

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 THE PROPOSED NORTHERN PASS SUBDIVISION
5 585 OLD LOUDON ROAD & 1226 LOUDON ROAD
6 REVIEW AND ACTION ON SEQRA AND CONCEPT ACCEPTANCE
7 *****

8 THE TAPED AND TRANSCRIBED MINUTES of the above
9 entitled proceeding BY NANCY STRANG-VANDEBOGART
10 commencing on January 26, 2010 at 7:14 p.m. at the
11 Public Operations Center 347 Old Niskayuna Road,
12 Latham, New York 12110

13 BOARD MEMBERS:

- 14 CHARLES J. O'ROURKE, CHAIRPERSON
- 15 THOMAS NARDACCI
- 16 PAUL ROSANO
- 17 TIMOTHY LANE
- 18 PETER GANNON
- 19 MICHAEL SULLIVAN
- 20 ELENA VAIDA
- 21 PETER STUTO, Jr. Esq., Attorney for the Planning Board

22 Also present:

- 23 Joe LaCivita, Director, Planning and Economic Development
- 24 Kevin DeLaughter, Planning and Economic Development
- 25 Nick Costa, Sipperly and Associates
- 26 Joe Grasso, Clough Harbour and Associates

- 27 JoAnn Niles John Reitano
- 28 Robin Edgington Ken Champagne
- 29 Mike Perreault Gloria Knorr

30

1 CHAIRMAN O'ROURKE: Next on our agenda is
2 Northern Pass Subdivision, 586 Old Loudon and
3 1226 Old Loudon.

4 Kevin can you bring us up to speed,
5 please?

6 MR. DELAUGHTER: This application is in a
7 conservation subdivision property and is
8 located within the office residential and
9 single family residential district.

10 The subdivision includes 68 single family
11 residential lots and two parcels for
12 commercial and multifamily residential.

13 The action that you have in front of you
14 tonight is the subdivision. It is in
15 conformance with the Land Use Law and various
16 comments from the departments have been
17 presented to the board as well as
18 recommendations on the concept acceptance and
19 SEQRA action.

20 CHAIRMAN O'ROURKE: Someone from the
21 developer?

22 MR. COSTA: My name is Nick Costa and I'm
23 with Sipperly and Associates. We're
24 responsible for the conceptual that's shown on
25 this plan.

1 The existing site it located on the
2 westerly side of Loudon Road and encompasses
3 about 50.5 acres. It's comprised of two
4 parcels. The majority of the site is within
5 the single family residential zone. The front
6 portion of that is located within the
7 commercial office residential portion. The
8 site's infrastructure has water along Route 9
9 and there are storm sewer facilities within
10 the site. The site is generally sloping
11 towards the west, toward the bike path.

12 What we propose here is a conservation
13 development overlay district. We inventoried
14 the site to find out if there was any
15 constrained land and what was unconstrained
16 lands. Basically what we came up with a zoning
17 density of 72 units and what we're proposing
18 here is 68 units.

19 The proposed streets here are
20 McIntyre Drive, Plank Lane and Santanoni
21 Drive. Those streets have access to Loudon
22 Road and we propose to the existing roads.
23 Along with the new roads will be some
24 stormwater facilities that will be constructed
25 within the roads and also water and the

1 sanitary sewer service for the subdivision.

2 A large portion of the remaining lands
3 here (Indicating) will be conveyed to the town
4 for recreational purposes.

5 CHAIRMAN O'ROURKE: Have you spoken with
6 the Town Attorney in regard to that?

7 MR. COSTA: No, I haven't.

8 CHAIRMAN O'ROURKE: What's the plan if
9 the town doesn't want it?

10 MR. COSTA: It would be conveyed to an
11 HOA; a homeowners association to remain with
12 the owners of the 68 units.

13 MR. STUTO: Is there an HOA plan for this
14 now?

15 MR. COSTA: There will be, yes.

16 MR. STUTO: Even if you're not going to
17 dedicate the land to them.

18 MR. COSTA: That's correct. These are
19 town homes that will have a maintenance
20 agreement in conjunction with the HOA.

21 CHAIRMAN O'ROURKE: Okay, Joe?

22 MR. GRASSO: I'll go through our comment
23 letter that we sent out on January 15th. We had
24 a number of comments. I'm not going to go
25 through all of the comments. I'm just going to

1 touch on those that I think should be
2 addressed or discussed during the concept
3 review.

4 The site has a lot of Army Corp
5 jurisdiction over the wetlands, as well as
6 some non-jurisdictional areas or are shown to
7 be non-jurisdictional. The documentation of
8 the jurisdictional determination should be
9 provided to the town, which we haven't seen
10 yet. It appeared that nearly all of the
11 non-jurisdictional wetlands located at the
12 southeast corner of the site are proposed to
13 be permanently disturbed. As such it's
14 important to confirm that the Corp of
15 Engineers agrees with the wetland consultant's
16 delineation. The wetlands are an important
17 environmental resource and impacts should be
18 avoided wherever possible and then they should
19 be minimized and quantified and any mitigation
20 should be shown on the plans.

