

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

3 \*\*\*\*\*  
4 PUBLIC HEARING REGARDING  
5 LOUDON HILLS EAST  
6 120 SPRING STREET  
7 APPLICATION FOR FINAL SUBDIVISION APPROVAL  
8 \*\*\*\*\*

9 THE STENOGRAPHIC MINUTES of the above entitled  
10 proceeding BY NANCY STRANG-VANDEBOGART commencing  
11 on June 7, 2011 at 8:08 p.m. at the Public  
12 Operations Center 347 Old Niskayuna Road, Latham,  
13 New York 12110

14 BOARD MEMBERS:

15 THOMAS NARDACCI, Acting Chairman  
16 MICHAEL SULLIVAN  
17 LOUIS MION  
18 TIMOTHY LANE  
19 KATHLEEN DALTON  
20 PAUL ROSANO  
21 ELENA VAIDA, Esq., Attorney for the Planning Board

22 Also present:

23 Joe LaCivita, Director, Planning and Economic  
24 Development

25 Brett Steenburgh, PE,

Todd Curley, Applicant

Bernie Schunicht, President, East Hills HOA

Tom Ragosta  
Bill Reynolds  
Mark Ross  
Wendy Van Patten Horn  
Kaushik Bagchi  
Lisa Semmes  
Raymond Andrews  
John Tabner

1           ACTING CHAIRMAN NARDACCI: The next item  
2 on the agenda is Loudon Hills East. This is an  
3 application for a final subdivision approval;  
4 120 Spring Street; 35 residential homes.

5           There is a sign-up sheet here for those  
6 of you who would like to speak on this topic.  
7 If you haven't signed, I would ask that you do  
8 sign. I know that there are some folks that  
9 have comments and we've received some letters  
10 from some people. Please sign this already if  
11 you want to speak.

12           MS. VAIDA: Before we begin, there was a  
13 procedural issue that had come up and I just  
14 want to get this clarified.

15           The original subdivision application that  
16 was filed in '08 - it says applicant's name:  
17 Three Point Development, LLC and the  
18 applicant's signature is Todd Curley. The name  
19 of the present property owner is listed as  
20 Realco Inc. There is an asterisk right on the  
21 application that explains to the person  
22 filling this out and follows what is required  
23 by the Land Use Law that the applicant must be  
24 either the owner of the property to be  
25 developed, or used or be a party with a

1 purchase agreement for the property. A copy of  
2 the purchase agreement must be attached.

3 I wanted to make sure that was followed.  
4 That the applicant, who wasn't the owner,  
5 filed a purchase agreement for this property.

6 ACTING CHAIRMAN NARDACCI: Can someone  
7 from the applicant speak to this?

8 MR. CURLEY: I'm Todd Curley and that was  
9 submitted to the Town a number of years ago.

10 MS. VAIDA: Are you the owner now?

11 MR. CURLEY: No, we're the contract  
12 vendee.

13 ACTING CHAIRMAN NARDACCI: Is there a  
14 purchase agreement?

15 MR. CURLEY: Yes. That was submitted to  
16 the Town a number of years ago. I can send you  
17 another copy of that as well. That was part of  
18 the initial application probably going back to  
19 '05 or '06.

20 MS. VAIDA: And the purchase agreement  
21 didn't have an expiration date on it or  
22 anything?

23 MR. CURLEY: It was submitted and the  
24 necessary extensions have been granted, but  
25 not what's contingent on governmental

1           approvals.

2                   MS. VAIDA: So, you'll be the owner?

3                   MR. CURLEY: Correct.

4                   MS. VAIDA: Fine, I just wanted to make  
5           sure.

6                   ACTING CHAIRMAN NARDACCI: Joe, do you  
7           want to introduce this project for us?

8                   MR. LACIVITA: Sure. The project is known  
9           as Loudon Hills East. It's located at  
10           120 Spring Street. It's a 30 lot residential  
11           subdivision. As Todd has mentioned, it has  
12           been around for a few years and is coming  
13           tonight for public hearing and is up for final  
14           approval.

15                   Also, I received several letters which  
16           the Planning Board Members have in front of  
17           them now. Some were e-mailed. I do see a  
18           number of the people that submitted those  
19           letters here.

20                   Tom, I don't know if you want me to read  
21           the names now, or put these letters into the  
22           file.

23                   ACTING CHAIRMAN NARDACCI: I would just  
24           put them into the file.

25                   MR. LACIVITA: Okay. With that, I can

1 turn it over to the engineer.

2 ACTING CHAIRMAN NARDACCI: Actually, I  
3 would like to have the applicant come up and  
4 make the presentation and then we can have the  
5 Town Designated Engineer speak.

6 MS. VAIDA: You want to make those  
7 letters part of the record?

8 ACTING CHAIRMAN NARDACCI: Part of the  
9 record, yes.

10 MR. STEENBURGH: Good evening. My name is  
11 Brett Steenburgh and I'm the engineer for the  
12 applicant, also for Loudon Hills East  
13 subdivision.

14 The property is located along Spring  
15 Street Road and is approximately 23 acres in  
16 size. It's on the former parcel that is  
17 currently still owned by Realco which is Three  
18 Point Development.

19 We received concept approval on this  
20 project over a year ago from this Board. The  
21 concept approval was for 36 lots; two of which  
22 were to be stormwater management lots.

23 However, the current proposal again is for  
24 36 lots but only one of them is a stormwater  
25 management lot. The reason for that is that

1 over the course of the final engineering work  
2 that we did with Brad and the Engineering  
3 Department, we learned that the Albany  
4 Cemetery Association had significant issues  
5 downstream. They had several complaints to the  
6 Town regarding stormwater erosion regarding  
7 this drainage channel which basically bisects  
8 the Loudon Hills parcel, and comes down  
9 through their property. So, what we did was we  
10 took a look at modifying the stormwater  
11 management plan for this parcel to minimize  
12 the stormwater discharge to that location and  
13 minimize any potential for any future issues  
14 from the Albany Cemetery Association. In doing  
15 that, we ended up eliminating a stormwater  
16 management area which was located right here  
17 near the westerly entrance of Schuyler Ridge  
18 Road (Indicating). In turn, the applicant  
19 obtained some additional easements from Realco  
20 for grading for such purposes to have the  
21 southeast property corner to increase the size  
22 of that stormwater management basin to  
23 accommodate the run-off from this whole side  
24 of the parcel, rather than discharging it to  
25 the stream. Now, we have a no point discharge

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1           into that stream channel, thus eliminating the  
2           potential for future downstream flooding. What  
3           that did was left the vacant parcel. We went  
4           back to zoning verification with the Building  
5           Department and received zoning verification  
6           approval to change that parcel from a  
7           stormwater management parcel to a single  
8           family residential parcel.

9           The current plan shows landscaping around  
10          Spring Street Road and Schuyler Ridge Road  
11          throughout the proposed stormwater management  
12          pond. We just learned actually today that the  
13          Town does not desire to maintain the  
14          landscaping. What the applicant has agreed to  
15          do is take the landscaping and leave the fence  
16          located around the pond and use the money that  
17          they were going to utilize for the landscaping  
18          around the pond and add additional landscaping  
19          along the buffer to the west. Instead of  
20          adding just the white pines, adding some White  
21          Fir and Douglas Fir mixed in along that buffer  
22          to give the variant buffer more dense  
23          buffering along that westerly side of the  
24          residences to the west.

25          Over the last probably year or year and a

1 half we've worked extensively with Brad from  
2 Barton and Loguidice as well as Mr. LaCivita  
3 and various engineering departments. A lot of  
4 that involved the routing of the sanitary  
5 sewer which will be a gravity sanitary sewer  
6 along the entire length of Spring Street in  
7 front of the site, down the hill, and actually  
8 tying into the existing gravity sewer on the  
9 other side of the bridge at the bottom of the  
10 hill on Spring Street Road. The water will be  
11 looped through the site and tied in to the  
12 existing water line, which runs through some  
13 of the rear of the lots to the north. There  
14 will be pressure reducing valves to control  
15 the two zones and provide the maximum water  
16 pressure not only providing adequate pressure  
17 for the residents here, but improving the  
18 pressure flows to the residences to the north.

19 I did discuss stormwater management quite  
20 a bit, but we did work through the SWPPP. Brad  
21 did approve the SWPPP and the MS4 had signed  
22 off on the stormwater management plan.

23 The wetland impacts - there is a section  
24 of wetlands which bisect the site here with a  
25 narrow channel (Indicating). There is a larger



1 wetland area and actually some standing water  
2 located in this area. It's a narrow channel  
3 and then forested, and then a merge of  
4 wetlands coming down to this culvert located  
5 at Spring Street Road (Indicating). The  
6 wetland impacts would be 0.06 acres of impact.

7 We have filed A PCN with the New York  
8 State DEC. I've also spoken with Andy Dangler  
9 down at DEC. I don't know whether he will  
10 actually respond for something that is minuet  
11 as this and let the clock expire, which is  
12 45 days. That automatically grants the  
13 permits. We might even fill in the wetlands.  
14 In conjunction, we also filed a joint  
15 application with New York State DEC and that  
16 is pending. Obviously, if we were to receive  
17 any approvals this evening, those would have  
18 to be conditional to receive the permits from  
19 DEC and Army Corps of Engineers.

20 Thank you.

21 ACTING CHAIRMAN NARDACCI: We have a Town  
22 Designated Engineer on this project.

23 Brad, do you have some comments?

24 MR. GRANT: I do. We authored a letter on  
25 June 1<sup>st</sup> of this year. A number of these items

1 are some housekeeping items. I'll go through  
2 this letter and then I'd like to discuss a  
3 phone call that I got late this afternoon from  
4 Ian Bilby from DEC regarding the Bearoff  
5 property. I'm going to go through the letter  
6 first.

7 The subdivision road name has been  
8 changed. It was Scarlet Hills Road on the last  
9 submission. The applicant has gone through the  
10 Town's 911 coordinator and the proposed road  
11 name is Siena Ridge.

