

TOWN BOARD

COUNTY OF ALBANY

TOWN OF COLONIE

PUBLIC HEARING AND SUBSEQUENT VOTE IN RELATION TO THE
RECOMMENDATION FOR THE PROPOSED OPEN DEVELOPMENT AREA
LOCATED AT 14 COLONIAL GREEN

THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY L. STRANG, a Shorthand Reporter, on
June 13, 2019 7:20 p.m. at Memorial Town Hall 534 Loudon
Road, Newtonville, New York 12128

BOARD MEMBERS:

- PAULA A. MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- PAUL ROSANO
- CHRISTOPHER CAREY
- MELISSA JEFFERS-VONDOLLEN
- JENNIFER WHALEN
- DAVID GREEN

ALSO PRESENT:

- Michael C. Magguilli, Esq. Town Attorney
- Julie Gansle, Town Clerk
- Nicholas Costa, PE, Advance Engineering and Surveying
- Kurt Waldman

1 MS. GANSLE: Public hearing is being continued by
2 order of the Town Board Resolution 252 for 2019 to hear
3 all persons in relation to the recommendation for the
4 proposed open development area located at 14 Colonial
5 Green.

6 The Town Board will now hear all persons interested
7 in this project.

8 SUPERVISOR MAHAN: Nick, to come up for a moment,
9 please?

10 We had an issue to clarify from a couple of weeks
11 ago. You are going to work with the water department to
12 square that away?

13 MR. COSTA: That is correct, yes, we will do that.

14 SUPERVISOR MAHAN: I don't know if the board has
15 any questions regarding the easement?

16 MR. MAGGUILLI: For the matter of the public, as
17 you may know, this is a request for an open development
18 area. An open development area is required on lots that
19 have no direct access to a public road or highway.
20 These two lots on Colonial Green fit that criteria.
21 What they are here requesting is essentially a two lot
22 residential subdivision. The lots are quite large;
23 approximately one acre each. They need, again, the ODA
24 in order to have access. The axis would be from the end
25 of the cul-de-sac and they would use the primary drives

1 as their primary means of access to each of the two
2 lots. A portion of that private drive would be shared
3 and it would require cross easements which are in the
4 works and the like. That's basically the gist of it.

5 Is there anything you would like to add?

6 MR. COSTA: No, I think that's pretty much the
7 proposal that we made. We've been in front of the
8 planning board and we are back here to hopefully get
9 the ODA resolved.

10 MR. ROSANO: The second easement was the
11 stormwater easement on the second lot?

12 MR. COSTA: Yes, I'm lot number two - yes.

13 MR. ROSANO: Those are the only two easements that
14 are in play. There will be a water easement later on
15 for the water line once this project moves along.

16 MR. COSTA: That's correct.

17 MS. WHALEN: Do we figure out the Town Fire Safety
18 issue, or there are none?

19 MR. MAGGILLI: What I would recommend that the
20 Town Board do tonight, if it decides to approve and
21 follow the recommendation of the Planning Board is that
22 any approval be subject to clarification of special
23 condition number five and that clarification would have
24 to be done to the satisfaction of the Town Attorney's
25 office with respect to the Fire Safety requirements

1 which I assume that these private drives typically in
2 the past if they are built to Town road specifications,
3 that they are large enough to accommodate emergency
4 vehicles, particularly firetrucks and the like. It
5 would be best to have them spelled out in the
6 conditions so there would be no question five or six
7 years from now if this may come up for whatever reason.

8 The one thing that I did forget to mention is that
9 this would have no effect on the paper street that
10 exists and that the paper street stay intact without the
11 benefits that are approved as a result.

12 MR. GREEN: Michael, with regard to the paper
13 street, is the Town's position that we are going to
14 offer that for sale? We can release it? We don't need
15 to retain it for anything further?

