

P R O C E E D I N G S

PUBLIC HEARING

SCHUYLERVILLE PLANNING BOARD
Schuylerville, New York

A Public Hearing Regarding
231 Broad Micro Apartments

September 21, 2020
6:30 p.m.

Via Zoom Conference

1 PRESENT IN BOARD ROOM:
2 FOR THE SCHUYLERVILLE PLANNING Board:

3 Robert Foster
4 Chairman

5 Ronalee Myers
6 Board Member
7 Linda Lloyd
8 Board Member

9 Leona Colvin
10 Board Member
11 Anna Welfley - via Zoom
12 Secretary

13 Cory Heyman - via Zoom

14 PRESENT VIA ZOOM:

15 David D'Amore, C.T. Male Associates on behalf of
16 applicant

17 Timothy Sidore, representative of applicant

18 MEMBERS OF THE PUBLIC

EXHIBITS

Number	Description	For Ident.
1	Engineering, Survey, and Architectural documents	3
2	Stormwater Study	3
3	Proposed Typical Apartment Lease	3
4-A	Martha and Kevin Keefe's letter dated August 17, 2020	3
4-B	Edward and Colleen Carr's letter dated August 17, 2020	3
4-C	Bruce and Ruth Ricketson's letter	3
4-D	Bound, color-paged packet prepared for Bruce & RuthE Ricketson	3

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2 (Exhibits 1 through 3, 4-A, 4-B, 4-C, 4-D
3 were marked for identification, this date.)

4 CHAIRMAN FOSTER: We're going to
5 officially open the meeting after the Pledge of
6 Allegiance, and we'll move, I think, to the first
7 thing that everyone, both on Zoom and in person
8 in attendance here in the meeting room, wants and
9 that we should be exposed to David D'Amore's
10 recital of the project documents for engineering
11 survey and architectural designs, and from David
12 we'll move on to questions, I think, from the
13 Zoom candidates and then move on to our in-person
14 attendees.

15 Did you hear all that, Cory?

16 MS. HEYMAN: Yes.

17 CHAIRMAN FOSTER: All right.

18 (Pledge of Allegiance.)

19 CHAIRMAN FOSTER: Okay. The meeting is
20 open. Our secretary, Anna, is here. Hello,
21 Anna?

22 MS. WELFLEY: Hi. I'm here.

23 CHAIRMAN FOSTER: Here we go. Cory, if
24 you can make a connection with David D'Amore and
25 ask him to proceed with his engineering

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2 presentation, we would appreciate it.

3 MR. D'AMORE: Cory, can you set me to
4 share my screen?

5 MS. HEYMAN: You can share now, David.

6 CHAIRMAN FOSTER: Okay. For the
7 stenographer's benefit, this is Mr. David
8 D'Amore. He is the engineer/architect for the
9 applicant, Mike Davidson, for the project at 231
10 Broad Street, Schuylerville.

11 David, go ahead and go through your
12 documents one by one and please include in the
13 discussion some of the important facts in that
14 stormwater survey that was done.

15 MR. D'AMORE: Sure. Thank you, Mr.
16 Foster and to the Board. I would like to just
17 provide a general overview. It will be myself
18 here this evening. Mr. Davidson could not
19 participate due to kind of feeling a bit under
20 the weather with some things.

21 So, his representative is here this
22 evening, Tim Sidore. So, if you do have
23 questions with regard to the operations, Tim
24 would be able to address those.

25 So, generally speaking, as a brief

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2 summary of where we're at, we've been at now for
3 some time. The project was started in April of
4 2019, and the project came before the Board
5 initially as a result of the stop work order, and
6 in the intervening months we have come up to
7 speed, I think, with the Board's expectations
8 with regard to the materials that needed to be
9 submitted.

10 So, getting to March of 2020, if you all
11 recall, we were scheduled to meet on the 16th of
12 March, and that's effectively when the lockdown
13 began and, in fact, I had a conversation with Mr.
14 Foster that afternoon as he wrestled with the
15 idea of even holding the meeting.

16 So, ultimately the decision was made to
17 postpone the meeting, and here we are some months
18 later, and, effectively, not much has changed
19 from the meeting we had in January. That meeting
20 in January resulted in a few tweaks to some
21 detailing in the drawings, and we provided a
22 little bit more supplemental backup information
23 about the operation.

