

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

CGM SUBDIVISION

621 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 March 8, 2016 at 7:19 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham, New
York.

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

15 ALSO PRESENT:

16 Kathleen Marinelli, Esq. Counsel to the Planning Board

17 Michael Tengeler, Planning and Economic Development

18 Joseph LaCivita, Director, Planning and Economic
19 Development

20 Roger Keating, PE, Chazen Companies.

21 Charles Voss, PE, Barton and Logudice

22 Ken Wilson
23 Chris Guzda
24 Jeff Connery
25 Chris Marchand
Yvonne Spinelli
Brian Beaury
John Chakmakas
Michael Maloney
Patrick Quinn
Michael Bria

1 CHAIRMAN STUTO: The next item on the agenda is
2 CGM Subdivision, 621 Boght Road, application for
3 concept acceptance, 23-lot residential subdivision.

4 Joe, do you have any introductory remarks on
5 this?

6 MR. LACIVITA: Yes, this project has been
7 before us for a sketch plan review. Tonight we are
8 here for concept acceptance and I had the opportunity
9 to hear from several of the abutting residents as they
10 have been notified, so I'll turn it right over to the
11 applicant's engineer for the presentation.

12 CHAIRMAN STUTO: Okay, before he starts, there
13 may be residents here because I know that it abuts a
14 residential area.

15 If members of the public want to speak, there
16 is sign-in sheet over there - the yellow piece of
17 paper to your left (Indicating). If you could sign
18 in, we would appreciate it.

19 MR. KEATING: I'm Roger Keating from Chazen
20 Companies. I'm here tonight on behalf of CGM
21 Construction to present to you the subdivision plan
22 for the project. We were before the Board several
23 months ago to go over the concept. I'll just briefly
24 summarize that.

25 Access to the proposed development will be off

1 of Boght Road. The project consists of 23 residential
2 single family homes with one lot reserved for
3 stormwater management.

4 The project has an internal loop road that
5 circles back with future connection stubs of the
6 adjoining developments.

7 At the last meeting there were a number of
8 questions that came up with respect to one of the lots
9 and that was the lot up here in the corner
10 (Indicating). We had two lots up there at one point
11 in time. We have since then reduced that down so that
12 there was one.

13 The big concern was the use of the shared
14 driveway for that piece of property. We've taken that
15 into consideration. We worked with Chris on that and
16 we've come to the conclusion that we'll just have one
17 home servicing the one driveway.

18 The other main topic of discussion that had
19 come up in the previous meetings was the
20 interconnectivity for utilities to the adjoining areas
21 and the Town's request for throughout this process to
22 look for ways to connect the water and sewer services
23 to the existing infrastructure in the adjoining
24 developments.

25 Mr. Marchand had gone to the adjoining property

1 on a number of occasions and we've worked with the
2 Town and the various departments on trying to secure
3 an easement to bring in access for utilities.

4 At the request of the Board we went back one
5 more time and on that last attempt, the adjacent
6 property is under contract for sale and we have worked
7 out an agreement with the purchaser of that property
8 to be able to get utility easements, so that we can
9 get our utility interconnections that the Board has
10 asked to do.

11 CHAIRMAN STUTO: What address is that - the
12 house that is for sale?

13 MR. KEATING: It's not a house that is for
14 sale. It's actually the adjoining piece of property.
15 The desire of the Water and Sewer Department was to
16 get innerconnectivity to the adjoining water and sewer
17 infrastructure. To do so we would bring water and
18 sewer through the adjoining lot to the adjoining
19 property to connect to the adjacent development.
20 That's consistent with the various meetings that we've
21 had with the departments.

22 MR. LACIVITA: It's the looping of the water.

23 MR. KEATING: It's the looping of the water and
24 the connection of the gravity sanitary sewer.

25 Previously we had an on-site pump station. The

1 Town prefers not to own and operate pump stations, if
2 at all possible. Through these efforts, Chris
3 Marchand was able to work out an agreement to get that
4 utility interconnect.

5 That's the update and the overall summary for
6 the project.

7 CHAIRMAN STUTO: Okay. This has been reviewed
8 by our Town Designated Engineer.

9 Chuck you're the representative of Barton and
10 Loguidice. Can you give us your comments on this
11 project?

12 MR. VOSS: We issued an initial concept letter
13 back in October and we then revised it based on the
14 newer plans that the applicant submitted in February.
15 So, you have the origin of the first letter and then
16 months later you have modifications based on this. We
17 really looked at those issues that Roger just
18 mentioned.

19 The key to that was the interconnect of the
20 infrastructure and several meetings with Chreit Vooerge
21 at Pure Waters. He certainly was not endorsing the
22 proposed pump station that we saw in the first plans.
23 It was at the lower end of the subdivision down by
24 Vischer Court in that northeast corner. This was for
25 the gravity sewers so the applicants redesigned - but

1 you'll see from this set of plans from the last set of
2 plans that the parcel where the pump station was
3 proposed is now all stormwater management. We think
4 that with the agreement or the potential agreement
5 with the adjacent neighbor further to the northeast --
6 I believe it's the Bednarczyk property. That's under
7 contract for potential redevelopment to propose
8 possibly new roads in through there.

9 Some new infrastructure will obviously come
10 before this Board, but I think that's a key element in
11 this as well.

12 If the Board will recall, also, the applicants
13 did look for opportunities to interconnect with the
14 Bergen Woods Drive area. There are two easements that
15 exist up there right now between the last 25, 26 and
16 27 and 28. However, those easements don't extend all
17 the way back to the property lines. So, it was
18 difficult to kind of find a clear path through the
19 easements to the north to make those interconnects
20 happen. I think that with the proposed interconnect
21 now with the adjacent parcel, we're much more
22 comfortable that the infrastructure end of this will
23 certainly be well taken care of. Obviously, we'll
24 want to see those details and see how that works.
25 That will hopefully come later.

1 The only other issues that we had is that in
2 looking at this, we asked for a wetlands delineation
3 relatively early in the process. As the Board knows,
4 there are extensive wetlands across the site. There
5 are several encroachments and in the concept drawings
6 there are a couple of potential wetland crossings.
7 We're going to want to see that delineation report
8 just to verify just the extent of those encroachments
9 and the extent of those crossings. Preliminarily
10 speaking, they can probably make those happen.

11 Those were really the two big issues.

12 I think that another issue is with the
13 extension of the proposed Vischer Court, we are
14 alleviating what we basically have now is a
15 land-locked basically dead-end cul-de-sac.

16 CHAIRMAN STUTO: It could be extended in the
17 future.

18 MR. VOSS: It could be, yes. And I think that
19 from Fire Safety, they expressed some concerns
20 initially with the length of that proposed
21 subdivision. There is a blockage closer to Boght
22 Road. Fire apparatus and equipment couldn't get
23 further back in the subdivision.

24 But now with a potentially second way in, this
25 proposed interconnect works and that will certainly go

1 away. I think that was the other major issue that we
2 had.

3 I think, Peter, that's basically it.

4 CHAIRMAN STUTO: We'll hear from the members of
5 the public.

6 Ken Wilson.

7 MR. WILSON: We have some questions mainly
8 about the drainage. This is my property (Indicating)
9 and this is a low area. If something is built in this
10 area (Indicating), it's going to obstruct the drainage
11 from my land. This land above me, towards Route 9 was
12 filled over the years in some places to 20 feet. That
13 originally was a quarry which would take the water
14 before it got to my property. Now, still the water
15 comes directly to mine.

16 This house here we have a question about
17 (Indicating). How this would ever be put in here
18 without filling - again, it's not going to obstruct my
19 drainage, but you'd have to see this area. It's going
20 to be very difficult to get a house in here.

21 This is my neighbor's property which abuts this
22 as well. This does drain this way to some extent.
23 Now, it's going to back up some water to him as well.

