

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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DONNA DRIVE SUBDIVISION
100 DONNA DRIVE EXTENSION

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THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
July 24, 2018 at 7:07 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

8 BOARD MEMBERS:
PETER STUTO, CHAIRMAN
9 CRAIG SHAMLIAN
LOU MION
10 CRAIG SHAMLIAN
STEVEN HEIDER

11

12 ALSO PRESENT:

13 Kathleen Marinelli, Esq., Counsel to the Planning
Board

14

Joe Bianchini, PE ABD Engineers
15 Heather Wyld, PE, CHA
Laura Weed, Conservation Advisory Committee
16 Rob Coon, Our Savior's Lutheran Church
Michael Brennan
17 Sandra Cerruti
Carol Cyr
18 Leonard Cyr
Joseph Ieraci
19 Kiersten Kolber
Charles Lamanna
20 Clay LaPorte
Mary Ellen Lorini
21 Liz Martin
Tom Pasienza
22 Jerome Thomas

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1 CHAIRMAN STUTO: I think I skipped an item on
2 the agenda. We are calling a public hearing for CGM
3 subdivision for August 7. Is that correct, Joe?

4 MR. LACIVITA: That is correct.

5 CHAIRMAN STUTO: We are going to take a four
6 minute break until 7:10 p.m.

7 (There was a brief break in the proceedings.)

8 We will now call up Donna Drive Subdivision,
9 100 Donna Drive Extension, public hearing for that
10 subdivision, application for environmental review and
11 final subdivision approval.

12 Joe LaCivita, can you tell us -- I remember
13 this project fairly well but it has been a while since
14 we have seen it.

15 MR. LACIVITA: Yes, we have seen it a couple of
16 times, Peter.

17 On June 7, 2016 it started off with a sketch
18 plan with a conventional subdivision at that time. We
19 went to a concept on August 9, 2016, again, with that
20 conventional subdivision. We didn't take action at
21 that time. We wanted to see somewhat of a conservation
22 designed to it, which Joe will go through tonight. We
23 adopted a concept that you see above you right now. We
24 granted that March 21, 2017. So, yes, it has been away
25 for a little bit. We went through final design at that

1 time and Joe is here for final.

2 Before we start hearing from Joe, this is a
3 public hearing so we will read that into the record.

4 MS. MARINELLI: Town Planning Board, Town of
5 Colonie, Albany New York. Notice is hereby given that
6 pursuant to Section 276 of Article 16 of Town Law, the
7 Town Planning Board of the Town of Colonie, Albany
8 County, New York will meet and conduct a public hearing
9 in the Public Operations Center, 347 Old Niskayuna Road,
10 Latham, in the Town of Colonie, County of Albany, New
11 York on the 24th day of July, 2018 at 7:00 p.m. for the
12 purpose of hearing all persons regarding the approval,
13 modification or disapproval of a certain subdivision and
14 site plan approval in the Town of Colonie, County of
15 Albany known as Donna Drive Extension Subdivision
16 located at 17, 45, 101 05 Donna Drive which consists of
17 a single-family residential 24-lot subdivision, dated
18 July 12, 2018, Latham, New York.

19 CHAIRMAN STUTO: Okay, I am going to ask for an
20 emphasis or at least a good explanation of a
21 conservation subdivision and what the criteria are and
22 the law and why we are doing it.

23 Joe, if you want to start, or you can or we
24 can just turn it over to the applicant.

25 MR. LACIVITA: Let me try to dig it out, Peter.

1 If you don't mind, let's hear from Joe first.

2 CHAIRMAN STUTO: Okay, and I am sure that he
3 will touch on it. We will ask for some emphasis on what
4 the benefits may be for that and why he went in that
5 direction.

6 MR. BIANCHINI: I'm Joe Bianchini with ABD
7 Engineers. I'm representing Cillis Builders. Ted Cillis
8 is the applicant for this.

9 Just to orient everybody, this is Sand Creek
10 Road over here (Indicating). Donna Drive comes into a
11 cul-de-sac on the east side and then there is another
12 Donna Drive cul-de-sac on the west side.

13 This was given concept approval as a
14 conservation subdivision because early on in the
15 process some neighbors identified that there were a
16 lot of nice trees on the site and so we are trying to
17 preserve the trees. In order to preserve the trees, we
18 went to a conservation subdivision which allows us to
19 go with a little smaller lots and to move the houses a
20 little closer to the road. Instead of a standard
21 40-foot setback in this zone, we are at a 30-foot
22 setback to the house. Instead of a standard 18,000
23 square-foot lots, we are a little less than that. The
24 lot size is about 11,700. Our largest lot size is a
25 little over 25,000. It is almost 26,000. The average

1 lot size is about 18,000 square feet.

2 CHAIRMAN STUTO: The number of lots doesn't
3 change.

4 MR. BIANCHINI: It doesn't change. We have 12
5 acres here. You are allowed two units per acre so,
6 that's how we have the 24 lots on the subdivision. It
7 allows us to move the extent of the grading in so that
8 we are saving trees along the backyards of the homes on
9 Alfred Drive.

10 This is a church over here and then this is a
11 schoolyard but there are some very nice big trees up
12 through there (Indicating). On some of the back yards
13 to these lots on Donna Drive and on Rafael Court -- we
14 can also save some of the larger trees there.

15 Again, it is a conservation subdivision. The
16 main purpose is to save existing nice trees. This area
17 here is all wooded from about in here all the way over
18 (Indicating). This area is an open field except for
19 some trees here (Indicating). There are a few
20 scattered trees down through there. We can save quite
21 a few trees by doing lot sizes a little smaller and
22 moving the houses a little closer to the road. The
23 houses are about the same distance as the other houses
24 on Donna Drive, based on when they were built several
25 years ago.

1 The outline in red here is the outline of the
2 conservation subdivision. There is one other lot that
3 was subdivided off on Sand Creek Road that is not part
4 of this conservation subdivision. That lot meets all
5 of the Town standards for the zone.

6 The street is about a little over 1,600 feet
7 from here to there (Indicating).

8 The water, sewer and storm drainage -- the
9 water will connect to this water system here. It will
10 dead end here and will loop and connect to this side
11 of Donna Drive so that we can connect the loop. We are
12 also bringing it out to Sand Creek Road to further
13 strengthen the system. By strengthening the system
14 hydrants, they will now meet fire flow requirements.
15 The pressures that you have may go up a little bit
16 because of this. Those two are dead ends and now we
17 have a loop system and another means of water supply.

18 The sewer system will drain into the streets.
19 It goes back through an easement with the church to
20 Herman Street. We have studied that and we have
21 studied the sewer system down here and out to Central
22 Avenue. We have prepared a report and submitted it to
23 the Town and it has been reviewed by both the Town and
24 the Town Designated Engineer. There is sufficient
25 capacity in the system for the 24 lots that we are

1 proposing.

2 The stormwater will be controlled on-site.
3 Everything will drain within the streets to a
4 retention basin located here (Indicating) and then
5 because there are good sandy soils, it can all
6 percolate into the ground - even for a 100-year storm.
7 There are provisions for an overflow for whatever
8 reason that we get a 100-year storm that we seem to
9 get every two years. It does overflow and go into the
10 system on Herman Street, so it doesn't affect any of
11 the neighbors.

12 Some of the lots will also have what we call
13 infiltrators like a dry well on the lots. Again, that
14 is so we can preserve trees along the back line here
15 rather than putting a ditch back through here and
16 train everything that way (Indicating). We are doing
17 it with individual lot infiltrators.

18 We have already gone through and had the site
19 investigated. There are no federal wetlands on the
20 site.

21 We did have some archaeological significance
22 on the site, but we had both a Phase 1 and a Phase II
23 study done and it was cleared through SHPPO that we
24 are not impacting anything of archaeological
25 significance.

1 Ted Cillis has just built another subdivision
2 just off of Campagna Drive - Isabella Court. The
3 houses will be similar to that. From what he is
4 proposing here, they will probably be in the \$400,000
5 range.

6 I think everything has been reviewed by the
7 Town at this point - the Town Designated Engineer and
8 the Town agencies. I think we have satisfied all of
9 their concerns at this point.

10 CHAIRMAN STUTO: Okay, this project -- we are
11 going to hear from the neighbors, too, but this project
12 has been reviewed by our Town Designated Engineer which
13 is an engineer hired by the Planning Board - CHA. We
14 have Heather Wyld here representing the company.

15 Heather, could you give us your comments on
16 this project?

17 MS. WYLD: Sure. Over the past year or so we
18 have worked with the design engineer to develop the
19 conservation subdivision. Our latest letter dated March
20 26, 2018 basically states that we have worked through
21 all of our previous comments with them. They have
22 addressed everything to our satisfaction.

23 There are a couple of minor technical
24 comments remaining that could be addressed
25 post-approval. They have made some significant efforts

1 to conserve the trees and create a buffer along the
2 neighboring properties which brought us to the
3 conservation subdivision, as we discussed.

4 After the public hearing tonight, if we get
5 to that all right, we have a SEQR neg dec Resolution
6 prepared and conservation findings, if appropriate.

7 CHAIRMAN STUTO: Any Board Members have
8 questions at this point?

9 (There was no response.)

10 We will asked the neighbors to speak.

11 Laura Weed from the Conservation Advisory
12 Committee, did you want to speak on this one?

13 MS. WEED: The only thing that I remember that
14 we had to say about this was to preserve the very large
15 trees. There was some really large trees there. So,
16 that's the only thing that I remember.

17 CHAIRMAN STUTO: I think that we have made a
18 valiant attempt in terms of converting it to a
19 conservation subdivision, but I think there is also
20 going to be some discussion on one tree in particular.

21 Jerome Thomas.

22 MR. THOMAS: Is there any criteria for how long
23 we can speak?

24 CHAIRMAN STUTO: We will take your comments. If
25 you want to ask general questions, you can, but we are

1 not going to have a back and forth dialogue like that.

2 MR. THOMAS: I will raise the point.

3 Is there any stormwater management criteria
4 for how long water can stand in a retention basin?

5 My name is Jerome Thomas and I live at 25
6 Alfred Drive which is right next to - near the
7 retention basin. That has been changed from the plans
8 that you had before.

9 Is the stormwater plan fully in compliance
10 with the New York State stormwater management design
11 manual criteria? Has it been reviewed and there is no
12 question that it matches everything appropriately?

13 CHAIRMAN STUTO: We are not going to have a
14 question and answer session. When he is done we will try
15 to answer all his questions.

16 MR. THOMAS: Have you done a formal traffic
17 flow study at Sand Creek - at the intersection?

18 Apparently you have a tree removal/planting
19 study. Will trees be planted as well as removed?

20 In 1965 when I moved in there, Al Marini who
21 built Alfred Drive had done a clear cutting of the
22 back almost so much that the trees were all gone. As a
23 result, when it rained, we would get water in our
24 basement. That is my concern now. Are you putting some
25 pumps in all of these new homes?

1 The question is: If I start getting water
2 again in my basement, which I have not had for years,
3 will the Town put in a sump pump for me and any other
4 neighbors who had the same problem?

5 You don't know if they are putting some pumps
6 in the homes?

7 CHAIRMAN STUTO: We are going to address your
8 issues when you are done.

9 MR. THOMAS: Has this road been relocated or
10 was it where it was before?

11 CHAIRMAN STUTO: You are asking a lot of good
12 questions. I'm not saying that you are not. We want to
13 deal with them in a unified basis and then hopefully
14 that will answer questions for the other folks.