24 So, effectively, what we're working with
25 here is a site that's about .21 acres. It's got

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2 the single-family residence on it right now. As
3 you are aware, our application is intended to
4 request its utilization as a multifamily
5 structure.

6 Originally, the application was for six
7 small units, micro units. We have since modified
8 that down to five units, one of which will be
9 owner occupied on an intermittent basis, but it
10 will be his own unit. We have also modified the
11 site to address some concerns that were raised
12 during prior meetings and public comment periods.

13 So, the garage on the back of the
14 property will remain intact, as will the existing
15 paved driveway. We are proposing to add an
16 additional five parking spaces. The driveway
17 will be one space. The garage itself will be
18 considered a second space, and the garage will be
19 primarily for the owner, and so that leaves six
20 parking spaces for, effectively, four occupied
21 units.

22 The new parking spaces will be paved --
23 excuse me, no. I'm misspeaking. There will be
24 gravel on the parking areas, six inch Type 2
25 subbase over stabilization fabric. There's going

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2 to be a paved asphalt gutter, and then the idea
3 is we're going to try to keep the tree that's
4 along Division Street intact, and to do that
5 we're going to create something of a median that
6 will be grassed and help us transition the slopes
7 from the higher grade at the driveway down to the
8 lower grade closer to the house.

9 So, there will be a couple of small
10 retaining walls on the scale of roughly a foot in
11 height, and then that median then becomes a way
12 to preserve the root structure of the tree and to
13 allow it to continue to exist.

14 We will have a sidewalk that runs along
15 the northern boundary of the parking. There will
16 be a few steps along that sidewalk, and then
17 there will be a small pad adjacent to the garage
18 for a couple of large rollable garbage bins.

19 Then moving down towards the house, we'll
20 continue the sidewalk, the new sidewalk down to
21 the front steps at the corner of the porch. We
22 are going to install a yard drain at the corner
23 of the house that's labeled WB on the drawing in
24 front of you, and we will run a subsurface pipe,
25 high density polyethylene pipe from that yard

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2 drain to a small outlet that brings that water
3 into a retention basin.

4 The retention basin will be built up with
5 elements of soil to create, effectively, a bowl
6 in the landscape. The yard drain outlet will be
7 protected with a smallish river rock apron, and
8 the idea is that underneath that soil there will
9 be a six-inch -- underneath the bowl of that
10 retention pond there will be a six-inch
11 perforated underdrain.

12 It will have three spurs, that's what
13 kind of looks like a bird's foot right now, and
14 then that will absorb the water and it will
15 conduct that water with another high density
16 polyethylene pipe down to an invert within the
17 existing catch basin at Broad Street that will
18 require the removal of a small bit of existing
19 sidewalk at the front terrace, and then that
20 sidewalk will be replaced in kind. The system is
21 intended to be fairly straightforward and simple.

22 To your question, Mr. Foster, with regard
23 to the stormwater, so we did run some
24 calculations based on the soil types that are
25 around that area. Some basic information is that

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2 it is standard practice that -- well, for
3 purposes of, I'm just going read through this.
4 It avoids me having to paraphrase.

5 So the project site is approximately
6 .21 acres in size, and the amount of anticipated
7 disturbance associated with the proposed project
8 is .31 acres. The New York State Department of
9 Environmental Conservation SPDES General Permit
10 for Stormwater Discharges from Construction
11 Activity, or the general permit, requires that
12 projects which plan to disturb greater than
13 one acre of land obtain coverage under the
14 General Permit.

15 However, the proposed disturbance
16 associated with this project will be less than
17 one acre. Therefore, coverage under the General
18 Permit will not be required or obtained.

19 Although the Village of Schuylerville
20 does not have any formal stormwater requirements
21 in place in projects -- for projects that will
22 generate less than one acre of disturbance, peak
23 stormwater runoff rates from the 10- and 100-year
24 storm events will be controlled to existing
25 rates, or less, as a good faith effort to

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2 mitigate concerns that the project will
3 exacerbate stormwater runoff conditions during
4 rainfall events.

