

1 PLANNING BOARD MEETING  
2 TOWN OF NEW SCOTLAND, NEW YORK

TOWN COPY ALBANY COUNTY

COPY

3 \*\*\*\*\*  
4 A PUBLIC HEARING REGARDING THE PROPOSED KENSINGTON WOODS  
5 PROJECT DRAFT ENVIRONMENTAL IMPACT STUDY.  
6 \*\*\*\*\*

7 THE TAPED AND TRANSCRIBED MINUTES of the above entitled  
8 proceeding BY NANCY STRANG-VANDEBOGART commencing on  
9 December 3, 2008 at 7:05 p.m. at the Town Hall,  
10 2029 New Scotland Road, Slingerlands New York.

11 TOWN BOARD MEMBERS:

- 12 ROBERT STAFF, CHAIRMAN
- 13 CYNTHIA ELLIOTT
- 14 BETH STEWART
- 15 KEVIN KROENCKE
- 16 LORRAINE TUZZOLO
- 17 JO ANN DAVIES
- 18 KEITH MENIA

19 Also present:

- 20 Mark Dempf, Town Engineer
- 21 Wendy Cimino, Creighton Manning Engineering
- 22 Mary Elizabeth Slevin, Esq. Stockli Greene & Slevin
- 23 David Michaels, The Michael's Group
- 24 Lou Masullo, Masullo Brothers Builders, Inc.
- 25 Michael N'dolo, Camoin Associates
- 26 Kirby Van Vleet, Hanson Van Vleet, LLC
- 27 Scott Lansing, Lansing Engineers

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1                   CHAIRMAN STAPF: I'd like to open this public  
2 hearing for December 3<sup>rd</sup> at 7:00 p.m. It's dealing with  
3 the Kensington Woods DEIS. We have the applicant here.

4                   Do you want to give a presentation?

5                   MS. SLEVIN: We'd like to have the board listen  
6 to some of the consultants who have contributed to the  
7 DEIS.

8                   The applicant, Dave Michaels and Lou Masullo also  
9 wanted to address the board to give you a brief  
10 overview of their plans and their view of the project.  
11 I'm going to turn it over to Lou to start and we'll  
12 review some of the specifics of the project as we're  
13 going along.

14                  MR. MASULLO: Good evening board members and  
15 residents of New Scotland. My name is Lou Masullo and  
16 together with Dave Michaels, we're here tonight to  
17 present the draft environmental impact study on our  
18 project known as Kensington Woods.

19                  Dave and my family have over 100 years of  
20 combined and continuous experience in the land  
21 developing and home building industry. Although Dave  
22 was not originally on board when I began working on  
23 this venture, I asked for his involvement in my efforts  
24 to take advantage of the experiences that we both have  
25 and because I always have tried to make this a premier

1 community in the Capital District.

2 I've been in the background on this property for  
3 over 10 years. In 2004, I totally committed myself to  
4 the land ownership and have spent many, many, many  
5 days, dollars and devotion working with the Town Board,  
6 the Planning Board and the town's consulting engineers.

7 When I began ownership in 2004, I approached the  
8 town for suggestions. Based on discussions, I propose  
9 the 282 unit community on 267 acres. However, I felt  
10 strongly in regards to the design that I was bringing  
11 forth and the impact that I'd like to have.

12 I listened to the public concern. It's rather  
13 difficult as a land owner or developer to hear public  
14 criticism on your property and being told that you  
15 should or should not do things on that property even  
16 though the zoning is being followed. But I live, shop  
17 and commute in the area that I want to positively  
18 impact with this project.

19 I listened to the comments of the community and I  
20 believe that in the interest of the public, it would be  
21 best served by reducing the size of the proposed  
22 community. Such a reduction affords the development to  
23 keep in character with the community while still  
24 affording the opportunity to develop a potential  
25 resource in utilities that could be developed on this

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1 site.

2 Consequently in May of 2007, we decided to reduce  
3 the community size to 184 acres and create only 169  
4 total dwellings of various housing diversity, while  
5 promoting 45% open space preservation and protection.

6 The open space area will include the preservation  
7 of the rural character of the existing carriageways.

8 If I might digress just for a moment from my  
9 written remarks - If you look at your map, I just want  
10 to point out, because sometimes it leaves the  
11 appreciation of the scale of the project. This is  
12 Hilton Road (Indicating), which dissects part of the  
13 project in half. We're proposing some estate homes here  
14 where those lots are over 100 foot of lineal frontage  
15 for each home. The back of the nearest backyard or  
16 nearest backside of a house in relationship to Hilton  
17 Road will be about 350 feet. Now 350 feet is better  
18 that an football field wide. That's pretty deep. There  
19 is an awful lot of vegetation in there. The impact of  
20 the back of these houses here on Hilton Road will be  
21 minimal.

22 Also when we proceed on this side of the street,  
23 the first house that gets built will be 600 feet off  
24 the road. I just wanted to point that out.

25 We're also proposing to dedicate to the town some

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1 land to have some leakage to the multiuse pathway along  
2 the former Delaware and Hudson Rail corridor. The  
3 corridor has been approved by Albany County.

4 So what we did was we took this property and  
5 effectively departed from the existing MBR district  
6 requirements from variations in the proposed area  
7 requirements for individual units that we wish to  
8 build. Despite the proposed variations, the overall  
9 density of the project parallels the density that would  
10 be committed with a conventional layout plan, but it's  
11 significantly below the maximum allowed density  
12 calculations as outlined in the MBR sections of the  
13 zoning law.

14 All that being said, at this time Dave Michaels  
15 would like to give you his input and then we'll have  
16 each of our consultants address the various aspects of  
17 our DEIS and then we'll be available for any questions.

18 Thank you.

19 MR. MICHAELS: My name is Dave Michaels. I'm one  
20 of the principals - my brother John and myself are the  
21 Michael's Group. We are originally residents of the  
22 Voorheesville community. I went to Voorheesville  
23 Schools as well as my brother. My dad, Jim Michaels is  
24 no longer with us, but he was well known in the area.

25 We built many communities in the Delmar area and

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1 the Voorheesville area, including the first stage of  
2 Weatherfield. We're very familiar with the area.

3 When Lou approached us about two years ago about  
4 our interest in this project, we were very excited  
5 about it; especially after I got to walk it again. I  
6 used to play golf in Voorheesville that was Fall  
7 Timbers Golf Course. I know it very well and I know  
8 that it's just a fantastic piece of ground. It has  
9 great natural amenity areas with existing ponds and  
10 many positive things.

11 We were excited because Lou had a vision which is  
12 sort of how we like to view our communities and that is  
13 to try to create something that is clustered, at least  
14 40% open space. The one that offered the multitude of  
15 products is the product that is really geared to what  
16 we call the active adult or the empty nester; our  
17 primary market focus. For ourselves, that is the main  
18 type of housing that we've been building the last four  
19 or five years.

20 To extend a little bit more about the project  
21 itself and what's being proposed, there are four  
22 different housing products that make up the 169 homes.  
23 The nice thing about offering four different products  
24 like this is that they're going to appeal to four  
25 different markets. So, it's not just conventional

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1 family homes for the entire project. We find that when  
2 we go in with a multitude of diversity, it makes not  
3 only for an interesting community in terms of  
4 streetscapes, but it also allows for different  
5 affordability ranges and it also allows for a project  
6 to move through and get completed at a quicker pace.

7 The idea of working with the Masullo Brothers was  
8 very interesting and very exciting for John and I  
9 because we appreciate their history. Lou and Carmen  
10 have a long history of doing really quality projects  
11 also. With having two builders in a community working  
12 together simultaneously, that again allows for more  
13 products to be opened up initially. You have the  
14 strength naturally of two builders building at the same  
15 time, concurrently, and it made a lot of sense to us.

16 The different products that are being offered are  
17 the estate homes; there are 27 of these in total.  
18 They're averaging about 30,000 square feet, which is  
19 about three-quarters of an acre. They're all located  
20 directly in an area adjacent to Hilton Road in this  
21 area on a cul-de-sac.

22 I think Lou mentioned the fact that off the  
23 roadway, we are cognisant of the buffering. Where the  
24 houses were - the backs of the property - we flagged it  
25 and looked at things in the field.

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1                   Originally we were proposing putting a berm along  
2 here (Indicating). We felt that was a huge mistake.  
3 It's a beautiful natural area as it currently exists.  
4 There are a lot of existing trees such as substantial  
5 white pines. With the homes back that far, they're  
6 totally buffered. You really can't even pick them out.  
7 So I thought that if anything, when the development  
8 would occur, ultimately, we would actually keep a lot  
9 of the trees that were part of the old golf course.  
10 Wherever they happen to fall in place of a roadway  
11 where we'd have to go through where we know a house  
12 will have to be built - and just relocate them to save  
13 substantial trees and add that to the existing buffer  
14 in the couple areas that could use the fill. We thought  
15 that would be a better strategy.

16                   The other product types are - we call them  
17 executive single family homes. They are in this area  
18 over here (Indicating). There are a total of 26 of  
19 them. They are 15,000 square feet on average and 100  
20 foot frontage on average. They really are designed and  
21 appeal to the move-up market, as well as the estate  
22 homes that I just said; somebody that just wants to  
23 upgrade and get a bigger house.

