

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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5 VENTURA SUBDIVISION  
6 560 BOGHT ROAD  
7 APPLICATION FOR CONCEPT ACCEPTANCE  
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9 THE STENOGRAPHIC MINUTES of the above entitled  
10 public hearing BY NANCY STRANG-VANDEBOGART, a  
11 Shorthand Reporter, commencing on  
12 April 24, 2012 at 8:20 p.m. at the Public  
13 Operations Center 347 Old Niskayuna Road,  
14 Latham, New York 12110

15 BOARD MEMBERS:

16 PETER STUTO, CHAIRMAN  
17 KATHLEEN DALTON  
18 BRIAN AUSTIN  
19 BRIAN HAAK

20 Also present:

21 Michael Tengeler, Planning and Economic Development  
22 Lynn Sipperly, PE, Sipperly and Associates  
23 Joe Grasso, Clough Harbour and Associates  
24 Cindi Fabozzi  
25 Norbert Desrosiers  
Karen Ventura  
Peter Gianni

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1                   CHAIRIMAN STUTO: Next on the agenda is  
2 Ventura Subdivision, 560 Boght Road,  
3 application for concept acceptance.

4                   Mike, do you want to give us an  
5 introduction on this?

6                   MR. TENGELER: The Ventura Subdivision,  
7 560 Boght Road. This is an application for  
8 concept acceptance. They last appeared before  
9 the Board as an update on March 27, 2012 where  
10 they tweaked the design based on previously  
11 Board discussions. Again, this is a 30-lot  
12 residential subdivision.

13                   I'll turn it over to Lynn Sipperly to  
14 present.

15                   MR. SIPPERLY: Thank you Mr. Chairman.

16                   As Mike indicated, we have made some big  
17 modifications in the subdivision from what was  
18 presented back in November of 2011 and January  
19 of 2012.

20                   The green area is 40 percent. That is  
21 required under the conservation overlay  
22 development. We've also shortened the  
23 cul-de-sac street by about 400 feet, bringing  
24 the lots that were formally near the south  
25 side, toward the north. We've also moved the

1 roadway further east away from the rear yards  
2 of homes on Renas Drive. We really kind of  
3 looked at the total environmental scene, so to  
4 speak.

5 We have proposed a major block of open  
6 space area adjacent to open spaces that occur  
7 on adjacent lands. There is a large open space  
8 that occurs to our south boundary as part of  
9 the Canterbury Crossing project that has been  
10 approved and under construction. There is also  
11 a large area of greenspace to our east  
12 boundary as part of the proposed -- this is  
13 actually Cornerstone Meadows Phase II. What  
14 this does are a couple of things. It preserves  
15 existing wetlands that have value on the  
16 property, but also continues a large corridor  
17 for wildlife movement between properties. We  
18 thought that would be quite important.

19 Similarly, also set aside open space  
20 areas adjacent to wetlands on the site to  
21 protect the nature of the wetlands and the  
22 quality of the wetlands.

23 On this particular drawing, the heavier  
24 dark lines are the area of wetlands. We have  
25 2.38 acres of wetlands on the property. The

1 project is affecting .03 acres. It's a very  
2 minor wetland impact. We have both DEC  
3 wetlands which are mostly on the south side of  
4 the property and on the easterly side of the  
5 property, and we have federal wetlands along  
6 the front of the property.

7 The wetlands will be set aside as  
8 conservation easement areas which  
9 will -- there will be preservation areas where  
10 there will be no development permitted within  
11 the wetlands so that the wetlands are  
12 maintained. The remaining open space area  
13 would be restrictive covenants on lots. Right  
14 now, this lighter green area is a restrictive  
15 covenant. The restrictive covenant means that the  
16 open space will not be used for any  
17 residential purposes and it will be maintained  
18 as open space with very limited uses being  
19 that it can be maintained with regard to any  
20 nuisance that may be created.

21 CHAIRMAN STUTO: Do we have language of  
22 what the restriction is going to be?

23 MR. SIPPERLY: Yes, in fact, I submitted  
24 that to the Board. I don't know if the Board  
25 has had a chance to review that.

1                   CHAIRMAN STUTO: Is that on a separate  
2 piece of paper?

3                   MR. TENGELER: It was.

4                   CHAIRMAN STUTO: Okay.

5                   MR. SIPPERLY: I can read to the Board  
6 what we are proposing as far as a restrictive  
7 covenant.

8                   CHAIRMAN STUTO: Okay, I have it.

9                   MR. SIPPERLY: We kind of researched the  
10 language that's in Local Law 2 of 2012 just  
11 adopted by the Town.

12                  CHAIRMAN STUTO: I'm going to ask for our  
13 Attorney and our Town Designated Engineer to  
14 pay attention and think about whether this is  
15 adequate.

16                  MS. VAIDA: That's what we were just  
17 doing.

18                  MR. GRASSO: I have a detailed review of  
19 the draft of covenants and I have suggested  
20 revisions, but I'll let Lynn go though it.

21                  MR. SIPPERLY: Yes, I have the first  
22 draft of it for the Board's consideration.  
23 We're sticking to what the deed restriction  
24 would be on each particular lot.

25                  CHAIRMAN STUTO: On that major one, which

1 lot is that going to?

2 MR. SIPPERLY: There is also some open  
3 space area that occurs on these lots on the  
4 west side and also on the east side. The other  
5 open space areas are within a portion of the  
6 property that is going to be deeded to the  
7 Town as part of a detention basin parcel.

8 MS. VAIDA: So, all the open space area,  
9 except for the detention basin area, is going  
10 to be privately owned?

11 MR. SIPPERLY: No, the only part of the  
12 open space area owned by the Town is this  
13 parcel here (Indicating).

14 MR. GRASSO: The rest is by deed  
15 restrictions.

16 MS. VAIDA: Then, that's common area  
17 then - that open space?

18 MR. SIPPERLY: It's not common area. It's  
19 open space area set aside to remain as open  
20 space area with no development. It's not  
21 common area.

22 MS. VAIDA: Who is going to own that?

23 MR. SIPPERLY: It will be part of the  
24 lot. It will be under private ownership with a  
25 conservation open space restrictive covenant

1 on the portion that is set aside for open  
2 spaced lands.

3 MS. VAIDA: So, it will be privately  
4 owned.

5 MR. SIPPERLY: Yes, where it would occur  
6 on lots, yes, it would be privately owned.

7 MS. VAIDA: And you just said that would  
8 also be privately owned - the one that is not  
9 part of a lot, right?

10 MR. SIPPERLY: Other than the parcel that  
11 is going to be conveyed to the Town as part of  
12 the detention area, the remaining open spaced  
13 lands would be part of lots. We don't have a  
14 homeowner's association.

15 MS. VAIDA: Okay, That's where I had a  
16 question.

17 MR. SIPPERLY: Here is the restrictive  
18 covenant that we're proposing. Again, it's  
19 written to refer to a particular lot where  
20 open space would occur on the lot.

21 "A portion of this lot is subject to  
22 perpetual restrictive covenant and easement -"

23 CHAIRMAN STUTO: Why don't you start with  
24 the next sentence, residential structures?

25 MR. SIPPERLY: "Residential structures,

1           accessory structures, swimming pools, fences,  
2           discarded debris, debris piles and garages  
3           will be prohibited within open space  
4           restrictive covenant area.”

5           CHAIRMAN STUTO:   So, no building.

6           MR. SIPPERLY:   That’s correct.

7           “Maintenance of vegetation and grounds  
8           within the open space area shall be permitted  
9           by the lot owners so as to avert nuisance  
10          hazardous or dangerous conditions to the lot  
11          or to adjacent properties.

