

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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POLLOCK ROAD CONSERVATION SUBDIVISION
59 POLLOCK ROAD
SKETCH PLAN REVIEW

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6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand
8 Reporter, commencing on November 17, 2015 at 7:25
9 p.m. at The Public Operations Center, 347 Old
Niskayuna Road, Latham, New York

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 LOU MION
13 SUSAN MILSTEIN
14 CRAIG SHAMLIAN

15 ALSO PRESENT:
16 Kathleen Marinelli, Esq, Counsel to the Planning Board
17 Joseph LaCivita, Director, Planning and Economic
18 Development
19 Michael Tengeler, Planning and Economic Development
20 Jason Dell, Lansing Engineering
21 Joseph Grasso, PE, CHA
22 Kathy Ordway, Green Meadows Civic Association
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1 CHAIRMAN STUTO: Next project is Pollock Road
2 Conservation Subdivision, 59 Pollock Road. This is a
3 sketch plan review for a 47 lot residential conservation
4 subdivision and rezoning the lands east of the National
5 Grid right of way from office residential to single
6 family residential.

7 MR. LACIVITA: Peter, you have identified what we
8 are here for. We're here for sketch plan tonight. This
9 is the first time that this Board is going to see it.
10 There will be comments. If there are any questions with
11 regard to the conservation easement language, I have the
12 Land Use Law here that we can talk about.

13 I'll turn it right over for presentation.

14 MR. DELL: Good evening. My name is Jason Dell.
15 I'm an engineer with Lansing Engineering. I'm also with
16 the applicant this evening, Mr. Frank Barbera. Wendy
17 Holtzberger from Creighton Manning is also here with the
18 traffic analysis for the project.

19 So, we're here tonight for the Pollock Road
20 residential subdivision. The project is located at
21 50 Pollock Road and it's about 35 to 40 acres. The
22 project site is located along the southside of
23 Pollock Road and is currently zoned both single
24 family residential as well as office residential.
25 It's also within the conservation overlay district,

1 as you eluded to previously.

2 The existing site is predominantly grassland as
3 well as some woods and wetland area. The existing
4 slopes from the northwest towards the southeast down
5 towards some other areas.

6 For the proposed project, the applicant would
7 like to subdivide the 35 acre site into 57 single
8 family residences. As I mentioned before this is
9 the conservation subdivision, so the first part of
10 the conservation subdivision analysis is to
11 determine an allowable base density for the project.
12 As part of this project and in order to determine
13 the allowable base density of the project, the
14 applicant - we are seeking to have a portion of the
15 project site rezoned. There is a 24.8 acres located
16 along the western side of the site, west of the
17 utility property.

18 CHAIRMAN STUTO: Do you own land where the easement
19 is too?

20 MR. DELL: No.

21 CHAIRMAN STUTO: Does the utility own it?

22 MR. DELL: Yes, Niagara Mohawk does.

23 CHAIRMAN STUTO: It's not just an easement. They
24 actually own it; is that what you're saying?

25 MR. DELL: I believe they do. This is single

1 family residential (Indicating). There is approximately
2 10.6 acres on the eastern side and that's the office
3 residential.

4 The reason for the rezone is that single family
5 residential does not allow the use of an office
6 residential zoning. In addition, we believe that
7 the Town has indicated that they see this area as
8 more of a residential area as opposed to a
9 commercial area. With the entire 35.4 acres we can
10 calculate our allowable basements. So, we have 35.4
11 acres and we have approximately 2.5 acres of ACOE
12 wetlands that is on-site and we have about 1.57
13 acres of property that slopes in excess of 15%.

14 The constrained lands are approximately 4.1
15 acres. We take that out of a total of 35.44 which
16 leaves us with a usable acreage of 34.4 acres. That
17 number, the 34.3 acres is used to determine the base
18 density as well as the 40% of the conservation area
19 that is required for the project. When we look at
20 that 31 acres, you divide that by the underlying
21 zone and lot size of 18,000 square feet per lot, we
22 wind up with an allowable base density of 76 single
23 family residences.

