

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 THE PUBLIC HEARING REGARDING THE NORTH RIDGE
4 HOLLOW PROPOSED PROJECT
5 CONSIDERATION OF APPLICATION FOR FINAL SUBDIVISION
6 APPROVAL

7 THE TAPED AND TRANSCRIBED MINUTES of the above
8 entitled proceeding BY NANCY STRANG-VANDEBOGART
9 commencing on February 1, 2011 at 8:05 p.m. at the
10 Public Operations Center 347 Old Niskayuna Road,
11 Latham, New York 12110

12 BOARD MEMBERS:

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

21 Also present:

22 Joseph LaCivita, Director, Planning and Economic
23 Development

24 Nia Cholakis, Esq.

25 Francis Bossolini, PE, Ingalls and Associates, LLP

Richard Rosetti, Developer

Mary Garwood

Suzanne Perry-Potts

Eric Hill

Ron Campbell

Antonio LaPietra

1 CHAIRMAN STUTO: We will commence this
2 public hearing for the consideration of
3 application for final subdivision approval.
4 This is a cluster subdivision; North Ridge
5 Hollow

6 Joe, do want to give us an introduction
7 on this?

8 MR. LACIVITA: Sure. This project was
9 before the Board - it started in June of 2002
10 and progressed to final review this evening.
11 It started out as a 161 lot cluster
12 subdivision and has gone through a number of
13 reviews to the Town departments. This is
14 pre-TDE so the only thing we had the Town
15 Designated Engineer review was the stormwater
16 components, as this has other implications
17 downstream into the dry river component. It
18 actually was before the Town Board as a
19 cluster and the resolution was passed in
20 December of 2005.

21 As I said earlier, this once came in as a
22 161 building lot subdivision. What we have
23 before us for consideration tonight is 140 lot
24 residential subdivision which consists of town
25 homes and single-family homes. There have been

1 reviews by all the Town departments. You have
2 supporting documentation before you from the
3 departments as well as the recommendation of
4 to the stormwater review by Brad Grant.

5 With that, I can turn it back over to you
6 or Mr. Bossolini.

7 CHAIRMAN STUTO: Does anyone have any
8 questions of Joe before we turn it over to the
9 presentation by the developer?

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

11 CHAIRMAN STUTO: Can you say your name,
12 please, for the record?

13 MR. BOSSOLINI: Francis Bossolini,
14 Ingalls and Associates.

15 CHAIRMAN STUTO: Although this has been
16 around awhile and prior Planning Board has
17 seen it, we have not. We've been through the
18 file, but please keep that in mind to please
19 give us a thorough presentation.

20 MR. BOSSOLINI: Thank you. I have two
21 illustrated boards and a copy of the
22 subdivision plat that was filed with the Town.

23 I'll just start from the beginning. The
24 property is located just North of Swatling
25 Road at the corner of Haswell Road and

1 Miller Road; it's east of Miller Road. To the
2 East is the Spring Meadows townhouse project.
3 To the north is the alternate Route 7.
4 Route 2 would be to the south.

5 The parcel is about 107 acres. We begin
6 this project in 2002 with the proposal for a
7 cluster subdivision. At the time, the
8 requirements for a subdivision was about a
9 18,000 square feet lot. Another plan was
10 developed. An alternate plan progressed under
11 the cluster law which, would allow for smaller
12 lot sizes and the creation and retention of
13 large tracts of open space. Within that open
14 space, significant environmental features
15 would be retained another a creation of
16 smaller lots with less infrastructure.

17 CHAIRMAN STUTO: With regards to a
18 threshold question, what would the density be
19 under a normal subdivision and what is the
20 current density?

21 MR. BOSSOLINI: It's 107 acres at 18,000
22 which is a little more than a one-third of an
23 acre.

24 CHAIRMAN STUTO: And with the constraints
25 that are out there?

1 MR. BOSSOLINI: We submitted a plan that
2 was probably in excess of 161 that was agreed
3 upon at that time. The cluster was 161
4 single-family building lots.

5 CHAIRMAN STUTO: But I'm asking you what
6 with the density be under a normal
7 subdivision.

8 MR. BOSSOLINI: It would be in that area.
9 We could not have gotten the cluster approved
10 without providing to the Town a similar number
11 or higher number on an unconventionally zoned
12 subdivision.

13 CHAIRMAN STUTO: You were originally
14 approved at 161?

15 MR. BOSSOLINI: That's correct; 161
16 building lots. We had departmental reviews
17 with the Town concurrently with agency reviews
18 for things such as authorization for Army
19 Corpss wetland impacts. That would include
20 cultural resource reviews and DEC review of
21 our quality certificate. Through that process
22 we did have to give up some additional lots
23 for buffers and environmental features. So we
24 have gotten 240 now. We have given up about
25 20 lots.

1 CHAIRMAN STUTO: Sorry for interrupting.

2 MR. BOSSOLINI: The main entrance would
3 be at the end of Swatling Road on the southern
4 edge of the property. There would be an
5 additional entrance on Miller Road and then
6 basically a simple loop throughout the
7 property with a few cul-de-sacs.

8 There are two housing components here.
9 One, we are calling a single-family lot, which
10 is just your normal single-family house on a
11 12,000 square foot lot. The average is about
12 14,000. That is predominantly to the eastern
13 half of the project.

14 The smaller lots - the smaller
15 residential components are more of a carriage
16 house which is that the western half of the
17 property. Those are all the 9,000 square feet
18 minimum lot size.

19 Internally the property is serviced by
20 municipal sewer and municipal water service.
21 The developer will construct all the utilities
22 at their expense and they will be dedicated to
23 the Town as part of the Town system along the
24 roadway infrastructure. It will be constructed
25 applicable to the Town standards. We have

1 received the DCC water extension district
2 permit in addition to some other wetland
3 departments which I will get into later.

4 The water in the sewer has been reviewed
5 thoroughly by the Latham Water District and
6 the Town's Pure Waters Department to be in
7 compliance of their standards and construction
8 details. Stormwater design is compliant with
9 the DEC requirements of the Town requirements.

10 On the site we have a series of detention
11 basins that will provide a water quality
12 component and attenuation of the 10 and
13 100 year events; 10 percent and 1 percent in
14 accordance with the Town standards. There is
15 that plan, along with a sediment control plan
16 for the construction. It has been reviewed by
17 the Town's stormwater office and also by the
18 Town Designated Engineer.

19 As far as the layout goes in the open
20 space, what we have done with the cluster
21 design that we would not get with the
22 conventional subdivision design is really
23 being able to combine the open space into
24 large usable tracts. If it was a regular
25 subdivision, it might be fragmented or those

1 pieces might be part of somebody's lot. We're
2 able to basically provide everything.
3 Everything that's not in the bright
4 green - the background photo between Miller
5 Road, Haswell Road and Spring Meadows will be
6 maintained by the homeowners association.

7 CHAIRMAN STUTO: Has that been approved?
8 Doesn't the HOA have to get approved by the
9 Secretary of State?

10 MR. BOSSOLINI: There are some subsequent
11 legal procedures with the state for the HOA.
12 That would also be included in the contracts
13 for sale.

14 CHAIRMAN STUTO: Are they going to pay
15 dues?

16 MR. BOSSOLINI: I think in this case if
17 there's anything, it will be nominal because
18 we really don't have any kind of maintenance
19 that you would have if it was a real
20 condominium association. Whatever is
21 established here will be strictly for the
22 long-term maintenance ownership of the open
23 space.

24 CHAIRMAN STUTO: Is the general public
25 allowed to use the open space?

1 MR. BOSSOLINI: I'm not sure that there
2 is a restriction against that. It's not
3 necessarily the same as if it were a Town
4 park.

5 CHAIRMAN STUTO: Can the developer answer
6 that? I just want a truthful answer.

7 MR. BOSSOLINI: There are insurance
8 requirements that would have to be in place,
9 which would be in place to cover someone who
10 is not a member or anybody on the property.

11 MR. NARDACCI: But to that point you're
12 here for final approval. It seems like
13 something that you would have an answer to.

14 MR. ROSETTI: I think it's similar to
15 like having a pool put in. If you have the
16 whole Town come over swimming, there's an
17 issue there.

18 It would be up to the association if they
19 want to open it up afterwards. There are
20 insurance liabilities and so forth that are
21 involved.

22 MS. VAIDA: One of the conditions that
23 was laid out in the resolution says that:

24 "The Town of Colonie Planning Board is
25 hereby directed of its review of open space

1 pursuant to the Town of Colonie Code.”

2 It refers to the Code that was in effect
3 then - to include a condition that the park,
4 internal walkways and paths are open to the
5 public at large whether or not they are
6 homeowners in the subdivision or members of
7 the homeowners association for the
8 subdivision.

9 I don't know if that answers your
10 question.

11 CHAIRMAN STUTO: No offense intended, but
12 you don't know your project well enough to
13 know that's the case?

14 MR. BOSSOLINI: It's not the same
15 situation as if it were a public park. The
16 Town requires that the trails and components
17 of the open space are left open to public use.
18 The HOA is going to be required to maintain
19 some type of insurance on those parcels.

20 CHAIRMAN STUTO: I don't want to get into
21 an argument, but you didn't answer the
22 question the first time and now you just sort
23 of covering.

24 MR. BOSSOLINI: I'm reading what's in the
25 Town Board's decision.

1 CHAIRMAN STUTO: Believe me, I don't want
2 to get into a debate with you.

3 MS. VAIDA: I'm not even sure exactly
4 what the sentence says because first it seems
5 like it is saying that it's supposed to be -

6 CHAIRMAN STUTO: Don't interpret it.

7 MS. VAIDA: Include a condition that the
8 park, internal walkways, and paths are open to
9 the public at large; whether or not they are
10 homeowners in the subdivision or are members
11 of the homeowners association for the
12 subdivision. So it actually seems
13 contradictory.

14 MR. BOSSOLINI: It's not going to be a
15 fenced off area. The public can go in and
16 there's a component of access trails and the
17 pocket park.

18 CHAIRMAN STUTO: You lost a lot of
19 credibility because you couldn't answer the
20 question first. I don't want to get into an
21 argument. Now you're trying to interpret the
22 language of what the intension was. We asked
23 you a simple question at the beginning and you
24 didn't know the answer, which is fine. Just
25 say you don't know the answer. At least that's

1 how I interpret. I'm not trying to be
2 argumentative. Let's keep going.

3 Can you describe the trails and what that
4 geography looks like in the public area?

5 MR. BOSSOLINI: There are several
6 distinctive areas within that open area. Some
7 of the open field will remain. There are
8 mature forests that are being preserved in the
9 center of this area (Indicating). Actually,
10 that's a result of a fairly extensive DEC
11 review.

12 CHAIRMAN STUTO: Those areas - are there
13 going to be trails?

14 MR. BOSSOLINI: Yes, we've shown on a
15 plan that the Town has reviewed and accepted
16 the component and will review it. The access
17 trails will be created as part of the
18 construction.

19 CHAIRMAN STUTO: Elena, do you have the
20 appropriate section of the Town law with you?
21 I think it's 278.

22 MS. VAIDA: Yes I do.

23 CHAIRMAN STUTO: While we're talking, can
24 you just look and see if public access is a is
25 a requirement there?

1 MS. VAIDA: Yes. I will look while you
2 are talking.

3 MS. BOSSOLINI: Also included in the
4 preservation areas of the Army Corps wetlands
5 that were identified during the process is a
6 preservation component.

7 CHAIRMAN STUTO: Do you need an Army
8 Corps permit?

9 MR. BOSSOLINI: The project has
10 authorization from the Army Corps with the
11 nationwide permit.

12 CHAIRMAN STUTO: Is that a pre-permit
13 statement, or does that mean you have a
14 permit?

15 MR. BOSSOLINI: It's in hand. It's
16 authorization under the nationwide permit. The
17 DEC component of that is the water quality
18 certificate which is also in hand. Along with
19 that authorization was a wetland mitigation
20 area. We're actually creating wetlands to
21 replace those that were impacted and primarily
22 the road process. There will be no net loss
23 wetland area as a result of this project. In
24 addition to the preservation in perpetuity of
25 the open space areas, in the future there can

1 be no further subdivision of that open space
2 area.

3 All of the infrastructure including
4 stormwater ponds, as I said, will be at the
5 construction and developer's expense and
6 dedicated to the Town on their acceptance of
7 the construction activities.

8 CHAIRMAN STUTO: I'm going to ask you to
9 go further into the stormwater system, after
10 you're done with your general presentation.

