

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

VENTURA CONSERVATION SUBDIVISION

560 BOGHT ROAD

APPLICATION FOR CONCEPT ACCEPTANCE

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY L. STRANG, a Shorthand Reporter,
8 commencing on February 9, 2016 at 7:25 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

9

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 BRIAN AUSTIN
13 TIMOTHY LANE
14 LOU MION
15 CRAIG SHAMLIAN

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq. Counsel to the Planning Board

18 Michael Tengeler, Planning and Economic Development

19 Joseph LaCivita, Director, Planning and Economic
20 Development

21 Brian Sipperly, PE, Sipperly and Associates

22 Peter Lilholt, PE, CHA

23 Joseph Ventura

24 Kathy Coleman

25 Joe Yanni

1 CHAIRMAN STUTO: Next item on the agenda is
2 Ventura Conservation Subdivision, 560 Boght Road.
3 This is an application for concept acceptance.

4 I know that we've seen this and voted on this.
5 This has had concept in the past. The agenda says 30
6 (29) Lot Conservation Residential Subdivision.

7 Joe LaCivita, can you give us some introductory
8 comment on this?

9 MR. LACIVITA: Sure, Peter. I know typically
10 you don't see something like this on an agenda where
11 you see 39 and then 29 in parenthesis next to it. I
12 think that one of the things about this project is
13 that we've seen it since 2011 all the way to current.
14 We've had concept and it's lapsed. We've had concept
15 again and it's lapsed again. One of the unanswered
16 comments that we had from the last time was the three
17 parcels on Renas Drive versus two. That was the
18 desire by the Planning Board. That's why you see 30
19 versus 29. I think that the Planning Board made a
20 recommendation to come back to the Planning Board with
21 two lots on Renas. I think that the applicant has
22 been through several discussions along with the
23 engineer and tonight we're here to talk about a new
24 concept that shows the two lots as you see before us -

25 CHAIRMAN STUTO: Is that issue resolved? I'll

1 ask the applicant.

2 MR. SIPPERLY: Can I get into the presentation
3 after Joe does the introduction?

4 CHAIRMAN STUTO: Well, yes, but I need to know
5 whether we need to focus on the two or three or
6 whether that's resolved. That's what I'm asking.

7 MR. SIPPERLY: I believe that it's resolved.
8 We can talk about what you guys are voting upon
9 tonight.

10 CHAIRMAN STUTO: Okay. Are you finished, Joe?

11 MR. LACIVITA: Sure. We can jump right in so
12 that we can move on with the presentation and the
13 agenda.

14 MR. SIPPERLY: Thank you Joe, Chairman and
15 Members of the Board. My name is Brian Sipperly with
16 Sipperly and Associates. Here with me tonight is the
17 owner of the property and the applicant, Joe Ventura.

18 Just to give the Board and the public a quick
19 overview and we have been here before, so many of you
20 have seen this design and I think that the only thing
21 that is floating tonight or we hope to land on is the
22 density on Renas Drive.

23 The address is 560 Boght Road. Moving along
24 Boght Road in the westerly direction you'd have Route
25 9 up here on this side to orient. To the south of

1 this property is Canterbury Crossings which is a large
2 PDD that's under construction today. To the east we
3 have the new Cornerstone subdivision as well under
4 construction. The 25.55 acre site is principally
5 undeveloped with the owners occupying the homestead
6 lot here on the property. Size and configuration wise
7 it's a pretty narrow parcel about 370 feet wide by
8 about 3,100 feet long. It is located in a single
9 family residential zone with a conservation overlay.
10 I will point out that this subdivision does comply
11 fully to the conservation guidelines outlined in the
12 Town Code.

13 From a topography perspective we have a gentle
14 sloping site -

15 CHAIRMAN STUTO: Can you get a summary of how
16 that analysis goes - the conservation subdivision?

17 MR. SIPPERLY: So, I can quote basically what
18 Peter said. You take the constrained lands and you
19 set them aside, you then take 40% of what is left and
20 you set that aside, you total the two up and that's
21 the total that you have.

22 CHAIRMAN STUTO: And you're allowed to do
23 smaller lots because you're setting aside more space
24 that will be preserved and untouched.

25 MR. SIPPERLY: That's correct and to touch upon

1 that, we have 85 foot lot frontages, 5/15 on the sides
2 with a 30 foot setback in the front yard. The average
3 lot size is 15,000 square feet.

4 Again, the topography is gently sloping. We
5 have a high point right in the middle of the site.
6 Soils are kind of clay/rock. Today it's kind of a
7 mowed meadow with some secondary growth and some lawn
8 area around the homestead.

9 Getting back to the constrained lands, we do
10 have a little under 2.5 acres of wetlands and of that
11 about 1.25 are under the jurisdiction of New York
12 State DEC.

13 We only have one easement running through the
14 property along the northern boundary here. It's a
15 sanitary sewer easement.

16 In terms of the utilities, we have utilities
17 available along Boght Road. We have utilities on
18 Renas Drive and we plan to hook onto the utilities in
19 the Cornerstone subdivision as well.

