

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 BOGHT MEADOWS OPEN DEVELOPMENT AREA
5 59 POLLOCK ROAD
6 OPEN DEVELOPMENT AREA RECOMMENDATION
7 TO THE TOWN BOARD

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9 THE STENOGRAPHIC MINUTES of the above entitled matter
10 by NANCY L. STRANG, a Shorthand Reporter commencing on
11 March 10, 2020 at 8:12 p.m. at Memorial Town Hall,
12 Loudon Road, Newtonville, New York

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14 BOARD MEMBERS:
15 PETER STUTO, CHAIRMAN
16 CRAIG SHAMLIAN
17 SUSAN MILSTEIN
18 CHIP ASHWORTH
19 LOU MION
20 PAUL ROSANO

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22 ALSO PRESENT:

23 Kathleen Marinelli, Esq., Counsel to the Planning
24 Board
25 Sean M. Maguire, AICP, CecD, Director, Planning and
Economic Development
Zach Harrison, Planning and Economic Development
Department
Joseph Grasso, RLA, CHA
Mike Bianchino, PE

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1 CHAIRMAN STUTO: Boght Meadows Open Development
2 Area, 59 Pollock Road, open development area
3 recommendation to the Town Board. Request to create an
4 ODA containing three lots; 12, 14 and 16 Landmark
5 Street.

6 MR. BIANCHINO: Good evening, Mr. Chairman. My
7 name is Mike Bianchino. I'm representing Hodorowski
8 Homes for the creation of this open development area for
9 three lots in the approved Bought Meadows Conservation
10 Subdivision.

11 The subdivision received final approval and a
12 SEQRA negative declaration from the Planning Board on
13 August 7, 2018 and received a final sign-off from the
14 Town Planning and Economic Development Department on
15 May 20, 2019. The project included 46 single-family
16 residences and is currently under construction.

17 As directed during the review by the Planning
18 Board and the Town departments, the approved final
19 subdivision plan has only one main access connecting
20 to Pollock Road with an emergency access - the main
21 access is located here and the emergency access is
22 located here (Indicating). That was what was approved.
23 The emergency access goes to an internal cul-de-sac.

24 The two access points were the only curb cuts
25 allowed on Pollock Road. Individual lot driveways were

1 not to be accessed on Pollock Road. As such, proposed
2 lots 14 and 16 have frontage on both Pollock Road and
3 Landmark Street and Lot 12 which is here, which has
4 frontage on Landmark Street as well in the emergency
5 access road (Indicating). In order to meet the Pollock
6 Road condition for no additional curb cuts, it was
7 necessary to utilize the emergency access road as a
8 shared driveway to serve these two lots; 14 and 16. In
9 an effort to reduce the number of curb cuts on the
10 cul-de-sac, we also propose that Lot 12 would access
11 the emergency access drive, so we wouldn't have an
12 extra driveway on the cul-de-sac.

13 The emergency access road and the shared
14 driveway will be constructed on private property -
15 Lots 14 and 16 is within an easement that is granted
16 to the Town of Colonie and will be maintained by the
17 project's homeowners association. The arrangement was
18 reviewed and approved by the Planning Board and the
19 departments and is shown on the approved and final
20 subdivision map.

21 During the initial discussions for building
22 permits, Hodorowski Homes was advised that a request
23 for an open development area would be required for
24 Lots 14 and 16 and for Lot 12 because no building
25 permit could be issued unless access to the structures

1 was provided on the Town highway. Based on the
2 circumstances, we requested that the Town Board
3 establish an open development area for Lots 12, 14 and
4 16 Landmark Street pursuant to Town Code Article 12 in
5 New York State Town Law Section 280-a.

6 We were before the Town Board on December 5
7 and the Town Board referred the request to the
8 Planning Board for review and consideration pursuant
9 to Town Board Resolution 509.

10 We have subsequently reviewed and addressed
11 comments from Joe Bisognano from Town Fire Safety
12 division related to the emergency access drive and
13 some additional signage that was requested. We have
14 provided that plan to him and he has signed-off on it.

15 We also reviewed and agreed with the comments
16 from the Town Designated Engineer in a letter dated
17 January 8, 2020.

18 We are here tonight to answer any questions
19 and request the Planning Board give a positive
20 recommendation to the Town Board.

