

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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5 RIDGEWOOD SUBDIVISION, 34 DENISON ROAD  
6 REVIEW AND ACTION ON CONCEPT ACCEPTANCE  
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9 THE TAPED AND TRANSCRIBED MINUTES of the above  
10 entitled proceeding BY NANCY STRANG-VANDEBOGART  
11 commencing on December 1, 2009 at 7:14 p.m. at the  
12 Public Operations Center 347 Old Niskayuna Road,  
13 Latham, New York 12110

14 BOARD MEMBERS:

15 THOMAS NARDACCI, ACTING CHAIRMAN  
16 MICHAEL SULLIVAN  
17 CHARLES J. O'ROURKE  
18 ELENA VAIDA  
19 PETER STUTO, Jr. Esq., Attorney for the Planning  
20 Board

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22 Also present:

23 Joe LaCivita, Director, Planning and Economic  
24 Development

25 Melissa Courier, C.T. Male Associates

Kevin DeLaughter, Planning and Economic Development

Jeff Myers, Applicant

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1           ACTING CHAIRMAN NARDACCI: The next item  
2 up is the Ridgewood subdivision, 34 Denison  
3 Road; review and action on concept acceptance.  
4 This is with C.T. Male Associates.

5           We've seen this project a few times.

6           Joe, do you want to give us an update?

7           MR. LACIVITA: Kevin, I don't know if you  
8 want to give an update. I know, as you said,  
9 Ridgewood has been before us a number of times  
10 and we've sent them back to work with the  
11 neighborhood. They have fulfilled a lot of the  
12 requirements of the department and the board  
13 and the neighbors. They worked well together.

14           The last meeting was somewhere about  
15 October or September. It was toward the end of  
16 the summer.

17           MS. COURIER: We had a meeting in March  
18 with yourself and the neighborhood  
19 association. We had a special meeting on the  
20 31<sup>st</sup>.

21           MR. LACIVITA: One of the things that  
22 this development has done is that it actually  
23 addresses one of the needs of the Comprehensive  
24 Plan. The developer went back and actually  
25 proposed a five acre pocket park for the town.

1 That addresses the needs of the Comprehensive  
2 Plan.

3 I'll turn that over to Kevin or Melissa;  
4 whoever wants to go first.

5 MR. DELAUGHTER: I think that summarizes  
6 where we are.

7 MS. COURIER: I'm Melissa Courier and I'm  
8 with C.T. Male Associates.

9 To go through a quick summary of the  
10 project, the Ridgewood subdivision is located  
11 at 34 Denison Road. The proposal consists of  
12 96 single family residential lots located on  
13 the west side of Denison Road. The zone is  
14 single family residential with a conservation  
15 development overlay. The parcel size is  
16 118 acres.

17 The areas of constrained land which are  
18 the areas that you see on the map that are  
19 hatched encompass about 24 acres. With that  
20 the zone permits 187 lots within the density  
21 of the confinements. We are proposing 96 which  
22 is about half of the density that is allowed.  
23 The area that is to remain open space is the  
24 area up in this area (Indicating).

25 The entrance is off of Denison Road and

1 per the meetings that Joe just mentioned,  
2 there is now another entrance going through  
3 Londonderry Ridge. We would be connected to  
4 that subdivision.

5 Public sewer and water will be connected  
6 to the appropriate systems. We show six  
7 potential stormwater treatment areas and those  
8 all have been test pitted and reviewed with  
9 the Stormwater Department. They have reviewed  
10 and concurred with our findings.

11 We would propose trails throughout the  
12 site.

13 There was a discussion of sidewalks. DPW  
14 is not looking to have sidewalks at this time,  
15 but are not opposed to considering it for  
16 development, in the future.

17 We have met with the neighborhood  
18 association multiple times. A few times  
19 without the Planning Department. We have  
20 added, per that meeting, a park area. That  
21 area will be within this portion of the site  
22 (Indicating). There will also be potential  
23 parking for the community park.

24 I believe that we have addressed all the  
25 comments that have been asked of us by DPW and

1 the town departments.

2 MR. LACIVITA: This was all reviewed by  
3 the TDE.

4 MS. COURIER: My understanding is that  
5 the TDE will be at the preliminary of the  
6 final plans.

7 ACTING CHAIRMAN NARDACCI: Could you just  
8 explain to us the process of talking to the  
9 neighbors? What was the meeting like and what  
10 were some of the issues that they had that  
11 they raised here and then at your meeting and  
12 how you addressed them?

13 MS. COURIER: We did meet with the  
14 association. It was formal. It was more in the  
15 lines of -- we had a plan in front of us and  
16 we discussed what their concerns were.

17 The main item of concern was in light of  
18 the traffic and the speeding that happens on  
19 Denison Road. They were looking for a  
20 community park. They had a few concerns with  
21 regard to stormwater. There are highway  
22 improvements needed on Denison Road with the  
23 pot holes and things like that. They did talk  
24 about the deed restrictions.

25 I think that it went well. I think that

1 we communicated well. We discussed nearly  
2 everything. We had another meeting where the  
3 Planning Department was involved in that and  
4 it went well. Again, we reiterate the same  
5 points.

6 I had also met with Kevin and we talked  
7 about where to put the town park. We looked at  
8 the whole area. This is the one (Indicating)  
9 that was ultimately decided by everyone  
10 involved; fire and Latham Water. Everyone else  
11 had reviewed it and it was believed that this  
12 location would be the most ideal for security  
13 and safety.

14 ACTING CHAIRMAN NARDACCI: I'm glad that  
15 you did meet with the neighbors. I think that  
16 it's an extra step. It's appreciated because  
17 it's not required, but it's something that I  
18 think is important. We've had other meetings  
19 like that where the developers have met with  
20 neighborhood groups to try to resolve some of  
21 the issues. I think that it's worth mentioning  
22 that extra step.

23 Are there any questions from the board?

24 Mike?

25 MR. SULLIVAN: I had a few questions. The

1 first one was on the stormwater areas. Can you  
2 explain how those will work and how those will  
3 be designed?

4 MS. COURIER: Ultimately what we have  
5 done so far is just some test pits and that  
6 gave us the soil types and the groundwater  
7 levels. I'll point out those locations here  
8 and here and here (Indicating). They will be  
9 determined in the matrix. We can use two  
10 different types of systems and there will be  
11 treatments from our treatment systems as well  
12 as detention basins. They will be in  
13 conformance with the state standards and the  
14 town standards.

15 The type of system that we would have  
16 there would be a filtered system. The one  
17 system would have continuous ground water and  
18 that would be filtered. There would be three  
19 basins actually; there will be a treatment  
20 pond, a pretreatment pond and a detention  
21 basin.

22 MR. SULLIVAN: They'll be detention  
23 basins but not retention?

24 MS. COURIER: Ultimately all of them will  
25 open to the outlet.

1           MR. SULLIVAN: Will the outlets be  
2 natural channels?

3           MS. COURIER: They will be open to the  
4 outlet to the low point that they would be  
5 naturally going towards, originally.

6           MR. SULLIVAN: Are there any adjacent  
7 properties that will be the lowest area but  
8 such that they will not have ponding?

9           MS. COURIER: The property is a rough  
10 terrain. Some of it goes this way and some of  
11 it goes that way, so that it comes down here  
12 (Indicating). This area, which is the low  
13 point, is one of concern. We are prepared to  
14 control that. We have discussed the drainage  
15 with the DPW Department.

16           MR. SULLIVAN: My concern is that I know  
17 that you have a lot of greenspace that you're  
18 preserving, however there is about 60% acres  
19 that will be developed. You will be increasing  
20 the run-off. You'll have to maintain the same  
21 rate of run-off.

22           MS. COURIER: We will try to maintain the  
23 natural volumes that are going to these points  
24 and be naturally occurring.

25           MR. SULLIVAN: How will you manage that?

1           You could maybe limit the rate of run-off but  
2           the amount of run-off -

3           MS. COURIER: I know we are not looking  
4           to take all the development and direct it into  
5           one area. I think that is what you're asking.  
6           We will try to hold as much as possible at the  
7           natural design points. In other words, all the  
8           impervious area will not go to one design  
9           point. They will go to the different design  
10          points as it does now and that's so as not to  
11          increase any additional volume.

12          MR. SULLIVAN: The other question I had  
13          was with respect to traffic. Has a traffic  
14          impact study been done?

15          MS. COURIER: There was one done and we  
16          did have a special meeting March 31<sup>st</sup> with CDTC  
17          to come here and discuss that. They said that  
18          full build out was with three subdivisions.  
19          The one that would be here, and the one that's  
20          over in this area (Indicating). And they were  
21          hopeful that would not warrant a traffic  
22          signal or a calming device.

23          MR. SULLIVAN: I read a memo in my packet  
24          that the Town of Niskayuna had requested a  
25          copy of the traffic study, if one was done

1 because they were concerned about the  
2 intersection at Route 7.

3 MS. COURIER: There was one done. I'm not  
4 sure if I brought that one or not.

5 MR. SULLIVAN: Okay, because I'd like to  
6 see what impact it has on the level of service  
7 at that intersection.

8 MS. COURIER: Sure, and I'm pretty sure  
9 that it was made available to the public.

10 ACTING CHAIRMAN NARDACCI: C.J.?

11 MR. O'ROURKE: Mike answered on one of  
12 mine about the Town of Niskayuna. I wanted to  
13 make sure that they did get a copy of that.

14 The next question I had was: Do we have  
15 interest in the pocket park? Isn't it at the  
16 road to the pump station?

17 MS. COURIER: No. Well, the pump station  
18 is over here (Indicating). I'm saying no but  
19 it is on the same road. The pump station is  
20 over in this area, but it would have its own  
21 access from this (Indicating).

22 MR. LACIVITA: We've actually consulted  
23 with Parks and Recreation, correct?

24 MS. COURIER: Yes.

25 MR. O'ROURKE: You did?

1 MR. LACIVITA: Yes.

2 MR. O'ROURKE: So that's something that  
3 the town is interested in?

4 MR. LACIVITA: Yes. We went by the  
5 Comprehensive Plan and we met with Donny Myers  
6 and we looked at that and that was the  
7 flattest parcel that was there.

8 MR. O'ROURKE: The other concerns that I  
9 have is the Londonderry access point. That's  
10 contingent upon Londonderry being built.

11 MS. COURIER: This is where DPW asked us  
12 to connect it, based on that.

13 MR. O'ROURKE: And while that may be true  
14 and maybe some town departments need to  
15 communicate better, traffic safety wanted that  
16 second entrance to move forward with the  
17 project.

18 MS. COURIER: Right, and we had shown  
19 second entrances and it was not a problem and  
20 desired by the neighborhood.

