

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LAURA DRIVE EXTENSION SUBDIVISION
5 100 DUSSAULT DRIVE
6 APPLICATION FOR CONCEPT ACCEPTANCE

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on February 11, 2014 at 8:25
11 p.m. at The Public Operations Center, 347 Old
12 Niskayuna Road, Latham, New York

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TIMOTHY LANE
14 BRIAN AUSTIN
15 LOU MION
16 KATHY DALTON
17 TINA GOODWIN SEGAL
18 SUSAN MILSTEIN

16 ALSO PRESENT:
17 Kathleen Marinelli, Esq., Counsel to the Planning Board
18 Mike Tengeler, Planning and Economic Development
19 Joe Grasso, PE, CHA
20 Luigi Palleshi, PE, ABD Engineering

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1 CHAIRMAN STUTO: Last on the agenda is Laura Drive
2 Extension, 100 Dussault Drive. This is an application
3 for concept acceptance. This is a six-lot single family
4 residential subdivision.

5 Mike Tengeler, do you have any introductory
6 remarks to make on this?

7 MR. TENGELER: Sure. Just to put a few dates on
8 the record; we conducted a DCC meeting on April 24,
9 2013. A sketch plan followed on November 19, 2013. ABD
10 is involved in this project, as well.

11 The Cillis VanGeest Subdivision and the Laura
12 Drive Extension Subdivision have been going on
13 parallel paths.

14 We can hand it over to Luigi.

15 MR. PALLESHI: This project is a six-lot single
16 family residential subdivision. It's an extension of
17 Laura Drive. As you can see, there is a sort of a stub
18 street of Laura Drive that extends into this property
19 here owned by Mr. Palma (Indicating), who is here
20 tonight. All six lots are in conformance with the
21 Town's zoning for single-family residential. We're not
22 asking for any variances within the six lots.

23 You may know that a variance was approved for
24 this lot back here (Indicating) to allow a farm on
25 less than a five-acre piece. That has all been

1 resolved with the Town Zoning Board and --

2 CHAIRMAN STUTO: You got a variance to allow what?

3 MR. PALLESHI: To allow horses on less than five
4 acres.

5 CHAIRMAN STUTO: Thank you.

6 MR. PALLESHI: There is sewer and water available -
7 Town sewer and Town water and we'll be making the loop
8 connection again off of Laura Drive Extension and then
9 we have an easement between Lot 6 and 7 that would flow
10 and connect to Dussault Drive. There is an existing
11 stub that we would tie into for the water and then there
12 is a manhole there. Also, this was a paper street owned
13 by Palma and for means of access there is actually a
14 little cut-out of a road there for the future
15 development of this rear piece here (Indicating).

16 Stormwater -- everything will flow from where
17 we start at the roadway of Laura Drive. That will
18 flow into the site to a low point, right before the
19 cul-de-sac. Pipe drainage to the back -- I believe
20 that it's: Lot 4 in this case here. That lot will
21 be turned over to the Town. That lot is just a dry
22 detention basin.

23 The project is less than five acres of single
24 family. So, we don't have to be in full compliance
25 with the DEC standards, but our general practice is

1 to design for DEC standards. In this case we are
2 designing for the 100-year storm. The majority of
3 the soils on-site, and actually the majority of the
4 lots are good sandy soils. We dug back by the
5 stormwater management area and we hit clay.

6 Lastly, I'd like to touch on the wetlands. We
7 got a letter from the Army Corp stating that they
8 are isolated wetlands, so the Army Corp doesn't have
9 any jurisdiction over them. We are disturbing
10 minimally for Lot 3 and really it's to cross the
11 stormwater access to get to Lot 4 for the
12 stormwater. There is minimal grading going onto get
13 that. The intent is to keep the remaining isolated
14 wetlands undisturbed.

15 I think that I've covered most of it. If not,
16 I'll answer any questions that you might have.

17 CHAIRMAN STUTO: We'll turn it over to our Town
18 Designated Engineer and go through his comments, and
19 then we'll hear from members of the public.

20 MR. GRASSO: There is comment letter that we issued
21 in your packet on the concept subdivision plan. Our
22 letter is dated January 31st and I'll touch on some of
23 the comments. Actually, the set of plans that were
24 provided for review actually provide a lot more detail
25 than we would typically see at concept, which helped us

1 with our review. Some of the comments are technical.
2 I'm sure that they'll be able to be addressed as the
3 project goes through the design process.

4 The first comment -- it appears that the
5 concept plan addresses most of the comments that
6 were raised by the Town departments during the DCC.
7 That was held almost a year ago.

8 The second one is regarding the SEQRA review.
9 The Town Attorney's office has classified this as a
10 unlisted action pursuant to SEQRA. It's a short EAF
11 and that's included in your project application
12 materials.

13 This site is also within the airport area GEIS
14 study area, so cumulative impacts of development
15 will be mitigated through the project's payment of
16 mitigation fees.

17 Regarding the short EAF which we had reviewed:
18 There are a couple of responses to comments and that
19 includes items 2, 13 and 17. We would like the
20 applicant to consider revising the responses to
21 those questions so it's what we would feel to be a
22 more accurate representation of the environmental
23 setting of the project site and the project
24 components itself.

