

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 RIDGEWOOD SUBDIVISION  
34 DENNISON ROAD

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6 THE STENOGRAPHIC MINUTES of the above entitled matter  
7 by NANCY L. STRANG, a Shorthand Reporter commencing on  
April 14, 2020 at 6:16 p.m. held via Zoom Video  
Conference

8 BOARD MEMBERS:  
9 PETER STUTO, CHAIRMAN  
10 CRAIG SHAMLIAN  
11 STEVEN HEIDER  
12 SUSAN MILSTEIN  
13 CHIP ASHWORTH  
14 LOU MION  
15 PAUL ROSANO

16 ALSO PRESENT:  
17 Sean M. Maguire, AICP CEcD, Director, Planning and  
18 Economic Development  
19 Kathleen Marinelli, Esq., Counsel to the Planning  
20 Board  
21 Zachery Harrison, Planning and Economic Development  
22 Joseph Grasso, RLA, CHA  
23 Melissa Currier, PE, C.T. Male  
24 Dominick Arico, PE, C.T. Male  
25

1                   CHAIRMAN STUTO: Second item on the agenda is  
2                   34 Dennison Road, Ridgewood Subdivision. The proposal is  
3                   to subdivide a 300-acre site, 40 acres is open space,  
4                   develop 63 acres with 80 residential units; 11 lots for  
5                   stormwater management and open space.

6                   Sean, do you have any introductory comments?  
7                   I know you have worked hard and revised the plan. The  
8                   plan is substantially different from what we first  
9                   saw. Do you have anything else to add before we turn  
10                  it over to the applicant?

11                  MR. MAGUIRE: No. I guess what I will walk  
12                  through here where we are today with this project.

13                  Back in November 2000 this was called the Oak  
14                  Ridge subdivision. It was originally 112 proposed lots  
15                  with one entrance from Dennison Road.

16                  By 2009 that project had evolved and changed  
17                  into a regular subdivision. The concept was approved  
18                  by the Planning Board in December 2009 for cluster  
19                  development under the current zoning. That included 96  
20                  proposed lots and an entrance from Dennison Road, as  
21                  well as one entrance to Newport Drive. You will see  
22                  now at this stage that this project continues to  
23                  evolve and change.

24                  Where we are in this current sketch plan -  
25                  the numbers have been reduced to 80 lots - an 80-lot

1 subdivision conserving 36.69 acres that are required  
2 and proposing to conserve 38.11 acres.

3 What I have displayed here - I can post  
4 other maps if you are looking for something specific.  
5 This is the subdivision layout identifying the  
6 conservation areas in green. The steep slopes are in  
7 purple and the constrained lands in terms of wetlands  
8 are in that sort of gray hatched area. So, some of the  
9 elements that are important to consider here are: the  
10 proposed parkland that's been included in the  
11 subdivision, the stormwater retention areas in this  
12 lot between 9 and 10, as well as over in here  
13 (Indicating). These other areas on the back side and  
14 the green are in the conservation areas, again. The  
15 purple here are the steep slopes. We also have an  
16 archaeological sensitive area on the eastern corner of  
17 this.

18 So, we have reviewed this and there are a  
19 couple of initial questions about developing some of  
20 this area where the slopes are quite steep. I guess I  
21 will sort of frame it at that and asked Joe Grasso to  
22 step in here and provide his initial thoughts and  
23 feedback on his review of this.

24 CHAIRMAN STUTO: Sean, if you're okay, we  
25 normally would turn it over to the applicant to show

1 what he has done for us and make a presentation, and  
2 then we'll have Joe comment.

3 MR. MAGUIRE: Sure.

4 CHAIRMAN STUTO: So, I am not sure who is  
5 representing the applicant.

6 MS. CURRIER: Hi, this is Melissa Currier from  
7 C.T. Male.

8 CHAIRMAN STUTO: Hi, Melissa.

9 MR. ARICO: And Dominick Arico, as well, with  
10 C.T. Male. I just don't have a video on.

11 CHAIRMAN STUTO: Hi, Dominick.

12 MR. ARICO: I'm just going to start real quick  
13 and let you know what we have done and then I'm going to  
14 turn it over to Melissa to give you a little more update  
15 on it.

16 What we did is we went back with Joe and went  
17 through the history a little bit for the Board and the  
18 presentation you see in front of you is that  
19 information. It does need a little bit more  
20 verbalizing in order to give you a better handle on  
21 what's going on - a little bit more than what Sean  
22 just gave you.

23 We also took some comments and concerns that  
24 the Board had when we went in front of them the first  
25 time about parklands, lot areas, alignment and a few

1 things and then adding additional information.

2 The last few sections of map shows that  
3 information. The first part is more of a history and  
4 review of what was done and what the land is comprised  
5 of and what we intend to do.

6 With that, I will turn over to Melissa and  
7 she can give you a start and I would suggest at any  
8 point when we have those maps up, stop her and ask a  
9 question and we can continue on from there.

10 CHAIRMAN STUTO: Thank you.

11 MS. CURRIER: What Dominick had said was we did  
12 have a meeting a few weeks ago with Joe and Monique and  
13 it really was just to try to get on the same page with  
14 what was discussed at the last meeting and to give a  
15 little bit of a history review of the project. The  
16 project has been around a long time. We thought we would  
17 present how it has evolved with the time. In the  
18 beginning, what we had sent for PDFs - Sean, if you  
19 wouldn't mind pulling up the first one?

