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PLANNING BOARD MEETING
TOWN OF NEW SCOTLAND, NEW YORK

ALBANY COUNTY

TOWN COPY

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THE CONTINUATION OF THE PUBLIC HEARING REGARDING THE PROPOSED
KENSINGTON WOODS PROJECT DRAFT ENVIRONMENTAL IMPACT STUDY

THE TAPED AND TRANSCRIBED MINUTES of the above entitled
proceeding BY NANCY STRANG-VANDEBOGART commencing on
December 30, 2008 at 7:02 p.m. at the Town Hall,
2029 New Scotland Road, Slingerlands New York.

TOWN BOARD MEMBERS:

ROBERT STAFF, CHAIRMAN
CYNTHIA ELLIOTT
BETH STEWART
KEVIN KROENCKE
LORRAINE TUZZOLO
JO ANN DAVIES

Also present:

Peter Barber, Esq., Counsel to the Planning Board
Keith Menia, Engineer for the Town of New Scotland
Mary Elizabeth Slevin, Esq. Stockli Greene & Slevin
Scott Lansing, Lansing Engineers
Jeff Pangburn, Creighton Manning Engineering

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1 CHAIRMAN STAPF: I'd like to call this public
2 hearing to order tonight. Again, this is a public
3 hearing on Kensington Woods. The applicant will make a
4 presentation and the board will ask some questions. The
5 Town Engineer will present some documents to us and
6 then we'll open it up to the public for any public
7 comments.

8 There are so many people here that I don't see
9 why we can't have a reasonable time frame to respond. I
10 would ask everybody to keep their comments to a minimum
11 of five minutes. If we need to recycle, we'll recycle;
12 but we'll give everybody a chance to comment first.

13 Again, we're only listening to comments tonight.
14 We're not responding. This is a public hearing to
15 receive comments from the public, and the applicant,
16 and Town Engineer.

17 MS. SLEVIN: Good evening. My name is Mary Beth
18 Slevin. I'm counsel to Garrison Development and the
19 applicant in this project.

20 Briefly, the purpose of this meeting, as the
21 Chairman has indicated, is to receive public comment.
22 So, I'll be brief so that we can hear comments from the
23 public.

24 I'd just like to give you a little background.
25 This project was originally proposed in November of

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1 2005 as a PUD development. At that time, it was
2 actually proposed on a 267 acre parcel and it included
3 approximately 282 residential units.

4 The project was scoped for the State
5 Environmental Quality Review Act with a scoping
6 document accepted by the town in May of 2006. In
7 commencing the work on the DEIS and in accordance with
8 the scoping document, there were comments that were
9 elicited and received early on.

10 A determination was made that the project should
11 really be modified and reduced in size. As a result,
12 the project was modified. The scope of the project was
13 reduced to what we currently see, which is
14 approximately 184 acres with 169 residential units;
15 instead of what was originally proposed.

16 In the same context, the project was also deemed
17 to be more appropriately addressed as a cluster
18 development rather than a PUD. The Town Board by
19 resolution in June of 2007 referred it back to the
20 Planning Board for consideration as a cluster
21 development and the DEIS was completed and the process
22 of preparation of that document in accordance with the
23 scoping document was finalized from the applicant's
24 work in March of 2008.

25 The town consultants worked vigilantly on the

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1 review of this document through September of 2008 and
2 ultimately made a recommendation to the Planning Board
3 to accept that Draft Environmental Impact Statement to
4 commence the public review, which is the process that
5 we are at now. That document was accepted in September.

6 There is a public review period that has gone
7 from October and then will be completed on January 12
8 of '09. Again, the purpose of this evening's meeting is
9 to hear your comments and to ultimately provide
10 additional information and response to those comments.

11 If you've had a chance to take a look at the
12 DEIS - it is available at the Town Clerk's office, the
13 library, and it's also available on-line. A link to
14 that is available on the town's website and we look
15 forward to receiving your comments and to working
16 forward in this review process.

17 I'm going to ask Scott Lansing to briefly review
18 the site plan.

19 Also with us tonight are consultants from
20 Creighton Manning, Kirby Van Vleet and also from Camoin
21 Associates, who have provided some of the data that the
22 board has reviewed and the town is reviewing in the
23 context of the DEIS.

24 MR. LANSING: Good evening. My name is Scott
25 Lansing. I'm with Lansing Engineers. I'm the site

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1 engineer and site designer for the project.

2 I'd like to briefly go through the statement,
3 since the project was designed and the existing
4 conditions as well.

5 Overall the project was designed and applied to
6 the MDR Zone, Section 190-1-30; also the Cluster
7 Development Section 190-22 and the State Environmental
8 Quality Review Act and associated project scoping
9 document that was compiled for the site.

10 We have prepared the DEIS for the project. It is
11 approximately a 2,500 page document. It's an extensive
12 review of the site, the infrastructure; we've worked
13 excessively with the applicants, the project
14 consultants, the Planning Board and the Town Engineer,
15 as well to develop this project.

16 As far as the existing conditions for the site:
17 The overall parcel is approximately 184.3 acres, the
18 location's northern orientation is towards this
19 direction (Indicating), north of 85A, south of Font
20 Grove Road and east of Route 155 or State Farm Road.
21 The site is bisected by Hilton Road. Hilton Road does
22 go down through the middle of the site. There is a
23 portion on both sides of Hilton Road.