12 MR. LANE: But you're still referring to  
13 it as Scarlet Hills.

14 MR. GRANT: That's been cleared through  
15 the Town.

16 Another comment was that there are two  
17 requirements for the development of this  
18 project. There is an access road from an  
19 industrial landfill to the north and the line  
20 of power lines that goes back there will need  
21 to be relocated to the east. That's where they  
22 are now and they'll be going off to the east.

23 Some of these are repeats of comments in  
24 other letters.

25 Purchasers of lots contain federal

1 wetlands and will be given notice and  
2 contracts of sale and deeds about the  
3 wetlands. There is also going to be disclosure  
4 statements acknowledging the proximity to the  
5 landfill. Maybe it might be noisy some days.

6 The applicant and team have submitted the  
7 restrictive covenants and those are being  
8 reviewed by the attorney's office.

9 Planning has commented on receiving a  
10 response from DEC National Heritage Program.  
11 I'm not sure if they've responded yet.

12 MR. STEENBURGH: We have not heard back.

13 MR. GRANT: Ultimately, we're going to  
14 need to see that.

15 Next is a statement that requires an  
16 extension of the Latham Water District. That's  
17 its own process.

18 Provide copies of latest correspondence  
19 and summarize regulatory approval status of  
20 involved agencies including ACOE and DEC.  
21 Brett just touched on that.

22 Albany County Health Department will  
23 ultimately get involved and review these plans  
24 when the Town is through with them.

25 The subdivision plat was just received

1           digitally yesterday. That's been an  
2           outstanding comment for awhile. It's been a  
3           preliminary plat. The final one looks very  
4           similar to the preliminary one. I think that  
5           CT Male did the preliminary one. I have a  
6           question into Mike Lyons with generally the  
7           curve information on the inside of the curve.  
8           That's a busy plan. It was done on a table and  
9           I haven't gotten any input from Mike on that.  
10          I have seen other plats in other Towns done  
11          that way. I don't know if it's going to fly.  
12          The information is there. There was some  
13          missing before.

14                 MS. VAIDA: Brad, I just have a question  
15                 on the plat. I saw in your notes that you were  
16                 asking for the final plat and I was trying to  
17                 figure out how you knew -- isn't that required  
18                 for the final application?

19                 MR. GRANT: That has been in our comment  
20                 letters for awhile. I had anticipated  
21                 receiving that before now. As I said, the  
22                 preliminary plat shows much of the same  
23                 information as the final.

24                 MS. VAIDA: The Board Members don't have  
25                 that final.

1           MR. GRANT: No. I just reviewed it  
2           digitally yesterday.

3           MR. STEENBURGH: The main difference  
4           between the final plat and the preliminary  
5           plat is the final plat has been reviewed by a  
6           surveyor. I'm an engineer and not a licensed  
7           surveyor. I would wait for the final plat,  
8           unless the surveyor has reviewed the boundary  
9           lines and added any of the minuet dimensions  
10          to the boundary lines. As Brad said, the final  
11          plat and the preliminary plat, which has been  
12          included in the submission package, are much  
13          the same. All the information is the same with  
14          the exception of the curve.

15          MS. VAIDA: Then it's hard to understand  
16          why you couldn't get it done when it's  
17          basically the same.

18          MR. STEENBURGH: To be honest with you,  
19          because we were working through the comments,  
20          I didn't want the applicant to move forward  
21          and spend money on the surveyor to prepare a  
22          final plat when things like easement lines  
23          were being added and boundary lines were being  
24          changed. They were going to contract with the  
25          surveyor to do a final plat. We wanted it to

1 be final plan.

2 MS. VAIDA: I'm still concerned because  
3 that's one of the requirements for final  
4 approval is that your final plat plan be filed  
5 and all the Board Members have a copy. That  
6 may be an issue. I think that it is. We'll let  
7 Brad continue.

8 MR. GRANT: I think that the filing that  
9 you're talking about is to the Town with the  
10 surveyor's stamp. Filing with the County will  
11 come later.

12 Water system was submitted to the Health  
13 Department. Any correspondence received back  
14 from them and approvals - provide copies to  
15 the Town and the TDE.

16 Sanitary Sewer system completed sewer  
17 system is going to require a qualified  
18 contractor to TD the sewer. I didn't see that  
19 expenditure and the cost estimate in the sewer  
20 report. It's not a big deal to add.

21 Locate headwall away from the sanitary  
22 sewer along Spring Street. See comments from  
23 Pure Waters.

24 It's a busy area down there. What's the  
25 chance of that headwall walking up stream a

1 little bit to get out from over the sewer?

2 MR. STEENBURGH: Honestly, I would rather  
3 move the sewer.

4 MR. GRANT: I know why, too.

5 MR. STEENBURGH: Rather than extending  
6 the headwall into the wetland area and  
7 extending that light. I think that it would be  
8 much cleaner to just adjust that sewer 10 feet  
9 versus the relocation of that headwall.

10 MR. GRANT: I would have to agree with  
11 that. Do you have any room to move it  
12 upstream, or are the wetlands right there?

13 MR. STEENBURGH: The wetlands are right  
14 there. It's not that we wouldn't be able to  
15 permit the wetlands. Again, these are the very  
16 reasons why we did submit DCN until last week  
17 because things like that being adjusted. I  
18 feel, given that precase headwall, it would be  
19 able to actually place it on the end of the  
20 pipe without a lot of work in that existing  
21 structure itself. It would work better than  
22 extending that and trying to extending that  
23 pipe.

24 MR. GRANT: Just as a sidebar to that,  
25 that existing pipe is not going to replace

1 that same size as it was.

2 MR. STEENBURGH: It's the same size as it  
3 was.

4 MR. GRANT: Stormwater SWPPP and the  
5 notice of intent - check outlet protection.  
6 It's just one of those measures that you're  
7 doing.

8 In general, the final subdivision plan or  
9 plat, as we've just discussed, as required.  
10 The stormwater pond intends to utilize  
11 easements from adjacent land owner.

12 The final subdivision plan with the  
13 Town's standard notes is still required. They  
14 are getting an easement from an adjacent land  
15 owner, as Brad had mentioned, to allow for the  
16 downhill grading on the stormwater basin. Site  
17 easement descriptions as well as the  
18 subdivision plan per Town requirements will be  
19 required before the Planning Board signs the  
20 plans.

21 There is lot 14 - and I think that Brett  
22 has revised that and I think that it was going  
23 to be called -- it had a full basement.

24 MR. STEENBURGH: It had a full basement  
25 and we changed it to a gardner basement just



1 to raise the grade around those walls a little  
2 bit. I know you had some concerns regarding  
3 the floor elevation and I did provide that to  
4 you today.

5 MR. LANE: Can you explain that a little  
6 bit? I did have some concern about the  
7 information seeming to be a little  
8 problematic.

9 MR. STEENBURGH: The finished floor  
10 elevations of the basements of those lots is  
11 actually about two and a half feet higher than  
12 what the culvert pipe running under the road  
13 is.

14 MR. LANE: Now or before?

15 MR. GRANT: Now.

16 MR. LANE: Before they were level with  
17 that.

18 MR. GRANT: Or below it. So, we've  
19 adjusted them to be two and a half foot  
20 higher.

21 MR. LANE: And the fact that they sit  
22 very close in proximity to the wetlands -

23 MR. STEENBURGH: Even the elevations with  
24 the wetlands on that site, I don't see that as  
25 being an issue.

1           MR. LANE:  What is the size of those two  
2           lots together?

3           MR. STEENBURGH:  They're about an acre  
4           and a half.  Actually, almost an acre and  
5           three-quarters.

6           MR. LANE:  So, will they be special  
7           because of where they are in containment in  
8           reference to the stream that was described and  
9           any run-off that might percolate into that  
10          stream?

11          MR. STEENBURGH:  We do have sediment in  
12          all these areas which is called a diversion  
13          ditch, and swales that perk water away from  
14          those discharge points of the wetlands.  It's  
15          going into sediment basins where we treat it,  
16          allowing the sediment to drop out before being  
17          discharged.  We do have those.  I don't have the  
18          erosion sediment control plan with me, but  
19          basically we have the diversion ditches and  
20          swales and that prevents from any run-off from  
21          getting into that.

22          MR. LANE:  So, there will be no run-off  
23          of the site?

24          MR. STEENBURGH:  There will be no run-off  
25          directly into the wetlands.  It will all be

1 diverted into those sediment basins during  
2 construction.

3 MR. GRANT: One of the first things that  
4 would happen in the construction phase is if  
5 the flags aren't there still, the delineation  
6 of the wetlands, there would be some  
7 protective -- basically that orange fence that  
8 you see National Grid use often is basically a  
9 warning sign to Mr. Bulldozer that the buck  
10 stops there and he doesn't go past there into  
11 those wetlands.

12 MR. LANE: My concern is that it was  
13 overlooked in the sediment control plan.

14 MR. STEENBURGH: No, it's definitely been  
15 considered in the sediment control plan.

16 MR. GRANT: Lot 14 mentioned that was a  
17 comment previous to that and also lot 12.

18 The Town comments were attached as  
19 enclosures and a substantial number of the  
20 previous comments have been addressed. There  
21 are still some. Some are procedural and some  
22 are relatively minor. The revised plans  
23 reflect the name of the road, Siena Ridge.

24 Brett already talked about the trees. I  
25 just wanted to see a schedule that had the

1 fact that they removed the stormwater basin.

2 ACTING CHAIRMAN NARDACCI: Have they  
3 submitted a detailed landscaping plan? I don't  
4 think I saw that in the packet.

5 MR. STEENBURGH: It's on the subdivision  
6 plat. We haven't submitted a detailed  
7 landscaping plan yet.

8 MR. GRANT: It's kind of an add-on  
9 feature to one of the plans.

10 ACTING CHAIRMAN NARDACCI: Given the fact  
11 that a major conversation with regards to this  
12 project has been buffering and screening, I  
13 think that it's pretty important.

