

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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LUPE WAY REZONING

8 LUPE WAY

APPLICATION FOR REZONING RECOMMENDATION

TO TOWN BOARD

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THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY STRANG, a Shorthand Reporter, commencing on January 26, 2016 at 7:31 p.m. at The Public Operations Center, 347 Old Niskayuna Road, Latham, New York.

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BOARD MEMBERS:

- 10 PETER STUTO, CHAIRMAN
- BRIAN AUSTIN
- 11 TIMOTHY LANE
- LOU MION
- 12 SUSAN MILSTEIN

13

14 ALSO PRESENT:

- 15 Kathleen Marinelli, Esq. Counsel to the Planning Board
- 16 Michael Tengeler, Planning and Economic Development
- 17 Joseph LaCivita, Director, Planning and Economic Development
- 18
- 19 Joseph Grasso, PE, CHA
- 20 James Easton, PE, MJ Engineering
- 21 Claudia Burnham
- Sally Burchhardt
- 22 Dee Allen
- John Risutto
- 23 Sharie Grignon
- Robert Loftus
- 24 Marc Alling
- Tom Romano
- 25 Robert Plunz

1 Michael Karas
2 Dick Figueroa
3 Kathy Cook
4 Elizabeth Gemmette

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1 CHAIRMAN STUTO: Next project up is Lupe Way -
2 the rezoning of 8 Lupe Way. This is an application
3 for rezoning recommendation. Rezoning 56 plus or
4 minus acres to single family residential.

5 Joe, I just want to make sure that the public
6 and we understand what is going on here. This is
7 currently zoned industrial and they have made an
8 application to rezone it to single family residential
9 and our job is to make a recommendation to the Town
10 Board whether we think that is so.

11 MR. LACIVITA: Correct. That's where we are
12 for tonight. It's the recommendation component.

13 CHAIRMAN STUTO: The applicant, please bear in
14 mind that the public hasn't been here or seen this
15 yet. If you could give your description, please do it
16 so that everybody can understand it that doesn't have
17 any background on it.

18 MR. EASTON: Good evening, ladies and
19 gentlemen. My name is James Easton. I'm with MJ
20 Engineering. Just as everybody has kind of gotten
21 information out there a little bit by the information
22 that was sent out by the owner of the parcel -
23 currently this 56-acres of land plus or minus is zoned
24 industrial originally back in 2006. The Town actually
25 adopted this parcel of land to be single family and

1 the front portion towards Cordell Road to be either
2 NCOR or COR zoning at the time. The previous owner of
3 the parcel wanted to keep it industrial as it was
4 previously zoned and obtained that change from single
5 family to residential.

6 Since that time frame, he has sold the parcel
7 and the new owner of the parcel doesn't wish to do
8 anything industrial on the parcel. He wishes to make
9 it mirror into the rest of the neighborhood which is
10 single family residential detached homes. That's what
11 he wants to do and that's what he wants to build. The
12 first step in this process for us to even do anything
13 on this site to make single family detached homes is
14 to get the change of the zoning of the current parcel.
15 You cannot put single family homes in industrial
16 zoning. You can put a lot of other things in
17 industrial zoning; heavy industrial use and a transfer
18 station for the general public as in garbage. There
19 is lots of heavy industrial use that can be done here
20 at this parcel, but the applicant doesn't want to do
21 that. Because of the existing neighbor and where it
22 is -

23 CHAIRMAN STUTO: Do you have another map? It's
24 hard to see.

25 MR. EASTON: It's hard to see, I know. It's 60

1 acres in size.

2 CHAIRMAN STUTO: It kind of looks like the
3 surface of the moon. I thought you had better maps
4 that show the neighborhood.

5 MR. EASTON: I believe that the 11 by 17 that
6 was submitted within the project narrative - it was
7 enlarged for tonight's presentation. It shows the
8 zoning line which is what we are proposing.

9 CHAIRMAN STUTO: Can we run copies of this and
10 give it to the public?

11 MR. EASTON: So, we are on the first step of
12 the application which is most of the parcel be changed
13 from industrial use to single family. So, that's
14 where we are.

15 In the application package, we did provide the
16 Town a rough schematic sketch of what we are proposing
17 because the Planning Department thought it would be
18 important for the Planning Board to understand the
19 scale of the project and things along that nature.

20 CHAIRMAN STUTO: Is it this one (Indicating)?

21 MR. EASTON: Is it white showing little
22 detached homes on it, or are you looking at the zoning
23 map?

24 CHAIRMAN STUTO: It says zoning.

25 MR. EASTON: That's the proposed zoning map.

1 That's what you are looking at which was in your
2 project narrative, just blown up. We did not want to
3 confuse the topics of what is being proposed, what
4 does it look like or anything along those lines. We
5 are really just looking at what is the best usage of
6 this land.

7 The applicant feels and I feel that based upon
8 the 2006 recommendation that this parcel be zoned
9 single family residential, we felt that it's also the
10 best use to follow that recommendation and do single
11 family residential zoning for the parcel. So, that's
12 where we are. We just really are trying to not get
13 into the finer details of what is being proposed or
14 what is going on. We really just want to stay on top
15 with that. What we want to do is change the uses of
16 this land from industrial to single family
17 residential.

18 MR. AUSTIN: But not all of it.

19 MR. EASTON: No. The front portion of Cordell
20 - that would still be industrial zoning per the
21 recommendation of the Planning and Economic
22 Department. It was to keep that an industrial zone.

23 CHAIRMAN STUTO: I understand that you don't
24 want to get into the particulars of what a subdivision
25 might look like, but I think that it's hard for us and

1 the public to not at least have a little bit more
2 detail. Maybe Joe Grasso will help us at some point.
3 How many houses are likely to be developed back there?
4 What would it accommodate? What would the access be?
5 Would it be through the current roads or would it be
6 through some other type of road?

7 MR. EASTON: I have no problem answering those
8 questions. Currently, if this was rezoned to single
9 family residential -- again, I'll say if it gets
10 rezoned -- due to it being in a conservation
11 subdivision, out of the 60 acres you're actually
12 allowed to build roughly about 70 home sites, per the
13 Town Code. We were proposing to build 52 single
14 family home sites. Certainly we have to go through
15 the approval process to do this. But the access
16 points would be off of the existing Lupe Way
17 cul-de-sac and tied back into the cul-de-sac off of
18 Morocco Lane and tie back into that road. Basically,
19 we would make a big looped road and tie in and use
20 basically from Lupe Way to the existing cul-de-sac in
21 this area or approximately about out of 60 acres,
22 we're looking at building within 25 acres. The
23 remaining 35 acres or so will be going to the Pine
24 Bush at the recommendation and the meetings with the
25 Pine Bush. It will be turned over to them, so about

1 65% of the total area of this parcel will be given
2 away by the owner of the land for public use.

3 CHAIRMAN STUTO: We're not taking questions
4 yet, ma'am, but we will.

5 MR. EASTON: This is a long process and there
6 will be lots of different times to talk about this. I
7 know that the Planning Board wants to get into the
8 finer details of the homes and lot size and things
9 like that, but there is certainly a loop road and I
10 understand the Planning Board and the general public
11 asking those important questions at this point. But
12 to get to those really detailed questions and design,
13 we really need to do a zone change first and whether
14 you feel that the usage of this land is really
15 beneficial to be kept as an industrial zone, or that
16 you feel that it should be changed from industrial to
17 single family.

18 CHAIRMAN STUTO: I'm going to ask Joe Grasso to
19 make comments. I'll just say that the description is
20 probably unsatisfying to the neighbors because it's
21 hard in abstract to look at that map and really
22 understand what is going on. That map doesn't really
23 tell you anything, especially from that distance. I'm
24 going to ask you to put it in a more colorful context.
25 If we need to pull out other maps, that's what we are

1 going to have to do of what is likely to be developed
2 there.

3 MR. GRASSO: Thanks, Peter.

4 MR. EASTON: I do also have the proposed
5 concept on the back side, just in case anybody did
6 want to see that.

7 CHAIRMAN STUTO: I'm sure that's going to come
8 out.

9 MR. GRASSO: You can flip it around.

10 MR. EASTON: I just wanted to show everybody
11 where the divide was - where the industrial to single
12 family was.

13 MR. GRASSO: When you are looking at that map
14 -- before I go through our comments -- if you can just
15 describe the things that are adjacent to the project
16 site and how the project site is -- you know, where
17 Cordell is and where Morocco is and where the National
18 Grid right of way and how it bifurcates the site.

19 MR. EASTON: Cordell Road is down here on my
20 bottom left (Indicating). It's actually such a big
21 parcel, you can't see it on the map. Morocco Lane is
22 in this general corner right here (Indicating). Lupe
23 Way ends right here (Indicating) and this big area
24 right through the middle of it is National Grid's
25 right of way, but then bisects this additional 17

1 acres, I believe, down below and then abuts the
2 railroad tracks down below.

3 CHAIRMAN STUTO: Okay, I just wanted to make
4 sure that the neighbors got oriented on the map.

5 MR. GRASSO: So, in terms of the history of
6 when the zoning changes took place, the Planning
7 Department listed those in their January 2016 comment
8 letter to the Planning Board, so it's in your packets.
9 I think that it's worthy to review these actions for
10 the Board.

