

PLANNING BOARD
TOWN OF COLONIE

COUNTY OF ALBANY

PUBLIC HEARING REGARDING THE PROPOSED PROJECT OF
SIENA COLLEGE FOUR-STORY 260 BED RESIDENCE AND
DINING HALL LOCATED AT 505 LOUDON ROAD

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on September 22, 2009 at 7:04 p.m. at
the Public Operations Center 347 Old Niskayuna
Road, Latham, New York 12110

BOARD MEMBERS:

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

Also present:

Joseph LaCivita, Director, Planning and Economic
Development

Ed Hershberg, Hershberg & Hershberg

Greg Seleman, Woodward Connor Gillies & Seleman

Michael Magguilli, Esq., Town Attorney

Joe Grasso, Clough Harbour & Associates

Paul Steck, Finance and Administration, Siena
College

Kevin DeLaughter, Planning and Economic Development

1 CHAIRMAN DONOVAN: This evening we're
2 again addressing the Siena College proposed
3 project.

4 Over the last week or so the Planning
5 Board has received much material from
6 Mr. Hershberg and I thank him for that.

7 I requested that from the last meeting
8 that we receive a copy of the drainage report
9 on the campus because we know that the Kroma
10 Kill runs through the campus and then goes on
11 down into, I believe, Schuyler Meadows Country
12 Club. I received that report.

13 Mr. Hershberg, would you like to begin
14 this evening, please?

15 MR. HERSHBERG: Certainly.

16 CHAIRPERSON DONOVAN: I know you're not
17 going to be surprised, but I have a lot of
18 questions.

19 MR. HERSHBERG: Let me take this
20 opportunity, Madam Chairperson and members of
21 the board, to discuss some of the items that
22 we did transmit to the board briefly. I'm sure
23 that you all had a great opportunity to read
24 them and review them.

25 I also want to take this opportunity to
present an amendment to the noise study which
was completed.

 Let me start briefly with the sound
analysis that was done by Novus Engineering.
They were given the operation's figures from
all of the items to be used on this building.
Namely, the rooftop units that would impact
the sound.

 The sound analysis report on page 3 talks
about the method that they used. On our
request they did not consider the impact of
the woods lying between the building and the
road. They identified five receptor points;
one and two at the back of Everly Road, three,
by the Schuyler Meadows property line, four in
the middle of the woods, and lastly five, by
the edge of the posted fairway that would be
impacted by the sound. So, we told them when
you model it, ignore the woods. These are very
dense woods and the woods in and of themselves
are vegetation and are not normally a great
sound barrier. These are very dense woods and

1 it probably would have resulted in some
2 reduction in sound.

3 We also told them that when you model the
4 sound, do not consider the sound barrier that
5 we're putting on top of the roof. Consider it
6 as if it wasn't there. Just consider the raw
7 equipment.

8 Mr. Hull was nice enough to hand me a
9 copy of his letter four or five minutes ago. I
10 just asked to review it. He made a statement
11 in there that said we essentially had not
12 considered the roof top units and the visual
13 impact. Yet if you look at the elevations, the
14 rooftop units are all on the flat part of the
15 roof so there is much less than the peaks of
16 the roof that were shown on our visual
17 analysis. I just want to put to bed that issue
18 that we forgot to show you folks what the
19 rooftop impacts would impact on the visual.
20 I'll leave the visual for Greg Seleman.

21 Let me just go through what happened here
22 and why I had to give you an amended report.

23 The original report showed this area here
24 (Indicating). Here is actually the two story
25 portion and the four story portion and here
26 are the two receptors (Indicating). Those are
27 actually at the rear of the lot on Everly.
28 When they did the analysis, they came up with
29 almost 40 decibels. It was slightly more than
30 40 decibels at one of those property lines.
31 Forty decibels is not an unusually high sound
32 level. It's well less than your town standards
33 of noise. We took a look at it and we said, is
34 there anything that you can do if you look at
35 the equipment list that we gave you? We
36 thought that we were asking for a sound
37 sensitive list from our HVAC engineers and
38 they did a good job.

39 There was one piece of equipment. There
40 was a condenser on the chiller units and they
41 said they do make a condenser that's low
42 noise. So, they said okay, let's use them.
43 It's at an additional expense for our client
44 but we thought that it was a good investment.
45 We can drop the level another five or six
46 decibels. That's what we proposed to do.

1 The second level that you have in there
2 as well as the little table that you have in
3 there displays the difference from using a low
4 noise condenser on a rooftop. That drops the
5 sound level to 38 decibels at the property
6 line and less at the building. That's well
7 within the sound level of a normal, very quiet
8 rural residential area.

9 I bring up the sound study because that
10 was a key element of discussion by people in
11 the audience and by members of this board. We
12 think that we've asked our sound consultant,
13 Novus Engineering to do first of all, a very
14 conservative study not counting the trees and
15 not counting the impact of putting a screen
16 up. We also took further steps to reduce the
17 noise level that would impact adjoining
18 properties. We think that this study displays
19 not only Siena's commitment to responding to
20 concerns of neighbors, but it also indicates
21 that this project will not have any negative
22 impacts on adjoining owners.

23 Another major issue was the stormwater
24 management issue. If I may, I'd like to just
25 take a couple of moments to run through this.

 I did not give you folks the full SWPPP.
This is the full SWPPP. I gave you folks the
text portion of the SWPPP and a couple of
maps. I didn't think that you folks were very
interested in reading the printouts and
everything else. The full SWPPP has been
prepared which is way ahead of time for
preparing a full SWPPP for submission. It
normally doesn't happen until we go through
preliminary final submittal. However because
stormwater was an issue, we determined that
we'd take a hard look at it.

 As the chairperson said, we did submit
the text portion of the stormwater evaluation
report done for Siena College in 2002.

 Let me just review what those say. On
page 10 of the abbreviated SWPPP there is a
table and what that table tells you is that
for every storm between a one-year storm and a
100-year storm, a level of flow off the site
is significantly reduced. I say significantly

1 because the one-year storm is only a 78%
2 reduction in the outfall. That's because a
3 significant portion is going through our
4 treatment system. At the 100-year storm, it's
5 approximately 29% of reduction.

6 When I stood here before I said that I
7 thought that we'd get 20% which is what, in
8 fact, we shot for. Then in our final analysis
9 we determined that we can take this expansion
10 of the parking lot and recharge the ground
11 water. So, we proposed to use porous pavement
12 on this expanded portion of this parking lot.
13 We also determined that we do have adequate
14 infiltration to design an infiltration to take
15 the flow from this portion of the site. So,
16 although our target was 20% we actually have a
17 reduction of 29% in the flow of the 100-year
18 storm.

19 Mr. Hull's letter also has concerns about
20 a pond. That pond that he is talking about is
21 actually are federal waters of the United
22 States of America; for a lack of better terms.
23 It's actually a large wetland. We do not
24 consider that part of our project site. That's
25 an existing pond on the site and this stream
course bypasses our site. It doesn't go
through our site.

MR. LANE: Is that the Kroma Kill?

MR. HERSHBERG: On a map this is called a
tributary to the Kroma Kill and on other maps
it's actually called the Kroma Kill and I'm
not certain which one takes priority. Either
is a tributary to the Kroma Kill. I haven't
had a straight answer from anybody as to how
it's stated. It's just labeled on DCC's maps.
It's not defined as the Kroma Kill, but this
is the main stream course.

We are discharging to it and we are
discharging less water that comes off of it
between a one and a 100-year storm. In fact,
we are reducing the impact, as it relates to
this large pond.

I'll refer to page 7 and 8 of the
stormwater analysis. In that stormwater
analysis, there were three options to
identify. Option one had to do with taking the

1 catch basin outfall of that -- there is
2 actually a culvert at this point here
3 (Indicating) that used to pass unobstructed
4 into the Kroma Kill out of that wetland. They
5 recommended that a catch basin and a weir be
6 built on the catch basin to control the flow
7 of water from this pond into the Kroma Kill.
8 That's already been done. That's option one.

9 Option 2A and 2B would require the
10 raising of Maloy Circle of either one foot or
11 two feet.

12 I also point out the fact that there is a
13 project called the loop road project. That
14 project is going forward. The Town of Colonie
15 and Siena people are consulting regarding the
16 award of an architectural and engineering
17 contract to design that and they also are in
18 the process of determining a fee structure. So
19 that project already received sponsorship from
20 the Town Board of a grant that was received
21 for that loop road.

22 This project had been on the thought
23 boards and not the drawing boards for four
24 years. Yet, it never came to fruition due to
25 the fact that we had to walk through steps and
get consent from the town. There was an
administration change in the middle and we did
try to work it.

