

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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POLLOCK ROAD CONSERVATION SUBDIVISION

4 59 POLLOCK ROAD

SKETCH PLAN REVIEW UPDATE

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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY STRANG, a Shorthand Reporter,  
8 commencing on January 12, 2016 at 7:18 p.m. at The  
Public Operations Center, 347 Old Niskayuna Road,  
Latham, New York

9

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

17 ALSO PRESENT:

18 Kathleen Marinelli, Esq. Counsel to the Planning Board

19 Michael Tengeler, Planning and Economic Development

20 Joseph LaCivita, Director, Planning and Economic  
21 Development

22 Jason Dell, PE, Lansing Engineering

23 Peter Lilholt, PE, CHA

24 Frank Barbera, Barbera Homes

25

1                   CHAIRMAN STUTO: Next item on the agenda is  
2                   Pollock Road Conservation Subdivision, 59 Pollock  
3                   Road. This is a sketch plan review. This is a 47-lot  
4                   residential conservation subdivision and rezoning the  
5                   lands east of the National Grid right of way from  
6                   office residential to single family residential.

7                   I know that we've seen it before for a sketch  
8                   plan.

9                   Joe, do you have any other comments?

10                  MR. LACIVITA: That's what we have and I know  
11                  that Jason Dell is here to take us through the project  
12                  and tell us what the updates are, so I'll turn it  
13                  right over to Jason.

14                  MR. DELL: Good evening. My name is Jason Dell  
15                  and I'm an engineer with Lansing Engineering. I'm here  
16                  on behalf of the applicant, Frank Barbera for the  
17                  Pollock Road residential subdivision.

18                  As you just mentioned, we were here before the  
19                  Board in November of last year and the Board had  
20                  several comments. So, we wanted to come and give an  
21                  update as to where we are and what we changed to the  
22                  plan, based upon those.

23                  So, a quick overview of the project and I'd  
24                  like to get right into discussion items from the last  
25                  meeting.

1           The project site is situated along the south  
2 side of Pollock Road. The site encompasses about 35  
3 acres. The western portion of the property is  
4 currently zoned single family residential. There is a  
5 Niagara Mohawk power line that bi-sects the property  
6 and a portion of the eastern side is  
7 office/residential. So, as part of the project, we  
8 are now looking to have the office residential portion  
9 rezoned as single family. The project is in a  
10 conservation subdivision. We are now showing 46 lots.  
11 The original was 47 lots. We have reduced it down to  
12 46 lots and I'll get into that a little bit further.

13           The access to the subdivision will be via two  
14 roads that will come off the south side of Pollock  
15 Road. Water and sanitary sewer service will be  
16 provided to the project and connections to the  
17 municipal sewer system on Pollock Road.

18           That's kind of the project.

19           At the last meeting there were several comments  
20 and concerns that the Board had, as well. I'd like to  
21 go over those as follows:

22           The resubmission package, we did provide a  
23 detailed comment response letter to those main items.  
24 I'd just like to go through them.

25           At the beginning of the meeting there was a

1 concern that the conservation analysis was incorrect.  
2 We did correct that conservation analysis to utilize  
3 two units per acre, as opposed to the underlying  
4 zoning. So, our allowable base density was reduced  
5 from 72 down to 63, however, we're only proposing 46  
6 lots so we are still well below the allowable.

7 The second main item that was brought up was  
8 that the Board and the TDE felt that there were too  
9 many driveways that were accessing directly to Pollock  
10 Road. So, the plan has been revised. We eliminated  
11 the lot that was along the eastern boundary. That  
12 driveway location was of concern to the TDE, so that  
13 one has been eliminated and the lot adjacent to it  
14 originally connected to Pollock now will connect to  
15 the internal road. So, we have reduced the driveways  
16 going directly onto Pollock from six down to four.

17 In addition to that, we located two of the  
18 driveways to be close to one another - about five feet  
19 apart. That way, they would have more of an  
20 appearance as one driveway. So, we made that change  
21 to the plan.

22 The next topic that was a concern was the paper  
23 street that was proposed for the project. We  
24 currently have a paper street coming off of the end of  
25 road B and going to the lands to the southeast.

