

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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CRUM RUBBER  
7 CAVANAUGH DRIVE  
70,877 SQUARE FOOT CONCRETE STORAGE PAD  
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THE STENOGRAPHIC MINUTES of the above entitled  
public hearing BY NANCY STRANG-VANDEBOGART, a  
Shorthand Reporter, commencing on  
November 15, 2011 at 8:36 p.m. at the Public  
Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- MICHAEL SULLIVAN
- LOUIS MION
- TIMOTHY LANE
- BRIAN AUSTIN
- KATHLEEN DALTON
- PAUL ROSANO
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

- Joe LaCivita, Director, Planning and Economic  
Development
- Joe Bianchine, PE, ABD Engineers and Surveyors
- Peter Lattanzio, Chief, Fire Protection Services

1                   CHAIRMAN STUTO: Next on the agenda is  
2                   Crum Rubber, 7 Cavanaugh Drive, 70,877 square  
3                   foot storage pad for consideration for final  
4                   site plan approval.

5                   Joe, would you like to give us an  
6                   introduction on this?

7                   MR. LACIVITA: Sure. We're here tonight  
8                   for final site plan approval for Crum Rubber  
9                   located at 7 Cavanaugh Drive. It's a 70,877  
10                  square foot concrete storage pad. This project  
11                  actually creates what they call crumb rubber.  
12                  It's a type of recycling plant. The storage  
13                  capacity was for bags of crumb rubber that are  
14                  stored in bags and then shipped off to another  
15                  location.

16                  We have Joe Bianchine here this evening  
17                  from ABD Engineers for the developer.

18                  CHAIRMAN STUTO: Mr. Bianchine, you want  
19                  to give a presentation?

20                  MR. BIANCHINE: Thank you, yes.

21                  This is Cavanaugh Drive which is off of  
22                  Albany Street. It's a few hundred feet in from  
23                  New Karner Road to the west. It's a big white  
24                  warehouse building. Crum Rubber purchased that  
25                  building on Cavanaugh Drive and about 14 acres

1           about five or six years ago and converted the  
2           building into a manufacturing facility for  
3           Crum Rubber. Crum Rubber takes shredded tires  
4           and they super-cool them and that shatters the  
5           shredded tires into crumb rubber. That product  
6           is then used for athletic fields, it's used in  
7           asphalt, landscaping and so forth.

8           The site was, when they first purchased  
9           it, in an industrial zone. It still is in an  
10          industrial zone, but the zoning has now added  
11          a contradiction to the conservation overlay  
12          district. This area to the back over here  
13          (Indicating). Over the past five or six years  
14          Crum Rubber has added a truck scale back here  
15          for a turn around. They added an 8,000 square  
16          foot building for putting in the shredded  
17          tires into the building. They cleared some  
18          land. They added a couple of tanks and so  
19          forth on the side for their product. They  
20          built a slab out here and that was built  
21          without permission from the Town of Colonie.  
22          What we're here today for is for the actual  
23          approval of the slab. What they intended to  
24          build is actually a total of a little less  
25          than 80,000 square feet of slab in this area.

1           The existing slabs that are there will  
2 not really be used because they're at a grade  
3 that is too low to make the stormwater system  
4 work. We have to raise up those slabs and use  
5 them as base and then bring in new slabs up to  
6 the current grade so that we can pitch that to  
7 a stormwater management facility around the  
8 outside from the run off from the concrete.

9           The stormwater management facility has  
10 already been approved through the Town. We  
11 have an acknowledgement from DEC for the NOI  
12 and the approved stormwater management report.  
13 A SWPPP report has already been prepared.  
14 We're here basically for this slab.

15           In addition to the slab we are also  
16 adding a waterline from a hydrant here back to  
17 the new hydrant here so that this slab is  
18 within 500 feet of the fire hydrant. That's  
19 pretty much it. The slab will be used, as Joe  
20 indicated, for the bagged crumb rubber. They  
21 are about four by four. They sit on a pallet.  
22 They're stored in bags. They're stored outside  
23 because they're used for outside use.

