

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 MAXWELL ROAD SENIOR PDD SUBDIVISION  
210 MAXWELL ROAD & 605 ALBANY SHAKER ROAD  
APPLICATION FOR FINAL REVIEW

5 \*\*\*\*\*

6 THE STENOGRAPHIC MINUTES of the above entitled  
Public Hearing by NANCY L. STRANG, a Shorthand  
7 Reporter, commencing on April 5, 2016 at 8:40 p.m. at  
The Public Operations Center, 347 Old Niskayuna Road,  
8 Latham, New York.

9

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

13

14 ALSO PRESENT:

15 Kathleen Marinelli, Esq. Counsel to the Planning Board

16 Joseph LaCivita, Director, Planning and Economic  
Development

17 Nick Costa, PE, Advance Engineering  
Brad Grant, PE, Barton and Loguidice

18 James Finning  
Ken Raymond, Prime Companies

19 Angelo Gigliotti  
Stephen Krolach

20 Linda Emmer  
Mary Beth Buckner

21 Galina Zhiaun  
Cathy Morano

22 Bob Johnson  
Teresa Scilipote

23 Leo Rivers  
Mike DeFabio

24 Richard Oppedisano  
Karen Benedetto

25

1                   CHAIRMAN STUTO: We can at least read the  
2 public hearing notice. I'll announce the project and  
3 Kathleen can read the notice.

4                   The next item on the agenda is Maxwell Road  
5 Senior Planned District Development subdivision, 210  
6 Maxwell Road and 605 Albany Shaker Road. This is an  
7 application for final review. This is a 50-lot  
8 planned development district, senior citizen  
9 subdivision public hearing.

10                  MS. MARINELLI: Notice is hereby given that  
11 pursuant to Section 276 of Town Law the Town Planning  
12 Board of the Town of Colonie, Albany, New York will  
13 meet and conduct a public hearing at the Public  
14 Operations Center, 347 Old Niskayuna Road, Latham in  
15 the Town of Colonie, County of Albany, New York on the  
16 5th day of April, 2016 at 7:00 p.m. for the purpose of  
17 hearing all persons on the approval, modification or  
18 disapproval of a certain residential subdivision in  
19 the Town of Colonie, County of Albany known as Maxwell  
20 Road Senior Citizens PDD subdivision consisting of  
21 15.8 acres to be divided into 50 residential building  
22 lots; dated March 23, 2016.

23                  CHAIRMAN STUTO: I'm going to start with one  
24 question and then Joe, hopefully you can answer it.

25                  As I looked at the plans, it said something

1           about leave existing vegetation along the edges for  
2           substantial portions along where the residents live.  
3           I think that a lot of people are here because they  
4           have seen that there has been a lot of activity on the  
5           parcel. I know that there has been a violation of some  
6           sort. So, can you bring us up to date on the history  
7           of that?

8                     MR. LACIVITA: This project has a long history.  
9           In fact, it was before the Planning Board some 13  
10          times since 2006 and it actually had encompassed  
11          several Town Board reviews as well through the course  
12          of the project.

13                    If I could have a little latitude here, Peter,  
14          I know that people get frustrated and they make  
15          comments as we heard in the earlier presentation. I  
16          tend to take that to heart a little bit because there  
17          are several if not all Town employees here that are  
18          dedicated to the Town of Colonie. Nothing gets  
19          rubberstamped here. We have a dedicated staff that  
20          takes care of our residents. So, when they make  
21          comments like that, I take it to heart because I work  
22          with these guys every single day.

23                    I came from the private sector and went to  
24          state government and then I came to the Town.  
25          Everybody said, gosh, you're going to work with public

1 servants. I never have seen a level of dedicated Town  
2 servants here than anywhere else. I do take exception  
3 to the comments that I hear.

4 I understand that you're frustrated but we go  
5 through a couple of things when we develop within the  
6 Town of Colonie. We have a Comprehensive Plan and we  
7 have a Land Use Law. This project, as I said, has been  
8 in front of us 13 times since 2006. In my mind,  
9 that's not rubber stamping. We look at everything that  
10 we possibly can and do the best job that we possibly  
11 do.

12 I apologize, Peter, for taking a little time on  
13 that but I get frustrated when I hear the level of  
14 comments like that. We do care here, especially in  
15 our Planning Department.

16 Getting to the notice of violation, we did see  
17 some what I will call devastation to the site based on  
18 clearing. We walked the site - the stormwater people  
19 and that department and myself on Friday. We looked  
20 at the site and I'm going to allow Nick to speak a  
21 little bit about it as well. There was a notice of  
22 violation that was written on April 4th to the  
23 components of that violation.

24 CHAIRMAN STUTO: Who wrote the notice?

25 MR. LACIVITA: The notice came from Robert

1 Higgins, our Stormwater Inspector.

2 CHAIRMAN STUTO: What department is that?

3 MR. LACIVITA: Stormwater Department.

4 CHAIRMAN STUTO: And that's in the Engineering  
5 Department, I guess.

6 MR. LACIVITA: That's in the Department of  
7 Public Works.

8 Do you want me to read the entire -

9 CHAIRMAN STUTO: Read the two violations.

10 MR. LACIVITA: There have been regulatory site  
11 inspections on this site conducted and it dates back a  
12 couple of times, but I know that April 1, 2016 is when  
13 they did their last inspection of the site prior to it  
14 coming to us tonight.

15 On April 4th, the notice of violation was  
16 written and it was sent to Mr. Finning at his office.  
17 The two issues that they show of non-compliance  
18 observed during the site inspection include inadequate  
19 application rate of mulch materials on disturbed  
20 soils, 90% of surface coverage for straw/hay on  
21 portions of the site not being worked for 14 days.  
22 The site has been dormant for a little bit of time and  
23 that's what this is talking about here. So, the site  
24 does have -- and I know that we did take pictures of  
25 it Friday and it is within the file, I just didn't

1 print those yet. There are exposed soils. There can  
2 be mulch or hay put there to stabilize it, so that it  
3 doesn't drift onto the abutting neighbors. Also, the  
4 clearing and grading limits -- the interim grading  
5 approval that was done in cooperation with the  
6 Department of Environmental Conservation and the Town  
7 of Colonie. So, there was a little encroachment that  
8 we noticed in one of the wetland areas of the clearing  
9 and grading.

10 Now, Peter asked specifically, Nick, if you  
11 could take us through the clearing limits as to what  
12 we approved through the PDD process of what should  
13 have been left as a buffer, what could have been left  
14 as a buffer and what we see today.

15 MR. COSTA: Sure. Thanks, Joe.

16 I'm Nick Costa from Advance Engineering.

17 Answering the violations -- the site had been  
18 dormant and I believe that they just started activity  
19 on the site again this week. I believe it was this  
20 week or late last week. They are going to start to  
21 take additional materials to the site. The site needs  
22 about 25,000 to 30,000 yards of material. That all  
23 has to come from elsewhere. It's not something that  
24 can be moved around the site. The site is low. The  
25 topography is flat and we need it to raise the site

1           because of technical reasons.

2                       In response to that, that's the part that was  
3           dormant but it's now active again, so they're going to  
4           start seeing material and material is going to get  
5           stockpiled on the site.

6                       With regards to the wetlands: I believe that  
7           the wetlands were revised in either June or July of  
8           this year by the Corp of Engineers. The wetlands used  
9           to extend up to here (Indicating). They are here back  
10          here (Indicating). The Army Corp of Engineers, at the  
11          request of the applicant visited the site again and  
12          revised their determination of the wetlands. They  
13          confirmed the isolated wetlands that are located in  
14          this area (Indicating). They also reconfirmed the  
15          wetlands here and they did revise the limits or the  
16          boundaries of the wetlands in this area. So, it's  
17          much less than what was shown on the drawings.

18                      MR. LACIVITA: This may be a problem that we  
19          see here, Peter. The mapping of records shows June  
20          22nd that we have on file and they changed those in  
21          July and we can correct that tomorrow at the meeting,  
22          if you don't mind.

23                      MR. COSTA: Sure. I can send you an updated  
24          map from the Corp.

25                      CHAIRMAN STUTO: How come we don't have that in



1 question.

2 MR. SHAMLIAN: Talk a little bit about the  
3 landscaping plans. From what I'm seeing and from what  
4 obviously is visible, the landscaping plan, to me,  
5 looked very inadequate. So, explain, if you would  
6 what is being proposed.

7 MR. COSTA: What is being proposed is some  
8 screening along the property line. What is shown is  
9 arborvitae. However, the applicant has met with all  
10 these residents and has discussed with them a plan  
11 that would satisfy the residents and the applicant.

12 MR. SHAMLIAN: How about something that is  
13 going to satisfy the Board?

14 MR. COSTA: We hope it does that, too.

15 CHAIRMAN STUTO: Can you describe that in more  
16 detail - what you're planning to do?

17 MR. COSTA: I think that when Jim met with the  
18 residents, they were going to get together as the work  
19 progressed and they would have -

20 CHAIRMAN STUTO: You're looking for final  
21 approval tonight. I think that we're going to need  
22 some more details if you're going to expect a final  
23 vote on that.

24 MR. FINNING: I'm Jim Finning and I'm the  
25 developer.

1           I have been up and down that street personally  
2           for 12 years. I've talked to every one of the  
3           residents on Margaret Drive numerous times. I have  
4           never had one person on Margaret Drive tell me that  
5           they were in favor of keeping the trees that were  
6           adjacent to their property; not one in 12 years. They  
7           were all junk trees. They were weeds that were  
8           overgrown. They were hanging over the powerlines.  
9           They were hanging over their properties. Never once  
10          did anyone say we'd like to keep what is behind our  
11          property. So, as we got permission from the Town to  
12          do the clearing, we started clearing. Numerous times  
13          I have talked to everybody about what would make them  
14          happy to the back of their property for a buffer from  
15          our property to their property. It's never been in  
16          detail but we are prepared to do whatever they are  
17          comfortable doing. We have proposed arborvitaes which  
18          is screening. There are arborvitaes that are  
19          currently out there that we think do a nice job. We  
20          are proposing to screen that. What I have said to all  
21          of the residents on Margaret Drive numerous times - if  
22          they wanted something different than the arborvitaes,  
23          we would be prepared to do that and work with them on  
24          whatever they wanted.

