

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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RADTKE MIXED USE PDD
614 ALBANY SHAKER ROAD
BOARD UPDATE

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6 THE STENOGRAPHIC MINUTES of the above entitled matter
7 by NANCY L. STRANG, a Shorthand Reporter commencing on
8 October 16, 2018 at 8:10 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

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BOARD MEMBERS:
9 PETER STUTO, CHAIRMAN
CRAIG SHAMLIAN
10 BRIAN AUSTIN
KATHLEEN DALTON
11 SUSAN MILSTEIN
LOU MION
12 STEVEN HEIDER

13

14

ALSO PRESENT:

15

Kathleen Marinelli, Esq., Counsel to the Planning
Board

16

Joseph LaCivita, Director, Planning and Economic
Development

17

Nicholas Costa, PE, Advance Engineering

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Joseph Grasso, RLA, CHA

19

Joseph Zapone

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Stephen Grady

21

Ken Taylor

Ben Radtke

Joanne Taylor

Lori Schmidt

Rose Oppedisano

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1 CHAIRMAN STUTO: The next item on the agenda is
2 Radtke Mixed Use PDD, 614 Albany Shaker Road, Board
3 update, consideration of rezoning for use of apartments,
4 assisted living facility and commercial subdivision for
5 Aviation Road connector, 204 apartment and 61-unit
6 assisted living facility.

7 MR. LACIVITA: Peter, when we saw this the last
8 time on June 19 for sketch plan review, it actually came
9 to us with 204 apartments under seven buildings, with
10 that additional 61 unit assisted living facility.

11 Tonight we are here with the smaller design
12 of 158 apartments in a three-story single building and
13 a unit of the assisted living is still there.

14 So, I will turn it over to Joe Zapone and
15 Nick Costa to take us through along with Ben Radtke.

16 MR. ZAPONE: Good evening Chairman Stuto,
17 Planning Board Members, public. I am Joe Zapone and I
18 represent the Radtke Partnership. This evening I have
19 with me Nick Costa, engineer from Advance Engineering,
20 Richard Eby from Bickford Senior Housing, Bed Radtke, a
21 principal owner of Radtke Limited Partnership and Connie
22 Radtke, principal owner of Radtke Limited Partnership.

23 We are going to have a very quick PowerPoint
24 presentation. Then, we going to go to some of the
25 exhibits to show some contrast as to what we had

1 previously presented to the Board in June and what we
2 are presenting now.

3 Ben is going to say a few words and I will
4 turn it over to Richard Eby who has a short PowerPoint
5 presentation. Then, we will take any questions or
6 comments that the Board may or may not have.

7 As I have stated, the owner of the property
8 is Radtke Family Limited Partnership - two of the
9 owners are here. Bonnie Radtke wasn't able to make it
10 tonight.

11 This, everyone is familiar with - maybe not
12 this particular shot, but we have all done this before
13 and you can get on the computer and see these
14 beautiful shots. The reason we did this - - and I am
15 going to go through quickly - is because Ben, Connie
16 and myself over the last month - we took two evenings
17 and we hit everybody on Rustyville, Bonnie Court, most
18 of the folks on Knauf, some folks on Shaker and
19 Margaret Drive - we tried to knock on everyone's door
20 with the revised site plan with not all the detail,
21 but just so that we could explain what we were going
22 to do this evening instead of having a meeting, we
23 tried to reach out to all the folks and we were
24 knocking on their door. One of the things that was
25 surprising - most of the folks knew exactly what was

1 going on but they did have some different stories that
2 they thought so we kind of hope that we remove some of
3 the misconceptions. One of the things that was most
4 interesting to myself, Ben and Connie was that the
5 actual site of the location - - when we said connector
6 road. Where is that? I think it's very important for
7 everyone here tonight - I'm just going to simplify
8 this.

9 This is Shaker Road where there are three
10 ways you can go; Shaker to the Northway, Shaker to
11 Albany or Shaker to Maxwell (Indicating). This is
12 Radtke's Farm. This is 23 acres. This is Cap Com. This
13 is Marcus out to Wolf Road.

