

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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5 THE PROPOSED PROJECT OF VAN BUREN ACRES
6 21 LOT RESIDENTIAL SUBDIVISION
7 ALSO KNOWN AS 35 TURNER LANE
8 CONSIDERATION OF APPLICATION FOR
9 FINAL SUBDIVISION APPROVAL

10 *****

11 THE TAPED AND TRANSCRIBED MINUTES of the above
12 entitled proceeding BY NANCY STRANG-VANDEBOGART
13 commencing on February 1, 2011 at 7:08 p.m. at the
14 Public Operations Center 347 Old Niskayuna Road,
15 Latham, New York 12110

16

17 BOARD MEMBERS:

- 18 PETER STUTO, CHAIRMAN
- 19 THOMAS NARDACCI
- 20 LOUIS MION
- 21 PAUL ROSANO
- 22 KATHLEEN DALTON
- 23 MICHAEL SULLIVAN
- 24 TIMOTHY LANE
- 25 ELENA VAIDA, Esq., Attorney for the Planning Board

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27 Also present:

28 Joseph LaCivita, Director, Planning and Economic
29 Development

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31 Brad Grant, Barton and Loguidice

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33 Victor Caponera, Esq.

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35 Stanley Walker

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37 Christine Standish

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1 CHAIRMAN STUTO: This is the public
2 hearing continuation on Van Buren Acres. This
3 is the consideration of application for final
4 subdivision approval. This is a continuation
5 of the public hearing that we have.

6 The two issues that were going to talk
7 about tonight are weather Burton Lane
8 continues all the way through to Turner Lane,
9 or whether there would be a cul-de-sac on
10 Turner, a cul-de-sac on Burton and have some
11 type of knockdown fence in between. Also,
12 there is an issue of sewer smells on Burton.

13 I know we spent some time and
14 investigation on the sewer smell. So, why
15 don't we talk about that first?

16 Joe, do you have anything?

17 MR. LACIVITA: Actually, that was under
18 Brad's review. I would defer to Brad.

19 MR. GRANT: Just to recap the last
20 meeting, we made some appointments for the
21 Pure Waters Department to go out to the Burton
22 Lane area to check on the pump station and the
23 sewer gravity manholes - the one that receives
24 the force main -- also, on the gravity manhole
25 on Gregory Court that receives that flow.

1 We took a meter that measures various
2 sewer gases. Hydrogen sulfide is the one most
3 associated with sewer odors and has that
4 rotten egg type of smell that we've all
5 encountered at one time or another in our
6 lives. The short of it was that we identified
7 that the plastic that was installed underneath
8 the sewer covers at one time were no longer
9 there. Actually, they had fallen into the
10 manhole and since gone through the Albany
11 County Sewer Plant and obviously it didn't
12 create any problems for them. What was some
13 protection for the sewer odors is gone. Pure
14 Waters has made a commitment to improve that.

15 One other thing that we encountered was
16 the gravity manhole in front of Mr. Walker's
17 house is the one that receives the force main.
18 There are improvements that can be made and
19 how that force main discharges to the gravity
20 sewer pipe. I have seen much worse. There was
21 a lot of splatter in there, but there was
22 enough that there was room for improvement.
23 The more turbulence or agitation for that
24 sewage water inside the manhole, the more
25 odors there will be. Extending the front and

1 pointing it straight down the pipe vastly
2 improved the interior conditions of the
3 manhole and reduced sewer odors. As a
4 control, I want Pure Waters to identify
5 another sewage system of similar size and
6 similar flows elsewhere in the Town to also
7 take readings of sewer odors and gases.

8 We did find one over on Spruce Street
9 that is about the exact same number of homes
10 right off of Fuller road. We were getting
11 virtually the same readings for the readings
12 on hydrogen sulfide. The levels were low
13 enough that they would be able to enter those
14 manholes. It wasn't so high that they were
15 precluded from entering into these manholes.
16 For most noses, it's within sensory level. I
17 think the reintroduction of the plastic
18 underneath the manhole covers and improvements
19 to the force main help that situation.

20 MR. STUTO: That's your only
21 recommendation?

22 MR. GRANT: Yes.

23 MR. STUTO: Do the Board Members have
24 anything?

25 MR. ROSANO: What was the timeframe of

1 this?

