

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LIFE COVENANT CHURCH
685 WATERVLIET SHAKER ROAD
APPLICATION FOR FINAL APPROVAL & AMENDED SEQ

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7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on October 20, 2015 at 7:22
p.m. at The Public Operations Center, 347 Old
Niskayuna Road, Latham, New York

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 LOU MION
13 SUSAN MILSTEIN
14 TIMOTHY LANE
15 CRAIG SHAMLIAN
16 BRIAN AUSTIN

17 ALSO PRESENT:

18 Kathleen Marinelli, Esq, Counsel to the Planning Board
19 Joseph LaCivita, Director, Planning and Economic
20 Development
21 Michael Tengeler, Planning and Economic Development
22 Andrew Brick, Esq., Donald Zee, PC
23 Joseph Grasso, PE, CHA
24 Don Pagano
25 Judith Tate
Brian Sipperly, PE, Sipperly and Associates

1 CHAIRMAN STUTO: Calling up the next item on the
2 agenda. This is the Life Covenant Church, 685
3 Watervliet Shaker Road. This is an application for
4 final approval and amended environmental SEQRA
5 determination. This is a one-story, 36,601 square foot
6 place of worship.

7 Joe LaCivita, do you have any introductory
8 remarks?

9 MR. LACIVITA: Yes, I think just to get a time line
10 on the record, we started back on September 19, 2013
11 with the DCC, Development Coordination Committee. We
12 were here at sketch on August 12, 2014 and back again
13 for concept October 21, 2014. We were again back on
14 January 13, 2015 and finalized us to get us to here on
15 March 10, 2015 with an opened development area. So,
16 tonight we are here for final approval.

17 We do have a couple of design waivers, an
18 amended SEQRA and final review are sought this
19 evening.

20 Just for the record, as well, there are
21 mitigation fees for this project as we are in the
22 Airport GEIS area. We'll get those on the record
23 for the water - non-residential will be \$79,424.00
24 and the GEIS prep for the 24.4 acres is \$6,978 with
25 a total mitigation fee due on the project as

1 \$86,402.00.

2 With that, I'll turn it over to Andy Brick.

3 CHAIRMAN STUTO: Okay, we have seen this a number
4 of times and I don't want to curtail anything that you
5 say, but if you stick the important points and changes,
6 it may be helpful. If there is any reason that you need
7 to say more later, that's fine.

8 MR. BRICK: Absolutely. Thank you, Mr. Chairman.

9 I'm pleased to be here tonight. I'm excited to
10 be here.

11 I should also point out that we are not asking
12 to raze anything.

13 There has been some changes since you've last
14 seen it, so what I did was I asked Brian Sipperly of
15 Sipperly and Associates to join me this evening to
16 present both plans. The concept plan that you
17 approved - the design that we actually showed had
18 the direct access to Watervliet Shaker Road - your
19 concept approval condition was conditioned upon
20 utilizing our easement along Moffat Lane and the
21 driveway coming from Moffat Lane.

22 As Joe had said, we obtained an ODA to do that
23 so the new plan does show access to the property
24 from Moffat Lane with a walking trail out to
25 Watervliet that will not be for vehicular traffic

1 whatsoever. We are now coming in off of Moffat Lane
2 as per the condition of the concept acceptance once
3 we obtain the ODA approval.

4 MR. LANE: That couldn't be confused with a driving
5 access, could it?

6 MR. BRICK: Actually at one point, Member Lane, we
7 had it a little wider and one of the comments that came
8 back from Town Staff was that it was a little bit too
9 wide and it looks like it could be a driveway, or could
10 be confused so reduce it. Although, it's reduced to
11 eight feet now, it will be clear at the Watervliet
12 Shaker side that there would be no access -

13 MR. LANE: Like signage or something -

14 MR. BRICK: Correct, or maybe some bollards or some
15 wooded posts. It's clearly going to be a walking path
16 and we'll have everyone see that.