24                   The carriage homes are single family homes. We  
25 call them carriage homes, but they're single family

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1 homes that are going to offer full maintenance. So,  
2 they're 85 frontage lots and they have the advantage of  
3 having a single family home but yet the homeowner  
4 buying it draws the advantage of all the grounds being  
5 totally maintained by the association. The twin town  
6 homes which are built over in this area  
7 (Indicating) - - the carriage homes, by the way, there  
8 are a total of 72 of them and they were built in this  
9 area on the west side of Hilton Road and also on this  
10 back area -

11 MS. STEWART: Excuse me. This green shading?

12 MR. MICHAELS: Yes.

13 The twin town homes are located on the left side  
14 of here (Indicating). They are basically all two unit  
15 townhouse buildings; again, with full maintenance. So,  
16 70% of the project is going to have full maintenance  
17 HOA for all their exterior needs.

18 We're trying to create a New England theme. We've  
19 worked with a national architect on concept design  
20 sketches. The twin town homes are going to be similar  
21 to a project that we just completed about a year and  
22 half ago called Walden Fields in the Town of Bethlehem.

23 I don't know if anybody has had a chance to go in  
24 there, but it was a very successful community. It's  
25 very interesting to note that it was totally targeted

1 to empty nesters. All first floor master bedrooms, all  
2 ranches and a few 1.5 story homes that were also  
3 offered, but all are master bedroom down.

4 Interestingly, on the school-aged children aspect that  
5 many people ask, of 92 homes we only have two kids in  
6 the entire project that are school-aged.

7 The carriage single family homes - we are  
8 building a unique design that is currently in a project  
9 called Sheldon Hills in the Town of Half Moon. It's a  
10 larger planned unit development. It's about 230 acres;  
11 323 homes. Even in this market, knock on wood, we are  
12 still able to sell homes without having to slash or  
13 reduce prices. It's been one of the few success stories  
14 in town as well as one of Lou's projects. He's also  
15 working on a project in Clifton Park, as well.

16 Single family carriage homes with full  
17 maintenance are the same product. They are not family  
18 designed houses - two stories, etcetera. They're all  
19 ranch designed all master down again. We ran the first  
20 60 closings that we've already had in Sheldon Hills in  
21 the carriage homes and of the first 60 closings we only  
22 had two school-aged children that were part of the  
23 carriage single family homes.

24 The estate homes - Lou has had some good history  
25 there. Probably the average household is on average,

1 three; one school-aged child per household. In our  
2 executive homes a little bit less.

3 We talked a little bit about homeowners  
4 associations and those kinds of things. There is an  
5 association that will handle the full maintenance for  
6 the villa homes - the villa twin town homes, as well as  
7 the carriage homes. The homeowners association will  
8 also handle all of the common area maintenance to the  
9 project. It's an umbrella association. So, what that  
10 association will handle is maintaining all the common  
11 areas throughout the community which is 45% greenspace.  
12 That's really ideal for keeping it in a natural state,  
13 aside from some meandering walking trails that are  
14 located throughout the community for the benefit of the  
15 residents. The existing pond areas that are here  
16 (Indicating) will stay in place. We note that we have  
17 to go in and remove concrete and some of the old  
18 structures and things for safety issues.

19 Getting back to the association - it will also  
20 maintain the entrance into the project which we really  
21 feel is going to really make a statement and be super  
22 nice and landscaped. We envision having street  
23 lighting, old style lanterns for the street lighting  
24 just along here (Indicating). Each side of the roadways  
25 will be fully maintained by HOA. The right of way

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1           itself will be mowed and irrigated. All the cul-de-sacs  
2           in the community will be fully landscaped and irrigated  
3           and fully handled by the homeowners association, also.

4           In addition this area (Indicating) right as you  
5           come in off Hilton Road off the left side, five and  
6           half acres, which we're calling the town bike trail  
7           park - this is an area that we want to dedicate to the  
8           town for the benefit of not only the residents of this  
9           community but also for the benefit of all the town  
10          residents. What it's going to provide is park area,  
11          picnic, gazebo. It's a nice get away. There's a tree  
12          area with the main amenities being direct access to  
13          what will be the old rail line - the bike trail that's  
14          being proposed. It's a fully paved linkage that they  
15          want to expand well beyond the lineal footage of our  
16          south area - probably from here to here (Indicating).  
17          The rail line goes the entire length of the boundary.

18          We have been working and in fact the county has  
19          already called us on it. We've been in contact with  
20          them. They're in the early stages of design. We sent  
21          them our plans and told them about how we plan to  
22          provide some connectivity. They're very interested in  
23          that. So, we're pretty optimistic about that being a  
24          real positive not only for the residents of the new  
25          community, but for the existing community also.

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1           We'll have the walking trails for the residents,  
2           as well as the connectivity to the bike trail park for  
3           the benefit for the public and for the residents.

4           So, that really covers my part.

5           I'd like to introduce Scott Lansing, our project  
6           engineer. He can go over some of the engineering  
7           issues.

8           MR. LANSING: Good evening. My name is Scott  
9           Lansing and I'm with Lansing Engineering. We are the  
10          site designers for the project.

11          Just to give you a general background of the  
12          project that we have. This is according to the MDR zone  
13          Section 190-13 - the cluster development  
14          Section 190-22 - - both of those sections are in the  
15          Town of New Scotland all according to the State  
16          Environmental Quality Review Act and the associated  
17          project scoping documents that have been developed for  
18          the project.

19          We have worked excessively with the project  
20          consultants and the town Planning Board and also with  
21          the town designated engineer. We have updated the DEIS,  
22          which has been accepted as a complete document. The  
23          document is approximately 2,500 pages long. It has 72  
24          drawings that outline the different details and aspects  
25          of the project. I feel that this is an extensive

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1 document. I feel that we have examined all aspects of  
2 the project for the development of the parcel.

3 The parcel is actually 184.2 acres and is located  
4 west of Route 155, south of Krumkill Road and Hilton  
5 road, north of Route 85A. The site is bisected by  
6 Hilton Road through the middle portion of the project.

7 As far as existing uses of the parcel: Right now,  
8 the parcel is vacant. Former uses were Tall Timbers  
9 Golf Course.

10 As far as vegetation: There are grassy fields and  
11 brush areas where the golf course was here. It is now  
12 grassy on the eastern side of the road.

13 As far as wetlands on the parcel: We have had a  
14 wetlands scientist out on the parcel to perform wetland  
15 variation. There are several pond areas and there is a  
16 wetland down on the lower portion of the area here  
17 (Indicating).

18 As far as topography: Generally, Hilton Road is  
19 the point - - the ridgeline is where it falls off here  
20 (Indicating). The eastern part of the parcel here  
21 (Indicating) has an unnamed tributary.

22 The existing uses around the parcel: There is a  
23 mixture of single family homes. There are a mix of  
24 single family homes with a little higher density down  
25 by the Orchard Park project. The parcel is zoned MDR

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1 Class 1 which has a 22,000 square foot minimum. The  
2 minimum of frontage is 120 feet; the front yard setback  
3 20 feet, the side yard setback is 25 feet and rear yard  
4 setback 30 feet.

5 We did take a look at the parcels. It's a  
6 conventional layout. The layout of the roads and  
7 lots - - and we came up with a layout of 175 units.  
8 This is a straight calculation of the parcel minus the  
9 constrained areas divided by the unilateral density and  
10 we came up with 240 units.

11 We're working with the applicant extensively with  
12 the parcel. The cluster development gives us the  
13 ability to better utilize the land and provide a  
14 variety of housing.

15 I think Mr. Michaels talked about the cookie  
16 cutter subdivision of the MBR and providing the variety  
17 of housing.

18 I've been a life long resident of New Scotland. I  
19 think with an infrastructure of this nature by  
20 clustering homes, there is less infrastructure and less  
21 maintenance, and less impact to the environment and  
22 more preservation of the environment. The MBR would  
23 require a minimal of 10%. That was roughly what we  
24 proposed in our plans.

25 Mr. Michaels did a great job outlining the

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1 different types of units and their location on the  
2 parcel. Again, they range from 10,000 square feet to  
3 33,000 square feet and a mixture of both products in a  
4 traditional residential look.

5 As far as the infrastructure for the project: all  
6 of the infrastructure for the project is of course a  
7 dedication of the town. All of the construction costs  
8 associated with this will be borne by the developer.

9 As far as roads, the primary access will be on  
10 Hilton Road. There will be access on either side of the  
11 boulevard to access the units. The secondary access  
12 point will be north on Hilton Road. All roadways,  
13 again, will be designed to town standards.

14 As far as the water supply, we are proposing a  
15 water supply well on the western half of the project.  
16 There will be distribution lines through the project.

17 Sanitary sewer: The project does have a system  
18 for that in that we have the waste water treatment  
19 plant on the lower east portion of the site. The  
20 residents will be connected to that.

21 Storm water would be managed outside. There are  
22 various locations to the storm water management area  
23 throughout the parcel.

24 As far as open space: again, it's approximately  
25 82.7 acres of open space or 45%, and that's much more

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1 than what's required in the MBR.

