

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3

4 *****
5 ZEH OPEN DEVELOPMENT AREA
6 29 BACON LANE
7 APPLICATION FOR OPEN DEVELOPMENT AREA
8 *****

9 THE STENOGRAPHIC MINUTES of the above entitled
10 public hearing BY NANCY STRANG-VANDEBOGART, a
11 Shorthand Reporter, commencing on July 26, 2011 at
12 7:30 p.m. at the Public Operations Center
13 347 Old Niskayuna Road, Latham, New York 12110

14 BOARD MEMBERS:

15 PETER STUTO, CHAIRMAN
16 KATHY DALTON
17 LOUIS MION
18 TIM LANE
19 PAUL ROSANO

20 Also present:

21 Joseph LaCivita, Director, Planning and Economic
22 Development

23 Jon Endres, PE, Ingalls & Associates

24 Sue Ann Brizzell

25 Greg Zeh

Stanley Walker

22

23

24

25

1 CHAIRMAN STUTO: Okay, we'll call this
2 meeting to order. This is for the Zeh Open
3 Development Area at 29 Bacon Lane. This will
4 be presented by Ingalls and Associates.

5 Joe, I'll ask you for an introduction on
6 this.

7 MR. LACIVITA: Sure. Back in November of
8 2009, Greg and Andrea Zeh had petitioned the
9 Town Board to review 100 Bacon Lane under
10 Resolution 679 of 2010 for relief or
11 consideration for an open development. That is
12 due to the fact that this parcel that exists
13 at 100 Bacon Lane does not have the needed
14 frontage in order to, under State Law, have a
15 building permit to erect the building that
16 they're going to use for a single family home.
17 That resolution was passed and adopted by the
18 Town Board. It had authorized the Planning
19 Board to review it and consider the open
20 development request.

21 The Zehs are both here along with a
22 representative from Ingalls and Associates who
23 will talk through and answer any questions on
24 the project.

25 CHAIRMAN STUTO: Is the applicant here?

1 MR. ENDRES: Good evening Board Members.
2 My name is Jon Endres. I'm an engineer for
3 Ingalls and Associates in Schenectady.

4 I'm here to assist and represent the
5 Zehs. They're requesting the Board to consider
6 an open development area for property that
7 will be known as 29 Bacon Lane. This property
8 in recent history has not had direct access to
9 municipal thoroughfare and the proposal at
10 this point in time is to develop this property
11 for a single family home. Municipal services
12 will be water and sewer to provide a permanent
13 easement across adjoining neighbors' property;
14 lands of Brizzell to the west.

15 I guess I can answer any questions at
16 this point in time.

17 CHAIRMAN STUTO: Can you show me where
18 the proposed access is going to be?

19 MR. ENDRES: Certainly. There is an
20 existing gravel road right here and right here
21 and a driveway right here (Indicating). So, we
22 will basically connect at this point and come
23 into the property like that.

24 MR. ROSANO: Can you bring that over?

25 I was just over there. Isn't there

1 another driveway coming down? There was a
2 one-car garage right here (Indicating). There
3 is a driveway coming down here and I don't see
4 it represented on this map. I'm a little
5 concerned about that. Have you been over
6 there?

7 MR. ENDRES: I have not, sir.

8 MR. ROSANO: I just want to let you know.
9 This property here is vacant
10 (Indicating).

11 MR. ENDRES: I can tell you that this map
12 is based on mapping that was done about four
13 years ago with the Burton Meadows subdivision.

14 CHAIRMAN STUTO: Can you trace where the
15 proposed egress and ingress is going to be?

16 MR. ENDRES: That's at the end of Bacon.

17 MS. DALTON: Is there some reason why
18 it's preferable to come in from that direction
19 as opposed to just -- there are tons of
20 streets here.