12          Stormwater management facilities and  
13          local utility distribution lines are permitted  
14          within the open spaced lands.”

15          That comes right from the language of the  
16          Local Law.

17          CHAIRMAN STUTO:   And that’s basically the  
18          substance of the restriction.

19          MR. SIPPERLY:   Yes.

20          CHAIRMAN STUTO:   We’ll hold that until  
21          Joe makes his comments. Thank you.

22          MR. SIPPERLY:   So, what we have done here  
23          again, is we presented a subdivision that is  
24          in conformance with the conservation overlay  
25          requirements and goals. We’re setting aside



1 and protecting lands of environmental quality.  
2 We're also preserving wildlife corridors.  
3 We're also creating certain areas of buffers  
4 to adjacent properties.

5 At our last meeting there was some  
6 discussion by the Board with regard to the  
7 proposed lots on Renas Drive. We're proposing  
8 three lots on Renas Drive. We're asking the  
9 Board to approve the three lots at this time.  
10 We feel that the lots are consistent with the  
11 adjacent properties on Renas Drive.

12 Renas Drive has gone through some  
13 transition in the last 20 years. It's an old  
14 area. It started out with small lots and small  
15 homes. In more recent times, we've seen some  
16 big lots and some big homes be developed  
17 there. Where we are proposing these three lots  
18 are really - we're surrounded by other small  
19 lots and small homes and we think that we are  
20 consistent with the character. I don't know  
21 what the adjacent land uses are. If a builder  
22 comes in and finds that the market is really  
23 looking for bigger houses and bigger lots, a  
24 builder could come back to this Board and ask  
25 for a lot consolidation to where we could go

1 from three lots to two lots or even to one  
2 lot.

3 Other than that, we think that we've  
4 complied with the goals of the conservation  
5 overlay. We're asking the Board for concept  
6 acceptance.

7 One additional comment: The Venturas are  
8 here this evening and they have met with the  
9 residents on Renas Drive and actually we have  
10 some side letters from the residents on Renas  
11 Drive. The three that back up to the  
12 subdivision - their letter states that they  
13 have no objection to Ventura Boulevard at the  
14 rear of their property. The neighbors across  
15 the street from Renas Drive from the three  
16 lots -- and they're also in agreement that  
17 three lots are not out of character. We can  
18 provide those letters to the Board tonight.

19 CHAIRMAN STUTO: We'd like to hear form  
20 our Town Designated Engineer, Joe Grasso, on  
21 this project.

22 MR. GRASSO: The plan before the Board  
23 tonight is the same plan that we had used as  
24 the basis for our March 20<sup>th</sup> review letter,  
25 which I had gone through in detail at the

1 March 27<sup>th</sup> Planning Board. I'm not going to  
2 read the letter into the record because it's  
3 already in the record. I'll just touch on the  
4 more substantial comments that we identified  
5 in the letter.

6 The first being because of the tremendous  
7 revisions to the plan, as proposed, we feel  
8 that they did a good job modifying the plan to  
9 comply with the conservation development  
10 overlay district requirements, and we  
11 expressed strong support over the objectives  
12 achieved by the plan regarding conservation of  
13 those important resources that had been  
14 identified during previous reviews and design  
15 work. We said that if agreed to by the  
16 Planning Board, we would use all of the  
17 information in the record to draft written  
18 conservation findings for the Planning Board's  
19 consideration but that step is not required  
20 until final. We thought that would be better  
21 to defer that later in case there were further  
22 tweaks made to the plan throughout the design  
23 process. We had recommended on the  
24 archeological investigation be done, but did  
25 not feel that it was needed to be done even

1           though it had been recommended a couple of  
2           times. We agree with the applicant that very  
3           often if any resources are found, they're  
4           mitigated in other ways and do not drive the  
5           design of the project. So, obviously it would  
6           be something that should be completed before  
7           the Planning Board makes a SEQRA  
8           determination, which again, wouldn't be made  
9           until final.

10                        We had commented on drafting the deed  
11           restriction language, which I'll provide some  
12           more comments in a minute. We had concurred  
13           with the maximum allowable density of the  
14           site. We concurred with the sizing of the lots  
15           and the proposed setbacks of those lots. We  
16           agreed with the reduction of the cul-de-sac to  
17           bring it more in line with the reconditions of  
18           the division of fire services. We made a  
19           comment regarding how the final design would  
20           progress regarding the water main and how it  
21           would dovetail into some of the other adjacent  
22           projects that have already been approved in  
23           the area. We had commented on the design work  
24           that would ensue for the stormwater design to  
25           serve the subdivision and some of the

1 investigations that it would have to rely  
2 upon. We had a comment regarding the specific  
3 layout of the cul-de-sac and suggested a  
4 revision to that when they go to final design  
5 that would allow an easier connection to serve  
6 the adjacent property without changing the  
7 configuration of the lots in the further or  
8 requiring a lot of disruption to possible home  
9 sites at the end of the cul-de-sac.

10 That was the content of our March 20<sup>th</sup>  
11 letter.

12 CHAIRMAN STUTO: On the cul-de-sac, where  
13 are we with Fire Safety?

14 MR. GRASSO: They have not reviewed and  
15 commented; at least that I'm aware of, based  
16 on the revised plan.

17 MR. SIPPERLY: No, we haven't received  
18 any comment. The cul-de-sac is now 960 feet  
19 long. Fire safety recommends 750. We have two  
20 or three lots that are beyond that.

21 MR. GRASSO: They recommended that any  
22 lot beyond 750 feet be provided with  
23 residential sprinkler systems, which Lynn said  
24 that they would consider as they work through  
25 the final plans after more research.

1           MR. SIPPERLY: We would only ask for a  
2           consideration there that if during the review  
3           and approval of this subdivision, that the  
4           Planning Board receives application on the  
5           adjacent parcel, which eliminates the  
6           cul-de-sac and makes it more of a circular  
7           street, that all of the sudden they require a  
8           sprinkler in those homes would no longer be  
9           required.

10           MR. GRASSO: The 750 feet is not a hard  
11           and fast law. It's just recommended. I think  
12           that it's something that we can solicit more  
13           comment from Chief Lattanzio on, and work with  
14           Lynn as they advance the design.

15           With that, the only other item that we  
16           have additional comment on is -

17           CHAIRMAN STUTO: Did you talk about the  
18           three lots?

19           MR. GRASSO: We didn't raise the issue in  
20           our letter, but Lynn correctly brought it up  
21           that it was a comment from the Planning Board.

22           CHAIRMAN STUTO: What is your opinion on  
23           the way that section is laid out?

24           MR. GRASSO: Those lots are tight and  
25           when you look at them, they're not consistent

1 with some of the lots on Renas Drive, but  
2 there is such a disparity in the lots on Renas  
3 Drive that you could really make a case either  
4 way. I think that it's great that they went  
5 through the effort to solicit input from their  
6 neighbors.

7 CHAIRMAN STUTO: How large of a house can  
8 they build? As Brian pointed out, there is  
9 like almost two sections of street; the older  
10 section and then the newer section. The newer  
11 section is smaller lots, smaller houses and  
12 the newer section is larger houses and larger  
13 lots.

14 MR. GRASSO: Typically, when you see  
15 small lots in a setting like this, you  
16 immediately think that they're going to result  
17 in smaller homes or homes of lesser value.  
18 Therefore, it could negatively impact the  
19 neighborhood. I think that based on what they  
20 have described as the market that they are  
21 targeting and working on a cluster type  
22 design, and looking also at the value of the  
23 homes in the area; both the Ventura's property  
24 as well as some of the new homes on Renas  
25 Drive -- or presume that just because the lots

1 are small, doesn't mean that it will be  
2 reflective of lower home values.

