

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 CGM RESIDENTIAL SUBDIVISION  
5 621 & 645 BOGHT ROAD  
6 SKETCH PLAN REVIEW

6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above  
8 entitled matter by NANCY STRANG, a Shorthand  
9 Reporter, commencing on October 6, 2015 at 7:00 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 KATHY DALTON  
15 TIMOTHY LANE  
16 BRIAN AUSTIN  
17 CRAIG SHAMLIAN

15

16 ALSO PRESENT:

17

18 Joe LaCivita, Director, Planning and Economic Development

19 Michael Tengeler, Planning and Economic Development

20 Donald Flether, PE, Barton & Loguidice

21 Chris Marchand, PE, CGM

22 Roger Keating, PE, Chazen Companies

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1                   CHAIRMAN STUTO: Welcome to the Town of  
2                   Colonie Planning Board. We have two sketch plans on  
3                   tonight - two projects that we are going to look at.

4                   Mike Tengeler from the department, do you  
5                   have any preliminary matters before we get started?

6                   MR. TENGELER: Nothing at all. It's a pretty  
7                   low-key night with two sketch plan reviews, so we  
8                   should get right into it.

9                   CHAIRMAN STUTO: We'll call up the first item.  
10                  CGM Residential Subdivision, 621 and 645 Boght Road.  
11                  This is a sketch plan review. This is a 23-lot  
12                  residential subdivision. We'll turn it over to the  
13                  applicant.

14                 MR. MARCHAND: Good evening. My name is Chris  
15                 Marchand from CGM Construction. We are the applicant  
16                 for a new residential subdivision at 645 Boght Road.  
17                 For those of you who aren't familiar with CGM  
18                 construction, we're a custom home builder located  
19                 right across the river in Halfmoon and doing business  
20                 for over 40 years.

21                 We've done a lot of work in Colonie over the  
22                 years and we are proposing to do a 23-lot  
23                 subdivision -- 25 lots actually. Two lots are for  
24                 stormwater, but 23 new single family homes - two  
25                 parcels are involved, two currently vacant parcels

1 are involved and we're going to have one entrance  
2 road off of Boght Road. So, there is one entrance  
3 and 23 single family lots as I mentioned. One loop  
4 road here (Indicating). We are providing a stub at  
5 the end of the proposed Vischer Court for access to  
6 the currently vacant parcel that is located behind  
7 us. That would be a great means of access if we  
8 could loop utilities through there, but  
9 unfortunately the neighbor behind us has not been  
10 receptive to utility connections. I believe that  
11 the Town of Colonie has also reached out to her as  
12 well.

13 We had our DCC meeting back in the spring.  
14 I believe it was March or the beginning of April and  
15 at that point in time we had mentioned -- or the  
16 Board had mentioned to us how they wanted to loop  
17 water and sewer to the end of Bergen Woods Drive.  
18 We would have to go into the neighboring property to  
19 do so and we suggested that to the landowner. We  
20 would stay along the edge of the property line.  
21 That would eliminate the need for a pump station. we  
22 are showing the pump station here (Indicating). We  
23 felt that it would add not only value to our  
24 project, but value to her property as well.

25 CHAIRMAN STUTO: That's the residential or the

1 big field property?

2 MR. MARCHAND: That's a big field currently.

3 MR. LANE: Does she live nearby?

4 MR. MARCHAND: Charles and Mary [SIC]  
5 Bendarczyk - we had met with them face to face one  
6 day. They own Top Dog Pet Fence Company on Route 9  
7 which is a mile from here. They just weren't  
8 receptive and they mentioned that they may have a  
9 potential deal in the works and didn't want to allow  
10 any easements or things like that. That was a year  
11 and a half ago. We lost a significant amount of time  
12 with this project when we first came to the Town of  
13 Colonie about a year and a half ago. We lost a good  
14 chunk of time in trying to reach out to them to see if  
15 they could work with us and do some sort of utility  
16 connection or easement. That has proved to be  
17 fruitless so we are going with Plan B which would be a  
18 pump station. We're going to connect water out to  
19 Boght Road - our water main.

