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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

ON THE FARM SUBDIVISION
261 AND 26 1A TROY SCHENECTADY ROAD
63 LOT CONSERVATION SUBDIVISION

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
July 10, 2018 at 7:17 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
CRAIG SHAMLIAN
LOU MION
BRIAN AUSTIN
CRAIG SHAMLIAN
SUSAN MILSTEIN
STEVEN HEIDER

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Planning
Board
Nicholas Costa, PE, Advance Engineering and Surveying
Charles Voss, PE, Barton and Loguidice
Jim Quirk
Joanne Spinelli
Dean Marotta
Sarah Freeman
Brian Long
Laura Weed, Conservation Advisory Council
Diane Hensch
Megghan Holz
Margaret Buckley
Elizabeth Brandfibkins
Cindy Kinch-Kemp
Kathleen Dix
Nick Huban
Nancy Greco
Frank Paturzo
John Folts
Lorell Fitzsimmons
Susan Quine-Laurilliard
Holly Marois

1 CHAIRMAN STUTO: Next item on the agenda is On
2 The Farm Subdivision 261 and 26 1A Troy Schenectady
3 Road, 63 lot conservation subdivision fronting on Route
4 2, application for final approval for the environmental
5 review and the subdivision.

6 Joe, I know we have seen this a number of
7 times. It has gone through revisions. We made them
8 take up less land and we suggested a conservation
9 subdivision. What you say what would like to say.

10 MR. LACIVITA: What I want to mention here,
11 Peter, is this project first came as a conventional
12 subdivision. The comment was made just exactly as it was
13 on the last one.

14 Just to show the dates that it has been
15 before the Board - it started back on March 22, 2017
16 for our DCC, Development Coordination Committee. It
17 came back here May 23, 2017 for sketch plan review.
18 They attempted concept - again, conventional concept
19 when we looked at the conservation subdivision October
20 2017. Then, it went to revisions back in January and
21 we gave it concept on the conservation design February
22 16, 2018.

23 Tonight we are here for SEQR final approval
24 of the subdivision.

25 Nicholas?

1 MR. COSTA: Thank you, Joe.

2 Again, this has been in front of the Board
3 several times. It is an almost 49-acre parcel that is
4 located off of Troy Schenectady Road. Just go straight
5 back and the elementary school is located here
6 (Indicating). So, it is a long narrow strip of land.

7 I don't want to go through the details that
8 we have already gone through, but this is a
9 single-family residential and we did do a conventional
10 application for a conventional subdivision.

11 We heard the neighbors. We heard the Board's
12 comments and we came back and we designed a
13 conservation subdivision that maintains pretty much
14 all of the wetlands. We preserved about 18.8 acres of
15 land that will be undisturbed and will be valuable to
16 the neighbors and to the development in providing
17 wooded paths. There are already existing pads that
18 have been developed as people have walked up to the
19 school playgrounds.

20 So, the current proposal is for 62 lots with
21 the main entrance off of Troy Schenectady Road and two
22 small cul-de-sacs back here (Indicating) and then an
23 emergency connection to Sylvan Avenue. An emergency
24 connection I think was the preference of the Board. We
25 will need to talk about that because some of the

1 departments had mentioned that they wanted that kept
2 open.

3 Those 63 lots will be developed along what is
4 going to be known as Sylvan Avenue because it is a
5 continuation of Sylvan Avenue - all the way to Route
6 2. All the infrastructure again that is necessary to
7 serve the proposed lots are all available here. There
8 is sanitary sewer both on Sylvan and also through an
9 easement located right here (Indicating). Water is
10 also available on Troy Schenectady Road and also
11 Sylvan. The water will be extended so that it will
12 make a complete loop through the existing streets.

13 Stormwater management - that was another big
14 item that came up from the neighbors. There has been
15 historical flooding that has occurred right here -
16 behind Abbey Road. There is a very large culvert -
17 maybe like a 42-inch concrete pipe that is located
18 here. The objective was to maintain water from going
19 to that 42 inch.

20 What we have done is we have captured the
21 water that comes off of these homes and houses, we
22 bring it into a detention basin in accordance with the
23 DEC requirements and then we discharge out to a very
24 large ditch or ravine that is here that doesn't have
25 any issues with taking that capacity. We don't

1 discharge to the 42-inch.

2 The same thing with the stormwater system. We
3 detain it and slowly discharge out to that ravine. So,
4 that's going to be a huge improvement.

5 CHAIRMAN STUTO: Who is going to see most of
6 the benefit; most of the residents in that area?

7 MR. COSTA: Most of the residents right here
8 (Indicating). They mentioned there was water that came
9 out to the lots. So, it's going to be a big improvement.

10 CHAIRMAN STUTO: Definitely a notable
11 improvement.

12 Do you agree with that, Chuck?

13 MR. VOSS: Yes, and I'll talk about that in a
14 second.

15 MR. COSTA: The other item that we have is the
16 crossing of the wetlands. This entire development
17 disturbs .07 acres of wetlands. That's about 2,500 or
18 3,000 square feet of wetlands. For development this
19 large of almost 10 acres of wetlands, that's quite an
20 accomplishment.

21 CHAIRMAN STUTO: It is diminimus.

22 MR. COSTA: There is a small parcel here that's
23 going to be to the west of the new road that is owned by
24 the Hubans (Indicating). That will remain undeveloped
25 because it is not part of this development.

1 There is another lot that is a commercial
2 lot. The site is about 400 feet from the centerline of
3 Troy Schenectady Road. There is business and
4 commercial and the rest is residential.

5 If there any questions, I will be more than
6 happy to answer them.

7 MR. LACIVITA: Peter, before we go forward with
8 this, I jumped the gun in going to Nick. This is a
9 public hearing, so we can have to read into the record
10 the public hearing notice.

11 MS. MARINELLI: The Town of Colonie Planning
12 Board, Albany County New York, notice is hereby given
13 that pursuant to Section 276 of Article 16 of the County
14 Planning Board, Town of Colonie, Albany County, New York
15 will meet and conduct a public hearing in the Public
16 Operations Center, 347 Old Niskayuna Road, Latham in
17 said Town of Colonie, County of Albany, New York on the
18 10th day of July, 2018 at 7:00 p.m. for the purpose of
19 hearing all persons regarding the approval and
20 application, or disapproval of a certain subdivision and
21 site plan approval in the Town of Colonie, County of
22 Albany, known as On The Farm Estates located at 261 and
23 261A Troy Schenectady Road which consists of 48 acres,
24 plus or minus, with a proposed subdivision of 63
25 residential building lots, dated June 21, 2018, Latham,

1 New York.

2 CHAIRMAN STUTO: Okay, thank you. We will be
3 hearing from the public and we are interested to see
4 what they have to say.

5 I would suggest that we hear from our Town
6 Designated Engineer again, first. He has formally
7 reviewed this and once again in this case, it's Barton
8 and Loguidice, Chuck Voss.

9 Chuck, can you give us your comments on the
10 project?

11 MR. VOSS: Sure, Peter. Thank you.

12 As you mentioned, we reviewed this multiple
13 times. Over the last several months we have worked
14 with the applicant very closely on all the technical
15 engineering issues and we just want to walk through a
16 couple of those. You should have in front of you our
17 letter dated June 11, 2018 which really is our final
18 sign-off and review letter for the technical end of
19 this.

20 I just wanted to point out a few things.

21 As Nick mentioned, this project originally
22 started out as a conventional subdivision with much
23 more density. It was at the request of the Board as
24 well as the DCC Committee that the applicant take a
25 look at an alternative approach. They did that and

1 went to a conservation subdivision approach, given the
2 extensive wetlands on the site which really didn't
3 allow themselves to be adjusted or changed in any way
4 to allow a conventional subdivision. It was a
5 conservation subdivision which certainly fit much
6 better which meant smaller lot sizes. They were able
7 to get the same density under the Code, but just in
8 smaller lot configurations thereby avoiding the
9 wetland issues which was really the driver on the
10 site.

11 It's a relatively difficult site. The
12 topography is relatively uneven throughout the entire
13 length of the site.

14 Another interesting difficulty with the site
15 is that historically the site has been a collection
16 point for stormwater run-off in the general area. Not
17 just this site, but the neighborhoods that were
18 developed further to the west and certainly in the
19 north - also contributed additional stormwater to the
20 site over the years. Those additional subdivisions and
21 those other areas were built prior to new DEC
22 regulations.

23 So, at the time the practice was to just kind
24 of push the stormwater off to adjacent parcels and let
25 it run. Therefore, a lot of that adjacent run-off and

1 side streets and stuff will collect in this kind of
2 wetland area - the slow area. Historically, you would
3 see some flooding certainly as the site developed
4 further to the east - the Abbey Road area, Hull
5 Avenue, Harding Avenue. Those areas all experienced
6 some additional flooding. So, I know that over the
7 years the Town spent some substantial efforts to work
8 on those flooding issues. As Nick mentioned, the
9 culvert which is relatively new behind Abbey Road at
10 the end was installed a few years back to try to
11 alleviate some of that storm water. It was kind of
12 basically passing through the site. After working with
13 Nick quite extensively on the layout and how to layout
14 the roads and some of the grading issues, we feel
15 comfortable now that the applicant certainly is going
16 to be able to address all their storm water on their
17 site, as is required by the DEC regulations. Also one
18 of the things that this Board asked them to do was
19 help alleviate that existing condition of storm water.
20 So, we feel confident now that two things are going to
21 occur. The historic stormwater loading that you get
22 now behind Abbey Road parcels would be alleviated to
23 the new design of the site because a lot of that storm
24 water would either be diverted or pushed in a
25 different direction. In this case, it would be pushed

1 to the south or Route seven. Internally the site
2 itself won't generate potentially more storm water
3 runoff because the rooftops, the new road disturbances
4 - all that stormwater is being managed again further
5 to the south. It should be noted that New York State
6 DOT maintains that drainage profile area right along
7 Route seven. It's got enormous capacity down there. We
8 have looked at that. Nick has studied that so we are
9 comfortable that facility can handle the additional
10 stormwater that potentially will come off the site.

