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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

ON THE FARM ESTATES
CONSERVATION STYLE SUBDIVISION
261 AND 261A TROY SCHENECTADY ROAD
APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on February 6, 2018 at 7:24 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- KATHLEEN DALTON
- BRIAN AUSTIN
- LOU MION
- CRAIG SHAMLIAN
- STEVEN HEIDER
- SUSAN MILSTEIN

ALSO PRESENT:

- Kathleen Marinelli, Esq., Counsel to the Planning Board
- Joseph LaCivita, Director, Planning and Economic Development
- Michael Tengeler, Planning and Economic Development Department
- Ryan Weitz, PE, Barton and Loguidice
- Nicholas Costa, PE, Advance Engineering and Surveyors
- Ellen Rosano, Conservation Advisory Council
- Susan Quine Laurillard

1 CHAIRMAN STUTO: The next item is a voting item
2 and we have a sign-in sheet if the residents would like
3 to speak on this one or anybody from the public.

4 On the Farm Estates conservation style
5 subdivision, 261 and 261A Troy Schenectady Road,
6 application for concept acceptance, 63-lot residential
7 with one commercial lot subdivision and preservation
8 of 18 acres of land.

9 Joe LaCivita, do you have any introductory
10 remarks on this?

11 MR. LACIVITA: I just want to remind the Board
12 we've have seen this project a couple times in a couple
13 of different designs. One was actually traditional zone
14 single family site plan layout. The Board was very
15 interested in seeing a conservation style subdivision
16 here. That's what you have seen prior to today at
17 sketch.

18 Tonight we are here for concept to talk about
19 the design to move the project forward.

20 In front of us is Nick Costa with Advance
21 Engineering taking us through concept.

22 MR. COSTA: Good evening. My name is Nick
23 Costa. I'm with Advance Engineering and as Joe mentioned
24 we had been in front of the Board previously where we
25 presented the conventional layout that is allowed by the

1 current zoning. The parcel is 48.8 acres and it has
2 frontage on several streets. It has frontage on Troy
3 Schenectady Road and it also has frontage along Sylvan
4 Avenue and Harding and a couple of other streets.

5 This was the original presentation that we made
6 to the Board and the Board asked us to go back and
7 look at the conservation layout.

8 As you see in front of you tonight and as we
9 submitted - the package that was submitted - this is
10 what we came up with for a conservation subdivision.

11 CHAIRMAN STUTO: Can you describe what a
12 conservations subdivision is - refresh the Board and
13 also for the public.

14 MR. COSTA: Sure. A conservation subdivision is
15 a subdivision that allows large tracts of land or other
16 valuable types of land to be conserved. It allows the
17 development to occur in kind of a concentrated area so
18 that the environmental or other valuable lands are
19 conserved.

20 CHAIRMAN STUTO: Can you show us where you are
21 conserving those lands? Can you tell us about the
22 process, too? You did a conventional subdivision. That's
23 how you could get the 63 lots?

24 MR. COSTA: That's correct.

25 CHAIRMAN STUTO: The minimum lot size is 18,000

1 square feet.

2 MR. COSTA: That's right. Under single family
3 residential zoning, which this is, it allows lots to be
4 18,000 square feet and a minimum frontage of 80 feet.
5 So, those are basically the constraints.

6 CHAIRMAN STUTO: So, this allows you to have
7 the same amount of lots which makes them smaller so you
8 can conserve the rest of the land.

9 MR. COSTA: In summary, that's exactly what a
10 conservation subdivision does. It allows you to reduce
11 the size of the lots so that you're utilizing some of
12 the area that doesn't have the same environmental
13 valuable areas and it allows you to conserve those.

14 So, we are conserving this area right here
15 which is almost 18.5 acres out of the 48.8 acres. This
16 area has been identified as being valuable for a
17 couple of reasons.

18 The primary reason is it has wetlands as shown
19 in the lighter green color. This is also an area that
20 has been utilized by neighbors to get to the school.
21 Kids may walk up to the school or they could go over
22 to the playground that's over at the school. There
23 have been trails that have been identified during our
24 survey where people have been using those trails to
25 traverse the land to get to the school.

1 This area has also been identified as an area
2 that is important for stormwater management. There are
3 several drainage ditches and drainage pipes that
4 discharge into this area which is probably what has
5 made this area what it is - the wetlands. They are
6 probably a result of everything being discharged
7 towards this area.

