

PLANNING BOARD  
TOWN OF COLONIE

COUNTY OF ALBANY

\*\*\*\*\*  
PUBLIC HEARING REGARDING THE PROPOSED PROJECT OF  
SIENA COLLEGE FOUR-STORY 260 BED RESIDENCE AND  
DINING HALL LOCATED AT 505 LOUDON ROAD  
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THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on September 22, 2009 at 7:04 p.m. at  
the Public Operations Center 347 Old Niskayuna  
Road, Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON  
MICHAEL SULLIVAN  
ELENA VAIDA  
TIMOTHY LANE  
CHARLES J. O'ROURKE  
PETER STUTO, Jr. Esq., Attorney for the Planning  
Board

Also present:

Joseph LaCivita, Director, Planning and Economic  
Development

Ed Hershberg, Hershberg & Hershberg

Greg Seleman, Woodward Connor Gillies & Seleman

Michael Magguilli, Esq., Town Attorney

Joe Grasso, Clough Harbour & Associates

Paul Steck, Finance and Administration, Siena  
College

Kevin DeLaughter, Planning and Economic Development

1                   CHAIRMAN DONOVAN: This evening we're  
2 again addressing the Siena College proposed  
3 project.

4                   Over the last week or so the Planning  
5 Board has received much material from  
6 Mr. Hershberg and I thank him for that.

7                   I requested that from the last meeting  
8 that we receive a copy of the drainage report  
9 on the campus because we know that the Kroma  
10 Kill runs through the campus and then goes on  
11 down into, I believe, Schuyler Meadows Country  
12 Club. I received that report.

13                   Mr. Hershberg, would you like to begin  
14 this evening, please?

15                   MR. HERSHBERG: Certainly.

16                   CHAIRPERSON DONOVAN: I know you're not  
17 going to be surprised, but I have a lot of  
18 questions.

19                   MR. HERSHBERG: Let me take this  
20 opportunity, Madam Chairperson and members of  
21 the board, to discuss some of the items that  
22 we did transmit to the board briefly. I'm sure  
23 that you all had a great opportunity to read  
24 them and review them.

25                   I also want to take this opportunity to  
present an amendment to the noise study which  
was completed.

Let me start briefly with the sound  
analysis that was done by Novus Engineering.  
They were given the operation's figures from  
all of the items to be used on this building.  
Namely, the rooftop units that would impact  
the sound.

The sound analysis report on page 3 talks  
about the method that they used. On our  
request they did not consider the impact of  
the woods lying between the building and the  
road. They identified five receptor points;  
one and two at the back of Everly Road, three,  
by the Schuyler Meadows property line, four in  
the middle of the woods, and lastly five, by  
the edge of the posted fairway that would be  
impacted by the sound. So, we told them when  
you model it, ignore the woods. These are very  
dense woods and the woods in and of themselves  
are vegetation and are not normally a great  
sound barrier. These are very dense woods and

1 it probably would have resulted in some  
2 reduction in sound.

3 We also told them that when you model the  
4 sound, do not consider the sound barrier that  
5 we're putting on top of the roof. Consider it  
6 as if it wasn't there. Just consider the raw  
7 equipment.

8 Mr. Hull was nice enough to hand me a  
9 copy of his letter four or five minutes ago. I  
10 just asked to review it. He made a statement  
11 in there that said we essentially had not  
12 considered the roof top units and the visual  
13 impact. Yet if you look at the elevations, the  
14 rooftop units are all on the flat part of the  
15 roof so there is much less than the peaks of  
16 the roof that were shown on our visual  
17 analysis. I just want to put to bed that issue  
18 that we forgot to show you folks what the  
19 rooftop impacts would impact on the visual.  
20 I'll leave the visual for Greg Seleman.

21 Let me just go through what happened here  
22 and why I had to give you an amended report.

23 The original report showed this area here  
24 (Indicating). Here is actually the two story  
25 portion and the four story portion and here  
26 are the two receptors (Indicating). Those are  
27 actually at the rear of the lot on Everly.  
28 When they did the analysis, they came up with  
29 almost 40 decibels. It was slightly more than  
30 40 decibels at one of those property lines.  
31 Forty decibels is not an unusually high sound  
32 level. It's well less than your town standards  
33 of noise. We took a look at it and we said, is  
34 there anything that you can do if you look at  
35 the equipment list that we gave you? We  
36 thought that we were asking for a sound  
37 sensitive list from our HVAC engineers and  
38 they did a good job.

39 There was one piece of equipment. There  
40 was a condenser on the chiller units and they  
41 said they do make a condenser that's low  
42 noise. So, they said okay, let's use them.  
43 It's at an additional expense for our client  
44 but we thought that it was a good investment.  
45 We can drop the level another five or six  
46 decibels. That's what we proposed to do.

1           The second level that you have in there  
2 as well as the little table that you have in  
3 there displays the difference from using a low  
4 noise condenser on a rooftop. That drops the  
5 sound level to 38 decibels at the property  
6 line and less at the building. That's well  
7 within the sound level of a normal, very quiet  
8 rural residential area.

9           I bring up the sound study because that  
10 was a key element of discussion by people in  
11 the audience and by members of this board. We  
12 think that we've asked our sound consultant,  
13 Novus Engineering to do first of all, a very  
14 conservative study not counting the trees and  
15 not counting the impact of putting a screen  
16 up. We also took further steps to reduce the  
17 noise level that would impact adjoining  
18 properties. We think that this study displays  
19 not only Siena's commitment to responding to  
20 concerns of neighbors, but it also indicates  
21 that this project will not have any negative  
22 impacts on adjoining owners.

23           Another major issue was the stormwater  
24 management issue. If I may, I'd like to just  
25 take a couple of moments to run through this.

          I did not give you folks the full SWPPP.  
This is the full SWPPP. I gave you folks the  
text portion of the SWPPP and a couple of  
maps. I didn't think that you folks were very  
interested in reading the printouts and  
everything else. The full SWPPP has been  
prepared which is way ahead of time for  
preparing a full SWPPP for submission. It  
normally doesn't happen until we go through  
preliminary final submittal. However because  
stormwater was an issue, we determined that  
we'd take a hard look at it.

          As the chairperson said, we did submit  
the text portion of the stormwater evaluation  
report done for Siena College in 2002.

          Let me just review what those say. On  
page 10 of the abbreviated SWPPP there is a  
table and what that table tells you is that  
for every storm between a one-year storm and a  
100-year storm, a level of flow off the site  
is significantly reduced. I say significantly

1 because the one-year storm is only a 78%  
2 reduction in the outfall. That's because a  
3 significant portion is going through our  
4 treatment system. At the 100-year storm, it's  
5 approximately 29% of reduction.

6 When I stood here before I said that I  
7 thought that we'd get 20% which is what, in  
8 fact, we shot for. Then in our final analysis  
9 we determined that we can take this expansion  
10 of the parking lot and recharge the ground  
11 water. So, we proposed to use porous pavement  
12 on this expanded portion of this parking lot.  
13 We also determined that we do have adequate  
14 infiltration to design an infiltration to take  
15 the flow from this portion of the site. So,  
16 although our target was 20% we actually have a  
17 reduction of 29% in the flow of the 100-year  
18 storm.

19 Mr. Hull's letter also has concerns about  
20 a pond. That pond that he is talking about is  
21 actually are federal waters of the United  
22 States of America; for a lack of better terms.  
23 It's actually a large wetland. We do not  
24 consider that part of our project site. That's  
25 an existing pond on the site and this stream  
course bypasses our site. It doesn't go  
through our site.

MR. LANE: Is that the Kroma Kill?

MR. HERSHBERG: On a map this is called a  
tributary to the Kroma Kill and on other maps  
it's actually called the Kroma Kill and I'm  
not certain which one takes priority. Either  
is a tributary to the Kroma Kill. I haven't  
had a straight answer from anybody as to how  
it's stated. It's just labeled on DCC's maps.  
It's not defined as the Kroma Kill, but this  
is the main stream course.

We are discharging to it and we are  
discharging less water that comes off of it  
between a one and a 100-year storm. In fact,  
we are reducing the impact, as it relates to  
this large pond.

I'll refer to page 7 and 8 of the  
stormwater analysis. In that stormwater  
analysis, there were three options to  
identify. Option one had to do with taking the

1 catch basin outfall of that -- there is  
2 actually a culvert at this point here  
3 (Indicating) that used to pass unobstructed  
4 into the Kroma Kill out of that wetland. They  
5 recommended that a catch basin and a weir be  
6 built on the catch basin to control the flow  
7 of water from this pond into the Kroma Kill.  
8 That's already been done. That's option one.

9 Option 2A and 2B would require the  
10 raising of Maloy Circle of either one foot or  
11 two feet.

12 I also point out the fact that there is a  
13 project called the loop road project. That  
14 project is going forward. The Town of Colonie  
15 and Siena people are consulting regarding the  
16 award of an architectural and engineering  
17 contract to design that and they also are in  
18 the process of determining a fee structure. So  
19 that project already received sponsorship from  
20 the Town Board of a grant that was received  
21 for that loop road.

22 This project had been on the thought  
23 boards and not the drawing boards for four  
24 years. Yet, it never came to fruition due to  
25 the fact that we had to walk through steps and  
get consent from the town. There was an  
administration change in the middle and we did  
try to work it.