21 Review and comments should be sought from
22 DOT regarding the access onto Route 9. If DOT
23 doesn't grant full access to Route 9 from
24 Old Loudon Road north than it may be necessary
25 to widen Old Loudon Road North between

1 Schermerhorn Road and the proposed town road
2 known as Santanoni Drive.

3 The intersection of Old Loudon Road North
4 and Route 9 operates with the right in and
5 right out control which should be reflected on
6 the plans. We recommend that a queuing
7 analysis should be provided for the new stop
8 sign control intersection with Old Loudon Road
9 and Santanoni Drive. That's the access off of
10 Route 9.

11 Given the 55 mile an hour speed on
12 Route 9 and the down gradient along Route 9
13 heading south, the need for a deceleration
14 lane at Old Loudon Road North should be
15 investigated.

16 We recommend that the proposed town road
17 intersection with Route 9 be shifted south in
18 order to avoid the construction of the
19 retaining wall along the adjacent parcel at
20 1232 Loudon Road. The impacts of this parcel
21 and the apparent encroachment should be
22 addressed and in order to provide access along
23 Route 9, consolidating the number of curb cuts
24 along Route 9 will be enforced.

25 It appears that the placement of

1 significant fill within the wetland corridors
2 required for the construction of Plank Lane
3 and the tall slope is going to extend beyond
4 the limits of the right of way resulting in
5 additional wetland disturbance. Measures to
6 minimize those impacts are going to be
7 important as the design advances.

8 A major culvert is going to be proposed
9 at the low point even though the town
10 regulations require a design for a 25 year
11 storm drainage corridor. We're going to
12 recommend that corridor be designed to pass
13 the 100 year storm event.

14 A separate parcel of land should be
15 provided for the proposed sanitary pump
16 station which would be dedicated to the town.

17 Approximately 18 acres of land is
18 proposed to be conveyed to the town as open
19 space although very desirable for passive
20 recreation and environmental protection, the
21 steep slopes and wetlands within the parcel
22 would limit active recreational opportunities.

23 The walking path on Santanoni Drive
24 northerly to the existing town bike path
25 should be designed to accommodate pedestrians

1 and bicyclists. That currently is not feasible
2 due to excessive slopes adjacent to the town
3 bike path.

4 Lots 1, 3, 5 and 7 on Santanoni Drive are
5 located within an isolated wetland area and as
6 such may not be conducive to the development
7 in the residential lots.

8 Just to explain the isolated
9 wetlands: If they're truly isolated then
10 they're not hydrologically connected to a
11 larger wetland corridor or streams and the
12 Corp of Engineers does not take jurisdiction.

13 That said, the reason why they're flagged
14 as non-jurisdictional wetlands is because they
15 exhibit those three characteristics of a
16 wetland. That's hydrology, hydric soils and
17 hydrophilic vegetation. Those three parameters
18 are important environmental resources that we
19 like to protect because of wildlife habitat,
20 stormwater control, water quality and flood
21 protection. That's one of the reasons why we
22 like to protect those. If they're deemed
23 non-jurisdictional by the Corp, the Corp may
24 not be concerned with them but the town may
25 still be concerned with them. So, even though

1 they might not be jurisdictional, development
2 on those areas should be closely looked at by
3 the town so that we have a good understanding
4 of what the impacts of the project are.

5 The potential future right of way of lots
6 1, 3, 6, and 8 McIntyre Court should be shown.
7 This is really set up as a temporary
8 cul-de-sac that may be eliminated when that
9 lot gets extended to the south. So the impacts
10 of that change in the future should be
11 evaluated.

12 Insufficient separation distances
13 provided in the commercial sites and the
14 adjacent wetland area to accommodate the
15 grading and the construction without further
16 wetland disturbance. That's something where
17 detail will be provided when they get into
18 actual grading plans.

19 MR. LANE: Joe, I was interested in 22.
20 Can you go back to that one?

21 MR. GRASSO: Sure. There was a comment
22 made during the initial DCC meeting back in
23 2007 which required a 30% commercial
24 component. That law has since been changed to
25 20% so the project is now compliant.

1 Unfortunately, we carried it over in our
2 comment letter that we didn't see a response
3 in the new application. That does need to be
4 corrected.

5 According to the Americans with
6 Disability Act guidelines, two handicapped
7 parking stalls are required for parking lots
8 with a total of between 26 and 50 parking
9 spaces. As such, they are short on parking
10 spaces for the office building and the
11 apartment building.

12 Solid waste containment and recycling for
13 the office and apartments should be shown on
14 the concept plans. Pedestrians'
15 and bicyclists' accommodations should be
16 provided for those two buildings. We recommend
17 additional transition of yard screen buffering
18 be provided between the post office buildings
19 and the adjacent existing developed parcels on
20 Loudon Road.

21 In terms of the stormwater study that's
22 been done so far to date we'd like to see
23 location and observations of all soil testing
24 and perk tests to be provided in that report.

25 They are proposing the use of a sand

1 filter and that is one of the methods of
2 stormwater quality treatment and flood
3 attenuation. When you go through DEC's matrix
4 in terms of deciding what's the most
5 appropriate stormwater method to address
6 impacts of development, it would not lead you
7 initially to the use of sand filters because
8 of the sites likelihood for high ground water,
9 as well as some of the slope constraints on
10 the site. So, our interpretation of DEC
11 guidelines would lead a project to use either
12 wet ponds or constructed wetlands rather than
13 a sand filter. We'd like the applicant to work
14 with the stormwater management officer
15 regarding what is the most appropriate
16 stormwater management treatment for this site.