8 That's the area that we are preserving.

9 The roadway in the previous conventional -
10 obviously, there is frontage along Troy Schenectady
11 Road so we were making the connection to the primary
12 entrance - the access to the site was Troy Schenectady
13 Road. We were going over and connecting to Harding to
14 have that secondary access. The emergency people want
15 to have that secondary means of access to it. We have
16 changed that to connect over to Sylvan Avenue.

17 CHAIRMAN STUTO: But that is not a full
18 connection, correct?

19 MR. COSTA: As it stands right now, it's on an
20 emergency access. We haven't decided yet, but we will be
21 designing bollards that can be removed or collapsed if
22 there is a need for a fire vehicles or emergency
23 vehicles to get through there.

24 The road has been shortened up quite a bit and
25 this type of layout also has - and it's shown on here

1 that there are some clearing limits. There are some
2 deep lots along here on the adjacent land.

3 CHAIRMAN STUTO: Roughly how deep? I know that
4 the residents will want to know.

5 MR. COSTA: Those lots are anywhere from 150 to
6 220 feet deep. There is a substantial buffer. There is
7 already a buffer that exists to that property line. On
8 the average you're probably looking at 80 feet to 120
9 feet.

10 So, all the utilities are all available. There
11 are sanitary sewers that exist. The trunk sewer goes
12 through here (Indicating). There is water at several
13 locations and we will be interconnecting those water
14 systems as requested by the Division of Latham Water.

15 We are also going to be doing stormwater
16 management.

17 Most of the topography of the site kind of
18 rises from Route 2 to this general area (Indicating)
19 and then it slopes back down to that lower area which
20 is identified as a wetland. We are going to be
21 preserving that. So, we will have our run-off for the
22 stormwater - the majority of this area will be formed
23 to a stormwater management area here (Indicating). We
24 have identified another small stormwater management
25 area here and another stormwater management area here

1 for this portion of the development (Indicating).

2 We are also looking at making a paved walk all
3 the way out to the school where the existing trail is
4 so that people have access and can utilize the trail
5 for the kids to walk to school or going to the
6 existing playground.

7 So, we are making the connection here at Sylvan,
8 as you mentioned, as an emergency only.

9 CHAIRMAN STUTO: So, will the adjoining
10 neighbors be able to access the walking path?

11 MR. COSTA: Sure. It will be a little easier to
12 access now that there is a path here instead of going
13 through the woods. You're still going to be walking
14 through the woods, but there will be an improved surface
15 instead of being just the woods.

16 So, we are developing 64 lots. One of the lots
17 is going to be a commercial lot because the zoning
18 line is right here for commercial and
19 residential (Indicating). So, this lot right here is a
20 commercial lot. At this time there are no plans for
21 that particular lot. It will remain as a commercial
22 lot.

23 CHAIRMAN STUTO: How will that be accessed?

24 MR. COSTA: It will be from Route 2 onto this
25 street. It's a new street. This is new, but this is

1 already paved. There is already a business located here
2 and it will just be improved to standard -

3 CHAIRMAN STUTO: So, it will be accessed from
4 the new road, not from -

5 MR. COSTA: That's correct. It will be from the
6 new road.

7 So, we are not anticipating any pump station or
8 grinder pumps. All flows will be managed by gravity.
9 There is plenty of pressure for the water. That's
10 really the difference between the original way out and
11 the new way out.

12 There is ridge right here along the existing
13 path. That's where this street will be located.

14 If there are any questions, I'd be happy to
15 answer them.

16 CHAIRMAN STUTO: We will move on with that and
17 the neighbors will be an opportunity to speak as well.

18 This has been reviewed, again, by our Town
19 Designated Engineer, Barton and Loguidice.

20 Ryan, could you give us your comments on this
21 project?

22 MR. WEITZ: Yes, thank you, Mr. Chair.

23 Our office issued a comment letter on the concept
24 plan on January 24th. I'd like to highlight a couple
25 of points made in that letter. If there are any

1 questions on any of the other comments, please let me
2 know.

3 We noted that as is apparent from the
4 presentation, the revised layout is fairly
5 significantly different from the last time around the
6 Board saw it. Now it's a conservation style
7 subdivision, clustering that development away from
8 more sensitive environmental areas. It does appear to
9 address a number of concerns that were raised by the
10 Town, the Planning Board and public regarding wetland
11 disturbance, trying to cluster some of that
12 development to the Route 2 side of the site and away
13 from the sensitive wetland areas. It also appears to
14 address some concerns that were raised concerning
15 cut-through traffic by eliminating the connection to
16 Harding Avenue and providing the emergency only access
17 to Sylvan Avenue to comply with the Town's Emergency
18 Management's request on that.

