

In 2001 Shelco purchased lands (238 acres) encompassing 33 and 34 Denison Road from Union College Board of Trustees for \$600,000. After 2001, Shelco subdivided approximately a total 110 acres on 3 separate occasions to include the Walnut Lane West Minor subdivision (2010), Forest Hills subdivision at 33 Denison Road (2011) and the 33 Denison Road Minor Subdivision (2012). Shelco's recorded proceeds from these subdivided parcels equal \$2.2 million.

Shelco will further subdivide 34 Denison Road a 4th minor subdivision if its July 2017 Open Development Area application for 34 Denison Road is approved. It is our understanding that Shelco is marketing the remaining acreage at 34 Denison Road for development. We anticipate that a new application for a major subdivision will be filed in the very near future for 34 Denison Road which will likely correspond to a now expired 2009 concept plan layout. Furthermore, on January 23, 2018, the Planning Board was not advised that there was a pending minor subdivision application by a subsequent purchaser for an additional lot at 34 Walnut Lane West.

As of 2/5/18 the public record indicates that Shelco still owns Lot 5A Denison Road which now has a private water line easement to Forest Hills. Shelco also owns the remaining 118 acres of the 34 Denison Road property and possibly additional isolated building lots within the Forest Hills Subdivision. Lot 5a and 34 Denison Road will be hooked into new High Pressure water system.

The following time line provides information regarding the development proposals for 33/34 Denison Road which precede Shelco's ownership of the property and Shelco's development proposals and approvals for 33/34 Denison Road after 2001. This information was assembled based upon the available public records and documents provided by the Town of Colonie in response to Freedom of Information Requests.

33/34 Denison Road Timeline

1988 Town of Colonie Land Use Advisory Council Technical Report

Airport Area recreational needs were found to be inadequate. It was determined that the standard of "5 acres of parkland to be allocated for 1000 residents" was not being met. There was a deficit of 160 acres based upon a town wide population of 64,200 residents.

- Report addressed the need to assess mitigation fees for development
- The Vly Road pump station is only identified as water infrastructure improvement for this area.

August 24, 1988

Meeting CT Male and TOC

Potential subdivision discussed using elevation 400 as a guide. Discussed Denison, Vly, Melody and Oaktree, Coronet Court will not be addressed put in pressure pump; CT Male wanted LWD to participate on a shared cost basis with CT Male for infrastructure improvements to accommodate development at 400 foot elevation. computed by # of exiting homes v. homes to be built by CT Male.

November 1989 Albany Airport Area GEIS Scoping**January 2, 1990 TOC sent a letter to Charles T Male**

Ct Male advised Platt that he has 198.6 acres he wants to develop and using NYS Town Law Section 287 Cluster Zoning he can get 380 housing units. He states that the water improvements will cost \$1.1 million. Requests TOC to share in this water improvement because of 42 homes on Denison Road. Want the TOC to give CT Male full credit for the water tank improvements as a reduction of mitigation fees as they submit phases of their land for development.

February 12, 1990 Albany County Airport Area Draft GEIS**February 1991 Draft GEIS circulated for review****December 17, 1991 TOC Planning Board issues Statement of Findings Airport Area GEIS****December 26, 1991 Airport Area GEIS Statement of Findings Include:**

- 5 acres pocket park identified at 33 Denison Road property
- Water infrastructure improvements to be funded by GEIS mitigation funds included Vly Road high pressure zone pump station, elevated storage tank, 16" Denison Road Main and 12" Vly Road/Denison Road Main

January 17, 1992 Breckinridge Project Charlew/CT male

341 units located on 33 and 34 Denison Road encompassing 210 acres. This proposal was withdrawn.

January 29, 1997 PB Meeting Amend GEIS Findings extend the time for GEIS validity 20 years.**November 24, 1998 meeting with TOC and Coldwell bank**

Discuss development CT Male property. Water improvement costs listed at \$1.45 million or \$3,475 per unit.