24 Existing uses within the surrounding area of the
25 project: An aerial photo is a great representation of

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1 that - a lot of agricultural vacant land.

2 Along Hilton Road there are single family
3 residential structures, as well as to the south of the
4 project there are single family residential structures
5 to the south, as well.

6 Vegetation - again, the aerial photo is a great
7 representation of that. There is agricultural farm
8 land, as well.

9 There are wetlands that have been delineated on
10 the site. The Army Corp of Engineers - a jurisdictional
11 determination for those wetlands has been performed. We
12 have those in our layouts.

13 As far as zoning for the parcel: The parcel is
14 zoned MDR, which is medium density residential. It is a
15 class one which is public water and public sewer.

16 Within the zoning ordinance there are ways that a
17 permit for density is determined and we went through
18 the three separate ways.

19 The first one was a conventional layout for the
20 project. In a conventional layout we came up with 175
21 residential units permissible for the project. There
22 are also calculations within the MDR zone. Straight,
23 strict calculations came up with 240 units and then the
24 planned unit development which is also another
25 development option for the parcel - we came up with 803

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1 units.

2 As far as proposed emissions, the applicants took
3 a look at the zoning for the parcel. Previous layouts
4 were done by other consultants and previous layouts
5 were done with additional parcels added on. What they
6 came up with, we thought, was the best utilization of
7 the parcel and that was a cluster development.

8 Basically, it provided better land use and utilization.
9 It provides a variety of housing, reduces
10 infrastructure and most importantly, it increases the
11 amount of greenspace and open space for the project.

12 What we came up with was a layout for proposing
13 169 residential units. Although there are only 147
14 actual structures, they do have a mix of twin homes
15 within the parcel.

16 There are four different types of housing. The
17 two general categories - one would be active adult
18 residential and the next would be traditional
19 residential.

20 In the active adult there are the twin town home
21 lots, which are located back in this portion of the
22 project. They are all 44 twin town home lots. Those
23 lots would be approximately 10,000 square feet in size.
24 The second type of active adult residential would be
25 either the carriage lots - there are two locations for

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1 the carriage lots. There are carriage lots in this
2 vicinity, there are carriage lots in the back portion
3 of the project in this vicinity and there are 72
4 carriage lots. Those would be 12,000 square foot
5 minimum lot size for those units.

6 Traditional residential - we have two different
7 types; executive lots and estate lots. The executive
8 lots are located in this vicinity (Indicating) and the
9 estate lots would be located in this vicinity
10 (Indicating).

11 The executive lots - we're proposing 27. We're
12 proposing 27 estate lots that are located in this
13 vicinity (Indicating).

14 As far as maintenance of the ground, the
15 applicants are proposing a homeowners association
16 associated with the twin homes and the carriage lots as
17 well. The homeowners association would be responsible
18 for lawn maintenance, snow removal. It would also be
19 responsible for maintenance of entrance ways and open
20 space area as well. So, it would be owned, operated and
21 maintained by the HOA. Maintenance of the grounds for
22 the carriage lots would also be by the HOA.

23 As far as infrastructure for the project:
24 Roadways, water, storm, sewer, primary access along
25 Hilton Road - we'll have a boulevard entrance in this

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1 vicinity as a second access to the northern part of
2 Hilton Road. All the roadways, geometry-wise would be
3 designed in accordance with town standards.

4 As far as water supply for the project: It would
5 be a covered water supply for the project. The water
6 supply well would be in this vicinity. Water from that
7 well would be treated in a treatment building. We'd be
8 placing a storage tank with distribution lines
9 throughout the entire project for not only the domestic
10 daily water needs, but for fire needs as well.

11 Sanitary sewer - all residents of the project
12 would be hooked up to a public service system. That
13 infrastructure would be piped within the roadway and
14 would be connected to an essential waste water
15 treatment plant. It would be discharged to the drainage
16 course in accordance with DEC.

17 The stormwater would be managed on-site. We have
18 a variety of locations for stormwater management areas.
19 We have prepared the stormwater pollution prevention
20 plan for all those stormwater management areas.

21 I would like to mention that the roadways, water,
22 sewer, stormwater - all that infrastructure and the
23 cost of that would be born by the applicants. All that
24 infrastructure is proposed for dedication to town for
25 ownership, operation and maintenance.

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1 Regarding the project, we have condensed the
2 units and preserved more open space where the MDR zone
3 requires 10% open space, this plan does provide 82.7
4 acres or approximately 45% of the parcel as open space.

5 Open space areas: We've preserved open space
6 along the open road corridor. We've preserved the
7 natural roadway and then also the environmental
8 features such as the ponds in the back portion by
9 Vly Creek.

10 Also the rail corridor on the southern portion of
11 the project - it's our understanding that the county is
12 moving forward with county rails and trails on that
13 corridor. It will be proposed as the town bike trail
14 park. It will allow access to that rail system and it
15 will be very conducive from this area to the rail trail
16 system.

17 Within the system, we're also proposing
18 pedestrian trail connections for residents to the bike
19 trail park and all the residents to the corridor as
20 well.

21 That's basically what the project entails. We've
22 received comments from Stantech Engineering. We have
23 reviewed those comments and we are prepared to address
24 those comments. Creighton Manning Engineering will talk
25 a little bit about some of the comments regarding the

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1 traffic study.

2 Thank you very much.

3 MR. PANGBURN: Thank you, Scott.

4 Good evening, Ladies and gentlemen. My name, as
5 Scott mentioned, is Jeff Pangburn. I'm a senior project
6 manager with Creighton Manning Engineering.