11 Back in 1957 was the first time that zoning was
12 enacted in the Town and was when the project site was
13 zoned industrial. That zoning stood until 2007 when
14 the Town did a Town-wide rezoning following a
15 comprehensive planning process. At that time the
16 property was rezoned to single family residential and
17 they also established a conservation development
18 overlay district over portions of the Town, due to
19 areas that exhibited sensitive environmental
20 resources. That's the way that the zoning lasted
21 between 2007 until 2012. Back in 2012 is when the
22 property was rezoned back to industrial after many
23 numerous landowners in the western part of Town
24 petitioned the Town Board to restore the industrial
25 zoning classification of many of those properties that

1 had been rezoned back in 2007, but not all of them.

2 An important distinction at the time and
3 something that the Town Board took a close look at was
4 whether or not the conservation development overlay
5 district should be removed or not and even though that
6 was part of the petition, they decided to leave the
7 conservation overlay zoning classification in place.
8 That's an overlay zone, even though the underlying
9 zoning was changed back to industrial. That overlay
10 was still in place and it's still in place today.

11 We did issue a comment letter in your packets.
12 A letter dated January 20, 2016 and I'm going to refer
13 to that. The proposed rezoning from industrial to
14 residential is generally considered a down-zoning that
15 would result in less intensive land uses and less
16 environmental impacts following development of the
17 property. Given the proposed rezone areas adjacency
18 to an existing well established residential
19 neighborhood along Lupe Way and the fact that access
20 to the proposed rezoning area would likely be through
21 this residential area, we support the proposed
22 rezoning application. As such, we have prepared a
23 traffic recommendation for consideration by the
24 Planning Board.

25 CHAIRMAN STUTO: Okay, that's an important

1 point, I think. It's persuasive to me but I want to
2 obviously hear from the neighbors. The access is
3 through the neighborhoods, right?

4 MR. GRASSO: That's right.

5 CHAIRMAN STUTO: Would you rather have
6 residential traffic or would you rather have
7 industrial traffic?

8 MR. GRASSO: Exactly.

9 CHAIRMAN STUTO: Is that the point that you're
10 making?

11 MR. GRASSO: That is the point.

12 I wanted to touch on the SEQRA review because
13 it's important to understand that although it's easy
14 for us to then jump to what the development of the
15 single family development may look like, the only
16 action being asked of the Planning Board is a
17 recommendation to the Town Board on the rezoning.
18 SEQRA does come into play in terms of the rezoning
19 application. Because it's over 25 acres, it's
20 considered a Type I action pursuant to SEQRA. It does
21 require the preparation of a full Environmental
22 Assessment Form, but the only involved agency on the
23 rezoning application is the Town Board. The Planning
24 Board doesn't have discretion -

25 CHAIRMAN STUTO: We're only making a

1 recommendation.

2 MR. GRASSO: That's right. So, referral to the
3 Town Planning Board and the County Planning Board is
4 required for review and recommendation only. When we
5 typically discuss coordinated review being required,
6 it's not in this case because the Town Board is the
7 only involved agency. Therefore they are the only
8 agency that can be the lead agent regarding the SEQRA
9 review and it will be up to the Town Board to complete
10 the SEQRA review regarding the application. Then, we
11 have requested that the applicant provide the required
12 full Environmental Assessment Form so that we can
13 initiate our review of that and assist the Town with a
14 determination of environmental significance.

15 Furthermore, should the Town Board act to
16 approve the proposed rezoning to single family
17 residential, it's important to note that any
18 development and proposals other than the construction
19 of one single family residence would be subject to
20 subdivision plan review by the Planning Board.
21 Because the property is located in the conservation
22 development overlay district, a conservation analysis
23 will be required that goes through and identifies the
24 constrained lands, open space and recreation
25 resources, buffer areas and lands exhibiting important

1 resource values. They will be required to be
2 preserved - the majority of those lands, plus a
3 minimum of 40% of the unconstrained lands of the
4 project site. That's something that, as you know, we
5 would get into during a subdivision plan review
6 process.

7 After our letter, in your packet there is a
8 memo from the Planning Department that I referenced
9 earlier in the presentation. Just to summarize their
10 letter, they did say that the Planning Department does
11 support the rezoning to single family residential, but
12 notes that the proposed SFR industrial division line
13 between the two zones should be placed along the
14 westerly edge of unrestrained area and then they
15 describe it. It's located between the paper streets
16 of South Kellogg Avenue and Nutwood Avenue as shown on
17 the mark-up. I'm not sure if the map was included in
18 your packets, but I am just going to pass out copies
19 so that you can understand.

20 CHAIRMAN STUTO: Can you repeat that point
21 because it's not clear.

22 MR. GRASSO: The Planning Department supports,
23 in general, the rezoning application for many of the
24 reasons that I raised in our review letter but they
25 did recommend a slight change to the rezoning boundary

1 where the areas remaining industrial would remain
2 smaller. That rezoning boundary would slide closer to
3 Cordell Road and the purpose of that was that there
4 was a wetland corridor that bisects a portion of the
5 project site there, and they wanted those entire
6 constrained lands to be zone single family residential
7 so they could be dealt with through the conservation
8 subdivision review process. It's a minor change, but
9 I did want to bring it to the Board's attention
10 because that's something that after we saw their
11 comment and had a chance to discuss it with the
12 Planning Department, that is a slight modification
13 that we are supportive of.

14 MS. MILSTEIN: Is that where the little red
15 blocks are?

16 MR. GRASSO: It's this little wedge in this
17 area. I don't have the colors you have. I can give
18 this map to Jaime and he can describe where it is so
19 that the people in the public can see, but there will
20 be copies.

21 Jaime, could you describe the change in that
22 zoning change boundary?

23 MR. EASTON: Yes. Originally, under the plan I
24 was going to take -- it's approximately about 500 feet
25 from Lupe Way in a westerly direction -- I just came

1 down with a straight line and said that was to divide
2 between industrial and single family. I'll be honest,
3 there was no real reason why I picked that line. I
4 kind of just picked that line and that was it for the
5 application. I knew that everything to the left as
6 you are looking at the map was going to be industrial
7 and that's where it was. I wasn't really doing
8 anything for single family. I really didn't need it.
9 If the Town so chooses to move that line, I'll save
10 about 100 or 150 feet towards Cordell Road. It
11 doesn't really affect the proposed layout design or
12 anything else. We're fine with that proposed change.

13 MR. GRASSO: It basically matches up with that
14 unrestrained land boundary - that line is where it's
15 being shifted to. It's just something else for the
16 Planning Board to consider.

17 CHAIRMAN STUTO: Okay, do we want to hear from
18 the public?

19 MR. AUSTIN: Yes.

20 CHAIRMAN STUTO: It's helpful for us if you go
21 to the microphone, if you're able to. Say your name
22 and then we're happy to hear your questions and your
23 comments.

24 MS. BURNHAM: My name is Claudia Burnham. I
25 don't have a problem with the rezoning. My problem is

1 that I live on Bonner Avenue which has been there
2 since about 1931. The road is about from here to
3 there (Indicating). With the development that we
4 already have, the traffic is terrible. People are
5 speeding and it's a little tiny road and now with all
6 this other stuff, it's going to be a nightmare. We
7 would like, if anyway possible, is there another way
8 that they could access out to Albany Street or Cordell
9 Road instead of coming down Bonner and Nutwood. Like
10 I said, the roads are very small. We have people
11 living on dirt roads.

12 CHAIRMAN STUTO: I'll let the applicant or our
13 TDE address that.

14 MR. EASTON: I'll go back to the larger map,
15 just because it's a little bit easier to see. Going
16 to your question: Would all the traffic go out to
17 Bonner; yes, that's what we are currently proposing.
18 Are you correct that your roadway is about 24 feet in
19 width? Yes. Is that similar to other similar
20 existing neighborhoods within this corridor off of
21 Albany Street about 24 feet in width? Yes. So, there
22 is additional roadway widths that you're saying --
23 it's narrow through there. I know that will
24 eventually be a comment from the Planning Board and
25 the TDE during the review process that they'll ask me

1 to investigate that and they will probably make
2 suggestions on how I may have to remedy it or
3 compromise on it or investigate it and see truly what
4 the results are. Are we there at that point right
5 now? No. I can't give you that answer.

6 CHAIRMAN STUTO: She also asked if there is an
7 alternative way into the site.

8 MR. EASTON: In regards to alternative ways,
9 there really isn't. The reason why I say that there
10 isn't out to Cordell Road is the grade change for one
11 reason, wouldn't meet the Town requirement on the
12 grade of the road.

13 CHAIRMAN STUTO: It's too steep.

14 MR. EASTON: Right, it's too steep. The next
15 reason is that there is a large wetland through that
16 area that we don't want to disturb because it's
17 environmentally sensitive and it's in the Pine Bush.
18 They don't want us touching that stuff to make that
19 road. If there are any feasible ways to something,
20 they want us to progress that way. The easiest way is
21 to tie to the two existing roads that are currently
22 out there.

