

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 MILL ROAD APARTMENTS

5 1 MILL ROAD

6 APPLICATION FOR CONCEPT ACCEPTANCE

7 *****

8 THE STENOGRAPHIC MINUTES of the above

9 entitled matter by NANCY STRANG-VANDEBOGART, a

10 Shorthand Reporter, commencing on May 21, 2013 at

11 7:36 p.m. at The Public Operations Center, 347 Old

12 Niskayuna Road, Latham, New York

13

14 BOARD MEMBERS:

15 PETER STUTO, CHAIRMAN

16 LOU MION

17 KAREN GOMEZ

18 BRIAN AUSTIN

19 TIMOTHY LANE

20 SUSAN MILSTEIN

21 KATHY DALTON

22

23 ALSO PRESENT:

24 Elena Vaida, Esq., Counsel to the Planning Board

25 Joe LaCivita, Director, Planning and Economic Development

Frank Fazio, PE

John Ennis

Jill Ennis

Kevin O'Hearn

1 CHAIRMAN STUTO: Next on our agenda is Mill Road
2 Apartments, 1 Mill Road, application for concept
3 acceptance. This is a two-story, six unit apartment
4 building.

5 MR. LACIVITA: Peter, I'll just put some dates on
6 the record. This project has been before the Planning
7 Board and the Town departments, for the record. It's
8 been through DCC, the Developmental Coordination
9 Committee, on March 13, 2013. Shortly thereafter it
10 was before us for sketch on March 26, 2013. It is in
11 the COR zone, and I think that you've noted from the
12 sheets that you have that this project works within the
13 allowance of density calculations within the commercial
14 that already exists on the property. I will turn it
15 over to Frank Fazio.

16 MR. FAZIO: The project that we're looking at here
17 is Troy Schenectady Road and Mill Road. Basically,
18 we're across from Peter Harris plaza. There currently
19 is one building on the site. Hudson Montana already
20 occupies this building over here and we are proposing a
21 six unit apartment building here (Indicating). These
22 two parcels will be merged. That's the calculation.
23 So, this property line will be distinguished at that
24 point. We'll have approximately about one-quarter
25 acres when these two parcels do get merged together.

1 These are the existing buildings on the property right
2 now. There are offices right there, and there is a
3 barn structure that was refurbished awhile back, along
4 with the building.

5 What we are proposing to do is put a six-unit
6 building on the eastern portion of the project,
7 facing towards the west. I know that there is a
8 requirement and we will be seeking a waiver as
9 this is supposed to be facing Route 7. The theme
10 of what it looks like out there is barn-like
11 pasture. We're trying to develop this as more of
12 a community thing with the office there and the
13 mixed-use for the residence there. It also
14 affords a little bit more privacy for the
15 residents of the units. They can come in this way
16 and not facing out to the front. Parking will be
17 in the rear. We took into account a couple of
18 site changes that were made through Planning and
19 through Clough Harbour. We did connect the
20 sidewalk through here. The sidewalk now connects
21 through to Route 7. We did put in one of the
22 parking spaces here that we recently had as
23 banked, so that we now have an extra space here.

24 The sewer and the water are through existing
25 utilities. The sewerline will go through a

1 grinder pump and connect the existing sewerline
2 that serves the office building that eventually
3 goes up to Mill Road. The waterline will connect
4 onto Route 7. For stormwater management we're
5 going to do much the same that we did for the
6 office building in which case we're going to do
7 some green infrastructure practices where we're
8 trying to get the run-off to go back into the
9 ground by using a stone surface that's over there
10 now. That's currently what is used there. It's
11 been there for two seasons now. We just go in and
12 decompact the soils first and put some fabric down
13 and the stone down and it works fine. I know that
14 it's monitored by the Town. We're going to do the
15 same and do some tests for infiltration and make
16 sure what the rates are going to be and maybe put
17 some rain guards in there. We're trying to do a
18 totally green infrastructure, so that we don't
19 have any more run-off from the site.

