

PLANNING BOARD  
TOWN OF COLONIE

COUNTY OF ALBANY

\*\*\*\*\*  
PUBLIC HEARING REGARDING 17 ALIX ROAD  
RECOMMENDATION TO THE TOWN BOARD ON  
ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA  
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THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on August 11, 2009 at 7:00 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON  
MICHAEL SULLIVAN  
ELENA VAIDA  
TIMOTHY LANE  
TOM NARDACCI  
PETER STUTO, Jr. Esq.,  
Attorney to the Planning Board

Also present:

Joe LaCivita, Director, Planning and Economic  
Development

Mike Lyons, Planning and Economic Development

Thomas Breslin, Property Owner

1                   CHAIRPERSON DONOVAN: The first item  
2                   that we have on the agenda this evening is  
3                   application for an open development area on  
4                   17 Alix Road. It's an application of  
5                   Mr. Breslin and it's been sent to us by the  
6                   Town Board for review. Is that correct,  
7                   Michael?

8                   MR. LYONS: For recommendation.

9                   CHAIRPERSON DONOVAN: Could you give us  
10                  some background on it, Mike?

11                  MR. LYONS: This property is located at  
12                  17 Alix Road which is a private road that  
13                  comes off of Dunsbach Ferry and Island View  
14                  Drive. The application was referred to the  
15                  Planning Board for recommendation to the  
16                  Town Board on an open development area to  
17                  establish a house on a private driveway.

18                  CHAIRPERSON DONOVAN: Mike, could you  
19                  explain what an open development area is?  
20                  Some people may not be aware from what our  
21                  previous zoning ordinance used to be. This  
22                  is our new Land Use Law.

23                  MR. LYONS: Basically an open  
24                  development area allows development on the  
25                  paper streets or the non dedicated town

1 highways. In this case, Alix Drive is a  
2 private drive and this is the redevelopment  
3 of a former house to put a new dwelling on.  
4 It requires action by the Town Board where  
5 it used to be reviewed by a committee. It's  
6 just a little bit more of an in-depth review  
7 by the board.

8 CHAIRPERSON DONOVAN: Now the  
9 recommendation from this board goes to the  
10 Town Board, is that correct?

11 MR. LYONS: That is correct.

12 CHAIRPERSON DONOVAN: So there will be  
13 another hearing at the Town Board level, is  
14 that what happens?

15 MR. LYONS: Yes.

16 CHAIRPERSON DONOVAN: It's a lot of  
17 work.

18 Mr. Breslin, I know that you had to go  
19 for a variance, is that correct?

20 MR. BRESLIN: Yes.

21 CHAIRPERSON DONOVAN: And the variance  
22 allowed you - - you did not comply with  
23 Section 288 of the State of New York Town  
24 Law which says that you have to have a  
25 certain amount of footage and frontage on

1 the dedicated town highway and you don't  
2 have that.

3 MR. BRESLIN: That's correct.

4 CHAIRPERSON DONOVAN: So you had to  
5 receive a variance for that; is that  
6 correct?

7 MR. BRESLIN: Yes.

8 CHAIRPERSON DONOVAN: And what other  
9 variances did you get?

10 MR. BRESLIN: The plans went to the  
11 Building Department, knowing full well that  
12 they were going to be denied for the reasons  
13 that you stated. We're building a single  
14 family structure on one that was there. So,  
15 right after we got it back from the Building  
16 Department we went to the Zoning Board. They  
17 approved it because of the development. That  
18 confused me because it sounds like I'm  
19 building a development. I then had to go to  
20 the Town Board to get their approval to move  
21 forward.

22 Nothing has changed design wise or  
23 anything wise since the Zoning Board. In  
24 fact, it's actually going to be a little bit  
25 smaller because there were some concerns

1           about an apartment that I was going to have  
2           above the garage. Now I'm not going to have  
3           that apartment there.

