

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3

4 *****
5 RIDGEWOOD SUBDIVISION, 34 DENISON ROAD
6 REVIEW AND ACTION ON CONCEPT ACCEPTANCE
7 *****

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9 THE TAPED AND TRANSCRIBED MINUTES of the above
10 entitled proceeding BY NANCY STRANG-VANDEBOGART
11 commencing on December 1, 2009 at 7:14 p.m. at the
12 Public Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

15 THOMAS NARDACCI, ACTING CHAIRMAN
16 MICHAEL SULLIVAN
17 CHARLES J. O'ROURKE
18 ELENA VAIDA
19 PETER STUTO, Jr. Esq., Attorney for the Planning
20 Board

21 Also present:

22 Joe LaCivita, Director, Planning and Economic
23 Development

24 Melissa Courier, C.T. Male Associates

25 Kevin DeLaughter, Planning and Economic Development

Jeff Myers, Applicant

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1 ACTING CHAIRMAN NARDACCI: The next item
2 up is the Ridgewood subdivision, 34 Denison
3 Road; review and action on concept acceptance.
4 This is with C.T. Male Associates.

5 We've seen this project a few times.

6 Joe, do you want to give us an update?

7 MR. LACIVITA: Kevin, I don't know if you
8 want to give an update. I know, as you said,
9 Ridgewood has been before us a number of times
10 and we've sent them back to work with the
11 neighborhood. They have fulfilled a lot of the
12 requirements of the department and the board
13 and the neighbors. They worked well together.

14 The last meeting was somewhere about
15 October or September. It was toward the end of
16 the summer.

17 MS. COURIER: We had a meeting in March
18 with yourself and the neighborhood
19 association. We had a special meeting on the
20 31st.

21 MR. LACIVITA: One of the things that
22 this development has done is that it actually
23 addresses one of the needs of the Comprehensive
24 Plan. The developer went back and actually
25 proposed a five acre pocket park for the town.

1 That addresses the needs of the Comprehensive
2 Plan.

3 I'll turn that over to Kevin or Melissa;
4 whoever wants to go first.

5 MR. DELAUGHTER: I think that summarizes
6 where we are.

7 MS. COURIER: I'm Melissa Courier and I'm
8 with C.T. Male Associates.

9 To go through a quick summary of the
10 project, the Ridgewood subdivision is located
11 at 34 Denison Road. The proposal consists of
12 96 single family residential lots located on
13 the west side of Denison Road. The zone is
14 single family residential with a conservation
15 development overlay. The parcel size is
16 118 acres.

17 The areas of constrained land which are
18 the areas that you see on the map that are
19 hatched encompass about 24 acres. With that
20 the zone permits 187 lots within the density
21 of the confinements. We are proposing 96 which
22 is about half of the density that is allowed.
23 The area that is to remain open space is the
24 area up in this area (Indicating).

25 The entrance is off of Denison Road and

1 per the meetings that Joe just mentioned,
2 there is now another entrance going through
3 Londonderry Ridge. We would be connected to
4 that subdivision.

5 Public sewer and water will be connected
6 to the appropriate systems. We show six
7 potential stormwater treatment areas and those
8 all have been test pitted and reviewed with
9 the Stormwater Department. They have reviewed
10 and concurred with our findings.

11 We would propose trails throughout the
12 site.

13 There was a discussion of sidewalks. DPW
14 is not looking to have sidewalks at this time,
15 but are not opposed to considering it for
16 development, in the future.

17 We have met with the neighborhood
18 association multiple times. A few times
19 without the Planning Department. We have
20 added, per that meeting, a park area. That
21 area will be within this portion of the site
22 (Indicating). There will also be potential
23 parking for the community park.

24 I believe that we have addressed all the
25 comments that have been asked of us by DPW and

1 the town departments.

2 MR. LACIVITA: This was all reviewed by
3 the TDE.

4 MS. COURIER: My understanding is that
5 the TDE will be at the preliminary of the
6 final plans.

7 ACTING CHAIRMAN NARDACCI: Could you just
8 explain to us the process of talking to the
9 neighbors? What was the meeting like and what
10 were some of the issues that they had that
11 they raised here and then at your meeting and
12 how you addressed them?

13 MS. COURIER: We did meet with the
14 association. It was formal. It was more in the
15 lines of -- we had a plan in front of us and
16 we discussed what their concerns were.

17 The main item of concern was in light of
18 the traffic and the speeding that happens on
19 Denison Road. They were looking for a
20 community park. They had a few concerns with
21 regard to stormwater. There are highway
22 improvements needed on Denison Road with the
23 pot holes and things like that. They did talk
24 about the deed restrictions.

25 I think that it went well. I think that

1 we communicated well. We discussed nearly
2 everything. We had another meeting where the
3 Planning Department was involved in that and
4 it went well. Again, we reiterate the same
5 points.

6 I had also met with Kevin and we talked
7 about where to put the town park. We looked at
8 the whole area. This is the one (Indicating)
9 that was ultimately decided by everyone
10 involved; fire and Latham Water. Everyone else
11 had reviewed it and it was believed that this
12 location would be the most ideal for security
13 and safety.

14 ACTING CHAIRMAN NARDACCI: I'm glad that
15 you did meet with the neighbors. I think that
16 it's an extra step. It's appreciated because
17 it's not required, but it's something that I
18 think is important. We've had other meetings
19 like that where the developers have met with
20 neighborhood groups to try to resolve some of
21 the issues. I think that it's worth mentioning
22 that extra step.

23 Are there any questions from the board?

24 Mike?

25 MR. SULLIVAN: I had a few questions. The

1 first one was on the stormwater areas. Can you
2 explain how those will work and how those will
3 be designed?

4 MS. COURIER: Ultimately what we have
5 done so far is just some test pits and that
6 gave us the soil types and the groundwater
7 levels. I'll point out those locations here
8 and here and here (Indicating). They will be
9 determined in the matrix. We can use two
10 different types of systems and there will be
11 treatments from our treatment systems as well
12 as detention basins. They will be in
13 conformance with the state standards and the
14 town standards.

15 The type of system that we would have
16 there would be a filtered system. The one
17 system would have continuous ground water and
18 that would be filtered. There would be three
19 basins actually; there will be a treatment
20 pond, a pretreatment pond and a detention
21 basin.

22 MR. SULLIVAN: They'll be detention
23 basins but not retention?

24 MS. COURIER: Ultimately all of them will
25 open to the outlet.

1 MR. SULLIVAN: Will the outlets be
2 natural channels?

3 MS. COURIER: They will be open to the
4 outlet to the low point that they would be
5 naturally going towards, originally.

6 MR. SULLIVAN: Are there any adjacent
7 properties that will be the lowest area but
8 such that they will not have ponding?

9 MS. COURIER: The property is a rough
10 terrain. Some of it goes this way and some of
11 it goes that way, so that it comes down here
12 (Indicating). This area, which is the low
13 point, is one of concern. We are prepared to
14 control that. We have discussed the drainage
15 with the DPW Department.

16 MR. SULLIVAN: My concern is that I know
17 that you have a lot of greenspace that you're
18 preserving, however there is about 60% acres
19 that will be developed. You will be increasing
20 the run-off. You'll have to maintain the same
21 rate of run-off.

22 MS. COURIER: We will try to maintain the
23 natural volumes that are going to these points
24 and be naturally occurring.

25 MR. SULLIVAN: How will you manage that?

1 You could maybe limit the rate of run-off but
2 the amount of run-off -

3 MS. COURIER: I know we are not looking
4 to take all the development and direct it into
5 one area. I think that is what you're asking.
6 We will try to hold as much as possible at the
7 natural design points. In other words, all the
8 impervious area will not go to one design
9 point. They will go to the different design
10 points as it does now and that's so as not to
11 increase any additional volume.

12 MR. SULLIVAN: The other question I had
13 was with respect to traffic. Has a traffic
14 impact study been done?

15 MS. COURIER: There was one done and we
16 did have a special meeting March 31st with CDTC
17 to come here and discuss that. They said that
18 full build out was with three subdivisions.
19 The one that would be here, and the one that's
20 over in this area (Indicating). And they were
21 hopeful that would not warrant a traffic
22 signal or a calming device.

23 MR. SULLIVAN: I read a memo in my packet
24 that the Town of Niskayuna had requested a
25 copy of the traffic study, if one was done

1 because they were concerned about the
2 intersection at Route 7.

3 MS. COURIER: There was one done. I'm not
4 sure if I brought that one or not.

5 MR. SULLIVAN: Okay, because I'd like to
6 see what impact it has on the level of service
7 at that intersection.

8 MS. COURIER: Sure, and I'm pretty sure
9 that it was made available to the public.

10 ACTING CHAIRMAN NARDACCI: C.J.?

11 MR. O'ROURKE: Mike answered on one of
12 mine about the Town of Niskayuna. I wanted to
13 make sure that they did get a copy of that.

14 The next question I had was: Do we have
15 interest in the pocket park? Isn't it at the
16 road to the pump station?

17 MS. COURIER: No. Well, the pump station
18 is over here (Indicating). I'm saying no but
19 it is on the same road. The pump station is
20 over in this area, but it would have its own
21 access from this (Indicating).

22 MR. LACIVITA: We've actually consulted
23 with Parks and Recreation, correct?

24 MS. COURIER: Yes.

25 MR. O'ROURKE: You did?

1 MR. LACIVITA: Yes.

2 MR. O'ROURKE: So that's something that
3 the town is interested in?

4 MR. LACIVITA: Yes. We went by the
5 Comprehensive Plan and we met with Donny Myers
6 and we looked at that and that was the
7 flattest parcel that was there.

8 MR. O'ROURKE: The other concerns that I
9 have is the Londonderry access point. That's
10 contingent upon Londonderry being built.

11 MS. COURIER: This is where DPW asked us
12 to connect it, based on that.

13 MR. O'ROURKE: And while that may be true
14 and maybe some town departments need to
15 communicate better, traffic safety wanted that
16 second entrance to move forward with the
17 project.

