

1 PLANNING BOARD COUNTY OF ALBANY
 2 TOWN OF COLONIE
 3 *****
 4 GIARDINELLI CONSERVATION SUBDIVISION
 5 100 MARY HADGE DRIVE
 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 June 18, 2013 at
 11 7:39 p.m. at The Public Operations Center, 347 Old
 12 Niskayuna Road, Latham, New York

11 BOARD MEMBERS:
 12 PETER STUTO, CHAIRMAN
 13 SUSAN MILSTEIN
 14 KATHY DALTON
 15 KAREN GOMEZ

16 ALSO PRESENT:
 17 Michael Tengeler, Planning and Economic Development
 18 Joe Grasso, PE, CHA
 19 Jason Dell, Lansing Engineering
 20 Marge Quinn

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 23
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1 CHAIRMAN STUTO: Next on our agenda is Giardinelli
2 Conservation Subdivision, 100 Mary Hadge Drive. This
3 is an application for concept acceptance. This is a
4 two-lot residential subdivision.

5 This is in a conservation area.

6 Either Joe or Mike, can you give us a rundown
7 on the conservation information, so that we have
8 the right information for this application?

9 MR. GRASSO: This project site is located within a
10 conservation development overlay zone. There is a
11 specific process that the applications are supposed to
12 go through where you identify any sensitive resources
13 within the project site, and then you try to design
14 your project to protect those resources as much as
15 possible. So, some of the resources that the code
16 identifies are buffer areas, areas of slopes over 25
17 percent, wetland areas, agricultural areas, historic
18 areas and any open space or recreational areas. So, as
19 you go through the design process, you identify those
20 areas, you share that information with the Planning
21 Board and you design your project in such a way that
22 you minimize impacts to that.

23 Furthermore, you're supposed to protect all
24 those areas by including them in a designated open
25 space areas. Open space can either be fee simple

1 dedication, or protection by a conservation
2 easement where the easement is granted to another
3 party or thirdly, production by deed restriction.
4 So, you include all of those constrained lands.

5 In addition, the code requires 40 percent of
6 your unconstrained lands on the project site to
7 also be protected by open space. That 40 percent
8 can help fulfill other conservation protection
9 resources such as buffers to the wetlands, buffers
10 up against adjacent residential properties, or
11 other areas that the Planning Board deems worthy
12 of protection.

13 CHAIRMAN STUTO: So, it's formulaic in a sense
14 that they have to identify the other area, you take
15 what's left, and 40 percent of that you have to
16 conserve as well.

17 MR. GRASSO: That's right.

18 CHAIRMAN STUTO: Can you walk us through how you
19 have done that, and then just proceed with your
20 presentation?

21 MR. DELL: Sure. My name is Jason Dell and I'm
22 with Lansing Engineering.

23 As Joe mentioned, it is a conservation
24 subdivision and it's part of that conservation
25 subdivision that we need to determine the

1 constrained lands first. Total acreage on the
2 site is approximately 24.5 acres. Of that 24.5
3 acres, we've got about .53 acres of Army Corp of
4 Engineer wetlands. Those are shown in the little
5 grass hatch.

6 Then, we also have slopes greater than 25
7 percent, which is shown in the gray areas. So,
8 you take the Army Corp of Engineers regulated
9 wetlands, slopes steeper than 25 percent, and we
10 subtract that from the 24.5 acres. We wind up
11 with a net unconstrained land of 20.8 acres.

12 As Joe also mentioned, we need to set aside
13 40 percent of that area as part of the
14 conservation areas. So, when we look at 40
15 percent of that 20 acres, it yields approximately
16 eight acres. So, what that equals out to is
17 approximately a total area of 12.4 acres that
18 needs to be in the conservation area. We have on
19 our plan here and what was submitted is shy of
20 that. We had a slightly different interpretation
21 and I talked to Joe about that. We agreed with
22 Joe. It was an error on my part, and it will
23 increase from 10.5 up to the 12.4 that we need to
24 have.

