

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 THE PROPOSED NORTHERN PASS SUBDIVISION
5 585 OLD LOUDON ROAD & 1226 LOUDON ROAD
6 SKETCH PLAN REVIEW
7 *****

8 THE TAPED AND TRANSCRIBED MINUTES of the above
9 entitled proceeding BY NANCY STRANG-VANDEBOGART
10 commencing on December 7, 2010 at 7:01 p.m. at the
11 Public Operations Center 347 Old Niskayuna Road,
12 Latham, New York 12110

13 BOARD MEMBERS:

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

22 Also present:

- 23 Joe LaCivita, Director, Planning and Economic
24 Development
- 25 Lynn Sipperly, Sipperly and Associates
- Joe Grasso, Clough Harbour and Associates
- Michael C. Magguilli, Esq., Town Attorney

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1 CHAIRMAN O'ROURKE: First on the agenda
2 this evening we have Northern Pass, which is a
3 change. It's actually Mr. Sipperly that will
4 be presenting the PDD. The location is
5 586 Old Loudon Road and 1226 Old Loudon Road
6 as this is a sketch plan to the Board.

7 Anybody in the audience that may have
8 looked on the website and may have been misled
9 in terms of two different subdivision plans,
10 this is actually a PDD that Mr. Sipperly will
11 present.

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

13 The evening we have a sketch plan for the
14 Planning Board to review and comment on for a
15 PDD for Northern Pass Planned District
16 Development.

17 This property has been before the
18 Planning Board - I believe it was January 26th
19 of this year. At that time we had proposed
20 some office commercial apartments and twin
21 town homes. This is just with regard to what
22 the property consists of in this proposed
23 development.

24 The property is a five acre parcel of
25 land. It consists of two parcels;

1 586 Old Loudon Road and 1226 Loudon Road,
2 which is Route 9.

3 This was the former property line between
4 the two parcels (Indicating). This parcel was
5 approximately 15 acres. This property here is
6 about 35 acres (Indicating). The first parcel
7 was in a split zone. The zoning line is
8 internal to this property.

9 We were proposing some office and
10 apartments in the office residential zone, and
11 single family twin homes on the back end.

12 In our presentation there were a lot of
13 issues that were raised not only by this
14 board, but by DOT. In order to use this office
15 residential parcel, we needed multiple
16 accesses to Route 9. DOT wasn't too excited
17 about that. They wanted us to have only one
18 access point and to connect other uses to this
19 road into this development. We also had the
20 wetland delineation refreshed for the
21 property. We have it on this map here
22 (Indicating), which also indicates to us that
23 there is a lot of developable area in the
24 office residential portion of the project.

25 The wetlands are kind of outlined with

1 this green line and the pattern of the
2 wetlands is in this location here
3 (Indicating). There are wetlands here as well.
4 There are a couple of isolated wetlands on the
5 westward part of the site.

6 With the wetlands on this office
7 residential area, it doesn't leave a lot of
8 land left for development. Also, that was
9 compounded with the statutory requirements of
10 commercial buildings within 100 feet of
11 residential zoning district lines. So what it
12 did is take this line here and for building
13 purposes, it moved it in 150 feet. When you
14 take that into consideration plus the parking
15 that's required, the building that we got with
16 regard to office space wasn't really feasible.

17 So, we put this plan together for a PDD.
18 There are 96 condominium units. There are four
19 units per building. There is a combination of
20 24 buildings. We also have a small community
21 building in this area here of about
22 3,000 square feet (indicating). We have the
23 tennis courts. We have proposed one roadway to
24 go off of Route 9 at Plank. The second roadway
25 is south. That's Santanoni Drive.

1 Part of this plan here is also to provide
2 an emergency egress access which also serves
3 as a multi-use path connecting between the end
4 of Santononi Drive at this location here
5 (Indicating), going back to Old Loudon Road.
6 This is proposed as an emergency
7 egress/ingress only. It's reducing width. It's
8 a 25-foot roadway. We propose that it come out
9 to Old Loudon Road with a Knox Box so that
10 emergency vehicles can have access from this
11 roadway and they could get through the gate
12 and access the site.

13 What's also proposed in his plan is all
14 of the roadways will be private. There are no
15 Town roadways proposed in this development.
16 The homeowner's association will be
17 responsible for the roadway maintenance and
18 plowing.

19 We do propose to install town water. We
20 would build it and construct it to the Town of
21 Colonie standards and specifications internal
22 to the Town. What we are proposing here is
23 that these roadways will have a 50-foot
24 highway right of way and a 50-foot utility
25 right of way. That would encompass water and

1 sewer.

2 In keeping with the Latham Water District
3 requirements, the water system would be looped
4 so that it would have circulation for
5 development.

6 There is sanitary sewer located in the
7 Mohawk Bike Path, which is on the northern
8 boundary of the property. This sewer is a
9 pressure sewer right now. We would construct a
10 sanitary sewer within the development and it
11 would be a gravity sanitary sewer up to this
12 point here (Indicating). At this point here we
13 will have pump stations and it will push the
14 sewage to the force main. The pump station is
15 not lower than the sanitary sewer. We're just
16 pushing against the pressure system.

17 The property slopes westerly from this
18 point here (Indicating), but also slopes
19 easterly. In this area where the wetlands are
20 and in the rear of these existing homes, the
21 properties that are on Route 9 - it's kind of
22 like a little valley. The land slopes downward
23 from Route 9 going west and then it slopes
24 back up. We're proposing development at the
25 top of the knoll and then downwards.