26 Siena is now comfortable that sometime in  
27 2009 we'll get an agreement and will hire an  
28 architectural engineering firm when the Town  
29 of Colonie signs off with the fee structure  
30 and that loop road will get built. One element  
31 of that loop road will be, in fact, the grade  
32 of Maloy Circle so that opposite 2A or 2B will  
33 be possible.

34 The difference between 2A and 2B is just  
35 the level of controls. They hold significant  
36 reductions of the 25, 50 and 100-year storm.  
37 At the two-year storm, again, if we raise it  
38 one foot you have to let more water out. With  
39 both of those studies, we can't control the  
40 flow from this pond to significantly less flow  
41 than flows down to the Kroma Kill today, even  
42 though Siena made some attempts to implement  
43 option one.

1 I might point out that there were some  
2 comments previously that were not related to  
3 this particular issue that there was lack of  
4 maintenance, etcetera, on Siena's grounds. I'm  
5 informed that for the last year or year and a  
6 half that they have made efforts to clean  
7 those culverts, to monitor the culverts  
8 regularly. Those are culverts that go off-site  
9 but don't particularly impact this stream  
10 course. I just point this out because this has  
11 been an issue before with regard to Siena.

12 I could go on, but I think that you folks  
13 saw what I sent you. If you have any specific  
14 questions, I'd be glad to answer them.

15 I'd like to turn it over to Greg Seleman  
16 to walk us through a little bit regarding the  
17 text portion of the study that he gave you  
18 folks and reiterate what was said with the  
19 models.

20 MR. SELEMAN: Thank you. I'd like to just  
21 briefly review what we talked about last week.  
22 I'd just like to put up a couple of drawings.  
23 This is one of the crosssections of the site  
24 that we took that goes through Everly Drive  
25 and our project and goes through Schuyler  
Meadows clubhouse. This is just a summary of  
the simulations that resulted in the CAD  
visual simulations and the view from Schuyler  
Meadows.

We documented our methodology. It's in  
our seven page documentation of the steps that  
we took to create the simulations. It's  
involving the clubhouse at Schuyler Meadows.  
Land rises and all the trees between the  
clubhouse and our residence hall are taller  
than the residence hall. The only way that you  
could see the project is through the trees and  
thus the reason that we did the studies. I  
think that was proven with the studies on  
September 8<sup>th</sup>. Again, the property surrounding  
our property is lower.

When you go up in that area, there are  
80-foot trees here (Indicating) so you'd have  
to be able to see through the trees. Those are  
the visual studies that we did. I think that  
we've explained the methodology here.

1           These six in particular were requested by  
2 Schuyler Meadows in July for these particular  
3 views. These views were asked for by Schuyler  
4 Meadows and that's why we picked these.  
5 Subsequent to that, the town designated  
6 engineer asked us to do some more and those  
7 were included for Everly Road and again they  
8 show a very similar result. The project isn't  
9 going to be able to be seen in any of these  
10 areas.

11           CHAIRPERSON DONOVAN: Thank you.

12           Do you have anyone else who would like to  
13 speak?

14           MR. HERSHBERG: Let me just introduce  
15 Paul Steck. He's the Vice President of Siena  
16 and he's involved in the decision making  
17 regarding these mitigation measures.

18           MR. STECK: Just to reiterate what Greg  
19 and Dan have conveyed to you tonight, we  
20 appreciate the privilege to come back for our  
21 project. Certainly the guidance that we got  
22 the last time around was very usable  
23 commentary. We think that we have a really  
24 good project and we're confident that we can  
25 minimize the impacts to the surrounding  
neighborhoods as being nominal, as we cited  
the first time through.

This project began with a careful  
selection of this site to really look at how  
we can move forward and reasonably accommodate  
the concerns that you might have and come up  
with those impacts that we can put on the map.  
We think that we've accomplished that and  
again, relative to the noise and drainage,  
we're prepared for questions.

Thank you.

CHAIRPERSON DONOVAN: Joe?

This is Joe Grasso and he is one of the  
town designated engineers assigned to this  
project.

MR. GRASSO: Just to go through the  
application and where we are tonight: The  
application started out with a development  
coordination meeting held at the town on  
June 24<sup>th</sup>. The plan changes were made as a  
result of comments made at that meeting which

1 included relocating the proposed dorm slightly  
2 away from the Kroma Kill. That runs through  
3 the site in order to provide a 100-foot  
4 buffer. I should say that it was established  
5 by the town to protect that resource.

6 CHAIRPERSON DONOVAN: Is that why they  
7 didn't need a SEAMAB variance?

8 MR. GRASSO: And the relocation of the  
9 building by taking it out of the corridor also  
10 avoided the need for an application for a  
11 SEAMAB variance process.

12 The other change was the applicants  
13 planning to address the fire access around the  
14 building. There are some new features on the  
15 plan that warrant a DCC submittal.

16 The applicant made a formal concept  
17 submittal to the town on July 22<sup>nd</sup>. Our office  
18 issued comments on the concept application  
19 dated August 4<sup>th</sup> and you have a copy of that  
20 comment letter.

21 There were two neighborhood meetings held  
22 at Siena College on August 17<sup>th</sup> and 18<sup>th</sup> and it  
23 included representatives from Siena, their  
24 consultants, the town and also included 15  
25 members of the public at each meeting.

There was a preconcept Planning Board  
meeting that was held on September 8<sup>th</sup> which  
the board provided some comments for the  
applicants to supply some additional  
information and that additional information  
was received by the town and the Planning  
Board on September 17<sup>th</sup>.

We have received comments from all the  
town departments and there are no outstanding  
comments at this time. We have reviewed the  
most recent submittal. Our most recent  
comments have been addressed or will be  
addressed during final plan preparation and  
application for SEQRA determination for  
concept determination by the Planning Board.

The new comments that we have based upon  
the latest information was received is just  
improved connection in the southwest direction  
from the campus to the new dorm and extension  
of a storm sewer that all fall through a  
defined drainage course.

1 I'm going to touch on just some more of  
2 the more significant concerns that have been  
3 raised to date by the public or the board.

4 Regarding visual impacts: The update of  
5 the document will be substantially screened by  
6 the existing vegetative buffer, most of which  
7 is on Siena controlled property. All the  
8 adjoining properties have less buffer on their  
9 own property than what would remain on Siena's  
10 property.

11 If portions of the building are visible  
12 following construction, additional landscaping  
13 or a landscaping allowance could be built into  
14 the final plans and could be added at the  
15 direction of planning staff based on whether  
16 the building will ultimately be visible.

17 Based on our review, there shouldn't be  
18 any visual impacts caused by lighting because  
19 of the fixture selection which will be  
20 confirmed on the final plans. We also have no  
21 concerns over the proposed building plan.

22 Regarding the noise impacts: The noise  
23 study done appears to accurately reflect the  
24 conditions. Supporting the concept  
25 determination should include the proposed  
mitigating measures that Dan included in his  
presentation tonight.

Regarding stormwater impacts: All of our  
stormwater comments have been addressed. The  
site is downstream of Siena's other stormwater  
management facility so they will use those to  
address the impacts from this project by that  
prior development and as such new stormwater  
management facilities are proposed which  
exceed current town and state requirements for  
flow control and water quantity control.

We don't feel that any other stormwater  
mitigation should be placed on Siena as a  
result of this project due to its location.

Possible conditions of concept  
acceptance, if acceptance is the way that the  
board decides to go would be landscaping  
provision on the final plans to be used for  
visual impact mitigation, if warranted; noise  
attenuation around the exterior of the  
building; possible restrictions on the hours  
of trash pickup and other service deliveries

1 and restriction of the use of public address  
2 system in the vicinity of the dorm. That was a  
concern that was raised by the public.

3 Additional connections in the southwest  
4 and extension of the stormwater with the  
5 drainage -- which I'm sure that they're going  
to address in the final plans.

6 That's all we had.

7 CHAIRPERSON DONOVAN: The board is going  
8 to question the applicant and Mr. Grasso and  
then I'll open it up for any public comment.

9 Joe, I have a quick question. In 2002  
10 there was a stormwater evaluation report for  
11 Siena College. Is that a plan that's in effect  
12 at the college now, do you know?

13 MR. GRASSO: There were certain  
14 recommendations for possible things that the  
15 campus could consider in that study to address  
16 future development within the campus. Dan had  
17 mentioned there were modifications based on  
18 one of those studies which has the net effect  
of reducing flows in some of the higher  
19 frequency storms. Although those improvements  
20 were done by Siena, those improvements weren't  
21 tied to any future development. Every project  
22 that's come before the town since that study  
23 was done has done their own site specific  
24 stormwater studies, which is the same concept  
25 that's being done tonight. So, even though  
Siena did some comprehensive improvements,  
they weren't done to try to address the  
impacts of this project or any other project  
that has come before the town.

19 CHAIRPERSON DONOVAN: So how would this  
20 plan which is the stormwater plan that we see  
relate to this plan?

21 MR. GRASSO: They're really separate.  
22 It's a little bit unique because of this  
23 project site. The area of the campus that is  
24 going to do the work there is downstream of  
25 the other stormwater management facilities  
already within the Siena campus. So those  
facilities have no potential to address the  
impacts of this project. Even if they could  
make a case that if this was like updated from  
a different part of the campus they could say  
well, we already did this comprehensive

1 measure back in 2002. They're not going to  
2 make that case because it's downstream of it.

