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PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

\*\*\*\*\*  
A PUBLIC HEARING REGARDING CORNERSTONE MEADOWS  
PHASE I 448 BOGHT ROAD.  
REVIEW AND ACTION ON FINAL SUBDIVISION APPROVAL  
\*\*\*\*\*

THE TAPED AND TRANSCRIBED MINUTES of the above entitled  
proceeding BY NANCY STRANG-VANDEBOGART commencing on  
July 14, 2009 at 7:00 p.m. at the Public Operations Center  
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

CHARLES J. O'ROURKE, JR., ACTING CHAIRMAN  
MICHAEL SULLIVAN  
ELENA VAIDA  
CHARLES J. O'ROURKE  
TIMOTHY LANE  
GEORGE HOLLAND  
TOM NARDACCI  
PETER STUTO, Jr. Esq., Attorney for the Planning Board

Also present:

Mike Lyons, Planning and Economic Development  
S.Y. Kim, S.Y. Kim Surveyors  
Rich Paulsen, Paulsen Development  
Brad Clark, Barton & Loguidice

1                   ACTING CHAIRMAN O'ROURKE: We'll begin with the  
2 public hearing.

3                   Peter, would you like to read the notice?

4                   MR. STUTO: Notice is hereby given that pursuant  
5 to Section 276 of the Town Law, the Town Planning Board  
6 of the Town of Colonie, Albany County, New York will  
7 meet and conduct a public hearing at the Public  
8 Operations Center, 347 Old Niskayuna Road, Latham, in  
9 said Town of Colonie, County of Albany, New York on the  
10 14<sup>th</sup> day of July, 2009 at 7:05 p.m. for the purpose of  
11 hearing all persons upon the approval, modification or  
12 disapproval of the certain residential subdivision  
13 platt in the Town of Colonie, County of Albany known as  
14 Cornerstone Meadows consisting of 8.9 acres of land  
15 located at 448 Boght Road to be divided into 14 lots;  
16 dated July 8, 2009, Latham, New York, Town of Colonie  
17 Planning Board, Jean Donovan, Chairperson.

18                   ACTING CHAIRMAN O'ROURKE: Thanks, Peter.

19                   Mike, you want to give us a little background?

20                   MR. LYONS: Sure.

21                   Initially this project consisted of 47 lots and  
22 was granted concept and SEQRA determination on  
23 October 25, 2005. The project has since been broken  
24 down into two phases.

25                   Phase I is what the board is acting on this

1 evening, which consists of the 14 lots and two  
2 cul-de-sacs. Preliminary final plans were first  
3 submitted in November of 2006 and through several  
4 different iterations and reviews, the final set of  
5 plans were submitted on March 12, 2009 for the  
6 department's review. Based on that set of plans, the  
7 department has found that their comments have been  
8 addressed and that the project is suitable to go before  
9 the Planning Board for final review.

10 ACTING CHAIRMAN O'ROURKE: The SEQRA - does that  
11 have to be amended?

12 MR. LYONS: No, it does not.

13 ACTING CHAIRMAN O'ROURKE: Because I think I saw  
14 the short form.

15 MR. LYONS: Correct. The short form is  
16 sufficient. It's an unlisted action.

17 ACTING CHAIRMAN O'ROURKE: Do we have the  
18 applicants that would like to present?

19 Mr. Kim?

20 MR. KIM: Good evening, Mr. Chairman, board  
21 members.

22 This property consists of approximately 35 acres.  
23 This is the existing status. There is an access onto  
24 Vliet Street. The street here was not improved to town  
25 standards. Presently there are two houses that have

1           been built on that street. That's what the current  
2           status is. We propose to improve this highway up to  
3           town standards.

4                     This is an enormous area of wetlands, as you can  
5           see. This is a federal wetland, not a state wetland.  
6           The wetland is right on that section (Indicating). We  
7           kept this area as it is.

8                     This is the map that we had on concept approval.  
9           In the meantime, the reason that we changed that back  
10          and forth - - we changed it back this way now.  
11          According to the new layout, Canterbury Crossing is  
12          proposed to come up here (Indicating) and one day I was  
13          told that the proposal came to here (Indicating). I  
14          said, in that case, I can extend this roadway straight  
15          up to the middle of the property and I was going to  
16          amend the zoning verification.

17                    In the meantime, there was a comment on the final  
18          subdivision plan. The water department would not be  
19          able to approve the town water extending up to this  
20          point. They suggested connecting to this here  
21          (Indicating) in the existing development next to  
22          Columbia Street Extension. They suggest a connector to  
23          be looped around. In the meantime the housing boom is  
24          slowing down. A portion of the development has been  
25          divided into two pieces - two sections.

1           The Canterbury Crossings came back and they are  
2           proposing there again and their concept is coming right  
3           up to this point (Indicated). So, I brought the print  
4           of the Phase II, which is the access to the highway.  
5           So, that's what has been changed.

6           This is the Phase I and it's from here down this  
7           way (Indicating). Our pavement is right up to that  
8           section. The water will end up there for a future  
9           extension. That is the Phase I proposed. This lot, we  
10          retained as a future detention pond for Phase II.  
11          That's where we knocked it down and set it aside. The  
12          water storm, also. We brought in another subdivision  
13          map of this Boght Road area. They want to extend the  
14          sewer line up to this point (Indicating) and to extend  
15          the sewer throughout the 14 lot subdivision.

16          Also the Pure Waters Department suggested to  
17          construct additional manholes to serve these three  
18          houses.

19          This storm here is connecting to this road here  
20          (Indicating) and if you turn 90 degrees down in the  
21          southerly direction, there is a town pump station.  
22          Originally, I was going to propose the sewer station  
23          around this area (Indicating). There was a 36-inch pipe  
24          there.