1           That's where it was on the last plan and one of the  
2           items that the TDE had requested us to look at was  
3           whether or not that paper street would be better  
4           suited to come off of the cul-de-sac, so we did look  
5           into that bit further and what we found is that it  
6           would result in a grading and a fill issue that would  
7           be impractical for any development to the south. The  
8           reason being is to get gravity sewer to the  
9           cul-de-sac. The existing gravity sewer is located on  
10          Pollock Road and we would have to bring the gravity  
11          sewer all the way back to the cul-de-sac. The Sewer  
12          Department indicated that they would not allow grinder  
13          pumps for the project and that everything would have  
14          to be gravity. So, in order to bring gravity sewer to  
15          the back corner, we would have to fill the cul-de-sac  
16          by about six to seven feet. So, that would result in  
17          the elevation change from the property line to the  
18          cul-de-sac of about 12 feet. So, you can imagine  
19          trying to climb up 12 feet. The grading in that area  
20          would become arduous and it would be impractical.

21                 Initially, we looked at the wetland boundary  
22                 and in the future if there was ever a potential future  
23                 project to the south, would it be a significant  
24                 wetland disturbance permit to get for that small  
25                 wetland that's located on our property. According to

1 the wetland biologist that looked at it, he indicated  
2 that the wetland boundary is pretty close to the  
3 property line. So, the potential wetland disturbance  
4 that a future applicant would be to get would be less  
5 than one-tenth acre; .07 acres of disturbance. So, it  
6 would be a very obtainable wetland permit.

7 One other item that we looked at is that this  
8 is also one of the lower spots on the site. So, to  
9 connect the roads in the future over here  
10 (Indicating), would be significantly easier when you  
11 looked at potential future grading to connect to a  
12 road of a higher elevation. So, we took all of those  
13 into account and we left that future paper street  
14 there.

15 One other item I would like to mention about  
16 the paper street is that they also show on the revised  
17 map that we submitted, an existing 60-foot access  
18 easement that the property to the southeast has that  
19 is currently available for an access to that property.

20 There is also a concern about the location of a  
21 stormwater management basin. We did take a closer  
22 look at that. A member of our staff looked at the  
23 drainage in that area and we continue to see the  
24 stormwater management area and where it is. It's at a  
25 lower portion of the site and we show in the revised

1 plan that there are the beginnings of a drainage swale  
2 that begins to form and get more pronounced as we move  
3 there. So, we feel confident that we would be able to  
4 work with the TDE and John Dzialo as we work through  
5 the SWPPP process to design a stormwater management  
6 system that will not result in erosion or destructive  
7 velocities downstream.

8 Finally, one other topic that we didn't talk  
9 about last time was whether or not the access road is  
10 necessary across from the other side of the road. We  
11 looked at it a little bit more and we do feel that it  
12 is necessary, both for an emergency standpoint to have  
13 a secondary access, as well as if we removed the  
14 access to road C. We're back to the driveways  
15 fronting on Pollock Road in that area, in addition to  
16 having the playground area as well as mailbox pull-off  
17 over in this area that won't impact any of the  
18 surrounding lots. The playground area as well as  
19 mailbox pull-off over in this area that won't impact  
20 any of the surrounding lots.

21 We're here tonight to update the Board. I'll  
22 answer any questions that you have in hopes of moving  
23 forward to concept.

24 CHAIRMAN STUTO: Thank you for all your  
25 comments. I think that you've addressed - not that we

1 necessarily agree because some of the things you  
2 didn't go along with.

3 Was there anything else raised that he didn't  
4 comment on?

5 We have our Town Designated Engineer here.

6 I don't know if you're prepared to do comments  
7 now. I know that it's only sketch plan. Go ahead, if  
8 you are.

9 I do want to make an initial comment. I'm  
10 still opposed to the driveways that are facing the  
11 road and I'll talk about that more when I get my  
12 chance to speak.

13 Go ahead and identify yourself.

14 MR. LILHOLT: Thank you, Mr. Chairman. My name  
15 is Peter Lilholt. I'm with Clough Harbour and  
16 Associates. We are the Town Designated Engineers for  
17 the project.