5 Since new impervious surfaces
6 (approximately 0.04 acres) will be constructed as
7 part of the proposed project, there will be a
8 slight increase in the calculated peak runoff
9 rates generated during the 10- and 100-year storm
10 events. Consequently, the quantity of stormwater
11 runoff, or volume, generated during a 100-year
12 storm will increase slightly.

13 The existing volume is equivalent to
14 2,744 cubic feet. The proposed volume is 3,223
15 cubic feet, which results in a net increase of
16 479 cubic feet. As such, the storage volume of
17 the proposed practice was designed to accommodate
18 this increase in volume, as well as control peak
19 stormwater runoff rates during the 10- and
20 100-storm events.

21 This table below shows the calculated
22 peak runoff rates during the 10- and 100-year
23 storm events which were obtained using HydroCAD,
24 under existing conditions, and HydroCAD is just a
25 software package that's used to help automate

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2 these calculations a bit.

3 So, for a 10-year storm event, we've got
4 .63 cubic feet per second, and for a 100-year
5 event, we've got 1.29 cubic feet per second.
6 Based on a review of the USDA's Web Soil Survey,
7 it was determined that on-site soils would not be
8 conducive to the use of infiltration practices.
9 That just means allowing the water to naturally
10 percolate into the soil quickly.

11 Therefore, detention basin with a graded
12 outlet structure, low flow orifice and
13 underdrains was designed to control stormwater
14 runoff. The storage volume of the detention
15 basin (calculated as the available volume between
16 the basin floor and rim of the outlet control
17 structure) is 570 cubic feet, which is greater
18 than the calculated net volume increase generated
19 by the additional impervious surface for the
20 100-year flood.

21 The table below shows the calculated peak
22 runoff rates during the 10- and 100-year storm
23 events 10- and 100-year storm events during
24 proposed conditions. The 10-year storm event you
25 would get .38 cubic feet per second, and for the

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2 100-year event it would be 1.03.

3 The calculated peak runoff rates during
4 10- and 100-year storm events are less than the
5 calculated rates under existing conditions.
6 Therefore, it is not anticipated that this
7 project will impact any downstream facilities.

8 So, that's the basic summary, despite the
9 fact that I read it verbatim from the letter, and
10 that is what is engendered in this design. So
11 this is that retention basin that was discussed
12 and that receives that 570 cubic feet of overflow
13 that is expected with a 100-year storm event.

14 As a bowl, there's a bottom of a bowl and
15 there's a rim of the bowl. At the bottom of the
16 bowl there is a drain structure, right there
17 (indicating). An outlet control structure they
18 call it. It's just a drain, and it's got a grate
19 over it, so large particulate matter won't fall
20 into it, and then underneath the soil there's
21 actually, just shallow, just a few inches below
22 the soil will be this perforated underdrain
23 that's got several branches, and that will
24 collect some additional water that does manage to
25 percolate and help remove that water from

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2 infrastructure in a timely fashion.

3 And then the rest, basically the only
4 thing you're going to see is just this little bit
5 of mounded earth, and it's something that we feel
6 will be rather benign to the site and will not
7 have any real visual impact and just feel like
8 landscape.

9 So, that's the essence of the project and
10 the material that was submitted back at the
11 beginning of the year. Just as a refresher, we
12 do have the floor plans here of what's been
13 proposed. There are five units proposed on the
14 first floor, there's a back apartment and a front
15 apartment, and on the second floor there is a
16 front apartment, sort of a side left apartment,
17 and a side right apartment.

18 Again, the concept is micro apartments.
19 This is a residential, multifamily residential
20 model that has been gaining a lot of steam across
21 the country and, in particular, the northeast,
22 and as we've stated previously, it is Mr.
23 Davidson's assessment that that model works well
24 in upstate localities, as it has proven to work
25 well in other localities in the northeast,

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2 primarily in New Hampshire where he has done it
3 in several locations with pretty good success.

4 Overall, the intent is to renovate the
5 structure so that it represents the period in
6 which it was built. I believe you have probably
7 noticed that the building has been painted and
8 the front porch has been restored to its original
9 condition or as close to its original condition
10 as could be managed, and that was done in
11 coordination with the Village, as I understand.

12 So, that is the essence of the project as
13 it stands to this day, and I turn it back to you,
14 Mr. Foster, for the next phase of the meeting.

