

1 PLANNING BOARD
2 TOWN OF COLONIE

COUNTY OF ALBANY

ORIGINAL

3 *****
4 PUBLIC HEARING REGARDING THE HISTORY HILLS COURT
5 RESIDENTIAL SUBDIVISION
6 *****

7 THE TAPED AND TRANSCRIBED MINUTES of the above entitled
8 proceeding BY NANCY STRANG-VANDEBOGART commencing on
9 February 10, 2009 at 8:41 p.m. at the Public Operations
10 Center 347 Old Niskayuna Road, Latham, New York 12110

11 BOARD MEMBERS:

- 12 JEAN DONOVAN, CHAIRPERSON
- 13 ELENA VAIDA
- 14 MICHAEL SULLIVAN
- 15 THOMAS NARDACCI
- 16 GEORGE B. HOLLAND, JR.
- 17 CHARLES J. O'ROURKE
- 18 TIMOTHY LANE
- 19 PETER STUTO, Jr. Esq., Attorney for the Planning Board

20 Also present:

- 21 Joseph LaCivita, Director, Planning and Economic Development
- 22 Dale T. (Skip) Frances, P.E., C.T. Male Associates, P.C.
- 23 Kevin DeLaughter, Planning and Economic Development

24
25
Nancy Strang-VanDeBogart
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1 CHAIRPERSON DONOVAN: Also this evening we have a
2 public hearing on the review and action of final plans
3 of the History Hills Court subdivision.

4 All of us sitting here tonight are new to the
5 History Hills Court subdivision.

6 MR. O'ROURKE: Except George.

7 CHAIRPERSON DONOVAN: Except George. George knows
8 everything. We depend on George.

9 Sir, could you identify yourself for the record?

10 MR. FRANCES: Yes ma'am. Thank you. My name is
11 Skip Frances. I'm from C.T. Male and Associates. I'm
12 standing in for the usual presenter of the project.

13 Melissa Currier has had dialogue with the town on
14 this project.

15 As you eluded to, I think it's been in the
16 process for nearly 10 years.

17 MR. STUTO: Jean, I have to read the hearing
18 notice.

19 CHAIRPERSON DONOVAN: Oh, I'm sorry. Excuse me.
20 We have to read the public hearing notice. I apologize.

21 MR. STUTO: Legal notice: Town Planning Board,
22 Town of Colonie, Albany County, New York. Notice is
23 hereby given that pursuant to Section 276 of the Town
24 Law, the Town Planning Board of the Town of Colonie,
25 Albany County, New York will meet and conduct a public

1 hearing at the Public Operations Center, 347 Old
2 Niskayuna Road, Latham, in said Town of Colonie, County
3 of Albany, New York on the 10th day of February, 2009 at
4 7:15 p.m. for the purpose of hearing all persons upon
5 the approval and modification or disapproval of a
6 certain residential subdivision plat in the Town of
7 Colonie, County of Albany, known as History Hills Court
8 subdivision consisting of approximately 1.84 acres of
9 land located at 617 and 619A Watervliet-Shaker Road to
10 be divided into 14 lots, dated February 4, 2009, Latham
11 New York, Town of Colonie Planning Board, Jean Donovan,
12 Chairperson.

13 CHAIRPERSON DONOVAN: Okay, I'm sorry.

14 MR. FRANCES: That was pretty much a description
15 of this project. I have been briefed on it and I
16 believe that it's been around for - its inception was
17 about 10 years that we've been going to town reviews.

18 On February 2, we submitted our final revised
19 plan, based on comments issued by the town departments
20 for this final public hearing in hopes of a final
21 approval on the subdivision tonight.

22 Summarizing, again, all of the town departments
23 have reviewed and supplied comments and we've responded
24 to those in our most recent submission.

25 In summary, it's a 14 lot residential

1 subdivision. The 15th satisfies the dedicated area to
2 the town for stormwater management. There is a town
3 water supply and there is town sewer available. To this
4 date, all comments have been addressed.

5 If there are any questions, I'll do my best to
6 answer them.

7 CHAIRPERSON DONOVAN: I hardly know where to
8 begin.

9 The paperwork in front of me is all dated 2002
10 and 2003. I do have a recommendation dated 2007 from
11 the Albany County Planning Board. I have memorandums
12 dated 2002 in front of me, but I don't know if they're
13 even applicable now, especially with the stormwater,
14 Kevin.

15 MR. DELAUGHTER: Those all went into the concept
16 approval. There was a final sign-off from our Public
17 Works Department.