11 MR. BOSSOLINI: I think generally that is
12 the basic overview of the project. About half
13 of that is going to be in the open space; so
14 507 acres, total. Of that, 50 acres is being
15 covered by the building lots but the remainder
16 is the open space.

17 I can go farther into the stormwater, if
18 you'd like.

19 CHAIRMAN STUTO: We'll have the Board
20 asked their questions first.

21 Paul, do you want to start?

22 MR. ROSANO: I always have a problem with
23 these nine and 10-year-old developments.

24 Mr. Rosetti, my general question is from
25 2002 until now, what has changed in the

1 marketplace as far as what type of house you
2 could sell? Has anything changed drastically?

3 MR. ROSETTI: The styles have certainly
4 changed and the costs have gone up and come
5 down and gone up again. That's a different
6 component. Certainly, there has been a greater
7 need in the last 10 years for carriage and
8 town homes. There are a lot of people who have
9 had a big house and want to remain in the
10 Town, but don't want the square footage of the
11 second floor master bedroom.

12 We did a project in East Hills which is
13 behind Siena College. We did
14 116 empty-nesters. That was one of the first
15 projects like it in the Town. It was very well
16 received. Otherwise, people would have to move
17 to Clifton Park or East Greenbush for
18 different areas that have that type of
19 community. Then we offered the option a
20 package to do outside maintenance; the lawn
21 and so forth. It was at their option and they
22 could do it themselves if they wanted to.

23 MR. ROSANO: I bring this up because
24 you've been doing this a long time and what
25 was being sold years ago may not -- I hate to

1 pigeonhole somebody. The comments that were
2 made - I was very comfortable with. You have
3 put me at ease tonight; so, thank you.

4 MR. ROSETTI: It's been a long road.

5 CHAIRMAN STUTO: Tim?

6 MR. LANE: The only comment that I had
7 was in reference to the October 30, 2008
8 letter from New York State DEC where it makes
9 recommendations regarding the wildlife
10 habitat.

11 What accommodations are you making for
12 access -- the restrictive parcels on there
13 with regard to the corridor that they wanted
14 open? Can you show us those corridors?

15 MR. BOSSOLINI: DEC weighed in as far as
16 their review for the water quality
17 certificate, which is a complementary
18 component to the Army Corps permit. What they
19 had talked about was just that corridor. What
20 we ended up doing was a few places here
21 (Indicating) at the southern part in here -

22 MR. LANE: And those are utility access
23 points, basically?

24 MR. BOSSOLINI: Now the utilities go out
25 over here (Indicating). In those places, we

1 actually eliminated building lots. There is
2 now basically open space that comes right up
3 to the Town right-of-way. In this location
4 there's a culvert at the bottom large enough
5 to allow animals to pass through. So, there
6 would be no kind of trapping or land.

7 There was also a quite lengthy discussion
8 from the DEC about the mature oak forest that
9 they identified. That was in this area here
10 (Indicating), just to the east of this short
11 cul-de-sac. Subsequent to that comment was
12 some slight revisions from these building lots
13 where we pulled them away from the mature
14 forest. We actually did a delineation of the
15 trees.

16 MR. LANE: Is that one of the parts where
17 they talked about the grading, or to have
18 walkout basements?

19 MR. BOSSOLINI: On the eastern side of
20 the site we really did look at some of the
21 slopes that were there and we adjusted the
22 grade of the cul-de-sac and the building lots.
23 We could eliminate some of the foot print of
24 the grading down into these areas of mature
25 forest (Indicating).

1 MR. LANE: That's all I had. Thank you,
2 very much.

3 CHAIRMAN STUTO: Mike?

4 MR. SULLIVAN: I have a couple questions
5 on the trip generations and the trip
6 distribution. In our packet it mentioned that
7 there were projected to be 140 trips in the
8 p.m. peak hour. Can you explain how that
9 number was reached? Also, do you know what the
10 a.m. peak hour is.

11 MR. BOSSOLINI: The trip generations are
12 based on the ITE handbook - the trip
13 generations manual. I'm not sure if you're
14 familiar with that at all, but it's a fixed
15 volume with a variety of uses. For each one of
16 those uses they have industry accepted trip
17 generations. So, first a single-family house
18 in a subdivision setting, the p.m. peak hour
19 is one trip per dwelling unit in that peak
20 hour. So, 140 trips in the peak hour. The p.m.
21 is a little bit less. It's about .67 per unit
22 in the p.m. peak hour. That does not mean that
23 there's only one trip per dwelling. It's just
24 not in the peak hour.

25 MR. SULLIVAN: I thought it would come

1 in a bit higher. I would've thought about two
2 per unit; like 1.8 or so. I was wondering if
3 you were counting on these being
4 empty-nesters and perhaps not in the
5 workforce. Are you accounting for the fact
6 that you may have one or two working members
7 of each unit?

8 MR. BOSSOLINI: The IT does not
9 differentiate the types of residents. For
10 project like this, is a single-family
11 dwelling. The peak travel, remember, is two
12 hours in the morning and evening. Typically
13 7 to 9, or 4 to 6. In those two hours, there's
14 one hour that is the peak hour. That's used as
15 the measurement for comparison of traffic
16 impacts. So, you're correct. There may be two
17 cars there in an hour, on average, but there's
18 only one trip in that peak hour. Some
19 residents may arrive home at 4:45 and the
20 other spouse arrives home at 5:30. The peak
21 hour might be from 5 to 6, just based on other
22 factors.

23 MR. SULLIVAN: The other question I had
24 was with respect to the new entrance across
25 from Swatling. Has that been analyzed for

1 sight distances? I was wondering if that had
2 been investigated and what you need to regrade
3 that area for adequate sight distance.

4 MR. BOSSOLINI: The sight distances were
5 measured. They were field measured and survey
6 measured from the location and the answers
7 were presented to the DPW. There's no
8 modification needed from Haswell Road.

9 MR. SULLIVAN: Is that based on a 30 mile
10 an hour speed, or set based on the 85th
11 percentile speed of what actually is going
12 through that stretch of road?

13 MR. BOSSOLINI: We never rely on what the
14 posted speed limit is. We usually go five or
15 in some cases 10 miles higher than was posted.
16 Many times the 85th percentile is there it's
17 three or four or five miles per hour higher.

18 MR. SULLIVAN: Thank you. That's all I
19 had.

20 MR. NARDACCI: This is located in the
21 Boght Area GEIS.

22 MR. BOSSOLINI: Correct.

23 MR. NARDACCI: Do you know what the
24 mitigation fees would be for this project?

25 MR. BOSSOLINI: The total fees are in the

1 high \$5,000 per lot range.

2 CHAIRMAN STUTO: Do you have the total
3 for that yet, Joe?

4 MR. LACIVITA: Yes.

5 MR. BOSSOLINI: The project is three
6 quarters of a million.

7 MR. LACIVITA: Actually, the calculation
8 is that it was \$740,013. Schools - based on
9 140 dwelling units. The GEIS calculations were
10 based on 117 acres. They're looking at schools
11 per dwelling unit at \$537. That's based on
12 140 units of \$75,180. In looking at the water
13 per dwelling unit -- do you want the
14 breakdown?

15 MR. NARDACCI: No.

16 MR. LACIVITA: Okay, at \$740,013 - that's
17 what they calculated on it.

18 MS. VAIDA: I also think that we need to
19 discuss the fact that the GEIS is currently
20 being amended and under review. It's actually
21 close to being amended and I'm not sure if the
22 mitigation in your project is included and is
23 going to be changed in any way. Depending on
24 the timing of everything, it would be
25 important in that we have an agreement that

1 would be bound by the new GEIS - or the
2 amended GEIS numbers.

3 CHAIRMAN STUTO: You know that it could
4 go up or could go down. It's based on traffic
5 generation rather than square footage, as I
6 understand it. Is that a problem?

7 MR. BOSSOLINI: No.

8 MR. NARDACCI: This is something that
9 we've been working on for the past two years.
10 It's close to being final. I just want to make
11 sure you were aware of it.

12 After everyone has asked their questions
13 I'd like you to come back to talk about the
14 stormwater management plan and give us a
15 little more depth about that.

16 I have an issue with the SEQRA. Did you
17 submit a full EAF or a short EAF?

18 MR. BOSSOLINI: There was a short EAF in
19 the file that was reviewed as part of the
20 cluster.

21 MS. VAIDA: I should just say that
22 because it's an unlisted action they would
23 only really be required to file the short
24 form. It's not that it couldn't have been
25 requested.

1 CHAIRMAN STUTO: As long as it meets
2 certain thresholds.

3 MR. NARDACCI: What are those certain
4 thresholds?

5 MR. BOSSOLINI: For a Type I action. But
6 it's an unlisted action, provided it doesn't
7 have a list of thresholds that's listed in the
8 SEQRA law.

9 MR. NARDACCI: Because in the packet that
10 we review, we have a signed short EAF dated
11 January 21, 2003 by the previous Chairman.

12 In the minutes from that meeting there's
13 no vote taken. In the minutes from prior
14 meetings there is no evidence of a vote. So
15 can you explain to me from your own knowledge
16 of the project how the SEQRA was approved?

17 MR. BOSSOLINI: I don't know if I was
18 personally involved in the process at the time
19 that may have been made, or 10 years ago. A
20 plan was presented consistent with the zoning
21 code in the fact which determines some sort of
22 base number of density. In the process that
23 the Town would do to move that from concept
24 level - those issues would have been vetted at
25 the time. It's consistent with our plan for

1 density. There are no known significant
2 environmental areas that warrant this.

3 There are critical environmental areas
4 that the Town has determined and that review
5 process was taken on by the Town's Planning
6 Department in preparation for the concept
7 review. There was a subsequent recommendation
8 to the Town Board to examine those aspects
9 from a SEQRA standpoint. Other issues such as
10 traffic, I think, was welded into the GEIS
11 that was prepared for that area. Land use was
12 not an issue because the use was consistent
13 with the zoning in this type of use and
14 density. I'm certain that at the time that the
15 Planning Board was acting on a SEQRA
16 determination, they were provided with support
17 from the Town's Planning Department. That goes
18 back to those issues.

19 MR. NARDACCI: Do you recall when you
20 received concept acceptance?

21 MR. BOSSOLINI: The Town Board vote was
22 in December of 2005.

23 CHAIRMAN STUTO: Right, the resolution.

24 MR. BOSSOLINI: That was December 15th.
25 We have gone through additional reviews by the

1 Army Corps and DEC. Those permits also
2 included the requirement to complete a
3 cultural resource assessment, a threatened and
4 endangered species review - obviously there is
5 the identification of wetlands in the
6 procedure to do that. So you would not have
7 been able to receive any kind of authorization
8 from the Army Corps or permits from the DEC
9 without properly vetting all of those issues.

10 With respect to the projects - it is a
11 little smaller than the initial review. We've
12 lost at least a dozen lots.

13 MS. VAIDA: I don't know if this would be
14 helpful but, if you saw it in the Planning
15 Board minutes from March 4th on Page 3 where
16 the Board reviews the environmental assessment
17 form -

18 "The application and the Planning and
19 Economic Development Department's SEQRA
20 recommendation -- in determining that the
21 action is consistent with the statement of
22 findings pursuant to the Boght Road/Columbia
23 Street Area Generic Environmental Impact
24 Statement. On a motion of member Sheehan and
25 seconded by member McCashion with a vote of 4

1 to 0. The vote determined that the proposed
2 conventional development plans had reasonable
3 buildable density for the site."

4 There's also a granted concept
5 acceptance.

6 MR. NARDACCI: I have read through that.
7 The question I have is the one that we have in
8 our packet is from January 21, 2003. That's
9 March 4, 2003 - that month and a half later.
10 That's the question that I have. It wraps into
11 this environmental assessment, the Boght GEIS,
12 which deals with the traffic issues. I want to
13 make sure that we have the records right,
14 including under the Town Law that was passed
15 to ensure that SEQRA is done properly.

16 MS. VAIDA: I think also what that means
17 is to look at it now. Has there been any
18 changes?

19 MR. NARDACCI: I have some follow-up
20 questions with regard specifically to the
21 environmental. I just want to make sure that
22 we have the records right. From the
23 documentation, it's not. You have a signed
24 form on January 21, 2003 and then a vote on
25 March 4, 2003.

1 MS. VAIDA: That's what's
2 important - that this Board reviews reassess
3 the environmental issues and that's quite a
4 job for the Board to do tonight.

5 MR. NARDACCI: So that said, my
6 recommendation would be that absent other
7 documentation that you have, if we don't have
8 other documentation from March 4th or
9 later - we really have to take another look at
10 SEQRA because it's not right. It doesn't add
11 up.