23 CHAIRMAN STUTO: Joe Grasso, do you have
24 anything to add to that?

25 MR. GRASSO: No. It's a good description. The

1 only thing that I would say is those are the things
2 that we will look at when we get into the subdivision
3 plan review. We will look at the options. Because
4 this is just a rezoning application, there is nothing
5 that the Board is doing tonight that would change the
6 results of those investigations.

7 Although, I agree with Jaime, I don't think
8 that another connection out to Cordell Road is
9 possible because of the environmental constraints, it
10 will be looked at. This rezoning application won't
11 change us looking at that and what the answer is. If
12 the answer was that we figure out an alternative way
13 to get out other than just Bonner Road, then that
14 would be the solution and we'll move forward with it
15 during that time.

16 MS. BURNHAM: They built a development a little
17 way down from us and they were going to go out through
18 Memory Lane which is a little tiny road like ours and
19 Callen Avenue and somehow they made it so that they
20 just had to route it out to Albany Street somehow.

21 MR. GRASSO: Everything will be on the table.
22 We'll look at the condition of Bonner Avenue. We'll
23 provide additional information regarding the number of
24 trips, the width of Bonner, whether or not there is
25 anything within the existing development that should

1 or could be done to help mitigate it to try to
2 mitigate the impacts of traffic. As of right now, our
3 thought is that yes, there is going to be 40 or 50
4 homes built. We don't know what that number is, but
5 we'll look at it when that application comes back
6 before the Town.

7 MS. BURNHAM: Yes, but there is already 35
8 homes down there.

9 MR. GRASSO: Understood. That will also be
10 taken into consideration. That's a good comment
11 though.

12 MS. BURCHHARDT: I'm Sally Burchard.

13 Basically, everybody is talking about
14 preserving. I live on Nutwood on the corner of Albany
15 Street and Nutwood Avenue. When the first 35 homes
16 went in, the traffic goes on Bonner and shoots right
17 down Nutwood past the park, etcetera. Nobody takes
18 Bonner to Cordell.

19 I actually have no trust in the Planning Board
20 when they get to this aspect of it to think of the
21 people that live on Nutwood Avenue that have been
22 there for years. I really would like it to be
23 considered when you go through all the plans and
24 renegotiate the zoning.

25 MR. LACIVITA: May I make a suggestion? When

1 you talk about the traffic and the speeding that goes
2 on Bonner Road -- in fact, I have a gentleman in my
3 office -

4 MS. BURCHHARDT: I'm on Nutwood.

5 MR. LACIVITA: If you want to give me your
6 email or take my card -- we have a component of the
7 Planning process that goes through the Traffic Safety
8 Committee. It's Lieutenant Pero from the Police
9 Department. He has a committee that he works with.
10 It's actually Fire Safety. There is someone from our
11 DPW department and they look at the traffic components
12 of it. If you want to fill out that form and send it
13 in, when it comes time for them to take a look at this
14 review, then at that point in time that will be
15 considered. You could look at stop signs maybe or
16 there might be speed -

17 MS. BURCHHARDT: Speed bumps or anything.

18 MR. LACIVITA: Speed bumps won't be something.
19 I'm talking about speed as a consideration. They will
20 look at all of that.

21 MS. BURCHHARDT: Another thing is a safety
22 issue. If I was living in the development right now
23 and if something happened at Bonner Avenue, there is
24 no other access to get out of there. There is one
25 other thing there.

1 MR. LACIVITA: So, if you want to take a card,
2 you could actually -- I could email it to you. Just
3 ask for Traffic Safety.

4 CHAIRMAN STUTO: Is that it for now, ma'am?

5 MS. BURCHHARDT: Yes, for now.

6 CHAIRMAN STUTO: Dee Allen?

7 MS. ALLEN: I have to agree with Ms. Buchard
8 100%. I live on South Kellogg Avenue and I've lived
9 there since the 70's. I understand that we like to
10 develop and have nice neighborhoods, but our
11 neighborhood now has turned into a nightmare. We have
12 this little narrow street. We have a beautiful pocket
13 park, but nobody can get down there. I'd be a nervous
14 wreck to have one of my grandchildren try to get down
15 there. We talked about sidewalks and one of the other
16 developments. What about sidewalks or speed bumps to
17 slow down all this traffic? It's beyond my
18 comprehension how you can put almost 90 homes down in
19 Lupe Way and Morocco Way and have them all come out on
20 this little tiny road in this day and age.

21 CHAIRMAN STUTO: I don't think that their
22 number was that high, just for the record.

23 What were you projecting?

24 MR. EASTON: Around 51 or 52.

25 MS. ALLEN: There is already 35 down there.

1 CHAIRMAN STUTO: I just wanted to be clear on
2 that.

3 MS. ALLEN: That's my only concern. Nobody
4 goes down to the pocket park, which seems to be a
5 shame because the Town maintains it and it's a
6 beautiful little park, but nobody can get there.

7 CHAIRMAN STUTO: They can't walk there; is that
8 what you mean?

9 MS. ALLEN: They can't walk there. The road is
10 too narrow. That's my only concern. I hope that you
11 take it into consideration.

12 CHAIRMAN STUTO: Thank you.

13 John Risutto.

14 MR. RISUTTO: Good evening, ladies and
15 gentlemen. My name is John Risutto and right out of
16 the gate, I'm 100% opposed to it for a number of
17 reasons.

18 One is the wetlands act.

19 One is that it's a water catch basin in that
20 area which has already been developed for the first 35
21 houses back there. That was set for zoning for the
22 catch basin for the water. Now, you get into the
23 portion where this young lady here pointed out as far
24 as paying attention to the trees that are there. We
25 all know that the trees for a larger amount -- if you

1 cut them down and put all these houses in, what is
2 going to happen is that now you've taken away the
3 absorption. For every part of asphalt that you're
4 going to put here, there is no longer any ground for
5 all of this water to retreat to. It's going to have to
6 run some place else. You're going to get into a flood
7 area. I'm not going to go through everything in
8 detail, but I'll touch on some of the things that
9 bother me.

10 One is that when that water backs up, it
11 overflows in the creek. I have photographs year after
12 year from the time that was put in -- the initial time
13 that the water cascades over the road. They shut the
14 roads down because it's overpopulated in that corner.

15 I was going to buy a parcel from my neighbor at
16 one point. The Town said no because I couldn't build
17 on it because of the wetlands act. The following year
18 after, Colonie decides to put a pocket park up right
19 in front of my house. So, how could go from one to
20 that it's not good for the other. There are so many
21 definitions, but if you really want to get to the meat
22 and potatoes of the whole thing -- which everyone
23 wants a chance to speak. I'd be glad to answer any
24 questions, but the one thing right out of the gate is
25 that I'm totally opposed to this. You can ask any

1 questions that you like and I'll be happy to answer
2 them.

3 CHAIRMAN STUTO: I don't have any questions,
4 but I will ask the applicant to address your
5 questions.

6 MR. RISUTTO: One of them is that with the
7 amount of houses here, like everybody else is talking
8 about, there is no egress. What do you do for
9 emergency egresses? There is no road there. All of
10 this traffic -- somebody had a slip of the tongue. I
11 won't mention the name or who the gentleman was. He
12 says for the first 35 houses that went in there flew
13 under the radar so that they wouldn't have to get
14 involved with the change in the laws to put an egress
15 in. So, they waited their time out and got everything
16 sold, regrouped, got all their ducks and now they want
17 to shove this up my backside. I'm totally opposed to
18 it. Now for every house that is back there after
19 completion, times two cars per house - that's not
20 counting friends or relatives, I have a street there
21 that all that traffic is there. I went from looking
22 like Albany Street with the traffic that's on there -
23 which is now going to be like Central Avenue.

24 We just got done talking about a pocket park.
25 Kids aren't going to be able to go there. The park

1 itself - yes, it's a nice park but the commissioner
2 has neglected to go around from park to park to look
3 at the condition that these parks are in and failed.
4 They had to take down the signs for me to have a
5 leverage to kick out some of the people that are in
6 there from time to time because I like the little
7 sanctuary from time to time. What ends up happening
8 is she says, well, it's a short-sight on my part.
9 I'll have the signs back. That gives me a little
10 leverage as far as the Colonie Police goes.

11 I'm totally opposed to this.

12 CHAIRMAN STUTO: Thank you. I'm going to ask
13 the applicant to address some of those issues; the
14 wetlands and the traffic, ingress and egress.

15 MR. EASTON: We'll first start off with the
16 wetlands. With any time that you disturb the wetland,
17 you need to get a permit from DEC or Army Corp of
18 Engineers. In this case, it will be DEC and the
19 project. Anytime you disturb them, you need a permit
20 and you need to show mitigation. There are a lot of
21 procedural steps that you need to do and reviewed by a
22 higher government agency than the Town. Those are
23 done by the letter of the law for any disturbance of
24 wetlands.

25 In regard to you concern about stormwater

1 run-off and how does it go because you cut down trees,
2 you're absolutely right. Water does not absorb in the
3 ground at the same rate if it's on grass versus if
4 it's on pavement.

