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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

THE SUMMIT AT FORTS FERRY
33 AND 45 FORTS FERRY ROAD
APPLICATION FOR SEQR ENVIRONMENTAL APPROVAL
AND FINAL APPROVAL

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
October 16, 2018 at 9:06 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

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

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Planning
Board
Joseph LaCivita, Director, Planning and Economic
Development
Joseph Grasso, RLA, CHA
Mike Tucker, PE, VHB
Todd Drake
David Leonardo, Verdoy Fire Department
John Drake
John Dzialo, Coordinator, Stormwater Management Office
Joe Fesel
John Hulbert
Adam DeSantis
Mary Elizabeth Slevin, Esq.

1 CHAIRMAN STUTO: The next item to get set up is
2 the Summit at Forts Ferry, 33 and 45 Forts Ferry Road,
3 application for SEQR environmental approval and final
4 approval.

5 We will take a five-minute break to let
6 everybody stretch their legs.

7 (There was a brief break in the proceedings
8 and the matter was recommenced immediately after.)

9 We've already called up the project for the
10 record, but it is the Summit at Forts Ferry, which I
11 don't think as a surprise to anybody here. We have a
12 lot of names here that want to speak on the project.

13 Our Town Designated Engineer is Joe Grasso.

14 We have seen this project a lot. It has been
15 through a couple of renditions and had a lot of
16 refinement and I'm going to start off by asking Joe to
17 give us the history on the project.

18 MR. GRASSO: So, I'm just going to go through
19 some of the dates where the project was heard before the
20 Planning Board.

21 The project has obviously changed through the
22 years and the various meetings.

23 Based on my notes, the first time that it was
24 in front of the Planning Board was March 7, 2017. It
25 was proposed as a PDD. It was referred to the Planning

1 Board by the Town Board. At the time it was 110-unit
2 senior housing project which was one building.
3 Obviously, there were concerns about the change in the
4 zoning and concerns over the building scale and the
5 overall density.

6 The project came back in October 2017. They
7 came for a sketch plan. The project had changed at
8 that time to become a zoning compliant plan, including
9 office and senior housing.

10 The project came back again in December 2017
11 for just a Board update. At the time, the applicant
12 presented various zoning compliant options based on
13 some feedback that the Planning Board had previously
14 provided. The Board, at that time, favored the option
15 that showed a 62-unit senior apartment building, plus
16 a 30,000 square foot office building towards the front
17 of the site.

18 The project came back in March 2018 for
19 concept site plan approval. Although it got concept
20 site plan approval, there were some things that the
21 Board had concerns with that they wanted followed up
22 on by the applicant.

23 The applicant did come back for a Board
24 update on May 22, 2018. At that meeting they reviewed
25 a bunch of the design details - how the buffer was

1 going to be treated, visibility through the buffer,
2 some changes to the access arrangement and some
3 changes to the garage locations.

4 Also at that time there were some items that
5 I wrote down that the Board had wanted to be addressed
6 as the project advanced to final design including the
7 building colors and elevations, specifics regarding
8 the screening, more detail on the landscaping. Over
9 the past five months or so the project has gone
10 through a number of design reviews by our office as
11 well as various Town departments.

12 I did want to introduce John Dzialo from the
13 Town Stormwater Management office. I think John
14 probably has a good grasp of the proposed drainage and
15 how the project fits within the Town and state
16 stormwater requirements as anybody. We wanted him here
17 to help provide us complete responses to questions
18 that the Board may have and that the public may have.

19 With that, the project is ready for a final
20 site plan review by the Planning Board.

21 CHAIRMAN STUTO: Okay, we will turn it over to
22 the applicant to make its presentation.

23 MR. TUCKER: Thank you. Once again, my name is
24 Mike Tucker from VHB. The Red Sox did when this evening,
25 by the way. I didn't know if that was a good thing to

1 start whether or not.

2 As Joe said, this project has gone through
3 several reviews since the last time we were in front
4 of you. We have met with John, Joe and met with the
5 Latham Water District, the Pure Waters Department and
6 Planning Department.

7 What you see in front of you is largely the
8 same project that was in front of you last time where
9 there is still 62 units of senior apartments and a
10 30,000 square feet of office.

11 From a site plan perspective, things have
12 changed a little bit. This driveway has shifted a
13 little bit further away from the residence across the
14 street. I think you can see that pretty clearly in
15 this aerial. We are quite a distance from that so
16 there are no conflicts with their turning movements -
17 the headlights and stuff from the cars leaving.

18 One other request from the Emergency Services
19 Department was even though this is still a gated
20 emergency access drive - the southern drive - they
21 wanted to have a second connection through the back of
22 the apartment buildings in the back. So, this is a
23 full-access. This is gated, but it gives people
24 another way to get around the building and gives
25 emergency access another way through to the senior

1 apartments.

2 Since we were in front of you, we have done
3 some further coordination with Harkin and SHPPO. There
4 is going to be a deed restriction in this area on
5 Weatherwax Farm - the archaeological site - the
6 historical site. So, this roadway now wraps a little
7 further this way (Indicating) and is a little tighter.
8 So, that buffer actually expanded in that area. There
9 will be a deed restriction and that is a complete no
10 disturb zone and SHPPO has signed off on that.

11 Again, further details have been submitted -
12 the stormwater management report and the full SWPPP
13 have been submitted to the Town for review. We have
14 gone through in working with John Dzialo's office.

15 One pretty substantial improvement that we
16 were able to make was this was being treated as a
17 discharge point back here because there is a catch
18 basin and a closed drainage system that goes off-site
19 this way (Indicating). We have found through
20 additional survey work and fieldwork that there was a
21 way to direct the stormwater off this way and this is
22 burned here so that stormwater now exits the site this
23 way towards this constructed wetland. I think that was
24 done as part of the Wade Road Extension project and
25 further reduces the run-off back into this corner

1 (Indicating).

2 Joe pointed out in his letter that the
3 one-year storm event flow rate slightly increases for
4 that. That's really just based on the fact that in
5 order to get the flow away from this corner, you had
6 to push it that way. There's just no way to mitigate
7 it from that storm. So, it is a slight increase. The
8 rest of the storm should meet the New York State
9 standards. So, it is just that one. I don't know the
10 number off the top of my head, but it is under a cubic
11 foot per second, or something like that.

12 We have further increased the landscaping.
13 There is a full landscaping plan in there. We are now
14 proposing a really thick buffer along the back of the
15 garages with spruces. Again, outside of that 100-foot
16 buffer along the back of that garage. That is to help
17 screen from the surrounding residents. We did have a
18 landscape architect walk that buffer to see if there
19 were ways that they could substantially increase it by
20 planting and given the canopy there and the
21 disturbance that you would have to do to actually go
22 and plant more trees, it just didn't seem like it was
23 a good idea. A landscape architect agreed with that
24 and said that you would probably end up disturbing
25 more while doing that. Maybe it is something that

1 could be looked at in the future as some of those
2 trees die off. We didn't want to hurt trees to put new
3 trees in. That's basically what it is.

4 That's really where we stand from a site
5 standpoint.

6 These renderings were done really just to
7 show the buildings. What is represented on the site
8 part of it isn't really accurate and it doesn't match
9 what is on our landscape plan, but these were done
10 really to give you an idea of what the buildings look
11 like. The look of the buildings is roughly the same as
12 what you saw before.

13 The office building - we made it look more
14 like a residential building, which I think we
15 presented to you last time. The bigger change was on
16 the apartment building. It is no longer a white
17 building. They made it tan so that it does blend in a
18 little bit more to the buffer zone as you're looking
19 at it from the residential areas. So, we think that's
20 a positive change and helps kind of mute that view
21 shed through that 100-foot buffer.

22 CHAIRMAN STUTO: Do you have another elevation
23 of the big building in the back?

24 MR. TUCKER: That's what it looks like from the
25 front (Indicating). Again, the pond and the landscaping

1 isn't truly representative of what will be out there,
2 but it's more just to show you the building.

3 CHAIRMAN STUTO: Is that your presentation?

4 MR. TUCKER: That's it.

5 CHAIRMAN STUTO: Again, as a lot of the members
6 have seen, we had these projects reviewed by our Town
7 Designated Engineer, CHA, Joe Grasso.

8 Would you give us your comments on this
9 project?

10 MR. GRASSO: Sure. So, included in your packets
11 is the last comment letter that we created on the
12 project. It is dated October 9, 2018. We've got a couple
13 dozen comments, but only some of them are planning
14 related.

15 The first one is regarding the waiver from
16 the OR design standards. There is a waiver required.
17 It is the maximum front yard building setback of 20
18 feet. The front of the building proposes a front yard
19 setback of 150 feet. This is something that we have
20 discussed in the course of the project. The building
21 was shifted back, based on the feedback from the
22 Planning Board and we appreciate the applicant for
23 being responsive to that concern. Nonetheless, a
24 waiver is required. That would be an action of the
25 Planning Board.

1 In terms of the scale of the building, the
2 front building is 28 feet high, whereas 40 feet is
3 allowed per code. So, again, we think that height fits
4 better into the context of the COR.

