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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

LESH SUBDIVISION
241 SAND CREEK ROAD
BOARD UPDATE

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter Commencing
on November 13, 2018 at 7:00 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- BRIAN AUSTIN
- LOU MION
- CRAIG SHAMLIAN
- STEVEN HEIDER
- SUSAN MILSTEIN
- KATHY DALTON

ALSO PRESENT:

- Kathleen Marinelli, Esq., Counsel to the Plannin
Board
- Joseph LaCivita, Director, Planning and Economic
Development Department
- Nicholas Costa, PE, Advance Engineering and
Surveying

1 CHAIRMAN STUTO: Good evening everyone. Welcome
2 to the Town of Colonie Planning Board. We have several items
3 on the agenda.

4 Joe, do you have any preliminary comments before
5 we call up the item?

6 MR. LACIVITA: Yes, at this time every year we
7 look for the adoption of the calendar for the upcoming
8 Planning Board year. You have before you the 2019 Planning
9 Board calendar. We looked at all the holidays and vacations
10 that are throughout the Town for school purposes and we would
11 ask to have this calendar adopted so that we can post it onto
12 the website.

13 CHAIRMAN STUTO: In December there are two
14 meetings in a row? Is that what usually happens?

15 MR. LACIVITA: Yes. Typically because of the
16 holidays, we are backed up.

17 CHAIRMAN STUTO: We lose the last two weeks.

18 MR. LACIVITA: Yes, this year we do.

19 CHAIRMAN STUTO: Does anyone have any comments.

20 (There was no response.)

21 Do we have a motion to adopt?

22 MR. MION: I'll make a motion.

23 CHAIRMAN STUTO: Second?

24 MS. DALTON: Second.

25 CHAIRMAN STUTO: All those in favor say aye.

1 (Ayes were recited)

2 All those opposed, nay.

3 (There were none opposed.)

4 The ayes have it.

5 MR. LACIVITA: The other thing, Peter - the
6 applicant for Starbucks couldn't get their engineer. That's
7 the last item on. So, if anyone is here for the Starbucks at
8 Colonie Center, they will be on December 4th. So, we
9 postponed that.

10 CHAIRMAN STUTO: First item on the agenda is Lesh
11 Subdivision, 241 Sand Creek Road, Board update, ODA request,
12 seven lot residential subdivision.

13 MR. LACIVITA: We have seen this project before
14 when it was going to be a seven lot subdivision with a
15 cul-de-sac and a Town Road. The applicant heard the Planning
16 Board at that time and we are here tonight for a review of an
17 open development area better known as the ODA for a private
18 road.

19 I will hand it over to Nick Costa.

20 MR. COSTA: Thank you, Joe.

21 Good evening. My name is Nick Costa. I'm with
22 Advance Engineering and Surveying. As Joe mentioned, this
23 project was in front of the Planning Board a while back as a
24 conventional seven lot subdivision.

25 Based on the comments that we received at that

1 time, we went back to the drawing board and came up with a
2 six lot subdivision based on the ODA. So, what that means is
3 that the lots now all conform to the area - the minimum area
4 that is required in the single-family residential zone which
5 is 18,000 square feet. It will have a proposed private
6 driveway instead of a Town road. That driveway will be
7 maintained by the homeowners.

8 Along with the roadway, there will be sanitary
9 sewers, water, municipal water, municipal sanitary sewers and
10 storm that also will be constructed with easements along the
11 roadway because the sanitary sewer and the water will be
12 conveyed to the Town, as is usually done. The water main will
13 have hydrants so those have to be owned by Latham Water. The
14 sanitary sewer will have some manholes with an 8-inch line so
15 that they meet the specifications of what the Town requires.

16 There was a lot that was eliminated. It was
17 located right here (Indicating). The driveway access was off
18 of Sand Creek Road. That has been the bulk of the changes
19 that have been made to the site.

20 The site is located in a single-family residential
21 zone and is surrounded by single-family residential. It also
22 has the National Grid power lines that are located just to
23 the south of the parcel.

24 This is an aerial view that shows more of the
25 surrounding area. You can see that it is pretty much

1 single-family homes. There are some town homes on the south
2 side of the National Grid parcel, which is located right here
3 (Indicating). There is one of the towers here, here and here.

4 Those of the major changes that have been made to
5 the proposal. It is still being proposed a single-family
6 residential with the exception that it has a private road.

7 CHAIRMAN STUTO: Do you have a picture from what
8 it was like last time? I can't envision how you could of
9 gotten seven lots on there to be conventional with a
10 cul-de-sac.

11 MR. COSTA: It was seven lots, but the areas did
12 not meet the 18,000 square feet.

13 CHAIRMAN STUTO: What kind of exception were you
14 looking for?

15 MR. COSTA: We were going to have to go to the
16 Zoning Board of Appeals and get a couple variances and not
17 just an area variance for the lot area, but also for width
18 and a couple other ones.

19 I apologize for not bringing that one in. I
20 should've brought that. There was a cul-de-sac here and the
21 other lot was right here. It came right off of Sand Creek.
22 That was eliminated with the comments that were received at
23 the meeting. It was the only proposed lot to come off of Sand
24 Creek Road.

