

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 UPDATE ON THE MAXWELL ROAD PDD PROJECT  
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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY L. STRANG, a Shorthand Reporter,  
8 commencing on June 21, 2016 at 7:02 p.m. at The Public  
9 Operations Center, 347 Old Niskayuna Road, Latham, New  
10 York.

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

19 ALSO PRESENT:  
20 Kathleen Marinelli, Esq. Counsel to the Planning Board  
21 Michael Tengeler, Planning and Economic Development  
22 Department  
23 Joseph LaCivita, Director, Planning and Economic  
24 Development  
25 Joseph Grasso, PE, CHA  
26 Nick Costa, PE, Advanced Engineering  
27 Brad Grant, PE, Barton and Loguidice  
28 Connie Cutlerc  
29 Jeff Conners  
30 Angelo Gigliotti

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1                   CHAIRMAN STUTO: Okay we'll get started with  
2                   the Town of Colonie Planning Board meeting. Welcome  
3                   everyone. We have a few items on the agenda, which  
4                   was posted and we also have some administrative  
5                   matters.

6                   One thing that I'll talk about is we're going  
7                   to have Planning Board training which will be open to  
8                   the public. We announced before that it's going to be  
9                   June 28th and because we couldn't get full attendance,  
10                  we're going to do it at our next Planning Board  
11                  meeting. We're going to have a light meeting on July  
12                  12th starting at 7:00. At 7:30 we're going to start  
13                  with the training. We're doing it jointly with the  
14                  Conservation Advisory Committee. Joe Grasso is  
15                  helping to put together the agenda.

16                  Joe, do you want to talk about it briefly?

17                  MR. GRASSO: Sure. It will be roughly about an  
18                  hour to an hour and a half. The title of it is:  
19                  Incorporating Tree Environments in Colonie's Planning  
20                  Process. It will be presented by myself and someone  
21                  from Barton and Loguidice as well as Joe from the  
22                  Planning Department. We'll go through the review of  
23                  the regulations. We'll touch on the plan  
24                  specifications that get submitted to the Planning  
25                  Department and the Conservation Advisory Council

1           during the process. We'll talk about protecting  
2           existing wooded areas and we'll also touch on when you  
3           aren't able to maintain existing vegetation and then  
4           you're next task is to plant new trees. We'll touch  
5           on the thought process that goes into planning for a  
6           purpose and then we'll give some thoughts about ways  
7           to improve the planning process and try to incorporate  
8           three plantings and tree protection into the planning  
9           process.

10                   CHAIRMAN STUTO: And the public will have a  
11           chance to ask questions?

12                   MR. GRASSO: We'll see how the timeframe goes  
13           and how the questions keep rolling and obviously how  
14           time allows and you can feel free to open up to the  
15           public.

16                   CHAIRMAN STUTO: So, that's July 12th. The  
17           public is welcome to attend and learn as we learn.

18                   I know that Joe LaCivita has a number of items  
19           that he wants to report on and I'll just say that a  
20           lot of this is in response to what we have been  
21           hearing from the neighbors, including the training on  
22           the trees.

23                   Joe LaCivita?

24                   MR. LACIVITA: Yes, there are several things  
25           going on in the Planning Department. One of which is

1 a collaboration study on the Albany Shaker Road  
2 corridor. We have been working with Albany County and  
3 we have received funding from the Capital District  
4 Transportation Committee. We're looking at the  
5 potential build-out scenario and traffic impacts along  
6 the Shaker Road corridor which extends from the  
7 triangle by the Loudon Road/Osborne Road area all the  
8 way through and up to the airport corridor. So, we  
9 know that we are starting to advance to that. We  
10 finally got a scope of the work together. We are  
11 waiting for Albany County to sign-off on their  
12 component of the study and as soon as they sign-off  
13 then of course, the Town will sign-off on theirs and  
14 funding will come in and we will start the study from  
15 that point.

16 We also have had a kick-off meeting with CHA  
17 and Joe Grasso, as well as the head of our Department  
18 of Public Works for updating the airport GEIS. It  
19 will run parallel with our Comprehensive Plan review.  
20 That actually kicks off tomorrow at 2:00 p.m. with the  
21 Advisory Council.

22 Part of that process in kicking off that  
23 committee is we are going to look at the 2010 activity  
24 review that we showed as to what the Comprehensive  
25 Plan has been through at that point in time and then

1           also talk about the competitive solicitation process  
2           that we are looking at. The three entities that are  
3           looking to bid for the review of that is CHA, Barton  
4           and Loguidice and Saratoga Associates. So, we are  
5           again, competitive soliciting bids from those three  
6           firms to assist the Town in updating our Comprehensive  
7           Plan.