3 CHAIRPERSON DONOVAN: Joe, we received a  
4 recommendation from the Planning and Economic  
5 Development Department that this should be a  
6 Type I SEQRA action. Do you have a copy of the  
7 notice of determination that was done? It was  
8 in our packets.

9 MR. GRASSO: I do not.

10 CHAIRPERSON DONOVAN: There are just a  
11 couple of things that I'd like to talk about.

12 Part two of the project impact and their  
13 magnitude: The first one is on the impact of  
14 the land. It says for the proposed action  
15 resulted in physical change to the project and  
16 of course that's a yes. Then it says any  
17 construction on substance of 15% or greater,  
18 which is a 15 foot rise over the general slope  
19 of the project area exceeds 10%. They claim  
20 that there is going to be a potential large  
21 impact. Could someone address that to this  
22 board please?

23 Then they say, can the effect be  
24 mitigated and it says, yes. I'd like  
25 clarification on that.

Mr. Hershberg?

MR. HERSHBERG: Yes, if you don't mind,  
Madam Chairperson, I think that the area that  
they are talking about is this area here  
(Indicating). We didn't extend the parking in  
this direction. We extended it in the opposite  
direction. That's how we mitigated the impact  
on the steep area. The only other steep area  
is down within the state's protected area. We  
also avoided that by moving our building out  
of that.

So we think that it has been mitigated by  
design changes that have been made already.

CHAIRPERSON DONOVAN: There will be  
construction on slopes of 15% or greater, or  
there won't be?

MR. HERSHBERG: I think that we've  
mitigated them because again, with the  
exception of some small areas and putting  
sidewalks down, technically this sidewalk  
coming down through here and the sidewalk

1 coming up there (Indicating) are going to be  
2 through areas where the grade exceeds 15%, but  
3 they're very small elements of our design.

CHAIRPERSON DONOVAN: It's the sidewalks  
4 that we're talking about.

MR. HERSHBERG: Again, the sidewalk  
5 itself is all located on relatively level  
6 property and the front lawn of Colbeth Hall is  
7 also relevant. It's got a smooth grade down  
8 through this parcel. This existing parking lot  
9 is level.

10 The area that was of concern was a  
11 portion of the expansion of the parking lot.  
12 We think that we have mitigated it. We do have  
13 this sidewalk that traverses in a 15% grade  
14 and a sidewalk that goes back up to Cushing.  
15 They no longer exceed the 15% because we need  
16 that for the assessable. This walk is  
17 handicapped accessible and this one is not  
18 (Indicating). We had a couple of ramps in  
19 there.

MR. GRASSO: Just to expand on that, the  
20 reason why that question is on the form is  
21 because there is generally a greater chance  
22 for erosion if you're doing construction on  
23 slopes over 15%. It's a signal to the  
24 reviewing agency that special provisions will  
25 likely be included in the project. Again,  
26 there will be areas of the site that are  
27 currently over 15% and some of those slopes in  
28 a constructed position will be up to 33%; a  
29 one on three slope, which is what we consider  
30 the maximum maintainable turf. It is something  
31 that we'll follow up on and make sure that the  
32 control measures are built into the plans.

MR. DELAUGHTER: If I could just address  
33 in general filling out the part two with the  
34 environmental assessment form.

35 The instructions direct the reviewer  
36 specifically to the merit threshold in the  
37 question, such as the 15% grade. In that event  
38 if you meet or exceed one of those thresholds,  
39 you have to check a potential large impact.  
40 Once you have done that, anything that you  
41 have checked as a potential large impact needs  
42 to be addressed in the part three EAF in terms  
43 of its importance and whether the impact will

1 be mitigated through measures incorporated in  
2 the project. I think that in all cases where  
3 that potential large impact has been checked,  
4 the draft part three that the department has  
5 prepared does indicate that upon review that  
6 those impacts are considered not to be  
7 important or not to be mitigated through the  
8 incorporation in the project.

CHAIRPERSON DONOVAN: Thank you, Kevin.

6 The next question that I was concerned  
7 about was the impact on the water. I know that  
8 question three of the part two -- the proposed  
9 action affecting water body designated as  
10 protected. The answer was no. Is the Kroma  
11 Kill protected? Is it a protected water  
12 stream?

10 MR. HERSHBERG: The answer is that there  
11 would be no impact on that or that it would  
12 positively impact that.

12 MR. O'ROURKE: It's outside of it.

12 CHAIRPERSON DONOVAN: It is outside of  
13 it. The Kroma Kill is a protected stream  
14 though.

14 MR. HERSHBERG: The Kroma Kill is on  
15 DEC's mapping. So any stream that is mapped by  
16 DEC is protected.

16 CHAIRPERSON DONOVAN: The last portion of  
17 the part two of the impact - growth and  
18 character of community of neighborhood. It  
19 states here that the proposed action effecting  
20 the existing community -- it says not, but I  
21 believe that Fraser and Associates raises the  
22 point that they don't agree with that in the  
23 SEQRA. Would you be prepared to address that?

20 MR. HERSHBERG: Although they've listed  
21 eight specific items, we don't figure any of  
22 those thresholds. Those are called threshold  
23 items within the SEQRA. It's the language of  
24 the SEQRA law entirely. We didn't peak any of  
25 those thresholds.

23 The only other one that you could claim  
24 would be other impacts because we have a very  
25 minor impact on the climate. We don't think  
that we're setting any precedence for future  
projects. We're certainly are not exceeding  
the population by 5%. None of these triggers

1 are met. So, we don't think that there's a  
2 reason to assume that it will impact the  
neighborhood.

3 Quite honestly, this is a very  
4 controversial comment because they also  
5 checked off: Is this likely to cause public  
6 controversy? You can find public controversy  
7 however you want it. When people come out to  
8 express their opinions about the  
9 project - that may be considered public  
10 controversy. The same could be under the other  
11 impacts. People can ascribe to project  
12 impacts that are not one of the ones that are  
13 specifically designated in the law as  
14 triggers. Those are the triggers and none of  
15 those could be checked with this project.

16 CHAIRPERSON DONOVAN: During the SEQRA  
17 process.

18 MR. HERSHBERG: That's correct.

19 CHAIRPERSON DONOVAN: Tim?

20 MR. LANE: Mr. Hershberg, you stated that  
21 in the noise study that the foliage and trees  
22 are not taken into account. What about the

23 pavement?

24 MR. HERSHBERG: Actually what we gave to  
25 Novus was a complete development plan. They  
26 modeled not only the conditions of the area  
27 around here (Indicating), but they modeled  
28 this as woods with zero screening potential.  
29 That's how they put it into the model. Zero  
30 mitigation for sound. So they did model it and  
31 actually the impact and noise is primarily  
32 very slender for the line of sight situation.  
33 We don't think that the pavement itself, which  
34 may be well below that line of sight for any  
35 receptor in any direction, would significantly  
36 impact noise.

37 MR. LANE: What would 40 decibels which  
38 is about average for what they came up with,  
39 be equivalent to?

40 MR. HERSHBERG: The background noise in  
41 this area is 40 decibels. I can't display 40  
42 decibels.

43 What I've said is I'm now talking at 35  
44 decibels and you cannot hear me. Thirty five  
45 decibels is when your wife rolls over in bed

1 and whispers that exceeds 35 decibels. It  
2 would be a very wispy voice. We're saying that  
3 the sound level generated from our site would  
4 be between 35 and 40 decibels at the property  
5 line. You cannot hear it.

6 MR. LANE: Secondly on the sidewalks: I  
7 wasn't at the last meeting. Did something  
8 change from what was the previous information  
9 that they would see the top of the buildings  
10 and because of the movement of the building,  
11 now they will not see the buildings at all  
12 from the Schuyler Meadows County Club?

13 MR. HERSHBERG: Well, when we first had  
14 the building, it was slid slightly more in  
15 this direction here (Indicating). There was a  
16 question whether the building would be visible  
17 through the meadow area. We don't think that  
18 there would be since there would be additional  
19 screening. This location of the building has  
20 been the same model building that we showed  
21 you on September 8<sup>th</sup> and we also talked about  
22 even as far back as here (Indicating).

23 MR. LANE: What has been the conversation  
24 with the country club in relation to this  
25 project? Have the members been notified? I  
understand that Fraser has made some comments  
and submitted a letter, but has the general  
membership met with - - I understand that  
there have been certain meetings -

MR. HERSHBERG: I'm going to allow Paul  
Steck to review that because he is more  
familiar with this. These meetings took place  
not at a public level where I was invited.

MR. STECK: There were several  
interactions earlier in the summer between the  
President of the board of Schuyler Meadows  
County Club and Father Kevin Mullen in regard  
to us getting notice out to him and telling  
the folks that we were contemplating a  
project.

Over the summer I had two occasions where  
I met with the President of the board. We  
walked the site and other sites on campus.  
When I say that we walked the site, we walked  
from one end where it would be on the other  
end including where we ended in the meadow.

1           Subsequent to that which was on August  
2 18<sup>th</sup>, I met with the General Manager of  
3 Schuyler Meadows and essentially our visit  
4 went much the same way. He was at the  
5 neighborhood meeting on the 18<sup>th</sup> as well.

