

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 LAURA DRIVE EXTENSION SUBDIVISION  
5 100 DUSSAULT DRIVE  
6 APPLICATION FOR SEQRA DETERMINATION AND FINAL REVIEW

6 \*\*\*\*\*

7  
8 THE STENOGRAPHIC MINUTES of the above entitled  
9 public hearing and subsequent vote by NANCY  
10 STRANG-VANDEBOGART, a Shorthand Reporter, commencing  
11 on February 24, 2015 at 7:05 p.m. at The Public  
12 Operations Center, 347 Old Niskayuna Road, Latham,  
13 New York

11

12 BOARD MEMBERS:  
13 PETER STUTO, CHAIRMAN  
14 TIMOTHY LANE  
15 LOU MION  
16 KATHY DALTON  
17 TIMOTHY LANE  
18 CRAIG SHAMLIAN

16

17 ALSO PRESENT:  
18 Kathleen Marinelli, Esq., Counsel to the Planning Board  
19 Michael Tengeler, Planning and Economic Development  
20 Joe LaCivita, Director, Planning and Economic Development  
21 Joseph Bianchini, PE, ABD Engineers and Surveyors  
22 Joe Grasso, PE, CHA  
23 John Kolach

24

25

1           CHAIRMAN STUTO: Good evening everyone. Welcome to  
2 the Town of Colonie Planning Board. We have a number of  
3 items on the agenda and we will try to move through them  
4 as briskly as reasonably possible.

5           Joe LaCivita, do you have any introductory  
6 remarks before we call up the first item?

7           MR. LACIVITA: Nothing at this time, Peter.

8           CHAIRMAN STUTO: Okay, the first item is a public  
9 hearing for Laura Drive Extension Subdivision, 100  
10 Dussault Drive. This is an application for SEQRA that's  
11 an environmental determination and final review.

12          Again, Joe LaCivita, do you have any  
13 introductory remarks on this project?

14          MR. LACIVITA: No. The only thing we'll read into  
15 the minutes is the public hearing notice.

16          MS. MARINELLI: Legal Notice, Town of Colonie  
17 Planning Board, Albany County New York. Notice is  
18 hereby given that pursuant to Section 276 of Town Law,  
19 the Town Planning Board of the Town of Colonie, Albany  
20 County, New York will meet and conduct a public hearing  
21 at the Public Operations Center, 347 Old Niskayuna Road,  
22 Latham in said Town, County of Albany, New York on the  
23 24th day of February, 2015 at 7:00 p.m. for the purpose  
24 of hearing all persons upon the approval, modification  
25 or disapproval of a certain residential subdivision in

1 the Town of Colonie, County of Albany known as Laura  
2 Drive Extension consisting of 7.7 acres of land to be  
3 divided into six residential building lots, dated  
4 February 18, 2015, Latham, New York.

5 CHAIRMAN STUTO: Thank you. Before we turn it over  
6 to the applicant, just as a notice to the public, if  
7 there is a member of the public that wants to speak on  
8 this project, we have a sign-in sheet over there to my  
9 right (Indicating) and the public's left.

10 Joe LaCivita if you don't have anything else,  
11 I'll turn it right over to the applicant.

12 MR. BIANCHINI: Hello, I'm Joe Bianchini with ABD  
13 Engineers and Surveyors. I'm here representing Tom  
14 Palma who is with us tonight also.

15 Tom owns two parcels of land; one at 27  
16 Dussault Drive which is where he resides and then  
17 another parcel that is listed as 100 Dussault Drive.  
18 Between the two parcels they total 7.7 acres.

19 In addition to his house, Tom also has a barn  
20 and another barn in the back and he has horses  
21 there. What he'd like to do is subdivide his  
22 properties such that he retains 4.2 acres, which is  
23 this area here (Indicating) and includes the barns  
24 and the small shed, and then subdivide the rest of  
25 the property. It's about 3.5 acres into six

1 residential lots. The six residential lots would be  
2 each 18,000 square feet. There is water and sewer  
3 available. He would be making a connection; the  
4 water at Laura Drive and Dussault Drive and bringing  
5 it into the site and then making a loop and bringing  
6 it back out to Dussault Drive. We would be starting  
7 a similar line in the roadway and then bringing that  
8 back out to Dussault Drive.

9 The drainage would be provided on-site by catch  
10 basins and piping to one lot that would be dedicated  
11 to the Town where it would be a stormwater retention  
12 basin with the discharge on-site.

13 There are some wetlands back here (Indicating)  
14 and we've had them delineated, but they're isolated  
15 wetlands. They are no jurisdictional wetlands by  
16 the Army Corp. Even though we can disturb them, we  
17 are disturbing only one-tenth of an acre or so.

18 The cul-de-sac here is about 400 feet  
19 (Indicating) and Tom will be subdividing this and  
20 likely sell it to a builder so he won't be the  
21 actual developer, I don't think, of the roadway. He  
22 would be selling it to one of the builders and they  
23 would be actually building the houses there.

