

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 ZEH OPEN DEVELOPMENT
5 29 BACON LANE
6 OPEN DEVELOPMENT AREA RECOMMENDATION
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 proceeding BY NANCY STRANG-VANDEBOGART,
10 a Shorthand Reporter, commencing on
11 January 10, 2012 at 7:21 p.m. at the Public
12 Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, CHAIRMAN
- 16 MICHAEL SULLIVAN
- 17 KATHLEEN DALTON
- 18 TIM LANE
- 19 LOUIS MION
- 20 BRIAN AUSTIN
- 21 BRIAN HAAK
- 22 ELENA VAIDA, Esq., Attorney for the Planning Board

23 Also present:

- 24 Joe LaCivita, Director, Planning and Economic
25 Development
- Dave Ingalls, Ingalls and Associates
- Greg Zeh, Property Owner
- Stanley Walker
- Fred Pettingill, S.W. Pitts Hose Company

1 CHAIRMAN STUTO: We'll call up the next
2 project. This is the Zeh Open Development
3 Area, 29 Bacon Lane, open development area
4 recommendation. We have seen this application
5 before.

6 Joe, I don't know if you want to give an
7 introduction. When you're done, I would ask
8 that Elena explain the Resolution that we
9 received from the Town Board and what section
10 of the Town Law an open development area is.

11 MR. LACIVITA: We can head right towards
12 that because there is no additional
13 explanation needed on the project. They were
14 here before us in July of this past year for
15 an open development based on the
16 recommendation by the Town Board for us to
17 review it. I can have Elena speak to the law.

18 MS. VAIDA: Everyone has in their
19 planning packages the Resolution 679 for 2010.
20 I believe that it's on the back of the
21 memorandum to Joe from Susan Pelligrini.

22 Basically, what that does is it's a
23 Resolution requiring the Planning Board to
24 review and consider an open development area
25 at 100 Bacon Lane. It's a recommendation that

1 we review the proposed project as a possible
2 open development area.

3 In your packet is the procedure which is
4 why we have the Resolution which explains how
5 the Town Board may, by Resolution, establish
6 an open development area or areas within the
7 Town wherein permits may be issued for the
8 erection of structures which access is given
9 by right of way, or easement upon such
10 conditions and subject to such limitations as
11 may be prescribed by general or specific rule
12 of the Planning Board, if one exists, or of
13 the Town Board if the Planning Board does not
14 exist.

15 For us, our job is to look and see why an
16 open development area is needed and there is
17 no real criteria set forth in the statute for
18 it. It's really a matter of discretion with
19 the Planning Board and that's why the Town
20 Board sent it to us because we have more
21 experience with these kinds of projects to
22 consider and decide whether it's something
23 that needs to be done or not and to make a
24 recommendation back to the Town Board on that.

25 CHAIRMAN STUTO: This is appropriate for

1 landlocked parcels that don't have frontage on
2 a public highway?

3 MS. VAIDA: Yes, that's usually how we
4 see it.

5 CHAIRMAN STUTO: And that's the case with
6 this, right?

7 MS. VAIDA: And that's the case for this
8 and what they're saying is that it doesn't
9 front a public road or highway, which is what
10 is required. Therefore, they're asking for
11 access via either a private road or an
12 easement, which they would need special
13 permission via this open development, in order
14 to do that.

15 CHAIRMAN STUTO: Okay, we have to make a
16 recommendation to the Town Board.

17 MS. VAIDA: Correct.

18 CHAIRMAN STUTO: Okay, thank you.
19 Anything else?

20 MS. VAIDA: I don't think that I have
21 anything else.

22 CHAIRMAN STUTO: We'll allow the
23 applicants representative -- can you identify
24 yourself?

25 MR. INGALLS: Hi everybody. I'm Dave

1 Ingalls with Ingalls and Associates. We're
2 representing the applicants Greg Zeh and
3 Andrea Zeh.

4 As stated, it is a landlocked parcel.
5 It's approximately 1.15 acres in this
6 configuration right here (Indicating). I don't
7 know if anybody is familiar. The Planning
8 Board did approve the Burton Meadows
9 development, which is just to the east of the
10 project. There is a culvert and a little bit
11 of a stream and some wetlands here
12 (Indicating). This would be for one boundary
13 of the parcel and then running up here across
14 and up to a point. There is no actual access
15 anywhere on the parcel that abuts legal road
16 frontage or highway road frontage.