5 So, included in your packet is a Draft Waiver
6 Resolution for the Planning Board's consideration.

7 Architectural renderings, like Mike said,
8 have been provided. As requested by the Board at the
9 last meeting, the office building has been revised to
10 look more similar in style to the proposed apartment
11 building and we think the color palette of the
12 apartment building using stone and earth tones should
13 help it blend better into the surrounding vegetation
14 and minimize the visibility of the building when
15 viewed through the vegetative buffer during the
16 leaf-off conditions. We did make a comment that the
17 water features depicted in the rendering are not
18 representative of what it would look like under
19 existing conditions. As a proposed pocket pond in the
20 center of the site is there, there is a permanent pool
21 of water that will be significantly smaller than
22 depicted and look more like a natural feature than
23 what you see in the renderings.

24 During the conceptual review of the project,
25 the applicant had committed to a detailed review of

1 the proposed 100-foot buffer and additional
2 supplemental landscaping as required. They did do a
3 tree survey. The detailed information is predominantly
4 within the areas outside of the 100-foot buffer.
5 Obviously, they are protecting everything within the
6 buffer.

7 The planting plan was something that the
8 Planning Board wanted a lot of detail on. So, the
9 current plan proposed is additional vegetation between
10 the garages and the buffer and it includes 31 Norway
11 Spruces, 5 to 6 feet in height and 21 White Spruces
12 between 7 and 8 feet high. They should aid in
13 screening the development. These trees are all spaced
14 at 15 feet on center and if properly maintained within
15 a period of a few years, we think they should provide
16 appreciable screening of the proposed development from
17 the adjacent residences. So, we think that's a good
18 feature of the final site plan.

19 The proposed access onto Forts Ferry Road has
20 been shifted to the south to minimize impacts of
21 headlights on the residents across on Forts Ferry
22 Road. The way that it was left at the last Planning
23 Board meeting was that the applicant would reach out
24 to the adjacent property owner and if they were
25 agreeable, the Planning Board would consider whether

1 or not landscaping across the road was warranted.
2 Based on the current plan that we have in front of us
3 tonight, they revised that curb cut further to the
4 east so that we do not feel that is warranted, but we
5 wanted to bring it to the Planning Board's attention.
6 The applicant can speak to it in more detail, if
7 required by the Board.

8 In terms of the OR design standards,
9 recommending a minimum frontage build-out of 60% - we
10 don't believe adding fencing along the frontage would
11 add to the aesthetics of the site and relief of that
12 requirement is not recommended. That is not a
13 requirement in the design standards. So, a formal
14 waiver is not required.

15 We did recommend that adding signage or split
16 rail fencing or both along the limits of the 100-foot
17 buffer to reduce any inadvertent impacts and
18 encroachment during and after construction of that
19 protected buffer area.

20 The last comment which is planning related is
21 regarding this SEQR review. Based on the scale of the
22 project, we had requested a full EAF be provided by
23 the applicant, which they have done. We have reviewed
24 it and we feel like the Part I of the full EAF
25 adequately describes the environmental setting of the

1 site as well as the proposed project.

2 We have drafted for the Planning Board's
3 consideration Part II and Part III. So, that is for
4 consideration by the Planning Board. There are a
5 couple dozen comments that are really technical in
6 nature. It is a sizable project and there is a lot of
7 engineering involved by the utilities and we include
8 things that we would like addressed if the project
9 continues to move forward to the site plan approval
10 process and the filing of the site plan for the Town.

11 CHAIRMAN STUTO: Do you disagree with any of
12 the recommendations or suggestions of the Town
13 designated engineer?

14 MR. TUCKER: No.

15 CHAIRMAN STUTO: You've got that on the record,
16 right?

17 THE STENOGRAPHER: Yes, sir.

18 CHAIRMAN STUTO: Is that all of your comments?

19 MR. GRASSO: The only other comment that I
20 wanted to make was the one comment about the drainage.
21 It was really important and we hear a lot of concerns
22 regarding the existing drainage problems in the
23 backyards of the adjoining residences. They designed it
24 based on standards to not have the increases there but
25 like Mike said, they took the additional steps to try to

1 reduce the amount of run-off as much as possible to
2 those adjacent residences from what they get now. Right
3 now there is currently drainage that runs off of this
4 project site to the residences and those flows have been
5 reduced.

6 There was a redirection of one flow towards
7 the Latham Retail wetland mitigation site which caused
8 a slight increase there because there was no run-off
9 going there now. We support that because we feel it is
10 that important to try to reduce the flows as much as
11 possible to those adjacent backyards.

12 That's all I've got.

13 CHAIRMAN STUTO: Okay, thank you.

14 Any preliminary comments before we hear from
15 the public?

16 MR. AUSTIN: I would like you to speak to the
17 proposed sidewalk.

18 MR. TUCKER: Sure. So, we are still proposing a
19 sidewalk across the frontage of the site. We now have -
20 - I think it was brought up at the last Board meeting -
21 we have a sidewalk coming in off of that sidewalk into
22 the site that gets from the office building back to the
23 apartment buildings. So, now we have full access to the
24 sidewalk.

25 MR. AUSTIN: Are you proposing extending the

1 sidewalk all the way to Wade Road Extension? Is that
2 correct?

3 MR. TUCKER: No, just across our frontage, at
4 this point.

5 MR. AUSTIN: Okay.

6 MR. GRASSO: Yes, so it's just across the
7 frontage of the site. That was something that we had
8 worked out with the Department of Public Works and
9 that's where they felt the sidewalk should be at this
10 point. Future extensions would be based on the Town's
11 needs or other projects.

12 MR. AUSTIN: Did you tie in to the existing
13 sidewalk further up? Is it going to tie into the
14 existing sidewalk near Omega?

15 MR. GRASSO: No, there is a gap there. It is
16 about control. It's about how much this applicant
17 controls in order to put the sidewalk in place. So,
18 that's when it becomes a public project to extended it.

19 MR. AUSTIN: Thank you.

20 MR. TUCKER: You're welcome.

21 CHAIRMAN STUTO: Okay, we will hear from the
22 public.

23 Todd Drake.

24 MR. TODD DRAKE: Good evening. I know there are
25 a lot of people that want to speak and I will make it

1 brief.

2 I'm just listening to some of the comments
3 here. I'm here in two capacities; one as a neighbor
4 and one as a County Legislator. I don't take a very
5 firm position either way on the project, but I did
6 have a couple of things to point out.

7 With respect to the sidewalk, there certainly
8 is an effort to make Forts Ferry safer because of the
9 increased traffic over the last decade, particularly
10 with the cut-through. I know Brian, you know, coming
11 down from Pollock and Sparrowbush and around - there
12 is a lot of traffic coming to the area. The traffic is
13 a concern with the project for me and I think many of
14 the residents will speak to that, so I will skip that.

15 With respect to the sidewalk, if this or any
16 other project is brought to the table, is there a way
17 to request mitigation fees to undertake the public
18 project and connecting the sidewalks from Forts Ferry
19 to Wade and then from Omega to this project? It is
20 something that I would like to know. I don't know the
21 law and I don't know what the availability is, but if
22 the Board could address that?

23 The other thing that I wanted to bring to
24 light on behalf of many of my constituents is the
25 unhappiness that the neighborhood association has with

1 how this project has been handled over the last 18
2 months. One of the big beefs, if you will, is that
3 there was a meeting promised back in July with the
4 residents or at least those who were involved in the
5 neighborhoods. That meeting, to my knowledge, did not
6 happen.

7 In addition to that, there was a foil request
8 that was sent out and initially denied by the Town
9 last week. Then, it was approved by the Town I think
10 yesterday. I bring these things to light because as a
11 good government advocate I find these things to be
12 troublesome. Not that the developer is part of
13 government - I don't mean to insinuate there is any
14 relationship between the Town and the developer, but
15 when you have a vehement and fervently dedicated
16 neighborhood association involved with the project and
17 want to be a part of that, I think it is very, very
18 important that both the Town and the developer work
19 collaboratively with them. I think in this case, there
20 is a lot of history, but missing that meeting between
21 the developer and the neighborhood association really
22 doesn't help move this project forward at least in a
23 positive manner. So, I would hope that the Board might
24 encourage that in the future if there is any
25 additional time if it is approved tonight.

1 Thank you for your time.

2 CHAIRMAN STUTO: Thank you.

3 John Fahey. I think he may have left.

4 David Leonardo.

5 MR. LEONARDO: Good evening. My name is David
6 Leonardo from the Verdoy Fire Department. I submitted
7 comments and I'm not sure - - I submitted them to the
8 Office of Fire Services. I had a detailed meeting with
9 Joe Bisognano, Chief of Fire Services which falls under
10 the Building Department. We had discussed the older plan
11 and now the newer plan.

12 The consideration was for first responders
13 with the road that was taken out. This plan is going
14 to have, I believe, the office building up front and
15 the apartments and back.

16 I don't think there has been a tenant chosen
17 for the front building yet. So, we don't know who the
18 tenant is going to be.