7 Also with me tonight is Mark N'dolo, our traffic
8 engineer on the project. He is available later to
9 answer any traffic related questions. What we did was a
10 traffic engineering study of the project, according to
11 the approved scoping document. We looked not only at
12 the traffic engineering aspects, but also some of the
13 highway and roadway aspects of the project in relation
14 to Hilton Road and the surrounding roads, as per the
15 scope and as outlined during the scoping session.

16 Our traffic engineering study was reviewed by
17 Stantech Engineering who agreed with the methodology
18 that although there will be an increase in traffic as
19 obviously a new development brings that increase in
20 traffic volumes, the existing roadway network out here
21 is sufficient to handle that increase in volume. The
22 one thing that has come to light in recent comments is
23 the intersection with Hilton Road at the former
24 railroad crossing. As Scott has mentioned, they are
25 looking to progress that bike and hike trail. We've

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1 been in touch with the county informally and are
2 working towards a formal interview with the county to
3 see what their timeframe on that project is. It is a
4 federal aid project that the county is pursuing. Those
5 projects typically have to go through not only the
6 SEQRA process, but the National Environmental
7 Protection Act policy. So that project is usually a two
8 to three year process by the time they can get through
9 right of ways and all the environmental regulations to
10 be able to move forward. So timing-wise we're looking
11 to make those discussions with the county and see how
12 we can interact with them.

13 As Scott mentioned, the town's future bike access
14 park in front of the parcel is in anticipation of that
15 connection and we're working toward how better to make
16 that to be a great asset for the town and provide that
17 pedestrian bicycle accommodations within the town, and
18 how this project can tie in with what.

19 So, with that, we are prepared to answer any
20 questions later on that come up and we're also working
21 with Stantech, the town's engineers, the county and
22 town towards resolving any outstanding comments.

23 With that, I'll turn it back over to Mary Beth.

24 MS. SLEVIN: Thank you. And again, we want to
25 focus on the public's comments this evening. We wanted

1 to keep our presentation short. If there are specific
2 questions from the board before we begin to listen to
3 the public comments, we certainly are prepared to
4 address those comments now.

5 CHAIRMAN STAFF: What I want to do is - - I
6 apologize. I just wanted to introduce Peter Barber. He
7 is our counsel for SEQRA for this project and I just
8 wanted Peter to go over - and you basically covered it,
9 but I wanted for Peter to just briefly go over the
10 overview of the legal requirements associated with
11 SEQRA and the documentation and review that we're going
12 through.

13 MR. BARBER: Thank you.

14 Actually, Mary Beth really did cover it.

15 Right now we are in the midst of the public
16 comment period and as everybody has emphasized, the
17 important aspect that we're receiving is the comments
18 from the public. There is a stenographer here that will
19 be taking down those comments. At some point in this
20 process, an answer will be provided to those comments
21 by the applicant with a goal towards developing a final
22 environmental impact statement.

23 So this is the second, again, of the public
24 comment period. There is also going to be an additional
25 time up until January 12th to provide written comments.

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1 That's assuming, again, that the public hearing tonight
2 is closed. If it's not closed tonight, then it's 10
3 days after the closing of the public hearing. So there
4 will be additional time.

5 So the goal really is, moreover, to get try to
6 get as much comment as possible at this point in the
7 process with the idea of being when we're all done and
8 the board is satisfied that there is adequate time for
9 public comment, we'll start the process towards the
10 final EIS statement.

11 CHAIRMAN STAFF: Thank you.

12 Does the board have any comments or questions
13 associated with what the applicant has already
14 submitted?

15 MS. STEWART: Nothing different from the last
16 meeting.

17 CHAIRMAN STAFF: Keith, do you have a document
18 that you're presenting to the Planning Board that we
19 have to review yet to see if we need to make
20 recommendations that would be part of the SEQRA review
21 process? Do you want to just roughly give me an
22 overview of the document?

23 MR. MENIA: Sure. On December 23, Stantech
24 delivered to the Planning Board our review of the
25 technical aspects of the DEIS document. Our task was to

1 first take a look at it from our own perspective, but
2 also to introduce the town staff who would be affected
3 by this project such as the Highway Superintendent and
4 then the financial people as well.

5 After our interviews, we compiled all of our
6 comments and mashed them all into one document so that
7 it was cohesive and it was our attempt to represent
8 both the technical reviewers and some of the town
9 staff's comments into one document for your
10 consideration. The goal of this document is for us to
11 recommend comments that the Planning Board could pass
12 on to the applicant with modification, or no
13 modification, or add your own comments on top of them.
14 That was the information that we plucked out of the
15 document.

16 So, we submitted it to you guys and we're
17 certainly available to expand on it or hear what you
18 have to say and go back and look at different aspects.

19 CHAIRMAN STAFF: Okay. Again, I have that on the
20 agenda for the January meeting so that we can review it
21 and still get it back in before the comment period is
22 up for SEQRA. The board members really haven't had a
23 chance to review that document. I've been out of town
24 so we'll discuss that document in more length and it
25 will be available to anyone in the public that wants to

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1 take a look at it at the Building Department's office
2 during the week.