September 1, 1999 Charles T Male conveys 33,/34 Denison Road to Union College Board of Trustees approximately 238 acres

February 8, 2000 Revised Statement of Findings Airport Area GEIS extend planning period to 20 years

October 2000

Ashford Glen Preserve Property purchased

Neighbors purchased and donated to Albany Land Conservancy/Mohawk Hudson Land Conservancy

November 27, 2000 Oakridge Concept plan date 34 Denison Road for 118 acres by Shelco/CT Male

intended market for Oakridge is the empty nester where children have grown and moved away and the present 3-4 bedroom homes with the large yard is no longer desired.”

60.36 acres open space

107.19 acres to be developed

March 2, 2001 Oak Hill /Forest Hills Concept Plan for 33 Denison Road submitted by Shelco/CT Male

90 lots

May 1, 2001 PB Hearing Oakhill/Forest Hills concept

July 23, 2001 Union College Board of Trustees conveys 33 and 34 Denison Road to Shelco Development LLC approximately 238 acres

Purchase price \$600,000.

January 15, 2002 Forest Hills Concept Approval

75 single family lots (included 17 Tulip Tree Lane and Lot 5A Denison Road)

2003 Londonderry Ridge proposal by Norton Brothers

August 5, 2005 Town of Colonie Comprehensive Plan

-recommends the establishment of a conservation overlay district for lands located at 33/34 Denison Road.

-acknowledges that Ashford Glen Preserve “is already a preserved area and the opportunity exists to expand open space resources here through creative design of development and conservation easements.”

-requires open space plan with land use planning to reflect these open space areas on 33 and 34 Denison Road

January 4, 2007 Conservation Overlay District Zone enacted which includes 33 and 34 Denison Road, Londonderry Ridge property

May 14, 2007 DCC meeting Oakridge/Ridgewood

TOC comments

- 1. eliminate cul de sac extension to Walnut Lane West, remove lots 33, 34
- 2. connect thru to Walnut Lane West access point for emergency vehicles
- 3. steep slope areas less than 2,000 continuous square feet should not be id'd as constrained lands
- 4. site distance analysis for the proposed Denison Road curb cut must be provided
- 5. investigate curb Denison line up with Forest Hills

May 14, 2007 Oakridge/Ridgewood Concept Plan Submitted

66 lots

Major concerns lots 58, 60, 62

Constrained lands lots 6-7, 19-20 63-64 lot 41

Major concerns drainage and erosion impacts Denison road and 27-28 Concord drive

October 26, 2007 CT Male response to TOC Comments

CT Male response to TOC May 2007 DCC meeting comments for Oakridge/Ridgewood

CT Male will do site distance analysis for Denison Road curb cut after concept

-CT Male did not agree with curb cut across from Forest Hills **“this may be difficult due to classification of constrained lands and existing slopes within the site that are across from Oakhill. Therefore, a curb cut is not shown at this time.”**

November 15, 2007 CT Male submits response to TOC comments re:

Oakridge/Ridgewood

(same as October 27, 2007 comments). Requests PB hearing be scheduled

November 15, 2007 Request for Zoning Verification filed Forest Hills Subdivision at 33 Denison Road

75 homes

January 29, 2008 Oakridge now known as Ridgewood Concept Hearing

76 lots

76 acres remain open space Walnut lane West access

June 11, 2008 Zoning Verification Application filed for Ridgewood 34 Denison Road

97 lots

118.05 acres site

52.58 acres developed

65.47 acres open space

2 entrances north and South Denison Road

Max lot 47,026

Min lot 16,200

June 11, 2008 CT Male responses to TOC 1/29/08 comment letter re: Ridgewood

CT Male Response to TOC comment “please investigate a curb cut that would lineup with the proposed curb cut for the oakhill subdivision.” **CT Male response-“an investigation has determined that a curb cut cannot be accomplished due to sight distance constraints and steep slopes.”**

-CT Male provided site distance analysis Denison Road curb cut and eliminated the connection to Walnut Lane West.

