

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 NATICK HILLS CONSERVATION SUBDIVISION  
362 VLY ROAD  
5 APPLICATION FOR CONCEPT ACCEPTANCE

6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter by NANCY STRANG, a Shorthand Reporter,  
9 commencing on September 15, 2015 at 7:00 p.m. at The  
Public Operations Center, 347 Old Niskayuna Road,  
10 Latham, New York

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

19 ALSO PRESENT:  
20 Kathleen Marinelli, Esq., Counsel to the Planning Board  
21 Michael Tengeler, Planning and Economic Development  
22 Linda Stancliffe, Creighton Manning Engineering  
23 Chuck Voss, PE, Barton and Loguidice  
24 Donald Zee, Esq., Donald Zee, PC  
25 Joel Weingarten, Birchwood Neighborhood Association  
Robert Wilkerson  
Janie Riordan  
Rich Dietlein  
Sal Belardo  
James Miller  
William Lauer  
Elizabeth Seeley  
Winston Wong

1           CHAIRMAN STUTO: Welcome to the Town of Colonie  
2           Planning Board. We have a number of items on the  
3           agenda. We will give them all thorough treatment, but  
4           we will try not to waste any time.

5           Mike Tengeler from the Planning and Economic  
6           Development Department, do you have any introductory  
7           matters?

8           MR. TENGELER: No. We can get into the first item  
9           which is Meadowdale Estates which is to announce a  
10          special public hearing for September 29, 2015.

11          CHAIRMAN STUTO: Is there any formal notice that  
12          has to be read.

13          MR. TENGELER: Not that has to be read. I'll just  
14          read the quick rundown of the project and we'll put it  
15          on the record that it's been announced.

16          The public hearing is for final subdivision,  
17          site plan approval and SEQRA determination for  
18          Meadowdale Estates which is a residential  
19          subdivision of 98 townhomes, 30 cottage homes, two  
20          executive townhouse units, six three-story apartment  
21          buildings totaling 204 units and a 6,400 square  
22          feet community building with a pool. This will all  
23          be noticed in the normal fashion and we will be  
24          having the public hearing for final on September 29,  
25          2015.

1           CHAIRMAN STUTO: Thank you. Any questions from the  
2 Board?

3           (There was no response.)

4           Okay, the next item on the agenda we will call  
5 up for a presentation. Natick Hills Conservation  
6 Subdivision, 362 Vly Road. This is an application  
7 for concept acceptance. This is a 32-lot  
8 residential subdivision.

9           Again, Mike, do you have any introductory  
10 remarks on this project?

11          MR. TENGELER: Real quick, we'll hit the specifics.  
12 This is a 32-lot residential subdivision. It's a  
13 subdivision in a single family residential district with  
14 a conservation development overlay.

15          I see that Don Zee is here as well as Creighton  
16 Manning and they are here to present. I think that  
17 we can just pass it on to them.

18          CHAIRMAN STUTO: Okay, we'll leave it to the  
19 applicant. Can you identify yourself for the record?

20          MS. STANCLIFFE: My name is Linda Stancliffe and  
21 I'm a registered Landscape Architect with Creighton  
22 Manning, on behalf of the applicant.

23          The project is located on Vly Road. West of  
24 Vly Road and south of Route 7. It is at 262 Vly  
25 Road. The total lot acreage is approximately 34

1           acres and again, it's a single family residential  
2           district within a conservation overlay.

3           The conservation overlay requires us to look at  
4           wetlands, steep slopes, buffers and preserve,  
5           natural environmental properties of the site and  
6           concentrated in the development areas that are not  
7           environmentally sensitive. Those constrained lands  
8           are approximate 10.5 acres, and again they include  
9           the DEC wetlands on the west, the federal wetlands  
10          along Vly Road, the DEC buffer and steep slopes.  
11          Those elements are shown on this map. The steep  
12          slopes in the dark hatch, the wetland in the hatched  
13          area on the west and the federal wetlands along Vly  
14          Road, also in hatched patterns.

15          The open space is comprised of 40% of the  
16          unconstrained lands. That totals 23.5 acres. So,  
17          the gray hatched that you see on the plan before you  
18          is the constrained lands plus the open space. Those  
19          parcels would be dedicated to the Mohawk Land  
20          Conservancy along the western parcel.

21          We've had preliminary discussions with them  
22          about dedicating the parcel to the west to connect  
23          up with the Ashford Glen Preserve to the north.

24          Additionally, other acreage would be set aside  
25          within the homeowners association ownership to

1 protect it and provide buffers from neighboring  
2 properties.

3 Access into that Ashford Glen recreation area  
4 is currently through a neighborhood to the north and  
5 that is signed and contains trails. In discussions  
6 with the Mohawk Hudson Land Conservancy, they agreed  
7 that this would be a good connection to their  
8 Ashford Glen parcel and that trails would continue  
9 to the south from that access point.

10 This also would preserve the Class E stream  
11 about which DEC wetlands bound. That goes in  
12 concert with the conservation overlay requirements.

13 The main access to the site is via an existing  
14 driveway at the northern part of the property. This  
15 driveway would be converted into a Town road  
16 dedicated to the Town of Colonie as part of the  
17 project.

18 Secondary access would be about 300 feet to the  
19 south, shown on your map as English Way. That  
20 location was chosen for a right-in and right-out  
21 access due to visibility limitations along Vly Road,  
22 both horizontally and vertically.

23 In addition to that, two 50-foot wide easements  
24 would be provided; one to the north, to the larger  
25 parcel with the Beltrone Mansion and one to the

1 south which is not shown on this map currently, but  
2 would be included in future submissions of the  
3 project. That 50 foot wide easement to the south  
4 would be along the proposed waterline.

5 Utilities serving the site - we show an  
6 easement to the north. We've had conversations with  
7 adjacent landowners regarding an easement through  
8 the rear of their properties to an existing manhole  
9 that is located to the north that would serve our  
10 sanitary sewer extension. Water would serve from  
11 the Charlew parcel to the west. We have had  
12 preliminary discussions with them and that easement  
13 would come along with the southern boundary and then  
14 into the project parcels and connect up to the  
15 existing watermain along Vly Road. This provides a  
16 second opportunity for a Town connection and  
17 benefits the Town water.

18 Stormwater would be provided within the site in  
19 several areas either adjacent to the wetland area,  
20 or in open space. The stormwater would be designed  
21 in accordance with the DEC manual and as I stated  
22 earlier, buffers would be along the Vly Road  
23 property line via deed restriction and also along  
24 the main house lot, we'd like to propose a buffer  
25 along that area.

1           We have reviewed the technical comments and we  
2           have no exception with them. However, this morning  
3           we had a brainstorming meeting with the client and  
4           we have prepared a second concept plan.

5           This concept plan is essentially the same land  
6           as before, but has four additional lots along Vly  
7           Road and on the interior of the lot leaving the  
8           larger lots to the rear along the Nature Conservancy  
9           land and shows the parcel to the north that would be  
10          HOA dedicated for a buffer on the main house. This  
11          map also shows that 50-foot wide easement to the  
12          south, as requested by the technical review  
13          comments.

14           Are there any questions?

15           CHAIRMAN STUTO: We have a review by our Town  
16          Designated Engineer, Chuck Voss with Barton and  
17          Loguidice. I'd like to hear his comments. I think that  
18          the Board would like to hear them.

19           Also, as a note to the neighbors, if they want  
20          to speak, please sign in on the sheet on the table.  
21          We'd like to hear your comments, as well.

22           I'd like to now send it over to Chuck and see  
23          what he has to say about this.

24           MR. VOSS: Thank you, Peter.

25           We've conducted a concept level review of the

1 project that was originally proposed. We haven't  
2 seen this new plan yet in detail.

