

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 matter by NANCY L. STRANG, a Shorthand Reporter,
8 commencing on June 21, 2016 at 7:55 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 Joseph LaCivita, Director, Planning and Economic
23 Development
24 Andy Brick, Esq., Donald Zee, PC
25 Linda Stanton,
26 Chuck Voss, PE, Barton & Loguidice
27 Joel Weingarten, Birchwood Neighborhood Association
28 Lois Porter
29 Curtis Johnson
30 Sandra Dietlein
31 Elizabeth Seeley
32 Susan Quine Laurilliard
33 Sean Mahar
34 Nia Cholakis
35 Cathy Love
36 Alan Goldstein

1 CHAIRMAN STUTO: Next item on the agenda is
2 Natick Hills Conservation Subdivision, 362 Vly Road,
3 application for concept acceptance, 34-lot residential
4 subdivision.

5 Joe LaCivita, do you have any introductory
6 remarks?

7 MR. LACIVITA: Just for the record, Peter, this
8 project has been before us a number of times and in
9 fact we have asked Mr. John Frazer here tonight who is
10 the Superintendent of our Latham Water District. I'd
11 like to value his time and I appreciate him coming.

12 He has met with the neighbors a number of times
13 regarding water concerns in that area. John is also
14 here tonight for your benefit to answer any questions
15 that you may have regarding those.

16 To the point of the meeting, it's been before
17 this Board on 5/15, 9/15 and 4/19 of 2016. Tonight we
18 are here for concept on the 34-lot subdivision.

19 Andy, do you want to take over from this point?

20 CHAIRMAN STUTO: And John Frazer, thank you for
21 coming. We appreciate it. I think that the Board and
22 the public would like to be educated on some of the
23 water issues over there.

24 MR. BRICK: Good evening. Andy Brick from
25 Donald Zee's law firm.

1 We were here last month and it was continued
2 over. Linda Stanton from Creighton Manning
3 Engineering has submitted additional plans as a result
4 of comments that were made at the last meeting.
5 Superintendent Frazer is here as well so I'm not going
6 to waste any more time. I'm going to turn it over to
7 Linda for the updates since you have seen it last and
8 then we'll listen to Superintendent Frazer.

9 CHAIRMAN STUTO: Can you generally describe
10 what's going on for people who may not have been here
11 for any of the other meetings?

12 MS. STANTON: Sure. This is a 34-acre
13 subdivision in a single family conservation overlay
14 district. We are proposing 34 single family homes
15 with 21 acres of open space to be provided.

16 The parcel is located west of Vly Road and
17 south of Brookhill Drive with two means of egress; one
18 full egress at the north end where the existing
19 driveway is to the state house, and a
20 right-in/right-out access about 700 feet south.

21 Since the last meeting we submitted revised
22 comments in the review letter. The plan sheet C3
23 which you should have before you includes new trees
24 planted along the rear of Lots 4, 6 and 10 which goes
25 back to Vly Road.

1 We also provided you copies of the FAA letters,
2 an email from the Mohawk Hudson Land Conservancy, Lot
3 50 which is the lot on the western side which is
4 highlighted with orange. We propose to dedicate to
5 the Mohawk Hudson Land Conservancy - and I've had
6 several conversations with Ms. Martin from that
7 conservancy. There is a Board of Directors there that
8 will need to approve any final decisions on that.

9 We did receive a New York State DEC natural
10 heritage letter indicating that they have no evidence
11 of rare and endangered species. We followed that with
12 an endangered species investigation by Bagdon
13 Environmental who also performed the wetland
14 investigation. They found no species on the subject
15 parcel where the houses are developed.

16 There is a potential for the Long-Eared Bat to
17 exist where the waterline is proposed. There are
18 mitigation measures that are allowed through the
19 Federal Regulatory process for construction within the
20 Northern Long-Eared Bat habitat. In that case, trees
21 would need to be removed between a certain date. It's
22 November and March so that they wouldn't affect the
23 habitat of those bats.

24 I believe that includes all the revisions and
25 the comments that were prepared and presented to the

1 Board.

2 CHAIRMAN STUTO: When do you want to get John
3 Frazer in; after the Town Designated Engineer?

4 MR. LACIVITA: Yes. I think that there has
5 been some concerns about water pressure in some of the
6 areas and what the existing conditions are and the
7 water tank. I think that maybe we can hear from the
8 Town Designated Engineer first and then John could
9 summarize what he has told the neighbors.

10 MR. FRAZER: Sure.

11 MR. VOSS: We submitted a concept review letter
12 back on April 14th for this project. At that point
13 the project was almost as proposed as we see it today.
14 There really isn't a lot of significant design changes
15 from our original review on the 14th until today.

16 The road configuration has stayed basically the
17 same. There was some concern about traffic. If the
18 Board remembers, that was kind of a sticky point the
19 last time around. It wasn't necessarily traffic
20 generated from this site. It was more traffic in the
21 general area and neighborhood that caused the concern.

22 Traffic conditions in and out of this site have
23 not changed based on anything new that we've seen.
24 That condition has stayed the same as we saw it last
25 time.

1 The layout of lots is essentially the same as
2 well, as the iteration that we saw the last time
3 around. There has been the addition, as Linda
4 mentioned, of new landscaping in the back of a few
5 lots facing Vly Road, which again is not a significant
6 change from what we saw last time.

7 There has been no alterations to the proposed
8 water/sewer connections that we examined in our letter
9 of April 14th and the number of lots is the same.

10 The only other thing that we are seeing here
11 that has just slightly changed is just the additional
12 property to the rear in Lot 50 that should be
13 dedicated over.

14 Essentially, the project from a technical
15 standpoint is almost the same as it was the last time
16 that the Board saw it.

17 Two of the sticking points from the general
18 public were general traffic in the area that the Board
19 had concerns with concerning this project and adjacent
20 projects -- sort of cumulative impacts.

21 On top of that was also the water issues
22 expressed by some of the residents that didn't
23 necessarily pertain to this specific project but
24 again, general water issues in the neighborhood.

25 With that, I'll give it over to John.

1 CHAIRMAN STUTO: I'll give you my perspective
2 on the water issue and you may end up hearing from the
3 neighbors also.

4 My understanding is that we are putting in a
5 dry line that might sometime in the future provide
6 service from the new tank; is that right?

7 MR. VOSS: Yes, in early discussions there is a
8 proposed interconnect from the top of the northern
9 most cul-de-sac, across the estate parcel roughly to a
10 location where there is a right of way over near
11 Cascade Terrace.

12 CHAIRMAN STUTO: Okay, what we have heard from
13 the neighbors is - I think that in the northerly
14 direction and maybe northwest, they have very poor
15 water pressure. Those are the comments that we have
16 heard. So, in speaking to our Town Designated
17 Engineer, the applicant and Joe LaCivita, we were
18 thinking why can't we make a connection and then put
19 in some kind of -- there was some discussion that the
20 pressure would be too high, cause problems at the
21 houses - can't there be some kind of minimizer or
22 pressure reducer at some point. That was sort of the
23 prospective from where I sit, as a non-engineer.

24 MR. FRAZER: I met with several members of the
25 public through the Birchwood Neighborhood Association.

1 I also met with several members of the residential
2 area, Brookhill and Cascade Terrace. We talked about
3 the pressure issues that exist up in that area of
4 Town. In fact, this is partially some of the highest
5 land in the Town of Colonie. So, for some reason back
6 when the planners of the Water District developed the
7 Water District, they set our top of tank elevations or
8 the highest elevation that we could bring the water,
9 which dictates the pressure, to 500 feet. That leaves
10 areas like Natick Hills - and in fact, if you were to
11 try to build in some of the areas that are developed
12 today you wouldn't be able to because of the Building
13 Code requirements.

14 So, I see some familiar faces. We talked about
15 the tank and the pump station that were built on the
16 34 Denison Road side of Denison Road. We have a new
17 tank and a pump station financed by all of the
18 developers in the airport area GIS including the
19 developer for the Forest Hills Subdivision,
20 Londonderry Ridge Subdivision and eventually this
21 subdivision. Back when the airport area Generic
22 Environmental Impact Statement was developed, the
23 Latham Water District looked at this area and said yes
24 we need a special higher service zone to service these
25 areas simply because we can't raise and store the

1 water high enough to deliver pressure.

2 The benefit of that tank and pump station now
3 is that we are looking at improving pressure to
4 several areas of the Town of Colonie that we know
5 exist today without adequate pressure. That includes
6 Brookhill, Cascade Terrace - we are looking at areas
7 like Coronet Court, Tulip Tree, Walnut Lane East and
8 West, the lower end of Tamarack outside of the Forest
9 Hills Subdivision and even some areas to the south
10 along Vly Road. So, with that work being done -- in
11 fact, the Latham Water District hasn't taken over the
12 tank and pump station yet. The tank is full of water
13 and we tested it and the water came back
14 bacteriologically satisfactory. From a painting
15 standpoint, it's satisfactory as well.

16 We have not taken ownership yet. There are
17 still some issues that we are trying to work out and
18 that includes control of the system from our office
19 here and our water treatment plant. That work hasn't
20 been done yet. We're trying to schedule that through
21 Time Warner Cable and our supervisor control and data
22 acquisition engineer - trying to get those people
23 together to coordinate so that we can control the tank
24 and the pump station from here.

25 The electric is in and Time Warner is on-site,

1 but the connections haven't been made. So, we are
2 getting closer, but we are still probably a couple of
3 weeks away. Once that is done, as I told the
4 neighbors a couple of weeks ago when we met here, I'm
5 going to include having submitted in our 2017 budget
6 an engineering study to be completed in the entire
7 area looking at the entire service area that we'd like
8 to service with the tank, which includes all the
9 streets I just mentioned.