5 MR. RISUTTO: Yes it does. You're wrong.

6 MR. EASTON: It doesn't absorb at the same
7 rate. On pavement, it doesn't absorb in the ground
8 versus grass, which absorbs in the ground. There is a
9 DEC regulation for us to follow which is called
10 stormwater regulations, or if there is actually a
11 general permit that's required for construction of
12 this in which we need to mimic mother nature and there
13 are a lot of regulations that require us to amend our
14 stormwater run-off created by all new impervious area;
15 roadways - any hard surfaces that are created on the
16 project. Again, the Town will review that and the TDE
17 will review that and DEC will review that stormwater
18 report to make sure that we follow the letter of the
19 law.

20 Where do you actually live?

21 MR. RISUTTO: Nutwood Avenue.

22 MR. EASTON: So, you're on Nutwood near the
23 park.

24 MR. RISUTTO: Yes; right across the street.

25 MR. EASTON: In regards to this traffic

1 heading out onto Bonner and heading down your road -

2 MR. RISUTTO: They don't even use Cordell.
3 They use Nutwood. It's the easiest route.

4 MR. EASTON: I'm not disagreeing or agreeing
5 with you because I don't have a traffic report that
6 says that. I don't know that. You're saying that and
7 that's fine. Will traffic go in that general
8 direction? Yes. Would there be a traffic impact
9 associated with this? Yes. But I cannot tell you
10 what extent that traffic impact will be caused by this
11 project without doing a report. As of this point, we
12 have not done a report at all because we're at the
13 very first step to get a zone change. I cannot do
14 that application or do a study or do anything about
15 that because this is not zoned for single family.
16 It's zoned for industrial use.

17 If I was proposing some industrial use, we'd be
18 at sketch and we'd be at concept and we'd be having
19 this meeting and a traffic report would then be
20 issued. We're at the very beginning portions of this.
21 I understand your concern. You're concerned about
22 this long length of road and the number of houses.
23 Eventually, I will get to the Town -- I did get to the
24 Planning Board and the TDE a list of similar streets
25 and similar sized projects within the Town of Colonie

1 with a single point of access with this number of
2 lots. We have not gone into detail and designed it or
3 anything else. There are other projects that do exist
4 in the Town that have this same similar situation.
5 There are also similar situations where the roads are
6 narrow. We can get into why roads are narrow and why
7 roads are wide. There are some reasons why some roads
8 were created narrow to begin with. It's actually a
9 traffic-calming measure. The roads are really wide
10 and the people drive faster. When the roads are
11 narrow, people tend to drive slower. There are lots
12 of different things. Anybody going across the twin
13 bridges sees it every single day. As you go across
14 the twin bridges, everybody slows down. There is lots
15 of evidence and proof of that.

16 I'm not saying that your concerns of saying
17 that someone is driving down Nutwood and they're a
18 traffic concern to me. That's currently what has
19 happened. I understand that's what is happening and
20 you are concerned about that issue and you're saying
21 that 50 more houses are going to increase it. It
22 makes logical sense and I would agree with you. I
23 have not done that study. I'm not there at that study
24 yet. I need to get a zone change first before I can
25 even do that. That's where I stop right there at that

1 point.

2 CHAIRMAN STUTO: Do you have anything to add at
3 this point, Joe?

4 MR. GRASSO: No, I think that it's a good
5 comment and that it will be considered.

6 MR. LACIVITA: One of the things that Mr.
7 Risutto also talked about was the flooding of the
8 roadway. Doesn't this go from the opposite way from
9 the proposed roads? Can you just explain that real
10 briefly? I know that this is way out of what we
11 should be here for tonight.

12 MR. EASTON: The proposed roads - the grading
13 of the existing site and the grading of the proposed
14 roads all drain back towards the railroad tracks.
15 From the evidence of human walking on this existing
16 parcel, I'm not saying that anybody else did it, but
17 there are lots of people out there with tree stands
18 and stuff on my client's property. I think that we've
19 all been on it. If I was a kid, I'd certainly walk
20 it. It all drains back toward the railroad tracks.
21 That's where the proposed roadway will be graded. It
22 will be graded back towards the railroad tracks. Any
23 of these new houses or drainage or anything else isn't
24 going to be headed towards Lupe Way or even Morocco.
25 We're actually going to take that water and send it

1 back. That was actually one of the Town's comments
2 that this existing dry basin up here in the existing
3 old cul-de-sac will now be re-routed down to the new
4 extension down in the back.

5 CHAIRMAN STUTO: We will not deny anybody the
6 right to speak, but I want to let people have the
7 opportunity to speak so, we'll go through the list and
8 if there are remaining questions, we can still go back
9 -- or comments to the people who have already spoken.

10 Sharie Grignon.

11 MS. GRIGNON: My name is Sharie Grignon and I
12 live on Fishler which is a street in between Nutwood
13 and Cordell.

14 CHAIRMAN STUTO: Can you show on the map
15 roughly where you live?

16 MS. GRIGNON: It's right here (Indicating).
17 This is Nutwood and I'm the next street over. It's
18 just almost a dead-end street. There are only a
19 couple of blocks.

20 A lot of my concerns are the same concerns that
21 have been expressed by some of the people who have
22 spoken before me. I'm not in the direct line of
23 traffic on Nutwood that would be impacted, but we are
24 certainly still impacted because we are used to
25 walking our dogs in the neighborhood.

1 We do have the pocket park with children. The
2 pocket park is not fenced in. The children tend to
3 walk across the road. The increased traffic - the
4 speed of the traffic, the overflow of water -- when it
5 rains, both Nutwood and Fishler - the water is over
6 the top of the road, which would mean for those people
7 who are up in those new houses, they have one
8 direction to get out, which would be Bonner. So, to
9 me, that's a huge safety concern. The fact that the
10 roads are narrow -- my road on the one side, because
11 of the water, has started to erode away. Even though
12 we're saying that this new development - the grading
13 is going to be away, it's still the impact from what
14 has already happened in the area. It's going to make
15 it more difficult for more people to be able to move
16 out of or down those narrow roads or across those
17 roads when there is flooding. So, those are basically
18 my concerns. Thank you.

19 CHAIRMAN STUTO: Thank you.

20 Robert Loftus.

21 MR. LOFTUS: I live on Nutwood, right next to
22 the pocket park. I've been there for 33 years.
23 Obviously, this is a quality of life issue for the
24 neighborhood. What everyone has said is exactly on
25 target. I'm into development. I don't want to deny a

1 person to develop their land. It can't be done
2 without considering the quality of life of the
3 existing residents.

4 I do have a question for the Board though. I
5 don't want to re-iterate what has already been said.

6 There seems to be a competing plan on Nutwood
7 for Fuccillo VW where I was reading the minutes of the
8 last meeting on loading and unloading cars. They are
9 proposing that they won't unload at Nutwood or Central
10 but at another point and drive their cars to the
11 dealership. That point is Cordell Road. They are
12 using it now to do down Nutwood. So, this creates
13 even more traffic on Nutwood. Fuccillo is driving
14 cars from Cordell Road through Nutwood, not all the
15 time, but sometimes. Through Fizzler and certainly
16 down Cordell. So, all this increased traffic, the
17 safety issue of the park, no sidewalks - I believe
18 that my road is 19.7 feet wide at the point at
19 Nutwood. Obviously, when he does his traffic study,
20 he'll confirm that or not. I think that we have to
21 realize that there is a quality of life issue here for
22 all these neighbors to show up.

23 John is opposed to the whole thing. I don't
24 know if everybody is, but I just want to make sure
25 that our lives are not impacted even more than they

1 are today with all the traffic. I think that the
2 Board would be standing up here if they lived on this
3 road, too. Thank you.

4 CHAIRMAN STUTO: Thank you.

5 MR. LACIVITA: Sir, would you mind taking my
6 card and emailing me that thing about Fuccillo?

7 MR. LOFTUS: Yes, the traffic thing - they will
8 never put stop signs -

9 MR. LACIVITA: I just want to follow up about
10 the unloading component.

11 CHAIRMAN STUTO: Can you answer his question
12 about what he was saying?

13 MR. LACIVITA: I don't remember that one off
14 hand, Peter, and us discussing it. If it is in those
15 minutes, I want to look at it and see.

16 MR. LOFTUS: I'll give it to you at the end.

17 MR. LACIVITA: Thank you.

18 CHAIRMAN STUTO: Marc Alling.

19 MR. ALLING: I tend to agree with all my
20 neighbors - John, with the flooding and the traffic
21 has always been an issue over there.

22 I know that there are three different swamps
23 back there and my main concern was that parallels the
24 power line here and goes from the one wetland to the
25 creek, to another swamp that goes into the Lisha Kill.

1 I don't know if you've actually been back there and
2 assessed. You guys have a plan to drain that water to
3 the proper channels or is it going to be filled in and
4 these lots are going to be put on the top of it?

5 CHAIRMAN STUTO: Can you give your whole
6 statement and then we'll have him answer all the
7 questions? It works out a lot better that way.

8 MR. ALLING: I was trying to understand where
9 that water runs off from the swamp down through and to
10 another swamp and then goes into the Lisha Kill. It
11 appears that these houses and lots are going to be put
12 on top of that.

