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PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

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THE CONTINUED PUBLIC HEARING REVIEW REGARDING  
ARCHMONT KNOLLS PHASE 5  
\*\*\*\*\*

THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on September 28, 2009 at 6:04 p.m.  
at the Public Operations Center 347 Old  
Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

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

Also present:

- Joe LaCivita, Director, Planning and Economic  
Development
- Brad Clark, Barton & Loguidice
- Victor Caponera, Esq.
- Elio Micheli, Developer

1                   CHAIRPERSON DONOVAN: Tonight is a  
2 continuation of the Archmont Knolls  
3 request for Phase 5. Actually this evening  
4 is to deal with some issues that were  
5 brought to our attention at the last  
6 meeting with drainage problems in Phase 3.

7                   If there was anyone that was present  
8 at the last meeting, there were questions  
9 as to what the town signed off on with the  
10 infrastructure and if there were problems.  
11 Brad is going to answer the question and  
12 if there were problems in the  
13 infrastructure and from what as well as  
14 what's most important and what can be done  
15 to alleviate some of those problems.

16                  Brad, that's the reason that we're  
17 here and we await your report.

18                  MR. GRANT: There is a copy of the  
19 GEIS map that contains all of the various  
20 catch basins and storm drainage pipes in  
21 the Archmont and greater neighborhood  
22 around there. Those that are having  
23 trouble reading this, here is Swatling  
24 Road (Indicating). Marne Street is here.  
25 Cambrai Drive is here. Verdun Street is

here and Belleauwood Circle are here.

                Just a little history on this  
project: The analysis that we have done  
basically was to look at Archmont's  
Phase 1, 2 and 3. That's tributary to the  
detention basin and the subject of our  
drainage analysis.

                We have seen some of the surcharging  
and flows coming out of the stormwater  
system in this general area and some of  
the lots of Cambrai Drive; in particular,  
5 Cambrai Drive.

                You can probably see that at the time  
of the aerial photo, Archmont Phase 4 was  
in the works. Archmont 5 is below that. So  
far as our analysis, Archmont 4 and  
Archmont 5 are not tributary to this  
drainage system that we have taken a look  
at.

1 Archmont's Phases 1 and 2 is in this  
2 drainage area in yellow (Indicating). This  
3 is the Phase 3 portion of Archmont Knolls.

4 For Phases 1 and 2, this system led  
5 to a 30-inch pipe, a 24-inch pipe and an  
6 18-inch pipe that come together here at  
7 the one point of Somme Avenue and travel  
8 down to a 30 inch.

9 At the time of Phase 2, there was a  
10 short section of pipe and again a section  
11 flowed overland to a smaller version of a  
12 detention basin that exists there now,  
13 just slightly up hill from it.

14 Phase 3 came along and this detention  
15 area was moved and expanded. A new  
16 infrastructure was constructed from  
17 Phase 3 that brought a lot of drainage  
18 over to a common point here on Cambrai and  
19 then it did a B-line for the outline  
20 structure of the detention basin and then  
21 to the dry river that goes down to the dry  
22 river basin in the City of Watervliet. All  
23 this drainage goes to their dry river dam.

24 In our analysis, we reviewed the  
25 consultants and the design engineer's  
report for Archmont Knolls Phase 3, which  
was an update of what they had done for  
Phase 2. It included computations in  
HydroCAD analysis that analyzed the  
differences of drainage tributary to  
Watervliet's dry river dam on a watershed  
basis that extends well beyond the views  
of this project. Also the pipe sizing  
calculations that were done to actually  
size the pipes.

After reviewing that report and  
getting some of the record drawings from  
the Town of Colonie DPW and visiting the  
sites on a couple of occasions with some  
very wet weather, I was able to get a  
better feel for the existing conditions  
and what some of the issues were.

It wasn't really until I did my  
drainage model and analysis that I started  
to hone in on pipe capacities.

In particular, this 30 inch that goes  
from Somme right to the outline structure.

1 A lot of this entire neighborhood depends  
2 on that for the main area of conveyance.  
3 It's not to say that all three phases  
4 drain to this point. There is a little bit  
5 of backyard drainage that goes off to the  
6 stream here (Indicating) and there is  
7 another small outfall up here that  
8 bypasses the detention basin. Sufficed to  
9 say that 80% to 90% of the phases 1 - 3

10 were built to this detention basin.

11 In our analysis, as I said, we looked  
12 at the 30 inch and then modeled this with  
13 HydroCAD and using what we now use for a  
14 10-year storm or 4.5 inches of rainfall.  
15 We need more capacity than the 30 inches  
16 provided. It's not so much that it's the  
17 grade. It's a relatively flat grade. You  
18 can only put so much water into a 30-inch  
19 pipe. When there is excess, it comes out  
20 of the ground and creates a small pond  
21 here in this back yard. In other  
22 instances, particularly the July 1<sup>st</sup> storm,  
23 people are seeing some water out in the  
24 roadways where they've never seen it  
25 before.