3 MR. MENIA: Am I hearing that it was not
4 submitted to you?

5 MR. KROENCKE: I have not seen it.

6 MS. STEWART: I don't have it.

7 MS. MENIA: It went out by e-mail.

8 MS. STEWART: I have the email as our agenda for
9 January, but I don't have that.

10 CHAIRMAN STAPF: Okay, we're supposed to have it
11 before the meeting and I thought it went out.

12 MS. TUZZOLO: I don't have it as of yesterday.

13 CHAIRMAN STAPF: We don't have to address it
14 until the next meeting anyway.

15 MR. KROENCKE: Which is the sixth, correct?

16 CHAIRMAN STAPF: Correct.

17 Does the board have anything else?

18 MS. STEWART: I was just concerned about the line
19 of sight at the railroad crossing, but that's being
20 addressed.

21 CHAIRMAN STAPF: Again, if anybody wants to speak
22 tonight, I request that they just put their name on the
23 list back there so that the stenographer has the proper
24 spelling of your name and we'll do a semi-informal
25 public address of this issue.

1 I ask you to keep your comments to about five
2 minutes and if you go more than five minutes, I'll ask
3 that you wait until everyone else has had a chance to
4 speak and then we'll come back to you.

5 I know that Ms. Abrams was the first one up there
6 to sign the paper.

7 MS. ABRAMS: Thank you very much for allowing me
8 to comment. I'm just wondering were notices about this
9 hearing sent out?

10 CHAIRMAN STAFF: The legal requirements have been
11 met as far as notifications and the public notices have
12 exceeded more than what is required by the SEQRA
13 requirements. Have individual letters gone out to
14 everybody in the town? No.

15 MS. ABRAMS: Thank you.

16 You said that we're only going to make comments.
17 You won't respond now. When will we hear the responses?

18 MR. BARBER: The way it works is that the
19 stenographer is taking down your comments and those of
20 other people and also did on the third and they're
21 going to put a record together. The applicant is then
22 going to respond to those comments.

23 MS. ABRAMS: And when will we see those comments?

24 MR. BARBER: That will probably be sometime in
25 January that you will see those. The goal tonight, as

1 it was on the third, is to just hear your comments at
2 this point.

3 MS. ABRAMS: I understand that. I just wanted to
4 know when -

5 MR. BARBER: Yes, sometime in January.

6 MS. ABRAMS: I want to say that the design with
7 these cul-de-sacs is very outdated design. Nobody makes
8 designs like this anymore. Even the army when it's
9 redoing its bases is no longer doing designs with
10 cul-de-sacs. That's number one.

11 As I mentioned last time, there is no access to
12 any commercial district. If there were then that would
13 relieve traffic off Krumkill Road and 85A. I think that
14 a cluster development is a misnomer because a cluster,
15 as you know, are houses close together densely and lots
16 of open space. This development does not have a lot of
17 open space that is undevelopable land. Most of the open
18 space is land that they cannot develop on. So, that's
19 not open space, as far as I'm concerned.

20 What they really have done is taken the amount of
21 land that they develop on and maximized the number of
22 houses. That's not what a cluster means.

23 They say that they have 82.7 acres of open space.
24 I've looked for it in the DEIS and I found 5.5 acres of
25 a town bike trail park. They do mention that they have

1 the 10% open space requirements but I didn't see that
2 anywhere in the description. So, I have no idea where
3 they get that number from.

4 As far as the units are concerned, the fact that
5 they say that they're young professionals and retirees
6 doesn't mean a thing to me. I would like to know how
7 many bedrooms there are, how many bathrooms there are,
8 and the cost of the home. That would give me a better
9 idea of the kind of families of people that are going
10 to move into these homes.

11 Also, how many floors there are. Because if these
12 are going to be for seniors, I want to know if these
13 seniors who will probably be aging in place - will they
14 have to climb stairs or not?

15 They're asking for a 25 foot no-cut buffer. We
16 dealt with this at the Colonie County Club. A cluster
17 requires a 50 foot no-cut buffer. Their rationale has
18 nothing to do with topography. It has nothing to do
19 with anything physical that they need a 25 instead of a
20 50. So, I would ask that you take that into
21 consideration, please.

22 One of the interesting things that they say about
23 the students is that except for the 2008/2209 year,
24 there has been decreased enrollment, but per student
25 cost has increased. As we know with the federal and

1 state budget, we're going to get even less money than
2 we have in the past. That's why I want to know how many
3 bedrooms there are because I think that if you have 169
4 students and you're going to estimate at a high or a
5 low of 41 new students, that must mean a lot of seniors
6 or couples with no kids. Now, they say that there is
7 going to be a positive impact on the schools budget.
8 That's only if we continue to have seniors in these
9 homes.

10 As I asked once before, I don't understand the
11 intent on having seniors in certain homes - why a
12 certain percentage or a certain number can't be
13 designated as a floating housing senior district. We
14 have that law. We are not using that law. I don't
15 understand why.

16 This idea that the water is only for this
17 project; that is a very ingenuous statement because we
18 know even though they might provide infrastructure just
19 to this project, we know that this project has enough
20 water for lots more. At least we should have something
21 truthful here, not disingenuous, but a truthful
22 statement.

23 Regarding traffic, I'm interested in 85A and I'm
24 not good with numbers but there is a table 4.2Q summary
25 and it says that by 2013 there's going to be in the

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1 morning a doubling of the number of cars, as I read it,
2 and in the evening a tripling of the number of cars.

3 Now that we know how many units are going to be
4 in the Colonie County Club and the senior housing
5 development, instead of looking at this development, I
6 think that we need to start looking at proposed
7 developments that are under consideration at the same
8 time holistically so that we get a better picture of
9 how much traffic is going to be around this area.

