

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LUPE WAY REZONING
8 LUPE WAY
5 APPLICATION FOR REZONING RECOMMENDATION
TO TOWN BOARD

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY L. STRANG, a Shorthand Reporter,
8 commencing on February 23, 2016 at 7:20 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

9

10 BOARD MEMBERS:
PETER STUTO, CHAIRMAN
11 TIMOTHY LANE
BRIAN AUSTIN
12 TIMOTHY LANE
LOU MION
13 CRAIG SHAMLIAN
KATHY DALTON

14

15 ALSO PRESENT:

16 Kathleen Marinelli, Esq. Counsel to the Planning Board

17 Michael Tengeler, Planning and Economic Development

18 Joseph LaCivita, Director, Planning and Economic
Development

19 James Easton, PE, MJ Engineering

Joseph Grasso, PE, CHA

20 John Risutto

Craig Slezak

21 Sally Burchhardt

Vic Figeroa

22 Dan Micelli

Helen Romano

23 Claudia Burnham

Mark Awling

24 Kathy Cook

Dee Awling

25

1 CHAIRMAN STUTO: Next item on the agenda is
2 Lupe Way rezoning, 8 Lupe Way. This is an application
3 for rezoning, recommendation to Town Board.

4 We were here last time and we had an extensive
5 discussion and so forth.

6 Joe, do you want to give any introductory
7 remarks?

8 MR. LACIVITA: Peter, I think that you hit that
9 right on the head. We had an extensive conversation
10 at the last meeting back in January, and I know that
11 tonight we want to move forward towards a
12 recommendation to the Town Board for the rezone. So,
13 we want to kind of want to try to live within that
14 area with the project at this point for that
15 conversation purpose.

16 CHAIRMAN STUTO: We'll turn it over to the
17 applicant for a relatively brief presentation because
18 we have a lot on the record already.

19 MR. EASTON: Good evening. My name is James
20 Easton. I see members of the Town Board here and I'm
21 glad to go over the project, in general.

22 Just like Joe said, currently the project is
23 zoned industrial. We are here tonight about whether
24 this lands best use is to be changed from industrial
25 to single family residential.

1 I know that the public has lots of concerns and
2 lots of issues and those are all important issues.
3 There are many more opportunities to discuss those
4 concerns that you have, but at this current time the
5 goal of this meeting is to decide what is the best use
6 of the land. From the applicant's point of view and
7 from our point of view, the current land use from
8 changing it from industrial back to single family as
9 part of the 2008 Comprehensive Plan, we feel that it's
10 the best use of the land. Why do we feel that it's the
11 best use of the land? The existing single family
12 homes that abut up to the residential homes - if any
13 project was being put in here on the industrial scale,
14 it would certainly have impacts to the neighboring
15 residents. So, we feel that by changing the zone from
16 industrial to single family would be more cohesive
17 with the surrounding neighborhood.

18 At this point I'll turn it over to the Board
19 and I'll answer any additional questions that you
20 have.

21 CHAIRMAN STUTO: Joe Grasso is our Town
22 Designated Engineer.

23 Joe, I'd like to ask you to comment. A couple
24 of questions have gotten raised at the last meeting.
25 In the interim, including an email that we got from

1 some residents. Could you address the overall -

2 MR. GRASSO: I'm just going to start in looking
3 at the whole project and the application as a rezoning
4 because the rezoning from industrial to residential is
5 generally considered a down-zoning that would result
6 what we would consider less intensive land uses and
7 also less environmental impacts that would occur if it
8 was developed under the existing industrial zoning.
9 The unconstrained area's adjacency to the existing
10 residential development along Lupe Way and also
11 coupled with the important fact that access to the
12 unconstrained lands is going to be through the
13 residential neighborhood and not off of Cordell Road.

14 CHAIRMAN STUTO: Are you certain of that?

15 MR. GRASSO: I'm sure. We studied that and we
16 looked at the constraints there and between the
17 wetland corridors that go through there and the steep
18 slopes, access to the unconstrained lands adjacent to
19 the residential neighborhood is not going to be off
20 Cordell Road. The only access is going to be off the
21 existing residential streets. So, as such, we support
22 the application and think that a residential zoning is
23 more appropriate to the areas under consideration.

24 In terms of SEQRA, because many times the
25 Planning Board is required to make a SEQRA

1 determination before it takes action. All the
2 Planning Board is being asked to do is make a
3 recommendation to the Town Board. So, that does not
4 qualify as a SEQRA action. So, the additional
5 environmental analysis would be done as part of the
6 Town Board's review of the rezoning application. It
7 is a Type I action so, a full environmental assessment
8 form will be made as part of the application to the
9 Town Board.

10 I think that it's important to note that should
11 the Town Board rezone the property from industrial to
12 industrial to single family residential, any future
13 development proposals for actual development on the
14 project site would involve the Planning Board's review
15 of those plans, whether or not it was an industrial
16 site plan or whether or not it would be a residential
17 subdivision application.

18 Because the project site is located within the
19 Town's conservation development overlay district,
20 there is a lot of analysis that needs to take place as
21 part of that process is to really get into the details
22 in terms of what are the defined limits of the
23 wetlands and steep slopes and where should the
24 applicant be allowed to build on the property.
25 Really, those are things that are going to, in turn,

1 drive the amount of density on the project. So, I
2 think that's something that really should be put off
3 until a formal development application is made.

4 For right now, I think that we should focus on
5 whether or not the right zoning classification for the
6 property is single family residential, rather than
7 industrial.

8 There was a letter sent to the Town suggesting
9 that a development plan be developed for an industrial
10 use of the site. When you get into that type of
11 alternatives analysis, it's really ambiguous in terms
12 of what you would use and how much development you
13 would show on the property and we really don't think
14 that is a worthwhile exercise. There is obviously a
15 long list of uses that would fall within the Town's
16 industrial zone -

17 CHAIRMAN STUTO: Can you give us examples on
18 either extreme of that?

19 MR. GRASSO: It could be a junkyard, it could
20 be a storage facility, it could be a wood cutting
21 operation. When you look at the fact that access is
22 going to be through the residential neighborhood, it's
23 easy to understand the impacts of those types of uses
24 because the constrained lands are really adjacent to
25 the residential neighborhood. It's easy to see that

1 you would be introducing compatible land uses.

2 It is important to remember that there is a
3 small piece of property with access on Cordell Road
4 that is planned to remain industrial. We support that
5 as well because we think that property would be able
6 to be developed in accordance with the industrial uses
7 without impacting the residential properties at all
8 because of that stream course.

