

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 DONNA DRIVE EXTENSION
100 & 105 DONNA DRIVE AND 352 SAND CREEK 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 August 9, 2016 at 7:13 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York.

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

13

14 ALSO PRESENT:

15 Kathleen Marinelli, Esq. Counsel to the Planning Board
16 Joseph LaCivita, Planning and Economic Development
Department
17 Michael Tengeler, Planning and Economic Development
Department
18 Joseph Bianchini, PE, ABD Engineers
Joseph Grasso, PE, CHA
19 Bob Wolff
Clay LaPorte
20 Carol Cyr
Kirstan Kolber
Christine DiVeglia
21 Jerome Thomas
Mary Ellen Lorini
22 Elizabeth Martin
Brian McCarthy
23 Tom Pazienza
Steve Clapper
24 Steve Frey
Jack Fashalong
25 Michael Brennan

1 Robert Hull
Mike Rosch

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1 CHAIRMAN STUTO: Okay the next project is Donna
2 Drive Extension Subdivision, 100 and 105 Donna Drive
3 and 352 Sand Creek Road, application for concept
4 acceptance.

5 Since this does have a potential vote, the
6 neighbors were noticed so if they want to be heard, I
7 would ask that you sign in on the white sign-in sheet
8 to the left of the audience and to the right of the
9 Board.

10 Joe, do you have any preliminary comments?

11 MR. LACIVITA: Yes, Peter, this actually dates
12 back to 2004 when it was before the Planning Board at
13 that time. The project has sat dormant for a number
14 of years. The applicant is here tonight with his
15 engineer to go forward to try to get the subdivision
16 back into a concept acceptance format so it can move
17 into final approval.

18 Joe Bianchini is here tonight to take us
19 through the project.

20 MR. BIANCHINI: Thanks, Joe.

21 I'm Joe Bianchini with ABD Engineers and I'm
22 here representing Cillis Builders and Ted Cillis.

23 He has contracts to purchase three properties.
24 They are listed at 100 and 105 Donna Drive. There are
25 two properties here and here (Indicating) and they are

1 owned by the VanGeests which is 7.9 acres. There is a
2 4.5 and six acre parcel that is owned by Jeff Reid,
3 which Mr. Cillis has contracts to purchase all of
4 this.

5 Just to orient everybody, this is Sand Creek
6 Road (Indicating). That's 352 Sand Creek Road. This
7 is Donna Drive. I call it Donna Drive East. There is
8 a small cul-de-sac there and then there is Donna Drive
9 West (Indicating). Obviously, we border a lot of
10 properties. As you can see there are two properties
11 here on Sand Creek and it extends all along Alfred
12 Drive. There are 16 properties here back to Herman
13 Street. This is the Lutheran Church back here
14 (Indicating), and then it borders the South Colonie
15 School District -- there are athletic fields up here.

16 Mr. VanGeest owns these two properties here at
17 this location.

18 As you can see, the VanGeest property is all
19 wooded and this property is mostly open (Indicating).
20 There are some buildings that show on this that have
21 been removed.

22 The intent is as it was -- and I think that
23 Joe, this goes back to the 60's. The record maps that
24 I have from the adjoining subdivision go back into the
25 60's, but the intent was always to connect the two

1 Donna Drives with a road to come around to connect to
2 Donna Drive. That's the concept.

3 In doing that, we obtained 23 residential lots
4 along this roadway here. Obviously, they all back-up
5 to other single family homes. We have one stormwater
6 lot here (Indicating) and then we have one lot on Sand
7 Creek Road. In total, 24 new residential lots.

8 In connecting the roadways, it's about 1,550
9 feet of new road.

10 In terms of utilities, there is a waterline
11 here that is dead-ended and there is a waterline here
12 that is dead-ended (Indicating). We will be making a
13 loop to the waterline and bringing it out and then
14 also connecting it to a third point. We'll strengthen
15 it by connecting it to Sand Creek Road.

16 This whole site kind of ranges from this area
17 and down towards Alta Drive and back over toward this
18 corner here (Indicating). The sewers will be in the
19 streets, but they don't affect the sewers that are
20 already up here on Donna Drive. They'll come down and
21 they'll connect to an existing sewer on Herman Street
22 and this will go through an easement that we have
23 obtained through the church.

24 Stormwater will be the same way. We'll have
25 stormwater catch basins and a drainage system within

1 the street. We'll bring it to the stormwater lot
2 here. We'll have a bioretention area for the green
3 infrastructure and then we'll have a stormwater
4 infiltration basin here (Indicating) and then that
5 will overflow, if there is ever a problem, into the
6 existing stormwater system that is on Herman Street.
7 We'll be going through the whole modeling of the
8 stormwater system to make sure that it's not going to
9 cause any problems. There won't be any additional
10 run-off to anybody's property. There will be swales
11 along the property line that collect the water so that
12 nothing goes onto adjoining lots.

13 That's the subdivision. We are in the
14 beginning process with the concept development where
15 everything is now going to be given a hard look at to
16 get concept approval from the Town and then we start
17 all the detailed studies of stormwater and sewer to
18 make sure that everything works in accordance with the
19 Town standards.

20 Mike mentioned, too, that we had an
21 archeologist go out to the site because we are in a
22 sensitive zone. They did not find anything. We have
23 submitted the report to SHPO but we have not heard
24 back from them at this point.

25 Likewise, we have had a consultant go out to

1 the site and look for any wetlands. There are not any
2 wetlands on the site. We have done several test pits
3 on the site and the site has good sandy soil and
4 that's why we chose the infiltration for the
5 stormwater.

6 We did have someone walk it for rare and
7 endangered species; animals and plants. Again, he
8 didn't find anything. We will be submitting those
9 reports in the coming submission.

10 I think that pretty much covers it. I'd be
11 glad to answer any questions.

12 CHAIRMAN STUTO: We're going to turn it over to
13 our Town Designated Engineer, Joe Grasso, with CHA.

14 Joe, you've reviewed this project. Can you
15 give us your comments?

16 MR. GRASSO: Sure thing. Our comments are
17 formulated in a letter that we issued. It was dated
18 August 1st. I just wanted to check -- it was a
19 two-page comment letter. I want to make sure that you
20 have it.

21 MR. LANE: I only have one.

22 MR. GRASSO: I made copies of our letter so I'm
23 going to pass them down.

24 Our first comment, basically, is something for
25 the Planning Board to consider. There is some

1 additional information that we are recommending to the
2 Planning Board that you get, as part of the concept
3 application in order to make a determination regarding
4 the acceptability of the layout and the grading. Of
5 particular concern is the clearing associated with the
6 project. That comment is more fully described in our
7 comment number three and I'll just go through that
8 now.

9 There is a site analysis plan included in the
10 application materials and it demonstrates that
11 approximately 70% of the site is what we would
12 consider to be heavily wooded. The site analysis plan
13 doesn't include any additional information regarding
14 the type of vegetation that's out there, the quality
15 of it, the size of the trees, the species nor the
16 benefits that the existing wooded areas provide which
17 appears to be appreciable screening between existing
18 residentially developed areas. So, we recommend
19 additional information be provided as part of the
20 application materials so that the Planning Board can
21 get a good sense of the type of vegetation that's out
22 there and also determine if any protection of existing
23 wooded areas is warranted for any purpose that it may
24 provide.

25 It's important to note that the applicant did

1 provide a grading plan which is not something that is
2 required at concept, but it does a really good job of
3 showing the applicant's intent in terms of the grading
4 within the site as well as the associated clearing.
5 Most of the clearing that is done with these projects
6 is a result of the required grading work, so we
7 appreciate that Joe's office did a good job putting a
8 grading plan together. That grading plan does show
9 extensive clearing of the wooded areas. If you've got
10 information on the trees that are there and if the
11 Planning Board can make some decisions regarding if
12 any of that vegetation should be saved or protected,
13 then it could translate into having to revise the
14 grading as proposed and that could result in a revised
15 layout of the plans or a revised layout of the roads.
16 So, that's kind of why we suggested that additional
17 information regarding the vegetation be provided.

18 Within your packets there is a comment letter
19 provided from the CAC. I assume that somebody from
20 the CAC is here and can speak to those comments. I'm
21 not going to go through them but there are some
22 comments.

23 So, going back to our letter: Our item 2 - I
24 just wanted to touch on that. We had raised a comment
25 regarding the roadway geometry because the roadway

1 geometry doesn't meet the current Town road standards,
2 but this plan has been reviewed and accepted by the
3 Highway Department and staff from the Department of
4 Public Works, specifically including the acceptability
5 of the roadway geometry as it relates to the
6 horizontal alignment. They have deemed that this
7 layout is acceptable. That addresses comment 2 in our
8 letter.

9 Comment 4 was regarding the need for the site
10 specific study for potential habitat for any
11 threatened or endangered species. As Joe has
12 mentioned, that study has been completed, which is
13 good.