August 12, 2008 PB Hearing Ridgewood Amended Concept plans 34 Denison

99 lots

Eliminate through street to Walnut Lane West

Provide second access to Denison Road

PB Comments:

Shelco needs to demonstrate the feasibility of grading the southerly access to Denison Road with the available right of way. PB did not approve using an existing water tower access drive at intersection Vly and Denison because it does not meet the 50 foot minimum width required for Town ROW.

Sight distance Denison Road access was raised by the public and questions pertaining to the allowable offset intersection and Forest Hills Access Palleschi stated this offset distance was 400 feet and need 250 feet is necessary.

December 16, 2008 Londonderry Ridge granted final subdivision approval

68 single family homes

Developer to construct booster pump station at his expense which will be turned over to the Town. Water to be hooked up eventually with new water storage tank.

February 5, 2009 Zoning Verification submitted by Shelco for 17 Tulip Tree and Lot 5a Denison as a minor subdivision application.

These parcels are part of 33 Denison Road Concept application

March 2, 2009 Public hearing Draft CDTC Vly Road Denison Traffic Study

(this study has never been finalized.)

March 10, 2009 Shelco submits zoning verification application for minor subdivision for former “lot 13” of the Ridgewood concept plan Walnut Lane West minor subdivision.

Application lists only one home proposed 6.77 acres lot from 118 acres of 34 Denison Road. On 3/4/09 Melissa Currier advised Bldg Department 139’ road frontage for this lot.)

March 10, 2009 Shelco submits request Zoning Verification Minor Subdivision application to subdivide 3 lots from 33 Denison Road

March 10, 2009 Zoning Verification Denial 33 Denison Road Minor Subdivision application because lots do not have adequate road frontage

May 12, 2009 Shelco files Appeal to ZBA for proposed minor subdivision for Lot 5A and 17 Tulip Tree lane

17 Tulip Tree and Lot 5A Denison do not have 80 foot street frontage.

The application alleged the following unusual circumstances and conditions in support of its appeal: "Lot 5A and 17 in the proposed Tulip Tree Lane subdivision do not have adequate frontage. Access to the sites are through 50 foot strips of lands that do not comply with required frontage of 80 feet. The original layout of the parcel has multiple areas where future roads could be constructed leaving 50 foot strips of land into the site. However, due to ACOE and NYSDEC wetlands on the site, those roads cannot be built."

The application alleged the following practical difficulty in support of its appeal: "The two parcels would be landlocked without a variance or building a road, therefore making them un-buildable lots. **It is not cost effective to build a road to serve one home.**"

June 18, 2009 ZBA Grants Conditional Approval for Variance for Tulip Tree Minor Subdivision (17 Tulip Tree and Lot 5A Denison) valid 1 year and required evidence of filing of a building permit within 1 year of such decision shall be deemed prima facie evidence that such activity has been exercised."

Note: 2018 FOIL request did not produce any building permits issued to Shelco for the Tulip Tree Minor Subdivision.

June 29, 2009 CT Male submits plans for Walnut Lane 34 Denison Road minor subdivision 6.76 acres for 1 house

Note- 5/17/07 DCC comments recommend eliminate the walnut lane west extension due to steep slopes and history of ground water problems in the adjacent subdivision.

July 16, 2009 Albany County Planning Board Recommendation Walnut Lane West Subdivision

August 25, 2009 Shelco submits revised Ridgewood Concept application

96 lots

Only one access road via Denison

63.32 acres to be developed

31.3 acres open space

Total acreage site 118.5 acres

Max lot size 47,026

Min lot size 16,200

October 21, 2009 Shelco submits new zoning verification application for 17 Tulip Tree Lane and Lot 5a Denison Road Minor Subdivision

"the proposed 3 lot subdivision is located in the single family residential zone (SFR) two lots are proposed for single family home construction while the remaining 3rd lot will be

for future development. No road, stormwater management areas or utility extension are proposed as part of this project”

85.5 acres total 33 Denison road the minor subdivision will be 17.34 acres leaving 68.16 for development of Forest Hills major subdivision.