19 We noted that there will be three residential
20 lots that will access Vista and Grove which is
21 minimized from previous applications and that the
22 density presented is in compliance with the Town Code.
23 It is proposed at 1.29 units per acre.

24 Another item that came up at previous reviews
25 was the cul-de-sac at the end of Blue Ridge Drive. We

1 discussed with the Town Engineering and Highway
2 Department that they would like to see that cul-de-sac
3 there or some sort of mechanism to allow for snow plow
4 turn-arounds and other maintenance needs.

5 CHAIRMAN STUTO: Nick, would you mind pointing
6 to that?

7 MR. COSTA: Yes, that's right here
8 (Indicating).

9 MR. WEITZ: I know that was a topic of
10 discussion and as this project evolves those discussions
11 with Highway and Engineering can also do so.

12 Another concern that we have taken a look at is
13 drainage issues, particularly in the Abby Road area.

14 As Mr. Costa pointed out, a lot of the site
15 drains down through that wetland towards Abby Road
16 where there is an existing structure and culvert.

17 In our conversations with the applicant there
18 has been discussions about, as this moves forward, to
19 do some hydrologic modeling and such to look to
20 alleviate some of those drainage issues and what
21 improvements might be able to be made in that wetland
22 complex and along there to alleviate some of those
23 drainage issues that Abby Road faces.

24 CHAIRMAN STUTO: Do we have any initial
25 thoughts about how we might be able to alleviate?

1 MR. COSTA: One thought that was discussed with
2 the Barton and Loguidice team and that was to look at
3 installing an outlet control structure. There is already
4 a very large culvert there and what we could do is maybe
5 install something that would allow a little better
6 control of the flow.

7 CHAIRMAN STUTO: Can you describe that in lay
8 terms, what you're talking about? Is it a big
9 underground tank?

10 MR. COSTA: No, it would be an opening that
11 would have various elevations and as it got higher it
12 would have a larger opening so that ultimately unless we
13 had a very large storm, we are not preventing all the
14 water from getting into the pipe. We are just
15 controlling it and letting it back up into -

16 CHAIRMAN STUTO: So, a dam with an opening? Is
17 that a better description?

18 MR. COSTA: I wouldn't call it a dam. It would
19 be some type of metal plate or some type of a weir. We
20 will have to discuss that into a more detailed design.

21 MR. WEITZ: Regarding the large almost
22 18.5-acre parcel that is proposed to be conserved, we
23 are looking for a little more discussion on who that
24 would be conveyed to and ownership and maintenance of
25 those trails. I know that the plans indicate potential

1 conveyance to the Town and/or the school district but
2 that would have to be flushed out and I believe that the
3 Town has indicated some thoughts on that. So, we are
4 looking for a little more discussion there.

5 CHAIRMAN STUTO: Did you want to speak to that?

6 MR. COSTA: Well, what we have discussed, as it
7 was mentioned - it all depends on that stormwater
8 analysis. If this does become more of a stormwater
9 management area, I think that the Town would want to
10 maintain some type of a control on it.

11 CHAIRMAN STUTO: You're talking about the whole
12 18 acres.

13 MR. COSTA: Yes.

14 MR. WEITZ: It's the whole parcel and some of
15 those areas might be sectioned off for Town maintenance,
16 as well. That might be an opportunity.

17 CHAIRMAN STUTO: Okay, any more comments?

18 MR. WEITZ: As proposed with the conservation
19 style of this subdivision there would have to be waivers
20 looked at regarding lot area, width setbacks and we can
21 take a closer look at it if that progresses. Overall,
22 and at the request of the number of comments, it's been
23 revised to appear more like a conservation subdivision
24 and I think that takes the look from looking at the
25 plan. Other than that, we'll take a look at the water

1 and sewer reports as they come in and we'll analyze
2 those.

3 The only other comment that I'd like to note
4 here is regard to SHPO coordination. We have seen
5 recently that the State Historic Preservation Office
6 has wanted to take a look at both Phase I
7 archeological and architectural reports and resource
8 surveys. So, if the applicant can provide any updates
9 or copies of correspondence of that as it moves
10 forward - that would be a sign-off from SHPO that will
11 be required under the stormwater permit for the site.

12 CHAIRMAN STUTO: Okay, we have a couple people
13 who would like to comment on this and we'll let them
14 comment unless the Board has any questions.