18 CHAIRPERSON DONOVAN: I guess my question is for
19 Peter. If you have a subdivision that's been sitting
20 around for seven years - - and we've had some longer
21 than this - but we've had more updated reviews on
22 things such as stormwater and from the sewer department
23 and highway. I don't see that for this. Are these
24 reviews that were done in 2002 still applicable to
25 this, especially in relation to stormwater?

1 MR. STUTO: Is there an updated review on
2 stormwater, Kevin?

3 MR. DELAUGHTER: In looking at this, apparently
4 the memorandum that you have was based on the concept
5 review. Since that time in the intervening 6 or 7
6 years, we've been going through town department reviews
7 at the final level and yes, those have included
8 compliance with the current stormwater system.

9 CHAIRPERSON DONOVAN: What I'm trying to say is
10 that the only papers that I have in front of me are
11 dated 2002. You're telling me that they've gone through
12 all these approvals, but I don't have them in front of
13 me. I've got problems with that, to begin with. I know
14 stormwater issues have changed. I don't know. We're
15 looking at a 14 lot subdivision that I know now that
16 we've been getting comments from our highway and from
17 police and fire that they always want a second point of
18 access.

19 George, I looked at the minutes from the first
20 meeting and George Holland was looking for a looped
21 water system. I don't see anything in front of me that
22 addresses that.

23 MR. LACIVITA: I know for a fact that it is
24 looped. I talked to Melissa Currier from C.T. Male
25 today and that has been addressed.

1 MR. FRANCES: I don't mean to interrupt, you but
2 I can answer some of your questions. I do know that the
3 current stormwater pollution prevention plan, otherwise
4 referred to as a SWPPP is a current SWPPP, according to
5 the most current regulations. So, it's not one that was
6 implemented with 10-year old regulations. This does
7 incorporate all of the latest Land Use Law dimensional
8 requirements for road, lot, setbacks, frontages and so
9 forth. That information has been provided.

10 MR. STUTO: Are you saying that this conforms to
11 the Land Use Law that was passed in January of '07?

12 MR. FRANCES: Of '07; correct. And as the project
13 has progressed over the years, it has kept up with the
14 current regs. So, we've had to modify it according to
15 those state regulations.

16 MR. DELAUGHTER: In terms of the new Land Use
17 Laws, the project was grandfathered under the old
18 zoning. I believe that in terms of the area
19 requirements and use requirements, and with respect to
20 the new law with the exception of one of the lots, it
21 does not have the frontage that would be required.

22 MR. FRANCES: I think the frontage is 88 feet.

23 CHAIRPERSON DONOVAN: Kevin, in the Albany County
24 Planning Board recommendation for this project, they
25 addressed three points. It was reviewed by the Albany

1 County Department of Health for water supply, waste
2 water and other required permits, but I don't see any
3 follow up from Albany County that this has been done.

4 MR. DELAUGHTER: The County Health Department
5 review typically occurs after the Planning Board and
6 after the Town Board has acted on the subdivision. Once
7 the Planning Board has acted on it, there is a
8 requirement for a public hearing at the Town Board
9 level for approval of the sewer improvement area, to
10 extend the sanitary sewer system and after that's
11 completed our Public Works Department will refer the
12 plans to the County Health Department for their review.

13 CHAIRPERSON DONOVAN: What about the review of
14 the entire project by the U.S. Army Corp of Engineers?

15 MR. O'ROURKE: And the SEAMAB?

16 CHAIRPERSON DONOVAN: No, I don't see any of
17 that.

18 MR. DELAUGHTER: I think that there is a
19 reference of a SEAMAB permit, not variance. I think
20 that there was some loose terminology used there.

21 SEAMAB would be involved if there was a variance
22 required. There is not in this case.

23 MR. O'ROURKE: I thought that they were piping
24 it - - or did I misread?

25 MR. DELAUGHTER: There are pipes being laid

1 through the watercourse area and the service would be
2 restored to its existing condition which is allowed by
3 permit. That doesn't require a variance.

4 As far as the wetlands, I have the deliniage on
5 the project. There would be a permit required and as
6 needed from the Army Corp of Engineers. Typically we
7 would look for that permit before we actually issued
8 any final approval plans. I don't know what the status
9 of that is.

10 MR. O'ROURKE: So is it permitted?

11 MR. FRANCES: The permit has not been issued but
12 I do know that the application is in to the Army Corp
13 of Engineers and it is under review. If possible, maybe
14 that could be a stipulated condition of approval that
15 we would supply such documentation of the permit on
16 issuance to satisfy the final approval.

