

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 LOUDON HILLS EAST
120 SPRING STREET
PUBLIC HEARING

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled matter
7 by NANCY L. STRANG, a Shorthand Reporter commencing
8 on May June 5, 2018 at 7:00 p.m. at The Public
9 Operations Center, 347 Old Niskayuna Road, Latham,
10 New York

8

9 BOARD MEMBERS:
10 CRAIG SHAMLIAN, ACTING CHAIRMAN
11 LOU MION
12 BRIAN AUSTIN
13 CRAIG SHAMLIAN
14 SUSAN MILSTEIN
15 STEVEN HEIDER

12

13 ALSO PRESENT:

14 Kathleen Marinelli, Esq., Counsel to the Planning
15 Board
16 Michael Tengeler, Planning and Economic Development
17 Department
18 Brett Steenberg, PA
19 Brad Grant, PE, Barton and Loguidice
20 Wendy VanPatten-Horn
21 Mark Ross
22 Candace Ross
23 Pinka Chatterji
24 Joe Fogarty
25 Todd Curley, Prime Companies

21 EXHIBIT INDEX

22 Mark Ross Exhibit 1
23 Site Location Map - Al Tech Steel Pg. 17

24 Mark Ross Exhibit 2
25 DEC report Pg. 18

1 ACTING CHAIRMAN SHAMLIAN: Good evening and
2 welcome to tonight's meeting of the Town of Colonie
3 Planning Board. We have a number of items on the agenda
4 tonight.

5 Our Chairman will be here later, but we are going
6 to get started.

7 The first item on the agenda is Loudon Hills East,
8 120 Spring Street, public hearing, 29-lot subdivision.

9 If you want to get set up, we can start.

10 MS. MARINELLI: I just have to read the notice
11 of public hearing.

12 Notice is hereby given that pursuant to Section
13 276 of the Town Law, the Town of Colonie Planning
14 Board, Albany County, New York will conduct a public
15 hearing at the Public Operations Center, 347 Old
16 Niskayuna Road, Latham, in said Town of Colonie,
17 County of Albany, New York on the fifth day of June,
18 2018 at 7:00 p.m. for the purpose of hearing all
19 persons on the approval, modification or disapproval
20 of a certain residential subdivision plat in the Town
21 of Colonie, County of Albany, known as Loudon Hills
22 East Subdivision consisting of approximately 22 acres
23 of land located at 120 Spring Street to be divided
24 into 29 building lots and one stormwater lot. Dated
25 May 24, 2018.

1 ACTING CHAIRMAN SHAMLIAN: And we will turn it
2 over to the applicant.

3 MR. STEENBERG: Good evening. I'm Brett
4 Steenberg and I'm the engineer on behalf of 3 Point
5 Development and the proposal for the Loudon Hills East
6 Subdivision. This is obviously not the first time that
7 you've seen this project. It's been before this Board
8 several times in the past.

9 The subdivision is located along Spring Street
10 Road, just east of the former East Hills Subdivision.
11 The subdivision to be developed is approximately 19
12 acres located in the single-family residential zoning
13 district with a requirement lot size of 18,000 square
14 feet. It's proposed to develop 29 residential building
15 lots on 1,700 feet of lineal new Town road to be known
16 as Sterling Ridge which will come off of Spring Street
17 Road near East Hills, loop around the site and then
18 terminate again back on Spring Street Road.

19 All the lots meet the single-family residential
20 zoning requirements ranging in size from 18,026 square
21 feet to just under 68,000 square feet in size being
22 one lot that will have a Spring Street Road address
23 located in the center of the site. All the other lots
24 will be off of Sterling Ridge.

25 Water and sewer will follow the road alignments

1 looping around through the site and out onto Spring
2 Street Road. The water will be looped to tie into the
3 existing watermain.

4 Sewer will start in this area here (Indicating)
5 And run to the south to Spring Street Road and then
6 pick up here and then ultimately running east to the
7 existing sewer (Indicating) located at the bottom of
8 the hill.

9 The storm sewer again will follow pretty much the
10 same route as the sewer because they are both gravity,
11 however, they will be discharged into a large PE1
12 stormwater management pond located near the southeast
13 property corner where we detain the discharge onto the
14 existing site of the lands of Realco with two
15 different discharges; an overflow discharge in that
16 direction (Indicating) and a discharge back out to
17 Spring Street Road to maintain the existing hydrology.
18 All the stormwater management has been reviewed by the
19 Town Designated Engineer and found to be in compliance
20 with the New York State Stormwater Design Manual as it
21 currently states.