24           CHAIRMAN STUTO: If the Board is okay,  
25 we'll let Joe Grasso speak.

1           MR. GRASSO: We have a comment letter  
2           dated October 25<sup>th</sup> that everybody should have  
3           received a copy of. This project had gone  
4           under concept review back in December of 2009  
5           and concept acceptance was granted subject to  
6           addressing comments by the Town departments  
7           and from our office at the time. The Planning  
8           Board decided to wait to make a SEQRA  
9           determination until additional information was  
10          provided in response to the comments and until  
11          additional detail of the plans have been  
12          provided.

13                 Regarding SEQRA, it's an unlisted action.  
14          The Planning Board is in the position to  
15          accept lead agency status. On behalf of the  
16          Planning Board, we have prepared a draft  
17          negative declaration for the Planning Board's  
18          consideration. A full EAF was provided as well  
19          as substantial additional studies in support  
20          of the application. We've gone through and  
21          completed the Part II of the full EAF that  
22          addresses potential impacts that are  
23          associated with the project. Part III goes  
24          through a narrative discussion of each of  
25          those potential impacts and why we don't feel

1           that this project is going to result in  
2           significant environmental impacts. I can go  
3           through that in more detail in a couple of  
4           minutes.

5           One of the supporting studies that was  
6           recommended to be done in support of the  
7           project was a threatened and endangered  
8           species survey. This site is within an area  
9           known as a full protection area of the Albany  
10          Pine Bush and therefore has potential to  
11          possibly have habitat that would support  
12          threatened or endangered species or actually  
13          whole populations of threatened and endangered  
14          species. We had recommended that the applicant  
15          conduct that survey. They had hired a  
16          consultant to complete that survey which was  
17          done in 2010. The conclusion of that study was  
18          that none of the species= in question exist or  
19          have the potential to exist on the subject  
20          site. We reviewed that study and the findings  
21          and we concur with that ultimate finding.

22          Additional study included a Phase I and  
23          IB archeological survey to see if there were  
24          any sensitive areas of the site regarding  
25          previous occupations. That study was done also

1 in 2010 and the results of that study  
2 indicated that there were no prehistoric or  
3 historical material recovered on the site and  
4 no further archeological work was recommended.  
5 A lot of that had to do with the fact that so  
6 much of the site had already gone through  
7 previous disturbance, or at least the areas of  
8 the site that are currently under proposed  
9 development. That's really the big area of the  
10 site that they had to investigate and not the  
11 areas of the site that are going to remain  
12 undisturbed.

13 Additional study that we had previously  
14 recommended was an evaluation to determine  
15 whether or not there were any DEC or federally  
16 jurisdictional wetlands on the site. The  
17 applicant hired a consultant which went out  
18 there and did a federal wetland delineation.  
19 There is a small area of wetlands that have  
20 been mapped on the site. This project, as  
21 currently proposed, is not going to impact any  
22 of those designated wetlands. Therefore,  
23 because there are no impacts to those, they  
24 really don't require the review and approval  
25 of the state or the Army Corps of Engineers.

1 We had recommended to the applicant that we  
2 would like to see them get a letter from the  
3 Corps of Engineers and DEC saying that they  
4 don't have any jurisdiction over the wetlands  
5 and they agree with the delineation. The  
6 applicant has not been willing to provide that  
7 and we understand that it was difficult to  
8 sometimes get the agencies to act on these  
9 types of projects when in fact they are not  
10 currently proposing any impacts to what the  
11 applicant believes are the federally  
12 jurisdictional wetlands. We agree with the  
13 delineation but in order to close the loop on  
14 that issue, we recommend that the consultant  
15 that did the delineation state that the  
16 wetlands that have been designated are the  
17 only jurisdictional wetlands and he has no  
18 reason to believe that other wetland areas had  
19 been impacted in the past on the wetlands  
20 site. Just because we know that there has been  
21 work that has occurred in the past that has  
22 not going through the Town's approval process  
23 or any other regulatory agency review, we want  
24 to make sure that no wetlands were impacted as  
25 a result of those activities.