14 Comment 7 was regarding the layout of the lots.
15 You'll see by looking at the subdivision plan that a
16 lot of the lots have jogged property lines and
17 sometimes this is needed in order to try to satisfy a
18 minimum lot width requirement or road frontage
19 requirement or try to maximize the area of the
20 building envelope. If there is continued discussion
21 on that, Joe could maybe further explain the lot
22 layout. It does create a lot of jogged property lines
23 throughout the development and it's something that the
24 Planning Board may want to consider a more simplified
25 lot arrangement with straight or radial lot lines as

1 related to the center of the road.

2 MR. LANE: Can you go back? You skipped over
3 number 6 about the encroachments.

4 MR. GRASSO: This plan is based on a detailed
5 survey that Joe's office did. They have gone through
6 and identified any improvements within the property.
7 That also includes some improvements that appear to be
8 encroached by the adjacent residential lots.

9 MR. BIANCHINI: Along Alfred Drive in the back
10 there are some extensions in the back yard and some
11 fencing.

12 MR. LANE: But nothing like sheds.

13 MR. BIANCHINI: I think that there is a shed.

14 MR. GRASSO: There could be some accessory
15 structures. We're just raising the awareness that
16 these issues should get clarified on the plans, just
17 so that we don't get into a dispute later on if the
18 plan gets approved. They do look to be encroachments.
19 I'm sure that as the plans further develop, additional
20 information regarding the disposition of what is out
21 there and whether or not it's going to be removed or
22 relocated or retained and maybe a land transfer.
23 That's not to say that's appropriate in this case, but
24 additional information is typically provided as the
25 plans advance.

1 Comment 8 is regarding the archeological study
2 which is good to know that is currently underway.
3 When you look at the grading plan there is the
4 conveyance of stormwater across the backs of lots and
5 normally when we see that, in order to make sure that
6 drainage is going to be protected and not locked in
7 the future and cause a flooding of somebody's back
8 yard, we look for a drainage easement that the Town
9 would take and ultimately maintain. That should be
10 considered as the plans get advanced.

11 In terms of the stormwater management area,
12 there is an area in the lower left hand corner of the
13 plan itself, the south west corner of the site
14 dedicated for stormwater management. There is an
15 access road that is being provided in order to access
16 that stormwater management area. We just had some
17 comments regarding the width of it and we would
18 recommend that road get shifted off of the residential
19 property line so that it can be maintained and used by
20 heavy equipment to clean out that stormwater basin by
21 the Town in the future. This basin will be publicly
22 owned and maintained by the Town after the subdivision
23 is built out.

24 The other comments are really relatively minor
25 and technical and just related to the utilities.

1 Comment 13 is regarding the SEQR review of the
2 project. It is an unlisted action and the applicant's
3 consultant has provided a short EAF.

4 Part I of the EAF is the responsibility of the
5 applicant and there were a couple of comments that we
6 had on those items in terms of clarification of how we
7 think that they should be answered. Those are really
8 at the purview of the applicant and their consultant.
9 We will take that information and continue to advise
10 the Planning Board on a SEQR determination as the
11 project continues to advance.

12 That's kind of our comments, so far.

13 CHAIRMAN STUTO: Any preliminary comments from
14 the Board at this point?

15 (There was no response.)

16 Do you want to respond to any of the big items?

17 MR. BIANCHINI: Maybe just on the wooded area.
18 We are trying to save some along through the boundary
19 line here (Indicating), we can save some of this.
20 Down through here (Indicating) some of it is already
21 cleared and we can't save all of it because we do need
22 a swale down through there or a pipe or something
23 along that side.

24 CHAIRMAN STUTO: Have you made any effort to
25 identify significant trees on the property?

1 MR. BIANCHINI: Only a couple. They haven't
2 gotten into the fully wooded area to locate any big
3 ones, but we can do that.

4 CHAIRMAN STUTO: We'll hear from the public
5 now.

6 Clay LaPorte.

7 I'm sorry. Sir, can you stand there for just a
8 second? We're going to hear about the Conservation
9 Advisory Committee's comments.

10 MR. LACIVITA: We received the Conservation
11 Advisory Committee's recommendations on July 21st. It
12 had to do with the subdivision at 105, 100 Donna Drive
13 and 352 Sand Creek Road. They saw that the overall
14 condition was a grassy area, a wooded area and some
15 sloping areas. For their review they saw that there
16 are many mature trees present and recommend leaving
17 the outside 10-foot area beyond the driveways and the
18 buildings. They also said that there are flat areas
19 with grassy covers. Other areas are heavily treed.
20 They are identifying the property at this point in
21 time. Overall the condition of the trees appear
22 healthy and there are several fallen trees and slopes.
23 I'm assuming that you are looking to have those
24 identified - those ones as you go forward.

25 There was no indication of what trees will be

1 left at this time, because we haven't gotten that far
2 with the plan. The plan does indicate that some trees
3 will be kept on the property. I think that you want
4 to have those identified in some greater detail.

5 They're also talking about after grading --
6 maintaining the trees along Herman Street.

7 That is the extent of the comments that we got
8 from CAC.

9 CHAIRMAN STUTO: Does the applicant have a copy
10 of the CAC comments?

11 MR. BIANCHINI: No.

12 CHAIRMAN STUTO: We have extras here.

13 MR. LAPORTE: My name is Clay and I live
14 bordering the property and am right on Raphael Court
15 which wasn't mentioned tonight, but it's mostly it's
16 Donna Drive. Rafael Court is in there.

17 CHAIRMAN STUTO: Is that the cul-de-sac?

18 MR. LAPORTE: Yes, and I'm right at the end of
19 the cul-de-sac. There are basically two houses on
20 Rafael or three.

21 CHAIRMAN STUTO: Can you point to your house?

22 MR. LAPORTE: Yes, I'm right here (Indicating).

23 So, if you can see this little dot right here
24 (Indicating) - my shed is right here on this little
25 spot. This is the fence bordering the next property

1 right here, so I have these blocks sticking out. My
2 shed is sitting down there. So, my concern is about
3 my shed as far as what is going to be built up against
4 there.

5 Another thing is that there is a chain link
6 fence all the way around here too. The chain link
7 fence is within 12 inches of my retaining wall, so
8 basically I can't even get in between the chain link
9 fence and my retaining wall to do any repairs. I'm
10 just wondering if there could be an adjustment of that
11 border on there. Is this chain link fence going to
12 stay or is it going to be removed? I'd like to know
13 what I'm up against here.

14 CHAIRMAN STUTO: So, you have the chain link
15 fence and what else?

16 MR. LAPORTE: Is the chain link fence going to
17 stay there or am I'm going to put a fence -- I can't
18 put a fence along the back of my property if that
19 chain link fence comes out. I have a dog and we want
20 to keep the dog in. The wall is straight down. It's
21 a five-foot drop off the top of my property straight
22 down.

23 CHAIRMAN STUTO: So, you want the fence to
24 stay; is that what you're saying?

25 MR. LAPORTE: Either that, or be replaced. The

1 problem is to get access to the retaining wall.

2 CHAIRMAN STUTO: So, you'd rather have the
3 fence moved a little bit.

4 MR. LAPORTE: Even if it's just a sliver of
5 this (Indicating) to get down there to maintain and
6 repair my retaining wall because now I can't get to
7 it. I can't get between the chain link fence and my
8 retaining wall to do any work on it.

9 MR. GRASSO: Is it a fence on your property?

10 MR. LAPORTE: It's not my property. Also, it's
11 not only chain link. It has barbed wire running
12 across it.

13 CHAIRMAN STUTO: We'll ask the applicant to
14 respond to that.

15 Do you have something else?

16 MR. LAPORTE: As far as species - there are a
17 lot of big trees back there. They are like 60 or 70
18 feet tall. They have hawks in there and others. I
19 don't know how that is going to affect any of that
20 wildlife.

21 CHAIRMAN STUTO: Okay, we're going to get more
22 into that. Thank you.

23 MR. LAPORTE: Thank you.

24 CHAIRMAN STUTO: Since he has a lot specific
25 comment, do you mind responding to the fence question?

1 MR. BIANCHINI: I knew that there was a fence
2 there. I didn't know the details of it. We'll have
3 to look at the fence and see what we can do there - if
4 either that we can adjust it, adjust the lot line
5 there a little bit there. I don't know.

6 CHAIRMAN STUTO: But you will look at it?

7 MR. BIANCHINI: Yes, I have to physically look
8 at it and see what's there.

9 CHAIRMAN STUTO: Can you give him your card?

10 MR. BIANCHINI: I did.

11 CHAIRMAN STUTO: Thank you.

12 Bob Wolff.

13 MR. WOLFF: Good evening. Again, my name is
14 Bob Wolf. My questions are going to pertain to
15 probably the stormwater and sewer that's going to run
16 down through the church property.

17 I reside at 18 Alfred Drive which is at the
18 corner of Alfred and Herman right here (Indicating).

19 One of my questions is: There is a 12-foot road
20 going to go through there to service the stormwater
21 area. When this road comes out onto Donna Drive, is
22 it going to be secured with a gate or guardrail of
23 some kind so that it's not an open access driveway
24 into the church property?