9 CHAIRMAN STUTO: What's the size of that piece
10 versus the rest of it?

11 MR. GRASSO: Jaime, do you remember?

12 MR. EASTON: I think that it's 1.9 acres of the
13 current tax parcel of this small piece down along
14 Cordell.

15 CHAIRMAN STUTO: And what's the remaining -

16 MR. EASTON: That would remain.

17 CHAIRMAN STUTO: What's the other big piece?

18 MR. EASTON: Sixty acres, roughly.

19 MR. SHAMLIAN: And access can't come through
20 that.

21 MR. GRASSO: Access cannot go through that.
22 That's correct because of the constrained lands that
23 bisect the site.

24 I think that it's about 54 acres that would be
25 rezoned from industrial to residential. That's how we

1 have it in our notes. I think it's approximately
2 that. I know the Planning Department had recommended
3 that the zoning line shift slightly, but it's
4 approximately 54 acres that would be rezoned.

5 CHAIRMAN STUTO: The concern of the neighbors
6 was transportation when we came here last time. I
7 know that you're suggesting that we're only dealing
8 with the recommendation of Town Board as to which is
9 the appropriate zoning; whether it's residential or
10 industrial. So, we have to be careful not to go too
11 far in the analysis, but can you make some general
12 comments about transportation and whether there could
13 be mitigation in the future?

14 MR. GRASSO: We think that based on the amount
15 of unconstrained lands that would be rezoned to signal
16 family residential. That amount of land could
17 probably hold in the neighborhood of 50 lots. So,
18 obviously it's a pretty significant development
19 proposal. Access is through existing residential
20 neighborhood. Part of that neighborhood is served by
21 a single means of access. So, understanding those
22 facts, a traffic study would need to be done as part
23 of that development proposal that we would evaluation
24 in terms of provisions for emergency access - being
25 able to access the lots for maintenance activities and

1 the change in character of the streets by adding that
2 much traffic.

3 We would then get into where are those lots
4 being accessed. We would envision that there would
5 probably be two access points to connect into the
6 existing residential streets. We would look at how
7 many lots are intended to use each of those sites so
8 that we can understand whether or not there is going
9 to be any significant traffic impacts. Without
10 knowing exactly and having a definitive layout to look
11 and the exact number of lots is kind of hypothetical.
12 That is something that we would definitely have to
13 look at as part of a residential development
14 application.

15 CHAIRMAN STUTO: We did hear from the residents
16 before. I think that since we are going to take a
17 vote about making a recommendation - we will hear from
18 them again as well. We did hear most of the arguments
19 and we hope that -- what I heard was there were a lot
20 of concerns about traffic and the preference would
21 probably not to develop it. That's what I heard.
22 However, the neighborhood was realistic that it was
23 either going to be developed industrial or if it gets
24 rezoned, residential. I heard the neighbors prefer
25 residential. I am leaning in that direction unless I

1 hear some new information to vote to rezone. I just
2 want to put my cards on the table. We can either open
3 it up to the Board now, or hear from the residents.

4 John Risutto.

5 MR. RISUTTO: Again, as I said before, I'm
6 totally opposed to it. As this gentleman pretty much
7 laid it all out -- that also gives me ample time to do
8 my homework because I think that it's far bigger than
9 a lot of the folks seem to think that it is only
10 because you have a major wetland back here.

11 When I purchased my house back in the day from
12 Mr. Griffin, I paid tooth and nail for flood
13 insurance. I don't know what the proposition is now,
14 but for that flood insurance I don't know how it
15 effects everybody else.

16 With that said, being that's residential being
17 put in here, I would much prefer if it was to be
18 developed -- would be commercial. It would be one
19 road in and one road out.

20 Your buffer zone - you're disturbing as little
21 as nothing to that wetlands. Once you disturb all of
22 that, you're changing the egress with all that water
23 from that point back. Before it goes south, it's
24 going to be my yard and everybody else's yard here.

25 That's just the flood zone. There are a number

1 of other issues. You've got the Pine Bush. You have
2 disrupted that. The traffic alone for these houses
3 here, as you pretty much said, you've got one egress
4 in and one egress out. It doesn't work. The simple
5 fact is that if there was ever an accident here, which
6 they are going to put in another rail system for
7 freight -- if there was ever an accident, with all
8 these residents including ones back here now, where
9 are they all going to go? You're on a paper street,
10 pretty much. All these people are going to be running
11 to hell and high heaven because now you have an
12 accident here which has toxic materials, gasoline -
13 whichever the case may be. You're butt up against
14 this. So, if there was a choice using that
15 gentleman's analogy as far as one or the other, I
16 would go with the lesser of the two to keep it
17 commercial. This way here, as I said, you can have
18 one way in and one way out.

19 I've got a lot more to say, but I want to give
20 everybody else a chance to talk. I'd like to feel
21 free where I can go to each of the Board Members - not
22 to play favorites or anything but just information so
23 that I can do my own homework because I'd like to get
24 an impact study, an environmental impact study. I'd
25 also like to get other impacts dealt with to be

1 conducive to what is going on here to keep everything
2 in order and by the time that you're done with all the
3 homework - I just picked up a federal manual and that
4 supersede all municipals. Once you go by Code, what
5 happens is that now you start to think.

6 So, to keep my dice in line and do it properly,
7 and I don't want to step on anybody's toes, I'd like
8 to get the information professionally from you so that
9 I can keep my homework in order to stop this from
10 happening. Again, with the lesser of the two, I would
11 prefer to have one way in and one way out.

12 CHAIRMAN STUTO: I'm not understanding what
13 you're looking for.

14 MR. RISUTTO: For instance, the EPA. I'd like
15 to have phone numbers for that. The Army Corp of
16 Engineers - I'd like to get a number for them. I'd
17 like to touch base with other people, other than the
18 people who are on the panel so that I can have more of
19 an open dialogue other than yourselves.

20 To me, keeping the bipartisan for yourselves,
21 this woman here has a stake in it as well as everybody
22 else here has a stake in it. I want to keep it as
23 much on the table as possible, but we also don't want
24 to be short-changed either before we take a vote on
25 it. Thank you.

1 CHAIRMAN STUTO: Craig Slezak.

2 MR. SLEZAK: I live on Bonner Avenue and I have
3 a couple concerns and one is with the traffic. Every
4 single car will be going past my house. They build
5 five houses down farther recently. There are a lot of
6 cement trucks and a lot of construction vehicles.
7 They want to build 50 houses now and that will add
8 thousands or hundreds of construction cars coming down
9 Bonner Avenue. Bonner Avenue is already falling
10 apart. There are pot holes forming. You get cement
11 trucks going over that and it's going to rip up the
12 road.