24 In discussing it with some of them, the price  
25 range on houses would probably be in the \$300,000.00

1 to the \$350,000.00 range; maybe a little bit more.

2 We've goen through Town comments. This is the  
3 final public hearing. I think that we've met all of  
4 the final public comments or Town comments with one  
5 exception. It's a concern that Joe has with regard  
6 to screening and we have said that we will discuss  
7 it with the Planning Board. Joe would like to see  
8 some screening somewhere in this area (Indicating)  
9 between this lot and the stormwater detention lot.  
10 Although we don't have any objection to it, we just  
11 said it should be on the plans. It should be  
12 something that the buyer, or whoever is buying that  
13 lot, if they want it screened or whatever type of  
14 screening they want there, they can put it there.

15 CHAIRMAN STUTO: Joe, do you want to address the  
16 screening now?

17 MR. GRASSO: Can we have the public hearing first?

18 CHAIRMAN STUTO: Yes, good idea. That would be  
19 fine.

20 The public hearing is now open.

21 John Kolach.

22 MR. KOLACH: I have lived in the area for  
23 approximately 20 years. In fact, my house is the one  
24 that's right on the corner of Dussault and Laura. So,  
25 myself and my neighbor - we're going to be the two that

1 are primarily effected by it.

2 CHAIRMAN STUTO: Are you shown on that map there?

3 MR. KOLACH: Yes, I'm right there (Indicating).

4 One of the first things was that when we moved  
5 in, I stalked around the neighborhood and drove  
6 around at different times to see what it was like.  
7 It was nice and quiet. Before I purchased my house,  
8 one of the first things that I did was I met Tom and  
9 I asked him are you ever going to build back here?  
10 He says, no, there is a paper road and I'm never  
11 going to build anything back here. That was one of  
12 our thoughts that yes, this is going to be great. I  
13 know that before we moved in, everything was all  
14 woods and you can see where the previous houses  
15 start and the newer houses came in, along with mine.

16 I've lived there about 20 years and it's a nice  
17 quiet neighborhood. There is no cut-through and  
18 there is no outlet or anything.

19 I'm a police officer and my neighbor is an  
20 Albany fireman. There is a Colonie police officer  
21 there, so we kind of keep an eye on the  
22 neighborhood. There are lots of kids in the  
23 neighborhood. There are lots of kids in the street  
24 all the time; small kids from age 2 to age 8 have  
25 moved in during the last five years. So, I'm always

1 looking out the window. I've called the Colonie  
2 Police several times because of motorcycles driving  
3 up and down and cars driving up and down. If I'm  
4 off-duty, I'm not going to chase them down. That's  
5 one of our big concerns; increased traffic coming  
6 through. There are twins right across the street  
7 that are four years old. Kids run out.

8 I have a big concerns, and I know that I've  
9 talked with my neighbor who is a fireman. We work  
10 midnight shifts. The noise that is going to be  
11 coming through - it's just the way that it is, but  
12 the construction pieces coming through, we don't  
13 know what the route of travel is going to be. Are  
14 they going to come up Dorsman or come up Garling or  
15 Dussault? We don't know which way they are going to  
16 be cutting through. It's going to be heavy  
17 equipment and trailers. The mud coming in from  
18 going out through the woods and coming back out into  
19 the road is going to make a mess, and it's all going  
20 to fall on basically my house which is right on the  
21 corner, my neighbor's house and the house on the  
22 opposite corner.

23 I just had my house and my roof washed last  
24 year. I already expect that everything is going to  
25 be caked on whenever it starts. We know that it's

1           been going on for many years and it's the way that  
2           it goes. Just that noise and the dirt is one of our  
3           concerns.

4           There is a trucking company behind my house. I  
5           think that it's TNT Trucking. I don't know if you  
6           know what the name of that outfit is. When we moved  
7           in, it was really small. Now that thing is really  
8           big. The light from there - it's all night that the  
9           lights are on. Diesel trucks are going and doors  
10          slamming, telephones ringing.

11          CHAIRMAN STUTO: Where is that?

12          MR. KOLACH: My house is right here (Indicating).  
13          This is where your cul-de-sac is going to be. It's on  
14          the opposite side, right in the back here (Indicating).  
15          At night I look out on my deck when I'm letting my dogs  
16          out and the spotlights through there -- I feel like I  
17          can hit it with a baseball. That's how close it seems.

18          Once all those trees come down, the lights are  
19          another concern I have as far as privacy. When they  
20          build a new road going through, I don't know how  
21          close the road is going to be as far as if there is  
22          going to be any kind of a berm or anything, or any  
23          kind of trees or bushes that is going to try to  
24          break any of that traffic, or is the roadway going  
25          to be right next to where the fenceline and

1 everything is.

2 I know the big concern that we have is the  
3 water. I have been flooded once. My neighbor on  
4 the opposite side over on this corner over here -  
5 he's been flooded several times and his backyard is  
6 flooded. I know that there are some creeks there.  
7 Right now, because it's been so cold, I don't have  
8 any water in my sump pump and the pit. Ten or 11  
9 months out of the year my pit is constantly kicking  
10 water out. There is a lot of water somewhere back  
11 there. That's one of our concerns, if underground  
12 streams get moved around. It was an expensive thing  
13 when our cellar got flooded the last time.