19 The assisted living in the back or the senior
20 living that you want to refer to it as will obviously
21 be occupied 24/7. I would think that the majority of
22 the emergency calls for us first responders are
23 probably going to be to the back. In case of a fire,
24 which is where I would be coming in - I would also be
25 coming in as a first responder as well for medical -

1 my concern and Mr. Bisognano's concern is now
2 everything backs up against the back because I don't
3 have access.

4 CHAIRMAN STUTO: I don't understand what you're
5 saying.

6 MR. LEONARDO: I came in on this on the second
7 plan. In the first plan, there was a permanent road
8 around.

9 MR. TUCKER: There's access all the way around
10 the building right now.

11 MR. LEONARDO: In terms of the road, the last
12 plan that I saw back in May -

13 MR. TUCKER: There is a road all the way
14 around.

15 MR. LEONARDO: It is my understanding that road
16 was taken out.

17 MR. TUCKER: There was a plan where there was
18 no connection but it is back in. The plan that is in
19 front of the Town right now has this.

20 MR. LEONARDO: When did that go in?

21 MR. TUCKER: During this last submission.
22 That's probably within the last month.

23 MR. LEONARDO: I was obviously left out of the
24 loop and I had the plans that were submitted earlier. We
25 thought there was no access around, so apparently you

1 have just put this in within the last month.

2 MR. TUCKER: That was one of the comments from
3 your department.

4 MR. LEONARDO: Okay, that was addressed. So, I
5 missed the game.

6 CHAIRMAN STUTO: John Drake.

7 MR. JOHN DRAKE: Good evening. I am John Drake
8 and I live at 4 Catalina Drive. I have several questions
9 that I want to raise.

10 Is it all right if I just pass out the
11 question so people have them?

12 CHAIRMAN STUTO: Sure.

13 MR. JOHN DRAKE: Before I start, I am the
14 person that filed the FOIL request on September 28, just
15 to let you know. Again, on Tuesday, October 9, I was
16 given an update by the Town Attorney's office that
17 handles the FOIL that said I would be getting the
18 information by the 12th. On October 11, I received an
19 email that the request was denied. I did follow-up back
20 with the Town Attorney's office saying I would be filing
21 an appeal and then on Monday morning I sent an email to
22 the Supervisor and the Town Board on behalf of the West
23 Latham Neighborhood Association just expressing our
24 displeasure at the denial and asking for their help. I
25 don't know if they did help, but I did receive an email

1 on Monday afternoon around 1:00 from the Town Attorney's
2 office saying that the FOIL request at least had been
3 partially approved and I stopped over there about 3:00
4 in the afternoon and picked up the CD with what appeared
5 to be most of the information that I asked for.

6 I then followed up with an email to the
7 Supervisor in the Board suggesting that it might be a
8 good idea to delay this Planning Board meeting since
9 we had just gotten the information yesterday. Or, at a
10 minimum, to defer any decision. That's just so you
11 guys know the history in terms of the FOIL request.

12 I will just go through my questions.

13 The first question is on the engineering work
14 around the connections to the water, sewer, stormwater
15 and can the Town's system there handle the load of 62
16 residents in the two-story office building? What is
17 the current capacity utilization of those Town
18 systems? What is the increasing capacity utilization
19 on the usage or input from this new project?

20 Question number two: This is about the color
21 of the apartments and that has been addressed.

22 Question three was regarding additional
23 buffering for trees. Again, we are glad to see the
24 spruces. Again, I looked that up and these spruces
25 grow between one and 3 feet a year. So, if they live,

1 they're going to be a great buffer. That is my
2 question to the Board. What can we do to ensure that
3 these trees are maintained over the next 3 to 5 to 10
4 years to ensure that they are well-established? I
5 would just point out - some planted trees on the berm
6 along on the side and most of them are gone. How do we
7 make sure - this is a great change in a great buffer.
8 What can we do to ensure that these trees are
9 maintained?

10 The other question I have is: How far are the
11 trees from the garages? How far are the trees from the
12 buffer? These will turn into big trees over the next
13 5, 10, 20 years. How do we make sure that they have
14 space to grow and thrive?

15 CHAIRMAN STUTO: Does the applicant have copies
16 of these questions?

17 MR. TUCKER: I'm writing them down as he goes.

18 CHAIRMAN STUTO: You can take mine. That will
19 make it more efficient.

20 MR. JOHN DRAKE: Again, there was already
21 discussion around the buffering along Forts Ferry Road.
22 I don't know if the person is here, but again I know
23 there was a real concern there. I know that they will
24 speak to that. I know that it was already brought up.

25 Question five: Sidewalks - it has been

1 addressed. Honestly, I'm not sure why you are having
2 them build a sidewalk. It goes nowhere. My wife and I
3 walk there on a regular basis. It would be great to
4 have a sidewalk that goes all the way from Omega
5 Terrace to Wade Road Extension, but they're not going
6 to do that. I'm not sure why you're putting a sidewalk
7 along the road just for that. Why incur that cost?
8 That's for you guys to decide.

9 Question six: It looks like the green space
10 has been reduced since the concept review. It appears
11 that the green space has gone from 65.1% to 62.9%.
12 That's an increase of impervious - so, concrete and
13 asphalt of roughly 23,000 square feet. What changes
14 were made to increase the impervious surface by that
15 amount?

16 The proposed stormwater system: What are we
17 doing to ensure the maintenance of that system? Is
18 there money that goes into escrow with the Town of
19 Colonie to ensure proper testing and maintenance is
20 done on this proposed stormwater? It may work great
21 year one, but what about year 5 and 10?

22 Question eight: Is the stormwater retention
23 system designed to hold a 100-year rainfall of 7
24 inches in 24 hours? I know from the documents
25 submitted that they definitely looked at that. My

1 question is: What is the capacity to hold 7 inches of
2 rainfall and how long will it take to discharge that?
3 How long does it take to drain the system after a 7
4 inch rainfall? Again, we have had 7-inch rainfalls in
5 the last few years. It seems like a big number. It has
6 happened and we have had other rainfalls of 4 to 5
7 inches. So, it seems like an extreme event, but it's
8 not that extreme anymore.

9 We talked about the change to discharge water
10 off the southeast corner of the property onto the
11 wetland over towards Target. My question is: How much
12 of the total stormwater discharge from the site is
13 going off of that southeast corner? Will the balance
14 of the stormwater discharge all going to the buffer
15 area? It also looks like that we are now - we were
16 talking about just discharging back toward Harrowgate
17 Way. Now, it appears that in addition to going off the
18 southeast corner, which is outside the property and
19 outside the buffer, there is now a discharge along
20 Catalina Drive, as well and Omega. How much is going
21 off property? How much is going into the buffer?

22 Question 10: Does the stormwater management
23 require any piping, retention pond or drainage area be
24 created in the 100-foot buffer, or is the water
25 discharged at the surface along the 100-foot buffer

1 via the stormwater buffer, as the planner has
2 indicated on the design?

3 The last question: Again, when we met on July
4 11 with the Summit project team - - this was confirmed
5 in the geotechnical evaluation - we talked about the
6 high ground water level which prevented the use of
7 infiltration to manage stormwater. That geotechnical
8 evaluation that I received yesterday that was prepared
9 for VHB also stated the ground water depths are
10 relatively shallow - about 6 to 18 inches in the
11 low-lying areas of the site and that during seasonal
12 wet periods, groundwater may be found at or near the
13 ground surface. So, my question is: What is the ground
14 water level in the buffer area and how does this
15 groundwater level impact the ability of the buffer to
16 handle the discharge from the storm water management
17 system?

18 Those are the questions.

19 CHAIRMAN STUTO: Joe Grasso, can you help me
20 interact with the applicant to answer these questions?

21 MR. GRASSO: I'm going to lean on my friend
22 over here. John may be able to help regarding the
23 stormwater maintenance and how that is handled by the
24 Town. Obviously, Mike will help me answer some of these.
25 I will take a crack.

1 So, number one: Has the engineering work been
2 done to confirm water sewer and stormwater systems and
3 the neighborhood can handle the additional
4 development? Yes, it has. What is the current
5 capacity?

6 So, we evaluate the project's impacts on
7 capacity of water, sewer and storm. Development has
8 impacts on the infrastructure in the Town. It is a
9 significant impact and it is something that needs to
10 be mitigated so that the Town doesn't see a decrease
11 in services to all the other residences of the Town.
12 So, there is no significant impact on any services
13 within the infrastructure of the Town. There is
14 negligible impacts, but there are impacts. That's what
15 development does. The Town departments reviewed it and
16 determined that there are no other improvements needed
17 to the infrastructure in order to support this, nor to
18 prevent impacts on the other services given to the
19 other residents in the Town.

20 Has the color of the apartment in the office
21 building been modified? Yes, it has. I think we went
22 through that. Based on the information received in
23 October, it appears that there is an additional
24 buffering plan. Is that correct? Yes, it is.