2 Essentially the open space on the western half of  
3 the project is the area in the back (Indicating). It's  
4 approximately 41.3 acres and the area for the town bike  
5 trail park is approximately 5.5 acres and that's a  
6 dedication to the town. The balance of the open space  
7 will be owned and operated by the homeowners  
8 association.

9 As far as buffers on the project, again, as  
10 Mr. Michaels mentioned, we try to compensate many of  
11 the buffers along Hilton Road to preserve the rural  
12 character of that area. We also have low-cut buffers in  
13 the areas where we abut other residential areas  
14 surrounding the project. We also have trail systems  
15 throughout the project.

16 Before I hand it over to some of the other  
17 consultants on the project, I'd like to just to through  
18 the DEIS and the various items in there.

19 We have Wendy Cimino here to talk about the  
20 traffic study. There's water supply and water resources  
21 and we have Hanson Van Vleet here to talk about water  
22 supply.

23 There's also waste water treatment and surface  
24 water quality. We do have a wastewater treatment plant  
25 proposed in the northeast corner of this project. We

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1 have worked with DEC to attain a draft report. We had a  
2 meeting with DEC to talk about the design and we met  
3 with the town designated engineer as well to talk about  
4 the design of that also.

5 As far as drainage for the project: Again, we've  
6 worked extensively with the town engineer. Regarding  
7 DEC's regulations of water quality and water quantity  
8 standards, a stormwater pollution prevention plan has  
9 been prepared for the project outlining how erosion and  
10 sediment will be handled through the project.

11 As far as archeological and historic resources,  
12 Phase I and Phase II - an archeological investigation  
13 has been performed for the parcel. We did find a few  
14 artifacts here and there, but then in the report after  
15 the Phase II was completed, they felt that there was a  
16 low frequency possibility of the findings. We did  
17 supply the findings to the State Department  
18 Preservation office and an archeological consultant  
19 concurred that no further investigation was required at  
20 the site and didn't feel that there was anything of  
21 significance.

22 Now, I will turn it over to Mr. Kirby Van Vleet  
23 for the water analysis.

24 MR. VAN VLEET: Hi I'm Kirby Van Vleet from  
25 Hanson Van Vleet. I'm a hydrogeologist. I've been

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1 involved in hydrogeology on this site since the late  
2 1980's. I was one of the hydrogeologists when the tall  
3 timbers development was proposed in the 90's. I've had  
4 quite a bit of experience on the project.

5 We performed a full hydrogeological evaluation  
6 which included the installation of a water supply well  
7 and a full evaluation of potential aquifer, water  
8 quality and potential impacts to and from the operation  
9 of the water supply on the site. Basically, the  
10 development currently has an average daily demand of  
11 35.5 gallons per minute of water and a peak maximum  
12 demand of 70.9 gallons per minute.

13 We installed this production well and performed a  
14 pumping test at 430 gallons a minute which far exceeds  
15 the quantity that the development was needing. The  
16 evaluation of it determined that it does indeed make  
17 more than 400 gallons a minute. So, it definitely meets  
18 the requirements of the project.

19 A water quality analysis was performed and the  
20 water quality meets all the New York State Department  
21 of Health drinking water standards. We did a full  
22 impact analysis of both the quality of the surrounding  
23 areas and determined that the source to support this  
24 development would have no impact beyond the boundaries.

25 To provide some more details, the well itself is

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1           what they call an 8 by 12 inch gravel pack production  
2           well. It's 36 feet in depth with a grout seal which is  
3           a Department of Health requirement. It basically meets  
4           DOH standards for a lot of construction.

5                     I've already stated that the production supports  
6           430 gallons a minute. The well is located in an  
7           unconfined sand and gravel aquifer.

8                     The impact analysis - - the impact analysis was  
9           based on 120 gallons a minute which still exceeds the  
10          70.9 gallons a minute maximum demand of the project.  
11          Based on the 120 gallon a minute pumping of the well  
12          for 180 days straight, there would be basically an  
13          insignificant or no noticeable draw down of the water  
14          table outside the project boundaries. Basically, at the  
15          project boundary you might see an influent of a few  
16          inches, which is less than the influence seen during a  
17          rain storm. Beyond 200 feet from the production well,  
18          the estimated draw down is 6 inches so you really have  
19          no influence outside the project boundaries that would  
20          impact any of the -

21                    CHAIRMAN STAPF: Excuse me, during your draw down  
22          phase, were you monitoring the northern water district?

23                    MR. VAN VLEET: We were monitoring the well  
24          adjacent to the northern well. So, we actually  
25          determined that there was a monitoring well that was on

1 the project side of the northeast water district and  
2 that was monitored. At 430 gallons a minute, I think  
3 that the draw down was three inches; and that is far  
4 more than the project will need.

5 We looked at impacts to the northeastern water  
6 district, the Hilton Road corridor and the 155  
7 corridor. Basically, there would be no noticeable  
8 impacts to any groundwater users in that surrounding  
9 area.

10 We also looked at the potential impacts to and  
11 from water quality issues. We looked at iron,  
12 specifically. Water quality at the well itself had no  
13 detectable iron, based on the method detection of it. I  
14 know that we looked at the water quality at the  
15 northeast water district and they have iron water  
16 there, but at a low level.

17 MS. STEWART: Was there any iron bacteria, which  
18 is a different issue?

19 MR. VAN VLEET: No iron bacteria was noted, but  
20 you don't really have to test for iron bacteria to meet  
21 the department standards. The iron bacteria is  
22 something that basically can influence any well and it  
23 usually comes in after the fact.

24 MS. STEWART: Unfortunately.

25 MR. VAN VLEET: It may require servicing if

1           that's a problem. But typically, if the iron is low,  
2           you're not going to have the influence in the iron  
3           bacteria.

4                        So, basically we had no detectable iron here.  
5           There was some detectable iron in the northeast water  
6           district. We anticipate after pumping the well  
7           extensively and over a number of years, maybe the iron  
8           might increase to match the level that you're seeing in  
9           the surrounding area, but based on what we saw of the  
10          northeast water district, which has been working for a  
11          number of years, we shouldn't have any reason to assume  
12          that the iron level would exceed any standards.

13                       We looked at impacts from the salt plume from the  
14          DOT Highway Department, and because of the lack of  
15          drawdown in that direction there is no indication that  
16          we would have any drawdown that would influence that  
17          plume and pull it in a different direction.

18                       MS. STEWART: Which way would the water flow?

19                       MR. VAN VLEET: The plume is heading this way  
20          (Indicating). The ground water is heading that way  
21          towards Vley Creek; at least on this part of the site  
22          (Indicating).

23                       As Scott mentioned over here (Indicating) it's  
24          heading in a different direction.

25                       CHAIRMAN STAFF: So you recharge - - it's going

1 to the north?

2 MR. VAN VLEET: Our recharge is coming from two  
3 sources. It's coming from precipitation that falls on  
4 the whole region and from the Vley Creek.

5 The Vley Creek is actually downgrading from our  
6 well source. It provides indirect charge to the well.  
7 The drawdown cone does not actually reach Vley Creek.  
8 The groundwater is moved by the well and it's actually  
9 replaced and taken from storage. Basically, that water  
10 moves in and replaces the water in storage. Based on  
11 the cone not reaching there, there should be no impacts  
12 to Vley Creek and no impacts from anything that might  
13 be in Vley Creek.

14 MS. STEWART: Any salt?

15 MR. VAN VLEET: There is no salt in the well that  
16 exceeds the Department of Health standards and no  
17 indication that any salt contamination or anything  
18 indicated would create a level there. That's another  
19 reason that we did not anticipate any impacts from the  
20 salt.

21 MS. STEWART: I'm trying to remember the  
22 presentation I heard it in, but the people that are on  
23 anti-hypertension medication -

24 MR. VAN VLEET: Our levels do not propose  
25 anything like that. That would require a restriction.

1 We would be required by the Department of Health to  
2 notify the users not to drink the water. No issues with  
3 sodium or chloride.

4 We also looked at methane and radon, which is  
5 apparently an issue in some wells, I guess, to the west  
6 of this area here (Indicating). It turns out that those  
7 wells were installed in a deeper combined aquifer  
8 that's directly overlying bedrock and we have no reason  
9 to assume that this aquifer is connected to that  
10 aquifer. But even if it was, the drawdown beyond the  
11 property boundaries is so minimal there would be no  
12 indication that we would draw any water from that area.

13 The rail lines which cross through here  
14 (Indicating) - - the rail lines historically have used  
15 pesticides and defoliants to clear the lines. There are  
16 no indications of any pesticides, or herbicides, or  
17 anything of that sort in the water quality in that  
18 well. As far as I know, the northeast water district  
19 has never had any indications of that either. I haven't  
20 looked at all the data, but there is no indication that  
21 we know of.

22 Basically the mine - - the sand and gravel was  
23 excavated, but it was under a DEC permit that required  
24 all excavation to be at least five feet above the water  
25 table. Now that the mining has ceased, the site has

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1           been restored and our water testing again, doesn't  
2           indicate that there's any contaminates of concern that  
3           could have been related to the mine.

4                   CHAIRMAN STAFF: What is at the well itself? What  
5           is the depth to ground water?

6                   MR. VAN VLEET: The depth to ground water - - I'm  
7           not sure off the top of my head. I think it's in the  
8           neighborhood of 10 feet.

