

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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4 *****
5 SHAKER POINTE AT CARONDELET
6 DELATOUR ROAD AND WATERVLIET-SHAKER ROAD
7 APPLICATION FOR MINOR SITE PLAN AMENDMENT
8 *****

9 THE STENOGRAPHIC MINUTES of the above entitled
10 proceeding BY NANCY STRANG-VANDEBOGART, a shorthand
11 reporter commencing on June 7, 2011 at 7:05 p.m. at
12 the Public Operations Center 347 Old Niskayuna
13 Road, Latham, New York 12110

14

15 BOARD MEMBERS:

16 TOM NARDACCI, ACTING CHAIRMAN
17 MICHAEL SULLIVAN
18 TOM NARDACCI
19 LOUIS MION
20 TIM LANE
21 PAUL ROSANO
22 ELENA VAIDA Esq., Attorney for the Planning Board

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24 Also present:

25 Joe LaCivita, Director, Planning and Economic
Development

Steve Grifferty, Alchester Development

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1 ACTING CHAIRMAN NARDACCI: Good evening.
2 My name is Tom Nardacchi. I've been asked to
3 Chair the meeting tonight.

4 Joe, we don't have minutes to approve,
5 right?

6 MR. LACIVITA: No. We no longer do that,
7 Tom.

8 ACTING CHAIRMAN NARDACCI: So, tonight
9 we're going to start the agenda with Shaker
10 Pointe at Carondelet, application for minor
11 site plan amendment.

12 I'll ask the applicant to come up and
13 make his presentation and turn it over to our
14 TDE to see if they have remarks. Then, we'll
15 go to the Board and then see if members of the
16 public have comments.

17 If you could work from the mic so that
18 our transcriptionist can hear you. When the
19 public speaks, you could also speak from the
20 mic here so we can make sure that we get all
21 the remarks.

22 MR. GRIFFERTY: If it pleases the Board,
23 my name is Steve Grifferty and I'm the
24 developer that the Sisters of St. Joseph have
25 retained to prepare their Shaker Pointe

1 project. I'm pleased to report to the Board
2 that we're well underway with construction and
3 we're here to ask tonight for a couple of
4 minor modifications to the approved site plan
5 that has stemmed out of our work with
6 residents and what they have requested.

7 The first issue before the Board is
8 permission for Shaker Pointe to install back
9 up generators on each of the buildings. There
10 are 10 buildings in total, so there would be
11 12 units. There are really 10 buildings. There
12 would be a shared generator for the unit. So,
13 we're really looking for five generators which
14 would be on the backside - not the street side
15 of each of the duplex dwellings. They take
16 place really next to an air conditioning
17 condenser similar to what you see in our
18 residential setup. It's the first change that
19 we requested. Actually, it was intended to
20 keep them in there from the beginning. This
21 was just an oversight in not putting it on the
22 site map.

23 The second change which would be the
24 request to the Board - we have a request from
25 a tenant for a little bit more space in their

1 residence, which would result in about six
2 feet linear being added to the final elevation
3 of the building. There are no outline changes.
4 This is all really part and parcel that the
5 sisters will continue to own. There are really
6 only some minor changes in setback in the
7 statistics that we submitted to the Board.
8 There is really essentially no setback change,
9 no density change, no change in purpose or
10 use. But we do request some modifications so
11 that we can accommodate a small amount of
12 square footage increase to one of the
13 dwellings. It will still be only a two-bedroom
14 apartment at the end of the day. We're just
15 adding space.

16 Are there any questions?

17 ACTING CHAIRMAN NARDACCI: I have two
18 brief questions.

19 First, what's the timeframe that you
20 suspect for full build-out of the development?

21 MR. GRIFFERTY: So the Chairman's
22 question tonight is with the time frame for
23 the full build-out of the development. We are
24 building Shaker Pointe in phases. The first
25 phase will be completed this summer so August

1 will be the first phase of construction to be
2 done. We anticipate that the last phase of
3 construction will be done around 2014.

4 ACTING CHAIRMAN NARDACCI: How many units
5 are in this first phase for August?

6 MR. GRIFFERTY: The first phase for
7 August will be 20.

8 ACTING CHAIRMAN NARDACCI: And the second
9 phase?

10 MR. GRIFFERTY: The second phase is
11 another 69 units, so about 90 more units
12 there.

13 ACTING CHAIRMAN NARDACCI: This is a PDD
14 and we spent a lot of time with this project.
15 It's a really good project for the Town and
16 everyone is excited about it.