6           MR. LANE: Who would that be?

7           MR. STECK: I believe that it was Michael  
8 Rezey. So we had that discussion that day.

9           Our discussion was pretty much related to  
10 the sound and to the sight lines. At one point  
11 it was asked - I think it was the second  
12 meeting for us to go back and see what we  
13 might be able to do in order to help with the  
14 sight lines.

15           MR. LANE: But you can't say for certain  
16 one way or the other whether the general  
17 membership of the club has been given  
18 information -

19           MR. STECK: No.

20           CHAIRPERSON DONOVAN: Anything else, Tim?

21           MR. LANE: No, I'm good.

22           CHAIRPERSON DONOVAN: Hi Mike. Our Town  
23 Attorney is here tonight.

24           Elena?

25           MS. VAIDA: You said that the decibel  
noise study was done.

          MR. HERSHBERG: Yes. After the last  
meeting we determined that there was an issue  
that was raised. We thought that we knew the  
answer. Novus Engineering, as I noted, an  
engineering firm in the area, has a specialty  
in sound analysis. They came on-site and we  
had our HVAC engineer give them details of all  
the equipment, the sound parameters, and  
levels that these things work at. All that  
information was provided to us and put into a  
program that generated those nice colored  
drawings.

          They asked us if we wanted them to  
consider foliage? I said no. First, you can't  
model it because the leaves are still on the  
trees. If we could have modeled it, I might  
have asked them to go out and implement a  
sound at the building site and see what the  
sound levels were just mitigated by the  
foliage, but I determined that was not in our  
best interest. We wanted to be conservative.

1           We also knew that we were proposing to  
2 build a sound attenuating screening on the  
3 rooftop of the two-story building. They said  
4 do you want us to consider that? I said no.  
5 Let's be conservative. Let's not consider  
6 these things that might mitigate the sounds.

7           Another issue in there is that if all the  
8 pieces of our equipment were running  
9 concurrently - that means all your chillers  
10 are running, your fans on your kitchen  
11 equipment is running and everything is running  
12 concurrently and I point out that is an  
13 unlikely situation when every piece of  
14 mechanical equipment will run concurrently.  
15 They said, do you want us to take an attempt  
16 of what time of day? I said, don't do it. Load  
17 everything in there and be as conservative as  
18 possible. I don't want us to leave an opening  
19 in there. I want to do what this board wants  
20 us to do, which is to mitigate sound impacts.

21           MS. VAIDA: And that was sort of my  
22 question. You said that the levels that were  
23 determined were determined at the property  
24 line. So obviously the decibels will be higher  
25 if you're willing to go to the property line.

          MR. HERSHBERG: There are a number of  
ways to measure decibels. You can measure  
decibels five feet from a piece of equipment  
and you'll have a reasonably loud sound level.  
The normal routine is that you try to identify  
sounds at receptor locations.

          We picked two locations. One was the back  
of the closest buildings at the back of Everly  
Drive. One was a location at the edge of a  
fairway at Schuyler Meadows. One was at the  
Schuyler Meadows property line and one was a  
place in the middle of the forest just to show  
you that even closer to our building, there  
wasn't a huge sound impact.

          With the condenser, it was 35 decibels.  
So even though this is closer to the  
building -- this is very close to the  
building. This is on Maloy Circle. It's  
actually the stream course at Maloy Circle.  
It's quite close to the building. Even at that  
distance, we're only generating 35 decibels.

          Again, like I told you, that

1 35.8 decibels is quiet. There are some rural  
2 areas in our area that probably exceed  
3 35 decibels now because of ambient sound from  
4 highways, etcetera. So I think that it's a  
5 good indication that the sound analysis was  
6 accurate.

7 MS. VAIDA: That was my concern. Also,  
8 you already addressed the issue of what would  
9 be the impact of the leaves on the trees.

10 MR. HERSHBERG: We didn't count the trees  
11 at all; no trucks, no leaves or no nothing. We  
12 did it just like the trees didn't exist.

13 MS. VAIDA: This study is computer  
14 generated?

15 MR. HERSHBERG: And like with every  
16 model, there is an error factor.

17 When I do a stormwater management model,  
18 I tell people that even with a stormwater  
19 management model, it's normally plus or minus  
20 10%. Sound studies have a similar level of  
21 accuracy because there are variabilities in  
22 the model and reflected sound which was what  
23 one member was talking about. The sound can be  
24 reflected off of other solid items. But the  
25 normal routine is if you're plus or minus 10%  
on your sound, it's good enough. That's why I  
was comfortable with the fact that if we could  
get it a little bit lower. We did want it  
lower than 40. We wanted less and that's what  
they provided for.

MS. VAIDA: On the SEQRA form, it is  
indicated that there will be a large impact on  
sound during the construction phase. Do you  
know what the decibel level is for that?

MR. HERSHBERG: The construction hours  
will be limited to daytime hours and I assume  
there will be some weekend restrictions on it  
too. Construction noise is a very hard item to  
consider. It's not only the equipment but  
there are large impact noises. When somebody  
drops a beam onto the ground or unloads pipes,  
there are a lot of large impact noises and  
those things will be there. There are a lot of  
hospitals in our area where the sound can be  
mitigated during construction. It's really an  
impossibility. I think the best mitigation is  
during the hours of construction being during

1 the daytime hours when the sound will not be  
2 noticed. Like I said, we already have  
3 50 decibels in this room when everybody is  
4 quiet. The background sound level at that  
5 campus will well obscure a lot of the  
6 construction noise because essentially you're  
7 in an area where there are road noises. One of  
8 the major generators of noises are tires on  
9 pavement. Again, if you're near a highway, you  
10 know what I'm talking about. If you're near  
11 the thruway and you have trucks on the road,  
12 you know what I'm talking about. That is a  
13 major element so that the background noises  
14 will share a portion of the construction  
15 noises but if you do have any noises such as

16 firing up a crane or somebody starts a  
17 back-hoe in the morning, they are going to  
18 hear it and it is a potential noise impact.

19 The best way to modify this is to ask  
20 that the contractors keep it in mind. They  
21 hire subcontractors and put issues in their  
22 agreements and tell them to be cognizant of  
23 sound and try to reduce it to the maximum  
24 level possible.

25 MS. VAIDA: And how long is it  
anticipated that this project will take in  
terms of final construction?

MR. HERSHBERG: About 8 months of which  
probably four and a half to five months could  
potentially have outside work. Once you move  
inside and you're inside and your noise level  
goes down. But you have some clearing to do in  
the beginning and you also have some new  
pavement to put in and there would be some  
outside noise in the beginning of the process  
and some at the end of the process. Obviously  
during that eight months there will be  
construction vehicles during five of those  
eight months.

CHAIRPERSON DONOVAN: C.J.?

MR. O'ROURKE: I think that there has  
been a Yeoman's job done by Mr. Hershberg and  
the team.

In terms of the impact on the country  
club, I really don't see it. There was

1 East Ridge built on the fifth fairway, which  
2 certainly has much more visual impact that  
3 this project will. The noise levels of that  
4 construction on East Ridge went for almost two  
5 years.

6 I just disagree with you, Mr. Fraser, in  
7 regard to a letter to this board and I don't  
8 accept it. I think that the project in terms  
9 of its totality -- I always have to go back to  
10 reasonableness and certainly this is a  
11 reasonable request by the college to build the  
12 facility and to take into account Schuyler  
13 Meadows being their neighbor.

14 I might also ask that are any of the  
15 weddings going to interrupt the students'  
16 study, in terms of reasonableness.

17 I really don't have a whole lot of  
18 questions. I think that there was a great job  
19 done and I fully support the project.

20 CHAIRPERSON DONOVAN: Mike?

21 MR. SULLIVAN: I just had one question  
22 with regard to noise. You said that the  
23 deliveries could be restricted to 7:00?

24 MR. HERSHBERG: Quite honestly, most of  
25 the deliveries are under the control of Siena  
26 and we can insist that the deliveries take  
27 place during a certain timeframe. I understand  
28 that the majority of the concern is raised by  
29 an adjoined portion of the Siena project and  
30 Siena is already underway with eliminating the  
31 early morning trash pickup, even though it was  
32 a project that preceded this.

33 MR. SULLIVAN: There was also an issue  
34 with trucks backing into a dock. You had tried  
35 to limit the length that they would be backing  
36 up.

37 MR. HERSHBERG: I think that the neighbor  
38 that complained on Spring Street might be  
39 listening to a long back up into the existing  
40 dining hall which takes about 250 feet to back  
41 up from the roadway system. Our back up area  
42 is in here (Indicating). This is one truck  
43 lane and if it's less than three truck lanes,  
44 they have a 150 feet maximum.

45 The number of deliveries to the site is  
46 something that Siena can have control over  
47 regarding frequency and timing of those and

1 they make every attempt to reduce it. We don't  
2 think that it's a major issue. Daytime  
3 deliveries even with the beepers going are  
4 probably aren't going to be that noticeable.

5 MR. SULLIVAN: Thank you.

6 CHAIRPERSON DONOVAN: Mr. Hershberg, one  
7 of the points that I had raised when I was  
8 speaking with Mr. Grasso, our TDE, were with  
9 the odors from the grease traps and I think  
10 that he said that there are a lot of  
11 mitigation opportunities in relation to that.  
12 We were worried about odors in the  
13 neighborhood. He indicated that could be  
14 addressed.

