

PLANNING BOARD  
TOWN OF COLONIE

COUNTY OF ALBANY

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THE VLY DENNISON ROAD CORRIDOR STUDY  
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THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on March 31, 2009 at 6:32 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

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

Also present:

Dave Jukins, Capital District Transportation  
Committee

Robert Mitchell, Commissioner, Department of  
Public Works

John Dzialo, Department of Public Works

John Frazer, Superintendent, Latham Water

1                   CHAIRPERSON DONOVAN: I have called  
2                   this special Planning Board meeting. This  
3                   isn't on our regular schedule as a scheduled  
4                   meeting because we have three projects in  
5                   the Vly Road/Denison Road area. I think that  
6                   they've been on the plate for quite a few  
7                   years, but they're just beginning to surface  
8                   now.

9                   Many of us are new to the Planning  
10                  Board in Colonie and in order for us to make  
11                  informed decisions we decided that we needed  
12                  some more input. We've heard neighbors  
13                  complain about traffic and complain about  
14                  water pressure and we decided that we would  
15                  hold this special meeting just to deal with  
16                  this area.

17                 We know that there is a traffic study  
18                 being formulated or just about being  
19                 finalized that's being done by the Capital  
20                 District Transportation Committee. Dave  
21                 Jukens from the Committee is here to go over  
22                 the report with us and to answer any  
23                 questions that the board may have.

24                 Bob Mitchell, our Commissioner of  
25                 Public Engineering and Public Works is here.

1 John Dzialo is here from the Stormwater  
2 Department and John Frazer who is the  
3 Superintendent of the Latham Water  
4 Department is here.

5 So, the first thing that I would like  
6 to do is have Dave give a brief explanation  
7 of the Capital District Transportation  
8 Committee to the board. It doesn't have to  
9 be lengthy and then maybe we can get into  
10 the study.

11 MR. JUKINS: I know that most of you  
12 are probably not familiar with CDTC. Let me  
13 just give you a brief background.

14 I did pass out a couple of items. One  
15 of them itemizes a most recent work on a  
16 long-range plan for the region. That's one  
17 of our responsibilities. I also passed out a  
18 brochure that describes what the Capital  
19 District Transportation Committee is at some  
20 length.

21 Sufficed to say that what we are the  
22 regional planning group. We have two main  
23 responsibilities. First, we prepare a  
24 long-range plan to set the vision for the  
25 region in terms of the kinds of investments

1 in transportation that we're looking for  
2 over the long-term future.

3 Secondly, we prepare a short-range five  
4 year capital plan. Basically all the federal  
5 money for the transportation that comes into  
6 the region has to go through CDTC. CDTC is  
7 the policy board. There is a planning  
8 committee that serves that policy board that  
9 deals with technical issues. Then there is a  
10 staff that serves the pleasure of the  
11 planning committee and the police board; one  
12 of 12 staff members at CDTC.

13 I would like to point out the  
14 description of the board structure and  
15 planning structures in the brochure that I  
16 gave you, but you should know that the Town  
17 of Colonie is the second largest  
18 municipality in the region and is currently  
19 a member of CDTC. They have representation  
20 on a planning committee and we have a  
21 representative on the policy board.

22 So, that is the main function of CDTC.

23 The other things that we do are provide  
24 technical assistance to our member  
25 communities across the region. We have

1 worked a lot with the Town of Colonie since  
2 I've been here since 1981. We were part of  
3 the GEIS preparation for the airport area  
4 and the Lishakill area. We have brought in  
5 other technical assistance as well.

6 Over the years in terms of the airport  
7 GEIS itself, we have been under contract  
8 with the town to review every land proposal  
9 that comes in to the town for the airport  
10 area with the goal identifying the  
11 mitigation costs associated with each of  
12 those developments, plus other aspects of  
13 transportation. So, that's essentially who  
14 we are and what we do.

15 CHAIRPERSON DONOVAN: Does anybody from  
16 the board have any questions of Mr. Jukins  
17 in relation to what he just stated?

18 MR. O'ROURKE: I only have one in terms  
19 of how it is actually funded?

20 MR. JUKINS: Primarily, we're federally  
21 funded. We do receive some local assistance  
22 through contracts with the Town of Colonie  
23 and other communities. We also are under  
24 contract with the County of Albany on a  
25 yearly basis for technical assistance.

1           Primarily, however, it's federally funded.

2           CHAIRPERSON DONOVAN: As we proceed  
3           tonight the board is going to direct their  
4           questions to the various town department  
5           heads and to Mr. Jukins. If we have time  
6           later after the meeting I would ask that if  
7           anybody from the audience - - I think,  
8           Wallace you may have something to say and  
9           you can direct your questions to the board  
10          and we'll go forward from there.

11          MR. JUKINS: Let me just point one  
12          thing out first. I believe that each member  
13          of the board has a copy of the report that  
14          we put together. It's been in progress for  
15          quite some time. We have prepared a summary  
16          of that document to a two page summary as  
17          well; which I trust that you have. I don't  
18          want to presuppose anything, but it's my  
19          understanding that after we go through this  
20          document tonight that the intent is to put  
21          this on the town's website so that everyone  
22          can take a look at it. I'm not sure that's  
23          what you're going to do or wait until the  
24          final form.

25          CHAIRPERSON DONOVAN: Mr. LaCivita from

1 the Planning Department had e-mailed me  
2 earlier during the day and he had a family  
3 situation that came up that he can't be here  
4 tonight. Dave, I would ask if you could send  
5 it over to them we'll have it put on the  
6 website.

7 MR. JUKINS: I'll try to be brief. I'm  
8 not always successful but I can try very  
9 hard.

10 Typically, when we look at each project  
11 that comes in for review, we look at them  
12 individually. I think that this was a unique  
13 case for the town and for us in that there  
14 were three subdivisions that came along at  
15 basically the same time. They were fairly  
16 big. So, the Town Planning Department at the  
17 time asked us to take a look at these  
18 together cumulatively. They asked us to do  
19 four things.

20 First, to look at existing and future  
21 traffic conditions generated by these three  
22 subdivisions and look at the impact on the  
23 major street system in the neighborhood  
24 area; Vly Road, Denison Road, Birchwood and  
25 the intersections of Route 7 and

1           Watervliet-Shaker Road.

2           The second thing that they asked us to  
3 do was because the subdivisions surround the  
4 Denison Road intersection there was some  
5 concern about the appropriateness of the  
6 current traffic control. Currently it's  
7 controlled by a stop sign. There was some  
8 concern that it needed to be changed  
9 especially if these subdivisions built-out.  
10 The question at the time was which traffic  
11 signal would be warranted? Would these three  
12 subdivisions trigger the need for a traffic  
13 study?

14           As time went on, roundabouts came on  
15 the scene and we kind of took a look at a  
16 roundabout as an alternative to a traffic  
17 signal as well.

18           The third part of it was concern about  
19 short-cut traffic through the neighborhoods  
20 and subdivision streets. We took a look at  
21 two selective routes in terms of  
22 shortcutting traffic.

23           Finally, what we set out to do was to  
24 look at the mitigation costs and calculate  
25 them for each of these three subdivisions.



1           So, those were the four tasks that we were  
2           charged to look at.

3           I'll go through this pretty quickly and  
4           then we can get into more detail if you  
5           like.

6           The three subdivisions were laid out  
7           were given to us. At the time we put this  
8           report together back in 2005/2006. It was  
9           stated that they would add collectively  
10          between 178-180 and 233-235 single family  
11          homes. I think that one subdivision  
12          increased slightly so I think that number  
13          has gone up a little bit, but not so much to  
14          effect the finding of this particular study.

15          Just to point out a couple things: That  
16          233-235 subdivision represented about  
17          one-quarter of the total forecast or planned  
18          residential development as part of the GEIS  
19          itself. If these were fully built-out, even  
20          on a full build-out it would still fall  
21          under the forecast of 800 single family  
22          residential units for the GEIS area.

23          There are other aspects of the GEIS  
24          that kind of took off. We kind of were taken  
25          by surprise a little bit by the retail.

1           Retail is a lot heavier than we expected,  
2           more directed toward the Route 7 corridor  
3           than anyplace else in the GEIS area. In  
4           terms of residential stuff, it's still  
5           pretty much under the target realm.

6           The issue here is traffic and generally  
7           each single family house will generate about  
8           1.1 trips per unit in the peak hour. It's  
9           not just a generic value that's published by  
10          ITE, the Institute of Transportation  
11          Engineers, but it's something that we  
12          verified in the field as well. It was  
13          somewhere between 1 and 1.1. For three  
14          subdivisions that we're looking at,  
15          collectively, they generated about 235 to  
16          250 new vehicles trips for the critical p.m.  
17          peak hour.

18          In terms of the overall traffic impact,  
19          it represents about a 15% increase of all  
20          the types that are occurring in this  
21          particular neighborhood related to the  
22          approximately 1,500 units that are already  
23          there.

24          In terms of traffic distribution and  
25          assignment to the network, traffic increases

1 would be small but they would be noticeable.  
2 Vly Road traffic would increase between 42  
3 vehicles in two directions in one hour near  
4 Route 7 and a lot more on the 114 or so  
5 vehicles on Watervliet-Shaker Road. That was  
6 primarily because of those additional  
7 commercial uses closer to that intersection.

8 The increase in peak hours of traffic  
9 on Denison Road would total about 61  
10 vehicles. We did not specifically look at  
11 the impact on local subdivisions streets.  
12 That's shortcutting traffic, but we didn't  
13 look at the specific impact of these  
14 subdivisions on subdivision streets like  
15 Tamarack Lane, Ash Tree lane and whatever.  
16 By just pulling that information out and  
17 given the fact that Oak Hill as proposed  
18 right now would connect to Tamarack Lane, we  
19 had approximately 50 peak hour vehicles to  
20 the neighborhood spread out over Tamarack  
21 and Ash Tree Lanes. In any event, traffic on  
22 local subdivision streets will not exceed  
23 any vehicles in the peak hours on any of  
24 those streets.

25 In terms of major street performance,

1           neither Vly Road or Denison Road itself or  
2           any intersection would operate under any  
3           congested conditions on full build-out of  
4           these subdivisions. CDTC's analysis  
5           indicates that all intersections operate  
6           under acceptable conditions. According to  
7           our standards, a level of service D or  
8           better doesn't mean that - - I believe that  
9           some approaches on Route 7 and the approach  
10          on the Albany-Shaker Road/Vly Road  
11          intersection operate slower or worse than  
12          that. According to our standards, which are  
13          adopted standards and given the approaches  
14          don't work ideally, it's okay. I think that  
15          DOT has adopted these standards as well. The  
16          idea is to keep that intersection as close  
17          to level of service D or C as much as we  
18          can.

19                 The other aspect here that we looked at  
20                 was the extent that some of these  
21                 subdivisions are being used as short-cuts.  
22                 We looked at one at the northern end and one  
23                 at the southern end that are used as  
24                 short-cuts; but not to a large extent. They  
25                 are being used but the use is small. In

1           general, the traffic on these local  
2           subdivision streets is small to begin with.  
3           Somewhere around 35 to 50 trips on the  
4           northern route; Walnut and Tamarack.

5           In terms of the traffic control at Vly  
6           and Denison, we looked at them a couple of  
7           different ways. The one thing that we found  
8           is that full-built out of these three  
9           subdivisions would not immediately trigger  
10          the need for a change in traffic control.  
11          They come close and they're almost there but  
12          it wouldn't trigger by itself. We're  
13          suggesting that we monitor it and keep our  
14          eye on it. Safety is not found to be an  
15          issue, surprisingly.

16          I know that there are some sight  
17          distance issues there but it seems that over  
18          time that crashes have really lessened at  
19          that intersection. I'm not quite sure what's  
20          going on there. Maybe there were some  
21          changes to shrubbery or whatever but sight  
22          distance doesn't seem to be a problem. It  
23          doesn't seem to be creating that much  
24          conflict.

25          I think that in terms of left turnings,

1           it's going to increase in time as traffic  
2           increases. At least at the current moment,  
3           given the traffic volumes at that  
4           intersection produced by those three  
5           subdivisions I think that we're still okay  
6           and we wouldn't need a traffic signal.

7                     Now an alternative to that which  
8           doesn't depend on warrants is the  
9           consideration of a roundabout. A roundabout  
10          has a whole slew of benefits beyond a  
11          traffic signal and it's low maintenance. It  
12          slows traffic to slower speeds through the  
13          neighborhood and that has been identified as  
14          an issue. So, it would help in that respect.

15                    With the help of the DOT we looked at a  
16          roundabout design unit and whether we could  
17          fit a roundabout in there. The kind of  
18          roundabout that we're talking about would  
19          not be a traditional Sand Creek Road/Colonie  
20          Center roundabout. It would be much smaller  
21          with tighter turns as residential  
22          roundabouts are. At least at first glance it  
23          seems like it could fit, but it would  
24          require a little bit more engineering work  
25          that we could give within the scope of this

1 effort. In terms of this intersection, the  
2 traffic control doesn't need to change right  
3 now. It may trigger the need for a traffic  
4 signal but it won't be for quite some time  
5 and an alternative to that would be safer  
6 and that would be a roundabout.

7 I don't know that we need to belabor  
8 the discussion about mitigation costs but we  
9 did go through that exercise and we did  
10 provide those calculations to part of this  
11 report. They are somewhat different because  
12 things have changed with some of these  
13 proposals. So as we get better information  
14 we will provide a better review and a more  
15 detailed review for the Town Planning  
16 Department and Engineering Department. I  
17 think that the costs are slightly different,  
18 there but they're still pretty much in the  
19 ballpark.

20 We've just included these and we'll  
21 make that adjustment as we finalize things.  
22 I didn't want to pull this out if you didn't  
23 want this to be part of the full report.

24 Essentially, that covers the major  
25 aspects of the study. I'll just open it up

1 to your questions now.

2 CHAIRPERSON DONOVAN: Tim, would you  
3 like to begin, please?

4 MR. LANE: Primarily, my questions have  
5 to do with the mitigation costs. Could you  
6 do a basic rundown of how the costs are  
7 determined? Is it on an acreage basis or a  
8 square foot basis of the project?

9 MR. JUKINS: Actually, it's pretty  
10 progressive. It's based on what you use. You  
11 pay for the traffic that you use. In fact,  
12 we prepared a detailed report documenting  
13 the approach that we used in the airport  
14 area and that's available to the Planning  
15 Office. We plan on replicating that for the  
16 buyer, too. Basically, it's what you use. If  
17 we are providing new capacity out there and  
18 the development used it 10% of it, they pay  
19 10% of the cost.

20 MR. LANE: I checked to see how some  
21 other communities might do it and they would  
22 literally take a per unit built amount that  
23 ties in. That doesn't play into the way that  
24 we do it?

25 MR. JUKINS: You could, but we felt



1           that this was a fair way to approach it.  
2           Especially when we're talking about the  
3           airport area, you're talking about a very  
4           large mitigation for the area. I think that  
5           our mitigation bill is somewhere between 80  
6           and 100 million dollars. So, we thought that  
7           it was fair to charge only what you use and  
8           any balance above the capacity would be  
9           picked up on the public side.

10                     That's basically how we did  
11           Albany-Shaker Road.

12                     MR. LANE: Do they pay any of the  
13           administrative costs for the study, the  
14           staff time or anything of that nature? Is it  
15           strictly the work that is done?

16                     MR. JUKINS: It's just on work that is  
17           done, but that cost is returned to us via  
18           the town. The contract that we have with  
19           you, as I understand it, is that those costs  
20           are recovered through mitigation.

21                     MR. MITCHELL: Other than the traffic,  
22           we do collect from the developers on the  
23           preparation of the GEIS.

24                     MR. LANE: So that is done.

25                     MR. MITCHELL: That is charged per

1 acre. That is one of the only things that we  
2 do in the calculations.

3 CHAIRPERSON DONOVAN: For the neighbors  
4 here that may think that we're talking a  
5 foreign language now, Bob, could you just  
6 briefly explain the airport GEIS area? Just  
7 so that they understand what a GEIS area is  
8 and how mitigation costs come about. You can  
9 use the microphone up there.

10 MR. MITCHELL: I don't want to steal  
11 the thunder from the Planning Department but  
12 the GEIS is a planning document. I'm a DPW  
13 guy now but I'll take a shot at it anyway. I  
14 was the Planning Director back when these  
15 studies were formulated.

16 There were a lot of development  
17 pressures throughout the Watervliet-Shaker  
18 Road, Karner Road, and Wolf Road area back  
19 in the late '80's. George is probably the  
20 only guy that was on the board at that time.  
21 It wasn't just a town issue. Most of the  
22 issues were raised by the County of Albany  
23 because most of the impact was on the major  
24 roads in the area. Karner Road,  
25 Watervliet-Shaker Road and Albany-Shaker

1 Road all county roads. Wolf Road is a state  
2 road. Some of the roads were ours such as  
3 Sand Creek Road and Vly Road. Collectively  
4 the town and the county together decided  
5 that they were going to go ahead with a  
6 generic environmental impact study rather  
7 than have every project that came through  
8 the process have to do their own specific  
9 environmental impact study. The consultants  
10 can tell you that they are very costly. The  
11 town decided to do it comprehensively. At  
12 that time those documents were being  
13 encouraged by the Department of  
14 Environmental Conservation. That was one  
15 technique that they were encouraging.

16 I think that we came just about after  
17 that Guilderland decision where Guilderland  
18 had done an impact fee. Some people might  
19 remember that. They got challenged and they  
20 got shot down. The reason that it got shot  
21 down is that it didn't have any back-up to  
22 it. It did kind of what Tim was saying that  
23 well, we're going to charge \$2,000 per unit  
24 for this or \$3,000 a unit for that and there  
25 was no back-up to it. There was no study

1           behind it. They were lacking the data. We  
2           knew that and we went through what we  
3           thought was an appropriate procedure working  
4           with all the involved agencies; the DEC,  
5           DOT, the counties, government and everybody  
6           involved in the comprehensive study. It took  
7           about two years and several meetings.  
8           Clough Harbour was hired to do the study.  
9           They had to work with the town, county and  
10          developers. They interviewed developers for  
11          a vacant land to try to get an idea of  
12          what's going to happen in the next 20 years.  
13          They tried to come up with this airport  
14          area. It's a big area. I think that it's  
15          about 8,600 acres. It's a huge area. It's  
16          over in the Wolf Road and the western most  
17          boundary. It's through probably Vly and  
18          Denison, and it went down to Watervliet  
19          Shaker Road. It's a big area. Basically they  
20          came up with a study and projection on the  
21          build-out area. Through the process, that  
22          got dismissed very quickly because there is  
23          no way that anybody could have afforded the  
24          transportation plan that would have covered  
25          the traffic that was coming out of the

1 developer. Basically, Route 7 would have to  
2 be at least seven lanes wide. Well, that was  
3 right on the heels of Route 7 being expanded  
4 to five lanes, and everybody knows that DOT  
5 isn't going to come back in any reasonable  
6 amount of time and expand it. They'd be  
7 taking property from the businesses and it  
8 wasn't feasible.

9 So, the next evaluation was 50% of  
10 build-out. The evaluation of that indicated  
11 that you could support the transportation  
12 program for 50% of build-out in the area.  
13 So, as they got through the process - the  
14 Planning Department and all the involved  
15 agencies - the final document that came out  
16 said that we're going to evaluate the  
17 traffic based on 25% build-out in the  
18 airport. That's what the GEIS is. The  
19 traffic that is being projected out of that,  
20 almost 20 years ago now, and CDTC's work  
21 developed at 80 to 100 million dollar  
22 capital plan.

23 One of the big issues is that Route 7  
24 is going to remain five lanes wide. You're  
25 never going to see that, at least in most of

1           our lifetimes, expanding. It just wasn't  
2           feasible. Then the task was to start  
3           calculating the mitigation. From a traffic  
4           perspective, the initial discussion was that  
5           DOT was pushing the transportation  
6           development district concept at that time.  
7           That's what was initially in the GEIS.

8           The final hearing they had on  
9           that, all hell broke loose over at the Town  
10          Board level because the difficulty in the  
11          TDD is not only to charge new development  
12          but charge existing. So, imagine the number  
13          of people that own homes in the airport area  
14          that came to the meeting and said, why me?  
15          So there was a committee developed. I was on  
16          it and Dave was on it, county leaders and  
17          chamber of commerce leaders. A  
18          representative of the Vly Road Neighborhood  
19          Association at that time was there. There  
20          were people involved throughout the  
21          community. The neighborhood associations  
22          picked their representatives and we sat  
23          down. Where CDTC is involved, developers  
24          submit traffic information to the Planning  
25          Department. The Planning Department doesn't

1 give it to DPW. The Planning Department  
2 takes it and gives it right to CDTC, an  
3 independent. No town people doing any  
4 evaluations. They do all the evaluation and  
5 come back to the town and say, here are the  
6 trips generated. They modeled the area. I'll  
7 let Dave speak to that. It's guess work in  
8 some respects. It was pretty much telling  
9 you that you have one of those subdivisions  
10 and that model is going to tell you where  
11 that traffic is going to go. Of course, at  
12 the time they don't know where the people  
13 work or shop. The model is probably not  
14 perfect but it gives you an idea.  
15 Residential is probably more difficult than  
16 commercial. The developer will sometimes  
17 give us the zip codes of the people that  
18 work in the building. That way you can tell  
19 if they're coming from Saratoga County,  
20 Albany County or Schenectady and that helps  
21 because then Dave can put that into a model  
22 and give it a more fair assessment. He may  
23 assume that 50% of the traffic has come from  
24 Exit 6 and when you get the zip codes, it  
25 may tell you that 75% of the traffic is

1 coming from Niskayuna or Schenectady. It's  
2 easier with commercial. You don't have that  
3 ability to address it with residential  
4 because you don't know who is going to buy  
5 those homes. It's not a perfect model, but  
6 it helps.

7 Dave does an evaluation. He can tell  
8 you the percentages of how many times he  
9 agrees with the developer or disagrees with  
10 the developer. It goes both ways and there  
11 are negotiations so to speak. The CDTC, the  
12 developers and myself eventually agree on  
13 those trips.

14 Dave has come up with 250-some trips,  
15 total estimate. So that's how that process  
16 works. Then those trips get distributed and  
17 every time they hit an intersection that  
18 needs to be improved, they buy capacity. So,  
19 let me say that you're going to have 500  
20 cars at an intersection in an improved  
21 condition. One of those developments through  
22 the model is going to take 50 of those cars.  
23 They have just bought 10% of the capacity.  
24 That's basically the mitigation in a  
25 combined capacity in the system. If there



1 was a 1 million dollar intersection  
2 improvement and they bought 10% of that, for  
3 that particular intersection part of the  
4 mitigation would be \$100,000. That's not  
5 just that one. It's every intersection and  
6 every leg that has to be improved.

7 So Dave sends us a list of all capital  
8 improvements and how far out the impact goes  
9 from either commercial development or  
10 residential development and they all add up  
11 to a number. I think that consistently in  
12 this study that Dave is coming up with  
13 residential about \$3,000 a unit. The beauty  
14 of this is based on more data and study than  
15 just a number - \$1,000 here, \$2,000 here or  
16 \$5,000 there. It's got its own back-up.  
17 Again, he can explain that in more detail.

18 The Planning Department has it and if  
19 they can't find it, I've got it and we'll  
20 get something to the board. There is a whole  
21 process from start to finish and it is  
22 described in a very nice document that they  
23 put together. They wrote the statement of  
24 findings for us. We consider them the  
25 experts in the area. They do a fine job with

1           it.

