

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 ISABEL COURT SUBDIVISON  
301 SAND CREEK ROAD  
5 APPLICATION FOR FINAL REVIEW & SEQR  
DETERMINATION

6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above entitled  
Public Hearing by NANCY L. STRANG, a Shorthand  
8 Reporter, commencing on April 5, 2016 at 7:00 p.m. at  
The Public Operations Center, 347 Old Niskayuna Road,  
9 Latham, New York

10

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

14

15

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq. Counsel to the Planning Board

18 Joseph LaCivita, Director, Planning and Economic  
Development

19

20 Joe Bianchini, PE, ABD Engineers

21 Brad Grant, PE, Barton and Loguidice

22 Judith Tate, Green Meadows Neighborhood Association  
Bob Ogren

23 Mary Darrian  
Jim Kochan

24 Marilyn Huber  
Judy Brandow

25 Marcia Oliveri

1        Arthur Morgan  
         Penny Tallman  
2        Joseph Martin

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1                   CHAIRMAN STUTO: I see that we have a lot of  
2 work to do tonight and obviously there is a lot of  
3 public interest.

4                   Joe, do you have any introductory remarks  
5 before we get started?

6                   MR. LACIVITA: No, I suggest that we go right  
7 into the first public hearing.

8                   CHAIRMAN STUTO: Okay, the first public  
9 hearing -- and if members of the public want to be  
10 heard, there is a sign-in sheet over here to my right  
11 on that table. We'd appreciate if you'd sign in and  
12 then we can call you in the order in which you signed.

13                   Isabel Court Subdivision, 301 Sand Creek Road,  
14 application for final review and SEQR determination.  
15 This is a 13-lot residential subdivision.

16                   Joe LaCivita, do you have any introductory  
17 remarks on this project?

18                   MR. LACIVITA: We do know that we saw this  
19 project a number of times back from 2013, again in  
20 2014 and again on March 22, 2015. We do have a public  
21 hearing notice as we called this two weeks ago which  
22 Kathy can read into the record.

23                   CHAIRMAN STUTO: Please, Kathy?

24                   MS. MARINELLI: Notice is hereby given that the  
25 pursuant to Section 276 of the Town Law, the Town

1 Planning Board of the Town of Colonie, Albany County,  
2 New York will meet and conduct a public hearing at the  
3 Public Operations Center, 347 Old Niskayuna Road,  
4 Latham in the Town of Colonie, County of Albany, New  
5 York on the fifth day of April, 2016 at 7:00 p.m. for  
6 the purpose of hearing all persons upon the approval,  
7 modification or disapproval of a certain residential  
8 subdivision in the Town of Colonie, County of Albany,  
9 known as Isabel Court Residential Subdivision  
10 consisting of 9.2 acres to be divided into 13  
11 residential building lots. Dated March 23, 2016.

12 MR. LACIVITA: For the record, Ted Cillis has  
13 been the applicant. He is the builder of record and  
14 with us tonight is Joe Bianchini, the engineer from  
15 ABD.

16 MR. BIANCHINI: Thank you, Joe.

17 Good evening. I'm Joe Bianchini with ABD  
18 Engineers and I'm representing Ted Cillis, the  
19 developer, for this project.

20 The project is listed as 301 Sand Creek Road  
21 because it actually fronts on Sand Creek Road. It's  
22 just to the west of Campagna Drive. Van Geest Nursery  
23 is currently there. They have a house there. They  
24 have a greenhouse and they have a couple barns.

25 It extends back 1666 feet along the St. John's

1 Cemetery. It goes back and the Town Park is over here  
2 (Indicating). It then goes along the backyards of  
3 property on Wertman and Campagna Drive all the way  
4 back and around to Sand Creek. I think that we border  
5 15 or 16 houses along that.

6 The project is called Isabel Court because we  
7 are adding this roadway as a court. It comes in  
8 almost opposite Winifred Lane and it goes back 1300  
9 feet to a cul-de-sac. There are 13 residential lots.  
10 Each of these lots are either 18,000 square feet or in  
11 excess of 18,000 square up to 22,000. I think that  
12 the average lot size is about 18,800 square feet. You  
13 can see that the yellow is the new lots. You can see  
14 from the existing lots that the new lots are better  
15 than twice as big as the existing lots. They are  
16 about 90 feet wide and over 200 feet deep.

17 Obviously, we are going to have water and  
18 sewer. The waterline will come in from Sand Creek  
19 Road through the project and connect through Campagna  
20 Drive waterline. The sewerline -- there will be two  
21 lines. One will go this way and connect into the Town  
22 sewer and the other comes this way (Indicating) and  
23 goes through an easement between 12 and 14 and  
24 connects to the existing sewer there.

25 I think that the main concern from everybody on

1           this project has been the high ground water table. We  
2           are aware of it. We had test pits out there. The  
3           ground water varies from a few feet below the surface  
4           to seven or eight feet when you get back by the  
5           cemetery.

6                        To preserve and help the neighbors, we've done  
7           several things. First we put a drainage system and an  
8           underdrain system all along the backyards here. That  
9           will go out into the existing drainage system.

10                      We have two stormwater basins. One here and  
11           one here (Indicating). These systems are bioretention  
12           systems. They are basically sand filters with two and  
13           a half feet of sand with underdrain underneath that  
14           and under that is a plastic liner. It goes underneath  
15           that. None of the water from these basins can go into  
16           the groundwater. Everything goes into the storm  
17           system, but slowly. It holds the stormwater in these  
18           basins and then releases it slowly into the storm  
19           system. The underdrains along here (Indicating) will  
20           pick up the ground water and discharge it slowly in  
21           the underdrains. They are basically set up lower than  
22           the post foundation levels of the houses along  
23           Campagna. So, it will help dry up and help reduce the  
24           ground water in that area. The water goes into the  
25           Town stormwater system, which travels down through the

1 subdivision and I think that it comes out by Osborne  
2 Road over into a creek in that area and drains away to  
3 the Patroon Creek.

4 The other feature to this in addition to the  
5 lots, there will be a connection here from this  
6 roadway to the Town park. We'll have a new small  
7 trail that will connect into the Town park.

8 Ted said that the houses will be in the  
9 \$370,000.00 to the \$400,000.00 range. They will all  
10 be pretty much custom built houses.

11 I think that covers everything.

12 CHAIRMAN STUTO: Okay, please remember to sign  
13 in on the sheet if you want to speak and we'll be  
14 happy to take your questions and comments. We'll make  
15 sure that they are answered before we finish.

16 We have a Town designated Engineer reviewing  
17 this on behalf of the Town. Brad Grant is with Barton  
18 and Loguidice.

19 Brad, can you give us a report of your review?  
20 I know that we have seen this a few times before.

21 MR. GRANT: There are a number of issues to  
22 work out. It's a relatively small project, but there  
23 were basically three significant issues. One was  
24 emergency access. There is a knox box and an  
25 emergency gate where the Fire Department or emergency

1 personnel can get into the subdivision in case Isabel  
2 Court, for whatever reason, closed off. That's an  
3 important feature when we have that on roads like this  
4 one.

5 As Joe had mentioned, particularly with the  
6 stormwater management, there are original concepts of  
7 porous pavement and wet basins at least on stormwater  
8 treatment but there is a real sensitivity to ground  
9 water here. Anything and everything that can be done  
10 to control ground water and limit it percolating back  
11 into the ground, particularly at the two bioretention  
12 basins. We press the buttons that needed to be with  
13 the liner systems. A wet basin went essentially to a  
14 dry bioretention facility in all sensitive to existing  
15 properties not only on Campagna Drive, but down  
16 gradient of this. This is a high groundwater  
17 neighborhood and there are houses with multiple sump  
18 pumps that go off almost continuously. So, the hope  
19 is that the houses are upgradient of this so that the  
20 houses and the cemetery will have a de-watering  
21 effect. Most foundations are going to go into the  
22 ground and in many cases there will be gravity footing  
23 drains that will go right out to the back yard  
24 drainage, connect in the catch basins and make it go  
25 away.