18 MS. COURIER: Right, and we had shown
19 second entrances and it was not a problem and
20 desired by the neighborhood.

21 MR. O'ROURKE: Right, so they're still
22 holding one access point until Londonderry
23 gets built.

24 MS. COURIER: Not being involved with
25 Londonderry, I don't know where it stands.

1 I'm not sure what the process would be. I
2 guess we'd have to discuss that with DPW. I
3 guess we could add a temporary emergency
4 access point until that gets built out. I know
5 that we've done that with other projects where
6 it's grassed over, but it's accessible.

7 MR. O'ROURKE: Joe, has anyone in the
8 department called on that? There are three or
9 four memos in the packet about secondary
10 access from the Fire Chief and Ken Pirro.
11 Multiple people are interested in second
12 access and we can't let the project go through
13 without that. Being contingent upon
14 Londonderry being built doesn't provide
15 secondary access, in my opinion.

16 MS. COURIER: I see what you're saying
17 C.J., and I do agree that a secondary access
18 is necessary. I do think that as a temporary
19 means we could do something until that access
20 is available.

21 MR. LACIVITA: Ken Pirro states in his
22 memo that the committee would like to see
23 another access somewhere within the
24 development. It doesn't specifically say
25 connecting it to Londonderry.

1 MR. O'ROURKE: Right, that was their
2 solution to the access, Joe. That's how I read
3 it as well. That's one problem that I have.

4 The other thing was the pump system in
5 regard to ownership of the pump system.
6 Obviously anything in this area above
7 410 feet - you guys are going to have to put a
8 pump system in.

9 MS. COURIER: As part of this proposal,
10 we are proposing a water tank to go along with
11 this project. We have met with Latham Water
12 and that is part of this proposal. This site
13 will come in after the water tank is approved
14 and developed. We don't need a pump.

15 MR. O'ROURKE: Well then I'll tell you
16 what Londonderry is waiting for. They're
17 waiting for you to build that water tank.

18 MS. COURIER: Once we get concept, we'll
19 still have a couple years of review before it
20 would be developed.

21 MR. O'ROURKE: I'm aware of that.

22 MS. COURIER: This project here is first
23 in line and then Londonderry would be next,
24 the pump station, the water tank and then this
25 one. The water tank will service this one and

1 the other developments in the area.

2 MR. O'ROURKE: I also have difficulty
3 with the sanitary system as proposed. Does
4 that go into the Walnut pumping station?

5 MS. COURIER: The sanitary is proposed to
6 go into the sewer line that is on Walnut Road,
7 yes.

8 MR. O'ROURKE: Is that pump system going
9 to handle it?

10 MS. COURIER: According to Pure Waters,
11 it should. Pure Waters reviewed it and they
12 accepted the proposal.

13 MR. O'ROURKE: But Joe, that's not 100%
14 true, right?

15 Dave McMorris, September 29, 2008 final
16 approval, proposed lots along Crimson Ridge
17 and Stratford which will be serviced by the
18 future sanitary system to the south is
19 contingent upon the approval and acceptance of
20 sanitary sewers proposed under the Londonderry
21 Ridge subdivision project.

22 Again, it's contingent. I have difficulty
23 with that.

24 MR. LACIVITA: C.J., I think that
25 according to the explanation with regard to

1 the phasing of the project, they have control
2 over all three. Londonderry is going to be
3 here before Ridgewood.

4 MR. O'ROURKE: Well, God willing.

5 MR. LACIVITA: No, I think that's the
6 plan. That's my understanding.

7 MR. MYERS: Forest Hills will be here
8 prior to this site being built. Part of the
9 approval process is for us to develop the
10 water tower.

11 MR. O'ROURKE: Okay, but the gravity
12 connection is determined to not be feasible. I
13 can't imagine starting a project like this and
14 not knowing if that pump station is going to
15 handle it.

16 MS. COURIER: Well, I know that I had met
17 with Pure Waters a few times and we had
18 discussed it and this is how they had accepted
19 it as far as I was concerned.

20 MR. O'ROURKE: So my concern for the
21 taxpayers of the Town of Colonie is if that
22 pump system doesn't handle it, who pays? The
23 taxpayer?

24 MS. COURIER: I don't think that we would
25 get a final approval if the pump system can't

1 handle it.

2 MR. O'ROURKE: Or would you be at build
3 out?

4 MS. COURIER: No, we wouldn't. We would
5 have to go through the design of the pump
6 station or sewer system prior to getting the
7 prior approval, which is after concept
8 approval.

9 MR. O'ROURKE: I thought that you said
10 that it's going to the existing pump station?

11 MS. COURIER: That's the proposal. The
12 proposal is to go down into the pump station
13 on Walnut Lane West. That is the proposal;
14 yes. But the design of the sewer system has
15 not been done yet. Pure Waters has accepted
16 the preliminary plan at this time. We have to
17 go through a design process with Pure Waters
18 and with the TDE prior to final approval;
19 before build out, in other words. That is one
20 of the contingent things.

21 MR. O'ROURKE: I just see some problems
22 with putting the horse -- I think the project
23 isn't bad. I think that you've made adequate
24 changes. I just have problems with the
25 contingencies on the other stuff going

1 forward.

2 MS. COURIER: A lot of those items get
3 done at the next step, in other words. This is
4 when we do the design. After the concept
5 approval and we're content with the land and
6 the proposed concept layout, then we start
7 doing the engineering of the stormwater. Pure
8 Waters, Latham water - we do all that at the
9 next step. That's when we do all those
10 numbers. We make sure that everything is
11 adequately sized and we make sure that it can
12 be handled. We won't be able to get final
13 approval without that. The Pure Waters
14 department would put us on this agenda until
15 we have that sign-off.

16 MR. O'ROURKE: I'm just confused. Within
17 the packet there are memos from certain
18 departments that things have been worked out
19 and to me a year ago, these were the same
20 issues that I brought up and stormwater
21 issues. It doesn't seem like there has
22 been -

23 MS. COURIER: In light of what you're
24 saying, we can't put the cart before the
25 horse. We can't do the design for Pure Waters

1 for the sanitary sewer system until we know
2 that this is the layout and the number of
3 houses that we're going to go with.

4 MR. MYERS: I think that there is a
5 concern over the upgrade of the pump station.
6 That's a natural factor. We don't know if that
7 system will have to be upgraded or not.

8 MR. O'ROURKE: Okay, as long as the
9 developer realizes that if those systems and
10 that infrastructure needs to be upgraded, then
11 it's going to be the responsibility of the
12 developer and not the taxpayers in the Town of
13 Colonie.

14 MR. MYERS: Our initial thought is that
15 it will not have to be upgraded. Before final
16 approval if it needs to be upgraded, then it's
17 upgraded by the developer.

18 MR. O'ROURKE: The final thing that I'd
19 like to bring up is the relief for existing
20 homeowners, in terms of drainage and water
21 pressure.

22 For the project to go forward, I only
23 think that it's fair with the amount of
24 development going on that pressure, reducing
25 valves, things of that nature should be

1 included for the existing homes in the area.

2 MS. COURIER: I do know that at that
3 special meeting, which I know that John Frazer
4 was at, he talked about the phasing of the
5 pressure reducing valves and phasing the
6 development in and that Latham Water would be
7 responsible for doing those
8 additional -- whether it's going to be
9 pressure reducing or it's going to be
10 additional pressure -

11 MR. O'ROURKE: I took the time and went
12 through the transcript and that's really not
13 what Mr. Frazer was getting at. As I read it,
14 and again, it's available for anybody who
15 wants it - as I read it, the existing
16 homeowners are going to have to pay to fix the
17 system.

18 MS. COURIER: I would want to verify that
19 with Latham Water. I have had multiple
20 meetings - not only at that special meeting of
21 that night, but I have had multiple meetings
22 with Latham Water and it was always my
23 understanding that Latham Water would be
24 responsible for the PRVs for these individual
25 homeowners that would have to be installed. It

1 would done on a homeowner case by case basis.
2 I do know that it would be phased. It would be
3 Latham Water's responsibility to do that and
4 not the homeowners' responsibility. I think
5 that's what you're asking.

6 MR. O'ROURKE: That is. I want to make
7 sure that we have commitment for the project
8 to move forward and that the folks that have
9 been there for 30 years and have dealt with
10 these issues - that there is some
11 rectification of some of these issues in terms
12 of the infrastructure that they have
13 unfortunately had to live with. Again, as I
14 read through this, that's not what I read.
15 Hopefully that is.

16 Joe, do you have any insight on this?

17 MR. LACIVITA: I'm just reading it now
18 C.J. Again, going through it, I know that
19 Mr. Frazer talks on page 60 about the
20 responsibility of the property owner if
21 certain appliances blow out and so on. I don't
22 see where it's the responsibility of the
23 homeowner for changing out the meter.

24 MR. COURIER: I believe that he said that
25 was going to be phased.

1 MR. LACIVITA: Yes.

2 MR. COURIER: And I believe that Latham
3 Water may have to do the installation on a
4 case by case basis and I have also been at the
5 meetings and that has been my understanding.

6 MR. O'ROURKE: Okay, I just wanted that
7 to go on the record that those were my
8 concerns.

9 MS. COURIER: I'm sure that we could
10 during the preliminary design, make sure
11 that's written more clearly and given to you
12 the next time we come before the board.

13 MR. O'ROURKE: That's all I have, Tom.
14 Thank you.

15 ACTING CHAIRMAN NARDACCI: Elena?

16 MS. VAIDA: Most of my questions have
17 been addressed by the prior questions and
18 answers. You made a comment that you have gone
19 through and addressed all of the concerns
20 mentioned in the various letters from the
21 various departments because going through the
22 packet, a lot of this stuff is from 2008.

23 MS. COURIER: That's right. We did
24 resubmit the plans after that.

25 MS. VAIDA: Do you have any sort of a

1 summary of how you addressed and satisfied
2 those issues?

3 MS. COURIER: There was a response letter
4 that was sent with the resubmittal package. I
5 believe that I do have in the file that each
6 town department did sign-off on that response
7 letter. That's how we got back on the board
8 this very evening.