10 That would help us to develop a long-term plan
11 because there will be some financial impact as there
12 will be some substantial construction expenses that
13 will have to be covered by the Town to reach out to
14 those areas.

15 The Natick Hills Subdivision kind of helps us
16 in that regard because the new service area will be
17 generally on the western side, but we have some areas
18 in Brookhill that we are going to pass the water
19 through from the new water storage tank and pump
20 station through Natick Hills and get into the Cascade
21 Terrace and Brookhill Drive areas of the Town to help
22 us there.

23 I think that's about it. If there are
24 questions, go ahead and ask but I think that's
25 generally in a nutshell what I have discussed -

1 CHAIRMAN STUTO: How many homes are going to be
2 impacted by the study of 2017?

3 MR. FRAZER: We will look at as many as we can.
4 Some of the things that we are going to look at are
5 the impacts to our existing infrastructure. We're
6 adding about 43 pounds of pressure to the pipes and
7 some of the pipes have been in the ground since the
8 1940's. So, it's likely those will have to be
9 replaced. That's what the study will tell us; what
10 pipes should be replaced and the cost to do that.

11 CHAIRMAN STUTO: Can you give an approximation
12 of potential homes?

13 MR. FRAZER: We're probably looking at a couple
14 hundred.

15 CHAIRMAN STUTO: Of existing homes?

16 MR. FRAZER: Correct.

17 CHAIRMAN STUTO: If the study is done and
18 you're looking at the budget for 2017, when would the
19 construction commence?

20 MR. FRAZER: The construction would probably be
21 several years away. Once we do have a construction
22 cost, then we can add it to our capital plan. Each
23 year all the Town Departments develop a capital plan.
24 There is a capital plan committee made up of Town
25 officials including the Town Supervisor. That group

1 will decide what we will spend our money on - whether
2 it's police cars, water mains, sewer mains or tennis
3 courts. It's all put together in one bundle each
4 year.

5 CHAIRMAN STUTO: So, it's out of the general
6 budget?

7 MR. FRAZER: No. It's included in the Town's
8 overall borrowing, which is typically \$10 million
9 dollars per year. Within that, the Latham Water
10 District is a special district and that's a certain
11 piece of that and we have to finance that. That's the
12 piece that shows up on your property tax bill as 001
13 or Latham Water.

14 CHAIRMAN STUTO: So, your improvements are paid
15 not by the taxpayer. The water users pay.

16 MR. FRAZER: That's correct.

17 CHAIRMAN STUTO: So, if you happen to be off
18 the Latham Water District, you wouldn't be part of the
19 payers.

20 MR. FRAZER: That's correct, but the Water
21 District covers about 70% of the Town and 95% probably
22 of the developed parcels.

23 CHAIRMAN STUTO: Is there any way to accelerate
24 the construction end of that?

25 MR. FRAZER: Well, we are also trying to

1 replace existing infrastructure and that also goes
2 back as far as the 1940's or 30's. It's going to be a
3 mix and match. It's going to be to do the best that
4 we can with the money that we're allocated in
5 replacing the existing infrastructure and improving
6 existing pressure.

7 MR. SHAMLIAN: Is some of the streets that you
8 named - are they capable of handling the higher
9 pressure?

10 MR. FRAZER: It's possible. It depends on how
11 high you want to go. We're talking about adding 45
12 pounds, so that's going to raise the pressure over 85
13 psi. I think that at the last meeting that we had, we
14 were talking about areas that were over 80. There
15 will be some commitment on some of the homeowners'
16 parts. You talked about pressure reducing valves -
17 that they would have to allow the installation of
18 pressure reducing valves and then maintain those
19 pressure reducing valves so that the pressure in their
20 house didn't get too high. Perhaps it's worth it to
21 them to install that and maintain it with the
22 understanding that they would get higher pressure in
23 their house.

24 CHAIRMAN STUTO: On the pressure reducing
25 valve, Joe LaCivita had said in a private conversation

1 that it was just an idea. Could there be a pressure
2 reducing valve on a main? Did he bring that up with
3 you?

4 MR. FRAZER: He did, but the problem is - for
5 example there is an area on Brookhill Drive.
6 Depending on where the connection here is made -
7 either on Cascade Terrace -- there are areas on
8 Cascade Terrace that dip down. If we bump the
9 pressure on both ends, the area in between is much
10 higher and they probably will require a pressure
11 reducing valve. It would probably be cost prohibitive
12 to install pressure reducing valves in a main size.

13 CHAIRMAN STUTO: Any other questions by the
14 Board?

15 (There was no response.)

16 I don't know if we're going to the public yet.

17 MR. WEINGARTEN: Just a point of clarification
18 for Mr. Frazer and the Board.

19 I'm Joel Weingarten from the Birchwood
20 Neighborhood Association. I want to thank Mr. Frazer
21 because it worked great. We had people come out and
22 it was very informative for the neighbors who came
23 out.

24 Can you just clarify for the Planning Board - I
25 believe that it was Mr. Donald Zee who had stated that

1 the water tank how many gallons it was. Can you
2 clarify for the Board how big the tank actually is and
3 what it can cover?

4 MR. FRAZER: Yes. It's 400,000 gallons in size
5 - nominally 400,000. It's probably a little bit
6 larger than that. The nominal size of the tank is
7 400,000.

8 MS. PORTER: I'm Lois Porter.

9 At that meeting, John, you stated that the
10 citizens would be paying \$100.00 approximately for a
11 pressure reducing valves, per house, and that they
12 would probably have to be replaced every five years.
13 Is that still accurate?

14 MR. FRAZER: We are taking some money from the
15 developer to address some of those costs for the
16 future. Then, yes, it would probably be every five
17 years thereafter that it would have to be maintained.
18 It would probably have to be replaced.

19 MS. QUINE LAURILLIARD: I'm Susan Quine
20 Laurilliard. I was at the meeting with John. Thank
21 you for taking time to speak to our neighborhood. I
22 had asked a question there. The Forest Hills
23 Development - Charlew Builders has a water tank
24 agreement with the Town of Colonie. I believe that
25 there is a revision in that agreement that requires

1 Charlew Builders to pay for pressure reducing valves.

2 MR. FRAZER: That's correct. I think that Lois
3 was just asking about that.

4 MS. QUINE LAURILLIARD: So, you had said that
5 we are working with a developer but there is no finite
6 -- it just says that they will provide a pressure
7 reducing valve. Wouldn't that pay for all of the
8 people in our neighborhood that would require pressure
9 reducing valves so that don't have to put out for that
10 cost.

11 MR. FRAZER: I think that it depends on how
12 many people we can actually benefit from the new tank
13 and pump station. So, I say that we're working with
14 him because we haven't accepted the tank yet. We're
15 working on a list with acceptance items that we will
16 need before we take ownership and operational
17 responsibility for the tank and pump station. One of
18 those items is that.

19 MS. QUINE LAURILLIARD: I would just ask that
20 the Board or whoever is looking at this, to look at
21 that water tank. I don't see any limitation in the
22 negotiation here. It says that the developer, Charlew
23 Builders signed an agreement with Supervisor Mahan to
24 provide pressure reducing valves.

25 CHAIRMAN STUTO: That's not our role. That's

1 between the Water District and the Town Attorney.
2 Maybe Joe can help facilitate that.

3 MS. DALTON: With regard to the replacement
4 every five years or so: Does the Water District send
5 out postcards or something? How is a homeowner
6 expected to recall -

7 MR. FRAZER: They'll know in advance. Either
8 the pressure is going to be sky high or they're not
9 going to have anything. We've seen them fail both
10 ways. Let me say that the reduction in pressure can
11 be substantial, but we're talking about maintaining a
12 pressure in the house of no more than 80 psi because
13 that's what most water-using devices like dishwashers
14 and hot water heaters are designed for now a days. In
15 the old days they weren't. They could handle 100 psi.
16 Now we're talking about 80.

17 There may be some houses that approach 100, but
18 a lot of the houses that we are talking about are
19 going to be between 80 and 100 pounds. It won't be an
20 explosion but the pressure will go up. We don't want
21 to leave the pressure in the house such that it's
22 going to destroy -- even if your house is older but
23 you buy a new dishwasher, the new dishwasher is
24 designed with the new standards.

25 CHAIRMAN STUTO: Any other questions for John?

1 MR. MAHAR: Sean Mahar, Brookhill Drive. I'm
2 here as in my capacity as a resident.

3 With regard to this new water tank, what is the
4 project operation and maintenance costs on an annual
5 basis of this new water tank and associated
6 infrastructure?

7 MR. FRAZER: We haven't calculated that to
8 date.

9 MR. MAHAR: Do you have any ballpark estimate
10 of what it would cost to do this line extension and
11 the annual maintenance costs will be if you were to do
12 if you did what you outlined what now with adding that
13 line to Brookhill?

14 MR. FRAZER: I think that is the purpose of our
15 studies for next year - is to calculate all those
16 numbers so that we have a better feel for what those
17 are going to be and then we can plan our improvements.

18 MR. MAHAR: The last question: My wife and I
19 read somewhere that pursuant to the GEIS, homes that
20 are located 410 feet elevation or higher need to
21 ensure that guaranteed hook-up in order to be built.

22 MR. FRAZER: That's correct.

23 MR. MAHAR: Is there a guarantee that Natick
24 Hills is getting that water line connection? It would
25 have to cross state and federal wetlands to get there.

1 MR. FRAZER: I don't know. That should be
2 addressed to Linda. Historically, we haven't been
3 able to get a permit because the ground goes back to
4 its original contours. So, they are usually willing
5 to offer a water main crossing of a wetland. However,
6 that's going to be a question that the developer's
7 engineer will have to address during their design.

8 CHAIRMAN STUTO: Anyone else?

9 FROM THE FLOOR: The high point that you're
10 talking about which is supposed to involve the Cascade
11 and Brookhill area -- how is it going to come into
12 Cascade?