3 CHAIRMAN STUTO: I'm not saying that.  
4 It's more scaling for me. There are new houses  
5 there. It seems like if you're going to keep  
6 with the two sections - anybody can correct me  
7 because I don't really know -- because it's an  
8 odd situation, but the scale should be the  
9 same as the first section which is smaller  
10 houses. That's my opinion. Then you have a  
11 clean break to the bigger houses.

12 MR. GRASSO: I would have to research  
13 this, but I think that it's within the purview  
14 of the Planning Board to dictate and restrict  
15 the size of the structure on the lot. It's  
16 something that the Building Department could  
17 enforce through the building permit review  
18 process. That's something that the Board may  
19 wish to consider, if they feel that it would  
20 keep the development of those lots more in  
21 context with Renas Drive. That seems like a  
22 good compromise.

23 CHAIRMAN STUTO: We'll talk about it and  
24 think about it.

25 How about the deed restriction?



1 MR. GRASSO: Does everybody have the  
2 draft?

3 CHAIRMAN STUTO: We have it.

4 MR. GRASSO: "The vegetation and the open  
5 space land shall be permitted by the lot owner  
6 so as to avert nuisance, hazardous or  
7 dangerous conditions to the subject lot,  
8 and/or adjacent properties."

9 We think that should be stricken from the  
10 deed restrictions. It's not something that was  
11 noted in the law that the Town passed  
12 regarding deed restrictions. That's the type  
13 of thing that we've seen create problems with  
14 other Towns that commonly use deed  
15 restrictions. It allows that discretion. What  
16 happens is that people go in there and do  
17 something that they think is relatively  
18 harmless, and as a lot owner they thought was  
19 harmless, but to their affected neighbor it  
20 wasn't so harmless. They bring the Town in and  
21 it's difficult after the fact to tell exactly  
22 what was done.

23 CHAIRMAN STUTO: Would you put more  
24 restrictive language in its place?

25 MR. GRASSO: I would take that sentence

1 right out.

2 CHAIRMAN STUTO: You can't just be silent  
3 on that.

4 MR. GRASSO: The next sentence where it  
5 says stormwater management facilities and  
6 local utility distribution lines - what Lynn  
7 has done is he's extracted part of the  
8 language from the Town's law regarding deed  
9 restriction. We thought that it should be more  
10 exactly in line with the Town's Law, which  
11 actually allows some other things, then it  
12 would read as such:

13 "Driveways, wells, underground sewage  
14 disposal facilities, stormwater management  
15 facilities, trails, agricultural structures  
16 and local utility distribution lines are  
17 permitted with open space lands, subject to  
18 Planning Board approval, provided they do not  
19 impair the conservation value of the land."

20 I think that Lynn probably omitted that  
21 because he doesn't actually feel that they fit  
22 the setting. We thought just to be consistent  
23 with the Town's language and -

24 CHAIRMAN STUTO: Agricultural structures  
25 are permitted.

1 MR. GRASSO: And trails.

2 CHAIRMAN STUTO: But they have to come  
3 back to the Planning Board.

4 MR. GRASSO: Yes, and I think that's an  
5 important distinction is that the Town's law  
6 legislation says that it would be subject to  
7 Planning Board review, which we fully support.

8 MR. SIPPERLY: Can I comment on one  
9 thing? We put that sentence in there.

10 "The lot owner will be able to maintain  
11 the open space area, again, in a nuisance  
12 condition to prevent dangerous and hazardous  
13 conditions."

14 You have a tree back there on the lot and  
15 if a branch is broken, somebody could walk  
16 back there and the branch could come down and  
17 fall on them. Other situations could be in the  
18 large areas. You could have brush to the back  
19 property line. Maybe you want to cut that back  
20 so in case of fire, it's not at the rear yard  
21 of the people's homes and whatever they have  
22 in their back yard. We're saying that in a  
23 nuisance situation, we're not saying that it  
24 gives them full latitude to clear the land.  
25 It's just for the fact that if there are

1 nuisance conditions that might occur -- and  
2 that does occur. We've seen that. Even in  
3 preservation areas with the DEC and the Corps  
4 of Engineers, we reserve that right to be able  
5 to go in and to remove dangerous conditions.  
6 If a tree fell over and it broke and was still  
7 hanging to where if someone should walk  
8 through that open space area and a tree falls  
9 on them, it's a liability and a hazard and  
10 that's why we put that in there.

11 MR. GRASSO: I tried to address that, but  
12 if I can keep going with my comments, I think  
13 that I'll be able to address those comments.

14 I go on to say that I pulled some more  
15 language from the Town's deed restriction  
16 language and say:

17 "The restrictions shall prohibit  
18 residential, industrial or commercial use  
19 within the restricted area, except in  
20 connection with agricultural forestry and  
21 passive recreation that has received approval  
22 by the Town of Colonie Planning Board and  
23 shall not be amendable and permit such use.

24 "Grading of land and the clearing of  
25 vegetation including any pruning or removal of

1 brush or dead wood, etcetera, shall not be  
2 permitted within the restricted area without  
3 Planning Board approval.”

4 Again, if there is that isolated  
5 incidence where they have to go in there and  
6 do something because it is an unsafe hazard, I  
7 think that the Planning Board would give it  
8 consideration.

9 MS. DALTON: I was just going to suggest  
10 that some of the parameters that you  
11 established are to protect health and safety  
12 so that you're very specific about why they  
13 would appear in front of them on the Board to  
14 ask for that kind of permission so that they  
15 don't just come for whatever.

16 CHAIRMAN STUTO: Is that it, Joe?

17 MR. GRASSO: It is.

18 CHAIRMAN STUTO: I say if this goes  
19 forward, let's continue working on the  
20 language.

21 Cindi Fabozzi.

22 MS. FABOZZI: I just had a couple of  
23 questions.

24 CHAIRMAN STUTO: I know where you live  
25 because I have your name on the sheet.

1 MS. DALTON: Yes, we want to know where  
2 you live.

3 MS. FABOZZI: I'm at 548 Boght Road.

4 CHAIRMAN STUTO: Can you point to that?

5 MS. FABOZZI: It's here (Indicating).

6 I wanted to know how many houses were  
7 proposed on that site.

8 MR. SIPPERLY: One of the lots is the  
9 existing home of the Ventura's. So, there are  
10 29 new lots proposed.

11 MS. FABOZZI: Could you show me where the  
12 access in and out of the property would be for  
13 the development?

14 MR. SIPPERLY: It occurs right here at  
15 this location which is the present driveway to  
16 the Ventura property (Indicating). There is a  
17 second access about midway back to the  
18 property connecting to Vliet Street.

19 MS. FABOZZI: That's my concern. I'm  
20 three houses down. What is now a residential  
21 home is now turning into a development and  
22 highway road for 30 homes. That's one of my  
23 first issues. It's busy on that highway and  
24 directing traffic in and out of that space is  
25 just going to be increased traffic and

1 congestion there.

2 I may be incorrect in this, but was that  
3 an agricultural site at one point? Those 22  
4 acres or whatever - was that an agricultural  
5 property?

6 MR. SIPPERLY: It wasn't zoned  
7 agricultural.

8 MS. DALTON: Ma'am, which road are you  
9 concerned about? Are you concerned about the  
10 Boght entrance?

11 MS. FABOZZI: Correct; mainly the Boght  
12 entrance because it's three houses down from  
13 where I am. That would be the main access.

14 There is the other one on Baker Avenue.  
15 Is that the second one?

16 MR. SIPPERLY: That's Vliet street.

17 MR. AUSTIN: Which I believe that's  
18 perpendicular, correct?

19 MR. SIPPERLY: That's correct.

20 MS. FABOZZI: That would be my main  
21 concern because the proximity to Route 9.

22 Can you address the sewer system, which  
23 would tie into that? Would that affect my  
24 property at all?

25 CHAIRMAN STUTO: The Vliet Street one -

1 is that into a going street right now or is  
2 that for future development?