9 MS. VAIDA: When was that?

10 MS. COURIER: When did we resubmit?

11 MS. VAIDA: Yes.

12 MS. COURIER: We resubmitted in August.
13 We resubmitted August 21st. Some of the
14 responses are to be done during the design
15 phase and that we would sit down with the
16 departments and make sure that we were all on
17 the same page.

18 MS. VAIDA: Because one of my big
19 concerns, which is the same that has already
20 been expressed, was the concern raised by the
21 Fire Department about the access. I was just
22 wondering what your response was to the
23 secondary access issue.

24 MS. COURIER: I can tell you that I met
25 with DPW and the secondary access that we

1 talked about is what you see. The access was
2 not talked about, as C.J. brought up -- in
3 reference to if that does not go in. That
4 subdivision isn't there. I can say that we
5 have multiple access points so that we can add
6 a temporary emergency access until such time
7 as that access would be available. This is
8 where they wanted it. This is where the
9 neighborhood felt comfortable with it.

10 MS. VAIDA: This is the one that is
11 contingent on the other project going forward?

12 MS. COURIER: This one right here
13 (Indicating). This access here is the one that
14 would be contingent on this development - this
15 road.

16 MS. VAIDA: That's the secondary access?

17 MS. COURIER: That is the secondary
18 access. The main access being off Denison Road
19 which is right here.

20 We could bring in a temporary access.
21 There is other access to frontage on the road
22 that we could utilize if necessary.

23 MS. VAIDA: It might be helpful if you
24 had those other options presented.

25 MS. COURIER: Sure and I could talk with

1 DPW about that and see what they would prefer
2 as well for emergency services, fire and all
3 of that. Because it would be for fire
4 emergency reasons.

5 MS. VAIDA: So the traffic study - there
6 was just one traffic study?

7 MS. COURIER: The CDPC study. That was
8 the one that was done and it was presented in
9 March.

10 MS. VAIDA: Did you have to do a SEQRA on
11 this project or not?

12 ACTING CHAIRMAN NARDACCI: I think that
13 maybe Kevin could address the SEQRA and the
14 GEIS.

15 MR. DELAUGHTER: The site is within the
16 airport area generic environmental impact
17 statement study area.

18 Under the SEQRA regulations, there are
19 provisions for consideration of future actions
20 when the GEIS was prepared. The first is that
21 no further SEQRA compliance is required, if
22 the subsequent proposed action will be carried
23 out in conformance with the conditions and
24 thresholds established in the generic EIS or
25 its findings statement.

1 We have prepared a point by point
2 analysis of conformance of the project with
3 the statement of findings with a
4 recommendation for the board that the project
5 is consistent with the statement of findings.
6 I believe that there are six or seven
7 conditions that need to be attached, as well.

8 MS. VAIDA: That's the summary that you
9 did?

10 MR. DELAUGHTER: Yes.

11 MS. VAIDA: When was that study
12 done - the GEIS?

13 MR. DELAUGHTER: The initial GEIS, I
14 believe, was completed in 1991.

15 MS. COURIER: Didn't we have that special
16 meeting and update some of those numbers?

17 MR. O'ROURKE: Not on Vly and Denison.

18 MS. COURIER: I know that they talked
19 about revisiting.

20 MR. DELAUGHTER: The CDTC report
21 definitely covered Vly and Denison. You have
22 previously received the entire report, but I
23 think that there was a two page summary of the
24 key points that we provided to you. In the
25 package that you have now - that summarizes

1 the analysis with Vly and Denison. The
2 intersections at Route 7 and the intersection
3 of Vly and Denison itself, as well as the
4 potential for short cutting through a couple
5 of the adjacent neighborhoods.

6 ACTING CHAIRMAN NARDACCI: Just to follow
7 up on that, in the packet there is a four-page
8 run through that Kevin did to assess the
9 consistency. Page seven has six points that
10 state what the assessment is.

11 MR. STUTO: What the conditions would be.

12 ACTING CHAIRMAN NARDACCI: Right, and I
13 might as well just say them. Foundation
14 drainage, when waterproofing the foundation
15 walls will be required for all homes with
16 basements as specified in the statement of
17 findings.

18 2. The project will require an
19 installation of a high pressure zone pumping
20 station for elevations above 410 feet, as
21 described in the FGEIS and statement of
22 findings.

23 3. An assessment of potential historic
24 and archeological resources by a qualified
25 consultant must be prepared and submitted for

1 review with a preliminary final.

2 4. An easement should be reserved in
3 escrow and escrow should be posted for future
4 installation of sidewalks along Denison Road.

5 5. The South Colonie School District will
6 be contacted to apprise them of a potential
7 increase of student population at this
8 location for their planning purposes.

9 6. The project sponsors will be required
10 to contribute toward infrastructure and
11 municipal service improvements as identified
12 in the statement of findings.

13 You have those in your review also?

14 MS. COURIER: Yes.

15 ACTING CHAIRMAN NARDACCI: Any other
16 questions from the board?

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

18 ACTING CHAIRMAN NARDACCI: At this point
19 I'd like to open it up to neighbors or any
20 member of the public who might have comments
21 or questions.

22 Sir, could state your name for the
23 Transcriptionist?

24 MR. FITZGERALD: My name is Warren
25 Fitzgerald and I live at 38 Concord Drive

1 which is the lowest point. In the past, I've
2 pleaded with the town as to what my water
3 situation is. It's not necessarily the
4 developer's issue. It's been a long standing
5 issue with the town and myself.

6 Every four or five years you send a
7 backhoe to clean out a creek that has been
8 developed over the years and every five years
9 that cuts through my property. I think they
10 call it the spoils that come down and it fills
11 up the creek which is right now about five
12 feet deep by ten feet. Over the course of time
13 if I don't catch the town in time, all that
14 water goes into my basement. I have sent the
15 pictures in the past and I really have gotten
16 no response.

17 It concerns me that would be a catch
18 basin by building up water. That water again
19 is going to go to 38 Concord Drive. The town
20 has never confessed that it was Niskayuna
21 either. Right at the end of my property is
22 Niskayuna.

23 I think that Jeff has done everything in
24 his power to satisfy me.

25 This clearing is just done on the fly.

1 The guy that used to do it got fired with that
2 whole scandal at the Rod and Gun Club. He used
3 to bring in a backhoe and I have pictures. He
4 was very sympathetic to my cause because he
5 was there every four or five years. I think he
6 termed it as spoils. Is that the word in this
7 industry? That just builds up and it gets to a
8 point where water comes into my backyard.

9 Last year when we had that ice storm I
10 had to go out and buy a generator. During that
11 storm, it rained and my cellar was actually
12 filling up and in minutes, by the time that I
13 hooked it up and got my sump pump going -

14 ACTING CHAIRMAN NARDACCI: So sir, your
15 concerns aren't directly related to this
16 development.

17 MR. FITZGERALD: Sure they are. There's
18 going to be more water in those basins and
19 again, it's not the developer, it's the town's
20 lack of attention to this issue. They used to
21 do it on the fly and they'd backdoor it for
22 me, which I appreciated but that guy has been
23 fired since then. There has been no one to
24 formally address since then.

25 It's been 15 years that I've been there

1 and I have pictures over the years and I think
2 that at the last meeting, somebody gave my
3 pictures back to me and dismissed it. I even
4 FOILED the stuff too. I had neighbors that
5 sent letters that indicated a response -

6 ACTING CHAIRMAN NARDACCI: I think that
7 part of it is addressing your issues to the
8 appropriate people.

9 MR. FITZGERALD: I have talked to
10 everybody. I've FOILED it and I have copies at
11 home.

12 ACTING CHAIRMAN NARDACCI: My approach
13 would be not to do it the back door way, but
14 to do it right. You need to sit down with
15 someone in the town and come up with a
16 resolution.

17 MR. FITZGERALD: You've been sitting down
18 with these developers and I haven't been
19 invited by anybody. If anybody, 38 Concord
20 should be invited.

21 MS. COURIER: I don't disagree. I think
22 that DPW specifically brought it up -- and
23 that's why I brought it up as well. They
24 specifically brought up 38 Concord Drive and
25 they are aware of problems. They said that

1 they're working they best they can to try to
2 rectify the situation that's currently
3 happening on his property. Jeff is more than
4 willing to work with DPW and we'd like you to
5 come to these meetings.

6 ACTING CHAIRMAN NARDACCI: What I would
7 suggest from our standpoint is that, Joe,
8 could we have the town designated engineer
9 take a look at that situation to see if there
10 is a correctable permanent town solution? I
11 don't know because I don't know the specifics
12 of it. I would want someone who is qualified
13 like our town designated engineer to do it, so
14 you don't have to rely on a back door deal.

15 MR. FITZGERALD: That's what was
16 available then.

17 ACTING CHAIRMAN NARDACCI: I know.

18 MR. FITZGERALD: There was one time that
19 there was three feet of your water in my
20 basement and they sent a guy over and he
21 tested it. He said there was no chlorine, it's
22 not from our tower and he went home.

23 MS. COURIER: I know that we had
24 discussed during that design process coming up
25 with something that will rectify it. We have

1 discussed it. We haven't done the storm design
2 yet but during the preliminary design we can
3 work with the TDE, the Stormwater Department,
4 the gentleman at 38 Concord Drive; absolutely.

5 MR. FITZGERALD: It's there already. As
6 long as it's not encumbered by what you're
7 putting there -

8 ACTING CHAIRMAN NARDACCI: Well, I think
9 that the appropriate action is to have our
10 town designated engineers help with this.
11 We're going to be involved in this process,
12 going forward. Before we get to the final, we
13 can come up with a stormwater solution that's
14 permanent that addresses that issue. It sounds
15 like it's not a backhoe fix. It's an ongoing
16 issue that I think needs a permanent design
17 for a permanent solution. That seems like the
18 right way to go. I don't see why the town
19 designated engineer is involved and while he's
20 looking at the stormwater issue there couldn't
21 be a permanent solution available developed.

22 MR. FITZGERALD: What's my recourse in
23 that situation if they extend that and I get
24 the water worse in my backyard?

25 ACTING CHAIRMAN NARDACCI: I don't have

1 an answer for you. I don't know what the
2 answer is to that.