2                   Other than traffic, a lot of this is  
3           calculated by square foot. It's very  
4           difficult sometimes with the water systems  
5           and things like that. You don't have trips.  
6           It's a very difficult job. We don't have  
7           information on gallons and there is stuff in  
8           the report that deals with excessive users  
9           of water that could up the fee. You deal  
10          with normal standards on drinking water and  
11          what a normal house would use and you use  
12          those calculations.

13                   Traffic is pretty definitive other than  
14          the fact that you really don't know where  
15          they're going to go. People are going to  
16          travel where they feel comfortable. You  
17          don't know that and you don't know where  
18          these 235 families are going to be. That's  
19          basically the way that it works.

20                   CHAIRPERSON DONVOVAN: Is it necessary  
21          to update? I know that we just had this  
22          discussion when we were dealing with the  
23          Boght area. The last time that was updated  
24          or we put it together was back in '89 I  
25          believe. Do we need to update these GEIS

1 areas more frequently?

2 MR. MITCHELL: My opinion is that you  
3 don't have to do them more frequently. Most  
4 of them are 20 year studies. Clough Harbour  
5 took their best shot at retail and some of  
6 the retail stuff - maybe not so much overall  
7 but in certain areas. That's why they did  
8 the Route 7 corridor study.

9 I don't know if the board has been  
10 given a copy by the Planning Department. You  
11 ought to have that and I'll get you a copy  
12 if they don't have it.

13 That evaluation was from Vly Road all  
14 the way to Exit 6. It's got a lot of good  
15 stuff in it.

16 MR. O'ROURKE: I think that without  
17 updating it - - again, here as a town, as a  
18 municipality, we collect funds. Who decides  
19 when those funds are turned into capital  
20 projects? You've got a certain degree of  
21 inflation. There are all kinds of factors on  
22 the financial end of that which certainly  
23 can affect a 20-year old study. This is the  
24 first time that I've looked at the airport  
25 GEIS. The Boght Road was in my estimation, a

1 bad deal for the town and taxpayers of this  
2 town.

3 MR. MITCHELL: To answer you C.J., CDTC  
4 updates the traffic on a yearly basis. If  
5 there was an intersection improvement that  
6 was \$700,000 back in 1991, that's over a  
7 million now; so they update it every year.  
8 The airport GEIS and the Boght indicates the  
9 timeframe to update. I think that it's  
10 either every two or three years. The last  
11 time that we updated the document I think  
12 that the fees went up 28% over a three year  
13 period. We just deal with the construction  
14 cost index for whatever we're using. They do  
15 get updated so when you look back at the  
16 original GEIS those numbers are dramatically  
17 different now.

18 The only reason that there hasn't been  
19 a recent update in the Boght was because  
20 back in 2005, we were looking to change  
21 transportation. We were looking to change  
22 that whole formula, as you know, to try to  
23 use the same formula that Dave and the  
24 airport used in the Boght.

25 MR. O'ROURKE: And you're 100% right.

1           Therein lies my difficulty with the basic  
2           premise. In 2005 we knew that for whatever  
3           reason, that Boght Road - those  
4           transportation numbers were off. We knew  
5           that in 2005. Yet we then passed a Land Use  
6           Law in 2007 knowing that those numbers were  
7           off and none of those mitigating fees in  
8           that area were adjusted.

9           MR. MITCHELL: You'd have to speak to  
10          the Planning Department about the land use.

11          MR. O'ROURKE: And I understand. I just  
12          look at the airport area and like you said,  
13          these are projections and I certainly  
14          understand that. However, when you're off on  
15          the retail, at what point as taxpayers do we  
16          say hey, hold on now, somebody has to help  
17          us pay for this. Again, we only looked at a  
18          20% build-out in the airport area, correct?

19          MR. MITCHELL: That was 25%.

20          MR. O'ROURKE: So we looked at a 25%  
21          build-out. At what point do we say all  
22          right, we're at 30%, we have to look at  
23          something.

24          MR. MITCHELL: That was my point. What  
25          I was saying to Jean is that you're getting

1 very close to that. Again, I'm a DPW guy so  
2 the Planning Department has to track this  
3 and the Planning Department has to guide it.  
4 Their staff has to guide the Planning Board  
5 as to what is next. I can tell you what I  
6 knew because I worked with the mitigation  
7 and I have the trips and stuff and there's a  
8 document that I'm going to be giving the  
9 board that's going to have a lot of  
10 information on what's collected, and what  
11 the size of the project is and how many  
12 trips. You'll get to see that.

13 In my opinion the difficulty in that is  
14 that some of the things that are on there  
15 that haven't been built yet or they've been  
16 abandoned. My opinion is that we're getting  
17 very close to the number in the document and  
18 keep in mind that it's 2009. It was a 1991  
19 document so we're 18 years into. You're  
20 going to be in the same position that you're  
21 going to be in the Boght which is another  
22 document. You'll have to make a decision at  
23 some point in time to either supplement or  
24 just redo the GEIS because you're starting  
25 to hit those milestones of either years or

1           some of the projections that Clough Harbour  
2           made on how many square foot of this or how  
3           many residential units. So, you're going to  
4           have to consider that, but I don't want to  
5           steal any thunder from the Planning  
6           Department. That's the stuff that they have  
7           to do.

8           I have a totally different perspective  
9           on the development than the Planning  
10          Department has.

11          MR. O'ROURKE: Dave is there a capacity  
12          at which these improvements should be made,  
13          that the town and the Town Board should take  
14          these funds and say, all right, we're at 40%  
15          capacity. This roundabout should be put in  
16          now.

17          MR. JUKINS: I'm not trying to bypass  
18          your question, but let me answer it this  
19          way: In terms of the plan that we put in  
20          place collectively, at least the  
21          transportation end of it, most of it is in  
22          place. The only piece of it that really  
23          isn't is the Exit 3 and Exit 4 improvements.  
24          Even that is in design phase. How that plays  
25          out given where we are today in terms of

1 financial issues, we'll have to see; but it  
2 is playing out. The only other pieces that  
3 are being put together are the service roads  
4 along Route 7 and Wolf Road. Maxwell Road is  
5 almost set to go. Everything else, Wade Road  
6 Extension, Albany-Shaker Road,  
7 Watervliet-Shaker Road and various  
8 intersections through the area - they're all  
9 done. It's a very successful plan, given  
10 what we had to go through here. The large  
11 amount of credit goes to the private sector  
12 certainly for willingly going along with  
13 this and understanding. So in terms of  
14 improvements, this plan is almost 100%  
15 complete.

16 To answer the other part of your  
17 question dealing with when we do things and  
18 when do we need to step back and take a look  
19 at things again: Informally, over the last  
20 15 years or however long we've been doing  
21 this we have been tracking things. We've  
22 been tracking land use changes and tracking  
23 traffic changes to the extent that we can.  
24 We can't do traffic counts every year and we  
25 can't do them everywhere but we do keep



1 track. So we have a pretty good idea of how  
2 well we're doing. How close to that forecast  
3 that we are and it's the traffic number for  
4 us that is the key. Land use may play into  
5 other things like water; I don't know. But  
6 in terms of traffic, we're pretty much on  
7 target and we're doing fairly well.

8 That was one of the things that drove  
9 the town five years ago to take another look  
10 at Route 7 because we're finding that a lot  
11 of stuff was happening on Route 7; not so  
12 much anymore on Wolf Road, even though there  
13 are vacant parcels. A lot of the stuff on  
14 Route 7 was partially retail. We can believe  
15 that it was time really to step in there and  
16 take another look at that and make sure that  
17 what we were approving for land use was  
18 sustainable with any improvements that we  
19 agree to under the airport GEIS. There  
20 wasn't much more that we could do. This is  
21 it. We're not doing Route 7 ever. So, we've  
22 done it.

23 MR. LANE: This is kind of a follow-up  
24 to what C.J. said. Have we had anybody  
25 challenge the fees or say that there was

1           erroneous information that ever occurred to  
2           your knowledge?

3           MR. MITCHELL: They don't like them but  
4           they've never challenged them. The issue is  
5           that we've made the system as user-friendly  
6           as we can. The developer and his engineers  
7           have an open door to CDTC to go in and  
8           assess the numbers. The numbers are their  
9           numbers. Some of the time the only things  
10          that they want to discuss is if Dave looks  
11          at it and maybe the number of trips - - for  
12          instance banks are notorious for it.

13          If somebody is going to come in and  
14          develop a bank - - we're talking about p.m.  
15          peak hour traffic. This is the framework  
16          that was discussed early on. The worst case  
17          in the town has been proven and they can  
18          verify it and that is the p.m. peak. That's  
19          the worst situation. The a.m. is not the  
20          same as p.m.; so all the studies are based  
21          on p.m. Well, as they've gotten smarter  
22          about the process, they've realized what the  
23          value of the trip is. So, you'll have some  
24          guy start low-balling and a lot of times  
25          they'll say, well, it's pass-by traffic.

1 I've got a bank and that car is going by my  
2 bank anyway and they have to stop at the  
3 bank.

4 Well, Dave has planning documents that  
5 deal with that. They give those kinds of  
6 percentages. That's kind of a give and take.  
7 They'll come in and they'll say, well, we're  
8 going to have 40% pass-by traffic and Dave  
9 will bring it back and say well, maybe it's  
10 15%. I think what has made the process a  
11 little bit friendlier is that there is  
12 discussion. It's not just this is what you  
13 owe us and you don't go forward unless you  
14 pay us. That's not the way that it works.  
15 There is discussion.

16 Most of the time because it's their  
17 number, they don't challenge their own  
18 number. If they say that it's going to be 85  
19 trips and Dave says that sounds reasonable,  
20 there's no argument. It's their number. Dave  
21 didn't give them the number; they gave the  
22 number to us.

23 MR. LANE: So not everything definitely  
24 relies on a study or a calendar. Somebody  
25 has to hire an engineer.

1           MR. MITCHELL: Well, they all have  
2           their engineers. The one thing that happens  
3           in the planning process is the initial  
4           document that they give to the planner and  
5           the board is the narrative. We just make  
6           sure that in that narrative that there is a  
7           narrative on transposition that deals with  
8           p.m. peak hour. Now usually they give more  
9           than that, but Dave's concentration is  
10          whether you're looking at the p.m. peak hour  
11          for the purposes of calculating mitigation  
12          fees.

13                 I want to follow up on what C.J. was  
14                 saying. The problem in all this is that it  
15                 was difficult 20-some years ago. There was a  
16                 policy that was described in the airport  
17                 document. What that means is collectively  
18                 the Town Board and the Planning Board  
19                 decided that they weren't going to wait.  
20                 They were not going to not approve  
21                 development until the improvements were  
22                 done. I've seen throughout the years that  
23                 the boards will approve the projects but the  
24                 improvements won't follow within the next  
25                 year. It's very difficult because you're

1           dealing with a lot of dollars. It's not the  
2           private dollars. It's the public dollars.  
3           You know what the situation is out there  
4           with the federal government, the state  
5           government and the global government. That  
6           money is just not sitting there. So you'll  
7           have areas that the document will tell you  
8           that the improved conditions will be a level  
9           of service C. The reality of it is that  
10          before you build the improvement, it's  
11          probably a D or an E; it's getting bad. It  
12          could be an F by the time that you're doing  
13          it. I don't think that's different with  
14          anything that anybody has ever done.

15                 I mean, look at Exit 6. They're going  
16          to make a big improvement out there. They'll  
17          probably have some speculation as to how  
18          long that's going to remain a level of  
19          service or whatever. They may be wrong but  
20          everybody knows that there is just a lot of  
21          guess work at it and I think that one of the  
22          issues is that it takes a lot of time to  
23          catch up with the improvements.

24                 The Wade Road intersection with Route 7  
25          is probably a good example. That thing was

1 probably failing for several years before  
2 they actually rebuilt the intersection. That  
3 took 12 years from the start of the document  
4 to actually have everybody have the money  
5 collectively to build the improvement.  
6 That's the downside of it because the  
7 developing continues.

8 Residential is a little easier because  
9 the build-outs are a little longer. I don't  
10 know how long it would take to build these  
11 235 homes. That's not going to happen in a  
12 year. Some of them take five, six or seven  
13 years to build those out, depending on the  
14 economy. So, you're not going to realize all  
15 of this next year or the year after or  
16 within a year or two after the approval.

17 Commercial is a little different. These  
18 guys can build these buildings pretty quick  
19 and they're going to get an approval a year  
20 later after the building is up. Most of the  
21 transportation improvements aren't going to  
22 happen unless the Planning Board dictates  
23 that they do. That's what you're dealing  
24 with up in the Boght. You're going to deal  
25 with short-term improvements that in order

1 to let somebody develop, they have to build  
2 the improvements. That's where I think that  
3 you're going with a lot of development. You  
4 can't wait anymore. That's just my opinion  
5 on that. You're going to have to get this  
6 stuff built because if not and you approve  
7 something, then it's still going to take  
8 five, six or seven years. Let's face it,  
9 unless stimulus money drops at everybody's  
10 feet, the money is not there to build a lot  
11 of these things. That's the decision and  
12 it's not an easy decision for the board.  
13 Those are the decisions that you're going to  
14 have to make with the airport area and the  
15 Boght area.

16 MR. LANE: One more final comment. I  
17 generally like roundabouts but I do note  
18 that large vehicles have a little bit of  
19 difficulty with them and I don't know if you  
20 do account for maybe large trucks coming  
21 through Vly. I just think that there's  
22 something there to consider if you're trying  
23 to determine whether to go with the  
24 roundabout or not. I don't know if you agree  
25 or not. It's just been my observation.

1                   MR. JUKINS: There shouldn't be any  
2 large rocks through there.

3                   MR. MITCHELL: Typically with the ones  
4 that have been designed, Tim, that's usually  
5 the biggest issue. That's why when you see  
6 most of the roundabouts you have the inner  
7 paved areas. Most of that is not designed to  
8 drive on. It's got to make sure that a truck  
9 gets through. Dave's right, you probably  
10 don't need it the size of the one at Colonie  
11 Center or the one that we built up in the  
12 Boght. We don't have the final design on  
13 that. We're working with DOT. We're trying  
14 to get something more mini but it's not so  
15 mini. You can't go so mini that trucks can't  
16 go through it. UPS trucks and Fed Ex trucks  
17 have to go through. School busses and fire  
18 trucks all have to go through there so  
19 you're going to have to meet those  
20 parameters.

21                   You don't know if it will fit or not.  
22 You always have the traffic signal, when  
23 it's warranted. One thing that we did when  
24 Dave started the study, I think that Clough  
25 Harbour did the warrant analysis for



1 Vly/Denison and the signal wasn't even close  
2 to being warranted. We will do that analysis  
3 again at the conclusion as these things get  
4 approved or unapproved or whatever. We'll  
5 have to do that again. My guess is that  
6 right now, it's still not warranted because  
7 it takes a lot of traffic to warrant a  
8 traffic signal. Our concentration has been  
9 the safety of that intersection. It's had  
10 its ups and downs. It did have sight  
11 distance issues. A lot of those got worked  
12 out. A lot of people aren't comfortable  
13 sticking their noses out. I live where these  
14 people live (Indicating). I live in the  
15 Vly Road area. So, it's not easy but there  
16 are some safety issues and there is no safer  
17 intersection in the country than around  
18 Boght. I'm glad that we have them during an  
19 ice storm hit. It was the only place that  
20 the police didn't have to go and install  
21 generators and they were fine. They are  
22 probably the only intersections that were  
23 fine. A lot of people don't like them. I  
24 remember Jean sitting next to me at the  
25 Colonie Center one and people were at

1 everybody's throats. DOT went back and  
2 canvassed the people and talked to them  
3 afterwards. I have the names of the people  
4 that were complaining the most and they  
5 said, no, we're okay. We thought it would  
6 get worse and it didn't get any worse. It  
7 didn't get any better either. They  
8 envisioned a monster out there. We haven't  
9 had one complaint on one of them in the  
10 Boght. People get used to them. It slows  
11 down the traffic.

12 Boght was the area that had a big speed  
13 issue. The traffic complaints were 40, 50,  
14 60 miles an hour and they contend that it  
15 has been solved. I've had no complaint from  
16 the PD that there is a problem out there. I  
17 guess it's working.

18 As Dave said, the one thing that drives  
19 us to look at the roundabout is that we know  
20 that there are high speeds on Denison Road.  
21 I don't know how many times the police get  
22 out there. That's their issue. It's a  
23 straight stretch and I'm sure that the  
24 people that live up there can tell you that  
25 depending on who's driving, I'm sure that

1           they can be going fast when they're in a  
2           hurry out there. People don't want to hear  
3           it sometimes but it is an enforcement issue.  
4           A lot of times these mini roundabouts can  
5           help but not to solve a problem. I mean,  
6           there are people out there that go slow  
7           through a roundabout, then they're going to  
8           go faster when they come out of it. You  
9           never know. It will help and calm the normal  
10          driver.

11                   CHAIRPERSON DONOVAN: Tim, anything  
12           else?

13                   MR. LANE: No.

14                   CHAIRPERSON DONOVAN: George?

15                   MR. HOLLAND: No questions. I'm trying  
16           to catch up here.

17                   CHAIRPERSON DONOVAN: C.J.?

18                   MR. O'ROURKE: A couple of quick  
19           things. What is the CDTA ShuttleFly?

20                   MR. JUKINS: The CDTA ShuttleFly is a  
21           small bus that connects the two trunk routes  
22           in the airport area. One runs along  
23           Central Avenue and one runs along Route 7.  
24           In its infancy, it would roam the area and  
25           it would pick up passengers who flagged it

1 down. There weren't any dedicated stops to  
2 it. So, if you worked at 50 Wolf Road and  
3 you want to take your Honda in the morning  
4 to Keeler, you could take your Honda to  
5 Keeler in the morning and instead of waiting  
6 for the van until 8:00 or whenever it is,  
7 you could flag down the ShuttleFly. The  
8 ShuttleFly would take you directly to  
9 50 Wolf Road. If you wanted to go to  
10 5 Computer Drive West, it would take you  
11 right to 5 Computer Drive West. We wouldn't  
12 let you off of Wolf Road. We would basically  
13 take you right to your door. It basically  
14 serves everything from Vly Road on down to  
15 Albany-Shaker Road, Wolf Road, Central  
16 Avenue and Colonie Center. So the service  
17 was designed to make transit more attractive  
18 in this area and bring people to their jobs  
19 and to other destinations at a reasonable  
20 price. That's what ShuttleFly is.

21 MR. O'ROURKE: So how does a cost of  
22 12.5 million dollars get assigned to that,  
23 in terms of the overall study?

24 MR. JUKINS: In terms of the overall  
25 study, that was an estimated cost over a

1           20-year period for what it would take to  
2           operate this. It was roughly a 50% share or  
3           somewhere in there. I don't mean that's  
4           exactly what we had agreed on.

5           MR. O'ROURKE: So it's a free service?

6           MR. JUKINS: No. It's not a free  
7           service. It's like anything else. It's like  
8           highway improvement. The idea here is that  
9           the more people that use ShuttleFly and  
10          transit, the less people that would use  
11          private automobiles. So instead of using  
12          that capacity of that one car capacity, if  
13          that person is on a transit vehicle, it  
14          conserves or it reserves that capacity for  
15          somebody else somewhere down the line.

16          MR. MITCHELL: I don't know about the  
17          memos that go over to Jean for each of the  
18          individual projects that have the  
19          calculations. I don't know if the entire  
20          board sees those, but they're in your packet  
21          there. Dave's documents are attached to  
22          those and if you do get those, Dave puts  
23          paragraphs in there about the ShuttleFly. It  
24          would actually calculate how many trips are  
25          saved by that shuttlefly program and it does

1 save the developers a little bit of money.  
2 If they weren't encouraging transit, their  
3 number would go up.

4 MR. O'ROURKE: So even though a  
5 developer is getting charged \$9,000 for that  
6 ShuttleFly on each of these projects, \$9,500  
7 or whatever it is, they're getting credit on  
8 the backside for the trips that are saved?

9 MR. JUKINS: That's right.

10 MR. MITCHELL: A lot of them are less  
11 than that \$9,000 but there are some that are  
12 that high depending on the size of the  
13 project. If they weren't paying that \$9,000  
14 to encourage that transit, they could be  
15 paying \$18,000 without having that. So, it  
16 does reduce it. The concept, as Dave said,  
17 is to encourage those transit trips which  
18 would keep some cars off the road.

19 MR. JUKINS: We need to back-up a  
20 little bit. One of the actions in the GEIS  
21 calls for an implementation of some kind of  
22 TDM action or actions and travel demand  
23 management for the area because we realized  
24 that we can't accommodate all of these trips  
25 on the roadway system. It would be in

1 everyone's best interest, the developers,  
2 the communities, workers, transit and  
3 everybody to provide sidewalks connections  
4 between properties. So it was a finding of  
5 the GEIS. This was one way to implement at  
6 least part of that finding. It's not  
7 perfect.

8 MR. O'ROURKE: Again, it was just  
9 something as I went through the documents  
10 and it stood out to me. What is ShuttleFly  
11 and what does it have to do with the GEIS? I  
12 won't take up much time, but again, I'm 100%  
13 against it if you want to know my opinion.  
14 It's just like putting sidewalks out in  
15 these developments. It doesn't make sense to  
16 me to do those things for the town to have  
17 to maintain them and repair them.

18 MR. MITCHELL: I'll vote for that on  
19 the sidewalk issue.

20 MR. O'ROURKE: I'm not sure if John  
21 Frazer can answer this. Regarding the pump  
22 systems and the water tower systems: Is  
23 there anything that we follow as a town that  
24 says hey, if this area gets developed, we're  
25 going to need sanitary pump stations?

1           MR. FRAZER: As part of the GEIS' that  
2           Bob talked about there is also a substantial  
3           amount of effort put into an analysis of a  
4           water system. A portion of the sewer system  
5           didn't put the same analysis in. There was  
6           an analysis done on the water system  
7           including what I'm going to talk about in a  
8           little bit. It's a high service area in the  
9           area that we're talking about here tonight.  
10          Both the airport area GEIS and the Lishakill  
11          area GEIS, which we haven't touched on here  
12          tonight, identify high service areas which  
13          require pump stations and storage station as  
14          part of each of those two GEIS' and those  
15          costs are identified in both of those  
16          documents. From a planning perspective, we  
17          have looked at it. Both GEIS' have addressed  
18          it and I'll go through that in a little bit  
19          more detail. MR. O'ROURKE: I have other  
20          questions but, I'll wait.

21                 CHAIRPERSON DONOVAN: Mr. Jukins, I  
22                 know that some neighbors were concerned  
23                 about the through traffic going on like  
24                 Tamarack Lane and in that area. I decided  
25                 that I was going to drive out there and cut



1 through and proceeded to get lost and ended  
2 up on Tulip Tree Lane. I'm not sure what I  
3 did wrong but I didn't go where I thought I  
4 was going to go.

5 Could you just address briefly your  
6 thoughts about some of the traffic going  
7 through these residential neighborhoods? Is  
8 it feasible that they're going to see a lot  
9 of that traffic or not or are they going to  
10 get lost like I did and buy a house on  
11 Tulip Tree Lane?

12 MR. JUKINS: Short-cutting traffic, in  
13 general, is not good because usually they're  
14 speeding. They don't live in the  
15 neighborhood and they don't live anywhere  
16 close, they just think that it's a shorter  
17 way to get from point A to point B. In  
18 general, it's not a good thing. All I'm  
19 doing here is sharing with you what we  
20 found. No matter where you are, you're  
21 always going to find shortcutting traffic.  
22 The time savings here is not that great and  
23 therefore the shortcutting traffic that we  
24 found is sort of small. Let me tell you how  
25 we did it. There may be shortcomings to the

1 way that we did it but we felt that this was  
2 an appropriate thing to do.