26 Siena is now comfortable that sometime in
27 2009 we'll get an agreement and will hire an
28 architectural engineering firm when the Town
29 of Colonie signs off with the fee structure
30 and that loop road will get built. One element
31 of that loop road will be, in fact, the grade
32 of Maloy Circle so that opposite 2A or 2B will
33 be possible.

34 The difference between 2A and 2B is just
35 the level of controls. They hold significant
36 reductions of the 25, 50 and 100-year storm.
37 At the two-year storm, again, if we raise it
38 one foot you have to let more water out. With
39 both of those studies, we can't control the
40 flow from this pond to significantly less flow
41 than flows down to the Kroma Kill today, even
42 though Siena made some attempts to implement
43 option one.

1 I might point out that there were some
2 comments previously that were not related to
3 this particular issue that there was lack of
4 maintenance, etcetera, on Siena's grounds. I'm
5 informed that for the last year or year and a
6 half that they have made efforts to clean
7 those culverts, to monitor the culverts
8 regularly. Those are culverts that go off-site
9 but don't particularly impact this stream
10 course. I just point this out because this has
11 been an issue before with regard to Siena.

12 I could go on, but I think that you folks
13 saw what I sent you. If you have any specific
14 questions, I'd be glad to answer them.

15 I'd like to turn it over to Greg Seleman
16 to walk us through a little bit regarding the
17 text portion of the study that he gave you
18 folks and reiterate what was said with the
19 models.

20 MR. SELEMAN: Thank you. I'd like to just
21 briefly review what we talked about last week.
22 I'd just like to put up a couple of drawings.
23 This is one of the crosssections of the site
24 that we took that goes through Everly Drive
25 and our project and goes through Schuyler
Meadows clubhouse. This is just a summary of
the simulations that resulted in the CAD
visual simulations and the view from Schuyler
Meadows.

We documented our methodology. It's in
our seven page documentation of the steps that
we took to create the simulations. It's
involving the clubhouse at Schuyler Meadows.
Land rises and all the trees between the
clubhouse and our residence hall are taller
than the residence hall. The only way that you
could see the project is through the trees and
thus the reason that we did the studies. I
think that was proven with the studies on
September 8th. Again, the property surrounding
our property is lower.

When you go up in that area, there are
80-foot trees here (Indicating) so you'd have
to be able to see through the trees. Those are
the visual studies that we did. I think that
we've explained the methodology here.

1 These six in particular were requested by
2 Schuyler Meadows in July for these particular
3 views. These views were asked for by Schuyler
4 Meadows and that's why we picked these.
5 Subsequent to that, the town designated
6 engineer asked us to do some more and those
7 were included for Everly Road and again they
8 show a very similar result. The project isn't
9 going to be able to be seen in any of these
10 areas.

11 CHAIRPERSON DONOVAN: Thank you.

12 Do you have anyone else who would like to
13 speak?

14 MR. HERSHBERG: Let me just introduce
15 Paul Steck. He's the Vice President of Siena
16 and he's involved in the decision making
17 regarding these mitigation measures.

18 MR. STECK: Just to reiterate what Greg
19 and Dan have conveyed to you tonight, we
20 appreciate the privilege to come back for our
21 project. Certainly the guidance that we got
22 the last time around was very usable
23 commentary. We think that we have a really
24 good project and we're confident that we can
25 minimize the impacts to the surrounding
neighborhoods as being nominal, as we cited
the first time through.

This project began with a careful
selection of this site to really look at how
we can move forward and reasonably accommodate
the concerns that you might have and come up
with those impacts that we can put on the map.
We think that we've accomplished that and
again, relative to the noise and drainage,
we're prepared for questions.

Thank you.

CHAIRPERSON DONOVAN: Joe?

This is Joe Grasso and he is one of the
town designated engineers assigned to this
project.

MR. GRASSO: Just to go through the
application and where we are tonight: The
application started out with a development
coordination meeting held at the town on
June 24th. The plan changes were made as a
result of comments made at that meeting which

1 included relocating the proposed dorm slightly
2 away from the Kroma Kill. That runs through
3 the site in order to provide a 100-foot
4 buffer. I should say that it was established
5 by the town to protect that resource.

6 CHAIRPERSON DONOVAN: Is that why they
7 didn't need a SEAMAB variance?

8 MR. GRASSO: And the relocation of the
9 building by taking it out of the corridor also
10 avoided the need for an application for a
11 SEAMAB variance process.

12 The other change was the applicants
13 planning to address the fire access around the
14 building. There are some new features on the
15 plan that warrant a DCC submittal.

16 The applicant made a formal concept
17 submittal to the town on July 22nd. Our office
18 issued comments on the concept application
19 dated August 4th and you have a copy of that
20 comment letter.

21 There were two neighborhood meetings held
22 at Siena College on August 17th and 18th and it
23 included representatives from Siena, their
24 consultants, the town and also included 15
25 members of the public at each meeting.

There was a preconcept Planning Board
meeting that was held on September 8th which
the board provided some comments for the
applicants to supply some additional
information and that additional information
was received by the town and the Planning
Board on September 17th.

We have received comments from all the
town departments and there are no outstanding
comments at this time. We have reviewed the
most recent submittal. Our most recent
comments have been addressed or will be
addressed during final plan preparation and
application for SEQRA determination for
concept determination by the Planning Board.

The new comments that we have based upon
the latest information was received is just
improved connection in the southwest direction
from the campus to the new dorm and extension
of a storm sewer that all fall through a
defined drainage course.

1 I'm going to touch on just some more of
2 the more significant concerns that have been
3 raised to date by the public or the board.

4 Regarding visual impacts: The update of
5 the document will be substantially screened by
6 the existing vegetative buffer, most of which
7 is on Siena controlled property. All the
8 adjoining properties have less buffer on their
9 own property than what would remain on Siena's
10 property.

11 If portions of the building are visible
12 following construction, additional landscaping
13 or a landscaping allowance could be built into
14 the final plans and could be added at the
15 direction of planning staff based on whether
16 the building will ultimately be visible.

17 Based on our review, there shouldn't be
18 any visual impacts caused by lighting because
19 of the fixture selection which will be
20 confirmed on the final plans. We also have no
21 concerns over the proposed building plan.

22 Regarding the noise impacts: The noise
23 study done appears to accurately reflect the
24 conditions. Supporting the concept
25 determination should include the proposed
mitigating measures that Dan included in his
presentation tonight.

Regarding stormwater impacts: All of our
stormwater comments have been addressed. The
site is downstream of Siena's other stormwater
management facility so they will use those to
address the impacts from this project by that
prior development and as such new stormwater
management facilities are proposed which
exceed current town and state requirements for
flow control and water quantity control.

We don't feel that any other stormwater
mitigation should be placed on Siena as a
result of this project due to its location.

Possible conditions of concept
acceptance, if acceptance is the way that the
board decides to go would be landscaping
provision on the final plans to be used for
visual impact mitigation, if warranted; noise
attenuation around the exterior of the
building; possible restrictions on the hours
of trash pickup and other service deliveries

1 and restriction of the use of public address
2 system in the vicinity of the dorm. That was a
concern that was raised by the public.

3 Additional connections in the southwest
4 and extension of the stormwater with the
drainage -- which I'm sure that they're going
to address in the final plans.

5 That's all we had.

6 CHAIRPERSON DONOVAN: The board is going
to question the applicant and Mr. Grasso and
then I'll open it up for any public comment.

7 Joe, I have a quick question. In 2002
8 there was a stormwater evaluation report for
Siena College. Is that a plan that's in effect
at the college now, do you know?

9 MR. GRASSO: There were certain
10 recommendations for possible things that the
campus could consider in that study to address
11 future development within the campus. Dan had
mentioned there were modifications based on
12 one of those studies which has the net effect
of reducing flows in some of the higher
13 frequency storms. Although those improvements
were done by Siena, those improvements weren't
14 tied to any future development. Every project
that's come before the town since that study
15 was done has done their own site specific
stormwater studies, which is the same concept
16 that's being done tonight. So, even though
Siena did some comprehensive improvements,
17 they weren't done to try to address the
impacts of this project or any other project
18 that has come before the town.

19 CHAIRPERSON DONOVAN: So how would this
plan which is the stormwater plan that we see
20 relate to this plan?

21 MR. GRASSO: They're really separate.
It's a little bit unique because of this
22 project site. The area of the campus that is
going to do the work there is downstream of
23 the other stormwater management facilities
already within the Siena campus. So those
24 facilities have no potential to address the
impacts of this project. Even if they could
25 make a case that if this was like updated from
a different part of the campus they could say
well, we already did this comprehensive

1 measure back in 2002. They're not going to
2 make that case because it's downstream of it.

3 CHAIRPERSON DONOVAN: Joe, we received a
4 recommendation from the Planning and Economic
5 Development Department that this should be a
6 Type I SEQRA action. Do you have a copy of the
7 notice of determination that was done? It was
8 in our packets.

