

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 MOHAWK RIVERFRONT ESTATES  
5 1360 LOUDON ROAD  
6 APPLICATION FOR FINAL SITE PLAN

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8 THE STENOGRAPHIC MINUTES of the above  
9 entitled matter by NANCY STRANG-VANDEBOGART, a  
10 Shorthand Reporter, commencing on February 26,  
11 2013 at 9:40 p.m. at The Public Operations Center,  
12 347 Old Niskayuna Road, Latham, New York

13 BOARD MEMBERS:  
14 PETER STUTO, CHAIRMAN  
15 LOU MION  
16 BRIAN AUSTIN  
17 KAREN GOMEZ  
18 TIMOTHY LANE  
19 SUSAN MILSTEIN  
20 KATHY DALTON

21 ALSO PRESENT:  
22 Elena Vaida, Esq., Counsel to the Planning Board  
23 Joe LaCivita, Director, Planning and Economic Development  
24 Jamie Easton, PE, WSP Sells  
25 Pat Cavanaugh, Applicant  
Victor Caponera, Esq.  
Robert Ballard  
Russel Harding  
Thomas Wade

1                   CHAIRMAN STUTO: Last on our agenda is Mohawk  
2 Riverfront Estates PDD, 1360 Loudon Road, application  
3 for final site plan. The proposal is for 92  
4 condominium units, 30 rental apartments, a 10,000  
5 square foot office retail and 4,000 square foot club  
6 house.

7                   Joe LaCivita, do you have an introduction on  
8 this?

9                   MR. LACIVITA: Sure, I can give you some times and  
10 dates of when the project has been before the Town.

11                   It all started back in May 30, 2007 when they  
12 came to the DCC and we went through a couple of  
13 public hearings in the process because the zoning  
14 had been changed under Resolution 323 of 2009  
15 adopting the PDD legislation for this project from  
16 it's COR zoning. There was a negative declaration  
17 by SEQRA adopted on May 26, 2009. The project has  
18 not changed from its original concept. It's here  
19 tonight for final approval under Mr. Cavanaugh and  
20 Jamie Easton is here tonight from WSP Sells to get  
21 our final approval on the project.

22                   I'll turn it over to Jaime.

23                   MR. EASTON: Good evening, Ladies and Gentlemen.  
24 I'm Jamie Easton from WSP and I'm here tonight  
25 representing Pat Cavanaugh, the owner of the project.

1 I'd like to thank the neighbors who have come out  
2 tonight. I'll try to make this short for you guys. I  
3 think that some of you guys have been through this  
4 process and the Planning Board - a month ago we kind of  
5 went through this. So, I'm going to go through the  
6 highlights of the project.

7 Currently right now we have an 11-acre  
8 trailer park site that consists of approximately  
9 50 trailers. The proposed project back in 2007  
10 through 2009 was developed by Clough Harbour. We  
11 took this existing trailer park and changed it  
12 into seven condominium units that comprise 96  
13 units in them, one clubhouse, one apartment  
14 building that houses 30 units, and 10,000 square  
15 feet of commercial space. As we've gone through  
16 this process, from the Town Departments and things  
17 like that -- Clough Harbour had represented us and  
18 there have been changes.

19 If the general public would like plans, I'll  
20 put out these 11 by 17's out front. The general  
21 difference was really two things. One, the  
22 clubhouse that was in the center got moved down to  
23 the very end. The next thing was that there was a  
24 proposed pump station right here in the center of  
25 the project that got moved the farthest to the

1 north property corner near the existing trailer  
2 park to the north of our project due to the fact  
3 that the Town of Colonie Pure Waters Division  
4 wanted this to be a regional pump station. The  
5 lands that are the farthest to the north would  
6 drain back to this location (Indicating) in this  
7 pump station instead of having multiple pump  
8 stations and saving the tax payers money. So,  
9 those are the two real big changes that happened.  
10 You can see the seven condominium buildings and  
11 they are the same footprint that they originally  
12 were. That hasn't changed. The clubhouse -- the  
13 orientation has been reduced in square footage.  
14 The apartment building is closer to the existing  
15 trailer park. We reorientated the parking lot and  
16 made it a little more efficient. The 10,000  
17 square foot commercial space is exactly where it  
18 was. That hasn't changed. The road and access  
19 points have not changed from the original PDD. A  
20 lot of this stuff is still the same since 2007.