1 There is also a 25 to 30 foot line that
2 is behind the residences. Beyond that line
3 would be all homeowners associated lands. That
4 carries both on the west side of the site and
5 southerly and the eastern side of the site.

6 The property is approximately 50.5 acres
7 and we have approximately 34.5 acres of open
8 space land. This is preserved in its natural
9 environment and habitat.

10 The amenities that are proposed are the
11 community building, some tennis courts, and
12 some parking. It's constructed so that people
13 can drive down and hopefully they would walk
14 down or use a bicycle.

15 This is the Mohawk Bike Trail. We are
16 proposing a connection through the development
17 to connect to Old Loudon Road. Part of it
18 would be the multiuse path at this location
19 here with the egress/ingress (Indicating). A
20 portion of it would be sidewalk along these
21 areas here.

22 We have reviewed the comments from Clough
23 Harbour and Associates. One observation is
24 that this land now would not have any
25 opportunity for commercial property. I think

1 that what we have determined and what we have
2 proposed is the wetland lines in this area
3 have changed. The open space area that was
4 available for development has decreased in
5 size, reducing the size of a potential
6 commercial development.

7 We also had some previous office
8 buildings at Route 9. We were forced to move
9 the driveway a little way over to one side or
10 the other of this frontage. This really forced
11 us to look at the contour of the land. You can
12 see now with the new wetland lines, we have a
13 lot less footprint to work with in that area.

14 We wanted to choose an alignment that had
15 the least impact on the wetlands. We have an
16 impact to wetlands at this location here
17 (Indicating), and then there would be just a
18 small impact in these areas. Our total impact
19 to wetlands is 1.6 percent.

20 The impact with regard to traffic would
21 be in the a.m. 43 trips. The p.m. would be a
22 little bit higher at 50 trips during the peak
23 hour.

24 We're proposing that the condominiums
25 provide a benefit to the residents of the Town

1 in that this is really an affordable housing
2 project. When I say affordable housing, it's
3 not subsidized. It's affordable for young
4 people, or young professionals, senior
5 citizens, empty nesters or divorced people.
6 We're looking at low initial cost and low
7 maintenance fees to maintain the grounds.

8 That's what we are proposing and this
9 again is a sketch plan. We're looking to the
10 Board to help us to see if there is an
11 improvement in the plan and if the plan is
12 acceptable. I know that we need to do more on
13 the water and sewer lateral connections, and
14 treat the storm water management as far as
15 where the storm water areas will lie. At this
16 point we're really looking to the Board for
17 direction on the sketch plan. This concept is
18 superior to what we previously proposed,
19 particularly with regard to our impact to
20 wetlands.

21 CHAIRMAN O'ROURKE: Thank you.

22 Joe?

23 MR. GRASSO: We issued a comment letter
24 on March 19th. I'm going to go through most of
25 the items in the letter.

1 Lynn had stated the last time that this
2 was before the Planning Board was back in
3 January of 2010. This is the first time that
4 it's back before the Board. As Lynn had
5 mentioned, this is basically a new application
6 for consideration by the Planning Board before
7 it was a subdivision and site plan in
8 conformance with the zoning. The current
9 application is going to be for a PDD. I'm
10 going to read through some of our comments.

11 The current submission represents a
12 sketch plan review in order to solicit initial
13 review comments by the Planning Board.
14 According to the Colonie Land Use Law for
15 PDDs, the next step in the process would be
16 for the applicant to make a formal application
17 for establishment of a PDD, which goes to the
18 Town Board. The Town Board, if it so chooses
19 to accept the rezoning request, would then
20 refer the application back to the Planning
21 Board for further review and recommendation.
22 The Planning Board, assuming that it accepts
23 lead agency status, would then complete the
24 SEQRA review and develop written findings that
25 document the facts and information relied upon

1 to reach its conclusion and in rendering a
2 decision on the proposed PDD. That referral
3 goes back to the Town Board who would then
4 consider the legal establishment of a PDD
5 through a zoning district map amendment.

6 After the PDD was established, the
7 project would then actually come back before
8 the Planning Board for review of the detailed
9 site plan, and if necessary, a subdivision for
10 other parcels such as the pump station or the
11 storm water management areas or anything else
12 that the Town felt that a subdivision would be
13 required for.

14 Because the project represents change in
15 the uses of 25 acres of the zoning district,
16 it's actually a Type I action pursuant to
17 SEQRA and a coordinated review is required. So
18 even though the SEQRA review is initiated
19 based on the original application, this is a
20 different application. It now triggers a
21 Type I action where you actually go through
22 involved and list the interested agencies
23 within our review letter. Those include the
24 Town Board, Planning Board, Albany County
25 Planning Board, Albany County Department of

1 Health, New York State DOT and DEC. We assume
2 that the Town Board would desire that the
3 Planning Board be lead agent and undertake the
4 SEQRA review. As such, the Planning Board
5 would need to solicit lead agency status.
6 That's something that we should discuss
7 tonight following a discussion of this with
8 the Planning Board and an updated full EAF is
9 provided by the application. A full EAF is
10 required for Type I actions.

11 The Town Attorney's office would
12 distribute copies of the sketch plan and full
13 EAF to the involved agencies. Again, that's
14 after the original application goes to the
15 Town Board and when it gets referred back to
16 the Planning Board for review.