2 MR. GRANT: I haven't confirmed this with
3 them, but I believe they indicated that the
4 plastic is probably already in. That is a
5 relatively simple item that they carry on
6 their trucks. The work on the force main
7 itself is going to have to wait until warmer
8 weather. They are blue PVC fittings and it's a
9 little cold for that. I would suspect that in
10 early spring that would occur. I think at that
11 time you will see some improvements.

12 MR. ROSANO: I'm just looking for a
13 timeframe for Mr. Walker's sake so that we can
14 come back and say: Are you satisfied? Is this
15 working for you, Stan? So I think we need some
16 sort of time frame. Just so you can let us
17 know when it's going to begin. Then we can
18 work with you Stan. You're the only one that's
19 going to know.

20 MR. WALKER: The very next morning I saw
21 a couple people from Pure Waters out there. I
22 think that's what they were doing.

23 CHAIRMAN STUTO: I did talk to Brad about
24 this. Brad, you said that if you sealed it off
25 completely we would get more corrosion and

1 quicker corrosion.

2 MR. GRANT: There has to be some venting
3 holes. Not every manhole is sensitive. This
4 one, in particular, is sensitive. Basically,
5 those plastic covers can shunt those owners
6 down to the next manhole. There are ones on
7 the way to Gregory Court and the easement to
8 basically the backyards is less intrusive
9 where people wouldn't notice it. The sewers do
10 have odors.

11 The City of Albany does have a combined
12 system and there are not many streets that you
13 park on next to the catch basin that you don't
14 realize that.

15 As far as the timetable for the force
16 main repairs, I would say probably in May. I
17 am in contact with Pure Waters and I'll be
18 glad to give an update when that actually
19 happens.

20 CHAIRMAN STUTO: Anybody else on the
21 Board have a comment on the sewer?

22 MR. NARDACCI: Could you just state for
23 the record the comments you made to us in your
24 letter regarding the flow? We've talked a
25 little bit about that in previous meetings.

1 and talk about the Traffic Safety Committee
2 meeting.

3 MR. LACIVITA: There was a meeting at the
4 Supervisor's office regarding this. It was a
5 meeting set up on January 19th for the Highway
6 Safety Committee to reconvene and talk about
7 Van Buren Acres.

8 At the public hearing on the 11th I was
9 asked actually post placards for people around
10 the Burton area so that they would know that
11 this is going on. We had this meeting on
12 January 19 where the Traffic Safety Committee
13 got together and looked at the surrounding
14 impacts to this neighborhood and to the
15 impacts on the Turner Lane from Burton, if it
16 was opened as a two-way. You have a page and a
17 half of recommendations from Lieutenant Pero,
18 dated January 25, 2011 which shows that based
19 on some compelling discussions during the
20 course of the meeting of the Highway Committee
21 that it's recommended -- I don't know, Peter,
22 if you're going to read this into the record -

23 CHAIRMAN STUTO: Well, someone should;
24 either you or Elena.

25 Are you comfortable reading it into the

1 record, Elena?

2 MS. VAIDA: Joe can read it.

3 MR. LACIVITA: This letter is from
4 Lieutenant Ken Pero addressed to me. The
5 subject is dated January 25, 2011.

6 "On Wednesday, January 19, 2011 The
7 Highway Safety Committee reviewed the proposed
8 final plans of Van Buren Acres subdivision.
9 The Committee originally reviewed the concept
10 plans for Van Buren Acres subdivision in July
11 of 2008. At that time, the Committee
12 recommended that the proposed one-way road
13 connecting Turner Lane to Burton Lane be
14 designed as a two-way road. Shortly
15 thereafter, the Planning Board adopted the
16 Committee's recommendations. Having redesigned
17 the connector road, as required by the
18 Planning Board, the developer submitted a
19 final subdivision plan to the Planning Board
20 for review.

