

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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4 *****
5 THE PUBLIC HEARING REVIEW REGARDING
6 ARCHMONT KNOLLS PHASE 5
7 *****

8

9 THE TAPED AND TRANSCRIBED MINUTES of the above
10 entitled proceeding BY NANCY STRANG-VANDEBOGART
11 commencing on July 28, 2009 at 7:36 p.m. at the
12 Public Operations Center 347 Old Niskayuna
13 Road, Latham, New York 12110

14 BOARD MEMBERS:

15 JEAN DONOVAN, CHAIRPERSON
16 C.J. O'ROURKE
17 MICHAEL SULLIVAN
18 ELENA VAIDA
19 TIMOTHY LANE
20 TOM NARDACCI
21 PETER STUTO, Jr. Esq., Attorney for the
22 Planning Board

23 Also present:

24 Joe LaCivita, Director, Planning and Economic
25 Development

Brad Clark, Barton & Loguidice

Victor Caponera, Esq.

Melissa Courier, PE, C.T. Male

Kevin Delaughter, Planning and Economic
Development

Elio Macheli, Developer

25

1 CHAIRPERSON DONOVAN: Also on the
2 agenda this evening was a public hearing
3 on Archmont Knolls Phase 5. This is a
4 32 lot residential subdivision review and
5 action on final plans.

6 MR. STUTO: Notice is hereby given
7 that pursuant to Section 276 of the Town
8 Law, the Town Planning Board of the Town
9 of Colonie, Albany County, New York will
10 meet and conduct a public hearing at the
11 Public Operations Center,
12 347 Old Niskayuna Road, Latham in said
13 Town of Colonie, County of Albany, New
14 York on the 29th day of July 2009 at
15 7:05 p.m. for the purpose of hearing all
16 persons upon the approval, modification or
17 disapproval of a certain residential
18 subdivision plat in the Town of Colonie,
19 County of Albany, known as Archmont Knolls
20 Phase 5 consisting of approximately
21 29.2 acres of land located at
22 Champagne Court and Fort Vaux Lane to be
23 divided into 32 lots, dated July 22, 2009,
24 Latham New York, Town of Colonie Planning
25 Board, Jean Donovan, Chairperson.

1 CHAIRPERSON DONOVAN: Thank you.

2 Mr. Caponera, good evening.

3 MR. CAPONERA: Good evening Madam

4 Chairman, members of the board.

5 With me tonight is Elio Macheli who

6 is sitting in the front seat. We have

7 Melissa Courier who is behind him from

8 C.T. Male.

9 C.T. Male has been the design

10 engineer on this project going back as far

11 as 1990 when I ruined my first suit

12 walking through the beginning portions of

13 Archmont 1. This is the fifth phase, the

14 final phase of the Archmont development of

15 177 acres.

16 For those of you on the board who

17 don't know, in 1922 there was a

18 subdivision approved on this property

19 which was known as Archmont Inc. It had in

20 excess of 3,000 lots that measured a

21 whopping 25 feet by 100 feet. Most houses

22 in Archmont Knolls today exceed 2,500

23 square feet.

24 CHAIRPERSON DONOVAN: I thought that

25 you were going to tell us that we were

1 going to have to abide by that
2 subdivision.

3 MR. CAPONERA: We, too, got concept
4 approval on this final phase in 2002 and
5 essentially nothing has changed as opposed
6 to what we saw on the other application.
7 The lot is the same as these lots
8 (Indicating). There are fairly substantial
9 lots. The largest one is almost 120 square
10 feet. The smallest one is just over the
11 18,000 minimum. They averaged close to an
12 acre per lot if you average them all out.
13 Essentially, we're here tonight seeking
14 final approval.

15 Madam Chairman, I do know that
16 several weeks ago we met in Joe's office
17 and Joe LaCivita was there as well as you.
18 I know that I was there and I believe that
19 Melissa was there. There was some
20 discussion about this proposed easement
21 for a future road that we had discussion
22 on but it was part of the concept approval
23 so it's still here. It's certainly subject
24 to the board's amendment and their
25 discretion to pull that out of there

1 because there is not going to be a road
2 there now. This is the roadway that we put
3 in there in concept. Do you recall that
4 discussion?

5 CHAIRPERSON DONOVAN: Yes.

6 MR. CAPONERA: There is no need for
7 that anymore. So, if the board is so
8 inclined that could be eliminated and of
9 course it would make the lots bigger.

10 One of the other items that we worked
11 a long time on is with Mr. Frazer from
12 water. He insisted that this be a looped
13 system. What I mean by that is that he
14 wanted a connection from the cul-de-sac
15 over to Route 2 and we designed that such
16 that it's going to be a 12-inch line?

17 MS. COURIER: Yes.

18 MR. CAPONERA: We're even going to
19 replace from Route 2 through Unifirst
20 Corporation's property existing line. I
21 think it's either four or six inches.

22 MS. COURIER: I think that it's six.

23 MR. CAPONERA: So that's the design
24 of this concept too. And there has also
25 been a fairly significant conservation

1 easement that's been proposed which kind
2 of follows this dotted line. It means in
3 layman's terms that you can't develop
4 anything beyond that. A significant part
5 of this, especially the larger lots, are
6 basically forever wild.

7 I'm going to have you come up here
8 for a minute and have you talk about the
9 drainage and where this is going and where
10 it is in relation to the other phases that
11 we have done. Again, this is the last
12 phase. This is the total of 177 acres that
13 I've been working on with Elio since 1990.

14 MS. COURIER: I'd like to give a
15 brief summary of the sewer and water
16 first. The sewer and water is being
17 extended from the existing Phase 4 on the
18 southern portion of the previous phase.
19 The water will be looped through Route 2
20 and the sewer will go around Phase 4 and
21 out. As a condition of our original
22 concept approval that had to be in prior
23 to this and it has since been approved and
24 that's been installed.

25 The stormwater all flows into the

1 Phase 4 most southern detention basin. It
2 has treatment and it all conforms with the
3 current standards. It was all for the
4 original design plan to have us phase into
5 that basin. It has its own pretreatment
6 and it also has its own detention basin
7 which ultimately gets released to the rear
8 and the southeast direction of the
9 properties.

10 This is really the most down gradient
11 portion of the site. All the other phases
12 are released up higher. It ultimately, all
13 comes down to where this one is. We are
14 not going up but we are going down into
15 this pond.

16 I don't know if I can add much more
17 to it.

18 CHAIRPERSON DONOVAN: Brad, did you
19 review this project?

20 MR. CLARK: We submitted a proposal
21 to the town. I have essentially just
22 scratched the surface on what is a
23 drainage issue up in Phase 3. This was not
24 one of our assignments.

25 MS. COURIER: This does not drain

1 toward Phase 3, however. It's downgrading
2 to that detention pond in that area.

3 CHAIRPERSON DONOVAN: This board was
4 never involved in phases 1 through 4, so
5 you'll have to bear with us.

6 I've heard that there are problems in
7 the other phases and I'm wondering what's
8 being done to address those problems. Is
9 it a problem that was a result of a
10 developer's problem? Is it the plans that
11 were approved by the town? Was there a
12 problem with those? What are the issues?

13 MS. COURIER: I think that's what
14 Brad was hired to look into. I don't know
15 if that has been determined yet.

16 MR. CLARK: There are some
17 interesting photos.

18 CHAIRPERSON DONOVAN: We have copies
19 of the photos here.

20 MR. CLARK: Joe is sending some more
21 so that you can see it first-hand. There
22 has been some localized flooding and it's
23 headed out into the roadways and there is
24 a substantial drainage issue there.

