

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

3 \*\*\*\*\*  
4 ZEH OPEN DEVELOPMENT  
5 29 BACON LANE  
6 OPEN DEVELOPMENT AREA RECOMMENDATION  
7 \*\*\*\*\*

8 THE STENOGRAPHIC MINUTES of the above entitled  
9 proceeding BY NANCY STRANG-VANDEBOGART,  
10 a Shorthand Reporter, commencing on  
11 January 10, 2012 at 7:21 p.m. at the Public  
12 Operations Center 347 Old Niskayuna Road,  
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, CHAIRMAN
- 16 MICHAEL SULLIVAN
- 17 KATHLEEN DALTON
- 18 TIM LANE
- 19 LOUIS MION
- 20 BRIAN AUSTIN
- 21 BRIAN HAAK
- 22 ELENA VAIDA, Esq., Attorney for the Planning Board

23 Also present:

- 24 Joe LaCivita, Director, Planning and Economic  
25 Development
- Dave Ingalls, Ingalls and Associates
- Greg Zeh, Property Owner
- Stanley Walker
- Fred Pettingill, S.W. Pitts Hose Company

1                   CHAIRMAN STUTO: We'll call up the next  
2 project. This is the Zeh Open Development  
3 Area, 29 Bacon Lane, open development area  
4 recommendation. We have seen this application  
5 before.

6                   Joe, I don't know if you want to give an  
7 introduction. When you're done, I would ask  
8 that Elena explain the Resolution that we  
9 received from the Town Board and what section  
10 of the Town Law an open development area is.

11                   MR. LACIVITA: We can head right towards  
12 that because there is no additional  
13 explanation needed on the project. They were  
14 here before us in July of this past year for  
15 an open development based on the  
16 recommendation by the Town Board for us to  
17 review it. I can have Elena speak to the law.

18                   MS. VAIDA: Everyone has in their  
19 planning packages the Resolution 679 for 2010.  
20 I believe that it's on the back of the  
21 memorandum to Joe from Susan Pelligrini.

22                   Basically, what that does is it's a  
23 Resolution requiring the Planning Board to  
24 review and consider an open development area  
25 at 100 Bacon Lane. It's a recommendation that

1 we review the proposed project as a possible  
2 open development area.

3 In your packet is the procedure which is  
4 why we have the Resolution which explains how  
5 the Town Board may, by Resolution, establish  
6 an open development area or areas within the  
7 Town wherein permits may be issued for the  
8 erection of structures which access is given  
9 by right of way, or easement upon such  
10 conditions and subject to such limitations as  
11 may be prescribed by general or specific rule  
12 of the Planning Board, if one exists, or of  
13 the Town Board if the Planning Board does not  
14 exist.

15 For us, our job is to look and see why an  
16 open development area is needed and there is  
17 no real criteria set forth in the statute for  
18 it. It's really a matter of discretion with  
19 the Planning Board and that's why the Town  
20 Board sent it to us because we have more  
21 experience with these kinds of projects to  
22 consider and decide whether it's something  
23 that needs to be done or not and to make a  
24 recommendation back to the Town Board on that.

25 CHAIRMAN STUTO: This is appropriate for

1 landlocked parcels that don't have frontage on  
2 a public highway?

3 MS. VAIDA: Yes, that's usually how we  
4 see it.

5 CHAIRMAN STUTO: And that's the case with  
6 this, right?

7 MS. VAIDA: And that's the case for this  
8 and what they're saying is that it doesn't  
9 front a public road or highway, which is what  
10 is required. Therefore, they're asking for  
11 access via either a private road or an  
12 easement, which they would need special  
13 permission via this open development, in order  
14 to do that.

15 CHAIRMAN STUTO: Okay, we have to make a  
16 recommendation to the Town Board.

17 MS. VAIDA: Correct.

18 CHAIRMAN STUTO: Okay, thank you.  
19 Anything else?

20 MS. VAIDA: I don't think that I have  
21 anything else.

22 CHAIRMAN STUTO: We'll allow the  
23 applicants representative -- can you identify  
24 yourself?

25 MR. INGALLS: Hi everybody. I'm Dave

1           Ingalls with Ingalls and Associates. We're  
2           representing the applicants Greg Zeh and  
3           Andrea Zeh.