November 2, 2009 Building Inspector approves Tulip Tree Minor subdivision application

November 12, 2009 Minor Subdivision Application to TOC for 33 Denison Road Lot 17 Tulip Tree lane (2 homes) and Lot 5A Denison Road

plans dated November 10, 2009. Application reflects ZBA variance approval

November 19, 2009 TOC PEDD summary recommendation memorandum to PB for Ridgewood Concept Hearing

- 1. topography shown on plan appears to be outdated. Current topographical survey is required.**
2. plans revised one access Denison, one access Londonderry ridge, no walnut lane west access, now minor subdivision for lot at walnut lane west under review.
3. project site within a sensitive area for historic and archeological resources
- 4. the proposed road system and lot layout avoids steep slope and wetland areas**
- 5. easement should be reserved and escrow should be posted for future installation of sidewalks along Denison Road.**

December 1, 2009 Concept Approval Ridgewood Subdivision

118 acres

96 lots

PB members concerned with timing of approvals for Londonderry and Ridgewood and that Londonderry access road connection.

Transcript comments-

Tr. p 23 Courier- There is other access to frontage on the road that we could utilize if necessary.”

Tr.. p. 42 Larry Palleschi

the access roads: that little access road that your’re looking at for your emergency, I would strongly recommend that you don’t ever consider that. That’s a very steep grade right there and you don’t want to be driving emergency vehicles up and down that hill. I would recommend that you go up the water tower road. I would not recommend that little area. That’s just too dangerous.”

Courier- it would be temporary only.

Palleschi-It looks nice on the plans but the reality is that’s a pretty steep grade there.

Ridgewood Concept approval did not include this Denison Road “emergency” access road while Londonderry was pending final approval.

January 13, 2010 TOC DCC meeting Walnut lane west minor subdivision

May 10, 2010 CT Male submits revised Walnut Lane Minor Subdivision Plans

July 26, 2010 Final 34 Denison Road Walnut Lane Subdivision plans submitted by CT Male for TOC signoff

August 17, 2010 Walnut Lane West Minor Subdivision filed in Albany County Clerk's Office (Segmented Parcel #1 6.76 acres)

(12,193 sq feet of land to be conveyed to Town of Colonie for a road) The mailing address is 10 Walnut Lane West. 6.76 acres Segmented Parcel #1

November 2010 Lot 5A and Tulip Tree Lane Minor Subdivision Map revised by CT Male

**December 1, 2010 Ridgewood Concept Approval Expired.
(no extension request filed for Concept Approval).**

January 11, 2011 TOC Comments 33 Denison Road Minor Subdivision

January 14, 2011 TOC comments to Shelco/CT Male Forest Hills

“lots 5A Denison Road and 17 Tulip Tree Lane must be added to the table on T-2 as “Lands not for approval at this time.”

January 18, 2011 Forest Hills Application Final Subdivision Approval Submitted to PEDD

February 7, 2011 Shelco Development LLC conveys Walnut Lane subdivided lot to Raylinsky for \$515,000. 6.76 acres

**October 25, 2011 Final subdivision Plans filed for Londonderry Ridge
68 homes 1 construction phase and watershed booster pump station construction
and installation agreement between Norton Home Builders and TOC recorded on
6/16/11.**

**December 20, 2011 Final Subdivision Approval Forest Hills (segmented parcel #2
85.5 acres)**

75 Lot Subdivision

85.5 acres

2008 mitigation worksheet used. GEIS mitigation fees Traffic \$210,925 plus \$378,864 total \$589,000 GEIS mitigation fees.

Pocket Park to be located at 34 Denison Road

18% total green space allowed.

March 5, 2012 Forest Hills GEIS mitigation sheet updated to reflect updated CDTC traffic analysis. Traffic now \$300,937 other GEIS mitigation fees remain \$378,864. All of these fees were not updated at the time the final Forest Hills subdivision plans were filed in 2015.

