

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3

4 *****
5 VENTURA SUBDIVISION
6 560 BOGHT ROAD
7 APPLICATION FOR CONCEPT ACCEPTANCE
8 *****

9 THE TAPED AND TRANSCRIBED MINUTES of the above
10 entitled proceeding BY NANCY STRANG-VANDEBOGART
11 commencing on April 26, 2011 at 7:34 p.m. at the
12 Public Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, CHAIRMAN
- 16 MICHAEL SULLIVAN
- 17 LOUIS MION
- 18 KATHLEEN DALTON
- 19 PAUL ROSANO
- 20 ELENA VAIDA, Esq., Attorney for the Planning Board

21 Also present:

- 22 Joe LaCivita, Director, Planning and Economic
23 Development
- 24 Lynn Sipperly, PE, Sipperly and Associates
- 25 Joe Grasso, Clough Harbour and Associates
- 26 Norbert Desrosiers
- 27 Marjorie McBride
- 28 Matthew Robinson
- 29 Rich Gaughan

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1 MR. LACIVITA: Peter, this is the Ventura
2 subdivision. It is 560 Boght Road. It's a
3 31-lot subdivision. We're here today to review
4 for concept acceptance. The TDE for the
5 project is Clough Harbour and the design
6 professional is Sipperly and Associates. It's
7 been through DCC and we have comments before
8 the Board and I'll turn it over to Lynn.

9 CHAIRMAN STUTO: Mr. Sipperly, please?

10 MR. SIPPERLY: Mr. Chairman, members of
11 the Planning Board, ladies and gentlemen, we'd
12 like to present for your consideration the
13 concept plan for Ventura subdivision. The
14 subdivision is proposed by Joseph Ventura who
15 owns the property. He is here tonight for any
16 questions that the Board may have.

17 What I have up here is an aerial
18 photograph of the area. I have a little bit of
19 a tight setting. Just for some geographic
20 locations, the intersection of Route 9 and
21 Boght Road is at this point right here
22 (Indicating). This is the Guptil Skating area
23 at this location here. Renas Drive is here. To
24 the bottom of the photograph is the Town of
25 Colonie soccer fields. It extends further

1 beyond the photo. As the photo shows, what we
2 have here is a long rectangular parcel. It's
3 370 feet wide by about 3,100 feet long. The
4 Ventura residents are located here and there
5 is a garage at this location here
6 (Indicating). The property also has frontage
7 on Renas Drive. It's kind of an extension of
8 the property. It's about 270 feet long along
9 Renas Drive and 80 feet along Boght Road. It's
10 in a single family residential zone in a
11 conservation overlay district. The photo helps
12 to show that the property kind of vegetative.
13 We can see that there is a lot of meadow
14 field. There are some wooded areas and there
15 is a wetland area on the property. There is
16 also a manicured lawn area adjacent to the
17 Ventura residence. The property is rolling in
18 topography.

19 This photo shows that there is a 2008
20 photo and this area down here is the
21 Cornerstone Meadows subdivision; Phase I and
22 Phase II. Phase I is developed but doesn't
23 show on there because again, that happened
24 after this photography was taken. At the
25 southerly border is the Canterbury Crossings

1 PEDD development.

2 We have sanitary sewer running here along
3 Boght Road. We also have the sanitary sewer
4 here on Renas Drive (Indicating). The sanitary
5 sewer is also here at the Cornerstone Meadows
6 subdivision. We did our analysis with regard
7 to the conservation overlay requirements for
8 the zone. Really, it's a very expensive search
9 and we really didn't find any features of
10 environmental importance. There are species on
11 the site that individually are important. You
12 have 2.2 acres of wetlands on the site. Some
13 of it is located back here along the southerly
14 property boundaries. Another area is located
15 in the center of the property.

16 Other than that, there is no scenic areas
17 or qualities of the property. That property
18 was wooded at one time and it has been
19 cleared.

20 CHAIRMAN STUTO: Can you explain the
21 conservation overlay district, to your
22 understanding, for the public and for the
23 Board?

24 MR. SIPPERLY: The conservation overlay
25 district is looking at the property for any

1 unique and important environmental qualities
2 of the property, historic resources, scenic
3 resources and cultural resources. We try to
4 preserve those resources and go with a more
5 compact type subdivision. There is a formula
6 in there that establishes a number of lots.
7 The way that the formula works is that you
8 look at the constrained lands - the
9 constrained lands being wetlands, the slope
10 over 25 percent grade, mud and clay areas,
11 significant streams and the like. We don't
12 have any of those particular items. There is
13 no flood plain. There are a couple of water
14 courses through the property, but they are not
15 identified as significant streams in the Town
16 of Colonie. The only historic resources that
17 have been identified at this point is there is
18 a house that's listed on the National Register
19 of Historic Structures.

20 CHAIRMAN STUTO: So, you are saying that
21 the conservation overly has no impact on the
22 property.

23 MR. SIPPERLY: That's our findings.

24 MS. DALTON: I do have a question about
25 that. I didn't see any mention of wildlife, or

1 any of that. Because you've got the two
2 developments that are going in around it as
3 well, I'm a little concerned that we haven't
4 given any thought to what kinds of animals are
5 living in the entire area and whether or not
6 when taken together - we're kind of
7 disturbing.

8 MR. SIPPERLY: The wildlife that you
9 would expect out here is typical suburban type
10 wildlife. You have the deer and you may have
11 some fox. You have the birds, naturally. Some
12 of that wildlife will get displaced and some
13 of it coexists with the residential
14 development.

15 MS. DALTON: I actually almost ran over
16 wild turkeys today.

17 MR. SIPPERLY: What we have here for this
18 particular property is a large area that is
19 set aside that is part of the Canterbury
20 Crossing project.

21 MS. DALTON: That's one of the reasons
22 why I was asking you because I was here during
23 the Canterbury Crossings presentation and I
24 know that they paid attention to the migratory
25 patterns of the particular wildlife that were

1 there. I know that what they're planning comes
2 pretty close to abutting, if not abutting,
3 what you're referring to here. That's why I
4 asked because if there was any consideration
5 with regard to what they were planning and
6 what you were planning so that you don't
7 disturb the migration pattern that they are
8 trying to put into place.

9 MR. SIPPERLY: I think that we will
10 consider that and do consider that in our
11 plan. When you look at the plans you'll see
12 that there's an area adjacent to the
13 Canterbury Crossing project that's being
14 preserved. There is also wildlife that exists
15 on the soccer fields and again, there are
16 areas of our parcel that aren't proposed for
17 development.

18 MS. DALTON: I think that before I would
19 be comfortable - I have it underlined where
20 it's your opinion that the conservation
21 development area is not applicable, but I
22 think that before I would feel really
23 comfortable that it wasn't applicable, you did
24 take the time to touch base with the
25 Canterbury Crossings folks and make sure that

1 whatever they've worked out with DEC is not
2 being somehow circumvented by whatever it is
3 that you're proposing here.

4 MR. SIPPERLY: I was part of the
5 Canterbury Crossings design. I'm well aware of
6 the Canterbury Crossing design and we did not
7 take into consideration off-site lands, beyond
8 what we controlled of Canterbury Crossing, to
9 deal with and to take care of wildlife.
10 Naturally, while I see natural boundaries. We
11 didn't look at the natural migration and the
12 habitat -

13 MS. DALTON: I would understand why you
14 wouldn't do that. I think that's kind of our
15 job as a Planning Board to be aware of what's
16 happening in the general area and to ask you
17 how those will all come together and impact
18 your project. You appeared after that. So, I
19 wouldn't have expected them to look at your
20 parcel, but I would expect that before we say
21 that your parcel is not going to have
22 conservation need, that we make sure that we
23 consider whatever else is happening in the area.

