

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 MAXWELL ROAD PDD
5 210 MAXWELL ROAD AND 605 ALBANY SHAKER ROAD
6 APPLICATION TO AMEND PDD APPROVAL
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 public hearing BY NANCY STRANG-VANDEBOGART, a
10 Shorthand Reporter, commencing on
11 October 25, 2011 at 8:27 p.m. at the Public
12 Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 TIM LANE, ACTING CHAIRMAN
- 16 LOUIS MION
- 17 KATHLEEN DALTON
- 18 BRIAN AUSTIN
- 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 Brad Grant, PE, Barton and Loguidice
- 25 Jaime Easton, PE, WSP Sells
- 26 Jim Finning
- 27 Peter Lynch, Esq.
- 28 Robert Johnson
- 29 Stephen Kolach
- 30 Virgil Montavon
- 31 Fred Pettingill
- 32 Leo Rivers
- 33 Dodi Tibbitts

1 ACTING CHAIRMAN LANE: Okay, next on the
2 agenda is the Maxwell Road PDD,
3 605 Albany-Shaker Road, a 51 unit residential
4 lot with twin Town homes and one estate lot.
5 This is an application to amend on the PDD.

6 MR. LACIVITA: Jaime, during the course
7 of your presentation, could you just make sure
8 that you touch on what was approved under the
9 Land Use Law or the change in the law for the
10 zoning compliance and how it's still
11 applicable today - as to the number?

12 MR. EASTON: Okay.

13 MR. LYNCH: Mr. Chairman, Members of the
14 Board, my name is Peter Lynch and I'm working
15 along with Jaime Easton on the project with
16 Jim Finning. I note that the Board has
17 intimate knowledge of this project and you may
18 recall that the original planned development
19 district zone change was actually implemented
20 by Local Law in 2007.

21 We just wanted to briefly go through the
22 history so that we can show you some of the
23 changes, and then explain to you why we're
24 back here to the Planning Board seeking an
25 amendment.

1 The plan that we have on the face page
2 here is the plan that was approved back in
3 2007. This actually included a number of large
4 buildings with condominiums as well as a mix
5 of Town homes. The lot number was always 51.

6 In 2010 we came forward with a revised
7 plan and basically what we did was eliminate
8 the condominiums and we went to Town home
9 design alone. As is currently approved in the
10 2010 legislation, we have the 51 units; we
11 have a number of three unit buildings down on
12 the south end and one on the north end. The
13 third one is right in the middle. So, we had
14 this plan approved.

15 You might be thinking, why are we back
16 here tonight? I'm going to tell you why. On a
17 parallel path, we were going through the
18 process of getting the planned development
19 district approved. The Maxwell Road extension,
20 of course, was an ongoing project through DOT
21 and the Army Corp of Engineers. Unbeknownst to
22 Mr. Finning, the Corp required the Town to
23 sign a conservation easement, which was
24 ultimately adopted this past year. The
25 conservation easement took this entire area,

1 running along the east side of Maxwell Road
2 extension, and it restricted any development
3 whatsoever.

4 The next graphic has an overlay.
5 Basically, this red hatched area is the
6 conservation easement area. So, the access
7 point that we have at this point of the
8 project, and the access point that we had down
9 at the southern end of the project where we
10 had the cul-de-sac were essentially
11 eliminated. So, the project that we were
12 approved for, we cannot build.

13 When we discovered this past March that
14 we had this problem with the Army Corp
15 mandate, we went back to the Army Corp to see
16 whether or not we could get them to amend the
17 conservation easement. When we went back to
18 the Army Corp, we were armed with letters from
19 the Town of Colonie Counsel, Mike Magguilli,
20 as well as from the Albany County Department
21 of Public Works joining in our recommendation
22 to the Army Corp to allow us to just deviate
23 from the conservation easement area to allow
24 us to have the access points. We were tuned
25 down flatly. We were then confronted with the

1 situation: Do we take on the United States
2 Army Corp of Engineers in a litigation that
3 will probably last forever, or do we go back
4 and regroup and see what we can come up with?
5 So, that's what we did.

6 Currently, we have eliminated, if you
7 will, the cul-de-sac with the buildings down
8 on the southerly end of the site. We
9 eliminated the access point here and we've
10 come up with a plan with 50 twin homes.

11 There are 25 buildings; two twin homes
12 each. We have a lot down on Shaker Road for
13 potential development for a single family home
14 in the future. So, while we have gone through
15 an evolution in this project from a
16 condominium project with large scale buildings
17 to Town homes with some buildings being three
18 units, the number of units has always been 51,
19 Now, it's actually 50 with the possibility of
20 a lot on Shaker Road. We've also have done
21 something else with this project that could
22 actually turn out to be a better project for
23 us. We have reduced the concept here of the
24 twin homes; 2,400 square foot home to
25 approximately 1,800 square foot units. The net

1 impact of that is that our greenspace went
2 from 11.352 acres to 12.309 acres. So, we went
3 from 71 percent to 77 percent. So, we have
4 increased the overall greenspace. The paved
5 areas were reduced from 2.29 acres, down to
6 2.06 acres. The building areas were reduced
7 from 2.257 acres to 1.473 acres. The point to
8 be made is because we ran into this obstacle
9 with the Army Corps of Engineers - rather than
10 coming back and trying to do the same project,
11 we actually reduced the project in scale, even
12 though the number of units has remained the
13 same.

14 We have a couple of amenities here which
15 we actually think are a very good part of the
16 project to keep the project pedestrian
17 friendly. One of the things that we were able
18 to accomplish through the comments of this
19 Board at the last meeting was to extend this
20 paved trail, which was originally going to be
21 an access point for the two stormwater
22 management areas. We ran it all the way down
23 to Shaker Road so that individuals within the
24 project can actually gain access to Shaker
25 Road by walking. They can, of course, then

1 walk in an easterly direction toward The
2 Crossings within relatively close proximity.

3 We also have no vehicular access between
4 Margaret Drive and our project. We do have a
5 pedestrian access trail, again, to create some
6 pedestrian walkways to make it user friendly
7 for the individuals that live there. We
8 maintain the no-cut buffer along the north
9 side of the property, and on the east side of
10 the property here (Indicating).

11 One of the things that we had to do when
12 we eliminated this access point is we have
13 created a new access point here directly
14 across from Coyote.