22 To the best of our abilities we maintain the
23 grading as tight as possible to minimize the clearing
24 buffers on the site. The site is wooded. You can see
25 by the darker green where the approximate limits of

1 clearing will be. The TDE's latest comment letter did
2 address the possibility of going back out there as a
3 two-step process with the grading permit, basically
4 identifying where those limits of grading are. Then,
5 looking at possibly saving some of those trees that
6 might be on the buffers of the larger trees either by
7 adjusting the grade or fencing them off so that we're
8 outside the direct edge and we would maintain the
9 preservation of those trees. We have no objection to
10 doing that and we think that's a very good suggestion
11 to try to maintain some of the larger hardwoods on the
12 site.

13 The site is mostly old trees ranging in size from
14 12 inches upwards of 36 inches in diameter. The bulk
15 of them are located in the rear of the site which the
16 larger trees would be maintained along the rear of
17 this portion. Obviously some of the ones in the
18 alignment of the road - the house footprints will have
19 to be cut down. There is a large area of smaller trees
20 and I think that you have the tree survey with some
21 photos that we put on there to just kind of give you a
22 general idea of what the vegetation is like on the
23 site.

24 We are proposing 73 evergreen trees located
25 between the proposed subdivision and the rear yards of

1 the first of five building lots and along the property
2 line with East Hills. The evergreen species were
3 suggested by the Town Designated Engineer as species
4 that would kind of make a good mix and will assist in
5 maintaining some of the lower branches but some of the
6 faster growing species that would be tolerate to the
7 heavier soils which are located on the site.

8 As you can see this area was previously clear
9 to the developer's property. Thus we can't leave a
10 wooded buffer along that particular portion and that's
11 why we are proposing the heavier vegetated screening
12 of the seven to eight foot tall evergreen trees.

13 This site will have a homeowner's association.
14 The homeowner's association has mirrored an existing
15 East Hills Homeowner's Association which is something
16 that the developer has promised since day one, so that
17 there is a continuum of the same standards between the
18 two subdivisions and the neighbors.

19 We have at this time addressed all of the Town
20 Designated Engineer's comments and departmental
21 comments and are looking to move forward with the
22 project through the public hearing and final approval
23 phases.

24 ACTING CHAIRMAN SHAMLIAN: Okay, thank you.

25 At this time we will turn this over to Brad from

1 Barton and Loguidice to give us his comments.

2 MR. GRANT: Thank you. Brett summed it up
3 pretty well. I guess the only thing that I would add is
4 one of the last requirements that we have for stormwater
5 management was the addition of raingardens which would
6 be one on virtually every lot except for the stormwater
7 lot. These would take some of the roof and perhaps some
8 of the drainage. It's secondary treatment but as Brett
9 says, it all goes down to the southeast corner there and
10 is further treated and attenuated in a large stormwater
11 basin. The most recent comments that basically all the
12 previous comments from the TDE and Town's review have
13 adequately addressed in the final set.

14 The second comment has a lot to do with the
15 trees. Brett did go out there and did a tree survey.
16 There were quite a few oaks and maples - primarily
17 oaks and they noted those approximately locations and
18 sizes of 12 inches and up. We are recommending as a
19 condition of approval - it's kind of a little change
20 to the current process. This is to more to formalize
21 it - to do any earth work or the contractor, the
22 developer is going to need a grade permit, which is
23 separate from the Planning Board. That goes through
24 the Town process. Before that grading permit is
25 issued, what I'm recommending is that right-or-ways,

1 driveways and the building envelopes be laid out in
2 the field - survey, flagging stakes or whatever so
3 that they can basically assess what of those existing
4 trees can be retained. Obviously the one in the middle
5 of the house is going to go. The one in the
6 right-of-way is going to go to do the development, but
7 there are a good amount of trees that can be saved.
8 I'm not sure of the percentage or how many of them but
9 if the process is rigorous and followed through, we
10 just want to make sure that something that took 50
11 years to grow isn't meeting the chainsaw and down in
12 10 minutes without a consideration of can this tree be
13 saved. If it's very close to the planned foundation of
14 the home, the answer is probably no. If it's in the
15 backyard, this is a very amenable feature and will
16 value the living experience on these lots. A shaded
17 lot is much better than baking out in the sun. So, we
18 just would like to have this process of having the
19 Town -- and it will probably be from the stormwater
20 department that will issue the grading permit -- but
21 will allow the developer and having the specialty
22 contractor or the contractor himself - just so that
23 everybody is on the same page - mark off the trees
24 that can be saved. Even with a slight amount of fill
25 over the root systems, there could be tree-wells. The

1 trees there are worth saving, so take the extra
2 efforts. That's what is recommended.