25 Now that I know that this is really a concept

1 meeting, I believe that someone should look at and
2 study the sewer system - especially the sanitary
3 sewers on Herman Street. They are not in the age of
4 50 years old. There has been two collapses on Herman
5 Street which have gone in and been fixed. Whether the
6 sewer on Herman Street really needs to be upgraded or
7 not - I'm not sure. I guess that it's something that
8 should be looked at and studied.

9 There is also a problem with the sanitary
10 sewers on a lot of the lots which this is going to run
11 out to.

12 Right now on Ahl Avenue they are doing another
13 sanitary sewer repair. I don't know how good the
14 sanitary sewer on Ahl Avenue is either, when you are
15 going to increase the flow. You are going to increase
16 some of the load on the system.

17 Those are really my concerns.

18 If I understand this right, this access
19 driveway is coming down into the church property. The
20 gate on the church property is remaining and it's
21 going to stay the way that it is.

22 CHAIRMAN STUTO: When you're done with your
23 questions, we'll get them answered.

24 MR. WOLFF: Those are my questions. Thank you.

25 MR. BIANCHINI: Yes, the access driveway for

1 the stormwater management area will come off of Donna
2 Drive. The stormwater management area will be
3 completely fenced in. The Town requires it. There
4 will be a gate over here off of Donna Drive for this.
5 This driveway will not connect to the church's
6 property (Indicating). The church's gate will stay
7 as-is. We'll have to remove some of the pavement to
8 get the sewer and stormwater line in, but that will
9 all be prepared to the satisfaction of the church.
10 Again, all of this will be fenced in and gated and
11 will only come off of Donna Drive.

12 CHAIRMAN STUTO: Does the sanitary go where the
13 gentleman is indicating that it does?

14 MR. BIANCHINI: It does go to Herman Street and
15 then it goes down through Herman Street. That's one
16 of the studies that we have to do - is to prove that
17 sewer is -

18 CHAIRMAN STUTO: Does it go toward Ahl too?

19 MR. BIANCHINI: Yes. We have had additional
20 conversations with Pure Waters. We'll have to go
21 through all of that with them.

22 MR. LACIVITA: Those items were not brought up
23 during the DCC of April of 2013. It did say a public
24 sewer extension will be required for the project.
25 They will not entertain a pump station or anything at

1 that new location. That's all in the other details.

2 CHAIRMAN STUTO: But it will include a
3 condition of the current system.

4 MR. GRASSO: Yes, that was comment 11 in our
5 letter requesting that information.

6 CHAIRMAN STUTO: Thank you.
7 Carol Cyr.

8 MS. CYR: My question and concern is that
9 these are going to be single family homes and no
10 rentals involved. We are having problems on Alfred
11 Drive. We have people who have come in as rentals and
12 are not taking care of the property. We want to make
13 sure that these are not going to be duplexes that were
14 zoned for residential.

15 CHAIRMAN STUTO: They are infinitively single
16 family houses.

17 MS. CYR: Okay, fine. My second comment is
18 about the trees and because we are right here on
19 Alfred, we have poplar trees. I would hope that they
20 would be something that will go down because they've
21 gotten so large and they could come down on the
22 houses.

23 CHAIRMAN STUTO: Okay.

24 MS. CYR: I don't know if that's a concern.
25 It's a concern for us.

1 CHAIRMAN STUTO: Some people argue for keeping
2 trees.

3 MS. CYR: We have spoken to the owner of the
4 property over the years because they have gotten so
5 massive and we were told that we can take them down at
6 our expense. I'm hoping that now they're going to be
7 taken down.

8 CHAIRMAN STUTO: As we go further with the
9 plans we're going to find out a little bit more.

10 Do you want to comment on that?

11 MR. GRASSO: A Poplar is one of those trees
12 that is normally a weaker structure and prone to
13 damage during rain storms and could be considered
14 short-lived. That's the type of information that we
15 would like to see on the plan regarding the species
16 that are out there. Where are the Poplar trees and
17 are those planning on being retained or removed.

18 CHAIRMAN STUTO: We're going to study that
19 further, ma'am.

20 Kirstan and Ron Kolber.

21 MR. KOLBER: My concern is about the wetlands.
22 I thought that I understood that behind Alfred Drive
23 -- we live at 18 Alfred Drive -- and it's what I call
24 heavily wooded behind our house. I also thought that
25 was considered wetlands. Is that considered wetland

1 behind our house?

2 MR. BIANCHINI: No.

3 MR. KOLBER: Okay, I wasn't sure. My
4 impression is that if you take away wetland, you have
5 to put it someplace else. If you remove wetland from
6 one location you have to have wetland somewhere else.

7 The other thing that you were talking about was
8 animals and stuff. There are animals that go back
9 there like deer and many different kinds of birds and
10 stuff. I've had them sit on my pool. I've had the
11 deer in our backyard. Those things, I would think,
12 would need to be addressed.

13 One last question is -- it might have to do
14 with the grading. Behind our property there is a dip
15 about three feet lower than our house. How is that
16 going to be addressed? I would assume that they are
17 filled in, otherwise those houses are going to be
18 three feet lower than ours?

19 CHAIRMAN STUTO: Can you address animals and
20 the elevations? I think those are the new issues that
21 were brought up.

22 MR. BIANCHINI: Animals -- there weren't any
23 endangered species. That's not to say that there
24 aren't any animals there.

25 In terms of the elevations, there is a low spot

1 and that may be wet sometimes. It's not considered a
2 wetland.

3 We did intent to provide a swale all along the
4 back of the houses on our property, obviously, so that
5 everything would drain down to the stormwater
6 retention basin.

7 MR. SHAMLIAN: Joe, can you explain what a
8 swale is?

9 MR. BIANCHINI: A swale is just like a grass
10 ditch. It's not deep, wide or rock. It's just grass so
11 that water has a way of running so that it doesn't run
12 onto your property or anybody else's property along
13 Alfred Drive.

14 CHAIRMAN STUTO: Christine DiVeglia.

15 MS. DIVEGLIA: Hi, my name is Christine
16 DeVeglia. I live at 7 East Alfred. I'm where the big
17 hill is. It's behind my property where the old farm
18 hour use to be before they knocked it down. So, one
19 of my concerns is the grading there because my house
20 sits way below it and I also have a very large group
21 of taller kind of trees that provide a buffer in my
22 yard that are right along the chain link fence. I am
23 wondering if those trees are going to stay or if they
24 are going to be taken down. The access road is going
25 to be coming in from Sand Creek just along the first

1 four houses. I guess it's going to end before my
2 house - the access road for the Town. I'm just
3 wondering what about the fence we all have right now?
4 The chain link fence is only about four feet high or
5 something. Is the builder going to do anything about
6 putting in any higher fencing?

7 CHAIRMAN STUTO: Can you show where your house
8 is?

9 MS. DIVEGLIA: Yes, I'm 7 (Indicating).

10 CHAIRMAN STUTO: Show us where you understand
11 the fence to be right now.

12 MS. DIVEGLIA: The chain link fence is right
13 here.

14 CHAIRMAN STUTO: How far does it run beyond
15 your house?

16 MS. DIVEGLIA: It goes all the way down the
17 street. I'm just curious about that.

18 CHAIRMAN STUTO: You can see where the new road
19 is above that?

20 MS. DIVEGLIA: Yes.

21 CHAIRMAN STUTO: That's where the road is
22 going.

23 MS. DIVEGLIA: Right, but we were told that
24 there is an access coming in behind the first four
25 houses for the Town - there is going to be an access

1 coming behind these four houses.

2 CHAIRMAN STUTO: Is that so?

3 MR. BIANCHINI: No. It's an easement for the
4 waterline.

5 CHAIRMAN STUTO: It's an easement. There will
6 be an underground waterline.

7 MS. DIVEGLIA: So, there won't be Town vehicles
8 or anything going in there?

9 CHAIRMAN STUTO: No, unless there is a break
10 somewhere down the road to repair it.

11 MS. DIVEGLIA: I was wondering about that
12 because I didn't know if they were going to be
13 clearing. The neighbor next door to me has a couple
14 of very large trees and I was wondering if those were
15 going to be coming down. They're right behind her
16 fence.

17 CHAIRMAN STUTO: That's a possibility and
18 that's something that we could address.

19 MS. DIVEGLIA: My other concern was some of the
20 animals in there - which I think has already been
21 talked about.

22 I understand that the Town doesn't have a
23 buffer zone law, but they have a no-build law or
24 something like that -

25 CHAIRMAN STUTO: Every plan gets reviewed and

1 the developer proposes where they want to clear and
2 what buffer they put in and so forth and we make a
3 final determination as a Planning Board of what that
4 should be. If you have a commercial against a
5 residential, they are required to have a buffer. This
6 is residential against residential. I don't think
7 that it is required by law, but we get to review it.

8 MS. DIVEGLIA: I was wondering how much vacant
9 land, per se, we would have from the back of our fence
10 before there was a house. How close is the house
11 going to be from us?

