

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 SCHUYLER MANOR CONSERVATION SUBDIVISON

5 261 - 261A TROY SCHENECTADY ROAD

6 AMENDMENT TO APPROVED CONSERVATION SUBDIVISION

7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY L. STRANG, a Shorthand Reporter
10 commencing on July 21, 2020 at 6:14 p.m. at
11 Memorial Town Hall 534 New Loudon Road, Latham,
12 New York.

13

14 BOARD MEMBERS:

15 PETER STUTO, CHAIRMAN

16 CRAIG SHAMLIAN

17 PAUL ROSANO

18 SUSAN MILSTEIN

19 STEVEN HEIDER, RECUSED

20 LOUIS MION

21 FREDERICK ASHWORTH

22

23 ALSO PRESENT:

24 KATHLEEN MARINELLI, ESQ. COUNSEL TO THE BOARD

25 SEAN MAGUIRE, AICP, CEcD, DIRECTOR, DEPARTMENT
OF PLANNING AND ECONOMIC DEVELOPMENT

1 ZACHERY HARRISON, PLANNING AND ECONOMIC
2 DEVELOPMENT
3 ROBERT MARINI, MARINI HOMES
4 JOSEPH GRASSO, RLA, CHA

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1 CHAIRMAN STUTO: Next on the agenda is 261
2 - 261A Troy Schenectady Road, Schuyler Manor
3 Conservation Subdivision - an amendment to an
4 approved conservation subdivision to remove a
5 no-disturbance area behind 17, 19 and 21
6 Penfield Drive containing poplar trees and
7 underbrush to be replaced with 18 8-foot to
8 10-foot evergreens at the rear of the same
9 lots.

10 Sean, do you have any comments on this?

11 MR. MAGUIRE: What we have here is the
12 applicant has a stand of poplar trees and some
13 underbrush there that he is looking to remove
14 and replace with a number of evergreen trees. I
15 think with the CAC - we would prefer something
16 within the white fir species to do that with.
17 In this area they are proposing to install 18
18 evergreen trees - 8 to 10 feet tall.

19 MR. MARINI: Good evening, my name is Bob
20 Marini of Marini Homes. There are three lots
21 where there was a saved area. As you can see,
22 the backs of the houses get very close to where
23 those trees are and the trees actually sit
24 lower than the grade of the houses that are
25 built so it's very difficult to grade that area

1 and give the customers a decent backyard to
2 use.

3 So, if you look to the right of where
4 we are proposing, RJ Valenti got it approved
5 and he put pine trees in as a proposed
6 buffer. We are proposing to more than double
7 those trees and bring in larger species for
8 taking out that cleared area.

9 Sean, I sent you some pictures - if you
10 could put those pictures up?

11 So, this is a picture from the road
12 looking back at that small area of trees
13 that was set as preserved.

14 If we could go to the next slide, you
15 can see the cleared area. The saved areas to
16 the left in a cleared area is for stormwater
17 that comes down from the back. Where the
18 other trees are is the adjoining property
19 owners' trees.

20 What we want to do is put the pine
21 trees right at that edge there. So,
22 everything is deciduous so in the wintertime
23 you can see right through. The pine trees
24 will actually create an evergreen buffer
25 that's better than what is there. That's

1 what we are attempting to do.

2 We have a couple of sales on those
3 lots, but it is contingent upon us removing
4 those trees because you can see where those
5 trees are and it's about 5 feet lower than
6 the road and it impedes the grading on the
7 area.

8 CHAIRMAN STUTO: Are there any members of
9 the public looking to speak on this one?

10 (There was no response.)

11 Did you have any other comments on
12 this? Sean are you the one analyzed for
13 your department?

14 MR. MAGUIRE: So, we took a look at this
15 and when you look at the drawing itself, the
16 drawing looks much more substantial than the
17 field condition but I know other Board Members
18 have been out and have seen the similar
19 situation. We do believe that the plans call
20 for- the white pines - we would change to white
21 fir.

22 MR. ROSANO: White pines are not really
23 the right tree for this area. White pines are
24 zoned for basically the middle of the
25 Adirondacks. I checked with a couple of the

1 local nurseries and they aren't even available
2 anymore. I would ask the buyer to look for
3 white fir.

4 MR. MARINI: Is that what is input on the
5 drawings? I don't like white pines.

6 MR. ROSANO: You can't even get them
7 anymore.

8 MR. MARINI: Norway spruce is what I would
9 prefer.

10 MR. ROSANO: The white pines, for whatever
11 reason - we have some engineers that put them
12 in. I got the white fir idea from Mr. Hershberg
13 who was a big proponent for white fir -
14 anything but the white pines. They are
15 basically trees that are in the middle of the
16 Adirondacks. They are self-pruning and they
17 don't last in an area. If you look around, you
18 can see that they're scraggly looking.