14 The Town of Colonie has gone onto the
15 Radtke's land with their permission and designed a
16 road, wetland mitigation and storm water management
17 and we're going to see exactly where that road is
18 going to go. Basically, we have the fourth prong
19 coming off of the connector road and we came through
20 and we match up here (Indicating). We point out
21 Rustyville - - Bonnie Radtke and Connie still own
22 homes that take up one third, or a long shot of the
23 backyard to the actual site. Here we have Afrim's.
24 Here's the Crossings. The Beltrone Center. This is
25 Rustyville, Knauf, Bonnie Court and obviously Shaker

1 Road. What we are going to present tonight is you're
2 going to see the detail - the apartment building is
3 two buildings. We had seven and we have cut it down to
4 two separate buildings, unconnected. They will be in
5 this area, in this field (Indicating). You won't be
6 touching any trees.

7 Richard Eby's operation will be up here,
8 single-story, 61 unit (Indicating). The Town wants
9 again to put a row through here and connect to it.

10 This is the conceptual design. I'm going to
11 go through some details on this in a couple minutes.
12 These are two separate and distinct buildings.

13 This is a pergola. You have carports
14 underneath. There is a glass enclosure here. These
15 buildings are not connected (Indicating). This is
16 basically community area and here where folks would
17 come from one building to the next. There would be
18 stone seating, drink coffee, read papers and then
19 would head out into the courtyard.

20 This is just another shot and gives an idea
21 of - eventually this would be the connector Road.
22 There would be sidewalks installed and you can see a
23 shot across the front to get an idea. It is basically
24 a courtyard and two separate buildings.

25 Now, we were before the Board I think it was

1 June 19 of this year. Nick Costa prepared this site
2 plan pursuant to the directions of my clients. There
3 were seven buildings, 204 apartments, 61 unit senior
4 housing, 1,500 square foot commercial building up on
5 the turnaround. It wasn't well received. The fencing
6 was very high and it was very busy. That's the
7 comments that we got from most of the residents. One
8 of the concerns that the Board had at the time was
9 there were four curb cuts. Mr. Grasso pointed out from
10 an engineering component, the curb cut closest to the
11 Marcus Boulevard/Winners Circle was troublesome and
12 the curb cut closest to Shaker Road was troublesome
13 for engineering purposes.

14 We have a lot of parking. This was a separate
15 building. We had Shaker Road in and out for Bickford
16 Senior housing and the Board had made comments that
17 hey, we have to have a second way to get in and out.
18 There were a lot more comments and we took all of
19 those into consideration.

20 We have another plan and we downsized it. We
21 have detailed it and that plan is here. This would be
22 Rustyville, just to give you an idea. Obviously, this
23 is the connector road.

24 Again, I would like to remind the Board that
25 I think it was in 2014 the Radtkes agreed to allow the

1 Town onto the property to do a boundary survey, a
2 topographical map, a road profile and engineering to
3 determine what the best placement for this connector
4 road would be, how much land they would need for
5 proper stormwater runoff and as a result of federal
6 wetlands that are going to be disturbed here. You're
7 going to have to create wetlands. So, we need room to
8 create wetlands.

9 Subsequent to that, we received this and we
10 started to design a project. Prior to that, the
11 Radtkes wanted to develop their lands. We were told
12 that the Town would like to do a connector Road so we
13 have been working with the Town for a lot longer than
14 even before 2014. I think that it is public knowledge
15 that there was a study that went back to 1990 and this
16 is the last connector that will run from Shaker Road
17 all the way down to Colonie Center. This is the last
18 piece. The Town has been wanting this and it has been
19 taken into consideration for a long, long time. So,
20 what we did was we designed our project around the
21 road - the desired road, wetland mitigation and
22 stormwater runoff requirement by the Town.

23 As a result of that, obviously, we've got
24 some constraints. However, we reconfigured the senior
25 housing, which I'm going to allow Richard Eby to

1 discuss. We have a right-out onto Shaker Road and only
2 a right-in as an entrance. We have created a second
3 egress and ingress for the senior housing onto the
4 connector road. We have increased the parking. We have
5 employee parking down here and we have increased the
6 overall parking for the senior housing. We will give
7 some detail on that. We have taken the curb cuts down
8 from 4 to 2. There is one curb cut (Indicating) and
9 there's one curb cut. We have eliminated the curb cuts
10 anywhere near the turnarounds. We have eliminated the
11 request for the commercial building. We have increased
12 the green space from 68% to 74%. We have two separate
13 buildings containing a total of 158 apartments from
14 the proposed 204 apartments. It is a three-story
15 building. All of the buildings we proposed before were
16 three-story buildings. We had 64 enclosed garages,
17 carports. We intend not to put garage doors there
18 because we do not want people storing - using them as
19 storage facilities.

