

PLANNING BOARD  
TOWN OF COLONIE

COUNTY OF ALBANY

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THE PROPOSED PROJECT OF CEDARVIEW CONDOMINIUMS  
6-14 CEDARVIEW LANE, REVIEW AND ACTION ON CONCEPT  
ACCEPTANCE AND FINAL PLANS - CONTINUED  
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THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on October 20, 2009 at 7:00 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON  
TOM NARDACCI  
TIM LANE  
MICHAEL SULLIVAN  
ELENA VAIDA  
CHARLES J. O'ROURKE  
PETER STUTO, Jr. Esq., Attorney for the Planning  
Board

Also present:

Joseph LaCivita, Director, Planning and Economic  
Development

Ed Esposito, Monarch Design Group

John Hodgkinson, Landowner

1 CHAIRMAN DONOVAN: Okay, we're here  
2 tonight for Cedarview Condos. They are back  
3 here for renewal of their concept that was  
4 granted several years ago. We did ask the  
5 gentlemen to come back this evening to show us  
6 the plans. We did get those in our packets.  
7 Thank you very much.

8 I wanted to just be certain of all of the  
9 conditions of the variance that was granted in  
10 2005. In particular, the access off of  
11 Watervliet-Shaker Road and the new access on  
12 Cedar Lane, which your plans do show. So, if  
13 you briefly want to go ahead with a brief  
14 description of your project?

15 MR. ESPOSITO: Thank you. My name is Ed  
16 Esposito.

17 Here is a review of the site and the five  
18 units of condominiums. It's on an acre of  
19 land. We have maintained 53% greenspace with  
20 the improvement. Each building has a SWPPP  
21 pond which will be monitored by the town  
22 during the review of the engineering  
23 application. The look of the building has not  
24 changed. We were in hot pursuit of some  
25 drainage easements by way of the adjacent land  
owner for the last year and that really was  
the delay. It's a two and three unit site and  
we're looking for final approval.

CHAIRPERSON DONOVAN: Let's just go over  
the variance requirements. There will be no  
ingress and egress to this site off of  
Watervliet-Shaker Road; is that correct?

MR. ESPOSITO: No. There will only be one  
off of Cedar Lane.

CHAIRPERSON DONOVAN: Okay. Then could we  
just go through briefly some of the comments  
that we have received from the department  
heads?

Latham Water said that these are  
preliminary final plans; is that correct?

MR. ESPOSITO: Yes.

CHAIRPERSON DONOVAN: They said the final  
Division of Latham Water approval will be  
granted on the issuance of a water service  
permit for each of the buildings - a submittal  
and approval for the current site plan, floor  
plan -- you're aware of that?

1 MR. ESPOSITO: Yes.

2 CHAIRPERSON DONOVAN: Steve Brussel from  
3 the Department of Public Works and the Bureau  
4 of Engineering says that a hold harmless  
5 agreement will be required for all private  
6 utilities?

7 MR. ESPOSITO: I believe that we worked  
8 that out with John Reardon.

9 CHAIRPERSON DONOVAN: Because this was  
10 dated August 6, 2009. Then it would require  
11 verification of the contract and sewer  
12 connection permit?

13 MR. ESPOSITO: Yes.

14 CHAIRPERSON DONOVAN: Pete Lattanzio has  
15 submitted a memo. He has no issues with the  
16 project.

17 I'll start with Tom. Do you have any  
18 questions for the applicant?

19 MR. NARDACCI: Could you walk us through  
20 the landscaping plan and let us know what you  
21 feel is required?

22 MR. ESPOSITO: Here is the grading site  
23 (Indicating). The whole building is a very  
24 elaborate gutter and under-drainage system. In  
25 the SWPPP, there is a four bay and a control  
for basically this whole building that drains  
to the main road and that will be improved to  
an overflow system.

For SWPPP we need to do the required  
inspections. So we'll be there during  
construction and we know that we have to give  
notice of intent and so forth. That was  
predetermined for this building. It shows some  
of the piping in the driveway coming into that  
area. It's more of a sediment control quality  
treatment.

On the back building there is an isolated  
pond and on the coversheet it names the  
easement that would be required for the pond  
when it builds up. The control for the  
overflow is also to Cedarview Lane.

That's essentially the storm drainage  
system. When we begin construction we have to  
look very closely that all the inverts are met  
and all the utility crossings are met that

1 were very well detailed on our plan and  
2 profile sheet for that project.

3 Every unit has a typical planting plan.  
4 It shows the variety of shrubbery and trees  
5 that are up the perimeter. Specifically on the  
6 planting plan we have to do these specific  
7 plans for the DEC. The town required very  
8 specific grasses and I believe that it was  
9 Water Iris in the pond for that water quality.  
10 A lot of projects have it.