Note: subsequent agreement between TOC PEDD staff and Shelco in 2012/2013 authorized Shelco to receive a credit for water mitigation fee for \$367,875 towards the costs of the water tank construction. Total GEIS mitigation fees to be now paid by Shelco/Charlew= \$300,937 traffic and Non water GEIS fees \$10,589 or \$311,526. Compare this with the CT Male provided 1998 circa mitigation fee cost per house of 75 houses multiplied by \$3,745 equals \$260,625. Shelco/Charlew was only required to pay mitigation fees from 2008 dollars totaling \$311,526 or \$4,153.68 per house mitigation fee. Homes are currently listed and have sold for over \$400,000.

CT Male submitted the schedule of values for the Water Tank agreement in April 2015.

The costs to be reimbursed from the Airport Area GEIS account totaled \$2,543,728.33.

Reimbursable costs listed as follows:

Tank and pump station-\$1,162,000.00

Tank site work/tank foundations= \$588,000.00

Booster pump station= \$386,346.00

Miscellaneous Construction Costs= \$89,804.00

Engineering and Surveying Services CT Male= \$303,578.33

Other Costs= \$14,000 which included bonding, property transaction costs, carrying costs and builder's compensation.

As of May 2016, the GEIS direct reimbursement to Charlew totaled \$2,266,808.58.

February 22, 2012 ACOE issues permit with deed restrictions for 17 Tulip Tree Lane and Lot 5A Denison Road (did DEC issue Water Quality Cert 2/17/12 expires 2/16/14?)

March 20, 2012 17 Tulip Tree and Lot 5A Denison 33 Denison Road Minor Subdivision filed in Albany County Clerk's Office (Segmented Parcel #3 17.34 acres)

Deed restrictions required to notify prospective purchasers ACOE wetlands conservation easement and no public water available for these lots.

April 19, 2012 DEC issued Section 401 Water Quality Cert Lot 17 Tulip Tree Subdivision

January 21, 2013 Waterline easement Lot 5A Denison Road via Forest Hills via 87 and 85A Tamarack lane not filed with Albany County Clerk office just referenced to be on the plans for Forest Hills

June 18, 2013 Waterline easement 17 Tulip Tree Lane via Forest Hills 16 and 18 Tamarack lane lots not filed with Albany County Clerk office just referenced to be on the plans

June 19, 2013

CT Male and RJ Valente meet with TOC about purchase Forest Hills

September 26, 2013 TOC meets with Charlew about Forest Hills purchase

March 31, 2014 letter from Shelco attorney to 15 Tulip Tree Lane owners Cochrane, your driveway is on 17 Tulip Tree Lot

May 5, 2014 DEC extended Water Quality Cert Permit Section 401 permit issued to Shelco to expire on March 1, 2016

June 2014 TB resolution authorizing TOC enter into Water Tank Agreement with Charlew

January 29, 2015 Forest Hills Final Plans Signed by TOC
2008 GEIS mitigation fee sheet paid. 1st GEIS payment made.

February 13, 2015 33 Denison Road conveyed to Charlew Builders

68 acres.

Recorded purchase price \$1.5 million with a \$750,000 mortgage. Donald Lucarelli has a \$6.8 million land acquisition and development mortgage lien on property with Charlew.

March 20, 2015 Charlew Application for building permit for water tank

January 8, 2016 Jeffory Myers arrested in TOC for drug possession

February 4, 2016 Shelco Development LLC conveys 17 Tulip Tree Lane to Corey Lewandowski

\$105,000 purchase price including a 2013 private water line easement via Tamarack lane parcel in Forest Hills. Purportedly part of a filed map in Albany County Clerk's office revised plan dated June 18, 2013.