25                   CHAIRMAN STUTO: That sounds good except I'd

1           like to have it memorialized on paper and plans and  
2           something that we can understand and approve and have  
3           it filed with the department.

4                     Let's go through the presentation. We'll  
5           listen to public comments and then we'll perhaps  
6           address that after.

7                     You want to continue with your presentation?

8                     MR. COSTA: Sure.

9                     CHAIRMAN STUTO: How come we have been here so  
10          many times? We haven't voted on the final on this?

11                    I don't know if you can help me out with that  
12          part.

13                    MR. LACIVITA: This has changed over time. The  
14          PDD was memorialized and rezoned back in 2006. It  
15          went into 2007. This was a total different look back  
16          then. You had condominium. You had a couple of  
17          buildings within a defined structure. Then, the  
18          actual layout changed because when the Maxwell Road  
19          realignment came -- Nick, if you could show where  
20          those white spaces are where the conservation  
21          easements that we put on the project -

22                    MR. COSTA: Right here.

23                    MR. LACIVITA: That big white area that Nick is  
24          showing right there - actually across from Field Drive  
25          where the library is, there was actually another

1 connector there and when the easement came in that was  
2 adopted by the Town and I think that was in 2009 when  
3 we adopted it. That actually changed the access  
4 points to the project because the Army Corp of  
5 Engineers says that you're no longer going to get the  
6 access point across that conservation easement.  
7 That's why we have seen so many times that the  
8 developer has been patient. We have changed engineers  
9 during the course of this as well so we had to get  
10 them up to speed -- the private developer did. Brad  
11 has been right there since the get go on it so he can  
12 also talk about some of the changes. The primary one  
13 that really changed the design of the whole project  
14 was the conservation easement that was adopted in  
15 2009. That really changed the access point to the  
16 project.

17 CHAIRMAN STUTO: Okay, please continue with  
18 your presentation.

19 MR. COSTA: Okay, thank you. So this is 15.8  
20 acre parcel that currently has frontage along Albany  
21 Shaker Road and then it has frontage along Maxwell  
22 Road. It doesn't have frontage along here - as Joe  
23 mentioned because this is a conservation easement so  
24 there is no frontage there. So, it has frontage on  
25 both Albany Shaker and Maxwell Road. The site does

1 have some existing wetlands on the site, as I  
2 mentioned earlier. They have been identified and  
3 confirmed with the Corp of Engineers. There is almost  
4 an acre of wetlands on the site. The topography of  
5 the site is fairly flat. The site historically was  
6 used for farming purposes before Mr. Finning purchased  
7 the property. That's what the use of the site was.  
8 There were large fields. It does have a connection --  
9 there was a paper street that was left to have a  
10 connection to Margaret Drive. We are not making use of  
11 that because we do have access to both -

12 CHAIRMAN STUTO: Is that an emergency  
13 connection, or no?

14 MR. COSTA: We're showing a path so that there  
15 is a connection so that if people want to utilize the  
16 walking path out to Albany Shaker Road, they can do  
17 that. We're not using this for vehicle or access.

18 CHAIRMAN STUTO: Not even emergency.

19 MR. COSTA: It's not even for emergency  
20 purposes. There are two points of access.

21 Again, the site is fairly flat. If you drive  
22 along Maxwell Road it's substantially higher than any  
23 place on the site.

24 The site does have all the infrastructure  
25 services to meet the proposal. The proposal is to

1 develop 50 units; 25 twin townhomes. There is about  
2 2,000 feet of road that is going to be installed in  
3 the configuration on the drawing.

4 As far as utilities, there is a waterline out  
5 here at Coyote where Maxwell Road used to cross.  
6 We're going to be connecting to that watermain. We're  
7 also going to continue and connect to Albany Shaker  
8 Road with the watermain. It will form a loop -  
9 something that is desirable by the Water Department.

10 The stormwater will have two management areas.  
11 One is located right here (Indicating). It's a  
12 retention pond or basin. This will recharge water  
13 into the ground and one will be over here and it's a  
14 pocket pond that will take the water from this area.  
15 There is a high point that is being created right here  
16 (Indicating) that will have stormwater flow that way  
17 and stormwater flow towards the recharge basin.

18 There is a sanitary sewer out on Albany Shaker  
19 Road. We are making the connection at that existing  
20 manhole and we are bringing that all the way up to  
21 this location to serve this house and this location to  
22 serve these houses. The sanitary sewer is really the  
23 critical design element of this project. It's a  
24 gravity system and what we have done is projected it  
25 all the way from the connection point at minimum slope

1 to be able to serve these areas. You can look at the  
2 engineering drawings and it show the profile and the  
3 sanitary sewer is actually coming out of the ground.

4 MR. LACIVITA: That was one of the significant  
5 changes, too, because this wasn't all gravity fed  
6 before. We had grinder pumps and pump stations as  
7 well. The Town did not want to inherit them.

8 MR. COSTA: So, the minimum slope and the  
9 gravity sewer system dictated where we could be with  
10 our finished grade. That's why the amount of volume  
11 that needs to be brought into the site is so large.  
12 It's a flat area and we need to have it flow to the  
13 gravity system that is out on Albany Shaker Road.

14 As I mentioned before, there are two points of  
15 access and there is trail that goes all the way to  
16 Albany Shaker Road.

17 That's pretty much what I have.

18 CHAIRMAN STUTO: Okay, do you want to show us  
19 the elevations and what this is going to look like?

20 MR. RAYMOND: I'm Ken Raymond from Prime  
21 Companies.

22 The elevations - there are two. The first  
23 elevation is a side-load garage. There are some lots  
24 there that will take a side-load garage and by doing  
25 that you wouldn't have as many garage doors facing the

1 road. So, the homes that have the two garage doors  
2 facing the road have been separated to the far end of  
3 each house so that there is one in the center and a  
4 sidewalk in the center.

5 The plans came from focus groups of people that  
6 we met with and what they wanted in a home. They  
7 wanted two bedrooms upstairs and one bedroom  
8 downstairs. They're looking for a loft area. They're  
9 looking for a two-car garage. The quality of the  
10 neighborhood to be maintained is going to have cedar  
11 shakes, clapboard, standing seam roof and stone on  
12 every house. So, no house will just be vinyl siding.  
13 We've got a mix and we're going to mix the colors.  
14 These are necessarily the colors (Indicating). We use  
15 these colors tonight just to designate the difference  
16 in the colors.

17 There is a HOA that will be with strong deed  
18 restrictions. No trash cans will be kept outside.  
19 They must be kept in the garage. There is no storage  
20 of any items outside the home. There is no storage of  
21 wood outside the property. There is no storage of  
22 anything that is not landscape related. By that we  
23 mean plantings and things along those lines. Garage  
24 doors must be closed at all times on the houses. Lawn  
25 service is a la carte. We will take care of the

1 public areas through a HOA. The snow plowing will be  
2 handled by the HOA for each resident and for the  
3 fertilization and spring clean up and winter clean up.

4 There is no above-ground swimming pools. If  
5 someone wants to put an in-ground pool in, we would  
6 permit that.

7 The landscaping package that we've done for  
8 each house - they want to augment it, that's fine.  
9 There will be sod on the front lawn and the rest will  
10 be hydroseeded. The patios will be in the rear of the  
11 house. Basically, that's the design.

12 There was an initial design at one point that  
13 was left over from the '80s but these homes are about  
14 2,200 to 2,400 foot. Those homes were about 1,800  
15 feet. There were only two bedrooms and the buyer  
16 wanted two bedrooms for a family visit, a master  
17 bedroom on the first floor. There is a loft area also  
18 upstairs. So, if somebody wants to put a desk -- in  
19 the front behind this section of each house there is  
20 an attic with a doorway to the hallway to put luggage  
21 and spring or winter clothes or whatever it is.

22 There are some hip roofs. Our architect is on  
23 vacation this week so some of this space here is a  
24 little bit off. We did it through our offices. The  
25 front doors were not able to be shown.

1 MR. SHAMLIAN: The price point, Ken?

2 MR. RAYMOND: About \$375,000.00.

3 CHAIRMAN STUTO: Questions on that?

4 MR. SHAMLIAN: Which houses are going to be  
5 front-load and which are side-load?

6 MR. RAYMOND: Depending on the lots.

7 MR. COSTA: There are a few that can go for  
8 consideration. This one here or this one  
9 (Indicating).

10 MR. RAYMOND: I think that we had 11 all  
11 together that could be side-loaded. The bulk of them  
12 will be front-loaded.

13 MR. SHAMLIAN: I had a question about site  
14 elevations. If you bring in a lot of fill, how is the  
15 finished elevation here compared to the elevation of  
16 the back yards -

17 MR. COSTA: We're lower. Our grade is  
18 generally lower. That's a good point because that's  
19 another reason why we can preserve a lot of vegetation  
20 back here. We are going to be excavating some of this  
21 area so that we can take that drainage, with other  
22 drains and surface drains, out to the ponds. So,  
23 again, you've heard this in the previous presentation,  
24 by putting in these underdrains and these drainage  
25 swales, it will help the situation that Margaret Drive

1 has.

2 CHAIRMAN STUTO: Thank you. Anything else on  
3 your presentation?

4 MR. COSTA: No. That covers it.

5 CHAIRMAN STUTO: We will turn it over to our  
6 Town Designated Engineer.

7 MR. GRANT: Can you talk about the HOA lot?

8 MR. COSTA: There is a HOA lot at this location  
9 and we were having the mailbox located at this place.  
10 We have a couple of parking spaces and I think that  
11 there is a pavilion that's supposed to go there too.  
12 That's to be selected during construction.

13 CHAIRMAN STUTO: Can you refresh our memory?  
14 What goes on the greenspace that Ken originally  
15 pointed to there?

16 MR. COSTA: That is just basically a stormwater  
17 detention area and a walking trail. There is a  
18 butterfly park and a sitting area right here and some  
19 benches. Similarly on this one (Indicating), we did  
20 the same thing.

21 MR. LACIVITA: Was that the side that had the  
22 gazebo in it? You talked about a gazebo at one time.

23 MR. COSTA: The gazebo will go in this area  
24 (Indicating).

25 MR. GRANT: At one time it was in the

1 stormwater lot.