17 If the application is referred back to
18 the Planning Board in order to adequately
19 evaluate the potential environmental impacts
20 of the project, we recommend that the
21 following supplemental SEQRA related documents
22 be submitted for review. That would include a
23 traffic impact analysis, a wetland
24 jurisdictional determination, or at least up
25 to date correspondence from the Corp of

1 Engineers, preliminary storm water management
2 plan, correspondence from the New York State
3 Office of Parks Recreation and Historic
4 Preservation, some correspondence from the
5 school, and police and fire impacts regarding
6 potential impacts on those services. Also,
7 correspondence from the Town of Colonie,
8 Division of Pure Waters, and Town of Colonie
9 Division of the Latham Water District.

10 We listed information that we would like
11 to see if the application comes back for
12 Planning Board review. Tonight is a good
13 opportunity for the Planning Board to look at
14 that list and if there is additional
15 information that you think that you would need
16 in order to evaluate the impacts of the
17 project, now is a good chance to get those out
18 on the table so that the applicant can be
19 aware and bring those things to us when it
20 comes back to the Planning Board for
21 additional review.

22 The project is in the Boght Road/Columbia
23 Street GEIS study area, and as such would be
24 subject to the mitigation of cumulative
25 impacts and require them to pay their

1 proportionate share of payments in accordance
2 with the current mitigation fee schedule on
3 schools, water, transportation, recreation,
4 park land and park protection.

5 The project site is within 500 feet of a
6 state highway so it's going to require a
7 exception 239 referral from Albany County. We
8 will solicit comments from that agency.

9 Potential traffic impacts from the
10 project should be evaluated through
11 preparation of a traffic impact study that I
12 previously mentioned.

13 The intersection of Route 9 should be
14 coordinated with DOT. We had gotten comments
15 from DOT on the original site plan application
16 and this is generally consistent with their
17 recommendations. However, they did have some
18 additional comments that will need to be
19 addressed as the project goes through the DOT
20 review process.

21 In addition, the Town's Highway Safety
22 Committee previously recommended modifications
23 to Old Loudon Road by eliminating the existing
24 northern intersection of Old Loudon Road with
25 Route 9 and improvement to Old Loudon Road

1 southerly to the existing signalized
2 intersection with Route 9.

3 Other traffic improvement suggests
4 including the addition of acceleration lanes
5 and/or turning lanes on Route 9 at the
6 approach of the proposed site access, and all
7 of those things we think should be looked at
8 as far as the traffic impact study that were
9 provided to us later on in the review process.
10 I'm sure that we'll get comments from the
11 Town's Highway Safety Committee seeing that
12 this is a very different application than was
13 previously proposed, so their recommendations
14 may also change.

15 In terms of the current sketch plan, it
16 doesn't appear to conform to the following
17 design standards for multifamily residential
18 development PDDs in accordance with the Town
19 Land Use Law including the following items:
20 Entry drives to multifamily housing should be
21 designed to create a positive identity for the
22 project. Landscape and site design should
23 frame and distinguish entry drives. That's not
24 something that's readily apparent, but we
25 think that could be easily accommodated into

1 the plan.

2 Visible long and unbroken rows of parked
3 cars or garage doors should not be permitted.
4 Garage door facing the street shall not exceed
5 50 percent of the width of the building.
6 Parking should be distributed throughout the
7 site in ports and garages.

8 Obviously at the sketch plan stage, we
9 don't have a lot of detail to go on, but
10 that's something that we'll need to look into
11 further as the plan gets progressed as well as
12 the building design gets progressed.

13 In no event shall the garage extend
14 beyond the typical area of the house.

15 It didn't appear that requirement was on
16 the map, but it could get addressed as they
17 get into the plans of the actual structures.

18 Services for multifamily development
19 should not be visible from public areas. Trash
20 bins, utility meters, transformers and other
21 service elements should be enclosed or
22 otherwise concealed from view. That's
23 something that could be addressed with
24 additional plan detail.

25 Future project submissions should address

1 the CHA review comments from our January
2 review letter.

3 The following additional comments should
4 be addressed in future planning submissions
5 during the site plan review:

6 The ownership and maintenance of the
7 proposed utilities - the location and design
8 of the sanitary pump station will need to be
9 coordinated with the Town of Colonie Division
10 of Pure Waters in order to maximize the
11 service area and facilities future
12 connections. Water and sewer service would
13 need to be shown. The widths of the proposed
14 emergency access road from Santanoni Drive to
15 Old Loudon Road should be widened to a 20 feet
16 minimum in accordance with the New York State
17 Fire Code.

18 Consultant should verify minimum
19 separation distance between the proposed
20 condominium units to be sure that it complies
21 with the Building Code.

22 Regarding parking - although two parking
23 spaces are proposed for each dwelling unit,
24 which includes one in the driveway and one in
25 the garage, small supplemental parking lots

1 may be warranted throughout the development in
2 order to avoid potential for parking on the
3 street, thereby creating difficulties in
4 maintaining emergency access.

5 Location of one of the storm water
6 management areas may need to be shifted to
7 address storm water from all over the
8 developed areas of the site.

9 A comment that was flushed out during the
10 initial project's review - there was
11 reportedly a history of flooding along the
12 bike path. That will need to be evaluated.