25          Originally, this property was owned by Andrea

1 Mincsak and the town purchased this corner property  
2 right here from Andrea Mincsak. This is the remainder  
3 of the Mincsak property. A portion of the development  
4 had a contract to purchase this property. The sewer  
5 line comes right down here (Indicating) and crosses  
6 that wetland and it comes down this side. We had  
7 approval from the Corp of Engineers for the crossing of  
8 the sewer line over the federal wetland. Up to this  
9 point, the sewer construction will be done by others.

10 They are going to cut this up to construct the  
11 sewer line up to this point. Other than that, the town  
12 pretty much approved. We are here for the final  
13 approval.

14 ACTING CHAIRMAN O'ROURKE: The road - the  
15 extension to town standards. The entirety of that is  
16 going to be done and included in Phase I?

17 MR. KIM: The Phase I construction is up to here  
18 (Indicating) but the sewer line will extend up to this  
19 point (Indicating). The road grade would be performed.

20 ACTING CHAIRMAN O'ROURKE: So to answer my  
21 question: No.

22 MR. KIM: Partially constructed because there is  
23 no storm sewer construction. There is a proposed storm  
24 that has to be constructed. So because of that reason,  
25 we stopped the blacktop to this point.

1                   We brought the Phase II map. As you can see right  
2 here (Indicating) there is a storm sewer construction  
3 that will be performed, waterline construction will be  
4 performed and all these constructions will be done  
5 before the blacktop can be done. That's why we stopped  
6 the blacktop pavement up to this point.

7                   ACTING CHAIRMAN O'ROURKE: And Mike, Bob Mitchell  
8 is okay with that?

9                   MR. LYONS: Yes, this has already gone through  
10 his office for review.

11                  ACTING CHAIRMAN O'ROURKE: Mike, do you have  
12 anything?

13                  MR. SULLIVAN: Do we have any comments from the  
14 TDE on this project?

15                  MR. LYONS: This is not a TDE project.

16                  MR. SULLIVAN: I did have a few other comments,  
17 as well.

18                  The plans mention that there will be signs placed  
19 for a few lots over the federal wetlands and that there  
20 be a detail of it on sheet 9 of 11. Do you have a plan  
21 or a detail of that sign for the federal wetlands  
22 stating that they are not to be tampered with?

23                  MR. LEE: Right now in Phase I, there is a very  
24 limited area out here. All of this section is the  
25 wetland, as you see. We offered to place a wetland sign

1 in the back of these houses (Indicating). This would be  
2 deeded to the town. We are not touching this one. That  
3 area - a sign will be posted.

4 MR. SULLIVAN: I saw that there would be four  
5 lots; 3, 5, 6 and 8 and it said that there is a  
6 detailed sign on sheet 9 of 11. I'm wondering who would  
7 be responsible for insuring that those signs are not  
8 removed or that land filled in. Whose responsibility  
9 would that be for the future?

10 MR. KIM: It would be under a deed restriction. A  
11 sign would be there and the owners are responsible too.

12 MR. SULLIVAN: Does the Army Corp of Engineers  
13 stay involved with this because it's the federal  
14 wetlands? Do they have any jurisdiction over that?

15 MR. KIM: It's the deed restriction. The sign  
16 would be posted in this area.

17 MR. SULLIVAN: You explained that one road,  
18 Matthews Court, the lot 1 would be reserved as a  
19 detention basin for Phase II and then also lot 2 on  
20 Matthews's Court and lot on Legacy Court will also have  
21 detention basins?

22 MR. KIM: Yes. This will be a detention basin and  
23 also this (Indicating).

24 MR. SULLIVAN: Okay, so there will be no building  
25 on any of those lots.

1                   MR. KIM: No, we will be conveying them to the  
2 town after construction.

3                   MR. SULLIVAN: And my final question, I believe  
4 that you answered. There was a June 4, 2009 memo from  
5 Pure Waters talking about the Mincsak subdivision  
6 proposed sanitary sewer system. Approval will be  
7 completed upon connecting to that?

8                   MR. KIM: Yes.

9                   MR. SULLIVAN: And that has been approved.

10                  MR. KIM: The Planning Board has approved the  
11 Mincsak subdivision.

12                  ACTING CHAIRMAN O'ROURKE: George?

13                  MR. HOLLAND: I still have a question in my mind  
14 about the signs that you mentioned on the lots. I don't  
15 see any compelling reason for the new owner to leave  
16 the sign there unless it's so stated in the deed. It  
17 seems to me that we've had situations like this one  
18 time or another before where the place to put it - the  
19 requirement to leave the sign there should be in the  
20 deed so that it passes from one owner to another. I can  
21 see the whole thing getting lost if there isn't some  
22 really written requirement.

23                  ACTING CHAIRMAN O'ROURKE: Mike, do you have  
24 anything within the town; any precedent?

25                  MR. LYONS: Normally what we do is we require the

1 applicant to note things such as federal wetlands or  
2 protected water courses or state wetlands or flood  
3 plane issues not only in the deed so that it's filed in  
4 the County Clerk's office, but also to note it in the  
5 contract of sale. Often when you go to purchase the  
6 property, the contract will say something with regard  
7 to that. So there are two notices that are given.

8 ACTING CHAIRMAN O'ROURKE: Peter, what about  
9 enforceability?

10 MR. STUTO: It's up to the Army Corp. I don't  
11 know if the town is going to get involved with a  
12 federal wetland.

13 ACTING CHAIRMAN O'ROURKE: That's my issue. I  
14 mean, we can tell somebody to keep the sign up but in  
15 reality, ten years from now, if the same person owns  
16 it, is that sign going to be there? Probably not. I  
17 mean, I'm not hung up on it either. I think that we're  
18 holding the developer to that and I don't think that  
19 there is anything more that we can do.

20 MR. STUTO: I agree.

21 MR. LYONS: The Army Corp will monitor the site  
22 during construction as part of their permit process and  
23 if someone comes in with fill, normally the enforcement  
24 agency is usually the other neighbors that say, you  
25 can't throw that in there. That's a federal wetland.