15 MR. THOMAS: The percolation test results --
16 was there a formal study done and what were the results?
17 How long did it take?

18 When you do a setback, you say it's not 40
19 feet, but they are 30 feet closer to the road. What is
20 the result of that? What is the product of doing that?

21 CHAIRMAN STUTO: Thank you.

22 Obviously, stormwater is a concern. It's
23 probably a concern of the other neighbors.

24 Can you talk about what the current standards
25 are, how you comply with them, how that stormwater

1 basin is going to behave and the sump pump issue and
2 also the perk tests?

3 MR. BIANCHINI: Our first step was to go out
4 there with the Town and conduct the perk tests on the
5 site and various locations, particularly where we are
6 proposing the stormwater retention. Percolation was all
7 very good. I don't know exactly what it was, but it was
8 like an inch in four or five minutes or six minutes or
9 so. So, that allows us to design an infiltration system
10 in accordance with New York State's Stormwater
11 Regulations. We think we are fully compliant with that.
12 The Town Designated Engineer has reviewed it and I think
13 they agree that we are fully compliant with that.

14 The stormwater will come into that basin. It
15 will sit there and percolate down. I think it has to
16 drain out, if I recall correctly, between 24 and 48
17 hours. We do provide an under drain for a portion of
18 that system because it is what they call a bio
19 retention system, which filters the stormwater because
20 there are some contaminants on the road. It's
21 basically a sand filter, two or 2 1/2 feet thick of
22 sand - coarse sand that filters out any contaminants
23 that come off of the road before it goes to the
24 groundwater. We do have an overflow in case there is a
25 problem or something that goes directly to the Town's

1 storm drainage system.

2 Each of the houses is either connected with
3 their basement to a catch basin and the street. There
4 is also provisions for a sump pump lateral, but we
5 have set the elevations of the house so the basement
6 can drain to the catch basin. On a few of the lots
7 where we had the infiltrators, the basement would
8 drain to that infiltrator on their lot.

9 CHAIRMAN STUTO: How many sump pumps do you
10 expect?

11 MR. BIANCHINI: I wouldn't expect any. We have
12 provided for the sump pump lateral connection for every
13 house.

14 CHAIRMAN STUTO: Do you agree with that,
15 Heather?

16 MS. WYLD: Yes.

17 MR. BIANCHINI: What were some of the other
18 questions?

19 CHAIRMAN STUTO: What do you expect the impact
20 to be on the homes that are adjacent, particularly lower
21 than the site?

22 MR. BIANCHINI: We have done this and several
23 other communities and locations - even off of Isabella
24 Court. We used an infiltrator type system there. We
25 haven't heard of any complaints. We don't expect any,

1 obviously. Things don't always go quite the way you
2 expect them to go, but we don't expect any complaints.
3 Again, we have done it in accordance with state
4 standards and it has worked in many other locations.

5 CHAIRMAN STUTO: Heather, do you have any
6 general comments about stormwater here?

7 MS. WYLD: Just that we have reviewed their
8 design completely and it is in accordance with DEC
9 standards. They are meeting the regulations and I agree
10 with what Joe said regarding the length of time that the
11 basin will drain. It is 24 to 48 hours for an
12 infiltration basin and there will not be any permanent
13 standing water there. They have provided some pump
14 connections, as he stated either to the road --
15 actually, I think they all are to the road, if I am
16 looking at this correctly. Then, the infiltrating units
17 in the backyards along the southern property line will
18 help in preventing any kind of drainage issues along
19 that southern line.

20 CHAIRMAN STUTO: Do you think that it will be
21 an improvement for some of the loss outside of the
22 property? In other words, the existing homes?

23 MS. WYLD: It certainly should, yes. There are
24 no measures there to capture any of that runoff now.
25 Granted, there is going to be an increase in impervious

1 surface which they are treating, as required. So, yes,
2 the neighbors on the southern property line, should the
3 infiltrator units function as they were designed to,
4 should see an improvement. They should definitely not
5 see any additional flow from what they are seeing now.

6 CHAIRMAN STUTO: The gentleman also asked about
7 traffic studies and whether a traffic study was done.

8 MR. BIANCHINI: We did not do a formal traffic
9 study. We did provide that the peak hour shows that
10 there will be approximately 24 cars going in or out in
11 the peak hour. We did go out to the intersection of Nina
12 and Sand Creek with two Town officials and looked at the
13 intersection and they did not see that there would be
14 any issues at that location. There wasn't a formal
15 traffic study submitted.

16 CHAIRMAN STUTO: The gentleman asked about
17 setbacks. I think he was asking what is the impact of
18 the setbacks.

19 MR. BIANCHINI: The impact of the setback is
20 the move - basically you are grading the lots and at
21 least 10 feet so we can save the trees along the
22 backyard.

23 Also, the road -- I think he mentioned the
24 location of the road. The location of the road is
25 pretty much the same as it was previously. It may have

1 wiggled just a little bit, but not much. Other than
2 that, it's where it has been since we started.

3 CHAIRMAN STUTO: Okay, can you describe the
4 trees you're going to be saving, or at least the areas?

5 MR. BIANCHINI: The trees that we are saving
6 are primarily down through here (Indicating). That's why
7 we move the stormwater basin up a little bit and that
8 might have moved the road a little bit to get it up so
9 that we can save -- this was the gentleman's house over
10 here (Indicating) - so we could save a lot of those
11 trees there. We also save them here (Indicating). It
12 appeared there are a lot of spruce and pine trees that
13 we're saving. Then, there is a row of trees off of
14 Rafael Court that we are saving in the backyard there.

15 There was one comment on a 48-inch oak that
16 is not on our site. It is located just off our site
17 and we did go out there and we surveyed the actual
18 location of that tree and the spread of the branches.
19 We have actually provided - from the trunk of the tree
20 we have provided a 48-foot radius that comes onto this
21 property (Indicating) and we have kept our grading and
22 disturbance out of that radius. That is basically the
23 drip line of the trees. So, we have tried to comply
24 with that.

25 CHAIRMAN STUTO: And the gentleman also asked

1 if you are planting any trees,

2 MR. BIANCHINI: Yes, we are. Each lot will have
3 landscaping package that goes with each lot. They will
4 get two deciduous trees. They get several shrubs. I have
5 forgotten the exact number. There is eight shrubs or
6 small bushes.

7 CHAIRMAN STUTO: That's mainly landscaping for
8 each house, right?

9 MR. BIANCHINI: That's right. Each house will
10 have that.

11 MR. LACIVITA: Joe, you're doing some retaining
12 walls in the back of some of these homes. That was
13 around to help the grades preserve some of these trees,
14 too; is that correct?

15 MR. BIANCHINI: That was also to help preserve
16 some of the trees. There is a retaining wall here, here
17 and there (Indicating). There are trees in the back of
18 that. Instead of grading all the way up to the lot line,
19 we have put in retaining walls that are about this high
20 (Indicating) and stepped them so that they step back.
21 There are generally two steps. There is one and then
22 another one. So, 6 to 8 feet of retaining wall to again,
23 save trees.

24 CHAIRMAN STUTO: Joseph Ieraci.

25 MR. IERACI: My questions have already been

1 asked and answered.

2 CHAIRMAN STUTO: Thank you.

3 Clay LaPorte.

4 MR. LAPORTE: My name is Clay Laporte and I
5 live at 5 Rafael Court.

6 CHAIRMAN STUTO: Can you shows where your house
7 is?

8 MR. LAPORTE: It is right here (Indicating).

9 My concern was -- and I have talked to Joe
10 personally and he came out to the property and I met
11 him out there. We talked about some things and I was
12 kind of wondering where they stand as far as the Town
13 is concerned -- if it changed or anything.

14 When Joe and the guys went through and marked
15 all of the trees, it wasn't the trees that were marked
16 to be saved. I walked every inch and I'm telling you
17 there are a lot of trees in there. I only saw - if
18 there were 2,000 trees, I would say that less than 50
19 are marked. That means a whole lot of trees are going
20 to be gone. That's one comment that I have.

21 Also, the distance when you're standing at
22 the bottom - - he has arrows that I think are the
23 retaining walls. So, just between this house compared
24 to the house up on Donna, there is a minimum of a
25 20-foot elevation.

1 I pity these guys for their water running
2 down into the basements. I don't know how they're
3 going to stop it. It's really steep. I was concerned
4 about that.

5 The other thing is getting out of here onto
6 Sand Creek. Have you guys discussed taking the
7 concrete abutment out? When you're coming out, the
8 house on the left has about a two to three or 5-foot
9 retaining wall. Right now you have to almost get out
10 into the road to see past that. It is very dangerous.
11 That needs to be taken out and graded down. The guy on
12 the other side of the street - he doesn't have an
13 abutment because it is graded well enough. It's not as
14 dangerous to turn left as it is to turn right. Still,
15 that abutment needs to come out.

16 I was just kind of wondering after these guys
17 get this thing approved when the trees are going to be
18 buzzed down.

19 You guys are calling this a conservation
20 subdivision and I'm not sure -- I guess it's because
21 you are disturbing a few trees and you are saving
22 some. I guess this means that you're just saving a few
23 more trees than originally proposed.

24 CHAIRMAN STUTO: We will go over that again.

25 MR. LAPORTE: Because you guys originally said

1 that the plan was going to be 24 houses. I don't see too
2 many people here from the last meeting and there was
3 talk of putting 18 houses in. Somebody said would you
4 consider dropping to 18 or at least dropped to less. It
5 was less than 24. You said unless you make some
6 concessions to that, it's going to be difficult. Also,
7 you still have the same amount of houses. What changed
8 other than the size of the lots?

9 These houses are going to be \$400,000 and up.
10 Everybody around there - their houses are not worth
11 \$400,000 and up. Is that going to impact our tax
12 assessment on the houses when you build this
13 development?

14 Are there going to be fences put on the
15 boundaries right behind these houses? Are there still
16 opportunities for putting those fences up? If they are
17 going to put up fences how close to the boundary line
18 can you put them?

19 My concern is - as I mentioned to Joe - right
20 behind my house where the fence is - there is barbed
21 wire fence. The previous owner at my house put up a
22 retaining wall in between the retaining wall and the
23 fence. I have less than one foot to do any repair
24 work. I can't even pull weeds out of there. I have to
25 reach down in there with some device and pull the

1 weeds out. How am I going to work around that
2 retaining wall? Joe and I talked about something to
3 help with that. I'm just wondering if anything has
4 changed with that and the fences close up to the
5 property lines. That would be almost impossible for
6 you to do anything.

7 I guess that's pretty much it.

8 CHAIRMAN STUTO: Okay, we will try to get them
9 address all the issues.

10 Can we go back over a little bit of the
11 conservation subdivision? I didn't understand it to be
12 tree tagging. I understood it to be non-disturbance,
13 if you follow what I am saying. So, if it's in the
14 conservation area, it's never going to be disturbed.

15 MR. BIANCHINI: There will be trees that are
16 disturbed because we are building roadways.

17 CHAIRMAN STUTO: But there is a line that
18 defines which areas are being conserved. That doesn't
19 mean you have to tag every tree. In a sense, it is a
20 non-disturbance.

21 MR. BIANCHINI: In a sense, it is a
22 non-disturbance line; yes.

23 CHAIRMAN STUTO: Do we agree, Joe and Heather?

24 MR. LACIVITA: They're not clear cutting.

25 MR. BIANCHINI: We are not clear cutting;

1 exactly.