4                    As stated, it is a landlocked parcel.  
5           It's approximately 1.15 acres in this  
6           configuration right here (Indicating). I don't  
7           know if anybody is familiar. The Planning  
8           Board did approve the Burton Meadows  
9           development, which is just to the east of the  
10          project. There is a culvert and a little bit  
11          of a stream and some wetlands here  
12          (Indicating). This would be for one boundary  
13          of the parcel and then running up here across  
14          and up to a point. There is no actual access  
15          anywhere on the parcel that abuts legal road  
16          frontage or highway road frontage.

17                   MS. VAIDA: Was that parcel part of the  
18                   subdivision?

19                   MR. INGALLS: Yes, it was actually  
20                   created as part of the Burton Meadows  
21                   subdivision.

22                   MS. VAIDA: What was -

23                   MR. INGALLS: It was never discussed.

24                   MS. VAIDA: It was never discussed.

25                   MR. INGALLS: It just kind of appeared.

1 It was on the filed plat.

2 CHAIRMAN STUTO: It was approved by the  
3 Planning Board, but the applicant made the  
4 application for this configuration.

5 MR. INGALLS: Correct.

6 I think that probably the best thing for  
7 us to review is to go through in the packet.  
8 We have a letter dated October 28, 2011, which  
9 was where we actually pulled the minutes from  
10 the last Planning Board, which was back in  
11 July. We tried to annotate or respond to some  
12 of the comments that we pulled out of the  
13 minutes of that meeting.

14 There was some discussion of snow removal  
15 on Bacon Lane, which is this portion here  
16 (Indicating). The pavement ends right about  
17 here where the shaped color is. The paved  
18 portion of Bacon that's here - then there is  
19 some driveway that come here  
20 (Indicating) - gravel ways that come back to  
21 the one Brizzell house and then over to the  
22 house for George and Kathy. Those driveways  
23 ended about this location here (Indicating).  
24 What we are proposing to do is just extend the  
25 driveway and this would be the proposed

1 building area for the Zehs. Essentially, all  
2 of this gravel way is already created to about  
3 this location. This is where the pavement ends  
4 (Indicating).

5 So, in terms of snowplowing, we're of the  
6 understanding that basically the plows come  
7 in, maneuver themselves around and head west  
8 out. So, basically we're not proposing  
9 anything in this existing area at the end of  
10 Bacon Lane. So, therefore there would be no  
11 change in the way that they plow the snow.  
12 That was item one.

13 With respect to emergency vehicles, the  
14 applicant has agreed to what has been  
15 recommended by emergency services which would  
16 be a minimum of 12 foot width capable of  
17 supporting emergency vehicles, whether it be  
18 ambulance or fire.

19 It really wouldn't be an option in terms  
20 of reviewing the practicality and cost of  
21 trying to come in and extend Burton Lane and  
22 put a cul-de-sac. We would have over 200 feet  
23 of pavement, probably over 60,000 and I think  
24 that's probably a shy estimate, if anything,  
25 in terms of what the cost would be and really

1           wouldn't be practical in terms of just  
2           developing a single lot.

3                     Also, in terms of the green  
4           infrastructure, we'd be adding additional  
5           pavement. It wouldn't be very green by putting  
6           in additional length of road and pavement,  
7           impervious area, just to serve a signal home.

8                     One thing that we did do - when we're  
9           talking about stormwater is we do have a small  
10          rain garden -- I don't know if the Board is  
11          familiar with a rain garden.

12                    CHAIRMAN STUTO: I think that we've heard  
13          in seminars what that is.

14                    MR. INGALLS: It's basically a little  
15          pocket area right here (Indicating) about one  
16          foot deep, which would have some plantings in  
17          it and the rainwater from the rooftop would be  
18          diverted to that area for holding in a green  
19          area. That was one of the comments that we had  
20          responded to by departments.

21                    The applicant has secured two easements  
22          that will be filed. One from George and  
23          Kathryn, which is this little triangle that's  
24          shown on the map. Then one from Sue Brizzell,  
25          which is this piece over here (Indicating).

1 That will allow the passage to the end of the  
2 existing gravel way and Greg would extend that  
3 out to the proposed residence. Again, those  
4 would be easements that would be filed and on  
5 record. They would run with the property.

6 In terms of their proposed dwelling - the  
7 proposed dwelling is being proposed, but I'll  
8 let Greg speak to that. It would be in keeping  
9 with the character of the neighborhood. It's a  
10 fairly large house. It's approximately 42 by  
11 74.