12 CHAIRMAN STUTO: We'll try to give you a sense
13 of that. Those are bigger lots than I think that you
14 have. Those are close to half-acre lots. We can talk
15 about where the footprint of the building is going to
16 be. Maybe we can make some approximations and answer
17 that for you.

18 MS. DIVEGLIA: I think that was it. I was
19 wondering what type of houses, as well.

20 CHAIRMAN STUTO: We'll try to answer that.

21 Do you mind answering some of those questions;
22 the fence, the house location and how far back that
23 will be and also where the waterline is going and how
24 that is going to impact the trees?

25 MR. BIANCHINI: The overall grading plan that

1 we have developed for this is to see how much we would
2 be disturbing. The houses, we intend to put pretty
3 much right on the front set-back line so that it
4 creates as a big a back yard as possible.

5 CHAIRMAN STUTO: Can you give an approximation?

6 MR. BIANCHINI: They'll vary anywhere from
7 probably a couple of hundred feet here to 50 or 60
8 feet right here (Indicating). The rest of them are
9 more than that.

10 MR. SHAMLIAN: When you say 60 feet, you're
11 referring to the property line.

12 MR. BIANCHINI: From the property line to the
13 house. Again, this is just a rectangle. I don't know
14 what type of house it will actually be. The intent
15 was always to keep the house close to the front
16 setback line.

17 As far as the fence, I'll have to get out there
18 and take another walk. I didn't take a hard look at
19 the fences - and try to see what is there and what has
20 to be -- obviously, if we are putting a water line
21 through here, it affects two lots here (Indicating)
22 and three lots off of Alfred Drive would be affected
23 by the water line. I know that Latham Water doesn't
24 like to have any trees on their easement. We do have
25 a little flexibility to move that in, if there are

1 trees right on the property line or close to the
2 property line. We can shift that over a little bit.

3 CHAIRMAN STUTO: We'll have the TDE look at
4 that as we go forward. We'll try to save the trees.
5 Most of the lots have a pretty good distance to the
6 house and you can look on the map as well.

7 The fence?

8 MR. BIANCHINI: All I said about the fence is
9 that I really have to get back out there and look at
10 it and see what Ted wants to do on some of them.

11 CHAIRMAN STUTO: We'll get back on that issue
12 too.

13 Jerome Thomas.

14 MR. THOMAS: My name is Jerome Thomas and I've
15 lived at 25 Alfred Drive since 1965. We were one of
16 the first homes.

17 There are a lot of deer, turkeys and animals in
18 that very heavily wooded area. I know people have
19 said this already, but I'm just repeating it.

20 The first question I have has to do with
21 traffic going from Donna onto Sand Creek. I live down
22 here (Indicating) but I'm thinking that the citizens
23 of the Town are going to be impacted by people trying
24 to get out onto Sand Creek, especially during commuter
25 hours. What has been done relative to that?

1 As to drainage: I've estimated that there must
2 be at least a 20-foot drop from the upper part of
3 Donna Drive to the lower. Since I live right next to
4 the retention basin, my concern is the velocity of the
5 water and the amount that is going to be coming down
6 into that corner - particularly now that you have that
7 swale that's draining the whole area - the whole
8 property line into that area.

9 CHAIRMAN STUTO: Can you show us where your
10 house is?

11 MR. THOMAS: Right here (Indicating). I'm the
12 third one in from the corner. This layout is a little
13 different than the copy of the plan that I have.

14 Anyway, with the retention basin, of course,
15 you get mosquitos. I think that we all know that. I
16 don't know if the Town has any formal program to
17 automatically spray those basins before they get
18 complaints beforehand. I know that in the past before
19 all these trees grew up, it was wet back there.

20 There was a study done for the church and they
21 said that there wasn't wetland there. They actually
22 put flags on the various bushes and trees. If somebody
23 says that there hasn't been a wetland study, there
24 was. I don't know where that is - whether the church
25 detained the study, but prior to all the trees that

1 have grown there now since 1965 what used to be a lot
2 of wetlands is now dry. I assume that it's the trees.
3 That's why I mention that.

4 Have any calculations been done yet by the
5 engineers as to the amount of water that is going to
6 be coming down? They say that it's at least a 20-foot
7 drop.

8 How much water will be in the retention basin?
9 How long will it stay there? How long will it take to
10 drain it?

11 I know that right up the road across from
12 Alfred Drive and across Sand Creek that there is
13 another drainage basin. The Town just recently mowed
14 it. I didn't know whether it was done for this
15 hearing or not. That was mowed and it was good. The
16 key is killing the mosquitos ahead of time.

17 The trees that are in there -- there are a lot
18 of Poplars, but there is a lot of good solid trees.
19 Where you want to put the drainage basin - the trees
20 are two to 2.5 feet or more in diameter. They must be
21 60 or 70 feet tall. They're all in that one area in
22 the corner.

23 As I said, it was considered a wetland at one
24 time.

25 What I wondered about with the drainage basins

1 up on Donna Drive and coming down to the water
2 detention basin -- is it just a straight basin or do
3 you have any retention within the basin?

4 MR. BIANCHINI: There will be a pump designed
5 in there.

6 MR. THOMAS: I would really like to see how you
7 plan to go ahead with the tree cutting, in light of
8 the recent Maxwell Road experience. It's an area that
9 everybody is going to be looking out their back
10 windows at. You should do that carefully.

11 If you would when you explain the drainage
12 basin, go over how the water will get out of the
13 basin?

14 CHAIRMAN STUTO: Okay, traffic, drainage and
15 then staging of the tree cutting; could you address
16 that now?

17 MR. BIANCHINI: Okay.

18 CHAIRMAN STUTO: You may not have done
19 calculations and all of that.

20 MR. BIANCHINI: We have done some preliminary
21 calculations but we haven't submitted anything yet to
22 the Town formally. We do those to make sure that the
23 basin and the size of that lot are adequate for what
24 we are proposing here so we're not showing something
25 and then we have to double it in size or something.

1 This is adequate and it's a two-stage basin. Water
2 will come into the upper area here, which is a
3 bioretention area. It's like a sand filter. Water
4 will go in there and percolate down through the soil
5 and there is an underdrain system below that which
6 will go out into our infiltration basin after that. I
7 indicated that there is good sandy soil there. The
8 groundwater is down sufficiently. It's not down
9 hundreds of feet. It's down sufficiently for an
10 infiltration basin. So, we will size that basin so
11 that water doesn't pond there for more than 48 hours.
12 That's a requirement. There will be some ponding
13 water, but it won't be permanent.

14 Traffic - we just addressed briefly. Typically
15 23 new homes during the peak hour will generate about
16 23 cars during the peak hour. This is all a big loop
17 and there is just one connection out to Sand Creek
18 Road so there will be during the peak hour 23 cars.
19 Obviously, during the day there will be 10 times that
20 many that go in and out of the site, but they are
21 spread out during the day. Usually, it's the morning
22 peak hour that's the problem time. We'll take another
23 look at Sand Creek Road to make sure. I don't know
24 exactly how many homes are there now, but we can
25 figure that out.

1 CHAIRMAN STUTO: The staging of the tree
2 cutting?

3 MR. BIANCHINI: I haven't gotten into that at
4 all with Ted yet. We'll have to get out there and
5 take a look at the trees and what is there and how
6 they big they are, which ones we can save and which
7 ones we can't. We'll have to get back to you on that.

8 MR. LACIVITA: The first staging, Joe, will
9 probably be for the infrastructure for the road.

10 MR. BIANCHINI: Typically, it's the roadway
11 that goes in first. You clear enough for the roadway
12 and then you go back and you clear maybe two or three
13 lots at a time and put the houses in. Obviously, we
14 are limited to five acres of disturbance at any one
15 time. We wouldn't be clearing the whole thing.

16 CHAIRMAN STUTO: Thank you.

17 Mary Ellen Lorini.

18 MS. LORINI: Thank you. I'm Mary Ellen Lorini
19 and I live at 6 Nina Drive which is on the corner of
20 Donna and Nina, right about here. I have a couple of
21 things that I have questions about.

22 One was the traffic. If anybody has a single
23 family home here with just one car, raise your hand. I
24 think that's a little unrealistic. I think that two
25 would be the minimum. If you have teenagers, that

1 would be three. So, I have some concerns about the
2 increase in the traffic in and out near my home and
3 going out to Sand Creek Road.

4 The other thing that I wanted to ask about was:
5 On my property right about here (Indicating) there was
6 a really large oak tree. It's about 400 or 500 years
7 old. We're not really sure how old it is. There was
8 another one. I don't know if it's still there - up at
9 the top of where Mr. VanGeest's property was. When
10 you look at the trees up there, that's one that you
11 might want to keep an eye out for. I don't know if
12 it's still there. Mine is here (Indicating) and the
13 last time this project came up, I brought up this
14 concern about what the affect after all the grading is
15 done -- what the run-off affect might be on the root
16 system of this old tree in my backyard. At that time,
17 the Board asked two things; that the tree be
18 delineated on the future maps of the project. It's
19 not right now. Also, that someone would take a look
20 at what the possibly affect might be with the run-off
21 - the change of run-off after the grading is done on
22 the root system of that tree. That's something that I
23 would like to have be looked into to see if there is
24 going to be any negative effects on the root system of
25 the tree.

