

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 PUBLIC HEARING REGARDING THE PROPOSED
5 CANTERBURY CROSSING PDD
6 FINAL REVIEW AND APPROVAL
7 *****

8 THE TAPED AND TRANSCRIBED MINUTES of the above
9 entitled proceeding BY NANCY STRANG-VANDEBOGART
10 commencing on July 13, 2010 at 7:07 p.m. at
11 the Public Operations Center 347 Old Niskayuna
12 Road, Latham, New York 12110

13 BOARD MEMBERS:

- 14 CHARLES J. O'ROURKE, CHAIRMAN
- 15 MICHAEL SULLIVAN
- 16 THOMAS NARDACCI
- 17 PETER GANNON
- 18 MICHAEL SULLIVAN
- 19 TIMOTHY LANE
- 20 LOUIS MION
- 21 PAUL ROSANO
- 22 ELENA VAIDA, Esq., Attorney for the Planning Board

23 Also present:

- 24 Michael Lyons, Planning and Economic Development
- 25 Lynn Sipperly, Sipperly and Associates
- Donald Zee, Esq.
- John Bossolinni
- Brad Grant, Barton and Loguidice
- Thomas Tiernan
- Len Van Ryn
- Pat Tommasini
- Ernie Jarvis
- Rudy Paulson
- Jake Oreshan
- Vita Velikov

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25

1 CHAIRMAN O'ROURKE: The first on
2 tonight's agenda is a continuation of a public
3 hearing from June 22nd on Canterbury Crossing.

4 The Town Planning Board, Town of Colonie,
5 Albany, County, New York. Notice is hereby
6 given that pursuant to Section 276 of Town
7 Law, the Town Planning Board of the Town of
8 Colonie, Albany County, New York, will meet
9 and conduct a continuation of a public hearing
10 at the Public Operations Center, 347 Old
11 Niskayuna Road, Latham in said Town of
12 Colonie, County of Albany, New York, on the
13 13th day of July, 2010 at 7:05 p.m. for the
14 purpose of hearing all persons upon the
15 approval, modification or disapproval of a
16 certain planned development district in the
17 Town of Colonie, County of Albany, known as
18 Canterbury Crossings, consisting of open space
19 HOH lands to include 108 acres of land located
20 at 1035 Loudon Road to be divided into
21 77 single family lots, 60 estate condominiums,
22 92 villa condominiums, 42 carriage homes and
23 58 senior condominiums with the relocation of
24 the Boght Fire House onto the property. Dated
25 July 1, 2010, Latham New York, Town of Colonie

1 Planning Board, C.J. O'Rourke, Chairman.

2 With that, Mr. Sipperly, if you would
3 kindly bring the Board up to speed as to where
4 you folks are at?

5 MR. SIPPERLY: Thank you, Mr. Chairman.

6 Mr. Chairman, thank you for allowing us
7 to come before the Planning Board this evening
8 to present Canterbury Crossings, a development
9 PDD.

10 First, I'd like to start off and
11 acknowledge that there was some confusion with
12 regard to being over ambitious and optimistic
13 that we could have our drawings prepared for
14 the June 22nd meeting. We found out that as
15 time got closer, we didn't respond to all the
16 comments satisfactorily that the Town
17 designated engineer outlined for us to
18 address. That required the Board to cancel
19 that meeting and to reschedule this evening.
20 So, I apologize to the Board and the public
21 for any extra trips they may have made out.

22 As you read in the minutes, Canterbury
23 Crossing PDD consists of land parcels of
24 196.8 acres. It borders on Loudon Road by
25 Route 9 and on the east by Boght Road and

1 Baker Avenue. It involves several different
2 types of housing products. We have single
3 family traditional homes which are the yellow
4 lots here (Indicating). There are 77 of those.
5 We have carriage homes or patio homes which
6 are in the violet color. We have condominiums
7 which are located in this area here
8 (Indicating). There are 92 of those units. We
9 have luxury condominium units - 60 units
10 located here and we have senior citizen
11 condominiums which are in this location here
12 (Indicating). There are 58 of those units and
13 we have the Boght Community Firehouse at this
14 location here at Route 9. Also, there are
15 6,000 square feet of neighborhood retail,
16 again, proposed at Route 9 at this location
17 here (Indicating). That's the development that
18 we're proposing. As you can see with the
19 amount of green space on here, there is a
20 considerable amount of green area. In numbers
21 there is 108 acres and about 57 percent of the
22 site is being preserved as green space. The
23 green space will be maintained by the
24 homeowners association as will be their
25 responsibility for maintaining the green space

1 area.

2 We have a spine road that goes through
3 the development commencing on Route 9 and
4 going all the way through to Boght Road.

5 There are federal wetlands on the site.
6 There has been quite a bit of investigation
7 and studies that were performed during the
8 process.

9 The plan has changed since it was
10 originally presented to the Planning Board.
11 There have been three major changes.

12 The senior citizen component initially
13 was a three-story 100 unit apartment building
14 in this location here (Indicating). That was
15 subsequently replaced with 58 senior condos.
16 When I say senior condos, these are age
17 restricted condos which means that ownership
18 would be exclusive to 55 years and older.

19 The three-story senior building came out
20 of scale with the homes on Meadow Street and
21 the condominium buildings that are shown now
22 are more residential in character - fully
23 residential with regard to their appearance.
24 There are four units per building. In each
25 there is a single car garage with direct

1 access to their unit.

2 Another change was that at this location
3 here we had previously proposed 3,000 square
4 feet of office building. That is now being
5 replaced with the 27,750 square foot single
6 story Boght Community Fire Company. There is
7 also the new garage or facility for EMS that's
8 in this area. The EMS garage is at this
9 location here (Indicating). That will be
10 brought over to this west side of the new
11 firehouse complex. So, that there will be some
12 efficiencies there.

13 The other major modification of the
14 project when we initially presented this to
15 the Planning Board was a trail system. We had
16 a trail system that we had running behind
17 Hunters Run between the new lots and the
18 existing lots. That trail system has since
19 been moved totally out of that upper area and
20 is now along the main highway that runs
21 through the development; Preston Drive. As
22 part of that, Preston Drive has a sidewalk
23 that goes from Boght Road to Loudon Road.
24 There's also a bike path on either side of the
25 road so that between the sidewalk and the bike

1 paths, it creates a substantial continuation
2 of the Town of Colonie bikeway trail system
3 that's in your master plan.

4 There are other features of the project.
5 Naturally, there would be running water from
6 Loudon Road to Baker. There is an emergency
7 connection between Hunters Run and the
8 development. That is only for emergencies as
9 indicated. It has a Knox box and has a key
10 with emergency personnel access only. That was
11 in the original plan and it continues to be in
12 the plan.

13 There are some wetlands. We have about
14 35 acres of wetlands on the site which are
15 being preserved. We do have some impact to
16 wetlands. We have 2.5 acre impact of wetlands
17 and approximately one acre of impact to the
18 New York State wetlands. We have received a
19 wetland permit from both agencies to allow us
20 to move forward with the project.

21 We also have received acknowledgment from
22 DOT who controls both Loudon Road and Baker
23 Avenue that the entrances we show here are
24 acceptable locations. We are requesting and
25 looking forward to the Board granting us final

1 approval so that we can move forward to the
2 construction phase of this development.

3 I have one other point to mention. We are
4 in the Boght GEIS area. The mitigation fees
5 for this development are approximately
6 \$1,758,000. This substantial fee will go to
7 highway improvements outside of this
8 development and other amenities of the Town.

9 Basically that's what we are presenting
10 this evening and we're glad to answer any
11 questions that the Board may have.

12 CHAIRMAN O'ROURKE: Thank you.

13 Brad?

14 MR. GRANT: We have reviewed several sets
15 of plans and have made comments regarding
16 issues along the way including a letter of
17 July 6th. This is really at the tail end of
18 technical issues. Basically having some
19 requirements for additional public amenities
20 such as a community gardens, a couple of
21 playgrounds.

22 MR. SIPPERLY: We have incorporated a
23 playground in a location here. There is a
24 second one here. We also had proposed a garden
25 in this area right here.

1 MR. GRANT: Taking advantage of some of
2 the vast open spaces. I think you should keep
3 in mind that this project is 190-some odd
4 acres and 105 of it is going to be open space.
5 A lot of that has to do with a wetlands
6 involved in some of the environmental
7 challenges but in those areas and also there
8 are some bird houses. These are not particular
9 amenities. I think that the playgrounds are
10 important for particularly the grandchildren
11 of seniors that might reside nearby and all
12 the residents of the project.

13 Our comment letter had some specifics on
14 what would be required for a community garden.
15 Basically a sort of amendment and essentially
16 a good starting path for hopefully an
17 initiative by the residents of this project to
18 get into what gardening is all about.

19 The formal agreement on the mitigation
20 fees - they've been finalized in everybody's
21 packet what the proposed mitigation fees that
22 the Town will receive. You can see that there
23 are a number of components to that.

