

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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5 CAPITAL BANK
6 581 LOUDON ROAD
7 APPLICATION FOR FINAL SITE PLAN APPROVAL
8 *****

9 THE STENOGRAPHIC MINUTES of the above entitled
10 matter BY NANCY STRANG-VANDEBOGART, a Shorthand
11 Reporter, commencing on August 21, 2012 at
12 7:41 p.m. at the Public Operations Center
13 347 Old Niskayuna Road,
14 Latham, New York 12110

15 BOARD MEMBERS:

- 16 PETER STUTO, CHAIRMAN
- 17 MICHAEL SULLIVAN
- 18 KATHY DALTON
- 19 LOU MION
- 20 BRIAN AUSTIN
- 21 TIMOTHY LANE
- 22 KAREN GOMEZ
- 23 ELENA VAIDA, Esq., Attorney for the Planning Board

24 Also present:

- 25 Joe LaCivita, Director, Planning and Economic
Development
- Michael Tengeler, Planning and Economic Development
- Rob Osterhout, Bohler Engineering
- Joe Grasso, PE, Clough Harbour and Associates

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1 CHAIRMAN STUTO: Next on the agenda is
2 Capital Bank, 581 Loudon Road, application for
3 final site plan approval.

4 Mike, you want to give an introduction
5 for this?

6 MR. TENGELER: I'll put some dates on the
7 record so we can track the status of this
8 project. As it's moved through the process, it
9 went through the DCC meeting on March 28, 2012
10 with a sketch plan on April 24th. They were
11 here for concept on July 10th and now we're
12 here for final approval tonight. They're going
13 to be requesting four waivers tonight for the
14 Board to consider. And I'll turn it over to
15 Bohler Engineering.

16 MR. OSTERHOUT: Good evening. My name is
17 Rob Osterhout with Bohler Engineering. I'm
18 back to present the project to the Board and
19 the public for consideration for final
20 approval tonight.

21 Simply, the changes that we've built into
22 the revised site plan for the project mostly
23 revolve around the landscaping. We discussed
24 this at the last meeting.

25 We also discussed the changes relative to

1 the sidewalk whereas there is a corridor
2 planned for sidewalks through this section of
3 Town. The changes that we are discussing
4 relative to the sidewalks on the site would
5 involve construction of sidewalks from Siena
6 all the way up to the Loudon Village project
7 to the north. This project would actually
8 construct a portion of those sidewalks and it
9 would also be a contribution towards the
10 remainder of the sidewalks that would be
11 constructed along the site frontage. Right now
12 the project is considering the sidewalks from
13 the front entrance of the facility out to
14 Route 9 where we are proposing a new pad for
15 the CDTA bus stop that's located out front. It
16 will then continue up and around the corner
17 along Homestead to our site driveway on
18 Homestead. The remainder of the sidewalk from
19 that entrance down to the south into the north
20 would be constructed under the corridor plan.

21 CHAIRMAN STUTO: Can you say that last
22 one again? You're showing a sidewalk there,
23 but you're not constructing it?

24 MR. OSTERHOUT: We're showing a sidewalk
25 in a ghosted out fashion on our plans to show

1 that there is a future sidewalk considered
2 along the corridor. However, that would be
3 constructed as part of the overall corridor.

4 CHAIRMAN STUTO: Can you trace quickly
5 what you're going to construct and then what
6 will be constructed?

7 MR. OSTERHOUT: Sure. This is the front
8 door of the facility out to Route 9 where the
9 new pad will be for the CDTA bus stop
10 (Indicating) and from that point around the
11 corner along Homestead -

12 CHAIRMAN STUTO: And the rest is the
13 future?

14 MR. OSTERHOUT: Correct.

15 CHAIRMAN STUTO: Okay, thank you. I just
16 wanted to understand that.

17 MR. OSTERHOUT: As far as the landscaping
18 improvements that we've added -

19 CHAIRMAN STUTO: And they're setting
20 money aside, Joe?

21 MR. LACIVITA: Yes, there will be money
22 set aside.

23 MR. OSTERHOUT: We have proposed
24 additional landscaping along the easterly
25 boundary line. We talked about that at the

1 last meeting. We were retaining some existing
2 vegetation over in that area however, the
3 Board asked about providing some additional
4 landscaping over in that area.

