

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 ON THE FARM
261 AND 261A TROY SCHENECTADY ROAD
5 APPLICATION FOR CONCEPT ACCEPTANCE
61 LOT RESIDENTIAL AND
6 ONE COMMERCIAL LOT SUBDIVISION

7 THE STENOGRAPHIC MINUTES of the above
8 entitled matter by NANCY L. STRANG, a Shorthand
9 Reporter, commencing on October 17, 2017 at 8:20
p.m. at The Public Operations Center, 347 Old
Niskayuna Road, Latham, New York.

10

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 LOU MION
14 CRAIG SHAMLIAN
15 SUSAN MILSTEIN
16 KATHY DALTON
17 STEVEN HEIDER

18 ALSO PRESENT:

19 Joseph LaCivita, Planning and Economic Development
20 Department
21 Michael Tengeler, Planning and Economic Development
22 Department
23 Michael C. Magguilli, Esq., Town Attorney's Office
24 Kathleen Marinelli, Esq., Special Counsel to the
25 Planning Board
Nick Costa, PE, Advance Engineering & Surveying
Charles Voss, PE, Barton and Loguidice
Nancy Greco
Joanne Spinelli
Chuck Atkins
Monique Magwood
Jolee Magee
Ellen Rosano, Conservation Advisory Council
Andrea Tersigni

1 CHAIRMAN STUTO: Last on the agenda is On
2 The Farm, 261 and 261A Troy Schenectady Road,
3 application for concept acceptance, 61 lot
4 residential and one commercial lot subdivision.

5 Joe LaCivita, can you give us an
6 introduction?

7 MR. LACIVITA: Yes. The application is here
8 tonight for concept acceptance.

9 The Development Coordination Committee
10 where all our departments are together - we met
11 them on March 22, 2017. We then saw this project
12 and a sketch plan review. Tonight, we do have an
13 action before us which is concept acceptance and
14 Nick Costa is here from Advance Engineering to
15 talk about the project.

16 MR. COSTA: Thanks, Joe.

17 Good evening. Again, this is a site located
18 off of Troy Schenectady Road that is a vacant site
19 currently, with the exception that there are a
20 couple of homes up in this area. The On The Farm
21 ice cream stand is located right at this location
22 (Indicating).

23 The site is about 47 1/2 acres. It is
24 narrow and long. It goes all the way from Troy
25 Schenectady Road, all the way to the elementary

1 school which sets back in this area (Indicating).
2 The area around the site is all developed. There
3 are single-family residential homes on the west
4 side and there are town homes and single-family
5 residential developments that are along Abby,
6 Sherman, Tyler, Hall, Hunter Avenue, Proctor
7 Avenue. So, this is the last remaining vacant
8 parcel in this general area.

9 The site access is provided by Troy
10 Schenectady Road and the applicant is proposing to
11 develop in accordance to the zoning site which is
12 single-family residential in this area. This
13 portion of the site is zoned
14 commercial/office/residential. I think it is about
15 500 feet off of Troy Schenectady Road that is
16 zoned commercial/office/residential. The rest is
17 zoned single-family residential which requires
18 typically 80 feet of frontage and 18,000 square
19 foot lot sizes. That is what the proposed
20 development is.

21 The proposed development does have a road
22 that comes off of Troy Schenectady Road, as it
23 currently does. It meanders through to an
24 intersection and then a new street will be built
25 here (Indicating) and it will go to a cul-de-sac.

1 There is also a proposal to connect to Harding
2 Avenue and basically that would provide multiple
3 ways of access into the site. Grove Avenue is also
4 proposed to be extended for a short cul-de-sac and
5 two lots are being developed off of it.

6 There are utilities to service the new
7 residential homes. There is sanitary sewer and
8 water located here (Indicating). There is also
9 sanitary sewer along Sylvan Avenue and water. So,
10 the water system will be looping and
11 interconnecting into the existing street which
12 will help the redundancy in the balancing of the
13 existing system.