17 The only other two major changes are when we
18 submitted this design to Army Corp we were
19 disturbing more than an acre of wetland. One of
20 their comments in their initial review was could you
21 re-evaluate the project to see if there are ways to
22 minimized your impacts to wetlands. So, we went
23 back to the drawing board and we actually came up
24 with a design that incorporates the use of retaining
25 walls to get it below the one-tenth of a acre

1 threshold. The way that we did it is we took some
2 of the parking -- the parking was pretty squared and
3 rectangular in the front. We took it out of this
4 area that was impacting wetlands and we moved it to
5 the southwest corner of the property on the approach
6 drive and that took it out of the wetlands and that
7 got us under one acre of wetlands. So, we did what
8 the Army Corp asked. We revisited and we were able
9 to get beneath one-tenth of an acre disturbance.

10 So, the only other change is we squared the
11 building a little bit to the property. On this one
12 it was a little skewed (Indicating). It's not
13 squared up and we think that it's a better design.
14 We have reduced the wetland impact substantially and
15 we are now using Moffat Lane.

16 The waivers are still being requested. They are
17 specifically parking greater than 25% of the
18 minimum, and that's because we expect the parking to
19 be utilized. We expect this location to be utilized
20 quite heavily so we do need the parking.

21 Parking in the frontyard, clearly, the nature
22 of this property almost requires it as well as
23 greater than 20 foot setback.

24 Again, due to the topography and the design of
25 this particular large piece of property we think

1 that the setbacks warranted to place the facility
2 further back into the property with an access drive
3 meandering up through.

4 Those are the three waivers we are requesting.
5 I believe that we have discussed them with you in
6 the past. They haven't changed. It's my
7 understanding that Clough Harbour found them to be
8 reasonable and justified.

9 Also I should mention that I had given you --
10 because I know it's impossible to see these when I
11 put the board up. I had given you the elevations.
12 You each have a copy of the building elevation from
13 all four sides as well as a sign that is being
14 proposed in the vicinity of Moffat Lane at the
15 entrance point and that sign, as designed --
16 whatever we are going to build will either meet Code
17 or we will go to the Sign Board for a variance if
18 required, but that is going to be the design that we
19 hope to obtain for the sign that I presented to you.

20 With that being said, we are here to answer any
21 questions and address any concerns that anybody may
22 have.

23 CHAIRMAN STUTO: Screening on the Northway?

24 MR. BRICK: Sorry, yes. Screening on the Northway
25 -- we submitted a substantial package that I have to

1 show you.

2 The screening on the Northway was submitted to
3 Clough and the Town's review. It's a substantial
4 package involving a berm with large deciduous trees
5 as the primary component interdispersed with smaller
6 conifers and arborvitaes behind it. We did a line
7 of sight analysis to show that with the berm and the
8 type of plantings that we are proposing and when we
9 say large deciduous we mean trees. We mean good
10 size trees. We are showing, I believe, 30-foot high
11 trees here. The line of sight from the Northway is
12 adequately visually buffered and we think that it's
13 a great mix of using the landscape, using the
14 topography and introducing the new deciduous and the
15 conifers that we think will work very well and look
16 very nice from the Northway.

17 CHAIRMAN STUTO: Okay, I'll ask our Town Designated
18 Engineer Joe Grasso to comment on the screening and then
19 I have one other question on the access easement and
20 then we'll turn it over for full comment to Joe.

21 MR. GRASSO: Regarding the screening, Andy did just
22 state that the trees were shown as 30 feet high, but I
23 don't want to misrepresent. The trees at the time of
24 planting will be in the six or twelve foot range, and
25 not 30 feet. Nonetheless, they are at a density that

1 over a period of a few years we do expect them to fill
2 in nicely and provide pretty appreciable screening of
3 the parking lot and the building from the Northway
4 corridor and the Exit 4 on-ramp.