20 In terms of special conditions, this parcel is
21 located in the Boght Road GEIS and is subject to
22 mitigation fees.

23 Lastly, the lot is partially within the Latham
24 Water District. So, what we have here tonight - this
25 plan is the concept plan of record, although we are

1 here tonight to talk about this little area up here on
2 Renas Drive being three versus two lots. I believe
3 that you all have a packet in your plans.

4 CHAIRMAN STUTO: Well, if it's resolved, it
5 shouldn't be a long discussion, correct?

6 MR. SIPPERLY: I agree with that. How far do
7 you want to go, Peter? I can talk a little bit more
8 about where we are, or do you just want to land on the
9 two versus three -

10 CHAIRMAN STUTO: I think that we'll know the
11 direction that the meeting is going to go if we can
12 talk about two versus three. If it's resolved, it's a
13 non-issue. Since you're not going directly onto it,
14 we'll point out that the Town Designated Engineer
15 letter dated November 5, 2015 - that would be CHA - .2
16 on the second page, the proposed lots fronting on
17 Renas Drive are significantly smaller than the
18 existing parcels. As such, the Planning Board
19 recommended reduction in the number of lots along
20 Renas from three to two. The number of proposed lots
21 along Renas has been discussed at length at numerous
22 meetings and the Planning Board has been consistent
23 and very clear that the number of lots should be
24 reduced to two. The proposed lot sizes in building
25 setbacks, based upon three lots along Renas are

1 significantly smaller than the existing adjoining
2 residential parcels along Renas Drive. In order to be
3 more consistent with the existing character of Renas
4 Drive, we continue to recommend that the number of
5 lots be reduced from three to two.

6 MR. SIPPERLY: Fair enough. I think that we
7 are very well aware of the Board's position over
8 numerous recollection and of stenographic notes, as
9 well as the recommendations from the TDE. So, we are
10 well aware of that.

11 At this point, we are here to ask the Board to
12 vote on a 29 lot subdivision with that being two lots
13 on Renas. If I may, the applicant would like to
14 address the Board for five minutes to talk about what
15 they believe is the benefit of three lots. Again, I
16 think that we're trying to coalesce and ask the Board
17 for a vote.

18 CHAIRMAN STUTO: If you're going to address
19 that, then it's going to open up the neighbors to
20 address that issue. That's fine. It's your
21 prerogative.

22 MR. SIPPERLY: I believe the applicant does
23 want to provide the Board their feedback.

24 CHAIRMAN STUTO: I'll just tell the members of
25 the audience if you want to make comment, please sign

1 up on the sign-up sheet.

2 MR. SIPPERLY: This is Joe Ventura.

3 MR. VENTURA: Mr. Chairman, Mr. LaCivita,
4 ladies and gentlemen of the Board and my neighbors,
5 thank you all for being here tonight.

6 I will make it short.

7 In the eight years that I have been attempting
8 to approve my property for subdivision, I have not
9 take the microphone. I have allowed the Board and my
10 engineer to have discussions in reference to moving
11 this project forward.

12 In your packet you have three different
13 drawings. I'd like you to take those out at this
14 time. The first drawing is at the bottom right hand
15 side labeled Renas Drive configuration. This is the
16 configuration that has now been approved twice by this
17 Board.

18 CHAIRMAN STUTO: With conditions. If you want
19 to battle over it, we can. It's with conditions.
20 It's the same concept approval and we prefer two lots.

21 MR. VENTURA: Not here to battle, sir. I'm
22 here to talk about the merits of three lots.

23 CHAIRMAN STUTO: We haven't approved three
24 lots, so I don't want that misconception to be out
25 there.

1 MR. VENTURA: What would you describe the first
2 drawing to be, sir?

3 CHAIRMAN STUTO: I'm not here to answer
4 questions. You're here to make a presentation so, go
5 ahead.

6 MR. VENTURA: Okay. I gave it a label and I
7 thought that it was correct.

8 The second drawing is Ventura subdivision Renas
9 Drive two-lot plan. This is one of the most recent
10 submissions from my engineer.

11 The third picture was derived from a meeting
12 that I had with Mr. LaCivita recently. My question to
13 him was: If we were to make three lots work, what
14 would be necessary? He suggested that I make the lots
15 bigger, which we have done in this drawing.

16 There are four benefits or merits to having
17 three lots for a total of 30 lots in the Ventura
18 subdivision as opposed to 29.

19 The first objection was density. Density by
20 definition from the Town is that each lot may have a
21 building that takes up 30% of the lot. No matter how
22 large or small the lots are, the building can take up
23 to 30% of the lot.

