

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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SIENA HEIGHTS SUBDIVISION

522 LOUDON 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 May 24, 2016 at 8:47 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 SUSAN MILSTEIN
14 CRAIG SHAMLIAN

13

14 ALSO PRESENT:

15 Kathleen Marinelli, Esq. Counsel to the Planning Board
16 Joseph LaCivita, Planning and Economic Development
Department
17 Chuck Voss, PE, Barton & Loguidice
18 Jason Dell, PE, Lansing Engineering
19 Wendy C. Holsberger, PE, Creighton Manning
20 Harry Kornblau
21 Don Allard, Conservation Advisory Council
22 James Hogan
23 Frank Barbera, Barbera Homes
24 Suzanne Maloney
25 Jennifer Noble
Misty Wilson
Mary Beth Buckner
Jim Wilson
Joanne Malloy

24

25

1 CHAIRMAN STUTO: Okay next is Siena Heights
2 Subdivision, 522 Loudon Road, application for concept
3 acceptance.

4 Again, if you want to comment on this, can you
5 please sign in on the yellow piece of paper.

6 Joe LaCivita?

7 MR. LACIVITA: The Town has had several
8 applicants come before us with many different projects
9 for this location; apartment uses and so on with very
10 high density.

11 The applicant, Mr. Barbera, who is here tonight
12 is proposing what is applicable here; single family.
13 It is an SFR in use. It's 15.5 acres. The density
14 could have been some 30 houses with it. The applicant
15 has really done a tasteful design here moving forward.

16 We saw the project at DCC on October 28, 2015.
17 In February it came through some tweaking of design
18 and saw it for sketch on February 9, 2016. Tonight
19 they are here for concept acceptance.

20 The CAC also has some comments on this.

21 Just prior to the meeting tonight we did
22 receive three emails of support. One at a time, I'd
23 like to put those on the record when the time comes.

24 So, I'll turn that back to Jason to start the
25 presentation.

1 MR. DELL: Good evening. I'm Jason Dell and
2 I'm an engineer with Lansing Engineering and I'm here
3 on behalf of the applicant, Barbera Homes and
4 Development for the Siena Heights residential
5 subdivision.

6 As Joe had mentioned, we were here before the
7 Board for concept sketch and we are here tonight and
8 will give a brief review of the project.

9 I'd like to give a little background of where
10 the project is, as well as update the Board on some
11 modifications that we made to the plan, based upon a
12 neighborhood meeting that we had last week at the
13 Crossings.

14 The applicant organized a meeting of the
15 neighbors over at the Crossings to present the plan to
16 the neighbors and get some of their concerns a head of
17 time prior to the meeting tonight. So, we'd like to
18 go through a couple of those.

19 CHAIRMAN STUTO: You said you had a meeting
20 with the neighbors at the Crossings?

21 MR. DELL: Yes, sir. Our goal tonight obviously
22 would be to move on for concept.

23 Joe mentioned that the project is located along
24 Loudon Road. It is conveniently south of Campusview
25 Drive. It is 15.2 acres and it's zoned single family.

1 Access for the subdivision will come off of
2 Campusview Drive. If you recall, the original plan
3 for the DCC meeting we had was coming off of Loudon
4 Road. However, based upon recommendations from the
5 Town, we will now have access to the subdivision from
6 Campusview Drive.

7 There will be a total of 21 new residential
8 lots and one existing lot. The road will extend to
9 the west approximately 1,800 feet where it will
10 terminate in a cul-de-sac. Additionally, at the end
11 of the cul-de-sac, there will be an emergency access
12 drive only over to Campusview Drive. Again, that will
13 be blocked off at either end and will be for emergency
14 purposes only. It will not be a thruway between the
15 two projects.

16 The existing driveway for the existing
17 structure along Loudon Road will be redirected over
18 onto Campusview Drive, as was recommended.

19 Water supply as well as sanitary sewer service
20 will be provided by connections to the existing
21 municipal services that are out there. Water will
22 connect along Campus and there is actually existing
23 sewerline that traverses the property. Right now that
24 will be re-routed through the project.

25 Stormwater will be managed for the project in

1 accordance with all Town and state requirements.

2 As I mentioned, we did have a neighborhood
3 meeting last week. It as well attended and we did get
4 quite a bit of feedback from the neighbors. The
5 feedback predominately pertained to traffic as well as
6 tree cutting.

7 What I'd like to speak to first is the trees
8 and what will be necessary to be taken down for the
9 project and then I'd like to turn it over to Wendy
10 from Creighton Manning to discuss the traffic.

11 As far as the tree cutting for the project,
12 obviously we're going to have to clear the trees that
13 are within the right of way and the stormwater
14 management area first in order to install all of the
15 necessary infrastructure; the stormwater
16 infrastructure, the water infrastructure, the sanitary
17 sewer infrastructure -- all of that will need to be
18 installed within the right of way as well as gas and
19 electric. So, that area as well as the stormwater
20 management area during the initial phases of
21 construction will have to have the trees removed and
22 cleared for the installation of the infrastructure.
23 The individual lots will then be cleared as they are
24 purchased. It is the goal of the applicant and it is
25 shown here on our revised plan -- it's not shown so

1 much on the plan that you folks have but we did try to
2 show the intent of Mr. Barbera and that is to have the
3 houses more nestled into the existing wooded areas
4 here. You can see that we have tried to pull the
5 treeline down in between the lots. It is not Mr.
6 Barbera's goal to go in there and wipe out everything.
7 He would rather keep some of the mature trees that are
8 there, if possible.

9 CHAIRMAN STUTO: How are we going to
10 memorialize that? In other words, how are we going to
11 memorialize it on the final plans?

12 MR. DELL: The final plans -- the extent of the
13 clearing that is going to be required is going to be
14 based upon the grading plan and the stormwater
15 management design that we worked through with the TDE
16 and with Mr. Dzialo as we move through because we're
17 going to have to provide a detailed grading plan and a
18 detailed project SWPPP. That project SWPPP will
19 establish a boundary of clearing and grading that will
20 be allowed.

21 CHAIRMAN STUTO: I guess that there are two
22 different ways of looking at it. Your clearing limits
23 and there are also trees that you want to save even if
24 they are within where you can clear. Do you follow
25 what I'm saying?

1 MR. DELL: I do.

2 CHAIRMAN STUTO: So, how are we going to
3 protect that?

4 MR. VOSS: Peter, one thought is to maybe
5 propose as part of your grading and clearing plan --
6 propose a tree inventory of anything over a certain
7 size. That could be up to the Board's determination.
8 Typically, 10 to 12 inch diameter breast height is
9 usually about the size of a mature tree. You may want
10 to have an inventory along those lines cleared on the
11 plans so that they can see it.

12 CHAIRMAN STUTO: Why don't you make a
13 recommendation?

14 MR. VOSS: That would probably be a
15 recommendation that you would issue -

16 CHAIRMAN STUTO: I'm saying why don't you go to
17 the site?

18 MR. VOSS: Certainly.

19 MR. DELL: The one other goal that we had
20 mentioned to the folks that attended the meeting last
21 week - another goal in the project is along the
22 residences along Campusview - we would make every
23 attempt to provide, if possible and if grading allows
24 and the project infrastructure allows, a 20 to 25 foot
25 buffer between the properties that would provide

1 buffering between the new project and the old project.