24 The folks that live on Bergen Woods - I believe
25 that there is only one 24-inch pipe coming out of

1 Bergen Woods that goes down to what used to be a creek
2 over in here (Indicating). That's going to put an
3 awful lot of water from 13 acres. That's a 13-acre
4 piece of ground. That used to be my property and I
5 sold it to a gentleman. That's going to put an awful
6 lot of water into that one area.

7 Plus, if anything is done here at the back of
8 my place, it's going to restrict this drainage here
9 which again, the place is almost a swamp now.

10 When this fellow built at 14 Wildflower, he
11 installed drainage out of his own pocket which does
12 drain somewhat to my property. When they had put that
13 street in, they banked that so that the water could
14 not escape until this fellow installed a drain. It
15 does help but still, there is so much water going in
16 there. I just don't want anymore water.

17 CHAIRMAN STUTO: I'll ask the applicant to
18 address that and then we'll ask our engineer to
19 respond as well.

20 MR. WILSON: If you'd like to come up and look
21 at it sometime; fine.

22 MR. KEATING: With any of these projects that
23 have over an acre of land disturbance, we are
24 obviously required by New York State DEC to manage our
25 pre and post development also. We are required to

1 equal rates pre and post development conditions. The
2 Town has very strict standards with respect to the
3 stormwater management and so we work closely with the
4 Town as well as the departments to ensure that we are
5 putting together a drainage design that meets all of
6 the requirements. We have identified a location on
7 the property with the stormwater management basin in
8 the northern portion of the site here to -

9 CHAIRMAN STUTO: How does the water flow now?
10 Explain it so that we understand it so that Mr. Wilson
11 understands the impact on his property.

12 MR. KEATING: I couldn't see Mr. Wilson, but
13 it's this adjacent property?

14 MR. WILSON: Yes.

15 CHAIRMAN STUTO: Is it a large piece of
16 property?

17 MR. WILSON: It's about five acres.

18 CHAIRMAN STUTO: Where is your house? Closer
19 to Boght Road?

20 MR. WILSON: It's 641 Boght. I'm familiar with
21 the water problem. He doesn't have to explain the
22 water problem.

23 CHAIRMAN STUTO: Well, we'd like to hear it
24 too. He has to tie in the impact of the construction.

25 MR. KEATING: So, the intent of the design will

1 be to capture and manage the water along the
2 development. We have topography that brings it from
3 the upper portion along Boght Road and down into the
4 lower portion of the site. So, we'll be looking to
5 put in a -

6 CHAIRMAN STUTO: Can you point to where those
7 places are?

8 MR. KEATING: This is the upper portion
9 (Indicating) of the site. You have higher ground up
10 here and then that slopes down into the lower portion
11 of the site. There are some drainage ways that
12 traverse the site that go up, like Mr. Wilson had
13 said, up towards Bergen Woods and then there is also a
14 depression over in this general area here. The intent
15 is that if we can balance the stormwater management by
16 sending it to the stormwater management basin, then we
17 can then put in a control structure which regulates
18 the amount of flow that leaves that practice.

19 CHAIRMAN STUTO: What are you going to do,
20 specifically in the back of Mr. Wilson's property?

21 MR. KEATING: Well if we construct a driveway
22 per se, to this particular spot (Indicating) we're
23 going to be pulling water that once was coming down
24 the roadside and then it would traverse over to his
25 property. So, following the contours along this

1 roadway - a lot of that water ends up and goes right
2 there. When we build a roadway, we're going to have a
3 closed collection within the roadway. That water
4 would then be brought back to the stormwater
5 management area where we can detain and attenuate that
6 run-off. We are going to have to hold that water.
7 That's why you see such a large area here because we
8 need to make it big enough so that we can hold that
9 water so we can slowly release it over time. That's
10 the general intent of it.

11 CHAIRMAN STUTO: Do you have any comments to
12 that, Chuck?

13 MR. VOSS: Yes. Similar to what we have done
14 with other subdivisions where there are questionable
15 water issues on adjacent properties, we'll take a look
16 at Mr. Wilson's property which is essentially up-slope
17 from the proposed development, especially the last 21,
18 20, 22 - it's those three right in there. We'll make
19 sure that we work with the applicant and maybe even
20 alleviate some of those issues that Mr. Wilson is
21 seeing now with drainage in your back area.

22 MR. WILSON: As long as that's not restricted.
23 If it's not restricted, you don't have a problem.

24 MR. VOSS: We agree and we'll certainly work
25 with John Dzialo's office as well. He's the

1 Stormwater Management Officer for the Town to make
2 sure that those existing conditions there aren't
3 certainly worse and they can't be, by Code.
4 Potentially, this new design could be designed to
5 alleviate some of those water problems that you are
6 experiencing right now. Obviously, we don't have any
7 designs to look at right now for this applicant. We
8 haven't gotten that far, but we'll make sure that we
9 take those concerns into that review.

10 CHAIRMAN STUTO: Please exchange some kind of
11 information, so that you can have a meeting with Mr.
12 Wilson at some point.

13 Chris Guzda.

14 MR. GUZDA: Good evening. I live over here at
15 29 Bergen Woods (Indicating). I'm here on behalf of
16 my neighbor, as well. Obviously, we are concerned
17 because we live behind this proposed stormwater
18 collection.

19 A lot of these homes were built 15 years ago
20 and there are stormwater collection ponds in the area.
21 They're basically areas of swamp water. You can see
22 reeds growing up and I know that the Town cleans them
23 and maintains them, but to me there is a concern. I
24 was wondering here (Indicating), they are proposing
25 some privacy buffer like probably trees or shrubs.

1 Right now there is no setback from our properties and
2 there is no proposed privacy other than there is
3 probably going to be a chain link fence around that.
4 Quite frankly, I didn't buy a \$450,000.00 piece of
5 property to be looking at a chain link fence. My
6 neighbors told me that I had to put up a vinyl fence.
7 I was allowed to put a chain link fence up to contain
8 my kids.

9 So, those are some of my concerns. I was
10 hoping that this all has to be maintained so I don't
11 know if that has to be dug deeper.

12 My question is: I'm just wondering how much
13 standing water is going to be in that pond. You're
14 saying all that water is going to be diverted in that
15 corner. How much standing water over time and how
16 long is that going to take to pump out? It's going to
17 be mosquito city for me. My backyard oasis where I
18 was planning on putting a pool and enjoying my Fourth
19 of Julys and Labor Days is going to be brought indoors
20 or behind the screen because I'll be dealing with
21 mosquitos. Those are some of the issues that I have
22 with that proposal.

23 I am happy that they got rid of the pump
24 station.

25 Another question is: Where is this gravity

1 drainage -- is it going to connect into Bergen Woods
2 or go off through the next property?

3 CHAIRMAN STUTO: Okay, we'll let the applicant
4 respond to that.

5 MR. KEATING: With respect to the stormwater
6 management basin and similar to the comments made, a
7 lot of the stormwater management basins that are
8 required to be designed today - we have to incorporate
9 wetland components too. So, a lot of these basins in
10 this area will have wet pond designs. That's driven a
11 lot by the types of soils that we have in this portion
12 of the Town.

13 From a feasibility standpoint, the Town's
14 Stormwater Department requires in the early stages to
15 perform a brief feasibility analysis which will test
16 the soils and such. We have come up -- based up on
17 reviewing the Town's requirements with respect to the
18 feasibility matrix, we are proposing a wet pond
19 because that is the most applicable type of stormwater
20 management practice that is available with the current
21 standards.

22 Standing water wise, there will be standing
23 water in this basin. Again, it will be a wet pond
24 design. It will be required to have aquatic
25 vegetation in it so, we'll have to have some wetland

1 plants and things along those lines incorporated into
2 that part of the design. There will probably be
3 approximately four feet of standing water on a normal
4 basis. That is consistent with the New York State DEC
5 requirements. So, I can't propose a wet pond design
6 that is going to have less than those types of deep
7 pools, with respect to that.