20 We have developed a buffer zone. We intend to
21 put a berm with 20 to 25 foot spruces along Rustyville
22 Road. This is Bonnie Court (Indicating). This is along
23 Cap Com. This will go all the way up to Shaker Road.
24 *On our plan we have an additional 65 banked parking
25 spots in this area. If the Town desired in the future

1 to have some more parking, if they thought it was an
2 issue, we would be able to connect on the back of our
3 property and get to our own parking here to increase
4 the parking. We would hope that not be the case.

5 This is a wooded area. It shields the Cap Com
6 building and it shields Bonnie Court's. It is
7 relatively heavily wooded, so we really would never
8 want to disturb that. We have put a dumpster area,
9 snow removal, snow removal, snow removal (Indicating).

10 There is ingress and egress proposed here. I
11 believe that we would be granting that to the Town for
12 a connection to Afrim's or any other to create less
13 curb cuts going onto Shaker Road.

14 As it relates to the road, the Radtkes are
15 prepared to transfer fee simple to the Town. That is a
16 little over two acres - 2 1/2 acres. On top of that,
17 the Town is going to need the additional five acres.
18 It is a total of seven acres of very, very valuable
19 land in Loudonville. We have done our analysis on the
20 value of the land and we can dispute that but we have
21 done analysis based on single families, road costs,
22 not building this road, approved lots, improved lots -
23 - so, needless to say, this is a very valuable piece
24 of land.

25 We would be generating mitigation fees that

1 would go obviously to pay for a large portion of the
2 construction of the roadway.

3 The amenities that we are going to be
4 offering to the residents in the community - we will
5 have two lounges. They will have their own separate
6 entrances in this building. Again, it is important to
7 know that this is a different type of building. The
8 pergola is not connected. So, it would be lounge area,
9 breakfast nook, lounge area, breakfast nook
10 (Indicating). We're going to have an athletic
11 facility. There will be storage facilities inside -
12 storage lockers that are like closets inside and it
13 will be rented - swimming pool, barbecue area,
14 pavilion. We have 251 parking spots. I believe it's
15 1.6 and we would be requesting a variance for parking.

16 The next exhibit that I want to show is
17 something that Ben and I came up with regarding
18 Richard Eby's suggestion and Nick's. It relates more
19 to the Bickford Senior Housing.

20 Just to give a visual of how people would
21 enter and exit the facility - - if we are parking
22 here, the only way out would be to go right on Shaker
23 Road. The only way in would be to go right on Shaker
24 Road. So, if someone was coming from Albany, they
25 would drive by the facility and they would have two

1 choices. They would go around the turn around and come
2 back and in. If there is a lot of traffic coming this
3 way, which they would know, they would just go down
4 the connector road, take a left into the secondary or
5 first ingress/egress and into the Bickford area.

6 The same goes for folks entering. If people
7 are sitting here and they see traffic on Shaker Road,
8 they have every right in the world to drive out. That
9 would be called the first access. If they're going to
10 Colonie Center, Sand Creek Road or Wolf Road, they are
11 not going to go right. They are going to go left and
12 they are not going back out onto Shaker Road. If they
13 want to go to the Northway, they can go right or the
14 turnarounds and then go out. We thought this would be
15 a good look and I'm going to leave that to Richard to
16 discuss why this is important for his facility.

17 At this point, I'm going to turn it over to
18 Ben for a moment. He would like to say a few words.

19 MR. RADTKE: My name is Ben Radtke. As Joe
20 said, myself and my two sisters are the owners of 614
21 Albany Shaker Road.

22 Just a little background on the family: My
23 grandparents owned a farm off of Albany Shaker Road.
24 From the 30's they worked it and owned it. In the late
25 50's, they started subdividing it. They started

1 building duplexes, single-family houses and sold off
2 some lots. They put in Knauf Lane which is my
3 grandparents last name. Bonnie Court is my sister.
4 Unfortunately, she is not here tonight. Rustyville is
5 the other one. Myself and my two sisters were born on
6 Rustyville. My sisters still reside on Rustyville.

7 As Joe said, on Google Earth it is 20
8 Rustyville, 16 Rustyville is where my sisters reside,
9 which is a good portion of the back of the apartment
10 complex. We own other properties on Rustyville.