2 CHAIRMAN STUTO: And you are not grading.

3 MR. BIANCHINI: We are not grading. There is
4 underbrush and things like that and we are not
5 disturbing that.

6 MS. WYLD: So, it doesn't necessarily mean that
7 every tree you're saving is tagged out there.

8 MR. BIANCHINI: No, not every tree is tagged.
9 There are too many of them.

10 CHAIRMAN STUTO: Which trees are tagged? The
11 ones that are not in the conservation area?

12 MR. BIANCHINI: There is not a label on them
13 out in the field. It's just an area.

14 CHAIRMAN STUTO: The gentleman said he was
15 seeing trees -

16 MR. BIANCHINI: There could be some that they
17 tag out there. Usually that's just to let them know
18 where they have already identified the trees so when
19 they go back through from another location, they go to
20 that point. It's not a specific tag on that tree. It's
21 more for when they walked through initially and located
22 all the trees. There is over 200 trees that were more
23 than 12 inches in diameter that we did locate. I have
24 forgotten, but I think we are saving quite a few of
25 them. I don't know exactly the number.

1 MS. WYLD: Those are identified on their plans.

2 MR. BIANCHINI: They are identified on our
3 plans. The Town can go out there while we are doing our
4 clearing and make sure we are saving those trees.

5 CHAIRMAN STUTO: So, let me go over it again so
6 that everybody understands it and making sure that
7 everyone understands it clearly. In the backyards which
8 you have gone over a couple of times - if you could just
9 trace it real quickly? There is a line on the drawings
10 beyond which you're not going to take down any trees or
11 cut any underbrush.

12 MR. BIANCHINI: That's correct. It's all the
13 way down through here (Indicating) and up through here.
14 There is a line here (Indicating).

15 CHAIRMAN STUTO: So, no trees will be cut in
16 those areas.

17 MR. BIANCHINI: They're not supposed to be.

18 CHAIRMAN STUTO: In addition, are there other
19 trees that are designated not to be cut? I would just
20 ask.

21 MS. WYLD: I don't believe so. I think that we
22 have just identified the large diameter trees within
23 that area.

24 CHAIRMAN STUTO: There's not going to be any
25 disturbance in that area.

1 MR. BIANCHINI: Correct.

2 MR. LACIVITA: It states it on the grading
3 plan, Peter. That is sheet two of three which will
4 become the record of the plan. You will see the dashed
5 line that clearly states limits of clearing and grading.

6 CHAIRMAN STUTO: So, hopefully that answers the
7 gentleman's question.

8 MR. BIANCHINI: Typically we go out early in
9 the process and stake that line in the fields so if the
10 contractor comes in, he knows not to go into that area.

11 CHAIRMAN STUTO: The concrete abutment - do you
12 know he's referring to?

13 MR. BIANCHINI: Yes.

14 CHAIRMAN STUTO: Is that going to be remediated
15 in any way?

16 MR. BIANCHINI: That is in the Town
17 right-of-way. So, when I was out there with the two
18 gentlemen from the Town, they didn't see a need to
19 remove that. I understand what he is saying because in
20 order to see in the left direction, you have to pull up
21 very close to Sand Creek Road in order to see over that
22 concrete wall. It's not very high - 2 to 3 feet high.

23 MR. LACIVITA: I have made a notation of it,
24 Peter, for the Highway Safety Committee to review this
25 again. They will take a look at it from the Highway

1 Department because if the guy across the street has the
2 same topography, then maybe we can do something
3 differently.

4 CHAIRMAN STUTO: So, we will take another look
5 at that.

6 MR. LACIVITA: We will definitely take another
7 look and see if it's in the right-of-way.

8 CHAIRMAN STUTO: The gentleman mentioned water
9 flowing onto the newer houses because of the elevation
10 change. I don't think it impacts them directly but he
11 did ask that question.

12 MR. BIANCHINI: He did ask it. With the
13 retaining walls there is an underdrain in back of it.
14 So, any water that's coming down - it is back-filled and
15 in back of the under drain and it's going to be a porous
16 sandy gravel material with an under drained underneath.
17 So, anything that comes down would be collected and
18 taken to the Town during system.

19 CHAIRMAN STUTO: When do you expect to break
20 ground?

21 MR. BIANCHINI: As soon as we get approvals.

22 CHAIRMAN STUTO: Before the snow flies; is that
23 what you're saying?

24 MR. BIANCHINI: Hopefully this fall. We still
25 have to have this approval. We have to get approval from

1 the Town Board for the water and sewer extensions and we
2 have to get approval from the county health department
3 for water and sewer also. It will take another couple of
4 months to get to that process and file the maps.
5 Realistically, you're looking at September or October.

6 CHAIRMAN STUTO: You expecting to put fences
7 up? He asked whether there would be any fences put up.

8 MR. BIANCHINI: I would be up to whoever buys
9 the lot. It's not a normal part of the building package.

10 CHAIRMAN STUTO: What is the Code on that? Is
11 that one foot from the boundary? They can't be any
12 closer than one foot?

13 MR. LACIVITA: Right on the boundary line.

14 CHAIRMAN STUTO: So, that's a possibility, but
15 it is up to the individual homeowner, right?

16 MR. BIANCHINI: Correct.

17 CHAIRMAN STUTO: The 18 to 24 houses - I'm not
18 sure I recollect that 100%.

19 MR. BIANCHINI: I don't recollect that either.

20 CHAIRMAN STUTO: It might have been talked
21 about as a possibility, but I think we have gone to the
22 conservation subdivision to mitigate the impacts.

23 I will make a comment as to value. I don't
24 think this is going to deteriorate the value of the
25 houses around it. I am not an appraiser. I will say

1 this - because I do know this: your property taxes are
2 ad valorem. That means it's based on the value of the
3 property. If your property value stays the same, your
4 taxes will stay the same, although the tax rate may go
5 up. So, it's based upon the value of your property. If
6 this enhances the value of your property,
7 theoretically it could go up but I don't think the
8 Town is going to probably reassess it as a result of
9 that. The same theory is true that it could go down.
10 It's based on the value of your property.

11 FROM THE FLOOR: You said you don't think the
12 Town will reassess?

13 CHAIRMAN STUTO: I don't think they are
14 necessarily going to reassess the existing houses
15 because of the subdivision going in. I don't think
16 that's the typical procedure.

17 MR. LACIVITA: It's usually a Townwide process.

18 CHAIRMAN STUTO: Or if a property changes
19 hands, that may trigger an assessment.

20 Michael Brennan.

21 MR. BRENNAN: I live right down on Herman
22 Street right down here (Indicating). My concerns are
23 about - with the road here, there is an indication of a
24 winding access road. That doesn't seem like it's
25 connected actually to Herman Street. I don't know what

1 the purpose of that is.

2 From the last design, the stormwater
3 retention ponds were more grouped down at the very
4 end. With the redesign, was there a benefit that was
5 supposed to result in spreading that out as more
6 oblong rather than be concentrated down there? I think
7 that is the way my recollection was - where those
8 retention ponds were.

9 Also, there was concern that with the
10 sanitary sewer - with the flow that comes through from
11 this new development down through Herman Street and
12 then it turns and goes up Ahl to Central Avenue -- is
13 that how the flow is?

14 MR. BIANCHINI: Yes.

15 MR. BRENNAN: There has already been issues
16 with that main sewer line going out to Ahl Avenue where
17 there has been failures on it. They had to dig up Ahl
18 Avenue a couple of times in the last few years where
19 people on Ahl Avenue - a little bit further down were
20 impacted by this. I know you said there was a study
21 done. Did that study take into consideration the age of
22 the system and the development on the other side that is
23 also coming down from Iris and from Crisafulli that is
24 also being collected here? With the development that is
25 like over on Isabella Court - the new development off of

1 Campagna - does that actually flow down to this?

2 MR. BIANCHINI: No.

3 MR. BRENNAN: I'm concerned about the flow of
4 the sanitary sewer to make sure there is also capacity
5 and the system can handle it.

6 I guess my primary concern is with the issue
7 with the stormwater management because I know that
8 even Clay Laporte mentioned that - it was the issue
9 about the steepness and the drop here. That is not too
10 apparent on this diagram here. This diagram that was
11 included with the agenda - it's this map. It was shown
12 online. It's the same representation, but on this map
13 it becomes much more clear. The broken lines that are
14 around here indicate where there is an elevation drop.
15 You probably can't see this of course but there are
16 severe elevation drops all the way down here. I think
17 that's why those retention walls -- although you say
18 you're trying to save trees, the primary reason why is
19 because the drop here is so steep.

20 I walk occasionally up here and I connect up
21 to Donna Drive. I come in from right behind Our Savior
22 Lutheran Church. When you walk in here, it's very
23 wooded and it drops down. Then you come up. That is
24 represented here on this diagram. Then when you
25 finally get to this house, you are actually almost

1 climbing up there. The drop is so significant. There
2 are other areas around here behind the homes and when
3 walking up through there - there is also a significant
4 drop.

5 I think just to show the whole topography of
6 the whole area -- when you're coming through on Sand
7 Creek Road, after you get by the high school, you're
8 going uphill. So, you are going uphill right along and
9 as you approach this -- this is Nina Drive. This is
10 where that concrete abutment is. I think the concrete
11 abutment is because they needed that just to hold the
12 property because as soon as you go up Nina, you are
13 still going uphill. So, from around the high school
14 all the way up here, you are traveling uphill
15 (Indicating). So, this whole area of Donna Drive - you
16 are significantly higher. This area was never
17 developed primarily because it's lower.

18 I think that's why two other developers never
19 really proceeded with anymore development down here.
20 There is a significant drop like I mentioned right
21 over here.

22 It is shown on this diagram where there is a
23 drop that comes around and I think it is necessitating
24 these retention walls.

25 I know that you just mentioned that with the

1 retention walls, there is a drain underneath there.
2 That means that the water is flowing down behind and
3 running off of Donna Drive and will be coming down
4 this way because you put a drain that's already in
5 there.

6 You said that underneath the retention wall
7 you did have a drainage system. So, you have already
8 made provisions where you are going to be channeling
9 water from Donna Drive and that retention. I don't
10 want to be asking questions, but I think that's where
11 I'm a little bit confused. Of the water that is coming
12 off of Donna Drive and slowing down towards Alfred --
13 this is higher than on the side. In accordance to what
14 we have here, shown in this diagram -- the stormwater
15 will be coming down here. You did say that you have
16 had dry wells and you talked about some pumps. I'm
17 still a little bit unclear about where or how this
18 water from over on this side -- if these are the
19 retention ponds, how does it get over to here?

20 For the retention ponds here, I think there
21 was a notation made on here where this area is somehow
22 deeded to the Town. Does that mean that the Town is
23 responsible for clearing out the retention ponds?
24 Whose responsibility is that?

25 I know that from Mr. Thomas's questions,

1 water can only be in there were 24 to 48 hours. That
2 perk test where you dig a hole and I think that you
3 fill the hole and you see how quickly the water
4 percolates down. How deep is the infiltration ponds?
5 With the perk tests my question is: is that a clear
6 representation of - okay, that is a sandy soil there.
7 We all have sandy soil in our lots. With all this
8 water coming from Donna Drive from this new
9 development and from all the pavement here - paved
10 driveways and houses and roofs, everything flowing
11 down here - will the capacity for all that water
12 flowing downhill -- because after you get to Nina, it
13 starts to go downhill. That's when you start
14 declining. So, when you get to Alfred, your level, I
15 am concerned about the amount of water that will be
16 traveling down and how it's being channeled over to
17 the infiltration pond.