1                   ACTING CHAIRMAN O'ROURKE: Is that your concern,  
2                   George, is that someone is going to take the sign down?

3                   MR. HOLLAND: My first reaction is that if there  
4                   were a sign in my back yard, I'd be taking it down.

5                   ACTING CHAIRMAN O'ROURKE: I'd be taking it down,  
6                   too.

7                   MR. HOLLAND: That's why I feel that it should be  
8                   officially written.

9                   MR. LYONS: And it will be filed with the County  
10                  Clerk's office on the deed and as well as the filed  
11                  map.

12                  MR. LANE: The only question is: Whose job is it  
13                  to enforce it further down the road?

14                  MR. LYONS: These are Army Corp wetlands. It's  
15                  the responsibility of the Army Corp of Engineers.

16                  MS. VAIDA: I'm not sure what the sign really  
17                  accomplishes anyway.

18                  MR. LYONS: Initially when the signs go up to the  
19                  perspective homeowner, the signs are there prior to the  
20                  home being up for sale. People go and look at the lots  
21                  and see that there is a federal wetland.

22                  MS. VAIDA: I would think that in hearing it in  
23                  the deed description and the boundary line right on the  
24                  property - I don't really see a big issue with  
25                  it - whether it's there or not there. I don't see where

1           it's going to offer any protection or accomplish much  
2           of anything, personally.

3                    ACTING CHAIRMAN O'ROURKE:   That's the way that I  
4           look at it.

5                    MS. VAIDA:   Were the issues that were in the  
6           June 16<sup>th</sup> letter addressed?

7                    MR. LYONS:   Yes. The items that were required  
8           prior to the Planning Board issuing final approval have  
9           been addressed. We have a punch list of items of things  
10          that happen after the Planning Board grants final  
11          approval and goes forward with getting water district  
12          extensions and sewer district extensions and filing the  
13          deeds for the utility easements and the roadways.

14                   MS. VAIDA:   So all of the items under B, that's  
15          all been done?

16                   MR. LYONS:   Yes, that's prior to the filing in  
17          the County Clerk's office. Those are the items that  
18          need to be addressed post Planning Board granting final  
19          approval and prior to the Planning Board's issuance of  
20          the subdivision.

21                   MS. VAIDA:   Our approval would obviously be  
22          conditioned on these items being met.

23                   MR. LYONS:   If they're not met, this map never  
24          gets filed, regardless of whether the board grants  
25          approval or not.

1 MS. VAIDA: That's all I had. I'm sorry, Tim.

2 MR. LANE: Should I presume that until Phase II  
3 begins that the waterline extension is going to be a  
4 dead-end?

5 MR. KIM: Yes.

6 MR. LANE: So, that somewhat reduces the water  
7 pressure. Would it require any pressurization of any  
8 type? There are no issues with fire services?

9 MR. KIM: No.

10 MR. LANE: On the narrative, it mentioned the  
11 detention basins. It says that the water will flow to  
12 the existing ditch on the north side and ultimately  
13 will flow into the Hudson. Can you describe to me where  
14 that is?

15 MR. KIM: The existing watercourse - this is a  
16 100 foot buffer zone from the center of the creek right  
17 here (Indicating).

18 MR. LANE: What's the name of the creek?

19 MR. KIM: This is just an unnamed creek.

20 MR. LANE: Is it man made or is it natural?

21 MR. KIM: No, it's natural. I don't know if  
22 you've ever seen it in there, but there is a gully.

23 MR. LANE: Do you know if that gully can hold the  
24 capacity of what's going to come off of here?

25 FROM THE FLOOR: It didn't two weeks ago. We all

1 got flooded.

2 MR. LANE: Who has title to that property where  
3 that is?

4 MR. KIM: That's a town owned property.

5 MR. LANE: So that is within the town's property.  
6 So, it's still undetermined at this time whether that  
7 could handle the additional capacity in its natural  
8 occurrence. Does it generally run dry or is there  
9 always water running through hit?

10 MR. KIM: There is always water running through  
11 it.

12 MR. LANE: Does it require an improvement to  
13 handle the additional capacity?

14 MR. KIM: Yes. We proposed two detention ponds;  
15 one here and one here (indicating).

16 MR. LANE: What about the ditch itself?  
17 Eventually these things soak up. They have to be  
18 maintained, otherwise they don't work at all.

19 So, is that part of the plan that the development  
20 will maintain those over a course of time?

21 MR. KIM: This creek belongs to the town.

22 MR. LANE: But the detention basins?

23 MR. KIM: The detention basins are based on a  
24 100 year storm.

25 MR. LANE: Which we have about every five years

1 now.

2 ACTING CHAIRMAN O'ROURKE: They'll be turned over  
3 to the town.

4 MR. LYONS: That's correct. Those detention  
5 basins will be turned over to the town.

6 MR. LANE: So the town's responsibility is to  
7 maintain that and then the watercourse, additionally.

8 MR. KIM: These two areas will be deeded to the  
9 town. The town will maintain them. The discharge of  
10 this will be equal or less than the preconstruction  
11 status. We are not adding up any additional water  
12 through this area.

13 MR. LANE: Thank you.

14 MR. NARDACCI: Numbers 2, 4 and 6 Legacy Court:  
15 Those properties are going to abut existing property  
16 owners on Boght Road?

17 MR. KIM: Yes. This will back up into this  
18 property line.

19 MR. NARDACCI: So number 2 has some trees that  
20 already exist there and you're not touching those  
21 trees?

22 MR. KIM: Number 2 will be the detention area.

23 MR. NARDACCI: Number 4 abuts two properties on  
24 Boght Road and there doesn't look like there is any  
25 proposed additional screening between the properties. I

1 know that you have the distance for a buffer but what  
2 about some - I mean, any plans for landscaping there to  
3 provide - - right now that land owner doesn't have to  
4 look at a house behind them.