3 Just a couple of quick things in our letter  
4 dated September 8th which the Board has in their  
5 packet.

6 First and foremost we took a look at the intent  
7 of the subdivision which was to be labeled as a  
8 conservation subdivision - overlay. We did an  
9 analysis which you have in your letter of that  
10 ordinance; Section 190.30 of the Town Zoning Code.  
11 We went basically section by section and kind of  
12 looked at it and broke it down. Let me just walk  
13 through quickly with what we kind of looked at.

14 Section 190.30a describes the purpose of the  
15 conservation development overlay. As we have looked  
16 at, in our opinion the proposed layout as submitted  
17 doesn't really look to meet the intent of the  
18 overlay.

19 The applicant got a copy of this letter, as a  
20 matter of fact, so they have this information.

21 Really, the intent of the overlay district is  
22 to preserve tracks of environmentally scenically and  
23 recreationally significant undeveloped land and  
24 preserve contiguous open spaces and important scenic  
25 and environmental resources by allowing compact

1 development and creating more walkable and bikable  
2 neighborhoods. The residential density proposed here  
3 is .94 units per acre, while the permitted  
4 residential density is a little bit more at 1.38.  
5 The average buildable lot size proposed is 20,114  
6 square feet, which exceeds the minimum lot area for  
7 the typical SFR district.

8 I think what is interesting here is that the  
9 proposed layout itself really takes on the form of a  
10 conventional subdivision that we've seen. If you  
11 look at the analysis map - we had this conversation  
12 with Mike Lyons in the planning office a couple of  
13 weeks back.

14 The applicant does point out some of the steep  
15 slope areas. The issue at hand is that on average  
16 there is much greater area across the site that is  
17 encumbered by what we would call steeper slopes.  
18 Typically, steep slopes - for the purposes of review  
19 and site layout - are anything from 15% up to 25%.  
20 The applicant has certainly pointed out the steeper  
21 slopes of 25% range slopes on the map, but it's the  
22 lower range steep slopes that still cause issues for  
23 site layout. Our analysis showed that there are  
24 some greater areas across the site, specifically  
25 with the parcel basically to the west along the

1 slope area. You can see that there kind of west of  
2 the circle. Then, again, down to the center portion  
3 of the site, as well. Those slopes range from 23%  
4 to 28% to 16% to 15%.

5 On the current site layout they have houses  
6 proposed in those areas. We would suggest that they  
7 take another look at those steeper sloped areas and  
8 maybe try to reconfigure the layout to accommodate  
9 or avoid some of those areas. Also on this are  
10 several wetland areas. One of the factors that they  
11 have in here that they are including in open space  
12 is the fact that there are several wetland areas  
13 down certainly along Vly Road and they are  
14 encumbered in parcels. For the purposes of  
15 conservation overlay, we would suggest that those  
16 wetland areas and steep sloped areas be pulled out  
17 of those parcels. They shouldn't be in there  
18 typically because they are unbuildable and they are  
19 encumbered.

20 We took a look at this analysis and we had  
21 several concerns with the general layout. The site  
22 has some significant specific wetland areas. It has  
23 some scenic viewsheds and it has some steep slope  
24 areas. Traditionally under the conservation  
25 development guidelines, those would be discounted or

1 precluded from being developed upon. In our letter  
2 we encouraged the Board to encourage the applicant  
3 to take another look at laying the site out.

4 English Way - the second means of egress that  
5 they are proposing just down to the south along Vly  
6 Road crosses a wetland. It's unclear how they are  
7 going to do that and how they are going to mitigate  
8 that issue. Typically, you try to avoid wetland  
9 crossings, certainly with a major Town road. So,  
10 we'd like to have that reviewed as well.

11 We seem to have some agreement on certainly the  
12 water access. It looks like they are going to be  
13 looping the system through as proposed which we are  
14 certainly comfortable with. We certainly want to  
15 see the details as to how to bring the mains in.  
16 The initial concept seems to be sound. I think that  
17 Latham Water would be pleased to see that looping  
18 system as well through the site.

19 I think that we agree with the applicants that  
20 any dedicated open space or lands to be preserved  
21 certainly should be in conjunction with the Mohawk  
22 Land Conservancy and Ashford Glen Preserve. It's a  
23 significant natural site in close proximity to the  
24 site. The area that they are proposing on this map  
25 certainly lend themselves well to that. However, we

1 would also encourage them that they re-layout the  
2 site to not create isolated - what they are calling  
3 open space areas. We'd like to see more contiguous  
4 connected open spaces. That's a Code requirement  
5 that they certainly need to look at again, I think.

6 One of the initial concerns -- they are  
7 proposing in addition to some facilities, they are  
8 proposing individual rain gardens on a lot of the  
9 parcels. It's been the Town's -- I don't want to  
10 say practice because it really isn't yet, but it's  
11 been the Town's preference to avoid green  
12 infrastructure facilities like rain gardens on  
13 residential subdivisions where you don't have a  
14 defined homeowners association, per se. We're not  
15 sure exactly how that is going to work out, but I'm  
16 sure that Don can fill us in on that. The problem  
17 being that as soon as we put a stormwater management  
18 practice on a private parcel, there is an  
19 enforcement of it. The landowners typically don't  
20 like to have wet marshy areas on their home sites.  
21 Over time they might fill in the area. They might  
22 avoid maintaining it and then the practice fails  
23 over time and doesn't work as it was proposed.

24 We would ask that they take another look at  
25 their stormwater management systems and facilities

1 and see if they can come up with something a little  
2 bit more appropriate.

3 Other than that, just some of the typical stuff  
4 that we'd look at -- we want to get a better sense  
5 of their sewer system and how that is going to work.  
6 At the concept level though, we don't have that  
7 level of detail.

8 That's pretty much all we have so far.

9 CHAIRMAN STUTO: Okay, those are some significant  
10 comments which leads me to believe that this isn't ready  
11 for a vote from the Board today. We'll give you a  
12 chance to respond. I don't know how the rest of the  
13 Board feels. We still want to hear what everybody has  
14 to say, but that's how I see it.

15 Do you want to respond briefly because I want  
16 to hear from the neighbors.

17 MR. ZEE: My name is Donald Zee and I'm the  
18 attorney for the applicant.

19 Yes, just a couple of comments.

20 In our last presentation we did point out that  
21 we did have meetings with some of the  
22 representatives of the Birchwood Neighborhood  
23 Association prior to even coming forward with a  
24 concept plan we had before the Town. We had a  
25 meeting with them, I'm going to say over a year and

1 a half ago at the offices of Creighton Manning. We  
2 understood that there would be a potential that the  
3 neighborhood association would have an interest in  
4 this project. We had a meeting with the  
5 neighborhood association leaders at that point in  
6 time. They had indicated that they would not have  
7 any objections. That's what they stated at that  
8 time because they thought that the bulk of the  
9 traffic would be heading from the site going towards  
10 Route 7 rather than going through the residential  
11 subdivision.

12 With regard to the homeowners association that  
13 Chuck had mentioned; yes, we would propose to have  
14 an homeowners association. We would talk about the  
15 documents that we would ultimately submit as part of  
16 the approvals defining restrictions with regard to  
17 the open space, with regard to the wetland areas and  
18 several of the subdivisions in this area where they  
19 have Army Corp as well as DEC wetlands such as  
20 Forest Hills as well as the subdivision that Marini  
21 is building on and the homeowners association. We  
22 can, in fact, incorporate the DEC and the Army Corp  
23 regulations as an exhibit to the declaration so that  
24 all purchasers get that notice and incorporate it  
25 with the contract as well. That's so they will have

1 notice.