15 We changed the utilities of the project
16 and at one point all the sewer and water were
17 going to connect down along Shaker Road on the
18 west side of Maxwell Road. We can't do that
19 anymore because of the conservation easement.
20 So, with respect to the sewer, the north end
21 is going to go gravity to the north to a
22 connection point along Maxwell, and the south
23 side of the project. For all intents and
24 purposes it will be gravity fed down to Shaker
25 Road.

1 We have the same thing with the water.
2 We're going to have access to the water, also.

3 So, the point to be made in coming back
4 with the amendment is simply this: We have a
5 new project that has been compelled upon us
6 because of the Army Corps restrictions. At the
7 end of the day, we think that it's a better
8 project. We think that it does provide a
9 housing style that is diverse in making it a
10 more economical unit; the 1,800 square foot
11 size as opposed to 2,400. We think that the
12 market range for these units will be between
13 \$300,000 and \$400,000. We think that it's
14 consistent with the Comprehensive Plan to have
15 this style of housing at this location. Again,
16 we're not going from a single family
17 residential zone to a PDD. We're going from a
18 PDD of a project to an amendment of a PDD that
19 actually decreased the size of the overall
20 building infrastructure, and increased the
21 greenspace within the project. We think that
22 we have a good project, at this point.

23 Frankly, while I know that Mr. Finning
24 was very upset with the Army Corp, at the end
25 of the day in working with comments from Town

1 staff, Joe and Jaime with Sells, we think that
2 this project works very well for both Jim as
3 well as the Town. So, when you're making your
4 recommendation back to the Town Board as to
5 whether or not this amendment should be
6 adopted, we would ask that you give us a
7 positive recommendation. Thank you.

8 ACTING CHAIRMAN LANE: It sounds like you
9 took lemons and turned into lemonade.

10 MR. LYNCH: For all intents and purposes,
11 it's really a better project. Really, it was
12 quite a setback. We think that it works now.

13 ACTING CHAIRMAN LANE: Brad, do we have
14 comments?

15 MR. GRANT: I have some discussion
16 points. I would have to agree particularly
17 with the less impervious areas that it seems
18 to be a better project with less impact on the
19 environment. There has been some challenges
20 along the way, as Peter got into.

21 In going through some of the minutes and
22 some of the previous meetings on the site, I
23 have a few talking points. Ted Kolankowski was
24 at the last meeting, but there was talk about
25 a pedestrian crossing at Field Avenue.

1 This is going to be a type of environment
2 where there will be a lot of pedestrian
3 traffic out of this type of development. There
4 is a sidewalk on the south side of Maxwell
5 Road. But in particular, Field Drive, on the
6 way to the library, a lot of these people are
7 going to frequent the library. At that point,
8 at Field Drive, that's part of Maxwell Drive
9 that is a Town road. It's not county
10 ownership. That is further toward the circle.
11 I think that it would be desirable to have a
12 pedestrian crossing there to tie into the
13 sidewalk that is on the west side of Field
14 Drive. There is not a sidewalk on the east
15 side.

16 ACTING CHAIRMAN LANE: They still can't
17 cross the conservation easement with the path
18 that they have coming out of there.

19 MR. GRANT: No, that would take an act of
20 God. I don't see that happening.

21 As Jaime and I had discussed, even if you
22 could bridge across that, your peers would be
23 out on the sidewalk and your approach would be
24 out on a lane. It just won't work.

25 ACTING CHAIRMAN LANE: But people will

1 make their own path.

2 MR. GRANT: That's probably going to
3 happen. They may want to be wearing boots on
4 those wet days because it's wet down there.

5 There is the opportunity to get up on the
6 sidewalk on Maxwell Road. The sidewalk extends
7 past the subdivision of this development a
8 ways. I don't know whether or not they would
9 also want a crossing at Serviceberry. There is
10 a church over there. I'm not sure how many
11 people would want to cross there. There is not
12 a lot that Serviceberry connects to other than
13 the old Maxwell Road.

14 It's not inconceivable to have a
15 pedestrian crossing at Coyote, and then people
16 could walk down old Maxwell Road. There is
17 hardly any traffic there now. Most of the
18 pedestrian traffic in this area will probably
19 be going to the Town library.

20 This plan has changed a little bit. I
21 think that we would be looking for a refresh
22 of the traffic study. Not so much in capacity.
23 I think that the numbers are pretty much the
24 same.

25 Sight distance - we have some new areas

1 where we're coming out there. There was some
2 discussion back then - Maxwell Road was still
3 under construction. It's been around that
4 long. That was to see where the existing
5 vegetation ends up. They removed trees quite a
6 bit towards this conservation easement. As you
7 get toward the corner where Justin Court comes
8 out, that's the area where the site distance
9 is a little challenged. Going onto the west
10 part of the site is pretty much a straight
11 shot to the circle, you can see forever.

12 In doing so, I think that there are some
13 existing signs when you're coming west on
14 Maxwell Road toward the circle. There are
15 right turns coming up at Coyote and
16 Serviceberry. There are some directional signs
17 that the motorists see as limited sight
18 distance, so don't be too far from your
19 brakes. These will be older people crossing
20 these roads. They do need a little help. We
21 don't get across the road as quick as we used
22 to.

23 The estate lot driveway - that's going to
24 have to meet Albany County DPW requirements.
25 It's a tough area for a driveway. There is an

1 existing driveway right across from this lot.
2 I'm sure that they notice that there are times
3 that it's tough to get out. You really can't
4 restrict a private driveway as a right out
5 only. He has a right to take a left and a
6 right. This is still America. The only advice
7 that I would have is that's going to want to
8 be as easterly on that lot as possible - as
9 far away from the circle as possible. You'll
10 have to go through Albany County DPW to get
11 approvals for a driveway cut there. There is a
12 curb cut there now.

13 MR. EASTON: May I address that now?
14 There is a curb cut there now. That's the only
15 curb cut that Albany County designed for the
16 project to access this site for a single
17 family home lot, that curb cut will be
18 utilized for the house because that has
19 already been approved on the county level for
20 that location.

21 MR. GRANT: Do you know where on that
22 frontage it is?

23 MR. EASTON: I would say from the corner
24 of this back property line - probably 20 to 25
25 feet from that. They moved it down as far as

1 they could away from that plan that you had.
2 It had to give the applicant access to his
3 site from the project site. Obviously, with
4 the conservation easement, legally they had to
5 give them one point of access to access his
6 property and that's where they stuck it.

7 MR. GRANT: There are quite a few tree
8 plantings all along the back of the Margaret
9 Drive properties. We haven't gotten into the
10 type of trees yet, I don't believe.