20 This is back in 2000. This was the initial  
21 cluster development. It was prior to the new Zoning  
22 Laws, but it was the first cluster development  
23 proposed on this parcel. This had 112 lots. I just  
24 wanted to show you as a reference just for the  
25 evolution of the project, so you are aware of it. It

1 did only have one entrance as Sean had mentioned. It  
2 didn't have that cluster design. Everything was sort  
3 of within that high ridge of the property and kept  
4 sort of tight and small with regard to those lot  
5 sizes. This never did receive a concept approval. This  
6 is really just a history.

7 Moving on to the second one, this is the one  
8 that did receive the concept approval that Sean did  
9 mention back in 2009. This one has the two entrances  
10 similar in design with regard to the layout to what  
11 you see today. It's not exactly the same, but it's  
12 similar. It showed the areas a little bit different.  
13 There was land that we showed around the proposed  
14 water tower that no longer is owned by the client and  
15 was dedicated to the Latham Water Department - the  
16 Town, for that tank. So, there are some lands shown on  
17 here that don't exist anymore on the property.

18 Again, this is just to give you some history.  
19 This layout was the one that was approved and the one  
20 that was used when they decided to lay out the water  
21 line that's now on the parcel. It runs up from Forest  
22 Hills across Dennison Road and then up to the water  
23 tower. So, that road that you see sort of on the  
24 southern - in the middle underneath that water tower -  
25 - it has to stay in that same location because of that

1 waterline.

2 We're going to move to the next one - PDF.  
3 This gives you an idea of that high water - number  
4 three, which is the idea of the high water tank Vly  
5 Road/Dennison Road service area.

6 I Think this is number six, Sean. Could you  
7 go to number three if you have it?

8 MR. MAGUIRE: I do not have number three.

9 MR. HARRISON: Check the dropbox. It should be  
10 in the dropbox

11 MS. CURRIER: This one is really just a  
12 reference for that high water service area. It gives you  
13 an idea of the service for the new water tank. It shows  
14 where that waterline goes up in through the subdivision.

15 MR. HARRISON: It's in the project file, Sean.

16 MR. MAGUIRE: Thank you.

17 MS. CURRIER: Thank you, Sean.

18 So, the blue is the area of service of the  
19 new water tank that was approved. If you look you can  
20 see sort of in the middle of the property - like a  
21 darker line of the new proposal where that water line  
22 is and now does exist. There is an easement at the  
23 moment, but it does run through the property and  
24 through that proposed road from the 2009 approved  
25 concept plan.

1                   So, the intent is to keep that road in that  
2 location, due to this water line.

3                   Before I move on to the sketch plan - I think  
4 this is the one you previously saw and I don't know if  
5 we need to see it again. If you want, you can just go  
6 to the number eight Sean - I'm sorry, number six.

7                   Number six is a conservation analysis. This  
8 one shows and green and Sean already touched on this  
9 briefly. This is the new layout.

10                  What we had done is moved from the southern  
11 end near the existing water tower - is where we had  
12 the park area sort of set aside. We now have removed  
13 that. It's going to be along Dennison Road. Then,  
14 there are parcels along that area where the park was  
15 originally. Some of the lots have been resized and  
16 realigned. This is the analysis. This is what we  
17 reviewed with Joe Grasso previously for the areas of  
18 preservation, the areas of constraints and whether  
19 they were steep slopes or Army Corps wetlands.

20                  CHAIRMAN STUTO: Do you want to walk us through  
21 and explain the conservation analysis, or do you want  
22 Joe Grasso to do that?

23                  MS. CURRIER: I have no problem with going  
24 through it. If Joe wants to give his opinion, that's  
25 fine too.

1 As per the Code -

2 CHAIRMAN STUTO: We are in a conservation  
3 overlay, correct?

4 MS. CURRIER: That is correct.

5 CHAIRMAN STUTO: Which means we have to go  
6 through a conservation analysis. Part of it is  
7 mathematical and part of it is what is worth conserving;  
8 am I correct?

9 MS. CURRIER: That is correct, yes.

10 CHAIRMAN STUTO: So, if you could walk through  
11 the math part first, just to make sure all the Board  
12 Members understand -

13 MS. CURRIER: Sure. What we do first is we go  
14 through and there was a wetland survey that was done.  
15 That was on the site of where there were wetlands and  
16 then there was topography that was verified and we came  
17 up with the surface to identify areas of slope that were  
18 greater than 25%. So, in purple we have shown the slopes  
19 separate from the Army Corps wetlands. There are no DEC  
20 wetlands on the site; it's just Army Corps wetlands and  
21 we have them colored differently. We did those areas and  
22 came up with those areas and from there -

23 CHAIRMAN STUTO: Let's go through the math. Can  
24 you go through the math?

25 MS. CURRIER: Absolutely.

1                   From there what we do is we call up the area  
2 of constrained lands. On the site - specifically the  
3 total parcel area is 102.79 acres. From there, the  
4 total area of constrained lands - and that the  
5 combination of steep slopes and wetlands is 11.05  
6 acres. That leaves 91.74 acres of unconstrained lands.  
7 From there, you have to multiply 40% of that land to  
8 figure out what is required to be preserved after  
9 that's not currently constrained. The 40% equals 36.69  
10 acres. We have to preserve at least 36 acres - over 36  
11 acres of land that wasn't previously constrained. On  
12 this layout we have shown in green areas that are  
13 constrained that we are proposing to preserve. In  
14 those areas it ends up coming out to be 38.11 acres.  
15 So, it's a couple acres more than what is required to  
16 be preserved.

17                   CHAIRMAN STUTO: Can you keep going down?

18                   MS. CURRIER: Yes.

19                   There's an error on this map. I don't know  
20 why it says 77. It should say 80. That's a typo. It's  
21 80 lots. The numbers are all right because I double  
22 checked the math this morning.

