

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

HAWKYARD OPEN DEVELOPMENT AREA
110A FONDA ROAD
APPLICATION FOR ODA
RECOMMENDATION TO THE TOWN BOARD

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on August 26, 2014 at 8:01 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

10

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 LOU MION
14 SUSAN MILSTEIN
15 TIMOTHY LANE
16 KATHY DALTON
17 TINA GOODWIN SEGAL

15

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq., Counsel to the Planning Board

18 Chuck Voss, PE, Barton & Loguidice

19 Michael Tengeler, Planning and Economic Development

20 Fred Metzger, Surveyor

21 Nick Hawkyard

22 Kristen Hawkyard

23 Suzanne Perry

24

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1 CHAIRMAN STUTO: I didn't realize this, but this is
2 Tina's last week on the Planning Board. She's moving on
3 to bigger and better things.

4 MS. GOODWIN SEGAL: I like to call it
5 transitioning. I'm not sure yet to what, but it's a
6 transition.

7 CHAIRMAN STUTO: Tina, thank you for your time. We
8 really enjoyed your company and all your input on the
9 projects. I hope to see you around Town, but we are
10 sorry to see you leave us. Thank you. I know you
11 served for years on the Zoning Board.

12 MS. GOODWIN SEGAL: Thank you.

13 CHAIRMAN STUTO: The final item on the agenda is
14 Hawkyard Open Development Area. This is at 110A Fonda
15 Road. This is an application for open development
16 recommendation to the Town Board.

17 I'll ask Mike Tengeler if he has any
18 introductory remarks before we start.

19 MR. TENGELER: Yes, we're here tonight to give a
20 recommendation to the Town Board for a proposed ODA off
21 of Fonda Road. Fred Metzger is here to present.

22 I'd like to invite anyone from the back.

23 Fred is going to present from the table up here
24 (Indicating). If anyone wants to grab a front row
25 seat, go right ahead.

1 I'll turn it over to Fred.

2 Fred, just give a little bit of history on the
3 site.

4 MR. METZGER: Good evening. My name is Fred
5 Metzger and I'm a land surveyor. I'm here on behalf of
6 Mr. & Mrs. Hawkyard regarding the ODA recommendation to
7 the Town.

8 Basically, what we have is a single lot which
9 is 125 by 110 off of Fonda Road - in the rear of
10 what would be 110 Fonda, thus giving it 110A Fonda
11 Road. It's a minimum lot that meets the existing
12 zoning. It's single family residential. IT meets
13 all the minimum for sides for both the lot and for
14 the proposed single family residence with all the
15 minimum setbacks.

16 CHAIRMAN STUTO: How large is the lot?

17 MR. METZGER: 15,750.

18 CHAIRMAN STUTO: I thought that the minimum
19 building lot is 18,000.

20 MR. METZGER: Prior to 87 it is 12,000 - that's
21 what I was getting from the Building Department.

22 CHAIRMAN STUTO: Okay, keep going.

23 MR. METZGER: Basically the proposed single family
24 residence on there would meet all the minimum setbacks.
25 There is an existing sewer back there and the water up

1 on Fonda Road - they will pay to have an easement. They
2 have obtained it already and it's been filed. It will
3 tie in up front and there is also the 50 foot wide
4 easement that runs to the 20 foot wide that runs down to
5 Fonda Road for access for both of what would be their
6 future house plus all the existing homes back there.

7 CHAIRMAN STUTO: You're going a little fast on the
8 utilities. Where are the utilities going to run? We
9 need a visual too.

10 MR. METZGER: I'm sorry. I didn't know you didn't
11 have a map on that.

12 CHAIRMAN STUTO: Well, we do.

13 MR. METZGER: Okay, there are the existing sewer
14 manholes right down in front of the proposed house that
15 ties in that goes down to the -

16 CHAIRMAN STUTO: That's 3411 there?

17 MR. METZGER: Yes.

18 CHAIRMAN STUTO: That's a sanitary sewer manhole?

19 MR. METZGER: Yes, sir. That will tie directly
20 into that manhole. There is the existing gas lines just
21 on the other side of that - just to the north. Then,
22 the existing water main that's down on Fonda Road is an
23 eight-inch water line. They actually already had the
24 easement to cut across and tap directly into there.

25 CHAIRMAN STUTO: So, the easements run along side

1 of the property?