24 CHAIRMAN STUTO: Does that subtract out roads too?

25 MR. DELL: No, it does not subtract out roads, just

1 the constrained lands.

2 CHAIRMAN STUTO: Is that how it's done?

3 MR. GRASSO: Yes, in terms of the methodology, the
4 18,000 square feet - I think that it's two units per
5 acre.

6 MR. DELL: Correct. It comes out to .41 in the
7 calculation.

8 CHAIRMAN STUTO: You don't take out for stormwater
9 management or roads when you do that?

10 MR. GRASSO: No, but I think that the methodology
11 is right. I think that the end result is going to be
12 the same thing. We can work through the density
13 calculation. I think that it's two units per acre that
14 is the multiplier.

15 CHAIRMAN STUTO: So, how many acres are
16 unconstrained?

17 MR. GRASSO: Yes, about 62.

18 MR. DELL: So, we are proposing 47. We're
19 significantly below that number. The same instance with
20 the 40% that 31 acres results in 12.53 acres that are
21 required to be permanently conserved. We're at about
22 13.39 acres that will be permanently conserved for the
23 project.

24 CHAIRMAN STUTO: Which is the constrained land?
25 It's not easy to see. Which is your conservation?

1 MR. DELL: We did supply the constrained maps and
2 our land conservation areas. It is the large portion
3 that is currently zoned office residential at 10.65
4 acres over here (Indicating). We have areas along the
5 eastern side of the west side. The central area of the
6 site - we have some areas over here as well as in the
7 back. That will all be part of deed restrictions and
8 will owned by the individual homeowners, but will be
9 restricted as to the use.

10 MR. LACIVITA: I should also say that this is one
11 tax parcel. It's split by the National Grid easement.
12 Also, where that is cut - it creates two different
13 zoning districts and I remember that Mr. Caponera
14 brought the Audi project here. That project couldn't
15 use the commercial space for the greenspace. That's why
16 the Planning and Economic Development Department is
17 favorable to the rezoning because this is one tax parcel
18 and we can use that as constrained lands because it's
19 all within that same conservation area. So, we're
20 looking to changing that to single family.

21 CHAIRMAN STUTO: It's currently a single tax
22 parcel?

23 MR. LACIVITA: It's a single tax parcel; yes. It's
24 split by that easement. I can get those numbers for
25 you.

1 MR. DELL: Access to the project will be by two
2 curb cuts along Pollock Road that are both opposite to
3 the Morningside Drive curb cut. In essence it will have
4 two intersections in either direction. Six of the
5 proposed residences will access directly onto Pollock
6 Road.

7 There was a traffic analysis provided to the
8 Town that analyzed the sight distance as well as the
9 vehicle trip generation for the project. As I
10 mentioned before, Wendy can answer any questions
11 that you folks might have for that study.

12 Water will be supplied to the project by a
13 connection to the water main along Pollock Road.
14 This will require a water district extension by Mr.
15 Frazer.

16 Sanitary sewer will be provided by the gravity
17 sewer connection to the existing sewer main.

18 Stormwater will be managed in accordance with
19 all DEC regulations.

20 There are several items from the DCC meeting
21 that were brought up that I'd like to just point out
22 as part of what we have done thus far. At the DCC
23 meeting it was requested that we provide a kiosk for
24 a centralized mailbox location. We are showing the
25 centralized kiosk location. We were also asked to

1 provide a small playground area which we also have
2 incorporated into the plan which is immediately
3 adjacent to the mailbox.

4 CHAIRMAN STUTO: What is the average size of the
5 lots?

6 MR. DELL: The average size of the lots are about
7 18,700 square feet. It does include a couple of larger
8 lots that we have over here.

9 CHAIRMAN STUTO: Where are the smaller ones?

10 MR. DELL: The smallest is 10,700 -

11 CHAIRMAN STUTO: Okay.

12 MR. DELL: Most of them are 12,000 to 15,000.

13 Along Pollock Road - I was requested for the
14 driveways and the buildings that would front and
15 access onto Pollock Road so we provide a larger
16 front yard setback. We did do that. We are
17 providing a 40-foot front yard setback to allow for
18 the parcel to have cars. Additionally, it was
19 requested that we provide T-turnarounds on those
20 driveways that front onto Pollock Road.