18 Another question I have is: once the water
19 gets into the infiltration pond and there is an
20 overflow, you said that there was some sort of
21 overflow mechanism and I was a little bit unclear.
22 Does that overflow mechanism actually flow into the
23 Town stormwater management system? It was my
24 understanding that was not allowed. The water has to
25 be maintained on the property and doesn't go into the

1 Town stormwater management. Just like you can't hook
2 up a sump pump -

3 CHAIRMAN STUTO: I will jump in on that one.
4 Your covering a lot of ground and most of it has to do
5 with stormwater. You're asking a lot of particular
6 questions about how the stormwater management works. I
7 will just jump in on that last point which is, there is
8 no rule that the Town system will not accept any
9 stormwater. What my understanding is - and I will let
10 the engineers correct me if necessary - under the
11 stormwater management laws, the bias is letting it
12 percolate on the property and you can't let the water
13 off the property at a more rapid pace than it is
14 currently occurring. The engineering will attempt to
15 keep the water on the property longer than it currently
16 is allowed and won't let it flow out. There is no
17 provision that it cannot go into the Town stormwater
18 plan.

19 Am I correct about that?

20 MS. WYLD: Yes. There is a peak flow mitigation
21 - that is what they call it. The post-construction
22 condition cannot exceed the flow rate of the existing
23 condition. It is being held on-site, treated,
24 infiltrated into the ground so that overflow is only for
25 high storm events. It is allowed to go into the Town

1 system, but it does not exceed what is currently
2 received in the Town system.

3 MR. BRENNAN: How is that water that's
4 overflowing from here get into the Town stormwater
5 management system?

6 MS. WYLE: Joe, you might want to point this
7 out.

8 There is a pipe system. There is a catch
9 basin structure in that pond so that if it rises to a
10 certain level, it will overflow into that structure
11 and be piped into the Town storm system.

12 CHAIRMAN STUTO: That is for extraordinary
13 storms.

14 MS. WYLD: That's right.

15 CHAIRMAN STUTO: How many do we have a summer,
16 nowadays?

17 MR. BIANCHINI: It is designed to hold a
18 100-year storm on-site without overflowing.

19 MR. BRENNAN: By living on Herman Street, we
20 are already seeing when there is water and also we've
21 had storms this week where the water rushes down from
22 Alfred to Ahl Avenue already where there are stormwater
23 drains. Are those stormwater drains at the end of Alfred
24 - do you know that?

25 MR. BIANCHINI: They are right here

1 (Indicating).

2 MR. BRENNAN: At the end of Alfred and Herman.

3 MS. WYLD: Yes, they are shown.

4 MR. BRENNAN: So, there are two stormwater
5 drains. So, if the water runs down from behind the
6 church already down to Ahl Avenue but it is collecting,
7 a lot of that water is already going into the stormwater
8 system on Ahl and coming out. So, if you are adding more
9 water -

10 MR. LACIVITA: What you are missing is the fact
11 that this property is retaining water where Alfred is a
12 free flow. That was pre-stormwater regulations back in
13 the day when this was built. This again, as Heather said
14 - there's a pre and a post. The pre means that you have
15 to hold it here and let it out in the design. So, you
16 have to maintain the water shedding off of it now -
17 where you don't have anything on the Alfred side of
18 things. So, that water is being collected here and
19 slowly being released over time.

20 MR. BRENNAN: But you said that if there was a
21 large storm, it would go into the Town stormwater
22 management system, right?

23 MR. LACIVITA: But you have that collection
24 basin to retain the majority of that water and slowly
25 release into the stormwater system of the Town.

1 CHAIRMAN STUTO: But if you have a 100-year
2 storm, that's by definition how it is designed.

3 MR. BIANCHINI: That's right and it's not going
4 to release the whole 100-year storm. It's only going to
5 release it once it gets up to a certain level. Then,
6 just a little bit of the overflow would be released and
7 not the whole storm.

8 MR. BRENNAN: That's all my questions.

9 MR. LACIVITA: He did ask one question, Peter,
10 that we did not answer.

11 The access road is actually for the Town to
12 come in and maintain the stormwater because it will be
13 dedicated to the Town.

14 MR. BIANCHINI: This is an access road for the
15 system here.

16 MR. BRENNAN: So, this doesn't actually
17 connect.

18 MR. LACIVITA: No, the road does not connect to
19 Donna.

20 MS. WYLD: It only goes to the infiltration
21 basin.

22 MR. BRENNAN: So, you get to that through Donna
23 Drive.

24 MR. BIANCHINI: Yes.

25 MR. BRENNAN: How does the Town maintain that

1 stormwater basin?

2 MR. LACIVITA: They have a regular stormwater
3 maintenance system. They mow at certain times of the
4 year. They have an asset management system. We have our
5 stormwater basins and our catch basins and our sanitary
6 sewer system. We make sure that we preserve our assets
7 by looking at when they need to be maintained. So, there
8 is a regular program that once this comes in - the first
9 cleaning probably will not be until the first year or
10 two when it comes into it. It will just be normal
11 watering that comes into the system.

12 CHAIRMAN STUTO: I don't know if that's an
13 adequate explanation. I am going to get to some of your
14 other questions because I did take notes. I'm not sure
15 if that's adequate for you on the stormwater. As I
16 understood your questions - and I will try to make it
17 shorter, there is a lot of elevation changes on the top
18 of the map - I'm not sure what direction that is - I
19 believe it's west or north. That's higher and it tends
20 to flow in that direction over this property. You have a
21 stormwater system which captures it. It lets it
22 infiltrate, directs it and ultimately brings it down to
23 the stormwater management area and tries to retain it
24 they are for 24 to 48 hours. Only on rare occasions,
25 meaning the hundred year storm, will there be an

1 overflow and that will go into the Town's system. So,
2 the whole Town is going to be sort of blasted when that
3 happens. You're going to see overflow on all the streets
4 throughout the Town, when that occurs. Otherwise, you
5 are capturing it and you are retaining it.

6 I don't know if there's any more particular
7 questions on that or comments that the engineers want
8 to make on that. We have gone over that a couple of
9 times.

10 MR. BIANCHINI: In our drainage study of this
11 whole area we did consider the drainage coming off of
12 this through the lots on to our lots. That's why we do
13 have swales between the lots and we have under drains at
14 the retaining walls to pick that up.

15 MS. WYDE: Just to clarify for you, there is a
16 storm system composed in the street so anything that
17 makes it to the street - any of these swales will drain
18 to the street and will be collected in stormwater
19 collection basins and everything will then be directed
20 by pipe to the infiltration basin. So, everything on
21 this property will be collected and brought to that
22 infiltration area.

23 CHAIRMAN STUTO: He asked why the storm basin
24 changed shape from the last iteration he saw.

25 MR. BIANCHINI: Basically it changed shape

1 because we were trying to save these trees. I got moved
2 up this way a little bit and got spread out to create
3 the volume that we need for the storm.

4 CHAIRMAN STUTO: The sanitary sewer - you said
5 you have studied capacity in the sewer line can take the
6 capacity. Does that take into consideration the
7 condition or age of the line? That's how I understood
8 the question.

9 MR. BIANCHINI: We studied the sanitary sewer.

10 CHAIRMAN STUTO: That's what were talking
11 about.

12 MR. BIANCHINI: Yes and I think they may be
13 confused with storm sewer. The sanitary sewer - we
14 checked with the Pure Waters Department which is the
15 sewer department and they reported no problems all along
16 the system for the past number of years. Now the storm
17 system has had problems.

18 CHAIRMAN STUTO: So, sanitary should be good.

19 MR. BIANCHINI: Sanitary should be good and
20 they are probably 50 or 60 years old which is normal for
21 most of the sewers in the Town.

22 CHAIRMAN STUTO: Okay, thank you.

23 Liz Martin.

24 MS. MARTIN: I only have one question. I was
25 wondering with the collection of water, even if it hangs

1 around for 24 hours or 48 hours - is the Town going to
2 be responsible for spraying for mosquitoes? That will
3 draw mosquitoes. They lay their eggs in water.

4 CHAIRMAN STUTO: I will ask how that is
5 handled.

6 If it's less than 48 hours, I don't know if
7 that is an issue or not.

8 MS. MARTIN: Well, there is a season where
9 they're making babies.

10 CHAIRMAN STUTO: Can you talk about that, Joe?

11 MR. LACIVITA: Peter, in all the years that I
12 have been with the Town, I think it was 1998 or 1999
13 that we had some issues with the mosquito where the Town
14 was actually dropping in insecticide or whatever they
15 throw into the basins to prevent that. We have not
16 sprayed, like you have seen in Pittsfield and the things
17 going on now. We haven't had that problem.

18 MS. MARTIN: So, if there were a problem, with
19 the Town of Colonie -

20 MR. LACIVITA: I think we would probably be in
21 concert with what is happening from the DEC level - the
22 Department of Environmental Conservation and working on
23 that level if there is an issue and it comes down to the
24 municipality. I don't know if the municipality would
25 take it upon themselves to do such a thing. I think that

1 it would be an a higher body to make that determination.

2 MS. MARTIN: Most of my questions were answered
3 when Mr. Thomas came up.

4 My other question was this: I am on the road
5 a lot. Between 3:30 and 5:00 the traffic on Sand Creek
6 Road and on Central Avenue is terrific. I have a heck
7 of a time getting out when I have errands to do or
8 whatever.

9 I was hoping - because you did say or
10 somebody did say that there would be fewer houses. Now
11 it still seems to be 24. They did mention 18. Is there
12 any chance that they might cut back on the number of
13 homes? Every house usually has at least two cars. It's
14 very difficult to get out onto Sand Creek Road - very
15 difficult. People are rude and they don't let you out.
16 So, you sit there and you wait.

17 MR. LACIVITA: I'm trying to pull up they
18 minutes from the last meeting, Peter. I don't seem to
19 find anything -

20 MS. MARTIN: Iit was mentioned. If it isn't in
21 the minutes, somebody screwed up.

22 CHAIRMAN STUTO: Mary Ellen Lorini.

23 MS. LORINI: I am Mary Ellen Lorini and I live
24 at 6 Nina Drive and I am not sure where it is on this. I
25 think it's here where the big tree is.

1 I had sent a letter and at the end of May to
2 the Board which I think apparently you are just given
3 in the last day or two for consideration. It has to do
4 with the large oak tree that's on my property that -
5 the root system and the canopy overhangs into the
6 property that is about to be developed. I have had a
7 gentleman come up who is an arborist take a look in
8 one of his recommendations was that - I appreciate
9 that there is not going to be any grading done on that
10 over the root system. The recommendation was also
11 during the construction that some sort of a fence
12 would come down about 10 or 12 feet around the drip
13 line of the tree beyond the canopy just to keep any
14 heavy machinery from constantly going over the system
15 because he said his opinion was that could damage it
16 as well. So, in my letter I had just asked that some
17 sort of fence -- I think I had talked to Mr. LaCivita.
18 I had originally said like a chain-link fence. He said
19 that may not be possible. Perhaps a construction fence
20 of some sort just during the project to keep the heavy
21 equipment from running over that. So, I would ask that
22 be a condition that was placed on the project approval
23 when that happens.

24 I have a couple of other things that I was
25 wondering. I think I heard you say that the water

1 pressure, because of the loop now and not the dead
2 ends was going to go up and increase. I just wanted to
3 confirm that.

4 I also was wondering what offices handle the
5 maintenance of the basins - the storm basins for
6 vegetation and mosquito situations if that should
7 arise. Who does that?