17 What do you expect as far as minor
18 changes such as this going forward with this
19 phase and then what about the other phases?

20 MR. GRIFFERTY: We anticipate some minor
21 revisions as the final building plans came in.
22 When we presented to the Board, we were
23 through essentially the design development
24 phase, but not the construction phase and the
25 architectural drawings. We expect a little bit

1 of push and shove with some of the buildings
2 in the final revisions. We don't expect any
3 density request changes. We don't expect any
4 other revisions that we'll be asking for to
5 modify a setback. We won't be altering any
6 greenspace. Those things are pretty much
7 locked. The things that will change will
8 probably be related to the actual build-out of
9 the building - where the foundation goes,
10 compared to where it was supposed to be in
11 theory. There is probably a shift of a few
12 feet one way or the other. We wouldn't violate
13 what we said we would do for setback height or
14 things of that nature.

15 ACTING CHAIRMAN NARDACCI: Joe, do you
16 have any departmental comments?

17 MR. LACIVITA: Steve, I just have one
18 question. As we were going through the review,
19 during the course of your commentary, you
20 mentioned five generators. I know that the
21 site plan depicts seven. I just want to be
22 clear.

23 MR. GRIFFERTY: It would be seven. What's
24 on the map is correct.

25 MR. LACIVITA: I just want to make sure

1 we're on the same page. So each building is
2 going to be a shared generator.

3 MR. GIFFERTY: There are two single
4 family dwellings and then there are five
5 duplexes. So, each duplex will share a
6 generator and each single family will have a
7 generator. So, that will be a total of seven,
8 that's correct.

9 ACTING CHAIRMAN NARDACCI: Members of the
10 board, Paul?

11 MR. ROSANO: So, my understanding is we
12 could be doing this over and over and over
13 again every time you want to do minor site
14 plan? You're saying that in the future you see
15 some?

16 MR. GRIFFERTY: We foresee, before we go
17 into major building phases, some slight
18 modification to the building as it comes
19 together. It's really a major building project
20 that was refined as far as we could with
21 architectural and engineering. We expect like
22 a shift in those buildings to maintain the
23 setbacks. We don't feel that there will be
24 major changes. We're not coming back
25 willy-nilly. We just want to have what we're

1 building conform to what the PEDD has
2 authorized us to do. Again, we're not changing
3 the setback or the aesthetic look of the
4 project, any greenspace -- all those things
5 are staying the same, as far as we're
6 concerned. There will be some minor pushes
7 around the building in anticipating how the
8 wings will come together around the apartment
9 building. There will be minor tweaks here and
10 there as we move forward.

11 MR. LACIVITA: This is a PEDD and when
12 the legislation was adopted by the Planning
13 Board it's pretty finite and defined. Each
14 change has to come before the Planning Board.
15 The changes that you see before us tonight are
16 minor. The Planning Department could actually,
17 in fact, review this.

18 We went to the Town Attorney's Office
19 just to get an opinion on how we were going to
20 be doing this because if this was to be
21 accepted tonight, we actually should be in
22 front of the Town Board adopting a new PEDD.
23 Well, if you're going to be doing that time
24 and time again over build-out, we're going to
25 be here a number of times. What the Town

1 Attorney has agreed in cooperation with
2 Mr. Grifferty - as these minor changes come
3 we're going to keep an aggregate of what's
4 going on, ask for one final amended site plan
5 at the end and take it back in front of the
6 Town Board to adopt as changed. Again, no
7 changes to density, no changes to setbacks or
8 anything else. These are minor changes that
9 the Planning Department can't handle, but
10 because it's a PED, typically when you amend
11 something you have to be before the Planning
12 Board for a second look.

13 MR. LANE: Wouldn't you still have to do
14 it after each phase?

15 MR. LACIVITA: From this point forward,
16 we'll never have to see him again.

17 I know that the one conversation that we
18 had - there maybe a small change to the round
19 barn component - the recreation room. Once
20 they define that, they'll be back before us if
21 there is one.

22 ACTING CHAIRMAN NARDACCI: Are there any
23 members of the public that would like to
24 address this topic?

25 ***(There was no response.)***

1 ACTING CHAIRMAN NARDACCI: Okay, being
2 none, I will call for a motion on the
3 application for minor site plan -

4 MS. VAIDA: The only concern that I have
5 is that we have some sort of time frame - like
6 a cut off time. For instance, let's say you
7 don't make any other changes, there has to be
8 a time that you do amend your site plan and
9 this goes back before the Town Board. I do
10 understand that there are more changes
11 anticipated, but could you give us some idea
12 when this is going to stop?

