

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****
4 LUPE WAY CONSERVATION SUBDIVISION
5 8 LUPE WAY
6 APPLICATION FOR CONCEPT ACCEPTANCE
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY L. STRANG, a Shorthand Reporter,
10 commencing on October 4, 2016 at 7:48 p.m. at The
11 Public Operations Center, 347 Old Niskayuna Road,
12 Latham, New York.

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

20 ALSO PRESENT:

21 Kathleen Marinelli, Esq. Counsel to the Planning Board
22 Joseph LaCivita, Planning and Economic Development
23 Department
24 Michael Tengeler, Planning and Economic Development
25 Department
26 James Easton, PE, MJ Engineering
27 Sally Burkhardt
28 Deborah Gauldin
29 Robert Loftus
30 John Rizuto
31 Helen Romano
32 Ralph Schimmel
33 Craig Slezak

34
35

1 CHAIRMAN STUTO: Okay, for the record the next
2 item on the agenda is Lupe Way Conservation
3 Subdivision, 8 Lupe Way, application for concept
4 acceptance, 52-lot residential conservation
5 subdivision.

6 Joe I want to make a comment on this before it
7 starts.

8 We've seen this site a number of times along
9 with the residents. My recollection is that we
10 recommended a rezone from industrial to residential
11 because the industrial wouldn't fit on the end of the
12 residential subdivision - at least that was the reason
13 why I voted that way and I think that the Town Board
14 voted to rezone the property.

15 That all said, I have a lot of questions on
16 what is being proposed tonight. This is a
17 conservation subdivision which goes through a certain
18 mathematical analysis to get to the number of
19 potential lots and I think that there is an awful lot
20 of lots here and an awful lot of proposed houses that
21 I think if you went conventional, I don't think that
22 you'd get this many houses in. So, the conservation
23 subdivision analysis and provision in the Land Use Law
24 may not work in this case the way that it's intended.
25 I have studied this a little bit and asked a lot of

1 questions about it.

2 When you do a conservation subdivision analysis
3 - and this is something that we're all going to have
4 to understand tonight and going forward on this
5 project. You take out the constrained lands which is
6 intended to be lands that you cannot build on. That
7 would be federal wetlands, state wetlands, steep areas
8 and water course areas.

9 I'm not sure if I'm missing anything else.

10 Then, after you take out the constrained lands,
11 you're left with the unconstrained lands and you do an
12 analysis on how many lots you can do if you went
13 conventional subdivision. That's the number of lots
14 that you may be permitted to build on the smaller
15 area. The problem and the peculiarity on this
16 particular parcel is that there are islands of
17 unconstrained land that are separated by ravines and
18 wetlands from other unconstrained lands. So, in
19 reality if you went conventional subdivision, you
20 wouldn't be able to connect up all the unconstrained
21 lands because you'd have to cross watercourses and
22 cross wetlands and cross steeplands in order to get to
23 them. So, I have a major questions in that regard on
24 this property.

25 The other thing is that the DEC wetlands under

1 conventional subdivision have a 100 foot buffer.
2 That's not considered under this conservation
3 analysis.

4 Those things all being said, I need a lot of
5 questions answered before I could even vote on this.
6 Unless the developer can come up with a lot of
7 answers, I don't intent to vote positively tonight. I
8 think that we have to go back and understand a lot of
9 things including if you were realistically going to
10 develop this as conventional, what would it look like?
11 So, then we could really compare what it would be
12 under conventional subdivision and what we are getting
13 into now in terms of real density.

14 That's my opinion on this and I just wanted to
15 get that out there to hopefully help with the
16 discussion.

17 That's it. Do you have introductory remarks?

18 MR. LACIVITA: The only thing I'd like to do
19 Peter, is get some important dates on the record that
20 we have seen this three times and have made a
21 favorable recommendation to the Town Board which
22 adopted and changed the zoning from industrial to
23 single family residence. We saw this project in
24 December of 2015 and again in January 26, 2016 and
25 most recently February 23, 2016 where we made that

1 recommendation and had been adopted.

2 With us tonight is Jaime with MJ Designs taking
3 this forward with the developer's project.

4 MR. EASTON: Good evening, Board. Before I get
5 going, there is some information as I go through some
6 boards tonight. I think that most of the people here
7 tonight - they can pick up an 11 by 17. If you can't
8 see the boards from where you're sitting, you can pick
9 up some information. I will also be handing the Board
10 some things as I flip through some information.

11 This is what I made up for tonight's Board
12 meeting. This is just for general discussion
13 purposes.

14 The 11 by 17 I just handed out to the Board and
15 the public - I'll be discussing those as I go through
16 this process. Right now I'm just going to start off
17 talking about the project in general and as I go
18 through those sheets that are in front of you, I'll be
19 bringing up those different boards and discussing
20 those so that you can follow along.

21 My name is James Easton. I'm with MJ
22 Engineering. As Joe mentioned, the project has gone
23 through the Town Board process and on 8/26/16 this
24 parcel was rezoned from industrial to single family.

25 Underneath the proposed concept plan and the

1 conservation zoning district, the parcel is made up of
2 56 acres.

3 Out of the 56 acres you end up with
4 approximately 22 acres of constrained lands. You
5 minus that from the 56 or so and we do the 40% number,
6 we have to deed restrict or put in an HOA or what we
7 are proposing to you - give it to the Pine Bush via
8 the Town and we end up with 14 acres. So, out of the
9 56 acres, 36 acres is basically being deed restricted.
10 So, we're only really developing on 20 acres. That 20
11 acres is what you're looking at here, which is the
12 most prime land.

13 We will get to the Chairman's question of what
14 is usable.

15 As was mentioned, we do the calculations per
16 Town Code that says constrained lands minus
17 unconstrained lands and all this lovely math and 69
18 lots are approved, in theory, that you could build.
19 We are proposing 52.

20 The 52 lots, as you take a look at them, the
21 seven lots on the side to your far left -- I'm
22 considering carriage home lots, typically 60 foot
23 width, 120 foot or so in depth lot. The rest of the
24 houses or lots would be considered traditional single
25 family lots. Under the Town Code it states for

1 Section 190.30-81 that in a conservation zone - you do
2 the calculation and you figure out the number of lots
3 that you have or that you can theoretically build. We
4 came up with a design that we think a lot should be.
5 If there is no lot minimum size and there is not lot
6 maximum size, there are no setback requirements - all
7 this is dictated by the Planning Board and what they
8 would like to see. I have to take a stab at what I
9 think is the best use and best design. So, what I did
10 was come up with carriage home lots and traditional
11 single family lots. The traditional single family
12 lots are all basically 80 foot in frontage, which is
13 pretty typical to the single family residential code.
14 The lots on average are roughly about 13,000 square
15 feet in average. As I designed this, this is very
16 similar to what you see - 80 foot frontage, 150 foot
17 lot depth -- as you look at Canterbury Estates, the
18 PDD that's out there. If you look at those approved
19 subdivision plans, these lots are actually a little
20 bit bigger than those.

21 The same thing with Miller Road that Rosetti
22 built. Those lots are 80-foot frontages, roughly 100
23 feet deep and then you had carriage home lots. So, I'm
24 trying to do something - even though this is not a
25 PDD, I'm trying to use design examples that exist in

1 the Town to help better let people see what is out
2 there so that they can see something visually and see
3 how big or how small these lots are. The proposed
4 setbacks for this zone - the rears are exactly what
5 SFR zone requires - 25 feet. The proposed side
6 setbacks are 10 feet. The proposed front setback is
7 20. Again, that's up to the Board. The current SRF
8 zone is 35 feet for a front setback. I made it
9 because the lots are just a little bit smaller in
10 depth and size. I made them a 20-foot setback to have
11 larger backyards.

12 If you looked at these single family lots that
13 I'm kind of highlighting here, the reason why I did
14 that instead of having all these small little 69-unit
15 lots like 50 feet wide is because the existing homes
16 that are nearby. These are generally 15,000 to 18,000
17 square foot lots in size. They all vary in size
18 depending on the age of the subdivision. In general,
19 it kind of more mirrors what we're trying to do out
20 there. We are not trying to make little tiny lots and
21 get the unit density up so we're not impacting some
22 buffer zone and everything else. I'm trying to make
23 larger lots like what is out there - symmetrical, like
24 what is in the community instead of having a bunch of
25 small carriage home lots.

1 That's how I came up with a general design idea
2 of seven carriage home lots and larger single family
3 lots - just so you know where I was coming from. Like
4 I mentioned before, 65% of the lot or 38 acres or
5 whatever it happens to be is all going to be dedicated
6 to open space. As you look at this map, you can see
7 all the trees over in here (Indicating) and the trees
8 down below. All that space is going to remain as is.
9 Just as you see those trees right there and over on
10 the sides - it's all going to stay treed. We are
11 turning that over to the Pine Bush via the Town.
12 That's the proposed plan. In the conservation
13 district, you have a couple of options. One is like I
14 mentioned - you can put in an HOA, deed-restrict the
15 property or in this case, dedication to the Pine Bush.
16 That's what the Planning Department suggests that we
17 do. We are fine with that.

18 Getting to the Chairman's question of - as we
19 take a look at this design and the impacts of wetlands
20 and buffer zones and everything else - originally like
21 I mentioned during the rezoning application, this
22 project was discussed with the Pine Bush and with DEC.
23 Both reviewed the preliminary applications and both
24 had stated that -- at least the Pine Bush stated on
25 the record that they wanted to see the final analysis.

1 They wanted to see the final numbers. I believe that
2 they gave us a correspondence in your packet today
3 about this proposed layout. When I met with Carl
4 Parker of DEC, he liked the idea of this design and
5 again, he wanted to see the final details. I will
6 briefly discuss Carl Parker's opinion at the time that
7 we had our meeting.

8 The reason why he liked this design versus any
9 other design was that most likely, I preserved large
10 open spaces of undisturbed land. Underneath this
11 original plan you could, in theory, put a little house
12 over in this corner of unconstrained lands
13 (Indicating). You could put a little house over here
14 in unconstrained lands (Indicating). You could
15 manipulate this roadway to do something over here
16 (Indicating). He liked the idea of packing everything
17 in as possible. Again, he wanted to review the
18 application before he made any comments on it. In
19 general, I did have a meeting with Carl Parker from
20 DEC. He did review this plan. He did review impacts
21 to the buffer zone. He was okay with the plan because
22 I would not have even presented it for the sketch plan
23 meeting or during the rezoning application because I
24 wanted to make sure that he was okay with things.
25 Otherwise, we would have gone down the wrong path from

1 the very beginning. This was discussed. I will say
2 that for record that DEC has to review this
3 application.

4 As we go back to this Board, I know that last
5 time you guys had a lot of questions and I'm trying to
6 answer as much as I can and answering some of the TDE
7 questions and some of the Planning Department
8 questions.

9 Originally the Planning Department suggested
10 some of these rear lots in here (Indicating) be
11 reduced down to width of 150 feet. That's kind of
12 standard. The area that you are really seeing green
13 right now is pretty much the grading limits of the
14 project. Due to the Town roadway grade requirements,
15 stormwater requirements, the separation from the
16 sole-source aquifer and to obtain gravity sewer flow
17 out to Morocco Lane from my preliminary grading plans,
18 this green general area is generally the disturbance
19 area that you are going to see. There may be a little
20 bit of existing trees along the periphery of these
21 existing homes that are going to stay, but I don't
22 want to understate that by any means. I know that
23 those are some of the questions that some people have
24 had.