13 My other concern, as the other gentleman said,
14 is the water. Between my house and other houses,
15 there is an underground creek. I have a sump pump,
16 plus a back-up sump pump because the water continues
17 to flow all year round. My sump pump can fill up in
18 three minutes and my whole well can be filled up in
19 the basement. That's how much water goes in there.
20 You start digging around and moving things, the water
21 flows are going to switch and I'd like to know how
22 that is going to impact my house.

23 I have a co-worker that lived in a house for 60
24 years and had no problem. He didn't even have a sump
25 pump. They built a development right behind him and

1 he had to put two sump pumps in his house because the
2 water flow switched and his basement flooded for the
3 first time in 60 years because of development.

4 You're going to be adding 50 houses so you're
5 going to be adding 100 or 200 cars a day, once it's
6 done. During the construction, they'd have to chop
7 down the trees and remove the trees, build a sewer
8 system, build a water line, pave the roads and then
9 every house is going to have roofers, siders, plumbers
10 and all those trucks are going to be coming up and
11 down and cars already fly down the road. There are
12 kids that play in the road and cars are flying down
13 that road. You're going to be adding hundreds of cars
14 a day to just add 50 houses on wetlands.

15 On your website, I tried to look at the map.
16 You can't even tell what is on the website. The map
17 is so blurry. You can't even see what the proposals
18 are. I can't even read what the map looks like.

19 I hope you guys think about it. Think about
20 the traffic impact and the infrastructure. The road
21 is going to be torn up, once all this construction
22 happens. Is the developer going to pave the road once
23 it's finished? With hundreds of trucks going over it,
24 it's going to rip up the road. Thank you.

25 CHAIRMAN STUTO: I don't know if the applicant

1 or Joe wants to talk about the stormwater and how it's
2 going to impact water under the current regulations.

3 Do you want to take a shot at it?

4 MR. EASTON: Sure. Stormwater will meet the
5 current DEC regulations that manages water quality and
6 water quantity. The existing site is much lower than
7 the surroundings in elevation. It's approximately
8 about 20 to 30 feet lower and it runs toward the
9 railroad tracks. From preliminary grading we expect
10 that it will all go towards the railroad tracks and
11 there will be no stormwater going back towards any
12 existing homes. It just doesn't function that way.

13 CHAIRMAN STUTO: What about the groundwater?

14 MR. EASTON: The groundwater - we have not done
15 -- when we actually did test holes out there, there
16 was approximately a seasonal high groundwater table.
17 It was approximately six to seven feet below the
18 existing grade. Water was coming in the holes
19 preliminarily at approximately eight feet. It can
20 fluctuate throughout the site.

21 CHAIRMAN STUTO: So, how is the development
22 going to impact the groundwater?

23 MR. EASTON: If anything, due to the fact that
24 Bonner is at a much higher elevation compared to our
25 proposed housing project, we will if anything, lower

1 the water table for their houses and not impact their
2 property because we are lower in elevation than they
3 are.

4 CHAIRMAN STUTO: Do you agree with that, Joe?

5 MR. GRASSO: Yes. Normally, when you go
6 through that conservation analysis, you try to
7 identify the areas that would exhibit high ground
8 water and that's primarily going to be along the
9 wetland corridors. I think that what Jaime is
10 describing are the areas that are not constrained by
11 the wetlands and the areas that aren't impacted by
12 high groundwater conditions. That's where we would
13 expect development to occur. I think that the
14 important point is that based on the topography that
15 is there, the drainage system won't impact the
16 existing residential development at all because the
17 drainage doesn't flow in that direction. Also, they
18 will be required to design a system so that there is
19 no increase in flows caused by the new development.

20 CHAIRMAN STUTO: Thank you.

21 Sally Burchhardt.

22 MS. BURCHHARDT: Basically, I just wanted to
23 know if you could show me where parcel 106 is on the
24 map. Nobody can go from 106 to 8 Lupe Way?

25 MR. EASTON: Right.

1 MS. BURCHHARDT: Is that right on Cordell?

2 MR. EASTON: That is right on Cordell.

3 MS. BURCHHARDT: And it can have only access to
4 Cordell; yes or no?

5 MR. EASTON: It has access on Cordell.

6 MS. BURCHHARDT: Can it only have access to
7 Cordell Road, or are you going to get access from 106
8 going through 8 Lupe Way?

9 MR. EASTON: Access will not go from 106
10 Cordell Road.

11 MS. BURCHHARDT: So, in other words, it's only
12 going to go out to Cordell?

13 MR. EASTON: That is correct.

14 MS. BURCHHARDT: The 110 parcel - where is that
15 on the map? The only reason that I'm asking is
16 because of propositions 155 and 189.

17 MR. EASTON: The 110 parcel is across the way.
18 There is an easement that is 110 Cordell Road.

19 MS. BURCHHARDT: And that can only be access by
20 Cordell Road?

21 MR. EASTON: That is correct.

22 MS. BURCHHARDT: Second, in one of the minutes,
23 I was reading -- what is a point set? It was at your
24 December meeting. A point set -- how many feet from
25 one house to an existing exit?

1 CHAIRMAN STUTO: I'm not understanding the
2 terminology that you're saying. You have a point set.
3 Somebody said it was 2,500 feet. Somebody on the
4 Board said 900 feet.

5 They might have been speaking -- I'm only
6 guessing -- the furthest point from the entrance of
7 the neighborhood to the furthest house.

8 MS. BURCHHARDT: Yes.

9 CHAIRMAN STUTO: For fire purposes, sometimes
10 they ask that question.

11 MS. BURCHHARDT: Is there a certain code in
12 Colonie for that?

13 MR. GRASSO: There is not. There is not a
14 restriction of a maximum length of a cul-de-sac.

15 CHAIRMAN STUTO: To that point, we do have a
16 memo from -

17 MS. BURCHHARDT: I was just educating myself
18 because I was reading the minutes.

19 CHAIRMAN STUTO: You have this memo?

20 MR. GRASSO: I don't.

21 CHAIRMAN STUTO: Basically, the Fire Services
22 Commissioner, Joe Bisognano is saying that the houses
23 should be sprinklered because they will be far away
24 from the entrance to the neighborhood. There won't be
25 two entrances to the neighborhood.