11 In 1972 my family bought 614 for agricultural
12 use. To this day, we have discussed putting a
13 development in, but with the road it was limited to
14 what we could and couldn't do. So, at this point what
15 we want to do is put this development in and retain
16 this development for generations to come - for my
17 family. That's it. Thank you.

18 CHAIRMAN STUTO: Thank you.

19 MR. ZAPONE: And now we're going to hear from
20 Richard Eby.

21 MR. EBY: My name is Richard Eby and I'm with
22 Bickford Senior Living. We are a family owned company.
23 We have been in the business now for 27 years. We
24 currently operate 16 units throughout the central and
25 northeast portion of the United States. We are currently

1 expanding into New York.

2 This is our current prototype that we are
3 constructing (Indicating). This was a building in
4 Crownpoint, Indiana.

5 What I would like to point out is the
6 residential style of our assisted-living facilities.
7 It is a single-story building with a residential
8 roofline. You notice the kind of dormers here
9 (Indicating). There is a lot of mixture of stone and
10 brick. We are trying to achieve a residential
11 appearance.

12 This is one in County Park in Chicago, one in
13 Stafford Virginia and one in Richmond Virginia
14 (Indicating).

15 This is kind of a cool shot, I think because
16 it was shot by a drone by the contractor who built the
17 building. Anyway, the plan has a residential
18 appearance.

19 As Joe mentioned, our components of this
20 overall project is located here, which is kind of the
21 southeast corner of the site (Indicating). We have
22 amended the site plan since we were before you the
23 last time. We took into consideration some of your
24 recommendations. What we did is basically flip the
25 building and side to side and increased parking stalls

1 and increase the accessibility of the building.
2 Actually, it ended up with a better design. We thank
3 you for that.

4 The building itself is about 40,000 square
5 feet. It has 16 units of memory care and 46 units of
6 assisted living.

7 So, Joe it has 64 and that says we have 61.

8 There is a porte cochere here (Indicating).
9 You'll notice that there are two interior courtyards.

10 The memory care is separate from the
11 assisted-living area. Each have their own individual
12 courtyard. They each have their own individual
13 kitchen. There are common areas like living rooms, TV
14 rooms and so forth.

15 We are considered to be a low-impact use.

16 Typically, there are about five neighborhood
17 concerns when we go into a development. One of them
18 is: Is the use appropriate and is it architecturally
19 appealing. The other one is the traffic impact and
20 pedestrian impact. The third is noise and will it pour
21 over into the neighborhood. The fourth one is
22 typically security and the fifth is almost always
23 stormwater retention.

24 We feel that we are an appropriate use and we
25 feel we are compatible and that we are somewhat

1 residential. We are traditionally a buffer between
2 residential and either high traffic area, or a more
3 commercial use. In this case, we have residential here
4 and have a high traffic corridor here (Indicating).
5 This would be a very well used road. Also, we would
6 serve as a buffer. So, we do feel that we are a
7 compatible use.

8 Architectural compatibility - we use the best
9 materials. We try to make it a very aesthetically
10 pleasing building.

11 Right here you will notice the shake
12 shingles, the brick with a variety of different laying
13 courses. The siding is typically Hardy plank. So, it
14 is a long-lasting and durable siding.

15 For Windows, we have shutters. We have
16 precast sills.

17 This is another view of a resident room.
18 Notice that on the windows we have kind of a copper
19 canopy with cedar beams.

20 Again, notice all the architectural elements
21 there. We think it is a very attractive building.

22 We wanted to give you an idea of what it
23 would look like as you approached our building, if you
24 are traveling down Albany Shaker Road. If you are
25 coming from the Northeast, this is the view of the

1 building that you would experience (Indicating). If
2 you are coming from the southeast, this is the view of
3 the building that you would see. Looking at it from
4 kind of the north, I believe it is, we have here the
5 dining room. So, the view from the north would be the
6 following.

7 Also, I would like to point out that the
8 landscaping is always an important consideration in
9 our building operation. I think that you will find
10 that it's very, very aesthetically pleasing.

11 There is also the residential type of
12 flagpoles.

13 This is what the rear of the building would
14 look like. Similar to this, it would face the
15 apartments. Then, for the residential use there are
16 four of lots here that would but up against this
17 parcel.

