

PLANNING BOARD
TOWN OF COLONIE

COUNTY OF ALBANY

THE PROPOSED PROJECT OF SIENA COLLEGE FOUR-STORY
260 BED RESIDENCE AND DINING HALL LOCATED AT
505 LOUDON ROAD - REVIEW AND ACTION ON FINAL PLANS

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on November 17, 2009 at 7:04 p.m. at the
Public Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON
ELENA VAIDA
TOM NARDACCI
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 (present)

Joe Grasso, Clough Harbour & Associates

Paul Steck, Finance and Administration, Siena
College

Rubin Hull, Fraser and Associates

1 CHAIRMAN DONOVAN: Next we have Siena
2 College.

3 I bet you didn't think that you were
4 going to be that quick, did you Dan?

5 MR. HERSHBERG: When I saw that we were
6 third on the agenda, I thought we'd be a lot
7 later.

8 Thank you Madam Chairperson. My name is
9 Daniel Hershberg. I'm with the firm of
10 Hershberg and Hershberg. I'm here today
11 representing Siena College.

12 Rather than repeating a lot of the issues
13 that we talked about before, I thought that I
14 would get of the things that we have made some
15 changes to. I would just like to talk about
16 that for a little bit.

17 One issue was the noise. At the request
18 of this board, we invited people on
19 Eberle Road to a neighborhood meeting that was
20 held on the 10th. Two neighbors showed up and
21 one of the issues was the noise. We explained
22 to them that these are called receiver one and
23 receiver two which are on the rear of the
24 Eberle Road properties. We explained to them
25 that the original design on one and two have a

1 range of about 42 decibels and the low noise
2 condenser was able to reduce it to about 33
3 decibels at that location.

4 For the sake of the board, I just want to
5 point out that the town noise ordinance allows
6 a level of 65 decibels at the property line.
7 The difference between 20 decibels and
8 30 decibels is factor of 10. Between 30 and 40
9 decibels is another factor of 10. Between 40
10 and 50 is another factor of 10. If you
11 multiply those together, it's a factor of
12 1,000. So the difference between the 65
13 decibels as permitted in the 33 to 35 decibel
14 area as shown here means essentially that
15 we're only casting one-tenth of one percent of
16 the amount of sound that the noise ordinance
17 would permit.

18 I have tried to demonstrate at a previous
19 meeting how quiet that level would be. Even
20 with everyone very quiet in this room, we
21 can't get this room down to 33 decibels with
22 no sounds at all other than background noise
23 from other areas. That issue, we think, is
24 relatively resolved. The neighbors from Eberle
25 Road that were at that meeting were satisfied

1 with that.

2 We also pointed out the fact that this
3 was modeled assuming that the sound barrier
4 that's going to be on the roof would not be in
5 place. We modeled it without the impact of any
6 of the woods.

7 At the meeting they asked what happens if
8 your model doesn't work and it's noisier? Paul
9 Steck from Siena said that we would make it
10 work because essentially any additional
11 requirements to reduce the noise can be
12 addressed at that time. They're comfortable
13 with the fact that the model is accurate. Even
14 if it isn't, we can work with it.

15 Another noise issue was sort of
16 tangential to this entire application and that
17 was the noise level at Padua Hall. The chiller
18 noise from that Padua Hall study - we have
19 proposed and Siena has concurred that they
20 would improve the sound attenuation in that by
21 adding some metal panels to the inside of that
22 wall. I supplied copies of that noise
23 monitoring and what they proposed to do. It
24 doesn't sound like much but like I said a four
25 to six decibel difference is a significant

1 difference because it is a logarithmic scale
2 and it might drop the level at the front of
3 the dwelling across the street, which are well
4 within the town standards from about 40
5 decibels down to about 33 to 35 decibels. That
6 would be a significant difference in sound
7 level.

8 We're comfortable with the fact that will
9 solve the problem but again, Siena holds out
10 on the fact that if further depths are needed,
11 they will provide them.

