

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

NATICK HILLS CONSERVATION SUBDIVISION

362 VLY ROAD

APPLICATION FOR CONCEPT ACCEPTANCE

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 Public Hearing by NANCY L. STRANG, a Shorthand
8 Reporter, commencing on April 19, 2016 at 7:05 p.m. at
The Public Operations Center, 347 Old Niskayuna Road,
Latham, New York.

9

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 LOU MION
13 KATHLEEN DALTON
14 TIMOTHY LANE
15 BRIAN AUSTIN
16 SUSAN MILSTEIN
17 CRAIG SHAMLIAN

18 ALSO PRESENT:

19 Kathleen Marinelli, Esq. Counsel to the Planning Board

20 Michael Tengeler, Planning and Economic Development
21 Department

22 Chuck Voss, PE, Barton and Loguidice

23 Linda Stancliffe, PE, Creighton Manning Engineering

24 Don Allard, Conservation Advisory Council

25 Susan Weber
Wendy Allen
Mary Elliott
Lisa Barron
Susan Quine Laurilliard
Curtis Johnson
Andy Brick, Esq.
Dennis Woodsinger

1 Paul Conti
Joel Weingarten, Birchwood Neighborhood Association
2 Paul Bergdorf, Albany County Legislator
Shane Perry
3 Jim Miller
Jessica Mahar
4 John DiCocco
Jennifer Whalen, Town Board
5 Mary Beth Buchner
Kim McCly
6 Raj Singh

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CHAIRMAN STUTO: The next item on the agenda is
2 Natick Hills Conservation Subdivision, 362 Vly Road.
3 This is an application for concept acceptance.

4 If members of the public would like to speak on
5 this, if you could sign in on the sign-in sheet to
6 your left, which would be the Board's right next to
7 the door, we'll call your name up in order.

8 Mike, do you have any introductory remarks for
9 this before we turn it over to the applicant?

10 MR. TENGELER: They are here for concept
11 acceptance tonight. The Board has already seen this
12 for a sketch plan review. We can turn everything over
13 to Creighton Manning Engineering.

14 There are some hand-outs from Creighton
15 Manning. I will pass them out.

16 MS. STANCLIFFE: Good evening. My name is
17 Linda Stancliffe. I'm a registered landscape
18 architect with Creighton Manning here on behalf of the
19 project applicant for Natick Hills.

20 The image before you is the existing site with
21 the property boundary outlined in red. It indicates on
22 this map -- I wanted to bring attention to the
23 existing facilities that are here that are equestrian
24 facilities at the rear of the property, not always
25 visible from Vly Road.

1 As you are well aware, this project is located
2 west of Vly Road, south of Route 7 and contains
3 approximately 34 acres. It is in the single family
4 residential zone with the conservation subdivision
5 overlay. The 34 acres are available. Under the
6 single family residential development there will be
7 two units per acre, but as it is a conservation
8 overlay district, we remove the constrained lands
9 which include wetlands, steep slopes and protected
10 waterbodies, leaving us with unconstrained lands of
11 23.5 acres. The open space is then computed off of
12 that acreage resulting in 9.4 acres of open space
13 required.

14 CHAIRMAN STUTO: How many maximum lots would
15 you be allowed under that formulation?

16 MS. STANCLIFFE: Approximately 47 lots would be
17 allowed. We are proposing 34 single family homes -

18 MR. LANE: It says here 32.

19 MS. STANCLIFFE: I'm sorry. Originally, it was
20 32 and it was increased to 34 when we revised the
21 concept with cul-de-sacs. The map that you have
22 before you indicates those lands that are constrained.
23 There is a DEC wetland and a stream protected area on
24 the western portion of the property. Also in that
25 area are steep slopes greater than 25% and the DEC

1 100-foot buffer.

2 This parcel known as Lot 50 contains a little
3 over 14 acres and the applicant is proposing to
4 dedicate that land to the Mohawk Hudson Land
5 Conservancy.

6 CHAIRMAN STUTO: Have they agreed in principal
7 to it?

8 MS. STANCLIFFE: Yes, they have. That would
9 adjoin the parcel to the north. There are two parcels
10 that are part of the Ashford Glen Preserve. Those two
11 parcels are shown here on the map. So, the additional
12 land would continue that preserve to the south.

13 The access to the project site is via Vly Road
14 at the existing driveway entrance to the main house,
15 which is to remain as a single lot. That driveway
16 entrance will be dedicated to the Town of Colonie and
17 driveways that currently access on the driveway will
18 now access via the Town road. The applicant owns both
19 parcels.

20 Furthermore land dedication will be preserved
21 as open space to the rear of the main lot to protect
22 it from public use of this preserved lands of the
23 Mohawk Hudson Land Conservancy.

24 The second entrance is a right-in/right-out
25 about 300 feet south of the main access. Due to

1 limited sight distance we were not able to get a full
2 access at that location, but this access point
3 provides more than 1,000 feet of visibility to the
4 north.

5 The wetlands that are located on the property -
6 both the DEC wetlands on the west and a small Army
7 Corp wetland on the east for the most part will be
8 protected by the open space dedication to the
9 homeowners association or to the Mohawk Hudson Land
10 Conservancy. A small portion of the Army Corp wetland
11 would be crossed for the accessway and that would be
12 done via culverts limiting the disturbance to less
13 than one-tenth of an acre.

14 The proposed lots vary in size from just over
15 7,000 square feet to over an acre with smaller
16 homesites located along Vly Road and then a few larger
17 homesites located closer to the main house.

18 Changes from the previous application include
19 an extension of the watermain from Forest Hills along
20 this route (Indicating) and into the subdivision.
21 This would be along lands that are also under the
22 ownership of the applicant.

23 There is a sewer easement proposed to the north
24 and those easements have been discussed with
25 landowners. There is an existing sanitary manhole at

1 the rear of the residential lot along Vly Road.

2 In addition, a waterline easement was requested
3 by the Town of Colonie to connect to Cascade Terrace
4 for a future watermain extension to the north.

5 Stormwater management will be handled by
6 limiting the amount of impervious surface and using
7 rooftop disconnect. Some stormwater basins will
8 likely be required and then they will be designed in a
9 future application.

10 Are there any questions?

11 CHAIRMAN STUTO: Can you tell us a little bit
12 about traffic?

13 MS. STANCLIFFE: Sure. A traffic study was done
14 and the peak hour was the p.m. hour with approximately
15 34 exiting vehicle trips. That is the less than the
16 100 trips that would require the applicant to look at
17 other intersections. Again, the site distance from
18 both the existing driveway and the proposed secondary
19 access are more than adequate for the speed of Vly
20 Road at 30 miles an hour.

21 CHAIRMAN STUTO: Isn't there a water pressure
22 issue over there? Can you talk about that?

23 MS. STANCLIFFE: I can talk about it only in
24 theory. We will be connecting to the new high service
25 district that is being created by the new tank and

1 being run through Forest Hills. Our proposed water
2 service will connect to a 12-inch main within Forest
3 Hills, run behind the existing water tank which is at
4 a lower pressure and so we're bypassing it. That's
5 why we're not using that service.

6 CHAIRMAN STUTO: What is the status of that new
7 tank?

8 MS. STANCLIFFE: The new tank has been
9 constructed. My understanding is that the water
10 department is waiting for the power to be turned on
11 for the Forest Hills subdivision.

12 So, the water routing right now comes through
13 our property and as requested by the Latham Water
14 District, will connect to a 12-inch main on the east
15 side of Vly Road. There are three lots that have a
16 presumed finished floor elevation less than 405 feet
17 which would require a pressure reducing valve to be
18 installed. That's based on presumed pressure.

19 CHAIRMAN STUTO: There should be plenty of
20 pressure, right?

21 MS. STANCLIFFE: Yes.

22 CHAIRMAN STUTO: And it's not going to take
23 away from the pressure of the existing neighbors.

24 MS. STANCLIFFE: No. The Town has asked for
25 some special connections to be made to that 12-inch

1 main but this service will not affect where that water
2 service for the Brookhill Drive. That is coming from
3 another water tank.

4 CHAIRMAN STUTO: Do we want to hear from the
5 TDE?

6 (All Board Members agreed.)

7 We'd like to hear from our Town Designated
8 Engineer, Chuck Voss, from Barton and Loguidice.

9 MR. VOSS: Peter, as the Board knows we saw
10 this once before for concept and at that time the
11 Board wasn't quite satisfied with the final kind of
12 conservation subdivision approach layout that the
13 applicant initially proposed. So, they basically kind
14 of went back to the drawing board and reconfigured the
15 site. A new configuration, as we have it now -- we
16 are looking at it, as the applicant stated, as a
17 reduced number of housing units in this proposed
18 reconfiguration. The lot sizes are actually a little
19 bit smaller to conform more with the conservation
20 subdivision overlay requirements. They certainly take
21 in more effort to avoid some critical sensitive areas,
22 particularly the potential wetland areas. If you
23 remember the first iteration, some of the proposed
24 houses along that new Steeple Chase Hills Road really
25 kind of encroached back into those wetland areas. So,

1 they've done some adjusting there to move those homes
2 out of the way.

3 The length of the proposed road is shrunken a
4 little bit and it's gone from about 3,012 feet down to
5 2,416 feet in length, so there is net reduction in
6 overall impervious surfaces associated with the road.

7 The road design itself is also now conforming
8 to the new Town standards for width. It's actually a
9 little bit narrower than what we have seen in the
10 past. They certainly avoid the slope areas that we
11 identified with them early on in the process, several
12 months ago. They have avoided some wooded areas that
13 are existing in the interior of the site. They
14 propose to basically build around those which is
15 again, very true to the conservation subdivision
16 approach in the ordinance. They've avoided the steep
17 slope areas further to the west of the site. We are
18 extremely pleased to see the amount of land being
19 conveyed potentially to the Ashford Glen Preserve.
20 There is a substantial piece up there. I think that
21 the preserve is very interested in acquiring that.

22 In terms of the infrastructure, as Linda said,
23 we don't see any issues with some of the
24 infrastructures that you might see in other
25 subdivisions. They have been working very closely, I

1 know, with Latham Water. We actually sat in on a
2 couple of meetings where the Town had requested the
3 new mains coming in from the new watertanks that are
4 proposed further off to the west. It's our
5 understanding in talking with Latham Water, we'll
6 certainly talk about this more as the project evolves
7 - this site will not be interconnected directly with
8 the Brookhill Drive neighborhood, in terms of water.
9 Latham Water needs to study that area, we are told,
10 and understand what the pressure issues are. I
11 certainly do think that there are pressure issues over
12 there that have been identified. At this time, Latham
13 Water is not comfortable with interconnecting this
14 site with that one. However, they are requesting an
15 easement to a potential future line connection once
16 they have a better understanding of what the water
17 issues are. That's what we were told by John Frazer's
18 office.

19 CHAIRMAN STUTO: Who is requesting the
20 easement?

21 MR. VOSS: John Frazer, Latham Water. It's the
22 Town Water Department.

23 CHAIRMAN STUTO: For what purpose? To loop it
24 in the future?

25 MR. VOSS: Correct.

1 The sight line distances - we actually looked
2 at those as well in terms of the existing driveway
3 access and the proposed New English Way. The
4 applicants now, at least initially appear to be
5 correct. There is very sufficient sight line given
6 the speed of the road. We don't see an issue with
7 that.

8 CHAIRMAN STUTO: What is your comment on
9 traffic and the amount of traffic generated here?

10 MR. VOSS: It's a relatively small subdivision
11 here in terms of what the Town has seen in the past.
12 The numbers, from what we are looking at now, with the
13 initial traffic assessment, appear to be accurate.
14 The peak hours at 34 trips coming and going to the
15 site during those p.m. hours - again, it's not
16 substantial in terms of what the road capacity is out
17 there. That's how these things are assessed.
18 Certainly the road can handle far more traffic in
19 terms of its actual efficiency. The numbers that we
20 are seeing from this subdivision do not rise to the
21 level of further examination of signalized
22 intersections near the site. They don't trip any of
23 those DOT standards that we are seeing. So, in and of
24 itself, certainly the project will contribute to the
25 overall traffic on the site in the general area, but

1 we are not seeing any major issues or problems.

2 CHAIRMAN STUTO: Does the Board have questions?

3 MS. DALTON: In your letter you talk about the
4 deed restrictions on some of the deeds. Can you
5 outline some of those restrictions?

6 CHAIRMAN STUTO: Kathy asked about the deed
7 restrictions on some of the deeds. She's asking for
8 an explanation from Chuck.

9 Does the applicant want to talk about that? I
10 know that the Beltrone Trust is retaining that one
11 parcel and you're giving the other parcel to the
12 Nature Conservancy.

13 MS. STANCLIFFE: The land along Vly Road -
14 actually from the proposed entrance all the way south,
15 a buffer area will be maintained and owned by the
16 homeowners association with deed restrictions for
17 cutting. There will be a dedication to the Town of a
18 portion of the property at the south end and some tree
19 clearing may occur in that area or for that
20 dedication. In addition, there is another open space
21 HOA land on the south part of the property adjacent to
22 the cul-de-sac that will also have deed restrictions.
23 The center area, which is a steep slope with a wooded
24 section, will also have some cutting restrictions.
25 There are some requirements for grading in that area,

1 but whatever trees can be maintained, will be.

2 CHAIRMAN STUTO: How about the one that goes to
3 the Beltrone Trust and to the Nature Conservancy?

4 MS. STANCLIFFE: The land dedicated to the
5 Beltrone Trust will also have a no-clearing
6 restriction and the Land Conservancy will take
7 ownership of Lot 50. They have their own
8 restrictions.

9 CHAIRMAN STUTO: Do you have any other
10 questions on that?

11 MS. DALTON: No, thank you.

12 CHAIRMAN STUTO: Any other questions before we
13 go to the neighbors?

14 (There was no response.)

15 Okay, I'm going to go in order here and if
16 you're on a different project, let me know.

17 Susan Web.

18 MS. WEBER: Mr. Stuto, I'd like to defer until
19 the residents have spoken on this particular one. I'm
20 not a resident but I do have comments on this one.

21 CHAIRMAN STUTO: Okay.

22 Wendy Allen.

23 MS. ALLEN: Same.

24 CHAIRMAN STUTO: Mary Elliott.

25 MS. ELLIOTT: Same.

1 CHAIRMAN STUTO: Lisa Barron.

2 MS. BARRON: Same.

3 CHAIRMAN STUTO: Susan Quine Laurilliard.

4 MS. LAURILLIARD: I would ask to speak -- I
5 know that there must be residents of Brookhill and
6 that neighborhood. I'm with the Birchwood
7 Neighborhood Association.

8 CHAIRMAN STUTO: Do you want to defer?

9 MS. LAURILLIARD: I would like to speak after
10 them.

11 CHAIRMAN STUTO: Okay, Curtis Johnson.

12 MR. JOHNSON: My name is Curtis Johnson and I'm
13 at 379 Vly Road which is on the east side of Vly Road.
14 I'm within the 200 foot notification.