24 CHAIRMAN O'ROURKE: If I could just
25 interrupt? It's dependant upon the Boght GEIS,

1 which has not yet been finalized. We did have
2 a meeting with the applicant and my
3 understanding is that they would make that
4 first payment based on the 1.7 million and
5 then adjust as we go forward.

6 Am I correct, Mr. Zee?

7 MR. ZEE: Yes, you are.

8 MR. GRANT: Our fourth comment has to do
9 with the preservation of natural vegetation
10 and topography; especially Skyview Drive and
11 Skyview Drive West. Many of those lots do not
12 require grading down to interfere with some of
13 the existing vegetation that provides
14 buffering and screening. Several do have the
15 necessity to grade some slopes in the back.
16 There is quite a bit of topography back there.
17 There are a number of pine trees in that area
18 to buffer the exiting property for a private
19 year round screen.

20 CHAIRMAN O'ROURKE: Were there 80 White
21 Pines?

22 MR. GRANT: No, it wasn't that many.

23 MR. SIPPERLY: No, it was 19 or 20 or
24 whatever is needed to provide a visual.

25 MR. GRANT: You don't want them so

1 tightly packed and then you'll have them
2 really tall.

3 Also, that's to protect the vegetation on
4 those slopes on the grade plan there wherever
5 possible. The trees have been shown. These are
6 particularly fast growing and year round
7 screening.

8 As for some of the cleanouts for the
9 stormwater basins, there has been e-mail
10 flying back and forth and it's been printed
11 off - some of those revisions.

12 One of our comments had to do with the
13 construction. We are a ways away from that.
14 We're certainly going to have them put the
15 barriers or whatever is involved and make the
16 point that there will have to be a greater
17 depth -- there was a certain depth that DEC
18 recognizes as being the stabilized surface.
19 Those are in five acre increments. So, an
20 execution plan has been offered and execution
21 of that plan will be forthcoming.

22 CHAIRMAN O'ROURKE: Who is going to be in
23 charge of insuring that those inspections take
24 place? Ultimately, the taxpayers will own that
25 infrastructure.

1 MR. GRANT: This is a large enough
2 project that they will require a SWPPP permit.
3 It will be somebody that the owner hires.
4 They're looking out for the owner's interest
5 and the owner is the permittee here and he is
6 the operator of the system. They will
7 coordinate with the Town's Stormwater
8 Management Manger. It's a large enough project
9 where there will be coordination to make sure
10 that there are no problems with the waterways
11 and the residents nearby.

12 The last comment had to do with the
13 stormwater pond drainage and having a larger
14 pipe to accommodate that. Every once in awhile
15 they do require maintenance and there is a
16 need to drain those. In many areas it was too
17 flat to have that pipe gravity drain and
18 require pumping.

19 I also had a previous letter that led up
20 to that, but the applicant submitted responses
21 on that and really worked through a lot of
22 issues to create what appears to be a nice
23 project that is sensitive to the environment.

24 CHAIRMAN O'ROURKE: Good. Thank you,
25 Brad. I know that the applicant has worked

1 very hard to get the project to this point so
2 before we open it to the public, let's go
3 through the Board.

4 Paul, you want to start?

5 MR. ROSANO: I just have a question for
6 Mr. Bossolini.

7 John, the prices back in 2008 are still
8 holding true?

9 MR. BOSSOLINI: As of today, yes. It has
10 come down just a little as the market has
11 softened. We'll adjust it accordingly.

12 MR. ROSANO: Thank you.

13 CHAIRMAN O'ROURKE: Tim?

14 MR. LANE: With the PDD designation, are
15 you considering the pads, even though they
16 have been moved as the public access -- is
17 that your meeting the spirit of the public
18 access requirement or public accommodation, I
19 should say?

20 MR. SIPPERLY: I think that one of the
21 major contributions to that is the walking
22 path and the sidewalks down to Route 9.

23 MR. LANE: And initially it was in the
24 green space. Why was it moved, if you don't
25 mind me asking?

1 MR. SIPPERLY: The Corp of Engineers and
2 DEC are very protective of the wetlands. The
3 trail systems that have occurred throughout
4 the green space would conflict with the
5 wetlands and it was at their request that we
6 try to minimize any activity that would impact
7 the wetlands by the public.

8 Also, again, our trail system was moved
9 because of the retail. We found that after we
10 proposed it that the trail in the rear yard
11 kind of does sacrifice privacy for those homes
12 that are adjacent to it.

13 MR. LANE: The current bike path in the
14 Town goes through the backs of properties. In
15 that case, would that be marked as bikeways
16 and no parking? I can see that if they're on
17 the street - I can see people parking in it.

18 MR. SIPPERLY: There is a highway section
19 for that. They will be striped. I think that
20 they're five feet wide on each side. There is
21 a striped dedicated lane marked "bikeway only"
22 and it's marked "no parking".

23 MR. LANE: Okay. It's not dense. It's a
24 good mixed use. The amount of green space that
25 remains is excellent. Overall, it's a very

1 good plan. Thank you.

2 CHAIRMAN O'ROURKE: Thanks, Tim.

3 Mike?

4 MR. SULLIVAN: Mr. Sipperly, at the
5 previous meeting I recall that there was an
6 issue with the buffer. Specifically, the
7 amount of buffer provided between your lots
8 and the existing lots and Hunters Run and off
9 of Baker Avenue. Can you explain to us what is
10 provided and if compromises have been reached
11 with the adjacent land owners?

12 MR. SIPPERLY: This green space here that
13 I've outlined - this is a minimum 50 feet wide
14 buffer area between the existing homes on
15 Hunters Run Boulevard and the proposed homes
16 in Canterbury Crossing. That buffer area
17 expands in size as we go along the rear of the
18 homes on Skyview Drive and Skyview Drive West.
19 This buffer area is to remain preserved
20 intact and again, to be under the supervision
21 and ownership of the homeowners association.
22 No development is to occur within that by
23 either party. This buffer sets up a good
24 situation between Hunters Run because a lot of
25 the folks in Hunters Run have small back

1 yards and if we were to have these new homes
2 back right up to their back yard - this gives
3 them more room between their neighbors.

4 Again, down here along Skyview Drive,
5 there is a buffer area. Because of road
6 configurations and the shape of the property,
7 we were able to expand it in size. That
8 expands in width and it's a variable width.

9 As Brad mentioned, there is an area here
10 where grading may be going closer to property
11 lines. So for whoever that's going to occur
12 for, we're going to put in trees of pine and
13 evergreen trees to create an instant visual
14 buffering between the new homes and the
15 existing homes.

16 Another area of buffer was along this
17 area here which is along the lands of
18 Tommasini. We weren't able to provide
19 dedicated land to that. What we have provided
20 here is a solid six foot high fence along the
21 rear of these lots and abut up to the
22 Tommasini's property.

23 Also on the carriage home side, we have a
24 ten foot buffer back there in their rear yard.
25 So, there is a buffer on the private side and

1 also backed up by a six foot high solid fence.

2 The other area buffer was along the homes
3 on Baker Avenue. There were three homes here.
4 What we have provided there was a ten foot
5 buffer and also a solid fence to screen the
6 proposed development from existing
7 development. In that area, the resident's
8 lawns already encroach onto our property so
9 the buffer is really covering land that
10 they've been using for either an extension of
11 lawn or for parking purposes.

12 The other buffer is Meadow Street at this
13 location here (Indicating) where our
14 condominium homes get close to the rear of
15 homes on Meadow Street. We're proposing to go
16 there with extensive landscaping of trees and
17 also a solid fence. That will provide a buffer
18 between the existing residents and the
19 proposed development.

20 Those are the buffer areas that I think
21 we have proposed.

22 MR. SULLIVAN: The one that I questioned
23 the most was the Tommasini property. I had
24 thought that there was some talk about adding
25 a 25 foot buffer there.

1 MR. SIPPERLY: From the very beginning we
2 tried to accommodate that. The situation that
3 we have is that we have a wetland here
4 (Indicating) and it doesn't allow this street
5 to be moved any further north without creating
6 more impact. We're already impacting the
7 wetland of this location where we had the road
8 going through the wetland. If we were to move
9 that road up any bit at all, two things
10 happen. Now we get into an area of wetland
11 that is quite wide. So, we'd have some
12 substantial impact to wetlands here. We're
13 also getting closer to a cultural site that
14 was identified in this location here
15 (Indicating). This was proposed to be fenced
16 and to be left intact for future archeological
17 exploration if the Town Historian and/or SHPPPO
18 decides to do something with that.

19 MR. SULLIVAN: And how deep are those
20 lots - the carriage home lots there?

21 MR. SIPPERLY: They are 125 feet deep.

22 MR. SULLIVAN: And how much do you need
23 for a setback on those lots - front and back?

24 MR. SIPPERLY: In the front yard we have
25 25 feet and the rear yard we have 25 feet. The

1 actual building structure is between 45 and 50
2 feet deep.