9 MR. GRASSO: I do not.

10 CHAIRPERSON DONOVAN: There are just a
11 couple of things that I'd like to talk about.

12 Part two of the project impact and their
13 magnitude: The first one is on the impact of
14 the land. It says for the proposed action
15 resulted in physical change to the project and
16 of course that's a yes. Then it says any
17 construction on substance of 15% or greater,
18 which is a 15 foot rise over the general slope
19 of the project area exceeds 10%. They claim
20 that there is going to be a potential large
21 impact. Could someone address that to this
22 board please?

23 Then they say, can the effect be
24 mitigated and it says, yes. I'd like
25 clarification on that.

Mr. Hershberg?

MR. HERSHBERG: Yes, if you don't mind,
Madam Chairperson, I think that the area that
they are talking about is this area here
(Indicating). We didn't extend the parking in
this direction. We extended it in the opposite
direction. That's how we mitigated the impact
on the steep area. The only other steep area
is down within the state's protected area. We
also avoided that by moving our building out
of that.

So we think that it has been mitigated by
design changes that have been made already.

CHAIRPERSON DONOVAN: There will be
construction on slopes of 15% or greater, or
there won't be?

MR. HERSHBERG: I think that we've
mitigated them because again, with the
exception of some small areas and putting
sidewalks down, technically this sidewalk
coming down through here and the sidewalk

1 coming up there (Indicating) are going to be
2 through areas where the grade exceeds 15%, but
3 they're very small elements of our design.

CHAIRPERSON DONOVAN: It's the sidewalks
4 that we're talking about.

MR. HERSHBERG: Again, the sidewalk
5 itself is all located on relatively level
6 property and the front lawn of Colbeth Hall is
7 also relevant. It's got a smooth grade down
8 through this parcel. This existing parking lot
9 is level.

10 The area that was of concern was a
11 portion of the expansion of the parking lot.
12 We think that we have mitigated it. We do have
13 this sidewalk that traverses in a 15% grade
14 and a sidewalk that goes back up to Cushing.
15 They no longer exceed the 15% because we need
16 that for the assessable. This walk is
17 handicapped accessible and this one is not
18 (Indicating). We had a couple of ramps in
19 there.

MR. GRASSO: Just to expand on that, the
20 reason why that question is on the form is
21 because there is generally a greater chance
22 for erosion if you're doing construction on
23 slopes over 15%. It's a signal to the
24 reviewing agency that special provisions will
25 likely be included in the project. Again,
26 there will be areas of the site that are
27 currently over 15% and some of those slopes in
28 a constructed position will be up to 33%; a
29 one on three slope, which is what we consider
30 the maximum maintainable turf. It is something
31 that we'll follow up on and make sure that the
32 control measures are built into the plans.

MR. DELAUGHTER: If I could just address
33 in general filling out the part two with the
34 environmental assessment form.

35 The instructions direct the reviewer
36 specifically to the merit threshold in the
37 question, such as the 15% grade. In that event
38 if you meet or exceed one of those thresholds,
39 you have to check a potential large impact.
40 Once you have done that, anything that you
41 have checked as a potential large impact needs
42 to be addressed in the part three EAF in terms
43 of its importance and whether the impact will

1 be mitigated through measures incorporated in
2 the project. I think that in all cases where
3 that potential large impact has been checked,
4 the draft part three that the department has
5 prepared does indicate that upon review that
6 those impacts are considered not to be
7 important or not to be mitigated through the
8 incorporation in the project.

CHAIRPERSON DONOVAN: Thank you, Kevin.

6 The next question that I was concerned
7 about was the impact on the water. I know that
8 question three of the part two -- the proposed
9 action affecting water body designated as
10 protected. The answer was no. Is the Kroma
11 Kill protected? Is it a protected water
12 stream?

10 MR. HERSHBERG: The answer is that there
11 would be no impact on that or that it would
12 positively impact that.

12 MR. O'ROURKE: It's outside of it.

12 CHAIRPERSON DONOVAN: It is outside of
13 it. The Kroma Kill is a protected stream
14 though.

14 MR. HERSHBERG: The Kroma Kill is on
15 DEC's mapping. So any stream that is mapped by
16 DEC is protected.

16 CHAIRPERSON DONOVAN: The last portion of
17 the part two of the impact - growth and
18 character of community of neighborhood. It
19 states here that the proposed action effecting
20 the existing community -- it says not, but I
21 believe that Fraser and Associates raises the
22 point that they don't agree with that in the
23 SEQRA. Would you be prepared to address that?

20 MR. HERSHBERG: Although they've listed
21 eight specific items, we don't figure any of
22 those thresholds. Those are called threshold
23 items within the SEQRA. It's the language of
24 the SEQRA law entirely. We didn't peak any of
25 those thresholds.

23 The only other one that you could claim
24 would be other impacts because we have a very
25 minor impact on the climate. We don't think
that we're setting any precedence for future
projects. We're certainly are not exceeding
the population by 5%. None of these triggers

1 are met. So, we don't think that there's a
2 reason to assume that it will impact the
neighborhood.

3 Quite honestly, this is a very
4 controversial comment because they also
5 checked off: Is this likely to cause public
6 controversy? You can find public controversy
7 however you want it. When people come out to
8 express their opinions about the
9 project - that may be considered public
10 controversy. The same could be under the other
11 impacts. People can ascribe to project
12 impacts that are not one of the ones that are
13 specifically designated in the law as
14 triggers. Those are the triggers and none of
15 those could be checked with this project.

16 CHAIRPERSON DONOVAN: During the SEQRA
17 process.

18 MR. HERSHBERG: That's correct.

19 CHAIRPERSON DONOVAN: Tim?

20 MR. LANE: Mr. Hershberg, you stated that
21 in the noise study that the foliage and trees
22 are not taken into account. What about the

23 pavement?

24 MR. HERSHBERG: Actually what we gave to
25 Novus was a complete development plan. They
26 modeled not only the conditions of the area
27 around here (Indicating), but they modeled
28 this as woods with zero screening potential.
29 That's how they put it into the model. Zero
30 mitigation for sound. So they did model it and
31 actually the impact and noise is primarily
32 very slender for the line of sight situation.
33 We don't think that the pavement itself, which
34 may be well below that line of sight for any
35 receptor in any direction, would significantly
36 impact noise.

37 MR. LANE: What would 40 decibels which
38 is about average for what they came up with,
39 be equivalent to?

40 MR. HERSHBERG: The background noise in
41 this area is 40 decibels. I can't display 40
42 decibels.

43 What I've said is I'm now talking at 35
44 decibels and you cannot hear me. Thirty five
45 decibels is when your wife rolls over in bed

1 and whispers that exceeds 35 decibels. It
2 would be a very wispy voice. We're saying that
3 the sound level generated from our site would
4 be between 35 and 40 decibels at the property
5 line. You cannot hear it.

6 MR. LANE: Secondly on the sidewalks: I
7 wasn't at the last meeting. Did something
8 change from what was the previous information
9 that they would see the top of the buildings
10 and because of the movement of the building,
11 now they will not see the buildings at all
12 from the Schuyler Meadows County Club?

13 MR. HERSHBERG: Well, when we first had
14 the building, it was slid slightly more in
15 this direction here (Indicating). There was a
16 question whether the building would be visible
17 through the meadow area. We don't think that
18 there would be since there would be additional
19 screening. This location of the building has
20 been the same model building that we showed
21 you on September 8th and we also talked about
22 even as far back as here (Indicating).

23 MR. LANE: What has been the conversation
24 with the country club in relation to this
25 project? Have the members been notified? I
understand that Fraser has made some comments
and submitted a letter, but has the general
membership met with - - I understand that
there have been certain meetings -

MR. HERSHBERG: I'm going to allow Paul
Steck to review that because he is more
familiar with this. These meetings took place
not at a public level where I was invited.

MR. STECK: There were several
interactions earlier in the summer between the
President of the board of Schuyler Meadows
County Club and Father Kevin Mullen in regard
to us getting notice out to him and telling
the folks that we were contemplating a
project.

Over the summer I had two occasions where
I met with the President of the board. We
walked the site and other sites on campus.
When I say that we walked the site, we walked
from one end where it would be on the other
end including where we ended in the meadow.

1 Subsequent to that which was on August
2 18th, I met with the General Manager of
3 Schuyler Meadows and essentially our visit
4 went much the same way. He was at the
5 neighborhood meeting on the 18th as well.

6 MR. LANE: Who would that be?

7 MR. STECK: I believe that it was Michael
8 Rezey. So we had that discussion that day.

9 Our discussion was pretty much related to
10 the sound and to the sight lines. At one point
11 it was asked - I think it was the second
12 meeting for us to go back and see what we
13 might be able to do in order to help with the
14 sight lines.