15 CHAIRMAN STUTO: Can you point to your house
16 and where it would be approximately?

17 MR. JOHNSON: Our house is right here.

18 There have been a lot of concerns in the prior
19 meeting. I didn't expect to be so early in this
20 meeting - about traffic and water pressure. I
21 sympathize with those both. The water pressure can be
22 taken care of and the traffic is already bad and this
23 will incrementally make it worse.

24 The real concern that I wanted to raise because
25 it was not raised in the prior meeting is a concern

1 about the character of the neighborhood that affects
2 neighbors nearby to the subdivision and how that
3 change in character would likely reduce the value of
4 neighboring properties. In particular the properties
5 that are in direct view of the subdivision - those
6 properties on the east side of Vly Road. There are
7 seven such properties that are on the east side of Vly
8 Road that are within the 200 foot notification rule.
9 They are high-value properties. They are on large
10 lots and I'd like to share some statistics that I
11 gathered about these to contrast with the planned
12 development lots and properties.

13 First is on lot size.

14 The seven existing properties on the east side
15 are 371 through 379. From the Colonie GIS site, they
16 have an average of 6.6 acres and a minimum of two
17 acres.

18 From the applicant's map -- and this is the
19 most recent one that I could find that was just loaded
20 onto the Town site, I think, yesterday -- there was an
21 earlier version prior to that and it seems consistent
22 with this -- have a number of small lots in this area
23 that would be neighboring. I took the ones that would
24 be directly across the road. There are eight of those
25 properties. They are Lots 4 through 18, I believe,

1 just to do the math. I took the acreage listed for
2 those lots. I averaged those eight and that averaged
3 0.21 acres per lot with a minimum of .1 acres. This
4 average lot size is only 3.2% of the acreage of the
5 existing lots on the east side of Vly Road.

6 Property value is more difficult for both
7 existing and for the new ones. For the existing ones,
8 only two of these seven properties have sold in the
9 last five years. One of them, mine, is over 30 years
10 that we have owned that property. So, rather than sale
11 prices, I resorted to the Internet and sites like
12 Zillow.com and I don't love those sites for quoting
13 numbers but I was sort of cornered into that. In my
14 experience the values on those sites are reflective -
15 they are pretty reflective. If anything, they're a
16 little outdated. They don't account for all of the
17 most recent things so the prices on those two site
18 values might actually be a little lower than the real
19 values. I have seen that happen.

20 Using those two sites the average property
21 value of the seven existing properties on the east
22 side of Vly Road is \$864,000.00.

23 The development is even harder to do. During
24 the last meeting on September 15th that I attended, I
25 know that I heard a conversation about property values

1 in the development. It was a different layout of 36
2 lots at the time. It was not in the minutes and I
3 scoured the minutes. It must have been on a side
4 conversation and it was Mr. Zee who was the attorney
5 who was present during that meeting, I am quite sure
6 that I heard that the property values are expected to
7 be in the \$250,000.00 to \$300,000.00 range. If there
8 is any update on that, I would certainly appreciate
9 that. However, on a .2 acre lot, a \$300,000.00 house
10 is actually a lot of house. It's 8,000 to 9,000
11 square feet and some houses are almost that large in
12 square footage on a multistory. I used the lower
13 number of \$250,000.00 for the lots that would be close
14 and the houses put on those lots that would be the
15 close neighbors for the existing properties.

16 So, at that rate, if we use \$250,000.00 then
17 the new houses and the property values would be some
18 30% of the existing properties on the far side. These
19 won't be in character as shown -- and I heard the
20 words for the first time tonight -- those existing
21 properties may have neighbors not only the backyards
22 and backdoors of these small lots but also the
23 drainage ponds of that project.

24 It's interesting to note that we kind of all
25 know that these mis-matches in property values can

1 lower the property value of existing ones and that's
2 why Boards like yourself can keep that in mind. It's
3 not just you and us that recognize that. In the
4 September 15th meeting and in the minutes on page 16
5 when Mr. Zee, the attorney for the development, was
6 speaking - starting on line 16 and I'll quote the
7 entire paragraph, if I may, so that it's not taken out
8 of context.

9 "We understand about the size of the lots where
10 they are averaging 20,000 square feet, but it was the
11 hope and desire of the property owner because of the
12 estate home there, that we have lots immediately
13 adjacent that are substantially oversized than what is
14 required just to protect the value and preserve the
15 value of the Beltrone residence."

16 They are clearly looking after the value of the
17 property which is associated with this entire
18 development. They have little driving force to look
19 after our properties on the far side of Vly Road. I
20 appeal to you, as the Planning Board, to help us in
21 that. I think that's part of your role is to not have
22 mismatches in character that damage the property
23 value of the neighbors.

24 Thank you for your time.

25 CHAIRMAN STUTO: Thank you.

1 Would the applicant like to respond to that?

2 MR. BRICK: My name is Andy Brick and I'm with
3 Donald Zee's office. Don couldn't be here this
4 evening.

5 In terms of the property values - yes, the
6 estate is to remain so we are sensitive with our
7 design to the values in the neighborhood; not just the
8 estate but also across the street. Clearly if we are
9 trying to protect the value of that lot by preserving
10 it rather than developing it, that protection will
11 apply to the neighborhood as a whole. It's important
12 to keep in mind - I don't know the history of the
13 seven lots on this side but I suspect that they were
14 all created prior to the conservation overlay being
15 applied to this particular area of Town. The intent
16 of the Town of Colonie which I believe has the support
17 of the vast majority of residents at the time was to
18 place a conservation overlay over this area of the
19 Town so that in exchange for smaller lots, more land
20 would be preserved. So, the smaller lots are in
21 direct response to the conservation overlay which as
22 Mr. Voss stated to the Board, we are in compliance
23 with and they are extremely happy with the amount of
24 land that we are preserving and the lot sizes that we
25 are providing.

1 CHAIRMAN STUTO: What is it going to look like
2 from the road? I know that we went through the deed
3 covenants and so forth.

4 MR. BRICK: The question about the deed
5 restrictions - which is an excellent question - I
6 think that the intent behind the language in the
7 conservation overlay section of the Code is to make
8 sure that open spaces that are approved as part of a
9 conservation subdivision remain open spaces in
10 perpetuity. So, the Code specifically requires that
11 what we are proposing as open space be deed restricted
12 so that it remains as open space. The way that the
13 Code was written, I suspect, was to prevent someone
14 from coming in and saying can I have a conservation
15 subdivision? Here is my open space. Then, someone
16 coming back 10 years later and saying can I develop
17 the open space? What the Code requires is that any of
18 the open space areas that we are proposing here that
19 would be part of this approval would be deed
20 restricted to forever remain open spaces. That's the
21 intent behind the Code and we intend to follow it.

22 CHAIRMAN STUTO: Is it wooded?

23 MR. BRICK: Our intention is except where
24 absolutely necessarily for grading and development of
25 the lots, we would preserve the existing vegetation.

1 Frankly, the trees - in my opinion it doesn't make any
2 sense to remove trees unless you have to do it for
3 grading purposes. Trees add value to the property.
4 Keeping in mind that this is a former paddock and
5 along the road it is a significant ACOE wetland and so
6 the vegetation in this area is not of a significant
7 height. There wouldn't be any mature trees for
8 example of significant number along this area. In the
9 instances where we can preserve trees, it's going to
10 be primarily in the area that we would be conveying to
11 the Mohawk Land Conservancy as well as a no-cut buffer
12 along the rear.

13 CHAIRMAN STUTO: How many opportunities are
14 there for planting trees along Vly Road?

15 MR. BRICK: I would have to defer to Linda and
16 I think that there would be some.

17 MS. STANCLIFFE: Certainly planting within the
18 wetland adjacent to the right of way maybe allowed.
19 We'd have to talk to the Highway Department, keeping
20 in mind the sight distance from the driveway. There
21 is existing wooded areas along Vly Road up to about
22 this driveway and then from there the road is higher
23 than the land.

24 CHAIRMAN STUTO: Trees will be of limited
25 value; is that what you're saying?

1 MS. STANCLIFFE: Exactly. Some trees may be
2 planted along the back of the lot. Two street trees
3 are proposed at every lot along the street frontage,
4 as required.

5 CHAIRMAN STUTO: If you get to the next stage,
6 can you come in with a landscaping plan and detail
7 that a bit more?

8 MS. STANCLIFFE: Sure.

9 CHAIRMAN STUTO: We may come back to address
10 the gentleman's points that he made and you'll always
11 have an opportunity to come back and speak again.

12 Dennis Woodsinger.

13 MR. WOODSINGER: I was just curious about how
14 many trees they were going to knock down and you said
15 that is coming in the next plan, so that would be all
16 right.

17 CHAIRMAN STUTO: Okay, so you don't want to
18 speak further?

19 MR. WOODSINGER: No.

20 CHAIRMAN STUTO: Paul Conti.

21 MR. CONTI: Thanks for the opportunity to be
22 heard. I live at 14 Ashford Lane which I'm guessing
23 is there (Indicating).

24 I appreciate the reviews and the attention to
25 the traffic and the water pressure. I do have two

1 questions -

2 CHAIRMAN STUTO: Are you on Colonie's water
3 system?

4 MR. CONTI: Yes, the Latham Water District.
5 Every three months, like clockwork.

6 Is the reason that there is not going to be an
7 interconnect currently between this development and
8 Brookhill - is there a fear that an increase in water
9 pressure will rupture the lines?

10 MR. VOSS: I can answer that briefly.

11 CHAIRMAN STUTO: We're going to take all the
12 questions. That's how we do it.

13 MR. CONTI: Okay and I do understand your
14 traffic review but it's not the only development in
15 progress in this area. As the Chairman noted in the
16 last meeting, trying to turn down Vly Road and Route 7
17 in the morning is pretty difficult right now and it
18 will only get worse. It's pretty hard to get your
19 opportunity to turn right when there is already
20 traffic established in the intersection and you'd only
21 create a traffic hazard. Those are my two issues.
22 Thank you.

23 CHAIRMAN STUTO: Chuck, you want to talk about
24 the interconnect?

25 MR. VOSS: Yes. I certainly can't speak for

1 John Frazer's office and Latham Water but in the
2 meetings that we had with them, they're well aware of
3 a pressure issue over there. They are not aware of
4 exactly what is causing the pressure issues. They
5 obviously know that it's an older system. They've had
6 the complaints obviously from a lot of residents over
7 the years. Basically, he reiterated to us that is an
8 ongoing issue that they certainly need to study more
9 to understand more and how that system is working and
10 why it's having certain issues here and there. So,
11 they don't want to go ahead and interconnect a high
12 pressure system with potentially a weak system or a
13 system that has issues without really knowing what is
14 going to happen. It would be like turning on a fire
15 hose to wash your cat. They may blow the old system
16 apart by putting high pressure systems hooked into it.
17 He did reassure this -- I think that he reiterated us
18 -- it is an issue that they are well aware of and they
19 will study it very soon. My suggestion might be to
20 offer to contact the Town Board and ask them to ask
21 Latham Water District to kind of hurry up the
22 assessment of that system up there.

23 CHAIRMAN STUTO: Mike, could you make a note of
24 that?

25 MR. TENGELER: Sure.

1 CHAIRMAN STUTO: On the traffic which is
2 obviously a concern to the neighbors - I believe that
3 this project contributes to the generic environmental
4 impact statement fund, which is a fund largely for
5 future traffic improvements. Can someone talk to the
6 amount of that and what future traffic improvements
7 might be planned for this area that may shed some
8 light on it - or anything else to add to the
9 gentleman's comment.

10 MR. VOSS: Yes, this is part of the one of the
11 GIS study areas. At this point in the project's
12 genesis, the calculation as to what the mitigation
13 fees are have not been done. That usually evolves a
14 little bit later in the process when the project is
15 fully conceptualized and they are kind of off and
16 running with final approval from this Board in terms
17 of number of units and configurations. Those
18 calculations all get done by the Capital District
19 Transportation Committee in association with the Town
20 Planning Office. They come up with a formula that
21 they use to assess a financial impact on the traffic
22 being generated by a particular project. Those fees
23 that are paid by the developer go into a Town fund and
24 are used subsequently for future traffic impact
25 improvements. We would hope that they would certainly

1 be targeted for this area, given the existing concerns
2 that obviously a lot of folks are seeing. That's
3 really how those mitigation funds are to be used.
4 They are really designed to kind of look at the
5 cumulative impacts of projects within a particular
6 area and assign a fee, basically. What is the cost of
7 making particular improvements that these projects are
8 contributing to? There are certainly a lot of
9 projects going on in this area that have been
10 contributing to this fund and this applicant would
11 certainly be required to -

12 CHAIRMAN STUTO: Tim is pointing out a letter
13 in the file. This is from CDTC, January 19th.
14 Mitigation calculates to roughly \$118,000.00.

15 MR. VOSS: I haven't seen that.

16 CHAIRMAN STUTO: So the \$118,000.00 will go
17 into a pot of money for when they need traffic
18 improvements up there. Do we know what is planned in
19 that area, if anything? Mike, or Chuck, do you know?

20 MR. VOSS: I don't know.

21 MR. TENGELER: I don't know at this time.

22 MR. ALLARD: Mr. Chairman, just a procedural
23 question. I'm Don Allard from the Conservation
24 Advisory Council.

25 We've been in touch with Joe LaCivita and it

1 was my understanding that either Michael Tengeler or
2 someone from the Planning Board would read the CAC's
3 comments.

4 CHAIRMAN STUTO: Yes, Mike is intending to do
5 that.

6 MR. ALLARD: So that would be after the public
7 comments?

8 CHAIRMAN STUTO: We can do it now, if you want.
9 Did you sign in?

10 MR. ALLARD: I did not. I just think that it
11 would be helpful seeing as how it lays some framework.

12 MR. TENGELER: I have three comments from the
13 CAC with regard to this project.

14 The Town of Colonie Conservation Advisory
15 Council is concerned about the close proximity of the
16 first row of buildings to the wetland areas from along
17 Vly Road to 50 yards west of Vly Road and we request
18 that the Planning Board take a look at the
19 advisability of building in that area.

20 Second: The CAC is concerned about removal of
21 the grove of mature trees on the slope behind the hay
22 feed structure and fencing in the stormwater area of
23 the property. Additionally, there are many sizable
24 spruce trees to the northwest that should be saved, if
25 possible. The CAC recommends as much as it is

1 possible, a natural corridor be maintained north to
2 south and west with adjoining properties for the
3 movement of wildlife, should the project proceed.

4 Third, the CAC wishes to point out significant
5 slopes of over 100 feet in the proposed plans. The
6 site plans do not do justice to the elevations of this
7 project and it is recommended that the Planning Board
8 do a site visit if they have not done already before
9 proceeding with a final approval of the project.