24 Recently, as we have heard from the Board, the
25 goal is to protect the integrity of the street, to

1 make the new homes that are being built on Renas
2 similar in size to the homes that are already there.
3 If the lots are in fact larger which they would be if
4 there are two lots instead of three, the homes in fact
5 would be larger. Any purchaser of that property would
6 justify the lot size with the house. This is common
7 place for any builder -- subsequently, taking up 30%
8 of the size of the lot. So, whether there are three
9 lots or there are two lots, 30% of the lot will be
10 take up by a home. If the folks on Renas and in the
11 neighborhood want to preserve the integrity of the
12 street, they would want smaller homes. Smaller homes
13 can only be achieved by having three lots instead of
14 two. Subsequently, the objection of density would be
15 a moot point. It's going to be 30% of the size of the
16 lot. However, if it's three lots, they will be small
17 homes, matching what is already on the majority of
18 Renas. If it's two lots, they will be large homes
19 which will not be indicative of the integrity of
20 Renas. I don't have to let everybody here know that if
21 there are three lots, there is more revenue for the
22 Town of Colonie, not only on a school level but on a
23 municipal level as well. I would have to assume that
24 every person on the Board is in favor of a higher
25 amount of taxes coming from this subdivision.

1 Last, and I will close with this: a little bird
2 told me that if I wanted 30 lots instead of 29, I
3 might come across as greedy. My wife and I have had a
4 conversation and we are willing to take the net
5 proceeds of that 30th lot to give to the Town for them
6 to put into a non-profit organization of their
7 choosing. I would strongly suggest that they take
8 those proceeds from the 30th lot and put them into a
9 scholarship fund that would benefit the folks of the
10 Boght Hills area.

11 If this Board decides to have 30 lots instead
12 of 29 lots, they would receive the merits that I just
13 mentioned. If they decide to go with 29 lots instead
14 of 30, they would lose those merits.

15 Thank you for your time.

16 CHAIRMAN STUTO: Thank you.

17 MR. LACIVITA: Peter, I just want to qualify
18 some of the conversations that we had with Mr. Ventura
19 and not to mislead the Board in any way, shape or form
20 and I think that the offer that I would consider more
21 of a quid pro quo which is outside the bounds of what
22 this municipality can do - give me this and I'll give
23 you that. I would definitely want to have that taken
24 off the table.

25 Moving forward, my conversation with Mr.

1 Ventura was specific not to density but it was more to
2 the characteristic of the neighborhood as to the size
3 of the lots and you will notice what you see on every
4 one of the parcels along side of it, that the lots are
5 deeper and that they are wider. Three does not make
6 the characteristic of the home. My suggestion to him
7 was to appease the fact that three was wanted but the
8 desire of that area is two.

9 As you look at the two, I would want to qualify
10 that even further and look at those two lots that are
11 on Renas and drive those a little deeper to make them
12 more characteristic with the neighborhood.

13 CHAIRMAN STUTO: Pete Lilholt, our Town
14 Designated Engineer - can you speak on that, as well?

15 MR. LILHOLT: Yes. First off, the concept
16 acceptance has expired on the project so, we are here
17 for a new concept issuance. So, there is no standing
18 with the project.

19 Secondly, with regard to three lots being
20 proposed - that has been shown consistently on plans
21 we reviewed and time and time again our comment has
22 been that the Board has been very clear that two lots
23 are to be on Renas. So, despite the fact that it
24 continues to be shown on the engineering drawings,
25 that's not been approved as a concept by the Board.

1 CHAIRMAN STUTO: Okay, so you're recommending
2 two lots. On this two lot drawing, how would you
3 recommend that we modify that? Joe spoke to that as
4 well.

5 MR. LILHOLT: I talked to Aaron from Sipperly
6 this afternoon. Just a point of clarification, on
7 these sketches that were provided, for each of the
8 options where we have three lots shown on Renas, there
9 is one strip of land that is to be conveyed to 14
10 Renas and the notation appears on the two-lot option
11 but the line work appears to be missing. I think
12 that's just an oversight. So, we would continue to
13 recommend that strip of land to be conveyed to 14
14 Renas be included.

15 Along the lines of what Joe LaCivita suggested,
16 to be more in-line in terms of the depth of the
17 existing lots on Renas - as you see the drawing,
18 Ventura is parallel with Renas so we kind of split the
19 difference so that the depth of the lot is equal to
20 that of Ventura, basically increasing the lot size for
21 the proposed lots on Renas and reducing the size of
22 the lots on Ventura. They would be more in-line with
23 the existing lot sizes on Renas Drive is still
24 probably less but it would balance those lots out more
25 evenly.

1 MR. SIPPERLY: Pete, if I may, are you
2 suggesting maybe that we take the right of way of
3 Renas and the right of way of Ventura and split the
4 difference and draw the line?

5 MR. LILHOLT: Yes.

6 MR. SIPPERLY: I think that's doable.

7 MR. LILHOLT: On the southern rear lot line for
8 the proposed 10 Renas is pretty close. It scales
9 roughly about 260 feet between the two right of ways.
10 It looks like you have close to 130 feet or so. On
11 the northern boundary, it looks like you're favoring
12 the deeper lot for the Ventura lot, number three, as
13 opposed to the other.

14 MR. SIPPERLY: We would have no objections to
15 taking the right of way and dividing them in half and
16 putting the rear lot line of the two lots on Renas
17 where you have proposed it.