18 We propose keeping a tree line through here.
19 This is what they would be able to view out their back
20 window (Indicating). There is a grove of trees right
21 here. So we've tried to keep as many trees as
22 possible. We are going to supplement it, also. What we
23 are trying to achieve here is a vegetative barrier -
24 buffer between our use and the residential use. We
25 have a very low impact on traffic. *One of the

1 important things that we need to consider is that our
2 peak hour traffic in the morning hours is between 6:30
3 and 7:30, which is prior to normal peak hour traffic.
4 That's because we operate three shifts and the shift
5 changes at 7:00, 3:00 and 11:00. So, according to the
6 Institute of Transportation Engineers, during the peak
7 hour there would be projected six vehicles entering
8 and three vehicles leaving in that one hour period of
9 time. In the p.m. afternoon, our peak hour traffic of
10 course is probably on our shift change which occurs
11 between 2:30 and 3:30. Here we have six vehicles
12 entering and eight vehicles exiting (Indicating) and
13 that is if all of the traffic were to be traveling to
14 the center section.

15 The traffic is directed away from the
16 residential home. This is the secondary access that we
17 talked about. One of the concerns was the number of
18 parking stalls. We typically find that we need between
19 .6 and .7 stalls per unit and that optimizes the use,
20 but doesn't create so much impermeable area. We
21 increased the number of stalls and replaced some
22 stalls over here (Indicating). These would be stalls
23 that would probably be used for staff parking whereas
24 the use would be more visitors and visitor parking. We
25 do provide transportation for our residents.

1 This is our community bus. Will lights spill
2 over into the neighborhood? I have outlined in red and
3 shaded it with pink - the area that would be impacted
4 by probably noise and light. Most all of the noise
5 that would be produced on our site would be from
6 vehicular traffic. So, you notice that it is somewhat
7 shielded from the residential use down here
8 (Indicating) and also, the high traffic along Albany
9 Shaker Road and up here along the connector road. Our
10 building would help buffer some of the residential
11 homes from noise. Lighting would be restricted to this
12 area (Indicating).

13 This is where the staff will park.

14 This is our dumpster location. Again, it's on
15 the opposite side of the building from the residential
16 use. We usually have trash pickup two to three times
17 per week and always during the daylight hours. Service
18 deliveries of food products and so forth occur in this
19 area (Indicating). It is always directed away from the
20 residential use.

21 Up here is wetlands.

22 CHAIRMAN STUTO: Excuse me. I don't mean to be
23 rude, but can I ask how much more time you are all going
24 to need for your presentation?

25 MR. EBY: Just one minute.

1 CHAIRMAN STUTO: Because we have several other
2 stages that we have to go through.

3 MR. EBY: The last one is stormwater
4 management. There are several ways of handling it and
5 one was proposed to be the surface detention and another
6 possible use would be subsurface detention.

7 CHAIRMAN STUTO: Would other people want to
8 give a brief presentation?

9 MR. EBY: No.

10 CHAIRMAN STUTO: I will tell you that we are
11 going to turn it over to our Town Designated Engineer.
12 We're going to see if there are any questions from the
13 Board - preliminary questions. We are going to let the
14 residents speak and then the Board is going to talk
15 about it.

16 First is Joe Grasso with CHA. They are
17 reviewing the project.

18 I don't know if you have done a formal
19 review, but you can at least give us your preliminary
20 thoughts.

21 MR. GRASSO: We didn't do a formal review
22 because we are still at the sketch plan stage. This is
23 the second time we have looked at it. We had comments
24 last time and we got more comments this time. We
25 actually have had several meetings with the applicants

1 to discuss trying to get the project more in line with
2 the comments that we heard from the Town earlier through
3 the review process.

4 I just wanted to turn it back to Mr. Zapone.

5 Regarding the public benefit, it is a PDD?

6 CHAIRMAN STUTO: That is obviously a very
7 important part.

8 MR. GRASSO: A public benefit is a typical
9 component. So, I just want to clarify -

10 CHAIRMAN STUTO: This goes hand in hand with
11 density.

12 MR. GRASSO: Exactly. I will come back to
13 density.

14 Just to clarify, you talked about the 7.3
15 acres of area. I totally understand why that is
16 identified as such. When we had done this design for
17 the road and we had identified the 7 acres being
18 needed to support the road and wetland mitigation in
19 other open spaces - the 7.2 acres. In terms of the
20 construction of the connector road, is that something
21 that is going to be taken on entirely by the project,
22 or is that going to be cost shared by the Town? Can
23 you speak to that?