21 Is there a house there?

22 MR. ROSANO: I guess there is now.

23 MR. LANE: How old is this?

24 MR. LACIVITA: These would be a 2007 and
25 2009 mapping.

1 When was the house built on Fernwood?

2 MR. ZEH: About two years ago.

3 MR. ROSANO: This is what happens with
4 these presentations. They're dated. I've seen
5 where there is no house on this one lot and
6 I'm seeing a deck that is actually a garage.
7 It's very difficult to do these site plans.

8 MS. DALTON: I'm really glad that you
9 have street frontage.

10 MR. ROSANO: There are two concrete slabs
11 there and it's not a manhole. I did see a
12 round manhole. I was standing on it. I don't
13 see it on this map.

14 I'm concerned when I don't have an
15 updated 2011 version, so I know what I'm
16 looking at. This is not accurate.

17 MR. LANE: Would that driveway require an
18 easement? I'm not following how you get across
19 that property.

20 CHAIRMAN STUTO: Well, they're proposing
21 these.

22 Are they going across two different
23 properties?

24 MR. ENDRES: Yes, they are.

25 CHAIRMAN STUTO: Can you explain that to

1 me? I have two different descriptions.

2 MR. ENDRES: There is a section right
3 here that is triangular, and there is one here
4 (Indicating).

5 CHAIRMAN STUTO: Okay, thank you.

6 MS. DALTON: And is that triangle owned
7 by the same folks?

8 MR. ENDRES: It's owned by the same
9 people, yes.

10 CHAIRMAN STUTO: It says that one is from
11 George L. Brizzell, Senior, and one is Kathryn
12 M. Brizzell. The other piece is Marilyn and B.
13 Brizzell and Sue Ann Brizzell.

14 Are all those people here?

15 MS. BRIZZELL: Marilyn is deceased. I'm
16 Sue Ann.

17 MS. DALTON: I was previously married to
18 a Zeh and my daughter is a Zeh, but I am not
19 related to these folks. So, there is no
20 conflict of interest. I just want that to be
21 on record - unless you know me.

22 MR. ZEH: I've only come to one meeting
23 and I don't know you.

24 MS. DALTON: I just wanted to make sure
25 that was on the record.

1 CHAIRMAN STUTO: Where is the proposed
2 water and sewer?

3 MR. ENDRES: The water line is an
4 existing line, which I believe -- pardon me
5 for my hesitation here because I'm not as
6 familiar with this project as I'd like to be.
7 The water comes up Bacon Lane. There is an
8 existing utility easement here (Indicating)
9 and it goes into what was known as the Burton
10 Meadows Subdivision.

11 CHAIRMAN STUTO: Just to clarify for
12 everybody so that we all understand, I see
13 there you have a 30-foot utility easement to
14 the Town of Colonie. It says water main. I
15 guess that would be to the north side of that
16 parcel.

17 MR. ENDRES: Correct.

18 CHAIRMAN STUTO: They're going to tap
19 directly off of that?

20 MR. ENDRES: Yes.

21 CHAIRMAN STUTO: Where would they be
22 doing that?

23 MR. ENDRES: This location right here
24 (Indicating). There would be a curb stop and a
25 three-quarter inch copper line.

1 CHAIRMAN STUTO: So, they're adjacent to
2 them.

3 MR. ENDRES: Yes.

4 CHAIRMAN STUTO: So, they won't need an
5 easement that way.

6 MR. ENDRES: Not to my knowledge.

7 We would utilize a grinder pump and pump
8 the sewage up through this easement that is
9 proposed for access as well - up to an
10 existing manhole at the end of Bacon Lane.

11 CHAIRMAN STUTO: And that's sanitary
12 sewer.

13 MR. LACIVITA: That grinder pump is on
14 the property owner -

15 MR. ENDRES: Yes, that will be owned and
16 maintained by the property owners.

17 CHAIRMAN STUTO: I have one other
18 question. The statute suggests that there
19 should be a 15-foot right-of-way, but it looks
20 like there is only a 12 foot right-of-way
21 proposed here.

22 MR. ENDRES: No, a 12-foot driveway is
23 proposed. It's a 12 foot minimum width and
24 access driveway to allow for emergency vehicle
25 access.