13 CHAIRMAN STUTO: Okay, we'll get him to answer
14 that. Do you have any other questions or comments?

15 MR. ALLING: No.

16 CHAIRMAN STUTO: Then, we'll ask the applicant
17 to answer that.

18 MR. EASTON: In regards to your question, this
19 large wetland in this general area, as you come off
20 the back of Lupe Way does channel through the existing
21 National Grid and then falls out. The proposed houses
22 - there is not one proposed house on a flagged
23 wetland. Those wetlands were walked with DEC, Carl
24 Parker, to determine the flag limits of what DEC
25 considers wetlands. So, there will be no houses built

1 within wetlands. We do have a small impact to build a
2 roadway in the wetlands. That's the only impact. No
3 houses will be built in the wetlands.

4 CHAIRMAN STUTO: Tom Romano?

5 MR. ROMANO: My name is Tom Romano and I live
6 at 979 Kings Road.

7 I know that it's been mentioned before, but I'm
8 going to mention something to it and it has to do with
9 safety with ingress and egress all going through
10 Bonner Road. There is an additional potential problem
11 in emergencies and that would be in regards to the
12 railroad tracks. God forbid if there were any sort of
13 an accident and people had to be evacuated in mass.
14 It's going to be just one huge traffic jam. It's a
15 safety issue. The trains do come through. I see them
16 all the time. They are solid trains of oil tankers
17 that are coming through.

18 The other issue is people that might purchase
19 these properties here. It's like living near an
20 airport. Some people complain about the noise. These
21 people should be well aware of the fact that there are
22 railroad tracks nearby and that there are two grade
23 crossings. One is at Morris Road and the other is at
24 Cordell. You can hear the trains go by because they
25 have to blow their horns. That was one issue. What is

1 a little confusing is that this map here and also a
2 report by the engineering firm is available online,
3 but there are a few things - and I know that this is
4 early in the process but maybe this would eliminate
5 some confusion later on.

6 In the report it stated that there was this
7 protected stream corridor on this plot and that would
8 be tributary to the Lisha Kill.

9 CHAIRMAN STUTO: I will ask the applicant - do
10 you know where the stream is that he is referring to?

11 MR. EASTON: The Town of Colonie Protective
12 Watercourse - there is not a delineated stream, per
13 se, but in this corridor on the south of the
14 power lines is where that 100-foot corridor on either
15 side of the stream is located.

16 CHAIRMAN STUTO: Thank you.

17 MR. ROMANO: What I was getting at is the
18 report that was submitted - and you people may have
19 that - it said that it was a 50-foot buffer. What it
20 actually is or should be is 100-foot buffer which
21 would be from the center line of the stream 100 feet
22 on either side of that centerline. I think that the
23 confusion here is as it was stated in the report, if
24 the stream corridor is 100 feet or more wider in
25 width, it's 50 feet from the edge of each bank. In

1 this case, we know that it's definitely not 100 feet
2 in width, so the 100 foot buffer from the centerline
3 out 100 feet is what should be applicable.

4 CHAIRMAN STUTO: Can somebody address that?
5 Does anybody know?

6 MR. GRASSO: It's something that we can
7 research, but I can say that based on the wetland
8 corridor that the stream corridor is located within,
9 the wetlands then have a 100 foot buffer on the
10 outside of the wetlands so that stream buffer, whether
11 or not it's 50 feet or 100 feet will basically get
12 gobbled up by that wetland buffer and the wetland
13 complex along that corridor.

14 MR. EASTON: So, you have two things going on
15 here.

16 MR. GRASSO: There are overlapping regulations.

17 MR. EASTON: There could be a typographical
18 error in my reports. I will check it for the next
19 time.

20 MR. ROMANO: Other than that, it's much better
21 to have residential than industrial. I would hope
22 that the lot sizes are compatible with the existing
23 homes that it will be abutting up against. I think
24 that's about it. Thank you.

25 CHAIRMAN STUTO: Thank you.

1 Robert Plunz.

2 MR. PLUNZ: I'm against it. One thing that
3 has been totally overlooked here is the railroad. As
4 you know, Amtrak has already started a second track so
5 there will be two tracks there. They run freight and
6 passengers. What would happen here -- can you just
7 imagine living in an area where now you're going to
8 cut down all the trees to build these houses and the
9 noise level is going to go sky high over there. The
10 trees are a buffer to noise. I know that all of you
11 on the Board would not want to live in a house with a
12 train track that you could hear night and day.

13 MR. LANE: All my life. I already do.

14 MR. PLUNZ: Are you tone-deaf yet?

15 MR. LANE: It becomes background noise.

16 MR. PLUNZ: Please consider that. It is a
17 factor. Thank you.

18 CHAIRMAN STUTO: Do the Board Members want to
19 say anything else before we go back to the public?

20 MS. MILSTEIN: I have one question. If it
21 remains industrial, where does traffic go? Does it go
22 through the exact same streets that residential
23 areas -?

24 MR. GRASSO: It could. Although there is a
25 livelihood that all land is going to be developed in

1 accordance with the laws, if it's left zoned
2 industrial, you would expect that there would be an
3 application at some point regarding a land use that
4 would use Morocco and Lupe Way and Bonner for access.

5 The type of use, we don't know. There is a
6 long list of a lot of land uses in industrial and
7 there are certain rights that the landowner would have
8 to develop in accordance with those land uses. In
9 terms of the access, yes. It would be through the
10 residential neighborhood; yes.

11 CHAIRMAN STUTO: Anything else from the Board?

12 MR. AUSTIN: I think that once again, we are
13 focusing on rezoning this property. I think that
14 looking at that one board was nice but it's really
15 very premature. Those plans - I don't think that we
16 need to see them yet. We're looking at rezoning the
17 property from industrial to residential. The property
18 owner has a right to develop their property. We're
19 here to decide whether it's going to be residential --
20 to recommend to the Town Board whether it's going to
21 be residential or industrial. It's our recommendation
22 and that is it. We're not looking at plans, nothing
23 like that. We appreciate all of your comments, but
24 it's very premature at this point.

25 I think that looking at our TDE's comments, and

1 thinking about what he is saying -- would you rather
2 have tractor trailers going through your neighborhood
3 in an industrial setting or would you rather have 50
4 homes with residential traffic going through your
5 neighborhood?.

6 I understand the egress getting out in case of
7 emergency. That's very understandable and that's
8 definitely a concern. We're looking at different
9 things on our phones and the map apps that we have,
10 trying to decide if there is any possible way. That's
11 later down the line. I really think that we can talk
12 about that and we can look at. That's what we are
13 here tonight for and I think that we need to remember
14 that. I think that our TDE has put it in that simple
15 form of whether or not we want to have industrial or
16 residential. I kind of like the residential idea just
17 because I think that it would be more appropriate for
18 that area and more appealing to the neighbors, in the
19 long run.

20 As far as the stormwater issue, it's always
21 been said in the Town that they're always very good at
22 that. They cannot make it worse. They can keep it as
23 is or make it better. We're very strict on that and
24 we follow up on those kinds of things, too. So,
25 anything you have with respect to the stormwater

1 issues you could maybe keep them the same,
2 unfortunately, or possibly make them better. That's
3 my three cents.

4 CHAIRMAN STUTO: Anything else from the Board
5 at this point?

6 (There was no response.)

7 Okay who among the public wanted to speak
8 again?

9 MS. BURCHHARDT: Basically we are here to
10 rezone.

11 CHAIRMAN STUTO: To make a recommendation to
12 the Town Board.

13 MS. BURCHHARDT: This report from MJ
14 Engineering was already done, basically. Everybody
15 got copies of these that were on the Internet. This
16 is why we are here. This was put on the Internet
17 basically saying up to 72 homes and traffic review
18 will be done at a later date. Basically speaking,
19 talking about all the different things that could
20 happen when it's rezoned. So, basically it almost
21 sounds like it is rezoned already.

22 CHAIRMAN STUTO: Your comments are well taken.
23 They are obviously there for a reason and they have
24 something in mind. They didn't buy the property to
25 rezone it on a whim. They want to make money on it

1 and do a development. I agree with that particular
2 comment.

3 MS. BURCHHARDT: Another comment about the
4 tractor trailers going up Nutwood - give us about 10
5 tractor trailers and the road will crumble. Then, we
6 might get a new road. Let them all come back and
7 forth.

8 CHAIRMAN STUTO: We have a list of industrial
9 permits. Everybody has a sense of it.

10 MR. LANE: Is there an ultimate route for those
11 trucks that they could be taking?

12 MS. BURCHHARDT: They take Cordell Road. We
13 have cut-throughs for ours for building.

14 MR. LANE: Perhaps a request to the Town for a
15 weight limit?

16 MS. BURCHHARDT: We have a weight limit on
17 Fuccillo's side of the road, believe it or not unless
18 it's been changed, but not on Nutwood up to Albany
19 Street up -

20 MR. LANE: That should be looked at and that
21 should be something that the Town Board looks at.

22 MS. BURCHHARDT: It seems like we are five
23 giant steps into Albany County and that's where we lay
24 and it's like everything around us developed but
25 nothing is fixed that needs to be fixed. Fix first

1 and develop later.