14 There is also existing wetland that are
15 shown on this map. They are depicted by the
16 lighter blue color. We are proposing to disturb
17 those at three relocations. One location will be
18 the crossing of this road. Another location will
19 be a crossing of this road and then a third here
20 (Indicating).

21 The wetlands have been confirmed with the
22 Army Corps of Engineers. They have been to the
23 site. They have given us a jurisdictional
24 determination letter which says that the
25 delineation shown on this map is correct and they

1 are in agreement with that.

2 The proposed development, once the roads
3 get developed - the utilities will be extended to
4 provide the water and sewer and the storm
5 connection to the existing home.

6 Storm water management will be taken care
7 of at four locations. There is a proposed storm
8 water detention management area here (Indicating).
9 There is another one at the end of this
10 cul-de-sac. Another one would be at this location
11 and at this intersection there will be another
12 storm water management area.

13 The proposed homes will all be provided
14 with basins, so there would be sump pump laterals
15 that will be connected to the storm system that
16 will take the water into these storm water
17 management areas. The storm water management area
18 will be designed in accordance with the New York
19 State DEC Stormwater Design Manual.

20 Additionally, the Town has identified this
21 area as having a drainage issue. The project will
22 be looking at this area along with the Town
23 Designated Engineer. We will be making some
24 improvements to try to alleviate some of those
25 drainage issues that are currently occurring in

1 this area. An outlet control structure will be
2 installed at this location.

3 There was talk about making additional
4 connections to the existing streets. We have not
5 shown those. We do have utilities that come
6 through here (Indicating), so there is an
7 opportunity to do an emergency connection at
8 Sylvan. That would entail pavement that would be
9 wide enough for a fire vehicle or emergency
10 vehicle to get through, but there would be
11 bollards at both ends of the road and would not be
12 allowed to regular traffic - regular vehicles to
13 flow through.

14 Another option is this connection
15 (Indicating) that would substitute this connection
16 at Harding. Harding would become a cul-de-sac and
17 this connection would not be made if we had this
18 emergency connection here. That's the purpose of
19 this.

20 Another idea is to just make this a
21 hammerhead with bollards so there is no traffic
22 going out to Harding unless it is an emergency
23 vehicle.

24 That is pretty much the proposal as it sits
25 in front of you tonight. If there are any

1 questions, I would be happy to try to answer them.

2 CHAIRMAN STUTO: Thank you.

3 Brian, do you have a question?

4 MR. AUSTIN: I do.

5 Nick, is this parcel a traditional standard
6 design?

7 MR. COSTA: It is a single-family
8 residential - that's what it is zoned.

9 MR. AUSTIN: I'm just looking at the
10 summary from the Planning Department. The first
11 item under suggestions -- if I could read it real
12 quickly? "The development of the parcel using a
13 traditional standard design does not appear to be
14 appropriate due to the environmental constraints
15 on this property and it is not recommended by this
16 department."

17 Could you explain that to me?

18 MR. COSTA: Sure. The applicant wanted to
19 develop this the way it was zoned which is
20 single-family residential which is the 18,000
21 square feet, 80 feet of frontage. We can certainly
22 look at conservation -

23 MR. AUSTIN: The rest of that comment is -
24 by applying conservation subdivision design
25 concepts - smaller lots and modified lot side yard

1 setbacks would be more appropriate.

2 MR. COSTA: We can certainly look at that,
3 but this is not in a conservation overlay. This is
4 in a single-family residential zone. Where you
5 have seen the conservation applied is in those
6 areas that are in the conservation overlay.

7 MR. AUSTIN: I find it interesting that the
8 first comment from the Planning Department is that
9 this is not recommended.

10 MR. COSTA: The applicant is trying to
11 satisfy a need that they have identified. There is
12 a need for 18,000 square feet. Everybody is going
13 to the smaller lots and they feel that this is an
14 area that would be well received if it was 18,000
15 square feet lots, which are the standard lots.