4           CHAIRPERSON DONOVAN: It's a single  
5           family zone; is that correct?

6           MR. BRESLIN: I believe it's all single  
7           family there.

8           CHAIRPERSON DONOVAN: So, you couldn't  
9           have an apartment anyway.

10          MR. BRESLIN: Well, it was above the  
11          garage. It was an extra room for my son.

12          CHAIRPERSON DONOVAN: I usually try to  
13          get to all the sites. I will admit that I  
14          did not go down Alix Road, so I didn't see  
15          it. I went up into the area but didn't make  
16          it down Alix Road.

17          Some of the neighbors had concerns in  
18          relation to the access to Alix Road. They  
19          wanted us to confirm that any homeowner  
20          along Alix Road does not have the ability to  
21          close off any part of the private road,  
22          regardless of the fact that they own  
23          property on both sides. They wanted to make  
24          sure that access would continue from either  
25          Island View or Dunsbach Ferry.

1 Kevin DeLaughter from the Planning  
2 Department responded to this inquiry by the  
3 neighbors and said:

4 Alix Road is a private road. Rights of  
5 ingress and egress over this road are  
6 subject to any easements and restrictions of  
7 record and to any applicable provisions of  
8 New York State Law. The town is not able to  
9 confirm the private rights of any  
10 neighboring owner over this road. The Town  
11 Board, upon recommendation from the Planning  
12 Board, could consider requiring that the  
13 existing access across 17 Alix Road remain  
14 unrestricted as a condition of establishing  
15 the request of an open development area.

16 So that's for the board members to  
17 consider and for the neighbors to consider  
18 also.

19 The second point that the neighbors  
20 brought up was the garage with the  
21 apartment, but you're saying that is now not  
22 going to happen. It's not allowed anyway.

23 Next they wanted to confirm that a  
24 sewer line is available or a septic system  
25 is being installed and we've got a note from

1 Mr. DeLaughter again that says:

2 The town Division of Pure Waters has  
3 advised us that the public sewer is  
4 available for this lot.

5 So that is available to you.

6 There is a question about a private  
7 water line which is not owned by the Town of  
8 Colonie. The neighbors were concerned that  
9 it would not be allowed to be hooked into  
10 this private line. They said that you'd  
11 either have to dig a well for water or need  
12 to connect to the town waterline on Dunsbach  
13 Ferry Road.

14 We know that the Division of Latham  
15 Water has advised us that the water service  
16 to the lot must be provided by either a new  
17 connection to the existing town water main  
18 or by an on-site well. If we have to go by a  
19 well, it has to be approved by the Albany  
20 County Board of Health.

21 No connection may be made to an  
22 existing private water service. So, you'd  
23 have to be connected to the public water  
24 service.

25 I hope that addresses the concerns of

1 the neighbors.

2 Mike, do you have any other input or  
3 advice to the board in relation to this  
4 application?

5 MR. LYONS: No. I think that the issue  
6 regarding the point of access over Alix Road  
7 be maintained as part of the recommendation  
8 to the Town Board.

9 CHAIRPERSON DONOVAN: I also noticed  
10 that Pete Lattanzio from Fire Services  
11 wanted to be certain that the driveway was  
12 15 feet wide. I know that the road itself is  
13 12 feet, I believe

14 MR. LYONS: There was an e-mail that  
15 Pete Lattanzio had sent to Kevin.

16 CHAIRPERSON DONOVAN: I have one dated  
17 June 19<sup>th</sup> and he requested that the driveway  
18 leading to his house maintain a minimum  
19 width of 15 feet.

20 Now, I'm looking at an August 4<sup>th</sup> one  
21 where he says:

22 The existing private street leading  
23 from Dunsbach Ferry Road to the lot is a  
24 paved road that varies in width with a  
25 minimum of 12 feet. The street continues

1 beyond the lot to Island View becoming a  
2 gravel drive with a width of 10 feet in  
3 places.