I was one of the knuckleheads running  
around in the rain taking observations of  
some of these areas. There was 4.5 inches  
of rain in two hours in the afternoon of  
July 1<sup>st</sup>. They came in two waves. The first  
was about 2.5 inches of rain in the first  
hour. The sun came out for about five  
minutes and then it just came down again  
for another at least 1.5 or almost two  
inches in the next hour. That particular  
storm on that day is probably close to a  
100 year storm. That type of intensity  
lends itself to that and also some of the  
other conditions that we were seeing that  
day.

Less than a mile from this site  
(Indicating) there were people being  
hailed out of cars in the low part of  
Route 2. Cars were swamped and rescue  
people had to get them out of a bad  
situation. There was a beauty parlor with

1 water backed up into it. That was a very  
2 significant storm that we size pipes for  
3 flowing full.

4 The design norm for local storm  
5 sewers like this would be the 10-year  
6 storm. They would flow full on a storm  
7 that would have a chance of occurring once  
8 in 10 years.

9 That said, I did two versions of my  
10 model. One is to examine the current  
11 situation using the record plans. We did  
12 identify that there was some capacity  
13 issues with the 30 inch. We did a proposed  
14 conditions model of what we would  
15 recommend.

16 I believe the 30 inch from  
17 Somme Avenue is largely sized but in all  
18 likelihood, adequate. There would be less  
19 impedance on the outflow of this 30 inch  
20 from Somme Avenue if this were better able  
21 to handle the flow.

22 This is ground zero for the drainage  
23 situation as I see it (Indicating). There  
24 is a 12-inch with a couple of catch basins  
25 that picks up the general area of backyard  
drainage, Somme and Cambrai. The 12 inch  
is trying to come into the side into a  
30-inch pipe that is flowing through here  
(Indicating), and it can't get in there  
easily enough.

What I'm recommending is that another  
catch basin be installed that this 12-inch  
can go in, disconnect it from the 30 inch  
and run a new pipe down and directly into  
the catch basin to about this point  
(Indicating) to just about the middle of  
the detention basin to let it flow in  
instead of underneath it. Let it flow into  
the basin and help utilize the storage a  
little better.

The parallel line that I'm looking at  
is a 36-inch pipe to assist the 30-inch  
pipe in getting those peak flows. The peak  
flows in our 10 year analysis are  
essentially the worst part of the storm.

What we have seen in situations where  
it has flooded is that it's a very

1 temporary situation. Within a half hour,  
2 two and a half feet dissipates rapidly and  
3 goes down into the pipe and goes on its  
4 way. For that short amount of time, it's  
5 kind of an unusual picture of a backyard  
6 with chairs half inundated. So it's that  
7 temporary situation that we're trying to  
8 cure. By doing so with that parallel line,  
9 it will take a lot of relief off some of  
10 the other pipes that join into this  
11 30 inch. If this 30 inch is blocked full  
12 with water, the pipes coming in from the  
13 sides are having an equally hard time in  
14 getting their flow in. Things can back up  
15 from that.

16 This area right above Cambrai  
17 (Indicating), I'm seeing as a bottleneck  
18 and recommending a separate parallel line.  
19 I wouldn't reconstruct what is there. It  
20 has capacity and it has use. I wouldn't  
21 throw it away, but I would supplement it  
22 with another line.

23 The detention basin has always seemed  
24 adequately sized. When you do enough of  
25 these you get an opinion when you look at  
a snapshot of the site plan. I have seen  
some pictures that might have been the  
June 16<sup>th</sup> storm where, Joe, I think that  
you may have taken those pictures.

MR. LACIVITA: Yes.

MR. GRANT: I would have expected  
more water to have been retained in here  
on a temporary basis.

Originally there was and still is a  
24-inch pipe out of this structure  
(Indicating). The original control was a  
20-inch diameter restrictor plate. In  
trying to alleviate some of the problems,  
DPW has taken that 20-inch restrictor  
plate out and it's essentially now a  
24-inch restrictor plate over a 24-inch  
pipe. It probably hasn't changed things  
drastically. When I first looked at this I  
was hoping for a simple solution that  
maybe would provide some additional  
capacity down here in the base with a  
parallel line and that would alleviate the

1 surcharging condition and that would  
2 relieve the situation up there. The  
3 bottleneck really started up here  
4 (Indicating) near Cambrai. That's really  
5 ground zero where we need to increase  
6 capacity between these points. Once it  
7 gets to the base, then it will be fine.

8 Again, this is Archmont 4  
9 (Indicating). Their detention facility is  
10 right about here. They both go to the same  
11 breach in so far as going downstream to  
12 Watervliet. Archmont 4 does not flow into  
13 this area. Archmont 4 would go to a  
14 completely different breach.