2 MR. METZGER: Yes.

3 CHAIRMAN STUTO: And then go through the property
4 behind it and all the way to Fonda Road.

5 MR. METZGER: Yes, sir.

6 CHAIRMAN STUTO: They're all running through that
7 easement?

8 MR. METZGER: No, there is an existing one there
9 now that meets 106B. That's the one that runs all the
10 way though. Then, theirs is the next one over that's
11 cutting through to 110.

12 CHAIRMAN STUTO: But that feeds this lot.

13 MR. METZGER: Yes.

14 CHAIRMAN STUTO: Okay, thank you.

15 MR. METZGER: That pretty much wraps it up.

16 CHAIRMAN STUTO: There were a number of Town Board
17 recommendations; one which didn't make it into the
18 Resolution. That was to put a sprinkler system in.

19 MR. METZGER: Yes, there was a couple of items
20 there that they recommended due to the distance, but
21 with cost factors involved and obviously it was only a
22 recommendation and it wasn't mandated. Being that the
23 minimum was 1,000 feet, anything over 1,000 feet becomes
24 mandatory. Being that the distance was only 850 feet,
25 it wasn't a mandatory item.

1 MR. MION: I have a question pertaining to that.
2 It's 1,000 feet. Is it 1,000 direct feet or 1,000 road
3 feet?

4 MR. METZGER: It's 1,000 road feet.

5 MR. MION: It's more than 1,000 road feet from the
6 house.

7 MR. METZGER: I was told that it was 850 on the
8 review sheet.

9 MR. MION: The only fire hydrant I saw out there -

10 MR. METZGER: Is right in front of 106.

11 MR. MION: Right, but if they're going to fight a
12 fire, how are they going to run on a hose -- are they
13 going to run a hose through the yard?

14 MR. METZGER: No.

15 MR. MION: They're going to run a hose around the
16 road.

17 MR. METZGER: Exactly.

18 MR. MION: So, isn't that more than 1,000 feet?

19 MR. METZGER: I thought that the review said that
20 it was 850.

21 MR. TENGELER: I have the comment right here, Lou.
22 This house is approximately 850 feet from the nearest
23 fire hydrant approaching the 1,000 feet max. That's a
24 memo from Joe Bisognano from Fire Services.

25 CHAIRMAN STUTO: What did they say about

1 recommending the sprinkler system?

2 MR. TENGELER: This house is approximately 850 feet
3 from the nearest fire hydrant approaching 1,000 foot
4 max, and I would recommend that a residential fire
5 sprinkler system be installed.

6 CHAIRMAN STUTO: Does anyone have an opinion on
7 that?

8 MR. METZGER: They spoke to the contractor and they
9 were looking at an additional \$10,000.00 for a sprinkler
10 system to be put in.

11 CHAIRMAN STUTO: I didn't think that they were that
12 expensive.

13 MR. LANE: Does an insurance company increase the
14 insurance -

15 MR. METZGER: I'm sure the insurance company comes
16 into play when you get insurance. It's obviously how
17 close the closest fire hydrant is or far away it is.

18 MR. LANE: I think that would be interesting to
19 know.

20 CHAIRMAN STUTO: Lou, you're a former firefighter,
21 right?

22 MR. MION: I am.

23 CHAIRMAN STUTO: You have a little bit of
24 background on this.

25 MR. MION: I have a concern about that. I was out

1 there and I wanted to clear that up.

2 Also, there is only one way in. That's the
3 same way out.

4 MR. METZGER: Yes.

5 MR. MION: That's an issue, in itself. I know that
6 it wasn't addressed in any of the comments, but the way
7 that I look at it is that you want two ways in and two
8 ways out. When I was there - Timothy Drive comes to an
9 end where the last house is. You've got the open field
10 there by the road. Is that a road?

11 MR. METZGER: That's somebody's driveway. Are you
12 speaking as opposed for fire engines or EMS vehicles to
13 be able to turn around?

14 MR. MION: They would need to go in and get out.

15 MR. METZGER: If you saw the revised plans there, I
16 put proposed turn around easements that would cross
17 both. It was that orange portion. I think that's on
18 your diagram for what they would need to be able to turn
19 around properly. I think that it was 100 foot by 120.
20 There would be one granted over each one of the parcels
21 so that way they would be able to turn around to exit
22 the premises.