20 We're going to put a stone wall along the
21 parking area here, much like was constructed for
22 the office building. We're going to put a lot of
23 dense vegetation in the rear. This parcel right
24 now was vacant and we do want to put some
25 vegetation there. We definitely want to make it

1 look natural on the northern part of the property.

2 I think that we addressed most of the
3 comments of DCC and the comments that came from
4 planning and CHA. We've already examined the site
5 for what we had to do for fire truck access so
6 that it will support the weight of that.

7 We're proposing several pole lights in there.
8 It's going to be restricted down-lighting on
9 those.

10 Two more things that came about the unit
11 itself. One was sound proofing. That will be
12 addressed at the design of the building. Beefing
13 up the insulation on the walls and the windows
14 will be helpful, as well.

15 MR. O'HEARN: In an effort to address that concern
16 with the Planning Board - the type of window that we
17 want to use in the apartments - the current windows
18 that we have are STC rating of 28. We're proposing to
19 upgrade those windows for the apartments which will
20 give us an STC rating of 35. That gives us an increase
21 of 7. If you look at the tables and all, anywhere from
22 five to seven is clearly a noticeable difference in the
23 sound that you would hear, and a reduction that most
24 people would feel would be just half of what it was.
25 That's pretty darned significant. With regard to the

1 walls, just by some minor modification we can go from a
2 37 which is recommended for apartments to a 45 STC.

3 CHAIRMAN STUTO: Do you think that's a good idea?

4 MR. O'HEARN: We do. On the first floor, there
5 is a stone facade. That is in addition - because the
6 second floor has siding. The first floor that has a
7 stone facade, we think will get a 50 in terms of STC
8 ratings.

9 CHAIRMAN STUTO: Thank you.

10 MR. FAZIO: The other comment that came about was
11 the widening of the entrance there. We would like to
12 leave it at the width that it is now. We don't think
13 there will be a lot of traffic conflicts in through
14 there. At that time, we want to keep this so that it
15 looks like private. We're trying to keep that look to
16 it. We're willing to discuss that, but right now we'd
17 like to keep it at the existing width right now.

18 MR. LANE: Which is what?

19 MR. FAZIO: I think that it's 14 feet.

20 MR. O'HEARN: The narrowest part is 13 feet as you
21 get towards the road. We go in and out every day.
22 There isn't a problem. It's only six apartment units.
23 It can be done. We've looked at it and the comments
24 that we look at - we can widen it to 24 feet, however
25 there are two very large silver maples on either side.

1 We would have to cut one of them down and remove it.
2 As you know we talked at sketch plan and we're trying
3 to save every single tree on the site. There are some
4 big beautiful trees on the site and I'm sure that
5 you've all been out to look at it. So, yes, it can be
6 done, but if f you do it, you're going to lose one of
7 those big trees. My suggestion would be maybe you
8 could look at it a little more and think about it.

9 MR. LANE: Is there any pavement there now?

10 MR. FAZIO: Yes, there is pavement. There is
11 pavement to about this location here (Indicating).

12 MR. LANE: It's paved out to the road?

13 MR. FAZIO: Yes, this area here (Indicating). The
14 driveway is paved.

15 There is stone in the parking area right now.
16 This is paved all through here (Indicating).
17 This is all stone in through here.

18 MR. O'HEARN: There is crusher in the parking And
19 it seems to work fine.

20 The other thing is that the mixed-use here
21 and the use of the office is so different. We're
22 trying to do everything on the site to not disturb
23 anything. We understand the thought to keep those
24 trees.

25 MR. LANE: Would you be expecting any large

1 vehicles?

2 MR. O'HEARN: No, that's why we're designing it
3 with the trash issue as well. We don't even want the
4 large trucks coming all the way into the site. We'll
5 have the garbage near the entrance. We're trying to
6 limit the amount of traffic.

7 MR. FAZIO: You don't see dumpsters on the site.
8 Basically, we're going to use the existing barn that's
9 there. There will be receptacles in the barn, so as
10 not to have to put a dumpster on the property and keep
11 it a little more looking residential. Those will be
12 brought out at collection time.