4 I believe that he still wants the  
5 driveway leading to the house to be 15 feet.

6 MR. LYONS: Basically he continues on  
7 and says that:

8 It appears that the location of the  
9 structure and the street will comply with  
10 the code requirements for access to the lot.

11 That was in the August 4<sup>th</sup> memo. By  
12 meeting code requirements, he has no further  
13 objections to the project.

14 CHAIRPERSON DONOVAN: I'll ask the  
15 board members the same thing but is it your  
16 view that in reading the materials that we  
17 have in front of us that he wants a 15 foot  
18 wide driveway. That's the way that I look at  
19 it.

20 MS. VAIDA: I was a little confused  
21 about what the second e-mail was saying.

22 MR. LYONS: The first e-mail was  
23 basically saying what he would like to see.  
24 Then upon further review of it what  
25 cocompliance would be and what is there now

1 does meet with cocompliance.

2 CHAIRPERSON DONOVAN: So you're saying  
3 that what's there meets with cocompliance  
4 but he would prefer to see 15; is that  
5 correct?

6 MR. LYONS: That's correct.

7 CHAIRPERSON DONOVAN: We also had a  
8 memo from Thomas Bortle who is the Assistant  
9 Police Communications Supervisor. He says  
10 that after reviewing the information and  
11 visiting the area, he's concerned about the  
12 confusion that currently presents itself as  
13 far as the addressing of the parcels on this  
14 private road.

15 First, it appears that the numbering is  
16 backwards from the entrance to the road.  
17 Secondly, it's not clear which parcels in  
18 that area are Dunsbach Ferry Road and which  
19 are Alix Road. There are mailboxes with  
20 addresses on them but it's not clear as to  
21 which home they belong to. There is concern  
22 for proper addressing and clear  
23 identification of those properties for  
24 emergency vehicles and that's something  
25 where you can obviously number your house

1 but the neighbors on Alix Road should be  
2 consider that.

3 MR. BRESLIN: I don't understand  
4 because I was just up there last week to  
5 hand out flyers and the mailboxes are all  
6 clearly numbered. The houses are numbered. I  
7 don't know any of the neighbors on  
8 Dunsbach Ferry. I had no problem finding any  
9 of those residences.

10 CHAIRPERSON DONOVAN: I don't know if  
11 emergency vehicles or police vehicles are  
12 called up there often or at all but I was  
13 wondering if there has ever been a problem  
14 with the homes up there.

15 FROM THE FLOOR: They may have been up  
16 there six or seven times.

17 MR. LYONS: This is just kind of a  
18 unique situation that the road runs through  
19 the middle of the properties. Usually your  
20 lot fronts on a road. In this case, the road  
21 runs through the middle and most of the  
22 houses are on the left side or the river  
23 side of the property. That's if you're  
24 coming off of Island View; although there  
25 are lots on both sides.

1                   Traditionally, the lots on the left  
2                   side of the street are even. In this case,  
3                   where the road runs through the middle of  
4                   the lot, they are numbered in sequence; 5,  
5                   7, 9, 11, 13, 17 and so forth.

6                   CHAIRPERSON DONOVAN: Mike, I have a  
7                   question for you. You may not know the  
8                   answer.

9                   Peter, you can chime in if you want.

10                  This whole concept of an open  
11                  development area - what happens once the  
12                  town designates this as an open development  
13                  area? What rights does the applicant have  
14                  after that? Does he have to develop it  
15                  according to what the single family zone  
16                  allows? Is that what he has to do?

17                  MR. LYONS: Yes.

18                  MR. STUTO: Plus the restrictions that  
19                  the Town Board adopts.

20                  MR. LYONS: Yes, in the plan that he  
21                  presents.

22                  CHAIRPERSON DONONAN: Down the road,  
23                  just his lot is the open development area  
24                  and the lots around him are still zoned as  
25                  is, right?