15 I think that this held its own  
16 through the first two phases. It probably  
17 held its own for quite a while until some  
18 rather large storms came to expose some  
19 existing conditions that really warrant

20 some additional capacity.

21 CHAIRPERSON DONOVAN: Brad, thank  
22 you. One of the concerns that I had was  
23 whether the systems had been updated to  
24 take the capacity of flow. I don't know if  
25 that's the case or not. I do know that  
26 once Phase I was constructed and then  
27 Phase 2 and Phase 3, the other phases of  
28 the infrastructure were changed in order  
29 to take -

30 MR. CLARK: The Phase 3 report did  
31 account for the first two phases; the  
32 tributary area and stormwater run-off.

33 MR. O'ROURKE: So were their  
34 engineer's calculations incorrect, by your  
35 estimation, of the Phase 3 building?

36 MR. CLARK: In the approval process,  
37 I did review their drainage calculations.

38 There were two facets of it. One was  
39 a global look at the entire watershed.  
40 That was done by HydroCAD and treated  
41 basically in the three phases here as one  
42 sub catch. That seemed adequate and  
43 appropriate.

44 There was a particular facet of the  
45 Phase 3 report in so far as curve numbers  
46 for the rational method for the pipe

1 sizing - I would have chose some different  
2 numbers for. Were they appreciatively  
3 wrong? That's open for debate. I do see  
4 that I would have used some greater values  
5 and perhaps that would have led to a  
6 larger pipe being here. Obviously it  
7 wasn't intentional, but I do see the  
8 drainage areas agreed with substantially  
9 all. There are differences in the rational  
10 method versus the method that I used. I  
11 used HydroCAD because that's what I'm most  
12 comfortable with and it's also a secondary  
13 way of checking the conclusion by using an  
14 entirely different method. There are  
15 differences in the method.

16 HydroCAD is a modified version of  
17 TR20. It's good to use when you have  
18 detention in the mix, as we do here.  
19 That's the way that you do evaluate how  
20 well the storage is being used.

21 There is also an independent way of  
22 checking. Having used both over the years,  
23 the HydroCAD does usually come up with

24 some slightly greater values.

25 Back in 1999 I was using the version  
of HydroCAD that a design engineer had at  
the time. We were using lower numbers for  
the 10-year storm. I think some people say  
that our weather patterns have changed  
permanently, but a number of communities  
including Colonie have raised the ante on  
what they're using for the designs for it.

Back then in the '90s we were using  
four inches in a 24-hour period for the  
10-year storm. Now we're using 4.5. Is it  
a huge difference? No, but it is a  
difference.

In those types of storms where there  
is four inches or 4.5 inches, typically  
we're looking at three-fourths of that  
falling in a very short period of time;  
usually less than an hour. The rest of the  
storm may be leading up to it and wetting  
the ground and perhaps saturating the  
ground, but the hammer punch or the knock  
out blow is that peak period of time. For



1 a lot of reasons, particularly an older  
2 drainage systems, there is a tendency to  
3 be overwhelming when those types of flows  
4 come along. For a variety of reasons  
5 sometimes they can be the inlet capacity  
6 of a grate that's not sufficient. You  
7 could have a six-foot in diameter pipe but  
8 if the water can't get through the grate,  
9 you can have a ponding. There are enough  
10 grates down here. That's not the issue. As  
11 I see it, it's a pipe capacity basically  
12 between here and here (Indicating). That  
13 needs to be supplemented with another  
14 pipe.

15 MR. LACIVITA: Brad, that  
16 supplemental that they did in  
17 Mr. & Mrs. Scampini's yard - that 12-inch  
18 that they put on top of the 30 - that's  
19 really not going to handle any additional  
20 water based on the bottle neck that it's  
21 already coming up against, too, right?

22 MR. CLARK: The 12-inch pipe that DPW  
23 did put in there could help in some  
24 storms. The 12 inch is a pretty minor  
25 sized culvert. It's good for about one and  
26 a half to two CFS. In the realm of things,  
27 it's nice to have, but it needs more. It's  
28 not a bad thing that's there, but I've  
29 modeled that in there. So, it is a benefit  
30 but it's not the answer.

31 MR. SCAMPINI: The 32-inch pipe that  
32 you're recommending parallel to that pipe  
33 is going to cure the water coming from  
34 where?

35 MR. CLARK: Basically I would insert  
36 it right here (Indicating) and then I  
37 would connect -- there is a catch basin  
38 here that goes to a 30-inch pipe. I'm  
39 proposing to put a basin next to it with a  
40 30-inch pipe to the new basin, run this  
41 existing backyard drainage into it -

42 MR. SCAMPINI: That's the 12-inch  
43 line, right?

44 MR. CLARK: That's a 12-inch line and  
45 at the end of that I would upgrade that to  
46 an 18 inch. The last part of that 12-inch  
47 is being a bit undersized, just given the

1 size of the drainage area. Again, with  
2 your every day storm you wouldn't even  
notice. It's that peak flow.