12 There are a couple things that I'd like
13 to say. The short form submitted - like you
14 said, there is a lot of issues. You went
15 through the archaeological, you went through
16 DEC, you went through the wetlands and the
17 Army Corps delineation and habitat management.
18 I don't think I want to see the short form. I
19 think that I'd like to see the long form
20 filled out because I'd like to have in the
21 record how these various issues are going to
22 be dealt with; any disturbance, the habitat or
23 open space issues, the Oak Forrest that you
24 said that DEC had commented on.

25 MS. DALTON: All of these issues were

1 raised by DEC and I see that you have plans to
2 address them. I'm wondering if you're going to
3 be required to go back and have DEC actually
4 reassesses plan and these issues.

5 MR. NARDACCI: Start with a timeline.

6 MR. BOSSOLINI: I have the short form
7 filled out and signed dated 12/02 and that's
8 by the applicant. January 21, 2003 - the back
9 is filled in by the lead agency which was the
10 Planning Board at the time. So there's nothing
11 of the project that came up as changing
12 conditions that would contradict any of these
13 determinations that were made at the time. So
14 not having all the paperwork in front of me I
15 can't quote what the Town's recommendation
16 was, but I'm assuming the Planning Department
17 made a recommendation to the Board to go along
18 with it. And in all of these reviews we
19 haven't uncovered anything that would
20 necessarily upset the determinations that were
21 made at the time.

22 MR. NARDACCI: Let me just interrupt for
23 a minute. That said, what I'm saying is that
24 perhaps on the Town's side there is some
25 paperwork that seems to be in error.

1 We have a signed form from
2 January 21, 2003 and there isn't a public vote
3 taken on SEQRA until March 4, 2003. This is
4 the paperwork that I have in front of me.
5 That's why I'm asking if you have anything
6 else, show it to us.

7 MR. BOSSOLINI: You records of the
8 minutes indicate that a SEQRA vote was taken
9 later?

10 MR. NARDACCI: March 4, 2003 - that's one
11 environmental assessment form - the Boght GEIS
12 findings was voted on and concept was voted on
13 March 4, 2003.

14 MS. VAIDA: I just would like to say that
15 I don't think were bound by the earlier SEQRA
16 determination.

17 MR. NARDACCI: We've been through this on
18 other projects, Elena. As you know, we can
19 re-examine SEQRA.

20 MS. VAIDA: There does seem to be some
21 discrepancy. I don't know what effect, if any,
22 that really has on what were doing tonight
23 because were supposed to take a fresh look at
24 it anyway.

25 MR. NARDACCI: I just want to do it

1 right. For the record, this is not the first
2 time that this has come up. It's not specific
3 to this project that this Board has taken a
4 different stance with regard to SEQRA.

5 MS. VAIDA: Perhaps we should request the
6 developer to provide us with a current
7 environmental assessment form - like a
8 resubmission.

9 MR. NARDACCI: That was my part two.
10 Peter, do you have something?

11 CHAIRMAN STUTO: I was just going to say
12 that the documents and the minutes that you
13 cited were in 2003, correct?

14 MR. NARDACCI: Correct.

15 CHAIRMAN STUTO: The Town resolution is
16 December of 2005. One of the requirements that
17 is a requirement on us as a Board is
18 Requirement 15 -

19 "The Planning Board shall review the
20 earlier SEQRA determination to assess if the
21 above described Town Board requirements and
22 modified site plan requires such decision to
23 be reopened and modified."

24 So they're asking us to do our due
25 diligence on SEQRA. That's in support of what

1 you're saying.

2 MR. NARDACCI: My next part is wanting to
3 move forward in an appropriate manner. I'm not
4 just trying to delay this. This is my fourth
5 year on this Board and it's the first time
6 I've seen this project. I want to make sure
7 that we have it right.

8 The next part of my question is - using
9 the short form on a project of this size with
10 the various components, DEC, the open
11 space - perhaps it makes more sense to go
12 through the long form. I'm curious what your
13 opinion is on that.

14 MR. BOSSOLINI: From the SEQRA
15 standpoint, if it's an unlisted action there
16 is no hard and fast requirement to submit a
17 long form. A lot of times it's just up to the
18 municipality and what they required at the
19 time the short form is submitted. Primarily
20 because I think of the GEIS and our broad
21 studies that the Town does in the face of the
22 project was compliant with the zoning of the
23 area. I can't speak exactly to the timeline,
24 but I would speculate that perhaps some of
25 these approvals did not come off the same

1 meeting where we have the SEQRA form signed
2 dated January 21, 2003. Then you're referring
3 to a March date - March 4, 2003 when the Board
4 just determined that the proposal is
5 consistent with the findings of the GEIS.

6 MR. NARDACCI: That's not accurate. She
7 read the whole sentence into the record. Let's
8 just be factual.

9 "The Board reviewed the plans, the
10 environmental assessment form, the application
11 and the PEDD SEQRA recommendation and
12 determined that the action is consistent with
13 the statement of findings issued for the Boght
14 Road/Columbia Street GEIS on a motion by -"

15 Right in the minutes - what I'm trying to
16 say is that the January 25, 2003
17 minutes - there's no action. It says no action
18 taken. Earlier minutes, no action taken. This
19 is the first time that we have a vote that
20 wraps it all in.

21 The reason that I think a long form would
22 be a good idea is because there are a lot of
23 various issues that are all spelled out in
24 answer to various parts of the package in your
25 submissions. The nice thing about the long

1 form is that it contains documents in it that
2 has all these issues laid out right there.
3 Moving forward through construction, future
4 reviews, future challenges and whatever - it's
5 all laid out in that document. That's what I
6 think.

7 CHAIRMAN STUTO: Is the list of the
8 threshold of items which trigger a long form
9 fairly long?

10 Do you have any SEQRA stuff with you?

11 MR. NARDACCI: I read through it. It's
12 really vague. It's discretionary for us if we
13 determine that there is significance. What is
14 significant for small town is different than
15 the larger town.

16 CHAIRMAN STUTO: Is it too long to run
17 through?

18 MR. NARDACCI: It is. What is significant
19 for a small town is different than for a
20 larger urban center. I think that our history
21 of what we've asked for in terms of
22 submissions - this is not inconsistent with
23 that.

24 CHAIRMAN STUTO: I definitely hear you.

25 MR. NARDACCI: I'm not trying to be a

1 stumbling block. I'm just trying to perhaps
2 correct some past wrongs.

3 CHAIRMAN STUTO: To mark that is a big
4 issue right now?

5 MR. NARDACCI: Yes.

6 CHAIRMAN STUTO: Lou?

7 MR. MION: I'll pass for right now.

8 CHAIRMAN STUTO: Kathy?

9 MS. DALTON: Going back to the corridor,
10 you establish one of the other
11 requirements - I guess it was the suggestion
12 from the Department of Environmental
13 Conservation - an appropriate ecological
14 survey. I was wondering if you did that survey
15 before you placed the placement of the houses
16 in the corridor.

17 MR. BOSSOLINI: They asked us to identify
18 a couple of the known forests.

19 MS. DALTON: Not the forests. This is
20 with regard to the wetlands.

21 MR. BOSSOLINI: And identify other
22 potential corridors for wildlife movement.

23 MS. DALTON: And they also asked you to
24 do an ecological survey.

25 MR. BOSSOLINI: That's a very broad

1 statement - an ecological survey. What we did
2 for the project as far as ecology and
3 habitat - all the way back to the beginning
4 was a detailed site review identifying and
5 mapping the jurisdictional wetland, any
6 streams or Town waterways. Also with that we
7 identified the potential for wildlife
8 corridors. One must remember the four sides of
9 this project are already developed, so there
10 are really not any significant undisturbed
11 wildlife corridors.

12 MS. DALTON: That's not what they say
13 here. Frankly, they say given the size of the
14 site and the intensity of the development it's
15 recommended that an appropriate ecological
16 survey be conducted.

17 The point which is well taken, as you
18 just mentioned, is that you do have
19 significant development all around that area
20 including the Alternate Route 7. The point of
21 the document was all of that development has
22 pushed the wetlands into the area that you're
23 not talking about developing. So, they don't
24 simply recommend that you make corridors, but
25 that you check and see what kind of wildlife

1 is there. I understand that you did a wetland
2 study and you looked at the foliage, but I'm
3 asking specifically about the habitat.

4 MR. BOSSOLINI: In response to that
5 comment - and I'll preface this by saying that
6 had we not adequately addressed the comments
7 that we received from the DEC, they would not
8 have closed the final issue of water quality
9 certificates. So for whatever reason, if you
10 don't have those final letters in your file,
11 that may be something that we need to have in
12 the record.

13 In response to that, we did need the
14 habitat assessment. There was a lot of concern
15 about the upland forests that are in their
16 jurisdiction. There was then an assessment of
17 what wildlife was present on the site. That
18 resulted in us really not being able to
19 identify any major corridor studies and making
20 some concessions on the project so that there
21 wouldn't be any kind of trapping of any
22 wildlife present within the center of the
23 site. That included the culverts and some
24 other underground oversized structures that we
25 didn't necessarily need. There was a crossing

1 underneath the road.

2 Also, as part of our general DEC review
3 we do a threatened and endangered species
4 review which is two parts. There is a database
5 that comes up when we do a site assessment of
6 the habitat.

7 MS. DALTON: I just want to make sure I
8 understand this other part. You would not have
9 gotten the DEC permit that you got if a
10 remediation plan was not adequate. You
11 mentioned that the permits that you did get
12 with regard to the waterway -- I guess if
13 you'll excuse me, I'm new, but does the
14 waterway permit, in fact, take into account
15 the wildlife issues and whether or not the
16 corridor that you've established are adequate?

17 MR. BOSSOLINI: A component of both the Army
18 Corps permit authorization and the DEC review
19 of that -- I don't know how much you know or
20 don't know -

21 MS. DALTON: I don't know that much. I'm
22 the new Board Member.

23 MR. BOSSOLINI: The request for
24 authorization from the Army Corps for
25 discharges to the wetlands are identified on

1 the site -- the Army Corps from the federal
2 government standpoint has jurisdiction over
3 the Army Corps wetlands that we identified. As
4 soon as we propose a discharge - any kind of
5 placement of fill in that jurisdictional
6 area - it triggers the requirements to get
7 authorization from the Army Corps of Engineers
8 under their nationwide permit program.
9 Anywhere from one square foot of impact to
10 half an acre is covered under the nationwide
11 permit. The New York State component to that
12 Army Corps permit is what they call a water
13 quality certificate. So any time that we
14 discharge material to waters in the U.S. that
15 the DEC might have some parallel jurisdiction
16 to -- it's just waters to the U.S. DEC has to
17 issue this water quality certificate. They
18 basically they get a chance to look at our
19 plan and our proposal to make sure that we
20 have proper erosion and sediment control and
21 other things are being considered. As part of
22 their review for the water quality
23 certificate, they look at the whole site. They
24 look at what they thought may have been
25 habitat areas and mature upland forests. They

1 may identify and ask for a more extensive
2 review of whatever wildlife might be around
3 the site. That being said, we made significant
4 project concessions. We relocated some
5 building lots to preserve more of that area as
6 a component of their water quality
7 certificate.

8 MS. DALTON: I'm sorry if I'm not
9 understanding. These are the pieces that I
10 catch. I'm questioning you about the upfront
11 review that you did to determine where there
12 might be habitat. What I think I hear you're
13 responding is that you came up with a
14 remediation plan, and that remediation plan was
15 accepted because DEC looked at kind of
16 everything. They said okay. I don't see a
17 direct line between assessing the problem with
18 regard to habitats. I identified where there
19 might be issues. My solution directly relates
20 to where there are issues. And then somebody
21 looked at that and said, okay. Can you tell me
22 that those basics were touched on because I
23 didn't hear them.

24 MR. BOSSOLINI: I think you said the same
25 thing twice. The review process goes from a

1 very broad screening of a database records
2 search. Are there, say, known occurrences of
3 threatened and endangered species in the area.
4 For example, any development that occurs
5 around the Crossgates Mall area in Guilderland
6 or Albany - if there are known occurrences of
7 the Karner Blue Butterfly, that would send up
8 a flag. So anytime you do something there
9 that's going to show up on their screen. This
10 species is here and you are required to look
11 for its habitat - the presence of the species
12 and habitat. So for certain animals there are
13 certain plant matter that they require. That's
14 kind of the first broad review.