1 To the extent that this lot here (Indicating)
2 is pretty much going to be disturbing that root
3 system, I don't know this particular lot can remain
4 undisturbed and maybe one less house be built in this
5 project. It would kind of protect and take care of
6 that tree.

7 My final concern had to do with a general
8 development concern. I saw in the reports that this
9 project would potentially use, after it was all built,
10 4,800 gallons of water a day to maintain the houses. I
11 was wondering if you had given any concern to the fact
12 that we have the development that just went up at the
13 other end of the roundabout on Sand Creek Road and
14 then there is another one going up back at the
15 Cicciotti Center and now this one. I didn't know if
16 the Board or the Town had given any thought to the
17 cumulative effect of the use of water on all of these
18 projects together; 4,800 here, 4,800 there. When we
19 look at the stress on the water supply - the coming
20 stress on the water supply and we talk about climate
21 change, we talk about the developments -- you look at
22 one individual project and say 4,800 isn't that bad.
23 It says right in here that it's minimum. Have you
24 looked at the cumulative affect of all of these
25 developments and the stress on the Town's water supply

1 so that down the road we aren't faced with a problem
2 where we have a water shortage and we have to go buy
3 it from somebody. Those are my concerns in terms of
4 this particular development.

5 CHAIRMAN STUTO: Is anybody familiar with that
6 oak tree, or anything that we can say about that in
7 terms of affecting the root system?

8 I don't know if someone can make a general
9 comment about the cumulative impact on water.

10 MR. BIANCHINI: The tree is not on this
11 property. It's just off this property and there will
12 be minimal grading, as I see it here, on our side of
13 the property. We'd have to look at it a little closer
14 and exactly how far away the tree is from the property
15 line with grading and so forth.

16 CHAIRMAN STUTO: Can you be prepared next time
17 to specifically talk about that?

18 MR. GRASSO: What I would recommend regarding
19 that is -- I think that Joe is probably going to have
20 to go out there and do more surveying, depending on
21 what the Planning Board wants to do with the trees.
22 Normally, they only survey within the project site.
23 Maybe they could approach the landowner to get
24 permission to survey exactly where that tree is and
25 even look at where the canopy of that tree extends so

1 that when we compare it to the grading plan -- and I'm
2 sure that Joe can work his plan to make sure that
3 there is no grading within the trip line. That's
4 normally an area that could cause a concern and
5 obviously, the run-off is another issue which Joe can
6 easily address.

7 MR. BIANCHINI: We're not adding any run-off to
8 that area. Yes, you have to locate some trees and
9 where they are significant, as Joe said, we'll
10 indicate the canopy of that tree to see what the
11 impacts are.

12 In terms of the water use - we'll probably use
13 about 4,800 or 5,000 gallons a day for the 24 lots.
14 That's minimal compared to the Latham Water District.
15 The Latham Water District keeps a pretty good handle
16 on their overall supply of water that's regulated by
17 New York State DEC and every time there is a
18 subdivision, it goes through Latham Water and it goes
19 through DEC to get the approval to make sure that
20 there is sufficient water for this system, not just
21 for normal daily use but also for peak days and during
22 the summertime and so forth. So, I think that Latham
23 Water has a pretty good handle on that.

24 CHAIRMAN STUTO: Does anybody else want to
25 comment on that?

1 MR. GRASSO: I will say that the Latham Water
2 Department does look at the cumulative impacts of
3 development within the Town and on their system. They
4 have actually reviewed this specific project and have
5 not brought up any concerns regarding any of the
6 supply water to the project. They do have a very
7 robust system in this area and Joe described how the
8 looped water main would be provided which is per
9 Latham Water District's requirements. The Town does
10 have approval already granted to provide additional
11 capacity to new development within the Town and this
12 project has almost a negligible impact on the Town's
13 total water supply which is millions of gallons a day.
14 She's right by saying that this project will create
15 the demand for 4,000 or 5,000 gallons per day. It's
16 negligible when you look at the Town's robust water
17 system.

18 CHAIRMAN STUTO: Thank you.

19 Elizabeth Martin.

20 MS. MARTIN: What I was wondering is - I'm four
21 houses up on this side of the street (Indicating) on
22 Alfred Drive. I'm four houses up from Herman on the
23 opposite side of the street. About three or four
24 years ago he had a very rainy season and evidently the
25 drainage isn't taken care of well enough because my

1 basement was flooded. The house next door to me was
2 flooded. When I'm concerned when you say that there
3 is going to be more run-off coming down to Herman.
4 That alarms me a little because I'm just that much
5 older that I don't feel like crawling around on my
6 hands and knees and using a shop vac and cleaning up.
7 My basement being flooded was very upsetting to me.

8 The other thing is that I'm on the road a lot
9 and between 4:00 and 5:30 when I come up from -- I was
10 coming from Home Depot. The traffic on Sand Creek
11 Road is backed up all the way down to Osborne Road and
12 all the way up to the roundabout and it's just more
13 people, more traffic and in my estimation we have
14 enough as it is. Colonie is getting over-burdened
15 with people. We're procreating too much.

16 The other thing is that I like the greenspace.
17 There isn't that much left in Colonie. There really
18 isn't. If you go to Niskayuna and they've done very
19 well planning their building. There is a lot of
20 greenspace. Colonie, outside of where the Crossing
21 is -- we don't have much.

22 There are a lot of animals back there. I know
23 because I walk through the woods almost every day.

24 Those are my concerns and I didn't plan on
25 speaking anyway. I wanted to let you know that I have

1 a gripe.

2 CHAIRMAN STUTO: We spoke a lot about
3 stormwater, but if you could address that one more
4 time?

5 MR. BIANCHINI: Again, the system that we're
6 using here will basically allow water to go into the
7 ground and not run-off and not contribute to Herman
8 Street. That's only an overflow system in case --

9 MS. MARTIN: It came up from the ground.

10 MR. BIANCHINI: That's what I'm saying. We
11 have to take another look at that to make sure that
12 it's not going to cause any problem. Also, this is
13 not going to cause any overflow to the system.

14 MS. MARTIN: Thank you.

15 MR. THOMAS: Is there any reason why you
16 couldn't use a retention basin and just use the pipe
17 system?

18 MR. BIANCHINI: The pipe system downstream
19 probably isn't adequate to handle this flow.

20 MR. THOMAS: Do you know that?

21 MR. BIANCHINI: I say probably. We haven't
22 gotten into all the detailed studies at this point.
23 That's why this is concept and not final plans. At
24 the final plan review we have all the studies done and
25 present them to you at that time. Yes, typically both

1 the Town of Colonie and New York State DEC prefers you
2 to use infiltration when you can. That's the
3 preferred method. That's what we have to look at
4 first.

5 MR. THOMAS: The expression not in my back yard
6 applies here.

7 CHAIRMAN STUTO: Brian McCarthy.

8 MR. MCCARTHY: My name is Brian McCarthy.

9 One of the concerns is the traffic exiting onto
10 Sand Creek from Nina. Nina and Donna exist now.
11 There is actually probably 25 to 28 hours up there on
12 Nina, Donna and Rafael at the existing time.

13 When you're trying to exit, cars coming east --
14 it's almost a blind drive. It's very dangerous. Cars
15 don't drive 35 miles per hour for the most part
16 anymore. They have the opposite that night. It's
17 gotten so backed-up and crazy over there. I don't
18 know what could be done to slow the traffic coming
19 east.

20 CHAIRMAN STUTO: You're saying that it's hard
21 to take a left hand turn out of the development; is
22 that what you're saying?

23 MR. MCCARTHY: A left or right. East bound
24 traffic is usually traveling way too fast, at times.
25 Especially with my mother at 85 years old who still

1 drives, she is in great health. She barely wants to
2 even come out at certain times because it's so bad now
3 from where she lives.

4 I don't know how much signs help. We don't
5 need another traffic light there. There is enough of
6 them up there anyways.

7 Again, with all the run-off on the existing
8 part of Donna and the sewers - this doesn't affect the
9 existing Donna Drive now, right?

10 MR. BIANCHINI: No.

11 MR. MCCARTHY: So, I guess the traffic is the
12 real existing issue from that area.

13 CHAIRMAN STUTO: Okay, you want to take another
14 run at that - the traffic? I don't know if there are
15 any traffic methods that could be used on Sand Creek.

16 MR. BIANCHINI: I don't know. We'll obviously
17 take another look at it. There are 23 homes beyond
18 this Donna Drive extension and one off of Sand Creek.
19 During the peak hour there will be 23 trips.
20 Obviously, everyone here is going to have probably two
21 cars or maybe even three; who knows? During the
22 morning time, that would generate 23 trips in the
23 morning; most of them going out of the site. It's
24 something to look at, but I don't have an answer for
25 you.