24 MR. SIPPERLY: There is a consideration
25 also that we looked at in our analysis of the

1 Conservation subdivision. The Town has kind of
2 adopted cul-de-sac streets which are
3 restricted to 750 feet. That's a cul-de-sac
4 street. That 750 feet is impacted right here
5 (Indicating). There is no really other means
6 to get to this property. We do propose to come
7 in at Sutton Drive at this location here, 750
8 feet doesn't provide us a very long corridor
9 and will not have the density.

10 Also, the various Town Departments
11 require interconnection of utilities so it
12 does allow us the opportunity to provide the
13 interconnection of the utilities.

14 Again, with this diagram, the
15 configuration of property is 3,100 feet long
16 and 370 feet wide. It only allows us to do a
17 single street for normal residential use. What
18 we are proposing to do here is to come in at
19 this location here (Indicating), traverse
20 through the site and connect here at Sutton
21 Drive. It was approved under Phase II of
22 Cornerstone Meadows. It's not constructed yet,
23 but it will probably start construction in the
24 next few months.

25 CHAIRMAN STUTO: Is the stub for

1 Cornerstone - is that on the plans for
2 Cornerstone?

3 MR. SIPPERLY: Right here.

4 CHAIRMAN STUTO: And that's the only
5 thing on the approved plans for Cornerstone.

6 MR. SIPPERLY: No, that was not on the
7 approved plans for Cornerstone. We've been
8 working with Bob Marini and Rudy Paulsen.
9 We're proposing a detention basin here and
10 actually in time, we'll replace the access
11 road near the detention basin serving a dual
12 purpose for access to the detention basin and
13 also the egress and ingress.

14 MR. GRASSO: Just to clarify that point,
15 I think that's a parcel that was proposed for
16 stormwater management that was dedicated to
17 the Town on the approved plans. It's not yet
18 been stamped.

19 MS. DALTON: What would happen if we
20 didn't use that for stormwater and we used it
21 for our roads instead?

22 MR. GRASSO: They would need to modify
23 the plan to address the stormwater management
24 needs for the Cornerstone Meadows project, if
25 that's where the impact is. It would really be

1 an amendment.

2 MS. DALTON: Our Traffic Safety Report
3 also wanted us to make sure that there was
4 egress there because they were uncomfortable,
5 if that wound up being a dead end.

6 MR. GRASSO: Kathy, I think what you'll
7 see is that because we go through the concept
8 review and list all the comments of the
9 Planning Board and of all the Town
10 Departments, you'll see that there is a lot of
11 conflicting interests going on here and it
12 will be ultimately up the Planning Board to
13 decide if there is a solution that can address
14 the issues and what the best shape in view of
15 the project will be.

16 CHAIRMANS STUTO: We normally don't
17 interrupt much of the presentation, but Joe,
18 can you address the conservation overlay?
19 Would you agree with the applicant? It's a
20 threshold issue.

21 MR. GRASSO: The purpose is, as Lynn
22 said, it's an opportunity or requirement to
23 look at if there are all areas of the site
24 that are worthy of preservation that could be
25 effected by doing a cluster subdivision. Is

1 there clustering that could constrict the
2 development on certain parts of the site that
3 would either preserve agricultural needs,
4 preserve scenic views, preserve wetlands or
5 preserver deep slopes.

6 MS. DALTON: And wildlife habitat is part
7 of that?

8 MR. GRASSO: As well as wildlife
9 corridors - so, I think that the purpose of
10 the planning process is to shake out what
11 those issues are, if there are any resources
12 on the site and determine what is most
13 important to the Planning Board. Also, to
14 determine whether or not this plan should be
15 developed conventionally like it's currently
16 being described, or in a cluster development.
17 What you'll see is that with density, there is
18 a certain density limitation that the code
19 requires. This plan complies with it.
20 Actually, more lots can be created, but
21 obviously, if there were conservation density,
22 it would be clustered in other areas of the
23 site.

24 CHAIRMAN STUTO: The Land Use Law does
25 say to consider adjoining properties, as well.

1 So, what is your conclusion?

2 MR. GRASSO: It is important to look at
3 what's going on the adjacent properties. He
4 does show Cornerstone Meadows. There is an
5 area of Cornerstone Meadows that is reserved
6 for open space and reserved for a stormwater
7 management area. Along one side of that is
8 where they're looking to bring the road and
9 connect. I think that in his presentation
10 he'll talk about the areas of open space and
11 somewhere in there that he's currently
12 considering. It's too early for me to say that
13 the plans should change to address these
14 specific criteria because it's important
15 enough to hear comments from all of the
16 departments and the agencies. It's important
17 to hear comments from the Planning Board and
18 take that all in before we can assess what
19 those important qualities are. In terms of
20 wildlife and wetlands, you hear comments from
21 the Corp of Engineers, or you hear comments
22 from DEC and they should also afford the
23 applicant the ability to weigh in on those
24 things.

25 CHAIRMAN STUTO: With respect to the

1 density analysis, you said that it's less than
2 what it could be?

3 MR. GRASSO: Yes. They are generously
4 proposing 30 lots.

5 MR. SIPPERLY: Thirty lots and two
6 detention areas.

7 MR. GRASSO: So with residential homes,
8 how many is it?

9 MR. SIPPERLY: Thirty new homes.

10 MR. GRASSO: I think that the density
11 calculation was like 47?

12 MR. SIPPERLY: Forty-seven lots could be
13 built. That was the density calculation for
14 the conservation subdivision.

15 MR. GRASSO: He could fit them; he could.

16 CHAIRMAN STUTO: So if he did the
17 conservation, he could put them closer
18 together?

19 MR. SIPPERLY: Correct. Conservation
20 subdivision would require a more dense -

21 CHAIRMAN STUTO: For a conventional
22 subdivision, this is just as dense as it could
23 be.

24 MR. SIPPERLY: We have gone by the zoning
25 guidelines of 18,000 square feet.

1 CHAIRMAN STUTO: How big are the lots?

2 MR. SIPPERLY: They're in excess of
3 18,000. Many are 22,000.

4 CHAIRMAN STUTO: Okay, but they're in the
5 ballpark.

6 MR. GRASSO: I think that they average
7 about 25,000.

8 CHAIRMAN STUTO: So, if he did the
9 cluster, he could do more density, but if he
10 did conventional -

11 MR. GRASSO: He's pretty much maxed out.
12 I think that he understands that there are
13 some sensitive resources.

14 MR. SIPPERLY: The real hardship in doing
15 a cluster plan or the conservation overlay
16 plan is, again, the street length. We would be
17 restricted. We have a dead end street here.
18 It's the kind of development that's consistent
19 with what the Town is looking for. They like
20 to see conventional single family homes which
21 are consistent with what's on Renas Drive. So,
22 we really have some physical strengths in
23 regard to the roadways. It all has to do with
24 the long narrow configuration of 3,100 feet.

25 We also have a physical problem with

1 getting approval from the various utility
2 departments. How would we then eliminate the
3 dead end part? That would be very difficult.
4 We also talked to the DCC and the departments
5 have reviewed this plan here and kind of
6 concurred. Initially, we had a cul-de-sac here
7 (Indicating). At the DCC meeting, we were
8 recommended to try to tie this street back
9 into Cornerstone Meadows and provide a second
10 means of ingress, egress and not have a dead
11 end cul-de-sac street. We had an opportunity
12 to loop the utilities. So, there are quite a
13 few restrictions because of the configuration
14 of the property. Again, there is a conclusion
15 that a conservation subdivision is not a
16 practical application for this project. We are
17 preserving areas - again, I mentioned
18 Canterbury Crossings back here (Indicating).
19 We are preserving a large part of this lot
20 under conservation easements to allow a
21 development of this property here. The reason
22 that we're doing this is so that we don't have
23 any homeowners associations.