11 Jaime, you might want to talk about that.

12 MR. EASTON: We were proposing plants, I
13 believe six foot high arborvitaes all along
14 the rear of this property line showing this.
15 That's what the homeowners all wanted from the
16 meetings that we had. We're currently going to
17 keep that just the way that it was because
18 that's the way the people wanted before. We're
19 keeping that exactly the same.

20 Again, going back to the original ten
21 foot no-cut buffer for the rear properties of
22 Alicia Lynn Court - again keeping that. We're
23 trying to keep everything as exactly the same
24 as it was before, in regards to vegetation,
25 buffers and the tree screening down here

1 (Indicating). All that came out as before. The
2 only thing that's really different that we're
3 showing you now versus what we have approved
4 realistically is where the roads are. That's
5 really what we're doing now. We're just moving
6 the roads to make it very simple.

7 This connection piece here (Indicating),
8 was discussed before it was approved in the
9 PDD, and the 10-foot multiuse path to connect
10 homes from Margaret to wherever. We also have
11 included this longer piece to make some
12 connectivity to the end of this cul-de-sac to
13 this location because before we had numerous
14 access points out to the existing sidewalk,
15 which we can't do anymore. So, we thought that
16 was a benefit also.

17 Again, we're trying to keep the intent,
18 keep the same number of lots, keep the same
19 setbacks and keep everything the same as much
20 as I possibly could without radically changing
21 anything. The only thing that we really
22 changed is where the road is - where the
23 access points are for this project.

24 MR. GRANT: In continuing on with the
25 buffering and vegetation - I think that you've

1 shown it well along Margaret Drive. I see this
2 is consistent with what was before - the 10
3 foot minimum no-cut buffer along the Alicia
4 Lynn Court side.

5 I took a ride out there and what I see
6 predominantly are Locust trees. They are tall
7 trees with foliage at the top. When I see ten
8 foot, that's one tree. I think that we're
9 going to need to supplement that with probably
10 some evergreens to give some real year round
11 type of screening there. There was a good
12 stand of them, but it was all Locusts. There
13 was not a real mix. They don't always hold up
14 in the wind, as people may notice.

15 Essentially, getting a refresh of the
16 traffic study and the sight distances, I think
17 that we'd want to be looking at those.

18 The utilities - we've been meeting on
19 this and Pure Waters - the key to this,
20 utility wise, was Pure Waters was able to
21 relax a little bit of their minimum slopes to
22 take advantage of an existing sewer over on
23 the old Maxwell Road. Otherwise, it was going
24 to be a ridiculously deep sewer down along
25 Albany-Shaker Road where groundwater is very

1 high. It would have been very expensive to put
2 in. There still will be some going down there,
3 but it's going to be tremendously more shallow
4 and easier to install and maintain. So, no
5 pump stations. It's all gravity sewers and
6 everybody is a winner there.

7 The water is pretty straight forward.

8 We did get comments from Pete Lattanzio
9 recently on this layout versus the old one.
10 His read on Fire Protection and emergency
11 access -

12 Joe do you want me to talk about that?

13 MR. LACIVITA: Sure.

14 MR. GRANT: There were essentially three
15 options there. I think that the project team
16 was looking at option one.

17 MR. EASTON: Yes, we would be going with
18 option one.

19 MR. GRANT: Option three to me, wasn't
20 even an option. I wouldn't fight that wetland
21 battle any more than I had to.

22 Basically, that would be to make a paved
23 access - not necessarily a trail, but a full
24 width wide - 20 feet wide would probably be
25 what Pete would look for.

1 MR. EASTON: That was under option two.
2 Option one was to sprinkler the buildings
3 throughout the length of the cul-de-sac. We'd
4 be doing that because I think as the Town
5 tries to maintain a multiuse path between
6 Margaret and with a gate and things like that,
7 it's just not feasible to try to snow plow
8 that and make it 20 feet wide. I just didn't
9 think that was feasible at all. Through
10 talking to Jim, it's certainly a benefit to
11 the community to have the building
12 sprinklered.

13 MR. GRANT: That's the preferable one in
14 my book.

15 ACTING CHAIRMAN LANE: Do you expect in
16 just those buildings, or in all the buildings?

17 MR. LYNCH: Just the buildings in lots 10
18 through 20, and 31 through 50.

19 MR. GRANT: That essentially could knock
20 down an emerging fire before it becomes a need
21 to respond. I think that's also a very
22 marketable feature in this type of
23 development.

24 ACTING CHAIRMAN LANE: Yes, for seniors,
25 that could very well be a selling point.

1 MR. GRANT: Those are all the comments
2 that I have.

3 MR. EASTON: I'll just fill in about the
4 traffic study.

5 There was a traffic study done for this
6 project site before on the old PDD as we were
7 getting final plans into the Town. So, there
8 was a traffic study done. That report has been
9 presented to the Town Attorney and will
10 certainly need to be updated. Typically, the
11 speeds on this roadway from the 85th percentile
12 are going about 45 miles an hour out there
13 instead of the 30 that's posted. Creighton
14 Manning is looking at that.

15 They do believe that we do have enough
16 sight line distance. We just have to prune
17 some of the trees along the right-of-way bank,
18 especially looking to your right as you're
19 going around the curve. From their preliminary
20 investigations, it doesn't seem to be a
21 problem. Actually, there is a small stand of
22 trees in that wetland area but they're going
23 to take a look at that and they're going to
24 give their recommendation as to what needs to
25 be pruned and what needs to be done. That's

1 really what the case is that has to be done.

2 MR. MION: I don't know if you're going
3 to be able to do that.

4 MR. EASTON: You mean on the wetlands?

5 MR. MION: Yes.

6 MR. EASTON: The pruning of trees and
7 wetlands on our property certainly is
8 acceptable. Pruning of trees within the
9 right-of-way is in the legislation that if the
10 Town feels that there is a hazard or a life
11 threatening situation, the Town can deem it
12 necessary to go in there and prune the trees.
13 It's written clearly in the legislation of the
14 conservation easement.

15 MR. GRANT: There were about three trees
16 that I saw there. If it wasn't for them, I
17 think that it would significantly better.

18 I think that it was Creighton Manning
19 that did the traffic study.

20 MR. EASTON: Yes.

21 MR. GRANT: We would like them to weigh
22 in on the pedestrian access at Field Drive and
23 where that should be. It should be pretty
24 straight forward.

25 There is not much in the way of lighting

1 there. For four months out of our year, it
2 gets dark at like 4:30 now and there is going
3 to be a lot of people coming home from their
4 day and will want to go over to the library.