8                         Those are the three most important things that  
9           are going on within the department.

10                        CHAIRMAN STUTO: You and Brad have worked on  
11           the planting plan for the Maxwell Road PDD near Albany  
12           Shaker. There are maps around for the public to see.  
13           You and Brad have something to report on that?

14                        MR. LACIVITA: Yes we do and before we start  
15           off, I first want to thank the engineer, Mr. Costa,  
16           Jeffrey and his group, Mr. Finning as well as most  
17           importantly the neighbors on Margaret Drive, Ashleigh  
18           Lynn and Karen Court. I know that you have been very  
19           patient along the way. I think that we have a plan,  
20           as to what I have heard so far, you all have received  
21           this via email on Friday. There was a response to Mr.  
22           Finning and Jeffery as to getting email addresses and  
23           phone numbers. I have received several complementary  
24           phone calls as well as emails in support of what we  
25           have seen and in support of what we have done thus

1 far. I think that you will be pleased with the  
2 selection trees that are going to be done for the  
3 site. Most importantly, I think that it's the time to  
4 rebuild but also see that the engineer, the applicant  
5 and the neighbors have been working together to try to  
6 put together the best possible plan that we can. I  
7 think that we have gone through great lengths to get  
8 here.

9 I want to kick that off by starting with Nick  
10 Costa. If you can send us through a quick  
11 presentation and then Brad and I will kind of  
12 follow-up from there.

13 MR. COSTA: Thank you, Joe.

14 My name is Nick Costa and we have been working  
15 diligently with Joe and with Brad and the neighbors to  
16 present the landscaping plan.

17 The landscaping plan that we are presenting  
18 tonight is substantially different than the plan that  
19 was presented the last time that the Board saw these  
20 plans. As noted in that approval, we have worked  
21 towards mitigating some of the viewsheds that are from  
22 the neighbors into the project and from the road into  
23 the project and with the help of Brad and this group,  
24 we have selected some deciduous and some evergreen  
25 trees to be planted along the boundaries of both

1 Margaret, Ashlee Lynn and also the rear of the homes.

2 Most of the trees are pine, evergreen type  
3 trees and there are some trees that are along the  
4 Margaret Drive rear of the lots that are actually  
5 smaller in height because there is an easement back  
6 there for power. There are electric and cable and  
7 telephone lines that run along there. I believe that  
8 at the very least there are four trees at each one of  
9 the new lots of the twin townhomes and some of them  
10 have more. There is a minimum of at least three in  
11 each one of the rear properties of the site.

12 The other thing that we have worked on is the  
13 site disturbance and I think that everybody has a copy  
14 of the sight disturbance plan that we have worked with  
15 the contractor to make sure that the area that is  
16 shown right here along Albany Shaker Road - that  
17 disturbance is done in a phased mode and also in a  
18 mode to minimize the disturbance in that area.

19 There will be some disturbance initially  
20 because the water and the sewers are located along  
21 Albany Shaker Road and those will have to come through  
22 to get to the site. The rest of the disturbance will  
23 be done in a Phase II. Phase I will be done in this  
24 area (Indicating) and the Phase II will be the later  
25 phase.





1           landscaping plan that gets submitted and had a number  
2           of comments. Essentially, there are typical plantings  
3           in the front of these units. There was a lot of crab  
4           apples proposed, almost exclusively in the deciduous  
5           category. We were looking for a variety to basically  
6           guard against any kind of light that might be specific  
7           to crab apples which you would have your trees  
8           affected at one time. Also, to get further blooms  
9           from another type of tree, like a flowering dogwood  
10          that would have some interest in both flowering and  
11          bark and not be just one tree in the front of the  
12          yards.

13                        Those revisions have been made.

14                        A number of comments, particularly along  
15          Margaret where we wanted to reposition some of the  
16          trees so that the back row is in between the front row  
17          - the front row being on the Margaret side. The trees  
18          closest to Margaret are the smaller height varieties  
19          that will play nice in the sandbox with the powerlines  
20          that are back there. I know that there has been  
21          previous concerns with the poplars that were there.

22                        Up along Alyssa Court edge - if you were out  
23          there you can see that there is a lot of black cherry  
24          and locust trees that still remain. Their foliage is  
25          fairly high up so the row of trees in front of it are

1 conifers that would give full year screening and  
2 particularly at those lower stages of the hardwoods,  
3 the locust and the black cherrys don't provide -- but  
4 leaving those there and supplementing them on the  
5 inside.