17 MS. VAIDA: Was that parcel part of the
18 subdivision?

19 MR. INGALLS: Yes, it was actually
20 created as part of the Burton Meadows
21 subdivision.

22 MS. VAIDA: What was -

23 MR. INGALLS: It was never discussed.

24 MS. VAIDA: It was never discussed.

25 MR. INGALLS: It just kind of appeared.

1 It was on the filed plat.

2 CHAIRMAN STUTO: It was approved by the
3 Planning Board, but the applicant made the
4 application for this configuration.

5 MR. INGALLS: Correct.

6 I think that probably the best thing for
7 us to review is to go through in the packet.
8 We have a letter dated October 28, 2011, which
9 was where we actually pulled the minutes from
10 the last Planning Board, which was back in
11 July. We tried to annotate or respond to some
12 of the comments that we pulled out of the
13 minutes of that meeting.

14 There was some discussion of snow removal
15 on Bacon Lane, which is this portion here
16 (Indicating). The pavement ends right about
17 here where the shaped color is. The paved
18 portion of Bacon that's here - then there is
19 some driveway that come here
20 (Indicating) - gravel ways that come back to
21 the one Brizzell house and then over to the
22 house for George and Kathy. Those driveways
23 ended about this location here (Indicating).
24 What we are proposing to do is just extend the
25 driveway and this would be the proposed

1 building area for the Zehs. Essentially, all
2 of this gravel way is already created to about
3 this location. This is where the pavement ends
4 (Indicating).

5 So, in terms of snowplowing, we're of the
6 understanding that basically the plows come
7 in, maneuver themselves around and head west
8 out. So, basically we're not proposing
9 anything in this existing area at the end of
10 Bacon Lane. So, therefore there would be no
11 change in the way that they plow the snow.
12 That was item one.

13 With respect to emergency vehicles, the
14 applicant has agreed to what has been
15 recommended by emergency services which would
16 be a minimum of 12 foot width capable of
17 supporting emergency vehicles, whether it be
18 ambulance or fire.

19 It really wouldn't be an option in terms
20 of reviewing the practicality and cost of
21 trying to come in and extend Burton Lane and
22 put a cul-de-sac. We would have over 200 feet
23 of pavement, probably over 60,000 and I think
24 that's probably a shy estimate, if anything,
25 in terms of what the cost would be and really

1 wouldn't be practical in terms of just
2 developing a single lot.

3 Also, in terms of the green
4 infrastructure, we'd be adding additional
5 pavement. It wouldn't be very green by putting
6 in additional length of road and pavement,
7 impervious area, just to serve a signal home.

8 One thing that we did do - when we're
9 talking about stormwater is we do have a small
10 rain garden -- I don't know if the Board is
11 familiar with a rain garden.

12 CHAIRMAN STUTO: I think that we've heard
13 in seminars what that is.

14 MR. INGALLS: It's basically a little
15 pocket area right here (Indicating) about one
16 foot deep, which would have some plantings in
17 it and the rainwater from the rooftop would be
18 diverted to that area for holding in a green
19 area. That was one of the comments that we had
20 responded to by departments.

21 The applicant has secured two easements
22 that will be filed. One from George and
23 Kathryn, which is this little triangle that's
24 shown on the map. Then one from Sue Brizzell,
25 which is this piece over here (Indicating).

1 That will allow the passage to the end of the
2 existing gravel way and Greg would extend that
3 out to the proposed residence. Again, those
4 would be easements that would be filed and on
5 record. They would run with the property.

6 In terms of their proposed dwelling - the
7 proposed dwelling is being proposed, but I'll
8 let Greg speak to that. It would be in keeping
9 with the character of the neighborhood. It's a
10 fairly large house. It's approximately 42 by
11 74.

12 We have reviewed any other avenues or
13 venues to gain access to the property. Really
14 this is the only solution that we have. There
15 are no other public right of ways that would
16 gain us access.