18 MR. LILHOLT: One other thing - when you're
19 talking about the character of the lots on Renas,
20 roughly scaling the footprints of the homes -- by the
21 way, this was a good piece of information - this
22 analysis that was provided by Sipperly. But if you
23 look at the scale distance between to build the homes
24 on 16 Renas and 14 Renas, it scales about 87 feet. If
25 you were to scale the distance between the existing

1 home at 4 Renas and 2 Renas, it's about 78 feet.
2 Whereas the proposal for three lots on Renas would
3 have a building separation of 25 feet, that's not
4 consistent with the building separation that you're
5 seeing now on Renas. Even the two lots would be much
6 closer than what you're seeing with the spacing from
7 the existing homes now. It would be closer to the
8 character.

9 CHAIRMAN STUTO: I'm not persuaded by the
10 applicant trying to get three lots in there. I'll
11 make these comments.

12 The conservation subdivision is also, in my
13 mind, a cluster subdivision where you are allowed to
14 set aside greenspace and then you're allowed smaller
15 lots. You save money on the infrastructure and so
16 forth. That's appropriate on Ventura Drive because
17 all of the houses will be consistently the same with
18 respect to that. They'll have smaller lots that are
19 normally the standard lot in the Town which is 18,000
20 square feet. But then to try to do that on a
21 different street because they now have land adjacent
22 to it is inconsistent. The lot size is just going on
23 the drawing are .78 acres - this is on Renas - going
24 from the left on the drawing than we have and that's
25 20 Renas; 16 is .65; 14 is .44. Skipping over the

1 Ventura land, 4 Renas is .39 and 2 Renas is .49. So,
2 you're talking half acre lots and more. Some of them
3 are three-quarters of an acre. Then to jump down to
4 less than one-fifth of an acre, it's inconsistent to
5 have big lot, big lot and then a cluster of three
6 houses on substandard size lots. I'm completely
7 opposed to that and supportive of what the Town
8 Designated Engineer is saying and what the Planning
9 Board has said in the past. That's my two cents on
10 this. They are suggesting that they make them
11 smaller. You can see where the end lines are. So,
12 they want to pull that back.

13 MR. SIPPERLY: Mr. Lane, what we were talking
14 about earlier was taking the right of way of Ventura
15 Boulevard, the center of the right of way of Renas and
16 dividing those into and drawing the line there. I
17 think that the TDE and ourselves are in agreement that
18 is going to work.

19 CHAIRMAN STUTO: I don't know. I'm going to
20 have to see that again because you have substandard
21 sized lots on Ventura but you have normal sized lots -
22 standard sized lots, if you will, on Renas. So, I
23 would make the Renas ones even deeper than the ones on
24 the other side. If that gets redrawn as two lots,
25 I'll be happy to look at it.

1 Is the applicant agreeable to two lots, or we
2 going to have to vote on this at some point? I don't
3 know how the rest of the Board Members feel. I don't
4 want to speak for them.

5 MR. LANE: Yes.

6 MR. SIPPERLY: For the record, we understand
7 that we are here to vote on a 29-lot subdivision and I
8 appreciate the Board's ability to allow the applicant
9 to come up here and at least describe the Board his
10 feelings. So, thank you for providing him his five
11 minutes. Thank you for providing the feedback on his
12 viewpoint on that, but we certainly understand the
13 position of the Board. We are here to ask you guys to
14 vote on the 29-lot subdivision.

15 CHAIRMAN STUTO: So, that's two lots on Renas.

16 MR. SIPPERLY: That's correct.

17 CHAIRMAN STUTO: Do you have more to do on your
18 presentation. We do have other questions.

19 MR. SIPPERLY: Because we have been here
20 before, I was generally going to highlight the fact
21 that from the beginning of time we went from a
22 modified conservation subdivision to a full-blown
23 conforming conservation subdivision to the addition
24 and the licensing of the Vliet Street for the
25 connection. We shortened the cul-de-sac length to the

1 best of our ability. We had discussions about the
2 requirement of sprinklers of homes past the 750 mark.
3 We had wetland jurisdiction pop up. We had additional
4 buffers created. We had layout changes that provided
5 more -

6 CHAIRMAN STUTO: Can you talk about what
7 wetlands exist and what you're doing?

8 MR. SIPPERLY: Sure. The wetlands
9 predominantly exist in a couple of different pockets
10 throughout the property. Some being very close to the
11 homestead here. We have some on the western edge of
12 the parcel over here (Indicating) against Renas and we
13 have a large contiguous state wetland that flows from
14 Canterbury Crossings onto this property onto
15 Cornerstone and then beyond.

16 CHAIRMAN STUTO: But that's in the conservation
17 area; right?

18 MR. SIPPERLY: Correct.

19 CHAIRMAN STUTO: What about the other two? Are
20 they protected?

21 MR. SIPPERLY: They are proposed to be
22 protected as part of the constrained land with buffer
23 and the open space, as opposed to creating an
24 open-spaced parcel that is then managed or deeded over
25 to some conservation group. The proposal here is to

1 have them be deed restricted, and each individual lot
2 deed.