11 In terms of roads and access, early on some
12 of the Town Departments - the Highway Department and
13 DPW really identified and certainly Fire Services
14 early on identified wanting kind of to connect the
15 site internally with the existing road structure
16 around it.

17 A lot of the cul-de-sacs that are out there -
18 Ashland, Grove, Vista, Sylvan - all lent themselves
19 well to interconnectivity, which was kind of a
20 practice that the Town undertook several years back.
21 They wanted to interconnect the neighborhoods.

22 Through a lot of discussion and a lot of
23 concerns of the Board, you asked the applicant to kind
24 of take a different approach and look at that
25 differently so that you could now avoid cut-through

1 traffic or cross-through traffic and not necessarily
2 directly interconnect with those roads. The applicant
3 did that in this latest iteration. They changed around
4 what they are calling Sylvan Avenue Extension. I know
5 there was some discussion about the name that the
6 Board might want to discuss in a minute, but the
7 applicant is now proposing an interconnect directly
8 with Sylvan to the site.

9 There will be a bollard barrier there which
10 will basically be an emergency access only. So, if
11 Fire Services needs to get in there, they can
12 certainly come in there and can push the bollards down
13 and get through if there is fire if the other roads
14 are blocked, which I think is an essential tool that
15 you want to have. But it would prevent the typical
16 cross-traffic if somebody wanted to maybe shorten
17 their trip out of the Sylvan Avenue neighborhood down
18 to Route 7 or vice a versa and move back and forth. We
19 see that certainly as a significant improvement of the
20 design of the site.

21 Other than that, there are some trail
22 networks that are still here, as Nick said. If you
23 look on the site plan that we have, it identifies
24 those trail networks. I think there will be some
25 semi-improvement because of what you guys had

1 discussed earlier on to allow this to continue to be
2 used for people to access - potentially the school
3 through the site.

4 There is some significant wetland areas in
5 there that is really quite nice during the walk. So,
6 it's kind of a nice natural area to preserve.

7 DPW did request some of the turnaround
8 cul-de-sacs - to be able to plow through there. They
9 also talked about some of the hammerhead road designs
10 certainly at the end of Proctor and Harding, which
11 will help kind of alleviate issues for them and being
12 able to access those areas for snow removal during the
13 wintertime.

14 I think everything else, at this point, was
15 certainly covered satisfactorily.

16 The stormwater management areas will
17 eventually be turned over to the Town for practice and
18 use. I know with a large open space and that wetland
19 in the back - that 28 acres could eventually be turned
20 over to either the school district or the Town as
21 preserved open space area.

22 Other than that, the site is serviced well by
23 utilities, water, sewer and infrastructure itself.

24 At this point, we are pleased with the
25 design. We think that the applicant has come a long

1 way and I think that's probably where we are at this
2 point.

3 CHAIRMAN STUTO: We do want to take public
4 comment, but we do want to ask a couple questions.

5 Do we have elevations for these buildings?

6 MR. VOSS: I don't think that Nick supplied
7 those.

8 I don't think you have a builder in mind yet,
9 do you?

10 MR. COSTA: No, we don't.

11 CHAIRMAN STUTO: Your letter suggests that they
12 provide certain things for final. Is that a legal
13 requirement for us to vote on this - including
14 elevations?

15 MR. VOSS: Technically, not.

16 MR. LACIVITA: Not for final approval, no.

17 MS. MARINELLI: No.

18 MR. LACIVITA: A lot of times, Peter, we look
19 at elevations and then the builder changes and they come
20 back and re-look at the elevations that we have -

21 CHAIRMAN STUTO: Chuck's letter says
22 conservation subdivision's final plan submittals must
23 include -- I am skipping down - architectural designs
24 prepared by a qualified engineer depicting proposed
25 buildings which shall include building elevations from

1 front and rear end on applicable sides, etcetera. It
2 does say that.

3 MR. VOSS: The word must might not be the right
4 word. They are typical things that we would like to see,
5 but I wouldn't say that they would have to have those
6 for final approval.

7 CHAIRMAN STUTO: Let's hear from our attorney.

8 MS. MARINELLI: If this helps, the relevant
9 section of the Code says the Planning Board shall act to
10 approve, deny or approve with modification the final
11 site plan. The act does not constitute approval.

12 I suppose we could consider this an approval
13 with modification.

14 CHAIRMAN STUTO: And they have to come back
15 with the site plan - with the elevations?

16 MR. LACIVITA: Yes, the Building Department
17 cannot issue any building permits without knowing what
18 has been approved.

19 CHAIRMAN STUTO: Okay, thank you for that.

20 We have a number of people looking to speak
21 on this.

22 Jim Quirk.

23 MR. QUIRK: Good evening. My name is Jim Quirk
24 and I live at 43 Sylvan Avenue. I had some comments and
25 feedback that I can provide and that I want to get to,

1 but something that Nick said kind of rang in my ears a
2 little bit about this Sylvan Avenue cut-through. He
3 mentioned that some of the departments wanted to be a
4 permanent cut-through. Is that correct?

5 CHAIRMAN STUTO: Why don't you get all your
6 comments out.

7 MR. QUIRK: My comments kind of pivot on the
8 cut-through.

9 My concern and what I want to talk about
10 tonight is the impacts of the surrounding neighborhood
11 - Sylvan Avenue - during construction. Specifically,
12 with respect to Sylvan Avenue and if it's going to
13 have a cut-through. My concern is that once that
14 cut-through is passable -- not necessarily paved over
15 and finished - that construction vehicles may use the
16 current Sylvan Avenue as a shortcut to get in and out.
17 I wanted to say to the Board that I would be opposed
18 to that. I think that it represents a public safety
19 issue.

20 Construction sites are very chaotic and
21 construction is always time sensitive, so I can
22 imagine somebody working up here by the Sylvan Avenue
23 cut-through telling a guy and his crew to get down to
24 Vosburgh's Gas Station as quick as he can and get the
25 diesel that we need for this machine because we have

1 to keep things going. He's going to choose, because
2 this is not blocked off, to use a superhighway of
3 Sylvan Avenue to get down there. Is not to be thinking
4 about the kids that are all over the neighborhood,
5 riding their bikes, skateboarding and running. There
6 are a lot of adults that are out walking. You have
7 younger people who can tolerate heat like the runners.
8 They're going to be barreling down the street to get
9 what his boss told him and get back without getting
10 caught for that.

11 So, what I would like to have the Board
12 consider and think about and act upon is once that
13 Sylvan Avenue cut-through is passable, that some sort
14 of temporary barrier be put in place - something like
15 those large concrete blocks. If you recall, you can
16 see them on the highway to keep the lanes separate.
17 Have that there so that the construction crew and the
18 construction up at the north end of this development -

19 CHAIRMAN STUTO: I think that we get your
20 point.

21 MR. QUIRK: So, I would like to see that.

22 Also, I guess that would keep traffic off
23 Sylvan Avenue, but I would like to see construction
24 traffic for this development banned from Sylvan Avenue
25 completely.

1 CHAIRMAN STUTO: Okay, thank you for telling
2 us.

3 Can Chuck or Joe comment on that?

4 MR. LACIVITA: Actually in speaking with Nick
5 and Dean during the course of this, it has always been
6 intended that all construction is coming from Troy
7 Schenectady Road. There's nothing going through -- and
8 as far as cut-through to Sylvan Avenue, that's not going
9 to be a cut-through.

10 I know the Times Union put something in the
11 paper about three new streets and connectivity to
12 Sylvan. There are actually going to be bollards.

13 CHAIRMAN STUTO: I think he understands that.

14 MR. LACIVITA: But there will never be
15 connectivity to Sylvan at any point in time and the idea
16 of maybe putting blocks there is probably a great
17 construction practice during the course of this and we
18 will definitely talk to Dean during the course of that.

19 CHAIRMAN STUTO: Chuck, can we make a note of
20 that? Can we have that denoted somewhere on the drawing?

21 MR. VOSS: Yes and what we can do on the final
22 set of plans before Joe stamps them or, Peter, you sign
23 off on them - we can have a construction note put in
24 there so during their preconstruction meeting with our
25 contractor, it is specifically stated that there will be

1 no access whatsoever to that area and can be blocked
2 off.

3 CHAIRMAN STUTO: Thank you.

4 Joanne Spinnelli.

5 MS. SPINNELLI: My name is Joanne Spinnelli and
6 I live at 78 Surrey Hill. I have some concerns about
7 clearing.

8 CHAIRMAN STUTO: Do you want to show us where
9 your house is on there?

10 MS. SPINNELLI: Right here (Indicating).

11 So, I do have some concerns about the
12 clearing and hopefully there will be some sort of
13 buffer back there and you can save as many trees as
14 possible. It looks like you could clear quite a bit
15 but I would like to have -- I'm used to peace and
16 quiet and privacy for 24 years, so I would like to
17 keep that as much as possible.

18 CHAIRMAN STUTO: Thank you.

19 Can you address that, Nick, and what is to be
20 expected under the current proposal?

21 MR. COSTA: There will be some clearing because
22 we are installing the outlet pipe to get from the
23 detention basin down to here (Indicating). So, there
24 will be some clearing. Everything that exists up to the
25 property line will be left there. Also, whatever trees

1 are in this area (Indicating) will be left. There will
2 just be a swath to get the pipe installed.