3 There are potentially five different steps that
4 I went over and bring those tree removal people to the
5 preconstruction meeting which is part of the normal
6 construction process in the Town so that everybody is
7 on the same page.

8 ACTING CHAIRMAN SHAMLIAN: That was something
9 that the developer was agreeable to, correct?

10 MR. STEENBERG: That's correct.

11 ACTING CHAIRMAN SHAMLIAN: Does the Board have
12 any questions now or do you want to hear from the
13 public?

14 MR. MION: Let's hear from the public.

15 ACTING CHAIRMAN SHAMLIAN: Wendy
16 VanPatten-Horn.

17 MS. VANPATTEN-HORN: Hi, I'm Wendy VanPatten
18 Horn and we reside at 13 Shelbourne Drive. This is East
19 Hills that's right in the corner (Indicating). We have
20 lived there for 17 years. It's been a long road for the
21 East Hills neighbors - at least 12 years for us with all
22 the different plans presented to the Board for this
23 parcel of land. At that time, we could have moved like
24 some of the neighbors, but we love our beautiful
25 neighborhood. We love our friends. Our children love our

1 schools and we love the trees that border our homes.

2 I believe you received our May 16th letter with many
3 photos. I really believe the photos are the most
4 important part. It shows what would be lost for many
5 East Hills residents. The trees behind our homes were
6 not near the property line when we moved in. It's
7 clearly deep into the adjoining property and was that
8 way before East Hills was developed. You'll see that
9 in the photos that I attached. I included a Google
10 Earth document from 1995, way before East Hills was
11 developed. It is the same tree line in the same
12 property lines as it is today.

13 Please just look at the plans and see how close
14 these homes will be to us. Two carriage homes on
15 smaller lots back up to our one home. Other homes
16 proposed are also super close to the large protected
17 wetland areas and several are so close to the Al Tech
18 Steel landfill, they will need mitigation and
19 ventilation systems under the foundations.

20 One question we have is how these wetlands are
21 going to be protected from land owners' use with lawn
22 and garden chemicals. Wetlands are fragile ecosystems
23 so the presence of these toxins would significantly
24 degrade that environment. Many of these homes back
25 right up to those wetlands.

1 Thousands upon thousands of trees will be gone.
2 A tree survey indicated approximately hundred 30 very
3 mature trees will be chopped down. That's 75% of just
4 the huge trees back there. They said that most of them
5 are old trees and based on my research, trees take
6 about 20 years to get to that minimum 12 inch trunk
7 size. There are trees well over 50 years there. One of
8 those fifty-year trees is smack dab in the middle of
9 the road that's going to be built. The survey doesn't
10 even show all the smaller trees on the parcel.

11 Using the existing Town Law, the Board should've
12 used the power to require a tree survey showing trees
13 larger than 3 inches and not just the 12 inches on the
14 parcel so, the Planning Board could decide what is
15 appropriate to be cut down and fully illustrate how
16 much is going to be lost. Thousands of trees, lots of
17 wildlife are all gone.

18 The developer did indicate a small number of
19 trees would be replanted on the border between the new
20 subdivision and three of the homes located on
21 Shelbourne and Harvester, but does that make up for
22 the clearcutting that's going to happen. Do they need
23 to pack these homes right on top of the East Hills
24 homes?

25 When East Hills was built, a few of those homes

1 were placed in the backyard of even larger East Ridge
2 homes and I know that some of those neighbors were not
3 happy and moved. Why are we repeating the cycle? Could
4 the developer, instead, eliminate the lots that
5 closely border the East Hills homes? I believe a
6 couple of items in the Colonie Land Use Law states
7 that the Town should help preserve and stabilize the
8 value of property and to protect and enhance the
9 appearance of the landscape. Is this new subdivision
10 helping the value of our properties? I don't think any
11 reasonable person can honestly say that.