10 That's where I will end my comments. Thank you
11 very much.

12 CHAIRMAN STAPF: Thank you very much.

13 Who would like to be next; Liz?

14 MS. KORMOS: My name is Liz Kormos and I live on
15 Overlook Drive. I think that I read almost every page
16 of that. It was quite daunting. There are a number of
17 comments that relate to water, waste water, stormwater
18 management, traffic, financial analysis, the site plan
19 and the rail bed.

20 Edie mentioned the water supply - there has been
21 a lot of talk about this being a significant supply of
22 water which could supply the commercial zone, which the
23 comprehensive plan states that we do wish to develop.
24 So one of my questions is what is the full capacity of
25 the well system and what would be the additional

1 on-site equipment and cost necessary be to expand that
2 system so maybe there will be more work done on that
3 system, more water tanks. Additionally, whatever you
4 think would be offsite if we expand the capacity of
5 this system that will go over to the town.

6 Also, I have a concern about what provisions have
7 been made in the piping design such that large enough
8 water mains are designed into this system and placed at
9 a point where it could be accessed off-site such that
10 if the town does want to expand the water system, they
11 don't have to go back on-site and the water mains are
12 too small. We had happen on 85 with the sewer system.
13 You couldn't add to the system.

14 Also, I was wondering why there wasn't any
15 provisions to do any off-site water to some of the
16 adjacent property that had water issues. I think that
17 it would be feasible to ask the developer to provide
18 water for the existing homes that may be having issues.

19 On waste water treatment - there was only a
20 limited number of methods of waste water treatment
21 considered. I do consider the system that they picked
22 to be a pretty good system, but there are increasingly
23 new technologies being offered in wastewater treatment.
24 They are higher end systems and membrane filtration
25 systems. I was wondering if whether constructive

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1 wetlands had been considered given the amount of open
2 space. It seems that it might be feasible to do
3 something like that. The reason to consider those
4 systems is that some of them have significantly low
5 maintenance costs. Since this system is going to be
6 turned over to the town, I think that maintenance
7 systems are an important issue.

8 Also, I'm not familiar and I'm not an engineer,
9 but I think that the town should evaluate the waste
10 water treatment plant - the system that it is, the
11 vendor, etcetera, the same way that they would evaluate
12 any piece of equipment that they were purchasing for
13 the town out of taxpayer money. Just because the
14 developer is paying for it, it will still become the
15 property of the town. Therefore I think that the
16 treatment vendor should be asked to provide names and
17 contacts for owners of the same type of system that has
18 been in place for a number of years - three years or
19 more and get actual operating costs. I know that
20 operating costs were estimated, but I would like to see
21 an actual example of a similar system and know how much
22 it is costing to run that system. And also, have they
23 had any problems with that system? Have they had odor
24 problems? Has it ever been out of compliance with this
25 chart? So, I think that would be reasonable to ask.

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1 I assume that all the operating costs of the system,
2 once it's turned over to the town would be born by a
3 sewer and water district. I assume that is the case and
4 none of the other taxpayers in town would get any of
5 those expenses.

6 Also, again, can this waste water system be
7 expanded? What is the capacity to expand it at that
8 site? I assume that would be limited by the discharge
9 to that unnamed creek. Maybe that's the capacity and
10 that's it, but again, we're looking at future
11 development - particularly in a commercial zone.

12 Could we get some sewer capacity off of this
13 system?

14 Again, has the piping been designed such that
15 there is a large enough main that the town could tap
16 into and do additional development off that system
17 without going back on that site and tearing up the
18 already laid pipe?

19 Also, again, are there adjacent owners that could
20 potentially have septic systems that are failing or not
21 completely in compliance so that they could benefit
22 from being able to tap into the system?

23 A minor thing - the waste water treatment
24 structure - they showed it and it looked like a pretty
25 ugly building. I would ask the developer to please side

1 it and make it look like one of the homes so that it
2 blends in.

3 Also, they mentioned that there was a peak
4 discharge from the waste water treatment of 272 gallons
5 per minute. That sounds to me like a significant amount
6 of discharge. I think that the average discharge was
7 considerably less. If there is a peak discharge of 272
8 gallons per minute, what effect is that going to have
9 on flooding downstream? What if that's in the middle of
10 a rainstorm? That, I think should be addressed.

11 Stormwater management, again, there are
12 increasingly new methods such as low impact development
13 and best management practices for stormwater. The
14 developer is proposing stormwater basins. My question
15 would be have they looked at some of the low impact
16 development? I listed a couple here. I'll be passing
17 this out. Have they looked at stormwater wet ponds,
18 rain gardens, constructed stormwater wetlands? Again,
19 one of the big issues for the town is the cost and
20 maintenance of the stormwater management system. Some
21 of these other methodologies have little or no
22 maintenance to them. So, I think that's something that
23 the town should consider.

24 On traffic, I agree with Edie. I think that any
25 proposed project - it should be a scenario in the EIS

1 that takes into account if the Colonie Country Club and
2 the senior project, etcetera, go in and add in those
3 traffic impacts and let us see what the whole impact is
4 of any project that is currently in front the town.

5 Also, I am concerned about some of the areas
6 where the traffic was degraded down to level D and I
7 think the town should look closely at those issues and
8 see whether there should be some mitigation.