23                   CHAIRMAN STUTO: Okay, now the density?

24                   MS. CURRIER: The density is based on the total  
25 lands that are not constrained times two units per acre.

1 It works out to be 183 units that are allowed to be  
2 developed on the site. Because it's a conservation  
3 overlay district, it does not have to meet a minimum  
4 requirement in regards to the zoning of the lot width  
5 and the lots square footage, so it can be a cluster  
6 development.

7 Based on this, we can propose up to 91 lots.  
8 We are proposing 80.

9 CHAIRMAN STUTO: Okay.

10 MS. CURRIER: Does that make sense?

11 CHAIRMAN STUTO: Yes. Your proposing 80 and  
12 that says 77. Yes, it does to me.

13 Does the Board have any questions on that?

14 (There was no response.)

15 MS. CURRIER: I don't know if Joe wants to -

16 CHAIRMAN STUTO: I think you did a pretty good  
17 job but if Joe wants to say something -

18 MR. GRASSO: Yes, a couple of things.

19 So, Sean, if you could stay right on the view  
20 - - a couple of things.

21 Melissa, are you done with your comments, or  
22 did you have more to cover?

23 MS. CURRIER: I was just going to show the area  
24 overlay, but I'm okay if you have some comments to talk  
25 about.

1                   MR. GRASSO: I'm just thinking about the math  
2 right now. So, in terms of the conservation density  
3 calculations, we appreciate the way that they go through  
4 and it's very methodical and very clear as to how they  
5 came up with the acreages.

6                   The one thing that would be a variable would  
7 be the steep sloped areas and that is something that  
8 we will verify once they submit a formal application.

9                   In terms of the lands required to be  
10 preserved, our interpretation of the way it's written  
11 in the zoning regulations is that it says: a plan  
12 shall show the constrained lands identified by the  
13 analysis described above and at least 40% of the land  
14 not constrained as lands to be preserved. So, we  
15 looked at cumulatively where you have to provide both  
16 40% of the unconstrained lands which is 36.69 acres,  
17 in addition to the area of constrained land which is  
18 11.05. So, if you had those together, you come up with  
19 47.74 acres. That's our interpretation of the Code and  
20 constitutes the area that would need to be permanently  
21 preserved. That's something that we should look at and  
22 see if it can get modified on the plans.

23                   The other thing about the calculation is you  
24 go to the density there in the center and you come up  
25 with 183 units and then down below that you go through

1 183 units divided by two is 91 units and that's the  
2 base residential density. We are unclear as to what  
3 that line reflects because our interpretation of the  
4 Code is that the maximum allowable density is the  
5 unconstrained land which is 91.74 acres times two  
6 units per acre; so, 183 units. So, if you could just  
7 clarify why you have that extra line that cuts the  
8 density down to 91 - - that's just something that we  
9 can clean up on the plans so that there is no  
10 confusion.

11 Further down on this chart it says the  
12 proposal is for 77 single-family lots, but I think the  
13 plan proposes 80 lots. I think you've already  
14 clarified that.

15 Melissa, we will turn it back over to you  
16 before I go through the rest of my comments.

17 MS. CURRIER: Thank you, Joe. I appreciate  
18 that. I can talk to further about getting to the next  
19 steps of the review of the analysis. I do appreciate all  
20 your input on that, though.

21 If it's okay, Sean, can we go to PDF number  
22 eight?

23 This is a quick reference for the Board. I  
24 know that they appreciated last time - at least I  
25 believe, the aerial overview to give you an idea of

1 the preservation lands and type of lands that they  
2 will be. I know that they do contain the areas of  
3 steep slopes, but they are nicely wooded and good  
4 buffers for the adjoining properties for the  
5 residential areas that surround this project. I think  
6 this is a nice way to see that in regards to the  
7 differences from the steep slopes, where the  
8 development may be in the boundary itself. I thought I  
9 gave a good reflection in colors.

10 CHAIRMAN STUTO: Thank you. It's very  
11 illustrative. Thank you.

12 MS. CURRIER: In regards to anything else, the  
13 proposal was still the same. There's still the  
14 connection to Dennison Road and the second connection  
15 over to the south where the water tanks are is still  
16 relatively the same. There is going to be proposals for  
17 connecting water through the north, south and east side  
18 of the properties for sewer and water. We can get into  
19 those details during the concept review.

20 Are there any questions from the Board?

21 CHAIRMAN STUTO: I think we can you turn it  
22 over to Joe Grasso. I know he hasn't generated at least  
23 a comment letter, but he has been looking at this a lot.  
24 We would like to hear Joe's comments first and then we  
25 will turn over to the Board.

1                   MR. GRASSO: I will go through my comments. I  
2 am getting a little bit of a feedback and I assume some  
3 others may be, as well. If everybody could just mute  
4 their mics if you're not talking anytime soon.

5                   Pete, we have gone through the plan. We have  
6 met with the applicant's team. They've done a really  
7 commendable job being responsive to the comments from  
8 our office, as well as the Planning Board at the last  
9 sketch plan review meeting. They've done a great job  
10 with the clarity of the information that is presented.

11                   Some of the details might be in comparison of  
12 the plan and I think are noteworthy is that they have  
13 eliminated the road frontage lots on Dennison Road  
14 which is a strong concern of CHA as well as the  
15 Planning Board. They also did do a really  
16 comprehensive job of the constrained lands, including  
17 the archaeologically sensitive areas, the federal  
18 wetlands and the steep slopes.