16 MR. AUSTIN: I understand that, but these
17 people in the audience might disagree with you.

18 MR. LACIVITA: One of the things too,
19 Brian, is when the Planning Department makes a
20 recommendation, that's truly what it is. It is a
21 recommendation. We look at the design standards.
22 The design standards push it towards a traditional
23 single-family subdivision. It also looks at what
24 historically has been developed around it such as
25 the connectivity subdivision back in the days that

1 they wanted connectivity to the greater lot.

2 In working with the TDE and the applicant,
3 the applicant did not want to do that. Again, the
4 Planning Department can only make these
5 recommendations. We cannot push them into a
6 conservation design. That's why we are here to
7 make those recommendations to you so they can work
8 it into a better project.

9 CHAIRMAN STUTO: My recollection doesn't
10 always work as well as it should, but I thought we
11 asked you to look at the conservation at sketch
12 plan. You looked at it and rejected it summarily.

13 MR. COSTA: The applicant did look at it
14 and identified the site to be better marketed -

15 CHAIRMAN STUTO: So, we are not going to
16 get to see a layout of a conservation subdivision.

17 MR. COSTA: The applicant is not here. I
18 think that I can discuss with him -

19 CHAIRMAN STUTO: I thought we went through
20 this once already.

21 You are done with your presentation.

22 This has been reviewed by our town
23 designated engineer. In this case, it is Barton
24 and Loguidice and we have Chuck Voss here.

25 Chuck, can you give us your comments on

1 this?

2 MR. VOSS: Sure, Peter; thank you.

3 The Board should have in their packet our
4 letter dated October 4, 2017. It is our concept
5 review letter for the project.

6 As Brian stated, our letter starts off with
7 really the same comment. If you look at Page 2,
8 about halfway down, as commented on by the
9 Planning Department during the Development
10 Coordination Committee meeting and at sketch plan
11 review, the site may lend itself to conservation
12 development standards and we concur with this
13 observation and recommend that further
14 consideration be given to this concept.

15 Just to clarify with what Nick has said, he
16 was correct in saying that the site is not within
17 a conservation overlay. However, Article 12,
18 Section 190.59(e) of the Code, which is the
19 subdivision code, addresses that issue. I will
20 just read it quickly, just for the benefit of the
21 Board.

22 The Planning Board may, in its discretion,
23 apply the overlay district standards to a
24 subdivision of land outside the limits of the
25 overlay district, subject to the additional

1 general requirements for conservation subdivisions
2 as set forth herein.

3 So, the Board does have discretion,
4 certainly, to apply those standards outside of the
5 overlay district. I think this is probably one of
6 those situations that you would want to consider
7 that.

8 CHAIRMAN STUTO: Can you help us understand
9 what the conservation subdivision is? I think I
10 know what it is.

11 MR. VOSS: In its very basic form, it
12 basically takes a parcel - a larger parcel that
13 may have constraints on it like wetlands, water
14 bodies, natural features that you would want to
15 constrain or preserve and it basically pulls those
16 out of the equation for calculating density. So,
17 in other words, you can limit yourself towards
18 those factors that prohibit you from developing on
19 that land anyways. What it also does is it allows
20 for slightly different densities to occur at the
21 Board's discretion to, in a sense, create compact
22 development with maybe a particular area of that
23 parcel. In this case, if you look at the parcels
24 around there, they are linear in kind of a
25 north/south fashion. The southern half, if you

1 will, below the wetlands complex seems to be the
2 more appropriate area for potential development.
3 Whereas, the areas further to the north that back
4 up against the school -- that will obviously serve
5 an ecological function but it also serves a larger
6 area like drainage functions that a lot of folks
7 may not be aware of to this area.

8 The Town has had some significant issues
9 back in there in recent years with flooding and
10 drainage because this particular location and this
11 particular wetlands complex supports a much larger
12 drainage pattern throughout the greater portion of
13 that part of Town. It's kind of a two-fold aspect.
14 We are looking at this in terms of preserving some
15 area and improving some space, but we are also
16 looking at some environmental factors here as
17 well.