2 MR. COSTA: Right, but I think that this is  
3 more centrally located for people.

4 MR. FINNING: This is where the original  
5 condominiums were going to go at one point. The Town  
6 said that they didn't want that. They didn't want to  
7 take it as a park either so we came up with this  
8 concept.

9 CHAIRMAN STUTO: We'll hear from our Town  
10 Designated Engineer on the project; Brad Grant.

11 MR. GRANT: This project did go through a few  
12 iterations and layouts. As Nick had mentioned, the  
13 Army Corp designation of the wetlands affected the  
14 ability to get more than one road connection out  
15 across Fields which was part of the original proposal  
16 when another consultant was looking at it. It was  
17 going to be an estate lot down next to Albany Shaker  
18 Road. It was kind of a mix of the condos and estate  
19 lot. It is more through necessity out of what the  
20 allowable access points are and the sanitary sewer.  
21 This is another one of those projects. There is  
22 already the Albany Shaker Road pump station which is  
23 right down there. We definitely did not want another  
24 one within its shadow, so it did take quite a bit of  
25 fill and grading and acceptance of the cost of that

1 fill to get this site up to an elevation where gravity  
2 can be realized. That was significant part of the  
3 rework of the layout that we see now.

4 Stormwater has always been a concern on this  
5 site, particularly along Margaret Drive and Karen  
6 Court. Looking at the elevations there is a drop-off  
7 four or five feet or so on the back of the Margaret  
8 Drive/Karen Court lots for surface drainage, but these  
9 properties are going to be slabs on grade. They won't  
10 have basements and we're not too worried about their  
11 wet basements as opposed to being very concerned about  
12 the existing properties. There won't be surface water  
13 directed at them but there was insistence on some  
14 drainage swales and underdrains to help lower and  
15 control ground water in the area of the existing  
16 homes. It's not so much for the proposed development  
17 as it is for the neighbors. As Nick says, there is a  
18 stormwater basin and a wet pond down here and an  
19 infiltration basin on that part of the site. The  
20 groundwater and surface water are generally moving  
21 north. There are culverts that pass under the new  
22 Maxwell Road. The infiltration basins, the existing  
23 ones that you see on both sides of Maxwell Road, the  
24 county put in when they redid the road. This is more  
25 or less following in the same theme of stormwater

1 management, but there are some particular surface  
2 swales and underdrains to help the existing condition.

3 MR. COSTA: Brad, just one correction. We will  
4 have basements and walk-outs. All of these that have  
5 walk-outs -- and these will have basements. They all  
6 have sump pump laterals that go into the closed  
7 drainage system.

8 MR. GRANT: Then you will use those  
9 underdrains.

10 MR. COSTA: Yes.

11 MR. GRANT: I think that Nick went over the  
12 water aspect of it. It's going to be a loop system  
13 and provide good fire protection and reinforce the  
14 system that's out there. So, the neighborhood will  
15 actually see better connections for their domestic  
16 supply and they won't notice a difference.

17 CHAIRMAN STUTO: I'm going to ask a quick  
18 question before we open it up to the rest of the Board  
19 and perhaps hear from the neighbors. This has to do  
20 with the slabs. This is a discussion that I had  
21 unrelated to this project. My first house was on a  
22 slab and it was always cold in the winter. I had a  
23 shag carpet or something like that. What are they  
24 doing now a days to make sure that doesn't happen.

25 MR. COSTA: I think that what I mentioned is

1           that these are not going to be slab underdrain.

2                   CHAIRMAN STUTO: I thought that you said that  
3           only one was going to have a basement.

4                   MR. COSTA: No. These right here will have  
5           walkouts. The rest will be basements with sump pump  
6           laterals connected to the close drainage system.

7                   MR. GRANT: Peter, what they often do now is  
8           put rigid installation on the outside of the  
9           foundation walls and put rigid installation on the  
10          inside, underneath the slab. Energy cost too much  
11          money. Installation is cheap.

12                   CHAIRMAN STUTO: Somebody was explaining that  
13          to me. I was in a house where that seemed to work.

14                   I have a couple of names here. There is sheet  
15          over there if people want to be heard on this project.  
16          I'll call these couple and if anybody else wants to be  
17          heard, they can sign up.

18                   Angelo Gigliotti.

19                   MR. GIGLIOTTI: The question is: What is going  
20          to be over there (Indicating)?

21                   MR. COSTA: That's going to be a detention  
22          basin.

23                   MR. GIGLIOTTI: What is this (Indicating)?

24                   MR. COSTA: This is a multi-use path. You can  
25          walk there. This elevation is going to be much lower.

1                   MR. GIGLIOTTI: Where is the drain for the  
2 stormwater?

3                   MR. COSTA: As I mentioned before, this is a  
4 high point. It slopes that way (Indicating) and this  
5 flows this way and comes into this (Indicating).

6                   MR. GIGLIOTTI: How far is going to be at from  
7 my property line?

8                   MR. COSTA: It's about 100 feet from your  
9 house.

10                  MR. GIGLIOTTI: The previous owner, he had a  
11 pig farm about 30 feet in from my property. So, every  
12 time I put them up, the pigs keep coming through the  
13 fence. He was there before me. We made an agreement  
14 that I put a new fence there to keep the pigs away and  
15 he let me use this piece of land over here for as long  
16 as I wanted. Now, you're saying that you're going to  
17 be 100 feet from my house. Then, all the animals over  
18 there - there are all kinds of wild animals. What am  
19 I going to have, animals on top of my yard. This  
20 should be on the other side.

21                  MR. COSTA: We can't put it on the other side.

22                  MR. GIGLIOTTI: From my property line, I'm in  
23 35 feet and I put the fence from my property line and  
24 not from my house. I put the fence over there and  
25 there is a shed and another fence right here

1 (Indicating) and I put it 35 feet -

2 MR. COSTA: Right, but that's not your  
3 property.

4 MR. GIGLIOTTI: I've been using that property  
5 since 1972.

6 MR. COSTA: When Mr. Finning purchased the  
7 property, he purchased that.

8

9 MR. GIGLIOTTI: Well, we have a verbal  
10 agreement with him. I don't think that I'd like to  
11 have this pond right close to my house.

12 MR. COSTA: Well, it's about 100 feet from your  
13 house.

14 MR. GIGLIOTTI: Well but about 40 feet from the  
15 property?

16 MR. COSTA: Yes.

17 MR. GIGLIOTTI: So, what am I going to have -  
18 wild animals over there? Right now you can't sit in  
19 the back yard because the ducks fly all over the  
20 place. The geese poop all over the place. I don't  
21 like it. Something has to be done.

22 MR. LACIVITA: Is it more of a visual impact or  
23 a visual concern that you have?

24 MR. GIGLIOTTI: It's right behind my back yard.

25 MR. LACIVITA: But is it from a visual

1           standpoint of what you're seeing? Can we buffer it to  
2           protect you?

3                   MR. GIGLIOTTI: What are you going to do? Put  
4           a net and then make sure that the birds don't come  
5           over there? You can't walk over there because of the  
6           geese.

7                   MR. LACIVITA: I think that one of the things  
8           that we can do is see if there can't be an adjustment  
9           to it.

10                   MR. GIGLIOTTI: Then they should make that one  
11           longer away -

12                   MR. COSTA: We can't do that.

13                   MR. GIGLIOTTI: There is more room there near  
14           Albany Shaker.

15                   MR. COSTA: The Corp of Engineers won't let us  
16           go there.

17                   MR. GIGLIOTTI: Then you shouldn't put up  
18           houses either.

19                   MR. COSTA: We are required by the Town  
20           regulations and the State DEC -

21                   MR. GIGLIOTTI: Let this discharge over there  
22           (Indicating).

23                   MR. COSTA: This is the low point. That's why  
24           there is a culvert crossing under Maxwell Road.

25                   MR. GIGLIOTTI: Where is the water going after

1           that?

2                   MR. COSTA:  It goes underneath Maxwell and then  
3           it goes under Albany Shaker Road and then eventually  
4           it goes to the pond.  That's where it eventually runs  
5           to.

6                   MR. GIGLIOTTI:  I think that it's too close.  
7           With these birds - there are about 40 or 50 geese that  
8           fly and poop all over the place.

9                   MR. LACIVITA:  Angelo, I think that one of the  
10          things that you can do is DEC has a way to contain  
11          them - the Department of Environmental Conservation.  
12          If there is that level of concern because of the  
13          wildlife, that would be the avenue to go.  Those are  
14          the only folks that would have jurisdiction over the  
15          geese would be the DEC.  They would come in, if there  
16          is a hazard to your home - if you're finding it  
17          because you find some of the things that they leave  
18          behind on your property, you can talk with them to see  
19          if they could either relocated the geese.  They have  
20          done it in other locations.  I think that is your only  
21          other option at this point.  Take my card and I'll  
22          give you the information as to who to contact from DEC  
23          and to see if we can try to do something for you.

24                   MR. GIGLIOTTI:  Thank you.

25                   MR. LACIVITA:  We did talk about fencing for a

1 little bit. There is one home that I did notice  
2 through my walk-thru on Friday that is actually open  
3 to the construction site. It has a lot of toys in it.  
4 Can you put an orange construction fence there? I did  
5 find a lot of kids toys on the tree side of things.

6 MR. COSTA: Sure.

7 MR. LACIVITA: I'd like to see that shut right  
8 off.

9 CHAIRMAN STUTO: Brad, do you have anything to  
10 add to what Mr. Gigliotti said?

11 MR. GRANT: No, I don't.

12 CHAIRMAN STUTO: There is no other alternative?

13 MR. GRANT: I know that in some areas up at the  
14 landfill they have whistles that they use. Things  
15 that we can do at the landfill, we're not going to be  
16 able to do here.

17 MR. KORLACH: I'm at 24 Margaret Drive. My  
18 question is: Now that we see what we see, it's a  
19 little bit more than what we want to see. What  
20 timeline or phase -- how would this progress? Where  
21 would the starting point be? When would you complete  
22 the project?

23 CHAIRMAN STUTO: I'm going to say this because  
24 there are a lot of names here. We would ask, as we  
25 said to the last project - get all your questions out.