5 MR. KIM: The town wanted the sewer line extended  
6 to some of these people here so that they could hook up  
7 into a public sewer. Once you construct the sewer line  
8 in this area - this is a big lot.

9 MR. NARDACCI: Are the landowners here? Denise  
10 Fanniff and Sharon Thouin; have you talked to them?  
11 They're aware that there is no additional - - usually  
12 when we see these residential subdivisions come in that  
13 are abutting existing properties, you want to try to do  
14 some screening in the back yards and there is nothing  
15 proposed here.

16 MR. KIM: Right now there is a sewer line that  
17 has been proposed for the benefit for these people  
18 right here (Indicating).

19 ACTING CHAIRMAN O'ROURKE: But that's going to be  
20 underground.

21 MR. KIM: Right, underground.

22 ACTING CHAIRMAN O'ROURKE: He's talking above  
23 ground.

24 MR. KIM: Once construction is done, you cannot  
25 plant a tree there -

1                   ACTING CHAIRMAN O'ROURKE: Within 10 feet.

2                   MR. KIM: Right.

3                   ACTING CHAIRMAN O'ROURKE: I'm not trying to  
4 interrupt Tom, but I guess what he's looking for is  
5 beyond that 10 feet, can there be a berm or some kind  
6 of screening for the residents?

7                   MR. KIM: The original idea was to try to  
8 preserve the trees over here (Indicating) and then the  
9 town asked for the sewer line.

10                  MR. NARDACCI: Not to jump ahead to the  
11 residential - I mean, I want to hear the public's  
12 comments but have you talked to the developer at all or  
13 the town?

14                  FROM THE FLOOR: We didn't know who he was.

15                  MR. NARDACCI: So there has been no conversation  
16 with the property owners.

17                  FROM THE FLOOR: You know we just spent \$7,000 on  
18 my basement and I really haven't talked to anyone -

19                  MR. NARDACCI: But have they talked to you about  
20 the sewer extension?

21                  FROM THE FLOOR: No, we haven't talked to anyone  
22 yet.

23                  MR. NARDACCI: Mr. Kim, you see the homeowners  
24 that I'm taking about right? There are two of them  
25 right there on Boght Road; Faniff and Thouin. So,

1           you're telling me that there was discussions with the  
2           property owners about sewer extensions? I'm asking. I  
3           don't know.

4                     MR. KIM: I have not discussed this with the  
5           neighbors but have with the Pure Waters department.

6                     MR. NARDACCI: Well, that's different than with  
7           the neighbors. I asked about the neighbors. I didn't  
8           ask about Pure Waters or the Sewer Department. I just  
9           want to know that because I want to make sure that they  
10          know. While it's far enough away, your viewscape is  
11          going to change from your back yard. I just want to  
12          make that clear. That is maybe something that we should  
13          discuss. How can we protect the existing property  
14          owners and what their quality of life is and what  
15          they're looking at?

16                     That's the answer that I needed, thanks.

17                     MR. KIM: I believe that we proposed a swale in  
18          that direction for any run-off water out of this area  
19          (Indicating).

20                     MR. NARDACCI: They're talking about the run-off,  
21          but I'm asking about some trees or some plantings to  
22          buffer those two properties. There are no plans now so  
23          I'm asking, is there a way - - it's just behind lot 4.  
24          I know that there is a sewer line but is there  
25          something that could be done to provide some screening?

1 MR. KIM: Yes.

2 MR. NARDACCI: I'd like to see that. I think  
3 that's important. That's very common. That's what we do  
4 here.

5 ACTING CHAIRMAN O'ROURKE: Mr. Kim, what is the  
6 time frame phase for - - I'm a little concerned that  
7 we're dead ending a water line. When you look at the  
8 entirety of the project, everything came in and  
9 certainly I understand the economic downturn in terms  
10 of housing and developments. That said, to leave that  
11 water line - are we leaving it for two years, four  
12 years, eight years?

13 MR. KIM: Sipperly and Associates are designing  
14 the Canterbury Crossings. I was expecting them to have  
15 filed a plan already, but I'm not sure that they have.  
16 When I talked to them about four weeks ago, they said  
17 that they were going to finalize in a couple of weeks  
18 and -

19 ACTING CHAIRMAN O'ROURKE: But what I'm hearing  
20 is that it's not contingent. Canterbury is a separate  
21 project and it's not contingent upon your project that  
22 is before the board tonight.

23 MR. KIM: At this moment we cannot extend the  
24 water because the water department is opposed to  
25 extending the water beyond that.

1                   ACTING CHAIRMAN O'ROURKE:  Until Canterbury is  
2                   in.

3                   MR. KIM:  That's correct.  Until the construction  
4                   is done.

5                   ACTING CHAIRMAN O'ROURKE:  To answer my question  
6                   then:  When Canterbury goes in, your developer - because  
7                   it's going to be dead-ended on his property, is going  
8                   to then extend it to Canterbury?

9                   MR. KIM:  Exactly.

10                  ACTING CHAIRMAN O'ROURKE:  Okay.

11                  MR. STUTO:  Can you make that an explicit  
12                  condition?

13                  ACTING CHAIRMAN O'ROURKE:  Absolutely.

14                  MR. LYONS:  Well, we're actually not approving  
15                  the Phase II.

16                  ACTING CHAIRMAN O'ROURKE:  I just asked a  
17                  question and he just said that the water department  
18                  doesn't want that line extended until Canterbury goes  
19                  forward because that's where it's going to tie in,  
20                  correct?

21                  MR. KIM:  Yes.

22                  ACTING CHAIRMAN O'ROURKE:  It's not contingent  
23                  upon your Phase II.  It will be in the ground when your  
24                  Phase II goes, right?