3 MR. SCAMPINI: But if we do that,  
4 will that do anything to assist with the  
water coming from the west?

5 MR. CLARK: From this direction?

6 MR. SCAMPINI: It does because it  
7 benefits in one way. It gets this out of  
8 that stream, which isn't a huge part of it  
but it also uses a secondary outlet. I  
would run a 30-inch pipe into this catch  
basin.

9 MR. SCAMPINI: Okay, so you're going  
to connect that?

10 MR. CLARK: Yes.

11 MR. SCAMPINI: The water coming down  
12 that way is really minimal, in the whole  
scope of things. But the water coming from  
the other direction will be assisted.

13 MR. CLARK: Until we can drop those  
14 waters and the depth of flow in that pipe,  
15 this is always going to have a problem.  
So, I'm trying to give the 30 inch a shot  
in the arm, if you will, and have two  
pipes going down.

16 MR. SHARP: What was the pipe that  
17 they put in December 2007? That was 12 or  
24 inch?

18 MR. CLARK: That was 12 inch over the  
top of this (Indicating).

19 MR. SHARP: Are you going to connect  
20 the 36 inch from the overflow of drainage  
in case that has to flow over the basin?

21 MR. CLARK: Yes, this could be an  
22 interconnection, basically. If this were  
to be accomplished, the 12 inch is more or  
less out of the picture until the 100-year  
storm comes.

23 At the July storm when there was a  
24 picture taken there was nothing coming out  
of that top line. I was a little surprised  
25 about that. I don't know what time of day  
that was taken but that's one of those  
things. I have been doing this for a lot

1 of years and unless you're right at that  
2 spot at the exact peak, we may not see it.  
3 Did it flow through that 12-inch? If it  
4 flooded up as much as I've seen it before  
5 and I know that it did, it pretty much  
6 would have to. Again, it dissipates within  
7 a half hour. Unless you were there in  
8 those particular 10 minutes -

9 MR. SCAMPINI: It was taken when the  
10 backyard was fully flooded. I remember

11 taking the picture.

12 MR. CLARK: It's kind of tough to  
13 take the picture when you have a pond  
14 sitting there and you're wading through  
15 it.

16 MR. SCAMPINI: This was out at the  
17 street though. It was just all submerged.

18 MR. SHARP: Just to review what you  
19 have been saying, you're going to put in a  
20 new basin next to the 30 inch and the  
21 12 inch and make that a 36-inch pipe and  
22 run that all the way to the basin and  
23 connect a 12 inch and make the end of it  
24 an 18 inch overflow with an overflow from  
25 the existing 30-inch line.

MR. CLARK: You summed that up very  
well.

MR. SCAMPINI: So as the pipe goes  
under the street, what is it going to look  
like? Is there a danger of flooding on the  
street now that we're running more water,  
or we're running it with a totally  
separate catch basin in the street?

MR. CLARK: No, there would need to  
be an angle change from here (Indicating)  
to where I want to take it. I obviously  
can't take it through somebody's house.  
We'd want to try to stay to that easement  
or some minor extension of that easement.  
We would need a structure in the road,  
just a turning angle.

MR. SCAMPINI: So it would be just a  
straight underground pipe that's going  
directly under?

1 MR. CLARK: There would be a manhole  
2 with a solid cover. The manhole is just  
basically a turn of a few degrees.

3 MR. SCAMPINI: So the existing piece  
4 right now would not be affected in any  
way. It's a totally separate thing.

5 MR. CLARK: Right. Another way would  
6 be to reconstruct a very large pipe, but I  
7 hate throwing away that. For the most  
8 part, it works for most storms. It's also  
more cost effective to do it that way.

9 It would take a little bit of doing.  
10 I think it was a 560-foot pipe in that  
11 model and the structures.

12 MR. SHARP: How long would that take  
13 to put in?

14 MR. CLARK: That's a pretty large  
15 pipe to try to push with a directional  
16 drill. We'd have to be in the street for  
17 the turn angle, at least in the right of  
18 way. It's a more expensive way of doing  
19 it.

20 MR. SHARP: Where it drops down right  
21 here (Indicating) would it create a  
22 backflow in that manhole?

23 MR. CLARK: No. If you look at any of  
24 the structures, you can see that it sticks  
25 in a little bit. It's typical of storm  
drainage that it would be that way. In my  
model, I changed to an entry co-efficient  
from a discharge pipe to see if, in a very  
simple way -- in sanitary manholes we  
don't like to accumulate solids. We pour  
what's called a concrete bench. Whatever  
goes in, comes out; solids and everything.  
It gives a much greater hydraulic  
efficiency and less chance for surcharge.  
I imposed that on a few of these  
structures hoping for something that I  
know isn't really going to give me full  
relief. It gave me a little bit of relief  
as far as how much it would surcharge or  
tendency to pond but not quite enough.  
That's why I came up with a parallel  
route.