5 CHAIRMAN STUTO: What specifically are
6 you providing?

7 MR. OSTERHOUT: What we are providing
8 here is very significant landscaping and
9 buffering. Some of the landscaping that's
10 actually being relocated for the sight
11 distance improvements are anywhere from eight
12 to 20 foot plantings. They will be relocated
13 onto the site. I know that the TDE had an
14 issue or a concern relative to those plantings
15 and make sure that they would be monitored and
16 that they would last in perpetuity. We are
17 going to add some notes to the plan relative
18 to those plantings and if they do not survive
19 the transplanting, that they are replaced.

20 Other than that there were some concerns
21 with the parking. We provided the agreements
22 that we talked about at the last meeting
23 relative to the neighbors. We are providing
24 additional parking on this site for the
25 neighboring doctor's office across Homestead

1 Drive. We're trying to do our part in good
2 faith and as a good neighbor to help that
3 problem, even though it does not have anything
4 to do with this a particular project.

5 CHAIRMAN STUTO: How many spots are they
6 getting?

7 MR. OSTERHOUT: There are six spaces
8 allocated to that.

9 In addition to that, we have some minor
10 site plan changes that we have incorporated to
11 address the miscellaneous comments that we had
12 received to date.

13 At this point, we understand that there
14 are some additional comments worth commenting
15 on. We did receive Clough Harbour's most
16 recent letter from last week. We sat down with
17 Clough Harbour to review those comments and to
18 identify how we were going to identify those
19 comments. We really have a good plan and
20 approach on how we're going to tackle those.
21 We don't see any issues with addressing those
22 comments. Other than that, I'll open it up to
23 any further questions.

24 CHAIRMAN STUTO: We'll hear from our Town
25 Designated Engineer, Joe Grasso from CHA.

1 MR. GRASSO: Before I get going, I'd like
2 to just ask Rob to expand his presentation
3 regarding the access arrangement for the site
4 and the changes in access that are currently
5 out there. Also what's important to the
6 project is some improvement off the site
7 regarding site lines and vegetative clearing.
8 Could please describe that for the Planning
9 Board?

10 MR. OSTERHOUT: Sure thing.

11 Relative to the access - as we had
12 proposed previously, we have a right in and
13 right out access on Route 9 - full access onto
14 Homestead Drive. We've made some minor
15 modifications to this access point to shift it
16 slightly to the north. There is an existing
17 utility pole along our frontage here and a
18 guide wire. So, we shifted that driveway less
19 than five feet so that we could accommodate
20 that existing pole and guide wire within the
21 curbed island. We've also added some mountable
22 curb here as per the Fire Department's request
23 and modified some signage there. The access
24 out onto Homestead Drive, as proposed
25 previously - there hasn't been any changes

1 there.

2 As far as the sight distance improvements
3 go, there are two things going on here where
4 we're improving the sight distance. One is to
5 allow rights out of the Route 9 access drive
6 here (Indicating). In order to accommodate
7 that, there is a clearing that's necessary
8 along Route 9 to the south. There is an
9 agreement in place with that neighboring
10 property owner to allow for the removal of
11 vegetation and to maintain that clearing in
12 the future so that the sight distance could be
13 maintained. Those are the plantings that I
14 identified that would be relocated onto the
15 site.

16 To the north, if you're coming out of
17 Homestead Drive onto Route 9, there is an
18 existing bank here (Indicating) -- not a
19 retail bank, but an earth bank. It blocks the
20 view to the north and limits sight distance.
21 As part of this project, the sight distance
22 improvements to the north will involve grading
23 that slope back further into Dr. Clark's
24 parcel, relocating and replacing. Actually,
25 we'll be providing a new hedgerow on the

1 property and some various miscellaneous
2 utility service modifications that have to
3 take place.

4 With that, that will also allow for the
5 extension of the sidewalk in the future along
6 that section of Route 9.

7 CHAIRMAN STUTO: I was looking through
8 some papers, so I'm not sure if you answered
9 it but the access from Homestead onto
10 Route 9 - is that changing? What is it now and
11 is it changing?

12 MR. OSTERHOUT: The Homestead Drive
13 access onto Route 9 right now is limited to
14 rights out. With the sight distance
15 improvements that we're considering as part of
16 this project, we are proposing - and DOT has
17 agreed to this idea - that this restriction be
18 lifted and that this would be a full access
19 from Homestead out onto Route 9.

20 MR. GRASSO: We have a comment letter in
21 your packet dated October 13th and as Rob had
22 indicated, we've met to review the comments.