10 CHAIRMAN STUTO: Do you want to comment on
11 that? Does the applicant have a copy of that memo?

12 MR. TENGELER: The email is dated yesterday.

13 MS. STANCLIFFE: I did not have a copy of that
14 prior to the meeting. It is the intention to preserve
15 the row of trees that is adjacent to the one lot for
16 the main house and to the extent possible, preserve
17 the grove of trees in the middle of the project. Some
18 grading will be required for the back of these
19 parcels, however, retaining walls can be installed to
20 reduce that clearing limit line.

21 Our current boundary lines for the four lots
22 adjacent to the ARmy Corp wetland are outside of the
23 limit of the Army Corp wetland. The federal wetlands
24 do not contain a boundary as DEC wetlands do. This
25 new configuration was in direct response to the TDE's

1 comments regarding such.

2 A slope analysis was done for the project site.
3 We did prepare a map for the Board and then
4 subsequently we prepared a map with 15% slopes. To
5 the extent possible, we are avoiding those. There is
6 one area at the lower south portion of the property
7 that has a small section that is 50% slopes. Those
8 were created when the paddocks were built. They were
9 not natural slopes and the main area of steep slopes
10 exist on this ridge which will be preserved and then
11 in the rear of the property.

12 CHAIRMAN STUTO: And the corridor comment? It
13 seems by corridor I think that they mean undeveloped
14 property, north and south.

15 MS. STANCLIFFE: Essentially, there will be a
16 north/south corridor here and here and as far as an
17 east/west corridor, that would be potentially through
18 this wetland between lots and then across in this
19 direction. However, this land is currently
20 undeveloped so east/west corridors could exist here.

21 CHAIRMAN STUTO: So for the time being, they
22 still would.

23 MR. TENGELER: As Linda was stating, a lot of
24 this is being respected and adhered to on the plans as
25 far as the last comment with the site plans not doing

1 it justice. The Board understands what the
2 conservation overlay district entails; slopes that
3 exceed certain percentages, wetland areas. So, the
4 Board is understanding as to what that criteria is -
5 even though the site plan might not be clear that
6 there are drop-offs.

7 MS. DALTON: Are you okay with the discussion
8 that she had with regard to your concerns?

9 MR. ALLARD: I think that our role is to simply
10 provide to the Planning Board our concerns. I'm not
11 sure that this is the right venue for a back and
12 forth.

13 MR. LANE: You can certainly state whether or
14 not you think that the response is meeting the -

15 MR. ALLARD: As far as the natural corridors,
16 she pointed out a couple of spots there on the map. I
17 really don't think that they're adequate as far as the
18 north/south and the east/west as far as being a
19 natural corridor for the wildlife.

20 The grove of trees that were mentioned is
21 spectacular. By all means we feel that they should be
22 preserved. When I said a site visit is really
23 recommended I really meant that in the most respectful
24 way. The four homes that are on the northern edge of
25 Vly Road - it's very wet - that whole section.

1 MS. MILSTEIN: Can you point out where you're
2 talking about?

3 MR. ALLARD: Sure. This area right here is
4 very wet (Indicating), where these four houses are
5 proposed. The grove of trees that I'm referring to is
6 right in here (Indicating).

7 CHAIRMAN STUTO: It looks like they are going
8 to be preserved on my map, but I would ask for
9 verification from the applicant.

10 MS. DALTON: And can you point out the wildlife
11 corridor that you are concerned about? I can tell you
12 that I had that listed as one of my questions.

13 MR. ALLARD: Certainly, we are speaking in
14 general terms. We are not the planners on this.
15 Certainly through here and as you mentioned, in this
16 low spot through here. Those would be two rarities to
17 look at.

18 MS. STANCLIFFE: Just in reference to the grove
19 of trees in the center of the property, that grove
20 shown on the map is the proposed limits. The existing
21 limit is closer to the property line. The grove of
22 trees that he is referring to is this grove here. A
23 portion of it will be graded per the Town Code; one on
24 three and down to the back of the property line.

25 MS. DALTON: Have you done a study of what

1 wildlife would be displaced?

2 MS. STANCLIFFE: We have done preliminary
3 investigations. We have not had a wildlife biologist
4 come to the site. So, in my personal experience of
5 that site, I have witnessed deer and turkey and
6 woodchucks within this area (Indicating) along with
7 songbirds. The majority of the wildlife that I found
8 was back in this corridor. They are moving north and
9 south through this already protected land.

10 MS. DALTON: From my point of view and I would
11 have expected you to say deer and turkey - I would also
12 expect that there would be a part that is currently
13 listed as Lot 50. In what I am looking at, I don't
14 feel comfortable that there is a corridor for the
15 animals that will be displaced to easily go back and
16 forth to the area that you are leaving forever wild.
17 So, you have all those houses now in the bottom
18 quadrant and all that development and that's the
19 quadrant that I would have been concerned about as
20 having access for wildlife to move over to the places
21 that you are leaving for them.

22 CHAIRMAN STUTO: Even further south is
23 undeveloped, right?

24 MS. STANCLIFFE: Correct. All of this parcel,
25 all the way down to where Vly Road turns is

1 undeveloped.

2 CHAIRMAN STUTO: Is that owned by the applicant
3 also?

4 MS. STANCLIFFE: Portions of it are. Those
5 parcels that are shaded are owned by the applicant and
6 the paper streets are owned by the applicant.

7 CHAIRMAN STUTO: Okay, we have seen those
8 before.

9 MR. SHAMLIAN: There are a number of different
10 owners through there.

11 CHAIRMAN STUTO: Which are obstacles to
12 development, in my opinion, although sometimes people
13 can put those together.

14 MS. DALTON: In the first instance, I had that
15 before as a comment before this gentleman raised it.
16 I would really be interested in your next pass through
17 to get a little bit more expert opinion about what
18 displacement would be and the impact of the wildlife.

19 MS. STANCLIFFE: Certainly, we will do that.

20 CHAIRMAN STUTO: Thank you and thank you for
21 the comments.

22 Joel Weingarten.

23 MR. WEINGARTEN: Good evening. My name is Joel
24 Weingarten and I'm the President of the Birchwood
25 Neighborhood Association. I have a couple of concerns

1 that I'm going to bring up again and that I brought up
2 at the last meeting back in September.

3 The first issue that I want to inquire about is
4 the traffic study - in regard to the CDTC's traffic
5 study that was initially done. First, it is still in
6 a draft form and it still has not been finalized,
7 which is still never concerning to people.

8 With regards to the traffic study, it was led
9 to believe that with the four main intersections of
10 Denison and Vly Road, Vly and Route 7, Birchwood and
11 Route 7, sorry, those three main traffic areas -- that
12 the Forest Hills was going to have three access points
13 in which that was only led to have two which is
14 pushing more traffic to other areas. So, the number
15 of trips per hour was somewhat misleading and the only
16 reason that I bring that up is because ** had
17 mentioned about 1.2 vehicles per household at that
18 time but I am now hearing that with regards to the
19 Natick Hills development that the traffic hours are
20 34, did I hear that right?

21 CHAIRMAN STUTO: P.M. peak, which is the
22 highest peak was 34.

23 MR. WEINGARTEN: So if there is going to be 34
24 homes possibly planned for this project and you have
25 I'm assuming that this is going to be a full family

1 home, which you have two drivers, so two times 34
2 brings me to 68. How are you getting 34 peak travels
3 per hour, with regard to peak time for travel? So,
4 that's really disconcerting because as I had mentioned
5 before the last time with the build-out of Forest
6 Hills and other proposed projects at that intersection
7 of Vly Road and Denison and now we're going to have
8 Natick Hills come online, and you have a right on
9 right entry point at the southern end. That's just
10 going to push more traffic out to the Denison and Vly
11 Road intersection, which with respect to Forest Hills
12 - both entrances go out to Denison and Birchwood which
13 would push it out to that same intersection of Vly
14 Road and Denison. So, I don't quite understand why
15 nothing is going to be done to help mitigate this
16 issue and why everybody is saying that it's copasetic
17 at point in time.

18 The grading that you had already mentioned -
19 that was taken care of. I'm glad to see that. I do
20 have a concern with regards to wetland. It looks like
21 they did move a lot of the homes but my one concern is
22 what looks like to be Lot 10 and possibly the lot to
23 the right of it - it's extremely close to wetland and
24 I remember that it was stated at the last meeting back
25 in September that yes, you did want to have those lots

1 separated out from the wetlands so that the wetland
2 wouldn't become part of the homeowner's lot because
3 you can't guarantee that those individuals would not
4 fill those areas in and do what they want with it. It
5 still seems very close and it just doesn't look like a
6 really good situation so I would really like to see
7 you address those issues with regards to that.

8 My other issue that I had was the water
9 pressure. With regards to the Forest Hills development
10 and all the other developments that are going in on
11 both sides of Denison and the intersection of Vly,
12 where you had that watertower that was mandated as it
13 was essentially ready to go -- now we have Natick
14 Hills that is going to be coming online and water is
15 going to be diverted or pressure is going to be
16 feeding this development. My understanding is that we
17 still have not addressed the issues of the surrounding
18 neighborhoods on Vly and Denison Road and Birchwood
19 Neighborhood. All those individuals and of course the
20 development to the north of Natick Hills that is going
21 to be included in this with regards to water pressure.
22 So, if we're going to have Forest Hills get obviously
23 water pressure because it's needed for the elevation
24 that it's at but if we are now going to include Natick
25 Hills, what is happening to all those other

1 neighborhood? What is going to happen to those homes
2 that -- my understanding is that initially that
3 Birchwood neighborhood and the homes on Vly and
4 Denison were going to get hooked into this increased
5 pressure so that everybody could have better pressure.
6 Then I heard, no, that's not going to happen. So, I
7 would like some clarification on are the homes on Vly
8 and the homes on Denison and in the Birchwood
9 neighborhood surrounding everything that is going on
10 with this development - is everybody going to benefit
11 from this new water tower system? With respect to the
12 increase in pressure - because I can understand not
13 wanting to blow your cat with a firehose. The
14 restricting devices that are going to help make sure
15 that the water pressure is safe for each individual
16 home is going to get upgraded - where is that money
17 going to come from?

18 I believe that's it.

19 CHAIRMAN STUTO: Thank you.

20 I'll ask the applicant and the TDE - the issues
21 that I have that really haven't been addressed - water
22 pressure which he asked most recently - the wetlands -
23 the closeness of some of the houses to the wetlands,
24 particularly Lot 10. Everybody is concerned about
25 traffic. I don't know if there is anything else to

1 add to that.

2 Water pressure first. I think that you made
3 reference that the Town is studying the
4 interconnection.

5 MR. VOSS: Correct.

6 CHAIRMAN STUTO: And they're leaving an
7 easement in case the study determines that they can
8 connect. Can you talk a little bit more in detail
9 about that?

10 MR. VOSS: As far as I know I certainly don't
11 represent the Latham Water District and we don't
12 obviously work for them. We've had limited
13 information as to what their long-range plans are for
14 the general area. I can't speak to for what their
15 plans are or what -

16 CHAIRMAN STUTO: Let me ask you this: Is there
17 plenty of pressure out of that new tank? Do you know
18 that?

19 MR. VOSS: From what we are being told, there
20 is excess pressure coming from the new tank that will
21 be serving this site. We don't know what is happening
22 in the other neighborhoods in terms of Latham Water.
23 They would be the experts.

24 CHAIRMAN STUTO: Does the applicant know?

25 MR. BRICK: Again, I can't speak for the Water

1 District either. What I can say though is that I have
2 a tremendous amount of respect for the professionals
3 that work in the Water District. We have worked with
4 them on a number of projects and they are the best in
5 the business. They know what they are doing. We
6 always defer to what they tell us and what they
7 require and on behalf of the applicant, I can state
8 unequivocally that we will comply with whatever the
9 Latham Water District requires in terms of this
10 project.

11 CHAIRMAN STUTO: I understand that. He's asking
12 on behalf of the other neighbors whether they are
13 going to get better pressure.

14 Does the engineer know, just in terms of excess
15 pressure or anything else that we can share? If not,
16 we'll get the answers on that.

17 Mike, you don't know anything on that?

18 MR. TENGELER: No.

19 MS. STANCLIFFE: At this time, this proposed
20 system is not going to change the pressure in the
21 existing lines.

22 CHAIRMAN STUTO: We understand that.

23 MS. STANCLIFFE: In the future, there may be a
24 possibility to do that. As directed by the Latham
25 Water District, that is not -

1 CHAIRMAN STUTO: Okay, so we don't have any
2 hard answers on that question. We'll try to get the
3 answer.

4 MR. WEINGARTEN: Mr. Stuto, if I may, I totally
5 forgot one other question that I wanted to ask.

6 As the line comes from the new water tank and
7 crosses over Forest Hills and goes into the Natick
8 Hills subdivision, is that going to be crossing any of
9 the federal wetland area by the civil engineers and if
10 so, is that piping - does that need to have allowances
11 by the federal wetlands to be able to traverse those
12 areas? Has anybody looked into that?

13 CHAIRMAN STUTO: I assume that they have.

14 Why don't you answer that?

15 MS. STANCLIFFE: The waterline proposed, again,
16 as requested by the Latham Water District would cross
17 the DEC wetland. That utility corridor - utility
18 connections are typically allowed by DEC.
19 Understanding that a temporary permit that the water
20 lines are places below grade and the land is restored
21 following construction.

22 CHAIRMAN STUTO: No federal wetlands?

23 MS. STANCLIFFE: This is a DEC wetland in this
24 area and it superseded the federal wetland. There is
25 an existing 24-inch main that runs also across that

1 wetland and that creek as it exists today.

2 CHAIRMAN STUTO: The wetland - the danger of
3 some of the lots near the wetland encroaching. Can
4 you respond to that?

5 MS. STANCLIFFE: As I stated earlier the
6 federal wetland does not include a buffer. The houses
7 have a zero setback line from their sideyard. The
8 paths could be moved north or south, specifically on
9 Lot 10 away from the wetland area. The wetland has
10 been delineated and accepted by the Army Corp of
11 Engineers.

12 CHAIRMAN STUTO: It's not going to be part of
13 their lot?

14 MS. STANCLIFFE: No.

15 CHAIRMAN STUTO: So, they would be committing a
16 trespass to do anything on there.

17 MS. STANCLIFFE: Correct. In some projects we
18 have installed a fence on the back of the lot - a
19 split rail fence just so that they further understand
20 that there is a limitation.

21 CHAIRMAN STUTO: Anything on traffic?

22 MS. STANCLIFFE: Actually, yes. There was a
23 mention that there was no mitigation, however, the
24 CDTC -

25 CHAIRMAN STUTO: No, we found the letter and

1 the approximate is \$118,000.00.