1 We'll try to get them answered as best as can. If you  
2 have extra questions after that, you can come back and  
3 ask them and we'll never turn you down for more  
4 questions. If you can get all your questions out --  
5 because in fairness to everybody else, it's not  
6 efficient to have a back and forth. If you can get  
7 all your questions out, that would be the way that we  
8 would like to do it.

9 You're asking about the phasing?

10 MR. KORLACH: All of this really does mitigate  
11 the impact that we're going through right now; the  
12 visual and the wind. The wind is substantially more  
13 because there is no wind break. Once construction  
14 goes on and there is vegetation, it disappears. But  
15 for now and for how long? Initially before you even  
16 start building, can you contemplate working on some of  
17 these prior? Can they be moved up in the schedule so  
18 that all of this can help to minimize the wind and the  
19 visual impact?

20 CHAIRMAN STUTO: Did you speak to the  
21 developer? He said that he's talked to all the  
22 residents.

23 MR. KORLACH: Yes.

24 CHAIRMAN STUTO: Was that not satisfactory?

25 MR. KORLACH: Because everything is clear cut,

1 we have a new look at the whole project. I have no  
2 objections to the project.

3 CHAIRMAN STUTO: He said that he's had recent  
4 conversations about it.

5 MR. KORLACH: As far as the trees along the  
6 powerlines, I'm in agreement. They were disaster  
7 waiting to happen. I think that it's good that they  
8 are gone, but with the entire area -

9 CHAIRMAN STUTO: Okay, got it. Do you have any  
10 other questions?

11 MR. KORLACH: Can this be bumped up sooner than  
12 later and where do you start when -

13 MR. COSTA: As I mentioned earlier, we have to  
14 bring the sewer to this location here, all the way to  
15 here and here (Indicating). That means that cover  
16 where the sewer comes out of the ground - that has to  
17 cover that sewer and has to be in place. So, there is  
18 going to be construction going on all the way to here  
19 (Indicating) to place the fill.

20 MR. KORLACH: Understood.

21 MR. COSTA: This will probably be the first  
22 area that will be constructed as far as the units, so  
23 this stormwater system will be installed and then this  
24 will be the second portion of it. Again, we'll be  
25 doing more back here to install some of the underdrain

1 and some of the swales. You're asking if something  
2 can be done now along this edge. We'll have to take a  
3 look at that. If we have the grade, we can do that.

4 MR. KORLACH: I'm just asking for that  
5 consideration because like I said, what we see is more  
6 than we thought we would see.

7 CHAIRMAN STUTO: Nick, we have voiced concerns  
8 about the screening and it looks visually pretty bare  
9 right now. Is there adequate engineering for you to be  
10 able to say whether you can do that or not and when  
11 you can do it? To say that you'll have to see - don't  
12 you know what the grades are going to be when this  
13 thing is completed?

14 MR. COSTA: We have already the finished grades  
15 on the drawings. Some of that grading will be done  
16 right away. The most important grading that is going  
17 to get done is going to be to place the fill over the  
18 sanitary sewer and over the future road. So, that fill  
19 is going to be placed first. In this area there are  
20 actually some cutting that is going to happen and not  
21 just fill. We want to build the swales and the  
22 underdrains. That work that can go on at the same  
23 time. I'm not saying that it can't be done. It can  
24 be done. Again, as soon as that grading is done, they  
25 can plant. It won't be disturbing. There is no

1 further work that is going to happen in that area.

2 CHAIRMAN STUTO: Is there any reason why we  
3 can't advance that to the front of the project?

4 MR. COSTA: I think that it can be done  
5 simultaneously. To bring in the material and bringing  
6 the sewer up is going to take a couple of months.

7 MR. LACIVITA: In the meantime, Nick, during  
8 the site visit we noticed a number of pools and decks  
9 in the backyards. In order for them to enjoy their  
10 summer, can we stabilize that back area as quick as  
11 possible so there won't be that wind and the sand  
12 going onto those properties?

13 MR. COSTA: I agree that planting in some of  
14 those areas will help that situation.

15 CHAIRMAN STUTO: Thank you.

16 Linda Emmer.

17 MS. EMMER: Hello. I'm Linda Emmer and I live  
18 at 3 Alisha Lynne Court on the other side.

19 I just wanted to thank you for your time and  
20 I'll ask my questions as quickly as possible.

21 I live along the 10 foot buffer that was  
22 allowed. Unfortunately, I do have displeasure over  
23 the buffer because 10 feet is not a lot and the trees  
24 that were allowed -

25 CHAIRMAN STUTO: Can you show us where you live

1 a little more precisely.

2 MS. EMMER: Yes, I live right back here. This  
3 is my lot.

4 So, although I truly do appreciate at least a  
5 10-foot buffer, I would have appreciated a 50-foot  
6 buffer. I saw pictures and you saw pictures. The  
7 buffer is not adequate. I don't know if there is the  
8 ability to add more landscaping. The trees that are  
9 left are not the healthy trees. Unfortunately, the  
10 healthiest trees were knocked out in the process and  
11 so what is left, I do appreciate but there are gaps  
12 and some of them are dying.

13 CHAIRMAN STUTO: What's on the back of your  
14 lot? Do you have a fence?

15 MS. EMMER: I have an old chainlink fence  
16 probably left over from the farmer and then those  
17 trees.

18 MR. COSTA: That's your only question?

19 MS. EMMER: No, I'll be quick.

20 My other question is and I don't know if this  
21 is even available for discussion anymore. Since the  
22 development didn't meet the 35% open space and it's  
23 listed at 22% open space - that was in one of the  
24 downloads tonight. That's what I read.

25 MR. COSTA: That was an earlier version.

1 MS. EMMER: It does meet the 35%?

2 MR. COSTA: That's an earlier version. As Joe  
3 mentioned, it was in front of the Board several times.  
4 That former plan -

5 MR. LACIVITA: That far exceeds it now.

6 CHAIRMAN STUTO: I thought that we were going  
7 to answer all the questions as once.

8 MR. COSTA: I'm sorry.

9 MS. EMMER: Okay, so I read the documents and  
10 that was my question about the 22% but the buffer - if  
11 there was going to be additional landscaping.

12 Also, I understand that traffic is not of this  
13 Board's intent but because there has been so many  
14 revisions and reiterations from single family homes to  
15 these townhomes and this has been changed -- with the  
16 redo of Maxwell, it's very difficult to come out of  
17 the cul-de-sac and make a left turn. I understand  
18 that there is only maybe going to be 10 cars in the am  
19 and p.m., but I do think that the traffic study cited  
20 in the download was from 2003. I don't know how we  
21 get a new traffic study for Maxwell Road because now  
22 you have that headquarters of that bank, you have  
23 people cutting through, you have new developments.  
24 Maxwell is very busy. I worry for the children  
25 because there is really nowhere to walk.

1                   My last question is: What makes this a senior  
2                   development? I'm not trying to be funny. I'm close  
3                   to 55 and I'll still have an elementary school kid.  
4                   What makes it senior in the sense that it has two  
5                   upstairs bedrooms, one downstairs and a HOA? That, to  
6                   me, is just a development. I'm just confused.

7                   CHAIRMAN STUTO: We'll talk about that too.

8                   MR. COSTA: In just getting back to your  
9                   initial question in regards to additional buffering,  
10                  yes, we can supplement that landscaping. The  
11                  applicant is willing to do that.

12                  I think that I responded to your question -

13                  CHAIRMAN STUTO: What would you suggest right  
14                  there? There looks like there is not a lot of room  
15                  between the home -- would you replace her fence or put  
16                  a solid fence? Can we get specific? What kind of  
17                  plantings can you put there?

18                  MR. COSTA: Some pine would help screen it --  
19                  evergreens.

20                  CHAIRMAN STUTO: What are the good kind?

21                  MR. LACIVITA: There is a lot of underscrub  
22                  brush in that area too.

23                  MS. EMMER: Right and so it strangled a lot of  
24                  the trees.

25                  CHAIRMAN STUTO: What are the good kind of

1 pines that we like to see?

2 MR. LACIVITA: The white pines kind of lose  
3 their needles. I would tend to look more toward the  
4 spruce that has those longer needles.

5 MR. COSTA: Evergreens.

6 CHAIRMAN STUTO: And you promise to talk to  
7 this woman about her particular -- behind her house?

8 MR. COSTA: Absolutely.

9 CHAIRMAN STUTO: Traffic and what constitutes  
10 senior.

11 MR. COSTA: I think that Joe has something on  
12 traffic as far as what this development generates.  
13 It's a very minor amount, especially since it's a  
14 senior -

15 CHAIRMAN STUTO: Why don't you define senior  
16 first?

17 MR. COSTA: Sure. Senior is a person who lives  
18 in here -- at least one person who lives in the home  
19 has to be 55 years or older. That's what constitutes  
20 a senior. So, at least one person here -- or else  
21 they can't sell.

22 CHAIRMAN STUTO: So, a young couple with young  
23 children -- they wouldn't be sold a house.

24 MR. COSTA: That's right.

25 CHAIRMAN STUTO: And that's federal law, as I

1 understand it.

2 MR. COSTA: That's correct.

3 CHAIRMAN STUTO: That's the only kind of age  
4 discrimination that is permitted, is what I  
5 understand.

6 MR. COSTA: Getting back to the traffic - the  
7 peak hours are even less than a single family  
8 residential home because it's particular to seniors.  
9 We have about a little more than half a trip per peak  
10 time. There is not very much traffic that is being  
11 generated. I think that there is also GIS money that  
12 this project can contribute to towards the traffic.

13 MR. LACIVITA: I think that more specifically  
14 you talked a little bit about the traffic study that  
15 just happened back when this first came through. The  
16 Town is actually working collaboratively with Albany  
17 County. We're doing a traffic study on the entire  
18 Albany Shaker corridor, but we're also taking it a  
19 little deeper so we're going up to Old Niskayuna and  
20 in that area and Maxwell and we're also going further  
21 up to 9 and Maxwell. So, we're looking at a holistic  
22 approach because all of the development and the open  
23 space that's left within this area. So, we're  
24 actually going to have our kick-off meeting. We did  
25 get funding through the Capital District

1 Transportation Committee to really look at the traffic  
2 improvements that are needed. Traffic improvements  
3 are identified in the Airport GIS which as Nick  
4 mentioned, this will pay mitigation fees to.  
5 Specifically, we will take into account all of the  
6 developments that have been planned and any future  
7 potential build-out scenarios.

