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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

DONNA DRIVE EXTENSION SUBDIVISION
100 105 DONNA DRIVE AND 352 SAND CREEK
APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY STRANG, a Shorthand Reporter,
commencing on March 21, 2017 at 8:26 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

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

ALSO PRESENT:
Katheen Marinelli, Esq. Counsel to the Planning Board
Michael Tengeler, Planning and Economic Development
Joseph Grasso, PE, CHA
Joseph Bianchini, PE, ABD Engineers
Michael Brennan, Conservation Advisory Committee
Wendy Allen
Steve Clapper
Jack Fascilione
Kirsten Kolbert
Clay Laporte
Mary Ellen Larini
Mike Rosch
Jerome Thomas

1 CHAIRMAN STUTO: The next project on the agenda is
2 Donna Drive extension subdivision, 100 and 105 Donna
3 drive and 352 Sand Creek Road, application for concept
4 acceptance, 23 residential lot subdivision.

5 If you recall, we asked for a tree survey to be
6 done. I drove by the lot myself and it's very
7 attractive lot - wooded and so forth and you've done
8 a tree survey and we receive the results of that and
9 hopefully we can save some trees on this one.

10 Mike Tengeler, before we start, do you have any
11 comments?

12 MR. TENGELER: Yes. The Board has seen this a
13 couple of times. I will hand it over to Joe Bianchini.

14 CHAIRMAN STUTO: Okay.

15 MR. BIANCHINI: Good evening. My name is Joe
16 Bianchini with ABD Engineers representing Ted Cillis.

17 I'll just go through the project quickly
18 because you did see it last August. You've been
19 through a lot of projects since then.

20 Just to refresh your memory, it's a 12.3 acre
21 site comprised of three parcels of land; two from
22 Lou VanGeest and one from Jeff Iccabucci.

23 This is Sand Creek Road over here (Indicating).

24 The property is in back of the lots that face
25 Alfred Drive. It goes down to Herman Street and goes

1 a permanent straight. This is the Evangelical
2 Lutheran Church property here (Indicating). Up here
3 is the South Colonie School District - the high
4 school. Then, it comes back down to the existing
5 cul-de-sac on Donna Drive.

6 CHAIRMAN STUTO: If you don't mind, can you get on
7 the other side of the project? We've been asking people
8 to stand to the left, so the public can see.

9 MR. BIANCHINI: Sure.

10 So, this is Donna Drive and it goes on the
11 properties along Donna Drive. This is Rafael Court.
12 It cuts along the back of three lots. This is the
13 other side of Donna Drive (Indicating). That goes
14 along that and the back side of two lots on Sand
15 Creek Road and then it comes out to Sand Creek Road.

16 Just to correct one thing, it is actually a 24
17 lot subdivision with 23 lots on the extension of
18 Donna Drive and there is one lot out on Sand Creek
19 Road.

20 In the last meeting in August asked for a tree
21 survey of the site and a few other things.

22 We have an aerial so that you can see. The
23 southern portion of the site backs up to here
24 (Indicating). On the northern portion of the site
25 there is an open field. There are woods along the

1 property lines.

2 We identified 198 trees out there that are 12
3 inches and over. We have identified him as the ones
4 that have to be cut down in red. Many of them will
5 be saved along the periphery of the property. We are
6 not clear cutting the site. We can save a lot of
7 trees and we can save a lot more trees by two things
8 that we have thought of as we have gone along.

9 One is the stormwater. We had swales along the
10 back to prevent drainage from going onto neighbors.
11 So, in lieu of that we can to rain gardens or
12 infiltration basins on each lot, so that no water
13 will go on some of the other property, but it
14 reduces the area that we need to grade were ditches
15 and things like that. We are willing to do that.

16 That also reduces the size of the stormwater
17 basin that we made. We can pull that way a little
18 bit and save some of these trees down in here
19 (Indicating).

20 The other thing that CHA had in a letter is to
21 request that the setback of the 30 feet - instead of
22 35 feet - by moving all these houses up 5 feet and
23 then putting them right on the front setback line,
24 we could save another 5 feet.

25 MR. GRASSO: I think it's 40 feet.

1 CHAIRMAN STUTO: So, you're amenable to all of
2 that?

3 MR. BIANCHINI: We're amendable to that and I
4 talked to Ted Cillis today on the style of the house.
5 Say we have a tree over in this area that we can save
6 (Indicating) if we put a little tree well around it or a
7 little retaining wall or something like that, he is
8 willing to do that. That comes later when we work with
9 him on the design of the house - the placement of the
10 house on the lot and all these things come with final
11 design and even after final design, as he gets a
12 customer, for the lot.

13 In addition to that - in terms of utilities,
14 there was some concern. We're bringing the sewer
15 down out through an easement on the church property
16 to the corner and all the way down to here
17 (Indicating).

18 We did talk to the Pure Waters Department and
19 they are not aware of any significant issue or
20 serious issues on the sewer from there down to
21 Central Avenue. Someone had a concern regarding
22 that. Pure Waters says that they don't have a
23 concern. That's okay.

24 We are looping the water line from here
25 (Indicating) to the other end of Donna Drive and

1 then out to Sand Creek Road. So, the Water
2 Department is happy because they are getting rid of
3 two dead-end water lines and putting in a loop
4 system which will help with pressures and flows
5 throughout this whole neighborhood.

6 One other thing that has come up is we did do a
7 Phase I archeological investigation on the whole
8 site. Although our archeologist didn't find anything
9 of real significance, SHPO came back and said there
10 was an old farmhouse and so we have to get back out
11 there and see if we can find the location of the old
12 farmhouse. We'll be doing that as soon as the snow
13 gets off the ground. Supposedly, it was somewhere
14 over in here off of Sand Creek Road.

15 The lots are all 18 square feet or bigger,
16 meeting Town standards. We are not requesting any
17 variances. I don't know how the setback would work
18 but we are amenable to that and whatever we have to
19 do to accomplish that, I think that's a good idea.

20 Regarding price range, the houses will probably
21 start around \$375,000.00 and to go to \$450,000.00.
22 Ted is currently building houses off of Campagna
23 Drive, not far from here. You can go by there and
24 see the type of house that he's building.

25 That's about it, I think.

1 CHAIRMAN STUTO: Okay, we're going to ask our Town
2 Designated Engineer, Joe Grasso, to comment on this.

3 It seems like there is a lot of neighbors here.

4 If you want to speak, it makes it a lot better
5 if you could sign in. The sheet is over there on
6 that table (Indicating).

7 Joe Grasso?

8 MR. GRASSO: There is a comment letter in your
9 packets. Actually it's a comment letter that we issued
10 last fall. It was in November. Joe's office had provided
11 a response to the comment, but there was another plan
12 submission that we reviewed.

13 Joe did a good job describing how many of the
14 comments that were raised by Town departments and
15 our office have been addressed on the plans as they
16 evolved from the DCC sketch plan review and the
17 initial concept plan meeting. The majority of our
18 comments are regarding the extent of the tree
19 clearing that is proposed on the site. Like Joe
20 said, as a result of the last meeting, they had done
21 an extensive tree survey. I will say that out of all
22 the tree surveys that we've seen done in the Town
23 which are becoming more comment and under more
24 scrutiny, this is the best tree survey that we've
25 gotten. It provided a tremendous amount of detail

1 regarding each of the trees, their size, their
2 species, their condition and whether or not those
3 individual trees were proposed to either be saved or
4 removed. It assisted us greatly with our review of
5 the plan.

