

PLANNING BOARD
TOWN OF COLONIE

COUNTY OF ALBANY

THE PROPOSED PROJECT OF CEDARVIEW CONDOMINIUMS
6-14 CEDARVIEW LANE, REVIEW AND ACTION ON CONCEPT
ACCEPTANCE AND FINAL PLANS - CONTINUED

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on October 20, 2009 at 7:00 p.m. at the
Public Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON
TOM NARDACCI
TIM LANE
MICHAEL SULLIVAN
ELENA VAIDA
CHARLES J. O'ROURKE
PETER STUTO, Jr. Esq., Attorney for the Planning
Board

Also present:

Joseph LaCivita, Director, Planning and Economic
Development

Ed Esposito, Monarch Design Group

John Hodgkinson, Landowner

1 CHAIRMAN DONOVAN: Okay, we're here
2 tonight for Cedarview Condos. They are back
3 here for renewal of their concept that was
4 granted several years ago. We did ask the
5 gentlemen to come back this evening to show us
6 the plans. We did get those in our packets.
7 Thank you very much.

8 I wanted to just be certain of all of the
9 conditions of the variance that was granted in
10 2005. In particular, the access off of
11 Watervliet-Shaker Road and the new access on
12 Cedar Lane, which your plans do show. So, if
13 you briefly want to go ahead with a brief
14 description of your project?

15 MR. ESPOSITO: Thank you. My name is Ed
16 Esposito.

17 Here is a review of the site and the five
18 units of condominiums. It's on an acre of
19 land. We have maintained 53% greenspace with
20 the improvement. Each building has a SWPPP
21 pond which will be monitored by the town
22 during the review of the engineering
23 application. The look of the building has not
24 changed. We were in hot pursuit of some
25 drainage easements by way of the adjacent land
owner for the last year and that really was
the delay. It's a two and three unit site and
we're looking for final approval.

CHAIRPERSON DONOVAN: Let's just go over
the variance requirements. There will be no
ingress and egress to this site off of
Watervliet-Shaker Road; is that correct?

MR. ESPOSITO: No. There will only be one
off of Cedar Lane.

CHAIRPERSON DONOVAN: Okay. Then could we
just go through briefly some of the comments
that we have received from the department
heads?

Latham Water said that these are
preliminary final plans; is that correct?

MR. ESPOSITO: Yes.

CHAIRPERSON DONOVAN: They said the final
Division of Latham Water approval will be
granted on the issuance of a water service
permit for each of the buildings - a submittal
and approval for the current site plan, floor
plan -- you're aware of that?

1 MR. ESPOSITO: Yes.

2 CHAIRPERSON DONOVAN: Steve Brussel from
3 the Department of Public Works and the Bureau
4 of Engineering says that a hold harmless
5 agreement will be required for all private
6 utilities?

7 MR. ESPOSITO: I believe that we worked
8 that out with John Reardon.

9 CHAIRPERSON DONOVAN: Because this was
10 dated August 6, 2009. Then it would require
11 verification of the contract and sewer
12 connection permit?

13 MR. ESPOSITO: Yes.

14 CHAIRPERSON DONOVAN: Pete Lattanzio has
15 submitted a memo. He has no issues with the
16 project.

17 I'll start with Tom. Do you have any
18 questions for the applicant?

19 MR. NARDACCI: Could you walk us through
20 the landscaping plan and let us know what you
21 feel is required?

22 MR. ESPOSITO: Here is the grading site
23 (Indicating). The whole building is a very
24 elaborate gutter and under-drainage system. In
25 the SWPPP, there is a four bay and a control
for basically this whole building that drains
to the main road and that will be improved to
an overflow system.

For SWPPP we need to do the required
inspections. So we'll be there during
construction and we know that we have to give
notice of intent and so forth. That was
predetermined for this building. It shows some
of the piping in the driveway coming into that
area. It's more of a sediment control quality
treatment.

On the back building there is an isolated
pond and on the coversheet it names the
easement that would be required for the pond
when it builds up. The control for the
overflow is also to Cedarview Lane.

That's essentially the storm drainage
system. When we begin construction we have to
look very closely that all the inverts are met
and all the utility crossings are met that

1 were very well detailed on our plan and
2 profile sheet for that project.

3 Every unit has a typical planting plan.
4 It shows the variety of shrubbery and trees
5 that are up the perimeter. Specifically on the
6 planting plan we have to do these specific
7 plans for the DEC. The town required very
8 specific grasses and I believe that it was
9 Water Iris in the pond for that water quality.
10 A lot of projects have it.