13 MR. FRAZER: I don't quite understand.

14 FROM THE FLOOR: You're talking about a dry
15 pipe.

16 MR. FRAZER: We haven't talked about it yet.
17 That's the first I've heard about a dry pipe. We
18 normally don't like dry pipes because eventually the
19 gaskets could dry up such that you would have to
20 retest and reinstall it anyway. I'm not sure that
21 there is a dry pipe. What we have asked for so far
22 and it's early in the process is an easement to get
23 from this cul-de-sac to Cascade Terrace so that we
24 have the right to come in and construct a water main
25 through that area to get to Brookhill as we might need

1 in the future.

2 FROM THE FLOOR: As you know, they've been
3 going with this for about 12 years. I would like to
4 know a decent time schedule for when you intend to
5 start making the improvements. What do you foresee?

6 MR. FRAZER: For the increase in pressure for
7 you?

8 FROM THE FLOOR: No, what the Town has to pay.

9 MR. LACIVITA: That's where John was going
10 earlier.

11 In 2017 there is funding to provide the study
12 and then at that point I think that you're going to
13 start getting that -

14 FROM THE FLOOR: When is the implementation of
15 the study supposed to happen? Where is this going to
16 start? When are the priorities going to be
17 established?

18 MR. FRAZER: I think that next year after the
19 study is done we'll have a good feel for what the
20 costs are. Then, we'll work those costs into our
21 capital plan. As I said, there is a committee in the
22 Town that reviews all the capital requests for all the
23 departments and we'll be one of those.

24 FROM THE FLOOR: Now, the minimum pressure is
25 45 psi. Isn't the Town obligated to provide pressure

1 since it's what the specification calls for? Don't
2 give me the old grandfathering thing. Please don't
3 give me the grandfather thing. You had a change in
4 the specifications. Did you grandfather yourself in
5 the specification? You didn't. When are you going to
6 provide the pressure that you say that is now the
7 standard?

8 MR. FRAZER: The specification that you're
9 talking about is the Building Code and it was revised
10 in 2009 or 2010 to include a 40 pound per square
11 inch -

12 FROM THE FLOOR: When are you going to provide
13 the pressure to the people who don't have it now? Why
14 don't those people have a priority over all this other
15 stuff?

16 MR. LACIVITA: Sir, I think that's what John
17 was getting at. The study has to provide the idea of
18 the cost and at that point they work it through the
19 capital committee to try to figure out how to get that
20 pressure and how to get that -

21 CHAIRMAN STUTO: He's making an argument though
22 that we have a new standard and when does that take
23 priority over all else, in terms of people who are
24 already there.

25 MR. FRAZER: We're talking about the Building

1 Code.

2 CHAIRMAN STUTO: I understand, but that's the
3 question that he's asking.

4 FROM THE FLOOR: That's right. That's exactly
5 what I'm saying. You have a new standard. When are
6 you going to meet it? If I had to meet the standard,
7 you would force me to meet it.

8 CHAIRMAN STUTO: I think that they are saying
9 that it's perspective for new construction.

10 FROM THE FLOOR: I want the same rule that
11 applies to me as an individual, to apply to you as the
12 Town. That's basically what I am saying. When are
13 you going to implement it? The point is here that you
14 have known about Brookhill for at least 12 years. You
15 have known it since it was built.

16 MR. FRAZER: Correct. It probably shouldn't
17 have been built.

18 FROM THE FLOOR: Why hasn't it been put on the
19 agenda for improvements? Since 2009 - the study comes
20 out in 2017. We're talking a few years here.

21 MR. FRAZER: As I talked about in our previous
22 meeting, we needed to have the tank and the pump
23 station built. We have a sufficient number of users
24 now where it's feasible to construct it. Now that we
25 have that, we can look at developing the areas that

1 are existing to improve the pressure.

2 FROM THE FLOOR: This can go on forever.

3 MR. FRAZER: It has.

4 FROM THE FLOOR: That means that you will never
5 improve the pressure.

6 MR. FRAZER: I don't think that's the case. I
7 think that we are committed to doing that.

8 FROM THE FLOOR: My question is to the
9 Planning Board. Since the standards have been
10 changed, when are the standards going to be met? If I
11 built a new house or if I do something that requires a
12 standard, that's a requirement. I have to meet it.
13 The Town has a standard. Why doesn't it meet the
14 standard?

15 MR. FRAZER: It's like, would you tear down the
16 walls in your house and put R20 installation in the
17 walls today? Absolutely not. You wouldn't want to
18 spend the money to do that. But when your house was
19 built, that met the Code.

20 Today, if a new house is built, we're looking
21 at 40 pounds per square inch at the service entrance
22 and we will provide that. That's why we're building
23 this tank and pump station.

24 FROM THE FLOOR: We're going back to the old
25 baloney called grandfathering. I, as an individual -

1 don't I have the responsibility that you have as an
2 individual. I don't have the responsibility to make
3 an improvement -- if I make the improvement or not
4 make the improvement, it only affects me. If you don't
5 make the improvement that's supposed to be made, that
6 affects a lot of people. I don't charge for water. I
7 don't charge for somebody to do things in my house.
8 In fact, if I had more property, I couldn't rent it
9 because of the pressure doesn't meet the standard.

10 CHAIRMAN STUTO: Sir, we have your point. It
11 may not be answered to your satisfaction, but we do
12 have to keep going. You can appeal to the Town Board.

13 FROM THE FLOOR: Just give me 30 seconds.

14 Put to rest this baloney about grandfathering
15 and yours and my property. The situations are
16 entirely different. I don't charge your water charge.
17 I don't have the responsibility to the Town. I don't
18 have a system to maintain. I maintain my own house,
19 except for the water pressure.

20 CHAIRMAN STUTO: Thank you.

21 Someone else have a question on the water for
22 John?

23 (There was no response.)

24 Okay, thank you, John. We appreciate it.

25 MR. FRAZER: You're welcome.

1 CHAIRMAN STUTO: Chuck, did you have anything
2 else that you wanted to add?

3 MR. VOSS: At this point, no; not from our end.

4 CHAIRMAN STUTO: Does the Board have questions
5 on this project?

6 (There was no response.)

7 Okay, I'll go through our list of residents who
8 would like to speak.

9 Curtis Johnson.

10 MR. JOHNSON: My name is Curtis Johnson and I
11 live at 379 Vly Road. It's one of the properties
12 that's within the 200 foot notification rules for
13 discussions of the Planning Board meeting.

14 I spoke here in a comment period of the April
15 19th Board meeting. I spoke about the density of the
16 development and the density of houses in this
17 development and I was given some guidance that I
18 needed to go back and understand the Land Use Law. I
19 have done that. Prior to my new comments, I'd like to
20 review some of the points that I made in the last
21 meeting on April 19th.

22 My concern - and I know of other people -- the
23 concern is that the proposed subdivision would change
24 the character of the neighborhood in significant ways.
25 That change in character would likely reduce the value

1 of neighboring existing properties. I analyze and did
2 some statistics on seven properties on the east side
3 of Vly Road. I'm one of those. There are seven that
4 are within the 200 foot notification. I looked at the
5 lot size and the property value and compared them to
6 the properties in the new development that are on the
7 lower end - the ones that are more facing the east
8 side of Vly Road.

9 In the case of lot size, the average lot size
10 of the seven properties on the east side is 6.6 acres
11 and the average in the new development varies between
12 .2 and .3 acres. I've not redone the calculation with
13 this map. I had done the calculation from a different
14 map, prior to the last meeting.

15 Using the Internet resources, I found that the
16 average value of the seven existing properties is on
17 the order of \$860,000.00 and there is no good document
18 to value these properties here but in the meeting last
19 September, Mr. Zee, in informal comments commented
20 that he expected that the value of the properties
21 would be \$200,000.00 to \$300,000.00.

22 CHAIRMAN STUTO: I'm just going to intervene
23 for one second. There are a lot of names here and we
24 appreciate your comments, but we are going to ask you
25 to be reasonable with the time. If they don't get

1 everything out that they wanted to say, they can come
2 back when everybody else has had a chance to finish
3 their comments. We appreciate your comments, but
4 we're just asking everyone to be reasonable.

5 MR. JOHNSON: That was the review of the prior.
6 So, you sent me back to understand the Land Use Law,
7 which I did. I obtained a copy which I think is the
8 active 2007 Land Use Law.

9 CHAIRMAN STUTO: It's on the E-Code; that's
10 where I look at it on the website. I think that it's
11 brought up to date.

12 MR. LACIVITA: Yes, it is.

13 MR. JOHNSON: It's a very extensive at 300
14 pages. It's pretty intimidating for a person like me.
15 It's well done in a lot of ways. I was told to go
16 back because I was given the impression that your
17 hands were tied.

18 As I read the Land Use Law, there are
19 exceptions at the discretion of the Planning Board
20 that can be made with good cause. That's what I would
21 like to discuss primarily. There is a little bit of
22 diversion and I think that the Planning Board ought to
23 know that there is a lot of discussion in that Land
24 Use Law also of historic buildings and I don't know if
25 the Board knows that there is one historic property on

1 Vly Road. My property is on the National Historic
2 Register. It's also on the State Register. It dates
3 back to 1794 - and was the owner of much of this
4 property on the east side which through the course of
5 time - I've had it for 31 years but prior to all that,
6 it was divided and subdivided in many ways. Not in a
7 very rational manner such that there are only seven
8 properties over here and maintained a flavor which
9 this dense development does threaten. I thought that
10 the Board should realize it. There is a history of
11 property on Vly Road and it's within the 200 foot
12 notification.

13 So, I looked through the 300 pages and I tried
14 to understand as much as I could and I would like to
15 review words on three of the articles; but very short
16 words.