18 We are not in receipt of the latest subdivision  
19 plan or narrative. I can't speak thoughtfully to the  
20 current submission or the item by item response.  
21 Although, what was described here tonight by Jason  
22 seems to adequately address many of the comments that  
23 we had noted in our file.

24 CHAIRMAN STUTO: Let's talk about process for a  
25 second. Does anybody have any idea why he doesn't



1 have the plans?

2 MR. LACIVITA: I can't answer that, Peter.  
3 Typically, when they come in they go to the TDE for  
4 review. I can't speak to why it did not go. If I see  
5 a comment letter in here from Michael Lyons who did  
6 the distribution -

7 CHAIRMAN STUTO: Okay, keep going, then Peter.

8 MR. LILHOLT: I'm reviewing the handwritten  
9 notes from Joe Grasso at the last meeting when this  
10 project was before the Board in November. The only  
11 other item that I see noted here is with regard to the  
12 stopping sight distance. I believe that was  
13 discussed.

14 Jason, maybe you can elaborate on that.

15 There was a concern to the point of minimizing  
16 the number of driveways onto Pollock Road. That was  
17 one, but also the potential for queuing as traffic is  
18 heading west on Pollock Road and stopping for  
19 eastbound traffic and the potential for people coming  
20 around that sharp corner and concern for rear-end  
21 collisions.

22 MR. DELL: That was discussed and we didn't  
23 talk about it.

24 CHAIRMAN STUTO: Can you repeat what his  
25 concern was? I got a little lost. I was taking

1 notes.

2 MR. DELL: Pete had mentioned that CHA's  
3 concern was for stopping sight distance for westbound  
4 traffic; is that correct?

5 MR. LILHOLT: Correct.

6 MR. DELL: I know that we had discussed at the  
7 meeting that these driveways in here would be a  
8 concern.

9 CHAIRMAN STUTO: To conflict with what?

10 MR. DELL: The sight distance with cars  
11 maneuvering onto the road.

12 CHAIRMAN STUTO: Which road?

13 MR. DELL: Onto Pollock.

14 CHAIRMAN STUTO: You're talking westbound on  
15 Pollock, and where else?

16 MR. DELL: And stopping sight distance in this  
17 area -

18 CHAIRMAN STUTO: If they were going to take a  
19 left?

20 MR. LILHOLT: Right.

21 Jason, if you could just point out the sharp  
22 curve in Pollock Road? You can see the inside there,  
23 there is vegetation that's on the north side of the  
24 road. So, there is a limited sight distance concern  
25 about public traffic and traveling west on Pollock

1 Road as they approach this proposed four-way  
2 intersection. If a car was stopped on Pollock to turn  
3 left into the eastern most roadway, waiting for  
4 oncoming cars, someone coming around the turn would  
5 not have sufficient time to stop.

6 MR. DELL: The traffic engineer did address  
7 that. Wendy was here from Creighton Manning was here  
8 at the last meeting. She did mention that some of the  
9 mitigation in your letter, based on the study that  
10 they had done, was to update some of the signage along  
11 Pollock to indicate a four-way intersection. There is  
12 an existing intersection that currently would have  
13 less stopping sight distance than what we are  
14 proposing because we are on the outside and they are  
15 on the inside. So, there is an existing intersection  
16 there now that currently operates, but if they're  
17 taking a right hand turn westbound -

18 CHAIRMAN STUTO: They're going to block them  
19 from taking a right hand turn.

20 MS. DALTON: And you are talking about a lower  
21 density, as well.

22 CHAIRMAN STUTO: We think that's an easier  
23 turn.

24 What else, Peter?

25 MR. LILHOLT: Again, I'm reading from some

1 handwritten notes.

2 I think that there was discussion about the HOA  
3 ownership of some of the parcels and I think that by  
4 elimination of that eastern most parcel that was kind  
5 of off on its own, to a certain point, speaks to  
6 preserving large contiguous tracks of land instead of  
7 fragmenting the HOA parcels into smaller pieces.