13 MR. GIFFERTY: It's difficult to say. The
14 question relates to the time limits. Shaker
15 Pointe is being built in phases. The phases
16 are really responding to how fast seniors sign
17 up and how quickly we could get their
18 buildings built. There is a whole cycle there,
19 so it's hard for us to say definitively that
20 on December 31, 2013 we'll be done. I can give
21 you a ballpark and that's what we gave the
22 Chairman. We think we'll be done around 2014.
23 That's assuming that everything goes the same
24 as it's been going and we don't foresee any
25 changes in the economy or major unrests and

1 things. I don't mean to be evasive about the
2 answer, it's just difficult to predict. We
3 don't anticipate to be back here probably more
4 than once or twice. We're going to be
5 organized about how we do it. Our sponsorship
6 wouldn't have it any other way. This happened
7 to come about the way that it did because
8 we're under construction and we have a
9 particular change that made a change. There is
10 no other buildings set up that we have that a
11 resident change could change how the building
12 goes about. Those changes are really going to
13 be kind of defined time frames. When we have
14 the construction really close to finalized
15 with all the engineering input for each of the
16 major buildings -- because the rest of the
17 build-out of the project would entail bigger
18 buildings. So, we know that there would be
19 fewer changes with that, certainly not
20 relating to marketing reasons which was one of
21 the primary reasons that we're here tonight.
22 We would anticipate any marketing changes.
23 They're really going to be technically driven
24 as to how the building gets built and where
25 it's placed.

1 MR. LACIVITA: Most of that building
2 that's coming that you just spoke about - the
3 larger buildings - that's most of the common
4 space, like the recreational components so if
5 you knew that there weren't going to be any
6 changes to that based on engineering, we would
7 see that sooner than later.

8 MR. GRIFFERTY: That's exactly right.
9 Actually, we're working through some of the
10 schematics and redefining some of that as we
11 speak. We don't really foresee many changes
12 there. We do know how the wings are positioned
13 and a recent redesign of some of those
14 apartment wings and some of where they're
15 located go over, but they're really on an
16 east/west access so it doesn't affect
17 neighbors or property lines or setbacks.

18 MS. VAIDA: I would suggest maybe that
19 the amended approval have a time limit on it.

20 MR. GRIFFERTY: I would request, counsel,
21 please don't do that to us. It's difficult
22 enough to do business in the Town without
23 another major thing like this. We're not doing
24 this because we want to do it, we're really
25 responding to the Town's seniors.

1 MS. VAIDA: What about a year?

2 MR. GRIFFERTY: It's not going to be
3 enough. A year is not enough time to do all of
4 this. We're really back with a technical type
5 revision that we could allow the Town staff to
6 address some of these things that you think a
7 typical case would be. We would normally be
8 addressing these at a Town staff level.

9 MR. LACIVITA: Can I make a suggestion to
10 the Board and see if this might be something
11 that we could track from a Planning
12 Perspective? Any revision done specific to
13 this phase of the project including any of the
14 generators and any of the setbacks be notated
15 and this be kept on file as an amendment date
16 relating to a Planning Board action so we have
17 it on file here. Then as this rolls, if we're
18 not seeing any type of movement within a given
19 time - maybe that year or year and a half - we
20 try to act and try to get them in and get the
21 site plan adopted at that time from the
22 planning level. We know that this would be the
23 action component from Phase I. We want to get
24 something in our files to make sure it's
25 signed and on file here, as this was amended

1 and acted on - on June 7th.

2 MS. VAIDA: There is no amended site
3 plan.

4 MR. LACIVITA: We have an amended
5 Building 8 and that's in your packet. This
6 sketch plan here (Indicating) notes the
7 locations for the generators. They were
8 working with the Building Department. This
9 would be transferred to a site plan and the
10 notes would be on file.

11 MR. LANE: So each time you do this,
12 you're just requesting that they update that?

13 MR. LACIVITA: Correct. This is Phase I.
14 Phase II will be whatever it may be and then
15 we would get that approval when it comes time.
16 I agree that there should be some type of time
17 frame. We have to move forward to complete
18 this project. Right now you have stamped
19 plans, they've been down to the Department of
20 Health and everything is signed, done and
21 delivered; otherwise you wouldn't be in the
22 ground and working this project; correct?

23 MR. GRIFFERTY: Correct.

24 MS. VAIDA: What does the Chairman think?

25 ACTING CHAIRMAN NARDACCI: That sounds

1 reasonable to me.