11 We thought that we were under one-eighth
12 of disturbance but it became a vital part of
13 the project. This is what these ponds are and
14 the mechanism of drainage of the site.

15 MR. NARDACCI: Have you started the
16 project of talking to the Attorney General's
17 office about the homeowners associations?

18 MR. ESPOSITO: We've gotten a plan and a
19 description of the responsibilities of the
20 homeowners actually to maintain the
21 landscaping and the like. We have been waiting
22 for the approval, but I think that we gave
23 Mike Lyons a copy of that. I thought that it
24 was a good request during site plan to say,
25 yup, this is how we defined the maintenance
for these five units.

MR. LANE: Would that include plowing?

MR. ESPOSITO: Yes.

MR. LANE: Pete Lattanzio obviously
approved this but I'm wondering where the
hydrants are.

MR. ESPOSITO: The hydrant is actually
right opposite the roadway and there is one
tap per building. We come off of the common
water room and then the other water rooms will
be located here (Indicating). They are fully
fire sprinklered so the water was sized
correctly to that.

MR. LANE: What is the actual distance to
the last building?

MR. ESPOSITO: This is the graphic plan.
I think that it's like 80 -

MR. LANE: So, it's not huge.

MR. ESPOSITO: It's like 80 feet.

MR. O'ROURKE: The proposed private
easement - can you explain that? Is it a
private easement?

1 MR. ESPOSITO: There are several
2 easements. When the town had septic
3 farmland there were easements in it for the
4 utility. This lawn (Indicating) that was
5 previously the driveway is a shared condition
6 for perpetual access in the deed of this
7 corner lot. That proposed easement was
8 actually an easement that was in the deed that
9 has been respected. Although the other portion
10 of it would be closed per the American
11 Chemical zoning approval and reverted to lawn.

12 It's a little stretch of lawn.

13 Was that the easement that you were
14 referring to?

15 MR. O'ROURKE: Yes, that is the easement
16 that caught my eye. After you just explained
17 it, I don't understand. Am I the only one?

18 MR. ESPOSITO: Okay, I can try it again.

19 MR. O'ROURKE: Explain to me who has
20 access to that easement?

21 MR. ESPOSITO: John has a warehouse that
22 has to come down. It's actually a very wide
23 driveway for the warehouse and there is a
24 homeowner that has at some point had this 18
25 foot driveway here (Indicating). So, that will
26 terminate his access that goes all the way
27 through the property and only keep that
28 portion -

29 MR. O'ROURKE: And what's the square
30 footage for that?

31 MR. ESPOSITO: The deed actually is
32 18 wide and 120 long. It's 2,163 square feet.

33 MR. O'ROURKE: Okay, that's one of my
34 concerns.

35 The second one you just touched on is the
36 deeds. I get misleading information both ways.
37 Are the deeds combined or are they not
38 combined?

39 MR. ESPOSITO: This easement was filed on
40 a couple of pages. These deeds, when we first
41 made application, were three separate deeds.
42 If the issue was that these be merged and
43 filed with this deed in '06 -- I can tell you
44 how it was.

45 There was access from

1 Watervliet-Shaker Road to a parcel. One had
2 Cedarview Lane running and one was landlocked.
3 So the application cuts all that out. Now we
4 have this T arrangement of land.

5 MR. O'ROURKE: So, those three those
6 deeds are in fact combined?

7 MR. ESPOSITO: Yes. They were merged and
8 filed with the county.

9 MR. O'ROURKE: Am I looking at this
10 right? Is there an existing septic tank and
11 leech field on that property?

12 MR. ESPOSITO: No, since that time John
13 has been connected to sewer and water and it's
14 totally within the Latham Water District.
15 There is this funny zig zag of sewer that was
16 accommodating through here (Indicating).
17 John's brother Ed deeded this and eased it
18 over some straddles of land and there was some
19 confusion in getting that plotted correctly.
20 In addition to this new easement there was a
21 membrane of land that is part of the sewer
22 easement and utility for the town. The other
23 part is now utility and stormwater overflow
24 and the making of a new project.

25 MR. O'ROURKE: On your plans it shows an
existing clay area to be filled in. So, I
guess I'm just wondering why somebody with
farmland would have existing clay, unless
there was a septic.

MR. ESPOSITO: Actually that was an older
well. I think John leased out to a landscaper
of sorts and there is no real requirement for
the old clay well to remain anymore.

MR. O'ROURKE: So it's a well.

MR. ESPOSITO: It's a well. It was
demolished with the old warehouse building.