19 MR. MARINI: I would agree with you. We
20 don't like white pines. We would either use a
21 white fir or Norway spruce.

22 MR. ROSANO: Or a mixture of both.

23 MR. MARINI: A mixture of both is fine.

24 MR. ROSANO: Thank you.

25 MR. MARINI: Not a problem.

1 CHAIRMAN STUTO: Are we are intending to
2 modify the no-disturbance zone, so you can put
3 in trees.

4 MR. MAGUIRE: Yes, I think what we're
5 looking to do is to eliminate that one so that
6 we can establish a new one allowing them to
7 plant it, but leave it as a no-disturbance
8 moving forward.

9 MR. MION: That would be the only place
10 where you would have something.

11 MR. MARINI: Well, the evergreens with the
12 approved plans you can see moving further
13 toward the north it would be - we have
14 evergreen trees that extent up on a couple more
15 lots. They are going in, as well. So, there are
16 more evergreens. That was part of the approved
17 plan, but in this modification I'm proposing to
18 plant a little bit more densely.

19 MR. MION: So, you're going to extended
20 up -

21 MR. MARINI: As it was originally
22 approved, yes; that's correct.

23 MR. MION: So, that's the only place you
24 going to have it.

25 MR. MARINI: Well, I would think if the

1 other homeowners, after they move, are going to
2 plan a buffer - they're probably going to do it
3 with evergreens.

4 CHAIRMAN STUTO: Chip, did you have
5 something?

6 MR. ASHWORTH: To avoid replanting them, I
7 think that if you went with 5 or 6 foot - I
8 don't think you'd end up having to replace
9 them.

10 MR. MARINI: The only thing with 5 to 6 is
11 that it doesn't give you that height. I think
12 my customers are looking for that. These trees
13 are going to be balled and burlaped. I think
14 that we will be fine with the 6 to 8. I think
15 that we have 8 to 10 feet.

16 MR. ASHWORTH: Can you guarantee that?

17 MR. MARINI: Well, I can't guarantee
18 anything as far as when it comes to trees. If
19 the customer doesn't water it after I leave and
20 they starve it for water, I can't be
21 responsible for that.

22 CHAIRMAN STUTO: Joe Grasso, can we get
23 some free advice, being a landscape architect?

24 MR. GRASSO: I think as long as they are
25 installed properly, I don't see that in 8 to 10

1 footers. I agree with the different choice of
2 species, based on the land and the spacing. I'm
3 confident as long as they are installed
4 correctly, they should be fine.

5 CHAIRMAN STUTO: Chief?

6 MR. HEIDER: I've got to recuse myself.

7 CHAIRMAN STUTO: Susan?

8 MS. MILSTEIN: Is there any reason that
9 you have to clear all the way to that line? I
10 know the line is the wooded area -

11 MR. MARINI: My customers and the people
12 that live on the other side of those trees are
13 going to get the most benefit if I clear the
14 whole area because I can regrade it. The tops
15 of the trees are higher and the privacy is
16 better. That's why want to clear the whole
17 area. There is a lot of garbage in there, too.

18 MS. MILSTEIN: Can you put a combination
19 of deciduous and evergreens?

20 MR. MARINI: I don't think that is going
21 to give you the maximum privacy that you're
22 looking for. I know that was a concern when the
23 subdivision got approved. That's why we
24 proposed evergreens.

25 MS. MILSTEIN: Is this going to be in the

1 restricted area?

2 MR. MARINI: They are going to put a new
3 restricted area on it.

4 MS. MILSTEIN: It is, or it is not?

5 MR. MARINI: They going to put a new
6 restricted area around the pine trees.

7 CHAIRMAN STUTO: Craig?

8 MR. SHAMLIAN: The only issue I have is
9 that there are poplars that are particularly
10 desirable, but they are there and they are
11 doing well and probably would continue to do
12 well. We're taking all those out and we're
13 putting evergreens in -- if they're installed
14 properly and all those other things, most of
15 them should live.

16 We have, at times, required developers
17 to ensure that if a tree dies within the
18 first few years, you have to replace it. You
19 deal with the homeowner. It's your problem
20 and not our problem. You're the one who has
21 to make the change.

22 MR. MARINI: I don't warranty landscaping.
23 There is no warranty on the other ones that
24 were approved in the subdivision.

25 MR. SHAMLIAN: Those were already

1 approved. You want to do something different to
2 make these lots more salable. Personally I
3 don't want to go out three years from now and
4 see dead trees -

5 MR. MARINI: Neither do I, but I don't
6 want to go back and have to replace them after
7 people put fencing in their backyard and pools.