23 MR. MION: I think that as long as you are within
24 what the law says, then I wouldn't have any problems
25 with it. That's my opinion.

1 CHAIRMAN STUTO: This is a gravel road?

2 MR. METZGER: Yes.

3 CHAIRMAN STUTO: We don't require pavement on these
4 ODAs?

5 MR. TENGELER: Timothy Drive is proposed to be
6 gravel?

7 MR. METZGER: No, it's existing. All of that is
8 existing.

9 CHAIRMAN STUTO: But you're not proposing paving.

10 MR. METZGER: No.

11 MR. TENGELER: It's a private road and it doesn't
12 need to be brought up to Town standards.

13 MR. MION: The other concern would be, if you do
14 have a fire back there and it is gravel. You have one
15 of these big engines going there - is it going to be
16 able to come out? Is it going to get stuck?

17 MR. LANE: In gravel?

18 MR. MION: It happens.

19 MR. LANE: Where?

20 MR. MION: Where? It's happened.

21 CHAIRMAN STUTO: I thought that there was some kind
22 of minimum standard for the private road. There is no
23 private road standard?

24 MR. TENGELER: Not to my understanding, no.

25 Because it's a private road, it doesn't have to be run

1 up to Town standards. That's my understanding.

2 CHAIRMAN STUTO: Does anybody have a copy of
3 280(a), the Open Development Area Law? Is that in our
4 packet?

5 MR. LANE: Fire Services didn't have any concern
6 on this.

7 CHAIRMAN STUTO: But we're asking on this.
8 Is there any mention of what the standards of
9 what the road has to be?

10 MS. MARINELLI: No. Before such permit shall be
11 issued, such a street or highway shall have been
12 suitably improved to the satisfaction of the Town Board
13 or the Planning Board as adequate with public health -

14 CHAIRMAN STUTO: I thought that there was at least
15 something about the width of the road. I didn't know if
16 there was something about the surface of the road. On
17 the other ODAs we required pavement.

18 MR. MION: Yes.

19 MS. MARINELLI: It just says sufficient ingress or
20 egress for fire trucks ambulances, police cars and the
21 frontage of 15 feet shall be presumably sufficient for
22 such purpose.

23 MR. TENGELER: It seems like they have the 20 feet
24 which exceeds the 15 feet. It's a question of whether
25 or not it meets the Planning Board's -

1 What was the language again, Kathleen?

2 MS. MARINELLI: Before the permit is issued the
3 street or highway shall have been suitably improved to
4 the satisfaction of the Town Board or the Planning Board
5 and adequate in respect to the public health, safety and
6 general welfare for the special circumstances of a
7 particular street or highway. That has to do with the
8 building permit being issued.

9 MR. LANE: So, it has nothing to do with our
10 actual -

11 CHAIRMAN STUTO: It has to meet whatever standard
12 we set, to our satisfaction.

13 MR. LANE: It sounds subjective.

14 MR. MION: I look at it from the standpoint that
15 you have the houses back there now. That was before us.
16 I'm just bringing that up as do we want to carry that to
17 what we just discussed in the law or do we want to just
18 proceed?

19 MR. LANE: As you said, there are already houses on
20 it.

21 MS. DALTON: So, the question is do you want to act
22 like it's a grandfathering situation and continue what's
23 being done or -

24 CHAIRMAN STUTO: Who is going out there from the
25 department to look at the road?

1 MR. TENGELER: Mike Lyons is the planner that has
2 been working on the project. I'm sure that he has.

3 CHAIRMAN STUTO: Do you have any photos of the
4 road?

5 MR. METZGER: No, I did not bring any.

6 MS. DALTON: You can see it in the aerial photo.

7 CHAIRMAN STUTO: Who plows the road?

8 MR. HAWKYARD: We pay somebody to plow it.

9 CHAIRMAN STUTO: Is this your family?

10 MS. HAWKYARD: It's family all around there; yes.

11 CHAIRMAN STUTO: Every house by that road - is that
12 part of the same family?

13 MS. HAWKYARD: Not every house, but mostly; yes.

14 CHAIRMAN STUTO: Everything on Fonda Road - they
15 are on a Town road.

16 MR. TENGELER: Anything with a letter after it
17 looks like 110B, 110A, 112C, 102A, 106A, 106B.

18 MR. METZGER: Right now it's to the existing three
19 homes; 4, 6 and 8 -- or what would be composed of 4, 6
20 and 8.

21 MS. DALTON: I'm sorry. I got lost on 4, 6 and 8.

22 MR. METZGER: It's the proposed numbers.

23 CHAIRMAN STUTO: How does everybody feel about it?

24 MR. LANE: It's a proper road with homes already on
25 it. They're just proposing one more. Basically, to

1 Kathy's point, the way that I look at it is being
2 grandfathered. Otherwise, you're requiring them to
3 bring it up to Town standards if you're doing anything
4 more.