3 What we did is we had people stationed  
4 at each intersection for the northern  
5 shortcut route along Ash Tree Lane or  
6 Tamarack and we had someone stationed at  
7 Walnut and Denison and at Riverview and  
8 Route 7. As cars entered on either side, we  
9 kept track of them by their license plate  
10 number. We waited roughly about five minutes  
11 and anybody that made it through within five  
12 minutes from point A to point B would be  
13 considered a short-cut. Anybody five minutes  
14 or longer was doing something else in the  
15 neighborhood. They had business there or  
16 they lived there and they stopped and are  
17 doing other things. So, that's how we track  
18 shortcutting traffic through those  
19 neighborhoods.

20 For the northern route, we didn't find  
21 that many. We found that most of the trips  
22 entering at Denison or Route 7 were destined  
23 for streets and houses within that area of  
24 the neighborhood.

25 On the southern route to bypass the Vly

1 and Watervliet-Shaker Road  
2 intersection - that was a little bit shorter  
3 of a shortcut; Hampshire Way and Willoughby  
4 Drive - that time savings was a little bit  
5 larger and the shortcutting percentage was a  
6 little bit bigger. Again, the bottom line  
7 here is traffic on all of those streets was  
8 very small to begin with. The shortcutting  
9 traffic is even smaller.

10 CHAIRPERSON DONOVAN: Given the  
11 percentage of people that would do something  
12 like that - - I thought I saw something in  
13 here. It says 6% in the northern  
14 neighborhoods.

15 MR. JUKINS: I think that's overall for  
16 the mid-day and the evening. This is just  
17 taking one time period. About 3% for the  
18 northern neighborhoods; about 30% in the  
19 southern Hampshire Way/Willoughby Drive  
20 area. That's what we found.

21 I tried the Willoughby Drive one but  
22 got lost on that one. I supposed if you know  
23 what you're doing and you do it every day  
24 and intend to do it -

25 CHAIRPERSON DONOVAN: I think that you

1           have a tendency to short-cut in the  
2           neighborhoods where you live or that you're  
3           used to traveling.

4           Elena?

5           MS. VAIDA: In your analysis, you said  
6           that you didn't think that the roundabout or  
7           the traffic signal was necessary at this  
8           time, but you do say that some consideration  
9           should be given to it?

10          MR. JUKINS: Yes.

11          MS. VAIDA: I'm not sure really what  
12          that means.

13          MR. JUKINS: In terms of the traffic  
14          signal, we have all talked about this and  
15          we've all heard about it from a lot of  
16          people that the traffic signal is needed at  
17          one place or another. You always get hit by  
18          the engineers from DOT that they have to  
19          meet warrants.

20          Now we look at warrants a little  
21          differently than most engineers or DOT.  
22          We're a little bit more flexible in that  
23          we're not looking strictly at the letter of  
24          the law that asked if it's a seven hour  
25          warrant that has to be seven hours exactly

1 but we're not even going to think about it.  
2 In this a particular case, it meets six out  
3 of the seven or seven out of the eight. I  
4 forgot how many hours. The volumes are  
5 really just on the board. If you look at  
6 those graphs, it's just right on the  
7 threshold. Even though we are a little bit  
8 more flexible, we still are careful about  
9 where we recommend signals. If there was a  
10 safety issue there, if we saw a number of  
11 property damage accidents at that  
12 intersection - left-turning or T-boning, I  
13 think that even though we were almost there,  
14 there would be a recommendation that we do  
15 something soon. We haven't seen a safety  
16 issue. There is a speeding issue through  
17 there. The warrants are not quite there yet  
18 and we're not sure that we will ever see  
19 them. We'll need to monitor this as  
20 subdivisions are built-out. I mean, if we  
21 put down 235 houses right away, we could do  
22 this quickly but this is going to take some  
23 time.

24 So in terms of the signal, we have to  
25 be careful because if we do introduce a

1           signal that's not quite warranted, it can  
2           produce other unexpected problems and  
3           unintended consequences. It could create  
4           rear-end accidents, it could create people  
5           running red lights and so on and so forth.

6                     With the roundabout, speeding is a  
7           concern and enforcement is difficult because  
8           you have limited resources and police can  
9           only be in certain places at certain times.  
10          Introducing some kind of traffic calming  
11          device like a roundabout in this residential  
12          neighborhood can help slow traffic down.  
13          That's a judgment that the town will have to  
14          make. I'm not sure how big a problem that  
15          is. So, just in terms of moving traffic,  
16          traffic is in fact moving. You don't have to  
17          worry about that. It's not a safety issue.  
18          There are no crashes. So in terms of  
19          controlling speed, if that's something that  
20          you want to start addressing this is one way  
21          of doing it. And that is all we're saying to  
22          you.

23                    MS. VAIDA: So it sounds like the  
24          considerations for the roundabout are  
25          obviously different than the traffic signal.

1 It also seems from your report that you were  
2 leaning towards a roundabout as possibly a  
3 good idea.

4 MR. JUKINS: If it fits. Our bias is  
5 that single lane roundabouts work really  
6 well and where we can install them, we  
7 should.

8 MR. MITCHELL: The way that DOT handles  
9 it is any time that they have an  
10 intersection where a traffic signal is  
11 warranted, they work with a roundabout unit  
12 and they look at that roundabout option.  
13 Sometimes they determine that a roundabout  
14 is a better option and they know that it's  
15 safer. Sometimes roundabouts don't work.

16 There are all sorts of volumes of  
17 traffic at the intersection and everything  
18 like that. We have pretty much done the same  
19 thing. A traffic signal can become an issue  
20 and that's the case here where it's close.  
21 The other side of roundabouts is that you  
22 don't need that issue to consider a  
23 roundabout. You can look at Canterbury.

24 The Canterbury subdivision has a  
25 roundabout on that road. That's the type of

1 roundabout that we're talking about, a mini  
2 roundabout. You don't need a traffic signal  
3 analysis for that roundabout. That could be  
4 triggered and there is no need to play off  
5 of a traffic signal warrant. So you could be  
6 close with a roundabout.

7 A traffic signal, to be quite honest,  
8 is a liability issue. Dave says that it is.  
9 We get pressure all the time for traffic  
10 signals. Some are close and people don't  
11 like it. The liability issue is that you put  
12 a traffic signal in where it's not warranted  
13 and you get a rear-ended accident where  
14 there is a casualty or something like that,  
15 the town has bought the farm. The statistics  
16 are going to tell you that you shouldn't  
17 have put that traffic signal in. So, we're  
18 very cautious on those things for all the  
19 right reasons, as the attorneys would tell  
20 us.

21 MS. VAIDA: There is probably enough  
22 data than in this report to justify a  
23 roundabout.

24 MR. JUKINS: Could be. The thing that  
25 we're dealing with is that we don't have the



1 real traffic counts on the impact of the  
2 developments.

3 Let's say that all of these  
4 subdivisions got approved. What we would  
5 have to do is systematically go through  
6 every year or two years or whatever it is  
7 and get the traffic counts because all of  
8 these warrants are based on volume and  
9 accidents.

10 MR. LANE: Sixteen warrants in the  
11 manual?

12 MR. MITCHELL: There are a bunch of  
13 different warrants. There is your basic  
14 warrant, peak hour warrants, four hour  
15 warrants, accident warrants and all sorts of  
16 different things that could trigger a  
17 traffic signal. Usually, the first one is  
18 volume. Most of them are based on volume,  
19 but you have to do an actual traffic count  
20 so you can't speculate because 250 vehicles  
21 could be 300 as we go out.

22 We're doing that at Consaul and  
23 Vanessa. We've done their warrant analysis  
24 there and they're not there yet. They're  
25 getting very close. My guess is that the

1 next time that we do one, which is going to  
2 be this year, they may warrant a traffic  
3 signal. If they do, we scurry to get it up.  
4 If it is warranted and it's not there, it  
5 becomes our liability also. You have to have  
6 actual data. You can't just go upon  
7 estimates. You've got to get the actual  
8 traffic data and we have the capabilities to  
9 do that.

10 MS. VAIDA: If it was determined that a  
11 roundabout would be a good idea or necessary  
12 for these developments, would that then be  
13 added into the mitigation cost because right  
14 now it's not factored in, correct?

15 MR. MITCHELL: Actually it is. Part of  
16 Dave's calculation is that there is an item  
17 for roundabouts. One of the subdivisions was  
18 like \$62,000. So there is a component for  
19 each of those that has the contribution for  
20 the roundabout.

21 MS. VAIDA: But on the roundabout, it  
22 mentioned that in order to come up with a  
23 more accurate cost, you'd have to have like  
24 some engineering studying done because there  
25 might not be enough space to do a

1 roundabout.

2 MR. MITCHELL: Yes, as we would get  
3 closer, we would bring in our traffic  
4 engineering. We have several that we use. We  
5 bring them in and then you start to get into  
6 the real detail as to the size of it, how  
7 would it fit and what impact it would have  
8 on some of these driveways. As Dave said, it  
9 looks like a mini roundabout would fit but  
10 you find that out and you may have to  
11 purchase some strip of right of way from  
12 somebody. That happened at Colonie Center  
13 but luckily the people that owned the  
14 property were Colonie Center. So, that was  
15 easy.

16 In the Boght area, you took the  
17 roundabout and you dropped it on an  
18 intersection and it fit perfect. You didn't  
19 need any property. But this one may be a  
20 little different. It may be a little tighter  
21 there. You may have to buy property. All  
22 that does is give you a willing participant,  
23 and it goes quickly. If you don't, it takes  
24 a little more time. We'd have to have an  
25 engineer lay that all out to know what we're

1 up against, primarily with a right of way  
2 because that can be a timely process. At the  
3 same time, that engineer would start to give  
4 us some estimates.

5 The single lane roundabouts that we've  
6 done in town are about one million dollars.  
7 As you see, Dave put in there \$700,000  
8 because this is smaller. It should be a  
9 little less expensive but that's independent  
10 of a right of way and we don't know that  
11 answer yet. We'd have to get the detail in  
12 there, so we'd have to get an engineer  
13 involved.

14 MS. VAIDA: Thank you.

15 CHAIRPERSON DONOVAN: Mike?

16 MR. SULLIVAN: Dave, I had a couple of  
17 questions for you. You mentioned earlier  
18 that the Vly Denison neighborhood had  
19 approximately 800 units estimated for full  
20 build-out?

21 MR. JUKINS: For the entire GEIS area.

22 MR. SULLIVAN: So what percentage would  
23 we be with these 250 trips? Are we around  
24 the 25%?

25 MR. JUKINS: I don't have the numbers

1 in front of me.

2 MR. SULLIVAN: I don't need it exactly.

3 MR. JUKINS: It's about 25% of the  
4 total residential piece of the GEIS. I know  
5 that we've had disagreements on how we count  
6 this. Wally and I have had discussions  
7 awhile ago whether we should include  
8 Beltrone's apartment living space as  
9 residential or institutional and commercial.  
10 We included them as commercial. In looking  
11 at purely condominium/town home/single  
12 family residence, full development of these  
13 three subdivisions would still bring us  
14 below the 800 estimated value of that GEIS  
15 forecast.

16 MR. SULLIVAN: But that 800 would be  
17 the full build-out.

18 MR. JUKINS: I know that this is  
19 confusing because we have changed things so  
20 many times through the forecasting process  
21 but the 25% full build-out for residential  
22 for the GIS area totals to about 800 or so  
23 units. So, that's about one-quarter of that  
24 total value just in the neighborhood. That's  
25 about 800 trips over about 12,000 trips in

1           the entire GEIS area. So residential  
2           development and traffic generation was a  
3           very small piece of the entire GEIS itself.

4           MR. SULLIVAN: The projected level of  
5           service for two of the intersections, the  
6           Vly Road and New Karner and then the Vly  
7           Road and Route 7 - both of those have  
8           certain turning movements which are  
9           projected to be a level of service E. You  
10          had mentioned that is acceptable. Could you  
11          expand on that a bit? Level of service F  
12          would be the worst and unacceptable. But is  
13          it standard practice to have a level of  
14          service E on certain movements?

15          MR. JUKINS: Yes, it is. In fact, level  
16          of service F sometimes is okay, as well. As  
17          transportation professionals, DOT and  
18          developers really need to step back and look  
19          at what our standard is. When you're talking  
20          about these level of service values, we're  
21          talking about the peak hour of day. Sometime  
22          you have to scratch your head and say, wait  
23          a minute. Are we going to build out an  
24          intersection as much as we can or widen a  
25          highway or roadway as much as we can to

1 provide a level of service C or B or A for  
2 all the approaches for 30 years into the  
3 future? When you think about what that would  
4 cost us, it would be prohibited. We couldn't  
5 do it. So, we have to step back and say, all  
6 right, there are going to be times when a  
7 movement or a couple of movements operate  
8 not so good or poorly. For a very small  
9 period of the day, is that such a sacrifice?  
10 When the alternative is to spend a lot of  
11 money to build these things out, it's a self  
12 fulfilling prophecy that traffic is going to  
13 come anyway. If we build toward the  
14 Northway, it will fill up the day after it's  
15 opened. So it becomes an issue of standard.  
16 We're willing to accept a not so good level  
17 of service for a movement or two, or even  
18 for an intersection if we know that it's a  
19 short time.

20 If it were a major roadway like  
21 Balltown Road, that traffic is up at the  
22 threshold pretty much for the full day from  
23 7 in the morning until 7 at night. There is  
24 a question of what kind of level of service  
25 you provide for the full 12 hours of the

1 day. So this is what we mean by trading it  
2 off a little bit.

3 The other aspect of that too, Michael,  
4 is that some of that can be mitigated. We  
5 make specific choices to create that poor  
6 level of service on that approach sometimes  
7 because if the heavy flow on Route 7 is a  
8 through mode, we want to give as much time  
9 to through traffic as we can. So, turn  
10 movements will suffer somewhat and we're  
11 willing to accept it.

12 MR. SULLIVAN: Well on some of them it  
13 is a through movement.

14 MR. JUKINS: The signals on Route 7  
15 from Vly Road through Albany-Shaker Road are  
16 now coordinated. They're coordinated to give  
17 preference to a certain movement. Turn  
18 movements end. Some through movements may be  
19 affected by it. That's the reason why. There  
20 are things that you can do. If you wanted to  
21 change a level of service on those  
22 approaches or that movement, you could do  
23 it, but you'd be changing green time  
24 allotment and so on. When you look at the  
25 numbers for the total intersection, what it



1           would tell you is that we're not using up  
2           all of the capacity. So, you may have a low  
3           level of poor service here or there but we  
4           can adjust that in some way if you wanted to  
5           get that level of service up to where it  
6           should be. However, it's going to affect  
7           some other things.

8           MR. SULLIVAN: Right, but at what point  
9           would we decide that it is warranted? It  
10          seems like there are levels of service E and  
11          there are others that are at D. At what  
12          point do we step in and say that the  
13          improvements are warranted and factor that  
14          into the mitigation fees? My concern is that  
15          it's a residential area. So, yes, the peak  
16          hour does affect everyone going home  
17          everyday. It is an issue for those people  
18          that live there. So, I could say yes for  
19          turning movements if they're not dominating.  
20          I can understand that, but it seems like  
21          many of them are at E or D and it would be  
22          every day at the peak hour. I know that it's  
23          a hard question to answer but when do we  
24          step in?

25          MR. JUKINS: Yes, it's a hard question

1 to answer because it's not necessarily an  
2 objective answer here. It is somewhat  
3 subjective. It's what the community is  
4 willing to live with, in part. It's what we  
5 are willing to live with as a regional  
6 agency.

7 From a regional agency's perspective,  
8 we know that traffic is going to grow,  
9 whether it grows because of something that's  
10 happening in the Town of Colonie or  
11 something that is happening in the Town of  
12 Niskayuna or at the other end in Watervliet,  
13 Troy or wherever else; those intersections  
14 are going to be impacted.

15 So, operations are going to change, but  
16 in terms of controlling what we can here, it  
17 is more of a subjective thing. If the  
18 concern is you don't want to provide a level  
19 of service E for traffic turning onto Vly  
20 Road, or Birchwood and the only way to  
21 accomplish that may not be through a traffic  
22 improvement, it may be a land use decision.  
23 If that's no, then we cut it off right here  
24 and we can live with a level of service D.  
25 We don't want to have it get any worse. We

1 don't want it to go down any further than  
2 that. The only way to do that is to limit  
3 the number of left turns into these  
4 neighborhoods.

5 One way of doing that is to say, okay,  
6 get rid of the demand. There are no more  
7 houses and that's where the turns are.

8 MR. SULLIVAN: That's why I was  
9 wondering what percentage of this  
10 development is considered 25% build-out. Is  
11 it closer to 50 or 100 build-out for this  
12 localized area of the GEIS?

13 MR. JUKINS: For the localized, it's  
14 probably pretty close to what we estimated.  
15 I'm not an expert here but my understanding  
16 is that these three subdivisions - there is  
17 pretty much nothing left to develop in this  
18 area.

19 MR. SULLIVAN: I had one other  
20 question. Maybe I'm confused as to which  
21 direction that I'm traveling, but if I were  
22 entering the Vly/New Karner Road  
23 intersection - I'm on page 22 of the report.  
24 It's table 8. If I was traveling eastbound,  
25 coming from the golf course, trying to take

1 a left onto Vly Road, would that be  
2 considered a level of service B?

3 MR. JUKINS: That's right.

4 MR. SULLIVAN: With just my own seat of  
5 the pants evaluation, I found that's a very  
6 difficult turn to make at peak hour. I was  
7 wondering if I was reading that correctly.  
8 That would be a level of service B.

9 MR. JUKINS: You're reading that  
10 correctly.

11 How difficult?

12 MR. SULLIVAN: I've only done it a few  
13 times, but it seems like each time it's been  
14 a pain. I've been against the traffic. I  
15 believe that it's between 4 and 6 in the  
16 evening.

17 MR. JUKINS: There is not much of a  
18 queue waiting for the left turn and I don't  
19 think that there is a protected left arrow  
20 there. It's going to be difficult to make,  
21 but I think the argument is that the volume  
22 there is low.

23 MR. MITCHELL: Mike, just to add one  
24 thing: You mentioned Vly and Route 7. The  
25 GEIS document was available to DOT when they

1 reconstructed Route 7. When they did that  
2 reconstruction, they did reconstruct that  
3 intersection.

4 We had some lively discussions back  
5 then as to what they were going to do with  
6 Vly Road and of course, DOT has jurisdiction  
7 and we put in our two cents and it is what  
8 it is. Again, we're not sitting here  
9 thinking that DOT is going to come back next  
10 year and the year after, but we have highway  
11 safety committees, we have my office and we  
12 take suggestions and complaints from  
13 property owners and we contact DOT. We make  
14 the suggestions and we look at the signal  
15 timing and there is nothing that we can do.  
16 Again, it's their jurisdiction and we can't  
17 dictate what they do, but the point is that  
18 they had the benefit of this study. They  
19 were on the committees that were doing this  
20 so they know what the projections are. They  
21 have their limitations, but all of that was  
22 done prior to the Route 7 reconstruction  
23 which was 12 or 15 years ago. This document  
24 was done 18 or 19 years ago. They did make  
25 some improvements and some turning lanes.

1           Just recently when the British American  
2           Boulevard Extension came out to 7, the  
3           signals got coordinated. They would have to  
4           tell you how well that works. I trust that  
5           it works, but it certainly is better than it  
6           was.

7           MR. JUKINS: Putting aside the argument  
8           of living with a poor level of service or  
9           not and making that trade off, you're right.  
10          From the current conditions to full  
11          build-out of three subdivisions on Vly and  
12          Route 7, that left turn movement drops from  
13          a D to an E. That's what it looks like. You  
14          could look at that and look at these three  
15          subdivisions and ask the question: Can that  
16          be improved somewhat through signal time? A  
17          consultant developer can be asked to work  
18          with DOT to work that out. That's the best  
19          that I can offer.

20          MR. SULLIVAN: Thank you.

21          I have no further questions.

22          CHAIRPERSON DONOVAN: Tom?

23          MR. NARDACCI: Just two things. One is  
24          a statement and I think that Bob, what you  
25          mentioned was very helpful with regards to

1 mitigation and improvements in relation to  
2 commercial versus residential. Not so much  
3 for this area but for what we have been  
4 talking about in the Boght.

5 One of the questions that I have is: At  
6 what point do these improvements get made?  
7 Commercial development is going to be built  
8 quick. If it's a big box store, you're going  
9 to have the traffic immediately. When do  
10 these improvements kick in? I think that's  
11 helpful for us to have an understanding of  
12 what you think and what the needs are and  
13 when those projects have to happen.

14 It's nice to sit next to someone who  
15 understands traffic because I get the  
16 benefit of hearing his questions.

17 I had a general question about level of  
18 service because the definition of level of  
19 service seems to depend on who is the  
20 presenter sometimes. Is it the engineer? Is  
21 it the private developer? F might not be so  
22 bad. When there are levels A through F and  
23 to hear and understand that level of service  
24 F in the terms that you just explained, it's  
25 never explained that way. Maybe it's just at

1 peak time. Does a mechanism kick in if it's  
2 level of service F to study not only the  
3 peak but let's look at the whole day? It's  
4 more so for the Boght area where we have so  
5 many intersections that we're talking about  
6 level of service F; several intersections.  
7 So, the question that I have is: It's based  
8 on peak but do we study the rest of the day?  
9 How do we get beyond just the peak to say,  
10 it's too much? We're condemning this area. I  
11 use condemn on purpose. Look, we have a  
12 chance to do things right and if we don't do  
13 it right, it will never change and it will  
14 always be F.

15 MR. JUKINS: It's difficult to look at  
16 every hour of the day. CDTC has to be  
17 consistent the way that they look at things.  
18 So, when we say that the level of service F  
19 or E is okay in some instances, we have a  
20 reason for that. We're often faced with the  
21 design guys looking to build a new highway  
22 or reconstruct a highway that encroaches on  
23 a community or may destroy farmland or  
24 whatever it is to get you that level of  
25 service C for that peak hour 30 years from



1           now. We would argue, when? Maybe that's not  
2           what we ought to shoot for. Maybe given all  
3           the activity around here, levels of service  
4           D or even E is okay. Who knows what's going  
5           to happen in 30 years from now? Let someone  
6           else worry about that at that time. We can  
7           do a risk assessment and figure out what are  
8           the chances of that happening.

9                        So, when we say level of service, we  
10           have to be fair on the development side too.  
11           You're going from C to E. You've got to fix  
12           it, within reason. You can make a simple fix  
13           but we also don't want a developer going in  
14           and winding an intersection out to a maximum  
15           number of lanes on the edge, or the fringe,  
16           or a residential neighborhood because then  
17           it becomes difficult for people across the  
18           street to get to the grocery store or  
19           whatever else is in that neighborhood, if we  
20           want them to walk. I think that we do.  
21           That's one of our principals.

22                        To get to your other question here  
23           about looking at these intersections or  
24           segments: This is an example on page 12 and  
25           13 where we have created a profile over the

1 entire day. We have done this for the  
2 Route 7 corridor study as well and we show  
3 how things are working from 6 in the morning  
4 to 6 at night, or whatever it is. The idea  
5 here is that of course the peaking is in the  
6 peak hours and we have done the analysis for  
7 those time periods. We know if things are  
8 working well or things aren't working well.  
9 Everything else is well below that peak.  
10 Chances are under those traffic conditions  
11 things are going to work well and much  
12 better than at peak hour.