25 The we have the area that needs to be

1 constrained or put in the conservation easement.
2 We're also left with approximately 12 acres of
3 unconstrained buildable land which we can use to
4 get an allowable density per the zoning. So, we
5 have about 12 acres and two lots per acre is
6 allowable, per the zoning. So, we have an
7 allowable density on this property for about 24
8 lots. We're proposing two lots on this. So, it's
9 substantially less than what we could build.

10 CHAIRMAN STUTO: But you're not proposing that.
11 That's just the potential.

12 MR. DELL: Did that answer what you wanted to know
13 about it?

14 CHAIRMAN STUTO: I think that makes it very
15 understandable.

16 Does anybody have any questions about the
17 conservation analysis?

18 (There was no response.)

19 CHAIRMAN STUTO: Thank you.

20 MR. DELL: Access to the proposed single family
21 lot will be via the extension of Alexandra Court. It
22 will be a small extension.

23 Basically, what we need to do is construct a
24 hammerhead turnaround at the end to allow the
25 Town's vehicles to turn around. The size and

1 configuration of this hammerhead was provided by
2 the Town.

3 CHAIRMAN STUTO: What are the rough dimensions on
4 the hammerhead part?

5 MR. DELL: The rough dimensions are -

6 CHAIRMAN STUTO: Is it a rectangle?

7 MR. GRASSO: It's about 80 feet wide by 30 feet
8 deep or so.

9 MR. DELL: I have 80 by 20. Again, we have two
10 lots proposed. The first lot is going to be
11 approximately 19 acres and is located on the northern
12 portion of the parcel. The remaining 10.1 acres will
13 be a proposed lot that will be serviced by the
14 extension of the water system.

15 The water system will connect an eight-inch
16 ductal water line that will run up to the other
17 side of the hammerhead turnaround. Mr.
18 Giardinelli will be able to connect this house by
19 a service line. Sanitary sewer will be provided
20 to Mr. Giardinelli's house by sanitary sewer
21 lateral down to an existing sanitary manhole
22 that's currently located at the end of Alexandria
23 Court.

24 We submitted a conceptual stormwater analysis
25 to the Town and Mr. Dzialo agreed with what our

1 approach is going to be with respect to
2 stormwater. Right now, the Elena Estates
3 subdivision was designed to accommodate this
4 property and not to have any impact on the Elena
5 Estates stormwater system.

6 We also received some comments from Joe and
7 CHA. I just wanted to talk about a couple of
8 those.

9 First was with respect to the archeological
10 investigation. The archeological investigation
11 Phase I is currently being completed, and we'll
12 have the results of that study shortly.

13 The bigger of the two comments was comment
14 three with respect to the configuration of the
15 conservation area. We have here the conservation
16 area wrapping around Mr. Giardinelli's lot and
17 stopping here as well as along the southern
18 portion here on the backs of the existing homes
19 (Indicating). This was the general configuration
20 that we added in and again we were a couple of
21 acres shy. Joe provided a sketch of the documents
22 that came out of that showing what they thought
23 was a more appropriate conservation area and
24 configuration. We certainly don't have an issue
25 with the area around the outside here

1 (Indicating). We do have one area that we'd like
2 to request your consideration on. That would be
3 the front area. The redline here represents
4 roughly the sketch that Joe had provided
5 (Indicating). The dark line represents what the
6 applicant would like to request as a variation
7 from this red line along the western portion, and
8 closer to Elena Estates as well as on the eastern
9 portion - this small little trapezoidal shape
10 area. The area that would be offset by these two
11 areas would be made up of this area here
12 (Indicating). Joe's area opens up right here
13 where we would enclose that entire area for
14 conservation easement. We would like to request
15 the Board's consideration on that.