23 MR. LANE: August 13?

24 MR. GRASSO: I'm sorry - August 13. The
25 letter identified 26 comments and most of

1 those are technical. We've done multiple
2 reviews of the project as the plans have
3 evolved. I will touch to that comment letter.
4 As Rob had mentioned the project is going to
5 require a number of waivers and those are
6 listed in comment number 2 of our letter
7 including the maximum number of parking
8 spaces, because they're going to be
9 constructing more than the maximum allowed by
10 the Code. The next is the minimum front yard
11 parking setback, and the third being parking
12 on the pavement within the front yard setback.
13 The fourth is the maximum front yard building
14 setback and the fifth is being the minimum
15 frontage build-out of 80 percent. The
16 applicant has provided justification for each
17 of the waivers and in general the rationale
18 provided appears to justify the waivers and
19 will result in what we feel is an appropriate
20 designed project that would result in less
21 impact on the character of the neighborhood,
22 less environmental impact or both.

23 In furtherance to our comment, in this
24 letter we have drafted for consideration by
25 the Planning Board land use waiver findings.

1 Those are on the back of the first page
2 included in your Planning Board packet. If we
3 get to that point, I'd be happy to read those
4 into the record.

5 I'm not going to go through all the
6 technical comments because I have sat down
7 with the applicant's team and gone through
8 their response to those comments, and we
9 believe that they have been or in the process
10 of being adequately addressed.

11 There are a couple of things that I think
12 that are important to have some Planning Board
13 input on. Comment four talks about the shared
14 parking arrangement that's going to be half a
15 dozen parking spaces on site - primarily
16 reserved for the doctor's office on the other
17 side of Homestead Avenue - obviously trying to
18 address that site's parking deficiency and
19 alleviate some of the on-street parking that is
20 occurring on Homestead.

21 MR. LANE: So, the parking will be for
22 the employees?

23 MR. GRASSO: I don't know if the
24 agreement specifically states that it can only
25 be for the doctor's office employees. I think

1 that it's reserved for that parcel's use. One
2 of the questions is: Is it desirous from the
3 Board that those parking spaces be demarcated
4 in any special way?

5 CHAIRMAN STUTO: I'll chime in on that
6 now.

7 Does anyone else have an opinion on that?
8 Is there a consensus here?

9 MS. DALTON: Why do they need to be
10 designated?

11 MR. LANE: To ensure that they have the
12 space. It's a very small parking area that
13 they have. I think that this alleviates this
14 and I think that it should be designated.

15 CHAIRMAN STUTO: I'm in favor of
16 designating.

17 What is your recommendation, Joe?

18 MR. GRASSO: Understanding that there is
19 work proposed on the doctor's office north of
20 Homestead and actually constructing the
21 parking spaces on this project site is in some
22 form of mitigation for being allowed to do
23 work on that property. That's integral to them
24 getting a full access out onto Homestead and
25 Route 9. We can see that a formal demarcation

1 of those parking spaces be shown and be a
2 condition of the final site plan. Obviously,
3 if the patrons of the bank site needed to
4 park, if those spaces are available, they're
5 going to use it before they park off-site,
6 which we would encourage. I think that it
7 would be an improvement if they marked those
8 spaces being reserved in some fashion for that
9 adjacent lot to the north. Like I said, the
10 Planning Board has spent a lot of time
11 discussing the parking and how many spaces
12 should be provided and where should they be. I
13 want to make sure that we got the comments
14 from the Planning Board on that issue.

15 CHAIRMAN STUTO: Okay, well, we'll all
16 have a crack at that.

17 MR. GRASSO: We're supportive of the
18 access arrangement plan for the project and we
19 understand that they've been working with DOT
20 on some details. We're confident that DOT is
21 supportive of the plan. We're also supportive
22 of the sidewalk arrangement and what they're
23 looking to construct, and what they're looking
24 to fund in terms of escrow for a corridor-wide
25 sidewalk improvement.

1 Also integral to this site plan is the
2 ornamental fencing that provides the build-out
3 frontage. And one of our comments was
4 recommending some additional landscaping along
5 the fencing, similar to what the Planning
6 Board had requested for the Fresh Market
7 Commons project and some of the Stewarts
8 projects that have come before the Board. I
9 don't know if the Planning Board had any
10 additional comments regarding the landscaping.
11 Understanding that this project is up for
12 preliminary final, it could be the last chance
13 that the Planning Board has to review the
14 project in detail, so any comments there
15 should be made at this time.

16 With that, all of our other comments are
17 primarily technical and engineering related
18 and we're comfortable with the applicant's
19 response to those.