2 One other item that is on this plan that is not
3 on your plan is the residents at the corner here. When
4 we come around the corner here, we're not going to be
5 able to provide a significant buffer between the
6 project and his lot. We would propose there, if they
7 are agreeable to it, is some sort of a fence that
8 would block their view of the new road and provide
9 some additional screening and privacy.

10 CHAIRMAN STUTO: Have you spoken to that
11 resident specifically about that?

12 MR. DELL: We talked to them after the meeting
13 at length about their concerns about some wooded
14 vegetation here (Indicating). I spoke with Frank after
15 the fact. We haven't discussed that specifically with
16 them but we feel that would be a good compromise and
17 that would give them some additional privacy.

18 With that, I'd like to turn it over to Wendy to
19 discuss traffic.

20 MS. HOLSBERGER: For the record, I'm Wendy
21 Holsberger from Creighton Manning Engineering.

22 We did do a detailed traffic assessment which
23 was mostly comprised of some site distance and trip
24 generation. For this size of development, the peak
25 hour trips are limited to about 16 in the morning and

1 21 in the afternoon which is somewhat comparable to
2 the existing counts that we observed on Campusview
3 Drive already. I was not at the meeting with the
4 neighbors but I did have pretty lengthy discussions
5 with the project team about a lot of the concerns that
6 were brought up about traffic and congestion on Route
7 9.

8 From our standpoint, this project isn't going
9 to change -- it's not of a magnitude that is going to
10 cause significant changes to what is out there now.
11 In the concept review summary notes, New York State
12 DOT has also noted that they are saying that they have
13 no objection to the access and the additional traffic
14 on the intersection of Campusview and Route 9.

15 The intersection itself with Campusview - it
16 does have a left turn lane designated. There is a
17 two-way left turn lane on Route 9 as well which allows
18 for what we call a two-way left turn so that someone
19 exiting the site, if Route 9 is busier, they have the
20 opportunity to cross one lane of traffic at a time
21 which does help and it doesn't actually add capacity
22 to the intersection.

23 I know that there were some questions about a
24 traffic signal or modifications to that intersection.
25 The magnitude again, in order to put in a traffic

1 signal, there are some pretty significant warrants
2 that have to be met that are in the manual of uniform
3 traffic control devices. Just based on that magnitude
4 again of that level of traffic coming out of that side
5 street -- it is a dead end road. We are adding
6 traffic but not a significant amount that we would
7 meet those warrants.

8 I did have a detailed discussion with someone
9 at the Department of Transportation and a resident has
10 called DOT and inquired and because a resident has
11 called and inquired about a signal, DOT will be doing
12 their own study. They are going to wait until the
13 fall because Siena is not there now. They think that
14 it's better to do that study once the school is back
15 in session. My discussion again with them - they
16 don't believe that signal will be warranted and plus
17 there are two signals on either side, if you look at
18 the spacing. It doesn't meet DOT's spacing
19 requirements to really put in another signal in
20 between.

21 Essentially, that's what we looked at. It was
22 mentioned that there was an access originally proposed
23 right on Route 9. That again, would not be our
24 recommendation. We prefer that access as DOT
25 preferred to use an existing intersection that follows

1 the best practices of transportation. So,
2 understanding the residents -- and I'm sure that the
3 full house is the residents. Understand that when you
4 look at the actual numbers and volume, the
5 intersection is not going to reach a magnitude. Not
6 to discount the concern that they have and, yes, I
7 live in the Town of Colonie also. I know that Route 9
8 does get busy but that intersection is equipped to
9 give them as much capacity and with the turn lanes to
10 allow for the best access in and out.

11 MR. DELL: We are in receipt of B&L's comment
12 letter. We received that last week. We believe that
13 we'd be able to address those items during the
14 preliminary design as they have item associated with
15 doing test pits for stormwater, water connections,
16 sanitary connections, all items that we feel would be
17 able to address the engineering plans.

18 So, we'll open it up to any questions.

19 CHAIRMAN STUTO: Barton and Loguidice, our Town
20 Designated Engineer, Chuck Voss, would you like to
21 make any comments at this point?

22 MR. VOSS: Just very quickly.

23 Just to reiterate to the Board, we did issue
24 our concept letter dated May 19th. We basically
25 concur with many of the DCC comments that were issued

1 by the Town Departments. In particular, the emergency
2 access area off to the west of the parcel. Fire
3 Services had specifically request the second means of
4 access into the subdivision if the main entry would be
5 blocked at some point. Although, we do concur that
6 should be basically a temporary gated access and not a
7 free-flow through there to connect two neighborhoods.

8 I also wanted to just reiterate for the Board
9 that through Joe's office and the Town Attorney's
10 office, we received numerous inquiries about
11 stormwater management on the site. In particular,
12 stormwater flooding issues on Campusview Drive. So,
13 we are very aware of some of those potential issues
14 there. We are working very closely with the Town
15 Departments; the stormwater management office, the
16 engineering office to look at some of those issues
17 with the intent to make sure that this site and this
18 project does not at all exacerbate any of those
19 conditions that they are experiencing over there. We
20 are pretty much aware of some of those flooding issues
21 and we'll look at that as the plans develop.

22 CHAIRMAN STUTO: I'm sure that is going to be
23 important. Do you have any other preliminary
24 comments?

25 MR. VOSS: No, not at this point, Peter. It's

1 pretty straight forward.

2 CHAIRMAN STUTO: We have several neighbors that
3 are looking to speak.

4 Harry Kornblau.

5 MR. KORNBLAU: Good evening. My name is Harry
6 Kornblau and I'm a homeowner and resident at 34
7 Campusview Drive which is right near the cul-de-sac.

8 CHAIRMAN STUTO: You want to point to it?

9 MR. KORNBLAU: It's right here (Indicating).

10 I don't want to distract from my comments but I
11 feel that I should say something right up front just
12 to put things in context. I only became aware of this
13 project last week when I noticed coming in some
14 postings right along this property at the start of
15 Campusview which is set to be incorporated into this
16 development. I saw them and I attended. This is
17 where the developer did a presentation, despite
18 earlier. It was helpful but it is becoming the 11th
19 hour. So, my comments - I feel a little frustrated
20 and you'll see why.

21 On the positive side, this looks to be a very
22 handsome development. It respects and mirrors a lot
23 of the design of the current one. It seems like it
24 would marry well so, I feel positive about the work
25 that was done.

1 The one negative - and it's a big one - is the
2 idea of the traffic exiting from this development. I
3 understand that originally the design included
4 something this way (Indicating) and because of the
5 wetlands and also because there is an entrance to
6 Siena right here. It was determined that this would
7 not be a good design. Instead, the current one shown
8 here, sends the traffic first to Campusview and then
9 it comes down here (Indicating) and as someone who
10 lives on this road, I can tell you that it is
11 currently a problem to get out of that safely because
12 when you come down, if you're headed north, you have
13 to pay attention not only to the southerly traffic but
14 that turn lane. It's very inappropriate but I see
15 students or those going into Siena enter prematurely
16 before the exit from Siena right across and make their
17 turn. That's particularly dangerous if you're headed
18 north on 9, turning into the turn lane in preparation
19 for turning left at Campusview. I can tell you from
20 personal experience that a good many times -- and I
21 have driving lights on my car that are on all the time
22 -- getting into that turn lane, I'm nervous as can be
23 when I see somebody in that turn lane on the other
24 side of the intersection come flying through. I flash
25 my lights. So far, they've moved over to pass me and

1 come in. That is a real hazard.

