

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

NORTHERN PASS PDD

AMENDMENTS TO FINAL SITE PLAN APPROVAL

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter, commencing on February 7, 2017 at 9:25 p.m. at The Public Operations Center, 347 Old Niskayuna Road, Latham, New York.

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

ALSO PRESENT:

Joseph LaCivita, Planning and Economic Development Department
Michael Tengeler, Planning and Economic Development Department
Nick Costa, Advanced Engineering
Joe Grasso, PE, CHA
Donald Porterfield
Nia Cholakis, Esq

1 CHAIRMAN STUTO: The last item on the agenda is
2 Northern Pass PDD, amendments to final site plan
3 approval.

4 Joe, do you have any comments on this?

5 MR. LACIVITA: No. Will just hand it over to
6 Nick.

7 MR. COSTA: Good evening. My name is Nick Costa
8 with Advanced Engineering and Surveying. We are here
9 to present the amendment to the Northern Pass PDD
10 which was approved several years ago and is well
11 underway into construction.

12 This amendment involves basically the clubhouse
13 area. The clubhouse area shown here (Indicating)
14 isolated from the overall project. What the applicant
15 has done is the clubhouse has substantially been
16 changed as it is shown on those elevations that you
17 have.

18 Another addition to the site is the proposed
19 greenhouses which are located right here (indicating).
20 Also, access from the parking lot to the garage that
21 is located here below grade - and a partial basement
22 to the clubhouse.

23 As I was saying, the clubhouse has some
24 substantial changes. The proposed clubhouse that was
25 approved as part of the PDD is shown on the first

1 sheet.

2 CHAIRMAN STUTO: Okay, that is what is
3 currently shown on the drawing. That is what currently
4 is approved.

5 MR. COSTA: That is correct.

6 CHAIRMAN STUTO: And if we turn to the second
7 sheet -

8 MR. COSTA: The second sheet shows what the
9 applicant has changed it to. That is a substantial
10 change. There are material changes. There are interior
11 changes.

12 CHAIRMAN STUTO: Has the size changed?

13 MR. COSTA: No. The size has stayed the same.
14 The square footage is the same. It is just an
15 aesthetic change and internal operation changes. You
16 can actually obviously see the major changes to the
17 elevations.

18 This is the garage that I was talking about
19 that is accessed from the asphalt driveway
20 (Indicating). This is more of the sides of the
21 clubhouse. There is also the floor plan which I think
22 you have a copy of. Internally, there was a
23 description of the floor plan being subdivided into
24 having some common areas. Now, we show a fitness room,
25 an indoor pool in the community room along with the

1 mail room which is also located at the clubhouse. The
2 residents would probably visit this facility at least
3 once a day to pick up their mail. The mail will be
4 delivered to this location. There is a small sales
5 office for the Northern Pass community located right
6 here.

7 That is what the amendment to the PDD involves.

8 CHAIRMAN STUTO: We have a Town Designated
9 Engineer, Joe Grasso.

10 Joe, which is like to comment on the changes?

11 MR. GRASSO: We did not prepare a letter. There
12 is a draft Resolution prepared by the Planning Office
13 in your packet. We see it as a tremendous improvement
14 over what was originally proposed as part of the
15 original PDD site plans. We have no concerns regarding
16 the change. It is a substantial improvement in the
17 variety of uses to serve the neighborhood and a
18 tremendous improvement in terms of the level of
19 architectural design in detail of the facility.

20 CHAIRMAN STUTO: Were there any members of the
21 public looking to be heard on this one?

22 (There was no response.)

23 Okay, Board Members?

24 MR. PORTERFIELD: My name is Don Porterfield.
25 My questions are - I don't know very much about this.

1 Is this an underground garage - is this in addition to
2 this plan?

3 MR. GRASSO: Yes.

4 MR. PORTERFIELD: So what about the egress and
5 ingress for people from the garage -

6 MR. COSTA: It's internal to the site.

7 MR. PORTERFIELD: So, it's not to the public?

8 MR. COSTA: No.

9 CHAIRMAN STUTO: Do you live there?

10 MR. PORTERFIELD: No, I do not. I just heard
11 garages and I thought how do people get from the
12 bottom to the top?

13 CHAIRMAN STUTO: Board Members?

14 MR. MION: How important is this to be approved
15 tonight?

16 MS. CHOLAKIS: My name is Nia Cholakis with
17 Rossetti Development Company who is the applicant. It
18 is important for us to have this recommended and
19 brought back to the Town Board. We have a building
20 permit for the structure. So, it is under
21 construction. We have people living in some of the
22 units. People are looking to have the facility
23 completed so that they can use it. As you know, based
24 on your recommendation, it goes back to the Town
25 Board. The Town Board then has to schedule it for