25                  MR. KIM:  Right.

1                   ACTING CHAIRMAN O'ROURKE: But it's actually to  
2 service Canterbury. Am I understanding that correctly?

3                   MR. KIM: Exactly. Canterbury will construct that  
4 waterline up to the property line and then we can  
5 extend that and then hopefully we can have Phase II  
6 approved.

7                   ACTING CHAIRMAN O'ROURKE: Again, that's where  
8 I'm going with the whole thing, because I don't want to  
9 have a half-finished road waiting for Mr. Paulsen to  
10 finish Phase II. That's one of my big concerns and the  
11 waterline. If you're telling me that, and we can make  
12 it contingent upon that, once Canterbury is approved  
13 and goes in, that waterline will go through. It will be  
14 an easement on that property, I would assume.

15                  MR. KIM: Canterbury has a public highway  
16 proposal right up to the property line.

17                  ACTING CHAIRMAN O'ROURKE: Okay, so who is going  
18 to extend the waterline from your Phase I to  
19 Canterbury's connection?

20                  MR. KIM: That's our responsibility.

21                  ACTING CHAIRMAN O'ROURKE: Okay, so even if  
22 Mr. Paulsen never does Phase II, he's going to connect  
23 that waterline when Canterbury is ready for it.

24                  MR. KIM: Once that subdivision is approved, that  
25 must be constructed up to the connector to Canterbury

1 Crossings.

2 ACTING CHAIRMAN O'ROURKE: Am I not  
3 understanding?

4 MR. PAULSEN: I'm Rich Paulsen and I think that I  
5 can give you some answers here. There is no way that  
6 we're going to let 34 lots set idle. We first came in  
7 and we were trying to get a dead-end and the water  
8 department said it had to be looped. We've been waiting  
9 for Canterbury to submit their drawings so that we can  
10 have Mr. Kim go ahead and submit our plans for  
11 Phase II. We have actually talked to the folks that own  
12 it and now it's just a waiting game. If they don't  
13 proceed with that, we have some kind of drawings and  
14 elevations. We will try to get an easement from them  
15 and try to make that connection to loop it through  
16 their concrete. If they don't proceed through their own  
17 development - we'll try to work on it with them. There  
18 is no way that we're going to let 34 lots in  
19 North Colonie just sit idling for years.

20 ACTING CHAIRMAN O'ROURKE: I do, but I think that  
21 we have to pay credence to the tax payers and say hey,  
22 part of this projects approval process is to have that  
23 road improved.

24 We're now going to open it up to the public at  
25 this point.

1 Yes, sir.

2 FROM THE FLOOR: Baker Street Extension is  
3 currently a one-lane road. Is that the only entranceway  
4 to this development?

5 MR. KIM: Yes, it is.

6 FROM THE FLOOR: So you're going to have to go to  
7 two lanes?

8 MR. KIM: We have to improve that road according  
9 to town standards.

10 FROM THE FLOOR: How wide is the road?

11 MR. KIM: It needs to be 36 feet wide.

12 FROM THE FLOOR: Will there be a street light on  
13 the corner of Vliet and Baker?

14 MR. KIM: That is in the GIS area. That might be  
15 done after full construction that we're estimating at  
16 2020.

17 FROM THE FLOOR: The sewer line that you're  
18 talking about - is that going to be on Boght or is that  
19 going to be on Vliet Street extension?

20 MR. KIM: It's going to be behind these lots  
21 here.

22 ACTING CHAIRMAN O'ROURKE: Yes, sir.

23 FROM THE FLOOR: I just have one question. Now  
24 that this development is going forward and it looks  
25 like Vliet Street can be connected directly up to

1 Canterbury's project - you know one of the worse things  
2 about the Canterbury project is that there are only  
3 going to be two exits in that back road. If this  
4 project is going forward and one of those entrances on  
5 the Boght Road will be eliminated that will greatly  
6 improve the traffic safety. You would now have two  
7 exits to Canterbury and you would eliminate that unsafe  
8 second entrance that Canterbury currently has at that  
9 road. They're going to have to make signs and right-out  
10 only turns and there's a blind corner. So if there is  
11 any possibility that awful connection to Boght Road  
12 could be eliminated, that would be something good.

13 ACTING CHAIRMAN O'ROURKE: Yes, sir.

14 FROM THE FLOOR: I live on Partridge Lane.

15 Can you go back to the drawing that you were  
16 talking about with the pavement and the ending  
17 pavement? Can you tell me exactly where it was ending  
18 because there are three driveways along the side of the  
19 road and it would be nice if it could extend past the  
20 last driveway.

21 MR. KIM: For the time we have proposed the  
22 pavement to come right up to here.

23 FROM THE FLOOR: Is it after the last driveway?

24 MR. KIM: Yes, right here (Indicating) at the two  
25 driveways coming in.

1 FROM THE FLOOR: There should be three driveways.

2 MR. KIM: I think the other one is way up there.

3 FROM THE FLOOR: That's the one that I'm  
4 concerned with.

5 MR. KIM: We are going to construct up to that  
6 point.

7 FROM THE FLOOR: How about the plowing of the  
8 snow? Right now the town turns around right in the  
9 driveway.

10 MR. KIM: Actually this a town owned property  
11 right here (Indicating).

12 FROM THE FLOOR: No, I understand.

13 MR. KIM: The main reason that we are stopping  
14 the water is because they are not allowing to extend  
15 the waterline there.

16 FROM THE FLOOR: I understand why you're stopping  
17 that but the last homeowner and I have a driveway  
18 access that is behind the road.

19 I was hoping that the pavement would be extended  
20 because there is a 91 year old gentleman who has lived  
21 there for about 60 or 70 years and this would be the  
22 first time that the town would be expanding this road.

23 ACTING CHAIRMAN O'ROURKE: Ma'am did you have a  
24 question?

25 MS. IPPOLITO: Yes, is there going to be a

1 traffic light where the extension of Boght comes out?