2 In turning right and heading south, you have to
3 watch for traffic from Route 9, the turn lane and
4 exiting from Siena. I don't know where these numbers
5 came from that were described earlier. It doesn't
6 really present the kind of anxiety that is caused at
7 that intersection. I've seen a lot of people freeze.
8 I stop and I look. I'd rather wait a little longer.
9 I'm cautious. I always use the turn lane going north.
10 I've seen people an inordinate time.

11 One neighbor of mine that I spoke with last
12 week told me that often times he will pass someone
13 sitting there. I would never do that. He'd pass them
14 and scoot out. It's a real hazardous intersection.

15 All that said, after the meeting, I spent some
16 time driving around and saying: Is an alternative
17 possible? I'm not an engineer but in just looking at
18 the sites, it seemed to me that there were a number of
19 alternatives each with problems I'm sure. I'll just
20 describe one that I thought was best.

21 Retaining the current design is fine. Feeding
22 into Campusview is fine. It's the exit onto 9 that is
23 a problem. I would love to see, and I would
24 respectfully suggest, that if this traffic came down,
25 close off that street and instead put a street in

1 front -- I know that it's someone's property. Let's
2 leave that issue for a minute. Put that turn here,
3 continue north on this new street, marry the street in
4 front of Colonie Town Hall which already exists and go
5 up to the light at Fiddler's Lane, the first
6 intersection.

7 People have talked about a light or mention was
8 made of a light at this intersection. Personally, I
9 don't think that it would do any good. It's far too
10 complex an intersection. If traffic were to be
11 redirected to Fiddler's Lane, where a light currently
12 exists and where very little traffic seems to come out
13 of Town Hall now -- that would seem to solve the
14 problem. Both the new development and the existing
15 development would both go safely to a traffic light
16 and could go north or south in perfect safety. I
17 don't know how complex it would be and all the rest,
18 but just looking at it, it seems to be the most direct
19 and simplest thing to do. I would like the Board to
20 give some serious examination of that possibility and
21 if that's not viable, something else using Siena's
22 property or going down to Spring Road. Anything with
23 a light, merely sending the traffic for everyone to
24 continue to exit here. It's approximately a 60%
25 increase. It's not going to help matters.

1 These folks -- there are a great many retirees
2 like me. If these folks turn out to be younger and
3 still working -- those numbers are simply unrealistic
4 than the ones that are currently being used. I don't
5 want to shut down the project. I think that it's a
6 great one, but this traffic - something else has to be
7 done. Thank you, very much.

8 CHAIRMAN STUTO: Thank you.

9 MR. ALLARD: Mr. Chairman, CAC has comments on
10 this project.

11 CHAIRMAN STUTO: Okay, go ahead.

12 We're going to address what you said, sir, too.

13 MR. ALLARD: I think that you're already aware
14 that this whole plot is heavily wooded. The trees are
15 anywhere from 50 to 80 feet, coniferous and deciduous.
16 It's also got some significant slopes. The ridge line
17 is probably about half way up the street.

18 The CAC recommends that going forward the plans
19 should indicate distinctly where the trees will be
20 removed for the project. We also recommend
21 preservation of the entire wetland area and
22 preservation of a natural corridor for movement of
23 wildlife should be considered. A natural buffer of
24 mature trees should be left behind to protect the
25 existing homes.

1 As far as the natural corridor, a possible area
2 for that would be the ridgeline that I mentioned half
3 way up the street.

4 CHAIRMAN STUTO: Thank you.

5 I want to get through this the most effectively
6 as possible and deal with major issues as they arise.
7 It may be worthwhile to talk about traffic again and
8 then we'll talk about what Don had said.

9 The gentleman had brought up some interesting
10 concepts. He's thinking outside the box. He's
11 talking about the turn lane and I heard Wendy talk
12 about the turn lane.

13 Can you just react to what the gentleman said?
14 A lot of us go up and down that intersection.

15 MR. SHAMLIAN: Craig, can you also explain
16 clearly to people -- every time we talk about trip
17 generation, the vast majority of the people don't
18 understand what that really means. When you say the
19 peak hour, they're misinterpreting what that really
20 means.

21 CHAIRMAN STUTO: Because they don't sit through
22 these meetings all the time.

23 MS. HOLSBERGER: So, basically what we do is
24 when we talk about peak hour, it's usually related to
25 the peak commuter hours for like the residential

1 development which encompasses the peak time of a
2 development where people are in the morning usually
3 leaving to go to work and then in the afternoon when
4 people are coming home from work. The Institute for
5 Transportation Engineers is the industry standard
6 which has all kinds of rates for all kinds of
7 different land uses including single family homes,
8 which is what we use for this development. What we do
9 is we have how many units there are proposed and that
10 gives us several different calculations to come up
11 with that peak trip generation.

12 For this site there was 16 trips in the
13 morning, which is four trips entering and then 12
14 trips exiting and then in the afternoon it was a total
15 of 21 which is 13 entering and 8 exiting. I know that
16 a lot of people think well, everyone has two or three
17 cars and they're all going. Really, everybody doesn't
18 really come at the exact same time. These are based
19 on actual studies. We did put counters out on
20 Campusview Drive and Campusview Drive itself has a
21 total of about 20 trips for the about 30 homes that
22 are there right now. That's actually less of a rate
23 than we anticipated using the IT because we are saying
24 that there would be 21 trips in the p.m. peak.

25 MR. SHAMLIAN: And just to clarify, that is the

1 peak hour of the morning - single hour -- and the peak
2 hour in the afternoon - a single hour. It's not that
3 there are only 20 trips all morning.

4 MS. HOLSBERGER: Right. It's trying to focus
5 on one hour - that same hour that the external system
6 usually has the highest volume of traffic. That 16 is
7 part entering and exiting so this particular
8 development, we're saying that 12 trips would be
9 exiting in the morning and 8 trips would be exiting in
10 the afternoon. That's pretty consistent to what is
11 happening now.

12 When I say, a lot of us go to work in the
13 morning -- when you go to work and you live on a
14 street, are you always backing out of your driveway at
15 the same time that all your neighbors are? That's
16 typically not the case. That kind of leads to the fact
17 that not everyone is coming and going at the exact
18 same time.

19 CHAIRMAN STUTO: Well, 16 is almost an average
20 of almost four minutes per car, if they were evenly
21 spaced over the hour. Each car would have four
22 minutes and that doesn't work out perfectly that way.
23 It gives you an idea.

24 MS. HOLSBERGER: Right, it gives you an idea of
25 the arrival.

1 CHAIRMAN STUTO: What was your comparison with
2 the existing neighborhood? The gentleman made a
3 comment about that, as well. Do you have actual
4 numbers from that?

5 MS. HOLSBERGER: Yes, we actually had two
6 counters out. We didn't actually do the turns coming
7 out of Campusview, but we have entering and exiting
8 which was 20 trips, actually during both peaks. The
9 average was 20. In the morning it had 13 exiting and
10 7 entering.