12 We have reviewed any other avenues or  
13 venues to gain access to the property. Really  
14 this is the only solution that we have. There  
15 are no other public right of ways that would  
16 gain us access.

17 Again, we have satisfied all the  
18 department comments. All of the departments  
19 that we have coordinated with have had no  
20 problems in terms of the Planning Board giving  
21 us a favorable recommendation. According to  
22 the State Town Law Section 280.8.4, which is  
23 part of the package which you folks discussed  
24 earlier, the consideration under the open  
25 development area is to accommodate the

1 condition where street frontage does not  
2 exist, which is applicable to our case here.

3 I think that's all I have. We'll be glad  
4 to answer any questions.

5 MR. MION: I really have a concern about  
6 the driveway going back. I used to be part of  
7 the EMS system and I know that when I got off  
8 a truck, I like to know that I have good  
9 footing underneath me. That road - that  
10 driveway has a three foot drop off the edge;  
11 at least a three foot drop. If I have to  
12 respond to a fire, or what have you, or we  
13 need to get emergency vehicles back  
14 there -- I'm assuming that driveway is about  
15 12 feet.

16 MR. INGALLS: I'm not sure of the actual  
17 width, but the applicant has committed to  
18 making the driveway a minimum of 12 feet and  
19 adequate supporting capability for any kind of  
20 emergency access. We did actually get  
21 responses from both the Fire Chief - that he  
22 didn't have a problem with it relative to the  
23 emergency equipment and also from EMS.

24 MR. MION: I've been in the situation  
25 many times when you drive the vehicle in there

1 and the police get there and they can't get  
2 out. They're stuck there because you have a  
3 fire truck there. Or the ambulance gets in  
4 there and they can't get out because the fire  
5 truck pulled in behind them and they're  
6 already setting up. I believe you need more  
7 space. That's what I'm saying, for  
8 maneuverability down there.

9 MS. DALTON: My other problem is that  
10 when we looked at the area -- I could  
11 understand if there is a snow storm, if we  
12 stop plowing at the end of the public road,  
13 there would be the ability because the fire  
14 hydrant is right there to reach the house that  
15 is right next to the road. God forbid that the  
16 other house went on fire and there were the  
17 kinds of snow banks that we've seen over the  
18 last few years. An emergency vehicle could get  
19 nowhere near that house. So, I find it  
20 shocking that the department signed off on it.  
21 I don't think that they were thinking of their  
22 ability to access that property with a fire  
23 truck, in the event that there has been a  
24 recent large snow storm. It just won't happen.  
25 I think that I speak for several of the Board

1 Members when we say that without a 15-foot  
2 paved access, at least to the Zeh property, I  
3 personally don't feel that is a safe parcel to  
4 build on. I understand that you find the cost  
5 prohibitive, but I don't live in Loudonville  
6 because I can't afford to live in Loudonville.  
7 Sometimes it just is what it is. Someone can  
8 buy the property and afford to do that kind of  
9 paving but without the safety factors  
10 involved, I don't see how we can approve this.

11 MR. INGALLS: Do you want me to respond  
12 to that?

13 MS. DALTON: No. I mean, you can.

14 MR. INGALLS: Again, we have a letter  
15 right in the packet from Fire Services saying  
16 that they have reviewed the plans and they are  
17 recommending a minimum of 12 feet -

18 MS. DALTON: I understand. I respectfully  
19 disagree with them.

20 MR. INGALLS: I think that we may have a  
21 solution. I think that we would be willing to  
22 make it a little bit wider - say 14 feet. We  
23 will make sure that it is of adequate base and  
24 structure to support the biggest vehicle that  
25 the department has. Maybe we could come up

1 with some type of turnaround at the end which  
2 would allow some type of T turnaround, which  
3 we could work out which would allow fire  
4 apparatus if they had to come down here to  
5 turn around. Maybe that's a solution.

6 MS. DALTON: We felt that the solution  
7 was to be wider and more structurally sound  
8 and to be able to get emergency, fire and  
9 police. If you can meet those requirements in  
10 conjunction with the engineers with regard to  
11 whether it's paved, or whatever other kind of  
12 structure you suggest, then I would find it  
13 safe enough -

14 MR. INGALLS: I think that we can.

15 MR. MION: The other issue that I have is  
16 that it's nice that you're doing this now and  
17 you want to build a house over there.

