

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 FIRST COLUMBIA OFFICE/HOTEL  
227 WOLF ROAD/652 ALBANY SHAKER ROAD  
5 FINAL APPROVAL

\*\*\*\*\*

6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
8 Reporter, commencing on June 9, 2015 at 9:41 p.m. at  
The Public Operations Center, 347 Old Niskayuna  
Road, Latham, New York.

9

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

17 ALSO PRESENT:

18 Kathleen Marinelli, Esq. Counsel to the Planning Board

19 Joseph LaCivita, Director, Planning and Economic  
Development

20 Michael Tengeler, Planning and Economic Development

21 Kevin Bette, Columbia Development

22 Chuck Voss, PE, Barton and Loguidice

23 Paul Tomasetti

24

25

1           CHAIRMAN STUTO: Next and final is First Columbia  
2 Office/Hotel, 227 Wolf Road and 652 Albany Shaker Road.  
3 This is an application for final approval. This is a  
4 four-story 60,000 square foot office and six story 200  
5 room hotel (smaller square foot overall).

6           Joe, do you want to give an introduction to  
7 this?

8           MR. LACIVITA: I would like to turn it right over  
9 to Kevin and Chris, so that they can present on it.

10          MR. BETTE: Thank you very much for having us.  
11 There have been long conversations tonight so hopefully  
12 we'll be short.

13          As you probably heard, the Pioneer Bank was  
14 interested in coming to the site here, which is  
15 their headquarters. Their bank is going to be  
16 growing. They are looking for a central location  
17 for the entire Capital District, bringing all their  
18 staff and employees over to the Town. We are working  
19 with them in their current offices in Troy. They  
20 were in three different buildings and it wasn't very  
21 good for their growth. That would be the office  
22 building here (Indicating).

23          Then, the hotel. As Afrim and I talked at the  
24 last meeting with the Board, we have cooperated  
25 on solving the driveway issue on Afrim's property to

1 consolidate so that there would be one single exit  
2 point on Albany Shaker Road. I guess if there are  
3 any questions, we'd be happy to answer them.

4 CHAIRMAN STUTO: I guess I would ask our Town  
5 Designated Engineer to make a comment. I also  
6 understand that there is a special circumstance on the  
7 square footage. Could you explain that?

8 MR. VOSS: I'll let Joe address that one.

9 In terms of the final site plan review, we have  
10 worked with Chris and their engineers very quickly  
11 and closely over the last couple of months. We have  
12 resolved basically all the issues that we had.

13 If the Board remembers the last time that they  
14 were here, we had a couple of stormwater management  
15 issues to work out with some details with one of the  
16 designs on the site near the hotel. With the  
17 change, we don't see any additional information that  
18 is necessary. We have looked at everything and our  
19 engineers have approved everything.

20 At this point, we are comfortable with the  
21 Board moving forward on a final. The only condition  
22 that we would certainly ask is the typical one where  
23 we just ask that any final details related to their  
24 stormwater management system or any of the systems  
25 be worked out with the TDE. That's our typical

1 final seal of approval.

2 CHAIRMAN STUTO: Did anything change on the egress  
3 and ingress in any of those locations since the last  
4 time? Can we just go over them quickly and make sure  
5 that we are accurate and precise?

6 MR. VOSS: Yes. Everything is basically what the  
7 Board had authorized the last time that we discussed  
8 this.

9 The ingress and egress that Kevin is pointing  
10 to there has remained exactly the same; right-in and  
11 right-out.

12 Kevin, why don't you go ahead and give the  
13 Board an overview.

14 MR. BETTE: Sure. It's right-in and right-out off  
15 of Wolf Road. You can only come in right and leave  
16 right.

17 CHAIRMAN STUTO: And none of the geometry has  
18 changed either?

19 MR. BETTE: No. That's the existing curbcut that  
20 was there. This, as you suggested, is entrance only so  
21 there is no exiting there. It's really just a right-in  
22 exit only. This is the consolidated joint between  
23 Afrim's property and ours which would be to allow lefts  
24 in from Albany Shaker Road that are heading west so that  
25 it would be as you come in here.

1           CHAIRMAN STUTO: How do they get to your property?  
2           It's not easy to see from here. I thought that you took  
3           a left in from there.

4           MR. BETTE: Most of our traffic would come in here  
5           and go through this connector (Indicating).

6           CHAIRMAN STUTO: What is the thing above it?

7           MR. BETTE: That is the drive-thru for the bank.  
8           This is the main entrance and this is the cross  
9           connector between the two properties. There is one in  
10          the back and one in the front here (Indicating).