3 MR. HEIDER: The back of 104 and 106 - that's
4 the area where there are no trees. Will there be any
5 provision to put trees there?

6 MR. COSTA: That is because if you look at it
7 real close, the existing trees are up right to the
8 property line.

9 CHAIRMAN STUTO: Your property or the
10 neighbor's property?

11 MR. HEIDER: Actually, it shows clearing there.

12 CHAIRMAN STUTO: I think what I'm overhearing
13 is that we are agreeing that there is nothing there now
14 and can you put some vegetation in there?

15 MR. MAROTTA: I think that we could put a row
16 of pines diagonal from each other to give her a pleasant
17 lot in there. Within a few years, they will be mature
18 enough.

19 CHAIRMAN STUTO: What you have to say, Chuck?

20 MR. VOSS: I think that we can work with Nick
21 to make sure that he has some adequate screening in
22 there. Certainly, the evergreens work better for
23 original screening and they grow a little bit faster. If
24 that is something that you guys are amenable to, we can
25 help you with that.

1 CHAIRMAN STUTO: Okay, can our team make a
2 definitive note on that?

3 She's saying Spruce or Evergreen.

4 Do you agree with that, Chuck?

5 MR. VOSS: Yes, the White Pines are going to be
6 scraggly. The Green Spruce or Blue Spruce, yes.

7 CHAIRMAN STUTO: Sarah Freeman.

8 MS. FREEMAN: My name is Sarah Freeman and I
9 live at 79 Surrey Hill, right across the street from
10 Joanne. We are very concerned about the preservation of
11 our community - Surrey Hill. We have been there about 30
12 years. We are very concerned about the Planning Board
13 and if they've ever been there and been to the site and
14 investigated what is going on there.

15 CHAIRMAN STUTO: Ma'am, we take your comments.
16 We don't answer questions like that.

17 MS. FREEMAN: That's one of my big questions,
18 though. I don't think you realize the number of units
19 that are being placed in a particular area entails and
20 what it's going to do to the community, to the services
21 that are available right now and what they will tax as
22 services that we have in the area.

23 I just want you to look at Haswell as a prime
24 example of poor planning that was done in the way that
25 the houses are stuck together in the type of

1 atmosphere that has been created.

2 Colonie has a lot to offer, but they have to
3 look at their neighborhoods and communities. This is
4 why I am so upset with what is going on here.

5 I have lived 70 years in Colonie and I have
6 been all over in different places - north and south.
7 Neighborhoods are not the priority, unfortunately. So,
8 that's why I'm here tonight because I would really
9 like you to seriously think about what goes on and how
10 it goes on. Thank you.

11 CHAIRMAN STUTO: Thank you, ma'am.

12 Brian Long.

13 MR. LONG: Good evening. I live about right
14 here (Indicating).

15 I was wondering why all this is all wetlands
16 up to the border -- then, you're going to put two
17 houses here and two houses at Proctor. I've been there
18 25 years and in the driest summers it's always wet. We
19 had to put pallets down so the kids could walk up to
20 the school. So, why is this alright to build here?
21 Wouldn't it be better just to make that all wetlands?
22 That is my concern.

23 I have heard what you're saying about the
24 sewers and all this, but these guys are disconnected.
25 What are we going to do with all that water that is

1 there? You're going to have to infill. Is that going
2 to lead into my property?

3 I can dig down 12 inches and I hit water.
4 That is my concern.

5 I don't know if you guys have ever been back
6 there. It's just soaking wet all year long. I'm just
7 worried about where the waters going to go.

8 CHAIRMAN STUTO: Thank you.

9 Chuck, what do you have to say about that?

10 MR. VOSS: That's a good point. Certainly, we
11 can certainly talk about the grading that may have to
12 occur there to raise those sites up a little bit. It is
13 anticipated now that it is part of Nick's stormwater
14 management plan.

15 The two lots off of Proctor and the two lots
16 off of Harding will be interconnected with the storm
17 system on both those roads that are existing right
18 now. There will be a minor amount of stormwater as
19 compared to what exists there now.

20 From a management standpoint, the lots are
21 certainly well within the Code and within DEC
22 regulations.

23 CHAIRMAN STUTO: They're not going to
24 exacerbate -- they're not going to increase the issue?

25 MR. VOSS: No.

1 CHAIRMAN STUTO: May it possibly improve the
2 issue a little bit?

3 MR. VOSS: Potentially, they might. The
4 gentleman raises a good question. It is wet back there
5 and it's always been wet back there. The applicants may
6 have to do a little site work in there to stabilize the
7 soils and grade them.

8 CHAIRMAN STUTO: But it is not designated as a
9 wetland, is that correct?

10 MR. VOSS: Not where those four lots are
11 proposed, no.

12 CHAIRMAN STUTO: Nick, do you have anything to
13 say about that?

14 MR. COSTA: I just want to add that we did
15 grade those four lots so that it would not cause a
16 condition with the existing -

17 CHAIRMAN STUTO: Can you be more specific? You
18 graded them how?

19 MR. COSTA: This does come up - the elevation
20 keeps coming up to Proctor and to Harding. So, what we
21 have done is placed these so the drainage is going
22 towards the catch basins that are out at Harding and
23 Proctor. The utilities are coming from that, too. We are
24 reducing a lot of water that was going to that 42 inch.
25 So, we are certainly not adding anywhere near the amount

1 that was going to it.

2 CHAIRMAN STUTO: Okay, thank you.

3 Laura Weed from the Conservation Advisory
4 Committee.

5 MS. WEED: The Conservation Advisory Committee
6 would like to mention that the wetlands should be taken
7 care of. I am wondering if there are state wetlands or
8 federal wetlands?

9 MR. COSTA: They are federal.

10 MS. WEED: Has the Army Corps of Engineers been
11 involved?

12 MR. COSTA: Yes. The site has been visited by
13 the Army Corps of Engineers. They have done a
14 delineation of it. We are in the process of obtaining a
15 permit from them to disturb them the.07 acres of
16 wetlands.

17 MS. WEED: Are there also DEC or Town of
18 Colonie wetlands?

19 MR. COSTA: No. They are federal jurisdiction.
20 They are not New York State DEC. I don't think the Town
21 of Colonie has its own wetlands. It follows the state
22 and the federal.

23 MS. WEED: Also, our concerns are to have a
24 tree inventory done and to make sure that the stormwater
25 is properly taken care of so there isn't an impact to

1 the neighborhoods.

2 CHAIRMAN STUTO: Okay, I think that we have
3 addressed storm water a lot. I think, if I understand
4 what they are saying, it's going to be an improvement.

5 Can we speak to what is going on with trees?
6 We are here at final and I know we have had
7 presentations on this before. If you can go back over
8 what you are preserving in the back?

9 MR. COSTA: We are showing everything that's
10 being preserved on the drawings. There are clearing
11 limits.

12 CHAIRMAN STUTO: Can you say a percentage? It
13 is obviously quite high.

14 MR. COSTA: Almost 40% are being preserved -
15 40% of the site.

16 CHAIRMAN STUTO: I think it's more than that.

17 MR. COSTA: It is more than that. The 48.8
18 acres and 18.88 - that's about 40% of the overall that
19 is back here. That is all being preserved. The rest of
20 the site is probably, I would say, this large area right
21 here. I would say it's at least 30%.

22 CHAIRMAN STUTO: Of the whole site.

23 MR. COSTA: Of the whole site.

24 CHAIRMAN STUTO: So, it's almost 80% preserved.

25 MR. COSTA: It's about 75%.

1 CHAIRMAN STUTO: Diane Hench

2 MS. HENCH: Good evening. My name is Diane
3 Hench my husband and I live at 76 Surrey Hill Drive,
4 right next to Joanne. I am new to this. I have not been
5 able to get to this Board.

6 I want to understand that at 76 Surrey Hill
7 Drive and Joanne's site that we have a lot of hill
8 coming down at us.

9 I realize that you have addressed the
10 flooding to a great degree, but we have a finished
11 basement. You are saying that this is going to be
12 addressed as far as any extra water coming from the
13 site - from storm and all of that. I know you have
14 addressed it.

15 CHAIRMAN STUTO: We will say it again and maybe
16 a different way. I'm not a professional engineer and I'm
17 not going to say it.

18 Chuck, can you characterize it?

19 MR. VOSS: In particular, we are generally
20 behind the rear of the houses wherein a development is
21 going. The lot of the new house that is being proposed
22 will be up higher because there is a higher grade of the
23 land there. However, they have designed their stormwater
24 to divert any water from those houses back onto the new
25 road that they are calling Blue Ridge Drive. That water

1 will then shed away from your side of the lot line in
2 more towards their new road which will then go out to a
3 new stormwater system. Any potential water that you
4 might see coming off that natural surface in the woods -
5 some of that will actually be alleviated now with this
6 proposed development. So, there could potentially be
7 less water, even in heavy storm events coming down that
8 hill behind your place. Hopefully, it would alleviate
9 the condition, given the topography back there.

10 MS. HENCH: And you were indicating that you
11 are having some amount of greenery -- like Joanne said,
12 there will be some so that we will have privacy.

13 CHAIRMAN STUTO: Yes. Chuck represents us and
14 Joe.

15 Can you repeat what we discussed before?

16 MR. VOSS: Yes, we will look at the back of
17 that whole area up there and work with a developer on
18 some landscaping to get some further screening.

19 MS. HENCH: When you say that the houses are
20 going to be higher, do you mean they're going to be
21 higher so that we will actually see the houses?