8 With respect to the conservation line, I
9 understand that behind it there is a no disturbance
10 area. In front of it, which is where I assume the
11 houses will go, are there any trees tagged or
12 identified that are to be left and not cut down. The
13 tree study originally talked about identifying trees -
14 - I believe it was 8 inches to 10 inches in diameter.
15 Having done that, if they happen to be on the property
16 in front of the no disturbance, would there be efforts
17 to maintain those trees or at least some of them?

18 I was a little bit confused going by what the
19 prior woman mentioned. There was a discussion about
20 reducing the number of houses. At the time, it was my
21 understanding that if a reduction of houses would be
22 considered that result in a conservation subdivision
23 with fewer houses. What I'm hearing today is that it
24 is now a conservation subdivision. Not only is there
25 not a reduction in houses, but the prior narrative in

1 2016 indicated there was 23 houses on Donna Drive and
2 one from Sand Creek Road. This plan - the narrative
3 and the plans indicate 24 houses on Donna Drive and
4 one on Sand Creek Road. So, we have actually gone up
5 one. My understanding also is that two houses per acre
6 is the rule. The developer actually acquired .07 of an
7 acre in order to make that 12 in order to get 24
8 houses. So, far from considering a reduction,
9 concerted effort has been made to get a piece of
10 property to allow the addition of the additional
11 house. So, that concerns me that was the result of the
12 discussion previously when we asked for serious
13 consideration of reducing the number of houses.

14 Finally, along those lines are the traffic
15 study. In the minutes of the last meeting, there was a
16 representation that study would be submitted with the
17 final plans. Now I believe I am hearing that some sort
18 of informal observation was done, but not really a
19 study. Also, these conclusions are premised on the
20 fact that people who buy \$400,000 houses only by one
21 car, which I think is totally disingenuous. I would
22 think that you would be interested in a real traffic
23 study being done prior to approval.

24 As a final point or request - when this is
25 approved and there is heavy machinery going in and out

1 of the current roads, to the extent that there might
2 be higher levels of wear and tear or damage to those
3 roads, that the developer would be amenable to putting
4 them back to the way they were or fixing them and make
5 sure that the roads are nice before they leave.

6 I think that covers everything that I was
7 interested in. Thank you.

8 CHAIRMAN STUTO: Thank you.

9 Water pressure.

10 MR. BIANCHINI: Water pressure will go up a
11 little bit. It won't be a whole bunch but it will be
12 enough to be noticeable.

13 FROM THE FLOOR: What will be the results of
14 that, if it goes up physically?

15 MR. BIANCHINI: Because it is looped - right
16 now they are dead ends. There are two waterlines that
17 dead end. When you increase them, you get better
18 pressure because the water is coming from two
19 directions.

20 FROM THE FLOOR: I'm not saying that it is a
21 negative for the homes.

22 MR. BIANCHINI: No, it is not a negative.

23 MR. HEIDER: You are going to see it on Donna
24 Drive.

25 CHAIRMAN STUTO: What office maintains the

1 storm system area?

2 MR. LACIVITA: That is our Department of Public
3 Works and specifically the Stormwater Department.

4 CHAIRMAN STUTO: The fence around the tree
5 during construction?

6 MR. BIANCHINI: Typically the orange
7 construction fence - we can definitely put that up.

8 CHAIRMAN STUTO: Can we make a note of that, as
9 a condition of this?

10 MR. SHAMLIAN: I think there's a difference
11 between what you discussed earlier which was a fence at
12 the drip line and what she was requesting was a fence -

13 MR. BIANCHINI: A little bit beyond that, yes.

14 CHAIRMAN STUTO: Ten feet beyond that, she
15 suggested. Can you accommodate that?

16 MR. BIANCHINI: I think so.

17 CHAIRMAN STUTO: Are there any trees being
18 saved that are not within the conservation subdivision?

19 MR. WYLD: I saw a couple. Basically anywhere
20 the proposed grade is not changing from the existing by
21 more than a foot, there are some large trees and they
22 are identified on the grading plan to remain.

23 CHAIRMAN STUTO: Do the houses increase from 23
24 plus 1 to 24 plus 1?

25 MR. BIANCHINI: It may have. That was way back.

1 CHAIRMAN STUTO: This project has been around
2 for a long time.

3 The Board can discuss the number of houses.
4 *Did you understand the question about the traffic
5 study?

6 MR. BIANCHINI: I don't know what the Board
7 would want. Again, we have provided information on the
8 number of trips that are expected during the peak hours.

9 CHAIRMAN STUTO: Okay, we will talk about that.

10 MS. WYLD: We have reviewed the peak trips for
11 traffic.

12 CHAIRMAN STUTO: How many cars is this
13 projected to contribute?

14 MS. WYLD: I think it was around 24. That's at
15 the peak time. That is not to say that every house has
16 one vehicle. That is not what that means. It means that
17 at any given time in the peak hour which is typically
18 your p.m. peak hour, around the 4:00 to 5:00 hour - that
19 you would anticipate 24 vehicles coming or going.

20 CHAIRMAN STUTO: Either coming or going.

21 FROM THE FLOOR: How is that established - the
22 24 vehicles?

23 MS. WYLD: It is based on a national standard
24 for the size of the houses.

25 FROM THE FLOOR: Most couples work. So, if they

1 to go together in one car -

2 MS. WYLD: Not necessarily. They may go at
3 different times. It is an average, but it is based on
4 the national standard and it is an accepted method. So,
5 we have reviewed that and determined that there is not
6 mitigation required for the traffic based on those peak
7 number trips.

8 CHAIRMAN STUTO: Was or anyone else from the
9 neighborhood who wanted to speak?

10 MS. CERRUTI: Sandra Cerruti, 40 Donna Drive.

11 I just have two questions. I noticed the
12 numbering of lots. It mentioned 17. There is a
13 neighbor living at 17. Does that mean all of Donna
14 Drive is going to be renumbered?

15 MR. LACIVITA: There is no 17.

16 CHAIRMAN STUTO: What is your other question,
17 ma'am?

18 MS. CERRUTI: As far as the trees go that are
19 going to be conserved -- who monitors that? Is it the
20 home that is their existing or the new homeowners? Let's
21 say something comes up and they want that tree removed.
22 Who is responsible for that conservation?

23 CHAIRMAN STUTO: What is the restriction on
24 that, legally?

25 MR. LACIVITA: These are deed restricted?

1 MR. BIANCHINI: We haven't deed restricted --
2 we have not done that.

3 MR. LACIVITA: The last conservation
4 subdivision that we have done, we have either deed
5 restricted it where it is a deed restriction to the
6 property owner. The other one that we did was the
7 Ventura subdivision and we actually put that in the Town
8 lands.

9 CHAIRMAN STUTO: So, the Town is not taking
10 this property. We know that.

11 MR. LACIVITA: Correct. This would be more of a
12 property owner deed restriction.

13 CHAIRMAN STUTO: Okay, we are going to have a
14 deed restriction, which means their deeds will say that
15 they can't disturb beyond that line or take trees down
16 behind that line.

17 MS. CERRUTI: The new owner.

18 CHAIRMAN STUTO: Yes.

19 Heather, you have a note on that as well for
20 the final plans?

21 MS. WYLD: Yes.

22 MS. CERRUTI: Were going to have quite a
23 retaining wall at 40 Donna? We are right here
24 (Indicating). We can see rooftops. So, is that solid
25 concrete or is that blocks?

1 MR. BIANCHINI: Typically they're called a
2 segmental retaining wall. They are block with a facing
3 on it. It is decorative.

4 MS. CERRUTI: So, we probably won't see them,
5 right?

6 MR. BIANCHINI: You won't see it. You will see
7 the retaining wall.

8 CHAIRMAN STUTO: Okay, Lot 17. Do we know the
9 answer to that?

10 MS. WYLD: These start at Lot number 40. So, 17
11 might be an existing one that you're looking at. It's
12 not the propose number.

13 CHAIRMAN STUTO: So, it shouldn't change the
14 numbering on the existing houses.

15 MR. BIANCHINI: No.

16 CHAIRMAN STUTO: Who else wanted to speak?

17 MR. PASSIENZA: My name is Tom Pasienza and I
18 live at 15 Alfred. I think this is me right here
19 (Indicating).

20 My concerns are: just off my property line at
21 15 it drops down and you can see these lines on the
22 map -- it is 6 or 7 feet below the basement level of
23 my house. If they decide -- which I imagine they will
24 - they're going to push dirt from these high points
25 down into that low and level it off. What I'm

1 concerned about is my basement filling up with water.
2 I don't have a sump pump and it is a fully furnished
3 basement. Who am I going to need to contact for the
4 damages. If they occur, who would be responsible?
5 Would it be the developer, or the Town of Colonie?
6 These are my concerns.

7 They did say they were going to give a
8 traffic flow examination - or whatever you call it.
9 They never did that. It looks like your fast tracking
10 it it looks like it's definitely going through. *I
11 just need to know who to contact if I end up with a
12 water problem behind my house. I am not worried about
13 the trees. A lot of them are poplars and junk. They
14 can wipe that out and that's fine. They talked about a
15 swale going in there right behind my property. I liked
16 that. That was a good idea. I don't want water running
17 at my house. That is my biggest concern because I can
18 see a real problem coming downstairs and seeing a
19 couple of inches of water in my basement and then
20 where do I go? Who am I calling? What do I do? That's
21 really what it comes down to.

22 Winters are crazy. I have seen rain after 10
23 below zero and inches of it. Where the hell is that
24 going to go? Everything is froze up in tight as a
25 rock. I don't know how you're going to seep it into

1 the ground if everything's frozen.

2 I did highway maintenance for 30 years. I did
3 probably 12 as a supervisor. I did a lot of ditching
4 and a lot of piping and things like that. I would like
5 to make sure that they get this right. That is very
6 important. *Thank you.

7 MR. LACIVITA: Joe, can I give you one question
8 for this gentleman here? I am looking at some of the
9 existing grades on the properties for Alfred in the
10 no-cut buffer area and it seems like in the back of 19,
11 17 and 15 we have a grade identified here of 292 and
12 then we go back to the clearing line of grade 288 and
13 then it goes up slightly. Is that an intended swale to
14 keep that grade actually moving water in that direction?
15 I thought the gentleman said that he was much lower. If
16 I am looking at these grades, it looks like there is
17 almost an intentional/non-intentional -- it almost looks
18 like a swale going back away.

19 MS. WYLD: They are filling grade at the
20 proposed house. They are raising grade and basically
21 creating a mild swale behind those houses. There are
22 catch basins behind each house and an infiltrator so
23 that will collect that flow as it comes down and will be
24 directed into that system or into the infiltration basin
25 via the swale. They should not see any additional flow

1 onto the Alfred Drive properties. We are capturing that
2 and directing it elsewhere.

3 CHAIRMAN STUTO: Who else would like to speak?

4 MR. CYR: My name is Leonard Cyr and I live at
5 21 Alfred Drive Thank you for your time.

6 CHAIRMAN STUTO: Thank you for coming out.

7 MR. CYR: Our concern is water. We have been
8 there for 52 years and it is completely dry downstairs.
9 There is not a problem.

10 The construction that is being planned - what
11 is going to happen to the water that exists there now
12 behind our house? We are talking Alfred Drive, 21, 19,
13 17, 15, 23, 25 and of course down at the end. We are
14 talking about a swale. I just learned something about
15 it at the last meeting. Thank you for the education.
16 What's going to happen to that water? Is it going to
17 manifest into mosquito populations?

18 Second, should there be an issue as a result
19 of this development concerning water in the cellars,
20 who do we contact or who is going to be liable for the
21 water damage, should this take place as a result of
22 this development? I think everyone sitting here would
23 like to know those answers to these questions.