25 I know that in some of the previous questions

1 there were some people that were worried about the
2 railroad tracks down at the very bottom and the
3 proximity to the houses. On this board I didn't even
4 know the railroad tracks, but the tracks to this
5 existing home (Indicating) is over 800 feet away. I
6 researched for a while and I went to the National
7 Traffic Safety Board and I went to the U.S. Department
8 of Transportation of Federal Railroad Administration.
9 I also went to the New York State Railroad Law,
10 basically Section 51A and they all say that there is
11 really no requirement of a bumper distance from a
12 railroad track to a house. That's just the law. It's
13 crazy. I was able to find a recommendation from
14 Envision Freight. Envision Freight is a conglomerate
15 of industry and universities. Their recommendation
16 from a primary freight line is 250 feet.

17 We have all seen the disaster in Canada with
18 the freight accident up there. Their requirement for
19 a single family home separation distance from a rail
20 line is 30 meters. Thirty meters is 90 feet. Again,
21 we have over 800 feet of separation distance.

22 What I'm trying to get at is that there is no
23 Code requirement. It really defaults to the Planning
24 Board, which they say -- what the Zoning Code allows.
25 I did try to research that for people because some

1 people did bring that up.

2 The next comment that was mentioned was the
3 concern about stormwater and flooding and how our
4 project was going to impact Nutwood and a few other
5 things. People were worried about flooding from our
6 project site impacting Nutwood and really near the
7 tennis court area.

8 Originally when I looked at the site, I
9 actually said at the last meeting that we are
10 downhill. Our stormwater area is much more downhill
11 than Nutwood. That is the case. Our project site
12 where the stormwater is going to be -- we're actually
13 going to infiltrate it so you're not going to have any
14 stormwater run-off from our project site for the
15 majority of it. There is a bid sand berm down in here
16 (Indicating). We're actually going to recharge in
17 there. That elevation is 330. Nutwood, right next to
18 the tennis courts is actually at elevation 339. So,
19 we are eight or nine feet lower. There is a creek
20 back there. On Nutwood - people were concerned about
21 that road flooding out and how is impact from our
22 project going to impact Nutwood's stormwater drainage.

23 I did speak with Steve Brussels and Bill
24 Neeley. They did mention that there has been recent
25 improvements in the drainage area on Nutwood. Our

1 project site where we are discharging stormwater is
2 eight feet lower than Nutwood. So, unless I'm really
3 pumping up water - which we are not going to do - the
4 water will never get to Nutwood.

5 After I looked at it, this area here is in the
6 100-year flood plain (Indicating). My project site is
7 not in the 100-year flood plain, but this area
8 actually floods and there is information reporting to
9 the FEMA flood insurance maps. When someone actually
10 mentioned that, that made me look back at that and
11 take a look at it a little harder. That does make
12 sense to me that Nutwood does flood out sometimes.
13 Some of the reason why is that it is in the 100-year
14 flood plain. There is nothing elevation wise -
15 because we are much lower - that we are discharging
16 that I can really do about that problem. The Town has
17 made roadway improvements and drainage improvements in
18 that area, but we are just physically lower than
19 Nutwood so our stormwater drainage won't impact
20 anything on Nutwood.

21 I know that a lot of people, the last time that
22 we were here, had questions on traffic. That was a
23 very heavily themed comment from people so I'm going
24 to go over some of the traffic numbers and I'm not
25 trying to bore you with the numbers but I'm just going

1 to try to hit the high notes.

2 Basically, there is a traffic report that has
3 been submitted to the Town of Colonie. I'm going to
4 go over everything.

5 In mid-May you may have noticed that you saw
6 two little black lines on the road. Those two little
7 black lines count your speed, number of cars, how fast
8 you're going, if you're a tractor trailer, if you're a
9 motorcycle and if you're a bike. It counts all that
10 stuff. It's an amazing thing. We counted Overland
11 Avenue and right in the middle of Bonner Avenue and
12 right in that location. We collected data over nine
13 days. Over those nine days on Bonner Avenue we had a
14 little over 575 cars per day going in and out. Before
15 that, basically, 58 existing homes that are located
16 off of Bonner Avenue past Nutwood.

17 We have an a.m. peak rate and a p.m. peak rate.
18 Basically those are the number of cars making turns
19 for one hour. That's the peak rate that you're going
20 to see. Basically, it was about 54 cars in the
21 morning, 58 cars in the afternoon. That's what the
22 numbers show. That's just basically what is out
23 there.

24 FROM THE FLOOR: What street was that?

25 MR. EASTON: Bonner Avenue. The peak trips

1 would happen between 4:00 and 6:00 and 7:00 and 9:00
2 in the morning which I have said was basically 54 in
3 the morning during the peak hour. We don't all travel
4 during the same time of day.

5 The p.m. peak rate was 58. So, some people are
6 traveling during lunchtime going in and out of the
7 subdivision. Some people are leaving first thing in
8 the morning. People have different schedules. I also
9 remember someone saying that they were concerned about
10 speeds on Bonner Avenue and on Nutwood. People are
11 traveling real fast and there were other concerns. On
12 Bonner, the average speed was 25 miles an hour. That
13 was the average speed on Bonner in both directions.
14 The 85th percentile -- that means 85% of the people
15 travel 30 miles an hour.

16 This was interesting to me when I got the
17 traffic report.

18 On Nutwood, traveling to Albany Street the
19 average speed was 36 miles an hour. The 85th
20 percentile speed was 46.

21 Going in the opposite direction from Albany
22 Street back to Bonner, people are doing 21.

23 FROM THE FLOOR: You're in front of the park,
24 that's why. You put that marker in front of the Town
25 Park when people stop and turn into the park.

1 MR. EASTON: We also did visuals. The speed
2 limit on Nutwood in the one direction from Bonner to
3 Albany Street was certainly much higher than the speed
4 rate going from Albany Street to Bonner. We were not
5 as surprised.

6 CHAIRMAN STUTO: You haven't spoken about the
7 top 15% right?

8 MR. EASTON: No. We're just talking about the
9 85th percentile. You're going to have speeders. Some
10 people just speed and they're above the 85th
11 percentile.

12 FROM THE FLOOR: What does Overland have to do
13 with this?

14 MR. EASTON: I'll get into why Overland is kind
15 of important - and the same thing with Bonner Avenue
16 and why Nutwood's speeds are generally high in the
17 direction of Nutwood to Bonner versus the other
18 direction.

19 CHAIRMAN STUTO: We're going to open it up to
20 the public shortly.

21 MR. EASTON: The reason why we felt that speeds
22 were high is actually on Overland and on Bonner,
23 Nutwood is actually the controlling lane in which
24 there are no stop signs. You have this very long
25 linear road in which there are not stop signs. The

1 stop signs are at Overland and on Bonner. People can
2 travel at the end of Nutwood getting down all the way
3 through. We actually had speed records of over close
4 to 70 miles an hour on that road.

5 CHAIRMAN STUTO: We're not opening it up to the
6 public. You'll get your chance.

7 MR. EASTON: I'm just presenting the facts.
8 That's all I'm trying to do right now.

9 We also obtained accident data. We said, what
10 is the accident history here in the last three years?
11 We pulled all the records from DOT. Everyone that
12 gets into an accident has to file a traffic report.
13 So, we pulled the traffic reports and we looked at
14 everything on Bonner and everything on Nutwood. There
15 were three accidents on the intersection of Nutwood
16 and Albany Street. There were no other accidents
17 throughout Bonner. One was a drunk driver and he went
18 off into the ditch. The other two were failure to
19 yield to the Albany Street right of way. People just
20 basically just crossed out past the stop sign, didn't
21 see the car coming and they got into an accident.

22 So, as I look at Bonner Avenue, you have 575
23 cars going in and out of that location. You have not
24 had an accident in three years on that road. That's
25 close to a half-million cars. You guys are driving

1 pretty well over there.

2 I know that the next question that someone had
3 was: What about the roadway widths? So, we went out
4 there and measured the roadway widths in multiple
5 locations. Nutwood exceeds 20 feet - basically 20 to
6 21 feet across the way. Bonner Avenue in multiple
7 locations varies from 19 feet to 19.5. We have to use
8 some type of design standard to say that this is
9 acceptable or not. So, using AASHTO roadway design
10 guidelines, they state that for a local road system
11 the roadway needs to be basically about 10 feet wide.
12 That's what they state.

13 CHAIRMAN STUTO: What standard is this?

14 MR. EASTON: AASHTO; for local roads it's 10
15 feet wide.

16 We talked about what the lane width was and now
17 we're going to talk a little bit about the level of
18 service. The existing level of service is a level A.
19 You would kind of expect that on these small roads and
20 even with the proposed 52 homes -- it depends on the
21 Board if they will even allow that -- the level of
22 service is A. There is really not a delay in your
23 traffic flow. It does not mean that there is not a
24 traffic impact. It just means that the level of
25 service based upon 52 homes doesn't change. It's not

1 like you're going to be sitting in traffic five more
2 minutes because of 52 homes. That's basically what it
3 says.

4 I know that the other concern was single point
5 of access. The Town does not have a requirement for a
6 single point of access. It just states that you have
7 a single point and you could have one house off of
8 that single point or you can have a million houses off
9 that single point. There is no Code requirement for
10 the length of cul-de-sac or anything else. The Board
11 and the public were concerned about that. They said
12 give me examples of something else around that is
13 going to have this magnitude and this size. So, I did
14 that.

15 I grew up on Garling Drive and I watched it be
16 built out over the years. Garling Drive is over 2,700
17 linear feet long from the base of Route 7 all the way
18 back. There are 110 existing homes. That's more than
19 we have or are even proposing.

20 In 2014 six additional lots were approved by
21 the Town. It's a single point of access right out on
22 Route 7.

23 A single point of access is defined as you only
24 have one way in and one way out. That's like Bonner
25 Avenue; one way in and one way out.

1 Another example of this is Glenwood Drive.

2 CHAIRMAN STUTO: When was the bulk of Garling
3 Drive constructed?

4 MS. DALTON: That was 30 years ago because
5 that's where I live.

6 MR. EASTON: Laura Drive was extended.

7 MS. DALTON: Right; Laura Drive was extended.
8 Garling from 7 until where it turns off to Laura -
9 there were some homes there and there were some homes
10 on Dussault. Essentially that first circle that you
11 are seeing - that is older than 30, but everything in
12 the back is about 30 years old. We have gotten a
13 couple of lots built in.

14 When did you move?

15 MR. EASTON: I moved out of there when I was
16 about 14. So, 30 years ago when Laura Drive was being
17 built and then they expanded it later on in the early
18 90's and kept building off of that over time.

19 MS. DALTON: So, where they are proposing to
20 build more is at the bottom left hand corner
21 (Indicating) there is a greenspace right there and
22 they are proposing to fill in a lot of that greenspace
23 up into the next parking lot that you see.

24 As long as I've gone this far I will say that I
25 have almost never had to wait at the corner of Garling

1 and 7. Now, 7 is a completely different story.
2 Getting out to 7 is sometimes hard, but we don't get
3 cars stacked in the neighborhood. That typically does
4 not happen.

5 FROM THE FLOOR: Kathy, since you are
6 discussing it how are your roads there?

7 MS. DALTON: Our roads could be better;
8 frankly. Periodically when there are big holes, the
9 Town will come and patch them. They are wide.

10 I will also say to some of the points - because
11 it is an enclosed area, most people who live back
12 there go slow. There are a lot of kids that play
13 because it is closed. When someone gets a new
14 teenager in the neighborhood and their friends come --
15 I was just talking about this today. I have literally
16 stood with my dog or someone else and hit a car. They
17 think that they've hit someone and when they stop I
18 say, don't do that anymore. We tend to police it
19 ourselves.

20 MR. EASTON: So, one example was certainly
21 Garling Drive and another example was Glenwood Drive.
22 You can see the traffic circle right here in the
23 corner and you're heading towards Watervliet. That
24 has over 3,600 linear feet. It is longer than our
25 proposed project. It has more houses there; 133.