1 MR. LYONS: Correct.

2 CHAIRPERSON DONOVAN: That seems very  
3 strange to me.

4 MR. BRESLIN: What happens if they  
5 replace another existing single family home?  
6 Do they have to go through this?

7 CHAIRPERSON DONOVAN: They have to go  
8 through this too. It seems to me that it's a  
9 very convoluted process. You mentioned that  
10 the Zoning Board and the Town Board -

11 MR. BRESLIN: Planning Board, Zoning  
12 Board, Building Department, Building Board,  
13 Town Board - and this is the first that I'm  
14 hearing that this has to go back to the Town  
15 Board. We're trying to break ground before  
16 the snow.

17 MR. STUTO: It's in the State Law.  
18 There's nothing that we can do about it.

19 CHAIRPERSON DONOVAN: It just seems  
20 like a strange process. I mean, there is a  
21 house there. The lot was developed for a  
22 single family home awhile ago and you're  
23 surrounded by single family homes. It just  
24 seems like a strange process.

25 After that observation, Tom, do you

1 have any comments?

2 MR. NARDACCI: The private road is  
3 still going to cut through your property -

4 MR. BRESLIN: Nothing has changed at  
5 all since the Zoning Board.

6 MR. NARDACCI: I don't have a problem  
7 with this project because there is currently  
8 a home on it. There are homes around it. It  
9 conforms to what's happening.

10 I know that you've just said that  
11 you've distributed flyers. Have you talked  
12 to some of the adjoining neighbors?

13 MR. BRESLIN: Through the Zoning Board,  
14 I did. I looked at the ones right on  
15 Alix Road. I didn't know it was going to be  
16 as extensive as it was mandated for this  
17 board. I showed them the plans. Some of them  
18 did come to the Zoning Board to express some  
19 of the concerns that they had.

20 MR. NARDACCI: I just think that's  
21 important to acknowledge, because there is a  
22 lot of private things happening here with a  
23 private road.

24 What's the plan for the waterline?  
25 You're going to connect to the public line?

1 MR. BRESLIN: We have the two options.  
2 I have met with the Water Department and as  
3 stated we could come in through Dunsbach.  
4 There is a well on the site but it would  
5 obviously have to be tested.

6 MR. NARDACCI: And sewer?

7 MR. BRESLIN: That's all set too.

8 MR. NARDACCI: Okay, that's it. Thank  
9 you.

10 MR. STUTO: Does the sewer run right  
11 through the property?

12 MR. BRESLIN: Yes.

13 MR. LANE: I am familiar with one  
14 somewhat similar situation where there is a  
15 private road running through people's  
16 property and each of the property owners has  
17 a notation in their deed that none of them  
18 can restrict access to the other property.  
19 Is there something similar here or is there  
20 something similar at this time?

21 MR. BRESLIN: Yes.

22 MR. LANE: Okay.

23 MR. STUTO: Tim, we could also make an  
24 additional condition of this board's  
25 approval, if you see fit.

1           MR. NARDACCI: My thought on that would  
2           be to do that because basically what we're  
3           considering approving is based on all this  
4           information which includes that double  
5           access which seems to be a major issue with  
6           all the property owners.

7           MR. LANE: Between all the property  
8           owners and whoever owns these properties  
9           later, this should become something with the  
10          property and the deed that the egress and  
11          rights belong to all the property owners on  
12          this piece of road that travels through.

13          MR. STUTO: My thoughts are that some  
14          people may say that it's in the deed, but in  
15          order for this board to be satisfied, you'd  
16          have to do a title search of all the  
17          properties and get some kind of report from  
18          a title company. It's simple if the board  
19          sees it fit to take a recommendation from  
20          Kevin. That would be to consider requiring  
21          existing access across 17 Alix Road and that  
22          it remain unrestricted as a condition of  
23          this.

24          MR. LANE: And it would essentially  
25          apply to the other property owners so that

1           there are no questions down the road.