25 CHAIRPERSON DONOVAN: Now, this photo

1 here, Brad, is this someone's backyard?

2 MR. LACIVITA: No, I can speak to
3 that. That's actually Mr. Scampini's
4 backyard. That's been an ongoing problem
5 since day one. It's been a standing
6 problem that Mr. Scampini has had.

7 CHAIRPERSON DONOVAN: We have to keep
8 some order here.

9 Who did we receive photos from now,
10 please?

11 MR. SHARP: Steve Sharp.

12 CHAIRPERSON DONOVAN: And your
13 address sir?

14 MR. SHARP: 10 Somme.

15 CHAIRPERSON DONOVAN: And you, sir?

16 MR. FARRON: Michael Farron, 18
17 Verdun.

18 CHAIRPERSON DONOVAN: And the first
19 gentleman that came up was -?

20 MR. SCAMPINI: Scampini, 5 Cambrai.

21 CHAIRPERSON DONOVAN: And when are
22 these from?

23 MR. LACIVITA: Those are from the
24 June 15th storm of this year. It
25 specifically has Mr. Scampini's backyard

1 in the photos, which again, has been an
2 ongoing problem since the development of
3 that phase. That's what Brad was talking
4 about earlier.

5 We're looking to put a letter
6 engagement together with Barton and
7 Loguidice to review the stormwater
8 conditions and the problems in the back of
9 Mr. Scampini's yard.

10 MR. O'ROURKE: How long ago and what
11 phase?

12 FROM THE FLOOR: This is Phase 3.

13 MR. LACIVITA: Okay, and I think
14 Paul, you have been there eight or ten
15 years?

16 MR. SCAMPINI: This happens annually.

17 MR. O'ROURKE: Has there been ongoing
18 communication with the developer?

19 MR. SCAMPINI: With the town. The
20 town has tried to come in and help
21 remediate this but unsuccessfully.

22 MR. CAPONERA: Can you explain this
23 to the board how this works? They weren't
24 part of Phases 1 through 4.

25 MS. COURIER: Basically we go through

1 the DEC approvals for the sewer and water
2 retentions. Then during the construction
3 there are as-builts that are done and
4 reviewed and ultimately approved. Once the
5 engineering as-builts are completed, the
6 town will then look at them and accept or
7 not accept the infrastructure. Once they
8 review it and consider compliance with the
9 approved plans, they'll accept it. That
10 has been done for that phase.

11 CHAIRPERSON DONOVAN: So, when was
12 Phase 1 completed? When did the town
13 accept the infrastructure?

14 MS. COURIER: That was before my
15 time. I'm not sure. I could tell you about
16 Phase 4.

17 MR. CAPONERA: Phase 3 was 1995.
18 Phase 4 was a year or two ago.

19 MR. COURIER: That was three years
20 ago.

21 MR. CAPONERA: So that would be 2006.
22 So, that was probably in the '90's.

23 CHAIRPERSON DONOVAN: I'm having
24 trouble understanding. Did Phase 1 have
25 problems or is it Phase 3 that had

1 problems?

2 MR. MICHELI: It's a large detention
3 area and I've lived there since 1996. The
4 detention area never had any water in
5 there because a 30-inch pipe runs right
6 through it.

7 There is a restrictor plate on one
8 spaced side of the detention area. The
9 purpose of this is that it retains the
10 water during a storm and releases it. Now,
11 it's retaining water. If that restrictor
12 plate wasn't there, there probably
13 wouldn't be any water in that detention
14 area. It was all designed back at that
15 time, according to the drainage areas -

16 MS. COURIER: Right, but the design
17 at that time was done at that time per
18 those current drainage codes. We didn't
19 have the SWPPP requirements like we have
20 now. The detention basin was ultimately
21 bypassed until certain storm events. It
22 would then flow up from underneath the
23 pond and then fill it up and then
24 ultimately -

25 MR. O'ROURKE: So what phase was the

1 radon?

2 FROM THE FLOOR: The methane.

3 MS. COURIER: That was phase 3.

4 CHAIRPERSON DONOVAN: Here is my
5 question: These plans are from 2002 for
6 this phase. Has the stormwater been
7 updated to meet the current standards?

8 MS. COURIER: Yes, it has. Actually
9 they don't have their own pond on this
10 property. It actually gets released here
11 (Indicating) on the most southern end of
12 Phase 4. That's the only treatment pond.
13 It does meet current standards. It was all
14 updated after that 2002 time.

15 MR. MICHELI: After 2002, during
16 those years there were regulation changes
17 with DEC regarding strictly detention.
18 Since that time there have been silting
19 basins, micro pools and so forth that
20 retain silt. That has happened since 2002,
21 currently. This would be redesigned right
22 along the way.

23 CHAIRPERSON DONOVAN: When you have
24 retention basins and the town takes over
25 the infrastructure, does the town have a

1 schedule to come to clean out these
2 retention basins? Does anyone know?

3 MS. COURIER: Now there is under the
4 SWPPP. There's a schedule on the
5 maintenance. It has recommendations
6 depending on what the treatment is, how
7 often you should clean it up.

8 MR. O'ROURKE: I asked Bob Mitchell
9 that question and he said in place right
10 now the town does not have one designated
11 because of personnel.

12 MS. COURIER: It's not in the town
13 code. It's required from our engineers.

14 MR. O'ROURKE: I think that the
15 chairlady asked after it's turned over and
16 once we own it - the taxpayers own it.

17 MS. COURIER: It's not written in
18 code. It is just recommended how often to
19 maintain it, depending on what that
20 treatment or detention section or catch
21 basin or whatever that may be.

22 MR. MICHELI: What happens is that
23 after the project is completed, there
24 really should be very little silt because
25 everything is gone. Initially, you will

1 have some run-off.

2 MS. COURIER: And at that time the
3 town doesn't own it.

4 CHAIRPERSON DONOVAN: So before you
5 turn it over to the town, do you usually
6 have to clean the basin?

7 MS. COURIER: Yes.

8 MR. DELAUGHTER: There are
9 circumstances where the town will take
10 over the roads and the stormwater basins
11 while the homes are being constructed. In
12 those cases, we have a maintenance
13 agreement with the developer so that they
14 are still responsible for maintaining the
15 stormwater management system until all of
16 the construction is completed and the
17 disturbed soils are stabilized.

18 MS. VAIDA: Where on the map are
19 these properties?

20 MS. COURIER: The northwest, right
21 here (Indicating).

22 MR. MICHELI: You look at this and it
23 looks pretty drastic but I would look
24 right across Steve Sharp's home. With the
25 water here, after a half an hour, it was

1 gone.

2 MR. SHARP: Why is my property
3 serving as a detention area when the
4 detention area is not filling up with any
5 water?

6 CHAIRPERSON DONOVAN: And that's what
7 we will have our town designated engineer
8 take a look at and find out.

9 MR. MICHELI: The town was in there
10 with equipment and grading -

11 MR. SHARP: This is water coming up
12 out of the pipe.

13 MR. NARDACCI: You're going to have a
14 chance to make comments.

15 CHAIRPERSON DONOVAN: How many homes
16 in Phase 3?

17 MR. MICHELI: There are 50.

18 MS. VAIDA: And these are in Phase 3?

19 FROM THE FLOOR: Phase 3 and Phase 2.

20 MS. COURIER: Phase 3 is right here
21 (Indicating). Past this point there is
22 another road and the catch basin for
23 Phase 3 is right here.

