

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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5 ARCHMONT KNOLLS PHASE 5  
6 REVIEW AND ACTION ON FINAL PLAN  
7 (CONTINUED)  
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9 THE TAPED AND TRANSCRIBED MINUTES of the above  
10 entitled proceeding BY NANCY STRANG-VANDEBOGART  
11 commencing on November 16, 2010 at 7:06 p.m. at  
12 the Public Operations Center 347 Old Niskayuna  
13 Road, Latham, New York 12110

10

11 BOARD MEMBERS:

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

17

18 Also present:

19 Joe LaCivita, Director, Planning and Economic  
20 Development

21 Brad Clark, Barton & Loguidice

22 Victor Caponera, Esq.

23 Melissa Courier, C.T. Male

24 Paul Scampini

25

1                   CHAIRMAN O'ROURKE: First on the  
2 agenda this evening, we have Archmont  
3 Knolls Phase 5, Champagne Court and  
4 Fort Vaux Lane. This is a continuation of  
5 a public hearing from October 12<sup>th</sup>. It's a  
6 32-lot residential subdivision and they're  
7 looking for review and action on the final  
8 plan.

9                   Before we do get going on that  
10 project, if there is anybody here for the  
11 Alice Avenue project? That project was  
12 tabled and will be heard December 7.

13                   Mr. Caponera, you're up.

14                   MR. CAPONERA: Thank you Mr. Chairman  
15 and members of the Board. As the Board  
16 knows, on the 12<sup>th</sup> of October we were  
17 before this Board seeking action on final  
18 approval.

19                   At that time your TDE, Brad Grant,  
20 from Barton and Loguidice commented about  
21 certain suggested changes to previously  
22 and conceptually approved plans for this  
23 32-lot subdivision. This is the final  
24 phase of Archmont Knolls. One of the  
25 comments that was made was the Town has

1 revised its standards in terms of the  
2 roadway. For years the Town has always  
3 required a 36 foot width road. The Town  
4 has changed its requirements on that to a  
5 32-foot road. The requirement, or the last  
6 suggestion from Brad, was that when we  
7 designed the road from a 36 to 32.

8 Another comment that was raised with  
9 that since we had concept on this in  
10 2002 - there have been changes to the  
11 stormwater rules and regulations. What  
12 that means is you need to account for more  
13 water and heavier storms, and for more  
14 storms. Really what that meant was that it  
15 needed to be engineered - or reengineered,  
16 basically. So with the help of Brad Grant,  
17 C.T. Male, Melissa Courier and of course  
18 Jim Houston - he is the water guy like  
19 Brad Grant - they worked tirelessly on  
20 this since our last appearance which was  
21 about a month ago on the 12th. We have now  
22 revised, reworked and reengineered these  
23 32 lots down to a 32-foot width road, as  
24 well as reworked all the stormwater to  
25 contend with the new and current standards

1 that are required by the Town. The only  
2 thing that needed to be looked at between  
3 that and now and of course I'm sure that  
4 Mr. Grant will speak to one of those  
5 issues -- and assuming that Mr. Grant is  
6 satisfied and the Board is favorable in  
7 its consideration of this application.

8 CHAIRMAN O'ROURKE: Thank you,  
9 Victor.

10 Brad?

11 MR. GRANT: We have had actually two  
12 comment letters. The first one is dated  
13 October 18th which resulted in the  
14 redesign of not the entire subdivision,  
15 but essentially a law was changed because  
16 of the road width. It was a move in the  
17 right direction. Again, I wouldn't do that  
18 in the middle of the other four phases  
19 before but with this phase it made sense.  
20 Thirty-two foot is still a good road and  
21 we just didn't need the extra pavement  
22 width. It only results in more  
23 stormwater.

24 We did have some concerns about the  
25 pipe sizing on some of those, and I've

1           gone through the resubmission. A couple of  
2           the times we did a lot of back-and-forth,  
3           digitally. I have reviewed the plans and  
4           am generally satisfied that the pipe sizes  
5           have increased - particularly down near  
6           lot six where the stormwater management  
7           basin is on Fort Vaux Road. It pretty much  
8           stayed consistent. There were some under  
9           drain's that were added. There's one more  
10          than I'd like to get on there. It was  
11          something that was missed, but it's not a  
12          big deal. These soils are generally clay.  
13          There are potential for springs and  
14          groundwater at the intersection.