6 That said, through that review of those
7 detailed tree surveys. We don't think that the
8 project, as designed and the grading that is
9 proposed on the concept plan does enough to save
10 enough trees to provide an appreciable level of
11 buffer to the surrounding properties and that
12 through some relatively minor revisions to the
13 project site we think that there could be
14 substantially more trees saved.

15 I'm going to pass out a drawing for your review
16 and I'm going to give a copy to Joe. This is so the
17 public can see what you are looking at. I apologize
18 for not including this in our letter but I wanted to
19 make sure that we delve into this tonight and try to
20 get some resolution.

21 This plan shows the proposed layout in
22 accordance with the concept plan. It shows the
23 proposed grading. What we have added to this are the
24 areas in green and in the hatch are areas of
25 significant vegetation that we think should be

1 retained and can be retained by changing the grades
2 within the individual lots. In some locations
3 pulling the homes closer to the road -- and Joe said
4 that we raised in our letter - supporting going for
5 variances of the front yard setback for some of the
6 lots in order for more of the vegetation in the rear
7 yards to be protected.

8 Then, the stormwater management area which is
9 in the lower left corner of the site - we think that
10 there is some significant vegetation there that
11 should be protected by relocation of that. Joe
12 mentioned incorporating some rain gardens which may
13 reduce the size of that basin and reduce the
14 required rear yard swales that they are proposing.
15 The green that they are showing - although they
16 proposed to save some of the trees, we really think
17 that there is extensive clear-cutting proposed based
18 on the grading plan. By working within these green
19 areas, they should be able to save vegetation around
20 a pretty substantial part of the site and provide
21 separation between this development and the adjacent
22 developments. It's hard to see, but the highlighted
23 areas in yellow are areas where there are trees
24 proposed to be cut that we think could be saved and
25 then the green crosshatching is what we think are

1 existing heavily wooded areas that would be able to
2 be protected by revisions to the proposed plan.

3 I will say that in order to accomplish saving
4 the trees in all these areas and moving the
5 stormwater management area, it could result in the
6 reduction of the number of lots. I think that Joe
7 mentioned that there are 23 proposed now, plus one.
8 That 24 could come down by one or two lots in order
9 to accomplish all this. Also, the ability to grant a
10 front yard setback it would also be required - it
11 would also be something that we would support. We do
12 think that it would be required in order to
13 accomplish the goals identified on this plan.

14 CHAIRMAN STUTO: I'm going to ask a threshold
15 question and then if the Board wants to speak - do you
16 want to speak about the other components of the plan or
17 no?

18 MR. BIANCHINI: Not necessarily.

19 CHAIRMAN STUTO: Is this a candidate for a
20 conservation subdivision; in other words, the same
21 number of lots and smaller lots - to allow the developer
22 to have the same number of lots but save more trees?

23 MR. GRASSO: I do think that there is merit to the
24 subdivision layout and the lot sizes as proposed. I
25 don't think that they are inconsistent with what we see

1 and drastically inconsistent with what we see in the
2 neighborhood. I do think that by reducing the front yard
3 setback you're going to get that type of clustering
4 effect. If the plan isn't able to be modified to
5 preserve these trees, we would support a more drastic
6 change to a conservation type subdivision design.

7 MR. SHAMLIAN: From a quick glance, Joe, it looks
8 like this new layout substantially cuts down the number
9 of trees that are being cut down. I don't know what the
10 total number is -

11 MR. LANE: That's just a change in grading?

12 MR. GRASSO: Yes, tightening things up and pulling
13 it away from the property line - the site is heavily
14 wooded. At least half of the site is heavily wooded.
15 There is still a fair number of trees to come down but
16 we think that there are enough good trees around the
17 perimeter that could drastically change the feel of the
18 site when it gets constructed.

19 MR. BIANCHINI: I just wanted to go a little bit
20 further with Joe's comment here. We did list all the
21 species of the trees. There are a lot of cottonwood
22 trees here that we are not really crazy about saving.
23 There are good red maples, oaks, white oaks and there
24 are some pine trees and so forth that - we would do
25 whatever we can to save those.

1 MS. DALTON: The first question is for Joe. From
2 what I could tell, there was essentially one walk-thru
3 in mid-November and I'm wondering if that's enough to
4 give us information about whether or not there were
5 habitats there.

6 MR. GRASSO: I do think that it's enough. They did
7 do a field walk-over of the site. There is also a lot of
8 desktop research that they also did to screen the site
9 for endangered species. Nothing was flagged on the site.
10 This development is going to have a significant impact
11 on the wildlife that currently resides on the site.
12 That's what this development is going to do. We don't
13 think that there will be an impact on threatened or rare
14 or endangered species in any way.

15 MS. DALTON: My second questions is similar. They
16 referenced a cultural resource report that was not in
17 the packet.

18 MR. BIANCHINI: We submitted it way back before
19 August.

20 MR. GRASSO: It may not have made it into the
21 Planning Board packet, but I think that Joe mentioned
22 that there is a detailed report and it has been
23 provided.

24 MR. BIANCHINI: It has been provided and it has
25 been submitted to SHPO. They reviewed it and came back

1 and that's when they said there are indications that
2 there was an old farmhouse somewhere on this property.
3 We have to go out in the next week or so and see if our
4 archaeologists can find it.

5 MS. DALTON: And that's it?

6 MR. BIANCHINI: I don't know. It depends on what's
7 there.

8 MS. DALTON: I wish I could see what was in the
9 report.

10 MR. BIANCHINI: I can get you a copy of it.

11 MS. DALTON: But if we're voting on concept tonight
12 and we have no idea what is in that report -

13 CHAIRMAN STUTO: Mike, do you think that you have
14 it?

15 MR. TENGELER: I'm looking for it now.

16 MR. GRASSO: You bring up a good comment. If you
17 granted concept approval, it's predicated on nothing
18 being found that will substantially change the layout.
19 If there is a resource there that is sensitive. There
20 are various measures that they can do to mitigate, one
21 of which is to avoid it. If they choose to avoid it,
22 it's going to result in Joe going back to the drawing
23 board and coming back to the Board with a revised
24 concept plan. If the Board so chooses to grant concept
25 acceptance, it doesn't include a negative declaration

1 and it doesn't lock the Board into saying well, this is
2 the plan that needs to be supported. Obviously if there
3 is new information that comes out through that study,
4 we're going to take it into consideration.

5 MR. BIANCHINI: We will provide that as soon as we
6 get it.

7 MS. DALTON: Actually, I want to go back. I thought
8 of one more question. Because Joe raised the issue of
9 while we are not talking endangered species, there is
10 lots of wildlife there now. I'm wondering with the
11 proposed layout the way that it is, do you feel that
12 there is enough corridor for the wildlife to get from
13 place to place? Or with your proposed added greenspace,
14 would that give that kind of corridor, or are we just
15 looking at displacing the wildlife and letting them fend
16 for themselves?

17 MR. GRASSO: I'm going to pass out an aerial photo.
18 I think that if maybe for the next meeting this could be
19 shown clearer - but I can kind of describe it. If the
20 perimeter wooded areas were protected based on our
21 sketch that we issued earlier and you looked at the
22 existing vegetation, not only on this project site but
23 off of the project site, you would still have some
24 greenspace corridors connected to the adjacent property
25 - the corridor that exists behind the church - between

1 the church and the school and in the rear yards of Donna
2 Drive. Again, I don't know the significance of these
3 wildlife corridors on a larger scale but I do think that
4 by protecting the trees with our sketch does fit into a
5 larger plan.

6 MS. DALTON: That's what I wanted to know. Thank
7 you.

8 CHAIRMAN STUTO: Anything else from the Board
9 before we turn it over to the public?

10 (There was no response.)