25 What is on the plan to ensure these trees are

1 maintained for an extended period of time? I will say
2 forever. Anything that is shown on the site plan
3 becomes a condition of site plan approval. If at any
4 time the Town feels like there was something shown on
5 the site plan, whether it's landscaping, lighting,
6 building, parking, striping for anything that changes
7 that the Town feels is inconsistent with what was
8 presented to us tonight, then it is a violation of the
9 site plan approval and it's up to the owner of the
10 property to rectify it, once they are in violation.

11 Is there buffering planned along Forts Ferry
12 Road across from the main entrance and exit?

13 I'm going to turn this one over to Mike
14 because I don't have a copy of that landscaping plan
15 specifically asking about a safety barrier.

16 MR. JOHN DRAKE: It's the one where you said
17 you moved it. So, it is the property across - we talked
18 about that at the last meeting.

19 MR. TUCKER: So, right now because we did
20 mention that we moved it further than it was during
21 concept, we're not going to put any berming across the
22 street at this point.

23 FROM THE FLOOR: How far over did you move it?

24 MR. TUCKER: This is a to scale, but it's
25 probably - I guess 30 feet from where the cars are going

1 to be. So, it would line up where your house is.

2 FROM THE FLOOR: Are you saying it was on the
3 last plan -

4 MR. TUCKER: No. I'm just saying that I don't
5 know how much it moved between plans. I'm saying now
6 there is a car length up at that stop bar. It's probably
7 30 feet.

8 FROM THE FLOOR: So, every time a car pulls out
9 we're going to get the lights.

10 MR. GRASSO: So, if something that we talked
11 about that the Planning Board should consider. We will
12 come back to that later.

13 CHAIRMAN STUTO: Make sure we come back to
14 that, all right?

15 MR. GRASSO: Yes, okay.

16 Will the sidewalk connect to the existing
17 sidewalks on Omega Terrace and Wade Road Extension?
18 That is no. So, the plan only proposes sidewalks along
19 the project frontage.

20 The next question is: Why not, or why build
21 them? Similar to the sidewalk that comes off of Omega
22 Terrace and extends to the south a little bit - - the
23 sidewalk to nowhere - it's about building the
24 sidewalks as we can in segments and the hopes that
25 someday they will connect. This project is going to

1 create additional need for pedestrian facilities, so
2 it's important for this project to do its fair share
3 to reduce the burden that the Town has to take on in
4 the future. Our expectation is that at some point
5 there will be continuous sidewalks from Wade Road
6 Extension to Omega Terrace.

7 MR. AUSTIN: Irregardless of Wade Road
8 Extension - - because that is a bunch of residences -
9 who was responsible for paying for the one from Omega -
10 - if that happens, who would be responsible?

11 MR. GRASSO: There is no identified funding
12 source.

13 CHAIRMAN STUTO: It could be the Town, or it
14 could be a state grant.

15 MR. LACIVITA: There are additional funding
16 sources that we have not identified here as of yet. The
17 Capital District Transportation Committee handles the
18 TIP improvements which is transportation improvement
19 programs. In that, you had a Safe Routes to School
20 Program.

21 Now that we have identified a gap, that puts
22 us in line for future funding. We did it on Sand Creek
23 Road because of the connectivity to the school system.
24 I was going to mention that to Mr. Drake's comment.
25 So, this provides us opportunity to be successful with

1 upcoming grant applications, because we will have
2 something installed and will have a gap and we have a
3 nexus of the school system.

4 MR. GRASSO: And sometime the Town takes funds
5 in escrow by an applicant and we can assign a value of
6 that sidewalk and the Town can take that from the
7 applicant as part of a condition of site plan approval
8 in lieu of building a sidewalk to nowhere. That is
9 something that if the Planning Board feels strongly
10 about, they can decide on.

11 We feel that the best approach for this
12 project is to build a sidewalk now. Yes, there will be
13 some gaps there, but we know it and we see it and we
14 can zero in on closing those gaps.

15 So, I'm just going to keep going.

16 There is a decrease in the green space from
17 65% to 62%. I assume that's accurate.

18 Mike, if you could just comment on that?

19 MR. TUCKER: So, some of that was caused by
20 adding this connection in between the buildings on the
21 side and a little bit when this roadway was realigned.
22 There's no increase in parking.

23 CHAIRMAN STUTO: What is the green space
24 requirement?

25 MR. GRASSO: It is 35%. So, they are a little

1 over 60%.

2 The next comment is: Does the proposed
3 stormwater system require maintenance and how is that
4 handled? Is money put in escrow and how does the Town
5 ensure that it's going to go through the proper
6 testing and maintenance?

7 For that, I'm just going to turn it over to
8 John Dzialo.

9 MR. DZIALO: So, we take in escrow during
10 construction for grading which includes the stormwater
11 management areas. We don't give that money back until
12 everything is constructed according to the plan and we
13 inspect it. Prior to them getting a CO, they have to
14 sign a standard stormwater maintenance agreement which
15 gets filed with Albany County Clerk and attached to the
16 deed and references the SWPPP that VHB does which also
17 spells out the maintenance required for their stormwater
18 management practices. It is on my office to make sure
19 that is followed through with. They are supposed to
20 submit an annual inspection report to our office stating
21 the condition of their practices and any maintenance
22 needed.

23 MR. JOHN DRAKE: So, we have a camp out near
24 Cooperstown and every five years our septic gets
25 inspected by somebody. Somebody comes out and does a

1 legal inspection.

2 Would somebody from your office go out and
3 meet to inspect it on some frequency?

4 MR. DZIALO: What we do is send a letter to the
5 property owners saying your annual inspection is due.
6 Please have a qualified professional conduct an
7 inspection and submit the results to our our office
8 within 30 days.

9 MR. JOHN DRAKE: And what if they don't do
10 that? Is there a penalty if they don't follow up and do
11 that?

12 MR. DZIALO: In the maintenance agreement there
13 is a condition that if we deem necessary, we can come in
14 and do the work and put a lien on the property.

15 MR. JOHN DRAKE: Thank you.

16 MR. GRASSO: I am glad that I turned it over to
17 John. He did a much better job than I would've done.

18 So, the next is the stormwater retention
19 system designed to handle the 100-year rainfall event
20 of approximately 7 inches? It is one of the storm
21 criteria is dealing with the 100-year storm. The
22 holding capacity in order to retain that runoff - -
23 the site is made up of different drainage areas where
24 drainage goes in different directions. So, they have a
25 series of stormwater management detention systems

1 throughout the site. The volume to hold that amount of
2 runoff is based on the size of the drainage areas. So,
3 the storage requirement changes depending upon the
4 size of the drainage area and what is being done
5 within a specific drainage area. So, detention is
6 provided throughout the whole project site in various
7 features.

8 MR. JOHN DRAKE: I would like to understand the
9 total volume of all those detention systems because our
10 understanding when we met on July 11 was that all the
11 stormwater for the whole site was going to go off the
12 back of the property. I understand some changes have
13 been made, but because of the high ground water level,
14 all the water is going to be collected in various
15 locations but it's all going to end up going off the
16 back or southeast corner of the property. I just want to
17 understand what is that total volume for the whole site,
18 just so I have the math. I have a number in my mind. I
19 would like to understand what the project thinks they
20 need to retain and then how long it will take for all
21 those different detention systems to empty out after
22 that kind of event.

23 MR. GRASSO: I don't know what the storage
24 volume is. It's in the stormwater management report.

25 MR. DZIALO: I don't have the SWPPP with me.

1 So, I can't answer that question.

2 MR. GRASSO: It's measured in feet and I'm sure
3 that it's multiple acre-feet of storage that is
4 throughout the various things. But, it is in the
5 stormwater report. You need to go through and add the
6 volume provided during the 100-year storm event for all
7 the different features and add it up to get to that
8 answer. If you have seen the stormwater report -

9 MR. JOHN DRAKE: I have seen it.

10 MR. GRASSO: Within those calculations you can
11 go through and do the math and add it up.

12 MR. DZIALO: The design standards are based on
13 a rate and not a volume. So, when we are matching the
14 runoff to points off the site, it is based on a rate.
15 So, it's based on cubic feet per second and not the
16 total volume. So, if it rains on the site today and
17 there is 5 cubic feet per second of water running off to
18 that point, that's what we designed to. We have to
19 either be at that or less after construction. That's
20 what determines what the volume is going to be that you
21 have to hold and let release itself. So, that's why that
22 number is not on the top of my head. When you do the
23 stormwater management report, you are designing to a
24 rate. So, all the tables and stuff in the report are
25 based on that flow rate and not flow volume.

1 MR. JOHN DRAKE: The reason that I have a blank
2 look on my face is because again, I think in terms of
3 gallons and not acre-feet. If there are 7 inches of rain
4 in a certain amount of area, that's a certain number of
5 gallons of water that's going to be on the site and has
6 to be held, or it will just flow in an uncontrolled
7 fashion. So, that's why I assumed - maybe it's a
8 different way to look at it, but that's why my question
9 - - when 7 inches of rain gets dumped over 24 hours on
10 the land that you are collecting, there's going to be a
11 certain number of gallons of water.