2 MR. KIM: After the build-out in 2020.

3 MS. IPPOLITO: Is there something going in that  
4 empty lot there as well, where the extension comes out  
5 onto Boght. There is an empty lot right there  
6 (Indicating).

7 MR. KIM: These are town homes.

8 ACTING CHAIRMAN O'ROURKE: Sir, in the back?

9 FROM THE FLOOR: There seems to be a problem with  
10 the address. Can you clarify that?

11 MR. KIM: Someone in the town assigned this  
12 property address.

13 FROM THE FLOOR: Okay because those homes are 446  
14 and I'm 450 and there are some lots between us.

15 MR. KIM: That number will be changed but up to  
16 this point, the assessor's office addressed that  
17 property as that number.

18 ACTING CHAIRMAN O'ROURKE: Anyone else?  
19 Anybody else on the board?

20 FROM THE FLOOR: Where that empty lot is, are  
21 they going to build there too?

22 MR. KIM: No, this is town land so that nobody  
23 can build that.

24 FROM THE FLOOR: No, where Andrea's lot is, where  
25 there is a big spot.

1                   MR. KIM: That's not part of this. There is a  
2                   condition to construct the sewer line right up to this  
3                   point (Indicating). They must construct this sewer  
4                   line, otherwise that other part of the development  
5                   cannot be built.

6                   ACTING CHAIRMAN O'ROURKE: Yes, ma'am. Can you  
7                   state your name for the record, please?

8                   MS. HELLKAMP: Ruth Hellkamp, 452 Baker.

9                   Do you have any timeframe for this Phase I?

10                  MR. KIM: I would say that all together maybe two  
11                  or three years. Right now the housing market is very  
12                  strong.

13                  MS. HELLKAMP: I'm one of the properties that is  
14                  going to be affected by this project the most and I  
15                  would like to know how long I will go through the  
16                  construction.

17                  MR. KIM: Construction won't be that long.  
18                  Construction could be done in less than 12 months. The  
19                  road for the construction will be done within probably  
20                  six months.

21                  ACTING CHAIRMAN O'ROURKE: So Mr. Paulsen, it's a  
22                  three year build-out for 14 lots?

23                  MR. PAULSEN: Actually my partner, Marini  
24                  Builders, are going to be building the houses on the  
25                  site.

1                   ACTING CHAIRMAN O'ROURKE:  Anyone else?

2                   FROM THE FLOOR:  Will there be another access  
3 road coming out, besides that one road?

4                   ACTING CHAIRMAN O'ROURKE:  There isn't one  
5 planned.

6                   FROM THE FLOOR:  The last lot will be able to  
7 access the water?  You're not running the road to his  
8 house so how about the water?  You have to cross the  
9 private property to get to the water.  You mentioned  
10 that we would be included in this project.  He's lived  
11 there for 70 years.  I don't see why you couldn't go a  
12 few more feet and pick up one last lot for someone who  
13 has been living here in this town for so many years.

14                  MR. KIM:  We can bring the water main up to this  
15 point so that he can hook up.

16                  FROM THE FLOOR:  I guess my question is will it  
17 be extended so that he can pick it up on his property?

18                  MR. KIM:  Yes.  Under Phase II, the water is going  
19 to go all the way down.

20                  MS. VAIDA:  I just have one question about the  
21 drainage.  I guess this was before I was on the board so  
22 I may have missed it in the beginning discussions.

23                         Was there a discussion about the water and how  
24 it's going to ultimately end up in the Hudson River?  
25 Was there some discussion about what kind of chemicals

1           could be used or any concerns about any contamination  
2           since the drainage here will ultimately end up in the  
3           river?

4           MR. KIM: I cannot say that there will be no  
5           chemicals. The chemicals will be just like fertilizers.

6           MS. VAIDA: I guess what I meant was: Has it been  
7           taken into consideration in any of the studies that  
8           were done prior to the preliminary approvals?

9           MR. KIM: Yes, there was discussion about the  
10          discharge into the adjacent ditch.

11          MS. VAIDA: That wasn't a concern?

12          MR. KIM: No.

13          MR. LYONS: The stormwater management basins that  
14          are designed into this project meet the current New  
15          York State DEC SWPP requirements for quality as well as  
16          quantity control so that that first flush run-off that  
17          you get on a regular storm would be contained in the  
18          stormwater quality control basis. The entire town does  
19          drain eventually into the Hudson.

20          MR. LANE: Going to her point, is it feasible or  
21          allowable to do deed restrictions on lawn chemicals and  
22          things of that nature because they are on federal  
23          wetlands?

24          MR. LYONS: You probably could but then again,  
25          you have that enforcement factor. You talked about a

1 sign that's required by the Army Corp of Engineers  
2 saying that there is a wetland. Who is going to be  
3 enforcing the deed restrictions on the property? That's  
4 quite an enforcement, whether it be done on a state or  
5 county level versus on a subdivision by subdivision.

6 MR. LANE: Well, not all subdivisions are built  
7 next to a federal wetland.

8 MR. LYONS: But they all eventually drain into  
9 wetlands.

10 MR. KIM: Actually this flows to the next pond.

11 MR. LANE: So that only basically captures  
12 sediments and slows the flow but it wouldn't provide  
13 chemicals and the things that Ms. Vaida is referring  
14 to. Is that the point that you're going to?

15 MS. VAIDA: Right, but I guess that I was under  
16 the impression - and I'm not an expert in this that the  
17 basins do filter to some extent.

18 MR. LYONS: They do provide a first flush quality  
19 control with that two chamber basin. If you got a heavy  
20 storm like we had a couple of weeks ago, that whole  
21 first flush concept gets overridden very quickly.  
22 During normal typical storms, first flush will maintain  
23 that.

24 MR. CLARK: If I may, eventually through  
25 bacteriological actions and physical actions some of

1           these chemicals dissipate, but nothing is out there  
2           that captures and treats 100%. Good water shed  
3           management and common sense from the property owners is  
4           a large part of keeping contamination down.