1 MR. MCCARTHY: The other thing is the
2 construction traffic when this project starts. Are
3 they going to be using the existing Donna Drive with
4 this heavy equipment instead of just coming in Nina?
5 You have no other way in. You have to come on Nina to
6 take a left to where the new project is. Once they
7 open this up, are they just going start bringing in
8 heavy equipment in?

9 CHAIRMAN STUTO: We'll talk about that after
10 the next person. I'll keep a note of that;
11 obstruction traffic.

12 MR. BIANCHINI: Again, the 23 cars I'm
13 referring to is just over the one-hour period.

14 CHAIRMAN STUTO: So, it's one every three
15 minutes.

16 MR. MCCARTHY: This whole neighborhood has kid
17 so now there are school busses that are happening more
18 and more with the new development, I'm thinking that
19 there will be more. Again, I know that it's hard to
20 come up with a plan to get the traffic -

21 CHAIRMAN STUTO: We have to maintain a little
22 bit of order. If you want to get back up and speak,
23 we'll give you a chance at the end.

24 Tom Pazienza.

25 MR. PAZIENZA: Hi, I'm Tom Pazienza and I live

1 at 15 Alfred Drive. That's approximately right here
2 (Indicating).

3 My major concern is water and you said that
4 there is a swale going in. The swale - I'd like to
5 know how deep it is. If it fails, my property has a
6 six-foot basement door. I don't want water flooding
7 and flying into the house. I see that you have some
8 structures here that you're showing but I'd like to
9 know how deep it is.

10 My second concern is in winter we have crazy
11 weather here. We all know that. It could be 50
12 degrees. The ground is saturated. Then we go to 10
13 below and the ground is frozen. You're not soaking
14 any water in when the ground is frozen solid and you
15 can get a rainstorm of three inches in two hours.
16 These are concerns that I have with the situation that
17 I have there. It would have to be able handle our
18 weather conditions because I had an instance where the
19 ground was frozen and you have three inches in like
20 two hours and it just has nowhere to go. It's going to
21 puddle wherever the low spot is. My major concern is
22 that they get that part right so that I don't create a
23 really big problem for me. I feel back for these
24 people who are going to have a lot harder time getting
25 out in the morning. That's not my concern. I can see

1 where that's a problem too.

2 CHAIRMAN STUTO: Do you feel like making a
3 general comment on the stormwater regulation the way
4 that it is right now? We're getting a lot of
5 questions on that.

6 MR. GRASSO: There is a couple of things that
7 is required to design into their project. One is the
8 safe overland conveyance to make sure that the run-off
9 that hits these properties gets conveyed and doesn't
10 impact any of the adjacent neighbors and they do that
11 through a system of swales and catch basins and storm
12 sewer systems and that's something that we will review
13 as final plans get developed. Generally, as I'm
14 talking about conveyance systems, swales would
15 generally be in the one foot deep to three feet deep -
16 depending on the amount of water that swale is
17 designed to take. That's something that we'll take a
18 look at. The purpose of that is to make sure that
19 swale contains the run-off that is expected during a
20 100-year storm event. That's the design standard that
21 we apply.

22 Regardless of what the weather conditions are -
23 whether we are dealing with frozen ground or drought
24 conditions during the summer, we want to make sure
25 that water stays in the swale. The swale gets that

1 water to an area where it is also going to be
2 detained. The state regulations require two things to
3 be dealt with in terms of stormwater. One is to treat
4 the water quality and to remove any sediment load and
5 pollutants within it before it discharged either to
6 the ground water or discharged off-site. Everything
7 is to make sure that the rate of run-off leaving the
8 project site is no greater than it is in the current
9 condition. There are a lot of other things that we
10 look. When you are doing one concentrated stormwater
11 management area, you're addressing the water going
12 into the ground there. Under today's current
13 condition, it infiltrates throughout the whole project
14 site.

15 So, we look at that changed hydrology when we
16 get into the detailed engineering studies. So, all
17 those things will be addressed and I think that all of
18 the concerns that we have heard tonight will be
19 addressed so that there are not any impacts on the
20 adjacent neighbors.

21 MR. PAZIENZA: One thing that he said is that
22 it had to filter down through the ground and that
23 first pool for some reason froze over, major rains
24 came in and I'd like to see that addressed.

25 MR. GRASSO: The first pool isn't for

1 infiltration. The first pool is what we call a
2 sediment forebay collection for water quality
3 treatment and then the overflow from that then goes
4 into a infiltration basin. The purpose of that basin
5 is to infiltrate that into the ground. We'll look at
6 the size of it. We'll look at whether or not we're
7 going to see a localized impact of the ground water
8 recharging in that corner versus any place else in the
9 project site. Those are all things that we will
10 study, based on their engineering studies.

11 I'd like to just speak to the traffic issue.
12 We are hearing more of a global concern regarding
13 traffic of the project.

14 This project is going to generate additional
15 traffic. We can validate that during the p.m. peak
16 hour or a.m. peak hour there will be about 20 to 30
17 trips generated. There may be 40 trips. That's what
18 new development does. It generates additional
19 traffic. There will be impacts on the neighborhood by
20 additional traffic. There will be impacts at those
21 access points onto Sand Creek Road. We understand
22 that there are currently problems out there trying to
23 get out onto Sand Creek Road. We will look at those
24 intersections. We also have to look at not just
25 whether or not there is going to be an impact. This

1 Board cannot just deny a project based on having
2 impact. The Board has to look at the significance of
3 the impact that's going to occur.

4 Normally when we are looking at a development
5 of 20, 30 or 40 homes it isn't large enough what we
6 consider a significant impact, unless of course it's
7 triggering the need for an improvement that would
8 address the additional traffic or if this project was
9 going to cause a safety concern. Those are things
10 that we will take a look at based on the comments that
11 we heard tonight as we get into additional engineering
12 studies.

13 I think that it's good that we understand that
14 there is concerns there, but keep in mind just because
15 a project is creating additional traffic, does not
16 give the Planning Board the justification to deny the
17 project.

18 CHAIRMAN STUTO: Thank you.

19 Steve Clapper.

20 MR. CLAPPER: Good evening. I live at 35
21 Donna. It's not really a concern of mine so much for
22 the water. I'm a little bit higher up. Although, I
23 just wanted to know, as I understand it, Donna is
24 basically going to become a circle, right? The only
25 access point aside from the access areas and the like

1 will be for cars up and down Nina and that's it;
2 correct? There is no other area?

3 CHAIRMAN STUTO: That's correct.

4 MR. CLAPPER: Okay, that's what I wanted to
5 know. Thank you.

6 CHAIRMAN STUTO: Steve Frey.

7 MR. FREY: I'm Steve Frey and I live at 36
8 Donna. I'm up at the top of the hill.

9 I saw that you have the buffer zone and you're
10 trying to leave some of the trees. I was walking back
11 40 or 50 feet onto the property just to get an idea of
12 setbacks and stuff would be. There are oak trees that
13 have a four foot trunk on the bottom of them but now
14 part of the allure of these neighborhoods is the
15 wooded area which can go but you're trying to leave
16 some trees but you have a 60-foot oak tree that gets
17 left but all the ground cover gets taken away. That's
18 still a change. Is there also going to be an effort
19 to replant the back of these neighborhoods things like
20 smaller evergreens to kind of give privacy to the new
21 and the old existing?

22 CHAIRMAN STUTO: Okay, fair question.

23 Joe, do you want to address it in the sense of
24 -- you examined what he has proposed now as his cut
25 lines and so forth. You're suggesting that maybe he

1 should re-examine that, right?

2 MR. GRASSO: The Town's only statutory
3 requirement is that there is at least two new trees
4 planted or retained within the front yard of any new
5 single family residentially developed lot.

6 The need for preservation of something that we
7 spoke a lot about -

8 CHAIRMAN STUTO: But we do have to look at the
9 situation with the trees.

10 MR. GRASSO: And we will. I think that with
11 that additional information we will take a look at
12 what trees are going to remain. I think that the
13 Planning Board will take a close look at the need for
14 buffers around the perimeter of the site to provide
15 some privacy to the existing residential homes. Then
16 we'll look at what that information tells us - whether
17 or not there are enough trees currently there that
18 exist that can provide a buffer. If not, and you feel
19 that there is a buffer that's warranted, then the
20 Planning Board gets into additional methods of
21 screening. Typically it's done through landscaping by
22 adding additional trees. Sometimes it's done with
23 fencing and sometimes it's done with a combination.
24 That's something that the Planning Board should take a
25 closer look at.

1 CHAIRMAN STUTO: We've asked you and the
2 developer to take a look at that.

3 MR. GRASSO: It will be done throughout the
4 whole process.

5 CHAIRMAN STUTO: Jack and Sue Fashalong.

6 MR. FASHALONG: I have no further questions.

7 CHAIRMAN STUTO: Michael Brennan.

8 MR. BRENNAN: I live on Herman Street, right
9 here (Indicating) and these are my concerns.

10 Primarily I'm concerned about sanitary sewer --
11 I think that what happens here is what you're
12 proposing is all the sanitary would come down here at
13 the corner of Ahl and Herman and then it's channeled
14 out towards Central Avenue.