21 MR. O'ROURKE: Right, so they're still  
22 holding one access point until Londonderry  
23 gets built.

24 MS. COURIER: Not being involved with  
25 Londonderry, I don't know where it stands.

1 I'm not sure what the process would be. I  
2 guess we'd have to discuss that with DPW. I  
3 guess we could add a temporary emergency  
4 access point until that gets built out. I know  
5 that we've done that with other projects where  
6 it's grassed over, but it's accessible.

7 MR. O'ROURKE: Joe, has anyone in the  
8 department called on that? There are three or  
9 four memos in the packet about secondary  
10 access from the Fire Chief and Ken Pirro.  
11 Multiple people are interested in second  
12 access and we can't let the project go through  
13 without that. Being contingent upon  
14 Londonderry being built doesn't provide  
15 secondary access, in my opinion.

16 MS. COURIER: I see what you're saying  
17 C.J., and I do agree that a secondary access  
18 is necessary. I do think that as a temporary  
19 means we could do something until that access  
20 is available.

21 MR. LACIVITA: Ken Pirro states in his  
22 memo that the committee would like to see  
23 another access somewhere within the  
24 development. It doesn't specifically say  
25 connecting it to Londonderry.

1 MR. O'ROURKE: Right, that was their  
2 solution to the access, Joe. That's how I read  
3 it as well. That's one problem that I have.

4 The other thing was the pump system in  
5 regard to ownership of the pump system.  
6 Obviously anything in this area above  
7 410 feet - you guys are going to have to put a  
8 pump system in.

9 MS. COURIER: As part of this proposal,  
10 we are proposing a water tank to go along with  
11 this project. We have met with Latham Water  
12 and that is part of this proposal. This site  
13 will come in after the water tank is approved  
14 and developed. We don't need a pump.

15 MR. O'ROURKE: Well then I'll tell you  
16 what Londonderry is waiting for. They're  
17 waiting for you to build that water tank.

18 MS. COURIER: Once we get concept, we'll  
19 still have a couple years of review before it  
20 would be developed.

21 MR. O'ROURKE: I'm aware of that.

22 MS. COURIER: This project here is first  
23 in line and then Londonderry would be next,  
24 the pump station, the water tank and then this  
25 one. The water tank will service this one and

1 the other developments in the area.

2 MR. O'ROURKE: I also have difficulty  
3 with the sanitary system as proposed. Does  
4 that go into the Walnut pumping station?

5 MS. COURIER: The sanitary is proposed to  
6 go into the sewer line that is on Walnut Road,  
7 yes.

8 MR. O'ROURKE: Is that pump system going  
9 to handle it?

10 MS. COURIER: According to Pure Waters,  
11 it should. Pure Waters reviewed it and they  
12 accepted the proposal.

13 MR. O'ROURKE: But Joe, that's not 100%  
14 true, right?

15 Dave McMorris, September 29, 2008 final  
16 approval, proposed lots along Crimson Ridge  
17 and Stratford which will be serviced by the  
18 future sanitary system to the south is  
19 contingent upon the approval and acceptance of  
20 sanitary sewers proposed under the Londonderry  
21 Ridge subdivision project.

22 Again, it's contingent. I have difficulty  
23 with that.

24 MR. LACIVITA: C.J., I think that  
25 according to the explanation with regard to

1 the phasing of the project, they have control  
2 over all three. Londonderry is going to be  
3 here before Ridgewood.

4 MR. O'ROURKE: Well, God willing.

5 MR. LACIVITA: No, I think that's the  
6 plan. That's my understanding.

7 MR. MYERS: Forest Hills will be here  
8 prior to this site being built. Part of the  
9 approval process is for us to develop the  
10 water tower.

11 MR. O'ROURKE: Okay, but the gravity  
12 connection is determined to not be feasible. I  
13 can't imagine starting a project like this and  
14 not knowing if that pump station is going to  
15 handle it.

16 MS. COURIER: Well, I know that I had met  
17 with Pure Waters a few times and we had  
18 discussed it and this is how they had accepted  
19 it as far as I was concerned.

20 MR. O'ROURKE: So my concern for the  
21 taxpayers of the Town of Colonie is if that  
22 pump system doesn't handle it, who pays? The  
23 taxpayer?

24 MS. COURIER: I don't think that we would  
25 get a final approval if the pump system can't

1 handle it.

2 MR. O'ROURKE: Or would you be at build  
3 out?

4 MS. COURIER: No, we wouldn't. We would  
5 have to go through the design of the pump  
6 station or sewer system prior to getting the  
7 prior approval, which is after concept  
8 approval.

9 MR. O'ROURKE: I thought that you said  
10 that it's going to the existing pump station?

11 MS. COURIER: That's the proposal. The  
12 proposal is to go down into the pump station  
13 on Walnut Lane West. That is the proposal;  
14 yes. But the design of the sewer system has  
15 not been done yet. Pure Waters has accepted  
16 the preliminary plan at this time. We have to  
17 go through a design process with Pure Waters  
18 and with the TDE prior to final approval;  
19 before build out, in other words. That is one  
20 of the contingent things.

21 MR. O'ROURKE: I just see some problems  
22 with putting the horse -- I think the project  
23 isn't bad. I think that you've made adequate  
24 changes. I just have problems with the  
25 contingencies on the other stuff going

1 forward.

2 MS. COURIER: A lot of those items get  
3 done at the next step, in other words. This is  
4 when we do the design. After the concept  
5 approval and we're content with the land and  
6 the proposed concept layout, then we start  
7 doing the engineering of the stormwater. Pure  
8 Waters, Latham water - we do all that at the  
9 next step. That's when we do all those  
10 numbers. We make sure that everything is  
11 adequately sized and we make sure that it can  
12 be handled. We won't be able to get final  
13 approval without that. The Pure Waters  
14 department would put us on this agenda until  
15 we have that sign-off.

16 MR. O'ROURKE: I'm just confused. Within  
17 the packet there are memos from certain  
18 departments that things have been worked out  
19 and to me a year ago, these were the same  
20 issues that I brought up and stormwater  
21 issues. It doesn't seem like there has  
22 been -

23 MS. COURIER: In light of what you're  
24 saying, we can't put the cart before the  
25 horse. We can't do the design for Pure Waters

1 for the sanitary sewer system until we know  
2 that this is the layout and the number of  
3 houses that we're going to go with.

4 MR. MYERS: I think that there is a  
5 concern over the upgrade of the pump station.  
6 That's a natural factor. We don't know if that  
7 system will have to be upgraded or not.

8 MR. O'ROURKE: Okay, as long as the  
9 developer realizes that if those systems and  
10 that infrastructure needs to be upgraded, then  
11 it's going to be the responsibility of the  
12 developer and not the taxpayers in the Town of  
13 Colonie.

14 MR. MYERS: Our initial thought is that  
15 it will not have to be upgraded. Before final  
16 approval if it needs to be upgraded, then it's  
17 upgraded by the developer.

18 MR. O'ROURKE: The final thing that I'd  
19 like to bring up is the relief for existing  
20 homeowners, in terms of drainage and water  
21 pressure.

22 For the project to go forward, I only  
23 think that it's fair with the amount of  
24 development going on that pressure, reducing  
25 valves, things of that nature should be

1 included for the existing homes in the area.

2 MS. COURIER: I do know that at that  
3 special meeting, which I know that John Frazer  
4 was at, he talked about the phasing of the  
5 pressure reducing valves and phasing the  
6 development in and that Latham Water would be  
7 responsible for doing those  
8 additional -- whether it's going to be  
9 pressure reducing or it's going to be  
10 additional pressure -

11 MR. O'ROURKE: I took the time and went  
12 through the transcript and that's really not  
13 what Mr. Frazer was getting at. As I read it,  
14 and again, it's available for anybody who  
15 wants it - as I read it, the existing  
16 homeowners are going to have to pay to fix the  
17 system.

18 MS. COURIER: I would want to verify that  
19 with Latham Water. I have had multiple  
20 meetings - not only at that special meeting of  
21 that night, but I have had multiple meetings  
22 with Latham Water and it was always my  
23 understanding that Latham Water would be  
24 responsible for the PRVs for these individual  
25 homeowners that would have to be installed. It

1 would done on a homeowner case by case basis.  
2 I do know that it would be phased. It would be  
3 Latham Water's responsibility to do that and  
4 not the homeowners' responsibility. I think  
5 that's what you're asking.

6 MR. O'ROURKE: That is. I want to make  
7 sure that we have commitment for the project  
8 to move forward and that the folks that have  
9 been there for 30 years and have dealt with  
10 these issues - that there is some  
11 rectification of some of these issues in terms  
12 of the infrastructure that they have  
13 unfortunately had to live with. Again, as I  
14 read through this, that's not what I read.  
15 Hopefully that is.

16 Joe, do you have any insight on this?

17 MR. LACIVITA: I'm just reading it now  
18 C.J. Again, going through it, I know that  
19 Mr. Frazer talks on page 60 about the  
20 responsibility of the property owner if  
21 certain appliances blow out and so on. I don't  
22 see where it's the responsibility of the  
23 homeowner for changing out the meter.

24 MR. COURIER: I believe that he said that  
25 was going to be phased.

1 MR. LACIVITA: Yes.

2 MR. COURIER: And I believe that Latham  
3 Water may have to do the installation on a  
4 case by case basis and I have also been at the  
5 meetings and that has been my understanding.

6 MR. O'ROURKE: Okay, I just wanted that  
7 to go on the record that those were my  
8 concerns.

9 MS. COURIER: I'm sure that we could  
10 during the preliminary design, make sure  
11 that's written more clearly and given to you  
12 the next time we come before the board.

13 MR. O'ROURKE: That's all I have, Tom.  
14 Thank you.

15 ACTING CHAIRMAN NARDACCI: Elena?

16 MS. VAIDA: Most of my questions have  
17 been addressed by the prior questions and  
18 answers. You made a comment that you have gone  
19 through and addressed all of the concerns  
20 mentioned in the various letters from the  
21 various departments because going through the  
22 packet, a lot of this stuff is from 2008.

23 MS. COURIER: That's right. We did  
24 resubmit the plans after that.

25 MS. VAIDA: Do you have any sort of a

1 summary of how you addressed and satisfied  
2 those issues?

3 MS. COURIER: There was a response letter  
4 that was sent with the resubmittal package. I  
5 believe that I do have in the file that each  
6 town department did sign-off on that response  
7 letter. That's how we got back on the board  
8 this very evening.

9 MS. VAIDA: When was that?

10 MS. COURIER: When did we resubmit?

11 MS. VAIDA: Yes.

12 MS. COURIER: We resubmitted in August.  
13 We resubmitted August 21<sup>st</sup>. Some of the  
14 responses are to be done during the design  
15 phase and that we would sit down with the  
16 departments and make sure that we were all on  
17 the same page.