1                   In the file you may have seen  
2                   correspondence from the Albany Pine Bush  
3                   Preserve Commission. They recommended that the  
4                   undisturbed area of the site be protected by a  
5                   conservation easement. We supported that  
6                   recommendation early on in the project's  
7                   conceptual review. The applicant has not  
8                   proposed to establish a conservation easement  
9                   on the undeveloped portions of the project  
10                  site. Currently, as proposed, the project  
11                  meets the intent of the current zoning  
12                  regulations regarding the limiting of  
13                  development of conservation density overlay  
14                  zone and all other greenspace and density  
15                  requirements in accordance with the zone. The  
16                  applicant has not offered to further restrict  
17                  the currently undeveloped portions of the  
18                  project site.

19                 CHAIRMAN STUTO: If he gets approval on  
20                 this, is he built out?

21                 MR. GRASSO: No, because additional  
22                 development could take place on the site and  
23                 still be within the intent of the zoning.

24                 MR. MION: How much more?

25                 MR. GRASSO: About two acres more. There

1 are maybe four or five acres?

2 MR. BIANCHINE: About four or five acres.  
3 There is no intent to develop it at this  
4 point.

5 CHAIRMAN STUTO: Is there a portion that  
6 can't be developed?

7 MR. BIANCHINE: You can't go beyond this  
8 wetland here (Indicating). This area to the  
9 north - you can't cross the wetlands or you've  
10 disturbed it. So, this area up in here could  
11 potentially be developed up to two acres and  
12 still meet the Town's requirements.

13 CHAIRMAN STUTO: What would the logical  
14 conservation easement be if there was going to  
15 be one?

16 MR. GRASSO: It would probably be in the  
17 back two acres of the site. I must say that I  
18 think part of the reason why it was initially  
19 requested to have a conservation easement on  
20 the property was because of either important  
21 ecological sensitivity of the site, or this  
22 area providing an important buffer to other  
23 sensitive areas.

24 Immediately to the left of the site is  
25 the railroad. The railroad really provides a

1 distinguished barrier between other very  
2 important sensitive lands.

3 MR. BIANCHINE: There is debris all along  
4 here from the railroad.

5 MR. GRASSO: Therefore based on our  
6 analysis and the supporting studies that  
7 they've done, we don't feel like the remaining  
8 open space within the site has such importance  
9 that it's really worthy to doubly protect the  
10 area by establishing a conservation easement  
11 areas. Not a lot of wetlands. It's not habitat  
12 that we've said is important for the Karner  
13 Blue Butterfly, or any of the other species.

14 It has some mitigation for noise impacts  
15 because of the trains being on one side in a  
16 residential and commercial development on the  
17 opposite side of the site. Even that is  
18 marginal buffering at best. I at least want to  
19 get that issue out there.

20 MR. ROSANO: Joe, go back to the wetlands  
21 area. Just point to it again. When you use the  
22 word wetlands, it's kind of a broad  
23 brushstroke, isn't it? Are those federally  
24 protected wetlands?

25 MR. BIANCHINE: Yes, federally protected

1 wetlands.

2 MR. ROSANO: Is it flat?

3 MR. BIANCHINE: Yes.

4 MR. ROSANO: Has it been established as  
5 federal wetlands? Has the Army Corp actually  
6 gone in and -

7 MR. BIANCHINE: The Army Corps has not  
8 actually been out to the site. We've had our  
9 own consultant delineate the wetlands. We  
10 stayed away from them. Wetland delineation was  
11 done before any of this was done.