17 Again, we have satisfied all the
18 department comments. All of the departments
19 that we have coordinated with have had no
20 problems in terms of the Planning Board giving
21 us a favorable recommendation. According to
22 the State Town Law Section 280.8.4, which is
23 part of the package which you folks discussed
24 earlier, the consideration under the open
25 development area is to accommodate the

1 condition where street frontage does not
2 exist, which is applicable to our case here.

3 I think that's all I have. We'll be glad
4 to answer any questions.

5 MR. MION: I really have a concern about
6 the driveway going back. I used to be part of
7 the EMS system and I know that when I got off
8 a truck, I like to know that I have good
9 footing underneath me. That road - that
10 driveway has a three foot drop off the edge;
11 at least a three foot drop. If I have to
12 respond to a fire, or what have you, or we
13 need to get emergency vehicles back
14 there -- I'm assuming that driveway is about
15 12 feet.

16 MR. INGALLS: I'm not sure of the actual
17 width, but the applicant has committed to
18 making the driveway a minimum of 12 feet and
19 adequate supporting capability for any kind of
20 emergency access. We did actually get
21 responses from both the Fire Chief - that he
22 didn't have a problem with it relative to the
23 emergency equipment and also from EMS.

24 MR. MION: I've been in the situation
25 many times when you drive the vehicle in there

1 and the police get there and they can't get
2 out. They're stuck there because you have a
3 fire truck there. Or the ambulance gets in
4 there and they can't get out because the fire
5 truck pulled in behind them and they're
6 already setting up. I believe you need more
7 space. That's what I'm saying, for
8 maneuverability down there.

9 MS. DALTON: My other problem is that
10 when we looked at the area -- I could
11 understand if there is a snow storm, if we
12 stop plowing at the end of the public road,
13 there would be the ability because the fire
14 hydrant is right there to reach the house that
15 is right next to the road. God forbid that the
16 other house went on fire and there were the
17 kinds of snow banks that we've seen over the
18 last few years. An emergency vehicle could get
19 nowhere near that house. So, I find it
20 shocking that the department signed off on it.
21 I don't think that they were thinking of their
22 ability to access that property with a fire
23 truck, in the event that there has been a
24 recent large snow storm. It just won't happen.
25 I think that I speak for several of the Board

1 Members when we say that without a 15-foot
2 paved access, at least to the Zeh property, I
3 personally don't feel that is a safe parcel to
4 build on. I understand that you find the cost
5 prohibitive, but I don't live in Loudonville
6 because I can't afford to live in Loudonville.
7 Sometimes it just is what it is. Someone can
8 buy the property and afford to do that kind of
9 paving but without the safety factors
10 involved, I don't see how we can approve this.

11 MR. INGALLS: Do you want me to respond
12 to that?

13 MS. DALTON: No. I mean, you can.

14 MR. INGALLS: Again, we have a letter
15 right in the packet from Fire Services saying
16 that they have reviewed the plans and they are
17 recommending a minimum of 12 feet -

18 MS. DALTON: I understand. I respectfully
19 disagree with them.

20 MR. INGALLS: I think that we may have a
21 solution. I think that we would be willing to
22 make it a little bit wider - say 14 feet. We
23 will make sure that it is of adequate base and
24 structure to support the biggest vehicle that
25 the department has. Maybe we could come up

1 with some type of turnaround at the end which
2 would allow some type of T turnaround, which
3 we could work out which would allow fire
4 apparatus if they had to come down here to
5 turn around. Maybe that's a solution.

6 MS. DALTON: We felt that the solution
7 was to be wider and more structurally sound
8 and to be able to get emergency, fire and
9 police. If you can meet those requirements in
10 conjunction with the engineers with regard to
11 whether it's paved, or whatever other kind of
12 structure you suggest, then I would find it
13 safe enough -

14 MR. INGALLS: I think that we can.

15 MR. MION: The other issue that I have is
16 that it's nice that you're doing this now and
17 you want to build a house over there.