2 MS. VAIDA: When will the period be that
3 it actually has to be formally amended and
4 filed? That's what I'm concerned about.

5 MR. LACIVITA: Because it doesn't make a
6 big impact, at least in my eyes,
7 infrastructure or anything else - no setbacks
8 or changes and it really doesn't change the
9 overall layout so to us from a Planning
10 Department perspective - substantial changes
11 enough that warrant a full blown site plan
12 review of all the departments.

13 MR. LANE: You just want updated plans.

14 MR. LACIVITA: We want an updated plan.

15 MR. LANE: But they're going to have to
16 do this later. If we approve that this
17 evening - so a little down the road you'll
18 want it in advance?

19 MR. LACIVITA: Right, and one of the
20 things that could happen is that we could get
21 the plans as approved tonight; we bring them
22 back here and sign it by the Planning Board.
23 At least they're in the file that an action
24 was taken. At that point we go to the next
25 step which is to bring it to the Town Board to

1 act on a full-blown site plan when it's all
2 built-out. There are a couple of them.

3 ACTING CHAIRMAN NARDACCI: At what time
4 does the Planning Board have to act on it? Do
5 we have to act on each one of these?

6 MS. VAIDA: That's what we're trying to
7 avoid is waiting until they are compiled so
8 that two and three changes are done and then
9 the whole package goes to the Town Board.
10 That's why I wanted a sort of time frame.

11 What about a year and a half or two
12 years?

13 MR. GRIFFERTY: It's difficult. What is
14 reasonable, maybe, is we can come back and
15 report to the Board through Planning staff
16 when we're about to build a major phase of the
17 project. The next major construction really is
18 our two major construction projects. As I
19 said, we're finalizing the design. I guess it
20 would probably need to go to full construction
21 documents before we've obtained all the
22 presales and the financing and are really
23 ready to build a particular area. I would
24 respectfully submit that is really kind of an
25 onerous thing. We went forward in terms of the

1 schematic, the overall intent of the project
2 and the PVD. We worked closely with all the
3 Town officials so the Town is really fully
4 apprised of what we're doing. We're really not
5 trying to do this in a vacuum or be
6 disrespectful to the Board. We're just trying
7 to say, what's a practical way to be able to
8 do this? There will be changes, but again, I
9 know in speaking for the sponsorship, we're
10 not changing major areas. We're really dealing
11 with engineering. It doesn't change the SWPPP
12 or the stormwater management program - all
13 those things we took pains to go through and
14 have all those approvals. We're not looking to
15 alter any of those things. They're really,
16 really minor things that we'll be looking for
17 as we go forward. Having to date those
18 specifically to do that is I think is really
19 difficult.

20 ACTING CHAIRMAN NARDACCI: Do you
21 understand what Joe is requesting? Do you
22 understand what Joe mentioned with the site
23 plan?

24 MR. GRIFFERTY: I do understand what Joe
25 is requesting and that, well, if we made the

1 changes, we would update the site plan and
2 we'd bring it before the Board and we always
3 have on file exactly what's going on in the
4 field. We need to do that. We're not going to
5 get permitted and things like that without
6 that. We do have a specific question as it
7 relates to tonight because the generator pads
8 are separated from the site map. Although we
9 can turn it around quickly, I have contractors
10 in the field ready to build a foundation as
11 soon as we can give them the green light with
12 the Building Department. I guess what I don't
13 understand tonight is specifically how that
14 relates to this. We have to come back to
15 another Planning Board session and have a map?

16 ACTING CHAIRMAN NARDACCI: I think that
17 this is very minor. Typically, this is a
18 departmental review and approval process. It
19 doesn't seem like it's something that
20 extraordinary. I think that it's something
21 that's very minor. I don't have a problem with
22 moving forward on it tonight. I don't know if
23 the Board has any major concerns about the
24 issue. It's more process than issue.

25 MS. VAIDA: How onerous would it be to

1 come in - if we put a deadline or like a
2 cut-off time, but make it so it's renewable?
3 So that if you came back in a year and you
4 still were -

5 ACTING CHAIRMAN NARDACCI: What's the
6 hang up on the time frame?

7 MS. VAIDA: We could be talking six years
8 from now and there could be like 20 changes
9 and we still haven't formally amended the site
10 plan of changes. There is a point where it's
11 going to be changing the PED and right now
12 we're not following the rules in terms of
13 we're amending it. It should be going back to
14 the Town Board and we're trying to work with
15 the applicant and not go through that expense
16 for every little change. Maybe we could just
17 get a yearly status report.