2 With regard to stormwater management, that is  
3 something that we will look at. I understand that  
4 the Town is concerned about having individual rain  
5 gardens or stormwater management systems that all  
6 the municipalities have, in fact, placed  
7 requirements in the Homeowners Association that they  
8 maintain those rain garden areas and that the  
9 enforcement would in fact be by the Town, if they  
10 chose to want it as well by the homeowners  
11 association and there is an affirmative  
12 responsibility by the homeowners association to  
13 maintain that.

14 I just want to be a little bit clear because  
15 with regard to what Linda was talking about, the  
16 Land Conservancy that we had spoken to is located in  
17 this area here (Indicating) and this land here is  
18 immediately adjacent to it. That's what we are  
19 proposing to donate is this portion of land to the  
20 Land Conservancy if it is within the wishes of the  
21 Planning Board as well as with the Land Conservancy.  
22 The buffer is because we have a substantial  
23 residence here which is the co-owner, which also  
24 owns the remaining property. We wanted to make sure  
25 that we had a buffer to protect the home. That's

1           why we have a certain area back here that would be  
2           maintained as a homeowners association and that home  
3           would in part, if you deem it appropriate, be a part  
4           of the homeowners association to make sure that  
5           there is a no-cut buffer in that area. Obviously,  
6           someone would be buying that home would want to make  
7           sure that they have some privacy and have some  
8           permanent vegetation there. Along Vly Road, with  
9           regard to that property, once again that would have  
10          restrictions. What we would anticipate is that we  
11          would have a delineation of where grading would  
12          occur and anything outside of that there would be  
13          limits of clearing and grading so you'd have certain  
14          permanency of vegetation and buffers from the  
15          surrounding areas.

16                 We understand about the size of the lots where  
17                 they are averaging 20,000 square feet, but it was  
18                 the hope and desire of the property owner because of  
19                 the estate home there, that we have lots immediately  
20                 adjacent that are substantially oversized than what  
21                 is required just to protected the value and preserve  
22                 the value of the Beltrone residence. Those are just  
23                 the initial comments that were going on.

24                 CHAIRMAN STUTO: How many lots are sub-normal sized  
25                 lots - under the 18,000? I guess what I'm getting at is

1           why do the conservation - because some are below the  
2           size? Why didn't you do a normal subdivision?

3           MS. STANCLIFFE: This is within the conservation  
4           overlay district. Therefore, it's required that we  
5           provide the conservation overlay. There is no deed  
6           within the conservation overlay district. There is no  
7           minimum lot size. In this concept before you tonight,  
8           the smallest lot would be 9,400 square feet as opposed  
9           to 14,000 square feet that was previously submitted to  
10          you.

11          MR. ZEE: The reason why we had the alternate plans  
12          was when we received the TDE's comments, we had shown a  
13          layout initially of 32 residential lots plus the  
14          additional lots for open space. In the comments based  
15          on Mr. Voss' comments as well as I believe Mike Lyons,  
16          they thought that there should be an increase of the  
17          number of building lots and potentially increase up to  
18          in the neighborhood in the letter of 47. Because, as I  
19          said, of the estate home, we didn't believe -- I know  
20          that the owners didn't want to have 47 lots. We've  
21          talked about increasing the number of lots, having some  
22          of the more cottage lot styles. We talked about this  
23          break point in this direction to try to increase the  
24          number of lots and I think that we were able to increase  
25          about four or five additional lots. So, we saw the

1 comment by the TDE. We understand where it's coming  
2 from and we've tried to address it with the  
3 understanding that we're also open to preserve the value  
4 of the estate home. Thank you.

5 CHAIRMAN STUTO: Chuck, before we go to the  
6 neighbors, can you explain the conservation analysis and  
7 how that goes, and whether you agree with it?

8 MR. VOSS: I'll just walk you through it. It's  
9 defined in Section 190.30B under conservation analysis.  
10 "Residential. The number of residential units permitted  
11 on a lot is calculated following the steps below:  
12 Determine the acreage of unconstrained land on the lot.  
13 Unconstrained land is the total acreage of the proposed  
14 development parcel excluding constrained land. Determine  
15 the number of permitted residential units on the lot."

16 CHAIRMAN STUTO: So, how do you define constrained  
17 lands? Lands that too steep? Lands that are wet?

18 MR. VOSS: Steep slope, wetlands, rocky outcrops,  
19 open spaces, under this definition.

20 MR. SHAMLIAN: Chuck is that 25% or more or 15% or  
21 more on the slopes?

22 MR. VOSS: Good question. I believe it's listed as  
23 25%.

24 CHAIRMAN STUTO: Did they create a map that would  
25 show constrained land and unconstrained land?

1 Chuck, did you see anything like that?

2 MR. VOSS: No, we haven't seen that calculation  
3 analysis.

4 CHAIRMAN STUTO: Do you normally see that with a  
5 map?

6 MR. VOSS: Yes.

7 MS. STANCLIFFE: We provided that within the  
8 hatched areas on the map, which include the 25% sloped  
9 area is the darkest shade and the constrained lands are  
10 any wetlands and wetland buffers. That's my  
11 understanding of the Code.

12 CHAIRMAN STUTO: Chuck, do you understand the  
13 analysis now?

14 MR. VOSS: In the general calculation, they did  
15 show those areas that would be constrained. Our concern  
16 is that they only limit it to the 25% sloped areas.

17 According to my discussions with Mike Lyons, we  
18 prefer to see 15 to 25 also included in that  
19 calculation. It severely limits the developable  
20 area on the site, but we think that it makes a more  
21 realistic conservation analysis.

22 CHAIRMAN STUTO: Do we have the right to impose  
23 that as a Planning Board?

24 MR. VOSS: The Board has that flexibility, under  
25 the Code.

1           The other issue that we had in terms of the  
2           open space - if you're going to deed restrict open  
3           space, they're deed restricting it on parcels that  
4           they're showing as being developed as private  
5           parcels. We don't think that's appropriate.

6           MR. SHAMLIAN: So, Chuck on that point, the  
7           property along Vly Road that is open space - what you're  
8           suggesting is that those lots would be 60% what they're  
9           shown there and the property owner would own no land  
10          that is deed restricted.

11          MR. VOSS: Yes.

12          CHAIRMAN STUTO: Do other Board Members have  
13          questions on that?

14          (There was no response.)

15          So, you're saying that the analysis could  
16          perhaps be a little bit stricter in terms of  
17          imposing a definition of constrained land that goes  
18          to 15% steepness.

19          MR. VOSS: Under the general concept of  
20          conservation overly, we would like to see that density  
21          calculation decreased.

22          CHAIRMAN STUTO: You're saying that we have the  
23          prerogative to do that.

24          MR. VOSS: Yes, you can ask for an alternative way.

25          CHAIRMAN STUTO: Does the Board have anything else

1 before we turn it over to the neighbors?

2 (There was no response.)

3 Just so that the neighbors know, I'm going to  
4 recommend that they do more analysis before we take  
5 a vote tonight. We want to hear what you have to  
6 say, so, we'll call your name. We're going to ask  
7 that you come to the microphone and that you say  
8 your name.

9 I think that Joel Weingarten is the first one  
10 for this project that signed up.

11 MR. WEINGARTEN: Thank you, Mr. Stuto. My name is  
12 Joel Weingarten and I'm the President of Birchwood  
13 Neighborhood Association. First off, I would just like  
14 to say that with regards to May 5th meeting that if  
15 you're going to have a need and require people to be  
16 here to present and give information, that they are  
17 actually here to give it instead of getting second-hand  
18 because statements made by Mr. Zee were incorrect.