24 This area here is another preservation
25 area that has a detention basin here

1 (Indicating). There is an existing wetland
2 here. These heavy green lines, where they're
3 located - the wetlands are protected by
4 federal statute anyway. If you build into
5 them, there are severe consequences.

6 The Wetlands and the area around the
7 wetlands will be protected. There will be
8 signs that we put along the end of the
9 wetlands informing the public and the
10 landowners that any kind of development would
11 require federal approval. So, the preservation
12 that we are providing in this conventional
13 plan is this area here - the rear of these
14 lots here (Indicating). In this area here,
15 there will be some preservation of the
16 property. Most importantly again, I would like
17 to emphasize that the utility becomes a real
18 issue when we deal with the departments. If
19 that doesn't occur, they don't allow us to
20 move forward.

21 These are the locations of the cul-de-sac
22 streets (Indicating).

23 That's what we are proposing and that's
24 our rationale into recommending the
25 traditional type layout for this subdivision

1 to be more appropriate. I think that we are
2 incorporating, as best we can, the
3 preservation areas. We're preserving areas on
4 the site where the wetlands are. The remainder
5 of the site has been worked so there isn't a
6 great environmental quality there. All sites
7 have environmental qualities.

8 My interpretation of the conservation
9 overlay is really to look at the environmental
10 quality. There are recreational opportunities.
11 We are close to the soccer fields and there is
12 also a topography change and it makes a nice
13 separation.

14 There is also an opportunity to connect
15 here. As much as it provides interconnection
16 and the ability for ingress and egress for
17 this subdivision, it also kind of brings
18 Cornerstone Meadows and this subdivision
19 together.

20 We have received comments from Clough
21 Harbour Associates and we did provide a
22 response to those comments. It was probably
23 after the Planning Board received their
24 package. You can review our response to those
25 comments. We feel that the comments weren't of

1 any major nature that couldn't be addressed.
2 We can go through and address those.

3 The wetlands have been delineated. They
4 have been reviewed by the Corps of Engineers
5 and we're in the process of waiting for their
6 letter for their jurisdictional determination.

7 DEC has provided a letter and they may
8 have some interest in the wetlands. Based on
9 the wetland map T11, it's more than 200 feet
10 from our border. As such, it doesn't require
11 us to take a look at that. Their wetland was
12 beyond our project.

13 MR. GRASSO: Lynn, could you just expand
14 on that issue with the DEC wetlands? They were
15 mapped on Canterbury Crossings, right?

16 MR. SIPPERLY: Correct.

17 MR. GRASSO: And they determined
18 jurisdictional wide?

19 MR. SIPPERLY: Correct.

20 MR. GRASSO: And does the drainage flow
21 from that direction toward the site? There is
22 a wetland corridor that comes up through the
23 Ventura subdivision, correct?

24 MR. SIPPERLY: Correct. Actually the high
25 point is at this location here and it flows

1 south, easterly and southwesterly
2 (Indicating). It would be a tributary of the
3 dry river watershed. At this highpoint,
4 conversely, this runs northeasterly towards
5 our property and goes on to the lands of
6 Cornerstone Meadows. It also goes on to the
7 lands of the Town of Colonie soccer field
8 area.

9 As part of the Canterbury Crossings,
10 there is jurisdictional determination up to
11 the property line.

12 MR. GRASSO: So, is there any potential
13 that the wetlands on your property can extend
14 contiguous with the wetlands on Canterbury
15 Crossings? Is there any chance of that?

16 MR. SIPPERLY: There is an opportunity
17 for that.

18 MR. GRASSO: I know that they're mapped,
19 but there was some correspondence that seemed
20 to reflect a difference of opinion. So, we're
21 trying to understand if there is any chance
22 that the wetlands could be contiguous with the
23 wetlands there. The only way that we'll know
24 that is to call DEC and see. There is a break
25 in the watershed right here (Indicating).

1 MR. GRASSO: But you did a wetland
2 delineation that extended up to your property
3 line.

4 MR. SIPPERLY: Right. The question is:
5 Does DEC have jurisdiction?

6 MR. GRASSO: It would still be up to
7 them.

8 MR. SIPPERLY: Again, these wetlands go
9 on to Cornerstone Meadows. They didn't take
10 jurisdiction on Cornerstone Meadows. That
11 would be part of the Ventura property. These
12 wetlands do exist, but they're not recognized
13 by DEC.

14 CHAIRMAN STUTO: There was a DEC letter
15 that somebody cut down trees in the southern
16 portion. Shouldn't they have gone to DEC
17 first?

18 MR. SIPPERLY: There again, I think that
19 DEC is overstepping their authority in that
20 the landowner only had knowledge of the DEC
21 wetland being back in this location here
22 (Indicating). Anything beyond the 300 feet
23 area is beyond the area of consideration by
24 DEC. So, there were some trees cut in this
25 area on the southern side of the site here.

1 This is part of the applicant's using the land
2 for recreation and for mowing and meadows.
3 This here is really a benign use. Some of the
4 meadow has been sold to a group of
5 contractors. It's not feed quality hay, but
6 it's hay that's used for mulching on
7 construction sites.

8 CHAIRMAN STUTO: Did you say that the
9 road was 750 feet total?

10 MR. SIPPERLY: 750 feet is all that we
11 can do as one section of roadway.

12 CHAIRMAN STUTO: How long is that road,
13 as depicted?

14 MR. SIPPERLY: This road is 3,100 feet
15 long.

16 CHAIRMAN STUTO: Okay, I just wanted to
17 clear that up.

18 MR. GRASSO: Is that an accepted
19 guideline or a rule of the Town?

20 MR. SIPPERLY: It's a guideline that we
21 have seen in the last probably three or four
22 months. It's been discussed in various Town
23 departments and also I think that it's the
24 maximum cul-de-sac length.

25 MR. GRASSO: So it's not a standard -

1 MR. SIPPERLY: I think it is for those
2 streets.

3 MR. GRASSO: Is there a maximum
4 cul-de-sac length? Many towns that we have
5 worked with go up to 800 feet and some towns
6 don't. Most do. Sometimes there are a maximum
7 number of lots - 18 lots on a cul-de-sac.

8 CHAIRMAN STUTO: We've heard that
9 figure - either 750 or 800. I think those were
10 from the meetings of Fire Safety and Traffic
11 Safety.

12 MR. GRASSO: Do you remember how long it
13 was presented at the DCC meeting?

14 MR. SIPPERLY: 2,800 feet long.

15 MR. GRASSO: There were a number of
16 departments that commented that it was too
17 long of a cul-de-sac and they would support a
18 connection to Cornerstone Meadows in order to
19 eliminate the cul-de-sac all together.

20 CHAIRMAN STUTO: Are you through with
21 your basic presentation?

22 MR. SIPPERLY: I think that I am. If the
23 Board has any more questions, I'd be happy to
24 answer them.

25 CHAIRMAN STUTO: Normally we give Joe an

1 opportunity to speak.

2 MR. GRASSO: Some things we have touched
3 on already. I'll go through the letter and
4 we'll elaborate on some of the comments that
5 we raised.