21 So, basically this past fall, we went through  
22 and did the final site plans for this and  
23 submitted to the Town of Colonie; Pure waters and  
24 Sewer the ice jam reports and stormwater  
25 management reports. The full plans contained

1 about 130 sheets. The TDE for the Town of  
2 Colonie, Barton and Loguidice, has reviewed that  
3 set of plans and provided comments. We then  
4 addressed those comments and then gave an informal  
5 Planning Board update meeting this past January  
6 29th. We then revised the plans and sent them  
7 back to the Town and had them reviewed again. At  
8 this point we're asking for conditional final  
9 approval which basically means that we're asking  
10 the Board to issue us a final approval based on  
11 satisfying any additional comments that the  
12 Planning Board or the Town Departments may have.

13 Just to let you know, this project also will  
14 be phased. What I mean by phased is phased  
15 construction only. The subdivision plan and  
16 things like that will be filed immediately, but  
17 the construction is going to be phased. Under the  
18 first construction phase, we're proposing to build  
19 the apartment building, the general parking lots  
20 pump station, the access road coming in, the club  
21 house and the first condominium. We're working  
22 basically north to south. That's where sewer  
23 wants us to go. Depending on how units sell, we  
24 will then build-out a second phase which will  
25 contain two condo buildings and the third phase

1           would be the rental units. Everything else that  
2           has been talked about with you in conversations  
3           with and with letters that we've documented in our  
4           project narrative reports -- those will still be  
5           in place.

6                     At this point, I'd like to turn it over to  
7           the Planning Board and we'll go from there.

8                     I don't know if the whole Planning Board has  
9           seen this. I know that some Members have seen it  
10          before. The typical elevation views of the  
11          commercial space -- these haven't changed since  
12          some of you guys have seen this since 2007 to  
13          2009. A lot of this stuff is still offered  
14          online. If you google Mohawk Riverfront Estates,  
15          you're able to see floor plans of all these units.  
16          You'll see elevation plans of all these units.  
17          Like I said, the only difference is the clubhouse  
18          changed. When you go online and look, that has  
19          changed. But it actually gives you square footage  
20          of the units and layouts of the units; two-bedroom  
21          and three-bedroom apartments. It's very well  
22          detailed. If anybody is looking for a place or a  
23          condo, you can see them there.

24                     There are typical elevation views of the  
25          14-units and that's basically a side elevation

1 view. It's a little bit easier to see from that  
2 end (Indicating). That's basically the side view  
3 of what one would look at from the garage. This  
4 is a general representation of what it would look  
5 like from the water onto the project site. Some  
6 of the Planning Board and the public already knows  
7 that we went to SEAMAB. That was required for  
8 this project because we are within the 50-foot  
9 buffer of the Mohawk River. A lot of that  
10 vegetation, but not all of it, is going to be  
11 maintained with a minimum 10 to 20 foot and we  
12 have satisfied that requirement to obtain our  
13 SEAMAB permit for this project.

14 At this point, I'd like to turn it over to  
15 the Planning Board and see if they have any  
16 comments.

17 CHAIRMAN STUTO: Thank you. You did a great job.  
18 We've seen it before. Most of us are familiar with it.  
19 There are a couple of us that are new here.

20 I'd like to hear from our Town Designated  
21 Engineer. Let's be clear what we are doing  
22 procedurally.

23 MR. GRANT: Okay, it's my understanding that if  
24 you would take a vote tonight, that it would be on the  
25 subdivision and the PDD. The PDD statement of findings

1 is something that was prepared in 2009.

2 MR. LACIVITA: It was adopted in 2009.

3 MR. GRANT: The project is essentially the same.  
4 There are some subtle changes that Jamie has touched  
5 on. We have reviewed all of the various plans and  
6 reports in the 130 sheets and Jamie's response letter  
7 of January 21st.

8 In response to our comment letter of January  
9 11th, we have a letter in response to this. We  
10 have received comments from Town staff;  
11 departmental comments; Planning, Stormwater and  
12 Latham Water District. They got those today. DPW  
13 had a wild flux of projects to review in February,  
14 so I have not received all of the Town comments at  
15 this point. Typically, we don't issue our comment  
16 letter until we have received those to ensure that  
17 we're all on the same page and not contradicting  
18 the comments regarding the plans. You won't find  
19 my letter in your packets because it's in my  
20 computer in Syracuse with my IT guy who is trying  
21 to rebuild it. I apologize for not having a  
22 comment letter in your packets, but I'm prepared  
23 to talk about this tonight. I've gone through  
24 Jamie's letter and my previous comment letter, and  
25 there are a few things that I want to touch on



1 specifically. In essence, 95 percent of the items  
2 have been appropriately addressed more or less.  
3 There are a few things that we still need to  
4 verify and a couple of minor points that we want  
5 to still talk about.