21 On the corner lots it was also requested that
22 the corner lots would be proposed roads and Pollock
23 Road - at their driveways front out onto the
24 proposed street. We also have included that onto
25 the plan. A potential future paper street to the

1 property to the southeast was also included on the
2 plan. There was a question that came up about SHPPO
3 and the coordination with parks and rec. They did
4 provide as part of the solution a letter from SHPPO.

5 We'd be happy to answer any questions that you
6 folks had.

7 CHAIRMAN STUTO: I know that CHA - Joe Grasso is
8 our Town Designated Engineer. He hasn't formally
9 reviewed it yet but Joe, you've taken a look at it?

10 MR. GRASSO: Yes, we have taken a look at it and
11 there is no formal comment letter that we've issued, but
12 I'll just make a couple initial comments.

13 We did attend the Town's DCC meeting. So, the
14 Town departments have a chance to look at the
15 project. A couple of things - in terms of the
16 density - it's always a big concern when you go
17 through these conservation overlays density
18 developments - we agreed with the calculations other
19 than that one base density of two unit per acre.
20 So, we calculated the maximum allowable density of
21 63 lots and they are currently proposing 47 so they
22 are okay there. They are satisfying the 40 -- I'll
23 call it open space. It's basically called protected
24 lands, so I'll refer to it as open space in my
25 comments. And taking into consideration the

1 rezoning of the OR parcel that we are in support of,
2 as Joe had spoken of. Just in looking at the
3 density from the property that is only zoned single
4 family residential, I think that he said that there
5 is like 24 acres on the west side of the National
6 Grid right of way and there is about an acre of
7 constraining lands.

8 There is a wetland corridor through there.
9 You're probably looking at about 23 acres. So,
10 applying that base density of two units per acre,
11 you're covering 47 lots. They are right there with
12 the density. That's even if you took out that OR
13 zoned parcel. I think that we are supportive of the
14 overall density as proposed and I think that as you
15 go through the final engineering and you consider
16 some of the other comments that we'll bring up,
17 there may be a reduction in density as the project
18 advances.

19 One of the critical things for the project to
20 focus on is the sight distance along the access road
21 and their proposed access arrangement. Sight
22 distance at both proposed Town road locations or
23 access points is limited. In some cases it doesn't
24 meet the recommended standards and in some cases
25 it's critically limited.

1 In terms of the access points, they're trying
2 to locate those Town roads across from Morningside
3 Drive on the other side of Pollock Road which is a
4 good plan to try to bring four-way intersections
5 there and not create off set intersections. I would
6 say that Road C which is the Town road access to the
7 east side of the property stopping site distance is
8 critically limited at that point. So, we will have
9 to take a really close look whether or not that's a
10 an access point that we support being developed as a
11 Town road.

12 Given the number of lots, we would generally
13 look for two Town road access points into this
14 project. That one, if we have a problem with it, we
15 may even suggest that it become an emergency
16 entrance.

17 CHAIRMAN STUTO: Which one?

18 MR. GRASSO: Road C. We may suggest that. I'm not
19 saying that we are going to be there yet until we get
20 into a detailed review. We may suggest that it may be
21 an emergency access connection only or another secondary
22 means of access be considered on the project.

23 The only thing is that they are proposing a
24 number of road frontage lots along Pollock Road and
25 we're going to have sight distance concerns along

1 many of those proposed driveways. Our initial
2 reaction is that we would like to see a reduction in
3 the number of frontage lots along Pollock Road both
4 from an access perspective as well as the context of
5 the development being what we would consider a
6 cluster type development. That's something that we
7 should get early feedback from the Planning Board
8 on.

9 Another thing in terms of access
10 considerations, Jason mentioned that there is a stub
11 street connection to the property to the south. The
12 property to the south is a large undeveloped
13 land-locked parcel which would obviously benefit
14 from access through the project site. We want to
15 make sure that the access point or access points are
16 done in an area that we could definitely build those
17 connections in the future. We might have to even
18 have to look at the wetlands that exist on the
19 adjacent property to make sure that there aren't any
20 impediments to developing those.