17 CHAIRPERSON DONOVAN: I guess I have a problem
18 that it was scheduled without us having that already.

19 MR. LACIVITA: Kevin, we won't get that until
20 after the board acts, correct?

21 MR. DELAUGHTER: We typically do not get the Army
22 Corp. We see various state agency permits before the
23 board has acted. we do require that we do have them
24 before we issue final approval.

25 MR. O'ROURKE: Who is the lead agency for SEQRA?

1 MR. DELAUGHTER: The Town Planning Board was the
2 lead agency -

3 MR. O'ROURKE: Didn't I see something in here
4 that we didn't want to be?

5 MR. LANE: No, that was somebody else. That was
6 Albany County.

7 CHAIRPERSON DONOVAN: While you're looking for
8 that C.J., I just have another comment.

9 I have dated March 7, 2002 a memo to you from the
10 senior engineering technician in relation to runoff,
11 which I'm assuming is the stormwater. It's not from our
12 stormwater coordinator. It's from a technician in the
13 department. I don't know what's going on. This does not
14 suffice for me. All we hear from DPW all the time is
15 that with stormwater you have to comply with this and
16 you have to comply with that. We need this and we need
17 that. You can't do anything until we give you copies of
18 our sign-off. I don't have that. I've got one dated
19 2002 from a technician and not from our stormwater
20 coordinator. I've got a problem with that.

21 In my packet dated March 7, 2002, I've got that
22 and that's all I have.

23 MR. DELAUGHTER: I do apologize. We did have a
24 memo from our Public Works Department on
25 December 22, 2008 that included sign-offs from the

1 various DPW divisions on the project. Again, it will
2 not have the level of detail in addressing every
3 individual item because it's the culmination of
4 multiple reviews of the plans and pretty much is the
5 conclusionary statement that the plans are acceptable.

6 CHAIRPERSON DONOVAN: Look what Mr. Hershberg
7 just went through, prior to this on his plans. It was
8 the same request of a final review. I'm concerned that
9 our packet is deficient.

10 I've got a letter from a Stephen Lukowski
11 Division of Environmental Health Services at Albany
12 County. Kevin, you addressed that. You said that this
13 is something that will be addressed after the final
14 plans are approved?

15 MR. DELAUGHTER: That's correct.

16 CHAIRPERSON DONOVAN: I have a memo dated
17 February 5, 2002 that states that a SEAMAB permit will
18 be required for piping to be constructed to protect the
19 stream course. Do we have that SEAMAB permit?

20 MR. DELAUGHTER: Again, as I said, the
21 terminology was not correctly used there. It's not a
22 SEAMAB permit. It is a watercourse area permit that
23 would need to be issued by the Planning and Economic
24 Development Department and we would deal with that
25 before final subdivision plans are issued.

1 CHAIRPERSON DONOVAN: A conservation easement,
2 which I see is up there; is that correct?

3 MR. DELAUGHTER: There is a conservation easement
4 showing. I believe it's on lot 30 covering the portions
5 that are on the watercourse area.

6 CHAIRPERSON DONOVAN: And I have a memo dated
7 2002 that the detention area must include a 15 foot
8 wide ownership access to History Hills Court.

9 On number seven are my comments here from the New
10 York State Department of Environmental Conservation in
11 relation to stormwater and they also say in their
12 review here that the site is located within an area
13 which may contain sensitive habitats. It is suggested
14 that the National Heritage Program be contacted to
15 determine their interest, if any, in this project. I
16 have nothing from that group to say if they're
17 interested or not interested.

18 Those are my concerns before we even begin.

19 MR. O'ROURKE: The length of the road to the
20 cul-de-sac.

21 CHAIRPERSON DONOVAN: I know. It's some 800 or
22 900 feet. I think that's what the road is.

23 MR. FRANCES: The current extension of History
24 Hills?

25 MR. O'ROURKE: Yes.

1 MR. FRANCES: I think it maybe upwards of 900 or
2 maybe even 1,000.

3 MR. LANE: So, snow storage is going to be all
4 down at the end of that conservation easement right?

5 MR. FRANCES: That's possible.

6 MR. O'ROURKE: And they don't have to get a
7 variance for that one lot that does not meet?

8 MR. DELAUGHTER: No because they are
9 grandfathering provisions that were attached to the
10 Land Use Law that allowed projects to have concept
11 approval at the time of adoption.

12 CHAIRPERSON DONOVAN: Joe, I asked Kevin before
13 but again I think to clarify for people present and for
14 the board - I called Kevin earlier today because I had
15 a question about why this project was not given to a
16 town designated engineer. I would like to address it
17 more with Kevin.

18 MR. LACIVITA: This has actually been in the
19 works for a period of time. It was long since when we
20 went to town designated engineers. All first time
21 preliminary final submissions as of November were
22 sitting went to town designated engineers. This
23 predates that. That's why that didn't go to the town
24 designated engineers review.