18 MR. GRIFFERTY: We can give a status
19 report. One of the original criteria with the
20 approvals was the filing updates and
21 inspections with the Planning Department which
22 I believe we have done and with the other Town
23 Departments that are really involved; the
24 engineering, Public Works, Water Department,
25 the Building Department.

1 MS. VAIDA: You're going to have to come
2 back before the Board for each change. So, I
3 guess we can address it each time it comes
4 back before the Board. If it starts to look
5 like the changes are becoming significant, we
6 could make that determination at a later date.

7 MR. LACIVITA: I think that if you really
8 wanted to put some type of legalese behind
9 it - to have some type of agreement behind
10 it -- if we do, like I said, where we have an
11 updated plan and so on -- and to Elena's
12 point, if you came back for the certification,
13 Phase I has been completed, generator pads
14 have been installed per the date of 226 square
15 feet to Building 8 -- if that certification is
16 done, attached to the file, attached to the
17 site plan, I think that would be enough to say
18 that this was completed. It's in the file
19 moving forward to the next phase. I'm a little
20 bit hesitant to a time line, especially in
21 today's economy. I'm trying to push the
22 project forward, but I think that if we get
23 some type of certification that it's been
24 completed, that might help.

25 MS. VAIDA: And the fact that he has to

1 come back before the Board, we can address it.

2 MR. GRIFFERTY: Again, not to belabor it,
3 we're really not doing any other changes here
4 because we work intimately with the Town and
5 the building officials so that the Town is
6 really well aware of what's going on.

7 ACTING CHAIRMAN NARDACCI: Just on the
8 process side, we've approved the last few
9 number of PDDs. This is the first one that
10 we've approved that's actually moving the
11 building. There are a few others that
12 hopefully will move forward like Canterbury.

13 MR. LACIVITA: Especially when you have
14 something like Canterbury; 312 single family
15 units. That's going to be huge. They'll be
16 back before us in a week.

17 ACTING CHAIRMAN NARDACCI: So I guess
18 I'll recall for a motion to set the
19 application for minor site plan amendment.

20 Is there anything that you want to add to
21 that, Elena?

22 MR. LACIVITA: I think that the condition
23 was so that they could file a new site plan
24 map for Phase I and support that with a
25 certification upon build-out that the

1 generators and the additional square feet to
2 Building 8 were in fact done, as per
3 requested.

4 ACTING CHAIRMAN NARDACCI: And you
5 understand that?

6 MR. GRIFFERTY: I understand that. I just
7 have a question with that because how that
8 translates to how other departments interpret
9 that. We come forward tonight with a
10 conditional approval and then we have to meet
11 the condition before we're going to get our
12 building permit?

13 MR. LACIVITA: No, the condition is
14 actually for us to keep that in the file. If
15 the Board so approves this tonight in making
16 that motion, I go in tomorrow and sign off on
17 the building permit in order for that to be
18 done. I've already talked to the Building
19 Department on the process that is needed. So,
20 if they approve it, we're ready to go.

21 MR. GRIFFERTY: I don't mean to be
22 difficult. Experience is kicking me in the
23 side here. I'm just asking to make it clear
24
25

1 that we'll certainly file an as-built report
2 with the Board with the conclusion of Phase I.
3 That's not an unreasonable request. We respect
4 that.

5 ACTING CHAIRMAN NARDACCI: Is there a
6 motion?

7 MS. DALTON: I'll make that motion.

8 ACTING CHAIRMAN NARDACCI: Is there a
9 second?
10

11 MR. LANE: Second.

12 ACTING CHAIRMAN NARDACCI: All those in
13 favor?

14 ***(Ayes were recited.)***

15 ACTING CHAIRMAN NARDACCI: Opposed?

16 ***(There were none opposed.)***

17 ACTING CHAIRMAN NARDACCI: Motion is
18 adopted. Thank you.

19 MR. GRIFFERTY: Thank you, very much.

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23 ***(Whereas the proceeding concerning the above***
24 ***entitled matter was adjourned***
25 ***at 7:30 p.m.)***

25

CERTIFICATION

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4 *I, NANCY STRANG-VANDEBOGART, Shorthand*
5 *Reporter, New York State Approved Transcriber*
6 *and Notary Public in and for the State of New*
7 *York, hereby CERTIFY that the record taken by*
8 *me at the time and place noted in the heading*
9 *hereof is a true and accurate transcript of*
10 *same, to the best of my ability and belief.*

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12
13
14 _____
15 **NANCY STRANG-VANDEBOGART**

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17 *Dated July 29, 2011*
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