8 In the center of where the proposed roads are -  
9 what is -

10 MR. DELL: Deed restriction.

11 MR. LILHOLT: Are those tied up into individual  
12 lots?

13 MR. DELL: Yes, the individual lot ownership  
14 does extend into those.

15 MR. LILHOLT: Just to clarify, the wetlands  
16 area that extends into the adjacent property - your  
17 wetlands specialist said that it's a very limited area  
18 that includes a wetlands area.

19 MR. DELL: You can see that too with the aerial  
20 photo that's underneath the mapping, right where the  
21 trees are. It's pretty limited as we get right into  
22 the farm field.

23 MR. SHAMLIAN: Have you looked at an  
24 alternative layout that includes no driveways on  
25 Pollock?

1 MR. DELL: We're looking actually to yield with  
2 what we can from the land.

3 MR. SHAMLIAN: You're just saying that from  
4 your experience, but you actually haven't tried to lay  
5 out anything that actually might get you that density.

6 MR. DELL: We can achieve the density by  
7 reducing the size of the lots. However, this size lot  
8 is what the applicant would like to go with right now.

9 CHAIRMAN STUTO: What about a shared driveway?  
10 The lot that you reduced on the easternmost - that was  
11 two lots before, correct?

12 MR. DELL: It was two lots. One was eliminated  
13 and this lot now -

14 CHAIRMAN STUTO: I mean I would rather see a  
15 shared driveway there than out on Pollock Road. I'm  
16 wondering on the west side, if you could put it where  
17 all that green space is there. If you couldn't get a  
18 lot in there, if you had a shared driveway -- I'm  
19 sympathetic -- yes, somehow reconfigure it.

20 MR. DELL: We could look at that.

21 CHAIRMAN STUTO: My personal feeling is that we  
22 are at a stage in our development of the Town where  
23 all the low hanging fruit has already been developed.  
24 We're at least in the middle or getting past the  
25 middle of the things that are more challenging to

1 develop and I want to get it right.

2 Driveways on a country road are different from  
3 a road that is going to increase in traffic over the  
4 next five ten or 15 years. My bias is toward  
5 eliminating all the driveways and maybe going with the  
6 two entrances and looking for more mitigation for  
7 people coming down Pollock in a westerly direction,  
8 but I would encourage eliminating all the driveways.  
9 That's where I'm coming from and I thought about it a  
10 lot.

11 Are you done Craig? I didn't want to step on  
12 you.

13 MR. SHAMLIAN: I am not necessarily saying --  
14 or totally agreeing with Peter, but I certainly would  
15 like to see you try to eliminate them all. It's  
16 obviously somewhat not typical, but even to bring the  
17 driveways through those houses that are on Pollock -  
18 bring those driveways onto road B -- as I said, it's  
19 not typical, but I think that you need to be creative  
20 about how you're going to try to lay this out. I  
21 guess that's what I would encourage you to do.

22 MR. DELL: I would like to point out on the map  
23 that you can where the existing driveways are across  
24 the street.

25 MR. SHAMLIAN: I grew up over there. Those

1 driveways were put in 40 plus years ago.

2 MR. LACIVITA: Just one question that I have on  
3 the stormwater pond that's up on top, Jason.

4 Everything kind of sheets to -

5 MR. DELL: Everything kind of sheets to this  
6 direction (Indicating).

7 MR. LACIVITA: Yes. Is that a retention area  
8 or can that stormwater area be used as another  
9 driveway off the cul-de-sac to pull a house off of  
10 Pollock and Make that a private - and individual lot  
11 back that way and you do something more creative with  
12 stormwater and that allows at least one home to be off  
13 of Pollock. It kind of creates a super lot for  
14 whatever you do there or maybe lessen the stormwater  
15 pond, put a home there and then -- I think that the  
16 Planning Board is kind of giving you direction and  
17 we're trying to be creative. That's the only thing  
18 that I see that might have an opportunity there.

19 MR. SHAMLIAN: Based on my experience with the  
20 roads and the houses and needing to meet pre and post  
21 development stormwater discharge rates, we're going to  
22 throttle back the basin as much as possible, but it's  
23 something that we can certainly take a look at.