2 MS. STANCLIFFE: Right, so that is the
3 mitigation currently assigned to the project.

4 CHAIRMAN STUTO: Paul Bergdorf.

5 MR. BERGDORF: I'll pass, Mr. Chairman, at the
6 current time.

7 CHAIRMAN STUTO: Shane Perry.

8 MR. PERRY: My name is Shane Perry and I
9 actually live in this property right here and I think
10 that the engineers are significantly underestimating
11 the effect that this development will have on the
12 wildlife. My family has lived on this property my
13 entire life. I am also a master biology student at
14 SUNY Empire State College. There are about 30 deer on
15 the property. With the development that is going up
16 over here, all the deer have been pushed out this way.
17 There are also wild Lupine on the property - the
18 Karner Blue Butterfly and I think that the engineers
19 have left this part of the assessment out. That's my
20 main concern.

21 If you have any questions about the property,
22 I'd be happy to answer them. As I said, my family has
23 lived on the property my entire life.

24 MR. LANE: So, there are Karner Blue on the
25 property?

1 MR. PERRY: Yes. I saw one when I was about 10
2 years ago. I'm 25 now so it's about 10 years ago. I
3 actively researched the wildlife in that area for my
4 studies and I have photographs of the deer on the
5 property and the hawks on the property, foxes,
6 opossum. Like I said, the engineer only mentioned
7 three species. There are much more on the property,
8 especially with the development on the sides pushing
9 these animals into this land.

10 MS. DALTON: Are you comfortable with the fact
11 that we've asked for studies?

12 MR. PERRY: Forgive me if I wasn't here in
13 September.

14 MS. DALTON: No, I just now asked for a study.

15 MR. PERRY: Right, that's when I stood up and
16 wanted to comment.

17 MS. DALTON: So, my question is: Is that a
18 solution that you are currently comfortable with or is
19 there something else that you would rather see?

20 MR. PERRY: No, I am comfortable and I think
21 that needs to happen.

22 CHAIRMAN STUTO: Thank you.

23 Susan Quine Laurillard.

24 MS. LAURILLIARD: My name is Susan Quine
25 Laurillard and I've been before the Board many times

1 especially regarding the Forest Hills project and most
2 recently last spring when I came to you to talk about
3 the use of mitigation fees outside the airport area.

4 I'm a resident and I live on 83 Ashtree Lane
5 which is in the Birchwood neighborhood. I would just
6 like to make a few comments.

7 I think that what would be helpful here for the
8 Board - there are many parcels that are owned by this
9 Beltrone group, not only the trust. When I went and
10 looked at the tax rolls, there are parcels at 360 Vly,
11 362 Vly, 364 Vly, 366 Vly, 342 Vly, 366A Vly as well
12 as the Tabb Properties which I think are down below
13 which are all basically wetlands properties. So, what
14 the schematic does is it only shows you the one
15 property which I think is 362 Vly. What I don't see
16 on here is 342 Vly and I say that because that's 11
17 acres and it looks like it's way up there
18 (Indicating), which I understand the applicant is
19 trying to work something out with the Ashford Glen.
20 That looks like property that should be added as well
21 because that would make a contiguous area of open
22 space. That's not mentioned. So, I think that the
23 Board, in order to get a big picture here, should see
24 everything that is owned by this applicant in this
25 area so that you can decide - they kind of separated

1 this out. That's my first point.

2 The second point that I wanted to make - and
3 you pointed out, Chairman Stuto, that this project is
4 in the airport area GIS. As we know, that document
5 was done in 1991. That's when it was completed. It
6 has a 20 year life span. So, if I add 20 years to
7 1991, it looks like that document is five years old.
8 So, I would argue that anything that's been approved
9 based on this old outdated document should be
10 reexamined. Why I say that is that it's based upon a
11 cumulative gross scenario. One of the things that
12 they looked at is within a scope of 1583 dwelling
13 during that 20 year period, they devised a way to
14 assess mitigation fees and look at impacts from
15 projects. I have never seen to date anywhere in the
16 Town record, the Planning Board's records of any
17 transcripts from any type of projects that have been
18 reviewed by this Board since 1991 that actually
19 quantifies -- where are we with respect to all those
20 numbers? I'm looking at the page 4 of the executive
21 summary. Right now there is a cumulative growth
22 scenario that lists all different types of
23 development. I think that before this Board goes
24 forward with anything in the airport area, that you
25 need to get a grasp of exactly what developments have

1 taken place during this 20-plus year period since this
2 document was finalized. I think that we need to know
3 how many dwellings are there? How many commercial
4 properties have been developed? We have apartment
5 complexes that are proposed later on in this agenda
6 which is also in the airport area GIS. I think that
7 you guys need to know what is out there. I have never
8 seen that quantified. Our neighborhood association
9 has asked for years - we speculated. Oh, let's see
10 there were 100 houses over here but it's never been
11 added up. So, I think that before the Board goes any
12 further with this whole process. We need to get a
13 grasp on what is going on in this airport area.

14 Again, it's not clear on these plans where all
15 of the -- especially the Tabb properties -- we have
16 this service line to this tank. That, I believe, is a
17 wetland and it's not designated that it's in wetlands.
18 So, we don't even know based on this schematic if
19 those are wetlands.

20 I would argue, what point in this process is
21 this applicant with respect to applying for permits
22 for the Army Corp of Engineers and DEC for any of this
23 development proposal? Since that waterline is
24 critical to this development, I would argue that the
25 Planning Board should tell the applicant, you go work

1 it out with the Army Corp of Engineers and then come
2 back and see us. If they can't get that water line --
3 I guess they have to use the waterline that's up there
4 that they are not using. Again, I think that this is
5 too premature for you to be seeing this. They need to
6 go to the Army Corp of Engineers and make sure that
7 they can have that connection and then you guys should
8 see this for concept. I really think that you
9 shouldn't vote on concept at all this evening.

10 The other point that I want to make is that our
11 Neighborhood President said about the effect of the
12 new water tank on the surrounding neighborhoods - and
13 I'm just reading from the minutes from the last
14 Planning Board meeting. Actually, it was discussed
15 there. I'm going to refer to page 28, page 30, page
16 32 and page 31. I believe that Mr. Voss, you talked
17 about it and so did the applicant's consultant. It
18 may have been Mr. Frazer too. In there they
19 definitely say that there is going to be an increase
20 in pressure to the neighborhoods that aren't hooked up
21 to this new water tank. So, I guess again before you
22 go forward with this, I think that you should study
23 that. We never had that study done when Forest Hills
24 went in.

25 My other question is: Based on the narrative

1 today, it talks about the installation of pressure
2 reducing valves. Who is paying for those?

3 MS. STANCLIFFE: We are.

4 MS. LAURILLIARD: So, this Beltrone applicant
5 is paying for those. When there are pressure issues
6 with the surrounding neighborhoods as a result of all
7 of this, who is paying for that? Is that the Latham
8 Water District? Am I going to be paying an increase
9 in my water bill because I need a pressure relieving
10 valve? Is that Forest Hills? I think that we need
11 that clarified too, before you go forward. I think
12 that for everyone to sit here and guess about what is
13 going to happen is not good government.

14 I think that's about it. Thank you.

15 CHAIRMAN STUTO: Thank you.

16 Can the applicant talk about any wetland
17 permits and can we get help from our TDE and where
18 that fits in with the approval process?

19 MS. STANCLIFFE: Bagdon Environmental was our
20 wetland biologist on the project. They did delineate
21 the Army Corp wetlands and the DEC wetlands that are
22 located within the existing parcel. Further
23 delineation will be required for this section. We
24 understand that his section is within a wetland. I
25 have had discussions with Bagdon Environmental about

1 the possibility of routing that water main through the
2 wetland and they have indicated that this is a typical
3 procedure with the DEC and as the project evolves and
4 grading plans are created and profiles for the
5 waterline, the wetland will be delineated along that
6 area.

7 CHAIRMAN STUTO: Chuck, where do the permits
8 for that normally fit in the approval process, timing
9 wise?

10 MR. VOSS: Linda was just probably on the verge
11 of saying that -- I don't want to put words into your
12 mouth. I'll let you speak.

13 MS. STANCLIFFE: We are in concept approval
14 status right now and so we won't be able to apply for
15 the permits until we have some verification from the
16 Board that this is, in fact, what they are looking for
17 from us. We will initiate those permits following
18 concept approval and as we begin our preliminary
19 subdivision design.

20 MS. LAURILLIARD: I don't think that is true. I
21 think that you need to go to DEC and ask for a permit
22 in advance of getting any type of approvals. You're
23 choosing not to do that.

24 MS. STANCLIFFE: Currently, we have had DEC
25 wetland biologists and Army Corp wetland biologists on

1 site to review our plans. They did not know about the
2 water main - this water main route was finally agreed
3 upon with the Town approximately two weeks ago. As I
4 said, those further reviews and getting DEC back in
5 the field to agree with the boundary line in that area
6 will occur in the near future. Currently there are no
7 permits required from either the DEC or Army Corp.

8 CHAIRMAN STUTO: The points about the GEIS are
9 well taken.

10 Mike, can you help me carry that back to the
11 rest of the Town on that comment regarding the GIS
12 getting stale and redoing the GEIS calculations?

13 MR. TENGELER: Yes, definitely.

14 CHAIRMAN STUTO: The water valves - I'm not
15 sure how to answer that. I can give my own thoughts
16 on it. If they end up hooking up other existing homes,
17 I don't know whether the district pays for it. I
18 imagine that they would. Then, it would come out of
19 their general funds.

20 MR. VOSS: Typically any improvements within an
21 established water district, whether they are new lines
22 or they are pressure producing valves or a new tank
23 that might be required, is all borne by the district
24 itself. That's how they work.

25 CHAIRMAN STUTO: Thank you.

1 Okay, we have four people in the beginning who
2 passed. Do they want to speak now?

3 MR. MILLER: I signed up and I'd like to speak.

4 CHAIRMAN STUTO: Okay, I'm sorry. Mr. Miller?

5 MR. MILLER: Thank you, Mr. Chairman. I was
6 here at the last hearing and spoke about some of the
7 concerns. I want to commend you for the work in terms
8 of connecting some of this more to the Ashford Glen
9 which I think is excellent. I share many of the other
10 concerns that people have spoken to but the principal
11 issue that I want to raise is again, the traffic. I
12 do not think that anybody has taken into account the
13 two other developments that are going on do not yet
14 have people in them but have many more houses and many
15 more sites than this and there are three choke ports.
16 One here and one here (Indicating) and I don't find
17 anyway that you can use mitigation funds and change
18 the dynamic of what those choke points are going to
19 be. I really encourage some people to go and drive
20 and see what the circumstances are.

21 CHAIRMAN STUTO: And you say the intersections,
22 just for the record?

23 MR. MILLER: Vly Road and Route 7 and the
24 intersection between Birchwood and Route 7 and Denison
25 and Vly.

1 The final thing that I want to say is I live on
2 Ashford Lane. I have lived there for over 20 years.
3 The intersection here from Brookhill turning onto Vly
4 Road - there is a very steep hill there. You have
5 probably two seconds to observe cars coming from that
6 direction over the top of the hill when you're trying
7 to make a turn. There is a fence here on this
8 property so you have two seconds to try and see
9 traffic coming this direction. That means to try and
10 make a turn onto here, you're now talking about all
11 this traffic coming off of this subdivision onto this
12 road within two seconds, literally, in terms of travel
13 time. There is no way that you can look both ways and
14 have clearance in order to make it a safe turn. At
15 the very least there should be a requirement that
16 there is no left turn from this access road onto Vly
17 Road. If people want to come on to Vly Road, they're
18 going to have to come around and come down this way
19 (Indicating).

20 CHAIRMAN STUTO: The other one is right-in and
21 right-out now. The lower one allows no left hand
22 turns, as proposed.

23 MR. MILLER: Well, you can't allow a left hand
24 turn here (Indicating) and expect us to survive.
25 There is no way. I worry every time and it gets even

1 worse in the winter when you have a snow plow.
2 Anybody who lives there will say that this is
3 absolutely the case. Nobody has done an adequate
4 study of what the traffic situation is going to be.

5 CHAIRMAN STUTO: Chuck, have you looked at that
6 turn?

7 MR. VOSS: No, we haven't yet. The traffic
8 study did not include an analysis for that.

9 CHAIRMAN STUTO: The left out of this
10 development, is what I'm saying.

11 MR. VOSS: Yes, that is part of their traffic
12 assessment and right now the movements work in terms
13 of what they are showing us in the traffic study.

14 CHAIRMAN STUTO: What about the elevations in
15 the sight line, like the gentleman is saying?

16 MR. VOSS: There are some elevational changes,
17 however, the view sheds from that existing curb cut up
18 to the top of the hill are adequate for this
19 particular driveway. I have sat at the top of
20 Brookhill and looked. There is an issue there - a
21 sight line. That is not caused by this project. That
22 is caused by the design of Brookhill Drive when it was
23 originally instituted.

24 MR. MILLER: But you're adding to it when
25 you've got the other one that close.

1 MR. VOSS: I understand what you are saying.

2 Brookhill intersection with Vly sits almost at
3 the crest of the hill, but not quite. Had that road
4 been properly designed, originally, it would have sat
5 at the crest so that you could see down both sides.
6 It's an issue. I agree with what he is saying.

7 CHAIRMAN STUTO: Mike, can you look at those
8 other intersections?

9 MR. TENGELER: Yes.

10 CHAIRMAN STUTO: Jessica Mahar.

11 MS. MAHAR: Hi. Thanks for the opportunity. I'm
12 actually a brand new Town resident. I moved in to 5
13 Brookhill Drive about a year and a half ago. This has
14 been an interesting way to get to know my neighbors.
15 Hi, everyone and thank you for coming out tonight.

16 I look up across the street at the Beltrone
17 mansion. We moved into the neighborhood because we
18 loved the rural character - whoops. So, I have a
19 number of concerns. The first is public notification.
20 I did see some of the pink signs. Thank you. I did
21 read the minutes of the last Planning Board that I was
22 not aware of. I read the minutes and I know that
23 there were some discussions about wider notification
24 of the neighbors beyond what is required of the
25 applicant. I don't know that occurred. My neighbors

1 and I have been trying to figure that out via email.
2 I certainly didn't receive a notification about this.
3 I attempted to look at the new information about this
4 development as recently as yesterday on the Town
5 website and it was all outdated. Not until this
6 morning were the new site plans including the map and
7 the narrative uploaded to the Town website. I would
8 just submit to you that perhaps some additional time
9 for the public, especially the neighbors to just take
10 a look at all of this, and you, yourselves, before you
11 even approve the concept would be smart. I am
12 concerned because I heard some conversation here back
13 and forth where it seemed like there was some
14 confusion even among the Planning Board about how many
15 homes and lots were being approved. There was an
16 increase in the number of homes from the last version
17 as they consolidated into this version. So, all I'm
18 saying is that in the interest of transparency and
19 good government and public awareness of what we are
20 all talking about here, it would be nice to have more
21 time to process this, literally. That's my first
22 comment.