6 We did have a letter dated April 15th.
7 Like you've heard, the plan was revised
8 substantially from DCC to eliminate the
9 cul-de-sac which addressed many of the
10 comments that were raised by the various Town
11 departments. The site is in the Boght area
12 GEIS, so it's subject to the mitigation fees
13 to address cumulative impacts related to
14 traffic and water and some other issues that
15 were addressed in the GEIS. There is currently
16 an update, as the Board is aware, of the Boght
17 Road GEIS and the way traffic fees are
18 calculated and the required improvements. That
19 work is ongoing and we would assume that any
20 updates to that study would be applicable to
21 the project. I'm not sure if there was any
22 time estimates done as to -

23 MR. LACIVITA: Not at this time, no.

24 MR. GRASSO: In the DCC meeting there was
25 comments raised by the Planning staff and

1 supported by our office that any time that you
2 get a residential subdivision that's proposing
3 a Town road extension next to an adjoining
4 undeveloped property, that consideration be
5 given to a stub street so that we don't always
6 have the issue of multiple cul-de-sac
7 properties with no chance for interconnect.
8 Similar though, there was an issue with
9 Cornerstone Meadows when a stub street wasn't
10 provided. I'm not sure why a stub street
11 wasn't provided for Cornerstone Meadows. Maybe
12 it was because of some wetlands in the area or
13 whatever. There is a similar issue regarding
14 property to the west; the Harris property. If
15 you could just point out where the Harris
16 property is contiguous to this subdivision?

17 MR. SIPPERLY: The property is over here
18 (Indicating).

19 MR. GRASSO: It appears that there is a
20 large area of undeveloped acreage there that
21 are uplands not constrained by wetlands or
22 steep slopes. Consideration should be given to
23 a stub street that would allow a Town road
24 interconnect and this plan doesn't currently
25 provide that.

1 FROM THE FLOOR: Where is that property?

2 CHAIRMAN STUTO: I see it going all the
3 way through that property (Indicating), up to
4 what appears to be the cul-de-sac on the west.

5 MR. GRASSO: So, it's possible that there
6 could be another connector road that extended
7 over to the west, and that's something that we
8 support if there is a road in this general
9 location.

10 Lynn's response to our comments were that
11 he believed that would be something to be
12 discussed with the Planning Board - the merits
13 of that stub street connection.

14 We did comment about the conservation
15 overlay development district as we identified
16 in our letter, part of this process is to
17 identify those important resources.

18 Elena did point out to me a section of
19 the code reference regarding adjacent
20 properties which I think is important to read.
21 It says:

22 "The Planning Board determined based on
23 the conservation analysis outlined below that
24 there is no reasonable basis for requiring
25 conservation development. The Board may then

1 approve a conventional development of the site
2 in order for the Planning Board to make such a
3 determination the applicant must demonstrate
4 at least one of the following: The land
5 contains no resources with conservation value,
6 the acreage is too small to preserve a
7 substantial amount of land, the conservation
8 value or see the lot configuration is unique
9 and preclude preservation of a substantial
10 amount of land with conservation value.”

11 I think that third one is the one that
12 Lynn has tried to describe and indicates why
13 he doesn't feel like they should have to come
14 forward with the conservation development
15 plan.

16 The next item in the conservation overlay
17 district regulation says:

18 “In order to make the required showing,
19 the applicant must also demonstrate that the
20 parcel does not adjoin other land when
21 combined with open space on the parcel. It
22 would result in the preservation of a
23 substantial amount of land with conservation
24 value.”

25 I think that the point that can be

1 brought up is: "regarding contiguous to other
2 open space on adjacent properties could
3 provide a resource such as a wildlife corridor
4 or a larger amount of more usable open space."

5 So that is something that is supported by
6 the Land Use Code.

7 CHAIRMAN STUTO: This is an analysis?

8 MR. GRASSO: What Lynn has described in
9 his application materials is identifying
10 certain features of the site that has
11 conservation value. Really, he's only pointed
12 to the wetlands - the Army Corp wetlands. The
13 jury is still out whether or not there are DEC
14 wetlands which include a 100-foot buffer and
15 take up much more.

16 When we start to look at the proximity to
17 the Canterbury Crossings and the open space at
18 the back of that property, and when we start
19 to look at the proximity of the Cornerstone
20 Meadows project and the preserved lands within
21 that subdivision, we can start to see the
22 opportunity for a larger contiguous amount of
23 open space.

24 MS. DALTON: Because it's contiguous to
25 all those wetland areas, I'm also a little bit

1 concerned about the other connector road and
2 having to move the water basin -

3 MR. GRASSO: Right, so I think that one
4 of the next steps is to look at this plan and
5 this site in the context of a larger plan. We
6 need to really start to highlight what were
7 the otherwise protected lands on the adjacent
8 properties. We need to get a plan that shows
9 the layout for Canterbury Crossings and color
10 in green the protected length of that and
11 color in green the protected lands of
12 Cornerstone Meadows. Then, maybe we can start
13 to see the quilt come together regarding if
14 there are areas on this site that are worthy
15 of protection because of this continuity. That
16 will be another step.

17 CHAIRMAN STUTO: He should probably
18 delineate the wetlands, but some verification
19 needs to go along.

20 MR. GRASSO: When we did our comment
21 letter, we didn't know about DEC comments and
22 all that stuff needs to get thrown into the
23 mix. I think that you'll see that in our
24 comments that there could be other issues that
25 also need to be considered.

1 MS. DALTON: To that point, Joe, 15, from
2 your letter with high ground water and the
3 potential need to raise the roadway - I was
4 just wondering if someone whether you or our
5 applicant could talk a little bit about if
6 that is necessary? To my untrained eye it was
7 like this poor guy is going to have to be
8 coming in with dump truck after dump truck of
9 dirt.

10 MR. GRASSO: What we recommend is that
11 early on in the design process that they do a
12 series of test pits on the site in order to
13 establish where ground water is as well as
14 other unrestricted soil types like this
15 bedrock or erosive soils. The purpose of doing
16 it early is that start to understand the exact
17 types of stormwater management feature that
18 you're going to have to build and how the
19 grades of your development are going to affect
20 the operation of that basin. So what we try to
21 touch on in that comment is that based on the
22 limited amount of information provided, it
23 looks like they're going to have to elevate
24 the road above the existing grades and make
25 the stormwater management system work. But

1 that turns into a lot of earthwork on the
2 site, and there are a lot of slopes. It turns
3 into grading issues within the lots. It could
4 develop into wetland impacts. Those are the
5 things that need to be looked at.

6 The applicant always wants to push that
7 level of engineering off into the final
8 design. What we're saying is that there are
9 some issues here that really we need to know
10 the answer to now.

11 MS. DALTON: That was my question.

12 MR. GRASSO: That's in order to make sure
13 that we're pushing forward with a layout that
14 is going to work.

15 MS. DALTON: So, because of the response,
16 there was a detailed grading plan will be
17 prepared as part of the preliminary final
18 phase drawing. My question to you was - and it
19 sounds like you answered it - it's really not
20 early enough, is it?

21 MR. GRASSO: It's not early enough, but I
22 think that it's premature for Lynn to jump
23 into a grading plan now until we start to
24 understand all the different issues at a
25 conceptual level. Lynn is a great engineer. He

1 can engineer any project. Any concept plan
2 that gets approved, he can work out the final
3 engineering for it. What we're saying is that
4 someplace along this process, before you get
5 into preliminary final planning, you need to
6 look at the grading and see if there are other
7 issues that are going to take place.

8 MR. SIPPERLY: We don't believe that
9 there is high ground water along here
10 (Indicating). Our land is actually higher than
11 Cornerstone Meadows. In our mind, we don't
12 believe that groundwater is high.