9                   MS. STEWART: How will fertilizers affect the  
10          recharge -

11                   MR. VAN VLEET: Let me get to that in just a  
12          second here.

13                   We have proposed a well protection ground to  
14          minimize contamination to the well and the aquifer. The  
15          Zone A, which is the area of influence - that's defined  
16          by the Department of Health as a 200 foot radius around  
17          it. That would be the area that would be directly  
18          impacted by contamination on the ground surface. So 200  
19          feet around the well has been designated as the Zone A.

20                   Zone B is the area of protection outside of Zone  
21          A and basically, it's defined by the southern property  
22          boundaries and aligned up thorough this area of the  
23          site (Indicating).

24                   There would be restrictions on fertilizer use;  
25          types of fertilizer, petroleum storage, chemical

1 storage and such. The fertilizer use and all these  
2 homes would be informed by the homeowners association,  
3 so that would be totally under their control. They are  
4 an environmentally friendly type of fertilizers and  
5 pesticides that can be used and those are being  
6 incorporated into the homeowner's association  
7 agreement.

8 Stormwater is going to be directed through lines  
9 in the street over to the stormwater management right  
10 here (Indicating) and discharged down from the well.  
11 So, any runoff from the streets would be directed  
12 around the well and there wouldn't be any effect.

13 Did I cover it good enough?

14 MS. STEWART: Thank you.

15 MR. VAN VLEET: So essentially, we developed the  
16 ground water supply source capable of exceeding the  
17 need of the proposed project. The water quality meets  
18 all the Department of Health standards and our  
19 evaluation indicates that there should be no impact to  
20 anyone beyond the project boundaries.

21 I'll turn it over to Wendy.

22 MS. CIMINO: Hi. I'm Wendy Cimino from Creighton  
23 Manning Engineering. We were the traffic consultants on  
24 this project. I just wanted to briefly review some of  
25 the main points of our traffic study.

1           After we looked at 10 intersections which were  
2 all based on what was all outlined in the scoping  
3 document, there were 10 detailed intersections and  
4 there were five that were to the north and five to the  
5 south of 85A. Four other intersections more in the  
6 Voorheesville area - we looked at in a more of a  
7 qualitative manner. We look at this type of residential  
8 development which is really the industry standard. We  
9 started looking at this type of development back in '05  
10 and it was kind of updated right along due to comments  
11 from the town. As we've updated it, we updated the  
12 GEIS. So we had a substantial amount of data that we  
13 collected and we continue to update throughout the  
14 study process.

15           Those times that we do - the latest ones from the  
16 beginning of this year from that base initiative  
17 project the numbers for the design. We look at  
18 historical data and update accordingly. We look at what  
19 is going to happen to the volumes in the area  
20 regardless of whether this project is developed or not.

21           On top of that, we have site specific volumes  
22 associated with this specific project. And then our  
23 analysis is really to look at the existing conditions.  
24 We look at the no-build which is the conditions without  
25 our project and then the build with our project. Our

1 basic comparison is between that build and the no-build  
2 condition.

3 The analysis we do will be based on the highway  
4 capacity software which is kind of like a report card  
5 rating system where you look at an A which is the least  
6 amount of delay and an F is the highest amount of  
7 delay. I guess the bottom line of the study is that the  
8 intersections that we looked at, all ten of them, the  
9 capacity is there to handle the volume from this  
10 project.

11 There are peak hour volumes that we have for this  
12 project. That's about 125 in the morning at the peak  
13 hour and 150 in the afternoon peak hour. When you look  
14 at it, it seems like a lot, but with the entering and  
15 exiting volumes that are coming through the site - that  
16 north coming from - - that's not all traffic coming  
17 from that exact spot. Traffic is really distributed  
18 along the entire roadway network.

19 The other thing that we looked at is sight  
20 distance. We specifically look at sight distance for  
21 the proposed locations to assure that there's proper  
22 visibility for cars entering and exiting. The  
23 recommendations that we had for that was mostly just  
24 clearing of those sites, which is pretty common when  
25 you take an undeveloped parcel and it's overgrown. That

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1 is a standard recommendation. Part of this actually had  
2 us look at the site distance of the existing  
3 intersections and based on that we found, most of the  
4 sight distance had been mitigated that we recommended.  
5 So there were some limitations that could be due to  
6 circumstances changed.

7 MS. STEWART: And where were you just addressing?

8 MS. CIMINO: It's a southbound approach of Font  
9 Grove Road at the upper Font Grove intersection.

10 MS. STEWART: What about the visibility coming  
11 down that road? Sometimes the visibility at the  
12 railroad crossing - there is no line of sight there.

13 MS. CIMINO: Line of sight for -?

14 MS. STEWART: Right here (Indicating).

15 MS. CIMINO: We did look at that. It is actually  
16 in our report.

17 MS. STEWART: At the other end, actually.

18 MS. CIMINO: The other end?

19 MS. STEWART: The other end of Hilton.

20 MS. CIMINO: First of all to that railroad  
21 crossing - knowing that when we were doing our site  
22 evaluation there was a potential for the feature of  
23 pedestrian crossing. The types of things that we looked  
24 at in our report were pretty much like if I was  
25 standing on the side of Hilton Road and wanting to

1 cross that road as a pedestrian, could a car coming  
2 from the north and a car coming from the south see me  
3 so that I could safely cross and could I also see them  
4 in a far enough distance? That's what we call stopping  
5 sight distance.

6 That's different than the intersection sight  
7 distance when you're a car sitting at a stop and you're  
8 looking to see if you can safely make your move and  
9 then see at the appropriate speed. As far as that,  
10 basically the recommendation was that if that situation  
11 was there, there would need to be some clearing again  
12 of the vegetation for that. As far as driving on that  
13 road as far as a distance, when you're driving the  
14 road, you can see the road ahead of you.

15 MS. STEWART: When you're on 85A there is a line  
16 of sight coming up over up over that hill. You don't  
17 know what's coming at you from 85 to the railroad  
18 crossing if you're on the project side. There is quite  
19 a knoll there.

20 MS. CIMINO: You're still talking about after the  
21 railroad?

22 MS. STEWART: Yes, after.

23 MS. CIMINO: Again, we looked at that as far as a  
24 pedestrian there. If you're driving the road -

25 MS. STEWART: Not as a pedestrian. I'm talking

1 about cars and adding traffic to that road.

2 MS. CIMINO: Right, understood. Basically if  
3 you're driving on that road, you're traveling a  
4 different path than in a car coming at you in a  
5 different direction. You're not on the same line as far  
6 as line of sight.

7 CHAIRMAN STAFF: I think what she's saying is  
8 that the speed of the cars - - did you recommend in  
9 your report any advisory signs or some type of  
10 mitigation at that crossing where the old railroad  
11 crosses the road there? You've got a curve and you've  
12 got a vertical and a horizontal curve there and we're  
13 looking to see if there was any recommendations or  
14 mitigation as far as advisory signs for speed or - - I  
15 know you put something in there about cutting some  
16 vegetation.

17 If you put your cruise control on the speed for  
18 that road and you come down that road I know that there  
19 is an existing condition that exists on that road that  
20 there's no way that you can make it over the top of  
21 that hill at the speed limit that's presently there and  
22 stay on your side of the road. Did your report address  
23 the possibilities that there should be an advisory  
24 speed limit sign put there?

25 MS. CIMINO: We actually did some speed

1 measurements right at that location and the speeds are  
2 a little bit lower than what we reported closer to the  
3 site. We also looked at the accident history. One of  
4 the things when you look at improving a road -

5 CHAIRMAN STAFF: There are no accidents.

6 MS. CIMINO: That's right. There are no  
7 accidents, which is saying that the people are properly  
8 driving that roadway and that there is really nothing  
9 that - - there are conditions on probably a lot of  
10 other roads that are also - - you have a curve or a  
11 hill and the situation is not indicating that what  
12 we've looked at - - the speeds are not excessive.

13 CHAIRMAN STAFF: We haven't had the history of a  
14 rail accident here in over 150 years and yesterday,  
15 unfortunately, it happened.

16 Again, we're just looking at the recommendations  
17 that could be some type of mitigation at that point  
18 because you are going to be putting 167 homes on the  
19 other side and a portion of that traffic will be coming  
20 back at that intersection and a portion of that traffic  
21 will be coming in so that there will be more use of  
22 that Hilton Road area.

23 MS. CIMINO: There will be more use in it, but  
24 having additional cars doesn't create the situation.  
25 It's not necessarily that people are going to start

1 driving incorrectly because there will be more cars.

2 MR. STAPF: Yes, they are.

3 MR. MICHAELS: The fact that it's a town road,  
4 Bob - we're all supportive and we'll be glad to take an  
5 order if the town wanted to adjust the speed limit and  
6 put some speed limit signs in that vicinity, anyway.  
7 We're totally on board with that. Being a town road, I  
8 think the town has the authority to do that. We're all  
9 fully supportive of it.