11 CHAIRMAN STUTO: And are there more houses?

12 MS. HOLSBERGER: There are 33, about. I
13 counted quick on a map.

14 CHAIRMAN STUTO: So, there is 50% more houses.

15 MS. HOLSBERGER: Right, so it's saying that
16 it's a little bit less than the ITE average.

17 CHAIRMAN STUTO: That's what the gentleman said
18 too.

19 MS. HOLSBERGER: So, that is true. What we are
20 saying we are going to generate is a few trips higher
21 but it's really about the same magnitude.

22 CHAIRMAN STUTO: Just to follow-up on his
23 question because it's education for everybody -- does
24 the ITE consider mature neighborhoods versus brand new
25 neighborhoods and the difference that the gentleman

1 pointed out?

2 MS. HOLSBERGER: The only differential that the
3 ITE has is if you're looking at an actual 55 and older
4 restricted neighborhood, which has even much trips.
5 In the p.m. peak hour at a typical single family is
6 about one trip per unit, as you can see. The 55 and
7 older is more like .2 trips per unit. It's much less
8 because the assumption is that there is not as many
9 typical commuters from those units.

10 CHAIRMAN STUTO: The other big issue that he
11 raised is the alternative route, somehow routed
12 through the Town property.

13 MS. HOLSBERGER: I couldn't quite see exactly
14 but obviously it's difficult for the applicant to
15 provide access through lands that are owned by him is
16 a very difficult concept. Usually, there is more than
17 one access alternative that is looked at before a site
18 is presented. Similarly, we said that there was an
19 access on Route 9 proposed and now it got changed to
20 the Campusview. We're going to south and obviously he
21 doesn't own land in that area to connect through.
22 Going to the north - I would think that it would be
23 difficult to have an actual access public road through
24 a Town Hall facility. That would seem to me that it
25 would be a difficult connection.

1 MR. AUSTIN: I believe that they are putting in
2 handicapped parking there in that exact spot.

3 CHAIRMAN STUTO: I actually thinking about that
4 idea. I don't know if it's feasible and Joe is giving
5 me a look.

6 MR. LACIVITA: I'm just thinking about it.

7 CHAIRMAN STUTO: Well, you always want to send
8 people to the light. It doesn't hurt to look at it.

9 Let's just keep that in mind.

10 And the wildlife corridor comment made by Don
11 Allard of the CAC? I don't know if you want to
12 respond to that.

13 MR. DELL: We are proposing potential buffer
14 along the north side as far as the ridgeline that he
15 had mentioned that traverse the property across the
16 way. I don't know how we would provide a wild life
17 corridor through the center. We have roads and we
18 have houses. We can certainly continue along with the
19 buffer on the outside of the project. Straight
20 through the middle of the project - I don't see that
21 being feasible.

22 CHAIRMAN STUTO: It would cut the street off,
23 correct?

24 MR. DELL: Correct.

25 CHAIRMAN STUTO: Can you comment on if the

1 wildlife will travel in the buffer zone?

2 MR. VOSS: It will travel across the entire
3 site, whether it's developed or not.

4 MR. LACIVITA: I think that this is the first
5 time that we've ever seen the idea that they're going
6 to put in the infrastructure and then clear every lot
7 that goes forward. Typically, what we have seen is
8 clearing -- and they are now paying attention to
9 clearing this treed area so I commend the applicants
10 and the engineers for doing that. That is going to
11 change this development.

12 CHAIRMAN STUTO: Thank you.

13 James Hogan.

14 MR. HOGAN: Good evening. My name is James
15 Hogan and I live at 24 Campusview Drive. I am a
16 licensed engineer. I work for New York State DEC. I
17 have been living on this street now for about 15
18 years. I have quite a few problems with this.

19 CHAIRMAN STUTO: Can you show us where your
20 house is?

21 MR. HOGAN: My house would be here
22 (Indicating).

23 I didn't hear about that meeting last week. I
24 didn't get anything in the mail. I saw the sign
25 because I jog in the morning. I said, what the hell

1 is this? I read it. I'm very frustrated. I don't
2 know who attended the meeting last week. I didn't
3 attend it. I didn't see it. I have huge problems.

4 My first big question is: Why do we need more
5 development? Why do we need to throw this in here?
6 I'm going to leave it at that.

7 I have problems and issues with the stormwater.
8 The back-up is horrible. If we get a 100-year storm --
9 I'm just using some quick terms because I was trying
10 to figure out how much it was. It floods. They've
11 done work and it is not good.

12 If we have a horizon here and you have
13 stormwater issues here, I'm not too sure how you're
14 going to manage that.

15 What about the utilities? What proposal do we
16 have for the utilities? Right now it's a very old
17 development so all the utilities for the homes go back
18 behind our house. So, how are they going to address
19 that? That's probably a question that is going to
20 come up.

21 There is a bigger problem here. It's not what
22 we are doing - not the homes that are going to be
23 there but the current state of Route 9.

24 Mr. Kornblau had some great issues but the
25 biggest issue that I have is that you have the traffic

1 from Route 9. It doesn't make any difference what is
2 going on with this (Indicating). There is more
3 development coming in and I don't want to see anymore.
4 The Town of Colonie should stop.

5 The problem that we have with Siena College and
6 the traffic is that you have the kids coming down and
7 even they don't remember that's an exit. Like he
8 said, when school is in session I come face to face
9 with traffic when I'm coming home. These kids have no
10 concept. First, you have to educate them. There is a
11 problem right there. They are not being educated.

12 Secondly, when you have that traffic backing
13 up, I don't care what you say about how many people
14 come and go. We are going to deal with it. That's the
15 traffic that's coming from not just our subdivision or
16 the new one, everywhere else too. There needs to be
17 something addressed about this because right now it's
18 a two-laned highway with a center lane for the turning
19 and it's not enough. When there are issues when the
20 major highways, it backs up. We get all the traffic
21 on Route 9. So, to have these homes here -- whatever.
22 I'm not for it and I don't want it. I don't care
23 about what anybody else says. The problem that we
24 have right now is you're trying to shoehorn something
25 in a section and there is a problem down here with the

1 wetlands. That should be the first indicator that it's
2 a lot of work.

3 Going back to the stormwater: Our road really
4 hasn't been maintained properly. I know that I should
5 have called a long time ago. I have kids and I'm in a
6 divorce right now. I don't have time to give the
7 calls. It hasn't been maintained and we have issues
8 with that. You're going to put a new development in?
9 How are you going to maintain that? I haven't seen
10 too much work. Our road is falling apart.

11 What about school busses? Are we going to have
12 an issue? Right now the school bus has to make a
13 thousand point turn right there. It takes forever
14 sometimes if you don't have a good bus driver. How
15 are you going have the kids -- how are you going to
16 manage them? Right now, I don't think that's going to
17 work. You can't have an island in there.

18 Did anyone do any design for the bus stop?

19 CHAIRMAN STUTO: We don't go through this
20 question by question.

21 MR. HOGAN: That's fine. I didn't hear anything
22 about this and now I'm here.

23 If this is the peak and the water is running
24 down, it has to be a nasty road in the winter. I have
25 problems with this.

1 I'm going to stop right now. I'm a little
2 agitated because I just found out about this.

3 CHAIRMAN STUTO: He brings up a lot of good
4 points, so if the applicant doesn't mind standing up?

5 The private meeting that you had, how did you
6 notify the neighbors?

7 MR. BARBERA: I'm Frank Barbera of Barbera
8 Homes.

9 I did a check list and I've been checking
10 everyone that has come up and everyone -- the couple
11 of speakers that we have had were both on our mailing
12 list. First we posted our signs and then we did a
13 mailing to the neighborhood within the radius, as
14 required and we submitted that and we did invitations
15 as well. We did have quite a few neighbors out.