13 Our comment letter also touches on some
14 of the potential benefits of the current PDD
15 proposal when compared to the original project
16 which includes reduction in municipal
17 infrastructure. Obviously, the roads here
18 would be privately owned and maintained as
19 opposed to being turned over to the Town.

20 There are improvements in site access
21 over the original proposal. This basically is
22 more of a cluster type of development which
23 has increased open space and also a reduction
24 in storm water run-off.

25 The plan provides some increased

1 buffering and separation from adjacent
2 properties and it also depicts a reduction in
3 proposed wetland impacts.

4 On the flip side, some of the potential
5 detriments of the current PDD proposal, when
6 compared to the original project, include no
7 commercial land uses currently proposed. They
8 typically have a positive impact on the Town's
9 tax base. This might also result in a greater
10 impact on schools with an additional number of
11 school-aged children, possible reduction in
12 publically accessible open space, and reduce
13 public recreational opportunities and a
14 reduction for public access of water and sewer
15 services.

16 That's where we currently are with our
17 review. Once again, it's just a sketch plan
18 review for some initial comments and the next
19 step would be for the applicant to make a
20 formal application to the Town Board. In most
21 cases, that gets referred back to the Planning
22 Board for more of a detailed concept site plan
23 review and a possible SEQRA determination.

24 CHAIRMAN O'ROURKE: Thanks, Joe.
25 Tom?

1 MR. NARDACCI: I just have a quick
2 question about the wetlands. Sorry, I came in
3 late.

4 Has there been dialogue or correspondence
5 back and forth with the Army Corp?

6 MR. SIPPERLY: Yes, there has. As a
7 matter of fact, they are delineated. The next
8 step that we have is to make application to
9 them for impacts.

10 MR. NARDACCI: Is that something that
11 Clough Harbour has now - that you have
12 referred to them as delineated wetlands.

13 MR. SIPPERLY: I can give you the
14 correspondence that occurred.

15 MR. NARDACCI: The next step would be
16 getting the Army Corp to delineate the
17 wetlands.

18 MR. SIPPERLY: The wetlands are all
19 delineated. In the past, the Army Corps of
20 Engineers gives you a letter of determination.
21 They don't do it any longer. Sometimes they do
22 it and sometimes they don't.

23 MR. NARDACCI: What do you provide to the
24 Town Designated Engineer and at what point do
25 you provide that in regards to wetlands?

1 MR. SIPPERLY: We can provide that right
2 now. We have the wetland map plus the
3 confirmation by the Corp.

4 MR. GRASSO: I'd like to follow up on
5 that.

6 Before the Board makes a
7 determination - not at this step, but another
8 month or two down the road - we would
9 typically look for them to do a wetland
10 delineation. We would like them to at least
11 request from the Corps of Engineers to go out
12 there and have them field verify it, which
13 they will. Sometimes they won't do it during
14 the winter. Sometimes we'll continue a review
15 of the project even without that verification.
16 Fortunately for this project, because it's
17 been going on for a while, they've already
18 verified the boundary - what we look for is
19 that they provide the Town and us copies of
20 the correspondence back and forth to the Corps
21 so that if we see that there are large areas
22 of the site that there is no agreement on
23 whether or not it's a wetland or not, at least
24 we can take that into consideration.

25 Like Lynn said, they won't often issue a

1 jurisdictional determination that basically
2 says, yes, we agree with this wetland
3 boundary, especially when they know that an
4 application is going to be coming in for a
5 wetland disturbance application and that's
6 basically what we're looking at. During this
7 process, as long as Lynn gives us that
8 information, we can use that to support our
9 recommendations. Based on the wetlands, it
10 appears that he's reduced the wetlands as much
11 as practicable. It will still be trying to
12 access the outlying areas of the site.

13 MR. NARDACCI: With regard to the PDD,
14 what are we looking at as far as community
15 public benefits?

16 MR. SIPPERLY: The first one is having an
17 extension of the trail system. We're proposing
18 that it will be accessed through the
19 development all the way down to Old Loudon
20 Road.

21 MR. NARDACCI: How many feet of bike path
22 is that? Just a rough estimate?

23 MR. SIPPERLY: It's probably about 5,000
24 feet.

25 MR. NARDACCI: That's something that you

1 will maintain, or is that something that would
2 have to be in agreement with the Town?

3 MR. SIPPERLY: I think that the
4 homeowners association would maintain it.

5 MR. NARDACCI: And it would remain
6 public, obviously, because that's the purpose.

7 MR. LANE: You might have to have that in
8 the charter. You mentioned that sidewalk and
9 I'm not sure if that's allowable.

10 MR. SIPPERLY: I said that we have a
11 sidewalk for bikes.

12 MR. LANE: I think that you might
13 actually have to have a designated bikeway on
14 the road, or something of that nature.

15 MR. SIPPERLY: We can look at that. The
16 traffic here is really minimal to the
17 development. We can look at that, though.

18 MR. NARDACCI: I think that's a nice
19 positive. It's clearly a public amenity. What
20 else are you proposing?

21 MR. SIPPERLY: There are very substantial
22 areas of natural open space. I mentioned
23 earlier that we have about 50.5 acres of green
24 preserved area.

25 MR. NARDACCI: What's the topography of

1 the 34 acres? What's the elevation?

2 MR. SIPPERLY: The area near the wetlands
3 gets steep.

4 MR. NARDACCI: Is it something that you
5 would envision your residents using for
6 passive recreation, walks in the woods and
7 things like that, or not really?