13 If all these bars, like on  
14 Balltown Road, are close to the top, then  
15 it's terrible in the peak hour and it's  
16 going to be terrible at 2 in the afternoon  
17 or 10 in the morning. So, it's fair to look  
18 at not accepting a level of service E or F  
19 or 20 minutes of the day or one hour of the  
20 day. So, we kind of do that by this type of  
21 analysis. There are thresholds related to  
22 widen or things like that. So, this is one  
23 way of doing it.

24 MR. NARDACCI: It's very helpful  
25 because this looks at throughout the day.

1           You said if there are bars across the top  
2           then we have to give some more thought to:  
3           Is that acceptable and can we live with  
4           that; especially in a commercial area?

5           MR. MITCHELL: Dave has been involved  
6           with the same project. We had CDTC reps on  
7           the committee. I think that the last one was  
8           the Albany-Shaker Road reconstruction.  
9           Usually any of those types of projects, from  
10          what I'm familiar with, look at more than  
11          the peak hours. They have to. The timing of  
12          the signals are all computerized and it's  
13          got to be different in the a.m. and p.m.

14          Take Route 7 and Vly Road. You're going  
15          westbound on Route 7 and you're going to  
16          take a left onto Vly. Certainly there is  
17          more green time on that arrow in the p.m.  
18          peak than there is in the a.m. Once they get  
19          into the improvements, my understanding is  
20          that most of them are state and county  
21          roads. Most of the improvements that have  
22          been done in the airport area are not town  
23          roads. They're state and county roads.  
24          Probably one of our only ones is Wade Road  
25          Extension. We're extensively working with

1 DOT on traffic signal timing and it wasn't  
2 just for the p.m. peak. You'd have to look  
3 at all of it because Albany-Shaker Road is  
4 dramatically different with the way that  
5 traffic is going in the a.m. and the p.m.  
6 and they have to look at those implications  
7 and have all of those statistics.

8 When you get down to the detail these  
9 studies deal with p.m. but when you get down  
10 to the detail, I think that they look at the  
11 a.m., p.m. and not usually noon.

12 Dave, correct me if I'm wrong but  
13 noontime doesn't seem to be a big issue but  
14 certainly the Wolf Road area is different in  
15 the a.m. and in the p.m.

16 MR. NARDACCI: Thank you.

17 CHAIRPERSON DONOVAN: Anyone else from  
18 the board?

19 John, I was wondering if you could give  
20 the board a brief overview of the stormwater  
21 issues in this area, if there are any. Maybe  
22 you could give us just a brief overview of  
23 what you do as a stormwater coordinator for  
24 the town. The board can ask questions.

25 MR. DZIALO: I am John Dzialo. I'm the

1 Town of Colonie's Stormwater Management  
2 Coordinator. We have a permit from DEC to  
3 regulate water quality and quantity and we  
4 review plans to make sure that they conform  
5 with construction activity. There is a whole  
6 number of criteria requirements that go with  
7 the permit. I won't spend a long time on  
8 that, but that's basically what we do. We  
9 make sure that we comply with our permit  
10 with DEC for construction and post  
11 construction activity.

12 CHAIRPERSON DONOVAN: John, isn't this  
13 the new SWPPP requirements and stormwater  
14 requirements that have been placed on  
15 municipalities by the state? Is that  
16 correct?

17 MR. DZIALO: That's correct. They all  
18 derive from the Clean Water Act in '87, I  
19 believe. That started the Phase I program  
20 which was basically in New York State.  
21 Phase II, which was when we got pulled into  
22 it, was in 2003. So that's when we had to  
23 get our program going and there was a little  
24 bit of a grace period to set up the program  
25 to get it to all aspects, but that grace

1 period is over. They give us a five year  
2 implementation period and we're there. We're  
3 not 100% but basically we're up and running  
4 and we do try to tackle all aspects.

5 CHAIRPERSON DONOVAN: Whether it be a  
6 residential subdivision or any new  
7 commercial site, you now have to make  
8 certain that stormwater run-off and drainage  
9 complies to the state requirements; is that  
10 correct?

11 MR. DZIALO: That's correct. Like I  
12 said, it was from the EPA and the DEC and  
13 DEC really handed it down to the local  
14 municipalities. I have a good working  
15 relationship with DEC in this region and  
16 many readily admit the amount of work that's  
17 done at the local level as it goes to the  
18 state level - that it's all thrown on our  
19 shoulders.

20 CHAIRPERSON DONOVAN: So before any  
21 projects can go forth, we as a board often  
22 see when we get our packets of materials  
23 the sign-off that stormwater is okayed by  
24 your department. Sometimes we have questions  
25 and what all this means.

1                   Now, unless you have something else to  
2                   say, I'm going to let the board ask  
3                   questions.

4                   MR. DZIALO: No. Again, were driven by  
5                   the Phase II regulations. We have radically  
6                   amped up the requirements for stormwater  
7                   management and we basically make sure that  
8                   the project that comes before us comply with  
9                   those regulations.

10                  CHAIRPERSON DONOVAN: Tom, you want to  
11                  start?

12                  MR. NARDACCI: John, I have a quick  
13                  question. We see the reviews and we look  
14                  over new developments. How do you take into  
15                  account existing developments? Are they  
16                  regulated? Older subdivisions and things  
17                  like that maybe didn't have to go through  
18                  this process.

19                  MR. DZIALO: As far as retrofitting  
20                  maybe?

21                  MR. NARDACCI: When you look at a new  
22                  subdivision development, you're looking at  
23                  the whole area, right?

24                  MR. DZIALO: Absolutely.

25                  MR. NARDACCI: So the other older

1 subdivisions that didn't have to comply with  
2 these new stormwater regulations are taken  
3 into account?

4 MR. DZIALO: Well, we know where our  
5 areas of flooding are. Sometimes there is  
6 confusion between drainage and stormwater  
7 management. They are slightly different.  
8 They overlap a little, but certainly I'm  
9 well aware of our area of flooding and when  
10 we have frequent over spilling of the banks  
11 or roadways.

12 As you all know, we have TDEs in place  
13 and they're doing supplemental reviews. We  
14 had a meeting to try to come up with areas  
15 that we have issues and that we may require  
16 future development. So, we try to take maybe  
17 a bad situation and try to make it better.

18 As far as going back in existing  
19 neighborhoods, our intent is that when we do  
20 rebuild and we do sometimes have to rebuild  
21 these detention areas that weren't put in to  
22 these standards, we intend to make every  
23 effort to retrofit them and bring them up to  
24 today's standards. It's not a requirement.  
25 DEC likes to see it and they encourage it,



1 but we know where the flood is and we try to  
2 address those areas.

3 MR. NARDACCI: Do you have a good  
4 example of a project, something that you're  
5 working on now or that you've worked on that  
6 is in a situation like that? Somewhere it's  
7 a problem area in the town and you know of  
8 it and you're trying to address it even  
9 though it's not part of a new development?

10 MR. DZIALO: Well, we do drainage  
11 projects every year as much as our budget  
12 will allow. One of the success stories is  
13 the Manville area. We have frequent flooding  
14 down there. We were taking people out in  
15 boats in some of the more severe storms. Bob  
16 could probably tell you the numbers but we  
17 spent over the course of five, six or seven  
18 years close to a million dollars.

19 MR. MITCHELL: It was well over that.  
20 We were spending about three-quarters of a  
21 million dollars a year on drainage. The  
22 quick answer is that we haven't been going  
23 back in and retrofitting our detention  
24 basins.

25 MR. NARDACCI: It's not feasible to do

1           them all but I'm just wondering.

2           MR. MITCHELL: That's part of the issue  
3           with the stormwater regs. It gets handed  
4           down. I told the Planning Board when we knew  
5           that this was coming, hold on to your hats  
6           because everyone used to complain about the  
7           reviews and stuff like that. I said the  
8           stormwater is going to change the world and  
9           nobody would believe me. It's the toughest  
10          review of all because it was new to  
11          everybody; the consultants also.

12          To be honest, there wasn't a lot of  
13          guidance coming out of the DEC specifically.  
14          Everybody had to try to figure out their own  
15          situation. They were still writing a lot of  
16          this stuff. When it was turned over to us,  
17          they were still writing all the rules and  
18          deregulations. It's hard to figure out what  
19          to do when you don't have a piece of paper  
20          in front of you, but eventually it caught up  
21          and the training got better and we're all  
22          getting there.

23          The consultant industry is getting  
24          there. Contractors struggle with it. I think  
25          that John can tell you that some of the easy

1 parts are the reviews. I think the more  
2 difficult is the construction or post  
3 construction because there are some big  
4 issues out there.

5 You get these guys dragging mud down  
6 Route 7 or in some of these neighborhoods  
7 and that's a violation. We get criticized  
8 for sending letters to people. John goes on  
9 the sites and oh, well, that's a violation  
10 now. We're not fining people but we could.  
11 We have, but it's really the construction  
12 and the post construction stuff that's more  
13 problematic than the reviews.

14 It got to a point where there is a  
15 bluebook. That's what they call it. It's  
16 kind of a bible and everybody has it. It  
17 just tells you what to do and what not to  
18 do. There are options based on soils and  
19 things like that. I would say that probably  
20 75% of the work is done out in the field.  
21 We're the compliance officers. We're going  
22 to be audited by the EPA probably this year  
23 or next year and if we don't have our act  
24 together, we're in trouble. That's the  
25 reality of it. So, we're trying to stay in

1 compliance because if we're not, they're on  
2 us.

3 CHAIRPERSON DONOVAN: Bob, here is an  
4 issue that we face sometimes when we hear  
5 new projects come in front of the board.

6 Somebody will come in and they will  
7 have gotten your approval and they'll be  
8 ready to go. Existing conditions in the  
9 neighborhood can sometimes not be the best  
10 because the prior stormwater didn't have to  
11 be addressed before this. What should be  
12 done in those situations when a new project  
13 is coming in front of us and neighbors come  
14 to us and they complain about existing  
15 conditions? Does the town have any resources  
16 to go in there and make changes to problem  
17 areas that were caused by previous  
18 development or previous highway or grading  
19 issues?

20 MR. MITCHELL: First of all we have to  
21 be aware of it. So if someone comes to a  
22 Planning Board meeting and complains about  
23 something then someone from the Planning  
24 Department has to get that message to us.

25 MR. NARDACCI: And we just went through

1           that with Parkside.

2           MR. MITCHELL: If we don't get the  
3           issue, we can't take care of it. If we're  
4           aware of something that has to be done, it  
5           will go on our list. Unfortunately, that's  
6           like our paving list. There is just not  
7           enough money to support it. So, if he has it  
8           up there, he prioritizes it.

9           MR. O'ROUKRE: But you just hit that on  
10          the head. There is not enough money to  
11          support but yet there is nothing in the  
12          mitigating fees for residential development.  
13          There is no separation between residential  
14          and commercial construction.

15          MR. MITCHELL: C.J., the developer has  
16          to address whatever issues that they are  
17          creating. The developer is not required to  
18          mitigate the existing; that's us. If a  
19          subdivision was built 20 years ago and there  
20          is a problem, that's DPW's problem. You  
21          can't throw that on a developer. A developer  
22          is not responsible for maintenance; we are.  
23          The developer is responsible for building  
24          something in compliance and once the build  
25          is it in compliance and we accept it, it's

1           ours.

2                   MR. NARDACCI: It's like building a new  
3 road in a development and turning it over to  
4 the town.

5                   MR. MITCHELL: Unless there ends up to  
6 be some major design flaw and we could have  
7 recourse with the developer. Once the  
8 Planning Board approves it and we go through  
9 the construction and have it inspected and  
10 it's all great, we accept it. It's ours. Our  
11 operating budget covers our general  
12 maintenance, but sometimes in the budget  
13 year you don't know about something that's  
14 going to crop up. We have one or two issues  
15 pop up every year and we don't have a clue  
16 as to what's going to happen. Knowing is the  
17 easy stuff to deal with. There are a lot of  
18 unknowns out there.

19                   We had two collapses in the system last  
20 year and it cost us \$150,000 a piece and we  
21 only had \$300,000 in the entire budget. So,  
22 that's an example that you don't have the  
23 resources all the time. Then again, thinking  
24 that the Town Board is going to approve us  
25 \$800,000 in our budget - it's not going to

1           happen. Right now it's not going to happen  
2           unless they want to borrow some money for  
3           us. We have a list of probably 25 or 30  
4           projects throughout the town to deal with  
5           and that list will grow this year. We know  
6           that it will. We know that something is  
7           going to show up. We just hope that it's not  
8           a \$300,000 issue. We have a lot of 10, 15  
9           and \$20,000 issues and then we have the  
10          \$100,000. It's our maintenance and it's our  
11          budget and the developer doesn't cause it.  
12          They have to come into compliance. Once they  
13          walk away and we accept it, it's ours.

14                   CHAIRPERSON DONOVAN: So anything that  
15          comes up as a result - obviously the  
16          Planning Department should send it to you.

17                   MR. MITCHELL: Absolutely, but with  
18          stormwater, as John can tell you, we don't  
19          accept the stormwater management systems.

20                   These subdivisions all have the  
21          stormwater management systems. We don't  
22          accept those systems. We have a stormwater  
23          agreement with the developer. What that says  
24          is that until every house is built, until  
25          every lawn is green and until they go in and

1 TDE the storm sewers and look at the  
2 detention areas and work with John's  
3 stormwater office - and if they have to  
4 clean the system, if they have to rebuild  
5 this or that, we don't take it over until  
6 it's 100% acceptable. So, if you build one  
7 of these subdivisions it's probably going to  
8 be four, five or six years out before the  
9 maintenance is ours. They have to maintain  
10 it until that point. There is an agreement  
11 that goes through the Town Attorney's office  
12 and through the Town Board that the  
13 developer agrees to do that.

14 MR. O'ROURKE: See, I've been on the  
15 board one full year and I've never heard  
16 that since I've been on this board.

17 MR. MITCHELL: Really?

18 MR. O'ROURKE: Really. I'd be very  
19 interested in seeing somebody that - - if  
20 there is anyway with Parkside where they  
21 stuck that four-foot culvert out the side of  
22 the hill and then said, whoa, why is silt  
23 down at the bottom? I mean, if there were  
24 recourse in that -

25 MR. MITCHELL: Well, there is. John is



1 working on that.

2 MR. DZIALO: At least once a week and  
3 usually twice a week, we're getting the  
4 developers to clean up any damage caused  
5 during construction. We've stopped  
6 construction regularly and fine a few  
7 people. Generally speaking we're pointing  
8 out the deficiencies and getting them to  
9 clean them up. That happens on a regular  
10 basis.

11 MR. MITCHELL: We fine five people or  
12 so \$5,000 a piece. We try to tell people  
13 that the program is not about fining people.  
14 The program is about trying to get them to  
15 comply. I mean, we could be much more  
16 aggressive. If we were much more aggressive,  
17 we could have fined 100 people. A lot of  
18 them wouldn't pay the fine and said instead  
19 of paying the fine, we'll do the work. So,  
20 what we're trying to do is get compliance  
21 and all I can tell you is that it's getting  
22 better. People are realizing that it's not  
23 just a joke. It's not something that's just  
24 going to come and go.

25 CHAIRPERSON DONOVAN: How many

1           detention basins and retention basins in  
2           stormwater do you oversee? Do you have a  
3           plan where you go out and you inspect all of  
4           them? There has got to be tens of thousands.  
5           How many are out there?

6                   MR. MITCHELL: There are several  
7           hundred. It's not tens of thousands. We have  
8           very few of the new ones that have been  
9           built. Probably right about now I don't  
10          believe we're maintaining any of those  
11          because they're under the agreement because  
12          the subdivisions aren't built out yet. So,  
13          if you take a subdivision that was approved  
14          five years ago, my guess is that most of  
15          those - say if there are 40 or 50 a lot that  
16          are not built-out yet and the lawns aren't  
17          green, you can still be three years out.  
18          We've told the Town Board our biggest fear  
19          is that when they are all ours and then we  
20          have to develop a program. That's what  
21          you're saying. Systematically having time  
22          frames, and there are set time frames, I  
23          believe, even in the regulations that you  
24          have to go in and monitor these things.

25                   We're not even getting into elicit

1 discharges. There is a whole separate  
2 program for elicited discharges that we  
3 haven't even gotten into yet where we have  
4 to test everything and do chemical tests on  
5 it.

6 If you find some particular chemical,  
7 you have to back track and find where it's  
8 coming from. We haven't even gotten there  
9 yet and that's part of the program that I  
10 guess we're not being pressured on too much  
11 right now, but that's going to kick in too.  
12 This is millions of dollars down the road.  
13 Certainly, I won't be around. I'll be  
14 living, hopefully.

15 But somebody is eventually going to  
16 walk in and there's going to be hundreds of  
17 these very sophisticated facilities and  
18 they're going to require maintenance and  
19 it's going to cost a fortune. It's all been  
20 handed down to us. We're just trying to  
21 prepare people for the future that it's not  
22 going away.

23 Tom, I'm sorry. Did you have more?

24 MR. NARDACCI: No, that's it. I  
25 appreciate that. It's just one of those

1 issues that as we go to planning conferences  
2 and we do our continuing education, it's a  
3 big issue that they put in front of us. I  
4 think that as a board, we have done our best  
5 to try to understand it and try to make sure  
6 that we're paying attention to your memos.  
7 If you send us something that says, look,  
8 you're not in compliance, you need to keep  
9 talking. I think that we're pretty good at  
10 putting the brakes on, but I think that it's  
11 important how big it is. It's important for  
12 us to understand what it all means. Five  
13 years from now, we're going to have a plan  
14 where we're going to have employees and  
15 trained professionals.

16 The other comment that I wanted to make  
17 is that hopefully B & L has been helpful as  
18 town designated engineers with you guys and  
19 they have some stormwater expertise.

20 MR. MITCHELL: John and I have been  
21 meeting with them and contrary to many, we  
22 are on the same page. We have met with them  
23 and there are no disputes. There are some  
24 things in the regulations where they have a  
25 little bit of wiggle room. We just recently

1 met with them because we all want to be on  
2 the same page. We don't want to go through  
3 any process where we're butting heads. That  
4 hasn't happened. We're not going to let it  
5 happen. We have to get together because even  
6 Clough Harbour and B & L have to be on the  
7 same page. Everybody has to be on the same  
8 page.

9 We had a very good meeting with them  
10 just last week and we're moving forward and  
11 we also had DEC there. They also were able  
12 to talk with them. Again, that has to  
13 happen. It's a tough task. Our whole  
14 Stormwater Management Department is three  
15 people. That's going to change. It's going  
16 to have to change.

17 MR. NARDACCI: Well, as you said, it's  
18 a new reality.

19 MR. MITCHELL: We have 57 square miles  
20 and three people are supposed to cover it.  
21 We'll get there. It's not just us.

22 Some municipalities have unfortunately  
23 disregarded them and are now trying to catch  
24 up on them now. We're pretty proud of the  
25 fact that we're ahead of most of the

1 municipalities.

2 We have a coalition from the county.  
3 It's tremendous and it helps us with the  
4 public relations part of it. There is going  
5 to be more efforts in public relations and  
6 getting into the schools with the kids.  
7 That's where you start. You've got to get  
8 into schools and there are programs. John is  
9 working with the coalition and they're going  
10 to go ahead and start the programs with the  
11 schools. We'll feed over to the Planning  
12 Department, to Jean, different conferences  
13 and stuff like that which the Planning Board  
14 members should consider. If you're lucky  
15 enough a lot of them are free to the  
16 coalition. It might cost \$100 for some  
17 people and we get them free.

18 CHAIRPERSON DONOVAN: I've asked for a  
19 list of them, Bob, because there are some  
20 members here that would like to go.

21 MR. MITCHELL: Our guys have been  
22 getting trained for five years. We'd like to  
23 get Planning Board and Town Board members to  
24 some of these. These kind of really tell you  
25 what the big picture is out there. And it is

1           about clean water. It's not as much about  
2           volume and stuff as it is cleaning up the  
3           streams.

4           MR. NARDACCI: I've heard from mayors  
5           from other municipalities. Mayor Manning and  
6           Mayor McDonald are concerned. They want to  
7           pay attention to what's happening in  
8           Colonie. They want to be tuned in to what's  
9           happening. Now we have some issues in  
10          Menands too. So I think that communication  
11          is very important.

12          CHAIRPERSON DONOVAN: Mike?

13          MR. SULLIVAN: I had one question for  
14          John. Two of the subdivisions, Ridgewood and  
15          Forest Hills were previously before the  
16          board for concept acceptance. One was  
17          probably some time ago, like back in 2002.  
18          Have they been updated to current standards  
19          for the stormwater management plans?

20          MR. DZIALO: They have. We really don't  
21          have an option for that. We don't have a  
22          grandfather clause. So, if they're still in  
23          the review process, we absolutely bring them  
24          up to date in the standards. DEC has even  
25          gone a step further where they show up to a

1 subdivision. They did that up at the north  
2 end of town. They basically only had a  
3 couple of houses left and they had to  
4 retrofit after the subdivision was basically  
5 built-out. We don't take that stand but if  
6 they're in the review process, absolutely.

7 MS. VAIDA: I don't know if this is a  
8 stupid question, but I'll ask it anyway.

9 The future costs of maintaining and  
10 complying with the environmental laws of the  
11 stormwater - is that something that can be  
12 drafted into a GEIS as a future cost, like  
13 an impact so that it could part of the  
14 mitigation fees?

15 MR. MITCHELL: The GEIS does not allow  
16 you to charge anybody for maintenance. The  
17 costs that are going to hit us that are  
18 going to be exhorbant that are down the road  
19 are maintenance. That system of GEIS allows  
20 you to collect for capital improvements but  
21 it does not allow you to charge anybody for  
22 maintenance. We can't charge anybody for us  
23 following the rules. That system does not  
24 allow that.

25 MS. VAIDA: But in order to comply with



1 the law, there are all these new procedures  
2 that have to take place like inspections,  
3 whether they're yearly or bi-annually.  
4 You're going to need more people.

5 MR. MITCHELL: No, but that's a  
6 budgetary issue and you would put that stuff  
7 into the operating cost for the Division of  
8 Highway. If you need three more people, you  
9 have to go to the Town Board and get  
10 approval for those three more people. There  
11 is not a mechanism to tell you that you have  
12 to hire a person. We have to look at it as a  
13 town wide issue.

14 Our guess is that down the line when  
15 this thing is big that we're probably going  
16 to have a contract and we'll probably have  
17 to farm this out. The state of most towns is  
18 that they are not hiring. So more than  
19 likely my guess would be about 10 years down  
20 the line they're going to farm it out and  
21 have contractors have an agreement with the  
22 town that are going to be responsible  
23 systematically and go in and check these  
24 things. I don't see that in the near future  
25 that they're going to start hiring a lot of

1 employees. You see most people scaling down  
2 and not scaling up.

3 CHAIRPERSON DONOVAN: You only have a  
4 certain tax base in the town and there's  
5 only a certain amount that you can do.

6 MR. MITCHELL: It's the same issue with  
7 paving. An extra half million dollars in  
8 paving would have a major impact. It's a  
9 difficult balance. We have 1.5 million  
10 dollars in our paving budget and we have  
11 7.5 million dollars in roads that we should  
12 pave. That's just the reality of it.