6 There is one of the more significant ones  
7 that I talked to Jamie Easton on today. It was  
8 the pump station and the sizing for the future and  
9 the force main. We can get together with Chretien  
10 and hash that out as we work through towards  
11 final. There are a number of regulatory permits  
12 that the project still has to secure, not the  
13 least of which is the Army Corps, DOT, DEC - that  
14 regulatory process is in the works and proceeding.  
15 Any approvals tonight would be contingent  
16 approvals on the project obtaining all regulatory  
17 permits and approvals required of this project.

18 Second, complying with staff comments that  
19 have either been received or are going to be  
20 subsequently received shortly.

21 Lastly, the existing comment letters and the  
22 one forthcoming regarding the project.

23 CHAIRMAN STUTO: From the TDE?

24 MR. GRANT: Yes, from the TDE.

25 CHAIRMAN STUTO: I'm taking notes.

1           MR. GRANT: Essentially, from our January 11th  
2           comment letter, they often call these things  
3           housekeeping but when you do 130 sheets of plans, there  
4           is no one on the face of the earth that is going to do  
5           those perfectly. There are things that have to be  
6           coordinated between one sheet and another and that's a  
7           lot of what is going on here. I think that the more  
8           significant points are the sewage pump station and  
9           there were some stormwater comments regarding the water  
10          quality proprietary vault units so far as routing the  
11          pipes through them and around them.

12                 Essentially, there are other things that are  
13          infrastructure related with these types of  
14          comments. There are a number of easements that  
15          had to be secured from people around the site;  
16          Seymour's and more particularly out on Crescent  
17          Terrace. The applicant has worked with some  
18          landowners who have existing properties and  
19          getting water and sewer through there as they have  
20          limited space to do so. There has been some  
21          competing comments, but I think that we're fairly  
22          close on this.

23                 CHAIRMAN STUTO: Victor, are you counsel on this?

24                 MR. CAPONERA: Yes, I am.

25                 CHAIRMAN STUTO: What is your opinion of what we

1 are voting on this evening here?

2 MR. CAPONERA: Procedurally?

3 CHAIRMAN STUTO: In other words, site plan?

4 Subdivision? PDD?

5 MR. CAPONERA: It's already been done. In my  
6 opinion, the PDD has already been approved years ago.

7 CHAIRMAN STUTO: This is site plan review; is that  
8 what you're saying?

9 MR. CAPONERA: Yes, and it's basically site plan.

10 MS. VAIDA: There have been no changes to the PDD.  
11 I think that we went over that last time.

12 MR. CAPONERA: That's right.

13 MR. LANE: What was the issue with the retail  
14 space and the proposed possible restaurant? Can you  
15 explain that to me?

16 MR. EASTON: With the commercial space out  
17 front -- the 10,000 square feet -- the design engineer  
18 designed that space to accommodate a restaurant  
19 facility, but that restaurant space is not approved.  
20 So, engineering wise, it's designed in accordance for  
21 pump station flows, parking requirements and things  
22 like that. What we could do is if the applicant so  
23 chooses in the future to put in a restaurant type  
24 facility, they would have to come back to this Planning  
25 Board for approval for that particular item. The

1 10,0000 square feet is only approved for retail office.

2 MR. LANE: Does that change the status of the PDD?

3 MS. VAIDA: Tim, if you look on page 8, it has all  
4 the conditions of the PDD and it explains the  
5 restaurant.

6 MR. LACIVITA: You have to go deep into it. It's  
7 not just page 8. You have to go into the PDD findings  
8 and page 8 of those is actually where it details those;  
9 it's 10. If you'd like, for the record, I can read it  
10 so you can actually see what it's talking about. As 10  
11 goes down, it says:

12 "Any food service establishment proposed on  
13 this site will be subject for further review and  
14 approval by the Town of Colonie Planning Board  
15 which will require an amended narrative and  
16 parking analysis that demonstrates the parking  
17 required can be accommodated with the approved  
18 conceptual parking capacity and amended traffic  
19 study that provides verification of the level of  
20 traffic service at the intersections of Route 9.  
21 A significantly sized food service operation may  
22 require provisions for more parking that would  
23 alter the conceptual plan and perhaps the adjacent  
24 areas."