13 MR. GRASSO: Anytime you have wetlands on
14 the site, you've got groundwater within 12
15 inches of the surface at some point during the
16 growing season, or else there wouldn't be
17 wetlands there. So, we know that there is high
18 groundwater. Stormwater management areas are
19 normally located in close proximity to the
20 wetlands because those are the lowest areas of
21 the site and captures the greatest amount of
22 run-off. So, we know that there is probably
23 areas of the site where the groundwater is
24 over 10 feet. That's probably in the higher
25 areas of the site. So, I think that what we've

1 shown is that there is credence do to the test
2 pits early. There is no seasonal restrictions
3 on doing them now. It's technically the best
4 time of year because you can see where the
5 highest ground water is. I'm sure that it's a
6 good time to provide some baseline
7 information, as we move forward.

8 Regarding the connection to Cornerstone
9 Meadows, I know that Lynn had reached out to
10 the engineer, Sang Kim, of the Cornerstone
11 Meadows project. Based on the information
12 shown on the plan, we had a copy of the plan
13 that showed that stormwater management area
14 being larger than what is depicted here, and
15 that could adversely affect the ability for
16 this road to actually come through in the
17 location that was proposed. So, we mention in
18 our letter that they either need to go back to
19 the design engineer and get a more updated
20 grading plan for that stormwater management
21 area, or go to the Town and look through their
22 files.

23 It's important to note though that the
24 Cornerstone Meadows project was approved by
25 the Planning Board, contingent on that area

1 used for stormwater management as well as the
2 preservation of some wetlands in that area.
3 So, any changes to Cornerstone Meadows really
4 has to come back. It can be done as part of
5 the project, but it's got to be reviewed by
6 the Planning Board as an amendment.

7 MS. DALTON: Is that what DEC is talking
8 about?

9 MR. GRASSO: Yes, and you'll see in Dec's
10 comments that they just issued their water
11 quality certification for Cornerstone Meadows
12 in March, which I believe is after the
13 Planning Board issued the final approval.
14 They, I'm sure, required some conditions of
15 that water quality certification regarding
16 deed restrictions on some of Cornerstone
17 Meadows that might have not been previously
18 brought before the Planning Board. What they
19 are saying is that we want to make sure that
20 there is no violation of those requirements
21 that would be placed on Cornerstone Meadows.

22 MS. VAIDA: You're saying that is a
23 critical component?

24 MR. GRASSO: Probably mitigation for
25 drainage impacts as a result of that project.

1 There was a comment from the Planning
2 staff regarding a desired pedestrian
3 connection to the Town soccer field complex,
4 which we feel is a valid comment and should be
5 considered as part of the project. Lynn's
6 response said that it will be discussed with
7 the Planning office. It's something that we
8 should get comment from the Planning Board.
9 The project site is adjacent to the Town ball
10 field complex and Lynn had said there is some
11 undeveloped areas before you get to the
12 fields. I think that it's about 300 feet or so
13 before you get to the ball fields.

14 Do you know if there are any trails or
15 walking paths already developed through the
16 park?

17 MR. SIPPERLY: I'm not aware of any.

18 MR. GRASSO: Maybe that's something that
19 we could take a look at to see if there are
20 already any other trails or network going on
21 there and if there are already connections.

22 CHAIRMAN STUTO: It doesn't look like
23 there is on this map.

24 MR. SIPPERLY: There's no purpose if
25 there are trails there already. It's very

1 wooded there.

2 MR. GRASSO: Our next comment is that
3 Ventura Drive is proposed immediately adjacent
4 to the rear yards of three existing residences
5 along Renas Drive. The potential of shifting
6 the location of Ventura Drive to the east
7 should be investigated. Additionally a
8 significant visual buffer including berming
9 and landscaping would be provided between the
10 proposed roads.

11 CHAIRMAN STUTO: Lynn, could you point to
12 that?

13 MR. SIPPERLY: Right here (Indicating).

14 CHAIRMAN STUTO: that's right along the
15 back yards.

16 MR. GRASSO: That's a significant concern
17 of ours because when lots get developed and
18 they're occupied -- anything that would be
19 another lot to back up to another back yard
20 and in this case, you get the effect of a Town
21 road. It's almost like a double frontage lot
22 which is not something that would be
23 supported.

24 MR. ROSANO: What about the elevations?
25 What is their site as opposed to the

1 Cornerstone Meadows?

2 MR. GRASSO: We are probably about 8 to
3 10 feet lower than those lots.

4 Right now you have the Ventura residence
5 set how far from the proposed road?

6 MR. SIPPERLY: About 180 feet.

7 MR. GRASSO: There is 180 foot setback on
8 the Ventura residence. The back of the house
9 is probably 100 feet off the road.

10 So, with the two story house, the
11 elevation - you still could be looking down.
12 The berming of the trees is going to be there,
13 as well.

14 We had recommended shifting the road over
15 to the east so that you don't get a situation
16 where you've got a public road right up
17 against somebody else's rear property line.
18 That's something that the Planning Board
19 should consider.

20 The sight distance issue has been
21 adequate addressed already. The road ties into
22 Boght Road. Anytime you get a new street
23 coming in, you want to know exactly what's
24 going on the other side of the street so that
25 you can look at things like headlights,

1 streetlights and other impacts that you may
2 not pick up on plan and the location of the
3 driveways on the other side. So, Lynn has
4 indicated in his response that he'll provide
5 additional information to help with that
6 review, moving forward.

7 Regarding the federal wetlands on the
8 site: We saw some correspondence saying that
9 the Corps of Engineers had received a wetland
10 delineation, but then there was a site visit
11 out there to verify the wetlands. At that
12 time, a map had not been sent back to them, in
13 response to those revisions. That was the
14 latest correspondence that we had in the file.

15 MR. SIPPERLY: There was a map revision
16 that was made and they're satisfied.

17 MR. GRASSO: So, what we're looking at on
18 this plan is theoretically their final
19 delineation?

20 MR. SIPPERLY: Yes.

21 MR. GRASSO: Sometimes the Corps of
22 Engineers will not provide a jurisdictional
23 determination letter, especially if a wetland
24 permit application is submitted. What we
25 normally look for, though, is the

1 correspondence from your consultant back to
2 the Corps of Engineers so at least we can
3 follow-up with them and say: Did you in fact
4 receive this revised map and does it address
5 the comments raised during the field
6 delineation? We have some comments from DEC.
7 We want them to confirm whether or not they're
8 going to take jurisdiction over the wetlands
9 on the site because as we see it, that could
10 have a tremendous impact on whether or not
11 there is a 100 foot buffer associated with any
12 of these dwellings. That would probably impact
13 the layout before us.

14 Have you had any discussions with DEC
15 regarding wetlands and jurisdiction yet?

16 MR. SIPPERLY: No.

17 MR. GRASSO: But you'll take the steps to
18 follow up with them?

19 MR. SIPPERLY: Yes.

20 MR. GRASSO: In terms of the wetlands and
21 the impacts, they're showing .03 acres of
22 wetland impacts associated with the project.
23 We ask for some confirmation of that regarding
24 where those wetland are. There are some
25 wetlands of the road crossing as it would

1 screen the property. As you extend further to
2 Sutton Drive, there was another wetland there
3 that looked like it was going to be impacted
4 by the road. We wanted to be sure that we're
5 looking at all the wetland impacts associated
6 with the project. Not those just within the
7 site, but those that might be referred because
8 of the cross-connection if it moves forward to
9 Cornerstone Meadows. The thing that's
10 important for us to look at in terms of
11 wetland impacts is there are impacts that will
12 occur when the project gets built and develops
13 with infrastructure. The thing to keep in mind
14 is what kind of wetland impacts could we
15 expect to occur as these lots continue to be
16 occupied and people want to put swing sets in
17 their back yard and clear out any vegetation
18 or add some fill to some wetland areas? There
19 are some wetlands that have already been
20 designated on the site that are not within
21 what we would call protected areas in terms of
22 public open space. I think that Lynn has
23 proposed some deed restriction on the wetlands
24 that are located within the lot. It's
25 something for us to consider moving forward.

