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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

CGM SUBDIVISON

621 AND 645 BOGHT ROAD

APPLICATION FOR SEQOR AND FINAL APPROVAL

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
August 21, 2018 at 7:30 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- CRAIG SHAMLIAN
- KATHLEEN DALTON
- SUSAN MILSTEIN
- LOU MION
- CRAIG SHAMLIAN
- STEVEN HEIDER

ALSO PRESENT:

- Kathleen Marinelli, Esq., Counsel to the Planning Board
- Joseph LaCivita, Director, Planning and Economic Development
- Roger Keating, PE, Chazen Companies
- Charles Voss, PE, Barton and Loguidice
- Jeff Connery
- Mark Couch
- Mohamed Boucjelkita

1 CHAIRMAN STUTO: We will at the next applicant
2 get set up. This project is CGM Subdivision, public
3 hearing, 621 and 645 Boght Road, application for SEQR
4 environmental review and final subdivision approval.
5 This is a seven-lot subdivision.

6 Joe LaCivita, can you introduce this?

7 MR. LACIVITA: Sure. This project is in the
8 Boght Area. It is a single-family home district. It has
9 been before the Board several times in a couple of
10 different design fashions. It has been notably before
11 the Board October 6, 2015. March 20, 2016, we gave it a
12 little bit of direction and then we give it concept on
13 March 8, 2018. We are now here for final approval and
14 SEQR on 621 and 645 Boght Road.

15 CHAIRMAN STUTO: We have to read the public
16 notice into the record.

17 MR. LACIVITA: The Town of Colonie Planning
18 Board, Colonie New York, Albany County. Notice is hereby
19 given pursuant to Section 276 of Article 16 of Town Law
20 that the Town Planning Board of the Town of Colonie,
21 Albany County, New York will meet and conduct a public
22 hearing in the Public Operations Center at 347 Old
23 Niskayuna Road, Latham in said Town of Colonie, County
24 of Albany, New York on the 21st August 2018 at 7:00 p.m.
25 for the purpose of hearing all persons regarding the

1 approval or modification or disapproval of a certain
2 subdivision and site plan approval in the Town of
3 Colonie, County of Albany known as CGM residential
4 subdivision located at 645 Boght Road which consists of
5 a six-lot residential subdivision with one lot for
6 stormwater and one remaining parcel for a future phase.

7 Roger?

8 MR. KEATING: Thank you. My name is Roger
9 Keating and I am from the Chazen Companies here tonight
10 on behalf of CGM for the brief presentation regarding
11 the six-residential lot development along Boght Road.

12 Over the past several months we have been
13 working with the Town and their Departments, the
14 Town's Engineer and working through comments. We are
15 here tonight requesting the final subdivision approval
16 for the Phase 1 area of the project site.

17 Just to recap again to refresh everyone's
18 memory, that is this six-residential lot area that is
19 located off of Boght Road. All the lots proposed meet
20 the SFR zoning district requirements. There were
21 concerns about lot sizes a while back. Obviously, now,
22 with this being all conforming to the Zoning Code,
23 there are no concerns over the lot sizes and the lots
24 all meet the setback requirements.

25 Just a reminder about CGM - they are custom

1 home builders. These homes are to be constructed
2 similar to a lot of the adjoining neighborhoods and
3 they really look to build their homes to their
4 customers needs.

5 To touch upon the Phase II area, which is
6 that large area that Joe mentioned that is reserved
7 for the future, once again we have removed any of the
8 road connections across the site as we presented at
9 the previous meetings. In order for anything to ever
10 happen over here, there would have to be some sort of
11 access granted to the adjoining developments. So, we
12 are not proposing anything with respect to that.

13 At this time, stormwater on the project site
14 - it is all going to be managed via on-site storm
15 management based on the location right at the end of
16 the cul-de-sac that we are proposing. Also, there will
17 be some stormwater management practices located along
18 the Lot 7 area and it should be noted as well that we
19 have done additional infrastructure improvements along
20 Boght Road to improve drainage out there. Those are
21 all planned along the frontage and further down the
22 roadway. All those things and working with Chuck's
23 office and the Departments will help alleviate some of
24 the concerns about run-off going to the rear of the
25 property.