19 CHAIRMAN STUTO: I'm not sure that I'm following  
20 what you're saying.

21 MR. WEINGARTEN: I'm going to get to that.

22 CHAIRMAN STUTO: I don't even know what you said  
23 though, to be honest.

24 MR. WEINGARTEN: In your dictation here - in the  
25 transcript on page 7 it was actually stated on page 6 by

1 Ms. Stancliffe that we did meet with Birchwood  
2 Neighborhood Association about a month ago and they  
3 voiced no opposition to the project. That was  
4 incorrect. Then, Mr. Zee -

5 CHAIRMAN STUTO: That they met with you, or that  
6 there was no opposition?

7 MR. WEINGARTEN: That there was no opposition.  
8 There were concerns - very valid concerns.

9 Mr. Zee had stated on page 7 that it was about  
10 five months ago that we met with Creighton Manning's  
11 office to discuss the project. What is correct is  
12 that we did meet with Creighton Manning and it was  
13 myself, Ralph Wallace [SIC] Kruitsky and I believe  
14 if I'm correct, John [SIC] Tozy from Creighton  
15 Manning and Mike Tucker and Donald Zee himself.  
16 That was on August 1, 2013. They had asked us to  
17 come down to try to give some insight. When I  
18 clarified with Mr. [SIC] Tozy 8/26/13 it was  
19 essentially said that they were advised by Joe  
20 LaCivita to contact us, the Birchwood Neighborhood  
21 Association, to get some input and figure out what  
22 is going on. So, one of the things off of that that  
23 I had stated was that first, in no way shape or form  
24 did we represent the immediate neighborhood  
25 surrounding this development because Birchwood

1 Neighborhood Association is part of Birchwood.

2 With respect to being Birchwood Neighborhood  
3 Association, we would try to give some sort of input  
4 as far as what we saw would be issues.

5 Understanding that at that point we had our own  
6 issue going on and we didn't want to bring that up,  
7 but what we did point out is that we did see issues  
8 with regard to the Vly/Denison Road intersection and  
9 also with regard to the intersection of Vly and  
10 Route 7. Because we have three subdivision,  
11 ourselves, going in with respect to Vly/Denison  
12 that is affecting that whole area and this  
13 subdivision coming in putting more pressure with  
14 regards to traffic on that area as a whole - that's  
15 a bigger issue. So, We actually had some  
16 information going on. We are trying to get in touch  
17 with the CDTC and -- I'm just trying to make sure  
18 that I have my information correct so that I can  
19 tell you -- first off, to go with the CDTC's  
20 findings, this is from 2009 and it was prepared  
21 March 1, 2001 - this is the draft. This still has  
22 not been finalized even though the Town says it has  
23 been finalized. There are a couple of issues that I  
24 want to point out to you with regards to this.

25 CHAIRMAN STUTO: Is that part of a GEIS analysis?

1           MR. WEINGARTEN: No, this is the CDTC's findings of  
2           the Vly/Denison neighborhood traffic assessment. The  
3           key findings -- I can give you a copy of them.

4           CHAIRMAN STUTO: Mike, do we know what this is? We  
5           know who CDTC is.

6           MR. TENGELER: I have never seen this. I'm not sure  
7           what this is.

8           MR. WEINGARTEN: I'm also going to give you an  
9           email with respect to correspondence from David Jukins  
10          from CDTC.

11          CHAIRMAN STUTO: What is the thrust to that?

12          MR. WEINGARTEN: With regards to CDTC's traffic  
13          analysis - I'm not trying to purposely go back to our  
14          issue that we had before in the past, but the CDTC's  
15          assessment with regards to traffic was based on Forest  
16          Hills having three outlets and it only had two in its  
17          finality. CDTC was unaware of that. So, all the  
18          findings in the 2009 traffic assessment were based on  
19          three. So, with regard to Dave Jukins and going back  
20          over the traffic assessment with regards to Forest Hills  
21          only having two outlets, he states "the impact of not  
22          building the Vly connection would be more noticeable  
23          forcing 19 additional trips from the south being New  
24          Karner and Watervliet Shaker onto the access connecting  
25          to Denison and 22 additional trips from the westbound

1 Route 7 to the Tamarack connection." So, I'm not going  
2 to go on and read the rest of it. You have it. That is  
3 an issue.

4 The other issue is that with regard to these  
5 numbers and the CDTC, they state in that summary in  
6 yellow on the second page that the construction of  
7 the three subdivisions would come close to meeting  
8 the warrants for a traffic signal. CDTC staff  
9 determined that the intersection appears to have  
10 sufficient space to accommodate construction of the  
11 single lane roundabout. That's a totally different  
12 issue. I'm not trying to bring up the roundabout  
13 thing into this issue right now, but the traffic  
14 needs to be mitigated and it needs to be dealt with.  
15 There needs to be a signal.

16 There are other issues that based on the 2009  
17 findings, if you were to take a look at page 8 of  
18 the document, it describes the grading system of A  
19 through E with regard to being an acceptable level  
20 of service; A being very good service with little  
21 delay at an intersection. F is very poor with a  
22 very long delay. I don't even want to have to be  
23 there. It states that the Vly Road/New Karner  
24 Road/Watervliet Shaker Road intersection is  
25 currently a C and on page 9 that Denison and

1 Birchwood Road and Troy Schenectady Road is  
2 currently an A. Vly Road and Troy Schenectady Road  
3 is currently a D. Vly Road and Denison Road is  
4 currently a C. That goes up until page 10, if you  
5 want that for your records.

6 With regard to the Vly/Denison intersection  
7 traffic control which is on Page 32, it states "with  
8 the proposed residential developments and their  
9 increase in traffic, the warrant thresholds are  
10 exceeded for seven consecutive hours with the  
11 exception of a single hour that is close, but does  
12 not reach the threshold while the projected traffic  
13 growth does not satisfy the requirements of eight  
14 consecutive hours. It is close to exceeding the  
15 thresholds".

16 On page 34 in regards to the Vly/Denison  
17 intersection traffic control for a warrant peak  
18 hour, the CDTC staff determined that installation of  
19 a traffic signal at this location would nearly meet  
20 the eight hour and four hour volume warrants under  
21 build-out conditions. The peak hour volume warrant  
22 would be met under the FGEIS traffic conditions.  
23 So, I just want to clarify that our issues were  
24 traffic from the beginning and we did not represent  
25 the local neighbors.

1           We did advise the group when we met at  
2           Creighton Manning that they did need to get in touch  
3           with the neighborhood and the local neighbors to  
4           talk with them and discuss with them their issues  
5           and concerns because that is what happened when our  
6           projects happened. The builder went out and talked  
7           with us. I would hope that their concerns would be  
8           met and discussed at length and considered.

9           CHAIRMAN STUTO: Thank you.

10          Robert Wilkerson.

11          MR. WILKERSON: Thank you, ladies and gentlemen.  
12          My name is Robert Wilkerson, 89 Cascade Terrace. My  
13          major concern is really basically been addressed by the  
14          previous gentleman.

15          The affect on traffic, I think, is going to be  
16          extremely difficult and extremely heavy and I have  
17          great concerns for that. Whether that in fact means  
18          that there can be a scale down of the number of  
19          dwellings, I don't know how you operate with those  
20          situations.

21          As of today, we are already waiting for the  
22          next two developments which I understand are  
23          improved. We are looking at 170 residents between  
24          today and the completion of this project. I don't  
25          know that I have great concerns over the effect of

1           that on all of people and Cascade Terrace already  
2           having great difficulty with water supply. I don't  
3           think that we have a great deal of confidence that  
4           those concerns are going to be adequately taken care  
5           of. So, those are the major concerns. Thank you.