6 We also talked about the phasing and  
7 particularly along Karen Court where the stormwater  
8 pond is -- there is existing vegetation along those  
9 boundaries. It's going to be awhile before they have  
10 to grade down there so we wanted a note on the plans  
11 to do no further grading to the existing trees and  
12 vegetation there until it comes time to grade them.  
13 Then, those plantings could happen. We ask for an  
14 allowance of 12 conifers that would go somewhere along  
15 that path or to screen Albany Shaker Road at the  
16 conclusion of grading where they are going to make  
17 sense. Those decisions can be made at a better point  
18 when the landscape has changed.

19 We had some specific comments on the plantings.  
20 We changed a few. Some were going to be too small for  
21 the application along Margaret Drive. There is a view  
22 that may be on the invasive species list which I don't  
23 consider burning bush invasive species, but it's on  
24 somebody's list. Bradford pear was another one. We  
25 are trying to avoid some of those sensitive types of

1 plantings on the invasive species list. I think that  
2 we got a good mix of conifers and deciduous trees in  
3 the right places. These trees are fairly rapid  
4 growers and would fill in nicely over a fairly short  
5 period of time. Those trees typically -- I would say  
6 this to be true of all the trees -- wouldn't want to  
7 be planted in the fall. You can do spring, but if  
8 somebody planted trees this spring, they'd be having a  
9 tough time right now.

10 MR. LACIVITA: We also talked about the  
11 measurement of the tree. From a nursery standard, if  
12 you look at 2.5 to 3 inch caliper, we actually asked  
13 that measurement to be taken at a five foot height and  
14 they would be a bit more mature in age than they would  
15 typically would be. Again, if you looked at the  
16 landscaping plan from the density standpoint, we put  
17 in many more trees than what was first offered and  
18 what would typically be seen in most landscaping  
19 plans. I think that we heard more than enough of the  
20 devastation that had happened and I think that this is  
21 a way to replant this particular site in a much more  
22 positive way than it had been in the past.

23 I know that the Board left it for the TDE, the  
24 Town's department and the applicant in the approval  
25 process to go through. We reached out to many of the

1 neighbors that signed the information sheet with Mr.  
2 Finning. I sent it out to the neighbors on Friday  
3 after we finalized everything in order to get this  
4 moving. One of the things that we heard in our  
5 department is: When is grading going to get started?  
6 When is the stumping going to get started? We, in  
7 fact, signed off on that MS4 plan last Tuesday or  
8 Wednesday. It went the standard five-day wait by  
9 DEC's standards and I believe that you have now a  
10 successful SWPPP so that you can get in there and  
11 start as soon as possible. So, we're hoping that  
12 within the week's time we start to see mobilizations  
13 and clean up and the project will kick off at that  
14 time.

15 CHAIRMAN STUTO: Is that so? You're going to  
16 get going right away?

17 MR. COSTA: Yes, the contract is already  
18 mobilized on the site and is already started to take  
19 care of some of the stumps that have been there and  
20 some of the timber stock piles. They've been grounded  
21 and stock piled. I think that we'll probably be  
22 getting the grading permit in the next day or so.

23 MR. LACIVITA: There was a light standard that  
24 was typical commercial. If you see on that map right  
25 there (Indicating), we looked at this being that it

1 was a housing development. If there is any lighting  
2 along the streetway or any towards the Maxwell Road  
3 area, we're actually making that kind of old fashioned  
4 style luminaire that has a down-style lighting and  
5 pendant style.

6 MR. COSTA: There is one shown to be by the  
7 mailboxes.

8 MR. SHAMLIAN: Was there any input from the  
9 neighbors as to what trees were going where?

10 MR. COSTA: I didn't participate in that. Jim  
11 Finning and Jeff visited with all the neighbors and  
12 they discussed what type of plantings was being done.

13 MR. LACIVITA: Craig, to your point, some of  
14 the neighbors asked for arborvitae and we felt that  
15 for a more sustainable and suitable for a buffer --  
16 Brad and I went more with the fir than the arborvitae  
17 because they are softer and would not allow a buffer  
18 here (Indicating).

19 CHAIRMAN STUTO: What was the reaction from the  
20 neighbors? Can I hear from the fellow that talked to  
21 them?

22 MR. CONNERS: They were all receptive. Some of  
23 the neighbors, like Joe had said, had input on  
24 different types of trees but we brought everything  
25 back to Joe and said this is what these people are

1 looking for. They eliminated the arborvitaes because  
2 of the deer eating them all the time and put in the  
3 proper trees that are going to be sustainable in the  
4 project.