12 Another issue that was raised had to do
13 with lighting. We do have this lighting
14 diagram.

15 The total heights of the poles are
16 18 feet. It's a 15 foot height pole on top of
17 the three foot base. The total height of these
18 poles in the parking lot are 18 feet. The
19 total height of the poles on the walkways are
20 12 feet. We do have some building mounted wall
21 packs which are down-lighting. These circles
22 represent lines with a three-tenth of a foot
23 candle. Where they overlap, we're getting the
24 desired rate within this parking lot. The
25 minimal rate that we wanted was a half of a

1 foot candle, which is fairly dark but is
2 suitable for security lighting, I guess you
3 could call it - so that people feel secure
4 enough walking across the parking lot.

5 The other issue that has been raised and
6 we have attempted to address has to do with
7 drainage. We were asked to take a look at
8 other drainage that might drain from the site
9 because we think that in regards to the site,
10 we have demonstrated that there would be no
11 impact on downstream properties due to our
12 site. As a matter of fact, there would even be
13 an improvement with regard to the level of
14 discharge as well as the level of quality of
15 the discharge.

16 The question was raised and Rubin Hull is
17 here today from Fraser and Associates and he
18 is working with regard to this issue. His
19 concern was that there is water that bypasses
20 and it doesn't come through our system. The
21 green area is all the area that is to go
22 through our treatment system. That's
23 approximately 8.3 acres. That's all the area
24 including the areas that are disturbed and the
25 other areas that lie within that tributary

1 area.

2 This area over here (Indicating), which
3 is about another half of an acre, is the area
4 which is tributary to another sand fill point
5 here. The areas in orange actually bypass our
6 system. They're not intended to go through the
7 system and there is no way to get them to go
8 through our system without building another
9 system.

10 The question was: How can we handle the
11 siltation coming from these areas here?

12 The siltation comes when drainage comes
13 down and goes into a catch basin and the catch
14 basin discharges the water to the wetland area
15 or to the drainage area that is upstream from
16 this wetland area, or even bypasses all of the
17 treatment systems and actually goes straight
18 into the Kroma Kill. We determined that a good
19 way to handle that would be in the springtime
20 of every year to have an investigation done of
21 every catch basin on campus. They have
22 numbered the catch basins, they're going to
23 have a schedule to do it so that they go
24 around and they look at them. They're going to
25 measure the silt in the bottom of the basin.

1 If these basins have a two foot sump, when it
2 fills up to one foot, they'll call in a
3 cleaner to come out with a vacuum and clean
4 out those basins to remove any silt from them
5 so that will have a positive effect regarding
6 the silt load in the Kroma Kill. This has been
7 a problem in the past, primarily because I
8 don't think that there was a routine to do it.
9 A lot of these catch basins have been cleaned
10 in the past when they became problematic to
11 carry the drainage.

12 The catch basin has another impact is
13 that it can store a significant amount of the
14 silt in advance of going into the piping
15 system. We think that will be a positive fact
16 that Siena has committed to doing in their new
17 maintenance schedule.

18 CHAIRPERSON DONOVAN: Dan, when we met
19 with Joe up in his office, a certain drainage
20 easement or drainage system was pointed out to
21 us that was causing the problem. Is that the
22 one that you're talking about?

23 MR. HERSHBERG: Actually, I think what
24 Rubin Hull had said is that he had noticed
25 that there was silt deposits coming out of

1 this catch basin and running across this
2 wetland. He also said essentially that the
3 Schuyler Country Club believes that there is a
4 significant silt load coming in through the
5 Kroma Kill itself which does tend to
6 accumulate in their irrigation pond.

7 We designed the system with the
8 safeguards during construction so that it
9 won't happen during construction. As most
10 people know during construction is the most
11 critical time with regard to siltation. That's
12 why an awful lot of the New York State Laws
13 governing it apply. Not only that but we
14 determined that at the final analysis, all the
15 area from the green area and this aqua area
16 will be handled properly.

17 The question that was raised was: What
18 can we do to solve the broader problem? It was
19 pointed out that there is already a proposal
20 to install a loop road and Siena has been
21 working with the Town of Colonie to select a
22 designer for that roadway.

23 One element of that roadway will be to
24 raise Maloy Circle by either one or two feet
25 that will retain a significant amount of

1 stormwater. When you retain the stormwater, a
2 lot of silt tends to settle out of it. The
3 whole idea is to slow down the velocity of the
4 stormwater. Therefore a lot of silt will
5 settle out of it. It will settle out in the
6 wetlands, which is the ideal place for it
7 because wetlands do accumulate siltation from
8 developed sites.