Legal Transcription

1 We already talked about the test pits
2 supporting the stormwater management concept
3 and the different types of stormwater
4 management measures.

5 Kathy had already mentioned the issue
6 about the high ground water. There were some
7 comments regarding the utilities, but the
8 planning before us now seems to adequately
9 address the comments from the department
10 regarding the water and sewer connection. We
11 don't see any significant issue there.

12 There were some comments that we made on
13 the full EAF and we've seen Lynn's responses
14 to those. We think that all the comments that
15 we brought up are still valid and would
16 warrant revisions to the EAF in accordance to
17 the comments and in order for us to feel
18 comfortable that the EAF adequately describes
19 the environmental setting of the project and
20 the proposed impacts.

21 So that was it on our letter. I'm going
22 to touch on the comments from DEC. They
23 indicate that the project appears to be
24 located within an area of potential historic
25 or archeological significance. If approvals or

1 permits are needed from this
2 department - that's DEC. We may require
3 consultation with the Office of Parks
4 Recreation and Historic Preservation in order
5 to better evaluate how this project impacts
6 those resources.

7 MR. ROSANO: Where are they based out of?

8 MR. GRASSO: There are what we commonly
9 refer to as a circle and square map where
10 there is a database of known historic sites in
11 New York State. Anytime a project is within
12 general proximity to one of those resoruces,
13 it triggers a need to discuss your project's
14 potential effects with the Office of Parks and
15 Recreation and Historic Preservation. Often
16 times it will trigger the need for you to do a
17 Phase I historic resources evaluation which
18 can turn into a more in depth study.

19 Have any archeological investigation been
20 done yet?

21 MR. SIPPERLY: No.

22 MR. GRASSO: Okay, it hasn't been done.
23 What's unique in the DEC, which I hadn't seen,
24 is they want the coordination to go through
25 DEC, rather than directly with the Office of

1 Parks and Recreation on this.

2 MR. ROSANO: This seems very vague. It
3 could be a little more detailed for Lynn's
4 sake.

5 MR. GRASSO: Yes, I know what they're
6 looking for. What we typically look for as
7 part of any project such as this or this size
8 is a letter from SHPPO saying that we don't
9 believe that the project is going to result in
10 any significant historic or archeological
11 impacts. In order to get that letter from
12 SHPPO, very often SHPPO will say you need to
13 do a phase I archeological assessment. Nobody
14 has come out that clear, but I'm sure that if
15 they call SHPPO and ask them questions about
16 it, that would probably be their direction.

17 It would have come out during our review
18 of the project anyway but in order for DEC to
19 issue certain permits, there has to be a level
20 of concurrence with other state agencies such
21 as SHPPO. DEC is saying before we can make a
22 determination on some of these permits and
23 approvals, we're going to need to see
24 documentation from SHPPO saying that there are
25 no historical or archeological impacts.

1 So, we talked about the wetlands and when
2 we see in their letter that they've taken
3 jurisdiction over the TN-11 wetland to the
4 southwest and if there is in fact a physical
5 connection of the two wetlands, that gives us
6 an indication that DEC may start to take
7 jurisdiction over the wetland through this
8 property. So that is something that we'll need
9 to see further - documentation from DEC to
10 validate whether or not they're going to build
11 that nexus.

12 Is there any more confusion or questions
13 regarding the wetlands and DEC's take on the
14 wetlands?

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

16 MR. GRASSO: The next paragraph from the
17 DEC letter says:

18 "There seems to be indication of other
19 disturbances such as ditching."

20 They mention again the proximity to the
21 wetland and there is a good potential that a
22 wetland violation has occurred on this
23 property. I don't think that there were any
24 Town regulations violated on the site, or at
25 least we haven't been made aware of any Town

1 violations, but before the project moves
2 forward, we want to get correspondence from
3 DEC to verify whether or not there is a
4 current violation. If there is a violation or
5 a pending enforcement action, we really should
6 take a back seat and let DEC work with the
7 applicant to address that before we continue
8 to look at a subdivision application for the
9 property.

10 MR. SIPPERLY: We presume that DEC is
11 taking jurisdiction.

12 MR. GRASSO: I agree. There is a lot of
13 unknowns. We can only go by the letter that we
14 have, and this is the one that we just got.
15 It's the same on the one that you got. I
16 understand.

17 They talk about that the road connection
18 to Cornerstone Meadows could violate some of
19 the conditions of their approval on the
20 Cornerstone Meadows project.

21 I think that I've touched on all issues
22 in our letter.

23 CHAIRMAN STUTO: There is no notation
24 from the Town Attorneys saying that the action
25 is preliminary classified as a Type I action?

1 MR. GRASSO: It is a Type I. They're
2 required to do a full EAF, which they have
3 provided. That form will have to be revised as
4 the project evolves. It's a starting point to
5 start to gather new information for the site
6 and the project and I think that it's
7 premature for the Board to consider a SEQRA
8 action moving forward. It sounds like all the
9 various agencies and department have been
10 brought in for a coordinated review process.
11 The only one that I didn't see anything on was
12 the Town Attorney. It's something that we can
13 touch on later.

14 CHAIRMAN STUTO: We're going to take
15 comments from the Board and questions and then
16 we're going to go to the public.

17 If you want to speak or ask a question,
18 can you sign up over there? We'll try to call
19 everybody in that order.

20 MR. SULLIVAN: Mr. Sipperly, can you
21 explain again why the continuous road cannot
22 be feasible with the cluster development?

23 MR. SIPPERLY: I guess the question would
24 be what is the aim of the development. The
25 road runs straight though. The development

1 could be compromised if it's a straight shot.
2 The other reason it really allows for the
3 roadway to be spread out. If we were to go
4 with a continuous road, the cost of the
5 roadway would be more and it would also result
6 in smaller lots. Those are the reasons that we
7 haven't considered the continuous roadway.

8 MR. SULLIVAN: Couldn't you essentially
9 keep the same roadway out, but make it
10 curvier, if you, will such that it would peak
11 more toward the western boundary of the
12 property, toward the Harris property? Thereby,
13 you would create pockets on either side. One
14 would be large pocket to the eastern boundary
15 on the bottom under the curve, if you will. I
16 realize that the applicant wants to have
17 single family homes, but it is the
18 conservation overlay. Also, it would probably
19 allow them to remove the single family homes
20 right behind their existing home. So, you
21 could preserve property on the northern end of
22 the site and have more dense development in
23 the middle and also stay away from the
24 wetlands. If you make that more curvier, it
25 would also provide access for the stub road to

1 the Harris property.

2 MR. SIPPERLY: We can take a look at it.
3 Again, those wetlands are preserved by
4 statute.

5 MR. SULLIVAN: I'm concerned about the
6 deed restrictions. I know that you're
7 preserving a large area on the south end and I
8 applaud that. However, the lots more to the
9 north on the smaller wetland area - those are
10 the ones that I'm concerned about with the
11 deed restrictions - how that would be
12 enforced.

13 MR. SIPPERLY: Deed restrictions with the
14 wetlands have been around a long time. There
15 would be posted signs for that type of thing.

16 MR. SULLIVAN: If you provide a stub road
17 to the Harris property, will you then lose a
18 on the right side or will you still manage to
19 keep your 30 additional lots?

20 MR. SIPPERLY: We'd be keeping the
21 additional lots.

22 MR. SULLIVAN: There is cluster housing
23 in Canterbury Crossings. It's more toward the
24 western end.

25 MR. SIPPERLY: There is condo and

1 multifamily housing there.