12 The Maxwell Road project is just one example of
13 how decisions and actions can go wrong. The Planning
14 Board minutes on the Maxwell Road project from a
15 couple years ago made their landscaping plans sound
16 reasonable. That property has looked awful for years
17 and still only has a few tiny trees planted and only
18 some of the buildings have been completed. Prime
19 Companies is involved in that project as well as this
20 one, too. How can East Hills residents be guaranteed
21 the same thing won't happen to us? How can we be
22 assured that history won't repeat itself?

23 It has been said that those who refuse to learn
24 from history are doomed to repeat it. I prefer it not
25 to be repeated in our backyard.

1 Mr. LaCivita spent a significant amount of time
2 with me last week going over the revised plans, tree
3 surveys which are extensive and making some
4 suggestions on what we might want to ask the Planning
5 Board for. Some of the suggestions included a no cut
6 buffer, replacements of trees that die - which so many
7 do in our neighborhood - in our soil, deed
8 restrictions, potentially eliminating one lot for an
9 entrance sign, keeping a little hill in the backyard
10 for one lot, different trees with replacement buffers,
11 reducing setbacks, etcetera. I really do appreciate
12 the time he spent with me and his suggestions, but it
13 was all about making minor changes to the current plan
14 while still eliminating almost all the trees that
15 border East Hills and with the rest of the parcel,
16 essentially waving a white flag and giving up. I feel
17 there is still a lot that the Planning Board can do
18 and should request with regard to this plan before
19 final approval. I am sure that if this was your home,
20 you would not settle for the current situation either.

21 I grew up in Clifton Park surrounded by
22 construction and real estate business. My father built
23 approximately 5,000 homes in that Town. Back then lots
24 were bigger, trees were valued and not just replaced.
25 Deals were made on a handshake. Communities were

1 built. I understand that is a different era. I
2 understand the desire to have as many lots as possible
3 to make a large profit and increase the tax base for
4 our Town, however sometimes it's to the extreme
5 detriment of the neighbors nearby or the character of
6 the Town as a whole. Sometimes compromises need to be
7 made so the appearance of new subdivisions are worthy
8 of the Town and still preserve the values of the
9 properties adjoining them.

10 I don't want the subdivision to be one of those
11 instances where in hindsight the developer of our Town
12 should have done something different. Once the trees
13 are removed, there is nothing that can be done.
14 Planting new ones does not make up for what was there
15 - not when there's a better solution of keeping more
16 of the trees and reducing the plan by just a few lots.
17 I hope you seriously consider our request to reduce
18 the lots on the west side so we can keep some of the
19 natural buffer and keep the privacy between both
20 developments.

21 Thank you, very much.

22 ACTING CHAIRMAN SHAMLIAN: Thank you.

23 Does the developer want to respond to a couple
24 of those questions?

25 MR. STEENBERG: Anything in particular?

1 ACTING CHAIRMAN SHAMLIAN: Start with the
2 wetlands question.

3 MR. STEENBERG: The wetlands will be protected
4 via deed restriction. Those areas including some of the
5 upland areas will be deed restricted forever wild so
6 that there will be no additional clearing or impacts on
7 those wetlands, whether it be sheds, pools and that type
8 of issue. Those are particularly enforceable through the
9 Town Building Department and that type of stuff.

10 ACTING CHAIRMAN SHAMLIAN: What is the distance
11 between some of the houses on Shelbourne and some of the
12 new houses that you are proposing?

13 MR. STEENBERG: They are approximately 75 to
14 100 feet -- being the closest residents to the proposed
15 residence of Loudon Hills East. We have tried to
16 maintain as much space as possible. Unfortunately, you
17 are working with grades and clearing distances but we
18 are able to maintain the required zoning requirements
19 for the Town for the single-family residential district.

20 In just talking a little bit about density, the site
21 has decreased in density through the process. I think
22 that we started out with 34 building lots and we're
23 now down to 29 residential building lots. Before it
24 was a single-family residential subdivision, I think
25 that it was denser than what we are proposing now when

1 it was under the industrial zone. So, the developer is
2 trying to work through this, but still there is a cost
3 with developing land and building roads and that's not
4 going down as time progresses and still be able to
5 maintain a viable project.

6 MR. MION: In talking about putting the trees
7 in, you're talking about putting new trees out to where
8 the natural property line is.