9 There was a report made by Clough Harbour
10 about four years ago on the drainage solution
11 for this campus and I'd recommend that those
12 two solutions be considered. I might point out
13 that option one has already been done, which
14 was building the new catch basins with a weir
15 plate on it. That does tend to control the
16 flow through the stream course at certain
17 storms.

18 MR. O'ROURKE: When was that built?

19 MR. HERSHBERG: Probably about three
20 years ago. I think it was 2005 or so.

21 CHAIRPERSON DONOVAN: Was that the one
22 that causes the problem or is it the one below
23 that?

24 MR. HULL: The one that Dan is talking
25 about is that weir and upstream of that if you

1 follow that aqua up toward the green, there is
2 a wetland in there and what's happening is
3 that as Dan stated, it comes through the catch
4 basins and comes through the system. With
5 every storm it just works its way further and
6 further downstream. The wetland itself has
7 some erosion associated with it that if there
8 is a large storm, it will pass that weir. I
9 have a very short testimony afterwards - but
10 yes, it is that area that he's talking about.

11 CHAIRPERSON DONOVAN: Mr. Steck, at that
12 meeting I think that you had mentioned that
13 you would take a look at that one basin that
14 was in particular concern. You will do that,
15 right?

16 MR. STECK: We will do that.

17 CHAIRPERSON DONOVAN: Thank you.

18 MR. HERSHBERG: We actually went beyond
19 that, Madam Chairperson. We said that rather
20 than just look at a single catch basin that
21 might be problematic, it might be coming from
22 all the catch basins. We think that this new
23 maintenance program will be ideal.

24 They already have a computer log set up
25 with a date reminder of when to start the

1 inspections and when to complete them. They're
2 already committed to that so that next year
3 there will be an inspection program in place
4 for all of the catch basins on Siena's campus.

5 CHAIRPERSON DONOVAN: That's good, thank
6 you.

7 MR. HERSHBERG: There was another issue
8 having to do with some of the plantings that
9 you had in there. We didn't have enough
10 plantings along this roadway and other things.
11 We have added additional proposed plantings.
12 The plantings that we have shown here and here
13 (Indicating) are to be set after the building
14 is up and after we have had a chance to view
15 where any critical areas may be that may
16 impact and create a view for the neighbors
17 that might be disruptive. Primarily it would
18 be used at the lower level of the building.

19 We're convinced that the upper levels of
20 the building around the crowns of those trees,
21 even without leaves on them, are just not
22 going to be visible. The lowest place that
23 people will be able to see will be beneath the
24 crowns of the trees - some of the building.
25 The primary tree that we had proposed to use

1 was a white fir. People that are familiar with
2 a white fir know that it's an ideal thing for
3 landscape screening because it keeps its shape
4 all the way to the ground. An awful lot of the
5 evergreen trees tend to die up and
6 consequently after five or ten years, you have
7 a nice crown on it but most of the foliage at
8 the base tends to die off. A white pine has
9 the habit of staying close to the ground and
10 this cackle shape will really do a good job of
11 screening. We think that it's an ideal
12 selection here.

13 We added another 18 trees to what we had
14 before. That number will be functional of what
15 we have to do to screen it. We don't think
16 that it will become problematic from any of
17 the neighbors. We've actually had a chance to
18 look at it with most of the leaves off now and
19 if you go out to the adjoining sites, you
20 cannot see the existing Colbeth Hall, which is
21 a white building sitting in there. You can't
22 see it from there.

23 MR. LANE: So you're thinking 18 or so
24 white pines for screening following the work
25 being done, and more if necessary?

1 MR. HERSHBERG: We actually have 42 - we
2 had 24 originally and Joe Grasso said in his
3 review letter that we had sort of left out
4 this portion of the building here
5 (Indicating), so we added another 18.

6 MR. LANE: Okay, so that's an additional
7 18.

8 MR. HERSHBERG: Yes, we now have like 42
9 white pines gathered starting at this point
10 here (Indicating) running all the way around
11 here so that we can screen the entire portion
12 of the building.