25 CHAIRMAN STUTO: What are you recommending?

1 MR. GRASSO: Some revisions to some of the
2 responses provided in Part I of the short EAF. I will
3 let the Board know, though, that completion of Part I of
4 the EAF is the responsibility of the applicant and not
5 the Planning Board. If the applicant doesn't choose to
6 make those changes, we can address that as we go through
7 the completion of Parts II and Parts III of the EAF.
8 But the applicant needs to feel comfortable with those
9 answers provided on Part I, so we can't force them to
10 make the change. We can only act accordingly.

11 Because the project site is in the Airport Area
12 GEIS development, projects are required to do a
13 Phase I archeological assessment. That's something
14 that I don't know if it's been initiated yet, but
15 that's something that we would look to have included
16 in future submittals so that we can make sure that
17 the project didn't going to impact any archeological
18 or historical resources.

19 MR. PALLESHI: We did do it. I thought that I had
20 a copy of it but we can provide that.

21 MR. GRASSO: And there were no finds or anything
22 significant?

23 MR. PALLESHI: No.

24 MR. GRASSO: Okay, great.

25 Regarding the wetlands comment 4: The site has

1 been delineated in terms of that there are areas in
2 the site that would meet the criteria for federal
3 wetlands, but because they're isolated and they
4 don't connect to additional wetlands areas, they are
5 basically taken out of jurisdiction by the Corp of
6 Engineers so there is going to be no permits
7 required from that. The flip side of that is that
8 the wetlands are there for a reason. Typically they
9 are high ground water or poor drainage conditions
10 and nonetheless, they are important. Even though
11 they are not jurisdictional by the Corp of
12 Engineers, they are still important in terms of
13 stormwater attenuation and providing --

14 CHAIRMAN STUTO: Where on the map are you
15 referring?

16 MR. PALLESHI: This back area here (Indicating).
17 Those are the isolated wetlands. There are a couple of
18 fingers that come up through here. If you have the plan
19 in front of you it's the one that has the dotted
20 hatching.

21 CHAIRMAN STUTO: Which lots do you think are most
22 impacted, Joe?

23 MR. GRASSO: They extend into Lots 11 and 13 in
24 terms of the two new residential lots. There is just a
25 minor encroachment into 13. The wetlands in Lot 11 and

1 then the wetlands within the area being conveyed to the
2 Town for stormwater management purposes - those wetlands
3 would be filled in by the proposed project. So, we need
4 to look at the loss of those wetlands and the impact
5 that is going to have in terms of stormwater as well
6 when we review the project.

7 CHAIRMAN STUTO: I definitely agree with that. I
8 would support that.

9 MR. GRASSO: The project has these wetland areas
10 and it goes into our next comments 5 and 6. The test
11 pit information shows little signs of high ground water.
12 That contradicts when the test pits are being done right
13 next to a wetland area, which obviously is indicative of
14 high ground water at the surface -- so there is some
15 conflicting information. That's something that we're
16 going to take a really close look at. It may be related
17 to the fact that the test pits were done in October and
18 maybe the site exhibited high ground water during spring
19 conditions. Regardless, we're going to have new
20 development in here and homes with basements and we want
21 to make sure that we're addressing any potential
22 drainage impacts.

23 We do have a concern about Lot 11 as well as
24 the stormwater management area being within those or
25 in close proximity to those wetland areas. So, not

1 to say that this plan can't work, but we're going to
2 have to take a close look at the engineering and
3 some more information regarding ground water. If
4 the findings come out like we suspect that there is
5 actually high ground water conditions, then we would
6 maybe look to have the stormwater management area
7 relocated to where Lot 11 is and then that would
8 result in one lot being lost, unless it could be
9 reconfigured on the site. It would definitely be a
10 significant change to the development plan, but it's
11 something that we would want to take a close look
12 at.

13 CHAIRMAN STUTO: How are we going to examine that?

14 MR. GRASSO: If the applicant wants to proceed with
15 the current plan and take concept acceptance tonight,
16 it's basically at their risk. They're going to have to
17 prove to us through additional design and analysis that
18 this plan is acceptable.

19 CHAIRMAN STUTO: What type of analysis?

20 MR. GRASSO: They have to a more detailed analysis
21 as to whether or not ground water exists there or not at
22 any point during the year and exactly at what
23 elevations. We think that ground water is going to
24 impact the operation of that stormwater management
25 area --

1 CHAIRMAN STUTO: You're saying more test pits
2 during different months?

3 MR. GRASSO: More test pits -- I think that these
4 test pits were done with a back hoe and then back filled
5 in. We would recommend piezometers being installed.
6 Install a perforate drainage tube deep down into the
7 ground, maybe eight or ten feet and then you back fill
8 around it and then any ground water that exists in the
9 soil can stabilize in the pipe so even though it's not
10 apparent when you dig the test pit, it fills in over
11 time.