25 CHAIRPERSON DONOVAN: So the option wasn't given

1 to them either, to go to town designated engineers.

2 MR. LACIVITA: When we went to town designated
3 engineer, anything that came in and was a first time
4 preliminary review had the option. This was past that
5 phase. It was already in for several submissions.

6 CHAIRPERSON DONOVAN: My problem certainly is in
7 the presentation that we received on Parkside Estates
8 and what I'm getting now to make the same decision
9 with.

10 MR. LACIVITA: I think the one difference with
11 Parkside Estates is that's been before us a couple of
12 times. This is the first time that this board has seen
13 History Hills. There are several concerns and that's
14 why we called out for Parkside to go out to a town
15 designated engineer. Certainly, if there are concerns
16 here that we have, we have that option to send it out
17 to a town designated engineer, as the board is seeing
18 it for the first time. Again, it's got a long history
19 here within the town. So, if we want to take that
20 option, I would say that you table it at this point in
21 time until we take a further look at it.

22 CHAIRPERSON DONOVAN: Personally, I'm very
23 concerned because I don't feel that I have the
24 information here tonight that I can do anything with.
25 Memos from 2002 are nice but I don't know if they apply

1 now.

2 MR. O'ROURKE: I agree, Jean. A lot of the stuff
3 that we see you'll see stuff later than 2002.

4 MR. DELAUGHTER: Again, I apologize that this was
5 not included in your package. It should have been. We
6 have a memo from the Public Works Department from
7 December 22, 2008 and it includes a memo from the Pure
8 Waters Department dated October 29th. The bottom line
9 being that we have no objection to the project being
10 scheduled for Planning Board action at this time. A
11 memorandum from Latham Water dated December 12th, Latham
12 Water District has no objection to placing this project
13 on the Planning Board agenda at this time and from the
14 Public Works Department there are a number of minor
15 issues raised related to the highway drainage system.

16 Again, the bottom line being we have no objection
17 to this project receiving final approval.

18 CHAIRPERSON DONOVAN: Kevin, I don't want to get
19 into this now but why do I have memos dated 2002 in
20 front of me and you're sitting there with 2007 and 2008
21 and I don't have them?

22 MR. DELAUGHTER: Again, it was an oversight. I
23 apologize for that. I'm telling you what I do have.

24 CHAIRPERSON DONOVAN: I'd like to see what we do
25 have. I'd like copies of them and I'd like to see them.

1 MR. DELAUGHTER: This might not have the detail
2 that you're looking for explaining exactly what they
3 reviewed and what the basis of that approval is. It's a
4 conclusionary memo based on the seven years of review
5 that have gone on.

6 MR. LACIVITA: That's the unfortunate thing with
7 these long standing projects. We won't see that level
8 of detail time, after time, after time because some of
9 these items are dropping out.

10 May I suggest that if we do table it this
11 evening, that we take a list of concerns that the
12 Planning Department makes sure that all the concerns
13 are addressed and bring it back before you when all the
14 details are concluded? I'll take e-mails from all the
15 board members making sure that all the questions are
16 answered. I'll submit questions and answers to each
17 one - the questions back to you and then we'll bring it
18 before the board. I'll work with C.T. Male and Kevin,
19 the various departments to be sure that all concerns
20 are addressed.

21 CHAIRPERSON DONOVAN: I'll leave it up to the
22 board members and get their input.

23 Mike?

24 MR. SULLIVAN: I do have three concerns. First,
25 I'm looking at Planning Board minutes from

1 February 19, 2002 and the wetlands are mentioned. There
2 are three lots that have wetlands on them; lots 42, 44
3 and 46.

4 In the minutes of the meeting, it states that the
5 applicant will probably be asked to perform off-site
6 mitigation. If they are unable to do the off-site
7 mitigation, the project will lose approximately three
8 lots to the wetlands. I'd like to know if this off-site
9 mitigation will be provided and if not, I would ask
10 that the lots now be shown as lost and shown as vacant
11 land.

12 Also the second one would be the Fire Safety and
13 the police review, due to the length of the cul-de-sac.

14 Third would be - there's some mention and I can't
15 find it right now but the submission of the buffer
16 provided between commercial and residential.

17 CHAIRPERSON DONOVAN: I think the commercial lot
18 is 417?

19 MR. O'ROURKE: That's 617.

20 MR. SULLIVAN: I would ask that all those be
21 addressed, especially the wetlands. If there is
22 off-site mitigation, then where is it and what ratio
23 was used for that?