12 MR. ROSANO: I guess going back to your  
13 point of what's already been done, we can't  
14 test that soil.

15 MR. GRASSO: It's very difficult to try  
16 to -- there's been different occupations on  
17 the site in the past. It's extremely difficult  
18 to try to determine when those disturbances  
19 may have occurred and whether or not they  
20 could have impacted other wetlands. The  
21 wetland regulations have been constantly  
22 changing since 1984 when they first went into  
23 effect. So, it would be very difficult. It's  
24 really not incumbent on this Planning Board to  
25 go through that level of research. Those

1 wetlands, if they're regulated by the Army  
2 Corps and if there is other permitting that  
3 should have been done, that would be up to the  
4 Army Corps of Engineers to come forward and  
5 work with the applicant to address those. I  
6 just at least wanted to bring it to the  
7 Planning Board's attention. A wetlands is a  
8 common issue that we look for a lot of due  
9 diligence from the applicant through the  
10 Planning Board process.

11 MR. ROSANO: Thank you.

12 MR. GRASSO: One of the other comments  
13 that we had was there are three exterior  
14 storage piles proposed and the piles of the  
15 waste tires, before the process, has the  
16 potential for mosquito breeding habitat as  
17 well as a potential fire hazard. We had  
18 commented that we recommend that they be  
19 covered with a fire retardant material. The  
20 applicant has indicated based on their typical  
21 processing that the amount of tire storage  
22 within the site which would be limited to that  
23 which is required for less than one day's  
24 worth of processing. So, in order to provide a  
25 safeguard that we don't have piles of tires

1 out there for months and years on end -- that  
2 could pose significant potential for  
3 mosquitoes as well as fire - we thought that  
4 we could cover it by a note being added to the  
5 plans stating that tire storage piles shall be  
6 covered with a fire retardant covering, if  
7 stored for more than seven days. So, as long  
8 as they're within a day or a few days, they're  
9 covered, they don't need to do anything  
10 special. But if we get into a situation where  
11 the Town notices piles of tires being out  
12 there for weeks or months, they have a site  
13 plan regulation saying that there are  
14 additional mitigation measures that really  
15 should be put in place.

16 MS. DALTON: I'm worried about the tires.  
17 I was wondering, is there a reason that it's  
18 seven days?

19 MR. GRASSO: Well, if they're only out  
20 there for a day or two or less than a week,  
21 the potential for the fire and mosquito  
22 breeding obviously goes down. But obviously  
23 our main concern is if we got standing piles  
24 of tires that continue to grow because there  
25 are a lot of areas on the site where they can

1 store them now and if they're out there for  
2 months or years on end, the Town would  
3 otherwise have no enforcement authority to go  
4 back and have them provide any kind of  
5 mitigation. We thought that the seven days was  
6 a good compromise that worked within the  
7 applicant's currently operational plans and  
8 still provides us appropriate level of  
9 protection.

10 MS. DALTON: Is it hard to cover them up  
11 every night?

12 MR. GRASSO: I would think that would be  
13 problematic. If they're only talking about a  
14 day, they're talking about a constant incoming  
15 of tires and moving them throughout the site  
16 and then creating the crumb rubber that then  
17 gets wrapped in a fabric. Those are not our  
18 concerns. Our concern would be piles of tires  
19 that are waiting to be shredded.

20 Joe, do you want to add any more at this  
21 point?

22 MR. BIANCHINE: I'd like to add first  
23 that we're not shredding tires there. We  
24 haven't. We had at one time thought about  
25 shredding tires there and that's why this is

1 on there. Right now, we're just buying  
2 shredded tires and trucking them to the site.  
3 If we do use them in the future, we did agree  
4 that we would change it to a 30 day, because  
5 that's what the actual state requirement is.

6 MR. GRASSO: And that's acceptable to us.

7 MS. DALTON: I know that tire fires are  
8 supposed to be a big attraction for arsonists.  
9 While the length of time that the tires are  
10 there uncovered, they make a bigger or smaller  
11 pile, if someone is interested in that kind of  
12 activity, whether or not you cover them on the  
13 seventh day or not at all, I'm not sure it's  
14 going to matter. I worry about the fire  
15 attraction factor.