2 MR. SULLIVAN: I believe that my other
3 comments were addressed.

4 I was going to ask about a path to the
5 soccer fields. Can you show me where that
6 would be?

7 MR. SIPPERLY: We would work with the
8 Planning and Economic Development Department
9 for that.

10 MR. SULLIVAN: Thank you.

11 CHAIRMAN STUTO: Okay, if the Board has
12 no other questions, we'll move toward the
13 public.

14 Norbert Desrosiers.

15 MR. DESROSIERS: I'm Norbert Desrosiers
16 and I've lived here for 70 years.

17 There is clearly a raised area here
18 (Indicating) and anybody who goes in there is
19 going to have an increased drainage problem
20 there. Where are you going to put the water?
21 I've got water coming out of my back yard.
22 Across the street you can see that area
23 overflowing. When you call somebody, nobody
24 knows anything.

25 CHAIRMAN STUTO: Can you show us where

1 you live?

2 MR. DESROSIERS: Right there
3 (Indicating). And over here on this
4 side - it's not his property, but they've been
5 filling that up bringing loads of fill from
6 downtown Cohoes to raise the level of this
7 property here (Indicating). Now, you people
8 aren't there. You send your engineers and they
9 see it for a day, two days, three days, make
10 their calculations and they leave.

11 Now the other thing is that I can
12 appreciate that there is a concern that
13 they're not going to run the outlet in front
14 of their house because it may devalue their
15 house or do something to it. But what about
16 the other people on the street? What about the
17 people that live here (Indicating). They sold
18 a lot over here. Why don't they tear down this
19 house?

20 This highway over here - you can hardly
21 get on it some mornings. Who is going to go to
22 the state and put a stoplight there? Every
23 time you turn around here and you try to get
24 something done by the Town, we can't get it
25 done. Again, we approve these big projects and

1 say we're going to take care of these
2 underlying problems from the people that know
3 what's going on here. I have no objections to
4 them building this, but let's do it right.

5 I've been in the building business for
6 50 years. I've worked with contractors, I was
7 a CV in the Navy and I've seen all these
8 wonderful projects start. People that don't
9 know what they're doing - all the sudden there
10 are issues they didn't realize would be. Once
11 they start this thing I hope they have enough
12 money and don't come to the conclusion that
13 they can't go any further. So, all the sudden
14 there is a financial problem or some other
15 difficulty. What's going to happen to all that
16 infrastructure?

17 CHAIRMAN STUTO: I think that the Town
18 requires a bond for the infrastructure and for
19 the road as well.

20 MR. DESROSIERS: Besides the 50 years in
21 the construction business, I've spent 10 years
22 on the road as a management consultant and
23 I've seen the way that some of these things
24 are run. Believe me, some of the people that
25 run these businesses should not be there.

1 Run the outlet over here (Indicating),
2 but what about these four people over here?
3 What are you going to do about the traffic on
4 this road? It's almost like Route 9. When I
5 grew up there, you could walk up and down the
6 middle of the road and there was nothing
7 there. Now, I have to fight to get out of my
8 driveway in the morning.

9 If you go across the street near my house
10 now, it's a swamp. There are lots of water
11 problems there.

12 CHAIRMAN STUTO: Thank you.

13 Marjorie McBride.

14 MS. MCBRIDE: It's interesting because my
15 contention is that I don't want an outlet on
16 Renas Drive because where I live.

17 I live right about here (Indicating). To
18 have an egress here is going to start bringing
19 a lot more activity on my road, which I've
20 already spent the first 16 years that I've
21 lived there having trucks coming up the road.
22 People have been building here and there
23 (Including). Okay, they're welcome to. I just
24 feel like, God, give me a break. We have to go
25 through this again?

1 This is incredible. I would be wild if
2 that were my house. I just can't believe that
3 anybody would want a road in their backyard.
4 That's just taking no consideration whatsoever
5 of those people.

6 CHAIRMAN STUTO: Our engineer is
7 suggesting that be moved and screened.

8 MS. MCBRIDE: I think that's an awful lot
9 of houses on an awful little space. That's a
10 lot of houses.

11 It's interesting because I can remember
12 the people that originally owned that property
13 always told me that could never be developed.
14 They'll have a hard time selling that because
15 it can never be developed. I mean, I
16 understand that people want to invest.
17 Thirty-one houses is like a village. I don't
18 know what else to say.

19 CHAIRMAN STUTO: Matthew Robinson.

20 MR. ROBINSON: I live at 14 Renas Drive.

21 CHAIRMAN STUTO: Can you outline your
22 lot?

23 MR. ROBINSON: It's right here
24 (Indicating). The road will come directly
25 through my yard. If we would have known this

1 five years ago when we I bought my house, we
2 wouldn't have moved there. With all the
3 traffic that you're going to have with this,
4 you're better off walking because you'll never
5 get out of there. There will be just too much
6 traffic.

7 There is a ton of wildlife back there.
8 The only thing that I don't think I've seen
9 back there is a bear. My father-in-law has
10 lived there almost 15 years. We've taken 102
11 deer that we've taken from Boght Road. We've
12 brought them home and butchered them.

13 CHAIRMAN STUTO: From traffic.

14 MR. ROBINSON: From traffic - every
15 single one.

16 CHAIRMAN STUTO: Over what period of
17 time?

18 MR. ROBINSON: The last 15 years.

19 CHAIRMAN STUTO: You're saying 10 deer a
20 year, if I understood your numbers.

21 MR. ROBINSON: Sometimes more. This year
22 we got seven.

23 FROM THE FLOOR: There are a lot of
24 children on Renas Drive.

25 MR. ROBINSON: I just don't like the idea

1 that we're going to cut through people's back
2 yards. What's wrong with Vliet Street
3 Extension? I think there is going to be so
4 much traffic that is going through here; it's
5 going to be a mess. I drive for a living. I
6 work for Terminix. Any short cut I know, I
7 take it. That's what's going to happen here.

8 CHAIRMAN STUTO: Joe, do you have any
9 comment on connecting Vliet Street Extension?

10 MR. GRASSO: There are two issues that
11 would need to be looked at. One is that it's a
12 Town park so it would involve the Town Board
13 because they would have to give up some of the
14 parkland.

15 CHAIRMAN STUTO: I don't know if you
16 could give up park land.

17 MR. GRASSO: You can, but it would have
18 to be a Town Board resolution. There are some
19 other things that go along with the disposing
20 of public park land.

21 There is also a wetland corridor that
22 they have identified that goes through this
23 property and goes through Cornerstone Meadows
24 and comes across the west side of Vliet street
25 extension. So, any extension of Vliet Street

1 is going to impact wetlands there. That would
2 need to be looked at and mitigated. It's not
3 to say that it's not a better option for
4 serving the property, it's just another thing
5 that needs to be taken into consideration.

6 As we try to look at all the different
7 impacts associated with the project, this is
8 what we need to do is start to hone in on what
9 the best alternative is and all the issues
10 that get raised.

11 MR. SIPPERLY: The applicant has
12 approached the town with regard to moving that
13 one connection to Vliet Street and I have a
14 letter on file with the Town. The Town just
15 isn't willing to give up any land. We could
16 put a road next to Fonda, but that would
17 result in more wetland impact. We've really
18 given a lot of thought to a road that provides
19 ingress/egress and has a limited impact to
20 wetlands.

21 CHAIRMAN STUTO: What if those
22 impediments weren't there for putting that
23 extension in? What do you think the
24 development would look like?

25 MR. SIPPERLY: I think this would change

1 the way this all looks here (Indicating).