15 MR. HERSHBERG: Actually the Town of  
16 Colonie has a grease trap arrangement with two  
17 grease traps with air vents on them. Gease  
18 traps themselves normally don't produce an  
19 odor problem. We're trying to take the grease  
20 out of the sanitary sewers so it doesn't  
21 impact the town sewer that runs through the  
22 property. We don't think that it is a problem.

23 CHAIRPERSON DONOVAN: Thank you.

24 I see Fraser and Associates here. We'll  
25 open it up to the public and we'll begin with  
26 them, please.

27 MR. HULL: Members of the board, my name  
28 is Rubin Hull with Fraser and Associates. We  
29 did receive a wealth of information from  
30 Mr. Hershberg at the end of last week and were  
31 able to spend the time to review that  
32 information with our client and provide a  
33 letter that was delivered to you for today. I  
34 was able to give a copy to Mr. Hershberg just  
35 before this meeting and he did not have time  
36 to thoroughly review it. The gist of the  
37 letter is an expansion of the letter that we  
38 provided two weeks ago. Much of what we had  
39 discussed two weeks ago has been addressed  
40 either at the previous presentation or within  
41 the materials that were provided. However,  
42 there were still a few things that we felt  
43 from our client's perspective were either  
44 unaddressed or not addressed to the degree  
45 that we feel was representational of the  
46 buffer.

1           The first threshold that we were looking  
2 at as representing our client in front of this  
3 board and in front of this project is the  
4 degree of importance of our client's property;  
5 the degree of the pristine perimeter of this  
6 property that is a sanctuary. It is more than  
7 just for the members. It's there for the  
8 public. It's there for events. It's there for  
9 charitable events. It's there for functions  
10 and a great draw as to why people use that  
11 site is because of the perimeter.

12           The bulk of what we had to discuss was  
13 with regard to the visual simulation. The  
14 photo that I have is what I consider  
15 representational of what the trees are inside  
16 the buffer, once you get past the actually  
17 perimeter at either site. There are, in fact,  
18 evergreens on the Siena College side. There  
19 are evergreens on the Schuyler Meadows side at  
20 the perimeter. There are very few evergreens  
21 within the buffer itself. That being said, the  
22 visual simulation did not include evergreens.  
23 It was stated two weeks ago that there were a  
24 fair amount of evergreens in there but I  
25 appreciate that when the model was done that  
it did not include that.

I did, again, just want to state that in  
opposition to one of the statements that was  
made at the meeting two weeks ago with regard  
to there being evergreens within the buffer.  
There are but there are very few.

The biggest issue that I have with the  
view simulation is with respect to the trees  
that we use to model.

In the simulation that we received, the  
tree that was used to model had a canopy that  
was about 75% of the top of the trees. The  
bottom 25% was the trunk. In the field, what  
we see is that the canopy is actually very  
tall and high and that there is not a lot of  
undergrowth. There is not a lot of understory  
that is permanent understory. There are not a  
lot of branches on the larger trees. It is a  
thick wood so it has a thick upper canopy. The  
canopy itself is very thick when these are in.  
However, underneath that canopy there are not  
a lot of branches. There is not a lot of tree

1 growth and with the undergrowth itself, there  
2 are not a lot of younger understory trees and  
3 growth on the ground. Much of that is seasonal  
4 and will be gone in the spring and the early  
5 summer until it grows back. Yes, it's thick  
6 now. However, from one side to the other  
7 you're able to see dapple sunlight now with  
8 the leaves in September in full growth.

9 My question is: Is the 75% transparency  
10 valid? The trees themselves -- yes, the view  
11 that was done shows a very thick bottom of  
12 those woods. That's what we're disputing. We  
13 feel that this building will be visible from  
14 locations within the Schuyler Meadows  
15 property.

16 The assessment itself was done using some  
17 select locations, which I think a great deal  
18 of thought went into the selection of those  
19 locations, but I don't believe that it's  
20 representational of what the full affect would  
21 be on Schuyler Meadows.

22 The exhibit I have is an example of a  
23 GEIS based visual view shed assessment of a  
24 project. This one was done in particular on a  
25 transportation project. The way that this  
model is done is that within a certain radius,  
it will model the entire impact of a project  
within a given area and give different ideas  
of visible, partially visible or not visible.

One of the things that we are requesting  
from this board is that we do not feel that  
the sections that were done and the model that  
was done was completely accurate or completely  
representative of the full effect and that may  
be seen from the Schuyler Meadows site. So, we  
are asking that a GIS based visual impact  
assessment be required and that the board  
require this from the applicant. We've also  
suggested that it be done by a third party at  
the applicant's expense, an independent party;  
certainly not ourselves and also not the  
applicant's consultant. That, again,  
summarizes our assessment about the visual  
impact.

We also believe that along with those  
lines go the lighting. If the lighting is  
going to be visible in the building or within

1 the parking or the driving lane that goes to  
2 the rear of the building, anything that's  
3 exposed toward the Schuyler Meadows site we  
4 would like to see shielded. We would also like  
5 to see that as part of the visual impact in  
6 terms of a simulation of what the lighting  
7 will be. If it's daytime, our assessment is  
8 that in the nighttime it will also be seen.

9 With regard to stormwater, you can see on  
10 this sketch, this is the watershed map from  
11 the Clough Harbour master plan. This is DA3B  
12 which is where the project site is  
13 (Indicating). This is DA3C which is adjacent  
14 to the project (Indicating). I will concur  
15 with Mr. Hershberg that there is no  
16 interrelationship with them. There is nothing  
17 that's happening in 3D that is affecting 3C.  
18 However, they all have the same receiving  
19 waters. They all come to this tributary at the  
20 Kroma Kill that then continues on to our  
21 client's site. The blue is the watershed area  
22 that was used in the analysis.

23 One comment that I did make is that the  
24 full watershed of what's going through this  
25 site is not necessarily shown in the area.  
26 There is some area near the St. Francis house  
27 which also proceeds in that direction and is  
28 not included in the calculations. The  
29 calculations were, from what I can tell,  
30 effectively limited to the disturbed area on  
31 this site. So, there is some flow that is  
32 going through that pond that right now is not  
33 accounted for.

34 I understand that there is a substantial  
35 safety factor on there but I just feel that  
36 the calculations on that should be  
37 representative with both flow and from my  
38 client's perspective and more importantly for  
39 stormwater quality. That's the crux of our  
40 concern with the stormwater from this site.

41 What we have asked for as part of our  
42 request from this board is that we see an  
43 opportunity here with this construction to be  
44 able to provide some erosion and sedimentation  
45 control mitigation for this DA3C. There is  
46 evidence in this parking lot on the other side  
47 of the watershed of sedimentation around catch

1 basin frames. There is evidence of erosion and  
2 sedimentation deposits within this wetland.

3 There is evidence of sedimentation at the  
4 outlet structure which I understand has  
5 recently been placed, but when this flow comes  
6 through here that becomes part of the flow  
7 stream and then continues on and is carried  
8 and conveyed off of the site.

9 Our opinion is that although this project  
10 is not related to this particular watershed.  
11 It's the same owner. It's the same property.  
12 It's the same watershed. It's the same  
13 receiving waters. I feel that this board has  
14 an opportunity at this juncture to be able to  
15 require some stormwater management of the  
16 sedimentation and erosion control that is  
17 passing through this water shed and ultimately  
18 to the same discharge point to our client's  
19 property.

20 Mr. Hershberg very accurately and very  
21 adequately spoke to all the issues of  
22 stormwater rates and flow. That's not what my  
23 letter was concerning with regard to the water  
24 shed. It is the sedimentation that is coming  
25 from Siena's property going through that  
tributary to the Kroma Kill onto Schuyler  
Meadows and into the area of irrigation pond.  
So we're stressing that there is an  
opportunity now to do something about that in  
conjunction with this project.

26 With regard to noise: The concern that we  
27 have is with the truck backing up at the rear.  
28 I understand that the back up would be right  
29 here (Indicating). Everything has been  
30 proposed with regard to the hours of operation  
31 for the trucks with regard to the construction  
32 season and construction time. I believe that  
33 is all well and good for the residential  
34 abutters but it also coincides with the hours  
35 of operation of Schuyler Meadows. So in  
36 looking for some understanding of the backing  
37 up of the trucks, we're asking on behalf of  
38 our client for a sound barrier along that area  
39 where the truck would be backing up. A sound  
40 wall similar to what would be put on the roof  
41 with the rooftop units.

1 I spoke to the lighting as part of the  
2 visual impact assessment. We would hope that  
3 as part of the visual impact assessment, it  
4 would take into account both the daytime and  
5 the nighttime of what's visible because it is  
6 our opinion that there will be parts of this  
7 building that will be visible through these  
8 woods when the leaves are not on the trees.  
9 That is still our position having reviewed the  
10 visual simulation.

11 With that, we would ask in our letter  
12 that the board seriously consider our position  
13 of this property that's next door to this  
14 project a very significant accent to the  
15 community and part of the reason why the  
16 impacts are threatened by the presence of this  
17 building. We ask the board to agree with that  
18 assessment and based on that assessment  
19 withhold the concept approval and the SEQRA  
20 determination until that visual assessment and  
21 the other comments would be more adequately to  
22 our satisfaction, addressed.