1                   Another issue was the sanitary sewer. As Joe  
2 had mentioned there is sewer going in both directions  
3 from the high point in the road. There was an  
4 original concept of grinder pumps for three of the  
5 houses, but they were able to work through and make  
6 some arrangements for easements between 12 and 14  
7 Campagna. It has been around and we have reviewed it  
8 a number of times but those were the big ticket items.

9                   CHAIRMAN STUTO: Okay, we're going to turn it  
10 over to the residents and hear what they have to say  
11 but with respect to stormwater, would you say that  
12 there will be an improvement in your professional  
13 opinion? How would you characterize that for the  
14 existing homes?

15                  MR. GRANT: I think that there will be some  
16 improvement. It's a hard thing to measure.

17                  CHAIRMAN STUTO: It is fair to say that it  
18 won't get any worse?

19                  MR. GRANT: Yes.

20                  CHAIRMAN STUTO: You'll firmly say that.

21                  MR. GRANT: Yes.

22                  CHAIRMAN STUTO: Okay, please continue what you  
23 were saying.

24                  MR. GRANT: I have a basement that has ground  
25 water issues sometimes and it's from the bottom up.

1           Some people have problems from surface flooding. This  
2           is more like the situation like I have where I live.  
3           It's a frustrating thing to see water come up right  
4           through your floor.

5                   CHAIRMAN STUTO: Will this system get rid of  
6           some of that ground water?

7                   MR. GRANT: Yes.

8                   CHAIRMAN STUTO: Preemptively?

9                   MR. GRANT: Yes.

10                   CHAIRMAN STUTO: So, they may expect some  
11           improvement without over-promising.

12                   MR. GRANT: Yes.

13                   CHAIRMAN STUTO: I'll call them in the order  
14           that they are written down. If it's on this project,  
15           please, we ask that if you are physically able, we ask  
16           that you go up to the microphone so that everyone can  
17           hear and also so the stenographer can hear to take it  
18           down.

19                   Judith Tate.

20                   MS. TATE: My name is Judith Tate and I live at  
21           46 Green Meadows Lane in Loudonville. I am here  
22           representing the Green Meadows Neighborhood  
23           Association. Pat Quinn, is a board member and went  
24           over and looked at the property and he also did Google  
25           Earth to look at the trees. There are lots and lots

1 of trees on that property. We just wanted to make  
2 certain that --

3 MR. LACIVITA: Which one were you looking at?

4 MS. TATE: 301 Sand Creek Road.

5 We just wanted to make certain that the Board  
6 will attend to that.

7 CHAIRMAN STUTO: I'm not sure exactly what you  
8 mean.

9 MS. TATE: There are some regulations that  
10 require you to be aware of the tree sizes and the  
11 cutting.

12 CHAIRMAN STUTO: Joe, are you prepared to help  
13 us with this?

14 MR. LACIVITA: Yes, I think that once before  
15 when the Colonie Save the Trees came to speak to us,  
16 there was a regulation that they spoke to which was  
17 Chapter 177 of the Town Law. I don't want to say that  
18 it comes down to interpretation of how this law gets  
19 enacted with development, but 177.1 is the findings.  
20 It says: "The Town of Colonie hereby finds that  
21 excessive cutting of trees upon large tracts of land  
22 has resulted in creating increased surface drainage  
23 and increased soil erosion, thereby causing increased  
24 municipal costs to control drainage within the Town  
25 and impairing the benefits of occupancy of existing

1 residential and commercial property in such areas and  
2 impairing the stability and value of both improved and  
3 unimproved real property in such areas with attendant  
4 deterioration of conditions affecting health, safety  
5 and general welfare of the inhabitants of the Town."

6 It talks about development requirements, which  
7 is 177-2 "It is hereby enacted by the Town Board of  
8 the Town of Colonie that in presenting plans of  
9 developments for approval by the Planning Board,  
10 either residential or commercial developments, that  
11 the applicants must, in addition to existing  
12 requirements, show the area from which trees will be  
13 removed."

14 I think that Joe, through the course of this  
15 process you have shown the clearing and grading limits  
16 and I believe that they were reviewed by our Town  
17 Designated Engineer.

18 Section 177-3 is restrictions on cutting and  
19 removal.

20 "The Planning Board of the Town of Colonie is  
21 empowered to require that trees will be left standing  
22 in areas upon the plat or subdivision, and no live  
23 tree exceeding three inches in diameter may be cut  
24 down in such areas without expressed consent of the  
25 Planning Board, to be indicated upon the approved

1 plan. The Planning Board may also require that trees  
2 shall not be cut down on or removed from any building  
3 plot on the subdivision unless the area is to be  
4 occupied by the building thereon."

5 Can you show the grading and the clearing  
6 there, Joe?

7 MR. BIANCHINI: We are clearing most of the  
8 area within the property. It has to be cleared  
9 because the trees are pretty much along the outside of  
10 the boundary with the cemetery and on these two lots  
11 up here. The trees within this area -- it's been Van  
12 Geest's Nursery. A lot of it is Nursery stock. There  
13 are not a lot of big trees within that area.

14 CHAIRMAN STUTO: Where would you see trees over  
15 three inches would be located?

16 MR. BIANCHINI: These two lots up here  
17 (Indicating).

18 CHAIRMAN STUTO: Is that all?

19 MR. BIANCHINI: That's not all, but it's  
20 predominantly where they are.

21 MR. LACIVITA: I wanted Joe to go through the  
22 clearing and show where everything was, based on this  
23 final comment. It says:

24 "In such instance trees may be cut down in area  
25 to be occupied by buildings or driveways and within a

1 distance of 10 feet around the perimeter of such  
2 buildings or driveways."

3 That is the law, as it stands.

4 MS. TATE: We are particularly concerned as  
5 you know because -

6 CHAIRMAN STUTO: I'm just going to follow-up on  
7 this and then we'll get back to you.

8 Brad, do you have anything to add to that or  
9 any comments to make?

10 MR. GRANT: Generally, not the grading plan  
11 does dictate the removal of some trees. There are  
12 areas of cut and fill on the site to get acceptable  
13 grades on both the lots and the road.

14 CHAIRMAN STUTO: Are we saving any trees?

15 MR. BIANCHINI: Along the perimeter.

16 CHAIRMAN STUTO: Can you show us where?

17 MR. BIANCHINI: Back here and through here and  
18 whatever we can save right along the road and the  
19 cemetery (Indicating).

20 CHAIRMAN STUTO: Is there a chance to save  
21 trees on the backs of the lots towards the homes?

22 MR. BIANCHINI: We haven't put the drainage  
23 system in back here so any trees that you could save  
24 would be right between the house would be here  
25 (Indicating) and that drainage system. Yes, we can do

1 something in through there.

2 CHAIRMAN STUTO: We may want to try to do that.

3 Go a head ma'am.

4 MS. TATE: My point was that as you know,  
5 several of the projects that have passed recently have  
6 been clear cut. I think that is everybody's  
7 disadvantage.

8 CHAIRMAN STUTO: Thank you.

9 I would ask the applicant to work with our Town  
10 Designated Engineer to see if there is an area between  
11 the building spot and the back of the lots where we  
12 can save some trees.

13 Bob Ogren.

14 MR. OGREN: You've heard me before here.

15 Basically a bunch of us from the neighborhood  
16 have a list of questions that we put together and I'm  
17 not going to address them all, but I'll start.

18 It's our understanding that the stormwater plan  
19 has been in existence for some time but has not always  
20 been followed.