21 Our initial reaction is that connection is
22 going toward your wetland corridor and it might be
23 better suited that the access point be shifted more
24 toward the west. In taking a more regional look at
25 that property to the south, I don't know if there

1 are other access points that could serve that
2 property, but there may be a need for a second
3 access connection there and it would seem that there
4 would be a logical connection off of the cul-de-sac
5 to serve that street as well. Those are just
6 initial concepts that we'll have to take a closer
7 look at when we get into the concept plan review.

8 In terms of the open space, I think that they
9 have done a good job locating it in such a way that
10 it meets the intent of the Code regarding protecting
11 constrained lands and trying to be in contiguous
12 blocks. We like the open space that all of the lots
13 back up to within the large block of residential
14 lots. Everybody would basically be backing up to
15 that lot. There are some areas along other that are
16 really what we would call throw away lands that
17 really provide little benefit to continuous blocks
18 of open space. In general, you're meeting the open
19 space guidelines in the Design Code.

20 In terms of the minimal lot size, I think that
21 it's about 11,000 square feet that is the minimum
22 lot size. Like Craig had mentioned, most of the
23 lots are 11,000 to 15,000 square feet. That's
24 consistent with the lots that we see in the general
25 area. It's consistent with some of the other lot

1 sizes that we have seen proposed in the Town. So,
2 we are generally supportive of the lot sizes as
3 proposed.

4 The last comment is regarding the stormwater
5 management areas located in the southern quadrant of
6 the property that Jason is pointing to. The one
7 concern that we have there is that it's located
8 behind the lots and it's in an area that doesn't
9 have a defined drainage course that the stormwater
10 management area districts do. When we design these
11 projects and build them, we're taking all the
12 stormwater from the developed areas and we're
13 concentrating it into a basin that provides
14 stormwater quality and flood attenuation but there
15 is normally a defined discharged point from the
16 basin. Our concern is that when we discharge that
17 runoff onto an area that doesn't have a defined
18 drainage course right now because it creates
19 potential for long term erosion to occur. So, we
20 may look for that basin to be relocated to a spot
21 where it could actually discharge to a defined
22 drainage course which I think may be toward where
23 your other stub street is currently proposed. Those
24 are our initial thoughts right now and we'll
25 obviously get into detail when they get a concept -

1 CHAIRMAN STUTO: Did you want to jump in Wendy?

2 MS. HOLTZBERGER: If I could just say a few things?
3 The comments about the sight distance referring to that
4 easterly driveway - that stopping sight distance that
5 one that is less than that desirable ASHTO guideline.
6 The stopping sight distance is really a measure of when
7 a car is driving along the roadway and we measure that
8 to a position at the site driveway and it's really like
9 an object that would be in the roadway. It's measured to
10 like a two-foot object. So, it simulates it. If a car
11 would stop to turn into one of the sideroads, you can
12 see like the brake lights but obviously it's a bit
13 conservative because a car is a much bigger than a
14 two-foot object, so it's likely that there is more
15 visibility. So, there is some conservativeness. The
16 point is that this existing roadway on the other side of
17 the road has that same restriction from a sight distance
18 standpoint from the stopping site distance. There are
19 on both sides of the existing development - there are
20 intersection warning signs which is one of the
21 mitigation measures for sight distance that is less than
22 that desirable guideline. Our recommendation was again,
23 as Joe had mentioned, we really like to keep those
24 driveways aligned because it is better from an access
25 management. It avoids having skewed access where

1 vehicles are potentially driving kind of into the same
2 space when they are turning in and out of the driveway.

3 Our recommendation is to take those existing
4 signs that are showing that the existing roads on
5 the other side do have similar restrictions. Those
6 signs are posted. Instead of having them as
7 T-intersections, they would become a four-way
8 warning sign.