13 The only other comment that I received was
14 because we have a stone surface - is possibly
15 widening the parking spaces to 12 feet. The
16 existing parking lot is nine feet now and they
17 have no problems with those as they are laid out.
18 It's not like customers are going out and coming
19 in and not knowing where to park. There are going
20 to be residents that know where the car should go
21 and where it should fit. You pretty much line
22 yourself up to the building. These here will be
23 paved with porous pavement or something like that.
24 I think that will not be an issue as much.

25 I'm not sure that we will really need a

1 waiver on this next one. When we came in for the
2 office building, we did banked parking spaces for
3 that. I believe that may have been approved. We
4 are not asking to bank any parking spaces for the
5 apartments. The apartments require 12 parking
6 spaces and we've allotted 12 parking spaces in
7 addition to what's required for the office use.

8 CHAIRMAN STUTO: I had asked about separate
9 entrances for the apartments.

10 MR. FAZIO: We did the best that we could. The
11 bottom floors will have separate entrances. What was
12 done here - you'll see it more on the sides. They'll
13 be a staircase with a roof over it to allow entrance in
14 from the side for the apartment up here (Indicating).
15 We can get four out of six.

16 MR. O'HEARN: The only thing that we want to bring
17 up there is that we had a lot of conversations with our
18 neighbor. One of the reasons that we designed our
19 building like this is to give as much privacy to our
20 neighbor that we can. We have the decks going off the
21 back of the building. By putting the deck on the side
22 - John is here and he can comment on it -

23 CHAIRMAN STUTO: Is that the resident on Mill
24 Road?

25 MR. O'HEARN: Yes.

1 CHAIRMAN STUTO: Okay, we'll turn it over to our
2 TDE.

3 MR. GRASSO: We did a comment letter -

4 CHAIRMAN STUTO: Are there any neighbors that want
5 to be heard on this?

6 MR. ENNIS: It's up to you. Whatever your agenda
7 is.

8 CHAIRMAN STUTO: We'll let Joe make his comments,
9 and we'll give you a shot.

10 MR. GRASSO: In terms of the individual entrances,
11 they've accommodated that side staircase to serve one
12 of the upstairs units. Is that something that the
13 Planning Board feels is an improvement?

14 MS. MILSTEIN: I do.

15 MR. LANE: I do.

16 MR. AUSTIN: I like it.

17 MR. GRASSO: And we're supportive of that. There
18 are a couple of waivers that Frank mentioned and I
19 think that they are relatively minor. We can work out
20 whether or not there is going to be one for parking
21 reduction - whether or not that applies to the whole
22 site. We'll get into the width of the parking spaces
23 to see if that addresses the need for a waiver there.
24 The other waiver is that the main facade of the
25 building must face towards the street. We always

1 considered this a corner lot because the front of the
2 building faces Mill Road. We didn't initially think
3 that waiver was required, but based on discussions with
4 the Planning Department, they thought that because of
5 where the apartment building is located so close to
6 Route 7, the design standards will say that the front
7 of the building will face Route 7. That was something
8 that we discussed through sketch plan review and it
9 didn't seem to be much of a concern with the Planning
10 Board. So, I think that waiver is easy to document and
11 address.

12 We talked about the individual entrances. I
13 think that they've done a good job addressing the
14 concerns that were raised regarding the
15 soundproofing of the units.

16 One of the issues that we had raised was the
17 need for screening towards the back of the
18 apartment building. It provides some durable
19 screening towards Route 7, and we thought that
20 there is an opportunity to extend the side
21 elevation that parallels Route 7 and extend that
22 with a low wall that would sweep around the rear
23 of the units - something that extended off the
24 wall and continued around the back of the
25 building. We thought that would be important to

1 provide both visual and sound screening and create
2 some privacy back there to the apartment building.
3 So, that's something that should be considered by
4 the Planning Board to see if that's supported.