15                 A lot of the rework had to do with  
16          the new stormwater free design standards  
17          with the 4.5 inches to the 10 year, and  
18          the 6.2 inches for the hundred year. That  
19          changed essentially the grading necessary  
20          in the storm water basin. It's still going  
21          to have four bays. It's still going to  
22          have the sand filtration system. There is  
23          some more detail on that, but the answer  
24          was is that they have to go deeper with  
25          the bases. The foot print people built

1           around this. There wasn't room to go out  
2           longitudinally. There was room to go down  
3           vertically. That added necessary volume.  
4           That, and some weirs and essentially some  
5           of the existing pipes will be removed  
6           within the basin. It does a similar job  
7           and I'm satisfied with the numbers.

8                     There are just a couple of things and  
9           I would like to reiterate other some other  
10          comments that I'd like to see on the plan.  
11          I did give the option to revise to a  
12          6 inch and 8-inch pipe for the filter. It  
13          was a 4 inch. Looking through the DEC  
14          design standards and we have a nice wintry  
15          climate up here, they do encourage the  
16          8-inch pipes. So, I'd like to go with the  
17          8-inch pipes.

18                    CHAIRMAN O'ROURKE: And that is the  
19          under drain?

20                    MR. GRANT: Yes, that is for the sand  
21          filter. They will be less prone to  
22          freezing and there will be more filter  
23          area. That's a good thing.

24          The Gabion wall - I didn't talk about this  
25          a lot. I've done this before with

1 Gabions - there are those rock filled  
2 cages. They won't win any aesthetic  
3 awards, but they serve a purpose to  
4 separate the different cells and storm  
5 water and the modest footprint. I would  
6 like to see those developed with filter  
7 fabric. What that does is a keep some of  
8 the settlements in the four bay and out of  
9 the filter. The filter is the most  
10 sensitive treatment device that is  
11 proposed here and you really should not be  
12 constructed until all the infrastructure  
13 is that. National Grid has done their  
14 regular deal getting in and out of there.  
15 We have green grass and we are getting a  
16 sediment flow to the sand filter.

17 For easement number two - it's a safe  
18 backyard catch basin with 18A. Like we did  
19 with catch basin side effects, I'd like to  
20 see another drain with that. It's just an  
21 opportunity to pick up groundwater.

22 CHAIRMAN O'ROURKE: Mike?

23 MR. SULLIVAN: I have one question on  
24 the diversion structure - number four.  
25 It's in between catch basin 30 and the two

1 basins. Can you explain how that will  
2 work? There are two cells and there's an  
3 18-inch outlet and a 48-inch outlet.

4 MR. GRANT: The 18-inch lead is  
5 intended to take the water quality and put  
6 it into a four bay as a pretreatment and  
7 it will go toward the sand filter. That  
8 diversion structure is aptly named. The 48  
9 inch around is - when you get those storms  
10 that are above that level, instead of  
11 going and settling in those two areas, it  
12 will bypass that and go over to the  
13 detentions. That's where both of those  
14 cells will overflow to. That will be the  
15 drive portion of the basin and used for  
16 free flow attenuation.

17 MR. SULLIVAN: In the 48 inch - the  
18 one that's going to the lower  
19 basin - that transitions to a 24-inch pipe  
20 at a manhole? I mean, it goes from 48 inch  
21 to a 24 inch? I was just wondering how  
22 that would work.

23 MS. COURRIER: It is a 48 inch.

24 MR. SULLIVAN: I was just wondering.

25 MS. COURRIER: I noted everywhere



1 else except on this one section.