3 MR. FITZGERALD: I've been asking this
4 for so many years.

5 ACTING CHAIRMAN NARDACCI: One of our
6 town designated engineers has a specialty in
7 stormwater management; Brad Grant with Barton
8 Loguidice. I think that Brad can get involved
9 and take a look at it independently and try to
10 give us an assessment so it's not just DPW
11 that's going in there and having some guy look
12 at it. It will be someone who is a qualified
13 engineer who understands stormwater who can
14 look at it; and not just look at your
15 property. Someone who can look at the whole
16 water shed and try to figure out and say,
17 okay, this is where the water is coming from
18 and this is where it needs to be going.

19 MR. FITZGERALD: I can tell you where it
20 goes. It goes in my basement. You know it's
21 comical now, but in January I had this much
22 ice (Indicating) and it was disturbing.

23 MR. LACIVITA: During the course of the
24 review, Tom, we'll have meetings with
25 Mr. Fitzgerald, Jeff and Melissa and the town

1 designated engineer and see what we can do to
2 help that situation.

3 ACTING CHAIRMAN NARDACCI: I think that's
4 the best recourse that I can see. I think now
5 the town has resources to get involved and
6 help out with the town designated engineer
7 program. It's working in other areas. I don't
8 see why it can't work in this situation. We
9 need to take a more comprehensive approach.

10 MR. FITZGERALD: It's happened three or
11 four times. They keep putting drainage down
12 right to the property across from me on Walnut
13 and they didn't want to go through my property
14 because of the liability, so they did it on
15 their own.

16 MR. LACIVITA: I think that's a band-aid
17 approach.

18 MR. FITZGERALD: That's exactly what I
19 said at the last meeting.

20 MR. LACIVITA: I think what we're trying
21 to say is that we have an agreement with the
22 developer and we're going to get our town
23 designated engineer involved. The Planning
24 Board is looking to make sure that we work
25 this situation into the project along the way

1 and that will happen through the engineering
2 effort as the process goes on.

3 MR. FITZGERALD: It's very labor
4 intensive. My wife and I try to keep up with
5 it every year, but it's hard.

6 ACTING CHAIRMAN NARDACCI: I think that
7 it's the best way. It's worked in other areas
8 and it's a new resource that the town hasn't
9 had in the past. We'll have to see if we can
10 come up with a solution.

11 One of the things that we try to look at
12 is property lot by property lot, but also
13 looking at the entire water shed. What's
14 happening to this water? Where does it go? I
15 think that you've been in touch with Joe and
16 we'll make sure that you get on the list to
17 get you notified.

18 MR. FITZGERALD: That's really the root
19 of my frustration.

20 ACTING CHAIRMAN NARDACCI: In other
21 places of town we have tried to do the best
22 that we can to point in the right direction
23 but doing it the right way is important.

24 MR. FITZGERALD: Thank you.

25 ACTING CHAIRMAN NARDACCI: Anyone else?

1 MR. HESS: I just want to add to exactly
2 what he is saying. My name is Peter Hess and I
3 live at 7 Walnut Lane West. I am the past
4 president of the Albany Rural Cemetery. I also
5 own Albany Steel. We have exactly that same
6 problem down in Menands and in that end of the
7 town because there has been so much
8 development in the town over the last 20, 30,
9 40 years. You keep putting in roadways and you
10 keep putting in driveways and you keep putting
11 in houses and buildings at Siena College and
12 you collect all the rainwater just like they
13 do in here and you run it to the nearest tiny
14 creek and you dump it in. That water flows
15 downhill and the Town of Colonie could care
16 less. Once it's out of sight, it's out of
17 mind. We've been fighting with the town at the
18 Albany Rural Cemetery for at least five years
19 with the same problem. We have people buried
20 there and we're having erosion problems in the
21 cemetery. The water is going down the hill and
22 then it's flooding out onto Broadway.

23 The town doesn't want to pay for an
24 interceptor sewer. If they had the water run
25 into an interceptor sewer like they do with

1 their sanitary system and properly dispose of
2 it -- they just let the water run into the
3 nearest little creek and then they're done
4 with it.

5 The engineers in your town know all about
6 this. We have been through it with them on and
7 on and on and they don't want to pay for those
8 interceptor sewers.

9 Bob Reilly, the Assemblyman, was involved
10 in this last year. He said to me that the
11 number one complaint that his office gets is
12 residents in the Town of Colonie calling and
13 complaining about flooding. So I think that
14 you should address this problem
15 comprehensively before any more development is
16 approved.

17 The other thing that I want to mention is
18 about the sanitary system. That pumping
19 station is next to my house that you're
20 talking about. One of the biggest problems
21 that you have down there is that the pumping
22 station does not overflow. What happens is
23 when the pumping station fails, which it has
24 twice since I've been here, the systems start
25 backing up and the sewer starts coming out in

1 people's basements. I put valves in all my
2 lower connections in my house so that the
3 sewage cannot back up into my basement, which
4 it has done in the past. The last time that it
5 happened was last winter when we lost our
6 power. They had a major problem there because
7 the sewer started coming up out of the
8 manholes and I remember it on Walnut Lane. I
9 think that it also came up to my neighbor's
10 house on the other side because he is a new
11 resident and didn't know about the need for
12 those valves.

13 So the town has just done a terrible job,
14 to be perfectly frank. I'm not blaming you
15 guys. I'm just telling you the facts. I think
16 that's a major problem that needs to be
17 addressed.

18 One other question on the layout of this:
19 Is there a traffic light that will be required
20 on the main road?

21 MS. COURIER: No, it's not required as
22 part of the study. It was not required.

23 MR. O'ROURKE: The statement was that
24 after the build out, the traffic levels may
25 warrant one. That's the way that it reads in

1 my packet.

2 MR. HESS: But there won't be a traffic
3 light there now?

4 MR. O'ROURKE: Not with just this.

5 MR. HESS: And there are no holding
6 basins or ponds being built in this
7 development to catch the stormwater from a
8 thunderstorm?

9 MS. COURIER: There are six detention
10 basins proposed.

11 ACTING CHAIRMAN NARDACCI: You make a
12 good point about the stormwater management
13 overall. I know that this board has tried to
14 do the best that we can to fully explore all
15 of these issues. It's very important also on a
16 statewide level. The town needs to prioritize
17 it, specifically where it affects that area of
18 town and the different developments on Turner
19 Lane and Van Buren and some of the other ones.

20 With Siena coming in, we really try to
21 pay specific attention to what their
22 developing and what they are designing. We
23 understand what you're saying and that it's a
24 very serious issue.

25 We've talked to Menands folks. Watervliet

1 has been here talking about some of the
2 developments and that everyone that lives down
3 stream is affected. So, we need to treat our
4 water with the best methods to mitigate those
5 impacts. I do think that we hear you.

6 MR. GANNETT: We're Wayne and Jo Ann
7 Gannett and we live at 31 Concord Drive, not
8 far from Mr. Fitzgerald's house.

9 I have a question for Melissa. Can you
10 tell us what the status is on lot 13? Is that
11 still there or is that gone?

12 MS. COURIER: Right here (Indicating)?

13 MR. GANNETT: Right.

14 MS. COURIER: There is a question about a
15 single home going in there.

16 MR. GANNETT: What is the size of that
17 lot there?

18 MS. COURIER: Six acres.

19 MR. O'ROURKE: And that's moving forward;
20 that was my understanding.

21 MS. COURIER: That's right. And it hasn't
22 been approved yet, but it's pending.

23 MR. PALLESCHI: Lawrence Palleschi, 58
24 Denison Road. I was fortunate enough to have a
25 lot of input with the designer who is part of

1 the neighborhood. I want to start off my
2 comments with thanking them for the addition
3 of the park and the addition of the water
4 which I think that I was kind of miffed about
5 last time that I found out this development
6 was going to happen and they weren't planning
7 that change in our water pressure. According
8 to the narrative that we have now, yes, they
9 are going to change the water in five years. I
10 appreciate that help.

11 There were some of the things that we had
12 talked about as far as drainage on the site.
13 Yes, we were aware of the issue on the far
14 right hand side and one of the things that we
15 had discussed asking them to do is not to put
16 the drainage through culverts. There maybe an
17 open channel or a drain type structure that
18 might be more appropriate and trying to keep
19 as much water up on the hill rather than
20 getting the soils running off the hill. The
21 more you keep up there the less that you have
22 to worry about running off. The worst thing
23 that you could do was take all that drainage
24 off of the asphalt and put it into a pipe and
25 send it into a stream. It will be there in a

1 heartbeat and then you'll have all sorts of
2 problems with that. So, one way to get around
3 that - and we talked about that - is trying to
4 keep the water up on the hill. It's kind of an
5 unusual site. That is a ridge. So, there are
6 ground water issues up on that hill. I know
7 that there are. We did discuss some of the
8 drainage issues.

9 There maybe a little bit of an addition
10 going south with Londonderry and that's got to
11 get coordinated. The other area that we're
12 talking about in that far north corner has to
13 be coordinated with the Town of Niskayuna
14 because that water goes right from the Town of
15 Colonie right into the Town of Niskayuna. You
16 can build all you want there, but unless there
17 are arrangements made for it, it's not going
18 to help you out.

19 The access roads: That little access road
20 that you're looking at for your emergency, I
21 would strongly recommend that you don't even
22 consider that. That's a very steep grade right
23 there and you don't want to be driving
24 emergency vehicles up and down that hill. I
25 would recommend that you go up the water tower

1 road. I would not recommend that little area.
2 That's just too dangerous.

3 MS. COURIER: It would be temporary only.

4 MR. PALLESCHI: It looks nice on the
5 plans but the reality is that's a pretty steep
6 grade there.

7 The other thing that I had was a comment
8 about was that we have had issues with some of
9 our adjacent neighborhoods and where there are
10 properties that are not accounted for.
11 Specifically, that they put paper roads on
12 both sides. We would prefer to see those
13 assigned somewhere. We don't want to have
14 somebody come back 10 or 15 years from now and
15 say, oh, let's put a road through here. I
16 would rather see it in this plan taken out and
17 say, maybe give it to that landowner or that
18 landowner but get rid of the paper streets.