14 Wildlife - we have fed the turkeys in our back  
15 yard. This year we had a family of like 13 that  
16 were the size of pigeons up until they were big  
17 enough to fly out and there is deer around. Things  
18 that you get used to seeing there and houses come -  
19 - you drive down the road when I'm coming home at  
20 night and you have to look out for the deer out in  
21 the road. It's more the safety thing, as far as  
22 traffic, the noise and the dirt.

23 Where is it all going to go? Like I said, I  
24 just paid \$500.00 or \$600.00 to have my house and  
25 roof done. Is someone going to say, okay, now we're

1 all done. Now we're going to wash your house and  
2 your windows, or is that something that I do weekly  
3 and just say well, that's the way that it goes.  
4 You've lived here 20 years and you kind of get used  
5 to having things and now obviously things are going  
6 to change.

7 We see people walking around and we're like,  
8 sooner or later things are going to happen but I  
9 don't think that people realize the noise that  
10 they're going to have coming from that trucking firm  
11 already that I hear coming through here, too.

12 That's about it. It's just a safety type  
13 thing.

14 CHAIRMAN STUTO: Okay, thank you.

15 I have been taking notes of all the issues that  
16 you raised. We'll get the applicant and also our  
17 TDE as appropriate to respond to those.

18 Is there anybody else that wants to speak on  
19 this at this point?

20 (There was no response.)

21 Joe Grasso?

22 MR. GRASSO: Just so those comments are fresh in  
23 the Board's mind, can we have Joe responded to those?

24 CHAIRMAN STUTO: Okay, I have traffic including  
25 permanent and also during construction. Noise and dirt

1 and water, meaning storm drainage and visual. There may  
2 be other overlapping issues with that.

3 MR. BIANCHINI: As far as traffic, after the  
4 project is built, it's six houses. That's not a  
5 significant amount of traffic. We will increase traffic  
6 a little bit, but this whole neighborhood - there is  
7 probably 100 homes in this neighborhood all the way down  
8 though here that outlets to Route 7. So, in terms of  
9 the overall picture, I don't think that's a lot of  
10 traffic.

11 Construction traffic - yes there will be  
12 construction traffic. They would have to get in and  
13 most likely they'd come in through Dussault and over  
14 into the site and then once their equipment is in  
15 there, there still would be workers and everything  
16 else coming in. It's going to be to build a  
17 cul-de-sac, it's going to be a two-month period or  
18 maybe three months.

19 MR. GRASSO: Probably one construction season for  
20 the road and maybe a couple of years -

21 MR. BIANCHINI: Yes, and then after that you're  
22 building one house at a time until they are built out.

23 In terms of mud, dust and that sort of thing,  
24 we have to file a stormwater management report with  
25 the Town. This is covered under a basic SWPPP, but

1 still the Town does a very good job of enforcing the  
2 contractors to first of all, put a stabilized  
3 construction entrance into the site so that you're  
4 not tracking mud out onto the street. If they do,  
5 the Town is right on the contractor to clean that  
6 up. That doesn't happen very much. Most of the  
7 contractors in Town now realize that they really  
8 have to watch anything coming off the site. So,  
9 there isn't any mud. The same thing with dust. If  
10 there is a dust issue, they have to water stuff  
11 down. They might have to put mulch on, or whatever,  
12 to control dust. Again, the Town is on that. If  
13 you complain to the Town, they're right out there.

14 MR. GRASSO: Weekly inspections.

15 MR. BIANCHINI: Weekly inspections, right - silk  
16 fence and all of those things.

17 This is a trucking company back here  
18 (Indicating) and I think that over here is Pepsi.  
19 There are some visuals. The darker green will be  
20 left there. It's wooded and back down through here,  
21 it gets a little thin through here (Indicating).

22 CHAIRMAN STUTO: Can you show me where you're  
23 saying it will be left wooded?

24 MR. BIANCHINI: All this green (Indicating).  
25 That's all there now and we're not disturbing it. We

1 are disturbing what the white is.

2 CHAIRMAN STUTO: You own some of that, but you  
3 don't own all of it.

4 MR. BIANCHINI: We don't own here what's on this  
5 side. These are just like a hedgerow down through here  
6 and over through here (Indicating).

7 MR. GRASSO: Maybe you can just describe the  
8 drainage pattern.

9 MR. BIANCHINI: All the drainage from here on Laura  
10 Drive (Indicating) goes into the site. And then down to  
11 the detention basin here. We don't impact the drainage  
12 at all on Dussault or Laura Drive because it all drains  
13 in the other direction away from us.

14 MR. GRASSO: There are swales behind the lots.

15 MR. BIANCHINI: There are swales to control the  
16 drainage so that it all goes internal to the  
17 subdivision. None of it is draining off of the  
18 subdivision.