19                   Like Melissa had mentioned, one of the  
20 comments from the Board at the last meeting was  
21 regarding the size and location of a possible Town  
22 park and they relocated that at Dennison Road which I  
23 think is a much more desirable location and offers the  
24 opportunity that it could serve a public need greater  
25 than just the development. That is something that we

1 will get into more later. Obviously, the size of that  
2 park land is now over five acres. That was a concern  
3 raised before.

4 In terms of some of the comments that we've  
5 got on the plan, I mentioned the mathematical things  
6 regarding the maximum allowable density and the amount  
7 of constrained lands to be preserved. One of the  
8 things, as part of that conservation analysis, is a  
9 description of the various areas and why they should  
10 not be built on. That is something that we would look  
11 to see, as part of the concept subdivision application  
12 because the Planning Board will use that information  
13 to formulate its findings regarding the areas to be  
14 protected.

15 Melissa already commented about the amount of  
16 lands to be preserved and although the current plan  
17 doesn't meet that, based on our calculations, it does  
18 look like there are some relatively easy modifications  
19 to the plan that would allow a greater protection of  
20 area in order to satisfy that 47 acre requirement.

21 Overall, the plan does a really good job  
22 avoiding many of the areas of constrained lands, but  
23 you can see by a close review of this plan that there  
24 are still a number of lots that include steep slopes  
25 as well as that archaeologically sensitive area.

1 Obviously, the purpose of the conservation development  
2 guideline is to restrict development on these areas. I  
3 think there are some minor modifications to the plan -  
4 a greater amount of these constrained areas could be  
5 not impacted on. There is a unique clause in the  
6 subdivision regulations and I'm going to read it.

7           It says: The Planning Board may determine  
8 that limited areas of constrained land may be  
9 disturbed in order to secure reasonable development of  
10 the site consistent with the findings of the  
11 conservation analysis. In that event, a portion of the  
12 site twice the area of the constrained lands to be  
13 disturbed shall be set aside from the lands identified  
14 as having conservation value and treated as  
15 constrained lands for the purpose of the density  
16 calculation and concept plan preparation.

17           In summary what that says is some of these  
18 constrained lands are unavoidable, you can impact them  
19 and the Board can still act favorably upon the plan,  
20 but you would need to take that area and multiply it  
21 times two and add it to your constrained lands. So,  
22 it's just something that I think that the applicant  
23 should be aware of because when this starts to go  
24 through the concept review and preliminary plan  
25 review, there is going to be a lot of focus on making

1           sure the amount of preserved area satisfies these  
2           requirements. If we look at this plan, there are some  
3           steep slopes within many of the lots that I think  
4           these would be in fact and not to a large degree - -  
5           Sean, if you could just zoom in to one area. Why don't  
6           you scroll over to the left a little bit?

7                         In the lower left corner of the image you  
8           will see that there are some areas in blue there of  
9           constrained lands that would be impacted by those  
10          grading activities. Then, areas to the rear of those  
11          lots - say within the last 50 feet of those lots may  
12          not be impacted. What we would recommend is that those  
13          areas either be deed restricted or added to the open  
14          space plans so that they are protected in perpetuity  
15          because our recommendation is if they are not  
16          permanently protected either by deed restriction or  
17          included in the open space, we would count those as  
18          constrained lands intending to be impacted and  
19          therefore it would add to the amount of area to be  
20          protected as open space.

21                        One of the other things that - Sean, if you  
22          could zoom out and show the whole perimeter of the  
23          subdivision - - it's just in terms of where these  
24          open-space areas lie. One of the things that we think  
25          is always desirable from an open space protection

1           standpoint is that these areas are interconnected, so  
2           that if you ever develop walking trails to these  
3           areas, you could go from basically open-space parcel  
4           to parcel and there are a few areas around the  
5           perimeter of the site that basically cut off these  
6           different open-space areas from one another and that  
7           is something that the Planning Board may want to weigh  
8           in on whether or not there is value to having an  
9           interconnected open-space area basically around the  
10          whole perimeter of the site.

11                   CHAIRMAN STUTO: Sean, can you point to those  
12          areas that Joe is referring to?

13                   MR. GRASSO: So, there is one that's cut off  
14          and I think it's like a 10-foot strip or something in  
15          between connecting those. Then, all the way over to the  
16          left hand side of the site - - there is one. Off the end  
17          of the cul-de-sac there's a stormwater management area,  
18          but then there is just one lot that cuts off the two  
19          open-space areas there. Then, further down just along  
20          that stub street right-of-way, there is one lot that  
21          basically cuts off two open-space areas. I'm not saying  
22          that they all need to be interconnected. That it is  
23          something that the Planning Board may want to consider  
24          in its review.

25                   One of the things regarding the ownership of

1 the open-space lands - - it's good to get early  
2 feedback from the Town and the Planning Board  
3 regarding the ownership of the open-space lands. Two  
4 obvious options are - one is that the Town would own  
5 it and therefore control it and be responsible for any  
6 maintenance that would be required. The other one  
7 would be establishment of a HOA and I think the  
8 applicant had said that was not their intent, but it's  
9 something that I think the Planning Board as well as  
10 the Town administration should weigh in on because if  
11 it's not Town-Owned land and it's not a HOA, another  
12 option would be dedication to a land conservation  
13 organization which based on a configuration and  
14 relatively small size, I don't think that many  
15 organizations would be interested in taking that over.

16 The other would be deed restricting the  
17 areas. The areas would be a private lot ownership but,  
18 permanently be deed restricted. I think that's  
19 generally the least favorable option because it's  
20 difficult to control trying to enforce those deed  
21 restrictions down the road and the lack of having the  
22 open-space provided and an overall public benefit to  
23 the area.