5 CHAIRMAN STUTO: Anybody want to comment on that?

6 MR. AUSTIN: How tall is that screening?

7 MR. GRASSO: If they are proposing some other
8 screened walls -- How tall are those?

9 MR. FAZIO: These would be similar to what that
10 wall is (Indicating). In the front of the building you
11 have stone.

12 MR. GRASSO: So, that's three feet or so. So, we
13 think that's appreciable enough. If they want to add
14 some other type of fencing material on top of that for
15 a more height, they could.

16 CHAIRMAN STUTO: Is the applicant okay with that?

17 MR. FAZIO: Well, we prefer to do it with
18 landscaping. We wanted to make it look more natural.
19 We do have existing trees along here, but we want to
20 try to get that more back to a natural look. If we
21 could do that with evergreen trees - those will
22 actually get taller and benefit the upper level more
23 than the lower wall. The same thing along the front.
24 As Chris had mentioned, we have stone on the front of
25 the side of the building there. I don't know if

1 putting a wall there would help that much. We would
2 prefer to do more with evergreens.

3 CHAIRMAN STUTO: Joe, are you talking along Route
4 7 and around the back?

5 MR. GRASSO: Yes.

6 Are there going to be rear patios or decks
7 off the back?

8 MR. FAZIO: The only ones that will have patios is
9 the middle unit.

10 MR. GRASSO: So, maybe the need to create a closed
11 patio space is not important.

12 CHAIRMAN STUTO: What kind of landscaping are you
13 talking about?

14 MR. FAZIO: We have evergreen trees here. We're
15 probably going to continue that and add some deciduous
16 trees in there to help give some color.

17 CHAIRMAN STUTO: What about on the Route 7 side?

18 MR. FAZIO: On Route 7 we can put some along the
19 side. We were talking about putting some rain guards
20 in there, but we could put one or two trees in there.

21 MR. O'HEARN: We were thinking that we didn't want
22 to put any on Route 7 because with the architecture, it
23 wouldn't have a nice look. In the back what we could
24 do - those stone walls, first of all they're very, very
25 expensive. We're doing a lot of that. I've seen it

1 done very well with a combination of sections of fence
2 with landscaping in between and staggering it. We
3 could look at something like that. A nicely done wood
4 fence that would blend in with some landscaping in
5 between. We want to stay away from the stone wall
6 because the cost of it. We're definitely doing one in
7 the front because I think that it's the character of
8 the property, but we like to have different options
9 around that corner a little bit.

10 CHAIRMAN STUTO: Where is the one in the front?
11 Can you point that out?

12 MR. FAZIO: This one here (Indicating). We'll
13 replicate one like that. These are banked spaces right
14 now. We'll put some plantings inside those and
15 strategically place them so that they would be in the
16 aisles. There'll be two spaces here and two spaces
17 here. We'll do some landscaping in here to help that.

18 CHAIRMAN STUTO: Anybody have any comments here
19 now that we're on this topic?

20 MR. ENNIS: Oh, I have a lot. I have things more
21 along the lines of privacy and supposedly sound.

22 MR. GRASSO: If there were going to be patios or
23 decks back there -- and obviously as you drive along
24 Route 7 heading west, we think that the back of the
25 apartment building is going to be very visible -- just

1 to create screening there. It's something that we can
2 take a look at when we look at their landscaping
3 schematic.

4 CHAIRMAN STUTO: The back is attractive. I think
5 that a combination of what you're talking about is -- a
6 little screening and a little hint of the building will
7 look attractive.

8 MR. GRASSO: Comment nine in our comment letter
9 was regarding the paving and the striping of the
10 spaces. Normally, when we see parking lots that are
11 not paved and not stripped, we see cars take up a lot
12 more than the nine foot parking widths. That needs to
13 accommodate that to make sure that there is adequate
14 parking.

15 Just to talk about the stone material. Is a
16 crusher run surface?

17 MR. FAZIO: It's what's out there right now. It's
18 a light stone material. It's not heavy and it's not
19 rubble. It's almost a little bit larger than a pea
20 stone. I think that it's one-eighth. So, it will be
21 something like that.