25 So, that's what we talked about specifically

1 to Jamie's point of the 10,000 square feet. Brad  
2 articulated that at the last meeting in January.  
3 So, they would be back before us if that was  
4 proposed in the future.

5 MR. EASTON: Basically, the only thing that I've  
6 done is blocked off a sewer flow rate for the pump  
7 station. That's in reality what I've done. A  
8 restaurant uses much more water and sewer. I'm taking  
9 that reserve capacity and assigning it to that  
10 building. In the event that he does want to do it next  
11 year or 20 years from now, that assigned value is  
12 already there. But, he would have to come back to the  
13 Planning Board.

14 CHAIRMAN STUTO: Any members of the public want to  
15 be heard on this project?

16 MR. BALLARD: My name is Robert Ballard and I have  
17 a couple of issues with when you run your gas and  
18 water. It's going to go by my property.

19 CHAIRMAN STUTO: Where is your property?

20 MR. BALLARD: It's Crescent Terrace and Route 9.  
21 I'm at the top of Crescent Terrace, north to their land  
22 and then it goes adjacent to the back -

23 CHAIRMAN STUTO: Does that show on your map?

24 MR. EASTON: Yes, Mr. Ballard owns two properties  
25 under two different names. They are these two corner

1 pieces up here, farther south. It's basically Route 9,  
2 south of our project site and closest to Route 9. They  
3 should be labeled actually with Mr. Ballard on it.

4 CHAIRMAN STUTO: Okay, we have your property  
5 located. Tell us your issue please. Are they the  
6 residential properties or commercial?

7 MR. BALLARD: One is commercial and the other is  
8 residential. When they do the excavating on the water  
9 and sewer and get easements for you guys and stuff,  
10 instead of them chopping that off, I'd like it to blend  
11 into the existing property. So, when your easement is  
12 on the state land, I don't want to have it cut down and  
13 not have it leveled out to the other properties. You  
14 know what I'm saying?

15 CHAIRMAN STUTO: I'm not sure I understand what  
16 you're saying. Have you spoken to the engineer about  
17 this?

18 MR. EASTON: Yes, he has. Mr. Ballard has spoken  
19 to me a few different times about this. In some cases  
20 the property owners have been in contact the duration  
21 of the design of the project. The reason is that we  
22 have been able to obtain all site easements from  
23 existing landowners to put town infrastructure in. Now  
24 the reason that I went to these landowners was down  
25 here in the corner of some of Mr. Ballard's property,

1 if we're not able to obtain easements, this would force  
2 infrastructure underneath Route 9's shoulder  
3 (Indicating). For example, the storm force main or  
4 waterline or something like that. That would allow us  
5 to occupy lands on his property to put future Town  
6 infrastructure in, and then move it out from under DOT  
7 roadway so it would make it easier.

8 CHAIRMAN STUTO: Can you show us where the lines  
9 are?

10 MR. EASTON: One line is actually right here at  
11 the corner. Actually, I was able to obtain the 20-foot  
12 easement -

13 CHAIRMAN STUTO: Parallel to Route 9; is that what  
14 you're saying?

15 MR. EASTON: Parallel to Route 9. There are  
16 multiple owners. One is Mr. Ballard and one is Mr.  
17 [SIC] Houter's. Seymour's property actually gave the  
18 20 foot easement -

19 CHAIRMAN STUTO: So, you're going all along that  
20 front.

21 MR. EASTON: All along that front, I was able to  
22 obtain easements.

23 CHAIRMAN STUTO: So, what is Mr. Ballard's issue?

24 MR. EASTON: He just wants to make sure that as  
25 they grade along Route 9 and install the waterline and

1 force main, he wants to make sure that grade blends  
2 into his property smoother than what they currently are  
3 right now.