5 MR. EASTON: I will certainly pose the
6 question. Per their original December 20, 2009
7 submission, they didn't recommend a crossing
8 only at this location be installed. I'll have
9 to specifically ask them about lighting. In
10 regards to any of the locations, they did not
11 feel that it was necessary.

12 ACTING CHAIRMAN LANE: Did you say at the
13 entry point at Albany-Shaker where the path
14 comes out?

15 MR. GRANT: No, just that pedestrian
16 crossing that we're talking about on Maxwell
17 and Field.

18 MR. EASTON: Currently, there is a light
19 on the corner of Field Drive and Maxwell Road.
20 There is a light pole out there. The question
21 is: Does it throw enough light to cross the
22 road and light up the whole crosswalk, if the
23 Town was to put one in? That's the real
24 question. A photometric study will have to be
25 done to analyze that.

1 MR. GRANT: The power is there.

2 MR. EASTON: What Creighton Manning's
3 opinion is of that and whether it should be
4 lit or not lit will be addressed, and will
5 then have to do a study to see if there is
6 enough light out there to begin with.

7 ACTING CHAIRMAN LANE: That wouldn't
8 necessarily need to become part of the
9 amendment. That's actually off-site.

10 MR. GRANT: That's a gray area there.

11 MR. EASTON: One other problem is because
12 the conservation easement runs to the back of
13 the site, I don't think that you could put a
14 light in even if you wanted to put a light in.
15 You'd have to put the light pole base in the
16 sidewalk, which would then restrict
17 pedestrians walking along Maxwell Road.

18 MR. GRANT: Or a greater size fixture on
19 the other side that cast a little different.

20 MR. EASTON: That may be an option.

21 ACTING CHAIRMAN LANE: It's also a matter
22 of traffic safety to determine whether to not
23 a crosswalk could be put in there. You're
24 basically encouraging people to cross at this
25 point. If it's not safe because there is lack

1 of lighting and sight line, then Traffic
2 Safety is going to say no. I don't think that
3 it would become part of our approval that
4 would have to be done.

5 MR. GRANT: It's essentially a technical
6 comment going forward. I think that a
7 pedestrian crossing makes sense there.

8 ACTING CHAIRMAN LANE: To be looked at,
9 absolutely.

10 Okay, we'll go to the public now.
11 Leo Rivers.

12 MR. RIVERS: Hi, I'm Leo Rivers,
13 601 Albany Shaker Road. I've been coming since
14 they had the first meeting. That's when I had
15 brown hair and I had a lot more of it, to be
16 honest with you. It's been like seven or eight
17 years.

18 It's going to be a beautiful project, in
19 my opinion. It will be great to get rid of all
20 the deadwood, poison ivy, thorns and
21 everything running through there. I could just
22 say that I'm looking forward to a nice
23 beautiful project next door to my house.
24 That's it. Thank you.

25 ACTING CHAIRMAN LANE: Thank you.

1 Stephen Kolach.

2 MR. KOLACH: My basic question is this
3 property between the interior roadway and
4 Margaret Drive (Indicating). Just as my
5 neighbor expressed, it's a nice project. All
6 this rubbish and dead wood is going to be
7 gone. Will this just be abandoned and
8 overgrown again?

9 MR. EASTON: Actually, lot number 10 will
10 maintain ownership from the center of this
11 house all the way down to this right-of-way
12 (Indicating). As you can see, that's a very
13 big huge side yard.

14 Based on the last PDD go around, these
15 residents didn't want the arborvitae growth,
16 but they wanted more naturalistic looking
17 trees within that way. Originally, we had pear
18 trees, evergreen trees and things like that
19 all along in there to make it look more
20 natural between the rears of these homes to
21 the back. So, in the appearance of your
22 backyard, it looks to be a very long or bigger
23 backyard, even though you're not owning or
24 maintaining it.

25 These original four homeowners just

1 didn't really want to see the road. The rest
2 of these homeowners here (Indicating) wanted
3 that arborvitaes row to act as a fence and act
4 as a visual buffer between their house and the
5 rears of all the other houses.

6 MR. KOLACH: Am I correct that in this
7 area where there is a lot of rubbish type of
8 vegetation (Indicating) - that will be gone?

9 MR. EASTON: That will be all gone. It
10 will be seeded, grassed, mowed and maintained.

11 MR. KOLACH: Also, my perception is that
12 this area (Indicating) has moved a little bit
13 more.

14 MR. EASTON: Actually, this is the
15 magenta or pink color on the plan. That's the
16 approved PDD. As you can see, I never changed
17 that. I didn't change this alignment of Justin
18 Court. The only thing I did was put a
19 cul-de-sac at the end and eliminate this one
20 (Indicating). I eliminated this whole
21 cul-de-sac at the end and then removed the
22 three houses. The driveway will line up with
23 Coyote. This is the approved PDD plan. You can
24 see that these houses have not moved. They are
25 the same houses. The houses that are facing

1 Margaret - you can see that it's much wider.
2 Originally, in the 2007, the PDD you had three
3 story condos. Now you're going to end up with
4 a small pond and a small multiuse path about
5 150 feet away from the rear of your property.
6 That's really what you're going to end up
7 with.

8 MR. LACIVITA: Jaime or Jim, could you
9 speak to the point? As you just mentioned,
10 this goes back to 2007 when it was a
11 condominium project. At that point in time
12 there was open space and common space that was
13 going to be maintained by the homeowners
14 association. Now we're talking town homes. It
15 seems like there are lands and roads that the
16 Town is going to be taking care of. Can you
17 just kind of identify some of that area? We
18 have to develop a findings statement that the
19 Board is going to have to adopt and make
20 recommendation to. So, we're going to have to
21 go through that findings statement and get
22 that adopted. That's one of the questions
23 that's being posed.

24 MR. EASTON: Certainly the original plan
25 in the 2007 Local Law basically had everything

1 maintained by an HOA - the roads and
2 everything else. It certainly caused some
3 problems.

4 In 2009 when we revised it, it was
5 basically your basic subdivision. The only
6 difference was that it was a senior housing
7 project between the homes. So, the roads were
8 going to be maintained by the Town, the
9 infrastructure was going to be maintained by
10 the Town, the stormwater ponds - just like
11 your standard subdivision was going to be
12 maintained by the Town. We're proposing the
13 same thing now. Certainly what's going to
14 happen is this whole area from the back of
15 this cul-de-sac, all the way up to this
16 detention basin down here to the rear
17 properties here (Indicating), will all become
18 Town land. So, the multiuse path, just like
19 you have the Mohawk Hudson Bike Trail that the
20 Town owns - so, you're going to have a bike
21 trail which is not uncommon. You're going to
22 have utilities and you're going to maintain it
23 just like you would any other project at any
24 other locations.