16 CHAIRMAN STUTO: So, Joe, you were proposing some
17 type of buffer to the residential; is that right?

18 MR. GRASSO: Yes.

19 CHAIRMAN STUTO: Do you want to comment on that?
20 What was your dimension on that, Joe?

21 MR. GRASSO: What's that leg of the hammerhead
22 turnaround?

23 MR. DELL: That's 80 by 20.

24 MR. GRASSO: No, the actual right of way - the
25 depth of the right of way. I think that we were

1 looking at like a 50-foot buffer.

2 MR. DELL: It's 45 right there.

3 MR. GRASSO: So, we were looking at a 45 foot
4 buffer, and I think that they are proposing to cut it
5 roughly in half to 30.

6 CHAIRMAN STUTO: Why would you want or need to do
7 that?

8 MR. DELL: Previous iterations of this project had
9 a cul-de-sac right here and three additional lots
10 (Indicating). If we were to abide by this line, it
11 would preclude any potential future development for
12 those lots here when and if the waterline ever comes
13 down from the east. So, basically by reconfiguring
14 it just slightly, it would still leave only a portion
15 for those additional three lots. That's if and when
16 the applicant ever chose to go forward with that.

17 CHAIRMAN STUTO: I think that we should talk about
18 that further. Do you want to continue with your
19 presentation and we'll make a note of that?

20 MR. DELL: Well, we're here tonight to answer any
21 questions you might have.

22 MS. DALTON: I just want to make sure that I
23 understand this. Right now you are suggesting a
24 subdivision to make this two lots. You could at some
25 point take the second lot and subdivide it again into

1 three lots; is that correct?

2 MR. DELL: There is going to be three.

3 MS. DALTON: Right, but what I'm asking is right
4 now you're asking for two, but at some point in the
5 future, you could come back with one of them and you
6 could subdivide it further.

7 MR. DELL: Correct. This was the reason why we
8 wanted to let you know that there is, in fact, that
9 potential for that.

10 CHAIRMAN STUTO: If anybody from the public would
11 like to speak, I would ask that you sign up on the sign
12 up sheet over on the table.

13 That's a tough one to grapple with. I
14 understand why you might want to create three
15 lots.

16 MR. DELL: It is 19 acres, so it would still be
17 well below the allowable density.

18 CHAIRMAN STUTO: But I think that the screening
19 would be important. Those are the two things that have
20 to be weighed. We've seen on other projects where 45
21 feet isn't necessarily - I mean, what is the dimensions
22 on this room? It's a lot more than 25, I think. It's
23 not a lot. I want to think about that one. I don't
24 know if anyone has any comments on it right now.

25 We want to let you comment, too, Joe Grasso.

1 Do you want to do your presentation?

2 MR. GRASSO: I just to expand on that one comment.
3 Obviously, our sketch has a slightly wider buffer
4 there and it kind of flares out on both sides. I think
5 that it would be helpful if we understand if there is
6 going to be future developability, exactly where would
7 that be - maybe the orientation of the houses, the
8 clearing limits associated with that and then we should
9 look at the buffer.

10 What kind of vegetation do we have left in
11 this either 35 foot wide strip or 45 foot wide
12 strip and is there any kind of buffer on any
13 adjacent lots? Are they cleared right up to their
14 property line where the only buffer that we're
15 going to be able to work with - would be provided
16 with the project site? So, this is just up for
17 concept, but I think that it would be helpful to
18 have more information regarding the type of
19 vegetation that's out there. Something to keep in
20 mind is if we're dealing with deciduous
21 vegetation, it provides a good buffer during the
22 summer months. Obviously during the winter, it
23 could be very thin, unless there are some
24 evergreens in there.

25 CHAIRMAN STUTO: What kind of plantings are in

1 there?

2 MR. GRASSO: Yes, you could also add plantings.

3 CHAIRMAN STUTO: Do you have any other comments
4 overall about that?

5 MR. GRASSO: There is a comment from the Highway
6 Safety Committee which gets an opportunity to review
7 all the concept plans submitted for review. Their
8 comment was that Alexandria Court now is just a stub
9 street. There is no T-type turnaround and no
10 cul-de-sac. They're recommending that a cul-de-sac be
11 provided as part of this project.