16 CHAIRMAN STUTO: Did everyone on this street
17 get mailed? I guess that's the question.

18 MR. BARBERA: Mr. Kornblau did. He's on our
19 mailing list.

20 Whether it ended up as junk mail, I don't know.
21 We did notify everyone accordingly and that's why we
22 had such a good turnout at our meeting that we held
23 for the same exact people. So, the same people that
24 were notified of the public hearing -

25 CHAIRMAN STUTO: I see that there is a James

1 and Michelle Hogan on this list that I have; 2, 4, 6,
2 7, 8, 9 and so forth down to 40 Campusview and then
3 there is a few other streets on here.

4 MR. BARBERA: We even stretched the limits to
5 invite some of the other homeowners behind the
6 project. We called the Greater Loudonville
7 Association and let them know as well. We even made
8 some phone calls to additional groups. We tried to
9 put the word out that we had that meeting -

10 CHAIRMAN STUTO: When did the mailing go out?

11 MR. LACIVITA: I have a stamped date that it
12 was on 5/4 that he certified that the mailing went
13 out. It looks like May 4th -- it was on or about.

14 MR. HOGAN: Are we talking about two different
15 mailings? We have a mailing that is required for this
16 meeting.

17 CHAIRMAN STUTO: Correct.

18 MR. HOGAN: And then you used that same list to
19 mail for the private meeting that you had.

20 MR. BARBERA: Yes.

21 CHAIRMAN STUTO: So, there were two mailings.

22 MR. BARBERA: Correct. That's why we had a
23 good turnout for our meetings. I'm sorry that
24 everyone didn't get it or they just assumed it was
25 junk mail. I don't know.

1 CHAIRMAN STUTO: The question of: Why more
2 development? I'm going to leave that alone for right
3 now.

4 Stormwater - I know that we said that Chuck
5 hadn't done any detailed stuff.

6 Chuck, do you want to touch on generally what
7 the SWPPP regulations call for?

8 MR. DELL: As we mentioned before, we will be
9 doing a project specific stormwater pollution
10 prevention plan. We will have to take a look at all
11 of the receiving water from our property as well as
12 any water that is coming onto our property. With the
13 proposed plans for the engineering, we have to make
14 sure that we are not sending any additional stormwater
15 rate off the property than what was there than what
16 was currently there. That will be, again, detailed in
17 a very thick document that is going to be reviewed by
18 the Town's Designated Engineer, as well as the Town
19 itself to make certain that we are abiding by all of
20 the Town's and state's requirements.

21 CHAIRMAN STUTO: Is there any room for
22 improvement?

23 Chuck, if you could help too.

24 MR. VOSS: When you improve, Peter, what terms
25 do you mean?

1 CHAIRMAN STUTO: Of current conditions.

2 MR. VOSS: We will definitely look at some of
3 the existing issues. You have to remember that the
4 current site is undeveloped. There is really no run
5 off conditions per se that we are aware of on the
6 site. There may be some seasonal flooding down where
7 the wetlands are. That will be part of the analysis
8 that we'll have to review.

9 We are aware of some of the potential
10 stormwater issues on Campusview. I know that the Town
11 Departments are looking at those right now. We'll make
12 sure that there is no net impact between the two
13 sites, in terms of stormwater management. At this
14 point, we're still in the stage that none of those
15 designs or details have been even studied yet.

16 CHAIRMAN STUTO: Do you think that there could
17 be room for improvement?

18 MR. VOSS: There potentially could be. There
19 always is. There is always that chance where we can
20 maybe look at a potential or some natural cause that
21 might be influencing the sites further to the north -
22 that their design could incorporate. We have done
23 that with other projects.

24 CHAIRMAN STUTO: Utilities shouldn't be a
25 difficult one.

1 MR. DELL: No, we are going to be connecting to
2 the existing utilities. Sewer currently goes across
3 the property in a zig zag fashion.

4 CHAIRMAN STUTO: Then where does it go after it
5 leaves the property?

6 MR. DELL: It goes off via the existing
7 infrastructure.

8 CHAIRMAN STUTO: So, that shouldn't impact
9 Campusview.

10 MR. DELL: No. We need to rebuild the section
11 that is on our property and rework it to be within the
12 right of way.

13 The same with water. We'll be connecting to
14 the existing water.

15 CHAIRMAN STUTO: Where?

16 MR. DELL: On Campusview. We won't be
17 impacting anything along the backside of any of the
18 houses to the north.

19 CHAIRMAN STUTO: What about the bus turnaround?

20 MR. DELL: The cul-de-sac that we have proposed
21 on our plan right now is the Colonie standard
22 cul-de-sac.

23 CHAIRMAN STUTO: Does it handle a bus?

24 MR. DELL: I believe so, yes.

25 CHAIRMAN STUTO: Wendy, can you help? I don't

1 know if that's part of your thing.

2 MS. HOLSBERGER: I would assume that the
3 standard does. I know that the cul-de-sac at the end
4 of my street does have vegetation in the middle. We
5 can certainly run templates on it, as well.

6 CHAIRMAN STUTO: Thank you.

7 MR. DELL: The next issue that was mentioned
8 was the wetlands. We are not proposing any impacts to
9 the wetlands. That reduction of any impact that would
10 have happened would have been when we connected to
11 Loudon Road over here (Indicating). We would have had
12 to come through the watershed protection line which is
13 this line that comes around the outside of that.
14 We're no longer go through that with the revised
15 design. We no longer have any impacts to the wetlands
16 or the protected water course area.

17 CHAIRMAN STUTO: Thank you.

18 MR. LACIVITA: Peter, I just want to read the
19 New York State DOT comment in our letter. They have
20 reviewed the project. It was an engineer out of
21 Region 1. It says "We have reviewed the subject site
22 as well as the traffic study that was done by
23 Creighton Manning and have no objections to the site
24 and the additional vehicles that have been added to
25 the intersection of Campusview and Loudon Road."

1 I'm assuming that as this goes forward, they
2 will get a secondary submission and if there are any
3 concerns at that point, they would be addressed.

4 CHAIRMAN STUTO: Wendy, you had mentioned the
5 turning route. I don't know if you were talking about
6 existing or are there changes being made to that?

7 MS. HOLSBERGER: I wasn't talking about changes
8 being made, just what is there.

9 MR. SHAMLIAN: Does DOT have any ways that they
10 can mitigate what is going on in the turning lane that
11 you're aware of?

12 CHAIRMAN STUTO: Let's clarify that. That's
13 New York State's road, right?

14 MS. HOLSBERGER: Yes, it is a state highway.
15 So, it sounds like people are getting anxious and
16 going into the turn lane a little bit quicker and
17 using it for travel which is not the way that it's
18 supposed to be used. There is signing that could
19 maybe be placed in the area. The education part of it
20 is often times a big part of it or enforcement of
21 having people not travel down and stopping them when
22 they are doing that.

23 CHAIRMAN STUTO: Let's hear from the rest of
24 the neighbors.

25 Suzanne Maloney.

1 MS. MALONEY: I grew up on Campusview and I've
2 lived there all my life. I played in that area. That
3 area has always had water problems. In fact the
4 farmer that owned that property had a large piece of
5 that property wash away. So, we called it the Grand
6 Canyon. We played in the Grand Canyon. So, it's
7 always had water. I think that what stopped it was
8 the growth of the vegetation.