9 A couple more things.

10 The financial analysis states that the total
11 actual value of the project is \$83,350 or an average
12 home value of \$494,000. Edie was asking about the
13 prices. They are in that financial. The town homes
14 start at \$285,000 to \$350,000; carriage \$375,000 to
15 \$445,000; executive homes \$495,000 to \$615,000 and
16 estate homes from \$650,000 to 1.2 million. The reports
17 state that the high prices are supported by the real
18 estate market in the area. I question that. They may
19 have been two years ago when the market was booming,
20 but I do question whether the market can currently or
21 even in the near future support that. Does the
22 developer have any analysis to show that there is
23 sufficient demand and prices in this range?

24 The reason why I raise this issue is not just
25 will this project sell homes, but all the positive tax

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1 impacts that they state in the DEIS are based on a very
2 high home value. So, if the developer found that they
3 had to scale back the development and build less
4 expensive homes, how would that impact? That tax
5 benefit may just disappear and this may just end up not
6 being a positive development.

7 The report mentioned the study done by the
8 Michaels Group that showed a number of school-aged
9 children in similar projects and actual data. I would
10 like to see that report. What did it show? Does it back
11 up the numbers that they are proposing? Given the
12 negative impact to the general fund outside the
13 village, I think that the project should be required to
14 provide its own garbage service because that was a
15 significant impact to the town.

16 I have from Bob Mitchell, a diagram that shows
17 the sight lines from the rail trail. I think this could
18 be a real concern primarily for the developer because
19 with a setback of only 60 feet, people on that rail
20 trail biking and hiking are going to be looking
21 straight in to the back yards of the homes that are
22 back there and I think that's going to be a privacy
23 issue for those homes. There will be kids biking and
24 they may trespass. I think that you should take a look
25 at this and see what the sightlines are. There is a

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1 requirement for a buffer and I think that buffer should
2 be required where the properties are adjacent to the
3 rail trial, as well as to any adjacent property owners.

4 Last issue is that there is a statement in the
5 report that says that the rail line that has been
6 considered will have a minimum impact on the water
7 quality of the aquifer. The railroads used to use
8 herbicides and pesticides and I'm concerned that there
9 may be some contamination.

10 The county, as far as I understand, is in their
11 due diligence period where they are doing their
12 environmental assessments. I would suggest that this
13 developer get that result. If there is shown to be any
14 contamination in the vicinity of this project on those
15 rail lines, I think it's imperative that they test the
16 soil or whatever to determine whether any of that has
17 migrated onto the site. It may not affect the aquifer,
18 but you are going to have children living here and if
19 there are any contaminants in the soil, I think that
20 needs to be addressed.

21 That's about it. Thank you.

22 I have copies here for you.

23 CHAIRMAN STAFF: Thank you very much.

24 Please state your name and your address for the
25 record.

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1 MR. SCHREIBER: My name is Steve Schreiber and I
2 live in Voorheesville.

3 I had questions also about the financial aspect
4 of this project. I just wanted to follow-up along the
5 lines of what Liz discussed.

6 What are the potential liabilities for the town
7 in the event if they don't sell the 169 units after 10
8 years? That new price is going to be significantly less
9 than what they proposed in the planning assumptions. I
10 think that Liz correctly points out that these numbers,
11 I think, were produced in a much more rosy economy for
12 the housing market. Obviously it would effect tax
13 revenue, but I have a question before that.

14 The Infrastructure itself, as I understand this,
15 would be built - the water supply the sewage and
16 stuff - that's built up front prior to significant
17 occupancy in the project. The worst case scenario is
18 that in fact they don't sell the houses, they don't
19 generate the revenue and you have this large
20 infrastructure that's there serving the much lower
21 number of houses. Who is responsible for that and for
22 those costs? I heard that the developer would be
23 responsible, but do we have any assurances that would
24 be legally binding that would make sure that this, in
25 fact, does not go back on the taxpayer in the event

1 that the housing market really doesn't get better over
2 the next several years?

3 Thank you.

4 CHAIRMAN STAPF: Thank you.

5 Mr. Cade, did you sign up to speak?

6 MR. CADE: No, I didn't.

7 CHAIRMAN STAPF: Would you, just before you
8 leave, so that she has the proper spelling of your
9 name.

10 MR. CADE: About six or seven years ago, a town
11 in Saratoga County, a town similar to ours, was hit
12 with a verdict just short of four million dollars
13 because of a roadway.

14 My name is Bill Cade, C-A-D-E, and I'm the lawyer
15 that tried that case in the Northern District. I wasn't
16 going to speak this evening until I heard someone say
17 that the road is fine for that traffic. To believe
18 that, you'd have to believe in Santa Claus, the Easter
19 Bunny and the tooth fairy.

20 By way of background, I live on Hilton Road and I
21 walked the property about 10 years ago. When we
22 entertain, I have people drive an extra mile and a
23 half. When I go home, I avoid that railroad because of
24 the sight distance, because of the hyperelevation,
25 because of shoulders and everything else. I actually

1 will not go on 85A and than make a right on Hilton. I
2 go up 85A and go across 155 and come down that way in
3 order to avoid that particular area of the road.
4 Several years ago, I almost had a bicyclist on the hood
5 of my car. I've had joggers; I've had other cars
6 because the road is totally inadequate.