15 On this site we didn't find a threatened
16 and endangered species that popped up in the
17 database. So we would then go to a more
18 specific review of our proposed impacts to the
19 jurisdictional areas, which really are
20 waterways that the federal government and the
21 DEC has jurisdiction over. In that review it
22 is presented as part of our permit
23 application, so to speak. We quantify the
24 impacts. This road crossing will have
25 3,000 square feet of direct impacts to wetland

1 area. The agencies review that and write
2 comment letters which is what you're looking
3 at. Frankly, it's never the same response. It
4 depends on the reviewer in the site and a
5 whole bunch of factors. In this case they had
6 a couple of areas they want to help us further
7 evaluate.

8 CHAIRMAN STUTO: Can I ask where is your
9 documentation in this response? I think that's
10 what we're missing from the file.

11 MS. VAIDA: May I make a suggestion?
12 We're spending a lot of time and we should
13 spend a lot of time on this. I'm finding in
14 the file documentation that shows that the
15 applicant clearly, I think, did due diligence
16 in terms of SEQRA issues.

17 There's a letter here from the New York
18 State Office of Parks and Recreation from May
19 of 2007. Basically, they were asked to take a
20 look at this project and make a determination
21 if there would be any sort of impact.

22 "OPRHP recommends that the above
23 referenced project is determined to have no
24 impact on cultural resources listed or
25 eligible for listing on the State or National

1 Registers of Historic Places. Traffic is
2 obviously another environmental issue and was
3 looked at. Back in 2005 they offered to do
4 their own traffic study.

5 MR. NARDACCI: Elena, excuse me one
6 second. Those issues are trafficking, cultural
7 resources -

8 MS. VAIDA: I know. I'm just giving you
9 an example.

10 MR. NARDACCI: I think there are
11 questions with regards to some of the
12 environmental issues that have been raised.
13 There is an archaeological assessment in there
14 that clearly says the same thing. But there
15 are no cultural or historic impacts.

16 CHAIRMAN STUTO: Wildlife seems to be the
17 open one.

18 MS. DALTON: Yes, I appreciate what the
19 gentleman is saying and maybe it's not
20 required, which is fine. Essentially, there's
21 a paper review and an Internet review of
22 anything that's already been recorded. Then
23 there's what you may pick up when you start
24 assessing waterways. There's not in here,
25 unless I misunderstand, He said because of the

1 development and because of the designs of the
2 site, they wanted somebody to go out and
3 actually do an ecological survey.

4 CHAIRMAN STUTO: Right. I read them
5 myself.

6 MS. DALTON: I never saw any evidence of
7 an ecological report. So, I see a problem and
8 I see a solution, but I do not see where
9 anybody matched the solution that was made to
10 pinpoint the problem because they didn't do
11 the research. I'm sorry, I don't see the
12 research.

13 CHAIRMAN STUTO: That's what I asked you
14 in the hallway.

15 MR. BOSSOLINI: I can't speak to the
16 completeness of the Town's files on this job.

17 CHAIRMAN STUTO: Excuse me, you're asking
18 for final approval and you said you had four
19 boxes, but you didn't bring them. It might
20 have been helpful if you did bring them and
21 then you could find it and show us. The
22 project is almost 10 years old.

23 MR. BOSSOLINI: I don't have the permit
24 in my hand. I did not bring our files. Perhaps
25 if we had a list of documentation that needed

1 to be provided to fortify our assertion that
2 these permit issues have been resolved -

3 MS. DALTON: I'm not asking about permit.
4 I understand that you do have a permit. I'm
5 asking specifically: Did you do the ecological
6 survey or habitat for wildlife? I'm not
7 talking about the waterway. Did you send out
8 scientists to take a look at the area?

9 MR. BOSSOLINI: We did extensive on-site
10 review with biologists and DEC personnel to
11 address the specific questions that were
12 raised in that letter. We looked at areas that
13 were not in the jurisdiction of the permit.
14 The permit is for a water quality certificate.
15 DEC takes that opportunity to see what else is
16 here. Is there something else that we need to
17 look at? You look at those and you prepare a
18 report in response to those letters. We
19 submitted those to DC. They reviewed them
20 again. This process took months and years. It
21 was part of the time frame that we've been
22 involved in. So that information is all
23 documented and it's on record that those
24 agencies that those issues have been
25 addressed.

1 CHAIRMAN STUTO: We should have the
2 opportunity to see that.

3 MR. BOSSOLINI: Understood. I'm remiss
4 for not knowing that you did not have that
5 information available. If we need to supply
6 that information -

7 MR. NARDACCI: This Board has the right
8 and the ability to ensure that SEQRA is
9 determined properly. This is not specific to
10 SEQRA, but it certainly relates; impacts,
11 management, and future management. What I
12 would suggest is that you resubmit SEQRA for
13 consideration and that you submit the long
14 form. The long form goes through point by
15 point all of these issues. Are there impacts
16 and how will they be addressed? It would be
17 all filled out. We don't have it and we didn't
18 see it and several people have asked the
19 question. Just resubmit it.

20 MS. DALTON: This has been going on for
21 10 years and it didn't make sense in the
22 beginning to move forward. I understand that
23 it has been tabled for a while because there
24 was a lull with this kind of demand for
25 housing.

1 MR. BOSSOLINI: I can't speak to the
2 economics. I can speak to the process that the
3 project went through with the Town and the
4 agencies involved. When you're dealing with
5 agencies that would have to issue permits,
6 sometimes you don't know what they're going to
7 respond to or what you might find. So, you
8 have this kind of waiting game where you could
9 go so far with the Town review and they're
10 doing a very thorough review of the technical
11 details. We also have this parallel process.
12 It does take years reviewing all of these
13 other items.

14 A cultural resource survey requires
15 someone to go out in the field and excavate
16 the test pits -

17 MS. DALTON: But you got approval in
18 2005. What happened between 2005 and now?

19 MR. BOSSOLINI: Detailed engineering
20 plans were submitted to the Town. They were
21 lengthy and thorough reviews by the Town. We
22 resubmitted and addressed their comments.
23 There was resubmittal, again. I think it was
24 resubmitted three or four times - in
25 addressing every Town department's comments.

1 CHAIRMAN STUTO: Can I interrupt for one
2 second?

3 Kathy, you're new to the Board. I have
4 been on it since the inception of the new
5 administration, if you will. A common
6 complaint from developers was that things were
7 getting caught up in the Town.

8 MS. DALTON: For eight years?

9 CHAIRMAN STUTO: Sometimes it was true
10 and sometimes it was, in my interpretation, an
11 excuse for the developer to some extent as to
12 why things took so long. Like everything else,
13 the truth lies somewhere in the middle. There
14 was a common complaint that the Town agencies
15 were taking too long to review it. It's my
16 personal observation that that was probably
17 correct. I don't know if anybody agrees with
18 that.

19 We have instituted a Town Designated
20 Engineer process - and that was Brad that was
21 sitting there.

22 With respect to the older projects, I
23 think that the developers were given the
24 opportunity to use the Town Designated
25 Engineer. They either chose to do that from

1 that point forward, or they didn't. It was my
2 understanding that you guys chose not to on
3 this one.

4 Is there anything that I said that is not
5 accurate?

6 MR. BOSSOLINI: That's correct. The TDE
7 process actually came in right at the tail
8 end. We had already done about seven-eighths
9 of the review process with the Town
10 departments. We had pretty much resolved and
11 decided that it wasn't worth starting over.

12 Brad's firm did review the stormwater
13 plan. There were some certain concerns that
14 had to do with that.

15 The Town has a lot of departments and
16 they do a very thorough and lengthy review.
17 Pure Waters and Latham Water have maintenance
18 issues that they need to take care of, as
19 well.

20 MR. NARDACCI: To your point regarding
21 the projects of this size - we've seen them,
22 reviewed them, granted final
23 acceptance - since the time that I've been
24 here. We'll see if anything drags out either
25 nine or more years. It hasn't been that bad of

1 a process.

2 CHAIRMAN STUTO: To answer your question,
3 I think the developers have taken the position
4 that it was the delay of the Town. That's what
5 they're saying.

6 MR. BOSSOLINI: It may have been a
7 singular occurrence, too.

8 CHAIRMAN STUTO: So here we are.

9 Any other questions?

10 Lou?

11 MR. MION: No.

12 CHAIRMAN STUTO: I have a few questions.
13 I liked the project, personally. I like it. I
14 think the less density is good. I think the
15 smaller infrastructure is good. I think the
16 open lands -- I interpreted by the Town Board
17 approval to have to be open to all of the
18 public. I noticed the pocket park in there. Is
19 the pocket park detailed in their new
20 drawings? Can you point out where that is?

21 MR. BOSSOLINI: It's on the east side.
22 It's an area that has access to everyone.
23 There is some playground equipment.

24 CHAIRMAN STUTO: I think all of that is
25 good. I think it's a good project for the

1 property. You're entitled to use the land.
2 You're entitled to cluster development. I
3 think it's great in that sense. I don't know
4 if you could appreciate this from this
5 perspective. It's very difficult for us to
6 review this because we don't have anybody
7 sitting there who is an engineer who has
8 reviewed it that we can ask any questions. We
9 have you and we just have to take it on faith
10 that you're telling the truth. I'm not saying
11 that you're telling anything other than the
12 truth, but you do have a bias in favor of your
13 client.

14 I do have specific questions, but my
15 feeling is that we need help reviewing this.
16 That's part of my feeling.

17 MR. ROSETTI: I will say one comment. It
18 has been reviewed by every department. This
19 has been very lengthy process. Certainly if
20 they asked us for a long form, we certainly
21 would've provided that. Coming in for final
22 approval - I understand that there are issues
23 of time, probably more so than every person in
24 this room because I've been developing
25 residences in this Town for longer than

1 everybody else in this room. I understand all
2 the issues and problems and I know who the
3 good people were and the not so good people
4 were. We have an engineering firm that is
5 reputable that answered every single question
6 here tonight. If there are issues regarding
7 clarification on that form, we certainly would
8 be willing to provide that to you. But to ask
9 us tonight because of the lack of someone else
10 asking us seven years ago - I don't really
11 think it's fair to us. I understand it's an
12 issue and problem, but I don't know that it's
13 right for someone who's been doing this for a
14 very long time -- and now we're faced with the
15 DEC deadline - the changing regulations. We
16 have provided the Town with everything that
17 they've asked us for.

18 CHAIRMAN STUTO: You didn't bring your
19 files. You had 45 file boxes and you didn't
20 bring them.

21 MR. ROSETTI: You have every single one
22 of the files that we had.

23 MR. NARDACCI: Mr. Rosetti, with regard
24 to SEQRA - look, it's not fair. But it's not
25 fair to us either that were supposed

1 to -- we've taken an oath and we have to do it
2 right. The problem is that you know it better
3 than I do, like you said, the things weren't
4 done right for a long time. I think that has
5 stopped. I think that it's part of this. How
6 can I say the Town Law says that it's up to us
7 as Planning Board Members to make sure SEQRA
8 is done right, and then I review the packet
9 and I review all of my information about the
10 project -- then I find a SEQRA document that
11 was signed on January 21, 2003, but wasn't
12 approved until March 4, 2003?

13 MR. ROSETTI: Again, we're finding out
14 about that tonight. Obviously, you knew about
15 that before tonight. We got the review process
16 Friday afternoon that we had to post all of
17 the placards. This is been a long time for us.
18 This is not the first project that has come
19 before the Town. Sometimes I come in and I
20 look at these and I'm not an old man. I say, I
21 don't know if I'm going to live long enough to
22 see this thing approved.

23 MR. NARDACCI: I think from our
24 standpoint - and I'm just reiterating what I
25 said - things have moved quickly. I was

1 commenting to Peter that if this doesn't get
2 approved, we would make sure that it comes
3 right back. We're sensitive to your seasons
4 and the constraints that you are under.

5 MR. ROSETTI: I understand people using
6 the excuse that the Town was holding this up,
7 but there would literally be months that would
8 go by where no review process would be done.
9 One department would review something that the
10 other department wouldn't. I think that
11 sometimes it would be in spite of the other
12 department. I literally would have to get up
13 at 6:00 in the morning and go over to the Town
14 at 7:00 in the morning and beg somebody to
15 review the project. I spent 10 years and that
16 is not the only project that I've had to do
17 that for. I want to do things correctly. I
18 think it's good that the Town has Town
19 Designated Engineers. All that stuff is stuff
20 that I recommended a long time ago that
21 should've been done. But to ask us - that
22 SEQRA form - you could say from our point of
23 view that it is done correctly and it's not
24 required to have a long form. All of those
25 questions have an answer. You have that

1 information in your files. DEC copied you on
2 all of that stuff. To ask us specific
3 questions about that stuff tonight - we'd be
4 happy to provide that information to you. Ask
5 us questions and we'll provide that.