6           CHAIRMAN STUTO: Chuck, what is the source of the  
7           water supply there?

8           MR. VOSS: It's a Town main proposed to come in and  
9           bring water from the west from -

10          MR. ZEE: From the Forest Hills Subdivision -  
11          Charlew's development.

12          MR. VOSS: A 10-inch main?

13          MR. ZEE: I believe so, yes. Just so the Board may  
14          recall, under the Forest Hills Subdivision, the  
15          developer of that project is required before they are  
16          issued any certificates of occupancy there for the  
17          installation of the water tower -- I think that it's a  
18          million gallon tower, all the funds have been collected  
19          from the developers pursuant to a GEIS and I believe  
20          that it's scheduled for the completion of the water  
21          tower for October of this year. At that point in time,  
22          that will increase the water flows and the water  
23          pressure for all the homes in this entire development.  
24          In fact, to the point where I believe when we met with  
25          the Latham Water with regard to this project and looking

1 at water pressures, we may have to put in pressure  
2 relief valves in our homes that are up there because the  
3 pressure is going to be so great because of the  
4 installation of the water tower.

5 CHAIRMAN STUTO: Mike Tengeler, are you confirming  
6 this?

7 MR. TENGELER: Yes, I know that the land has been  
8 cleared where the construction is going to be where the  
9 water tower is. I know that was an intricate part.

10 MR. ZEE: They just got the approval from the FAA  
11 to install the crane to be able to put on top of the  
12 water tower.

13 CHAIRMAN STUTO: Janie Riordan.

14 MS. RIORDAN: Good evening and thank you, sir, for  
15 all the information that you brought.

16 I just wanted to point out that my main concern  
17 is first the traffic and the entrances onto Vly  
18 Road. I live at 85 Cascade Terrace. I have no  
19 other way to get out of my development but to go out  
20 Vly Road. There is no other alternative. The crest  
21 hill that comes over - which really is a safety  
22 issue to begin with -- you start putting all this  
23 pressure with traffic and it's really not a good  
24 scenario.

25 My second concern is I really don't understand

1           what the gentleman said about the water, but we  
2           cannot run two things at the same time. You can't  
3           take a shower with the dishwasher going. You just  
4           can't do it. You don't have enough water pressure.

5           The other concern that I have which may not be  
6           related to this whatsoever, but our roads are  
7           shameful. The roads in our particular neighborhood  
8           are a real disgrace. We've had watermain breaks  
9           throughout last winter. The roads are a mess.  
10          Grass is growing on potholes on the street. It's  
11          really a bad situation. Thank you.

12          CHAIRMAN STUTO: Thank you.

13          Rich Dietlein.

14          MR. DIETLEIN: I live down on Cascade Terrace also.  
15          I'm at 56 Cascade Terrace. I do second everything that  
16          she said about the water pressure. People in our  
17          neighborhood can't install -

18          CHAIRMAN STUTO: Is that going to effect his  
19          neighborhood too?

20          MR. DIETLEIN: Is that going to change the water  
21          pressure in our neighborhood?

22          MR. ZEE: Yes, it is my understanding that it is  
23          going to increase the water pressure in the entire  
24          Birchwood as well as the adjoining property here  
25          (Indicating).

1 MS. STANCLIFFE: If I may speak to that item?

2 CHAIRMAN STUTO: Sure.

3 MS. STANCLIFFE: This proposed development would  
4 extend a waterline from this proposed high service water  
5 tank into the Vly Road service area which is currently  
6 only served by a 12 inch line that doesn't have enough  
7 pressure for us to develop the parcel. They understand  
8 that there is a pressure issue at the Town. They are  
9 looking for Beltrone to run a new main to this new high  
10 service tank to connect to the Vly Road service areas.

11 CHAIRMAN STUTO: Which includes Cascade?

12 MS. STANCLIFFE: Correct. I believe that it does.  
13 I don't know exactly where Cascade Terrace is.

14 CHAIRMAN STUTO: I believe it's right here  
15 (Indicating).

16 MS. STANCLIFFE: I understand where it is. I'm not  
17 sure where it's fed from.

18 MR. LANE: Would there be a way to show upon  
19 completion with what the pressure would be and the  
20 lines? Could we see what it could be should this  
21 project be completed?

22 MS. STANCLIFFE: We can work with Latham Water to  
23 identify how those lines are connected and how this  
24 project would impact that.

25 CHAIRMAN STUTO: But you're saying that your

1 project is going to be the one that connects -- you  
2 can't guarantee that it includes Cascade.

3 MS. STANCLIFFE: Correct, because we are connected  
4 to a line on Vly.

5 MR. LANE: I'd like to see if you could possibly  
6 show projections.

7 MR. VOSS: Tim, in very early conversations with  
8 the Latham Water District who has just barely taken a  
9 look at this so far, they were requesting the new 10  
10 inch main to come in from the new high pressure tank,  
11 connecting through this subdivision to Vly Road with the  
12 understanding that the current main on Vly Road does not  
13 have pressure capacity to serve this. Latham Water had  
14 asked them to connect with this site so that they could  
15 bring this added pressure to the Vly Road main. We  
16 haven't analyzed it yet. We have no information really  
17 on that, but that was their preference for running the  
18 main through this site. Where that effects the  
19 pressures down system, we are not sure, but it's a valid  
20 question.

21 CHAIRMAN STUTO: That somehow connects up to  
22 Cascade, or no?

23 MR. VOSS: It's our understanding that the Cascade  
24 and the he road that comes off of Cascade, Brookhill, is  
25 fed to the Vly Road main. We don't know for sure.

1           CHAIRMAN STUTO: Can we have a clearer analysis or  
2 answer?

3           MR. VOSS: We will work on this one.

4           MR. DIETLEIN: I've heard it second hand that the  
5 water pressure in the Cascade/Brookhill neighborhood is  
6 only in the 40's and it takes at least 75 to install an  
7 automatic watering system, so people in the neighborhood  
8 can't do it right now because you need at least 75  
9 pounds per square inch to run the sprinkler systems.

10           Another concern is that since we do have a lot  
11 of watermain breaks on those roads, is the extra  
12 pressure going to cause more watermain breaks if the  
13 system is old and if it's not strong enough to hold  
14 the extra pressure that we're going to get, if we do  
15 get it?

16           My main concern is traffic. I see here that  
17 you looked at all of the sight distances coming out  
18 of here to make sure that they are adequate.  
19 Apparently, Rose and Michaels didn't have to do the  
20 same thing when he built our neighborhood back in  
21 1975 because when you pull out here, you're taking  
22 your life into your hands already.

23           I see that your traffic summary shows that in  
24 the a.m. peak hour you're expecting 18 exiting  
25 traffic trips for 82 houses. Unless you're selling

1 houses to unemployed people or retired people, I  
2 would assume that at least 32-some people are going  
3 to go to work every day. I don't understand that.

4 CHAIRMAN STUTO: We will let them explain that.  
5 They don't all come up necessarily in the same hour.

6 MR. DIETLEIN: The other thing is that when you do  
7 leave here at the peak hour at about 8:30 or 8:45 and  
8 you go down the hill to Route 7, Route 7 is already  
9 backed up. Every time our light turns green, the timing  
10 of the lights further down already has the traffic  
11 backed up through so sometimes at about quarter to nine  
12 I sit through three turns of the light already. If  
13 these 18 people or more are all going to be coming down  
14 there too at that time, it's going to be worse. Those  
15 are my major concerns there.

16 Just one more thing about the school summary.  
17 I cannot believe that only 14.2 school aged children  
18 are going to be in these 35 houses. This is not a  
19 typical neighborhood of the area because they are  
20 all new houses and typically new houses are bought  
21 by young couples with kids. I would assume that  
22 there is going to be more than 14.2 school aged  
23 children, although that is not a big issue of mine,  
24 but that's just something that caught my eye.