1 CHAIRMAN STUTO: The statute - the
2 section of the Town Law that open development
3 areas are granted under - it says:

4 "For the purpose of this section, the
5 word access shall mean that the plot on which
6 the structure is proposed to be erected
7 directly abuts on such street or highway and
8 has sufficient frontage thereon to allow
9 egress and ingress of fire trucks, ambulances,
10 police cars and other emergency vehicles and a
11 frontage of 15 feet shall be sufficient for
12 that purpose."

13 MR. ENDRES: The difference is that
14 frontage is different than the actual width of
15 the driveway. We're proposing a frontage
16 significantly greater than 15 feet, but the
17 driveway itself is proposed to be 12 feet.

18 CHAIRMAN STUTO: Okay, how wide is the
19 easement?

20 MR. ENDRES: It varies. I want to say
21 that it's a minimum of 40 feet wide.

22 CHAIRMAN STUTO: Paul, do you have any
23 questions or comments?

24 MR. ROSANO: Yes. If I'm a snow plow
25 driver, when I get down the end of Bacon,

1 where is the snow going to go?

2 MR. ENDRES: That's a good question, sir.

3 MR. ROSANO: I need the answer.

4 MR. ENDRES: I can get you that answer.

5 MS. BRIZZELL: They don't even turn
6 around at the end of Bacon. They back up to
7 the driveway and go back to the street.

8 MR. MION: Do they just stop and leave
9 the plow right in the middle of the road?

10 MS. BRIZZELL: There is land where the
11 snow banks are.

12 MR. ROSANO: Who owns that land?

13 MS. BRIZZELL: George Brizzell.

14 MR. ROSANO: So if George Brizzell sells
15 the property and the new owner comes in and
16 says, you're not putting that snow on my
17 property, where is the snow going to go?

18 MS. BRIZZELL: That's not my area of
19 expertise.

20 MR. ZEH: The Town plows Bacon Lane east
21 to west. It pushes the snow up to Route 9. The
22 Town doesn't leave piles.

23 MR. ROSANO: So, a snowplow comes down
24 Bacon and turns around on private property.
25 They have written permission to do this

1 somewhere?

2 MS. BRIZZELL: I don't think that it was
3 written. It's just been understood that they
4 can turn there. It's the same as the salt
5 trucks.

6 MR. ROSANO: It's difficult to deal with
7 things that are understood. If you own the
8 property, you have an understanding. If you
9 sell the property, then that next person
10 coming down the line - he may not be as
11 understanding as you are. I have to look into
12 this a little further. It's not working for
13 me.

14 I'm done for now, Pete.

15 CHAIRMAN STUTO: Tim?

16 MR. LANE: No questions.

17 CHAIRMAN STUTO: Is Harris Lane a real
18 road here?

19 MS. BRIZZELL: It's private land.

20 CHAIRMAN STUTO: In a sense, it's a
21 driveway?

22 MS. BRIZZELL: It's a lane. It's owned by
23 myself.

24 CHAIRMAN STUTO: Is that where you live?
25 You own the house?

1 MS. BRIZZELL: I live at the end of
2 Bacon. I live at 27 Bacon. That driveway goes
3 out to Menands Road, which I own and that's
4 private lane.

5 CHAIRMAN STUTO: You have title to that,
6 though?

7 MS. BRIZZELL: I do.

8 CHAIRMAN STUTO: I'm just curious because
9 I know the area a little bit and I see that on
10 the map, but I didn't know there was something
11 there.

12 MS. BRIZZELL: If you'd like, you can
13 come down anytime.

14 CHAIRMAN STUTO: No, but thank you.
15 Can you tell us the history of the lot?
16 How did this lot end up getting landlocked?