13 CHAIRPERSON DONOVAN: Elena, anything  
14 else?

15 MS. VAIDA: No, thank you.

16 CHAIRPERSON DONOVAN: C.J.?

17 MR. O'ROURKE: I hope that we don't  
18 take any more stimulus funds. That's my  
19 kids' money.

20 What is the budget? You have a separate  
21 budget, John?

22 MR. DZIALO: We are a line item in the  
23 highway budget.

24 MR. O'ROURKE: What is your line item  
25 for 2009? I won't hold you to it.

1                   MR. DZIALO: I'm going to guess that  
2                   it's about \$250,000. We have three  
3                   personnel. We have probably about a little  
4                   bit of money in there if we need a  
5                   consultant to help us out. That's another  
6                   \$25,000. I think it's about a quarter of a  
7                   million, C.J. That covers all the personnel  
8                   services and the benefits for the three  
9                   positions and it's not very big, but that's  
10                  the one that's going to grow. I think that  
11                  we have some stuff in there in case there is  
12                  some capital improvements we have to make.

13                 MR. O'ROURKE: I'd like to make this  
14                 statement. I think that it's very important  
15                 that we as a town hold people accountable  
16                 for things that we as a town will own. So,  
17                 as I sit on this board and I've got a  
18                 project in front of me and I've got a memo  
19                 that says John Dzialo says that this is a  
20                 go, I got to take that because you're the  
21                 expert and say, hey, he knows. My difficulty  
22                 is that once the town owns this storm basin,  
23                 we own it and we maintain it and it becomes  
24                 part of our infrastructure. We haven't paid  
25                 for it. Somebody else has paid for it. How

1 do we ensure and hold someone accountable  
2 for these systems that we as a town are  
3 taking over? Not just storm sewers and  
4 roadways. At some point, these things have  
5 to be looked at and looked at appropriately.

6 As I said, I voted against Parkside.

7 The three things that residents want  
8 answer to is traffic, water problems,  
9 run-off problems, clean water problems, the  
10 pressure and the tanks in the way. You're  
11 handling and clean water problems. So, I  
12 think that it's very important as a board to  
13 see as these projects come to us, that there  
14 has to be some kind of accountability within  
15 the departments within the town. So, I'd  
16 like to hear you expound on that a little  
17 bit. I know that it's a tough thing because  
18 of 2003, but going forward how do we ensure  
19 that things like Dutch Meadows - - somebody  
20 takes a four-foot culvert and sticks it out  
21 the side of a hill and takes all the storm  
22 run-off and pumps it down kills Blane's Bay  
23 with sediment. How do we ensure that doesn't  
24 happen anymore?

25 MR. MITCHELL: Well the southern end of

1           it I can handle. We're very active on the  
2           construction phase. There is no doubt about  
3           that. Anyone that's doing work for the town  
4           can tell you that.

5                        As far as the design goes, there is a  
6           SWPPP acceptance form that I have to sign in  
7           order for any developer to get a permit with  
8           DEC to do site disturbance. There is a  
9           disclaimer in there that makes it very  
10          clear. There are not a lot of municipalities  
11          that are as up to speed as we are as with  
12          the review. There was a lot of concern that  
13          these municipalities were buying the  
14          accountability for the design. DEC made it  
15          very clear that wasn't good enough. They put  
16          a disclaimer in there and it says that we  
17          aren't certifying design. We're certifying  
18          that we reviewed it and that it complies  
19          with basically the design management. So if  
20          there is a flaw in the actual design, it's  
21          still going to go back on the design  
22          engineer. But as far as any blatant  
23          disregard for the regulations, that would  
24          definitely fall on us. That's what I'm  
25          responsible for.

1           MR. O'ROURKE: That's one of the things  
2           that I was getting at. Mr. Hershberg did it  
3           and I'll just use this development. I think  
4           that he did a Yeoman's job but nobody  
5           designed a system like that. So, I'm not the  
6           smartest guy in the world but I'm sitting  
7           here saying, okay, he's never designed this  
8           and he's pretty sure that it's going to  
9           work. But guess what? The town will own it  
10          by the time that we know whether it works or  
11          not. To me, something just doesn't seem  
12          right to me in that. You're saying that  
13          there is a disclaimer that holds those  
14          people accountable?

15                 Do you have any knowledge of this Pete?

16          MR. STUTO: He's saying once they hand  
17          the system over, that's the end of the line.

18          MR. MITCHELL: Again, that happens very  
19          late in the process.

20          MR. O'ROURKE: Well, we still must be  
21          able to go after Dutch Meadows.

22          MR. MITCHELL: I think that Dutch  
23          Meadows has been built-out for years.

24          MR. O'ROURKE: No. They did those last  
25          couple of houses up there and it was no more

1           than three -

2                   MR. MITCHELL: No, the subdivision and  
3           the detention basins - that whole system  
4           predated the program. If that didn't predate  
5           the program, than we could go back, but the  
6           issue would be the size of Parkside. Until  
7           it's built-out, until every lawn is in  
8           there, we monitor it. We make sure that they  
9           TD the system. They have to clean the  
10          system. They have to review the system and  
11          until that system is clean, and we know that  
12          whatever the practice is for stormwater;  
13          whether it's for volume or clean water, it's  
14          got to work. We don't accept it until it is.  
15          That's going to take years. Probably after  
16          they get their approval and they start  
17          building, your 6, 7, 8 years out. We don't  
18          take it over right away. We dedicate the  
19          streets. Every time we dedicate the streets  
20          with the Town Board, we don't take over the  
21          stormwater system at that point. So, when  
22          Parkside gets built - and it's not  
23          built-out. Let me say that there are 10  
24          homes there. That road may become dedicated,  
25          but we don't take over these systems. We

1           aren't going to take over these systems  
2           until probably for - - how many houses in  
3           Parkside?

4           MR. O'ROURKE:   There's 28 or 30. It was  
5           a two year build-out.

6           MR. MITCHELL:   Three years to build it  
7           out. During that three year period, they're  
8           going to have to clean the system and make  
9           sure that they're going to convince us that  
10          that thing is 100% fully taken over. Once we  
11          talk it over, it's ours.

12          MR. O'ROURKE:   How are we going to do  
13          that with three guys in this town?

14          MR. MITCHELL:   I have to bring you to  
15          my budget hearing.

16          MR. O'ROURKE:   John, we have surpluses  
17          in water. I'll spend some of your money for  
18          you, John. We know the areas of flooding in  
19          the town. How do we determine the causes?

20          You don't know how many people I hear  
21          say I never had water in my basement till  
22          they built that. The only thing that we're  
23          talking about tonight is that there is water  
24          out there. So, how do we tell these people  
25          that we're going to take care of that after?



1           Because it's great to hear Mr. Hershberg  
2           come up and say, we're not letting any more  
3           water off than 100 year storm. Yet everybody  
4           that I see comes in and says, that's good  
5           because I have water in my basement. I never  
6           had it before. How do we identify the causes  
7           of this?

8                     MR. MITCHELL: I don't know exactly  
9           what area you're talking about. Some of them  
10          may be in those areas where we have that  
11          list of 30 projects that we have to do and  
12          we haven't done them yet. We tried to work  
13          with the property owners that call and a lot  
14          of stuff that goes on there - at least we  
15          recognize that there is an issue.

16                    MR. O'ROURKE: Can we as a board get  
17          from something highlighted and say, hey  
18          these people have reported X amount of  
19          flooding, just so that we know? I don't know  
20          every area but it would be good to look at  
21          it so that when people come in and say, hey  
22          I have water in my basement and I never had  
23          it before -

24                    MR. DZAILO: It could be as simple as  
25          the perimeter drains.

1           MR. O'ROURKE: Again, I agree with you  
2 John. I'm not being facetious but it's  
3 happened how many times, Jean?

4           CHAIRPERSON DONOVAN: Yes.

5           MR. O'ROURKE: I've only been on the  
6 board a year so I don't think that somebody  
7 takes time out of their day to come here and  
8 sit before us and make something up. They're  
9 too busy.

10          MR. DZAILO: Well, they might have  
11 water in their basement where they didn't  
12 have it before, but it might not be an issue  
13 that's caused by the town main or a problem  
14 with our system.

15          MR. MITCHELL: If someone approaches  
16 us, we will investigate it. If there is  
17 something that is confusing for us, we'll  
18 bring in a consultant. We have TDEs now.  
19 Before, we always had consultants on  
20 retainer that would step in to help us. Some  
21 things are confusing to us too. Usually you  
22 find that root of the condition and it still  
23 may not involve us. It maybe something else  
24 in their own system but when things come to  
25 us, we have a responsibility to look at

1           them. Some of the issues, though, need  
2           improvement and don't happen right away. The  
3           simple things, we can take care of. Some of  
4           the other ones go on the list depending on  
5           what the cost is.

6                   CHAIRPERSON DONOVAN: When someone  
7           comes in with a plan for this area here  
8           (Indicating), you are aware then that there  
9           could be a problem in this area or that  
10          there is a problem in this area. It would  
11          help us if we knew that because then we  
12          could try to work more with the town.

13                   MR. MITCHELL: Did they do a flood plan  
14          report?

15                   MR. DZIALO: In the original report?  
16          Yes.

17                   MR. MITCHELL: We have a binder about  
18          that thick (Indicating) that Brad Grant did  
19          when he worked for Fraser for us because of  
20          the whole stormwater process. There is  
21          something about stressed areas and stuff for  
22          every watershed in the town. We've got that  
23          and John can refer to that or people can  
24          refer to that when were going into  
25          situations and the DCC meetings and stuff

1           like that. They would know that there are  
2           flood prone areas.

3                     Part of the difficulty is that you have  
4           to go back to the town standards. The  
5           initial standards are for 10-year storms. A  
6           10-year storm is a frequency. A 10-year  
7           storm is a hell of a storm. The problem is  
8           that the storm is supposed to happen once  
9           every ten years. We get about 10 a year. The  
10          100-year storm is supposed to happen once  
11          every 100 years. I think that we've had four  
12          of them in the last six years. All bets are  
13          off when that happens. The systems can't  
14          handle it and they're not designed to handle  
15          it. Unless you want to take a 12-inch pipe  
16          and spend the money to make a 42-inch pipe,  
17          you're not going to do that. Nobody does it.  
18          The state doesn't do it, the county doesn't  
19          do it and the towns don't do it because it's  
20          cost prohibitive. You go to your standards.

21                     If you get a storm that in theory is a  
22          20-year storm, you're going to have flooding  
23          everyplace. If you have a 100-year storm or  
24          a 50 year storm, you're going to be down in  
25          Mannsville taking people out in boats like

1 we did back in the late 90's. So, that's the  
2 other part of it, C.J. You do have the  
3 standards and somewhere along the line  
4 somebody is going to have to change those  
5 standards because these 50-year storms don't  
6 happen once every 50 years anymore. They're  
7 happening more frequently and that's been  
8 part of the problem.

9 So, that might drive us in the future  
10 to change the standards for 25-year storms  
11 for piping or with 100-year storm on the  
12 basins so the detention basins are designed  
13 for 100-year storms. It needs to be 25 and  
14 the new regs said 100. There are not any  
15 municipalities that I'm aware of that really  
16 change a lot of those regulations on the  
17 pipe. Maybe that's going to happen some day.

18 CHAIRPERSON DONOVAN: Is the change in  
19 regulation on a local level in which that  
20 gets done? Is that dictated by the state?

21 MR. DZAILO: The state tells us that we  
22 can't be any more restrictive.

23 CHAIRPERSON DONOVAN: But we could  
24 become more?

25 MR. MITCHELL: Oh, yes. If it was that

1           easy then everybody would be doing it. It  
2           doesn't mean that some of the designs aren't  
3           over designed and they may have over  
4           designed it a little bit. You can get  
5           50-year storms in certain areas of town and  
6           they're functioning fine. That flood prone  
7           area - as soon as we know that there is a  
8           big storm coming, we get the guys ready with  
9           barricades to shut down areas on the west  
10          end of town around Lishakill because  
11          Lishakill is going to overflow and all these  
12          streets are going to flood. We're prepared  
13          for that and we know what's going to happen  
14          because we know that we've got a tropical  
15          storm coming. So, standards complicate  
16          things too.

17                 Every year the groundwater is  
18                 different. I mean some people have said,  
19                 I've never had water and we can say well,  
20                 you can look at the rain statistics and the  
21                 groundwater has never been that high in the  
22                 town. So a lot of people whose sump pump  
23                 never went out - now their sump pump is  
24                 cranking away. That's what happens.

25                 This town is so different from one end

1 of the town to the other end of the town.  
2 With Lishakill you have all sand and then  
3 you have clay, then you've got rock; it's  
4 just different everywhere.

5 MR. O'ROURKE: So to answer my  
6 question, though, we don't actually go out  
7 and determine causes of flooding.

8 MR. DZAILO: No, we do. The short  
9 answer is that I have a rainy day list. In  
10 fact I was just reminded of one of these  
11 sites today by a resident. When it rains, we  
12 hit the road. We go in three different  
13 directions and we investigate the  
14 complaints.

15 MR. O'ROURKE: So we should be able to  
16 get a list.

17 CHAIRPERSON DONOVAN: Or at least it  
18 will help as we get these projects in front  
19 of us.

20 MR. MITCHELL: I can give you areas,  
21 for sure.

22 MR. LANE: Yes, if it can be noted on a  
23 memo or something.

24 MR. MITCHELL: Sure. We can include  
25 that in our DCC comments.

1           MR. LANE: Even if the development is  
2 nearby to an area that does tend to have  
3 issues, it would be well noted.

4           MR. NARDACCI: I think that would be a  
5 helpful comment. Particularly if you know  
6 that it's an area of trouble.

7           CHAIRPERSON DONOVAN: Didn't we have  
8 trouble off of the Vly/Denison Road area and  
9 if we do, to what extent -

10          MR. DZIALO: No, but there are a couple  
11 of areas. Again, these subdivisions have  
12 changed names a few times but where it backs  
13 onto Concord, we've had a few problems.  
14 We're aware of that. It's still at the  
15 concept level but that's something that will  
16 have to be addressed during the preliminary  
17 part.

18          CHAIRPERSON DONOVAN: So if this  
19 continues to go forth -

20          MR. DZAILO: Absolutely. But generally  
21 speaking, the Vly Creek and this part of the  
22 tributary of the Lishakill Creek  
23 (Indicating) don't have issues with  
24 capacity. They hold to today's standards.  
25 They should be fine.



1                   MR. MITCHELL: We're not saying that  
2                   when it rains hard, those sump pumps aren't  
3                   cranking hard. I live up on Shaker Ridge  
4                   Drive and it's up on a hill but I have to  
5                   tell you that it's clay and when it rains,  
6                   everybody's sump pump is working. That's  
7                   just what it is. Everybody has sump pumps  
8                   and they've got foundation drains and things  
9                   like that. So, we're not saying that  
10                  everybody is dry. It's a challenge for some  
11                  of these, but it's as much as we have the  
12                  accommodations there to get the stormwater  
13                  and sump pumps into our stormwater system.

14                  The builder has to build that drain  
15                  system around the house and if that is  
16                  compromised, that's when you have problems.  
17                  But if everything is working and it's clean  
18                  and it's maintained, the most difficult  
19                  thing is when you get a big storm and it  
20                  knocks the power out, that's when you have a  
21                  problem.

22                  MR. O'ROURKE: You can use a water  
23                  siphon except there's probably not enough  
24                  water pressure in this area to use it.

25                  CHAIRPERSON DONOVAN: George, do you

1 have any questions of John?

2 MR. HOLLAND: No.

3 CHAIRPERSON DONOVAN: Tim?

4 MR. LANE: It's not so much a question.  
5 I'm very familiar with all of the issues and  
6 I appreciate C.J's comments. I'm kind of  
7 interested in right now what you stated  
8 about that you have three guys and you have  
9 certain requirements when there is new  
10 development and we don't really have the  
11 manpower to police that. I understand that  
12 we can't require them once we take it over  
13 to maintain it. If they are violating the  
14 current codes, whether we have the people to  
15 maintain it or not, they have silt and mud  
16 flowing into the system and the system  
17 connects to the rest of the stuff that we do  
18 own. My concern is that is causing issues  
19 someplace else.

20 Once it's all done, it might look fine  
21 but they've already sent a boatload of gunk  
22 through the line probably clogging up other  
23 areas. So there should be some kind of  
24 concern and there is no policing of that.

25 MR. MITCHELL: John can tell you that

1 we make them TD those lines. We know that it  
2 happens and we require them before we sign  
3 off that they are going to TD the lines.

4 MR. LANE: But just within their  
5 development.

6 MR. MITCHELL: We'll track it down.  
7 We'll go as far as we have to. If there's  
8 silt in it, we'll make them clean it.

9 MR. DZIALO: There are many facets to  
10 this permit. One of them is construction  
11 site run-off. That was the main first focus  
12 of the program and I can tell you that I  
13 feel very comfortable that we do police  
14 those sites very well. If there is any  
15 subdivision going on, we are there at least  
16 twice a week. If we see a deficiency at the  
17 beginning of the week and we're there at the  
18 end and it's not been addressed, we tell  
19 them that when we come back the next time  
20 and it's not fixed, all the work on the site  
21 stops until they fix the problem.

22 MR. LANE: Could it be that the fines  
23 aren't high enough to give them a little  
24 motivation?

25 MR. DZIALO: My feeling is it's not the

1            fines, it's the stop work order. When I say  
2            stop work, the electricians leave, the  
3            plumbers leave and everybody leaves. Then  
4            they fix the problem and call us. We then  
5            come in and inspect it. If it looks like  
6            it's right then they can come back. That has  
7            been very effective.

8            I know what you're saying. You're  
9            absolutely right, especially in some of  
10          these clay sites where the parts are so  
11          small and they get sent down the line. You  
12          can be there after a big storm and you don't  
13          really see the evidence on their site  
14          because it's downstream, but we are there.

15          MR. MITCHELL: When it rains, we hit  
16          the road. I've gone out in the middle of the  
17          night. That's a big deal to us. I would  
18          think that as time goes on the fines are  
19          going to be raised up. John can tell you  
20          that it was a new process. People could play  
21          dumb. They could claim that they never heard  
22          of it. We're not there now. Everybody knows  
23          about stormwater. We have local laws and  
24          we're doing everything that we need to  
25          comply. I've had this conversation and I

1 don't think that we find enough now because  
2 there shouldn't be any excuses. If they  
3 don't want to comply, they're going to get  
4 fined. We don't want to fine them, but John  
5 can tell you that he gives them several  
6 warnings; probably too many warnings. But  
7 there are people that don't take it  
8 seriously and they don't think that we're  
9 going to fine them. Buildings have been  
10 going up and they're spending millions of  
11 dollars. What's a \$5,000 fine? They'd rather  
12 pay the fine than have you stop them. John  
13 has had to fine them and then stop them.  
14 It's that constant.

15 John has about 80 active sites. The  
16 surrounding community of Bethlehem has got 7  
17 or 8. It's different here. We're going to  
18 have to build a staff. We're going to have  
19 to keep working on it. We're trying to train  
20 the Building Department to help us out.

21 CHAIRPERSON DONOVAN: Shouldn't you  
22 have inspectors there?

23 MR. MITCHELL: The Building Department  
24 is out every day with inspectors. We're  
25 trying to get them trained. To be quite

1 honest, we've had a little bit of a problem  
2 with that. They don't want to do it. I don't  
3 control the Building Department. I control  
4 Public Works. Every municipality has their  
5 Building Inspectors involved. They're on  
6 sites everyday. They don't have to do John's  
7 compliance, but at least they can make a  
8 phone call and say, hey we saw something  
9 that you ought to look at. So, we're trying  
10 to train hem. We trained everyone in  
11 engineering. We trained everyone in  
12 stormwater and we're trying to get the  
13 Building Department. John's people have been  
14 trained because they have to deal with the  
15 construction stuff too. He gets the water  
16 main breaks. He gets all of these things  
17 that create a mess. They have to comply  
18 also. We can't do it all ourselves. We're  
19 working on it.

20 CHAIRPERSON DONOVAN: Thanks John.

21 MR. MITCHELL: Just as a follow up to  
22 what John talked about and the importance of  
23 the stormwater program: If John doesn't do  
24 his job then where does that mud that's on  
25 the road after the rainstorm comes and

1 washes it away - where does it go? It ends  
2 up in the storm sewer system which ends up  
3 in the Shaker Creek, which ends up in the  
4 Mohawk River, which is the source of our  
5 drinking water. So, if we can remove it  
6 before it gets to that location, we don't  
7 have to spend the money on the treatment  
8 chemicals or the process, the electrical  
9 costs and everything associated with  
10 treating water to remove all of those extra  
11 materials.

12 I have some visual aids. I wanted to  
13 go through just a brief discussion of what  
14 dictates water pressure in the Town of  
15 Colonie and a little bit of brief history  
16 about the water district.

17 It was formed back in 1929 as a special  
18 district. A special district means that it  
19 has an administrative boundary. It does not  
20 serve water to every resident in the Town of  
21 Colonie. Our boundary covers about  
22 two-thirds of the Town of Colonie. That's  
23 important because if you're in the water  
24 district, you see a portion of your tax bill  
25 go to WD001. That means that you are paying

1           that charge on your January tax bill that  
2           covers the cost of our facilities and their  
3           capital costs such as our water treatment  
4           plant and the water mains that go in the  
5           roads. We replace the water mains over time.

6           C.J., that's an important point to your  
7           question about costs. My understanding of  
8           town law, which is what formulates the  
9           district and what covers the district, is  
10          that the money collected in the water  
11          district has to stay within the water  
12          district. I think the reason for that is the  
13          money needs to stay with us so that we can  
14          improve our facilities. We have great  
15          treatment plants and we replace water mains.  
16          In addition to your Ad Valorem, you also pay  
17          \$2.45 per thousand gallons of water. That  
18          goes toward our operation maintenance cost,  
19          my salary, the cost of the treatment plant  
20          chemicals and our electrical bills, which  
21          total close to a million dollars a year.  
22          That \$2.45 goes to pay for those costs. Our  
23          budget this year is a little over 12 million  
24          dollars. That includes everything; all of  
25          our administrative costs, chemical costs,



1 treatment costs and everything.

2 It was established in 1929 when the  
3 first facility in the town was the  
4 checkerboard tank at Exit 6; the small one.

5 There are actually two tanks there; a  
6 100,000 gallon tank and a three million  
7 gallon tank. Both of those tanks are part of  
8 the Latham tank removal project that the  
9 airport authority is undertaking with us  
10 right now to remove those out of the  
11 approach zone. In fact, that's why they're  
12 painted checkerboard. They're orange and red  
13 because they are in a safety zone on the  
14 approach for the east/west runway at the  
15 airport.

16 So the facility was built way back in  
17 1929 and for some reason they decided that  
18 the high water elevation of that water  
19 storage tank should be at 500 feet. That  
20 limits us to providing a pressure. All we  
21 can do is fill our water tank at that  
22 elevation. When you turn your faucet on the  
23 only thing that draws that water out of that  
24 faucet is the fact that the water is up here  
25 at 500 feet and your house is down here at

1 something below 500 feet. The further below  
2 500 feet that you are, the higher your  
3 pressure is going to be. In fact,  
4 unfortunately, we have existing areas in the  
5 town that are much closer to the top of that  
6 tank.

7 If you go to Grandview Drive, near the  
8 checkerboard tank, you're going to find that  
9 there only about eight people below the top  
10 of the water of that tank. On certain summer  
11 days, they're going to have very low  
12 pressure.