8 There are things such as screening, fencing -
9 to secure the facilities, very similar to many of the
10 other stormwater management basins that we have in the
11 Town. There are means and methods to keep people from
12 entering into those.

13 CHAIRMAN STUTO: Can you provide a barrier
14 other than a chain link or in addition to the chain
15 link?

16 MR. KEATING: I think that there could be some
17 screening put along here. We can talk to the
18 Marchands a little bit about that. There is some land
19 grading and some shaping of that. So, what we have
20 done is we built a contour up along the back side of
21 it so that it sort of requires like a little bit of a
22 berm to it. That helps lessen the visual component of
23 it.

24 CHAIRMAN STUTO: So, they can plant things on
25 top of that?

1 MR. KEATING: We can put some plantings on top
2 of it. You need to be careful about the types of
3 plants and big trees and things like that - they might
4 not be the best application to be putting right on a
5 stormwater management practice. However, there are
6 options of landscaping that can be put there. The
7 fencing could simply be put up and around the top of
8 what's called - above the permanent pool. You'd make
9 sure that you have your secure fencing in any areas
10 that there would be no standing water, per se. You
11 make sure that you secure those areas so that you're
12 not inviting people to be getting into an area where
13 it could suddenly inundate.

14 CHAIRMAN STUTO: Do you want to talk about
15 where the sanitary sewer is going?

16 MR. KEATING: There are sanitary sewer
17 connections that are up on Bergen Woods Drive. That
18 appears to be the most logical place to take it, based
19 upon elevations -

20 CHAIRMAN STUTO: Can you trace where that is
21 likely to connect?

22 MR. KEATING: This would be the general
23 location of where it connects. So, when the Town did
24 that development, they extended the sanitary sewer to
25 the temporary cul-de-sac at the end of that roadway.

1 There is a pipe stub that connects that and brings it
2 back out closer to the property line. So, what we
3 would be looking to do is bring the sanitary sewer to
4 a common manhole that could be then uses on the
5 adjoining property which then could be dropped over
6 and then connected to that waste water system.

7 CHAIRMAN STUTO: That seems to be at the very
8 end of that road; is that what you're saying?

9 MR. KEATING: That is the very end of the
10 temporary cul-de-sac right there; yes.

11 CHAIRMAN STUTO: Chuck, do you have any
12 comments to add to that, particularly to the
13 screening?

14 MR. VOSS: There are opportunities,
15 particularly off that pump station off that parcel. I
16 think that there are opportunities to maybe look at
17 how you shape that design and how you tweak it a
18 little bit. Certainly, we see these all over the Town
19 and certainly all over the area now.

20 Fencing is typically mandatory to make sure
21 that people don't trespass. These things can be an
22 attractive nuisance, obviously with water and stuff.
23 Fencing is going to be required, certainly around the
24 facility.

25 The grading will, I think, be enough so that

1 you could probably -- again, it depends on the final
2 design we're going to look at. This is just kind of a
3 sketch design. I think that there are opportunities
4 to put some sort of trees up there. You wouldn't
5 necessarily want deciduous trees because they would
6 drop material in the basin, but maybe evergreens which
7 I think lend themselves better. They don't typically
8 drop their needles and they're more of a screening
9 element. We could certainly look at that as well;
10 even some high scrubs or thick shrubberies.

11 CHAIRMAN STUTO: Okay, I would encourage you to
12 talk to Mr. Guzda on that, as you are designing that
13 portion.

14 MR. KEATING: Now that the pump station is
15 gone, could this be pulled closer to the roadway which
16 then would lessen some of the grading that you see
17 along the adjacent property there? Again, we have
18 done a feasibility analysis with the basin. This is
19 preliminary sizing for that. As we advance here past
20 concept, we'll be getting into all the detailed
21 designs with the Town's Engineer.

22 CHAIRMAN STUTO: If you could move it further
23 from their property, like you suggested, that would be
24 great.

25 MR. KEATING: Okay.

1 MR. GUZDA: Is there a reason that has to be a
2 wet retention area?

3 CHAIRMAN STUTO: They're saying that's the
4 regulations, but I'll let them explain that in more
5 detail.

6 MR. KEATING: Once again, we did submit the
7 feasibility study that is required by the Town.
8 Again, you get into the treatment practices that are
9 available for these types of soils that you have in
10 this part of Town.

11 CHAIRMAN STUTO: Which are what?

12 MR. KEATING: You have a very high water table,
13 obviously, as evidenced by some of the wetlands that
14 you see on the property. You have a shallow rock
15 condition in many areas along in here as well. What
16 you look to do is try to incorporate a design that you
17 can utilize those elevated types of soils that hold
18 water, which is what we have here to support the type
19 of practice. If you're looking to do infiltration
20 basins, which would be a dry basin, these soils in
21 this area are not really conducive for allowing for
22 water to seep back into the ground. So, to the
23 neighbor's point, we're going to have standing water,
24 but if you were to look at a infiltration basin which
25 really isn't feasible considering the slopes, that

1 water would be in there much, much longer because we
2 would have to hold even more of it and it would be
3 standing for a much longer period of time. Most of
4 the time, you want to see those infiltration basins
5 drained within 24 hours. Those soils there really
6 don't support that.

7 Chuck, you can weigh in, but the DEC standards
8 are pretty clear with respect to the types of
9 practices that are available for these types of soils.

10 MR. VOSS: Roger's information is absolutely
11 correct. The soils really dictate what you can and
12 can't design in this area. Short of excavating out
13 hundreds of thousands of cubic yards of relatively
14 poor soil material and replacing it with something,
15 which is infeasible, you have to really work with the
16 soil conditions that you have on the site and
17 certainly looking at the chart you can see the notes
18 at the top of their site plan that list the soil
19 conditions. It lists their percentages and their
20 composition. There is a lot of clay and it's just bad
21 material for absorbing water, per se. Certainly, as
22 Roger said, you have to design a system that basically
23 holds the water for a certain period of time and then
24 slowly releases it out so that the material around it
25 can absorb it. We'll certainly work with those guys

1 and see if we can come up with some more creative
2 ideas to maybe lessen some of the impact of a wet
3 design and see where it goes.

4 CHAIRMAN STUTO: Thank you.

5 Jeff Connery.

6 MR. CONNERY: The first thing that I wanted to
7 say is that I'm not against the development to go on.
8 I don't want to try to stop it. I think that it might
9 be a great thing, but I do have a lot of questions
10 about the design of this project.

11 I see what we talked about was a lot of wetland
12 issues in around here and the backside of here
13 (Indicating). When you look at a lot of these houses,
14 you see right behind the back of the house - you're in
15 wetlands. You can't even put a porch on the back of
16 your house. You can't do anything in your back yard.
17 You can't put a shed or nothing.

18 I'm just wondering, is it possible - I'm aware
19 of the fact that developers can trade off wetland to
20 different property that they own to try to make this
21 more aesthetically pleasing looking development where
22 people actually -- when you're buying a lot and
23 building a house, you can actually use your yard.
24 Currently on this wetland right here (Indicating) you
25 can't do anything on there at all.

1 My concern with this development is that some
2 day it's going to connect into Dutch Meadows and I
3 live on Weatherby Court. This is the back of my yard
4 right here (Indicating). So, Weatherby Court comes
5 down right here and obviously Bergen comes in right
6 there. So, I have no idea what they're going to do to
7 connect this in but the bottom line is that this
8 development is going to get sold partially based on
9 our neighborhood. Some of the questions that I have
10 is that when I looked at some of the single family
11 home zoning, I noticed that it changed from what it
12 was in Dutch Meadows to what it is now. Like the
13 street here (Indicating) is only 27 feet wide. In
14 Dutch Meadows when you go in, it's 30 feet wide and
15 there is 2.5 feet edge to basically control water.
16 So, when you drive into Dutch Meadows, it's a
17 beautiful neighborhood and it has a feeling of
18 expansiveness. It's aesthetically pleasing to the eye
19 when you drive in and now all the sudden you're going
20 to connect the neighborhood to it and it's not going
21 to look the same. It's not going to have the same
22 visual look to it.