20 The stormwater will be handled on-site - two  
21 stormwater basins and there will be no homeowners  
22 association. We're not proposing an HOA, just  
23 single family lots. Everybody takes care of their  
24 own parcel. The road and the stormwater basins  
25 would be conveyed to the Town of Colonie.

1 I think that's pretty much it. If the Board  
2 has any questions, I'd be happy to answer them.

3 Roger Keating from the Chazen Companies is  
4 also here. We're both open to questions.

5 CHAIRMAN STUTO: Can you tell us about how the  
6 stormwater is going to work? How much screening is  
7 provided to the adjacent neighbors around the edges in  
8 the back?

9 MR. MARCHAND: Stormwater will be handled -  
10 storm sewers -- those catch basins -

11 CHAIRMAN STUTO: Which way does the topography  
12 flow?

13 MR. MARCHAND: This is higher (Indicating).  
14 This is upland (Indicating). So, closer to Boght  
15 Road, the grade drops off. This is a little bit  
16 lower. This is on the same elevation roughly as the  
17 back of these yards at Bergen Woods Drive. So,  
18 everything will drain to this one basin and then this  
19 larger basin at the back corner of the property  
20 (Indicating). Everything will be conveyed via gravity  
21 to the stormwater basins.

22 CHAIRMAN STUTO: Underground? I don't know  
23 how far you thought of that.

24 MR. MARCHAND: Well, roof leaders and things  
25 like that will connect. Driveways would obviously

1 drain to a wing edge along the road with catch basin  
2 structures spaced along. I don't think that the  
3 design has been done on how many catch basins, but  
4 standard typical -

5 CHAIRMAN STUTO: Does water naturally pond or  
6 collect on the lower spots now?

7 MR. MARCHAND: Water really does not pond.  
8 There are some wetlands here that we have to avoid.  
9 It's prime area. We hate to not be able to build on  
10 it. I think that it's great real estate.  
11 Unfortunately, there are some wetlands here. This  
12 area is kind of somewhat of a low area. I have never  
13 seen water pond there now.

14 CHAIRMAN STUTO: That shaped parcel -- is that  
15 what you are saying along those proposed driveways?

16 MR. MARCHAND: There are some wetlands in  
17 here.

18 So, we have a dog-leg driveway to access  
19 these two lots. I've never seen standing water but  
20 going out there, the wetland biologist determined  
21 that there were some wetlands there - Army Corp  
22 wetlands.

23 CHAIRMAN STUTO: I asked about the screening  
24 in the back because the keyhole lots there - I don't  
25 know if that's driven by the wetlands or what, but it

1 would seem that you could pull the houses a little  
2 away from the residents in the back.

3 MR. MARCHAND: Unfortunately, there is a  
4 wetland boundary. Those houses are where they are  
5 because there is a nice spot right there - a nice  
6 knoll, but they are back that far because of the  
7 wetland boundary that is in front of it. We could  
8 certainly do a row of vegetative screening along  
9 there.

10 CHAIRMAN STUTO: How much space is between the  
11 house and the boundary line? It just looks close to  
12 the back of the property.

13 MR. LANE: So, that will essentially be a  
14 shared driveway.

15 MR. MARCHAND: Correct.

16 MR. LANE: It's a pretty long driveway,  
17 besides. Who would be responsible for maintaining it?

18 MR. MARCHAND: Those two property owners would  
19 be responsible for that driveway. However they work  
20 out an agreement amongst themselves; they pay half the  
21 snowplowing bill. That's for them to decide. I  
22 figured that was the easiest way. The Town doesn't  
23 want anything to do with that driveway.

24 MR. LANE: What about a fire hydrant? Where  
25 would you place that? You're talking two homes that

1 are going to be quite a distance from what is going to  
2 be a Town road.