13 MR. LYONS: Excuse me. Dan, you meant
14 White Spruce?

15 MR. HERSHBERG: I'm sorry. I meant White
16 Fir, not White Pine but White Fir.

17 I think that there were some minor plan
18 changes made in response to some of the
19 letters.

20 We reviewed the grease trap arrangement.
21 We're using the standard town of Colonie
22 grease trap arrangement. It's not normally
23 associated with odors. It does have a fresh
24 air vent to it. Based upon its location near
25 the loading dock area, it's not even going to

1 be in an area that's going to be heavily
2 populated by pedestrians at all. We don't
3 think that there is any odor problem at all
4 from that grease trap.

5 If there are any questions from the
6 board, I'll try to answer them.

7 MR. NARDACCI: Joe, were you going to run
8 through and -

9 MR. GRASSO: I wasn't going to go through
10 our comments. I was just going to go through a
11 little time line in terms of the project and
12 where we are tonight. Obviously it's for final
13 site plan review.

14 This project was in front of the Planning
15 Board as a preconcept discussion item on
16 September 8th and there was a formal concept
17 review and approval and a neg dec was issued
18 on the project on September 22nd. Dan made the
19 first preliminary final submission on
20 September 25th. We deemed it complete on
21 October 6th and we issued our comment letter on
22 the final plans on October 21st. Dan followed
23 up addressing all of those comments on October
24 29th. After that, we wanted to get together and
25 have a meeting to review in detail the

1 response to the comments. We also wanted to
2 invite Rubin Hull from Fraser and Associates
3 who is representing Schuyler Meadows County
4 Club and that was November 2nd. As a result of
5 some of the things that we talked about, Dan
6 did a final plan resubmission on November 5th.
7 There was a minor comment from the Planning
8 Department and we haven't received any other
9 comments from any of the departments up until
10 now. But all of our previous comments have
11 been addressed to our satisfaction. Most of
12 those Dan has talked about. If there is any
13 question about any of those, I'll be happy to
14 go into detail.

15 MR. NARDACCI: What issues needed to be
16 resolved in the November 2nd meeting?

17 MR. GRASSO: It was really about the
18 stormwater and the things that were being
19 requested outside of the scope of the current
20 site plan application which we said that there
21 shouldn't necessarily be a requirement of the
22 Planning Board. At that meeting Jean had
23 requested that they look into a few things and
24 part of that was the noise mitigation and that
25 was really outside the scope of the current

1 application. That was something that they were
2 asked to provide some additional detail and
3 they made a commitment about the mitigation.

4 MR. NARDACCI: My primary question has
5 been addressed in the TDE letter with regard
6 to the sedimentation of the irrigation of the
7 Schuyler Meadows Country Club. There were
8 people in here from Schuyler Meadows about
9 this issue. Is that part of what your
10 presentation is going to be?

11 MR. HULL: At the appropriate time.

12 MR. NARDACCI: So, I'll wait to hear what
13 you have to say.

14 Other than that, I just had one comment
15 and it's not really about this.

16 Congratulations to Siena on their win
17 today. To be ranked 25 in the country is
18 great. I understand how important it is to be
19 in the top 25.

20 MR. LANE: I appreciate that
21 Mr. Hershberg and Siena have gone above and
22 beyond to meet with the residents. They met
23 with the country club. They have alleviated
24 their concerns that were brought up including
25 the noise, the water and the visual, which is

1 very important I know to the club. The water,
2 I know, is an issue for everybody.

3 Other than that, I think that everything
4 has been addressed. As long as the residents
5 and the membership seem pleased with the
6 result, I think that we're in good shape.

7 CHAIRPERSON DONOVAN: I'm particularly
8 glad to see that they have a schedule to
9 maintain the basins because you can put all
10 the basins in the world that you want in there
11 but if they're not maintained it doesn't mean
12 anything. I appreciate that.

13 Elena?

14 MS. VAIDA: I don't have any questions.

15 CHAIRPERSON DONOVAN: C.J.?

16 MR. O'ROURKE: I agree that the basin
17 schedule is important. Here we are a town and
18 we don't even know where all of our basins
19 are. I certainly know that Siena on their word
20 will take care of that.