18 MS. VAIDA: Because one of my big  
19 concerns, which is the same that has already  
20 been expressed, was the concern raised by the  
21 Fire Department about the access. I was just  
22 wondering what your response was to the  
23 secondary access issue.

24 MS. COURIER: I can tell you that I met  
25 with DPW and the secondary access that we

1 talked about is what you see. The access was  
2 not talked about, as C.J. brought up -- in  
3 reference to if that does not go in. That  
4 subdivision isn't there. I can say that we  
5 have multiple access points so that we can add  
6 a temporary emergency access until such time  
7 as that access would be available. This is  
8 where they wanted it. This is where the  
9 neighborhood felt comfortable with it.

10 MS. VAIDA: This is the one that is  
11 contingent on the other project going forward?

12 MS. COURIER: This one right here  
13 (Indicating). This access here is the one that  
14 would be contingent on this development - this  
15 road.

16 MS. VAIDA: That's the secondary access?

17 MS. COURIER: That is the secondary  
18 access. The main access being off Denison Road  
19 which is right here.

20 We could bring in a temporary access.  
21 There is other access to frontage on the road  
22 that we could utilize if necessary.

23 MS. VAIDA: It might be helpful if you  
24 had those other options presented.

25 MS. COURIER: Sure and I could talk with

1 DPW about that and see what they would prefer  
2 as well for emergency services, fire and all  
3 of that. Because it would be for fire  
4 emergency reasons.

5 MS. VAIDA: So the traffic study - there  
6 was just one traffic study?

7 MS. COURIER: The CDPC study. That was  
8 the one that was done and it was presented in  
9 March.

10 MS. VAIDA: Did you have to do a SEQRA on  
11 this project or not?

12 ACTING CHAIRMAN NARDACCI: I think that  
13 maybe Kevin could address the SEQRA and the  
14 GEIS.

15 MR. DELAUGHTER: The site is within the  
16 airport area generic environmental impact  
17 statement study area.

18 Under the SEQRA regulations, there are  
19 provisions for consideration of future actions  
20 when the GEIS was prepared. The first is that  
21 no further SEQRA compliance is required, if  
22 the subsequent proposed action will be carried  
23 out in conformance with the conditions and  
24 thresholds established in the generic EIS or  
25 its findings statement.

1           We have prepared a point by point  
2           analysis of conformance of the project with  
3           the statement of findings with a  
4           recommendation for the board that the project  
5           is consistent with the statement of findings.  
6           I believe that there are six or seven  
7           conditions that need to be attached, as well.

8           MS. VAIDA: That's the summary that you  
9           did?

10          MR. DELAUGHTER: Yes.

11          MS. VAIDA: When was that study  
12          done - the GEIS?

13          MR. DELAUGHTER: The initial GEIS, I  
14          believe, was completed in 1991.

15          MS. COURIER: Didn't we have that special  
16          meeting and update some of those numbers?

17          MR. O'ROURKE: Not on Vly and Denison.

18          MS. COURIER: I know that they talked  
19          about revisiting.

20          MR. DELAUGHTER: The CDTC report  
21          definitely covered Vly and Denison. You have  
22          previously received the entire report, but I  
23          think that there was a two page summary of the  
24          key points that we provided to you. In the  
25          package that you have now - that summarizes

1 the analysis with Vly and Denison. The  
2 intersections at Route 7 and the intersection  
3 of Vly and Denison itself, as well as the  
4 potential for short cutting through a couple  
5 of the adjacent neighborhoods.

6 ACTING CHAIRMAN NARDACCI: Just to follow  
7 up on that, in the packet there is a four-page  
8 run through that Kevin did to assess the  
9 consistency. Page seven has six points that  
10 state what the assessment is.

11 MR. STUTO: What the conditions would be.

12 ACTING CHAIRMAN NARDACCI: Right, and I  
13 might as well just say them. Foundation  
14 drainage, when waterproofing the foundation  
15 walls will be required for all homes with  
16 basements as specified in the statement of  
17 findings.

18 2. The project will require an  
19 installation of a high pressure zone pumping  
20 station for elevations above 410 feet, as  
21 described in the FGEIS and statement of  
22 findings.

23 3. An assessment of potential historic  
24 and archeological resources by a qualified  
25 consultant must be prepared and submitted for

1 review with a preliminary final.

2 4. An easement should be reserved in  
3 escrow and escrow should be posted for future  
4 installation of sidewalks along Denison Road.

5 5. The South Colonie School District will  
6 be contacted to apprise them of a potential  
7 increase of student population at this  
8 location for their planning purposes.

9 6. The project sponsors will be required  
10 to contribute toward infrastructure and  
11 municipal service improvements as identified  
12 in the statement of findings.

13 You have those in your review also?

14 MS. COURIER: Yes.

15 ACTING CHAIRMAN NARDACCI: Any other  
16 questions from the board?

17 ***(There was no response.)***

18 ACTING CHAIRMAN NARDACCI: At this point  
19 I'd like to open it up to neighbors or any  
20 member of the public who might have comments  
21 or questions.

22 Sir, could state your name for the  
23 Transcriptionist?

24 MR. FITZGERALD: My name is Warren  
25 Fitzgerald and I live at 38 Concord Drive

1           which is the lowest point. In the past, I've  
2           pleaded with the town as to what my water  
3           situation is. It's not necessarily the  
4           developer's issue. It's been a long standing  
5           issue with the town and myself.

6                     Every four or five years you send a  
7           backhoe to clean out a creek that has been  
8           developed over the years and every five years  
9           that cuts through my property. I think they  
10          call it the spoils that come down and it fills  
11          up the creek which is right now about five  
12          feet deep by ten feet. Over the course of time  
13          if I don't catch the town in time, all that  
14          water goes into my basement. I have sent the  
15          pictures in the past and I really have gotten  
16          no response.

17                    It concerns me that would be a catch  
18          basin by building up water. That water again  
19          is going to go to 38 Concord Drive. The town  
20          has never confessed that it was Niskayuna  
21          either. Right at the end of my property is  
22          Niskayuna.

23                    I think that Jeff has done everything in  
24          his power to satisfy me.

25                    This clearing is just done on the fly.

1           The guy that used to do it got fired with that  
2           whole scandal at the Rod and Gun Club. He used  
3           to bring in a backhoe and I have pictures. He  
4           was very sympathetic to my cause because he  
5           was there every four or five years. I think he  
6           termed it as spoils. Is that the word in this  
7           industry? That just builds up and it gets to a  
8           point where water comes into my backyard.

9                        Last year when we had that ice storm I  
10           had to go out and buy a generator. During that  
11           storm, it rained and my cellar was actually  
12           filling up and in minutes, by the time that I  
13           hooked it up and got my sump pump going -

14                      ACTING CHAIRMAN NARDACCI: So sir, your  
15           concerns aren't directly related to this  
16           development.

17                      MR. FITZGERALD: Sure they are. There's  
18           going to be more water in those basins and  
19           again, it's not the developer, it's the town's  
20           lack of attention to this issue. They used to  
21           do it on the fly and they'd backdoor it for  
22           me, which I appreciated but that guy has been  
23           fired since then. There has been no one to  
24           formally address since then.

25                      It's been 15 years that I've been there

1 and I have pictures over the years and I think  
2 that at the last meeting, somebody gave my  
3 pictures back to me and dismissed it. I even  
4 FOILED the stuff too. I had neighbors that  
5 sent letters that indicated a response -

6 ACTING CHAIRMAN NARDACCI: I think that  
7 part of it is addressing your issues to the  
8 appropriate people.

9 MR. FITZGERALD: I have talked to  
10 everybody. I've FOILED it and I have copies at  
11 home.

12 ACTING CHAIRMAN NARDACCI: My approach  
13 would be not to do it the back door way, but  
14 to do it right. You need to sit down with  
15 someone in the town and come up with a  
16 resolution.

17 MR. FITZGERALD: You've been sitting down  
18 with these developers and I haven't been  
19 invited by anybody. If anybody, 38 Concord  
20 should be invited.

21 MS. COURIER: I don't disagree. I think  
22 that DPW specifically brought it up -- and  
23 that's why I brought it up as well. They  
24 specifically brought up 38 Concord Drive and  
25 they are aware of problems. They said that

1           they're working they best they can to try to  
2           rectify the situation that's currently  
3           happening on his property. Jeff is more than  
4           willing to work with DPW and we'd like you to  
5           come to these meetings.

6           ACTING CHAIRMAN NARDACCI: What I would  
7           suggest from our standpoint is that, Joe,  
8           could we have the town designated engineer  
9           take a look at that situation to see if there  
10          is a correctable permanent town solution? I  
11          don't know because I don't know the specifics  
12          of it. I would want someone who is qualified  
13          like our town designated engineer to do it, so  
14          you don't have to rely on a back door deal.

15          MR. FITZGERALD: That's what was  
16          available then.

17          ACTING CHAIRMAN NARDACCI: I know.

18          MR. FITZGERALD: There was one time that  
19          there was three feet of your water in my  
20          basement and they sent a guy over and he  
21          tested it. He said there was no chlorine, it's  
22          not from our tower and he went home.

23          MS. COURIER: I know that we had  
24          discussed during that design process coming up  
25          with something that will rectify it. We have

1 discussed it. We haven't done the storm design  
2 yet but during the preliminary design we can  
3 work with the TDE, the Stormwater Department,  
4 the gentleman at 38 Concord Drive; absolutely.

5 MR. FITZGERALD: It's there already. As  
6 long as it's not encumbered by what you're  
7 putting there -

8 ACTING CHAIRMAN NARDACCI: Well, I think  
9 that the appropriate action is to have our  
10 town designated engineers help with this.  
11 We're going to be involved in this process,  
12 going forward. Before we get to the final, we  
13 can come up with a stormwater solution that's  
14 permanent that addresses that issue. It sounds  
15 like it's not a backhoe fix. It's an ongoing  
16 issue that I think needs a permanent design  
17 for a permanent solution. That seems like the  
18 right way to go. I don't see why the town  
19 designated engineer is involved and while he's  
20 looking at the stormwater issue there couldn't  
21 be a permanent solution available developed.

22 MR. FITZGERALD: What's my recourse in  
23 that situation if they extend that and I get  
24 the water worse in my backyard?

25 ACTING CHAIRMAN NARDACCI: I don't have

1 an answer for you. I don't know what the  
2 answer is to that.