1 That's more than we would ever have on our project
2 site.

3 There are just some examples.

4 Old Valley Road - again, that's another kind of
5 newer subdivision off of Vly Road. I actually did
6 pick also Montgomery Drive which was Marini's project.
7 Even though there is a secondary access point in the
8 back that's gated to the apartment complex, this is
9 typically a single point of access because people can
10 only go in and out in that one location.

11 Again, I just wanted to give examples. It's
12 been around for a long time. Some things have been
13 approved recently that have been built that have a
14 single point of access. It's not uncommon to the
15 Board.

16 I stopped at 30 but there are a lot more and
17 you can keep on going.

18 One of the things that I mentioned before about
19 the lane widths - certainly per AASHTO standards,
20 Nutwood travel lane widths meets AASHTO requirements.

21 How do you correct that problem on Bonner
22 Avenue to make it wider? This is certainly a public
23 input point that we should all talk about.

24 On Bonner Avenue, you have option one which
25 is the top one. I did a list of pros and cons. These

1 are my pros and cons. You may have additional pros
2 and cons.

3 The Highway Commission recommended that there
4 be no alteration to the roadway width.

5 CHAIRMAN STUTO: What are you trying to
6 demonstrate here?

7 MR. EASTON: I'm just demonstrating that the
8 Planning Board has options on Bonner Avenue and being
9 informed of those options is all that I'm trying to
10 present right now.

11 CHAIRMAN STUTO: Options with respect to
12 what?

13 MR. EASTON: Bonner has roadway width.

14 CHAIRMAN STUTO: With respect to improvements
15 on Bonner Avenue.

16 MR. EASTON: Yes.

17 CHAIRMAN STUTO: What are the improvements that
18 you're saying?

19 MR. EASTON: Option one is the no-build
20 alternative; do nothing. So, the Highway Commission
21 for the Town of Colonie has recommended no alteration
22 to that road. Certainly, a pro is that you don't have
23 to disturb the sidewalks and trees and things like
24 that. You don't have increased run-off from
25 stormwater management. You have a low-speed road.

1 Obviously we saw that by people doing 25.

2 What are the cons? You have a substandard
3 roadway width that doesn't meet AASHTO of nine feet.
4 You have no parking on the side of the road. The
5 roadway surface is not in the best condition. I agree
6 with Clough Harbor's assessment. You have to remember
7 that roadway condition has nothing to do with my
8 current application. Certainly, my application could
9 make it worse, but the current condition that you see
10 out there is what you have all been driving on for
11 many years. So, we have not caused the problem. We
12 can exacerbate the problem but we have not caused the
13 problem. I just want that clear.

14 The second option that I highlighted for the
15 Board is basically widening the road to 20 feet. That
16 is similar to Nutwood and similar to all the other
17 roads in the area. What does that accomplish? It
18 meets AASHTO requirements. Because the pavement
19 hasn't been fixed over the years - we call it pavement
20 creep. The grass has grown on the sides and kind of
21 deteriorated it. There is probably 20 feet of subbase
22 material underneath the road. So, if we were to
23 repave it, you would have two travel lane sections and
24 the subbase is kind of there and we can widen that
25 out. What is another pro? You still end up with a

1 low-speed road. Since it's only about another six
2 inches wider to a foot wider that's out there -

3 MR. LANE: It may sound like a small amount,
4 but generally when you widen, people feel that they
5 can go faster and that's why - low speeds compared to
6 some of the other streets that you are describing go
7 to higher speeds.

8 MR. EASTON: That's correct. So, this is all
9 for the Board to consider. Bonner Avenue is
10 substandard and it's just my job to present the
11 information to the Board and they make an informed
12 decision.

13 Again, you end up with a new roadway section -
14 new pavement on the road.

15 What are the cons? There is no off-street
16 parking.

17 Another pro is that I don't disturb people's
18 fences, trees, bushes, shrubs and all that other
19 stuff.

20 Option three is you can make a new Town roadway
21 section go through there. The current right of way
22 width is 50 feet. I think that everyone on Bonner
23 Avenue would probably agree that your house is pretty
24 close to the existing road; really close. The grade
25 from Bonner Avenue, especially to the north side, your

1 houses are set lower than the roadway. What I would
2 have to do is re-align the road and actually shift it
3 over to the side.

4 What are some of the pros? You get a new Town
5 road section of 30 feet wide. You get parking on the
6 road. That's a plus. You get a new drainage system.
7 I will have to put a new drainage system in because I
8 have a new wind gutter and everything else.

9 What are some of the cons? You have increased
10 stormwater run-off. Where do I have to put that
11 increased stormwater? I have to put it along the
12 front of your houses. I have to put it someplace. I
13 can't tie it into the existing Bonner Avenue detention
14 basin system because that's not sized for that or
15 treats it. You can't treat it for New York State DEC
16 requirements. So, I have to do something independent
17 of that system, which causes me to put it in the front
18 of your houses.

19 See all these little x's out here? Those are
20 all trees and your fences. They are not your
21 mailboxes. But whatever other decorative things that
22 I would have to remove on Bonner Avenue.

23 What is another impact? We all know with wider
24 roads you going to drive faster. You're going to have
25 increased speed. The other problem is, you have the

1 potential for a wet basement. As I take this storm
2 water area here and your houses are lower than the
3 road. Storm water is going to migrate into your
4 basement.

5 I wanted to point out the last little thing at
6 the bottom here (indicating). The Town Road section is
7 30 feet in width. You have a 2 foot wing gutter on
8 either side. So, you're really down to 26 feet. As you
9 park on the side of the road, you actually have 29
10 foot travel lanes. That is very similar to Bonner
11 Avenue's existing condition of 19 feet.

12 So, this is information for the Board to
13 consider. I am not proposing either or any of the
14 alternatives. I am just asking the Board to consider
15 the alternatives and make an informed decision.

16 Now, going back to the last -- I know that Mr.
17 Chairman asked what could you do in the sense of if
18 you could do something with all of these little crazy
19 areas. As I mentioned before, there were 56 acres. The
20 rough math is 36 acres which is going to be deed
21 restricted. That leaves us 20. That 20 acres is mainly
22 write in here (Indicating). If we use that same number
23 of what the potential uses, it would be 40 lots.
24 Twenty acres times two would be 40 lots. That would be
25 the hypothetical usable within that space.

1 CHAIRMAN STUTO: That's the math on that, but I
2 don't know if the layout works.

3 Joe Grasso, do you have any opinion on that?

4 MR. GRASSO: I would think that he's getting
5 closer with the 40 lots. I don't think that would
6 involve respecting the 100- foot buffer of the DEC
7 wetlands, though. I agree that the unconstrained area
8 they are is 20 acres and if you take them and multiply
9 that times two per acre, by the time you take out the
10 DEC wetland adjacent area then you allocate the area
11 for roads and storm water management. I think that
12 number would probably go down, depending on the lot
13 size.

14 The underlying zoning is SFR which allows
15 18,000 square foot lots. What they are proposing is a
16 smaller lot size, basically trying to cluster it.

17 CHAIRMAN STUTO: He is saying if he went
18 conventional - the 18,000.

19 MR. GRASSO: If you went 18,000, you would
20 probably be less than 40. Maybe there would be 30
21 lots.

22 CHAIRMAN STUTO: Thank you. I didn't mean to
23 interrupt. I just wanted some clarification.

24 MR. EASTON: That's fine. At this point, the
25 Board has any questions -- I know that I have been

1 talking for a little bit. I would be happy to answer
2 any questions that the Board has. I'm sure there will
3 be more comments and questions for me. I tried to
4 summarize this the best way I could as I moved along.

5 CHAIRMAN STUTO: Because this is highly
6 technical, I suggest that we go to our town designated
7 engineer.

8 You have raised a lot of good things. You have
9 done some interesting analysis here. I raised some
10 issues in the beginning. So, if the Board is okay, I
11 would like to hear what Joe has to say. We will still
12 get to the public.

13 MR. GRASSO: I'm going to go through the letter
14 in your packet dated September 27. Unfortunately, I am
15 going to read from a lot of it because I think some of
16 the information that we present on may be relevant to
17 the concerns of the public.

18 So, the rezoning of a majority of the property
19 from industrial to single-family residential has been
20 completed. So, this project only represents
21 subdivision of the single-family residential zoned
22 portion of the property. So, that's about 57 acres,
23 with 52 lots proposed with a minimum lot size of 8,400
24 square feet. In our letter I thought that the average
25 lot size is about 15,000 square feet, but I see it in

1 the data and I'm just going to clarify it.

2 The average Single-family lots size, not
3 counting the carriage lots are 13,268. The average
4 carriage family lot size is 10,398. So, those are
5 obviously much larger than the 8,400 square foot
6 minimum.

7 Very importantly, the project site is located
8 within the conservation overlay district which
9 requires a minimum of 40% of the unconstrained lands
10 to be preserved. So, the applicant, based on this plan
11 is proposing 42.6% of the unconstrained lands to be
12 preserved. When you add in the amount of constrained
13 lands that would be preserved, it brings 65.3% of the
14 site as proposed for preservation.

15 As part of the conservation analysis,
16 conservation findings will need to be done to
17 substantiate any findings that relate to the conserved
18 lands to be protected by the developer. That is
19 something that needs to be done before the preliminary
20 and final approval are granted. We need to get that
21 information during the conceptual review process;
22 where we are tonight.

23 CHAIRMAN STUTO: Is it worth talking about what
24 the land use requires for those findings?

25 MR. GRASSO: I can. The findings basically

1 makes you demonstrate that you have taken into
2 consideration all of the constrained lands and that
3 you are protecting those resources to the maximum
4 extent practicable. Jamie did a really good job
5 describing what those constrained lands are. It is the
6 steep slopes in the wetlands, floodplains and the
7 stream corridor. It is important to note that a 100
8 foot wetland adjacent area is not considered a
9 constrained land in terms of the mathematical
10 calculation. From a planning consideration, we
11 consider it constrained because it is an important
12 environmental resource. We do talk about that in our
13 letter. Based on the mathematical calculations and
14 based on the residential density of two units per acre
15 which is allowed in the zoning, the maximum allowable
16 density is 69 units. As Jamie mentioned, 52 lots is
17 proposed. So, they are well below the allowable
18 density.

19 CHAIRMAN STUTO: Let me ask you this: if you
20 went to the maximum allowable density, would you have
21 the average lot size?

22 MR. GRASSO: No.

23 CHAIRMAN STUTO: So, then it's not really
24 maximum.

25 MR. GRASSO: It would decrease substantially

1 from what is proposed.

2 CHAIRMAN STUTO: So, it would not conform.

3 MR. GRASSO: Is no minimum lot size. So, they
4 are proposing 18,000 as their minimum. There is
5 nothing in the Code that says you can't have a 4000
6 square foot lot. It's just not marketable in this type
7 of environment.

8 The new proposed road and lot layout indicates
9 significant encroachments within the DEC 100 foot
10 wetland adjacent land. While DEC permits can sometimes
11 be obtained for work within the adjacent area, this
12 buffer provides important environmental protection and
13 impacts within it should be minimized or avoided to
14 the greatest extent practicable. We recommends that
15 the road and lot layout the revised to minimize
16 impacts within the 100 foot wetland adjacent land.
17 Doing so, will likely result in a decrease in the size
18 of the lots or a reduction in the proposed density.

19 Our next comment is regarding the road access
20 and the results of the traffic study.

21 Bonner Road currently serves as the only means
22 of access to 58 existing residential homes. As Jamie
23 mentioned, the Town of Colonie is not have a
24 requirement governing the maximum number of homes on a
25 single means of access, as well as the Town as other

1 examples of large numbers of lots being served by
2 single means of access. And, the Town's Highway Safety
3 Committee and Department of Fire Prevention have not
4 raised concerns.