23 Those are just some of my concerns about it.

24 I'm concerned about key-hole lots in the
25 neighborhood.

1 The other thing is, what is the average square
2 footage for these houses that are going to go in? Are
3 they the same as Dutch Meadows?

4 CHAIRMAN STUTO: I'll let the applicant address
5 those questions and I'm taking notes.

6 First on the wetlands - can you talk about
7 that?

8 MR. KEATING: The wetlands that you see shown
9 on the maps - we did have our wetland biologist go out
10 and take a look at the wetlands that are there. With
11 the timing of things we'll be looking to get the Army
12 Corp of Engineers to come out here once we start to -

13 CHAIRMAN STUTO: Do you agree that's wet right
14 to the back of the house and you can't build anything?
15 I don't know if I'm reading the map that way.

16 MR. KEATING: Let me explain. With respect to
17 the wetlands on here - we have some wetland lines that
18 are depicted. We feel that a lot of them are very
19 generous in what we have done in that we wanted to be
20 sure that we were providing ourselves enough room to
21 be able to show that we can get some homes in there
22 and then when we get the formal delineations, we'll be
23 able to then adjust the whole location. We wanted to
24 make sure that we -

25 CHAIRMAN STUTO: The ones that you have

1 depicted --

2 MR. KEATING: They are right up near the rears
3 of these buildings, the way that we currently have
4 them depicted. That's also based upon a building
5 footprint here that is per se, pretty much
6 hypothetical in that respect because the Marchands
7 don't -- I'll let Chris speak to the types of homes
8 and products that they build.

9 They're custom home builders. They really
10 focus more on the individual. They're not going in
11 and doing a lot of cookie cutter types of
12 developments. They like to go in and work with the
13 home owner on each individual unit.

14 I'll let Chris talk about the different types
15 and styles of homes.

16 With respect to building placements and line
17 locations, there is some flexibility with these
18 because of the shapes and the styles that are shown on
19 here. These are not formal building plans that are
20 ready to go to the Planning Department. We have put
21 some contrast to them, but the reality is that we
22 could make them boxes at this point, if that's what it
23 would be.

24 I'm sorry, I lost some of the other comments.

25 CHAIRMAN STUTO: The property to the north -

1 what is that zone? Is that single family residential,
2 as well?

3 MR. KEATING: With respect to the road widths,
4 we did have the road width inadvertently shown on a
5 slightly different size and what's on the adjacent
6 property. We noted that in Chuck's comments. It is
7 the intention to have the road widths to be the same.
8 We're not looking to do a different style of road,
9 with respect to that. We're looking to be consistent
10 with the Town standard. It would have a very similar
11 look and feel, with respect to the roadway.

12 CHAIRMAN STUTO: What's the spec there?

13 MR. VOSS: Joe and I were just saying that we
14 will certainly look at the requirement now. It's a
15 50-foot right of way through here (Indicating). The
16 Town's standard road design has changed since the
17 subdivision to the north has gone in over the years.
18 The effort really by the Town is to kind of narrow
19 down those roads to really further eliminate as much
20 permeable surface area as we can to design. The wing
21 designs have changed over the years. How you treat
22 the road surfaces -- literally the intent is to really
23 make our roads a little bit narrower and thinner so
24 you don't have as much paved area, certainly. That's
25 more an area that you have to treat in terms of

1 run-off. That's probably skimming between the two
2 questions.

3 CHAIRMAN STUTO: You don't know what the
4 current standard is?

5 MR. LACIVITA: What we have now, Peter, is 27.
6 The original one was 32.

7 MR. KEATING: It was 32, but now we're at 28
8 right now. Depending on what standard the Town is
9 going to want to hold us to, we're happy to work with
10 the Town standard.

11 MR. VOSS: We will work with the Town's
12 Engineering Department to see exactly what they are
13 comfortable with. It varies by subdivision.

14 CHAIRMAN STUTO: Is that single family
15 residential adjacent to it?

16 MR. LACIVITA: Yes.

17 CHAIRMAN STUTO: Then, you may be right that
18 they may eventually connect.

19 MR. KEATING: On the adjacent properties, the
20 Marchands are not developing this piece next door to
21 us, but there is a paper road in between there to go
22 to Wildflower. There are paper streets for all these
23 surrounding areas. I believe that this is one over
24 there (Indicating) - Mr. Wilson, at the end of that
25 cul-de-sac. When those previous developments were

1 done, the Town had put in provisions for these
2 cul-de-sacs to be temporary.

3 CHAIRMAN STUTO: You want to describe your
4 housing and what is going in there?

5 MR. MARCHAND: I'm Chris Marchand from CGM
6 construction. I've listened to everybody's comments
7 and understand that anytime that something new comes
8 up, you're no different from anybody else. You're
9 bound to be concerned. You like the way that it is.
10 Everybody wants to be the last one on the street - the
11 last house to be built. I understand what everyone is
12 feeling and a little bit of anxiety.

13 Jeff, you made points -- certainly anytime that
14 your neighborhood or what surrounds you is going to
15 help sell your package. If this was a certain income
16 level or a price range or a square footage, or if
17 these were apartments and not the beautiful homes that
18 are on Bergen Woods, that may change how we market
19 this.

20 As Roger said, we are custom home builders. We
21 want to cater to every house and we want every house
22 to be different. We don't like to give somebody a
23 limit of six, or 12 home plans and you have to build
24 A, B, C or D and on down the line. So, these are kind
25 of a generic footprint at this time. We foresee these

1 houses being a little bit smaller square footage.
2 These houses are a little bit smaller at the top of
3 the hill. It drops down here (Indicating). We like
4 to build the same style, caliber home that is on
5 Bergen Woods. We're thinking that it could be in the
6 \$500,000.00 to \$800,000.00 price range. We don't
7 know. Time will tell.

8 You had mentioned a concern about a keyhole
9 lot. I'm not sure what you're concerned with, but to
10 me, that may be a better situation because it's not as
11 dense. A keyhole lot sometimes allows you to have a
12 little more privacy around the home.

13 This particular home right here (Indicating) is
14 something that Mike and Tiffany Rio would like to
15 build on. They are the current property owners.
16 They've lived right in this house up here on Boght
17 Road for 10 years. Mr. Bill Jones have lived there
18 for his entire life, I believe; over 50 years. So
19 these people that are from the neighborhood, that care
20 about the neighborhood. It's their dream to build
21 here and raise a family here.

22 This one here (Indicating) - because there are
23 wetlands, we have to have this long driveway just to
24 access a nice piece of higher ground up in back here.
25 So, there is room to build a nice house, we just have

1 to get to it.

2 You mentioned wetlands being created someplace
3 else. We don't plan on doing that. New York State
4 DEC or Army Corp regulated the wetlands and allow
5 one-tenth of an acre of disturbance. You can disturb
6 up to one-tenth of an acre and one-half. If it's
7 between one-tenth of an acre and a half, wetlands have
8 to be created somewhere else. We want to stay
9 underneath that one-tenth of an acre threshold. We
10 don't have the room to create wetlands anywhere else.

11 MR. CONNERY: No, I mean you could take those
12 wetlands and if you had land in Clifton Park, you can
13 actually move that wetland from there and trade it for
14 what you have in Clifton Park. I have heard that you
15 could give better space for better back yards which
16 would make it more appealing, which would help
17 everybody in this situation.

18 My concern is that I'd would like to stick with
19 the zoning that they had when they built Dutch
20 Meadows, if you're going to connect to it.