19 CHAIRMAN STUTO: All towards the drainage spot  
20 there.

21 MR. BIANCHINI: All towards this spot back here  
22 (Indicating), yes.

23 CHAIRMAN STUTO: Can you talk about the SPDES  
24 regulation and how that is supposed to be administered  
25 in terms of impacting surrounding neighborhoods, just in

1 general terms.

2 MR. BIANCHINI: In general terms, we're not  
3 supposed to have any impact to the neighbors in terms of  
4 off-site. We're supposed to maintain the site so that  
5 there isn't any issues with regard to mud or tracking  
6 off of the site. We have to do temporary facilities such  
7 as silk fencing, temporary detention basins.

8 CHAIRMAN STUTO: But in terms of the permanent -

9 MR. BIANCHINI: Once it's done, it's all seeded and  
10 graded so that nothing can drain off-site. That's  
11 something that the town inspects and does a good job on  
12 inspecting that to make sure that happens.

13 CHAIRMAN STUTO: It doesn't drain off-site any  
14 quicker than it currently does.

15 MR. BIANCHINI: In this case it's not going to  
16 drain off-site. Everything is going to drain here and  
17 to this wetland area here (Indicating). Nothing drains  
18 off-site.

19 MR. GRASSO: That's all in final design and  
20 reviewed by our office and the Town's office so we have  
21 confirmed the results of the analysis. There won't be  
22 any increase in the flow to the wetlands. There won't  
23 be any rise in water levels that are there now based on  
24 this development.

25 CHAIRMAN STUTO: Mr. Kolach, he is entitled to

1 develop the properly. It's the way that it's zoned. I  
2 can't speak to what was told to you when you first  
3 bought it. He's at least addressed or answered all of  
4 the issues that you raised. Do you have any more  
5 questions or something that wasn't addressed?

6 MR. KOLACH: No, obviously he has the right to  
7 build. Even though he's saying that the rain is going  
8 to go his way, it's underground. There are streams or  
9 whatever that are underground. Now a house is going to  
10 be in a certain area where that water is moving,  
11 however. Now, the house is coming around and the next  
12 thing that I know, instead of my pump every 10 minutes,  
13 now it's going every two minutes because some kind of  
14 underwater stream or whatever -- there is a lot of water  
15 in there. It's being redirected to our house and the  
16 neighbor's houses, or whatever.

17 CHAIRMAN STUTO: I will ask them to address that.

18 MR. GRASSO: I'll address it. We understand that  
19 there is high ground water in that area and that's one  
20 of the reasons why the site has a significant wetland  
21 complex associated with it. We knew that going in with  
22 our review of the project and we had worked with the  
23 applicant's engineer to make sure that the grading was  
24 designed to not have any waterflows and be directed to  
25 the adjacent developed properties to take it away from

1           those home sites, to the back of the property and to  
2           treat it and then slowly release it into that wetland.  
3           So, if there are existing problems, it's not to say that  
4           this project is going to make it better. It may based  
5           on some of the grading work that's going to occur and  
6           the drainage improvements, but it definitely shouldn't  
7           make it worse.

8                   CHAIRMAN STUTO: Joe, if I understand his question,  
9           I'm not a hydrologist but he's saying if there ground  
10          water and you put a basement in there, it's going to  
11          displace or push out the water in some fashion  
12          underground. You seem to be talking a little bit more  
13          about surface water. Can you explain the underground  
14          hydrology a little bit?

15                   MR. BIANCHINI: Usually, you don't know what's  
16          under the ground until you start digging holes out there  
17          and you see the water. When that happens, we usually  
18          have to go out there and design some sort of underdrain  
19          system to connect into this drainage system so that we  
20          control any underground water. All of these houses will  
21          have a connection for a sump pump to a catch basin which  
22          drains to this detention basin over here (Indicating).  
23          We don't think that we're going to have any problems,  
24          but I understand that there is always that possibility.  
25          If there is, then we'll have to be out there and come up

1 with an underdrain system to control any undersurface  
2 water.

3 MR. GRASSO: Then there are laterals tied into  
4 that. There is a closed drainage system along the road.  
5 Laterals for all the lots will be provided such that if  
6 they do have a sump pump that encounters ground water,  
7 it will discharge to that system and take it away from  
8 the residents.

9 CHAIRMAN STUTO: So, you're saying from an  
10 engineering perspective, the ground water won't have  
11 pushed toward the residences.

12 MR. GRASSO: Right.

13 CHAIRMAN STUTO: Thank you.

14 Any other further public comment?

15 (There was no response.)

16 Joe, do you want to offer your comments?

17 MR. GRASSO: Yes, I just want to focus on the  
18 clearing and the grading issues and it's really better  
19 to just show this.

20 As of right now, the site is basically all  
21 wooded, so this is all woods (Indicating). That  
22 provides a significant buffer from the homes on  
23 Dussault and Laura Drive from the TNT site which is  
24 all the way back in here (Indicating). Basically,  
25 when we go to construct the road and develop these

1 home sites, basically all these woods we expect to  
2 be wiped out. There may be certain trees left  
3 within the lots, but we're taking about pretty small  
4 lot sizes here. So, I would expect for most of that  
5 to be cleared entirely.