5 The landscaped berm that is shown along the
6 west side - along this side of the parking lot
7 should do a good job of screening that lower level
8 of cars as you look into the site from that
9 corridor.

10 Where they are now proposing landscaping more
11 towards the south or towards the north, there is
12 existing wooded areas that are going to cut off your
13 views of those areas. It doesn't show up that well
14 on the rendering behind that plan. That's because
15 that vegetation exists off the site within the
16 Northway right of way. So, it looks like that when
17 you're looking towards the west side of the site,
18 that is all open along that one parking lot, but
19 your view is cut off there by existing vegetation
20 and we confirm that by looking at the air photos and
21 doing some initial site reconnaissance. There is
22 also a large elevated berm that will cut off your
23 view there during all seasons.

24 We do commend the applicant for working with us
25 and addressing our concerns regarding the screening

1 of the site from the Northway.

2 CHAIRMAN STUTO: On the access through Moffat Lane,
3 my understanding is that is an easement and I did see a
4 document today that said that. There was some ambiguity
5 or discussion of whether the easement was for the full
6 width of Moffat or only the 15 feet. Can you clarify
7 that for us?

8 MR. BRICK: Yes. What I submit to you, Mr.
9 Chairman, for the record is a copy of the deed by which
10 my client obtained the property as well as a copy of
11 their title insurance policy. So, I'll submit these to
12 you.

13 CHAIRMAN STUTO: You can give that to the
14 department. Can you just describe why it is what it is?

15 MR. BRICK: The deed by which my clients acquired
16 the property specifically reserves an easement and then
17 it contains a description of the area over which the --
18 it's an easement for ingress and egress - and access
19 easement and it gives a description of where that
20 easement exists, it hits the entire portion of Moffat
21 Lane. In that easement there is also language about 15
22 feet to the west of the property for a utility easement.

23 CHAIRMAN STUTO: Can you trace that for the members
24 of the public?

25 MR. BRICK: Sure. It's an entire access easement

1 over the entire parcel that Moffat Lane is currently on.
2 It's actually wider than the existing 30 foot pavement
3 and then to the western side of it there is an
4 additional 15 foot easement for utilities. That's
5 utilities in the ground. That's where to put the water
6 and sewer.

7 I can state for the record that the access
8 easement for ingress and egress is by deed, it's
9 insured by the title company upon their review and
10 it's for the entire area of Moffat Lane including
11 more than the actual paved portion that exists there
12 right now.

13 CHAIRMAN STUTO: I'm just going to ask that the
14 Town Attorney's office confirm that as part of the
15 approval.

16 MR. BRICK: Sure, no problem.

17 CHAIRMAN STUTO: Any members of the public want to
18 speak at this point?

19 Okay, sir, please sign in on the sign-in sheet
20 and I'm going to start with the Town Designated
21 Engineer review and then we'll take the public
22 comment.

23 MR. GRASSO: Okay. There is a comment letter in
24 your packets dated September 14th and I am going to
25 refer to this quite a bit in my comments.

1 All of the comments that we raised and the Town
2 Department raised during the concept review process
3 have been adequately addressed and as Andy
4 described, the project has gone through a pretty
5 appreciable provision to try to reduce the wetland
6 impact. We think that makes for a better plan, a
7 more environmentally sensitive plan so we commend
8 them on those changes. We had no concerns with
9 those changes. Just for the Board's edification
10 though, it does make some of the parking a little
11 bit more distant from the entrance to the facility,
12 but they have incorporated in some additional
13 pedestrian accommodations in the site to still make
14 it easy for patrons to get to those public entrances
15 of the building so we don't have a concern there
16 with the site layout. There are three waivers that
17 are going to be required for the application as
18 designed, They have provided justification for the
19 waivers in the narrative and they all appear
20 justified and reasonable and each of the waivers was
21 the same as those considered by the Planning Board
22 during conceptual review and previously determined
23 acceptable so we have prepared a Draft Resolution
24 for consideration by the Planning Board regarding
25 the waivers.