5 CHAIRMAN STUTO: The other ODAs, we have required
6 them to pave it, I think.

7 MS. DALTON: But you didn't have the same
8 situation.

9 CHAIRMAN STUTO: So, you're in favor of going
10 forward. Is that what you're saying?

11 MS. DALTON: I think that these are different
12 situations. I don't think that you can apply the same
13 standards here because you already have six driveways
14 off of this. So, essentially you're asking this one
15 applicant to pave a road for -

16 MR. LANE: For the whole neighborhood.

17 MS. DALTON: Yes. There are five homes here that
18 you would be asking them to pave the road for. It would
19 be one thing if it was a developer who was putting in
20 five or six different homes. You would ask that.
21 Currently, I don't know how long these homes have been
22 here but they have been living with a situation the way
23 that it is and it hasn't presented a problem and we got
24 the reviews from the Town agencies that haven't
25 identified any issues.

1 CHAIRMAN STUTO: Item six says the owners of the
2 parcel to be constructed to the parcels, their heirs,
3 assigns, successors and interests shall be fully
4 responsible for the maintenance, upkeep, required
5 improvements, snow plowing etcetera of a private road.
6 The Resolution in front of us requires them to maintain
7 the road and plow it.

8 MR. TENGELER: If I could make that just a
9 suggestion that with some commercial project that we
10 have, especially ones along Railroad Avenue - there was
11 one in a scrapyard in Watervliet off of First Avenue.
12 They have crusher run driveways going in. We have
13 worked with the Highway Department and Stormwater
14 Department where we would have them pave the first 40
15 feet in. That gives some extra assurance that you're
16 not kicking out stone, rubble or anything else out onto
17 our Town roads. That way, we don't have stone going
18 right up to Fonda Road in this instance. Maybe they
19 could pave 30 or 40 feet in. It's a street cleanliness
20 measure that we have taken on some other projects.

21 MR. MION: The Town would do that?

22 MR. TENGELER: No, we would put the onus on the
23 applicant.

24 MR. LANE: That would be reasonable.

25 CHAIRMAN STUTO: I'm just trying to see what all

1 the departments said.

2 MR. MION: I think that it's a legitimate concern
3 but I also believe that -- what you said Kathy, there is
4 a grandfather tool. It isn't written, but it's there.
5 There are already houses back there. I think that it's
6 something that we should at least look at. I think it's
7 a good alternative to go in the 40 feet.

8 MR. LANE: Even a PDD - they apply the
9 recommendations.

10 MS. DALTON: I guess my position is that we didn't
11 get negative comments. It has five other houses on it
12 that have been there existing with the same situation.
13 I would be in favor of grandfathering this parcel.

14 MR. MION: Do they have any intentions of building
15 along side of that?

16 MS. HAWKYARD: Which side?

17 MR. MION: As you're facing 110, to the left.

18 MS. HAWKYARD: No, my cousins are actually going to
19 start a house there.

20 MR. MION: Where the cattails are?

21 MR. METZGER: Yes, I think that a lot of that has
22 to do with when they put the driveway in. That pipe
23 isn't accurately or properly put in there and you get a
24 lot of water that stands there. Obviously, with
25 standing water and time, eventually you get the

1 cattails. It's just a very small area. I think that if
2 the water was allowed to drain properly, the cattails
3 wouldn't exist.

4 MR. TENGELER: Fred, that's not a wetland area over
5 there?

6 MR. METZGER: Nothing that couldn't be eliminated.
7 It's a very small area.

8 MR. LANE: If this should get approved and
9 everybody has to change their address - are all the
10 residents aware of that? They're all agreeable to
11 having their addresses changed?