22 MR. VOSS: Given the distance back, they will
23 be a couple feet higher with the topography. With this
24 additional screen, you really shouldn't notice them back
25 there at all.

1 MS. HENCH: The only other thing that I was
2 thinking of - we have had this problem - is through
3 traffic. Are people going to be traipsing through there,
4 or is that going to be more barrier because of the
5 greenery perhaps?

6 MR. VOSS: In terms of people walking behind
7 you?

8 MS. HENCH: Yes, we have had people coming up
9 probably to get ice cream or whatever.

10 CHAIRMAN STUTO: I would venture that most
11 people don't walk through backyards.

12 MS. HENCH: We have quite a few.

13 CHAIRMAN STUTO: I think is more of a barrier
14 than currently exists, but that's just my opinion.

15 MR. LACIVITA: When you get a chance, Nick, can
16 you also show with the new road system coming - how it
17 connects to the trail system so that may alleviate some
18 of the cut-through, especially for any school kids -
19 when you get a chance?

20 MR. COSTA: Sure.

21 MS. HENCH: It is mostly schoolchildren. We all
22 love ice cream.

23 I won't take up your time, but maybe
24 afterwards I'd like to see exactly what were talking
25 about here. You pointed out sort of, but I was way

1 back there and didn't get to see where the actual
2 units were located.

3 CHAIRMAN STUTO: Nick is going to show you
4 right now.

5 MS. HENCH: Okay, thank you.

6 CHAIRMAN STUTO: Meghan Holz.

7 MS. HOLZ: Hello my name is Meghan Holz and I
8 live at 60 Sylvan Avenue.

9 I don't think I need to repeat Mr. Quirks'
10 concerns about the access through Sylvan, but at the
11 last meeting and tonight Mr. Costa mentioned that
12 there is potential for that bollard system to be
13 changed. Is that definitely not happening?

14 CHAIRMAN STUTO: No. It is an emergency access.
15 Only if the main street is blocked, the firetrucks can
16 take down the bollards to save somebody's life.
17 Otherwise, it's going to be blocked.

18 MS. HOLZ: It's just that twice it has been
19 mentioned.

20 CHAIRMAN STUTO: And during construction.

21 MS. HOLZ: The other piece that I wanted to
22 mention is Route 2 and Sylvan have experienced a lot of
23 water main breaks. The addition of more houses to that
24 water system -- I have concerns about that as well.

25 CHAIRMAN STUTO: Okay, thank you.

1 Does anybody want to address the water main?
2 To me, that's a freeze and thaw thing. I don't know if
3 it has to do with more service.

4 MR. COSTA: I think that most of that water
5 main is cast iron. One thing that this will do is
6 provide another way to feed the neighborhood.

7 CHAIRMAN STUTO: Can you describe why that is
8 so? You are going to have a redundancy; is that what you
9 are saying?

10 MR. COSTA: That is correct. If there is a
11 break anywhere in here (Indicating) and they shut down
12 the valves, you are so going to get water going through
13 here to the neighbors.

14 CHAIRMAN STUTO: So, they are giving you an
15 additional source of water so there are redundant
16 sources of water. It actually should help and it's not
17 going to prevent the brakes on Route 2, but if there is
18 a break, chances are good that you're still going to get
19 water and it won't be shut down. That should be an
20 improvement.

21 MR. VOSS: Peter, if I could just say that John
22 Frazier from the Water Department requested the
23 applicants to do a loop system instead of just a
24 dead-end system for that eventuality. If it happened or
25 you couldn't get water say to Sylvan Avenue or the upper

1 Sylvan Avenue area, this site would back feed water into
2 that system. It should help them.

3 CHAIRMAN STUTO: Okay, thank you.

4 Margaret Buckley.

5 MS. BUCKLEY: I am Margaret Buckley from 42
6 Vista Avenue. I have a question that hopefully somebody
7 can answer. Since we don't need new housing in this
8 price range, but we do need wetland and green space for
9 the ecological health of our community, I was just
10 wondering if the Town of Colonie had considered
11 purchasing this land and keeping it forever green. If
12 not, why not?

13 CHAIRMAN STUTO: Okay, thank you for your
14 question.

15 Joe, do you want to answer that?

16 MR. LACIVITA: One of the things that we do in
17 order to try to acquire land in the future - we have an
18 incentive fee where if there is reduction in green space
19 from commercial activity, they pay an incentive fee in.
20 I think we have somewhere in the area about
21 \$250-\$300,000 which is well under the price range for
22 this land. That's probably one of the reasons why we
23 have not.

24 I know there are financial constraints with
25 the overall fiscal budget that leads us not to be able

1 to acquire land. It is one of the things that we are
2 looking into doing proactively through the IDA, the
3 Industrial Development Agency, our local development
4 area with the funds that we are seeking there - we
5 have to partner with the Town. Although it is looked
6 at negatively from the state process because the
7 Controller's office that oversees the budget office
8 doesn't like that co-mingling - if you could call it
9 that - of funds.

10 We are looking to potentially write grants
11 under this new Comprehensive Plan to look to increase
12 green space wherever we can to the acquisition with
13 the monies that we get into the acquisition of the
14 grants that we get. So, we are looking into it, but
15 this one - unfortunately with the funds that we have,
16 it would not be able to acquire it.

17 CHAIRMAN STUTO: But we did work with the
18 developer to turn this into a conservation subdivision
19 and we are preserving 70%.

20 MR. LACIVITA: Which is going to be the open
21 space component to this.

22 CHAIRMAN STUTO: Elizabeth Brandfibkins.

23 MS. BRANDFIBKINS: Good evening, I am Elizabeth
24 Brandfibkins, 22 Vista Avenue.

25 I have several concerns. I think that Laura

1 mentioned on the EPA - you said that was with the
2 federal government. Now, you are saying that you're
3 getting permits. I am not clear on that. If you get
4 these permits, where can we see them? I am just
5 wondering - I'm very confused that this project is
6 going ahead if you don't have the permits.

7 Second, people have mentioned the water
8 infrastructure. As you know, we have many breaks on
9 Vista, Grove, Oakland and I am wondering where the
10 water is coming through. Is it coming through our
11 infrastructure? I don't understand that. I would love
12 to have that clarified.

13 We are an old neighborhood. I live in a
14 bungalow built in 1938 and my property value is
15 definitely going to go down with these luxurious
16 houses. I am wondering if my property tax will go
17 down.

18 Then, you mentioned that the Town built the
19 culvert and that the state maintains it. I was
20 wondering is the builder also building a culvert and
21 if he builds a culvert, does he maintain it or does
22 the state maintain it? I would like clarification on
23 that as well. He mentioned something about not
24 necessarily that this is -- I'm not clear -- that this
25 was not going to stay a green space or something.

1 CHAIRMAN STUTO: That whole rear end part of
2 the property is not going to be developed. That is going
3 to stay the way it is.

4 MS. BRANDFIBKINS: That's a definite.

5 CHAIRMAN STUTO: Yes.

6 MS. BRANDFIBKINS: We can quote you.

7 CHAIRMAN STUTO: We have a stenographer that is
8 quoting us here.

9 MS. BRANDFIBKINS: I still don't know who is
10 going to maintain this culvert and if the builder is
11 building the culvert. I would like to have a little bit
12 more input on that.

13 My last clarification is I seem to understand
14 that all the construction vehicles are going to be
15 coming in on that dirt road that goes up through on
16 the farm. Am I correct in saying that?

17 CHAIRMAN STUTO: We will address all your
18 questions when you are through, ma'am.

19 MS. BRANDFIBKINS: Okay. My very last one was
20 somebody said 70% is going to be conservation but as a
21 former math teacher -- I'm rounding up 18.8 to 20 and I
22 am rounding 48.8 up to 49, then you make an equal sign
23 and you put an X over 100, that does come out to a
24 little lower than 40% and not 70%. Thank you very much.

25 CHAIRMAN STUTO: Thank you for your comments.

1 Let's try to quickly go through some of this.

2 The permit is an Army Corps of Engineers
3 permit, correct?

4 MR. COSTA: That is correct. We feel that's a
5 minuet request for the magnitude of the acreage.

6 CHAIRMAN STUTO: Because it is .07 acres. And
7 that will be a public record. That will be filed with
8 the Town, once you get it.

9 MR. COSTA: That is correct. The Town will be
10 copied with that permit - when that permit is issued.

11 CHAIRMAN STUTO: Can you go over the culvert;
12 whose building it and who maintains it?

13 MR. COSTA: The 42-inch culvert, which is
14 existing, is owned by the Town. The other culvert that I
15 think was mentioned was this culvert across on Route 2 -
16 that is the one that is owned by the state. They own and
17 maintain that. The rest of the infrastructure - the
18 stormwater, sanitary sewer, water -- those are going to
19 be built by the developer and they are going to be
20 conveyed to the Town, as is usually done with the road.

21 CHAIRMAN STUTO: Access during construction
22 over the dirt road near On the Farm?

23 MR. COSTA: There's asphalt payment right up to
24 about rate here (Indicating). It is already a road, for
25 the most part.

1 CHAIRMAN STUTO: A macadam-type road?

2 MR. COSTA: No, it is a dirt road right now.
3 There is some construction activities on that adjacent
4 parcel.

5 CHAIRMAN STUTO: It's going to be paved,
6 eventually.

7 MR. COSTA: Yes, that is going to become the
8 road. That is going to become Sylvan Avenue. The name
9 will be finalized.

10 CHAIRMAN STUTO: She mentioned value going
11 down. Value may go down in value may go up. I would not
12 speak to that and I don't know if anyone can speak to
13 that. Your taxes are based on your value. If they did
14 happen to go down, either the assessor would bring it
15 down, or you could contest the value of it. I'm pretty
16 certain because I have gone through that procedure. *On
17 the 70% - I thought it was close to 70%.