12 MR. GRASSO: That's right.

13 MR. JOHN DRAKE: And then there is going to be
14 a certain number of gallons of water that's going to go
15 out.

16 MR. GRASSO: At the correct rate, but also the
17 volume will match with what the volume was before.
18 Typical detention times are in the one day to three
19 days. By the time the three days comes around, you want
20 that storage available for the next time it rains.

21 MR. JOHN DRAKE: To me, it is very important
22 because again, the groundwater on this property is close
23 to the surface.

24 Personally, I'm very happy that Mr. Dzialo
25 got involved and found an option to put some of the

1 water - - that is part of my next question.

2 How much is exactly going there? There's
3 still water coming out to the back and a lot of that
4 water used to go down into the ground for the trees
5 who would take the water up. So, we have taken a lot
6 of trees off that were a way for that water to never
7 get in the ground. Those trees are gone. So, there is
8 more water on the ground with the development and
9 there is today.

10 Again, I am glad that we're talking through
11 that. I just want to understand how much water are we
12 holding so that in my mind I can say yes, that 7
13 inches of water over 24 hours - I understand how your
14 holding the water and discharging it off the back in a
15 controlled fashion and then how long does that take?
16 Is it one day, two days, three days? How long is it
17 going to take to discharge that because in some ways
18 you're not flooding the back but you're putting
19 significant water into the buffer.

20 MR. GRASSO: But no more water then goes there
21 today. I think that's what's really important.

22 MR. JOHN DRAKE: The difference is that today,
23 it would be going there in 24 hours. Now we are giving
24 it over 2 to 4 days, right? If it rains in 24 hours,
25 that water is all falling and it's going to be gone.

1 MR. GRASSO: The way the math works is they
2 tried to match what goes there today and either match it
3 or reduce it - the flow. So, there is no increase in
4 flow and no increase in volume. At any design point -
5 and we focused on design points out the back - - like I
6 said, there is one additional new design point because
7 we want to divert more flow, but there is no additional
8 rate of runoff, no additional volume during the one, 10
9 and 100-year design storms. If you look at the report,
10 that's what the report demonstrates.

11 MR. JOHN DRAKE: But I don't know -

12 MR. GRASSO: Is it a 3.5 acre feed which is
13 750,000 gallons? I don't know that math number.

14 MR. JOHN DRAKE: So, just to keep it straight
15 in my mind - the volume that is coming off is right now
16 let's say it's coming off in a 24-hour period. With
17 SWPPP, whether takes one or three days, it is still that
18 same amount of volume.

19 MR. GRASSO: That's right.

20 MR. JOHN DRAKE: So, we are just extending it

21 MR. GRASSO: That's right.

22 MR. JOHN DRAKE: Instead of having a flow that
23 was like this (Indicating), it is more like that. The
24 volume is the same instead of being one day, that same
25 volume that would have gone into the buffer area is now

1 being delivered -

2 MR. GRASSO: Right, that's why I can always
3 confidently say if you are experiencing flooding, it
4 won't be any worse. The intent is that it would be
5 better and that you won't see the flooding that you get
6 today, but we can't guarantee that because sometimes it
7 is the same as what people experience. They are going to
8 get the same amount of water, but it's going to be no
9 worse than what you are experiencing today.

10 MR. JOHN DRAKE: Okay, thank you. I understand
11 now.

12 MR. GRASSO: So, about the discharge to the
13 wetlands, how much of the total storm water discharge
14 from the site is going off to the southeast corner?

15 Mike spoke to that. I don't have the drainage
16 report but I think it's about one half a CFS goes
17 there during a one-year storm event. The rates of
18 runoff during the other stormwater events is actually
19 less than it gets now. It's just that one design point
20 during the one-year storm that it gets more runoff
21 because what we did is we diverted runoff that went to
22 the residences off into that wetland mitigation area.

23 MR. JOHN DRAKE: I'm guessing the residents
24 along Harrowgate would be okay if all the water went
25 into that detention area.

1 MR. HEIDER: I have a question for Mike. I am
2 looking at your map and the way you are talking about
3 diverting that water - there are already catch basins in
4 the back of what looks like 11 Harrowgate. Is that going
5 to affect them more?

6 MR. TUCKER: No, that's where goes today.
7 That's what we're trying to avoid. We're trying to bring
8 it up here (Indicating). They have a berm along the
9 side, so we're trying to get on the other side of that
10 berm so it goes -

11 MR. HEIDER: So, it should not get into 13 or
12 11 Harrowgate.

13 MR. FRAZIER: That's correct.

14 Just to answer your question - how much
15 stormwater - - all of it. All of it is going to the
16 south - all of it. The only thing that's going to come
17 through the residences is what hits that buffer.

18 MR. JOHN DRAKE: Thank you.

19 MR. FRAZIER: I wanted to make sure that was
20 clear.

21 MR. JOHN DRAKE: So, we are taking water that
22 today is running off the site naturally - it is
23 downwards flow. Not all of it in the water gets back
24 into that buffer and back to the residents into
25 Harrowgate and anything that's coming off of the

1 developed area now - all that stormwater is being
2 discharged into the southeast corner.

3 MR. GRASSO: Well, there is also discharge that
4 runs toward the front of the site as well.

5 MR. TUCKER: And there is a little bit that
6 goes this way (Indicating), but much less than goes
7 there today. Again, it's mostly what ends up in that
8 buffer.

9 MR. JOHN DRAKE: So, it's not quite all but but
10 what we are saying is the majority - a large majority of
11 the stormwater from the developed area is now being
12 discharged off the southeast corner into a created
13 wetland, right?

14 MR. GRASSO: Right.

15 MR. JOHN DRAKE: - pick up put in there with
16 the Wade Road Extension. So, there's never going to be
17 any development there. That's just wetlands, so no
18 houses or nothing -- what it is intended for us to
19 handle water and that's what were sending that way.

20 MR. GRASSO: Yes.

21 MR. JOHN DRAKE: Okay.

22 MR. GRASSO: Does the stormwater management
23 design require anything within the 100-foot buffer to be
24 created? The answer to that is no.

25 MR. JOHN DRAKE: So, there are these planters

1 between the garages. So, do they just - - is it like a
2 barrel that water flows in and kind of -

3 MR. TUCKER: It's like a large planter box. It
4 actually acts as a filter. So, it has soil in the
5 plantings and they filter the water before it's
6 discharged.

7 MR. JOHN DRAKE: And that water is coming from
8 where? In between the garages along Harrowgate -

9 MR. TUCKER: Just the garages.

10 MR. JOHN DRAKE: Okay, and that's it. There's
11 nothing coming into those planters, then?

12 MR. TUCKER: No.

13 MR. JOHN DRAKE: Thank you.

14 MR. GRASSO: So, your last one is: How does the
15 groundwater level impact the ability of the buffer to
16 handle the discharge from the stormwater management
17 system? It does impact its ability. Obviously, the
18 higher groundwater is, the less infiltration you're
19 going to have. That is taken into consideration in terms
20 of the stormwater design. So, that directs them to
21 certain types of treatment systems to deal with the
22 stormwater.

23 MR. JOHN DRAKE: Right, but what I heard you
24 guys say though is we are not really using the buffer
25 area now along Harrowgate, Omega, Catalina Drive to

1 handle any storm water from the site.

2 MR. GRASSO: Vegetated areas - if you look in
3 the DEC guidelines - there is a great stormwater
4 management feature to handle runoff that falls. That's
5 the best way to let those trees there continue to take
6 up the water so that they can get back into the
7 groundwater. So, I won't say that we are not taking
8 advantage of the buffer. That buffer is an important
9 part of the stormwater management for this project. Are
10 we sending more water there to the buffer to be treated?
11 No, we are not.

12 MR. JOHN DRAKE: My concern is we talked about
13 the buffer a lot. It's already wet. There are lousy
14 trees in there. Mr. Heider said that. These are not
15 high-quality maples and oaks and things like that. These
16 are Poplar trees. They have very shallow roots already
17 and if we did put more water in there, there's a good
18 chance we could tip trees over on places like my house
19 and other things. So, I want to make sure and what I'm
20 hearing is you are telling me that it's going to be no
21 worse and it may be better than it is today in terms of
22 the amount of water that area sees so the vegetation in
23 the buffer is not going to get flooded.

24 MR. GRASSO: Correct.

25 MR. JOHN DRAKE: Going to be similar or little

1 better in terms of with the amount of water that is
2 going there to what it is today.

3 MR. GRASSO: Correct.

4 MR. JOHN DRAKE: Thank you.

5 MR. GRASSO: That was it.

6 CHAIRMAN STUTO: Thank you and thank you for
7 the help from everybody.

8 Joe Fesel.

9 MR. FESEL: My name is Joe Fesel. I live at 36
10 Nelson Avenue and 9 Copenhagen. If you're looking for a
11 house, let me know.

12 I would just say, please consider the traffic
13 system. I think lots of times we take everything in
14 isolation and I wish we had a map of the Town so that
15 we can put all the different projects that are being
16 created and how it funnels lots of traffic into that
17 area of Wade and Forts Ferry.