5           MS. VAIDA: Thank you.

6           ACTING CHAIRMAN O'ROURKE: We have an action.

7           MS. VAIDA: I still have one other question. Did  
8           we resolve the issue on the waterline? Is it my  
9           understanding that once the Canterbury Crossing  
10          waterline was brought to this property line that  
11          regardless of what stage Phase II is, at that time the  
12          waterlines will be connected?

13          ACTING CHAIRMAN O'ROURKE: We can make it  
14          contingent on it.

15          MS. VAIDA: Was that what was said?

16          ACTING CHAIRMAN O'ROURKE: That was my  
17          understanding.

18          MR. LYONS: If the applicant doesn't move forward  
19          with this Phase II then who would install it?

20          MR. LANE: I thought I heard him say that he did.

21          MS. VAIDA: That's why I'm not sure.

22          MR. LYONS: That Phase II is contingent on  
23          looping the water main, whether it's through the  
24          connection into Canterbury Crossings or as Mr. Paulsen  
25          indicated, if Canterbury Crossings is held up or

1 doesn't go forward with their approval, they will then  
2 loop the water main around of their own accord as part  
3 of the Phase II development.

4 MS. VAIDA: So if Phase II doesn't get done,  
5 hopefully that isn't a prediction or anything but let's  
6 just say that were to happen and if Canterbury Crossing  
7 didn't - actually if Phase II doesn't go, then it  
8 doesn't ever get looped?

9 MR. LYONS: Right, then what we're approving  
10 tonight would be the limit of the water main.

11 MR. STUTO: I heard the chairman say if  
12 Canterbury goes first then he wants this developer to  
13 loop it.

14 ACTING CHAIRMAN O'ROURKE: Absolutely and we can  
15 make it contingent upon it.

16 MR. STUTO: And he says that he's going to  
17 eventually do it anyway.

18 ACTING CHAIRMAN O'ROURKE: Right, he's not going  
19 to built 14 lots for them to sit. So, if we can hold  
20 his feet to the fire and say, we're going to approve  
21 your project but if Canterbury doesn't go forward,  
22 you're going to loop it. If they do go forward and  
23 you're not ready for Phase II, I don't care how you get  
24 it to them but you're going to get the water to them.  
25 Right? We're totally legal and able to do that?

1 MR. STUTO: He owns the property.

2 ACTING CHAIRMAN O'ROURKE: He owns the property  
3 and he owns the water. So, we can make a conditional  
4 approval upon those things happening, as well as the  
5 road being finished to the end. We have that authority.

6 MR. STUTO: I think that you do, yes.

7 Do you have anything to say about that?

8 MR. PAULSEN: I just want to make sure that in  
9 going through this approval - but Canterbury comes in  
10 first before I'm ready for Phase II, I still have to  
11 make that connection. It's really not a problem for me  
12 because I know that I'm doing Phase II. It's in my  
13 contract with my partner, Marini. He wants this as fast  
14 as we'll be able to produce it. The problem that I see  
15 is that with Phase I, the water department was fine  
16 that it didn't need to be looped at that point; am I  
17 correct, Mike?

18 MR. LYONS: That's correct.

19 MR. PAULSEN: That's why we only have 14 lots  
20 because they thought that there was sufficient water  
21 pressure for those 14 lots only, which didn't require  
22 to be looped. I just want to make sure and be careful  
23 about this.

24 ACTING CHAIRMAN O'ROURKE: Mr. Paulsen, let me  
25 just state that we have had Mr. Frazer on two separate

1 occasions address the board and it is the town's  
2 policy, as I understand it, to not dead-end our  
3 waterlines. We avoid it at all costs. I would imagine  
4 that they are saying, Mr. Paulsen, you develop in our  
5 town and we're happy to have you develop in our town.  
6 We'll provide you the opportunity to do this Phase I  
7 and dead-end it, under the assumption that's not going  
8 to be a dead-end. I think that we, as a board -

9 MR. PAULSEN: I'm really fine with that. I would  
10 love to build everything out right now. I'm waiting for  
11 Canterbury.

12 MR. LYONS: Phase I really isn't dead-ended.  
13 Can you show them the loop that goes down Legacy  
14 and goes back up Matthews and then down Vliet Street?

15 MR. KIM: The water comes down here (Indicating)  
16 and it's not quite looped.

17 ACTING CHAIRMAN O'ROURKE: It's not looped. They  
18 would have to come back down.

19 MR. KIM: What we proposed was that the water  
20 lines comes in here (Indicating) -

21 ACTING CHAIRMAN O'ROURKE: At worst case then  
22 when he's putting that in you could lay a pipe in the  
23 ground if you had to connect.

24 MR. PAULSEN: The worst case scenario - because I  
25 want to do this. I really don't have a problem with

1           what you're asking. If the Canterbury deal falls apart,  
2           I can't guarantee that I can get easements from  
3           Canterbury to make that loop.

4                     ACTING CHAIRMAN O'ROURKE: Right, so loop it back  
5           the other way.

6                     MR. PAULSEN: Okay.

7                     ACTING CHAIRMAN O'ROURKE: I don't want to speak  
8           for John Frazer, but I don't think that he'd have any  
9           problem with that. As long as the water flows and goes  
10          back the other way, it's a loop. It doesn't matter.

11                    MR. LYONS: If Canterbury developed and say Phase  
12          II is never developed, the connections for the  
13          waterline -

14                    ACTING CHAIRMAN O'ROURKE: They could get it off  
15          the back end.

16                    MR. LYONS: Off of Matthew Court - - that would  
17          be provided and therefore you'd have a loop that way  
18          without having to go through Phase II.

19                    ACTING CHAIRMAN O'ROURKE: I'm just trying to  
20          protect the board and this position that we don't want  
21          to have dead-ends.