18 MR. COSTA: It is. I think the 40% is just the
19 18.88 acres. Each lot has a large amount of green space,
20 individually. Basically the only thing that is
21 impervious is the roadway, the length of the roadway and
22 the houses themselves and the driveway.

23 CHAIRMAN STUTO: You are not going to disturb
24 the other green space that you're talking about; is that
25 correct?

1 MR. COSTA: That is correct. It's going to
2 remain green.

3 CHAIRMAN STUTO: Cindy Kinch-Kemp.

4 MS. KINCH-KEMP: Good evening. My name is Cindy
5 Kinch Kemp. We live at 47 Vista Avenue. Our backyard is
6 actually 1 Ashland. I don't know why there are two
7 separate deeds. Our house is 47 Vista and Ashland is our
8 backyard. So, our backyard borders the woods.

9 In the original survey, something was said
10 about extending Ashland and making it as a driveway.
11 Is that correct?

12 MR. COSTA: Yes.

13 MS. KINCH-KEMP: And if there is going to be a
14 house back there, the ground is so uneven. There is a
15 huge hill, valley, dip - however you want to put it. I
16 don't know where they are planning on putting this
17 house. If it's going to be in a wet area, who is going
18 to want to buy a house that they're going to have a sump
19 pump in their basement with the water? I'm just not
20 clear as to what happened to the house that was going to
21 be off Ashland.

22 I am very, very passionate about our
23 neighborhood. As everyone has said, it is an older
24 neighborhood but it does have a lot of newer younger
25 couples with younger children - babies. We have a

1 daycare in our neighborhood.

2 I think part of my frustration is there are
3 so many new houses, apartments going up all over the
4 Latham, Cohoes - over where the old Hoffman's playland
5 used to be. When is enough enough? When do we, as a
6 community, actually have a say? Okay, development is a
7 given, but when is enough enough?

8 We rely on all of your education, your
9 ability, your experiences as far as the water and
10 conservation - all of that. I know nothing. I am
11 relying on your expertise. When do we, as a group -
12 when do you take into account our community?

13 So, there's going to be 60-some new houses
14 which means at least two cars per house which means X
15 amount of children. How is that going to affect our
16 North Colonie schools? When will we all of a sudden be
17 hit with all my goodness, our schools are too small?
18 Then what?

19 I am an animal lover. I don't know if you, as
20 a group, realize the wildlife -- I know there is a
21 conservation place, however, what is all of this
22 construction going to do to all the deer, all the
23 woodchucks, raccoon, fox - where are they going to go?
24 Who really cares? There is not a vet on your
25 committee. Where are these animals going to go? They

1 are running out of places to go. How many of them are
2 getting killed?

3 CHAIRMAN STUTO: Ma'am, on the map it is clear
4 that there are two houses that will be built beyond
5 Ashland.

6 Can you describe the construction on that?

7 MR. COSTA: There are two houses shown there.
8 Also, it is shown as an extension of the road and an
9 extension of the two roads. The grading plans show how
10 we are accomplishing the grading in that area. There is
11 a swale or ditch that runs right behind here
12 (Indicating) that does have a drop off. We are not
13 impacting that ditch. We are not impacting that wetland.

14 CHAIRMAN STUTO: The water will continue to
15 flow into that ditch away from Ashland.

16 MR. COSTA: Most definitely.

17 CHAIRMAN STUTO: Thank you.

18 That was the last neighbor that signed up.
19 Are there any other neighbors who would like to speak?

20 MS. DIX: My name is Kathleen Dix. I live on
21 Glenwood Drive. My concern is just the traffic. I've
22 noticed that it has increased a lot on Route 2. When I
23 try to pull out of Glenwood Drive even at 7:30 at night,
24 there is quite a long wait. I'm curious if there has
25 been any study or anything done about the traffic and

1 what could be done about it?

2 CHAIRMAN STUTO: I will ask the applicant to
3 speak about traffic.

4 MR. COSTA: The number of trips based on the
5 ITE is substantially less than what the threshold is to
6 do a traffic analysis. There's about 65 trips during the
7 peak hour.

8 CHAIRMAN STUTO: Can you describe that in
9 layman's terms? Can you tell us what the ITE is and what
10 the hours?

11 MR. COSTA: The ITE is the Institute of
12 Transportation Engineers. The peak hours are usually -
13 there is a morning peak and an afternoon peak. The
14 morning peak is usually 9:00 to 10:00. The evening peak
15 is 4:00 to 5:00. Usually the 4:00 to 5:00 generates the
16 higher numbers.

17 CHAIRMAN STUTO: So, you said it would generate
18 how much?

19 MR. COSTA: About 60 to 65.

20 CHAIRMAN STUTO: So, there is not a traffic
21 report required.

22 MR. COSTA: Or an analysis.

23 CHAIRMAN STUTO: So, that is a little over one
24 per minute during the peak hour.

25 MR. COSTA: Yes.

1 CHAIRMAN STUTO: Chuck, can you supplement
2 that, agree or disagree with that?

3 MR. VOSS: We agree with Nick's peak hour
4 numbers. I think it is important to note that with 63
5 lots, if you average two cars per lot - so, that would
6 be 126 cars, give or take. They could be coming or going
7 from the site. The reality is that they don't all come
8 and go at the same time. That's where the peak hour
9 calculations come in.

10 It is very common for projects like this or
11 even larger subdivisions to take into account the
12 various time spans during the day when vehicles come
13 and go from the site. Not everybody works 9:00 to
14 5:00. Not everyone works off hours. So, it is
15 reasonably anticipated that a certain amount of
16 vehicles will come and go from the site within a
17 certain time period. They break it down by hours.

18 In a typical day, as Nick said, the peak hour
19 is usually in the morning from 8:00 to 9:00 or 9:00 to
20 10:00 where you see the most vehicles coming and going
21 because people typically tend to go to work at that
22 time of day.

23 Then, at night it is the opposite. Between
24 4:00 to 5:00 or 5:00 to 6:00 - that tends to be higher
25 peak hours where we can anticipate that more people

1 are coming back into the site.

2 However, interspersed throughout the other 24
3 hours of the day, people are coming in going to the
4 site. It is not like all 126 vehicles are leaving the
5 site within the same one hour time frame or coming
6 back.

7 So, the way that the traffic engineers
8 calculated is to kind of break it out and spread it
9 out statistically. His numbers are correct.

10 I think it is also important to note that
11 Route 2 is a State Route. It is a four-lane road. It
12 has more than sufficient capacity, according to the
13 state calculations as of right now, to handle any
14 additional traffic. Although, I know it seems busy at
15 times, but according to the state, the road has more
16 than enough capacity to handle certainly the site as
17 well as probably 10 times the sites in that general
18 area. Typically, that's the stuff that you look at for
19 traffic.

20 CHAIRMAN STUTO: With the gentleman in the back
21 in the green light to speak?

22 MR. HUBAN: Good evening. My name is Nick
23 Huban. I own the front pieces of property.

24 My only concerns are how much from a
25 historical aspect - how this water was generated --

1 how much more water will be pushed down along the
2 swale?

3 Secondly, the amount of traffic -
4 construction traffic that will flow here during my
5 business hours in the summer months where my income is
6 generated - in the front of this property. Those are
7 my only concerns. *I am 150% in favor of the project.
8 I just want to make sure that they are addressed.

9 CHAIRMAN STUTO: Okay, thank you. We will talk
10 about that.

11 Can you talk about the stormwater along the
12 swale that he is referring to? Also, what is traffic
13 going to look like during construction and how we can
14 mitigate the impacts on the business.

15 MR. COSTA: The topography of the site is such
16 that there is a ridge that this road follows. That was
17 one of the reasons that we called this Blue Ridge.
18 Somebody said to call it Sylvan Avenue, but we thought
19 Blue Ridge was better. So, that ridge - some of the
20 drainage goes into the back and some of the drainage
21 goes towards the homes near Surrey Hill. That's how that
22 ridge breaks the drainage there.

23 I think what Chuck has said and what we have
24 presented on the drawings is that because the road is
25 along the ridge, these homes roofs will be pitched

1 towards the road. They will be sloped towards the
2 road. We have a post drainage system all along the
3 road that will pick up all of that run-off and bring
4 it to either the stormwater management area or this
5 stormwater management area (Indicating). It won't
6 reduce the amount of water that historically goes into
7 that ditch because we are taking all of that away. I
8 think Chuck may want to comment on that.

9 With regard to the construction traffic, as
10 far as construction traffic, we all agree that the
11 construction traffic is going to have to come in this
12 way. There is pavement for quite a ways here. The rest
13 of it is dirt. There will have to be a construction
14 entrance road which will have stone so that
15 construction traffic that may have some mud - the
16 construction access road material will knock the mud
17 off. That's very closely monitored by the stormwater
18 office and if there are complaints about either dust
19 or mud being tracked, they will have to get a sweeper
20 to the site and sweep it. Also, add more stone. That's
21 how you manage that. The applicant is certainly going
22 to be willing to work with Mr. Huban to make sure the
23 impact is mitigated to the best possible practices.

24 CHAIRMAN STUTO: Chuck, do you agree with the
25 storm water analysis?

1 MR. VOSS: Peter, Nick is correct when he
2 describes how the stormwater will be diverted away from
3 Mr. Huban's property and down to the new stormwater
4 management system and down basically across the road.
5 The should be minimal impact in terms of stormwater on
6 your adjacent piece.