23 The traffic thing - I think that we've covered
24 that. I will say that in just my year and a half, my
25 family and friends - I've had multiple comments about

1 how you really have to make a run for it to get out of
2 our neighborhood. In the winter, we didn't have a lot
3 of snow this winter, but last winter, it was actually
4 scarey. You really had to zip in and out of there.
5 So, I understand that the traffic assessment was done
6 for the driveway for this project but when we're
7 adding significant traffic to this neighborhood and
8 we're not looking at an existing problematic roadway,
9 I think that's an issue. I'll just submit to you that
10 I understand that we're looking at this project but
11 there are cumulative impacts here which I think that
12 we are required to look at under SEQRA. We have
13 Forest Hills, we have Londonderry Way, we have this
14 thing. This is going to add up to something like 200
15 homes. I think that in Supervisor Mahan's State of
16 the Town's Address for 2015, she referenced something
17 like 150 homes total coming onto the tax rolls in the
18 town a couple of years ago. So, to have our little
19 nook of Colonie seeing an explosion like this and not
20 taking the cumulative impact of these projects and
21 what it's doing to the quality of life and the feeling
22 that is there for all of the residents is significant.
23 I'll just say that as a new person in the Town, I have
24 been trying to learn about Town process, Town
25 planning, what you all have been up to. I appreciate

1 the conservation subdivision concept. I think that
2 it's great. I was excited to hear about the
3 conservation advisory board pointing out the issues
4 relating to wildlife corridors. I have a strong
5 concern that we are protecting little islands of open
6 space without connectivity. That's pretty worthless.
7 I'm also concerned about the proximity to wetlands
8 developments. Our whole neighborhood is very wet. As
9 a homeowner I will tell you that it's really not that
10 fun. So, I think that it's not in the builder's best
11 interest, the homeowner's best interest or the Town's
12 best interest to be putting homes this close to
13 regulated wetlands. It's dangerous.

14 I'll also say that as the Town goes forward,
15 the Comprehensive Plan needs to be updated. I think
16 that it would be smart to have an open space
17 protection plan in place for the Town. I don't think
18 that there is one. A lot of towns around the state,
19 there is actually dedicated funding for open space
20 conservation. There is also dedicated funding for
21 water infrastructure improvements. I'm not seeing a
22 lot of that in the Town of Colonie. I think that
23 there is more that we could be doing as a Town to
24 generate local revenue and leverage state and federal
25 revenue that exists.

1 Finally on the water infrastructure, I'll just
2 say that we had a really fun watermain break out in
3 front of my house where a fire hydrant broke last
4 winter and poured water down into my driveway and
5 basement for three days. It was awesome. Welcome to
6 Colonie. So, what we heard in a meeting of our
7 neighbors was John Frazer was that maybe they could
8 hook us up to this thing. Maybe in 10 years. We
9 don't really know.

10 CHAIRMAN STUTO: How long ago was that meeting?

11 MS. MAHAR: I don't remember the date. It was
12 probably two months ago. I can get you that date. I
13 can follow-up.

14 CHAIRMAN STUTO: No. I just wondered
15 approximately.

16 MS. MAHAR: It was very gracious of them to
17 meet with us. However, what we heard was, yup, you
18 guys have a ton of watermain breaks in your
19 neighborhood, which was a surprise to me because I
20 didn't know this in moving in recently. What else I
21 heard was the Town of Colonie isn't applying for much
22 by way of public funding for improving our water
23 infrastructure at a state and federal level, which
24 frankly scared me. So, I do question why if we have
25 seasons where we have 100 or 110 or 120 watermain

1 breaks in one season and we don't have adequate water
2 pressure for residents, we are putting more
3 development in an area that is already super saturated
4 with new development with 100 new houses already
5 coming online.

6 So, these are just some of the questions that I
7 think that we have to ask and while I do acknowledge
8 that there has been some improvement here, I do
9 question whether it's sustainable to continue
10 permitting additional developments in this immediate
11 area. Thank you.

12 CHAIRMAN STUTO: Do you know about the notice,
13 Mike? Do you have the affidavit?

14 MR. TENGELER: Generally it's 200 feet from the
15 property line.

16 MS. DALTON: Peter, in the past when we have
17 this many people who are interested, we frequently
18 will take the names and contact information and the
19 applicant is typically gracious enough to contact for
20 subsequent meetings for people who have already been
21 here and have shown interest. So, if you guys would
22 be willing to do that, I think that would be very
23 gracious of you.

24 MR. BRICK: Sure. We would already have people
25 who spoke, but if you want to start some kind of

1 sign-ion sheet that you could provide to us, we can
2 notify people along with the 200 feet; absolutely.

3 CHAIRMAN STUTO: I'm trying to think of an easy
4 way to do it.

5 Can you give your department email, Mike?

6 MR. TENGELER: Absolutely.

7 CHAIRMAN STUTO: Or if someone wants to sign a
8 piece of paper and give it to Mike.

9 MS. DALTON: So the solution, for those of you
10 who are not within the 200 feet and are here, is that
11 Michael will coordinate making sure that the applicant
12 gets your name and contact information and you can
13 email him at -

14 MR. TENGELER: The email address for the
15 Planning Department in the Town of Colonie is
16 www.colonie.org/pedd.

17 CHAIRMAN STUTO: That's the website.

18 MR. TENGELER: You can send it to
19 tengelerm@colonie.org.

20 CHAIRMAN STUTO: Or if you want to give Mike a
21 pice of paper with your name and address on it -

22 MS. DALTON: When you contact him, make sure
23 that you tell him what parcels you are interested in
24 so that we get your stuff to the right person.

25 CHAIRMAN STUTO: Do you know when the maps went

1 up on the website? That's a concern for me, too.
2 Normally, my understanding is that the agenda gets
3 approved Wednesday, Thursday or Friday before that
4 Tuesday and they go up that day.

5 MR. TENGELER: It's generally by Friday unless
6 there is a problem with the web designer or the agenda
7 was late getting approved. That wasn't the case this
8 week.

9 MS. LAURILLIARD: The old map was uploaded with
10 the old narrative and I contacted the Town and brought
11 it to their attention and the new materials were up
12 this morning.

13 CHAIRMAN STUTO: Okay, thank you.

14 Mr. Weingarten, was there something else that
15 you wanted to say?

16 MR. WEINGARTEN: No.

17 CHAIRMAN STUTO: Susan Weber?

18 MS. WEBER: My name is Susan Weber and I am a
19 long-time resident of the Town of Colonie. I'm here
20 to speak not just about the Natick Hills but a few
21 other projects that have happened recently and the
22 impacts of those projects on property values, as
23 someone mentioned here today. Also, the wetlands and
24 the tree clearing. I represent Save Colonie's Trees.
25 I think that we have some members of Save Colonie's

1 Trees here today and maybe they would be willing to
2 stand while I read this brief statement.

3 We are an organization of more than 30 Town
4 residents and voters from throughout the Town and we
5 are growing. We formed in response to the recent
6 state of clear-cutting of woodlands here, starting
7 with the Aviation Road project in September of 2015.
8 We have members from every neighborhood organization
9 in the Town of Colonie and we are seeking some changes
10 from this administration and from this body.

11 On November 2, 2015 we met with Supervisor
12 Mahan, Town Attorney Magguilli and PEDD Director
13 LaCivita. We shared our dismay that the Town had
14 allowed the developer of the Crisafulli project to
15 remove every stick of mature vegetation from this
16 almost nine-acre woodland next to the Cicciotti
17 Center. We shared our legal research which found that
18 the Town Law Chapter 177 forbids the removal of trees
19 beyond the building footprint plus 10 feet. In
20 addition, Town Law 90-56 requires all trees larger
21 than three inches in diameter to be marked on the site
22 plan and described in detail as to species and
23 condition.

24 CHAIRMAN STUTO: What is the citation on that?

25 MS. WEBER: That's Town Law Chapter 190-56 and

1 Town Law Chapter 177. The Chapter 177 has a wonderful
2 preamble purpose of conserving trees in the Town of
3 Colonie.

4 We memorialized our meeting in an email to the
5 attendees and we are circulating this letter to
6 everyone here.

7 Town Attorney Magguilli and Supervisor Mahan
8 expressed surprise at the existence of these Town Laws
9 which have been in place since 1970. Mr. Magguilli
10 directed the Planning Board and the PEDD to enforce
11 these provisions in an email dated December 21, 2015.
12 The email is enclosed. When we received Mr.
13 Magguilli's Townwide directive, we believed that this
14 administration understood the need to obey and enforce
15 the law, to protect woodland resources and neighbors
16 property rights and that our concerns had been heard.
17 Must to our dismay, however, Magguilli's directive has
18 been ignored. The Planning Board and the PEDD have
19 continued to allow developers to clear-cut woodlands
20 in clear violation of the Town's own laws. Most
21 recently, Mr. Finning of Finning Properties clear-cut
22 mature trees and removed all vegetation from a 15.8
23 acre federally protected wetland and mature forest off
24 of Maxwell Road, removing all shrubs and trees up to
25 the abutting property owner's property lines.

1 Despite citing Mr. Finning for several
2 violations, this Board did not impose any penalty and
3 voted to grant -

4 CHAIRMAN STUTO: Ma'am, I'm going to stop you
5 on that point because you're saying a lot of things.

6 MS. WEBER: I am.

7 CHAIRMAN STUTO: Some of which I don't agree
8 with, in terms of your accuracy. We don't have any
9 right to impose any penalty on -

10 MS. WEBER: The Town of Colonie does.

11 CHAIRMAN STUTO: You said this Board.

12 MS. WEBER: No, I did not say that.

13 MS. DALTON: You just said that the Planning
14 Board does.

15 MS. WEBER: I said that the Planning Board
16 approved it and no penalties were assessed.

17 CHAIRMAN STUTO: Just on that particular
18 project, they have been cited. I don't like the looks
19 of that site either. What we did on that particular
20 site - because it was all that we could do because the
21 trees were cut down - was make the applicant consult
22 with the neighbors that live along the property and
23 come back to us with a landscaping plan that provides
24 adequate screening which would be subject to our
25 review.

1 MS. WEBER: That's wonderful but I suggest that
2 you ask the neighbors to meet with you and them
3 because not everything that you asked the developers
4 to do, they do.

5 I'm going to finish this quickly. People can
6 sit down. Maybe while we're doing this, Lisa, you
7 could distribute that letter.

8 We are here to tell you that the Town must
9 follow its own laws and that this ramped disregard for
10 the common good and the rights of landowners, not one
11 more Aviation Road, not one more Maxwell Road. We
12 enclose a list of specific reforms which must be made
13 in the Town's approval process to effectively inform
14 and involve the Town's residents early enough in the
15 process so their rights can be protected and their
16 input heard. First among these is the Board and the
17 PEDD require compliance with Town Law. No project
18 should move forward for review or final approval until
19 the director of the PEDD and the Planning Board
20 certify that Chapter 177 and Chapter 190-56 -- we have
21 heard this body express radical homage to the property
22 rights of developers. We stand before you demanding
23 that you honor the property rights of all landowners,
24 including those Town residents whose property values
25 here -- and enjoyment of their homes are significantly

1 diminished when you allow developers -- and I don't
2 mean just you but I mean the PEDD -- when you allow
3 developers to do what they please without regard for
4 the laws designed to protect the character of our Town
5 and the quality of life for the residents of Colonie.
6 Thank you for your time.

7 MS. DALTON: I have a question for you. I am
8 very concerned with your allegation that this Board
9 does not take adequate time and attention to try to
10 protect trees, mature growth, screening of neighbors,
11 neighbors' property rights. I wholeheartedly disagree
12 with you on that and I'm wondering if before you made
13 that allegation -- now, do I agree with you that
14 people have not done what we have asked them to do? I
15 wholeheartedly agree that people have not done what we
16 have directed them to do, perhaps there should be
17 other penalties which is not something that this Board
18 would be in a position to levy. My question to you
19 is: Could you direct me to any transcripts or meeting
20 notes where this Board did not ask adequate questions
21 about: Is there mature growth? Are you going to keep
22 it? What are you going to do to replace it? Have you
23 met with neighbors? Have you asked them about their
24 p0references for screening? I can't think of a single
25 time that I have been on this Board in one of these

1 meetings without those questions being asked. So, can
2 you point me to a transcript where that hasn't
3 happened?

4 MS. WEBER: No, I can't point you but other
5 people here probably can. I think that what I was
6 referring to and what our members are concerned about
7 is the results of what has been going on here. I have
8 not been a frequent -- I've never been before the
9 Planning Board before in my life. All I know is the
10 results. If you are taking offense at my comments -
11 the comments that have been put together by other
12 people who have more experience than I in this letter,
13 I apologize. I do apologize. In fact, I would like
14 to say that I am quite surprised at the thoroughness
15 with which you have questioned what has been going on
16 with this project. My concern and my neighbors and my
17 community and friends' concerns are the results that
18 we see in our neighborhoods where there are no place
19 for the geese. The wind blows the dust everywhere.
20 You can't drive around here after 3:30 in the
21 afternoon. That's all.

22 MS. DALTON: That's one of the reasons why I
23 wanted to question you because in order to come up
24 with an adequate resolution, you need to know what the
25 problem is. My own experience from having been here

1 is that the problem most times does not sit with the
2 Planning Board but rather with our ability and the
3 Town's ability to hold - not just professional
4 developers but frankly some of the places that we have
5 seen cleared - the individual land owners - they did
6 it themselves before they even appeared before us.
7 So, I agree that there is a process issue. I agree
8 that we need to look at it more closely. I would
9 probably sit on the Save the Trees committee, if I
10 wasn't sitting up here. They call me the Bambi
11 member. I'm the one who asks about the wildlife
12 corridor and I do it on a regular basis. I guess what
13 I am proposing to you is to take a deep breath, let's
14 reduce the rhetoric a little bit and find where there
15 are pressure points where we can resolve the issues.
16 It's not here.

17 MS. WEBER: I hear you. I would also like to
18 let you know that we are investigating the possibility
19 of a tree ordinance which other communities have,
20 including the Town of Niskayuna, City of New Paltz and
21 Westchester County that would prevent clear-cutting of
22 private owners properties, as well.

23 MS. DALTON: I think that's one thing to look
24 at. I think that another thing to look at is
25 increasing the penalties for people who do not comply

1 with what we have approved for them. We see that on a
2 regular basis. As I said, we don't have the legal
3 authority go to back and create an issue around that.

4 MS. WEBER: I think that it has to start before
5 this body. It has to start with site plan review and
6 the very beginning of approving and processing these
7 application. Thank you very much for your time.