19 MR. O'ROURKE: There is a big problem in
20 the entire town with paper streets.

21 Do you know where they're at with it,
22 Joe?

23 MR. LACIVITA: I honestly don't.

24 MR. O'ROURKE: It's a big headache; not
25 just here but everywhere.

1 MR. PALLESCHI: Let's just get rid of
2 them and then they disappear forever and then
3 you avoid problems down the line.

4 MR. O'ROURKE: But that's easier said
5 than done.

6 MR. PALLESCHI: I know.

7 We don't hear anything from the town in
8 regards to the traffic, which is a major
9 issue. In that traffic report that came out,
10 there is some ungodly number like 43% of all
11 traffic on Denison Road is traveling 10 miles
12 an hour or over the speed limit. How many
13 people are actually going over the speed
14 limit? It's got to be well over 60%.

15 I'm just speaking for myself. My major
16 issue is - and I don't really mind the volume
17 of traffic. I do mind the speed. I do mind the
18 trucks. I do mind the UPS and the Fed Ex
19 people using that as a cut through. It's a
20 neighborhood. It's not meant to be a
21 commercial street and I know that we're going
22 to have to do something about the speed on
23 that road.

24 ACTING CHAIRMAN NARDACCI: That's
25 something that's been brought up a few times.

1 Joe, we should have a formal
2 communication back to Highway Safety with
3 regards to speed to request stepped up
4 enforcement.

5 MR. O'ROURKE: Yeah, but they did do the
6 traffic study there.

7 MR. PALLESCHI: They do enforcement but
8 it's not a constant thing.

9 The other thing that ties into that is
10 the roundabout. I know that we're going to be
11 looking at that after the build out. I think
12 that I understand from what we're seeing
13 before this build out that these 96 houses and
14 across the street, and Londonderry Ridge we're
15 looking at well over 200 houses in that area.
16 That is certain to be an impacted intersection
17 and it would be better to be proactive. It's
18 not going to be easy and there will be a lot
19 of hard ache involved but I think that the
20 sooner that we start looking at that
21 intersection, the better off we're going to
22 be. We need some help from the town. Where are
23 we going to have busses? Where are we going to
24 have sidewalks? This is the time that we put
25 it in. Maybe we can't build it in 10 days but

1 who is going to put it in?

2 The last comment that I have is in
3 regards to the GEIS. I think that we have to
4 be a little careful when you quote that
5 document because that was predicated on a
6 couple of things that are never going to
7 happen, such as Exit 3 and adding six lanes on
8 Route 7. That stuff is not going to happen and
9 that document - I don't think you can update
10 it in that way. Some of that information in
11 the GEIS is perfectly accurate, but a lot of
12 the things that were predicated on that study
13 maybe about 20 years ago are just not going to
14 happen. So, you might want to take a look at
15 that document.

16 I have a question for you. Can you point
17 out the 50-foot buffer for the existing homes?
18 It's typically 58 or 60 or 62.

19 MS. COURIER: You mean right here
20 (Indicating)?

21 MR. PALLESCHI: Yes.

22 MS. COURIER: Basically it's a building
23 setback line and the buffer is out of -

24 MR. PALLESCHI: So it's not really a
25 buffer like it says in here.

1 MS. COURIER: Well you can't build a
2 house in there.

3 MR. PALLESCHI: It's not a wooded buffer
4 as it says in here.

5 MS. COURIER: We can make it a wooded
6 buffer. That's how we show it.

7 MR. PALLESCHI: If you put a wooded
8 buffer in there, that would make me happy.

9 ACTING CHAIRMAN NARDACCI: To that point,
10 that was one of the comments that we received
11 from Kevin and the PDD - was clarification on
12 that. The buffer next to the adjacent
13 residents must be clarified. Will the area
14 remain undisturbed with restrictions
15 prohibiting future clearing and grading or is
16 it intended only to put up new structures?

17 MR. DELAUGHTER: One caution on that, if
18 it is intended to be a wooded buffer and
19 undisturbed, it would require probably a
20 restrictive amendment and deed enforcement. If
21 somebody buys that home and they don't realize
22 or care that that restriction is there and
23 clear it and then we have a problem.

24 MR. PALLESCHI: As of right now with the
25 last storm, I would say that about 70% of that

1 there is not there. It's just not wooded
2 anymore.

3 MR. WARREN: The 50 foot wooded buffer
4 also applies to the other properties?

5 MS. COURIER: It's to all adjoining
6 properties.

7 ACTING CHAIRMAN NARDACCI: Any other
8 comments or questions?

9 MS. PALLESCHI: I'm Shawn Palleschi,
10 58 Denison Road.

11 I just want to ask one thing. I'm going
12 back to the water issues from before. Next to
13 our property there is a stream. There are
14 between three and four houses that are going
15 right next to our property. What are you going
16 to do with that stream and how is that going
17 to be taken care of?

18 MS. COURIER: We had talked about that
19 actually. I talked to DPW about that and they
20 showed me where there is a culvert pipe that
21 runs back there. I did talk to DPW about that
22 and we do have to discuss this further.

23 MS. PALLESCHI: This is a concept plan
24 here?

25 MS. COURIER: Yes.

1 MS. PALLESCHI: If you say yes, then at
2 what point if the stream gets overflowed or
3 things happen -- I don't know how to ask this
4 question. You say yes to this concept plan but
5 is there recourse later on, or will we still
6 be going through this for the next 20 years?

7 ACTING CHAIRMAN NARDACCI: Regarding the
8 concept, the developer really has to make a
9 significant investment and doing the
10 stormwater study analysis, doing the grading
11 plan profiles, the architectural and cultural
12 assessments - there is some significant
13 engineering that still needs to take place.
14 The next step is a significant engineering
15 analysis and solutions of all of the issues
16 that are being discussed right now.

17 MS. COURIER: We would have to work with
18 the TDE and the town departments and then upon
19 their satisfaction, we would have to come
20 before the Planning Board again for final
21 approval. So, we would have to have another
22 public hearing at the final.

23 ACTING CHAIRMAN NARDACCI: Our town
24 designated engineer which represents the town
25 will have an independent review of all of

1 these studies and analyses. There are still
2 significant steps to be done.

3 MS. PALLESCHI: Jeff has really been
4 wonderful. We have talked and worked with him.
5 He's been really helpful.

6 MR. O'ROURKE: That's really the benefit
7 of the town designated engineers. We can grant
8 them concept tonight but if they can't fix the
9 water issues, they're not building anything.
10 It's swampland in Florida. That's what it is.

11 So, they have to address all of these
12 issues and make sure that the town designated
13 engineer that represents you folks is
14 satisfied and we have a good one.

15 MR. KRAWITZKY: I have a general
16 question. This project came before tonight and
17 I believe the application was received a week
18 ago. Is this project being treated differently
19 than it was last year or do they have to come
20 through the board and go through the process
21 again all over?

22 MS. COURIER: We actually resubmitted it
23 again in August so they have to review it
24 again.

25 MR. KRAWITZKY: The reason that I'm

1 asking this is that it was accepted on the 24th
2 of November and the notices went out that same
3 day. According to the Colonie site approval
4 process, plans must be received no later than
5 12 p.m. noon Monday, four weeks prior to the
6 schedule date of the Planning Board meeting.

7 MS. COURIER: But the plans were actually
8 resubmitted in August. We did not resubmit in
9 November. We resubmitted in August, the
10 departments reviewed it, they accepted it and
11 then they had the notifications.

12 MR. KRAWITZKY: Okay, that's fine.

13 The fact that you accepted the
14 application on the 24th of November, a week
15 ago, the notices went out and the fact that it
16 coincided with the weekend of Thanksgiving
17 made it typical for people to come to the town
18 and be able to get the review that they wanted
19 to -

20 MR. O'ROURKE: But there was no collusion
21 in that. This is all a process.

22 MS. COURIER: If I may, it was actually
23 accepted before last week. The review by the
24 departments were done well before that. It was
25 notified last week but it was accepted before

1 that.

2 MR. KRAWITZKY: The reason why I asked
3 that is that first of all as president of the
4 neighborhood association, I'm also a member of
5 the coalition of neighborhoods. It's an
6 organization where we meet bimonthly
7 discussing issues that come up with
8 development. We try to iron them out and
9 discuss them with our constituents so that
10 people from the Planning Board meeting or the
11 Town Board meeting -- you know, there are a
12 lot of questions that have been answered
13 already. I didn't see this or hear about this.

14 I get notices from Nicole Criscione many
15 times to the president of the coalition. I
16 didn't see this project. I just happen to see
17 it on the website.

18 MR. O'ROURKE: Wallace, I've never not
19 seen you at one of these meetings for any
20 development within a 15 mile radius.

21 MR. KRAWITZKY: I appreciate that you've
22 noticed me here.

23 MR. O'ROURKE: And I enjoy your company.

24 MR. KRAWITZKY: Thank you and I enjoy
25 seeing you on the board.

1 On the holding ponds that are going to be
2 installed - who is going to maintain them?

3 MS. COURIER: After they're constructed,
4 they're inspected by the town and once they
5 are approved and we have built them to the
6 town's satisfaction, they will also be turned
7 over to the Town of Colonie. That's after the
8 roads are put in and it's maintained by the
9 developer until that point.

10 MR. HESS: You say the people that are
11 going to maintain that stream are going to
12 maintain those ponds?

13 MR. O'ROURKE: No, see, that's a very
14 valid point. Now there is a town designated
15 engineer from Barton Loguidice - we have Brad
16 Grant who is an expert in stormwater and he
17 reviews all of these. He reviewed certain ones
18 in Archmont and found some difficulties with a
19 prior phase.

20 We can't correct stuff that happened five
21 years ago, unfortunately. Hopefully we keep
22 from paving Rod and Gun club roads now and
23 keep the guy off the backhoe and get the thing
24 fixed appropriately and use your tax money
25 wisely. That's our goal.

1 ACTING CHAIRMAN NARDACCI: It's an issue
2 that we have discussed about having a
3 maintenance program and having us have access
4 to what that maintenance program is so that we
5 understand what is happening and what is not
6 happening.