17 The first talks about the fundamental goals of
18 the Land Use Law and it lists a whole number of things
19 like safety and convenience and the furtherance of the
20 rules and Town Comprehensive Plan.

21 CHAIRMAN STUTO: You're going to have to get to
22 the point.

23 MR. JOHNSON: One of them is to preserve and
24 stabilize the value of property. That's what I think
25 is threatened by this type of development. That's the

1 first article.

2 The seventh article is overlay districts -
3 close to what is being discussed here. Section B of
4 that is conservation development overlay and within
5 that there are paragraphs five and six that talks
6 about what the Board should do here after the final
7 residential and commercial densities are determined.
8 There are various guidelines in the prior Article 6
9 that are developed. The Planning Board shall review
10 and determine the appropriate lot sizes in the course
11 of its review. It can override Article 6.

12 In Section 6 - other development and
13 dimensional requirements, it points out that where
14 developments abut an existing single family dwelling,
15 a suitable buffer area shall be required by the
16 Planning Board. That was discussed last time and it's
17 been addressed with a few trees on three lots right
18 here.

19 There is no practical way to make a good
20 buffer. This is a judgment call of how much buffer is
21 needed but because of the grading here where the road
22 is higher than the wetlands and in fact at comparable
23 height to the properties, there is very little
24 opportunity for a buffer with this density.

25 The last is Article 9. It's a very long

1 article at 54 pages. It talks about all the design
2 standards, but only one -- the last one refers to
3 single family residential development and things like
4 conservation development.

5 I'll read a couple of words here.

6 The design and development standards have been
7 created to develop housing and a way that conserves
8 the desirable characteristics of established
9 neighborhoods and it gives guidelines in the tables in
10 the prior couple articles. In general, the standards
11 reflect recommended or encourage design elements.
12 However, the Planning Board may waive these standards
13 to the extent it deems necessary in order to secure
14 reasonable development of the site. It lists several
15 items that need to be addressed or could be the cause
16 for the waiver, one of which is site plan.

17 It says: Site planning for new housing should
18 result in housing that relates well to the street
19 scape and integrates to the adjacent neighborhoods.

20 This is a judgment call and I understand that
21 it's a difficult judgment call. In my judgment, this
22 is not integrated well into the adjacent neighborhood.
23 I would say that it's a basis for a waiver. I
24 appreciate your time in listening to this. I would
25 appreciate your consideration, as well.

1 CHAIRMAN STUTO: Thank you.

2 Sandra and Rich Dietlein.

3 MS. DIETLEIN: I'm not going to be as long and
4 I'm not going to be as technical. It's Sandra
5 Dietlein, D-I-E-T-L-E-I-N. We live at 56 Cascade
6 Terrace.

7 Just a little a side on the water issue: We
8 have gone through a fortune in lawn sprinklers and
9 each one does not more than a radius of four feet.
10 So, in this drought, we are like California.

11 I'd like to address my concern for traffic.
12 This has never been a problem because it's been a
13 single dwelling. All of the neighbors do know that
14 when you come out of Brookhill, you take your life in
15 your hands. We have been looking at this with the
16 Planning Board meetings since we have been coming over
17 the past several months. During a dry period -- there
18 hasn't been three feet of snow on the ground. There
19 hasn't been huge snow piles. There is not ice on Vly
20 Road. I would say that probably, I would guess with a
21 margin of error that Vly Road and Brookhill and
22 Cascade Terrace are probably the last roads in the
23 whole Town of Colonie to get plowed, or even sanded.
24 We do take our lives into our hands during the winter
25 time. That needs to be brought into consideration

1 when we are talking about traffic patterns, because
2 there is an extremely serious safety issue. If we
3 have to watch traffic coming in and out and then they
4 have to watch us -- I've been playing with the traffic
5 coming up Vly Road up over the hill. I can go 34
6 miles an hour speeding because it is 30 and there are
7 people that are on my tail because they want to go 40
8 and 50. That's not safe.

9 Coming out of Brookhill, if you want to make a
10 left hand turn, you have to nose out because of the
11 fence and the bushes and the power pole on this side
12 (Indicating) and then take your life in your hands and
13 gun it to get onto Vly Road safely. In the winter
14 time, it's a whole other issue. It's really dangerous
15 and there are many times that I just sit there at the
16 intersection and say, I'm going to die. I think that
17 we need to take that into consideration with the
18 increase of traffic and the increase of trucks - the
19 construction trucks that are going up and down the
20 road. It's not frequently, but when they do, they put
21 the pedal to the metal.

22 I want to thank you for your consideration.

23 CHAIRMAN STUTO: Thank you.

24 Elizabeth Seeley.

25 MS. SEELEY: Good evening, everyone. I'm

1 Elizabeth Seeley and I live at 11 Ashford Lane. I have
2 been to the last two meetings that have talked about
3 Natick Hills and first and foremost I want to thank
4 all of you. I think that you are giving very
5 thoughtful consideration to our concerns.

6 I wanted to also address traffic. That was the
7 top of my list.

8 At the last meeting Mr. Voss stated on page 12
9 of the minutes that it's a relatively small
10 subdivision here in terms of what the Town has seen in
11 the past and in an initial traffic assessment, he
12 stated that the peak hours at 34 trips coming and
13 going to the site during those p.m. hours is not
14 substantial in terms of what the road capacity is out
15 there. Certainly the road can handle far more.

16 What we don't know or what we are not
17 addressing is how many vehicles in terms of efficiency
18 can the road handle today? What is our current rate
19 of traffic and what is the future rate of the traffic
20 with these three subdivisions that are coming in? We
21 have Londonderry Ridge at 65 homes, Forest Hills at 75
22 homes and now Natick Hills at 34 homes. That is about
23 174 homes with a low estimate of 300 houses. I would
24 like to know when we talk about the efficiency of the
25 road, what is the future efficiency of the road with

1 all of this traffic? We keep talking about
2 efficiency. Sandy just brought up safety. What is
3 the safety of the road? How many vehicles in terms of
4 safety can the road handle, especially for our
5 neighborhood, which we just heard is a safety issue.
6 It was even acknowledged in the last meeting that on
7 page 56 of the last minutes when asked if they looked
8 into our turn, that the traffic study did not include
9 an analysis for it. I think that Mr. Voss on page 54
10 stated that there is an issue there, a sight line,
11 that is not caused by this project. What happens is
12 that it's exacerbated by this project and we have to
13 take that into consideration.

14 We also have to take into consideration Route
15 7. We just heard with the last applicant that they're
16 building something else on Route 7. The intersection
17 of Route 7 and Vly right now during peak hours gets
18 blocked. So, we should take that into consideration
19 in our traffic study in what is going to happen with
20 Route 7 with all the new traffic.

21 We also said that Route 7 has changed in the
22 last 10 years. A lot has changed. So, I strongly
23 advise, given all the recent development including on
24 Route 7, that approval be pending until the
25 Comprehensive Plan which you guys will be reviewing

1 tomorrow is updated along with the airport area GIS to
2 truly get a full perspective of what is going on in
3 this area.

4 The second thing that I want to talk through
5 that we talked about in the last meeting is around
6 wildlife, wetlands and conservation. I know that one
7 of the questions was to ask to do the environmental
8 study. I think that it was talked about doing -- there
9 are no rare animals on that site, but we also talked
10 about the corridors for the animals to get in and out.
11 I don't know if that was included in the study, but I
12 think that's an important issue to make sure that the
13 wildlife - because it has all that preserve - can get
14 in and out.

15 In terms of the wetland, I would ask that the
16 project applicant should obtain all final state and
17 federal wetland approvals before the Planning Board.
18 The CAC in the last meeting also stated that there was
19 concerns around the close proximity of the first row
20 of the homes of the wetlands and this hasn't changed
21 at all. So, it becomes a somewhat serious dangerous
22 issue for these homes that are being built right
23 there.

24 In terms of water issues, we've already gone
25 over that.

1 So, also in the last meeting, Chairman Stuto
2 said something very important that resonated with me.
3 You stated that "our job is to review the project and
4 try to mitigate the impacts on the neighbors. That's
5 how I think about it. That includes traffic,
6 screening, architectural review, noise, visual, water
7 and all other impacts."

8 What I implore this Board to do is -- there are
9 still too many questions unanswered of what really are
10 the impacts of this project. It's not just this
11 project. It's 34 homes but it's not just this
12 project. It's combined with all the other projects
13 that are going on. I'm certain that none of us just
14 want to sit here and hope that the traffic volumes and
15 the traffic is going to be okay, that our water will
16 not even be more negatively impacted, that the
17 wildlife will not be displaced or even worse,
18 destroyed - and that the homes near the wetlands won't
19 have issues. Also, as Mr. Curtis said, that there are
20 other homes out there that are not going to get a
21 decrease in value because that will have a personal
22 and financial impact to those neighbors.

23 We should not only consider ourselves and the
24 neighbors but this development too, and the people who
25 are going to be living in this development. They are

1 going to be impacted by the traffic. It's not only
2 our consideration that we have to take into
3 consideration, but it's in their best interest too.

4 Thank you for your time and I would just
5 recommend that until all those questions get answered,
6 the concept phase be denied for now. Thank you for
7 your time.

8 CHAIRMAN STUTO: Thank you.

9 We're taking notes and we will ask the
10 developer to address the comments. We'd like to get
11 more comments in sift them out as we go.

12 Susan Quine Laurilliard.

13 MS. QUINE LAURILLIARD: Good evening. As you
14 know, I have been here before. I was here at the
15 April 19th meeting and I have poured over the
16 transcript, which I'm very happy to see is on the PEDD
17 website. So, that was a good thing.