15 CHAIRMAN FOSTER: Mr. D'Amore, are you
16 finished?

17 MR. D'AMORE: I am, yes.

18 CHAIRMAN FOSTER: Thank you. Are there
19 any questions for clarification? We're not going
20 to be asking Mr. D'Amore any questions about why
21 of the project or any of the issues that may be,
22 in some of your word as residents, but if there
23 is any clarification that you need on his
24 presentation after looking at the documents, you
25 need to understand in more detail, now is the

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2 time to ask that.

3 MS. RICKETSON: The one thing I did
4 request is --

5 CHAIRMAN FOSTER: I'm sorry. Would you
6 identify yourself?

7 MS. RICKETSON: I'm sorry. I'm RuthE
8 Ricketson, 226 Broad Street. Previously we did
9 ask on these floor plans, when they were going to
10 be redrawn, could they actually give us the room
11 dimensions, and, B, not the total square footage,
12 so that when we looked at them, we could actually
13 see what we were looking at, and we were told
14 that that would be done.

15 CHAIRMAN FOSTER: Well, okay. Let me
16 answer the question. First, David, the Planning
17 Board doesn't have any jurisdiction over the
18 interior of the home, of the house, the
19 structure.

20 MS. RICKETSON: Okay.

21 CHAIRMAN FOSTER: We have jurisdiction
22 for all the other issues.

23 MS. RICKETSON: Okay.

24 CHAIRMAN FOSTER: But the rooms are
25 within the jurisdiction of New York State

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2 Building Code and the building inspector. As far
3 as the dimensions are concerned, that's strictly
4 between the architect and the owner and the
5 building inspector --

6 MS. RICKETSON: So my --

7 CHAIRMAN FOSTER: -- not the Planning
8 Board.

9 MS. RICKETSON: So my question then would
10 be, if we wanted to know what the actual
11 dimensions are or square footage or what the
12 specifics are for New York State for a micro
13 apartment in upstate New York, where would we
14 find that information?

15 CHAIRMAN FOSTER: Well, I don't know, but
16 I think the question you might want to ask --
17 and, Mr. D'Amore, can you hear this conversation?

18 MR. D'AMORE: I can.

19 CHAIRMAN FOSTER: Okay. The question you
20 might want to ask is are there dimensional
21 restrictions to micro apartments in New York
22 State Building Regulations.

23 MR. D'AMORE: So, to my understanding,
24 New York State Building Code as it was released
25 earlier this year in May and it -- well, it was

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2 adopted last year and put into effect permanently
3 in May, does not specifically address micro
4 apartments. The New York state Building Code
5 does have minimum dimension requirements for an
6 occupiable space.

7 I'd have to dig into the Code a little
8 bit. If you give me a few minutes, I could try
9 to find that. I don't have that at my fingertips
10 at the moment, but suffice it to say, it doesn't
11 address specifics of a micro apartment, only
12 insofar as a micro apartment still has to be
13 habitable and meet those basic dimensional
14 requirements.

15 The room sizes, believe it or not, for a
16 listed occupiable space aren't overly large. I
17 want to say they're in the realm of eight feet by
18 ten feet or something like that. Usually they're
19 in the 75 to 80 square foot for occupiable room.
20 Bathrooms are typically not considered occupiable
21 spaces because you can't typically sleep in them,
22 under normal behavioral characteristics.

23 So bathrooms aren't usually included and
24 they can be smaller. So that would be my
25 response to that question.

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2 CHAIRMAN FOSTER: Well, okay. Mr.
3 D'Amore, maybe another way of asking that
4 question is, have these interior design
5 dimensions for the five apartments that are now
6 proposed subject to any New York State
7 regulations that might review and require changes
8 that you know of or are you all set to go the way
9 it's designed and submitted to this particular
10 Board this evening?

11 MR. D'AMORE: I believe we are all set
12 and ready to go. I believe we meet the minimum
13 area requirements per the New York State Building
14 Code, and I believe we meet the minimum room
15 dimension requirements per the New York State
16 Code.

17 However, having said that, with the Code
18 modifications that has occurred, I will check
19 that one last time prior to any permit being
20 issued. If there are modifications that would be
21 required to meet the new Building Code, we would
22 certainly work through that to make sure it
23 complies and make sure Gil has that information
24 before any permit is issued.