24 That's all I have to say. Thank you.

25 CHAIRMAN STUTO: Thank you.

1 I will say this: I don't want to create more
2 of an issue on water than actually exists. I have been
3 sitting in these meetings for 10 or 11 years. We meet
4 twice a month. We usually see three projects a night.
5 That is a lot of projects over the years. I am not an
6 engineer, but hopefully we are smart enough if after
7 the repetition of this, to sort of understand how the
8 stormwater works and how the regulations are designed
9 to protect the surrounding areas. So, people keep
10 asking these questions and in my opinion they are
11 creating a bogeyman of what if this happens?

12 The system is designed by the engineers who
13 are the applicant and they are reviewed by the Town
14 Engineers that we have hired to review them.

15 Under the federal and state standards, they
16 are designed to capture the water, keep it on the
17 property and not make the water flow any worse for the
18 downhill neighbors than they are today. I am not aware
19 of any project where they have come back and said
20 things got worse, since we have started. The older
21 projects that were before us - I have heard a lot of
22 complaints. The standards have changed since then.

23 There has to be a level of confidence with
24 the engineers and our engineers and their professional
25 license and the engineer that we have hired that

1 reports to us and doesn't report to the applicant's.
2 The systems work as they are designed.

3 I cannot answer the question who you call. It
4 is a private matter or whatever. I have a level of
5 confidence in having been here for 10 or 11 years that
6 the systems work. To that extent, there is a level of
7 faith. That is my only comment to it.

8 I don't know if the applicant or our engineer
9 has anything to add.

10 MR. BIANCHINI: The only thing that I would
11 like to add is to answer this gentleman's question over
12 here with regard to winter conditions.

13 CHAIRMAN STUTO: Fair enough.

14 MR. BIANCHINI: We have also come up with an
15 erosion control plan that deals with frozen ground. So,
16 while this is under construction, the contractor has to
17 create temporary basins to collect the water. During the
18 day, he has to direct his grading operations so that
19 they are directed to these temporary basins, so they are
20 not training off-site onto someone's property. He's got
21 to put up silk fences. He's got to put up a stabilized
22 entrance so his trucks don't track onto the streets. He
23 is responsible for any of that damage or whatever
24 happens because of that.

25 The Town has a stormwater department that

1 goes out and also inspects it. Believe me, they are on
2 the contractors all the time to make sure that they
3 comply with the regulations.

4 CHAIRMAN STUTO: Who else wants to speak that
5 hasn't spoken?

6 MR. COON: Rob Coon, Our Savior's.

7 We are concerned about the grading on the
8 side coming down and flooding in our field.

9 CHAIRMAN STUTO: We will let him finish his
10 comments and then we will address his questions.

11 MR. COON: This red line on the Internet
12 drawing shows all the way to the school's property. Did
13 the school sell that property, or is this just an error
14 in the drawings?

15 When we contracted with Cillis to allow the
16 stormwater to drain off to our property onto Herman
17 Street -- anyway, this easement goes to our property.
18 We have an agreement with Mr. Cillis to provide 350
19 feet of 5-foot high chain link fence which would get
20 us in this area - to replace fence that was a 4-foot
21 fence. After seeing your drawings from the concept
22 from the beginning, it looks like we have a 4-foot
23 fence on Mr. Cillis' property. We would request that
24 this 5 feet that is by contract to us be extended all
25 the way to the corner and this taken off of Mr.

1 Cillis' property - this 4 foot -- and discarded. That
2 way, this would be a 5-foot high fence for 575 feet
3 instead of 150.

4 Where is the depth of the drainage retention
5 basin before it overflows? If it is very deep, you
6 have to fence it because you don't want children
7 drowning in it.

8 When they are clearing this land, what does
9 provisions - these people are going to be sandblasted
10 with Colonie sands while they are building in here.
11 What erosion control practices will hold the dust down
12 during the sand blasting event from these houses?

13 CHAIRMAN STUTO: I don't think sandblasting is
14 a fair term.

15 MS. WYLD: Sandblasting, no. There is certainly
16 a level of dust control that needs to be implemented in
17 that. It is part of the erosion control measures.

18 MR. COON: Just for my own information, the end
19 individual lot infiltrators - what water does that
20 actually take? Does it take the roof and the driveway
21 and the lawn?

22 Our Savior's, during some of these storms,
23 has really experienced flooding on our side. There is
24 a ditch here and this is a soccer field. There is an
25 area in here that we do see some ponding. It goes away

1 in a few hours.

2 My question was: the percolation tests --
3 when we built, we had to do percolation studies with
4 water tables and we have found that depending on the
5 time of year that you do the test, the water table in
6 Colonie changes quite drastically. So, depending on
7 the depth of this in the elevation of it, it could end
8 up not having very much percolation.

9 My last question is: 24 cars - is that
10 including all the existing houses?

11 CHAIRMAN STUTO: No, that's just new.

12 MR. COON: So, that's just 24 additional
13 houses.

14 CHAIRMAN STUTO: Yes.

15 MR. COON: What does the study say there is
16 including the existing houses?

17 CHAIRMAN STUTO: Okay, could you talk about the
18 grading and include the fencing comment?

19 MR. BIANCHINI: The grading does come down and
20 we have created those swales along the tree line here
21 with infiltrators on these lots so water will get picked
22 up. It will bypass the basins and flow to the retention
23 basin. There is a fence - a 4-foot fence all the way
24 around the retention basin. That is standard. I don't
25 know what the agreement is with Mr. Cillis on the fence,

1 but that was the agreement and I'm sure he would honor
2 that. If we have to extended a little bit, I don't think
3 that would be a big problem.

4 CHAIRMAN STUTO: Do you know anything about
5 acquisition of property at the school?

6 MR. BIANCHINI: This belongs to the school.
7 This was sold by Mr. VanGeest to the school some time
8 ago.

9 CHAIRMAN STUTO: There is a fence around the
10 drainage -

11 MS. WYLD: Yes, that's actually a 6 foot fence
12 around the entire pond area.

13 MR. LACIVITA: It says a 4-foot gate, Joe. We
14 may want to look at that.

15 MR. BIANCHINI: That's a 4 foot wide gate.

16 CHAIRMAN STUTO: Can you talk about dust and
17 erosion control?

18 MR. BIANCHINI: That's all covered in the SWPPP
19 - the Stormwater Pollution Prevention Plan. It's on the
20 contract. It is to control dust and do either watering
21 or calcium chloride or something to control dust. It has
22 to happen. We can't have dust going all over the
23 neighborhood. Again, that's part of the SWPPP
24 inspections that are done.

25 CHAIRMAN STUTO: How often does the Town stop

1 by, Joe, to look at the property?

2 MR. LACIVITA: During the course of it?

3 CHAIRMAN STUTO: Yes.

4 MR. LACIVITA: They are out there weekly. The
5 SWPPP is there sending inspections into us once a week
6 for our stormwater guys who are out there once a week.

7 CHAIRMAN STUTO: And if there is a call or a
8 problem -

9 MR. LACIVITA: If they were out there one day
10 and we have a serious rain event, they are out the next
11 day checking them out, as well.

12 CHAIRMAN STUTO: Can you talk about the
13 individual lot infiltrators?

14 MR. BIANCHINI: Generally, they take the
15 backside of the lot where the roof line is. The front
16 side will drain towards the road and be collected by the
17 road. The rear portion drains to the back. So, that's
18 what the infiltrators pick up. In some cases they might
19 also pick up and under drain.

20 CHAIRMAN STUTO: How big are those units? Can
21 you describe the infiltration -

22 MR. BIANCHINI: They are like the half pipe.
23 You have seen the yellow half pipe. That's what they
24 are. There is a catch basin there and then they go out.
25 They're about this wide in this high (Indicating). Then,

1 they have stone underneath them. They are similar to a
2 dry well, but they don't go down as deep. They work and
3 they are very effective.

4 CHAIRMAN STUTO: He made a comment that the
5 perk tests change depending upon the day and depending
6 upon the season.

7 MR. BIANCHINI: We go out there and we have
8 done perk tests and test pits a number of times. So, we
9 go out there and we look at what the test pit tells us
10 and you can see where the seasonal high groundwater is
11 which is the oil stains in the soil and that's what we
12 call high groundwater. It is not necessarily where we
13 actually find the groundwater. We go by that
14 upper-level. We do our perk test at the level of the
15 bottom of the infiltration basin.

16 CHAIRMAN STUTO: Do the traffic numbers take
17 into consideration the current traffic?

18 MR. BIANCHINI: We did not take into
19 consideration the current traffic.

20 CHAIRMAN STUTO: Who else wants to speak.

21 MS. KOLBER: My name is Kiersten Kolber. I live
22 at 19 Alfred Drive.

23 What my main concern in the past was any
24 erosion because of that 6 to 8 foot drop.

25 I want to thank you for allowing the trees to

1 stay there so we don't lose any more land.

2 This question is not to demean any of you,
3 but has anybody from the Planning Board or staff or
4 anyone that works for you actually gone to the
5 property to look at it?

6 CHAIRMAN STUTO: I went to it.

7 MS. KOLBER: Awesome. You cannot tell, as you
8 mentioned, on the map -- one map shows more of the
9 elevation than other maps do.

10 My daughter is an environmental engineer. I
11 know what she has to do - where she does have to go to
12 the sites to actually look at them. You cannot just
13 look at maps and it tells you everything. You have to
14 actually see it. So, some of you have gone to look at
15 it so you know what it looks like.

16 CHAIRMAN STUTO: Yes.

17 MS. KOLBER: Awesome. Thank you.

18 CHAIRMAN STUTO: Yes, ma'am.

19 MS. CYR: My name is Carol Cyr and I live at 21
20 Alfred Drive. I am looking and these are the new lots.
21 Will the new lots come right to our lot?

22 CHAIRMAN STUTO: Well, yes, there is a border.
23 There will be a conservation area on the back of that
24 lot.

25 MS. CRY: So, will there be like a ditch?

1 Again, we are talking about higher elevation. Is there
2 going to be a ditch between the two properties? If so,
3 who is going to control all of the weeds and these nasty
4 poplar trees that are there? Many of them are falling
5 down. My neighbor next to me has had a tree come down in
6 his yard. We have had a tree. We have branches
7 constantly -- so, if these two properties are not going
8 to up but one another, who is going to be responsible
9 for them?

10 CHAIRMAN STUTO: Their property begins where
11 your property ends. There's no question about that. So,
12 there is just a line and that's how it is defined. What
13 we have heard from the neighbors is that they don't want
14 trees cut -

15 MS. CYR: I'm talking about the poplar.

16 MR. BIANCHINI: There is some poplars in
17 through there.

18 CHAIRMAN STUTO: Can you address the ditch?
19 Everybody has to address their own property, if you
20 follow what I am saying.

21 MR. BIANCHINI: We are not proposing a ditch
22 along the back. We are proposing no disturbance along
23 that area. So, that will stay just the way it is. The
24 disturbance are probably 25 or 30 feet along that
25 backside.

1 We talked about a deed restriction there. I
2 think maybe that has to be emphasized. The poplar
3 trees do fall over and break. There has to be some
4 allowance and there to remove some of those.

5 MS. CYR: All of them. You laugh about this,
6 but those of us who are on this side of Alfred Drive -
7 we are the ones who have been dealing with these and
8 there is nothing good -- there is no value to these
9 trees whatsoever.