June 9, 2016 Jeffory Myers sentenced to 2 years in jail; 7/8/16 incarcerated

August 2016 Land Clearing on Tulip Tree Minor Subdivision
(DEC Water Quality Cert expires March 1, 2016)

August 26, 2016 Charlew Request to Transfer Shelco Development LLC DEC #40126-00728/00001 approved by DEC Region 4 on 8/26/16 signature Jeffory Myers 8/26/16

October 18, 2016 ACOE inspection Forest Hills and 17 Tulip Tree lane. ACOE found area bulldozed across was above the ACOE restricted area. No violations. There were other ACOE enforcement issues with Forest Hills.

October 31, 2016 Rawlins conveys 10 Walnut Lane West to Charles Harding for \$450,000

January 24, 2017 Charlew Builders application to Division of Pure Waters for Sanitary Sewer Permit for 17 Tulip Tree lane subdivision. Work order issued by TOC approval noted 11/10/09 map 11/19/10

July 21, 2017 dated Site plans received TOC PEDD for ODA application

July 24, 2017 Shelco/Pusatere application for ODA for 34 Denison Road 3 lots 3.94 acres with a remainder of 98.85 acres left at 34 Denison Road

Application states that there is now 102.47 total acres comprising 34 Denison Road. Application states Hardship per TOC published ODA application requirement: “due to the steep existing site topography and existing woods, the owner would **prefer** to access the three (3) parcels through a shared single driveway to preserve mature trees.”

August 10, 2017 TOC Town Board meeting agenda

Agenda item referral ODA application for PB review tabled

August 11, 2017 Email Magguilli to Melissa Currier “please be advised that the application for minor subdivision approval and for ODA approval triggers the application of Chapter 177 of the Town Code. Please advise your client not to cut down any trees on the site unless and until the procedure set forth in Chapter 177 has been followed and you client has obtained the required Planning Board approval.

August 24, 2017 TOC Town Board Meeting ODA application for PB review tabled

September 2017 PEDD prepares ODA checklist for PEDD website

September 7, 2017 TB votes to refer ODA application for PB review

October 26, 2007 CT Male response to TOC comments at DCC meeting

October 2017-November 2017 Series of TOC department comments ODA

November 2017 Application to TOC to further subdivide Walnut Lane West Minor Subdivision

Albany County Planning Board Agenda Case #07-17112900 Lands of Harding Charles Harding 10 Walnut Lane West, Schenectady Subdivision Review-Subdivide 6 acres Lot # - will be 1.34 acres and will have a house built on it with public sewer and public water. Lot #2-The remaining 4.66 acres has a house on it.

December 4, 2017 TOC provides comments to ODA application revised preliminary final ODA plans –**LWD wants a grading plan so we can evaluate the impacts to the cover over the existing 12” iron main.**

December 11, 2017 Email Weingarten to Mahan

What is going on at 34 Denison Road any filings?
What is happening with 10 Walnut Lane West?

December 15, 2017 Email LaCivita to Weingarten

Project to be heard January 23 PB meeting no ODA application materials or specifics provided to Weingarten
Property owner creating a single lot of 1.34 acres and will keep the remaining 4.66 acres intact

**January 9, 2018 Email Birchwood Neighborhood Association to Supervisor Mahan
“when is the ODA hearing before PB scheduled”?**

January 10, 2018 Email Reply Tengeler (4:20 pm) to Weingarten don’t have site plans. Project is on January 23, 2018 agenda

January 10, 2018 Shelco submits revised site plans for ODA approval and responses to TOC comment letter.

References January 23, 2018 PB hearing date
“we are still in discussion with LWD regarding their comments.”

January 16, 2018 Email Weingarten To Supervisor Mahan “Where are the site plans”? 10:05 am

January 16, 2018 Email Tengeler to LaCivita 10:27 am. “What do I do said received updated plans on January 12”?

January 23, 2018 PB holds ODA hearing

March 16, 2018 Charlew submits Grading application for 17 Tulip Tree Lane
Signed by Corey Lewandowski and notarized by PEDD secretary Victoria Normandin on March 16, 2018.