9 I am one of those that did not receive a
10 mailing. As soon as the survey was going on, I
11 contacted the Town and sent pictures of flooding going
12 on with my property. I've had to spend thousands of
13 dollars. I moved back into the house because I'm
14 taking care of my mother and the year that I moved
15 back into the house the basement flooded. It took out
16 the furnace, the hot water tank and everything in the
17 basement. I have now two sump pumps to manage the
18 water that comes down the hill.

19 I'm at 17. My house is here (Indicating). I'm
20 right on the brink of the hill.

21 The two sump pumps are going all the time, even
22 when there isn't rain.

23 In the lifespan of my parents living in the
24 house which my dad died eight years ago and my mom is
25 still there - it's been 60 years - it was flooded four

1 times. It was when there was an enormous amount of
2 rain. So, I would say that it's not stormwater
3 run-off. I would say that there is a body of water
4 that rises and it comes into the basement of my home.
5 My mother dealt with it by putting hole in the footing
6 of the basement to alleviate the pressure on that
7 uphill side of the home. I had to close it up because
8 of the amount of water that was coming in the week
9 before Sandy -- the fireman couldn't pump it out.
10 They gave up. That's how much water was flowing in.
11 They were pumping and it was flowing in faster than
12 they were pumping.

13 I really want to know how you're going to deal
14 with that water issue. I have pictures. I have
15 scientific people that come in. It's all clay. Our
16 property was the home that was built to sell the homes
17 on Campusview. They scraped it off. If you stand at
18 my back door, you see the land come up and then it
19 goes up and it's literally a cut and then a cut. I'm
20 down in clay. The next level up is clay; solid hard
21 packed clay. I sent pictures of a rainstorm to the
22 Town and even though I spent \$10,000.00 just on the
23 landscaping to get the water to run off of the side of
24 my property down into the street -- and it now runs
25 down into the street because I can't hook up to any

1 sewage system. That's causing more damage to the
2 street, itself.

3 When I talk about traffic issues, I'm not
4 talking about anybody here. My mother was T-boned not
5 long before I moved in right in that intersection by a
6 kid driving -- they come out as soon as that light
7 changes, they get into that middle turning lane and
8 fly. I'm sitting waiting to make a left hand turn and
9 my car went like this (Indicating) when they finally
10 realized. So, we are not talking about this
11 (Indicating). You need to do something about this
12 intersection. The Town doesn't own the roadway but
13 they can do something about Siena's exit. Maybe tell
14 Siena that they can't allow the students and the
15 faculty to come out during the highest traffic
16 periods. They have two other exits that come out onto
17 two sidestreets.

18 I don't know about you but there are coyotes,
19 fox, turkey, deer and they all walk along that ridge
20 right behind my house. I have pictures and I have
21 them dated.

22 There are so many issues with 21 more houses on
23 this piece of property. You need to really look
24 harder. If you're going to develop it, 21 is even too
25 much.

1 Thank you.

2 CHAIRMAN STUTO: Thank you.

3 Jennifer Noble.

4 MS. NOBLE: Hello. My name is Jennifer Noble
5 and thank you for letting me speak. I am also a
6 resident of Campusview Drive. I would like to comment
7 on the proposed 24-foot buffer zone of trees between
8 our neighborhood and the new Siena Heights
9 neighborhood. I believe that it would be a benefit
10 for both neighborhoods to ensure that at least the
11 proposed 25-foot buffer. It will preserve the beauty
12 of landscape and property value of the homes involved.
13 The trees that are currently there provide not only
14 aesthetic value but clean the air and reduce the noise
15 from the 35,000 to 40,000 cars that travel down Route
16 9 every day.

17 In closing, I would like to say I believe that
18 an orderly development with minimal impact to the
19 environment, I request that you require the developer
20 to maintain at least the 25-foot buffer of mature
21 trees laid out in their plans.

22 Thank you for letting me speak tonight.

23 CHAIRMAN STUTO: Thank you.

24 Misty Wilson.

25 MS. WILSON: Hi, I'm Misty Wilson and my

1 concern with the development is the children that will
2 be moving into those houses that the school district
3 does not have room for currently. My daughter goes to
4 Loudonville. She was supposed to go to Southgate, but
5 because of the recent boom in development and the
6 overflow of the school district, she was moved from
7 Southgate to Loudonville. The school district sends
8 five busses to our streets to pick up children that go
9 to Southgate, my child that goes to Loudonville and
10 another set of children that go to St. Pius. She
11 rides the bus for a half an hour in the afternoon. We
12 live three quarters of a mile from the school. She
13 rides so long because of the route and because she
14 wasn't supposed to go to Loudonville so she ends up
15 riding a bus and falling asleep some afternoons on the
16 way home.

17 I would echo the gentleman who said: Why more
18 development? There are deer, coyotes, turkeys and
19 foxes. We have them in our yard. I am a resident of
20 Springwood Meadow Drive which is just to the south. I
21 don't think that it's necessary. I think that the
22 greenspace would be nice and if we can't find places
23 for our children currently, where are we going to put
24 these children? Maybe we should take a break for
25 awhile until we figure out what we are going to do

1 with our schools. That's all.

2 CHAIRMAN STUTO: Thank you.

3 Mary Beth Buchner.

4 MS. BUCHNER: My name is Mary Beth Buchner and
5 I'm a member of Save Colonie's Trees. I'm here today
6 because I am a resident of this area and I believe
7 what that gentleman said and what this lady just said
8 that we have to have a Comprehensive Plan in place for
9 development in Colonie. We don't have that yet. We
10 are not identifying trees as per the law.

11 I walked over to Campusview and I took
12 pictures. I have the pictures with me that I'm going
13 to leave with you. I wouldn't have even noticed that
14 any development was going to be going on there. I
15 think that maybe there were a couple of signs at the
16 end on the way out I saw them. For such a major
17 development to not have any kind of announcement or
18 visible -- I feel like the traffic issue is not just
19 in that corner and not just in this corner
20 (Indicating). It's throughout Colonie. Once again,
21 we are still not looking at that. We're not looking
22 at the environmental and health benefits of trees and
23 why we are continuing to keep going and going and
24 developing and developing.

25 A final comment is: This is 2016 and this is

1 the best that we can do? Can't we get some overheads
2 and can't people see what we're talking about in a
3 better or clearer manner than that?

4 That's all I have to say.

5 I hope that somebody will listen and get this
6 Comprehensive Plan in place and stop overdeveloping
7 our area. I'm sorry but you can tell me 16 trips a
8 day but when you are driving around Colonie now, you
9 can't go anywhere. You're sitting in traffic.

10 When I was there on Campusview, I saw a whole
11 five wild turkeys which I have a picture of and I met
12 with some of the neighbors. It breaks my heart as a
13 human being to see these beautiful trees being pulled
14 down left and right. It's like, when are we going to
15 stop?