10 CHAIRMAN STUTO: Joe, can you remind us to talk
11 about that again?

12 MR. LACIVITA: Sure.

13 CHAIRMAN STUTO: Who has not spoken? Is there
14 anyone who has not spoken who would like to speak?

15 MS. MARTIN: Can you just answer my question
16 from before? If there is any damage to the roads, could
17 the developer potentially fix that?

18 CHAIRMAN STUTO: You mean during construction?

19 MS. MARTIN: When they are all done, even with
20 the construction vehicles coming in and out, at least
21 can the condition of the roads be the same as when they
22 got there?

23 MR. BIANCHINI: That is basically a standard
24 operating procedure in the Town. You have to get a Town
25 permit for the roads and if you cause any damage to the

1 roads, you have to fix it.

2 MR. TENGELER: One of the notes on the plans,
3 Peter, is actually any dirt or debris detected on the
4 road must be swept up immediately, verbatim.

5 MR. BIANCHINI: And if there's pavement damage,
6 the same thing.

7 CHAIRMAN STUTO: And the Town inspects that and
8 enforces that.

9 MR. LACIVITA: Yes.

10 MS. MARTIN: You just said that everyone is
11 responsible for their own private property. So, the
12 swale system that they are putting in - that's like a
13 ditch type thing? If so - when you are done and gone and
14 the swales are there, is the property owner responsible
15 for keeping -- in order for to work, it cannot be
16 clogged. So, is the property owner responsible for
17 maintaining the swale system so that weeds and junk
18 doesn't accumulate there? That would be their
19 responsibility of whoever buys the house?

20 MR. BIANCHINI: Yes, generally that's the
21 homeowner's responsibility. The swales that I am talking
22 about are just gentle swales. Most everyone has them
23 between your property and your neighbor's property. It's
24 right on the property line. Most people just mow them
25 and take care of them. It's not a big ditch. It's just a

1 very gentle swell.

2 MS. MARTIN: So, that's not something that the
3 Town would do.

4 CHAIRMAN STUTO: That is correct.

5 MS. WYLD: These swales are not engineered
6 specifically for that. It's just to convey the water
7 away from the properties.

8 CHAIRMAN STUTO: Anybody else?

9 FROM THE FLOOR: So, they are filling in behind
10 17, 21 and all the way down on Alfred Drive? Are they
11 bringing that grade up to the 8 feet that is probably
12 saving my basement now? Is that grade going to raise the
13 lines right there? There is one line that goes down. It
14 used to flood back in the day. Anyway, are they filling
15 that in and is it coming up to grade up in my backyard?

16 MS. WYLD: No.

17 FROM THE FLOOR: They're going to leave that
18 lower than the grade?

19 MS. WYLD: That's the swale that we are talking
20 about. They are raising the elevation at the proposed
21 houses and then they will grade back down to meet
22 existing grade on their property. Yours will not be
23 impacted that way and that water will convey in that
24 swale.

25 FROM THE FLOOR: Their backyards drop right

1 off. Are you going to level that right out flat?

2 MR. BIANCHINI: No.

3 CHAIRMAN STUTO: Anyone else?

4 FROM THE FLOOR: What is the maximum depth of
5 the water in the retention basin? Will we have three
6 feet of water?

7 MS. WYLD: It is 2 1/2 feet before it would
8 spill over. It would be a maximum of 2 1/2 feet and that
9 will completely drain out and 24 to 48 hours.

10 MR. THOMAS: I'm thinking of the tree cutting
11 near the library on that development where the
12 contractor went in and clear-cut it. How is it going to
13 really be controlled here to prevent that from
14 happening? We can say that we don't want it to happen,
15 but how is it controlled by the Town - the tree cutting.

16 MR. LACIVITA: Again, our Stormwater Department
17 also looks at the clearing and grading during the course
18 of construction. They will be out there when the fences
19 actually installed as to the grading limits in the
20 clearing limits. So, they will know anything that
21 further encroaches into what they have on this plan.

22 MR. THOMAS: I know from the past that we've
23 had flooding in the basement before all the trees grew
24 up and the brush in the back to absorb the moisture.
25 It's going to happen again. Your pouring all the water

1 behind our house. So, I know it's going to start getting
2 water in the basement again. I know that in some cases
3 the Town Planning Board as part of the approvals will
4 say you have to put in a sump pump in these homes
5 adjacent to the construction. So, that's it I'm asking.
6 There's nothing wrong with that.

7 With the traffic - who are the two people
8 from the Town - their titles - that were with you that
9 stood there and said -- and what time of day did you
10 do it because you're going to have one hell of a
11 traffic problem. I'm not even going to be experiencing
12 that, but they will. Thank you.

13 CHAIRMAN STUTO: Okay, we have answered a lot
14 of these questions already. You are designing the houses
15 for sump pumps. Hopefully they will not have to use
16 them. He's saying he's going to have flooding in his
17 basement and you are saying that he's not.

18 I don't know if you recall the traffic study
19 - who was there.

20 MR. BIANCHINI: It was Steve Russell and Bill
21 Neely.

22 CHAIRMAN STUTO: What are their general titles?
23 They are in Public Works?

24 MR. BIANCHINI: They are Public Works.

25 MR. LACIVITA: Bill Neely is a Supervisor and

1 Steve is an Engineering Coordinator.

2 MR. THOMAS: And the time of day?

3 MR. BIANCHINI: In the morning.

4 MR. THOMAS: At 10:00?

5 MR. BIANCHINI: I think I met him out there
6 about 8:30.

7 CHAIRMAN STUTO: Sir, did you have a question?

8 FROM THE FLOOR: I spoke to a Town official
9 about the roads of Rafael Court and Donna Drive and I
10 asked them about -- it had nothing to do with these
11 guys. I said, what about getting a road fixed and
12 resurfaced? I said they're getting pretty ratty. He says
13 we have them on a schedule to do it, but were not going
14 to do it and we are holding off until the development
15 because we would have to demo and resurface the roads. I
16 would like to find out if that's true or if there's a
17 schedule for that area to be resurfaced.

18 MR. LACIVITA: That would be through our
19 Commissioner of Public Works. There is a schedule. In
20 fact, if you go on to the Town website - the Town's main
21 website, there is a paving schedule link and it will
22 tell you at least for the 2018 paving season - they will
23 tell you which streets are scheduled for paving. So, if
24 you are looking for Nina specifically, you would look
25 for that name on it.

1 FROM THE FLOOR: If it was way in the future,
2 could we accelerate that at all?

3 MR. LACIVITA: Well, they wouldn't put any new
4 ones on. The paving schedule gets sat on the onset of
5 the budget cycle.

6 Chief Heider would know because he was part
7 of that committee.

8 The beginning of every year before the Town
9 Board adopts it, you identify a listing of streets
10 within the funding that is available for you. Those
11 are the streets and once it's adopted it, is defined.
12 Nothing gets added and nothing gets taken away.

13 CHAIRMAN STUTO: The point that I think he's
14 trying to make - is a possible that this will postpone -

15 MR. LACIVITA: I don't even know if it's on the
16 schedule to see where it is. They are all rated, Peter,
17 to get on the schedule. I don't know where that is.

18 CHAIRMAN STUTO: Any other new questions?

19 MR. LAMANNA: My name is Charles Lamanna and I
20 live at 23 Alfred Drive.

21 I felt that I had to stand with my neighbors.
22 I have lived on Alfred Drive for 50 years; since 1965.
23 From what I am hearing, I am concerned about the water
24 of course. but I won't go into that.

25 The little conservation area behind my home -

1 - I'm going to have to be fighting with my neighbor as
2 to who is going to maintain that. Who's going to cut
3 the weeds when they grow there? I have cleaned a
4 little bit of the yard behind my property and what do
5 I get? I get a letter from an attorney telling me
6 don't touch the land behind my property line. So, I'm
7 getting a little old to be fighting with a neighbor
8 about that and about who's going to mow that part of
9 the lawn and who's going to maintain it.

10 As Carol Cyr mentioned, I had one of the
11 trees from the area behind my property fall on my
12 property. It was a pretty good-sized tree. There are
13 other trees in that conservation area that probably
14 need to be cut down because they are dangerous. Is
15 anyone inspecting that as part of this? As I
16 understand it, if it's in the conservation area, we
17 are not going to touch it.

18 Finally, I've been lucky and have not had
19 water in my basement, but I can foresee having it.
20 Yet, I hear that if that happens, I don't know where I
21 could go to get it corrected. Who should be
22 responsible? I think we should think about the people
23 who are current residents once in a while and give
24 them due consideration when we bring up what are
25 serious concerns for us.

1 Talking about the traffic is the final issue.
2 I think first of all try getting out to Sand Creek
3 from these roads and you will see what they're talking
4 about getting out between 3:30 p.m. and 5:30 p.m.,
5 forget about it.

6 Secondly, if they sequence the lights at the
7 high school and at the grade school, maybe that would
8 help some. I have sat there for a half hour trying to
9 get out to Sand Creek Road and the traffic comes in
10 one direction and as soon as it stops, it is coming in
11 the other direction. I'm sitting there and I can go
12 either way. I have to turn around and go back down to
13 Central Avenue and hope I can get out there.

14 The point that I want to make is that these
15 are serious problems. I don't think they are getting
16 the consideration that they should be getting.

17 I too am concerned about mosquitoes. My
18 neighbor made a good presentation about that. I hope
19 that you will give it serious consideration. Thank
20 you.

21 CHAIRMAN STUTO: Thank you. Who else would like
22 to speak?

23 FROM THE FLOOR: I would just like to add that
24 somebody came to my house today. I wasn't home and my
25 mom was home - from the Town and they were looking

1 around. She didn't catch their name. Was it anybody
2 here? They said they would be at the meeting. That's why
3 I am asking.

4 MR. MION: Lou Mion.

5 FROM THE FLOOR: Thank you.

6 CHAIRMAN STUTO: It seems as though there is no
7 more comment, so we will close the public hearing and
8 open it up to discussion from the Board.

9 Chief, would you like to start?

10 MR. HEIDER: I guess the question for the
11 engineers is: Do those houses from 11 to 29 Alfred Drive
12 - who have a ditch or something behind them - is there
13 anything from here that is going to add to the water in
14 that area? That's the concern. I hear my old buddy Lenny
15 Cyr and if I hear the people at 17 right, right now it's
16 handled by itself. It doesn't cause a problem. So, you
17 know that's a conservation part. Is 59 Donna - is that
18 graded so that it will add anything to the already
19 existing conditions?

20 MS. WYLD: In general, I just want to point out
21 that this might address some of the overall concerns.

22 In general, the property drains from
23 northwest to southeast. All of that water is flowing
24 across the property and ending up toward Alfred Drive.
25 What this development is doing is capturing a really

1 large portion of that and directing it to a treatment
2 practice - to this infiltration basin. So, everything
3 that is coming north of the road is getting collected.
4 All of that water is being directed away. So, you are
5 reducing the flow that Alfred Drive is already seeing.

6 In addition to that, we mentioned that there
7 is this gentle swale along the conservation easement
8 between the proposed houses and a conservation
9 easement to direct that water away. So, the houses on
10 Alfred Drive will not see any additional flow from
11 what they are currently seeing. They will actually see
12 a reduction.

13 MR. LAMANNA: How can that be? You are paving
14 the road and putting houses in with roofs and your
15 putting lawns that the water will run off of. You are
16 bringing all the water down.

17 CHAIRMAN STUTO: We are not going to have a
18 back and forth and we have closed the public hearing and
19 we have answered that question about five or six times -
20 if not 10 times.