24 MR. ZAPONE: Sure. We put in some preliminary
25 numbers for the road. There has been some escalation in

1 costs. So, it's really going to depend on - - the
2 analysis that I did internally along with my clients was
3 if we developed it single-family - again, it is improved
4 lots and approved lots. We did our own empirical
5 evidence. The numbers are very close as to what this
6 land would be worth. So, by losing the 7 acres, you are
7 losing X amount of dollars, which was a large dollar
8 amount. To build the road and offset our mitigation
9 fees, we would also go well beyond the mitigation fees
10 which would be an additional public benefit. So, the
11 best I can answer that question right now is at 158
12 units, we are taking a tremendous risk in having the 7
13 acres transferred to the Town and taking the
14 responsibility for the road for two reasons.

15 I have an idea what the road was going to
16 cost pursuant to the budget numbers that the Town
17 received. It's got to be built pursuant to Town specs
18 the costs have gone up significantly. We are at a
19 breaking point at this point, his first assisted
20 living and as far as 158 units. We are at a breaking
21 point where if we are at that number, I am reasonably
22 confident that we can take on transferring 7 acres
23 and take on the road offsetting it with - as part of
24 the mitigation - - with that number. Does that answer
25 your question?

1 MR. GRASSO: It does answer my question.

2 CHAIRMAN STUTO: The application is that they
3 build the road.

4 MR. GRASSO: That they build the road and I
5 will get into that in a little bit.

6 So, the project from our view has changed
7 substantially since it was presented to the Board,
8 even though we are still at the same stage. I
9 appreciate that the applicant has gone through what we
10 consider so many significant changes to the project to
11 make it better fit into the context of the
12 neighborhood and the access arrangement.

13 So, some of the things that I noted that we
14 really liked - we support the reduction in the number
15 of the buildings, we appreciate that they were
16 three-story buildings before. They are still showing a
17 three-story building. So, that stayed the same.

18 We like the consolidation of the apartments
19 in one location. Even though it is two buildings, we
20 like the architectural style, but we like that it is
21 consolidated.

22 We think it is a more environmentally
23 sensitive plan, more green space, less wetland impacts
24 and things like that.

25 We think that there is much better access.

1 There is obviously a reduced number of access points
2 along the connector road which dovetails better in
3 with the intended access of the connector road and how
4 that road is going to operate. We really appreciate
5 the fact that they have reduced the full access on
6 Albany Shaker Road with the rights-in and rights-out.
7 We think that works well. We like the strong
8 connection for vehicles to the Alzheimer's facility
9 out to the connector road. That addresses our concerns
10 of access on Albany Shaker Road.

11 We like that they have eliminated the retail,
12 which we had a concern with retail being incorporated
13 into the site. That was something that we had heard
14 concerns from before from the Board. They have taken
15 the schematic plan of the road and the stormwater
16 management areas and the sidewalks on both sides of
17 the road verbatim based on the schematic plan so that
18 they haven't hurt that design as originally conceived
19 from what was generated years ago. So, we appreciate
20 that.

21 We like the architectural design. We think
22 there are improvements there since it was originally
23 proposed.

24 We like that they reduced the amount of
25 proposed parking. Joe mentioned that it would acquire

1 a variance. It actually would not be a variance
2 because we're talking about a PDD. The Board has the
3 ability to establish what the appropriate parking
4 requirements are for this project. We think that ratio
5 of 1.6 spaces per unit is aligned with what the
6 general standards are. So, we think that is better
7 than building two spaces per unit. So, we don't think
8 that they would ever need to build that reserve
9 parking.

10 The Albany Shaker Road Corridor Study, which
11 is wrapping up now - this project site was anticipated
12 for development when the traffic generations were put
13 into the Albany Shaker Road Corridor Study. So, we
14 anticipated that this project would be developed.

15 Just so everybody knows, we didn't have this
16 plan in front of us and we assumed that 200 market
17 rate apartments would be developed on this project
18 site. So, the traffic was incorporated into the Albany
19 Shaker Road Corridor Study. The point being is the
20 findings which came out of that study as it relates to
21 future development alliance with what is currently in
22 front of us. Obviously, we are less than 200
23 apartments when we look at the traffic. I will get
24 into more of that in a minute.

25 We like the appreciable landscaping and the

1 buffering to the neighbors. Sometimes it is historical
2 to get the side-streets that they are looking to build
3 along that buffer.