21 CHAIRMAN STUTO: Okay, you get all the  
22 questions out and then we'll ask the applicant.

23 MR. OGREN: I'm referring to Campagna Drive.  
24 When that was put in the back of my lot and several  
25 others, there is a drain which is a ditch heading down



1 address your questions.

2 Stormwater existing maintenance and future  
3 maintenance of what you are going to build and also if  
4 you can describe the drainage basins in a little more  
5 detail and the safeguards around them.

6 MR. BIANCHINI: There are a couple of drainage  
7 easements that exist now that go to the Town. How  
8 well they have been maintained, I don't know.

9 CHAIRMAN STUTO: Joe, do you have any knowledge  
10 of this?

11 MR. LACIVITA: No, this is the first that I'm  
12 hearing it.

13 MR. BIANCHINI: What will happen is - what is  
14 there now on this property and going out of this  
15 property will all be replaced. We'll put in an  
16 easement that is all inspected by the Town as its  
17 going in and then after it's completed and it's to the  
18 satisfaction of the Town, the Town takes it over and  
19 it's up to the Town to maintain it.

20 MR. OGREN: Is it deep?

21 MR. BIANCHINI: It's as deep as we can get it.

22 MR. OGREN: I have several sump pumps which I  
23 need all the time and I have no storm sewer in front  
24 of my house. Some houses have them. Mine is going in  
25 my back yard.

1           MR. BIANCHINI: This will be an easement to the  
2           Town. If you wanted to hook your sump pump to that  
3           system in the back -- there is a catch basin along the  
4           way that you can hook that into, instead of just going  
5           onto the ground. That will help further reduce the  
6           ground water.

7           MR. OGREN: Yes, I will.

8           MR. BIANCHINI: So, that will be done. The  
9           bioretension areas - our stormwater basins - they're  
10          not always filled with water. They only fill with  
11          water after a storm. It builds up and then it drains  
12          down through the sand and it's collected by an  
13          underdrain. As I said, there is a plastic liner  
14          underneath that so that it doesn't go back down.

15          MR. OGREN: But it is carried away.

16          MR. BIANCHINI: It's all carried away through  
17          the Town's system that's on Campagna. I'm confident  
18          that this will lower the ground water in that area and  
19          you'll have something to discharge your sump pumps  
20          into.

21          MR. OGREN: That will be great; thank you.

22          CHAIRMAN STUTO: Mary Darrian.

23          MS. DARRIAN: I live on 10 Campagna Drive. One  
24          of the drainage systems of the ponds are going into my  
25          backyard. I'm a little bit concerned about the

1 insects. You mentioned liners several times. Those  
2 liners, just like liners in a swimming pool, break.  
3 That's another issue.

4 I will talk about the traffic on Campagna Drive  
5 which there is a lot there already. One of the things  
6 that - when we had our meeting, was requested no turn  
7 on the red light be taken down. It will at least ease  
8 a little bit of the traffic. You're going to have  
9 more and more traffic going out on Campagna Drive as a  
10 result of this project.

11 The other thing is that if we have flooding in  
12 our basements, what can be done to protect us? Can a  
13 bond be posted and what homes will that bond cover and  
14 how long will this bond be in effect? Suppose we do  
15 have flooding issues in our cellar that we never had  
16 before? Or in some cases people have had flooding  
17 issues but we certainly don't want them to be worse.  
18 Those are my two concerns.

19 CHAIRMAN STUTO: Can you describe the drainage  
20 basin that's near this lady's house?

21 MR. BIANCHINI: The drainage basin is right in  
22 this area (Indicating). The lot itself is probably  
23 15,000 square feet or so. It's smaller than a regular  
24 lot. As I said, the basin will be graded such that -  
25 not above ground but that it drops down at the sides

1           into the basin.

2                   MS. DARRIAN: Which direction does it go;  
3           toward the cemetery?

4                   MR. BIANCHINI: It actually goes out - there is  
5           an easement between 12 and 14. It all goes out to  
6           there. It's a basin with sand with wetland kind of  
7           plants within that. Those wetland plants take up  
8           water. Again, this will drain out. There will only  
9           be water there for maybe at most a day after a storm.  
10          Then it drains down. There shouldn't be any  
11          mosquitos.

12                   MS. DARRIAN: How deep is this?

13                   MR. BIANCHINI: It's about three feet deep.  
14          It's all fenced and the sand - there is two and a half  
15          feet of sand in it. So, it goes down and when you're  
16          building it, it goes down deeper because we have two  
17          and a half feet of sand and another foot of stone. It  
18          might look bigger when it's being built, but in the  
19          end it will be about three feet deep.

20                   MS. DARRIAN: I think that the bond issue is  
21          very important to protect the homeowners in case we do  
22          have flooding that we never had before.

23                   CHAIRMAN STUTO: I'll explain what I understand  
24          the bond situation to be.

25                   The builder has to post a bond to make sure

1           that the roads and the other infrastructure are built  
2           in accordance with the engineering specifications.  
3           Anybody can correct me if I'm wrong. It's designed to  
4           protect the homeowners, but probably only to the  
5           extent that it's going to be completed to the  
6           engineering specifications. Once it's completed and  
7           inspected and it's functioning - the bond is still  
8           there, I suppose, but that's generally the purpose of  
9           the bond - to make sure that they build it correctly.

10                    She had also asked about traffic on the road.  
11           Can you talk about that?

12                    MR. BIANCHINI: She asked about eliminating the  
13           no turn on red on the corner where there is a traffic  
14           light.

15                    MS. DARRIAN: Right, because it would keep the  
16           traffic flowing.

17                    MR. BIANCHINI: It would, but it's not us that  
18           really addresses that. That's a Town function on the  
19           light.

20                    CHAIRMAN STUTO: No right on red; is that your  
21           suggestion?

22                    MR. BIANCHINI: No. She wants to eliminate the  
23           no right on red.

24                    MS. DARRIAN: Well, there's a school there.  
25           So make that during school hours.

1                   MR. LACIVITA: One of the things that we can do  
2 is have the Highway Safety Committee look at that  
3 comment and see what they could come up with as this  
4 is coming toward stamped plans.

5                   CHAIRMAN STUTO: Okay, we'll take a look at  
6 that with the Town Designated Engineer and the  
7 department. That's all I can promise, ma'am.

8                   Jim Kochan.

9                   MR. KOCHAN: I'd like to know a little bit more  
10 about this easement between 12 and 14 and how that was  
11 obtained? Is that wide enough for a sewage line  
12 through there?

13                  CHAIRMAN STUTO: Is that your only question?

14                  MR. KOCHAN: No, not exactly. I'd like to know  
15 about these trees. It's my understanding that each  
16 tree will take up 50 to 100 gallons of water per day,  
17 per tree. You're going to take down hundreds of  
18 trees, I assume, that are in there; maybe a thousand.  
19 I don't know. Will your existing plans handle all that  
20 extra water on top of the water that is already there.

21                  Is there going to be a stop sign coming out of  
22 Isabel Court onto Campagna? Is there a plan for a  
23 four-way stop there, possibly, to give the people from  
24 Isabela a chance to get out? It's going to be an  
25 enormous amount of traffic flow coming from there.

1           These are \$300,000.00 and \$400,000.00 and \$500,000.00  
2           houses possibly. You're not talking one or two cars  
3           per house. You're talking about three or four cars.  
4           Once junior gets of age with kids there and everything  
5           else, it's going to create a lot more traffic there.

6                     I don't know if there is any way that we can  
7           utilize that road. You mentioned that emergency road  
8           for emergency purposes. If that road is possibly wide  
9           enough to put a road in for cars to exit Isabela Court  
10          onto Sand Creek - a right turn only, maybe? That  
11          would cut down maybe half of the traffic flow.