24 MR. SHARP: The homes that you're
25 looking at with the flooding are all right

1 in here and over here (Indicating). This
2 is where Mr. Scampini's yard is and this
3 is where the back of my house is and the
4 front (Indicating). The entire development
5 drains into the sewer here.

6 This year was the first time that you
7 backed up onto Somme and was literally
8 half way up my driveway and coming in from
9 the back. I was fearful that had the storm
10 continued, we would have been under water.
11 The whole basement was flooded out.

12 MS. VAIDA: So in all the development
13 it's just that one area that has this
14 problem?

15 MR. SHARP: Well, other areas within
16 the development - if you talk to them,
17 they have some issues. It was a
18 substantial storm with the two storms in
19 June. There were three inches of rain in a
20 half hour which is a huge amount of water.
21 Fortunately, the rain ended in a half
22 hour. Just yesterday there was a storm in
23 Pittsfield that dumped 4.75 inches in less
24 than 30 minutes. So, it's possible. That's
25 a big storm.

1 MR. MICHELI: Route 9 was closed at
2 that point also.

3 MR. CAPONERA: I couldn't get into my
4 street over on Fox Run with that storm
5 because it was flooded. It had two feet of
6 water in it.

7 MR. NARDACCI: While we're on this,
8 I'd like to hear from you, Melissa. Could
9 you explain about this project? Could you
10 explain the best that you can to us about
11 the interchange, what's being developed,
12 what's existing and what the problem is? I
13 know that a lot of people have concerns
14 and I'm looking forward to hearing
15 everyone's concerns, but I would like to
16 hear from you and your explanation of
17 what's going on.

18 MS. COURIER: I didn't work as an
19 engineer on it at that time, but I do have
20 some information on it. I looked at what
21 the design was that was accepted and
22 approved by the town.

23 MR. O'ROURKE: Didn't your company do
24 the design?

25 MS. COURIER: Yes. I can tell you

1 what I know by looking at it.

2 MR. O'ROURKE: No, not you
3 personally, but you're representing the
4 same company.

5 MS. COURIER: Absolutely, yes.

6 In the rear yard between Somme and
7 Cambrai Drive there was a low area back in
8 here (Indicating). There were two storm
9 structures that were proposed to be put
10 in. The pipes run this way (Indicating)
11 and they run towards the east across the
12 street off of Cambrai Drive. Typically it
13 backs it up into the detention pond.
14 That's what the design was and what was
15 required of us to do at that time. The low
16 spot was intended to be picked up by the
17 catch basin and put into what is a
18 significantly large pipe. I believe that
19 there are two pipes there now. I'm not
20 sure though because I wasn't involved in
21 it at that time.

22 However, I do know that those pipes
23 are a relatively shallow pitch. That might
24 have some bottlenecking effect and with a
25 high intensity storm, there is a lot of

1 water. That's what I think is causing the
2 multiple problems. I can tell you what we
3 have designed, but I cannot tell you what
4 was installed. We do not go out and do
5 as-builts afterwards. I, as C.T. Male, do
6 not go out and do as-builts. Another
7 engineer is hired by the town to go out
8 and verify it.

9 MR. NARDACCI: How does what's going
10 on here connect to what's being proposed?

11 MS. COURIER: This is upstream to our
12 proposal at this time. Stormwater actually
13 flows to the east and northeast. All this
14 runs down south towards Route 2. Our
15 stormwater is proposed here (Indicating).
16 The whole portion of Phase 4 goes in
17 length. I cannot begin to tell you how
18 long it is. It's long before we get to
19 this point.

20 MR. MICHELI: This drainage area has
21 nothing to do with the prior areas. It's
22 completely separate.

23 MR. NARDACCI: It's important to
24 understand. I'm looking at homes here that
25 are probably \$400,000 or \$500,000 homes in

1 this area. I don't care if it's three
2 inches or four inches. There shouldn't be
3 this kind of water every year.

4 MR. O'ROURKE: And Tom, moreover, I
5 specifically asked Phase 2 and Phase 3
6 1995 - then Phase 4 is 2006 and nobody
7 fixes it?

8 MR. NARDACCI: Why can't we fix it?

9 MR. FARRON: There was a methane
10 issue, but that's a whole other story.

11 MS. COURIER: The same thing with
12 Phase 4 though. Phase 4 didn't add any
13 stormwater to that area. The stormwater
14 flows downhill from there.

15 MR. O'ROURKE: And again we have a
16 developer developing attractive property
17 where there are known problems in Phases
18 1, 2 and three; correct?

19 MS. COURIER: Yes.

20 MR. O'ROURKE: And we, as a town,
21 allowing them to build Phase 4, without
22 fixing Phase 3 because they turn it over
23 to the town and to the taxpayers? Somebody
24 help me because I'm not very smart.

25 MR. FARRON: I have lived in the

1 development for 12 years. To answer your
2 question from the residents' standpoint, I
3 moved there in 1998 and that was the end
4 of the development at that time. I also
5 happen to be an engineer and I also have
6 worked at DEC so I know about a lot of
7 these regulations and requirements.

8 This development went in as phases
9 and as they did, they built small sections
10 and built temporary detention basin and
11 prepared for the next phase and moved the
12 detention basin down. What they did over
13 the course of time was to take Marne,
14 Belleauwood, Verdun, Ashington and some of
15 the upper streets and bring all of that
16 drainage to one 30-inch pipe. At that time
17 the pipe was open right behind my yard and
18 I'd go back and take a look because that's
19 just the nature of what I do. It would
20 flow almost full every third storm. It was
21 a huge flow.

22 I was at every one of these Planning
23 Board meetings. I came and I commented.
24 Melissa, you and I have talked before. I
25 said you've got this huge flow. What are

1 you going to do about it? My suggestion
2 was break off some of the flow at that
3 time of the development. I don't know what
4 happened with that. You need to separately
5 do Marne and Verdun because you're
6 collecting all this water from a low point
7 which used to be a stream coupled with the
8 fact that now the weather appears to be
9 changing and we're getting the more
10 intense storms. This is just going to be a
11 regular event.

12 I went through the calculations that
13 C.T. Male did in 1998 and they used a
14 10 year storm event which I don't think
15 personally is -

16 MR. O'ROURKE: You just hit it on the
17 head. In 2006 we know that there are
18 verifiable problems in this development.
19 Nobody would argue any other side. There
20 are verifiable problems. What are you
21 going to do to fix the problems?

22 MS. COURIER: That's what I was
23 trying to say before. The town is looking
24 into what to do to fix the problems. The
25 infrastructure and the pond is owned by

1 the town so they're looking into it. We
2 would assist the engineer and we've talked
3 about all of us getting together and going
4 through that. There have been measures
5 that were taken. Those measures did not
6 work so we're looking to do something
7 additional to it.

8 MR. FARRON: You put a stamp on it.
9 You certified those plans.

10 MS. COURIER: I can't say what is in
11 there and I can't say what was built. For
12 all I know the swales were not put in that
13 were supposed to be put in. All I can tell
14 you is that our computations were done to
15 the standards.

16 MR. FARRON: As a resident what I'm
17 asking for is a delay of this approval
18 pending a review of the entire
19 development. You're now asking for the
20 final phase. Whether the town is going to
21 hire an engineer - or I would prefer that
22 C.T. Male go and reevaluate the sewers and
23 how they laid it out. Maybe there's a
24 change that they could make.