8 I should say that I thought life would change  
9 when I got my AARP card at 50. Today I turn 55, so  
10 I'm designated as a senior. We shall see. I'm now a  
11 senior.

12 CHAIRMAN STUTO: Thank you.

13 Mary Beth Buckner.

14 MS. BUCHNER: Hi. I'm a 71-year old senior.  
15 I still walk three to five miles three or four times a  
16 week. I certainly wouldn't want to get a two-story  
17 senior housing. I would want it on one level.

18 I was very shocked to find out that there would  
19 be two levels. I don't know if there is any  
20 possibility - it's probably too late to put in any  
21 one-story homes.

22 Also, I was very concerned from an  
23 environmental perspective. Since I live on Coventry  
24 Court, I used to drive down Maxwell Road and you'd hit  
25 the treeline and you could see easier and it was 10

1 degrees cooler. When I see trees - I was  
2 understanding that if it was over three inches in  
3 diameter, it wasn't supposed to be cut. Then I heard  
4 well it was the previous administration but I don't  
5 understand because if it's against the law, it should  
6 be against the law. Just because a contract was  
7 signed under a different administration, it seems like  
8 it should be against the law. I'm concerned to say  
9 that you are going to put arborvitaes where mature  
10 trees once were doesn't seem like it's going to cut  
11 it.

12 Also, when you drive down Maxwell Road and you  
13 approach Old Niskayuna, many evenings it's like a  
14 parking lot. There is one lane and you can't turn.  
15 On one side of the coin you're saying that you can go  
16 up the flight of stairs to your computer room or  
17 whatever you want to call your upstairs rooms but you  
18 can't drive your car that much? It doesn't make sense.  
19 I drive my car all the time when I want to go out to  
20 different activities and functions. I guess I'm  
21 concerned and want to express the environmental  
22 concern, the fact that it's senior housing. My  
23 husband and I live in a four-bedroom colonial. We'd  
24 like to size down but we would prefer something on one  
25 level.

1                   CHAIRMAN STUTO: Ma'am, I'm going to address  
2                   that only because I'm going to repeat what I think the  
3                   applicant said. There was a master suite on the first  
4                   floor and when the grandkids come over, that's what  
5                   the demand was for.

6                   MS. BUCHNER: Well, I'm a senior and I feel  
7                   like I want to have more than just the master suite on  
8                   the down floor. I would rather have a computer room  
9                   on the down floor. Let's fact it, I'm going to be  
10                  going up to my computer room all the time. As a  
11                  matter of fact, I have a suggestion to the Board that  
12                  maybe we could get a Powerpoint in here and an  
13                  overhead so that people can see the presentation a  
14                  little bit clearer. I don't mean to be rude but this  
15                  is 2016. I think that we can have a little bit better  
16                  set up. I haven't been here before. This is new to  
17                  me. I'm sorry.

18                  Those are my concerns.

19                  CHAIRMAN STUTO: Can you address traffic and  
20                  why seniors tend not to travel during the peak hours?

21                  MR. COSTA: That is from studies that are done  
22                  by the Institute of Transportation Engineers.

23                  CHAIRMAN STUTO: Can you explain it in lay  
24                  terms? A lot of retired - they tend to avoid traffic.

25                  MR. COSTA: Yes, and they don't tend to be at

1 the peak hours. That's basically why the numbers are  
2 low. That is the case.

3 MR. RAYMOND: As far as the bedrooms on the  
4 second floor, the reason that they are there because  
5 of the amount of square footage on the first floor  
6 with the dining room and the living room to be larger,  
7 we didn't want to put smaller rooms there. Again, that  
8 was from a focus group. We have heard that over and  
9 over again. Really, the only reason that they are  
10 looking for the two bedrooms upstairs is for when they  
11 have company. There is just so much that you can do  
12 in a price range in a plot plan with extra rooms  
13 downstairs. There is a way of bumping this out a  
14 little bit if someone wants to do that. We have the  
15 flexibility to do that.

16 CHAIRMAN STUTO: Thank you.

17 Galina Zhioun.

18 MS. ZHIOUN: Hello. My name is Galina and we  
19 live in 30 Margaret Drive. My question is: What is  
20 the side back distance from our house to the new  
21 construction.

22 MR. COSTA: From your house to the property  
23 line, you have about 50 feet. To the edge of the  
24 road, it would be almost 100.

25 MS. ZHIOUN: Right now the majority of the

1 construction machinery is behind our back yard and  
2 it's actually to the left. It's where the children's  
3 daycare is and our house. So, when people work, our  
4 house shakes all the time because they work on  
5 Saturdays too. As the other gentleman mentioned, the  
6 wind is also a really big concern right now.

7 Also, unfortunately, we had only one  
8 conversation about a year ago about the whole  
9 construction work. So, we were never thoroughly  
10 informed about any of this development and where it's  
11 going to go. Originally we were told that it is going  
12 to be just the burial site for the highway  
13 construction and then it turned into residential site.

14 Also, right now we've had a very dry winter and  
15 we don't know how it's going to impact the flooding.  
16 What do you guys propose for the future? So far we've  
17 been living there for eight years. We never had a  
18 flooding issue. Now that our yard is going to be  
19 facing the new road, what do you guys propose for the  
20 future flooding issues that we might have?

21 Also, since now that we are just staring at the  
22 bare site, as you guys know, we used to have trees  
23 there so are you guys planning to do something with  
24 the evergreens to go across all of Margaret Drive to  
25 create a buffer for everyone or is it like with

1 separate residents that you have discussed those  
2 changes?

3 Also, when are you guys going to finish the  
4 construction?

5 Thank you.

6 CHAIRMAN STUTO: I took notes if you can't  
7 remember all of them.

8 Site distance, you already answered.

9 MR. COSTA: Right and as far as the flooding,  
10 as soon as we can continue some of this grading, like  
11 I was saying before, this is the high point so  
12 everything is going to be going this way. It won't go  
13 towards their home. Any stormwater run-off will go  
14 towards the proposed detention basin.

15 When will construction start? Again, there are  
16 several steps that have to take place for us. This is  
17 one of them to get final approval and then we have to  
18 go the Health Department. I would be guessing that  
19 maybe in June - late June as far as starting.

20 With regard to the planting, the idea is to  
21 plant screening material, screening the landscaping  
22 all along the Karen Court and Margaret Drive rear  
23 yard. The only thing that depends there is that Jim  
24 is going to talk to each one of the homeowners and try  
25 to come to an agreement as to what type of vegetation

1           you wish to have.

2                   MS. ZHIOUN:  What about the highway material  
3           that was there?

4                   MR. COSTA:  One of the reasons why we started  
5           the construction here, as I mentioned before, we  
6           needed 25,000 to 30,000 yards of material.  Exit 4 was  
7           happening last summer and they had an excess amount of  
8           material that they had to get rid of.  They asked us  
9           if they could put some of it here and that's why we  
10          took some of that material.  To bring 25,000 to 30,000  
11          yards of material here is very expensive.  Having  
12          sources very close by is very rare.  It's something  
13          that was a win/win situation for everyone; DOT who was  
14          trying to get rid of the material and this site that  
15          needed the material.

16                   CHAIRMAN STUTO:  I just heard a couple of  
17          comments from my fellow Board Members.  I think that  
18          we want to nail down the landscaping plan.  Even if  
19          you're going to go back and even if you do get final  
20          approval, I'd like to come back to reserve the  
21          landscaping plan for us to see again.

22                   MR. LACIVITA:  Yes, we have done that on other  
23          projects.

24                   CHAIRMAN STUTO:  Okay, so let's just say that  
25          for the record that's going to be a condition.  We

1 want to see something that works.

2 Cathy Morano.

3 MS. MORANO: Hi, I'm Cathy Morano and I live at  
4 34 Margaret Drive.

5 I took a few pictures tonight before I came for  
6 anyone who wanted to see what it looks like out my  
7 back window right now. It's extremely ugly.

8 CHAIRMAN STUTO: You can pass them down, if you  
9 want.

10 MS. MORANO: They're on my tablet over there.  
11 If you've walked the property, you'd know what it is.  
12 I think that the neighbors are pretty much accepted of  
13 the fact that this is going to happen and I don't  
14 think that anyone is in disagreement with it  
15 happening. I don't know, maybe that's just me  
16 speaking. I think that we were all shocked at the  
17 amount of trees that were taken down because there  
18 were so many to begin with and there were a lot of  
19 poplar trees that were - I don't know - 60 feet tall,  
20 which there is still one standing. I think that we  
21 all wanted those down - the ones that were along the  
22 powerline. I think that it was really shocking to see  
23 all the other trees that came down in the process. I  
24 will tell you that I cried for three days. I have been  
25 there for 25 years. It sucked. It just did. My

1 biggest concern is what we are looking at right now is  
2 ugly. I don't know any other way to explain it. When  
3 will that be remedied? When will I be able to sit on  
4 my deck this summer and enjoy my pool? Will there be  
5 some kind of screening so that I don't have  
6 construction workers -- as you know, my house sits up  
7 higher, if you have walked the property and where the  
8 construction is - that's much lower. I have a great  
9 concern about that because like all of you, I have  
10 been stuck in the house all winter long. I live for  
11 the summer and to able to sit on my deck. I think  
12 that the whole tree thing is affecting a lot of people  
13 because there is a lot of construction going on in the  
14 Town of Colonie right now, especially where we live.  
15 If you look over where they are building the Pioneer  
16 Bank, they took down so many trees. I don't think  
17 that anybody really wants to look at that Pioneer Bank  
18 to be honest with you. It's not the reason that I  
19 moved to the Town of Colonie. I moved there because  
20 of the schools and I moved there because of the trees  
21 and I moved there because of the neighborhood. I think  
22 that you're getting a lot of lash-back tonight because  
23 of all of the trees that are being taken down and if  
24 you look over on 155 where they are building that  
25 church now, more trees, more greenspace being removed.