22                    MR. LYONS: Your position is very consistent with  
23          the Superintendent of Water.

24                    ACTING CHAIRMAN O'ROURKE: Right, and that's all  
25          we're trying to be.

1 MS. VAIDA: So you're saying that there is an  
2 alternative then. If Phase II doesn't happen, here is  
3 another way to loop it.

4 MR. LYONS: If Phase II never happens but  
5 Canterbury Crossings is constructed, this would loop in  
6 through Canterbury Crossings without having to develop  
7 Phase II.

8 ACTING CHAIRMAN O'ROURKE: And if Canterbury  
9 doesn't go forward, he can actually loop it two ways.

10 MR. KIM: I put a little T so that they can  
11 connect into that. That's why Mr. Frazer asked me  
12 instead of coming out here, he wanted me to come out  
13 this way.

14 MR. LANE: Is there also a contingency that we  
15 extend the swale or add a berm behind legacy lots 2, 4  
16 and 6 such that all waters directed to that detention  
17 basin - could we put that in there, as well?

18 ACTING CHAIRMAN O'ROURKE: I think that's a great  
19 thing to do.

20 MR. KIM: We can't block that up here where there  
21 is a wetland.

22 MR. LANE: Can you catch this corner of 6?

23 MR. KIM: We can extend it and it may be a little  
24 farther off than that. The question is that some water  
25 does have to continue to go in.

1                   ACTING CHAIRMAN O'ROURKE: This project did come  
2 before the board before a lot of us were on here. What  
3 we're really trying to do is try to be proactive and we  
4 appreciate any development - that you would talk to the  
5 neighbors. It alleviates a lot of the things that end  
6 up coming here - to tell people, there is a sewer line  
7 coming through your property instead of just having  
8 bulldozers showing up 65 feet from their house. It's  
9 just the way to do business that I think works for both  
10 the developers and for the people that presently live  
11 in the town.

12                   MR. KIM: I was advised not to contact neighbors  
13 but what I understood was that they contacted the town  
14 and requested an extension of the sewer line. That's  
15 what I understood and that's why I didn't contact them.

16                   ACTING CHAIRMAN O'ROURKE: Well, even one step  
17 further, Mr. Kim, when you're putting in a road as was  
18 brought up, there are homes that might want to tie in.  
19 It's certainly going to be less expensive for them as  
20 homeowners to tie in while the construction is going  
21 on. So if they're aware of it, they can have  
22 contractors on-site and work with the developer. It  
23 won't tie up his guys and everybody is on the same page  
24 and everybody is happy instead of saying, the road  
25 noise, the dust, the dirt, or whatever. If we can

1 provide those opportunities for people to get rid of  
2 septic systems and tie into sewer lines and do it as  
3 inexpensively as possible while the work is going on  
4 and not tie up the developer or the homeowners, I think  
5 that is a proactive way that the town needs to move  
6 forward.

7 FROM THE FLOOR:: Would we, on Baker Avenue and  
8 Boght Road be able to tie into this new development  
9 going in - in the back?

10 MR. NARDACCI: What is your property number?

11 FROM THE FLOOR: It's 462.

12 MR. NARDACCI: So where is that on this? It's  
13 north of this?

14 ACTING CHAIRMAN O'ROURKE: It's on the back of  
15 those properties, right?

16 MR. NARDACCI: Right. You're going to be able to  
17 tie into new sewer.

18 FROM THE FLOOR: We could tie in?

19 ACTING CHAIRMAN O'ROURKE: Out of your backyard  
20 ma'am.

21 MR. KIM: We would propose to construct a  
22 unilateral service line right up to your property line.  
23 All you have to do is connect it from the end of the  
24 septic system line and connect it to the service line  
25 that is to be constructed.

1 FROM THE FLOOR: And how long will that be before  
2 it actually happens?

3 MR. KIM: Once this is approved tonight, then we  
4 have to go to the Town Board for the sewer extension  
5 permission. It will be a public hearing. That might  
6 take about two months. Once that is approved, we have  
7 to go to the Albany County Health Department. They have  
8 to review it. That might take about 2 to 4 weeks. We're  
9 talking about 3 months from now. That might be  
10 possible.

11 After that preconstruction meeting has begun,  
12 each representative from each department and the  
13 contractor sits down and talks about what we have to do  
14 during the construction process. So, we're talking more  
15 about 4 months.

16 FROM THE FLOOR: So if we, as homeowners, wanted  
17 to get together once this goes in and get a group  
18 discount from someone, we could do that and we could  
19 connect to that. So about four months, you're saying?

20 MR. KIM: I think that it would be possible for  
21 construction by August.

22 ACTING CHAIRMAN O'ROURKE: Anyone else?

23 MR. NARDACCI: I'll make a motion for final based  
24 on the conditions that we're setting forth on the  
25 waterline looping and the road completion.

1 MR. HOLLAND: I'll second that motion.

2 MR. STUTO: And the screening in there?

3 MR. NARDACCI: And the screening.

4 MR. LANE: And the swale as well. If you put a  
5 berm there, you could accomplish both.

6 MR. NARDACCI: On the lot 4 of Legacy.

7 ACTING CHAIRMAN O'ROURKE: Do we have a second?

8 MR. HOLLAND: I'll second.

9 ACTING CHAIRMAN O'ROURKE: All in favor?

10 ***(Ayes were recited.)***

11 ACTING CHAIRMAN O'ROURKE: We are approved. Good  
12 luck.

13

14

15 ***(Whereas the proceeding concerning the above entitled***

16 ***matter was adjourned at 8:05 p.m.)***

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**CERTIFICATION**

*I, NANCY STRANG-VANDEBOGART, Notary Public in  
and for the State of New York, hereby CERTIFY that the  
record taped and transcribed 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.*

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**NANCY STRANG-VANDEBOGART**

*Dated July 19, 2009*