18 Let's take a look behind George's
19 property. We want to go in there or say we
20 want to build a house in the future there. We
21 have to come through and start this process
22 all over again and go into another open
23 development area, where if we just extended
24 the road right down there, you've already got
25 the possibility of having a minimum of two

1 more lots, plus you've actually solved
2 numerous issues. You solve the issue of the
3 Fire Department. Yes, it is a \$60,000 expense.
4 I understand that. But you've solved the issue
5 of the Fire Department. You've solved the
6 issue of actually the snowplowing because
7 you're going to have the Town do the snow
8 removal. And you'll open up the other two
9 areas, if, in the future you want to build on
10 them.

11 MS. DALTON: It would significantly
12 increase the value of all of the properties
13 that surround that area.

14 MR. INGALLS: I don't believe that there
15 are any plans for development of the George
16 and Kathryn Brizzell parcel. Again, we did
17 look at fitting a cul-de-sac in here and it
18 didn't really work out well in terms of where
19 the existing homes are. And then trying to
20 figure out how to come up with an accurate
21 radius cul-de-sac, it really didn't fit the
22 area all that well. We are saying that
23 relative to a single lot, it is very costly
24 and I think that our \$60,000 estimate is
25 probably on the low side. We would propose to

1 work it out with adequate width and structural
2 support that you could get emergency vehicles
3 there. We agree that's paramount.

4 MR. AUSTIN: So, you're building a 5,000
5 to a 6,000 square foot home, according to my
6 package, on this property. I'm assuming that
7 it's two stories. You're going to have a
8 gravel driveway going up to that luxury home?
9 Is that what you're planning on?

10 MR. INGALLS: I'll let Greg speak to
11 that.

12 MR. ZEH: I'm Greg Zeh. I'm the applicant
13 and property owner. The driveway that you
14 looked at, the gravel driveway that was there
15 because that's not the final driveway. That's
16 really our way into the property right now.
17 Our intension is to finish the grade on that
18 driveway and blacktop that driveway. So, the
19 stone driveway that you see there now is just
20 that. It's a temporary driveway. It's not the
21 final proposed driveway. Our final proposed
22 driveway shows a more formal structure.

23 MR. MION: Are you going to widen it?

24 MR. ZEH: If that's what we have to do,
25 we're going to widen it.

1 MS. DALTON: Essentially, there is kind
2 of a T at the end of the road, right? It's a
3 crossroad so you're going to take it to the
4 end of Bacon across that little area
5 (Indicating) and then all the way down.

6 MR. ZEH: Right. Right now it kind of
7 jogs over. That's what you're seeing, and then
8 it goes down.

9 MR. MION: So, it's all going to be
10 paved.

11 MR. ZEH: Yes.

12 MR. AUSTIN: With pavement that's capable
13 of supporting an emergency vehicle.

14 MR. ZEH: Yes.

15 MR. AUSTIN: A fully loaded fire truck?

16 MR. ZEH: Yes.

17 MR. LANE: My concerns are pretty much
18 the same as my colleagues.

19 Where is the nearest fire hydrant?

20 MR. INGALLS: Right here (Indicating).
21 Probably about 50 feet from the end. It's very
22 near the end of the pavement.

23 MR. LANE: So, they have to run a line
24 from that hydrant to the home a distance of
25 what?

1 MR. INGALLS: This is about 200 feet to
2 here (Indicating). Generally when we design
3 hydrants, we figure 500 feet so you're no more
4 than 250.

5 MR. LANE: A long narrow road to have
6 emergency vehicles on. The distance maybe is
7 not so bad, but it's still kind of a concern
8 as to how you get vehicles in and out of
9 there, and with personnel - especially
10 considering -- I didn't look at it myself, but
11 the grade on the other side. If you widened
12 it, you'd also have to do some grading of the
13 slope.

14 MR. INGALLS: Hopefully I made it clear
15 that the applicant is willing to do anything
16 reasonable in terms of improving it and making
17 sure that there is not a drop off or a steep
18 slope. It would be a smooth transition to the
19 back.

20 MR. MION: At night, if you want to do
21 something out there and you drop off the top
22 of a fire engine, or step out of an ambulance
23 and all the sudden you have another three or
24 four feet that you're going down, that's a
25 sudden jolt for you. You don't see it because

1 it's dark. That's a concern.