1 That's why you're getting all that tonight.

2 My main concern, I think, is hours of  
3 operation. I made a note the other night on 3/29 they  
4 were moving dirt until well after 7:00. On 3/30 they  
5 started moving dirt at 7:00 a.m. So, 7:00 a.m. to  
6 7:00 p.m. all summer long?

7 MR. LACIVITA: That's typical construction  
8 time.

9 MS. MORANO: So, this is how my summer is going  
10 to be? That's what you're saying?

11 MR. LACIVITA: Those are the hours that we do  
12 allow construction. If you see something on the  
13 weekends -

14 MS. MORANO: They're going to be there on the  
15 weekends. They were there on the weekends all summer  
16 long last year.

17 MR. LACIVITA: I'll give you my card. They  
18 will only do Monday through Friday so that you can  
19 enjoy at least part of that summer.

20 MS. MORANO: I think that if it were in your  
21 backyard, you wouldn't want it.

22 MR. FINNING: If I can address some of the  
23 comments, maybe this will help.

24 I think that everybody is in agreement that the  
25 trees that were on the property line were not safe

1 trees. They were just garbage trees. They were weeds  
2 that were overgrown and they were dangerous. We had  
3 to take those down. I don't think that there was any  
4 issue that everybody agrees with that.

5 One of the reasons that the site looks like it  
6 does now is because the Town let us cut the trees down  
7 but they don't give you permission to clean it up and  
8 do some grading until after this meeting and until  
9 after we are approved. This was heavily treed because  
10 it was a pig farm for I don't know how many hundreds  
11 of years but because of the Town requirement to not  
12 use grinder pumps and the amount of fill that we have  
13 to bring in to make this work without grinder pumps,  
14 the trees that were left on the site could not have  
15 stayed. They would have been buried with the amount  
16 of fill that we have to bring in. That is  
17 unfortunately part of this development.

18 You mentioned a few minutes ago, Mr. Chairman,  
19 that you want to delay this again. These people are  
20 not happy with the way that it looks. We want to get  
21 started -

22 CHAIRMAN STUTO: What did we say about delaying  
23 it? We said to reserve the landscaping plan and to  
24 bring that back.

25 MR. FINNING: Maybe I misunderstood. When I

1 stand here tonight telling you that we will work with  
2 every property owner that is adjacent to this  
3 property, and we will make them happy -- whatever they  
4 want. Whether they want evergreen trees, arborvitaes  
5 or if they want a bigger fence, we will do that. We  
6 need to make our neighbors comfortable with this  
7 project. We will do that. We've been at this for 12  
8 years. We've got millions of dollars invested in it.  
9 If we can get out of this project with a clean shirt,  
10 that's all we're trying to do at this point. It's not  
11 been an easy project for us. We're doing the best  
12 that we can with the site that we have to work with  
13 and our number one goal at this point is to make all  
14 the neighbors happy. If they want evergreens, we'll  
15 give them evergreens. If they want arborvitaes, we'll  
16 give them arborvitaes. We'll work with each and every  
17 one of the adjacent property owners to make them  
18 happy. I give you my word and you can write it down.  
19 That's what we will do.

20 CHAIRMAN STUTO: Okay, thank you.

21 Bob Johnson.

22 MR. JOHNSON: Hi. Bob Johnson. I'm on 18  
23 Margaret Drive on the corner.

24 I heard a comment earlier this evening about  
25 rooflines of houses. I'm a little concerned that we

1           won't have compatibility if that happens. Like, if  
2           you have a high house and a low house and a couple of  
3           high houses and a low house. I really think that  
4           architecturally it should look nice because back here  
5           and looking at all these rooflines, I think that they  
6           should all be compatible.

7                     The trees are a big problem in different ways.  
8           I'm concerned with the power lines because I was  
9           without power for awhile during one of the bad storms  
10          in the past. It was really about a four or five day  
11          event. It was during the freezing cold weather. If  
12          someone is on a life support system, I can just  
13          imagine losing power. That could be a real problem.  
14          I would just encourage to strongly consider what Mr.  
15          Finning continue the removing of the trees, especially  
16          along the power lines to get this project moving.

17                    Also, this has been a concern of mine for quite  
18          some time - the swale elevation back here. There is a  
19          swale drainage feature along here (Indicating). That  
20          will take water away from this new project and drain  
21          it away to retention ponds or whatever other  
22          facilities are being designed on the project. Along  
23          Margaret Drive and existing properties and along Karen  
24          Court and so forth, won't experience rising water in  
25          their basements. This needs to be dealt with and it

1 was dealt with fine in the past. I have reviewed the  
2 grading plan for the project about a year ago and it  
3 was adequate as far as I was concerned. It would meet  
4 those needs. I don't know if it's changed since  
5 then. That would be a question that I would have. Has  
6 it been changed?

7 I think that the sooner that this thing is  
8 built, the better. Now, we're in the middle of a  
9 construction project here and we've had a lot of  
10 vegetation removed, a lot of wind impacts coming  
11 through - visual impacts. You put houses in there and  
12 put tree screening in there and some nice landscaping,  
13 that's going to make the winds coming across the  
14 field. Tall roof lines and vegetation - that will  
15 help out a lot.

16 That's is. Thank you.

17 CHAIRMAN STUTO: Roof lines, power lines,  
18 swales and the screening. Some of that, you may have  
19 already answered.

20 MR. COSTA: I don't mind answering again. With  
21 regard to the swales, the grading hasn't changed and  
22 it probably hasn't changed in two years. That was the  
23 last time that we looked at the grading. I think that  
24 the comments that we received after that were not  
25 related to the grade. That hasn't changed.

1                   With regards to the roofline, I think that what  
2                   Ken was saying about the roofline, it did say that it  
3                   was something that would be consistent. It wouldn't  
4                   be some low and some high. It would be a consistent  
5                   look. I think that Mr. Johnson is satisfied with that.

6                   Again, to reiterate the screening, that's  
7                   something that the applicant is willing to look at  
8                   that and make it work for the neighbors.

9                   CHAIRMAN STUTO: Okay, thank you.

10                  Teresa Scilipote.

11                  MS. SCILIPOTE: I'm Teresa Scilipote. I am not  
12                  a neighbor to this project. I am going to reiterate  
13                  some of the concerns about this being a senior PDD.

14                  Was your focus group given the option of a  
15                  ranch style in the first place and are these homes ADA  
16                  complaint. In other words, will the doorways be wide  
17                  enough to handle walkers and wheelchairs?

18                  I'm concerned because this is the second time  
19                  that we've had a senior PDD in the Town that is solely  
20                  two-stories high. The first being the Parkside and I  
21                  fail to understand why this is being allowed. I know  
22                  that the master bedroom being on the first floor seems  
23                  to satisfy some people. I, like the other woman who  
24                  spoke, am a single woman. I would like to be able to  
25                  use my computer room and whatever other rooms that I

1           have upstairs and I have health issues that will  
2           probably prevent me from doing that in the next 10  
3           years. I also know that married couples tend to maybe  
4           not want to share the same bedroom as they get older.  
5           You might have a husband and a wife, both elderly, who  
6           want a room on the first floor. Siblings might be  
7           there to take care of each other. Again, someone is  
8           going to have to go upstairs. I would just ask and  
9           this is more to the Board, in the future, if you're  
10          going to do a senior PDD, please ensure that there are  
11          ranch models available. I'm not interested in this any  
12          longer because of the two-story plan.

13                   CHAIRMAN STUTO: I'll ask the applicant - is  
14           there ranch model, if you ou have a customer that  
15           wanted a ranch?

16                   MR. RAYMOND: There is not at this point. It  
17           could be addressed, I guess.

18                   MS. SCILIPOTE: I'll tell you what I feel is  
19           going on here. This might sound terrible. Just like  
20           down at the Parkside, this is a way to maximize the  
21           builder's profit.

22                   MR. FINNING: No, it's not. You're out of  
23           line.

24                   MS. SCILIPOTE: Okay, I'm out of line. I see  
25           what happened down at the Parkside. You put tons of

1 two-story homes -

2 CHAIRMAN STUTO: Is that the one behind Macy's?

3 MS. SCILIPOTE: Yes.

4 CHAIRMAN STUTO: Aren't there a lot of retired  
5 couples there? The ones that I know -- I know at  
6 least one couple and they're happy there.

7 MS. SCILIPOTE: So maybe my thoughts don't  
8 address everyone. I just feel that if you're meeting  
9 the needs of seniors, you need to take into  
10 consideration that many seniors - maybe not the ones  
11 in the Parkside - would like to be on one floor.  
12 That's the way that I feel about it.

13 CHAIRMAN STUTO: I appreciate your comments and  
14 I'm not minimizing them. Thank you.

15 If there is that demand, I would think that the  
16 applicant would want to sell to that demand. I'm open  
17 minded about it. Thank you.

18 Leo Rivers.

19 MR. RIVERS: I don't have any questions. I just  
20 want to make a few comments.

21 Every once in awhile I see Jim at a hardware  
22 store, supermarket, he'll come to my door and he'll  
23 come right up to me and say, Leo, I know that you  
24 don't want trees by your house. You want lilac  
25 bushes. He remembers that from the first meeting that

1 we had 12 years ago.

2 The other comment that I want to make - I would  
3 have loved to have construction from 7:00 to 7:00  
4 because I live on Albany Shaker and when they did that  
5 Northway construction from 10:00 at night until 5:00  
6 in the morning all I heard was pound, pound, pound for  
7 seven hours. Nobody could sleep. I had central air  
8 on. I put in triple pane windows and it didn't help.  
9 I would have loved to have a 7:00 to 7:00 construction  
10 time instead of 10:00 to 5:00. Thank you.

11 CHAIRMAN STUTO: Thank you.

12 Mike DiFabio.

13 MR. DIFABIO: Good evening. I'm Mike DiFabio  
14 and I live off of Maxwell Road.

15 As I understand it, you're here for final  
16 approval and I would just like to say that before  
17 final approval, I think that three issues need to be  
18 addressed.

19 The first is the traffic plan. Maxwell Road  
20 gets very tied up. There is a traffic study that is  
21 now being done as Joe mentioned from the Albany Shaker  
22 corridor up through Maxwell and across Old Niskayuna  
23 and I think that it's only fair to the residents that  
24 this project be shown to be coordinated traffic-wise,  
25 with that other study. I think that this project

1           should be approved separate from the other study,  
2           especially since it's underway.