2 CHAIRMAN STUTO: How old is the letter
3 from the Town?

4 MR. SIPPERLY: Two years old.

5 MR. GRASSO: That was based on a request
6 that you provided to the Town?

7 MS. VENTURA: That letter was from the
8 Town Attorney.

9 MR. GRASSO: It was a determination if
10 they would consider a Town road extension
11 across the Town park?

12 MS. VENTURA: Yes.

13 MR. ROBINSON: I don't have any objection
14 to the development being there. I just don't
15 want a road through my back yard. I don't want
16 that to develop into a highway.

17 CHAIRMAN STUTO: I can certainly see your
18 objection in having the road on the back side
19 of your lot.

20 Rich Gaughan.

21 MR. GAUGHAN: I live at 20 Renas. I'm not
22 sure if it's on your map.

23 This whole lot right here (Indicating) is
24 higher than me. I'm at the lowest point. I'm
25 worried about where all this water is going. I

1 can't walk in my back yard right now. I don't
2 know where all this water is going to go.

3 MR. GRASSO: It appears that the drainage
4 is from west to east. There is a south toward
5 the wetland complex there. Can you just verify
6 that?

7 MR. SIPPERLY: Yes. The drainage is not
8 going to go into the adjacent homeowners. The
9 Town is very particular about the stormwater.
10 We would need to pick up the water by putting
11 into a system and piping it away.

12 CHAIRMAN STUTO: What is your particular
13 analysis from that lot? Do you know the
14 elevations and the water situation there?

15 MR. SIPPERLY: Actually, there may be
16 some low areas in the rear yard, but as far as
17 we've extended the contour, it looks like the
18 lower area is running towards the Ventura
19 property. So as we would pick that water up in
20 the roadway system here -

21 CHAIRMAN STUTO: You'd get rid of it
22 quicker.

23 MR. SIPPERLY: Yes.

24 CHAIRMAN STUTO: I think that road
25 definitely has to move.

1 MR. DESROSIERS: That one property - that
2 man has filled in his property and the culvert
3 in the back of the church that runs that
4 way - since he built that up with fill, that
5 water has nowhere to go. As a kid, I roamed
6 that whole back area. I know it like the back
7 of my hand. These things are happening and
8 nobody does anything about them.

9 CHAIRMAN STUTO: Anyone else from the
10 public want to speak?

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

12 CHAIRMAN STUTO: We appreciate your
13 comments. My personal opinion is that we're
14 not ready to vote on concept today. I don't
15 know how everybody else feels.

16 MS. DALTON: No.

17 MR. MION: No.

18 MR. SULLIVAN: I'm not.

19 CHAIRMAN STUTO: I think that's a good
20 consensus up here, Mr. Sipperly.

21 MR. SIPPERLY: We'll contact DEC to get
22 clarification of the justification that they
23 may have. We can do some preliminary work with
24 regard to test pits. It's a little premature,
25 but we will look at that on-site. We'll look

1 at the topography and water and make a better
2 assessment.

3 CHAIRMAN STUTO: We're also going to look
4 at the adjacent adjoining properties for
5 potential contiguous conservation areas.

6 Can you also provide Mr. LaCivita with
7 that correspondence regarding the Vliet street
8 extension?

9 Do you have that in your file already?

10 MR. LACIVITA: Not that I've seen.

11 CHAIRMAN STUTO: I'm just curious about
12 that one.

13 MR. ROBINSON: What is the policy with
14 the well? Right behind my house there is a
15 well where you're going to put that road in.

16 MR. GRASSO: What is it used for?

17 MR. ROBINSON: I used to use it for my
18 house years ago.

19 MR. GRASSO: But it's not a production
20 well right now?

21 MR. ROBINSON: No.

22 MR. GRASSO: There are no restrictions on
23 it, then.

24 MR. DESROSIERS: I have no objection to
25 this going in. I just don't want this to

1 disturb the rest of the neighborhood. Keep the
2 neighborhood as it is. I have enough traffic
3 in front of my house. We don't want a changed
4 neighborhood.

5 MR. GRASSO: If I could just touch on
6 traffic a little bit because it's been brought
7 up. It's about a comment.

8 New development, as we know, adds traffic
9 and I'm sure that the character of Boght Road
10 through the years has changed drastically from
11 a rural road to what's now become a collector.
12 I'm sure that different times every day there
13 is high volumes of traffic, and I'm sure that
14 it's difficult for these people that get out
15 of their properties. Based on the scale of the
16 project, we don't think that there would need
17 to be any specific improvements at the
18 intersection of a new Town road with Boght
19 Road in terms of turning lanes or traffic
20 signals. The project it's definitely going to
21 add to traffic to Boght Road. The delays that
22 would occur are probably going to occur within
23 the side street - the new road connection. So
24 those people are going to experience delays
25 during rush hour traffic on Boght Road. The

1 project is going to have to contribute to the
2 mitigation fees which are being collected from
3 all development in this area of the Town. They
4 go to strategic identified improvement areas
5 such as the intersection of Route 9 and Boght
6 Road and then there are some intersections
7 currently cited for improvements to the east
8 as well. So, there will be improvements done
9 by developments or by the Town in the future
10 that can start to address some of the traffic
11 issues that new development is creating in
12 this area. We don't think that based on our
13 knowledge of the project right now and any
14 concerns that have been raised by the Town,
15 that there needs to be a site specific traffic
16 study.

17 CHAIRMAN STUTO: What else in our letter
18 do you think we need before we see this
19 project another time?

20 MR. GRASSO: I think that the protected
21 areas on the adjacent properties needs to be
22 clearly shown graphically. I think that you've
23 touched on the other issues regarding some of
24 the effects on the adjacent properties and
25 that needs to be addressed with a revised

1 plan. Obviously, they need correspondence from
2 the DEC regarding the wetlands.

3 MS. VAIDA: I was just wondering - there
4 were issues raised about historical and
5 archeological issues and wildlife.

6 MR. GRASSO: The wildlife one is a
7 difficult one because there is no defined
8 studies that we're aware of that's going to
9 say that there should be wildlife -

10 MS. DALTON: There was for Canterbury.

11 MR. GRASSO: We didn't review that
12 project. I can look in the file to see if
13 there was a study done.

14 MS. DALTON: That's why it was created is
15 because it was required. That's why I
16 remembered.

17 MR. GRASSO: Maybe there is something in
18 there that we can apply to this project. As we
19 consider DEC experts in terms of wildlife
20 management, we can get some comments from them
21 regarding the need for wildlife corridors that
22 could affect this as well.

23 MS. VAIDA: Parks and Recreation - they
24 wanted a report from Parks and Recreation -
25 the DEC did.

1 MR. ROSANO: There was the one that I
2 brought up. It was very vague. They don't
3 really say anything, but they just put a lot
4 of sentences together.

5 CHAIRMAN STUTO: Can you look at that
6 squares and circles map and tell us what's
7 around there?

8 MR. SIPPERLY: Typically archeology
9 occurs at concept. That's probably a \$10,000
10 expense and at this particular point we don't
11 have concept. Archeology is really based on
12 what is the area of disturbance of the
13 project. If we were to redesign this and all
14 the sudden have a large corridor of land that
15 won't be developed, the archeologist study
16 would go around that. That affects the cost of
17 the archeological study.

18 MR. GRASSO: I do agree with Lynn. I
19 think that we should delve into that more into
20 the project. It might be to figure out if the
21 site viable for a subdivision. What does the
22 subdivision look like before we get into a
23 detailed on-site archeological investigation?
24 Like Lynn said, one is going to be required
25 before he's done with the engineering and

1 planning.

2 CHAIRMAN STUTO: Thank you.

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7 *(Whereas the proceeding concerning the*

8 *above entitled matter was adjourned*

9 *at 9:18 p.m.)*

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CERTIFICATION

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

12
13
14
15 **NANCY STRANG-VANDEBOGART**

16
17
18 **Dated May 27, 2011**

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25
Legal Transcription

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