17 MR. ENDRES: I wish I could tell you more
18 history.

19 MS. BRIZZELL: I can tell you the
20 history.

21 My name is Sue Brizzell. My parents
22 Andrew and Marion Brizzell own the farm at the
23 end of Bacon Lane. It was about a 20 acre
24 farm. There were two residences there; 27 and
25 24. The land was sold in 2003 or 2004. Burton

1 Development was built on the majority of the
2 farm. There was a small section - a small lot
3 of land which we call 100 Bacon Lane, which is
4 the property that the Zehs have purchased.
5 That's why it was landlocked because when
6 Marie bought the property to develop Burton
7 Meadows, he did not buy that piece of land. It
8 was originally part of my parent's farm.

9 MR. ZEH: So, that lot was created as a
10 result of the Planning Board approving a prior
11 subdivision.

12 CHAIRMAN STUTO: I don't have any further
13 questions, thank you.

14 Lou?

15 MR. MION: I agree with what Paul said
16 but I don't see how you're going to put the
17 road in. What I saw what I was out
18 there - where we saw those concrete slabs. I'd
19 like you to go out there and take another look
20 at that so you're familiar with it and see
21 what you think.

22 MR. ZEH: The actual driveway is nowhere
23 near those concrete vaults that you're talking
24 about. That driveway is actually going to be
25 to the south of that location by quite a few

1 feet. If you were out on the property and saw
2 that concrete vault - if you come down Bacon
3 it's on the left hand side just west of the
4 garage that's there. The driveway that's being
5 proposed is to the south of that location by a
6 good 20 feet.

7 MR. ROSANO: That's 20 feet on top of the
8 ground. We're more concerned what's underneath
9 those vaults - which way the pipe goes. Are we
10 going to get into a situation where a driveway
11 is going to go over a lateral or a main? I
12 need to know what's underground.

13 MR. ZEH: That right-of-way for that
14 easement runs parallel to the proposed
15 driveway and the departmental reviews by the
16 Town of Colonie are requiring that we sign a
17 hold harmless agreement. I think that we are
18 over their utility.

19 MR. ROSANO: Thank you.

20 MR. LACIVITA: This is a paved road
21 coming into the site built to residential
22 standards?

23 MR. ZEH: The driveway actually starts by
24 the mailbox. The pavement will begin where my
25 driveway begins - where the mailbox is. So, if

1 you were at the site and you saw the
2 turnaround at the end of Bacon Lane, which is
3 private property - there is an existing
4 mailbox there for 27.

5 CHAIRMAN STUTO: But you're saying that
6 the easement is not going to be paved.

7 MR. ZEH: My easement and my driveway
8 will be paved.

9 CHAIRMAN STUTO: From the end of Bacon
10 Lane all the way -

11 MR. ZEH: No. Where my driveway starts.

12 MS. BRIZZELL: From the corner of 27.

13 MR. ENDRES: I think I know exactly what
14 he's talking about. I'll show you.

15 CHAIRMAN STUTO: Okay.

16 MR. LACIVITA: I think there is a
17 question of what the sub base is going to be
18 for fire services.

19 MS. DALTON: I think that if I'm
20 understanding you correctly, you're going to
21 be using your neighbor's driveway as the
22 beginning of your driveway.

23 MR. ZEH: That's right. It's going to be
24 an extension.

25 MR. LANE: Who will be responsible for

1 maintaining it?

2 MR. ZEH: Myself.

3 MR. LANE: And after you - whoever owns
4 your house after you?

5 MS. DALTON: Mr. Zeh, you already own
6 this property?

7 MR. ZEH: That's correct.

8 MS. DALTON: Can you explain to me why
9 you bought the land locked piece of property
10 without knowing whether or not you could build
11 on it?

12 MR. ZEH: We had many conversations with
13 the Town. I've been working with the Town on
14 this for quite awhile. I have been told that
15 this was possible to do.

16 MS. DALTON: And if for some reason that
17 doesn't work out?

18 MR. ZEH: I'm sure that we discussed in
19 some form what would happen if it didn't work.

20 CHAIRMAN STUTO: Anyone from the public
21 want to speak on this?

22 MR. WALKER: I'm Stanley Walker and I
23 live on Burton Lane. I made inquiries -- this
24 lot is like a created hardship. The last
25 subdivision that was Burton Meadows - it was

1 all one parcel, so this was carved this way. I
2 don't know why this was left. That's causing
3 the hardship, but it's causing you to make the
4 exception now. I don't know how big of a
5 premise that they're going to build there.