3 CHAIRMAN STUTO: So, you're not encroaching on
4 any of the wetlands is that what you're saying?

5 MR. SIPPERLY: That's correct. If anything,
6 it's buffer.

7 So, where I was going was that the layout
8 changes - it's now showing here but we really have a
9 double row of spruce off-set and staggered on an
10 elevated berm separated away from the rear lots on
11 Renas so that was a feature that was changed to the
12 plan.

13 I talked about the cul-de-sac length buffers to
14 the significant resources that we just mentioned.
15 We've tried to improve any off-sight drainage or
16 off-site on-flow, if you will, to the best practical
17 extent that we can and the preservation of open space
18 via deed restriction.

19 So, in closing, I'm saying and the Board over
20 time have had coalesced on a really nice product here
21 for this area. I think that the only open issues were
22 the density on Renas. So, I kind of want to highlight
23 how we got here and I think that between the Board and
24 myself, I think that we have a great product.

25 CHAIRMAN STUTO: We have voted positively on it

1 a couple times with conditions.

2 Does the Board want to ask questions now, hear
3 from the TDE or hear from the public?

4 Why don't we hear from the TDE and then we'll
5 open it up to the public?

6 MR. LILHOLT: Well, we are here for concept
7 acceptance, once again. As Brian pointed out, this
8 project has been in the process for a very long time.
9 In fact, since the concept has expired we have
10 completed a review of the second submission of the
11 preliminary final subdivision plans and we are gearing
12 to the point where it's getting closer to a point
13 where it might be for final approval consideration.
14 They have been working very closely on some wetland
15 permitting items and some archeology. We also have
16 been working with the Town departments because there
17 is a public water or public sewer water district
18 extension. For a residential project, we're down to a
19 minimum number of review comments. There are still
20 many technical comments.

21 CHAIRMAN STUTO: Why don't you point out the
22 most prominent ones. The one that I already read on
23 the record is on page 2 and that's where it seems to
24 be resolved.

25 MR. LILHOLT: That's resolved with regard to

1 the number of lots on Renas.

2 We have comments with regard to the water
3 system engineer's report and including some comments
4 from the division of Latham Water District. The final
5 plan subdivision plans include wetland mitigation,
6 plans and details and I know that Sipperly has been
7 working with the Corp and DEC on that.

8 The deed restrictions and the easement language
9 has been reviewed as well.

10 CHAIRMAN STUTO: Okay, these all seem to be
11 technical.

12 MR. LILHOLT: They are all technical and there
13 are a number of technical stormwater related comments
14 that we have been working from.

15 CHAIRMAN STUTO: We'll let the public speak and
16 we'll see if that brings up any more discussion, if
17 that's okay with the Board.

18 Kathy Coleman?

19 MS. COLEMAN: For the record, we couldn't hear
20 half of what you guys were saying. You're not
21 projecting.

22 CHAIRMAN STUTO: Okay, we'll try to do better.

23 MS. COLEMAN: Clearly, you're not going to let
24 me read this so, I'll just talk about a few real
25 practical issues that I have rather than quoting Dr.

1 Seuss' The Lorax and talk about the environment and
2 how we're causing extinction. I supposed that is for
3 another time.

4 I am right across from this. One of the
5 practical concerns that I have is -

6 CHAIRMAN STUTO: Can you give your address for
7 the record?

8 MS. COLEMAN: The deed is 11 and the postman
9 delivers to 5.

10 CHAIRMAN STUTO: Renas, right?

11 MS. COLEMAN: Yes. I'm between 3 and 13. One
12 of my practical concerns is that several years ago I
13 actually got my property certified and designated by
14 the National Wildlife Federation as a certified
15 mini-refuge because of my landscaping and gardening
16 practices. I have a totally organic yard.

17 Right across from me is literally flat from my
18 front yard across the road and then it goes up. I'm
19 concerned that in construction phase, there might be
20 all kinds of mud and things like that. More
21 importantly during the phase where people are
22 occupying the areas, if they're lawn obsessed people
23 like half of America is and want to pour all kinds of
24 chemicals into their yard, there is no way to protect
25 my yard from all of that run-off. So, that is one of

1 the major concerns that I have.

2 I'm also concerned with how much wildlife is
3 being displaced with all of this. We've got deer,
4 opossum, skunks, woodchucks. In my yard there are all
5 kinds of birds. There are rabbits. I feed the
6 squirrels and the chipmunks and I take refugees when
7 people start cutting down trees across the road and
8 next to me. There are also a whole flock of wild
9 turkeys that have been coming for years and years
10 right through that field. I'm wondering where are
11 they going to go. What is going to happen to the
12 displaced wildlife and how is this whole conservation
13 thing going to work with wetlands right next to areas
14 where people might be pouring chemicals into their
15 lawns and gardens. That is another concern of mine.

16 What I'm wondering is during the construction
17 phase, whether construction is going to be accessed
18 from Renas or from the proposed Ventura Boulevard. If
19 it's coming through Renas, we're going to have a royal
20 mess and all kinds of mud. Again there is no buffer,
21 no drainage or anything to protect my front yard from
22 all of this or my driveway. A bunch of us walk our
23 dogs up and down the road. It's a dead-end street and
24 we're on a major highway. So, we're kind of
25 restricted to walking up and down. Nobody wants to

1 walk through a muddy mess when we are having
2 construction going on.