2 CHAIRMAN STUTO: Okay, who else wants to make a
3 comment?

4 MR. RISUTTO: I'd like to play devil's advocate
5 with you. There was a gentleman who had a parcel
6 adjacent to my property. It was a catch basin for
7 water during the spring thaw. He, at one point, had
8 it zoned for building a house but his son chose not to
9 and the permit had lapsed. They are trying to breathe
10 more light into it. It failed only because there was
11 a lot of people who were opposed to it.

12 So, the question of the person who held the
13 property said, well what do I do with this land. It's
14 useless to me. The Town Board made a recommendation
15 by saying well, you have a number of choices. You can
16 either leave it as it is, or you can turn it over to
17 the Pine Bush. There are other venues where you can
18 just surrender it and get your money back and then cut
19 your losses. That's where I'm at. There is nothing
20 that you're going to say or do that is going to change
21 my mind because I see it every day and I live it every
22 day. I totally am opposed.

23 MR. AUSTIN: I appreciate your comments.

24 CHAIRMAN STUTO: Yes, sir.

25 MR. KARAS: My name is Michael Karas and I live

1 at 82 Bonner Avenue. I was just wondering - these
2 other neighborhoods that you say already exist - can
3 we get a list of these neighborhoods so that we can
4 drive through there?

5 MR. EASTON: After the zone change application,
6 if it does go through, I will certainly provide the
7 Town with a list -

8 MR. KARAS: I would like that before they
9 change.

10 MR. EASTON: You can simply go on Google and
11 look at all the streets in the Town of Colonie that
12 have -

13 MR. KARAS: Do you know of some? We would like
14 the names of them.

15 MR. EASTON: I'm not here right now to give -

16 MR. KARAS: Wait a minute. You made the
17 statement.

18 CHAIRMAN STUTO: I don't understand your
19 question and you should address the Board.

20 MR. KARAS: The gentleman mentioned that there
21 are already neighborhoods in the Town of Colonie that
22 exist with this many houses with one small egress.

23 CHAIRMAN STUTO: Obviously, he doesn't have an
24 answer now. We'll ask him to try to get you an
25 answer.

1 MR. EASTON: I have not submitted it publicly.
2 That's why the Planning Board has not received it.
3 It's been a formal little quick list that I've given
4 to the Town, but nothing of a formal submission. I
5 don't want to talk about that list that I have
6 generated preliminarily without factually checking
7 everything out. So, if I give you a street name and
8 you looked at it and you came back here at the next
9 Planning Board meeting and you said, Jamie, you said
10 that this street was this -

11 CHAIRMAN STUTO: Okay, we don't have to get
12 into a long explanation. If you can provide it,
13 please provide it.

14 MR. EASTON: We will provide it to the Town.

15 CHAIRMAN STUTO: Do you have any other comments
16 or questions?

17 MR. KARAS: Yes I do. The other thing is - my
18 memory may not be so great here, but I thought that
19 Steve Owen wanted to build houses out there and he was
20 required to put a second egress and he didn't want to
21 do that and that's why he had it rezoned.

22 CHAIRMAN STUTO: Joe, do you know anything
23 about that?

24 MR. GRASSO: No. My understanding is that it's
25 a vacant piece of property.

1 MR. KARAS: When we bought our houses -- I
2 prefer the houses there to industrial. Industrial
3 coming down those roads would never cut it. You
4 couldn't get two tractor trailers down there. People
5 park on the street. Even two small cars - a lot of
6 times you have to wait until somebody else comes
7 around before you can go. I prefer houses. We were
8 told when we bought our house there, that would be
9 residential. When Mr. Owen, at the time, wanted to
10 build houses there, apparently the Town gave him the
11 okay as long as he put a second egress. Now, what
12 we're saying that no egress can go there?

13 CHAIRMAN STUTO: Okay, we have to maintain
14 control here.

15 Anyone else from the public?

16 MR. FIGUROA: I'm Dick Figueroa, 8 Lupe Way.

17 So, this is about discussing rezoning. So, I
18 guess if this gets approved or doesn't get approved -
19 what is the next stop? At what point -

20 CHAIRMAN STUTO: It goes to the Town Board and
21 then they consider our recommendation and then they
22 vote on it.

23 MR. FIGUROA: When do I get to voice my
24 concerns about my issues with all the additional
25 traffic? I don't think that you guys really want that

1 now, right?

2 CHAIRMAN STUTO: If you can do it quick, go a
3 head.

4 MR. FIGUROA: I want to know when is the right
5 time to address that?

6 CHAIRMAN STUTO: If they come back and make an
7 application for -- there may be a traffic ramification
8 whether it's industrial versus residential. If that's
9 the case, it's perfectly appropriate now. If he comes
10 back - if they get their approval, they're going to
11 come back for a subdivision approval probably.

12 MR. FIGUROA: Because I'm all for residential
13 over commercial. I had issues on 8 Lupe Way.

14 My house is directly across the entrance of the
15 new neighborhood. That's 100 plus cars in the
16 morning. That's 100 plus cars in the afternoon and
17 I've got two kids. Then you have the bus stops on
18 each corner where these cars are going to be flying in
19 and out. You've got little kids sitting on the corner
20 waiting for the school bus. My concern is that if we
21 go ahead and we do approve residential, that we also
22 don't get rushed into these plans here and we're stuck
23 with this because we decided to go with residential.

24 CHAIRMAN STUTO: We're not voting on that
25 subdivision or that layout.

1 MR. FIGUROA: I just want to understand if
2 that's the case and when we get to voice our concerns
3 and you guys actually listen to them and we have the
4 voice to change things.

5 CHAIRMAN STUTO: I think that you're partially
6 doing that now. That's my opinion and I think that
7 it's good for us to absorb it in pieces and understand
8 what the neighborhood is thinking. There will be a
9 subsequent meeting where they are going to propose
10 something concrete and at that point we're going to be
11 talking about traffic mitigation measures. It will be
12 more relevant at a future meeting. Probably in front
13 of this Board. I'm not saying don't go to the Town
14 Board and voice your opinion. They have an open forum
15 there, as well.

16 MR. FIGUROA: Because my lifestyle will change
17 because right now I have two little kids and if I live
18 across the street where I have potentially 100 cars
19 coming out, they can't play outside and shoot
20 basketball because of the ball rolls down the driveway
21 and I got people flying around the corner. They can't
22 go run to their friend's house the way they used to
23 because I have 100 plus cars that are flying in and
24 out.

25 CHAIRMAN STUTO: I'm just going to make a

1 comment. I live in a completely isolated
2 neighborhood. I get afraid when my kids go out on the
3 street. It takes just one car.

4 MR. FIGUROA: But that's not what we are used
5 to. I moved four years ago into this neighborhood
6 from Cordell and Overland. That's why we moved. Now
7 I'm back in the same spot. So, I'm forced to sell my
8 house again. Just as long as we have options. If we
9 can move the entrance, we have the cul-de-sac here
10 (Indicating). If you could move that entrance instead
11 of in front of my house, over - as long as we have the
12 ability to discuss that and talk about options, I just
13 want to make sure that's an option.

14 CHAIRMAN STUTO: Yes, it is.

15 MR. AUSTIN: Sir, please understand that your
16 comment -- we're not listening to you guys talk about
17 traffic. It's not true. We're absorbing it and we
18 are listening to it. We are very concerned about
19 that. You need to also understand - everybody needs
20 to understand that this property is most likely going
21 to be developed. So, you need to just think ahead -
22 do you want industrial traffic or do you want
23 residential? I doubt that there will be 100 cars.

24 MR. FIGUROA: I think that we're all for
25 residential. We just want to make sure that they've

1 done the right thing. We just want to make sure that
2 it gets zoned the right way.

3 MR. AUSTIN: Like I said earlier, flipping that
4 board was great to see where the delineation of the
5 lines are and everything like that -- I think that it
6 was a mistake for this meeting. It was a good idea to
7 do it to just get an overview. Now we're talking
8 about stuff that is just so premature. That whole
9 plan can go away. He can come back with a completely
10 different plan and he might. He might come back with
11 a triangle. I don't know. You never know. You don't
12 know until he comes back. You are more than welcome
13 to come back and we will stay as long as you want.

14 CHAIRMAN STUTO: Ma'am?

15 MS. BURNHAM: The road is very small because
16 this was a farm community and the farmhouses are still
17 there and the road is very small because when they put
18 the roads in they made them that way. You go down the
19 street and you get to the new part and the road goes
20 back to being small because that's just how that
21 neighborhood has been. The houses are really close to
22 the road, so it's kind of set in its ways.

23 MR. AUSTIN: That's why we are here. We are
24 here to listen and make sure that you get what you
25 want too. We are listening. We are on your side

1 completely. That's why we have a Planning Board.
2 We're working with the engineer and we're working with
3 the TDE and working with us and you. That's very
4 important for people to understand.