5 I'm going to qualify that last one because
6 after the Department of Fire Prevention saw our
7 letter, they did email me with some concerns that they
8 had raised earlier in the planning process that we had
9 forgotten about. I will get back to those later.

10 A concern, though, was raised during the sketch
11 plan review of the project when we were going through
12 the rezoning consideration of the additional 52
13 residential homes relying on a single means of access.
14 In addition, during the Planning Board meeting of the
15 rezoning. The residence along Bonner Road and Nutwood
16 Avenue and in the neighborhood expressed concerns over
17 the additional traffic that would need to travel
18 through an existing residential neighborhood.

19 East of the size and location of the proposed
20 development, the amount of traffic on Bonner Road will
21 approximately double due to the proposed development.

22 I did some calculations. It would represent a
23 76% increase in traffic on that section of Bonner Road
24 that provides a single means of access.

25 The applicant has provided a traffic impact

1 study that evaluated the potential secondary access
2 point from Bonner Road to Lansing Road as well as a
3 different potential secondary access directly up
4 Cordell Road. Based on the impacts of these
5 connections, the steep slopes on existing stream
6 corridors and the property being required from the
7 private owners, these connections were determined to
8 be feasible and CHA concurs with this finding.

9 It should be noted that a portion of Bonner
10 Road that provides a single means of access is
11 approximately 19 feet in width and of poor condition
12 and serves an older neighborhood and a few newer
13 residential homes. It should be noted that the Town's
14 new standard roadway width is 30 feet. As such, the
15 existing access condition is substandard and less than
16 desirable and the potential exists for this access to
17 be blocked or congested if cars are parked along the
18 sides of the road, is snow impedes travel or if there
19 is a need for large emergency apparatus to pass along
20 Bonner Road.

21 We believe increasing the width of Bonner Road
22 would reduce the likelihood for blockage, increasing
23 the roadway width may result in significant impacts to
24 the yards of the existing homes along Bonner Road. At
25 this point, there is no proposed mitigation for the

1 increase in traffic through the Bonner Road
2 neighborhood, or the concerns relative to the single
3 point of access for 110 homes; 58 of those being
4 existing and 52 of those being new, which is what is
5 proposed.

6 Getting into for next comment: Because the only
7 way to access the proposed development is through an
8 existing residential neighborhood, construction
9 related traffic associated with the infrastructure and
10 home construction may have a significant impact on the
11 roads, as well as to the residence within the
12 neighborhood. Phasing the project over time reducing
13 the scale of the project, or reconstruction of any
14 damaged roadways appear to be possible mitigation
15 measures.

16 Phasing the project over time reducing the
17 scale of the project or reconstruction of any damaged
18 roadways appear to be possible mitigation.

19 The plan indicates the preserved plans would be
20 dedicated to the Town of Colonie and there was some
21 clarification concerning exactly when or how that
22 would end up in the Albany Pine Bush. I think Jamie
23 has done a good job describing that in his
24 application.

25 The last technical comment is Pure Waters which

1 handled the sewer system within the Town made some
2 comments at the sketch plan review stage regarding the
3 method of providing sanitary sewer to the project.
4 They had expressed some concerns that the project may
5 require a pump station or grinder pump. They would
6 like a gravity connection to be provided. That
7 detailed analysis would need to be done for the
8 project works its way through the conceptual approval
9 process.

10 The last thing that I wanted to touch on is the
11 SEQR determination. A negative SEQR a negative
12 determination basically said that the rezoning does
13 not result in significant impacts - was done
14 previously by the Planning Board for the rezoning
15 application only. This subdivision application will
16 require its own SEQR review and determination. The
17 subdivision is considered an unlisted action as
18 opposed to a Type I action, therefore a coordinated
19 review is not required and we would expect that the
20 Planning Board should assume lead agency to complete
21 the SEQR review.

22 A full Environmental Assessment Form has been
23 provided by the applicant even though only a short one
24 was required. Our office will compile documentation
25 supports of a SEQR determination during the review of

1 the projects and a SEQR determination will be required
2 before the Planning Board advances this to preliminary
3 and final subdivision approval, but it is not required
4 in advance of the Planning Board's decisions regarding
5 the concept plan before you.

6 That is what we have in our letter. I will turn
7 it back to the Board.

8 CHAIRMAN STUTO: Is there anything that you
9 want to say off the letter, or no?

10 MR. GRASSO: The only other thing relative to
11 Jamie's presentation, which I appreciate how thorough
12 it was in the graphics that he has provided for review
13 - he does mention compliance with AASHTO standards.
14 AASHTO says that the minimum roadway width for this
15 type of volume the roadways is 20 feet. You have to
16 understand the context of that standard. There are
17 many rural roads that have a similar volume that are
18 18 or 20 feet and they are fully compliant with that
19 standard. Although a section of Bonner Road is only 19
20 feet, that AASHTO standard is not an appropriate
21 standard that we would apply to this. There are two
22 better standards that we do think should apply.

23 New York State Building Code requires a minimum
24 roadway width of 26 feet if it has a water main
25 located along it, which Bonner Road does, and that's

1 for large emergency apparatus to stage on the road and
2 provide their operators to fight fires. So, 26 feet is
3 the minimum for State Building Code. That is a good
4 standard.

5 Another standard is that Town's minimum roadway
6 width which the Town just reduced from 32 feet to 30
7 feet. That is something that Jamie has addressed in
8 his analysis. I would now think that applying a 20
9 foot minimum width would be meeting the standard
10 because it doesn't provide that minimum building code
11 requirement 26 feet.MR. EASTON: I have just one
12 comment on that. Joe, I know that you've reviewed
13 building codes in things like that. It's the 26 feet -
14 does it have to be paved or a clear zone?

15 MR. GRASSO: It's got to be a dry hard surface.
16 So, the Town in the past has consider that to be 26
17 feet of pavement.

18 MR. EASTON: I have seen the 16 feet with
19 buildings, and then you have to have 26 feet clear on
20 it so that's an unobstructed view.

21 MR. GRASSO: The Town doesn't apply that. They
22 do not allow that within the roadways. The 26 feet is
23 the standard that they apply.

24 CHAIRMAN STUTO: Joe, I want to ask you one
25 other question. In paragraph 5 you talk about possible

1 mitigation measures - phasing over time -- I'm not
2 sure what that does in the long run.

3 Also, reducing the scale of the project or
4 reconstruction of damaged roadways all appear to be
5 possible mitigation measures. The point that I was
6 focused on was reducing the scale of the project in
7 the sense of doing some real analysis of what could be
8 built if this thing was conventional, and also what
9 you said was respecting the 100 foot buffers of DEC
10 buffers. That is my central question.

11 MR. GRASSO: That's a good comments because
12 let's say for example the density of the projects
13 comes down from 52 lots - let us say that it is 30 or
14 20. The point that we are trying to raise in our
15 letter is that there is an impact due to construction
16 related activities. It is only a single means of
17 access. Bonner Road - whether it's 18 feet to 26 feet
18 or 30 feet, you have all the construction related
19 traffic from all the infrastructure and a certain
20 number of homes that are going to be through this
21 existing neighborhood. There is an impact there that
22 is real and quantifiable and is something that should
23 be considered.

24 One of the strategies that we have seen is that
25 when you have got a large number of lots to be built

1 with limited access through an existing neighborhood,
2 the Board can sometimes require a phasing of the
3 project so that you're not getting 52 homes being
4 built within a two or three year because the market
5 may support that. Maybe development of the homes over
6 a longer period of time - six homes the year or 10
7 homes the year -- whatever number you feel is
8 appropriate.

9 MR. LANE: Wouldn't it be more driven by how the
10 lots are sold? Maybe they could do 12 lots on than 12
11 lots -

12 MR. GRASSO: We have seen it where you have
13 this type of issue and all the construction related
14 traffic is going to go through an existing
15 neighborhood, you try to mitigate that and you stretch
16 it over more time.

17 MR. LANE: Instead of one year you're going to
18 be going like four years and then one about the
19 breakdown? There's going to be more breakdown on the
20 entry road. As part of the mitigation going to be
21 that they are going to repair that or widen it and
22 throw that all and as part of it?

23 MR. GRASSO: That's a decision that the
24 Planning Board needs to decide. If you allow 52 lots,
25 is it better to do than one year or let the market

1 decide or stretch it over a longer period of time? It
2 is up to you. It is your decision.

3 MR. SHAMLIAN: All these little pockets of
4 unconstrained land - what do they amount to? How does
5 that impact what could really be built here in and
6 terms the single-family housing?

7 I know you talked about a couple of little
8 pockets warehouse could be built on. Most of those
9 spots are inaccessible.

10 MR. EASTON: Some of them certainly are
11 inaccessible. There is one in the corner that is
12 inaccessible. You certainly have along the periphery
13 of the homes. You have a large area down in this
14 location and if that was the case, am I going to come
15 off Cordell and put a cul-de-sac and input 10 homes
16 in?

17 MR. SHAMLIAN: How big is that little triangle?

18 MR. EASTON: What I am saying is that there are
19 creative ways that you can use the open space areas
20 that are unconstrained by Town Code requirements. I
21 will agree with Joe, due to the buffer being there
22 that is a consideration that the Board has to take
23 into account. I have to follow your Code when I design
24 this project. Your Code says minimize wetland impacts,
25 you cannot build in there, don't build on steep slopes

1 and don't build in a watercourse.

2 CHAIRMAN STUTO: We understand that, but Craig
3 was asking as a practical matter where else are you
4 going to build?

5 MR. EASTON: What I would probably do is put a
6 cul-de-sac here and minimize this impact here
7 (Indicating), and get back down into this corner. That
8 is probably what I would do. Because I have different
9 concept plans - and I actually showed them to Carl
10 Parker at DEC and he looked at this - I'm just going
11 to end up with more pavement, instead of houses. I am
12 going to disturb more of a larger area.

13 Like I said, my original comment was the reason
14 why am coming to you with this plan was that I
15 actually met with DEC. I met with them about the
16 buffer. The worst thing that happens is -

17 MR. SHAMLIAN: Not to interrupt you, but DEC
18 has there been valuations and we have ours. They
19 overlap a little bit, but not completely.

20 MR. EASTON: I would 100% agree with you. I
21 needed a starting point. I met with them and from our
22 conversations was that he liked the idea and said - we
23 have all seen it where in between these houses you see
24 a row of preserved buffer area. Carl said they are
25 going to mow it down in 10 years and you can't really

1 get to it. He likes the large tracts of land. He is
2 willing to disturb buffer for having large tracts of
3 land. That's where we are. I certainly had that
4 conversation with him because I didn't want to go down
5 this road without even having some conversation with
6 DC. Why when I show something that is not even
7 potentially permitable by DEC.

8 So, getting to the Board's question of if this
9 happened to go through, what if DEC comes back and
10 doesn't give me a permit? DEC would eliminate lots on
11 me.

12 That is the reality of it. DEC would control my
13 buffer disturbance permit and they would say Jamie,
14 you're impacting too much of the buffer and we want
15 some more lots gone. That's what would happen. They
16 have the jurisdictional power over that buffer. I know
17 that the Board understands that and I hope they take
18 that into consideration, as they review the
19 application.

20 CHAIRMAN STUTO: As a follow-up Joe, on the
21 second mitigation measure reducing the scale of the
22 project, what else could we ask from the applicant in
23 order to either size this or determine whether this is
24 the right size? Should we get a layout of
25 single-family lots eventually? Can you keep that

1 question in mind as we go through tonight about what
2 else we might ask for?