3 We really tried. There were probably
4 three or four meetings where we discussed this
5 point and we demonstrated why we don't have
6 the room to move this street. If we move this
7 street, the impacts to wetlands would be
8 greater.

9 MR. SULLIVAN: It was my understanding
10 that I thought that a compromise could be
11 reached without moving the roadway. It would
12 allow you to have a 25 feet buffer, still meet
13 your setbacks, and still have enough to build
14 a house of that size.

15 MR. SIPPERLY: That was mentioned, but I
16 guess we never purported that we could do
17 that. What we really said that we could do was
18 provide a buffer around the property so that
19 the Tommasini property wouldn't see
20 development right up to the property line. I
21 think that we've done that. We've also
22 reinforced that with a solid wood fence. New
23 residents in this area would have no
24 opportunity to encroach on their property. It
25 also provides a visual screening; a fence. The

1 buffer really would have trees, but not
2 heavily treed as the fence is our primary
3 source of buffering at this location.

4 MR. SULLIVAN: So providing a 10 foot
5 buffer?

6 MR. SIPPERLY: On our property.

7 MR. SULLIVAN: And would that be with a
8 deed restriction?

9 MR. SIPPERLY: With a deed restriction,
10 yes.

11 MR. SULLIVAN: I have no other questions
12 at this time.

13 CHAIRMAN O'ROURKE: Peter?

14 MR. GANNON: I share Mike's same concerns
15 about the buffers, but not really on the other
16 places that you mentioned. It seems
17 outstanding accommodations were made in that
18 area along with what you referred to as the
19 Tommasini property and three or four neighbors
20 in that vicinity. I'm just inferring from your
21 tone that a compromise wasn't reached for both
22 sides.

23 MR. SIPPERLY: There were meetings held.
24 There were four meetings held and we're able
25 to come to a compromise. We couldn't provide

1 the buffer they were requesting.

2 The other point of consideration here was
3 that this property is quite deep. I would
4 guess that it's about 900 feet deep.

5 MR. GANNON: Which property are you
6 referring to?

7 MR. SIPPERLY: The Tommasini property. It
8 fronts on Baker Avenue. From our view of
9 aerial photographs, the property is developed
10 back to about this point here (Indicating),
11 about two or three feet back where the lawn
12 stops. This is just undeveloped field with
13 brush and some trees. We felt that with the
14 natural buffering occurring on their property
15 and because of the field and the status of
16 this property here (Indicating), we really
17 aren't able to compromise and provide a buffer
18 of land in that area. We thought that our way
19 of meeting that need was to have that fence
20 and have a 10 foot buffer on our side.

21 MR. GANNON: It seems like you guys are
22 trying to do all you can and I suspect that at
23 some point tonight we'll hear the other side.

24 To move off of that, I have some
25 questions about the fire facility and EMS

1 station. Who is paying for the firehouse?

2 CHAIRMAN O'ROURKE: It's been bonded.

3 MR. GANNON: The question I had before
4 C.J. answered it was if it was going to effect
5 the mitigation payment whatsoever.

6 My other question would be: In terms of
7 the EMS station - this may be out of your
8 jurisdiction, but is the EMS building going to
9 be a Town building? Who is going to own that
10 building? Is that a portion of the firehouse?

11 MR. SIPPERLY: It's a portion of the
12 firehouse.

13 MR. GANNON: The Fire District is going
14 to own the building?

15 MR. SIPPERLY: There's supposed to be
16 some type of leasing arrangement between the
17 Town.

18 MR. GANNON: I think that the changes
19 with the bike path are acceptable to me. I
20 think that it's a great addition for the Town
21 and overall, the project looks great.

22 I share Member Sullivan's concerns about
23 the buffer, but from what I see, you guys are
24 trying to do all you can. I suspect that we'll
25 get to hear the other side of that tonight,

1 but that's all I have for right now, C.J.

2 MR. O'ROURKE: Thanks, Pete.

3 Lou?

4 MR. MION: I don't have any questions,
5 C.J. I think that it looks like a really good
6 project.

7 CHAIRMAN O'ROURKE: I've got a couple,
8 Mr. Sipperly.

9 The emergency access - can you explain
10 how we got there and who maintains it?

11 MR. SIPPERLY: It was the requirement of
12 the Town of Colonie Traffic Safety that there
13 be a connection between Hunters Run and
14 Canterbury Crossing. When Hunters Run was
15 developed there was some kind of planning in
16 advance that it would connect. There is a road
17 called Partridge Lane. It's a paved road that
18 goes up to the property line. The residents of
19 Hunters Run didn't want a physical road
20 connection to their development. They feared
21 traffic problems and other problems like
22 people coming through their neighborhood. The
23 compromise was to do an emergency access road.
24 It was proposing various sections. It was
25 proposed to be grass. The decision came down

1 from the Department of Public Works that this
2 be an 18 foot wide paved driveway or roadway.
3 Our proposal is that it would always be gated
4 and it would not be an open access between the
5 developments, but that it would provide
6 emergency access to both Hunters Run and also
7 conversely provide emergency access to
8 Canterbury Crossings. Again, there is a gate
9 proposed on the project coming back off of
10 Preston Drive which would be locked at all
11 times. The key would be with the Fire
12 Department and the EMS. It would be a Knox box
13 with the current standard fixture to have
14 access to buildings and to public areas. With
15 regard to that, it's paved. There is some
16 maintenance. It would be plowed in the winter
17 time and it would be maintained. I'm not
18 really sure if it's a homeowner's association
19 or not.

20 Yes, this would be plowed in the
21 wintertime so that it would be open and
22 available as a pathway. The gate would still
23 be closed.

24 CHAIRMAN O'ROURKE: Right, you do have
25 some private roads as part of the HOA.

1 MR. SIPPERLY: There is a private road at
2 this location here (Indicating).

3 CHAIRMAN O'ROURKE: What I'm getting at
4 is will you guys take care of the plowing and
5 maintain that it stay open.

6 MR. ZEE: If the Board requires it, we
7 can put that in the HOA.

8 CHAIRMAN O'ROURKE: I'm only one, but I
9 want you to do it. I don't want the Town to
10 have to go down and do that. That's one of my
11 concerns. You're going to have to plow your
12 private areas anyway. For us, as a Town, to
13 get one of our bigger trucks down there, off
14 the spine road, I just think that it behooves
15 us to have you guys take care of that.

16 In terms of paving, Mr. Zee, that's been
17 worked out with public works? We're going to
18 pave?

19 MR. ZEE: No, I believe that we're going
20 to pave.

21 MR. BOSSOLINI: Right, that's part of the
22 infrastructure that's being done by the
23 developer.

24 CHAIRMAN O'ROURKE: Then just briefly, if
25 you could explain the community garden aspect

1 of the project - who would benefit? Who could
2 use it? How is it going to be run? Is it going
3 to be overseen by the HOA? Could you just
4 explain that to the Board?

5 MR. SIPPERLY: It is on HOA lands. It
6 would be managed by the HOA. It was envisioned
7 that there would be a committee set up - a
8 separate committee to organize and to kind of
9 administer and facilitate what's going on by
10 the various plots. We are proposing to prepare
11 it as such that the soils would be suitable
12 for gardening.

13 CHAIRMAN O'ROURKE: Yeah, I read that.
14 How big is the plot?

15 MR. SIPPERLY: It's 80 feet by 60 feet.

16 CHAIRMAN O'ROURKE: I think that there's
17 going to have to be some communication,
18 certainly, to get that off the ground again.
19 To my knowledge this is the first community
20 garden that we have in the Town. I would just
21 ask that as the project moves forward and we
22 start to sell homes, that we somehow touch
23 base with another entity within the Town to
24 have that up and running as you build out.

25 This is more of a comment. I did walk the

1 Tommasini property. I know that there was a
2 lot of discussion on this. I am of the opinion
3 that they were possibly were misled in some of
4 their conversations prior to this project
5 about the buildability of that parcel.

6 Unfortunately, this Board can only take into
7 account what the actual requirements are in
8 the Town to build on. So whoever may have
9 misled them - I certainly hate to say that it
10 was a Town employee. My understanding from
11 reading stuff is the back of those lots, to
12 me, seems unbuildable and open wilderness, if
13 you will. I think that the applicant, by deed
14 restricting 10 feet of those lots, has gone to
15 a fair level of trying to meet halfway like
16 this Board had asked. Again, if you do go back
17 in their property to lot 23, their lawn isn't
18 even all the way back to 23. My opinion is
19 that finger of land that goes back there - I
20 don't know why we would require the applicant
21 to provide a bigger buffer on an unbuildable
22 piece of property that is a piece of property
23 that the homeowner owns.