11 Mike Brennan, Conservation Advisory Committee?

12 MR. BRENNAN: Can I go after the residents?

13 CHAIRMAN STUTO: Sure.

14 Jerome Thomas?

15 MR. THOMAS: Jerome Thomas. I live at 25 Alfred
16 Drive and have lived there since 1965. I've seen things
17 change over the years.

18 The comments that I have tonight are very
19 similar to what I made back in August. So, I'm
20 wondering if some things may have taken place since
21 then. For example, when the traffic is going out
22 onto Sand Creek say at 3:30 until 6:30 the traffic
23 is backed up from Wolf Road all the way down to
24 Everett. I have driven it and I know that's the case.

25 I would ask if any Planning Board members

1 driven on Sand Creek during those hours lately? You
2 would be familiar with the traffic congestion.

3 CHAIRMAN STUTO: Albany Shaker is the same.

4 MS. DALTON: I was just going to say that any of
5 the thoroughfares -

6 MS. THOMAS: So, my concern there is safety of the
7 people coming out of Donna Drive and the people on Sand
8 Creek due to the traffic problem.

9 The next thought would be relative to the
10 run-off and you talked about that. The fact is that
11 the gradient is all towards this corner
12 (Indicating).

13 You mentioned about using small ponds on each
14 lot. How much water builds up there in the summer
15 and mosquitoes is something to be concerned about.
16 So, certainly that is a thought but I don't know if
17 it's better than what you have.

18 The sewers - you said that the Sewer
19 Department, in effect, had no problem with that. I
20 am wondering was that just a conversation or an
21 exchange of written documents?

22 MR. BIANCHINI: I have the documents.

23 CHAIRMAN STUTO: Excuse me, but you have to address
24 the Board. We'll make sure that your questions get
25 answered.

1 MR. THOMAS: He seemed to be the actor.

2 CHAIRMAN STUTO: We're the Board and we are running
3 the meeting.

4 MR. THOMAS: Okay. So, anyway, I would be concerned
5 with who said what as to there not being a potential
6 problem for the sewers. If you get back-up and we get
7 back-up over the years, you'll have a real health
8 problem.

9 The price of \$375,000.00 to \$450,000.00 -
10 that's very attractive that you are putting in homes
11 like that.

12 I received a letter which told me about the
13 meeting and had an enclosed map. I think that was
14 terrific. Is that a requirement of the Planning
15 Board that you require developers to do that?

16 MR. TENGELER: Just the notice. The map, I think,
17 is something extra.

18 MS. THOMAS: I was very impressed. I thought that
19 was good business.

20 I had recommended before that the Town consider
21 purchasing the land, which I note created a little
22 amusement - and turn it into like a park along with
23 the schools. So, I'll still make that one.

24 The trees that are out there have red ribbons
25 on them. Is the ribbon saying take this tree down or

1 save it?

2 CHAIRMAN STUTO: The applicant can answer that one.

3 MR. BIANCHINI: The trees that are marked are just
4 a marker for the guy that was out there doing the tree
5 survey so he knew where he was relative to the whole
6 site.

7 MR. THOMAS: Again, I know from having lived there
8 for so many years - more than 50 years, we have had
9 flooding - or ponding of water in these backyards. So,
10 if you make little ponds, you may create more problems.
11 So, I'll just mention that.

12 CHAIRMAN STUTO: Okay, we'll try to go through the
13 answers. Thank you.

14 You want to talk about the smaller stormwater?

15 MR. BIANCHINI: The smaller stormwater is called
16 raingardens or infiltrations. This is all sand out here.
17 There is no ground water near the surface. So, we would
18 be doing our own studies on individual lots. They are
19 not ponds. They're not going to pond water permanently
20 there. The water is going to go into the ground. The
21 idea is to get it below the surface so it goes into the
22 sand.

23 We did have some correspondence by email with
24 the Pure Waters Department relative to the sewers
25 downstream.

1 We're going to add some traffic there. It is
2 what it is.

3 CHAIRMAN STUTO: Do you agree with those?

4 MR. GRASSO: Yes. Just a couple of things.

5 In terms of a raingarden, it's a term that we
6 use that is often misunderstood. A good example of a
7 rain garden is the Town built a demonstration
8 project out across from the front parking lot of a
9 rain garden. That rain garden is sized for a certain
10 catch area. It's a rather small area, but it's
11 probably two or three times larger than what we
12 would be seeing on a rain garden that would serve
13 individual single family homes. that is a good
14 representation. It sees water extremely infrequently
15 and it's got a certain type of planting throughout
16 the garden to create that garden feel. It is a good
17 thing to take a look at on your way out.

18 In terms of the traffic - yes, obviously this
19 project is going to result in some additional
20 traffic out to Sand Creek Road. We know access onto
21 Sand Creek Road could be problematic at peak hour
22 periods.

23 There is a site distance thing that we will get
24 more information as we get into detailed plans
25 because there is a retaining wall as you are coming

1 out to sand Creek Road looking left that we wanted
2 more information on. We don't think that this
3 project in and of itself is going to result in
4 significant traffic impacts or require any type of
5 mitigation that could be done to lessen the traffic.

6 CHAIRMAN STUTO: Thank you.

7 Mary Ellen Larini.

8 MS. LARINI: Good evening. I live 6 Nina Drive
9 which is kind of at the beginning of the project. I just
10 have a couple questions to follow up.

11 The last time that we were here we talked about
12 the traffic. There was an agreement that some
13 traffic study was going to be conducted. Did that
14 happen into we have available to get a copy of that
15 anywhere? They were going to study - when you come
16 up over at that hill like from the Colonie Central
17 High School up heading toward Albany because it's
18 kind of a blind area - they were supposed to take a
19 look at the amount of traffic in the speed of
20 traffic. Did that ever happen?

21 CHAIRMAN STUTO: Can the applicant answer that?

22 MR. BIANCHINI: That has not been submitted to the
23 Board. We did do some work on it but we are still at
24 concept. That usually comes with the final design
25 plans. It was our intent to submit it after we got

1 concept approval with our final plans.

2 MS. LARINI: That wasn't my understanding. That
3 does answer the question though.

4 Also, on this cultural resource report - the
5 first letter that went out and got a response, there
6 was a reference that there were cultural resources
7 found and that a Phase II report would be prepared.
8 Is that the thing that you are waiting on?

9 CHAIRMAN STUTO: The applicant answered yes.

10 MS. LARINI: Also another letter from the engineer
11 there were some questioning about the sewer pipes. I
12 think it said something about they were relying on these
13 8 inch pipes and that there was a study that was
14 represented that was going to be done with Pure Waters.
15 And the follow-up letter from the engineer it said that
16 the sanitary sewer study with pure waters was going to
17 be done and such a study should be provided as the
18 capacity of the down stream system is an important
19 components and evaluating the impacts of the proposed
20 subdivision.

21 The only response that was in the letter is
22 that we have contacted the Pure Waters Department
23 and they are unaware of problems.

24 Is that a study? Are you expecting an actual
25 study to be done to deal with this problem?

1 CHAIRMAN STUTO: Okay, we will get back to that. We
2 will address that.

3 MS. LARINI: I like seeing the ideas about the
4 additional buffer. When I looked at the true study there
5 was 176 total trees on that study and 117 were proposed
6 to be cut which was two thirds of all the trees. And 94
7 of those were identified as healthy trees. So, of the
8 trees that were going to be cut, 80% of them were
9 healthy. they were pretty good-sized trees from what I
10 could see. I think you are absolutely correct to be
11 concerned about the destruction that would take place
12 here.