21 For example, a lot of your lots have 80 foot
22 frontage. Every house in Dutch Meadows has at least
23 100 foot frontage on it, or more. So, I'm just
24 looking to see if we could stay within the original
25 zoning with Dutch Meadows.

1 MR. KEATING: I can't necessarily speak to the
2 history. I would have to do some research on the
3 zoning for here, but I know that we are complying with
4 the Town's regulations.

5 MR. CONNERY: What I'm saying is that I was
6 under the understanding that it had been changed. I
7 was unable to get that today - to find out what date
8 it was changed and what actually was changed. I just
9 see a few different things.

10 CHAIRMAN STUTO: I have been on this Board for
11 eight years and it's been 80 feet since I've been on
12 it. I don't know when it changed either. They are
13 all good-sized lots, though. The lot size is 18,000
14 square feet, which is almost half an acre or just
15 approaching half an acre. These are all in that
16 range, if not larger. I will note that. Maybe the
17 lot frontages are not as wide; I don't know. The lot
18 sizes are, I think, comparable.

19 MR. CONNERY: The lots are very good sized
20 lots. They are deep lots. They are nice, but there is
21 not a lot of usability to it. Once you put the house
22 on it, you really can't do anything else with it.
23 Yet, they are good sized lots but you can't do
24 anything with it.

25 MR. MARCHAND: I understand that some of them

1 about this wetland area and we would hate to lose that
2 acreage as much as you do.

3 Someone had mentioned the word swamp land.
4 It's not swamp out there. It's mowed twice a year. I
5 understand that some of it is a little bit wet.

6 CHAIRMAN STUTO: That may be a positive too.
7 It keeps it less busy with sheds and other things in
8 the back.

9 MR. MARCHAND: Yes, that's something that we
10 have to contend with. As we are looking to market
11 these, you're not going to have room to put a pool or
12 a shed or something like that and that may effect
13 people's desire to build there. We don't know.

14 CHAIRMAN STUTO: What do you think the sizes of
15 the houses are going to be? He did ask that.

16 MR. MARCHAND: The size - I would say probably
17 the 2,500 square feet up to 3,500 square feet. Like I
18 said, some of these here - if we had somebody that
19 wanted to be in the area and they have a 2,000 square
20 foot house, we can do a tasteful beautiful 2,000
21 square foot house. I have no doubts about it. We
22 have done many of them. So, I don't think that we are
23 going to put a deed restriction saying that it has to
24 be a minimum square footage, but we are certainly
25 steering this in a direction that we have ultimate

1 control over what gets built. We are not going to put
2 -- I don't want to insult a certain income or
3 whatever, but we are looking to be comparable as to
4 what is here. We're not looking to put little homes
5 here.

6 MR. CONNERY: It seems like every time people
7 say that they want to do something comparable, it's
8 always less. It's not equal to or more. It always
9 seems to be less from a builder's perspective.

10 MR. MARCHAND: I understand your concern but
11 guaranteed, there will be more.

12 MR. CONNERY: How many of those lots are you
13 actually going to be able to put a pool in your yard?
14 You're talking about zero. There are five houses in
15 here that wetland comes right up to the back door.
16 There is no space for that.

17 MR. MARCHAND: That may be the case for some of
18 them. That doesn't mean a pool affects how nice a
19 house is. We build houses all the time for people who
20 don't want pools and they're building million dollar
21 homes. We've done a bunch of them.

22 And as Roger said, this wetland boundary may
23 close up a little bit. We are being conservative. We
24 are figuring the worst case scenario. We're looking
25 for concept sketch plan approval tonight.

1 MR. GUZDA: What would you call the best case
2 scenario?

3 MR. MARCHAND: The best case scenario is that
4 we don't have any wetlands out there.

5 MR. BRIA: I own the property there and that is
6 very generous. That is not wet back there. I'm just
7 saying that a lot of those houses will be able to
8 build pools.

9 MR. LACIVITA: Sir, your name, please?

10 MR. BRIA: Michael Bria.

11 CHAIRMAN STUTO: Okay, thank you.

12 Yvonne Spinelli.

13 MS. SPINELLI: My main concern that I wanted
14 to bring to the table was school. More children are
15 going to come into the area.

16 I spoke to the principal today at Boght Hills
17 which is the elementary school. This past year they
18 added 120 students in just one year because of all of
19 the developments that are going on.

20 We have three children; two of them are in
21 Boght Hills and one is heading there next year. I
22 don't know if this is the right time.

23 I'm not sure if this is the right forum to ask
24 but I would really love to know more about that.

25 I did speak directly to the principal and they

1 are talking about moving children to Forts Ferry and I
2 want to make sure that's not going to happen for my
3 kids.

4 MR. LACIVITA: One of the things that we do on
5 an annual basis with both North Colonie and South
6 Colonie is we look at what proposed development is
7 coming into the township. Then, we also anticipate
8 what permits are being anticipated as to phasing and
9 we work with the school. It's up to them to decide
10 how the district lines go when they have to
11 re-allocate children. I think that once you're into
12 the system, as far as my understanding goes - and I
13 could be wrong - once your child is at a school, they
14 haven't seen much of a change. That's what they told
15 us in the past.

16 CHAIRMAN STUTO: Usually when the oldest kid
17 gets in, the other ones follow. That's my
18 understanding. We don't run the school district.

19 MR. LACIVITA: So, if your children are already
20 in the designated school in which they're in, as long
21 as development continues to be anticipated, then there
22 is also attrition as to who moves out, your children
23 typically stay. You can confirm that with Joe Corr who
24 is the superintendent for North Colonie.

25 MS. SPINELLI: That's why I called the

1 principal today because that's a big concern.

2 MR. LACIVITA: Actually, that decision is made
3 at a higher level. Again, check with Joe Corr's
4 office.

5 MS. SPINELLI: Dutch Meadows definitely brings
6 in families. That's what it's all about and I'm sure
7 that's what you're targeting is family and a lot of
8 children are coming in. I saw in your paperwork that
9 there was a very small amount that you propose. We've
10 had five new neighbors on Bergen Woods in the last 24
11 months. I believe that there are 12 kids -- actually,
12 I think that it's more now that I say that. That's
13 just for five houses. So, 23 houses is certainly
14 something that I have concern for. It's something
15 that should be addressed and something to be talked
16 about.

17 I do have other things, but I'm really not sure
18 how the process does work with this. There are many
19 neighbors that we talked to who could not be here
20 tonight because they just recently learned about it.
21 I did not get a certified letter at all. I was just
22 informed.

23 I would also love to know from the Board what
24 is the procedure, what happens at this point, if you
25 don't mind.

1 CHAIRMAN STUTO: Joe, do you want to talk about
2 notices?

3 MR. LACIVITA: Typically, anything that is a
4 zone use like a single family and not a zoning change,
5 it's 200 feet within the property lines. If we're
6 going for the zone change, then we extend that to 500
7 feet. Typically, the neighbors do talk more. So, it
8 tends to go a little bit further than that. As far as
9 any conversation that we could have -- I met with Mr.
10 Connery today. My door is always open. You can
11 always call when it comes time.

12 As far as the process goes, today we're at
13 concept acceptance level. That goes to the process
14 and if the Board votes tonight, it's not a guarantee
15 as to the concept, but it allows them to go a little
16 bit farther into final approval. When the final
17 approval comes, because it's a subdivision, we'll have
18 another public hearing. That will be a notification
19 and that will be in the paper and then we'll go
20 forward from there.

21 Again, if you have any questions, please feel
22 free to come to my door, call me on the phone, I'll
23 give you a card before you leave. Email -- if people
24 can't get here, I suggest that they send something to
25 me in writing via email. That goes to the Board

1 Members and they get them time and time again on
2 different projects. They are different levels of
3 concern and they get addressed and it goes to the TDE
4 and they will be addressed.