24 CHAIRPERSON DONOVAN: C.J.?

25 MR. O'ROURKE: I have many of the same concerns

1 that both of you guys did when it comes before us and
2 everything is dated 2007 and it's 617 to 619A as the
3 project site but we're only looking at the residential
4 aspect of it and we're not looking at the totality
5 again, of the project. So, if it's one or the other,
6 tell me which one it is. If we're separating it as tax
7 parcels - if you could explain that to me, I'd
8 appreciate that.

9 MR. FRANCES: The parcel itself was divided into
10 two zones; residential and commercial.

11 MR. O'ROURKE: He combined them and then he split
12 them.

13 MR. FRANCES: I don't personally know that
14 history.

15 CHAIRPERSON DONOVAN: I think that we would want
16 to know that.

17 MR. O'ROURKE: Again, I understand that you got
18 thrown into the fire, but if you're coming up for final
19 these are questions that you should probably have
20 answers to.

21 MR. FRANCES: I understand that, but the normal
22 presenter is sick today.

23 MR. O'ROURKE: And I certainly appreciate that.
24 I'm not trying to give you hard time.

25 As I looked at the project for final approval,

1 it's 617 and 619A. So there are two parcels. My
2 understanding from reading through everything was that
3 Mr. Weiss took the parcels, split them in terms of the
4 tax and then resubdivided them to separate probably the
5 land use, Kevin, for the commercial? Did the commercial
6 change in this or any portion thereof?

7 MR. HOLLAND: The commercial line goes right
8 adjacent.

9 MR. DELAUGHTER: I believe that there was a shift
10 in the boundary between residential and commercial so
11 that it fell along the lot line of the subdivision.

12 MR. O'ROURKE: Again, that's as I looked at it.
13 So, I just didn't understand why we're calling it two
14 separate things when you're looking for approval for 14
15 building lots. What does the commercial have anything
16 to do with it except that for tax purposes?

17 MR. DELAUGHTER: Well, the address is listed, as
18 far as what the application is in regard to - as part
19 of the parent parcel. This particular property is a
20 portion of those two -

21 MR. O'ROURKE: Which are being combined and then
22 re-separated, correct?

23 MR. DELAUGHTER: They are actually being
24 combined, but this piece is being carved out of those
25 two.

1 MR. O'ROURKE: Which are separate tax parcels at
2 this point?

3 MR. DELAUGHTER: I believe they are still
4 separate, yes.

5 MR. O'ROURKE: I just have problems with this.
6 I'm not the smartest guy in the world.

7 MR. NARDACCI: So there was a variance given to
8 that one portion yet, or it has not been given yet? The
9 commercial portion has now been rezoned?

10 MR. DELAUGHTER: I'd have to check the timing of
11 when the zone changed.

12 MR. O'ROURKE: Madam Chairperson, there are just
13 too many questions here tonight. We could vote tonight.
14 You probably won't be happy. My suggestion is that we
15 table this thing and let's get some things answered and
16 get some transparency in this thing.

17 CHAIRPERSON DONOVAN: I feel that the board
18 members - - George, you were the only one that was
19 here.

20 MR. HOLLAND: I went up there to view the area
21 with the chair before.

22 CHAIRPERSON DONOVAN: George has been in every
23 corner of the town.

24 MR. HOLLAND: I sympathize with the question of
25 what we're looking at here but I would like to say that

1 I drove all around the area and it's just loaded with
2 beautiful houses and this appears to be 14 more of the
3 same. I think it's definitely an addition to the houses
4 and I'm in favor of the project.

5 I'm a little concerned about your concern of
6 which piece are we looking at. Did they have formal
7 designations?

8 CHAIRPERSON DONOVAN: I don't think that anyone
9 is opposed to building back there. A portion of it is
10 zoned for residential homes but there is a lot of
11 questions.

12 Alana?

13 MS. VAIDA: I just note that most of my concerns
14 were addressed by the other members. Things like it
15 might be a good idea for the applicant to withdraw the
16 request for final approval tonight since it seems like
17 there are just so many issues and we don't have the
18 proper papers before us to make an intelligent decision
19 or even ask the intelligent questions.

20 CHAIRPERSON DONOVAN: I think that we can table
21 it.

22 Tim, you're all by yourself down there.

23 MR. LANE: Yes, I think that we should table it
24 and it will give us a chance and also gives them a
25 chance to put together information. It gives Kevin a

1 chance to provide the more updated information and we
2 can get our questions in to Joe.