2           MR. STUTO: They're not before us with  
3           that application.

4           CHAIRPERSON DONOVAN: One of the things  
5           that I believe that came from the Town  
6           Attorney's office was that satisfactory  
7           proof must be demonstrated to the town to  
8           show that the property owner has the legal  
9           right for an easement on the road. That  
10          would be something that would have to be  
11          shown. When you go back to the Town Board  
12          that would be something that would have to  
13          be part of the application to go further.

14          Tim, anything else?

15          MR. LANE: No.

16          CHAIRPERSON DONOVAN: Elena?

17          MS. VAIDA: I had the same questions  
18          that have already been raised.

19          I don't know who gave this to us but  
20          there is a deed on our package with  
21          language.

22          Do the Baileys currently live in this  
23          area? Are they here?

24          Do you know who Robert Bailey is?

25          MR. BRESLIN: No.

1 MS. VAIDA: Do you know if in your  
2 deeds if there is language talking about -

3 FROM THE FLOOR: The language reads  
4 that there is the 10-foot right of way  
5 between our properties. Every deed for every  
6 property had that. Everyone who has just  
7 moved in had that on their deed.

8 CHAIRPERSON DONOVAN: Mr. Breslin, did  
9 you have it on your deed?

10 MR. BRESLIN: I don't know. I don't  
11 have a copy with me. I imagine if it's on  
12 everybody else's that it's on mine.

13 CHAIRPERSON DONOVAN: I would just  
14 advise you that if this board recommends  
15 that you go to the next step that you bring  
16 that deed for the Town Attorney to take a  
17 look at also because I'm sure that's going  
18 to be one of the things that he will want to  
19 see.

20 MS. VAIDA: In the proposed conditions  
21 that were submitted to the board on the  
22 public sewer system - you're going to have  
23 to connect to that. You assume all of those  
24 costs to make that connection?

25 MR. BRESLIN: Yes.

1 MS. VAIDA: Because that language isn't  
2 in the recommended conditions. I think that  
3 we should add that in there.

4 CHAIRPERSON DONOVAN: Mike, the cost is  
5 usually borne by the applicant for these  
6 projects anyway?

7 MR. LYONS: Yes. All the development  
8 costs are borne by the applicant.

9 MR. STUTO: He's probably not going to  
10 get his permit without showing that he's  
11 going to pay.

12 MR. LYONS: Well, he just has to pay  
13 for the permit. It's up to him to pay the  
14 contractor to do the work.

15 MS. VAIDA: Who maintains the road? How  
16 does that work?

17 FROM THE FLOOR: Everyone maintains  
18 what's in front of their house. We help each  
19 other out. It's what your property lines  
20 are.

21 I have a tractor so during the winter  
22 if the Vogels can't get out, I just follow  
23 them down through the road to help them out.

24 MS. VAIDA: I assume that it seems to  
25 work and there have been no problems there,

1 but I was a little concerned about emergency  
2 access in the winter. Who is plowing the  
3 road since that is an important road?

4 MR. BRESLIN: There are no town  
5 services to the road.

6 MS. VAIDA: I don't know if that's  
7 something that needs to be written in or  
8 not.

9 CHAIRPERSON DONOVAN: I think that one  
10 of the things that somebody said is that  
11 they would need a hold harmless agreement.  
12 That would be between the applicant and the  
13 town so the town would not have any  
14 liability in relation to connecting with  
15 access to the subject property in case in  
16 the wintertime they can't get through.

17 MS. VAIDA: Unless that's also written  
18 into the deed and he sell it. I don't know  
19 how you would police the next person.

20 MR. STUTO: It's an imperfect situation  
21 here. It's not a town road and obviously the  
22 town is not going to plow it.

23 MS. VAIDA: Well, you can't impose it  
24 on everybody else.

25 MS. STUTO: We don't have the authority

1 to do that right now.