10 CHAIRMAN STAPF: Just going back to what you said  
11 there. It is a town road and the advisory signs - - my  
12 understanding is that we do have the ability to put up  
13 advisory signs, but if we wanted to change a speed  
14 limit or something on that road, we have to get New  
15 York State Department of Transportation to go along  
16 with that issue of changing the speed limit on that  
17 road. If your report indicated and justified that the  
18 speed limit on that road should be lowered - you're  
19 talking a 45 and you're hitting a 35 zone as soon as  
20 you hit Krumkill Road. If your report justified a lower  
21 speed limit to mitigate part of that problem there, it  
22 would give us a little bit more weight to go to New  
23 York State to try to get them to approve a lower speed  
24 limit. So, we need a little more information there just  
25 to work together.

1 MS. CIMINO: We don't get a lot of that  
2 information because we're not necessarily  
3 finding - - like if there's no accident history and the  
4 cars are slowing down -

5 CHAIRMAN STAFF: You don't see the accident  
6 history of all the deer that have been hit in front of  
7 that first house there -

8 MS. CIMINO: Those are on 44 because there are a  
9 lot of other accidents along Krumkill Road.

10 CHAIRMAN STAFF: A lot of them don't get  
11 reported, believe me.

12 MR. MICHAELS: Putting precautionary signs, that  
13 I think the town can do, I think is a real positive  
14 sign. Changing a speed limit, as Wendy said, without  
15 the accident history that's been there just by the  
16 study that we did - - they slow down for the hill  
17 anyway. That hill, in a way, forces people to slow  
18 down. It winds over the top -

19 MS. STEWART: That's a yes and a no. I've come  
20 over there and I've been going slow and hugging the  
21 right going towards 85A and hugging the right side of  
22 the road where people are flying over the top of that  
23 hill and not even looking.

24 MS. CIMINO: We actually put the counters out on  
25 the road there and I think it was just below the speed

1 limit.

2 MS. STEWART: We'd like to have some of that cut  
3 down, but it's not our property, it's the railroad  
4 property.

5 MS. CIMINO: Right and some of the  
6 property --there is a residence there also. I guess  
7 part of it, it is a common device so that you actually,  
8 in essence, if there is an accident history and people  
9 are slowing down like the majority of people, it's  
10 actually creating more of a residential -- if you're  
11 talking about clearing it too much then you could have  
12 people go faster, too. Especially if there's going to  
13 be a pedestrian crossing there, then you could make it  
14 more attractive for a cut-through and maybe people  
15 don't cut through there because they have to slow down  
16 there. When you start opening up the road and fixing it  
17 differently -

18 CHAIRMAN STAPF: I think that there needs to be a  
19 little more discussion with the town. I think that we  
20 would like to see a little more information possibly to  
21 be put in your report.

22 MS. CIMINO: We could actually recommend a  
23 warning sign or more of a bump sign than a speed  
24 reduction sign.

25 CHAIRMAN STAPF: I know that you're working with

1 the rails to trail people and there might be something  
2 coming out of that conversation - something additional  
3 might come out of it.

4 MR. MICHAELS: One of their studies and design to  
5 address is that when bikers can go across that roadway,  
6 they're going to have to lay out a safety plan for that  
7 crossing with protected signs: Bike Trail, slow down.  
8 That's just going to become part of that whole design.

9 There are a number of communities that we've  
10 built that have bike trails that are going through  
11 roads where there is a lot more traffic than this. They  
12 have a stop where they can slow the bikers down and  
13 then notice given to the ongoing pedestrians and  
14 drivers going both ways and I think the fact that this  
15 is moving forward in that design phase is that the  
16 timing and design - that's something that you can keep  
17 in the back of your mind on this.

18 MS. STEWART: On the other end - who lives in Jim  
19 Finnegan's old brown house?

20 It's very narrow there and there is a hill there  
21 as well. You'd have to hug the side of the road.

22 MS. CIMINO: Right and again -

23 MS. STEWART: There's no line of sight of someone  
24 coming up because they have to come up and over the  
25 hill.

1 MS. CIMINO: Like I said before, there's no  
2 accident history there. There is nothing there showing  
3 us that there is something on that road that needs to  
4 be fixed. Like, if there was an accident injury that  
5 people were going off the road, or people were having  
6 accidents in one location, that would indicate to us  
7 that there was something potentially that needs to be  
8 looked at. When you don't have that history -

9 MS. STEWART: You don't have those houses here,  
10 either, adding to the pattern. That's my concern. I'm  
11 sure that people are not going to flying  
12 down - - people fly down that road now. We're adding  
13 not a lot of traffic, but we are certainly adding some  
14 to that road. I think that it needs to be addressed.

15 CHAIRMAN STAPF: To put it into perspective, this  
16 would be half of the impact that you would have coming  
17 out of Sunny Hill Road from the Salem Hills Project,  
18 because Salem Hills is about 230 units, I believe.

19 Does that sound right?

20 MR. MICHAELS: I don't know. I was sweeping  
21 houses back then.

22 CHAIRMAN STAPF: It was about 230 units over  
23 there and this is going to be about half, give or take.  
24 That would be half the impact.

25 MS. CIMINO: We understand your concerns. We're

1 looking at the facts and the history and nothing is  
2 jumping out as being an issue.

3 The 200 or 300 cars that are there during the  
4 peak hours right now - if none of them are creating a  
5 situation where there is constant access then I don't  
6 see why adding 20 cars more is now going to create that  
7 situation. I understand you're saying that we're going  
8 to add more traffic and that's true. That's a true  
9 statement and there is something to be said for that,  
10 but there is nothing that is showing us that. Nothing  
11 is popping out as being an issue. It's hard to just say  
12 that we're going to do these major improvements which  
13 aren't necessary - - we're not seeing that  
14 justification.

15 CHAIRMAN STAPF: Where did you put your traffic  
16 control devices for counting purposes in relationship  
17 just to the railroad intersection on Hilton Road? Do  
18 you know roughly where you had placed your traffic  
19 control devices? I mean, I know that here was one down  
20 at the intersection of 85A -

21 MS. CIMINO: I don't remember on which side of  
22 this. I'd have to look through my notes, but we  
23 basically had put several. We had put one really at the  
24 railroad crossing -

25 CHAIRMAN STAPF: My point is that you did put

1           them out near the railroad so that you can show the  
2           speed of the cars coming down that road and the impact  
3           of the speed of the cars going over that hump there.

4           MS. CIMINO: Right, and we actually had one up  
5           here also (Indicating) for more of the driveway sight  
6           distance. It was a little bit lower here (Indicating)  
7           than it was up here (Indicating). The average speeds up  
8           by the driveways were 41 miles per hour.

9           CHAIRMAN STAFF: Once you get over that -

10          MS. STEWART: So you're moving.

11          MS. CIMINO: Down here (Indicating), it's lower.

12          Some of the other things that we looked at was  
13          the cueing assessments at all of the studies area  
14          intersections to look at not only the addition of  
15          traffic and the effect on delay, but how many  
16          additional cars would be added and again, that was  
17          minimal impact.

18          The maximum additional cars were two on any  
19          approach to an intersection. We had studied accidents-  
20          not only on Hilton, but on the other area intersections  
21          as well. Route 85 had the highest number of accidents  
22          so we actually calculated what the statewide average  
23          rate would be. We compared it to the statewide average  
24          and those rates were below that. We looked at all the  
25          accidents to see if there was any prevalent type and

1 again, Hilton Road had no accidents that were recorded  
2 from the state data from the last three year period  
3 that was recorded.

4 There's no history there. There were other roads  
5 that most of the accidents were due to driver error and  
6 there were several animal instances. But again, they're  
7 not showing that there are patterns or prevalent things  
8 that need to be addressed as far as traffic mitigation.

9 I think that sums it up. I know we did a lot of  
10 studying and a lot of analysis. It's not typical for us  
11 to look at sight distance. We looked at driveways on  
12 Krumkill Road. We looked at sight distance coming out  
13 of their driveways on Krumkill in one section.

14 So, we really have taken a thorough look and for  
15 the most part the number of cars that are going to be  
16 added will really be accommodated with the system that  
17 is there.

18 I don't know if you have any more questions.

19 CHAIRMAN STAFF: Does anyone have anything they  
20 want to say?

21 MR. N'DOLO: I'm Michael N'dolo from Camoin  
22 Associates.

23 CHAIRMAN STAFF: What's your last name Michael?

24 MR. N'DOLO: N'dolo; N-D-O-L-O.

25 I have to apologize in advance. What I'm about to

1 say might put you to sleep, but I'm the numbers guy.

2 We worked very extensively in this area. We just  
3 completed a land-use. This was for the Town of  
4 Bethlehem. I've also worked on the Vista Technology  
5 Park, which is obviously in New Scotland; so I'm quite  
6 familiar with the economic and fiscal trends here.

7 Our study was to look at impacts in community  
8 services on the fiscal situation of the town and  
9 associated districts that would be impacted by this  
10 particular development. We looked at budgets, the  
11 school district, the town, the EMT district, the  
12 ambulance district, the fire district and we conducted  
13 a number of interviews. I'll just mention the people  
14 that we talked to. The people of the New Salem Fire  
15 Protection District and the chief of the Voorheesville  
16 Area Ambulance Service, the Albany County Sheriff's  
17 Department, the Albany County ALS program coordinator,  
18 the chair of the town's public safety committee. We  
19 also spoke with a couple of different assistant  
20 superintendents of the school district verbally and in  
21 writing for this. We have done a very thorough and  
22 strong methodologically analysis of what the impacts  
23 would be and our results have been confirmed by an  
24 independent analysis from the LA Group. That was  
25 requested by the town. So we're quite pleased with the

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1 fact that we've had great results.