5 CHAIRMAN STUTO: I'm just going to add a little
6 to the process because as I understand it, I think
7 that it's beneficial.

8 This is zoned single family residential. So,
9 they are entitled to build single family houses. They
10 obviously have to comply with all of the
11 specifications of the Town or get waivers or
12 variances. They are not asking for any waivers or
13 variances, as I understand it, on this project. There
14 is a minimum lot size which is somewhere around 18,000
15 square feet per residential lot. As we mentioned
16 before, there is an 80-foot width of the frontage.
17 That's the current standard.

18 The road standard - we're going to try to get a
19 clear answer on that as we go closer to final. They
20 obviously have to comply with the stormwater
21 regulations, the wetland regulations and so forth.
22 The developers have been through this before so they
23 are experienced. They'll come in with some type of
24 sketch. They present it to the DCC meeting.

25 What does that stand for?

1 MR. LACIVITA: Development Coordination
2 Committee.

3 CHAIRMAN STUTO: So, that's a meeting in the
4 offices with all the departments represented; Fire
5 Services, Water, Sewer - everybody. So, they make
6 preliminary comments on that. Then, they try to make
7 it a better plan and anticipate objections before they
8 are occurring to the extent that they can. Sometimes
9 they'll come before the Planning Board for a sketch
10 plan which will have even more of a preliminary design
11 than this, which is not a formal hearing. We get a
12 look/see and give a little bit of feedback.

13 For example -- and this did have a sketch plan
14 -- where the keyhole lot is - I think that they had
15 two lots up there. I think that the developer said
16 that and we suggested that they reduce that to one or
17 do something and that it didn't fit right. It's all
18 on the transcripts that are in the record. So, they
19 came back and tried to make it a little bit better and
20 the public is invited at the 200 foot notice and the
21 staff -- which is where we are right now, which is
22 concept. If they get concept, and even if they don't
23 get concept, they can still apply for final approval.
24 So, that's where we are now.

25 Brian Beaury.

1 MR. LACIVITA: Peter, just one note. To the
2 point on single family as far as density goes, we
3 talked about 18,000 per lot. The allowance is two
4 home per acre, which is 43,000 square feet. That
5 would be based on this 17-acre lot, they could
6 potentially get 34 homes. So, they're not even
7 maximizing the potential of the development by only
8 allowing 33 in this design.

9 MS. SPINELLI: Does it matter that a lot of it
10 appears to be wetlands?

11 CHAIRMAN STUTO: That probably would be
12 restricted. But they could have squeezed at least one
13 more.

14 Mr. Beaury.

15 MR. BEAURY: Thank you. I suppose that it's
16 appropriate that I'm near this. Mr. Wilson is up on
17 the top, Mr. Guzda is near the end and I'm on Bergen
18 Woods Drive - my wife and I. Our family have lived
19 there since 1999. We were one of the first homes on
20 that side of the street and we do not expect to be the
21 last home. We do not expect that at any point.

22 My concern, as a couple of the other residents
23 have mentioned -- when we discussed this with the
24 owner of the property at the last meeting -- the
25 water. Over the years we have had water standing

1 behind our house 12 months a year. Even without snow
2 or rain, we have standing water. We've had enough
3 water back there where I could put a 24-foot boat in
4 the middle of the water.

5 The culvert that was mentioned between 25 and
6 27 is a house away from me. If you look out the
7 window, upstairs there are bedrooms and we see the
8 water coming right down directly behind our house. We
9 see it coming across the field connecting, coming
10 behind our house and then it goes between 25 and 27.
11 That culvert has been replaced once. The storm drain
12 was not enough to hold the water, the drain, the fill
13 or the driveways. They have all been replaced at the
14 owner's expense. There is large riprap and it's all
15 been shaped by the owner of 25.

16 The concern that I have is if the 13 acres are
17 developed and notwithstanding the fact that there is a
18 buffer. I'm concerned with where the water is going
19 to go.

20 When I look out the back window of my kitchen,
21 that is upgrade to me - where all those houses are
22 going to go. I look up the hill and it's way
23 up-grade. We're at the very bottom. I've had
24 experience with this in other properties that we
25 currently own where I've had neighbors move wetlands

1 and development has come in and it has impacted the
2 property dramatically. I'm just concerned that right
3 now we have a lot of soil erosion where we are. The
4 pool decks have dropped probably 10 inches. The shed
5 has dropped almost two feet. Fences have come apart
6 and that's without any change to the topography of the
7 land. My concern is as a resident that sits at the
8 bottom of this, up top where there is a retention
9 ditch or where this all comes down without anything
10 happening -- it all comes right back behind us. So,
11 anybody who drops anything in the water, it ends up
12 behind their house. If it doesn't get washed down the
13 culvert, it sits between the two houses next to us and
14 we have a project once a year where we clean that out.
15 Thank you.

16 CHAIRMAN STUTO: I'll ask the applicant here if
17 they can address that lot in particular.

18 MR. BEAURY: And if I could, I would invite
19 anybody to come up and take a walk.

20 CHAIRMAN STUTO: I think that it's a great
21 idea.

22 MR. BEAURY: I think that it's worth taking a
23 look at. Again, I'm not against the project. I'm
24 just concerned with where the water is going to go
25 because when this is all over, we're going to be left

1 with the water.

2 MR. KEATING: I can't speak to the neighbors'
3 history of his property compared to my knowledge of
4 the project site. I have experienced the water
5 issues. Again, we have to manage the stormwater and
6 we understand that. If there is a culvert -- I think
7 that there is a drainage easement there. The one
8 thing is that drainage easement was likely put in
9 place as part of the Town's review and approval - that
10 previous development. I don't know what the mechanism
11 was or why it was replaced. It sounds like it was
12 underperforming, but there is a drainage easement and
13 that is something that typically -- and I can't speak
14 for the Highway Department because they are not here,
15 but that is something that could be reached out to the
16 municipality on with respect to making sure that those
17 drains are clear for whatever reason.

18 When it comes to the drainage, with the size of
19 the basin that we have proposed here, we understand
20 that there are some concerns. We did have a
21 conversation in the hallway with you and we understand
22 that if there is something that while we are going
23 through the development of the project and obviously
24 we can't go onto your property to move things or
25 whatever there is there, Chris indicated last time

1 that's what we would be doing with these stormwater
2 management areas and that we would try and make sure
3 that we would control that rate of run-off before it
4 leaves the site. We're staying consistent with what
5 we have been talking about.

6 MR. BEAURY: The water is not on our property.

7 MR. KEATING: It's adjacent to your property.

8 MR. BEAURY: It abuts our property and we've
9 had visits from the Army Corp of Engineers since 1999
10 because there is a stream that runs up through the
11 fields and through the back of Mr. Wilsons and like I
12 said, I see it come right up out of the ground and
13 develop over the course of the year and then they
14 quiet down over the course of the year, very simply
15 out the back windows. That was why the culvert was
16 put into place. The culvert was put into place
17 because of the tree that was there. So, that's the
18 concern is that is never going to go away. That
19 stream is in place.

20 MR. KEATING: Right, and I can't speak to the
21 sizing of that culvert previously and how it was
22 sized. What I can speak to is how we managed the
23 run-off that is coming off of our site.

24 Again, to get back to what we talked about
25 before, we have to control the release of that run-off

1 as it leaves the property. If there are existing
2 flows that are there, we are not allowed to increase
3 those flows. We have to mitigate those by the
4 construction of the stormwater management. We are
5 doing things at the source. We talk about it in our
6 narrative.