16 MR. MAGGUILLI: I don't think that's been finally
17 determined. I know there is a request from one of the
18 adjoining landowners to purchase the paper street. We
19 need to confirm that the Town is the sole owner of the
20 paper street and that it is no longer needed for public
21 use. Once that is established, then we can go ahead
22 with the Town Board's directions as far as what to do
23 with the land; either sell it to an adjoining owner
24 which we are allowed to do or part it up for an RFP.

25 MR. GREEN: You are not sure if the Town even

1 knows it, are we sure that the Town -

2 MR. COSTA: No, Mr. Magguilli is correct. There
3 would have to be a process - - there is a process that
4 is in place to be followed on any paper streets before
5 they can be abandoned or declared abandoned.

6 MR. GREEN: What I'm saying is ownership - we own
7 it, right? It's our street.

8 MR. MAGGUILLI: As far as I know, we own it, Dave.
9 I would be much happier to have the title company
10 telling me that we are the sole owner of the land and
11 that we are the sole beneficiaries to the benefits of
12 the paper street. We want to make sure that there are
13 no other adjoining owners that could somewhere down the
14 line subsequently claim benefit that we extinguish
15 inadvertently.

16 MR. GREEN: So, for the benefit of the landowners
17 and neighbors that are here tonight, what should their
18 next course of action be with regard to the Town?

19 MR. MAGGUILLI: They started it already. They sent
20 a letter to the Town expressing their interest in the
21 purchase.

22 I have talked to Sue Pellegrini, my real estate
23 paralegal, and she has started the ball rolling with
24 respect to contacting the various Town departments with
25 respect to their need of the property.

1 We're also looking to see - we want to make sure
2 that we know exactly what's underneath it and as far as
3 any utilities that might be there. That could have an
4 impact on what we do, as well. This should only take a
5 month or so.

6 MR. GREEN: Okay, I appreciate it. Thanks.

7 SUPERVISOR MAHAN: Do any of the neighbors have
8 any questions regarding this paper street or the
9 easement?

10 I know you were here before.

11 MR. MAGGUILI: Sir, if you would, please, come to
12 the microphone and state your name and address for the
13 stenographer.

14 MR. WALDMAN: I'm Kurt Waldman. I live at 26
15 Colonial Green. Do we find out where the easements will
16 be going yet on the paper street?

17 MR. ROSANO: There is no easement on a paper
18 street at this point in time. The easements are on the
19 private land of the two lots. One is a utility easement
20 for stormwater. The other one is an easement to allow
21 the one driveway to cross over to the other driveway.
22 Those are the two easements. It has nothing to do with
23 the paper street.

24 MR. GREEN: However, what we talked about property
25 is sold to someone like yourself, we would be retaining

1 an easement for work purposes. That easement can be
2 anywhere within the 60 foot paper street.

3 MR. ROSANO: Yes, but there is a designated
4 easement there now for utilities. We will go back
5 through and see if everything is within that easement
6 which is the new landowners property. Right now, as it
7 stands with this, there is no utilities under the paper
8 street as far as we know. We've been to stormwater,
9 we've been to Latham Water and were not seeing
10 anything. We will certainly review it. As of right now,
11 everything is falling onto the other properties.

12 SUPERVISOR MAHAN: Is that correct, Nick?

13 MR. COSTA: Yes.

14 MR. WALDMAN: Great. Thank you, very much.

15 SUPERVISOR MAHAN: Anyone else?

16 (There was no response.)

17 Okay, we will close the public hearing.

18 MS. GANSLE: We have a Resolution approving an
19 open development area at 14 Colonial Green.

20 MR. ROSANO: So moved, with condition.

21 MR. GREEN: Second.

22 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
23 call the roll.

24 (The roll was called.)

25 MS. GANSLE: The ayes have it, Madam Supervisor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPERVISOR MAHAN: The Resolution is adopted.

MR. COSTA: Thank you.

SUPERVISOR MAHAN: Thank you.

(Whereas the above entitled proceeding was
concluded at 7:28 p.m.)

CERTIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

NANCY L. STRANG

Dated _____