It does not surprise me that there  
was backup and water coming out of basins

1 elsewhere. From a simple standpoint that  
2 if you had something and it wasn't a  
3 100-year storm, it was very close to it.  
4 Knowing this was under surcharge  
5 conditions and everything is connecting to  
6 it, essentially there was no wonder that  
7 there was water coming up out of the road.  
8 Thankfully, those situations don't occur  
9 very often.

10 The reason that we go for a 10-year  
11 design is that if you size pipes for a  
12 100-year flow, you're over sizing pipes  
13 and they tend to accumulate solids.  
14 Because it isn't contained enough, it  
15 isn't being provided a cleansing velocity.

16 MR. SCAMPINI: What about a 25-year  
17 storm?

18 MR. CLARK: For a major road crossing  
19 you would typically go with a 25 or a  
20 50-year design, which is what they did for  
21 the Blue Creek and that's at a low point  
22 in the road. That was kind of testimony  
23 that the storm was a breaker.

24 MR. SHARP: Did you look at any other  
25 solution of possibly disconnecting Verdun  
or Marne and redirecting past Cambrai and  
then extending it directly into the  
recharge basin?

MR. CLARK: I didn't but with my  
routing diagram I could relatively easy. I  
was seeing those capacity issues without  
padding in a lot of the side roads.

MR. SHARP: The flow by Marne is  
probably the worst. When you start at  
Swatling and go all the way to Somme,  
there is a huge drop in elevation.

MR. CLARK: It sounds like there is  
great evidence of drainage issues in the  
first two phases.

MR. SHARP: I think that there was some  
error omission in terms of the yards and  
Jody can attest to that as he had to fix  
his own drain. This line at Belleuwood and  
then Verdun. Phase 1 and 2 were not  
properly designed because the yards are  
always level there too, but not a lot.

1 MR. CLARK: Those pipes are connected  
2 to the main artery and during the peak  
3 that might be exacerbated.

4 MR. SHARP: The town did come in and  
5 on Marne they put in sewers right in the  
6 back yards there to alleviate that  
7 problem.

8 CHAIRPERSON DONOVAN: Gentlemen, can  
9 you identify yourself for the record,  
10 please?

11 MR. SHARP: My name is Steve Sharp  
12 and I live at 10 Somme Avenue.

13 MR. SCAMPINI: My name is Paul  
14 Scampini and I live on Cambrai Drive.

15 CHAIRPERSON DONOVAN: Brad, will you  
16 be submitting a written report to the  
17 board so that we could have it with your  
18 recommendations?

19 MR. CLARK: Yes.

20 MR. SCAMPINI: One more thing.  
21 Aesthetically, my back yard after this is  
22 done will look how different?

23 MR. CLARK: It shouldn't. It  
24 shouldn't look different at all. There  
25 would be a new grade right next to the  
existing one, but that's the only  
difference.

During a 100-year storm, you'll  
probably have some water back there but it  
will be a short duration. It will go away  
like it has. The frequency that you see  
that would drop tremendously.

MR. SHARP: A cost estimate?

MR. CLARK: I haven't done that yet.  
It depends on who does it.

MR. O'ROURKE: Roughly. We won't hold  
you to it.

MR. CLARK: About \$65,000. That's  
basically 560 feet of 36-inch pipe, a few  
basins, and some restoration work and  
repaving a section of Cambrai.

CHAIRPERSON DONOVAN: Thank you.  
Tom?

MR. NARDACCI: A comment and then  
just a quick clarification.

25

1 First, I think that this is critical  
2 information for us to completely  
3 understand based on the residents'  
4 concerns for the other phases and  
5 understanding how the entire watershed  
6 operates is important. I'm glad that we  
7 held off at the last meeting so that we  
8 can truly understand the picture out  
9 there. So, I want to say thank you for  
10 getting this done so quickly, Brad, and  
11 quickly getting it back on the agenda. I  
12 think that was good work. We appreciate  
13 that.

14 While this causes discomfort for the  
15 developer, we have a situation where the  
16 residents are living with this situation  
17 and it's important for us to understand  
18 part of what's coming forward. I think  
19 that's important.

20 For this Phase 5 as well as Phase 4,  
21 there is no correlation between those  
22 developments and this situation?

23 MR. CLARK: Correct.

24 MR. NARDACCI: I think that's  
25 important to understand. As far as moving  
26 forward on this phase that's before us,  
27 there is no direct connection between this  
28 drainage?

29 MR. CLARK: Correct.

30 MR. NARDACCI: The next question I  
31 have is for the town. This is not on Joe  
32 but on public works.

33 What is the next step here? I guess  
34 the question is when? Who pays for it and  
35 when does it happen and how do we get the  
36 situation resolved?

37 MR. LACIVITA: I would say that would  
38 be a question for DPW. We need to get  
39 someone from that department to talk to  
40 us.