3 MR. GRASSO: Yes.

4 MS. DALTON: I have an idea what I would like
5 to see. As we look at this, you have pockets that are
6 claimed to be buildable land, as you said. There are
7 no driveways or driveway spaces that we see. We went
8 through the numbers during your presentation; 56
9 acres, 22 constrained - I think that what you said at
10 that point was that leaves about 34 acres or so that
11 are available to build.

12 CHAIRMAN STUTO: Then you subtract 40%.

13 MS. DALTON: Are those 34 acres all of what you
14 have buildable great now, or are you considering those
15 34 acres to include what we currently see as peak
16 lands on this map that look like buildable lots but in
17 fact aren't really buildable lots? Do those 34 acres
18 include those?

19 CHAIRMAN STUTO: Yes, they do.

20 MS. DALTON: Then, it's not really 34 acres. In
21 the center part that you consider buildable, what is
22 the area of that center part?

23 MR. EASTON: Twenty acres.

24 MS. DALTON: Okay, that's what I wasn't
25 positive about.

1 MR. SHAMLIAN: How much of it is encroached by
2 the DEC buffer area; just out of curiosity.

3 MR. GRASSO: I would say another 5 acres. It's
4 about 15 acres, if you took out the hundred foot
5 buffer.

6 MR. EASTON: That's approximately correct.

7 MR. GRASSO: We haven't color-coded on our
8 maps. This is what I am referring to when I tried to
9 answer that.

10 Well if we say the 15 - let's say we do a
11 mathematically. If you do 15 times 2 per acre - so 30
12 lots.

13 MR. EASTON: I will just say that 69 is allowed
14 by Code. If the Planning Board makes that final
15 decision, I can just make the house lots much smaller
16 and the Board can consider that too. So, instead of
17 having these very large lots very similar in size to
18 the existing neighbors -

19 MS. DALTON: But you're only looking at those
20 components. We already have questions about putting 52
21 lots off of Bonner.

22 By the way, as long as I said I lived off of
23 Garling - I thought you did a good job with that, the
24 bottom line is you always have to make sure that you
25 are comparing apples to apples. In each of the

1 examples that should give us, that single point of
2 access is still a major road. So, Garling in this case
3 is off of Route 7, one of them is off Vly Road and one
4 of them is off of Route 2, and one of them is off
5 Route 155. Each of those are major thoroughfares which
6 completely is inconsistent with what Bonner is. If you
7 go back to how many houses can we put in this area,
8 given there is a single point of access and that the
9 single point of access is off of Bonner Road, I doubt
10 that we would permit 69 houses. Were already having
11 problems with 52 because of the ingress and egress in
12 the fire safety issues that are presented by Bonner
13 Road.

14 So, you cannot argue the case that you could
15 put 69 houses there because of Code, because that is
16 not the only thing being looked at.

17 MR. EASTON: I would absolutely agree with you.
18 I am just saying that mathematically as per the Town
19 Code requirements, I am allowed 69. How do you achieve
20 that on roughly 15 acres of usable land? I would then
21 -- the lists that I gave you - there are other sites.
22 I just picked the four largest ones in common ones
23 that had access. You can go through that list and
24 there are other places within the Town of Colonie that
25 have single point of access to something very similar

1 to what Bonner Road has. There are other places. I
2 just happened to pick for large ones. I wanted to show
3 that this was previously done, or this is one that was
4 recently approved and here are some older projects
5 that have been done. There are different time frames
6 in different conditions for the Board to consider. I
7 just wanted to make it aware that this situation has
8 occurred in the Town over a long period of time.

9 MS. DALTON: I understand that. I thought you
10 did a great job, by the way. The issue is that there
11 are remaining issues - one of which is that in each of
12 those cases your off a major thoroughfare. While there
13 are other ones here, we have to go back and look and
14 say well how old are those and if they appeared before
15 the Planning Board today, would we approve them?

16 MR. EASTON: I guess I would just say - Morocco
17 Lane extension was just built. The seven houses that
18 they just built two years ago - the house is just sold
19 the last 18 months.

20 MS. DALTON: Right, but there's a big
21 difference between seven and 69 or 30.

22 MR. EASTON: But getting back to question that
23 this is not typical or something like that, I am just
24 saying that this is in the neighborhood. We do not
25 have to look very far. The number is up to the Board.

1 I cannot control the number. That is a consideration
2 at the Board has to make.

3 MS. DALTON: I guess that I do have a financial
4 consideration question. I think that I can speak for
5 the Board when I say that we are conscience when
6 applicants appear before us that there is a break even
7 point between how many houses you have to put on the
8 site to make it doable for the developer. There are
9 also questions with regard to what they look like and
10 so forth.

11 My first question has to do with why it was
12 that you decided to mix the carriage houses with the
13 others and why you didn't just put your houses there.

14 My follow-up question to that is: if we said
15 that you could have 25 or 30, could you or would you
16 put larger more expensive houses so that the financial
17 considerations were met because each house would be
18 more valuable.

19 MR. EASTON: Getting to your first question:
20 Why did I put carriage homes on this side of the road?
21 Because it's kind of standalone. It stands alone by
22 itself and we wanted to offer a different product mix
23 for potential buyers - different price points. That is
24 the reality. The conservation subdivision regulations
25 allows us this flexibility and it allows you the

1 flexibility of the Board to look up lot sizes and
2 things like that. That is one of the reasons why I did
3 that.

4 Next, some of these will be smaller. They will
5 be less in depth, but they will most likely be garden
6 basements or walkout basements on the backside and
7 that would be very nice if you overlook the woods.
8 That was another reason why I contemplated that.

9 In regards to your question of why don't we
10 just do less homes and make them big and expensive -
11 that is a market dictating question. If you sell a
12 house for one dollar, I bet there will be a line out
13 the door. If you sell it for \$1 million, there will be
14 less people standing at your door. I cannot dictate
15 due to market demands of what the houses will be. If I
16 give them bigger lots, it doesn't mean that they're
17 going to have a more appraised value. I cannot tell
18 you that. I cannot give you that honest answer of what
19 is going to happen. All I can say is that based upon
20 these existing homes that I have recently sold, and
21 the existing neighborhood that is around there, you
22 are looking at generating a price point of low fours
23 to upper threes. That is the general price range. If
24 you really expect \$600,000.00 homes in this location
25 on large lots, you are probably overestimating the

1 market from a market consideration.

2 MS. DALTON: Thank you.

3 CHAIRMAN STUTO: I'm still on the question of
4 what else should we ask for from the applicant. What
5 is it going to look like it if you don't disturb the
6 buffer? Same size lots? What is it going to look like
7 with conventional lots? I'm not sure what is the most
8 helpful thing to ask for.

9 MR. LANE: I would like to ask a question
10 before it gets lost in the mix. The letter from the
11 Pine Bush had an interesting point and made a request.
12 They said specifically, we recommend modifying the
13 size of some of the lots and then particularly pointed
14 out last 33, 35 and 37 to ensure storm water
15 management features are not contained within the lands
16 to be conveyed. So, the way you have it designed now,
17 you kind of pushed it off and I think what they are
18 thinking is that if you reduce the size of those lots
19 and then you can pull that stormwater management back
20 closer to the development itself.

21 MR. EASTON: Was that a Planning Board comment?

22 MR. LANE: That was the Pine Bush.

23 MR. EASTON: I thought that was from the
24 Planning Department. The Pine Bush just want to the
25 storm water on a different lot.

1 MR. LANE: More or less, yes.

2 MR. EASTON: They want the storm water
3 management areas on individual lots instead of being
4 merged together.

5 MR. LANE: Not on individual lots - you kind of
6 have been pushed off toward lands to be conveyed
7 instead of pulling it into something closer. Their
8 recommendation was they were looking at lots 33, 35
9 and 37 to either reduce or eliminate -- the actually
10 said modify.

11 MR. EASTON: To similar - what other lots were.
12 Like I said in the very beginning, what you are seeing
13 on the green is really the grading day disturbance
14 limit line. Could we move the lot line back in there?
15 Yes, but at the end of the day I'm going to be kind of
16 disturbing the lots. I didn't want to show that.

17 In regard to the storm water area, this area
18 rate down in here (Indicating) is a bed of sand. That
19 is where the storm water is going to go no matter
20 what. That's just because of DEC regulations. I can
21 tell you that right now.

22 MR. LANE: So, they would know that. Why would
23 they make that recommendation?

24 MR. EASTON: They probably didn't see the
25 preliminary stormwater feasibility test results that

1 was given to Mr. Dzialo. It probably was not
2 understood that this area of looking at it, looks like
3 a general blob a piece of paper and just said move it
4 to your left to make it smaller. It is a common sense
5 comment, but not knowing the soil make-ups and things
6 like that in the area this is a key strategic point to
7 meet new current stormwater regulation requirements.
8 That's why I can tell you that this area is going to
9 be where the stormwater is going to be, just because
10 the nature of the soils.

11 MR. LANE: One more comment. Lots 10 and 22 -
12 is there any particular reason why they are angled? It
13 would seem to me that you would want the back of the
14 building parallel to the back of the lot. It seems
15 like you are kind of making any side yard less usable
16 from that perspective.

17 MR. EASTON: I just picked a house and rotated
18 on it. Can the house be changed? Absolutely. It was
19 just picked up that way.

20 MR. LANE: It kind of jumped out when I was
21 looking at it. I was thinking that you really don't
22 have any side yard or no backyard that way.

23 MR. EASTON: I basically show a 3,000 square
24 foot footprint on these parcels. Realistically do I
25 think it's going to be that big of a house? No. What I

1 would rather show a bigger house on the parcel so that
2 it can fit.

3 MR. LANE: Whether It is big or small, I
4 thought it should have more usable yard.

5 MR. EASTON: I would agree.

6 MR. SHAMLIAN: I guess I'm not speaking for
7 anybody else, but it would seem like the underlying
8 tone is that it is too dense and personally I would
9 like to see some different layouts with fewer lots and
10 certainly some things that don't infringe either at
11 all or as much into the DEC buffer. I appreciate the
12 fact that you have already talked to DEC and got some
13 feedback. I do think that we need to see some
14 alternatives. I think there are a lot of moving parts
15 here. I think they should be less houses and more
16 options.

17 MR. MION: I agree with that. I would like to
18 see what it looks like within the confines of the
19 area -- and reduce the number of houses. You're going
20 to have to, I believe, to keep it within the hundred
21 foot buffer.

22 MR. EASTON: Those are two different statements
23 in the sense -- I can make the lots 50 feet wide and
24 100 feet deep and move roads up and make these things
25 very small and they are buildable lots in which is

1 going to end up with a lot of carriage home lots. The
2 number is not the question. You have to posing
3 questions here. One is that I want to stay out of the
4 buffer zone and I come up with a concept plan that
5 meets current Code requirements that I could do that.
6 That's certainly fine and I can do that. But the lots
7 are realistically going to be smaller.

8 MR. SHAMLIAN: It's not just the buffer. There
9 are other factors that would seem to indicate that
10 getting 50 some odd homes on that property is too much
11 for the surrounding area. So the Code can say one
12 thing, that they are other things that are up to our
13 discretion. What I'm trying to tell you politely is
14 that I'm not going to vote positively for 52 houses.

15 MR. EASTON: I understand. I have to go at some
16 perspective and that some starting point. My starting
17 point was that based on the existing PDD and the lot
18 sizes in a development matching existing homes
19 surrounding, and using the Code that is required that
20 starts off at 69 - and I start off with 52 taking a
21 30% reduction on lots that we are starting off with.
22 These are allowed by Code. I'm already giving up 30%.
23 Obviously, from the Board, your direction is that we
24 wanted lower. That is fine. I need to know a number
25 because I will be honest, I need to run the math.