18 We confirmed the one second light and that
19 there is nothing to be done about it. It still
20 happens. Next to NYSYG we are building a complex and
21 we're looking to build another area north of Forts
22 Ferry. Everyone is trying to get to the same place and
23 there are very few access points. I think we kind of
24 say, well, the traffic is not bad here in the traffic
25 is not bad here (Indicating). What are we doing about

1 it to correct it?

2 So, in front of that Marriott on Forts Ferry
3 Road - there is another pad site that is going to be
4 created. So, when you approach Wade Road, can you
5 consider maybe taking over some land and building a
6 turning lane so people can get past that when it backs
7 up all the way towards Troy Schenectady Road? Then,
8 when you get through that light, everyone stops at the
9 Stewart's and you end up actually getting stuck in the
10 intersection sometimes. Can you consider that? Now,
11 you're going to have this project. Then, people are
12 making less into Stewart's. You get backed up again.
13 They make a left into the community health care site
14 which we were promised would not be a left, but it's
15 easy to do that. Everyone is skirting through all of
16 our neighborhoods trying to get to the same point and
17 it's just getting worse and worse and worse. Please
18 consider what you could do to make the traffic - as
19 all of these projects are built and you are just
20 adding more and more cars into the system. That's all.
21 Thank you.

22 CHAIRMAN STUTO: Thank you.

23 MR. GRASSO: I would just like to make one
24 response to that.

25 When we hear about the need for these

1 comprehensive traffic studies, I just want to remind
2 everybody that although this project site is not
3 within a Generic Environmental Impact Statement Study
4 Area, it is right on the border and a lot of the
5 intersections that resident was speaking about are
6 included in the Airport Area GIS. That study was done
7 back in the 90's and looked at a certain level of
8 development that we have seen continue over the past
9 20 or 25 years. It identified a lot of comprehensive
10 traffic improvements. A lot of the infrastructure that
11 we see out there was identified to manage the impacts
12 of new development. The Town, a year or two ago
13 embarked on doing an update to that Airport Area GIS
14 to take us out another 15 or 20 years to see if
15 additional improvements are required to maintain
16 traffic levels. It is in the works.

17 MR. FESEL: Thank you.

18 CHAIRMAN STUTO: John Hulbert

19 MR. HULBERT: You're dumping water into here
20 (Indicating). This is the buffer here. How is that going
21 to affect all the houses that have little backyards over
22 here?

23 MR. FRAZIER: I walked that ditch line today.
24 It is a well defined ditch line that he gets into. It
25 goes to two 30-inch culverts that go under Wade Road by

1 the entrance for Target. It's pretty well defined. There
2 is a base flow there now. It will get into that ditch
3 line.

4 MR. HULBERT: I don't want to help one area and
5 hurt another.

6 MR. FRAZIER: No, no. Absolutely not. We don't
7 to transfer the problem.

8 MR. HULBERT: You say that you looked at the
9 study and the stormwater and it can handle it.
10 Obviously, the stormwater system is not handling it
11 because we have flooding. You're saying that it can
12 handle it, we are fine with it but then why do we have
13 flooding? That is something that you have to look at and
14 you do these projects. You keep doing it.

15 I have a house on Boght Road where they put
16 the Mobil and all that in. They put in an underwater
17 stormwater management system and it's on shale. So, it
18 fills up and can't evaporate because it's underground
19 and when it rains again, it comes through my property
20 like a current. It's something I have to address now.
21 All the neighbors downstream have that.

22 So, we have a property on Northview Drive in
23 the water - it's washing the whole ravine out. The
24 Planning Board originally - - when Peter Platt was
25 here and all that, they put this up to keep all these

1 beautiful trees and they caved right in because the
2 stormwater wasn't managed. That's one thing that we
3 have to watch out for in the future.

4 I mean tonight there are over 400 apartments
5 - just tonight. We are looking at that in the Town of
6 Colonie. When we are building adjacent to a resident's
7 site, why are we going to let them go 75 feet? If you
8 go down to the 28 foot, 30 foot, 40 foot - a normal
9 house is 28 foot. I don't think you would have the
10 residents so mad about it because it's actually good
11 to have an apartment building between the commercial
12 and the residents. When you make the apartment
13 building another commercial building, it gets people
14 upset. They don't want to be looking out their
15 backyard at a 60 foot high building. If it was a 30
16 foot high building, I would bet that they would all be
17 a lot happier.

18 I worry about traffic because I have the
19 house on the corner of Forts Ferry Road. When they
20 make that turn onto Wade Road, my one driveway is 20
21 foot off that corner - not even 20 foot off the
22 corner. The traffic flies around the corner. Now, we
23 are adding all these extra cars and you can't say that
24 they're not going to be coming from Target cutting
25 across Sparrowbush, through Wade Road Extension and

1 making that turn. So, it's very difficult for us now
2 to get out of there.

3 I have teenage kids that are living there
4 right now with their mother. They are just learning to
5 drive. It's a dangerous situation for them. That is
6 something to think about when you think about these
7 things. Ideally, I would love to put an entrance off
8 of Wade Road so they can actually get out that way so
9 that they don't have to worry about that. It is
10 something that you really have to think about. If we
11 can change it that when your next to a residential
12 neighborhood and lowering the height and lowering the
13 amount that were doing - - the one project is 38 on
14 the street. They are quadrupling it. Why do you let
15 him quadruple it?

16 I helped when they did the original plan,
17 especially the Route 7 corridor project. I was on it a
18 little bit. It wasn't planned to allow people to over
19 develop the properties. It allowed them to keep within
20 what they could build there and just move it to
21 another part and keep the green space. Right now we
22 seem to be just letting them overdevelop that area. I
23 think this is a project that's overdeveloped for that
24 area. It's going to create a lot of traffic on Forts
25 Ferry.

1 Everyone comes down River Road, up Forts
2 Ferry and they avoid Route 7. So, go by River Road
3 between 4:00 and 6:00 and they are going down there 50
4 miles an hour - bombing up the hill and right across
5 Forts Ferry trying to cut through everywhere and
6 hitting Mill Road where they can cut off - - they are
7 avoiding the traffic. So, the traffic is like crazy.
8 It's also affecting us.

9 Everyone's tax bills are going up because
10 schools have to put additions on because when you add
11 apartments, you bring people in.

12 CHAIRMAN STUTO: The school population has been
13 very stable.

14 MR. FESEL: So, why are we adding on -

15 CHAIRMAN STUTO: Talk to the school district
16 about that. We've analyzed the school population. They
17 haven't gone up very much. The Town population hasn't
18 really gone up very much. I can't just let the
19 statements keep coming out.

20 MR. FESEL: So, the Town population if it's not
21 going up -

22 CHAIRMAN STUTO: It's not going up a lot.

23 MR. FESEL: It's all your frame of reference. I
24 think we have built probably close to 800 apartments in
25 the last few years - in the last 10 years.

1 CHAIRMAN STUTO: That is 1,600 people. If it's
2 too per one, that 1,600 people.

3 MR. FESEL: And 3,800 cars.

4 CHAIRMAN STUTO: I'm not saying that's not so.
5 You're changing the subject. You're saying the school
6 district population has gone up a lot. It hasn't.

7 MR. FESEL: I did not say the school district
8 population went up.

9 CHAIRMAN STUTO: You said why are they building
10 the addition.

11 MR. FESEL: I said the school district is
12 costing us money because they are adding additions on
13 because they are saying they have to hold the population
14 that they see coming.

15 MR. AUSTIN: Sir, they have not improved the
16 school buildings in 20 years.

17 MR. FESEL: I'm not talking about the
18 improvement.

19 MR. AUSTIN: That is mainly what they are
20 doing. I'm a teacher in the school district and I am
21 very aware of what's going on in each building. So, the
22 buildings that are being improved upon - the junior
23 high -

24 MR. FESEL: It is a whole another wing.

25 MR. AUSTIN: This is kind of off-topic, but

1 they are reallocating where the students are going.
2 That's what they're doing. They're not really adding
3 onto the elementary. The high school is getting nothing.
4 The high school is the flagship of the district and
5 they're getting nothing. That got voted down the first
6 time.

7 For 20 years we have waited to do a lot of
8 the stuff. So, taxes remain very low in those 20
9 years.

10 MR. FESEL: So, what they are doing is adding a
11 wing to the middle school so that as the population
12 swings back and forth, they can move people out of
13 this -

14 MR. AUSTIN: Sir, I'm not going to argue with
15 you. This is off-topic.

16 There are advances in special ed, technology
17 and those require more classrooms in different styles
18 of classrooms and reallocating the spaces in those
19 schools for those purposes. That's what they are
20 doing.

21 MR. FESEL: Well, the pitch to us as citizens
22 was -

23 MR. LACIVITA: We are off-topic here.

24 CHAIRMAN STUTO: We are way off topic.

25 People are trying to say there's an impact on

1 the school district.