8 MR. SIPPERLY: It would be a connection
9 to the bike path. I think that it's better to
10 leave it and not disturb it and keep it as a
11 connection to the bike path. I think like any
12 connection or circulation with the residents
13 in this development to a Town Park - it would
14 probably be well served by coming down through
15 this trail way/bikeway.

16 MR. NARDACCI: So you envision the
17 34 acres just being preserved open space and
18 not for nature walks, right?

19 MR. ROSETTI: We offered to give a
20 portion of it to the Town.

21 MR. NARDACCI: Is that something that's a
22 conversation?

23 MR. ROSETTI: There are mixed feelings.
24 Some people want it because it will increase
25 the size of the park, but a few don't want it

1 because they feel that it will increase the
2 liability.

3 MR. NARDACCI: Before the next phase is
4 in consideration, I would like to see some
5 correspondence back and forth with the Town
6 Attorney and the Supervisor's office with what
7 exactly are they feel is appropriate. I think
8 that's the way to go with that.

9 MR. ROSETTI: We had an informal meeting
10 with them and discussed some issues.

11 MR. NARDACCI: From a Town's standpoint
12 we want them to follow-up and get us a new
13 picture of that.

14 Thanks, C.J.

15 CHAIRMAN O'ROURKE: Thanks, Tom.

16 I just want to read into the record -
17 just so the board members understand what the
18 objectives and what the requirements are for
19 somebody to come and ask to be designated as a
20 PDD. There are certain requirements in the
21 land use law. I'd like to read into the record
22 190-66 which is the objectives.

23 "In order to carry out the intent of this
24 article, all approved PDDs shall:

25 A. Provide an adequate and integrated

1 system of open space and recreation areas
2 designed to tie the PDD together internally
3 and link it to the larger community.

4 B. Preserve significant natural
5 topography and geologic features.

6 C. Prevent soil erosion and uncontrolled
7 surface water drainage.

8 D. Preserve and integrate historically
9 significant structures and sites with viable
10 adaptive uses.

11 E. Use land efficiently, resulting in
12 smaller networks of streets and utilities and
13 thereby lower development and maintenance
14 costs.

15 F. If residential in land use, provide a
16 choice in occupancy tenure (e.g., individual
17 ownership, leaseholds, condominiums), type of
18 housing (e.g., detached houses, townhouses,
19 garden apartments), lot size and community
20 facilities available to existing and potential
21 Town residents.

22 G. Use creative design and site planning
23 of a quality that will improve the functional
24 relationships between buildings and uses.

25 H. Produce a development pattern that is

1 consistent with the goals and objectives of
2 the Town."

3 I just wanted to read that in because as
4 part of your presentation, Mr. Sipperly,
5 certainly you're here to get input. Certainly
6 you move forward, all those items have to be
7 addressed in accordance.

8 MR. SIPPERLY: Those various points that
9 a PDD needs to address - I think that five out
10 of six are addressed right now.

11 CHAIRMAN O'ROURKE: What I read said
12 "shall". So with five out of six, there is
13 some work to do.

14 MR. SIPPERLY: Well, the sixth one may
15 not be needed.

16 CHAIRMAN O'ROURKE: There is a whole
17 section that is required in regard to the
18 findings. You'll be in front of the Town Board
19 first and it will be referred to us.

20 Paul?

21 MR. ROSANO: Nothing.

22 CHAIRMAN O'ROURKE: Lou?

23 MR. MION: I don't have anything.

24 CHAIRMAN O'ROURKE: Tim?

25 MR. LANE: I noticed within the minutes

1 of the prior meeting there was a discussion
2 regarding the access to Route 9. Is that still
3 an issue?

4 MR. SIPPERLY: I don't believe that it is
5 an issue. Part of the problem was that access
6 management along Route 9 - when we were going
7 to do the commercial, we had a driveway at
8 this location here (Indicating). We actually
9 had three access points on Route 9. DOT was
10 not happy with that and the Planning Board was
11 not happy with that. That's now been
12 eliminated.

13 MR. LANE: Okay. That's all I had. Thank
14 you.

15 CHAIRMAN O'ROURKE: Mike?

16 MR. SULLIVAN: The only thing that I had
17 was on traffic and that's been addressed in
18 the TDE's comment letter with the traffic
19 impact study. and to take into account the
20 Highway safety Committees' recommendations.
21 So, that was item 8. That's been addressed. I
22 had questions on the PDD as well, but those
23 have been addressed. Thank you.

24 CHAIRMAN O'ROURKE: Peter?

25 MR. GANNON: What's the traffic

1 management going to be coming out of Plank?

2 Will that be just a stop sign coming out?

3 MR. SIPPERLY: Yes.

4 MR. GANNON: I think that it should be
5 something that should be paid attention to in
6 the review process. I think that we discussed
7 this back in January. There were some concerns
8 raised because of the number of access points.
9 With one access point - if anyone has traveled
10 up there, the traffic gets going at a pretty
11 good clip up there. With a 17 or 18-year old
12 trying to make a left turn to head to Saratoga
13 County, their taking their life into their
14 hands.

15 MR. SIPPERLY: It was recommended that
16 there be turning lanes.

17 MR. GANNON: And you're going to be
18 connected up to the signal at Old Loudon,
19 right? There's going to be some
20 interconnectivity?