6 MR. NARDACCI: In my opinion, it's not
7 inconsistent with other project reviews. My
8 requests and suggestions are very consistent
9 with what the Board has done over the past few
10 years.

11 MS. VAIDA: Would it be helpful if they
12 did a summary of all the environmental studies
13 that were done?

14 CHAIRMAN STUTO: I have a specific
15 question. I think we know what our general
16 feeling is in terms of all of that stuff. Let
17 me ask specific questions and let's see where
18 were headed.

19 I'm looking at the resolution from the
20 Town Board. I'm looking at items five, six and
21 seven and I'm just asking questions. It says
22 carriage lots will be a minimum of 9,000
23 square feet. Then it lists the set backs. Is
24 that still accurate according to the plans
25 that you have now and according to your

1 intentions?

2 MR. BOSSOLINI: Number five, six and
3 seven - carriage lots - 9,000 square feet is
4 correct; the current plans are consistent with
5 that.

6 CHAIRMAN STUTO: And the setbacks that
7 are set forth in there?

8 MR. BOSSOLINI: Those are the same,
9 correct.

10 CHAIRMAN STUTO: Minimum lot width?

11 MR. BOSSOLINI: Sixty feet

12 CHAIRMAN STUTO: The conventional lot?

13 MR. BOSSOLINI: Conventional lot is
14 similar - 12,000 minimum, I think. The average
15 I said was 14,000 so the setback is a 30/10/25
16 The minimum lot is 80 feet.

17 Carriage lot homes are no larger than
18 40 feet wide and no more than 2,700 square
19 feet in size. This is a requirement that the
20 Building Department would also be able to
21 review -

22 CHAIRMAN STUTO: I just want to make sure
23 we're on the same page.

24 MR. BOSSOLINI: These are also
25 consistent. They were checked with respect to

1 the dimensions by the Planning Department
2 through this process.

3 CHAIRMAN STUTO: Homes placed on carriage
4 lots shall be of the design similar provided
5 to the Town Board and filed with the clerk on
6 that date - which was a 2005 date.

7 Do you have what was filed?

8 I don't know if you do, Joe. It goes to
9 Paul's question as to what the houses are
10 going to look like.

11 MR. BOSSOLINI: We have some plans, if
12 you want to see what they are. I don't know if
13 you're looking for something specific, but we
14 did bring some renderings.

15 CHAIRMAN STUTO: Yes, that would be very
16 helpful.

17 MS. CHALOKIS: Yes, they're all in the
18 packet.

19 CHAIRMAN STUTO: Was that what was filed
20 with the Town?

21 MS. CHOLAKIS: Yes.

22 MR. BOSSOLINI: These are known as the
23 carriage homes (Indicating). Mr. Rosetti did
24 speak about the East Hills project that they
25 did. This is a little bit more of a refinement

1 on that design from that project. It's a
2 little more current.

3 CHAIRMAN STUTO: Can you describe the
4 finishes and describes some of the
5 architectural features?

6 MR. ROSETTI: The square footage is that
7 we have shown here are 1,600 to not quite
8 2,000 square feet. They all have two-car
9 garages. The one thing that they all have in
10 common is the first floor master bedroom.
11 Everything is all one floor. The master
12 bedroom is on the first floor and maybe a
13 bedroom or two on the second floor. They all
14 have two and a half baths. The finishes that
15 we use - we used a choice of different color
16 vinyl siding with either stone or brick
17 accents across the front. Because of the
18 closeness or the narrowness of the lots, we
19 used the carriage style doors to go along with
20 the carriage style houses. Some of the other
21 features we used are the Anderson 200 series
22 windows with the grills so it has a different
23 kind of character to it.

24 CHAIRMAN STUTO: All the carriage houses
25 have grilled windows?

1 MR. ROSETTI: Yes.

2 CHAIRMAN STUTO: Is there anything else
3 you want to point out?

4 MR. ROSETTI: No but I'm glad to answer
5 any more questions.

6 CHAIRMAN STUTO: That applies to the
7 single family houses, too?

8 MR. ROSETTI: Single family houses have
9 similar finishes, also.

10 CHAIRMAN STUTO: This is our obligation.

11 "The Board shall refine the design
12 criteria to assure that the homes placed next
13 to each other do not have similar façades."

14 So what are we doing to ensure that
15 happens?

16 MR. ROSETTI: Typically we have four
17 different models here. Typically what we would
18 do is have alternate elevations and features
19 that you can add to the homes -- even though
20 it's the same home, the exterior makes it look
21 like a different home. We also put side load
22 garages in and the like.

23 CHAIRMAN STUTO: Is there a note that you
24 can put on the drawings to reflect what you
25 just said?

1 MR. BOSSOLINI: I don't think it's on
2 there.

3 CHAIRMAN STUTO: I don't know how we
4 ensure that that happens. Do you normally put
5 a note like that on there? Is that on the
6 current drawings? You should know your
7 drawings.

8 MR. BOSSOLINI: There are 65 notes on
9 there, so it could be. If the Building
10 Inspector or person that issues the building
11 permit knows there's a provision there, they
12 will keep track of it. They would say, okay,
13 you built this house here, the next lot cannot
14 be this size. There are some checks and
15 balances there with the building permits.

16 CHAIRMAN STUTO: I want to know how I can
17 ensure that that note going to put on there.

18 MR. BOSSOLINI: The note is put on the
19 drawing prior to your signature, if it's not
20 already there.

21 MS. VAIDA: We will make it a condition.

22 CHAIRMAN STUTO: I'm just continuing. You
23 addressed this a little bit.

24 "There should be a mix of garage types,
25 front load, side load and the garage placement

1 with respect to the front setback of the
2 living area of the house should be variable."

3 I think you have addressed that and
4 hopefully that's addressed in the notes.

5 I'm going to go back to the issue that
6 Elena raised which is note 12.

7 "The Planning Board is hereby directed in
8 its review of open space pursuant to the Town
9 Code to include a condition that the park,
10 internal walkways and paths be open to the
11 public at large; whether or not they are
12 homeowners in the subdivision or members of
13 the Association."

14 I interpret that is wide open to the
15 public. If there is disagreement with the
16 developer, speak now.

17 MR. ROSETTI: If that is the wishes of
18 the Board, we can put that in the
19 resolution - or we can note that.

20 MS. VAIDA: I think it is actually pretty
21 clear. It just depends on how you read it.
22 It's open to the public at large whether or
23 not they are homeowners in the subdivision and
24 more members of the public.

25 I think that's the way it reads and when

1 you look at the Section 278, the whole point
2 of cluster subdivisions is to have a benefit
3 to the community at large with the open space.

4 MR. BOSSOLINI: If I may, there is a note
5 on the subdivision plat that gets filed with
6 the county - Number 43, that speaks to that.

7 CHAIRMAN STUTO: Can you point that on
8 the drawing?

9 MR. LACIVITA: Actually, I have a rate
10 here; 43 - parks, paths, walkways as shown on
11 these plans shall be available for the use by
12 the general public.

13 CHAIRMAN STUTO: Can you show us how they
14 enter? It's obviously public road.

15 MR. ROSETTI: Anywhere where it crosses,
16 you can enter there.

17 CHAIRMAN STUTO: Those are open to
18 anybody, not just a backyard of a particular
19 person.

20 MR. ROSETTI: These do not come out on
21 lots. Also on Haswell Road, we noted the
22 maintenance access and also the pedestrian
23 accommodation coming from Haswell Road that
24 traverses that. The pocket part here
25 (Indicating) does have a small area that you

1 could drive and park cars there.

2 CHAIRMAN STUTO: I'm glad the note is on
3 their. That's why we talk about this. We
4 generally read through this and we'll go
5 through it, but that's why we're here is to
6 firm up some of these things and firm up our
7 understanding.

8 MR. ROSETTI: And that is filed with the
9 Town.

10 CHAIRMAN STUTO: Pointing out on 15 it
11 says, "It's our obligation to review our
12 earlier SEQRA determination to assess that the
13 Town Board requirements and modified plan
14 requires such decision to be reopened and
15 modified."

16 So it says we shall take a fresh look at
17 SEQRA.

18 And then we had talked about stormwater.
19 I don't think you described the system in any
20 kind of detail. He said something about the
21 basins and so on and so forth and that they
22 would be compliance. Can you describe for the
23 water flows and where it's going to be held
24 and where it's going to go?

25 MR. BOSSOLINI: The property generally

1 slopes from west to east, so the drainage
2 pattern is from Miller Road. There are a
3 couple of well defined watercourses that exit
4 the property. So that will be used for the
5 basis for analysis.

6 You can see one on this here (Indicating)
7 that it takes a lot of runoff from the Route 7
8 area. Those points dictate where our water is
9 going to go to. Our stormwater basins are
10 designed to provide a water quality component
11 between that and with the use of permanent
12 pools. Those permanent pools are sized based
13 on the formula that DEC requires us to use in
14 their design manual. So each one has an area
15 where there's water stored, new rainfall comes
16 in and stays there and goes to the water
17 quality treatment detention areas.

18 Those same basins provide a water
19 quantity component which means they hold the
20 water for certain time as to not exceed the
21 rate that we determined was the existing
22 condition. So it lets out X CFS after a 10
23 year storm, it cannot exceed that value.

24 Each of these ponds drains to a certain
25 area. They're pretty much divided by four

1 quadrants and they all drain into those ponds
2 where there is a structure that has different
3 size openings to it.

4 The pond design, itself, complied with
5 the DEC manual and whatever requirements the
6 Town Engineering Department and Stormwater
7 department have as well as part of the Town
8 regulation. The Town has done a thorough
9 review on all components of these ponds
10 including the access and structures and
11 components that are used to the Town
12 standards. The Town will only maintain these
13 basins. They'll have access roads so the Town
14 can get the equipment in to do the maintenance
15 and reach the outlet structures.

16 Again, Brad Grant of Barton and Loguidice
17 did review the stormwater pollution prevention
18 plan for this project. It's a couple inches
19 thick and very lengthy. The plans for erosion
20 and sediment control - that will be enacted
21 during the construction and that will keep all
22 the dirt from migrating off the site during
23 construction, as well.

24 CHAIRMAN STUTO: Did you review just the
25 construction drainage?

1 MR. BOSSOLINI: He reviewed the whole
2 SWPPP which included all of our calculations
3 for sizing the stormwater ponds - and
4 post-construction practices.

5 MR. LACIVITA: Again, we had asked them
6 to do that, Peter, because that's actually had
7 impact to the town home development right next
8 to them off of Harvard which then again flows
9 into the Archmont Knolls which is the dry
10 River. We had concerns about that. That's what
11 Brad took a look at this development for us.

12 CHAIRMAN STUTO: That's the end of my
13 specific questions. If the Board has any
14 specific questions, we can do it now. Next we
15 would open it up to the public.

16 MR. ROSANO: This is directed toward
17 Mr. Rosetti.

18 I'm going to give you my opinion on this
19 project.

20 First of all, it's a great project. I'm
21 very much for it. Second of all, I believe
22 that you have done everything you had to do
23 and have tried very hard for eight years to
24 get this project to this point.

25 I feel uncomfortable having to make you

1 do anything else. It's not the first time that
2 I've seen forms not signed and with dates not
3 correct. I don't see how that's your problem.
4 I know we have responsibilities up here, but
5 I'm not comfortable making you wait any
6 longer. I just want you to know that up front.

7 I'm so glad we have a TDE now because I
8 never want to have to go through this again.
9 I've been asking around and with these eight
10 and 10-year-old projects - I've only been on
11 the Board a year and I feel like it's about 10
12 now. Every time I get one of the Shelter
13 Cove's or something like this, I try to read
14 and I try to make sense to try to put a
15 timeline to this. The timeline that I see with
16 you is that you've done everything you're
17 supposed to do, and you're still sitting here
18 tonight wondering if I'm going to get my
19 final. For that, I am truly sorry.

20 MR. ROSETTI: I appreciate that. The only
21 thing you could do is look forward and do the
22 necessary steps to make sure they're in place.
23 The number of projects that you're dealing
24 with and the TDEs - it's a better process.
25 There is a process now. Before, there was no

1 process. It was every department for
2 themselves.

3 MR. ROSANO: This Board is out to protect
4 the taxpayer first, honestly. That's the way
5 we have to operate. Were also trying to
6 protect you and do the best thing.