2 MR. SULLIVAN: It's 60 and 60A.

3 I was wondering what was on the ends  
4 of those pipes. How is that handled?

5 MR. GRANT: It's a flared section  
6 which is basically the a premade device of  
7 metal that does exactly that. It flares  
8 players out from a 48-inch round to in  
9 this case could be pipe, and after that -

10 MR. SULLIVAN: Is there any sort of  
11 grading to prevent kids from getting into  
12 them?

13 MR. GRANT: The fence around the  
14 structure is intended to keep kids out of  
15 their.

16 MR. SULLIVAN: I'm just worried about  
17 kids getting into that. That's 48 inches.

18 MS. COURRIER: The Town has asked us  
19 before we got here about the fence, and  
20 the retention pond is all around that  
21 area.

22 MR. SULLIVAN: Thank you, that's all  
23 I had.

24 CHAIRMAN O'ROURKE: Lou?

25 MR. MION: I have nothing thank you.

1 MR. ROSANO: What is the height of  
2 that fence around the detention pond?

3 MS. COURRIER: It's 6 feet.

4 MR. ROSANO: What is likely to be  
5 composed of?

6 MS. COURRIER: It's a chain-link  
7 fence.

8 MR. ROSANO: Is there going to be any  
9 date on it?

10 MS. COURRIER: There's going to be  
11 gates on it for access for maintenance.

12 MR. ROSANO: Okay, thank you.

13 CHAIRMAN O'ROURKE: I have only one  
14 question. This is the updated SWPPP? Is  
15 that going to meet what goes into effect  
16 in April with regard to the requirements?

17 MR. GRANT: For the green  
18 infrastructure?

19 CHAIRMAN O'ROURKE: Yes.

20 MR. GRANT: What they want is a  
21 consideration towards the green  
22 infrastructure. I would think that this  
23 would have some grandfathering in and that  
24 it has some prior approvals. There isn't a  
25 lot of green in terms of structure and

1 choices here, although the clay soils are  
2 not a consideration here.

3 CHAIRMAN O'ROURKE: I just want to  
4 make sure, because the developer has a  
5 right to know now what they're going to  
6 fall under that. I have asked those  
7 questions and they haven't been answered  
8 sufficiently to me.

9 As I say, the most powerful man in  
10 the Town of Colonie is John Dzialo.

11 MR. LACIVITA: C.J., I did ask John  
12 that question. I asked that question  
13 because we have a project coming in for  
14 DEC now. I asked which way he was planning  
15 based on the fact that the approval  
16 process is sunseting. Any project coming  
17 into the Town at this point, he is asking  
18 them to design to the new standards. But  
19 if the project receives approval prior to  
20 the sunseting timeframe, he is going to  
21 review them under the existing law as we  
22 see it now. So that, I did get a  
23 definitive answer from the last meeting. I  
24 met him last Tuesday.

25 CHAIRMAN O'ROURKE: So at what level

1 of review? This doesn't affect you guys,  
2 but for the Board's knowledge

3 MR. LACIVITA: Any project coming in  
4 at this point - again it was a young  
5 project coming in at the DEC level and  
6 that is going to be designed toward the  
7 new standards coming into play on March  
8 1st. Anything received from a project with  
9 final approval to the end of this fiscal  
10 year, is going to be reviewed as to the  
11 old regulations.

12 CHAIRMAN O'ROURKE: So the end of the  
13 year.

14 MR. LACIVITA: Yes. Anything after  
15 that point -- and he's already had  
16 conversations with DEC and they have  
17 deferred to the local municipality.

18 CHAIRMAN O'ROURKE: And that's all.

19 Counsel, did you have anything on  
20 Archmont?

21 MS. VAIDA: No.

22 CHAIRMAN O'ROURKE: The agreement  
23 with the homeowner Mr. Scampini -- has  
24 that been submitted Victor? Do you have a  
25 copy of that?