15 MR. LANE: But you can't say for certain
16 one way or the other whether the general
17 membership of the club has been given
18 information -

19 MR. STECK: No.

20 CHAIRPERSON DONOVAN: Anything else, Tim?

21 MR. LANE: No, I'm good.

22 CHAIRPERSON DONOVAN: Hi Mike. Our Town
23 Attorney is here tonight.

24 Elena?

25 MS. VAIDA: You said that the decibel
noise study was done.

 MR. HERSHBERG: Yes. After the last
meeting we determined that there was an issue
that was raised. We thought that we knew the
answer. Novus Engineering, as I noted, an
engineering firm in the area, has a specialty
in sound analysis. They came on-site and we
had our HVAC engineer give them details of all
the equipment, the sound parameters, and
levels that these things work at. All that
information was provided to us and put into a
program that generated those nice colored
drawings.

 They asked us if we wanted them to
consider foliage? I said no. First, you can't
model it because the leaves are still on the
trees. If we could have modeled it, I might
have asked them to go out and implement a
sound at the building site and see what the
sound levels were just mitigated by the
foliage, but I determined that was not in our
best interest. We wanted to be conservative.

1 We also knew that we were proposing to
2 build a sound attenuating screening on the
3 rooftop of the two-story building. They said
4 do you want us to consider that? I said no.
5 Let's be conservative. Let's not consider
6 these things that might mitigate the sounds.

7 Another issue in there is that if all the
8 pieces of our equipment were running
9 concurrently - that means all your chillers
10 are running, your fans on your kitchen
11 equipment is running and everything is running
12 concurrently and I point out that is an
13 unlikely situation when every piece of
14 mechanical equipment will run concurrently.
15 They said, do you want us to take an attempt
16 of what time of day? I said, don't do it. Load
17 everything in there and be as conservative as
18 possible. I don't want us to leave an opening
19 in there. I want to do what this board wants
20 us to do, which is to mitigate sound impacts.

21 MS. VAIDA: And that was sort of my
22 question. You said that the levels that were
23 determined were determined at the property
24 line. So obviously the decibels will be higher
25 if you're willing to go to the property line.

 MR. HERSHBERG: There are a number of
ways to measure decibels. You can measure
decibels five feet from a piece of equipment
and you'll have a reasonably loud sound level.
The normal routine is that you try to identify
sounds at receptor locations.

 We picked two locations. One was the back
of the closest buildings at the back of Everly
Drive. One was a location at the edge of a
fairway at Schuyler Meadows. One was at the
Schuyler Meadows property line and one was a
place in the middle of the forest just to show
you that even closer to our building, there
wasn't a huge sound impact.

 With the condenser, it was 35 decibels.
So even though this is closer to the
building -- this is very close to the
building. This is on Maloy Circle. It's
actually the stream course at Maloy Circle.
It's quite close to the building. Even at that
distance, we're only generating 35 decibels.

 Again, like I told you, that

1 35.8 decibels is quiet. There are some rural
2 areas in our area that probably exceed
3 35 decibels now because of ambient sound from
4 highways, etcetera. So I think that it's a
5 good indication that the sound analysis was
6 accurate.

7 MS. VAIDA: That was my concern. Also,
8 you already addressed the issue of what would
9 be the impact of the leaves on the trees.

10 MR. HERSHBERG: We didn't count the trees
11 at all; no trucks, no leaves or no nothing. We
12 did it just like the trees didn't exist.

13 MS. VAIDA: This study is computer
14 generated?

15 MR. HERSHBERG: And like with every
16 model, there is an error factor.

17 When I do a stormwater management model,
18 I tell people that even with a stormwater
19 management model, it's normally plus or minus
20 10%. Sound studies have a similar level of
21 accuracy because there are variabilities in
22 the model and reflected sound which was what
23 one member was talking about. The sound can be
24 reflected off of other solid items. But the
25 normal routine is if you're plus or minus 10%
on your sound, it's good enough. That's why I
was comfortable with the fact that if we could
get it a little bit lower. We did want it
lower than 40. We wanted less and that's what
they provided for.

MS. VAIDA: On the SEQRA form, it is
indicated that there will be a large impact on
sound during the construction phase. Do you
know what the decibel level is for that?

MR. HERSHBERG: The construction hours
will be limited to daytime hours and I assume
there will be some weekend restrictions on it
too. Construction noise is a very hard item to
consider. It's not only the equipment but
there are large impact noises. When somebody
drops a beam onto the ground or unloads pipes,
there are a lot of large impact noises and
those things will be there. There are a lot of
hospitals in our area where the sound can be
mitigated during construction. It's really an
impossibility. I think the best mitigation is
during the hours of construction being during

1 the daytime hours when the sound will not be
2 noticed. Like I said, we already have
3 50 decibels in this room when everybody is
4 quiet. The background sound level at that
5 campus will well obscure a lot of the
6 construction noise because essentially you're
7 in an area where there are road noises. One of
8 the major generators of noises are tires on
9 pavement. Again, if you're near a highway, you
10 know what I'm talking about. If you're near
11 the thruway and you have trucks on the road,
12 you know what I'm talking about. That is a
13 major element so that the background noises
14 will share a portion of the construction
15 noises but if you do have any noises such as

16 firing up a crane or somebody starts a
17 back-hoe in the morning, they are going to
18 hear it and it is a potential noise impact.

19 The best way to modify this is to ask
20 that the contractors keep it in mind. They
21 hire subcontractors and put issues in their
22 agreements and tell them to be cognizant of
23 sound and try to reduce it to the maximum
24 level possible.

25 MS. VAIDA: And how long is it
anticipated that this project will take in
terms of final construction?

MR. HERSHBERG: About 8 months of which
probably four and a half to five months could
potentially have outside work. Once you move
inside and you're inside and your noise level
goes down. But you have some clearing to do in
the beginning and you also have some new
pavement to put in and there would be some
outside noise in the beginning of the process
and some at the end of the process. Obviously
during that eight months there will be
construction vehicles during five of those
eight months.

CHAIRPERSON DONOVAN: C.J.?

MR. O'ROURKE: I think that there has
been a Yeoman's job done by Mr. Hershberg and
the team.

In terms of the impact on the country
club, I really don't see it. There was

1 East Ridge built on the fifth fairway, which
2 certainly has much more visual impact that
3 this project will. The noise levels of that
4 construction on East Ridge went for almost two
5 years.

6 I just disagree with you, Mr. Fraser, in
7 regard to a letter to this board and I don't
8 accept it. I think that the project in terms
9 of its totality -- I always have to go back to
10 reasonableness and certainly this is a
11 reasonable request by the college to build the
12 facility and to take into account Schuyler
13 Meadows being their neighbor.

14 I might also ask that are any of the
15 weddings going to interrupt the students'
16 study, in terms of reasonableness.

17 I really don't have a whole lot of
18 questions. I think that there was a great job
19 done and I fully support the project.

20 CHAIRPERSON DONOVAN: Mike?

21 MR. SULLIVAN: I just had one question
22 with regard to noise. You said that the
23 deliveries could be restricted to 7:00?

24 MR. HERSHBERG: Quite honestly, most of
25 the deliveries are under the control of Siena
and we can insist that the deliveries take
place during a certain timeframe. I understand
that the majority of the concern is raised by
an adjoined portion of the Siena project and
Siena is already underway with eliminating the
early morning trash pickup, even though it was
a project that preceded this.

MR. SULLIVAN: There was also an issue
with trucks backing into a dock. You had tried
to limit the length that they would be backing
up.

MR. HERSHBERG: I think that the neighbor
that complained on Spring Street might be
listening to a long back up into the existing
dining hall which takes about 250 feet to back
up from the roadway system. Our back up area
is in here (Indicating). This is one truck
lane and if it's less than three truck lanes,
they have a 150 feet maximum.

The number of deliveries to the site is
something that Siena can have control over
regarding frequency and timing of those and

1 they make every attempt to reduce it. We don't
2 think that it's a major issue. Daytime
3 deliveries even with the beepers going are
probably aren't going to be that noticeable.

MR. SULLIVAN: Thank you.

4 CHAIRPERSON DONOVAN: Mr. Hershberg, one
5 of the points that I had raised when I was
6 speaking with Mr. Grasso, our TDE, were with
7 the odors from the grease traps and I think
8 that he said that there are a lot of
mitigation opportunities in relation to that.
We were worried about odors in the
neighborhood. He indicated that could be
addressed.

MR. HERSHBERG: Actually the Town of
9 Colonie has a grease trap arrangement with two
10 grease traps with air vents on them. Gease
11 traps themselves normally don't produce an
12 odor problem. We're trying to take the grease
out of the sanitary sewers so it doesn't
13 impact the town sewer that runs through the
property. We don't think that it is a problem.