13 When the engineer pointed out that perhaps a
14 reduction in the number of lots might address that
15 problem the only response that came back was the
16 developer cannot reduce the lots. That was it. There
17 was no particular reason. Apparently he just doesn't
18 want to.

19 CHAIRMAN STUTO: I think you heard our presentation
20 before. We are studying that and improving it.

21 I don't know if you can speak to the number of
22 trees yet.

23 I don't think we have a final response.

24 MS. LARINI: In terms of the number of lots that
25 are ultimately going to be permitted?

1 CHAIRMAN STUTO: Yes. We don't know that yet. Joe
2 has come up with that drawing that he passed out. I
3 don't know if you saw it.

4 MS. LARINI: And the change in the setback - will
5 also be very helpful.

6 Finally, the only other thing is I mentioned
7 last time about the really large oak tree in my
8 backyard which is one of the two biggest ones on the
9 map. The tree has been there hundreds of years.

10 CHAIRMAN STUTO: Can you point to it?

11 MS. LARINI: I think it would be around here
12 (Indicating). That big circle right there.

13 So, the only concern that I have about that is
14 the first house that is on the map - when you take
15 the foundation and start building that house,
16 cutting through that root system and what that might
17 do to destabilize that tree. First, it is in my
18 backyard and I don't want to fall on me. Second,
19 because it is an ancient old growth tree that we
20 really should not be messing with. In terms of when
21 you are looking at how many lots, I don't know if to
22 the left of that tree - that one could be eliminated
23 and then preserve the root system. The root system
24 goes out quite a ways. That would be my only other
25 tree concerned. Other than that, that's all I got.

1 CHAIRMAN STUTO: Okay, we will try to address what
2 you just brought up, that we have not already addressed.

3 Can we get some more specificity on the sewers?

4 MR. BIANCHINI: We did talk to Chreit and Dave over
5 at Pure Waters. They were unaware - and we did it by
6 emails. The sewer line going out to Central is an 8 inch
7 sewer and we did calculations to show that an 8 inch
8 sewer is adequate for this plus the existing homes that
9 are on there. So, we will be doing a sewer report as
10 part of our final design.

11 CHAIRMAN STUTO: That assumes that it is working as
12 designed. How old is that line?

13 MR. BIANCHINI: It's been there a while.

14 MR. GRASSO: It is a pretty old line. It will
15 require a more detailed evaluation. It is a comment that
16 we have continued to carry in our letters. It is
17 something that we would typically continue to carry -

18 CHAIRMAN STUTO: How do you resolve that?

19 MR. GRASSO: They would have to check the condition
20 of it and do a TV study of the line and possibly to
21 replacement or upgrades to it. We don't think that it
22 is something that would reveal a condition that would
23 stop the project from going on. It's just going to be
24 some additional costs that the applicant would have to
25 spend. It is something that are waters and our office

1 will continue to be involved with.

2 CHAIRMAN STUTO: How about that large oak tree
3 there?

4 MR. GRASSO: If you look at the grading plan - Joe
5 specifically provides the grading around that area to
6 make sure that there is no grading proposed within the
7 drip line. It is something that we would like to take a
8 closer look at. I remember the comment and I actually
9 did not remember where that tree was located. So, she
10 just pointed it out again. It is something that we will
11 take a closer look at.

12 The grading as shown has been revised since our
13 last plan to minimize impacts within the drip line.

14 CHAIRMAN STUTO: Thank you.

15 Mike Rosch.

16 MR. ROSCH: My wife and I live at 2 Rafael Court,
17 which is right up here (Indicating). The only comment
18 that I really had at the last meeting was the single
19 access to the whole subdivision.

20 Joe, I don't know if you took a look at that or
21 not. I looked today and the rags and I couldn't find
22 anything where they eliminate the number of houses
23 for the single access.

24 MR. GRASSO: It is an issue that we have dealt with
25 on many projects. There are often times where we look at

1 provisions for emergency access or trying to limit the
2 number of lots. There has been studies done as to all
3 the other examples throughout the town that have up to
4 100 lots on single point of access. You probably recall
5 from your days as building inspector that the town still
6 does not have any requirements in terms of the maximum
7 number of lots on a single point of access. There are
8 some times where the Department of fire services will
9 start to raise a concern and look for mitigation to be
10 installing sprinkler systems in the homes which
11 obviously has become more feasible and the costs have
12 come down. They specifically did not include that
13 recommendation for this project. They are aware that it
14 is still on a single means of access.

15 MR. ROSCH: When I was here, Peter Lattanzio had
16 mentioned to me that there is a certain number that he
17 will allow with a single access. I could not find
18 anything.

19 MR. GRASSO: Some towns are -- 18 is a common
20 maximum number that you will see in certain counties.
21 Some towns use 50, but Colonie has just never imposed a
22 maximum number. The merits to that is that you are
23 allowed to look at things on a case-by-case basis. So if
24 mitigation is warranted, it is something that we require
25 of the applicants.

1 MR. ROSCH: Well, I appreciate you looking into
2 that.

3 I just want to say, Mr. Chairman, that I really
4 feel pleased that Joe Grasso is involved and also
5 Joe Bianchini. From my workings with the Town, they
6 are to the best engineers that we've got. So, thank
7 you.

8 CHAIRMAN STUTO: We appreciate that.

9 Kirsten Kolbert.

10 MS. KOLBERT: You're not going to like this. I'm
11 bringing the trees up again. But, I have a concern. I
12 wanted to make sure that I understood this correctly.

13 You were saying that the green part is being
14 saved, or is proposed to be saved?

15 MR. GRASSO: No. It is not proposed to be saved. It
16 was a suggestion made by our office to save those areas
17 highlighted in green. Very often if you look at the
18 underlying plan their proposing to clear right up to the
19 property line.

20 MS. KOLBERT: We live on Alfred Drive and have been
21 there since 1966. One of my concerns is that we have
22 never had flooding onto our property. That is because
23 our property is higher where we are compared to the end
24 of the street. It goes down this way (Indicating). If
25 you go to the back of our property there is a 4 foot

1 drop off of the back of our property. My concern is
2 trees are what help prevent erosion. I am not saying
3 there has to be tons of trees, but enough trees to keep
4 the property from falling down too much more. That's the
5 only thing I am concerned about.

6 CHAIRMAN STUTO: We are working for that goal.

7 MS. KOLBERT: That's what it sounded like but I
8 just wanted to clarify. Thank you, very much.

9 CHAIRMAN STUTO: Thank you.

10 Wendy Allen.

11 MS. ALLEN: I would just like clarification on the
12 tree numbers. I heard different numbers. I heard 198 at
13 first. From a resident who had done some research, I
14 heard 170 something. How many trees were actually
15 surveyed and of those how many are right now being
16 planned to be saved without this new possible proposal?

17 CHAIRMAN STUTO: If you want, you can have my plans
18 just for your records.

19 MS. ALLEN: Thank you.

20 MR. GRASSO: There were 199 trees surveyed. I don't
21 know the count as to how many were proposed to be saved.
22 If you want to go through other comments, I can provide
23 that. On the tree assessment - which this is a seven or
24 eight page document. It goes through every tree and it
25 does identify whether or not they were proposed to be

1 saved or cut. I would probably trust the calculations
2 done by the other neighbor.

3 MS. LARINI: Some of them were off site. So, your
4 190 something included the off-site ones. The ones that
5 were totally on-site to be dealt with one way or the
6 other or 176. Of those, 117 were proposed to be cut.