14 MR. GRANT: I like the statement - there  
15 was a concern of all White Pines. The good  
16 thing about white pines is that they grow  
17 quickly. They have a lot of screening  
18 potential. They don't fare well in the winter  
19 and high winds as well as some other  
20 evergreens. We just would be looking for a mix  
21 of some of the firs. I like the comment that  
22 there will be a more substantial plantings  
23 along that westerly border. That's a concern  
24 of residents in East Hills.

25 The headwall system - I just want to see

1           what foundation stone would be underneath it.  
2           It's going to have to be some graded stone  
3           beneath it.

4                     That's my comment letter.

5                     This afternoon around 5:00 our  
6           environmental engineer next to my office asked  
7           me to come in. He had a DEC contact on the  
8           phone who received some information on this  
9           project. His name is Ian Bilby. He works out  
10          of the main office downtown. He's in the  
11          Division of Environmental Remediation. It  
12          sounds as though he may have had the  
13          subdivision plan. He saw the layout. He was  
14          aware of the project, but he was under the  
15          impression that this carve out of Realco's  
16          property was further west than it actually is.  
17          The thing that stood out to him is the  
18          proposed relocation of the access road to the  
19          industrial landfill. That site is monitored.  
20          That is their access road and they have to get  
21          in there this summer to do a little work. It  
22          sounded as though it might be some drainage  
23          work. Some things may have needed addressing  
24          on their site.

25                     He expressed some concerns on the Bearoff

1 property, which is basically south of Realco's  
2 property down to Spring Street. He expressed  
3 that they would be trying to get access rights  
4 from Bearoff to get in there to do some soil  
5 testing along with what would be the proposed  
6 road location to see if there's any  
7 contaminates of concern. Typically in this  
8 area, it was associated with the Altech plant.  
9 Those contaminates or potential contaminates  
10 of concern would be metals, chrome and chrome  
11 plating from their operations at Altech. It  
12 didn't sound as though there was liquid placed  
13 disposals up there, but they are going to  
14 hopefully get access rights from Bearoff soon  
15 and do some testing sometime this summer. It  
16 sounded as though it would be August.

17 We had, in a previous comment letter,  
18 brought up the fact that this project is  
19 obviously next to an industrial landfill. We  
20 recommended for consideration that they might  
21 want to do some tests on some of those lots. I  
22 know that if I was buying a lot next to a  
23 landfill, I would be asking those same  
24 questions.

25 The comments that I had in my

1 February 16<sup>th</sup> letter - I'm going to read it.

2 "This property is adjacent to an  
3 industrial landfill from a former Altech  
4 plant. Some of the documents do not contain  
5 any testing recommendations from an  
6 environmental test or conclusive statements  
7 that it is not required. We assume that this  
8 landfill was completed in accordance with New  
9 York State DEC approvals. However, our  
10 concerns are for the residential development.  
11 The soils are possibly contaminated from  
12 previous dumping activity. However likely to  
13 confirm fluid presence, it is likely worth  
14 several thousand dollars of boring sampling  
15 and testing to provide a basis to know more  
16 positively. The document for purchase and sale  
17 of real estate includes two items that stood  
18 out. First is a map entitled Altech Specialty  
19 Steel Corp, Watervliet plant, dated July 1981.  
20 Apparently created by or for industrial  
21 appraisals."

22 This goes on for a ways so I'll get to  
23 the meat of the matter.

24 "Considering expenses that would be  
25 invested to develop this property, it would

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1           seem advisable to perform soil and groundwater  
2           testing on the sides abutting the landfill to  
3           provide some assurance. One would believe that  
4           the potential purchasers would be asking if  
5           testing was done. Even buried vegetation,  
6           formally a common practice, can potentially  
7           produce methane gas in basements."

8           I don't think that's the case up here.  
9           I'm only reading this because of this phone  
10          call that I had today and the fact that they  
11          are going to do some tests on the Bearoff  
12          property. As I recall - and I don't have your  
13          letter - it indicates a response. As I recall,  
14          the response was - and it's true in so far as  
15          the Realco property - that is an inactive  
16          industrial landfill site. It was capped and  
17          constructed in accordance with DEC approvals.  
18          It was the real McCoy. It's a completed  
19          project. Ian didn't dispute that. What he was  
20          talking about was the Bearoff property and the  
21          fact that they evidently have some concerns.  
22          They are going to do some testing up there.  
23          They did indicate a procedural item in so far  
24          as the movement of the access road. They  
25          require something called a change of use



1 notification. Basically, that you are going to  
2 move the access road.

3 It sounds as though you're going to need  
4 to work with DEC and this gentleman on that  
5 access road relocation. He wasn't saying that  
6 it could not happen. There is just a process  
7 and a change of use notification that he  
8 quoted a couple of times that would need to be  
9 accomplished. Again, he's in the division of  
10 environmental remediation with DEC.

11 ACTING CHAIRMAN NARDACCI: Brad, just to  
12 be clear on your conversation: The  
13 conversation with DEC today was that they plan  
14 to do testing on this property.

15 MR. GRANT: On the Bearoff property.

16 MR. STEENBURGH: Which is to the west.

17 ACTING CHAIRMAN NARDACCI: I just want to  
18 make this clear. Did he tell you where they  
19 were going to be testing?

20 MR. GRANT: It sounded as though it was  
21 going to be along that area there -

22 ACTING CHAIRMAN NARDACCI: But we don't  
23 know.

24 MR. GRANT: We don't know.

25 ACTING CHAIRMAN NARDACCI: I just want to

1 be clear.

2 MR. STEENBURGH: I believe that you have  
3 the copies of the Phase I and Phase II that  
4 were done for this parcel by the applicant.  
5 That includes its own groundwater tests. I  
6 understand DEC's concern.

7 The Bearoff property - they did not find  
8 anything in Phase II of any concern for  
9 residential subdivision or recommended  
10 remediation on the site for this parcel. The  
11 Bearoff property is pretty significantly  
12 downgraded from this site. The grade does drop  
13 very quickly. Especially as you reach this  
14 area here (Indicating). Especially when you  
15 get back in here. It drops straight off. There  
16 wasn't identified - anything on the subject  
17 parcel.

18 ACTING CHAIRMAN NARDACCI: Can you just  
19 expand upon your own testing for us? Can you  
20 expand on the Phase I and Phase II testing?

21 MR. STEENBURGH: I didn't do the testing.  
22 I know that, Brad, you've taken a look at it.  
23 It's been awhile since I've looked at it with  
24 all the soil and the groundwater passing on  
25 the site. I think that we were in accordance

1 with the DEC standards.

2 MR. GRANT: I think that what Ian was  
3 saying was that there wasn't any real testing  
4 on this eastern portion or western portion of  
5 this property, as it would be near this  
6 subdivision. It was brought to his attention  
7 by a local resident and he's typically a very  
8 cautious individual. He's recommending that  
9 some testing be done.

10 MR. STEENBURGH: I understand that, but  
11 the applicant isn't in the position to go out  
12 and test on other people's property. I can  
13 understand DEC wanting to do additional  
14 testing, but testing was done on their parcel  
15 which was about as much as could be legally  
16 done and they did not find any contaminate at  
17 that point.

18 MR. GRANT: The one thing that I did  
19 indicate to Ian was, essentially, very little  
20 is going on in the back of those lots. You  
21 have grading coming down from the house but at  
22 the very back of those lots, there really  
23 isn't too much going on. The most significant  
24 thing would be the stormwater basin right out  
25 near Spring Street. I would not think that

1           there was dumping right on the road that would  
2           be noticed.

3           ACTING CHAIRMAN NARDACCI: I think that  
4           in addition to a phone call, I think that we  
5           should have all the discussions with DEC. I'd  
6           like to see something in writing that  
7           describes to us what this testing is and if  
8           there are direct concerns with the adjacent  
9           property. I think that's important for us to  
10          consider. Also, share that with the applicant  
11          so they have an understanding.

12          You can contact DEC as well and talk to  
13          them and find out what their plans are.

14          MR. GRANT: I have contact information.

15          This honestly came out of left field  
16          tonight. It was about 5:00 when I took the  
17          call.

18          They are requiring a change of use  
19          notification for the moving of the driveway.  
20          It sounds procedural more than anything.

21          MR. CURLEY: We were most recently  
22          contacted by DEC about six weeks ago to update  
23          our environmental reports and this was  
24          mentioned to us when we spoke to them  
25          directly. We've done full testing all the way

1 up to the boundaries of the subject property.  
2 We even tested the subject property that we're  
3 buying. The testing there came up with no  
4 issues right up to the property line. That  
5 includes soil testing, ground water testing  
6 and so on and so forth.

7 ACTING CHAIRMAN NARDACCI: What I would  
8 ask is that both our comments and the  
9 engineer's as well as the applicant get  
10 involved with DEC and get something in writing  
11 that we can see. Verbal stories are fine, but  
12 I'd like to see something written in regards  
13 to -- you say that there are no issues.

14 MR. CURLEY: I only know what's going on  
15 with my property. We have something in writing  
16 in the form of an environmental assessment.  
17 DEC won't put anything in writing until they  
18 do a full and formal testing and full  
19 analysis. That could take years. It's almost  
20 like saying that our friends in East  
21 Hills - they did testing on this property when  
22 they developed their own property, which  
23 wasn't the case. They didn't have access to do  
24 groundwater testing and things like that on  
25 this property.

1                   ACTING CHAIRMAN NARDACCI:  Someone  
2                   contacted our engineer today at 5:00 and  
3                   thought that it was important enough to call  
4                   us and let us know that they're going to be  
5                   doing testing.  I think that's important to  
6                   find out what the story is.  If they found it  
7                   important enough to pick up the phone and make  
8                   a call before this meeting, regardless, what  
9                   is the scope of it and what are they talking  
10                  about?

11                  This project, similarly to the previous  
12                  project that we looked at, has received SEQRA  
13                  determination.  I just wanted to make sure that  
14                  nothing with regard to the project has changed  
15                  that would change the necessity to relook at  
16                  SEQRA.