CHAIRPERSON DONOVAN: Thank you.

14 I see Fraser and Associates here. We'll
15 open it up to the public and we'll begin with
16 them, please.

MR. HULL: Members of the board, my name
17 is Rubin Hull with Fraser and Associates. We
18 did receive a wealth of information from
19 Mr. Hershberg at the end of last week and were
20 able to spend the time to review that
21 information with our client and provide a
22 letter that was delivered to you for today. I
23 was able to give a copy to Mr. Hershberg just
24 before this meeting and he did not have time
25 to thoroughly review it. The gist of the
letter is an expansion of the letter that we
provided two weeks ago. Much of what we had
discussed two weeks ago has been addressed
either at the previous presentation or within
the materials that were provided. However,
there were still a few things that we felt
from our client's perspective were either
unaddressed or not addressed to the degree
that we feel was representational of the
buffer.

1 The first threshold that we were looking
2 at as representing our client in front of this
3 board and in front of this project is the
4 degree of importance of our client's property;
5 the degree of the pristine perimeter of this
6 property that is a sanctuary. It is more than
7 just for the members. It's there for the
8 public. It's there for events. It's there for
9 charitable events. It's there for functions
10 and a great draw as to why people use that
11 site is because of the perimeter.

12 The bulk of what we had to discuss was
13 with regard to the visual simulation. The
14 photo that I have is what I consider
15 representational of what the trees are inside
16 the buffer, once you get past the actually
17 perimeter at either site. There are, in fact,
18 evergreens on the Siena College side. There
19 are evergreens on the Schuyler Meadows side at
20 the perimeter. There are very few evergreens
21 within the buffer itself. That being said, the
22 visual simulation did not include evergreens.
23 It was stated two weeks ago that there were a
24 fair amount of evergreens in there but I
25 appreciate that when the model was done that
it did not include that.

I did, again, just want to state that in
opposition to one of the statements that was
made at the meeting two weeks ago with regard
to there being evergreens within the buffer.
There are but there are very few.

The biggest issue that I have with the
view simulation is with respect to the trees
that we use to model.

In the simulation that we received, the
tree that was used to model had a canopy that
was about 75% of the top of the trees. The
bottom 25% was the trunk. In the field, what
we see is that the canopy is actually very
tall and high and that there is not a lot of
undergrowth. There is not a lot of understory
that is permanent understory. There are not a
lot of branches on the larger trees. It is a
thick wood so it has a thick upper canopy. The
canopy itself is very thick when these are in.
However, underneath that canopy there are not
a lot of branches. There is not a lot of tree

1 growth and with the undergrowth itself, there
2 are not a lot of younger understory trees and
3 growth on the ground. Much of that is seasonal
4 and will be gone in the spring and the early
5 summer until it grows back. Yes, it's thick
6 now. However, from one side to the other
7 you're able to see dapple sunlight now with
8 the leaves in September in full growth.

9 My question is: Is the 75% transparency
10 valid? The trees themselves -- yes, the view
11 that was done shows a very thick bottom of
12 those woods. That's what we're disputing. We
13 feel that this building will be visible from
14 locations within the Schuyler Meadows
15 property.

16 The assessment itself was done using some
17 select locations, which I think a great deal
18 of thought went into the selection of those
19 locations, but I don't believe that it's
20 representational of what the full affect would
21 be on Schuyler Meadows.

22 The exhibit I have is an example of a
23 GEIS based visual view shed assessment of a
24 project. This one was done in particular on a
25 transportation project. The way that this
26 model is done is that within a certain radius,
27 it will model the entire impact of a project
28 within a given area and give different ideas
29 of visible, partially visible or not visible.

30 One of the things that we are requesting
31 from this board is that we do not feel that
32 the sections that were done and the model that
33 was done was completely accurate or completely
34 representative of the full effect and that may
35 be seen from the Schuyler Meadows site. So, we
36 are asking that a GIS based visual impact
37 assessment be required and that the board
38 require this from the applicant. We've also
39 suggested that it be done by a third party at
40 the applicant's expense, an independent party;
41 certainly not ourselves and also not the
42 applicant's consultant. That, again,
43 summarizes our assessment about the visual
44 impact.

45 We also believe that along with those
46 lines go the lighting. If the lighting is
47 going to be visible in the building or within

1 the parking or the driving lane that goes to
2 the rear of the building, anything that's
3 exposed toward the Schuyler Meadows site we
4 would like to see shielded. We would also like
5 to see that as part of the visual impact in
6 terms of a simulation of what the lighting
7 will be. If it's daytime, our assessment is
8 that in the nighttime it will also be seen.

9 With regard to stormwater, you can see on
10 this sketch, this is the watershed map from
11 the Clough Harbour master plan. This is DA3B
12 which is where the project site is
13 (Indicating). This is DA3C which is adjacent
14 to the project (Indicating). I will concur
15 with Mr. Hershberg that there is no
16 interrelationship with them. There is nothing
17 that's happening in 3D that is affecting 3C.
18 However, they all have the same receiving
19 waters. They all come to this tributary at the
20 Kroma Kill that then continues on to our
21 client's site. The blue is the watershed area
22 that was used in the analysis.

23 One comment that I did make is that the
24 full watershed of what's going through this
25 site is not necessarily shown in the area.
26 There is some area near the St. Francis house
27 which also proceeds in that direction and is
28 not included in the calculations. The
29 calculations were, from what I can tell,
30 effectively limited to the disturbed area on
31 this site. So, there is some flow that is
32 going through that pond that right now is not
33 accounted for.

34 I understand that there is a substantial
35 safety factor on there but I just feel that
36 the calculations on that should be
37 representative with both flow and from my
38 client's perspective and more importantly for
39 stormwater quality. That's the crux of our
40 concern with the stormwater from this site.

41 What we have asked for as part of our
42 request from this board is that we see an
43 opportunity here with this construction to be
44 able to provide some erosion and sedimentation
45 control mitigation for this DA3C. There is
46 evidence in this parking lot on the other side
47 of the watershed of sedimentation around catch

1 basin frames. There is evidence of erosion and
2 sedimentation deposits within this wetland.

3 There is evidence of sedimentation at the
4 outlet structure which I understand has
5 recently been placed, but when this flow comes
6 through here that becomes part of the flow
7 stream and then continues on and is carried
8 and conveyed off of the site.

9 Our opinion is that although this project
10 is not related to this particular watershed.
11 It's the same owner. It's the same property.
12 It's the same watershed. It's the same
13 receiving waters. I feel that this board has
14 an opportunity at this juncture to be able to
15 require some stormwater management of the
16 sedimentation and erosion control that is
17 passing through this water shed and ultimately
18 to the same discharge point to our client's
19 property.

20 Mr. Hershberg very accurately and very
21 adequately spoke to all the issues of
22 stormwater rates and flow. That's not what my
23 letter was concerning with regard to the water
24 shed. It is the sedimentation that is coming
25 from Siena's property going through that
tributary to the Kroma Kill onto Schuyler
Meadows and into the area of irrigation pond.
So we're stressing that there is an
opportunity now to do something about that in
conjunction with this project.

26 With regard to noise: The concern that we
27 have is with the truck backing up at the rear.
28 I understand that the back up would be right
29 here (Indicating). Everything has been
30 proposed with regard to the hours of operation
31 for the trucks with regard to the construction
32 season and construction time. I believe that
33 is all well and good for the residential
34 abutters but it also coincides with the hours
35 of operation of Schuyler Meadows. So in
36 looking for some understanding of the backing
37 up of the trucks, we're asking on behalf of
38 our client for a sound barrier along that area
39 where the truck would be backing up. A sound
40 wall similar to what would be put on the roof
41 with the rooftop units.

1 I spoke to the lighting as part of the
2 visual impact assessment. We would hope that
3 as part of the visual impact assessment, it
4 would take into account both the daytime and
5 the nighttime of what's visible because it is
6 our opinion that there will be parts of this
7 building that will be visible through these
8 woods when the leaves are not on the trees.
9 That is still our position having reviewed the
10 visual simulation.

11 With that, we would ask in our letter
12 that the board seriously consider our position
13 of this property that's next door to this
14 project a very significant accent to the
15 community and part of the reason why the
16 impacts are threatened by the presence of this
17 building. We ask the board to agree with that
18 assessment and based on that assessment
19 withhold the concept approval and the SEQRA
20 determination until that visual assessment and
21 the other comments would be more adequately to
22 our satisfaction, addressed.

23 CHAIRPERSON DONOVAN: Thank you. Anyone
24 else from the neighborhood?

25 MR. STAPLETON: Mike Stapleton.

The lower side of the diagram of the
backup area -- is there enough area there for
fire apparatus to turn around? My question is
the snow removal operations on that entire
parking lot would push that snow to the
outside edge of the parking lot, more than
likely. We're on the lower side of that and
that melts. Is that not going to run down into
the Kroma Kill?