1 MR. CAPONERA: It's not an agreement  
2 with Mr. Scampini.

3 CHAIRMAN O'ROURKE: With the Town in  
4 regard to Mr. Scampini's property in  
5 Phase 3

6 MR. CAPONERA: We touched upon this  
7 last month. C.T. Male worked on the  
8 stormwater projects and it would've had to  
9 been approved by Brad in terms of the  
10 work. The Town has agreed that they're  
11 going to provide for the piping. According  
12 to Mr. Neely, it has been ordered and is  
13 on-site. The structures are now being  
14 ordered and my client has agreed to solve  
15 this. The bottom line is that because of  
16 the lateness of the year, we didn't want  
17 to start it now because it's clay there  
18 and it would be a mess. Also, you have to  
19 go under the road, which is Cambrai Drive.  
20 We have committed to commit to do this and  
21 finish it before June 1<sup>st</sup>.

22 CHAIRMAN O'ROURKE: Joe, in your  
23 conversations with Mr. Scampini Pini, does  
24 that timeframe work? His daughter was  
25 getting married.

1           MR. LACIVITA: They have an event in  
2 their yard which is going to be in the  
3 July. He asked if they're mobilizing and  
4 doing site work during the course of the  
5 early part of the year - before first  
6 frost or whatever. They need to get a  
7 grasp on the ground, so to speak, so they  
8 can have a good backyard for themselves  
9 for that event.

10           CHAIRMAN O'ROURKE: So I would  
11 certainly ask - there's goodwill. I  
12 thought you told me at the October 12th  
13 meeting that those basins were already  
14 ordered.

15           MR. CAPONERA: I didn't indicate they  
16 were ordered. I indicated they were being  
17 worked on. At the October 12th meeting we  
18 really didn't get a final sign-off from  
19 Brad until about 10 days later.

20           CHAIRMAN O'ROURKE: Again, I'm not  
21 looking for anyone to tie up their money  
22 over the winter.

23           MR. CAPONERA: They're going to be  
24 ordered now. What I'm saying is they will  
25 be placed on-site and they could be

1 sitting there during the winter months.  
2 They are in the process of being ordered  
3 now. It was a discussion over the last few  
4 days between the square structure in the  
5 circular structure. My client is using the  
6 smaller square and Brad is okay with that.  
7 That's what they're doing right now.

8 The bottom line is my client is  
9 committed to doing this. He is redoing it.  
10 We have an agreement in place. The Town is  
11 signed-off on it. And I just want to put  
12 on the record that it will be done - the  
13 whole stormwater issues - it will be done  
14 by June 1, 2011.

15 CHAIRMAN O'ROURKE: What I'd like to  
16 make contingent upon that is that the  
17 gentleman's backyard that were  
18 interrupting - if we decided - whatever  
19 needs to be done for him to have his  
20 event, it was no fault of his. Let's make  
21 sure that he's taking care of in regard to  
22 this.

23 I will make a motion to accept  
24 contingent upon the work in this area  
25 being completed by June 1<sup>st</sup>, in addition to

1 any comments the TDE has in regards to the  
2 stormwater or outstanding small items that  
3 are mentioned in the plan be followed.

4 Did I miss anything?

5 MR. ROSANO: What process are we  
6 going to use to make sure that Mr.  
7 Scampini is satisfied with the end result  
8 here?

9 CHAIRMAN O'ROURKE: I think there's  
10 been goodwill here and certainly if  
11 Mr. Caponera - if it's not done by June  
12 1<sup>st</sup>, I know were Mr. Caponera lives. I'll  
13 pay him a visit.

14 MR. ROSANO: That works for me.

15 MR. GRANT: You had mentioned. And  
16 they have one of the nicest areas. It's  
17 beautiful. It's not an impossibility to  
18 cut the Sod and place it over the area.  
19 That's not an impossibility before June. I  
20 would encourage that for his yard.

21 CHAIRMAN O'ROURKE: Do I have a  
22 second or not?

23 MR. ROSANO: I'll second.

24 CHAIRMAN O'ROURKE: all those in  
25 favor?



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

CHAIRMAN O'ROURKE: opposed?

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

CHAIRMAN O'ROURKE: Good luck. Thank  
you.

***(Whereas the proceeding concerning the  
above entitled matter was adjourned at  
7:23 p.m.)***

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**CERTIFICATION**

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

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**NANCY STRANG-VANDEBOGART**

**Dated February 11, 2011**