17                  MR. STEENBURGH:  No.

18                  ACTING CHAIRMAN NARDACCI:  With regard to  
19                  all the bonds that need to be submitted to  
20                  Planning, I understand that the applicant  
21                  needs to get moving, but we really have a  
22                  process that we have to follow.  It's the Land  
23                  Use Law about what documents have to be  
24                  submitted.  These documents aren't submitted  
25                  and our counsel is letting us know.  I don't

1 think that we can move forward on final  
2 tonight without those.

3 MR. STEENBURGH: I would just like to go  
4 on the record by stating that we were meeting  
5 with the Town back in early April. That was  
6 something that during that meeting it was  
7 discussed and that's why we're here this  
8 evening.

9 MR. LACIVITA: I think that there are a  
10 number of what ifs. We were in that meeting,  
11 yes. The TDE and myself were in that meeting.  
12 Again, not receiving documentation to fully  
13 review to at least articulate that to the  
14 Board -- we went back and forth and I think  
15 that Brad could attest to that, as well. We  
16 really didn't have a chance to review the  
17 documents. I asked Brad himself if he had a  
18 chance to check back on a final subdivision  
19 submission. In just receiving the documents on  
20 June 2<sup>nd</sup>, there just wasn't time to look at the  
21 documentation. So, I know that we were trying  
22 to work with the applicant to get some of  
23 these issues addressed. Again, I think hearing  
24 what we're hearing today from DEC, I think  
25 that we just have to proceed.

1           ACTING CHAIRMAN NARDACCI: I'll just  
2 speak for myself as the temporary Chair  
3 tonight. It's not negotiable. It's in the Land  
4 Use Law and it's here and I just don't see how  
5 we can move forward tonight.

6           That said, I think that there are some  
7 other issues that we can discuss and that we  
8 should discuss and perhaps also need to be  
9 addressed. From my standpoint I mentioned the  
10 landscaping because that is something that's  
11 been consistently talked about since the last  
12 few years and it's in the minutes, verbally  
13 said that yes, it will be addressed.

14           We'll try to save as many trees as  
15 possible, but I really would like to see a  
16 clean landscape look. You mentioned pines and  
17 some other types of trees. I'd like to see  
18 them all marked out so that the neighbors  
19 could communicate any major impacts for the  
20 neighbors on the street. Is it two trees deep?  
21 Is it 15 trees?

22           MR. STEENBURGH: They are the only one on  
23 the subdivision plot and labeled in the  
24 legend.

25           MS. DALTON: What I saw was some of the



1 new plantings and I thought you were changing  
2 some of the new trees. I didn't see a  
3 mitigation strategy. If it's here, I  
4 apologize. I didn't see what your plan was for  
5 maintaining as much as the mature growth as  
6 you can.

7 ACTING CHAIRMAN NARDACCI: We'd like to  
8 see that described in full detail. That is a  
9 comment that has come up recently; not only  
10 from the neighbors, but from the Board. We'd  
11 like to have that addressed.

12 MS. DALTON: I didn't buy my house until  
13 I checked that out in my neighborhood. It was  
14 important to me. So, I understand these  
15 people's concerns.

16 ACTING CHAIRMAN NARDACCI: There is  
17 enough of an impact for neighbors. It's not  
18 unusual for this Board. It's something that  
19 has been consistent for the four years that  
20 I've been on this Board. When it comes to the  
21 adjoining property owners, we want to ensure  
22 that there is proper screening. The only way  
23 to ensure proper screening is to actually see  
24 the exact final submitted plans; not the  
25 preliminary, but the final. That's so we can

1 look at them.

2 The other thing is: I didn't see in our  
3 packets architecture. Have you submitted  
4 renderings? Do you have them? One of the views  
5 is that you have architectural views on  
6 projects and I think that it would be  
7 important to get a sense of what you're  
8 looking to build here.

9 MR. STEENBURGH: We submitted a couple of  
10 samples a number of years ago for the types of  
11 homes that could be built by these lots with  
12 certain dimensions and things like that. We're  
13 happy to give them, but they're still going to  
14 stay within the character of those homes and  
15 in the character of those in each direction.  
16 I'm happy to send some.

17 ACTING CHAIRMAN NARDACCI: I think that  
18 it's very important for us to take a look at.  
19 It's something that, again, the Board has been  
20 consistent in looking at architecture. It's in  
21 the Land Use Law. It's one of the areas that  
22 we can look at. Because of the neighborhood,  
23 we want to make sure that it's -- it's good to  
24 hear that, but it would be nice to see some  
25 renderings.

1           MR. STEENBURGH: And they're all subject  
2 to change based on what the builder's plans  
3 are and things like that. It will give you an  
4 idea of what's available.

5           We've also adopted or are planning to  
6 adopt the same rules and covenants and  
7 building guidelines. They were kind enough to  
8 share their documents with us and we will  
9 adopt them completely, taking part of the deed  
10 restrictions. So, in terms of architectural  
11 designs, materials and things like that, we're  
12 adopting them across the Board.

13           ACTING CHAIRMAN NARDACCI: We had talked  
14 about that at a previous meeting about the  
15 deeds.

16           MR. STEENBURGH: There were a couple of  
17 suggestions by Brad.

18           MR. LANE: They would be enforced without  
19 an HOA?

20           MR. STEENBURGH: They can. They will be  
21 actual deed restrictions so that it actually  
22 has more of a belt and suspenders than an HOA.  
23 We don't have any common land and things like  
24 that, so it doesn't make sense for a  
25 development like this to have a true

1 homeowners' association. We've done it enough  
2 with a number of other developments where they  
3 are just deed restrictions. There are actual  
4 covenants in HOA documents that prohibit deed  
5 restrictions on our land.

6 ACTING CHAIRMAN NARDACCI: I'd like to  
7 see those.

8 MR. STEENBURGH: They've been submitted.

9 ACTING CHAIRMAN NARDACCI: With regard to  
10 architectural review, just re-review the Land  
11 Use Law. It may be different than other places  
12 that you've built. I just want to make sure.

13 Paul, do you have questions?

14 MR. ROSANO: I have a question in the  
15 difference in elevation. What are we talking?  
16 When these folks - Cheshire ends and people in  
17 Shelbourne look out their back -

18 MR. STEENBURGH: Is this the area that  
19 you're referring to here?

20 MR. ROSANO: Yes. Anywhere where it's  
21 going to be housebound.

22 MR. STEENBURGH: There are approximately  
23 about eight feet of elevation difference back  
24 in here with the houses that will be located  
25 down in here (Indicating). It's about four

1 feet, as you get down into here. I think that  
2 these houses up here are eight feet from the  
3 high point, but then it drops off another six  
4 feet so there is actually a natural berm that  
5 isn't being disturbed in this area. It kind of  
6 comes out and it comes back down.

7 This actually as you get down into here,  
8 that berm tapers off and it kind of drops off  
9 into here (Indicating). These houses in here  
10 will be approximately the same elevation as  
11 the houses in the rear and the houses back in  
12 here will actually be another six feet lower.  
13 I'm not sure what the elevation of the house  
14 will be at that location.

15 As a point of clarification, I want to  
16 understand what you're looking for as far as  
17 mitigation or existing mature landscaping. We  
18 did show the limits of clearing and what's  
19 going to be cleared on the site. There is an  
20 area where the tree line doesn't encroach on  
21 the property. I don't know when they cleared  
22 this, if it has been cleared over or whether  
23 there just weren't any trees in that area.  
24 That's where we'll have additional  
25 landscaping. There isn't a lot of mature

1           vegetation in that area. What is identified in  
2           the green here is what our proposed limits of  
3           disturbance is.

4                    ACTING CHAIRMAN NARDACCI: I think that  
5           with regards to the landscaping plan, I see  
6           that you have on that map that you're pointing  
7           to and you said well, we're going to have  
8           trees here and here. I would just like to see  
9           that landscaping plan and I haven't seen that.

10                   MR. STEENBURGH: We can label each one of  
11           these trees and show where they're going to  
12           be.

13                   MR. GRANT: I think that what your  
14           question was leading to was I would show those  
15           limits of grading disturbances and perhaps  
16           label the barrier that you're putting there so  
17           that there isn't any encroachment into the  
18           areas that are currently vegetative and won't  
19           be receiving grading. Just notate that  
20           vegetation outside of grading limits shall be  
21           maintained. There are a lot of hardwoods  
22           there. I don't know if there are any specific  
23           trees that were picked up on a survey that  
24           could be further delineated, but I think  
25           that's general in showing the grading limits

1 and the areas outside those grading limits and  
2 maintained vegetation.

3 MR. STEENBURGH: We can put that  
4 information on one plan.

5 MR. GRANT: Just dedicating the  
6 landscaping to a sheet and making it clear.

7 ACTING CHAIRMAN NARDACCI: I'm looking at  
8 the map pictures - so we're clear - there are  
9 some photos as well as the aerials that are  
10 provided. I'm not sure if these trees were  
11 cleared or not. There were some mature trees  
12 that were removed over on the property line.  
13 That's the way that it looks. The question is:  
14 What is the planting plan and what do you plan  
15 to have? Do you need a tree every 15 feet? I'd  
16 like to know that.

17 MR. STEENBURGH: It's essentially every  
18 15 feet.

19 MR. CURLEY: It's spec'ed on there, but  
20 we'll make it easier for you with the  
21 landscape plan.

22 ACTING CHAIRMAN NARDACCI: I'd like to  
23 see it on the plans.

24 MR. STEENBURGH: I know what you're  
25 asking for and we'll bring all that in. I just

1 want to make sure that whatever we provide is  
2 what you want.

3 ACTING CHAIRMAN NARDACCI: Tim?

4 MR. LANE: In reference to the stormwater  
5 management plan - it was noted in analysis  
6 point C, which would be the elevations.

7 "Water from this analysis point flows  
8 under Spring Street Extension via 12 inches  
9 and through the cemetery itself."

10 Each of the analysis points indicate that  
11 the post development brought up will be less  
12 in every situation than in its current state.