9 MR. STEENBERG: That's where the actual
10 property line is, yes.

11 MR. MION: So, it's already been cleared and
12 there is grass there now - I want to be sure that you're
13 going to have trees in there.

14 MR. STEENBERG: We're going to have trees in
15 there.

16 MR. MION: You're actually moving the tree
17 line.

18 MR. STEENBERG: The tree line will actually get
19 moved closer to delineate that property line. You can
20 see through the photos that are on the tree survey where
21 that property line actually sits.

22 It is unfortunate - I don't know the specifics
23 of why the property was cleared at one point with this
24 parcel. If it wasn't 25 or 30 years ago or whatever -
25 however long it was cleared, we would have been able

1 to maintain some mature vegetation along there. It's
2 unfortunate that a developer has to spend money
3 planting trees.

4 ACTING CHAIRMAN SHAMLIAN: Mark Ross.

5 MR. ROSS: I live next to Wendy at 13
6 Shelbourne. I attended a Department of Environmental
7 Conservation meeting in February on the Al Tech site. I
8 think that this is important because during the course
9 of this whole thing, they were talking about taking a
10 lot of the trees down.

11 I have a bunch of maps here for you from the
12 meeting. I was the only one in my neck of the woods
13 that was even there.

14 ACTING CHAIRMAN SHAMLIAN: Please make that
15 Ross Exhibit 1, Nancy.

16 (Ross Exhibit 1 was marked for identification.)

17 MR. ROSS: One of the concerns of the Health
18 Department and the Environmental Conservation was the
19 leachate coming down through the streams - the Kromma
20 Kill is on one side of what they call the un-named
21 stream on the southern side. You can see it on the map.
22 It runs along the bottom of the landfill.

23 I guess my concern is - I asked at the meeting
24 and I didn't really get an answer because they were
25 only concerned about their parcel and their superfund,

1 but I asked what is the impact on the clearing of the
2 trees going to be with all the leachate coming down? I
3 know that they have two wells on that property that
4 they monitor. I knew that they took out toxic chromium
5 out of the Kromma Kill in 1990. That's in here and I
6 can leave that with you too. This is the report. I'm
7 just wondering what the impact will be and if anybody
8 has looked at the impact of clearing the land,
9 changing the grids and the water flowing down towards
10 the landfill and what it's going to do to the Kromma
11 Kill - the water that eventually ends up in the
12 Hudson.

13 That's all I have to say.

14 ACTING CHAIRMAN SHAMLIAN: Thank you.

15 (Mark Ross Exhibit 2 was marked for identification.)

16 MR. STEENBERG: This has actually been looked
17 at extensively. All the storm water was one of the
18 significant delays over the last 12 to 18 months on this
19 project -- was reviewing this project with DEC regarding
20 the storm water management leachate through the removal
21 of trees, both on their parcel as well as the subject
22 parcel. The monitoring wells are not located on the
23 parcel that has been acquired for the subdivision. That
24 has been looked at and Ian spent a lot of time reviewing
25 our storm water management reports and has signed off on

1 the proposed design. One of the other things that should
2 be mentioned is this parcel could go almost directly
3 towards helping to clean up the maintenance of that
4 landfill because of the way everything was structured.
5 There is money that is going towards mediation on that
6 site and continued maintenance by DEC.

7 ACTING CHAIRMAN SHAMLIAN: Has that site been
8 remediated or is it still -

9 MR. STEENBERG: It is still working towards
10 remediation. There actually was some contamination that
11 they found. I don't have full knowledge of the DEC
12 cleanup, but I do know that the contamination that was
13 initially found which was on the roadway and did not
14 meet the levels and guidelines for them to get federal
15 money to clean that up. That was one of the reasons that
16 we ended up adjusting the property boundaries and moving
17 away from that area with the proposed subdivision. It
18 wasn't quite up to the level that they had anticipated.

19 ACTING CHAIRMAN SHAMLIAN: And there's no
20 contamination on the site.

21 MR. STEENBERG: There's no contamination on our
22 parcel. That is correct.

23 ACTING CHAIRMAN SHAMLIAN: Candace Ross.

24 MS. ROSS: I live at 11 Shelbourne Drive, next
25 to Mr. and Mrs. Horn. My concern is obviously

1 clearcutting of the trees. There are probably at least
2 1,000 large oaks and maples and my concern is also that
3 is going to look like Maxwell Road which I think is
4 appalling, actually. I would like to request that may be
5 these five lots that are bordering our backyards be
6 eliminated or leave at least a much larger tree buffer
7 without clearcutting all the oaks and maples that border
8 are property.