5 MR. LACIVITA: I know that there are neighbors  
6 here this evening. There have been some that have  
7 even responded to me via email and by phone. A  
8 couple, I had the pleasure of meeting out on site and  
9 had been out there. I don't know if there are  
10 neighbors from the neighborhood in a show of hands  
11 that support what we have done or support the plan.

12 MS. CUTLERC: I'm on Karen Court and I back up  
13 where the pond is going to be. It says on the plan  
14 that there is going to be a stockade fence there.

15 MR. COSTA: I believe that there is a fence  
16 there.

17 MS. CUTLERC: I'm right in front of that pond.

18 MR. COSTA: That's an existing fence.

19 MS. CUTLERC: There is no fence.

20 MR. COSTA: Okay, well, when the survey was  
21 done, it was reported that there was a fence there.

22 MS. CUTLERC: There is no fence there. So,  
23 there are not going to be fences anywhere?

24 MR. COSTA: There will be a fence around the  
25 basin.

1 MS. CUTLERC: But not around our property.

2 MR. COSTA: No, there will be trees.

3 MS. CUTLERC: And how deep is the pond?

4 MR. COSTA: They are vary. During the wet  
5 period, it's going to be deeper.

6 MS. CUTLERC: Are we talking three feet?

7 MR. COSTA: Normally, it's about four feet.  
8 During a storm.

9 CHAIRMAN STUTO: Gentleman in the blue shirt,  
10 can you say your name?

11 MR. GIGLIOTTI: I'm at 3 Karen. Right behind  
12 me there are going to put the pond in. Who is going  
13 to take care of it?

14 MR. COSTA: That will be the responsibility of  
15 the homeowners association.

16 MR. GIGLIOTTI: Who is going to pay them to do  
17 it?

18 CHAIRMAN STUTO: The homeowners association.  
19 All the new homeowners in the new development pay in  
20 and that's what a homeowners association is.

21 MR. GIGLIOTTI: So, the Town is not going to  
22 take care of it.

23 CHAIRMAN STUTO: I don't think so in this case,  
24 right?

25 MR. COSTA: No. The Town will only get

1 involved if it's not maintained. There will be an  
2 agreement.

3 MR. GIGLIOTTI: If the homeowners association  
4 doesn't take care of it, what is going to happen?

5 MR. COSTA: The Town will take care of it and  
6 they will charge the homeowners association.

7 MR. GIGLIOTTI: Or are they going to do it and  
8 then they are not going to do it?

9 MR. LACIVITA: What happens in a typical  
10 subdivision, sir, is when a subdivision and the  
11 roadway systems are dedicated to the Town, the Town  
12 maintains them. This is actually a private road  
13 system and a private stormwater pond which is under a  
14 homeowners association whereas we know it as an HOA.  
15 There will be agreements in place that if the HOA does  
16 not take care of the stormwater pond, and the Town has  
17 to step in to take care of that pond there will be a  
18 charge back to them. That's what Nick was trying to  
19 explain as to the maintenance agreement.

20 MR. GIGLIOTTI: They are going to create more  
21 wild animals, water rats and everything else over  
22 there.

23 MR. LACIVITA: The easements that you see along  
24 Maxwell Road is a conservation easement. It is not for  
25 the attraction of but it does attract animals. When



1 things like that happens, if there is wildlife that do  
2 get in there where constraints happen with the dams  
3 and the flow of the water, we do have the Department  
4 of Public Works that looks into those things.

5 CHAIRMAN STUTO: Joe, I don't mean to interrupt  
6 but this isn't even on the agenda. If there are a  
7 couple of other quick questions, we'll take them  
8 quick.

9 Would you be available to talk out in the hall?

10 MR. COSTA: Most definitely.

11 CHAIRMAN STUTO: Okay, ma'am, can you say your  
12 name?

13 MS. MORENO: Kathy Moreno and I live at 34  
14 Margaret Drive.

15 My only question is: What is the distance  
16 between the back of that house to my property line?

17 MR. COSTA: About 90 feet.

18 CHAIRMAN STUTO: I think that we are going to  
19 have to end this discussion now. In fairness, it's  
20 not on the agenda. I'm getting looks from my counsel.  
21 If you don't mind answering questions in the hallway,  
22 Nick -

23 MR. COSTA: Sure.

24 MR. LACIVITA: Like we said, we worked  
25 collaboratively and we've come to an agreement where

1 we are having the applicant go forward so that he can  
2 clean up the site and commence with the parcel.

3 CHAIRMAN STUTO: Thank you.

4 MR. COSTA: Thank you.

5

6 (Whereas the above entitled proceeding was  
7 concluded at 7:22 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 \_\_\_\_\_