18 Let's take a look behind George's  
19 property. We want to go in there or say we  
20 want to build a house in the future there. We  
21 have to come through and start this process  
22 all over again and go into another open  
23 development area, where if we just extended  
24 the road right down there, you've already got  
25 the possibility of having a minimum of two

1 more lots, plus you've actually solved  
2 numerous issues. You solve the issue of the  
3 Fire Department. Yes, it is a \$60,000 expense.  
4 I understand that. But you've solved the issue  
5 of the Fire Department. You've solved the  
6 issue of actually the snowplowing because  
7 you're going to have the Town do the snow  
8 removal. And you'll open up the other two  
9 areas, if, in the future you want to build on  
10 them.

11 MS. DALTON: It would significantly  
12 increase the value of all of the properties  
13 that surround that area.

14 MR. INGALLS: I don't believe that there  
15 are any plans for development of the George  
16 and Kathryn Brizzell parcel. Again, we did  
17 look at fitting a cul-de-sac in here and it  
18 didn't really work out well in terms of where  
19 the existing homes are. And then trying to  
20 figure out how to come up with an accurate  
21 radius cul-de-sac, it really didn't fit the  
22 area all that well. We are saying that  
23 relative to a single lot, it is very costly  
24 and I think that our \$60,000 estimate is  
25 probably on the low side. We would propose to

1 work it out with adequate width and structural  
2 support that you could get emergency vehicles  
3 there. We agree that's paramount.

4 MR. AUSTIN: So, you're building a 5,000  
5 to a 6,000 square foot home, according to my  
6 package, on this property. I'm assuming that  
7 it's two stories. You're going to have a  
8 gravel driveway going up to that luxury home?  
9 Is that what you're planning on?

10 MR. INGALLS: I'll let Greg speak to  
11 that.

12 MR. ZEH: I'm Greg Zeh. I'm the applicant  
13 and property owner. The driveway that you  
14 looked at, the gravel driveway that was there  
15 because that's not the final driveway. That's  
16 really our way into the property right now.  
17 Our intension is to finish the grade on that  
18 driveway and blacktop that driveway. So, the  
19 stone driveway that you see there now is just  
20 that. It's a temporary driveway. It's not the  
21 final proposed driveway. Our final proposed  
22 driveway shows a more formal structure.

23 MR. MION: Are you going to widen it?

24 MR. ZEH: If that's what we have to do,  
25 we're going to widen it.

1 MS. DALTON: Essentially, there is kind  
2 of a T at the end of the road, right? It's a  
3 crossroad so you're going to take it to the  
4 end of Bacon across that little area  
5 (Indicating) and then all the way down.

6 MR. ZEH: Right. Right now it kind of  
7 jogs over. That's what you're seeing, and then  
8 it goes down.

9 MR. MION: So, it's all going to be  
10 paved.

11 MR. ZEH: Yes.

12 MR. AUSTIN: With pavement that's capable  
13 of supporting an emergency vehicle.

14 MR. ZEH: Yes.

15 MR. AUSTIN: A fully loaded fire truck?

16 MR. ZEH: Yes.

17 MR. LANE: My concerns are pretty much  
18 the same as my colleagues.

19 Where is the nearest fire hydrant?

20 MR. INGALLS: Right here (Indicating).  
21 Probably about 50 feet from the end. It's very  
22 near the end of the pavement.

23 MR. LANE: So, they have to run a line  
24 from that hydrant to the home a distance of  
25 what?

1           MR. INGALLS: This is about 200 feet to  
2 here (Indicating). Generally when we design  
3 hydrants, we figure 500 feet so you're no more  
4 than 250.

5           MR. LANE: A long narrow road to have  
6 emergency vehicles on. The distance maybe is  
7 not so bad, but it's still kind of a concern  
8 as to how you get vehicles in and out of  
9 there, and with personnel - especially  
10 considering -- I didn't look at it myself, but  
11 the grade on the other side. If you widened  
12 it, you'd also have to do some grading of the  
13 slope.

14           MR. INGALLS: Hopefully I made it clear  
15 that the applicant is willing to do anything  
16 reasonable in terms of improving it and making  
17 sure that there is not a drop off or a steep  
18 slope. It would be a smooth transition to the  
19 back.