20 CHAIRMAN STUTO: Okay, we'll hear from
21 the public.

22 Fred Pettingill.

23 MR. PETTINGILL: Mr. Chairman, I have
24 just one question.

25 From the Homestead entrance to Route 9, I

1 think that because you're getting additional
2 parking spots in the parking lot, maybe you
3 could have no standing or no parking from
4 their driveway to Route 9 to help the visual
5 and the access for emergency vehicles?

6 CHAIRMAN STUTO: Not allowing parking in
7 that section of the road closest to Route 9?

8 MR. PETTINGILL: Yes, between your
9 driveway on Homestead out to Route 9 - any
10 additional parking spots or for line of sight
11 and emergency vehicles access -

12 CHAIRMAN STUTO: That's a Town Board call
13 but I appreciate what Joe, your comment would
14 be on that.

15 MR. GRASSO: Yes, it's obviously a Town
16 Board action. In some sense, we support that
17 comment.

18 I guess a concern that we would have is
19 if we establish no parking there along that
20 side of the road and six parking spots on this
21 site isn't enough to accommodate overflow
22 parking, then do we drive those cars further
23 down into the residential neighborhood? I can
24 see eliminating parking so that it doesn't
25 impact the operation of the curb cut, but I

1 would be concerned with extending it too far
2 down Homestead Drive. I think that it's
3 something that the Town would have to be the
4 proponent of - that they felt like they were
5 addressing the public's concern regarding
6 that.

7 CHAIRMAN STUTO: Joe LaCivita, who can
8 you talk to within the Town?

9 MR. LACIVITA: We'll talk to Highway
10 Safety Committee on that and see what their
11 recommendations might be and what the process
12 would be to get it going.

13 MR. GRASSO: Sometimes if this site gets
14 constructed and gets under full occupancy, we
15 can get a better sense of how it's going to
16 operate. At that time, we can revisit the off
17 street parking issue and see if there are
18 other changes that the Town would need to make
19 there.

20 CHAIRMAN STUTO: Anybody else from the
21 public wish to be heard on this project?

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

23 CHAIRMAN STUTO: Okay.

24 Karen, we'll start with you.

25 MS. GOMEZ: Thanks, but I have no

1 questions.

2 CHAIRMAN STUTO: Mike?

3 MR. SULLIVAN: One question remains with
4 the limited access in off of Route 9. Where
5 does DOT stand on that? Have they approved
6 that? I know that in the past, they had
7 concerns about that.

8 MR. OSTERHOUT: They did have concerns
9 about that. The applicant presented additional
10 information to New York State DOT. They
11 responded with documentation that should be in
12 the packets relative to that. They do need to
13 get detailed plans for the improvements
14 including the curb cuts and sight distance
15 cleaning. That's forthcoming and they're
16 involved in the process. In addition, Clough
17 Harbour is coordinating that effort, too, and
18 reviewing it.

19 MR. SULLIVAN: Thank you.

20 CHAIRMAN STUTO: Tim?

21 MR. LANE: Of the comments made by Clough
22 on the August 13th letter, were there any items
23 that you had an issue with, or do you think
24 that they're all things that can be resolved?

25 MR. OSTERHOUT: No, we went through item

1 by item withy Clough Harbour and we don't see
2 any issue with addressing them.

3 CHAIRMAN STUTO: Brian?

4 MR. AUSTIN: I don't have anything.

5 CHAIRMAN STUTO: Lou?

6 MR. MION: Nothing.

7 CHAIRMAN STUTO: Kathy?

8 MS. DALTON: I just had a question with
9 regard to the stacking.

10 Can you just show me how you expect it to
11 work?

12 MR. OSTERHOUT: Sure. Any traffic
13 northbound on Route 9 would come into the site
14 would enter here (Indicating). If they wanted
15 to access the drive-thru, they would turn left
16 right into the drive-thru. You have quite a
17 bit of stacking room in the drive-thru as you
18 can see on the plans. I think that we had nine
19 or ten cars available with two lanes on the
20 drive-thru. Anyone wanting to go into the
21 facility would then circulate to the rear. If
22 somebody happened to miss this entrance, they
23 can always come off Homestead and do the same
24 thing. They can circulate through the site.
25 This is two way internal access. They can

1 circulate through to the drive-thru here.
2 Anybody heading southbound on Route 9 would
3 take that similar movement to Homestead into
4 the site; either into the facility here, or
5 circulate through the drive-thru. We have
6 signage on our site plan that restricts Route
7 9 southbound traffic to use Homestead Drive.
8 So, there is signage posted at the drive-thru
9 here for that purpose. Other than that,
10 anybody who wanted to head north on Route 9
11 could exit the site here or they could exit
12 Homestead and head northbound to Route 9 there
13 (Indicating). If anybody was heading back to
14 the neighborhood, they would obviously have
15 full access off of Homestead.