1 Lastly, the water and the sewer be extended
2 into the project site. Along Boght Road we have the
3 gravity sanitary sewer line that will extend to the
4 end of the cul-de-sac. Lot 7 will be serviced via a
5 grinder pump.

6 The water line will extend into the site to
7 service the remaining six lots.

8 The applicant has been working at this
9 project for quite some time now. As Joe said, we are
10 looking forward to advancing the project this evening.

11 Mr. Chairman, I will turn it back over to
12 you.

13 CHAIRMAN STUTO: Similar to the other projects
14 we have seen, we hired a Town Designated Engineer. This
15 time it is a different company - Barton and Loguidice.
16 Chuck Voss is here and I know Chuck and his company have
17 reviewed this.

18 Chuck, can you give us your review comments
19 on this?

20 MR. VOSS: Sure, Peter. The Board should have
21 in their packets a letter dated July 13 which is our
22 final review letter. This was actually our third
23 preliminary final review of the plans. Really what it
24 does is highlights two or three very minor details that
25 are left with the project. As Roger mentioned, the

1 project has undergone numerous reviews certainly with
2 our office, but also with the Town Departments. Most
3 notably, stormwater and then the Latham Water
4 Department. At this point, we feel that the project has
5 advanced well into its final design.

6 Based on just some minor comments that we got
7 last week from DPW, there was just a minor question.

8 Roger, I think you heard about the road
9 alignment in the back - just the way the pitch comes
10 off that circle. I think that is an issue that has
11 since resolved itself through some design work.

12 Other than that, we are comfortable with the
13 project that it is ready to go. We recommend final
14 approval with just potentially some minor conditions
15 that might be imposed by DPW for that road.

16 CHAIRMAN STUTO: We will take public comment on
17 this. I would ask that you sign in on the sheet on that
18 table. We will take a couple of questions from the Board
19 and then we will turn it over to the public.

20 Does anybody have anything at this point?

21 MR. MION: Is that a driveway or a road?

22 MR. KEATING: Lot 7 has a long driveway that
23 goes down to the back, yes.

24 MR. MION: They will be responsible for that.

25 MR. KEATING: They will be responsible for

1 that.

2 CHAIRMAN STUTO: Sir?

3 MR. CONNERY: My name is Jeff Connery and I
4 live at 15 Weatherby Court.

5 I don't want to hold this up on these guys
6 with their project, but when we talked last time you
7 mentioned that they had to leave some type of access
8 down into this area (Indicating) for future
9 development. I don't see anything on there for a
10 potential road to go into that area.

11 MR. VOSS: Peter, there is an area shown as an
12 easement on the plans that the Board requested. So, it
13 is there.

14 MR. CONNERY: Is that a utility easement, or is
15 it for a road?

16 MR. VOSS: It is both. It could be potential
17 access.

18 MR. CONNERY: So, it's for both.

19 MR. VOSS: Potentially.

20 CHAIRMAN STUTO: Can you change the note
21 because it is not clear?

22 MR. CONNERY: I am just concerned about the
23 environmental impact of this area. This is stage one and
24 stage two. How come this area is not required to have
25 any type of consideration for impact when they are zoned

1 both the same? I was reading some stuff about it an
2 Article 78 of the Environmental Law that these are both
3 owned by the same person and they are zoned the same.
4 There should be some type of impact considered before
5 you approve this on this area of property, seeing as we
6 know that it's going to be the next portion to be
7 developed.

8 CHAIRMAN STUTO: You can finish your statement
9 and then we will try to address your questions.

10 MR. CONNERY: I guess my only thing is that I
11 just wanted to know that the possibility for access is
12 there. I thought this was only a utility easement. I
13 didn't know you could put the road in there. If that's
14 the case, so be it.