8 CHAIRMAN STUTO: I want to respond a little bit
9 just in terms of a response and hopefully we can
10 answer some questions. I think that it's a good give
11 and take in a good way to communicate between the
12 public and us. Do we always get it right? Probably
13 not. Do we try our best to get it right? I believe
14 that we do. Do we thoroughly ask a lot of questions
15 from the beginning and is the process pretty thorough?
16 I personally think that it is. We instituted a policy
17 of hiring a Town Designated Engineer and we have two
18 of them - Barton and Loguidice and CHA, formally known
19 as Clough Harbor. We assess a fee to the applicant so
20 that we can have a professional engineer who is
21 dedicated to us to look out for the residents. Our
22 job is to review the projects and to try to mitigate
23 the impacts on the neighbors. That's how I think
24 about it. That includes traffic, screening,
25 architectural review, noise, visual, water and all the

1 other impacts. We try to do that. We are in a
2 developing community. The other side of that is that
3 people own property and there is a law which is called
4 the Land Use Law and they are entitled to develop it
5 within that rule book. We try to apply the rule book
6 and we try to push it as far as we can in favor of the
7 neighbors. That's my personal belief.

8 This example on this property - they can have
9 up to 47 lots. We're down to 32 or 34. It looks like
10 34 is where the application is now. The first step in
11 the process that they submit a plan, it gets reviewed
12 by the DCC which all the department heads meet with
13 the developer and they rough them up and tell them
14 what's going to work, what's not going to work, how
15 they improve it. A lot of it is technical engineering
16 and a lot of it is impact on the neighbor. We are a
17 maturing community. So, I agree and sympathize with
18 that entirely.

19 With respect to trees - we are hearing a
20 message. There is no doubt. We went back and
21 reviewed the chapter 177 and we've asked our attorney
22 to look at it.

23 Kathleen, can you give me your interpretation
24 of that? I think that there are some
25 misunderstandings about it. That's my personal

1 opinion. Not that some of the ideas that are shared
2 might not be good.

3 MS. MARINELLI: I looked at 177-3 which is
4 restrictions on cutting and removal and basically it's
5 already redundant of powers given to the Planning
6 Board and the Code. Some of the powers that we
7 already had that we were already exercising and we
8 looked at trees, as Kathy already said, in previous
9 applications and in previous plans. Clearing and
10 grading limits are in every plan. The Planning Board
11 gives its expressed consent to cut down trees when we
12 approve of the grading and landscaping plans. As I
13 said, 177-3 is redundant of powers and authority that
14 the Planning Board already had in the Code.

15 MS. WEBER: Can you give us the site to those
16 powers in the Code?

17 MS. MARINELLI: Sure. You can look at 190-56.5
18 which deals with screening and landscaping and then
19 I'll give you the general powers and authority after
20 the meeting.

21 CHAIRMAN STUTO: Mike, do you want to talk
22 about how that process is through from beginning to
23 the end with respect to the plans that are submitted?

24 MR. TENGELER: Every set of plans that gets
25 reviewed by the Planning Board or Planning Department

1 - there is a typical landscaping plan that goes along
2 with that. On that landscaping plan they will show
3 proposed landscaping as well as an existing conditions
4 plan. From there, you can ascertain what is existing
5 and what is proposed and what is coming down. There
6 is also a clearing and grading limit, as Kathleen just
7 spoke about too, that every Planning Board Member
8 reviews in any type of site plan review. They know
9 exactly where the meets and bounds are for any type of
10 -- whether it be clear-cutting of a section of trees
11 or individual removals - those are shown on the
12 grading plans.

13 CHAIRMAN STUTO: On a particular project - are
14 they ideal? We could talk about that but that's not
15 the project that we're on now.

16 With respect to Maxwell Road, that's going to
17 come back up. They have gotten cited and I don't like
18 the looks of that project going by. We've given the
19 applicant -- that project started before this Board
20 and this administration -- it's been going on for 10
21 years.

22 We give everybody an opportunity to speak and
23 now I want to speak.

24 We're doing the best that we can within the
25 rule book that we have. The Attorney's office is

1 looking into whether the tree cutting was appropriate.
2 The applicant is not going to get a building permit
3 until that situation is remedied.

4 With respect to Crisafulli, I'm not really
5 going to get into it. That went through a thorough
6 review as well. I think that the project is going to
7 look good. If there is an appropriate location in the
8 Town for that type of project, that's where the
9 location is. There is a lot of other good reasons to
10 have a project like that to provide that type of
11 housing with access to Wolf Road, with access to the
12 park behind it. I think that the landscaping and the
13 overall project is going to look pretty good when it's
14 done. Could we have saved more trees? Maybe in
15 retrospect you could always change something a little
16 bit differently but a lot of trees were going to be
17 taken down for the building and the parking lot, the
18 fences and the garages. The PDD on Albany Shaker
19 Road, we voted down. The PDD on Maxwell Road, the
20 Fogltli Farms one that I am referring to - the project
21 behind the Times Union Center went away. The PDD
22 Maxwell Road - that started before we got here and I
23 think that there were concept approvals before that.
24 We tried to mitigate the impact on that as much as we
25 could and we're still trying. I don't know what else

1 we can say. There are other forums that are more
2 appropriate for this type of discussion. If you want
3 the Land Use Law changed, that's the Town Board.
4 There may be some Town Board members here.

5 MS. MARINELLI: If you want to look at that
6 section, look at 190-2 and 190-3 for authority and
7 purpose and intent.

8 CHAIRMAN STUTO: I will add one other thing.
9 We acquired 117 acres of woods over on Sand Creek Road
10 near the stump pond. There are areas - you mentioned
11 something about preserved lands. There are lands that
12 we put the conservation overlay on. People wiser than
13 us or a different grade level than us, including this
14 one here - which is why you end up with a development
15 that has a lot of land that is still preserved. Now,
16 is it perfect? Would you rather have the whole thing
17 a park? Maybe. The Land Use Law allows for this. In
18 fact, it allows for 47 lots and we're down to 34 right
19 now and that could change, too. I don't know.

20 Be brief, please.

21 MR. BRICK: Thank you, Mr. Chairman, for
22 bringing it back to our project. I appreciate it.

23 CHAIRMAN STUTO: The people want to be heard.

24 MR. BRICK: I have no problem with that. If I
25 can address this very briefly -- our project isn't

1 Crisafulli. Our project isn't Maxwell Road. We're
2 proposing to preserve 21 of the 34 acres. We are
3 proposing to donate 14 acres to the Mohawk Land
4 Conservancy. So, I hear what you're saying. I just
5 need to point out that is not us. We are looking to
6 preserve. The grove that was mentioned - we are
7 looking to preserve the majority of that. So, I
8 appreciate your concerns. I'm not disputing them in
9 any way. I'm just simply saying that's not us. We are
10 proposing to preserve more than we develop on this
11 particular project. Thank you.

12 CHAIRMAN STUTO: Wendy Allen.

13 MS. ALLEN: Yes, I'm not going to go to the
14 microphone. I'm with Save Colonie's Trees.

15 CHAIRMAN STUTO: Ma'am, we ask everyone to go
16 if they are physical able. It's easier for the steno
17 and it's easier for everyone to hear.

18 MS. ALLEN: I'm Wendy Allen and I'm with Save
19 Colonie's Trees. I agree with everything that Susan
20 said and I think that one of the things that we feel
21 is that we don't find out about these things until
22 they are so far into the approval process that we
23 can't do anything about it. I think that one of the
24 reasons that we exist is to change that.

25 I like the dialogue here tonight. I think that

1 everybody is respectful and everybody is addressing
2 the issues. If we can continue to work that way I
3 think that we'll all be happy.

4 I'm a former planning director of a large state
5 agency. My own personal view is that in most of these
6 towns - maybe not Colonie - developers find it much
7 easier to apologize than to ask permission. I've seen
8 that with historic properties. I've seen it with
9 wildlife, whatever. We are here and we are here to
10 stay. I think that we appreciate you listening to us
11 and I hope to be able to work together with you as
12 part of this group.

13 CHAIRMAN STUTO: Thank you.

14 Mary Elliott.

15 (There was no response.)

16 Lisa Barron.

17 MS. BARRON: My name is Lisa Barron and I live
18 in Loudonville and I've lived here for 47 years. I
19 have to say that at this point, I have never seen as
20 much fast-forward type development as we have seen in
21 the last few years. I think that a lot of people are
22 appalled that the repetition of this happening and not
23 only that but the type of land is often wet,
24 inappropriate and it's been approved for some reason.
25 The residents already have problems with water.

1 Surely it should be evident that removing the trees
2 that are there now would make matters worse and not
3 better. We don't say that there shouldn't be any
4 development but the sites that are being approved have
5 been delayed in development because they're not
6 appropriate. I think that again and again we see and
7 I've been through a lot of meetings here and I've
8 noticed that water is always an issue in many
9 instances except in the commercial development.

10 One thing I've noticed is that there is a lot
11 of building of senior housing and I don't think that
12 we realize that I, as a senior, am looking for a
13 single story house or apartment. Many of these are
14 two-stories. That was said at the last meeting, as I
15 recall. That is not an appropriate thing for an older
16 person. I'm looking for a one-story home. I'm
17 down-sizing from my large house. So, I don't think
18 that the developer is really concerned with what
19 people of my age would like to have as a new home.

20 The other issue that I want to address is that
21 the traffic has been, I think, consistently
22 underestimated and again it's not being coordinated
23 with what is already there and what plans are being
24 made for new developments. I think that is something
25 that we really have to think about. I'm glad to be

1 here and to have this conversation. I'm happy that I
2 have the opportunity to talk to you and hope that
3 something better can be done. Thank you.

4 CHAIRMAN STUTO: Thank you.

5 Paul Bergdorf.

6 MR. BERGDORF: Thank you, Peter and members of
7 the Planning Board.

8 I came here tonight originally to support the
9 folks from Save our Trees. I happen to be the County
10 Legislator that represents the Maxwell Road area. I
11 also happen to be the County Legislator that is across
12 the street from the next thing that you are going to
13 consider by the new Afrims and I too share your
14 concerns that I'm really glad that I heard it here
15 first person from all of you about how you're incensed
16 with the way that Maxwell Road came out. If we want
17 to be constructive, we have to take a look at it and
18 find out where the break-down was. I have Section 177
19 as it relates to trees. I've got Section 190 Zoning
20 and Land Use and I've got Sections 190 Zoning and Land
21 Use Site Plan Review and all of them require detailed
22 plans for both existing and proposed vegetation before
23 final approval. I know that this was a tortured
24 project that went over a decade, but the final
25 approval was April 4th. It was two weeks ago. So,

1 anybody who gave permission for that land to be graded
2 and clear-cut -- I was told that -- I'll speak to you
3 later, if you wish - was that the Town gave the
4 developer permission because there were all sorts of
5 fill coming in and they needed to have access to the
6 fill, so they gave them permission. When I was on the
7 Town Board and I hate to say when I was on the Town
8 Board because that was a long time ago but it was 16
9 years and I was the Deputy Supervisor, you couldn't
10 approve a PDD until the Town Board voted on it last.
11 The Town Board always got the last look after final
12 approval. So, if your final approval was April 4th -

13 CHAIRMAN STUTO: He doesn't have stamped plans;
14 that's my understanding. He's got to come back with
15 his final landscaping plan along the ends of the
16 houses. Whether it goes back to the Town Board at
17 this point, I don't know.

18 MR. BERGDORF: I have to tell you that I'm
19 being told that maybe it isn't going to go back to the
20 Town Board. I want to tell you that should be a
21 concern because everyone in this room should have a
22 responsibility - not the responsibility but the
23 ability to voice their opinion to the Town Board on a
24 PDD. There may be lawyers that may try to figure out
25 a way to do that, but it should be. If there was a

1 break-down somewhere between your good intentions -

2 CHAIRMAN STUTO: We're here on this project -

3 MR. BERGDORF: I actually have a complement for
4 you at the end so give me 30 seconds because you
5 seemed prophetic at the beginning of this. All I
6 would like to ask you to do -- I've been asking the
7 question - who gave them approval to cut the trees and
8 do the grading? Everybody here says it wasn't your
9 intention and you wouldn't allow it and it would have
10 been done differently. Somebody gave them permission.
11 Let's figure out where the system broke down.

12 CHAIRMAN STUTO: We're still on a different
13 project.

14 MR. BERGDORF: I'm going to go away from that -

15 FROM THE FLOOR: All projects will break down
16 if you're like this.

17 MR. BERGDORF: Peter, you asked before and the
18 gentlewoman on the end asked if there was any evidence
19 of where the system broke down. I'm responding to
20 that question.

21 MS. DALTON: No. What I asked for was a
22 transcript or written document that showed that we did
23 not do our job -

24 MR. BERGDORF: And what I'm suggesting to you
25 is somewhere there is a written document giving the

1 developer permission -

2 MS. DALTON: I think that's an assumption.

3 MR. BERGDORF: You think that he just went
4 ahead and did it?

5 MS. DALTON: How do you know that?

6 MR. BERGDORF: I'm not going to throw anybody
7 under the bus here tonight. I will explain it to the
8 Chairman later.

9 CHAIRMAN STUTO: Explain it to the Town
10 Attorney because that's not our job here.

11 MR. BERGDORF: That's fine.

12 Back to where you were going to get the
13 compliment. I was there for the airport area GEIS in
14 1991. That was a Clough Harbor document. It was done
15 for the airport and the Boght. The whole purpose of
16 that document was to -- at the time it was a joint
17 venture between the Town of Colonie and Albany County;
18 Fred Field and Jim Coyne. We put up substantial sums
19 of money from both the county and the Town to take a
20 look at the zoning, density, build-out and traffic
21 infrastructure for -- I think that it was like 8,000
22 acres or something like that in the airport area. The
23 Town made zoning decisions based on that. They make
24 land use decisions based on that. As somebody said
25 here today, those assumptions are stale. They are

1 from 1991. They do not reflect the build-out in the
2 Town today. The fervor for economic development.
3 I've got a map that I have that's got at least major
4 developments in the airport GEIS which is leading
5 itself to the county and the town having a traffic
6 study to take a look at 11 intersections around the
7 town, most of which are on the brink of failure.

8 Jack Cunningham gave a presentation to the Town
9 Board the week before election day and told people
10 that most of the intersections in that area are about
11 ready to fail and nobody has an answer as to what to
12 do. So, to hear Peter say tonight that they are
13 updating the GEIS is a good idea, it's the best idea
14 for the Town of Colonie because it's only if we start
15 looking at what our development future is and the
16 potential for traffic and overdevelopment are we going
17 to learn to have a quality of life that we have all
18 come to understand. So, cheers to you, Mr. Chairman.
19 I hope that the Planning Board will take that back.

20 I am a County Legislator and I'm telling you
21 that the county is willing to participate in that as
22 well. We've been partners before. Last time we found
23 money to do it from the Town of Colonie through the
24 IDA. That's a tremendous use of IDA funds to pay for
25 an updated GEIS. I was given a copy of a proposal

1 that Clough Harbor made to the Town to update the
2 Boght GEIS. In 2009 it was about \$80,000.00. So,
3 this is not all -- it would be better obviously for
4 the airport area but it's not insurmountable and it's
5 not the end of the world. That's how we plan for our
6 future. I'm asking you two things. Try to figure out
7 how the process broke down on Maxwell Road. Please
8 make sure that you learn from however that took place
9 and please take a look at going back and redoing the
10 GEIS and help us plan for the next 20 year. Thank you
11 very much.