16 CHAIRMAN STUTO: Thank you.

17 We have one more neighbor that wants to speak
18 but I am going to make a comment at this point.

19 Just so that everyone understands our job here
20 at the Planning Board: There is something called the
21 Land Use Law which is a law passed by the Town Board.
22 That's basically our rule book of what we are allowed
23 to do and how we carry out our business here. In
24 accordance with the Land Use Law, different parcels
25 are zoned for different uses. This is single family

1 residential. This development that is proposed, as far
2 as I know, is in full conformance with the Land Use
3 Law. So, to tell us not to allow the development - we
4 don't have that authority. We have to make sure that
5 the rules are applied and that the impacts on the
6 neighbors are reasonably mitigated. I think that we
7 have a development here which has greenspace or no-cut
8 zones. We have instructed our Town Designated
9 Engineer to meet on the site and look for what other
10 vegetation or significant trees can be saved. We also
11 have to apply, with the help of our professionals, the
12 stormwater regulations. We don't control Route 9.
13 It's not our road. We have to provide access
14 somewhere, given the constraints with this property.
15 Some of the things that are being asked of us are
16 outside of our power. We can't tell this developer
17 that he can't develop the property. We just don't
18 have that authority.

19 What the Town Board can do, I don't know. I'm
20 not trying to steer you in their direction but we
21 don't have the authority to change the Land Use Law.

22 I think that there is a Comprehensive Plan and
23 I think that the zones that currently exist are within
24 that Comprehensive Plan and this happens to be single
25 family residential. Can we do things extraneous to

1 this development? Maybe we can talk to Siena. I
2 don't know if those comments are valid or invalid.
3 Could things be improved? They can probably always be
4 improved and that's why we're here. We're trying to
5 go by that rule book which is the Land Use Law. We
6 have no authority to deny the developer to develop the
7 property. What we try to do, and I think that we try
8 to do it faithfully, is mitigate the impacts on the
9 neighbors and to the extent that we can integrate it
10 with the other departments or different authority or
11 New York State DOT and we work with New York State DEC
12 within their rule book -- that's what we do and that's
13 our job. I just want everyone to understand that.

14 We have no authority to say that he can't
15 develop his property. We could walk off the Board or
16 quit or something like that, but our job is to review
17 the proposal. I just wanted to make that comment.

18 Jim Wilson.

19 MR. WILSON: My name is Jim Wilson and I reside
20 on Springwood Manor Drive, south of here.

21 Currently, there is wetland here (Indicating)
22 that often percolates through the old Troop G. There
23 is ponding water that will often freeze and create an
24 ice hazard sometimes onto the road when I'm trying to
25 turn right, coming south on 9. That water exists here

1 now with the vegetation that is currently on the
2 parcel of land. Removing some of the trees, replacing
3 some of the vegetation with asphalt is going to have
4 less water holding capacity on that piece of land. I
5 anticipate that the water will increase.

6 The turning radius at the end of Springwood
7 Manor Drive is insufficient for the current North
8 Colonie busses to use. We were told that by the
9 transportation department for the school district
10 requiring that the children in our neighborhood not to
11 be picked up -

12 CHAIRMAN STUTO: Are you referring to your
13 street?

14 MR. WILSON: I'm referring to my street, which
15 ends in a cul-de-sac, which does not currently have
16 vegetation on it. It's all asphalt. Transportation
17 says it's too tight for a bus to make the radius so
18 that all the children on Springwood Manor have to come
19 all the way down almost to Route 9 so that the bus can
20 come through what is now Siena's property, which used
21 to be the old Troop G, because it can't turn around.

22 The other factor that I would like to have
23 considered: The statistics quoted for the number of
24 trips in and out may or may not be based on the
25 populous that might choose to move in here. This is

1 Loudonville. The last gentleman to speak was a
2 long-time resident and I'm assuming retired. There
3 are probably not going to be too many retirees that
4 seek houses like this. I don't know what type of
5 houses are being proposed but I'm guessing that it's
6 not a retirement community with a lower number of
7 trips. I envision more families with children moving
8 into this area and that's going to put some more
9 strain on the school system, as my wife had already
10 pointed out.

11 I think that those all need to be factored in.
12 I think that it's too many houses being put on a piece
13 of land that nature is trying to tell you shouldn't
14 have houses on it. Thanks.

15 CHAIRMAN STUTO: Thank you.

16 Do the Board Members have any comments or
17 questions?

18 MR. AUSTIN: I have a comment on the screening
19 that you are proposing leaving between Campusview and
20 your project. I think that Joe may have already
21 mentioned it too. We have seen other projects come
22 through here that have promised to do screening and
23 have gone through and not done it so we would like to
24 be very diligent with that and make sure that is going
25 to take place.

1 You said, assuming that there would be grading
2 and all that stuff -- that's a lot of assuming and we
3 understand that but we want to make sure that if this
4 project does proceed, the neighbors are taken care of
5 as far as that screening goes with that 25-foot buffer
6 that you're promising.

7 MR. MION: I would take it a step further in
8 how we want to see it.

9 MR. DELL: The one lady who mentioned before
10 that she is located right here (Indicating). The
11 topography over here slows down to a high point up
12 here to here. This lot is a perfect example where if
13 we keep a buffer there, there is an additional 25 feet
14 draining onto her property. Whereas if we put a swale
15 there as opposed to a treed buffer, we may be able to
16 convert a lot of that runoff that would go onto the
17 property and bring it back in. That's why we don't
18 want to commit to a blanket of a 25-foot buffer. We
19 may be able to facilitate the drainage on her property
20 by pulling it back onto ours and managing the
21 stormwater system. That's what we are getting at with
22 infrastructure. We'll work with the TDE on that.

23 MR. AUSTIN: I guess the existing residents
24 have to understand that might be a little bit of give
25 and take if this does progress. If you're concerned

1 about the water issues, they can take care of it by
2 putting in a swale rather than taking down trees.
3 That might be something to think about.

4 MR. DELL: We wouldn't be able to completely
5 get rid of it, but we would be able to alleviate it.

6 MR. SHAMLIAN: Did the sump pumps on Campusview
7 go to the storm sewer or do they -

8 MS. BUCHNER: We can't hook up to that.

9 MR. VOSS: Legally, they're not allowed. We
10 actually have the pictures that you submitted and
11 there are some topography issues that are occurring
12 when the street was originally constructed that may be
13 exacerbating some of the existing issues there.
14 Again, we have to work with the Town Engineering
15 Department to see. There are some potential
16 maintenance issues that are exacerbating some of the
17 stormwater issues there.

18 MR. SHAMLIAN: Do they have stormwater drains
19 in that street or not?

20 MR. VOSS: I don't know. We'd have to look at
21 it more closely. Right now it's like they have wing
22 gutters. That's an indication of when that street was
23 built 50 years ago.

24 CHAIRMAN STUTO: Thank you. We have work to do.
25 What we have here is an application for concept

1 acceptance. The neighbors have brought up a lot of
2 good issues. It's not within our power to stop this
3 project. It appears to be in full conformance to the
4 Land Use Law. We're doing our best to implement
5 measures which will mitigate the impact on the
6 neighbors.

7 Under the stormwater regulation, which is
8 obviously a concern - the applicant has to make sure
9 that the flow, as I understand it as a lay person, be
10 no greater than and potentially less than it currently
11 is from the property.