25 MR. NARDACCI: Brad, could you make

1 it clear where you are and what's
2 happening? Is B and L engaged here and
3 where are we?

4 MR. CLARK: We submitted a proposal
5 to look at this work. Essentially our
6 focus is on the Phase 3 area. Phase 2 is
7 tributary to it. There is some existing
8 drainage that comes down. I have my
9 suspicions what the problems could be. I
10 need to do a rather extensive hydrologic
11 model -

12 MR. NARDACCI: Brad, putting you on
13 the spot, what kind of time frame are we
14 talking about? From approval to here's the
15 project, here's the budget to the final
16 analysis to coming up with -

17 MR. CLARK: About three weeks.

18 MR. O'ROURKE: So before we read
19 about somebody's kid in one of these -

20 MR. FARRON: What happens is that the
21 flow reverses in these drainage things. I
22 have seen kids out there playing on their
23 bikes. I saw it and I yelled and told them
24 to get out. If they get in there or if the
25 sewer knocks the grading off, they're

1 gone. They get sucked right down into that
2 sewer.

3 MR. O'ROURKE: This is a huge safety
4 issue.

5 CHAIRPERSON DONOVAN: But Brad,
6 you're analyzing that now on behalf of the
7 town?

8 MR. CLARK: Correct.

9 CHAIRPERSON DONOVAN: But the town
10 has already signed off on this
11 infrastructure, so it's ours now. It's our
12 problem now; is that correct?

13 MR. CLARK: Essentially. I do think
14 that there is some leverage at this phase
15 to get these rectified.

16 CHAIRPERSON DONOVAN: I would like to
17 hear something from Mr. Mitchell at DPW
18 why he accepted each phase if there was a
19 problem. Why did he accept Phase 4 when
20 there was still a problem with Phase 3? I
21 think that's just an important logical
22 sequence of events. We can find out why
23 that happened. I mean, this gentleman
24 built the way that he was supposed to
25 build. He built to the standards that he

1 was supposed to build to. The town signed
2 off and the town took over the property
3 but it wasn't right. There was something
4 wrong.

5 MR. LACIVITA: And even though the
6 Town of Colonie tried to address the issue
7 by putting in a secondary pipe over this
8 30 inch it's not even accepting water or
9 taking any water away to do any
10 assistance. You'll see from the photos
11 there that were provided. So, even the
12 design of that fix was incorrect.

13 I know that Mr. Grant and
14 Mr. Scampini and myself have been meeting
15 with Bob Mitchell and Bill Neeley to get
16 closure of the issues of his backyard but
17 again, this has been an ongoing concern
18 since day one that they moved in.

19 CHAIRPERSON DONOVAN: It seems like
20 it's more than just one yard. This
21 gentleman built according to standard so
22 the town signed off.

23 MR. MICHELI: On the downstream side
24 there is a restrictor plate with a
25 30-inch pipe that they restricted which

1 was intended to hold the water back. Now
2 if you take that restrictor plate out the
3 water is going to go through there. So,
4 the water is filling up that detention
5 area when we had all of that rain in such
6 a short period of time.

7 CHAIRPERSON DONOVAN: Why did they
8 put that restrictor plate in?

9 MR. CLARK: To not increase the post
10 development run-off.

11 MR. NARDACCI: It's not just a plate.
12 We just had the City of Watervliet here
13 talking about other types of flooding
14 issues.

15 MR. FARRON: It comes in as an E and
16 before they built the pipe in, it was
17 flowing full every third storm. Now you
18 add all the other drainage to the area,
19 plus it's coming off of Swatling Road and
20 Haswell Road. Given the way that the
21 weather is going, I truly believe that
22 we're moving towards the year of larger
23 summer storms. We really got lucky this
24 time that there was only 30 minutes of
25 rain. Had it been an all day storm of

1 10 inches which is not unheard of, all of
2 our yards would be flooded and all of our
3 basements are going to be flooded. We're
4 going to be like the Mississippi River.
5 Our homes are going to just wash away. I
6 really felt that the only thing holding
7 all that water back from the street into
8 my basement and the other basements in the
9 area were the check valves and our sump
10 pumps and that's just not acceptable.

11 CHAIRPERSON DONOVAN: Mr. Micheli,
12 it's your recommendation that the
13 restrictor plate be removed?

14 MR. MICHELI: It could be enlarged.

15 CHAIRPERSON DONOVAN: Okay.

16 MR. MICHELI: Now, I've been there
17 since 1996. Rarely have I seen water in
18 the detention areas.

19 MR. FARRON: But this was a big storm
20 event. It's hard to say if it's a
21 restrictor plate. What I'm saying is with
22 a huge slope and then water flowing out of
23 the pipe - it will be just pushing out and
24 wanting to go downhill and it increases
25 the force behind it and it just starts to

1 back up. Whatever it may be, I think that
2 you need to see the calculations of the
3 engineer being hired by the town and have
4 the next meeting. Maybe have a follow-up
5 in four or five weeks to say, okay I've
6 evaluated it. I've done my run-off
7 calculations and whatever and I've found
8 that this isn't right or we need to take
9 the head off of this pipe and bring it
10 straight down Marne to get rid of that.
11 Whatever that might be along with maybe a
12 couple of options and not just taking one
13 plate off, because I don't believe that
14 just taking the plate off will fix the
15 problem.

16 CHAIRPERSON DONOVAN: I think he said
17 enlarge the plate, right?

18 MS. COURIER: Enlarge the plate.

19 MR. MICHELI: If the water hasn't
20 backed up in the detention area all these
21 years - - and all these years it's been
22 doing its job.

23 In the backyard there are two catch
24 basins. Now, the possibility is that those
25 catch basins aren't large enough to take

1 the water going in to them or you could
2 have leaves or debris covering those
3 drainage basins. Every time you cut the
4 grass, the grass is going to cover that.

5 MR. FARRON: The town videotaped the
6 sewer at that time because there were
7 different areas of development and they
8 were concerned that they may have needed a
9 silt insert and because of the flow rate,
10 the scouring velocity was just clearing
11 those brand new pipes. That's when I spoke
12 to Mitchell or someone from the town.

13 Just as a resident, I'm concerned and
14 my neighbors are all concerned because at
15 any given time, you may be away on
16 vacation or something and you don't want
17 to have it on your mind that your house is
18 going to flood. The first thing you do is
19 worry when the power goes out because then
20 the sump pump is out. One of the things
21 that I'm going to do is get a back up one
22 because I'm concerned.

23 MR. CLARK: There have been some
24 historic observations that the basin
25 hasn't filled to the extent that one would

1 expect given the intense rainfall. Even
2 the pictures, holding that water is the
3 job of the detention basin. That's taking
4 the water out of the system temporarily.
5 They are bound to do on-site detention.

6 CHAIRPERSON DONOVAN: Brad, have you
7 reviewed this phase of the project - this
8 stormwater?

9 MR. CLARK: No, we haven't been
10 involved in this phase.

11 CHAIRPERSON DONOVAN: I would like
12 you to, please.

13 Tom, do you have anything?

14 MR. NARDACCI: My comment is the fact
15 that it's just unclear to us at this point
16 what the extent of the problem is versus
17 how this phase plays into it; if it does
18 or it doesn't. I think that we're better
19 off if we just let Brad go through the
20 stormwater and make an evaluation of
21 what's happening in Phase 3, which is
22 causing a lot of problems. Let's find a
23 solution to that first before we decide to
24 move forward on this phase. My sense of it
25 is that the homes look nice and it's a

1 nice neighborhood. It's well built out and
2 I'm sure that this phase will build-out as
3 well. Giving a little more time is well
4 worth it. That's my comment. That's what
5 I'd like to say.