6 Then, we have a stormwater management area and  
7 you can look from the grading plan that this whole  
8 area is going to be graded and cleared in order to  
9 construct that (Indicating). Right now this swatch  
10 of woods, probably 400 feet deep, is going to be  
11 substantially cleared and we're going to be left to  
12 rely on a relatively thin buffer. This is primarily  
13 hard woods, based on the air photo (Indicating).  
14 Our primary concern is going to be visual and noise  
15 impacts through the development based on this  
16 existing distribution facility. One of the things  
17 that has been brought up as early as a sketch plan  
18 review was to try to retain some buffering in here  
19 either through retention of existing vegetation or  
20 subplanting with new vegetation. We continue to  
21 have the concern and there is nothing on the plans  
22 right now to mitigate those impacts.

23 CHAIRMAN STUTO: Where would your ideal area be?

24 MR. GRASSO: It would be along the back. There is  
25 a storm sewer along the back here (Indicating) but it

1 would basically be either along this road here -- we're  
2 not so much concerned here because there is a good  
3 amount of vegetation that is going to be preserved  
4 there.

5 Joe had mentioned maybe within this lot - that  
6 may seal off some, but it's something that has to be  
7 pretty substantial to have a mitigating impact.  
8 Once this area gets cleared, there is going to be a  
9 significant impact there. I think that it's  
10 something that the Board should be aware of and  
11 advise what would be appropriate for some screening  
12 or buffering there.

13 CHAIRMAN STUTO: Does the Board want to speak up  
14 now?

15 MS. DALTON: I think that buffering should be on  
16 the plans for a couple of reasons. First of all, you  
17 are disturbing the neighborhood and in deference to full  
18 disclosure, that is my neighborhood. I live there. I  
19 would say this regardless of which neighborhood it is,  
20 when you're talking particularly about a neighborhood  
21 that is within that buffer to go ahead and clear this  
22 much is going to by itself, make a big difference in the  
23 quality of what is going on in that neighborhood. So,  
24 that would be reasons alone.

25 Secondly, because you're so close to the

1 airport and that trucking plant, you're going to  
2 need something that is going to buffer some of the  
3 noise coming from that area because you are clearing  
4 it.

5 Last but not least, you're crossing so many  
6 parcels there that the thing that you would leave it  
7 up to the individual buyer means that there would be  
8 haphazard and scattered responses. I would say  
9 absolutely it needs to be on the plan and it  
10 absolutely needs to be substantial.

11 Mr. Kolach talked about the change that you're  
12 going to bring to that neighborhood and I think he's  
13 absolutely correct about that. So, what you can do  
14 to mitigate that in the first instance is to do some  
15 of that buffering.

16 MR. BIANCHINI: I didn't say that we were against  
17 that. I just wanted to allow some flexibility to the  
18 homeowner, whoever buys it, so that there isn't any -

19 MS. DALTON: I'll tell you that when I first moved  
20 into that neighborhood, the way that they left  
21 flexibility frankly was that they left as many trees  
22 standing as they could and the flexibility was that you  
23 could cut them down if you didn't want them. We liked  
24 it that way.

25 MR. MION: I tend to agree. You need to clear the

1           lots so that's not a question. I think that you do need  
2           to put some type of barrier up there. It's nothing that  
3           we haven't requested other projects to do and I don't  
4           see any difference here. Once you take the hardwoods  
5           down, its going to be a lot more exposed. It's going to  
6           look better if it's all the same. I support the  
7           vegetation buffer.

8                   CHAIRMAN STUTO: I will speak in turn. I'm in  
9           favor of what Joe Grasso recommends as well. I want to  
10          talk more about specifics once we get to what we really  
11          want there. If everybody speaks, maybe we'll talk about  
12          that.

13                   Susan?

14                   MS. MILSTEIN: I don't have anything.

15                   CHAIRMAN STUTO: Craig?

16                   MR. SHAMLIAN: I don't have anything.

17                   MR. GRASSO: There are a couple of things. Based  
18          on what I believe the existing buffer to be, primarily  
19          hardwoods - probably 90% hardwoods and then 40% to 60%  
20          foot range; someplace in there, which don't do a good  
21          job, especially during the winter of noise mitigation.

22                   I'm sure that Mr. Kolach said that even you can  
23          see the lights through the trees. Obviously, we cut  
24          those trees down and we're going to plant something.  
25          The most that we're going to plant is eight to 10

1 feet. If you can go with an evergreen, you can get  
2 a more denser visual screening, but it's got to be a  
3 pretty continuous route.

4 CHAIRMAN STUTO: Are we going to specify it  
5 tonight, or are you going to come back for that part of  
6 it?

7 MR. GRASSO: It's up to the Planning Board. I  
8 think that it's pretty clear where it should be. The  
9 best way that we always recommend projects is if you  
10 want, quick screening is 8 to 10 foot - Norways to  
11 Spruces mixed, double-staggered row; 10 to 12 feet on  
12 center.

