

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

DORAN

OPEN DEVELOPMENT AREA

3 TIMOTHY DRIVE

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter, commencing on March 7, 2017 at 7:10 p.m. at The Public Operations Center, 347 Old Niskayuna Road, Latham, New York.

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
LOU MION
BRIAN AUSTIN
TIMOTHY LANE
KATHLEEN DALTON
CRAIG SHAMLIAN
SUSAN MILSTEIN

ALSO PRESENT:

Joseph LaCivita, Planning and Economic Development Department
Michael Tengeler, Planning and Economic Development Department
Michael C. Magguilli, Esq., Special Counsel to the Planning Board
Fred Metzger, PE
Steven Elrott

1 CHAIRMAN STUTO: Welcome to the Town of Colonie
2 Planning Board. We have a number of items on the
3 agenda.

4 A lot of you are here probably for one or two
5 of the projects that may perhaps impact your
6 neighborhood. If you'd like to speak, where the
7 gentleman is signing in, please sign in over there, if
8 you want to speak on one of those projects.

9 We have Town Attorney Michael Magguilli filling
10 in for Kathleen Marinelli who is the normal Planning
11 Board Attorney. Kathleen is on vacation.

12 Thank you, Mike, for filling in.

13 Do you have any business matters, Joe, before
14 we call up the first item on the agenda?

15 MR. LACIVITA: Nothing at this time, Peter.

16 CHAIRMAN STUTO: The first item on the agenda
17 is Doran Open Development Area, 3 Timothy Drive.
18 That's what it says on my agenda but the project check
19 list says Timothy Lane. We could have a conflict here.
20 We have a Timothy Lane on the Board, just for the
21 record.

22 So, the first item on the agenda is Doran Open
23 Development Area, 3 Timothy Lane, open development
24 area - recommendation to the Town Board.

25 Joe, do you have any remarks on this one?

1 MR. LACIVITA: Sure. I'll just set up the
2 project here before I turn it over to Fred.

3 Back in June of 2016 under Resolution by the
4 Town Board number 321, the Town Board asked this
5 Board, the Planning Board, to look at 3 Timothy Lane.
6 It was before us a couple of times now; October 18,
7 2016 and then November 15, 2016.

8 We sent the applicant back to look at the
9 drainage and we've had several meetings both in-house
10 and on-site with the applicant and his engineer with
11 our Stormwater Department. They satisfied all the
12 components of the drainage that they needed. We are
13 here tonight to get a recommendation to the Town
14 Board.

15 I'll turn it over to Fred to talk about what we
16 have done with the Stormwater Department and see how
17 we have made the recommendations.

18 MR. METZGER: Fred Metzger, land surveyor here
19 with Mr. and Mrs. Doran this evening regarding the 3
20 Timothy Drive ODA. Again, as Joe mentioned, we were
21 here last time and there were some concerns from the
22 neighbors and the adjoining neighbors in the area with
23 regard to some of the stormwater flow. So, since then
24 we've had several meetings out there - or a couple of
25 meetings with the stormwater guys and then working

1 with Mark Jacobson and did some design work. What they
2 have done and designed on here is going to fall within
3 the Doran's lands as creating some larger ditch areas
4 along the rear and the side of the parcels along with
5 some stone check dams to slow the flow of water during
6 peak flow times. After, again, working with Adam and
7 the stormwater engineer, we figured that should take
8 care of any of the problems or at least most of them
9 during some normal storms but obviously during some
10 crazy storms like 100 year storms or something of that
11 nature. Some overflow may still occur but we corrected
12 the problem as best we could.

13 CHAIRMAN STUTO: Joe we were also talking about
14 some of the storm ditches downstream, I think, that
15 may not have been maintained.

16 MR. LACIVITA: Exactly, Peter. The first time
17 that we were up there with Fred, we walked it with
18 Stormwater. They had some scoping that they were
19 looking at as well and I know that there were a couple
20 of things -- and correct me if I'm wrong, Fred, but I
21 know that there were a couple of things that
22 Stormwater was going to do when this project was
23 moving forward to make some changes to it. They also
24 looked at - we went about half a mile downstream?

25 MR. METZGER: Yes.

1 MR. LACIVITA: And that was to the
2 intersections where -

3 MR. METZGER: The rest of the road, I guess,
4 was designed for a ten year storm so, during peak
5 storms or something much larger than that it gets a
6 little back logged. They're going to try to address
7 some of the stuff but again, not opening it too wide
8 because then it would only create some more situations
9 for the downstream.

10 MR. LACIVITA: Once it crosses the street,
11 Fonda Road, it gets into an open field and I think
12 that was one of the other things that they were
13 worried about too is putting so much water onto that
14 farmland that they had there and flooding it out. So,
15 they are holding it back a little bit on-site and
16 doing some retention there and they are slowly
17 releasing it from the site here.

18 CHAIRMAN STUTO: So, some of the neighborhood
19 people can see, can you stand on the left side of the
20 project?

21 MR. METZGER: Sure.

22 CHAIRMAN STUTO: Can you describe the rest of
23 the project?

24 MR. METZGER: Basically, like I said, what they
25 have done is basically created some large ditch areas

1 options that we were working through and in the
2 process this was the best one that actually holds back
3 and slowly releases it downstream

4 CHAIRMAN STUTO: By a show of hands, are there
5 neighbors here that want to speak on this?

6 (There was one audience member who raised their
7 hand.)

8 Would you like to come up now and tell us what
9 you think?

10 MR. ELROTT: My name is Steven Elrott and my
11 address is 96A Fonda Road. I live across the way from
12 the site. One of the concerns that we always had was
13 whether or not it's going to -- right now it's level
14 land. If you put houses on there, you're going to
15 raise the elevation.