13 MR. STEENBURGH: That's correct.

14 MR. LANE: This is based on the  
15 mitigations that you've put in place including  
16 the detention pond. How is that going to be  
17 when you're developing around the pond or the  
18 stream? What is being done around there with  
19 that run-off?

20 MR. GRANT: From that upper street?

21 MR. STEENBURGH: It's all going to be  
22 piped down. There will be a stormwater line  
23 along Spring Street. Right now that stream is  
24 taking water basically from that portion of  
25 the site and that's all being eliminated.



1           MR. LANE: I couldn't see how that could  
2 be if there is nothing happening. It's not  
3 nearly just the cemetery that gets affected.  
4 Everything below Menands -- and they're still  
5 suffering the results of when East Hills was  
6 built. The planning was not there to mitigate  
7 that at all. It just ran right across the  
8 cemetery.

9           MR. STEENBURGH: And we have been  
10 cogniscent of that and that's something that  
11 the applicant is working on.

12           MR. GRANT: That was high on the goal  
13 list. Those are long-standing issues  
14 downstream.

15           ACTING CHAIRMAN NARDACCI: Mike?

16           MR. SULLIVAN: I had a couple of  
17 questions, Brad. One of them you already hit  
18 on. That is the strip that has been cleared on  
19 the west end of your property. Do you know  
20 roughly how wide that strip is?

21           MR. STEENBURGH: That strip is anywhere  
22 from about 50 feet down here and then it kind  
23 of tapers up at an angle but on average it's  
24 over 25 feet to 50 feet down here and then it  
25 kind of cuts back after you get to here

1 (Indicating).

2 MR. SULLIVAN: And we don't know if there  
3 are mature trees there previously or when it  
4 was cleared?

5 MR. STEENBURGH: It appears that way, but  
6 it may have been cleared when East Hills was  
7 constructed.

8 MR. GRANT: It seems to be lawn area.

9 MR. SULLIVAN: It seemed like a  
10 significant area to me.

11 The other question that I had was with  
12 the relocated access road in the northeast  
13 corner. Do you know if grading will be done  
14 there? Do they need to cut to get the road in?

15 MR. STEENBURGH: To get the road in there  
16 will be minimal grading. It's just a bit of  
17 touching up for minor cuts and builds.

18 MR. SULLIVAN: So, there are no huge  
19 hills or valleys to traverse?

20 MR. STEENBURGH: No.

21 ACTING CHAIRMAN NARDACCI: Lou?

22 MR. MION: I would also like you to  
23 provide us with those architectural drawings.  
24 I'd like to see those in the future.

25 MR. LACIVITA: Tom, can I ask a question?

1 I don't know if this is feasible. I think from  
2 what I've been hearing, the Board seems to  
3 have a need for this too.

4 The additional landscaping has been  
5 pulled off of the stormwater retention area  
6 and put in some additional trees to buffer the  
7 neighborhood. Can we consider that to be a no  
8 clear buffer to preserve that for the  
9 neighbors or somehow restricted? Could that  
10 somehow be in the lot restrictions as no clear  
11 buffer? Can you do that?

12 MR. STEENBURGH: That's going to benefit  
13 the new homeowners. One of our partners used  
14 to live in East Ridge and when his home was  
15 there at first, he just cut a deal with the  
16 neighbor that was moving in next to him saying  
17 that I'm going to buy a bunch of trees and  
18 they built a great big buffer. I have no  
19 problem with it. Obviously, with the existing  
20 vegetation, we can't play with the new  
21 plantings that we're putting in.

22 ACTING CHAIRMAN NARDACCI: Now, since  
23 this is a public hearing, we'd like to open  
24 the opportunity for people in the neighborhood  
25 who would like to speak. We have a sign-up

1 sheet here and I'll go through and read off  
2 the names. Please speak into the microphone  
3 and give your name for the record.

4 Bernie Schunicht.

5 MR. SCHUNICHT: Actually I don't really  
6 need a microphone.

7 I'm president of East Hills Home Owners  
8 Association. My purpose here is to represent  
9 what I call the general concerns of East Hills  
10 people.

11 One of the first things that I'd like to  
12 do is somewhat similar to what a gentleman  
13 said a minute ago about not having a  
14 homeowners association. I understand that  
15 covenant will be built into the deed  
16 restrictions, but what I do want to charge you  
17 with is to enforce those covenants. You have  
18 no method to do that.

19 You mentioned, by the way, a homeowners  
20 associations only function is to take care of  
21 grounds.

22 ACTING CHAIRMAN NARDACCI: Sir, I'm sorry  
23 but can you address the Board?

24 MR. SCHUNICHT: Half of our effort and  
25 the Board is taking care and enforcing

1 covenants.

2 Now, to this gentleman here I would also  
3 mention - and in fact it has also come up at  
4 times in our Board meetings - we may want to  
5 evolve into buying snow plow services, general  
6 services for mowing lawns and that sort of  
7 thing and include that into our homeowners  
8 association. It's a thought and this is one  
9 thing that he should consider. A homeowners'  
10 association would be able to enforce the  
11 covenants in the deed restrictions. Believe  
12 me, in 10 years, the number of infractions  
13 like satellite dishes being put where they  
14 shouldn't be, stockade fences where they  
15 shouldn't be, sheds, in some cases - we  
16 haven't had much problem there, but there have  
17 been the infractions against deed covenants.  
18 This is for the benefit of the people who are  
19 going to move into this new development that  
20 may want to have that stature of life that we  
21 enjoy in East Hills. A homeowners' association  
22 would be well intended for these people.

23 As I remember - because I walked the  
24 property myself - I believe that there is a  
25 natural grade of looping water away. My only

1 concern is that when construction work is  
2 being done back in this quadrant, that grading  
3 is not going to disrupt that, or result in  
4 causing water drainage toward Guilder Court  
5 and the houses in that general area. That  
6 would be representing the people in that  
7 particular spot.

8 Those are all of my comments. I know that  
9 there are people here that have more specific  
10 things. I would like to leave my comments at  
11 that point.

12 ACTING CHAIRMAN NARDACCI: Now on the  
13 issue of drainage that was mentioned, can you  
14 address that?

15 MR. STEENBURGH: All of these lots - we  
16 wouldn't be impounding and putting enough soil  
17 in that area. We think that if anything, it  
18 will be alleviating any drainage and actually  
19 cutting the grade down in that area. There  
20 will be sediment basins and a ditch or swale  
21 located in these areas to pick up the  
22 stormwater and bring it to where we need to  
23 go. There should be no impact up stream on the  
24 parcels.

25 MR. GRANT: There is also a culvert

1 proposed. Can you point that out?

2 MR. STEENBURGH: I think that he's  
3 referring to this drainage that flows down  
4 into this wetland there (Indicating) and there  
5 will be a culvert under the road when the road  
6 is constructed to prevent that. I think that  
7 there is even an overflow at this end, which  
8 actually goes back into this, as well.

9 MR. GRANT: And that culvert that you're  
10 proposing is below existing grade.

11 MR. STEENBURGH: That is correct.

12 MR. SCHUNICHT: Could you say again?  
13 Which way that will go?

14 MR. STEENBURGH: There is actually is an  
15 overflow structure, I believe, which goes out  
16 to the storm sewer. And I'm not sure what the  
17 name of the street is up here, but I believe  
18 there is an overflow structure. We are  
19 actually providing a drainage flow down  
20 through the site by providing -

21 MR. SCHUNICHT: Is that going to connect  
22 into where that storm drain area is? Does that  
23 go back into that?

24 MR. STEENBURGH: No. That is existing. We  
25 are not touching anything back into here

1 (Indicating). It's just there is an existing  
2 storm sewer in that location.

3 ACTING CHAIRMAN NARDACCI: Tom Ragosta.

4 MR. RAGOSTA: I really don't have any  
5 comment at this time. The only question I had  
6 was, it was originally 51 acres and now we are  
7 only saying it is 23 acres. I don't understand  
8 where the landfill is.

9 MR. STEENBURGH: I think the whole parcel  
10 was 51 acres - the whole landfill parcel. We  
11 are only developing 23 acres of it, which is  
12 located on the north side here that is the  
13 landfill area.

14 MR. RAGOSTA: And what's in the center;  
15 the green area?

16 MR. STEENBURGH: Actually, there is going  
17 to be one large estate lot with an access to  
18 Spring Street Road. In the center it's  
19 approximately two acres in size. That's what  
20 that area is.

21 ACTING CHAIRMAN NARDACCI: Bill Reynolds.

22 MR. REYNOLDS: Yes, I am Bill Reynolds.  
23 We live at 24 Cheshire Way. Cheshire Way is up  
24 in here and we actually live right there  
25 (Indicating). We are very close to the



1 landfill and we never really knew much about  
2 it. This situation sort of gave me the  
3 initiative to really check out the landfill  
4 and what it was all about.

5 I actually did meet with Mr. Bilby this  
6 afternoon. I did come in and pick up the  
7 preliminary plat last week. So we did talk  
8 about it I was just curious. Who is going to  
9 own what? Realco, as I understand it, and  
10 Mr. Bilby knows a lot of history of this  
11 because this case goes back like 10 to 15  
12 years. I talked briefly to the previous case  
13 manager, but it was turned over to Mr. Bilby  
14 in a different bureau a few years ago. But he  
15 still knows a lot about the history of this.  
16 Realco was a company that was created, as he  
17 said, specifically to deal with closing and  
18 dealing with the problems of Altech Steel and  
19 another site in western New York. So, they do  
20 own this 52 acres, apparently.

21 I reviewed the application last Friday  
22 and there are inconsistencies in the  
23 application, just as the gentleman said. It  
24 talks about percentage of green space and at  
25 one point it included the acres of the

1 landfill. But then other things make it sound  
2 like there are remaining Realco lands.  
3 Tonight's discussion is more around 22 acres.

4 So my question is: Who is going to own  
5 the landfill? We live right next to it. It's  
6 something we have an interest in.