9 That's all.

10 ACTING CHAIRMAN SHAMLIAN: Do you want to
11 respond to that - her requests?

12 MR. STEENBERG: I can't speak for the
13 developer, but I think the elimination of five lots on
14 this would make this project financially unviable.
15 Anytime you build new roads with the cost of roads today
16 exceeding \$500 a lineal foot - and you almost need to
17 have a lot on both sides of the road to even make that
18 construction cost worthy and given the amount of grading
19 that would be required, it simply would be at that point
20 -- if certainly possible we would like to leave trees
21 there as a buffer, as previously stated. It's just
22 impossible at this point.

23 MR. LACIVITA: I'd like to leave you with this
24 consideration. On that side of the road - probably five
25 would be not feasible to do. And spending an extensive

1 amount of time with Ms. Horn and kind of looking at this
2 and taking a couple looks at this and doing a site visit
3 - there is one down here closest to Spring Street, if
4 that was eliminated, as I mentioned to Wendy, the
5 potential to make it an entrance point - a nicer appeal
6 looking -- if some of those homes were re-shifted - the
7 remaining three that are closest there and make a little
8 bit larger lots, you could actually probably do a little
9 bit better with allowing more trees to remain. It would
10 make them more estate lots than what you currently see.
11 So, it's just a consideration that the one at the very
12 end that you looked at - possibly as an elimination.

13 I know we brought it down from 34 to 29. I
14 understand development costs, but on this side and
15 looking at the loss of one and repositioning, you
16 would probably gain more trees within it and make it
17 more estately.

18 MR. STEENBERG: I think there is quite a bit of
19 grading in that area. I don't know if you have ever been
20 on the site. It goes a pretty steep rate there and then
21 it jumps up about eight feet. There is a considerable
22 amount of grading that needs to be done actually at that
23 entrance to create that entrance roadway on to Spring
24 Street Road. That might end up clearing most of those
25 trees anyway that we are trying to save, but we could

1 certainly discuss it with the developer.

2 ACTING CHAIRMAN SHAMLIAN: Pinka Chatterji.

3 MS. CHATTERJI: Hi, I'm Pinka Chatterji and I
4 live at 3 Harvester Court. So, my backyard is going to
5 abut this new development. I live close to the Horns and
6 close to Candace.

7 I've never been to a meeting like this. This is
8 my first time.

9 Actually what happened was I looked at the tree
10 survey and I was actually quite shocked with the
11 amount of trees that are going to be cut down for this
12 development. We're not talking a couple small trees.
13 We are talking about almost 100 large oak trees.

14 I have three concerns. First of all, obviously I
15 am concerned about my own property values.

16 We came from out of town. We are from
17 Massachusetts and we specifically moved to East Hills
18 for the lush beauty of the neighborhood. I think many
19 people moved to East Hills exactly for that reason.
20 So, obviously I am concerned. My backyard is now going
21 to have all these chopped down trees and maybe some
22 small trees replanted there. It's not going to have
23 the same character that it had before. So, that's my
24 first concern.

25 My second concern is that a major reason that

1 people move to Colonie is actually for the lush
2 beauty.

3 I work at the University of Albany and I have
4 lived there 10 years. I have driven around dozens of
5 faculty members and in this area and when they come to
6 Colonie they're like oh, trees, this is a beautiful
7 lush area. They want to live here. The more we do this
8 -- all of our homes are going to lose their value and
9 this community is going to lose a lot of people. A lot
10 of new people are moving here that are coming here to
11 work in the tech industry and working at the
12 University. We are going to lose those people.

13 Finally, I'm very concerned about the wildlife.
14 We routinely see packs of deer travel through our
15 yards. There are beautiful birds everywhere in our
16 backyards. We are doing this all over Colonie and I am
17 concerned that this is becoming not the place that it
18 was when I moved here. I moved here from Westborough,
19 Massachusetts and they make a huge effort there to
20 preserve the trees. I haven't seen that kind of
21 development there.

22 I hope that when we're thinking about this -- you
23 know, development is costs and benefits. This is a
24 big cost of development that really is the burden of
25 the people who are affected by it.