3                       I don't think that there should be final  
4           approval when there is a notice of violation pending.  
5           I think that the terms of how you're going to handle  
6           that notice of violation should be settled upon and I  
7           think that the remedy for over clearing is planting  
8           and the planting involves the buffer zone that has  
9           been talked about here several times.

10                      The final thing is I think that there needs to  
11           be some specifications on the buffer zone in terms of  
12           density, trees, footprint and thickness. It was  
13           talked earlier tonight about the bond and ensuring  
14           that project gets built to specs. So, I think that  
15           there ought to be specs on what this buffer zone is  
16           going to look like in terms of type of planning,  
17           thickness, footprint.

18                      I'd like to thank the steno because I think  
19           your fingers are probably hurting right now.

20                      CHAIRMAN STUTO: I agree. I want to see  
21           specifications on the bufferzone and/or plantings,  
22           myself. I was of a similar mind to you before the  
23           meeting about the notice of violation and not taking a  
24           final look. However, I found the explanation to be  
25           adequate in the sense that - it made sense to me that

1 the federal wetland moved and therefore the department  
2 was using an older map. I don't know.

3 Do you have any comment on that, Joe?

4 MR. LACIVITA: I do, especially when Nick said  
5 that it was in July and I'm looking at record map in  
6 June. So, it definitely changed over the time when  
7 they had it delineated.

8 CHAIRMAN STUTO: And it wasn't extensive, is  
9 what you explained to me; is that right?

10 MR. LACIVITA: The encroachment that we found  
11 was not to a point where we were highly concerned. I  
12 think that there were probably five or maybe seven  
13 trees that were within that area and they were within  
14 a six or four inch caliper that we saw.

15 CHAIRMAN STUTO: Mr. DeFabio also asked about  
16 traffic again. I'm not sure if he said that he thinks  
17 that there should be a separate view of this traffic,  
18 irrespective of the other traffic study.

19 MR. LACIVITA: Actually, the Albany  
20 County/Colonie study of the corridor is going to be  
21 taking into account the information that we currently  
22 have on hand. This plan was done, as we know, several  
23 years ago and it did have some updates to it, based on  
24 the changes. That information will be forwarded into  
25 the Albany County/Colonie plan and it was also

1 reviewed under the Capital District Transportation  
2 Committee where mitigation fees are associates to this  
3 plan, based on improvements needed.

4 CHAIRMAN STUTO: Any other residents? That was  
5 the last name on my list here.

6 MR. OPPEDISANO: My name is Richard Oppedisano.

7 Joe, as far as the traffic study is concerned,  
8 we are going through a thing where we are going to  
9 have a decision eventually, but tonight we may be  
10 voting on a project to go forward. It's kind of the  
11 cart before the horse, in my opinion.

12 No one has talked about density. We're talking  
13 50 units here on 14 buildable acres. Back on August  
14 11, of 2015 this Board disapproved a request from a  
15 contractor for 80 townhouses on Foglietti Farm and yet  
16 we turned around and said no, the density was too much  
17 for that and that was on 30 acres. The Town did say  
18 to build 38 single family homes on that 30 acres.  
19 Now, we're looking at building 50 units on less than  
20 14 buildable acres. The density just doesn't make  
21 sense. If you disapproved one, how can you approve  
22 the other? That was one of my concerns.

23 Mr. Chairman you mentioned the public benefit.  
24 What is the public benefit that we are receiving as a  
25 community based on this project. I don't want to hear

1 the fact that they can walk to the Crossings. We  
2 could do that before. I don't want to hear the fact  
3 that we can walk to the library. The library was  
4 there before. There is no real public benefit that we  
5 are gaining as a community.

6 The need for senior housing was also addressed.  
7 This gentleman just talked about the Parkside and the  
8 fact that sold out immediately. One of the issues  
9 that was addressed on that was because it was a  
10 walkable community; to Colonie Center, to Wolf Road,  
11 etcetera. This doesn't apply there. We don't have  
12 that walking ability.

13 One of the Board Members, at the time said that  
14 we really don't have a need for this type of housing  
15 because you've got Loudon House, the Village of New  
16 Loudon and these sales have not materialized for what  
17 they anticipated. The houses on the Loudon House -  
18 they were originally coming in at \$350,000.00 to  
19 \$400,000.00 for a condo. Now they are down to under  
20 \$300,000.00 into the \$200,000.00 mark.

21 Character of the Town - a Board member  
22 expressed her concern with quality of family life and  
23 quality of neighborhood. One more Board member said  
24 that not being 54 and has children four years of age  
25 and that age is not what it used to be. One Board

1 member stated that the density is just too high.

2 Again, I don't want to poke the Chairman, but  
3 provide an adequate and integrated system of open  
4 space and recreation areas designed to tie the PDD  
5 together internally and link it to the larger  
6 community. I don't see that happening here.

7 The pumping station is another concern. Will  
8 this project take it and add to the pumping station?  
9 Well, at a previous Board meeting, there was a  
10 statement that the pumping station is at near capacity  
11 prior to this project. How is that going to be  
12 addressed?

13 I thank you very much for your time.

14 CHAIRMAN STUTO: Thank you.

15 I'm going to react to some of that because some  
16 of the other Board members have been here for the  
17 eight years or so and I agree with you on the PDD and  
18 the density and the public benefit and the integration  
19 with the greater community. This was partially  
20 approved when we got in as Board Members so we debated  
21 it and discussed it. I think that a lot of people  
22 agreed with what you're saying but it was already  
23 halfway down the road. We weighed the pros and cons  
24 and we tried to make the best sense out of this  
25 development that we could. I agree with you. I think

1           that it's too many units on too small of a parcel and  
2           I think that the Board has rejected those more  
3           recently. We are already at the finish line now. I  
4           don't know what else to say except we decided in  
5           weighing the pros and cons or the fairness that we  
6           weren't just going to throw it out the window. The  
7           applicant was, in some sense, grandfathered in with  
8           what had already been approved. I don't disagree with  
9           you on a lot of those accounts.

10                   I personally don't want to hold up the project  
11           because we're very close to the finish line. We can't  
12           keep getting halfway closer to the finish line because  
13           we'll never get there. I think that some of the  
14           residents have expressed that they want this thing to  
15           be over with and to put the painful part of the  
16           construction behind them - to paraphrase what I have  
17           heard. That's how i feel about it. I hear what  
18           you're saying but we have to make some decisions. I  
19           think that we're going to bring it to vote and make  
20           some of those.

21                   Did you want to add something?

22                   MR. COSTA: I just want to respond to the  
23           gentleman's question with regard to the capacity of  
24           the pump station. One of the reasons that we were  
25           delayed in getting the sign-off from the Pure Waters

1 Department is that we did have to do several studies  
2 on the pump station and there was enough capacity to  
3 take the volume of waste water that this project will  
4 generate. The pump station did show that it does have  
5 that capacity. Mr. Grant reviewed that. Pure Waters  
6 reviewed that.

7 MR. LACIVITA: Additionally, the Town is  
8 actually undertaking a Wolf Road Sewer System Capacity  
9 study. I know that the Town Board members are acting  
10 on an RFP to go out to the community to get engineers  
11 to look at what the capacity is and certain pump  
12 stations within the area, specifically to the Wolf  
13 Road. I think that it's inclusive of this one and I  
14 know that there is the entire Wolf Road corridor. So,  
15 we're looking at that as a holistic approach as well.

16 MR. OPPEDISANO: Well, we know that there is  
17 going to be additional construction and development in  
18 our area. What are we doing now to make sure that we  
19 have this in place when this future development exists  
20 or starts to be approved?

21 MR. LACIVITA: That's exactly what is  
22 happening. We already know what the capacity is.  
23 There are certain projects that they had to make  
24 adjustments to a pump station whether it be impellers  
25 or whatever it had to do to improve the capacity of

1           those specific ones. Now, we're looking again as a  
2           holistic approach looking at the entire area that has  
3           the pump station in the Wolf Road area and we're  
4           trying to look to see what we need to do. We have  
5           given them potential build-out scenarios of the open  
6           spaces now so that they can consider those  
7           calculations to go forward. So, we are looking at it  
8           in the larger -- we're not planning just inside one  
9           specific project. We're looking at a larger area.

10                   MS. BENEDETTO: I'm Karen Benedetto. So, where  
11           is the walkway that they are going to have? I had a  
12           question as to who is going to maintain this area  
13           because I don't know if it's the Town or not, but I  
14           moved into the area 16 years ago and it was maintained  
15           very well by either people on the street or whatever.  
16           As time has gone by, brush and all that stuff is  
17           moving forward and people dump things. There is a no  
18           dumping sign but that's quite a ways into the road.  
19           So, you're saying that you're going to make a walking  
20           path. Who is going to maintain it? Is this the end  
21           of your property line here? Does the Town do that?

22                   MR. COSTA: No, this is the limit of the  
23           project.

24                   CHAIRMAN STUTO: Is that the HOA that will  
25           maintain that stub?

1 MR. COSTA: Yes.

2 CHAIRMAN STUTO: That's the homeowners  
3 association, he's saying.

4 MS. BENEDETTO: He's saying that it ends here  
5 and that it doesn't go out to Margaret Drive. That's  
6 what I am concerned about. If you're going to put a  
7 walkway there, there needs to be a lot of clearing  
8 there because stuff has gone there and I don't know if  
9 this is a Town issue that needs to address that.

10 CHAIRMAN STUTO: Well, that's a Town paper  
11 street, so it would have to be the Town.

12 MS. BENEDETTO: It never gets mowed anymore.

13 CHAIRMAN STUTO: It doesn't lead to anything  
14 right now.

15 MS. BENEDETTO: No, it doesn't but I was just  
16 wondering.

17 CHAIRMAN STUTO: That will be the Town's  
18 property.

19 Joe, do you have an opinion on that?

20 MR. LACIVITA: I'm sorry?

21 CHAIRMAN STUTO: Where that walking way stub  
22 goes into that?

23 MR. COSTA: The HOA is going to maintain that,  
24 even though that's on Town property.

25 MS. BENEDETTO: Thank you. I want to say thank

1           you to the Town for not approving that it's going to  
2           be a street, because that was a big concern of mine  
3           and I thank the Town for not allowing that to happen.