2 Let me just give you an overview of the results.  
3 For the town we looked at the town-wide general fund  
4 for outside the village, we looked at the highway fund.  
5 When you combine all the revenue and the expenditures  
6 that we extrapolated from our analysis, you're looking  
7 at a small positive net impact of about \$3,000. No harm  
8 done, no giant positive impact for the town.

9 However for the individual special districts we  
10 noted some pretty significant positive impacts. I'll  
11 just mention them to you.

12 New Salem Ambulance District, we looked at a  
13 positive net impact annually of \$15,000; for the EMT  
14 district, we looked at a \$4,600 positive annual impact;  
15 for the fire district, \$58,800, again, annually.

16 What does that mean for you? That means simply  
17 that either your fire district will have \$58,000 extra  
18 to spend without taxing your residents any further, or  
19 that you can provide tax relief in that amount and  
20 spread it out for all the taxpayers in the district.

21 The most interesting case is always the school  
22 district, especially with developments, there are  
23 always concerns about that. We had a particularly  
24 thorough analysis done here. I'd like to go into some  
25 details with respect to how we came up with our numbers

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1           because I know that there's been some debate about  
2           that.

3                       We began with numbers that were provided to us by  
4           the Capital District Regional Planning Commission.  
5           These are based on census data that looked at single  
6           family and two family houses in the Capital District  
7           from I believe 2000 calculating average school-aged  
8           children per unit based on the single family versus  
9           town home.

10                      With that in mind, I believe we calculated a  
11           total of 65 new school-aged children resulting from  
12           this. We contacted the school district and we asked  
13           them what the total number of school-aged children in  
14           the district are and how many attend private schools.  
15           There was about 5% or a little bit more. So we backed  
16           out four children from that and came to 61 school-aged  
17           children that would be attending the school district.

18                      Now those again are good solid numbers presented  
19           to us from the Capital District Regional Planning  
20           Commission, based on census data. Mr. Michaels spoke  
21           about actual developments. It's a good thing if you can  
22           go back and compare. These are the averages across the  
23           whole area. One of the actual comparable developments  
24           was actually quite lower than the numbers that we came  
25           up with. A few of them were mentioned; two school-aged

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1 children, three school-aged children.

2 MR. KROENCKE: Michael what about the fact that  
3 the last development that was build in the district  
4 which was a lot - Douglas Lane, 10 houses and 9 kids.

5 MR. N'DOLO: That's right. That's approximately  
6 what the Capital District Regional Planning Commission  
7 numbers were. I believe that for single family houses  
8 it is .81 school children per household. That  
9 development would be .9. So our numbers are roughly on  
10 par with that.

11 CHAIRMAN STAFF: So there's a question on how  
12 many kids would be generated and what you're saying is  
13 that you've got three different types of housing here  
14 and you're going to get a different amount of kids out  
15 of various types of housing. I think that's the  
16 confusing part that we didn't really see pop out in the  
17 report, per se. The carriage home will be only giving  
18 so many where the estate homes may be giving more. I  
19 don't know what that ratio was, but I think that's the  
20 one that we were looking for was that justification on  
21 how you got to your 61 number and there is just not a  
22 straight ratio there. Maybe I missed it in their  
23 report.

24 MR. N'DOLO: I'll just give you the page  
25 references, if you like and I can certainly provide it

1 right now.

2 On page 20 of our report; we broke it out by  
3 housing type. One-family detached dwelling is .81. A  
4 duplex/townhouse is .19. We assume that the twin town  
5 home and carriage - - I'm sorry. The carriage should  
6 the .19 number. The executive and the estate were going  
7 to be the one family attached dwelling -

8 MR. KROENCKE: But those are just school-aged  
9 kids.

10 MR. N'DOLO: That's right.

11 MR. KROENCKE: If I remember correctly, you're  
12 talking about - I think the number of kids in that town  
13 house and carriage houses is .3?

14 MR. N'DOLO: That's right.

15 MR. KROENCKE: Okay, the kids are not school-aged  
16 when they move in the house, but they're going to age  
17 in the house and they're going to go to the school. So  
18 to me, I just think the number is way too low.

19 Mr. Michaels grew up here and went to school  
20 here. I'm sure that there probably wasn't - - one of  
21 the things that's going to sell the houses is the  
22 school district. I have problems with the comparison to  
23 Albany County averages because I think that when you  
24 look at our numbers versus Albany County averages, our  
25 education number is higher, our average age is higher.

1 MS. STEWART: Kevin, I want to interject  
2 something. I've lived here a lot longer than you.  
3 David can attest to that. Each grade level at the  
4 school had six sections and we can accommodate them and  
5 we're down 500 students. I doubt that this is going to  
6 have an impact on our school district one iota.

7 MR. MICHAELS: Just to interject too, I had the  
8 chance to touch base and speak with the assistant  
9 superintendent Ray Colucciello.

10 MR. KROENCKE: Interim superintendent.

11 MR. MICHAELS: And in his report, he thought that  
12 the carriage homes - he never heard a presentation from  
13 us. He just looked at a plan. He thought the carriage  
14 homes were somewhat like the project that you're  
15 talking about that had the 9 kids out of the 10 homes  
16 that were built. That's really, I think, the executive  
17 single-family typical residence product.

18 I explained to him that our carriage homes are  
19 different. They're not the typical 100 foot wide type.  
20 Basically they are fully maintenance by the HOA. First  
21 of all, families are not interested in a full  
22 maintenance type product. The second thing is that our  
23 carriage home designs - - what's impressive here is  
24 that they are just going to two and three bedrooms  
25 typically. They're full maintenance whether they're a

1 twin town home or a single family home and we have  
2 historical history of active projects where the numbers  
3 are so much lower than even what was presented in this  
4 study. In all honestly, we invite anybody out to the  
5 project site to run their own census or whatever. If  
6 anything, the impact on the schools is going to be far  
7 fiscally exceeding what we are presenting here.

8 In fact, after I got done talking to the interim  
9 superintendent and explaining things, he had a chance  
10 to digress and take a look at some of these other  
11 projects including the Walden Fields project in Delmar,  
12 which is very comparable to you. It was just recently  
13 built. They said that they would like to meet with us  
14 with a couple of other board members. I'm actually  
15 going to meet with them in a couple of weeks to show  
16 them the product and give him a sense of what we're  
17 offering and what's the actual number of students.

18 The other point is that of 169 homes, 116 or 70%  
19 of the homes are this market of the twin town homes and  
20 carriage homes.

21 CHAIRMAN STAPF: I think what we're asking or  
22 what I'm asking for is what you just said - the numbers  
23 that you have in relationship to other developments  
24 that have been done and with similar circumstances. The  
25 Bethlehem School District is a good school district.

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1 The ones that you did up in Saratoga are in a good  
2 school district. The yields that you're getting out of  
3 those homes - we're asking for a supplemental that  
4 would give us some information on those homes. That's  
5 what you're seeing as being generated out of those.

6 Again, we're looking at guidelines here and  
7 guideline numbers. They're average numbers.

8 This Douglas Lane, right around the corner from  
9 you, there is only 10 homes. Our school district was up  
10 to 1,700 kids at one time and now it's down to 1,225.

11 On the other hand, most of those classrooms are  
12 being utilized at every period to a certain extent  
13 because of state mandate programs that don't  
14 necessarily say that they have to have 24 kids in every  
15 classroom. They may only have 2 or 3 in a classroom,  
16 but they have to have a teacher and so on. So there  
17 maybe room within the school district to average these  
18 kids in and have no impact per se, on the overall  
19 economics of the school district itself. If you would  
20 follow-up - you said you'd follow up with the school  
21 district and if you would bring in some of the  
22 information that you just talked about in a  
23 supplemental so that we could see that information and  
24 we could evaluate it, we would all be a little more  
25 comfortable. I think the public would be a little more

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1 comfortable in understanding how the school taxes are  
2 the big thing around here.

3 We do have a new gym or gym facilities. We have a  
4 nice auditorium at the facility up there and there are  
5 a lot of other amenities up there such as the pool and  
6 sports facilities.

7 If we did need to put on another  
8 classroom - classrooms are not that expensive but on  
9 the other hand, it doesn't appear that we would have to  
10 do something like that. If you could just bring that  
11 additional information into the overall scheme, we'd  
12 appreciate it. I know you used a career evaluation but  
13 you didn't necessarily put it in the writing portion of  
14 it.

15 MR. N'DOLO: We actually have a letter from the  
16 assistant superintendent stating that there are no  
17 capacity issues.

18 Unfortunately tonight I don't have the details  
19 for you exactly how we calculated the number, but I do  
20 know the number that we used - - again, the number that  
21 we came up with - the averages for Albany County is 65  
22 and we brought it down to 61 actual kids going to the  
23 school district. If we used the numbers from the  
24 comparable communities that we looked at, the similar  
25 developments in the area, the number is quite a bit

1 smaller. It goes down to 36, of which some will be  
2 private school children and we're down to 34. So, we  
3 feel that our estimate at 61 is almost doubled what the  
4 comparable communities that we looked at are averaging  
5 and yielding for -

6 MR. KROENCKE: What comparable communities did  
7 you use?

8 MR. N'DOLO: I don't have the exact names right  
9 now. I just don't have them, but we can add them into  
10 the report. That shouldn't be an issue.