3 MR. FITZGERALD: I've been asking this  
4 for so many years.

5 ACTING CHAIRMAN NARDACCI: One of our  
6 town designated engineers has a specialty in  
7 stormwater management; Brad Grant with Barton  
8 Loguidice. I think that Brad can get involved  
9 and take a look at it independently and try to  
10 give us an assessment so it's not just DPW  
11 that's going in there and having some guy look  
12 at it. It will be someone who is a qualified  
13 engineer who understands stormwater who can  
14 look at it; and not just look at your  
15 property. Someone who can look at the whole  
16 water shed and try to figure out and say,  
17 okay, this is where the water is coming from  
18 and this is where it needs to be going.

19 MR. FITZGERALD: I can tell you where it  
20 goes. It goes in my basement. You know it's  
21 comical now, but in January I had this much  
22 ice (Indicating) and it was disturbing.

23 MR. LACIVITA: During the course of the  
24 review, Tom, we'll have meetings with  
25 Mr. Fitzgerald, Jeff and Melissa and the town

1 designated engineer and see what we can do to  
2 help that situation.

3 ACTING CHAIRMAN NARDACCI: I think that's  
4 the best recourse that I can see. I think now  
5 the town has resources to get involved and  
6 help out with the town designated engineer  
7 program. It's working in other areas. I don't  
8 see why it can't work in this situation. We  
9 need to take a more comprehensive approach.

10 MR. FITZGERALD: It's happened three or  
11 four times. They keep putting drainage down  
12 right to the property across from me on Walnut  
13 and they didn't want to go through my property  
14 because of the liability, so they did it on  
15 their own.

16 MR. LACIVITA: I think that's a band-aid  
17 approach.

18 MR. FITZGERALD: That's exactly what I  
19 said at the last meeting.

20 MR. LACIVITA: I think what we're trying  
21 to say is that we have an agreement with the  
22 developer and we're going to get our town  
23 designated engineer involved. The Planning  
24 Board is looking to make sure that we work  
25 this situation into the project along the way

1 and that will happen through the engineering  
2 effort as the process goes on.

3 MR. FITZGERALD: It's very labor  
4 intensive. My wife and I try to keep up with  
5 it every year, but it's hard.

6 ACTING CHAIRMAN NARDACCI: I think that  
7 it's the best way. It's worked in other areas  
8 and it's a new resource that the town hasn't  
9 had in the past. We'll have to see if we can  
10 come up with a solution.

11 One of the things that we try to look at  
12 is property lot by property lot, but also  
13 looking at the entire water shed. What's  
14 happening to this water? Where does it go? I  
15 think that you've been in touch with Joe and  
16 we'll make sure that you get on the list to  
17 get you notified.

18 MR. FITZGERALD: That's really the root  
19 of my frustration.

20 ACTING CHAIRMAN NARDACCI: In other  
21 places of town we have tried to do the best  
22 that we can to point in the right direction  
23 but doing it the right way is important.

24 MR. FITZGERALD: Thank you.

25 ACTING CHAIRMAN NARDACCI: Anyone else?

1           MR. HESS: I just want to add to exactly  
2 what he is saying. My name is Peter Hess and I  
3 live at 7 Walnut Lane West. I am the past  
4 president of the Albany Rural Cemetery. I also  
5 own Albany Steel. We have exactly that same  
6 problem down in Menands and in that end of the  
7 town because there has been so much  
8 development in the town over the last 20, 30,  
9 40 years. You keep putting in roadways and you  
10 keep putting in driveways and you keep putting  
11 in houses and buildings at Siena College and  
12 you collect all the rainwater just like they  
13 do in here and you run it to the nearest tiny  
14 creek and you dump it in. That water flows  
15 downhill and the Town of Colonie could care  
16 less. Once it's out of sight, it's out of  
17 mind. We've been fighting with the town at the  
18 Albany Rural Cemetery for at least five years  
19 with the same problem. We have people buried  
20 there and we're having erosion problems in the  
21 cemetery. The water is going down the hill and  
22 then it's flooding out onto Broadway.

23           The town doesn't want to pay for an  
24 interceptor sewer. If they had the water run  
25 into an interceptor sewer like they do with

1           their sanitary system and properly dispose of  
2           it -- they just let the water run into the  
3           nearest little creek and then they're done  
4           with it.

5           The engineers in your town know all about  
6           this. We have been through it with them on and  
7           on and on and they don't want to pay for those  
8           interceptor sewers.

9           Bob Reilly, the Assemblyman, was involved  
10          in this last year. He said to me that the  
11          number one complaint that his office gets is  
12          residents in the Town of Colonie calling and  
13          complaining about flooding. So I think that  
14          you should address this problem  
15          comprehensively before any more development is  
16          approved.

17          The other thing that I want to mention is  
18          about the sanitary system. That pumping  
19          station is next to my house that you're  
20          talking about. One of the biggest problems  
21          that you have down there is that the pumping  
22          station does not overflow. What happens is  
23          when the pumping station fails, which it has  
24          twice since I've been here, the systems start  
25          backing up and the sewer starts coming out in

1 people's basements. I put valves in all my  
2 lower connections in my house so that the  
3 sewage cannot back up into my basement, which  
4 it has done in the past. The last time that it  
5 happened was last winter when we lost our  
6 power. They had a major problem there because  
7 the sewer started coming up out of the  
8 manholes and I remember it on Walnut Lane. I  
9 think that it also came up to my neighbor's  
10 house on the other side because he is a new  
11 resident and didn't know about the need for  
12 those valves.

13 So the town has just done a terrible job,  
14 to be perfectly frank. I'm not blaming you  
15 guys. I'm just telling you the facts. I think  
16 that's a major problem that needs to be  
17 addressed.

18 One other question on the layout of this:  
19 Is there a traffic light that will be required  
20 on the main road?

21 MS. COURIER: No, it's not required as  
22 part of the study. It was not required.

23 MR. O'ROURKE: The statement was that  
24 after the build out, the traffic levels may  
25 warrant one. That's the way that it reads in

1 my packet.

2 MR. HESS: But there won't be a traffic  
3 light there now?

4 MR. O'ROURKE: Not with just this.

5 MR. HESS: And there are no holding  
6 basins or ponds being built in this  
7 development to catch the stormwater from a  
8 thunderstorm?

9 MS. COURIER: There are six detention  
10 basins proposed.

11 ACTING CHAIRMAN NARDACCI: You make a  
12 good point about the stormwater management  
13 overall. I know that this board has tried to  
14 do the best that we can to fully explore all  
15 of these issues. It's very important also on a  
16 statewide level. The town needs to prioritize  
17 it, specifically where it affects that area of  
18 town and the different developments on Turner  
19 Lane and Van Buren and some of the other ones.

20 With Siena coming in, we really try to  
21 pay specific attention to what their  
22 developing and what they are designing. We  
23 understand what you're saying and that it's a  
24 very serious issue.

25 We've talked to Menands folks. Watervliet

1 has been here talking about some of the  
2 developments and that everyone that lives down  
3 stream is affected. So, we need to treat our  
4 water with the best methods to mitigate those  
5 impacts. I do think that we hear you.

6 MR. GANNETT: We're Wayne and Jo Ann  
7 Gannett and we live at 31 Concord Drive, not  
8 far from Mr. Fitzgerald's house.

9 I have a question for Melissa. Can you  
10 tell us what the status is on lot 13? Is that  
11 still there or is that gone?

12 MS. COURIER: Right here (Indicating)?

13 MR. GANNETT: Right.

14 MS. COURIER: There is a question about a  
15 single home going in there.

16 MR. GANNETT: What is the size of that  
17 lot there?

18 MS. COURIER: Six acres.

19 MR. O'ROURKE: And that's moving forward;  
20 that was my understanding.

21 MS. COURIER: That's right. And it hasn't  
22 been approved yet, but it's pending.

23 MR. PALLESCHI: Lawrence Palleschi, 58  
24 Denison Road. I was fortunate enough to have a  
25 lot of input with the designer who is part of

1 the neighborhood. I want to start off my  
2 comments with thanking them for the addition  
3 of the park and the addition of the water  
4 which I think that I was kind of miffed about  
5 last time that I found out this development  
6 was going to happen and they weren't planning  
7 that change in our water pressure. According  
8 to the narrative that we have now, yes, they  
9 are going to change the water in five years. I  
10 appreciate that help.

11 There were some of the things that we had  
12 talked about as far as drainage on the site.  
13 Yes, we were aware of the issue on the far  
14 right hand side and one of the things that we  
15 had discussed asking them to do is not to put  
16 the drainage through culverts. There maybe an  
17 open channel or a drain type structure that  
18 might be more appropriate and trying to keep  
19 as much water up on the hill rather than  
20 getting the soils running off the hill. The  
21 more you keep up there the less that you have  
22 to worry about running off. The worst thing  
23 that you could do was take all that drainage  
24 off of the asphalt and put it into a pipe and  
25 send it into a stream. It will be there in a

1 heartbeat and then you'll have all sorts of  
2 problems with that. So, one way to get around  
3 that - and we talked about that - is trying to  
4 keep the water up on the hill. It's kind of an  
5 unusual site. That is a ridge. So, there are  
6 ground water issues up on that hill. I know  
7 that there are. We did discuss some of the  
8 drainage issues.

9 There maybe a little bit of an addition  
10 going south with Londonderry and that's got to  
11 get coordinated. The other area that we're  
12 talking about in that far north corner has to  
13 be coordinated with the Town of Niskayuna  
14 because that water goes right from the Town of  
15 Colonie right into the Town of Niskayuna. You  
16 can build all you want there, but unless there  
17 are arrangements made for it, it's not going  
18 to help you out.

19 The access roads: That little access road  
20 that you're looking at for your emergency, I  
21 would strongly recommend that you don't even  
22 consider that. That's a very steep grade right  
23 there and you don't want to be driving  
24 emergency vehicles up and down that hill. I  
25 would recommend that you go up the water tower

1 road. I would not recommend that little area.  
2 That's just too dangerous.

3 MS. COURIER: It would be temporary only.

4 MR. PALLESCHI: It looks nice on the  
5 plans but the reality is that's a pretty steep  
6 grade there.

7 The other thing that I had was a comment  
8 about was that we have had issues with some of  
9 our adjacent neighborhoods and where there are  
10 properties that are not accounted for.  
11 Specifically, that they put paper roads on  
12 both sides. We would prefer to see those  
13 assigned somewhere. We don't want to have  
14 somebody come back 10 or 15 years from now and  
15 say, oh, let's put a road through here. I  
16 would rather see it in this plan taken out and  
17 say, maybe give it to that landowner or that  
18 landowner but get rid of the paper streets.

19 MR. O'ROURKE: There is a big problem in  
20 the entire town with paper streets.

21 Do you know where they're at with it,  
22 Joe?

23 MR. LACIVITA: I honestly don't.

24 MR. O'ROURKE: It's a big headache; not  
25 just here but everywhere.

1           MR. PALLESCHI: Let's just get rid of  
2 them and then they disappear forever and then  
3 you avoid problems down the line.