17 That's the summary of our comments to
18 date.

19 CHAIRMAN O'ROURKE: Thank you, Joe.

20 A couple of quick things that I saw going
21 through this: There was a letter in from Ken
22 Perro and I want to go on the record and
23 encourage our Safety Committee to make
24 comments. Even though it is a state route, I
25 think that it's very important for this board

1 to take the experience of those people in
2 charge of the different committees to make
3 comments whether or not jurisdictionally we
4 have the right to say anything. I just want
5 that on the record and I will speak to
6 Lieutenant Pero.

7 The wetland issues - why was the short
8 form used?

9 MR. GRASSO: There was something that I
10 should have mentioned. I think that the short
11 form is the minimum required because it's a
12 non listed action. Is that correct, Kevin?

13 MR. DELAUGHTER: That's correct.

14 MR. GRASSO: Based on the size of the
15 project and the amount of environmental
16 constraints on the project site, we think that
17 a full EAF would provide a better description.

18 CHAIRMAN O'ROURKE: I would be all for
19 seeing a full EAF.

20 So, Joe, if you could just make a note on
21 that and get it to the developer as well?

22 MR. GRASSO: Sure.

23 MR. NARDACCI: C.J., just as a point:
24 This type of project is exactly why the board
25 talked about not determining SEQRA at concept

1 level. There are so many things that could
2 change between tonight and final.

3 I talked to Joe about this today. We had
4 a phone conversation because I didn't
5 understand why that was on the agenda tonight
6 for SEQRA determination. I thought that the
7 board was clear that we weren't going to do
8 SEQRA determination until final and that we
9 had made that change.

10 So for the staff, Kevin, let Mike also
11 know that going forward.

12 We started with Crumb Rubber in the Pine
13 Bush and going forward, we should like to wait
14 on SEQRA like a lot of other municipalities do
15 until final, just for this reason. In the past
16 the board may have given SEQRA determination
17 right away. As the current board we think
18 that's it's important not to do it at this
19 stage just because of tonight.

20 The 31 comments that our TDE has and the
21 environmental constraints of the site is a
22 primary example of why we need to wait. I just
23 want to make sure that we're clear going
24 forward that we're not going to have SEQRA on
25 here until final, right, C.J.?

1 CHAIRMAN O'ROURKE: Absolutely.

2 MS. VAIDA: What about the application
3 and the information that's in the application?

4 CHAIRMAN O'ROURKE: That's going to have
5 to be included. We're going to have to look at
6 the short or long form EAF. We're not going to
7 make a final move on SEQRA until further into
8 the process.

9 MS. VAIDA: But it is helpful on the
10 application at this point.

11 CHAIRMAN O'ROURKE: Absolutely.

12 MR. GRASSO: And it's something that we
13 can decide what the appropriate level of SEQRA
14 documentation is at the Planning Board level.

15 CHAIRMAN O'ROURKE: Right, and the
16 difficulty that we have now is that there is
17 still some overlap with projects not having
18 the TDEs. It's really going to be less and
19 less as time goes on in terms of not having a
20 TDE involved in a certain project.

21 Another thing that I came across was the
22 Route 9 access was with regard to the sight
23 distance speeds. There seem to be some errors
24 in that. Were you aware of that?

25 MR. COSTA: Yes, we made the analysis for

1 45 miles an hour and it's 55 miles an hour.

2 CHAIRMAN O'ROURKE: It's 55 and then you
3 have to add 5, right?

4 MR. COSTA: Right.

5 CHAIRMAN O'ROURKE: So you're going to
6 take care of that.

7 The other thing that I think is important
8 in this corridor as projects come up, again, I
9 don't want to speak for the entirety of the
10 board, but certainly cross connections are
11 going to be looked upon very favorably in this
12 corridor.

13 I think that it would behoove you on top
14 of what Mr. Grasso said in regard to the
15 retaining wall on the adjacent property - to
16 have some kind of communication and a plan in
17 place so the that traffic, I think, really
18 should come back out to that lighted traffic
19 signal as much as we can. Certainly in that
20 area we don't want pedestrians or anybody
21 going out into 60 mile an hour traffic on that
22 curve.

23 Kevin, can you explain one thing to me?
24 The 5,500 square feet within this overlay
25 district - in regard to the density - up to

1 80% may be converted to multifamily use at a
2 rate of 3,000 square feet per residential
3 unit.

4 MR. DELAUGHTER: Correct.

5 CHAIRMAN O'ROURKE: So those 11
6 residential units - are they considered 11
7 residential units?

8 MR. DELAUGHTER: Yes. Just to clarify
9 that, that is part of the site plan review.
10 Within the office residential district where
11 we have two office buildings and multifamily
12 building proposed, yes, those are the 11
13 residential units that are a part of that.