12 CHAIRMAN STUTO: How does the Board feel about
13 that?

14 MR. LANE: Yes.

15 CHAIRMAN STUTO: Does the applicant want to
16 respond?

17 MR. PALLESHI: I can, yes. Just so you're aware,
18 the wetlands are isolated. They are not jurisdictional
19 so those could be filled in by right.

20 MR. GRASSO: They can be filled in based on the
21 Corp of Engineers not having jurisdiction.

22 MR. PALLESHI: Correct. On top of the test pits,
23 we've done test pits on the site. The Town Stormwater
24 Department has witnessed those test pits. We've got
25 sand, as I mentioned, in these upland areas here. When

1 we cross back in here, it was pure clay, ground clay.
2 We feel that the isolated wetlands are due to a perched
3 water table, not necessarily ground water. You can see
4 from the test pit that we dug deep and we didn't get
5 ground water. If you had left the hole open, I don't
6 know if you would have seen ground water. Probably not
7 because clay is weighing that water table down. Even if
8 there was water within the stormwater basin, DEC allows
9 you to put stormwater right within the water table as a
10 pocket pond. You're aware of that. But here, we feel
11 that our basin is high enough where we're into
12 intercepting any ground water and it's a dry detention
13 basin where you've got flow in and it will detain for
14 the 100 year storm and then slowly release into the
15 isolated wetlands. Then, that stormwater doesn't even
16 go anywhere. It just sits in ponds within the isolated
17 wetlands where you would get more storage volume within
18 the wetlands. We feel that with this plan we'd like to
19 move forward with this plan. I certainly understand
20 anybody's concern about if there is a basement on Lot 11
21 that Mr. Grasso is talking about. We want to know where
22 ground water is so you don't put the basement within
23 that ground water.

24 CHAIRMAN STUTO: So, you have no objection to more
25 extensive testing, as Joe Grasso suggested?

1 MR. PALLESHI: We feel that we have done enough
2 testing. I'm pretty sure that in the Town of Colonie
3 under a building permit, you've got to do a test pit to
4 determine the elevation of your foundation so that
5 you're above the water table. That certainly is
6 something that I can agree to at the time of a building
7 permit or construction, we can do one for that lot.
8 We've done them already for the other lots.

9 CHAIRMAN STUTO: I would be inclined to propose a
10 more extensive testing as a condition of concept.
11 That's how I feel about it.

12 Anybody else have an opinion about it at this
13 point?

14 MR. LANE: I agree.

15 MR. AUSTIN: I agree.

16 CHAIRMAN STUTO: Okay, keep going, Joe.

17 We'll make a motion at the end.

18 MR. GRASSO: Moving down, this is where I'm going
19 to get into some more of the minor technical comments.
20 Obviously, the same thing that we heard from the last
21 subdivision, we're always concerned about drainage and
22 how it goes between the lots and when they back up
23 against existing residential developed areas, so we have
24 some comments about how the swales should be configured
25 and where we think the drainage easements should be

1 provided to make sure that nobody can block drainage
2 from their neighbor and then they can get through to
3 either their closed drainage system, or to the wetland
4 area.

5 MR. PALLESHI: We agree with that.

6 MR. GRASSO: That's basically where we are at. By
7 far, our biggest concern right now is just to make sure
8 that the drainage works, that the stormwater management
9 systems works and that we don't have problems with the
10 basements being developed.

11 CHAIRMAN STUTO: Any members of the public that
12 would like to speak on this?

13 MR. MILLETT: I'm Tom Millet and I live at 21
14 Dussault Drive. I was just kind of curious on the map
15 whereabouts the crossroad is.

16 MR. PALLESHI: This is 25, so you're at 21 right
17 here (Indicating).

18 MR. MILLETT: There is a road here -

19 MR. PALLESHI: That's not a road. That's just an
20 easement for the water and the sewer. This is Mr.
21 Palma's house and here is the barn (Indicating). This is
22 all to remain; the house, the barn and the bigger barn
23 in the back.

24 MR. MILLETT: Are there plans to go around that?

25 MR. PALLESHI: Not at this time, no.

1 CHAIRMAN STUTO: Any other comments or questions
2 from the Board?

3 (There was no response.)

4 CHAIRMAN STUTO: Do we have a motion for concept
5 acceptance?

6 MR. MION: I'll make that motion with that
7 stipulation that Joe discussed.

8 CHAIRMAN STUTO: Can you articulate the
9 stipulation, Mr. Grasso? The one that speaks to doing
10 more extensive ground water analysis?

11 MR. GRASSO: Right, ground water and testing and
12 analysis through in the fields - testing and then
13 additional design detail on the stormwater management
14 system proposed.

15 CHAIRMAN STUTO: So, we have a motion by Lou with
16 that stipulation.

17 Do we have a second?

18 MR. LANE: Second.

19 CHAIRMAN STUTO: Any discussion?

20 (There was no response.)

21 CHAIRMAN STUTO: All those in favor say aye.

22 (Ayes were recited.)

23 CHAIRMAN STUTO: All those opposed say nay.

24 (There was none opposed.)

25 CHAIRMAN STUTO: They ayes have it.

1 (Whereas the above entitled proceeding was
2 concluded at 8:40 p.m.)
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CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated March 10, 2014