22 MR. GRASSO: Are you going to plow it?

23 MR. O'HEARN: We have a snowblower that we use and
24 that is more what we would be using.

25 CHAIRMAN STUTO: It's like a country look and

1 country feel?

2 MR. GRASSO: We like the character. We just want
3 to make sure - normally when you see these stone lots,
4 generally if you go out and measure, they take up 11 or
5 12 feet per space, as opposed to a normal nine-foot
6 space.

7 The handicapped spaces in the handicaps
8 parking aisle are going to have to be paved
9 anyway. What we had considered was doing one row
10 of eight spaces across the face of the building.
11 Maybe that could be considered just to pave that
12 one row and leave the rest of the lot stone and
13 that would address some of our concerns.

14 MR. LANE: So, everybody can fight for those
15 spots?

16 MR. GRASSO: They're going to be the most
17 desirable spots anyways, and I think that's where
18 people are normally going to try to park. It's just
19 something that I think would help address our concern
20 and obviously those spaces would be paved and striped.

21 In terms of the entrance width, the New York
22 State Building Code requires a 20-foot wide
23 minimum entrance and we've recommended 22 feet,
24 only to make it easier to let two cars pass if one
25 car was waiting to turn out onto Mill Road. We

1 want to make sure that second car could actually
2 come in and not have to strike traffic going out
3 Mill Road.

4 We're sensitive about the fact that they're
5 trying to retain the two trees. The other thing
6 that we have to consider is Emergency Services
7 getting into this apartment building - because
8 emergencies they have to get in. If they're not
9 going to get in and are willing to stay along
10 Route 7 - which I can't imagine that they would
11 be - either we would need to have them make an
12 emergency connection that would come off of Route
13 7 and come to the front of the building, or they
14 need to be able to come through Mill Road and it's
15 got to be at least 20 feet wide.

16 CHAIRMAN STUTO: What is it currently?

17 MR. GRASSO: It's 14 feet.

18 MR. LANE: Did Fire Services make any comments?

19 MR. GRASSO: They have not, as of yet. We are
20 going to strongly recommend either an emergency
21 connection right in here (Indicating), or take this to
22 at least 20 feet wide. They would allow an emergency
23 access there. It wouldn't be a full access.

24 MR. LANE: But that defeats the whole purpose of
25 the screening.

1 MR. GRASSO: Understood. Like I said, our
2 preference is to try to get that to 20 feet wide on
3 Mill Road, and we'll see what we can do about trying to
4 save the trees.

5 CHAIRMAN STUTO: Do you have any reaction to that?
6 It's a valid concern. I hear what you're saying about
7 the trees.

8 MR. O'HEARN: It makes sense both ways. You can
9 try to save the trees and you can do a bank situation.
10 That really doesn't help me in an emergency situation.
11 So, it's one or the other. We can do it. There is no
12 doubt. We looked at it just like all of your comments.
13 We seriously looked at all of them. That one we can
14 do. We would just prefer that of the two trees, the
15 one that has to come down is obviously the best one. I
16 don't know if we have that leeway to bank it. The plan
17 is in place. If we do need to do it, then we do it.

18 MR. ENNIS: Or can we check with the Fire
19 Department?

20 MR. GRASSO: I think that's where we should start.

21 MR. ENNIS: If they say no, then obviously we
22 don't have a choice.

23 CHAIRMAN STUTO: Take a hard look at it and talk
24 with the department, Joe.

25 MR. GRASSO: All of our other comments have either

1 already been addressed with the plan now, or we think
2 will be easily addressed when they present the plans
3 later.

4 CHAIRMAN STUTO: Sir, if you wouldn't mind,
5 identify yourself? We'd love you to take the
6 microphone, if you're comfortable with it.