21 I appreciate that you guys did look at
22 and will take care of that for the Spring
23 Street residents. Again, I think that they
24 went way beyond the scope of the project
25 insuring that the 16th hole at Schuyler - that

1 they can't see. There is a better chance of a
2 golf ball going out to Siena's property than
3 those folks being bothered. That's my opinion.

4 I just hope that everybody takes into
5 account my club when it comes up when they're
6 building on it. That's all I have.

7 CHAIRPERSON DONOVAN: Rubin?

8 MR. HULL: Members of the board, my name
9 is Rubin Hull and I'm from Fraser and
10 Associates.

11 I'd also like to take a brief second to
12 thank all the representatives from Siena
13 College and their design team as well as
14 members of the board for hearing our testimony
15 on behalf of Schuyler Meadows and taking it
16 seriously.

17 When we left here about two months ago
18 after the last presentation, we essentially
19 had three issues that we felt were still on
20 the table. Those were with regard to the
21 visual impact from Schuyler Meadows Club, the
22 noise that would be related to the deliveries
23 to the rear of the building and the
24 stormwater.

25 The latest set of plans that we have seen

1 we felt adequately addressed the visual
2 assessment with the additional trees and the
3 mitigation plan that has been proposed in
4 terms of the implementation of adding
5 additional trees, if necessary. It is - or at
6 least it was our understanding that at the
7 time that revisiting the trees was going to be
8 done prior to the issuance of a CO. I don't
9 know if that is, in fact, the case the way
10 that the recommendation will be done but
11 certainly if it is, we appreciate that in
12 terms of the timing.

13 The delivery and access we feel has been
14 very adequately addressed with the
15 configuration of the roadway, the access and
16 the low screening. We actually didn't have a
17 significant issue with the rooftop. I felt
18 that the original noise study that was done
19 very adequately, at least, addressed the side
20 that faces the Schuyler Meadows Club. We
21 weren't part of the discussions that were
22 recently taken with the abutters of the other
23 side.

24 The third issue - and again, the only one
25 that we felt was still unaddressed as of a

1 couple of weeks ago was with regard to the
2 stormwater that as Mr. Hershberg stated, does
3 go around the site. We do feel that the
4 application and the project as it's proposed
5 and the stormwater that is proposed is a
6 tremendous system to handle that. I do agree
7 that it will be a wonderful system for both
8 quality and quantity.

9 Our concern is and still remains: What
10 happens to this flow that is coming around
11 here (Indicating), the orange area. At the
12 meeting that we had on November 2nd, I think
13 that we essentially came to a consensus that
14 it really was a management issue. It was a
15 stormwater management issue, maintenance of
16 the structures, maintenance of the drainage,
17 swales and with the implementation of the
18 program, that would be a regular program that
19 Siena would manage the siltation monitor and
20 observe what's happening in those structures.
21 We feel that at this point additional design
22 is not necessary and it actually would
23 completely slow the process down because it
24 would be within the jurisdictional wetlands
25 and there would be other permits. Again, we

1 are not asking that. We are asking for the
2 commitment to maintain and remove the
3 sedimentation that is there with the
4 understanding that there will be another
5 project. At the time that comes through, I
6 assume that Schuyler Meadows will be notified
7 as an abutter or in some way will have a
8 knowledge of when that project and that design
9 is ready to go through.

10 With that, I did not bring a letter. I
11 know that Mr. O'Rourke and a couple of others
12 had some concerns last time with the lateness
13 and the preparation of a letter. However,
14 because the last two letters that I did were
15 both somewhat negative in tone, I will
16 summarize our support of what's been put in
17 front and submit that just to support the oral
18 testimony for tonight.

19 CHAIRPERSON DONOVAN: Thank you, very
20 much.

21 Anybody else have any questions or
22 comments?

23 MR. STAPLETON: My name is Mike Stapleton
24 and I live at 12 Starlight Road, which is
25 somewhere behind Eberle up the road a little

1 bit.

2 First I have a question. At the last
3 meeting I asked questions about the property
4 zoning and you responded single family
5 residential.

6 MR. LACIVITA: This property here, yes.

7 MR. STAPLETON: Somebody asked how can a
8 building of this size be placed on a single
9 family residential property and still meet the
10 zoning requirements?