7 Also, the applicant has submitted to Joe's
8 office a construction entrance detail that describes a
9 more detailed description of what Nick was talking
10 about - how to alleviate the dust and dirt. Those are
11 the typical things that construction vehicles bring in
12 and out of the site. I think probably Nick, at the
13 preconstruction meeting - as we have done in the
14 past -- the applicant would agree to having a
15 mitigation plan in place for cleaning up that access
16 road. Certainly, the stormwater management office and
17 the Town DPW offices and departments are going to
18 require that you keep the entrance to Route 2 clean on
19 a daily basis which means sweeping the road and
20 probably spraying it down with water so that there are
21 minimal dust impacts, especially in the summer. So,
22 those are all kind of factors that are going to be put
23 in place to help alleviate that construction nuisance.
24 It will be a temporary nuisance, but when most of the
25 road gets built, then there will be a smooth surface

1 and it really won't generate any impacts other than
2 just vehicles passing by.

3 CHAIRMAN STUTO: Someone else would like to
4 speak?

5 MS. GRECO: My name is Nancy Greco. I live on
6 Proctor Avenue. I want to know if I'm going to lose all
7 my woods and all my trees, aside from losing all those
8 animals. I would like a buffer. The cul-de-sac that I
9 have enjoyed for 30 years won't be the same.

10 I think Latham is starting to look like Long
11 Island that I left 40 years ago.

12 I just want to point out that those women who
13 were talking about why doesn't the Town of Colonie
14 become more proactive and make green land because all
15 you are showing us, as residents, is that you're
16 looking for the buck. None of those people want to
17 live there.

18 I live here, and my grandchild wants to ride
19 his bike.

20 CHAIRMAN STUTO: Ma'am, I'm going to intercede
21 and just respond to part of that. The Board isn't
22 looking for any bucks. We don't make any money. We don't
23 consider tax revenues at all. That's not part of our
24 consideration. There's a book called the Land Use Law -
25 or a portion of the law which says that people are

1 entitled to develop their property and we apply those
2 rules to that property.

3 MS. GRECO: That's fair.

4 CHAIRMAN STUTO: Thank you.

5 MS. GRECO: The question that I still want to
6 know is - there is someone here from Harding -- we are
7 going to get a house -

8 CHAIRMAN STUTO: Ma'am, can you address the
9 Board? We will get your questions answered.

10 MS. GRECO: I want to know what a T -- whatever
11 you called it was - that's going to intercede the
12 cul-de-sac. I don't understand the concept.

13 CHAIRMAN STUTO: If you come here, I will show
14 you what it looks like.

15 MS. GRECO: Thank you.

16 So, will I have trees or will I have
17 someone's fence?

18 CHAIRMAN STUTO: When you get all your
19 questions out, we will get them answered - what the
20 landscaping is going to look like.

21 MS. GRECO: That is my question.

22 CHAIRMAN STUTO: Thank you.

23 Nick, can you help with that?

24 MR. COSTA: She is correct. There is going to
25 be a house behind her home.

1 CHAIRMAN STUTO: Is there one or two lots
2 there?

3 MR. COSTA: There are two lots. There is
4 clearing that will have to happen because of the house
5 that is going there. There will be clearing. Again, we
6 certainly can look and put in some evergreens.

7 CHAIRMAN STUTO: Chuck, what you see there?
8 What potential mitigation would you put there in terms
9 of plantings?

10 MR. VOSS: The reality is that it's going to be
11 a next-door neighbors house. Eventually, a new house
12 will be built there. The hammerhead road design was
13 requested by the Town Highway Department for the plows
14 to be able to get in and get out.

15 CHAIRMAN STUTO: Will there be a reduction in
16 the current cul-de-sac that is there?

17 MR. VOSS: It is not clear right now. I think
18 Nick, you're going to basically punch off the end of the
19 existing cul-de-sac with the hammerhead, correct?

20 MR. COSTA: Yes. That is not a standard
21 cul-de-sac. It is a very small -- just a little bit
22 wider than what used to be built in the Town. It was a
23 36 foot wide road. That might be a 42 foot or something
24 like that.

25 MR. VOSS: They are going to maintain the

1 existing cul-de-sac that is there and they are just
2 going to basically extend that hammerhead right off the
3 end of it, as Nick shows on the drawings. So, the
4 cul-de-sac itself won't be altered. It will just be on
5 the western end of it where the hammerhead will connect
6 to it.

7 In terms of an additional house, it's going
8 to be a neighbor's house, I would assume that the
9 neighbor or she can put a fence up at some point or
10 the applicant can certainly agree to add some
11 additional landscaping along the property line, which
12 may help. I don't know if it will interfere with the
13 actual building site or the building lot site, but
14 certainly I think it is something that we can explore.

15 CHAIRMAN STUTO: Can you give that some
16 specificity now about the plantings on the side?

17 MR. MAROTTA: I think that anything that we
18 agree to as far as the evergreens and the other various
19 areas, we can certainly add something there to create a
20 foliage -- for lack of better terms some block so they
21 are not seeing each other. I don't think that a fence is
22 what she is looking for. I think she is looking for some
23 trees and I'm certain that we can add that to the
24 drawing.

25 CHAIRMAN STUTO: So, we are on the record with

1 the applicant saying that.

2 MS. GRECO: Thank you.

3 CHAIRMAN STUTO: Someone else from the
4 residents?

5 MR. PATURZO: So, I must be the only person
6 here for my street. My name is Frank Paturzo and I live
7 at 5 Sherman, which puts me there (Indicating).

8 About three or four hours ago I had a doe and
9 two fawns eating foliage in the backyard. At any rate,
10 I have had as many as 13 deer in the yard. When we
11 were here in the winter - it was January or February
12 and there was some snow out there and it was cold.
13 What was here then were access proposals just like
14 Sylvan for fire access. There were not any houses
15 here. You decided at this point that they were no
16 longer necessary and Sylvan was sufficient for the
17 Fire Department to have access here and Route 2 is
18 sufficient here (Indicating). They were not there.
19 There is no way in the world -- I can't even walk back
20 there it is so wet. All of a sudden, these, which were
21 not going to be anything, are now going to be 4
22 houses. How did that happen and all of the sudden we
23 are at approval? They were not there. None of us saw
24 them there. They were here in the winter. I would like
25 to know because this is really not part of any of this

1 (Indicating). This is a continuity that makes sense.
2 These are just thrown in. Those are supposed to be
3 access roads for fire and not building lots. Thanks.

4 CHAIRMAN STUTO: Does the applicant want to
5 address that?

6 MR. COSTA: The layout hasn't changed since
7 concept approval was given. Chuck can concur with that.
8 That has not changed.

9 CHAIRMAN STUTO: Gentleman in the back?

10 MR. FOLTS: My name is John Folts and I live at
11 5 Hall Avenue. That is right here (Indicating).

12 Just some of the concerns - I was curious
13 about the grading which is not on here. Coming off of
14 Harding Avenue, the lot drops off at least 4 feet and
15 I think it might be similar coming off of Proctor as
16 well. The only way to really make that work is to
17 raise up the grading four or five feet which I think
18 Nick had mentioned was the plan. To me, it's kind of
19 hard to see it on here if there are trees that are not
20 going to be removed, how are you going to raise that
21 up? You have four feet of fill that is going to leave
22 the swale - which is fine with me - and between pretty
23 much my house and their yard would be a swale. That
24 would make sense. We would be adding more water to
25 that. That is my concern.

1 Also, is it going to be a path that goes to
2 Latham Ridge through there? Personally, I'm okay. They
3 go through there anyway. It is a muddy mess, but they
4 go through there all the time. That would actually be
5 nice except if it was a real walkway -- it is a muddy
6 mess back there. That was the other concern. *You can
7 put basements in there. Some of you, I know, are
8 familiar with building basements and having some pumps
9 but they will have permanent sump pumps back there.
10 That is the only way to do it.

11 The other concern is the animals. During
12 construction -- they will be: that's good because they
13 will actually stop eating my shrubs. They are going to
14 be down on Archmont. My understanding is that they are
15 going to have development down there soon. Eventually,
16 we are going to run out of room. Is Animal Control
17 prepared to take out the deer, take out the raccoon,
18 squirrels -- I had a squirrel in my house this year.
19 It's a pretty expensive ordeal. He had a whole week
20 while I was on vacation, so he enjoyed making a mess
21 in my house. We are going to have a lot more of that
22 and that is my concern. When we develop all of this,
23 they are all coming to our house and beyond. Is there
24 anything that could be done for the animals? I am all
25 for development, but we have to do something with the

1 animals. Whether it is Animal Control -- that is just
2 something that needs to be dealt with.

3 CHAIRMAN STUTO: Can the applicant speak to how
4 those lots are going to be developed and described the
5 stormwater and also the pathways, if you can.

6 MR. COSTA: These lots of Proctor and Harding -
7 these are the lines of the grading limits. The contours
8 are not shown because that is too small of a scale. We
9 do have grading plans that show the grade. There is an
10 easement on both of these for the drainage - to pick up
11 the drainage and let the drainage go out into the
12 existing low area.

13 As far as the path, there is a path that's
14 going to be built that is shown in the brownish color.
15 One of the comments that Chuck made was that we need
16 to carry that up to the play area - the school play
17 area, which we intend to do.

18 As far as the animals, the animals will
19 temporarily leave that. It is such a large area that
20 they will come back. That happens at any construction
21 site.

22 CHAIRMAN STUTO: Anyone else from the public
23 looking to speak?

24 MS. FITZSIMMONS: A lot of my concerns have
25 already been addressed. I see a lot of people from my

1 street here. I am the dead last house on Sylvan Avenue.
2 The plans - the cut-through is literally going 10 feet
3 from my bedroom.