12 MR. BRICK: Mr. Chairman, for the record and
13 for the audience confirm that the conversation of
14 Legislator Bergdorf is not related to this project. I
15 just want to confirm that for the record. I am
16 officially the cat that got hit by the firehose.

17 CHAIRMAN STUTO: Mr. DiCoco.

18 MR. DICOCCO: My trouble with traffic is that
19 there is a sight distance issue which has been brought
20 up by the gentleman with the green shirt. Neither one
21 has enough corridor sight distance when you come out.
22 What is going to happen is people are going to come
23 flying up from Vly Road where it meets Brookhill and
24 then it goes immediately down. There is no sight
25 distance either coming or going. If you have a second

1 or two to get out of that driveway, you're lucky.
2 Somebody is going to be killed there.

3 Going a little farther down the road, they put
4 another access to the new development right where
5 there is a curve and there is a dip which creates a
6 similar situation. That's from geometry. The traffic
7 volumes estimated is 35 in the p.m. peak hour. First
8 of all, traffic volumes don't occur all through that
9 hour. You may have 15 minutes where you have three or
10 four people trying to go to work. So, you have to
11 take that into account. More importantly, this point
12 has been brought up by the gentleman from the county.
13 Given the fact that there is going to be a connector
14 between Route 7 and Karner Road, it's going to be very
15 soon and it's going to be dangerous. Has anyone
16 looked at in the Town of Colonie - whoever is
17 responsible for doing it - whether or not my road can
18 accommodate the volumes that are expected after these
19 developments are built at the present speed. If not
20 at the present speed, how fast do you want the speed
21 on Vly Road?

22 I do realize that the people who prepared this
23 plan do not have the responsibly to the trucks who use
24 Karner Road, Consaul Road, etcetera. They can't get
25 involved with that. I don't think that's their

1 responsibility. The Town should look at this before
2 they give the permit to build these driveways. They
3 should carefully look at the geometry because it's a
4 prescription for disaster.

5 This is really unrelated to this project. The
6 water pressure on Brookhill Drive development. I live
7 on Brookhill Drive and my pressure in my house is 28
8 psi. I invite you to pinch a hose until you get 28
9 psi and see if you're spraying any water out or how
10 much water you are spraying out. Mr. Frazer keeps
11 telling me that this development is being
12 grandfathered. What does grandfather mean? The
13 pressure does not meet the current standards. He told
14 me that the current standards are 40 psi. Why are we
15 allowing other developments? I don't know who is
16 paying for this but either the developer is paying for
17 the new line and everything else. But if the Town is
18 paying for that, why don't they fix the existing
19 structures first? Why don't they repair or bring up
20 to standard the existing lines? How many years do we
21 have to be grandfathered; 200 years, 300 years? I
22 live there now and I'm not going to be there 200
23 years. My point here is that I understand that this
24 development may have nothing to do with the water
25 pressure on Brookhill Drive, however, there is a point

1 that should be addressed at this time that this is
2 being addressed and then maybe it could be
3 accomplished as an improvement at a lesser expense now
4 rather than later on.

5 The other thing that I want to understand from
6 the Board is this: Who is responsible to put jobs on
7 the work plan; five years, ten years, twenty year work
8 plan? Who does that?

9 CHAIRMAN STUTO: For what type of work? For
10 some type of Town infrastructure you're talking about,
11 right?

12 MR. DICOCCO: Mr. Frazer tells me his work plan
13 does not include improvements for the Brookhill Drive
14 water pressure problem in the foreseeable future - not
15 in a five or ten year period. Maybe in the 20 year
16 period but he didn't commit himself to that. You all
17 will be retired by then. My point is I'm trying to
18 understand who should I talk to in order to discuss
19 this grandfather thing? Is it the Building
20 Department? Is it the Supervisor? Is it the Planning
21 Board?

22 CHAIRMAN STUTO: It's administered through
23 Public Works which is in the Engineering Department.
24 The money and the policy is from the Town Board.

25 MR. DICOCCO: Excuse me, Mr. Stuto, but they

1 tell me there are several; DPW and water supplier.

2 CHAIRMAN STUTO: Water is separate; I'm sorry.
3 That's correct.

4 MR. DICOCCO: Who gives them the money to put
5 the job to work?

6 MS. DALTON: It's the Town Board. So,
7 Supervisor Mahan and -

8 MR. DICOCCO: Who should I call? Who should I
9 talk to?

10 MS. DALTON: You should talk to either someone
11 on the Town Board or make an appointment with the
12 Supervisor herself, or some constellation thereof.
13 Actually, we have Town Board members in the back if
14 you'd like to say hello.

15 MS. WHALEN: I'm Jennifer Whalen and I'm on the
16 Town Board and we have meetings every other Thursday
17 with public comment periods and I would really
18 encourage all of you, the Save the Trees folks and
19 anyone else that -- all the concerns that you have
20 expressed tonight -- I come to every Planning Board
21 meeting. I would really love it if you would come and
22 make the same presentation to the Town Board where
23 there are seven of us that have meetings every other
24 Thursday. The Supervisor is there. There is a public
25 comment period at the beginning of each meeting at

1 7:00 and I think that it would be very helpful if you
2 have all of the Town Board members because some of us
3 come to this meeting, but not all of us come to this
4 meeting. I think that it would be very helpful if --
5 I know that it's a lot of work because you're putting
6 in a lot of time now to come now and voice your
7 concerns but I would really love to see you come to
8 the Town Board meeting and almost make the same
9 presentations that you have just made. Not on this
10 particular project but in general. I'm new on the
11 Town Board and I'm honored that I was elected to serve
12 and I was appointed -- I mean, I was elected in
13 January and I am the liaison to the Conservation
14 Advisory Council. Mr. Allard is in the front row. We
15 meet every other Thursday as well and discuss all of
16 the projects and all of the conservation issues and
17 make recommendations to this Planning Board. I have
18 recently discovered as the liaison that there have
19 been some administrative slip through the crack
20 failings that I endeavor to fix and that's why you
21 have such a great recommendation on this project that
22 many of you have heard tonight. You're also invited
23 to come to those meetings. The Conservation Advisory
24 meetings are every other Thursday at 7:00 in the Town
25 Hall and they are also open to the public. The

1 Colonie Save the Trees folks might want to join forces
2 with us and come to our meetings - the Conservation
3 Advisory Council meetings and watch as they go over
4 the site plans and discuss the trees and the
5 vegetation and the animals and what should be spared
6 and what can be spared. They are very knowledgeable
7 and very passionate about the environment and do very
8 good work for us on behalf of the residents.

9 I'm sorry that I'm not registered on the list
10 and that I'm not at the microphone.

11 MS. DALTON: No, I just asked you to speak.

12 MS. WHALEN: While your efforts may seem
13 duplicative, I come to these meetings because I feel
14 like I have the pulse of the people here even more
15 than I do at the Town Board meetings so I would love
16 to see you all come a little bit more to the Town
17 Board meetings. I know that everyone is busy and that
18 you have a lot going on, but I would love for the Town
19 Board to hear all of this, collectively all at once.

20 MS. DALTON: I would like to second that
21 because there are many times this evening that we're
22 asked to fix things that we don't have jurisdiction
23 over.

24 MR. DICOCO: I realize that you may not have
25 jurisdiction and that's exactly why I am asking the

1 question.

2 MS. DALTON: I'm so thrilled that you did.

3 MS. WHALEN: I'm trying to fix things as best
4 as I can but sometimes it's better to collectively let
5 all my fellow Town Board members hear it and then it
6 sinks in too.

7 MR. DICOCCO: May I continue?

8 CHAIRMAN STUTO: Sure.

9 MR. DICOCCO: My third point is I see water all
10 over the place. I see the 30-inch storm sewer. Is
11 there any plan to take the sewage through the main in
12 the center of Cascade Terrace?

13 MS. STANCLIFFE: No, there is not.

14 MR. DICOCCO: Then the cul-de-sac at Cascade
15 Terrace is going to be left the way that it is now;
16 right?

17 MS. STANCLIFFE: Correct.

18 MR. DICOCCO: My other question is: In what
19 form of open space -- will that be provided? How is
20 this open space going to be arranged? By the way, is
21 it going to be the unusable space because there is a
22 slope of wetland or whatever.

23 CHAIRMAN STUTO: Do you have any more
24 questions?

25 MR. DICOCCO: No, I don't but I would like to

1 reiterate that I don't think that a permit for this
2 development should be granted until a traffic analysis
3 is properly done and a traffic analysis is made of Vly
4 Road and the location of the two driveways are
5 reconsidered either to unite them into one central
6 place in the middle where you can see on both sides
7 when you get out and improve the sight distances.
8 Thank you.

9 CHAIRMAN STUTO: Can you talk about the open
10 spaces? I know we have talked about it before.

11 MR. BRICK: In terms of the open spaces, the
12 open spaces along Vly Road will be owned and
13 maintained by the homeowners association. They will
14 be deed restricted open space areas so no development
15 can ever occur upon them. That is also the case of the
16 large area in the middle of the project where the
17 trees in the grove that someone mentioned will be
18 preserved - the majority of them will be preserved.
19 The larger open space parcel - 14 acres will be
20 transferred to the Mohawk Land Conservancy and will
21 become part of the existing preserve. That's the
22 intention. There will also be a homeowners maintained
23 -- no-cut development buffer that will be maintained
24 by the HOA. So, all of the open space will be deed
25 restricted. It will be a combination of the

1 homeowners association as well as the transfer,
2 hopefully, to the Mohawk Hudson Conservancy.

3 CHAIRMAN STUTO: Thank you.

4 Mary Beth Buchner.

5 MS. BUCHNER: I just recently joined Save
6 Colonie's Trees because I live near Maxwell Road.
7 That was a real incentive. I just wanted to ask a
8 question. What does this mean? No live tree
9 exceeding three inches in diameter may be cut down in
10 such areas without expressed consent of the Planning
11 Board to be indicated upon the approved plan.

12 So, I still am not clear of -- in other words,
13 did Mr. Finning come and say, I'm cutting all these
14 trees or -

15 CHAIRMAN STUTO: We're not talking about Mr.
16 Finning's project.

17 MS. BUCHNER: I just want to say too that I
18 agree with this young woman in the back that said -- I
19 can paraphrase that we need a more comprehensive -- we
20 can't do piece meal. It sounds like the problem is
21 way bigger than each little development. Everything
22 is piece meal. It can't be broken down. It has to be
23 a comprehensive developmental plan with certain rights
24 and responsibilities -- the neighbors have to be
25 respected too. I just feel like we have to get a

1 grasp on what is going on overall, not just in each
2 little development that we are talking about.

3 I definitely want to know about what that law
4 means. To me, it seems like you're supposed to look
5 and see and somebody should go and look to see what do
6 they intend to cut. Also, they mentioned the grading
7 and a tree won't survive because they have to put so
8 much fill. Well, my feeling is if you have to put so
9 much fill, should you be building on that wet property
10 in the first place?

11 CHAIRMAN STUTO: I'm not sure what the
12 reference is to the fill on the tree. Does the
13 applicant know?

14 MR. BRICK: I don't know that we have proposed
15 fill. I think that may have been reference to another
16 project.

17 MS. BUCHNER: I'm talking about the Maxwell
18 Road project.

19 CHAIRMAN STUTO: Does the attorney and the
20 department want to address those issues which we have
21 already tried to address? If you can do it briefly?

22 MS. MARINELLI: When you look at 177.3 a lot of
23 the terms in there are permissive. The use of the
24 term shall is not used. The use of the term may is
25 used, which is a permissive term and not a required

1 term. That's the only thing that I can say with
2 respect to that.

3 CHAIRMAN STUTO: But the plans go through the
4 department. Do you want to explain that?

5 MR. TENGELER: There is a landscaping plan that
6 comes with every submission and it shows when there is
7 a clearing and when there is a grading. This project
8 has it. It's generally something that is reviewed by
9 the Colonie Planning Department, the Planning Board,
10 the TDE. It's all reviewed.

11 CHAIRMAN STUTO: Thank you.

12 Mr. Johnson, I made a note that you might have
13 had questions, coming back.

14 MR. JOHNSON: Nothing further.

15 CHAIRMAN STUTO: Anybody else from the public
16 want to be heard?

17 MS. MCCLY: I'm Kim McCly and I think that it's
18 a straight forward question.

19 I was just looking at the school summary and
20 it actually says that the project is located in the
21 Niskayuna School District, but it gives the population
22 numbers for the potential children from a Colonie
23 summary. So, with Pine Hills, I believe that this
24 came up. People were confused and it happens a lot
25 with the Niskayuna/Colonie boundary. I live in

1 Ridgewood which is back over here (Indicating).

2 CHAIRMAN STUTO: Are you Colonie?

3 MS. MCCLY: I am, but I'm Niskayuna Schools. I
4 believe that it has to do with the busline -

5 CHAIRMAN STUTO: School districts and towns
6 don't match.

7 MS. MCCLY: They're not contiguous which is
8 exactly why I'm not clear about what has been put in
9 the plan. It does say located in the Niskayuna School
10 District but then it cites the Town of Colonie
11 populations for the potential number of students.

12 CHAIRMAN STUTO: I'm not sure what document
13 you're looking at.

14 Does the applicant know?

15 MS. MCCLY: It's the project narrative. What
16 just happened, I believe, in Forest Hills is that
17 there was some confusion about whether the line would
18 go across or if it would just be all Niskayuna. I
19 think that there was a lot of flip flop from what I
20 heard. People believed that it was all going to be
21 Niskayuna but I think that in the end, the folks at
22 the bottom ended up in Colonie.

23 CHAIRMAN STUTO: I don't remember that.

24 MS. MCCLY: Since it does say Niskayuna -

25 CHAIRMAN STUTO: Do you have any other

1 questions?

2 MS. MCCLY: No, that's it. I was just
3 wondering if it was all Niskayuna or if there will be
4 a cut across the southern portion.

5 CHAIRMAN STUTO: They should know the answer.

6 MS. MCCLY: And thank you for everything that
7 you all do.

8 CHAIRMAN STUTO: Thank you.

9 MS. STANCLIFFE: So in reference to the project
10 narrative, relative to the school district, the
11 property, as I understand it is located in the
12 Niskayuna School District. The census data was taken
13 from the Town of Colonie to establish the number of
14 students.