2 MS. VAIDA: Like I said, it obviously  
3 works, if there haven't been any problems.

4 MR. LACIVITA: Elena, number two on the  
5 conditions where it says: Now therefore be  
6 it resolved that the following conditions  
7 and limitations - - down to number two where  
8 it says private water service and well may  
9 be used to supply the lot subject to the  
10 terms and conditions - - does that pick it  
11 up for you?

12 MS. VAIDA: At the end where it says:  
13 All costs associated?

14 MR. LACIVITA: Yes.

15 MS. VAIDA: In the next paragraph three  
16 it doesn't have that language.

17 MR. LACIVITA: So you want to see that  
18 be added?

19 MR. STUTO: She wants to mimic that  
20 language.

21 MR. LACIVITA: Okay, all costs  
22 associated?

23 MS. VAIDA: Yes.

24 CHAIRPERSON DONOVAN: Mike?

25 MR. SULLIVAN: I just had one question

1           that I believe you hit on. I was wondering  
2           once it's approved as an open development  
3           area, can it be subdivided in the future  
4           into two lots? Perhaps Mike could answer  
5           that question.

6           MR. LYONS: Unless they come back and  
7           make a new application.

8           MR. SULLIVAN: It will remain one  
9           single family lot?

10          MR. LYONS: Yes.

11          MR. SULLIVAN: That's all I had.

12          CHAIRPERSON DONOVAN: Mike, do you have  
13          anything else you'd like to add?

14          MR. LYONS: Just that I think that the  
15          recommendation be revised. Item number three  
16          should be to include all costs associated  
17          with public sewer service.

18          MR. STUTO: What about Kevin's  
19          recommendation as to access for the other  
20          owners?

21          MR. LYONS: Well, it probably wouldn't  
22          hurt; only because it's a duplication of  
23          probably what's already in the deeds.

24          MR. STUTO: Right, but we can't certify  
25          what's in the deed.

1 MR. LYONS: Well, then you might as  
2 well include that in your recommendations.

3 MR. VAIDA: We can make that number  
4 nine.

5 MR. STUTO: I jotted it down for nine:  
6 The existing access across 17 Alix Road  
7 shall remain for the benefit of the other  
8 properties on Alix Road.

9 Is that sufficient for the board? It  
10 gives the other property owners on Alix Road  
11 the right to go across that right of way on  
12 17.

13 CHAIRPERSON DONOVAN: Okay, if nobody  
14 from the board has any further questions,  
15 I'll open it up to the public.

16 We do have a court stenographer. We  
17 just ask that you identify yourself and your  
18 address and we'd love to hear your comments.

19 MS. DUBREY: My name is Marilyn Dubrey  
20 and I live at 23 Alix Road and I wanted to  
21 go back and address the policeman.

22 If the Police Department is trying to  
23 find the houses, they're not going to find  
24 it by mailboxes because the mailboxes are  
25 all on Dunsbach Ferry Road. We all have the

1 numbers on our houses.

2 CHAIRPERSON DONOVAN: So you all have  
3 numbers on your houses?

4 MS. DUBREY: I do.

5 CHAIRPERSON DONOVAN: Mike, maybe you  
6 can contact communications and talk with  
7 them.

8 MR. LYONS: Maybe one thing that you  
9 could make item ten. The applicant  
10 prominently displays the house number  
11 clearly and visibly at the house.

12 CHAIRPERSON DONOVAN: Mike has  
13 recommended that based on the memo from  
14 police communications that we tell the  
15 applicant that he has to prominently display  
16 the house number.

17 MR. LANE: They're supposed to to that  
18 in any case.

19 CHAIRPERSON DONOVAN: Thank you.

20 Anybody else?

21 MR. KARLQUIST: Ricky Karlquist,  
22 7 Alix Road.

23 The officer probably didn't drive all  
24 the way down the road.

25 CHAIRPERSON DONOVAN: I'm just

1           responding to the memo that I got from the  
2           Police Department. If everyone feels that  
3           they are safe out there with the way that it  
4           is, that's okay.