13 MR. NARDACCI: How low is low, just  
14 average wise?

15 MR. FRAZER: It will depend on the day.  
16 It will depend on the time of day.

17 MR. NARDACCI: Let's say 30 and  
18 50 PSI - do they get below 30?

19 MR. FRAZER: I think if you go up on  
20 Coronet Court, you will find that their  
21 pressure is even lower than that on certain  
22 days during the summer. We've been lucky  
23 over the last couple of years because it's  
24 been wetter so we're able to keep our tanks  
25 full. When we get that dry summer stretch in

1           June and demand goes up for irrigation water  
2           for outside water use of any purpose,  
3           washing cars or whatever our tank levels are  
4           significantly dry on those days. When it  
5           happens, that puts that water even closer to  
6           the elevation to your house. That means that  
7           the pressure is going to be lower. So we  
8           know that we have some areas like that.

9                         Somebody talked about 410 feet as an  
10           elevation. We've said that we can't build  
11           over 410 feet because when you turn the  
12           faucet on the second floor on that summer  
13           day, you're not going to get enough water  
14           out of it. So, we've said that 410 feet is  
15           the maximum elevation framework to be built  
16           in any subdivision.

17                        Unfortunately, the area over the  
18           Ridgeway subdivision which is on the west  
19           side of Denison Road actually has a land  
20           elevation of 500 feet. There is no way that  
21           we could serve water with any kind of  
22           pressure for some of those areas in the  
23           Ridgewood subdivision. So with that we have  
24           said that we need a plan. We knew that this  
25           was the case way back when airport area and

1 Lishakill/Kings Road area GEIS' were  
2 prepared. We needed to establish a high  
3 service area for this portion of the town.  
4 That meant that we would have to bring water  
5 up higher to serve those areas of the town.  
6 So we knew back then that we needed to have  
7 a pump station built and a water storage  
8 tank built to bring the water up to that  
9 500 foot ground surface elevation. We came  
10 up with a tank that's going to be about  
11 400 feet tall that will go somewhere around  
12 the ridge in the Ridgewood subdivision and  
13 the location of that tank. Some of the data  
14 on this plan isn't quite set yet, but I just  
15 wanted to give you an idea of what our  
16 planning has been for water in that area of  
17 the town.

18 As a matter of reference, this is  
19 Denison Road here and this is Vly Road here  
20 (Indicating). Vly Road is going toward  
21 Watervliet-Shaker Road. Basically the areas  
22 of green and blue indicate the areas that we  
23 would like to serve in what we're going to  
24 call our high service area. The blue being  
25 generally the subdivisions that are now or

1           have been in any previous time under review  
2           by the Town Planning Board.

3                     One to the portion of the west is this  
4           way (Indicating). So we have Elena Estates  
5           Phase I here, but there is a portion of  
6           Elena Estates where the property associated  
7           with Elena Estates has not been built on. In  
8           this area we have the Londonderry Ridge  
9           subdivision. In this area we have the  
10          Ridgewood subdivision and on the other side  
11          of Denison Road in blue we have the Forest  
12          Hills subdivision. Again, they have  
13          undergone some name changes.

14                    The green areas are areas of lower  
15          pressure because of their elevation and we  
16          would like to consider future service in  
17          that service area.

18                    So it's our intension to look at areas  
19          like Coronet Court, Sonya Place, Shaker  
20          Ridge Drive and the Belltrone Property,  
21          which is here (Indicating) and Dolan  
22          Boulevard. I think that Melody is in there  
23          as well. We would try to service those areas  
24          in this new high service area.

25                    Londonderry Ridge got approval more

1 than a decade ago to build their own pump  
2 station on a temporary basis with the  
3 understanding that eventually these would go  
4 and that would be serviced as part of this  
5 high service area. Then, we, the Latham  
6 Water District would take on the  
7 improvements under our capital improvement  
8 program to serve the areas in green.

9           Again, this is an older document but it  
10 certainly will be used to plan the  
11 development and construction of the  
12 facilities necessary to improve the pressure  
13 in this overall area.

14           What we have asked the developer to do  
15 is size this tank large enough to service  
16 this entire area so that the Latham Water  
17 District doesn't have to go through and add  
18 to the capacity of that existing water  
19 storage tank. So, while the tank is going to  
20 be used to service the areas in blue, it  
21 will also have the capacity to service the  
22 areas in green, as well.

23           In the future, when the water district  
24 develops a capital plan to make the  
25 improvements necessary to bring these in, I

1 know the permits are really going for the  
2 distribution of the water mains associated  
3 with servicing these areas, but the  
4 infrastructure of the pump station and the  
5 water storage tank will be sufficient enough  
6 to handle this whole area.

7 FROM THE FLOOR: Excuse me, where is  
8 the Birchwood neighborhood?

9 MR. FRAZER: Birchwood would be down  
10 here (Indicating). Ash Tree, Tamarack and  
11 some of that area is in the plan of  
12 improvements. We decided now to go more  
13 green than blue but that is something that  
14 would be part of the improvement later that  
15 the district would undertake.

16 CHAIRPERSON DONOVAN: So, John, as  
17 these subdivisions are developed, how does  
18 it affect the neighbors that already live  
19 there? The water tower has to be built  
20 first, is that correct? That's a  
21 requirement?

22 MR. FRAZER: Even for just the Forest  
23 Hills subdivision, there are areas in that  
24 subdivision that are over 410 feet. This  
25 pump station and tank will be built to

1 service those.

2 CHAIRPERSON DONOVAN: But it's part of  
3 a different subdivision, though.

4 MR. FRAZER: Yes, but it's also part of  
5 the same property owned by developer.

6 CHAIRPERSON DONOVAN: We'll start with  
7 Tom.

8 MR. NARDACCI: I don't have any  
9 questions.

10 CHAIRPERSON DONOVAN: Mike?

11 MR. SULLIVAN: I have no questions.

12 CHAIRPERSON DONOVAN: Elena?

13 MS. VAIDA: So if I understand you  
14 correctly, there will be no impact of those  
15 developments on the surrounding areas  
16 because they can't be built until that water  
17 tank is in place and operable.

18 MR. FRAZER: Until we do our work to  
19 bring existing areas in, the subdivisions  
20 will be hydraulically separated. The impact  
21 of this tank will not be felt by anybody in  
22 the existing system.

23 MR. NARDACCI: Just a quick question.  
24 Who is going to pay for the tank and the  
25 construction cost? Is that going to be the



1 town?

2 MR. FRAZER: That's a good question.  
3 Part of that goes back the GEIS, as well.  
4 There has been one collected for this high  
5 service area because that was identified in  
6 the airport area GEIS. So there is some  
7 money for that.

8 MR. NARDACCI: How much money do you  
9 think is in the line now?

10 MR. FRAZER: It's close to a million.

11 MR. O'ROURKE: The balance is 1.2.

12 MR. NARDACCI: It just goes back to the  
13 discussion we had earlier about money and  
14 when you collect it over time, especially  
15 residential subdivisions. So, how big of a  
16 project is that, dollar wise?

17 MR. FRAZER: I think that the tank  
18 itself is going to be half a million  
19 dollars. It's probably going to be close to  
20 a million dollars in improvements. Now, the  
21 developer who build it - it's kind of one of  
22 those first one in has to build the  
23 improvement, if the money doesn't exist in  
24 the GEIS. In this case, it may or may not.  
25 We haven't gotten that far in the planning

1 process yet, but some of the money is  
2 available in the GEIS to offset the  
3 developer's costs. However, it has got to be  
4 built for his subdivision and the money  
5 isn't in the GEIS. He's got to front the  
6 entire amount. Hopefully, he recoups it  
7 because there are other developments that  
8 are going to benefit from those improvements  
9 such as Elena Estates Phase II and  
10 Londonderry.

11 MR. MITCHELL: You've got to build an  
12 intersection before you do that. You kind of  
13 have to go back and forth.

14 MR. NARDACCI: Is it a case of  
15 overpayment? We had a situation with Macy's  
16 and Colonie Center that we had to give back  
17 money over a period of time.

18 MR. MITCHELL: Yes, that developer is  
19 going to have a mitigation fee for water.

20 MR. FRAZER: This is a little bit  
21 different. You can't settle on a level of  
22 service E or F. If you can't get water  
23 pressure then you can't get the water there.  
24 You can't build. This one has to be one of  
25 the facilities that's up front to make sure

1           that the water pressure is adequate for all  
2           of the development within the service area.

3           MR. NARDACCI: I know that you have  
4           been involved with this for a long time.  
5           This discussion has been happening for a  
6           long time, but as you start getting into  
7           final approvals those are ongoing  
8           conversations that you're having with the  
9           developer and with the town and the  
10          attorneys. Can you come up with some sort of  
11          agreement on that?

12          MR. MITCHELL: John and I started  
13          discussions on it back when the C.T. Male  
14          family owned the property a decade ago. We  
15          started to have conversations with the  
16          property owners and that's why some of them  
17          wanted to go ahead and spend the money. Now  
18          they're into the details where they are  
19          actually into the designs of the systems.

20          MR. NARDACCI: And at the end, there is  
21          negotiation between the town and the  
22          developer about who is paying for what.

23          MR. MITCHELL: That's the mitigation  
24          fee for water. That's what he has to pay. He  
25          has to build the system and then whatever

1           that difference is, the town would have to  
2           pay out of that 1.2 million that is sitting  
3           in the balance or at that time we have  
4           mitigation from one of these other  
5           subdivisions - that would go towards that.  
6           It's no different that the credits that you  
7           use on traffic.

8           MR. FRAZER: We use gallons per day.

9           MR. MITCHELL: They don't really have  
10          to contribute the proportionate share. They  
11          can just give us money just to solve the  
12          problem. They have to build it.

13          MR. SULLIVAN: How do you account for  
14          asking them to oversize the tank to account  
15          for the green areas? Will you factor that  
16          into his mitigation figure?

17          MR. MITCHELL: Yes. We haven't gotten  
18          that far in the process. He maybe could get  
19          an offset toward mitigation costs. So, there  
20          won't be any dollars out of Latham Water's  
21          budget to do that. It would just be an  
22          offset. He would just have to pay his money.  
23          We would have to agree on the quantity.

24          MR. FRAZER: We have situations in the  
25          town through the GEIS where the developers

1           have an 8-inch water main and John, through  
2           long range planning, knows that eventually  
3           you want a 12-inch main. So, the water  
4           district would pay the increment to get that  
5           size for the future because the developer  
6           doesn't need the 12-inch main. He needs an  
7           8-inch main. So we have the mechanisms to  
8           make sure that he's looking at the future to  
9           make sure that down the line whether it's  
10          five years, ten years or 15 years, that it  
11          fits the size of the property.

12                   CHAIRPERSON DONOVAN: C.J.?

13                   MR. O'ROURKE: How do we, as a town,  
14                   make decisions that are in the best interest  
15                   of the town, in terms of these pump  
16                   stations? Regarding Norton's project, the  
17                   understanding from his attorney was that  
18                   they were going to own the pumping station.

19                   MR. FRAZER: That's not my  
20                   understanding.

21                   MR. O'ROURKE: Your name got thrown  
22                   around pretty good that night.

23                   MR. FRAZER: That's okay. I'm a big boy  
24                   and I can take it.

25                   MR. O'ROURKE: Again, I said whoa, hold

1 on. For your development you need a pumping  
2 station and you put it up, you turn it over  
3 and it's ours. Whatever we do with it, we do  
4 with it. So, that wasn't the understanding  
5 that their attorney had.

6 Again, I think that a bigger body needs  
7 to be involved in these. Just like you said  
8 there may be some things to offset the cost.  
9 I just think that the Town Board needs to  
10 make those decisions. It's my understanding  
11 that maybe they do, but my understanding  
12 that evening was that John Frazer was making  
13 those decisions.

14 MR. FRAZER: Let me tell you what's  
15 happening right now. In fact, we have  
16 already talked to our special districts  
17 attorney who will be preparing an agreement  
18 with that developer to address things like  
19 warrantees on pumps and ownership  
20 disposition. What happens when this tank is  
21 built and we don't need the pump station?  
22 Who owns the material that's in that?

23 As with any development that's in the  
24 Town of Colonie, the water district always  
25 takes ownership and that's the way that the

1 Albany County Health Department wants it.  
2 They don't want a homeowners association,  
3 they don't want some private entity being  
4 responsible for drinking water.

5 You can go up to Clifton Park and see  
6 why the Clifton Park Water Authority is what  
7 it is today because they had to take over  
8 all those private water systems because it  
9 just doesn't work.

10 So, we take it over and we will own the  
11 pump station, we will own all of the  
12 facilities in it, we will be working with an  
13 agreement to make sure that we have extra  
14 warranties on that equipment and make sure  
15 that we aren't putting ourselves at risk.  
16 Unlike all of the other subdivisions in  
17 every single development in the Town of  
18 Colonie, we use water storage tanks to  
19 moderate the pressure. The water goes up and  
20 down those water storage tanks based on  
21 designing. In this case, the only thing  
22 that's going to be providing pressure to  
23 that system is the pump and if that pump  
24 fails, then there is no water in that  
25 subdivision. So, we're going to make sure

1           that we're protected and that doesn't  
2           happen.

3           MR. O'ROURKE:   And that leads into the  
4           second part about that pump system. How many  
5           do we have?

6           MR. FRAZER:   You're talking about the  
7           Town Board?

8           MR. O'ROURKE:   Yes.

9           MR. FRAZER:   In fact, that agreement  
10          once drafted and agreed upon by both parties  
11          has to go to the Town Board to authorize the  
12          Supervisor to sign that agreement. I won't  
13          be signing that agreement; the Town  
14          Supervisor will be signing that.

15          MR. O'ROURKE:   Again, not to drag you  
16          in but we sit up here as a board and that  
17          developer's attorney was very angry with me  
18          that night because I told him no. It's like  
19          a road, that you put in. Well, John Frazer  
20          made this deal. I said, I don't think that  
21          John Frazer has the power to make that deal.

22          MR. FRAZER:   I do not. We will make a  
23          recommendation to the Town Board and say,  
24          Madam Supervisor, we believe that this  
25          agreement adequately protects the repairs of



1 the Water District; you can sign it.

2 MR. O'ROURKE: In regard to these pump  
3 stations, how many do we have in the town  
4 operating right now?

5 MR. FRAZER: We have none like this.  
6 However, the Mohawk River is our source of  
7 supply.

8 MR. O'ROURKE: I know that we have to  
9 pump out of there.

10 MR. FRAZER: We pump every drop of  
11 water that we deliver. So we have two major  
12 pump stations. We call our high lift pump  
13 station and then we have our two  
14 intermediate distribution pump stations that  
15 are much smaller in capacity to help us get  
16 water down to the south end of town.

17 MR. O'ROURKE: Okay, so are we  
18 requiring Mr. Norton, when he does put this  
19 pump in that it's going to be similar to all  
20 of our pumps, so that if we don't need it we  
21 can utilize some of the parts? They wouldn't  
22 say the kind of pump. I said, well, didn't  
23 you talk to John Frazer about what kind of  
24 pump he wants? I'm sure that he wants the  
25 same type pump so that when we don't need to

1 pump it and we own it, we can use it.

2 MR. FRAZER: The difference is that  
3 this is much smaller than the pumps that we  
4 use. All of our pumps at the high lift pump  
5 station are in the one million gallons per  
6 day capacity. This is in hundreds of gallons  
7 per day capacity. They're almost too small  
8 for us. The only thing that I really do want  
9 from this project when we're done is the  
10 generator. I'd like to put that on a trailer  
11 and use that to power up other pump stations  
12 that we don't have the generators at.  
13 Frankly, we won't need the parts.

14 MR. O'ROURKE: But that is something  
15 that you would look at. You're the one  
16 that's going to sign-off on the type of pump  
17 and the manufacturer of the pump. We're not  
18 just going to let a developer put in a  
19 Wal-Mart pump.

20 MR. FRAZER: I'm a professional  
21 engineer. We've also hired an outside  
22 consultant to review the pump station.

23 MR. O'ROURKE: People are laughing but  
24 we sat up here and nobody could answer these  
25 questions for me the night that we were

1           supposed to give final approval to this and  
2           their attorney thinks that they own the pump  
3           and they're going to put whatever pump in.

4           MR. FRAZER: You're depending on me and  
5           the staff of Latham Water to make sure that  
6           it's done right. We are the experts in water  
7           supply.

8           CHAIRPERSON DONOVAN: In a special case  
9           like this, one board is supposed to make a  
10          decision like that, we should probably have  
11          a statement from John so that we can add it  
12          into our decision, subject to final  
13          agreement with the Latham Water District and  
14          the Town of Colonie.

15          MR. O'ROURKE: And that is the way that  
16          we approved it that night.

17          CHAIRPERSON DONOVAN: It wouldn't have  
18          been if it hadn't been brought up.

19          MR. FRAZER: Right, he's been in the  
20          office talking about that several times.  
21          We're trying to get a meeting together with  
22          his attorney and our special districts  
23          attorney.

24          MR. MITCHELL: When you have these  
25          things and you're not getting the answers we

1 would encourage you not to approve it and  
2 then to contact us.

3 MR. O'ROURKE: Again, Bob, that puts us  
4 in a difficult spot. We see memos and until  
5 this night, I've never seen John. I see  
6 memos from him maybe four or five a week in  
7 my packet. If John Dzialo signed-off on it  
8 or if John Frazer signed-off on it, which is  
9 what our packets said, I have no issue with  
10 it until I bring up a pump station that is  
11 half a million dollars. By the time you get  
12 the generator and the security and  
13 everything around it, they are half a  
14 million dollars. I'm sitting here looking at  
15 it going, wow, well, John Frazer signed-off  
16 on it.

17 These are the difficulties that we have  
18 on the board because we have to look out for  
19 the taxpayers of this town. That's why I  
20 think that it's very important on projects  
21 that are specific like this. That's why I  
22 asked about how many pump systems. I would  
23 almost say that if this is the first pump  
24 system than this is a meeting that night  
25 that John Frazer probably should have been

1 here and said hey, this is what happened.  
2 That's what I would like to see sitting on  
3 the board. Because again, a memo just  
4 doesn't do it justice.

5 MR. MITCHELL: We don't have a problem  
6 with that. What I'm getting at is that we  
7 didn't know that a developer's attorney was  
8 going to come and give you misinformation.

9 MR. O'ROURKE: Well, not just me. It's  
10 the public and the people that are paying  
11 the taxes.

12 MR. MITCHELL: We can't anticipate that  
13 every time. John sets the meetings with the  
14 technical people and in our minds there  
15 aren't any problems. If it gets  
16 misrepresented to anybody, the flag goes up.  
17 It's your decision whether you give the  
18 approval or not.

19 CHAIRPERSON DONOVAN: Bob, it's so much  
20 clearer to us when we hear from John rather  
21 than have someone from the Planning  
22 Department trying to represent John to us to  
23 have either John or you here to explain the  
24 issues. It really makes it much clearer  
25 because all we get from the Planning

1 Department is that they signed off on it.  
2 Well, our questions aren't answered. Not  
3 that we want to have to drag you out every  
4 meeting, but it is helpful for us.

5 MR. O'ROURKE: it's really the major  
6 ones. We know that when Vly Road and Denison  
7 Road comes up, I know who is going to be out  
8 there. I know what their concerns are. I  
9 just think that if we have people come in  
10 and say, here is what we're going to do with  
11 the water, it helps these people understand.  
12 Hey, this is what we're going to do. There  
13 are groundwater issues and John Dzialo is  
14 going to take care of that. This is the way  
15 that it's going to happen. We need that so  
16 people can start to put faces to the  
17 responsibility that we all pay our taxes,  
18 right? We don't pay our taxes, the town  
19 isn't going to be happy with us. We have a  
20 bigger duty in my estimation to people that  
21 are living there that this stuff is  
22 happening.

23 MR. MITCHELL: Jean and I had this  
24 discussion and we agree with that.

25 MR. O'ROURKE: Just on the bigger

1 projects.

2 MR. MITCHELL: What I'm saying is that  
3 if you have a project and you don't feel  
4 that we have to be there and an issue comes  
5 up that you need answers to, there are ways  
6 to deal with that. If you feel uncomfortable  
7 with it, you put it off and then you bring  
8 us in.

9 CHAIRPERSON DONOVAN: And most of them  
10 are the residential subdivision.

11 MR. MITCHELL: And some of the things  
12 may be a surprise to me.

13 MR. NARDACCI: And we've done that when  
14 an issue comes up. We just say, look, we're  
15 just not comfortable.

16 MR. O'ROURKE: Like History Hills.

17 MR. MITCHELL: I think that's the way  
18 that we should do it and then we come in and  
19 come to the next meeting.

20 CHAIRPERSON DONOVAN: Anything else  
21 C.J.?

22 MR. O'ROURKE: That's all I had.

23 CHAIRPERSON DONOVAN: George, you've  
24 heard it all over the years, haven't you?

25 Tim?

1           MR. LANE: I have just one small  
2 question. John, you're looking to have them  
3 overbuild the tower for the capacity so that  
4 you could cover the three areas. That's the  
5 idea, right?

6           MR. DZIALO: That's correct.

7           MR. LANE: Then you have that capacity.  
8 Why later go to the added expense of having  
9 Latham Water come in?

10          MR. DZIALO: It's like the way that you  
11 might consider roadway improvements. We're  
12 talking about the physical connection  
13 between the green areas and any of the  
14 white. It has to require off-site  
15 improvements relative to this.

16           We didn't believe that it was  
17 appropriate to require the developer of any  
18 of these projects to do that. These are our  
19 existing problems, similar to what we talked  
20 about before with traffic. This is an  
21 existing problem that isn't necessarily  
22 appropriate to require a developer on any  
23 one of these projects to mitigate.

24          MR. LANE: Well, maybe not but since  
25 they're going to do it anyway -



1           MR. DZIALO: They're not going to do  
2           that. They're going to have a hydraulically  
3           separate system. This system will not be  
4           connected to the green or the white until  
5           we're ready to make that connection. It will  
6           be self-sufficient and serving just the blue  
7           area. Then we will work to help mitigate the  
8           problem areas that we have.

9           MR. LANE: I see what you're saying;  
10          okay.

11          CHAIRPERSON DONOVAN: John, thank you.

12          MR. NARDACCI: John, not to add work  
13          for you but someday I would be interested in  
14          doing a tour of the major facilities.

15          MR. DZIALO: There's an open invitation  
16          always to visit the water treatment plant. I  
17          would be happy to give you a tour and see  
18          where the water comes from and see what we  
19          do to make it drinkable.

20          CHAIRPERSON DONOVAN: John was good  
21          enough last year to talk to us about the  
22          western section of town and that was much  
23          appreciated. We appreciate tonight also.

24          Its 9:30 and we've been here for three  
25          hours but I would like, if I could, Wallace

1 do you have a spokesman for your area that  
2 wanted to make a comment or say something to  
3 the board?

4 MR. PALLESCHI: my name is Larry  
5 Pallaschi, 58 Denison which is right in the  
6 middle of all of that. I'm vice president of  
7 Birchwood Neighborhood Association.

8 I would like to thank the board for  
9 having this meeting because we have been  
10 trying for literally decades to get the town  
11 to consider the development of this area as  
12 one whole thing. It's always been the  
13 perspective of the residents that the town  
14 is looking at it in pieces and we're looking  
15 from quite a different perspective. We're  
16 looking at it as 220 houses being dropped in  
17 our neighborhood. They are completely  
18 different perspectives on it so I want to  
19 thank the board for finally realizing that  
20 you can't do this.

21 There are probably tons of other  
22 comments out here - probably too many to  
23 actually get in to. The premise that we're  
24 using for the design of a lot of the things  
25 is the airport GEIS. That is a subject that

1 is near and dear to us. We have for years  
2 and years taken that document apart and  
3 studied it and gone through it and it's  
4 actually one of the things that started with  
5 the other administration. It was like, what  
6 about Route 7? That developed into a  
7 moratorium on Route 7.