14 CHAIRMAN O'ROURKE: So they could
15 actually have 33,000 square feet and they're
16 proposing 5,500; theoretically.

17 MR. DELAUGHTER: As far as the square
18 footage of the multifamily building?

19 CHAIRMAN O'ROURKE: Yes.

20 MR. DELAUGHTER: The 3,000 square feet
21 per unit is not a literal translation. It's
22 for the purposes of calculating density. You
23 start with the premise that you have
24 18,000 square feet of commercial space as the
25 maximum per acre. You can convert, as you

1 said, 80% of that to residential assuming
2 3,000 square feet for commercial space per
3 residential unit. That's not to say that the
4 residential units will be 3,000 square feet.

5 CHAIRMAN O'ROURKE: Right, it's going to
6 be up to that.

7 MR. DELAUGHTER: Well, they could be
8 conceivably. They could be more, actually. The
9 3,000 square feet is just the means to get to
10 the residential density. It's not to say that
11 the units themselves are going to be
12 3,000 square feet.

13 CHAIRMAN O'ROURKE: No, I understand
14 that.

15 MR. DELAUGHTER: It's just that you're
16 converting from commercial space to
17 residential units; taking 3,000 square feet of
18 commercial space for these residential units,
19 regardless of its size.

20 CHAIRMAN O'ROURKE: Okay, that clears
21 that up for me.

22 The last thing that I came across was
23 that you've moved the pump station. Has the
24 depth been decided upon?

25 MR. COSTA: That detailed design will be

1 decided within the next phase; the preliminary
2 final phase.

3 CHAIRMAN O'ROURKE: Is that pump station
4 going to service only this site or if the
5 property behind it is developed -?

6 MR. COSTA: The pump station will be down
7 here (Indicating). We're going to bring sewers
8 right up to here to Santanoni Drive. Anybody
9 can put connections to that collective sewer
10 that brings it down to the pump station.

11 CHAIRMAN O'ROURKE: I understand that you
12 did change it to gravity. But my question was:
13 Is the plan to size the pump station for your
14 existing project or is it going to entail
15 additional properties?

16 MR. COSTA: To properly size the pump
17 station, it coincides to the flow that we are
18 going to generate. In the future there will
19 have to be some evaluations done as to be able
20 to change the pumps -- those again are things
21 that are items that can be accounted for in
22 the design phase.

23 CHAIRMAN O'ROURKE: Let me ask you as a
24 taxpayer in the Town of Colonie. We want a big
25 enough pump station if we're going to have

1 development out there, right? We want to put
2 the appropriate size in because once you're
3 done with your development, guess who owns it?

4 MR. COSTA: What I'm saying is that if
5 you push too large of a pump station and you
6 don't have the sufficient flows, the pump
7 station won't operate.

8 CHAIRMAN O'ROURKE: To a certain degree
9 the head will matter, but I'm just wondering
10 have you worked closely with the engineers in
11 that department?

12 MR. COSTA: Yes. I've met with Dave
13 McMorris and he's scoped out this entire lot.

14 CHAIRMAN O'ROURKE: Joe, if you could
15 just make a note?

16 MR. GRASSO: When we decide with Pure
17 Waters where the optimal location of a pump
18 station is, we do look at the future of the
19 area based on not just this project site, but
20 also undeveloped properties that we think are
21 going to be able to be served by a gravity
22 sewer. That's part of the evaluation. He may
23 not oversize the pumps or the force right now
24 but it is something that we look at and we
25 make smart decisions so to reduce the need the

1 upgrade to the station.

2 CHAIRMAN O'ROURKE: If the project moves
3 forward, we're going to pick up those houses
4 on Route 9 and Old Loudon that are on septic
5 right now?

6 MR. GRASSO: Those are the easy ones.
7 It's how far out past there that we would want
8 to go up to and that becomes more difficult.

9 MR. COSTA: Joe is correct. Those houses
10 would be able to be managed with the pumps
11 that we would be sizing for our development.

12 MR. GRASSO: When we specifically get
13 into even looking at a doubling or a tripling
14 of the area served by pump stations, it can
15 sometimes result in substantial additional
16 costs on account of the developers will come
17 and make that additional development.

18 CHAIRMAN O'ROURKE: Tom?

19 MR. NARDACCI: I have a couple of
20 comments.

21 Just to reiterate that you're at this
22 early concept phase, I think that it's
23 important to have a discussion with the Town
24 Attorney's office with regard to this acreage.
25 It's 18 acres. This is not a conservation

1 overlay district and as you know that's
2 important to determining what type of layout
3 and subdivision that you have. So I think that
4 it's important to at least reach out to the
5 Town Attorney. If you don't know him, he's
6 here tonight. You could arrange to talk to him
7 just so that we have a better sense as to
8 where that is headed.

9 Not to belabor the point but on
10 stormwater at this early stage for concept, we
11 have a pretty lengthy memo from stormwater
12 about just some basic things. They deem them
13 in a memo that this concept is unacceptable to
14 them.

15 MR. COSTA: Yes, I've had that discussion
16 with John Dzialo before he sent out the memo.
17 We discussed that. The design of the
18 stormwater system will be in compliance with
19 the DCC stormwater regulations.

20 MR. NARDACCI: I know that there is a lot
21 of work between concept and final, especially
22 on stormwater with a site such as this. I
23 think that there are things that you need to
24 do even before you get to the concept
25 acceptance. Just continue to work with our

1 TDEs and with the town department on that.

2 You really paid a lot of attention to
3 Clough Harbour's comments with regard to
4 traffic. This area of town is a high traffic,
5 high sensitive discussion in this part of
6 town. So I think that we're all in tune to the
7 traffic concerns in this area and in this GEIS
8 area. I think that if you could come back with
9 the answer to those, that would be great.