25 Then, certainly you're going to end up

1 with a very large portion of land up here,
2 again, because of the stormwater management
3 area and the waterline running through to loop
4 the water main. I can certainly make the lots
5 bigger and give the Town less land, but I'm
6 just going to encumber so much property with
7 easements and things like that.

8 Jim wanted to make sure that this project
9 was done and designed so that it could be
10 built.

11 What I'm showing you is really what
12 you're going to get. In there, you'll see the
13 waterlines and things like that. So, the
14 reason that I stopped this property line
15 here -- because it's a borderline that's
16 running over here (Indicating). There was some
17 thought and process to what is going to be the
18 Town's so that when the infrastructure goes
19 in, it's all within Town lands. We don't have
20 to have a bunch of easements over prior
21 property being maintained.

22 ACTING CHAIRMAN LANE: Dody and Bob
23 Tibbitts.

24 MS. TIBBITTS: Dody Tibbetts, 8 Margaret
25 Drive. Our home is right here (Indicting) and

1 we are seeing the change. We have been to the
2 other meetings that you've had. We've asked
3 basically the same question, but I'm just
4 going to ask it again, just to reiterate. This
5 dark area here between our home and this water
6 area (Indicating) - that is the uncut?

7 MR. EASTON: Yes, that is proposed right
8 now to be uncut so that it's going to be about
9 15 to 20 feet from the rear of your property
10 line.

11 MS. TIBBITTS: And the single family home
12 would be where?

13 MR. EASTON: Anywhere within the lot.
14 Right now that lot is designed to conform to
15 the current SFR zone of 100 feet wide and
16 1,600 square feet in size. It's much bigger
17 than that, but we wanted to conform to that.

18 ACTING CHAIRMAN LANE: You'd still have
19 to get all the setback requirements.

20 MR. EASTON: Yes, but within that dark
21 area would be a house of some sort.

22 MS. TIBBITTS: And the other thing that I
23 think -- and we asked this already before. It
24 was probably about four years ago.

25 How deep is this area - this water here?

1 MR. EASTON: Typically it's about four
2 feet deep.

3 MS. TIBBITTS: I think that's all we had.
4 We like the change of the area.

5 ACTING CHAIRMAN LANE: Robert Johnson.

6 MR. JOHNSON: I'm Bob Johnson, 18
7 Margaret Drive. I heard something about
8 plantings and I would caution about putting
9 anything there that's going to interfere with
10 the power lines.

11 We've had some pretty bad power outages.
12 I was without power for four days in the dark
13 getting to about 42 degrees in the house. It
14 wasn't very pleasant. When I heard that, my
15 antenna went up. I would caution about
16 exacerbating the problem of power in that
17 area. You might want to look at that. I don't
18 know exactly the proximity of these lines in
19 regard to what the proposed plantings would
20 be.

21 My next comment has been addressed in the
22 past. I want to make sure that it's still the
23 way that I think that it's going to be. My
24 concern is that water table could rise in this
25 area along properties on the interface of the

1 southern boundary of the proposed project and
2 a few Karen Court properties. Any raise in the
3 grade - the rising of the grade from the
4 original ground along this interface here
5 (Indicating) would exacerbate the water
6 problem and raise the ground water table. I
7 understand that there was a swale that was
8 proposed - a swale being a drainage structure
9 proposed along this area to drain water from
10 these properties and eliminate the water. I
11 don't know what direction, but it would drain
12 away and it wouldn't exacerbate a rise in the
13 groundwater table.

14 Also at one point I heard that there was
15 going to be an easement created in there and
16 that it was going to be maintained privately.
17 Any of these property owners in here - if they
18 went back there and say they wanted to fill in
19 the yard or something or put extra vegetation
20 in, that would interfere with the flow of
21 water and would cause the problem again. Those
22 are my concerns. I don't know if they're still
23 addressed.

24 MR. EASTON: I can address every single
25 one.

1 In regards to trees, certainly you would
2 put trees next to power lines and eventually
3 they're going to grow. Certainly that is a
4 valid concern. Brad and I will make sure that
5 the trees are away from the power lines, or
6 that the trees that are planted don't grow up
7 or can be pruned in such a manner that it
8 doesn't affect the look of the tree without
9 interfering with the power lines.

10 I have a couple of trees for you, Brad,
11 if you want to look at them. Down on Delaware
12 Avenue in Cohoes, there is a special type of
13 tree that grows there and they flatten with
14 the power lines. So, we can always take a look
15 at that concern.

16 With regards to the drainage and the
17 drainage easement, the 30 percent plans that I
18 gave and the file construction drawings that I
19 did on the current PDD project - there is a
20 drainage swale and an easement that takes this
21 stormwater runoff down from your properties
22 and from the rear to here (Indicating) and
23 diverts it all the way back to this location
24 here (Indicating). The elevation ground here
25 is roughly in comparison to these homes, or

1 the roadway versus this roadway is about five
2 feet lower in elevation difference.

3 MR. JOHNSON: Jaime, would that be about
4 the original ground?

5 MR. EASTON: Yes. If you look at your
6 house, your elevation is basically 320 and the
7 finished floor of this building is going to be
8 at 315. So it's five feet lower than your
9 house.

10 MR. JOHNSON: How about this back one
11 (Indicating)?

12 MR. EASTON: At that point there is going
13 to be an elevation of 313, so it's seven feet
14 lower than your house.

15 MR. JOHNSON: What is it today?

16 MR. EASTON: The rear of your corner
17 elevation 317. So, from this point to this
18 point there (Indicating) is another roughly
19 five feet.

20 MR. JOHNSON: So, it's 17 today.

21 MR. EASTON: Right here will be 313.

22 MR. GRANT: There is a swale on this
23 corner.

24 MR. JOHNSON: So, I think that you're
25 saying that it's going to be the same number,

1 or lower.

2 MR. EASTON: That's correct. What happens
3 is your property all drains onto
4 Mr. Finning's property, correct? We're going
5 to take this water and bring it over to the
6 designated location. This elevation at the low
7 point of the swale line is roughly about eight
8 to ten feet lower than your finished floor on
9 your house. It's much lower to convey
10 stormwater away, so you shouldn't have to
11 worry about that. Is stormwater from this
12 project site ever going to come to my project
13 site? It's just not going to happen. Our
14 project site is much lower in elevation.