11 MR. LACIVITA: A zoning verification from
12 our Building Department. They are the ones
13 that make the zoning verification.

14 MR. LYONS: The college is a permitted
15 use in a single family zone.

16 MR. STAPLETON: So they already have a
17 variance basically, or an exception?

18 MR. LYONS: It's not an exception or a
19 variance.

20 MR. O'ROURKE: It's part of the zoning.
21 It's permitted use in the zoning.

22 MR. STAPLETON: What I'm just trying to
23 figure out in my mind is that if I had a piece
24 of property this big that I could put a
25 building this big on, I could do that with

1 this zoning.

2 MR. O'ROURKE: If you had a college.

3 MR. STAPLETON: I didn't ask that
4 question.

5 MR. LYONS: If you wanted a house that
6 big, yes, you could build a house that big.

7 MR. O'ROURKE: As long as it met the
8 setbacks.

9 MR. STAPLETON: I'll grant you that. I
10 have to meet the rules and regulations.

11 MR. LYONS: Let me explain something. A
12 single family zoning district is simply a name
13 that's given to this district. There are
14 multiple uses other than single family.
15 However, single family seems to be the
16 predominate use within that zone. There are
17 other uses that are permitted within that
18 zoning district as the college is, golf
19 courses are, fire houses, libraries and things
20 of that nature. Those are permitted uses.

21 MR. STAPLETON: I have a question for the
22 board. At one of the meetings there was a
23 question on the request of Siena for the
24 master plan. Just from my own personal
25 curiosity, I don't expect to see it but has

1 the board seen it yet?

2 CHAIRPERSON DONOVAN: I had asked for a
3 stormwater plan and I received that but that
4 hadn't been adopted. Is that what you mean?

5 MR. STAPLETON: No. Siena has a master
6 plan.

7 CHAIRPERSON DONOVAN: No, I haven't seen
8 that.

9 MR. O'ROURKE: No, I think that you were
10 referring to the master stormwater plan.

11 CHAIRPERSON DONOVAN: It could have been
12 but that's what I thought was the request.

13 MR. O'ROURKE: That was my understanding.

14 MR. STAPLETON: At the Planning Board and
15 the Zoning Board of Appeals meetings on the
16 athletic fields that Siena had, there was talk
17 of the Siena master plan at that point in time
18 too. I don't know if anyone other than Siena
19 and possibly a few people have seen it.

20 Paul is not here tonight. He was in back
21 of me when I asked the question last time. If
22 they could just post it on their website, that
23 would be good.

24 As I said, I have attended the previous
25 meetings and I would like to go on record as

1 being opposed to this - the location of this
2 project on the Siena campus. Mr. Hershberg has
3 stated that the building will not be visible
4 from Eberle Road due to the evergreen trees
5 that are going to be put there and I do
6 disagree with that. He said tonight that you
7 could see form Eberle through there now
8 because the leaves are off the trees.

9 MR. HERSHBERG: I did not.

10 MR. STAPLETON: However, I did drive by
11 there twice; once tonight on my way home from
12 work when it was still daylight and couldn't
13 see anything through the trees to Siena. I
14 drove past there coming through tonight on my
15 way to this meeting and you can see the
16 parking lot lights. I believe that it's this
17 parking lot or it's a light along Maloy Circle
18 from the road next to where the easement comes
19 out on Eberle. So you can see through the
20 trees and see the lights.

21 I am of the opinion that this building
22 and all its lights will be visible from there
23 and most likely from my house on Starlight
24 Road too. The location of this building on the
25 Siena property is closest to the most

1 populated area surrounding the college. There
2 must be some other place on the campus that
3 this could go.

4 Mr. Hershberg also stated at previous
5 meetings that during peak traffic hours there
6 will be no increase in traffic. This is
7 probably true. But this is the increase in
8 traffic nights and weekends that are of
9 concern. Fiddlers Lane and Maxwell Road are
10 two lanes roads that were not designed to
11 handle large amounts of traffic.

12 Another issue would be the noise
13 generated by the equipment. If I understand
14 it, I agree with what has been said tonight
15 about that noise. However, more importantly is
16 the noise generated by the students. There is
17 an issue with the noise in the town houses and
18 this is only going to make matters worse as
19 this is even closer to Eberle and Alva and
20 Starlight than the townhouses are.