24 Was there any attempt to purchase that? I
25 know that was mentioned.

1 MR. SIPPERLY: There was discussion, but
2 I wasn't at that meeting so I'm not sure.

3 CHAIRMAN O'ROURKE: Mr. Bossolini?

4 MR. BOSSOLINI: Mr. Chairman there was a
5 meeting where we briefly discussed purchasing
6 the land.

7 CHAIRMAN O'ROURKE: But you guys were
8 considering purchasing it at fair market
9 value?

10 MR. BOSSOLINI: I spoke with the partners
11 and they considered it.

12 CHAIRMAN O'ROURKE: That's my opinion and
13 I did walk that property. What I'd like to do
14 now is open it to the public if I could.

15 Would anybody in the audience like to
16 speak on this project?

17 MS. TOMMASINI: I'm Mrs. Tommasini.

18 CHAIRMAN O'ROURKE: How are you this
19 evening, ma'am?

20 MS. TOMMASINI: Good.

21 I never met with Mr. Sipperly on four
22 occasions at all. It was always through either
23 the Town meeting or the Planning Board. Each
24 time I was told that Mr. Sipperly was told
25 that we needed to reach an agreement with the

1 Tommasinis - contact them and come to some
2 kind of a compromise, he has never done that.

3 As far as the purchasing of the land, we
4 met with Mr. Bossolini at Mr. Sipperly's
5 office. They did not give us an option if they
6 wanted to purchase the property at fair market
7 value. There should be a letter in that
8 packet. The enclosed letter says that they had
9 no desire and had no use for that property.
10 That letter was signed by Mr. Bossolini back
11 in 2009.

12 I understand when you're telling me that
13 you never told me that I could not develop
14 this land. If I was to cut all that down,
15 which I could do very easily, it's my back
16 yard. It's not a buffer. It should not be
17 allowed to be used as a buffer. The fence - I
18 told them. We don't need fences.

19 Mr. LaCivita came and walked the
20 property. He said that after he had a visual,
21 he understood what we were talking about. I
22 told them we don't want a 10-foot fence.

23 Whatever everyone is asking for, they
24 got. Now I understand Skyview is getting White
25 Pine trees. We're making everyone happy. This

1 undeveloped land is still my back yard.
2 Whether or not I have brush on it or whether
3 or not it's a forest, it's my forest and I pay
4 taxes on it. I want the same amount of respect
5 and courtesy that everyone is being offer
6 around this whole development. The same thing
7 goes for the Hollingers. And the same thing
8 goes for the Stones. I know personally that
9 the Cocons aren't happy with what they're
10 getting either. Should we decide to pursue it
11 with doing it legally? They're only going to
12 jump on it as well. I have that verbal from
13 them.

14 CHAIRMAN O'ROURKE: Ma'am, we don't get
15 involved in legal -

16 MR. TOMMASINI: The only thing that I
17 asked for is to give me the same respect as
18 everyone else had there. If I can't get at
19 least a 25 foot buffer, then they shouldn't be
20 able to build the houses. He is giving a
21 10 foot buffer with a fence. It's going to
22 abut on my property. That's not acceptable to
23 me.

24 CHAIRMAN O'ROURKE: Ma'am, that's the
25 Land Use Law. The Land Use Law says that this

1 applicant, this land owner, has the right to
2 build to the property line. He doesn't have to
3 offer -

4 MS. TOMMASINI: Okay, then why do we make
5 amends with Hunters Run? Why are they being
6 offered a 50 foot plus buffer? They didn't
7 want a walkway. They didn't want a trail there
8 because of privacy. It's going to infringe on
9 their privacy. Isn't this going to infringe on
10 my privacy?

11 CHAIRMAN O'ROURKE: Again, ma'am, it's
12 just my opinion that my home, being 50 feet
13 versus my backyard - there is a difference.

14 Mr. Sipperly, how far is the closest
15 structure to her home?

16 MR. SIPPERLY: There is a 25 foot yard
17 setback -

18 CHAIRMAN O'ROURKE: No, the closest
19 structure to her home.

20 MR. SIPPERLY: I would say about
21 135 feet.

22 CHAIRMAN O'ROURKE: Excuse me; just let
23 me finish my thought. Those 135 feet is much
24 further than those folks at Hunter Run.

25 MS. TOMMASINI: What my point is -

1 CHAIRMAN O'ROURKE: I do understand. I
2 do.

3 MS. TOMMASINI: I deserve the same thing.
4 Mr. Sipperly was not compliant with Supervisor
5 Mahan when she said that he needed to come to
6 an agreement with us.

7 CHAIRMAN O'ROURKE: So there was never a
8 meeting?

9 MS. TOMMASINI: Absolutely not.

10 CHAIRMAN O'ROURKE: Mr. Sipperly, you
11 didn't stand up there and say you had four
12 meetings when in fact there were none, did
13 you?

14 MR. SIPPERLY: There were four meeting
15 between our office, Mr. Bossolini -

16 CHAIRMAN O'ROURKE: Not a phone call, a
17 meeting. If I have a meeting and I have a
18 meeting with Tim, I'm sitting next to him.

19 MR. SIPPERLY: I was not personally at
20 the meeting. I was out of Town. The meetings
21 were held in our office. I know that Joe
22 Bossolini was at some of those meetings with
23 the Tommasinis.

24 MS. TOMMASINI: There was one meeting.
25 There was one meeting and I have a follow-up

1 letter from Mr. Bossolini. Mr. Bossolini was
2 here. He could answer whether or not we had
3 four, or we had one, or we had none. He can
4 answer that himself.

5 MR. BOSSOLINI: Mr. Chairman, I recall
6 two meetings with the Tommasinis, I believe.

7 MS. TOMMASINI: No, there was one. I can
8 give you the date as well.

9 CHAIRMAN O'ROURKE: Can we do something
10 with trees? Do you want trees?

11 MS. TOMMASINI: I have enough trees.

12 CHAIRMAN O'ROURKE: I know you do. Ma'am,
13 I'm not sure what you're looking for.

14 MS. TOMMASINI: The gentleman that was on
15 this before - he offered to give me whatever I
16 wanted. Do you want six-foot trees? You want
17 8-foot trees? I have enough trees. I can give
18 you trees.

19 CHAIRMAN O'ROURKE: I know. I have walked
20 the property.

21 MS. TOMMASINI: The thing is that the
22 fact of the matter is that everyone is getting
23 that buffer. Give me the respect and give me
24 more, otherwise he shouldn't be able to build.
25 You know what? I'm paying taxes. Have them

1 purchase the property from me and we'll be
2 done.

3 CHAIRMAN O'ROURKE: Mr. Bossolini said
4 that he attempted to.

5 MS. TOMMASINI: He did not. He said that
6 he was not interested. There was nothing at
7 all. I have a letter. I can drop it off at the
8 office tomorrow.

9 CHAIRMAN O'ROURKE: Okay, let's have
10 cooler heads.

11 Mr. Zee?

12 MR. ZEE: With all due respect to this
13 conversation with regard to the buffer, with
14 regard to the Tommasinis, as well as this
15 Planning Board: Remember the Town Board has
16 adopted the PDD legislation. That has already
17 been approved by the Town Board. I was present
18 at that meeting. Ms. Tommasini was present and
19 Mr. Jarvis was also present at that meeting.

20 Mr. Jarvis was the gentleman who had the
21 property along Baker Avenue. He had this
22 dialogue before the Town Board. The Town Board
23 heard Ms. Tommasini and other residents'
24 concerns with regard to the buffer. The Town
25 Board passed the legislation specifically for

1 this project as presented and now is the law
2 of the land as to this project's zoning and
3 the fact that the lots go up to the Tommasini
4 land. I just wanted to point that out so that
5 you understand the dialogue.

6 CHAIRMAN O'ROURKE: I do, and I
7 appreciate that, Mr. Zee. What I'm trying to
8 do here is just make a final attempt.

9 MS. TOMMASINI: He's absolutely correct.
10 However, he's talking about the very last
11 meeting. The meeting with the Town Board prior
12 to that last one - the one before, Supervisor
13 Mahan distinctly said that Mr. Sipperly was to
14 come to an agreement with Mr. Jarvis and the
15 Tommasinis. Mr. Sipperly very nicely contacted
16 Mr. Jarvis and did not contact the Tommasinis.
17 Mr. Jarvis did not represent the Tommasinis. I
18 had a different problem or whatever you want
19 to call it - for a lack of a better word than
20 what Mr. Jarvis did. He did not contact me at
21 all.

22 CHAIRMAN O'ROURKE: I certainly am not
23 going to sit here and speak for the
24 Supervisor. I know that as I look at things, I
25 look for reasonableness.

1 MS. TOMMASINI: Absolutely, and that's
2 all we're asking.

3 CHAIRMAN O'ROURKE: And I think that what
4 these guys are giving you is reasonable; a
5 10 foot deed restriction. If there was
6 something else reasonable that you wanted, I
7 think that it should have been worked out
8 before this.