18 I want to make a couple of comments. I hope
19 that there will be more neighbors here to speak about
20 the issues related specifically to their neighborhood.
21 The overall comment that I wanted to make, and it goes
22 back to the issue of the freshwater wetlands -- when I
23 was here last time I asked the applicant if you had
24 gone to DEC and if you had started discussions with
25 them about permits. Have you done that?

1 MR. LACIVITA: You need to ask the questions to
2 the Board.

3 MS. QUINE LAURILLIARD: I'm asking the Board to
4 ask the developer and the representatives if they have
5 been to the Department of Environmental Conservation
6 regarding wetland issues. I know that they hired
7 Bagdon Environmental to do wetland delineation for
8 that.

9 CHAIRMAN STUTO: I don't want to break up the
10 flow. We will ask them.

11 MS. QUINE LAURILLIARD: I would like you to
12 follow-up specifically with the applicant. I think
13 that this is very important here. They've done a
14 delineation here. It's a private consulting firm.
15 What happens on a regulatory basis with DEC is that
16 the staff of DEC have to confirm that boundary line.
17 As you know, this project is in the conservation
18 overlay district and as part of the calculations for
19 the development, the lot and yield and where things
20 are going to be located here, you're going to need to
21 know exactly where that wetland boundary is. You have
22 to figure out what are constrained lands. So, if we
23 don't know the accurate acreage of this boundary line,
24 they have not formally gone to DEC, gotten a formal
25 wetlands delineation as an okay in the field and this

1 is the boundary line, I don't know how this Board can
2 say that this is exactly know -- you have 100 feet
3 from that boundary line for an adjacent area. As you
4 know, the Conservation Advisory Council told you guys
5 that there are houses located very near this wetland
6 which is a Class II wetland, by the way for DEC.
7 That's a pretty significant wetland.

8 The other question that I have is: It's been
9 bantered around here -- well, they will usually give
10 you this transmission line permit because in the end
11 it's going to look the same. I think that it's really
12 incumbent, since this is an integral part of this
13 project -- because as we know, they can't build here
14 without being connected to that water tank. So, I
15 think that the Board needs to know -- that
16 transmission line -- can they get a permit from New
17 York State DEC for that line before you and the Board
18 can say that this project is okay. Without that
19 transmission line, they're working off of here -
20 Brookhill, as we all know and all of our neighbors
21 know, we can't get connected to that water tank. We
22 are above 410, we have lousy pressure and the Town by
23 its own policy is not going to let anybody over 410
24 build. So, I think that you guys should really say to
25 this applicant that this transmission is integral to

1 this project and before we can make any decision about
2 concept or layout, we want to make sure that this
3 wetland, which is a Class II wetland that has been
4 delineated and the boundaries are accepted by DEC and
5 we want to know if this transmission line is going to
6 get a permit from DEC. The last time that I looked at
7 the environmental notice bulletin at DEC, there is no
8 application by this developer for anything. I think
9 that it's pure speculation on the part of all of us
10 that this can happen. I think that I would ask the
11 Board to say that it would be premature here to even
12 talk about this until we get this important stuff
13 figured out, as far as this DEC -

14 MR. LANE: That's not necessarily true because
15 concept is saying here is the plan. They need to take
16 steps beyond that. It's not that they're all set.
17 They will have to take those steps. If they can't get
18 the tank and the water, they're not going anywhere,
19 are they?

20 MS. QUINE LAURILLIARD: My second point here,
21 which I think is really important too is to look at
22 this project in the context of what the Town is doing
23 overall. Tomorrow at 2:00 the Town is holding its
24 first meeting on an addendum to the Town's
25 Comprehensive Plan. I was very happy to hear tonight

1 that in conjunction with that, the Town is also going
2 to look at working on the FGIS which Chairman Stuto,
3 you admitted at the last meeting that it was pretty
4 much stale and we really need to look at it.

5 I took a look at the history of how the Town
6 has dealt with Comprehensive Planning. In both of
7 those situations, the Town had imposed a moratorium to
8 allow the Town the latitude to look at the big picture
9 without the pressure of development. In 2004 when the
10 Town looked at the Comprehensive Plan, they had a
11 moratorium. What was significant about that moratorium
12 was they made an exception. They said that projects
13 that had received concept approval could go forward
14 with development even though the Town is looking at
15 its Comprehensive Plan.

16 Member Lane, you're saying that concept means
17 that's not final but it does have some significance
18 and it has been used in the past by Town to
19 basically -

20 MR. LANE: It allows them to proceed with their
21 plan forward in the next steps but there is money to
22 be invested as they take these steps.

23 MS. QUINE LAURILLIARD: However, what if the
24 Comprehensive Plan Committee decides that due to the
25 fact -- I'm going to give you guys a map.

1 MR. LANE: The just report.

2 MS. QUINE LAURILLIARD: There is a map,
3 actually, that's in the Comprehensive Plan. This
4 property is listed as a very significant open space
5 area in the Town and I don't know if you have that in
6 your packet. Do you have a copy of this map in the
7 Comprehensive Plan?

8 CHAIRMAN STUTO: No, I don't think so.

9 MS. QUINE LAURILLIARD: I think that it's very
10 important that you look at it. I have a copy here and
11 I'll hand it to you. Basically, it has a big circle
12 around this area of the Town. It was identified in
13 the last Comprehensive Plan as a significant area of
14 open space, which is why this conservation overlay
15 district is here. This should be in your packet.
16 This is important.

17 Perhaps the Town will see when they look at
18 their Comprehensive Plan that there is not a lot of
19 open space left in the Town of Colonie based upon what
20 has been going on since 2005; almost 11 years. Maybe
21 they'll recommend that this should be acquired or that
22 the overlay district should be changed for the
23 criteria for this. I think that it's good government.

24 Chairman Stuto, I think that you're on that
25 committee. I think that Mr. Shamlian is on that

1 committee as well. Mr. LaCivita, you're wearing two
2 hats here tonight. You're on that committee and
3 you're here at the Planning Board.

4 I just think that in light of all that is going
5 on with this Town, that this needs to just be tabled
6 until the Town has a grasp on what is going on here.

7 MR. LACIVITA: I think that to the point of
8 this map that was just shown to you, that's when the
9 conservation analysis was provided with the Land Use
10 Law - through the process to preserve potentially,
11 sites like this. That's what this development is
12 trying to do. No longer will single family residence
13 allowed to be taking the entire parcel to develop at
14 that two houses per acre. That's why they extract
15 certain constrained wetlands and extract the steep
16 slopes. They provide the connectivity to the Ashford
17 Preserve. Those were the intents of conservation.

18 CHAIRMAN STUTO: We'll get into that.

19 MS. DALTON: I don't think that's consistent
20 with what our speaker is saying. I think that what
21 she is saying is that we should not be hearing as to
22 what they could do without the conservation
23 development overlay. I think that what she is saying
24 that there should be no development here give the fact
25 that it's not known how sensitive. In fact, is

1 shouldn't be zoned for any development.

2 MS. QUINE LAURILLIARD: I don't think that's
3 what I'm saying. I'm saying that maybe 34 lots isn't
4 appropriate here. Maybe the criteria and the
5 calculations for what is allowable may change when
6 this Comprehensive Plan Committee meets.

7 MR. SHAMLIAN: What if they change the other
8 way?

9 MS. QUINE LAURILLIARD: We don't know. I just
10 want to point what is actually in the Comprehensive
11 Plan on 59. It actually mentions the Ashford Glen
12 Preserve which I believe you're stating that you want
13 to give Lot 50 to that preserve. So, they recognize
14 that there is some importance to preserving a wildlife
15 corridor which I think Member Dalton mentioned that at
16 the last meeting - that you are concerned about
17 wildlife corridors. Still, this map doesn't show all
18 of the open spaced lands that are here in conjunction
19 with Forest Hills. You don't have the big picture
20 here. We still don't have it. I thought that I
21 brought that up at the April 19th meeting - that the
22 big picture is not here. We're looking at this as a
23 separate little thing out of context with what is
24 going on in this area. The thing that I gave you
25 shows this part of the Town that has one of the last

1 areas of open space. What the plan does talk about is
2 that the Ashford Glen Preserve is already preserved
3 area and the opportunity exists to expand the open
4 space resources here through creative design of
5 development in conservation easements. So, I think
6 that goes to the whole character issue of the
7 neighborhood. There is creative design that can be
8 done here and not just a cookie-cutter thing that says
9 I'm entitled to 34 lots because that's what the
10 numbers are telling me. That may be something that
11 the Comprehensive Plan is going to come up with.
12 Maybe there needs to be more flexibility in these high
13 resource areas of the Town that we need to have that
14 flexibility as you, Chairman Stuto said, sometimes you
15 don't feel that you have that flexibility.

16 So, what I'm saying here tonight is that I
17 think that this Board, in light of what is going on
18 with the Town - the need for updating of the FGEIS,
19 the Comprehensive Plan Committee -- that this be
20 tabled and that they not be given concept because as
21 we know, concept has been grandfathered in other
22 cases. It's been used as out and I just feel that is
23 not appropriate here.

24 I just want to point out one other thing. That
25 goes to the traffic.

1 At the last meeting, the Board referred to the
2 Capital District Transportation Committee that had
3 done an analysis of the mitigation fees for this
4 project. We got a copy of that and I think that I
5 referred to the January 19, 2016 memo to Mike Lyons
6 from Dave Jukins. It gives some numbers here and it
7 talks about this is based on 32 lots. I believe that
8 you said 34 lots so you don't have updated CDTC
9 traffic here.

10 The other thing that I was really surprised to
11 see - and it's on note 1. It looks as though whoever
12 wrote this document actually cut and pasted from
13 another project because it doesn't make sense. It
14 says "Development Traffic: The project calls for the
15 construction of a 32 lot single family residential
16 subdivision. The outdoor fields will be lighted for
17 evening use."