11 MS. STEWART: Michael also, the two large  
12 developments in the village, Scotch Pines and Salem  
13 Hills - the kids have grown and moved away and have not  
14 come back and the parents have stayed. The parents are  
15 doing the schlep back and forth to Florida and they're  
16 not selling their homes up here so it would just be my  
17 thought that when you're calculating your numbers,  
18 people are staying because the houses are paid for,  
19 they like the community, they have friends. There's a  
20 network here and there's a huge network that moves in  
21 mass to Florida and then they come back in the spring.  
22 Those people aren't going anywhere so we're down 500  
23 students. We can handle it.

24 MR KROENCKE: Be careful about what -

25 MS. STEWART: I hope you calculated right when

1           you put on all these additions and raised my school  
2           taxes Mr. Kroencke. I hope that you will accommodate  
3           some kids.

4           MR. KROENCKE: But SCD regulations have changed  
5           since then. Classroom sizes, the square footage that  
6           you allot to a child - that changed since then. The  
7           course offerings that you have to offer have changed  
8           since then. Subjects that you have to offer have  
9           changed since then. So, just because you have 500 less  
10          kids doesn't mean that you have all the space that you  
11          had when you had those 500 kids.

12          CHAIRMAN STAPF: Again, the applicant has  
13          indicated that they will be meeting with the school  
14          district and they will be also offering up the  
15          additional information that they have with comparison  
16          of communities and what the actual impact of those  
17          various communities is. With that information, I think  
18          that we could have a better handle on making a  
19          determination in this aspect of the draft EIS.

20          MR. N'DOLO: I'll just make some - just for  
21          comparisons sake because we had just presented these  
22          numbers on Bethlehem.

23          Bethlehem Central School District parcels are  
24          generated - single family households generate .85  
25          children per household in a single family detached. So,

1           it's just another number we can corroborate with the  
2           numbers that we're using. We feel very confident that  
3           these are very solid numbers.

4                     Let me just wrap this up with the net impacts to  
5           the school district.

6                     The high case, which is the 61 school children  
7           that were in the average Albany County numbers - we're  
8           predicting a positive net impact of \$519,000 per year.  
9           In the low case, which is using the school children  
10          yield to comparable communities, the impact rises to  
11          \$868,000 per year to the school district. Again, that's  
12          either money available to the school district, or  
13          additional services, or as tax relief to the tax payers  
14          in the school district.

15                    I think that with all of our numbers, I just want  
16          to again reiterate that we feel secure on our  
17          methodology. It confirmed our findings and I feel that  
18          the most conservative estimate of expenses is an  
19          average costing. That means that we assume that every  
20          new household is going to create the average cost that  
21          each household creates now. That's probably a great  
22          conservative estimate since we've overestimated costs  
23          because of the capacity issues. We mentioned the fire  
24          chief and so forth and they don't anticipate it in  
25          capacity changes necessitated by this development. So,

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1 the actual increase in cost - we're probably  
2 overstating what that is. We're assuming that it's  
3 going to rise to the proportion of the households and  
4 it's probably a number smaller than this. So, we're  
5 seeing a positive number in all cases, even with the  
6 service numbers we're seeing a net positive impact to  
7 all the districts that are associated with this  
8 project.

9 CHAIRMAN STAFF: I have one question on the  
10 school issue. It's a very complicated formula as you  
11 know, but one of the factors in the formula is the  
12 individuals living in the home and as the well fills up  
13 it does have some negative impact on your aid. On the  
14 other hand as your assessed value goes up, it balances  
15 out, I guess. I was just wondering, because you did  
16 make a statement in your report that there maybe an  
17 impact. Is there anyway that you could clarify that a  
18 little bit more?

19 MR. N'DOLO: If you were to make a substantial  
20 material change to your town tax base, it would warrant  
21 that level of - - this is not going to change this.  
22 This is not going to change your total assessed value.  
23 The number that you're referring to is called the  
24 combined wealth ratio which is, I believe, the median  
25 income of the residents in the district.

1                   CHAIRMAN STAFF: I was trying to figure that out  
2 myself.

3                   MR. N'DOLO: The other one is the total assessed  
4 value. Comparing that to state averages, that's where  
5 you get the wealth ratio. This project could not  
6 possibly move it more than just a tiny fraction; just  
7 because we're not talking about -- let me give a  
8 perspective.

9                   We just did a peer view on the study of the Town  
10 of Pine Plains where some of us proposing a development  
11 would literally double the number of houses. Now that  
12 kind of impact - you would have to go back and look at  
13 that combined wealth ratio number because it could  
14 significantly change that. But with this development,  
15 the number is going to be so small that the change is  
16 going to be a fraction of a percent.

17                   CHAIRMAN STAFF: Can we, in your report, can you  
18 clarify that statement about the impact and put some  
19 numbers in there or clarify that statement a little bit  
20 more?

21                   MR. N'DOLO: Certainly.

22                   CHAIRMAN STAFF: I mean, I think that you have  
23 the numbers and you've got the background to do it;  
24 just for clarification. It's an issue that the public  
25 and the board are concerned with because we are the

1 public, too. I mean, school taxes are probably the  
2 biggest issue that we have out here.

3 MS. ELLIOTT: Particularly after the Governor's -

4 CHAIRMAN STAPF: Yeah, we don't know what's going  
5 to happen there.

6 MS. ELLIOTT: I know that Ravina will be hit for  
7 \$735,000 with a potential of 1.5 million.

8 MR. KROENCKE: It will be \$460,000 with the  
9 proposed levy that was submitted just recently.

10 MS. DAVIES: Can you tell me on the estate homes  
11 which are the largest ones, what would be the average  
12 selling price on that kind of home versus the assessed?

13 CHAIRMAN STAPF: You had those numbers in your  
14 report, I believe.

15 MS. DAVIES: Yeah, I just don't remember what it  
16 is. I was just trying to do some quick math in my head.

17 MR. MASULLO: We're working on a project now in  
18 Clifton Park where there is 101 of these type housing  
19 units and we are averaging a sale price of \$650,000 a  
20 year. So that's anywhere from a starting price of  
21 \$500,000 to a million.

22 CHAIRMAN STAPF: On page 113. It lays out on  
23 table 5H32.

24 MS. STEWART: How about the carriage houses?

25 MR. MICHAELS: The carriage homes are going to

1 fall from the high threes to low fours.

2 MR. KROENCKE: I know the formulas have changed,  
3 but there is one recently in the district that caused  
4 our wealth to drop like one-tenth of a point.

5 There was one home recently in the district that  
6 caused our wealth ratio to shift. I'm not sure which  
7 house it was to be honest with you, but there was one  
8 home in the district that caused our wealth ratio to  
9 change like by one-tenth of a point. You know a million  
10 two

11 FROM THE FLOOR: Homeowners pay a hefty price,  
12 too.

13 MR. KROENCKE: I know. Along with the price of  
14 the assessed value, there's a hefty tax bill with it.

15 MR. MASULLO: It's not a comparable project but  
16 this project that I'm talking about is Clifton Park and  
17 it's an active golf course. You don't have that here.  
18 There are 27 units there and there are some ponds  
19 around some of these estate homes. If you were to come  
20 out to the site, we do have some woods in Clifton Park.  
21 There's a distinct difference there but it's much  
22 different than what's here.

23 CHAIRMAN STAFF: Again, what we're saying is that  
24 Mike is going to meet with the school district and then  
25 you have some additional information that if you could

1 add it in as a supplemental I think that it would help  
2 us make a better determination on how we're going to  
3 deal with this.

4 I know the town has met with the LA Group - our  
5 town financial people and highway and administrative  
6 people and we've been dealing with putting a report  
7 together with the actual numbers that the town has and  
8 if we have concerns. We have concerns on various  
9 issues. That is forthcoming yet, right?

10 MR. DEMPFF: Yes, we don't have 100% of the  
11 findings, but we are in the process of finalizing that  
12 right now.

13 CHAIRMAN STAFF: One is the issues that we do  
14 have that is outstanding in the financial section is  
15 storm water management and that's an issue that the  
16 town is dealing with right now and has not made a  
17 determination. Hopefully they're going to talk about it  
18 on their December 10<sup>th</sup> meeting. I understand that it's  
19 going to be on their agenda and how stormwater is going  
20 to be dealt with in the town and if we're going to  
21 leave it on the individual communities and new  
22 subdivisions to bear the cost or if the town is willing  
23 to do it on a town-wide basis. That's something that  
24 the town still hasn't made a determination on. They  
25 needed to do that before our next public hearing

1           because it's going to have an impact on your financial  
2           aspect if we have to go to a town-wide. because you  
3           looked at it in your report as being a totally borne by  
4           the development itself and not any other residents of  
5           the town. We do have that outstanding issue out there  
6           that hopefully the town will come to some resolution on  
7           in a short period of time so that we can tell you  
8           what's going on there.

9           MS. SLEVIN: Good Evening, Mary Beth Slevin.

10           I don't want to delay this because there are  
11           folks that have come here and they want to have an  
12           opportunity to speak, but we did want to thank the  
13           board for the opportunity to make these presentations.