10 The other question that I had is have you
11 had any discussions with the Army Corp at this
12 point?

13 MR. COSTA: Our next step would be to
14 submit for a permit for the disturbances that
15 were shown.

16 MR. GRASSO: Have they verified what the
17 boundaries on the site are?

18 MR. COSTA: I believe that they have.

19 MR. GRASSO: That's something that we
20 would just need to get clarified; a letter.

21 MR. NARDACCI: I'd like to see your back
22 and forth correspondence with the Army Corp on
23 the issue of wetlands. We should see that the
24 dialogue is started and see what they
25 determine for us to move forward.

1 That's all I had C.J.; thank you.

2 CHAIRMAN O'ROURKE: Thanks Tom.

3 Paul?

4 MR. COSTA: Just for your information,
5 the major disturbance amounts to about
6 one-third of an acre or so. The only permanent
7 disturbance that we could have would be
8 crossing Plank Road. The disturbance over
9 Plank - the location would have the least
10 amount of disturbance. That's why the road
11 takes that curve that is shown on here. The
12 real disturbance is minimized as much as
13 possible. If we can't cross this here
14 (Indicating) you won't have the access to
15 Route 9 which becomes an issue for us - a
16 safety issue.

17 MR. ROSANO: I don't have anything right
18 now.

19 CHAIRMAN O'ROURKE: Elena?

20 MS. VAIDA: I had a question first for
21 Kevin on the classification of this SEQRA
22 action.

23 I'm sure that you looked at the letter
24 from the New York State Department of
25 Environmental Conservation where their opinion

1 was that this is a Type I action since more
2 than 10 acres is going to be disturbed. I was
3 just wondering how you came to the conclusion.

4 MR. COSTA: The acre threshold is for
5 non-residential properties.

6 MR. GRASSO: Yes, I agree.

7 MS. VAIDA: So when they say Type I
8 action - since more than 10 acres of
9 disturbance is proposed and the project
10 involves mixed residential and commercial
11 uses, they cite the New York Code of Rules and
12 Regs. They're not correct on that?

13 MR. DELAUGHTER: I would disagree. What
14 we have in front of us would be a subdivision.
15 It's a residential project for which the
16 threshold is 250 units.

17 MR. GRASSO: I mean you're getting an
18 opinion from the experts of SEQRA. They're
19 adopted in your laws but I agree with Kevin
20 that our interpretation is that it's an
21 unlisted action.

22 MS. VAIDA: They must be coming up with
23 that because it's a mixed use?

24 MR. GRASSO: They must consider it all
25 because it's a mixed use. Not that the

1 segmented two would minimize the impacts to
2 the project, but we agree that it should all
3 be looked at cumulatively. In terms of
4 triggering the need for a Type I coordinated
5 review, we would say that it doesn't qualify
6 for that.

7 CHAIRMAN O'ROURKE: You're describing the
8 entirety of both projects.

9 MR. GRASSO: Right, and that
10 determination is really up to the lead agency
11 to make.

12 MR. DELAUGHTER: Notwithstanding that,
13 you have done a coordinated review. As you can
14 see we got a response from DEC. They are one
15 of the involved agencies that we sent the
16 application out to. We did coordinate to the
17 level of the involved agencies and the
18 Planning Board is designated as a lead agency.

19 The Planning Board has now requested a
20 full environmental assessment form which is
21 the next step. If it was considered a Type I
22 action. The only other difference procedurally
23 is that you have to file a formal negative or
24 positive declaration while you do make the
25 SEQRA determination. Whether or not you

1 consider it a Type I action, you're pretty
2 much going through the same standards.

3 MR. NARDACCI: Elena has a good point
4 though. What's your thought process in regards
5 to sending us a recommendation that is a
6 Type II?

7 MR. DELAUGHTER: I wouldn't consider it a
8 Type II.

9 MS. VAIDA: They're saying that it's
10 Type I because it's mixed and it's more than
11 10 acres.

12 They also talked about the potential
13 historical and archeological significance. Is
14 there going to be some studies done?

15 MR. COSTA: Yes.

16 MS. VAIDA: But that hasn't been done
17 yet. I think that I'd like to see that.

18 MR. GRASSO: Is there timing on that? Is
19 that something that you would like to see
20 during the concept for clarification so that
21 they understand when they initiate that work?

22 MS. VAIDA: Personally, yes, I would.

23 They also talk about ecological surveys
24 regarding the wildlife and habitat that's
25 there. I think that these are all important

1 considerations before a project of this
2 magnitude moves forward.

3 MR. COSTA: I think that some of those
4 will be answered with the EAF.

5 MR. GRASSO: That's depending on how you
6 answer it. If somebody looks at it from that
7 perspective, yes.

8 MS. VAIDA: That's it; thank you.

9 CHAIRMAN O'ROURKE: Tim?

10 MR. LANE: On the narrative on Page 6 it
11 notes under impacts that the 68 units - they
12 calculated approximately 14 school aged
13 children. So there will be a minor impact on
14 the school district. How did that figure come
15 to? I figured with 68 units, you're going to
16 wind up having more than 14 school aged kids
17 in a development of that size.