25 CHAIRMAN FOSTER: Okay. Thank you. Any

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2 other questions? Yes, ma'am?

3 MS. KEEFE: That is Martha Keefe, 29
4 Broad Street.

5 Mr. D'Amore, you have gone into great
6 detail regarding the area, the depression area
7 where everything is supposed to flow into. I'm
8 curious as to whether all of that stuff applies
9 if the ground is frozen. Are we going to have an
10 ice skating rink out there?

11 MR. D'AMORE: No, ma'am. The idea is
12 that you would have a drain there. I mean, it
13 will certainly hold snow, as snow will not flow,
14 but as soon as the weather warms and the water
15 melts or the snow melts, it will flow into the
16 drain just as any other snow melt would occur.

17 The objective here is to prevent excess
18 water from flowing out to the street, and as the
19 calculations indicated with this structure being
20 added, we do expect there to be a net reduction
21 in the amount of water that would wind up in the
22 street flowing during a snow melt.

23 CHAIRMAN FOSTER: Any other questions?

24 MR. RICKETSON: Bruce Ricketson, 226
25 Broad Street.

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2 On the green space on this commercial
3 site is there a percentage that the EPA requires
4 you to have on .2 acres of land? Do you have to
5 keep so much land on a commercial site like this?

6 MR. D'AMORE: There's no standard that
7 I'm aware of that would require such green space
8 outside of a local zoning ordinance.

9 MR. RICKETSON: So, if there was local
10 zoning, then they could require it, but since
11 Schuylerville doesn't have it, you can pave over
12 the whole lawn, correct?

13 MR. D'AMORE: Well, by virtue of the fact
14 that the Village framework for review and
15 approval was all projects would be reviewed by
16 the Planning Board prior to permitting, I would
17 say that it is at the discretion of the Planning
18 Board.

19 MR. RICKETSON: Okay.

20 CHAIRMAN FOSTER: Okay. Last one from
21 you.

22 MS. RICKETSON: RuthE Ricketson. I'm
23 going back to the parking. We were under the
24 understanding that every apartment requires one
25 and a half parking spaces. As I see, there are

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2 not even eight parking spaces. If you take five
3 times the one and a half, that comes up seven and
4 a half, which means you should round it up to
5 eight.

6 Where is the additional parking space?
7 You don't even have eight parking spaces here.
8 So, is that going to be put in there? And I also
9 really question how a garage could be a
10 legitimate parking space. How does that work?

11 CHAIRMAN FOSTER: Mr. D'Amore, did you
12 hear the question?

13 MR. D'AMORE: I did. So, yes, I heard.
14 The parking has been designed on the basis of
15 what we felt reasonable and prudent to fit on the
16 site, and while there was some discussion with
17 regard to how many parking spaces are reasonable
18 and appropriate for a multifamily unit, I'm not
19 aware that the Planning Board stipulated what
20 that was to be in prior meetings.

21 If I'm mistaken in that, then I'm
22 mistaken, but while it was discussed, I don't
23 recall there being a decision either way.

24 We do feel that six defined exterior
25 parking spaces will be more than adequate. It

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2 anticipated that the residents would likely only
3 have one vehicle, and the other two spaces become
4 available for the occasional guest that would be
5 anticipated, and that's how we've designed it.

6 CHAIRMAN FOSTER: Okay. Any other
7 questions, please? Yes, sir? Please identify
8 yourself.

9 MR. CARR: Edward Carr, 230 Broad Street.

10 My question is in regard to the format.
11 Being a volunteer firefighter in this district,
12 approximately seven, eight years ago we had a
13 structure fire with one means of egress and the
14 gentleman died, and are these apartments only
15 having one means of egress, correct? Shouldn't
16 they have two by building codes?

17 CHAIRMAN FOSTER: Oh, I don't know. Did
18 you hear the question?

19 MR. D'AMORE: I did. So, per New York
20 State Building Code requirements, each of those
21 units would be required to have emergency egress
22 windows in each sleeping room, so that would
23 include living rooms and bedrooms. Those windows
24 have to be of a specific size in order to
25 facilitate access and removal of somebody via a

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2 ladder or bucket truck.

3 To the extent that the Code would require
4 additional means of egress, in this particular
5 case, the amount of occupancy does not require
6 it, and as was stated earlier, anything that gets
7 permitted with regard to the interior layout of
8 the building will be in compliance with the New
9 York State Building Code.