21 Chief, do you have any other comments?

22 MR. HEIDER: No.

23 MR. SHAMLIAN: I just want to get a sense of -
24 like on lot 46. What is the finished floor on that lot
25 going to be?

1 MR. BIANCHINI: Number 295 is the garage
2 elevation, which is usually a foot to a foot and a half
3 above the road elevations. The finished floor of the
4 house would be about one foot above that.

5 MR. SHAMLIAN: So, in the backyard you're
6 looking to about 12 or 14 feet.

7 MR. BIANCHINI: At most, yes.

8 MR. SHAMLIAN: I think you touched on this
9 earlier. What additional trees is there an opportunity
10 to save on some of these lots outside the conservation
11 area? One of the things that you did on the project on
12 Spring Street is we asked for is how to identify some
13 other specific trees -

14 MR. LACIVITA: For the infrastructure was going
15 to be and so on.

16 MR. SHAMLIAN: I understand these lots are
17 pretty small and there may not be as much opportunity
18 for that, but I guess I would throw that out as
19 something for us to consider for some other trees.

20 MR. BIANCHINI: There could be other trees that
21 could be saved, but usually what you just said is that
22 we do and we propose a plot plan for that lot - for that
23 specific house that's going on that and driveway and the
24 grading around it. That could be done at the time of a
25 plot plan.

1 MR. SHAMLIAN: The Board mandated that take
2 place with a Town representative. Essentially, that
3 would mean that putting a road in - your clearcutting
4 for the road, but then you're coming back -

5 MR. BIANCHINI: You're coming back on a lot by
6 lot basis, basically to grade the lot out,

7 MR. SHAMLIAN: I understand that given some of
8 the grades, you probably can't do all of them lot by lot
9 but again, it's just something for us to consider.

10 CHAIRMAN STUTO: Well, if we going to talk
11 about it, now is the time to talk about it if that's
12 going to be a condition. I'm not sure I fully understand
13 it. I don't think I was here for that meeting.

14 Joe, can you help us on that?

15 MR. LACIVITA: One of the conditions on
16 Loudonville East was that the applicant at the time was
17 going to be working with Barton and Loguidice, myself
18 and someone from Stormwater as they are showing the
19 infrastructure and kind of designing it that way. Now,
20 each time a lot is proposed - kind of what Joe was
21 getting at - is identifying trees potentially for saving
22 outside the foundation area proposed.

23 CHAIRMAN STUTO: Do you think that can be
24 applicable here?

25 MR. BIANCHINI: Joe and I went out there on

1 Isabella Court and we spotted several trees out there
2 that needed to be saved.

3 MR. LACIVITA: I think it's possible for this
4 to work. Let's not forget that the reason I was going
5 back in the minutes - the reason that we push the houses
6 up to the front of the property line was to save stuff
7 in the back. Now we are hearing that we want to have
8 clearing in the back. So, I don't know how much is going
9 to be left in the front to do this. So, we're going to
10 have to take a peek at it on a lot by lot basis.

11 CHAIRMAN STUTO: Can we leave that in the
12 discretion of the department and the Town Designated
13 Engineer?

14 MR. LACIVITA: Yes.

15 MR. SHAMLIAN: Lastly, lot elevations - a lot
16 of different colors in the packet. I'm not sure how to
17 propose this, but I want to make sure that we are
18 getting a good variety of elevations and a good variety
19 of colors. I understand that the buyer has to decide
20 what they want, but if 20 people come in with the same
21 elevation, I personally don't want to see that. I am
22 open to some ideas from counsel or whoever as to how to
23 get that to happen. I want to make sure that as you
24 drive down Donna Drive, there is a variety of houses and
25 variety of colors and variety of textures so that it's

1 not cookie-cutter.

2 MS. MARINELLI: I know that when I bought my
3 house in Dutch Meadows it was a requirement by the
4 developer that no two elevations be next to each other
5 and no two colors be next to each other. So, I had a
6 limitation of what I could do.

7 MR. HEIDER: That developer is still doing it.

8 CHAIRMAN STUTO: Well, we could impose that as
9 a restriction. I don't know if you have a reaction to
10 that are not.

11 MR. BIANCHINI: I would want the same thing.

12 CHAIRMAN STUTO: Okay, so there is another
13 condition, if the Board is agreeable, when we finally
14 make our motion.

15 MR. SHAMLIAN: That's all I have.

16 CHAIRMAN STUTO: Lou, you don't have any
17 comment?

18 MR. MION: Right.

19 CHAIRMAN STUTO: I will try to wrap up and then
20 were going to take a vote. It will either yay or nay.

21 MS. MARINELLI: We still need to do the SEQR.

22 CHAIRMAN STUTO: Understood.

23 We have several things to take in sequence.

24 Thank you to the neighbors for all of your
25 comments. I think we have a lot of particular issues.

1 Stormwater was obviously important. I think a
2 conservation subdivision accomplishes a lot in terms
3 of screening and lessening the impact. We talked about
4 stormwater a lot. Hopefully, we have gotten an
5 education. Hopefully, we have put the engineers to the
6 test. I have confidence that the system will work as
7 designed and as it is supposed to be regulated.

8 We did say that we would also impose the 10
9 foot restriction. That's one of the conditions that's
10 going to be there when we make our motion - to put a
11 fence 10 feet outside during construction of that tree
12 that we want to protect.

13 We did say that we would talk about numbers
14 of lots. I only have a vague recollection of what the
15 discussion was. I am thinking that the conservation
16 subdivision was perhaps in response to that. I don't
17 think reducing the number of lots in this particular
18 case is going to lessen the impact in a substantial or
19 significant way on the adjoining neighbors. I think we
20 have done what we could with respect to a conservation
21 subdivision.

22 The other Board Members can be heard about
23 this. The application is for the number of lots in the
24 drawing before us. If any of the Board Members
25 disagree, they can speak now or speak when we make the

1 motion.

2 That all said, I think the first thing we
3 need to consider is the environmental review. Is that
4 correct?

5 MR. MARINELLI: We should do the SEQR first.

6 CHAIRMAN STUTO: We would normally ask the Town
7 Designated Engineer to walk us to the major points on
8 the environmental review and then we take a vote.

9 MS. WYLD: So, the applicant submitted a Short
10 Environmental Assessment Form. The general description
11 of the project is a subdivision of 12.3 acres and 24
12 residential lots and one stormwater lot, plus 1,150
13 linear feet of road extension and 24 single-family
14 homes.

15 MR. BIANCHINI: I have 1,630.

16 MS. WYLD: Okay so it's 1,630. We will update
17 the Short Environmental Assessment Form.

18 So, the applicant has completed the Short
19 Environmental Assessment Form. We are generally in
20 agreement with the responses they have provided.

21 Part II of the short EAF is regarding a
22 significant impact assessment. I can read through the
23 11 points of this.

24 Will the proposed action create a material
25 conflict with an adopted land use plan or zoning

1 regulation? The answer is no.

2 Will the proposed action result in a change
3 in the use or intensity of use of land? The answer is
4 no, not significant.

5 Will the proposed action impair the character
6 or quality of the existing community? It is a
7 negligent impact.

8 Will the proposed action have an impact on
9 the environmental characteristics that cause the
10 establishment of a critical environmental area? The
11 answer is no.

12 Will the proposed action result in an adverse
13 change in the existing level of traffic or effect
14 existing infrastructure for mass transit, biking or
15 walkway? There is a small impact.

16 Will the proposed action cause an increase in
17 the use of energy and fails to incorporate reasonable
18 available energy conservation or renewable energy
19 opportunities? The answer is no.

20 Will the proposed action impact existing
21 public or private water supplies? The answer is no.

22 Will the proposed action impact existing
23 public or private wastewater treatment utilities? The
24 answer is no.

25 Will the proposed action impair the character

1 or quality of important historic archaeological
2 architectural or aesthetic resources? The answer is
3 no.

4 Will the proposed action result in an adverse
5 change to natural resources - for example, wetlands,
6 water bodies, groundwater, air quality, flora or
7 fauna? The answer is no.

8 Will the proposed action result in an
9 increase in the potential for erosion, flooding or
10 drainage problems? There is no significant impact.

11 Will the proposed action create a hazard to
12 environmental resources or human health? The answer is
13 no.

14 Following up with that, we have prepared a
15 Resolution for preparation of a negative declaration.

16 CHAIRMAN STUTO: I will asked the stenographer
17 to enter that entire Resolution into the record.

18 Can you read the title and in the whereas
19 clauses?

20 MS. WYLD: Certainly. So it's a Resolution of
21 the Town of Colonie Planning Board preparation of a
22 negative declaration, Donna Drive Extension, 100 and 105
23 Donna Drive.

24 It is resolved that based on a thorough
25 review of the project by the Planning Board that there

1 will be no significant adverse environmental impacts
2 and no EIS will be required. Be it further resolved
3 that the attached draft negative declaration be
4 adopted in accordance with SEQR part 617.12.

5 CHAIRMAN STUTO: Do we have any discussion on
6 the motion?

7 (There was no response.)

8 Do we have a motion?

9 MR. MION: I will make a motion.

10 CHAIRMAN STUTO: Second?

11 MR. SHAMLIAN: Second.

12 CHAIRMAN STUTO: Any discussion?

13 (There was no response.)

14 All those in favor, say aye.

15 (Ayes were recited.)

16 All those opposed, nay.

17 (There were none opposed.)

18 We also have a conservation subdivision
19 Resolution. Is that prepared by the TDE?

20 MS. WYLD: Yes, it is.

21 CHAIRMAN STUTO: Do you want to talk about
22 that?

23 MS. WYLD: Sure. I can just read through it.
24 It's pretty basic. I will skip the whereas clauses.

25 Donna Drive conservation subdivision, 17, 45,

1 100 and 105 Donna Drive Land Use Law conservation
2 findings. The gist of this is that the proposed
3 subdivision has been designed with a minimum lot size
4 of 11,000 square feet minimum lot with of 100 feet and
5 minimum front yard setback of 30 feet to reduce the
6 overall grading limits of the project and permit
7 additional existing vegetation to remain.

8 Now therefore be it resolved that based on
9 the Planning Board review of the subdivision
10 application in conservation analysis the Planning
11 Board determines that the project complies with the
12 requirements of the subdivision regulations.

13 CHAIRMAN STUTO: Maybe that's where the 17 came
14 from was in the title of that. That's not going to be
15 how the houses are numbered.

16 I will ask the stenographer to put the entire
17 Resolution and to the record.

18 Do you have any questions on that now?

19 (There was no response.)

20 Do we have a motion?

21 MR. MION: I will make a motion.

22 CHAIRMAN STUTO: Second?

23 MR. HEIDER: Second.

24 CHAIRMAN STUTO: Any discussion?

25 (There was no response.)

1 All those in favor, say aye.

2 (Ayes were recited.)

3 All those opposed, nay.

4 (There were none opposed.)

5 The ayes have it.

6 Now, the main question before the Board is
7 for final subdivision approval, based upon the
8 conditions mentioned particularly in the record here
9 today. Also, the conditions set by the Town Designated
10 Engineer and the conditions by the Town departments.

11 Do we have a motion?

12 MR. MION: I will make a motion.

13 CHAIRMAN STUTO: Second?

14 MR. HEIDER: Second.

15 CHAIRMAN STUTO: Any discussion?

16 (There was no response.)

17 All those in favor, say aye.

18 (Ayes were recited.)

19 All those opposed, nay.

20 (There were none opposed.)

21 The ayes have it.

22 Thank you.

23 (Whereas the above entitled proceeding was
24 concluded at 8:41 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

