

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 PARK PLACE AT SHAKER WEST
5 FORMER GORDON APARTMENTS
6 945 AND 957 WATERVLIET SHAKER ROAD
7 REISSUANCE OF CONCEPT ACCEPTANCE WITH A REVISION

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9 THE STENOGRAPHIC MINUTES of the above entitled matter
10 by NANCY L. STRANG, a Shorthand Reporter commencing on
11 October 16, 2018 at 7:00 p.m. at The Public Operations
12 Center, 347 Old Niskayuna Road, Latham, New York

13 BOARD MEMBERS:
14 PETER STUTO, CHAIRMAN
15 CRAIG SHAMLIAN
16 BRIAN AUSTIN
17 KATHLEEN DALTON
18 SUSAN MILSTEIN
19 LOU MION
20 STEVEN HEIDER

21 ALSO PRESENT:
22 Kathleen Marinelli, Esq., Counsel to the Planning
23 Board
24 Joseph LaCivita, Director, Planning and Economic
25 Development
26 John Lapper, PE, VHB
27 Mike Tucker, PE, VHB
28 Charles Voss, PE, Barton and Loguidice
29 Diane Coleman
30 Susan Quine-Laurillard

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1 CHAIRMAN STUTO: Hello everybody and welcome to
2 the Town of Colonie Planning Board meeting.

3 Joe, do we have any business to discuss
4 before we call up the first project?

5 MR. LACIVITA: No, Peter.

6 CHAIRMAN STUTO: We have a lot of work to do
7 tonight so are going to go right in.

8 The first item on the agenda is Park Place at
9 Shaker West, former Gordon Apartments, 945 and 957
10 Watervliet Shaker Road, reissuance of concept
11 acceptance with a revision, 126 apartments with six
12 buildings.

13 Joe LaCivita, do you have any introductory
14 remarks on this project?

15 MR. LACIVITA: This project was going through
16 the review process and in fact had concept already from
17 the Planning Board when it was owned and operated by the
18 Gordon Brothers.

19 Back in August of last year - this past year,
20 we had our first preliminary final submission by the
21 applicant with the same engineer. Unfortunately what
22 had happened was there was a change in ownership in
23 the project. So, what we realized as we started the
24 review is the concept lapsed in July and we we're
25 bringing it back in to reissue concept this evening on

1 a smaller scale project from a building perspective.
2 It is still 126 units.

3 I'm going to turn it over to John Lapper and
4 Mike Tucker from VHB to discuss the project.

5 MR. LAPPER: Good evening, everyone.

6 As Joe said, because it is the Rossetti's, it
7 is a little bit of a different concept, but we expect
8 and hope that you will like this better. There are
9 fewer number of buildings. There is a lot more green
10 space and we took into account some of the neighbor
11 concerns such as moving the pool away from where it
12 was on the east side. The neighbor on the east was
13 concerned about. We kept all of the stuff that the
14 Board liked with the connections with the Afrim's site
15 for traffic and utilities. I think the buildings look
16 better and it is just a better use of the land.

17 At this point, I will ask Mike to take you
18 through the details.

19 As Joe said, we are here for revised concept
20 and then we will quickly resubmit for preliminary.

21 CHAIRMAN STUTO: I assume that you are going to
22 go through the before and after, right?

23 MR. LAPPER: Yes.

24 MR. TUCKER: Good evening. I am Mike Tucker
25 from VHB. As John Lapper said, the previous plan here is

1 shown on my right. That had 126 units and 11 buildings.
2 We had gone through some iterations and when we were in
3 front of the Board previously for concept approval with
4 the buildings turned different ways there were some
5 concerns about driving down that main road and seeing a
6 lot of garage doors. As we have moved ahead, we have
7 reduced the number of buildings down to six. So, there
8 are two larger buildings towards the rear and each has
9 34 units in them. Then, there are four 12-unit buildings
10 towards the front. So, these 34-unit buildings have all
11 parking underneath so it works really well with the
12 grade of the site. The site kind of slopes from west to
13 east or top to bottom on this page.

14 So, the front of the buildings is at grade.
15 You drive around to the back and it drops down and you
16 park under the building on this side (Indicating). The
17 remainder of the site is relatively close to the same
18 layout.

19 We still have community gardens.

20 The applicant has worked very closely with
21 the Shaker Heritage Society with the building
22 architecture, which I have here also that I will show
23 you in just a second -- with the community gardens and
24 the overall general layout of the site so that it
25 works for the view shed and maintaining those existing

1 Shaker buildings there. One of the big differences is
2 we are now saving a barn that was previously shown to
3 be demolished. It is being relocated towards the rear
4 of the site and the Shaker Heritage Society is excited
5 about that and will work with us as that move takes
6 place.