1 public hearing. Then, the public hearing must take
2 place before they can vote on it. So, you are talking
3 about at least two more meetings of the Town Board
4 after you have made your determination. So, from a
5 timing standpoint, it is important just because the
6 structure is nearing completion and the residents are
7 looking to use it.

8 MR. MION: It is interesting that you use the
9 word timing because in the past, we have approved a
10 couple of other projects - like 2090 Central Avenue
11 and maybe 20 Atwood. There have been some problems out
12 there. We have tried to get it straightened out for
13 probably going on almost 2 years now. We are still
14 waiting to get that done. I know you have an urgency
15 for this, but I think also - and I know I'm connecting
16 this to other projects, but in good faith I think
17 maybe you should take care of the projects that need
18 to be taking care of and bring it back to standard so
19 that you can go on to this.

20 MR. COSTA: For 2090 we did make a submission
21 to take care of mitigating some of those issues that
22 were brought out to our attention. There is an
23 application and with the Planning Department and it is
24 making its way around the departments, I believe.

25 MR. MION: 20 Atwood?

1 MS. CHOLAKIS: That is a matter between the two
2 parcel owners. We are currently in litigation with
3 that matter. We did not initiate the litigation. We
4 were sued as a result of that matter and we are
5 currently working with attorneys to answer that
6 lawsuit and probably bring counterclaims as well as
7 other causes of action. We are at a standstill. We
8 have tried to do what we can do to remedy it. Because
9 the property location - the nature of the matter
10 involves the owner next door and we have tried to
11 submit an application for site plan review and
12 modification to the site plan, but that has been
13 rejected because we don't own the parcel. So, there is
14 a legal impediment for us to do anything at this
15 point.

16 MR. MION: I guess my point being is - I hear
17 what you're saying. My point is that this has been
18 going on for quite a while. This legal action is
19 something that -

20 MS. CHOLAKIS: With all due respect, I stood
21 here on two separate occasions when Mr. Kahn came
22 before this Board and asked for waivers to put in a
23 car lot. He was approved for those waivers and it was
24 stipulated that he would have 37 cars on that lot,
25 maximum.

1 MR. MION: I have fully aware of that.

2 MS. CHOLAKIS: Well, I think I need to address
3 it because you're bringing it up. Those 37 cars also
4 included 17 spots over which our company, or an
5 affiliate of our company has a legal parking and
6 access easement. I brought it to the attention of the
7 planning board at the time that he cannot display
8 vehicles in that area because then it frustrates our
9 ability to have our clients or our tenants use those
10 parking spaces. The Town did make a stipulation. It
11 then became incumbent upon us to try to work out some
12 solution with him. Our tenants are unable to Park.
13 There is nothing that we can do, short of legal
14 action. That's where we are at this point.

15 MR. MION: I guess where I am coming from is
16 that there is an island that can be moved.

17 MS. CHOLAKIS: And we have tried to put it back
18 and we met on site with Mr. Neely and he has agreed to
19 a certain configuration that is acceptable to him and
20 we are unable to do that because it is not on our
21 property. We have submitted documentation to the
22 planning department and it has been rejected because
23 it is not on our property. That is why there is a
24 lawsuit pending at this point. We would like to
25 resolve it as quickly as possible. Frankly, we have

1 offered to buy his parcel from him for five times more
2 than what he bought it for in order to alleviate the
3 problem because it is impacting our ability to keep
4 tenants in our building and rent to new tenants. So, I
5 get it's not something that we have not wanted to try
6 to deal with. We have tried to the extent that we have
7 any power to do anything. We have tried it at every
8 angle. Now, it is in litigation.