6 CHAIRMAN STUTO: Can you tell us how big
7 of a premise is proposed?

8 MR. ENDRES: It's shown on the map as
9 being 74 by 42; roughly 2,800 square feet.

10 MR. LANE: Two story?

11 MR. ENDRES: That, I don't know.

12 CHAIRMAN STUTO: Mr. Zeh, can you answer
13 that?

14 MR. ZEH: Honestly, we haven't gone that
15 far yet. I spent a great deal of money on
16 engineers to answer questions by the various
17 Town Departments. At this point, I'm not sure.
18 I would have to say that it probably would be
19 a two-story home.

20 CHAIRMAN STUTO: But you don't know if it
21 will be that footprint.

22 MR. ZEH: It will be within that
23 footprint.

24 CHAIRMAN STUTO: Is it possible that it
25 might be smaller than that footprint?

1 MR. ZEH: It could be, yes. I don't know
2 that yet.

3 CHAIRMAN STUTO: It will be a pretty big
4 house.

5 I have a little bit of trouble with these
6 landlocked parcels. I know you can say that
7 the Planning Board approved it, but they
8 didn't make the application. Somebody else did
9 that. I appreciate the fact that you put a
10 fair amount of engineering into it, too. My
11 understanding is that the Town policy always
12 used to be that you have to have that
13 frontage, or you couldn't build. I know that
14 in some of the areas - it leaves us in sort of
15 a spot, I think, at least in terms of my own
16 personal decision. I don't think that it's
17 ideal. I think that the frontage requirement
18 in the Land Use Law is there for a reason.

19 MS. DALTON: I think that where we're
20 having trouble - at least I am - is I think
21 that it works right now that you're all family
22 members. I think that if something happens and
23 either somebody wants to sell one or the other
24 parcel or - families don't always wind up
25 loving each other as much as they do when they

1 discussion that we have the church across from
2 the Shaker Junior High School and they have a
3 similar type problem in the sense that they
4 were looking for an open development area.
5 They were off the end of a dead end street and
6 it was actually a paper street there. I think
7 that we made them go back to the drawing board
8 to possibly extend the street.

9 MR. LACIVITA: Right, for the roadway
10 access which takes away the need for the open
11 development for it. That's why I'm just kind
12 of looking at this now and seeing how similar
13 it is.

14 MS. DALTON: I was thinking the same
15 thing.

16 MR. LACIVITA: Extend the road with a
17 small little cul-de-sac there or whatever it
18 could possibly be, so we could take up the
19 issue for snow storage and movement.

20 MS. DALTON: That would solve the other
21 problem as well.

22 CHAIRMAN STUTO: I guess I'll ask the
23 engineers.

24 Is there an opportunity to extend this
25 road here?

1 MR. ENDRES: Without making any further
2 study and discussion with the other engineers
3 in my office, I would say that yes, it is a
4 possibility. We would certainly take that into
5 consideration.

6 CHAIRMAN STUTO: What is the length of
7 that proposed driveway?

8 MR. ENDRES: That would be about
9 250 feet.

10 CHAIRMAN STUTO: That's pretty long.
11 What was the church looking at?

12 MR. LACIVITA: They were extending to get
13 past the snow storage and everything else.
14 They were going about 60 feet. They had their
15 driveway off of that point which would have
16 been a little bit in.

17 CHAIRMAN STUTO: Obviously, it's a lot
18 longer. I don't know what the cost would be.

19 MR. LACIVITA: I don't think that Bacon
20 Lane is as wide as Catherine Place though, in
21 comparison. Catherine Place is 32 feet wide.

22 CHAIRMAN STUTO: What is the normal
23 frontage that is required?

24 MR. LACIVITA: In the Town right now it's
25 an 80 foot frontage for a street.

1 MR. MION: Is that something that you can
2 look into a little further, Joe, along with
3 the engineers and see if we can do that?