7 MR. ROSETTI: I appreciate that.

8 MR. ROSANO: That's it, Peter. Thank you.

9 CHAIRMAN STUTO: Any other Board comments
10 before we open up to the public?

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

12 CHAIRMAN STUTO: Mary Garwood.

13 MS. GARWOOD: I'm Mary Garwood and I live
14 at 64 Harvard Road my impact is very small. My
15 backyard is on the eastern border of the
16 project. My yard is already drainage
17 challenged. At this point I like to make sure
18 that it's not any more challenge than it is
19 now.

20 CHAIRMAN STUTO: Can you show us where
21 your property is?

22 MS. GARWOOD: This is my property here
23 (Indicating). This is part of the wetlands. I
24 have drainage issues. I just want to make sure
25 that when they build these properties here

1 (Indicating), that it doesn't have an adverse
2 impact on my property.

3 CHAIRMAN STUTO: Do you want to answer
4 that?

5 MR. BOSSOLINI: If you want me to answer,
6 I can.

7 CHAIRMAN STUTO: Yes.

8 MR. BOSSOLINI: This is an existing
9 drainage channel that goes into Spring
10 Meadows. The Town has an easement to it. It
11 goes under the road into a pipe and so our
12 flow from our ponds are going to discharge
13 into that drainage ditch. Again, our
14 stormwater design means that we don't have any
15 increase in flow and it stays the same as far
16 as discharge from our pond. Also, along the
17 property line to prevent any sheet flow from
18 migrating into the back of these yards, we did
19 provide some grading here (Indicating)
20 diverting the runoff from the yards into the
21 stormwater management facility. The runoff
22 from this site is contained within the
23 facility and that's part of it.

24 CHAIRMAN STUTO: So, theoretically it is
25 going to be a swale there.

1 MR. BOSSOLINI: Along the back edge it
2 will divert any water in there. Along the back
3 of the yards will be a swale so there will be
4 a flow line along through here (Indicating).

5 CHAIRMAN STUTO: How does that sound to
6 you, ma'am?

7 MS. GARWOOD: It sounds like it will
8 work. The sloping of my property is not really
9 sloped enough. That should work. Thank you.

10 CHAIRMAN STUTO: Anybody else that would
11 like to speak?

12 MS. PERRY-POTTS: My name is Sue Potts.
13 Did you say that there was going to be an
14 HOA?

15 MR. BOSSOLINI: There's going to be a
16 homeowner's association fee having to do with
17 the cost of the common land for any
18 maintenance on the common property, but not an
19 association fee that requires maintenance for
20 snow removal and that type of thing.

21 MS. PERRY-POTTS: So that would take care
22 of the trails?

23 MR. BOSSOLINI: Yes.

24 CHAIRMAN STUTO: Anybody else have a
25 question?

1 MR. HILL: I live at 68 Harvard Road.

2 From the retention pond on the eastern
3 border or northeast quadrant, can you tell me
4 if there's going to be any new routing once
5 the stormwater exits? The way the stream
6 enters Spring Meadows, it goes through a
7 couple of 90 degree angles. Actually, it's a
8 wetland there. That comes out of the wetlands.

9 MR. BOSSOLINI: We're not doing any
10 modification to that wetland complex or stream
11 channel in the back of that property. We're
12 constructing our detention ponds in the
13 adjacent upland and discharging into the
14 stream/wetland complex. Our permitted areas do
15 not include that wetland complex or the stream
16 channel. So we have no plans for modifying
17 that stream channel.

18 MR. HILL: I was wondering how stormwater
19 mitigation occurs there.

20 MR. BOSSOLINI: Our ponds hold the water
21 before it gets to the creek. So the catch
22 basin and the stormwater collection basins
23 installed on the roadways will drain into the
24 pond that is constructed there. They're held
25 back by a structure which have some engineered

1 openings - small openings that would increase
2 the runoff over a longer duration of time.

3 MR. HILL: What would be the amount of
4 water that they would be designed for?

5 MR. BOSSOLINI: We are required to
6 analyze that for the 100 and 10 year events.
7 So it would be a 1 percent and 10 percent
8 annual storm.

9 MR. HILL: With regard to the pocket
10 park: Will there be facilities there? Will it
11 be open to the general public? Let's say I'm
12 just there for a day trip, but I have my
13 friend there, too. Can we barbecue?

14 MR. BOSSOLINI: We will have a structure
15 that's a pavilion. There will be a top
16 apparatus and a hard top asphalt area that you
17 could play basketball on. There might be some
18 picnic tables. Is the intention there for an
19 all-day barbecue? I don't think so. It's a
20 pocket park and it's for the residents in the
21 area. We did take into consideration that we
22 are near Spring Meadows and there will be some
23 landscaping there to screen that. There won't
24 be any kind of lighting for all night
25 activities going on there. It's intended for

1 the neighborhood and open to the public in
2 accordance with the cluster development.

3 MR. HILL: I could see that pocket park
4 being extremely popular. I would say there was
5 a potential there for a large amount of
6 traffic.

7 MR. BOSSOLINI: I don't envision it as
8 being a destination like the Crossings where
9 you have a lot of organized events there. It's
10 a neighborhood park, so people who are in
11 walking distance from Spring Meadows or
12 perhaps Archmont can walk over. You could walk
13 over with your kids and you could play on the
14 merry-go-round. I don't envision any large
15 gatherings there that would require a lot of
16 parking. That's not the intent. It's just a
17 localized recreation area for the immediate
18 residents.

19 MR. HILL: But you are not going to
20 prevent anybody from going there. So, it could
21 happen.

22 MR. BOSSOLINI: No.

23 MR. HILL: Is there going to be any type
24 of barrier between this development and Spring
25 Meadows?

1 MR. BOSSOLINI: The trail system comes
2 around in the back of these lots into this
3 area here (Indicating). We have a barrier
4 around the park area. We're close to the
5 property line. We're trying to keep it away
6 from the buildings. It's really in this area
7 where there's no construction.

8 CHAIRMAN STUTO: Would anyone else like
9 to speak?

10 MR. CAMPBELL: My name is Ron Campbell
11 and I live in Spring Meadows. I'm wondering
12 about an easement agreement that was executed
13 about two years ago. They gave a hook up to
14 our water and sewer. Is that still in effect?

15 MR. BOSSOLINI: The easement, which the
16 gentleman refers to, is the southeast corner
17 and is basically that the low point on the
18 downhill side of the property. That's where
19 the available sewer connection is. There is a
20 connection to the Town sewer. The easement has
21 been executed in favor of the Town. The
22 applicant will construct those facilities.
23 It's also connected to the water there in the
24 waters connected in several places. That's the
25 logical exit point for the sanitary sewer. The

1 easement is still in effect.

2 MR. CAMPBELL: That easement included
3 some screenings that work on our common border
4 and also there was some stabilization of the
5 stream banks. So that whole thing is still in
6 effect?

7 MR. BOSSOLINI: Whatever conditions are
8 part of that agreement would still have to be
9 honored, yes.

10 CHAIRMAN STUTO: Do you know what you're
11 plans are for screening and for securing the
12 embankment?

13 MR. BOSSOLINI: That's why in the most
14 active areas we were looking at constructing a
15 berm with vegetation on top of that. Although
16 not illustrated on this plan, there are some
17 limits of vegetation removal as well that are
18 part of the of the construction drawings that
19 maintain some of the existing barrier there. I
20 know the Town is looking at some of the stream
21 bank issues as well. I think that was part of
22 Brad's review.

23 CHAIRMAN STUTO: I don't know if that
24 adequately answered your question.

25 MR. BOSSOLINI: I don't know if we have

1 any specific addresses to the stream issues at
2 this point yet.

3 MR. CAMPBELL: That stream bank isn't
4 stable.

5 CHAIRMAN STUTO: On whose property, sir?
6 Which portion of the stream bank are you
7 talking about? On the developer's property or
8 someone else's property?

9 MR. CAMPBELL: The stream here
10 (Indicating). The northerly stream runs in the
11 open from their property to mine. From Harvard
12 Road, it goes underground.

13 We had a severe flood there on
14 July 1, 2009. That stream bank is full of
15 shrubbery and there was a tree involved that
16 collapsed. We're just concerned with the
17 maintenance of that.

18 What is the easement agreement?

19 CHAIRMAN STUTO: Joe, do you know
20 anything about the easement agreements and
21 what the terms are?

22 MR. LACIVITA: I would have to look at
23 that. That would be with DPW. I can definitely
24 find out what that is.

25 MR. LANE: Is what you're talking about

1 within the developer's property?

2 MR. CAMPBELL: It's on our property.

3 MR. LANE: Would they be surprised if
4 they would be required to do anything outside
5 of their particular property?

6 CHAIRMAN STUTO: Are you familiar with
7 the conditions - where he's talking? Have you
8 been there lately?

9 MR. BOSSOLINI: The incident that he is
10 referring to last July - I think it was an
11 excess of the 100-year storm. I spoke to Brad,
12 your TDE, about it and I think that's part of
13 what he's looking at in the things that could
14 be done there. There is debris there. Somebody
15 has the ability to go and remove that. I can't
16 speak specifically about the exact terms of
17 the easement condition.

18 CHAIRMAN STUTO: Would you be willing to
19 help out with that?

20 MR. BOSSOLINI: It's an issue that has to
21 be looked at.

22 MR. ROSETTI: It's not going to do us any
23 good if what we dump in there and it doesn't
24 clear out. If we have to clear it out, then we
25 clear it out.

1 CHAIRMAN STUTO: Can we make that a
2 condition?

3 MR. LACIVITA: That July 1st event that
4 he is talking about actually kind of pushed us
5 to looking at this. That was where we have the
6 issue of Phase 3 of Archmont Knolls. That kind
7 of got us to this point here.

8 CHAIRMAN STUTO: So it is a problem?

9 MR. LACIVITA: It was all connected and
10 that's why between DPW, Brad and I - we got
11 together and looked out at Brad's
12 recommendations.

13 MR. ROSETTI: Certainly, the flow is
14 going to decrease, if anything, to the
15 detention pond. It's going to hold it and have
16 it go out much slower that it's going right
17 now. If anything, it's going to get better
18 just by us developing the site.

19 CHAIRMAN STUTO: But you'll help in
20 clearing this out and stabilizing it?

21 MR. ROSETTI: Yes.

22 CHAIRMAN STUTO: Anyone else have any
23 other comments from the public?

24 MR. LAPPIETRA: My name is Antonio
25 LaPietra. I live approximately a couple

1 hundred feet away from the development
2 entrance on Swatling Road; 76 to be exact.
3 I've been following this project for quite
4 awhile. The public was thinking about some of
5 the cluster homes being upfront to fronting
6 more of the traditional homes across Miller
7 and Haswell and possibly placing some of them
8 towards the rear of that project and putting
9 some of the more traditional single family
10 homes up front. Then it wouldn't have that
11 cookie-cutter effect all the way across the
12 project. Especially if it's all up front, you
13 can see any of the other homes in the rear of
14 this project. It seems the more upper scale,
15 if I may, homes are in the rear, whereas the
16 traditional homes to the front and are
17 cluster.

18 I missed a couple of meetings so I'm not
19 sure. Is there mailbox depot in that entrance
20 way there across from Swatling? Is there a
21 place where people are picking up their mail
22 there in that area entrance?

23 MR. BOSSOLINI: The mailbox kiosk has
24 been relocated to here (Indicating).

25 MR. LAPPIETRA: Thank you, I wasn't sure.

1 I think originally it was in the entranceway.
2 They were discussing about offsetting the
3 southwest traffic from Miller to Pershing
4 because they were afraid of what was going to
5 back up at the intersection of Swatling and
6 Haswell. There a lot of kids that ride their
7 bikes around there and if the traffic backed
8 up, that could be dangerous.

9 MR. BOSSOLINI: The gentleman is
10 referring to Pershing here (Indicating) which
11 is on the southern end of Miller. At least
12 anecdotally I've been told that people speed
13 through Miller to Pershing.

14 What the developer has done is that he
15 will seed some land here to assist the Town
16 and the realignment of that and there will be
17 a curve there so you won't have this straight
18 road. The applicant is giving the land so the
19 Town can realign the road. There would be a
20 stop condition for people coming off of
21 Pershing and you have to slow down to make a
22 hard right turn.

23 CHAIRMAN STUTO: To the best of our
24 knowledge, that is part of the Town's future
25 improvements.

1 MR. BOSSOLINI: The impact fees that are
2 a part of this project will go toward
3 addressing that.

4 CHAIRMAN STUTO: It may not be in the
5 short run. But it's on the Town's drawing
6 board, to the best of our understanding.