6 MR. CLARK: I've met with DPW and
7 came up with some theories and went out
8 and did some inspections of the pipe. It
9 wasn't something obvious or simple that
10 there was sediment or blockage or
11 obstructions in the pipe. They appear
12 clean. There is a bottleneck there. My
13 guesstimate at this time, having not done
14 the modeling is that the detention basins
15 need a tune-up. It needs to be using more
16 of its storage potential during these
17 events.

18 CHAIRPERSON DONOVAN: That's what
19 Mr. Micheli was just saying.

20 MR. MICHELI: Phase 4 was a
21 completely separate drainage area. It had
22 its own detention basin. You can't call
23 them Phase 4.

24 CHAIRPERSON DONOVAN: Hold on please.
25 I'm going to open it up to the public. I

1 have to keep some order here.

2 MR. MICHELI: Phase 4 is completely
3 independent of Phase 3 as far as the
4 drainage is concerned. It has a large
5 detention area which there is no problem
6 there.

7 CHAIRPERSON DONOVAN: Brad, you've
8 been working with DPW, Bob Mitchell and
9 highway?

10 MR. CLARK: Yes. One of our next
11 steps is to get together and talk.

12 MS. COURIER: Yes. He was involved in
13 the Phase 3 as well and he knows the code
14 very well and how it was designed at the
15 time.

16 CHAIRPERSON DONOVAN: Tim?

17 MR. LANE: I would simply just agree
18 that we can't move forward with this until
19 we're 100% sure that any issues that the
20 previous phases have had have been
21 addressed and they're not going to occur
22 in the new phase. It just doesn't make any
23 sense.

24 CHAIRPERSON DONOVAN: Elena?

25 MS. VAIDA: I think that my concerns

1 have been addressed by the other members.
2 I'm in agreement that we need more
3 information before we can move forward
4 with final approval.

5 CHAIRPERSON DONOVAN: Mike?

6 MR. SULLIVAN: I did have a question
7 for Brad.

8 I'm a bit confused. There is a
9 30-inch pipe going into the detention
10 basin for Phase 3?

11 MR. CLARK: Actually, it goes
12 underneath and runs through it.

13 MR. SULLIVAN: And that has a
14 restriction at the outlet to delay the
15 release of all the water?

16 MR. CLARK: Right. Basically it was
17 meant to back water up into the basin. In
18 a perfect world, it's doing that and isn't
19 having a tail water effect on the
20 30-inch pipe leading to it and producing
21 these backyard detention areas.

22 MR. SULLIVAN: So if you enlarged the
23 restrictor plate, it would fill up more of
24 the detention basin?

25 MR. CLARK: That may or may not be

1 the answer. It may be getting the 30-inch
2 directly into the basin. I don't know if
3 the profile would allow that or some
4 additional connection.

5 MS. COURIER: It's a shallow slope of
6 the pipe and I'm not sure if we could do
7 that.

8 MS. VAIDA: Did you say that the
9 stormwater permits have been updated?

10 MS. COURIER: The stormwater ponds
11 have been updated. Actually the pond that
12 you connect into has been done through the
13 Phase 4 review and approval and they were
14 updated to meet the current SWPPP
15 standards and were signed off.

16 Phase 4 has its own and they share a
17 detention basin in the middle of it before
18 it's released. This will be constructed
19 during that phase.

20 MS. VAIDA: I guess what I'm asking
21 is: Did you file a new stormwater
22 prevention plan and has it been looked at?

23 MS. COURIER: Yes. It was all done as
24 part of this phase. We resubmitted it
25 again, yes.

1 MS. VAIDA: In what year?

2 MS. COURIER: I don't know when we
3 submitted it. It had to be at least 8
4 months ago or more.

5 MS. VAIDA: But it was in the last
6 year.

7 MS. COURIER: Yes.

8 MR. SULLIVAN: Is Phase 4 completely
9 built out?

10 MS. COURIER: I believe that there
11 are still some homes that are vacant or
12 some lots.

13 MR. MICHELI: There are probably six
14 or eight homes.

15 MR. SULLIVAN: And to date, the
16 detention basins for Phase 4 appear to be
17 working?

18 MS. COURIER: There were some
19 modifications that were just recently made
20 last year and everything has been working
21 great. That was treatment and wasn't even
22 detention.

23 MR. MICHELI: It's called a CDS unit
24 which is intended to separate oil and silt
25 from water. That's the intent of this

1 treatment.

2 MR. O'ROURKE: And who owns it now,
3 the town?

4 MS. COURIER: I don't know. I don't
5 think that the Phase 4 has been dedicated
6 to the town yet.

7 MR. SULLIVAN: Phase 4 has been
8 designed to accommodate run-off from
9 Phase 5, right?

10 MS. COURIER: Yes.

11 MR. SULLIVAN: That's all I had.
12 Thank you.

13 CHAIRPERSON DONOVAN: C.J.?

14 MR. O'ROURKE: I have some comments.
15 I'm actually appalled that as a taxpayer
16 that this problem started in 1995 and with
17 all the technology and all the SWPPP
18 regulations that these poor folks that
19 bought homes in here are having the same
20 problem.

21 Since I have been on this board
22 almost going on two years now, I have been
23 up front about turning infrastructure that
24 is ineffectual to the town and having the
25 taxpayers pick up the bill after. I am

1 miffed that something like this comes
2 before us for approval to go with a
3 Phase 5. Nothing against you,
4 Mr. Micheli. I think to ask this board
5 just because you want to build something
6 new and that's somebody's back
7 yard - - you know what? We as a town, the
8 taxpayers, you guys own this. We're paying
9 to fix these mistakes. That, I have
10 difficulty with as I sit up here.

11 MR. MICHELI: Mr. O'Rourke, let me
12 ask you a question. There is development
13 up stream. Whose responsibility is it?

14 MR. O'ROURKE: You're a land guy. You
15 bought the land. You want to develop the
16 land. So, whose problem is it? It's yours
17 but don't pass it off to us in the town.

18 MR. MICHELI: It's not a problem
19 today and ten years from now if you have a
20 large development upstream, it's -

21 MR. O'ROURKE: It's like investing in
22 anything. If you invest in real estate,
23 that's part of the issue. And that's part
24 of my problem when a developer comes in
25 and an engineer develops a system that's

1 supposed to work. Jean, how many times
2 have I said: What if it doesn't work? Who
3 pays? Me, you and every taxpayer pays. I
4 will not support this project moving one
5 inch forward until these problems are
6 addressed and fixed, period.

7 MR. CAPONERA: You said 1995?

8 MR. O'ROURKE: I believe Melissa said
9 Phase 2 and 3 started in 1995.

10 MR. MICHELI: I've been there since
11 1996 and I really saw no problems.

12 MR. O'ROURKE: So let's just say that
13 the Phase 2 and 3 methane was just fake
14 and that they made you put that big blower
15 in because they just wanted to take
16 \$100,000 from you. Let's just say that
17 there has been problems with this
18 development since 1997. Now, it's 12 years
19 old.