3 I'm a little concerned about the noise, but my
4 primary concern is about toxic contamination,
5 protecting my yard from that and just the wildlife
6 issue in general.

7 CHAIRMAN STUTO: Okay, thank you.

8 We will do our best to answer those. I do
9 remember part of the conservation was that we were
10 preserving a corridor for the travel of the wildlife,
11 if I'm remembering correctly.

12 So, we have construction, access, construction
13 mud, wildlife, exitance and travel, run-off and noise.
14 I'll ask the applicant to address those.

15 MR. SIPPERLY: Sure. I appreciate the comments
16 and concerns of the neighbor.

17 Let's first talk about run-off. Specifically,
18 it was not run-off after it was built. It was run-off
19 during construction.

20 CHAIRMAN STUTO: I think that she was saying
21 after, too.

22 MS. COLEMAN: I have an organic yard. I have
23 wildlife certification through a national
24 organization.

25 MR. SIPPERLY: Understood; thank you.

1 There is an erosion and sediment control
2 process and things that are set up at the job site to
3 hedge against the loss of sedimentation and dirt, due
4 to rain events and things like that during
5 construction. The Town has staff that actually goes
6 around and checks this. Not only that, but the
7 applicant is required to get a permit from the New
8 York State DEC for erosion and sediment control with
9 weekly inspections. So, there is a process set up
10 around that to take care of that concern.

11 From a post-construction standpoint, the New
12 York State DEC Stormwater Regulations basically state
13 that the run-off post-development -- so if you put new
14 impervious surfaces down, the run-off increases from
15 that development. The regulations basically state
16 that your run-off post-development can't be any
17 greater than your predevelopment state. So, the
18 engineering work basically comes out with that. It's
19 not shown to the greatest extent here but the
20 stormwater ponds and the retention, the quantity
21 control and the quality control of that water is
22 handled through the New York State Regulations and
23 reviewed in detail with the Town Designated Engineer
24 and the Town staff.

25 CHAIRMAN STUTO: Now, the run-off won't flow

1 toward her property; am I correct on that?

2 MR. SIPPERLY: Correct. We're going to be
3 draining lots with swales back toward our development.
4 The run-off from these lots is handled by our
5 stormwater on our parcel.

6 Certainly I will admit that there is banging
7 and hammers and noise during construction and earth
8 moving equipment has beacons and sounds. I don't
9 think that we can avoid the temporary noise that
10 occurs during construction but I would hope that would
11 be a peaceful SFR zone when it all calms down.

12 CHAIRMAN STUTO: She also asked about access
13 during construction.

14 MR. SIPPERLY: I was going to cover them one by
15 one.

16 Access during construction is proposed to come
17 right off of Boght Road right through the existing
18 driveway so there will be no construction access from
19 Renas Drive.

20 MR. LILHOLT: Except for during the
21 construction of the homes.

22 MR. SIPPERLY: Yes, except during the
23 construction of the homes themselves which we cannot
24 get to from the east side. We're going to have to
25 access that. That would be individual house

1 construction over in that side (Indicating).

2 MR. LACIVITA: Brian, just one question. I
3 want to clarify something on page 5 of 27 on the site
4 plan subdivision. Vliet Street note, it says
5 contractor's for Ventura subdivision and Vliet Street
6 Extension shall be repaired and restored in all areas
7 disturbed by their work.

8 Does that not mean that you're going to have
9 Vliet Street as construction access, as well? I just
10 want to make sure that notation is clear.

11 MR. SIPPERLY: Can you read that again? I
12 don't have that sheet in front of me.

13 MR. LACIVITA: Part of the packet that was
14 supplied was page 27 that shows that "contractors for
15 Ventura subdivision and Vliet Street Extension shall
16 repair and restore all areas disturbed by their work."

17 I was led to believe that Vliet Street was
18 going to be part of the construction access as well.

19 MR. SIPPERLY: It is, but not accessed with the
20 stabilized construction -- you're familiar with the
21 stabilized construction access that we have on the
22 SWPP. That is not going to be for here, but yes, we
23 will be disturbing this. We'll be saw-cutting
24 existing pavement and tying into that -

25 MR. LACIVITA: So, all construction is going to

1 be Ventura?

2 MR. SIPPERLY: Yes.

3 MR. LILHOLT: There are utility connections
4 too. So, there will be construction occurring but
5 that's not the construction access point.

6 MR. SIPPERLY: That's correct.

7 MR. LACIVITA: We'll make sure that there are
8 notations.

9 MR. SIPPERLY: From a wildlife perspective --
10 this is a good question because this actually gets
11 looked at in the conservation overlay analysis by the
12 Town and the TDE. If I may, I might point out that
13 the reason that we set aside these lands and we look
14 at wildlife corridors, open space and sensitive land
15 is that by restricting and avoiding future development
16 - deed restriction in perpetuity, we provided an
17 enormous wildlife corridor to come right through
18 Canterbury Crossings, carry on through the south part
19 of Ventura on through Cornerstone and wherever those
20 deer want to prance. So, in reality we do maintain a
21 significant wildlife corridor with this design.