21 MR. SIPPERLY: This would be our primary
22 entrance of egress, right at Route 9. This is
23 just to provide emergency for some reason the
24 entrance was blocked off.

25 MR. GANNON: The next question that I

1 have might be an Elena question.

2 Because the roads will be private roads,
3 who makes the determination about traffic
4 speed within the development? Is that
5 something that's still set by the Town?

6 MR. SIPPERLY: I think that it would be
7 30 miles per hour.

8 MR. GANNON: I think that because of the
9 density - it seems like the units are packed
10 together pretty closely.

11 CHAIRMAN O'ROURKE: But it's private
12 infrastructure, the police couldn't even issue
13 a ticket.

14 MR. SIPPERLY: I'm not really sure about
15 that.

16 MR. GRASSO: The Town would have no
17 enforcement.

18 CHAIRMAN O'ROURKE: We have no
19 enforcement authority on private property.

20 MR. GANNON: Be that as it may, you guys
21 can do your part to influence the speed in
22 there. Whether or not people catch on after
23 six months or so that they're never going to
24 get a ticket is another story.

25 MR. GRASSO: And the Planning Board can

1 weigh in on what recommended signage they want
2 or whatever they want to post it.

3 MR. SIPPERLY: We don't have any long
4 stretches where people could get up to a high
5 speed.

6 MR. GANNON: That's all I had.

7 CHAIRMAN O'ROURKE: Thanks, Peter.

8 I had a few questions.

9 The school-aged children - you propose 14
10 out of the 96. How is that arrived at?

11 MR. SIPPERLY: For condominium occupancy,
12 it's similar to using apartments. We use the
13 CDRPC and it's estimated that there would be
14 one-tenth of a child per unit. Condominium or
15 town homes -- we just apply that number. It's
16 .02 school-aged children. That's how we
17 calculated that.

18 MR. GRASSO: We had raised that in our
19 comment letter, too, and we should probably
20 talk to CDRPC about it to see if that's
21 consistent.

22 CHAIRMAN O'ROURKE: It seems considerably
23 low.

24 MR. GRASSO: We thought that was very low
25 too.

1 MR. SIPPERLY: We're talking about two
2 bedroom units, probably 1,600 square feet.

3 CHAIRMAN O'ROURKE: So Mr. Rosetti is not
4 going to sell to someone with three kids?

5 MR. ROSETTI: When building a project
6 like this, the common denominator is that
7 people may have children but they're either
8 older or they might not be there all the time.

9 CHAIRMAN O'ROURKE: I just wanted to have
10 it on the record.

11 MR. ROSETTI: I think that the number is
12 accurate. I don't have any statistics to back
13 it up only from what I've built in the Town.
14 They might have children but the children
15 don't live at home. They're older.

16 CHAIRMAN O'ROURKE: The HOA document
17 certainly would have to be provided for
18 counsel to review within the Town. I'm also
19 concerned a little bit with a force to force.
20 Do you know the age of the pump station?

21 MR. SIPPERLY: We would be going to a
22 town force main.

23 CHAIRMAN O'ROURKE: Right, but you want
24 the taxpayers to own the force to force.

25 MR. GRASSO: Actually this force main and

1 pump station would not need to be municipally
2 owned if it only serves this property. That's
3 something that we'll have to look at.

4 CHAIRMAN O'ROURKE: Even if they were to
5 own it, they're still forcing to an owned
6 existing town force main.

7 MR. GRASSO: That's correct. You're
8 right.

9 CHAIRMAN O'ROURKE: Do we know if it has
10 the capacity, the age of the infrastructure,
11 and the impact to the taxpayers that own that
12 infrastructure?

13 MR. SIPPERLY: We have met with the Pure
14 Waters Department and discussed what our
15 options were here. What really happens is this
16 section of sewer is the force main and it
17 operates at a slope.

18 CHAIRMAN O'ROURKE: Where does that tie?

19 MR. SIPPERLY: We can talk to Pure Waters
20 again and discuss it.

21 CHAIRMAN O'ROURKE: The flooding
22 conditions on the bike path area - that's
23 below where you're looking to develop,
24 correct?

25 MR. SIPPERLY: We would need to

1 investigate that. I don't have reports with
2 regard to that flooding. We're not adding any
3 more water to this.

4 CHAIRMAN O'ROURKE: You can't come before
5 us and say look, we're looking for a PDD
6 because we're going to help you with the bike
7 path, but we don't care if it floods.

8 MR. SIPPERLY: Right.

9 CHAIRMAN O'ROURKE: I think that would
10 have to be looked at and evaluated.

11 MR. GRASSO: Someone at the Town DPW
12 brought up the comment and you can see that
13 there are a couple of wetland corridors that
14 cross the bike path.

15 MR. LANE: Don't they have conduits that
16 are under there.

17 MR. GRASSO: They do, but obviously
18 something is plugged.

19 MR. LANE: Well, then that's up to them
20 to fix that. It's not at a low spot.

21 MR. GRASSO: It could be at a low spot,
22 but the culvert could be plugged and work
23 could be required on this project site. So,
24 really, now is the time for us to look at it
25 so that if we need to replace the culvert or

1 clean out a culvert, we can do that partnering
2 with the applicant as opposed to not having
3 the right to go on the property and address it
4 later on.