9 MS. TOMMASINI: They did not.

10 CHAIRMAN O'ROURKE: Did you contact them?

11 MS. TOMMASINI: I contacted them. I'm the
12 one that set up the meeting with Mr. Costa and
13 Mr. Bossolini. We went one time in their
14 office. I got a letter home shortly thereafter
15 saying from Mr. Bossolini that he was not
16 interested in purchasing the property. You
17 have to understand something. Everyone is
18 getting 50 feet of a buffer. I'm getting 10.
19 He estimated about 900 feet. Therefore I am
20 losing 40 feet -

21 CHAIRMAN O'ROURKE: It's still America.
22 You're not losing any right to the property
23 that you own, Ma'am. You're not losing right
24 to the property that you own or pay taxes on.

25 MS. TOMMASINI: Then why compromise with

1 everyone else except me?

2 CHAIRMAN O'ROURKE: Because the applicant
3 made a decision to move the project
4 forward -- your specific case, in my opinion,
5 is different than those folks at Hunters Run
6 or Skyview because the rear portion of your
7 property that you pay taxes on does not have a
8 structure on it. It's not creating anything to
9 your view shed.

10 MS. TOMMASINI: Oh, no. You didn't see it
11 from my home. They're mistaken. This is why I
12 had Mr. LaCivita come to my home.

13 CHAIRMAN O'ROURKE: I'm telling you that
14 I walked that property. I know.

15 MS. TOMMASINI: It's not that it's not
16 going to be in my view -

17 CHAIRMAN O'ROURKE: Right, but they own
18 their property and there are a lot worse
19 things, in my opinion -

20 MS. TOMMASINI: What is the difference of
21 going exactly up to Hunters Run -- because
22 they went as far as their buffer behind my
23 property, giving Hunters Run a buffer.

24 CHAIRMAN O'ROURKE: Right.

25 MS. TOMMASINI: And they stopped right

1 where my property stopped. There are no more
2 Hunters Run properties there. It's my back
3 yard.

4 CHAIRMAN O'ROURKE: No, because the the
5 homes that they're putting in start to come
6 back to Baker Avenue. They didn't do it and
7 say, build this project and not give
8 Ms. Tommasini a 50 foot buffer. I think that
9 we just have to be reasonable.

10 MS. TOMMASINI: And I think that I am
11 being reasonable. Ten feet is not enough. Not
12 when everyone else is getting 50. I said that
13 I would take 25. Mr. Sipperly said that he
14 couldn't give me 25 because the thing is it's
15 a win/win situation for them. If he was to
16 give me at least 25, he couldn't build his
17 houses.

18 CHAIRMAN O'ROURKE: Right.

19 MS. TOMMASINI: So who wins here all the
20 way around? I understand that the Town is in
21 dire need. I understand that. But they're
22 winning as well. What am I getting? I'm
23 getting 10 foot with a six foot fence whereas
24 if you walked the property, unless you had an
25 in ground pool, there is not a fence. We've

1 all raised children without fences. Why would
2 I want a fence?

3 CHAIRMAN O'ROURKE: Ma'am, communities
4 grow. No one, when you bought your property,
5 ever said that you were going to have
6 unlimited space behind your home; unless
7 that's in your deed and you can show it to us.
8 It's not. It's their property and it's their
9 right -

10 MS. TOMMASINI: We bought the property
11 knowing that there was a plan to put in an
12 amusement park back there. That's how far back
13 I'm going. We knew that it was going to be
14 built. We bought the property knowing that
15 Hunters Run was in the works there. The only
16 thing that I'm saying is: I would like the
17 same respect as everyone else; whether it be
18 no walkway, pine trees -- everyone is getting
19 what they want. To stand here today is an
20 insult to me and my family to say that they
21 met with us four times and it was only one
22 time. That's a lie. To sit with us after the
23 Board has told them, Mr. Bossolini, sit down
24 and compromise with the Tommasinis -- as a
25 mater of fact, when I spoke to Mr. LaCivita,

1 he said I thought that was all taken care of.
2 It wasn't. We were still waiting for
3 Mr. Sipperly to call us.

4 At the last Town Board meeting, when I
5 spoke up and said that they came to a
6 compromise with Mr. Jarvis, everything was
7 peachy keen. They never contacted me.
8 Mr. Jarvis, once again, does not represent me.
9 There was no discussion as far as a purchase.
10 We offered if you want to buy the property,
11 buy the property; fair market value. This is
12 all new to me and it's new to my husband.
13 They're lying.

14 MR. BOSSOLINI: Mr. Chairman, obviously I
15 disagree with that. I only recall two
16 meetings. We didn't discuss price in
17 particular. We alluded to some prices. From
18 what I understand from that meeting, we have
19 more than enough land and if we were
20 considering offers all around more than is
21 already shown on the map, it would become
22 untenable. This is a lot that was left over
23 from the early Town of Colonie and other
24 fingers of land that are involved in our
25 development also. We thought that we had a

1 amicable agreement with the Tommasinis;
2 obviously we don't. At this point, we can't
3 change our site plan any more than we have
4 without encroaching and infringing on some
5 sensitive areas.

6 CHAIRMAN O'ROURKE: So, Ms. Tommasini,
7 just before we open to other people, do you
8 want the fence or don't you want the fence?

9 MS. TOMMASINI: I don't want the fence
10 and I don't want trees. I have enough trees.

11 Again, I'll say that it was one time. I
12 have it written down. I have your letter. How
13 you can say that we met twice? From the time
14 that we met and your letter, there wasn't
15 enough time to meet. We offered because we
16 even mentioned at the meeting with Mr. Costa
17 and Mr. Bossolini - because that particular
18 day, you happened to come in late and we were
19 waiting for you. I remember.

20 This road here that they admittedly say
21 is on wetlands and that they're putting a road
22 on wetlands, it's a swamp. If you go over
23 there, you'll sink.

24 Right here, we said, move your road. If
25 this is that important to you, these houses

1 there - move the road and use my property for
2 the road. That was what we discussed. He wrote
3 his letter to me saying that it wasn't
4 advantageous to them. So therefore that was
5 squashed.

6 CHAIRMAN O'ROURKE: He's a business man.

7 MS. TOMMASINI: And as I put in one of my
8 letters, I'm the little fish in the big pond.
9 They're the big fish.

10 CHAIRMAN O'ROURKE: I hope you don't feel
11 like that ma'am.

12 MS. TOMMASINI: This has been going on
13 since 2008. We're getting a little tired of
14 it. My husband is getting tired of hearing me.

15 This is basically what we suggested was
16 to use that road - instead of going on
17 wetlands and getting this permit and that
18 permit, use that. Nothing was discussed as far
19 as a price.

20 CHAIRMAN O'ROURKE: He owned the frontage
21 on the road, ma'am. It's his right to develop
22 the property as he sees fit.

23 MS. TOMMASINI: You're absolutely right.
24 I agree with you, but this was part of our
25 discussion. This is what I'm telling you. When

1 you say fair market value - it's not that we
2 even discussed a price.

3 CHAIRMAN O'ROURKE: Just so you are
4 aware, landlocked property - North Colonie,
5 Town of Colonie. It's not worth a lot of
6 money.

7 MS. TOMMASINI: I understand that. I did
8 sit down with someone at the Town of Colonie
9 and I would be able to put one house there.
10 That's what he said. I know that you say that
11 we were misled. He brought out maps in their
12 little conference room. That's all I'm saying.

13 CHAIRMAN O'ROURKE: Yes, sir.

14 MR. JARVIS: I'm Ernie Jarvis. I just
15 want to clarify something. I was only
16 representing my own property and no one
17 else's.

18 I had some questions on my property. I
19 believe that we're getting 10 feet from my
20 property to the fence, correct?

21 MR. SIPPERLY: Correct.

22 MR. JARVIS: With the stormwater
23 detention areas - why is this here
24 (Indicating)?

25 MR. SIPPERLY: These are really

1 advantageous to discharge to an existing
2 stream and it's also a factor to the
3 topography of the property.

4 MR. JARVIS: I think that I mentioned to
5 you before, Mr. Sipperly, that this was going
6 to be no retention pond because you have
7 adequate drainage. You're going to increase
8 the diameter here and alleviate any detention
9 ponds. I see that now you have one closest to
10 my house. Why is that? Why should we have it?
11 It wasn't there before.

12 MR. SIPPERLY: This is just technical
13 design -

14 MR. JARVIS: The development is going to
15 be approved tonight; yes or no? If that pond
16 is there and it's approved - I'm getting my
17 nanny up now because I've got 10 feet and
18 everybody else is getting more. We've gone
19 through that before. At the Town Board meeting
20 I accepted 10 feet with a vinyl fence,
21 correct?

22 MR. SIPPERLY: Correct.

23 MR. JARVIS: When I built my house in
24 1962, it was a hayfield there. My son had a
25 little racetrack back there. Since I've lived

1 there, I've kept that cut. The existing road
2 that goes up through here - I cut it. You're
3 saying that you can't move this road over
4 because it's in a swamp. That's not true. I've
5 always cut that up there. I haven't cut it
6 this year because why should I do something
7 for somebody else's property? You're putting a
8 swamp up there.