21 At a public hearing held by the Planning
22 Board on January 11, 2011, residents presented
23 concerned about the proposed road connector
24 between Burton and Turner Lane. In
25 consideration of such concerns, the Planning

1 Board sought recommendations from the Highway
2 Safety Committee.

3 At the Committee meeting on
4 January 19, 2011 at 2 p.m., the Committee
5 listened to the residents and the neighbors
6 who would be affected by the new subdivisions.
7 Both residents who supported and opposed the
8 two-way connector road cited safety as their
9 primary concern.

10 In support of the two-way connector road,
11 residents who resided on Burton Lane discussed
12 instances where they were unable to access
13 Burton Lane due to transformer fire and other
14 events. Residents who supported the two-way
15 connector road also cited recommendations of
16 the American Civil Society of Civil Engineers
17 and Organizations as to the limit of the size
18 of cul-de-sacs. In opposition to the two-way
19 connector road, residents of surrounding
20 streets including Turner Lane, Proctor Court,
21 and Schuyler Hills Road advised that they
22 regularly observed vehicles speeding on
23 Turner Lane and other neighboring streets. To
24 such residents, speeders were of significant
25 concern; especially because many people enjoy

1 leisure activities such as walking or
2 bicycling on Turner Lane, which is a narrow
3 street. Such residents explained concerns that
4 a two-way connector road would result in
5 additional traffic onto Turner and surrounding
6 streets.

7 The Committee also received and
8 considered letters in both support and
9 opposition of the two-way connector road with
10 due consideration of all comments received and
11 the proposal of the final plan in general
12 surrounding the Van Buren acres subdivision
13 and including recent development in the area
14 and other areas on Turner Lane. Presently,
15 Turner Lane has three locations for egress and
16 ingress. Burton Lane only has one way in and
17 one way out. The Committee feels that
18 residents of Burton Lane and the public at
19 large will benefit from providing Burton Lane
20 with more than one access point. Committee
21 members also commented that the Town of
22 Colonie Comprehensive Plan encourages
23 connectivity of two-way roads with
24 connectivities. The Committee believes that
25 Burton Lane was extended by Burton Meadows.

1 The additional extension created by Van Buren
2 Acres necessitates another way in and out of
3 the street. The Committee notes that the gated
4 access road was suggested by residents of
5 Turner Lane. While the Committee commends the
6 residents who made this suggestion of the
7 gated road in consideration of an alternative
8 solution, the Committee found public access to
9 be preferable.

10 Review of the concerns about speeding on
11 Turner Lane: The Town of Colonie Police
12 Department will work to combat speeding in
13 that area. The Town will also consider
14 studying the speed at which vehicles travel
15 Turner Lane and determine what other steps may
16 be necessary to discourage speeding.

17 Accordingly, the Committee recommends
18 that it should be a two-way public road and
19 not be restricted by a gate. If you have any
20 other questions, please do not hesitate to
21 contact me at 782-2611; cc: Supervisor Mahan."

22 CHAIRMAN STUTO: Any other comments?

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

24 CHAIRMAN STUTO: I have a question Brad.
25 I don't know if you can help me. I forgot the

1 term that you guys use about softening
2 traffic. Is it traffic calming devices? Now
3 you know Turner Lane is a straight shot. Do
4 you see any realistic way to calm traffic
5 there? I have looked on the Internet for
6 things that they do to slow card down and
7 going back and forth with narrowing spots and
8 starting spots.

9 MR. GRANT: It's not really my area of
10 expertise. Tom Baird in our office specializes
11 in that. We're doing something like that in
12 the Town of Guilderland on Veeder Road.
13 Oftentimes, it's just what you're saying.
14 You're taking a straight shot aspect out of
15 it.

16 CHAIRMAN STUTO: What are they doing on
17 Veeder? I know there are speed bumps and speed
18 paths that I saw, as well, in ways to make it
19 not go straight.

20 MR. GRANT: That hasn't gone very
21 quickly. I haven't really been following it in
22 a while, honestly. I'm really not sure.

23 CHAIRMAN STUTO: Joe, have you been a
24 party to any conversations about that, or no?

25 MR. LACIVITA: No. The only thing that

1 was discussed was possibly during the review
2 of the Traffic Safety Committee meeting - they
3 would review the impact of the speeding. The
4 only thing that they could've done with that
5 is talk about stop signs on both sides of that
6 entry on Burton Lane. They thought that would
7 not be a good traffic calming measure. They
8 also discussed potential for a roundabout.
9 They really need to review it to see what's
10 going on to determine exactly what would be
11 the best thing.