16 MR. BIANCHINE: The entire site will be  
17 fenced in with a six-foot high chain link  
18 fence.

19 MR. GRASSO: Like Joe said, the state  
20 requirement is 30 days. We would obviously  
21 recommended seven. Is it the feeling of the  
22 Board to go one way or the other?

23 MR. AUSTIN: Pete Lattanzio is here and  
24 he submitted a letter regarding the safety  
25 issue.



1           MR. LATTANZIO: That's correct. As they  
2           stated it has to be fenced in and it has to be  
3           done by code. There also has to be separation  
4           from the piles to meet the full requirements  
5           for tire storage. From what was proposed to  
6           us, it does meet all the requirements for the  
7           site.

8           MR. GRASSO: So, we're comfortable with a  
9           note saying 30 days?

10          CHAIRMAN STUTO: I have no objection.

11          MR. GRASSO: There were some other  
12          comments in our review letter that I think Joe  
13          will be able to respond and address  
14          satisfactorily in his next submission. I'm not  
15          sure if the Planning Board has had a chance to  
16          go through the draft negative declaration that  
17          we have provided. If you want, I can go  
18          through the items and just for the sake of  
19          time, I'm just going to touch on those items  
20          that we identified in Part II as potentially  
21          having a significant impact.

22          If you skip to Part III we list those  
23          things one by one. The first one is the impact  
24          on land potential impacts. That could be where  
25          the depth of the water table is less.

1                   CHAIRMAN STUTO: What page?

2                   MR. GRASSO: I'm Part III of the  
3 environmental assessment form. Out of our  
4 letter it's page 4 at the bottom of the  
5 negative SEQRA declaration. In order to  
6 address the effects on groundwater, they did a  
7 series of test pits out there. They proposed  
8 grading to elevate themselves above ground  
9 water. Like Joe had mentioned, that is  
10 allowing them to provide appropriate  
11 stormwater management controls that therefore  
12 reduces the potential impacts on groundwater.  
13 So, just because they're working in areas that  
14 have groundwater within three feet of the  
15 surface, we feel like they have adequately  
16 mitigated any potential impacts and don't  
17 think that any significant impacts would  
18 occur.

19                   The other thing under the same mitigation  
20 measures -- it talks about the clearing and  
21 the grading may result in the two acres of the  
22 Pine Bush. Again, like I discussed before,  
23 they engaged the services of a qualified  
24 biologist and found that there is no objection  
25 to the application that is currently proposed.

1           The second one is the impact on water.  
2           The potential impacts on water include the  
3           following: It is going to require a stormwater  
4           discharge permit and it could potentially  
5           affect groundwater. It could result in  
6           siltation or erosion downstream of the site or  
7           cause substantial erosion. The mitigation  
8           measures include the stormwater plan that  
9           provides both temporary stormwater management  
10          controls as well as permanent stormwater  
11          management controls on the site. Based on  
12          that, we don't feel that there is going to be  
13          any significant impact on water resources.

14          The third one listed on page 5 is the  
15          potential impact on air. That really relates  
16          to industrial uses which commonly result in  
17          impacts on the air quality. But because of the  
18          unique circumstances of this project and their  
19          operations being internal and conforming with  
20          the Town's industrial land use regulations, we  
21          don't think that this project is going to have  
22          any significant impact on the land resources.

23          The fourth one enumerated on page 6 is  
24          the impact on plants and animals. This  
25          project, when it was initially reviewed could

1 have a potential impact on threatened and  
2 endangered species through the removal of Pine  
3 Bush habitat. Like we have discussed before,  
4 that went through an in-depth site specific  
5 study regarding the potential of those  
6 threatened and endangered species as well as  
7 their habitats on the site and found none. We  
8 have agreed with that conclusion and therefore  
9 don't expect that the project is going to have  
10 a significant impact on plant and animal  
11 resources.