9 MR. SIPPERLY: We're not putting a swamp
10 up there, that's incorrect.

11 MR. JARVIS: I don't care how you look at
12 it. It's wetland. Once you open this up here
13 to that swamp area here, you put a road over
14 it.

15 My uncle Joe Provo owned this land all
16 the way to here (Indicating). I have some
17 thoughts about how you're developing this land
18 and putting a firehouse up.

19 Sir, I'm not representing other people.
20 I'm discussing my own personal property.

21 I also mentioned to Mr. Sipperly that if
22 you look at this plan it also goes to my
23 property. I want to make sure that the water
24 doesn't come in my back yard like it is now.

25 CHAIRMAN O'ROURKE: Our town designated

1 engineer can speak to that for you,
2 Mr. Jarvis.

3 MR. JARVIS: I also have a drain pipe in
4 my back yard. If you want to go look at
5 it - you already did. I'll show you that I cut
6 all that field. I know that it's not swamp
7 area.

8 MR. GRANT: Those basins there are for
9 stormwater treatment ponds. We're required -

10 MR. JARVIS: Sir, I really don't care. Do
11 it somewhere else. Don't put it on my
12 property. You're not putting it anywhere else
13 on here or over here. They're getting a lot
14 more land out of you and I'm only getting
15 10 feet; plus they're getting a swamp here and
16 there. It's not fair. I knew that this was
17 going to happen, because I know the land. It's
18 upsetting to think that I bought my
19 land - when I bought it in '62, that was the
20 whole development of this property. All of the
21 sudden I'm getting shitted on.

22 CHAIRMAN O'ROURKE: Excuse me, sir.

23 MR. JARVIS: I understand.

24 CHAIRMAN O'ROURKE: I don't want to have
25 to cut you off. There are ladies present.

1 MR. JARVIS: They can only have five
2 properties here on this land. I bought my land
3 from Maurice Carr with the understanding that
4 if this area developed at that time that they
5 would have to put a sewer disposal plan in.
6 That never happened and we had to put septic
7 tanks in. I had to fight to get the sewer
8 lines from here to there (Indicating). There
9 was no water on the land. When Maurice Carr
10 sold me that land, there was no water on it.
11 He said, well, there's a fire hydrant right
12 there and it ended there. I had to go to
13 Latham Water District and they put in a
14 temporary line in. I've been fighting for
15 everything I got on this property since I owed
16 it.

17 I think that you folks have to look
18 closer into this development. I'm upset about
19 what's happening right now and I'm only
20 representing myself. That's all.

21 CHAIRMAN O'ROURKE: Yes, sir.

22 MR. PAULSON: I'm Rudy Paulson. The
23 density on this project is 50%. I think that
24 it's a good project and we're in favor of it.

25 CHAIRMAN O'ROURKE: Thank you.

1 Yes, sir.

2 MR. EATON: Robert Eaton,

3 418 Baker Avenue.

4 I'm on the other side of this retention
5 pond. I've very concerned that they're going
6 to put a detention pond on it right here
7 (Indicating). Right now there is a natural
8 drainage area and it goes right down here
9 (Indicating). My cellar has been flooded at
10 least three times that I can remember from a
11 culvert that goes underneath the road and then
12 the water goes down into Cohoes someplace.
13 That culvert plugs up and the water is back
14 into my cellar six to eight inches deep and
15 this retention pond is just going to add to
16 the problem. That's crazy. I don't see how
17 they expect all this water from this area
18 right here to rain down here (Indicating) and
19 it's only going to be worse with these houses
20 because the houses are going to have shed
21 water. The grass and the trees kind of hold it
22 back, but it's all coming through slowly. When
23 there is blacktop, it's going to go faster.
24 I'm going to be flooded all the time. There is
25 also a potential mosquito issue with all that

1 water. I'm very concerned about it. I'm very
2 upset about this.

3 CHAIRMAN O'ROURKE: Brad, would you like
4 to comment?

5 MR. GRANT: There are considerable
6 upgrades of the stormwater infrastructure in
7 that area. There are some undersized culverts
8 there. There have been issues in the past on
9 Boght Road and significant upsizing of those
10 culvert ends in a 42 inch on the other side of
11 the street. It's substantially a bigger
12 capacity than what it is now.

13 MR. EATON: I hope because if I get
14 flooded, I'm not going to be very happy, I'll
15 tell you that.

16 CHAIRMAN O'ROURKE: No one would be
17 happy.

18 Yes, sir, in the back?

19 MR. ORESHAN: I'm Jake Oreshan and I've
20 been a member of the Boght Fire Department and
21 have been since 1963. I'm quite familiar with
22 the station. I believe that it's been
23 mentioned several times that site where the
24 station wants to go - there was going to be
25 another building put in there. All the tests

1 that had to be done on that property - the
2 soils and everything else was done, the fire
3 company would be interested in buying that
4 property. We know where the wetlands are and
5 where the station is planned has been well
6 tested.

7 CHAIRMAN O'ROURKE: Thank you, sir.

8 Yes, ma'am.

9 MS. VELIKOU: Vita Velikou. I live at
10 32 Skyview Drive. I'm concerned about the
11 water. This may drain down into our basement.
12 I don't know how you guys figured this out,
13 but can you do some kind of dye test to see
14 what exactly is going through?

15 MR. GRANT: It's not a typical method,
16 but they're looking for an 18 inch drop at
17 least from the garage doors to the public
18 road. What that means is that a lot of the
19 drainage goes in to the collection system and
20 goes to the stormwater treatment ponds. It's
21 treated and then in your case put across the
22 street. There are some barriers that
23 necessarily grade down as they do now, towards
24 the existing properties abutting. Those
25 drainage areas will be less than they are now.

1 They're going to be substantially vegetated.
2 So, the runoff, although there will be some
3 that comes to your backyards, is going to be
4 less than what it is now.

5 MS. VELIKOU: The level of this basin is
6 like 10 feet below -

7 MR. GRANT: These will be clay lined
8 stormwater treatment ponds. These aren't
9 infiltration basins.

10 MS. VELIKOU: So are there some kind of
11 controls in place to monitor that to make sure
12 that it is built correctly?

13 MR. GRANT: These will all be inspected.
14 The clay would have to be of a certain type.
15 It's essentially the same type that they use
16 for a landfill cap - very tight soils,
17 compaction tested. They don't want to
18 exfiltrate water out of them to your basement.

19 The water from those stormwater ponds
20 will be contained. If there is a permanent
21 pool collection in it and as the storms occur,
22 they are surcharging within the ponds and it
23 will go out through graduated control outlet
24 structures and go out and across the street.

25 MS. VELIKOU: Across what street?

1 CHAIRMAN O'ROURKE: It's Skyview.

2 MS. VELIKOU: Is it somehow connected
3 from the pond to the street?

4 MR. GRANT: The discharge from this, back
5 out to this system - you're really talking
6 about the back and essentially this whole
7 vegetative plan drains down, as it does now.
8 The draining areas are reduced. There are ways
9 that people can be impacted by this. I'll call
10 it drainage, but I have this situation in my
11 home. Surface drainage doesn't affect my
12 property. The groundwater does. That's Mother
13 Nature. It comes up through the floor. As long
14 as my sump pump works, it takes it away.
15 That's not to say that existing ground water
16 issues in this area that occur now - if
17 anything, this would benefit that situation by
18 cutting off a lot of the ground water that
19 contributes to that table.

20 MS. VELIKOV: Isn't the water supposed to
21 go somewhere to some kind of - where there is
22 an overflow?

23 MR. GRANT: These are designed to contain
24 the 100 year storm. There has to be a foot of
25 clearance before water comes over. It's not

1 supposed to come over the pond. That's not
2 supposed to happen. There are outside control
3 structures that connect to the drainage
4 system.

5 There are a couple of goals. One is to
6 treat the stormwater that comes in and allow
7 sediments to fall out, cleanse the water and
8 then also provide detention for excess storage
9 for those times when we get the 10 year or
10 100 year storm event. They are meant to
11 contain that drainage under those scenarios.
12 When the 1,000 year storm comes, then we're
13 all wet. But these are meant to contain that
14 water and not exfiltrate it, treat it and then
15 send it out -

16 MS. VELIKOU: We are just lower than that
17 area there (Indicating).

18 MR. GRANT: Right, and there's going to
19 be a clay liner. I see that this project will
20 benefit it in that it will be cutting a lot of
21 that off with all the utility trenches and
22 bedding around the sanitary sewers. There are
23 essentially miles of drains that will be put
24 in as part of this project. There will be some
25 additional controls to ground water, but like

1 anything, there are quick events that happen
2 where the ground water can come through the
3 cracks in the floors and foundations. I have
4 it in my home and it's not fun. I've had
5 16 inches of water in my basement and it's not
6 fun pulling things out and doing all of that.