2 MR. FESEL: I didn't say an impact on the
3 school district.

4 CHAIRMAN STUTO: Okay, then I stand corrected.
5 Can we get back on this project? Were talking about
6 flooding all over the Town. We've gone through the
7 science here and the engineering and the impact is going
8 to be no worse than it is. We have repeated that
9 numerous times.

10 Do you have any other comments on this
11 project?

12 MR. FESEL: No, I'm just saying that -

13 CHAIRMAN STUTO: You're entitled to make
14 general comments about development, don't get me wrong.
15 I want to get it back on the project.

16 MR. FESEL: Like I said, the traffic coming
17 around that corner in the sidewalk - - sidewalk
18 generally lasts about 15 or 20 years. When with this
19 grant becoming through to finish up the sidewalk? Is it
20 a sidewalk going to be needing to be done at the time
21 that grant -

22 MR. LACIVITA: We have to see when the grants
23 are put out to us. At that point, we can apply.

24 MR. FESEL: Five years? 10 years?

25 MR. LACIVITA: I couldn't even tell you what

1 they are. I don't know.

2 CHAIRMAN STUTO: Go look at Route 9. It's
3 another place that was segmented and then the money
4 finally came in I think from a member from the assembly
5 and they connected up all the sidewalks. We put them in
6 and looks piecemeal until it gets done. They serve a
7 small population and then we hope for the money and we
8 do have a sidewalk grant. We don't know exactly when
9 that's going to happen.

10 MR. FESEL: And on Forts Ferry also you have no
11 shoulder. There are cars that are trying to pass and
12 they have broken apart the road there. You can't even
13 ride a bike there and be safe. That is something to
14 think about. The kids that live in the neighborhood, can
15 get to the target and Stewart's that they want to get to
16 because the roads are so beat up.

17 CHAIRMAN STUTO: Thank you.

18 Anyone else from the public looking to speak?

19 (There was no response.)

20 Okay, we will close that portion of the
21 meeting.

22 What to the Board Members have to say?

23 MR. SHAMLIAN: Relate the 3 to 3 1/2 inch
24 caliper to the height for me, if you would.

25 MR. GRASSO: Can you give me the species?

1 MR. SHAMLIAN: Maple, birch, oak.

2 MR. GRASSO: So, and Maple with a 3 1/2 inch
3 caliper - that's a pretty significant size landscape
4 tree. You're probably looking at 12 feet.

5 MR. SHAMLIAN: The maple is 2 to 2 1/2.

6 MR. GRASSO: It's probably 8 or 9 feet.

7 MR. SHAMLIAN: The rest of them are all 3 1/2.

8 MR. GRASSO: Yes, and then you can get into
9 that 12 to 14 feet for the first year at the time of
10 planting.

11 MR. SHAMLIAN: Can you bring the building
12 elevation closer to us?

13 MR. TUCKER: Both of them?

14 MR. SHAMLIAN: Yes, that would be great. I'm
15 just wondering if you can put shutters or something on
16 that office building to make it look a little more
17 residential.

18 MR. LACIVITA: Which is actually did that with
19 another project that was a mix. We added shutters to it.

20 CHAIRMAN STUTO: It's nice, but it could maybe
21 use something like that.

22 MR. GRASSO: I told Mike before the meeting
23 when you look at that elevation, it looks like a very
24 flat white wall. When you understand how it's
25 constructed with that hearty siding -- I think we'll

1 have more horizontal lines than what you see in that
2 rendering. I think that will improve it. Whether or not
3 require shutters, I guess I would agree.

4 MR. SHAMLIAN: I don't need to be picky, but
5 whether we should see some horizontal siding in some
6 spots just to continue to break it up a little bit more,
7 that's just me.

8 MR. AUSTIN: Is there a reason why those two
9 buildings aren't similar in color and style?

10 MR. TUCKER: I think they wanted to have the
11 same residential style looking, but not necessarily
12 match the colors.

13 CHAIRMAN STUTO: Okay, we are all tired, but do
14 we have some enhancements that we could do, or something
15 you would suggest that we can all agree to?

16 MS. MILSTEIN: Do we want to have this white
17 stark thing that sticks out? The whole idea of the
18 residential is to kind of blend in. Do we want to have
19 this white building that just stand out there?

20 MR. HEIDER: Sometimes a commercial brick
21 building looks better than the residential.

22 MS. MILSTEIN: I don't know if they go
23 together.

24 CHAIRMAN STUTO: You the architect, by any
25 chance?

1 MR. DESANTIS: I'm not the architect but I am
2 representing the developer. I think the way that this
3 project came to be - - our preference was to develop
4 both buildings with the white siding and something
5 that's more typical to our prototype that we build now.

6 Most recently, the Summit at Saratoga - the
7 110 units we have in Saratoga - that's been very well
8 received. We like the way that building looks. Based
9 on the comments from the Board, you wanted
10 specifically more neutral, natural tones to the
11 apartment building. So, we made the adjustments on
12 these renderings. If there was a real strong feeling
13 that you wanted the color of the office building to
14 match the apartment building, I think we would be
15 willing to offer that. That wasn't explicitly
16 expressed at the last meeting.

17 CHAIRMAN STUTO: I need professional guidance.

18 MS. MILSTEIN: I'm no architect either.

19 MR. GRASSO: Based on the level of concerns
20 that I heard from the Planning Board, I would think that
21 matching a pallet that's used on the back to the front
22 would be better. You have to be specific. Beauty is in
23 the eye of the beholder. I think they're willing to do
24 anything, you just have to tell them.

25 MR. SHAMLIAN: Can you bring the office

1 elevation back out?

2 MR. TUCKER: One thing that I would say about
3 the shutter idea is that there is it tremendous number
4 of windows across the front of that building. I think if
5 you started putting shutters on it -

6 MS. MILSTEIN: You don't need all of them.

7 CHAIRMAN STUTO: It is an attractive building,
8 especially when you see the horizontal lines.

9 MR. HEIDER: I'm going to go out on a limb
10 here. I think they have been very perceptive and doing
11 the back of the building and making major changes to
12 that to make everybody happy.

13 MR. SHAMLIAN: I don't think it necessarily has
14 to be white.

15 MR. HEIDER: Can they do something in the
16 corners or something?

17 MS. MILSTEIN: What color do you think would it
18 look - I mean, would it be better to have two massive
19 ones or two different ones? Again, we are not
20 architects.

21 MR. DESANTIS: It was so far off of Forts
22 Ferry. We were more concerned about changing the colors
23 in reaction to the neighbors concerns then how that
24 building is going to be viewed from Forts Ferry. I think
25 it's going to be very attractive building.

1 CHAIRMAN STUTO: \Okay, it's getting late. You
2 guys have anything definitive to say about this?

3 FROM THE FLOOR: The lateness of the hour is
4 determining whether or not this project - - it's like
5 you're trying tonight to pick out any pair shoes, right?

6 CHAIRMAN STUTO: That is not the attitude that
7 we are taking, but thank you for your comment.

8 MR. SHAMLIAN: Back to the deciduous shade
9 trees, most of them are down in front. Is there any way
10 that you can get a few more around the building in the
11 back to provide - over time, higher screening - at least
12 during the summer months?

13 MR. TUCKER: Virtually all of them are in the
14 front of the residential building and down by the office
15 here (Indicating). We could look at doing this. This
16 ends up being kind of their outdoor passive recreation
17 space. So, we could certainly try to put a few in. These
18 later areas are the underground detention system, so we
19 can't really put anything on top of that. Maybe we could
20 put some more around here (Indicating).

21 MR. SHAMLIAN: Over time, as everyone has
22 acknowledged, they are not the best reason a buffer
23 area. So, having better trees around the building
24 long-term, 20 years from now is going to be better.
25 They're not going to be able to put a ton of them in,

1 but if they can squeeze four or five more in I think
2 that over the long haul that's going to make it better.

3 CHAIRMAN STUTO: Good idea.

4 MR. AUSTIN: What is the green line at the top?

5 MR. TUCKER: That is the utility easement. For
6 the water and sewer to get through -

7 MR. AUSTIN: Is that going to be all cleared?

8 MR. TUCKER: The Town requires that, yes. That
9 is why we jogged it so you can't look straight down to
10 the cul-de-sac and see it.

11 CHAIRMAN STUTO: Any questions or comments from
12 the Board?

13 MS. MILSTEIN: I do have another question. This
14 one came up at the last meeting. How can we guarantee
15 that this is going to remain senior housing? Is it going
16 to be deed restrictions?

17 MS. SLEVIN: There's not going to be a deed
18 restriction. That limits the ability to get the project
19 financed. The project is designed specifically for
20 seniors. So, all of the structures of the building and
21 all of the community rooms and the entire programming of
22 the project are designed for seniors.

23 My client has had success in developing
24 several other projects specifically for seniors.
25 That's what they do. They have a project in North

1 Greenbush, one in Glenville, one in Wilton, all of
2 which have been operating for a period of time now and
3 all of which are seniors - serious seniors. The have a
4 great level of success and they feel that by their
5 nature, they attract seniors and they would like to
6 just - - they are committed to having seniors, but
7 they don't want to have the Board impose any specific
8 restriction because like I said, that limits their
9 financing opportunities and that could potentially
10 affect rates and the ability to get the best
11 opportunities for financing.