4           MR. O'ROURKE: But that's easier said  
5 than done.

6           MR. PALLESCHI: I know.

7           We don't hear anything from the town in  
8 regards to the traffic, which is a major  
9 issue. In that traffic report that came out,  
10 there is some ungodly number like 43% of all  
11 traffic on Denison Road is traveling 10 miles  
12 an hour or over the speed limit. How many  
13 people are actually going over the speed  
14 limit? It's got to be well over 60%.

15           I'm just speaking for myself. My major  
16 issue is - and I don't really mind the volume  
17 of traffic. I do mind the speed. I do mind the  
18 trucks. I do mind the UPS and the Fed Ex  
19 people using that as a cut through. It's a  
20 neighborhood. It's not meant to be a  
21 commercial street and I know that we're going  
22 to have to do something about the speed on  
23 that road.

24           ACTING CHAIRMAN NARDACCI: That's  
25 something that's been brought up a few times.

1 Joe, we should have a formal  
2 communication back to Highway Safety with  
3 regards to speed to request stepped up  
4 enforcement.

5 MR. O'ROURKE: Yeah, but they did do the  
6 traffic study there.

7 MR. PALLESCHI: They do enforcement but  
8 it's not a constant thing.

9 The other thing that ties into that is  
10 the roundabout. I know that we're going to be  
11 looking at that after the build out. I think  
12 that I understand from what we're seeing  
13 before this build out that these 96 houses and  
14 across the street, and Londonderry Ridge we're  
15 looking at well over 200 houses in that area.  
16 That is certain to be an impacted intersection  
17 and it would be better to be proactive. It's  
18 not going to be easy and there will be a lot  
19 of hard ache involved but I think that the  
20 sooner that we start looking at that  
21 intersection, the better off we're going to  
22 be. We need some help from the town. Where are  
23 we going to have busses? Where are we going to  
24 have sidewalks? This is the time that we put  
25 it in. Maybe we can't build it in 10 days but

1 who is going to put it in?

2 The last comment that I have is in  
3 regards to the GEIS. I think that we have to  
4 be a little careful when you quote that  
5 document because that was predicated on a  
6 couple of things that are never going to  
7 happen, such as Exit 3 and adding six lanes on  
8 Route 7. That stuff is not going to happen and  
9 that document - I don't think you can update  
10 it in that way. Some of that information in  
11 the GEIS is perfectly accurate, but a lot of  
12 the things that were predicated on that study  
13 maybe about 20 years ago are just not going to  
14 happen. So, you might want to take a look at  
15 that document.

16 I have a question for you. Can you point  
17 out the 50-foot buffer for the existing homes?  
18 It's typically 58 or 60 or 62.

19 MS. COURIER: You mean right here  
20 (Indicating)?

21 MR. PALLESCHI: Yes.

22 MS. COURIER: Basically it's a building  
23 setback line and the buffer is out of -

24 MR. PALLESCHI: So it's not really a  
25 buffer like it says in here.

1 MS. COURIER: Well you can't build a  
2 house in there.

3 MR. PALLESCHI: It's not a wooded buffer  
4 as it says in here.

5 MS. COURIER: We can make it a wooded  
6 buffer. That's how we show it.

7 MR. PALLESCHI: If you put a wooded  
8 buffer in there, that would make me happy.

9 ACTING CHAIRMAN NARDACCI: To that point,  
10 that was one of the comments that we received  
11 from Kevin and the PDD - was clarification on  
12 that. The buffer next to the adjacent  
13 residents must be clarified. Will the area  
14 remain undisturbed with restrictions  
15 prohibiting future clearing and grading or is  
16 it intended only to put up new structures?

17 MR. DELAUGHTER: One caution on that, if  
18 it is intended to be a wooded buffer and  
19 undisturbed, it would require probably a  
20 restrictive amendment and deed enforcement. If  
21 somebody buys that home and they don't realize  
22 or care that that restriction is there and  
23 clear it and then we have a problem.

24 MR. PALLESCHI: As of right now with the  
25 last storm, I would say that about 70% of that

1           there is not there. It's just not wooded  
2           anymore.

3           MR. WARREN:   The 50 foot wooded buffer  
4           also applies to the other properties?

5           MS. COURIER:   It's to all adjoining  
6           properties.

7           ACTING CHAIRMAN NARDACCI:   Any other  
8           comments or questions?

9           MS. PALLESCHI:   I'm Shawn Palleschi,  
10          58 Denison Road.

11          I just want to ask one thing. I'm going  
12          back to the water issues from before. Next to  
13          our property there is a stream. There are  
14          between three and four houses that are going  
15          right next to our property. What are you going  
16          to do with that stream and how is that going  
17          to be taken care of?

18          MS. COURIER:   We had talked about that  
19          actually. I talked to DPW about that and they  
20          showed me where there is a culvert pipe that  
21          runs back there. I did talk to DPW about that  
22          and we do have to discuss this further.

23          MS. PALLESCHI:   This is a concept plan  
24          here?

25          MS. COURIER:   Yes.

1 MS. PALLESCHI: If you say yes, then at  
2 what point if the stream gets overflowed or  
3 things happen -- I don't know how to ask this  
4 question. You say yes to this concept plan but  
5 is there recourse later on, or will we still  
6 be going through this for the next 20 years?

7 ACTING CHAIRMAN NARDACCI: Regarding the  
8 concept, the developer really has to make a  
9 significant investment and doing the  
10 stormwater study analysis, doing the grading  
11 plan profiles, the architectural and cultural  
12 assessments - there is some significant  
13 engineering that still needs to take place.  
14 The next step is a significant engineering  
15 analysis and solutions of all of the issues  
16 that are being discussed right now.

17 MS. COURIER: We would have to work with  
18 the TDE and the town departments and then upon  
19 their satisfaction, we would have to come  
20 before the Planning Board again for final  
21 approval. So, we would have to have another  
22 public hearing at the final.

23 ACTING CHAIRMAN NARDACCI: Our town  
24 designated engineer which represents the town  
25 will have an independent review of all of

1           these studies and analyses. There are still  
2           significant steps to be done.

3           MS. PALLESCHI: Jeff has really been  
4           wonderful. We have talked and worked with him.  
5           He's been really helpful.

6           MR. O'ROURKE: That's really the benefit  
7           of the town designated engineers. We can grant  
8           them concept tonight but if they can't fix the  
9           water issues, they're not building anything.  
10          It's swampland in Florida. That's what it is.

11          So, they have to address all of these  
12          issues and make sure that the town designated  
13          engineer that represents you folks is  
14          satisfied and we have a good one.

15          MR. KRAWITZKY: I have a general  
16          question. This project came before tonight and  
17          I believe the application was received a week  
18          ago. Is this project being treated differently  
19          than it was last year or do they have to come  
20          through the board and go through the process  
21          again all over?

22          MS. COURIER: We actually resubmitted it  
23          again in August so they have to review it  
24          again.

25          MR. KRAWITZKY: The reason that I'm

1 asking this is that it was accepted on the 24<sup>th</sup>  
2 of November and the notices went out that same  
3 day. According to the Colonie site approval  
4 process, plans must be received no later than  
5 12 p.m. noon Monday, four weeks prior to the  
6 schedule date of the Planning Board meeting.

7 MS. COURIER: But the plans were actually  
8 resubmitted in August. We did not resubmit in  
9 November. We resubmitted in August, the  
10 departments reviewed it, they accepted it and  
11 then they had the notifications.

12 MR. KRAWITZKY: Okay, that's fine.

13 The fact that you accepted the  
14 application on the 24<sup>th</sup> of November, a week  
15 ago, the notices went out and the fact that it  
16 coincided with the weekend of Thanksgiving  
17 made it typical for people to come to the town  
18 and be able to get the review that they wanted  
19 to -

20 MR. O'ROURKE: But there was no collusion  
21 in that. This is all a process.

22 MS. COURIER: If I may, it was actually  
23 accepted before last week. The review by the  
24 departments were done well before that. It was  
25 notified last week but it was accepted before

1           that.

2                   MR. KRAWITZKY: The reason why I asked  
3           that is that first of all as president of the  
4           neighborhood association, I'm also a member of  
5           the coalition of neighborhoods. It's an  
6           organization where we meet bimonthly  
7           discussing issues that come up with  
8           development. We try to iron them out and  
9           discuss them with our constituents so that  
10          people from the Planning Board meeting or the  
11          Town Board meeting -- you know, there are a  
12          lot of questions that have been answered  
13          already. I didn't see this or hear about this.

14                   I get notices from Nicole Criscione many  
15          times to the president of the coalition. I  
16          didn't see this project. I just happen to see  
17          it on the website.

18                   MR. O'ROURKE: Wallace, I've never not  
19          seen you at one of these meetings for any  
20          development within a 15 mile radius.

21                   MR. KRAWITZKY: I appreciate that you've  
22          noticed me here.

23                   MR. O'ROURKE: And I enjoy your company.

24                   MR. KRAWITZKY: Thank you and I enjoy  
25          seeing you on the board.

1           On the holding ponds that are going to be  
2 installed - who is going to maintain them?

3           MS. COURIER: After they're constructed,  
4 they're inspected by the town and once they  
5 are approved and we have built them to the  
6 town's satisfaction, they will also be turned  
7 over to the Town of Colonie. That's after the  
8 roads are put in and it's maintained by the  
9 developer until that point.

10          MR. HESS: You say the people that are  
11 going to maintain that stream are going to  
12 maintain those ponds?

13          MR. O'ROURKE: No, see, that's a very  
14 valid point. Now there is a town designated  
15 engineer from Barton Loguidice - we have Brad  
16 Grant who is an expert in stormwater and he  
17 reviews all of these. He reviewed certain ones  
18 in Archmont and found some difficulties with a  
19 prior phase.

20                 We can't correct stuff that happened five  
21 years ago, unfortunately. Hopefully we keep  
22 from paving Rod and Gun club roads now and  
23 keep the guy off the backhoe and get the thing  
24 fixed appropriately and use your tax money  
25 wisely. That's our goal.

1           ACTING CHAIRMAN NARDACCI: It's an issue  
2           that we have discussed about having a  
3           maintenance program and having us have access  
4           to what that maintenance program is so that we  
5           understand what is happening and what is not  
6           happening.

7           MR. HESS: You can just make a list of  
8           the holding ponds and go and have your people  
9           go inspect them.

10          MR. O'ROURKE: I agree wholeheartedly. We  
11          need to have some teeth into no maintenance of  
12          those - again the department is relatively  
13          new, like within five years.