15 MS. TIBBITTS: That goes for all the
16 homes?

17 MR. EASTON: Yes, it goes for all the
18 homes. All these homes are much higher in
19 elevation. Again, as you look out your rear
20 window, you can see Maxwell Road. Even though
21 they raised up Maxwell Road when they built
22 it, it's still much lower in elevation. We
23 kind of have to go and attach into that
24 roadway and fix those as common points. So, we
25 have to keep that much lower than your

1 property is. Plus, fill is a lot of money. To
2 bring up all these roadways to make everything
3 work - fill is money. It just doesn't work
4 that way.

5 MR. GRANT: There are not basements
6 proposed here. These are essentially slab on
7 grades and they're not delving into the
8 groundwater.

9 MR. EASTON: The Town certainly has plans
10 and you're more than welcome to take a look at
11 them. You'd have to squint to look at my 11 by
12 17's; I'll be honest with you.

13 MR. ROSANO: You can take this one.

14 MR. GRANT: Yes, there has been some
15 sensitivity going back a couple of years. That
16 whole area - particularly Karen Court and
17 coming around the corner and up
18 Margaret - that there be some mechanism swales
19 for drainage and we aren't just shooting
20 drainage off and calling it a day.

21 MR. JOHNSON: Thank you.

22 ACTING CHAIRMAN LANE: Fred Pettingill.

23 MR. PETTINGILL: I'm Fred Pettingill,
24 Latham Fire Department.

25 I applaud the developer's use of

1 residential sprinklers. As they'll have a
2 licensed contractor on site, I recommend that
3 the Board mandate it to be fully sprinklered
4 residential units - all these homes. It's a
5 great marketing point for people who are going
6 to buy these that they are fire safe in that
7 manner. Thank you.

8 ACTING CHAIRMAN LANE: Thank you.

9 MR. MORRIS: I'm Bill Morris and I'm at
10 26 Margaret Drive. I have one question. How
11 soon can I expect construction to begin?

12 MR. EASTON: That's the million dollar
13 question.

14 MR. MORRIS: Is it going to last another
15 four years?

16 MR. EASTON: No, we do not expect it to
17 last another four years; not at all. Probably
18 if everything goes well, you'll see
19 construction at end of 2012 or the beginning
20 of 2013.

21 MR. MORRIS: Thank you.

22 MR. MONTAVON: Virgil Montavon,
23 40 Margaret Drive.

24 I have just a couple of quick questions.
25 I've seen a lot of changes in this and a lot

1 of them are improvements. I have expressed my
2 opinions on this before, as you know. I see
3 some really good improvements.

4 I didn't see it mentioned, but is this
5 still going to be a 55 age limit for
6 ownership?

7 MR. EASTON: Yes.

8 MR. MONTAVON: I'm still concerned about
9 the basements. Can you just give me the water
10 level here? I see the changes from before. I
11 live at 40. Can you give me the elevation of
12 this house versus these over here
13 (Indicating)?

14 MR. EASTON: Yes. Lot 16 - the finished
15 floor is roughly 317 and your finished floor
16 of your house right here in that corner
17 (Indicating) is 323.

18 MR. MONTAVON: Thank you.

19 Just a curiosity question. Where is the
20 electricity going to be placed?

21 MR. EASTON: It will be all underground.

22 MR. MONTAVON: From what street?

23 MR. EASTON: It will come from
24 Albany-Shaker and it will probably loop back
25 over to Coyote Avenue - into that location.

1 That's my guesstimate, but National Grid will
2 determine the layout.

3 MR. MONTAVON: The other question that I
4 have is since there is going to be no
5 homeowners association, everything is going to
6 be up to the owners to take care of the
7 property. So, this house (Indicating) is going
8 to be responsible for maintaining that entire
9 area?

10 MR. EASTON: Yes.

11 MR. MONTAVON: What if they don't?

12 MR. ROSANO: Virgil, we have a new Town
13 law. They'll either take care of their corner
14 or we will and bill them for it.

15 MR. MONTAVON: This is going to be Town
16 maintained?

17 MR. EASTON: Yes.

18 MR. MONTAVON: This area is all going to
19 be maintained, mowed and snowplowed in the
20 winter?

21 MR. EASTON: In regards to snowplowing of
22 a multiuse path, that would certainly be up to
23 Parks and Rec. There is varying opinions in
24 regards to plowing the multiuse path because
25 some people like them plowed so that they can

1 walk them. Some people like them not plowed so
2 that they can snowshoe on them, or winter ski
3 on them, or whatever. Everybody has a varying
4 opinion on that. That is certainly a Town
5 policy and what they want -- certainly now the
6 Town does not plow any of their multiuse
7 paths. So, I would not foresee them plowing
8 that. Again, this is one of the reasons that I
9 talked to Jim about this multiuse path being
10 changed over to a roadway 20 feet wide to get
11 fire trucks in there with an emergency gate. I
12 just didn't feel that another cumbersome
13 burden on the Town to try to plow that - it
14 just didn't seem to work.

15 MR. MONTAVON: What is going to be the
16 width of these paths?

17 MR. EASTON: Ten feet wide.

18 MR. MONTAVON: There is no concern about
19 vehicles used on this?

20 MR. EASTON: Yes, and per the original
21 PDD and the drawing that I submitted, there
22 will be three bollards that are located on the
23 front on both side here (Indicating).
24 Basically the three bollards are steel
25 columns, so that they're pretty standard. If

1 you wanted to take a look at one, I would
2 suggest going down to Delaware Avenue in the
3 City of Cohoes.

4 ACTING CHAIRMAN LANE: Nobody is driving
5 through it.

6 MR. EASTON: If you look at the multiuse
7 path, you'll see the bollards and you'll see
8 that multiuse path and give you an idea of
9 what those multiuse paths are.

10 ACTING CHAIRMAN LANE: Are they removable
11 for emergency?

12 MR. EASTON: You can have the center one
13 removed - you can design it that way. The two
14 outside ones are fixed because they are
15 outside the pavement edge. But that's up to
16 each community and what they want done. I've
17 seen them removable or non removable. Certain
18 communities like them non removable for a
19 reason.

20 ACTING CHAIRMAN LANE: Did we have any
21 discussion on that? This is not going to be an
22 access, as we decided previously, for the
23 emergency vehicles.