18 MR. COSTA: These are really termed empty
19 nesters.

20 MR. LANE: That's what they're going to
21 be marketed to?

22 MR. COSTA: Yes. We're not intending it
23 to be for families.

24 MR. LANE: By the way, it says North
25 Colonie but the maps say South Colonie School

1 District.

2 In reference to the comments made
3 January 19th by Tom Romano from Highway - he
4 noted flooding on the bike path. As you noted
5 earlier the property slopes toward the bike
6 path. Could you point it out on there?

7 MR. COSTA: Yes. This portion there is a
8 ridge there, right across through here
9 (Indicating). This portion of it flows to the
10 west and goes underneath the culverts to the
11 town parcel. This portion of it (Indicating)
12 flows to the east and then gets into this
13 wetland.

14 MR. LANE: And the bike path itself would
15 be located right there, okay. He didn't know
16 which particular sections were flooded, but I
17 have seen after it rains and you have the
18 gullies on either side. These can be clogged
19 up with whatever debris might accumulate. The
20 town is obviously responsible for keeping it
21 clear, but if you're pushing more water onto
22 it that could be problematic.

23 MR. COSTA: What we were planning on
24 doing is diminishing the amount of water that
25 goes directly to the bike path. This detention

1 basin that's shown here will not discharge to
2 the bike path. When we get into this other
3 crossing here (Indicating) there is much
4 better stormwater management systems than just
5 off the slope the way it is now.

6 I think that there have been a couple of
7 comments in regard to the steepness of the
8 trail to the bike path. I want to say that
9 steepness is really because of the topography
10 of the bike path parcel. So, there has to be
11 some agreement that this area be graded to
12 both improve the drainage.

13 MR. LANE: Who would be responsible for
14 the grading?

15 MR. COSTA: That would be done as part of
16 the project. The path that goes down through
17 here -

18 MR. LANE: You mean the path that you're
19 going to add?

20 MR. COSTA: Yes. This pedestrian path
21 (Indicating) is going to go into the bike
22 path. There would have to be some grading
23 here.

24 We're certainly aware of the comments and
25 we were planning on redistributing some of the

1 stormwater so that it doesn't run off the
2 steep embankment.

3 MR. LANE: I'll ask Joe this question.

4 There was a memo from Joe Stockbridge
5 dated November 30th and he referenced salt and
6 sanding restrictions due to the proximity to
7 the stormwater management area. Are there any
8 regulations in reference to that?

9 MR. GRASSO: Not that I'm aware of.

10 MR. LANE: This is just a suggestion?

11 MR. GRASSO: Yes.

12 MR. LANE: Also you mentioned the 27 tons
13 a month from the 86 residential units - he
14 thought that was high. Was that a high figure?

15 MR. COSTA: There really isn't a true
16 guide to waste. It all depends on what source
17 you read. That is a conservative number.

18 MR. LANE: I have no other questions;
19 thank you.

20 CHAIRMAN O'ROURKE: Mike?

21 MR. SULLIVAN: I have a few questions for
22 Mr. Costa.

23 The first goes back to the memo from Mark
24 Kennedy. It's dated January 19, 2010. Have you
25 seen that?

1 MR. COSTA: Yes.

2 MR. SULLIVAN: C.J. had already mentioned
3 that the site distance for the speed of
4 Route 9 was off.

5 The next comment was dealing with the
6 parcel 1226; the smaller office. Mark had
7 mentioned that he would want to limit access
8 to one driveway saying that the driveways were
9 too close and that if you're putting in a new
10 roadway that it should access the roadway and
11 not Route 9.

12 MR. COSTA: This is a larger scale plan.

13 What Mark is referring to is eliminating
14 this drive (Indicating). One of the things
15 that you also see is that emergency wise it's
16 important to have the circulation to be able
17 to circulate around the site. If we close that
18 off, we won't have access to a way of getting
19 out - either leave or access the site.

20 MR. SULLIVAN: They can't access it
21 directly from the proposed road?

22 MR. COSTA: They could but they would not
23 necessarily be able to make that movement to
24 maneuver the fire trucks. It wouldn't
25 necessarily accommodate the turning radius for

1 that truck.

2 MR. SULLIVAN: How will you address that
3 then? Would you need a waiver from DOT for
4 access to Route 9, or how will you handle
5 that?

6 MR. COSTA: That's what we would be
7 looking for.

8 CHAIRMAN O'ROURKE: I will not be in
9 support of that. There won't be two curb cuts
10 for this development off of Route 9.

11 MR. GRASSO: This is where you get into
12 conflicting comments from areas of the
13 departments.

14 CHAIRMAN O'ROURKE: Again, I'm not
15 speaking for the board. I'm just speaking for
16 myself. I would not be in favor of that. In my
17 opinion, figure out your engineering on your
18 site. You're going to lose one of the curb
19 cuts.

20 MR. SULLIVAN: One of the other comments
21 I had was Mr. Lattanzio's memo that's also
22 dated January 19th. He states that he met with
23 Chief Eric Clough of the Fire Department. They
24 have objections. Is this one of the
25 objections? The access to that lot?