12 MR. METZGER: That's correct.

13 MR. TENGELER: That's something that Emergency
14 Services is also very much in favor of.

15 CHAIRMAN STUTO: We have a packet in front of us
16 covered by a letter dated July 23 from Mike Lyons with
17 all the attachments. If I were going to support it, I
18 would like to include that as part of the Resolution -
19 that they conform to all of those suggestions in those
20 memos. There is stuff in the memos that need to be
21 addressed.

22 MR. LANE: Do we like Mike's additional suggestion
23 for the paving?

24 CHAIRMAN STUTO: I don't know.

25 MR. LANE: I have seen that roads that are gravel

1 are paved out to the edge of the main road and you do
2 see that push out.

3 MS. DALTON: If they are going to spend the money
4 on something, I would rather see them get the sprinkler
5 system. That's my personal opinion.

6 CHAIRMAN STUTO: You're saying 20 feet wide and 40
7 feet in from Fonda?

8 MR. TENGELER: The amount of that is negligible
9 compared to the sprinkler system. It's probably
10 \$1,000.00 compared to \$10,000.00. And \$10,000.00 seemed
11 like a low number. I was asking around and I heard
12 \$16,000.00.

13 CHAIRMAN STUTO: What's the estimate on the paving?

14 MR. TENGELER: My guess is between \$1,000.00 and
15 \$2,000.00.

16 MR. METZGER: My only concern with that would be
17 obviously if you stop the crushed stone, there is a
18 secondary crushed stone driveway right along side of
19 that. There are two of them that come together.

20 MR. LANE: They can't be responsible for that.

21 MR. METZGER: It's odd because his goes half way
22 back and it's pavement the rest of the way.

23 CHAIRMAN STUTO: I have that paving is 20 by 40.
24 That's 800 square feet at \$10.00 a square foot which is
25 a rough estimate for paving; that's \$8,000.00. It's not

1 a small number. It's not \$1,000.00.

2 MS. DALTON: That's probably closer to what I
3 thought.

4 CHAIRMAN STUTO: We get handed these applications
5 and I'm not comfortable with them. I'll support it with
6 the conditions of the Town Department, reluctantly, I
7 guess. That's how I feel about it. You know that the
8 next lot is coming in.

9 MR. METZGER: They were all cut up a long time ago
10 and they are already existing. It's that, or they
11 remain vacant forever.

12 CHAIRMAN STUTO: Should we take a vote?

13 MR. LANE: Yes.

14 CHAIRMAN STUTO: Okay, we'll add an item 7 that the
15 applicant has to comply with all the conditions set
16 forth in the letter from the department with attached
17 memorandum.

18 MS. MILSTEIN: Dated? I mean, for the record.

19 MR. TENGELER: July 23, 2014.

20 MR. METZGER: That's just the items that they
21 needed to have and not the ones that they recommended.

22 CHAIRMAN STUTO: Yes, with the exclusion on the
23 sprinkler.

24 Discussion?

25 (There was no response.)

1 Anyone from the public like to speak on this?

2 MS. PERRY: I'm Suzanne Perry. These are key-hole
3 lots?

4 CHAIRMAN STUTO: No. Do you want to see the map?

5 MS. PERRY: That would be lovely, thank you.

6 CHAIRMAN STUTO: This is the one that they're
7 asking that they can make this a buildable lot,
8 notwithstanding that they're not on a main road, because
9 they provided access on that gravel road.

10 MS. PERRY: And the lots that you are anticipating
11 coming in are -

12 MR. MION: This one (Indicating).

13 MS. PERRY: Thank you very much.

14 CHAIRMAN STUTO: Any other comments from the
15 public?

16 (There was no response.)

17 Okay we have a proposed motion before the
18 Board. Does someone want to make that motion?

19 MS. GOODWIN SEGAL: I'll make that motion.

20 MR. LANE: Second.

21 CHAIRMAN STUTO: Any discussion?

22 (There was no response.)

23 All those in favor say aye.

24 (Ayes were recited.)

25 All those opposed say nay.

1 (There were none opposed.)

2 The ayes have it.

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4 (Whereas the above referenced proceeding was
5 concluded at 8:19 p.m.)

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CERTIFICATION

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I, NANCY STRANG-VANDEBOGART, 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.

NANCY STRANG-VANDEBOGART

Dated September 8, 2014