7 MR. HESS: You can just make a list of
8 the holding ponds and go and have your people
9 go inspect them.

10 MR. O'ROURKE: I agree wholeheartedly. We
11 need to have some teeth into no maintenance of
12 those - again the department is relatively
13 new, like within five years.

14 MR. LACIVITA: One of the things that
15 public operations is doing is we're actually
16 installing a computer system and we're putting
17 them in certain departments. We have them in
18 the Pure Waters Department that actually
19 monitors the town's assets and to see where
20 the meters are going in and things like that.
21 We're actually bringing that into the various
22 departments along the way. I know that
23 stormwater is going to be one of them. We've
24 actually increased the Stormwater Department
25 by two additional people to look at the

1 testing and the monitoring and so on and look
2 at the various ponds that we have. But that's
3 one of the things that the town has taken a
4 look at in the past two years.

5 We've invested in Cityworks, which is
6 going to monitor the town's assets, get on the
7 maintenance program and start to keep an eye
8 on those things going forward.

9 MR. HESS: Even if we get holding ponds
10 in here in this five year period, it's filled
11 up with silt. They need to be monitored.

12 MR. LACIVITA: It's unfortunate that we
13 can't go back, but I know that with the
14 comptroller, we're trying to put in processes
15 that are actually going address some of the
16 issues.

17 MR. DELAUGHTER: A big difference is a
18 lot of those old holding ponds are easements
19 that are owned by individual homeowners. These
20 will be owned by the town so that we have
21 direct control of them.

22 The other thing is that some of those old
23 basins were not under the new stormwater
24 management program that is enforced not only
25 by the town but also by the state. They are

1 very strict rules. Part of the stormwater
2 pollution prevention plan is an operation
3 maintenance plan that the town is held to and
4 we are audited and looked over by the state in
5 that regard. So, there is a lot more control
6 than there used to be in the old system.

7 ACTING CHAIRMAN NARDACCI: It's a great
8 point and something that's only going to
9 happen if we keep pushing it.

10 MR. FITZGERALD: They would have to
11 maintain those ponds and they would have to
12 maintain mine. In order to do that, you'll
13 have to come in through my back yard and fix
14 that situation.

15 MR. O'ROURKE: The actual way that the
16 stormwater regulations are is they can't
17 release more water than presently is released
18 off the site. That's why your situation is a
19 little bit different.

20 MR. FITZGERALD: Is there an alternative?
21 What are the options?

22 MR. O'ROURKE: I'm not a stormwater
23 expert.

24 MR. FITZGERALD: Can it be explored?

25 MR. O'ROURKE: Absolutely. It should be

1 explored. You pay your taxes, right?

2 MR. FITZGERALD: Right.

3 MR. O'ROURKE: I'd be up in arms. I had
4 to bite my tongue when you were speaking, sir.
5 If it's another 15 years, shame on the town.
6 It shouldn't be. I'd like to know who you
7 contacted. I'd like to at least tell you what
8 can be done and not have some guy on his day
9 off on a backhoe cleaning out a ditch. That's
10 1950's stuff. As a taxpayer that would bother
11 me more than anything.

12 MR. FITZGERALD: A couple of years ago I
13 sent in pictures and then I got the pictures
14 back.

15 It's my understanding that this is a
16 conservation overlay?

17 MS. COURIER: The density allowed within
18 the unconstrained lands is 184 lots.

19 MR. FITZGERALD: And you say that you're
20 building 97?

21 MS. COURIER: We're building 96.

22 MR. FITZGERALD: Is that whole project in
23 the conservation overlay? It's my
24 understanding that you're only building on
25 half of it.

1 MS. COURIER: That's right. The overlay
2 is really just a way to have reduction. The
3 way that it's written is that you can only
4 develop so many units which is two units per
5 acre, if I'm correct, on unconstrained lands.
6 If the lands are not over a certain slope and
7 grade, lands that don't have wetlands -

8 MR. FITZGERALD: So you have no plans for
9 the conservation overlay?

10 MS. COURIER: No. The 187 are allowed,
11 though.

12 MR. FITZGERALD: Are there any other
13 prospects that are going to be built on this
14 overlay?

15 MR. O'ROURKE: No, that's it. That's all
16 on this property.

17 ACTING CHAIRMAN NARDACCI: What's the
18 greenspace percentage on this?

19 MS. COURIER: I don't have it but there
20 are 31 acres are left to be undeveloped.

21 ACTING CHAIRMAN NARDACCI: The minimum is
22 35% and it's well over that.

23 MR. O'ROURKE: It's got to be closer to
24 60.

25 MS. COURIER: Yes.

1 MR. FITZGERALD: My point is that on the
2 east side of this -

3 MS. COURIER: That's a separate project.

4 MR. FITZGERALD: A conservation overlay
5 approves that, too.

6 MS. COURIER: Well, yes, but that's a
7 separate parcel and a separate development and
8 it would have its own separate zoning. The
9 187 lots that you're talking about are totally
10 for this parcel. We're allowed to do 187 but
11 we're not doing 187.

12 ACTING CHAIRMAN NARDACCI: There is an
13 equation as to how much development can happen
14 per parcel. So for this one parcel, it's 187.
15 If the parcel was half the size, it would be
16 half of that.

17 MS. GANNETT: Hi, I'm Jo Ann Gannett and
18 I live on 31 Concord. You mentioned that there
19 is a buffer going on Concord and then there's
20 another one going on Denison?

21 MS. COURIER: It would be on the
22 adjoining property.

23 MS. GANNETT: This is permanent buffer?

24 MS. COURIER: Yes.

25 MS. GANNETT: There is an eight-inch

1 water main that runs around two sides of
2 Walnut West. How are they going to maintain
3 woods with the waterline that looks to be
4 about 15 feet off the property line? Is there
5 any way that you can move that water main up
6 the hill a little bit? It would save the
7 developer money because you would cut off
8 about 50 feet or so of that line.

9 MS. COURIER: Can you clarify what you
10 mean?

11 MS. GANNETT: I'm at 31 Concord. I'm with
12 those three or four houses that are at the top
13 of the project. There is an eight-inch water
14 main that is shown and it's along that end of
15 the project and up sort of west. Up the hill
16 there is a wooded buffer -

17 MS. COURIER: That water line was
18 actually put there at Latham Water's request
19 because they were going to move it to Concord
20 Drive. They wanted it along the property line
21 specifically so they could eventually tap into
22 that. Where we show it is where they wanted
23 it.

24 MS. GANNETT: If they came up the woods
25 on the other side of the hill, it would save

1 money in the long run.

2 MS. COURIER: I understand what you're
3 saying. I'm just saying that where we put it
4 is where Latham Water wanted it.

5 MR. DELAUGHTER: Just one thing, Melissa.
6 On the minor subdivision for that one lot, I
7 don't recall that showing a 50 foot buffer. We
8 would need to have that in the final, if
9 that's the intent.

10 MS. COURIER: There is an easement in
11 there for the water. We will note the buffer
12 for the trees, absolutely.

13 MR. TEGZA: Mike Tegza, 9 Denison Road.
14 Water pressure has always been my issue.

15 I think that the Latham district is the
16 one that's pushing for the 80 PSI for the new
17 tank. I would think that it's the developer
18 that would want it but it's Latham Water. So
19 why does the Latham Water District also want
20 to be responsible for any problems that this
21 water pressure causes for the residents'
22 plumbing system? I would hope that in this
23 whole analysis that John Frazer or the Latham
24 Water District has a system of taking care of
25 us with problems in the pressure. Perhaps

1 doing something with the tax for the water
2 service or an escrow fund could be set up so
3 that he can draw from that escrow fund and pay
4 us for hiring a plumber to do all this work. I
5 wouldn't think that I would have to go to the
6 developer and ask them to take care of the
7 problem because that puts me in a tighter
8 position. I don't want to be in that position.

9 ACTING CHAIRMAN NARDACCI: I think that
10 Latham Water has to be directly involved.

11 MR. TEGZA: No, not just involved but for
12 what they want from their desire to have
13 80 PSI. I have 40 and it's plenty enough for
14 me. The 80 will be terrible.

15 MR. NERROW: I'm Dave Nerrow and I'm at
16 28 Denison Road and I have a couple of
17 questions.

18 I heard this sequence of development
19 being Forest Hills, Londonderry and Ridgewood.
20 Does that mean that concept approval has
21 already been given for those other two
22 developments?

23 ACTING CHAIRMAN NARDACCI: Kevin, what's
24 the status of those?

25 MR. DELAUGHTER: Forest Hills final plans

1 are under review. Londonderry has final
2 approval.

3 MR. NERROW: Final approval of what?

4 MR. DELAUGHTER: Of the subdivision.

5 ACTING CHAIRMAN NARDACCI: Forest
6 Hills - when was that concept given?

7 MS. COURIER: In 2001, I think.

8 ACTING CHAIRMAN NARDACCI: We haven't
9 seen that at all. They have to come back for
10 new concept.

11 MR. DELAUGHTER: That's one of the
12 projects that has been grandfathered under the
13 old provisions.

14 MR. STUTO: But the deadline is coming up
15 rapidly.

16 ACTING CHAIRMAN NARDACCI: The new regs
17 require a new concept -

18 MR. STUTO: Concept is good for a year.

19 MR. DELAUGHTER: With a one year
20 extension.

21 ACTING CHAIRMAN NARDACCI: Under the old
22 regs, it was indefinitely.

23 MR. NERROW: So you don't anticipate
24 seeing Forest Hills being in front of you
25 again?

1 ACTING CHAIRMAN NARDACCI: Is it planned
2 to be on the agenda in the next two meetings?

3 MR. LACIVITA: Actually they did the
4 grandfathering provision at the last Town
5 Board meeting.

6 MR. STUTO: They bumped it out another
7 year? Is that what you're saying?

8 MR. LACIVITA: Yes. Those grandfathering
9 provisions were done at the last Town Board
10 meeting.

11 MR. NERROW: Am I correct in identifying
12 east of Denison Road as being Forest Hills?

13 MS. COURIER: Yes.

14 MR. NERROW: Then how come we have heard
15 so little of that and so much of Ridgewood?
16 How many times have you folks convened to
17 discuss Forest Hills?