14          MR. LACIVITA: One of the things that  
15          public operations is doing is we're actually  
16          installing a computer system and we're putting  
17          them in certain departments. We have them in  
18          the Pure Waters Department that actually  
19          monitors the town's assets and to see where  
20          the meters are going in and things like that.  
21          We're actually bringing that into the various  
22          departments along the way. I know that  
23          stormwater is going to be one of them. We've  
24          actually increased the Stormwater Department  
25          by two additional people to look at the

1 testing and the monitoring and so on and look  
2 at the various ponds that we have. But that's  
3 one of the things that the town has taken a  
4 look at in the past two years.

5 We've invested in Cityworks, which is  
6 going to monitor the town's assets, get on the  
7 maintenance program and start to keep an eye  
8 on those things going forward.

9 MR. HESS: Even if we get holding ponds  
10 in here in this five year period, it's filled  
11 up with silt. They need to be monitored.

12 MR. LACIVITA: It's unfortunate that we  
13 can't go back, but I know that with the  
14 comptroller, we're trying to put in processes  
15 that are actually going address some of the  
16 issues.

17 MR. DELAUGHTER: A big difference is a  
18 lot of those old holding ponds are easements  
19 that are owned by individual homeowners. These  
20 will be owned by the town so that we have  
21 direct control of them.

22 The other thing is that some of those old  
23 basins were not under the new stormwater  
24 management program that is enforced not only  
25 by the town but also by the state. They are

1 very strict rules. Part of the stormwater  
2 pollution prevention plan is an operation  
3 maintenance plan that the town is held to and  
4 we are audited and looked over by the state in  
5 that regard. So, there is a lot more control  
6 than there used to be in the old system.

7 ACTING CHAIRMAN NARDACCI: It's a great  
8 point and something that's only going to  
9 happen if we keep pushing it.

10 MR. FITZGERALD: They would have to  
11 maintain those ponds and they would have to  
12 maintain mine. In order to do that, you'll  
13 have to come in through my back yard and fix  
14 that situation.

15 MR. O'ROURKE: The actual way that the  
16 stormwater regulations are is they can't  
17 release more water than presently is released  
18 off the site. That's why your situation is a  
19 little bit different.

20 MR. FITZGERALD: Is there an alternative?  
21 What are the options?

22 MR. O'ROURKE: I'm not a stormwater  
23 expert.

24 MR. FITZGERALD: Can it be explored?

25 MR. O'ROURKE: Absolutely. It should be

1 explored. You pay your taxes, right?

2 MR. FITZGERALD: Right.

3 MR. O'ROURKE: I'd be up in arms. I had  
4 to bite my tongue when you were speaking, sir.  
5 If it's another 15 years, shame on the town.  
6 It shouldn't be. I'd like to know who you  
7 contacted. I'd like to at least tell you what  
8 can be done and not have some guy on his day  
9 off on a backhoe cleaning out a ditch. That's  
10 1950's stuff. As a taxpayer that would bother  
11 me more than anything.

12 MR. FITZGERALD: A couple of years ago I  
13 sent in pictures and then I got the pictures  
14 back.

15 It's my understanding that this is a  
16 conservation overlay?

17 MS. COURIER: The density allowed within  
18 the unconstrained lands is 184 lots.

19 MR. FITZGERALD: And you say that you're  
20 building 97?

21 MS. COURIER: We're building 96.

22 MR. FITZGERALD: Is that whole project in  
23 the conservation overlay? It's my  
24 understanding that you're only building on  
25 half of it.

1 MS. COURIER: That's right. The overlay  
2 is really just a way to have reduction. The  
3 way that it's written is that you can only  
4 develop so many units which is two units per  
5 acre, if I'm correct, on unconstrained lands.  
6 If the lands are not over a certain slope and  
7 grade, lands that don't have wetlands -

8 MR. FITZGERALD: So you have no plans for  
9 the conservation overlay?

10 MS. COURIER: No. The 187 are allowed,  
11 though.

12 MR. FITZGERALD: Are there any other  
13 prospects that are going to be built on this  
14 overlay?

15 MR. O'ROURKE: No, that's it. That's all  
16 on this property.

17 ACTING CHAIRMAN NARDACCI: What's the  
18 greenspace percentage on this?

19 MS. COURIER: I don't have it but there  
20 are 31 acres are left to be undeveloped.

21 ACTING CHAIRMAN NARDACCI: The minimum is  
22 35% and it's well over that.

23 MR. O'ROURKE: It's got to be closer to  
24 60.

25 MS. COURIER: Yes.

1 MR. FITZGERALD: My point is that on the  
2 east side of this -

3 MS. COURIER: That's a separate project.

4 MR. FITZGERALD: A conservation overlay  
5 approves that, too.

6 MS. COURIER: Well, yes, but that's a  
7 separate parcel and a separate development and  
8 it would have its own separate zoning. The  
9 187 lots that you're talking about are totally  
10 for this parcel. We're allowed to do 187 but  
11 we're not doing 187.

12 ACTING CHAIRMAN NARDACCI: There is an  
13 equation as to how much development can happen  
14 per parcel. So for this one parcel, it's 187.  
15 If the parcel was half the size, it would be  
16 half of that.

17 MS. GANNETT: Hi, I'm Jo Ann Gannett and  
18 I live on 31 Concord. You mentioned that there  
19 is a buffer going on Concord and then there's  
20 another one going on Denison?

21 MS. COURIER: It would be on the  
22 adjoining property.

23 MS. GANNETT: This is permanent buffer?

24 MS. COURIER: Yes.

25 MS. GANNETT: There is an eight-inch

1 water main that runs around two sides of  
2 Walnut West. How are they going to maintain  
3 woods with the waterline that looks to be  
4 about 15 feet off the property line? Is there  
5 any way that you can move that water main up  
6 the hill a little bit? It would save the  
7 developer money because you would cut off  
8 about 50 feet or so of that line.

9 MS. COURIER: Can you clarify what you  
10 mean?

11 MS. GANNETT: I'm at 31 Concord. I'm with  
12 those three or four houses that are at the top  
13 of the project. There is an eight-inch water  
14 main that is shown and it's along that end of  
15 the project and up sort of west. Up the hill  
16 there is a wooded buffer -

17 MS. COURIER: That water line was  
18 actually put there at Latham Water's request  
19 because they were going to move it to Concord  
20 Drive. They wanted it along the property line  
21 specifically so they could eventually tap into  
22 that. Where we show it is where they wanted  
23 it.

24 MS. GANNETT: If they came up the woods  
25 on the other side of the hill, it would save

1 money in the long run.

2 MS. COURIER: I understand what you're  
3 saying. I'm just saying that where we put it  
4 is where Latham Water wanted it.

5 MR. DELAUGHTER: Just one thing, Melissa.  
6 On the minor subdivision for that one lot, I  
7 don't recall that showing a 50 foot buffer. We  
8 would need to have that in the final, if  
9 that's the intent.

10 MS. COURIER: There is an easement in  
11 there for the water. We will note the buffer  
12 for the trees, absolutely.

13 MR. TEGZA: Mike Tegza, 9 Denison Road.  
14 Water pressure has always been my issue.

15 I think that the Latham district is the  
16 one that's pushing for the 80 PSI for the new  
17 tank. I would think that it's the developer  
18 that would want it but it's Latham Water. So  
19 why does the Latham Water District also want  
20 to be responsible for any problems that this  
21 water pressure causes for the residents'  
22 plumbing system? I would hope that in this  
23 whole analysis that John Frazer or the Latham  
24 Water District has a system of taking care of  
25 us with problems in the pressure. Perhaps

1           doing something with the tax for the water  
2           service or an escrow fund could be set up so  
3           that he can draw from that escrow fund and pay  
4           us for hiring a plumber to do all this work. I  
5           wouldn't think that I would have to go to the  
6           developer and ask them to take care of the  
7           problem because that puts me in a tighter  
8           position. I don't want to be in that position.

9                    ACTING CHAIRMAN NARDACCI: I think that  
10           Latham Water has to be directly involved.

11                   MR. TEGZA: No, not just involved but for  
12           what they want from their desire to have  
13           80 PSI. I have 40 and it's plenty enough for  
14           me. The 80 will be terrible.

15                   MR. NERROW: I'm Dave Nerrow and I'm at  
16           28 Denison Road and I have a couple of  
17           questions.

18                   I heard this sequence of development  
19           being Forest Hills, Londonderry and Ridgewood.  
20           Does that mean that concept approval has  
21           already been given for those other two  
22           developments?

23                   ACTING CHAIRMAN NARDACCI: Kevin, what's  
24           the status of those?

25                   MR. DELAUGHTER: Forest Hills final plans

1 are under review. Londonderry has final  
2 approval.

3 MR. NERROW: Final approval of what?

4 MR. DELAUGHTER: Of the subdivision.

5 ACTING CHAIRMAN NARDACCI: Forest  
6 Hills - when was that concept given?

7 MS. COURIER: In 2001, I think.

8 ACTING CHAIRMAN NARDACCI: We haven't  
9 seen that at all. They have to come back for  
10 new concept.

11 MR. DELAUGHTER: That's one of the  
12 projects that has been grandfathered under the  
13 old provisions.

14 MR. STUTO: But the deadline is coming up  
15 rapidly.

16 ACTING CHAIRMAN NARDACCI: The new regs  
17 require a new concept -

18 MR. STUTO: Concept is good for a year.

19 MR. DELAUGHTER: With a one year  
20 extension.

21 ACTING CHAIRMAN NARDACCI: Under the old  
22 regs, it was indefinitely.

23 MR. NERROW: So you don't anticipate  
24 seeing Forest Hills being in front of you  
25 again?

1           ACTING CHAIRMAN NARDACCI: Is it planned  
2 to be on the agenda in the next two meetings?

3           MR. LACIVITA: Actually they did the  
4 grandfathering provision at the last Town  
5 Board meeting.

6           MR. STUTO: They bumped it out another  
7 year? Is that what you're saying?

8           MR. LACIVITA: Yes. Those grandfathering  
9 provisions were done at the last Town Board  
10 meeting.

11          MR. NERROW: Am I correct in identifying  
12 east of Denison Road as being Forest Hills?

13          MS. COURIER: Yes.

14          MR. NERROW: Then how come we have heard  
15 so little of that and so much of Ridgewood?  
16 How many times have you folks convened to  
17 discuss Forest Hills?

18          ACTING CHAIRMAN NARDACCI: Never.

19          MS. COURIER: Forest Hills has not been  
20 given acceptance by all the town departments  
21 to get before the Planning Board.

22          MS. LACIVITA: It's in final review  
23 status. The plans are being reviewed by all  
24 the departments, but we have never gotten  
25 complete agreement on all the departments yet.