12 CHAIRMAN STUTO: More than the hammerhead?

13 MR. GRASSO: Yes, more than the hammerhead. It
14 would obviously have to extend to the project site
15 more. It would require more clearing of the vegetation
16 there. We thought that a hammerhead turn around is
17 appropriate because we're only looking at one lot.

18 The Department of Public Works did not bring
19 it up in their recommendations. They have also
20 reviewed the plans as part of the DCC process. If
21 there is going to be additional development off of
22 Alexandria Court and we get into looking at either
23 two, or three, or four lots there, I think that we
24 want to have the availability to relook at whether
25 or not a full cul-de-sac should be provided.

1 That's what is currently on the end of Mary Hadge
2 Drive. That's what is serving that other lot.

3 CHAIRMAN STUTO: Would the hammerhead be dedicated
4 to the Town?

5 MR. DELL: Yes. If the other lots in the future
6 ever were to move forward, it would require the full
7 cul-de-sack.

8 CHAIRMAN STUTO: And that's 80 by 35, roughly?

9 MR. DELL: The hammerhead right now?

10 CHAIRMAN STUTO: Yes.

11 MR. DELL: The right of way dimensions are longer
12 than the actual -

13 MR. GRASSO: It might be a 100-foot right of way,
14 but it would require a lot more right of way of about
15 110 feet.

16 CHAIRMAN STUTO: It's the only paved part of it,
17 and the rest gets dedicated?

18 MR. GRASSO: Correct. Just so that they can push
19 the snow off the edges of the hammerhead.

20 The other thing is that when we look at
21 constructing a cul-de-sac at this point
22 (Indicating), you're now constructing a cul-de-sac
23 basically right behind two adjacent existing
24 residences.

25 CHAIRMAN STUTO: I personally agree with the

1 hammerhead.

2 MR. GRASSO: We certainly would support that.

3 In terms of the SEQRA review, this is an
4 unlisted action pursuant to SEQRA. There is a
5 short EAF included in your packets. We feel that
6 is probably adequate to describe the project
7 understanding that it's just the two-lot
8 subdivision. If the Board wanted to look at the
9 impacts related to and associated with possible
10 future development, obviously I think that a full
11 EAF would give us more information.

12 One of the things that Jason mentioned was an
13 archeological investigation is currently underway.
14 One of the things that those investigations can
15 show is: Are there any historic or archeological
16 significant areas on the site that are worthy of
17 preservation? If there are, those are the types
18 of things that can also be built into this
19 required open space area. I think that it's
20 appropriate that they are doing the investigation
21 now. We probably won't have those answers until
22 we're further along in the process.

23 CHAIRMAN STUTO: So, that could change the plans.

24 MR. GRASSO: That could change the plans. So,
25 it's something that the Planning Board should be aware

1 of. I don't think that there is reason to stop the
2 project until that investigation is done because it is
3 a lengthy process. I think that there are other
4 planning considerations that can be made now and allow
5 the project to move forward. We can revisit that if
6 there is anything of significance that the
7 investigation covers.

8 CHAIRMAN STUTO: Which form of conservation
9 preservation are we doing; deed, conservation easement?

10 MR. GRASSO: Do you want to speak to that?

11 MR. DELL: I believe that in the comments, an
12 easement is going to be required.

13 CHAIRMAN STUTO: Who would be the recipient of the
14 easement?

15 MR. GRASSO: Just to clarify, what they present in
16 their application materials is by easement. Recently,
17 the Town Board modified the zoning to allow protection
18 by deed restriction and I don't think that information
19 was easily found by the applicant, so that's not what
20 they proposed. The problem with the conservation
21 easement is you have to find an agency dedicated to
22 land protection that's willing to take the easement.
23 We would expect that is going to be difficult to find
24 one of those agencies. This doesn't lie adjacent to
25 any other known open space area or lands owned by The

1 Open Space Institute or Land Trust Alliance or somebody
2 else. So, we would recommend that they pursue
3 production by deed restriction.

