaker presence remains in Colonie.

2           She goes on to describe how large their  
3 presence was in 1975.

4           "The following illustrations present a means to  
5 create a variety of significant amenities at the  
6 center of the Town of Colonie. A once in a lifetime  
7 chance to reuse, conserve and preserve. To create  
8 needed open space and to create forever wild areas  
9 around ponds, to provide nature walks through woods  
10 and wetlands, to establish a living history corp  
11 before the Town's history is lost and use the best  
12 Shaker buildings for needed contemporary purposes,  
13 develop a variety of active and passive recreation  
14 facilities. All this is possible. A living  
15 continuity for the public as an outgrowth of the  
16 Shaker communicational past."

17           There was input from the Town of Colonie, the  
18 Colonie Conservation Advisory Council and various  
19 other state and local historical societies.

20           I was at the meeting three weeks ago and I sat  
21 through three hours of sometimes repetitive and  
22 sometimes not germane comments about the Vly  
23 Road/Beltrone property. After the room cleared, there  
24 were just a few people here. There was a  
25 representative from every interested party here at

1 that portion of the meeting. There was a Town Board  
2 member, you were present, Afrim was here representing  
3 that property, the Gordon developers were here, the  
4 Colemans were here representing their interests and  
5 there were people from the Shaker Heritage Society.  
6 Over the next couple of days I was thinking that there  
7 was a lost opportunity there.

8 Last week there was an article in the Times  
9 Union and the heading was New York State Preserves  
10 Capital Region Farms through Grants. Capital region  
11 counties received more than half of the \$20 million  
12 dollars in state/farm preservation grants awarded by  
13 the Hudson Valley Agricultural Enrichment program.

14 Just like the Town did with the Crossings,  
15 there was an opportunity to do something very similar  
16 here.

17 With the Coleman property for sale and with  
18 working with Gordon and I know that it's probably moot  
19 now because the Shaker Heritage Society is working  
20 with Gordon, but with the open space in front of  
21 Afrim's, keeping open space in front of the historical  
22 West Family buildings and possibly purchasing through  
23 the Town's authorization under the Town Code, a lot of  
24 this space could have been kept for passive  
25 recreation, open space, farmland in the front and I

1 think that it's an opportunity lost. We lost the  
2 opportunity in the early 1900's when the county bought  
3 the Shaker property. In 1975 we had an opportunity to  
4 do something. This is an opportunity lost, I believe.

5 In that Beltrone property there was some  
6 concern about wetlands and wooded areas. The Nature  
7 Conservancy track is there. There isn't that concern  
8 here. That Coleman property is for sale and it's  
9 zoned commercial. So, there is going to be something  
10 put in there as well. So, this was an opportunity  
11 lost and this is me standing in front of the bulldozer  
12 now. As Starlyn said, this is the best case that they  
13 are going to get at this point. I think that there is  
14 an opportunity here to maybe rethink this. If the  
15 Coleman property is purchased -- the Town Chapter 118,  
16 preservation of historic places.

17 It is hereby determined that the Town Board may  
18 acquire places determined to be of a historical  
19 nature, including buildings and sites and memorabilia.

20 It goes on in detail as to how it happens.

21 I know that it's late and you're at a point  
22 where you're about to approve this to go forward.

23 CHAIRMAN STUTO: No. We're doing an  
24 environmental review here. We still have to do site  
25 plan.

1           MR. RISLER: All I'm saying is that there is  
2 still an opportunity to make all the parties happy.  
3 In the book Recapturing Wisdoms Valley, it was thought  
4 to have multiple uses for the property; ball fields,  
5 housing, passive recreation, open land. I still think  
6 that there is an opportunity here. I'm not trying to  
7 trump the work that's been done by people in the past  
8 six months in negotiations with the Planning  
9 Department and Shaker Heritage Society. I still think  
10 that an opportunity here is being lost.

11           I was planning to prepare a proposal to submit  
12 to the Town Board and other possible stake holders at  
13 the state and national level. Unfortunately there was  
14 a death in my family and the past two weeks have been  
15 difficult. I only found out about this meeting  
16 yesterday so I wasn't able to put anything in writing.  
17 I still think that there is an opportunity to satisfy  
18 all parties involved. I know that looking back at  
19 Gordon's development - their proposal back in November  
20 and at the last meeting, they made some adjustments.  
21 I think that with a little extra work here, there is  
22 still an opportunity to make this the next Crossings.  
23 I understand that West and Shaker are going to be in  
24 the name of the development but I still think that  
25 there is a possibility to do something positive here

1 and at some point I'm going to get a chance in the  
2 next couple of days and reduce this to writing and  
3 submit it to the Town Board and also the Planning  
4 Board as well. Thank you.