4                   CHAIRMAN STUTO: Okay, so you're committing  
5           that the HOA is going to maintain that.

6                   MR. COSTA: Yes.

7                   CHAIRMAN STUTO: Any other question.

8                   MS. BENEDETTO: We're talking about a walking  
9           community as far as walking to the library, walking to  
10          the Crossings and so on. The Crossings has a red  
11          light. There is no problem with that. How are people  
12          supposed to cross Maxwell Road any time of the day?  
13          That's a 30 mile an hour zone but as the one person  
14          spoke prior to this talking about Campagna Drive being  
15          40 miles and hour instead of 30, Maxwell is between 40  
16          and 50.

17                   MR. LACIVITA: Part of that study, again, as we  
18          talked about a couple of times tonight is going to be  
19          also pedestrian and all that type of stuff is going to  
20          come through the study. Those are the improvements  
21          that need to be done on that. We did see an increase  
22          in volume on that road so we know it's not only  
23          vehicular but we have to look at pedestrian and  
24          walkability and tractor trailers. It is a truck route  
25          so I know that there will be things like that.

1                   We did talk about potentially limitations on  
2                   truck weight on Maxwell Road, but that's all going to  
3                   be part of the study.

4                   MS. BENEDETTO: Any possibility of sidewalks  
5                   further down Maxwell Road toward Old Niskayuna? They  
6                   want to make it a walkable community, this may be an  
7                   opportunity to do this.

8                   MR. LACIVITA: We'd have to look at right of  
9                   way and want to see what the width is, the utilities  
10                  and everything. I know that will all be part of it.  
11                  Honestly, Mr. Oppedisano, take my card and email me  
12                  with any suggestions -

13                  MR. OPPEDISANO: I've got your number.

14                  CHAIRMAN STUTO: Okay, any other questions?

15                  (There was no response.)

16                  Motion to close the public hearing?

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

18                  MR. AUSTIN: Second.

19                  CHAIRMAN STUTO: All those in favor?

20                  (Ayes were recited.)

21                  All those opposed?

22                  (There were none opposed.)

23                  The ayes have it.

24                  Okay, we'll leave it to the Board for

25                  discussion.

1 Craig, what do you have to say?

2 MR. SHAMLIAN: Nick, the swale along the back  
3 property line there - is that designed to take water  
4 from the backyards of Margaret or backyards of the new  
5 development?

6 MR. COSTA: It will do both. Everything on  
7 Margaret is higher. Obviously, we're not going to put  
8 a berm and hold their drainage on their lot. The  
9 water will go into that whole area and this swale is a  
10 combination of a swale and an underdrain. It will not  
11 only pull the surface runoff, it will also pull the  
12 groundwater. That's why I was saying before that's  
13 probably going to help some of the basements on  
14 Margaret because now we are introducing a perforated  
15 pipe and the Town will take the water away.

16 MR. SHAMLIAN: Generally speaking how much  
17 pitch is there from the street back toward the swale?  
18 Ideally the backyard would be a little higher and the  
19 water would shift toward the street -

20 MR. COSTA: These driveways -- these will all  
21 pitch towards the road. It will be a normal street  
22 section. The driveways and the homes will pitch  
23 toward the street. The lawn will pitch to the back.

24 CHAIRMAN STUTO: Susan, do you have anything?

25 MS. MILSTEIN: Is there any chance of you

1 putting sidewalks within the development - even on one  
2 side?

3 MR. COSTA: There are sidewalks on that road.  
4 Actually they terminate by -

5 MS. MILSTEIN: Or within it. With a PDD, I'd  
6 like to see some kind of benefit to the Town. To me,  
7 a benefit to the Town is the sidewalk. Even within  
8 the development - or is there a possibility of  
9 sidewalks? Or taking sidewalks further along Maxwell?

10 MR. FINNING: We are paying almost \$400,000.00  
11 in mitigation fees. I would suggest to the Town to  
12 take some of that mitigation fee and put in some of  
13 the things that you are suggesting. There are  
14 sidewalks that run from here all the way out to Albany  
15 Shaker to the new circle. I think that if the Town  
16 wants to see more sidewalks, that would be my  
17 suggestion. Put them on your right of way and use  
18 some of the \$400,000.00 that they are taking from this  
19 project.

20 MR. LACIVITA: Susan, one of the things that I  
21 was talking to Brad and Nick and it is confirmed -  
22 that is a 28 foot roadway in there. Potentially when  
23 it comes to blacktopping and top coating, they could  
24 stripe a path along the way so that you can designate  
25 kind of like an area where cars stay out of and give

1           that idea of a walking area. I know that the Town has  
2           reviewed it and did not walk sidewalks within the  
3           development itself. I don't understand why because  
4           they are private roads that the HOA could have done  
5           something with but if they could stripe it, at least  
6           there would be a designated area for pedestrian and  
7           bikes to be within.

8                     MS. MILSTEIN: That's not an improvement.

9                     MR. AUSTIN: Is there a way to put certain  
10           units in and then pick it up right across from the  
11           library road?

12                    MR. COSTA: The project would have been built  
13           by now if we could have broken it up.

14                    MR. FINNING: We spent four years and a half a  
15           million dollars in engineering all the way through the  
16           Town, all the way thorough this process to get to a  
17           meeting in the 11th hour for the Army Corp to tell us  
18           that you can't build this project.

19                    MR. AUSTIN: My other question is -- I think  
20           this is my fourth or fifth time seeing this project  
21           too so I'm about one-third into this myself. The  
22           emergency access - also having with the cul-de-sac --  
23           I think that we had talked about sprinklering the  
24           houses.

25                    MR. COSTA: Not all of the houses.

1 MR. AUSTIN: Not all of them; right.

2 MR. COSTA: But that's not required.

3 MR. FINNING: That has changed. We met with  
4 the Fire Chief and we met with the Town Supervisor and  
5 the Town Attorney and that is changing.

6 MR. COSTA: You're right though. In the  
7 package that you had it did mention that.

8 MR. FINNING: I will say that it will be an  
9 option if anybody wants to put a sprinkler system in,  
10 we'll make that available. As far as mandating that,  
11 we're not going to do that.

12 MR. AUSTIN: I guess my last comment is also  
13 for Mr. Rosano.

14 We've seen many iterations of this project, as  
15 well and I think that they've done a really nice job  
16 in reconfiguring the greenspace and the housing to  
17 where it is now. I think that there more housing than  
18 it is now. They reduced the number of houses.

19 MR. FINNING: At one point we had 58 units.  
20 We've given up quite a few units to make this project  
21 work.

22 MR. AUSTIN: I do feel that this needs to get  
23 moving for the residents who are looking at huge great  
24 bit earth-moving vehicles in their backyard right now.  
25 This is necessary. We kind of fell into this as well.

1           It's been around that long. I think that it's a great  
2           project.

3                     CHAIRMAN STUTO: Lou, did you have anything  
4           that you wanted to say?

5                     MR. MION: I think that you've all said it. I  
6           hear the public saying that you don't want it. It's  
7           been around for many years. I think that it's time it  
8           moves forward.

9                     CHAIRMAN STUTO: Okay, that said, I'll speak in  
10          favor of voting for the project. If it were proposed  
11          today, it may not go through with that density. I  
12          wouldn't favor it. It has been around for 10 years  
13          and it's been painful, I'm sure for the developer.  
14          There has been some pain for the residents and I think  
15          that the quicker that we get to the other side, I'm  
16          sure that it's going to be a lovely development in the  
17          end. I think that the stormwater will actually be  
18          helped. That's my hope and faith in the engineering  
19          and the advice that we are getting from our Town  
20          Designated Engineer.

21                    I think that the buffer and the visual is  
22          critical. I would propose - we talked about a little  
23          bit before and this is what I would propose if the  
24          Board is in agreement - that the landscaping plan and  
25          the screening plan be subject to the approval of the

1 department head which would be Joe LaCivita. That  
2 way, we don't have to drag everybody back here. I  
3 would like Joe to make a presentation to us or  
4 circulate to the Board Members before you make that  
5 approval.

6 Is that satisfactory to the Board?

7 (All Board Members agreed.)

8 MR. LACIVITA: I'll go one additional step and  
9 have the residents reach out to me so that we can  
10 actually get a sense of what they're looking for.  
11 I'll have conversations with Mr. Finning and Nick will  
12 collaborate together and move forward and we'll have a  
13 presentation that day.

14 CHAIRMAN STUTO: My own personal preference and  
15 I'm not an architect or a landscape architect - but it  
16 would be some kind of uniformity that would be better  
17 than not. Some combination of fencing and staggered  
18 pine trees and maybe offer to put it on the residents  
19 property as well. Those would develop into a nice  
20 buffer in the long run. That's my opinion. You guys  
21 work it out. You're all design professionals.

22 Joe, if you could circulate that to us after  
23 you've come to us after you have come to a tentative  
24 agreement with the applicant and having heard from the  
25 residents. The applicants made representations and

1           they will communicate with the residents and we're  
2           counting on all of that.

3           MR. AUSTIN: I will say to the residents as  
4           well that we don't always see the owners coming in and  
5           see so amenable to the residents as far as wanting to  
6           work with them. They do. Sometimes they're not as  
7           amenable. I think that Mr. Finning is really doing a  
8           great job at reaching out to you guys and trying to  
9           work with everybody to get this project done.

10          CHAIRMAN STUTO: Okay, with those provisos and  
11          contingent upon the comments of the Town Designated  
12          Engineer and all the Town Departments, do we have a  
13          motion for final approval? Before, we take a motion,  
14          all the environmental review has been done, is that  
15          right?

16          MR. LACIVITA: Yes.

17          MR. AUSTIN: I'll make a motion.

18          MR. MION: I'll second it.

19          CHAIRMAN STUTO: Any discussion?

20          (There was no response.)

21          All those in favor say aye.

22          (The ayes were recited.)

23          All those opposed, say nay.

24          (There were none opposed.)

25          The ayes have it.

1                   Thank you and thank you to the residents for  
2                   your patience and comments.

3                   MR. COSTA: Thank you.

4

5                   (Whereas the above entitled proceeding was  
6                   concluded at 10:18 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 \_\_\_\_\_