12 The fifth one on page 6 is a potential  
13 impact on historic and archeological  
14 resources. At our request they have done a  
15 Phase IA and Phase IB archeological survey on  
16 the project site which concluded that there  
17 would not be any impacts on sensitive,  
18 historic and archeological resources on the  
19 site. That study recommended that no further  
20 investigations were warranted and therefore  
21 based on that, we determined that there would  
22 be no significant impacts on those resources.

23 The sixth one is the potential noise and  
24 odor impacts due to the removal of a natural  
25 barrier that could potential act as a noise

1 screen. The mitigation measures include  
2 working with the current zoning regulations  
3 that require a certain amount of open space be  
4 left within the conservation density overlay  
5 district. Therefore with the project being  
6 brought before us in conformance with the  
7 zoning permits, we didn't expect there to be a  
8 significant impact on noise resources.

9 The seventh and last one also on page 7  
10 is the impact on growth and character of  
11 community or neighborhood. The proposed action  
12 has the potential to set an important  
13 precedent for future projects because of its  
14 location within the full protection area.  
15 Like, we previously stated, the project has  
16 been developed in strict accordance with the  
17 current zoning regulations which have built in  
18 provisions to try to mitigate impacts on that  
19 full protection overlay area. Therefore, based  
20 on that, we did not expect the project to have  
21 a significant impact on the growth and  
22 character of the community and would not set a  
23 negative precedent for other applications.

24 Based on that we have a negative  
25 declaration prepared for the Planning Board's

1 consideration. If the Planning Board is going  
2 to take final action tonight, before it does  
3 so, it should accept lead agency status and  
4 consider a negative declaration pursuant to  
5 SEQRA, based on the application materials that  
6 have been brought before it and the SEQRA  
7 determination that have been recommended and  
8 prepared by us.

9 CHAIRMAN STUTO: Any discussion on the  
10 SEQRA?

11 MS. VAIDA: Are there any agencies that  
12 needed to be notified?

13 MR. GRASSO: It's an unlisted action so  
14 coordinated review was not required. Comments  
15 have been solicited, and those comments have  
16 been discussed in our application. They're in  
17 our response application materials.

18 CHAIRMAN STUTO: Okay, I think that was a  
19 good review of the environmental. We'll keep  
20 that in abeyance, because we have to hear from  
21 the public too.

22 Any comments on the main project?

23 MS. DALTON: I made mine already.

24 CHAIRMAN STUTO: Anyone sign up from the  
25 public on this one?



1 below. The lead agency has determined that the  
2 said proposed action will result in no major  
3 impacts, and therefore will not have a  
4 significance effect on the environment, and  
5 therefore that an environmental impact  
6 statement is not required to be prepared with  
7 respect to said action.

8 CHAIRMAN STUTO: Do we have an motion?

9 MR. MION: I'll make the motion.

10 MS. DALTON: I'll second it.

11 CHAIRMAN STUTO: All those in favor?

12 ***(Ayes were recited.)***

13 CHAIRMAN STUTO: All those opposed?

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

15 CHAIRMAN STUTO: The ayes have it.

16 On the main motion, which is for final  
17 site plan approval with the conditions set  
18 forth in the Town Designated Engineer letter,  
19 we changed paragraph 7 to be 30 days and not 7  
20 days with respect to tire piles shall be  
21 covered with fire retardant covering if stored  
22 for more than 30 days.

23 Do we have a motion for final approval  
24 with the conditions set forth in that letter?

25 MR. SULLIVAN: I have a question. Do we



1           have a condition that there is a letter from  
2           the biologist to close the loop on the  
3           wetlands?

4                   CHAIRMAN STUTO: That would be a  
5           reference to paragraph 6. I'm going to read  
6           the whole paragraph so that the Board  
7           understands it.