7 We also have all of the same interests  
8 that everybody has about the trees. We are  
9 protected by a homeowners' association section  
10 and we have our own trees on our own property  
11 so we're not really going to be that affected.  
12 But we are pleased to hear the concern of  
13 Board about the issue of the trees.

14 What I could not see from the plat that I  
15 saw, that I was able to pick up last  
16 Friday - this green area was not on that map  
17 at all. So my question is: How firm is that  
18 line?

19 So I think that's basically the point  
20 that I wanted to make.

21 One of the other comments is, I did a  
22 brief freedom of information request. I was  
23 given a file that was the file related to the  
24 work that you are doing, and much of what was  
25 talked about here tonight, various technical

1 reports and so forth were not in that file. So  
2 I'm hearing about things that were part of  
3 this application process, but I was not aware  
4 of them before tonight; just a comment.

5 ACTING CHAIRMAN NARDACCI: Okay, thank  
6 you very much. Could you address that issue?

7 MR. STEENBURGH: Yes, Mr. Reynolds; good  
8 question, thank you. I know it does seem a  
9 little confusing. We're under contract to  
10 purchase 22 to 23 plus or minus acres, which  
11 is the property you see right here. What's  
12 staying in the landfill section is Realco.  
13 Realco is going to retain ownership and  
14 maintenance of the additional land. Our  
15 application is only for that 22 plus acres  
16 that we are talking about developing, and that  
17 is what we are going to acquire for  
18 development. Realco is going to maintain and  
19 own the balance of the land.

20 MR. REYNOLDS: Okay. But then the kinds  
21 of inconsistencies in the application - it  
22 says total acres 51.9. Then it talks of your  
23 application about the percentage of building  
24 acres are going to be 21.92. Building coverage  
25 is 5.3 percent of that green space, 84 percent

1 of that is counting the landfill. I did all of  
2 the math and so this is not consistent.

3 MR. STEENBURGH: And just to answer that,  
4 the way that we have the application right now  
5 that's one parcel. And that's one tax parcel.  
6 So we have to take into account the whole  
7 parcel. We are asking for sub-division of the  
8 front section. But right now the parcel that  
9 we are talking about is the entire parcel as  
10 it sits today. We are only going to be  
11 developing a portion of that, and acquiring a  
12 portion of that. That exists today until we  
13 get sub-division approval. So, I can  
14 understand why it is confusing because  
15 sometimes it asks the total versus the  
16 developable.

17 MR. REYNOLDS: Okay. Just another comment  
18 about DEC and Mr. Bilby. He truly did not know  
19 anything about this project, even though it is  
20 very clear that a lot of interaction took  
21 place mostly around wetland issues. It turns  
22 out it's two different part of income for DEC  
23 and so he just didn't know about this.

24 MR. LACIVITA: Tom, I could be a little  
25 bit more clear on the Realco property. Back in

1           probably mid 2008, Realco had approached this  
2           administration to actually open that landfill  
3           back up to mine that. We were in very close  
4           conversations with Mr. Bilby from DEC and it  
5           was our recommendation both to the Senator and  
6           the Assemblymen of this area along with  
7           Supervisor Mahan that we will not sign-off on  
8           any permit allowing Realco to do any work  
9           within that landfill. That's going to remain  
10          closed and be monitored by Realco in  
11          perpetuity.

12                    ACTING CHAIRMAN NARDACCI: Mark Ross.

13                    MR. ROSS: I'm Mark Ross. I live at  
14                    11 Shelbourne and I'm actually next to the  
15                    Horns. I have 302 some odd feet right on  
16                    Spring Street. I didn't know tonight was the  
17                    final night for the plan, but I found out from  
18                    Wendy over the weekend and there is a proposed  
19                    sidewalk being built across from my 302 feet.  
20                    I know that the Town has the easement. I'm  
21                    just trying to figure out where it goes. In  
22                    our covenants it says that we have to maintain  
23                    our property. I have sprinkler heads in there.  
24                    I just spent \$2,400 on three 12-foot Norway  
25                    Spruces that are 16 feet from the road. I

1 think I'm okay.

2 I talked to Brad today and he had told me  
3 that the proposed sidewalk is probably going  
4 to be five or six feet from the road. I would  
5 like to know where it's going to be.

6 ACTING CHAIRMAN NARDACCI: Can you show  
7 him on the schematics?

8 MR. STEENBURGH: Actually, the plans that  
9 we have here this evening don't show us as far  
10 down as his property. Actually, he contacted  
11 me right after the Memorial Day weekend and I  
12 was out of Town. I actually did go out and  
13 look at it just so that I could get a feel for  
14 where that sidewalk was going to be situated  
15 and what impact it would have on Mr. Ross. In  
16 looking down through there, there is kind of a  
17 little drainage area. I did explain to him  
18 that the sidewalk would be situated on the  
19 outside of that whole drainage area between  
20 there and the road. There may be some  
21 massaging of the location of that sidewalk for  
22 the necessary utilities and structures within  
23 that right of way, but it would be located  
24 within that right of way. I did encourage him  
25 that should the project be approved the

1 construction starts, to talk with the  
2 developer and talk with the contractor,  
3 especially regarding the sprinkler head. I'm  
4 sure that something could be done to avoid it  
5 or making sure that's taken care of.

6 ACTING CHAIRMAN NARDACCI: Do you  
7 understand how far away that is from your  
8 property?

9 MR. ROSS: I came in and talked with Joe  
10 last week. I couldn't tell from the map. It  
11 just says proposed. So, I had no clue. I was  
12 in the process of putting in trees. I'm  
13 hearing about the development and I'd rather  
14 have them address the buffer because I'm kind  
15 of off set from Wendy's house. I'm going to  
16 have this looking into my backyard through  
17 their yard. So, I'm thinking of putting a row  
18 of trees in here, too. I'm glad that you guys  
19 are talking about the buffer in here, but I'm  
20 also concerned about the covenants.

21 As Bernie said, if you have covenants,  
22 who is going to enforce it? We have a hard  
23 time enforcing the ones that we have when I  
24 was on the Board. I was on the Board for six  
25 years and I know that it took us -

1                   How long did it take us to get that fence  
2                   down?

3                   MR. SCHUNICHT:   About three years.

4                   MR. ROSS:   And it finally involved  
5                   lawyers and expenses and everything else. They  
6                   finally got the fence down. I'd like to know  
7                   how things like that are going to work.

8                   MS. VAIDA:   One of the things that this  
9                   Board does is if we make those covenants that  
10                  are going to be in the deed a condition of the  
11                  approval, then the Planning Department has the  
12                  power to enforce them.

13                  MR. ROSS:   So if I saw a violation, I  
14                  could call zoning.

15                  MS. VAIDA:   Yes.

16                  MR. LANE:   But we cannot require a HOA.

17                  MS. VAIDA:   I think that you have better  
18                  luck by having the Planning Department having  
19                  that authority.

20                  MR. ROSS:   They certainly have more money  
21                  than we have.

22                  The other question that I had was I'm  
23                  sure that probably the traffic congestion in  
24                  this area -- have they looked at studies?  
25                  There are a bunch of cars that run through



1 Spring Street. I'm thinking of the other  
2 development on the other end of Delatour - I  
3 don't know how many homes are in the  
4 Carondelet. I don't know if you've ever been  
5 on 155 between 3:00 and 6:00. It's impossible.  
6 If you're coming from the other direction; you  
7 can get caught and hung out in the middle of  
8 Route 9 because there are two lights within  
9 100 feet of each other. There is no lanes for  
10 people that want to take a left on Old Loudon  
11 Road. Sometimes you wait for four light turns  
12 before you get out of there. Sometimes you're  
13 hung up in the middle of Route 9 and people  
14 are trying to go and are beeping the horn at  
15 you. I don't know what all this additional  
16 traffic is going to do there. I was wondering  
17 if they had any plan to fix that intersection.  
18 At Stewarts and Firestone is where I'm  
19 talking. It's horrible.

20 ACTING CHAIRMAN NARDACCI: As far as the  
21 application - they had to complete and submit  
22 a traffic study.

23 Do you want to address the traffic and  
24 the way that you looked at it?

25 The end result is that there is no

1 specific recommendations for any changes.

2 MS. DALTON: I used to live on Elizabeth  
3 Street. I know exactly what you're talking  
4 about. Essentially, I'm guessing that the  
5 traffic study that you did would be too far  
6 down 155 to really address the impact at the  
7 intersection of Route 9 and Old Loudon and  
8 155. There are so many outlets you could use.

9 The issue with traffic in  
10 Colonie -- we've been through this with every  
11 neighborhood that we have. The unfortunate  
12 thing is during rush hour, we all wait at  
13 lights no matter what corner of the Town that  
14 we're in. It's just kind of a fact of life. We  
15 have traffic studies. I'm sure that Joe can  
16 get you a copy of what was put on file. But I  
17 don't think that it's going to address the  
18 specific intersection here.

19 MR. ROSS: I used to live on Catherine  
20 Place just off 155 and there were a lot of  
21 times 10 years ago you couldn't even get out  
22 of the development because the traffic was  
23 backed up past the high school. What is it  
24 going to be when you have another 200 homes?

25 I was also looking to see if the Town was

1 looking to do anything in the future in regard  
2 to planning. That's about it.

3 ACTING CHAIRMAN NARDACCI: Thank you,  
4 very much.

5 Wendy Van Patten Horn.

6 MS. VAN PATTEN HORN: I'm Wendy and my  
7 husband and I and three children live at  
8 13 Shelbourne Drive. We're not opposed to the  
9 two homes that are proposed here, as long as  
10 there is a sidewalk along here. I think that  
11 we are the most impacted by this project. I  
12 know that you already got our letter from us.  
13 I hope that you read it. I don't want to read  
14 it.

15 I do want to thank any of the Planning  
16 Board Members that have had a chance to drive  
17 by or stop by and see the property in person.  
18 It really makes a difference when you're  
19 standing here and you see all these mature  
20 trees. That's our concern.