20           MR. MION: At night, if you want to do  
21 something out there and you drop off the top  
22 of a fire engine, or step out of an ambulance  
23 and all the sudden you have another three or  
24 four feet that you're going down, that's a  
25 sudden jolt for you. You don't see it because

1 it's dark. That's a concern.

2 CHAIRMAN STUTO: Joe, can I ask a  
3 question on the cul-de-sac on the Marini  
4 development that abuts it - are they  
5 developed?

6 MR. LACIVITA: To be honest, I'm not  
7 sure -

8 CHAIRMAN STUTO: Were they notified of  
9 this?

10 MR. LACIVITA: They should have been  
11 because it's a abutting 200 feet within it.

12 CHAIRMAN STUTO: Does the applicant know  
13 if they were notified? It's the applicant's  
14 obligation.

15 MR. LACIVITA: Yes.

16 CHAIRMAN STUTO: My concern is that they  
17 are buying very expensive houses down there. I  
18 don't know what their assumption was for the  
19 lot behind them.

20 MR. INGALLS: It was posted and it was  
21 mailed.

22 MR. LACIVITA: I'm looking at the posting  
23 now, Peter. Everyone on Bacon Lane, Fernwood,  
24 Walters Way and Fenway Court - we have 3, 5,  
25 7, 6 Walters Way.

1                   CHAIRMAN STUTO: Can I ask if anyone in  
2 the audience is from those houses?

3                   MR. WALKER: My daughter lives on Burton  
4 Lane. She didn't know about it. You didn't  
5 mention Burton Lane.

6                   MR. LACIVITA: Burton is not within the  
7 200 foot posting of this one. They are on  
8 Bacon, Fernwood, Walters and Fenway. It shows  
9 here kind of the radius as to where that 200  
10 feet was.

11                  CHAIRMAN STUTO: From my perspective,  
12 this subdivision was created by application of  
13 somebody. There are two landlocked parcels  
14 there - it looks like to me; George Brizzell  
15 and Kathryn Brizzell and the lot that we have  
16 the application before us tonight.

17                  MR. INGALLS: Brizzell does continue up  
18 Burton.

19                  MR. LANE: Is that 26 Bacon?

20                  CHAIRMAN STUTO: On the map that I have  
21 it doesn't look like it touches Bacon Lane.

22                  MR. LANE: So, this unlocks that other  
23 parcel? You can pretty much see that at some  
24 point that lot will be developed. That will  
25 not always be green. That lot will eventually

1 change hands and someone is going to develop  
2 that lot.

3 CHAIRMAN STUTO: My perspective is this  
4 was created by whoever owned the larger  
5 parcel. They left these as remnant parcels and  
6 they should have thought harder when they were  
7 doing that. That's how I feel about it. I  
8 think that Loudonville, Town of  
9 Colonie - there is a reason why we have a  
10 frontage requirement in our Land Use Law. I  
11 don't think that this is a good case for an  
12 open development. That's my personal opinion.  
13 I think that what you came back with tonight  
14 is not very creative from what we saw last  
15 time, in terms of extending the road or  
16 thinking hard about that. Maybe you would have  
17 to have the cooperation of the other  
18 landlocked parcel; the George and Kathryn  
19 Brizzell parcel.

20 Joe, can you help me -- it's next to  
21 Assumption Church.

22 MR. LACIVITA: Actually, Our Lady of  
23 Assumption Church on Catherine - they have a  
24 parcel there that they were working -

25 CHAIRMAN STUTO: They came in with the

1 same application. We made them extend the  
2 road.

3 MR. SULLIVAN: My question was related to  
4 that. Does parcel 26 have frontage on Bacon?  
5 On our map it appears that the corner of the  
6 lot terminates at the end of the pavement such  
7 that -

8 MR. ZEH: Twenty-four and 26 are owned by  
9 the same person.

10 MR. INGALLS: There are actually two  
11 separate parcels owned by the same people;  
12 George and Kathryn.

13 MR. SULLIVAN: But unless they're  
14 combined, they don't have frontage on that and  
15 currently to gain access to that, they would  
16 need an easement to travel over lot 27.

17 MR. INGALLS: We have no communications  
18 or have any plans with 26, but there could be  
19 future subdivisions or consolidations to  
20 utilize this in road frontage; sure.