22 Toxic contamination - I don't know how I can
23 talk about that. People are kind of afraid to hire
24 Lawn Dawg and Chemlawn to make their grasses really
25 green. Obviously, the run-off from these properties

1 will be grated and directed to not dump onto Renas,
2 kind of jump over the street onto your property. That
3 is not the design intended, but I cannot certainly
4 speak for people's ability to want to spray their
5 lawn.

6 MS. COLEMAN: Is there anything that is going
7 to be put up to basically keep the flow from coming
8 into my yard? That is going to upset me greatly and
9 it's going to affect the designation that I have. Can
10 there be some sort of barrier that is a soil barrier
11 and then shrubs or something so that there is not any
12 way that chemicals from those lawns which are several
13 feet higher than my property with no kind of drainage
14 -- so that will keep that from coming down on my
15 property because that is a huge issue.

16 MR. SIPPERLY: Understood, and not to get too
17 technical but there is a certain row of geometry that
18 the Town has about the flow of water across the road.
19 There would also be a very big failure in construction
20 grading if rain events were to do that. It's designed
21 not to happen and expect it not to happen.

22 CHAIRMAN STUTO: Wildlife -

23 MR. SIPPERLY: I said that we did have a
24 corridor to maintain it and that was looked at
25 extensively through the conservation overlay analysis.

1 Did I address the questions that you asked - to
2 the best of my ability, anyway?

3 MS. COLEMAN: Has there been an analysis of
4 actually how much the wildlife exists in that area
5 that will be displaced? The corridor is nice so there
6 is still movement but clearly you're going to be
7 taking acres of land and turning it into yards. So,
8 I'm wondering if there has actually been a study to
9 actually see what wildlife live there and are going to
10 be displaced. People like me and some of my neighbors
11 care very deeply about that.

12 MR. SIPPERLY: Understood and a study was not
13 performed.

14 CHAIRMAN STUTO: Our Town Designated Engineer
15 would like to address this.

16 MR. LILHOLT: If I can just add onto it, I
17 genuinely appreciate your love of nature and the
18 outdoors. I'm an outdoor enthusiast myself. The
19 property is zoned single family residential. The
20 proposed project is consistent with the zoning. It's
21 been designed in accordance with the conservation and
22 they're protecting large tracts of environmentally
23 sensitive properties. They are performing a SEQRA
24 environmental review. As part of that process, they
25 reached out to DEC natural heritage and they also

1 reached out to U.S. Fish and Wildlife Service to
2 identify potential endangered or threatened species of
3 wildlife. That's all been accommodated and documented
4 in the environmental review of the project. I
5 understand your concern for wildlife and animals.
6 That's addressed to the greatest extent practicable
7 through the conservation of the land shown on the
8 project.

9 CHAIRMAN STUTO: What percent of the land is
10 going to be undisturbed? Do you have a figure off
11 hand?

12 MR. SIPPERLY: It's almost 40%. It's about 11
13 and some change acres out of the 25.5.

14 CHAIRMAN STUTO: I was convinced that they were
15 doing a pretty good job of preserving the land and
16 also providing for the corridor for the wildlife to
17 travel. I mean, you are entitled to develop the
18 property.

19 MR. SIPPERLY: I did forget that there was a
20 10-day mandatory fish and wildlife exchange between
21 the Army Corp. There is that process that the TDE
22 mentioned that does -- so people are looking at that
23 on your behalf through the process.

24 CHAIRMAN STUTO: Thank you.

25 Joe Yanni.

1 MR. YANNI: My name is Joe Yanni and I live on
2 Renas Drive. It's on the corner of Boght and Renas.

3 I have a stormwater question.

4 Right here (Indicating) there is a lot that I
5 think is a federal wetland and they're going to build
6 a house on it. I just want to make sure that the
7 stormwater that goes into that wetland - you're going
8 to make proper conditions so that can still drain out
9 to either a storm sewer or something like that. Right
10 now there is a little drainage ditch there that holds
11 water all the time. With building a house, you guys
12 have to make some provision to get rid of that water.
13 I don't know if you're aware of it or not.

14 MR. LILHOLT: Brian, I don't know if you have
15 addressed the position of the project with regard to
16 the wetland permit.

17 MR. SIPPERLY: Is your question about general
18 run off on the corner, Joe?

19 MR. YANNI: Yes, well for everybody. The
20 stormwater comes off of Boght Road and also Renas
21 Drive and flows through the properties and it ends up
22 in this wetland. You are proposing building a house
23 there for us and there is usually water that is
24 staying around in that wetland. I was hoping that you
25 would be making a provision so that some stormwater

1 drainage or -

2 MR. SIPPERLY: That's a great question and I
3 would be concerned if I were you, too.

4 As a result of that, we are putting a series of
5 swales that drain. We are not able to drain off-site.
6 We can try to look at and do drainage analysis and
7 solve off-site drainage problems to the best of our
8 practical extent and our jurisdictional limits of the
9 property. We've done that. So, any water that is
10 flowing onto it - we are required to deal with. We do
11 accept the water and convey it right on back, or bring
12 it into our system.