12 With respect to traffic, everything has its
13 cumulative impact. I agree with that. A lot of
14 people said they didn't want to be in trouble with
15 these particular houses. It's the Route 9 situation.
16 That's New York State DOT's road. We're always
17 looking for ways to improve it. Whether something can
18 be done with Siena, I'm not sure whether that can be
19 looked at or studied. I think that the solution that's
20 offered here -- we'll still look at whether it could
21 be routed through the Town Hall. I'm not sure if
22 that's feasible or not. I think that everything that
23 I've learned on this Board is that you want to have
24 one curb cut on the main road and not two. Whether
25 anything can be done with that intersection, we'll ask

1 our Town Designated Engineer and the applicant to look
2 at.

3 The turning radius, we can definitely look at
4 on this particular street.

5 I think that we've talked about utilities and
6 so forth.

7 We don't have the prerogative of saying don't
8 develop this property. There is a whole host of
9 philosophical or constitutional and other issues that
10 you can get into on that but it's not the providence
11 of this particular Board.

12 All of that said, we have an application for
13 concept acceptance and I'll ask our attorney Kathleen
14 Marinelli - can you tell us what that means in the
15 Land Use Law?

16 MS. MARINELLI: Sure. Under Section 190.56 of
17 the Land Use Law, conceptual plan review in acceptance
18 is defined as follows: The purpose of the conceptual
19 plan is to provide the project sponsor and the
20 Planning Board with a flexible design that may be
21 readily changed before a detailed final site plan is
22 produced.

23 CHAIRMAN STUTO: Does it say there that it's
24 not a binding action somewhere?

25 MS. MARINELLI: Yes, it does. If the

1 conceptual plan is rejected the applicant may revise
2 and resubmit the plan.

3 CHAIRMAN STUTO: I thought that there was other
4 language.

5 MS. MARINELLI: There is language in there
6 about modifications, requests by the Planning Board -

7 CHAIRMAN STUTO: But it says it's not a binding
8 action.

9 MS. MARINELLI: It's not binding. It's a
10 non-binding action.

11 CHAIRMAN STUTO: It does show the general road
12 map in which we are going. If there are other
13 improvements that can be made, we're going to push our
14 engineers. I welcome the neighbors to get in touch
15 with the engineer to offer viable feasible
16 alternatives or mitigation measures that can be put in
17 there.

18 MR. SHAMLIAN: Assuming that we grant
19 conceptual acceptance, just like any other project,
20 there are a whole host of technical issues that then
21 need to be worked out. If they can't meet those
22 technical issues, then that gives us the ability to
23 then reject the project. They first have to get to
24 the point where those technical issues can start to be
25 addressed.

1 CHAIRMAN STUTO: Meaning stormwater, etcetera.

2 MR. SHAMLIAN: Exactly. So, just because we may
3 vote on it today and grant conceptual acceptance
4 doesn't necessarily mean that it's going to happen but
5 it certainly does put it on the path to happen.

6 MR. AUSTIN: I would ask the residents that
7 were not notified or might have missed it in the mail,
8 if you could maybe see Mr. Barbera or the engineers to
9 gently remind them or ask them if they could keep you
10 on the mailing list. We do have a mailing list for
11 everybody who has come up, so you'll all receive the
12 mailings - the people who have spoken tonight.

13 MS. MALLOY: Are the names pulled from property
14 owners?

15 MR. AUSTIN: I believe that it came from Mr.
16 Barbera.

17 MR. DELL: But it is pulled from the tax
18 records.

19 MS. MALLOY: So, if I'm a taxpayer abutting the
20 southern portion of that -- I did not get a notice.

21 CHAIRMAN STUTO: What is your address?

22 MS. MALLOY: I live at 85 Old Niskayuna Road,
23 but we are a pocket that abuts the lower left corner.

24 MR. AUSTIN: You're on the list?

25 MS. MALLOY: Malloy?

1 MR. AUSTIN: Yes.

2 CHAIRMAN STUTO: I can't prove the letter was
3 mailed but everybody's name was on the list that was
4 provided to us and they sign an affidavit that says
5 that they mailed it.

6 MR. SHAMLIAN: The site was placarded at least
7 three weeks ago. The pink signs were up. I drive by
8 it a couple of times a day.

9 MS. DALTON: Yes, sir.

10 MR. KORNBLAU: I would like to suggest that the
11 residents in the future receive a certified letter. It
12 would be a few more dollars in this case. That whole
13 issue of I didn't get notice could be put to rest.

14 CHAIRMAN STUTO: There is a Town Board member
15 here and you can recommend that to them. We go by the
16 methodology that is prescribed in the Land Use Law.

17 Joe, I don't know if you have any suggestions.

18 MR. LACIVITA: I would say that if that is
19 something that they would want to specifically codify
20 through the Town Board, because right now it's
21 hand-delivered or mailed as follows.

22 CHAIRMAN STUTO: I don't know if any other
23 Towns do it that way.

24 Do you know, Chuck? You represent a lot of
25 towns.

1 MR. VOSS: Some do and some don't. Some
2 require certified mailings to every neighbor. It all
3 depends on what your Land Use Code requires for a
4 radius. Some only notify parcels directly adjacent to
5 the subject parcel. Some go out 500 feet in every
6 direction and some go out 1,000 feet. It's whatever
7 your Code says. That's a Town Board decision.

8 MR. BARBERA: There is plus and minus to
9 certified as well. Everybody needs to go the post
10 office to get it. Sometimes that isn't convenient for
11 people, especially given the fact that the agenda
12 doesn't get set until 10 days before or whatever
13 before the meeting, right?

14 MR. LACIVITA: That's when we start working on
15 it.

16 CHAIRMAN STUTO: When do they placard it?

17 MR. LACIVITA: A couple of weeks before.

18 CHAIRMAN STUTO: We'll talk to the Town Board
19 and if you want to petition them for that as well, you
20 can.

21 FROM THE FLOOR: Do you ever use email for
22 anything?

23 CHAIRMAN STUTO: We only work for the Town part
24 time.

25 I'll let the department speak to that.

1 Joe?

2 MR. LACIVITA: I'm not quite sure what they are
3 looking for from a notification standpoint. That's
4 not in our practice because we don't have those
5 emails. Notification - the developers do that to get
6 them here and they obviously are here for it. If they
7 have comments or questions or concerns, they can
8 certainly email me. Going forward, I can leave my
9 cards if they have any questions or concerns. If I
10 don't do business with you on a day to day basis, I
11 don't have your email. Then, I could be at fault
12 again for not emailing you or you.

13 MR. AUSTIN: Mr. Barbera, would you feel
14 comfortable with that?

15 MR. BARBERA: You can register through our
16 website at www.barberahomes.com.

17 MR. AUSTIN: There you go. So, you can go on
18 his website.

19 We also post the plans and agenda on our
20 website. I'm not sure how far in advance that they do
21 that but I know that they post the plans that we have
22 in front of us so that you can review those as well.
23 We're trying to get to 2016, but it's a growing
24 process for the Town.

25 CHAIRMAN STUTO: Okay, we have a question for

1 concept acceptance here tonight. Do we have a motion?

2 MR. AUSTIN: I'll make that motion.

3 MR. SHAMLIAN: I'll second it.

4 CHAIRMAN STUTO: Any discussion?

5 (There was no response.)

6 All those in favor say aye.

7 (Ayes were recited.)

8 All those opposed say nay.

9 (There were none opposed.)

10 The ayes have it.

11 Thank you.

12 MR. DELL: Thank you.

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14 (Whereas the above entitled proceeding was

15 concluded at 9:46 p.m.)

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CERTIFICATION

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

NANCY L. STRANG

Dated _____