12                    CHAIRMAN STUTO: Sewer easement - how do you  
13          obtain it and is it adequate?

14                    MR. BIANCHINI: Yes, there is an easement  
15          between 12 and 15 Campagna. It's an existing  
16          easement. It was set up as a drainage easement only.  
17          So, we approached both owners. Only one owner was  
18          willing to grant an easement and change it to a  
19          utility easement. So, half of that 30 foot on Mr.  
20          Unser's property which changed to a utility easement  
21          so that we can put a sewer line in. The other half  
22          will remain a drainage easement only. The piping  
23          through that easement will be replaced.

24                    CHAIRMAN STUTO: How big is the pipe? He's  
25          asking if the pipe is adequate for the sewer.

1                   MR. BIANCHINI: That's an eight-inch pipe on  
2 the sewer and it's a 12-inch on the drainage.

3                   CHAIRMAN STUTO: And that's the engineering  
4 standard.

5                   MR. BIANCHINI: Yes.

6                   CHAIRMAN STUTO: So, you're saying that it's  
7 adequate to do that.

8                   MR. BIANCHINI: And that's the outlet pipe.  
9 It's smaller in size because pipes upstream are  
10 restricting flows.

11                  CHAIRMAN STUTO: The next question was about  
12 trees soaking up water.

13                  MR. BIANCHINI: Yes, we have factored that into  
14 our stormwater calculations and the TDE, Barton and  
15 Loguidice has reviewed that. I'm sure that they feel  
16 that it's adequate - what they have done.

17                  There was a question about the stop sign. We  
18 will be putting up a stop sign on Isabel Court at that  
19 location. I think that there is one on the opposite  
20 side on Campagna and Wertman that goes straight  
21 through. There are no stop signs on those.

22                  The emergency access goes over through the  
23 cemetery and out. So, there is no way that we can  
24 open that up. That's a private cemetery. We're  
25 granted an easement from the cemetery for the

1 emergency access.

2 CHAIRMAN STUTO: Okay, thank you.

3 MR. KOCHAN: Can I ask one more question? When  
4 the sewer is coming out between 12 and 14, is there  
5 going to be a new manhole in the street?

6 MR. BIANCHINI: Yes, there will.

7 MR. KOCHAN: And I assume that there is going  
8 to be an enormous amount of stones underneath all of  
9 that? Doesn't water follow stones?

10 MR. BIANCHINI: That's why we have the  
11 underdrain there.

12 MR. KOCHAN: One other question concerning the  
13 last person that asked about this bond - you mentioned  
14 this bond that has been posted by the builder. Is  
15 that money in that bond accessible to the homeowners -  
16 and I'm going to say when we have a problem with  
17 ground water. I'm almost sure that we're going to  
18 have an enormous problem with this plan.

19 CHAIRMAN STUTO: I think that it's going to  
20 help you. That's my opinion and you can take it for  
21 what it's worth. I'm not an engineer, but I'm relying  
22 on our Town Designated Engineer who represents the  
23 Town and the residents. My understanding of those  
24 bonds and I can be corrected by anybody here, is  
25 basically the Town is named on the bond, not the

1 residents individually. So, the Town is the one that  
2 can enforce the bond. If they don't build it to the  
3 engineering specification, the Town can go to the  
4 bonding company and ensure that they do. You would  
5 have to go to the Town to make sure that they do that.

6 If anybody wants to correct me, they can.

7 MR. KOCHAN: In the event that's done to the  
8 Town's specifications, what happens two years down the  
9 road when we all have an enormous amount of water in  
10 our basement.

11 CHAIRMAN STUTO: Well, then it's back to the  
12 Town in the sense that it's up to the Town to maintain  
13 the system. The Town has to maintain the drainage  
14 system. Thank you.

15 Marilyn Huber.

16 MS. HUBER: I live at 26 and first off, I have  
17 a question. You're talking about the easements. What  
18 is that utility easement behind in my yard? Is that  
19 sewer?

20 MR. BIANCHINI: That's not in your yard. It's  
21 in back of your property line into this property.  
22 There is one that comes out of 28 to 30.

23 MS. HUBER: So, I don't have an easement in my  
24 back yard.

25 MR. BIANCHINI: You have it on the other side.

1           MS. HUBER: Also, there are large trees right  
2 up against my fence. Are those going to be cut down?  
3 In other plans that I saw last year they showed that  
4 they would be cutting trees.

5           MR. BIANCHINI: The easement is on this  
6 property and not your property. It's right up to your  
7 line and they do have access to that easement, like  
8 the gentleman before indicating for your sump pump,  
9 you could connect to it. Yes, in order to get this in  
10 this easement has to be cleared. So, those trees down  
11 through there have to be cleared. On the other side  
12 there are more trees and some of those we can save.

13          MS. HUBER: Also, there is Iron Oxide problem  
14 in the Town. Won't that cause some of your drains and  
15 easements? I have that problem.

16          MR. BIANCHINI: Yes, it's in the sand and there  
17 is not much that you can do about it.

18          MS. HUBER: Yes, there is. I have to do it to  
19 my basement every month. I know that it can be  
20 treated, but you're not going to address that.

21          MR. BIANCHINI: We're not treating it and I  
22 don't think that the Town does anything special with  
23 it.

24          MS. HUBER: Well, that can clog the drains.  
25 All of the flow -- there won't be any flow after

1           awhile.

2                     Also, that right turn - that could be amended.  
3           I've seen signs in other places where it can be just  
4           during certain hours.

5                     CHAIRMAN STUTO:   You mean the light?

6                     MS. HUBER:    Yes, the light.

7                     CHAIRMAN STUTO:   We're going to look at that  
8           closely.

9                     MS. HUBER:    Usually by the time that they get  
10          to the middle of the street where I am, they are in  
11          full speed and that's a speedway. I had once asked for  
12          speed bumps and I was told only the Village can put  
13          those in. That's ridiculous. We could really use the  
14          speed bumps. A double line was put down the street  
15          and people pass you on the double line. A neighbor of  
16          mine was almost hit turning into her driveway because  
17          he went around her that way. It's a true problem.  
18          The Town should really do something about it.

19                    The flooding and the traffic - I just have to  
20          restate that, as everyone else has.

21                    Also, I think that everybody would agree that  
22          maybe an overhead projector for these maps would help  
23          a lot at the meetings.

24                    MR. LACIVITA:   Actually, we are moving toward  
25          that and trying to get a little more electronic

1 assistance.

2 CHAIRMAN STUTO: Judy Brandow.

3 MS. BRANDOW: I'm Judy Brandow and I live at 29  
4 Campagna.

5 Could you tell me again where that sewer is  
6 going to impact that area of Campagna?

7 MR. BIANCHINI: The sewer is down here and it's  
8 at the intersection of Winifred.

9 MS. BRANDOW: I also have a stormdrain on my  
10 property which my house dumps in on a constant basis.  
11 That has never been looked at. My question is: Who is  
12 responsible for making sure those storm drains are  
13 clear because when it comes up and back into my  
14 basement, who is liable?

15 MR. LACIVITA: What is your address, again,  
16 ma'am?

17 MS. BRANDOW: 29.

18 MR. BIANCHINI: It's on the other side of  
19 Campagna and not our side. I would say that there is a  
20 catch basin there. Most likely there is an easement  
21 that goes to the Town. It would be the Town's  
22 responsibility.

23 CHAIRMAN STUTO: Ma'am, there are two kinds of  
24 sewers. There are stormsewers which is for rain water  
25 and ground water. Then, there are sanitary sewers is

1 for when your drains and when you're flushing your  
2 toilet.

3 MS. BRANDOW: I'm talking about the stormwater  
4 sewer that my sump pump goes into. It's never been  
5 looked at since I've lived there.