7 MR. LANE: I have 57 on-site saved.

8 MS. ALLEN: So, obviously anything that can be done
9 to increase that would be great.

10 CHAIRMAN STUTO: That's what were working on.

11 MS. ALLEN: I can tell that.

12 Also, that old growth tree that was mentioned
13 before - I was going to bring that up before she
14 did. I think that is very important that it be
15 saved. Chances are, you might find that farmhouse
16 foundation around that old tree.

17 CHAIRMAN STUTO: Clay Laporte.

18 MR. LAPORTE: My name is Clay Laporte. I live at 5
19 Raphael. Basically - just running over the options for
20 the access and entry -- you mentioned about the retainer
21 wall. That retainer wall will be four or 5 feet back or
22 take it out and it will still be down to the road. When
23 you were trying to get out with the snowstorm, you could
24 not see anything come out around the corner. You could
25 not see a fan or you could not see anything until you're

1 actually in the road. Even during the summer when there
2 is no snow in the grass is mowed, you still have to get
3 to the edge of Sand Creek so you can see what is coming
4 around the corner. So, with the snow you have nothing.
5 You actually have to be two or 3 feet into the road
6 before you can see the traffic. I don't know if you can
7 fix that with some kind of your permission or put it
8 back further or put another entrance on the far end of
9 Sand Creek where it is flat. Obviously, there are easier
10 solutions to fix that yard if you can.

11 MR. GRASSO: Joe, did you want to speak to that?

12 MR. BIANCHINI: We did go out and there is a short
13 retaining wall that does restrict site as you're going
14 out looking to the left. Again, that is something we
15 would have to work with the Town of Colonie on to remove
16 that retaining wall and bring it out. This is kind of
17 steep.

18 MR. GRASSO: We looked at two and that was
19 something that I mentioned before. We are looking for
20 additional information and we would be happy to have a
21 meeting and have Bill Neely review it to see what
22 options exist.

23 CHAIRMAN STUTO: So, he will keep that in your
24 comments?

25 MR. GRASSO: Yes.

1 CHAIRMAN STUTO: Thank you.

2 Jack Fascilione.

3 MR. FASCILIONE: Mrs. Kolbert mentioned the
4 drop-off. I live at 17 Alfred. She mentioned 4 feet. To
5 me, it seems deeper than that. I am just wondering how
6 that is going to be filled. Is there enough dirt from
7 taking off that slope to fill in that swamp or that pond
8 that is there?

9 CHAIRMAN STUTO: Can you show us where you mean on
10 the map? Can you figure it out.

11 MR. FASCILIONE: It is like a pond. Years ago kids
12 used to ice skate on it. I have lived there for 51
13 years. I've been looking out of my kitchen window for 50
14 some years at this field and trees and all. It is tough
15 to envision 20 some houses behind there. That is such a
16 small piece of woods to have 23 houses - 23 lots. That
17 is just mind boggling.

18 CHAIRMAN STUTO: We are trying to keep screening
19 their and I'm going to ask them to address the
20 impression situation. I don't know if he can save the
21 trees and save the pond.

22 MR. GRASSO: I would say that right now what Joe
23 proposed - which is typical for subdivision design is to
24 provide a continuous rear yard drainage swale within the
25 project site so that it does not impact any of the

1 neighbors and convey the water from all the lots as they
2 get developed, taking it down to the low corner of the
3 site where he's got a larger containment area. That
4 would periodically contain it and then hold it and
5 infiltrate it to the ground. If the plan changes and
6 they retain more vegetation, they would not do any
7 reading back there. They would say the trees and not
8 change the existing land. So, it would still continue
9 to be a low area and then he would deal with the
10 drainage within the lots individually.

11 CHAIRMAN STUTO: What would be the impact onto the
12 wet area?

13 MR. GRASSO: Well, there won't be any impact
14 because that's what Joe said that if he can't do that
15 rear yard drainage swell and the larger containment
16 area, he would deal with the runoff that comes off the
17 lots individually.

18 CHAIRMAN STUTO: Will that help, though - the rain
19 gardens?

20 MR. GRASSO: Yes. But I think the preservation of
21 the vegetation will also have a significant positive
22 impact, if they are able to do it.

23 MR. FASCILIONE: If that is going to be lower --
24 are these houses going to have foundations or sellers or
25 just crawlspaces?

1 MR. GRASSO: Cellars.

2 MR. FASCILIONE: I don't know how deep they can go.
3 It's pretty wet and that area.

4 MR. GRASSO: The general rule of thumb is when a
5 typical subdivision house gets developed, it is 4 feet
6 out of the ground and about 4 feet in the ground. They
7 do have cellars, but they are not as far deep into the
8 ground as you may think. They normally sell around the
9 houses with stairs and some fill, but that is the
10 general rule of thumb.

11 MR. FASCILIONE: Thank you.

12 CHAIRMAN STUTO: Thank you, sir.

13 Len Cyr.

14 MR. CYR: My name is Len Cyr. I live that 21 Alfred
15 Drive.

16 The swale - the definition of a swale? I have
17 heard of wetlands and then I have heard the term
18 swale. I have no idea what that means.

19 CHAIRMAN STUTO: It's like an impression in the
20 grass that carries water.

21 MR. GRASSO: It is a man made feature. It is a
22 grading operation. It is a man-made drainage channel
23 with smooth sides.

24 MR. CYR: Is it a wide channel? How long is it and
25 where is it going to be placed on the property behind

1 us?

2 CHAIRMAN STUTO: Do you have other questions, as
3 well?

4 MR. CYR: Let me think about that. There are
5 people that are concerned about mosquitoes.

6 MR. BIANCHINI: A swale is just a gentle ditch.
7 Usually it's only 3 feet deep. It's not very deep. It
8 has very flat sides so that you can mow it.

9 MR. CYR: And where are they going?

10 MR. BIANCHINI: From here to here (Indicating).

11 With the changes that are being discussed
12 tonight, we are looking at moving the houses closer
13 to the road. In doing that, we can eliminate the
14 swale back here because that swale takes out a lot
15 of these trees. We don't want to take out the
16 trees, so each lot individually would have a rain
17 garden - infiltration basin or something to that
18 effect so that each lot has its own drainage system.

19 MR. CYR: We are concerned about mosquitoes.

20 The second thing - some of the big trees --
21 this went from wetlands -- this was wetlands at one
22 time, isn't that right?

23 MR. BIANCHINI: No.

24 MR. CYR: At no time this was ever defined as
25 wetlands?

1 MR. BIANCHINI: No.

2 MR. CYR: The reason why I bring that up is because
3 some of the trees -- I had two trees come into my yard.
4 That's why I'm standing here bringing this up and
5 bringing this to your attention to help you make these
6 decisions. I have two trees that have fallen into my
7 yard. I approached the property owner. I don't know if
8 he is still the property owner or not, but I have not
9 gotten a response. I have spoken to him personally. I
10 even bought some coffee. I have never heard from the
11 fellow.

12 These are issues that I would like to see
13 addressed. I have nothing against the development. I
14 think they are beautiful homes. The man is a
15 tremendous builder. However, there are issues that
16 we need to address. That's all I have to say.

17 I want to thank you for your very valuable
18 time.

19 CHAIRMAN STUTO: Thank you.

20 Michael Brennan, Conservation Advisory
21 Committee.

22 MR. BRENNAN: Thank you. I live right down here on
23 Herman Street (Indicating). I am very familiar with
24 this area, especially back here from walking in the
25 area. This area back here is heavily wooded. It is so

1 difficult that walking through there and trying to get
2 around the trees -- it is very heavily wooded.