7 Anybody else have questions?

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

9 CHAIRMAN STUTO: Do we have a motion to
10 close the hearing?

11 MR. LANE: I'll make a motion to close
12 the hearing.

13 MR. MION: I'll second that.

14 CHAIRMAN STUTO: All in favor?

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

16 CHAIRMAN STUTO: All opposed?

17 ***(There was none opposed.)***

18 CHAIRMAN STUTO: The ayes have it. The
19 motion is passed.

20 MR. NARDACCI: I just want to address
21 this SEQRA issue. This is a question for
22 Counsel, I think.

23 Based on the documents that we have and
24 that you have reviewed, do we think that we
25 have legal SEQRA determination of this

1 project?

2 MS. VAIDA: I was going to ask the Board
3 about that - if they felt that all of the
4 environmental issues or potential impacts have
5 been addressed because I was just actually
6 writing something up about that. To me, from
7 what I've heard tonight, and from what's in
8 the record, it looks like the Board has taken
9 a hard look at all of the potential adverse
10 environmental impacts including traffic
11 impacts, stormwater issues, soil erosion,
12 flooding, drainage issues, increase in the
13 intensity of land-use and wetlands
14 disturbance. I don't know if the endangered
15 species issue was addressed.

16 MR. NARDACCI: To that, I went through
17 the documents and I understand there's been
18 massive amounts of back and forth with the
19 various state agencies and hiring consultants.
20 As I said, I'm not trying to be a stumbling
21 block. What I'm trying to do is do things
22 properly. He said if I had specific questions
23 you'd have specific answers. There are a few
24 specific questions that are lingering that
25 perhaps if we could ask them to get the

1 answers, I would feel more comfortable moving
2 forward.

3 MS. VAIDA: If we can get them all
4 answered, that would be helpful.

5 CHAIRMAN STUTO: If you had your files,
6 that would have been helpful. I don't know if
7 we can get them answered tonight.

8 Does anybody have a long form EAF?

9 MR. NARDACCI: I just looked at a long
10 form. I looked through and pulled out a few
11 questions. Could I ask a few more questions?

12 CHAIRMAN STUTO: Sure, go ahead.

13 MR. NARDACCI: On the impact section - on
14 the EAF long form, describe the impact and
15 mitigation. One of the questions that came up
16 is: Will the project have an effect on
17 non-threatened species? Is there an impact and
18 how is it mitigated?

19 MR. BOSSOLINI: I think that any
20 development has the potential. IN this
21 project, we have examined that potential. We
22 partly answered it to Ms. Dalton's question.
23 Our project design and our inclusion of
24 corridors and the elimination of building lots
25 to provide easier access, constructing

1 culverts underneath the roads, preservation of
2 large tracts of open space -- I think that
3 more than mitigates any potential impact that
4 the project would have on non-threatened
5 species. We have preserved various types of
6 habitat; open fields upland forests and
7 wetlands and that is representative to what's
8 currently on the site.

9 MR. NARDACCI: So if we have to check a
10 box that says on the impact side - does the
11 project have an impact on non-threatened
12 endangered species - yes or no?

13 MR. BOSSOLINI: We would say no.

14 MR. NARDACCI: And if there were an
15 impact, it's mitigated by -

16 MR. BOSSOLINI: Well, elements of the
17 project design certainly mitigate any
18 potential impact that any development has on
19 non-threatened species.

20 MR. NARDACCI: And is that question no?
21 Is that consistent with all the documentation
22 that you have received from DEC - research by
23 your biologists and submissions back and
24 forth?

25 MR. BOSSOLINI: That's correct. Our

1 correspondence with the DEC - we answered
2 their questions that were specific to areas
3 that were not involving threatened and
4 endangered species.

5 MR. NARDACCI: Non-threatened.

6 MR. BOSSOLINI: Not involving threatened
7 and endangered in but involving the potential
8 to non-threatened species.

9 MR. NARDACCI: Do you have correspondence
10 with DEC back and forth with regards to
11 non-threatened species?

12 MR. BOSSOLINI: Yes.

13 MR. NARDACCI: So the answer is no,
14 right?

15 MR. BOSSOLINI: The answer is still know;
16 right.

17 MR. NARDACCI: Will the project affect
18 the quality and quality of existing and future
19 open space and recreation? I think that we
20 could address this in general, but
21 specifically?

22 MR. BOSSOLINI: The project design
23 concerns in perpetuity a large tract - one of
24 the only remaining tracks of open space in
25 that area of the Town with public access.

1 There is a small compartment for some active
2 recreation, a large compartment for passive
3 recreation, and again it's in perpetuity and
4 maintained privately and at no expense to the
5 Town.

6 MR. NARDACCI: Have you uncovered or do
7 you have any reason to believe that there
8 would be any contamination on the site that
9 needs to be dealt with?

10 MR. BOSSOLINI: We were given a
11 handwritten letter from the Town in December
12 of 2010 and I believe the letter was dated
13 sometime in 2005 that indicated the potential
14 for - there was a historical use there that
15 might have some implication of lead
16 contamination.

17 So, the direction of the Town was for us
18 to provide some on-site investigation in
19 accordance with protocols that DEC would make
20 us look at. We did some sampling and did find
21 some slightly elevated lead levels - slightly
22 elevated over background levels. Background
23 levels were almost nonexistent here. I will
24 say that the levels that we measured are not
25 uncommon to what one might find in an urban

1 area where background levels are higher. So,
2 in response to that, the Town Planning
3 Department has required the plan be prepared
4 to address those areas that we defined that
5 have elevated levels. So the material will be
6 removed and we're determining it's just on the
7 top portion of the soil.

8 MR. NARDACCI: Have you submitted that
9 mitigation plan?

10 MR. BOSSOLINI: It's being prepared.

11 CHAIRMAN STUTO: Is that to DEC's
12 satisfaction?

13 MR. BOSSOLINI: It's being prepared to
14 the DEC's standards for their accepted values
15 for this type of development.

16 CHAIRMAN STUTO: Do they have to approve
17 that?

18 MR. BOSSOLLNI: I'm not sure of the
19 specific jurisdiction. It will be prepared to
20 their standards so if they need to review it,
21 it will be in compliance with the
22 regulations.

23 MR. NARDACCI: What's the timing? When do
24 you submit this? When is it going to be
25 approved? Who approves it? Who signs off? Is

1 it a staff person at the Planning
2 Department? Is it this Board that has to
3 approve that?

4 MR. BOSSOLINI: I'm not sure that there's
5 a set protocol. Just for the record, from the
6 historical use of the property it's a skeet
7 shooting range. Someone indicated that there
8 were pellets in the ground. So, we have found
9 some slightly elevated lead levels. The DEC
10 has clean-up parameters for certain levels
11 that have to be addressed.

12 MR. NARDACCI: There's no mitigation plan
13 that has been drafted as of yet.

14 MR. BOSSOLINI: It's underway, yes.

15 MR. LACIVITA: Can you point out where
16 that is for the Board, as well?

17 MR. BOSSOLINI: The shooting range was
18 apparently in this area (Indicating). There
19 was a pretty well defined arc that one might
20 encounter. It's pretty much in this area here
21 (Indicating).

22 MR. NARDACCI: There are building lots
23 there?

24 MR. BOSSOLINI: In this corner, yes. Our
25 review criteria is for this use.

1 MR. NARDACCI: I mean my question
2 becomes: Joe, when do they submit those plans?
3 To who? Who approves them? Who reviews them?
4 It just seems I don't know the answer to those
5 things.

6 MR. LACIVITA: We talked about this a
7 little bit internally to try to get some
8 information as well. If this is going forward
9 and there is a phasing plan, nothing is looked
10 at in that area until the determination is
11 completed so we find out who has the
12 jurisdiction for that review. And there are
13 conditional approvals that go forward from
14 there.

15 MR. NARDACCI: We have to submit to
16 satisfy an archaeological study. So you did
17 the study, and submitted it and determined
18 that there is no impact. You did an ecological
19 survey and here's the mitigation plan. And
20 then with regard to contamination, we know
21 they will be working on their plans, but it's
22 not submitted.

23 MR. BOSSOLINI: I would say that I think
24 the issue is that the Town was aware of that
25 in 2005. They notified us. They requested a

1 soil test, which takes time. You have to go
2 under the soil and we need to do multiple soil
3 tests. We got it back and got the result. Of
4 course it's going to be removed. We do not
5 want the liability. Whatever mitigation needs
6 to be done, were going to do it. Is DEC going
7 to come out? I'm sure DEC is going to come out
8 after some kind of lead contamination and
9 we're going to remediate. We will get the work
10 done.

11 MR. NARDACCI: The problem is that from
12 December to now -- I know it takes time and
13 all you're saying. I guess we have to take
14 your word for it.

15 MR. BOSSOLINI: It's not my fault,
16 either. We will get it for you. We'll get it
17 and will do whatever it is we need to do.

18 MR. NARDACCI: So were going to approve
19 plans and -

20 MS. CHOLAKIS: No, it's a conditional
21 approval. You're going to add a whole laundry
22 list of conditions to this approval. That's
23 one of them that we need to comply with. The
24 plan will be reviewed by Planning and that's
25 typically what happens. If DEC needs to get

1 involved, they will get involved, as well.

2 MR. NARDACCI: Do you think that
3 contamination - does that change the
4 conditions of the SEQRA that was approved in
5 2003?

6 MS. CHALAKIS: No, because the
7 remediation plan will get rid of it.

8 CHAIRMAN STUTO: I personally agree. I'm
9 happy with having a remediation plan that is
10 compliant with DEC Regs submitted as a
11 condition of this.

12 MS. VAIDA: And the SEQRA - what impact
13 their project will have on the environment.
14 This is something that obviously is already on
15 the property and I think we condition it. Like
16 Joe was saying, no building would be done in
17 that area and it would not be disturbed.

18 CHAIRMAN STUTO: I don't think they
19 should break ground at all until we have a
20 complete remediation plan.

21 MR. BOSSOLINI: In fact, it was a
22 condition of the Board and that the plan be
23 vetted. I think procedurally from a
24 construction standpoint, the work will be done
25 to close that issue.

1 MR. NARDACCI: Before we just talk about
2 it, was there a condition? I didn't see that
3 the condition.

4 MR. BOSSOLINI: I suppose you could
5 impose a condition -

6 MR. NARDACCI: The question that I have
7 in the back and forth is that there's nothing
8 that says that was going to be condition of
9 approval. I went and I looked through and I
10 tried to find answers and I tried to go
11 through the SEQRA forms, because we did vote
12 on SEQRA. These are all issues because they
13 all get addressed here. Is there a problem?
14 Yes. Is there mitigation? Yes. Is there a
15 problem with the mitigation? Yes.

16 MS. CHALAKIS: With all due respect, the
17 Planning Department is aware of this. That has
18 been dealt with at the start of the process.
19 If, in fact, the Planning Board was unaware of
20 it, is not something that we control.

21 MR. NARDACCI: I have a letter. I don't
22 have anything with regards to mitigation.
23 That's how I know about it.

24 MR. BOSSOLINI: You have the same letter
25 that was received in December of 2010 and

1 there is a timestamp that says 2005. That's
2 five years from the time that the Town
3 received that. From that time in December when
4 we were notified, we've done two separate sets
5 of testing. We sent some things to labs to be
6 tested with a quick turnaround time to get the
7 answer. So from our standpoint, we understand
8 that it might be a condition of approval. That
9 has to be resolved as a matter of public
10 record.

11 CHAIRMAN STUTO: What do you envision as
12 the range of potential remedies for that? You
13 know, the things that you have to do in order
14 to remedy that?

15 MR. BOSSOLINI: There will be removal of
16 the material and disposal of it in an approved
17 landfill. That's really one range. There would
18 be subsequent testing after the removal to
19 verify all of the existing background levels.

20 CHAIRMAN STUTO: Except the highest
21 range? Might they say cover it with dirt? I'm
22 not an engineer. I've never dealt with this
23 situation, in particular.

24 MR. BOSSOLINI: From there, there would
25 be whatever grading goes on. The intent is

1 that will remove -

2 CHAIRMAN STUTO: So, it's going to be
3 removal.

4 MR. BOSSOLINI: It's going to be removal.

5 MS. VAIDA: It's not going to be
6 something that affects the groundwater?

7 MR. BOSSOLINI: No, it's really the top
8 six to eight inches of soil.

9 CHAIRMAN STUTO: Is it from the shotgun
10 pellets, or from the skeet broken up?

11 MR. BOSSOLINI: It's from shotgun
12 pellets. It's from the lead shot.

13 MR. NARDACCI: I hope you can see the
14 problem that I have here. I don't have a
15 problem with the project, per se. I understand
16 what it takes to get up to this point. I just
17 feel like it's a bad precedent. That's my
18 opinion. It's a bad precedent.