10 I'm quite sure Gil will not issue a
11 permit until it is clear that it meets Code.

12 MR. FOSTER: Mr. D'Amore, this is Board
13 Chairman, Bob Foster. In line with that
14 question, I'm looking at your interior proposed
15 floor plans, and I see that all of the windows
16 are identified. Why wouldn't it be possible for
17 you to identify those windows which require the
18 double access or the additional access for that
19 particular amount to be right on the plans?

20 MR. D'AMORE: I certainly will when it
21 comes to submitting the architectural plans for
22 permitting, that would be part of that. That is
23 not typically something that is reviewed under --
24 in my experience as part of a Planning Board
25 review.

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2 CHAIRMAN FOSTER: Any other questions?

3 (No response.)

4 CHAIRMAN FOSTER: Okay. Cory, this is,
5 Bob Foster. Can you hear me?

6 MS. HEYMAN: Yes, I can.

7 CHAIRMAN FOSTER: All right. Do we have
8 anybody waiting on Zoom that would like to ask
9 some questions of Mr. D'Amore before we let him
10 go?

11 MS. HEYMAN: They can speak if they want
12 to. Everybody is unmuted.

13 CHAIRMAN FOSTER: Okay. If there is
14 anyone out there that would like to ask a
15 question clarifying the presentation just given
16 by Mr. D'Amore of C.T. Male Associates, would you
17 please identify yourself to our host, Cory
18 Heyman, and we'll put you on the screen and you
19 can ask your question.

20 MS. HEYMAN: Wendy Lukas would like to
21 know what are the ceiling heights of all of the
22 apartments.

23 CHAIRMAN FOSTER: I'm not sure that's
24 really germane, but certainly, David, you might
25 have an answer for that. Can you handle it,

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2 please?

3 MR. D'AMORE: I believe the ceiling
4 height is plus or minus nine feet on the first
5 floor and plus or minus eight feet on the second
6 floor. I would need to dig pretty deep into my
7 field notes to work that out, but, again, they're
8 more than adequate ceiling heights for an
9 occupiable apartment.

10 CHAIRMAN FOSTER: Wendy Lukas, did you
11 get that answer?

12 MS. HEYMAN: Yes, she has the answer,
13 yes.

14 CHAIRMAN FOSTER: Okay. Do we have any
15 other questions?

16 Is there anyone else that has a question
17 for Mr. D'Amore, anyone else?

18 (No response.)

19 CHAIRMAN FOSTER: Well, I don't see or
20 hear anything, so I assume that we've all heard
21 from Mr. D'Amore and we are satisfied with his
22 presentation so we don't have any more questions.

23 I think it's true here in the meeting
24 room, and I am going to ask the Zoom audience to
25 please answer as quickly as possible if you feel

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2 that you are satisfied with the presentation by
3 Mr. D'Amore of C.T. Male Associates, and I'm
4 going to give you about 15 seconds to answer.

5 (No response.)

6 MS. HEYMAN: I don't have any chat
7 messages and I don't hear anybody, so I'm
8 guessing everybody is okay with this.

9 CHAIRMAN FOSTER: Okay. Then you can let
10 Mr. D'Amore go, and we'll proceed here with some
11 additional comments from our meeting members, if
12 they have any, or otherwise go to the Zoom
13 audience and see if we can't conclude.

14 Do we have any more questions here in the
15 meeting room, and your questions will be to the
16 Board? You are then free to begin making your
17 presentation and your statements to the Board,
18 and if it's all backed up in writing, I would ask
19 you politely then to please be brief and
20 summarize your presentation, because if it's in
21 writing, I promise you the Board members will
22 read it, and it will be a more comfortable
23 atmosphere than to have you read it into the
24 record.

25 Would you like to go first, Mrs.

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2 Ricketson?

3 MS. RICKETSON: After hearing that, as
4 long as this is going to be on the record and it
5 appears that there are not many Zoom people that
6 are going to be able to listen, it seems to be a
7 waste of time for us to do that if we all
8 provided our own documents, and we heard the
9 presentation.