15 CHAIRMAN STUTO: Thank you.

16 We have asked them to clarify that is also an
17 access easement.

18 Do you have a specific recommendation on how
19 to word that, or are we just going to trust you?

20 MR. VOSS: Yes, I will work with Roger to make
21 sure we have it right.

22 CHAIRMAN STUTO: Do you want to talk now little
23 bit about environmental - the scope of the environmental
24 review?

25 MR. VOSS: We certainly can. We can certainly

1 jump in if you want in terms of the SEQR legal end of
2 it. Technically, the applicant is proposing this one
3 development as is right now. It is not part of a broader
4 development. The parcel in the back - they have no plans
5 that we know of at this time to develop that. It would
6 be technically a landlocked parcel with the access
7 easement coming through from the back of Lot 6. At this
8 time, there is no development being proposed. That
9 project, if it were to ever come online, would have to
10 have its own separate SEQR review and go through its own
11 separate impact assessment just like any separate
12 subdivision. It's really not part of this application.
13 That's the simple answer.

14 CHAIRMAN STUTO: Thank you.

15 Mark Couch?

16 MR. COUCH: You may have already answered my
17 question. My name is Mark Couch, 27 Bergen Woods Drive.

18 The access to the back, the engineer
19 mentioned, is landlocked. We have a different assembly
20 of the Board except for the Chairman each time we are
21 here. I just don't want to get that later they have to
22 connect to Bergen Woods because they have landlocked
23 themselves. As long as that designation there is
24 sufficient for a road to get back out if they have
25 to -- if they make a combination with the other

1 neighbors on the site, fine. More power to them. I
2 just want to make sure that there was access that was
3 labeled clearly. You may have already answered that.

4 CHAIRMAN STUTO: I'm going to respond to some
5 of that. I think we have continuity on the Board - at
6 least here. I think everybody here has seen this project
7 before and I believe the record will show that my
8 personal opinion is there should not be a connection to
9 Bergen Woods and the other connection back there. Once
10 that rear piece gets developed, it is my opinion that it
11 should be through this development and/or to Route 9 to
12 the other properties.

13 Mohamad.

14 MR. BOUDIELKITA: Route 9 is here (Indicating).
15 So, this is west.

16 CHAIRMAN STUTO: That's Boght.

17 MR. BOUDIELKITA: So, this is west and this is
18 Route 9 (Indicating).

19 MR. KEATING: Route 9 is over here
20 (Indicating).

21 CHAIRMAN STUTO: Can you trace where Boght
22 would hit Route 9, in your approximation?

23 MR. KEATING: This would extend down ultimately
24 to the intersection.

25 MR. BOUDIELKITA: That's all I had.

1 CHAIRMAN STUTO: Any other members of the
2 public want to be heard on this?

3 (There was no response.)

4 Okay, we will close the public hearing and
5 turn it over to the Board.

6 Does the Board have any comments or
7 questions?

8 (There was no response.)

9 I would like to thank the developer and the
10 owner for working with the Board and reacting to the
11 neighbors and trying to get this in shape in terms of
12 the neighbors and what they could be happy with. Thank
13 you for accommodating the Board. I would like to say
14 that.

15 That said and since nobody else has anything
16 else they want to say at this point -- we have been
17 here a number of times. Let's take up the business
18 that we have to do.

19 The first thing will be the environmental
20 review - SEQR.

21 Chuck, can you walk us through that?

22 MR. VOSS: Sure. The Board has in their packets
23 the SEQR recommendation along with that Part I which was
24 prepared by the applicant of the EAF.

25 We also prepared Part II of the EAF with

1 review and assessment by the Town Attorney's office.
2 Part II was the 11 impact assessment questions that
3 the Board has seen in the past with other SEQR
4 reviews. Just for the sake of brevity, all 11 of those
5 questions were check marked no or small impact related
6 to the project. So, we don't anticipate any
7 environmental impact with that.