19 MR. BOSSOLINI: I think that the question
20 that you need to ask perhaps is: If it is an
21 issue, is it being adequately mitigated? The
22 plan is that it will be mitigated.

23 At the time of the initial SEQRA
24 resolution, perhaps the stormwater design was
25 not yet complete. There

1 are certain regulations that the stormwater
2 design had to meet. So, it's implicit in the
3 process that the impact of stormwater would be
4 mitigated and drawn out into a plan. It's a
5 very similar circumstance. We have this issue.
6 It's on record. None of us can avoid it. We
7 have professional liability that the builder
8 has over it. We're in the process of preparing
9 a mitigation plan that has to meet some of
10 these standards and in the conditions of
11 whatever you decide -

12 MR. NARDACCI: I think that you have
13 addressed each of these three things. The
14 problem that I have is because we don't have a
15 professional review by a TDE - I try to do the
16 best I can to review what I can, when I can.
17 And frankly, with regard to the dates and
18 times - it's not uncommon and we've had it
19 before. I'm sure that I'm missing something.
20 Those are the three concerns that I had that
21 you addressed, so I guess I'm fine. Those are
22 the three issues that I had.

23 Kathy expressed the same questions with
24 regard to wildlife and ecological, and so did
25 Pete. That's also a big issue.

1 MR. STUTO: Anybody else?

2 *(There was no response.)*

3 MR. STUTO: I share Tom's frustration,
4 but I also think it's a good project.

5 I had trouble with what Paul had said
6 about you being at this a long time. I'm in
7 favor of moving for a vote if we can make sure
8 all the conditions are met.

9 MS. VAIDA: Joe had one concern.

10 MR. LACIVITA: One of the things you
11 brought up earlier, Peter, was you talked
12 about Number 11 in the resolution that talked
13 about the homes and the design material. I
14 started looking through the offering plan that
15 you had dated back to 2008. This hasn't been
16 approved as of yet, but I know that we talked
17 about trying to get something onto the stamped
18 plans that would go to the Building
19 Department. I get a little hesitant about
20 putting that onus on making sure and in seeing
21 the side elevations. It's not on the Town, but
22 it's back to the developer. I think the
23 offering plan kind of describes here.

24 Mr. Rossetti, Ms. Cholakis and
25 Mr. Leonardo are the initial directors of the

1 offer. They are the HOA's for the first year,
2 which would be toward the build-out. Part of
3 the thing they talk about in here is
4 architectural controls and standards. I think
5 that we could make sure that Number 11 somehow
6 speaks to that. We can see that design
7 criteria to make sure that the homes are not
8 cookie-cutter.

9 CHAIRMAN STUTO: Elena, have you both
10 looked at those?

11 MS. VAIDA: Yes, is this still amendable?

12 MS. CHOLAKIS: Actually, it's subject to
13 further input.

14 CHAIRMAN STUTO: Are you comfortable with
15 the language, just as a starting point for the
16 architectural?

17 MS. VAIDA: I think what he's suggesting
18 is the language -

19 MR. STUTO: Incorporated by language?

20 MS. VAIDA: I'd write it right in there.

21 MR. STUTO: But I'm asking the developer
22 if they're still comfortable with that
23 document, which may be somewhat dated.

24 MS. CHOLAKIS: Yes.

25 MR. STUTO: With the nature of what it

1 says? What the buildings have to look like?

2 MR. LACIVITA: Yes, it talks about the
3 control of the association. But again, the
4 association starts off by the three members
5 here. It talks about the architectural
6 committee. It talks about all proposed
7 additions, modifications, alterations to the
8 sites, to the buildings, including exterior
9 doors and garage doors.

10 CHAIRMAN STUTO: Okay, that's talking
11 about post-construction. You know, when
12 everything is done.

13 MR. LACIVITA: That's what I'm saying to
14 adopt this one here, because we're talking
15 about specific front load/side load garage
16 placement. If we've plopped that in here, they
17 have control of the first year build-out.

18 CHAIRMAN STUTO: Can you restate that so
19 that everyone is clear on it? In other words,
20 you're saying with the Town, put in Number 11
21 that you're reading there?

22 MR. LACIVITA: Well, I think it's
23 supplemental too, because again during the
24 first year of the build-out of the project,
25 Mr. Rossetti, Mr. Cholakis -

1 CHAIRMAN STUTO: They are officers of the
2 HOA.

3 MR. LACIVITA: Right. And they have
4 ultimate control of that first year's
5 build-out, which they could assure us -

6 CHAIRMAN STUTO: Unless they sell the
7 project.

8 MR. LACIVITA: Right, but at least if
9 this Number 11 as designed by the resolution
10 says that all homes placed in the carriage
11 lots shall be designed similar to any - that
12 goes on to say that if that's put in there
13 verbatim, then that becomes part of the
14 association rules and regulations. It puts the
15 control there.

16 CHAIRMAN STUTO: You're saying make 11
17 part of the drawings.

18 MS. VAIDA: Yes, of the HOA.

19 MR. LACIVITA: The drawing and the HOA.
20 That's so it's cross-referenced.

21 CHAIRMAN STUTO: You promise to put the
22 language in there?

23 MR. BOSSOLINI: I think it's good
24 actually, because then the language is
25 consistent in both documents.

1 MR. LACIVITA: That's for the first year.
2 Then, after that, the Board of Directors are
3 the owners of the HOA.

4 MS. VAIDA: I do have a question also.
5 How close are you to finding out exactly what
6 the lead abatement plan is going to be?

7 MS. CHOLAKIS: The documentation is being
8 prepared for this.

9 MR. BOSSOLINI: Couple of weeks, perhaps.
10 Probably within the next 15 days, perhaps.

11 CHAIRMAN STUTO: Is the Board ready to
12 have Elena read it?

13 MS. VAIDA: I don't exactly have
14 something written up. First, I think we need
15 to do something with SEQRA.

16 CHAIRMAN STUTO: I think we took a good
17 hard look at it. Do you want to say something
18 else about it?

19 MS. VAIDA: I was wondering if we should
20 do something by resolution or motion.

21 MR. NARDACCI: I don't know. I don't
22 think I'm ready to take another vote on SEQRA.
23 Before you vote on SEQRA again, I like to see
24 the long form filled out.

25 MR. LANE: I'm not sure that I could. Can

1 we require them to do that?

2 MR. NARDACCI: It's our purview. We can
3 review SEQRA at any time.

4 MR. LANE: Even if it started and than
5 passed?

6 MR. NARDACCI: Yes, we've done that on
7 other projects.

8 CHAIRMAN STUTO: Let me say this: This
9 may or may not satisfy you. One of the
10 resolutions that was passed by the Town is as
11 follows:

12 "The Planning Board shall review an
13 earlier SEQRA determination to assess if the
14 above described Town Board requirements and
15 modified site plan requires such decision to
16 be reopened and modified."

17 I don't think that we necessarily have to
18 take a vote on that. It's my opinion that it
19 does not need to be reopened and modified.

20 MR. NARDACCI: I agree.

21 MS. VAIDA: And I think the record is
22 clear - all of the potential environmental
23 impacts that we have discussed tonight.

24 MR. NARDACCI: I'm satisfied.

25 MS. VAIDA: I'm not sure if Joe and I are

1 going to be able to put together a motion
2 that's going to cover all of these.

3 CHAIRMAN STUTO: You can't do in an
4 omnibus one? I can take a shot at it if you
5 don't want to.

6 MR. LACIVITA: I know Mr. Rossetti has
7 agreed to make sure that the activity of the
8 basin of where the stormwater components
9 are -- you will assist in cleaning that out
10 during the course of construction getting
11 cleared out. We talked very recently about
12 Number 11 being included on the site plan and
13 the HOA which talks about design criteria. We
14 also talked about the lead remediation plan
15 approved with the potential -- I think Peter,
16 you said no construction happening so that is
17 formally adopted or approved by whatever
18 agency has control of that.

19 MS. VAIDA: Does that mean you don't want
20 anything to disturb any of the property at
21 all, or in that particular area?

22 CHAIRMAN STUTO: I think we're going to
23 have that before you break any ground right?

24 MR. ROSETTI: I think our plan is that
25 the first thing that we're going to do is get

1 that resolved.

2 MR. ROSANO: Can we have definite
3 guidelines of the area that you're testing?

4 MR. ROSETTI: Yes. So, you'll know where
5 it starts and stops. We'll do the first so
6 that will make it easier on you.

7 MR. ROSANO: Because you can't touch the
8 whole site. You need to be restricted -

9 MR. ROSETTI: We have identified the
10 limits of contamination.

11 MR. ROSANO: Right, some of the places
12 can be higher than others until this really
13 just fades right out.

14 MR. NARDACCI: Elena, could I add
15 something else too? We also want them to
16 resubmit an ecological assessment to make sure
17 that is properly accepted by the Town.

18 MS. VAIDA: We need to put in as a
19 condition the Number 12 with regard to open
20 space. A condition that the parking internal
21 walkways and paths the open to the public at
22 large.

23 CHAIRMAN STUTO: That's a note on the
24 current drawings.

25 MS. VAIDA: So that's covered.

1 MR. LACIVITA: I was just reviewing
2 Mr. Bossolini's response of the of
3 September 29th letter.

4 This goes to your point, Paul.

5 You submitted this plan that shows the
6 lead area where your studies are actually
7 going to be happening within that area. Is
8 this the one you mention?

9 MR. BOSSOLINI: That plan illustrates the
10 various areas that we have already tested.
11 Those are within those areas identified as the
12 different levels.

13 MR. LACIVITA: So they're on their way to
14 getting a formal report to us.

15 CHAIRMAN STUTO: You might want to
16 specifically reference the December 9, 2010
17 letter from the Planning and Economic
18 Development Department signed by Michael J.
19 Lyons - the conditions that are in there - the
20 Town Board resolution. That's probably a
21 matter of law anyway. That's the Town Board
22 resolution of December 15, 2005, including the
23 Local Law attached therewith.

24 MS. VAIDA: You'll also want to make sure
25 that the record is clear that the developer

1 will be bound by the amended Boght study, that
2 changes the numbers.

3 CHAIRMAN STUTO: The GEIS.

4 MS. CHOLAKIS: Be nice to us.

5 CHAIRMAN STUTO: It's based on traffic
6 generation, as opposed to what was before.

7 MS. VAIDA: We had talked to the Town
8 Attorney prior to the meeting about having
9 your engineers certify that the development
10 plans are consistent with what the original
11 concept plan and languages are. I think it
12 might be good to actually draw something and
13 have you sign it as certification. Would that
14 be okay?

15 CHAIRMAN STUTO: That would comply with
16 the Town law and the cluster development.

17 MS. VAIDA: It's just one of the
18 conditions that the final plan is the same as
19 the original one.

20 CHAIRMAN STUTO: As modified by us.

21 MS. VAIDA: Right.

22 MR. STUTO: In other words that gives
23 us - I don't want to say cover -- but saying
24 that a licensed professional says that these
25 plans are the original concept plan -

1 MS. VAIDA: Anything else that we talked
2 about?

3 CHAIRMAN STUTO: I don't think so.

4 MS. CHOLAKIS: Can I make one suggestion?
5 The concept plan is substantially similar. We
6 have obviously made changes that Mr. Bossolini
7 has described to us today with less density.

8 CHAIRMAN STUTO: That's out of the
9 resolution right Elena?

10 MS. VAIDA: No, it's actually in the
11 Local Law. It's right in there.

12 CHAIRMAN STUTO: Can you read it?

13 MS. VAIDA: Subject to the condition that
14 the final requested plans shall be in
15 accordance with the plot plan provided to the
16 Colonie Town Board on December 15, 2005 and
17 with all conditions in the Town Board
18 resolution of such date and that would be able
19 to certify that.

20 Did anybody else think of any conditions?

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

22 CHAIRMAN STUTO: Do we have a motion?

23 MR. ROSANO: I make a motion.

24 MR. NARDACCI: I'll second.

25 CHAIRMAN STUTO: All in favor?

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(Ayes were recited.)

CHAIRMAN STUTO: All opposed?

(There was no response.)

CHAIRMAN STUTO: The ayes have it. The motion is passed.

MS. VAIDA: Are we clear with the motion was?

MR. STUTO: The motion is for final subdivision cluster development.

(Whereas the proceeding was concluded at 10:20 p.m.)

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CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated February 21, 2011