1 MR. COSTA: I'm not aware of that.

2 MR. SULLIVAN: It doesn't state on this
3 what the objections were.

4 MR. LANE: Is that the radius of the turn
5 around on the cul-de-sac?

6 MR. SULLIVAN: Yes, the radius of the
7 turn around and needing a hammerhead for
8 access for their vehicles. So, you will speak
9 to him about those?

10 CHAIRMAN O'ROURKE: I think that's the
11 one -- what's the name of the street?

12 MR. COSTA: I think he's referring to the
13 office building and the multifamily.

14 CHAIRMAN O'ROURKE: What are your two
15 street names?

16 MR. COSTA: McIntyre and Santononi.

17 CHAIRMAN O'ROURKE: I thought he was
18 referring to McIntyre.

19 MR. COSTA: McIntyre conforms to a town
20 cul-de-sac. All the streets conform to the
21 town.

22 MR. SULLIVAN: One of my other comments
23 was the memo from Lieutenant Pero of the
24 Highway Safety Committee and his
25 recommendations to eliminate the northern

1 intersection of existing Old Loudon Road with
2 Route 9 and improve Old Loudon Road down to
3 the existing traffic signal. Have you
4 entertained that?

5 MR. COSTA: That would have to be
6 discussed with DOT.

7 CHAIRMAN O'ROURKE: No, that's a town
8 road.

9 MR. COSTA: It's a town road. That's
10 correct. It reverted back to the town once
11 DOT -

12 CHAIRMAN O'ROURKE: I thought I was clear
13 and maybe I should restate. I think that
14 moving forward that absolutely - if we're
15 allowing a curb cut, Old Loudon up there is
16 going to have to be dead ended. We want the
17 traffic back to that traffic signal device.
18 That's what it's there for.

19 MR. SULLIVAN: Related to that comment, a
20 queuing analysis for that intersection from
21 the intersection of Old Loudon Road and
22 Route 9 back towards Schermerhorn - I'm
23 concerned about that a.m./p.m. hour and that
24 it backs up due to traffic from Dutch Meadows
25 or whatever that development is up there. All

1 the a.m. traffic generated by this
2 development - I'd like to see if that backs up
3 and interferes with that intersection.

4 MR. COSTA: So you're talking about the
5 intersection up here (Indicating)?

6 MR. SULLIVAN: Right, where it goes to
7 the light. I'd like to see an analysis of
8 that, especially during the a.m. peak hour to
9 see how that works out.

10 That's all I have; thank you.

11 CHAIRMAN O'ROURKE: Thanks, Mike.
12 Peter?

13 MR. GANNON: I'm all set.

14 CHAIRMAN O'ROURKE: I think that with the
15 information that we've been provided in the
16 packet this evening - especially the
17 information provided by the TDE and the
18 questions that the board has, I would suggest
19 going back and working close with both the TDE
20 and the departments involved. Let's get a plan
21 and get some of the questions answered.

22 I don't think that the board is ready to
23 move on concept this evening. There is still a
24 lot of questions. The number one is the
25 delineation of those wetlands and the long

1 form EAF. Certainly there are the traffic
2 concerns and information that Mike would like
3 to see in regard to the traffic and the
4 queuing and the analysis as well as the other
5 information that the board brought up this
6 evening.

7 So, with that, I think that you should go
8 back and work with the departments and we'll
9 look forward to bringing the project back at a
10 later date?

11 MR. STUTO: Are you suggesting tabling
12 rather than taking a vote on it?

13 CHAIRMAN O'ROURKE: Yes.

14 I'm sorry, are there any residents that
15 would like to speak on this?

16 For the record, if you would state your
17 name and your address?

18 MS. NILES: My name is JoAnn Niles and
19 I'm at 1233 Loudon Road. I am across from
20 this.

21 Could you just point out where you're
22 hoping to put this pump station?

23 MR. COSTA: It's planned in this area
24 (Indicating).

25 MS. NILES: So along this bottom line,

1 the town is proposing to connect those
2 residents into the current sewer system?

3 MR. GRASSO: Our recommendation is that
4 they provide accommodations for those
5 connections and not necessarily go on those
6 people's property to make the physical
7 connection, but making sure that the system is
8 designed and planned to allow the connection.

9 MS. NILES: So on that pump station, is
10 that what it would be connected into? Is that
11 the water and the sewer on that?

12 CHAIRMAN O'ROURKE: No, just sewer.

13 MS. NILES: Okay, so the town considers
14 expandability in that area on that side of the
15 street?

16 MS. GRASSO: No, we look at the whole
17 area. Is there a concern regarding your
18 property?

19 MS. NILES: We don't have it across the
20 street and you guys keep cutting us off. So,
21 yeah, there is a concern.

22 The other thing is that obviously we're
23 really concerned with the traffic. So, we
24 appreciate your detail in that and looking
25 into that because traffic concerns of 55 miles

1 an hour and left hand turns are brutal.
2 Obviously we don't want to lose any more of
3 our frontage either.

4 CHAIRMAN O'ROURKE: Thank you.

5 Anyone else in the audience?

6 MR. EDGINGTON: I'm at 1224, I'm Robin
7 Edgington.

8 I'm just trying to figure out how much
9 that storm drain is going to come down into
10 the wetland beyond my house.

11 CHAIRMAN O'ROURKE: Joe, could you take a
12 minute and explain briefly what the purpose of
13 SWPPP is with developments?