7 To Chuck's point, one of the things that we are
8 looking at on the property is to try to reduce the
9 size of the stormwater management basin by introducing
10 things like raingardens into the designs at the
11 building sites themselves. It's a stormwater
12 management practice that allows for what is called
13 runoff reduction volume. These are things that we
14 would be looking to do to try to capture it at the
15 source versus at the end of the pipes. So we are
16 working through those things but again, in order for
17 us to really get into the detailed design of a lot of
18 the things that we're talking about here this evening,
19 we need to be able to get through this next step in
20 the process so that we understand the number of lots
21 and that we can appropriately do and size some of the
22 things that are being talked about this evening.

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

25 MR. LACIVITA: Not at this point.

1 MR. VOSS: Not really. At this point, he is
2 correct in saying that the stormwater needs to be
3 mitigated and until we get past the concept design, we
4 can't get into the actual physical design of those
5 stormwater systems or even analyze what exactly is
6 going to be built out there.

7 CHAIRMAN STUTO: Can you keep a very close eye
8 on that and be very sensitive to the neighbors?

9 MR. VOSS: Certainly. We have done that with
10 other applications where we have looked at existing
11 issues on other properties. They could potentially be
12 impacted and made sure that the design of the
13 applicant's property doesn't certainly exacerbate any
14 conditions and actually looks to improve some of those
15 conditions.

16 Peter, as you said, if there are any additional
17 folks who know of potential issues like stormwater
18 like what you have in the back of your property, let
19 us know. It would be very helpful to incorporate that
20 into our entire review.

21 CHAIRMAN STUTO: Okay, Craig has a question.

22 MR. SHAMLIAN: The water that is going into
23 that culvert currently - if this project is approved,
24 is that water still going to be going to the culvert
25 or is that water now going to channel through the

1 stormwater retention basin?

2 MR. KEATING: There will probably be a
3 combination of both. There are wetlands there. So,
4 we are not allowed to completely dry the wetlands up
5 if they are regulatory wetlands. So, we would have to
6 do somewhat of a balancing act with respect to making
7 sure that we are giving enough water still to the
8 wetlands, however, managing the rate of run off from
9 the proposed development. So, it goes back to that
10 same point of the size of the basin that you see here
11 is rather large because the fact that we are going to
12 need to hold that water and release it slowly. I
13 can't just cut the water off to a regulated wetland.
14 They just don't let me do that.

15 CHAIRMAN STUTO: Thank you.

16 John Chakmakas.

17 MR. CHAKMAKAS: Hi. I'm John Chakmakas. I have
18 a property - I live on Weatherby Court and I also have
19 a temporary cul-de-sac type thing on my property. I'm
20 exactly where the other people are. We knew that
21 sooner or later that things were going to get
22 connected and that's great. It's not great, but it's
23 going to happen.

24 I think that my only concern is that it seems
25 -- I don't know anything about the process of doing

1 this. I just found out from Jeff that this hearing
2 was going on so I had very little preparation. What I
3 have heard so far seems to be conflicting.

4 I heard somebody say we'll try to accommodate
5 the water. We're going to put \$500,000.00 to
6 \$800,000.00 houses up but they are going to be 2,000
7 and 2,500 square feet. The wetlands come right to the
8 back door, but that's conservative and you can't
9 answer how far back it can go. It just seems to be
10 that there are a lot of inconsistency that I'm
11 hearing. I'd like to understand how those
12 inconsistencies get straightened out.

13 CHAIRMAN STUTO: I'll leave it to the
14 applicant.

15 I didn't hear it as being inconsistent, myself.
16 I'll let the applicant answer that. He started out,
17 for example - whether it's a \$600,000.00 and he said
18 2,500 up to perhaps 3,500 but that wouldn't preclude a
19 2,000 square foot house. So, I don't really think
20 that's inconsistent.

21 With respect to the wetlands being right up to
22 the house, they said that this was a preliminary
23 design that was designed on a conservative basis. As
24 I understood it, erring on the side of overstating
25 what the wetlands will be. As they get into a more

1 detailed drawing, they are fairly confident are going
2 to be tracked. That's how I heard them say it. I'm
3 not sure what else you thought was inconsistent. It
4 bears repetition because you're not a developer
5 yourself. I'll ask the applicant to jump in.

6 MR. KEATING: Once again, we are at concept.
7 We were at sketch plan and we moved into concept. A
8 lot of the things that are talked about this evening
9 when we are getting into the detailed design of the
10 practices of the items.

11 In order to really get to that next stage, the
12 applicant needs to have a general understanding that
13 the number of lots and everything that is being
14 discussed here is comfortable for the Board and the
15 Town for us to be able to move to that next state
16 because if you came out the next time that we were
17 here and you said, well, only 10 is allowed because of
18 whatever reason, now we have gone through and we have
19 done a lot of detailed studies and analysis -- to
20 Chuck's point, he's going to be looking for water and
21 sewer reports and stormwater management reports. We
22 need to do Phase I and research. There are a lot of
23 studies in wetlands.

24 CHAIRMAN STUTO: Why don't you detail what you
25 are going to do from an engineering perspective?

1 MR. KEATING: From just the general overall
2 perspective of the project is preparing the detailed
3 site development plans. We are required to prepare
4 water and sewer reports that are required to be
5 submitted to the Town's Departments which ultimately
6 go to the Albany County Health Department for review
7 and approval as well.

8 We have a Stormwater Pollution Prevention Plan
9 that would need to take place. There are wetlands.
10 There are archeological - from a SHPPO perspective, we
11 would at least have to do a consultation with them. I
12 have work permits associated with things along Boght
13 Road.

14 CHAIRMAN STUTO: Didn't you delineate the
15 wetlands yet?

16 MR. KEATING: We have delineated the wetlands,
17 however, we're waiting for the vegetation to come up
18 now so that we can actually go through and have Army
19 Corp come out and take a look at it. It's a timing
20 thing. Hopefully, if we keep getting these nice days
21 we'll have that green grow up real quick so that we
22 can go out there and start doing that.

23 CHAIRMAN STUTO: Sir, they are going to do some
24 more detailed engineering on all these aspects. If
25 they're wrong or they've been exaggerated -- they

1 wouldn't lie, obviously, but if the wetlands turn out
2 to be bigger, that would change what the layout of
3 this would be.

4 MR. KEATING: You're absolutely right. If we
5 end up coming out and finding in the detailed analysis
6 that we find that there is something that comes up and
7 requires us to modify this layout, then obviously
8 those are the things that we will have to address.

9 CHAIRMAN STUTO: Michael Maloney.

10 MR. MALONEY: Good evening. I know that
11 there's been a lot of discussion already. I just have
12 two quick points.

13 The first point would be that I see that there
14 is a paper street that connects to Wildflower Way, but
15 it looks like the street comes in the middle of hill.
16 Is that correct as far as when you look at the
17 grading.

18 CHAIRMAN STUTO: That's in the middle of Mr.
19 Wilson's property, right? I'm not sure what your
20 question is.

21 MR. MALONEY: In this report where Wildflower
22 is supposed to connect, there is a paper street that
23 connects to Vischer Court on this parcel. Is that
24 correct?

25 CHAIRMAN STUTO: I'll ask the engineers. I

1 don't know. I'm not seeing it on my map.

2 MR. KEATING: So, as part of some of the
3 comments that came out in the planning, similar to the
4 other developments that are surrounding the areas.
5 Paper streets were requested to be identified on the
6 plans.

7 This general location that you see here is
8 consistent of what was asked from us by the Town to
9 identify a location for a paper street, going towards
10 to the adjacent property. There are topography items
11 that need to be addressed, if there ever was a future
12 road to go in there. Similar to many of the other
13 connections that are at the end of those streets.
14 Right now, I don't know what the planned development
15 would be on the adjoining property or what the
16 elevation would be on the adjacent piece.

17 CHAIRMAN STUTO: Is that an existing paper
18 street or that's what is being suggested?

19 MR. KEATING: That's what is being suggested by
20 the Town.

21 MR. MALONEY: So, the Town picked this out?

22 MR. KEATING: In this general location here,
23 yes. So, it would be somewhere in this general
24 vicinity (Indicating). It's got to be in that
25 corridor.