20 The gentleman back there - Sir, when
21 did you buy your home?

22 MR. FARRON: In 2000.

23 MR. O'ROURKE: Okay, so I'll retract
24 that. For at least 9 years there has been
25 a problem. What has the town afforded this

1 gentleman, who pays his taxes every year?
2 So, why does this gentleman have water in
3 his yard? It's one of two things. It's
4 either collusive or incompetence but one
5 way or another we, as taxpayers, have to
6 fix it. I can't sleep at night if I let
7 you move forward with Phase 5 without
8 fixing 3 and 4.

9 MR. MICHELI: Except that this
10 project has been reviewed -

11 MR. O'ROURKE: I don't care.

12 MR. MICHELI: There are engineer
13 standards -

14 MR. O'ROURKE: I don't care. We have
15 now town designated engineers that are
16 going to look out for the taxpayers of
17 this municipality. That's the way that we
18 have to function so that this doesn't
19 happen in the future.

20 I'm sorry Jean.

21 MR FARRON: They put a stamp on it.
22 They certified the document as -

23 MR. O'ROURKE: They should be sued.
24 They should absolutely be sued.

25 MS. COURIER: And I think that's

1 totally unnecessary, C.J.

2 MR. O'ROURKE: I'm sorry that you
3 don't agree with that.

4 MS. COURIER: I can tell you that the
5 design gets done and then it gets reviewed
6 and then it gets approved -

7 MR. O'ROURKE: If I do a horrible
8 job, I get fired.

9 MS. COURIER: Are you insinuating
10 that we purposely design things to cause
11 issues?

12 MR. O'ROURKE: No. I did not say
13 purposely. If I do something that does not
14 work and I work for someone, I get fired.

15 MS. COURIER: We, as engineers, are
16 willing to work with them and we have.

17 MR. FARRON: Negligence is a better
18 word.

19 MS. COURIER: It's not like we have
20 ignored the problem. We have met with the
21 town -

22 MR. O'ROURKE: Then why does the
23 gentleman have nine years of water in his
24 backyard? Go fix it. You're C.T. Male. How
25 many engineers do you have? The best SWPPP

1 people in the area, correct? Fix the man's
2 water problem.

3 MR. MICHELI: Have you ever had water
4 in your backyard?

5 MR. O'ROURKE: Fortunately I don't.

6 MR. MICHELI: I have water in my
7 backyard that runs off. That's the
8 situation here. Within a half an hour, the
9 water is gone.

10 MR. O'ROURKE: Did you tell him that
11 when he bought the house? Oh, sir, every
12 storm you're going to have 35 minutes of
13 two feet of water in your yard. Would you
14 buy the property today?

15 MR. FARRON: No.

16 MR. O'ROURKE: No. The guy is on
17 vacation. He wants to worry about his
18 basement flooding? His livelihood? His kid
19 getting swept away? Come on, please.

20 MR. MICHELI: There is a grading plan
21 for each house -

22 MR. O'ROURKE: It's not working. It
23 doesn't work.

24 MR. SHARP: I've lived there 11 years
25 and I saw that sewer when it was being

1 developed and it was always flowing full.
2 You had all that kind of swampy area in
3 that detention basin and it would flow out
4 of there. And then when you built the
5 sewer extension and they went to 30-inch
6 and you add more run-off and you put the
7 12-inch in, I commented to the board that
8 it's not going to work and you need to do
9 something about it. Then Peter Platt said,
10 okay, we made a list of everything and
11 that wasn't addressed because that 12-inch
12 went into the 30-inch. The town had to pay
13 to put that new 24 inch on top and I'm not
14 sure why that's not working but it isn't.

15 The bottom line is that you have got
16 three sewers coming into one and that's
17 what I believe is pushing it. I believe
18 that's the problem. I guess the town is
19 going to pay for it to go through and do
20 the rational method or whatever your going
21 to use and look at the whole development.
22 You need to look at all the sewers and go
23 over the analysis and then go over the
24 calculations. Then you come up with a
25 couple of different options in three or

1 four weeks. Then we can come back the next
2 meeting and say well maybe we can extend
3 the storm sewer on Marne to bypass it. I
4 think that's what the fix is to bypass
5 some of the flow onto the Somme connection
6 and then it wouldn't go into the Scampini
7 yard and bring it right out or whatever.
8 But without having to do much review,
9 that's my opinion.

10 MR. LACIVITA: Jean, we have heard a
11 lot tonight from Mr. Micheli and
12 Mr. Sharp. One of the ones that we really
13 haven't heard from is the gentleman that
14 has been affected since Day 1. I'd like
15 Mr. Scampini to actually speak.

16 CHAIRPERSON DONOVAN: I was going to
17 ask this gentleman who also has been
18 waiting but Mr. Scampini, you can go
19 first.

20 MR. SCAMPINI: I appreciate the
21 board's intensions with this because it
22 has been brought to the previous board's
23 attention while we were experiencing the
24 methane and I was getting this degree of
25 attention; so I appreciate that.

1 Again, we bought our house back in
2 September of 2000 and since then at least
3 annually - and this year twice
4 already - we have experienced flooding in
5 our backyard and significant flooding as
6 you can see in the photos. The worst
7 flooding was the most recent storm which I
8 think was about three weeks ago in that
9 picture that you have to pass around.

10 I agree that all this water is coming
11 from the pipe through the storm sewer that
12 runs through our backyard between my yard
13 and Mr. Farron who is sitting right here.
14 So, it has nothing to do with drainage.
15 This is all water that is coming up from
16 below.

17 You said, that I'm not sure where the
18 source of this water begins if it starts
19 on the other side of Swatling. There is a
20 tremendous amount of water flowing through
21 that pipe and it flows constantly even
22 through a drought. There is water flowing
23 through that pipe. The detention basin
24 which is across the street, probably about
25 100 yards from my home, is not serving its

1 purpose. It's not filling with water and
2 currently my yard is serving as the
3 retention area for the development. That's
4 pretty much what it comes down to.

5 CHAIRPERSON DONOVAN: Thank you.

6 Yes, sir.

7 MR. SITTIG: I was a homeowner in
8 2000 and in fact I was sitting in my car -

9 MR. STUTO: Can you give us your
10 name?

11 MR. SITTIG: John Sittig, 26 Marne
12 Street. I run perpendicular to Cambrai. I
13 can see Mr. Scampini's yard from my
14 backyard. I saw his yard flood as I saw my
15 yard flood toward me.

16 I was in the car watching
17 Mr. Scampini pick his lot and my wife and
18 I were dead set on his lot and we thank
19 God every day that we didn't get it. We
20 wanted that lot. It was the biggest lot
21 and it was fantastic. At that time, the
22 real estate agent - because it was so
23 muddy didn't want to go over there - said
24 that that retention area would never fill
25 up with water. We said, what's the point

1 of a retention area if it doesn't fill up
2 with water. That's what I was told. I'm a
3 first time homeowner.

4 In the back of our house we have this
5 ditch toward the back of our property
6 where basically four or five houses funnel
7 into this ditch which the developer called
8 a swale. At the end of the swale between
9 my house and 25 Marne Street is a storm
10 sewer. Once I got into the house it
11 started flooding. I said, what's going on?

12 I called Kevin Delaughter twice; once
13 each year after the flooding. I told him
14 that I didn't understand how water is
15 supposed to flow uphill. Nothing happened.
16 I thought, well, I guess I have to live
17 with this. It's not as bad as Mr. Scampini
18 but it's constantly wet back there because
19 there's no way that water - it will
20 recede, but at some point it's not going
21 to go anywhere because it can't completely
22 drain uphill.