MR. HERSHBERG: We actually intercept all
of the drainage from that point into our
system. We have catch basins -

MR. STAPLETON: That yellow part that
runs through there (Indicating)?

MR. HERSHBERG: That's the protected
area but we do have a catch basin at this end
to divert the stormwater into our system.

MR. STAPLETON: I'm not sure that you
have enough room to do that.

MR. HERSHBERG: We do because this
distance here is about 25 feet from the
protected area to the edge of the basin

1 (Indicating). We have it drained properly as
2 required under the SWPPP plan.

3 MR. STAPLETON: I also would like to say
4 that I agree with Schuyler Meadows on the
5 noise and light simulation.

6 I do have some questions. What is the
7 zoning of the property?

8 MR. DELAUGHTER: Single family
9 residential.

10 MR. STAPLETON: As single family
11 residential property, what are the height
12 requirements of the building?

13 MR. DELAUGHTER: The building height is
14 40 feet, but that is with the eaves on the
15 peak roof.

16 MR. STAPLETON: And this roof is this how
17 high?

18 MR. HERSHBERG: It's 53 feet at the
19 peaks.

20 MR. STAPLETON: The light poles in the
21 parking lot - how high?

22 MR. HERSHBERG: We currently are modeling
23 about a 17-foot high pole.

24 MR. STAPLETON: The noise and the hours
25 of operation. The town has noise limits. I
believe it's 7 a.m. to 10 p.m. The weekends
are a little bit different. I would strongly
recommend that the hours of operation after
7:30 to 8:00 at night be curtailed.

You've asked for approximately 205
parking places to be added with a 260 bed
area. You addressed my concern at the last
meeting about the parking places, but how many
people are going to be employed in the dining
hall and where will they park?

MR. HERSHBERG: They will be provided
parking on campus. The campus has a permit
system for parking. I said at the last meeting
that the additional people that were added
were significantly less than 205 beds. There
is still a significant gap between the 260
beds and the number of people moving onto the
campus. People already have their cars that

are on campus.

1 MR. STAPLETON: You also said at the last
2 meeting that there would be no impact on
3 traffic.

4 MR. HERSHBERG: That's correct.

5 MR. STAPLETON: Currently those people
6 who are not on campus leave campus at the end
7 of class and don't come back until morning or
8 leave campus on a Friday and don't come back
9 until Monday. Those cars will not be on campus
10 and will affect traffic with the comings and
11 goings out of Siena College, whether it be out
12 the front gate or out the back roads. My
13 concern is the roads that they are leaving by.
14 The road in the parking lot right there
15 (Indicating) - that exit has a very bad curve
16 onto Fiddlers Lane. I want to go on record as
17 saying that even though I wasn't at the one
18 meeting that was had, I understand that when
19 the townhouses were put in, one of the
20 conditions for that was that gate would be
21 closed all the time. No traffic would be
22 allowed in and out of that place. That is not
23 the case now. I don't know if that's true. My
24 big concern is the amount of traffic that's
25 going to be headed out Fiddler's Lane and that
curve.

CHAIRPERSON DONOVAN: Kevin, could you
sometime this week or next week look and see
what the case is with that gate please?

MR. DELAUGHTER: That's the gate coming
out of which driveway?

MR. STAPLETON: It comes out right on the
curve on Fiddler's Lane.

MR. HERSHBERG: That's Maloy Circle.

MR. STAPLETON: It's right before the
entrance of number 33.

CHAIRPERSON DONOVAN: Yes, ma'am; right
here.

MS. TERSIAN: My name is Pat Tersian and
my family has been paying taxes in the Town of
Colonie since 1967. Your name is the Town
Planning Board and as such, it's your
responsibility to make decisions based on what
is best for the entire town.

Siena College is the jewel of Colonie.
There are no other structures in the town that
are as attractive or better maintained than

1 Siena. One only has to drive up Route 9 and if
2 you look at Town Hall and then look over at
3 the Siena Campus, you'll be startled by the
4 meticulously maintained grounds they have.

5 The president came yesterday to speak on
6 the importance of education. To quote him, he
7 said education unlocks potential. The
8 ingredients are right here for growth and
9 success and the students are our testimony to
10 that.

11 Siena's mission is to educate and they
12 have been doing a wonderfully successful job
13 for 70 years.

14 How many residents bought their homes
15 before Siena existed? They knew that the
16 college was there when they bought them; every
17 one of them. Siena employs several hundred
18 personnel and when parents visit the campus,
19 they go to the local motels and restaurants
20 and businesses in Colonie. This entire town
21 benefits from the presence of Siena College.

22 At the last meeting Schuyler Meadows was
23 referred to as a sanctuary. It's a lovely
24 establishment, but it's a business. They have
25 an active bar, parties, banquets, dinners and
delivery trucks. If people fail to pay their
dues, they would cease to exist as the private
club or a business.

In fairness, has anyone ever complained
to the club about their delivery trucks going
beep beep in the night? I haven't heard it.

Anyone who values education realizes that
college has to be a work in progress. There is
no master plan that fits teaching our youth,
being informed and growing in knowledge. Siena
is a class A learning institution and the very
heart of our town and I implore before this
board to remember that they represent all of
Colonie and not just one single family. Thank
you.

CHAIRPERSON DONOVAN: Thank you.
Yes, sir.

MR. JONAS: I don't have any comment but
I do have a question. Can you point out
Middlefield Drive?

1 MR. HERSHBERG: Middlefield Drive isn't
shown on that particular board.

2 MR. JONAS: In looking out my window,
3 sometimes Middlefield Drive looks like a
4 river. There is water coming down the road and
that's with a regular rain. Doesn't that end
up in the Kroma Kill someplace?

5 MR. HERSHBERG: That water ends up in the
6 Kroma Kill someplace. I can't really tell you
7 where it follows. It may very well go through
8 what the model of the previous drainage
9 analysis which is actually this pond on this
10 side of Friar's Drive - it probably goes down
11 to that and then exits through this newly
12 constructed weir through a culvert and then
13 down into this tributary to the Kroma Kill.
Again, global drainage problems may very well
exist but anything downstream from them is
probably not going to impact what takes place
up in Middlefield. It's really beyond the
scope of anything that we studied because it
doesn't really impact that site.

14 I think that essentially this past
15 particular year for people that have noticed
16 there have been a significant number of
17 storms -- I don't want to use the terminology
that I sometimes use of 100-year storms but
there have been a number of storms which have
taxed all the drainage facilities.

18 CHAIRPERSON DONOVAN: Yes, ma'am.

19 MS. FLANAGAN: My name is Carol Flanagan
20 and I live at 17 Spring Street Road. There has
21 always been a problem with air conditioning
22 that was built on the ground covered in brick.
The noise emanates from that air conditioner
and comes right down. The college is aware of
it. I've always complained about it. They said
23 that they would have their engineers look at
24 it and that they've done the best that they
can do to remedy the situation. The situation
is still there. It's there every summer with
this air conditioner wining. I'm sure that no
25 one that lived with screen windows near there
and anyone that walks in their parking lot can
help but hear the sounds coming from there.

1 I know that it is a Trane air conditioner
2 but I'm not an engineer. I don't know what the
3 model is.

4 I can only say that the people that are
5 doing this project - if they could take
6 precautions to make sure that the air
7 conditioners that are going to be placed on
8 the roof of this new building, that they are
9 not going to disturb the people that live in
10 the area like this one. It constantly disturbs
11 me every summer when the air conditioner is
12 turned on. Thank you.

13 CHAIRPERSON DONOVAN: Thank you.
14 Anyone else? Yes, sir.

15 MR. DION: My name is Rod Dion. I'm with
16 Tech Valley Office Interiors but for tonight's
17 purpose I'm here as one of the Board of
18 Directors for the Colonie Chamber of Commerce.
19 I just have a quick statement that we'd like
20 to add to the record.

21 The Colonie Chamber of Commerce and its
22 Board of Directors representing 550 businesses
23 throughout the Town of Colonie and beyond
24 support Siena College's proposed plan to
25 construct a four-story 260 bed on-campus
residence and dining hall for occupancy in the
fall of 2010.

In order to accomplish this, the chamber
urges the Town of Colonie Planning Board to
approve Siena's request in a timely fashion.
The Chamber recognizes Siena as being
important to the business community as well as
a positive economic impact proposal to local
businesses. We believe what's good for Siena
College is good for Colonie. Thank you.

CHAIRPERSON DONOVAN: Thank you.
Yes, sir.

MR. ESSEPIAN: My name is John Essepien
and I live at 47 Spring Street Road.