11          CHAIRMAN STUTO: So, they could peel off and go  
12          through the drive-thru, right?

13          MR. BETTE: Yes.

14          CHAIRMAN STUTO: Is the geometry of that drive-thru  
15          a problem?

16          MR. VOSS: We don't see it as an issue; no. There  
17          is plenty of queuing space in there for the amount of  
18          vehicles that are anticipated.

19          MR. AUSTIN: Is Afrim's going to be the main  
20          entrance?

21          MR. BETTE: Yes.

22          MR. AUSTIN: Is that where the signage is going to  
23          be?

24          MR. BETTE: Yes, there will be a pedestal sign  
25          right here (Indicating).

1           CHAIRMAN STUTO: And those are the main ones to the  
2 public highways. How about the connections to the  
3 adjacent properties?

4           MR. BETTE: The connection here (Indicating) was to  
5 the hotel property.

6           CHAIRMAN STUTO: Those are all two-way?

7           MR. BETTE: Yes, they're two-way. And there is a  
8 connection back to Afrim's back parking lot over here  
9 (Indicating). We are connected to all of our adjoining  
10 properties.

11          MR. VOSS: That's basically all we had. From an  
12 engineering standpoint, the site is ready to go.

13          CHAIRMAN STUTO: Has the parking changed?

14          MR. VOSS: No.

15          CHAIRMAN STUTO: Joe, you were talking about the  
16 square footage.

17          MR. LACIVITA: Yes, the one building that we know  
18 is paramount is going to be the headquarters for Pioneer  
19 Bank. We have a defined tenant and they have a designed  
20 timeframe to go. If you look at the overall site, it's  
21 8.3 acres. If you look at the density calculation and  
22 the density chart, maximum square footage - and this is  
23 based on the fact that we have changed the site just a  
24 little bit with the hotel - when it went through the  
25 plan review from the zoning component and Planning, they

1 looked at the density and they saw this issue that  
2 popped up. The 18,000 square feet time 8.3. The maximum  
3 commercial density on this site should be 149,400.

4 The Town Attorney and I have been talking about  
5 the two individual parcels. This going on its own -  
6 the 60,000 square feet for the office can be done by  
7 right. If you look at the incentive to raise, based  
8 on the Land Use Laws, 190.27 - 24,000 square feet  
9 per acre is allowed under incentive standards. So,  
10 the Town Attorney and I have talked along with Kathy  
11 Marinelli. We looked at the 60,000 square feet and  
12 they can get that in there. If they have to come  
13 back later for a variance for the hotel, we can  
14 certainly do that, but we are telling the Planning  
15 Board that the density is allowed and based on the  
16 incentives that we have seen, they are under the  
17 24,000 square feet per acre as it stands right now,  
18 based on the Land Use law Code.

19 CHAIRMAN STUTO: I understood it slightly  
20 different, but I'm not sure what I understood. I  
21 thought that when they finalized the hotel that they  
22 would have to come back.

23 MR. LACIVITA: They have to come back anyway when  
24 it comes back to the hotel. We're giving them a final  
25 because we're going to have to look at the elevations.

1 We're going to have to see this site again. The Town  
2 Attorney and I - and I know Kathy was trying to reach  
3 Michael today - that office complex, 60,000 square feet  
4 meets the density requirement as is to get the approval  
5 moving forward for that in order to get the site going.  
6 As the hotel starts to come, maybe it's a different  
7 flag, maybe it goes down in size, then they come back to  
8 see if they have to meet the density calculation. It  
9 may change. It may go lower and the design may change,  
10 but we don't want to hold up the site from going forward  
11 because the office is ready to go.

12 CHAIRMAN STUTO: Let me state it a different way.  
13 The way that the square footage is on this map, it meets  
14 the density requirement. It doesn't exceed it. You're  
15 saying that?

16 MR. LACIVITA: No. What I'm saying is that based  
17 on the 8.3 acres times the 18,000 as in the Code, it  
18 comes up to 149,400 feet. Incentive standards allow  
19 commercial density to then go up to 24,000 which goes up  
20 to 199,000 which this plan is under.