5 CHAIRMAN STUTO: This is going to the Zoning  
6 Board of Appeals after this - just so you know.

7 MR. RISLER: I will be there, as well.

8 CHAIRMAN STUTO: Thank you.

9 Do we have anything else to say?

10 MR. VOSS: We're good.

11 CHAIRMAN STUTO: Does the Board have any  
12 comments or questions?

13 (There was no response.)

14 Again, we have the environmental review in  
15 front of us.

16 Brad, can you walk us through that?

17 MR. GRANT: Certainly. As with the last SEQOR  
18 determination you have in your packets forms Part I  
19 and III. They were prepared for the Board. The forms,  
20 again, were reviewed and approved by the Town  
21 Attorney's office and I have prepared a notice of  
22 determination of no significant effect on the  
23 environment. It's again, a long form Part III and a  
24 negative declaration. I'll just summarize it like I  
25 did the last one.

1           The first page is the cover page which  
2 describes the project. Then, we get into the  
3 analysis.

4           Impacts on land: Based on the above, it appears  
5 that the project will not have a significant impact on  
6 the environment related to land resources.

7           Impact on water: Based on the above analysis,  
8 it appears that the project will not have a  
9 significant impact on the environment related to water  
10 resources.

11           Impacts on air: Again, with the analysis, it  
12 was determined that based on the above, it appears  
13 that the project will not have a significant impact on  
14 the environment related to air quality.

15           Impact on transportation: Again, through the  
16 initial traffic study and information provided, it was  
17 determined that based on the above, it appears that  
18 the project will not have a significant impact on the  
19 environment related to transportation.

20           Impact on aesthetic resources: Again, based on  
21 the information provided and the recent developments  
22 with the Shaker Heritage Society, it was determined  
23 that based on the above it appears that the project  
24 will not have a significant impact on the environment  
25 related to aesthetic resources.

1                   Impact on archeological and historical  
2 resources: What we did here is we incorporated the  
3 Shaker Heritage Society's letter dated May 4th and to  
4 the findings and determined that based on the above it  
5 appears that the project will not have a significant  
6 impact on the environment related to archeological or  
7 historical resources.

8                   Impacts on plants and animals: Again, to the  
9 analysis, it was determined that based on the above,  
10 it appears that the project will not have a  
11 significant impact on plants and animals.

12                   Impact on growth, character and health of  
13 community or neighborhood: Again, to the analysis, it  
14 was determined that based on the above, it appears  
15 that the project will not have a significant impact on  
16 the growth, character and health of the community or  
17 neighborhood.

18                   Impact on energy: Again to our analysis, based  
19 on the above, it appears that the project will not  
20 have a significant impact on energy.

21                   Impacts on noise and odor: Again, it was  
22 determined that based on the above it appears that the  
23 project does not have a significant impact on noise  
24 and odor.

25                   The conclusion is that the Town of Colonie

1 Planning Board has done a careful review of the  
2 reasonably anticipated areas of environmental concern  
3 raised by the project. Based upon that review, the  
4 criteria for determining significance contained in the  
5 SEQR regulations and the rule of reasonableness, the  
6 Planning Board issues this negative declaration  
7 including that the facts and circumstances of this  
8 project will not result in a significant adverse  
9 environmental impact. Therefore an environmental  
10 impact statement will not be required.

11 CHAIRMAN STUTO: Do we have a motion on  
12 adopting that negative declaration?

13 MR. MION: I'll make a motion.

14 MR. LANE: Second.

15 CHAIRMAN STUTO: Any discussion?

16 (There was no response.)

17 All those in favor say aye.

18 (Ayes were recited.)

19 All those opposed say nay.

20 (The ayes have it.)

21 Thank you.

22 MR. LAPPER: I think that you were also going  
23 to make a recommendation to the Zoning Board on the  
24 special use permit?

25 CHAIRMAN STUTO: I don't think that's part of

1           our job.

2                   MR. LACIVITA: We don't have to do that.  
3           Actually, the SEQR adoption gets you over to there for  
4           them to make that.

5                   MR. LAPPER: Okay. Thanks very much, everyone.

6  
7                   (Whereas the above entitled proceeding was  
8           concluded at 8:01 p.m.)

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CERTIFICATION

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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 \_\_\_\_\_