24 CHAIRMAN STUTO: Joe, if I could interrupt on  
25 that point? I know that Sean and I had further

1 discussions since we had our phone call on that.

2 Sean, would you like to add to that?

3 MR. MAGUIRE: Yes, we talked about that a  
4 little bit more whether or not the Town would want to  
5 take that on, or whether or not a HOA or a private  
6 organization - - we noted that Ashburn Glenn which is to  
7 the east of the site beyond Forest Hills is managed by  
8 the Mohawk Hudson Land Conservancy for example. So,  
9 whether or not the HOA would manage this piece, or we  
10 would turn to someone like the Land Conservancy to  
11 consider this - - those are things we have to discuss  
12 and then find direction on.

13 CHAIRMAN STUTO: Okay, thank you.

14 MR. GRASSO: So, a couple of other final  
15 points: One is obviously from the air photo we can see  
16 that the site is basically entirely wooded with some  
17 significant sized trees. We had heard from a couple of  
18 the landowners in the area that there are some trees  
19 that are over 40 inches in diameter and those are  
20 significant trees.

21 Regarding Section 177 which gives the  
22 Planning Board the ability to require a tree survey on  
23 the site, we always try to consider the size of the  
24 site and the number of trees that would need to be  
25 surveyed so that we are not out there serving so many

1 trees that it provides no useful purpose from a  
2 Planning standpoint. Because we are trying to protect  
3 a lot of the site and it is open-space and knowing  
4 that there are some significantly sized trees there,  
5 we would recommend that we start a tree survey. Maybe  
6 trees over 24 inches in diameter and see how many of  
7 those we find on the site. I think that's an exercise  
8 that C.T. Male is well-qualified to do and it would  
9 not be that exhaustive. We would recommend that and I  
10 think it may provide real useful information to the  
11 Planning Board because if we are getting into trees  
12 which are over 24 inches in diameter, a lot of times  
13 you can shift some lot lines around or roads in order  
14 to protect some large mature trees that maybe 50 or 75  
15 or 100 years old and those are the types of features  
16 that can often really make the subdivision unique and  
17 worthy of a conservation development subdivision.  
18 That's something that the Planning Board may want to  
19 weigh in on. There's not a requirement in terms of  
20 having the survey trees over a certain size. There has  
21 been some commercial site plans where we recommended  
22 that you survey every tree over 10 or 12 inches in  
23 diameter. Based on our visit to the site, there would  
24 be far too many trees within that size range and again  
25 I really don't think that would provide much benefit

1 from a planning standpoint. That's where we came up  
2 with that 24 inch diameter number.

3 One thing regarding the open-space and  
4 whether or not there should be any form of park  
5 improvements, and access to the park lands are  
6 open-space lands from lots within the development, as  
7 well as whether or not any of these open-space lands  
8 should serve more of a regional area and therefore  
9 maybe public access should be afforded to at least one  
10 of the areas. That's something that the Board may want  
11 to weigh in on.

12 Regarding access: We are supportive of these  
13 two access locations - the one on Dennison and the  
14 other one on Stratford Drive. It was also supported  
15 during the DCC meeting with the various Town  
16 departments. Two accesses are good from an emergency  
17 access standpoint. Based on the layout and our  
18 knowledge of traffic patterns in the area, we don't  
19 think that the Stratford Drive would be used that  
20 often. Obviously, there are some people that would use  
21 that to get two points south, but we would think that  
22 based on this layout most of the lots would access  
23 onto Dennison Road which is more of a suburban  
24 collector.

25 Just another thing regarding the adjacent

1           landowners - that's really important that we make sure  
2           is included within the concept application materials.

3                         Finally, regarding the size of the lots -  
4           this is still considered like a cluster subdivision.  
5           Some of these lots we assume are much less than the  
6           minimum lot size, which is good. Some of the lots  
7           definitely are larger and some of these larger lots  
8           continue to have these constrained lands and that's  
9           something that I think the Planning Board may want to  
10          weigh in on. Is that something that's desirable to the  
11          Planning Board - having these larger lots with the  
12          constrained lands - - would you want to deed restrict  
13          it, or include it in the open-space? I think the  
14          earlier the applicant gets feedback on that, I think  
15          the more of an efficient planning process will take  
16          place.

17                         Pete, that's all we got so far.

18                         CHAIRMAN STUTO: I'm just going to chime in on  
19          one thing and then turn it over to the other Board  
20          Members.

21                         I think the deed restricted portions like the  
22          longer lots - I would rather include that in the  
23          open-space and not have it deed restricted. I think  
24          deed restricted is the most difficult to enforce over  
25          time. If somebody mows the back of their lawn,

1 nobody's really going to be aware of that. Anyway,  
2 that's my two cents on that.

3 I'll go down the Board the way we used to  
4 sit.

5 Chief Heider, do you have any comments or  
6 questions?

7 MR. HEIDER: I only have three comments.

8 MR. GRASSO: Chief, this is Joe. If I could  
9 just interrupt four-minute. I assume everybody is  
10 getting feedback. If everybody else could mute their  
11 phones except for Steve, that will be better, I think.

12 MR. HEIDER: Any better?

13 CHAIRMAN STUTO: Yes, it's better.

14 MR. HEIDER: Newport Drive, where it comes in  
15 by the water tank - right now it doesn't show the two  
16 streets lining up. Newport and Newport do not line up.  
17 It's a minor design issue, but just for the sake of  
18 saying it, those two don't line up.