5 CHAIRMAN STUTO: Sir?

6 MR. RUBUSTIANO: Anthony Rubustiano, 22
7 Morocco. I just built two years ago. My question to
8 you real quick: I understand that it is eventually
9 going to be built as residential. I'm in that
10 business. I just want you to understand that the way
11 that you have that planned right now, the other access
12 that you have right there near Morocco is directly in
13 front of my house. To answer a question, when I built
14 the house, I never thought that I was going to have a
15 road -- that road faces right in front of my house,
16 which means every headlight goes through. You said
17 that you lived by the train by the train tracks. It
18 was existing. You didn't buy a house where they are
19 knocking down trees and making it louder. So, I
20 understand you have been there for 20 or 30 years or
21 for however long you've been there, but when you buy a
22 brand new house, nobody has ever told me that they
23 were going to cut all these trees down. When I bought
24 it a year and a half ago it was industrial.

25 I'm good with residential. I'm good with it.

1 I'm in that business. You have to think twice about
2 putting a driveway right smack in front of somebody's
3 house where you see headlights. Maneuver it wherever
4 you want to maneuver it to put houses - or I know that
5 it means taking money out of the homeowner's pocket.
6 Maybe you have to reduce houses and appease everyone.
7 It takes care of the traffic. It allows the builder
8 to build. Maybe it's not 50. Maybe you have to cut
9 it lower to help everyone out. I don't want to feel
10 threatened here but you guys keep saying if you don't
11 do residential, you'll have industrial. Will the Town
12 of Colonie will ever put a stamp on a business on a
13 residential road?

14 CHAIRMAN STUTO: If the application came in,
15 we'd have to.

16 MR. RUBUSTIANO: I understand that. I just
17 moved back to Colonie. I was originally from
18 Rotterdam. That land has been vacant for how many
19 years?

20 CHAIRMAN STUTO: Infinity. I don't think that
21 anything has been built on it.

22 MR. RUBUSTIANO: Going back to the roads, you
23 were saying that in Colonie there are smaller roads.
24 There may be, but they're probably grandfathered.
25 You're starting something brand new. Under the Codes

1 in the Town of Colonie and most other Towns, I don't
2 think that they would say, okay we're going to allow
3 that road to stay this way. You're starting something
4 from scratch. I would imagine that all the
5 regulations would have to be 2016 and not 1955.

6 That's all I got to say. I'm good with the
7 residential, but not that way.

8 MR. EASTON: The roads in the proposed
9 subdivision will follow the Town of Colonie road
10 standards. That is going to happen.

11 In regards to the existing road and the
12 existing road infrastructure, in regards to drainage
13 problems, I think that the Board hit on that note
14 earlier and the report that we'll eventually have to
15 do.

16 MR. RUBUSTIANO: I just want an access in and
17 access out and not burn somebody's house. If the shoe
18 was on the other foot, would you live there? In other
19 words, if the roads come and every headlight is coming
20 in front of your house, I don't think that anyone in
21 this room would like that. All the lights come in.
22 There are ways of maneuvering it, but maneuver it a
23 different way where it doesn't affect any neighbors.
24 I didn't say anything about building. I'm saying just
25 take into consideration the people who just built

1 there, now all the sudden you have headlights coming
2 in front of the house. I don't think that anyone here
3 would approve that.

4 CHAIRMAN STUTO: Okay, the lady in the red
5 vest.

6 MS. COOK: Hi, my name is Kathy Cook and I live
7 at 14 Morocco Lane. We have been there since 2000 and
8 I kind of feel like we've been there and done this.

9 When we moved in, they were going to rezone it
10 or it was zoned residential, or they zoned it
11 residential. Steve wanted to put in houses and the
12 residents of the neighborhood and everybody was like,
13 we don't want anything. We don't want it and they
14 zoned it industrial. Then, Steve came in and wanted
15 to put a trailer washing storage facility. It was all
16 over the paper and everybody was like oh my God. Now
17 you're going to have like you said, big trucks and
18 everything else.

19 I just wanted to say that I'm really in favor
20 of it going residential. I agree with all the traffic
21 but given a choice between tractor trailers, large
22 commercial vehicles, bright lights if it's one of
23 these storage facilities and 50 homes or 40 homes or
24 whatever, I would gladly take the homes.

25 I agree that we can figure out the other access

1 when the design comes but in the meantime right now,
2 it has to go residential because industrial would be a
3 nightmare.

4 CHAIRMAN STUTO: Thank you.

5 MS. GEMMETTE: Elizabeth Gemmette, I live at 20
6 Morocco Lane.

7 What concerns me is that they have two coming
8 and going now. They're going to go this way and that
9 way (Indicating). If they come on Morocco Lane, they
10 still have to go all the way to back where they came
11 from. There is absolutely no use to it. They end up
12 still going to Bonner Road or they come this way up
13 (Indicating) where they came out that way. It seems
14 to me that we really save the people who buy houses
15 here -- oh, you have two ways in and out, but it
16 solves no purpose at all. Coming down that street
17 does absolutely nothing for the property except to say
18 go this way. They're all going to meet at the top
19 again.

20 CHAIRMAN STUTO: Thank you, ma'am. We don't
21 have a specific proposal really in front of us.

22 MS. GEMMETTE: I know you don't. On the other
23 hand, if I were the developer, I'd like to know if
24 I've got this proposed plan, that after I get the
25 permission there might be a whole neighborhood coming

1 and complaining. I think that they have a right to
2 know now that it's not looking good as it stands at
3 the moment.

4 CHAIRMAN STUTO: Okay, anybody else?

5 MR. LOFTUS: I think that part of your
6 presentation was a donation to the Pine Bush. Can you
7 explain why you would do that?

8 MR. EASTON: There are three options in a
9 conservation district. Actually, there are two
10 options. One is to put all the land -- you can either
11 deed restrict it in someone's property -

12 CHAIRMAN STUTO: There is going to be conserved
13 land.

14 MR. EASTON: There is going to be conserved
15 land. That conserved land can either be done by deed
16 restriction within someone's property, form an HOA to
17 maintain the open land or option three is that since
18 we're in the Pine Bush area, donate the land to the
19 Pine Bush. So, it didn't really matter to the
20 developer in this case whether it was deed restricted
21 in someone's property, it was in an HOA or given to
22 the Pine Bush. The Pine Bush agreed with that and
23 they would love to have the land and they thought that
24 it was the best use.

25 MR. LOFTUS: That means for the development of

1 the Pine Bush, they will put hiking trails in and they
2 will bring more cars. I think that it does matter to
3 the developer. Was it a tax deduction?

4 MR. EASTON: No.

5 MR. LOFTUS: But it does mean that the Pine
6 Bush would be allowed to develop this as trails,
7 right?

8 MR. EASTON: You would have the right, as any
9 legal citizen in New York to go walk the Pine Bush
10 land. So, yourself and any other neighbor could walk
11 down there and walk the land. That's versus what is
12 now private property. We think that it's a good thing
13 - that more people can use more of the Pine Bush.

14 MR. LOFTUS: Thank you.

15 CHAIRMAN STUTO: Board Members; Susan do you
16 have any comments or questions?

17 MS. MILSTEIN: Not at this point.

18 CHAIRMAN STUTO: Tim?

19 MR. LANE: I have kind of a basic question.
20 Why are we looking for a rezone on 17.34 acre lot when
21 it's not going to be developed. No part of what is
22 actually going to be a future development. Why does
23 that need to be changed?

24 MR. EASTON: It doesn't. It's the same exact
25 thing as this line over here that the Planning

1 Department thought to shift over. It's in the middle
2 of wetlands. It doesn't matter if it's industrial or
3 not.

4 MR. LANE: That doesn't really answer my
5 question. Why are you doing it?

6 MR. EASTON: Why are we changing this from
7 industrial to single family?

8 MR. LANE: Yes.

9 MR. EASTON: At the recommendation of the
10 Planning Department. They requested -

11 MR. LANE: Then I'll ask Joe and Joe. Why are
12 we looking to do that?

13 MR. GRASSO: I think that the reason is to try
14 to encapsulate it into any subdivision application
15 that comes before the Town so that the Town can look -

16 MR. LANE: But it's not developable, really.

17 MR. GRASSO: It's severely constrained, like I
18 said - so that a future application can encapsulate -

19 MR. LANE: Well, it's their property so it's a
20 future application from them.

21 MR. GRASSO: That's right. Such that for a
22 future application -

23 MR. LANE: Why are they doing it now? It has
24 nothing to do with anything that's being put on that
25 area.

1 MR. GRASSO: I think that the intent is that so
2 any future application from the applicant for a single
3 family residentially zoned properties can be looked at
4 in its entirety and dealt with in its entirety and
5 that the remaining industrial land can be set aside
6 and subject to a future industrial site plan
7 application.

8 MR. LANE: What difference does it make whether
9 we do it now or later? I was on the Board when we
10 came to this in 2012 and I thought that we put a lot
11 of consideration into this. It was several months of
12 deliberation to come to a decision on these zoning
13 changes. There was several months and a lot of public
14 input. I'm not following why we are looking to do
15 something that's completely unnecessary at this time.

16 MR. LACIVITA: Jamie, can I just ask a question
17 before Tim cuts it off on this? I'm looking at this
18 map right here that we gave you a copy of. These are
19 currently all conservation lands that are abutted by
20 the Pine Bush.