7 MR. ENNIS: My name is John Ennis and this is my
8 wife Jill. We live on 3 Mill Road, right next door.
9 We've been there for 33 years. It was my wife Jill's
10 grandmother's house prior to that. Her cousins lived
11 at 1 Mill Road. Both properties, the Green Family
12 lived in as residents, built as residents, and zoned as
13 a residence. Somewhere along the line the Town deemed
14 that all those properties would become COR, which is
15 fine. That said, we've lived there for 33 years and
16 the privacy we have is very hard to find in this Town
17 anymore. I'm quite sure that most of you have driven
18 by and seen where Mill Road is.

19 CHAIRMAN STUTO: How big is your lot? We have an
20 aerial which is a pretty good depiction.

21 MR. ENNIS: It will encompass about five acres
22 when it's all said and done, with her mom living next
23 door.

24 CHAIRMAN STUTO: That other large lot?

25 MR. ENNIS: That's Jill's mom's house.

1 Over here we've had a gorgeous view of this
2 piece of property (Indicating). As a residence,
3 we would have to go to the rural areas to find
4 that kind of privacy in this Town.

5 Being that what it is, these two gentlemen
6 have taken over 1 Mill Road. It's absolutely
7 gorgeous. That property has never looked that
8 good and they're a class act with quality work.
9 They have been gracious enough to talk with us
10 through all their stages and through this whole
11 process through the very beginning up to this
12 stage. We've been in their office and we've
13 walked the property. We've discussed our
14 concerns.

15 Some of the concerns that we discussed are
16 that we don't want obnoxious lighting. We can't
17 stop this project. I'm not about to and neither
18 does Jill want to. We have no right to stop this.
19 They have the right to do what they want to. With
20 that said, all of the sudden 40 feet away I have
21 12 new neighbors, and I haven't had one neighbor
22 in 33 years. I don't like it, and nor would
23 anybody else here. That's the way that it goes.

24 The lighting is an issue.

25 MR. O'HEARN: We were just thinking about the

1 lights and we'll do those that go straight down.

2 MR. ENNIS: Can there be timers or something? I
3 don't need lights at three or four in the morning
4 continually. I understand that security is an issue.
5 That's one factor.

6 You have a grinder pump going on.

7 CHAIRMAN STUTO: What kind of screening is between
8 this gentleman and you?

9 MR. ENNIS: See all these pine trees? Our family
10 planted them when we transplanted them from Maine.
11 They are now 30 or 40 feet tall.

12 CHAIRMAN STUTO: Those are existing?

13 MR. ENNIS: Yes. On the backside of these trees
14 you have 40 feet of lawn. I mow probably 30 feet of
15 it, and then it's all woods. With that said, I don't
16 really want to be going down there mowing and see a big
17 high fence in the back. I'm sorry, I really don't. It
18 would be absolutely ugly. These people here can look
19 out and see nothing but woods and mowed grass for 34
20 feet. These are just my thoughts.

21 Right back here (Indicating) are fire pits.
22 I don't need to see nor do I want to see people
23 coming in and out at all hours to this side
24 entrance.

25 CHAIRMAN STUTO: Is there screening along that

1 line?

2 MR. FAZIO: It's woods, but it's old woods. It's
3 lightly wooded.

4 CHAIRMAN STUTO: You're not planning on changing
5 that.

6 MR. FAZIO: That's why we kept the building the
7 way that it is so that we don't go in there and start
8 disturbing things.

9 MR. ENNIS: We have a big crabapple tree that are
10 probably 40 feet in diameter and 30 feet high. That
11 helps but all back in here - I don't want to have
12 people coming in and out shutting the door in the
13 backyard. There will be people coming in at God knows
14 what hour. That's ridiculous and it's not right.

15 MR. FAZIO: You're talking about this side
16 entrance?

17 MR. ENNIS: Yes. I'm going to have people sitting
18 out on their deck looking right into my back yard.
19 That's wrong. There has to be another way to fix that.

20 Garbage was already discussed. That's
21 another concern.

22 Chuck, Chris, and I have talked. Where there
23 is gaps, we've talked about planting certain pine
24 trees to give us the privacy. Our vegetable
25 garden was always right here (Indicating). I'm

1 going to look and see a guy going in his door.