13 Now, trees don't do a good job of noise  
14 mitigation. Again, I don't know how much noise  
15 mitigation the existing hardwoods do either. That's  
16 going to be a perception thing. I think that when  
17 you can see the impact area, it's going to feel  
18 louder. The only way to mitigate noise is with a  
19 solid wall. That's basically it. A fence can do  
20 that too. I'm not sure that if that's something  
21 that the Planning Board wants to entertain or leave  
22 that up to the homeowners, but those are the options  
23 that we typically see in situations like this. I  
24 can either work with the applicant to come up with  
25 something outside of the meeting and bring it back

1 for final approval or we can try to hash it out  
2 right now.

3 CHAIRMAN STUTO: Craig, we'll put you on the spot.  
4 In terms of what Joe described, fence or no fence? And  
5 also, the evergreen scenario that he just laid out; do  
6 you agree with that?

7 MR. SHAMLIAN: I would be in favor of evergreens,  
8 not necessarily in favor of a fence. I think that's  
9 over the top.

10 CHAIRMAN STUTO: I feel the same way. It's up to  
11 the homeowner, if they want the fence. That's how I  
12 feel.

13 MR. MION: I agree with that.

14 MS. DALTON: I like the fence.

15 Joe, you know the kind of fencing that when  
16 you're creating a barrier with the highway - it's  
17 staggered and it looks like wood slats and you put  
18 the evergreens in front of it - that would obviously  
19 provide the most screening from what is going on  
20 back there. Again, leave the neighborhood closer to  
21 where they were before this all started.

22 I think that generally speaking I would  
23 typically say no fence as well, but because this  
24 backs up against a trucking plant and the airport,  
25 the noise is significant.

1           CHAIRMAN STUTO: Does anybody else want to speak on  
2 these issues before we move the process? We can come  
3 back to this.

4           MS. MILSTEIN: Where would you want the fence?  
5 Along the whole back?

6           MS. DALTON: It would be along that property line.

7           CHAIRMAN STUTO: There are three lots, plus the  
8 drainage thing.

9           MR. BIANCHINI: We don't have a problem with the  
10 evergreen screening. I think that the fence is a lot  
11 more than what we can afford on these lots in the price  
12 range that we're talking about. If the homeowner wants  
13 to put one up, he has the option to do that. We  
14 understand and we're willing to put the evergreen  
15 screening there.

16          MS. MILSTEIN: The amount of them would make sense.  
17 Just having a fence around the corner there with where  
18 the stormwater is, a little towards the back -

19          MR. GRASSO: So, along this segment right here?

20          MS. MILSTEIN: Even to the left and around the  
21 corner.

22          MR. GRASSO: The only thing with this is that this  
23 parcel is going to be owned by the Town and I would  
24 prefer that the responsibility for maintenance of the  
25 fence not be on the Town.

1           MR. BIANCHINI: There will be a fence around that;  
2 vinyl coated chain link - that's what the Town always  
3 specifies.

4           MS. MILSTEIN: So, then the limited fence would  
5 have to be where you pointed out.

6           MR. GRASSO: Yes, it's best for that one spot.

7           MR. LACIVITA: I think that from a realistic  
8 standpoint that you're trying to mitigate noise from an  
9 airport and it's coming from above. A six or an  
10 eight-foot fence is not going to mitigate that. What  
11 you're really trying to mitigate is the visual impact.  
12 That's what the fence would do. I think that you're  
13 going ot get better visual protection from the  
14 evergreens because they are going to grow much higher.  
15 I think that the fence is a little bit over the top on  
16 this small development that is going to happen.

17          MS. DALTON: For what it's worth, the noise that we  
18 get in our neighborhood is not overhead noise as much as  
19 it is airport noise.

20          MR. LACIVITA: As it's coming down; yes.

21          MS. DALTON: No, it is planes parked and running up  
22 their engines getting ready to go out. Sometimes that  
23 can be so loud that it's unbearable.

24          MR. LACIVITA: Which I don't think will be  
25 mitigated by a fence.

1 MS. DALTON: We're talking now not about resolving  
2 a problem but looking at a neighborhood that is going to  
3 be changed and what is currently there and what can be  
4 put there to mitigate what they are doing. It will be  
5 noisy later no matter what we do. That is a fact. The  
6 question is: How many mitigating steps do we want to  
7 take to try to protect that neighborhood?

8 Second, I think that from a sale perspective,  
9 being able to say to a perspective buyer, we have  
10 done everything possible to mitigate any kind of  
11 noise that we're going to get from the airport or  
12 dirt or dust or whatever else might be coming from  
13 that trucking company and improving the view would  
14 also be valuable. From an investment point of view,  
15 I don't see this as a huge negative and again, given  
16 the character of the neighborhood, we're not in the  
17 flight path. We are parallel to the flight path.  
18 We don't get that direct overhead noise that you get  
19 from being part of the airport traffic which is a  
20 nice thing about the neighborhood. As I said, it's  
21 that adjacent neighbor noise that you're going to  
22 get. Also, any kind of profession or work that they  
23 do at the airport is really noisy.