1           MR. NERROW: I guess I'm hung up on the  
2 words. You told me that concept has been  
3 approved.

4           ACTING CHAIRMAN NARDACCI: In 2001.

5           MR. NERROW: I don't remember going  
6 through all of this with Forest Hills.

7           MS. COURIER: It was Oak Hill.

8           MR. NERROW: They changed the names but  
9 it's still the same project, correct?

10          MS. COURIER: Yes.

11          MR. NERROW: I don't understand that this  
12 project has been going for such a long time.  
13 Things change, people change and ideas change.  
14 Perhaps the concept should be reviewed again  
15 to see if that should change.

16          ACTING CHAIRMAN NARDACCI: We actually  
17 have had projects that this current board had  
18 given concept that we've had a re-review.  
19 Because that falls under the old regs, it's  
20 not required to come back before us for  
21 concept review.

22                    What was the Town Board action?

23          MR. LACIVITA: Under the grandfathering  
24 provision, projects that were currently being  
25 reviewed by departments were under the

1           grandfathering provision and the action was  
2           taken at the last Town Board meeting.  
3           Therefore, they have another year to get  
4           through the Planning Department in order to  
5           get final approval.

6                    ACTING CHAIRMAN NARDACCI: We'll see it  
7           again for final. I would guess that it's going  
8           to go through a thorough review just like  
9           other projects have. I know that since I've  
10          been here that there were other projects that  
11          have come and we have never seen them. The  
12          first word out of the presenter's mouth is  
13          well, this is already approved. That always  
14          gets the negative reaction. It's the worst  
15          thing to start off with is that, you know,  
16          we're already all set because that's not how  
17          we do it here.

18                   MR. KRAWITZKY: Correct me if I'm wrong,  
19          but I thought it was called the Preserve of  
20          Colonie.

21                   MR. DELAUGHTER: I think that the  
22          Preserve of Colonie was the marketing name for  
23          the project. It then went to Londonderry  
24          Ridge.

25                   MR. NERROW: The land that is not

1 associated with an individual home ends up  
2 being owned by whom?

3 MR. MYERS: It probably would be the Town  
4 of Colonie or the homeowners association.

5 MR. NERROW: That hasn't been decided?

6 MS. COURIER: No, we haven't. If the town  
7 doesn't want it, it will be an HOA.

8 MR. O'ROURKE: It's been the town's  
9 position on bigger parcels.

10 MR. NERROW: Finally, the water tower. It  
11 strikes me that has to be number one. Don't  
12 you have to do that first before you dig in?

13 MR. MYERS: Yes. The position that we're  
14 in right now with this project is where they  
15 were with Oak Hill or Forest Hills. We got our  
16 concept in 2001. We have been working with the  
17 town departments, design, engineering, as well  
18 as with the stormwater, sewer, water design  
19 and so forth. We're hoping to have that  
20 completed within the next few months.  
21 Hopefully we'll not be here eight years from  
22 now with this project.

23 MS. COURIER: With Forest Hills, they  
24 were granted concept approval in 2001. But we  
25 have had eight years of review with the town

1 engineering departments. We have submitted  
2 multiple times because things change;  
3 specifically the stormwater.

4 Forest Hills had to be redesigned to  
5 comply with the current state standards. That  
6 will come before the board at our final review  
7 and it will be up to those current standards  
8 that it was required to be. That is also why  
9 is has not been before the board because any  
10 time we submit something and it changes, we  
11 have to resubmit again. It's a long review  
12 process. It's not the lack of looking at it.  
13 We've been looking at it for eight years.

14 MR. MYERS: Those stormwater regs have  
15 changed twice in the last 10 years. We  
16 submitted with those current regs in effect  
17 and then the state regs changed and we had to  
18 redesign and resubmit all over again.

19 ACTING CHAIRMAN NARDACCI: Yes, ma'am.

20 MS. WHITE: I'm Donna White and I live on  
21 the last house on Walnut Lane. I'm interested  
22 to know where those retention basins are  
23 located relative to me.

24 MS. COURIER: The basins are going to be  
25 here and here (Indicating).

1 MS. WHITE: Would that be on the same  
2 side as my home?

3 MS. COURIER: Yes. This is one right here  
4 and here, and you are here (Indicating).

5 MS. WHITE: What's going to happen when  
6 those fill up with leaves?

7 MS. COURIER: That's what we discussed  
8 earlier, that would be part of the  
9 maintenance.

10 MS. WHITE: Somebody is going to have to  
11 maintain them. The water table is there and in  
12 going back to what Mr. Hess said with those  
13 sewers backing up -- I called when we lost the  
14 power last year and told them that if they  
15 didn't get down here that it was going to  
16 start backing up into basements. There is a  
17 definite problem. I don't believe that it's a  
18 generator back up for that sewer pump. So when  
19 we had a power outage like we did last winter  
20 where we're out of power for three days, I got  
21 the town on the phone and said, you better get  
22 over here and they did. They came down with a  
23 generator. But that's temporary and there must  
24 be some kind of permanent solution because it  
25 did back up into my basement a couple of times

1 also. It's just something to make you aware  
2 of.

3 The water table is very high in that  
4 area. Even though my home is the last one on  
5 the street and it sits up on a knoll, my pump  
6 goes constantly.

7 ACTING CHAIRMAN NARDACCI: Are there any  
8 other comments?

9 MR. PAMKOWSKI: I'm Peter Pamkowski and  
10 I'm at 29 Concord Drive. I'm one of the four  
11 houses that are connected on Concord Drive.

12 There are drainage issues with the  
13 elevation and if they are considering a  
14 buffer, who proposed the buffer? Who owns the  
15 buffer?

16 MS. COURIER: There would be a deed  
17 restriction on the lots. It would be up to the  
18 homeowner to be sure that buffer remains in  
19 tact.

20 MR. STUTO: Generally, deed restrictions  
21 are enforced by other homeowners of that  
22 subdivision. Generally that's the case. A  
23 conservation easement is different.

24 MR. PAMKOWSKI: In this case, I'm talking  
25 about deed restriction.

1 MR. STUTO: So you're talking about the  
2 other 95 homeowners. They would have rights to  
3 enforce that.

4 MR. TEGZA: I had valves installed five  
5 years ago. People are talking about backup in  
6 their basements and I took mine apart just out  
7 of curiosity. It doesn't close all the way.  
8 So, even though I have a valve, it doesn't  
9 mean that I'm safe from backing up. I was  
10 concerned that the eight-inch line that we  
11 have on Denison Road is going to take all the  
12 stuff that we're going to get from these  
13 houses. The people from the Pure Waters  
14 Department need to make sure that it's going  
15 to be taken care of. About 80% of Colonie is  
16 served by eight-inch line. That's just a piece  
17 of information.

18 ACTING CHAIRMAN NARDACCI: Are there any  
19 more comments or questions?

20 ***(There was no response.)***

21 ACTING CHAIRMAN NARDACCI: Elena?

22 MS. VAIDA: A couple of issues came up.  
23 On the 50 foot buffer area, is that -

24 ACTING CHAIRMAN NARDACCI: This is for  
25 the PEDD summary recommendation - those

1 points.

2 MS. VAIDA: I don't know if the questions  
3 were for Kevin or for you, Melissa. That  
4 property will be owned by the individual  
5 homeowners. I'm just wondering why instead of  
6 doing it by deed restrictions, why not make  
7 the buffer part of the open area so that the  
8 property ends before the buffer so that you  
9 don't have to worry about anyone cutting the  
10 trees by accident?

11 MS. COURIER: I guess either way it would  
12 still be in their backyards. Whether it's a  
13 conservation overlay which we have done before  
14 in some open areas, or a deed restriction.  
15 That's up to what Planning and Economic  
16 Development would do.

17 ACTING CHAIRMAN NARDACCI: Pete, explain  
18 to me what's a conservation overlay easement?

19 MR. STUTO: It's another concept of  
20 easement where a third party like a  
21 conservation group in the town could take the  
22 easement which would promise never to develop  
23 and not to cut down trees and destroy the  
24 property. The recipient of that conservation  
25 easement would have the enforcement rights in

1           that case.

2           Elena is asking a slightly different  
3           question saying that there is 60-some acres of  
4           open space that will be dedicated to either  
5           the town or an HOA. She's saying why not put  
6           that 50-foot buffer zone and lump it  
7           together -

8           MS. COURIER: And that was one of those  
9           things that was brought up in those meetings  
10          and we had to change the areas to accommodate  
11          that because we had talked about the  
12          distribution.

13          MR. MYERS: If it was in a buffer zone,  
14          the HOA or the group of homeowners could  
15          decide to cut it and change their mind.

16          MR. STUTO: Well, reduce the lot size  
17          first. That's one consideration.

18          MR. MYERS: But they may not maintain any  
19          buffer there, if the HOA decides that they  
20          want to clear that.

21          MR. STUTO: Unless it's a condition. I  
22          don't know what the conditions are on the open  
23          area, but I would assume that you could make a  
24          restriction that it not be disturbed and it  
25          will not be built upon.

1 MS. VAIDA: That was one question that I  
2 had.

3 MR. DELAUGHTER: I believe that in the  
4 conservation overlay, the Planning Board  
5 establishes the setbacks.

6 MS. COURIER: And the setbacks were on  
7 our original proposal.

8 MS. VAIDA: That might be a way to ensure  
9 that the trees don't get cut to be clear to  
10 the property owner.

11 The other question that I had was in  
12 talking about a possible future need for a  
13 traffic light -

14 MS. COURIER: That was mentioned in the  
15 CDTC. I actually think they said that they  
16 preferred the roundabout. I'd have to look  
17 that up but it was discussed.

18 MS. VAIDA: Kevin, you have on number  
19 seven that the proposal would be subject to  
20 contribution of a proportionate share of the  
21 cost of mitigation or -- environmental impact  
22 pursuant to the airport GEIS findings. Is that  
23 also including the traffic?

24 MR. DELAUGHTER: Yes.

25 MS. VAIDA: So that is being accounted

1 for in the costs that will be borne by the  
2 developer.

3 MR. DELAUGHTER: Yes.

4 MS. VAIDA: I did find most of your  
5 responses to those issues so thank you. That's  
6 very helpful.

7 One of your answers said proposed trails  
8 and sidewalks have been added to the concept  
9 plan.

10 MS. COURIER: This is the overall plan.  
11 There is another breakdown that shows the  
12 trails. They would be moved and rerouted based  
13 on what the Planning Board would like to see  
14 and DPW. They were just shown on the sketch to  
15 show that we were proposing trails throughout  
16 the open space areas.