7 The stormwater treatment ponds are now
8 part of the stormwater regulations. This is
9 how we clean up the effects of development. It
10 is a necessary item. New York State says there
11 are several guidelines that need to be
12 followed with things like this.

13 CHAIRMAN O'ROURKE: Thank you.

14 Yes, sir.

15 MR. VAN RYN: I'm Len Van Ryn and I live
16 at 28 West Skyview Drive.

17 First, I understood that there is going
18 to be a development plan. The progress in
19 building these roads is going to be supervised
20 so that he can't quit in the middle?

21 CHAIRMAN O'ROURKE: Yes.

22 MR. VAN RYN: That's a good thing, thank
23 you.

24 I have a couple of other questions.

25 This little stub here - is that going to

1 connect over to Vliet Street?

2 MR. SIPPERLY: Yes, it is.

3 MR. VAN RYN: So, you'll have a connector
4 road there and these two developments that are
5 going on out there will be connected?

6 MR. SIPPERLY: Yes, that was requested by
7 the Planning Board quite some time ago.

8 MR. VAN RYN: I have a question or two
9 about my specific situation.

10 You can see there that right there at my
11 property, there is this rather sharp drop off
12 of about three or four feet. Are you going to
13 need to wipe that out?

14 MR. SIPPERLY: No. These lots here are
15 going to be much lower in elevation than the
16 back of your property. There will be some
17 grading in the back. It will probably be to
18 about this green area and we are going to
19 revegitate and create a buffer and we'll take
20 out some trees and open up that area.

21 MR. VAN RYN: Thank you.

22 CHAIRMAN O'ROURKE: Mr. Sipperly, the
23 sidewalks - who is maintaining those?

24 MR. SIPPERLY: The sidewalks are
25 maintained by the homeowners association.

1 CHAIRMAN O'ROURKE: Yes, sir.

2 MR. TIERNAN: My name is Tom Tiernan. I
3 live on Willowbrook Lane. What are you going
4 to do about the traffic? Are you going to put
5 a light in there?

6 CHAIRMAN O'ROURKE: That is proposed as
7 part of the GEIS update. Yes, a light will go
8 in when the traffic warrants it, or when it
9 reaches a certain point. I believe that it's
10 Phase II of this triggers the light? I know
11 that it's way into the build-out.

12 MR. SIPPERLY: I'm not really sure what
13 phase it's at.

14 CHAIRMAN O'ROURKE: At some point in the
15 development, sir, when it reaches a certain
16 threshold that meets for the state of New
17 York, a traffic light will have to go in.

18 I'm sorry sir. You're only allowed to
19 speak once.

20 MR. JARVIS: I just wanted to apologize.

21 CHAIRMAN O'ROURKE: It's no problem.
22 Apology accepted. I know that it's your
23 personal property.

24 MR. JARVIS: I just have one other
25 question. You're talking about the drainage in

1 our area there. Last July we had a real storm
2 and the water was going across 9R because the
3 drainage system couldn't handle it.

4 CHAIRMAN O'ROURKE: That was considered
5 the 100 year storm. As our engineer stated,
6 those culverts are significantly undersized
7 presently. As part of this project, it will be
8 almost double in size, right?

9 MR. GRANT: More than that.

10 MR. JARVIS: I didn't hear that. That
11 entry way near Eaton's pumps - that was
12 totally flooded over. That's where you have a
13 retention pond. It came up right over the
14 road. It had to be six or seven feet high of
15 water. Now you're going to put a retention
16 pond there and it's going to be the same
17 thing, no?

18 CHAIRMAN O'ROURKE: No.

19 MR. JARVIS: There's going to be water
20 there no matter what storm -

21 CHAIRMAN O'ROURKE: The system has to
22 meet the federal guidelines of a 100 year
23 storm.

24 MR. JARVIS: Why should we have a
25 retention pond and the system is going to be

1 increased?

2 CHAIRMAN O'ROURKE: If the system fails,
3 Mr. Sipperly will be paying for the system.

4 MR. JARVIS: By that time, he won't have
5 any money.

6 CHAIRMAN O'ROURKE: anyone else?

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

8 CHAIRMAN O'ROURKE: At this point, the
9 applicant is looking for the final review and
10 approval and actually does anybody on the
11 Board have conditions that they saw that they
12 thought were important enough to include in
13 the motion?

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

15 CHAIRMAN O'ROURKE: I'd like to put a
16 motion forward -

17 MR. LANE: In general, are they in
18 agreement with the Barton and Loguidice
19 letter?

20 CHAIRMAN O'ROURKE: That's going to be
21 one of the conditions is that they obviously
22 meet the Town designated engineer comments, as
23 we go forward. I'm also going to make a
24 condition that we're going to have the Board
25 attorney read in.

1 MS. VAIDA: I think that what we wanted
2 to make sure of is that any of the conditions
3 that have been discussed - that we make sure
4 that they run with the land and that there is
5 notice - I mean, some of the stuff that you
6 said is going to be in the HOA. Some of the
7 stuff will be deed restrictions like the
8 buffer zones, is that correct?

9 MR. SIPPERLY: Yes, there will be deed
10 restrictions and the HOA will be the party
11 that administers that, but there will be
12 actual deed restrictions filed to reinforce
13 that - within the main body of that.

14 MS. VAIDA: Could you also put in your
15 HOA some notice that there are these buffer
16 areas so people are on notice that there is
17 not to be any building or development in those
18 areas?

19 MR. ZEE: We would have no problem
20 putting that in. Normally we prepare, as part
21 of the homeowners association, document or
22 declaration of covenants and restrictions. I
23 would anticipate that I would be sending you a
24 copy before we recorded it so that it complies
25 with everything with certain restrictions in

1 there, including the environmental
2 restrictions that the Army Corp of Engineers
3 and New York State DEC wants. Also, in there
4 will be restrictions that the Planning Board
5 and the Town Board has requested including the
6 buffer areas. The declaration of covenants and
7 restrictions gets filed in the County Clerk's
8 office. So, it's a matter of public record and
9 so anybody that purchases the property in
10 there would have knowledge that this
11 declaration of covenants and restrictions are
12 in fact included.

13 Also, since we're doing a homeowners
14 association - in fact making several
15 homeowners associations and also a community
16 association because of the condominiums - it
17 would also have an offering plan that includes
18 all of those items as well as other
19 disclosures as far as purchasing a home or
20 condominium unit in this type of development.
21 So, the public would be on notice on numerous
22 occasions.

23 MS. VAIDA: Okay, that sounds good. What
24 I wanted to just make sure was clear was the
25 provision that is contained in the law right

1 now and so what I thought would be best is if
2 we make it clear by reading it as a condition
3 to the approval if the Board ends up approving
4 that. Basically it just says conditions to run
5 with the land. I understand that you're saying
6 it will accomplish the same thing.

7 The conditions imposed by the Town Board
8 and the Planning Board, including those the
9 performance of which our conditions precedent
10 to the issuance of any permit necessary for
11 the development of all or any part of the
12 entire site, shall run with the land and shall
13 neither lapse or be waived as a result of any
14 subsequent change in the tenancy or ownership
15 of any or all of said area. Such conditions
16 shall further be part of any certificate of
17 occupancy issued for any use or structure in
18 such development.

19 MR. ZEE: What we do as far as the
20 homeowner association document - the Attorney
21 General's office requires a description of the
22 property, particularly talking about the types
23 of piping, lighting, etcetera, and
24 incorporating in that they want to know the
25 approvals. We always attach a copy of the PDD

1 approval and we'll attach a copy of the
2 Planning Board resolutions where approvals are
3 granted in that document so it's going to be
4 part of the plan as well.

5 MS. VAIDA: Thank you, Mr. Zee.

6 MR. LANE: The only thing that I think
7 that came to light tonight that should be
8 added is the access road will be paved by the
9 developer and maintained by the HOA to
10 Hunters Run - the emergency access - that was
11 agreeable?

12 MR. ZEE: Yes, and that will be in the
13 offering plan. When we accept the offering
14 plan for the budget that will be in there like
15 for the sidewalks, bike path, as well as this
16 emergency access as well as other facilities
17 and that will be included -

18 CHAIRMAN O'ROURKE: And all conditions
19 and comments of the town designated engineer.

20 MR. GRANT: Correct me if I'm wrong, but
21 the deed restrictions and covenants have been
22 submitted to the Town Planning Department.

23 MR. ZEE: We have prepared a preliminary
24 declaration of covenants and restrictions, but
25 we're going to amend it with other things that

1 are being brought forth tonight.

2 MR. GRANT: So I think one of the
3 conditions is the acceptability to the Town.

4 The other one was when we talked about
5 the commercial space, the 6,000 square
6 feet - that it would not be food service.