16 MS. DALTON: Thank you.

17 CHAIRMAN STUTO: Thank you.

18 I think that it's the right project for
19 this site. I think that the applicant has done
20 a great job accommodating our comments and I
21 think that it's ended up pretty darned good.
22 It's going to alleviate some of the parking
23 from the doctor's office. Also I think that
24 the neighbors are going to appreciate making a
25 left turn out of Homestead and the sight line

1 improvements that you're doing there.

2 There is one thing that I didn't fully
3 understand.

4 Joe, you made comments on landscaping,
5 fencing and some more plantings. What's there
6 now in terms of the fencing? Is that the
7 fencing façade that you're referring to?

8 MR. GRASSO: Yes, it's the ornamental
9 fence there.

10 CHAIRMAN STUTO: What's in the plans now
11 for that?

12 MR. OSTERHOUT: I can point that out.

13 CHAIRMAN STUTO: Please.

14 MR. OSTERHOUT: Obviously the building is
15 located here (Indicating). We have ornamental
16 fencing with some columns that come out from
17 the building here down to our access point on
18 Route 9 here. It's the same thing on the other
19 side. You come off the corner of the building
20 and up along Homestead to our driveway here
21 (Indicated).

22 CHAIRMAN STUTO: Joe, how can that be
23 improved?

24 MR. GRASSO: In other projects what has
25 been proposed, even though you have fencing,

1 it includes some low-lying landscaping between
2 the road and the fencing itself - some flowers
3 or boulders or something -- just to break it
4 up so you don't have that straight row of
5 fencing. It actually can make it easier to
6 maintain when you've got a landscaped bed
7 there, rather than I'm just going to mow right
8 around the columns and underneath the fence.

9 CHAIRMAN STUTO: Does the applicant have
10 any objections to that?

11 MR. OSTERHOUT: No, we don't. We were
12 talking about adding some of that right along
13 that fence section along Route 9.

14 CHAIRMAN STUTO: Thank you.

15 With respect to designating the six
16 parking spots -

17 MR. GRASSO: We could stripe out the
18 spots and put reserved on it. We could add
19 signs in front saying reserved. We can say
20 "reserved for" - however we want to identify
21 the adjacent use.

22 CHAIRMAN STUTO: You're going to review
23 the final plans after this?

24 MR. GRASSO: Yes, we will. I just want to
25 make sure that our review is consistent with

1 what the Planning Board wants.

2 CHAIRMAN STUTO: You and Elena want to go
3 over SEQRA?

4 MR. GRASSO: I'll touch on SEQRA. It's a
5 Type II action. It was previously determined
6 that no additional SEQRA reviews are required.
7 That was provided by the Town Attorney's
8 office and the action before the Board is the
9 approval of the waiver findings and then
10 condition of final site plan approval.

11 CHAIRMAN STUTO: Okay, you want to go
12 through the waivers?

13 MR. GRASSO: Sure. That's on the back of
14 the cover sheet.

15 I won't read the whole item verbatim,
16 mostly just for the sake of time.

17 Whereas the applicant is requesting a
18 wavier from the Town of Colonie Land Use Law
19 related to the maximum front building setback
20 of 20 feet, parking within the front yard
21 parking lot paving within 15 feet of the front
22 lot line and a minimum frontage build-out of
23 80 percent related to the maximum number of
24 parking spaces allowed.

25 Whereas the Town of Colonie Planning

1 Board may waive these standards to the extent
2 it deems necessary in order to secure
3 reasonable development of the site. In such
4 case, the applicant must establish that there
5 are no practical alternatives to the proposed
6 waiver that would conform to the standard and
7 the Board shall issue a written finding
8 stating the extent and justification of the
9 waiver.