16 MR. METZGER: That's correct.

17 MR. ELROTT: That's going to increase some of
18 the water flow going off of there too. That's our
19 major concern. It's not my major concern but my
20 neighbor on Fonda Road - he had a lot of damage to his
21 cellar. This, you think, will take care of that?

22 MR. METZGER: Absolutely. During normal storms
23 or some of the big storms -- again, the with the
24 keystone check dams - as the water increase is
25 generates, as it flows, it slows the flow down so that

1 way it's not running at peak. It's in the pipes. It
2 gives time as its further downstream for it to flow as
3 well.

4 MR. ELROTT: When I was out there one time when
5 you were there with the guys -- down here is there any
6 plan -

7 MR. METZGER: When we implement this part,
8 that's when we can help you out a little bit but at
9 the same time it won't make bigger problems
10 downstream.

11 MR. ELROTT: There is a big water flow from the
12 back that comes to the same spot. There is a choke
13 point down here which I think goes under the road.

14 MR. METZGER: Yes.

15 MR. LACIVITA: Mr. Elrott was on-site with us,
16 Peter, that day when we looked at it. Stormwater
17 definitely heard his concerns. That's why this option
18 was the selected of the two - to hold back a little
19 bit and release it in time. I think that you're going
20 to address all the concerns that he had.

21 MR. ELROTT: The property here is the one that
22 had the problem with the basement. He's not here
23 tonight.

24 MR. METZGER: Anything that is created over
25 here will be slowly allowed into the system and not

1 just a quick run-off.

2 MR. ELROTT: All the work is going to be here
3 -- the ditch that goes along here is going to be left
4 as-is, right (Indicating)?

5 MR. METZGER: Yes, that's on private property.

6 MR. ELROTT: Okay, that answers my questions.
7 Thank you.

8 CHAIRMAN STUTO: Do you feel that your question
9 was answered, sir?

10 MR. ELROTT: I won't know until it rains next
11 time.

12 CHAIRMAN STUTO: Thank you.

13 Okay, Joe, walk us through the next step.

14 Oh, comments or questions from the Board?

15 (There was no response.)

16 MR. LACIVITA: The next step is that we have a
17 recommendation that states a favorable recommendation,
18 if the Board is inclined to do so tonight.

19 CHAIRMAN STUTO: Based upon the plans in front
20 of us.

21 MR. LACIVITA: Based on the plans that are in
22 front of you and then after this that recommendation
23 gets forwarded to the Town Board where they adopt the
24 open development area and then the applicant is able
25 to go forward and pull a building permit.

1 CHAIRMAN STUTO: We have a copy of our special
2 rule in the form of a Resolution. Can you read the
3 title?

4 MR. LACIVITA: Sure. This special rule of the
5 Planning Board setting conditions and limitations and
6 recommendations establishment of an open development
7 area for 110A Fonda Road, Town of Colonie, pursuant to
8 Town Law Section 280A.

9 CHAIRMAN STUTO: Can you read the six
10 conditions?

11 MR. LACIVITA: Sure. As you know, the whereas
12 clauses were there before.

13 Now therefore be it resolved that the Planning
14 Board recommends the open development area as
15 recommended by the applicant be approved in all
16 respect subject to the following conditions. The
17 address of this parcel will be 3 Timothy Drive - it's
18 a private road - in a lot number consistent with the
19 911 communication designation, and further be it
20 resolved that any further conditions be recommended
21 open development area including but not limited to
22 additions, demolitions, structural site changes,
23 subdivision and/or change in use must comply with the
24 applicable Town of Colonie processes and approvals,
25 and further be it resolved that a hold harmless and

1 indemnity agreement shall be entered into with the
2 town protecting the Town from liability in connection
3 with access and maintenance of the roadway to the
4 subject property, and further be it resolved that a
5 copy of all the existing easements, egress and ingress
6 and utilities must be provided to the Town Attorney's
7 Office and PEDD prior to the issuance of a building
8 permit, and further be it resolved that the granting
9 of the open development area does not relieve the
10 applicant from compliance with all the underlying SFR
11 zoning district requirements and applicable
12 environmental, building and land use requirements, and
13 further be resolved the owners of 1.13 acres subject
14 parcel to be constructed thereon, their heirs and
15 assigns and successors in interest shall fully be
16 responsible for the maintenance and required
17 improvements, snowplowing etcetera of the private road
18 which abuts the private access and subject properties.

19 That is subject to your signature as planning
20 Board Chairman.

21 CHAIRMAN STUTO: I don't know if this
22 resolution ties into the drawing that we have in front
23 of us and the storm water solution. So, can we make
24 that condition separate?

25 MR. LACIVITA: The last submitted plan being

1 January 9, 2017?

2 CHAIRMAN STUTO: I have April 28th.

3 MR. LACIVITA: January 2, 2017.

4 CHAIRMAN STUTO: It is stamped January 9, 2017
5 and it is dated April 20, 2016.

6 MR. LACIVITA: And all the revisions will be in
7 the stamped copy.

8 CHAIRMAN STUTO: Any discussion on that from
9 the Board?

10 (There was no response.)

11 Do we have a motion?

12 MR. MION: I will make a motion.

13 MR. LANE: Second.

14 CHAIRMAN STUTO: Any discussion?

15 (There was no response.)

16 All those in favor, say aye.

17 (Ayes were recited.)

18 All those opposed, say nay.

19 (There were none opposed.)

20 The ayes have it.

21 MR. METZGER: Thank you.

22

23 (Whereas the above entitled proceeding was
24 concluded at 7:21 PM)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATION

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

NANCY L. STRANG

Dated _____