23 MR. MICHELI: When the lots are
24 graded, they're grading to a plan. When
25 homes are built, the grading often times

1 is not a part of the plan and there is
2 additional filling that goes on. That
3 probably affects your situation. Somebody
4 did some filing beyond your home.

5 MR. SITTIG: I cleared my property
6 myself.

7 MR. MICHELI: If you built you own
8 house, you did your own grading. If you
9 don't do it according to plan, that's
10 going to happen.

11 CHAIRPERSON DONOVAN: I thought the
12 whole building process included approvals
13 of grading and grading permits and there
14 was an inspection of the property.

15 MR. O'ROURKE: It does, but nobody
16 does the grade.

17 MR. MICHELI: People should ask the
18 homeowners if they did any filling in
19 their backyard and most of the time
20 they'll say yes, we paid to have
21 additional fill brought in.

22 MR. SITTIG: I had no fill brought
23 in. I cleared the lot.

24 CHAIRPERSON DONOVAN: Yes, sir.

25 Can we have your name please?

1 MR. SEMSETTI: My name is Silva
2 Semsetti.

3 CHAIRPERSON DONOVAN: And your
4 address?

5 MR. SEMSETTI: It's 37 Verdun.

6 This man is my neighbor and we both
7 have the same problem, but ours is not as
8 severe as his. The water in my backyard is
9 one foot. It doesn't start ten feet from
10 my home but the problem starts about 15 or
11 20 feet when the water level becomes a
12 problem.

13 CHAIRPERSON DONOVAN: Brad, you're
14 looking at all of this, is this correct?
15 You'll be looking at this also?

16 MR. GRANT: Our focus area was the
17 Phase 2 and Phase 3 area; particularly
18 Mr. Scampini's property.

19 CHAIRPERSON DONOVAN: This appears to
20 be a larger problem?

21 MR. GRANT: Could be.

22 MS. VAIDA: I have a question. You
23 were saying that you were insinuating that
24 part of the problem is homeowners bringing
25 in fill?

1 MR. MICHELI: Our job is to develop
2 the roads. When it comes to building of
3 lots and building of homes, we really
4 don't participate in that activity. We
5 don't have anything to do with it. The
6 individual comes in and buys a lot and he
7 builds his own home here. He gets his own
8 fill and establishes his own grades. If he
9 doesn't grade according to plan, he may be
10 grading his property and the water is
11 going to go on his neighbor's property.
12 That's a possibility.

13 MS. VAIDA: I guess what I'm confused
14 about is the July 23, 2009 letter. I don't
15 know if it's from you, C.T. Male. That is
16 on a different issue speaking about the
17 instability of the slopes.

18 MS. COURIER: That was in reference
19 to the conservation easement. It's on the
20 southern side.

21 MS. VAIDA: I guess I got the
22 impression from this that - you're talking
23 about fill and how much fill can be used.

24 MS. COURIER: Right in the
25 conservation easement, in regards to that

1 letter, the conservations easement is
2 actually right here. This is the steeper
3 slope (Indicating) that runs toward the
4 stream like that in these back yards. It's
5 quite steep. Fill cannot be placed on it.

6 MS. VAIDA: You're talking about
7 there, where you're pointing? That phase?

8 MS. COURIER: Phase 5. There is a
9 conservation easement along the stream.

10 MS. VAIDA: So you monitor how much
11 fill is being brought in and used but only
12 on certain lots?

13 MS. COURIER: Right, we limit an
14 area - well, as proposed in a limited area
15 based on our geotechnical engineer
16 reviewing it and doing an analysis on the
17 slopes.

18 If fill were replaced on those lots,
19 the geotechnical engineer would have to do
20 a bore test to see if it's stable. I do
21 know that in this particular portion it's
22 really flatter in many places; and along
23 the stream it is also. But they would have
24 to do a stability analysis on whether or
25 not fill could be placed on it at all.

1 What we did was limit where you could
2 place fill.

3 MS. VAIDA: I guess what I'm hearing
4 is that fill could be an issue
5 contributing to the drainage problems,
6 right?

7 MS. COURIER: Well, fill with regard
8 to the grading of the lots. Say a swale
9 was originally supposed to go south, but
10 based on a pool being put in or say a shed
11 inside where a swale was supposed to be
12 and it was rerouted to go north. That
13 might be extreme, but it's something along
14 those lines.

15 CHAIRPERSON DONOVAN: All these
16 things require building permits.

17 MS. COURIER: You would have an
18 approved grading plan.

19 MR. O'ROURKE: Never have I seen a
20 building inspector shoot a grade around a
21 pool or around a shed.

22 CHAIRPERSON DONOVAN: What's the
23 purpose of getting a building permit for a
24 pool or a shed then if grades aren't
25 looked at?

1 MR. MICHELI: The standard design is
2 that the garage has to be at least
3 18 inches above the centerline of the
4 road.

5 MR. O'ROURKE: But still, nobody even
6 shoots that.

7 MR. MICHELI: Oh no, Kevin picks that
8 up right away.

9 MS. VAIDA: I guess what I'm saying
10 is that if homeowners building their homes
11 bring in fill and could have an adverse
12 effect on the drainage plan that you have
13 in place, shouldn't there then be some
14 limitations and overseeing to make sure
15 that's not done? If that's true, it's
16 affecting the water management plan that
17 you have in place.

18 MS. COURIER: Correct. I do know that
19 in some instances in particular the storm
20 structures that were placed in those rear
21 yards, that there is an easement back
22 there for the town to be able to go in
23 there and clean it out. That's for the
24 structure itself. It's not necessarily for
25 the grading. I think that in some of the

1 cases we have put easements in other
2 projects with swales to protect those
3 swales from being filled in if they were a
4 very fine area. I see what you're saying.

5 CHAIRPERSON DONOVAN: What we're
6 going to have to do is wait until we get
7 your report, Brad.

8 MR. MICHELI: The swale that runs
9 between Verdun and Belleauwood - a few
10 years ago one of the homeowners had tears
11 in his eyes. He said that his neighbor had
12 filled it up and he had water backing up
13 in his yard. What do I do? I said I don't
14 know. I can't do anything. He filled up
15 that area in his backyard because there
16 was a sloping in the west east direction
17 and his neighbor filled it in. Now he had
18 water backing up. Now, how do you handle
19 that situation?

20 MR. O'ROURKE: It's an easement.

21 MR. MICHELI: Between Bellauwood and
22 Verdun; that's where I'm talking about.

23 MR. O'ROURKE: It's got to be an
24 easement. If it's a swale and it's on the
25 original plan as part of the water

1 management, there has got to be an
2 easement. So there must be some recourse
3 for that neighbor.

4 MR. MICHELI: There's no easement.
5 Only if there's a sewer is there an
6 easement.

7 MR. CAPONERA: When I compared all
8 the easements, I never saw an easement for
9 a swale. It was mainly for sewer and
10 water.

11 MR. LACIVITA: There is stormwater
12 there but behind those -

13 MR. O'ROURKE: That's what I'm
14 saying. If it was Phase 4, that was 2006.
15 It doesn't make sense.

16 MR. MICHELI: That was a grading
17 issue.

18 MR. O'ROURKE: So who is responsible
19 for the grade? Kevin?

20 MR. MICHELI: The builder. The
21 homeowner.

22 CHAIRPERSON DONOVAN: Yes, sir.

23 MR. LU: My name is James Lu and I
24 live at 31 Verdun Street. That's on the
25 corner. From the last storm, we did see

1 huge water accumulating between Verdun and
2 that road there (Indicating).