3 MR. SIPPERLY: Vliet Street is developed.  
4 Where we're proposing to connect to it is  
5 developed.

6 CHAIRMAN STUTO: So, that's an active  
7 branch of the street.

8 MR. SIPPERLY: Exactly.

9 CHAIRMAN STUTO: Can you repeat your last  
10 question?

11 MS. FABOZZI: I was just wondering about  
12 the sewer tie-in and how it will affect our  
13 neighbors.

14 MR. SIPPERLY: There is an existing sewer  
15 system along Boght Road in the back of the  
16 lots. The front lots would flow northerly to  
17 that sewer system. There is another sewer  
18 system in Vliet Street extension and the  
19 southern part of the development. From this  
20 point back (Indicating), it would flow to the  
21 sanitary sewer.

22 CHAIRMAN STUTO: So, roughly half of it  
23 will flow by gravity?

24 MR. SIPPERLY: It all will flow by  
25 gravity. About one-third will go toward Boght



1 Road and the other two-thirds will go to Vliet  
2 Street.

3 MS. FABOZZI: There is a flood issue in  
4 the Boght area. I think that you could attest  
5 to that. There are overflows and it ends up  
6 into the neighbor's yards and my yard. I have  
7 a tie-in to the sewer on my property where the  
8 sewer goes right in the driveway of my  
9 property. I'm concerned that might be the  
10 tie-in.

11 CHAIRMAN STUTO: I'm not sure that I  
12 understand your question.

13 Do you understand what she is saying?

14 MR. SIPPERLY: I think that she's asking  
15 where the stormwater management -

16 CHAIRMAN STUTO: Your storm sewer?

17 MS. FABOZZI: The sewer, yes. The sewers  
18 were put in not that long ago. The tie-in goes  
19 up my property and I'm curious to know if  
20 that's going to be a tie-in for this property.

21 MR. SIPPERLY: There is a sanitary sewer  
22 on your lot; is that correct? That's the sewer  
23 that you're talking about?

24 CHAIRMAN STUTO: You know the difference,  
25 right?

1 MS. FABOZZI: No.

2 CHAIRMAN STUTO: Sanitary is when you  
3 flush your toilet and storm sewer is from the  
4 rainwater and the open drains.

5 MS. FABOZZI: I'm talking about the  
6 sanitary.

7 MR. SIPPERLY: There is no stormwater  
8 going into the sanitary sewer. That's  
9 prohibited.

10 MS. FABOZZI: I'm concerned about the  
11 tie-in of the sanitary sewer.

12 CHAIRMAN STUTO: Can you show where your  
13 main is going to tie in?

14 MR. SIPPERLY: Actually the sewer line  
15 ties in right through here (Indicating). Our  
16 connection is right here in the road.

17 CHAIRMAN STUTO: So, that's a lot or two  
18 above.

19 FROM THE FLOOR: Right. The sewer line  
20 does go in the back of the lots there and it  
21 turns the corner on the property at 548. Then  
22 it runs out to the road.

23 MS. FABOZZI: That's going to tie in  
24 right on my lot.

25 MR. SIPPERLY: We're not tying in on your

1 lot. The sewer line comes right through like  
2 this (Indicating).

3 MS. FABOZZI: Right through my property.

4 FROM THE FLOOR: It flows down here and  
5 this area is notorious for flooding.

6 MR. SIPPERLY: This is a sanitary sewer.  
7 We can't discharge to that.

8 FROM THE FLOOR: Right, and there is  
9 flooding over the top of it. I just wanted to  
10 make this statement. It should be addressed.  
11 There is a problem here.

12 MS. DALTON: I think what I hear you  
13 saying - please confirm or deny - is that the  
14 storm sewer typically gets backed up because  
15 of the rain and it sometimes overflows. It's  
16 proximity to the sanitary sewer makes you  
17 concerned that there will be some kind of  
18 run-off from the storm sewer into the sanitary  
19 sewer that will raise problems in the sanitary  
20 sewer. Is that what you're saying?

21 FROM THE FLOOR: Almost. There is a  
22 drainage ditch that runs across and down  
23 parallel to the sewer. It's constantly  
24 inundated with rainwater several times a year,  
25 every year. I just think that there should be

1 a study made there. It should be a question to  
2 be addressed. There is water going in here and  
3 it's backing up on the property and it's not  
4 all going out the drainage ditch. It's going  
5 somewhere else.

6 MR. AUSTIN: So, you're saying that there  
7 is no storm sewer.

8 FROM THE FLOOR: There is no storm sewer.  
9 It's a drainage ditch.

10 CHAIRMAN STUTO: In your studies you're  
11 worried about infiltration into the sanitary  
12 sewer?

13 MR. GRASSO: And I think that he's  
14 concerned about the influence between the two  
15 systems and that this project exacerbates  
16 either condition.

17 CHAIRMAN STUTO: So, what do we do?

18 MR. GRASSO: Lynn tried to describe that  
19 the sanitary sewer system - the waste coming  
20 out of the homes will be tied into that piped  
21 sewer system which we already know has  
22 adequate capacity to take the flow. So, there  
23 will be no impact. There won't be any back ups  
24 on the sanitary sewer system.

25 CHAIRMAN STUTO: Even with the additional

1 housing?

2 MR. GRASSO: Even with the additional  
3 housing. We validate that.

4 The other part of your question, though,  
5 about the drainage problems in the area - the  
6 Town maintains the drainage on Boght Road.  
7 This project - what we will have them do is  
8 evaluate where their drainage is going and we  
9 will look to make sure that any changes that  
10 they make, whether or not it's a closed storm  
11 sewer pipe system or an open swale, and that  
12 it doesn't impact the existing conditions. If  
13 some of the run-off from this new project is  
14 going to go in that direction, they are  
15 required to provide stormwater management  
16 areas that make sure that there is no increase  
17 in run-off or any water quality impacts like  
18 erosion or sedimentation or excess nutrients  
19 or whatever. So, they're forced to mitigate.  
20 All that stuff will get worked out during  
21 final design. But it's important for us to  
22 understand and hear from residents about  
23 current drainage problems because it heightens  
24 our awareness of certain areas that we can  
25 focus on. If this applicant is not the right

1 venue to bring those concerns, we have an  
2 ability to go to the Highway Department or the  
3 state, or the county, or whoever is  
4 responsible for at least the roadside drainage  
5 system and alert them to the resident's  
6 concerns.

7 FROM THE FLOOR: I do understand that,  
8 but it's not a roadside drainage system. It  
9 runs through people's backyards.

10 MR. GRASSO: And if it does - just based  
11 on experience, most times, it's a protected  
12 wetland area or drainage course and nobody has  
13 the right to go in there and modify it or  
14 change the hydrology. We can only hold this  
15 applicant to a certain standard and they can't  
16 make the situation any worse. They are  
17 probably limited by the same laws that you  
18 would be to try to go in there and rectify  
19 this situation - the same laws that the  
20 Highway Department would be. They're not going  
21 to be able to go in there and -- what we  
22 typically think of as improving drainage  
23 conditions is really changing the hydrology of  
24 a regulated waterway or wetland, which is  
25 regulated by the Corps of Engineers and the

1 state. We appreciate the concerns that you  
2 raised.

3 CHAIRMAN STUTO: And they're only on for  
4 concept. We're going to come back after they  
5 have reviewed these things in more detail.