1 Depending on the direction that the Board goes on
2 Bonner Road -- if we do put a new Town road section
3 through their that is 30 feet wide, or if we wanted to
4 go to 26 feet wide which is basically a Town road
5 section without the wings on it, at the end of the day
6 I'm building a Town road section through there. I need
7 to do the economics of that. Beside utility locations
8 and things like that, I need to do the math. To build
9 that road almost 1,000 and relocate utility poles,
10 people's driveways, it all of these other things - we
11 are probably talking close to \$1 million dollars.

12 MS. DALTON: As you actually offer as part of
13 this project to widen Bonner Road?

14 MR. EASTON: Under the concept plan, yes. They
15 were different options that I gave you. The Board
16 needs to consider three of them.

17 MS. DALTON: I understand that you're giving us
18 options. I just didn't know that they were options
19 that you were going to pay for. I thought that you
20 were giving us options that we could pay for.

21 MR. EASTON: No, I didn't believe that the
22 Board was ever going to -- if you're going to build 52
23 homes -- we have looked at Bonner Road and the current
24 conditions and things like that. You need to make some
25 determination. That was the information that I wanted

1 to present to - what direction do you want to go?
2 There is a financial impact associated with doing
3 that. I will be honest with you, 1,000 linear feet of
4 road and widening it to a Town road standard, putting
5 storm drainage in, moving utility poles, moving water
6 lines - that is over \$1 million dollars. That is a
7 straight \$1 million dollar hit.

8 Besides the traffic impact and everything else
9 that people are going to have to work around for the
10 construction -- I tried to present those alternatives
11 to people. That's why I mentioned to you. Here are
12 AASHTO standards and here are the other standards that
13 are typically followed. The Board can consider all of
14 those things.

15 If we are now talking that we want to lots
16 reduced down to 30 or 20 and you expect 20 lots and
17 building roadway infrastructure and doing a \$1 million
18 dollar off-site site improvement, the project is
19 infeasible at that point. You have hindered the
20 project.

21 CHAIRMAN STUTO: We get the point.

22 MR. MION: What would happen if you just love
23 the roadway the way it is now?

24 MR. EASTON: That is for the Board's
25 consideration. That doesn't address the Bonner road

1 situation that the roadway is substandard. You are
2 arbitrarily at that point picking a number saying that
3 20 houses is okay and 30 houses is the tipping point,
4 even though the traffic report in the traffic analysis
5 says here is the level of service and here is your
6 analysis standpoint. At that point, it is awful tough
7 to know which way the Board is going because you're
8 not picking anything to follow - any standards that I
9 can follow. It makes it difficult for me to know that.

10 CHAIRMAN STUTO: We will consider that as we go
11 forward. We get the point.

12 I think it is a good point that we hear from
13 the neighbors with all of those considerations. I
14 don't think we're having a vote tonight.

15 MS. DALTON: Before we hear from the neighbors,
16 can we take a break?

17 CHAIRMAN STUTO: Sure. We will hear from the
18 neighbors in five minutes, after our break.

19 (There was a brief break.)

20 We are going to go to the public now. A couple
21 of people have approached me on that topic. We love
22 this neighborhood and we love the people that are
23 here. We have visited you probably three or four times
24 in the rezoning. We have heard a lot of your issues
25 having to do with traffic and road conditions and so

1 forth. I think that hopefully, you have got to feel
2 from us of what our perspective is on this
3 application, as it stands now. We still think there is
4 a lot of work to do. I think that it is pretty clear
5 that we are not going to have a vote today. We need
6 more data. We need perhaps a couple other renditions
7 to see what this thing looks like. So, when you come
8 up, we would just ask that if you could provide new
9 information and if you could make it quick. We are
10 going to have a lot more bites at the apple.

11 With respect to this particular plan, it sounds
12 like it's not going to be the final plan so if you
13 could give a general comment, fine, and move on. That
14 would be our request. Please don't nitpick, for
15 example, where the houses are and so forth because
16 it's going to change.

17 So, with that in mind hopefully we can work in
18 cooperation. We will now call up the residence.

19 Craig Slezak.

20 MR. SLEZAK: I live on Bonner Avenue - on the
21 section where there is one access point. I heard
22 rumors, or I try to do some research. On Nutwood
23 Avenue, on Central Avenue I heard Fuccillo's
24 Volkswagen wants to take part of Nutwood enclose that
25 off. Is that still going on? Is that still a

1 discussion?

2 CHAIRMAN STUTO: Well, it's a little off topic.

3 MR. SLEZAK: If that's the case.

4 CHAIRMAN STUTO: Okay, slow down. I think it's
5 perhaps a little bit off topic but I think that option
6 is not going to happen, right?

7 MR. LACIVITA: No, I wouldn't say it's not
8 going to happen. We don't know yet. The Town is still
9 contemplating looking at that.

10 MR. SHAMLIAN: When that project was before us
11 for concept, we had a number of residents that wanted
12 it closed off. It's not a Planning Board decision.
13 Closing off Nutwood is not something that we have
14 authority to do.

15 CHAIRMAN STUTO: Okay, make a point. I thought
16 it was off the table.

17 MR. SLEZAK: If that gets closed off, how many
18 cars go down Nutwood that actually continue to Central
19 Avenue? If you build so many houses - that's more
20 cars. Now you're turning out Albany Street in with all
21 of the side roads it's just going to become a mess.

22 Second, you did you traffic study with the
23 counters in the road in early May. As you do one in
24 July or August when people have parties. That's when
25 there are more people in the neighborhood. That will

1 increase traffic extremely. There are people who have
2 parties on Bonner. Sometimes you can't even fit a car
3 down the road. If you're adding 500 cars a day or 575,
4 you're going to double it to 1,000 cars. During the
5 summer, people have parties and it's going to become a
6 traffic nightmare people.

7 On your option three, it depends on which land
8 the Board wants to go for - option three - you're
9 actually going to take land from landowners?

10 MR. EASTON: No.

11 MR. SLEZAK: On a map it looks like you are
12 taking land. If they do that, they would be taking
13 trees down and doing that so that this developer can
14 make money. You are affecting other people's property
15 so that this landowner can make money.

16 CHAIRMAN STUTO: So, your preference would be
17 to have less density and not improve the road.

18 MR. SLEZAK: I mean, pave it. Right now it's
19 like Swiss cheese. They just came to patch the holes
20 up. The first time the first snowplow comes by, it's
21 going to rip up all the patching.

22 For the speed limits: you say that on Bonner
23 Avenue people are slow. Yes. That section has a lot of
24 deer in the neighborhood, turkeys and rabbits.
25 Everyone goes slow there. Even tonight when we came

1 home they were deer by feet from the road. Everyone
2 slows down because they know there is deer there.
3 Don't say that people are going slow and it doesn't
4 matter. They goes slow because there are children of
5 the road plus there are animals.

6 We go for walks on Nutwood sometimes you have
7 to stand on people's lawns so traffic can come by
8 because it's so narrow. Cement trucks and dump trucks
9 - the school buses alone -- you cannot even get down
10 the road with a school bus. I'm talking Nutwood, not
11 just Bonner.

12 CHAIRMAN STUTO: We understand the current
13 conditions. We have heard a lot of times. I don't know
14 if you came before.

15 MR. SLEZAK: It's a lot to think about so the
16 one developer can make money and effect a lot of
17 people's lives.

18 CHAIRMAN STUTO: So, what are you saying? Keep
19 the road the same width and have lesser density?

20 MR. SLEZAK: Yes, lesser density.

21 He pointed out those roads with the other
22 developments. You'll notice the access point is very
23 small. Here with Bonner Avenue, it is a huge - it's
24 1,000 feet? The other ones that he showed us were
25 probably 150 feet.

1 MR. EASTON: There were other ones that were
2 longer; yes.

3 MR. SLEZAK: With the new train tracks that
4 they are putting in all that tar, sand and oil that is
5 coming in - if there's an accident you going to have
6 all these homes that are going to try to leave that
7 one single access road at one time. It could be a
8 nightmare.

9 MR. AUSTIN: Sir, you do understand that even
10 with less density during the building process you're
11 still going to have cement trucks, dump trucks and all
12 of these things that you are saying that you don't
13 want - they are going to be coming in, regardless.
14 It's going to happen.

15 MR. SLEZAK: Let's face it, it something is
16 going to be built here. If I would rather have 10
17 houses or 15 houses were 52 - I would rather go a lot
18 less than 52.

19 CHAIRMAN STUTO: Thank you.

20 You want to talk about fire safety? You said
21 something else about fire safety.

22 MR. SLEZAK: Yes. The last we were here you
23 said that the Fire Chief required them to have a
24 sprinkler system, or that it was a suggestion.

25 CHAIRMAN STUTO: We're going to get to that.

1 MR. GRASSO: We're going to read that. We
2 prepared our letter on September 27. We copied it to
3 the Town departments, and in our letter we made our
4 statement that Fire Services to provide a comment or
5 concern relative to a single means of access. So, this
6 is the response. I got an email from Joe Bisigiano,
7 head of Fire Protection.

8 I reviewed your comment letter dated September
9 27. Items for refers to the ingress/egress to the
10 subdivision and you state that Fire Services did not
11 comment on that. During the development coordination
12 meeting on February 4, I did express my concern with
13 the length of the one way in and one way out roadway
14 and the reduced roadway width, recommending that
15 residential fire sprinklers be installed in these
16 homes since the likelihood of a second means of egress
17 was improbable due to terrain.

18 CHAIRMAN STUTO: Thank you.

19 Deborah Gauldin.

20 MR. EASTON: Did you want me to respond to some
21 of the questions?

22 CHAIRMAN STUTO: We will let her speak first.

23 MS. GAULDIN: I name is Deborah Gauldin and I
24 live in 26 Morocco Lane. I am at the end by the
25 cul-de-sac. There is one more house scheduled beyond

1 it. Right now, I am at the very end.

2 By husband and I - we bought the house two
3 years ago and we love the neighborhood. It's
4 wonderful. It's great for kids. We have deer and we
5 have many things there. We do not object to more homes
6 there. One of the concerns that we had when we bought
7 was coming in and out of Bonner. That was one of the
8 issues that we discussed when purchasing the home when
9 we did because we are at the end - and coming in and
10 out if there was an emergency. So we have talked
11 about, and I appreciate that you guys recognize that
12 this is an issue with coming in and out of Bonner.

13 Recently, it was a fire on Sebring. You
14 probably all know about the fire. It was off Vly road.
15 I work on Loralee and we could not leave Loralee Drive
16 because of the fire trucks. We were stuck. Some
17 homeowner let people go through their yard to get
18 through. I actually went out. They let us drive
19 through saddle Wood elementary school to get out. That
20 is a small area. There were several hours that we
21 could not get out. Talk about a lot less homes. Just
22 so you are aware.

23 Also, they really haven't talked about the size
24 of the homes or the price of the homes. We want to
25 make sure that we keep our value up there. We are a

1 newer home, so of course we pay more money going into
2 new construction. The houses in the area are selling
3 \$300,000.00 and more. I know he mentioned \$400,000.00
4 I don't know if there are any houses that much they
5 are now. That is a concern. The houses that we bought
6 and maintain - is important as our value goes up.

7 The other thing that was talked about was the
8 railroad tracks. My concern about the railroad tracks
9 is not that the houses are so close but the tearing
10 down of the trees. We now had two sets of tracks. The
11 noise was really loud. The railroad tracks really
12 don't bother me, but the more trees that come down -
13 the noise is going to get louder. So that is a factor
14 back there.

15 Then of course, there is the wildlife. See what
16 the developers do. The developers come in and
17 everything gets torn up. All the trees come down. They
18 don't really leave much. We all know what they do.