18 That's really what's driving the
19 conservation subdivision recommendation.

20 MR. SHAMLIAN: Approximately how big is
21 that wetlands area?

22 MR. COSTA: I would say that it is almost
23 10 acres.

24 MR. VOSS: That's good size.

25 CHAIRMAN STUTO: Does that include the

1 buffer, or no?

2 MR. COSTA: There is no buffer. This is a
3 Corp of Engineers -

4 CHAIRMAN STUTO: It is a federal wetland.

5 MR. VOSS: So, there was that comment that
6 we had initially which I think is obviously
7 relevant and in tune with the Planning office.

8 We also stressed interconnectivity with the
9 site. As Nick pointed out, some of the adjacent
10 side streets are very tight as they are now. They
11 were developed years ago. The access issues, in
12 terms of connectivity, are tough.

13 In particular, if you look at the map and
14 Grove Street and Vista - even Sylvan is tight on
15 those other sides. They really don't lend
16 themselves well to an interconnected network with
17 this parcel, per se. I know now and talking with
18 the Town Highway Department that they have a tough
19 time plowing some of those streets. Any
20 additional access or traffic - we would recommend
21 simply utility only for interconnect. There are
22 those concerns, as well.

23 And just kind of looking quickly at some of
24 our initial comments, when we reviewed this
25 project we were really under the impression that

1 the conservation subdivision design was going to
2 be coming in for your review. So, we kind of have
3 those thoughts in mind. However, as Nick points
4 out sewer and water is certainly there and
5 accessible on the site. We certainly would
6 recommend looping of the water systems to the best
7 of your ability, depending on your final layouts.

8 Storm water management is going to be a
9 little tricky, certainly as Nick knows. Again,
10 it's going to be the design that drives - the
11 final layout is going to drive your stormwater
12 design. So, our initial comments, Nick, on your
13 first couple facilities are just very general
14 because they obviously haven't been developed. As
15 the layout evolves, obviously, there will be more
16 detail.

17 Other than that, at the concept level there
18 is not really a whole lot more. I think that the
19 biggest issue for us that is going to drive the
20 overall design is how the Board wants them to lay
21 that site out.

22 CHAIRMAN STUTO: Since that is a major
23 question before the Board, does any of the Board
24 have any comments or questions on that idea?

25 MR. HEIDER: About how many units would it

1 be if you weren't to do the 18,000 and you did the
2 conservation -

3 MR. VOSS: Nick, have you done a
4 calculation on that?

5 MR. COSTA: I think that it would be --
6 right now the way that it is zoned is 47.8 acres -
7 two units per acre - they would be able to do 95
8 units on the site.

9 MR. HEIDER: Here it says 61.

10 MR. VOSS: Yes, but again, there is
11 limitation because there are 10 acres of wetland.

12 CHAIRMAN STUTO: It would be our discretion
13 to modify.

14 MR. HEIDER: During the week it shows
15 Harding going through as a street. Are you
16 proposing that Harding be a street, or just
17 emergency access?

18 MR. COSTA: The way that the application
19 was made, Harding was the connection. We need to
20 have that connection. We can't have a long street
21 -- the Town doesn't allow it - to go this
22 distance.

23 MR. LACIVITA: That is based on Fire
24 Services.

25 MR. COSTA: So, it is proposed as a

1 connection. The other alternatives that I talked
2 about are alternatives.

3 CHAIRMAN STUTO: It doesn't make it an
4 emergency connection.

5 MR. COSTA: That's correct.

6 MR. SHAMLIAN: I'm in favor of applying
7 some other standards to this. I would like to see
8 it as a conservation -- at least look at what the
9 options are under a conservation layout.