7 CHAIRMAN STUTO: Okay, we have had this
8 reviewed by our Town Designated Engineer, Chuck Voss.

9 Chuck, can you give us your comments on the
10 changes?

11 MR. VOSS: Sure, Peter. I will be relatively
12 brief as the Board has seen this and you have seen this
13 already in a slightly different iteration.

14 The Board should have in their packets our
15 letter dated September 18.

16 What Mike just did was summarize for you the
17 changes from the original concept that this Board
18 approved to the slightly newer concept. Really, the
19 only notable changes outside of what Mike had
20 mentioned - just the number of parking spaces went up
21 slightly. However, with the addition of the
22 underground parking now under the two new buildings,
23 basically the surface impacts will be a little bit
24 less in terms of that extra 30 spaces that are kind of
25 absorbed by those new buildings.

1 Other than that, the density is the same as
2 it was before in terms of the 126 units being allowed.
3 The site is still certainly within the GIS study area
4 so mitigation impacts will have to be assessed there.
5 The utilities are basically the same.

6 Our initial point of interest was just making
7 sure that there is interfacing with the new Afrim's
8 site that is coming online relatively soon. As John
9 and Mike just mentioned, they are still doing that.

10 They are committed to the sewer and the water
11 lines with coming in and that's really what the two
12 Town departments, Pure Waters and Latham Water had
13 requested originally, if the Board remembers. So,
14 those interconnects are there.

15 The physical transportation interconnects -
16 the circulation interconnects with the Afrim's
17 driveway are still in place, as originally proposed,
18 which we certainly think it's a bonus for folks
19 entering and exiting the site. We also certainly like
20 to see the slightly reduced number of building
21 footprints on the site now. We think that contributes
22 well to the overall open view shed aspects of the site
23 which were something that the Board had talked about
24 early on. From utility standpoint and access
25 management standpoint, the plan really isn't that

1 different at all from what this Board has seen prior.
2 We certainly look forward to looking more at their
3 detailed plans as they go along.

4 CHAIRMAN STUTO: Can you go over the parking
5 changes and green space one more time in more detail? I
6 know you have increased the garage spaces, which we
7 found on other projects has caused a dilemma because
8 although it counts toward your number, some people use
9 it for storage. We have one applicant coming back just
10 in that situation now looking for more surface spots.

11 Could tell about the math and the numbers and
12 how they have changed so that we understand? And then
13 there is the general question about the garages being
14 used for storage and how that loops into the project.

15 MR. TUCKER: So, on the larger buildings it is
16 an open garage with assigned spots, so there is really
17 nowhere to have any storage in there because it's like a
18 typical parking garage where everyone has an assigned
19 painted spot. Then, the remainder of the units - the
20 smaller units, the 12 unit buildings - each have a
21 single garage associated with the unit that they access
22 the unit through. So, again, we don't anticipate that
23 there will be any of those garages that will be used for
24 storage.

25 CHAIRMAN STUTO: Were the garages in there on

1 your last rendition?

2 MR. TUCKER: There were garages in the units
3 last time, correct. So, all we have really done is added
4 a few additional surface spaces around the existing
5 buildings.

6 CHAIRMAN STUTO: Okay, that should be helpful,
7 in a sense.

8 MR. TUCKER: There are some additional spaces
9 around the clubhouse because it's now a clubhouse and
10 pool area and the mail kiosk is there, so they are just
11 kind of quick turnover spaces around there. Everyone
12 that has a unit, has a garage.

13 CHAIRMAN STUTO: How is that all impacted? I
14 know that you have reduced the number of buildings. How
15 has that impacted green space?

16 MR. TUCKER: We have increased the green space
17 from 52% to about 67%.

18 CHAIRMAN STUTO: I don't have any more
19 questions.

20 Are there members of the public looking to
21 speak on this project?

22 (Audience members raised their hands.)

23 Can you say your name?

24 MS. COLEMAN: My name is Diane Coleman and I
25 own West Shaker Farm, the property next door. I am just

1 asking that a privacy fence is put in place the length
2 of the entire property because we don't need people
3 wandering through from the apartments - wandering
4 through our entire woods and our entire 38 acres that we
5 own next door. I would appreciate it if they would take
6 that into consideration. I don't need people wandering
7 into our green houses or into our woods. I am liable for
8 that if anyone gets hurt.