10 Whereas the project site is the last
11 parcel within the NCOR Zoning District and is
12 isolated from other uses within the NCOR
13 district because of it's a corner lot;

14 And whereas the proposed building setback
15 is consistent with other existing building
16 setbacks in the area;

17 And whereas parking is located within the
18 front yard because the development area is
19 limited since the property is a corner lot and
20 has two front yards, it is at the border of
21 the NCOR district and is subject to larger
22 setback requirements for the adjoining single
23 family residential zoning district;

24 And whereas the proposed site plan
25 attempts to provide the largest possible

1 buffer to the adjoining Single Family
2 Residential district;

3 And whereas the applicant is proposing a
4 decorative aluminum fence with stone column to
5 provide approximately 47 percent build-out
6 along Homestead Drive;

7 And whereas less build-out along
8 Homestead Drive provides an improved sight
9 distance and a smooth transition between
10 commercial and residential uses;

11 And whereas 24 parking spaces are
12 proposed, providing additional spaces to help
13 ease existing parking issues along Homestead
14 Drive.

15 Now therefore, be it resolved that the
16 Board hereby finds that the extent of the
17 requested waivers are not considered
18 substantial;

19 And be it further resolved that the Board
20 finds the applicant has established that there
21 are no practical alternatives to the proposed
22 waiver that would conform to the standard in
23 that the waiver is necessary in order to
24 secure reasonable development of the site.

25 Be it further resolved that the Board

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1 hereby issues a waiver from the maximum front
2 building setback of 20 feet. Be it resolved
3 that the Board hereby issues a waiver from the
4 prohibition of parking located within the
5 front yard, that the Board hereby issues a
6 waiver from the prohibition of parking within
7 15 feet of the front lot line, and that the
8 Board hereby issues a waiver from the minimum
9 frontage build-out of 80 percent and finally
10 that the Board hereby issues a waiver from the
11 maximum number of parking spaces allowed.

12 Be it further resolved that these waiver
13 findings be a condition of site plan approval
14 of the application and be kept in the project
15 file in the office of the Planning and
16 Economic Development Department.

17 CHAIRMAN STUTO: Do we have a motion on
18 this resolution before us?

19 MR. MION: I make a motion to accept.

20 CHAIRMAN STUTO: Second?

21 MR. AUSTIN: I'll second it.

22 CHAIRMAN STUTO: Any discussion?

23 The only discussion that I would add is
24 if we vote on this positively, that the
25 stenographer will include the entire

1 resolution for the record.

2 We'll take a vote. All those in favor?

3 **(Ayes were recited.)**

4 CHAIRMAN STUTO: All those opposed?

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

6 CHAIRMAN STUTO: The ayes have it.

7 MS. VAIDA: Peter, just on the waivers,
8 it would also be a good idea -- and I think
9 that's what they were intending to do anyway,
10 but to list the waivers on the site plan,
11 itself - that were granted.

12 CHAIRMAN STUTO: It says here just to put
13 them in the file.

14 Can we get these in the site plan?

15 MR. OSTERHOUT: Absolutely. That was a
16 comment of Clough Harbour's.

17 CHAIRMAN STUTO: We'll take a motion on
18 Elena's suggestion to put the waivers on the
19 site plan.

20 MR. AUSTIN: I'll make that motion.

21 MR. LANE: Second.

22 CHAIRMAN STUTO: All those in favor?

23 **(Ayes were recited.)**

24 CHAIRMAN STUTO: All those opposed?

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

1 CHAIRMAN STUTO: The ayes have it.

2 With respect to the main motion which is
3 for final site plan approval, subject to the
4 department comments, the Town Designated
5 Engineer comments and our comments in the
6 record this evening, do we have a motion?

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

8 CHAIRMAN STUTO: Second?

9 MR. AUSTIN: Second.

10 CHAIRMAN STUTO: All those in favor?

11 MS. DALTON: Aye.

12 MR. MION: Aye.

13 MR. AUSTIN: Aye.

14 CHAIRMAN STUTO: Aye.

15 MR. LANE: Aye.

16 MS. GOMEZ: Aye.

17 CHAIRMAN STUTO: All those opposed?

18 MR. SULLIVAN: Nay.

19 CHAIRMAN STUTO: Okay, we have one nay;

20 Mr. Sullivan.

21 The ayes have it.

22 Thank you.

23

24 ***(Whereas the above entitled proceeding***

25 ***was concluded at 8:07 p.m.)***

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CERTIFICATION

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4 *I, NANCY STRANG-VANDEBOGART, Short hand*
5 *reporter and Notary Public in and for the*
6 *State of New York, hereby CERTIFY that the*
7 *record taken by me at the time and place*
8 *noted in the heading hereof is a true and*
9 *accurate transcript of same, to the best of*
10 *my ability and belief.*

11
12
13
14 _____
 NANCY STRANG-VANDEBOGART

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17 *Dated September 4, 2012*