1 The project received concept acceptance and a
2 positive recommendation on the ODA by the Planning
3 Board back in January with a series of conditions of
4 approval.

5 One of the conditions required a minimum
6 service interval from start to start of two hours
7 and if you recall the purpose of that was to allow
8 separation between exiting and entering traffic to
9 reduce traffic impacts which obviously was a big
10 concern that we had when we first reviewed the
11 project. So, then when the project came back for
12 concept acceptance, the Planning Board noted that it
13 would review this condition again during final site
14 plan review. Subsequent to that meeting, the
15 Planning Board received more detailed operational
16 information regarding the operation of the site from
17 the applicant and as part of its SEQRA determination
18 back in March the Planning Board granted a neg dec
19 with the same conditions as was granted in January,
20 except that the minimum service interval from start
21 to start was reduced from two hours down to 90
22 minutes.

23 Subsequent to that, after it got the negative
24 declaration it went to the Town Board for action on
25 the ODA and the Town Board granted approval of the

1 ODA with all of the same conditions that the
2 Planning Board had except that the conditions
3 stipulating the minimum service intervals was deemed
4 not required. So, based on the applicant's
5 description of the proposed service intervals being
6 90 minutes start to start with a standard service
7 time of 60 minutes which is deemed standard and
8 customary for their operation, we have no objection
9 to the project moving forward without this
10 condition. So, in order for the SEQRA determination
11 which is made by the Planning Board to be consistent
12 with the Town Board's ODA approval and the Planning
13 Board's potential final site plan approval, we
14 recommend that the neg dec that was issued by the
15 Planning Board be amended to eliminate the condition
16 requiring a minimum service time from start to
17 start. So, in the letter we did clarify what the
18 six conditions of approval would therefore be that
19 would govern both the amended negative declaration
20 pursuant to SEQRA, as well as site plan
21 consideration for approval.

22 So, just to remind everybody on those six
23 conditions, the first is that satisfactory proof
24 shall be demonstrated to the Town that says subject
25 property and their future heirs, successors and

1 assigns shall have legal right of way by perpetual
2 easement providing unrestricted ingress and egress
3 and public utility access over Moffat Lane. Such
4 proof shall be provided to final site plan approval
5 for the subject property and that's the one that we
6 discussed a little while back earlier tonight.

7 The second one: Primary access to the subject
8 property shall only be through the use of Moffat
9 Lane, and development of no new curb cuts shall be
10 permitted between Moffat Lane and the Exit 5
11 interchange ramp.

12 Third: Any additional building development on
13 the site shall be subject to re-review of both the
14 ODA by the Town Board and site plan by the Planning
15 Board. Such review shall not be construed as to
16 limit reasonable expansion of the proposed house of
17 worship, but to allow a thorough review of it if
18 additional uses or expansions are planned for the
19 site.

20 Four: A traffic control officer shall not be
21 used to control access to the subject property
22 within the Watervliet Shaker Road right of way
23 without Town Board approval.

24 Five: Sunday service times shall be limited to
25 up to three services without additional Planning

1 Board review.

2 Six: Weekday service times shall start no
3 earlier than 6:00 p.m. without additional Planning
4 Board review.

5 MS. MARINELLI: That's 6:30 p.m.

6 MR. GRASSO: Yes, thank you for that clarification.

7 So, we have included a Draft Resolution for the
8 amended neg dec for the Planning Board's
9 consideration in the packet.

10 MR. LANE: That's Wednesdays.

11 MR. GRASSO: That's Wednesday; that's right.

12 Number five in our comment letter is regarding
13 something of which we have already spoken about and
14 then the other remaining three comments are
15 relatively minor comments that we think that they
16 would be able to easily address in the subsequent
17 plan submission.