25 CHAIRMAN STUTO: I'll leave it to the TDE or the

1 applicant to address the a.m. peak traffic analysis and  
2 that gentleman's comment and also the number of school  
3 aged kids.

4 MR. VOSS: Peter, just quickly, we are only at  
5 concept level. We haven't even started looking at the  
6 hard technical numbers of this yet. You're really just  
7 trying to figure out the layout of the site. Once the  
8 layout of the site is determined, the number of units  
9 are determined, we'll have much more information on trip  
10 generation, how big the homes are and what style homes  
11 are going to be there. According to the trip generation  
12 calculations and the quick traffic analysis that the  
13 applicant will do eventually, based on the final layout,  
14 we'll have a better sense of what those numbers are.  
15 Right now you're still in that very preliminary stage of  
16 just kind of laying the site out. That goes along with  
17 the school aged children. Once you have a final layout  
18 of the number of homes, again the general sense and size  
19 of the value of the homes, the applicant will be able to  
20 provide that information in much more detailed format.  
21 At this point it's probably premature to start getting  
22 into that analysis. But it's certainly something that  
23 they'll have to do as they advance in the process.

24 MR. ZEE: As the Board knows, I do a fair amount of  
25 planning and zoning work throughout the capital

1 district. In looking at the school records, the Couth  
2 Colonie School District as well as the Niskayuna School  
3 District, it turns out that the student population in  
4 South Colonie has gone down several hundred over the  
5 past decade and the same with the Niskayuna Schools  
6 system. So, in fact, most of the school districts  
7 throughout the region have declining enrollment. I  
8 don't believe that there will be an issue with regard to  
9 capacity at the school systems and we'll be able to  
10 bring forward information as you gather from the new  
11 York State Education Department as to the number of  
12 students in schools.

13 CHAIRMAN STUTO: In looking at your summary, there  
14 is an assumption of 15% of the new people that are going  
15 to be school aged students under the project narrative.  
16 Where does that 15% come from?

17 MS. STANCLIFFE: It's generated from the different  
18 documentation available, as noted in the project  
19 narrative, the Cornell University program or  
20 demographics -

21 CHAIRMAN STUTO: It's the first sentence that talks  
22 about 81,000 people, 12,000 of whom of school age.  
23 That's a 15% number. So, you're applying the projected  
24 94 people that would be in the subdivision.

25 MS. STANCLIFFE: Yes.

1           CHAIRMAN STUTO: Sal Valardo.

2           MR. VALARDO: Thank you for the opportunity. I'd  
3 like to thank my colleague from Birchwood for being so  
4 eloquent and having done such a great job.

5           My colleagues have already mentioned the safety  
6 problems that exist along Vly Road. That's only  
7 exacerbated by another 171 homes, another 300 cars  
8 on a daily basis traveling up and down Vly Road.  
9 What I heard about the development, I thought about  
10 a story that I heard called "How Much Land does a  
11 Man Need". I just had to ask how many houses does  
12 the Town of Colonie need? Don't we have enough up  
13 there? What is the quality of life going to look  
14 like with the addition of 171 homes where you don't  
15 have the resources to take care of the streets, the  
16 water mains and so forth? I'm really worried about  
17 that. I'd like to see some guarantee that our  
18 quality of life will not be dramatically diminished  
19 as a result of the addition here. My other hope is  
20 to find a Karner Blue Butterfly in the area that  
21 would stop all this.

22           CHAIRMAN STUTO: Thank you.

23           James Miller.

24           MR. MILLER: Thanks to my friends from Brookhill  
25 and Cascade. There are some of us here from Ashford

1 Lane as well, which is a part of this subdivision.

2 The first thing that I want to say is that I'm  
3 amazed that to my knowledge none of us have heard  
4 about this at all until a week or so ago. In other  
5 words, nobody ever contacted us to tell us that this  
6 was in the works, and we are the most immediate  
7 neighbors. We are the ones that are most affected.

8 I want to second in strong spades the lack of  
9 water pressure but even more the traffic issue. You  
10 haven't even had a chance to test what it's going to  
11 mean for the big development over there that's all  
12 going to come out onto Denison and there is another  
13 huge development on Denison. We're better coming  
14 around on Vly Road and coming down that way.

15 As has been said, before I spoke, the problem  
16 is going to be incredibly bad at the corner of Vly  
17 Road and Route 7. That just cannot handle it.  
18 There is no good way to change the traffic pattern  
19 there. Unless you look at it very seriously, you're  
20 creating an area that's going to be a great loss of  
21 enjoyment of life for those of us that have to  
22 struggle through that every single day.

23 One other thing that I want to mention that  
24 hasn't gotten this much attention is I've lived on  
25 Ashford Lane for 20 plus years. I'm one of the ones

1           that started the Ashford Preserve. The Porters who  
2           are out of the country today would be the ones who  
3           would speak to this with the most conviction because  
4           they oversee it in many ways.

5           I think that it's great that they're talking  
6           about having this connected to the Mohawk Land  
7           Preserve. I'm not as comfortable with the idea that  
8           there is a big section of it that's going to be a  
9           part of the homeowners association. I think that  
10          any of it that's contiguous ought to be all one  
11          parcel to protect the wildlife that is there to  
12          protect the way in which the land is treated. We've  
13          had to go to great lengths to prevent snowmobiles  
14          and ATV things running through the area,  
15          motorcycles. Once you have a homeowners  
16          association, you may have some people who will do  
17          that sort of thing and it changes the whole dynamic.  
18          I don't understand why some of it should be under  
19          the homeowners association and not have all of it  
20          under the Mohawk Land Conservancy. Thank you, very  
21          much.

22          CHAIRMAN STUTO: Can someone talk about who was  
23          noticed on this meeting tonight? Also, an opinion as to  
24          why the conservancy doesn't get it all and why the HOA  
25          should? I think that Don can talk about it a little

1 bit.

2 MR. TENGELER: The requirement is usually 200 feet  
3 from any property line of the subject parcel. You can  
4 see the subject parcel is all the way around so anyone  
5 200 feet in that direction -- I'll go through this  
6 quickly. Creighton Manning supplied us with a lot of  
7 notice information that went out. Ashford Lane numbers  
8 8, 12, 14, 16, 18 and 22. Birch Street; 1, 2, 3, 4, 5,  
9 6, 7, 8, 9, 11, 14, 15, 16, 17, 18, 19, 21 through 33,  
10 34, 35 36, 37, 38, 39, 41, 42, 43 all the way up through  
11 68. That's Birch Street. Next is 98 Oak Tree Lane was  
12 said to have been noticed. Sycamore Street; 1, 5, 13,  
13 15, 17, 19, 21, 23, 25 -

14 CHAIRMAN STUTO: Okay, thank you.

15 FROM THE FLOOR: Excuse me. Lois and John Porter  
16 had to sign for a letter and that was the first notice  
17 that we got. She came to me and we made copies off my  
18 printer and put them into neighborhood boxes and try to  
19 call people. That's the only notice we had.

20 CHAIRMAN STUTO: They did a mailing to all those  
21 people.

22 FROM THE FLOOR: That's not true.

23 MR. TENGELER: The Planning Board doesn't do the  
24 mailing.

25 CHAIRMAN STUTO: Did he tick off your house when he

1 just said that? We get an affidavit that they did the  
2 mailing and the applicant does it.