10 MR. COSTA: Understood.

11 CHAIRMAN STUTO: I feel the same way.

12 MR. MION: I agree with you.

13 MS. DALTON: I think that I'm going to go a
14 step further than the rest of the Board and say I
15 can't imagine myself voting for it like this,
16 Nick. I'm really concerned about the wetlands. I'm
17 really concerned about the possibility -- when you
18 look at the development here, that's the only
19 place left for species to be living. They don't
20 have a way to go anywhere else from where they are
21 right now. Unless you get the ark and float them
22 away, they're going to die.

23 I don't think that given all of the
24 development that is currently in this area - it is
25 a relatively large parcel by comparison. When you

1 look at everything else around it, I don't think
2 that you could even convince me that parcel will
3 sustain that amount of development.

4 MR. AUSTIN: I have to echo Kathy's
5 concerns as well. I'm a little concerned that you
6 didn't take our advice and come back with a
7 conservation subdivision, especially when we asked
8 for that in the last meeting.

9 That is a wildlife corridor. I was talking
10 to the residents in the neighborhood next to that
11 on Glenwood. There is a lot of wildlife and they
12 have seen wildlife on the road and they've been
13 forced out onto the road. So, putting all those
14 houses in there would definitely force more
15 wildlife out of there. Once again, that is one of
16 the few places in that area where there is still a
17 good wildlife corridor that they can go and a lot
18 of trails for people to walk on - biking trails
19 and such. It's a nice area back there.

20 CHAIRMAN STUTO: You are free to respond.

21 MR. COSTA: Like I mentioned to you before,
22 I will definitely convey the message of the
23 conservation subdivision.

24 CHAIRMAN STUTO: Okay, it doesn't look like
25 it's headed for a vote tonight. I think that's

1 fair to say. People did sign up and I will ask
2 them to be brief with their comments.

3 Chuck Atkins.

4 MR. ATKINS: I'm going to withhold any
5 comment that I have until the next iteration. I
6 will give my time over to her.

7 CHAIRMAN STUTO: You can't give time to
8 people, but we will allow her to speak.

9 Monique Magwood.

10 MS. MAGWOOD: I think that I speak for the
11 people on my corner who said, we like the ideas
12 that have come forth from the Planning Board
13 Members and we'll save more of our comments for
14 next time.

15 CHAIRMAN STUTO: Jolee Magee.

16 MS. MAGEE: I live on Abby Road. My
17 property is going to back up into this proposed
18 subdivision.

19 I have a huge concern with water.

20 CHAIRMAN STUTO: Can you point to your
21 house?

22 MS. MAGEE: Sure. (Indicating). So, from
23 about - I'm going to say November until the spring
24 thaw or thereafter, there is a pond of water that
25 goes along this cul-de-sac from here down to the

1 hill to Surrey Hill Drive. I call the Highway
2 Department on a regular basis, especially in the
3 winter time, because it freezes. It causes a
4 skating rink. If any of you have junior high or
5 high school students, they go to the bus stop in
6 the dark. So, this freezes and they're going to
7 the bus stop and it causes a safety hazard. The
8 bus has spun out and gone down the hill. It causes
9 a safety hazard.

10 My other concern is that I don't know if
11 anyone else lives back here, but the ground itself
12 has many natural springs in it. We actually have a
13 drain that goes through our backyards for storm
14 sewer water and that doesn't even do the job. It's
15 still very wet.

16 We have a lot of wildlife. I have
17 woodchucks under my shed. They're not leaving any
18 time soon. We have skunks. You name it, it's there
19 and comes out. There are fox and things that you
20 would not normally see. They are friendly, but
21 still it is a concern.

22 I guess my biggest concern would be the
23 water.

24 My other concern is your access.

25 My third and final concern is I know that

1 this is years down the road, but like I said, I do
2 have kids at Shaker. I have a daughter at Latham
3 Ridge. Where are these kids going to school?

4 I know that you guys have a capital
5 improvement project. I know that it's in the
6 works, but if anybody drives their kid for ski
7 club to the junior high on Wednesday morning, you
8 know that you better leave by 6:45 because you're
9 not going to get to the parking lot until 7:30.