8                   According to the plans, federal wetlands  
9           labeled as possibly isolated have been  
10          delineated by Michael Hale of Synthesis on  
11          April of 2006. It is our understanding that  
12          since there are no proposed disturbances to  
13          these wetlands, the applicant has not  
14          requested that the Army Corps of Engineers  
15          make a jurisdictional determination to confirm  
16          the wetland boundaries. If an Army Corps of  
17          Engineers jurisdictional determination is not  
18          completed, then at a minimum we would  
19          recommend that the wetland biologist provide a  
20          letter certifying the wetland boundaries and  
21          confirm that there has been no previous  
22          disturbance on the outside wetlands.

23                   You've recommended that, right Joe?

24                   MR. GRASSO: We have recommended it.

25                   MR. SULLIVAN: Then we will be requiring

1           that.

2                   CHAIRMAN STUTO:  It's in the letter and  
3           I'm in favor of that.

4                   MR. SULLIVAN:  What are we going to do  
5           with the conservation overlay?  Are we  
6           requiring that?

7                   CHAIRMAN STUTO:  I forgot which paragraph  
8           that was, but there was some discussion.  The  
9           Pine Bush has asked for a conservation  
10          easement.  The discussion was that there are  
11          only wetlands which are only to the right of  
12          the line of the map up there.  The applicant  
13          could develop a couple more acres in the back.  
14          He will comply with the conservation overlay.  
15          Should we also ask for a conservation  
16          easement?

17                  MR. LANE:  But he's unwilling to.

18                  CHAIRMAN STUTO:  Joe, could you repeat  
19          what you said?  I think that there were some  
20          reasons that we don't necessarily need it.

21                  MR. GRASSO:  The area that the Albany  
22          Pine Bush Preserve Commission sought to have  
23          protected with the two acres are areas to the  
24          back of the site which are currently not  
25          proposed for development.  Obviously, there are

1 about four or five acres currently  
2 undeveloped. If this project comes back and  
3 starts to encroach closer to that area, the  
4 Planning Board would then have another  
5 opportunity to establish a conservation  
6 easement at that time. There is nothing  
7 proposed back there as long as they comply  
8 with the law and don't do any work back there.  
9 There is really nothing that he can do back  
10 there without him having to come back before  
11 the Town and seek the Planning Board's  
12 approval.

13 MR. SULLIVAN: I would be opposed to a  
14 deed restriction. That's why I'm saying I  
15 wouldn't want us to be requiring that. The  
16 motion then is not requiring that.

17 CHAIRMAN STUTO: Does anybody have an  
18 objection to what Mike is proposing?

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

20 CHAIRMAN STUTO: So, we are explicitly  
21 not requiring a conservation easement.

22 MR. GRASSO: Understood.

23 CHAIRMAN STUTO: Okay with those  
24 provisos, no conservation easement, the 7 days  
25 changed to 30 for covering the tires - and we

1 will require the determination from a wetland  
2 biologist certifying the wetland boundaries as  
3 mapped and confirm and that there has been no  
4 previous disturbance to the onsite wetlands.  
5 That's an affirmative. Is everyone in  
6 agreement?

7 **(All Board Members agreed.)**

8 CHAIRMAN STUTO: Does someone want to  
9 make a motion with those conditions?

10 MR. SULLIVAN: I'll make the motion.

11 MR. LANE: I'll second.

12 CHAIRMAN STUTO: All those in favor?

13 **(Ayes were recited.)**

14 CHAIRMAN STUTO: All those opposed?

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

16 CHAIRMAN STUTO: The ayes have it.

17

18

19 **(Whereas the proceeding concerning the**

20 **above entitled matter was adjourned**

21 **at 9:10 p.m.)**

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**CERTIFICATION**

1  
2  
3  
4 **I, NANCY STRANG-VANDEBOGART, Approved**  
5 **New York State Transcriber and Notary Public**  
6 **in and for the State of New York, hereby**  
7 **CERTIFY that the record taken by me at the**  
8 **time and place noted in the heading hereof is**  
9 **a true and accurate transcript of same, to**  
10 **the best of my ability and belief.**

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

15  
16  
17 **Dated December 5, 2011**