2 CHAIRMAN STUTO: Joe, can I ask a
3 question on the cul-de-sac on the Marini
4 development that abuts it - are they
5 developed?

6 MR. LACIVITA: To be honest, I'm not
7 sure -

8 CHAIRMAN STUTO: Were they notified of
9 this?

10 MR. LACIVITA: They should have been
11 because it's a abutting 200 feet within it.

12 CHAIRMAN STUTO: Does the applicant know
13 if they were notified? It's the applicant's
14 obligation.

15 MR. LACIVITA: Yes.

16 CHAIRMAN STUTO: My concern is that they
17 are buying very expensive houses down there. I
18 don't know what their assumption was for the
19 lot behind them.

20 MR. INGALLS: It was posted and it was
21 mailed.

22 MR. LACIVITA: I'm looking at the posting
23 now, Peter. Everyone on Bacon Lane, Fernwood,
24 Walters Way and Fenway Court - we have 3, 5,
25 7, 6 Walters Way.

1 CHAIRMAN STUTO: Can I ask if anyone in
2 the audience is from those houses?

3 MR. WALKER: My daughter lives on Burton
4 Lane. She didn't know about it. You didn't
5 mention Burton Lane.

6 MR. LACIVITA: Burton is not within the
7 200 foot posting of this one. They are on
8 Bacon, Fernwood, Walters and Fenway. It shows
9 here kind of the radius as to where that 200
10 feet was.

11 CHAIRMAN STUTO: From my perspective,
12 this subdivision was created by application of
13 somebody. There are two landlocked parcels
14 there - it looks like to me; George Brizzell
15 and Kathryn Brizzell and the lot that we have
16 the application before us tonight.

17 MR. INGALLS: Brizzell does continue up
18 Burton.

19 MR. LANE: Is that 26 Bacon?

20 CHAIRMAN STUTO: On the map that I have
21 it doesn't look like it touches Bacon Lane.

22 MR. LANE: So, this unlocks that other
23 parcel? You can pretty much see that at some
24 point that lot will be developed. That will
25 not always be green. That lot will eventually

1 change hands and someone is going to develop
2 that lot.

3 CHAIRMAN STUTO: My perspective is this
4 was created by whoever owned the larger
5 parcel. They left these as remnant parcels and
6 they should have thought harder when they were
7 doing that. That's how I feel about it. I
8 think that Loudonville, Town of
9 Colonie - there is a reason why we have a
10 frontage requirement in our Land Use Law. I
11 don't think that this is a good case for an
12 open development. That's my personal opinion.
13 I think that what you came back with tonight
14 is not very creative from what we saw last
15 time, in terms of extending the road or
16 thinking hard about that. Maybe you would have
17 to have the cooperation of the other
18 landlocked parcel; the George and Kathryn
19 Brizzell parcel.

20 Joe, can you help me -- it's next to
21 Assumption Church.

22 MR. LACIVITA: Actually, Our Lady of
23 Assumption Church on Catherine - they have a
24 parcel there that they were working -

25 CHAIRMAN STUTO: They came in with the

1 same application. We made them extend the
2 road.

3 MR. SULLIVAN: My question was related to
4 that. Does parcel 26 have frontage on Bacon?
5 On our map it appears that the corner of the
6 lot terminates at the end of the pavement such
7 that -

8 MR. ZEH: Twenty-four and 26 are owned by
9 the same person.

10 MR. INGALLS: There are actually two
11 separate parcels owned by the same people;
12 George and Kathryn.

13 MR. SULLIVAN: But unless they're
14 combined, they don't have frontage on that and
15 currently to gain access to that, they would
16 need an easement to travel over lot 27.

17 MR. INGALLS: We have no communications
18 or have any plans with 26, but there could be
19 future subdivisions or consolidations to
20 utilize this in road frontage; sure.

21 MR. SULLIVAN: They are granting you an
22 easement to provide access to Bacon and yet
23 they themselves would need an easement to get
24 access to Bacon. Because it's family member to
25 family member, I believe that there is an

1 informal agreement to provide access to the
2 greenhouses, but we cannot operate in that
3 informal manner. I am concerned about access
4 requirements moving forward. You said
5 easements will go with the property, but I
6 would think that property 26 also requires an
7 easement in this current configuration.