9 CHAIRMAN STUTO: What about the eastern one as just
10 a safety out? You're not in favor of that?

11 MR. GRASSO: As an emergency access only.

12 MS. HOLTZBERGER: Some of it is more of a sight
13 layout accessibility. From an operational standpoint,
14 certainly the sight is a relatively low generator. It
15 could sustain it, but I think that -

16 MR. GRASSO: Have you evaluated the mitigation to
17 address the sight distance restrictions at the easterly
18 driveway around the corner - the bend?

19 MS. HOLTZBERGER: Other than the sign -

20 MR. GRASSO: The sign is the sign.

21 MS. HOLTZBERGER: Understood, but that is actually
22 what is mitigating the existing neighborhood. It's
23 really consistent with what is already out there.

24 MR. GRASSO: But you're talking about a stopping
25 sight distance of a car that's stopped, looking to take

1 a left and the stopping sight distance coming from a car
2 coming around the corner. There is a new object that
3 wouldn't be there now.

4 MS. HOLTZBERGER: They would be slowing down into
5 the development or someone could be pulling out with a
6 left at the existing development.

7 MR. GRASSO: But have you looked at mitigation to
8 address that?

9 MS. HOLTZBERGER: Not beyond the signing because
10 the signing is already there. In our initial analysis
11 there were existing lots.

12 You talked about reducing some of the lots and
13 just more information. There were some additional
14 lots to the east of the site and we did -- some of
15 them were reduced because of the sight distance
16 restrictions. That was something that we did look
17 at and there has been some elimination of driveways
18 due to that sight distance.

19 MR. GRASSO: Good.

20 CHAIRMAN STUTO: Do the Board Members have
21 comments?

22 MR. SHAMLIAN: I'm a little confused. What lands
23 are going to be owned by the HOA?

24 MR. DELL: The lands on the eastern side of the
25 10.6 acres. That would be owned and maintained by the

1 HOA. The majority of the property in the conservation
2 area is part of on this side of the property would be a
3 part of the individual lot that would be deed
4 restriction.

5 MR. SHAMLIAN: How about where the mailboxes and
6 the playground are? Is that the HOA as well?

7 MR. DELL: I believe that would be the HOA also.

8 CHAIRMAN STUTO: One of my concerns is there are
9 smaller lots and you have all that greenspace. People
10 should have access to it. I don't know if you can get
11 across that easement. I know that you're getting up
12 against the Northway. I think that they should have
13 access at least on the eastern portion to the west of
14 the Niagara Mohawk land like a walking trail or a
15 sitting spot or something like that.

16 I'm also not crazy about the lots that face
17 Pollock Road. I'll just say that and I'll say that
18 to our TDEs. Maybe you can think about that.

19 MR. GRASSO: Do other Board Members have comments
20 about the lots on Pollock Road?

21 MR. SHAMLIAN: I agree that some of the site lines
22 are close to the Northway. I'm pretty familiar with
23 that road and I think that that eastern entrance - if
24 someone is trying to make a left and they have to wait
25 because of cars coming down Pollock, that's a tough

1 spot. There are other houses with driveways on Pollock
2 right across from it. It would be nice to see some of
3 them minimized.

4 MS. HOLTZBERGER: Based on the layout and the road
5 system, we do anticipate that more people will be
6 traveling to and from in the other direction - not as
7 many. It's not a high generator. I understand your
8 point, but saying that more people are likely to come
9 from the Sparrowbush area than based on the layout and
10 based on the existing flow.

11 MR. SHAMLIAN: I'm not sure that I agree with that.
12 The quickest way to get to the Northway is to go the
13 other way.

14 MS. HOLTZBERGER: We can look at that again, but we
15 did do counts up there to see what the travel patterns
16 are right now but we can certainly look at it again.
17 Your point is still the same.

18 MR. SHAMLIAN: I'm agreeing with Joe that road C's
19 entrance or intersection with Pollock has the potential
20 to be a dangerous intersection, especially if one of the
21 goals is to tie this -- have access to the adjacent
22 land. To some extent that's not their problem, but then
23 you're talking about having more volume.