1 That is something that Mike Lyons had
2 suggested. To your point, there is this limited area
3 that the paper street can exist in.

4 MR. MALONEY: The area looks like it's much
5 more flat.

6 MR. LACIVITA: This may work itself off the
7 process anyway.

8 MR. MALONEY: I know that it says that you've
9 still got to figure out where the wetlands are and
10 what the boundaries are and they're waiting for
11 everything to green up. Does that mean that lot will
12 not be mowed until after the Army Corp of Engineers
13 has gone in?

14 CHAIRMAN STUTO: I'll let them address that. I
15 don't know the answer.

16 MR. KEATING: We all know that the Army Corp
17 can certainly go out whether it's mowed or not to help
18 with the delineation. It's just easier to have a
19 delineation done once we start to see the vegetation
20 and the growth to come up. We'll coordinate with the
21 property owner as to their mowing activities with
22 respect to that.

23 CHAIRMAN STUTO: Do you prefer that it not be
24 mowed?

25 MR. KEATING: It's easier for everybody to be

1 able to look at it. Most certainly, they are taking
2 soil samples and they are looking at the vegetation
3 even at the smallest heights of grass and growth. If
4 it was mowed, it's not that they couldn't go through
5 the delineation.

6 MR. VOSS: Peter, it's easier earlier in the
7 season that the properties aren't mowed due to the
8 young vegetation. Whoever they choose to do
9 delineation can actually see the species coming
10 through. Typically, this won't be mowed in the early
11 spring just so you can see what is coming up through.

12 MR. MALONEY: That's the Board's position is
13 that it won't be mowed until after the Army Corp comes
14 out?

15 MR. VOSS: I don't think that it's a position.
16 It's just a matter of fact of what is required.

17 CHAIRMAN STUTO: What is your concern about
18 that?

19 MR. MALONEY: I'm just wondering because I know
20 that it seems as though this whole project when you
21 look at it - the wetlands are significant and it's
22 important because these guys are trying to figure out
23 where to put houses, but they are not really sure
24 where they can put houses. If you can get a good hard
25 line, as far as where it is, then it's easy and

1 everything goes forward. That's my only concern -
2 make it easier to plan the development.

3 CHAIRMAN STUTO: I mean, we'll ask them to
4 consider that.

5 MR. KEATING: From a timing perspective, we
6 actually did do some delineation with the wetland
7 biologist, so we have an idea of what the wetlands
8 are. It's just that to do the formal delineation with
9 the Army Corp of Engineers. From a timing
10 perspective, the springtime makes more sense. What
11 you see here is based upon not a map or an aerial
12 photograph or something. We actually had the wetland
13 biologist to come up with an approximate line and then
14 we drew that line a little bit bigger when we were
15 doing this mapping. It is approximate because we
16 don't have the Army Corp yet to the site.

17 CHAIRMAN STUTO: Chuck, does it make sense to
18 not mow it until the Army Corp gets in there?

19 MR. VOSS: There probably isn't any need to mow
20 it until the middle of June or July anyway. I don't
21 even know if you need to make that a condition, to be
22 perfectly honest. Nobody is going to be out there
23 until the next three or four weeks.

24 MR. KEATING: I would hope so.

25 MR. VOSS: There would be no need to mow

1 anything at that point. But they will see those
2 species coming through relatively early in the spring.
3 The typical species do pop up earlier than most
4 things. You're not going to have five foot tall
5 grasses out there in a month, to be perfectly honest.
6 I don't think it should be a concern.

7 MR. MALONEY: I know that the backs of the
8 homes with the clearance, it does look pretty tight.
9 These homes were all set up where they have walk-out
10 basements - or at least a lot of the homes were set up
11 with walk-out basements. So, it's really from their
12 basement walk-out they have like 10 feet when there at
13 that edge. That's my only concern. Thank you.

14 CHAIRMAN STUTO: Thank you.

15 Okay, does the Board have questions or
16 comments?

17 MR. SHAMLIAN: Obviously, the applicant has a
18 lot of work to do and they know that. It seems like a
19 nice project. There are a number of challenges before
20 you.

21 MR. LANE: We have the list of contacted
22 neighbors. The addresses don't seem to line up with
23 what they have on their site plan here.

24 Mr. Beaury, you're at 23?

25 MR. BEAURY: Yes.

1 MR. LANE: But up here you're showing up as -

2 MR. LACIVITA: 23 Bergen Woods.

3 MR. LANE: That's 26. Or is that just a number
4 that they designated?

5 MR. KEATING: There are lot numbers and there
6 are addresses.

7 MR. LANE: So, the lot number is different.

8 MR. LACIVITA: If you go to the mailing
9 address, it's 23.

10 MR. LANE: Okay, that's all I wanted to know.
11 These are like the tax lots.

12 MR. KEATING: Yes, we request them from the
13 assessor.

14 MR. LANE: As far as the retention ponds, I
15 used to be concerned with the chain link fence and I
16 think that we would like to see something with
17 screening. Nobody really wants to have a view of a
18 chain link fence in what is supposed to be a natural
19 area.

20 CHAIRMAN STUTO: I think that we have one more
21 resident.

22 MR. QUINN: I'm Patrick Quinn of Green Meadows.
23 I have just a question of clarification here. The
24 applicant suggested that the Fire Department needed a
25 secondary access and there is an optional road to the

1 northeast there. That appears according to the
2 satellite photos to be a densely wooded area. How are
3 they going to get through that densely wooded area?

4 CHAIRMAN STUTO: That's for sometime in the
5 future. That's what I understood.

6 MR. KEATING: There will be some utilities that
7 need to be installed as part of that easement across
8 there. There would likely be some clearing to get our
9 utility connections made through that zone. What we
10 would like to do is work that out so that it can
11 co-exist with the Fire Department so that if there is
12 a need for that kind of connection, that it's all
13 planned out and readily available.

14 CHAIRMAN STUTO: So, that hasn't been finally
15 determined yet.

16 MR. KEATING: We haven't picked out the path of
17 the sewer through the adjoining piece just yet. We
18 have reached a general agreement with the adjoiner to
19 allow for those utilities to extend through there.

20 We have gone through and done some elevation
21 checks. What we have come up with to date and we have
22 determined that we can make the sanitary sewer
23 connections to the -

24 CHAIRMAN STUTO: Is it also going to be a
25 emergency fire connection? That's what I guess I

1 don't understand.

2 MR. KEATING: It could be, if that's what the
3 Town's desire ends up being.

4 CHAIRMAN STUTO: If that's the case, then it
5 will obviously be cleared.

6 I think that we have a lot of good comments
7 from the neighbors. Hopefully, the questions were
8 answered; maybe not 100% to everybody's satisfaction.
9 We will be back. There is going to be detailed
10 engineering studies and drawings done going forward
11 and I encourage the applicant and our Town Designated
12 Engineer to make themselves available, even for site
13 visits with the adjacent neighbors so that they can
14 mitigate the impacts that are going to be there that
15 we have discussed tonight.

16 MS. MILSTEIN: I am very concerned about the
17 water and how it would impact the neighborhood. I'm
18 just letting you know for the record that these things
19 have to be adequately addressed and take into
20 consideration the surrounding neighborhood.

21 CHAIRMAN STUTO: Do we have a motion for
22 application for concept acceptance?

23 MR. LANE: I'll make the motion.

24 MR. MION: I'll second.

25 CHAIRMAN STUTO: Any discussion?

1 (There was no response.)

2 CHAIRMAN STUTO: All those in favor?

3 (Ayes were recited.)

4 All those opposed, say nay.

5 (There were none opposed.)

6 The ayes have it.

7 Thank you.

8 MR. KEATING: Thank you.

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12 (Whereas the above entitled proceeding was

13 concluded at 8:15 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 _____