3 MR. MARCHAND: There is a fire hydrant right  
4 there -

5 MR. LANE: So, you're talking how many feet to  
6 the furthest house?

7 MR. MARCHAND: About 400 feet.

8 MR. LANE: That's quite a distance.

9 CHAIRMAN STUTO: Is that a clearing and  
10 grading limit line all the way around that dashed  
11 line?

12 MR. MARCHAND: Correct.

13 CHAIRMAN STUTO: I see it on the north side.

14 MR. MARCHAND: You can see that there is a  
15 light hatching that indicates wetlands and that dark  
16 dashed line is a limited disturbance.

17 CHAIRMAN STUTO: Because it's driven by the  
18 wetlands?

19 MR. MARCHAND: Correct.

20 CHAIRMAN STUTO: That means no cut or no  
21 anything? What's there now?

22 MR. MARCHAND: Just a mowed field.

23 MR. MION: Has the Town already said that they  
24 would accept those roads? If they don't want the  
25 roads, how do you plan on taking care of them - as

1 well as the two additional lots?

2 MR. MARCHAND: At the DCC meeting, they  
3 actually had us make a change. This used to be a  
4 cul-de-sac here (Indicating) and then this [SIC]  
5 Welding Way was a cul-de-sac. The Town at the DCC  
6 meeting said for them to take it over, they prefer to  
7 see it looped, which we did.

8 MR. LANE: That's probably for emergency  
9 vehicle purposes so that you can get people in and out  
10 of there. I still think that the two houses off the  
11 private drive -- I think that is going to be a little  
12 more problematic. Have there been any comments from  
13 the Fire Services on that?

14 MR. TENGELER: I'm looking through it right  
15 now. In the DCC comments the cul-de-sac - they wanted  
16 to look at that. They thought that it was a little  
17 lengthy. They requested a secondary means of ingress  
18 be built at the end of the cul-de-sac.

19 MR. LANE: If you do that you're into the  
20 wetlands. I don't see how that is going to work.

21 CHAIRMAN STUTO: How large are these houses?  
22 These are the proposed houses, more or less?

23 MR. MARCHAND: Yes, these are generic at this  
24 point. I say generic. The square footage - the  
25 designs haven't been completed yet. We want to

1            compete for the market that the neighboring  
2            properties. Those are probably 2,500 square feet on  
3            average, maybe 3,000. We are looking to do something  
4            comparable with those. Because we are custom  
5            builders, we like to do any sort of variation. We  
6            just don't give you four or five home plans or half a  
7            dozen home plans that they have to build from. We'll  
8            do whatever, but we wanted a nice quality home. These  
9            aren't going to be 1,500 square feet entry level. We  
10           want to be in character with the homes that are going  
11           to be backing up to us - or we are going to back up to  
12           them.

13                    MS. DALTON: Can you explain why you went with  
14                    a single driveway versus two separate long driveways  
15                    for the two separate houses?

16                    MR. MARCHAND: Because we have to cross a  
17                    wetland to get back there, you're only allowed  
18                    one-tenth of an acre disturbance of Army Corp wetlands  
19                    before you need a permit. So, we wanted to minimize  
20                    the disturbance of those wetlands. So, doing one  
21                    shared driveway allowed us to minimize the impact  
22                    versus two separate driveways.

23                    MS. DALTON: I understand your thinking there,  
24                    but I have to tell you that I think that good fences  
25                    make good neighbors and shared driveways that are that

1 long in a snow area does not make for happy  
2 relationships.

3 MR. LANE: I don't see how that is going to  
4 work with two homes. I think that you could do one  
5 home on a shorter stub.

6 MS. DALTON: Or put two driveways in.

7 MR. LANE: Well, they would have to cross a  
8 wetland.

9 MR. MARCHAND: We're going to own the two  
10 lots.

11 MS. DALTON: That doesn't matter. This should  
12 be developed as if you didn't know who was going to  
13 own them. If you sold one to me and one to Tim, I  
14 really don't like Tim at all and I'm going to be on  
15 the phone yelling at him every chance I can.