18 MR. MION: Joe, a question on the Resolution. Is
19 that weekday or Wednesday?

20 MR. GRASSO: I think that based on the comment that
21 we had heard regarding what day of the week it would be,
22 we wanted to change it to weekday as opposed to
23 Wednesday. In the letter I had Wednesday, but it should
24 be weekday in the Resolution. Thank you for clarifying
25 that, Lou.

1 CHAIRMAN STUTO: It does say weekday in the
2 Resolution.

3 MR. GRASSO: That was too long to change that
4 service from a Wednesday to a Tuesday and not require
5 re-review by the Town.

6 CHAIRMAN STUTO: Okay, we'll hear from the public.
7 Do you have anything else at this point?

8 MR. GRASSO: That's it.

9 CHAIRMAN STUTO: Don Pagano.

10 MR. PAGANO: I missed last week, so I don't know
11 what was the last meeting that you had. I live on Boght
12 Lane and 155 across the street from the post office.

13 I want to know from the committee if they have
14 secured somebody to take care of Sunday traffic when
15 it leaves church and comes out. Who is going to
16 take care of the traffic flow? Do you have a
17 company who will do that and stay there until all
18 the traffic is subsided?

19 Also, years ago 155 was rated 16,000 cars per
20 day. How many cars per day or trucks are on 155?
21 Is anybody aware of that? Did anybody call that
22 into consideration? I know that you had a traffic
23 man here who said that Sundays were a slow day.
24 Maybe one of the days that he took care of that
25 traffic flow, it wasn't slow any other day and I

1 want to make sure that I can get out of the house.
2 Right now I left the house today at 4:00 just to get
3 here at 7:00 because I couldn't get out of the
4 driveway. A little exaggeration, but still.

5 CHAIRMAN STUTO: I'm glad.

6 MR. PAGANO: It was 4:40; I'm sorry. Have they
7 secured help?

8 CHAIRMAN STUTO: I'm going to let Joe Grasso
9 address that.

10 MR. GRASSO: Can we just turn it over to the
11 applicant and let them respond?

12 CHAIRMAN STUTO: Sure. Did you get those
13 questions?

14 MR. BRICK: Yes, I did. Thank you.

15 First, we had as you recall, originally
16 proposed use of traffic control officers but one of
17 the conditions of concept is we are not going to
18 utilize that mechanism at this point. That being
19 said, that's fine and we recognize the condition of
20 acceptance, but even though that may be the case,
21 the internal management of the church still does
22 have the ability to manage traffic on-site and is
23 not a situation where the service is over and
24 everybody gets in the car and leaves. There is
25 staggered disbursal. People stay and they

1 socialize. There is fellowship and there are
2 children's activities. It's not like the door opens
3 and everyone comes flying out in one shot at the end
4 of the service. It is staggered. There will be an
5 increase in traffic into and out of the site on
6 Sundays before services and after services. There
7 is no question about that. We have demonstrated in
8 our traffic study that it is manageable, especially
9 on Sundays when traffic is less on 155. I'm not
10 saying that it's not there, but it is statistically
11 less on 155. So, I believe that we have
12 demonstrated that we can manage our traffic in and
13 out of the 155 corridor.

14 That being said, we will continue to monitor it
15 and we do have the ability on-site to control it a
16 little bit. We don't want our attendees to have a
17 bad experience getting or getting out. So, we want
18 to make sure that we are as effective as possible at
19 that intersection before and after services as well.

20 MR. GRASSO: Can I just add onto that? They did do
21 a detailed traffic study and they looked at how the
22 traffic would operate both with a traffic control
23 officer out onto Watervliet Shaker Road as well as
24 without a traffic control officer. One of the things
25 that we expressed early on in the review of that was

1 that with a traffic control officer being out there
2 would give more favor to the people that were either
3 trying to enter or exit the project site and it would
4 cause a greater impact on the through traffic along 155.
5 That was one of the concerns that we had by them
6 implementing a traffic control officer. So, our
7 recommendation was to reduce the level of traffic
8 impacts by the project, we would restrict the use of a
9 traffic control officer from being out there and just
10 let the delays occur within the site as opposed on 155.
11 So, it was something that we carefully considered and
12 that's what we feel would result in less traffic impact.