3 Also, it does mention and the narrative that
4 was provided by the developer - it says it is
5 sloped. Back here it is so steep and I would not use
6 the word slope, I would use the word varies steep.
7 Trying to get up from behind the church to Donna
8 Drive - it is a very tough climb. It is very
9 difficult. There are major trees in that area, like
10 I mean 23 and should round trunk maple trees that
11 line that area behind the church and going up to
12 where Donna Drive ends.

13 My concern is trying to put any housing back
14 there and trying to do any grading back there - all
15 the trees are going to have to be eliminated except
16 of course around the perimeter of the back of the
17 church.

18 That steepness, I think, does abate a little
19 bit coming to here (indicating). Looking up at 17
20 Alfred Drive, right behind Jack's house, when you're
21 looking at the back of the house on Donna, you are
22 still looking up. It is a distance up. To put all
23 these houses in and the grading - it is going to
24 have to be significant requiring most of the trees
25 in here to be eliminated. I think that is one

1 concern that we do have with the Conservation
2 Advisory Committee.

3 Also, in regard to eliminating all those trees
4 in there and of course mentioning the issue about
5 rain gardens and individual drainage -- the issue
6 with the rain gardens -- looking at the rain garden
7 out in front here -- rain gardens are a good idea,
8 but it is more of a flat idea collecting water
9 primarily to avoid ponding. The steepness of those
10 slopes - I don't think rain gardens are a
11 satisfactory solution. The channeling of all this
12 water that will be coming down because all the trees
13 and all the vegetation are going to have to be taken
14 out to build the houses and to grade in here will
15 result an individual irrigation options for each
16 property - rain gardens or some other options. I
17 don't think that is going to capture and hold and be
18 able to process and to infiltrate the water into the
19 land when it is sloping down like this property is
20 (Indicating) - when you have to look up to see Donna
21 Drive from behind 17 Alfred Drive. So, I think this
22 is very steep and very wooded land. Eliminating the
23 trees and doing grading - I think there is going to
24 be a significant water problem for the people
25 currently living on Alfred Drive and also the idea

1 about channeling through a swale - the water going
2 down -- I think the original proposal was the two
3 ponds trying to collect for these 12 acres will
4 result in a water issue there. That's why at the
5 last meeting we suggested somehow to avoid impacting
6 these two houses - all these houses in here with the
7 collection of the water all being channeled down
8 here (Indicating). This area of the road is already
9 higher and everything travels down there and it
10 could be a potential problem for all the remaining
11 houses at the end of Alfred Drive.

12 That being said, it has been previously brought
13 up - the issue about the sewer. The eight and line
14 that goes out to the core door of Herman and Alfred
15 and down - then it travels down Ahl to Central
16 Avenue - the sewer is also coming from Iris and
17 coming from other areas beyond Iris, going up Sand
18 Creek Road collecting all there. That is a concern
19 to me primarily with flooding because Ahl is the
20 first cut through Street from Sand Creek to Central
21 Avenue. If that was ever flooded there and an
22 emergency occurred, there would be a problem trying
23 to get up from Sand Creek and going in either
24 direction there. I am very interested to see some
25 sort of study to understand the capacity of the

1 system there.

2 I think overall the way this is designed here
3 --I haven't had a chance to really look at the
4 modified design but you are still looking at 23
5 houses in this area and a road here trying to
6 incorporate all these houses on a sloping area
7 coming down -- event with a grading here, it's going
8 to have to be significant grading warehouse is on
9 this side (Indicating) or below houses on this side
10 (Indicating). So, it is still running toward Alfred.

11 I am glad that question came up regarding a
12 swale. How big will the capacity be of that swale
13 channeling that water down there with the idea that
14 there is already a lot of wetland in there or wet
15 areas that hold water that would result entries
16 toppling on this gentleman's property.

17 With all that concern, I think the number of
18 houses being proposed is too many. I think the
19 design here of having houses on both sides of the
20 street and a street in there could be too dense for
21 this area, keeping in mind the idea about the
22 sloping topography. I think the project is too
23 intense for the way the land currently is steep and
24 sloped there.

25 I would also like to know if anyone had a copy

1 of the trees survey or the tree information so I
2 could report back to the CAC. Thanks a lot.

3 CHAIRMAN STUTO: CAC is the Conservation Advisory
4 Council from the Town.

5 Joe, how do you suggests that we react to this
6 comments?

7 MR. GRASSO: I think they were good comments and
8 appropriate and factual. I think the grading that is
9 proposed tries to work with the topography there. I
10 think some of the changes that we talked about tonight
11 with preserving the trees and changing the storm water
12 management approach will accomplish the objectives that
13 you said to a higher level.

14 Whether or not the number of lots gets
15 reduced -- like I said, by trying to really save all
16 the trees in these areas and moving the stormwater
17 management area out of the corner is going to impact
18 the number of lots. I am just throwing it out there.
19 I'm not saying that it's got a go down to 12 lots
20 but I would definitely think that there is going to
21 be a couple lots that could be significantly
22 impacted. Obviously, if we are talking about
23 reducing the front yard setback it has to be
24 concurrent with the Zoning Board of Appeals. The
25 Planning Board could support it but that Board has

1 to actually act on it. I do think that we are at
2 concept tonight and a lot of these concerns get
3 flushed out as we get into more detailed design
4 phases.

5 CHAIRMAN STUTO: For myself, I support moving in
6 that direction of saving more trees. The sketch that you
7 drafted -- I hope you can work with the applicant and
8 address the other issues that go along with that; most
9 importantly, stormwater. We know sanitary sewer is also
10 on your list as well. It seems like those of the most
11 significant issues that we are targeting right now. If
12 they have to lose lots, they have to lose lots. That is
13 my sense of it. I don't know how the rest of the Board
14 feels.

15 MR. LANE: I agree.

16 MR. MION: I agree.

17 MR. AUSTIN: I would like to see a revised lot plan
18 according to Joe's and work with Joe and come to some
19 sort of an agreement about how many trees are going to
20 try to save.

21 CHAIRMAN STUTO: I don't know if proper to suggest
22 consider conservation subdivision. I don't know. I'm not
23 saying that is the right answer.

24 MS. DALTON: Does it make sense to come back with
25 two options. One is using the outline that you provided,

1 Joe, without a conservation District. The other would be
2 using this as a guideline but going with the
3 conservation district so that we can see the
4 alternatives side by side.

5 MR. GRASSO: I think that one of the driving
6 factors to go to a conservation subdivision will be if
7 the number of lots has to get reduced drastically to
8 achieve the objectives about protecting buffers around
9 the property. Say, if the number lots goes from - I'm
10 calling it 23 because I don't count that extra lot on
11 Sand Creek - but it comes from 23 down to eat lots or 17
12 lots to a point where we start to feel comfortable with
13 the layout. The applicant will say look, it is no longer
14 viable to develop the property as per post and I'm going
15 to a conservation density subdivision instead of having
16 18,000 square foot lots, I'm going to go down to 12,000
17 square foot lots and keep my lot number up to 23, 24, 25
18 in order to allow me to do these things with smaller lot
19 sizes. That is something that Joe will have to work
20 through with the applicant, but I think that it is
21 important that if you revise plan is proposed that we
22 get it in front of the Planning Board and a continuous
23 dialogue at a concept level and determine whether or not
24 we are going to force them to go to a drastically
25 different - like a conservation density to sign

1 approach. Basically, that results in smaller lot sizes.
2 So, I think getting details and down to some other
3 number is important.