41 CHAIRPERSON DONOVAN: I did e-mail  
42 Mr. Mitchell after the last meeting so  
43 that he could attend tonight's meeting. He  
44 was not in favor of doing so. I met with  
45 him this past week. I met with

1 Mr. Mitchell and Mr. Nealy and Mr. Dzialo  
2 from his office for about an hour going  
3 over issues. They did not want to attend  
4 this meeting. I wanted to let you know  
5 that.

6 MR. O'ROURKE: And you as homeowners,  
7 should raise holy heck about somebody that  
8 your tax money pays goes to pay their  
9 salaries and won't come before this board  
10 and tell you why your lawn is flooded.

11 CHAIRPERSON DONOVAN: And C.J. to  
12 that note, I did meet with the Supervisor  
13 and the Town Attorney this afternoon  
14 briefly and it will be addressed.

15 MR. NARDACCI: I think that this  
16 speaks to how we have been trying to  
17 tackle issues here with the board and  
18 trying to understand the residents'  
19 concerns and while this situation here  
20 doesn't directly relate to Phase 5, it  
21 could have. We didn't know that and we  
22 didn't have that information. So having a  
23 TDE like Brad who is an expert in  
24 stormwater and has done stormwater for  
25 many years all over the capital region,  
it's a really great resource for this  
board. Hopefully this will expedite the  
process to get this thing fixed.

CHAIRPERSON DONOVAN: I did explain  
to DPW also that the process is that we  
receive the recommendation for the board.  
However, this is a different board that  
was here from Phase 1 or 2 and it's  
difficult for this board to just say, okay  
accept this if we know that there have  
been problems. We would need to know what  
the answers are for the neighbors and if  
we can't get anyone to come and address  
us, then we have to go a step further.

MR. CLARK: I will say that my  
numbers and model came together recently.  
I did talk to Bob Mitchell this morning  
about my conclusions but that was the  
first that we had spoke on it because my  
model didn't get completed until over the  
weekend.



1 CHAIRPERSON DONOVAN: Was DPW willing  
to work with you on this?

2 MR. CLARK: I got that impression.

3 CHAIRPERSON DONOVAN: It's not the  
4 board's intention, the public's intension  
5 or anyone's intention to say it's your  
6 fault that this happened. There is a  
7 problem there and we want it resolved.  
8 It's certainly not to point fingers at  
anybody, but I think that we can all work  
this out and together we can all come up  
with a solution and see how we're going to  
resolve it. I appreciate the time that  
you've put into it. Thank you.

Elena?

9 MS. VAIDA: I don't have anything.

10 MR. O'ROURKE: I have a couple of  
quick comments.

11 I'm a little harsher than the  
12 chairlady I'd certainly like to know how  
13 much the town spent. We gave it to Brad  
14 and we had an answer in a month to fix  
15 people's problems that they have lived  
with for 11 years. We're not building  
rockets. We're not shooting people into  
space. We're trying to fix a drainage  
issue, right Brad?

16 How many hours did you spend figuring  
17 out how to fix these folks' problem?  
Honestly?

18 MR. CLARK: Maybe 20.

19 MR. O'ROURKE: I'd like to know how  
20 much we spent on the 12-inch pipe that dug  
21 up the road when we had engineers. Even  
22 though we didn't have town designated  
23 engineers, we could have gone back to  
24 C.T. Male, who doesn't want to work within  
25 the town and come up with a solution so  
these people didn't have to live 11 years.  
I have real difficulty with these issues.  
I don't live there so it's easy for me to  
not worry about your problems. But when a  
developer comes before the board who knows  
that there are problems, we want them to  
build here we want to increase our tax  
base, we want all of those things for the  
citizens but we also want people to buy a

1 \$400,000 home and not have problems in  
2 your yard. So, the \$65,000 estimate, I  
3 think, does correlate to Phase 5. That  
4 would be my estimation as a board member  
5 sitting here that certainly there is some  
6 degree of responsibly to the developer in  
7 terms of fixing the problem that his  
8 development company sold to these folks  
9 that they have had to live 11 years with.  
10 That's my opinion.

11 I'd also like to note that on the new  
12 36-inch pipe, you're going to be removing  
13 the 12s. It's my understanding that if  
14 that pipe is full and you have outlets  
15 coming into it, that's what causing the  
16 water to come back up.

17 MR. CLARK: It's part of it.

18 MR. O'ROURKE: Especially on the  
19 grade. As this gentleman said, those first  
20 two phases and the force of that  
21 water -- if that pipe is full, no 12 inch  
22 or 18-inch pipe going into that pipe, no  
23 water is going to go into it.

24 MR. CLARK: That's why I wanted to  
25 separate it right here.

MR. O'ROURKE: So, you're going to  
actually remove pipes.

MR. CLARK: That's ground zero. That  
would be disconnecting that 12 inch from  
this 30 inch and putting it into another  
catch basin and then taking it down.