12 MR. JOHN DRAKE: It doesn't seem consistent
13 with what we have heard in the past. I thought in the
14 past. You and you were saying that they couldn't change
15 to something other than senior living without coming
16 back before the Board, but somehow that was requirement
17 of being approved and they had to come back to the Town
18 to change it. But I hear you saying now is they have
19 free reign. They are promising that they are not going
20 to do it but I feel like you promised other things to us
21 and you haven't done them. They promise things to you
22 and haven't done them. That doesn't seem fair.

23 MS. SLEVIN: Let me respond to that. If it is a
24 condition of the site plan, we certainly can accept
25 that. That's not an issue for us. All I'm saying is that

1 we would not want to have a deed restriction on the
2 property. Certainly, a condition a site plan - that was
3 expected.

4 MR. GRASSO: So, my interpretation of this,
5 because I've been through this issue before - - it is a
6 condition of site plan approval. Everything that is
7 presented as being material to the project in it is
8 designed for seniors in all the studies that support the
9 project are based on that. So, that is a condition of
10 the site plan approval. If that ever does change, and it
11 does have to come back to the Planning Board for review
12 of the site plan and it opens up the whole SEQR review
13 of the project, too.

14 CHAIRMAN STUTO: Deed restrictions are
15 different than site plan conditions.

16 MR. GRASSO: But this would be a condition a
17 site plan approval.

18 CHAIRMAN STUTO: Any other comments or
19 questions?

20 (There was no response.)

21 We have to start at least considering the
22 items that are in front of us.

23 I will give my personal opinion in my
24 personal summary is that this is in the top percentile
25 of projects that we reviewed in terms of thoroughness

1 and in terms of trying to mitigate the impacts against
2 the neighbors, in terms of trying to ensure that there
3 is good engineering and in terms of a number of
4 repetitions of reviews - I mean that critically - we
5 just made sure that it's as good of a project as it
6 could be.

7 The density is significantly less. I can't
8 cite the numbers offhand - than what it could've been
9 if they built out to the maximum size.

10 They own the property and they are entitled
11 to develop it. It is their legal right and I think we
12 have done our best as a Board with the input and
13 interaction with the neighbors to make this as good of
14 a project as a could be. That said, I think we have a
15 legal obligation or at least an obligation - - at some
16 point we have an obligation to do the environmental
17 review - the SEQOR and then take the other things in
18 sequence depending upon what comes out from that.

19 So, could you walk us through the
20 environmental review?

21 MR. GRASSO: Sure thing. So, they did provide a
22 Full Environmental Assessment Form. Part I is filled out
23 by the applicant in it involves details regarding the
24 project and the environmental study of the project site.

25 Part II is filled out by us on behalf of the

1 Planning Board as the lead agent and there's a
2 significant number of questions and criteria that you
3 go through. I will just touch on what those are.

4 With that, through every one of the sections
5 there is a number of sub-questions that you need to
6 answer.

7 The first one is the impact on land.

8 When you answer some of these questions, some
9 of the answers are yes you whenever you answer yes,
10 then you need to go into additional detail as to why
11 you don't think there is significant impacts.

12 The first one is impact on land. Will the
13 proposed action involve construction on or physical
14 alteration of the land surface? The answer is yes.
15 Therefore, it requires additional narrative in the
16 Part III and it talks about that the project will
17 required coverage under the New York State SPDES
18 General Permit for construction activities. We will
19 prepare a Stormwater Pollution Prevention Plan with
20 erosion and control measures in accordance with the
21 New York State standards.

22 The next one is impact on geological
23 features. There were no questions that would require
24 yes answers.

25 The next is impact on surface water. There

1 were some thresholds that triggered a yes response in
2 the project will require again, coverage under the New
3 York State DEC stormwater requirements to address
4 those impacts - potential impacts.

5 Fourth is impact on ground water, which is
6 no.

7 Impact on flooding is no.

8 Impact on air is no.

9 Impact on plants and animals is yes. The
10 consultation has been undertaken with the US Fish and
11 Wildlife Service and New York State DEC Natural
12 Heritage Program to make sure that there are no
13 impacts on any threatened or endangered species.

14 Eight is the number on agricultural resources
15 and there are no impacts there.

16 Nine is impact on the aesthetic resources and
17 the answer is no to all of those sub-questions.

18 Number 10 is impact on historic and
19 archaeological resources. The answer to one of those
20 questions is yes. The project site is located in or
21 adjacent to an area designated as sensitive for
22 archaeological sites. A cultural resource
23 investigation report has been completed and a report
24 has and reviewed by New York State Office of Parks and
25 Recreation and determined that the project would not

1 result in any significant impacts with the
2 preservation of the two historic - - the site has been
3 essentially contiguous to two historic buildings
4 listed on the State National Register. The project
5 will not result in a disruption or alteration of the
6 sites or the properties.

7 Going back to the EAF, there are questions
8 regarding impact on open-space and recreation and that
9 is no.

10 Impact on critical environmental areas of
11 which there are none.

12 Impact on transportation is yes. Although the
13 magnitude of the trip generation for the site is well
14 below the New York State DOT and ITE thresholds, and
15 evaluation of the three of the off-site intersections
16 was completed in a report prepared by VHB. The
17 evaluation included the signalized control, Wade Road
18 Extension intersection to Route 7, Forts Ferry Road
19 and Sparrowbush Road. The report concluded that the
20 intersection level of service will be consistent with
21 the current operations with minor increases in average
22 vehicle delays in no project related mitigation is
23 warranted.

24 The next question is regarding the impact on
25 energy and the answers are no.

1 Next is impact on noise odor and light which
2 is no.

3 Next one is impact on human health which is
4 no.

5 The next is consistency with community plans.
6 There were no triggers there. The last one is
7 consistent with community character and there were no
8 triggers identified there.

9 That makes up the part two and the responses
10 that I went through are all included in the part three
11 of the draft EAF.

12 The resulting secret determination is a
13 Resolution that is included in the front of the full
14 EAF for the Board's consideration. If you want, I can
15 read that into the record.

16 CHAIRMAN STUTO: Yes and I would ask the
17 stenographer to put the entire thing in.

18 Can you be the title and the now therefore.

19 MR. GRASSO: So, it's a Resolution of the Town
20 of Colonie Planning Board, lead agency designation and
21 issuance of a negative declaration.

22 Be it resolved that the Planning Board
23 declares itself lead agency for the purposes of SEQR
24 and be it further resolved that based on a thorough
25 review of the project by the Planning Board, that

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

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

7 (There was no response.)

8 Do we have a motion on the Resolution?

9 MR. MION: I make a motion.

10 CHAIRMAN STUTO: Do we have a second?

11 MR. AUSTIN: 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, say nay.

17 (There was no response.)

18 The ayes have it.

19 The next thing to consider is the Land Use
20 Law waiver findings.

21 MR. GRASSO: There is a Draft Resolution for
22 the Land Use Law waiver findings in your packet.

23 Whereas the applicant is requesting a waiver
24 from the Town of Colonie Land Use Law for the OR zone
25 related to the maximum front yard setback of 20 feet,

1 be it resolved that the Board hereby finds that the
2 extent of the requested waiver is not considered
3 substantial - that the applicant has established there
4 are no practical alternatives to the proposed waiver
5 that would conform to the standard and that the waiver
6 is necessary in order to secure reasonable development
7 of the site and that the Board hereby issues a waiver
8 from the maximum front yards back of 20 feet and be a
9 for the result of these waiver findings be a condition
10 of site plan approval of the application be kept in
11 the project file in the office of the Planning and
12 Economic Development Department.

13 CHAIRMAN STUTO: Yes and I would ask the
14 stenographer to put that entire Resolution to the
15 record.

16 Do we have a motion on the Resolution?

17 MR. MION: I make a motion.

18 CHAIRMAN STUTO: Do we have a second?

19 MR. AUSTIN: Second

20 CHAIRMAN STUTO: Any discussion?

21 (There was no response.)

22 All those in favor, say aye.

23 (Ayes were recited.)

24 All those opposed, say nay.

25 (There was no response.)

1 The ayes have it.

2 Now with respect to the main question before
3 the Board which is for final site plan approval,
4 subject to the conditions of the Planning Board, the
5 conditions set forth in the correspondence from the
6 Town Designated Engineer and the conditions from the
7 Town departments. Do I have a motion?

8 MR. MION: I make a motion.

9 CHAIRMAN STUTO: Do we have a second?

10 MR. AUSTIN: Second

11 CHAIRMAN STUTO: Any discussion?

12 (There was no response.)

13 All those in favor, say aye.

14 (Ayes were recited.)

15 All those opposed, say nay.

16 (There was no response.)

17 The ayes have it.

18 Thank you.

19 (Whereas the above entitled proceeding was
20 concluded at 11:28 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
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NISKAYUNA, NY 12309