21 The rear of our house is very wet. It  
22 flows through here (Indicating) around to our  
23 yard. It's soaking wet. So, any drainage  
24 issues that are taken care of in front of the  
25 house are certainly not addressed running into

1           our yards. I just want to make a point of  
2           that.

3                     It's nice to see added trees here. I know  
4           that there was discussion about White Pines  
5           not being good in windy weather. This is a  
6           wind tunnel. All the garbage in this whole  
7           area goes in our backyard. I just want to make  
8           sure that you know that the trees that  
9           actually get planted - most of them have been  
10          replanted because they don't keep soil on  
11          them. Trees do not stay very well when they're  
12          planted there. It is very wet and our sump  
13          pump is running all the time.

14                    A lot of it is in my letter and I just  
15          really want to encourage you to, if you can,  
16          please try to keep a mature buffer that we  
17          have. It's not a lot that if it could be  
18          eliminated from the plan, it would keep our  
19          neighborhood separate. I'm not against the  
20          development. I actually like the idea of  
21          sidewalk connecting our neighborhoods and  
22          connects East Ridge. There is a nice flow  
23          around here, if it's kept that way. If this is  
24          actually kept, there would be no need for all  
25          the covenants to be installed in any of this

1 neighborhood because we wouldn't see them, we  
2 wouldn't deal with them.

3 When I talked to Mr. LaCivita last week  
4 about deed restrictions, he didn't tell me to  
5 contact the Planning Board if there were  
6 issues. He told me that you pretty much have  
7 to deal neighbor to neighbor, I believe.  
8 That's the impression that I got.

9 I'm not a litigious family. I don't want  
10 to sue the neighbors behind me if they put a  
11 shed out there or if the new trees that are  
12 planted there die - do I have to come up to  
13 you and say, they died, can you replace them  
14 because they are not replacing them? Instead  
15 of looking at all the natural trees that are  
16 there, we might have to be fighting with our  
17 backyard neighbors that we probably have no  
18 control over, if they die. We lose, then,  
19 whatever small amount of one or two tree  
20 buffers that I think is being proposed. We  
21 want to keep them so that we don't have that  
22 fight and we keep the peaceful two  
23 neighborhoods that are connected that are  
24 separate and I think that it would really  
25 benefit both of the neighborhoods.

1           ACTING CHAIRMAN NARDACCI: Thank you,  
2           very much.

3           MR. LACIVITA: Tom, if I could just  
4           clarify that a little bit with Wendy. I think  
5           that she might have misunderstood a little  
6           bit.

7           What I was saying is that when you have a  
8           subdivision up against subdivision, there is  
9           no protection in a deed or in a covenant that  
10          there is a no clear buffer. Residents had the  
11          capabilities of clearing right up to the lot  
12          line. I think that you might have  
13          misunderstood that. The Board can place that  
14          restriction or put some of those types of  
15          restrictions into residential components where  
16          you have a no cut buffer to protect that.

17          MS. VAN PATTEN HORN: That includes if  
18          they put a different sort of fence up or they  
19          include an above ground pool? For everything  
20          like that they have to come back to you to  
21          fight that? Do we do that?

22          MR. LACIVITA: No. Like Todd and Brett  
23          were talking about, that's something that they  
24          adopt and put into the deeds. We have the  
25          enforceability afterwards if they cut down a

1 tree. We're working with that with other  
2 parcels right now; industrial to single  
3 family. So, we're having issues like that.  
4 Because it's in an approval, we have that  
5 capability of working with that person who cut  
6 it down to say, it's a restriction and you  
7 have to put this back.

8 MS. VAN PATTEN HORN: So, if they paint  
9 the color of the house a different color -

10 MR. LACIVITA: I don't know if it gets  
11 that deep.

12 MS. VAN PATTEN HORN: That's what they're  
13 saying. I can give you a list of the very  
14 similar covenant restrictions that we have and  
15 they all told you how busy it is, but it comes  
16 down to not changing the color of your house  
17 very much or not putting up ACs in certain  
18 parts of your house or satellite dishes. We  
19 live here and we choose to live here, but it  
20 gets ridiculous. That's how it keeps our  
21 neighborhood beautiful. We're proud of the  
22 neighborhood that we have.

23 Since we have to be so close, our  
24 elevation is lower. You're going to see the  
25 houses. We're going to see their patio or

1           their backyard.

2                   ACTING CHAIRMAN NARDACCI: I think that  
3           what we've heard from the applicant is that  
4           they're willing to be negotiable and include  
5           these things in the deeds. They're not  
6           required to and they're willing to do it. I  
7           think that also, they're willing to work on  
8           this buffer, even though it appears that when  
9           previous build happened, things were cleared  
10          into their property.

11                   MS. VAN PATTEN HORN: I do have  
12          clarification on that. I did research on that  
13          from six years ago and I got satellite images  
14          that it wasn't East Hills. It was the cemetery  
15          that owned it beforehand. Before there was any  
16          sort of development or any sort of clearing,  
17          it was a weird ridge that goes along here and  
18          then there were mature trees. So, it wasn't  
19          East Hills.

20                   ACTING CHAIRMAN NARDACCI: They're  
21          willing to preserve mature trees on their  
22          properties, as well as plant additional.  
23          And they're going to provide us - what ever is  
24          available, they're going to provide us a  
25          detailed landscape plan that identifies each



1 tree and the species of each.

2 MS. VAN PATTEN HORN: I agree that it's  
3 reasonable. You can see how they keep the  
4 mature tree line that's already here. It's  
5 just the two homes that back up to these four  
6 homes have all mature trees on it. That's just  
7 my concern, since we're the only ones that are  
8 going to back up to them.

9 ACTING CHAIRMAN NARDACCI: I think that  
10 coming forward with a detailed plan will be  
11 helpful to you to see exactly what is it going  
12 to be. Our engineer and experts make sure that  
13 it fits in that character of that  
14 neighborhood.

15 Kaushik Bagchi.

16 MR. BAGCHI: I'm one of these neighbors.  
17 I live at 3 Harvester Court. I'm also affected  
18 by this wildlife buffer. My wife and I have  
19 been talking to all of our neighbors and our  
20 main concern is this buffer over here. Also, I  
21 think that we have addressed the grade between  
22 here and our property with the concerns of  
23 water run-off and things like that. I think  
24 that what I'd like is something basically  
25 written that just outlines a plan about the

1 number of trees, the density of the trees and  
2 how it would maybe look. If they could have  
3 some kind of animation that would project what  
4 it would look like five years after  
5 development - how they would look after  
6 they've been set up. I am also concerned about  
7 this wildlife buffer. Thank you.

8 ACTING CHAIRMAN NARDACCI: Thank you.

9 If we could get an updated - what you're  
10 proposing in those covenants and get something  
11 that's updated.

12 MR. STEENBURGH: They've been submitted.  
13 I apologize. I'm happy to resubmit though.

14 ACTING CHAIRMAN NARDACCI: That's all for  
15 the list. Is there anyone else who would like  
16 to say something?

17 MR. TABNER: I'm John Tabner and I  
18 apologize for my voice tonight. I'm hoarse. My  
19 wife and I are on the corner of Cheshire Way  
20 and Guilder Circle. We're one of the earlier  
21 houses there. We were there over 10 years ago.  
22 There were a couple of questions asked - one  
23 by a member of the Board and also by President  
24 Bernie relative to our area.

25 There has been a lot of talk about the

1 area west, but the engineer mentioned  
2 something about a drainage structure there  
3 taking the drainage north. Believe me, we  
4 don't need any drainage going north.

5 ACTING CHAIRMAN NARDACCI: I think that  
6 you misheard.

7 MR. STEENBURGH: It's nothing that we're  
8 proposing. They put it in when they built that  
9 subdivision because they impounded that water.  
10 They put in a drainage structure and drained  
11 it out to the road storm sewer. We want to  
12 help alleviate that. We're providing a better  
13 drainage out of that area to the south away  
14 from your parcel.

15 MR. TABNER: The area of the people along  
16 here - we have at least two neighbors that I  
17 regularly see. We have streams running down in  
18 the gutters along side of the paving. It's not  
19 a constant stream, but I would say that it's  
20 very much a seasonal stream. There is quite a  
21 bit of water that goes down there. We have  
22 never had any water in our cellar all that  
23 time until last fall when we had a very severe  
24 storm and all of the sudden we had about three  
25 inches of water in our cellar. That's a slope

1 right there that I don't want to see take that  
2 drainage to the south. Don't take it north. I  
3 would like to make sure that no drainage goes  
4 north because that slope is really saturated.  
5 I can tell you that I would say that two or  
6 three days a week - I watch one of my  
7 neighbors at the top of that slope just a  
8 couple of days ago - he was out there with  
9 some big draining pipes taking water out of  
10 his backyard. I don't know the details of it  
11 but believe me, we don't need any water coming  
12 up. I'm not against this project; believe me.  
13 I have no problem with it. As far as I'm  
14 concerned, once a property is built up, then  
15 you know it's going to be there. You're not  
16 going to get a steel mill or something like  
17 that next to you. Believe me, we don't need  
18 any water going north.

19 You said something that there was a six  
20 foot difference between the two areas. Is this  
21 area six feet higher than our area? How does  
22 that work out?

23 MR. STEENBURGH: This area here is six  
24 foot lower. This ends up being almost the  
25 grade for what these houses are in here. These

1 houses will be at existing grades. Currently,  
2 there is a structure that was put in here  
3 because there is a kind of natural high point  
4 in here. When they built the subdivision here,  
5 I think that they put in a structure because  
6 it was a historical flow in this direction and  
7 they were blocking that off (Indicating). What  
8 we're doing actually is giving you a second  
9 means by constructing this culvert pipe, which  
10 will be below grade, which will ultimately  
11 help in reducing the amount of stormwater  
12 heading to the north.

13 MR. TABNER: That is the area north  
14 (Indicating).

15 MR. STEENBURGH: This is actually cut  
16 down so that it will be helping, again, with  
17 the stormwater. Anything that's in the rear of  
18 the houses will be coming forward. I think  
19 that you do get some water that comes across  
20 here because this is being cut down. It should  
21 be limiting some of that stormwater which is  
22 going in your direction, as well.