I've been a member of Schuyler Meadows
for 13 years and what I've heard tonight from
Mr. Hull is absolutely ridiculous. They sold
that east bank and I was the only one that got
up in the audience and said I was against it.
The watershed is gone. You've got houses,
you've got lights at night and they're

1 concerned about a little dorm. It's
2 ridiculous.

3 The noise? I live on the corner of
4 Schuyler Meadows Road and trucks at 4:30
5 downshift and scream down the road. It's the
6 same thing coming back. I don't complain.
7 Schuyler Meadows creates its own problems.
8 There is silt coming up those banks and with
9 the lights on at night, it's not pristine at
10 night anymore. I still enjoy going there but
11 the issues they raise are ridiculous.

12 CHAIRPERSON DONOVAN: Anyone else?
13 Yes, sir.

14 FROM THE FLOOR: My father lives on
15 Cherrywood Terrace. My concern is the parking.
16 There is less availability of parking
17 spots. Siena students use Cherrywood Terrace
18 to park. I'll suspect that this will increase
19 the parking along Cherrywood.

20 CHAIRPERSON DONOVAN: They're going to be
21 getting spots and I appreciate your point.

22 We do also have a traffic advisory board.
23 Lieutenant Ken Pirro from the Police
24 Department is in charge of that and you can
25 contact him and I'm sure that they'll address
the issue.

FROM THE FLOOR: I live in that area also
and along with those cars there are always
numerous beer cans and constant garbage. My
concern is that we have small nephews that are
out of state children. I have a great concern
about the safety and security about that as
well as the parking.

CHAIRPERSON DONOVAN: Did you talk to the
traffic safety person Lieutenant Pirro of the
town?

FROM THE FLOOR: No.

CHAIRPERSON DONOVAN: Try to contact
Lieutenant Ken Pirro over at the Colonie
Police Department because he's in charge of
the traffic safety.

FROM THE FLOOR: There are problems there
every weekend with those things.

CHAIRPERSON DONOVAN: Would you give the
name of the street again for our Town
Attorney?

1 FROM THE FLOOR: Cherrywood Terrace.

2 CHAIRPERSON DONOVAN: We'll take a look
into it.

3 Yes, sir.

4 MR. PAPADAPULOUS: I'm Mike Papadapulous
and I'm director of Public Safety at Siena
College.

5 Last year we had an issue with Campus
6 View. We've worked very closely with the town
with what was going on. On a daily basis we
7 were looking to see if any of our students
were parking there. If they are, we address it
8 with the students. I get a report every
morning now whether there are any cars on
9 Campus View. Over the last year we've had a
great deal of success and I think that at the
10 last meeting we've had on Campus View, they
told us that. We work very closely with Ken
11 Pirro. We will start looking harder at
Cherrywood and we will do the same thing on
12 Cherrywood that we've done on Campus View. If
any of the residents want to see me
13 afterwards, I'll be glad to work with you.

14 CHAIRPERSON DONOVAN: Mike, do you want
to say a few words?

15 MR. MAGGUILLI: He's absolutely correct
about College View. There was a big problem
16 for about a year. They've worked with our
Police Department and it's all worked out.

17 CHAIRPERSON DONOVAN: Yes, ma'am.

18 MS. ALLEY: I'm Sharon Alley and I'm
concerned with the access. With the townhouses
19 how many cars will there be and how does that
affect traffic?

20 MR. HERSHBERG: I'd just like to try to
address two issues. One was the increase in
21 traffic and the increase in parking. Those are
sort of interrelated. We believe that
Creighton Manning Engineering did a proper
22 analysis because we're moving people off
campus onto campus.

23 Traffic engineers traditionally look at
peak traveling hours; the peak a.m. and peak
24 p.m. traffic hours. During those hours it's
clear that with more people on campus, we'll

25 be reducing the impact of traffic on the

1 roads. We are aware that there is a limitation
2 of entry in and on campus in the late evening
3 hours and the weekends. I was assured that
4 Siena intends to enforce that strictly through
5 their main entrance off of Route 9.

6 CHAIRPERSON DONOVAN: I think that you
7 said that at the last meeting.

8 MR. HERSHBERG: Again, from that issue we
9 think that much of that off peak hour traffic
10 would be addressed. Like I said, the key
11 element here is that most people will be on
12 campus. Yes, they may go out, but an awful lot
13 of hard working studying students have the
14 capability of staying on campus and staying
15 within the purview of dining halls and study
16 halls and libraries an awful lot of the time.
17 Yes, that does not mean that they never go off
18 campus at nighttime. We have not and I don't
19 think that we were ever asked to do a total
20 count of the total number of students going
21 from the other housing areas onto Fiddlers
22 Lane.

23 MS. ALLEY: I'm concerned about the
24 people that take that curve there and then
25 flipping onto the ice. Someone brought up the
26 access onto Fiddlers and I'm concerned about
27 the students coming out of that campus. They
28 shoot right out onto the road. We haven't had
29 a T-bone there but there was an incident that
30 involved my brother and -

31 CHAIRPERSON DONOVAN: This is not really
32 related to this. I mean, it is related but it
33 should be addressed by the campus.

34 Mike, when you talk to Ken Pirro, the
35 issues of traffic can be dealt with. Right
36 now, I'd like to get back to the plan. Thank
37 you.

38 Anybody from the board have any further
39 questions or comments?

40 MR. O'ROURKE: Mr. Hershberg, as part of
41 this project, the one woman mentioned the air
42 conditioning on that other dorm. As part of
43 this project, can somebody look at that? Let's
44 be good neighbors. You've said that as part of
45 this, you're going to lower the decibel levels
46 on those condensers. So, if you're doing that,
47 can we just look at that for her?

1 MR. HERSHBERG: I think that we could ask
2 Novus Engineering to take a look at -

3 MR. O'ROURKE: Again, if we're asking
4 everybody to be reasonable, I think that is a
5 reasonable request and I would ask that at
6 some point that somebody look at it.

7 MR. HERSHBERG: I wouldn't disagree. I
8 believe that it's reasonable to ask for
9 certain things, but I would hope that in the
10 context of this concept review, they would not
11 impact us getting concept approval.

12 MR. O'ROURKE: I'm not saying that but
13 I'm going to hold you to that.

14 CHAIRPERSON DONOVAN: Tim, did you have
15 something?

16 MR. LANE: Yes. The gentleman from the
17 club: Were the club members noticed on this
18 project, in general? How did you become aware
19 of this?

20 MR. ESSEPIAN: I live just across the
21 street from this and I didn't know.

22 MR. LANE: Is the membership generally
23 supportive of the project?

24 MR. ESSEPIAN: I can just speak for
25 myself. If you look at golf clubs in America,
there is development that does impact them.
This club is very lucky to have the college.
That land could have been sold for
development. They're very, very lucky to have
the college as a neighbor and I think that a
lot of the neighbors feel the same.

MR. LANE: Then I'm kind of confused.
Fraser is working on behalf of the club, isn't
he?

MR. ESSEPIAN: But he doesn't represent
everyone's opinion.

MR. LACIVITA: Just to follow up on that.
I got a call just prior to Siena College
coming on the first time from Ms. Barletti and
we gave them the consideration of giving them
the information packets. Dan Hershberg worked
very hard at getting them packets so that they
could respond to the very first meeting.
Unfortunately, this consideration was not
given Mr. Hershberg. He got this letter this
evening. We're talking apples and oranges here
as far as consideration and notice.

1 Also, Tim, notification is incumbent upon
the board.

2 MR. LANE: I understand that.

3 MR. O'ROURKE: This is still America.
Siena owns the property. Let's not forget
4 that. We approved one off my second fairway
too, right? What's good for the goose -

5 CHAIRPERSON DONOVAN: Now you've got C.J.
going.

6 The crux of this is as we move along of
course Siena has always been an important part
7 of our community and we want to help them grow
with a new dorm, but we also have
8 consideration of Schuyler Meadows which has
been a long, long time establishment in the
9 community. I think that from what I'm hearing
from Fraser and from what I'm hearing from
10 Hershberg, whatever the differences might be
they seem to be something that could be worked
11 out.

12 I think, Mr. Hershberg, you had mentioned
the willingness of the college to screen
13 areas.

14 MR. HERSHBERG: I would disagree that I
could accept Mr. Hull's letter. Let me read
you one thing in here why I can't accept it.
15 It's the last dot on the second page says that
the view analysis was only modeled for a
16 selected crosssection from specific vantage
points and does not identify impacts to all

17
18 locations on Schuyler Meadows.

19 How would we possibly model all the
locations at Schuyler Meadows? That's why
Rubin's letter is inappropriate. I did have a
20 few minutes and I did scan it a little bit
during his comments. A lot of these have been
21 addressed.

22 He talks about the center of the roof.
That doesn't change the view because those
23 items are on the flat portion of the roof. It
doesn't change the view analysis.