8 MR. INGALLS: Actually, their parcel line
9 runs up through here (Indicating) so they're
10 very close to being right at the -

11 MR. SULLIVAN: We have a map - an aerial
12 photo with the property line superimposed. How
13 accurate they are, I'm not certain but on your
14 plot you have a property line?

15 MR. INGALLS: Yes.

16 MR. SULLIVAN: I don't think that you
17 would have the 80 feet of frontage on -

18 MR. INGALLS: No, it wouldn't be 80 feet
19 of frontage, correct. The parcel line does
20 touch Burton.

21 CHAIRMAN STUTO: Not at the required
22 amount of frontage.

23 MR. INGALLS: Correct.

24 CHAIRMAN STUTO: On this it looks like
25 one point touches the corner of Bacon Lane,

1 which is infinitesimal.

2 MR. INGALLS: Right, but again, they
3 could do a consolidation merger, future
4 subdivision -- those are all things that could
5 be worked out down the road which are not
6 germane or related to the application before
7 the Board tonight.

8 CHAIRMAN STUTO: And they may very well
9 come before us in a year or two and want
10 another open development area instead of
11 having solved the problem correctly.

12 MR. INGALLS: You could deny it. We
13 thought that we put the other detailed
14 information package that responded to all the
15 comments.

16 I think that, Joe, you were even a part
17 of the early conversation that this would be
18 an appropriate use of the ODA.

19 CHAIRMAN STUTO: You can't lay it on Joe.
20 The ultimate decision is with this Board.

21 MR. INGALLS: I'm just saying that we
22 tried to go through staff and we've worked a
23 long time to get where we are tonight and we
24 thought that this was a very applicable use of
25 the open development area. Basically, they're

1 parcels that would be accessed via an
2 easement. That's what the open development is.

3 We thought that we addressed the other
4 case in saying that yes, we were very
5 concerned with emergency services and the
6 access. We worked with them further to get a
7 surface that's capable and a turnaround if
8 necessary. It really doesn't make sense to put
9 in a lengthy Town improved road.

10 CHAIRMAN STUTO: I understand your
11 position.

12 Brian, I know you're new on the spot, but
13 if you have any questions or comments?

14 MR. HAAK: I did go and look at the
15 parcel. The grading of the driveway that you
16 discussed - that was one of my concerns. As
17 you're talking about making the access 14
18 feet, I noticed that there were a
19 couple -- looked like concrete -- I don't know
20 if they're electrical boxes, or in the ground.
21 How would expanding the driveway to the 14
22 feet be affected by those?

23 MR. INGALLS: There is one back here and
24 one over here (Indicating). They're quite a
25 ways to the door.

1 MR. LANE: Do they appear on here?

2 MR. LACIVITA: Right towards the bottom
3 you can see them. It's identified as
4 utilities.

5 MR. INGALLS: If you follow the parcel
6 line right here, there is a 30-foot utility
7 easement which is for the waterline that
8 services Burton Meadows. NIMO has an
9 additional 10-foot power easement.

10 MR. HAAK: That was my concern other than
11 the concerns that have already been discussed.

12 MR. INGALLS: We would be just off of
13 those. So, we would not be affecting those.

14 MR. HAAK: Why not go to the 15? Is that
15 because you don't have the easement that far?

16 MR. INGALLS: Our easement probably would
17 not give us quite 15 feet. If that is
18 something that you'd like to have us do, we
19 would be willing to explore the 14 or 15 feet.

20 CHAIRMAN STUTO: Any other questions or
21 comments?

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

23 MR. LACIVITA: Peter, it depends on the
24 way that roadway is widened because there is
25 the Town of Colonie utility easement right

1 there. That would be heading towards the
2 north.

3 CHAIRMAN STUTO: The water main easement
4 there?

5 MR. LACIVITA: Yes, there is that 30-foot
6 utility easement there. So, any expansion
7 would have to be towards 27 Bacon Lane because
8 you have to stay out of the easement unless
9 there is hold harmless with grading and
10 expansion.