24 MR. GRANT: Correct. At that time, they
25 were looking at a fence with a Knox box and

1 the emergency access could get in there and it
2 could be paved and would be a substantial
3 cross section.

4 ACTING CHAIRMAN LANE: But it didn't go
5 that way.

6 MR. GRANT: I think that the decision on
7 that is if you do more sprinkling of the
8 certain buildings at the end of the
9 cul-de-sac, then you don't need that. That
10 greens up that multiuse path and you don't
11 have an ugly fence there. I like it.

12 MS. VAIDA: I have a question for Peter.
13 Maybe there was a change in the law or
14 something. I know you had some meetings that I
15 don't think that I was privy to. I'm a little
16 confused about the PDD Land Use Law
17 Legislation that actually requires open space
18 requirements and that there be common open
19 space, totally and not less than 35 percent of
20 the total PDD. That shall be provided in
21 perpetuity. It also talks about a property
22 owners association or similar mechanism for
23 the long-term ownership and maintenance of
24 this common open space to be provided. From
25 what I see in the 2007 and in the 2010

1 amendment, there was language to that effect
2 of there being a homeowners association. I
3 think that it said -- I guess that's what my
4 question is.

5 Can you address that original condition
6 of the PDD and tell me how your compliant with
7 the Land Use Law regarding the open space
8 requirements and who is to maintain it?

9 MR. LYNCH: The way that we have it
10 designed right now is - what would otherwise
11 would have been the open space areas that
12 would go to the HOA are being offered for
13 dedication to the Town.

14 MR. EASTON: That's correct. The open
15 space is being dedicated over.

16 In regard to the 35 percent greenspace -

17 MS. VAIDA: Open space.

18 MR. EASTON: Open space -- Mike Magguilli
19 said this the last time we were at the Town
20 Board meeting. Open space is green. Certainly
21 on the project site you're already at roughly
22 70 percent open space. So, we do provide
23 greenspace.

24 There was nothing practically said in
25 regard to that one particular matter of the

1 PDD where it said, you need to dedicate 35
2 percent. We have been on the progression that
3 this has been an amendment to the current PDD.
4 We changed the product. We maintained the
5 number of units. That was my recollection of
6 the Town Board meeting and what occurred.
7 Obviously, we were looking at increased
8 amenities to the community by walking trails
9 and all the other things that we were
10 proposing from before.

11 MS. VAIDA: What is the current
12 legislation say regarding open space
13 requirements, and who is going to maintain
14 them?

15 MR. LYNCH: I don't have it memorized.

16 MS. VAIDA: Does it address that?

17 MR. LYNCH: I don't remember Elena, to be
18 honest with you.

19 MS. VAIDA: It just seems that there is a
20 pretty significant change.

21 MR. LYNCH: This Board is not going to be
22 giving any recommendation tonight. What I'd
23 like to be able to do is take a look at the
24 issue and actually respond to you with
25 accuracy.

1 MS. DALTON: My understanding of the
2 PDD - the requirement for the homeowners'
3 association and that kind of shared space was
4 to create a space in that community for those
5 people to come together whether it was a park
6 of some kind of awning or whatever you want to
7 call it. First of all, that's what I see
8 missing here is that this is a community.
9 There is nothing here that holds these folks
10 together any more than any other community. I
11 thought that was the point.

12 My second question would be without a
13 homeowners' association and without that space
14 and deeding that over to the Town, that
15 increases costs for the Town to take care of
16 that space. It kind of sounds like the Town
17 Board already said that was okay, but not
18 really. Did anybody say that was okay?

19 MR. LYNCH: No. This is being offered for
20 dedication.

21 MS. DALTON: So, this is something that
22 we're being asked to weigh in on - to get rid
23 of the homeowners' association and to take
24 over that area.

25 MR. EASTON: The current 2009 PDD, which

1 is this plan, the Town of Colonie owns all the
2 right of way, all the open space, all of the
3 stormwater management areas, some of the
4 existing wetland area and other spaces. The
5 Town will actually own and maintain those
6 stormwater areas just like it currently does
7 right now in its subdivision regulations.
8 There is really no difference, I guess I'll
9 say, than if this really was a standard
10 subdivision. I guess that's the best way to
11 kind of look at it. That's how the Town's
12 input was. They wanted control over those
13 areas. We did ask the Town at the time if they
14 wanted it or if they didn't want to maintain
15 it. It did give part of that 35 percent
16 greenspace to the community, or whatever. The
17 Town felt that it would be better looked at in
18 the Planning Board meetings that these lots
19 extend down to the multiuse paths so that they
20 would be in someone's property, versus being
21 maintained by an HOA. So it's kind of coming
22 back in bits and pieces here from some of the
23 information. There was never supposed to be an
24 HOA with the 2009 legislation. There wasn't
25 going to be one.

1 MR. LACIVITA: We're actually going to
2 run side by side. The last adopted findings of
3 2010 back to this Board with a side by side
4 comparison as to what this plan has that was
5 approved and adopted by the Town Board.

6 I think that we're getting tripped up a
7 little bit on the open space requirement. From
8 discussions that we had with the Supervisor's
9 office and the Town Board, the proposed
10 connectivity to The Crossings, the library,
11 the 2.7 acres as far as the wetlands, the
12 additional trails that we have here -- now
13 we're doing connectivity to Margaret Drive in
14 perpetuity. I think that you're going to have
15 deeds that are strictly going to say no cut
16 buffers and so on. So, there is going to be
17 that maintenance of open space within the
18 area. It's not a specific homeowners'
19 association that we've had in the past.

20 ACTING CHAIRMAN LANE: The PDD
21 designation is based on the public amenity for
22 the public at large, and not just for this
23 community of people. Anybody can use these
24 paths coming and going. So, it did meet those
25 criteria.

1 MS. DALTON: I guess my confusion runs
2 along what we're being asked to look at; the
3 cross between a subdivision versus a PDD.
4 Then, the difference between what's already
5 been approved and what we're asking for.

6 ACTING CHAIRMAN LANE: I don't think that
7 it's versus because we're not changing the
8 designation.

9 MS. DALTON: When you take the entirety
10 of this project and you look at what's already
11 been approved - what they're asking us to make
12 recommendations on - the approvals that we're
13 given whether they were based on the fact that
14 this is a PDD or as Jaime is saying, well,
15 this is like any other subdivision. Well, if
16 it's like any other subdivision than why are
17 we calling it a PDD? This could all be my
18 ignorance.