4 MR. LACIVITA: Yes, that is the same
5 thing that we did the day that we were here
6 with the church. I went into DPW and gave them
7 a couple of options of what a cul-de-sac would
8 have been, or a hammerhead or a street. DPW,
9 based on the fact that they had to maintain to
10 come in, opted for the straight road. Now the
11 church is now looking at seeing how that can
12 actually be accommodated.

13 MR. MION: That would solve some issues
14 with you, too. If they could work something
15 out and you could get a decent plowing down
16 there, you wouldn't be responsible for that.
17 They would be responsible for that. The
18 further they would come down and they would
19 plow some of that out - if it could be worked
20 out.

21 It might still entail the easements and
22 that, Joe?

23 MR. LACIVITA: Yes.

24 MR. MION: So, you'd still have the same
25 thing.

1 MR. ZEH: I'd like to ask the Board a
2 question. How is this open development
3 application different than the one that this
4 Board did for the O'Connors at
5 349 Old Niskayuna Road? Are there major
6 differences down there versus this one?

7 MS. DALTON: When were those?

8 MR. ZEH: One was done in November of
9 2010 and the other one was done - I'm not sure
10 I remember when the other one was done.

11 MS. DALTON: I wasn't here then so I
12 can't answer that.

13 CHAIRMAN STUTO: I don't think that I was
14 here for the O'Connor one.

15 What was the other one?

16 MR. ZEH: There was one on Old Niskayuna
17 Road. I believe it was 349.

18 CHAIRMAN STUTO: That's the one that I
19 don't think that I was here for. Can you
20 explain to me the two that you're talking
21 about again?

22 MR. ZEH: One was the O'Connor and there
23 was one on Old Niskayuna.

24 CHAIRMAN STUTO: I know that we did one
25 that was on a paper street.

1 MS. DALTON: That was the church.

2 CHAIRMAN STUTO: I think that was one
3 that was done before you were here.

4 MR. LACIVITA: That one on the paper
5 street had to continue the roadway down for it
6 too - to make the accessibility and do the
7 road improvements. I'm just trying to look
8 back at the other ones.

9 MS. DALTON: This is all one family. You
10 own the piece that we're trying to develop.
11 Ms. Brizzell, you own the piece in front that
12 you sold.

13 MS. BRIZZELL: No, I didn't sell it. It
14 was the estate of Marion Brizzell.

15 MS. DALTON: Across the way from you from
16 where the greenhouses are is owned by another
17 family member?

18 MS. BRIZZELL: Yes.

19 MS. DALTON: While I understand that,
20 Ms. Brizzell, you own it now, it seems to me
21 that there has been a family pow wow about
22 being together.

23 MS. BRIZZELL: Not at all.

24 MS. DALTON: You all stand to benefit
25 from being together and from having the

1 ability to have emergency vehicles come and go
2 properly and by having plowing. If there were
3 a way to work that out, is there some
4 resistance that you can see to working that
5 out?

6 MS. BRIZZELL: By extending Bacon Lane?

7 MS. DALTON: Yes, so that everybody has
8 road frontage, everybody has access to
9 emergency vehicles and everyone gets their
10 road plowed. We're trying to create a public
11 good here and there is resistance from your
12 family that I don't understand.

13 MR. ZEH: I don't think that there is. I
14 don't know the answer to that. I don't know
15 how that will effect their parcels - whether
16 the variances are going to require some of
17 their buildings that are on private property
18 today - they don't have any front setback.
19 There may be a number of other issues.

20 MS. DALTON: Actually, the folks that are
21 on the agenda after you can tell you that more
22 than once we have said things like go talk to
23 your neighbors and figure this out so that we
24 come to a solution. I guess that since we're
25 all puzzled, I would suggest that we table

1 this while you all talk to your perspective
2 neighbors who also happen to be your family
3 members and see if you see some value in
4 creating that. Work with your engineer to see
5 what the cost benefit analysis for that would
6 be.