1 Joe, do you want to summarize that?

2 MR. GRASSO: Yes. This is after we raised the
3 issue regarding the extension of the development off
4 of a single means of access. Fire Services took
5 another look at it and what they described is that the
6 distance is over 1,300 feet with only one in and one
7 out - so, one single point of access. When you're
8 dealing with a reduced roadway like that, as
9 mitigation to improve fire protection, the
10 recommendation is that any new homes developed off of
11 there, they would suggest to have a residential fire
12 sprinkler system installed in those homes. That's
13 something that can be considered, but obviously you
14 need an application for residential development.
15 That's something that could be considered.

16 CHAIRMAN STUTO: I just wanted to give you the
17 information that we have on that.

18 MS. BURCHHARDT: That's good. I just wanted to
19 educate myself in reading the minutes of one of your
20 Board meetings. We are Nutwood Avenue and not Nutwood
21 Drive, just for your information.

22 We get Bonner's traffic and all the other
23 existing traffic, so we know where you're coming from.

24 CHAIRMAN STUTO: Thank you.

25 Vic Figeroa.

1 MR. FIGEROA: I have the same concerns as my
2 neighbors. In addition, one of the entrances to the
3 new neighborhood - I'm right across the street from
4 it. I'll have to deal with the additional traffic,
5 car stopping and headlights through the windows and
6 the doors, the revving engines, the screeching tires.
7 I was just curious, could you give details on the
8 constraints of why we can't bring in an additional
9 road from Cordell?

10 MR. GRASSO: Jamie, could you just show on the
11 map where the -- it's primarily the wetlands and the
12 steep slopes.

13 MR. EASTON: As we look at this site plan,
14 Cordell Road is right here (Indicating). I'm going to
15 draw two big lines approximately about 500 feet.
16 Then, 8 Lupe Way is right there (Indicating). There
17 is about 500 feet of wetlands jurisdictional by DEC.
18 There are some in this general area that is governed
19 by the Town of Colonie. So, within this 500 foot
20 corridor, it's really undevelopable to put anything
21 physically through it for environmental reasons.
22 That's why when the one woman asked about 106 Cordell
23 Road and only access to Cordell Road. That's correct
24 because there is no physical way to take this parcel
25 of land and have a cut-through due to the large

1 environmental area through the center corridor here
2 that goes all the way basically up to 8 Lupe Way to
3 that existing home and it projects even farther up,
4 almost to the top of Bonner and then it continues down
5 to the railroad tracks.

6 MR. FIGEROA: So, where is Cordell Road?

7 MR. EASTON: Cordell Road is way out over here
8 (Indicating). You currently live in these general
9 houses over here.

10 MR. FIGEROA: I'm 9 Lupe.

11 MR. EASTON: So, this is Morocco Lane and this
12 is Lupe as it comes back around (Indicating). So,
13 you're at the end of the cul-de-sac?

14 MR. FIGEROA: Yes. Thank you.

15 CHAIRMAN STUTO: Thank you.

16 Dan Micelli.

17 MR. MICELLI: I have been living at 12 Morocco
18 for 16 years; since 2000. I can relate to the traffic
19 issue. I've had traffic coming back and forth for the
20 last 16 years and my house has to constantly get
21 pressure washed from all the construction traffic.
22 That's one little issue.

23 If this whole issue is talking about going from
24 industrial to residential, why are we having 56 lots
25 proposed? Why are talking about going from industrial

1 to residential?

2 CHAIRMAN STUTO: That's the issue here. The
3 applicant and even Joe, our Town Designated Engineer
4 was leaning towards to restricting it to the simple
5 question of industrial to residential. I personally
6 felt that we needed some kind of visual of what might
7 potentially be developed, if it was residential. So,
8 that's a possibility. We're not here to vote on the
9 number of lots or anything like that. If they get
10 what they want, it has to go to the Town Board. They
11 would vote in favor of the rezoning and they would
12 have to make an application for subdivision and site
13 plan approval. We would be back and then we would
14 open it up for comment again. All the angles of the
15 roads and the particulars and the traffic impacts and
16 so forth would be analyzed at that point.

17 MR. GRASSO: And the number of lots.

18 MR. MICELLI: To this point, as anybody done
19 any studies on the land itself? We're talking about
20 the 60 degree slope. If any of you are aware of
21 Morocco Avenue, Morocco Ave is a very steep, steep
22 street and I'm at the bottom of it. That 60 degree
23 slope is directly behind Morocco. When you start
24 removing all that soil and removing all those trees
25 that suck up the water when it rains, you're going to

1 have a lot of water coming down and we see it with the
2 Lisha Kill Creek. All the neighbors can tell you that
3 when it rains a lot, Nutwood floods, Cordell floods
4 and some of the side streets flood and that's an
5 issue.

6 There is another issue of if you go up Nutwood
7 right now and you go up Bonner until you reach the new
8 part of Bonner where I live, the roads are narrow. I
9 have a Chevy. I have to pull over to let my neighbors
10 go by to get down the streets. That's in the
11 summertime. In the wintertime when the Town comes and
12 plows, the roads get more narrow. So, now that's even
13 more worse. You have traffic implications here. You
14 have water implications here.

15 Has DEC done any investigating? Has the Pine
16 Bush done any investigating? Has the Army Corp of
17 Engineers come in and done any investigating?

18 I go back there and there is a lot of wildlife
19 back there. There are deer and fox and turkey.
20 That's going to impact them also. It's going to
21 impact a lot of people.

22 The trains - they're putting a second line in.
23 I don't know if everybody is aware here, but we're
24 having a big casino in Schenectady. Not only CSX uses
25 that line, but Amtrak uses that line and if you don't

1 know how fast Amtrak trains go, I have my phone right
2 there and I'm right at the rail where the train comes
3 by. I'll show you how fast these Amtrak trains come
4 by. They come by at 8,200 miles an hour on that line
5 of track. Now you're putting a second line in there.
6 Now, you're going to have more railroad traffic,
7 whether it's Amtrak or it's CSX delivering oil, toxic
8 materials and all that stuff back there.

9 My thing is that I agree with the first
10 gentleman who spoke. Keep it industrial because I
11 know that nobody is going to want to go through there
12 that's industrial. I know a little bit about DOT and
13 if you try to zone that industrial, you can probably
14 but when -

15 CHAIRMAN STUTO: It is zoned industrial.

16 MR. MICELLI: But I'm saying when you plan it
17 all out and all these big trucks keep coming into the
18 neighborhoods and DOT starts getting phone calls about
19 these trucks leaking and about these trucks driving
20 through stop signs and stuff like that, nobody is
21 going to want to build back there. I'm just saying
22 that there are a lot of issues that need to be
23 addressed before somebody comes up and just throws a
24 big thing here and says we're going to disrupt your
25 whole life and put roads through your neighborhood

1 that can't even handle -- about two years ago I called
2 about having some pot holes filled on old Bonner and
3 Nutwood. They filled them in October. That's how long
4 it took; six months. I don't know about North
5 Colonie, but I know that in South Colonie my taxes are
6 going up and my services aren't. I'm frustrated as a
7 taxpayer.