MR. O'ROURKE: Okay, so totally  
separate?

MR. CLARK: Yes.

MR. O'ROURKE: Same thing with the  
road?

MR. CLARK: No. By relieving this  
situation and supplementing, a lot of the  
problem isn't generated down here  
(Indicating). It's generating up here and  
it's grading down from Swatling Road and  
it's accumulating stormwater as it goes.  
Eventually right around in here  
(Indicating), it's too much for that pipe.  
Providing a separate pipe and paralleling

1 it is greatly going to increase the  
2 capacity of the existing volume.

3 MR. O'ROURKE: Two weeks after we had  
4 the meeting here, we also had a rainstorm  
5 during the day. I went up and spent about  
6 an hour and 45 minutes and there were  
7 still ponds. There were big ones. This  
8 gentleman had water in his yard and those  
9 silk fences - there was just mud water  
10 running into those drains. Did you see  
11 that?

12 MR. CLARK: No. I have seen it on  
13 many sites. This is a heavy clay site.  
14 It's very sensitive to moisture. It's like  
15 you carry 20 pounds of clay on your boots  
16 when you walk out of there. It's what  
17 makes it a high run-off site and also  
18 susceptible to silt.

19 MR. O'ROURKE: All right. That's all  
20 I had Jean.

21 MR. SULLIVAN: I have nothing. Thank  
22 you, Brad, for your help.

23 CHAIRPERSON DONOVAN: Joe?

24 MR. LACIVITA: Nothing here.

25 CHAIRPERSON DONOVAN: Anybody else?  
Yes, sir.

MR. SITTIG: I'm just wondering, I  
spoke to Brad after the last meeting and  
gave my address.

My name is John Sittig and I live at  
27 Marne Street.

I was in contact with him. I  
approached you the last time. You can see  
that in this picture, this is my backyard  
and then you can see Mr. Scampini's in the  
background.

MR. O'ROURKE: And what storm is  
this?

MR. SITTIG: This is the June storm.  
This is the one where the road flooded.

CHAIRPERSON DONOVAN: Brad, is this a  
100 years?

MR. CLARK: June 16<sup>th</sup> was.

MR. O'ROURKE: It wasn't this bad  
when I went. It was ponding still. That

was in July.

1 MR. SITTIG: And you'll see that  
2 basically at 27 Marne Street there is a  
3 swing set there basically just covered  
4 with water.

5 Since we have moved in, there is a  
6 swale in the back of our yard with  
7 drainage. If you look at my house from  
8 Marne Street on the right hand side, it  
9 flows uphill. How can it flow uphill? This  
10 happens every time it rains.

11 That storm that you talked about - if  
12 you came that day there would be water  
13 there and it always smells like a swamp  
14 back there.

15 CHAIRPERSON DONOVAN: Brad would what  
16 you have proposed have an effect on this  
17 gentleman's property?

18 MR. CLARK: I believe that it would.  
19 This drainage goes right up to the back of  
20 25 Marne, which is your next door  
21 neighbor. Then you have a swale leading to  
22 that. By connecting to the 36 inch, we  
23 lessen the surcharge potential of that  
24 line.

25 MR. SITTIG: That would cause the  
flooding of that drainage?

MR. CLARK: It's essentially  
surcharging out of the catch basins and  
when the pipe can't handle it, when it  
seeks its storage level, it climbs up  
toward your house.

MR. SITTIG: And with that drainage,  
it's actually going downhill to my  
property.

MR. CLARK: It's a little deeper than  
this gentleman's property, but I can see  
where it's off in the back here.

We're also going to replace that end  
of the pipe to increase its capacity with  
an 18-inch pipe. But disconnecting it from  
the 30 and getting it in its own system,  
you will have water stand in the yard if  
you get a 100-year storm. That water will  
have to evaporate away. It's not a perfect  
system.

The June 16<sup>th</sup> storm was significant  
also

1 MR. SITTIG: Right in the back of our  
2 yard is what our backyard looks like. It's  
3 not just the July storm, it's with most  
4 storms.

5 CHAIRPERSON DONOVAN: Brad, could I  
6 ask you please that now since you've done  
7 all the work that took you that long to  
8 put together, could you put together a  
9 report for the board? I would ask if our  
10 attorney would please meet with the Town  
11 Attorney and to review your report and  
12 then you could contact Mr. Caponera and  
13 work with Mr. Caponera, also.

14 MR. O'ROURKE: As part of that, can  
15 we also include what the town has spent  
16 trying to remedy this situation and an  
17 estimate on the cost?

18 CHAIRPERSON DONOVAN: We probably  
19 would need a cost estimate.

20 MR. CLARK: That would be part of it.

21 CHAIRPERSON DONOVAN: What the town  
22 has already spent is history, C.J. What  
23 we're looking for right now is to address  
24 the issue.