3 MR. O'ROURKE: Can we also have the TDE look at
4 it?

5 What's your feeling Joe?

6 MR. LACIVITA: I'd like to look at what the
7 questions are coming in. It might be something that's
8 internal to the department that we can ask and answer
9 and handle it in-house, prior to going to TDE. If it's
10 something that I see outside our realm or outside of my
11 comfort level, then I'll take it to a TDE and have them
12 review it.

13 CHAIRPERSON DONOVAN: When we did Parkside
14 Estates, that was outside the TDE, too, but we handed
15 that over to a TDE.

16 MR. LACIVITA: And I know that we've been over
17 this in trying to make changes to what information that
18 you're getting. I know that I said with the planners in
19 the department when we try to give you information, we
20 put post-it notes on everything and we go through
21 review. I do apologize that you do not have the updated
22 information, but we'll get it to you as soon as
23 possible.

24 CHAIRPERSON DONOVAN: Okay, let's open it up and
25 we'll start with you. Please, identify yourself.

1 MR. LUX: Jeffrey Lux, 51 History Hills Court.

2 We live at the dead end where History Hills is
3 continuing. The last time we were here for this, my
4 wife was pregnant. My son is now six and a half years
5 old.

6 CHAIRPERSON DONOVAN: I thought you were going to
7 tell me that he was in college.

8 MR. LUX: No, it wasn't that bad. We've known
9 nothing about this for the past six and a half years. I
10 think in two years I've seen bulldozer traps going in
11 and there's really nothing that's been done in the last
12 month and a half because you can't get in there because
13 the snow banks are so high. There are issues there. I'm
14 also very concerned about the fact that this is being
15 pushed through or trying to be pushed through because
16 of the owner of the land; Eli Weiss. He was probably
17 having some significant financial difficulties with
18 Latham Circle -

19 CHAIRPERSON DONOVAN: No, that's a different
20 Weiss.

21 MR. LUX: I know that my neighbors have some
22 concerns about flooding issues. After what we have
23 heard about Parkside Estates, I do know that that
24 people on Dublin Court when we moved in, they had
25 significant problems, especially those on the east side

1 of Dublin Court - a significant problem in their
2 backyards and driveways.

3 MR. LACIVITA: Just for the record, I know this
4 is on public hearing, but I'd like to address the
5 statement made that said that this item was being
6 pushed through. It is not, in fact, being pushed
7 through so I would like that stricken from the record.

8 CHAIRPERSON DONOVAN: Yes, ma'am.

9 MS. CLARK: I'm Mary Clark and I live at
10 11 Brookside Court. My backyard would be to this
11 property.

12 I want to know with the wetland - am I going to
13 have water on my property? I'm worried about that.

14 MR. CLARK: I'm Jim Clark and it has been seven
15 years of doing this as it was just said and they don't
16 have a permit to go on the wetlands yet?

17 CHAIRPERSON DONOVAN: I haven't seen it.

18 MR. LACIVITA: I think also to respond to that
19 one, sir, is that the permits are not given until after
20 the board acts and then those permits are filed for and
21 obtained at that point. Then upon final approval, by
22 seeing those permits, then the final approval is given
23 by the Planning and Economic Development Department.
24 So, there are still stages that external boards need to
25 act in addition to this board, as well.

1 CHAIRPERSON DONOVAN: Joe, I'm not trying to be
2 confrontational but I don't understand why this board
3 has to take action. If it went through concept, you
4 knew that those permits were going to have to be
5 received. Why weren't they received before you come for
6 final? I can't figure that out.

7 MR. LACIVITA: We had a development that was
8 going back and I asked the same question of Dave
9 McMorris. I can't remember the name off-hand but that
10 same thing was happening there. The board had to grant
11 final where then Dave had the application pending and
12 then that final permit was received by him because
13 something had happened. Kevin, certainly correct me if
14 I'm wrong or jump in but I know that Dave couldn't act
15 until there was that final action by the Planning Board
16 in order for him to obtain the permit.

17 CHAIRPERSON DONOVAN: Dave from -

18 MR. LACIVITA: From Pure Waters. The application
19 was pending; we didn't get the final permit until our
20 board acted.

21 CHAIRPERSON DONOVAN: I would appreciate it if
22 maybe this board could have a memo to that point,
23 telling us what permits can be received at what point
24 in the process because it would make it much easier for
25 us to understand what we do or do not have in front of

1 us.

2 MR. O'ROURKE: Yes, because the one in the packet
3 was from Phil Pearson saying that he needed a SEAMAB
4 permit. Now you don't need a SEAMAB permit.