4 MR. COSTA: That has been changed. I spoke with
5 your husband

6 MS. FITZSIMMONS: My real question is: single
7 lane, double lane?

8 MR. COSTA: Two lanes.

9 MS. FITZSIMMONS: So, when push comes to shove,
10 are we going to have any say as to where on the property
11 it's going to go? Can we say it's a little close to our
12 bedroom. Can you push it 10 feet away? How is that going
13 to go? How much say are we going to have?

14 MR. COSTA: The road will connect to the public
15 right-of-way. You don't own this portion right here. At
16 one time we had the road coming real close to where your
17 flagpole is. At that time, it was a sketch plan. Now, we
18 have determined where the right-of-way is and we are
19 connecting to within the public right-of-way. That's the
20 only place we can connect. We can't come up to your
21 property and we can't go up to the neighbor's property.

22 CHAIRMAN STUTO: Can you give her a sense of
23 how far it moved over from before?

24 MR. COSTA: I think her house a setback at
25 least 30 feet. The edge of the pavement is going to be

1 at least 40 feet from the house.

2 CHAIRMAN STUTO: I see on the bottom of the
3 sheet. I'm sorry I did not call your name.

4 Anybody else?

5 MR. HUBAN: Once again, my name is Nick Huban
6 and I am in favor of the project. I am just concerned
7 about the traffic.

8 I know Mr. Valenti and Mr. Marotta will take
9 care of the cleanliness of the road and so on and so
10 forth. I'm just concerned about my hours of lunch time
11 with all the trucks running up and down that road. Is
12 there a possibility of having a cut-through parallel
13 to that road that will alleviate some of that
14 construction traffic while I am open? I'm seasonal and
15 I won't be open all year. The remainder of the year
16 makes no difference to me. After all that traffic
17 coming up and down, there is plenty of room here to do
18 that and cut back in here to alleviate a lot of
19 problems for me.

20 Again, I am in favor. I'm just looking out
21 for my business interest. Thank you.

22 CHAIRMAN STUTO: Can you give us a sense of how
23 much construction traffic is going to go through there?

24 MR. VOSS: That's what I was going to ask.

25 Nick, if you could just give the public a

1 general sense?

2 MR. MAROTTA: I don't believe there's going to
3 be a whole lot. There is not a lot of construction
4 there. There's going to be a small crew there in the
5 beginning. They will complete the stormwater - the
6 sanitary system -- at that point that crew will go away.
7 Another crew will come in and start building houses as
8 they are sold. So, it could generate a dozen cars with
9 workers and we will have the materials going back and
10 forth.

11 As far as when his lunch hour is, I don't
12 think there's going to be a great influx of cars
13 coming down. There will be some guys coming down to
14 eat lunch. A lot of guys eat on the site, so I don't
15 see it being a problem. Again, we've known Nick for a
16 long time and we are not going to hurt him.

17 CHAIRMAN STUTO: Do some of the Board Members
18 have opinions on that, or want to talk about that?

19 MR. SHAMLIAN: There's going to be a fair
20 amount of traffic due to the nature of the construction.

21 CHAIRMAN STUTO: He is suggesting that they
22 build a temporary road.

23 Somebody else want to speak?

24 MS. QUINE-LAURILLIARD: Good evening. Susan
25 Quine-Laurilliard. I am here with the save Colonie

1 partnership for planning. I had a quick question.

2 I wasn't clear on the record - has a tree
3 inventory been done for the site?

4 CHAIRMAN STUTO: Is that your only question?

5 MS. QUINE-LAURILLIARD: No, I have a follow-up
6 after that.

7 When will the inventory be done?

8 MR. LACIVITA: Do you want to get all your
9 questions out first?

10 CHAIRMAN STUTO: Yes, get all your questions
11 out.

12 MS. QUINE-LAURILLIARD: Well, that would
13 depend.

14 CHAIRMAN STUTO: It is probably that if the
15 answer is yes, it's one thing. If it is no, it is the
16 other. We are not going back and forth. Were not getting
17 cross-examined here.

18 MS. QUINE-LAURILLIARD: I am not doing that.

19 The tree inventory has been done and I
20 realized at the last Planning Board meeting for 120
21 Spring Street, the Planning Board issued a condition
22 with its approval that when the lots were going to be
23 developed and the grading plan developed that the Town
24 would go out and the clearing would only be done
25 within the building envelope and driveway. So, that's

1 why I was wondering if the tree inventory had been
2 done. I can't tell from here the extent of the mature
3 forest or trees on the site. That might help alleviate
4 some of the concerns of the neighbors that they feel
5 that there is going to be extensive tree clearing and
6 that replacement trees, based on the Planning Board's
7 comments from that meeting, would not take into
8 account the mature trees that are being cleared.

9 My third question is: When these sites are
10 developed, is that the practice of the Town that the
11 entire site is cleared and then the lots are sold, or
12 could there be a condition on this approval that as
13 lots are sold, then the clearing of each lot would
14 take place? I am curious as to what the practice is
15 and how that would work. I have seen in some places
16 where an entire site is cleared and the lots - -
17 because it looks like some of these lots may be wet
18 and not be desirable lots. If the trees remained and
19 then when it came time for the lots to be sold, then
20 the clearing could take place. That is rather than
21 clearing everything and hope that may be those lots
22 could be sold. Those are just my comments.

23 I know under Chapter 177 that there should be
24 - there must be a tree inventory. I think the word
25 shall is in there. I just wondered if you had done a

1 tree inventory.

2 CHAIRMAN STUTO: Ma'am, are you done?

3 MS. QUINE-LAURILLIARD: Yes, I'm done.

4 CHAIRMAN STUTO: Can Nick and Chuck address the
5 trees and the clearing plan again?

6 MR. COSTA: There is a definite clearing limit
7 lots on the plans that shows the amount of vegetation
8 that is going to get removed. That is definitely shown
9 on their. It follows the limits of the grading. It is
10 also shown -

11 CHAIRMAN STUTO: Can you trace it?

12 MR. COSTA: I can, but then I lose it because
13 it goes into existing trees that are going to remain.
14 Then, we are obviously not doing any clearing here
15 (Indicating). The same thing here. The clearing limits
16 are back here and they go down to the back.

17 MS. QUINE-LAURILLIARD: I don't think that was
18 my question. My question was not where the limits of
19 clearing are on the plan. Have you done a tree inventory
20 to establish what size trees are located on that
21 property? That is my question.

22 CHAIRMAN STUTO: If you could address the
23 Board, I would appreciate it.

24 Chuck, what is your reaction to that as an
25 impact on existing trees?

1 MR. VOSS: I think it is twofold. Initially, I
2 don't believe that a specific tree inventory was done to
3 look at the additional site and look at specific trees
4 on the areas that were going to be cleared. As Nick
5 mentioned, the limits of clearing have been identified.
6 That basically means where the site will be impacted
7 most by grading and clearing of the house site, the road
8 areas, the stormwater management areas and the utility
9 areas where clearing needs to be done. That has been
10 identified on the plans. In essence, a specific tree
11 inventory for each specific parcel is almost irrelevant
12 at that point because they will have to be cleared
13 regardless of whether there are trees there or not.

14 CHAIRMAN STUTO: It appears under the
15 conservation subdivision plan that a minimum disturbance
16 is going to occur, correct?

17 MR. VOSS: Yes and I think that is the key take
18 away. They develop the site under the conservation
19 subdivision plan which really necessitates you
20 minimizing clearing. I think it also addresses the
21 question of site clearing during construction. It is our
22 understanding to the plan that you will not clear all
23 those parcels per se - you will not be clearing those
24 until the houses are sold individually, which certainly
25 would run contrary to our stormwater practice as well as

1 the regulations.

2 MR. COSTA: And there is phasing that is also
3 associated with the project. There are certain phases
4 that are being built. It is not being done all at once.

5 CHAIRMAN STUTO: Which end are you going to
6 develop first?

7 MR. COSTA: We are going to start from Route 2,
8 obviously. As I was saying, the site - there are two
9 structures back here. The site in this area has been an
10 active area. The wood line really doesn't start until
11 you get to about here (Indicating). Even if you drive by
12 Route 2, as the hill rises, the trees don't start until
13 beyond the house.

14 CHAIRMAN STUTO: Ma'am, did you want to speak?

15 MS. BUCKELY: Sounds like it is a done deal. I
16 was wondering when they are going to start developing
17 this.

18 CHAIRMAN STUTO: We will get the question
19 answered.

20 MS. BUCKLEY: When should we start chaining
21 ourselves to the trees?

22 CHAIRMAN STUTO: When do you anticipate
23 breaking ground if you get approval?

24 MR. COSTA: There will be another several steps
25 that we need to complete from here. It would probably be

1 late summer or early fall when construction starts.

2 MS. MAROIS: My name is Holly Marois. I just
3 have a question. I'm wondering what type of houses are
4 going to be built. With the different size lots, it
5 seems like they are scattered throughout the one strip
6 there from On the Farm back. Farther back by Harding and
7 Proctor - they seem like larger lots. What type of
8 houses are we looking at being built?

9 CHAIRMAN STUTO: We will get that answered.
10 They said they don't have a builder yet.

11 If you could address that in any reasonable
12 fashion, based on the information that you do know.

13 MR. COSTA: From what we know, I mentioned
14 before.

15 CHAIRMAN STUTO: You said a footprint of 1,100
16 or so feet. If it was two-story, it would be double that
17 size.

18 MR. COSTA: Yes, 2,000 square foot or 2,500.
19 The lots are larger on these and lots. The area is
20 larger but the building footprint that we have shown on
21 the grading plan is basically the same size building. If
22 the building size changes, they would have to do some
23 grading which may impact the wetlands. I think there are
24 restrictions in place that you're not going to be able
25 to go in there and build a 3,000 square foot home.