6 MS. FABOZZI: I appreciate the  
7 opportunity to be addressing you this evening  
8 too. Thank you.

9 The sanitary sewer that runs in the back  
10 of the properties - they do come to my  
11 property and that's where they tie-in to go  
12 down my driveway - the sanitary sewer.

13 CHAIRMAN STUTO: Is that accurate? If you  
14 go out to the street and then you head  
15 downward, it goes into your backyard?

16 MS. FABOZZI: When you go straight there,  
17 my house is right there.

18 CHAIRMAN STUTO: Okay, but it's behind  
19 the houses.

20 MS. FABOZZI: But my house is set back  
21 and that's where I can show you on the map  
22 where the sanitary sewer ties in on my  
23 property.

24 CHAIRMAN STUTO: I can see that on this  
25 map.

1 Joe Grasso, our Town Designated Engineer,  
2 is saying that it's more than adequate for the  
3 additional houses that are going in there. I  
4 don't know if that satisfies you.

5 MR. GRASSO: The other thing that we  
6 would look at is the actual construction of  
7 the tie-in to make sure that there is going to  
8 be no impacts on people's residences or trees  
9 that they have. If they are, they will have to  
10 address those issues as we get into more  
11 detail.

12 MR. SIPPERLY: Joe, what is the size of  
13 the main that's running through there?

14 MR. GRASSO: That's eight-inch, I  
15 believe.

16 MR. SIPPERLY: That would serve about 800  
17 homes.

18 MS. FABOZZI: The area back there is a  
19 protected wetlands and it is very wet. That's  
20 obviously the reason that the Town's soccer  
21 field is back in that area a little bit. My  
22 basement is always wet and it's always running  
23 my sump pump. My concern is that groundwater  
24 and you can't fix that because that is the  
25 natural flow of the water. I don't know how



1           that can be addressed because it is a culvert  
2           and I welcome you to come and see if the Town  
3           Engineer wants to see it at 548 where the  
4           opening is. It has flooded and I have had to  
5           call the Boght Fire Department on a couple of  
6           occasions because it was actually flooding and  
7           coming up into my house from the back water.

8           CHAIRMAN STUTO:   What did they do?

9           MS. FABOZZI:   They help me pump it out  
10          and it's a constant problem.

11          CHAIRMAN STUTO:   Pump it out of your  
12          basement or that area of your yard?

13          MS. FABOZZI:   No, because it started to  
14          come into the house. I was literally  
15          surrounded by water. It has happens rarely,  
16          but it does happen. This project is huge. I  
17          don't think that it's the area for it. I think  
18          that it's a protected wetland to even mention  
19          going in to cut trees down when they fall down  
20          with the protected land and cutting the brush  
21          back -- really indemnifies the fact of  
22          protected wetland. If it's brush behind your  
23          house, that's the protected area. Being able  
24          to go in and alter it changes the fact -- it  
25          shouldn't be in that area if that's a

1 restricted area to amend.

2 CHAIRMAN STUTO: They are entitled to  
3 develop their property.

4 MS. FABOZZI: I agree. I'm just saying  
5 that in a protected area -

6 CHAIRMAN STUTO: The protected area of  
7 the open space -- we're working on that  
8 language to be sure it's protected.

9 MS. FABOZZI: I don't think that the area  
10 could support these houses -- I don't think  
11 this could support this project. I think that  
12 it will add to the impacts.

13 CHAIRMAN STUTO: They're going to  
14 engineer it. I'll respond to it from my  
15 perspective. I've sat through a lot of these.

16 They're going to engineer it for the  
17 stormwater - not to increase the stormwater  
18 behind your house. The sanitary sewer -- our  
19 engineer is saying that it's more than  
20 adequate. Then, we're going to work on  
21 language to work on the actual open space. We  
22 can't tell them that they can't develop their  
23 property. They bought it and they paid taxes  
24 on it.

25 MS. DALTON: And they have cut it back

1 quite a bit from the original proposal.

2 MR. DESROSIERS: Has an environmental  
3 study been done there?

4 MS. DALTON: Yes.

5 MR. DESROSIERS: The Indian Bats are  
6 almost killed off.

7 CHAIRMAN STUTO: Can you say your name  
8 for the record?

9 MR. DESROSIERS: I'm Norbert Desrosiers  
10 and I live at 557 Boght Road.

11 The other thing is you can say what you  
12 want, but with all your engineering abilities,  
13 right now you have certain parts of Baker  
14 Avenue where people want bigger protection  
15 areas and the engineers won't give it to them.  
16 We have situations on Baker Avenue that are  
17 going in. There is swamp water there and you  
18 can see it from the street. You can say  
19 whatever you want. The Town won't take care of  
20 it.

21 I live on Boght Road which is a state  
22 road. Every time you go to the Town they say  
23 that's a state road. Then you have to go to  
24 your state representative and that takes  
25 forever. The first thing that you hear form

1 the Town is that's a state problem.

2 I pay taxes. We all pay taxes to the Town  
3 of Colonie. We are supposed to go to the Town  
4 and say, we have a problem. If it's a state  
5 road problem, why can't the Town of Colonie go  
6 to the state and get the problem straightened  
7 out? Why should we, as citizens, have to go  
8 fight the state? Baker Avenue is a state road  
9 and Boght Road is a state road -

10 MS. DALTON: Sir, I can appreciate your  
11 concern, but that's not something that the  
12 Planning Board can address. I really think  
13 that it's something that you have to talk to  
14 the Town Board and Supervisor about.

15 MR. DESROSIERS: There were some blue  
16 butterflies on this property. I don't know if  
17 they are still there or not. According to the  
18 environmental impact statement, the bats were  
19 killed out and there are no more blue  
20 butterflies there.

21 MS. DALTON: I don't remember the entire  
22 environmental impact statement.

23 Actually, we have Mr. Rosano here who was  
24 on the Board when they did review the  
25 environmental impact statement. They were very

1 concerned that there was a wildlife corridor  
2 in the back of the property that was  
3 contiguous with other redevelopments. We've  
4 asked the applicant to address that and they  
5 have addressed pulling the development back so  
6 that wildlife corridor is protected.

7 MR. DESROSIERS: The deer cross in front  
8 of my house. In fact, a lot of them get run  
9 over. The turkeys run across in that whole  
10 area there. My feeling is that you've got too  
11 many houses crowded into the area.

12 CHAIRMAN STUTO: I want to address that  
13 point.

14 MR. DESROSIERS: I've dealt with builders  
15 for 50 years; going out to the jobs and every  
16 time there is a problem, it's never my  
17 problem. It's somebody else's problem. This  
18 one is trying to do this and that. I have no  
19 objections to them trying to make money, but  
20 let's be reasonable. We've got too many houses  
21 in this area, regardless of what the  
22 engineering study says.

23 CHAIRMAN STUTO: It's in accordance with  
24 the Land Use Law and the original plan had the  
25 houses stretched all the way back to the end

1 of the property. We have reduced the length of  
2 the road considerably with the impact on the  
3 open space. They are within the Code. We don't  
4 write the Code of what their density can be.

5 MR. DESROSIERS: The next thing is: Where  
6 is all the drainage water going to run down?  
7 You think that Marini is going to let you hook  
8 into his line without some kind of  
9 compensation? Has that been worked out?

10 CHAIRMAN STUTO: Are you in the position  
11 to talk about stormwater management now, or  
12 no?

13 MR. SIPPERLY: Yes, we show stormwater  
14 management on the plan.

15 MR. DESROSIERS: You talk about the  
16 water -

17 CHAIRMAN STUTO: Sir, can you address us?  
18 You have to talk to us. I can't let you get  
19 into a debate with the engineer.