23 CHAIRPERSON DONOVAN: Thank you. Anyone  
24 else from the neighborhood?

25 MR. STAPLETON: Mike Stapleton.

The lower side of the diagram of the  
backup area -- is there enough area there for  
fire apparatus to turn around? My question is  
the snow removal operations on that entire  
parking lot would push that snow to the  
outside edge of the parking lot, more than  
likely. We're on the lower side of that and  
that melts. Is that not going to run down into  
the Kroma Kill?

MR. HERSHBERG: We actually intercept all  
of the drainage from that point into our  
system. We have catch basins -

MR. STAPLETON: That yellow part that  
runs through there (Indicating)?

MR. HERSHBERG: That's the protected  
area but we do have a catch basin at this end  
to divert the stormwater into our system.

MR. STAPLETON: I'm not sure that you  
have enough room to do that.

MR. HERSHBERG: We do because this  
distance here is about 25 feet from the  
protected area to the edge of the basin

1 (Indicating). We have it drained properly as  
2 required under the SWPPP plan.

3 MR. STAPLETON: I also would like to say  
4 that I agree with Schuyler Meadows on the  
5 noise and light simulation.

6 I do have some questions. What is the  
7 zoning of the property?

8 MR. DELAUGHTER: Single family  
9 residential.

10 MR. STAPLETON: As single family  
11 residential property, what are the height  
12 requirements of the building?

13 MR. DELAUGHTER: The building height is  
14 40 feet, but that is with the eaves on the  
15 peak roof.

16 MR. STAPLETON: And this roof is this how  
17 high?

18 MR. HERSHBERG: It's 53 feet at the  
19 peaks.

20 MR. STAPLETON: The light poles in the  
21 parking lot - how high?

22 MR. HERSHBERG: We currently are modeling  
23 about a 17-foot high pole.

24 MR. STAPLETON: The noise and the hours  
25 of operation. The town has noise limits. I  
believe it's 7 a.m. to 10 p.m. The weekends  
are a little bit different. I would strongly  
recommend that the hours of operation after  
7:30 to 8:00 at night be curtailed.

You've asked for approximately 205  
parking places to be added with a 260 bed  
area. You addressed my concern at the last  
meeting about the parking places, but how many  
people are going to be employed in the dining  
hall and where will they park?

MR. HERSHBERG: They will be provided  
parking on campus. The campus has a permit  
system for parking. I said at the last meeting  
that the additional people that were added  
were significantly less than 205 beds. There  
is still a significant gap between the 260  
beds and the number of people moving onto the  
campus. People already have their cars that

are on campus.

1 MR. STAPLETON: You also said at the last  
2 meeting that there would be no impact on  
3 traffic.

4 MR. HERSHBERG: That's correct.

5 MR. STAPLETON: Currently those people  
6 who are not on campus leave campus at the end  
7 of class and don't come back until morning or  
8 leave campus on a Friday and don't come back  
9 until Monday. Those cars will not be on campus  
10 and will affect traffic with the comings and  
11 goings out of Siena College, whether it be out  
12 the front gate or out the back roads. My  
13 concern is the roads that they are leaving by.  
14 The road in the parking lot right there  
15 (Indicating) - that exit has a very bad curve  
16 onto Fiddlers Lane. I want to go on record as  
17 saying that even though I wasn't at the one  
18 meeting that was had, I understand that when  
19 the townhouses were put in, one of the  
20 conditions for that was that gate would be  
21 closed all the time. No traffic would be  
22 allowed in and out of that place. That is not  
23 the case now. I don't know if that's true. My  
24 big concern is the amount of traffic that's  
25 going to be headed out Fiddler's Lane and that  
curve.

CHAIRPERSON DONOVAN: Kevin, could you  
sometime this week or next week look and see  
what the case is with that gate please?

MR. DELAUGHTER: That's the gate coming  
out of which driveway?

MR. STAPLETON: It comes out right on the  
curve on Fiddler's Lane.

MR. HERSHBERG: That's Maloy Circle.

MR. STAPLETON: It's right before the  
entrance of number 33.

CHAIRPERSON DONOVAN: Yes, ma'am; right  
here.

MS. TERSIAN: My name is Pat Tersian and  
my family has been paying taxes in the Town of  
Colonie since 1967. Your name is the Town  
Planning Board and as such, it's your  
responsibility to make decisions based on what  
is best for the entire town.

Siena College is the jewel of Colonie.  
There are no other structures in the town that  
are as attractive or better maintained than

1 Siena. One only has to drive up Route 9 and if  
2 you look at Town Hall and then look over at  
3 the Siena Campus, you'll be startled by the  
4 meticulously maintained grounds they have.

5 The president came yesterday to speak on  
6 the importance of education. To quote him, he  
7 said education unlocks potential. The  
8 ingredients are right here for growth and  
9 success and the students are our testimony to  
10 that.

11 Siena's mission is to educate and they  
12 have been doing a wonderfully successful job  
13 for 70 years.

14 How many residents bought their homes  
15 before Siena existed? They knew that the  
16 college was there when they bought them; every  
17 one of them. Siena employs several hundred  
18 personnel and when parents visit the campus,  
19 they go to the local motels and restaurants  
20 and businesses in Colonie. This entire town  
21 benefits from the presence of Siena College.

22 At the last meeting Schuyler Meadows was  
23 referred to as a sanctuary. It's a lovely  
24 establishment, but it's a business. They have  
25 an active bar, parties, banquets, dinners and  
delivery trucks. If people fail to pay their  
dues, they would cease to exist as the private  
club or a business.

In fairness, has anyone ever complained  
to the club about their delivery trucks going  
beep beep in the night? I haven't heard it.

Anyone who values education realizes that  
college has to be a work in progress. There is  
no master plan that fits teaching our youth,  
being informed and growing in knowledge. Siena  
is a class A learning institution and the very  
heart of our town and I implore before this  
board to remember that they represent all of  
Colonie and not just one single family. Thank  
you.

CHAIRPERSON DONOVAN: Thank you.  
Yes, sir.

MR. JONAS: I don't have any comment but  
I do have a question. Can you point out  
Middlefield Drive?

1 MR. HERSHBERG: Middlefield Drive isn't  
shown on that particular board.

2 MR. JONAS: In looking out my window,  
3 sometimes Middlefield Drive looks like a  
4 river. There is water coming down the road and  
that's with a regular rain. Doesn't that end  
up in the Kroma Kill someplace?

5 MR. HERSHBERG: That water ends up in the  
6 Kroma Kill someplace. I can't really tell you  
7 where it follows. It may very well go through  
8 what the model of the previous drainage  
9 analysis which is actually this pond on this  
10 side of Friar's Drive - it probably goes down  
11 to that and then exits through this newly  
12 constructed weir through a culvert and then  
13 down into this tributary to the Kroma Kill.  
Again, global drainage problems may very well  
exist but anything downstream from them is  
probably not going to impact what takes place  
up in Middlefield. It's really beyond the  
scope of anything that we studied because it  
doesn't really impact that site.

14 I think that essentially this past  
15 particular year for people that have noticed  
16 there have been a significant number of  
17 storms -- I don't want to use the terminology  
that I sometimes use of 100-year storms but  
there have been a number of storms which have  
taxed all the drainage facilities.

18 CHAIRPERSON DONOVAN: Yes, ma'am.

19 MS. FLANAGAN: My name is Carol Flanagan  
20 and I live at 17 Spring Street Road. There has  
21 always been a problem with air conditioning  
22 that was built on the ground covered in brick.  
The noise emanates from that air conditioner  
and comes right down. The college is aware of  
it. I've always complained about it. They said  
23 that they would have their engineers look at  
24 it and that they've done the best that they  
can do to remedy the situation. The situation  
is still there. It's there every summer with  
this air conditioner wining. I'm sure that no  
one that lived with screen windows near there  
and anyone that walks in their parking lot can  
25 help but hear the sounds coming from there.

1 I know that it is a Trane air conditioner  
2 but I'm not an engineer. I don't know what the  
3 model is.

4 I can only say that the people that are  
5 doing this project - if they could take  
6 precautions to make sure that the air  
7 conditioners that are going to be placed on  
8 the roof of this new building, that they are  
9 not going to disturb the people that live in  
10 the area like this one. It constantly disturbs  
11 me every summer when the air conditioner is  
12 turned on. Thank you.

13 CHAIRPERSON DONOVAN: Thank you.  
14 Anyone else? Yes, sir.

15 MR. DION: My name is Rod Dion. I'm with  
16 Tech Valley Office Interiors but for tonight's  
17 purpose I'm here as one of the Board of  
18 Directors for the Colonie Chamber of Commerce.  
19 I just have a quick statement that we'd like  
20 to add to the record.

21 The Colonie Chamber of Commerce and its  
22 Board of Directors representing 550 businesses  
23 throughout the Town of Colonie and beyond  
24 support Siena College's proposed plan to  
25 construct a four-story 260 bed on-campus  
residence and dining hall for occupancy in the  
fall of 2010.

In order to accomplish this, the chamber  
urges the Town of Colonie Planning Board to  
approve Siena's request in a timely fashion.  
The Chamber recognizes Siena as being  
important to the business community as well as  
a positive economic impact proposal to local  
businesses. We believe what's good for Siena  
College is good for Colonie. Thank you.

CHAIRPERSON DONOVAN: Thank you.  
Yes, sir.

MR. ESSEPIAN: My name is John Essepien  
and I live at 47 Spring Street Road.