19 As far as the main entrance off of Dennison  
20 Road - I appreciate that they took lots off for the  
21 park, but I still think that first lot on the right  
22 should disappear. If you look across the street at  
23 Charlew's other development, they made it so there  
24 wasn't a house right on the corner of the street.  
25 Unless they can do a very similar thing that they did

1 with the lot across the street in an archeologically  
2 sensitive area and make it all woodland across  
3 Dennison Road, I think that lot should disappear, too.

4 Finally, the most important thing, it's nice  
5 that they made a park of five acres, but a lot of it  
6 is constrained area. Being familiar with the area, I  
7 don't see how you're going to make a park out of it.  
8 You're not going to be able to walk in it and the  
9 slopes are very steep. I don't see where there is any  
10 way that other people other than this development can  
11 access it. Really, there is no way that even people  
12 from this development can access that part without  
13 coming out onto Dennison Road and going into the park  
14 which to me would mandate sidewalks along Dennison  
15 Road.

16 So, those are my three main comments. I'm  
17 glad they did away with lots on Dennison and they  
18 obviously made an effort to try to clean it up -  
19 especially the park. It's great to designate that as a  
20 park, but if you can't make it into a park and it  
21 doesn't look like a park, it's not a park. Those are  
22 basically my comments.

23 CHAIRMAN STUTO: Thank you. Good comments.

24 Craig?

25 MR. SHAMLIAN: I agree with the Chief. That is

1 really not much of the Town park. I understand that  
2 there is a debate about who is going to end up owning  
3 that.

4 I agree with Joe's assessment. That has  
5 always been my reading of how the math works in  
6 constrained/unconstrained lands. So, if that's the  
7 case, there is still a lot of modification that needs  
8 to take place to this plan.

9 I just want to clarify - the lots that are  
10 adjacent to what is designated as the Town park that  
11 has steep slopes on it - if those steep slopes stay on  
12 those lots then they need to come up with some  
13 additional constrained land, is that correct?

14 MR. GRASSO: Exactly - unless they deed  
15 restricted so we are assured that they would never be  
16 disturbed. That would be subject to something - - we  
17 have already heard from the Chairman that's not  
18 desirable. If there is any chance they could be  
19 impacted, I think we have to count them as being  
20 disturbed at some point.

21 MR. SHAMLIAN: To that point, purple is slopes  
22 greater than 25%. So, some of these slopes could be  
23 considerably greater than - - and 25% is a  
24 pre-substantial slope. I understand that this is just a  
25 sketch plan, but they've got slopes literally running up

1           against the houses on those couple of lots. When you go  
2           up on the road toward the water tower, there are some  
3           steep slopes that they are showing essentially in the  
4           front of the lot. It almost looks like - for lack of a  
5           better word - a berm almost across the front of those  
6           lots. I obviously have not climbed up there, but that  
7           seems a little odd.

8                       MR. GRASSO: Craig, this is Joe. There is  
9           basically a slope that continues up to the west. It is a  
10          continuous slope. I think what happened is there is only  
11          a thin strip that actually exceeds the 25%. All of those  
12          lots there along the western side of that spur - the  
13          slopes are probably over 10%. So, most of the slopes are  
14          10 to 25%. There's just a thin slip there that exceeds  
15          25%.

16                      MR. SHAMLIAN: Okay. I wanted to understand  
17          what was happening here.

18                      MS. CURRIER: I'm sorry to interrupt, but can I  
19          just say - there was a road - a temporary road that was  
20          put in during the construction of the water tower. I  
21          believe some of that was to put the road in. It created  
22          a one on three slope in that area so they could drive  
23          through it. I think some of that was created from that.

24                      MR. SHAMLIAN: Okay.

25                      The first lot where the archaeological

1 sensitive area - - the usable area on that lot is  
2 awfully small, as you showing on the sketch plan. So,  
3 I'm not sure whether that should really be a lot or  
4 the lot line should be shifted dramatically. I don't  
5 know what the plan would be to keep people out of that  
6 area, but essentially the homeowner has no side yard  
7 whatsoever.

8 I agree with Joe that we probably should  
9 consider a tree survey. I don't know when that should  
10 happen because clearly by my interpretation and Joe's  
11 interpretation, there is a fair amount of  
12 configuration that still needs to change here before  
13 you even get close to getting the math to work.

14 That's all I've got right now.

15 CHAIRMAN STUTO: Okay, Susan?

16 MS. MILSTEIN: I agree about the open space  
17 versus deed restriction. There's just too many problems  
18 potentially with deed restrictions.

19 I don't have much to add. I agree with the  
20 comments that have been made.

21 CHAIRMAN STUTO: Okay, thank you.

22 Lou?

23 MR. MION: I think it's pretty much been said.

24 I agree with what the Chief said concerning  
25 the park. That is pretty steep going into there -

1           that area that's designated as a park. I also like the  
2           idea - - on the right as we're looking at it, that  
3           first lot. I like the idea of making that a whole  
4           tree-lined. Make that lot treed, or something. Make it  
5           smaller and put some trees in there, or something.  
6           Make it consistent all the way down. The entire  
7           development is behind the trees.

8                        I definitely agree with what you said, Pete,  
9           concerning the deed restriction versus the constrained  
10          lands.

11                       CHAIRMAN STUTO: Thank you.

12                       Chip?

13                       MR. ASHWORTH: It's to the left as your coming  
14          in from Dennison.

15                       CHAIRMAN STUTO: Can you repeat the whole  
16          question?

17                       MR. ASHWORTH: Coming in from Dennison, I think  
18          80 is the first lot on the left, isn't it?

19                       MR. GRASSO: It is, yes. Chip, this is Joe.  
20          That area that is shown of the trees to remain - that  
21          area is an archaeologically sensitive area and that  
22          would be fenced off.