13 MR. PAGANO: What if it doesn't work that way?

14 MR. GRASSO: We always have the option to go back
15 and consider use of a traffic control officer, but that
16 would be something that we would want to entertain after
17 the site is in operation.

18 MR. PAGANO: Who would see to that?

19 MR. GRASSO: It would be between the applicant and
20 the Town Board.

21 MR. PAGANO: Thank you for hearing me.

22 CHAIRMAN STUTO: Thank you.

23 Judith Tate.

24 MS. TATE: My name is Judith Tate and I live at 46
25 Green Meadows Lane in Loudonville and I have a question

1 for the applicant.

2 Are you going to clear cut the site when you
3 develop?

4 MR. SIPPERLY: I'm Brian Sipperly of Sipperly and
5 Associates.

6 To answer your question, we are clearing just
7 over 15 acres of land predominantly out of an
8 abandoned farm field that has already been clear
9 cut. It's an open meadow area that has been precut.

10 MS. TATE: Is this the Northway (Indicating)?

11 MR. SIPPERLY: This is the Northway (Indicating).
12 The clearing will occur obviously to get the access road
13 in and the majority of the parking and a little bit of
14 the building.

15 CHAIRMAN STUTO: Can you show her the wooded area
16 that will remain?

17 MR. SIPPERLY: Sure. Pay attention to this black
18 squiggly line and that will be the new edge of woods
19 (Indicating).

20 MS. TATE: So everything else will stay? All the
21 mature trees that are there will stay?

22 MR. SIPPERLY: Correct. There is going to be 77%
23 greenspace remaining on the site after development,
24 maintaining a lot of the forested protected
25 environmental wetlands and the streamcourse.

1 MS. TATE: Who decides which trees stay and which
2 trees go?

3 MR. SIPPERLY: Well, where we are putting the
4 parking lot, everything goes. We generally provide
5 setbacks to construction to protect root zones and
6 things like that as well. We will hash that out in
7 terms how far back that needs to cover.

8 MS. TATE: So, tell me again how many acres are
9 going to be green and how many will be old growth or new
10 trees?

11 MR. SIPPERLY: We are going to have 18.9 acres
12 remaining on the site of a 24.4 acre site that will
13 remain green and combination of wooded area and
14 landscaping.

15 CHAIRMAN STUTO: Ma'am I'm going to give you my
16 plans which will show that 77%.

17 MS. TATE: Thanks.

18 MR. SIPPERLY: We are clear cutting a little under
19 11 acres, but they are adding back greenspace to that.

20 CHAIRMAN STUTO: And they are planning screening on
21 the Northway. I don't know if you heard that.

22 MS. TATE: One more question. The trees that you
23 are going to plant - are they native trees and can you
24 make sure that they are?

25 MR. SIPPERLY: We always plant native trees and

1 things that will do well on the site.

2 CHAIRMAN STUTO: Ma'am do you want to take this?

3 MS. TATE: Yes, I do.

4 MR. GRASSO: I'd just like to add on to what Brian
5 had said. Because 10 acres is a significant area of
6 disturbance when they operate on the site and start
7 clearing for operations, it will seem like a very large
8 clear-cut operation. Once the site is developed and
9 landscaped it will be a much more natural feel, but I
10 think that what is important is that they tried to site
11 the development of the site in those area that lack
12 mature vegetation. The former succession of growth
13 areas is where they sited the building and the parking
14 lot areas and we believe that is a commendable design
15 feature.

16 CHAIRMAN STUTO: Any comments or questions from the
17 Board at this point?

18 (There was no response.)

19 Okay, the amended environmental review? Would
20 you like to walk us through that? We have the
21 Resolution in front of us, right?