8 What about all of the other issues that  
9 come out of it and there is a whole bunch of  
10 comprehensive plan material that comes out  
11 of it.

12 One of the things that you probably  
13 need to be aware of is that we did go  
14 through that thing and even the appendix and  
15 we added up all the houses that were built  
16 since that was issued. That was originally  
17 designed in 1989 or so. It was actually  
18 signed about two years later.

19 When Clough Harbour did a count of  
20 subdivisions that were being done in 1989,  
21 they were built between 1989 and the time  
22 that they were signed. What that means is  
23 that Clough's idea of 800 houses was  
24 different from when the document was signed.  
25 There are a whole couple of subdivisions in

1           between that time that happened.

2                     the other thing that I did was I  
3           started going around and looking at things.  
4           It disturbed me because we drew a line, a  
5           very distinct line around the airport area  
6           and we made believe that nothing outside of  
7           it would actually effect this area.

8                     Can I use your map for a second?

9                     You see all of those houses on  
10          Lishakill at the top of the sheet - or off  
11          of Lishakill? Those are not part of the  
12          GEIS. You think that they add traffic?

13                    MR. MITCHELL: That's not part of the  
14          GEIS area.

15                    MR. PALLESCHI: Right. We went through  
16          and we added up - and I'm just talking  
17          residential units. I had added the  
18          residential units at the Beltrone Center and  
19          then it was like, well, maybe they're not. I  
20          added all the units at the group of  
21          apartments just inside the border of the  
22          village off of Sand Creek Road. There are  
23          like 16 that are there. There are all sorts  
24          of units all around this area plus what was  
25          built in that area that goes into the whole

1           planning that were not taken into account.  
2           Even when you disconsider some of those  
3           things, our count on the housing before  
4           these subdivisions is actually very close to  
5           that 800. If you go in the back, they list  
6           subdivision by subdivision what they were  
7           considering at that time. Then you look at  
8           when they were built-out. We live there and  
9           you'll see that there was a gap there. There  
10          was a bunch of houses that got in that were  
11          never really accounted for. I think that the  
12          airport GEIS, as far as the residential  
13          work, is, if not very close before this  
14          happened, it's on the money.

15                 Now you look at the commercial end.  
16          That 1991 period is very easy for me to  
17          remember what was going on because I changed  
18          jobs. I knew what was there when I was  
19          working one job and then I switched to  
20          another job. All you have to do is drive  
21          down Route 7 and count the buildings that  
22          were built; not the office park. There has  
23          been several there. You've got a hotel that  
24          was going in there. You had a huge thing at  
25          the corner of Sand Creek and Albany-Shaker.

1           They are so far over on the commercial end  
2           of things that I'm so surprised that nobody  
3           said anything.

4                     Now when I asked for a record of what  
5           they had and where we were it was not  
6           produced. I don't know how many years we  
7           were asking for that and it was never  
8           produced. So we're pretty sure that they're  
9           over on both standards; both the commercial  
10          and the residential.

11                    I think that Dave Dukins' statement  
12          about being very close to where they  
13          projected it - that could very well be  
14          because that's showing that it's built out  
15          to where they projected that it would be at  
16          that point in time.

17                    So I think that your traffic is  
18          matching what the plan said that it would.  
19          What is not matching is what happened in  
20          between.

21                    What happened to all of those  
22          mitigation fees, if it wasn't built out all  
23          the way? Wouldn't all that money be  
24          available for this area right now? We don't  
25          know where it is. I know where the

1 1.2 million is, but where is the rest of it?

2 MR. O'ROURKE: I'm looking at something  
3 that came from Bob Mitchell. I have asked  
4 for some more detailed information in regard  
5 to mitigating fees. So, we're going to be  
6 getting more things. You might have some  
7 real valid points.

8 I know that for a fact that some money  
9 in the airport area GEIS went to build a  
10 soccer field. It went up to the ball fields.  
11 But I think that it's important to know that  
12 it's going to take this town ten years to  
13 take care of the problem that Phil Pearson  
14 caused us.

15 CHAIRPERSON DONOVAN: C.J., Bob and I  
16 had a discussion just last week about that.

17 Bob, I'd like you to take a few minutes  
18 to explain to the board what we discussed.

19 MR. MITCHELL: That couldn't be further  
20 from the truth. There is a GEIS component  
21 for where a developer reimburses the town so  
22 to speak before doing a GEIS. The GEIS cost  
23 the town money. I don't have the exact  
24 figures, but let me say that it was  
25 \$400,000. That money came out of the town

1           general fund and when we collect the money  
2           for that study, that money goes back into  
3           the general fund. The Town of Colonie  
4           Comptroller can use that for whatever he  
5           wants. If he decides that he wants to use it  
6           for salaries, if he wants to use it to work  
7           on a ball field - it has nothing to do with  
8           using that in that area. It came from the  
9           general fund and the money goes back into  
10          the general fund.

11                 That statement couldn't be farther from  
12          the truth because the new Comptroller, under  
13          the new administration, just took another  
14          \$70,000 out of that same fund and I don't  
15          know what the heck he used it for. So, don't  
16          miscommunicate that. Ask the question and  
17          get the answer. You never asked me that  
18          question. I got asked by the Town Attorney  
19          and I gave him a ton of paperwork on it and  
20          I said the same thing. So, don't misconstrue  
21          that it was not used for anything. That was  
22          a decision by the Town Comptroller and he  
23          had every right to use that general fund  
24          money because that's all it is.

25                 MR. O'ROURKE: It didn't come out of



1 the mitigating funds?

2 MR. MITCHELL: It came back to  
3 reimburse the Town Comptroller to the  
4 general fund because that's where the money  
5 came from. That's the only part of the GEIS  
6 that goes back into the general fund and he  
7 can use it or do whatever he wants to.

8 MR. PALLESCHI: That makes no sense.  
9 When they wrote that GEIS and planned for  
10 all of this -

11 MR. MITCHELL: I'm not going to get  
12 into a debate with you. I'm just going to  
13 tell you that it came from the general fund.  
14 It went back to the general fund. If you  
15 want and ask the Comptroller, because it  
16 gets audited every year, go over and talk to  
17 him about it. That's where the money came  
18 from and that's where the money goes back  
19 to.

20 FROM THE FLOOR: So it's basically town  
21 law that where the money would go that was  
22 produced from mitigation fees -

23 MR. MITCHELL: I don't know the town  
24 law.

25 MR. NARDACCI: Bob, you're talking

1 about the cost of the study, right?

2 MR. MITCHELL: Absolutely.

3 MR. NARDACCI: You're talking about the  
4 administrative costs. You're not talking  
5 about projects.

6 MR. MITCHELL: Right.

7 MR. NARDACCI: So it's \$400,000 that it  
8 cost the town to pay for the study.

9 MR. MITCHELL: And that money  
10 systematically comes back. Project by  
11 project it goes back to pay the developer's  
12 fair share of it. So if it was \$200,000 that  
13 get reimbursed to them, that goes over to  
14 the Comptroller's office and he can use it  
15 for whatever he wants. If he decides to use  
16 it for a ball field, he can. If he decides  
17 to use it to buy pens and pencils, he can  
18 use it. The money came from the general  
19 fund. It's the only component that goes back  
20 into the general fund.

21 MR. NARDACCI: And there is no more  
22 than the cost of the study, correct?

23 MR. MITCHELL: No, absolutely not.

24 MR. LANE: Everything else is accounted  
25 for.

1                   CHAIRPERSON DONOVAN: I think that the  
2                   issue probably was the former Comptroller's  
3                   decision making as it related to what he did  
4                   with the money.

5                   MR. MITCHELL: You have to question the  
6                   present Comptroller to have him tell you  
7                   what he did with that \$70,000. I don't know.  
8                   He put it in the general fund and he did  
9                   what he wanted with it. I don't know what he  
10                  did with it. That's where the money came  
11                  from and that's where the money went back  
12                  to.

13                  CHAIRPERSON DONOVAN: It's not  
14                  transportation money, it's not water money,  
15                  it is not anything else. It's only what they  
16                  spent from the general fund for the study.  
17                  The same was used in the Boght Area, the  
18                  Airport and the Lishakill area.

19                  MR. PALLESCHI: The last comment I had  
20                  was on the standards with the discussion  
21                  about the roundabout and the drainage  
22                  systems.

23                  It's kind of like the building code.  
24                  It's a minimum standard. You can't go below  
25                  that but we can certainly go above that. If



1 of traffic control, if you came into the  
2 fact that there is a school right there. I  
3 realize that nobody knows more about the  
4 traffic on that road than I do. I've lived  
5 there since 1957.

6 Every morning there is a line of cars  
7 from both directions right there at the  
8 school. If you were leaving in the morning  
9 to go exit Birchwood and go down to Route 7,  
10 the traffic used to be able to pull right up  
11 to the light. Now the traffic is backed all  
12 the way up the hill. It's getting worse. And  
13 there are a lot of children in the morning  
14 and in the early afternoon hours that walk  
15 up and down Birchwood. They have a security  
16 guard that helps the children cross the  
17 road. Those stop signs are there because  
18 Niskayuna didn't really feel that there was  
19 a need for them until I went out and  
20 petitioned for them because there was a  
21 young girl hit there by a car. I tried to  
22 get speed bumps there because I think that  
23 they're very effective.

24 Now Birchwood is in the process of  
25 expanding that school. They're adding 10 new

1 classrooms and don't ask me why but for some  
2 strange women there are a lot of Niskayuna  
3 women that think that they have to drive  
4 their kids to school, which adds to that  
5 traffic. That's not including on Halloween  
6 when they have their parade around the  
7 school. The area is so saturated with  
8 automobiles right now that it's terrible.

9 I heard one gentleman say that there is  
10 a speeding issue on Denison; yes and no. At  
11 certain hours. Maybe at 11:00 at night there  
12 might be, but during the daytime I don't  
13 know if that's so much a factor because  
14 there is so much traffic on that road. I  
15 drive that at 30 miles an hour.

16 FROM THE FLOOR: Then you must have a  
17 line behind you.

18 FROM THE FLOOR: And there are a lot of  
19 cars behind me, but there are a lot of cars  
20 in front of me as well. There are probably a  
21 lot of speeders on there at 11:00 at night.  
22 The people on Denison recognize my  
23 motorcycle. I go up and down that road 100  
24 times a day.

25 CHAIRPERSON DONOVAN: Nobody on a

1 motorcycle goes 30 miles an hour.

2 FROM THE FLOOR: I do. I only drive as  
3 fast as my eyes can see.

4 I'm just wondering if the school was  
5 brought into that equation and if the extra  
6 classrooms were brought into that equation.  
7 Is the town having conversations with the  
8 Town of Niskayuna saying hey, by the way,  
9 we're putting 200 houses up here and we're  
10 going to be dumping an extra 100 cars on  
11 your stretch of the road.

12 CHAIRPERSON DONOVAN: Like I said,  
13 Mr. LaCivita, the head of our Planning  
14 Department is not here but I do know that he  
15 is making an effort to talk to other  
16 communities. I know that he talked to Cohoes  
17 about a development that we had with the  
18 Canterbury about issues down in Cohoes. I  
19 can't answer that question. I don't know if  
20 he did or not. As far as it being part of  
21 the study, I'm sure that the cars that were  
22 from there that impacted our town were noted  
23 in the study and I don't know.

24 FROM THE FLOOR: Well, the school is in  
25 Niskayuna.

1                   CHAIRPERSON DONOVAN: Yes, I know.

2                   FROM THE FLOOR: So, just past those  
3 houses a little bit off to the right hand  
4 side of that blue patch there, that's my  
5 area. That's where I live and I'm going to  
6 be impacted and my neighbors are going to be  
7 impacted by the amount of traffic on that  
8 road which is very heavy right now.  
9 When you leave those developments, I'm  
10 sorry, there is one way in and there is one  
11 way out. Everybody uses that as a  
12 cut-through and it's getting worse.

13                  MR. WEINGARTEN: My name is Joel  
14 Weingarten. Can I add with respect to that  
15 issue? I'm actually at the intersection of  
16 Tulip Tree and Tamarack.

17                  CHAIRPERSON DONOVAN: You are where I  
18 got lost the other day.

19                  MR. WEINGARTEN: I'm at the top of the  
20 hill when you're at that intersection.

21                  I have 11 kids on that corner. They're  
22 all ranging from nursery, kindergarten and  
23 first grade; primarily going into up to  
24 fourth grade. But for the most part, all the  
25 kids are really young.



1           First, Tamarack and Tulip Tree are not  
2           a straight on T intersection and it's a very  
3           bad area. Coming home from work I've almost  
4           gotten wiped out a couple of times because  
5           people go right through that stop sign. They  
6           don't pay attention and they keep on going.  
7           So, you're going to have a development for  
8           about three subdivisions of approximately  
9           230 plus homes and a cut-through where it's  
10          going to come in from Wallace's house which  
11          is over by Walnut and Tamarack. They're at  
12          the intersection and you're going to have  
13          all that extended traffic coming off of  
14          Tamarack. I know that there are at least 10  
15          or 15 other kids surrounding that  
16          intersection outside of my little tight knit  
17          community that surround the area. It's a  
18          neighborhood with a lot of young families.  
19          In fact, a house just sold and we're waiting  
20          for the new people to move in so we know if  
21          they are a young family or not. It's more  
22          than a danger and a safety issue.

23                 CHAIRPERSON DONOVAN: That's why we  
24                 need the expertise of CDTC and the town in  
25                 order to try to address these issues.

1 FROM THE FLOOR: David, come to my  
2 house. I'll have breakfast for you. Sit at  
3 my front window and watch these cars.

4 MR. WEINGARTEN: David stated something  
5 about the fact that during the peak hour  
6 there is one car per home or something like  
7 that. Sorry, but most of the homes that I  
8 know with families have dual incomes. My  
9 wife is a high school chemistry teacher in  
10 South Colonie. So, if you're heading out,  
11 it's not 1.1 car but two cars coming home.

12 FROM THE FLOOR: And if you have  
13 teenagers, it becomes 2.5.

14 MR. WEINGARTEN: Especially with the  
15 economy the way that it is, I'm pretty sure  
16 that you're going to get a lot more families  
17 that are going to be working as much as they  
18 can to make their payments for their  
19 mortgage. I can't see how you're going to  
20 have just 1.1 per every home.

21 MR. JUKINS: Typically, we use specific  
22 information generated by development within  
23 the town for the region. We have counted at  
24 several different kinds of subdivisions  
25 throughout the town and the region, the

1 residential subdivisions, commercial  
2 subdivisions, office parks and so on. So, we  
3 don't rely on the averages. We looked at  
4 what is really happening. So despite the two  
5 and three car garages, on average, we're  
6 still seeing 1.1 trips per household.

7 Households with multiple cars are  
8 making more trips and certainly if that's  
9 the case, we can adjust this. We have done  
10 this before. When we find that information,  
11 we use it. Unless we know about it, we  
12 can't.

13 Just a couple of points here and I'll  
14 try to be brief, given the time.

15 Even if they double the number of trips  
16 associated with these households, in terms  
17 of the impacts to the neighbors on the major  
18 streets - - and whether it's called a minor  
19 arterial or up the street like Vly and  
20 Denison or Birchwood which is still  
21 classified as local, it's a major one but  
22 it's not Tamarack Lane or Ash Tree Lane.  
23 It's a major local street. These are the old  
24 farm to market roads that were here way  
25 before we were here and just paved over.

1           These are major streets. Unfortunately there  
2           are houses.

3                   FROM THE FLOOR: These are residential  
4           streets.

5                   MR. JUKINS: I said that there are  
6           houses on these streets. They're  
7           residential. Let me finish. I will not  
8           minimize your concerns. I live on a busy  
9           street and I don't really like it. It was my  
10          choice and that's the price I pay, but  
11          that's another issue.

12                   You can double the number of trips but  
13          the impact in terms of main street standards  
14          is that it's still going to operate. There  
15          are issues of movability; there is no  
16          question. You want to minimize the number of  
17          trips on residential streets, whether it be  
18          major or minor or subdivision streets; I  
19          agree. But in terms of the standards, which  
20          this board considers, we're doing okay.

21                   In terms of global streets and  
22          subdivision streets, there is no standard.  
23          There is no formal standard for traffic  
24          problems. Go Google it. You will be hard  
25          pressed to find it. There are guesses. There

1 are people that have written papers about  
2 it. There could be different stuff out  
3 there, but everything that I see would  
4 suggest that local, residential streets are  
5 okay with 1,200 trips a day or less. These  
6 are not just engineering papers but these  
7 are people that write about traditional  
8 neighborhoods. That standard at that level  
9 is very difficult to find. I'm justifying  
10 that by laying out the information. I'm not  
11 making a judgment about this.

12 FROM THE FLOOR: I just don't think  
13 that Birchwood Lane was really designed for  
14 that because when my house was first built  
15 in 1957, my house was the last house on the  
16 street. I called that the farm hill because  
17 where all that development is going I used  
18 to pick tomatoes up there. That was all farm  
19 land. They decided to cut it through all the  
20 way and now my little quiet street has  
21 become a major thoroughfare so my  
22 microclimate has grown immensely with the  
23 traffic.

24 The road has not changed in 50 years.  
25 It's still just as wide. The houses are

1 still just as close but the traffic is  
2 constant now.

3 CHAIRPERSON DONOVAN: I've got one up  
4 on you. I live off of Sand Creek Road. I  
5 used to go sleigh riding at the Colonie  
6 Country Club. That's where Colonie Center  
7 is. All the things on Wolf Road that used to  
8 be - - they're not there anymore.

9 Yes, sir.

10 FROM THE FLOOR: I have two things.

11 First you have Boces on one end and you  
12 have Birchwood on the other. That means  
13 you've got the busses going back and forth.  
14 I used to be a driver so I know.

15 Second, if they build this housing  
16 project here, where is the street going to  
17 go? Down on Vly? It's going to be right in  
18 front of my house and my swamp is going to  
19 get deeper.

20 CHAIRPERSON DONOVAN: That's why  
21 Mr. Dzialo and the stormwater issues came  
22 up. They are required to look at them.

23 FROM THE FLOOR: There's a 30-inch pipe  
24 when they redesigned the creek because it's  
25 spring fed. They brought it down Melody and

1           then down Vly and then down by my house. If  
2           the discharge down by DeForge's farm is a  
3           24-inch line, that doesn't make any sense.  
4           When you have 100-year rain storm that we  
5           get every other year, it's like a fire hose  
6           coming out of there. I watch the water going  
7           up and up.

8                        Before I had water in my cellar because  
9           the creek was leaking and then I raised  
10          enough hell that they dug it all up. They  
11          put new pipes in at \$150,000. They did a  
12          good job. Then maybe my sump pump came on  
13          once a day. Now when we have a heavy  
14          rainstorm by the time that the water gets  
15          across the street it starts going back  
16          because I'm lower than the creek. Where is  
17          all this water going to go from the surface?

18                      Once they hit that virgin land and put  
19          a blacktop road up there, not all of it, but  
20          some of it has to go down Vly Road. When  
21          they put the pipe in, they rediverted the  
22          creek and put a T up there by the water  
23          tower. I asked the guy what that was for. He  
24          said eventually they're going to build up  
25          here and tie into this line. I see 200

1 buildings so that means how many streets? It  
2 means how many pipes? How much water? Never  
3 mind the sand and the salt and everything  
4 else that's going to be there.

5 CHAIRPERSON DONOVAN: That's we're  
6 trying to look at the impact of all of these  
7 projects. That's why these gentlemen are  
8 here.

9 FROM THE FLOOR: I can see the traffic  
10 problem. The traffic is a couple of hours in  
11 the morning and a couple of hours at night.  
12 You can stand there and watch 30 cars backed  
13 up because there is a stop sign down by  
14 Birchwood. That's Niskayuna and not Colonie.

15 CHAIRPERSON DONOVAN: That's why we're  
16 trying to address these issues when these  
17 subdivisions come. Obviously, these people  
18 have the right to develop their property and  
19 the land when they sell. What we're trying  
20 to do is make the best decisions that we can  
21 not only for the existing developments but  
22 for the new development that goes in there.

23 Yes, ma'am.

24 FROM THE FLOOR: I'm really glad that  
25 my neighbors are here from the Birchwood



1 neighborhood but I feel like Vly Road has  
2 kind of been left out of this discussion.  
3 There are a couple of us here that are maybe  
4 not as well organized as other  
5 organizations, but the folks on Vly Road  
6 were not aware of this meeting for the most  
7 part. There was no public notice that I saw.  
8 The only notice that I saw was on the  
9 website. There was nothing in the Spotlight  
10 and nothing in the Times Union and I'm sure  
11 that a lot of my neighbors that would be  
12 effected by the proposed projects would be  
13 interested to come to these kinds of  
14 meetings and hear what's going on and what's  
15 being looked at.

16 I don't really have a good sense of  
17 what this meeting is supposed to result in,  
18 but I just wanted to point out a couple of  
19 things.

20 CHAIRPERSON DONOVAN: Let me clarify  
21 what this meeting is supposed to result in.  
22 This board has three individual projects  
23 that we knew -

24 FROM THE FLOOR: I'm well aware that  
25 this is all about that.

1                   CHAIRPERSON DONOVAN: Well, I'm just  
2                   trying to explain to you. You said that you  
3                   weren't sure what it was supposed to result  
4                   in so I'm trying to explain to you.

5                   We have these three projects and we  
6                   knew as a board that when the decisions that  
7                   we made - they were coming up in front of us  
8                   individually and that there was going to be  
9                   impacts not only to the individual projects  
10                  but to all three of them together. At one of  
11                  the meetings we heard complaints about  
12                  traffic and we knew that there was a traffic  
13                  study out there. We had heard drainage  
14                  issues and we had heard water pressure  
15                  issues also. So, we decided to have a  
16                  meeting tonight and bring in all of the  
17                  parties that we have like CDTC, Mr. Frazer,  
18                  Mr. Dzialo and Mr. Mitchell who represent  
19                  the departments to come in and explain to  
20                  this board particulars about this area and  
21                  particulars about the projects that we would  
22                  have to address when they do come in front  
23                  of us.

24                  So, that's the purpose of the meeting,  
25                  and I promised Wallace that I would do it.

1 FROM THE FLOOR: I'm not done with my  
2 comment.

3 CHAIRPERSON DONOVAN: You go ahead. I'm  
4 not cutting you off. I'm just saying that I  
5 promised Wallace that I would do this.

6 FROM THE FLOOR: There are just some  
7 things that I wanted to bring up and  
8 hopefully others in my neighborhood will  
9 also talk about their concerns.

10 I don't have any problems with the  
11 traffic figures per say, but certainly there  
12 is an impact of the increased traffic on the  
13 ability of the neighborhood and it's ability  
14 to be a largely residential neighborhood. I  
15 know that we don't have anything commercial  
16 coming in now, but what I've seen in just  
17 the eight years that I've lived on Vly Road  
18 there has been a major increase in the  
19 commercial traffic. I was talking to someone  
20 about that earlier that at one point there  
21 might have been a sign off of Route 7 on Vly  
22 Road that restricted truck traffic.

23 MR. MITCHELL: There still is.

24 FROM THE FLOOR: Well, I haven't seen  
25 it. It's not being restricted because there

1 are plenty of trucks coming through. I am a  
2 consultant and I work at home and my office  
3 overlooks the front of the house and so I  
4 see the Pepsi Cola bottling plant traffic or  
5 delivery trucks and the delivery vehicles  
6 that have no place in the neighborhood that  
7 are using Vly Road as a cut-through to get  
8 to Central Avenue or New Karner and Route 7.  
9 I'm very upset about that. I'd like to see  
10 not only less traffic in general but  
11 certainly less commercial traffic.