21 CHAIRMAN STUTO: So, it's both.

22 MR. LACIVITA: Yes, it's for both. The  
23 unfortunately thing is the Land Use Law doesn't tell you  
24 how to incentivize it to get to 24,000. We can't do it  
25 until we see what the flag is. That's what Mike said -

1           CHAIRMAN STUTO: What do you mean we don't know how  
2 to incentivize it? Is there a fee schedule?

3           MR. LACIVITA: This does not tell you a fee  
4 schedule. Correct me if I'm wrong, gentlemen.

5           CHAIRMAN STUTO: Do you agree with what he is  
6 saying?

7           MR. BETTE: Yes, after uncovering this, we find  
8 that he is correct. What he is saying is that it's very  
9 confusing. You saw it in the last presentation on  
10 Central Avenue. The new Code doesn't mesh well with a  
11 lot of these things and you would never figure that out.  
12 Everybody for a year and a half -- we never thought of  
13 that because we met all the Codes in the other ways.  
14 There are different ways to calculate the density. When  
15 we get the flag finalized for the hotel, the square  
16 footage for the hotel may change a little bit. We said,  
17 let's just wait. We're trying to finalize our deal with  
18 that right now. We'll come back in at the next meeting  
19 and we'll know the exact square footage of that product  
20 and then we can figure out what the incentive is and how  
21 to do that.

22           CHAIRMAN STUTO: So, there is incentive zoning but  
23 it doesn't say what the incentive is.

24           MR. VOSS: Correct. It's a problem with the Code.

25           MR. LACIVITA: This does not tell you how to allow

1 up to 24,000 per acre. It specifically says under  
2 190.27(d)(4) commercial density shall not exceed 24,000  
3 square feet per acre. It allows it in all the mixed  
4 zones.

5 MR. BETTE: But that doesn't make any sense if  
6 you're trying to do mixed use. It's the opposite of  
7 what the intention of the zoning is. Until you do a  
8 project, you don't find stuff like this out.

9 CHAIRMAN STUTO: The base zone is 18,000.

10 MR. LACIVITA: Correct, and it allows you to  
11 incentivize it to -

12 CHAIRMAN STUTO: Does it use those words or are  
13 those words?

14 MR. LACIVITA: No, I don't interpret what the laws  
15 are. I'm saying it exactly. Incentive zoning - the  
16 purpose and objective is the purpose of this section of  
17 the Town of Colonie Land Use Law to authorize the  
18 Planning Board to grant incentives to project sponsors  
19 during the review process. Such incentives shall  
20 advance the Town's Comprehensive Planning policies and  
21 provide opportunities to preserve open space and then it  
22 goes on.

23 CHAIRMAN STUTO: Well, that's instructive - what it  
24 says there - why we should exceed 18,000. It's not  
25 silent to it.

1 MR. LACIVITA: I beg to differ because it doesn't  
2 tell you how you can increase your density -

3 CHAIRMAN STUTO: It sounds like it's our discretion  
4 to incentivize it.

5 MR. VOSS: That would be essentially right and  
6 there is a whole checklist of items in there.

7 CHAIRMAN STUTO: Well, that's our discretion. I  
8 think that we need to talk about that and think about  
9 that.

10 MR. LACIVITA: Okay, what do you propose?

11 CHAIRMAN STUTO: Do you agree? If we are exceeding  
12 the base density under some incentive plan, shouldn't we  
13 understand why we are doing it?

14 MR. BETTE: You're exceeding the base density, but  
15 we're sharing the parking and that's consolidating the  
16 amount of parking area which leaves us with more green  
17 area. On that standard, we are well comfortable as far  
18 as that planning goes.

19 MR. LACIVITA: And did you look at what this  
20 project has done? We are looping the water in several  
21 locations for this site. We are actually making several  
22 interconnections to adjoining parcels on this site. We  
23 have done greenspace calculation which is higher as we  
24 talked about -

25 CHAIRMAN STUTO: I'd like you to read the whole

1 Section to us, if you don't mind.

2 MS. MARINELLI: It is the purpose of this section  
3 of the Town of Colonie Land Use Law to authorize the  
4 Planning Board to grant incentives to project sponsors  
5 during the plan review process. Such incentives shall  
6 advance the Town's comprehensive planning policies and  
7 provide opportunities to preserve open spaces in the  
8 Town with an approximate equivalence between the open  
9 space that may be lost or gained, as articulated in the  
10 Town's Comprehensive Plan and other current planning  
11 studies.

12 Authority of the Planning Board. Incentive  
13 zoning provisions may be used by the Planning Board  
14 to further the following Town objectives:

15 1) To protect the Town's important natural  
16 resources such as stream corridors, steep slopes,  
17 floodplains, wetland systems, wildlife habitats and  
18 unique ecosystems.