15 CHAIRMAN STUTO: They are similar communities,
16 right? It's a projection.

17 MS. STANCLIFFE: That's correct. It's a
18 projection.

19 MS. MCCLY: But they are Colonie residents. I
20 just wanted that clarification. We are.

21 MS. STANCLIFFE: The property is located in the
22 Town of Colonie, in the Niskayuna School District.

23 MS. MCCLY: That's what we are.

24 MS. STANCLIFFE: We use census data to
25 formulate the numbers.

1 CHAIRMAN STUTO: Based upon the Town
2 boundaries.

3 MS. STANCLIFFE: Yes.

4 CHAIRMAN STUTO: Thank you.

5 Yes, sir.

6 MR. MILLER: May I comment one more time?

7 CHAIRMAN STUTO: Sure.

8 MR. MILLER: My expectation is that the project
9 is going to go forward eventually, as much as I'm
10 sorry about it. I really think that entrance and exit
11 midway between will alleviate the sight problems on
12 both ends. If you say, well, that's a lot of housing
13 to have only one entrance, if you compare Brookhill
14 and all the housing here (Indicating) and all the
15 housing in the Ridgewood area, it's far greater.
16 We're dealing with one entrance and exit. I do not
17 understand why this is being considered with two exits
18 and entrances, both of which create sight problems.

19 CHAIRMAN STUTO: Chuck, are there alternatives
20 on that? It's an interesting point. I have driven by
21 it. I haven't walked the site.

22 MR. VOSS: The issue of the two driveway
23 entranceways came up early in the process at the DCC
24 meeting. The Town of Colonie Fire Services wants two
25 access points in and out of this subdivision. It's a

1 reactively long subdivision. They want to make sure
2 that if there is a blockage at some point on one of
3 the main entranceways, they can get fire equipment
4 back in it.

5 Andy, if you want to explain further.

6 That was really forcing the design of the site
7 from a road standpoint. Early on, the first proposal
8 was one driveway access in.

9 CHAIRMAN STUTO: The alternative to that, if
10 Mr. Miller is correct, is to put it somewhere
11 approximately where he says and have an emergency exit
12 somewhere else.

13 MR. VOSS: We can ask the applicant to take a
14 look at that and maybe come up with some other ideas.

15 MR. BRICK: This concept design was worked
16 through in conjunction with all Town Departments
17 through the DCC committee as well as meetings with
18 PEDD, as well as meetings with your TDE. So, this is
19 the concept that we are proposing. If you wanted us
20 to take a look at what would happen if we did the
21 design in the middle, first we'd have to confirm that
22 Fire Services would be okay with that. I don't know
23 that they would.

24 CHAIRMAN STUTO: Well, if they also had an
25 emergency -

1 MR. BRICK: What I would also suggest, Mr.
2 Chairman, is that we are only here for concept
3 approval tonight. We have to come back for final
4 approval as well as the SEQR determination. As you
5 know, during the SEQR process you have to analyze
6 alternatives. So, that could be an alternative that
7 you could analyze during the SEQR process before we
8 come back for hopefully final approval.

9 CHAIRMAN STUTO: Linda, do you have any comment
10 on the traffic part or any preliminary thoughts?

11 MS. STANCLIFFE: I'd like to reiterate the fact
12 that Brookhill Drive is an existing condition with
13 limited sight distance. We have shown in our traffic
14 analysis and our sight distance evaluation that our
15 proposed entrances onto Vly Road not only meet but
16 exceed the standard that is required.

17 CHAIRMAN STUTO: Would it be better in the
18 middle, though, and have an alternative emergency
19 outlet? Can you look at that?

20 MS. STANCLIFFE: I'm not sure that we would
21 meet the distance to the south because of the turns in
22 the road and the elevation.

23 CHAIRMAN STUTO: You mean to go left and right?
24 Is that what you're saying?

25 MS. STANCLIFFE: Yes.

1 CHAIRMAN STUTO: Maybe there is a sweet spot in
2 there. All we can do is take a look at it.

3 The gentleman in the red.

4 MR. SINGH: I just had a question. I live at
5 375 Vly Road.

6 It's just unclear to me what the role of this
7 Planning Board is as it relates to property values.
8 I've been on the website -

9 CHAIRMAN STUTO: Property values?

10 MR. SINGH: Correct, and neighborhood
11 characteristics.

12 CHAIRMAN STUTO: Those are two different
13 things. Get all your questions out, please.

14 MR. SINGH: That is primarily my question. Do
15 you have the obligation to consider comparable
16 adjacent properties and their value as you are sort of
17 reviewing plans?

18 CHAIRMAN STUTO: I don't know what the statute
19 says but -

20 MR. LANE: Neighborhood character is something
21 that we consider.

22 MR. SINGH: I've read it. I don't have the
23 citation. It's 190-05 or something. That is actually
24 a role.

25 MR. LANE: We try to consider the project meets

1 the character of the surrounding areas.

2 MR. SINGH: Has that been considered?

3 MR. LANE: We do consider that. We're not at
4 the stage where we are making a decision yet.

5 MR. SINGH: So, you're not going to vote
6 tonight on whether this goes forward or not?

7 CHAIRMAN STUTO: We don't know. There may be a
8 motion for concept approval, which we can talk about
9 when we do it.

10 MS. LAURILLIARD: I'm concerned about the Board
11 going forward with concept acceptance tonight because
12 that means a lot of things that we have found in our
13 Forest Hills development. That gives them
14 grandfathering rights which this Board has given and
15 people have concept acceptance. That means that maybe
16 the mitigation fees that are calculated in 2015
17 suddenly are in a freeze for this development. That
18 means that there is going to be a supplement to that
19 FGEIS and then all of the sudden any of the
20 recommendations of that supplement aren't going to
21 apply because this project got concept acceptance.
22 So, that has a legal significance. Even though they
23 are going to go say, well, we are going to go back and
24 we are going to message things. Maybe we'll think of
25 another exit, the fact that you grant concept

1 acceptance has in the past has been used by the Board
2 and the Town to justify grandfathering or approval so
3 that you can't look at a conservation overlay district
4 which is what happened with Forest Hills. It means
5 that you have just redone your mitigation fees that
6 all the sudden someone at concept in a neg dec -- the
7 new mitigation fees don't apply to them. It's a very
8 significant decision. It's just not saying to the
9 public and to this -

10 CHAIRMAN STUTO: With Forest Hills, my
11 recollection is that there was a whole rewrite of the
12 Land Use Law. I'll ask Kathleen to read the section
13 on concept acceptance and what the significance is.
14 You're overstating the legal significance of it

15 MS. LAURILLIARD: I don't think so. The
16 resolutions of the Town Board following concept
17 approval have dealt with grandfathering and mitigation
18 fees. I'm concerned that if the supplemental -- if
19 there is a supplement to this Generic Environmental
20 Impact Statement of the airport, that they will come
21 forward and say, guess what? We got concept so our
22 layout gets to stay, even though it turns out that
23 maybe they can't have 34 lots here.

24 CHAIRMAN STUTO: The GEIS is a study mechanism.
25 It doesn't change the Land Use Law or the density.

1 MS. LAURILLIARD: You are basing your SEQR
2 decision on whether or not you have to make a decision
3 that the project is consistent with the FGIS. That's
4 one of the mandates that this Board has. So, that's
5 going to change if you get concept acceptance.

6 CHAIRMAN STUTO: We're not doing environmental
7 review tonight.

8 MS. LAURILLIARD: Thank you.

9 CHAIRMAN STUTO: Anybody else from the
10 neighborhood?

11 (There was no response.)

12 Craig, do you want to start?

13 MR. SHAMLIAN: Certainly there has been a lot
14 of things that have been discussed tonight; some
15 specifically related to the project and some not
16 related specifically to this project. There is a lot
17 for us to assimilate and consider. I am not in a
18 position to vote tonight on the project.

19 MS. DALTON: Anybody else want to speak?

20 MS. MILSTEIN: I agree. I'm concerned about
21 the water and the surrounding neighborhoods and get a
22 competent plan. I want to see if we can have the low
23 water pressure -- that can be affected. There is a
24 lot that we don't know in terms of with the new water
25 tower and the effect that it's going to have. I think

1 that it's premature at this point. There is a lot of
2 outstanding questions that I have. Of course, there
3 is the traffic. Especially since there are two new
4 developments. We don't know the impact that it's
5 going to have in this area. I think that it's
6 premature at this point from my point of view.

7 MR. LANE: As we move forward, I agree that
8 there is a lot to be considered yet and too many
9 unanswered questions. The issues are numerous and I
10 think that we can give the applicant time to address a
11 lot of what has been discussed.

12 I would like to see - going to some of the
13 comments - the relationship of the surrounding
14 projects and the impacts overall. I'd like to see the
15 numbers of other projects that are in the
16 neighborhood. How many single family unit, commercial
17 units that we have approved and are now pending
18 actions, being built or yet to be begun so that we can
19 see the relationship in a similar or more totality.

20 I entirely agree that we need to consider the
21 impacts on the water. I would like to have to
22 opportunity to have the applicant bring more of that
23 to the table.

24 MS. MARINELLI: I just want to read the section
25 on conceptual plan review and acceptance.

1 The purpose of conceptual land is to provide
2 the project sponsor and the Planning Board with a
3 flexible design that may be readily changed before a
4 detailed final site plan is produced.

5 CHAIRMAN STUTO: There were some other language
6 in there too about having a legal binding impact.

7 MS. MARINELLI: It's not right there, but I do
8 recall that.

9 CHAIRMAN STUTO: Thank you.

10 MR. AUSTIN: I just want to say that this is a
11 lot and it's hard to process it all. There has been a
12 lot of great things said tonight and I really
13 appreciate Colonie Save the Trees coming by. I
14 appreciate Board Member Whalen's attendance at every
15 meeting and I hear her saying that she would like to
16 see you at their meetings. I think that might be a
17 better avenue and you might be able to get more done
18 for some of the issues. I feel for Mr. Brick here
19 that he has been slightly sabotaged in a way this
20 evening. This is his project that we are discussing.
21 We're not discussing Maxwell Road or not discussing
22 Aviation Drive. I agree with those. I remember
23 seeing those plans. I remember seeing both of those
24 plans. I remember seeing trees where there aren't
25 trees anymore. I remember seeing landscaping plans and

1 now they are not there anymore. We looked at plans
2 and we said this looks good and whatever happened
3 after that -- unless we are driving the bulldozers,
4 that's out of our hands, unfortunately. When that
5 happens and we go through and put the appropriate
6 penalties on, which we have on Maxwell and we are
7 pursuing that as a Planning Board.

8 Right across from Aviation Drive there was a
9 hotel that is proposed to be built there and there is
10 a three-inch tree - over three inches and it's right
11 in the middle of the hotel, which they are trying to
12 save and they're trying to build the hotel around the
13 tree. So, there are a lot of options that are going
14 on and we are very involved in saving foliage and the
15 greenery and the trees in Colonie. I totally hear you.
16 I'm in favor of that.

17 I guess we're going on three hours here and in
18 hearing all these things about this project - a lot of
19 this was not about this particular project. You can
20 bring your concerns to the Town Board and I think that
21 they would be very happy to hear them. I know that
22 many of their Board meetings are not three hours.
23 Feel free. I think that is a great place to go.

24 I think also that if you look on the websites
25 or keep track of some of the agenda items and keep

1 track of some of the items that are going on in the
2 Town and not to say that you're not, and maybe we need
3 to update that more and that's not our department
4 either, but if you are staying on top of those things
5 and also bringing it to our attention like Ms. Mahar
6 did -- she called up the Town Planning Department and
7 said, can you update this? Feel free to call them.
8 That's fine. You can email them and contact them that
9 way. That's a great avenue to do that. We love your
10 input. We really do. Sometimes we get a little
11 sidetracked on the projects that we're working on here
12 and that happens more often than not at these
13 meetings. It's not that we don't appreciate it. We
14 really do. I'm just not sure that this is the venue
15 for some of your concerns. I'm just directing you
16 toward the appropriate area.

17 Even when this project was first introduced
18 tonight and they said 34 and our agenda says 32.
19 Those little things kind of get to me too. I'm not
20 sure of some of the details - small details need to be
21 ironed out. We might have to just revisit this
22 project at another date. That's just food for
23 thought.

24 MS. DALTON: I'm going to be a little more
25 specific about your project, Mr. Brick.

1 I made a list and I too am not ready to vote
2 for concept tonight but I want to be very specific
3 with you about why. The first is that I am from a
4 safety perspective and again one of the things that we
5 take very seriously on this Board is health and safety
6 issues. I have been pretty much convinced that the
7 traffic situation could present a safety hazard and we
8 haven't considered all of the options to mitigate that
9 safety hazard. If you have, and I missed it because of
10 everything else that was going on, I do apologize.
11 That's a safety hazard that concerns me so I'd like to
12 see it more fully addressed.

13 My second was already with the request for the
14 wildlife corridor study. I would like to see that
15 before concept approval because this concept could
16 change considerably based on the outcome of that.

17 My third issue is something that we hadn't
18 discussed here. I don't think that we need to discuss
19 it. I'm just going to give it to you because it's
20 pretty straight forward. On page 3 and 4 of Barton
21 and Loguidice's letter, they talk about the public
22 benefits related to walkable and bikable paths and
23 walkable and bikable communities. We never got a
24 chance to address that tonight but I would like to see
25 that addressed the next time I see you.

1 Then, last - some of this does not apply to you
2 but Peter gave Michael a list of a couple of things
3 that he wanted looked into. One of them was the
4 difficulty of why the existing water problems are not
5 being addressed in conjunction with the new water
6 plans. I understand that's not your responsibility
7 but I think that it would be a good idea to get an
8 answer to that question because if there was a
9 possibility of marrying solutions, I don't want to
10 miss that opportunity.

11 So, I think that in addition to the things that
12 we're asking the applicant to do, I think that there
13 are things that we need to do on our side of the table
14 before we get to concept acceptance. Those are my
15 concerns.

16 CHAIRMAN STUTO: I have nothing to add because
17 I think that the points have all been touched.

18 MR. BRICK: Mr. Chair, in the interest of
19 notification because everyone is here, we think that
20 we are at a level that we would be able to obtain
21 concept this evening. My to do list is not that
22 extensive. We can turn it around quickly. What I
23 would request that the Board would, at this point so
24 that everybody hears is continue this application to
25 your next available meeting and announce that date

1 this evening so that we are already -

2 CHAIRMAN STUTO: I'm not going to commit to the
3 date but I will ask Joe LaCivita to get it on as soon
4 as he can - for the next available date.

5 MR. TENGELER: You can call our office
6 tomorrow.

7 MR. BRICK: Okay, thank you.

8 CHAIRMAN STUTO: You have to answers back and
9 do your homework too.

10 MR. BRICK: Okay, thank you.

11 CHAIRMAN STUTO: With unanimous consent, we'll
12 table.

13 MS. DALTON: I make a motion to table.

14 CHAIRMAN STUTO: If there is no objection,
15 we'll table.

16

17 (Whereas the above entitled proceeding was
18 concluded at 9:55 p.m.)

19

20

21

22

23

24

25

CERTIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 _____