20 MR. DESROSIERS: I'm not trying to get  
21 into a debate.

22 CHAIRMAN STUTO: If you talk to us and  
23 then I relay the question, you have to let him  
24 answer the question.

25 MR. DESROSIERS: The whole thing is that

1 the water is supposed to held in holding ponds  
2 and drain down the hill. What makes you think  
3 that this other builder is going to let you  
4 hook in?

5 CHAIRMAN STUTO: And that's what I was  
6 going to ask Mr. Sipperly to address.

7 MR. SIPPERLY: The first thing is that  
8 the Town and DEC have very strict regulations  
9 with regard to allowing new stormwater to  
10 effect neighboring properties. That's why  
11 there are detention basins so that through  
12 calculations and design, the water run-off of  
13 this property in a developed state is no  
14 larger than the water that is coming off the  
15 property in its undeveloped state. The  
16 regulations go one step further, also. They  
17 also require water quality.

18 The quality of the stormwater that comes  
19 off the property has to be treated so that  
20 when it discharges from the site, there is no  
21 degradation of water quality. All of those  
22 things are required in the design. They  
23 typically occur in the final design, but we  
24 have provided for stormwater management on  
25 this particular property. We're showing two

1 areas for stormwater management.

2 CHAIRMAN STUTO: Can you tell us about  
3 that and tell us where the water is going to  
4 flow?

5 MR. SIPPERLY: They are designing to hold  
6 the 10, 25 and 100-year storm events. Then  
7 they discharge to the natural drainage courses  
8 that are available to the property.

9 CHAIRMAN STUTO: Can you show us on the  
10 drawing?

11 MR. SIPPERLY: Sure. There is one  
12 drainage course here (Indicating).

13 CHAIRMAN STUTO: And no one is going to  
14 be able to stop you from doing that.

15 MR. SIPPERLY: That's the lay of the  
16 land. That's the way that natural drainage  
17 occurs now. It's all we can do. We can't pump  
18 the water.

19 CHAIRMAN STUTO: Is that the main  
20 corridor right there?

21 MR. SIPPERLY: There is drainage on Boght  
22 Road. There is drainage in this area right  
23 here and here (Indicating). Most of the  
24 subdivision will be directed to this drainage  
25 here. The front roadway in probably the first



1 400 feet of road will go to this area  
2 (Indicating).

3 CHAIRMAN STUTO: It won't increase the  
4 current flow as it is today.

5 MR. SIPPERLY: No, there is a basin to  
6 control that flow and retain it.

7 CHAIRMAN STUTO: Thank you.

8 MR. DESROSIERS: On Boght Road, on the  
9 side where the property is - there is no  
10 drainage ditches on that side. The water does  
11 pile up at certain properties and go in.

12 CHAIRMAN STUTO: You're saying that on  
13 the south side of Boght Road there is no  
14 drainage; is that what you're saying?

15 MR. DESROSIERS: No drainage at all. If  
16 you get a lot of water it goes in and over and  
17 piles up. The guy across the street - he has  
18 water this deep (Indicating) across the  
19 street. The stone house -- that was supposed  
20 to be cleaned out and the Town has a ditch in  
21 the back that never got cleaned up. There are  
22 pipes in there that are 24 inches down to 12  
23 inches and down to nothing. I've been there  
24 since 1940. This area was flat. That is a  
25 spongy area right now. It's totally wet. There

1 are no dry spots there. I'm speaking from  
2 experience here. In other words, this water  
3 problem is going to be there more than what  
4 you think it is.

5 In the back, where they put up the ball  
6 field, we told them that that they were going  
7 to have a water problem. The engineer comes  
8 back and says, you know what we'll do? We're  
9 going to tilt the fields this way so that the  
10 water runs downhill and doesn't come out onto  
11 Boght Road. The water still comes out on Boght  
12 Road like it did before. I'm not questioning  
13 anybody's skills here, but I'm just saying  
14 that everything looks hunky dory and we're  
15 going to do it this way but you have problems  
16 in that area that you don't even know about.  
17 That thing right now, if you walk in there,  
18 it's almost a wetland. They tried to farm  
19 there and they couldn't do it because it was  
20 too wet. I've been living right there in that  
21 spot since 1940. I've walked the fields as a  
22 kid and I walked them in the middle of the  
23 summer and in the fall. That whole area right  
24 there -- maybe you have too many houses there.  
25 I think that you have too much water there.

1                   CHAIRMAN STUTO: Can you address that,  
2                   Joe?

3                   MR. GRASSO: Yes, he raises some of the  
4                   concerns that we also identified in the  
5                   letter. We understand that and we understand  
6                   the site conditions. There have been a lot of  
7                   investigations regarding what is wet and  
8                   what's not and where the groundwater is. We're  
9                   at concept now where we set certain guidelines  
10                  for the project as it moves forward. These  
11                  types of issues - we need to work out and see  
12                  what the final design is and whether or not  
13                  Lynn's final design can address the concerns  
14                  that you raise and we've touched on. If not,  
15                  then the plan is subject to further revision  
16                  and possibly a change in the density.

17                  CHAIRMAN STUTO: If the engineering study  
18                  shows that it's going to worsen the problem,  
19                  then they may recommend changing the density.

20                  MR. DESROSIERS: One other thing. You  
21                  have another culvert just past the church up  
22                  there on the other side of the church. That  
23                  whole wetland has been destroyed there because  
24                  we allow people to fill in along side over  
25                  here on Renas Drive and nobody has control.

1 MR. GRASSO: And I'll speak to that.

2 One of the advantages when you have a  
3 sizable development project is that it allows  
4 the Planning Board to do a thorough review of  
5 what is proposed. The Planning Board has asked  
6 for a lot of sight specific studies to look at  
7 the drainage conditions like the wetland  
8 conditions and the wildlife in the area. Based  
9 on what we're seeing, there is a response to a  
10 lot of those concerns that have been raised.  
11 We hope that the design that is now proposed  
12 isn't going to result in those impacts that we  
13 may have seen occur on other development along  
14 either Renas Drive or Boght Road through the  
15 years. The proof will be when we get into the  
16 final design.

17 MS. VENTURA: I live there, too, and  
18 Boght Road goes downhill. What we're doing is  
19 more southerly affecting than it is in the  
20 direction of Boght Road. There is an issue on  
21 Boght Road. Boght Road needs storm sewers,  
22 period. The road is a separate issue from what  
23 we're doing.

24 CHAIRMAN STUTO: Do you agree with that  
25 statement?

1           MR. GRASSO: Yes. Obviously there is a  
2 connection point there, so there will be some  
3 work out to Boght Road, but I agree that most  
4 of the drainage is internal to the site.

5           MS. VENTURA: A lot of what we're going  
6 to be doing comes from the Guptil area and  
7 Renas, and shifts the way that our road goes.  
8 We already have detention basin and stormwater  
9 issues that are addressing that with the  
10 natural water flows.

11           Boght Road is an issue and I live there.  
12 I see it. It has nothing to do with what we  
13 are doing. It's Boght Road and the direction  
14 of going to Route 9 - north to south and Boght  
15 Road. It kind of catches the water out to the  
16 firehouse area, the baseball area and comes  
17 down Boght Road. There are old trenches there  
18 that the Highway Department has not  
19 maintained. That is the issue that is  
20 affecting these people. They're frustrated  
21 that they've gotten nowhere with it.