3 MS. STANCLIFFE: That was a certified letter that  
4 was sent to each of those addresses.

5 CHAIRMAN STUTO: This gentleman said he got it last  
6 week and today's the meeting.

7 MR. TENGELER: They normally go out 10 days to a  
8 week ahead of time.

9 MR. VOSS: It is within the Board's discretion to  
10 expand that area, if you like. We have done that on  
11 other occasions where if you have other streets that are  
12 close by, you can ask the applicant to expand. The next  
13 notification that goes out might be helpful to capture  
14 some of the additional parcels.

15 FROM THE FLOOR: I think the question mainly is we  
16 got a notice, but it was last week or the week before  
17 and that first time -- this seems as though this was  
18 sort of in the works for some period of time.

19 CHAIRMAN STUTO: As we said in the beginning, I'm  
20 not prepared to vote on this. The process has to start  
21 somewhere. Somebody encouraged the applicant from the  
22 department to speak to the neighborhood associations.  
23 It sounds like they spoke to Birchwood but maybe they  
24 should have spoken to more people.

25 MR. VALARDO: I advised them of that, Peter.

1 FROM THE FLOOR: I live across the street and we  
2 just heard about it last week.

3 MR. TENGELER: This is the first public meeting on  
4 the subject. Generally they have 10 days to two weeks  
5 before the meeting to notify of the meeting tonight.

6 CHAIRMAN STUTO: Okay. On the HOA, versus the  
7 conservation organization?

8 MR. ZEE: The only area that we are talking about  
9 is immediately adjacent to the conservation land is a  
10 strip here that is just the rear of the Beltrone  
11 residence. I believe that this is a 50 scale. There is  
12 approximately 50 feet from the rear of this property and  
13 the value of the home is fairly substantial and what we  
14 are looking to do is probably have another 30 to 40 feet  
15 behind that which is going to be forever wild and there  
16 is not going to be any mechanized vehicles going through  
17 there. That what we have in all of the homeowners  
18 associations that I have been involved with.

19 CHAIRMAN STUTO: Why won't you turn that over to  
20 the conservancy?

21 MR. ZEE: Because the conservancy can allow all  
22 individuals to traverse this property. If I have a home  
23 that is worth over a million dollars, I would like to  
24 have possibly more than a 50 foot buffer to the rear of  
25 my home.

1 MS. DALTON: Why can't the homeowners association  
2 go onto the area the same way?

3 MR. ZEE: Because there would be specific  
4 regulations. They could go through, but we would have  
5 restrictions as to the hours in which people would be  
6 allowed to go through homeowners association property  
7 just like in this area here, we would have restrictions.

8 One of the first projects that I was involved  
9 with the homeowners association was up at the Albany  
10 County Club and they didn't put restrictions and it  
11 turned out that was the best place for kids to  
12 congregate or know when neighbors were out of town  
13 so that they wouldn't be seen from the street and  
14 they could go in and do activities -

15 MR. VOSS: Can I ask a question? Would it make  
16 more sense to just break that up and realign that with  
17 the existing main house?

18 MR. ZEE: We could do that.

19 MR. VOSS: And then you would have your buffers  
20 without having to worry about HOA regulations or  
21 anything else.

22 MR. ZEE: We could do that. We wouldn't have any  
23 objections to that.

24 MR. VOSS: It doesn't affect your calculations  
25 anywhere else? That might be the alternative.

1           CHAIRMAN STUTO: So, you're saying just leave it  
2 with the house?

3           MR. VOSS: When they go to subdivide this, just  
4 include what he is calling the buffer area in with the  
5 main Beltrone House parcel and just keep it simpler that  
6 way.

7           CHAIRMAN STUTO: Show what is going to go to the  
8 conservancy?

9           MR. ZEE: We are proposing this area going to the  
10 conservancy. The discussion was whether they have a  
11 second access to the preserve and because we are  
12 proposing to put in a waterline on our property here  
13 which will be ultimately deeded to the Town of Colonie,  
14 whether they might have a possibility with the Town's  
15 approval to have a second means of ingress to the  
16 preserve in this area here (Indicating).

17          FROM THE FLOOR: Are they rerouting the driveway to  
18 the Beltrone house?

19          MR. ZEE: It would be coming off of this new road  
20 and here is the driveway (Indicating).

21          CHAIRMAN STUTO: If you want to get up and speak,  
22 we'll address your concerns. We can't have a back and  
23 forth.

24          Sir, does that answer your question?

25          MR. MILLER: I'm not clear which part the

1 homeowners association is going to hold onto.

2 MR. ZEE: We were proposing this area right in  
3 here. Everything outside of that would be going to the  
4 land.

5 MR. MILLER: That answers my question.

6 CHAIRMAN STUTO: William Lauer.

7 MR. LAUER: I'm William Lauer and I live at 72  
8 Cascade Terrace. Most of my neighbors have already  
9 expressed most of my concerns; the traffic, the water  
10 problems, our road. Jane already talked about that.  
11 It's horrendous.

12 The only thing that I really have to say is  
13 it's just too much development in that area at one  
14 time. There is a big development down the road and  
15 there is another one a little ways further going  
16 towards Central Avenue. You're just putting in too  
17 many houses in that area. I don't think that the  
18 area can handle it. I've lived there for 28 years  
19 and this is just too much development all at once.  
20 Thank you.

21 CHAIRMAN STUTO: Thank you.

22 Sir, did you want to get up and say something?

23 FROM THE FLOOR: No, I'm not prepared to.

24 CHAIRMAN STUTO: Anyone else from the neighborhood?

25 MS. SEELEY: Hi, I'm Elizabeth Seeley and I live

1 at 11 Ashford Lane. I was not notified.

2 I would say that the traffic is horrendous. I  
3 used to work as a consultant and when you work as a  
4 consultant you go in the shoes of people who are  
5 doing the work. I would advise each of you to drive  
6 at 8:00 in the morning coming out of Vly and at 5:00  
7 trying to get back onto Vly. It's a huge hassle.  
8 This is not going to get better. I also worry that  
9 in our neighborhood we have a lot of athletic  
10 people. If you look, there are a lot of people who  
11 run along Vly Road. We are destined to have an  
12 accident now with all of this traffic. We don't  
13 have sidewalks and with all this traffic, it's going  
14 to be unusable. Those are my concerns.

15 CHAIRMAN STUTO: Thank you.

16 MR. KENHOUSE: I'm Fred Kenhouse and I live down on  
17 Cascade with my neighbors and I just wanted to reinforce  
18 the whole idea of traffic. It's unbearable coming out  
19 from Brookhill onto Vly Road. There is a hump in the  
20 road. You come to a full stop. You look either way,  
21 you start up and somebody already coming over the hump.  
22 To increase that road, as Rich pointed out, all the way  
23 down to Route 7, it would just be unbearable with all  
24 the new homes coming south of us.

25 CHAIRMAN STUTO: Anybody else?

1           MR. WONG: My name is Winston Wong and I live at 16  
2           Ashford. I am one of the higher lots. If you talk  
3           about the water pressure I can tell you that every time  
4           I go away to any place, any hotel, it is a joy for me to  
5           take a shower. I have installed an electrical pump, but  
6           when the pump failed I get down to my basic water  
7           pressure again. That's a shame. Much more important is  
8           the safety issue. There had been one more recently when  
9           I tried to get on Brookhill onto a left turn down Vly  
10          Road. You really cannot see good. You can't see the  
11          traffic coming up the hill. Then, if there is any car  
12          at all coming down south of Vly Road, that would make it  
13          even more dangerous. That happened more than once. I  
14          tried to speed up so that I could just avoid the  
15          traffic. That is a safety issue. That happened more  
16          than once that I wish that there was some kind of an  
17          angled mirror that I could see the oncoming traffic  
18          coming up. It's been more than once. When it comes to  
19          Vly Road meeting 7, I think those ahead of me told you  
20          that. I have, shameful to me, taken the shortcut and  
21          going into Stewarts and then cut through, just because I  
22          was trying to fight for time. That, sometimes can be a  
23          dangerous issue as well. I'm concerned about that.