8 CHAIRMAN STUTO: The difference is the school
9 district, so you should probably go to the school
10 board.

11 MR. MICELLI: I'm just saying.

12 MS. DALTON: Or move to North Colonie.

13 MR. MICELLI: I shouldn't have to move to North
14 Colonie. I'm a taxpayer. That's not a nice thing to
15 say. I'm a taxpayer just like you. I worked hard. I
16 just recently retired. I put my time in. You
17 shouldn't tell me that I should have to move from --
18 that's very unprofessional.

19 CHAIRMAN STUTO: She was making a joke.

20 MR. MICELLI: That's not a joke. South Colonie
21 is part of the Town of Colonie.

22 CHAIRMAN STUTO: You made a statement that your
23 taxes are going up and you made a reference about
24 North Colonie. There is no difference in the Town tax
25 rate between North and South Colonie.

1 MR. MICELLI: That's your opinion.

2 CHAIRMAN STUTO: No, it's a legal fact. The
3 school district tax may be different. That was the
4 first point.

5 MR. MICELLI: But that's not the point. I
6 moved to South Colonie because I like South Colonie.
7 I'm not going to move to North Colonie because I don't
8 like South Colonie because you're proposing this.
9 That's very disrespectful. You should have never said
10 that.

11 CHAIRMAN STUTO: Okay, let's not belabor the
12 point. She tried to get a laugh in and she didn't get
13 the laugh.

14 MR. MICELLI: I understand that, but why are
15 talking about all this right now when somebody should
16 have just said we are going from industrial to
17 residential?

18 MR. LANE: We are talking about that.

19 CHAIRMAN STUTO: Because the neighbors are
20 asking questions and we are trying to our best to
21 address it.

22 MR. MICELLI: What are you going to do about
23 what's there now? You want to build all of this, but
24 what is there now can't handle what's there now.
25 That's my point. That's why I'm up here. I've seen

1 how you guys plow. It's disgusting. I used to plow
2 for a living. It's disgusting that they do not even
3 know how to plow in this Town.

4 MR. LACIVITA: I think that some of the
5 questions or some of the concerns that you have right
6 now are a Department of Public Works issue and how we
7 can --

8 MR. MICELLI: I'm venting and I apologize.

9 MR. LACIVITA: I can understand that you're
10 venting on the services that you're receiving, but
11 when this development comes in or any development that
12 comes in - there are certain regulations that we have
13 to follow with regard to stormwater and any
14 improvements that we have to do. We have to make it
15 better and not make it worse that doesn't impact your
16 particular location.

17 MR. MICELLI: I understand all of this. This
18 shouldn't come in the process right now.

19 MR. LACIVITA: And that's why we tried to say
20 early on - lay that groundwork. We are here about the
21 rezone because we don't know what is going to come in
22 the future. That's why we have to get to what are the
23 allowances that we can get to in the future to
24 possibly design this project. We're not here about 56
25 96 or whatever lots.

1 MR. MICELLI: But when you say that to the
2 neighbors that it may affect, we are going to come at
3 you like we are. Here is my thing. I want to get
4 done here and go home. I want to enjoy my night. Why
5 don't they have -- instead of having this proposal
6 right away, have the Army Corp of Engineers come in.
7 Do a land analysis. Have DEC come in and do a land
8 analysis. Then, go from there and say that it would
9 behoove the town to keep it as industrial or change it
10 to residential. Why throw this all at us?

11 CHAIRMAN STUTO: Let me just say that we are
12 going to avoid a back and forth debate. You can make
13 your comments and we'll try to address them as best as
14 we can.

15 MR. GRASSO: The things that you mentioned -
16 the Army Corp of Engineer wetlands, they have been
17 investigated. The DEC wetlands - they have been
18 investigated separately. There has been a lot of
19 investigation already, just to get to this point, just
20 so that we can describe in terms of where access is
21 likely to occur, where the land uses are likely to
22 occur. There has been a lot of investigation already
23 done. More will be done when more specifics come
24 regarding traffic, drainage and things like that.
25 There has been a lot of investigation to get to this

1 point.

2 MR. MICELLI: With that being said, with DEC's
3 analysis, is that how they came about to say that this
4 is a usable property?

5 MR. GRASSO: Yes.

6 MR. MICELLI: I'm sorry if I was frustrated or
7 came across the wrong way. There are a lot of
8 questions here. What needs to be analyzed first, I
9 believe, is what is going on now with the
10 infrastructure before we decide that we think that
11 we're going to put 56 more houses back there because
12 the infrastructure right now can't handle it. You
13 just said that a sprinklered system has got to go in
14 these houses because the fire apparatus can't get to
15 it.

16 CHAIRMAN STUTO: It's not that they can't get
17 to them. It's because there is only one means of
18 ingress and egress and the distance from there -

19 MR. MICELLI: There's one means of ingress and
20 egress to my house.

21 CHAIRMAN STUTO: If you want to put a sprinkler
22 system in, you can. I don't mean that factiously.
23 The Code didn't call for it and evidently when the
24 plans were approved, the Town didn't call for it at
25 that time.

1 MR. MICELLI: But now the Fire Code is calling
2 for it?

3 CHAIRMAN STUTO: He's suggesting it. It's not
4 mandatory.

5 MR. MICELLI: Okay. I thought that it was a
6 mandatory thing.

7 Other than that, that's all I have. Thank you.

8 CHAIRMAN STUTO: Thank you.

9 Tom and Helen Romano.

10 MS. ROMANO: My name is Helen Romano and I live
11 on King's Road.

12 When I asked for an analysis of the property,
13 it wasn't really commercial versus -

14 CHAIRMAN STUTO: Industrial.

15 MS. ROMANO: What I meant was not the intent of
16 what could be developed industrial wise, but how large
17 an area could be developed industrial/commercial and
18 exactly where. I think that would give people a clear
19 understanding.

20 CHAIRMAN STUTO: I think that's a fair question
21 and I think that they can answer that.

22 MS. ROMANO: That was my question. It wasn't
23 versus -

24 MR. GRASSO: It wasn't the type of use, just
25 the location.

1 MS. ROMANO: Exactly.

2 CHAIRMAN STUTO: We interpreted it that you
3 wanted us to layout what it would look like.

4 MS. ROMANO: No, basically it's how large an
5 area can be developed commercially and exactly where
6 on the piece of property it could go.