23                       MR. ASHWORTH: I don't think you should leave  
24          caring for the control of these constrained areas to a  
25          HOA. They have a tough enough time to have everybody

1 meet all the other regulations and I think that would be  
2 too much.

3 CHAIRMAN STUTO: Anything else?

4 MR. ASHWORTH: No, I agree with pretty much  
5 everything that has been said.

6 CHAIRMAN STUTO: Paul?

7 MR. ROSANO: I agree with the open space going  
8 to the Town to be added to our inventory. It's kind of  
9 what we have been trying to do for the last 10 years.

10 As far as the passive park coming in where  
11 the three lots were in Dennison Road - walking trails  
12 could be established in there. I know there are steep  
13 slopes, but there are areas there you can walk. People  
14 over in Forrest Hills and those areas will be able to  
15 access this. This whole area is walked by people all  
16 the time. There are people up and down through this  
17 area. It's a beautiful area. I think that having a  
18 passive park there - - develop some walking trails in  
19 there to a certain degree. That's all we really need  
20 to look at there.

21 CHAIRMAN STUTO: Okay, I'm going to try to sum  
22 up and give my opinion, as well.

23 I generally agreed with everything that was  
24 said. I think connecting up the green spaces in those  
25 areas that were pointed out would not be that

1           difficult to accomplish. I think we could shorten some  
2           of the longer lots and it would also help with the  
3           math of the applicant getting to the constrained  
4           lands. I will repeat that I think the deed  
5           restrictions in the back of the lots aren't ideal, nor  
6           do they really work as well. I would prefer to add  
7           them to the open space. I think you can do it without  
8           reducing the number of lots.

9                         However, I do agree with Chief about that  
10           first lot and I don't know if there's a way to  
11           reconfigure it, but I think there should be some green  
12           space there on Dennison Road. I think I will ask Joe  
13           about this again because I want to have clarity.

14                        Where the archaeological spot is - what are  
15           the options? The way they proposed it - - first, talk  
16           about how they proposed it. Is that part of an  
17           individual person's lot?

18                        MR. GRASSO: That's the way they proposed it,  
19           yes.

20                        CHAIRMAN STUTO: And it's going to have a fence  
21           around it?

22                        MR. GRASSO: Well, typically this is an area  
23           where they identified an archaeologically sensitive  
24           resource within that area. Then, the State Historic  
25           Preservation Office will recommend a certain perimeter

1 area that serves as a buffer to the resource. It's  
2 probably an old foundation or something. Typically they  
3 look for some kind of physical demarcation by fencing  
4 and signage so that it doesn't get disturbed in the  
5 future. I think what I am hearing is that the desire of  
6 the Board is to - - because you are adjacent to other  
7 open space lands, just expand the open space area and  
8 include that area within it so that nobody has the right  
9 to impact that in the future.

10 CHAIRMAN STUTO: That's my opinion. I agree  
11 with that latter statement.

12 To repeat the interconnectedness - I guess I  
13 would say this: Craig doesn't think that you could use  
14 the five acres and it would be difficult to use as a  
15 passive park. Paul thinks that maybe there could be  
16 hiking trails there. So, I would try to look at it  
17 holistically. Do as much connectedness as you can and  
18 drill it down a little further and see what these  
19 areas could be used for. That's my comment.

20 I think the tree survey idea is a good idea.  
21 I think starting at 24 inches is a good idea.

22 Joe, am I correct in assuming they would only  
23 need to survey the areas that that lots are going to  
24 be on?

25 MR. GRASSO: Yes, that's a good idea. The only

1           thing I would like to say - like Craig had said, the  
2           layout may be subject to similar revision. I think  
3           generally the area that they are proposing for  
4           development is where they should do the survey. It's  
5           important - those two trees over 40 inches in diameter -  
6           - I think they are within the area of the proposed  
7           development in the road. If not, it would be good to  
8           have those shown on the plans. It's rare to have a tree  
9           that's that large. You're probably talking about a tree  
10          well over 100 years old. No matter where those two trees  
11          are located, it would be good to have though shown on  
12          the plan.

13                   CHAIRMAN STUTO: My final comment just has to  
14           do with ownership. In some ways I am personally  
15           indifferent. Paul says the Town would like to acquire  
16           the land. Sean, can you check to see what they are  
17           saying - what the Supervisor's office says? We also  
18           talked about a Land Conservancy. So, if you could drill  
19           down that, as well. That's my final comment.

20                   MR. ASHWORTH: Peter, I have one more comment.  
21           I know from being an adjacent to a wetland with signage  
22           - the signage doesn't always work. I think the fence or  
23           some sort of barrier would be called for right here.

24                   CHAIRMAN STUTO: Okay.

25                   Any other comments from the Board?

1 (There was no response.)

2 Joe or the applicant, do you want to respond  
3 to any of this? We'll give the applicant an  
4 opportunity if they want to say anything.

5 MR. ERICO: This is Dominick. I think the  
6 comments are well taken. I believe our process will be  
7 to recalculate the constrained areas based on what we  
8 will be disturbing for steep slope areas and things like  
9 that. So, again, the calculation of what's more than 25%  
10 is kind of an assumption and in some areas are very  
11 small. We will have to review that calculation. I don't  
12 know how it's going to add to the conservation area. I  
13 agree that we will have to go through that. My biggest  
14 question, I guess, is the tree survey. The question was  
15 asked and answered a little bit as far as the areas we  
16 would have to consider. The roadway itself - I am  
17 assuming we cannot consider that or and looking at the  
18 lot - the grading that we are proposing, or should it be  
19 from centerline of the road back so many feet each way?  
20 Is there a limitation that we could stick to without  
21 getting into areas that we're not actually going to  
22 develop or should be the entire lot that we are calling  
23 the property line? We're just looking for a little  
24 guidance.