1 CHAIRMAN STUTO: So, they're going to be on the
2 smaller size houses and not huge houses.

3 Any other questions from the neighbors?

4 (There was no response.)

5 Okay, we will close the public hearing and
6 take comment from the Board.

7 Chief, do you have anything to say?

8 MR. HEIDER: I guess one of my initial concerns
9 is going back to Sylvan Avenue. First, we had a
10 discussion earlier about the name. I don't think it's
11 appropriate to have that name Sylvan for a lot of
12 reasons. When you do a Google search to go from your end
13 of Sylvan and they're going to direct you into that end
14 of Sylvan.

15 Second, when people are turning around in his
16 driveway or her driveway coming from the other side is
17 not going to be desirable. I hope it's not going to be
18 name Sylvan.

19 Second, I don't see a reason to have two
20 lanes for emergency access. Nowhere else in the Town
21 is there a two-lane emergency access. I don't know why
22 that can't be funneled down so that one, it doesn't
23 look like it's a streak going through and having
24 bollards in front of them -- to me, it is a physical
25 appearance.

1 MR. COSTA: That is a good point. we can narrow
2 it down. After the intersection of the two cul-de-sacs.

3 CHAIRMAN STUTO: So, that is a condition,
4 Chuck.

5 MR. HEIDER: I appreciate you changing the
6 hammerhead design for the drainage retention. I thought
7 that was kind of ugly before. It looks a lot better. I
8 think people on Vista do need to understand that they
9 will have construction traffic with the three lots that
10 are going to be built at the end of Vista and off of
11 Ashland. What will happen is there has been some comment
12 tonight that construction will be blocking Sylvan, but
13 you can't block it on Vista because they going to be
14 developing lots at the end of Vista. Until those houses
15 are built, there's going to be some construction traffic
16 there.

17 You have a very dark line of trees that
18 you're going to save. Then it goes to not too dark of
19 a line. Does that mean those are going?

20 MR. COSTA: No, those are existing to remain.

21 MR. HEIDER: What is that dark line continue
22 over?

23 MR. COSTA: We wanted to show where it matches
24 - where the existing matches the proposed. The proposed
25 is the darker line. The existing is the existing woods

1 line. So, we are matching the existing.

2 MR. HEIDER: On our plan it does not show that
3 trail and I think it is required for Harding Avenue.

4 MR. COSTA: It didn't come through on your
5 plans?

6 MR. HEIDER: No.

7 MR. COSTA: It should have been on there.

8 MR. HEIDER: Only because of my prior career,
9 I'm still concerned about you having trails in the
10 backyards. It looks like you sort of separated it a
11 little bit.

12 MR. COSTA: We actually moved the property
13 line. That becomes part of the open space or the 18.88
14 acres.

15 MR. HEIDER: Is there way of designating a
16 trailhead off of that hammerhead for the drainage
17 retention on number 76 - you show a trail there.

18 MR. COSTA: There is an existing trail the
19 ghost of the wetlands.

20 MR. HEIDER: It actually goes up the backyards
21 of number 3, 5, 7 and 9.

22 MR. COSTA: Yes, it does. That is existing.

23 MR. HEIDER: Is there way of somehow making
24 that nonexistent and redirecting it?

25 MR. COSTA: That would mean that it would go to

1 the wetlands.

2 MR. HEIDER: Having lived near project where
3 they have built Townhouses in my backyard, the initial
4 construction traffic was technically minimal. You've got
5 the cruise putting in the sewer drainage and water. It's
6 a crew of about six people and four machines. You put up
7 with it for about a month or two and it's over. The real
8 traffic will come when they start building the
9 Townhouses.

10 CHAIRMAN STUTO: Thank you. Good comments. *
11 Craig?

12 MR. SHAMLIAN: I don't have a lot, Nick.

13 Generally speaking, we asked to see a
14 conservation plan and I think you have done a nice job
15 putting that together. There's a lot of area that is
16 conserved certainly in comparison to where the
17 original plan started from.

18 The biggest issue that I have and we have
19 already talked about a little bit is the building
20 elevations. I know that's not where we are at right
21 now, which is to get that on the record. We have a
22 relatively long street and I think it would be
23 certainly when it comes back if I'm still on the
24 Board, it will be very important to me to see
25 different elevations, different materials. That's

1 going to go a long way in making this development look
2 the way it should look and in keeping it with the
3 conservation plan.

4 That's really all I have.

5 CHAIRMANS TUTO: Susan?

6 MS. MILSTEIN: I have nothing.

7 CHAIRMAN STUTO: Brian?

8 MR. AUSTIN: The only thing that I had a
9 concern with was what the Chief said - the Sylvan name.
10 That's already been addressed.

11 CHAIRMAN STUTO: Lou?

12 MR. MION: It's all been said.

13 CHAIRMAN STUTO: I agree that a lot has been
14 said. We appreciate the comments from the neighbors.
15 Believe it or not, over the course of this project we
16 have done our best to mitigate the impact on the
17 neighbors, and given the restrictions of the Land Use
18 Law, which is the law that we have to apply. I think we
19 have a lot of good specific comments. Hopefully, in
20 addition, mitigating the impacts on the neighbors. I'm
21 not going to reiterate all of those.

22 That said, that's about all I have to say.
23 Thank you to the neighbors for coming out. Thank you
24 for converting it to a conservation subdivision so we
25 can conserve all that land. IThe next step forward is

1 to do an environmental review and I'm going to ask
2 Chuck Voss if he would walk us through that.

3 MR. VOSS: Sure, Peter.

4 The Board should have in front of them the
5 notice of termination of no significant effect on the
6 environment which is a negative declaration. Parts II
7 and Parts III of the Environmental Assessment Form.
8 Then, in the back of your package, there is a SEQOR
9 recommendation from the Town Attorney's office that we
10 endorsed on behalf of the attorney.

11 I will go through the SEQOR mitigation first.

12 The requested approval is an unlisted SEQOR
13 action. We recommend based on the attached EAF that
14 the Board determined that the action will not have a
15 significant effect on the environment. Then, we will
16 go through parts to which are the 11 questions. I will
17 go to this quickly.

18 These are the impact assessment questions.

19 Will the proposed action create immaterial
20 conflict within adopted land-use plan or zoning
21 regulations? The answer is no or small impact may
22 occur was checked.

23 Will the proposed action result in a change
24 of the use or intensity of land use. The question of
25 no or small impact may occur was checked.

1 Will the proposed action impair the character
2 or quality of the existing community? Again, no, or
3 small impact was checked.

4 Will the proposed action have an impact on
5 the environmental characteristics that cause the
6 establishment of a critical environmental area? There
7 is no CEA in the site so that box was checked no.

8 Will the proposed action result in an adverse
9 change to the existing level of traffic or affect
10 existing infrastructure for mass transit, bike or
11 walkway? Again, the answer was no or small impact.

12 Will the proposed action cause an increase in
13 the use of energy and fails to incorporate reasonably
14 available energy conservation or renewal energy
15 opportunities? Again, the answer was no or small
16 impact may occur.

17 Will the proposed action impact existing
18 private or public water supply or public or private
19 wastewater treatment facilities or utilities? Again,
20 the answer was no or small impact may occur.

21 Will the proposed action impair the character
22 or quality of important historic, archaeological,
23 architectural or aesthetic resources? Again, the
24 answer was no or small impact may occur.

25 Will the proposed action result in an adverse

1 change to natural resources - for example: water
2 bodies, wetlands, groundwater, air quality, flora or
3 fauna? Again, the answer was no or small impact may
4 occur.

5 Will the proposed action result in an
6 increase in the potential for erosion, flooding or
7 drainage problems? Again, the answer was no or small
8 impact may occur.

9 Lastly, will the proposed action create a
10 hazard to environmental resources or human health? The
11 answer was no or small impacts may occur.

12 Prepared for the Board was a negative
13 declaration. The reasons for determining the
14 non-significance are as follows: The lead agency has
15 reviewed the application, site plans, product
16 description and all supporting documentation and
17 conducted such further investigation of the project
18 and its environmental effects as a lead agency has
19 deemed appropriate. Based on this review, the lead
20 agency has determined that's the action will have no
21 significant effects on the environment. Therefore, an
22 Environmental Impact Statement will not be required.
23 Again, the recommendation is that the Board issue a
24 negative declaration.

25 CHAIRMAN STUTO: Do you have a motion on the

1 negative declaration and then we will take any
2 discussion.

3 MR. MION: I will make a motion.

4 MS. MILSTEIN: I'll second.

5 CHAIRMAN STUTO: Any discussion, comments or
6 questions?

7 (There was no response.)

8 All those in favor, say aye.

9 (Ayes were recited.)

10 All those in favor, say nay.

11 (There were none opposed.) *.

12 The ayes have it.

13 With respect to the main question before the
14 Board, which is for final subdivision approval based
15 upon all the conditions set forth by the Town
16 departments, the Town Designated Engineers and on
17 record by the Town Planning Board, do we have a
18 motion?

19 MR. MION: I make a motion.

20 MR. AUSTIN: I'll second.

21 CHAIRMAN STUTO: Any discussion?

22 (There was no response.)

23 All those in favor, say aye.

24 (Ayes were recited.)

25 All those in favor, say nay.

1 (There were none opposed.)

2 The ayes have it.

3 Thank you.

4 MR. COSTA: Thank you.

5 (Where is the above entitled proceeding was
6 concluded at 8:40 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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