21 When Siena requested the athletic fields
22 that are located on the other side of the
23 campus, the noise was an issue at that point
24 in time and Siena stated that the noise from
25 the public address system would not exceed the

1 acceptable levels outside the campus. I can
2 tell you that from my house on Starlight Road,
3 when they have something going on over there
4 on those athletic fields, you can hear that PA
5 system. You can also hear when the students
6 are in the townhouses when they have parties
7 going.

8 It was said earlier that the town has a
9 new noise ordinance with lower acceptable
10 decibel levels than the previous ones. In the
11 past we have called both Colonie Police and
12 Siena security and no actions have been taken.
13 I hope that the Colonie Police would be more
14 responsive than they have been in the past
15 when complaints are made to them about the
16 noise on the Siena campus. There have been
17 times when the Police Department has
18 responded, well, that's Siena and we can't do
19 anything about it.

20 I addressed that at the Town Board
21 meeting about the noise ordinance with Deputy
22 Chief Fitzsimmons.

23 When the town houses were built, I
24 believe that Siena agreed that there would be
25 no access out of Maloy Circle to Fiddlers

1 Lane. I also believe that at that point I
2 think it was called St. Francis Way, but I'm
3 not sure. However, that access is there now
4 and it's heavily used. My point is that Siena
5 has not always lived up to commitments and
6 when they don't the town and the residents are
7 stuck with the results.

8 I would also like to make some comments
9 made at that last meeting. At one point
10 Mr. O'Rourke, you said and I'll quote you from
11 page 37 and 38 of the transcript.

12 This is America. Siena owns the property.
13 Let's not forget that.

14 Later on Mr. Grasso stated I would like
15 to say that the amount of public support or
16 opposition has no bearing on the Planning
17 Board's decision. I believe that it is the
18 Planning Board's duty to take into account the
19 greater good of the Town of Colonie and the
20 quality of life of the residents and that the
21 residents should have. Yes, this is America
22 but there are times when the greater good
23 should outweigh the individual rights and the
24 opposition and support should figure into the
25 Planning Board's decision.

1 As I said, this is the Planning Board and
2 as such, they should look at the whole picture
3 for the greater good and not just the
4 individual. Thank you.

5 CHAIRPERSON DONOVAN: Thank you.

6 Anybody else?

7 Yes, Gloria?

8 MS. KNORR: Is Spring Road the one that
9 goes to the Schuyler Golf Course? When they
10 wanted to build the football field where the
11 police barracks are - I know neighbors opposed
12 it because of the tall lights and the noise
13 across the road from Spring Street. The
14 students are very noisy.

15 Siena has been built for a long time on
16 that site. Noise is a big problem. It's too
17 bad that they don't have a big campus like
18 SUNY Albany because the kids can be noisy and
19 it doesn't bother the residents. I just wanted
20 to bring that up. I have heard comments from
21 my friend who lives in that beautiful open
22 field where the white fence is and across the
23 road from Siena and she is bothered by noise.

24 CHAIRPERSON DONOVAN: Thank you, Gloria.

25 Anybody else?

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

2 CHAIRPERSON DONOVAN: This board is
3 relatively new and has not been here for the
4 other Siena projects. I have heard that from
5 other people that Siena may not have lived up
6 to prior agreements. I don't know if that's
7 really true or not but I do believe that when
8 you have told me that you will implement the
9 stormwater policy on the campus - I'm hoping
10 that if this project is approved and goes on
11 tonight and approved tonight that you will
12 live up to those agreements. You'll have other
13 projects and you'll probably be here when you
14 do the other projects. That will be
15 interesting for us to follow this whole
16 process.

17 Joe, do you have any comments?

18 MR. LACIVITA: Nothing at this time. I
19 think that Siena College has worked well with
20 the neighborhoods and adjusted to a number of
21 the concerns that they had heard and I think
22 that they will definitely live up to their
23 end.

24 CHAIRPERSON DONOVAN: We've tried to
25 address the majority of them.

1 Mr. Hershberg, I know that one of the
2 things that I remember talking about is that
3 access through Eberle, which I think is a
4 Latham Water easement that goes through there.
5 That will not be used as any form of access to
6 the campus?