22           MS. FABOZZI: I'm frustrated with the  
23 ambitious project on wetlands. I understand  
24 about the sewer system, but I do believe that  
25 it has an impact on wildlife, traffic and

1 congestion and on the wetlands. The issue for  
2 me is water and I think that you mentioned  
3 that a person pays taxes and they have a right  
4 to build, but do they have a right to build  
5 for their personal enjoyment or to put 30  
6 houses and try to turn a wetland into a  
7 development? I'm just asking the Board and the  
8 engineer to consider making this protect  
9 smaller and more eco-friendly and protecting  
10 what is back there. It will impact the water  
11 problem that we have now. Whether the state  
12 addresses that road or not -- which is between  
13 the Town and the state which I personally also  
14 had an issue with -- it is what is. I do think  
15 that it will impact the water flow and I do  
16 think that it will impact the ecosystem back  
17 there and the traffic in that main area of  
18 Boght Road which was just a residential  
19 driveway and is now housing traffic for 30  
20 houses. I just ask the Board to consider that.

21 CHAIRMAN STUTO: And as we study it  
22 further, we'll take that into consideration.

23 MR. DESROSIERS: One last thing. Maybe  
24 this project is separate from Boght Road and  
25 everything else, but what she is doing now

1 will have an impact on some of the water that  
2 was there. It will have an impact on some of  
3 the traffic that is there and some of the  
4 other problems that are there. The ball field  
5 was just a separate thing, and then all the  
6 sudden we have water coming down the pipe like  
7 it's going out of style. This thing is just a  
8 separate part of the neighborhood and if it  
9 doesn't blend with the neighborhood properly,  
10 let's not do it. If you're going to do it, do  
11 it right and do it with lesser houses because  
12 if you do it with that many houses, eventually  
13 you're going to have sump pumps running there  
14 all the time with that much water there.

15 CHAIRMAN STUTO: Thank you.

16 MR. YANNI: Thanks, Peter. My name is  
17 Joseph Yanni and I live on 2 Renas Drive,  
18 right on the corner of Boght.

19 I was at the January meeting and that was  
20 the meeting before the conservation  
21 overlay -- that they're asking for a waiver  
22 now from. I think that at the January meeting  
23 they were proposing the same amount of lots  
24 that you're proposing now.

25 MR. SIPPERLY: We had 33 at the time.

1           MR. YANNI: So, not it's 30. I live on  
2           Renas Drive and just looking at these three  
3           proposed houses on Renas Drive, the spacing  
4           doesn't really fit in.

5           CHAIRMAN STUTO: What would you suggest  
6           there?

7           MR. YANNI: I bought my lot from the  
8           Venturas. They're good, hardworking people. I  
9           don't want to take anything away from them,  
10          but the three lots are really just too many.

11          CHAIRMAN STUTO: So, you're saying two  
12          lots there.

13          MR. YANNI: If that's possible, yes. As  
14          you can see, it doesn't fit in there - the  
15          spacing doesn't fit in.

16          CHAIRMAN STUTO: We'll take a hard look  
17          at that.

18          MR. YANNI: Thank you.

19          MR. AUSTIN: I want to ask Joe a question  
20          because the topic has come up quite a bit.

21                 Other than the parts that are marked on  
22                 the actual map on the darker shaded in the  
23                 smaller section -- those are actually DEC  
24                 wetlands?

25          MR. GRASSO: There is a combination of



1 two types of wetlands. They overlap in some  
2 respect.

3 MR. AUSTIN: But is the whole property  
4 wetland?

5 MR. GRASSO: No. They have gone through  
6 and done a field delineation where they go out  
7 there and they flag what they believe to be  
8 the limits of the wetlands. There are two  
9 agencies that govern the wetlands. There is  
10 the Department of Environmental Conservation  
11 that is the state. They come out and they  
12 validate the wetland boundary and they take  
13 jurisdiction over some of the wetlands. Those  
14 wetlands have a regulated 100 foot buffer that  
15 they also restrict development in. Lynn has  
16 shown this on that plan. The Corps of  
17 Engineers also regulated the wetlands. They  
18 come out and they take jurisdiction over the  
19 rest of the wetlands. Generally, they grab  
20 more land than the state, but it doesn't have  
21 a buffer. We have a confirmation on those  
22 wetland boundaries. Then, he designs the  
23 project to try to mitigate the impacts on  
24 those wetlands as much as possible.

25 In summary, they have about three acres

1 of regulated wetlands on the site. They are  
2 proposing some minor impacts. I think that  
3 it's less than one-tenth of an acre, right?

4 MR. SIPPERLY: It's .03 acres. It's about  
5 200 square feet.

6 MR. GRASSO: Because they have to get  
7 into otherwise usable areas of the site. Just  
8 to clarify the objective of the Board, it's  
9 understood that all development has impacts.  
10 You can't restrict all development such that  
11 no impacts will occur. It's about evaluating  
12 all the information and making sure that  
13 significant impacts don't occur. Those are the  
14 SEQRA laws that the Board has to follow.

15 MR. AUSTIN: I asked that question  
16 earlier just to clarify the entire wetland  
17 area, because it's very small of the portions  
18 that are actual wetlands.

19 MR. SIPPERLY: There may be wetlands in  
20 the back of those properties on Boght Road,  
21 but we delineated and the agencies have agreed  
22 to the wetlands that are located on our  
23 property.

24 MS. DALTON: Many of us have gone to this  
25 property and trudged back and forth figuring

1 out which parts look marshy to us. I am really  
2 familiar because I walked it a couple of  
3 times. I share your concern. There are a lot  
4 of wetlands back there, but there is also a  
5 lot of developable property and I think that  
6 you've got to weigh the two concerns. I just  
7 wanted to assure you that we have been there.  
8 I haven't walked your property. It was down  
9 further, but I have walked hers.

10 MS. FABOZZI: I'd like you to walk 548  
11 just so that you can see the culverts that go  
12 behind the houses and you can appreciate  
13 whether the wetlands are five percent or ten  
14 percent. It's very wet there whether it's  
15 groundwater or it's deemed by definition  
16 wetland. It's a wet portion, heavy and marshy  
17 and it does drain constantly.

18 From what the Town Engineer said, all  
19 development has an impact and you rate that  
20 impact depending on your studies. Some people  
21 put their own retrofitted pipes in because  
22 it's on their property and it does obstruct  
23 the flow of water.

24 MS. DALTON: My neighbor has a very  
25 significant array of piping that she has put

1 piece by piece to try to mitigate some of the  
2 wetland in my neighborhood. Frankly, it still  
3 has not been successful. I understand what  
4 you're saying.

5 MR. DESROSIERS: Part of the problem is  
6 that you say that the Town will take care of  
7 it and then trying to get the Town out there  
8 to take care of it -- it's my word against  
9 their word and you don't know what you're  
10 talking about. When they do come out, they  
11 say, that's nothing. All that stuff comes up  
12 after we've done this stuff.

13 MR. AUSTIN: Sir, I believe that's where  
14 your opportunity to speak to the Town Board  
15 with picture and photographs and proof of  
16 whatever you might have. We can't address  
17 those things here. That's not what our  
18 position is.

19 I believe that Mr. Sipperly and the Town  
20 Designated Engineer have done their due  
21 diligence in looking at everything. We really  
22 have put restrictions on the Ventura property  
23 already to put the conservation easements in  
24 place. They have done their job, as well.

25 MR. DESROSIERS: It's part of the whole

1 area though. What happens there, affects this  
2 over here (Indicating).

3 MR. SIPPERLY: Sometimes new development  
4 improves bad conditions and there may be an  
5 opportunity here. As we look further and do  
6 more engineering studies, there may be another  
7 opportunity to divert that water on Boght  
8 Road. I'm not saying that we're going to do  
9 that, but very often problems are solved by  
10 new development.

11 CHAIRMAN STUTO: Anything else?

12 MR. DESROSIERS: Has there been a traffic  
13 study on Boght Road, and who would that be  
14 done by?

15 MR. GRASSO: As it relates to this  
16 project, this project had to evaluate the  
17 amount of traffic from this development and  
18 looked at that intersection and they looked at  
19 whether or not there is adequate capacity  
20 there, which there is. It's going to result in  
21 additional trips, obviously, on Boght Road.  
22 It's not going to substantially change the  
23 traffic conditions.