5 CHAIRPERSON DONOVAN: Albany County mentions
6 something similar to it. I don't know.

7 Yes, sir.

8 MR. ALLEN: Kevin Allen, 9 Brookside Court.

9 I would just like to emphasize some of the
10 concerns about drainage and water because I heard the
11 other developer be very concerned about water going
12 into the stream and on Brookside Court and where we
13 live is another stream right there. I don't know if
14 you're familiar with the layout of the plan. It goes
15 under Doorstone Drive south where you have insufficient
16 culverts right now draining that stream when you have
17 any sizable storm. So, that developer went through pain
18 to mitigate any additional drainage or runoff and I'm
19 not familiar with this project but I haven't heard any
20 of that tonight as far as this project is concerned.

21 CHAIRPERSON DONOVAN: Thank you.

22 Yes, sir.

23 MR. TURNER: Jeff Turner, Grandview Drive.

24 I'm upstream from the drain that you're talking
25 about, but I might be downstream to the other drain.

1 We're downhill from the property that we're looking at.
2 I'm more concerned about the quality of life issue
3 besides drainage.

4 One of the things that I'm concerned about is
5 that area of land is one of the last wild lands left in
6 that area. We have a number of turkeys that go through
7 there. We have a number of deer that go through there
8 and we have the occasional coyote that goes through
9 there.

10 FROM THE FLOOR: We have fox there also.

11 MR. TURNER: Yes, we have fox, too. We have all
12 kinds of really cool stuff and that is going to
13 eliminate that.

14 CHAIRPERSON DONOVAN: I think that was one of the
15 things that I may have brought up. In one of the
16 letters that was in my packet here had to do
17 with - - may contain sensitive habitats. That's why we
18 were looking for something from this Natural Heritage
19 program to determine their interest, if any, in this
20 project. I don't have a comment to that. So, that's
21 very valid and we would like to see that.

22 MR. TURNER: I have a couple of other things.

23 The whole property that is being talked about on
24 McCarthy Drive. That's become a major party zone as
25 well as a dumping zone. There are all kinds of tire

1 mounds in there and materials in the drainage pipes.
2 It's a major dump.

3 MR. LANE: Coming from different areas from
4 on-going projects? Is this an on-going thing?

5 MR. TURNER: Yeah. They pulled some of the stuff
6 out, but not all.

7 MR. LANE: I saw that but I wasn't sure if that
8 was old history or if this is something that is an
9 on-going problem.

10 FROM THE FLOOR: There are fires up there, too.

11 MR. TURNER: Yeah, we have two fires a year back
12 there. Mostly it's started by the kids that are
13 partying up there. If you have 14 or 15 more houses
14 there and you take out that one party area, they're
15 just going to move to the woods where there is a
16 trailer park. I'm really afraid that this is just going
17 to exacerbate the problems as well as take away my
18 turkeys.

19 CHAIRPERSON DONOVAN: Okay, thank you.

20 Yes, sir.

21 MR. BEACH: Robert Beach, 36 Doorstone.

22 I'd like to reinforce also that the wildlife on
23 my property backs up to the pond. There are turtles and
24 ducks that come every spring. I know the Army Corp of
25 Engineers looked into this years ago and they made

1 comments about it.

2 Also, before living on Doorstone, I lived down
3 the hill on Limerick from '94 to 2002. I can tell you
4 that as far as water, the drain-off and storm sewers,
5 in the six or seven years that we lived there, I would
6 say that at least three or four times water would
7 actually come out of the storm drains and was two feet
8 deep. I think that if you add any more water to that
9 drain, that's going to be a problem. I haven't lived
10 there for seven years, but the years that we lived
11 there, it was unbelievable.

12 CHAIRPERSON DONOVAN: Yes sir.

13 MR. CAMPBELL: Kyle Campbell, 34 Dublin Court.

14 I don't know who agreed to the drainage or how it
15 worked out, but if you drive on the east side of that,
16 the water that comes down on that property there is
17 pretty much going to destroy that parking lot. If you
18 come up Inch Lane and down Dublin Court, you can see
19 where water has to be running down the hill because we
20 have water coming through the shut off - the main that
21 goes down it and we also have water coming up through
22 the road.

23 So, like I said, I don't know how they agreed to
24 the first couple terms of it, but you have water
25 problems now and water running down the hill under the

1 blacktop and through people's yards.

2 If I moved to Colonie East I'd be pretty upset
3 because you can't drive through there in the winter.
4 There has to be four or five inches of ice across that
5 whole parking lot. It isn't because they aren't
6 plowing. It's just that the water is coming down the
7 hill and building up on the reads.