16 MR. MARCHAND: If I can be devil's advocate  
17 because we hate to lost a building lot, why be so  
18 concerned? Isn't that their responsibility?

19 MS. DALTON: Whose responsibility; house A or  
20 house B?

21 MR. MARCHAND: Let them deal with it.

22 MS. DALTON: You can't do it that way. That's  
23 like saying let everybody deal with everything in the  
24 Town. You have to create an ownership relationship to  
25 a property so that you know who is responsible. I

1 understand what you're saying and it works when you  
2 own both properties, but the minute that they decide  
3 to sell one of them, you've got people who conceivably  
4 don't even know each other trying to negotiate  
5 alternatives to clear the driveway and that's just not  
6 going to work, especially given how long it is.

7 MR. MION: Let me get back to my question  
8 before because I'm thinking that's really intricate.  
9 When you said you had the DCC meeting and they said  
10 that they wanted it circular, was that because of  
11 emergency access? Did they say that if it was  
12 circular that they would accept the roads?

13 MR. MARCHAND: I don't remember the exact  
14 reason why. I think that it was emergency access.  
15 They also wanted a loop - I don't know if that meant  
16 to loop the watermain, but they never mentioned  
17 anything else about being opposed to taking over the  
18 roads. I'm not sure. What's your concern about them  
19 taking over the roads?

20 MR. MION: Well, maybe the Town doesn't want  
21 to take over the roads. If the Town doesn't want to  
22 take over the roads, how are you going to take care of  
23 them? Are you going to go with an HOA, or what? That  
24 would be the same thing with the other two lots. Did  
25 the Town already tell you that they were going to take

1           those lots or are you just willing to give those lots  
2           up?

3                       MR. MARCHAND: At the DCC meeting, as far as I  
4           know, no one ever mentioned anything about the Town's  
5           intention of not taking any over -

6                       MR. DEVELOPER: I don't recall that they were  
7           opposed to taking the road over, along with the  
8           utilities for that matter - the water and the sewer  
9           systems that were there. With a future Connection and  
10          connectivity, it would be anticipated that the Town  
11          would most certainly want to have the ability to take  
12          ownership of those utilities for looping purposes and  
13          stuff like that.

14                      CHAIRMAN STUTO: What about the stormwater  
15          lots? Does the Town want them?

16                      MR. KEATING: Well if the Town takes the road,  
17          which we would anticipate, the stormwater collection  
18          -- typically the Town would take ownership of that as  
19          part of the -

20                      CHAIRMAN STUTO: Do you know if the Town has a  
21          position on that?

22                      MR. TENGELER: I'm looking at the DCC  
23          comments. Stormwater comment three which is on page  
24          five to six - "the stormwater maintenance escrow  
25          agreement will be needed to be executed prior to road

1 dedication". If I'm reading that comment correctly  
2 again, I wasn't at the DCC meeting but they are  
3 referencing road dedication in that comment as well as  
4 a stormwater escrow maintenance agreement. That would  
5 lead me to believe that there was some sort of an  
6 understanding. I would want to speak to the  
7 Stormwater Department. I wasn't at the meeting. I  
8 see the words "prior to road dedication" which  
9 foreshadows that they believe that it will be  
10 dedicated to the Town. It's something that we can  
11 look at.

12 CHAIRMAN STUTO: What page are you on?

13 MR. TENGELER: It's page five of six of the  
14 DCC comments.

15 CHAIRMAN STUTO: What is a stormwater  
16 maintenance escrow agreement?

17 MR. ROGER: Typically for construction and  
18 things along those lines on some of the projects in  
19 the past, the Town has had escrows established for  
20 inspection of facilities.

21 CHAIRMAN STUTO: You're saying just during  
22 construction to make sure that they build it right?

23 MR. ROGER: During construction and right at  
24 the end of construction prior to acceptance.

25 MR. LANE: Well it has to be completed to

1 specs.