9 MR. MION: I am not against this. I want you to
10 know that. I do think that in the future you may
11 consider that before you come before us, to straighten
12 out some of the other things that we have in question
13 in the Town. The reason that I am familiar with these
14 two is because they are in my backyard.

15 MS. CHOLAKIS: Listen, I appreciate that.
16 Again, we have done everything that we can that is
17 within our power to try to resolve everything at 20
18 Atwood. As far as 2090 Central Avenue there has been
19 one violation that has been served on us as a result
20 of our tenant at the time - the tenant's actions. We
21 responded to that within - whatever the timeframe was
22 in submitted all the documentation to Mr. Tengeler and
23 to my knowledge, that violation has been rescinded.
24 So, once we were made aware of the situation - or at
25 least I was made aware of the situation, we dealt with

1 it in short order.

2 MR. MION: I will ask you one other thing about
3 2090. There's a dumpster - move it to the other side.
4 The people that live in the house next door - it's
5 right under their window. It is a very simple thing.
6 Pick it up and move it to the other side of the
7 property.

8 MS. CHOLAKIS: I can't speak to circulation.
9 That is not a project that I am intimately aware of. I
10 do know some of it, but I don't know as far as the
11 site plan review process is concerned - certainly
12 something that we can relate to the owner. I will let
13 them know.

14 MR. TENGELER: We have 2090 currently under
15 review. The comments just came out this afternoon and
16 that will be furnished to Nia tomorrow. There are
17 still some remaining comments out there in the
18 dumpster is one of the things on there.

19 MR. MION: Thank you.

20 MS. CHOLAKIS: Thank you.

21 MS. MILSTEIN: Can the clubhouse be seen from
22 the road?

23 MR. COSTA: It can be seen from the emergency
24 access. There is an emergency access road from
25 Santononi Drive to Old Loudon. And that's the only

1 place where it's really visible. Although, there is
2 some existing vegetation in here, that kind of blocks
3 it. That is the unfortunate part - it is not very
4 visible. If we could've gone back and rotated it and
5 at least have the cul-de-sac, it would have been nice.

6 CHAIRMAN STUTO: Any other comments or
7 questions?

8 (There was no response.)

9 The application is for a recommendation to the
10 Town Board on the amendment to the PDD. We have a
11 motion.

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

13 MS. DALTON: I'll second that.

14 CHAIRMAN STUTO: Any discussion?

15 (There was no response.)

16 MS. MARINELLI: There was a motion in the
17 packet - if I could just give that the stenographer?

18 CHAIRMAN STUTO: Okay.

19 MS. MARINELLI: Do you want me to read it?

20 CHAIRMAN STUTO: Yeah, sure.

21 MS. MARINELLI: This is a Board Resolution and
22 an amendment to the findings for the planned
23 development district known as Northern Pass PDD.
24 Resolved, the Board hereby finds the extent of the
25 requests of the amendments to the PDD is not

1 considered substantial and further, the Board finds
2 the applicant has established that there are no
3 adverse impacts for the allowance of the proposed
4 amendments as noted above. Further be it resolved,
5 that the Board hereby approves the request for the
6 façade changes, the addition of the garage and put in
7 a storage area, the proposed changes to grading around
8 the recreational building to accommodate a foundation,
9 the addition of indoor pool use which is in the
10 activity area and add a greenhouse community garden,
11 and *Further be it resolved, that this amendment to
12 the PDD be a condition of the original approval and be
13 kept in the project file of the office of Planning and
14 Economic Development Department.

15 CHAIRMAN STUTO: I don't know if that was in
16 our packages.

17 MS. MARINELLI: It was in mind, either.

18 CHAIRMAN STUTO: Do we have a motion on the
19 Resolution that has just been read to us?

20 MR. AUSTIN: I'll make that motion

21 MS. DALTON: I'll second it.

22 CHAIRMAN STUTO: Any discussions?

23 (There was no response.)

24 CHAIRMAN STUTO: All those in favor, say aye.

25 (Ayes were recited.)

1 All those opposed, say nay.

2 (There were none opposed.)

3 The Ayes have it. Thank you.

4

5 (Whereas the above entitled proceeding was concluded
6 at its 9:40 AM)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

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 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 _____