9 CHAIRMAN STUTO: Can I ask you a question? Have
10 you brought this issue up before?

11 MS. COLEMAN: We did.

12 CHAIRMAN STUTO: At a public meeting?

13 MS. COLEMAN: When the Gordon Group was in the
14 process of buying it at that time.

15 CHAIRMAN STUTO: You brought it out at a public
16 meeting?

17 MS. COLEMAN: Our lawyer did, yes, at a meeting
18 like this and he did ask if they would take that into
19 consideration.

20 CHAIRMAN STUTO: Is there an application on
21 your property for any other type of project?

22 MS. COLEMAN: No.

23 CHAIRMAN STUTO: Okay, thank you.

24 Is there anyone else from the public looking
25 to speak?

1 MS. QUINE-LAURILLIARD: Susan Quine-Laurillard,
2 Town resident, member of Birchwood Neighborhood
3 Association and Save Colonie, a Partnership for
4 Planning.

5 I had a couple of questions, or comments.

6 Could you please explain how the concept
7 approval, which occurred on January 24, 2017 is still
8 valid? The land-use regulations state that it's only
9 valid for a year. So, I don't understand how you can
10 have a reissued expired concept acceptance.

11 My second question is: The prior project went
12 before the Albany County Planning Board on December
13 20, 2016.

14 This is for the TDE: Based on that review,
15 there were eight conditions or comments from the
16 Albany County Planning Board. I was wondering if those
17 have been addressed by the applicant today. One of
18 them in particular states that they asked for the
19 submission of an agricultural data statement to the
20 Town, as required by Town Law for site plan
21 subdivision approval of sites within 500 feet of a
22 farm operation located in an agricultural district.
23 So, I was wondering if that has taken place.

24 There are also eight other conditions.
25 Because the project has changed, will this project be

1 sent back to the Albany County Planning Board pursuant
2 to the General Municipal Law? That is my question
3 there.

4 I also wanted to just point out that in July
5 Mr. Voss mentioned that the TDE had sent a letter on
6 this project.

7 In July I sent an email to Chuck Voss,
8 yourself, Chairman Stuto and Mr. LaCivita asking or
9 requesting in the interest of open government and
10 transparency that the TDE letters be uploaded on the
11 PEDD website at the time that the project narratives
12 and site plans are uploaded to the public to view. I
13 never received a response to that. I have a copy of
14 that email that I can show you, Chairman Stuto. I
15 think in the interest of good government transparency
16 that the Planning Board should take that
17 recommendation into account and require Mr. LaCivita
18 to upload the TDE letters and applicant responses and
19 provide them for your planning Board meetings. I think
20 that would go a long way to inform the public of the
21 technical issues on the project. Right now, just
22 looking at a bare-bones narrative, it's very hard for
23 the public to get a grasp on what the issues are in
24 our community. Thank you very much.

25 CHAIRMAN STUTO: Okay, thank you.

1 Okay, we have heard from two residents. Can
2 we talk about the fence because I'm a little rusty on
3 that - where that discussion went and then address
4 some of the other questions.

5 MR. TUCKER: It wasn't something that the Board
6 had asked us to do previously. Certainly, we will look
7 into buffering. Some vegetative buffering might be nicer
8 than putting up a long fence all along that site, but we
9 are certainly sensitive to the issue and we will address
10 that in our next submission.

11 CHAIRMAN STUTO: Okay, Chuck, do you have any
12 comment on that?

13 MR. VOSS: Not really, Peter, at this point -
14 until they address the concerns that they have heard
15 tonight. I think we would like to see if they have some
16 ideas for protecting the neighbors' property and keeping
17 folks from trespassing. A fence is certainly one
18 alternative, but if you've got some other ideas, I think
19 that definitely the Board would like to see some.

20 CHAIRMAN STUTO: Let's not lose track of that
21 issue and at least address thinking about it in a
22 professional way.

23 Do you have a copy of that letter from the
24 County Planning Board?

25 MR. LACIVITA: We probably should have it in

1 the file here, Peter. It should be with the initial
2 concept review.

3 CHAIRMAN STUTO: Do you have any recollection
4 of the data?

5 MR. LACIVITA: I know that Albany County was
6 going through their AG data and updating all that
7 information. They do it every eight years. They are in
8 the process of doing that now.

9 CHAIRMAN STUTO: Are those issues usually
10 addressed by concept?

11 MR. LACIVITA: Those are things that typically
12 come out in the final as we go through the technical
13 compliance of everything.

14 CHAIRMAN STUTO: Okay, thanks. Can you at least
15 look at the idea of putting the TDE letters on line? I
16 know you're very busy and I know you put a lot of stuff
17 online and you're gearing up for other stuff, can you
18 just at least give that some thought?