15 MR. BIANCHINI: Correct.

16 MR. BRENNAN: My concern is that we have other
17 streets that are over here (Indicating). All that is
18 also coming down and coming up Herman and being
19 channeled out onto through Ahl Avenue.

20 As Mr. Wolff indicated earlier, so far this
21 year there has been two problems with sanitary sewer
22 which necessitated that they dig on Ahl Avenue to
23 correct that. This new development here may be the
24 straw that breaks the camel's back as far as the
25 amount of sanitary sewage that can be handled on Ahl

1 Avenue. It's already having a problem because it
2 breaks every year. Every year they are breaking up
3 somewhere and they are having problems with it. So,
4 now they're going to have this new development here
5 and that could cause problems for all the residents,
6 not only on Alfred but also on Iris, Ahl and right up
7 through the whole neighborhood. It's Iris, Arden and
8 the streets up all channel down here out to Central
9 Avenue. It's a main corridor. I don't know if that
10 system was ever designed to accommodate any additional
11 development up here. I think that should be closely
12 looked before any approval is given.

13 My next issue are these two stormwater
14 retention ponds. As the individual just brought up,
15 me mentioned that he lived up here on top of the hill.
16 This is all being graded down. That's why I have heard
17 mentioned that most of the trees have to be taken out
18 primarily to make sure that they can grade this down
19 appropriately. Aside from that, you have areas that
20 are being graded down. All of this water is coming
21 down to the swale and being channeled down to this
22 area here (Indicating) where Mr. Thomas has already
23 mentioned that we are already having water problems
24 down here; water problems that occur where a heavy
25 downpour of rain at the corner of Herman and Ahl

1 already -- sometimes it's underwater. This is a major
2 cut-thru from Central Avenue. It's the first one
3 after Wolf Road -- the first cut-thru from Central
4 Avenue to Sand Creek and it's an emergency lane here
5 also where at this corner it's overwhelmed with water.
6 That's just from a downpour now. Now, with all this
7 graded land, all this water being drained out to
8 swales, I foresee that there is going to be problems.
9 You have these drainage basins right here that I don't
10 know will be able to accommodate these issues. Also,
11 it mentioned overflow which I think that if you
12 overflow, now you're overflowing into someone's
13 backyard here into a neighborhood area. So, I don't
14 know if they really understand how the water will be
15 being channeled downhill after two homes are being
16 built here, where it's all coming down here
17 (Indicating).

18 So, my suggestion is that it's very clear that
19 we need a more clear understanding about overflow. I
20 think that these people have already encountered,
21 since they just did this development at the school -
22 problems a few years back when we had a heavy rain
23 where there was flooding in the basement. I think
24 that there is one suggestion here would be to put the
25 somehow more than one drainage pool area -- possibly

1 one up in this area (Indicating), one down here where
2 this area could be drained (Indicating), or down here,
3 or move it all the way over. This is all one big
4 vacant area over here (Indicating). So, if there was
5 any overflow, that would be overflowing not in
6 someone's backyard, but this is all grass back here.
7 This is all being channeled down here (Indicating).
8 The school is back here (Indicating). This is all, as
9 I mentioned, lawn back here -- to redesign that to
10 channel it away from this area. I think that would be
11 an opportunity to prevent the drainage water issues
12 that I think could be a potential problem for this
13 area and here (Indicating). Also, by driving up
14 through the current Donna - you go up a hill and then
15 you start going down a hill. You understand just by
16 traveling Donna right now, how hilly it is. I think
17 that it helps you understand how they're going to have
18 to grade that to really accommodate building homes on
19 here.

20 CHAIRMAN STUTO: Okay, we'll ask them to
21 address that.

22 Sanitary sewers, storm sewers - again, it's
23 more nuance comments that are being made every time.
24 Also, is there any reason that is the best location
25 for the retention pond? Should it be moved? Could it

1 be moved?

2 I'll leave it to Jo and Joe.

3 MR. GRASSO: I think that a lot of answers will
4 be provided as the plans develop. I think that he gets
5 into a lot of details and those details will be looked
6 at. Again, we are just at concept now.

7 He makes a good comment about whether or not
8 there should be one basin or basins higher up so that
9 all the water doesn't get conveyed down to the corner.
10 Like I had mentioned before, that's something that
11 we'll look at. Generally speaking for single family
12 developments, the infrastructure gets owned by the
13 Town of Colonie. The Town will generally want the
14 run-off collected in one basin so that they can
15 control it there and adequately maintain it. It gets
16 more difficult for the Town to adequately maintain it
17 when they are trying to deal with two or three
18 stormwater management areas on what we would consider
19 a relatively small project site. Nonetheless, that is
20 something that we will look at.

21 We'll also look at whether there is a need for
22 infiltration systems within the individual residential
23 homes that could be maintained by the homeowner and
24 not on the Town. Those are things that we'll also
25 look at. I think that the Planning Department even

1 mentioned in one of their comments that we consider
2 those great infrastructure practices and those should
3 be encouraged within the lots as they get developed.

4 CHAIRMAN STUTO: Any more comments on sanitary?

5 MR. GRASSO: No. We talked about it before.
6 It was a comment in our letter regarding the capacity.
7 The Pure Waters Department also reviewed the plan.
8 Their system has been designed to accommodate this
9 future development. The repairs that they are making,
10 based upon what we have heard from them are likely due
11 to aging infrastructure and not capacity problems.
12 They have not identified a need for any capacity
13 concerns or need for any upgrades as a result of this
14 project.

15 CHAIRMAN STUTO: If you have an aging system,
16 does adding more flow -

17 MR. GRASSO: Not generally. No doubt, you are
18 impacting more homes and when you're dealing with more
19 flow during repairs, it's more problematic. We have
20 to look at the capacity of the system. Like I said,
21 infrastructure that is put in is designed to
22 accommodate upstream development and this is what we
23 are seeing here.

24 CHAIRMAN STUTO: And it will be studied a
25 little more.

1 MR. GRASSO: It will be studied a lot more;
2 yes. Again, it's that level of impact. All
3 development has an impact. It has an impact on the
4 roads, drainage, water, sewer. It's the level of
5 impact and intent and whether or not there are
6 significant impacts that need to get mitigated by this
7 project.

8 MR. BRENNAN: They have to understand that this
9 project is a sloping project, where a lot of other
10 projects they had no retention on, as mentioned, on
11 the other side of Sand Creek - that was all level
12 land. This is sloping.

13 MR. GRASSO: Understood.

14 CHAIRMAN STUTO: Does the Planning Board have
15 comments or questions?

16 I will just say that the Town Designated
17 Engineer's letter recommends withholding making a
18 determination tonight until we get some more answers.

19 Lou?

20 MR. MION: I agree.

21 MR. SHAMLIAN: I would think that the applicant
22 probably has gotten a sense of what the Board is
23 probably looking for, as well as the public.

24 CHAIRMAN STUTO: Sir?

25 MR. THOMAS: I ask one question to the Planning

1 Board Members. Have they walked this site or will
2 they?

3 MR. LANE: Not on that lot.

4 MR. MION: I have.

5 MR. THOMAS: Because of the difference in
6 elevation, as pointed out, the velocity of the run-off
7 surge is going to be greater than a flatter area. The
8 concern is the integrity of where the surge is going
9 to be connected to the main line. Have the velocities
10 been calculated yet?

11 CHAIRMAN STUTO: No.

12 MR. THOMAS: Okay.

13 MR. BIANCHINI: We're at the concept level and
14 I understand that there are a lot of questions that
15 aren't answered, but that's the purpose of getting
16 people here so that we can hear your concerns. I
17 don't live there. I don't see the problems. I walk
18 out there on a sunny day and there is no rain and
19 there is no puddles. Everything looks fine, but now I
20 hear your problems and I understand that. I have gone
21 through many subdivisions and we'll come back with a
22 design that hopefully addresses all of the concerns.
23 We can't address all of them because the developer
24 wants to build houses here. That's his concern and
25 that's who I am employed by. We'll try to do our best

1 to address all of these concerns.

2 CHAIRMAN STUTO: Gentleman in the back.

3 MR. THOMAS: I had one more question. My
4 understanding was that the land has not been purchased
5 yet from the landowners. There is a possibility that
6 the Town itself could purchase the land so the land
7 could be sold and made into a nature preserve. You've
8 got three schools, all within walking distance of that
9 land. It's something to think about.

10 CHAIRMAN STUTO: You have two Town Board
11 members back there (Indicating).

12 MR. THOMAS: It's not a foolish idea. We have,
13 for example, the Crossings. When that came up, oh my,
14 it cost so much. We don't want to do that. But, look
15 at it now. It could be something to consider.

16 MR. SHAMLIAN: Just something to keep in mind:
17 Every project that comes before us that has
18 neighborhood questions, there is often someone that
19 makes that suggestion. Just think about the enormity
20 of that with every pocket of land in the Town. In
21 every situation there is somebody that says, well, the
22 Town should buy it.