24 CHAIRMAN STUTO: Thank you.

25 Tim, do you have any comments?

1           MR. LANE: I think that you covered that pretty  
2 well.

3           I seem to recall but I'm not positive because  
4 we don't have anything on here -- did we discuss any  
5 trails that were going to cross the easement into the  
6 other area? Have we discussed that at all or  
7 considered it?

8           CHAIRMAN STUTO: Did we talk about that, Joe? I  
9 mean you have all that greenspace, but there is no  
10 access to it.

11          MR. DELL: We don't own the property -

12          MR. LANE: It would be across to the other end  
13 -- that's not a possibility?

14          MR. DELL: This is owned by Niagara Mohawk.

15          MR. LANE: So, they don't allow crossing?

16          MR. DELL: No. There is also an existing  
17 easement through here to access.

18          CHAIRMAN STUTO: It doesn't mean that easements  
19 can't be crossed. An easement just allows him to  
20 maintain the right. I don't know if that's  
21 appropriate or not.

22          MR. LANE: What would be the purpose of that  
23 property going forward?

24          CHAIRMAN STUTO: How about a sidewalk on the  
25 main road? You set aside all of this greenspace which



1 is good visually, but the neighborhood doesn't really  
2 get to use it, physically.

3 MR. LACIVITA: I think that sidewalks are  
4 problematic on that road.

5 MR. BARBERA: With the Minkowitz property over  
6 here, this easement here is the utility easement plus  
7 it's a filed easement with the landowners here. This  
8 is their right of way out to Pollock Road.  
9 Theoretically they have the ability to put a road  
10 there if they needed it to access their property.

11 MR. LILHOLT: Frank, just to clarify, is that  
12 an easement or a right of way? In other words, do you  
13 own the property and they have rights of access of  
14 ingress and egress over that property?

15 CHAIRMAN STUTO: Easements and rights of way  
16 come in all types of shapes and forms and colors and  
17 so forth. Some may say exclusive use and nobody else  
18 can come on it and some may not. Depending upon how  
19 it's worded, would dictate whether they could cross  
20 over it or not.

21 MR. LILHOLT: Correct.

22 MR. BARBERA: Once we get to that stage,  
23 whether they have an ability to cross it, we're all  
24 for it. There is no problem there.

25 MR. LANE: But up to now, that's not a

1 consideration?

2 MR. BARBERA: Number one, as you guys know,  
3 this goes down pretty quickly over here and we have  
4 stayed away from it as far as accessing it because of  
5 those filed easements that we haven't delved into and  
6 whether it's practical to cross them. Getting that  
7 answer is easy enough.

8 CHAIRMAN STUTO: Can you take a serious look at  
9 access to that?

10 MR. LILHOLT: In terms of the conservation  
11 development overlay, that land is considered  
12 constrained because it's got wetlands and slopes. So,  
13 it can't be used for development purposes, but if you  
14 wanted to build some sort of trail system for the  
15 enjoyment of the property owners -

16 MR. LANE: I wasn't suggesting building the  
17 trails, but just make it accessible in some way. I'm  
18 not saying to go to an expense to create it.

19 MR. LILHOLT: In terms of process, that  
20 property is east of National Grid's right of way and  
21 is currently zoned OR. For the conservation  
22 development overlay they need to rezone that property  
23 to single family residential so that it can go into  
24 the conservation development calculation. So, the  
25 next steps beyond this sketch plan review would be

1 have a Planning Board recommendation to the Town Board  
2 for the rezone of that parcel and then the Town Board  
3 would act on the rezoning Then, they would come back  
4 for concept.

5 CHAIRMAN STUTO: We could probably do that in  
6 one meeting.

7 Any other questions?

8 MR. MION: What is in the center between road B  
9 and C? What is that again? What is in there?

10 MR. DELL: This is a conservation area as well.  
11 It's part of the conservation analysis. This will be  
12 deed restricted area (Indicating).