4 CHAIRMAN STUTO: This is a legal question, but my
5 understanding of deed resections is it's only the
6 people who are part of that subdivision who can enforce
7 the deed restriction.

8 MR. GRASSO: We believe that if the deed
9 restriction is made part of the subdivision approval
10 and they violate the terms of the deed restriction,
11 it's our opinion that they violate the terms of the
12 subdivision approval. I'll defer to counsel on that.

13 CHAIRMAN STUTO: Okay, Elena, can you look into
14 that as we determine which form of conservation we're
15 going to take on this?

16 MS. VAIDA: I think that also it's on the plan and
17 part of the approval and condition.

18 CHAIRMAN STUTO: So, who can sue on that? Anybody
19 in the Town?

20 MS. VAIDA: I see what you're saying.

21 CHAIRMAN STUTO: If you're in a 100-lot
22 subdivision and they say that you can't build sheds,
23 anybody in that subdivision can sue if somebody puts up
24 a shed. If it's in file plans, I'm not sure who has
25 the right to sue. Obviously, the Town can use their

1 mechanisms to stop them, but I'm not sure. Really it
2 protects the whole Town and it also protects the people
3 in the neighborhood because it's all open space. It's
4 kind of a critical question. If it bounces back to the
5 Town and somebody lives there and they see them
6 clear-cutting, they are at the whim of what the Town
7 wants to do at that time. So, I think that it's an
8 important question. They really don't have a seat at
9 the table if they don't have enforcement. We'll look
10 at that one, too.

11 Any other comments before we turn it over to
12 the public?

13 MR. GRASSO: There is one other comment. The area
14 around Mary Hadge Drive drops off. There is actually a
15 cut slope there which is over 25 percent slope. We had
16 recommended that they provide a grading plan. We don't
17 know exactly where the driveway is going to go and
18 where the house is going to be situated, but we would
19 like to see if a conceptual driveway location and
20 conceptual grading plan so that we can kind of get our
21 standing of the environmental impacts associated with
22 the grading and clearing work associated with that 25
23 percent slope.

24 CHAIRMAN STUTO: How large is that lot - the
25 smaller lot?

1 MR. DELL: The smaller lot is 5.1 acres.

2 CHAIRMAN STUTO: Okay, anything else?

3 MR. GRASSO: That's all we have.

4 CHAIRMAN STUTO: Okay, we only have one member of
5 the public that signed; Marge Quinn.

6 MS. QUINN: I have two questions. Are the two
7 houses going to be at the end of Mary Hadge?

8 MR. DELL: Right now there is one house proposed
9 for the end of Mary Hadge. There is the existing
10 gravel road that goes up to a clearing up here
11 (Indicating).

12 CHAIRMAN STUTO: That's not Mary Hadge.

13 MR. DELL: Oh, that's Alexandria.

14 No, there is one lot that's coming off Mary
15 Hadge.

16 MS. QUINN: Actually, I have several other
17 questions. What are you going to do to preserve our
18 water pressure because we have low water pressure now
19 and you're going to be adding more homes. We need to
20 have the water pressure up to snuff. That's one of the
21 issues.

22 Another issue is those of us were in the
23 Traditional complex, we have deed restrictions
24 which are greater than the Town's restrictions.
25 In other words, we have no RV parking, we have no

1 fowl like chickens or other things.

2 CHAIRMAN STUTO: Can you provide us with a copy of
3 your deed restrictions?

4 MS. QUINN: Yes, I will.

5 CHAIRMAN STUTO: Particularly to Mike and then
6 Mike can distribute them. We'll take a look at that.
7 We may ask them to incorporate them as well.