I've been a member of Schuyler Meadows  
for 13 years and what I've heard tonight from  
Mr. Hull is absolutely ridiculous. They sold  
that east bank and I was the only one that got  
up in the audience and said I was against it.  
The watershed is gone. You've got houses,  
you've got lights at night and they're

1 concerned about a little dorm. It's  
2 ridiculous.

3 The noise? I live on the corner of  
4 Schuyler Meadows Road and trucks at 4:30  
5 downshift and scream down the road. It's the  
6 same thing coming back. I don't complain.  
7 Schuyler Meadows creates its own problems.  
8 There is silt coming up those banks and with  
9 the lights on at night, it's not pristine at  
10 night anymore. I still enjoy going there but  
11 the issues they raise are ridiculous.

12 CHAIRPERSON DONOVAN: Anyone else?  
13 Yes, sir.

14 FROM THE FLOOR: My father lives on  
15 Cherrywood Terrace. My concern is the parking.  
16 There is less availability of parking  
17 spots. Siena students use Cherrywood Terrace  
18 to park. I'll suspect that this will increase  
19 the parking along Cherrywood.

20 CHAIRPERSON DONOVAN: They're going to be  
21 getting spots and I appreciate your point.

22 We do also have a traffic advisory board.  
23 Lieutenant Ken Pirro from the Police  
24 Department is in charge of that and you can  
25 contact him and I'm sure that they'll address  
the issue.

FROM THE FLOOR: I live in that area also  
and along with those cars there are always  
numerous beer cans and constant garbage. My  
concern is that we have small nephews that are  
out of state children. I have a great concern  
about the safety and security about that as  
well as the parking.

CHAIRPERSON DONOVAN: Did you talk to the  
traffic safety person Lieutenant Pirro of the  
town?

FROM THE FLOOR: No.

CHAIRPERSON DONOVAN: Try to contact  
Lieutenant Ken Pirro over at the Colonie  
Police Department because he's in charge of  
the traffic safety.

FROM THE FLOOR: There are problems there  
every weekend with those things.

CHAIRPERSON DONOVAN: Would you give the  
name of the street again for our Town  
Attorney?

1 FROM THE FLOOR: Cherrywood Terrace.

2 CHAIRPERSON DONOVAN: We'll take a look  
into it.

3 Yes, sir.

4 MR. PAPADAPULOUS: I'm Mike Papadapulous  
and I'm director of Public Safety at Siena  
College.

5 Last year we had an issue with Campus  
6 View. We've worked very closely with the town  
with what was going on. On a daily basis we  
7 were looking to see if any of our students  
were parking there. If they are, we address it  
8 with the students. I get a report every  
morning now whether there are any cars on  
9 Campus View. Over the last year we've had a  
great deal of success and I think that at the  
10 last meeting we've had on Campus View, they  
told us that. We work very closely with Ken  
11 Pirro. We will start looking harder at  
Cherrywood and we will do the same thing on  
12 Cherrywood that we've done on Campus View. If  
any of the residents want to see me  
13 afterwards, I'll be glad to work with you.

14 CHAIRPERSON DONOVAN: Mike, do you want  
to say a few words?

15 MR. MAGGUILLI: He's absolutely correct  
about College View. There was a big problem  
16 for about a year. They've worked with our  
Police Department and it's all worked out.

17 CHAIRPERSON DONOVAN: Yes, ma'am.

18 MS. ALLEY: I'm Sharon Alley and I'm  
concerned with the access. With the townhouses  
19 how many cars will there be and how does that  
affect traffic?

20 MR. HERSHBERG: I'd just like to try to  
address two issues. One was the increase in  
21 traffic and the increase in parking. Those are  
sort of interrelated. We believe that  
Creighton Manning Engineering did a proper  
22 analysis because we're moving people off  
campus onto campus.

23 Traffic engineers traditionally look at  
peak traveling hours; the peak a.m. and peak  
24 p.m. traffic hours. During those hours it's  
clear that with more people on campus, we'll

25

be reducing the impact of traffic on the

1 roads. We are aware that there is a limitation  
2 of entry in and on campus in the late evening  
3 hours and the weekends. I was assured that  
4 Siena intends to enforce that strictly through  
5 their main entrance off of Route 9.

6 CHAIRPERSON DONOVAN: I think that you  
7 said that at the last meeting.

8 MR. HERSHBERG: Again, from that issue we  
9 think that much of that off peak hour traffic  
10 would be addressed. Like I said, the key  
11 element here is that most people will be on  
12 campus. Yes, they may go out, but an awful lot  
13 of hard working studying students have the  
14 capability of staying on campus and staying  
15 within the purview of dining halls and study  
16 halls and libraries an awful lot of the time.  
17 Yes, that does not mean that they never go off  
18 campus at nighttime. We have not and I don't  
19 think that we were ever asked to do a total  
20 count of the total number of students going  
21 from the other housing areas onto Fiddlers  
22 Lane.

23 MS. ALLEY: I'm concerned about the  
24 people that take that curve there and then  
25 flipping onto the ice. Someone brought up the  
26 access onto Fiddlers and I'm concerned about  
27 the students coming out of that campus. They  
28 shoot right out onto the road. We haven't had  
29 a T-bone there but there was an incident that  
30 involved my brother and -

31 CHAIRPERSON DONOVAN: This is not really  
32 related to this. I mean, it is related but it  
33 should be addressed by the campus.

34 Mike, when you talk to Ken Pirro, the  
35 issues of traffic can be dealt with. Right  
36 now, I'd like to get back to the plan. Thank  
37 you.

38 Anybody from the board have any further  
39 questions or comments?

40 MR. O'ROURKE: Mr. Hershberg, as part of  
41 this project, the one woman mentioned the air  
42 conditioning on that other dorm. As part of  
43 this project, can somebody look at that? Let's  
44 be good neighbors. You've said that as part of  
45 this, you're going to lower the decibel levels  
46 on those condensers. So, if you're doing that,  
47 can we just look at that for her?

1 MR. HERSHBERG: I think that we could ask  
2 Novus Engineering to take a look at -

3 MR. O'ROURKE: Again, if we're asking  
4 everybody to be reasonable, I think that is a  
5 reasonable request and I would ask that at  
6 some point that somebody look at it.

7 MR. HERSHBERG: I wouldn't disagree. I  
8 believe that it's reasonable to ask for  
9 certain things, but I would hope that in the  
10 context of this concept review, they would not  
11 impact us getting concept approval.

12 MR. O'ROURKE: I'm not saying that but  
13 I'm going to hold you to that.

14 CHAIRPERSON DONOVAN: Tim, did you have  
15 something?

16 MR. LANE: Yes. The gentleman from the  
17 club: Were the club members noticed on this  
18 project, in general? How did you become aware  
19 of this?

20 MR. ESSEPIAN: I live just across the  
21 street from this and I didn't know.

22 MR. LANE: Is the membership generally  
23 supportive of the project?

24 MR. ESSEPIAN: I can just speak for  
25 myself. If you look at golf clubs in America,  
there is development that does impact them.  
This club is very lucky to have the college.  
That land could have been sold for  
development. They're very, very lucky to have  
the college as a neighbor and I think that a  
lot of the neighbors feel the same.

MR. LANE: Then I'm kind of confused.  
Fraser is working on behalf of the club, isn't  
he?

MR. ESSEPIAN: But he doesn't represent  
everyone's opinion.

MR. LACIVITA: Just to follow up on that.  
I got a call just prior to Siena College  
coming on the first time from Ms. Barletti and  
we gave them the consideration of giving them  
the information packets. Dan Hershberg worked  
very hard at getting them packets so that they  
could respond to the very first meeting.  
Unfortunately, this consideration was not  
given Mr. Hershberg. He got this letter this  
evening. We're talking apples and oranges here  
as far as consideration and notice.

1           Also, Tim, notification is incumbent upon  
the board.

2           MR. LANE: I understand that.

3           MR. O'ROURKE: This is still America.  
Siena owns the property. Let's not forget  
4 that. We approved one off my second fairway  
too, right? What's good for the goose -

5           CHAIRPERSON DONOVAN: Now you've got C.J.  
going.

6           The crux of this is as we move along of  
course Siena has always been an important part  
7 of our community and we want to help them grow  
with a new dorm, but we also have  
8 consideration of Schuyler Meadows which has  
been a long, long time establishment in the  
9 community. I think that from what I'm hearing  
from Fraser and from what I'm hearing from  
10 Hershberg, whatever the differences might be  
they seem to be something that could be worked  
11 out.

12           I think, Mr. Hershberg, you had mentioned  
the willingness of the college to screen  
13 areas.

14           MR. HERSHBERG: I would disagree that I  
could accept Mr. Hull's letter. Let me read  
you one thing in here why I can't accept it.  
15 It's the last dot on the second page says that  
the view analysis was only modeled for a  
16 selected crosssection from specific vantage  
points and does not identify impacts to all

17  
18 locations on Schuyler Meadows.

19           How would we possibly model all the  
locations at Schuyler Meadows? That's why  
Rubin's letter is inappropriate. I did have a  
20 few minutes and I did scan it a little bit  
during his comments. A lot of these have been  
21 addressed.

22           He talks about the center of the roof.  
That doesn't change the view because those  
23 items are on the flat portion of the roof. It  
doesn't change the view analysis.