19 We are for less homes. We know that it's
20 residential. We did not want it to be industrial. We
21 do not want business back there. We do find is
22 conceived to say okay, residential. We were told we
23 would be able to participate in the decision making of
24 this process. That's why I am here, and I just want to
25 voice that. Thank you.

1 CHAIRMAN STUTO: Thank you.

2 Sally Burkhardt.

3 MS. BURKHARDT: Basically, most of the things
4 that I was concerned about the Board also is concerned
5 about; the safety factors, the road, and the lot
6 sizes. My concern is that if lot sizes are proposed,
7 on many houses are being built? Is set in stone? Once
8 that is approved by the Board - in other words -

9 CHAIRMAN STUTO: Once we do vote for final, it
10 is in stone.

11 MS. BURKHARDT: The acreage that is given to
12 the Pine Bush, or the ones that were minus - can they
13 ever be used for building again? You know how they
14 went to the acreage and stuff? I don't quite
15 understand that.

16 MR. GRASSO: Restrictions will be put on the
17 land. You will not be able to build on that.

18 MS. BURKHARDT: I wasn't really involved when
19 they put the first home development up there. Now they
20 put seven more houses - more trees, or whatever; was
21 that approved in the original concept of that
22 development, at that time?

23 MS. DALTON: You mean Morocco way?

24 CHAIRMAN STUTO: That was before us, right? Do
25 you remember it?

1 MR. LACIVITA: I do remember it.

2 MR. SHAMLIAN: It could not have been deed
3 restricted lands otherwise -

4 MS. BURKHARDT: In other words, if there 25
5 houses, later in five or six years is there going to
6 be more houses?

7 CHAIRMAN STUTO: If the whole envelope around
8 it is conveyed to the Pine Bush, no they cannot amend
9 it to try to get more.

10 MR. GRASSO: I'm just going to speak to this
11 because I have come across this before.

12 Sometimes when the Pine Bush does take
13 property, they do retain it if it isn't restricted
14 from development. They use it as an asset that they
15 can sell. It is important to understand that the
16 intention of these lands is that if they are conveyed
17 to the Pine Bush, there will be restrictions that they
18 are not developable, ever.

19 MS. BURKHARDT: So, there will be restrictions
20 made on it so that they cannot.

21 MR. GRASSO: I assume that is the intent of the
22 Board.

23 MR. SHAMLIAN: The other issue on the lands
24 that are being proposed to be conveyed is that they
25 are pretty much on buildable - the vast majority of

1 it.

2 MS. DALTON: Furthermore, the Pine Bush has
3 identified them as special consideration and priority
4 lots.

5 MS. BURKHARDT: I just wanted to make sure.

6 CHAIRMAN STUTO: We will make sure those
7 restrictions are on it.

8 MS. BURKHARDT: In just mentioning the seven
9 homes - I am just wondering, what was that approved in
10 the original or was that something that came up later?

11 Basically, you have the concerns on the safety
12 issue - more so then sprinklers -- did you have
13 another report from the fire people? I mean with
14 regard to the access route.

15 MR. GRASSO: Only the one that I have read.

16 MS. BURKHARDT: I think that going forward,
17 lesser houses would be more substantial. The impact
18 with the roads - I mean, Nutwood, like you said is 575
19 a day going down Nutwood at speeds -- they can patrol
20 nobody. I don't know what the answer is, especially
21 with the park being there.

22 Because there is a park there, can we have the
23 construction vehicle is going a different route if
24 this project goes forward -- basically off of Cordell
25 to Bonner.

1 CHAIRMAN STUTO: We can talk about that.

2 MS. BURKHARDT: Going forward, if everything
3 gets approved -- thank you, that's all I had.

4 CHAIRMAN STUTO: Thank you.

5 John Rizuto.

6 MR. RIZUTO: Nice presentation.

7 I'm not going to waste your time. Pretty much,
8 all my statements are in the record already. A few of
9 the things that I would like to point out is that when
10 it comes to safety for the park - I live right across
11 the street from Nutwood Avenue in the pocket park. I
12 had asked for a wooden fence. I'm just going to touch
13 on a couple things that had not been touched on.

14 I haven't talked to the park people about
15 replacing the fence. They were nice enough to replace
16 the fence, though, with the standard post-and rail.
17 With all the previous construction, the present
18 construction and the future construction they will all
19 back up on Lupe. I had asked for a chain link fence
20 from point A to point B that they decline because of
21 budget. Now, for myself - you wouldn't believe the
22 number of toddlers I see running right out in the
23 middle of the street.

24 We just went over the traffic pattern. I tend
25 to disagree without, even though it was only there for

1 a short time.

2 As far as getting maintenance around the Town
3 of Colonie, I look at it is as a sheer nightmare
4 because there were three accidents. You have to creep
5 out into the intersection and look past the traffic
6 flow to look right as the oncoming cars coming from
7 the left's - there is your accident.

8 So, I took it upon myself - I don't just sit on
9 my ass - I had taken it risking the possibility of
10 retribution important. I have cleaned that entire
11 corner because I got tired of asking the town. The
12 town just said, not my job, talk to this guy or talk
13 to the sky. You've got to sit here and go out on the
14 road, look yourself, take everything into
15 consideration of what everyone here is telling you not
16 just putting it on the record. You have to do
17 something.

18 Help going back to that snowstorm that we had:
19 the Town a loader cleaning the snow and it destroyed
20 my driveway. I just got done resurfacing it, only
21 because waited about five years because of
22 maintenance. I had taken care of that.

23 Now, the epidemic of the drugs in the
24 neighborhood - and only touching on a few of these
25 things all of this here coincides together.

1 With all of that said, I go over to the park
2 occasionally - I have to escort the kids out of the
3 park because it's after hours. You tell me to talk to
4 the park in the park tells me to talk to the police.
5 Everybody is pointing fingers. It does not help.

6 I recently found a hypodermic needle, so you
7 know what they're doing park that is aimed for
8 toddlers. If a kid picks that up, what you going to
9 have now? We're going to have a nightmare.

10 So, what it forced me to do - and I really
11 don't want to put it on record but put a CC television
12 system in for 24 hour service, night and day and you
13 wouldn't believe the stuff that I see. I have to for
14 record. So, when it comes to the point where it goes
15 past the Board, I will take it to the next level.
16 Thank you.

17 MR. AUSTIN: Sir, can I ask you a question? I
18 appreciate your concern about Nutwood in Albany
19 Street, but how far does the applicant need to spread
20 his wings in order to cover the people that are here?
21 I am looking at the map and his development is
22 somewhat near Albany Street.

23 MR. RIZUTO: I see where you are going with
24 this. This is only a slip of the tongue from one of
25 the officials at the Town. He says, this is the first

1 wave of the second. Now, we are talking the second
2 wave. There is supposed to be three waves of houses
3 going in. I'm not going to sit here and go around the
4 table. If you watch sit and talk about it, I will.

5 MR. AUSTIN: This has nothing to do with this
6 project.

7 MR. RIZUTO: Unbeknownst to you - you are out
8 of the loop. Somebody had told me that.

9 MR. AUSTIN: Sir, you're not working for the
10 Town so I think you're in the loop either. So, don't
11 spread rumors.

12 MR. RIZUTO: I'm not spreading rumors.

13 MR. AUSTIN: How far desire applicants who is
14 here tonight have to spread his wings to satisfy all
15 of the residence?

16 MR. RIZUTO: To answer your question politely,
17 either no build or minimal to none. There is your
18 answer.

19 MR. AUSTIN: That's probably not going to
20 happen.

21 MR. RIZUTO: I can see your arrogance.

22 CHAIRMAN STUTO: Robert Loftus.

23 MR. LOFTUS: I was on Nutwood. With respect to
24 the Board here, isn't this something that should be a
25 Planning issue with the town? We are talking about

1 this, and were talking about Fuccillo. These things
2 may seem unrelated, but shouldn't this be part of a
3 bigger Town planning issue before it comes to this
4 board? Am I missing something?

5 It's kind of like the answer to your question
6 on Nutwood. I don't agree with his figures on
7 everything. I think they are a little off. I'm sure
8 that the board will check them. Wild Bonner is the
9 road that gets you there, Nutwood is that road that is
10 not 20 feet wide. From my house it's about 18 1/2.

11 We heard 70 miles an hour, 575 cars on a 20
12 foot road in the Town put a park on the road. So, this
13 is all interrelated and while I am for development - I
14 will be honest with you, I own building lots in the
15 Town and I have built in the town. I think you have to
16 look at the bigger picture. Again, with respect to the
17 Board, I think this has to be in a town planner's
18 hands first to see what happens with Fuccillo. Then,
19 what happens with Nutwood's access to central, Albany
20 Street and whatever. Is a much bigger issue. I brought
21 this up last February about looking at what Fuccillo
22 is doing with Cordell, Nutwood, central Avenue and
23 this. Considering the park, do we know what this land
24 is here?

25 What about this land here?

1 MR. EASTON: That land will be turned over to
2 the Pine Bush.

3 MR. LOFTUS: So, in trying to be
4 pro-development - you have a Park on Nutwood on a very
5 narrow street that all the people that are coming to
6 hear will go through, basically. So, maybe that
7 answers the question a little bit. Why not move a park
8 up here (Indicating) in a safer area with a wider
9 street? The Town can sell the park and that's why this
10 isn't your job, I understand that. Maybe this is
11 something that a planner could do and look at the
12 bigger picture of everything.

13 MR. LANE: So, if they sell the park what would
14 you put there?

15 MR. LOFTUS: More houses.

16 MR. LANE: So, you just trading off one thing
17 for the other.

18 MR. SHAMLIAN: All the traffic that was going
19 to the park, all the way through all the development -

20 MR. LOFTUS: Yes, it would be safer for the
21 kids.

22 CHAIRMAN STUTO: Is that in the DEC buffer,
23 Joe?

24 MR. GRASSO: It is in the DEC buffer.

25 MR. LOFTUS: I'm not saying that's the answer.

1 I'm just saying that's why you need a planner.

2 MR. AUSTIN: Let them just explain something.
3 We have hired a town designated engineer and we have
4 one for each project to look at. Those engineers - the
5 town designated engineer does hours and hours, much
6 more than we ever do on these projects. That is why we
7 defer to him on many of our thoughts. That's why we
8 defer to him on one Jamie is presenting, too. I'm not
9 throwing him under the bus because he is the
10 professional here. So, what he is saying - a lot of
11 these comments are being kind of forgotten about as
12 were speaking to. He has given a lot of feedback to us
13 so far, to the point where we are not really ready to
14 make a vote tonight. He has given us great feedback.
15 He is the professional, he really is. We are not.

16 MR. LOFTUS: This is a quality-of-life issue
17 for the people not too far from this area. Let's put
18 it that way. That's really what it comes down to.

19 CHAIRMAN STUTO: We're interested in that and
20 I'm going to try to answer your question a little bit.

21 There is another process going on which is
22 called the Comprehensive Plan Review. They are looking
23 at the whole Town, what the zones are, what the
24 impacts are, but the green space is that should be
25 preserved -- you can stroll out an idea that you think

1 is a good idea -- moving a park that is not part of
2 this is definitely not our role right now.

3 MR. LOFTUS: I agree. That's why it should be
4 within the planning area.

5 MS. DALTON: What hasn't been stated is --
6 putting together what both Brian and Peter have said,
7 part of Joe's job that he does very well is to compare
8 everything to our comprehensive plan before he ever
9 writes a word to us. Part of his review is what is the
10 code? What is the comprehensive plan? What is the GEIS
11 of the particular area that is looking at? We can go
12 through all the things that are TDE is required to do
13 before he writes this letter to us. I think the point
14 is that we are trying to explain to is what you are
15 recommending actually does take place.