7 MR. MION: Joe could also do his end of
8 it and see what we could do.

9 MR. LACIVITA: I think that looking back
10 at some of the agendas I'm looking at
11 here - November 16, 2010 - that was the
12 O'Connor Subdivision or open development that
13 was before us at 97 Old Niskayuna Road. I
14 don't have the plans in front of me, but I
15 think that one of the differences is that was
16 coming off an extension of a paved private
17 road which is a little bit different here that
18 we have so we know that was already done for
19 fire apparatus. I know that extension came off
20 of that from that point - getting into 97. So,
21 there was a little bit of a difference in that
22 sense.

23 CHAIRMAN STUTO: I feel bad for the
24 applicant. I think that I would be supportive
25 of what you're saying to at least go back to

1 the drawing board one more time and get back
2 on the agenda here. I don't want you to go to
3 great expense.

4 This isn't the same as the church. The
5 church had a little bit of an easier solution.
6 I don't know if a cul-de-sac would be created
7 at the end of that. I don't know. I'm not an
8 engineer either.

9 I would support a motion to table and go
10 back to the drawing board a little bit.

11 Do I have a motion for that?

12 MS. DALTON: Yes.

13 MR. MION: Second.

14 MR. LANE: So, there is a motion to table
15 this?

16 MS. DALTON: Yes, to see if they can come
17 up with a more workable solution and talk to
18 the neighbors. A solution that accommodates
19 emergency vehicles and snow plow - in a better
20 fashion.

21 MR. ZEH: Can I just get a better
22 definition as far as how I has to satisfy that
23 portion? The Town's Department of Emergency
24 Services looked at this and did sign-off on
25 this application as it is. Specifically, what

1 did you want me to do? Is it the blacktop to
2 go all the way in? Is that the underlying
3 issue or is it access to someone else's
4 property? What solves that?

5 MS. DALTON: I'll respond, since I'm
6 making the motion.

7 There are two things that concern me
8 most. The first is the lack of pavement and
9 insuring that there is a proper easement. You
10 said that they signed-off and that's true, but
11 I'm not comfortable with it. That's why it
12 comes here as a last step.

13 Secondly, I'm truly concerned with the
14 fact that everybody is happy now, but at the
15 end of the day you still have a landlocked
16 property and when people sell property or do
17 whatever they're going to do, those
18 relationships don't always stay the same. I
19 understand that some of it is deeded, but
20 there is so much here that feels awkward to
21 me. So, I would rather see if you could create
22 a more workable solution that meets more of
23 the requirements that we typically have.

24 MR. LACIVITA: Just to clarify
25 Mr. Lattanzio's memorandum to Mr. Lyons on

1 April 12th, he only speaks specifically to
2 access. It says:

3 "I've reviewed the open development of
4 the submission of the plans for the above
5 project. The driveway should be a minimum of
6 12 foot and clear width to allow for emergency
7 access equipment."

8 It doesn't talk to what's specifically
9 and currently there today. I mean, there is
10 going to have to be core samplings to see if
11 it's going to have the tonnage for fire
12 apparatus. When we build certain access
13 points, it has to allow for the head for a
14 fire truck that comes through and we wouldn't
15 know that. So, those are some of the things
16 that they are trying to clarify right now.

17 CHAIRMAN STUTO: I would also like to
18 explore the possibility of extending the road.
19 I don't know if that is feasible. I don't
20 know.

21 Motion is on the floor.

22 MR. MION: Second.

23 CHAIRMAN STUTO: All those in favor?

24 **(Ayes were recited.)**

25 CHAIRMAN STUTO: All those opposed?

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(There were none opposed.)

CHAIRMAN STUTO: The ayes have it.

*(Whereas the proceeding concerning the
above entitled matter was adjourned at
8:00 p.m.)*

CERTIFICATION

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

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15 **NANCY STRANG-VANDEBOGART**

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18 **Dated September 13, 2011**

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