7 CHAIRMAN STAPF: You're talking about

8 MR. CADE: Hilton Road.

9 CHAIRMAN STAPF: Near the railroad crossing?

10 MR. CADE: The railroad crossing - - Hilton Road,
11 as you know, runs north and south.

12 CHAIRMAN STAPF: I just wanted a clarification of
13 what you were talking about.

14 MR. CADE: I live on the corner of Hilton -

15 CHAIRMAN STAPF: We know where you live. It's a
16 nice little -

17 MR. CADE: Starter home.

18 I cannot believe that someone could stand here
19 and tell this audience and this board that this road is
20 adequate. That's number one.

21 By way of additional background, years ago, I had
22 an option to purchase Tall Timbers. I had a man by the
23 name of Tom Webber who has his master's degree from RPI
24 and a hydrologist who handles the Sacandaga reservoir
25 do a test study. The tests revealed that there is a

1 salt plum in that aquifer.

2 Additionally, if you look at the topography, you
3 will see that the pesticides from the lawns, the salt
4 from the highways and the run-off from the roofs will
5 head right down to that water aquifer. That, to me,
6 could very easily become toxic. I've lived in the Town
7 of Bethlehem for number of years and raised trout and
8 salmon, which I still do. In Fisher Hollow and the
9 other development, they changed the topography and
10 unfortunately, it polluted the four ponds that I had
11 and that's a major reason why I chose to move over to
12 Hilton Road. I have a licensed hatchery there and raise
13 trout and salmon. I put the town on notice years ago
14 that should this development impede the hatchery, that
15 not only will the developers be parties to an action,
16 but the town will be a party to the action.

17 What I'm looking for is a common sense approach.
18 I'm certainly not against development. That is not the
19 reason why I am speaking. And I wouldn't have spoken
20 until I heard the comment about the roadway.

21 Thank you very much.

22 CHAIRMAN STAPP: Again, please state your name
23 for the record?

24 MS. WAKELEY: Carla Wakeley, 32 Hilton Road.

25 Mr. Cade, I had a Chevy blazer about five feet

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1 from my front porch.

2 Thank you for showing a picture of my home like
3 that. The road can't handle it. That's the only house
4 there and all this is going to go behind my house?

5 MR. CADE: Are you the person who just did all
6 the work on that house?

7 MS. WAKELEY: Yes.

8 MR. CADE: You did a beautiful job.

9 MS. WAKELEY: I'm third generation in that house.
10 My husband's grandparents built every single one of
11 those ponds.

12 That's very wet.

13 That's scary. That's scary.

14 It's very wet back there. You are going to mess
15 with the aquifer.

16 I want development, too. I think the town has to
17 have it. I think that it needs something. It needs
18 commercial.

19 That's scary.

20 If I had the money, I'd try to buy it.

21 Yes, we have had two vehicles in our front yard
22 actually going up over those tracks.

23 I'm not lawyer, or an engineer, or a doctor. I
24 don't do the research. I just live there.

25 CHAIRMAN STAFF: The purpose of this meeting

1 tonight is to hear the comments of the public and
2 that's what we're asking for.

3 MR. WAKELEY: I know that you need to do the best
4 that you can, but that's scary.

5 We want development. Tom and I want development
6 but to me, as the only little jut out there, I mean,
7 Mr. Cade, you have a big jut out - - as the only nook
8 in the cranny in the big nook, that road scares me,
9 too.

10 MR. CADE: May I make one further comment?

11 CHAIRMAN STAPF: Yes, Mr. Cade.

12 MR. CADE: This lady, first thank you. You have
13 done a wonderful job there. But if the town wants to
14 fast forward to see what that corridor will look like,
15 go back and look at Fisher Boulevard. Look at Fisher
16 Boulevard the way it was 10 years ago, and look at what
17 it is now.

18 Getting back to Hilton Road, the verdict is
19 against the Town of Wilton. It was Smith Bridge Road.
20 Peter Barber is probably familiar with the case so he
21 can speak of it. It was the Northern District of New
22 York and the verdict was six and a quarter million
23 dollars. The Town of Wilton threw in just around four
24 million of the six and a quarter, or maybe a little
25 more than that. Smith Bridge Road, at least in my

1 opinion, was a substantially better road than Hilton
2 Road. There are photographs and if anybody wants the
3 backup, I'm sure that I can get the file. I can get the
4 studies from that particular road to show the town what
5 the liabilities are.

6 We are taxpayers in this town and let's assume
7 that there is a verdict in excess of the insurance
8 policy. That comes out of each and every one of our
9 pockets and that I don't think it's fair. The burden
10 should be on the developers to build that entire road,
11 if they're going to do it, they need to build it in
12 accordance with the accepted standards that are set out
13 by DOT, by the county, by the town, or by any agency
14 that has jurisdiction over the construction and
15 maintenance of roads.

16 CHAIRMAN STAPP: Yes, sir. Please state your name
17 and if you haven't signed in, please do so before you
18 leave.

19 MR. DONATO: My name is Phil Donato and I
20 represent some folks who own property on both sides of
21 this project. They've asked me to come to discuss the
22 discharge from the proposed treatment plant. I'm aware
23 that they may be able to get a SPDES permit, a
24 discharge permit and an okay from the County Board of
25 Health however, that unnamed tributary runs right down

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1 smack in the middle of property that we own. It will
2 certainly damage the property and diminish what we can
3 do with it. Right now it's agricultural, but in the
4 future it will be developed and that will hamper our
5 development.