3 MS. COURIER: This one here?

4 MR. LU: Yes.

5 CHAIRPERSON DONOVAN: That was on the
6 street?

7 MR. LU: Yes.

8 CHAIRPERSON DONOVAN: Okay, Brad
9 well, you've got some work to do.

10 MR. CLARK: In some of the photos
11 that I have seen, there has been a
12 backflow. There is water coming up out of
13 the grate. There is a restriction
14 downstream whether it's a 30-inch pipe at
15 the outlet structure - somehow we need to
16 find where that bottleneck is and get that
17 detention basin to work.

18 CHAIRPERSON DONOVAN: Like I said,
19 this gentleman probably built to standards
20 but we'll figure it out.

21 MR. SHARP: Is it possible to when
22 Brad does his calculations can they notify
23 the homeowners as to what it is?

24 MR. NARDACCI: Jean, that's what I
25 was wondering. During this process is Brad

1 going to do this work? It is not tied to
2 this phase. Can we set up a separate
3 public meeting and get the neighbors
4 together that are affected to fill them
5 in? Is it here in this forum? I just think
6 that it would be helpful. We're under time
7 constraints here because we have other
8 projects and there are other things going
9 on. Maybe this is something that is
10 significant enough and there is enough
11 residential interest that perhaps there is
12 a separate public meeting about that
13 specific issue. I think that would be
14 helpful. We have done that in other areas.
15 We did Green Meadows.

16 CHAIRPERSON DONOVAN: We did the
17 Vly/Dennison Road traffic.

18 MR. NARDACCI: Yes, and that's one of
19 the things that's very worthwhile to have;
20 engineers communicating directly to the
21 residents. It's a two-way conversation.
22 It's not that we'll see you in five weeks
23 and we'll tell you what's going to happen.

24 CHAIRPERSON DONOVAN: We have a
25 regular scheduled meeting on the 11th and

1 the 25th of August. Brad, you said it will
2 be three weeks from now. Joe, I don't know
3 because of our schedule for other hearings
4 if we wanted to hold a special Tuesday
5 night evening.

6 MR. LACIVITA: I know that the 25th
7 already has a couple of items on it
8 already. We would be looking at the 8th at
9 this point in time, which I know there is
10 nothing on the schedule. That would be
11 September 8th. That will give Brad a little
12 bit more time to actually do a bit more.

13 MS. COURIER: Is that a special
14 agenda or a regular one?

15 MR. LACIVITA: That would be a
16 regular agenda unless you want to bring
17 them back, Jean. We're talking September
18 1st being Labor Day weekend.

19 CHAIRPERSON DONOVAN: I don't know
20 what the board's vacation schedule is. I'm
21 going to be gone in the middle of August.

22 MR. O'ROURKE: So am I.

23 CHAIRPERSON DONOVAN: You're going to
24 be gone too? That leaves us with the 25th
25 and we already have a couple of projects

1 on, so the next one would be September 8th.

2 MR. LACIVITA: Yes the 8th and the
3 22nd.

4 CHAIRPERSON DONOVAN: What we could
5 do, if the board wanted to, is we could
6 meet early. It would be 6:00 but everybody
7 be here at 6:00 on that day. I don't know
8 what that's like for the neighbors. Brad,
9 you could give your report to us then. I'm
10 sorry but with vacations -

11 MR. O'ROURKE: Madam Chairman, could
12 I also have one more clarification when we
13 do bring this project back? A memo from
14 Bob Mitchell from Ken Pirro. Somebody has
15 to help me understand this.

16 The Highway Safety Committee reviewed
17 the plans for Archmont Knolls. The
18 committee doesn't have any problem with
19 the traffic safety within the development.
20 However, this is only one of the numerous
21 projects scheduled in the area. We remain
22 concerned with the traffic impact on
23 continued development on the roadway
24 infrastructure in the area. Can somebody
25 clarify that?

1 MR. DELAUGHTER: I think what he is
2 saying is that internally within the
3 project they have no concerns. But they
4 are looking at the concerns with
5 cumulative impact with the development in
6 the area; I would assume on the traffic
7 system as a whole.

8 MR. O'ROURKE: So highway safety
9 takes it upon themselves to go into the
10 developments?

11 MR. DELAUGHTER: They're looking at
12 the design. They're looking at the plans.

13 MR. O'ROURKE: No, I'm just trying to
14 understand what our highway safety is
15 doing. Maybe I'm just misreading it or not
16 understanding it.

17 CHAIRPERSON DONOVAN: No, I read it
18 the same way that you did, Kevin. The
19 problem will be with continued
20 development.

21 MR. DELAUGHTER: As I noted in my
22 memo that this is in the Boght GEIS area
23 where they have looked at cumulative
24 impact. This project was included in that
25 review and we have a mechanism in place to

1 deal with those cumulative impacts.

2 CHAIRPERSON DONOVAN: Could you
3 advise us then at the next meeting after
4 Ken clarifies his memo, what you're doing
5 or what your mitigating plans are?

6 MR. DELAUGHTER: The mitigation for
7 this particular project is nothing that is
8 stated specifically. They're contributing
9 to the improvements that were identified
10 as an as needed area-wide basis.

11 CHAIRPERSON DONOVAN: So what will be
12 done for the roadway infrastructure in the
13 area of this particular project?

14 MR. DELAUGHTER: Could I address and
15 issue relating to stormwater? The
16 sub-street that was requested to be
17 provided when the concept acceptance was
18 granted - I provided the board with a copy
19 of an aerial photo. I don't know if you
20 have that handy.

21 If you head east and south of the
22 property of the project, toward
23 Troy-Schenectady Road there are four
24 continuous properties that are under the
25 same ownership largely undeveloped. One of

1 them has a strip center fronting on Route
2 2. They have effectively one access for
3 that entire property. The access is
4 between George's Auto and the strip
5 center. There was a short section that was
6 built to town standards with the intent
7 that it would be extended at some point
8 and dedicated to the town. If we're going
9 to tell that developer and landowner at
10 some point if they come into develop that
11 they can't go more than 1,500 feet without
12 a secondary access, this is effectively
13 that only potential access.

14 CHAIRPERSON DONOVAN: Okay, so it
15 would be you're recommendation not to -

16 MR. DELAUGHTER: You may say that
17 it's a big ravine and that nobody would
18 ever cross it, but I think that it makes
19 sense in long-term planning looking at the
20 surrounding area that it should be kept.

21 CHAIRPERSON DONOVAN: Okay.

22 So we'll be back on September 8th.
23 Hopefully there will be no big storms
24 between now and then.

25 MR. NARDACCI: We meet at 6:00, Jean?

1 CHAIRPERSON DONOVAN: I'd like to
2 make note that we're going to come in at
3 6:00 that night.

4 Kevin, are they required to do
5 another public notice?

6 MR. DELAUGHTER: Generally, if we
7 have a meeting that is adjourned we don't
8 require notice.

9 CHAIRPERSON DONOVAN: Okay, and we're
10 adjourning this so we'll go for September
11 8th at 6:00 and we'll see what happens.

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***(Whereas the proceeding concerning the
above entitled matter was adjourned at
8:46 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***
8 ***noted in the heading hereof is a true and***
9 ***accurate transcript of same, to the best***
10 ***of my ability and belief.***
11
12
13

14 -----
15 ***NANCY STRANG-VANDEBOGART***
16
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18 ***Dated August 25, 2009***
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