4 MS. DALTON: I understand that there is a financial
5 consideration or significant financial consideration. I
6 am wondering if there is some kind of rule of thumb were
7 real estate guideline sentence how much extra value is
8 provided by having treed lot, having more private areas
9 and having wildlife. I know that where I live in Latham
10 there is nothing across the street from me. I have a
11 very deep lot. So, I really don't have to see my
12 neighbors in the back, not that there is anything wrong
13 with that but it gives me a lot of privacy. I would pay
14 more money for that. I didn't pay more money for that.
15 Frankly, there was a premium on the lot that I selected.
16 So, I'm just wondering if there is a rule of thumb?

17 MR. GRASSO: There is no general rule of thumb, but
18 it is a concept. There is no question that there are
19 significant premiums for heavily wooded lots, lots that
20 put up against protective buffers or open space, lots on
21 cul-de-sacs -- but it doesn't make up for the loss in
22 value of development by loosing a number of lots to
23 achieve that level of open space. Protecting buffers
24 just ends up costing the developer any way that you look
25 at it.

1 CHAIRMAN STUTO: Any other comments from the Board?

2 (There was no response.)

3 Okay, there is an application for concept
4 acceptance. We have a lot more caveats and allow
5 more studies to do. We are suggesting that they move
6 in the direction that CHA has suggested and sketched
7 in saving trees and also keeping an eye on storm
8 water and seeing what pressure that puts on the
9 number of lots. I think that is what the board is
10 saying and after having listened to the good
11 comments of the neighbors.

12 MR. SHAMLIAN: Given what the state of the plan
13 currently is, why are we voting on it?

14 MR. BIANCHINI: The applicant would like something.
15 He spent the last year developing plans in order to move
16 forward. There is a lot of work to re-create everything,
17 move the houses and try save as many trees as we can. We
18 almost have to go through and to whole stormwater
19 analysis to see how big that's going to be. we have to
20 go through into the sewer study. Usually all those
21 things, with final design. To go out there and spend a
22 lot more money now -

23 MR. GRASSO: And I will jump in here. I think the
24 concern is that a lot of effort will be expected to
25 advance the plan and I were going to come back with a

1 plan that is not going to be acceptable to the Planning
2 Board. Again, if at concept was granted tonight, there
3 are a couple of big conditions. One is that this layout
4 can be changed to see substantial number of trees. I'm
5 sick, we need some additional information on the
6 archaeological study. Other than that, I don't see any
7 showstoppers.

8 MR. LANE: Can you say that going forward that
9 those conditions that were put forth are something that
10 you could work with?

11 MR. BIANCHINI: Yes. We can definitely work with
12 the trees and the lot sizes and shapes and so forth.
13 The archaeological -- I don't know what they are going
14 to find. That is something that I will know and probably
15 three weeks.

16 CHAIRMAN STUTO: But you realize that is a risk
17 that you have.

18 MR. BIANCHINI: I realize that is a risk. There
19 are always ways of mitigating that risk.

20 MR. SHAMLIAN: I guess the reason why I asked the
21 question is that normally, me personally when I vote
22 affirmatively on concept acceptance. I am 90% to 95%
23 certain that I am probably going to vote for it when it
24 comes in for final. If you want to vote tonight, I
25 would vote affirmatively but I'm probably -- if you come

1 back with that plan, I'm not going to vote yes for it.

2 MR. BIANCHINI: I would not come back with depth,
3 obviously.

4 MR. SHAMLIAN: And that's the kind of give and
5 take -

6 MR. BIANCHINI: I would be having some meetings
7 with Joe.

8 MR. GRASSO: I think the approval, if given, is
9 conditioned upon addressing the comments that were
10 raised. It is not based upon the plan before you
11 tonight.

12 MS. DALTON: I feel similar to Craig.

13 MR. LANE: We all do.

14 MS. DALTON: My biggest problem stems back to the
15 responses in the letter that we got which is no, we're
16 not going to reduce the number of lots. if that is the
17 bottom line - no, we are not going to reduce the number
18 of lots, then my bottom line is I can't approve this
19 concept. So, unless you can guarantee us tonight that
20 you are willing to consider reducing the number of lots,
21 I am not prepared to vote for concept acceptance.

22 MR. BIANCHINI: We will consider reducing the
23 number of lots, but Ted obviously wants to get 25 lots
24 in. If we have to reduce it, as Joe said, down to 17 or
25 18 lots then we're going to have to come back with a

1 conservation subdivision which changes all of this. We
2 have to go to the studies to see what we need to do.

3 MR. SHAMLIAN: Creatively, you can address all the
4 concerns that have been raised and maintain the same
5 number of lots.

6 MR. BIANCHINI: I doubt that we can do that.

7 MR. THOMAS: That the question be answered as to
8 the drainage in the lower left corner where I live? I
9 don't know now from hearing all the different thoughts -
10 are you going to be putting water down there or are you
11 going to keep it behind the individual lots? The reason
12 that I raised the question is the gradient is all
13 towards the corner. The water off the road will come
14 down there and so on.

15 MR. BIANCHINI: That is the low end of the lot and
16 that is where the water will go. We have to come up
17 with a creative stormwater system there that minimizes
18 the trees are taken and also meets the Town and DEC's
19 requirements.

20 FROM THE FLOOR: What is the concept that sure
21 approving? I'm not getting it. If there's a difference
22 between what is expected and coming back -

23 CHAIRMAN STUTO: Well, it's called concept
24 acceptance. That means that we generally accept the
25 direction this thing is going with all the conditions

1 that we put on it. It is not a binding approval. It is
2 not an approval at all.

3 FROM THE FLOOR: So, the concept is that there will
4 be a development.

5 CHAIRMAN STUTO: In a way, it's illegal fiction
6 because it doesn't give them any legal rights.

7 MR. GRASSO: But there are some things in terms of
8 the access, the width of the road, the method of utility
9 service, the general method of storm water management,
10 general lot sizes, setbacks - there are a lot of things
11 that we didn't talk about needing to change tonight.
12 There are certain things regarding trees in the grading
13 limits and the drainage. The general concept of the
14 development likely to occur here is what the Board would
15 be looking at.

16 MR. LANE: They are not going to proceeding beyond
17 concept if they don't get approval of this. They are not
18 going to spend additional resources financially to go
19 further.

20 CHAIRMAN STUTO: It's not legally binding of the
21 board. It is a way to sort of get to the next step of
22 studies. We are really looking at some alternatives. We
23 are going to save the trees more and see how that
24 impacts the current design. The alternative is to do a
25 conservation subdivision where you make the lots smaller

1 and it will probably go more towards that end where
2 there are fewer trees. That's his alternative. He'll be
3 able to keep a similar number of lots, but have smaller
4 lots, if it goes in that direction.

5 So, those are sort of the two major
6 alternatives. We are definitely moving in the
7 direction of saving more trees. Concept acceptance
8 is not binding.

9 MR. LAPORTE: What are the minimum lot sizes? What
10 is the smallest that you can go to?

11 MR. GRASSO: There is no minimum. there may be, but
12 I don't want to be quoted. The minimum is so low -- is
13 typically driven by the type of house that they are
14 going to build.

15 CHAIRMAN STUTO: It could be 6,000 or 8,000. I
16 cannot remember.

17 MR. GRASSO: I know that we have reviewed them at
18 the 7,000, 8,000 or 9,000 range.

19 MS. KOLBERT: Is there any actual study that people
20 can look at regarding the drainage? That is a big
21 concern. I know because I have suffered plenty in my
22 basement.