7 MR. GRASSO: Yes, Jamie can explain that.

8 MR. EASTON: As we talked about before, we've
9 done some analysis of wetlands, we met with Pine Bush
10 and everybody else. The developable land on this
11 parcel resides between Lupe Way and the existing
12 Morocco, which basically rears up to everyone's homes.
13 That's the developable parcel of land.

14 CHAIRMAN STUTO: It's the same spot, whether
15 it's industrial or residential.

16 MR. EASTON: Correct. You're looking at
17 approximately 20 acres in size that an industrial
18 complex could be built on. That can be many different
19 things and many different sizes but in general, it
20 would be in the same location where everybody is.
21 That's why we felt that it was a better situation,
22 based upon the usable land on this location that we
23 change it from industrial to single family
24 residential.

25 MS. ROMANO: Isn't there a 100 foot buffer

1 between the residential versus the commercial?

2 CHAIRMAN STUTO: I'm not aware of that.

3 MR. GRASSO: Yes, there would be a 100 foot
4 separation from a residential use to industrial.

5 MS. ROMANO: There would be approximately 100
6 feet where he would be able to develop and that would
7 be all around -- Morocco would be in that.

8 MR. EASTON: I believe that it's a 100 foot set
9 back for the building. I think that it's a 50 foot
10 set back from industrial for parking. The building
11 would be set back 100 feet back from a single family
12 zone, but you would need 50 feet which is probably the
13 length of this room that we would basically leave.

14 MR. GRASSO: So, it wouldn't be a buffer,
15 necessarily. It's just a setback.

16 MR. EASTON: It's a setback requirement.

17 CHAIRMAN STUTO: Which is an important
18 distinction.

19 Any other comments or questions from the
20 neighborhood?

21 MS. BURNHAM: I'm Claudia Burnham.

22 So, you're saying no matter what, that's going
23 to be the only way in and out. There is no way to go
24 out any other way to any other street; Albany Street,
25 Morris Road or anywhere?

1 MR. GRASSO: If the property is developed in
2 that general area - in that pink highlighted area, the
3 only access would be through the existing residential
4 neighborhood.

5 MS. BURNHAM: There is no other way?

6 MR. GRASSO: Not with the Town's current Land
7 Use Laws.

8 CHAIRMAN STUTO: Any other comments or
9 questions?

10 MR. AWLING: I just have one more comment.

11 I agree a lot with John. I'm 100% opposed to
12 this. These wetlands are behind my house so luckily
13 I'm not going to have anything developed. These run
14 across left to right (Indicating). There is a big
15 wetland swamp here and here (Indicating). Maybe it's
16 been approved to be developed. This runs through here
17 and once that's filled in, it's going to get backed
18 up. My mother and myself are going to have water
19 issues.

20 The second thing is that you guys know right
21 where it is. Drive down the road on a Saturday. Kids
22 are out there. The neighbors are out there. If
23 you're adding these extra houses, I don't see how it's
24 possible to get that extra traffic up there. I think
25 that leaving the industrial would be fine with me

1 because there is going to be less traffic and I don't
2 think that you're going to get industrial vehicles
3 down that road.

4 CHAIRMAN STUTO: Thank you.

5 Other members of the neighborhood.

6 MS. COOK: My name is Kathy Cook and I live at
7 14 Morocco Lane.

8 I guess what I said at the last meeting is what
9 I want to say again. I don't think that doing nothing
10 with this property and keeping it forever wild is not
11 an option that we're looking at. It's either going to
12 be zoned industrial or residential. I think that it's
13 very dangerous to think that if it's kept industrial
14 that the Town will do nothing.

15 The last time that this happened, it was
16 rezoned from residential to industrial. The next
17 thing that you know, we had a proposition to have a
18 trailer dumping station put over there by Steve Lupe
19 and then everyone was up in arms. The fact of the
20 matter is that they're going to develop that area. I
21 think that as a neighborhood we would be much happier
22 and again, all of the things can be straightened out
23 in the end. Maybe it won't be to all of our
24 satisfaction, but I think that for right now, the
25 choice of having a storage facility that's lit up all

1 night, a car lot, anything versus houses -- I
2 personally think that it's kind of a no-brainer. I'd
3 rather have a housing development back there than some
4 large industrial area where we have trucks coming
5 through, possibly things running at night. It's just
6 my suggestion.

7 CHAIRMAN STUTO: Anybody else?

8 MS. AWLING: I'm Dee Awling. I'm part of the
9 wetland down in the back. If anybody wants to come
10 down and take a look, I'd be glad to show you.

11 I have a question. I think that it's 106
12 Cordell and 110 Cordell - they're going to be left
13 industrial, right?

14 MR. GRASSO: That's correct.

15 MS. AWLING: Are there any plans to build
16 something there?

17 MR. GRASSO: Nothing has been submitted.

18 MS. AWLING: We'd have to put up with that, if
19 they decided to, right?

20 MR. GRASSO: Yes, there would be an application
21 to the Planning Board and you'd be given an
22 opportunity to be heard.

23 MS. AWLING: My one concern is tractors. On a
24 hot summer morning you can smell the fumes. I just
25 want to point out that if these other properties are

1 developed, we are going to have the impact from them,
2 too. You want to put more houses in there and subject
3 families to the toxic air? That's all I have to say.

4 CHAIRMAN STUTO: Thank you.

5 MS. BURCHHARDT: Whichever way you go, then it
6 comes before the Planning Board again, right?

7 CHAIRMAN STUTO: Then it goes to the Town
8 Board. We're just making the recommendation.

9 MS. BURCHHARDT: If we don't like it, we go to
10 the Town Board.

11 CHAIRMAN STUTO: If we make a positive
12 recommendation, the Town Board is the next step.

13 MS. BURCHHARDT: Okay, I'm just educating
14 myself. If it gets past the Town Board and it does go
15 residential and it comes back here in front of the
16 Planning Board -

17 CHAIRMAN STUTO: If they make an application.

18 MS. BURCHHARDT: Are we going to take a little
19 bit of this and a little bit of that and make it so
20 that they can build, or are we going to go by the Town
21 of Colonie Codes - what's best for the residents,
22 what's best for the environment?

23 CHAIRMAN STUTO: We go strictly by the Code.

24 Anybody else?

25 (There was no response.)