23 MR. TABNER: Thank you.

24 ACTING CHAIRMAN NARDACCI: Is there  
25 anyone else who would like to speak?

1 MS. SEMMES: Hi, I'm Lisa Semmes and I  
2 live at 4 Harvester Court. I have a comment  
3 and a question.

4 Of course there is a lot of traffic on  
5 155, but I have very young children and I  
6 think that the traffic issue is more on East  
7 Hills Boulevard, itself. All of these people  
8 will come out and take a right on East Hills  
9 Boulevard as they head up to 155, or Route 7.  
10 I'd just like to make a note in the record  
11 that potentially the Town can think about what  
12 we could do on East Hills Boulevard because  
13 people use that as a highway connecting Spring  
14 Street Road and 155 and they go very, very  
15 fast through there. Sometimes we even have a  
16 buffer - a tree is knocked down and there is  
17 just a lot of traffic and there are a lot of  
18 young children that back up to East Hills  
19 Boulevard. I'd just like to make that comment.

20 FROM THE FLOOR: Mr. Chairman, I'd like  
21 to second her concerns. It is a problem on the  
22 boulevard with trees down and traffic problems  
23 and speed. I've contacted the Town of Colonie  
24 police a number of times. We've had three  
25 trees destroyed. One or two of them - we've

1           been able to get reimbursed for.

2           MR. LACIVITA: If I may Tom? You can  
3           address your concerns, actually, to the  
4           Highway Safety Committee. If you call my  
5           office tomorrow, there is an actual form that  
6           you can file to get onto their agenda, if you  
7           wanted to speak about some of the concerns

8           ACTING CHAIRMAN NARDACCI: When do they  
9           meet? They meet regularly when?

10          MR. LACIVITA: I may correct myself  
11          tomorrow, but I think that they meet the third  
12          Wednesday of the month. I think that they have  
13          one coming up on the 16<sup>th</sup>. I don't know if you  
14          can get on this agenda, but anything that you  
15          have in the future - if you have any concerns,  
16          just call my office - 783-2741 or just look on  
17          the website. We have a form that I can e-mail  
18          you and you can get yourself onto the agenda  
19          to discuss the concerns. They could actually  
20          look at that to see what's going on with it.  
21          You can also stop in my office.

22          MS. SEMMES: Thank you, very much.

23          The second concern that I have is  
24          previous to living in East Hills, five years  
25          ago I lived in a Toll Brothers development of

1 about 75 or 80 homes as one of the first ones  
2 in. The Toll Brothers did an excellent job  
3 finishing that development quickly. While we  
4 lived there for two years, there were trucks,  
5 gravel, pop your tires because there is nails  
6 and stuff - construction going on, loud noise  
7 and trucks and the whole business.

8 My question for the applicant is: Is it  
9 one developer that will be developing all the  
10 homes on your plan, and do you also have  
11 timing? It sounds like it's individual people  
12 that construction can go on for years and  
13 years. Will it all be developed within the two  
14 year plan and will all the houses look  
15 similar? Will you have a modern house next to  
16 an architecturally similar house?

17 MR. STEENBURGH: Yes, it will be one  
18 builder doing the whole site. All the  
19 infrastructure and roads will be done at once  
20 so all the site work and things like that will  
21 be all done hopefully in a relatively short  
22 period time. Then, the market really dictates  
23 how quickly the homes get sold and not when  
24 the builder builds the homes. We're very  
25 confident that the location has - you



1 obviously like it. You live there. We think  
2 that it's one of the premier locations in the  
3 whole capital region. That's why we're excited  
4 about it. We're pretty confident that they'll  
5 sell pretty quickly, but I can't put a time  
6 frame on it. I can tell you that the site work  
7 will all be done at once. All the dirt and the  
8 roads being constructed and the utilities  
9 being put in will be done at once. Then it's  
10 just a matter of how quick the buyers come to  
11 buy homes. There will be one builder, so the  
12 styles will be similar. They're going to have  
13 architectural guidelines.

14 MR. LACIVITA: During the course of  
15 construction, typically the Town departments  
16 are out on the site during the larger part of  
17 the construction phase during the  
18 infrastructure. So, you would see the  
19 departments of DPW and Stormwater - they look  
20 at those inspection reports and everything  
21 else. So, we're visible during the course of  
22 that timeframe, as well when it gets to  
23 individual building of the homes. Then, you're  
24 looking at the Building Department and Code  
25 Enforcement and things like that. So, again,

1 we're visible on site as well, so, if there  
2 are any concerns during the course of that  
3 construction, we're also another place that  
4 you can call as well.

5 MS. SEMMES: Thank you, very much.

6 ACTING CHAIRMAN NARDACCI: Any other  
7 comments?

8 MR. ANDREWS: I'm Ray Andrews and I live  
9 at 7 Shelbourne and I'm three houses down from  
10 the Warrens. I have a letter which follows the  
11 same theme about the buffer zone and about a  
12 homeowners association. I mailed a copy to  
13 you.

14 MR. LACIVITA: Yes, the Members have it.

15 MR. ANDREWS: One of the concerns that I  
16 have is that every morning I drive by the  
17 building with the partial structure on the  
18 corner of Schuyler and Menands. I think it's  
19 the BBL -

20 MR. LACIVITA: BCI.

21 MR. ANDREWS: I like the Board saying  
22 mature trees and buffers, but will that be in  
23 place right on the onset? I'm sure that  
24 developer felt that they were going to build  
25 out and sell all the units and the economy

1           turned south. We could be in a similar  
2           situation where we come in and all the grading  
3           is done, but the buffer isn't built out in a  
4           sense and then the economy turns south and the  
5           homes aren't built. I guess that's my concern.  
6           What is the plan for the buffer? Will it be  
7           put in place on the onset?

8                   MR. STEENBURGH: That's certainly  
9           something that we can do. Like I said earlier,  
10          we're planning on doing all the site work at  
11          once. We can certainly put that in a site work  
12          package. Some of the levels of clearing won't  
13          leer back as far as we're showing right now  
14          until some of the homes can be built there.  
15          We'd maybe be better off leaving full  
16          vegetation there as opposed to clearing it and  
17          putting a full buffer there. Whatever the Town  
18          feels comfortable with; I'm happy to work with  
19          you.

20                   ACTING CHAIRMAN NARDACCI: I think that's  
21          a good point. That project in Menands is a  
22          disgrace.

23                   MR. ANDREWS: I drive by it every day and  
24          I see that poor yellow house and they're wide  
25          open. I know that everyone had great plans,

1 I'm sure, and they went south.

2 ACTING CHAIRMAN NARDACCI: The one thing  
3 that is differentiating this is that these are  
4 single family homes. It certainly is a  
5 different type of market for that. Do you want  
6 to speak to that? I agree that's an eyesore.  
7 It's Colonie's own version of Stonehenge. I  
8 think that it's different.

9 Anyone else?

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

11 ACTING CHAIRMAN NARDACCI: I know that  
12 you came in for final, but based on counsel's  
13 opinion with regards to the final plat being  
14 submitted and based on the need for a specific  
15 landscaping plan -- I think that getting a  
16 final clarification from what this DEC  
17 conversation is - I think that there are  
18 simple things to come up with and fix. I'd  
19 like to see if we can get you back on the  
20 agenda rather quickly.

21 MR. LANE: Do we adjourn this? Is this an  
22 adjournment?

23 ACTING CHAIRMAN NARDACCI: We're not  
24 going to take action tonight.

25 MR. LACIVITA: We could adjourn it to

1 another day. One of the things is if we pick a  
2 day, we'll notice the residents.

3 ACTING CHAIRMAN NARDACCI: Do you have  
4 the calendar?

5 MR. LACIVITA: It's really going to be  
6 between Brett and Brad to get together and  
7 figure out a time frame as to when they think  
8 that they could address some of these  
9 concerns.

10 MR. STEENBURGH: The bulk of the concern  
11 is the landscaping plan. You have the  
12 subdivision plat. A lot of the comments in the  
13 letter were procedural, or minor, in nature.

14 ACTING CHAIRMAN NARDACCI: The only  
15 unknown is the DEC issue.

16 MR. STEENBURGH: That would be the only  
17 element that I can't speak of. I can get the  
18 landscaping plans as early as next week.

19 MS. VAIDA: Did you say that we have the  
20 final plat here?

21 MR. STEENBURGH: The final plat, I  
22 submitted to Brad electronically. I can get as  
23 many paper copies as the Town needs on that.

24 MR. LACIVITA: The one thing that I don't  
25 want to do is put a lot of constraints on your

1 time as far as getting these done. I know that  
2 we can't make our next meeting, which is the  
3 21<sup>st</sup>, just because we'll need to get reviews  
4 and comment letters out to the Board. The next  
5 meetings after that are July 12<sup>th</sup> and July  
6 26<sup>th</sup>, which we have openings on both.

7 ACTING CHAIRMAN NARDACCI: I think that  
8 if we shoot for July 12<sup>th</sup>, that will give you  
9 plenty of time to get in touch with the state  
10 and find out if you can get something in  
11 writing.

12 MR. LACIVITA: It's on record and the  
13 residents now know that July 12<sup>th</sup>, we'll hear  
14 it.

15 ACTING CHAIRMAN NARDACCI: Mark July 12<sup>th</sup>  
16 on your calendars to come back.

17 MR. ROSANO: So, we're going to hold the  
18 public hearing open?

19 ACTING CHAIRMAN NARDACCI: Yes.

20 Thank you.

21

22 ***(Whereas the proceeding concerning the***  
23 ***above entitled matter was adjourned***  
24 ***at 9:52 p.m.)***

25

**CERTIFICATION**

1  
2  
3  
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            \_\_\_\_\_  
                  ***NANCY STRANG-VANDEBOGART***

16  
17  
18            ***Dated July 18, 2011***