8 CHAIRPERSON DONOVAN: Yes, sir.

9 FROM THE FLOOR: 15 McArthur Road, the end of the
10 street, [SIC] Don Calnen's property. The water back
11 there when they have a major storm is four feet deep.
12 It goes right into the next backyard. It's flooded.
13 Sometimes the town has to go down there with a rock
14 salt truck and salt it just so that they can break the
15 ice to go down the drain. The creek comes right over
16 the top of it.

17 CHAIRPERSON DONOVAN: Thank you.

18 Anybody else?

19 *(There were no responses.)*

20 CHAIRPERSON DONOVAN: That was a lot. But it was
21 good though. We would never have known. I appreciate
22 your input.

23 Joe, there seems to be a lot of issues and what
24 I'm hearing from the neighbors is that we may send this
25 to a town designated engineer and we'll have to

1 determine that. It may go in that direction.

2 MR. LACIVITA: What I'll do is supply you and
3 Peter with the responses to all the questions. If
4 there's a comfort level there or not, we'll pass it on
5 to a town designated engineer. Then we'll go from there
6 and see what happens.

7 I know that the office has received a number of
8 calls regarding the site from probably some of the
9 residents that could not make it tonight so there are
10 water concerns which I was going to address in some of
11 my comments.

12 So, we can table and I'll get some answers to
13 you. We're not going to rush to get this back on.

14 FROM THE FLOOR: Will we be notified?

15 MR. LACIVITA: You'll be notified just like we
16 did the last time. Everyone that's within the buffer.
17 It's a courtesy to notify.

18 MR. LANE: Jean, as far as the property owner,
19 currently, and the current status of the property - it
20 kind of concerns me about this public dumping is an on-
21 going issue, more or less.

22 CHAIRPERSON DONOVAN: Is it on your property, Mr.
23 Weiss or is it on someone else's property that the
24 dumping is occurring?

25 MR. CAMPBELL: I'm not Mr. Weiss. I'm Don Calen's

1 friend. A lot of that stuff that's on that property was
2 from John [SIC] Degillio. He dumped a lot of that
3 there. Most of those sewers were put in there way back
4 when he had trouble with Colonie and they weren't going
5 to allow him to do it.

6 CHAIRPERSON DONOVAN: They know that there is a
7 spot there to dump, so they go ahead and dump.

8 MR. CAMPBELL: They had a guy living there and
9 they arrested him about nine times. I don't know where
10 he is now.

11 FROM THE FLOOR: And they only have one entrance
12 to get in there.

13 CHAIRPERSON DONOVAN: And that's a concern. She
14 brings up a good point about the one point of ingress
15 and egress there because we just did this Morocco Lane
16 up off of Bonner Avenue and up in the western part of
17 town and that was one of the issues.

18 FROM THE FLOOR: There is no access, just one
19 way.

20 CHAIRPERSON DONOVAN: Fire safety; EMS and the
21 police seem to be wanting more second points of ingress
22 and egress.

23 MR. DELAUGHTER: Just a little history on that:
24 When the other end of History Hills Court was proposed,
25 it was proposed to connect through Limerick Avenue as

1 well as connect over to Kunker. The neighborhood really
2 did not like that idea.

3 CHAIRPERSON DONOVAN: I think I remember
4 something about that.

5 MR. DELAUGHTER: I know the only other
6 alternative here would be to connect to
7 Watervliet-Shaker Road and I don't think that the
8 neighborhood would like that either.

9 MR. LANE: Those things tend to be short sighted.
10 I mean when you have to think of the public safety
11 factor.

12 CHAIRPERSON DONOVAN: Your right when you bring
13 in the public safety factor, sometimes the alternatives
14 are not so pleasant.

15 I think I remember hearing something about that,
16 Kevin, years ago.

17 So what we will do is table this to an unknown
18 date and it will be when we do a hearing again. We will
19 certainly have certain notices sent out.

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

22 CHAIRPERSON DONOVAN: Do I have a second?

23 MR. LANE: Second.

24 CHAIRPERSON DONOVAN: All those in favor?

25 *(Ayes were recited.)*

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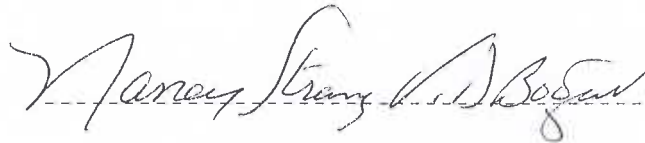
CHAIRPERSON DONOVAN: Opposed?

(None were opposed.)

*(Whereas the proceeding concerning the above entitled
matter was adjourned at 9:22 p.m.)*

CERTIFICATION

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

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12 
13

NANCY STRANG-VANDEBOGART

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17 Dated March 2, 2009
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Nancy Strang-VanDeBogart
518-542-7699
518-374-1061