1 What I'm looking for actually is that more
2 specifics in terms of exactly what trees are being cut
3 down. Really, reduction in the trees that are going to
4 be cut - however that can be done by the planners.

5 So, thank you for listening. I just want to say
6 that I don't normally come to meetings like this and I
7 made a big effort to come tonight just express my
8 dismay at the plan to cut down on these trees.

9 ACTING CHAIRMAN SHAMLIAN: Thank you. I think
10 that the suggestion that Brad has come up with and the
11 developers agreed to is moving in the direction of
12 trying to make sure as many trees as possible are
13 preserved.

14 Anyone else from the public?

15 MR. FOGARTY: My name is Joe Fogarty and I'm
16 currently on the Board of the East Hills Homeowners and
17 I just want to echo the concern that our association has
18 with the removal of so many trees. I think there are 110
19 oak trees that are slated for removal and obviously that
20 is a great concern to us. I don't know what your
21 suggestions are about taking some steps to save some of
22 -- whatever you can do. We certainly would appreciate
23 that.

24 I guess there are no sidewalks, as part of this
25 project. Is that true?

1 MR. GRANT: There is a sidewalk proposal off of
2 Spring Street.

3 MR. FOGARTY: There is no sidewalk between our
4 development in this development here?

5 MR. GRANT: There is not an internal sidewalk.

6 MR. FOGARTY: I was going to make a pitch for
7 the sidewalk along Schuyler Meadows. I have talked with
8 various people within the Town over the years and it
9 seems as though it's one of those things that is always
10 put off. It's one of the areas that really needs a
11 sidewalk. Perhaps not part of this project, certainly,
12 but it is something that is genuinely needed in our
13 area.

14 ACTING CHAIRMAN SHAMLIAN: I agree.

15 MR. FOGARTY: Everybody in the Town agrees.
16 There are a lot of Siena students around there when they
17 are in full-session and there are a lot of our people
18 that walk back and forth every day and I just hope that
19 there isn't some unusual accident there some day that
20 someone is seriously injured. That's all I have to say.

21 ACTING CHAIRMAN SHAMLIAN: Thank you.

22 Further questions from the Board?

23 MR. HEIDER: These are going to be three and
24 four bedroom carriage homes?

25 MR. STEENBERG: Todd could probably speak to

1 this a little bit better than I can.

2 MR. HEIDER: I don't usually see carriage homes
3 on a 34,000 square foot lot.

4 MR. CURLEY: A few meetings ago we presented to
5 the Town some of the potential plans. Carriage homes
6 probably aren't a good word for it. Some of them will be
7 larger colonial-style homes that will be presented, some
8 elevations and things like that.

9 The builder is Jeff Ferraro of Loudon Homes and
10 he has built several homes in East Hills and in East
11 Ridge. Some of them will be smaller homes. Some of
12 them will be larger homes like in East Hills and East
13 Ridge.

14 MR. HEIDER: What will the square footage be?

15 MR. CURLEY: Probably ranging around 2,000 and
16 going up. We have a large estate lot in the middle.

17 MR. HEIDER: I think this is more for Joe. The
18 first four lots that everybody is concerned about by the
19 Horns - the setback is the same as the rest, yet the
20 depth of the lot is not the same. Is it possible to
21 graduate the setback?

22 MR. LACIVITA: They have the building
23 envelopes. One of the things in our neighborhood, as I
24 was talking to Wendy about, we petitioned the Town
25 during the course of that phase to actually pull the

1 buildings closer to the street. That was successful with
2 our entire whole section that we have. It's a 40 rather
3 than a 50. I have forgotten what the setback here is.

4 MR. HEIDER: This is 40.

5 MR. LACIVITA: So, you could work to try to
6 pull that closer. We can work with the developer there.
7 We would have to make that a condition of approval to
8 work with the Building Department and with the
9 developer.

10 MR. HEIDER: Even 10 feet makes a big
11 difference, especially when you're talking about the
12 setbacks.

13 MR. CURLEY: That is something that we would be
14 open to for those lots that would be effecting some of
15 our neighbors - to restrict the depth of the setback for
16 the front yard and try to get those homes closer to the
17 streets. There is a bigger buffer between the homes, so
18 that is certainly something to work with the Town on.