6 Furthermore, the unnamed tributary dries up quite
7 often and really can't take a load. Nor are things like
8 household hazardous wastes, medicines, petroleum,
9 chemicals that are dumped in the stream by homeowners
10 considered in the treatment plant plans. I would have
11 to wholeheartedly object to that being used as a source
12 point onto our property.

13 Thank you.

14 CHAIRMAN STAFF: Thank you sir.

15 Anybody else that would like to make any
16 statements?

17 Yes, sir.

18 Again, if you haven't signed in, I request that
19 you do before you leave. Please state your name for the
20 record.

21 MR. LAZ: I'm T.R. Laz and I live on Krumkill
22 Road.

23 To you, this is your business. At the end of
24 tonight, you get to go home far away from here. For us,
25 this is our home. Some of us have been born here - not

1 me. Some of us have lived here all of our lives. Some
2 of us work here and most of us are going to die here.
3 For you, this is just a job.

4 And that's a slick presentation.

5 This mammoth development would be the beginning
6 of the end of the Town of New Scotland. Do you now that
7 we have single family homes on beautiful properties
8 right now that are just sitting there and can't be
9 sold. One house can't be sold and you're going to build
10 169.

11 CHAIRMAN STAPF: Mr. Laz, I have no problems with
12 what you say but please keep it civil.

13 MR. LAZ: I'm very passionate.

14 CHAIRMAN STAPF: I have no problem with that. I
15 just ask that you keep it civil.

16 MR. LAZ: This isn't Clifton Park. This isn't
17 Colonie. This is the Town of New Scotland. You get to
18 go home tonight. This is our home.

19 This is no doubt going to strain the
20 infrastructure of the Town of New Scotland. Public
21 services, the roads that you mentioned cannot handle
22 even a fraction of what you're considering. Town
23 staffing, water, waste, maintenance, and the unforeseen
24 problems - - this is too much, too quick, too fast, too
25 overwhelming.

1 If you've seen the state of the economy right
2 now, there are millions of billions of dollars in
3 bailouts and I don't want this to be another one of
4 those failures. This project can have catastrophic
5 unforeseen problems for the Town of New Scotland, for
6 the people of New Scotland, for our families and for
7 our future and for our children. I love the Town of New
8 Scotland, passionately and I want to see it stay the
9 same. Yes, some development - too much, too quick, too
10 fast. This is my home. Please understand that.

11 CHAIRMAN STAFF: Thank you sir.

12 Is there anybody else who would like to make any
13 comments?

14 Yes, Ms. Abrams?

15 MS. ABRAMS: The DEIS says that the demographic
16 shows that we are an aging town. If we are an aging
17 town, and studies show that most people age in place,
18 I'd like to reiterate again, my plea to have a certain
19 percentage be part of a senior housing district.

20 Here it is. This describes New Scotland and the
21 demographics.

22 That's all I wanted to say. They themselves,
23 admit that our population is aging.

24 Thank you.

25 CHAIRMAN STAFF: Is there anybody else who would

1 like to make any other statements?

2 *(There were no responses.)*

3 CHAIRMAN STAPF: Okay, then I'll make a motion
4 that we close the public hearing on the Kensington
5 Woods project.

6 MS. STEWART: I'll second it.

7 CHAIRMAN STAPF: Any questions?

8 *(There were no questions.)*

9 CHAIRMAN STAPF: All in favor?

10 *(Ayes were recited.)*

11 CHAIRMAN STAPF: All opposed?

12 *(There were none opposed.)*

13 CHAIRMAN STAPF: All abstaining?

14 *(There were none abstaining.)*

15 CHAIRMAN STAPF: Motion so carried.

16 I would also like to make a recommendation that
17 we accept comments up until the 12th of January.

18 Do I have a second on that?

19 MS. ELLIOTT: Second.

20 CHAIRMAN STAPF: Any question?

21 *(There were no questions.)*

22 CHAIRMAN STAPF: All in favor?

23 *(Ayes were recited.)*

24 CHAIRMAN STAPF: All opposed?

25 *(There were none opposed.)*

1 CHAIRMAN STAPF: All abstaining?

2 *(There were none abstaining.)*

3 CHAIRMAN STAPF: Motion so carried.

4 Again, written comments are welcome on any issues
5 relating to the Kensington Woods SEQRA. They need to be
6 submitted to the town office by the close of business
7 on the 12th of January. If you have any questions, the
8 documents are available in the Town Hall and also in
9 the various public libraries within the town.

10 I make a motion that we adjourn tonight's
11 meeting.

12 MR. KROENCKE: Second.

13 CHAIRMAN STAPF: Questions?

14 All in favor?

15 *(Ayes were recited.)*

16 CHAIRMAN STAPF: All opposed?

17 *(There were none opposed.)*

18 CHAIRMAN STAPF: All abstaining?

19 *(There were none abstaining.)*

20 CHAIRMAN STAPF: Motion so carried.

21 Thank you very much.

22

23

24 *(Whereas the public hearing was concluded at 8:03 P.M.)*

25

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CERTIFICATION

1
2
3
4 I, NANCY STRANG-VANDEBOGART, Notary Public in
5 and for the State of New York, hereby CERTIFY that the
6 record taped and transcribed by me at the time and
7 place noted in the heading hereof is a true and
8 accurate transcript of same, to the best of my ability
9 and belief.

10
11
12 A handwritten signature in cursive script, reading "Nancy Strang-VanDeBogart", is written over a horizontal dashed line.

NANCY STRANG-VANDEBOGART

13
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15
16
17 Dated January 6, 2009

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