19 MR. LACIVITA: Yes, we have been looking at
20 various things that we can do with our website and what
21 we can put on it and it's in Town Hall at this point.

22 CHAIRMAN STUTO: Okay, thank you.

23 Is there anybody else signed up to speak on
24 this project?

25 (There was no response.)

1 Okay, let's turn it over to the Board Members
2 and just open it up.

3 MS. MILSTEIN: And I assume you're going to
4 work with the neighbor?

5 MR. TUCKER: Yes, absolutely and that was why
6 the pool was moved.

7 MR. SHAMLIAN: To go up or down?

8 MR. TUCKER: That went up.

9 MR. SHAMLIAN: Do you know what the underground
10 space count is?

11 MR. TUCKER: Because the other units also have
12 garages. Every unit has a parking space.

13 MR. SHAMLIAN: Can you keep up the rendering of
14 the bigger building? These are all three-story now,
15 correct?

16 MR. TUCKER: That is correct. This one reads as
17 a four-story, but it is three stories of apartments with
18 an attic space.

19 MR. VOSS: Those are just dormers in the roof?

20 MR. SHAMLIAN: The original buildings were
21 two-story or where they three, as well?

22 MR. TUCKER: They were two

23 MR. VOSS: And there were a lot more of them.

24 MR. LAPPER: The applicant has worked, as I
25 mentioned, with the Shaker Heritage Society on the

1 materials and looks of the building.

2 MR. TUCKER: In a letter from the Shaker
3 Heritage Society, they are looking at the revised
4 concept and giving their blessing on this.

5 MR. SHAMLIAN: The dimensions of that building,
6 just approximately.

7 MR. TUCKER: Probably 220 x 80, or something
8 like that.

9 MR. SHAMLIAN: I know that obviously the
10 Heritage Society is intimately involved. Personally, I
11 would like to see a little more variation in color on
12 that. That's my first thought. Two hundred twenty feet
13 is a big building.

14 MR. TUCKER: The applicant is happy to do that.

15 MR. LACIVITA: Can you check with Starlyn
16 D'Angelo to see if you could use the muted Shaker colors
17 throughout?

18 MR. SHAMLIAN: I'm not sure they are looking
19 forward to be all - - there are two faces there. Doing
20 something else to break it up is the idea. That's my
21 personal preference.

22 MR. LAPPER: I know the very specific look that
23 they're trying to achieve.

24 MR. TUCKER: We will work out a compromise
25 between them and what the Board wants to see.

1 MR. SHAMLIAN: And just so that we agree here -
2 preventing people from getting into the neighbor's, I
3 think, is a very critical item and if you can't do with
4 the vegetation -

5 MR. TUCKER: There may be a combination of that
6 in some areas fence and in some areas there will be
7 vegetation. We will look at that carefully and come back
8 with a proposal.

9 CHAIRMAN STUTO: Anything else?

10 MR. HEIDER: I assume there is a walking trail
11 that goes on the western side?

12 MR. TUCKER: Yes.

13 MR. HEIDER: Is there any plans to bring that
14 into British American?

15 MR. TUCKER: That is something that we have
16 been working with the Shaker Heritage Society on and
17 connecting that through as they develop the property.

18 MR. HEIDER: I know the Coleman property that's
19 to the east and I can just imagine there is an awful lot
20 of people who would want to explore that wooded area. I
21 am agreeing that we need some type of structural thing
22 to keep people out because we have a lot of people in
23 there and it's a beautiful place to walk in somebody
24 else's woods.

25 MR. TUCKER: We hear you.

1 CHAIRMAN STUTO: Okay, I let the one slip with
2 Joe and Kathleen, our attorney, about the purported
3 exploration of the concept.

4 Kathleen, can you give us a read on that?

5 MS. MARINELLI: Yes, it is 18 months for Susan.
6 It is 190-6 of the Zoning Law. So, it's 18 months and it
7 has expired.

8 CHAIRMAN STUTO: Okay, any of the questions
9 from the Board?

10 (There was no response.)

11 Okay, we have before us an application for a
12 revised concept. We have a motion?

13 MR. MION: I will make that motion

14 MR. AUSTIN: Second.

15 CHAIRMAN STUTO: Any discussion?

16 (There was no response.)

17 All those in favor, say aye.

18 (Ayes recited.)

19 All those opposed, say nay.

20 (There was no response.)

21 The ayes have it.

22 Thank you.

23 MR. TUCKER: Thank you, everybody.

24 (Whereas the above entitled proceeding was
25 concluded at 7:17 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: _____

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