18 I don't know where the outdoor field are here
19 that will be lighted for evening use. Who wrote this?
20 Did someone look at this before they put this in your
21 file as a document for your consideration for concept
22 approval? Is this really a valid document? I just
23 wanted to point that out to you. This was in our
24 Planning Board files and it has that kind of an error
25 in it. This is a serious procedure.

1 Two point two million dollars was paid out of
2 the GEIS water mitigation account for this water tank.
3 That's \$2.2 million dollars of GEIS water mitigation
4 fees that were collected from developers in the
5 airport area -- were paid for basically Forest Hills
6 and now you're saying Natick Hills and Londonderry
7 Ridge to have super water pressure.

8 CHAIRMAN STUTO: Let me state a point for
9 clarification. The developer put in money for the
10 tank as well. This is for additional capacity?

11 MR. FRAZER: All the subdivisions in the GEIS
12 contributed to the funds used for the construction.

13 MS. QUINE LAURILLIARD: Forest Hills received a
14 \$372,000.00 credit. When they submitted their
15 invoices from Charlew Builders, they were credited
16 \$372,000.00. So, \$372,000.00 never left the hands of
17 anyone technically because they were reimbursed
18 directly out of the GIS water mitigation account.

19 My point is that if I'm going to sell my house
20 with sub water pressure -- let's say my house is worth
21 \$200,000.00 and these houses are \$200,000.00 and there
22 is a house for sale in this development and there is
23 my house for sale. Someone is going to go in with
24 their realtor and turn the water on in my house and
25 say, you know what, I can't get water pressure

1 upstairs but I can go get water pressure over here.
2 Where do you think that they are going to buy their
3 house? That does affect the character of the
4 surrounding neighborhood. When you have a development
5 that is having exclusive use of a water tank that is a
6 \$2.2 million dollar water system -- my house was built
7 in 1960. I'm in a bad area where I have very bad
8 water pressure and I don't have any relief. That's
9 just my comment. I think that the Board should
10 consider that goes towards the character of the
11 surrounding neighborhood.

12 CHAIRMAN STUTO: Thank you.

13 Joel Weingarten.

14 MR. WEINGARTEN: Good evening and thank you
15 very much. I'll try to keep this short.

16 My name is Joel Weingarten, President of the
17 Birchwood Neighborhood Association. I want to bring
18 up a couple of short pertinent items.

19 With regards to the Capital District
20 Transportation Committee memorandum dated January 19,
21 2016 it does state that assuming that this proposed
22 subdivision would generate about 32 vehicle trips
23 during the afternoon peak hour -- my first question
24 because I still do not understand this is: If we are
25 thinking about 34 homes in this development, the

1 average home has about two adults, usually the parents
2 or the couple with two cars. Everybody is usually
3 working so I don't understand how you can get 32 trips
4 in the afternoon peak hours coming home when 34 times
5 two is 68. If you think about that at high traffic
6 time, you actually have 68 vehicles coming back.

7 CHAIRMAN STUTO: There is more than one peak
8 hour.

9 MR. WEINGARTEN: Understood, then.

10 The other thing that this document also brings
11 up and it mentions that if a residential scale
12 roundabout is still being considered at the Vly
13 Road/Birchwood intersection which I'm thinking that
14 they meant to say Vly Road/Denison -- then it would be
15 appropriate for the development to contribute to its
16 construction an additional \$33,136.00 with regards to
17 fees to help with this improvement. So, I really do
18 think that the Planning Board should truly take into
19 consideration as a whole and not just specific to this
20 project -- the area as a whole because, yes we have
21 Forest Hills. We have Ridgewood. We have Natick Hills
22 and then we're also going to be having Oakridge at
23 some point which still hasn't fully gotten off the
24 ground yet which is a big parcel of land. All this
25 dumping into this whole area -- we need to determine

1 and figure out what is going to happen with traffic at
2 that major intersection of Vly Road and Denison. Is
3 there going to be a traffic circle? You need to start
4 collecting the fees right now. All of this is
5 contributing to it. I have pointed this out in the
6 past at previous meetings and I'm going to point it
7 out to you now. It's something that you cannot ignore
8 going forward, at all. It has a very major impact.

9 I also want to bring up that Ms. Dalton had
10 said at the previous meeting, and I quote -- I forgot
11 what date this was. This was the April 19th meeting
12 at page 109. Ms. Dalton stated:

13 "I have been pretty much convinced that the
14 traffic situation can present a safety hazard and we
15 haven't considered all the options to mitigate that
16 safety hazard. I would like to see that before
17 concept approval because this concept could change
18 considerably based on the outcome of that."

19 I really do think that this is truly a big
20 issue that needs to be addressed and it truly needs to
21 be taken forward with not just this subdivision that
22 you have in front of you here, but with everything
23 else that is on the table and in the future. Thank
24 you.

25 CHAIRMAN STUTO: Thank you.

1 Sean Mahar.

2 MR. MAHAR: Thank you for your time and for
3 allowing me to speak tonight. My name is Sean Mahar
4 and I reside at 5 Brookhill Drive. I'm here in my
5 personal capacity as a resident of the Town of
6 Colonie. I'd just like to say thank you again for the
7 number of times that you have reviewed this proposal
8 and the questions that you asked leading up to this.
9 I'll just say that it's unfortunate that the number of
10 questions that you had posed in the past meetings have
11 not been addressed and it's unfortunate that no
12 changes have actually been proposed to what you see
13 here tonight and this new concept plan.

14 In particular, Chairman Stuto, you asked the
15 applicant to look at alternative designs for the
16 driveway to alleviate traffic concerns of the
17 neighbors at the last meeting. That's on page 101 in
18 the minutes. I don't believe that I see any
19 alternatives that were offered in that regard.

20 Mr. Lane agreed that there were too many
21 unanswered questions and asked to see what cumulative
22 impacts that the other proposals in the area could
23 have on this. This map is still limited to the
24 footprint of this proposal.

25 Ms. Dalton also shared the traffic safety

1 concerns in the area and asked that they consider more
2 options to mitigate those concerns and asked for a
3 wildlife corridor study. I didn't hear that
4 specifically mentioned tonight as being complete.

5 Also, there were questions with regard to
6 wetland delineation and others. It's unfortunate that
7 it doesn't seem that there was a very thoughtful
8 approach taken to really listening to the really great
9 questions that you raised at the last meeting. Those
10 are still outstanding, based on our read of what is
11 there.

12 Also, upon further review, as you heard, there
13 are serious flaws in the traffic mitigation estimate
14 that was given for this proposal by CDTC under the
15 airport area GEIS. That GEIS is out of date. It's
16 great to hear that the Town is actually going to be
17 working to update that as part of the Comprehensive
18 Plan and doing that simultaneously. It really speaks
19 to the need to get this done before we actually allow
20 more of these concepts to move forward in the Town.
21 We need to have a full accurate up to date picture of
22 traffic and cumulative impact of all these other
23 developments that have been permitted before we allow
24 more of these proposals to move forward.

25 The traffic numbers in this plan are based on

1 1990's data with the GEIS. To me, that seems like a
2 very outdated document when you look at the number of
3 additional proposals that have gone in surrounding
4 this area and have been included in the one that you
5 reviewed at 1209 Troy Schenectady Road that's coming
6 in to allow more development in the area and bring
7 more vehicles.

8 The CDTC traffic study that was done is flawed
9 as it doesn't recognize the proposal that is before
10 you for 34 lots. It only states that there would be 32
11 houses, as was proposed.

12 We need accurate information if you are going
13 to approve this concept plan tonight and move this
14 project any more further forward. Again, there are so
15 many outstanding questions that I would encourage you
16 not to allow that tonight.

17 Again, my fellow resident commented on the
18 notes page that was here - they referred to ballfields
19 and I won't dwell on that anymore but it seems to me
20 that you should really ensure that you have accurate
21 information with which to make decisions on important
22 developments like this. This does not seem like they
23 took the time to thoughtfully and thoroughly address
24 the questions that you have raised in the past.

25 I'll just conclude by saying that the motto of

1 this Planning Board is: "The future of Colonie is in
2 the planning for tomorrow" then we should not be
3 relying on yesterday's outdated data, which has not
4 accurately taken into account the cumulative impacts,
5 the multiple developments and expanding infrastructure
6 when we cannot keep up with maintaining what we have.
7 You don't even know what the additional costs are
8 going to be for this added water infrastructure that
9 we're getting. We don't know the cost of the traffic
10 in the area and what is going to be needed to address
11 that in the future. We haven't figured out the
12 options of what needs to be done to address the
13 current issues that residents in the area are facing
14 and we don't even know, again, what the additional
15 costs are going to be. Why rush concept approval on a
16 project before we have an unprecedented opportunity as
17 a community to set a clear shared vision for the
18 future with updated, realistic, comprehensive
19 cumulative information that's going to happen with the
20 GEIS and the update of the Comprehensive Plan.

21 Therefore, I urge the Planning Board to reject
22 this still incomplete application for concept
23 approval. Thank you.

24 CHAIRMAN STUTO: Thank you.

25 Nia Cholakis.

1 MS. CHOLAKIS: Good evening. My name is Nia
2 Cholakis and I'm counsel to Richard Rosetti who
3 resides at 331 Vly Road, across the street from this
4 proposed subdivision. I'm also here in the capacity
5 of counsel to Rosewood Home Builders whose corporate
6 offices are at 1201 Troy Schenectady Road, pretty
7 close to the intersection of Vly and 7.

8 As most of the Board Members are aware, we are
9 in the real estate business. So, I'm not here to
10 object to the development of the project. I just want
11 to point out some issues that have potential impacts
12 on both Mr. Rosetti's property as well as some
13 historical issues which we have tried to deal with
14 over in our corporate offices. Those may be
15 exacerbated by a portion of the project.