24 CHAIRMAN STUTO: Anybody else on this issue? We'll  
25 deal with it in our final note to figure out what do to

1           there.

2           MS. DALTON: Just from my point of view, I think  
3           that it makes a lot of sense not to resolve everything  
4           tonight, but actually to require that something go on  
5           the plans as a mitigating strategy and have Joe work  
6           with the applicant to address those things.

7           CHAIRMAN STUTO: Okay, we'll talk about it at the  
8           end, too. I'm not sure if you're saying leave it to  
9           Joe or are you saying have Joe work on it and bring it  
10          back to us?

11          MS. DALTON: Yes, that's what I'm saying. Have Joe  
12          work on it and bring it back to us.

13          CHAIRMAN STUTO: As we vote on the approval, we'll  
14          bring that up.

15          Any other comments, Joe?

16          MR. GRASSO: We have some very minor technical  
17          comments in our letter. It's in your packet dated  
18          December 23rd. We are sure that those will be easily  
19          addressed as part of the post approval plan submission.  
20          The Town Attorney's office has drafted a negative  
21          declaration pursuant to SEQRA. It's an unlisted action  
22          and the Planning Board is going to be lead agent. All  
23          the information is included in your packets for  
24          consideration. It's really ready to go except for this  
25          one issue.

1           Can you talk about specifics of the SEQRA and  
2 maybe when we'll be able to entertain a vote on  
3 that?

4           MR. GRASSO: This is an unlisted action, pursuant to  
5 SEQRA. It starts out in the second page in your packet.  
6 We recommend, based on the attached environmental  
7 assessment form, that the Board determines that the  
8 action will not have a significant effect on the  
9 environment.

10           Second page, Part II of the environmental  
11 assessment form has been completed. Does the actions  
12 exceed any Type I threshold? The answer is no.

13           Will the action receive coordinated review as  
14 provided for unlisted actions? The answer is no.

15           Could the action result in any adverse effects  
16 associated with the following: existing air quality,  
17 surface or ground water quality or quantity, noise  
18 levels, existing traffic patterns, solid waste,  
19 potential for erosion drainage or flooding problems.  
20 The answer provided is no.

21           The second one is aesthetic, agricultural,  
22 archeological, historic and other natural and  
23 cultural resources - the answer is no.

24           The third one: Vegetation or fauna, fish, shell  
25 fish or wildlife species, significant habitat or

1 threatened or endangered species - the answer is no.

2 The fourth one - affect the existing plans or  
3 goals as officially adopted or a change in use or  
4 intensity of use or other natural resources - the  
5 answer is no.

6 Fifth - growth, subsequent development or  
7 related activities likely to be induced by the  
8 proposed action; the answer is no.

9 Long-term/short-term, cumulative or other  
10 effects not identified above - the answer is no.

11 The other impacts not identified - and the  
12 answer is no.

13 The project will also not have a impact on the  
14 critical environmental area because one does not  
15 exist here.

16 The last one: Is there likely to be controversy  
17 related to potential adverse environmental impacts?  
18 The answer is no.

19 CHAIRMAN STUTO: Would any more of the Board  
20 Members like to discuss any of those environmental  
21 topics in any more depth?

22 (There was no response.)

23 Joe, can you carry us through?

24 MR. GRASSO: Back of the next page is Part III and  
25 it gets into the determination of significance which is

1 the responsibility of the lead agent and it's been  
2 drafted for your review by Rebekah Kennedy from the Town  
3 Attorney's office.

4 The second checked box says check this box if  
5 you have determined based on the information and  
6 analysis of all and any supporting documentation  
7 that the proposed action will not result in any  
8 significant adverse environmental impacts and  
9 provide attachments as necessary the reasons  
10 supporting this determination.

11 CHAIRMAN STUTO: Can you read paragraph C on the  
12 neg dec?

13 MR. GRASSO: Yes, it says reasons for determination  
14 of nonsignificance. The lead agency has reviewed the  
15 application site plans, project description and all  
16 supporting documentation and conducted such further  
17 investigation of the project and its environmental  
18 effects as a lead agency has deemed appropriate. Based  
19 on this review, the lead agency has determined that the  
20 action will have no significant effects on the  
21 environment and an environmental impact statement  
22 therefore will not be required.

23 CHAIRMAN STUTO: Do we have a motion based upon  
24 that?

25 MR. MION: I'll make a motion.

1 MS. DALTON: I'll second it.

2 CHAIRMAN STUTO: Any discussion or comment on that?

3 (There was no response.)

4 All those in favor say aye.

5 (Ayes were recited.)

6 All those opposed say nay.

7 (There were none opposed.)

8 The ayes have it.

9 With respect to the main question before us  
10 which is for final review approval, do we have a  
11 motion and then we'll talk about Kathy's amendment?