21 CHAIRMAN STUTO: Okay, nothing has changed
22 since the plans were approved, in terms of physicality.

23 MR. BIANCHINO: No, that's correct.

24 CHAIRMAN STUTO: Okay, this is being viewed by
25 CHA.

1 Joe Grasso, could you give us your comments?

2 MR. GRASSO: Sure. There is a letter in your
3 packets dated January 8 from our office reviewing this.
4 This is basically procedural steps that we typically do
5 as part of the subdivision review process. This was
6 inadvertently not done until the Building Department got
7 involved with the review of the lot layout. So, that's
8 why it is being done at this time.

9 One of the things that requires us to have to
10 go through as an ODA is the fact that the emergency
11 access gate is out on Pollock Road. So, those lots
12 can't have access directly, which was consistent with
13 the Planning Board's wishes during the subdivision
14 review process. We talked about that in our letter -
15 the emergency access gate going in and then it is
16 consistent with the location requested by the Town.

17 Then, we made aware that there are some
18 findings included in the draft ODA recommendation
19 regarding ownership and maintenance responsibilities
20 of the private road that will serve as not only
21 emergency access road for the emergency vehicles, but
22 also the emergency access to the private lots. There
23 is a draft recommendation for the ODA for the Town
24 Board, as well, in your packets.

25 CHAIRMAN STUTO: Okay, we have a Resolution in

1 our packets as you said.

2 We will ask the stenographer to put the
3 entire Resolution into the minutes.

4 Are there any members of the public looking
5 to speak on this?

6 Can you read the title and then the resolves?

7 MR. ROSANO: I did have one question since I
8 wasn't on the Planning Board.

9 Mike, there's no conflict on the one drive
10 there? It's directly across the street.

11 MR. BIANCHINO: It is directly across from the
12 emergency access road.

13 MR. ROSANO: But there will be no conflict?

14 MR. BIANCHINO: There will be no access. There
15 is a gate located right here. So, the accesses are all
16 internal to the site.

17 MR. ROSANO: Okay, thank you.

18 MR. GRASSO: Any other questions of the Board?

19 (There was no response.)

20 So, the Resolution is special use of the
21 Planning Board setting forth findings, conclusions and
22 recommendations for the establishment of an open
23 development area pursuant to New York State Law
24 Section 280-a (4).

25 Now therefore be it resolved that the

1 Planning Board has determined that it is in the best
2 interest of the public's health, safety and welfare to
3 permit access to Lot 12, 14 and 16 Landmark Street
4 through a private road with an ingress/egress
5 easement. And further be it resolved that the Planning
6 Board recommends approval of the open development area
7 for the Boght Meadows Conservation Subdivision.

8 MS. MARINELLI: May I just make a notation for
9 the record? This is a little different - the ODA
10 Resolution.

11 The ODA is intended to allow primary access
12 to Lots 12, 14 and 16 Landmark Street by
13 ingress/egress over private road to which three lots
14 will have equal rights of ingress/egress and the
15 homeowners association shall maintain the road to
16 include all snowplowing, leaf clearing and paving and
17 the road shall remain clear at all times for fire
18 access. This means there will be no vehicle parking or
19 storage in the roadway, nor shall it be used for
20 recreation or social activities e.g., basketball or
21 block parties.

22 I just want to make sure that in the record.

23 CHAIRMAN STUTO: Is the road going to be signed
24 no parking?

25 MR. BIANCHINO: I can answer that, Mr.

1 Chairman. One of the comments that Joe Bisognano had was
2 it would be labeled as a fire lane on both sides. So,
3 the whole thing is labeled.

4 CHAIRMAN STUTO: So, that is incorporated into
5 what we are doing.

6 MR. BIANCHINO: It is.

7 CHAIRMAN STUTO: Any other comments or
8 questions?

9 (There was no response.)

10 Do we have a motion?

11 MR. MION: I will make a motion.

12 CHAIRMAN STUTO: Do we have second?

13 MR. ASHWORTH: I'll second it.

14 CHAIRMAN STUTO: Any discussion?

15 (There was no response.)

16 All those in favor, say aye.

17 (Ayes were recited.)

18 All those opposed, say nay.

19 (There were none opposed.)

20 The ayes have it.

21 Thank you.

22 MR. BIANCHINO: Thank you, Mr. Chairman.

23 (Whereas the above entitled proceeding was
24 concluded at 8:20 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
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