11 MR. INGALLS: Our easement actually shows
12 at 20 feet. We could work that out without
13 going into the Town easement.

14 CHAIRMAN STUTO: Are there any members of
15 the public that want to speak?

16 Fred Pettingill from SW Pitts.

17 MR. PETTINGILL: Just like a broken
18 record. It might help if the house had
19 sprinklers.

20 CHAIRMAN STUTO: Are you a resident of
21 the fire house here?

22 MR. PETTINGILL: That's in Shaker
23 Road/Loudonville. I'm from SW Pitts.

24 CHAIRMAN STUTO: Thank you.

25 Stan Walker.

1 MR. WALKER: This parcel of property that
2 is landlocked is part of a larger parcel of
3 property which less than five years ago was
4 subject of the Comprehensive Plan. At that
5 time, there were discussions before this Board
6 about accessing a larger parcel on Bacon Lane
7 and to Fernwood Lane, as well as Burton Lane
8 was discussed. The landowners didn't want to
9 do that. They had their reasons. They created
10 these lots less than five years ago. They got
11 the final approval of the Burton Meadows
12 subdivision in the fall. I know that there was
13 a change of administration in the Town and
14 they were hurrying to finalizing it at that
15 time. It's probably landlocked because they
16 drew a line on the subdivision plan, but the
17 fact is that it was all one parcel, really.
18 They can put the lines wherever they want and
19 then call it a landlocked parcel, but if they
20 took any time five years ago -- the road
21 configuration for the subdivision used to
22 accommodate it, but now it can't.

23 CHAIRMAN STUTO: So, you're against this?

24 MR. WALKER: It seems at this point to be
25 a piece meal subdivision when you had the

1 Comprehensive Plan.

2 MR. INGALLS: I would like to respond to
3 that, if I could.

4 We did look at various layout options for
5 the entire property, that is correct;
6 including this parcel. This parcel always had
7 the same configuration. It didn't get changed
8 out toward Bacon Lane. We didn't do anything
9 on that west side of the property. We did look
10 at trying to come over and incorporate this
11 parcel into the Burton Meadows subdivision.
12 However, there are federal wetlands in this
13 corridor right here where this 12-inch culvert
14 comes across (Indicating). There is a drainage
15 corridor here. That being designated federal
16 wetlands would have necessitated additional
17 permitting and environmental impacts that
18 didn't make sense to become part of Burton
19 Meadows. So, there was some forethought in
20 planning. Yes, there was knowledge that would
21 be remaining. We didn't change anything on the
22 west side, lessening the existing access from
23 Bacon Lane.

24 CHAIRMAN STUTO: I'll speak. I'm not
25 prepared to support it. I'm just one person.

1 MR. MION: I did ask earlier what happens
2 if someone wants to develop on the other side.
3 How are we going to handle that? We're back in
4 the game for another open development again?

5 MR. INGALLS: Again, I don't represent
6 the other Brizzells; George and Kathryn.
7 Again, the Board would be reviewing that as
8 its own application. So, if the Board decided
9 that it didn't like it, then the Board can
10 say, we don't like it.

11 MR. MION: I like what you said about the
12 driveway. I still believe that the road should
13 be extended so that we don't have to come back
14 in -- for the same reason that we're here
15 tonight. It's already open. You've got your
16 80-foot frontage. It solves a lot of problems.

17 CHAIRMAN STUTO: I'm prepared to make a
18 motion to the Town Board not to recommend that
19 an open development area be created here.
20 However, if there is another Board Member that
21 has another motion, I'll listen to it.

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

23 CHAIRMAN STUTO: Okay, I'll make that
24 motion.

25 MR. LANE: Second.

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CHAIRMAN STUTO: All those in favor?

(Ayes were recited.)

CHAIRMAN STUTO: All those opposed?

(There were none opposed.)

CHAIRMAN STUTO: The ayes have it.

*(Whereas the proceeding concerning the above
entitled matter was adjourned at
7:59 p.m.)*

CERTIFICATION

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

11
12
13
14 _____
 NANCY STRANG-VANDEBOGART

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17 *Dated January 24, 2012*

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