10 CHAIRMAN FOSTER: I have them here.

11 MS. RICKETSON: And if we're all
12 comfortable -- or I am comfortable with saying --

13 CHAIRMAN FOSTER: This is from the Carrs.
14 We have a Board member who would like to
15 speak next.

16 MS. COLVIN: I just want to know from
17 Cory, are there any other participants on the
18 Zoom call besides Wendy Lukas and Mr. D'Amore?

19 MS. HEYMAN: No. There's Tim Sidore that
20 you can see, and Anna and, of course, David and
21 Wendy Lukas and Laurel is also Zooming in and
22 myself, but that's it.

23 MS. COLVIN: Thank you. I just want to
24 make sure.

25 CHAIRMAN FOSTER: Thank you. So that's

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2 what we'll do. Appreciate it.

3 MS. RICKETSON: We can get another one to
4 you. I really would like every Board member to
5 have their own copies.

6 CHAIRMAN FOSTER: They will. This is
7 going to go to the stenographer. She makes her
8 record up and she's going to reference this, and
9 I'm sure I can call her and talk to her about
10 maybe extra copies of this document to go along
11 with her notes and that will make a complete
12 record.

13 MS. RICKETSON: If you would then, to
14 save the stenographer time, I can make another
15 whole booklet if you want it to go with the
16 record.

17 CHAIRMAN FOSTER: Yes, let's do that and
18 then the stenographer doesn't have to do the
19 work.

20 Yes, drop it off in Cory's office.

21 MS. KEEFFE: And copies of our letters
22 will go to go to the stenographer.

23 CHAIRMAN FOSTER: And, yes, that would be
24 all part of the record and to all the Board
25 members. Thank you.

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2 MS. RICKETSON: Can I have one other
3 question? Are those documents right there are
4 going to be forwarded to the stenographer --

5 CHAIRMAN FOSTER: David is going to
6 forward those. Those are copies that I put out
7 this evening for your benefit.

8 MS. RICKETSON: Can we get copies of
9 those on our own?

10 CHAIRMAN FOSTER: I tell you what, I want
11 to be sure that I have everything. If I do, I
12 will return those to the Village office in a day
13 or two, and when you bring in your stuff that you
14 just promised, you can pick that up or pick up a
15 duplicate of it.

16 MS. RICKETSON: Sounds like a plan.
17 Thank you very much.

18 CHAIRMAN FOSTER: All right. So, having
19 said that, I want to announce that the Board, by
20 law, has up to 62 days before we have to make a
21 decision, and assuming that Mr. D'Amore does not
22 come up with any major changes as a result of
23 double checking minimal dimensions for certain
24 apartments -- and I kind of doubt that he
25 would -- it probably will stay within that time

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2 frame, because it would only be something like
3 that that would cause a major change in the
4 design that might upset the schedule, might call
5 for another public hearing, if you will.

6 So the public hearing portion will be
7 completed this evening, and the Board will
8 entertain the review of the documents over a
9 period of time up to 62 days. Sixty-two days
10 from tonight is November 23rd. That will be the
11 deadline date. It's a Monday night.

12 We will probably need to review all of
13 this information over the period of time existing
14 between tonight and November 23rd before we feel
15 comfortable with voting on it. For your
16 information, mark the date down, check with me or
17 the village clerk or Anna Welfley occasionally
18 just in case things change, and we'll certainly,
19 if it does change, through Anna, we will get
20 notifications and we'll state the reason for the
21 change, but right now it looks certain to me like
22 that's the date we're headed for.

23 Okay. Yes, ma'am?

24 MS. KEEFE: The project in Victory has
25 all been posted online and you can read all about

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2 it. This project has not. I mean, other than
3 the occasional minutes, we have not seen online
4 the whole application process. Is that going to
5 happen?

6 CHAIRMAN FOSTER: You know, that's kind
7 of an interface between the Planning Board. The
8 Planning Board has one secretary. The Village
9 Board would probably have to get involved in
10 that, and I'm just frankly unsure of whether or
11 not they can handle that kind of a workload.

12 The record is kind of clear, and this
13 project is five apartments in an existing private
14 home. Whereas, the Victory project, that's a
15 major apartment. That's a big deal.

16 MR. KEEFE: No, I'm just curious if we
17 would be able to see it or if we would have to
18 search it out.

19 CHAIRMAN FOSTER: That's a different
20 scope all together. If I can have it done, I
21 will. I just can't promise. I don't know. Yes?