2 MR. FLECTHER: By having an escrow, whether  
3 it's Barton and Loguidice as the Town Designated  
4 Engineer or it's the Town staff -

5 CHAIRMAN STUTO: Don, do you know? The way  
6 that it's worded - "stormwater maintenance escrow  
7 agreement will be needed prior to the road  
8 dedication".

9 MR. FLECTHER: They normally have them both  
10 for temporary and then I believe that it may be the  
11 first year that they look at to make sure that  
12 everything is working.

13 CHAIRMAN STUTO: It's like a warranty period?

14 MR. FLECTHER: It's like a warranty period.

15 CHAIRMAN STUTO: Why are they talking about  
16 just a stormwater maintenance agreement?

17 MR. FLECTHER: I think that's what is done for  
18 that, but I will say that I was not at the DCC but  
19 from talking to my staff, I don't think that it came  
20 up at all of the idea of the Town not taking over the  
21 stormwater.

22 MR. MARCHAND: To your point, yes, it's  
23 typically a grace period, per se. So, there is a  
24 little bit of money put aside in the event that  
25 something goes wrong in that first year.

1                   CHAIRMAN STUTO: My feedback is that I would  
2 think a little bit harder about the screening for the  
3 neighbors and if you could reposition some things.  
4 Maybe plant trees or make it go a lot smoother.  
5 Obviously if you could somehow revisit the neighbor  
6 and put the utilities through their property, that's a  
7 win/win for everybody.

8                   MR. LANE: Would buying a section that would  
9 be wide enough to allow you to put the looping in -  
10 would that be enough?

11                   MR. MARCHAND: We offered that. We didn't  
12 expect her to do it out of the kindness of her heart.  
13 We offered to pay fair market value for a piece.

14                   MR. LANE: You were just looking for an  
15 easement.

16                   MR. MARCHAND: Right, but if we had to buy a  
17 piece we would do that too. We offered that,  
18 certainly.

19                   CHAIRMAN STUTO: What is that property,  
20 single family residential as well?

21                   MR. MARCHAND: We see that there has been a  
22 for sale sign on Route 9. There are some commercial -

23                   CHAIRMAN STUTO: You never even looked at the  
24 zoning map for that?

25                   MR. MARCHAND: This piece goes out to Route 9

1 (Indicating). There has been a for sale sign and I've  
2 actually seen -

3 CHAIRMAN STUTO: Do you know what it sold for?

4 MR. TENGELER: I believe that that section  
5 might be commercial.

6 MR. MARCHAND: It's split zoned. It's  
7 commercial up on Route 9 and I've seen it advertised  
8 for sale - residential development in the back here.  
9 This line on the map - the front portion of their lot  
10 is commercial and the backside is residential.

11 CHAIRMAN STUTO: You might want to get on  
12 record making her an offer letter.

13 MR. MARCHAND: We did.

14 CHAIRMAN STUTO: Do we have it in our file?

15 MR. MARCHAND: The DCC has it. It was  
16 certified mail and she signed for it.

17 CHAIRMAN STUTO: Do we have a copy of that?  
18 When they come into to develop that -

19 MR. TENGELER: We have a copy in our file.

20 CHAIRMAN STUTO: Can you send it down here?

21 MR. TENGELER: Absolutely.

22 MR. MARCHAND: That's what Mike Lyons and  
23 Creighton had mentioned - let's get it on record. I  
24 sent her an email and I sent her -

25 CHAIRMAN STUTO: Would the Town facilitate a

1 meeting on that topic?

2 MR. TENGELER: They could. I'm not sure what  
3 the status is. I know that in the past we usually put  
4 the onus on the applicant to try to make initial  
5 contact. If there is some sort of a benefit to the  
6 Town, moving water lines and so forth, the Town can  
7 take an active approach and has in the past -

8 CHAIRMAN STUTO: This is the letter from Mike  
9 Lyons trying to schedule a meeting, it looks like.

10 MR. KEATING: Just to catch you up, again, Mr.  
11 Marchand reached out - several attempts to reach out,  
12 as well as Mike Lyons who also reached out.