8 Also, Part III - a determination of
9 significance was prepared. It just talks briefly about
10 the mitigation, potentially and the reason for the
11 determination of significance. Let me just walk
12 through those just very quickly.

13 This project involves the construction of an
14 eight-lot single-family - just because it is a
15 seven-lot single-family residential subdivision on
16 17.91 acres in an SFR district. The use is permitted
17 in the district. The project will cause a change in
18 the density of land-use, but because of the low
19 intensity of use, no significant impact is expected.
20 The project will create a minor demand for emergency
21 services. There will be minimal impact to the school
22 system. Property taxes are expected to offset any
23 additional increases in cost associated with community
24 services. The project is expected to create
25 construction-related jobs which can be considered a

1 positive impact. Because of the low intensity of use
2 and direct access onto a minor Town road, which is
3 Boght Road, no significant impact of transportation
4 system is expected. Although the project will result
5 in a physical change to the site, given the small size
6 of the project, the cluster nature of the house lots
7 and reduced home lot sizes, no significant impact on
8 land resources is expected.

9 Finally, development of the project site with
10 pavement and buildings will inherently results in an
11 increase of stormwater. The applicant has prepared a
12 SWPPP to ensure that run-off both during construction
13 and long-term will not create off-site impacts both in
14 terms of quantity and quality. The stormwater
15 management system for the project as designed will
16 provide pollutant removal, reduce channel erosion,
17 prevent overbank flooding and safely control street
18 flood events. The system has also been designed to
19 assist in the overall reduction in retention in
20 stormwater on this site from him packing adjacent
21 properties.

22 We have also prepared a notice of
23 determination of the significance which is the
24 negative declaration.

25 CHAIRMAN STUTO: Can you just read C; reasons

1 for the negative declaration?

2 MR. VOSS: Sure.

3 Reasons for determination of not
4 significance: The lead agency has reviewed the
5 application, site plans, project description, and all
6 supporting documentation, and conducted such further
7 investigation of the project and its environmental
8 effects as the lead agency has deemed appropriate.
9 Based on this review, the lead agency has determined
10 that the action will have no significant effects on
11 the environment. An environmental impact statement
12 therefore will not be required.

13 CHAIRMAN STUTO: I will asked the stenographer
14 to put the entire negative declaration into the record.

15 MS. MILSTEIN: I've a question, first.

16 It says an eight-lot single-family
17 residential -- can it be amended to seven lots?

18 MR. VOSS: Yes, I just made that quick
19 notation.

20 MS. MILSTEIN: So, that will be changed.

21 Below it says six house lots. Is that
22 correct?

23 MR. VOSS: Yes. There are six house lots and
24 one stormwater management lot.

25 CHAIRMAN STUTO: Okay, with those notes, do we

1 have a motion on the negative declaration?

2 MR. MION: I will make a motion.

3 MS. DALTON: I will second it.

4 CHAIRMAN STUTO: Lou and Kathy.

5 All those in favor, say aye.

6 (Ayes were recited.)

7 All those opposed, say nay.

8 (There were none opposed.)

9 The ayes have it.

10 With respect to the main question before the
11 Board which is for final approval of this subdivision,
12 do we have a motion?

13 MR. MION: I will make a motion.

14 CHAIRMAN STUTO: Can the motion be subject to
15 all the conditions of the Town Departments, Planning
16 Board and Town Designated Engineer?

17 MR. MION: Yes.

18 CHAIRMAN STUTO: Do we have a second?

19 MR. SHAMLIAN: Second.

20 CHAIRMAN STUTO: Any discussion?

21 (There was no response.)

22 All those in favor, say aye.

23 (Ayes were recited.)

24 All those opposed, say nay.

25 (There were none opposed.)

1 The ayes have it.

2 Thank you.

3 Whereas the above entitled proceeding was
4 concluded at 7:46 p.m.)

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CERTIFICATION

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I, NANCY L. STRANG, 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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