19 MR. LACIVITA: One of the things that we'll
20 have to do is memorialize what model home you're going
21 to be using on the site. In fact, I was talking to Todd
22 about that. The Planning Board will have to see them and
23 sign-off on them.

24 MR. CURLEY: They were presented a couple of
25 meetings ago as part of the initial concept approval.

1 MR. LACIVITA: If they were here, I apologize.

2 MR. CURLEY: And it was approved by the Board
3 at that time. We can certainly resubmit what was
4 approved previously, if that is needed.

5 ACTING CHAIRMAN SHAMLIAN: Then they are in
6 agreement that trying to slide these buildings close to
7 the houses a little more closer to the road is something
8 that the Board is in favor of?

9 (All Board Members agreed.)

10 MR. CURLEY: That's our plan - to eliminate the
11 least amount of trees as possible. It makes a better
12 development by leaving the trees there. So, it's
13 certainly something that we want to do.

14 MR. MION: But you will still plant the trees
15 that you talked about.

16 MR. CURLEY: That's correct. We will still do
17 that.

18 MR. HEIDER: The price range?

19 MR. CURLEY: The price range will vary. The
20 builder is not here right now so I don't want to speak
21 for him, but I figure it's going to start in the
22 \$400,000 range and go up from there. Again, I don't want
23 to speak for the builder.

24 ACTING CHAIRMAN SHAMLIAN: Does the Board have
25 anything else?

1 MR. MION: You might want to consider maybe
2 once the trees are planted notate somewhere on the plans
3 - if someone comes and buys one of these houses -

4 MR. LACIVITA: The buffer that is there - just
5 have it a no-cut buffer that would actually be deed
6 restricted by the HOA, which is possible. We have done
7 that in a couple of the other areas where land
8 conservation was done. So, it's possible that we could
9 do that here as well.

10 MR. CURLEY: It is our intent to enforce the
11 tree issue with the HOA so that the trees cannot be
12 removed by the homeowner at that time. It would be part
13 of a deed restriction.

14 ACTING CHAIRMAN SHAMLIAN: Anyone else?

15 MR. FOGARTY: I just have a quick question I
16 live along Spring Street and one of my other concerns
17 and it's just kind of for me - I'm going to have 302
18 foot of sidewalk and a right-of-way in the back of my
19 house. I'm just wondering how far back that's going to
20 be from the road and how close it's going to be from my
21 house. Does anyone know?

22 ACTING CHAIRMAN SHAMLIAN: It's going to be in
23 the right-of-way.

24 MR. FOGARTY: I've had people park on my lawn
25 and tell me that it's the right-of-way so they can

1 photograph deer. I kill myself taking care of the lawn
2 and I get all sorts of stuff. I'm concerned about a
3 parade of people walking in my back yard, that's all.

4 MR. HEIDER: I think that if you look at the
5 sidewalk that goes into East Hills and dead ends, I
6 think that this will be very similar to that.

7 MR. FOGARTY: About five or six feet then?

8 MR. HEIDER: I would think so.

9 ACTING CHAIRMAN SHAMLIAN: Any other questions?

10 (There was no response.)

11 Do we have a motion?

12 MR. MION: I will make a motion with all the
13 suggestions that we had going forth.

14 ACTING CHAIRMAN SHAMLIAN: And that would be
15 Brad's suggestions on -

16 MR. GRANT: The conditions that I have are the
17 conditions in our comment letter. What we further talked
18 about is pulling the westerly houses possibly 10-feet
19 closer to the road. I think that would make it farther
20 away from the property line on that side and then deed
21 restrict.

22 MR. LACIVITA: Correct, and then taking a look
23 to see how losing one additional in the front on that
24 westerly side. I think that's all the conditions that we
25 talked about.

1 MR. MION: The deed restrictions

2 MR. LACIVITA: The deed restrictions were
3 mentioned.

4 MR. GRANT: Which are not part of the HOA.

5 MR. LACIVITA: And the HOA can enforce it.

6 ACTING CHAIRMAN SHAMLIAN: Okay, we have a
7 motion. Do we have a second?

8 MR. AUSTIN: Second.

9 ACTING CHAIRMAN SHAMLIAN: All in favor?

10 (Ayes were recited.)

11 Opposed?

12 (There were none opposed.)

13 The ayes have it.

14 (Where's the above entitled proceeding was
15 concluded at 7:31 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