13 MR. LANE: That was dated two months ago.

14 MR. KEATING: It's been an ongoing process.

15 CHAIRMAN STUTO: We appreciate that. We want  
16 to get it done right in terms of the utilities. My  
17 comments on the screening -- that's the main comment.  
18 You're zoned single family. Are you asking for any  
19 waivers?

20 There were some comments on that driveway  
21 and that double lot. I have taken heed to that.

22 MR. LANE: I would like to see a little bit  
23 more detail from Fire Services on what they think of  
24 the shared driveway. I'll be honest, I'm not entirely  
25 comfortable with the length of that driveway. It

1 would be much less problematic to have just one home  
2 back there. If there is ever an issue, they will have  
3 to get back there.

4 CHAIRMAN STUTO: We have our Town Designated  
5 Engineer.

6 I know that you haven't done a formal review  
7 Don, but do you have any initial comments?

8 MR. FLECTHER: A lot of them were items that  
9 were talked about. The single point of ingress and  
10 egress out is a concern, but obviously it's trying to  
11 be resolved through the property on the back end. The  
12 looping of the water and trying to eliminate a pump  
13 station - if we don't need a pump station, it's really  
14 nice not to have one.

15 Has there been any consideration if you  
16 didn't go through that side field lot? Can you  
17 skirt any of it around the pond and then go down a  
18 lot line to that property?

19 MR. MARCHAND: A lot of those residential  
20 properties that are in those areas all have pools,  
21 pool houses, accessory structures. It's very, very  
22 congested back there - not to mention that there are  
23 already some other utilities that are already existing  
24 in there. It becomes somewhat limited when you're  
25 talking about the lot sizes and the zoning district.

1                   MR. FLECTHER: Ideally you try to get through  
2                   that, but we don't know the timing of that next  
3                   development. You can do that.

4                   CHAIRMAN STUTO: Have you looked at that  
5                   closely - what Don suggested?

6                   MR. MARCHAND: We have and the way we designed  
7                   it after the DCC meeting is Plan A would have been to  
8                   connect to this property (Indicating). Plan B is a  
9                   pump station. What we would do is design this and  
10                  construct it as such that if this ever became  
11                  available it allows us to abandon the pump station and  
12                  connect.

13                  CHAIRMAN STUTO: What Don is saying is go  
14                  between houses. Have you looked at that closer?

15                  MR. FLECTHER: It was just a suggestion.

16                  MR. MARCHAND: That avenue has not been  
17                  explored because there is just so limited room.  
18                  People have some beautiful yards over there.

19                  CHAIRMAN STUTO: Well, take another look at it  
20                  and take another run at the other neighbor.

21                  MS. DALTON: One of the things that we haven't  
22                  mentioned yet also is the fact that that driveway is  
23                  twice as long as our Fire Safety Regulations. That's  
24                  a concern as well, for me. I'm not sure how to  
25                  resolve it, but this is sketch. One of your problems

1 is the utility but your other problem is if that  
2 doesn't go through, you have to deal with Fire Safety.

3 MR. KEATING: We thought that we had resolved  
4 this issue by looping this because when Fire Safety  
5 had an initial concern with two cul-de-sacs, they  
6 suggested the loop road resolve that. They didn't  
7 seem to have any additional concern with Fire Safety  
8 after we made this loop condition.

9 MR. MARCHAND: They eliminated the two  
10 cul-de-sacs.

11 MS. DALTON: Yes, but it's still a cul-de-sac.

12 MR. MARCHAND: We don't consider it a  
13 cul-de-sac.

14 CHAIRMAN STUTO: Anything else, Board?

15 (There was no response.)

16 CHAIRMAN STUTO: Okay, thank you.

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18 (Whereas the proceeding was concluded at  
19 7:21 p.m.)

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CERTIFICATION

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 \_\_\_\_\_