4 CHAIRMAN STUTO: Did Mr. Ballard grant you an  
5 easement?

6 MR. EASTON: Yes, he did. He actually granted a  
7 total of three easements onto his property.

8 CHAIRMAN STUTO: So, what is your response to his  
9 concern?

10 MR. EASTON: In regards to grading easements,  
11 grading within the easement or onto his property, the  
12 applicant will have to talk to the contractor and see  
13 to the extent that he wants graded. I don't want to be  
14 open ended with a checkbook, but if it's minor grading  
15 to blend between the Route 9 shoulder and his property  
16 of the waterline elevation and the sewer force main -

17 CHAIRMAN STUTO: Is there a big elevation change?

18 MR. EASTON: Actually, yes. From Route 9 to the  
19 top of his property there is probably 20 feet.

20 CHAIRMAN STUTO: Do you want to have that whole  
21 thing filled in? Is that what you're saying?

22 MR. BALLARD: Oh, no. They can't fill that in.  
23 They'd be filling in all of 9.

24 MR. EASTON: Basically, you have the side slope  
25 coming from Route 9's shoulder, as you're heading south



1 on Route 9. You have a shoulder and you have a ditch  
2 line and then basically you have a one on one, or two  
3 on one side slope that goes up on his property which  
4 has trees and vegetation. The proposed borderline goes  
5 basically in on that two on one side. So, kind of half  
6 way up the back. What he wants to do is kind of chop  
7 off the top of that hill to blend in and instead of  
8 having a two on one slope within DOT's property, make  
9 it a three on one slope. I have not looked into the  
10 economics of that issue. I need to consult with the  
11 owner of the project and see how much grading he wants.  
12 If it's minor grading, I have no problem with that.  
13 That's one of his concerns.

14 MR. BALLARD: There is that and there is going to  
15 be a lot of surveying and moving stuff. I want to make  
16 sure that my survey pins are replaced.

17 CHAIRMAN STUTO: You have survey pins in now?

18 MR. BALLARD: Yes.

19 CHAIRMAN STUTO: Delineating your property?

20 MR. BALLARD: Yes. They're going to be ripping up  
21 a lot, and I want to make sure that they are replaced.

22 CHAIRMAN STUTO: I would assume that they would  
23 guarantee to do that.

24 MR. BALLARD: The other one is where Crescent  
25 Terrace and 9 meet at Cemetery. There was one thing

1 that wasn't addressed in the past. There is a storm  
2 drain - water comes off of 9 and it goes down Crescent  
3 and it fills right up near the mailboxes and stuff, so  
4 all the water that comes off the road bypasses. There  
5 is a divot in there and it goes down Crescent instead  
6 of down 9. So, I have an issue with a storm drain  
7 there.

8 CHAIRMAN STUTO: Is that part of the property that  
9 you're touching?

10 MR. BALLARD: No, this is where you're going to be  
11 digging up for your water and your gas line.

12 CHAIRMAN STUTO: Is that going to be part of what  
13 you're touching in the utility aspect of your project?

14 MR. EASTON: The first question was with regard to  
15 the pins being reset. So that it's on the record and  
16 it's known, we will reset your pins on your property.  
17 We're touching five or six of the corners of your  
18 property to install future Town utilities in there.  
19 So, I have no problem with resetting those.

20 In regard to the intersection of Route 9 and  
21 Crescent Terrace, which is approximately a quarter  
22 of a mile south of our intersection, we have a  
23 sewer line and a waterline going through that  
24 existing intersection.

25 CHAIRMAN STUTO: You said you're going to install

1           that; is that what you're saying? It doesn't exist  
2           now?

3           MR. EASTON: There is water down to this part of  
4           Town, but the existing line is substandard and there is  
5           some problems with the existing waterline. So, the  
6           Town of Colonie has requested us to do a 12-inch  
7           waterline and to install a sewer force main in this  
8           area to get sewage out from this one regional pump  
9           station. There is also a project close by; Shelter  
10          Cove. We will be trenching through the existing  
11          Crescent Road, which is a quarter mile south of this  
12          intersection (Indicating). From meeting with Mr.  
13          Ballard this morning, there is some existing drainage  
14          issues that are currently at that intersection in the  
15          Town's property. I didn't know this until I looked at  
16          it today. The water sheet flows across Route 9's  
17          shoulder. It does not improperly drain on that  
18          roadway. I think that in the Town's best interest in  
19          putting in infrastructure in this area, as we're kind  
20          of putting in infrastructure in there, if we need to  
21          pave a larger area or drain a little bit better on that  
22          intersection, I think that is amendable to our client.  
23          I think that we need to sit down with the DPW  
24          Department and really see what issues they've had at  
25          this existing intersection and update those plans so

1 that it's corrected. I think that most of it can be  
2 corrected by grading and properly putting in new  
3 pavement in that area and getting it into pitch  
4 correctly. If not, I think that one catch basin would  
5 suffice.