19 (2) To encourage the conservation of viable  
20 farmland and significant open spaces.

21 (3) To develop a network of open lands to  
22 provide wildlife habitat and potential recreational  
23 trail corridors, connections, and pathways.

24 (4) To protect the Town's significant cultural  
25 and historic resources.

1           (5) To focus development and redevelopment into  
2 mixed use centers.

3           (6) To ensure that all development occurs in an  
4 ecologically sound manner so that the Town can  
5 improve air and water quality.

6           (7) To protect viewsheds, scenic roads and  
7 environmentally sensitive lands.

8           (8) To encourage the use of conservation  
9 development throughout the Town, but particularly in  
10 environmentally sensitive or ecologically unique  
11 areas such as the Albany Pine Bush, the Mohawk and  
12 Hudson Rivers and tributaries, the Town's creeks,  
13 the Ashford Glen Preserve, Ann Lee Pond and Shaker  
14 Heritage Site, Kettle Bog, Stump Pond and other  
15 significant areas.

16           (9) To protect and enhance the Town's  
17 recreational resources.

18           (10) To provide public access to protected open  
19 spaces.

20           (11) To allow for an increased density of both  
21 commercial and residential development while  
22 enhancing and protecting a diversity of housing  
23 types.

24           And then it just talks about the validity and  
25 the zones that incentive zoning may be used for.

1           CHAIRMAN STUTO: It doesn't include this zone?

2           MS. MARINELLI: Yes.

3           CHAIRMAN STUTO: How do you interpret that? How  
4 many of those criteria are we including?

5           MR. VOSS: Like, 5, 6, 7, 8, 11. That's how I look  
6 at it.

7           CHAIRMAN STUTO: Can you repeat five, six and  
8 seven?

9           MS. MARINELLI: (5) To focus development and  
10 redevelopment into mixed use centers.

11           (6) To ensure that all development occurs in an  
12 ecologically sound manner so that the Town can  
13 improve air and water quality.

14           (7) To protect viewsheds, scenic roads and  
15 environmentally sensitive lands.

16           CHAIRMAN STUTO: Okay, we aren't doing that last  
17 one. How do we meet those criteria?

18           MR. VOSS: Five is focused on the concentrated  
19 development. Six was to ensure that all development  
20 occurs in an ecologically sound manner so that the Town  
21 can improve air and water quality. You've got the  
22 street buffer in the back that you're protecting as well  
23 as the wetlands complex on the site.

24           MR. LACIVITA: You're actually enhancing the  
25 wetland, too.

1 MR. BETTE: This is the wetland here that we're  
2 trying to enhance. We're trying to leave this big  
3 greenspace and the front openspace.

4 MR. VOSS: Seven: To protect viewsheds, scenic  
5 roads and environmentally sensitive lands.

6 Again, that wetlands complex that is there and  
7 the stream corridor.

8 To protect unique areas -- it talks about  
9 creeks and streams. Again, we have the creek in  
10 back.

11 Eleven: To allow for an increased density of  
12 both commercial and residential development while  
13 enhancing and protecting a diversity of housing  
14 types.

15 MS. MARINELLI: I don't think that the code  
16 requires that we meet all 10.

17 MR. VOSS: It gives you a sense of how you're going  
18 to evaluate the incentivizing.

19 MR. BETTE: The real issue is the density that was  
20 in that table is left over from old suburban zoning. If  
21 you built so many square feet with all the parking and  
22 everything, you would have about that density. Then,  
23 you try to take this new zoning and do mixed use and the  
24 table never got updated. Which one do you do?

25 CHAIRMAN STUTO: So, it's your opinion that we are

1 meeting the criteria to set them for incentive zoning?

2 MR. VOSS: My opinion? Yes, that's how I would  
3 look at those issues.

4 MS. MARINELLI: Yes.

5 CHAIRMAN STUTO: Somebody had said to me before the  
6 meeting that we were going to reserve a right to  
7 something on the hotel. Am I remembering that  
8 incorrectly?

9 MS. MARINELLI: I think that what we are going to  
10 do is we'll have to come back and if the density issue  
11 is a problem going forward, they'll have to go for an  
12 area variance by the Zoning Board.

13 MR. VOSS: Right now it's not but if they come back  
14 and it's way bigger -

15 MR. LACIVITA: Right, because right now we know  
16 that the building can stand on its own stormwater wise  
17 and everything else. That could actually move forward  
18 as it stands right now. That could be Phase II of the  
19 projected development. As it moves forward, if it does  
20 need an area variance.