17 MS. VAIDA: On number five, you said  
18 easements should be reserved and escrow should  
19 be posted for future installation of sidewalks  
20 along Denison Road. Is that different from the  
21 sidewalks that you said that they're showing  
22 on the concept plan now?

23 MS. COURIER: I think what he's talking  
24 about is actually along here (Indicating).

25 MR. O'ROURKE: We did take those

1 sidewalks out, right?

2 MS. COURIER: Yes. Those were taken out  
3 at DPW's request and the response was that we  
4 would need an easement and escrow for future  
5 development of sidewalks upon installation of  
6 sidewalks. I believe that's how it was left.

7 Does that make sense, Elena?

8 MS. VAIDA: Yes. So who is going to  
9 install the sidewalks?

10 MS. COURIER: Well, DPW would install the  
11 sidewalks. There would be an escrow left for a  
12 portion of the sidewalks. An easement also so  
13 that they can have access to the site.

14 FROM THE FLOOR: Does the town actually  
15 plow those sidewalks?

16 MS. COURIER: I think that's one of the  
17 concerns about why it's not being installed  
18 currently.

19 MS. VAIDA: I think what might be  
20 helpful, Kevin, is if you could just explain  
21 quickly the points that you raised maybe in a  
22 little bit more detail so that we understand  
23 what concerns have been addressed so that we  
24 can maybe move towards the concept approval.

25 MR. DELAUGHTER: I guess there are two

1 things. One is the general recommendation on  
2 the concept. The other is the analysis and  
3 recommendation as to compliance in conformance  
4 with the GEIS.

5 In terms of the concept recommendation,  
6 one, we just note that the proposed  
7 disturbance of constrained lands as  
8 represented on the plans is within the scope  
9 of disturbance pursuant to the town Land Use  
10 Law with offsetting preservation of  
11 unconstrained lands well in excess of the  
12 minimum requirement.

13 Second is the collocation of walking  
14 trails and stormwater management area. Access  
15 roads must be coordinated with the Department  
16 of Public Works Bureau of Engineering. If  
17 there are a couple of instances where the  
18 stormwater management areas are  
19 located -- they're generally paved access  
20 roads going into them. The proposal is to  
21 share those access roads with the walking  
22 trails.

23 MS. VAIDA: Should there be some mention  
24 here about the implementation of an  
25 installation of secondary access roads to the

1 sites and that it seems to be up in the air  
2 right now?

3 MR. DELAUGHTER: That's something that is  
4 not covered in our recommendation.

5 MS. VAIDA: Right now the secondary  
6 access will be the Fire Department; the  
7 Highway Safety Committee was concerned about  
8 it.

9 MR. STUTO: So you're saying consider a  
10 secondary access?

11 MS. VAIDA: Yes, and that it satisfy the  
12 Highway Safety and the Fire Department.

13 MR. DELAUGHTER: The third item on the  
14 concept plans is: The proposed ownership of  
15 open spaced lands must be identified for the  
16 clarification of the intent of the 50 foot  
17 buffer.

18 Fifth is: The easement reserve in escrow  
19 posted for future installation of sidewalks  
20 along Denison Road.

21 Six is: The topography on the proposed  
22 plans appears to be outdated and a survey  
23 would be required with the submittal of the  
24 preliminary final plan.

25 Seventh is: The proposal would be subject

1 to a contribution of a proportionate share of  
2 mitigation funds pursuant to the GEIS  
3 statement of findings.

4 The recommendation in terms of  
5 conformance of the statement of findings is  
6 that the Planning Board determine that the  
7 project as proposed is consistent subject to  
8 the following conditions.

9 We read those already.

10 MS. VAIDA: And the mitigation costs of  
11 those have been abated?

12 MR. DELAUGHTER: Yes. Other than  
13 transportation, the costs are updated on a  
14 regular basis. They were just updated to 2009  
15 dollars for the pre GEIS areas at the  
16 beginning of this year.

17 Transportation in the airport area is  
18 really an ongoing update process with the  
19 Capital District Transportation Committee. As  
20 we get projects we look at them on a case by  
21 case basis, the current costs of the  
22 improvements that were identified and the  
23 statement of findings and assessments of  
24 proportionate shares of those costs.

25 MS. COURIER: We would be aware of the

1 findings and the fees at the final level of  
2 the final approval before we get the actual  
3 total. They give us ideas of how much it will  
4 cost based on the utilities and all of that.  
5 It's ever evolving.

6 MS. VAIDA: That was all.

7 ACTING CHAIRMAN NARDACCI: Okay. I just  
8 want to commend the developer, Jeff and  
9 C.T. Male for taking the time to meet with the  
10 residents.

11 Going back to the minutes, there were  
12 several meetings like this - three or four  
13 that have been as long and as in depth.  
14 Clearly, there were a lot of issues that  
15 needed to be discussed and I think that open  
16 communication is important when you have  
17 adjoining property owners. We've have seen  
18 this in other developments with other  
19 developers and with other neighborhoods that  
20 when people talk, it helps. It helps resolve  
21 specific issues and while you may not get  
22 everything 100%, at least you can make some  
23 movement toward the middle. I think that's  
24 what we try to do. The developers have a right  
25 to develop on property that they own and the

1 taxpayers and the homeowners also have a right  
2 to have input. I think that's very important.  
3 I just want to say thank you. It's not  
4 required and to take the extra step, I think,  
5 is very important. I think that it helps us  
6 move along on a major development like this.

7 So, at this point the board is going to  
8 take action on concept acceptance. Like we  
9 said, this isn't the final stage. There is  
10 still a lot more work that needs to be done  
11 but we have enough information here to move  
12 forward.

13 I did read into the record the FGIS  
14 statement of findings.

15 MR. STUTO: I would suggest that you take  
16 SEQRA separately.

17 On page six of Kevin's summary and  
18 analysis - if the board votes yes, they will  
19 find that the proposed development is  
20 consistent with the pace of development  
21 projected for the GEIS study area and the  
22 statement of findings, that the proposed  
23 development is consistent with the policy and  
24 concurrency between development within the  
25 study area and implementation of necessary

1           infrastructure improvements and that the  
2           proposed action is in conformance with the  
3           conditions and thresholds established in the  
4           statement of findings for subsequent actions,  
5           subject to the six conditions that have  
6           already been read into the record, relative to  
7           the GEIS.

8                     You've already read into the record what  
9           those conditions are.

10                    ACTING CHAIRMAN NARDACCI: No, I think  
11           that's fine.

12                    Is there a motion on the statement of  
13           findings?

14                    MS. VAIDA: I'll move to accept it.

15                    ACTING CHAIRMAN NARDACCI: Is there a  
16           second?

17                    MR. O'ROURKE: I'll second.

18                    ACTING CHAIRMAN NARDACCI: All those in  
19           favor?

20                             ***(Ayes were recited.)***

21                    ACTING CHAIRMAN NARDACCI: Opposed?

22                             ***(There were none oppose.)***

23                    ACTING CHAIRMAN NARDACCI: Okay, the  
24           statement of findings is adopted.

25                    Now action on concept acceptance, is

1           there a motion?

2                   Do you want to read the conditions?

3           MR. STUTO:   Yes. Kevin, if you want to  
4           follow along with me on this.

5                   The first one is really a statement and  
6           not a condition.

7           MR. MYERS:   Do you need to close the  
8           public hearing before taking these actions?

9           MR. DELAUGHTER:  This is not a public  
10          hearing.

11          MR. STUTO:   Okay, Kevin this is just a  
12          statement and not a recommendation under the  
13          summary memo?

14          MR. DELAUGHTER:  The statement is on the  
15          SEQRA.

16          MR. STUTO:   I think that you have two  
17          different ones.

18                   Collocation of walking trails and  
19          stormwater management area access roads must  
20          be coordinated with the Department of Public  
21          Works Bureau of Engineering. That's a  
22          condition.

23                   Proposed ownership of open spaced lands  
24          must be identified. The intent of the 50 foot  
25          buffer adjacent to existing residents must be

1 clarified, whether they will remain  
2 undisturbed with restrictions; prohibiting  
3 clearing and grading are intended to prohibit  
4 new structures.

5 And perhaps as Elena suggested: Open  
6 space area that should be dedicated to either  
7 the HOA or to the town.

8 MS. VAIDA: I guess then that would  
9 require a waiver on the setback.

10 MR. STUTO: Kevin says that in the  
11 conservation area, we set the setback. It's  
12 not a waiver, it's a setback condition.  
13 Whatever we approve in the final plans.

14 An easement should be reserved and escrow  
15 should be posted for future installation of  
16 sidewalks along Denison road, which is on the  
17 proposed town priority network for bicyclists  
18 and pedestrian access.

19 The topography shown on the plans appear  
20 to be outdated. A current topographic survey  
21 is required.

22 The proposal will be subject to  
23 contribution of a proportionate share of the  
24 cost of mitigation of cumulative environmental  
25 impacts pursuant to the airport area GEIS

1 statement of findings.

2 The final condition which was brought up  
3 by a board members:

4 Contingent upon secondary access approved  
5 by highway and fire.

6 ACTING CHAIRMAN NARDACCI: Are there any  
7 questions on those conditions?

8 MR. SULLIVAN: Should we address the  
9 38 Concord property?

10 ACTING CHAIRMAN NARDACCI: I don't think  
11 that it's a condition, but I do think that we  
12 need something formal.

13 Joe, I would put something in writing and  
14 make that available to the gentleman.

15 Any other questions on the conditions?

16 ***(There was no response.)***

17 ACTING CHAIRMAN NARDACCI: Do I have a  
18 motion on acceptance of concept with the  
19 identified conditions?

20 MR. O'ROURKE: I'll make that appropriate  
21 motion.

22 ACTING CHAIRMAN NARDACCI: Is there a  
23 second?

24 MS. VAIDA: I'll second it.

25 ACTING CHAIRMAN NARDACCI: All those in

1 favor?

2 **(Ayes were recited.)**

3 ACTING CHAIRMAN NARDACCI: Opposed?

4 **(There were none opposed.)**

5 ACTING CHAIRMAN NARDACCI: Thank you all

6 very much.

7

8

9 **(Whereas the proceeding concerning the above**

10 **entitled matter was adjourned at**

11 **8:54 p.m.)**

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**CERTIFICATION**

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4           ***I, NANCY STRANG-VANDEBOGART, Notary***  
5           ***Public in and for the State of New York,***  
6           ***hereby CERTIFY that the record taped and***  
7           ***transcribed by me at the time and place noted***  
8           ***in the heading hereof is a true and accurate***  
9           ***transcript of same, to the best of my ability***  
10           ***and belief.***

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14           \_\_\_\_\_  
15           ***NANCY STRANG-VANDEBOGART***

16  
17           ***Dated January 4, 2010***  
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