11 We thought that we were under one-eighth  
12 of disturbance but it became a vital part of  
13 the project. This is what these ponds are and  
14 the mechanism of drainage of the site.

15 MR. NARDACCI: Have you started the  
16 project of talking to the Attorney General's  
17 office about the homeowners associations?

18 MR. ESPOSITO: We've gotten a plan and a  
19 description of the responsibilities of the  
20 homeowners actually to maintain the  
21 landscaping and the like. We have been waiting  
22 for the approval, but I think that we gave  
23 Mike Lyons a copy of that. I thought that it  
24 was a good request during site plan to say,  
25 yup, this is how we defined the maintenance  
for these five units.

MR. LANE: Would that include plowing?

MR. ESPOSITO: Yes.

MR. LANE: Pete Lattanzio obviously  
approved this but I'm wondering where the  
hydrants are.

MR. ESPOSITO: The hydrant is actually  
right opposite the roadway and there is one  
tap per building. We come off of the common  
water room and then the other water rooms will  
be located here (Indicating). They are fully  
fire sprinklered so the water was sized  
correctly to that.

MR. LANE: What is the actual distance to  
the last building?

MR. ESPOSITO: This is the graphic plan.  
I think that it's like 80 -

MR. LANE: So, it's not huge.

MR. ESPOSITO: It's like 80 feet.

MR. O'ROURKE: The proposed private  
easement - can you explain that? Is it a  
private easement?

1 MR. ESPOSITO: There are several  
2 easements. When the town had septic  
3 farmland there were easements in it for the  
4 utility. This lawn (Indicating) that was  
5 previously the driveway is a shared condition  
6 for perpetual access in the deed of this  
7 corner lot. That proposed easement was  
8 actually an easement that was in the deed that  
9 has been respected. Although the other portion  
10 of it would be closed per the American  
11 Chemical zoning approval and reverted to lawn.

12 It's a little stretch of lawn.

13 Was that the easement that you were  
14 referring to?

15 MR. O'ROURKE: Yes, that is the easement  
16 that caught my eye. After you just explained  
17 it, I don't understand. Am I the only one?

18 MR. ESPOSITO: Okay, I can try it again.

19 MR. O'ROURKE: Explain to me who has  
20 access to that easement?

21 MR. ESPOSITO: John has a warehouse that  
22 has to come down. It's actually a very wide  
23 driveway for the warehouse and there is a  
24 homeowner that has at some point had this 18  
25 foot driveway here (Indicating). So, that will  
26 terminate his access that goes all the way  
27 through the property and only keep that  
28 portion -

29 MR. O'ROURKE: And what's the square  
30 footage for that?

31 MR. ESPOSITO: The deed actually is  
32 18 wide and 120 long. It's 2,163 square feet.

33 MR. O'ROURKE: Okay, that's one of my  
34 concerns.

35 The second one you just touched on is the  
36 deeds. I get misleading information both ways.  
37 Are the deeds combined or are they not  
38 combined?

39 MR. ESPOSITO: This easement was filed on  
40 a couple of pages. These deeds, when we first  
41 made application, were three separate deeds.  
42 If the issue was that these be merged and  
43 filed with this deed in '06 -- I can tell you  
44 how it was.

45 There was access from

1 Watervliet-Shaker Road to a parcel. One had  
2 Cedarview Lane running and one was landlocked.  
3 So the application cuts all that out. Now we  
4 have this T arrangement of land.

5 MR. O'ROURKE: So, those three those  
6 deeds are in fact combined?

7 MR. ESPOSITO: Yes. They were merged and  
8 filed with the county.

9 MR. O'ROURKE: Am I looking at this  
10 right? Is there an existing septic tank and  
11 leech field on that property?

12 MR. ESPOSITO: No, since that time John  
13 has been connected to sewer and water and it's  
14 totally within the Latham Water District.  
15 There is this funny zig zag of sewer that was  
16 accommodating through here (Indicating).  
17 John's brother Ed deeded this and eased it  
18 over some straddles of land and there was some  
19 confusion in getting that plotted correctly.  
20 In addition to this new easement there was a  
21 membrane of land that is part of the sewer  
22 easement and utility for the town. The other  
23 part is now utility and stormwater overflow  
24 and the making of a new project.

25 MR. O'ROURKE: On your plans it shows an  
existing clay area to be filled in. So, I  
guess I'm just wondering why somebody with  
farmland would have existing clay, unless  
there was a septic.

MR. ESPOSITO: Actually that was an older  
well. I think John leased out to a landscaper  
of sorts and there is no real requirement for  
the old clay well to remain anymore.