6 CHAIRMAN STUTO: Has it ever come back into  
7 your property or no?

8 MS. BRANDOW: Not yet, but it's clogging up  
9 because the water is higher than it used to be.

10 MR. LACIVITA: I know that there is maintenance  
11 program that they have with the storm systems. If you  
12 take my card and send me an email, I can have somebody  
13 out there just to take a look to see who actually has  
14 ownership of this. I know that there are private  
15 sometimes. We can find out for sure.

16 MS. BRANDOW: Okay, thank you.

17 MR. LACIVITA: Thank you.

18 CHAIRMAN STUTO: Marcia Oliveri.

19 MS. OLIVERI: I'm Marcia Oliveri and I live at  
20 30 Campagna Drive. I have several concerns.

21 First of all, my sister and I live at 30  
22 Campagna Drive. It's one of the places where they are  
23 proposing to introduce a 12-inch PVC piping to be  
24 connected to the existing catch basin that is between  
25 28 and 30 Campagna. My concern is the existing catch

1 basin that is between 28 and 30 that has three pipes  
2 in it. Two of them are lower pipes. I believe that  
3 those are PVC and then there is one that sits higher  
4 in that basin. I believe that shoots out to Campagna  
5 Drive. The two lower ones have water, sludge - not  
6 over the top of the pipe but over where the bottom of  
7 the pipe is. I'm thinking that I don't know how much  
8 more water that existing basin can take. If you  
9 introduce a new pipe into that, I'm a little concerned  
10 because it's very soft back there, as it is right now.  
11 More water going in there -- and if it rains really  
12 hard, it can go as high as -- if it rains hard and  
13 fast, it goes up to the top of that and water will  
14 sit. We have enough water now and we're not any  
15 different than anybody who has come up here about the  
16 water situation. I was wondering if there is any way  
17 possible that you could introduce another catch basin  
18 and have it drain out and perhaps put another sewer --  
19 so that the drainage is a little bit more even than  
20 putting more water into something that really has too  
21 much water.

22 That basin that I'm talking about, we called  
23 the Town one time and they can't get their truck in  
24 there to clean that water and sludge out that I'm  
25 talking about that goes up to the pipe. The gentleman

1           came and they did what they could do for that, but it  
2           still is up to those lower pipelines and we see that  
3           discolored water, if you will, in the sump pump as  
4           well. I don't really know how the flow and stuff  
5           goes. All I know is that it seems to slam its brake  
6           on in our basement.

7                     MS. HUBER: That's the Iron Oxide in the  
8           sludge.

9                     MS. OLIVERI: It just wants to be in the  
10          basement at times.

11                    MR. LACIVITA: I have a question of both Joe  
12          and Brad. Could this be some of the problems that  
13          they are seeing up there in the stormwater system that  
14          they had? Based on the operation of the site as it  
15          existed -- because it was a nursery. There could be  
16          some run-off that we are starting to see the silt and  
17          all that build up. Maybe something that prior to  
18          construction the Town may come out and take a look at  
19          these pipes and go from there. I think that some of  
20          those concerns may be addressed especially if you're  
21          seeing something that has already been silted up, some  
22          discoloration of water. It could be from mulch  
23          overused over the years.

24                    MR. GRANT: It sounds as though the pipe needs  
25          to be jetted out.

1 MS. OLIVERI: That's just it. Every year in  
2 order for us to stop totally infiltration in the  
3 basement, we have a professional come and jet us out.  
4 To me, that's abnormal. We can't get anybody in there  
5 -- I don't know what it wrong and why they can't get  
6 in there. I do know, actually. They can't put a  
7 truck on our front lawn to be able to put the big  
8 vacuum in to suck it out.

9 MR. GRANT: Why, because it's wet?

10 MS. OLIVERI: Yes. That's my concern, as well.  
11 When we get another pipe in there and introduce that,  
12 now we have three different introduction in there, if  
13 you will. Who is going to clean the new infiltration  
14 as well as the old stuff?

15 MR. LACIVITA: I think that the operation is  
16 going to change and we're not going to see just open  
17 lands here - not like a nursery. What is existing  
18 currently is a nursery where you have open soils and  
19 mulch and things like that. When you start  
20 introducing grass and things like that, it's going to  
21 start changing the way that the water is going into  
22 the earth. I think that when we controls that we  
23 can't put any more water onto other properties, this  
24 will all change. I think that you bring up a valid  
25 point. We have to look at the systems as they exist,

1 based on the operations that exist today and that may  
2 help immensely as we start going forward.

3 Here is my card, as well. If you can email me  
4 with your address, we can take a look at that.

5 What's your address again, ma'am?

6 MS. OLIVERI: 30 Campagna.

7 MR. GRANT: If you has a winter with no snow  
8 and the ground froze up, what would happen?

9 MS. OLIVERI: Actually, we're starting to see  
10 it start to work its way through. As a matter of  
11 fact, we're going to be in touch with our fellow to  
12 jet us out again. We know that if we don't do that,  
13 it's just going to keep coming in.

14 MR. GRANT: There are small diameter lines that  
15 are very susceptible to the scale build-up; hardening  
16 of the arteries, if you will. The other lines are  
17 generally 12 inch. They have quality issues over  
18 time, too.

19 MS. OLIVERI: I'm not sure if what we already  
20 have in there does have issues. Like I said, the  
21 sludge could be the nursery. I don't know what it is.

22 I have a few other things, if I could.

23 On the site plan that was attached to the  
24 agenda that is on-line. It shows porous here. The  
25 site plan shows that this is just going to be

1 standard. Initially, they said that this was going to  
2 be porous to be able to catch some of the stormwater  
3 run-off. What happens now as that is no longer going  
4 to do that?

5 MR. BIANCHINI: That's why we introduced the  
6 bioretention places here. This is all standard  
7 pavement. The catch basins drain to these  
8 bioretention areas.

9 MS. OLIVERI: So, that will take the place, in  
10 other words, of what the porous pavement was going to  
11 do.

12 MR. BIANCHINI: Whatever rain used to fall on  
13 those areas is going to go to the bioretention area.  
14 In the future, with the houses and the driveways  
15 everything goes to the bioretention areas where it all  
16 used to go into the ground.

17 MS. OLIVERI: This land slopes toward the  
18 backyard (Indicating). These liners are going -- I do  
19 have concern, I'll be honest with you. The proof will  
20 be in the pudding. Like the woman mentioned as a  
21 liner for a pool -

22 MR. BIANCHINI: They are a lot thicker than  
23 that.

24 MS. OLIVERI: I'm sure that they are. I'm just  
25 worried about their shelf life. After you get them

1 in, how long is that going to last?

2 The new homes - I noticed as far as a tree  
3 issue goes, again, they did address that and they are  
4 going to put in several around the cul-de-sac that's  
5 there and several in front of the new homes. What  
6 about the ones that you are taking out between our  
7 property here on Campagna and us looking -- in the  
8 summer we can't see the cemetery in the back. Are we  
9 still going to have privacy here? I don't believe  
10 that you were talking about trees in the back.

11 MR. BIANCHINI: The Town doesn't require you to  
12 put trees in the back of the homes.

13 MS. OLIVERI: Right, but you're taking them  
14 down to build this new property.

15 MR. BIANCHINI: Right. We'll look at that  
16 again. If we can save some back there -

17 MS. OLIVERI: I just want the privacy that I  
18 have now and I have a funny feeling that it's going to  
19 be taken away and there is not going to be any  
20 addressing that issue.

21 MR. BIANCHINI: Some of it is going to be taken  
22 away because the trees are coming down and you're  
23 having a house back there.

24 MS. OLIVERI: Okay, I would like you to  
25 seriously consider that, if you would.

1                   MR. LACIVITA: Joe, these are nursery stock  
2 trees that are currently existing in there, you said?

3                   MR. BIANCHINI: A lot of them are. Not all of  
4 them, there are straighter ones in these areas right  
5 up through here (Indicating).