19 MR. LACIVITA: It might have been just
20 tripping of the vernacular as far as how it
21 was used. I think that when you talk about
22 lots and sites, then you're talking
23 subdivision component. The PDD is a
24 legislative change that happened here.
25 Whether we got greater density during the time

1 frame or whatever it was, I'm not 100 percent
2 sure. This predates me coming here. Really the
3 PDD was actually a zone change in order to get
4 this. There has to have been certain
5 amenities. The Land Use Law speaks
6 specifically to several points that we have to
7 go into such as the findings of the
8 statements. You'll see when you put these side
9 by side. We're going to be able to get back to
10 those original -- the intent of the law
11 change. We're taking it from a potential
12 subdivision to a PDD.

13 MR. GRANT: I don't know if it's germane
14 to the discussion, but Jim you have some land
15 dedication to the county?

16 MR. FINNING: Yes, to the county. My
17 recollection is that they took about four
18 acres.

19 MR. EASTON: There is a little easement
20 out here (Indicating). The Town of Colonie
21 owns the pump station, but if you extend this
22 line straight over to Albany-Shaker Road,
23 that's the property that they took.

24 MR. GRANT: So, it never included this
25 triangular piece.

1 MR. EASTON: No.

2 MS. DALTON: I'm just confused.

3 MR. LACIVITA: If you look at really what
4 we're looking to try to accomplish this
5 evening, it was to get this plan before you to
6 see if the PDD was on the right path in order
7 to go towards getting that final adoption. He
8 still has technical drawings to do and
9 everything else.

10 One of the key components to this was
11 that we had to look at the sanitary system.
12 It's now been approved. Pure Waters looked at
13 it and it can now be gravity fed. There is no
14 longer a pump station involved with this
15 project at all.

16 The other main component was because we
17 lost that secondary loop or the secondary
18 connection that's gone. The key component is
19 going to be how Fire Services can safely
20 battle any concern if there was an access
21 point -

22 ACTING CHAIRMAN LANE: They did that by
23 addressing the sprinkler system.

24 MR. LACIVITA: And that's exactly it. The
25 developer said we can address that by the

1 recommendation of the sprinkler system.

2 So, now we have to make sure that this
3 fits within the PDD legislation by giving you
4 an adoptive finding or an amended finding
5 statement as well.

6 ACTING CHAIRMAN LANE: And just accepting
7 comment one from Fire Services from Peter and
8 the comment from Christian Borg regarding the
9 manhole - is that an accepted comment?

10 MR. LACIVITA: Yes.

11 ACTING CHAIRMAN LANE: I think that you
12 got a curve thrown at you. You made the
13 appropriate changes. You kept within the
14 intent of the project.

15 I like the path extending out to
16 Albany-Shaker. The only suggestion that I
17 would make is the last house on the
18 cul-de-sac, where the path was along side of
19 the house -- you might want to have some
20 buffer of some kind like an arborvitae between
21 the path and the home. If I was living there,
22 I wouldn't want the path right next to my
23 house. It would be good to put something there
24 to try to do a separation. That's all I had.

25 MR. GRANT: You're talking about the

1 estate lot?

2 ACTING CHAIRMAN LANE: No. The last house
3 on the cul-de-sac where the path leads out to
4 Albany-Shaker.

5 MR. ROSANO: Lot 51.

6 MR. AUSTIN: I would only like to second
7 the recommendation of the Fire Department. I
8 believe that it is the jurisdiction of Albany
9 Shaker or Shaker Road/Loudonville. Maybe
10 Mr. Finning would think about putting
11 sprinkler systems in all the units, being that
12 it is a senior development.

13 MR. FINNING: We are highly considering
14 it. It's a good selling point. It's a reducer
15 for the insurance. There are a lot of good
16 reasons to do that.

17 MR. AUSTIN: I would also say the
18 crossing to Field Drive - I know that not many
19 seniors are probably going to be taking that
20 short-cut through the conservation wetlands.
21 Maybe they will. Somehow -- I don't know if
22 you could convince whoever made this easement
23 to maybe put a path in there or something?

24 MR. ROSANO: It's not going to happen.

25 ACTING CHAIRMAN LANE: They'll never be

1 able to do it. People will do it.

2 MR. EASTON: I'll let you read under
3 roads and you can clearly see there about the
4 conservation easement language.

5 ACTING CHAIRMAN LANE: Are there
6 recommendations for findings tonight?

7 MR. LACIVITA: No, we're going to move
8 toward findings, but I think that at this
9 point we want to make sure that we're heading
10 down the right path so that it can move toward
11 that next step and then bring him back to
12 adopt the findings.

13 ACTING CHAIRMAN LANE: There was
14 something that you wanted to look into. There
15 was one question that you were going to look
16 into.

17 MR. LACIVITA: The open space.

18 MR. LYNCH: It's the open space, but I
19 think that it's going to be addressed in the
20 findings - the offset of the amenities that we
21 have.

22 MR. LACIVITA: We're going to run them
23 parallel. We're going to work with Peter and
24 we're going to work with Jaime and Brad and
25 Elena on adopting that findings statement.

1 ACTING CHAIRMAN LANE: So, we don't need
2 to do anything right now.

3 Thank you, very much.

4 MR. FINNING: Do we have to make a
5 recommendation so that we can move forward?

6 MR. LACIVITA: We have to adopt the
7 findings in order to make that recommendation
8 and that's what we're moving towards. We have
9 to adopt the findings statement.

10 MR. FINNING: Does that mean we have to
11 come back here again?

12 MR. LACIVITA: For just that findings
13 statement. We don't have to answer anything or
14 anything else at this point. It's just getting
15 those findings statements. We have some
16 concerns about the open space and everything
17 going forward, but I think that we can adopt
18 the findings statement.

19 MS. VAIDA: There's nothing drafted.

20 MR. GRANT: That's the basic document
21 that has to go to the Town Board.

22 MR. LACIVITA: We're looking to get that
23 done within the next -- I'm hoping to get you
24 on for the next meeting Jim. Then, we can send
25 that over to the Town Board.

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MR. LYNCH: Thank you very much.

*(Whereas the proceeding concerning the above
entitled matter was concluded at
9:22 p.m.)*

CERTIFICATION

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2
3
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 at the time and place noted in the heading**
9 **hereof is a true and accurate transcript of**
10 **same, to the best of my ability and belief.**

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15 **NANCY STRANG-VANDEBOGART**

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18 **Dated October 28, 2011**

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