8 MS. QUINN: Yes, because the Town restricts
9 roosters and not chickens.

10 CHAIRMAN STUTO: Is that a problem to the
11 applicant? We'll take a look at it and we'll see.
12 We'll share them with you.

13 Do you have a copy?

14 MS. QUINN: Yes, I do have a copy. I don't have
15 it here.

16 MS. DALTON: Do you know the purpose of
17 restricting chickens in your deed?

18 MS. QUINN: First of all, you're building \$300,00
19 and \$400,000 homes. You don't want fowl in your back
20 yard. Secondly, you don't want an RV parked there
21 permanently and that usually causes a lot of strife
22 with neighbors. I've had that in other developments
23 where they didn't have those restrictions, and it
24 caused a lot of problems.

25 MS. DALTON: Is there a homeowners association or

1 something like that?

2 MS. QUINN: No, there is no homeowners
3 association, but there are deed restrictions.

4 MS. DALTON: Thank you.

5 CHAIRMAN STUTO: Any other comments, ma'am?

6 MS. QUINN: I don't think so.

7 CHAIRMAN STUTO: Okay, does the Board have any
8 comments?

9 (There was no response.)

10 CHAIRMAN STUTO: I guess one of the big issues is
11 the buffer. Is there any way that we can look at that
12 and still preserve his rights? Is it possible to
13 enhance that as much as possible? I think that three
14 lots is fair for that large of an area. I don't think
15 that's an unfair request from the applicant. I would
16 like to keep the buffer as good as it can be and maybe
17 some plantings will help or something. Could you look
18 at that?

19 MR. GRASSO: Yes.

20 Jason do you have any more information
21 regarding the type of vegetation?

22 MR. DELL: Here is the most recent aerial that
23 was available when we put together the plans. We
24 submitted a smaller version.

25 CHAIRMAN STUTO: First of all, can you explain

1 that if there is a buffer, why you can't get more lots
2 in? I'm not sure I understand that. If you just tell
3 somebody that they can't cut there --

4 MR. DELL: The cul-de-sac would rap out and around
5 and you're left a certain amount of frontages along the
6 front. When your minimum square footage of the lot
7 size - most specifically in here - you would chew up
8 your available lot space for your new house as well as
9 back here (Indicating).

10 CHAIRMAN STUTO: Yes, but that area can still be
11 incorporated into the lot. It would just be a no cut
12 zone. Do you know what I'm saying?

13 Am I right about that, Joe?

14 MR. GRASSO: Yes.

15 CHAIRMAN STUTO: I don't see why that is
16 concerning.

17 MR. GRASSO: I think that they're just trying to
18 decide in terms of where the house would actually
19 physically be located.

20 CHAIRMAN STUTO: Can you go over sketches with Joe
21 on that, assuming that you get approval tonight between
22 now and final and see how we can enhance that as much
23 as possible?

24 MR. DELL: If this project ever comes to fruition,
25 that could be brought up to the Planning Board at that

1 time. I'm sure that the applicant wouldn't have a
2 problem enhancing a buffer along here with additional
3 trees to bolster the existing deciduous forest line
4 that's back here (Indicating). It's pretty dense, what
5 is there now.

6 MS. DALTON: Joe, am I understanding what you just
7 said that they want to push the new homes closer to the
8 neighborhood and away from the house that's going to be
9 built?

10 MR. GRASSO: I don't know their intent. I'm just
11 saying that's the reality that shrinking up the buffer
12 allows them to clear closer to the residents, as
13 opposed to forcing them to clear closer to the proposed
14 residents.

15 MS. DALTON: Because that other house has five
16 acres, right?

17 MR. GRASSO: Yes, it's probably a five-acre area
18 around the house that they have to work with.

19 CHAIRMAN STUTO: It's not a five-acre lot.

20 MR. GRASSO: It's a 19-acre lot.

21 MS. DALTON: No, I mean where they're going to
22 build the house. The lot that they're currently
23 talking about building on.