6 CHAIRMAN STUTO: And you're on record as saying  
7 that you would go to that extent.

8 MR. EASTON: I will go to that extent.

9 MR. AUSTIN: Back to the question, Mr. Ballard,  
10 with the grading: What purpose is that going to serve,  
11 Mr. Ballard? Is that an aesthetic purpose?

12 MR. BALLARD: No, it would serve their project a  
13 little bit better. They're taking a wedge out of that  
14 area and it has to be filled in. So, there is more  
15 than aesthetic. It's a combination of a lot of things.  
16 Plus, at the north end of that property on the Route 9  
17 side there is lawn adjacent to their property, maybe 50  
18 or 60 feet - I didn't know until this morning that was  
19 going to be anticipated into a ditch and I would like  
20 to see that stay.

21 MR. LANE: Can you respond to that?

22 MR. EASTON: I'll try to figure that picture out.

23 Down here in this southern entrance way there  
24 exists right now a lawn area - a culvert  
25 underneath this existing driveway (Indicating).

1           It's not your typical driveway culvert. It  
2           extends significantly farther off the roadway  
3           which allows the current owner to have somewhat a  
4           gentle grade coming out to Route 9. He would like  
5           to maintain that gentle slope from going out from  
6           here to there (Indicating). He doesn't have any  
7           legal access to go out to that point. He still  
8           likes the aesthetic of that location. So, that's  
9           some of what Mr. Ballard is trying to articulate,  
10          due to the large steep grade on that bank. He has  
11          pretty much a level property and it falls off like  
12          a two on one. We're going to stick a waterline in  
13          here and it goes down into a ditch and he's  
14          basically saying that any grade that goes somewhat  
15          into my property is less than that slope. So,  
16          basically it's not really a roadway hazard, or  
17          it's easier for him to mow. Right now if you  
18          actually drive that area, you see scrub brush is  
19          along the banks - along DOT's property. DOT is  
20          not mowing it.

21                 MR. AUSTIN: So, as a sign of good will -

22                 MR. EASTON: It would be a sign of good will by  
23                 the applicant. It's not really an issue that the  
24                 Planning Board would be concerned with, but it's on the  
25                 record that I have to come up with a way to satisfy the

1 existing owner that basically to grade this area out,  
2 the grading would revise the waterline profile, grading  
3 level, and things like that. There are technical  
4 things that we would have to look at, but accommodating  
5 grading through this area - it's a very steep slope and  
6 we are going to cut some of it down and you're going to  
7 make it less steep. Basically, from Mr. Ballard's  
8 point of view, after speaking with him, he wants to be  
9 able to mow it.

10 CHAIRMAN STUTO: Are you going to get rid of the  
11 material, or can you throw it in the ditch?

12 MR. EASTON: I would remove that material and  
13 actually there is an advantage to moving the material  
14 because the project site needs material. So, there is  
15 an advantage. I haven't worked out what those cost  
16 advantages are with the contractor in obtaining a firm  
17 quote to say what is the net plus to that.

18 MS. MILSTEIN: I have a question for you. The  
19 easement has been granted already; correct?

20 MR. EASTON: No, it has not.

21 MS. MILSTEIN: You have something contractual?

22 MR. EASTON: We basically have a signed letter of  
23 acknowledgement from the owners what is going on their  
24 properties and the easements I'm going to have. Once  
25 the conditional file is approved, before we submit the

1 plans to Albany County DOH, those easements have to be  
2 executed.

3 MS. MILSTEIN: That's fine. You answered my  
4 question and the answer is no, you don't have the  
5 actual easements.

6 CHAIRMAN STUTO: Is there a contractual  
7 obligation to grant the easements?

8 MR. EASTON: There is a letter of public  
9 acknowledgement between the owner and the applicant.

10 MS. MILSTEIN: So, that's why it's important for  
11 you to establish a good relationship.

12 MR. EASTON: Absolutely.

13 CHAIRMAN STUTO: Yes, sir.

14 MR. BALLARD: Part of this section where this  
15 wedge is - that's where this water is going through.  
16 That's part of the easement there. It's more than just  
17 cutting the grade down. There is a wedge of like 60 or  
18 70 feet by like 20 or 30.