21 MR. EASTON: That is correct.

22 MR. LACIVITA: So, the lands that this
23 gentleman is purchasing is all in the red. At this
24 point in time I think that the logical nexus was
25 contiguous to the conservation overlay and to the Pine

1 Bush to rezone it now as single family, less intense
2 use, but it's going to be donated back to the Pine
3 Bush so that it will always be contiguous. That was
4 behind our logic to doing it all now because they are
5 purchasing the entire parcel, correct?

6 MR. EASTON: Yes.

7 MR. LANE: But it's actually three separate
8 parcels. You're referring to it as a parcel, but it's
9 actually three separate parcels; is it not?

10 MR. EASTON: No. It is officially one parcel.
11 It is one taxable parcel, currently. There was an
12 illegal subdivision done at some point. There were
13 two parcels on Cordell Road. If you go to the Town's
14 GIS website you click on them and they get separate
15 tax bills or whatever. The deed and title do not read
16 that way. It's actually one contiguous parcel.

17 MR. LANE: Was that what the letters were -

18 MR. EASTON: That is correct.

19 MR. LANE: That was a little hard to -

20 MR. EASTON: Follow along? I know. It took us
21 nine months and Joe was patient with us while we were
22 working it out with the attorneys but it's actually
23 one parcel.

24 Getting back to why we should change this and
25 not keep this industrial instead of single family. I

1 think that Joe mentioned that it is severely
2 constrained.

3 MR. LANE: So basically, it can't be developed.
4 I asked at the last meeting that we did -- there is
5 nothing even in mind for this. Really, nothing can be
6 done with it.

7 MR. EASTON: Realistically, there is nothing
8 that can be done with it. Can you maybe get a house
9 across it? Yeah but for one house to get on it, it
10 doesn't make any sense. I would have to put a
11 cul-de-sac road in here and go underneath National
12 Grid. It would be a nightmare. It's easier to keep
13 it as one solid piece of -- even though it's one
14 contiguous piece, in the real scheme of things, it
15 looks like one separate parcel that is solidly
16 contained and that would be then dedicated to the Pine
17 Bush.

18 MR. LANE: So, it's all one parcel and we are
19 able to keep that one section industrial, why are we
20 not able to keep this one as well?

21 MR. GRASSO: We can. If that is your intent to
22 recommend that this section be excluded and leave the
23 zoning industrial, then that can be part of the
24 recommendation to the Town Board.

25 MR. LANE: And if there is a necessity for

1 change, it can be done at that time.

2 MR. GRASSO: That's right. It is adjacent to
3 the CSX property. It could come up with an
4 application in the future and it would be zoned
5 industrial and considered that way.

6 MR. LACIVITA: I just think that it's prudent
7 planning and that we move it all together now.

8 MR. EASTON: I think that once I show the
9 constrained lands, because we're in the conservation
10 district, there are unconstrained lands within the 17
11 acres that once I take that credit and show it, it
12 doesn't matter what you zone it. You can zone it NCOR
13 or conservation lands. At the end of the day, it's a
14 17-acre block of land that will be deed restricted no
15 matter what, and give it to the Pine Bush. So, it
16 doesn't matter what you want to zone this, you can
17 keep it industrial -

18 MR. LANE: I had said that I was on the -

19 MR. EASTON: I know you said that you were
20 involved in the beginning. It doesn't matter. I am
21 taking credit for the unconstrained land and that 17
22 acres as part of my conservation area.

23 MR. LANE: It wouldn't change the conservation
24 area.

25 MR. EASTON: This parcel of land would never

1 come back in for an industrial application. Because
2 I'm rezoning this - I guess in my sense, because I'm
3 allowed 72 lots, can I keep it industrial? Yes,
4 because the mathwise on the constrained lands and
5 things like that, this would be industrial and that
6 number would go down mathematically. Because I'm so
7 under the 72 allowed lots, it doesn't matter. I think
8 that in general, keeping it all single family and
9 rezoning it as one piece of land, because it is one
10 contiguous parcel, even though it looks like two
11 separate pieces, it's just a cleaner process.

12 MR. LANE: I understand cleaner, but this kind
13 of thing isn't always clean in any case. I'll be
14 honest. I'm not comfortable and I'm not in favor of a
15 recommendation to rezone as the request is put forward
16 to include something that as far as I can see right
17 now is not a necessity. Especially, considering the
18 deliberation that we put into it last time.

19 MR. EASTON: I have no objection if the
20 Planning Board wants to move lines. Obviously, I've
21 seen -- moving one line already.

22 CHAIRMAN STUTO: Brian?

23 MR. AUSTIN: I've said enough.

24 CHAIRMAN STUTO: Lou?

25 MR. MION: Nothing.

1 CHAIRMAN STUTO: I'll try to sum up and see
2 where this is headed.

3 I don't necessarily agree with Tim. I think
4 that it probably doesn't make any difference, but a
5 residential on that extra piece is less intense. I
6 would be inclined to make it residential as well. It
7 probably will fall into place to get turned over to
8 the Pine Bush, anyway. That's where I fall out on
9 that particular issue, but we need four votes for
10 whatever we end up doing. I was initially inclined,
11 personally, that maybe the neighbors need to absorb
12 this more before we make a recommendation. I think
13 that the neighbors understand what this is. It's a
14 recommendation to the Town Board to either leave it
15 industrial or to convert it to residential. If the
16 Board wants to, I'll be happy to entertain a vote. I
17 don't know how everybody else feels. Then, we can
18 deal with the other issues as they come.

19 How does everybody else feel?

20 MR. MION: I'd like to vote.

21 MS. MILSTEIN: I personally would want more
22 information. That's the way my vote is going. I
23 don't feel comfortable voting at this point.

24 CHAIRMAN STUTO: So, we can either take the
25 vote or table it until Susan gets her information and

1 then take it up at the next meeting.

2 Do you want to take a vote?

3 MR. LANE: It's up to the rest of the Board.

4 I'll make a motion to table.

5 MR. MION: I'll second that.

6 MR. LACIVITA: Can I be specific as to what
7 information you're looking for in order to bring it
8 back for a formative vote the next time?

9 MS. MILSTEIN: I think that I just had to feel
10 more comfortable and thing about it.

11 MR. LACIVITA: There is no specific information
12 that you require at this point in time from a rezoning
13 standpoint?

14 MS. MILSTEIN: Not that I can think of right at
15 this moment.

16 MR. LACIVITA: Tim, for your comfort, do you
17 want me to dive a little bit more into 190.30 which
18 talks about the conservation and why the Planning
19 Department made recommendations?

20 MR. LANE: Yes, that would be helpful and at
21 the same time -- it's really not a necessity, but it's
22 something that we can do but at the same time, I'm not
23 seeing the purpose, especially after the exercise that
24 we went through four years ago on this to rezone an
25 entire section of the Town based on the input from

1 people in this neighborhood and go back and change it
2 once again. This zoning on this lot - this will be
3 the fourth time.

4 MR. LACIVITA: The people that owned this
5 parcel pushed for the industrial and now they've sold
6 it and they're not going to develop it and we have a
7 plan before us which is going to be residential.

8 MS. MILSTEIN: One thing that I'd like to know
9 is more of the history. I'd like to get a better
10 sense from the neighbors which way they would prefer.
11 Would they prefer it residential?

12 MS. BURNHAM: We would like residential, but we
13 would like to be informed on what is being done. We
14 don't want to have 71 or 140 cars coming down Bonner
15 and Nutwood. We would like the Board and the Planning
16 Department to keep us advised and let us know ahead on
17 the agendas, especially what is going on.

18 MR. LACIVITA: What I'm trying to figure out
19 are most of the neighbors are for residential or
20 industrial?

21 MR. EASTON: Do you mind if you're in favor of
22 residential or industrial?

23 CHAIRMAN STUTO: You're not running the floor,
24 so please stop.

25 MS. BURNHAM: Mr. Chairman, I think that most

1 of us would like residential. What we want though -
2 we did get all of this information. We want to know
3 if there is going to be a road study. We want to know
4 the infrastructure. We want to know -

5 CHAIRMAN STUTO: You will be getting that.

6 MS. BURNHAM: Basically, when the first 35 or
7 40 homes went in, even though maybe I'm ignorant
8 because I didn't know, but I was not aware of
9 everything going on around me. This is what happens.
10 So, I would like to be abreast of whatever is going
11 on. I will make sure that I am here.

12 CHAIRMAN STUTO: We have a motion to table. Do
13 we want to pursue that or consider a Resolution before
14 us?

15 MR. MION: Based on what I'm hearing, I think
16 that it would be better if we tabled it until there is
17 more clarification.

18 CHAIRMAN STUTO: So, on the motion to table - I
19 think that it was made and seconded. Let's take a
20 vote.

21 All those in favor of tabling say aye.

22 (Ayes were recited.)

23 All those opposed say nay.

24 (There were none opposed.)

25 The ayes have it, unanimously. Thank you for

1 your comments. We'll take a vote at a subsequent
2 meeting soon.

3

4 (Whereas the above proceeding was concluded at
5 8:44 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 STRANG

Dated _____