7 MR. HERSHBERG: It's actually a sanitary
8 sewer easement. It's a paper street that comes
9 off of Eberle Road. The town deeded an
10 easement at that point because they actually
11 took title to the paper street. That sewer
12 comes across Siena and ends at that area and
13 it's only to accommodate sewer. Siena has
14 absolutely no plans to use it for anything
15 else because we would have to get permission
16 from the town and the board.

17 CHAIRPERSON DONOVAN: Can you address any
18 of the gentleman's concerns?

19 MR. HERSHBERG: Well, first of all, if
20 you go on Siena's website, there is a 2005
21 master plan posted on the site.

22 CHAIRPERSON DONOVAN: That's the current
23 master plan?

24 MR. HERSHBERG: That's the latest master
25 plan. Like most master plans they are for a

1 five year period and that's as far as they
2 last so they're in the process of doing some
3 additional master planning.

4 However, a lot of the issues raised had
5 to do with the visibility of the building and
6 the visibility of the existing lights. We were
7 talking about the new building and we think
8 that there will be no visual impact on
9 adjoining properties.

10 I might point out that this board insists
11 that Siena went way beyond the real
12 requirements of SEQRA. SEQRA doesn't identify
13 a visual impact and a building being seen from
14 an adjoining property. That's a deleterious
15 impact on the viewscape and we don't think
16 that would happen, even if you could see a
17 portion of this building.

18 We're trying to build the building to be
19 attractive and landscape it properly. We have
20 exceeded and went way beyond what would
21 normally be required for a visual impact. I
22 think that it is clear that this building
23 would be attractive. We have made a lot of
24 effort to do this building property and I
25 don't know why all the hang up in viewing the

1 building is so important, but we do intend to
2 screen the lower portion as required. We
3 wouldn't object to that being before a CO
4 because this building would be occupied
5 theoretically in August of next year. It
6 better be. That was the charge that we were
7 given.

8 Sometime before that, sometime in early
9 summer would be the proper time to plan this
10 landscaping here (Indicating). By that time
11 the building would be fully up so we could
12 look at it.

13 CHAIRPERSON DONOVAN: I thank you for
14 working with the neighbors and with Rubin and
15 Schuyler Meadows.

16 Did you want to say something?

17 MR. O'ROURKE: Yes, if I could. I would
18 like to make a quick comment. I think that
19 this board does a yeoman's job at looking at
20 the greater good to the community and it's my
21 opinion that Siena College is in this
22 community's best interest. Their growth and
23 their smart growth is good for the community
24 and I think that we've looked at this
25 objectively and smartly for the residents of

1 the town.

2 CHAIRPERSON DONOVAN: And I appreciate
3 your effort. Thank you Siena, and Rubin.

4 Joe, you want action on the final plans?

5 MR. LACIVITA: Yes, that the action.

6 CHAIRPERSON DONOVAN: Do I have a motion
7 for the final plan?

8 MR. O'ROURKE: I'll make that motion.

9 MR. NARDACCI: I'll second that.

10 CHAIRPERSON DONOVAN: C.J., that does
11 include that the screening will be up before a
12 CO is issued; correct?

13 MR. O'ROURKE: Yes. It's planned to be up
14 by September.

15 MR. LANE: Does that also include the
16 maintenance of the basins?

17 MR. O'ROURKE: That's outside the scope
18 of the project.

19 CHAIRPERSON DONOVAN: Yes, and they have
20 promised that they will do it so we'll
21 hopefully hold them to that.

22 MR. O'ROURKE: I might be on campus
23 checking those things myself.

24 CHAIRPERSON DONOVAN: I do have a motion
25 and a second.

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All those in favor?

(Ayes were recited.)

CHAIRPERSON DONOVAN: Opposed?

(There were none opposed.)

CHAIRPERSON DONOVAN: Okay, good luck.

***(Whereas the proceeding concerning the above
entitled matter was adjourned
at 7:42 p.m.)***

CERTIFICATION

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

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15 ***NANCY STRANG-VANDEBOGART***

16
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18 ***Dated December 28, 2009***