1 Joe Grasso, would you like to sum it up for us,
2 please?

3 MR. GRASSO: Basically, the decision is whether
4 you feel that the majority of the property, the 54
5 acres, is best zoned industrial and allowing uses that
6 based on the industrial use classification which is
7 included in your packet - all the allowable uses are
8 numerated, or whether it should be zoned residential
9 with the expectation that if it's zoned residential,
10 you would expect to see a residential development
11 application. That would probably be in the relatively
12 near future. At that time you would need to address
13 the questions regarding traffic and construction
14 access and the number of lots, density, drainage and
15 all those things that you typically review.

16 The decision tonight is whether or not you are
17 in favor of the rezoning application from industrial
18 to residential.

19 CHAIRMAN STUTO: Any Board Members want to
20 speak?

21 MR. SHAMLIAN: The decision as to whether the
22 one resident that spoke and talked about the fact that
23 the property was likely to get developed is accurate.
24 The person owns the land and they have certain rights
25 to develop the land. Our job is to make sure that

1 it's developed in the most logical way that we can.

2 Twenty acres of industrial is a lot of
3 industrial. Joe can go over the list of industrial
4 uses of things that can be in an industrial zone and I
5 think that there are probably a lot of valuable points
6 that were raised tonight.

7 Obviously, bringing trucks over some of those
8 neighborhood roads would be an issue, but there could
9 be 20 acres of office park too which is a lot of cars.
10 So, I guess my feeling is best in the long run to be
11 zoned residential.

12 CHAIRMAN STUTO: Thank you.

13 MR. LACIVITA: Craig just talked about some of
14 the uses. I just went through the allowable uses -
15 the permitted uses within the SFR zone versus the
16 industrial. If this was to change to SFR, only 11
17 compatible uses to single family current zoning that
18 is above it would be allowed.

19 CHAIRMAN STUTO: Meaning single family house
20 plus the accessory uses.

21 MR. LACIVITA: Correct; such as a farm stand or
22 a golf course. The simpler uses which would be
23 complementary to that abutting single family. When
24 you look at the industrial, 76 potential uses exist as
25 they are today, of which the majority are potential

1 adverse uses compared to that single family such as a
2 junkyard or a transfer station all of which we heard
3 before when they argued to change it back to the
4 zoning. So, there is that balance that we have to
5 look at tonight.

6 CHAIRMAN STUTO: Thank you.

7 MS. MILSTEIN: I'm really concerned about it.
8 I'm concerned about it as commercial. Quite frankly,
9 I'm very concerned about it as residential. If we do
10 go residential, I think that there is a lot of
11 questions and a lot of concerns that I have. I have
12 very mixed feelings. I have a lot of concerns about
13 it if it changes to residential - any kind of
14 development that goes in there.

15 CHAIRMAN STUTO: Tim?

16 MR. LANE: I do want to say that we do hear the
17 residents' concerns. I had my concerns, but we do
18 have to look at this strictly from the zoning change
19 perspective and that being an overall positive, as
20 Craig pointed out. What comes following that, I have
21 a fair amount of confidence that we can address each
22 of the issues that people have concerns with, in fair
23 order. I think that we've done a pretty good job of
24 that in the past and I think that we can do that as
25 well going forward. While you will continue to see

1 this move forward, it will go to the Town and the Town
2 will have the same kinds of concerns and the same kind
3 of consideration as it goes to the Town Board.
4 Depending on what happens there, if it should happen
5 to come back with another plan, we will take a great
6 deal of time and consideration to address your
7 thoughts. I'm sure that if the Town Board should come
8 to the same conclusion, we'll work it out as best we
9 can.

10 MR. AUSTIN: I think that we need to clear up
11 some language as far as the definition of commercial
12 versus industrial. Those are two separate uses.
13 Commercial is more retail and those kinds of thing.
14 Industrial is just that - junkyards. Maybe a golf
15 course would be nice, but you're talking a lot of
16 traffic for a golf course.

17 I have to agree with Mr. Macelli when he said
18 that he was trying to figure out why we were here
19 tonight.

20 I spoke to Jamie last time and we talked about
21 it then and flipping over the board and showing us the
22 layout of the streets was probably a mistake. That is
23 not necessarily going to happen in that particular
24 way. He's just giving us a basic rendering which is
25 great and I think that it's a great job that he's done

1 that but now it's put everything into your head
2 thinking that's exactly what it's going to be. That's
3 not necessarily it at all. I think that you need to
4 keep in mind that what we talk about as far as the
5 transportation issue and the traffic issue between
6 residential and industrial -- I understand the
7 existing conditions are an issue, but I think that you
8 need to understand that we, as a Board, do not want
9 the existing conditions to get any worse. We can only
10 make them better or keep them the same. We try to
11 make them better. That's our job. So, understanding
12 that and understanding those other things about
13 residential, I think that talking about screeching
14 tires and people zooming through the neighborhood and
15 100 cars at a time - I'm not sure if that's all day or
16 if there are any screeching tires at all. Maybe there
17 are. I'm sorry to hear that, but 100 cars at a time
18 flying through there all day - I don't think that's
19 going to happen, not even in rushhour. I could be
20 wrong. If I'm wrong, I'll stand corrected.
21 Understand that we are aware of those things. We
22 can't control that. That's up to the Colonie Police.
23 That's up to DOT. That's up to those other Town
24 Departments. We're here right now to address Mr.
25 Macelli's concern of what is potentially going to

1 happen. There is no plan and there is nothing on that
2 board. We are here to look at industrial versus
3 residential; that's it. We do appreciate your
4 concerns.

5 MR. MION: I believe that it's all been said.

6 MS. DALTON: I'm going to agree with most of my
7 colleagues that when someone has a right to develop
8 their property, you don't have a lot of control what
9 they put on it once it's zoned.

10 From a homeowner and a taxpayer point of view,
11 having another residential neighborhood where those
12 people own like you own and are invested in improving
13 and maintaining that community as you are invested in
14 improving and maintaining, I guess my perspective is
15 that from a risk mitigation point of view as a
16 homeowner, I'd rather have other homeowners than have
17 an industrial junkyard or transfer station or any of
18 the things that you can't predict that they would put
19 there. So, again, from a protecting the community and
20 protecting the neighborhood point of view, my
21 perspective goes along with your neighbor in the back,
22 which is having other neighbors might not be a bad
23 thing. I'm in favor of the residential zoning.

24 MS. MILSTEIN: Even if we do vote to change it
25 from industrial to residential, it doesn't mean that

1 this plan as proposed is the one that is going to be
2 adopted. It may be that they cannot put in a plan
3 that is at all satisfactory. There is risk even if it
4 is residential, if there is a change, that no one may
5 be able -- they may not be able to come up with a plan
6 that is feasible and acceptable to us, them and the
7 neighbors as well. That's also a consideration.