2 I like the concept. I think that it's a
3 beautiful structure.

4 That gravel driveway that they talked about -
5 I've seen that and I've walked down that. That
6 thing is great. It's quite the concept.

7 CHAIRMAN STUTO: Joe Grasso, can I give you a
8 shot?

9 MR. GRASSO: I think that the comments are very
10 well stated. They came across very clear. Based on
11 those and what we have also heard from the applicant, I
12 think that the down lighting is something that they're
13 going to do anyway. I think that having lights on
14 timers is appropriate. I see no reason for a
15 residential setting to have lights on during the middle
16 of the night. So, I think that's something that the
17 Planning Board should consider. I think that there is
18 a lot of reasons why a fence on the east side of the
19 site it not needed or appropriate or desired by the
20 neighbors. I think that the Planning Board should take
21 that comment into consideration.

22 CHAIRMAN STUTO: Are you adverse to a fence?

23 MR. ENNIS: We would rather not have a fence.

24 MR. GRASSO: The other major thing that I noted
25 was the side-loaded apartment building. I know that

1 was something that would add some privacy, but you have
2 to remember that it's a six-unit apartment building.
3 The three downstairs units - I think that we're already
4 having individual fences and even with the change
5 tonight, there will only be one additional private
6 entrance to the one on the side. Obviously, that's the
7 one that seems to be affecting the neighbor the most so
8 I would say to go back to the original plan.

9 CHAIRMAN STUTO: I don't mind that. Is the
10 applicant okay?

11 MR. O'HEARN: Yes.

12 MR. GRASSO: That's all we got.

13 CHAIRMAN STUTO: Okay and we'll be back to see you
14 again.

15 Any other comments or questions from the
16 board members?

17 (There was no response)

18 CHAIRMAN STUTO: I don't have any comments on the
19 waivers. I know that we're not voting on waivers
20 tonight.

21 You haven't heard any strenuous objections to
22 the waivers. We're here for concept acceptance.

23 MS. DALTON: I'd like to say something about the
24 waivers. I live in the neighborhood just down the
25 block. I go over there all the time. The way that you

1 designed it goes with Mill Road and it's clearly
2 related and consistent with that very brief stretch.

3 MR. ENNIS: If they made it narrower to Route 7,
4 it would back right up to our yard. We would have to
5 close every blind in our house for privacy.

6 MS. DALTON: I understand what you're saying, and
7 I agree. This way, it goes closer to the woods and I
8 think that's much better.

9 MR. ENNIS: Absolutely.

10 CHAIRMAN STUTO: Any other comments or questions
11 before we accept a motion for concept acceptance?

12 MR. AUSTIN: I would just say that possibly the
13 applicant just take note of what the neighbor did say
14 about potentially adding some more screening, just as a
15 sign of good faith. You have a neighbor there that's
16 been there for 30-some odd years and maybe putting a
17 few pine trees here would be beneficial.

18 MR. O'HEARN: We've already agreed to do that. We
19 walked the property.

20 MR. AUSTIN: I think that it's a great project.

21 CHAIRMAN STUTO: I look forward to seeing it
22 again.

23 MS. MILSTEIN: And I appreciate the amount of time
24 that you're spending with the neighbors.

25 CHAIRMAN STUTO: We don't always see that.

1 MR. ENNIS: These gentlemen have been absolutely
2 the classiest.

3 CHAIRMAN STUTO: Okay, do we have a motion for
4 concept acceptance?

5 MR. MION: I'll make that motion.

6 MR. AUSTIN: Second.

7 CHAIRMAN STUTO: Any discussion?

8 (There was no response.)

9 CHAIRMAN STUTO: All those in favor say aye.

10 (Ayes were recited.)

11 CHAIRMAN STUTO: All those opposed say nay.

12 (There were none opposed.)

13 CHAIRMAN STUTO: The ayes have it. Thank you.

14 MR. O'HEARN: Thank you.

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17 (Whereas the above proceeding was concluded

18 at 8:01 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 May 30, 2013