19 MR. EASTON: The existing drainage pattern on here  
20 is - you can look at this triangle in here and kind of  
21 box it right down the middle (Indicating). Along this  
22 existing roadway is a ditch. That's what he's talking  
23 about. That goes to the Route 9 drainage system and  
24 the other half goes down the existing roadway on the  
25 southern part of the roadway. He's concerned about

1 that run-off, where it is going and which direction it  
2 is going? Originally, I was taking some of this area  
3 and directing it to Route 9's drainage, but he wants to  
4 maintain that flat area.

5 MS. MILSTEIN: The bottom line is that you're  
6 willing to work with them.

7 MR. EASTON: Yes, I absolute am. To cut to the  
8 chase, it's 20 feet of pipe.

9 MR. GRANT: And having a water main and a much  
10 gentler slope isn't the worst thing either. That's an  
11 advantage.

12 MR. BALLARD: It will be much easier for them to  
13 get in there.

14 CHAIRMAN STUTO: Does that satisfy you Mr.  
15 Ballard?

16 MR. BALLARD: When they go into that other phase,  
17 I want tot make sure the lighting isn't going toward my  
18 property.

19 CHAIRMAN STUTO: Can someone speak to that?

20 MR. EASTON: There is a analysis in the plan that  
21 shows no net impact or photometric or any light goes on  
22 his property. That's fine and dandy and we can all say  
23 tha,t, but I can look out the window and see the light  
24 outside. You can still see the light. It's  
25 photometric. That's what Mr. Ballard is concerned



1 about. I have informed him that the lights that we're  
2 actually using are actually facing downward, and to go  
3 down to the intersection which is the intersection of  
4 Delaware and Ontario - we did the bike path down there  
5 with LED lights. They are the same light fixtures. It  
6 shows the same light intensity and he'll be very  
7 surprised with LED lights compared to high pressure  
8 sodium lights. The light disburse out very high.  
9 It's very bright - versus the LED lights are really  
10 very focused and goes straight down. There is an  
11 advantage to that. So, I would encourage Mr. Ballard  
12 to drive down to that site and take a look at that.  
13 It's the same light fixture, same light, same intensity  
14 and he can get an idea of what that is compared to.  
15 So, the technical answer is that there is no light  
16 spillage on your property, but like anybody you can  
17 still see a light. If I was someone in my backyard  
18 sitting outside, you can still see the light. That's  
19 what he is concerned about. I'm going to mitigate that  
20 the best that I can and propose the best technology  
21 that is available to the site.

22 CHAIRMAN STUTO: Brad, do you agree with that?

23 MR. GRANT: Yes. Trader Joe's has those same type  
24 of lights. I'm not sure about the height on them,  
25 comparatively speaking.

1                   CHAIRMAN STUTO: Any other comments from the  
2 public?

3                   MR. HARDING: I'm Russ Harding and I live on  
4 Crescent Terrace. I think that this project is great.  
5 I'm all for it.

6                   The first phase is going to be the apartments  
7 and then there would be one condo unit?

8                   MR. EASTON: That is s correct. It will be the  
9 biggest one that consists of the apartment building,  
10 the condo building and the clubhouse. So, this whole  
11 parking lot, this whole roadway access, all this - the  
12 pavement will stop generally somewhere between building  
13 five and building six (Indicating).

14                  MR. HARDING: My question is: If you build the  
15 apartments and the apartments rent good and then you  
16 build a condo and you don't sell the condos so well,  
17 will you be coming back in to make it all apartments or  
18 will those all stay condos?

19                  MR. CAVANAUGH: Right now we're leaning towards  
20 all condos.

21                  MR. HARDING: But you may go to all apartments?

22                  MR. CAVANAUGH: No, all condos.

23                  CHAIRMAN STUTO: Any other comments or questions?

24                  MR. WADE: I'm Thomas Wade and I also live on  
25 Crescent Terrace. While you're waiting for these other

1 phases, what condition is the property going to be in?

2 I also look forward to cleaning up the  
3 neighborhood. I'm in favor of the project. I  
4 think that you have overall bent over backwards to  
5 accommodate people, but I'm just wondering on my  
6 end what it's going to look like while you're  
7 anticipating the completion of that.