15 Ellen Rosano, Conservation Advisory Council.

16 MS. ROSANO: I'm Ellen Rosano from the
17 Conservation Advisory Council. We appreciate the fact
18 that that parcel plans to be a conservation subdivision.
19 However, we are still concerned about the wetland and
20 where the road is coming in and what measures are going
21 to be used to protect the wetlands from construction
22 debris run-off and that type of thing because it is the
23 narrowest part so it looks like it's going to be close
24 to the wetland. We want to make sure that wetland area
25 is preserved.

1 Also, this is a really heavily treed area. So,
2 we want to make sure that someone doesn't go in and
3 take down all the trees.

4 As it goes further along, we will be able to see.
5 Thank you.

6 CHAIRMAN STUTO: Thank you.

7 Susan Quine Laurillard.

8 MS. QUINE LAURILLARD: Good evening. I'm Susan
9 Quine Laurillard. I'm a resident of the Town of Colonie
10 and a member of the Birchwood Neighborhood Association
11 and also Save Colonie.

12 I also want to follow-up on Ellen Rosano's
13 comments about the wetlands. I noticed on the plan
14 that these are Army Corps of Engineer jurisdictional
15 wetlands. Have you received a jurisdictional
16 determination from the Army Corps of Engineers?

17 MR. COSTA: Yes.

18 MS. QUINE LAURILLIARD: A lot of these lots -
19 just looking at them - the rear of the lots seem to be
20 located in what is designated or part of a
21 jurisdictional wetland.

22 What is the Planning Board's policy as far as
23 lot layouts with pretty much a lot of the back part
24 with wetlands - do you require deed restrictions,
25 notices to purchasers that those are actually wetlands

1 and certain activities aren't allowed in those areas?

2 CHAIRMAN STUTO: That's a good question. We'll
3 do our best to answer it.

4 MS. QUINE LAURILLIARD: I just think that would
5 be important for perspective purchasers and that may
6 affect the layout. You may not want lots that have
7 narrow buildable frontage with a lot of the rear
8 containing wetlands. I would just ask the Board to make
9 sure that perspective purchasers know that there are
10 limitations on what they can and cannot do.

11 That was my comment. Thank you.

12 CHAIRMAN STUTO: I'll ask what you propose and
13 we'll get an opinion of our Town Designated Engineer,
14 Joe LaCivita and the Board will react.

15 MR. COSTA: First of all, I want to respond to
16 Ms. Rosano's comments. Also, to the comments with regard
17 to the wetlands.

18 There is a reason why we did the crossing here
19 at the narrowest point. The Army Corps of Engineers
20 wants you to prove that you are minimizing the impact.
21 If you have to have an impact - which we have to have
22 an impact here because we are making that emergency -

23 CHAIRMAN STUTO: How big is your impact? Can
24 you quantify that?

25 MR. COSTA: It's less than one-tenth of an

1 acre. The reason why we are doing that is justifiable,
2 but they also want you to prove that it's at a location
3 where it minimizes the impact. So, we will have to
4 receive a permit from the Army Corps of Engineers and we
5 feel comfortable doing it at this location and will show
6 that it is at the proper location.

7 With regard to backyard -- it's really these
8 backyards here(Indicating). None of these lots have
9 anything to do with the wetlands. That section of the
10 18 1/2 acres is going to remain conserved lands.

11 For this portion, what we are proposing, is a
12 deed restriction. The deed restriction has been used
13 previously with the Army Corps approval. It does get
14 filed and it is part of the deed that each one of
15 those lots will have. These lots have really a minimal
16 amount of wetlands in the backyard. These three lots
17 right here are the ones that have the largest
18 (Indicating). They are also very large lots. They are
19 not small lots. The average lot size in this
20 subdivision is 15,000 square feet. These are probably
21 closer to three quarters of an acre to an acre or
22 more. They have large area in the backyard. They have
23 access off of an existing street. The wetlands will
24 not be impacted.

25 Getting back to Mrs. Rosano - with regards to

1 pollution during construction, there will be erosion
2 control - erosion and sediment control installed so
3 that there are no impacts.

4 CHAIRMAN STUTO: Okay, let's open it up to the
5 Board.

6 MR. HEIDER: We talked a lot about this
7 cul-de-sac and necessity to have it in the engineers for
8 the Town wanting it - the Highway Department. Is it
9 possible to engineer a roundabout at that intersection
10 where you just have one single driveway going back to
11 the wetlands being served by DPW once?