MR. O'ROURKE: The only other easement,
if you could clarify for me is the Shaker
Commons. It's on that back corner that you
were talking about. Can you explain that
easement to me, as well?

MR. ESPOSITO: Yes. During review we
found that we could not file this property
because the storm drainage line that ran
through here was outside the realm of the
20 foot town of Colonie easement. A new
easement had to be created. Working with the

1 adjacent homeowners association was a tough
2 process because they only met every three
3 months and then we had to wait. So, it took
4 virtually two years to have the land strip
5 agreement of less than 1,000 square feet to a
6 common understanding of again, holding them
7 harmless for any of the landscaping
8 improvements.

9 MR. O'ROURKE: So it's just that portion
10 that's shaded that's new easement?

11 MR. ESPOSITO: Yes.

12 MR. O'ROURKE: There is presently an
13 easement on the rest. Do I understand that
14 correctly?

15 MR. ESPOSITO: Yes.

16 MR. O'ROURKE: Jean, that's all I had.

17 CHAIRPERSON DONOVAN: Mike?

18 MR. SULLIVAN: How many parking spaces
19 are available?

20 MR. ESPOSITO: Everyone gets one in the
21 garage. In fact, they get two in the garage
22 and everyone gets one out in the driveway and
23 then there are these are the assessable units
24 (Indicating), and then the parking overflow
25 here for visitors. So, in all about 25.

MR. SULLIVAN: I didn't get the 25
spaces. I counted for the garages and then the
tree at the top and the two handicapped
spaces, but I came up with 15. I was wondering
where the other spaces are.

MR. ESPOSITO: They're in the buildings.

MR. SULLIVAN: I counted the garages.
You're saying the parking in front of the
garage and you're getting another 10 there?

MR. ESPOSITO: Two in the driveway and
then four times five; there's 25 there and
then the five in the back.

MR. SULLIVAN: Okay, thank you.

The other question that I had was with
the existing buildings. Are they still used as
warehouses?

MR. ESPOSITO: No.

MR. SULLIVAN: So there are no chemicals
on site? There are no underground tanks or

exterior tanks or anything?

1 MR. HODGEKINSON: No. The chemicals are
2 cleaning products. Everything that comes in
3 sealed goes out sealed. Nothing is opened.

4 MR. SULLIVAN: Thank you. That's all I
5 had.

6 CHAIRPERSON DONOVAN: Just one more
7 comment on the stormwater. You had been
8 working with John Dzialo and the stormwater
9 team.

10 MR. ESPOSITO: And we'll continue to work
11 with them for the duration of the project.

12 CHAIRPERSON DONOVAN: Is there anybody
13 from the audience that has any questions or
14 comments on this area?

15 ***(There was no response.)***

16 CHAIRPERSON DONOVAN: We are to act on
17 concept acceptance and final plans. I think
18 that we can do the final plan approval
19 tonight.

20 Does anyone else from the board have any
21 other questions or comments?

22 ***(There was no response.)***

23 CHAIRPERSON DONOVAN: We do have a
24 recommendation from the Planning and Economic
25 Development Department. They have recommend
the requested approval on the SEQRA action.
The department recommends that based on the
past EAF that the action will not have a
significant effect on the environment for this
mitigation of cumulative impacts in accordance
with the GEIS statement of findings.

This is in a GEIS zone?

MR. LACIVITA: I think it was in the
Boght.

CHAIRPERSON DONOVAN: Do I have a motion
from the board?

MR. NARDACCI: Jean, I'll make that
motion to accept.

CHAIRPERSON DONOVAN: Do I have a second?

MR. LANE: Second.

CHAIRPERSON DONOVAN: All those in favor?

(Ayes were recited.)

CHAIRPERSON DONOVAN: Opposed?

(There were none opposed.)

CHAIRPERSON DONOVAN: Do I have a motion
on the plans that are in front of us for the
Cedarview Condominiums?

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MR. LANE: I'll make that motion.
MR. STUTO: For concept and final?
CHAIRPERSON DONOVAN: Yes, for concept
and final.
MR. NARDACCI: I'll second.
CHAIRPERSON DONOVAN: All in favor?
(Ayes were recited.)
CHAIRPERSON DONOVAN: Opposed?
(There were none opposed.)
CHAIRPERSON DONOVAN: I know you're
shocked, but you're out of here.

**(Whereas the proceeding concerning
the above entitled matter was
concluded at 7:20 p.m.)**

CERTIFICATION

***I, NANCY STRANG-VANDEBOGART, Notary
Public in and for the State of New York,
hereby CERTIFY that the record taped and
transcribed 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 November 16, 2009

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