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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

LOUDON HILLS EAST
120 SPRING STREET
EXTENSION OF CONCEPT ACCEPTANCE
AND CALL PUBLIC HEARING

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on May 22, 2018 at 7:08 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:
CRAIG SHAMLIAN, ACTING CHAIRMAN
LOU MION
CRAIG SHAMLIAN
SUSAN MILSTEIN
STEVEN HEIDER

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Planning
Board
Michael Tengeler, Planning and Economic Development
Department
Brett Steenberg, PA
Susan Weber, Save Colonie

1 ACTING CHAIRMAN SHAMLIAN: The next item on the
2 agenda is Loudon Hills East, 120 Spring Street,
3 extension of concept acceptance and call for public
4 hearing.

5 While the applicant is getting set up, on
6 this project I just wanted to let everyone know that
7 while this is a vote, this is essentially an
8 administrative function tonight. That is to
9 potentially grant an extension of concept. The call
10 for public meeting is for a meeting on June 5th,
11 which will be a full-blown public meeting with
12 comment. So, if you want to comment tonight, you
13 certainly are able to do so but we would ask that you
14 speak specifically about the extension of concept and
15 not about the project itself. That will take place on
16 June 5th.

17 MR. STEENBERG: Good evening. My name is Brett
18 Steenberg. I'm the engineer for the applicant, Loudon
19 Hills, LLC. You clearly stated that we are here this
20 evening for an extension of the concept. The plan has
21 not changed from a conceptual phase since the last
22 concept was granted. We have been working through for
23 the last several months the Town Designated Engineer
24 comments and the Planning and Economic Development
25 comments which I believe we have satisfactorily

1 addressed all of those comments to date. We are looking
2 to certainly move forward with the final approvals of
3 the subdivision process. In that time, the concept
4 approval has expired. Therefore, we are seeking an
5 extension of the concept. They are requesting that you
6 call for the public hearing at the next available
7 agenda.

8 ACTING CHAIRMAN SHAMLIAN: Okay, does anyone
9 have any comments or questions?

10 MR. LACIVITA: Any questions of our department
11 at this point?

12 ACTING CHAIRMAN SHAMLIAN: No.

13 MS. WEBER: My name is Susan Weber from Save
14 Colonie. It's my understanding that when something has
15 expired, it cannot be extended. If my license has
16 expired, it can't be extended. You have to renew your
17 application if something has expired. You can only
18 extend a granting of something if it is still in effect.
19 Otherwise, you have to start over. That's the way that
20 things work, I thought.

21 MS. MARINELLI: Susan, the Code says conceptual
22 acceptance may be extended for one additional year on
23 written request by the applicant and after due
24 consideration by the Planning Board.

25 MS. WEBER: Yeah, it can be extended but that

1 doesn't speak to when it can be extended - whether it
2 can be extended when it has already been expired.

3 MS. MARINELLI: Valid for 18 months from the
4 date of issuance. That's the Code.

5 MS. WEBER: And when was -- are we still within
6 the time?

7 MR. LACIVITA: I think that one of the things
8 that has been happening is that there has been a forward
9 review of this project since the conceptual phase. It
10 actually came to final back in 2011 and stopped at that
11 point. Then, concept was granted on the new submission
12 that you see right here before you in May of 2016, so
13 you are 18 months forward. The applicant had been moving
14 forward from final review and sent a letter of request
15 in to extend the concept at that time. So, he showed
16 good faith in the process and if we need to go any
17 further, I would ask our Town Attorney if he had any
18 questions as to the renewal or the extension process and
19 I believe that we are following the right path.

20 MS. WEBER: So, are you saying yes, that the
21 request for extension was made within -

22 MR. LACIVITA: The applicant submitted the
23 request in the time that was needed.

24 MS. WEBER: It was submitted within 18 months?

25 MR. LACIVITA: Yes.

1 MS. WEBER: Good. Could we have those dates -
2 the date that the initial concept -

3 MR. LACIVITA: I'm not sure exactly off-hand
4 when that was. I think that it was in November or
5 February -

6 MR. STEENBERG: It was either November or
7 December of 2017.

8 MS. WEBER: I thought it was 2016.

9 MR. LACIVITA: That's when they granted
10 concept, Susan. It was granted concept and then it was
11 18 months forward.

12 MS. WEBER: When was it granted? I'm sorry. It
13 seems to be -- I'm not getting the dates here. When was
14 concept?

15 MR. LACIVITA: Concept was granted in 2016.

16 MS. WEBER: I thought that you said March.

17 MR. LACIVITA: I don't think I said March. We
18 can check the record. It was May.

19 MS. WEBER: And when was the request?

20 MR. LACIVITA: The request I have here is dated
21 February 13, 2017. We have it here, Susan, if you want
22 to see.

23 MS. WEBER: No, I believe you. Thank you.

24 ACTING CHAIRMAN SHAMLIAN: Anyone else on this
25 project?

1 (There was no response.)

2 Okay, thank you.

3 MR. MION: I'll make a motion to extend.

4 MR. AUSTIN: Second.

5 ACTING CHAIRMAN SHAMLIAN: All those in favor?

6 (Ayes were recited.)

7 All those opposed?

8 (There were none opposed.)

9 The ayes have it.

10 MR. LACIVITA: Can we make a motion calling the
11 public hearing for June 5th at 7:00 p.m.?

12 MR. AUSTIN: I'd like to make that motion for
13 the public hearing for June 5th at 7:00 p.m.

14 MS. MILSTEIN: I second that.

15 ACTING CHAIRMAN SHAMLIAN: All those in favor?

16 (Ayes were recited.)

17 All those opposed?

18 (There were none opposed.)

19 The ayes have it.

20 Thank you.

21 MR. STEENBURG: Thank you. I appreciate your
22 time this evening.

23 ACTING CHAIRMAN SHAMLIAN: Again, everyone will
24 have an opportunity to speak on June 5th on the entire
25 project.

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(Whereas the above entitled proceeding was
concluded at 7:15 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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