MR. O'ROURKE: So it's a well.

MR. ESPOSITO: It's a well. It was  
demolished with the old warehouse building.

MR. O'ROURKE: The only other easement,  
if you could clarify for me is the Shaker  
Commons. It's on that back corner that you  
were talking about. Can you explain that  
easement to me, as well?

MR. ESPOSITO: Yes. During review we  
found that we could not file this property  
because the storm drainage line that ran  
through here was outside the realm of the  
20 foot town of Colonie easement. A new  
easement had to be created. Working with the

1 adjacent homeowners association was a tough  
2 process because they only met every three  
3 months and then we had to wait. So, it took  
4 virtually two years to have the land strip  
5 agreement of less than 1,000 square feet to a  
6 common understanding of again, holding them  
7 harmless for any of the landscaping  
8 improvements.

9 MR. O'ROURKE: So it's just that portion  
10 that's shaded that's new easement?

11 MR. ESPOSITO: Yes.

12 MR. O'ROURKE: There is presently an  
13 easement on the rest. Do I understand that  
14 correctly?

15 MR. ESPOSITO: Yes.

16 MR. O'ROURKE: Jean, that's all I had.

17 CHAIRPERSON DONOVAN: Mike?

18 MR. SULLIVAN: How many parking spaces  
19 are available?

20 MR. ESPOSITO: Everyone gets one in the  
21 garage. In fact, they get two in the garage  
22 and everyone gets one out in the driveway and  
23 then there are these are the assessable units  
24 (Indicating), and then the parking overflow  
25 here for visitors. So, in all about 25.

MR. SULLIVAN: I didn't get the 25  
spaces. I counted for the garages and then the  
tree at the top and the two handicapped  
spaces, but I came up with 15. I was wondering  
where the other spaces are.

MR. ESPOSITO: They're in the buildings.

MR. SULLIVAN: I counted the garages.  
You're saying the parking in front of the  
garage and you're getting another 10 there?

MR. ESPOSITO: Two in the driveway and  
then four times five; there's 25 there and  
then the five in the back.

MR. SULLIVAN: Okay, thank you.

The other question that I had was with  
the existing buildings. Are they still used as  
warehouses?

MR. ESPOSITO: No.

MR. SULLIVAN: So there are no chemicals  
on site? There are no underground tanks or

exterior tanks or anything?

1 MR. HODGEKINSON: No. The chemicals are  
2 cleaning products. Everything that comes in  
3 sealed goes out sealed. Nothing is opened.

4 MR. SULLIVAN: Thank you. That's all I  
5 had.

6 CHAIRPERSON DONOVAN: Just one more  
7 comment on the stormwater. You had been  
8 working with John Dzialo and the stormwater  
9 team.

10 MR. ESPOSITO: And we'll continue to work  
11 with them for the duration of the project.

12 CHAIRPERSON DONOVAN: Is there anybody  
13 from the audience that has any questions or  
14 comments on this area?

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

16 CHAIRPERSON DONOVAN: We are to act on  
17 concept acceptance and final plans. I think  
18 that we can do the final plan approval  
19 tonight.

20 Does anyone else from the board have any  
21 other questions or comments?

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

23 CHAIRPERSON DONOVAN: We do have a  
24 recommendation from the Planning and Economic  
25 Development Department. They have recommend  
the requested approval on the SEQRA action.  
The department recommends that based on the  
past EAF that the action will not have a  
significant effect on the environment for this  
mitigation of cumulative impacts in accordance  
with the GEIS statement of findings.

This is in a GEIS zone?

MR. LACIVITA: I think it was in the  
Boght.

CHAIRPERSON DONOVAN: Do I have a motion  
from the board?

MR. NARDACCI: Jean, I'll make that  
motion to accept.

CHAIRPERSON DONOVAN: Do I have a second?

MR. LANE: Second.

CHAIRPERSON DONOVAN: All those in favor?

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

CHAIRPERSON DONOVAN: Opposed?

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

CHAIRPERSON DONOVAN: Do I have a motion  
on the plans that are in front of us for the  
Cedarview Condominiums?

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MR. LANE: I'll make that motion.  
MR. STUTO: For concept and final?  
CHAIRPERSON DONOVAN: Yes, for concept  
and final.  
MR. NARDACCI: I'll second.  
CHAIRPERSON DONOVAN: All in favor?  
**(Ayes were recited.)**  
CHAIRPERSON DONOVAN: Opposed?  
**(There were none opposed.)**  
CHAIRPERSON DONOVAN: I know you're  
shocked, but you're out of here.

**(Whereas the proceeding concerning  
the above entitled matter was  
concluded at 7:20 p.m.)**

**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 November 16, 2009**

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