12 MR. SHAMLIAN: I'll make that motion.

13 MR. MION: I'll second it.

14 CHAIRMAN STUTO: Kathy wants to make an amendment  
15 to allow Joe to go back and negotiate with the applicant  
16 with respect to the screening and come back to us for  
17 approval on that. That shall at least include the  
18 evergreens - some type of evergreen screening and  
19 whatever Joe thinks is appropriate.

20 MR. GRASSO: I don't want to put words in your  
21 mouth.

22 CHAIRMAN STUTO: And just bring it back to us for  
23 final.

24 MS. DALTON: So, make recommendations with regard  
25 to visual and sound mitigation strategies for the

1 purpose of putting them on plans.

2 CHAIRMAN STUTO: On that proposed amendment, Joe,  
3 do you have any comments on that?

4 MR. GRASSO: So, is final approval being considered  
5 conditioned on this, or would you like it to come back  
6 for a final vote?

7 CHAIRMAN STUTO: No, I think that we're ready to  
8 vote on final.

9 MR. GRASSO: Conditioned on this?

10 CHAIRMAN STUTO: Conditioned on that. She is  
11 trying to amend the motion to do that.

12 MR. GRASSO: Okay, that's fine.

13 CHAIRMAN STUTO: Do you have any problem with that?

14 MR. GRASSO: I just want to reiterate if noise is  
15 trying to be mitigated, the only way that I think is  
16 effective mitigation is with a solvent barrier. I think  
17 that the noise impacts that have been described coming  
18 from the area will not be mitigated by any type of fence  
19 in this location. The fence would be really any noises  
20 generated by truck traffic on the TNT site right behind  
21 the site. Once you get 50 feet away from that fence or  
22 100 feet away, there won't be any mitigating impact  
23 there.

24 CHAIRMAN STUTO: How expensive would you estimate  
25 the fence to be?

1           MR. GRASSO: If we're talking about the back of lot  
2 11, probably five grand.

3           MS. DALTON: What is the difference between what  
4 you're saying - the sound barrier and the fence?

5           MR. GRASSO: Anything solid with a certain mast to  
6 it is going to act as an effective sound barrier. It's  
7 related to what the noise is generated from, the wave  
8 lengths and how close the noise is.

9           MS. DALTON: No, you were talking about another  
10 solid structure.

11          MR. GRASSO: No -

12          CHAIRMAN STUTO: When it comes back, can you give  
13 us a few choices that we can talk through and vote on  
14 with respect to noise and visual?

15          MR. GRASSO: Yes, but I'm also not thinking like a  
16 noise barrier along the highway where it's 18 or 20 foot  
17 high masonry or heavy tinder wall. I just don't think  
18 that is in the context of a residential development.  
19 I'm thinking about an eight-foot board on board wood  
20 fence and I'm trying to describe to you the mitigating  
21 effects that type of element would have and I don't  
22 think that its going to be significant except for some  
23 truck traffic behind it. Obviously, it's a more instant  
24 visual screen. Even if we do trees 10 feet on center,  
25 double staggered row, you can still see through them

1           until it really fills in. That's where a fence can  
2           help.

3           CHAIRMAN STUTO: Are you saying five grand total or  
4           with the time -

5           MR. GRASSO: No, just for the fence. I'm talking  
6           about 100 feet behind Lot 11. I could normally say  
7           \$35.00 to \$50.00 a linear foot for a nice quality fence.  
8           You're going to get right into the five grand range.  
9           Along the back of Lot 11 - that's where I think that it  
10          would be most beneficial.

11          CHAIRMAN STUTO: I think that Kathy is suggesting  
12          along all four of the lots in the back.

13          MS. DALTON: Yes.

14          CHAIRMAN STUTO: Okay, so it's like four times  
15          five; in that approximate range.

16          MR. GRASSO: Yes, so you're talking about 20 grand  
17          for a fence. You're looking at a landscape package to  
18          be effective in the 10 to 15 grand range besides.

19          CHAIRMAN STUTO: Can you come back with  
20          alternatives, if we decide to vote for that?

21          MR. GRASSO: Sure.

22          CHAIRMAN STUTO: Let's take a vote on whether we  
23          want to attach a condition as Kathy suggested. Does  
24          everybody understand it?

25          (All Board Members agreed.)

1 All those in favor of amending it to attach  
2 that condition say aye.

3 MR. MION: Aye.

4 MS. MILSTEIN: Aye.

5 MS. DALTON: Aye.

6 CHAIRMAN STUTO: Aye.

7 MR. LANE: Aye.

8 CHAIRMAN STUTO: All those opposed say nay.

9 MR. SHAMLIAN: Nay.

10 CHAIRMAN STUTO: Okay, we have one in the negative  
11 and that would be Craig.

12 With respect to the main resolution which is  
13 final approval. Is there any discussion? The  
14 motion is already before us.

15 All those in favor say aye.

16 (Ayes were recited.)

17 All those opposed say nay.

18 (There were none opposed.)

19 The ayes have it.

20 Thank you. We'll see you when you come back  
21 with alternatives on the screening.

22  
23 (Whereas the above entitled proceeding was  
24 concluded at 7:45 p.m.)

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATION

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 16, 2015