5 MR. ROSANO: Joe, how long have we known
6 about this flooding?

7 MR. GRASSO: Concept plan was originally
8 proposed back in 2009, but before we came to
9 the Planning Board, it was one of the comments
10 that came out of the Department of Public
11 Works.

12 MR. ROSANO: I may be speaking out of
13 line here, but I think that I would have tried
14 to find out what was going on up there. Over a
15 year's time I would have taken a couple of
16 trips up there to see what was going on so we
17 wouldn't be at this point where we're actually
18 talking about it. I think that I would have
19 tried to get it fixed.

20 CHAIRMAN O'ROURKE: Honestly, Paul, I
21 think that's what the sketch plan is for so
22 that they can take the input.

23 MR. LANE: But to fix the problem that
24 DPW should have fixed a year ago -

25 MR. ROSANO: That's my point.

1 CHAIRMAN O'ROURKE: I agree, but if their
2 intent is to ask this Board and the Town Board
3 to issue them a special zoning area, then part
4 of that may require them to fix an existing
5 problem. I'm not saying that will happen, but
6 certainly that may happen.

7 MR. SIPPERLY: We'll investigate it with
8 DPW and find out what the history or what
9 their knowledge is.

10 CHAIRMAN O'ROURKE: I think that it was
11 brought out in the January meeting that the
12 culverts were 30-inch culverts and probably
13 should be four foot.

14 MS. VAIDA: I have a question to ask of
15 Joe Grasso. I wasn't here for the beginning
16 and I apologize. You were talking about the
17 roads being privately owned right now and not
18 deeded over to the Town. I didn't see it under
19 the planned development district for an
20 exception to that rule. I know that there is
21 an exception for conservation subdivisions.

22 MR. GRASSO: I think because it's allowed
23 because it's a condominium project -- the
24 individual owners own their unit and all the
25 common land. It's owned by an HOA.

1 MS. VAIDA: For conservation
2 subdivisions, that's exactly what it says.

3 "If deemed appropriate by the Planning
4 Board, it will be maintained by the homeowners
5 association or condominium association
6 provided that each lot owner has an initial
7 interest in the streets by virtue of
8 membership in the association."

9 I haven't found anything to know if there
10 is any authority of not deeding the streets
11 over to the Town.

12 MR. SIPPERLY: This is a condominium
13 development where we have a homeowners
14 association owning all the open spaces and the
15 common areas -

16 MS. VAIDA: I think that we're going to
17 have to look into that because I'm not sure
18 that we can do that without researching it.

19 MR. NARDACCI: Elena, on the agenda
20 tonight it says PDD but on the agenda it has
21 conservation subdivision.

22 MS. VAIDA: The agenda was changed.

23 MR. NARDACCI: Got it.

24 MS. VAIDA: There is no conservation
25 overlay anymore.

1 CHAIRMAN O'ROURKE: I sent out some
2 information that was misleading.

3 MR. SIPPERLY: The property is in a
4 conservation overlay zone. We are looking at
5 also the conservation overlay requirements as
6 they also apply.

7 MS. VAIDA: So I guess the question is
8 whether that meets the definition of a
9 conservation subdivision. Would that be an
10 exception?

11 CHAIRMAN O'ROURKE: Also, whether or not
12 an area within a conservation overlay can then
13 be changed to a PDD.

14 MR. GRASSO: I think that's a legal
15 question. Once you get into a PDD stage and
16 you change the zoning, I thought that if it
17 was a condominium type project then all of the
18 infrastructure and roads can be private and
19 owned by one private entity and then from a
20 public road access which would otherwise -

21 CHAIRMAN O'ROURKE: That might be the
22 case, Joe, but before Mr. Rosetti spends a ton
23 of money, he should know the legal part of it.

24 MS. VAIDA: I'll just have to look into
25 that.

1 MR. GRASSO: I think that we can look at
2 other town projects that are improved as a PDD
3 that have similar arrangements.

4 CHAIRMAN O'ROURKE: And the last thing
5 that I would just like to bring up is under
6 the required findings.

7 " That the PDD add to the long-term assets
8 of the community and will not erode the
9 livability or the economic viability of
10 existing neighboring areas."

11 I think that there would have to be some
12 more substance to me, in terms of what the
13 benefit to the town - that your PDD provides.
14 I mean, we've seen before a community garden,
15 park areas. We didn't mention the natural
16 habitat area -

17 CHAIRMAN O'ROURKE: But it's in a
18 conservation overlay, so you're going to be
19 required, no matter how you develop it, to
20 provide that. I think that the law, as I read
21 it, is looking for something extra - a benefit
22 to the community to allow you to go to this
23 zone. That's my opinion as one person on the
24 Board.

25 MR. SIPPERLY: Do you want us to try to

1 explain that this evening?

2 CHAIRMAN O'ROURKE: No, I'm just giving
3 you input so as you go forward, because I just
4 think that at some point you're going to have
5 to prove that to get the zoning requirement
6 that you're looking for.

7 The last thing is that I would have to
8 agree with Peter. I'm a little concerned that
9 the access on Route 9 for this type of
10 development - I'm a little concerned with.

11 MR. SIPPERLY: We can do that, too. We'll
12 get some feedback from DOT about their costs.

13 MR. NARDACCI: C.J., I have a follow-up
14 question.

15 Does anyone on the Board have an
16 interest -- I'm just wanting to throw out this
17 idea of 34 acres that may be available for
18 some sort of passive recreation or trails. Is
19 that space conducive to that?