16 I don't know whether or not the members have
17 more information than what we have seen online, but
18 the plan itself does not seem to have any stormwater
19 management plan. I understand that this is concept
20 acceptance, but even on your own checklist - it's on
21 your website. Stormwater management or at least a
22 test study was supposed to have been completed in
23 order to kind of move this thing forward. There
24 doesn't appear to be any stormwater test whatsoever.
25 If anybody is aware of the way that the stormwater

1 runs, right now you have essentially surface drainage.
2 That's currently what is going on with this property
3 as well as up and down Vly Road. Vly Road has very
4 little in the way of detention basins. From Route 7
5 to beyond this property is probably two or three catch
6 basins in the right of way. Everything moves from
7 west to east.

8 I think that one of the people spoke about
9 being dangerous in the winter. It's essentially a
10 sheet of ice because the water runs pretty freely from
11 west to east and it doesn't really catch much.

12 When Mr. Rosetti owned 341 Vly Road which is
13 next door to where he currently resides, he actually
14 installed catch basins on his property so that it
15 would catch the water on 341 Vly Road, just so that he
16 wouldn't have flooded areas, which I guess some of the
17 other people have potentially have had in the past
18 where their basements have flooded.

19 The property that our affiliate owns - where
20 the former bowling alley is at 1210 Troy Schenectady
21 Road -- part of our approval process was to increase
22 the size of the culvert that ducks into our detention
23 basin. I will tell you because my office overlooks
24 this detention basin behind the old bowling alley that
25 when it rains, the water gushes. It gushes through

1 into that detention basin and then that detention
2 basin slowly then pushes the water out to Route 7 into
3 the DOT catch area.

4 Before we did that work and that redevelopment
5 plan on the bowling alley property, our driveways
6 would flood. When there was a fairly decent sized
7 storm, it would flood. I actually might have pictures
8 that I can provide to you.

9 These are pictures of between 1202 and 1210
10 Troy Schenectady Road. When we put our project in and
11 when we did the redevelopment plan, that detention
12 basin now has effectively, we hope - up until this
13 point it seems as though it has worked. What I'm
14 saying is that there is a significant drainage run-off
15 situation. It's not to say that a project can't be
16 built here but I think that the Board needs to take
17 into consideration some stormwater plan or there needs
18 to be some design of a stormwater plan in order to do
19 that. That's going to be additional run-off that's
20 going to run across Vly Road from west to east and
21 potentially impact the neighbors to the east.

22 I'm trying not to repeat everything that other
23 people have said but what is indicated here in the red
24 hatched area is essentially where the wetlands are.
25 As you can see, it backs up against the homes that

1 back up onto Vly Road. What we did -- this is not the
2 plan that they submitted. It's been doctored. What we
3 did is we essentially took a reasonable sized home and
4 we did two different plans. We did our Hawthorne -
5 which is a 2,700 square foot plan and we did a Bristol
6 which is a 1,900 square foot plan. We plopped those
7 on their site map so that you could kind of see the
8 actual size of the home, or potentially. I don't know
9 if they have indicated to anyone what size homes they
10 are looking to put on these properties but to the
11 extent that this is a fair representation of a size of
12 a home located on these lots, you can see that the
13 homes that back up against Vly Road are literally on
14 top of the wetland area.

15 When we sell homes, we make our purchasers sign
16 a stormwater agreement where they agree not to do
17 anything without going back to the Town. They can't
18 clear-cut, they can't fill land and they can't do any
19 of those things unless they go back to the Town. We
20 make that specific requirement when Rosewood sells a
21 home to someone. People do what they do. They think
22 that once they own a home, they think that they can do
23 whatever they want to do and there is a possibility of
24 that occurring - that someone goes in and they buy a
25 home and then they start filling into the wetland

1 because literally there is no back yard, with respect
2 to a couple of those lots on Vly Road.

3 I think that I heard Linda say that there has
4 been some trees proposed with respect to Lots 4, 6 and
5 10 and certainly the people on the other side of the
6 street appreciate that. I don't know if that's
7 necessarily enough but it's certainly a step in the
8 right direction.

9 The visual impact with respect to the homes on
10 the east side of Vly Road - to the extent that there
11 is not a sufficient barrier - because you also have
12 the wetlands in between too, so you can't really do
13 much to affect that, whether or not you're going to
14 see the back of those homes as you look out your
15 window. We would recommend that there be a
16 significant buffer between the back of those homes and
17 Vly Road. To the extent that the wetland is artifact
18 delineated in that area, they may be losing some
19 density just in that one area.

20 I'm not going to go into traffic since it had
21 been gone into significantly, but I can tell you that
22 it's not just the actual volume of the traffic. I
23 don't think that Vly Road was built to really take the
24 volume, but also the speed. It's because of the
25 elevation and the curves -- there is very, very poor

1 sight distance from many aspects of Vly Road coming in
2 and out.

3 Something that was not noted on the applicant's
4 plan that I want to make mention of -- this is 331 Vly
5 Road and this is a driveway also at 331 Vly Road and
6 then this is 341 Vly Road. So, there is an additional
7 driveway that I just want to make sure that the
8 Planning Board takes into consideration in connection
9 with this plan because one of the two proposed
10 entrances to the subdivision is almost but not
11 entirely lined up with the driveway that's on 331 Vly.

12 CHAIRMAN STUTO: Is there much more?

13 MS. CHOLAKIS: There is only one other thing.

14 I don't know if my calculation is wrong or I'm
15 misinterpreting the Code, but it's my understanding
16 that if you have a dead end -- if you have two
17 cul-de-sacs -- that you can only have a maximum of 850
18 feet and by our calculations it's over 1,100 feet. I
19 thought that should also be looked at.

20 That's all I have; thank you.

21 CHAIRMAN STUTO: Lois Porter.

22 MS. PORTER: My name is Lois Porter and I live
23 18 Ashford Lane and I want to thank you for your
24 patience. At this late stage of the game, a lot of
25 what I have to say is redundant but I'm going to say

1 it anyway because I think that it's important for you
2 to know that it isn't just two citizens or three
3 citizens but many are concerned about this
4 development.

5 At the April 10th meeting we were told that 47
6 homes are allowed, implying that we should be
7 satisfied if not pleased with 34 homes. The rules for
8 single family residential zones with conservation
9 overlays are generic as has been stated before. It
10 may or may not make sense in a specific case.

11 Furthermore, this was a determination by human
12 beings and we have ample examples that laws are passed
13 that are misguided and at times unjust and laws that
14 may declare that corporations are people. I believe
15 that we are justified in questioning the wisdom of
16 allowing 34 houses to be put on this particular
17 property.

18 Last April we were asked if we had anything new
19 to bring to the table when our old concerns - the same
20 concerns that we have tonight - traffic, water,
21 ecology -- taking the total number of homes being
22 proposed in the area that is multiple developments
23 have not been adequately addressed.

24 There has been absolutely no change or
25 virtually no change here and we, the citizens, still

1 have the same concerns.

2 Liz and Sandy have already talked about traffic
3 as have other people, but I have to say that I live in
4 the Brookhill/Cascade/Ashford area where there are 65
5 homes. All but four of the homes have two-car
6 garages. One home has a three-car garage. Of the
7 remaining three homes that have single car garages, I
8 often see three cars parked in front of the single car
9 garage at night when it's dark. If you ask us to
10 believe in this suburb at peak times that only 34 cars
11 will be in play from 34 homes, I have a bridge that I
12 would like to sell you.

13 The developer has been asked for a mitigation
14 fee of \$118,000.00. I want to know if that would
15 really cover the future cost of road deterioration and
16 water needs. What happened to the mitigation fee for
17 the Brookhill area to cover the cost of the inadequate
18 water pipes that we have? The developer who profited
19 from our homes is long gone with his profit and the
20 prospect with having inadequate water pressure and to
21 pay at minimum \$100.00 every five years for a pressure
22 reducing valve is left to those of us. I want to know
23 if the Town can use the GIS mitigation fees from
24 already approved developments in the area to ensure
25 that at least that study happens that has been talked

1 about for 2017.

2 There have been many studies regarding the cost
3 of community services. This is something that I don't
4 think has been brought up. I quote from the 2016
5 University of Illinois Extension Group.

6 "Regardless of who conducted the research, the
7 results have been consistent. Virtually all of the
8 studies show that the cost of community service's
9 ration is substantially above one for residential
10 land, demonstrating that residential land is a net
11 drain on local government budgets. The average
12 estimate ranges from about \$1.15 to \$1.50 which means
13 that for every dollar collected in taxes and non-tax
14 revenue, between \$1.15 and \$1.50 gets returned in the
15 form of local government and school district services.

16 On the other hand, the cost of community
17 services ratios for two other land categories are both
18 substantially below one. For commercial industrial,
19 the ratio usually ranges from .35 to .65 indicating
20 that for every dollar collected, the local government
21 provides only about .35 to .65 worth of services.

22 For agriculture and open space the ratios are
23 only slightly smaller from .30 to .50.

24 According to the cost of community services
25 studies, the largest single expenditure category for

1 communities is the public school system accounting for
2 a 61.4% of spending. Since open space and commercial
3 development in themselves do not place any burden on
4 the schools, it shouldn't be surprising that their
5 ratios are lower than those for the residential
6 category."

7 So, the Town of Colonie is taking large lots of
8 undeveloped land - not just this piece and allowing
9 residential development that is going to negatively
10 impact our tax base -- not to mention our quality of
11 life and the wildlife in the area and the inevitable
12 increase in the cost of providing schooling to new
13 students is not part of the mitigation fee paid by
14 developers. They are not asked to contribute to this
15 single most important cost of community services.

16 CHAIRMAN STUTO: I do want to ask a question.
17 Are you against residential development? That's what
18 it sounds like you're saying.