22 MR. GRASSO: Yes, that's on page 3 or 4 of your
23 comment letter. It's the resolution of the Town of
24 Colonie Planning Board lead agency designation and
25 adoption of an amended negative declaration.

1 CHAIRMAN STUTO: And I'll ask the stenographer to
2 put the entire thing into the record.

3 You can go through whatever you think is
4 appropriate here.

5 MR. GRASSO: Whereas the Planning Board is desirous
6 of having the conditions of a negative declaration to be
7 consistent with the Town Board's conditions of ODA
8 approval and as a condition of final site plan approval,
9 be it resolved that the Planning Board declares itself
10 lead agency for the purposes of SEQRA, and be it
11 resolved that based on a thorough review of the project
12 by the Planning Board that there will be no significant
13 adverse environmental impacts and no EIS will be
14 required provided, that the following conditions of
15 approval are met which are consistent with those that I
16 previously read into the record with the clarification
17 that number six states that weekday service times shall
18 start no earlier than 6:30 p.m. without additional
19 Planning Board review.

20 CHAIRMAN STUTO: Okay, everybody has the entire
21 Resolution in front of them. Are there any questions?

22 MR. LANE: I'll make the motion.

23 CHAIRMAN STUTO: Motion by Mr. Lane.

24 MR. MION: Second.

25 CHAIRMAN STUTO: We have a second.

1 Any discussion?

2 (There was no response.)

3 All those in favor say aye.

4 (Ayes were recited.)

5 All those opposed say nay.

6 (There were none opposed.)

7 The ayes have it.

8 Waiver Resolution?

9 I would ask the stenographer again to put the
10 entire Resolution in the record.

11 MR. GRASSO: Resolution of the Town of Colonie
12 Planning Board Land Use Law Waiver Findings.

13 Whereas the applicant is requesting a waiver
14 from the Land Use Law related to the following:
15 Allowing parking in the front yard -

16 Instead of Moffat Lane, I would like to change
17 that to Watervliet Shaker Road.

18 And secondly, to allow the proposed building
19 set back to exceed the 20 foot maximum building
20 setback.

21 Third, to allow parking greater than 25% of the
22 minimum required parking.

23 CHAIRMAN STUTO: So, amended.

24 And please provide the steno with the mark-up.

25 MR. GRASSO: Be it resolved that these waiver

1 findings shall be a condition of site plan approval of
2 the application and be kept in the project file in the
3 office of the Planning and Economic Development
4 Department.

5 CHAIRMAN STUTO: Any questions on that?

6 (There was no response.)

7 MR. MION: I'll make a motion.

8 MR. LANE: Second.

9 CHAIRMAN STUTO: Any discussion?

10 (There was no response.)

11 All those in favor say aye.

12 (Ayes were recited.)

13 All those opposed say nay.

14 (There were none opposed.)

15 The ayes have it.

16 And the main question before the Board is for
17 final approval of the site plan subject to the
18 conditions that are on the record from the Town
19 Departments, from the Town Designated Engineer.

20 I just want to call out that with respect to
21 the easement, ingress and egress - you'll have the
22 Town Attorney approve that.

23 MR. GRASSO: So, the other conditions will be
24 consistent with the conditions of the amended negative
25 declaration.

1 CHAIRMAN STUTO: Correct.

2 MR. LANE: I'll make the motion for that approval.

3 MR. MION: I'll second.

4 CHAIRMAN STUTO: Any discussion?

5 (There was no response.)

6 All those in favor say aye.

7 (Ayes were recited.)

8 All those opposed say nay.

9 (There were none opposed.)

10 The ayes have it.

11 Thank you.

12 MR. BRICK: Thank you, very much.

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15 (Whereas the above referenced proceeding was

16 concluded at 7:44 p.m.)

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CERTIFICATION

I, NANCY L. STRANG, 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 L. STRANG

Dated _____