25 CHAIRMAN STUTO: I will ask Joe to respond to

1 that because he will have a better answer than I will.

2 MR. GRASSO: I would recommend the areas within  
3 the proposed laws as well as all the proposed  
4 right-of-way.

5 MR. ERICO: Okay, anything over 24 inches we  
6 would want to identify the diameter?

7 CHAIRMAN STUTO: I think that's what we are  
8 saying - some of the other Board Members may have a  
9 different opinion.

10 MR. GRASSO: Yes coming 24 inches diameter at  
11 breast height.

12 MR. ERICO: And the tree type is important as  
13 well?

14 MR. GRASSO: It is. You don't have to get into  
15 whether it's a White Oak or Red Oak but an Oak, Maple,  
16 Cottonwood - - because Cottonwoods aren't that valuable.

17 MR. ERICO: That's why I was asking. Are we  
18 looking at basically hardwood trees? We can find Pine  
19 trees that are that thick of diameter in some instances.

20 MR. GRASSO: So, if the Board is okay, once you  
21 get out there and start the survey, if you think there  
22 is something that's a question as to whether or not it  
23 needs to be identified or how it needs to be identified,  
24 I would like to be able to weigh in on that.

25 MR. ERICO: It's more of a matter of who I'm

1            sending out to do this - - if it's someone who can just  
2            measure a tree or someone who should identify what the  
3            tree is - - I might have to send a different person not  
4            to do that. That's basically what I'm asking the  
5            question.

6                        MR. GRASSO: Yes, I think the type of tree is  
7            important to know.

8                        MR. ERICO: Like I said, all the other stuff -  
9            I think it's well taken. We will address the open space  
10           issue. I think we need to further address that once we  
11           determine the exact amount that is constrained and  
12           redoing the calculations and once we do that, I guess we  
13           can have more discussion on how the constrained lands  
14           will be handled by deed restriction, or by however we're  
15           going to do it. I know a HOA is not something that the  
16           applicant even wants to consider for the development  
17           section of that. There are other areas of, like you  
18           said, donating the land or having somebody else take  
19           over the responsibility to put those trails and stuff on  
20           there.

21                        That's really about all I have. I guess we  
22           will work through.

23                        I don't know if Melissa wants to add anything  
24           from my comments. I will let her speak.

25                        MS. CURRIER: Dominick, thank you for that.

1 I just wanted to mention the two larger  
2 trees, Joe, we have surveyed those and located those.  
3 They are not on the sketch plan, but I can send them  
4 to you so you can see that they are not in the  
5 right-of-way.

6 MR. GRASSO: Great, thank you, Melissa.

7 MS. CURRIER: And I agree with what Dominick  
8 said. We will take all of those comments into  
9 consideration and will look at this conservation  
10 analysis closer with you.

11 MR. GRASSO: Great.

12 So, Pete, just before we wrap up, I think  
13 it's important to just talk about the process. They've  
14 been in front of the Board twice for sketch plan  
15 review and I think C.T. Male is a very qualified firm.  
16 They know what it takes to put a concept plan  
17 together. I think that the directive from the Planning  
18 Board were very clear tonight. My recommendation would  
19 be that if they so choose, they would be allowed to  
20 advance to a concept subdivision application.

21 CHAIRMAN STUTO: Okay, I have no objections. Do  
22 any of the Board Members have any comment on that?

23 MR. ASHWORTH: I have one more comment. If  
24 you're going to make that park and make a sign saying  
25 that it's a park, what he can to do about parking?

1                   MR. ERICO: Our initial intent that when it  
2 became a park, there could be some very light parking  
3 areas off of Denison Road that could be developed. I  
4 don't think you would want it to be a large parking area  
5 for probably no more 10 or a dozen cars may be. That's  
6 not a big area.

7                   MR. ASHWORTH: Okay.

8                   MR. SHAMLIAN: I just want to jump in on Joe's  
9 comment. I am fine with them advancing to concept, but I  
10 think we all need to understand that they're taking a  
11 risk by doing that because quite honestly you could make  
12 an argument that this should not have even been before  
13 us tonight because the math is not consistent with our  
14 understanding of the math and that's really where it  
15 should've been before it even came back to us. So, I'm  
16 fine with moving to concept but everybody needs to  
17 understand that this still has a long way to go.

18                   MR. ERICO: If I could just - - we agree. I  
19 agree with you that the concept plan - just the thing  
20 that allows you to give us the approval from sketch to  
21 go to concept gives us the flexibility to do other work  
22 on the project to solidify other things. So, we just  
23 appreciate having that little bit of freedom to go do  
24 that. Trust me, we're not going to go that much further  
25 with the layout until we come back and present to the

1 Board again.

2 MR. HEIDER: Peter, if I can make one comment?

3 CHAIRMAN STUTO: Certainly.

4 MR. HEIDER: I would think that at concept that  
5 would have to be a concept presentation about what this  
6 park entails, access parking and everything on the plan  
7 at the point of concept.

8 CHAIRMAN STUTO: Okay. So, Sean and Joe and the  
9 applicant - you've got your work to do on that and  
10 figuring something out.

11 MR. GRASSO: Understood. I think I got it.

12 CHAIRMAN STUTO: Anything else from the Board?

13 (There was no response.)

14 Okay, I like to think everybody in the  
15 applicant and we will see when you come back.

16 (Whereas the above entitled proceeding was  
17 concluded at 6:56 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  
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