14           This project, as you know, has been in the  
15           process of getting to where we are this evening since  
16           2005. It took several years to develop the information  
17           within the DEIS. It was originally proposed as a PUD, a  
18           planned unit development and from the Town Board to  
19           this board, it was deemed more appropriate reviewed as  
20           a cluster development and that's how we got to where we  
21           are this evening. Again, we would invite any comments  
22           from the board. Obviously we're not limited to just any  
23           questions that you may raise this evening. We look  
24           forward to continuing the review with the board and  
25           with the public.

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1                   We know that the other public hearing is  
2                   December 30<sup>th</sup> and we will accept your questions that  
3                   were left outstanding this evening and we'll make sure  
4                   that we come back with the responses to those issues on  
5                   the 30<sup>th</sup>. The same thing applies regarding the comments  
6                   from the public that require a response. We're  
7                   certainly prepared to do that and continue to work with  
8                   the Planning Board and the town consultants to develop  
9                   responses to comments as they come up to try to work  
10                  towards the completion of this project and look forward  
11                  to developing a project that will be a benefit to the  
12                  town. Thank you.

13                  CHAIRMAN STAPF: It's my understanding also that  
14                  we are having another public hearing on the 30<sup>th</sup>, which  
15                  is on a different day of the week to accommodate the  
16                  people of the town. We're only required to do one  
17                  public hearing and we've also exceeded the requirements  
18                  by posting it in the newspaper and several additional  
19                  postings of the public hearing, itself. We will be also  
20                  taking written comments on this until January 20<sup>th</sup>.

21                  MS. SLEVIN: January 12<sup>th</sup>.

22                  CHAIRMAN STAPF: Okay, I think it was 15 days.

23                  Okay, January 12<sup>th</sup>. I just wanted to confirm that.

24                  Does the board have any questions?

25                  MS. STEWART: I've got a question.

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1                   How did you come up with the names for the roads?  
2                   My concern is [SIC] Claremont Way; not to be confused  
3                   with the other development [SIC] Claremont. Would it be  
4                   a big deal to change that?

5                   MR. MASULLO: No, not at all. When we go through  
6                   this process and there is some similarity or something  
7                   else in the town, by all means, we can change it.

8                   MS. STEWART: I would not want an ambulance to be  
9                   confused.

10                  MS. SLEVIN: We'll work with the highway and get  
11                  some other names.

12                  MS. STEWART: Good. Thank you.

13                  CHAIRMAN STAPF: Do we have any additional  
14                  questions before I open it to the public?

15                                 *(There were no responses.)*

16                  CHAIRMAN STAPF: Okay, I'm going to open it up  
17                  for public comment. Again, anybody that is wishing to  
18                  make a statement, if you could just put your name on  
19                  that list so that we could get the proper spelling of  
20                  it for the recorder.

21                  Since there are only a few people here tonight,  
22                  I'm going to keep it somewhat informal and not put a  
23                  major time limit on it if we start rambling, I will  
24                  politely request you to summarize your comments.

25                  Okay, the gentleman right here was one of the

1 earlier ones in the room. Are you interested in making  
2 any comment?

3 FROM THE FLOOR: No.

4 CHAIRMAN STAPF: Does anybody want to make any  
5 comments?

6 Edie?

7 Would you mind just coming up here so that we can  
8 hear you? I'm sorry, but I know your voice is very  
9 light. I can put the PA system on for you.

10 MS. ABRAMS: Thank you very much for hearing me.  
11 This is the second development that is going to go in.  
12 We had a large discussion about school issues here. We  
13 have a way to control that and that is to ask the  
14 applicant to declare this a senior housing district.  
15 That way there would be control.

16 This was already going to be marketed to the  
17 people that come under that law. I think that it would  
18 be a good idea to ask them to declare themselves and be  
19 asked to be considered a senior housing development.

20 The other thing is that I have a question about  
21 the 45% open space. Did you take the amount of square  
22 feet or however you measure the ponds and the wetlands?  
23 How much open space is there in addition to that? In  
24 other words, they can't build on the pond and the  
25 wetlands anyway. So, does the 45% of open space include

1           those? I think that with the number of houses that  
2           you're going to have two or three cars per house. Even  
3           after the adult empty nesters are still working - and  
4           they'll be working longer - you're going to have more  
5           cars than the reports indicate all exiting out onto  
6           Hilton Road.

7                     Hilton Road, as you know, is one little lane that  
8           just empties out onto Krumkill and to 85A. So you're  
9           going to have all those cars exiting and they're going  
10          to go to those two other roads.

11                    I think that this development would be more  
12          attractive if at some future date a commercial district  
13          was developed, there could be some sort of road that  
14          leads from the development to the commercial district.  
15          Therefore, they wouldn't have to come out to Hilton  
16          Road and go out onto 85A. They could just go from the  
17          development directly into the commercial district.

18                    Also, the people who are going to buy these  
19          homes - they are \$300,000 and \$400,000 and there are  
20          \$500,000 to 1.2 million people. I'm just curious  
21          whether or not there's a big box store that's going to  
22          be around the corner with all the traffic that's going  
23          to entail. How attractive is this development going to  
24          be to buyers?

25                    I also think that the board - you've gone

1           overboard in your notice and that your giving the  
2           public another chance to come to make comments. I would  
3           guess that people who live on Hilton Road and people  
4           that live on Krumkill and more people that live on  
5           85 - if they knew that this meeting was taking place,  
6           you would see more people here asking questions and  
7           making comments. I do not think that the public notice  
8           was enough. I think the fact that the next meeting is  
9           going to be on the 30<sup>th</sup> is kind of silly because people  
10          are going to go away for new years and you can't expect  
11          a lot more people to come to these meetings.

12                    I think that wraps up my comments and thank you  
13                    very much.

14                    CHAIRMAN STAFF: Thank you. Does anybody else  
15                    have any comments?

16                    Again, could you just state your name?

17                    MS. CARLSON: Yes. I'm Marsha Carlson. I live on  
18                    New Scotland South Road.

19                    I want to reiterate Edie's point about the notice  
20                    about this meeting. It wasn't on the website. It's not  
21                    on the bulletin board outside. The secretary at Town  
22                    Hall didn't know anything about this meeting tonight.  
23                    Although the issue of public notice - - I'm not sure  
24                    what the newspaper of record is. Is it the Spotlight?

25                    MS. ELLIOTT: It's the Enterprise.

1 MS. CARLSON: And it was in the legal notices  
2 there? That's not really - - people don't read the  
3 legal notices, so I think that this meeting is actually  
4 under-advertised because I think that you would see  
5 many people in these chairs.

6 On Hilton Road at the railroad - I use Hilton  
7 Road a lot and I never go on 44. I like to go slower on  
8 that road because it's gorgeous. At that railroad  
9 crossing, it's like one of those moments where your  
10 life flashes before your eyes, actually when you go  
11 there. You just don't know if you're going to get over  
12 there without being hit. I hug the right, as someone  
13 already mentioned.

14 I commend you, Chairman, for encouraging more of  
15 a look at that spot.

16 I want to say that the project is gorgeous. I  
17 think that it would be great if more of the community  
18 could see this project. It's a benchmark project for  
19 our town and I really congratulate you all for all the  
20 hard work. Thank you.

21 CHAIRMAN STAPF: Thank you.

22 Is there anybody else that would like to make any  
23 statements tonight?

24 *(There were no responses.)*

25 CHAIRMAN STAPF: Since my counsel isn't here

*Nancy Strang-VanDeBogart*  
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1           tonight I have to ask you a legal question.

2                   I close the public hearing and the other one is a  
3           separate public hearing, or do is it a continuation of  
4           this one?

5                   MS. SLEVIN: You're closing the public comment,  
6           but the public comment period will be open until  
7           January 12<sup>th</sup> and you will have a separate public hearing  
8           that will open and close on the 30<sup>th</sup>.

9                   CHAIRMAN STAPF: So I'll make a motion that we  
10          close this public hearing and that the public comment  
11          period will stay open until January 12 and we will  
12          have - - we have a question on that if it's the 12<sup>th</sup> or  
13          the 20<sup>th</sup> or the 23<sup>rd</sup>. We'll reconfirm that at the next  
14          meeting. We will have another public comment period  
15          informational meeting on December 30<sup>th</sup>.

16                   Do I have a second on that?

17                   MS. ELLIOTT: Second.

18                   CHAIRMAN STAPF: All in favor?

19                               *(Ayes were recited.)*

20                   CHAIRMAN STAPF: All opposed?

21                               *(There were none opposed.)*

22                   CHAIRMAN STAPF: Motion so carried.

23                   Thank you everybody for coming.

24

25                   *(Whereas the public hearing was concluded at 8:49 P.M.)*

## CERTIFICATION

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I, NANCY STRANG-VANDEBOGART, Notary Public in  
and for the State of New York, hereby CERTIFY that the  
record taped and transcribed 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.

A handwritten signature in cursive script, reading "Nancy Strang-VanDeBogart", is written over a horizontal dashed line.

NANCY STRANG-VANDEBOGART

Dated December 22, 2008

**Nancy Strang-VanDeBogart**  
518-542-7699  
518-374-1061