24 We also look at things such as sight  
25 distance - stopping sight distance to make

1           sure that their access point is safe and not  
2           just obviously for the current residential  
3           driveway but a new Town road. Those are the  
4           things that we look at.

5                     In terms of addressing the long-term  
6           increase in traffic that continues to occur on  
7           Boght Road, that's another similar to the  
8           drainage. That's an issue that the state will  
9           have to address at some point.

10                    FROM THE FLOOR: Was the retaining pond  
11           on Lot 4 -- which direction would the drainage  
12           run from that?

13                    CHAIRMAN STUTO: That's the current  
14           Ventura house?

15                    FROM THE FLOOR: Yes.

16                    CHAIRMAN STUTO: Is that the oval?

17                    FROM THE FLOOR: Yes.

18                    MR. SIPPERLY: There is a pond on there  
19           that the owners have developed that for  
20           aesthetic reasons.

21                    CHAIRMAN STUTO: Those are current  
22           conditions.

23                    Comments or questions from the Board?

24                    MR. DALTON: Elena, can you talk before I  
25           do about the conditions of acceptance and what

1 exactly that means.

2 MS. VAIDA: I say this at every concept  
3 acceptance and I know that you know this  
4 Mr. Sipperly. Basically, the concept  
5 acceptance vote is nothing more than the  
6 Planning Board's acceptance of the general  
7 concept that's being proposed. It's not an  
8 approval of the project. It doesn't entitle  
9 the developer to go to the next step. It  
10 doesn't give them any rights to move forward  
11 with the project. It just gives them a good  
12 idea of what issues there may be. It's a plan  
13 that can be readily changed so that if issues  
14 do develop, they realize that what is laid out  
15 tonight might be something different later on.  
16 So, it's just the general concept that would  
17 be voted on tonight.

18 MS. DALTON: So, in light of the fact  
19 that we're only on concept acceptance now,  
20 essentially, I agree that there are components  
21 of buildable lots there that you have a right  
22 to develop. I remain concerned about the three  
23 instead of two lots on Renas. On this, it  
24 looks too much to me. I continue to worry  
25 about how marshy it is because I think that it

1 is.

2 Having said all of that, in general, I  
3 think is better than what we saw to begin  
4 with. I'm very happy about that. I think that  
5 it's much improved than the first time that  
6 you were here.

7 MR. HAAK: I have been back and forth  
8 about the three versus two on Renas and I've  
9 been out there. I actually live up Boght and  
10 down 9, so I actually walk in the area and  
11 I've walked down there. I have concerns  
12 whether three lots in there really works. I  
13 would ask you to look at that. Overall, I  
14 think that generally I would accept the  
15 concept pending all of the issues, obviously,  
16 that we discussed. I think that from what I  
17 originally saw to coming here, I know that  
18 we've spent a lot of time on this project in  
19 my four months on the Board. I think that I've  
20 spent more time on this project than quite a  
21 few others. At this point I'm willing to  
22 accept the concept and move on and address  
23 these issues.

24 CHAIRMAN STUTO: I take the comments of  
25 the neighbors very seriously. I'm sorry that



1           they have wet conditions there. I'll ask Joe  
2           to keep an eye on the stormwater plan as we  
3           move into the final phase, and see if any  
4           improvements can be made there as well as Mr.  
5           Sipperly.

6                     I too, question the three lots. I think  
7           that two would be better. I think that's what  
8           I'm settling on, in my personal opinion.  
9           Otherwise, I think that we have made a lot of  
10          improvements. I think that we preserved the  
11          wetland and preserved open space and I'm  
12          prepared to vote in a positive fashion on  
13          concept tonight.

14                    MS. VAIDA: The archeological  
15          study - have you sort of determined that there  
16          is no real issue with that? I think that I  
17          pointed out in my memo that I did awhile back  
18          for the Chairman that there was a report that  
19          there might be some archeologically sensitive  
20          areas. A lot of times when you're doing the  
21          conservation development, you're supposed to  
22          identify areas like that because that would  
23          then become an area that would need to become  
24          preserved.

25                    MR. SIPPERLY: We will conduct an

1 archeological survey. We know that we need to  
2 do that; not only for this Board's information  
3 but in order for us to secure permits from DEC  
4 and DOT. That's a requirement that we show our  
5 due diligence on cultural resource. That would  
6 be performed and if we do identify it - if the  
7 consultant identifies any archeological or  
8 sensitive areas, we will obviously show those  
9 on a map and make those aware to the Board. We  
10 have options though. Depending on the  
11 significant study of the archeological  
12 feature, we have avenues, I guess, under the  
13 regulations to document and to remove the  
14 archeological artifacts; or we can then design  
15 around them. Typically, it's cheaper in a  
16 development to design around an archeological  
17 site and we would do that. If it means losing  
18 a lot, we would come back in and once the  
19 study is done and if it affects a lot we would  
20 probably make the option or give the applicant  
21 the option of whether to lose a lot or pay  
22 \$60,000 to remove and document what the  
23 feature was.

24 MS. VAIDA: My only concern is in  
25 complying with the Land Use Law requirement

1           that this Board make findings and identify the  
2           areas that need conservation. That particular  
3           section of the Land Use Law specifically  
4           mentions areas that might have archeologically  
5           or that do have archeological significance or  
6           sensitivity. So, I'm assuming that there isn't  
7           a real concern there. If it turns out that  
8           there is areas like that, then you might end  
9           up having to make some changes on how the lots  
10          are laid out. You don't want a lot of time to  
11          go by.

12                 MR. SIPPERLY: A couple of things have  
13           happened that we have explained to the Board.  
14           First, we need some kind of plan to give us  
15           direction and where to test for cultural  
16           resources. We're now coming into the season  
17           that to do an archeological study is possible.  
18           When frozen conditions occur from November to  
19           February of this year, we weren't able to do  
20           it anyway because of the frozen ground  
21           conditions. You can't do what you need to do.  
22           We are going to start that right away if this  
23           Board grants us concept approval tonight.

24                 CHAIRMAN STUTO: Do we have a motion on  
25           concept?

1 MR. AUSTIN: I'll make that motion.

2 MS. DALTON: I'll second.

3 CHAIRMAN STUTO: Any discussion?

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

5 CHAIRMAN STUTO: I'll just say that I  
6 hope that you've heard what we have said.  
7 There are some points that are important to  
8 us, and the comments that the neighbors have  
9 made, as well. If we can improve conditions,  
10 that would be great.

11 MR. SIPPERLY: We always try to do that.  
12 I think that the Town Engineer has that focus  
13 also.

14 CHAIRMAN STUTO: Okay, all those in  
15 favor?

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

17 CHAIRMAN STUTO: All those opposed?

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

19 CHAIRMAN STUTO: The ayes have it.

20 Thank you.

21

22 ***(Whereas the proceeding concerning the***

23 ***above entitled matter was adjourned***

24 ***at 7:32 p.m.)***

25

**CERTIFICATION**

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2  
3  
4            *I, NANCY STRANG-VANDEBOGART, Shorthand*  
5            *reporter and Notary Public in and for the*  
6            *State of New York, hereby CERTIFY that the*  
7            *record taken by me at the time and place*  
8            *noted in the heading hereof is a true and*  
9            *accurate transcript of same, to the best of*  
10           *my ability and belief.*

11  
12  
13  
14            \_\_\_\_\_  
                  **NANCY STRANG-VANDEBOGART**

15  
16  
17            *Dated May 18, 2012*