12 CHAIRMAN STUTO: So who's going to review
13 it; the Traffic Safety Committee?

14 MR. LACIVITA: The Traffic Safety
15 Committee.

16 MR. SULLIVAN: I have one question, Joe.
17 Was a one-way street considered at all on
18 Turner? If Burton was two-way, Turner could
19 possibly be one way out to Route 9.

20 MR. LACIVITA: No, Mike, nothing was ever
21 brought up about changing that access point. I
22 do know that it has to go one way, as
23 Lieutenant Pero mentioned. There are a number
24 of processes that have to go forward and there
25 needs to be a series of warrants, and so on.

1 They call them warrants. They have to figure
2 out what actually needs to be done in order to
3 get that to be a one way. It was never
4 discussed or determined going back out to
5 Route 9.

6 CHAIRMAN STUTO: Anything else from the
7 Board?

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

9 CHAIRMAN STUTO: Is there anyone from the
10 public?

11 MR. WALKER: I would agree with the
12 Traffic Safety Committee recommendation. There
13 was some concern about the traffic on
14 Burton Lane and the impact on Turner Lane. The
15 older section of Burton Lane, including Burton
16 Meadows, is not going to be going down
17 Turner Lane up to Route 9. That might impact
18 the lower 10 percent or 20 percent of
19 Burton Lane, but it's not going to be the
20 whole Lane.

21 CHAIRMAN STUTO: Christine Standish.

22 MS. STANDISH: The traffic will increase
23 if you open the road. I will be traveling
24 Burton Lane because it's easier to make a
25 left-hand turn from that area onto Route 9.

1 CHAIRMAN STUTO: The ayes have it.

2 Do you want to do a summary of where you
3 are in the project?

4 MR. CAPONERA: Sure. Thank you,
5 Mr. Chairman.

6 We're here tonight looking for final site
7 plan approval. I have mentioned to the Board
8 before that this has been a process and a
9 journey. I think that we've accommodated, to
10 the best of our ability, the concerns of the
11 Planning Board, concerns of the surrounding
12 neighbors and the various comments of the Town
13 Designated Engineer. We're here basically
14 asking for the Board's favorable consideration
15 in this project in recognizing that we have
16 substantially reduced the scope of this - of
17 the initial process that was started back in
18 2008.

19 CHAIRMAN STUTO: Thank you.

20 Brad, you have a letter on this right?

21 MR. GRANT: Yes.

22 CHAIRMAN STUTO: You make certain
23 recommendations, correct?

24 MR. GRANT: Yes.

25 CHAIRMAN STUTO: I don't think that we

1 need to go through that whole thing again. We
2 did go through it at the last meeting, right?

3 MR. GRANT: Right.

4 I have been through the plans and then
5 the revised ones as well.

6 CHAIRMAN STUTO: How big are the list of
7 conditions?

8 MR. GRANT: Basically, they are from the
9 Town Planning Department's Mike Lyons, to be
10 quite honest with you. The restricted
11 covenants and declaration of these documents
12 are being reviewed by Town legal staff. They
13 will require Town approval.

14 CHAIRMAN STUTO: That's another
15 condition? You have that as a condition in
16 your letter?

17 MR. GRANT: Yes.

18 CHAIRMAN STUTO: We have those covenants
19 in our packet and the Town Attorney will be
20 reviewing those.

21 MR. GRANT: There was discussion about
22 the Town Water Code protection permit. The
23 Board requires some revisions to the
24 mitigation plan. I believe they were just on
25 plantings. I think that will likely require an

1 amendment to the SEAMAB.

2 CHAIRMAN STUTO: Is that a new condition,
3 or in your letter?

4 MR. GRANT: That's in the letter.

5 CHAIRMAN STUTO: Another condition of the
6 letter, or anything else you would suggest?

7 MR. GRANT: Any permits including Corp
8 must be obtained before construction starts.

9 CHAIRMAN STUTO: Anybody on the Board
10 have anything else?

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

12 CHAIRMAN STUTO: I'll speak as Chairman
13 first on this. On the traffic and road
14 configuration issue, it's not an easy issue
15 and I understand why people feel the way they
16 do. It's hard for me to go against them on
17 this. My recommendation in my position would
18 be to stick with the plan, as it is drawn now.