8 MR. EASTON: The first thing is the waterline will  
9 be installed. Once that is done, one of the first  
10 things that we'll be doing on your property is  
11 installing the water main. The second is all the  
12 trailers will be removed in Phase I, so all the garbage  
13 and all things - that's it. Electrical or anything  
14 like that - under Phase I, that's what's going to  
15 concur. The only thing that we're going to keep is the  
16 existing entrance, because that gives the ability for  
17 fire and EMS to access our site. Also maintaining  
18 existing pavement helps the circulation within the  
19 site. The existing trees that you see there are going  
20 to stay. The scrub brush and the trailer garbage -  
21 that's going to be gone.

22 CHAIRMAN STUTO: Does that answer your questions?

23 MR. WADE: Yes.

24 MR. GRANT: Construction sequence and the  
25 temporary earthwork would be on the northern end when

1           they're in Phase I and they wouldn't use that as a  
2           stock yard.

3           MR. EASTON:   That is correct.  The phase grading  
4           plans and the construction plans show what is going to  
5           be in Phase I, Phase II, and Phase II.  The grading for  
6           each one of those phases and utilities for each one of  
7           those phases -- there is a detailed explanation as to  
8           what is going to occur.  All blasting will occur in  
9           Phase I and that will be it.  The blasting in Phase  
10          I -- there will be monitoring on the noise and so  
11          forth.

12          CHAIRMAN STUTO:  Any other questions or comments?

13          MS. DALTON:  Do you have any idea of what the  
14          prices of these will be?

15          MR. EASTON:  I'm not the realtor.  I do not know  
16          actually the construction costs of the units and how  
17          much it will cost per square foot.  I'm not sure what  
18          the land cost is.  The only cost I know is what I  
19          charge my clients for my plans.  If I divide that by 96  
20          units, that's pretty cheap.

21          CHAIRMAN STUTO:  Mr. Cavanaugh may know.

22          MR. CAVANAUGH:  The price point is starting at  
23          \$300,000.

24          MR. AUSTIN:  Who are you marketing to for the  
25          apartments?

1 MR. CAVANAUGH: We'll have a yacht club there  
2 eventually and exercise rooms. There will be a mix of  
3 people.

4 MR. AUSTIN: We've talked about that. There are  
5 apartments going behind Top Tile and different areas of  
6 the Town.

7 MR. EASTON: You also have to look at the price  
8 per bedroom units and things like that. This apartment  
9 complex is more one-bedroom. So, you wouldn't  
10 typically have a family there. You're going to get the  
11 tax income, but you're not going to have to worry about  
12 how it's impacting the schools.

13 MS. DALTON: That's what we said to the people  
14 behind Top Tile.

15 MR. EASTON: It all depends on what the density is  
16 of the apartment unit. You can't just take every  
17 apartment unit and blanket it and say it's going to  
18 have this negative effect or this positive effect. It  
19 all comes down to what is the price point? How many  
20 number of units is the place? How many bedrooms and  
21 how much square footage? There are lots of dynamics in  
22 that equation.

23 CHAIRMAN STUTO: Comments or questions from the  
24 Board?

25 (There was no response.)

1                   CHAIRMAN STUTO: Okay, I'll try to articulate a  
2 motion if anybody wants to make it.

3                   A motion for final site plan approval subject  
4 to all regulatory requirements, permit approvals,  
5 subject to all staff comments, subject to all TDE  
6 comments and subject to the assertions and  
7 commitments made by the applicant.

8                   MR. AUSTIN: I'll make that motion.

9                   MR. LANE: I'll second it.

10                  CHAIRMAN STUTO: Any comments or discussions?

11                  MR. GRANT: Securing those easements for the  
12 infrastructure. It's off site and I realize that they  
13 have been working and they are essential to the  
14 infrastructure.

15                  CHAIRMAN STUTO: Okay, we still have a motion and  
16 a second. Any comments on that?

17                  (There was no response.)

18                  CHAIRMAN STUTO: All those in favor say aye.

19                  (Ayes were recited.)

20                  CHAIRMAN STUTO: All those opposed?

21                  (There were none opposed.)

22                  CHAIRMAN STUTO: The ayes have it.

23                  Thank you.

24                  MR. EASTON: Thank you.

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

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CERTIFICATION

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

\_\_\_\_\_  
NANCY STRANG-VANDEBOGART

Dated March 5, 2013