24 CHAIRMAN STUTO: The five acres - we talked about
25 that. Are you talking about the buildable area?

1 MS. DALTON: Yes.

2 CHAIRMAN STUTO: That's the area that's in white.

3 MR. GRASSO: Yes, I'm estimating about five acres.
4 That's the area around the house on lot 1.

5 MS. MILSTEIN: On the right hand side towards the
6 back where there is the red line, can't you just go
7 back that way for additional -- where the red line is,
8 go to the black line.

9 MR. GRASSO: We had recommended that change, and
10 we're supportive of that to allow that to go in that
11 direction. He was actually proposing to go into both
12 directions. We don't think that there is any risk in
13 not having that additional area protected in the deed
14 restriction.

15 CHAIRMAN STUTO: I'd like you to take a close look
16 at.

17 MR. GRASSO: And I think that we'll go out there
18 and walk it.

19 CHAIRMAN STUTO: It's just going to encroach on
20 the larger house and I'm not that sympathetic, to be
21 honest with you. It's kind of hard to make a judgment
22 without seeing sketches. If you can sketch it out, Joe
23 can look at it.

24 MR. DELL: Certainly.

25 MS. MILSTEIN: Even pictures of the existing

1 landscaping would be helpful.

2 CHAIRMAN STUTO: Any other comments or questions
3 by the Board?

4 (There was no response.)

5 CHAIRMAN STUTO: You didn't answer the question
6 about the water pressure. The plan now is to add two
7 houses.

8 MR. GRASSO: And we understand that there is water
9 pressure problems throughout the neighborhood. The two
10 houses won't decrease the water pressure at all, unless
11 there was a fire at one of these residences that
12 required fire flows. So, with the risk of a fire, that
13 obviously goes up by two more houses. When you've got
14 a fire situation, yes, you're going to see a tremendous
15 impact in your water pressure.

16 The Town is considering cross connections up
17 there for the water supply system to address the
18 water pressure issues. This project, in and of
19 itself, won't give you any problems. Your water
20 pressure will be the same.

21 MS. QUINN: Can I just ask one more question?
22 Will you also require them to pay into the fund to
23 repave that highway? There is supposed to be a fund to
24 repave that highway after Traditional was done
25 building. We haven't seen the repavement yet.

1 MR. GRASSO: I'll have to look into that. I'm not
2 aware of it.

3 CHAIRMAN STUTO: Are you talking about the GEIS?
4 Is that within the GEIS?

5 MR. GRASSO: It is within the Lishakill/Kings Road
6 study area which they will be paying into. I don't
7 know if there were fees being collected for highway
8 improvements. Typically, it's not just a repaving
9 project, which is what she is describing. It normally
10 goes into system wide improvements to accommodate more
11 traffic.

12 MS. QUINN: What we were told is that after the
13 construction by Traditional, they would repave that
14 roadway. We haven't seen it.

15 MR. GRASSO: I'll have to look.

16 CHAIRMAN STUTO: Make sure that we'll make a note
17 of it. What you're saying is not ringing a bell, but
18 we'll see.

19 Any other comments or questions by the Board?

20 (There was no response.)

21 CHAIRMAN STUTO: We don't have to do anything on
22 SEQRA now, right Joe?

23 MR. GRASSO: No.

24 CHAIRMAN STUTO: It's just a vote for concept
25 acceptance?

1 MR. GRASSO: Yes.

2 MS. DALTON: I'll make a motion.

3 MS. GOMEZ: I'll second it.

4 CHAIRMAN STUTO: Any comments or discussion on the
5 motion?

6 (There was no response.)

7 CHAIRMAN STUTO: All those in favor say aye.

8 (Ayes were recited.)

9 CHAIRMAN STUTO: All those opposed, say nay.

10 (There were none opposed.)

11 CHAIRMAN STUTO: The ayes have it.

12 Thank you.

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15 (Whereas the above proceeding was concluded
16 at 8:09 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 June 19, 2013