23 MR. THOMAS: You don't look at the Planning
24 Board as a vehicle to make money to create more tax
25 payers.

1 CHAIRMAN STUTO: That's not part of our
2 function and that's not part of the statute, nor is
3 buying land part of our function.

4 MR. HULL: My name is Robert Hull and I live at
5 39 Donna Drive, which is up at the end of the circle
6 here (Indicating). There are two sewers that are at
7 the top of the hill.

8 CHAIRMAN STUTO: You mean manhole covers?

9 MR. HULL: They are sewer grates there.

10 CHAIRMAN STUTO: That's probably stormwater;
11 right?

12 MR. GRASSO: Yes.

13 MR. HULL: It's supposed to drain down into this
14 area here (Indicating), but you get a heavy rain and
15 the water is there for a couple of days. That's
16 something that I would like to have addressed. The
17 water doesn't drain there and it's supposed to drain
18 down into the field, but it doesn't.

19 CHAIRMAN STUTO: I don't know if that's so.

20 Are you somewhat familiar with it?

21 MR. BIANCHINI: I'm somewhat familiar with it.
22 There are two, what we call, dry wells. They are just
23 the round structure where the water sits and it soaks
24 into the ground. There are no pipes that I know of.
25 My people couldn't find any pipes going out of that.

1 They were shown on one of the old plans that I looked
2 at as dry wells. The water just goes into the ground.

3 MR. HULL: It doesn't do that.

4 MR. BIANCHINI: Probably not now. It's been 50
5 years.

6 MS. LORINI: I was wondering that given the
7 concerns that were articulated tonight in terms of the
8 traffic issues and almost more importantly, the
9 greenspace issues and the wildlife issues, if the
10 developer would consider reducing the size of the
11 plans here. Instead of going with 23 houses, go with
12 fewer than that in terms of being able to marry these
13 concepts together and do something and yet keep some
14 things as well. It's just something that I'm throwing
15 out. It is a concept plan that is not etched in stone
16 at this point and it might be something to take back
17 and consider.

18 CHAIRMAN STUTO: You want to take a crack?

19 MR. BIANCHINI: All I can say is that I'll talk
20 to Ted but obviously he would like as many lots as he
21 can get on this piece of land. It's a very expensive
22 piece of land. For him, it's a very expensive piece
23 for him to develop. I will talk to him.

24 MR. LACIVITA: Joe, what's the overall acreage
25 again that you are compiling here? What is the

1 overall acreage again?

2 MR. BIANCHINI: I think that it is 12.4.

3 MR. LACIVITA: That's right at capacity for
4 lots per acre.

5 MR. BIANCHINI: Yes.

6 CHAIRMAN STUTO: Do we have a motion to table?

7 MR. ROSCH: May I have a word, Mr. Chairman?

8 CHAIRMAN STUTO: We have a motion pending, but
9 we will suspend that until you speak.

10 MR. ROSCH: Thank you. My name is Mike Rosch
11 and I live at 2 Rafael Court. I didn't put my name
12 down because I thought that someone else would bring
13 up the subject.

14 When Iacobucci had this project, I thought that
15 he was bringing another road in from Sand Creek for
16 his subdivision. My concern is that I thought that
17 there was regulation in fire prevention that limited
18 the number of houses on a subdivision that only had a
19 single access. I don't know what that number is and
20 maybe I'm totally incorrect. There is going to be
21 probably 60 houses with a single access off of Sand
22 Creek. I don't know if that's acceptable with respect
23 to fire prevention.

24 CHAIRMAN STUTO: We can address that.

25 MR. ROSCH: Thank you.

1 CHAIRMAN STUTO: In our experience, it's not
2 regulated per se, but there are certain distances --
3 it's more distances than number of houses.

4 I don't know if someone can speak to that with
5 particularity.

6 What's the furthest distance?

7 MR. GRASSO: There is not a maximum distance
8 nor is there a maximum number of homes on a single
9 point of access.

10 CHAIRMAN STUTO: What is the maximum distance
11 on this project?

12 MR. GRASSO: I do not know.

13 MR. BIANCHINI: I don't know.

14 CHAIRMAN STUTO: Can you approximate it?

15 MR. GRASSO: Fire Safety didn't raise any
16 concerns. They did review the plan and they didn't
17 raise that concern. Normally, when we get over 50
18 homes we look to see if there are other emergency
19 access connections available to the project. If there
20 are, then we'll normally entertain a discussion with
21 the Department of Fire Services and the Department of
22 Public Works to see if they prefer that additional
23 access point be provided.

24 CHAIRMAN STUTO: But you're not making that
25 comment here.

1 MR. GRASSO: We have not, but it's something
2 based on the comment that we heard from Mr. Rosch,
3 it's a valid comment and it's something that we will
4 make sure that we pose a specific question to the Town
5 Departments.

6 CHAIRMAN STUTO: Did you want to say anything?

7 MR. BIANCHINI: I was just looking at the map
8 and I would say that it's probably around 1,200.

9 CHAIRMAN STUTO: Okay, we'll look at that
10 again. Thank you.

11 We have a motion. Do we have a second to
12 table?

13 MR. AUSTIN: Second.

14 CHAIRMAN STUTO: Any discussion?

15 (There was no response.)

16 All those in favor, say aye.

17 (Ayes were recited.)

18 All those opposed, say nay.

19 (There were none opposed.)

20 The ayes have it.

21 Thank you.

22 MR. GRASSO: Peter, we know that there were
23 comments regarding the trees and additional surveying
24 of the trees that are out there. Is there any more
25 specifics regarding the level of the survey and the

1 size of the trees, other than what we identified? We
2 didn't recommend a certain diameter in our letter.

3 CHAIRMAN STUTO: I'll just say this: We've been
4 talking about this issue for awhile and we've also
5 been talking about tree types and so forth. We are
6 relying on you as our Town Designated Engineer. I
7 don't feel qualified to really say, in terms of the
8 parameters.

9 MR. LANE: We would have to go strictly to the
10 Town Code and then what type of trees of this size.
11 That might be a bit daunting.

12 MR. GRASSO: Just so you know, the Code doesn't
13 require that survey be done at three inches in
14 diameter and larger. What the Code says is that the
15 trees identified to be removed -

16 MR. LANE: Okay.

17 MR. GRASSO: And I want to bring Joe into the
18 conversation only because if he comes back and shows
19 us where the 24-inch diameter and up trees are - say,
20 if there are six of them, that wouldn't satisfy the
21 concerns that we raised in our letter. Normally, by
22 getting additional information regarding the density
23 and the species and the sizes, we will then zero in on
24 what that correct number is. I'm just trying to
25 prevent the need for Joe to spend a month doing a tree

1 survey.

2 CHAIRMAN STUTO: What is your recommendation?

3 MR. GRASSO: Well, without having any
4 additional information, I would probably say 10 or 12
5 inches - starting there. I don't know how many trees.
6 I think that Joe asked about the size of the project
7 and we're talking about 12 acres. I wouldn't be
8 surprised that a good tree survey would pick up at
9 least 200 trees within a development of that size.
10 That could be eight inches or up or 12 inches or up.
11 That's where we would at least start. Maybe there
12 could be certain areas that we need additional detail
13 after we take another look at it by the Planning
14 Board.

15 MR. BIANCHINI: I was picturing this more as a
16 - kind of the area where the road is and to the front
17 of the houses -- pretty much, that has to be
18 disturbed. What I'm looking at is the back of the
19 house to the property line is where maybe we could do
20 something to save those trees. Those are the ones that
21 I was really concerned with.

22 MR. LANE: We don't want to clear-cut.

23 MR. BIANCHINI: We don't either. I can't save
24 trees in the middle of the road. That's where the
25 road is. But from the back of the house -

1 MR. GRASSO: I think that this is where the
2 Board has to understand that if this is the layout,
3 then we can go to that and say, let's survey on the
4 backs of the lots to see what can be saved. Or, do
5 you want to look at possibly the reduction of density
6 or revised layout that could save some trees.

7 CHAIRMAN STUTO: If there is a significant
8 grove of significant trees -

9 MR. GRASSO: I would say that we haven't seen
10 that yet. I would say that we're looking at a new
11 residential development sandwiched between existing
12 residential developments. So, it's not like we're
13 looking at a commercial project up against residential
14 where we are going to focus on trying to save one
15 spot. I would say that we don't only look at the back
16 yards because we have heard that there could be some
17 significant old growth forest areas. Anything over
18 100 years old - so anything over 30 inches in
19 diameter, we would want surveyed, regardless of where
20 it is because you have heard us bring that up in
21 projects. When there is a specific tree that we think
22 could be 100 years old or older, we would look for a
23 change in the road layout or lot layout to accommodate
24 that.

25 CHAIRMAN STUTO: I'm good with that.

1 Thank you and see you next time.

2

3 (Whereas the above entitled proceeding was
4 concluded at 8:20 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 _____