6                   MR. LACIVITA: Through the course of  
7 development, can those be transplanted along the way  
8 to provide a buffer, as we start to look at the  
9 landscaping plan?

10                  MR. BIANCHINI: I would have to talk to Mr. Van  
11 Geest because it's his nursery.

12                  MR. LACIVITA: I don't know where they are  
13 going or if they're sold, or whatever.

14                  MR. BIANCHINI: I can talk to him.

15                  MR. SHAMLIAN: Joe, I have a question on the  
16 liners that a number of people brought up. What is  
17 the lifespan of the liners?

18                  MR. BIANCHINI: It's an HTPE liner. It's not  
19 subject to ultraviolet light. I would say hundreds of  
20 years because it's plastic and it's in the ground.  
21 That's what we make pipes out of now.

22                  MS. OLIVERI: I have two other things that I  
23 want to ask.

24                  I know that it's been asked at a couple of  
25 meetings. How many square feet are these homes going

1 to be?

2 MR. BIANCHINI: I'm not certain.

3 MS. OLIVERI: This is the third meeting. I  
4 feel like it's the elephant in the room. I want to  
5 know what that square footage is.

6 MR. BIANCHINI: It would have to be in the  
7 range of 3,000 square feet.

8 MS. OLIVERI: Mr. Paleshi was the one -

9 CHAIRMAN STUTO: Ma'am, I don't want to keep  
10 going back and forth. If you have a list of questions,  
11 finish them up and then we'll get them answered. I  
12 have a big list here.

13 MS. OLIVERI: I understand and I have a lot of  
14 questions. I am homeowner there and I am very  
15 concerned about what is going to happen in my back  
16 yard.

17 CHAIRMAN STUTO: Okay, if you can get them out,  
18 we'll answer them.

19 MS. OLIVERI: How many feet from the current  
20 property line -- do you have a number of feet where  
21 the properties are going to be sitting? Are they  
22 going to be hundreds of feet away from us?

23 CHAIRMAN STUTO: Okay, setbacks; we'll get to  
24 that.

25 MS. OLIVERI: Has a traffic study been done on

1 Campagna Drive to see if we can handle the traffic  
2 that is coming from this project?

3 CHAIRMAN STUTO: Okay. Can you show us the  
4 location of the houses and talk more about the  
5 traffic?

6 MR. BIANCHINI: The houses are going to be put  
7 right up along the front setback which is currently  
8 shown as 40 feet from the property line. It gives you  
9 probably 125 to 150 feet.

10 No, there hasn't been an actual traffic study  
11 done on Campagna to my knowledge.

12 CHAIRMAN STUTO: Can you speak generally about  
13 how much a residential house like that is going to  
14 generate.

15 Ma'am, we always talk about a.m./p.m. peak  
16 hours. That means when everybody is going to work and  
17 everybody is coming back.

18 If the engineers can speak to that, relative to  
19 these 13 houses.

20 MR. BIANCHINI: Typically a single family house  
21 will generate one car in the peak morning hours.  
22 Throughout the whole day -- the same thing in the  
23 afternoon from 4:00 to 6:00 - in a one hour period.  
24 That's the typical average. Will these be a little  
25 bit more? They might be 1.1. It's not going to vary

1           greatly from that.  You're talking 13 cars in each  
2           morning and afternoon time period.

3                   CHAIRMAN STUTO:  Generally, a project of this  
4           size doesn't require a traffic study of this  
5           simplicity because it's single family houses.

6                   Is that a fair assessment, Brad?

7                   MR. GRANT:  Yes.  I think that the offers of  
8           Highway Safety with the light situation, will move  
9           traffic more efficiently.

10                   CHAIRMAN STUTO:  Ma'am, if you have more  
11           questions at the end, you can come back up and ask  
12           them.

13                   MS. OLIVERI:  I think I'm done right now.  
14           Thank you.

15                   CHAIRMAN STUTO:  Arthur Morgan.

16                   MR. MORGAN:  The question is very simple.  I  
17           was offered \$10,000.00 to put a sewerline in by my  
18           house.  I refused it.  I got a letter from a lawyer  
19           who wanted me to sign something.  It's outside my  
20           bedroom window.  Am I to understand, in spite of  
21           saying no, you're taking the land anyhow?

22                   CHAIRMAN STUTO:  No, he can correct me if I'm  
23           wrong but what he said he's moved the sewer over to  
24           your next door neighbor's house.  It will be  
25           underground.

1 Am I correct?

2 MR. BIANCHINI: Yes.

3 MR. MORGAN: Okay, thank you.

4 I know that they were digging and my foundation  
5 is blocks and water does seep into the basement. I  
6 hope that there is something that might rectify that.

7 CHAIRMAN STUTO: Thank you.

8 Penny Tallman.

9 MS. TALLMAN: I live right around the corner  
10 from this project. My real concern is the trees, the  
11 clear cutting that the Town allows. I live on the  
12 powerline that's back here (Indicating). I don't have  
13 a coyote problem, but a lot of people do because I  
14 don't have a problem with them. All the wildlife is  
15 sustained by the ponds that are there. That is my  
16 concern.

17 MS. HUBER: People are cutting through  
18 constantly all day long; speeding through. It's not  
19 just the work hours. It's the church that creates a  
20 lot of traffic. There are a lot of things all day  
21 long. It's not typical.

22 MR. LACIVITA: Ma'am, when we look at traffic  
23 studies throughout the Town, we have GEIS areas which  
24 are improvement areas that the Town has developed. We  
25 have three. This actually has the mitigation area

1           within it. I understand about \$98,000.00 worth of  
2           mitigation improvements. It looks at traffic  
3           improvements throughout the corridor that this parcel  
4           lives within. So, there are going to be things that  
5           we study. When you look at a traffic study, per se -  
6           you say that it's not typical. The studies are done  
7           under what they call the Institute of Transportation  
8           Engineers. They look at typical developments  
9           throughout regions. That's how they come up with the  
10          numbers that they say happened during the 9:00 to  
11          5:00, Monday through Friday is the typical timeframe  
12          that we try to make improvements to. As I said, this  
13          project here is going to pay about \$98,000.00 into the  
14          Town to look at specific areas within the Town that  
15          they have identified through the GEIS process. So,  
16          there will be improvements that will have to be done  
17          by this project.

18                   MS. HUBER: I can't wait to see them.

19                   CHAIRMAN STUTO: Well, it's not going to go  
20          away in terms of the traffic decreasing.

21                   MS. HUBER: It could be mediated and handled  
22          with better signage. People don't see that 30 mile an  
23          hour sign when they first enter the road because they  
24          have a tight space to turn into. It's right up  
25          against the road. There are no big diamond shaped

1 indicators that I've seen in other places.

2 Also, our street could use a poundage limit on  
3 it. We get big trucks and we'll be having more with  
4 this. There is no need for this. Other streets nearby  
5 don't have those signs.

6 CHAIRMAN STUTO: I'll ask Joe to look at that.

7 Can somebody talk about Iron Oxide?

8 Brad, I think that you're a stormwater expert  
9 and an engineer. Can you tell us what your knowledge  
10 is on that?

11 MR. GRANT: Yes. I have seen those deposits  
12 particularly where water is leaching out of sandy  
13 soils like this. Essentially most of the pipes here  
14 are plastic and generally don't support that type of  
15 growth but if there are accumulations and it wants to  
16 sit there, what we try to do is in the design of the  
17 pipes, put enough slope on them so that they're silt  
18 clean. There isn't infrastructure invented yet that  
19 doesn't need maintenance. It sounds as though that at  
20 least one of these pipes need maintenance. So, they  
21 do need to be jetted out once in awhile. Being a  
22 nursery, there probably was a greater sediment load.  
23 These will be stabilized ultimately with lawns.