19 MS. PORTER: No. I'm not. I do think that 34
20 houses on this plot of land is excessive and
21 inappropriate.

22 Mr. Allard's comments from April, from the
23 Conservation Advisory Council - he commented on the
24 grove of trees on the property being spectacular.
25 That was his word. When asked if the grove would be

1 retained, the answer was that a portion of it will be
2 graded per the Town Code. Nobody on the Board made
3 any comment about that. It sounds like grading is the
4 acceptable code word for destroying trees.

5 He also talked about the wetlands which have
6 been addressed by other people - with the houses
7 situated in the middle of the wetlands.

8 Finally, the Planning Board has agreed that the
9 airport area GEIS is outdated and should be updated.
10 Since the Comprehensive Plan Update Committee is set
11 to meet tomorrow for the first time at 2:00 p.m., why
12 approve this concept acceptance to this plan instead
13 of waiting for the plan update so that a really
14 comprehensive look can be taken of all the development
15 already approved in this area of Town. In my opinion,
16 that would be the sensible and just thing to do. Thank
17 you.

18 CHAIRMAN STUTO: Thank you.

19 Cathie Love.

20 MS. LOVE: Thank you. I am here tonight
21 wearing my Mohawk Hudson Land Conservancy Chairman of
22 the Board hat.

23 I found it interesting that you said that
24 several conversations between MHLIC and you -- there
25 have been a couple all instigated by our Executive

1 Director. I'm glad that you heard his message today
2 that there has been no acceptance or approval, like
3 you had put forth before this Board before. We have
4 seen no official landscaped land, no boundaries, no
5 access or anything official. There are federal
6 requirements and state requirements that we have to go
7 through before we accept land and we can't act on
8 anything if we have no formal proposal before us. So,
9 our Board has not seen anything. We have not gone
10 through concept approval. We have not gone through
11 final approval. So, I'm glad that's clear that is has
12 not been discussed.

13 On the plan it says MHLIC will provide the sign.
14 We're just a little non-profit. We work really hard
15 to raise every single dollar, so I find it interesting
16 that we are now on the hook for more things than we
17 realized.

18 I think that it's fabulous that the Town is
19 starting the Comprehensive Plan review. It's exciting
20 for us as a Town and a really great opportunity for us
21 to look holistically at various areas in the Town.
22 There are a number of open spaces still in this area.
23 It would be a great opportunity for the Town to look
24 at this holistically and see what we can do for the
25 Town to provide the best value.

1 Lois talked about the cost of open space.
2 That's one of the reasons that we love living here is
3 that there are various pockets of open space. It
4 really contributes to the quality of our life here and
5 why this is a desirable place to live. I think that
6 it enhances the property values for people in the
7 surrounding neighborhoods and in the whole Town when
8 we maintain the character of our Town and maintain
9 pockets of open space. Here you have an opportunity
10 to hold off on a project and see how it can connect
11 with other projects that might be developed, how it
12 could connect to Ashford Glen, what possibilities you
13 could have and create in the plan for future
14 possibilities of value for the Town.

15 The 2005 Comprehensive Plan said that residents
16 were most worried about overdevelopment, traffic and
17 quality of life in the Town. I would say that we all
18 have the exact same issues and we're looking forward
19 to the discussion on the Comprehensive Plan.

20 Given the plan committee is meeting tomorrow, I
21 really urge the Planning Board to not give this
22 concept approval but to hold off and wait and see what
23 the newly revised Comprehensive Plan would like to
24 look at in this area. Thank you.

25 MR. SHAMLIAN: John, regardless of whether this

1 project occurs or not, has anything changed in terms
2 of the water and water pressure for Brookhill and the
3 surrounding neighborhoods?

4 MR. FRAZER: Not at the present time. As I
5 said when I was speaking earlier, the Natick Hills
6 Subdivision offer us a corridor to bring water from
7 the new tan to the Brookhill/Cascade Terrace area.
8 There would be no connections to the existing system.
9 It's impossible for us to serve the Beltrone property
10 from the existing service.

11 MR. SHAMLIAN: So, this property is the only
12 way for - ultimately down the road - the water to get
13 to Brookhill or not?

14 MR. FRAZER: I wouldn't say the only way, but
15 this does offer a corridor to it that's a little bit
16 easier with the easement and the Town right of ways
17 that have been proposed for the project, than the
18 easement from the end of the Town right of way to the
19 end of Cascade Terrace.

20 MR. SHAMLIAN: But you could find an
21 alternative way.

22 MR. FRAZER: Sure. We could probably use Vly
23 Road. It would be more expensive and far more new
24 pipe to do that. It is possible.

25 MS. QUINE LAURILLIARD: Denison Road has a main

1 on it; correct? You're just choosing not to loop the
2 system now, right? Isn't there a water main on
3 Denison Road right now that services all of us?

4 MR. FRAZER: Yes.

5 MS. QUINE LAURILLIARD: You could just loop it.
6 We are all connected outside. We're just not connected
7 to this tank.

8 MR. FRAZER: Correct, but to connect you to the
9 new tank it requires some capital improvements. There
10 are expenses that have to be met to make that work.

11 CHAIRMAN STUTO: Thank you.

12 We have received numerous and great questions
13 tonight and great points and great arguments. My
14 sense of what the Board wants to do is -- I'll just
15 make the suggestion and I'll get corrected by the
16 Board -- to get a hold of the record, compile all the
17 questions that were made and ask the developer at the
18 next meeting to address the questions. We'll be
19 looking to table this for tonight.

20 MR. LANE: Yes.

21 MR. GOLDSTEIN: I'm Alan Goldstein. I live on
22 341 Vly Road. I bought the home two years ago. I
23 moved out of a 30-acre home to come over here and I
24 though live in peace, somewhat.

25 This stormwater development isn't shown here.

1 There are wetlands. This has all said. I think that
2 you mentioned a few trees here. I believe that in my
3 elevation I'm going to look at the back of houses. I
4 don't think that I can a pick a neighborhood where you
5 look in the back of a home -- it's been said over and
6 over again that they're going to be on a wetlands and
7 we know it's going to happen.

8 It's said that there is flooding on Vly Road.
9 That's very true. Just for the heck of it today, I
10 drove on all three roads down here. It was said that
11 you have two seconds; right, left and go. This
12 roadway is going to be a little bit south of my
13 roadway. I don't know if that roadway even goes
14 through wetlands. I don't know about this overlay. I
15 had a thought that maybe the Beltrone current road
16 could be deleted - you'd probably need a fire
17 emergency exit, but maybe come out over this way
18 (Indicating) and do a cul-de-sac and hit Vly Road.

19 Just one last comment and everybody has said
20 this. First of all, Vly Road - the telephone poles,
21 if you go down the north portion of it, are probably
22 within a foot and a half of the line from pavement.
23 The line of pavement to the pole is swale. People
24 walk on that street. When I pull out of my driveway,
25 whether I go north or south, I pull out and try to do

1 30. Somebody said it tonight - they are on my bumper.
2 I put my directional on about a half a mile ahead of
3 time so that they back off of me.

4 I don't know if this project is going to go
5 forward. There was a lot of valid remarks here on
6 this project and I think that it needs a lot of
7 thought given to it. Thank you.

8 CHAIRMAN STUTO: So, did the Board hear the
9 suggestion made?

10 MR. BRICK: For the record, we're prepared to
11 address any comment raised here this evening. We will
12 defer to the wishes of the Board. I recognize that
13 it's late. I would ask that we would be placed on the
14 next available agenda. You provide the questions and
15 we will have those answers back to you well in advance
16 of that agenda.

17 CHAIRMAN STUTO: We'll do our best.

18 MS. DALTON: One of the things that we asked
19 for was the wildlife corridor study. I don't know how
20 you would get that done that quickly.

21 MR. BRICK: Let me address that. Bagdon was
22 out there and looked at the endangered and the natural
23 heritage.

24 Linda was out there and she can show you on the
25 map. The property is currently surrounded by chain

1 link fence. So, the idea of wildlife corridor
2 traversing across the property, there is a chain link
3 fence. The wildlife corridor necessarily has to be
4 the open space to the south, which are the tiny
5 individual lots. The open space to the west -- again,
6 there is a fence there. We can't show a wildlife
7 corridor when there is an existing fence. That fence
8 would be removed as part of this project. I don't
9 know how that would open up wildlife corridors, but as
10 it stands right now with the fence where it exists,
11 the wildlife corridor would be along the south of the
12 existing property and then up in the open space.

13 MS. DALTON: But ultimately, Lot 50 is still
14 part of this and part of the wildlife corridor that
15 currently exists or would exist in the future.

16 MR. BRICK: We agree. Lot 50 would be part of
17 the north/south wildlife corridor that ties into the
18 Forest Hills project as well as 17 Tulip Tree which is
19 a 15-acre lot that access all of Tulip Tree. All of
20 that is currently treed and non-developed. That
21 wildlife corridor would be a north/south.

22 MS. DALTON: And how does that relate to the
23 other developments that are on the way?

24 MR. BRICK: The open space which is to the west
25 which is part of Forest Hills - I believe that it was

1 part of their approval and it's deed restricted open
2 space. It's not to be developed.

3 MR. LANE: We need that written down. This is
4 what we are saying. It's supposed to be shown when
5 you came in tonight and it was requested, but it
6 wasn't provided.

7 MR. BRICK: Which is fine but I can't show a
8 wildlife corridor that doesn't exist -

9 MR. LANE: Just that but the cumulative impacts
10 alongside, as you said, the other developments that
11 is abuts.

12 MR. BRICK: Okay.

13 CHAIRMAN STUTO: Did you want to make other
14 points?

15 MR. BRICK: No. We just ask that we get back
16 on as soon as possible.

17 CHAIRMAN STUTO: Thank you.

18 If there is no objection, we will adjourn.

19

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21 (Whereas the above entitled proceeding was
22 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 _____