8 MR. SHAMLIAN: It doesn't matter who
9 caused them to die, whether they're not taking
10 care of them or not -

11 MR. MARINI: They can get an insect in
12 them and die. There's all different reasons why
13 a tree dies. I can plant them properly and I
14 can stake them. I can put mulch around them,
15 but once I transfer the deed to that house to
16 the homeowner, it's the homeowner's
17 responsibility.

18 MR. SHAMLIAN: And I'm telling you that
19 from my point of view it's your responsibility
20 for some period of time.

21 MR. MARINI: I would rather leave it the
22 way it is.

23 MR. SHAMLIAN: That would be your choice.

24 MR. MARINI: Right.

25 CHAIRMAN STUTO: Paul?

1 MR. ROSANO: I walked this property
2 several times with a member of the CAC that I
3 just happen to be married to. There is nothing
4 desirable of what's over there now. You forgot
5 to mention there's actually dead trees in
6 there, too. There was nothing there that I
7 would want behind my house that is there now.
8 There's also a couple of ash trees back there
9 which we all know are diseased trees.

10 I'm in total favor of this 100%.

11 MR. MARINI: Thank you.

12 CHAIRMAN STUTO: Do you have anything to
13 say?

14 MR. MAGUIRE: No.

15 CHAIRMAN STUTO: Are there members of the
16 public looking to speak on this?

17 (There was no response.)

18 CHAIRMAN STUTO: I think we have a
19 difference of opinion, it sounds like. If we
20 can meet halfway, we will at least have a
21 consensus. I like the change. I think new trees
22 look better in the long run.

23 MR. MARINI: I will warrantee the trees
24 for one year, but I don't want to put them in
25 until the house is built and then the homeowner

1 is there - the water -- if we just go put them
2 in -- let's say, I clear that and put them in
3 now, I already have two of the lots sold in
4 that area that we're talking about. If the
5 house is built, the area will be cleared and
6 graded and when the houses are built towards
7 the end of construction and the final grading
8 is done, the trees go in. It will be done
9 before the CO is issued and I will warranty
10 them for a year.

11 CHAIRMAN STUTO: A year from CO?

12 MR. MARINI: Yes.

13 CHAIRMAN STUTO: Okay, so what type of
14 trees are we talking? Norway spruce?

15 MR. MARINI: Norway spruce, or you can
16 take a combination of Norway spruce with white
17 fir.

18 MR. GRASSO: I'm not sure if the Norway
19 spruce are on the areas of the CAC list. I am a
20 fan of Norway spruce, but I would consider some
21 white fir also.

22 CHAIRMAN STUTO: Is the Board in agreement
23 on that?

24 (All members agreed.)

25 MR. MAGUIRE: So, I just want to recap

1 that the Board would consider and would approve
2 the amendment to -

3 CHAIRMAN STUTO: We will entertain a
4 motion, how's that?

5 MR. MAGUIRE: Yes, a motion to modify the
6 area to be cleared behind Lots 17, 19, 21 and
7 23 - to eliminate that area to be cleared with
8 a new planting of 18 white firs or Norway
9 spruce from 8 to 10 feet in height and once
10 they are established, that will be a
11 no-disturbance area.

12 MR. MARINI: Can we agree on the width of
13 the non-disturbance area? So, are we talking
14 front edge easements - If I plant in a
15 staggered format like that, we probably would
16 need 20 to 25 feet from the edge of the
17 easement into the lot, to cover that that. Is
18 that reasonable?

19 MR. MAGUIRE: So, a 25 foot width from the
20 edge of the easement towards the home will be a
21 no-disturbance area.

22 MR. MARINI: Because I can imagine anyone
23 wanting to cut them down after they were
24 installed.

25 MR. MAGUIRE: The developer will provide

1 the homeowners with a one-year warranty on the
2 trees from the date of the CO.

3 CHAIRMAN STUTO: Do we have a motion?

4 MR. ROSANO: I will make the motion.

5 CHAIRMAN STUTO: Second?

6 MR. MION: Second.

7 CHAIRMAN STUTO: All those in favor, say
8 aye.

9 MR. ROSANO: Aye.

10 MR. ASHWORTH: Aye.

11 MR. MION: Aye.

12 MS. MILSTEIN: Aye.

13 MR. SHAMLIAN: Aye.

14 CHAIRMAN STUTO: Aye.

15 We have one recusal.

16 MR. MARINI: Thank you.

17 CHAIRMAN STUTO: Thank you.

18 (Where's the above entitled proceeding
19 was concluded at 6:28 PM)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter
and Notary Public in and for the State of
New York, hereby CERTIFIES 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.

Date: _____

Nancy L. Strang
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Niskayuna, NY 12309

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