24 MR. GRASSO: Yes, we'll look at it.

25 CHAIRMAN STUTO: This is sketch plan and we

1 normally don't take public comment, but go ahead.

2 Any members of the public want to look at the
3 plans?

4 Tim, do you want to look at the plans?

5 MS. ORDWAY: My name is Kathy Ordway from the Green
6 Meadows Civic Association.

7 My first comment has to do with a meeting
8 between Patrick Quinn who you are all acquainted
9 with from our Green Meadows Board of Directors and a
10 group that calls themselves the Colonie Trees Group.

11 Patrick and the group met with Supervisor
12 Mahan. At that meeting Patrick has suggested that a
13 Google Earth photo be included with every plan that
14 is submitted to the Planning Board.

15 CHAIRMAN STUTO: What type of photo?

16 MS. ORDWAY: Google Earth.

17 CHAIRMAN STUTO: We do have aerials in our packets
18 and we normally do.

19 MR. LACIVITA: We use a better quality one instead
20 of Google Earth. We use one from our GEIS. That's what
21 they get in their project packets.

22 As I mentioned to Patrick in that meeting, we
23 have been doing that since 2008.

24 MS. ORDWAY: The aerial that you have is an
25 improvement over Google Earth.

1 MR. LACIVITA: Yes.

2 MS. ORDWAY: My second comment is about this area.
3 I couldn't see from over there exactly where the
4 development is. It looks like there are going to be
5 building in some areas that on my Google Earth drawing
6 here has wooded areas. So, what I'm asking on behalf of
7 this group that saves the trees and my neighborhood
8 association is that the Chapter 177 restriction be
9 enforced and that any tree over three inches in diameter
10 on the property must be approved for removal by your
11 Planning Board.

12 CHAIRMAN STUTO: I'm going to ask the applicant to
13 show us -- I have an ariel too so I have my own ideas as
14 to what the answer is. Where are the trees going to be
15 removed? You can look at my aerial too to see that. To
16 me, it looks like where the cul-de-sac is at the bottom
17 - mostly there.

18 MR. DELL: Correct. We're showing this underlying
19 area and this area will be clear and around the
20 cul-de-sac back and possibly some of these lots
21 [Indicating].

22 CHAIRMAN STUTO: Kathy, do you have a copy of that
23 section handy that you can share or no?

24 MS. ORDWAY: Yes.

25 CHAIRMAN STUTO: We can get it if you don't want to

1 let go of your copy.

2 MS. ORDWAY: So, can I report back that there will
3 not be clear cutting of any of this wooded area?

4 CHAIRMAN STUTO: Which wooded area are you talking
5 about?

6 MS. ORDWAY: Any of it.

7 CHAIRMAN STUTO: Well, do you see where the
8 cul-de-sac is at the bottom? That's where they are
9 going to take trees down.

10 MR. GRASSO: And also Lot 46. We have some other
11 concerns with Lot 46, but there is a span of woods
12 there.

13 MS. ORDWAY: So, it will be examined; right?

14 MR. GRASSO: It will be examined.

15 MS. ORDWAY: We're looking to prevent another
16 experience like the one on Aviation Road, which you are
17 all aware of.

18 I just want to go on record asking for that.

19 I also wanted to ask - were residents within
20 500 feet of this property notified by mail of this
21 project?

22 MR. LACIVITA: Not this time.

23 CHAIRMAN STUTO: No, because this is sketch plan.
24 They will be notified when they come in for their
25 application for concept acceptance.

1 MS. ORDWAY: And when will that be, do you think?

2 MR. LACIVITA: I think that we had it on for
3 December 15th.

4 MS. ORDWAY: And that will be within 500 feet?

5 MR. LACIVITA: That is the law.

6 MS. ORDWAY: Thank you.

7 CHAIRMAN STUTO: You're welcome.

8 Does the Board have any other questions?

9 (There was no response.)

10 We'll take a close look at that.

11 Thank you.

12 MR. DELL: Thank you.

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14 (Whereas the above referenced proceeding was
15 concluded at 7:49 p.m.)

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CERTIFICATION

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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 _____