13 MS. DALTON: Is it a wetland?

14 MR. LILHOLT: No. It's part of a conservation  
15 development overlay calculation. Forty percent of the  
16 unconstrained lands by wetlands and steep slopes have  
17 to be set aside and permanently protected so they are  
18 proposing to do it even though it's not constrained  
19 and consistent with it calculation. They have to  
20 permanently protect 40% of those unconstrained lands.  
21 That's one of the tracks of land that they are  
22 proposing to protect by deed restriction.

23 MR. MION: Is there another place that you can  
24 do that? What we are sitting here talking about is I  
25 think that the houses that face road B - and move them

1 back into that area - north of there, move those  
2 houses down and then put the road in off of Pollock  
3 between the houses that are on Pollock and B and have  
4 that circle around. Do you understand what I'm  
5 saying?

6 MS. DALTON: So, you put another road in A and  
7 C and just bisect those houses that are currently back  
8 to back. You could probably do that if you move those  
9 houses towards the bottom.

10 MR. LANE: Eliminate the driveways and flip  
11 them around.

12 MS. DALTON: So, then the driveways could be  
13 off of another road. You might lose the conservation  
14 area in the middle, but you would pick up the  
15 conservation area in Lot 47, thereby getting rid of  
16 that driveway as well.

17 MR. DELL: We could certainly take a look at  
18 that.

19 MR. LILHOLT: From an access management  
20 standpoint, the offsetting intersections that are  
21 close to one another is not preferred from a traffic  
22 and transportation standpoint. So, what they are  
23 proposing with a proposed four-way intersections  
24 across from the thruway intersections on Morningside  
25 on either side is something that from a traffic

1 transportation standpoint would be something that we  
2 would support. So, those intersections, as currently  
3 shown - we support them.

4 MR. MION: We're not talking about changing the  
5 intersections.

6 MS. DALTON: We're talking about once you were  
7 to turn into the neighborhood, so then there would be  
8 now a road between Pollock Road and Road B. You would  
9 essentially have another road that would run parallel  
10 with Pollock.

11 MR. LILHOLT: I understand.

12 MR. SHAMLIAN: The bottom line is that I think  
13 that we are all going to the same point that we think  
14 that there might be some other creative ways to figure  
15 this out that better addresses the concerns that we  
16 have as a Board. I'm not trying to put words into  
17 anyone's mouth.

18 CHAIRMAN STUTO: Okay, anything else?

19 MR. AUSTIN: What's the plan for the size of  
20 the homes? What will be the style of the homes? I  
21 know that there are the colonials on Morningside. How  
22 are you going to mix it all together? Are you going  
23 to make it a modern or colonial style? What size  
24 homes?

25 MR. DELL: With a conservation subdivision,

1           you're going to be limited by the footprint of the  
2           properties that are in there. We were looking for  
3           homes that were small ranch in the 1,600 to 1,700 foot  
4           range and colonials in that 1,900 to 2,800 square foot  
5           ranges. Typically, those will fit on a property this  
6           size.

7                   MR. BARBERA: The caveat being it would lose  
8           seven lots and they will start to change. We would  
9           have to increase the size of the homes to a more  
10          expensive cost to offset. That would determine how  
11          this progresses. Right now the plan is to run  
12          affordable.

13                   MR. AUSTIN: I'm seeing quite a variety of  
14          sizes in the lot.

15                   MR. BARBERA: Yes, but most of the footprints  
16          will be the same in here. So, that's pretty much what  
17          we will be working off of. It would be similar to a  
18          lot of projects that we have done recently around the  
19          area - smaller ranches and four bedroom colonials.

20                   MS. DALTON: What's your expected price point?

21                   MR. BARBERA: Expectation of price point --  
22          initially it was something -- we like to start in the  
23          high twos, but most houses would end up in that 350 to  
24          425 range. That's the goal.

25                   Are there any other questions that I can answer

1 for you?

2 (There was no response.)

3 Thank you.

4 CHAIRMAN STUTO: Thank you for coming in and  
5 working with us.

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10 (Whereas the above proceeding was concluded at  
11 7:41 p.m.)

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CERTIFICATION

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I, NANCY 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 STRANG

Dated \_\_\_\_\_