21 CHAIRMAN STUTO: But he's still under the incentive  
22 zoning. Even if he increases it a foot, he can come for  
23 a site plan amendment.

24 MR. LACIVITA: Right.

25 MR. BETTE: So, let us get the final square footage

1 for the hotel and try to finalize that.

2 CHAIRMAN STUTO: But you're getting approved for  
3 the plans to go forward with Phase I.

4 MR. BETTE: Yes.

5 MR. LACIVITA: And SEQRA was done back in December  
6 16, 2014 in order for them to advance into SEAMAB. They  
7 got all of those approvals as it stands. We're right  
8 into final.

9 CHAIRMAN STUTO: Can you repeat what we did on  
10 SEQRA?

11 MR. VOSS: You approved a negative declaration.

12 CHAIRMAN STUTO: Are there any waivers?

13 MR. BETTE: We are going to be looking for a front  
14 yard setback of three feet. Just to dot the I's and  
15 cross the T's with the parking - because the shared  
16 parking - we're going to be looking to look for that  
17 reduction in parking for the waiver. The last one is  
18 what I have been referring to as a waiver. I'm not sure  
19 how the Board handles that when we talked about it in  
20 the past year. It is the landscaping frontage issue and  
21 the inability to do the decorative fence in the wetland  
22 areas. We take those areas out of that.

23 CHAIRMAN STUTO: Because it's in the wetland.

24 MR. BETTE: As you see it today, it's 10 feet high  
25 with cattails. It's going to remain that. Even if you

1 put a three foot fence there below the road, you  
2 wouldn't get any benefit from it.

3 CHAIRMAN STUTO: So, you're saying that there are  
4 three waivers.

5 MR. BETTE: Yes.

6 CHAIRMAN STUTO: We are supposed to come up with  
7 findings. If not, somebody is going to have to recite  
8 something. I'll leave that between the staff of PEDD and  
9 counsel. We still have to hear from the public on this.

10 Are there any members of the public looking to  
11 be heard on this?

12

13 MR. TOMASETTI: I'm Paul Tomasetti. I work for  
14 Hilton Worldwide. I represent the Hampton Inn on  
15 Ulenski Drive. I'm here on behalf of the management  
16 company of Hilton Worldwide and also the ownership  
17 group, American Reality Capital. American Reality  
18 Capital recently purchased the Hampton Inn, so it sounds  
19 like we are a little bit late to the party in attending  
20 these meetings.

21 I just wanted to communicate and I have a  
22 letter to deliver to you on behalf of the ownership  
23 of the ownership's opposition to the hotel project.  
24 There are a couple of points that we wanted to make  
25 and then a couple of quick questions. I'll keep it

1 brief.

2 There is already approximately 1,700 hotel  
3 rooms on Wolf Road, including 200 that have just  
4 either -- the Staybridge Suites just opened six  
5 months ago. The Home 2 is another 100 that is going  
6 to be opening up in a month or two. You're looking  
7 at increasing that volume by 10% with this one  
8 project. So, my concern is obviously for our hotel  
9 but really market-wise and its sustainability. When  
10 you're doing your increasing in a small area of Wolf  
11 Road, the inventory, by 10%.

12 CHAIRMAN STUTO: I'm not sure that's a criteria  
13 that we can consider as a Board.

14 Anybody have an opinion on that?

15 MR. LACIVITA: Saturation is silent in our Land Use  
16 Law.

17 MR. TOMASETTI: My other question was is that it  
18 sounds like it's been discussed - is there any  
19 consideration given to the already congested traffic,  
20 especially the concern at Wolf Road. Is this where the  
21 opposite side the northbound 87 ramp?

22 MR. BETTE: Yes.

23 MR. TOMASETTI: So, it's not at that traffic light?

24 MR. BETTE: No.

25 MR. TOMASETTI: Has there been any additional

1 consideration to alleviate the traffic when you're  
2 adding a project like this?

3 Also, was there a feasibility study done for  
4 the hotel project that the public has access to?

5 CHAIRMAN STUTO: We'll try to answer those  
6 questions.

7 Traffic? Either the applicant or the TDE?

8 MR. BETTE: As you know, we started this process in  
9 the fall of 2013. Between then and now we have done an  
10 in-depth traffic study that the Planning Department and  
11 the TDE reviewed. We looked at all of the intersections  
12 - our driveway intersections, the capacity of the roads.  
13 We looked at turning movements. We looked at gap  
14 studies. We actually did a very in-depth study,  
15 packaged it up into a large SEQRA type document and the  
16 Board reviewed it and approved that last fall. In  
17 December of 2014 the Board granted us concept acceptance  
18 in addition to a negative declaration on the traffic  
19 issue as well as the other SEQRA recommendations.