5           Anybody else?

6                           ***(There were no other speakers.)***

7           CHAIRPERSON DONOVAN: This board has to  
8           send a recommendation to the Town Board to  
9           allow the establishment of 17 Alix Road as  
10          an open development area. We have to develop  
11          findings, which we are going to do.

12          Michael has given us some points from  
13          the Planning Department and from various  
14          departments in the town that he would like  
15          in the findings.

16          First is that the Department of Public  
17          Works does not recommend that this street be  
18          redeveloped to town standards. However, the  
19          town will not maintain a private street or  
20          driveway, which we all know.

21          The second is the private water service  
22          or the well be used to supply water to the  
23          lot; subject to terms and conditions as  
24          stated in the attached memorandum from the  
25          Department of Public Works; dated

1 June 29, 2009.

2 All costs associated with the provision  
3 of water service and acquisition of  
4 easements are the responsibility of the  
5 applicant. That was the one that said that  
6 Peter said had to connect to Dunsbach Ferry  
7 Road or he has to have a well, which he  
8 would have to get permits from Albany  
9 County.

10 The third: The connection to the public  
11 sewer system is available subject to  
12 issuance of a permit by the town Department  
13 of Public Works, Division of Pure Waters.  
14 Again, all costs associated with this are to  
15 be borne by the applicant.

16 The fourth is a sump pump lateral that  
17 will be required unless no basement is  
18 planned. Proposed discharge of the lateral  
19 must be reviewed and accepted by the town  
20 Department of Public Works, Bureau of  
21 Engineering. The proposed house location  
22 must be within 600 feet of the nearest fire  
23 hydrant. The house number must be  
24 prominently display at the entrance of the  
25 house to the private street. A hold harmless

1 indemnity agreement must be entered into  
2 with the town protecting the town from  
3 liability in connection to the access to the  
4 subject property and satisfactory proof must  
5 be demonstrated to the town that the  
6 property owner has legal right of way or  
7 easement to access the subject property.

8 Peter, what were the other provisions  
9 that we were going to add?

10 MR. STUTO: The existing access across  
11 17 Alix Road shall remain for the benefit of  
12 the other properties on Alix Road.

13 MS. VAIDA: Remain unrestricted.

14 MR. STUTO: Okay, we'll add that.

15 You got that, Joe?

16 MR. LACIVITA: Yes.

17 CHAIRPERSON DONOVAN: Based on  
18 Mr. Lattanzio's comments we may want to say  
19 that the driveway has to be 15 feet wide.

20 Any other provisions that we want in?

21 Do we have to de SEQRA on this, Mike?

22 MR. LYONS: That's correct. This is  
23 simply a recommendation.

24 CHAIRPERSON DONOVAN: The Zoning Board  
25 was the lead agency for SEQRA, when they

1 granted the variances?

2 MR. LYONS: it would have been a  
3 Type II action.

4 CHAIRPERSON DONOVAN: Do I have a  
5 recommendation from this board to the Town  
6 Board for the establishment of an open  
7 development area at 17 Alix Road pursuant to  
8 all the stipulations that we have just  
9 discussed?

10 MR. LANE: I will move for  
11 recommendation.

12 CHAIRPERSON DONOVAN: Do I have a  
13 second?

14 MR. NARDACCI: Jean, I'll second.

15 CHAIRPERSON DONOVAN: All those in  
16 favor?

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

18 CHAIRPERSON DONOVAN: Opposed?

19 ***(There were none opposed.)***

20 CHAIRPERSON DONOVAN: There you go.

21

22 ***(Whereas the proceeding concerning the above***  
23 ***entitled matter was adjourned at 7:31 p.m.)***

24

25

**CERTIFICATION**

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

11  
12  
13  
14            -----  
15            **NANCY STRANG-VANDEBOGART**

16  
17  
18            **Dated September 14, 2009**  
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