16 MR. GRASSO: I will stay this - just wrap this
17 up: your comment is heard. Our job is to gather all
18 the comments and they will be considered.

19 MR. LOFTUS: The park thing was just
20 off-the-cuff.

21 MR. GRASSO: Anything that is said is
22 considered. Decisions are not made. The part of the
23 process that we are in is to try to gather comments.
24 We consider them. If it never gets discussed again, it
25 may be because we considered it and dismissed it for

1 various reasons because it's smack in the middle of
2 the 100 foot wetland buffer area or for some other
3 reason. Where we are tonight is that we are trying to
4 get your feedback. Obviously, we don't have all the
5 answers. We didn't touch on everything in the letter.
6 So, we want to hear your feedback.

7 MR. LOFTUS: My feedback basically is that the
8 people on Nutwood are affected, even though it seems
9 like it's a spread from where this is. This is way
10 back, I get it. Really, Nutwood is the road that is
11 used to get there. It is much smaller than Bonner
12 where we are talking. You have heard that. I do not
13 think you heard that on Nutwood.

14 MR. GRASSO: I did hear it. I have been up
15 there a lot on Nutwood for this very reason. I
16 understand the importance Nutwood has on the project.

17 MR. LOFTUS: And all the people walking to the
18 park.

19 MR. GRASSO: I was at the park. I understand
20 the relationship the park.

21 MR. LOFTUS: Again, I am predevelopment. I just
22 wanted to be done in a logical way that is good for
23 everybody. That is all I have to say.

24 CHAIRMAN STUTO: I am going to interact with
25 Joe Grasso and the board and say: what do we want to

1 ask the developer for?

2 I am sorry. You're not on the list.

3 MR. SCHIMMEL: My name is Ralph Schimmel and I
4 live that 5 Lupe Way. I want to make a simple point to
5 you. The single point access is inappropriate for this
6 development.

7 Just to give you a little history on what is
8 taken place here: this was the first subdivision on
9 the other side of Morocco. Then Luke be developed here
10 and then there was a subdivision here (Indicating).
11 This all had no egress or no exit to it. It all had to
12 go out to Bonner. Bonner is a substandard road.
13 Nutwood is a substandard road. So, what you have is
14 trying to take an eight-inch water main and put it
15 into a two-inch water main. That's the significance of
16 the traffic there. So, I think I speak for a lot of
17 the people that live here that we are opposed to
18 having traffic run through this neighborhood with a
19 single point of access. I remind you that it's when
20 this was zoned residential - I may be wrong and who is
21 developing it, but I think it was Wade Lupe. They had
22 a storage unit that they were putting their. Under
23 that plan that they presented to the Planning Board it
24 was ultimately rejected. They had access from Cordell
25 Road because of that very problem. That plan provided

1 for that to happen.

2 The second thing that I wanted to call your
3 attention to was that these houses on the westerly
4 side of Morocco - I would ask that you give some
5 consideration to an appropriate buffer. Tonight I have
6 heard different plans that you had considered where
7 you were looking for tree covering and so forth and I
8 would ask that where these lots are contiguous with
9 Morocco, that you give some consideration to a buffer
10 there for their protection.

11 The last thing that I want to call your
12 attention to is that you should be concerned about the
13 noise abatement on this railroad. It is an impact us
14 somewhat, but with the development of this property -
15 which I support the residential property. I have been
16 to all the hearings that have been here and all the
17 zoning changes, and I have spoken against it. This is
18 something that I think he ought to be concerned about
19 because at some point in time you're going to have
20 these people coming back to you and saying listen, the
21 noise decibels in this area is unacceptable. So, that
22 is something to consider.

23 I agree with what Mr. Grasso said when he read
24 about the fire company and their concern for safety.
25 Some years ago, during the fall months we had a

1 hailstorm in a large tree fell across Bonner. It was
2 like five hours before any vehicles could traverse
3 down to Morocco or Bonner. I would ask you to take
4 that into consideration. Thank you.

5 MS. ROMANO: My name is Helen Romano and I live
6 on Kings Road.

7 Basically, I think the plan has to be much less
8 dense than what it is. I like the idea of them giving
9 lands to the preserve. That's excellent, because they
10 are going to be able to connect to the Woodlawn
11 preserve. I think definitely the 52 houses are just
12 way too many for that area.

13 CHAIRMAN STUTO: Thank you.

14 Joe, can you help me summarize or wrap up here?

15 MR. GRASSO: I'll let Jamie.

16 MR. EASTON: I guess I responded to questions
17 that the public generally had.

18 In regards to when traffic reports and studies
19 are typically done, they are not done in the summer
20 because school kids are out and it actually plays with
21 the traffic numbers. A good traffic report is actually
22 only done between September and the end of May. There
23 are actually standards on that. I just want to let you
24 know that is why people don't do them in the summer
25 time. It is a good and valid points because you have

1 picnics and things like that. It throws off the
2 average numbers.

3 In regards to train noise: I know people
4 mentioned that about this projects. Whether the houses
5 are really there or the trees are taken down or
6 whatever, you're still going to hear the noise. I
7 don't imagine that the tree removal and the houses
8 being there - that you are going to see an increase or
9 decrease in the level of decibels at your current
10 house.

11 I live right on the Cohoes border and the train
12 is 4 miles away from my house. Every morning at 4:15
13 you can hear them blows whistle as he drives by. He is
14 4 miles away. Just because I am uphill of him,
15 everything else - you are going to hear the trains.

16 Due to the fact of this location, I don't
17 imagine much change in the decibel levels that due to
18 the houses being there or the trees not being there or
19 whatever is going to change your decibel level. I just
20 wanted to let you know that for the Board.

21 CHAIRMAN STUTO: Now the alternate route that
22 the gentleman mentioned?

23 MR. EASTON: As stated in the traffic report
24 and as concurred by the TDE, it's just not feasible to
25 get out to that location. You do not feel that DEC

1 will issue us a permit. I actually reached out to Carl
2 Parker and asked him that question. He did not respond
3 back to me on that email. I did reach out to him and
4 post that question.

5 CHAIRMAN STUTO: You'd have to cross too many
6 wetlands; is that we are saying?

7 MR. EASTON: Yes and again, from talking to him
8 he wants to keep that large preserve buffer area.

9 CHAIRMAN STUTO: Thank you.

10 Joe, I'm going to turn back to you again.

11 MR. GRASSO: Okay, so there are a lot of issues
12 and I think the Board has a good handle on them. I
13 think it is appropriate for the applicant to consider
14 a new layout with reduced density and that does two
15 things. First, it respects the constrained lands as it
16 relates to the hundred foot buffer to the wetlands.
17 Furthermore, it's a reduction of the impacts on the
18 existing residential neighborhood. I think with 52
19 lots the access issue is going to be somewhat
20 insurmountable to mitigate those impacts. The real
21 decision-making which lies with the Planning board is
22 that as that number comes down, is there appropriate
23 mitigation that can be done to address consideration.

24 The only access to this development is always
25 going to be off Bonner and Nutwood. So, there is going

1 to be additional traffic. Obviously, the level of
2 traffic is commensurate with the number of homes that
3 gets approved there. I would say that Jamie has heard
4 a lot of information tonight and there is a lot of
5 information our letter. When he takes all of that into
6 consideration, I would let him come back with a
7 revised plan that the new layout and a new number of
8 lots in again, you reconsider that density that will
9 be discussed - if there is appropriate mitigation. I
10 don't like throwing out numbers, that I'm good at
11 throughout some numbers to at least provide a
12 framework. If there were 10 or 15 homes being built
13 here, I would say that you repave Bonner Avenue at the
14 existing width and you don't make any other
15 improvements. As the number increases to maybe 25 or
16 30 or 35 lots, then we are probably looking at that we
17 would suggest an increased width to probably 26 feet.
18 That's based on my analysis.

19 MR. LANE The problem that I have with that --
20 okay, we are proving the project -

21 MR. GRASSO: We are not proving anything.

22 MR. LANE: Okay, we are not to proving
23 anything. You are pitting Bonner against the new
24 development that you're going to have people that are
25 going to lose frontage, in order to accommodate it.

1 MR. SHAMLIAN: The right-of-way is there.

2 MR. LANE: That may be true, but that is not
3 the way it is going to be perceived.

4 MR. GRASSO: It is important. The right-of-way
5 is there. Within the 50 foot right-of-way we could
6 expand the road to 36 feet. The problem is - is that
7 you have to weigh the level of impact on the homes
8 that are there. The water you go with the road and
9 where can be located, it starts to create more impact
10 on the residence. Any level of development is going to
11 create an impact. It's up to the Board to decide what
12 is the appropriate level of development in the
13 appropriate mitigation.

14 MR. LANE: The other question is the phasing.
15 Which you rather see - if it was going to be say a
16 dozen per year for three or four years or just have it
17 all done at once in one year.

18 FROM THE FLOOR: I like your 10 to 15 homes.

19 MR. LANE: That's not the question. If you have
20 those two choices: the phase approach versus the all
21 at once -

22 FROM THE FLOOR: We can answer that until we
23 know how many homes. If there were 30 homes, I would
24 say let's get them over with.

25 MR. LANE: I think you're missing the point of

1 the question. I'm talking about the vehicles that are
2 can be going up and down -

3 FROM THE FLOOR: They're still going to be
4 going up and down in my road is still going to get
5 damaged.

6 MS. DALTON: I just have to say that I don't
7 think that question was appropriate.

8 MR. LANE: I don't think it's inappropriate, it
9 was just a poll.

10 MS. DALTON: I want to make a point that when
11 show talks to us the next time - planning board needs
12 to make a determination with regards to the level of
13 density and appropriateness of the development. From
14 my perspective, it has to do with the safety factors
15 and it's not just the safety factors the proposed
16 development safety factors for the homes that are
17 already there. As I have listened learned, among
18 people along Bonner and Morocco - some of the people
19 might be losing a portion of their property, but they
20 would be gaining a better roadway and they would be
21 gaining more access for better access for fire and
22 emergency. It would be gaining better access in the
23 event that a tree falls down or something else
24 happens.

25 So, the next time we see the project, in

1 addition to option A or option B option C with Bonner,
2 we need some way of helping us or quantify the
3 criteria for the offset of what somebody on Bonner
4 might lose in terms of footage versus what they might
5 gain in terms of safety. That would be very helpful. I
6 don't know how way those two things.

7 MR. AUSTIN: When Joe said it's not their
8 property, it's the right-of-way -

9 MR. GRASSO: Their front yard is within the
10 right-of-way any road widening is going to impact
11 their front yard.

12 CHAIRMAN STUTO: If you went to 26 feet it
13 might be 3 1/2 feet on each side.

14 MR. AUSTIN: Back to my original question: how
15 much as Jamie responsible for? That is my original
16 question which is what got Mr. Rizzuto very upset.

17 CHAIRMAN STUTO: He's already said that they
18 are willing to consider.

19 MR. AUSTIN: what about Nutwood?

20 CHAIRMAN STUTO: I don't think anyone is
21 proposing that. If you have a developments with the
22 developer is going to impacts the vicinity, it can ask
23 for contributions for improvement.

24 MR. LACIVITA: Let's look at what the paving
25 projection is.

1 CHAIRMAN STUTO: Okay, we have gone over a lot
2 of stuff. Thank you very much and thank you to the
3 residents.

4 FROM THE FLOOR: Many feet from notice from
5 neighbors - something is coming up before the planning
6 board?

7 MR. EASTON: Two hundred feet. We noticed 500
8 feet.

9 CHAIRMAN STUTO: Thank you.

10

11

12 (Whereas the above entitled proceeding was
13 concluded at 10:00 p.m.)

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CERTIFICATION

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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 _____