24 CHAIRPERSON DONOVAN: As the project
moves along we will hopefully continue to work
with Mr. Hull and we'll get everything ironed
25 out. I know that somewhere in your
presentation, Mr. Hershberg, you did say at

1 one point - - I'm not sure if it was in
2 writing or you said it that the college would
3 be willing to screen where the building might
4 be seen. I think that it was from the 16th
5 fairway.

6 MR. HERSHBERG: Again, there were
7 questions about whether or not you could see
8 under the canopy and view the building. We
9 said view of the building but we're also
10 talking about lights. If you can see the
11 building, you may be able to see the parking
12 lots or building lots. We don't think that's
13 the case.

14 MR. O'ROURKE: Nobody is playing on the
15 16th fairway at night. It's all about
16 reasonableness.

17 CHAIRPERSON DONOVAN: I feel that this is
18 important. If the board is willing to grant
19 concept this evening, part of the concept is
20 that you continue to work with Schuyler
21 Meadows and to help mitigate some of the
22 reasonable situations that may exist and that
23 may be sight from the 16th fairway or other
24 places on the club. I'm not sure how you feel
25 about the sound wall that they've asked for
but that's something that I would like you
also to consider as you move along.

MR. HERSHBERG: Madam Chairperson, what I
recommend that what I heard from these two
board members is that they were not consulted
before this letter was sent out.

CHAIRPERSON DONOVAN: I understand.

MR. HERSHBERG: What I would recommend is
if we are to work with Schuyler Meadows, that
myself and Greg Seleman be afforded an
audience before the Schuyler Meadows board
before they sign off on the comments that were
sent out by the consulting engineer.

CHAIRPERSON DONOVAN: I don't want to get
involved between Schuyler Meadows and Siena.

MR. O'ROURKE: And I also want to go on
record that I will not accept one more
document five minutes before. We don't accept
them from our own planning. So if somebody at
Schuyler has hired this firm, don't bring me
this and expect me to issue anything on it
five minutes before.

1 MR. HERSHBERG: Your letter said work
2 with Rubin Hull as consultant. I just want to
3 take issue with our capability or working with
4 the consultant who has not formed his
5 conclusions to what they hired him for. I
6 think that it would be best that we work with
7 the Schuyler Meadows board regarding issues
8 that they may have.

9 CHAIRPERSON DONOVAN: I'll just put it
10 this way, okay? At the next meeting, I want
11 everybody to love each other and be very
12 happy. I don't want to hear complaints. I'd
13 like to see everything ironed out. I would
14 really appreciate it if these things could be
15 worked out before we get to the next phase.

16 MR. HERSHBERG: I'm sure that they can.

17 CHAIRPERSON DONOVAN: You get the final
18 few comments.

19 MR. STAPLETON: You talked about the
20 parking lot lights and the lighting. Are there
21 any spotlights of any sort on the building?

22 MR. HERSHBERG: Yes, we will have some
23 wall packs at the rear entrance here
24 (Indicating) and those would be modeled in the
25 final photometric plan. We do have lighting
over entrances and by code we have lighting
over the emergency exits and the front
entrances.

26 CHAIRPERSON DONOVAN: We will monitor
27 that.

28 MR. HERSHBERG: We have submitted a
29 photometric plan and we're talking about
30 12 foot high standards on the walks and
31 17 foot high standards in the parking lot. We
32 think that's well respective of the neighbors.
33 We're not building a 35 foot high light
34 standard.

35 MR. STAPLETON: We wouldn't let you do
36 that.

37 I also remember something about them
38 scattered around the parking lot and that's to
39 emergency standards as well.

40 MR. HERSHBERG: Yes.

41 MR. STAPLETON: The other comment that I
42 have is that Schuyler Meadows is not the only
43 people impacted by this. I believe that the

1 people on Everly are more impacted than
2 Schuyler Meadows is impacted.

3 CHAIRPERSON DONOVAN: Understood. One of
4 the things that we did talk about the last
5 time with Everly is that there is an easement.
6 You said that it was a stormwater easement?

7 MR. HERSHBERG: Sanitary sewer.

8 CHAIRPERSON DONOVAN: That is never going
9 to be used for any form of access to this
10 site.

11 MR. HERSHBERG: As a matter of fact, the
12 Town of Colonie owns it. The Town of Colonie
13 wants to put a roadway in there to go no place
14 because Siena has absolutely no use for that
15 roadway.

16 CHAIRPERSON DONOVAN: Okay. Thank you
17 very much.

18 MR. HULL: May I address two comments
19 that they made?

20 CHAIRPERSON DONOVAN: Yes.

21 MR. HULL: One is that with regard to the
22 turn around time of our letter. We did receive
23 the information packets from Hershberg and
24 Hershberg in our office Thursday afternoon. It
25 was on my desk Friday morning and that was the
timeframe that I had. Obviously it was not
going to be in a week ahead of time before
this meeting.

Secondly, we have had contact with a
representative from Schuyler Meadows who is
one individual. I did not go to the board. I
went to the president and all the
correspondence has been with the president of
Schuyler Meadows. With the turn around time, I
don't expect that there was any opportunity
for this information to get back to the board.
We will endeavor to work with Mr. Hershberg.

MR. COLLACK: Nick Collack, 24 Everly
Road. I live directly across from that
easement. I think that speaking for myself and
several of my immediate family members, we
don't have any problem with Siena's project
going forward. The only concern that we do
have is the noise issue.

We're getting a little confused. If
they're entering 38 decibels at the top of

1 Everly Road circle and that's not as loud as
2 the crickets in summer, I guess that we would
3 all be happy. But those older projections are
4 estimates. If Siena can't solve the problem
5 with the air condition at the other side of
6 the campus, we could be falling into a problem
7 here that may not be resolvable and I don't
8 want to hear the humming of the air
9 conditioning units all summer long. I'm sure
10 that it can be solved.

11 The only other issue was with the
12 easement.

13 CHAIRPERSON DONOVAN: It is a town
14 easement so the town has control over it.

15 Thank you.

16 MR. LACIVITA: Jean, I know that
17 Mr. Grasso asked if the board was willing to
18 make a motion tonight on the SEQRA and on the
19 concept acceptance - that a number of possible
20 conditions be placed on this project which I
21 think will address some concerns such as
22 landscaping. That might have some site visual
23 impacts. The noise intervention, trash
24 service, delivery time frames, looking at the
25 public address system, pedestrian connectivity
26 and also some stormwater impacts. I think that
27 I may have gotten them all. Oh, and the hours
28 of operation and the hours of construction.

29 CHAIRPERSON DONOVAN: Those are all
30 issues that we can deal with.

31 I do have a recommendation from the
32 Planning and Economic Development Department
33 that the request approval is a Type I SEQRA
34 action. Based on the attached EAF, it is
35 recommended that the board determines that the
36 action will not have a significant effect on
37 the environment. Also, that the attached
38 negative declaration be filed.

39 Does the board, at this point, with what
40 they have heard tonight willing to adopt the
41 SEQRA recommendation before us?

42 MR. O'ROURKE: Madam Chairperson, I would
43 make that appropriate motion for the neg dec.

44 MS. VAIDA: I'll second that.

45 CHAIRPERSON DONOVAN: All in favor?

(Ayes were recited.)

1 CHAIRPERSON DONOVAN: The SEQRA has been
2 adopted for the project.

3 Do I have a motion on the concept
4 submission?

5 MR. SULLIVAN: I'll make the motion.

6 CHAIRPERSON DONOVAN: With any
7 stipulations?

8 MR. SULLIVAN: With the ones that Joe had
9 mentioned.

10 CHAIRPERSON DONOVAN: I will second with
11 the stipulation that the college will continue
12 to work with Fraser, with the club and the
13 neighbors so that as we proceed at the next
14 meeting we'll have everything ready to go.

15 Joe, you're scowling at me. My husband
16 does that to me.

17 MR. GRASSO: I would like to say that the
18 amount of public support or opposition has no
19 bearing on the Planning Board's decision.

20 CHAIRPERSON DONOVAN: I understand.

21 MR. GRASSO: And I would also state that
22 it's inappropriate for the board to transfer
23 their authority to another agency.

24 CHAIRPERSON DONOVAN: I'm not
25 transferring our authority. I'm just saying
that I would like the parties to work
together.

 MR. GRASSO: Agreed, but whether
everybody is going to come back and -

 CHAIRPERSON DONOVAN: I know. That's a
dream.

 Did we have any other conditions that
should be added?

 Are you all set, Michael?

 MR. SULLIVAN: There were like eight of
those considerations.

 MR. HERSHBERG: Thank you very much.

***(Whereas the proceeding concerning the
above entitled matter was adjourned at
8:45 p.m.)***

23

24

25

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

CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated October 23, 2009