7 CHAIRMAN O'ROURKE: I don't believe that
8 it was a condition of the concept.

9 MR. ZEE: If it would be, it would be in
10 the PDD legislation.

11 CHAIRMAN O'ROURKE: I mean, you would
12 still have to come back before the Board.

13 MR. ZEE: Absolutely.

14 CHAIRMAN O'ROURKE: So, whatever retail
15 they decide would have to come back before
16 this Board for approval.

17 MR. GRANT: Basically they're pads at
18 this point.

19 CHAIRMAN O'ROURKE: Right, just like the
20 firehouse has its own separate piece in terms
21 of the elevations.

22 MR. LYONS: C.J., the land outside the
23 PDD is zoned single family residential. Any
24 food service would have to meet the setbacks.

25 CHAIRMAN O'ROURKE: Right, and you

1 understand that.

2 MR. SIPPERLY: Yes.

3 MR. GRANT: The last thing that I wanted
4 to say, C.J., is the narrative. With so many
5 e-mails that came last week, was that updated
6 for the community gardens?

7 MR. SIPPERLY: Yes, it was.

8 MR. GRANT: The one in the packets
9 wasn't.

10 MR. GANNON: C.J., I just have one quick
11 thing. With regard to the points that
12 Mr. Jarvis and Mr. Eaton brought up about the
13 proximity of their property outside of the PDD
14 to those new detention ponds, are there steps
15 that can be taken to mitigate the impacts to
16 you in your professional opinion -- have we
17 experienced that those have created an insect
18 problem for residents outside of the
19 development that were maybe unintended? Can
20 you shed any light on that? Should we maybe
21 accommodate them with some steps that can be
22 taken?

23 MR. LANE: Can they put those little
24 hockey things in there?

25 MR. GRANT: I don't know if they have

1 done that large scale on the ponds or had to.
2 They have done their catch basins. I don't
3 know if they're still doing those kinds of
4 things in recent years.

5 There are lots of different kinds of
6 mosquitoes. The one that comes to mind is the
7 West Nile type which is pretty A-typical as
8 opposed to your typical mosquitoes as far as
9 carrying the West Nile Virus. We don't hear
10 about those as much anymore. I don't believe
11 that it's a huge problem in stormwater
12 management.

13 MR. ZEE: We would have no objection to
14 putting a reserve item in the budget and if
15 there is a necessity brought up, we can have
16 money set aside on an annual basis for those
17 hockey pucks, as you say. If it's necessary
18 and we make a determination by the Town -

19 MR. GRANT: There was something to that
20 effect in one of the DEC's correspondence with
21 mitigation that there should be some money set
22 aside for issues such as that.

23 MR. ZEE: I'm sorry. I was just advised
24 by our DEC wetlands individual that DEC
25 specifically put a deed restriction against

1 using pesticides.

2 FROM THE FLOOR: I have a question. Are
3 the basins within the deed restriction area?

4 MR. GANNON: I don't want to go on the
5 assumption that it's going to be a problem. I
6 just want to find a level of comfort to the
7 folks that could be affected.

8 MR. ZEE: Right, and we're saying that we
9 can put it in the budget because it's not in a
10 DEC restricted area.

11 CHAIRMAN O'ROURKE: Do we have all that
12 written down?

13 With that said, with those
14 conditions - Mike, you want to try to read
15 those back?

16 MS. JARVIS: Jane Jarvis,
17 422 Baker Avenue. These ponds were not in the
18 original drawings when Mr. Sipperly brought it
19 up.

20 CHAIRMAN O'ROURKE: Yes, they were.

21 MS. JARVIS: Well, we didn't see them.
22 Maybe it was with the colors and such. I don't
23 know. Why would we have to add two ponds for
24 three or four houses? That doesn't seem fair
25 to us. It just seems as though we're getting

1 the short end of the stick on Baker Avenue for
2 everybody concerned. Everybody else seems to
3 be getting what they want. It doesn't seem
4 fair to us. We have to live there. We have to
5 put up with the mosquitoes because DEC says
6 that they cannot put this in -

7 CHAIRMAN O'ROURKE: No, they just
8 clarified that.

9 MS. JARVIS: But it's not fair to us on
10 Baker Avenue. What are we? The whimps of the
11 Town? We don't seem to be able to get
12 anywhere. We have to put up with the landfill
13 a few miles from us. We have a whole lot of
14 things that we have to put up with, but all
15 these other developments - it's fine for them.
16 We pay our taxes, too. We have been there for
17 over 40 years. Why do we have to put up with
18 two ponds? It's not fair. You wouldn't want it
19 in your backyard either. I'm sorry.

20 MR. JARVIS: We pay the highest taxes on
21 Boght Road, right now. Now we have to put up
22 with all of this. It's not fair to us. Bring
23 my taxes down and I won't complain.

24 CHAIRMAN O'ROURKE: I'm making a motion.
25 Mike, can you read those back?

1 MR. LYONS: Sure. The motion will include
2 addressing the outstanding issues of the
3 July 6th Barton and Loguidice comment letter,
4 the homeowners association buffer notices and
5 the covenants and restrictions to include to
6 run with the land as noted by counsel, which
7 also will be reviewed prior to filing in the
8 Town Clerk's office. The developer will pay to
9 maintain through the HOA, the emergency access
10 and gated access, as well as including the HOA
11 homeowners association which is an item also
12 for the mosquito treatment, if necessary.

13 CHAIRMAN O'ROURKE: With that said, I'd
14 like to make that motion to approve.

15 MS. VAIDA: I just want to clarify when
16 you're talking about the restrictions; we're
17 not limiting them to the ones that you just
18 mentioned. It's all restrictions and
19 conditions that have come about throughout
20 this project.

21 MR. GRANT: The whole document would need
22 Town approval.

23 MS. VAIDA: Apparently, they were in the
24 findings that are dated June 2010 - some
25 amendment to them.

1 MR. GRANT: Those amendments have been
2 made. They are in the packets. They are
3 including the three amenities of the bird
4 houses, the community garden, and the
5 playground. It's been added in their packets.

6 CHAIRMAN O'ROURKE: So that is the
7 motion.

8 Do I have a second?

9 MR. LANE: Second.

10 CHAIRMAN O'ROURKE: All those in favor?

11 ***(Ayes were recited.)***

12 MS. TOMMASINI: Excuse me, I have a
13 question -

14 CHAIRMAN O'ROURKE: I'm sorry, we have
15 already voted - we are voting now.

16 MS. TOMMASINI: So, it's okay -- I
17 question the whole integrity of this whole
18 process. They have lied today saying that he
19 met with us four times and you questioned it.
20 What happens to me on Baker Avenue? They have
21 not given me an option of whether or not they
22 want to purchase that land at all.

23 CHAIRMAN O'ROURKE: Ma'am, this is the
24 11th hour.

25 MS. TOMMASINI: I've been doing this

1 since 2008. It's not the 11th hour. I have
2 documentation from 2008. He has not been
3 complying with anything that the Boards have
4 been saying. That's okay?

5 CHAIRMAN O'ROURKE: Ma'am, they have
6 complied with what the Board asked.

7 MS. TOMMASINI: No, they still have
8 10 feet and a fence. That was the last thing
9 that they said and Supervisor Mahan had said
10 that he had to come to an agreement with
11 Mr. Jarvis and Mrs. Tommasini. He never did.

12 CHAIRMAN O'ROURKE: Then you have to
13 speak to the Supervisor. I wasn't privy to
14 that.

15 MS. TOMMASINI: He has lied. Let me
16 decide whether or not their market value where
17 he wants to give me for that piece of land is
18 fair, or I'm going to keep it with a ten foot
19 fence. That would be fair for me. I didn't
20 even have an option.

21 CHAIRMAN O'ROURKE: Ma'am, this Board
22 isn't always going to please everybody all the
23 time. Unfortunately, what this Board has to do
24 is it has to treat people with reasonable
25 expectations. You pay taxes on the property

1 that you own. They are not encroaching on the
2 property that you own or pay taxes on. They're
3 not encroaching upon you.

4 MS. TOMMASINI: And those other people
5 didn't need a 50 foot buffer. They could have
6 butted right up against the property.

7 CHAIRMAN O'ROURKE: Ma'am, you'll get the
8 ability to use the community garden.

9 MS. TOMMASINI: I don't want to use the
10 community garden. What are you giving to me?
11 You gave Hunters Run a 50 foot buffer when
12 they could have butted up against their
13 property as well and they didn't.

14 CHAIRMAN O'ROURKE: Ma'am, that's it.
15 All those in favor?

16 ***(Ayes were recited.)***

17 CHAIRMAN O'ROURKE: All those opposed?

18 MR. SULLIVAN: Nay.

19 CHAIRMAN O'ROURKE: You have your final
20 approval. Good luck gentlemen.

21

22 ***(Whereas the proceeding concerning the above***
23 ***entitled matter was concluded at 8:46 p.m.)***

24

25

CERTIFICATION

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2
3
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 -----
15 ***NANCY STRANG-VANDEBOGART***
16
17

18 ***Dated September 7, 2010***
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25