19 If no one else wants to comment are we
20 ready for a vote?

21 MR. LANE: I entirely agree with you. The
22 recommendation from Lieutenant Pero and the
23 Safety Committee is something that I entirely
24 agree with, primarily for public safety
25 reasons and being able to get safety vehicles

1 in and out of there. I think it's highly
2 important and I think we've seen an example of
3 the fire and certain vehicles were unable to
4 get to and get out of the area.

5 CHAIRMAN STUTO: I am comfortable and
6 will follow through to make sure that they
7 truly examine the traffic calming measures on
8 Turner.

9 So, you'll help us with that right, Joe?

10 MR. LACIVITA: Yes.

11 CHAIRMAN STUTO: Anybody else?

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

13 CHAIRMAN STUTO: Motion for a vote?

14 MR. CAPONERA: There's one other comment
15 that Mr. Stellato would like to mention. We
16 discussed this the last time we were here.

17 MR. STELLATO: We had asked the Board to
18 consider deferring the requirement for test
19 pits along the centerline of the proposed
20 roadway at preconstruction.

21 And the reason that we requested that was
22 because it's quite an undertaking in and of
23 itself that would require soil erosion.
24 There's really no call for that at this time,
25 other than it happens to be written in the

1 code that way. So, our request in our opinion,
2 is that it's appropriate for the Board as a
3 condition of the final site plan approval
4 note - that it's a deferred requirement to
5 these test pits.

6 CHAIRMAN STUTO: Brad, do you have a
7 position on that?

8 MR. GRANT: I would tend to agree with
9 that. This is a sensitive site and there are a
10 lot of wetlands. It has a natural progression
11 with the construction process. I think it's
12 better put off until then. I wouldn't say that
13 as a normal course.

14 MR. STELLATO: We like to see all of the
15 erosion control in place before somebody goes
16 in with a backhoe and starts digging holes.

17 MR. GRANT: That's the wrong kind of
18 attention to attract.

19 CHAIRMAN STUTO: Does somebody want to
20 make a motion?

21 MS. VAIDA: I have one other question. I
22 was just reviewing some of the conditions with
23 Mr. LaCivita and I just want to make sure that
24 we're clear.

25 Is the applicant agreeing to pay for any

1 traffic mitigation - traffic calming measures
2 that may end up being required? Is Traffic
3 Safety going to take a look at that? They may
4 come up with something.

5 MR. CAPONERA: That hasn't been discussed
6 before.

7 MS. VAIDA: I didn't think that it was.

8 MR. STELLATO: The connector road is
9 really going to benefit the Town and not the
10 project. We don't want it there.

11 MS. VAIDA: I don't know if that's an
12 issue for anybody.

13 CHAIRMAN STUTO: It's not for me. I don't
14 think there is a nexus between what they're
15 doing -

16 MR. LACIVITA: At least Traffic Safety
17 will continue to monitor the concerns as
18 mentioned in the report.

19 CHAIRMAN STUTO: Not just monitor.

20 MR. LACIVITA: Right, and go through it.

21 CHAIRMAN STUTO: And look for calming
22 devices. Hopefully they'll come up with
23 something.

24 Would anybody like to make a motion for
25 final subdivision approval with the conditions

1 set forth in Brad's letter, plus the condition
2 that Mr. Stellato proposed?

3 MR. ROSANO: I'll make a motion, Peter.

4 MR. LANE: I'll second that.

5 CHAIRMAN STUTO: all in favor?

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

7 CHAIRMAN STUTO: All opposed?

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

9 CHAIRMAN STUTO: The ayes have it. The
10 motion is passed.

11 MR. CAPONERA: Thank you, very much.

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16 ***(Whereas the proceeding concerning the above***
17 ***entitled matter was adjourned at 7:33 p.m.)***

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CERTIFICATION

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

12
13
14
15 -----
16 **NANCY STRANG-VANDEBOGART**

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19 **Dated February 21, 2011**