24                 CHAIRMAN STUTO: Thank you.

25                 Anybody else from the neighbors?

1 (There was no response.)

2 Okay, we'll open it up to the Board.

3 MR. MION: After what I have heard, I'm not  
4 prepared to vote on this. There seems like there is  
5 still a lot of work that needs to be done on this.

6 MR. SHAMLIAN: I would agree. I'm sure that the  
7 sketch that was done this morning probably needs to go  
8 beyond -- there are a number of things that came out  
9 tonight and so that sketch probably isn't where we need  
10 to get to either. I think that we should probably think  
11 about expanding the 200 foot -- I don't know what 500  
12 foot does in terms of the number.

13 MR. LANE: Can't we just name the streets?

14 MR. TENGELER: If the Board desires, yes.

15 CHAIRMAN STUTO: What is your recommendation?

16 MS. DALTON: What we have done in the past --  
17 because I don't think that we have the authority to just  
18 decide who gets this in this area, but we have people  
19 who are interested to sign up in the future if the  
20 applicant just notifies everybody.

21 MR. LANE: I think that we have done that before.

22 CHAIRMAN STUTO: We will ask staff to go over with  
23 the applicant and the TDE and come up with a logical  
24 nexus of who should get notified. I'm also inclined to  
25 agree with you. I don't know about the rest of the

1 Board about the density analysis and the steepness. I  
2 think that 15% is unbuildable. I would call that  
3 constrained. Make that constrained land.

4 MR. LANE: By generic standards is that correct?

5 MR. VOSS: Yes you can restrict anything above 15%.  
6 This is unique, but if you want me to read constrained  
7 definitions, I can. It's really kind of interesting.

8 Constrained land is defined as "includes state  
9 or federally regulated wetlands, protected  
10 watercourse area, federally designated flood hazard  
11 areas."

12 And this is really where it pertains to this:

13 "And slopes over 15% which include 2,000 square  
14 feet or more of contiguous sloped area."

15 So, it really captures a broader areas of that  
16 steep slopes.

17 CHAIRMAN STUTO: Somebody had told me that it's  
18 good to see a map of how it would be built out if it  
19 were single family. Do you agree with that?

20 MR. VOSS: As a conventional subdivision?

21 CHAIRMAN STUTO: Yes.

22 MR. VOSS: That essentially is what this is.

23 CHAIRMAN STUTO: Well, there are 9,000 foot lots in  
24 there. It's been suggested to me -- I don't know if you  
25 agree with that. A lot of ordinances require the

1 applicant to show a single family subdivision and then  
2 compare with the conservation subdivision.

3 MR. VOSS: You can, but keep in mind that this area  
4 does require that they do the conservation overlay. The  
5 ordinance doesn't allow any -

6 MR. LANE: They are trying to preserve the value of  
7 the estate home.

8 MR. VOSS: The ordinance doesn't allow a  
9 conventional subdivision --

10 CHAIRMAN STUTO: Okay, maybe I misunderstood what I  
11 was told. I thought that helped with our analysis.

12 MS. DALTON: I have a comment. I found it very  
13 confusing when you spent the first 10 minutes of the  
14 presentation talking about one alternative for the  
15 layout and then at the end you flipped it over said, but  
16 this morning we thought that we would do this. From a  
17 process point of view, next time show us one thing that  
18 you want us to vote on or another thing that you want us  
19 to vote on but showing us two different things - I  
20 didn't feel like there was an adequate explanation.

21 CHAIRMAN STUTO: You can respond to that if you  
22 want. I would ask that you ask the department and the  
23 TDE to look at the traffic in that area and see if there  
24 are any ingenious things that could be done or any  
25 suggestions. I've been up and down that road. I'm

1 going to go up and down it again.

2 MS. STANCLIFFE: I just want to make sure that I'm  
3 clear in my process moving forward. I do apologize for  
4 bringing this unconventional approach to you this  
5 evening. It's my understanding that you would like to  
6 see an additional map made up for all lands greater than  
7 15% slopes?

8 CHAIRMAN STUTO: Yes, I think that we want to  
9 include that in the definition of constrained lands and  
10 do the analysis on that basis. That's what is being  
11 suggested by the Town Department and the Town Designated  
12 Engineer.

13 MS. STANCLIFFE: There was a comment from the TDE  
14 regarding English Way and crossing the wetland. Our  
15 proposal would be for an open bound culvert but the Town  
16 review -- I'm not sure who it was - was in favor of that  
17 access point. Is anyone not in favor of that access  
18 point?

19 CHAIRMAN STUTO: What's the alternative?

20 MR. VOSS: In your DCC submission some of the  
21 departments shows an access road coming in from the  
22 south through some of those smaller parcels that I  
23 think -

24 MS. STANCLIFFE: There is an existing right of way  
25 where the waterline goes to the west.

1           MR. VOSS: The Town Departments agree that would be  
2 a good second access way in.

3           MR. ZEE: What we had indicated was we were showing  
4 that as an emergency access only so that you'd have two  
5 ways into the site. We proposed initially just to have  
6 -- this is a main thoroughfare and this area as an  
7 emergency access. The reason why it could not be  
8 developed is that we're talking about building 800 feet  
9 of road without the ability to have any additional  
10 building lots and that would be cost prohibitive and I  
11 think everybody at the DCC meeting acknowledged that and  
12 recommended that we consider a full town road but at a  
13 location which -- the best location given the sight  
14 distance concerns that members of the public have  
15 brought up tonight.

16           MR. VOSS: Yes, Don, I think that we certainly  
17 agree with that. Our only concern is how you cross  
18 those wetlands and that you get the necessary DEC  
19 approvals.

20           MR. ZEE: Understood.

21           CHAIRMAN STUTO: Anything else?

22           MS. STANCLIFFE: I heard - maybe in my mind - some  
23 conflicting ideas about lot density. The lot in the  
24 conservation subdivision is allowed to have 47 lots. We  
25 originally showed 32 and we added four more to try to

1 get to that 47.

2 MR. VOSS: I think what would be best is that we'll  
3 have a meeting with the applicants, a scheduled meeting  
4 with the department and ourselves to go over some of  
5 those details and clear that up. I think that it was  
6 pretty clear what the Board's intent is tonight in terms  
7 of restructuring this and where the constrained lands  
8 are. Once we look at that analysis it may significantly  
9 alter the number of lots that you can do up here. I  
10 think that will be the best step.

11 CHAIRMAN STUTO: I would encourage the applicant to  
12 try to reach out to the neighborhood that's closer;  
13 Ashford. That is your prerogative. The next notice,  
14 we're going to expand and work with the department and  
15 the applicant to expand who gets the notice. It's still  
16 going to be a week to 10 days before the next meeting.  
17 That's the only way that you can really manage it and  
18 that's what is required. Keep checking the website as  
19 well. You will get a notice. It's not going to be a  
20 month before. It's going to be a week to 10 days  
21 before. I think that you'll end up with adequate  
22 representation, but everybody is not going to be able to  
23 make it, probably.

24 MS. STANCLIFFE: In addition to that, the land was  
25 posted with signs along the highway. If you're driving

1 by, you can see the signs.

2 CHAIRMAN STUTO: We understand that you all didn't  
3 know what those signs were but now that you know, you  
4 can look for them.

5 Okay, thank you.

6

7

8 (Whereas the above entitled proceeding was  
9 concluded at 8:03 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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 L. STRANG, 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 L. STRANG

Dated \_\_\_\_\_