23 CHAIRMAN STUTO: There will be, but I don't know if
24 there is now.

25 MR. BIANCHINI: There is not one now.

1 MS. KOLBERT: Then how can you have a concept, that
2 you call it, without -

3 CHAIRMAN STUTO: Do I explain how storm water works
4 under the law?

5 MR. GRASSO: There are couple of things. They do a
6 storm water feasibility study concept, which basically
7 describes the type of soil conditions there in the type
8 of runoff that the site currently exists and they
9 evaluate. They go through a required matrix to look at
10 what methods of storm water management are appropriate
11 for the site. That has been done and those results are
12 built into this grading plan that you are looking at.
13 That is a lot of detailed that we generally would not
14 have 10 or 20 years ago that is required now. A detailed
15 drainage study that is a 2 inch binder doesn't get done
16 until the project advances into a detailed final design
17 stage. Those studies will be done, but it is
18 inappropriate to do them at concept because any time you
19 make any change, you're talking about tens of thousands
20 of dollars to generate these studies.

21 CHAIRMAN STUTO: Can you tell her what the SWPPP
22 standards are in terms of impacts on the surrounding
23 parcels?

24 MR. GRASSO: So, basically there are two things
25 that you primarily designed for. One is to treat the

1 water quality and make sure that the water that leaves
2 the project site is clean and pure and does not have any
3 sediment or contaminant sediment. The other thing is to
4 make sure that the volume in the rate of runoff that
5 leaves the site is no greater than it exists today. If
6 this current site ponds the water now in there is no
7 runoff that leaves the site now, then bad drainage study
8 will prove to us that there is not going to be any water
9 that leaves the site after the site is fully developed.
10 Those are the standards that we apply and there is a lot
11 of engineering and studies that go behind it to prove to
12 us that is going to occur. Really, it's all about making
13 sure that this project doesn't impact anything - any of
14 the downstream neighbors or the drainage systems.

15 CHAIRMAN STUTO: We can keep having back and forth.
16 If you want to get up and speak in the microphone, raise
17 your hand and will call it.

18 MR. CLAPPER: My name is Steve Clapper. This came
19 about only because I am listening to the conversation
20 that is transpiring. This has never come up so maybe
21 it's a moot reason and that's why it hasn't come up.

22 I have not heard anything mentioned about storm
23 drainage on Ahl Avenue. Whereas if they designed two
24 storm drains to carry the water away, then we
25 wouldn't be talking about water runoff. I know that

1 standing water is an issue. Why are we not
2 incorporating dry wells?

3 MR. GRASSO: First, the regulations do not allow
4 them to just convey the site off-site and tie into an
5 existing drainage system.

6 CHAIRMAN STUTO: That is the old-fashioned way that
7 they used to do it.

8 MR. GRASSO: They just don't allow it.

9 MR. CLAPPER: Even if it is a storm drain and not a
10 sewer drain?

11 MR. GRASSO: No, the regulations do not allow it.

12 CHAIRMAN STUTO: The new way of thinking is to keep
13 the water on the same property that it already was.

14 MR. GRASSO: The Town departments to review these
15 projects. They have already gone through multiple rounds
16 of review. They will help alert us the problems that
17 they are seeing downstream that would also have to be
18 rectified. They have not identified any problems
19 downstream. Unless there is all infiltration on the
20 site, there may be water that still leaves this project
21 site and does go downstream but we can't do it without
22 containing that water first and treating it on-site.
23 That is what the regulations require.

24 MR. CLAPPER: Dry wells are not an option?

25 MR. GRASSO: You say dry wells, but that is one

1 stormwater management technique. A rain garden basically
2 operates as a dry well except instead of using a
3 man-made structure that uses a natural depression and
4 plant materials.

5 MR. CLAPPER: But it is surface and not under.

6 MR. GRASSO: Correct.

7 CHAIRMAN STUTO: You can mow it or pretty close to
8 it. the soil conditions are sandy enough for the water
9 to sink rate down below.

10 MR. GRASSO: Dry wells are an option. Like I said,
11 when you go to that matrix of techniques, that is one of
12 the less favorable techniques to apply than other
13 options.

14 CHAIRMAN STUTO: Anything else?

15 MR. THOMAS: My understanding of what you just said
16 is that you cannot connect the drainage area to an
17 outside -

18 MR. GRASSO: Without treating it first.

19 MR. THOMAS: So, where you have the drainage basins
20 in the lower left corner, are there not type that
21 connect that to the drainage system storm drain on
22 Herman?

23 MR. GRASSO: Yes.

24 MR. THOMAS: So, you are running the water off?

25 MR. GRASSO: Yes, but only after it gets treated.

1 MR. THOMAS: What will that treatment be?

2 MR. GRASSO: That is what we are going to figure
3 out. Right now there is a certain concept shown that
4 Joe described. It has the dual ponds it that lower
5 corner that are graded out. If we're going to save all
6 the trees in the corner, that concept is going to
7 change.

8 CHAIRMAN STUTO: Joe, correct me if I'm wrong -
9 treatment is usually filtered through sand and collects
10 some stuff before it goes out.

11 MR. GRASSO: That is correct.

12 CHAIRMAN STUTO: It is filtered through something.

13 MR. GRASSO: Yes.

14 CHAIRMAN STUTO: It's that kind of passive natural
15 treatment.

16 MR. SHAMLIAN: And it controls the rate of flow off
17 the site as well.

18 MR. THOMAS: So, we don't know at the moment what
19 you will be doing with the water down here - the
20 concentrated water. We don't really know, do we?

21 MR. GRASSO: There is likely to be some level of
22 storm water management down in that corner of the site.
23 The size of it may be smaller from what you have seen on
24 this plan because instead of doing it all in one
25 location, they are going to spread it out into smaller

1 ones within the individual lots. I would expect there
2 still to be a stormwater management area down there in
3 that corner that serves - like the road run-off, for
4 example.

5 MR. BRENNAN: I have one more issue going out to
6 Nina out to Sand Creek that is really hilly there. that
7 is resulting in a problem with the retaining wall. That
8 hilliness extends throughout this entire lot here. At
9 one point it is up in then it is down. You encounter
10 that when you were going down Donna Drive. You encounter
11 the hilliness when you work on Alfred. That is what is
12 resulting in grading problem, the water problem. I think
13 that also highlights the issues that other developers
14 who have tried to approach developing this area who have
15 had difficulty and never were able to because the land
16 never was able to be approved by the Planning Board
17 because everything is so sloping there. I bring these up
18 because I think that the developer has to understand
19 that there are a lot of studies that have to be done in
20 order to approach this project.

21 CHAIRMAN STUTO: Would like to bring this to some
22 sort of conclusion.

23 He has an application for concept acceptance.
24 We have given a lot of guidance with respect to
25 saving trees, stormwater management were some of the

1 bigger ones. Sanitary sewer also is a major one as
2 well as all the other things that were mentioned in
3 the CHA letter and also verbally by Joe Grasso from
4 CHA. I think we have all had comments - the
5 neighbors have had good comments. With all that said
6 and all the conditions, do we have a motion for
7 concept acceptance? is not an approval. It is just a
8 guidance to say okay, let's take it to the next step
9 and say which alternative is better, particularly in
10 this case that seems to be what we are saying.

11 MR. MION: I will make that motion with almost
12 conditions.

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, saying nay.

19 (There were none opposed.)

20 The ayes have it.

21 Thank you.

22 MR. BIANCHINI: Thank you, very much.

23

24 (Whereas the above entitled proceeding was
25 concluded at 9:45 p.m.)

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CERTIFICATION

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

NANCY L. STRANG

Dated _____