12 MR. COSTA: There is what is called a mini
13 roundabout and we can take a look at it. Canterbury
14 Crossing says two of them. They are mini roundabouts. We
15 can certainly take a look at it. A lot of times it
16 increases the amount of impervious area.

17 MR. HEIDER: I can see how that is going to
18 increase if you're going to do a full-blown cul-de-sac.

19 MR. COSTA: New Town cul-de-sac is very narrow.

20 MR. HEIDER: Then it's not much bigger than a
21 mini roundabout.

22 MR. COSTA: No, the mini roundabout has two
23 lanes around it. This only has one. That just came out
24 in the program to reduce the amount of impervious areas.
25 We can still look at it.

1 MR. HEIDER: The old trails that go on the
2 western edge of two, four, six, 8 and 10 -- what you aim
3 to do with that? If you sell those lots, I can see where
4 that might cause a problem with people traversing their
5 lots.

6 MR. COSTA: The access would be here
7 (Indicating).

8 MR. HEIDER: That is what you plan. But what do
9 you plan to do with the trail?

10 MR. COSTA: That would become private property.
11 They would not be able to access the trail from there.

12 MR. HEIDER: What stops them from accessing it?

13 MR. COSTA: If you put up a sign that says no
14 trespassing in a trespass -

15 MR. HEIDER: Sometimes it works and sometimes
16 it doesn't.

17 MR. COSTA: Understood.

18 MR. HEIDER: It's just a concern about that
19 whole western edge and the old trails. I just see it as
20 being a public safety issue when people are still using
21 those trails to get to your new trails rather than
22 walking down and walking up the road. I don't know if
23 there's a way -

24 MR. COSTA: We can look at it.

25 MR. HEIDER: Maybe you can change it without

1 making Mrs. Rosano mad? I love the wood trails, but
2 since you are making them private property at that
3 point, I can just see those people not liking it.

4 MR. COSTA: Understood and that's a good
5 suggestion. We can take a look. These lots may have
6 enough from where we can cut it back. That might be the
7 best to just leave the trail as part of the 18.4 acres
8 of public land.

9 CHAIRMAN STUTO: Susan?

10 MS. MILSTEIN: I don't have any questions.

11 CHAIRMAN STUTO: Brian?

12 MR. AUSTIN: Bigger lots and bigger houses?

13 MR. COSTA: Yes. These would be comparable to
14 some of the homes that are already there. These are
15 small lots.

16 MR. AUSTIN: No, but you do have some bigger
17 lots.

18 MR. COSTA: In this case, it is big because we
19 are not going to be putting a cul-de-sac in here.

20 MR. AUSTIN: So, you're going to build a house
21 that similar on Sylvan on a one-acre lot?

22 MR. COSTA: I can't promise you that whoever
23 buys that lot -- what they are going to put in there. I
24 also don't see us putting in a cul-de-sac or increasing
25 it and making the lot smaller.

1 MR. AUSTIN: The same with the wood path. Those
2 are bigger lots.

3 MR. COSTA: You're right, these are bigger
4 lots.

5 MR. AUSTIN: So, larger home is possible.

6 MR. COSTA: Yes, if possible. I don't think the
7 developer has any intent to build larger homes there. I
8 think they will be the same theme as what is already
9 there.

10 CHAIRMAN STUTO: Lou?

11 MR. MION: That lot at the end of Ashland - I
12 am assuming that you are going to have access to
13 Ashland.

14 MR. COSTA: That is correct.

15 MR. MION: You have not shown it on here.

16 MR. COSTA: You are absolutely right. That was
17 our own mission. That is coming off of Ashland.

18 MR. MION: You want to add that in there.

19 MR. COSTA: Yes.

20 CHAIRMAN STUTO: Kathy?

21 MS. DALTON: Nothing.

22 CHAIRMAN STUTO: Okay, anything else?

23 (There was no response.)

24 The question before us is concept acceptance
25 on the concept in front of us. Concept acceptance is

1 not an approval. It is not a final approval. We will
2 have you back here presumably again. The neighbors
3 will be noticed again on the next meeting.

4 Do you have a motion for concept acceptance?

5 MR. MION: I will make a motion.

6 CHAIRMAN STUTO: Two in the second?

7 MR. AUSTIN: Second.

8 CHAIRMAN STUTO: All those in favor, say aye.

9 (Ayes were recited.)

10 All those opposed, say nay.

11 (There were none opposed.)

12 The ayes have it.

13 MR. COSTA: Thank you.

14 CHAIRMAN STUTO: Thank you.

15

16 (Whereas the above entitled proceeding concluded at
17 7:45 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