13 We have looked at your lot and we notice that
14 you have a little bit of a low point there and there
15 is a possible solution is that the applicant and
16 yourself might be able to arrange for us to possibly
17 get on that lawn and improve that drainage to let it
18 flow better onto the proposed building site.

19 MR. YANNI: I don't know of any low point on my
20 property.

21 MR. SIPPERLY: You can't see it and the
22 topography doesn't lie and I guess that's kind of why
23 you have a problem with drainage. We have provided
24 swales that are going to continue to take that. What
25 I am trying to identify to you is that if you'd like

1 to take this conversation off-line, we can describe to
2 you what we see there and what could possibly be done
3 to help that but it would be outside this application.
4 We can't show grading off this property site without
5 your permission.

6 MR. YANNI: I really don't have a problem with
7 drainage off of my lot. My lot drains fine.

8 MR. SIPPERLY: Your question is that we're
9 building homes and is there a way for that water to
10 go.

11 MR. YANNI: Well, you're building a home right
12 where this wetland is. I just want you guys to make
13 provisions for that.

14 MR. SIPPERLY: Absolutely. They wouldn't let
15 us out of the barn without that.

16 CHAIRMAN STUTO: Can you address that, Pete?
17 Do you know what he's talking about specifically?

18 MR. LILHOLT: I know that there have been
19 several comments with regard to the grading and
20 drainage and some existing drainage issues in the
21 area. We have looked at the grading and drainage plan
22 and we've made comments and as Brian mentioned,
23 they've extended some of the proposed public storm
24 sewers to take up some of that surface run-off. They
25 have also added swales as part of a design to try to

1 improve the drainage to the greatest extent possible.
2 It's not going to cure all pre-existing drainage
3 deficiencies. It just won't make it worse.

4 CHAIRMAN STUTO: Okay. That's sort of a
5 general statement. Do you mind sharing your contact
6 information with him and you can talk off-line and
7 hopefully address it. Is that okay?

8 MR. YANNI: Absolutely.

9 CHAIRMAN STUTO: Any other members of the
10 public want to speak on this one?

11 (There was no response.)

12 Members of the Board?

13 MS. COLEMAN: Can I just ask what are the
14 values of these houses?

15 CHAIRMAN STUTO: I'll turn that over to the
16 applicant.

17 MR. SIPPERLY: It's a difficult question to
18 answer. We are not in the building industry. If you
19 generally look at the homes being sold in the
20 Cornerstone development as well as Canterbury
21 Crossings, I would imagine anywhere from the low
22 threes to the mid fours; if I were to give you a wide
23 range.

24 CHAIRMAN STUTO: Thank you.

25 Any other questions?

1 (There was no response.)

2 From the Board?

3 MR. SHAMLIAN: I guess the only thing - and I
4 think that Pete touched on, rather than bisecting the
5 roadway, I would shift that line so that the lots on
6 Ventura are a little smaller.

7 CHAIRMAN STUTO: So, we have before us an
8 application for concept acceptance with, I assume, the
9 conditions are the two lots on Renas which will need a
10 further look to see if they can be deepened from the
11 drawing that's in front of us.

12 Do we have motion on that concept acceptance?

13 MR. LANE: I'll make a motion.

14 MR. MION: Second.

15 CHAIRMAN STUTO: Do we have any discussion?

16 (There was no response.)

17 All those in favor say aye.

18 (Ayes were recited.)

19 All those opposed say nay.

20 (There were none opposed.)

21 The ayes have it.

22 Thank you.

23 MR. SIPPERLY: For clarification, we did not
24 vote on concept. We voted on coming back to you and
25 presenting the lots on Renas. Is that where we

1 landed?

2 CHAIRMAN STUTO: No, we voted positively on
3 concept.

4 MR. SIPPERLY: Okay, I missed that. Thank you,
5 very much.

6 CHAIRMAN STUTO: And also that you would look
7 at the lots to make them deeper on Renas.

8 MR. SIPPERLY: Understood. Thank you.

9 When do you suggest that we address that? At
10 our final submission or should we work with the TDE
11 and yourself, Joe, to land on that exhibit and then
12 we'll roll that into the rest of the design?

13 MR. LACIVITA: You're already into second
14 preliminary of the existing. I suggest that we
15 concentrate on just that area and bring it back one
16 time before we come to final so that we can
17 incorporate that and then go forward.

18 CHAIRMAN STUTO: That shouldn't be a long
19 meeting.

20 MR. SIPPERLY: Yes, that should be easy. Thank
21 you very much.

22

23 (Whereas the above entitled proceeding was
24 concluded at 8:05 p.m.)

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CERTIFICATION

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I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York, hereby
CERTIFY that the record taken by me at the time and
place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability
and belief.

NANCY L. STRANG

Dated _____