24 MS. HUBER: There's something that I forgot to  
25 say. I have seen that Iron Oxide build up at the

1 Crossings. I've seen it in the walking park in the  
2 village and in other places in the Town. I've taken  
3 walks near creeks and waters in the woods. It's all  
4 over the Town. It's not from nursery stock. By the  
5 way, Van Geest took most of the good nursery stock out  
6 of there.

7 CHAIRMAN STUTO: Jim Kochan, did you want to  
8 say something else?

9 MR. KOCHAN: Yes, I just had a couple other  
10 things.

11 You mentioned something about grinder pumps.  
12 Are they currently there?

13 MR. BIANCHINI: No.

14 MR. KOCHAN: But were they considered so that  
15 you wouldn't have to come through 12 and 14?

16 MR. BIANCHINI: Grinder pumps were considered  
17 for these lots back here so that we could pump it that  
18 way rather than go through an easement.

19 MR. KOCHAN: Why weren't they used?

20 MR. BIANCHINI: The Town didn't want them.

21 MR. KOCHAN: Do you feel that's a better  
22 system?

23 CHAIRMAN STUTO: Every meeting that I've been  
24 to, gravity is better because there is less  
25 maintenance. That's universally understood.

1                   MR. LACIVITA:  Sir, I'd like to talk a little  
2                   bit about the process that every project goes through  
3                   so that you can understand how we get to where we are.  
4                   When a project first comes to the Town, they meet with  
5                   all Town Departments.  The developer understands along  
6                   with their engineer how the Town operates from a  
7                   stormwater perspective, from a sewer perspective,  
8                   which is Pure Waters, from a water perspective.  Each  
9                   one of them gives their technical expertise as to what  
10                  they want to see on each particular site.  They don't  
11                  look at grinder pumps.  They look at gravity because  
12                  that's the best way that it flows.  So, they go  
13                  through host of review internally and with the  
14                  external experts as well; both Clough Harbour and  
15                  Barton and Loguidice.  They meet with the engineers to  
16                  design the perfect system that we think will work for  
17                  the projects and how we operate.  So, it's not  
18                  haphazardly designed or anything else.  They do look  
19                  at what system works best and in this area, gravity  
20                  does work best.

21                 MR. KOCHAN:  And the two outside firms that you  
22                 said that you used -

23                 MR. LACIVITA:  Yes.

24                 MR. KOCHAN:  Are they independent firms?  They  
25                 are in no way connected with the Town.

1           MR. LACIVITA: The system that we put into  
2 place goes back to October of 2008. We went through a  
3 request for qualifications. We had several  
4 independent firms apply to the Town. We took the two  
5 most qualified. They are paid by the developer  
6 through fees that are associated with the review of  
7 the development. They work on behalf of the Town to  
8 complement the Town and its departments that we have  
9 on staff.

10           MR. KOCHAN: And have there been informal  
11 meetings between the Board and the developer?

12           MR. LACIVITA: No. Under New York State Law,  
13 the Open Meetings Law, you cannot have a quorum, which  
14 means more than four, with this Board. A Board Member  
15 does not meet privately with the engineers. They are  
16 independent because they have to present an approval  
17 through the course of the process. We don't take any  
18 meetings - our Chairman does not take a meeting with  
19 developers. I know that the developers ask because  
20 they want to get a sense of where it's going. We do  
21 not do that. We keep them away from the engineers and  
22 their projects, until we're in a forum like this where  
23 the public can view it under Open Meetings Law.

24           CHAIRMAN STUTO: I'll just supplement that last  
25 part. My personal policy is not to meet with the

1 developers. I'm not aware of the Board meeting with  
2 the developers. I think that our outlook is this is  
3 where we get the presentation, so that the public gets  
4 the same hearing in front of us as the applicant does.  
5 That's how we try to keep it.

6 Bob Ogren.

7 MR. OGREN: Mine is a personal thing. It's a  
8 quick question.

9 You spoke about that line running along the  
10 property line. What would I have to do to get access  
11 and tap my sump pumps into that?

12 MR. BIANCHINI: When it's done all you would  
13 have to do is apply to the Town through the Highway or  
14 Stormwater Department.

15 MR. LACIVITA: Highway.

16 MR. OGREN: Then it would be dug up again and  
17 connected in.

18 MR. BIANCHINI: Maybe it could be worked out  
19 during construction.

20 MR. OGREN: That's what I was wondering.

21 MR. BIANCHINI: It probably could. I can't  
22 promise you that at this point.

23 MR. GRANT: Look up Bill Neely in the Highway  
24 Department.

25 MR. LACIVITA: Take my card and I'll get you

1 the exact contact information. Send me an email and  
2 we'll get you the contact that you need.

3 MR. OGREN: Thank you.

4 CHAIRMAN STUTO: Any other residents want to be  
5 heard on this particular project?

6 MR. MARTIN: I have one more question. The  
7 fencing along the cemetery is a chain link fence. It  
8 has many trees that have damaged it and fallen down on  
9 it. It's old and there are huge trees that are just  
10 rotted out. Is there any intention of the builder to  
11 either put a new fence, or just leave this existing  
12 broken fence and does that fall onto the cemetery's  
13 responsibility for this fence? As these people are  
14 saying about privacy - some people don't want to look  
15 into a cemetery. Would there be trees lined along  
16 here to give a better atmosphere for people or a  
17 privacy fence going down there or would it just be as  
18 it is up to the cemetery?

19 MR. BIANCHINI: As it is we have proposed  
20 replacing it but we did anticipate leaving as many  
21 trees along through here as we can. I'd have to get  
22 back out there and take another look of the condition  
23 of the fence to see if Cillis wants to replace it.  
24 Obviously, he built nice homes across the street. He  
25 might want to add something nice on that side.

1                   MR. MARTIN: Is that the cemetery property,  
2                   though?

3                   MR. BIANCHINI: Yes.

4                   MR. MARTIN: So, it could very well just fall  
5                   right onto the cemetery.

6                   MR. BIANCHINI: Yes. I will talk to Mr. Cillis.

7                   CHAIRMAN STUTO: Can we have a motion to close  
8                   the public motion.

9                   MS. OLIVERI: I have one more thing to say.

10                  I talked to you about the trees in the back of  
11                  the property. If they don't put trees there, is it  
12                  possible that the developer would consider planting  
13                  various evergreens back there to separate the two  
14                  properties? Would it be possible that the developer  
15                  would take that into consideration?

16                  MR. BIANCHINI: Yes, I will talk to Mr. Cillis  
17                  about that. He does a nice house.

18                  MS. OLIVERI: I understand that. Thank you.

19                  CHAIRMAN STUTO: Did we have a motion?

20                  MR. MION: I'll make that motion.

21                  MR. AUSTIN: Second.

22                  CHAIRMAN STUTO: All those in favor?

23                  (Ayes were recited.)

24                  All those opposed, nay?

25                  (There were none opposed.)

1                   The ayes have it.

2                   We'll turn it over to the Board for discussion.

3                   I'll try to summarize where I think that we  
4                   are. We have heard from the developer several times  
5                   and we have gotten a lot of good comments from the  
6                   neighbors. I hope that we have explained certain  
7                   things to them and I hope that the suggestions that we  
8                   made will be -- I know that the suggestions that we  
9                   told the Town Designated Engineer to adhere to, will  
10                  be adhered to.

11                  I think that this project is ready for  
12                  consideration by the Board. The first thing that we  
13                  would do is the environmental review and then vote on  
14                  the project.

15                  Any other Board members want to talk about that  
16                  before we go forward?

17                  (There was no response.)

18                  Okay, can somebody walk us through the  
19                  environmental review?

20                  MS. MARINELLI: The Town Attorney has  
21                  designated this an unlisted action. With respect to  
22                  the Planning Board issuing a negative declaration, I  
23                  will go through Part II of the Environmental Impact  
24                  Statement and indicate whether or not there has been  
25                  no or small environmental impact with respect to the

1 development.