20 MR. SIPPERLY: Yes.

21 MR. NARDACCI: Is that something that you
22 would consider?

23 MR. ROSETTI: We would consider anything.
24 I think that what we're trying to do is get a
25 reading from the Board that this is something

1 that you're amendable to. If you don't like
2 the concept of it, it doesn't make a different
3 if I put in all kinds of parks in - we want to
4 get through the first stage of do you like it?
5 Is it something that you want? Then, we can
6 look at these things.

7 MR. NARDACCI: I think that part of it is
8 that when you look back at some other projects
9 that come in as PDDs and the ones that have
10 worked really well, they are the ones that
11 have something unique - some unique attribute
12 that they're offering the Town. This is just
13 my opinion and my thoughts. There are a lot of
14 areas in the Town that are wooded that are
15 available for people -- we have the bike trail
16 and we have the Crossings and we have paved
17 walkable areas, but there are a lot of passive
18 trail systems.

19 MR. SIPPERLY: The issue becomes who is
20 going to maintain them and take care of them?
21 The Town certainly doesn't want to pay for it
22 and certainly the homeowners association is
23 not going to want to do that, but it's
24 something that we can look at.

25 Certainly, one of the biggest public

1 benefits is that we were going to have similar
2 density whether it was office spaces,
3 apartments, townhouses -- the units that we
4 have here, the Town doesn't have the
5 responsibility of plowing or maintaining those
6 roads. That's a huge burden off the Town.
7 That's huge. That's something that when we
8 formally met, it was something that was asked.
9 Can you own this? Can the homeowners take care
10 of it because the Town doesn't want to. That's
11 probably one of the hugest benefits compared
12 to what it was before.

13 As far as the entrance coming out onto
14 Route 9, whether we build this or go back to
15 the one that we had before, you're still going
16 to have an access out to Route 9 somehow,
17 someway. We'll work with DOT to make sure that
18 the proper sight distance is achieved and
19 people are able to pull out and so forth. But
20 somehow, someway it needs to have that access.

21 MR. NARDACCI: I think that the
22 definition of public benefit - there are some
23 different definitions. Certainly, saving money
24 is a great public benefit. That's not one of
25 the criteria in the Land Use Law. I'm just

1 trying to get to that public benefit. If we
2 look at Shaker Pointe at Carondelet, that was
3 a PDD that provided a senior community complex
4 that's open and would not only cater to the
5 residents of Shaker Pointe, but also to the
6 senior across the street in the other
7 apartments. They could also come in and use
8 that community space.

9 The bike path - that's very clear that
10 it's an added benefit and the fact that it's
11 part of your maintenance as well, I think
12 that's a big benefit.

13 MR. ROSETTI: one of the things might be
14 more beneficial than trying to create trails
15 is to have an area down there where people can
16 put benches and park a bike and so forth and
17 just stop there on their way, or a parking
18 area maybe people that live on Old Loudon Road
19 could drive down and park there. I think that
20 might be more beneficial than trying to create
21 some trails and then figure out who maintains
22 that. I don't think that the association would
23 have an issue maintaining that type of areas
24 because it would certainly be beneficial. I
25 think that one of the reasons that I bought

1 this piece was because I use the bike path,
2 myself, all the time. I think that it's one of
3 the nicest things that the Town has to offer.
4 I think that probably one of the few things
5 that the townspeople know about. I think that
6 it's a great benefit, especially when you have
7 either young people or older people that are
8 active that want to use it. There are a lot of
9 different things that we could do.

10 Like I said, we wanted to make sure that
11 the Board was agreeable to the concept of what
12 we're going to do. Once we did it, we can
13 figure out the best benefit for everyone.

14 MR. NARDACCI: Personally, the proposal
15 as it is, I mean, I like where it's going. I'd
16 like to see the architectural. I'd like to see
17 some attention to detail.

18 MR. ROSETTI: We were going to do some
19 drawings and stuff and we have comments down
20 about garages and so forth. Instead of
21 designing all that stuff, now we have an idea
22 of what you're looking for and we can design
23 those.

24 MR. NARDACCI: Right, at the next
25 meeting.

1 Just one comment: You're going to want
2 them to look nice. You're going to want to
3 sell them in a market like this where condos
4 in the region is not doing that great. You're
5 in a great location, great architecture - you
6 won't have a problem selling them. I'd like to
7 see the architectural. How is it unique? How
8 is it something that's not just cookie-cutter
9 condos. I know you don't build things like
10 that.

11 MR. ROSETTI: As you know all the
12 projects we do, we try to do something
13 exceptional.

14 MR. NARDACCI: It's not a reflection on
15 you. It's just in general. I think that this
16 idea of pumping up -- what more can you do
17 with the bike path? What more can you do with
18 the public access to kind of jazz it up a
19 little bit. I think that would be helpful.
20 Those are just a few random ideas and
21 hopefully you'll take them into consideration.

22 CHAIRMAN O'ROURKE: Thanks, Tom.

23 Anyone in the audience?

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

25 CHAIRMAN O'ROURKE: Hopefully you have

1 enough input to move forward. Thank you.

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(Whereas the proceeding concerning the above

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entitled matter was adjourned

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at 8:02 p.m.)

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1 **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

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14 **NANCY STRANG-VANDEBOGART**

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17 ***Dated December 13, 2010***

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