14 MR. GRASSO: Generally, most developments
15 result in an increase in run-off from the
16 project site based on new impervious areas,
17 changing the grade, cutting trees and so
18 forth. What they're required to do is collect
19 all the run-off from the developed parts of
20 the site and mitigate it for two things; flood
21 control to make sure that there is no increase
22 in run-off and water quality. Sometimes there
23 are certain areas of the site that won't be
24 treated because it's impractical to implement
25 a stormwater management control. So it's good

1 that we understand your concerns and I'll give
2 Nick an opportunity to explain where your
3 property is in relation to what they're
4 proposing because you could fall within one of
5 those areas that he isn't proposing stormwater
6 control. Maybe we could find out where you're
7 located.

8 MR. COSTA: You're located right here
9 (Indicating)?

10 MR. EDGINGTON: My property is right
11 below Route 9 and that water is right on the
12 border of my property. I don't want this to
13 happen. Is it going to come up on my property?
14 I'm worried about it. They just put a road
15 there and in fact the water is going to be
16 sitting back in there (Indicating) and it's
17 going to go to my property.

18 MR. COSTA: I think that Joe mentioned
19 earlier that we're going to have to design a
20 culvert under the road and that's going to
21 help the water.

22 CHAIRMAN O'ROURKE: Sir, what they're
23 trying to tell you and it's hard to
24 understand - trust me, it is. Your water
25 situation should improve.

1 If our town designated engineer does his
2 job and the developer is held to those
3 standards, your property should improve.

4 MR. GRASSO: Just to quantify the
5 improvement, I doubt if you're going to notice
6 a decrease in flows through the wetlands. We
7 fully expect them to be wetlands in the
8 future. I would think that with the grading
9 that he's going to have to do -- one of our
10 comments was that he has to address the
11 run-off that comes off the back of those lots
12 along the new town road - he is going to have
13 to provide stormwater management before it
14 gets to the wetland. I don't expect any
15 impacts to your property whatsoever.

16 CHAIRMAN O'ROURKE: Anyone else?

17 MR. PERREAULT: Mike Perreault,
18 1222 Loudon Road.

19 This right here (Indicating) is all
20 wetlands. This drains three to four places on
21 the bike path. I've spent my whole life here
22 and right here is very wet in this area. Here
23 are the houses (Indicating) and here is where
24 these houses are going to be built. This is
25 all wood, stone and everything else. Now, it's

1 going to be roads and lawns. Where is it going
2 to go? It's going to go on our back lawn. Is
3 there any type of guarantee that we could turn
4 around and say, holy crap now our back lawn is
5 like a swamp? That's what I'm saying.

6 Our houses are right here (indicating).
7 Route 9 is here and these are the houses that
8 are going to be here. Here is the hill and it
9 goes back to the Colonie park and the bike
10 trail. It's just complete run-off and that is
11 why this is wet. Right here it drains into
12 this bike trail in three areas. It's not just
13 one area.

14 CHAIRMAN O'ROURKE: Again, right now
15 we're looking at the project in terms of
16 concept. We're not moving on it this evening.
17 This gentleman is going to have to prove that
18 they can mitigate this water. For him to move
19 forward, he's going to have to convince this
20 board and the town designated engineer that
21 this can be done.

22 MS. KNORR: I would like it to be moved
23 forward in that they are offering housing
24 options like the town homes. I especially like
25 multifamilies and the apartments because there

1 is such a need in Colonie for multifamily.

2 CHAIRMAN O'ROURKE: Thank you.

3 Yes?

4 MR. REITANO: John Reitano,
5 1231 Loudon Road.

6 You realize that there is a cement
7 factory basically across the street from those
8 houses and the air quality is horrible? The
9 dust blows toward our house and it's going to
10 circulate right back over there. I don't know
11 what they plan on doing about that but it's
12 killed a lot of vegetation as it is.

13 CHAIRMAN O'ROURKE: Thank you.

14 MR. CHAMPAGNE: Ken Champagne, Latham.

15 Is there any plan or access near that
16 cul-de-sac for pedestrian access to the bike
17 trail?

18 MR. COSTA: Yes, there is.

19 MR. CHAMPAGNE: And that's various points
20 out to the 18 acres?

21 MR. COSTA: The stormwater management
22 basin is going to require an access way. I
23 don't want to say that it's going to be paved.
24 It's going to be a gravel surface and that
25 would be the access on the westerly portion of

1 the development.

2 CHAIRMAN O'ROURKE: Anyone else in the
3 audience?

4 Thank you.

5 MR. NARDACCI: Just so everyone knows,
6 when this comes back again, you'll be notified
7 again.

8 CHAIRMAN O'ROURKE: Well, you'll be
9 notified if you're within 200 feet. There will
10 be the pink placards back on the property.

11 MR. NARDACCI: So the next time that this
12 comes back, everyone will be notified in that
13 way; just so that you know.

14 CHAIRMAN O'ROURKE: Plus on the website.

15

16 *(Whereas the proceeding concerning the*
17 *above entitled matter was adjourned*
18 *at 8:11 p.m.)*

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