2 Will the proposed action create a material  
3 conflict with an adopted land use plan or zoning  
4 regulations? The answer is no or small impact may  
5 occur.

6 Will the proposed action result in a change in  
7 the use or intensity of use of land? No, or small  
8 impact may occur.

9 Will the proposed action impair the character  
10 or quality of the existing community. No, or small  
11 impact may occur.

12 Will the proposed action have an impact on the  
13 environmental characteristics that cause the  
14 establishment of a critical environmental area? No,  
15 or small impact may occur.

16 Will the proposed action result in an adverse  
17 change in the existing level of traffic or affect  
18 existing infrastructure for mass transit, biking or  
19 walkway? No, or small impact may occur.

20 Will the proposed action cause an increase in  
21 the use of energy and it fails to incorporate  
22 reasonably available energy conservation or renewal  
23 energy opportunities? No, or small impact may occur.

24 Will the proposed action impact existing  
25 public/private water supplies, public/private

1 wastewater treatment or utilities? No, or small  
2 impact may occur.

3 Will the proposed action impair the character  
4 or quality of important historic, archeological,  
5 architectural or aesthetic resources? No, or small  
6 impact may occur.

7 Will the proposed action result in an adverse  
8 change in natural resources, for example, wetlands,  
9 waterbodies, groundwater, air quality, flora or fauna?  
10 No, or small impact may occur.

11 Will the proposed action result in an increase  
12 in a potential for erosion, flooding or drainage  
13 problems? No, or small impact may occur.

14 Will the proposed action create a hazard to  
15 environmental resources or human health? No, or small  
16 impact may occur.

17 With respect to Part III of the Environmental  
18 Impact Statement, a determination of significance, the  
19 narrative states that the project involves a 7.6 acre  
20 parcel and 13 residential lots for construction. The  
21 use is permitted in this district. The project will  
22 cause a change in the density of land use. Because of  
23 the relatively low intensity of use, no significant  
24 impact is expected. The project will create a demand  
25 for emergency services. There will be a slight impact

1 to the school systems. Property taxes are expect to  
2 off-set any additional increase in cost associated  
3 with community services. The project is expected to  
4 create construction related jobs which can be  
5 considered a positive impact.

6 Based on that, I would recommend that the Town  
7 Planning Board issues a negative declaration in  
8 relation to the SEQR.

9 CHAIRMAN STUTO: Is there any comment or  
10 questions on this?

11 (There was no response.)

12 I will just reiterate the matter of the trees.  
13 We have asked the applicant with our Town Designated  
14 Engineer and the department to look to save as many  
15 trees as possible, particularly on the -- they look to  
16 be two larger lots on the northern end of the  
17 property, along the backyards to the extent that they  
18 could be saved. He's already made statements that he  
19 is going to save the trees between the cemetery and  
20 the road. So, I just want to note that on the  
21 environmental front.

22 I think that we did have a thorough decision on  
23 stormwater and the potential improvements. I am going  
24 to say that I heard someone say something about rubber  
25 stamps. I am going to respectfully disagree with

1           that. I'm going to give my rationale, which I think  
2           that the public is entitled to and the rest of the  
3           Board can agree or disagree.

4                     This property is properly zoned as single  
5           family residential. The applicant brought in --  
6           that's defined by the Land Use Law as to what this can  
7           be used for. They're using it for what it is  
8           designated. The owners pay taxes on it for a lot of  
9           years and they are entitled to develop their property.  
10          Given that, we've seen the parcel. We've investigated  
11          it from an engineering perspective. Our job and what  
12          we see as our duty is to mitigate the impacts on the  
13          surrounding areas to the extent that we can. I think  
14          that we have done our best to do that. I think that  
15          we may improve the stormwater situation there. We are  
16          doing our best -- if you look at the overhead map, in  
17          my opinion, yes, there is some vegetation. Not so  
18          much in the center of the property, but along the  
19          edges. I think that we going to try to save as much  
20          of that is practical. Me, personally, I am going  
21          forward with a clear conscious voting on this. I think  
22          that we have been through several renditions and in  
23          fairness to the legality of what is here and to the  
24          applicant, and we are taking into consideration  
25          everything that the residents said, I'm going forward

1 probably in a positive manner. That's what I have to  
2 say about that.

3 Anybody else want to say anything?

4 MR. SHAMLIAN: I agree.

5 MR. AUSTIN: I just wanted to mention that with  
6 respect to the traffic, I realize that a lot of you  
7 are very concerned about the traffic. If you do have  
8 issues with the traffic on Campagna Drive, you really  
9 should take it up with the Town Police. It's really  
10 not our position here as the Planning Board to talk  
11 about traffic.

12 CHAIRMAN STUTO: Joe, can we get this on their  
13 agenda?

14 MR. LACIVITA: We can put it back on the  
15 Highway Safety Committee to look at this again?

16 CHAIRMAN STUTO: Is that a public meeting?

17 MR. LACIVITA: Well, they meet in a committee  
18 fashion. They do make recommendations.

19 CHAIRMAN STUTO: We can make sure that gets on  
20 the agenda and that they discuss that?

21 MR. LACIVITA: We can ask them. They looked at  
22 it once before with it, as they do with all large  
23 projects that come before us. We can ask them to look  
24 at some of the changes and maybe look at some of the  
25 improvements that are going to be done under the

1 mitigation fees that they project will be paying and  
2 see if this helps mitigate some of the concerns that  
3 they may have.

4 CHAIRMAN STUTO: Did you get Joe's card? If  
5 you can email him your specific suggestions, they will  
6 consider it.

7 MS. OLIVERI: I did that once before with the  
8 old administration and they told me that they can't  
9 fight Town Hall.

10 MR. AUSTIN: With respect to what they are  
11 doing to improve the traffic or to deal with the  
12 traffic they are putting a stop sign at the beginning  
13 of their project. That will alleviate any traffic  
14 racing out, hopefully, out onto Campagna Drive. That  
15 is unfortunately not the responsibility of the  
16 property owner or builder. It's the responsibility of  
17 the people in the cars and also the Town to take care  
18 of that. Feel free to call the Police, I guess.

19 CHAIRMAN STUTO: Ma'am, I hope that they do  
20 something about that. We deal with this project, not  
21 necessarily in the current conditions on your street.  
22 This is an avenue where your voice can be heard on  
23 those issues.

24 Any other comments before we vote on the  
25 environmental?

1 (There was no response.)

2 We have a negative declaration. Do we have a  
3 motion?

4 MR. MION: I'll make a motion.

5 MR. AUSTIN: I'll second.

6 CHAIRMAN STUTO: Any discussion?

7 (There was no response.)

8 All those in favor say aye.

9 (The ayes were recited.)

10 All those opposed say nay.

11 (There were none opposed.)

12 The ayes have it.

13 With respect to the project final approval with  
14 all of the suggestions, comments that the Board has  
15 made and also the Town departments and the Town  
16 Designated Engineer, do we have a motion?

17 MR. SHAMLIAN: I'll make that motion.

18 CHAIRMAN STUTO: Do we have a second?

19 MR. MION: I'll second.

20 CHAIRMAN STUTO: Do we have any discussion on  
21 that?

22 (There was no response.)

23 I said what I had to say before the  
24 environmental so, I think that's the extent of my  
25 comments.

1 All those in favor say aye.

2 (The ayes were recited.)

3 All those opposed say nay.

4 (There were none opposed.)

5 MS. MILSTEIN: I'm abstaining.

6 CHAIRMAN STUTO: We have one abstention.

7 The ayes have it.

8

9

10 (Whereas the above entitled proceeding was

11 concluded at 8:31 p.m.)

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CERTIFICATION

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 \_\_\_\_\_