25 CHAIRMAN STUTO: I have opinions, but I will leave

1 it to the Board Members to say what they need to say first.

2 Chief?

3 MR. HEIDER: The existing house in the front - is
4 that staying?

5 MR. COSTA: That will be staying. It is the sixth
6 lot.

7 MR. HEIDER: What is the standard width of a Town
8 road now?

9 MR. COSTA: It's 30 feet of pavement. This is 24
10 feet. That's the new width - 30 feet. Originally it was 36
11 feet, it went down to 32 and I think this last change brought
12 it down to 30.

13 MR. HEIDER: Is there going to be homeowners
14 association or anything?

15 MR. COSTA: No, it is not large enough to have a
16 homeowners association.

17 MR. MION: Who is going to maintain the road?

18 MR. COSTA: It will be each lot - each lot will
19 have the responsibility to maintain the road.

20 MR. MION: Are you saying that the actual acreage
21 for each house is part of the road?

22 MR. COSTA: That is correct.

23 CHAIRMAN STUTO: Is there a process for a mini
24 HOA?

25 MR. COSTA: Yes, but even five lots is too low.

1 CHAIRMAN STUTO: I am next in line, so I will say
2 what my thoughts are. I used to be opposed to the ODA's for
3 like a keyhole lot. I didn't think it was the best way to
4 develop. I thought there was a reason that the Town Board put
5 a frontage requirement. I don't mean to characterize what the
6 other Board Members did, but they were not as opposed to them
7 as much as I was.

8 This is an extreme example of an ODA. If you
9 actually look at the map of the lot sizes and the math of it,
10 even though it says 18,000 square feet, you're taking up - I
11 will say maybe 1/5 of it with the proposed road and the other
12 space around that. So, you are really sort of getting a -
13 even though technically you meet the requirement, you're
14 getting a smaller look to the lot. I'm not favorably
15 disposed. Maybe this lot just isn't meant to have that much
16 going on with it.

17 I am willing to listen to what everybody else has
18 to say.

19 MR. MION: Some of these houses - the lots on file
20 - are they infringing on your property?

21 MR. COSTA: Yes, there are some encroachments.

22 MR. MION: Have you dealt with any of those people
23 yet?

24 MR. COSTA: No, we have not. We haven't
25 personally. I am not sure if the owner has notified that they

1 are over the line or that they are encroaching.

2 MR. MION: My own personal opinion is I think that
3 your are putting quite a bit on very little. That's just what
4 I think.

5 MS. DALTON: I hate this plan. I am sorry.

6 Having a road where the person at the end of the
7 road is dependent on four or five other people to manage
8 their responsibilities - - I go on vacation or even a
9 vacation that I plan and maybe I plan for somebody to come
10 and do it. I go into the hospital and all of the sudden lot
11 number two never cleans their road so three, four and five
12 can't get to their house and they have to deal with lot
13 number two or lot number two hires someone to clear the road,
14 but it's not by 6:00 in the morning when three, four and five
15 have to go to work. This, in my opinion, will never work. I
16 am not in favor of this.

17 MR. HEIDER: I just want to say one more thing. I
18 was actually in favor of the older one. I know the other
19 Board Members were concerned about the size of the lots. The
20 lots behind are half the size of what is here. I will say
21 that in my prior experience, these turn into disasters, if
22 the people don't get along. I don't know if you're working
23 with family members or whatever but all you need is that one
24 person in the middle and the next thing you know a fence goes
25 up, they leave cars parked in the road and the next thing you

1 know they can't agree on snowplowing services and the whole
2 thing falls apart.

3 One example in this Town - it took years to get
4 approved and it was one that should've never been approved.
5 There are three original people that are still there and are
6 still fighting to this day.

7 I liked it better the old way and I realize that
8 you have to get variances - - I am familiar with the property
9 because I live there. I have no problem seeing this
10 developed. Not everybody in this Town can afford the prices
11 in North Colonie. It borders up against housing that is half
12 the price of what this will cost and they are nice little
13 houses but they are very small building lots. I would rather
14 see them go smaller and put the Town road back. That is just
15 me.

16 MR. COSTA: Again, we came up with this idea
17 because we listen to what the Board had to say the last time.
18 I understand that maybe we have to go back to six lots and
19 make it a Town road and go for the variances.

20 CHAIRMAN STUTO: You have it laid out as a
21 cluster?

22 MR. COSTA: With the conservation -

23 CHAIRMAN STUTO: You get fewer lots, but you could
24 do a smaller stub. I don't know if it would lay out at all. I
25 don't know what to tell you.

1 We do have a Town Designated Engineer reviewing
2 it; Barton and Loguidice. I know that you haven't done a
3 formal review, but we have Skip Francis here.

4 Skip, do you have any comments?

5 MR. FRANCIS: Nothing that has not been set
6 already. I concur with the comments.

7 CHAIRMAN STUTO: Thank you.

8 MR. COSTA: Thank you.

9 (Where as the above entitled proceeding was
10 concluded at 7:10 p.m.)

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CERTIFICATION

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
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