21 MR. SULLIVAN: They are granting you an  
22 easement to provide access to Bacon and yet  
23 they themselves would need an easement to get  
24 access to Bacon. Because it's family member to  
25 family member, I believe that there is an

1 informal agreement to provide access to the  
2 greenhouses, but we cannot operate in that  
3 informal manner. I am concerned about access  
4 requirements moving forward. You said  
5 easements will go with the property, but I  
6 would think that property 26 also requires an  
7 easement in this current configuration.

8 MR. INGALLS: Actually, their parcel line  
9 runs up through here (Indicating) so they're  
10 very close to being right at the -

11 MR. SULLIVAN: We have a map - an aerial  
12 photo with the property line superimposed. How  
13 accurate they are, I'm not certain but on your  
14 plot you have a property line?

15 MR. INGALLS: Yes.

16 MR. SULLIVAN: I don't think that you  
17 would have the 80 feet of frontage on -

18 MR. INGALLS: No, it wouldn't be 80 feet  
19 of frontage, correct. The parcel line does  
20 touch Burton.

21 CHAIRMAN STUTO: Not at the required  
22 amount of frontage.

23 MR. INGALLS: Correct.

24 CHAIRMAN STUTO: On this it looks like  
25 one point touches the corner of Bacon Lane,

1           which is infinitesimal.

2           MR. INGALLS: Right, but again, they  
3           could do a consolidation merger, future  
4           subdivision -- those are all things that could  
5           be worked out down the road which are not  
6           germane or related to the application before  
7           the Board tonight.

8           CHAIRMAN STUTO: And they may very well  
9           come before us in a year or two and want  
10          another open development area instead of  
11          having solved the problem correctly.

12          MR. INGALLS: You could deny it. We  
13          thought that we put the other detailed  
14          information package that responded to all the  
15          comments.

16          I think that, Joe, you were even a part  
17          of the early conversation that this would be  
18          an appropriate use of the ODA.

19          CHAIRMAN STUTO: You can't lay it on Joe.  
20          The ultimate decision is with this Board.

21          MR. INGALLS: I'm just saying that we  
22          tried to go through staff and we've worked a  
23          long time to get where we are tonight and we  
24          thought that this was a very applicable use of  
25          the open development area. Basically, they're

1 parcels that would be accessed via an  
2 easement. That's what the open development is.

3 We thought that we addressed the other  
4 case in saying that yes, we were very  
5 concerned with emergency services and the  
6 access. We worked with them further to get a  
7 surface that's capable and a turnaround if  
8 necessary. It really doesn't make sense to put  
9 in a lengthy Town improved road.

10 CHAIRMAN STUTO: I understand your  
11 position.

12 Brian, I know you're new on the spot, but  
13 if you have any questions or comments?

14 MR. HAAK: I did go and look at the  
15 parcel. The grading of the driveway that you  
16 discussed - that was one of my concerns. As  
17 you're talking about making the access 14  
18 feet, I noticed that there were a  
19 couple -- looked like concrete -- I don't know  
20 if they're electrical boxes, or in the ground.  
21 How would expanding the driveway to the 14  
22 feet be affected by those?

23 MR. INGALLS: There is one back here and  
24 one over here (Indicating). They're quite a  
25 ways to the door.

1 MR. LANE: Do they appear on here?

2 MR. LACIVITA: Right towards the bottom  
3 you can see them. It's identified as  
4 utilities.

5 MR. INGALLS: If you follow the parcel  
6 line right here, there is a 30-foot utility  
7 easement which is for the waterline that  
8 services Burton Meadows. NIMO has an  
9 additional 10-foot power easement.

10 MR. HAAK: That was my concern other than  
11 the concerns that have already been discussed.

12 MR. INGALLS: We would be just off of  
13 those. So, we would not be affecting those.

14 MR. HAAK: Why not go to the 15? Is that  
15 because you don't have the easement that far?

16 MR. INGALLS: Our easement probably would  
17 not give us quite 15 feet. If that is  
18 something that you'd like to have us do, we  
19 would be willing to explore the 14 or 15 feet.

20 CHAIRMAN STUTO: Any other questions or  
21 comments?

22 ***(There was no response.)***

23 MR. LACIVITA: Peter, it depends on the  
24 way that roadway is widened because there is  
25 the Town of Colonie utility easement right

1           there. That would be heading towards the  
2           north.