22 MS. RICKETSON: And I hate to keep bring
23 up things, but my other question to the Board,
24 which I've stated in the document that we
25 provided, but I remember in January when C.T.

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2 Male was saying about -- we were talking about
3 the water runoff. There was a concern about
4 that, and I remember our CEO stated that he
5 recommended that there be another independent
6 engineer hired to come in and review that.

7 I really do not feel comfortable just
8 accepting what C.T. Male is saying with the
9 documents they're providing. I really feel the
10 Board should be getting a backup from another
11 engineer, just like Gil said, so that you
12 actually can compare apples to apples.

13 It just seems -- it seems the way to go.
14 When you read documents from other projects that
15 he's done in two other states, I think it should
16 point out very clearly that it should be done.

17 CHAIRMAN FOSTER: Is any of that
18 information in the --

19 MS. RICKETSON: Yes, it is, and I will
20 say there's not enough. I can get more because I
21 read about five years worth.

22 CHAIRMAN FOSTER: Let us take a look at
23 what you've submitted and consider it seriously.

24 MS. RICKETSON: Perfect. Thank you.

25 CHAIRMAN FOSTER: Because --

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2 MS. RICKETSON: That is really of deep
3 concern.

4 CHAIRMAN FOSTER: -- as you probably
5 recall, Mr. D'Amore was hired by Mr. Davidson to
6 begin the process when he found out that he
7 needed to do that in order to get these
8 apartments in the Village.

9 MS. RICKETSON: Right.

10 CHAIRMAN FOSTER: But about eight months
11 ago Mr. D'Amore gave up his private practice and
12 became an employee of C.T. Male and took a few
13 projects with him as part of his hiring package,
14 I assume, and for my money, C.T. Male is a very
15 old, very well-established, very responsible
16 company in this business, and I almost fail to
17 see a problem with some of the work that they've
18 submitted, at least in the language and the
19 interpretation of the documents that they have
20 submitted for this project.

21 There are some projects where an
22 engineering company -- or if Mr. D'Amore hasn't
23 associated himself with C.T. Male, I might open
24 myself up to those suspicions. In this
25 particular case, I kind of find it, maybe not

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2 necessary, but I want to look at what you wrote
3 before I make up my mind --

4 MS. RICKETSON: I was basing it on
5 recommendations from Gil.

6 CHAIRMAN FOSTER: And I encourage all the
7 Board members to do the same. I mean, I don't
8 think they would put their name on a document
9 they really couldn't back up.

10 MS. RICKETSON: I was just basing it on
11 what Gill Albert said.

12 CHAIRMAN FOSTER: All right. So any
13 other comments?

14 (No response.)

15 CHAIRMAN FOSTER: Okay. Hearing none, I
16 would accept a motion to adjourn, but before
17 doing that, I would like to announce publicly on
18 the record -- Laurel, we are finished with the
19 public hearing. It has been closed. I'm going
20 to accept the motion here in just a second to
21 close the public hearing and then we're going to
22 move on to just a few minutes.

23 Can I have a motion to adjourn?

24 MS. MYERS: I make a motion that the
25 public hearing be adjourned.

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2 CHAIRMAN FOSTER: That was made by Board
3 member Ronalee Myers and seconded by?

4 MS. COLVIN: Second.

5 CHAIRMAN: It was seconded by Leona
6 Colvin.

7 CHAIRMAN FOSTER: Record is closed at
8 7:35. Please signify by saying aye.

9 (Response of aye.)

10 CHAIRMAN FOSTER: Are there any nays?

11 (No response.)

12 CHAIRMAN FOSTER: Seeing none, the record
13 is closed. Thank you very much.

14 (Whereupon, at 7:35 p.m. the proceedings
15 in the above-entitled matter were concluded.)
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C E R T I F I C A T I O N

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2
3 I, LAUREL STEPHENSON, a Court Reporter and
4 Notary Public in and for the State of New York, do
5 hereby certify that the foregoing record taken by me at
6 the time and place as noted in the heading hereof is a
7 true and accurate transcript of same, to the best of my
8 ability and belief.
9

10
11 _____
12 Laurel Stephenson

13 Date: September 30, 2020
14
15
16
17
18
19

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