18 ACTING CHAIRMAN NARDACCI: Never.

19 MS. COURIER: Forest Hills has not been
20 given acceptance by all the town departments
21 to get before the Planning Board.

22 MS. LACIVITA: It's in final review
23 status. The plans are being reviewed by all
24 the departments, but we have never gotten
25 complete agreement on all the departments yet.

1 MR. NERROW: I guess I'm hung up on the
2 words. You told me that concept has been
3 approved.

4 ACTING CHAIRMAN NARDACCI: In 2001.

5 MR. NERROW: I don't remember going
6 through all of this with Forest Hills.

7 MS. COURIER: It was Oak Hill.

8 MR. NERROW: They changed the names but
9 it's still the same project, correct?

10 MS. COURIER: Yes.

11 MR. NERROW: I don't understand that this
12 project has been going for such a long time.
13 Things change, people change and ideas change.
14 Perhaps the concept should be reviewed again
15 to see if that should change.

16 ACTING CHAIRMAN NARDACCI: We actually
17 have had projects that this current board had
18 given concept that we've had a re-review.
19 Because that falls under the old regs, it's
20 not required to come back before us for
21 concept review.

22 What was the Town Board action?

23 MR. LACIVITA: Under the grandfathering
24 provision, projects that were currently being
25 reviewed by departments were under the

1 grandfathering provision and the action was
2 taken at the last Town Board meeting.
3 Therefore, they have another year to get
4 through the Planning Department in order to
5 get final approval.

6 ACTING CHAIRMAN NARDACCI: We'll see it
7 again for final. I would guess that it's going
8 to go through a thorough review just like
9 other projects have. I know that since I've
10 been here that there were other projects that
11 have come and we have never seen them. The
12 first word out of the presenter's mouth is
13 well, this is already approved. That always
14 gets the negative reaction. It's the worst
15 thing to start off with is that, you know,
16 we're already all set because that's not how
17 we do it here.

18 MR. KRAWITZKY: Correct me if I'm wrong,
19 but I thought it was called the Preserve of
20 Colonie.

21 MR. DELAUGHTER: I think that the
22 Preserve of Colonie was the marketing name for
23 the project. It then went to Londonderry
24 Ridge.

25 MR. NERROW: The land that is not

1 associated with an individual home ends up
2 being owned by whom?

3 MR. MYERS: It probably would be the Town
4 of Colonie or the homeowners association.

5 MR. NERROW: That hasn't been decided?

6 MS. COURIER: No, we haven't. If the town
7 doesn't want it, it will be an HOA.

8 MR. O'ROURKE: It's been the town's
9 position on bigger parcels.

10 MR. NERROW: Finally, the water tower. It
11 strikes me that has to be number one. Don't
12 you have to do that first before you dig in?

13 MR. MYERS: Yes. The position that we're
14 in right now with this project is where they
15 were with Oak Hill or Forest Hills. We got our
16 concept in 2001. We have been working with the
17 town departments, design, engineering, as well
18 as with the stormwater, sewer, water design
19 and so forth. We're hoping to have that
20 completed within the next few months.
21 Hopefully we'll not be here eight years from
22 now with this project.

23 MS. COURIER: With Forest Hills, they
24 were granted concept approval in 2001. But we
25 have had eight years of review with the town

1 engineering departments. We have submitted
2 multiple times because things change;
3 specifically the stormwater.

4 Forest Hills had to be redesigned to
5 comply with the current state standards. That
6 will come before the board at our final review
7 and it will be up to those current standards
8 that it was required to be. That is also why
9 is has not been before the board because any
10 time we submit something and it changes, we
11 have to resubmit again. It's a long review
12 process. It's not the lack of looking at it.
13 We've been looking at it for eight years.

14 MR. MYERS: Those stormwater regs have
15 changed twice in the last 10 years. We
16 submitted with those current regs in effect
17 and then the state regs changed and we had to
18 redesign and resubmit all over again.

19 ACTING CHAIRMAN NARDACCI: Yes, ma'am.

20 MS. WHITE: I'm Donna White and I live on
21 the last house on Walnut Lane. I'm interested
22 to know where those retention basins are
23 located relative to me.

24 MS. COURIER: The basins are going to be
25 here and here (Indicating).

1 MS. WHITE: Would that be on the same
2 side as my home?

3 MS. COURIER: Yes. This is one right here
4 and here, and you are here (Indicating).

5 MS. WHITE: What's going to happen when
6 those fill up with leaves?

7 MS. COURIER: That's what we discussed
8 earlier, that would be part of the
9 maintenance.

10 MS. WHITE: Somebody is going to have to
11 maintain them. The water table is there and in
12 going back to what Mr. Hess said with those
13 sewers backing up -- I called when we lost the
14 power last year and told them that if they
15 didn't get down here that it was going to
16 start backing up into basements. There is a
17 definite problem. I don't believe that it's a
18 generator back up for that sewer pump. So when
19 we had a power outage like we did last winter
20 where we're out of power for three days, I got
21 the town on the phone and said, you better get
22 over here and they did. They came down with a
23 generator. But that's temporary and there must
24 be some kind of permanent solution because it
25 did back up into my basement a couple of times

1 also. It's just something to make you aware
2 of.

3 The water table is very high in that
4 area. Even though my home is the last one on
5 the street and it sits up on a knoll, my pump
6 goes constantly.

7 ACTING CHAIRMAN NARDACCI: Are there any
8 other comments?

9 MR. PAMKOWSKI: I'm Peter Pamkowski and
10 I'm at 29 Concord Drive. I'm one of the four
11 houses that are connected on Concord Drive.

12 There are drainage issues with the
13 elevation and if they are considering a
14 buffer, who proposed the buffer? Who owns the
15 buffer?

16 MS. COURIER: There would be a deed
17 restriction on the lots. It would be up to the
18 homeowner to be sure that buffer remains in
19 tact.

20 MR. STUTO: Generally, deed restrictions
21 are enforced by other homeowners of that
22 subdivision. Generally that's the case. A
23 conservation easement is different.

24 MR. PAMKOWSKI: In this case, I'm talking
25 about deed restriction.

1 MR. STUTO: So you're talking about the
2 other 95 homeowners. They would have rights to
3 enforce that.

4 MR. TEGZA: I had valves installed five
5 years ago. People are talking about backup in
6 their basements and I took mine apart just out
7 of curiosity. It doesn't close all the way.
8 So, even though I have a valve, it doesn't
9 mean that I'm safe from backing up. I was
10 concerned that the eight-inch line that we
11 have on Denison Road is going to take all the
12 stuff that we're going to get from these
13 houses. The people from the Pure Waters
14 Department need to make sure that it's going
15 to be taken care of. About 80% of Colonie is
16 served by eight-inch line. That's just a piece
17 of information.

18 ACTING CHAIRMAN NARDACCI: Are there any
19 more comments or questions?

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

21 ACTING CHAIRMAN NARDACCI: Elena?

22 MS. VAIDA: A couple of issues came up.
23 On the 50 foot buffer area, is that -

24 ACTING CHAIRMAN NARDACCI: This is for
25 the PEDD summary recommendation - those

1 points.

2 MS. VAIDA: I don't know if the questions
3 were for Kevin or for you, Melissa. That
4 property will be owned by the individual
5 homeowners. I'm just wondering why instead of
6 doing it by deed restrictions, why not make
7 the buffer part of the open area so that the
8 property ends before the buffer so that you
9 don't have to worry about anyone cutting the
10 trees by accident?

11 MS. COURIER: I guess either way it would
12 still be in their backyards. Whether it's a
13 conservation overlay which we have done before
14 in some open areas, or a deed restriction.
15 That's up to what Planning and Economic
16 Development would do.

17 ACTING CHAIRMAN NARDACCI: Pete, explain
18 to me what's a conservation overlay easement?

19 MR. STUTO: It's another concept of
20 easement where a third party like a
21 conservation group in the town could take the
22 easement which would promise never to develop
23 and not to cut down trees and destroy the
24 property. The recipient of that conservation
25 easement would have the enforcement rights in

1 that case.

2 Elena is asking a slightly different
3 question saying that there is 60-some acres of
4 open space that will be dedicated to either
5 the town or an HOA. She's saying why not put
6 that 50-foot buffer zone and lump it
7 together -

8 MS. COURIER: And that was one of those
9 things that was brought up in those meetings
10 and we had to change the areas to accommodate
11 that because we had talked about the
12 distribution.

13 MR. MYERS: If it was in a buffer zone,
14 the HOA or the group of homeowners could
15 decide to cut it and change their mind.

16 MR. STUTO: Well, reduce the lot size
17 first. That's one consideration.

18 MR. MYERS: But they may not maintain any
19 buffer there, if the HOA decides that they
20 want to clear that.

21 MR. STUTO: Unless it's a condition. I
22 don't know what the conditions are on the open
23 area, but I would assume that you could make a
24 restriction that it not be disturbed and it
25 will not be built upon.

1 MS. VAIDA: That was one question that I
2 had.

3 MR. DELAUGHTER: I believe that in the
4 conservation overlay, the Planning Board
5 establishes the setbacks.

6 MS. COURIER: And the setbacks were on
7 our original proposal.

8 MS. VAIDA: That might be a way to ensure
9 that the trees don't get cut to be clear to
10 the property owner.

11 The other question that I had was in
12 talking about a possible future need for a
13 traffic light -

14 MS. COURIER: That was mentioned in the
15 CDTC. I actually think they said that they
16 preferred the roundabout. I'd have to look
17 that up but it was discussed.

18 MS. VAIDA: Kevin, you have on number
19 seven that the proposal would be subject to
20 contribution of a proportionate share of the
21 cost of mitigation or -- environmental impact
22 pursuant to the airport GEIS findings. Is that
23 also including the traffic?

24 MR. DELAUGHTER: Yes.

25 MS. VAIDA: So that is being accounted

1 for in the costs that will be borne by the
2 developer.