10 I work in Columbia County in a hospital.
11 When I get to Columbia County faster than I can
12 get to Shaker High School in the morning, there is
13 a problem.

14 Mr. Austin, you are a teacher. You must go
15 in at 5:30. That was one of the comments at open
16 house. The teachers say that we voted for the
17 capital improvement because we are going to get a
18 separate access. Well, hallelujah I say to that.
19 Otherwise, you're parking and you're walking.

20 I would say those are my major concerns. My
21 biggest and foremost concern is the water and what
22 happened over in the Harvard Square development.

23 This water needs to be directed away from
24 our houses. I'm a single mom of three kids. I
25 don't have the money to dig a drainage ditch in my

1 backyard because this wasn't effectively drained.

2 CHAIRMAN STUTO: Thank you.

3 Joanne Spinelli.

4 MS. SPINELLI: Basically, I live on Surrey
5 Hill, not far off of Abby and I wanted to just
6 express what she was expressing about the drainage
7 and the water and the problems that occur back
8 there. Again, I have a concern with the water. I
9 have a concern with the wildlife. I have a concern
10 with privacy issues. When I moved in 22 plus years
11 ago, I was told that it was forever wild in back
12 of me. I didn't expect any development.

13 CHAIRMAN STUTO: Ma'am, I'm just going to
14 stop you there. We hear that a lot. It's private
15 property and it's not designated park land or
16 forever wilds. Rumors occur and stuff like that.

17 MS. SPINELLI: I think that most of the
18 things were covered as far as the major issues are
19 covered.

20 CHAIRMAN STUTO: Thank you.

21 Nancy Greco.

22 MS. GRECO: First, I live on Proctor. I've
23 had a cul-de-sac for 28 years. I want to thank the
24 Board for thinking the way that all of us here
25 think.

1 CHAIRMAN STUTO: Can you point to where
2 your house is?

3 MS. GRECO: This is my house right here
4 (Indicating). I face the circle. I'm the only
5 house that faces the circle. I raised my two
6 children. I went to Shaker.

7 It feels like it's forever wild. I have
8 five to six deer in my backyard. I have a fox. We
9 know about the wetlands. All of my neighbors that
10 know me, know that it's an area that the wildlife
11 thrives and our kids used to walk and play in
12 there. So, this would be a horrible thing.

13 Thank you to the Board for thinking about
14 the only nice place in Latham that can keep wild
15 life free.

16 CHAIRMAN STUTO: Is there a representative
17 from the Conservation Advisory Council here?

18 MS. ROSANO: I'm Ellen Rosano from the
19 Conservation Advisory Council.

20 We reviewed this plan and had major
21 concerns, as everybody else does we really felt
22 that a conservation parcel should be the choice
23 and the way to go.

24 Even with that being said, in the paperwork
25 it said that it would be deed restricted. If you

1 look at the map the wetlands are in the back of
2 everyone's back yard. There is no HOA, so who is
3 going to protect them? People are going to cut
4 their grass and throw it in. There will be
5 encroachment and it will be lost. It's too
6 valuable an aspect of the environment to be lost.

7 CHAIRMAN STUTO: Thank you.

8 Andrea Tersigni.

9 MS. TERSIGNI: That's okay. the traffic
10 concern was already covered and that was my main
11 concern.

12 CHAIRMAN STUTO: Thank you.

13 That was the last resident that signed up.

14 Are there any more comments from the Board?

15 (There was no response.)

16 Hopefully, you have heard what we have
17 said. We would like to see an alternative plan. Be
18 creative.

19 MR. COSTA: Loud and clear.

20 CHAIRMAN STUTO: Thank you.

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22 (Whereas the above referenced proceeding was concluded
23 at 8:45 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.

Dated: _____

Nancy L. Strang
Legal Transcription
2420 Troy Schenectady Rd.
Niskayuna, NY 12309