20 CHAIRMAN STUTO: I think that the way that it's  
21 laid out - my personal opinion with all the ingress and  
22 egress and the right-ins and the restrictions on some of  
23 the turning movements, I think that we worked very hard  
24 on the traffic.

25 MR. BETTE: Not to interrupt you, but we have been

1 here probably seven times to this Board and to the  
2 SEAMAB Board and many of our discussions with this Board  
3 were how these driveways would interact to the roads so  
4 we spent a lot of time on that.

5 CHAIRMAN STUTO: He's asking about the feasibility  
6 study that has been submitted -

7 MR. BETTE: There was a feasibility study that has  
8 been completed, but it's not available to the public.

9 Your group just purchased a whole portfolio of  
10 hotels just recently, right? We were in contact  
11 with the previous owner who was well aware of what  
12 our plans were. I believe that your transaction  
13 happened this spring?

14 MR. TOMASETTI: Correct, yes.

15 MR. BETTE: We haven't had a chance to meet yet.  
16 It was a recent big portfolio transaction. We're just a  
17 local hotel owner. We're going to own the hotel. We're  
18 not looking to sell to some big giant firm. Albany is  
19 kind of a family market.

20 MR. TOMASETTI: I just wanted to --

21 CHAIRMAN STUTO: You are perfectly entitled to.

22 MR. TOMASETTI: I was here with Heidi DeGroff, our  
23 General Manager. She's been in the market for 30 years.  
24 She started at the Marriott 25 years ago. She had  
25 another commitment.

1           CHAIRMAN STUTO: Welcome to Albany and you're  
2 welcome to come to these public meetings.

3           We're poised to vote on final.

4           MR. VOSS: I would put forth a Resolution for the  
5 Board to accept and approve the following waivers as  
6 proposed. First, that the Board grant a waiver from the  
7 proposed frontyard setback, as required which is now  
8 28.7 feet, acknowledging that it exceeds the required  
9 setback of 25 feet.

10           Second, that a waiver for 193 parking spaces is  
11 being requested and that lastly, a waiver from the  
12 required 8% frontyard maximum build-out along Albany  
13 Shaker Road and Wolf Road be requested.

14           MR. LANE: I'll make a motion.

15           MR. MION: Second.

16           CHAIRMAN STUTO: Do we have to say what the  
17 criteria are about the waivers?

18           MR. VOSS: If you want, Peter. If you want to go  
19 through it.

20           CHAIRMAN STUTO: I'm not saying all of it.

21           MS. DALTON: We have read into the record all of  
22 the reasons that were applicable and they include  
23 reasons by 6, 7 and 11.

24           CHAIRMAN STUTO: That's the incentive.

25           Kathy, you could say something along the lines

1           that based on the record to date and based on the  
2           analysis provided by the applicant and their  
3           experts, based on the Town Designated Engineer's  
4           review, the waivers are justified.

5           MS. DALTON: I think that you just said it.

6           CHAIRMAN STUTO: Do we have a motion?

7           MS. DALTON: I'll make that motion.

8           MR. MION: Second.

9           CHAIRMAN STUTO: Any discussion?

10          (There was no response.)

11          All those in favor?

12          (Ayes were recited.)

13          All those opposed?

14          (There were none opposed.)

15          The ayes have it.

16          With respect to the main question which is  
17          final approval, subject to all the TDE comments and  
18          comments of the Town Departments.

19          MR. SHAMLIAN: I'll make a motion.

20          MR. LANE: Second.

21          CHAIRMAN STUTO: any discussion?

22          (There was no response.)

23          All those in favor?

24          (Ayes were recited.)

25          All those opposed?

1 (There were none opposed.)

2 The ayes have it.

3 Thank you.

4

5

6

7 (Whereas the above referenced proceeding was

8 concluded at 10:07 p.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATION

I, NANCY STRANG-VANDEBOGART, Shorthand  
Reporter and Notary Public in and for the State of  
New York, hereby CERTIFY that the record taken by me  
at the time and place noted in the heading hereof is  
a true and accurate transcript of same, to the best  
of my ability and belief.

\_\_\_\_\_

NANCY STRANG-VANDEBOGART

Dated July 30, 2015