25 I was told by Mr. Mitchell that they  
have spent at least five years trying to  
figure out what the situation is.

Brad, I appreciate your effort.

MR. O'ROURKE: Glad you could solve  
it in 20 hours.

CHAIRPERSON DONOVAN: Thank you for  
being able to solve it for us and for the  
neighbors. I hope that we're on the right  
road here.

If you could do those things, Brad, I  
would appreciate it.

I know that September 22,  
Mr. Caponera, you will be here with us.

Joe, I know that we have another  
issue on September 22<sup>nd</sup>. We're doing just  
Wal-Mart?

MR. LACIVITA: I don't have the  
agenda with me, Jean, but I think that  
there is actually three items on the 22<sup>nd</sup>  
now.

1 CHAIRPERSON DONOVAN: Okay, so what  
2 I'd like to do, if possible, is to bring  
3 this back for our first meeting in October  
4 which I believe is October 8<sup>th</sup>. I'd like to  
5 come back in October and see how we're  
6 going to proceed with this and Phase 5. I  
7 would like the report to show how Phase 4  
8 and 5 are not connected to this particular  
9 project so that we can proceed with those  
10 phases. If we have that written report,  
11 that would be easier for the board to go  
12 forward.

13 MR. SITTIG: So that meeting in  
14 October we should have a commitment from  
15 the town that we will be able to take care  
16 of this?

17 CHAIRPERSON DONOVAN: I try to stay  
18 away from those attorney meetings. They  
19 will hopefully meet and come up with some  
20 kind of plan for us to address the issue;  
21 whether it will be timeframe or something.  
22 There will be cost and we'll see what they  
23 come up with.

24 I thank you all for your patience. I  
25 know that it's been years that you've  
lived with this. Hopefully, it will  
resolve shortly for you.

MR. MICHELI: I have a house there  
for 13 years and I've seen water in that  
pond very rarely.

CHAIRPERSON DONOVAN: I know you  
have. When I was talking to Mr. Mitchell,  
I was telling him that you had mentioned  
that there was very rarely water in that  
pond and that you also mentioned the fact  
that you did not see water coming out of  
the 12-inch pipe.

MR. MICHELI: I didn't say that.

The water that we had in July - I had  
water in my backyard. too. You have  
positive drainage and the water is going  
to run there. It's going to run off later  
but it's going to run off eventually. It  
had to be my backyard. I had water in my  
backyard, too.

The developer is not responsible for  
grading the lots. The lots are the

1 responsibility of the homeowner/builder.  
2 Of course a lot of the homeowners have  
3 done additional grading on their lots  
4 which could create the additional problem.

5 CHAIRPERSON DONOVAN: Yes, I  
6 understand that and that's why it was very  
7 important for us to have the report come  
8 in from Brad Grant to show us that not  
9 only was there that problem, but there was  
10 a structural problem with the system

11 that's in there.

12 MR. MICHELI: The design standards  
13 have changed. At concept approval in  
14 January of '02 -- the stormwater designs  
15 have changed. We had to go back and  
16 redesign and comply with the new  
17 stormwater regulations.

18 CHAIRPERSON DONOVAN: Understood.

19 MR. O'ROURKE: Actually that's not  
20 what Mr. Grant stated. He said that  
21 they're close but they're different. Your  
22 AutoCAD was different in '99, correct?

23 MR. MICHELI: Mr. O'Rourke, the  
24 stormwater ponds have changed. They have  
25 micro pools in there. Before, they were  
strictly detention.

MR. O'ROURKE: Trust me, I  
understand.

MR. MICHELI: Now they contain silt,  
which is the new regulation.

MR. O'ROURKE: I understand that.

CHAIRPERSON DONOVAN: Okay, thank  
you. We understand that and hopefully on  
October 8<sup>th</sup> we'll be able to phone  
Mr. Caponera and get this done and we'll  
have answers for the neighbors, hopefully,  
to resolve this.

We will be back here on October 8<sup>th</sup> to  
deal with his.

FROM THE FLOOR: I'd just like to  
thank the board for addressing our issues.  
I feel that as of late, this is the first  
time that I've come to a meeting where the  
board has actually listened to the  
residents.

1 CHAIRPERSON DONOVAN: We try. Thank  
2 you very much.

3 *(Whereas the proceeding concerning the above*  
4 *entitled matter was adjourned at 6:55 p.m.)*

5  
6  
7  
8  
9  
10 **CERTIFICATION**

11 *I, NANCY STRANG-VANDEBOGART, Notary*  
12 *Public in and for the State of New York,*  
13 *hereby CERTIFY that the record taped and*  
14 *transcribed by me at the time and place noted*  
15 *in the heading hereof is a true and accurate*  
16 *transcript of same, to the best of my ability*  
17 *and belief.*

18 -----  
19 **NANCY STRANG-VANDEBOGART**

20  
21  
22  
23  
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25  
*Dated October 9, 2009*