3 MR. DELAUGHTER: Yes.

4 MS. VAIDA: I did find most of your
5 responses to those issues so thank you. That's
6 very helpful.

7 One of your answers said proposed trails
8 and sidewalks have been added to the concept
9 plan.

10 MS. COURIER: This is the overall plan.
11 There is another breakdown that shows the
12 trails. They would be moved and rerouted based
13 on what the Planning Board would like to see
14 and DPW. They were just shown on the sketch to
15 show that we were proposing trails throughout
16 the open space areas.

17 MS. VAIDA: On number five, you said
18 easements should be reserved and escrow should
19 be posted for future installation of sidewalks
20 along Denison Road. Is that different from the
21 sidewalks that you said that they're showing
22 on the concept plan now?

23 MS. COURIER: I think what he's talking
24 about is actually along here (Indicating).

25 MR. O'ROURKE: We did take those

1 sidewalks out, right?

2 MS. COURIER: Yes. Those were taken out
3 at DPW's request and the response was that we
4 would need an easement and escrow for future
5 development of sidewalks upon installation of
6 sidewalks. I believe that's how it was left.

7 Does that make sense, Elena?

8 MS. VAIDA: Yes. So who is going to
9 install the sidewalks?

10 MS. COURIER: Well, DPW would install the
11 sidewalks. There would be an escrow left for a
12 portion of the sidewalks. An easement also so
13 that they can have access to the site.

14 FROM THE FLOOR: Does the town actually
15 plow those sidewalks?

16 MS. COURIER: I think that's one of the
17 concerns about why it's not being installed
18 currently.

19 MS. VAIDA: I think what might be
20 helpful, Kevin, is if you could just explain
21 quickly the points that you raised maybe in a
22 little bit more detail so that we understand
23 what concerns have been addressed so that we
24 can maybe move towards the concept approval.

25 MR. DELAUGHTER: I guess there are two

1 things. One is the general recommendation on
2 the concept. The other is the analysis and
3 recommendation as to compliance in conformance
4 with the GEIS.

5 In terms of the concept recommendation,
6 one, we just note that the proposed
7 disturbance of constrained lands as
8 represented on the plans is within the scope
9 of disturbance pursuant to the town Land Use
10 Law with offsetting preservation of
11 unconstrained lands well in excess of the
12 minimum requirement.

13 Second is the collocation of walking
14 trails and stormwater management area. Access
15 roads must be coordinated with the Department
16 of Public Works Bureau of Engineering. If
17 there are a couple of instances where the
18 stormwater management areas are
19 located -- they're generally paved access
20 roads going into them. The proposal is to
21 share those access roads with the walking
22 trails.

23 MS. VAIDA: Should there be some mention
24 here about the implementation of an
25 installation of secondary access roads to the

1 sites and that it seems to be up in the air
2 right now?

3 MR. DELAUGHTER: That's something that is
4 not covered in our recommendation.

5 MS. VAIDA: Right now the secondary
6 access will be the Fire Department; the
7 Highway Safety Committee was concerned about
8 it.

9 MR. STUTO: So you're saying consider a
10 secondary access?

11 MS. VAIDA: Yes, and that it satisfy the
12 Highway Safety and the Fire Department.

13 MR. DELAUGHTER: The third item on the
14 concept plans is: The proposed ownership of
15 open spaced lands must be identified for the
16 clarification of the intent of the 50 foot
17 buffer.

18 Fifth is: The easement reserve in escrow
19 posted for future installation of sidewalks
20 along Denison Road.

21 Six is: The topography on the proposed
22 plans appears to be outdated and a survey
23 would be required with the submittal of the
24 preliminary final plan.

25 Seventh is: The proposal would be subject

1 to a contribution of a proportionate share of
2 mitigation funds pursuant to the GEIS
3 statement of findings.

4 The recommendation in terms of
5 conformance of the statement of findings is
6 that the Planning Board determine that the
7 project as proposed is consistent subject to
8 the following conditions.

9 We read those already.

10 MS. VAIDA: And the mitigation costs of
11 those have been abated?

12 MR. DELAUGHTER: Yes. Other than
13 transportation, the costs are updated on a
14 regular basis. They were just updated to 2009
15 dollars for the pre GEIS areas at the
16 beginning of this year.

17 Transportation in the airport area is
18 really an ongoing update process with the
19 Capital District Transportation Committee. As
20 we get projects we look at them on a case by
21 case basis, the current costs of the
22 improvements that were identified and the
23 statement of findings and assessments of
24 proportionate shares of those costs.

25 MS. COURIER: We would be aware of the

1 findings and the fees at the final level of
2 the final approval before we get the actual
3 total. They give us ideas of how much it will
4 cost based on the utilities and all of that.
5 It's ever evolving.

6 MS. VAIDA: That was all.

7 ACTING CHAIRMAN NARDACCI: Okay. I just
8 want to commend the developer, Jeff and
9 C.T. Male for taking the time to meet with the
10 residents.

11 Going back to the minutes, there were
12 several meetings like this - three or four
13 that have been as long and as in depth.
14 Clearly, there were a lot of issues that
15 needed to be discussed and I think that open
16 communication is important when you have
17 adjoining property owners. We've have seen
18 this in other developments with other
19 developers and with other neighborhoods that
20 when people talk, it helps. It helps resolve
21 specific issues and while you may not get
22 everything 100%, at least you can make some
23 movement toward the middle. I think that's
24 what we try to do. The developers have a right
25 to develop on property that they own and the

1 taxpayers and the homeowners also have a right
2 to have input. I think that's very important.
3 I just want to say thank you. It's not
4 required and to take the extra step, I think,
5 is very important. I think that it helps us
6 move along on a major development like this.

7 So, at this point the board is going to
8 take action on concept acceptance. Like we
9 said, this isn't the final stage. There is
10 still a lot more work that needs to be done
11 but we have enough information here to move
12 forward.

13 I did read into the record the FGIS
14 statement of findings.

15 MR. STUTO: I would suggest that you take
16 SEQRA separately.

17 On page six of Kevin's summary and
18 analysis - if the board votes yes, they will
19 find that the proposed development is
20 consistent with the pace of development
21 projected for the GEIS study area and the
22 statement of findings, that the proposed
23 development is consistent with the policy and
24 concurrency between development within the
25 study area and implementation of necessary

1 infrastructure improvements and that the
2 proposed action is in conformance with the
3 conditions and thresholds established in the
4 statement of findings for subsequent actions,
5 subject to the six conditions that have
6 already been read into the record, relative to
7 the GEIS.

8 You've already read into the record what
9 those conditions are.

10 ACTING CHAIRMAN NARDACCI: No, I think
11 that's fine.

12 Is there a motion on the statement of
13 findings?

14 MS. VAIDA: I'll move to accept it.

15 ACTING CHAIRMAN NARDACCI: Is there a
16 second?

17 MR. O'ROURKE: I'll second.

18 ACTING CHAIRMAN NARDACCI: All those in
19 favor?

20 ***(Ayes were recited.)***

21 ACTING CHAIRMAN NARDACCI: Opposed?

22 ***(There were none oppose.)***

23 ACTING CHAIRMAN NARDACCI: Okay, the
24 statement of findings is adopted.

25 Now action on concept acceptance, is

1 there a motion?

2 Do you want to read the conditions?

3 MR. STUTO: Yes. Kevin, if you want to
4 follow along with me on this.

5 The first one is really a statement and
6 not a condition.

7 MR. MYERS: Do you need to close the
8 public hearing before taking these actions?

9 MR. DELAUGHTER: This is not a public
10 hearing.

11 MR. STUTO: Okay, Kevin this is just a
12 statement and not a recommendation under the
13 summary memo?

14 MR. DELAUGHTER: The statement is on the
15 SEQRA.

16 MR. STUTO: I think that you have two
17 different ones.

18 Collocation of walking trails and
19 stormwater management area access roads must
20 be coordinated with the Department of Public
21 Works Bureau of Engineering. That's a
22 condition.

23 Proposed ownership of open spaced lands
24 must be identified. The intent of the 50 foot
25 buffer adjacent to existing residents must be

1 clarified, whether they will remain
2 undisturbed with restrictions; prohibiting
3 clearing and grading are intended to prohibit
4 new structures.

5 And perhaps as Elena suggested: Open
6 space area that should be dedicated to either
7 the HOA or to the town.

8 MS. VAIDA: I guess then that would
9 require a waiver on the setback.

10 MR. STUTO: Kevin says that in the
11 conservation area, we set the setback. It's
12 not a waiver, it's a setback condition.
13 Whatever we approve in the final plans.

14 An easement should be reserved and escrow
15 should be posted for future installation of
16 sidewalks along Denison road, which is on the
17 proposed town priority network for bicyclists
18 and pedestrian access.

19 The topography shown on the plans appear
20 to be outdated. A current topographic survey
21 is required.

22 The proposal will be subject to
23 contribution of a proportionate share of the
24 cost of mitigation of cumulative environmental
25 impacts pursuant to the airport area GEIS

1 statement of findings.

2 The final condition which was brought up
3 by a board members:

4 Contingent upon secondary access approved
5 by highway and fire.

6 ACTING CHAIRMAN NARDACCI: Are there any
7 questions on those conditions?

8 MR. SULLIVAN: Should we address the
9 38 Concord property?

10 ACTING CHAIRMAN NARDACCI: I don't think
11 that it's a condition, but I do think that we
12 need something formal.

13 Joe, I would put something in writing and
14 make that available to the gentleman.

15 Any other questions on the conditions?

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

17 ACTING CHAIRMAN NARDACCI: Do I have a
18 motion on acceptance of concept with the
19 identified conditions?

20 MR. O'ROURKE: I'll make that appropriate
21 motion.

22 ACTING CHAIRMAN NARDACCI: Is there a
23 second?

24 MS. VAIDA: I'll second it.

25 ACTING CHAIRMAN NARDACCI: All those in

1 favor?

2 **(Ayes were recited.)**

3 ACTING CHAIRMAN NARDACCI: Opposed?

4 **(There were none opposed.)**

5 ACTING CHAIRMAN NARDACCI: Thank you all
6 very much.

7

8

9 **(Whereas the proceeding concerning the above**

10 **entitled matter was adjourned at**

11 **8:54 p.m.)**

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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.**

11
12
13
14 **NANCY STRANG-VANDEBOGART**

15
16
17 **Dated January 4, 2010**