8 CHAIRMAN STUTO: I'm looking to take this to a
9 vote one way or the other.

10 Do you have anything new to add Mr. Risutto?

11 MR. RISUTTO: Yes, I would just like to make a
12 comment on all your statements. One is that it's
13 either/or. Again, I'd like to see the reviews and the
14 minutes, the complaint reports and then the Army Corp
15 of Engineers. That will stop the building,
16 regardless. If there are restraints or contractions,
17 you would have to obey by them. I would like to sit
18 and review those.

19 Second to that is to go back to what you're
20 saying is that unless you really want a street that is
21 constantly trafficked, when I first bought my house it
22 looked like a residential neighborhood. Mine went
23 from Albany Street and is now Central Avenue. With
24 the houses proposed, the best as it is, that traffic
25 for every one house being conservative, you're going

1 to have two cars. You can multiply by two and not
2 count relatives and friends. As everybody knows, that
3 street is not wide at all. Buses have a difficult
4 time passing back and forth. You now want to
5 introduce more. Now, you're looking at the traffic
6 factor.

7 The other thing that is close to that is what
8 you have all made a point of saying is that now you
9 have an egress issue because if there is any emergency
10 vehicles to get back there, if we are having a hard
11 time driving through as residents who live in that
12 neighborhood, you're going to have a major catastrophe
13 because you can't get a fire truck back there. Now
14 what are you looking at? Are you all going to be
15 guilty of having blood on your hands? I don't mean to
16 be that vigilant, but that's what it's going to come
17 down to.

18 We have a neighbor across from my house and
19 more times than none he's squealing in and out of that
20 driveway. I sit at my picnic table and I cringe every
21 time I hear the brakes lock up. You want more houses
22 and more residents.

23 MR. AUSTIN: Mr. Risutto, once again I think
24 that we're getting stuck on this diagram here.

25 MR. RISUTTO: No, we're not getting stuck.

1 What I'm trying to say is I want to go by the word of
2 the law.

3 MR. AUSTIN: You could have three houses.

4 MR. RISUTTO: I don't care if it's one house.
5 It's still against wetlands and it's also against the
6 Army Corp of Engineers. I want all of those and the
7 facts of what degree and see that you are making a
8 sound judgment. That's all I'm asking for.

9 MR. GRASSO: Just regarding the studies - all
10 of the decisions and the studies that the Planning
11 Board uses to make its decisions and everything that
12 we rely on is in a file at the Planning Department.
13 That file is always available for public review. You
14 could be reviewing all the same information that the
15 Planning Board and the TDE is reviewing throughout the
16 course of the project. We offer that to everybody in
17 hopes that you do it because there is a lot of
18 important information there.

19 MR. RISUTTO: I will.

20 MS. BURCHHARDT: Were those studies already
21 done on this property?

22 MR. GRASSO: There has been many studies done
23 on the property already. More will be done once an
24 actual proposal comes before the Board.

25 MS. BURCHHARDT: But studies have been done.

1 MR. GRASSO: A lot of studies have been done.

2 CHAIRMAN STUTO: It's more mapping the wetlands
3 and doing topographical maps which show the steepness
4 of the slopes.

5 MR. GRASSO: Surveys have been done.

6 MS. DALTON: More will be done. Once you get
7 an actual proposal that is before us, that proposal
8 will spur a wide variety of requirements of what they
9 have to give us and it will be based on actual rather
10 than what they are proposing.

11 MR. AUSTIN: Just to piggy-back on what Joe was
12 saying, remember the comment that Joe LaCivita made at
13 the beginning, as well. If you have any questions
14 that are unanswered here or possibly by Planning, you
15 can also talk to the Town Designated Engineer at any
16 time. They can give you a lot of information. There
17 are endless amounts of information that you can get,
18 I'm sure.

19 MR. RISUTTO: I'd like to show you photos that
20 I've gone through of my yard and the neighborhood
21 itself. I will provide the entire panel with
22 photographs as to the flooding problems that we have.
23 As soon as you disrupt that elevation, you've only
24 contributed to the problem. So, what do I do when my
25 house is flooding, come to you with a tin cup

1 panhandling for money to fix the problem?

2 MR. AUSTIN: My question is: Do you want to be
3 disrupted by industrial?

4 MR. RISUTTO: I'll give you one quick example
5 and that's what I will sum it up with.

6 There was a time that the gentleman next door
7 was going to sell me a parcel. It was a creek. By
8 Code I was going to fill it with the pipes that were
9 needed and do everything by Code. I was told no
10 because of the wetlands and because the surrounding
11 areas are also the flood zone. With that said, not
12 even a year later, I don't know who was on your panel,
13 but overnight, they decide to put a park up in front
14 of my house. That's right where I was told I
15 couldn't.

16 This is the part that I want to hinge
17 everything on. What happens when the times around
18 that you've already opened Pandora's box and
19 contribute to the flooding? Overnight was a park
20 where now all those good houses are now contributing
21 to the problem which exacerbates my problem. I'm
22 looking at this paperwork that you've given me and
23 from what I can see, you just keep pulling off the
24 scab and you just make your vote and then everybody
25 walks and has to suffer.

1 CHAIRMAN STUTO: We have to do what we are paid
2 to do. This is the second meeting that we've had with
3 the public. We appreciate all your comments and
4 questions. Maybe you're not going to be happy. Maybe
5 you don't want it developed into anything. The
6 question is an application to make a recommendation to
7 the Town Board, whether to rezone this from industrial
8 to single family. I don't think that we're getting
9 any new information on the record now in order to make
10 that decision, so I think that the time has come.

11 Do we have a motion for 8 Lupe Way, application
12 for rezoning recommendation to the Town Board, to
13 single family from industrial.

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

15 MR. AUSTIN: Second.

16 CHAIRMAN STUTO: Any discussion?

17 (There was no response.)

18 All those in favor say aye.

19 (Ayes were recited.)

20 All those opposed say nay.

21 (There were none opposed.)

22 The ayes have it. There weren't any no votes.

23 I'll just say that for the record.

24 The next step is the Town Board. Again, there
25 are three Town Board members back there (Indicating).

1 If you really don't want it rezoned, they're going to
2 probably come in with an application one way or
3 another to develop it. It's a tough question. We
4 have to do our jobs and that's how we do it. Thank
5 you for coming and we'll probably see you again if an
6 application comes before us.

7

8 (Whereas the above entitled proceeding was
9 concluded at 8:15 p.m.)

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CERTIFICATION

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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 _____