24           CHAIRPERSON DONOVAN: As the project  
moves along we will hopefully continue to work  
with Mr. Hull and we'll get everything ironed  
25 out. I know that somewhere in your  
presentation, Mr. Hershberg, you did say at

1 one point - - I'm not sure if it was in  
2 writing or you said it that the college would  
3 be willing to screen where the building might  
4 be seen. I think that it was from the 16<sup>th</sup>  
5 fairway.

6 MR. HERSHBERG: Again, there were  
7 questions about whether or not you could see  
8 under the canopy and view the building. We  
9 said view of the building but we're also  
10 talking about lights. If you can see the  
11 building, you may be able to see the parking  
12 lots or building lots. We don't think that's  
13 the case.

14 MR. O'ROURKE: Nobody is playing on the  
15 16<sup>th</sup> fairway at night. It's all about  
16 reasonableness.

17 CHAIRPERSON DONOVAN: I feel that this is  
18 important. If the board is willing to grant  
19 concept this evening, part of the concept is  
20 that you continue to work with Schuyler  
21 Meadows and to help mitigate some of the  
22 reasonable situations that may exist and that  
23 may be sight from the 16<sup>th</sup> fairway or other  
24 places on the club. I'm not sure how you feel  
25 about the sound wall that they've asked for  
but that's something that I would like you  
also to consider as you move along.

MR. HERSHBERG: Madam Chairperson, what I  
recommend that what I heard from these two  
board members is that they were not consulted  
before this letter was sent out.

CHAIRPERSON DONOVAN: I understand.

MR. HERSHBERG: What I would recommend is  
if we are to work with Schuyler Meadows, that  
myself and Greg Seleman be afforded an  
audience before the Schuyler Meadows board  
before they sign off on the comments that were  
sent out by the consulting engineer.

CHAIRPERSON DONOVAN: I don't want to get  
involved between Schuyler Meadows and Siena.

MR. O'ROURKE: And I also want to go on  
record that I will not accept one more  
document five minutes before. We don't accept  
them from our own planning. So if somebody at  
Schuyler has hired this firm, don't bring me  
this and expect me to issue anything on it  
five minutes before.

1 MR. HERSHBERG: Your letter said work  
2 with Rubin Hull as consultant. I just want to  
3 take issue with our capability or working with  
4 the consultant who has not formed his  
5 conclusions to what they hired him for. I  
6 think that it would be best that we work with  
7 the Schuyler Meadows board regarding issues  
8 that they may have.

9 CHAIRPERSON DONOVAN: I'll just put it  
10 this way, okay? At the next meeting, I want  
11 everybody to love each other and be very  
12 happy. I don't want to hear complaints. I'd  
13 like to see everything ironed out. I would  
14 really appreciate it if these things could be  
15 worked out before we get to the next phase.

16 MR. HERSHBERG: I'm sure that they can.

17 CHAIRPERSON DONOVAN: You get the final  
18 few comments.

19 MR. STAPLETON: You talked about the  
20 parking lot lights and the lighting. Are there  
21 any spotlights of any sort on the building?

22 MR. HERSHBERG: Yes, we will have some  
23 wall packs at the rear entrance here  
24 (Indicating) and those would be modeled in the  
25 final photometric plan. We do have lighting  
over entrances and by code we have lighting  
over the emergency exits and the front  
entrances.

CHAIRPERSON DONOVAN: We will monitor  
that.

MR. HERSHBERG: We have submitted a  
photometric plan and we're talking about  
12 foot high standards on the walks and  
17 foot high standards in the parking lot. We  
think that's well respective of the neighbors.  
We're not building a 35 foot high light  
standard.

MR. STAPLETON: We wouldn't let you do  
that.

I also remember something about them  
scattered around the parking lot and that's to  
emergency standards as well.

MR. HERSHBERG: Yes.

MR. STAPLETON: The other comment that I  
have is that Schuyler Meadows is not the only  
people impacted by this. I believe that the

1 people on Everly are more impacted than  
2 Schuyler Meadows is impacted.

3 CHAIRPERSON DONOVAN: Understood. One of  
4 the things that we did talk about the last  
5 time with Everly is that there is an easement.  
6 You said that it was a stormwater easement?

7 MR. HERSHBERG: Sanitary sewer.

8 CHAIRPERSON DONOVAN: That is never going  
9 to be used for any form of access to this  
10 site.

11 MR. HERSHBERG: As a matter of fact, the  
12 Town of Colonie owns it. The Town of Colonie  
13 wants to put a roadway in there to go no place  
14 because Siena has absolutely no use for that  
15 roadway.

16 CHAIRPERSON DONOVAN: Okay. Thank you  
17 very much.

18 MR. HULL: May I address two comments  
19 that they made?

20 CHAIRPERSON DONOVAN: Yes.

21 MR. HULL: One is that with regard to the  
22 turn around time of our letter. We did receive  
23 the information packets from Hershberg and  
24 Hershberg in our office Thursday afternoon. It  
25 was on my desk Friday morning and that was the  
timeframe that I had. Obviously it was not  
going to be in a week ahead of time before  
this meeting.

Secondly, we have had contact with a  
representative from Schuyler Meadows who is  
one individual. I did not go to the board. I  
went to the president and all the  
correspondence has been with the president of  
Schuyler Meadows. With the turn around time, I  
don't expect that there was any opportunity  
for this information to get back to the board.  
We will endeavor to work with Mr. Hershberg.

MR. COLLACK: Nick Collack, 24 Everly  
Road. I live directly across from that  
easement. I think that speaking for myself and  
several of my immediate family members, we  
don't have any problem with Siena's project  
going forward. The only concern that we do  
have is the noise issue.

We're getting a little confused. If  
they're entering 38 decibels at the top of

1           Everly Road circle and that's not as loud as  
2           the crickets in summer, I guess that we would  
3           all be happy. But those older projections are  
4           estimates. If Siena can't solve the problem  
5           with the air condition at the other side of  
6           the campus, we could be falling into a problem  
7           here that may not be resolvable and I don't  
8           want to hear the humming of the air  
9           conditioning units all summer long. I'm sure  
10          that it can be solved.

11          The only other issue was with the  
12          easement.

13          CHAIRPERSON DONOVAN: It is a town  
14          easement so the town has control over it.

15          Thank you.

16          MR. LACIVITA: Jean, I know that  
17          Mr. Grasso asked if the board was willing to  
18          make a motion tonight on the SEQRA and on the  
19          concept acceptance - that a number of possible  
20          conditions be placed on this project which I  
21          think will address some concerns such as  
22          landscaping. That might have some site visual  
23          impacts. The noise intervention, trash  
24          service, delivery time frames, looking at the  
25          public address system, pedestrian connectivity  
26          and also some stormwater impacts. I think that  
27          I may have gotten them all. Oh, and the hours  
28          of operation and the hours of construction.

29          CHAIRPERSON DONOVAN: Those are all  
30          issues that we can deal with.

31          I do have a recommendation from the  
32          Planning and Economic Development Department  
33          that the request approval is a Type I SEQRA  
34          action. Based on the attached EAF, it is  
35          recommended that the board determines that the  
36          action will not have a significant effect on  
37          the environment. Also, that the attached  
38          negative declaration be filed.

39          Does the board, at this point, with what  
40          they have heard tonight willing to adopt the  
41          SEQRA recommendation before us?

42          MR. O'ROURKE: Madam Chairperson, I would  
43          make that appropriate motion for the neg dec.

44          MS. VAIDA: I'll second that.

45          CHAIRPERSON DONOVAN: All in favor?

46

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

1                   CHAIRPERSON DONOVAN: The SEQRA has been  
2                   adopted for the project.

3                   Do I have a motion on the concept  
4                   submission?

5                   MR. SULLIVAN: I'll make the motion.

6                   CHAIRPERSON DONOVAN: With any  
7                   stipulations?

8                   MR. SULLIVAN: With the ones that Joe had  
9                   mentioned.

10                  CHAIRPERSON DONOVAN: I will second with  
11                  the stipulation that the college will continue  
12                  to work with Fraser, with the club and the  
13                  neighbors so that as we proceed at the next  
14                  meeting we'll have everything ready to go.

15                  Joe, you're scowling at me. My husband  
16                  does that to me.

17                  MR. GRASSO: I would like to say that the  
18                  amount of public support or opposition has no  
19                  bearing on the Planning Board's decision.

20                  CHAIRPERSON DONOVAN: I understand.

21                  MR. GRASSO: And I would also state that  
22                  it's inappropriate for the board to transfer  
23                  their authority to another agency.

24                  CHAIRPERSON DONOVAN: I'm not  
25                  transferring our authority. I'm just saying  
26                  that I would like the parties to work  
27                  together.

28                  MR. GRASSO: Agreed, but whether  
29                  everybody is going to come back and -

30                  CHAIRPERSON DONOVAN: I know. That's a  
31                  dream.

32                  Did we have any other conditions that  
33                  should be added?

34                  Are you all set, Michael?

35                  MR. SULLIVAN: There were like eight of  
36                  those considerations.

37                  MR. HERSHBERG: Thank you very much.

38  
39                                   **(Whereas the proceeding concerning the**  
40                                   **above entitled matter was adjourned at**  
41                                   **8:45 p.m.)**

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**CERTIFICATION**

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

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**NANCY STRANG-VANDEBOGART**

*Dated October 23, 2009*