12 It's become next to impossible just to  
13 walk down Vly Road when I walk my dog. There  
14 have been many accidents at the curve of Vly  
15 Road and Old Valley Road. There have been  
16 cars that spin out of control at the curve  
17 there and it just makes it very difficult to  
18 just walk around the neighborhood. For  
19 someone with children I would think that  
20 would be even more of an issue.

21 The other question that I had was  
22 really about the proposed pump station and  
23 water system improvements. Who is actually  
24 going to pay to look in the existing homes?

25 I have to look at your map because I

1 can't really see from here where my  
2 neighborhood even is on there.

3 What will the impact be on some of our  
4 existing plumbing systems as far as water  
5 pressure?

6 MR. FRAZER: We originally had include  
7 Denison Road in the initial development -

8 FROM THE FLOOR: Is Vly in there?

9 MR. FRAZER: Vly is here (Indicating)  
10 and it turns here at Denison.

11 FROM THE FLOOR: The estate homes are  
12 in blue?

13 MR. FRAZER: Which part of Vly do you  
14 live on?

15 FROM THE FLOOR: Between Denison and  
16 Old Valley.

17 MR. FRAZER: So you're over here?

18 FROM THE FLOOR: Yes.

19 MR. FRAZER: Originally that was also  
20 going to be part of the development of the  
21 system. However, as building codes have been  
22 modified over the last several years, some  
23 of the areas of pressure have been an issue  
24 with modern plumbing devices. In essence,  
25 they have dropped the standard pressure so

1           that manufacturers don't have to build a  
2           separate system in your dishwasher and units  
3           like that. So, we have postponed that work.  
4           That is going to be separate.

5           The subdivisions will be hydraulically  
6           separated from existing Denison and existing  
7           Vly. We will look at that later in the more  
8           global aspect talking with neighbors to see  
9           what the impacts would be on their system.  
10          So, Vly and Denison are not included in the  
11          original. They're going to be completely  
12          different systems.

13          FROM THE FLOOR: He asked what you  
14          considered low. Ours is 17. Our neighbor  
15          across the street cannot flush their toilet  
16          upstairs.

17          FROM THE FLOOR: I live at 58 Denison.  
18          We had to buy our own pump.

19          MR. FRAZER: We understand that we have  
20          existing areas that we have problems. We  
21          will attempt to address those issues. The  
22          issues haven't changed.

23          The houses were built at an elevation  
24          of 410 which leaves us managing the system  
25          today in the situation where we get

1 complaints about low pressure. I don't think  
2 that 17 is correct. I don't think today it's  
3 at 17.

4 Have you ever called us? Have we been  
5 out to your house?

6 FROM THE FLOOR: Yes. And you said that  
7 it was an average. So 17 was an average of  
8 20 and 20 was okay.

9 FROM THE FLOOR: We run our shower  
10 upstairs on a pump because the water won't  
11 make it. You're going to tell me that you're  
12 going to give everybody else water?

13 MR. FRAZER: No. What I said was that  
14 we would address the issues. The new  
15 subdivision will be addressed. We have  
16 issues along Denison Road where if we gave  
17 you more pressure, we would increase their  
18 pressure down here at the intersection of  
19 Vly and Denison (Indicating) to a level that  
20 would be inappropriate for residential unit  
21 fixtures like dishwashers and water  
22 softeners and things like that. So, we have  
23 to address all those issues together.  
24 Hydraulically, you are connected to your  
25 neighbor down the street. To separate you is

1 an expense that would have to be addressed.

2 FROM THE FLOOR: Where is the water  
3 tower when you go up the south of the hill?

4 MR. FRAZER: The two water towers are  
5 here.

6 FROM THE FLOOR: Are they supposed to  
7 supply water pressure?

8 MR. FRAZER: No, they're not high  
9 enough. The new tank will go up higher on  
10 the hill and it will look like it will be  
11 about a 100-foot high tank. So that will  
12 bring the water elevation up to 600 feet  
13 instead of 500 feet.

14 CHAIRPERSON DONOVAN: I know that it  
15 depends on when the water tower is going to  
16 be built, but when do you address the issues  
17 of the existing neighbors? Is there a time  
18 frame when you see that you're going to do  
19 this?

20 MR. FRAZER: A lot of it will depend on  
21 what the Town Board approves for a capital  
22 plan for the division. I can make  
23 recommendations to the Town Board but they  
24 have the ultimate say as to what is funded  
25 and what's constructed. So, I can put them



1           on a capital plan when we have the  
2           infrastructure ready to go; when the water  
3           tank and the pump station are ready to go.  
4           Then we address those issues in our capital  
5           planning process. I can do that. I can make  
6           those recommendations. But if the board  
7           doesn't follow the recommendation, there is  
8           nothing that I can do.

9                   CHAIRPERSON DONOVAN: So, in other  
10           words, once this board, if it goes through  
11           the process and it approves these projects  
12           and the water tower is built, at that point,  
13           then you bring your capital plan to the Town  
14           Board for approval?

15                   MR. FRAZER: That's correct.

16                   CHAIRPERSON DONOVAN: So, we probably  
17           would have to work together to make sure  
18           that as the whole process goes through that,  
19           we recommend to the Town Board that they  
20           adopt the capital plan to improve the  
21           situation in the other portion.

22                   MR. O'ROURKE: Absolutely. Not to hold  
23           the developers hostage, but we should almost  
24           make that contingent upon approval to take  
25           care of the residents first.

1           MR. FRAZER: C.J., what I said was you  
2           can't just raise the pressure here -

3           MR. O'ROURKE: And John, I understand  
4           what you're saying. But in terms of allowing  
5           new developments to have the water pressure  
6           when these people have lived like this, it's  
7           just not right. We as a town can't allow  
8           that to happen.

9           So what you have said is correct. In  
10          terms of your capital plan, we have to  
11          ensure that as these developments get built  
12          and that infrastructure goes in, these  
13          people are taken care of.

14          MR. NARDACCI: There's a good portion  
15          of this that is going to be paid for by  
16          funds set aside in the GEIS.

17          MR. O'ROURKE: You run a surplus every  
18          year. Pure Waters runs a surplus every year.

19          MR. FRAZER: We spent almost a million  
20          dollars back in 2003 to repair a spillway  
21          and a reservoir in Clifton Park so we have  
22          those expenses.

23          MR. O'ROURKE: It's like a business. I  
24          understand that, John. But I can't sit here  
25          and tell these people that have lived like

1           this for 25 years - 17 PSI? This isn't  
2           Africa. This is Colonie, New York.

3           MR. NARDACCI: I just echo the  
4           sediments. Not to just pile on and pile on,  
5           but since I've been on the board talking  
6           about concepts and talking about plans I  
7           guess that in the back of my mind it was my  
8           understanding that this was going to solve  
9           problems for existing residents. That's kind  
10          of how it's been sold or packaged.

11          MR. FRAZER: It still can. It might  
12          just be a longer process.

13          FROM THE FLOOR: I've been told for  
14          25 years wait for your water tower. Here  
15          comes a new water tower and -

16          MR. FRAZER: And once that new water  
17          tower is installed, we will then have the  
18          infrastructure that we can start addressing  
19          some of the other issues.

20          MR. O'ROURKE: Right, but listen to  
21          what he's saying. Once the infrastructure is  
22          in, you can't just tap into it. You'll blow  
23          out all your pipes.

24          FROM THE FLOOR: There is 100 different  
25          ways to do this and I'm not hearing it.

1                   CHAIRPERSON DONOVAN: What we are going  
2                   to do is work with the department to make  
3                   certain that the Town Board understands the  
4                   relationship between the new development,  
5                   his capital plan and the needs of the  
6                   department. I'm not sure that such a  
7                   connection existed before and it's nobody's  
8                   fault. What I'm saying is that this board  
9                   now has to become more proactive in  
10                  presenting not only the needs of the new  
11                  development and the needs that may exist  
12                  with the neighbors whether it be drainage,  
13                  water pressure, or whether it be traffic  
14                  issues; we're going to try to be more  
15                  proactive and work with the departments.  
16                  We'll work with Bob and the neighbors. I'm  
17                  not going to say that we're always going to  
18                  have a solution but we're going to try to  
19                  address the issues that are out there.

20                  MR. O'ROURKE: Is that capital plan in  
21                  place? Do you have one right now?

22                  MR. FRAZER: We have a five year  
23                  capital plan. So, we look at five years.

24                  MR. O'ROURKE: In terms of this area,  
25                  John.

1 MR. FRAZER: No, it's not because we  
2 don't have the infrastructure yet. We don't  
3 have the capital plan or the finances  
4 available to construct the facilities  
5 necessary for this work.

6 CHAIRPERSON DONOVAN: So you're capital  
7 plan is never based on projections; is that  
8 what you're telling me?

9 MR. FRAZER: We've been talking about  
10 this one for how many years? It's  
11 unrealistic to include that work on a  
12 capital plan when the infrastructure doesn't  
13 exist to support it.

14 MR. O'ROURKE: Not in terms of a  
15 capital plan being this year or next year in  
16 terms of budgeted, but do we have an idea  
17 what we're going to need to do to the  
18 existing infrastructure?

19 MR. FRAZER: Yes.

20 MR. NARDACCI: How many homes, how much  
21 cost, I mean, do we have a general sense of  
22 what the problem is there? You have the  
23 17 PSI. How many other neighbors or other  
24 homes are we looking at? Are we looking at  
25 10, 50?

1           MR. FRAZER: We're looking at more than  
2           that. We're looking at Coronet Court,  
3           Sonja Place and Denison Road.

4           I've gotten e-mails from people on  
5           Denison Road who don't want any increase in  
6           pressure. I've gotten letters from people on  
7           Denison Road who want more pressure.

8           MR. O'ROURKE: That's the problem with  
9           those elevation changes. You start tapping  
10          into mains and you'll blow peoples plumbing  
11          out. That's all I'm saying is that we have  
12          to be proactive. Especially in your  
13          department, John, with making sure that we  
14          understand that 58 versus 60 versus  
15          62 - - and I don't think that formulating  
16          that plan is too far off. I think that we  
17          should be on that so that when that  
18          infrastructure does go in, we're ready to  
19          implement something and it's not to  
20          formulate a capital plan after the  
21          infrastructure is in, which everybody knows  
22          could take two more years.

23          CHAIRPERSON DONOVAN: We haven't seen  
24          anything more from that developer in  
25          relation to this site.

1           MR. O'ROURKE: Again, it's a gravity  
2 system. John is a smart guy. He knows that  
3 it's 600 feet -

4           MR. FRAZER: I know where the problem  
5 areas are here.

6           MR. O'ROURKE: Exactly. So, in terms of  
7 having to plan, Jean, I don't think that  
8 it's unreasonable to say, we know that it's  
9 a gravity system and it's going to be  
10 600 feet. There's 58 and 62. I mean, one  
11 wants pressure and one doesn't need the  
12 pressure. We know where we are at in terms  
13 of the infrastructure that we own, where we  
14 need to be; right John? I'm not far off in  
15 saying that, right?

16           MR. FRAZER: That's correct. But until  
17 we have the infrastructure -

18           MR. O'ROURKE: I just don't want the  
19 residents that spent their time here tonight  
20 to go and say hey, the town is crazy. Now  
21 we're going to have to wait more time.

22           MR. NARDACCI: Five years from now,  
23 we're starting. You probably have a good  
24 sense of who doesn't what pressure and who  
25 has got too much and who doesn't have

1           enough.

2           MR. O'ROURKE:   And what it's going to  
3           cost, because there's going to be expense to  
4           some of the homeowners.

5           FROM THE FLOOR:   About 20 years ago I  
6           sat in an engineering office and looked at  
7           that water. All the streets have been  
8           connected and everything has been done and  
9           here we are we're going to put in 200-some  
10          odd houses and I'm still going to have the  
11          same problem. What happened? What is going  
12          on here?

13          MS. AERY:   I'm Tracy Aery and I live at  
14          275 Vly Road. I want to emphasize that point  
15          because I'm at the corner of Vly and Denison  
16          and we're that corner house that was always  
17          a problem to look around.

18          The neighbor on one side of me has bad  
19          pressure. The neighbor on the other side on  
20          Denison has bad pressure. I'm at that corner  
21          and we have awesome pressure. So don't touch  
22          my pressure. It's a huge, huge problem.

23          MR. O'ROURKE:   John, can you just take  
24          a minute and explain how that is done with  
25          reducing the pressures when that goes on?



1           Just so that people know if they have low  
2           pressure, their pressure goes up. The people  
3           that have high pressure now are going to be  
4           reduced.

5           MR. FRAZER: Yes. That's correct. The  
6           pressure in your house is 40 PSI and you  
7           (Indicating) have 17. We'll build this tank  
8           100 feet higher and we'll connect you to the  
9           system. That means that you're going to have  
10          43 more PSI. So you'll have 60. However, the  
11          person down at the corner of Vly and Denison  
12          who already has 60 will now have over 100  
13          PSI. What will happen is that they will blow  
14          their dishwasher apart. The other thing is  
15          to buy a pressure reducing valve inside  
16          their house at their water meter, where the  
17          water service comes through the building.  
18          Now, if that fails, it's their  
19          responsibility to fix; not ours. Private  
20          property is privately owned. If it fails and  
21          blows the dishwasher apart, those are the  
22          things that we need to consider when we're  
23          considering increasing the pressure in the  
24          varying terrain with just Denison Road. It  
25          probably goes up to 70 feet from 60 feet.

1           FROM THE FLOOR: I have just one other  
2           comment. I have three small children ages,  
3           3, 6 and 9 and the traffic on that road is  
4           atrocious. I don't care what the studies  
5           say.

6           FROM THE FLOOR: I live two doors down  
7           and I'd like to address the traffic, too,  
8           because I've been there 26 years and  
9           whatever the studies say, you drive up  
10          Vly Road and we all have circular driveways  
11          because we can't get out of our driveways  
12          anymore. The stop signs at Vly Road are the  
13          only thing that allows me to get out.

14          We love the neighborhood, we're all  
15          neighbors and we all associate with each  
16          other in spite of the road. When we were  
17          talking about these issues about 10 years  
18          ago, we addressed sidewalks and the fact  
19          that down at the end, a mile away was where  
20          Mr. Subb is and Stewarts is. All the  
21          teenagers and kids want to go down there,  
22          but the shoulder is this wide and the kids  
23          will still ride their bikes. Now you're  
24          adding all of this traffic and there is no  
25          way out of our neighborhoods to even walk.

1           There are bicycle riders and lots of young  
2           kids on the street. It's dangerous.

3           CHAIRPERSON DONOVAN: I don't want to  
4           sugar coat this because people have property  
5           where the zoning is in effect. They have a  
6           right to develop their property. What we're  
7           trying to do is minimize the impact. We  
8           can't stop what's going on. That's why we  
9           have all of these professionals here. We're  
10          going to try to minimize. We can't stop the  
11          development. There is no question about  
12          that. People have the right to develop  
13          property. What we can do is try to do it the  
14          best way to effect the neighborhood.

15          MR. KENNEDY: My name is Bill Kennedy.  
16          We also have an issue with our home. We're  
17          not on Tamarack and we're not on Walnut.  
18          We're right on Vly road where both streets  
19          drain into us; Denison and Vly. We have  
20          doubling traffic.

21          CHAIRPERSON DONOVAN: Understood; and  
22          that's they highway part of the study was  
23          addressed.

24          Yes, sir.

25          MR. BEALS: My name is Dave Beals and I

1 live at 1 Dennison Road and I'm on the  
2 corner of Vly and Denison. I think that the  
3 meeting is great. We have learned a lot here  
4 and I think that a lot of the information is  
5 valuable.

6 These are, however, residential  
7 streets. Traffic is horrendous. Putting in  
8 20 more houses will just make things worse.  
9 There are quality of life issues here. You  
10 have to take those into consideration.

11 CHAIRPERSON DONOVAN: Yes, sir.

12 FROM THE FLOOR: I have two questions  
13 for John and one for Dave.

14 John, can you explain to me why the  
15 house on the corner of Denison and Vly has  
16 super pressure and the houses on either side  
17 of her doesn't and they're on the same  
18 level.

19 MR. FRAZER: What happens is that we  
20 find that it's usually an internal thing  
21 when houses are situated in close proximity  
22 at the same elevation. There are a lot of  
23 things that can happen inside the house.

24 FROM THE FLOOR: I understand that. I  
25 went to engineering school, too.

1           MR. FRAZER: That usually ends up being  
2           an internal plumbing situation. It could be  
3           anything from plugged screens and when you  
4           turn on the faucet and a little bit comes  
5           out. If you are having problems and your  
6           neighbors aren't, you need to give us a  
7           call. We have people there 24 hours a day,  
8           seven days a week that will go out and we  
9           will probably find the problem in your house  
10          that we can help rectify.

11          FROM THE FLOOR: I have the same  
12          problem as my neighbors next door.

13          My second question is: If these areas  
14          are separated hydraulically, does that  
15          affect fire fighting in any way?

16          MR. FRAZER: That's a consideration.  
17          That's part of the reason for the size of  
18          this proposed water tank. It would be big  
19          enough for those fire fighters and the fact  
20          that we'll be able to make the water to the  
21          pump station and connect it to the tank.

22          FROM THE FLOOR: Before you hook those  
23          together, when you have Denison Road fire  
24          hydrants and you may have Ridgewood Hills  
25          fire hydrants, would that pose some problem

1           because there will be a significant  
2           difference in pressure.

3           MR. FRAZER: They will be and what we  
4           depend on in that situation is that the Fire  
5           Department knows the difference between the  
6           two systems. We hope that they're doing  
7           their homework and that they understand that  
8           there will be a lower pressure, as there has  
9           been on Denison.

10          FROM THE FLOOR: When was the last time  
11          that you measured the traffic on Denison and  
12          Vly Road?

13          MR. JUKINS: Actually, we counted it  
14          yesterday to confirm what we had counted  
15          back in 2005 and 2006. We're pretty much on  
16          the mark here. Traffic on Vly Road and  
17          Denison Road has changed 2 to 2.5% a year  
18          over the last ten years. We know that.

19          FROM THE FLOOR: I would challenge that  
20          number. I would say that it has changed like  
21          5 to 10% per year.

22          MR. JUKINS: The number is the number  
23          it is right now.

24          FROM THE FLOOR: The primary impact has  
25          been the improvement of Karner Road and the

1 discovery during the reconstruction of all  
2 the roads around the airport and so forth  
3 that Karner/Vly/Denison/Birchwood is a great  
4 straight shot. So, now at the right time,  
5 you'll find at the peak hours groups of 10  
6 and 12 cars coming through that. I'm sure  
7 they're simply going from New Karner or  
8 Route 5 to 7 and have nothing to do with  
9 residences.

10 MR. JUKINS: That's probably true.

11 CHAIRPERSON DONOVAN: Thank you. We're  
12 now going on the fourth hour.

13 Wallace, if you'd like to conclude  
14 please?

15 MR. Krawitzky: I appreciate the forum  
16 here to discuss all these subdivisions. I  
17 hope that the board will do this in the  
18 future when you have such an area with  
19 subdivisions.

20 We have heard we have many problems  
21 such as water, water pressure, run-off and  
22 traffic. Traffic is one of those things that  
23 we have no control over. If we stop this  
24 project, we can't control this traffic that  
25 comes from outside the area. When they redid

1           Route 7, people learned about the  
2           Denison/Birchwood corridor. You can't change  
3           that. In fact, in the '80's they redid the  
4           intersection of Watervliet-Shaker and Vly  
5           and by the early '90's it was completed.  
6           Now, between 8 and 8:30, it's backing up  
7           again.

8                     I remember when I used to work on Wolf  
9           Road, I would take Hampshire going west to  
10          go around because the traffic backed up and  
11          there is not enough capacity there. I don't  
12          know why they decided for the south side to  
13          have the right lane to go to the airport and  
14          make the left lane going toward Schenectady,  
15          but going south on Vly you can only make a  
16          left or go straight. People who want to make  
17          a right turn on Watervliet-Shaker from Vly  
18          going to Schenectady will bypass it and take  
19          Hampshire. That 30% is pretty good.

20                    A lot of these streets have basketball  
21          hoops. Why were they there? Because at the  
22          time, the kids were playing there. Now we  
23          have forced the kids to play elsewhere  
24          because they can't play and the lack of  
25          safety prevents that.



1           Dave, you said in our neck of the woods  
2           there was very little cut-throughs present  
3           in the north Ash Tree corridor. That's  
4           really not true because people know that  
5           when they come across Birchwood that it's a  
6           20 mile zone. It's a school zone and they  
7           have that 7 a.m. to 5 p.m. If they don't  
8           know it now, they're going to find out when  
9           they take Ash Tree.

10           One of the things that I noticed over  
11           the years when I first moved to Colonie is  
12           that in the rest of the town, you have very  
13           few cut-throughs. You take Sand Creek and  
14           you take Albany-Shaker. It's only recently  
15           that they realized that at the capacity of  
16           the roads that you couldn't allow  
17           subdivisions to connect. I think that you  
18           have to be concerned about the people that  
19           already live there.

20           As far as a roundabout is concerned, we  
21           needed that. About 20 years ago in 1993 I  
22           remember somebody said we need a light and  
23           Peter Platt said, it didn't warrant it.  
24           Well, it's here still and there is more  
25           traffic than ever. The roundabout will make

1 a difference. You can't wait until it's  
2 warranted because if you wait that long, it  
3 will be too late.

4 The Exit 3 and Exit 4 thing is a thing  
5 of the future. Maybe my grandkid will see  
6 it. It wasn't important enough. It was very  
7 important to put it in. The thing is that  
8 this roundabout is necessary and if we need  
9 another roundabout in the corridor just to  
10 slow traffic down, do it. It's cheap and it  
11 sifts out all problems.

12 The corridor of Vly from  
13 Watervliet-Shaker to Birchwood - there is no  
14 sidewalks. The traffic has increased. People  
15 and kids ride their bicycles and they walk.  
16 Even with people that walk from  
17 Watervliet-Shaker to Central Avenue I have  
18 many times asked why didn't they put in a  
19 sidewalk? Why is it that the volume gets  
20 that great? Why not have the bikes like  
21 Sand Creek had? A sidewalk on one side?  
22 There are people that walk down to the  
23 shopping center.

24 Have you thought about all this traffic  
25 and how about the bus line? Earlier you

1 mentioned the ShuttleFly.

2 Let's say for example you were in  
3 Voorheesville and you went up 155 which is  
4 Vly Road and it continued up through Vly and  
5 maybe terminated at the airport. There are a  
6 lot of office buildings that are along that  
7 route that people would take. Or if people  
8 go to shop at Price Chopper they can get on  
9 a bus and I think that it's warranted. The  
10 point is that the people who get in their  
11 car just to go down the block could probably  
12 use public transposition.

13 CHAIRPERSON DONOVAN: What we are going  
14 to do is hopefully have this traffic report  
15 on our website by the end of the week. I  
16 won't promise that, but keep checking.  
17 Please feel free to review it and come back  
18 to us with any comments that you may have.  
19 You can send it to me in care of the  
20 Planning Department. I'm sure that we'll see  
21 you at further meetings.

22 Thank you John and David and Bob for  
23 spending your evening with us.

24 ***(Whereas the proceeding concerning the above***  
25 ***entitled matter was adjourned at 10:25 p.m.)***