3           CHAIRMAN STUTO: The water main easement  
4           there?

5           MR. LACIVITA: Yes, there is that 30-foot  
6           utility easement there. So, any expansion  
7           would have to be towards 27 Bacon Lane because  
8           you have to stay out of the easement unless  
9           there is hold harmless with grading and  
10          expansion.

11          MR. INGALLS: Our easement actually shows  
12          at 20 feet. We could work that out without  
13          going into the Town easement.

14          CHAIRMAN STUTO: Are there any members of  
15          the public that want to speak?

16          Fred Pettingill from SW Pitts.

17          MR. PETTINGILL: Just like a broken  
18          record. It might help if the house had  
19          sprinklers.

20          CHAIRMAN STUTO: Are you a resident of  
21          the fire house here?

22          MR. PETTINGILL: That's in Shaker  
23          Road/Loudonville. I'm from SW Pitts.

24          CHAIRMAN STUTO: Thank you.

25          Stan Walker.

1           MR. WALKER: This parcel of property that  
2           is landlocked is part of a larger parcel of  
3           property which less than five years ago was  
4           subject of the Comprehensive Plan. At that  
5           time, there were discussions before this Board  
6           about accessing a larger parcel on Bacon Lane  
7           and to Fernwood Lane, as well as Burton Lane  
8           was discussed. The landowners didn't want to  
9           do that. They had their reasons. They created  
10          these lots less than five years ago. They got  
11          the final approval of the Burton Meadows  
12          subdivision in the fall. I know that there was  
13          a change of administration in the Town and  
14          they were hurrying to finalizing it at that  
15          time. It's probably landlocked because they  
16          drew a line on the subdivision plan, but the  
17          fact is that it was all one parcel, really.  
18          They can put the lines wherever they want and  
19          then call it a landlocked parcel, but if they  
20          took any time five years ago -- the road  
21          configuration for the subdivision used to  
22          accommodate it, but now it can't.

23                 CHAIRMAN STUTO: So, you're against this?

24                 MR. WALKER: It seems at this point to be  
25          a piece meal subdivision when you had the

1 Comprehensive Plan.

2 MR. INGALLS: I would like to respond to  
3 that, if I could.

4 We did look at various layout options for  
5 the entire property, that is correct;  
6 including this parcel. This parcel always had  
7 the same configuration. It didn't get changed  
8 out toward Bacon Lane. We didn't do anything  
9 on that west side of the property. We did look  
10 at trying to come over and incorporate this  
11 parcel into the Burton Meadows subdivision.  
12 However, there are federal wetlands in this  
13 corridor right here where this 12-inch culvert  
14 comes across (Indicating). There is a drainage  
15 corridor here. That being designated federal  
16 wetlands would have necessitated additional  
17 permitting and environmental impacts that  
18 didn't make sense to become part of Burton  
19 Meadows. So, there was some forethought in  
20 planning. Yes, there was knowledge that would  
21 be remaining. We didn't change anything on the  
22 west side, lessening the existing access from  
23 Bacon Lane.

24 CHAIRMAN STUTO: I'll speak. I'm not  
25 prepared to support it. I'm just one person.

1           MR. MION: I did ask earlier what happens  
2 if someone wants to develop on the other side.  
3 How are we going to handle that? We're back in  
4 the game for another open development again?

5           MR. INGALLS: Again, I don't represent  
6 the other Brizzells; George and Kathryn.  
7 Again, the Board would be reviewing that as  
8 its own application. So, if the Board decided  
9 that it didn't like it, then the Board can  
10 say, we don't like it.

11           MR. MION: I like what you said about the  
12 driveway. I still believe that the road should  
13 be extended so that we don't have to come back  
14 in -- for the same reason that we're here  
15 tonight. It's already open. You've got your  
16 80-foot frontage. It solves a lot of problems.

17           CHAIRMAN STUTO: I'm prepared to make a  
18 motion to the Town Board not to recommend that  
19 an open development area be created here.  
20 However, if there is another Board Member that  
21 has another motion, I'll listen to it.

22                           ***(There was no response.)***

23           CHAIRMAN STUTO: Okay, I'll make that  
24 motion.

25           MR. LANE: Second.

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CHAIRMAN STUTO: All those in favor?

***(Ayes were recited.)***

CHAIRMAN STUTO: All those opposed?

***(There were none opposed.)***

CHAIRMAN STUTO: The ayes have it.

***(Whereas the proceeding concerning the above  
entitled matter was adjourned at  
7:59 p.m.)***