4 In terms of the connector road, this goes
5 back to the airport area GIS which was done in the
6 early 90's. This connector road is an important
7 infrastructure piece that was envisioned as part of
8 that study. Wolf Road obviously existed and we
9 anticipated that there was going to be a lot of
10 development along Wolf Road and a lot of congestion.
11 The GIS identified two Wolf Road parallel connector
12 roads; one on the east side and one on the west side.
13 Unfortunately, development occurred on the west side
14 of Wolf Road in such a place that that western road
15 could never be fully implemented. So, there is no
16 western road between Wolf Road and the Northway.
17 Fortunately, as the projects came on in front of the
18 Planning Board on the east side of Wolf Road, the
19 projects were planned appropriately so that this
20 connector road could continually be put into place.

21 When Maxwell Road was realigned on the north
22 side of Albany Shaker Road, it was aligned to align
23 with the new roundabout in anticipation that this
24 fourth leg of the roundabout would be in place. So,
25 all of those improvements done to Maxwell Road is to

1 align with this connector road on the east side. The
2 purpose of this connector Road is to relieve traffic
3 congestion along Wolf Road and have the Exit 4
4 interchange operate more efficiently which helps
5 traffic flow on all of the adjacent roadway networks.

6 I have heard concern that the connector road
7 is going to result in additional traffic on Maxwell
8 Road, north of Albany Shaker Road. The models that
9 CDTC have done show that there won't be a substantial
10 increase in traffic on Maxwell Road. The traffic that
11 goes from the Wolf Road corridor to Maxwell Road
12 currently exists and that traffic is expected to
13 continue to occur. We do think that this will be
14 easier for traffic to actually get to the Exit 4
15 interchange and actually down the Wolf Road corridor.

16 You hear a lot of concerns about how the
17 roundabout exists and operates at Maxwell Road and
18 Albany Shaker Road. Part of the problems with why it
19 doesn't operate very well is because there is no
20 fourth leg. So, part of this connector Road project
21 would build off of that fourth leg to actually make
22 that roundabout operate more efficiently and safer.
23 So, some of the other things about the plan - - the
24 relocation of the dumpsters - - these little details
25 normally we don't see until later on in the project.

1 We appreciate that they have taken them to heart and
2 builds them into the plan.

3 I wanted to talk about the density. I think
4 it is an important part of the project and that
5 dovetails into the public benefit. So, the property is
6 owned single-family residential. You are allowed
7 roughly half-acre lots. If you assume that this was
8 going to be developed residentially, in accordance
9 with the existing zoning, you take the size of the
10 project site and you actually have to extract the
11 amount of constrained lands. So, it is a 23-acre
12 project site with about 4 acres of constrained lands
13 so you come down to 19 acres of unconstrained lands.
14 The maximum density is two units per acre. So, you
15 could come up with 38 units on this project site. We
16 are currently looking at 222 units. It is
17 substantially increased. The 222 units is made up of
18 158 apartments and 64 units and the Alzheimer care
19 unit. One of the things that we do is we look at
20 density in terms of not only the number of units, but
21 also in terms of traffic. The traffic generation from
22 the Alzheimer's facility is much less than you're
23 going to get from apartments and single-family homes,
24 from an equivalency of one unit per one unit. So, it
25 is important that the 64 Alzheimer units generates the

1 same amount of traffic from about 13 homes. So, when
2 we talk about an increase in density, you can look at
3 it in terms of total units going from 38 to 222. You
4 could also look at it as 38 units going to 171 which
5 is the equivalency in terms of traffic. So, the
6 density bonus is either 184 units or 133 units, based
7 on those two criteria.

8 The public benefit that they are proposing is
9 based on 3 acres which is appreciable. What they said
10 today is preliminarily, they are looking to construct
11 a connector road. When we did the schematic design
12 about five years or so ago, the value of the road to
13 build it was about \$1.84 million. If you look at 2%
14 escalation over the past five years, the current value
15 is about \$2 million. We don't know what the mitigation
16 fees would be for traffic applied to this project, but
17 we have tried to look at what has been applied to
18 other projects in the area. That is something that we
19 get from CDTC as this project moves in the process. We
20 are expecting the mitigation fees to be in about the
21 \$170,000 range. So, probably someplace between say
22 \$100,000 and \$300,000. That would come off of the
23 value of the 7.3 acres and the \$2 million of
24 construction of the connector road.

25 If you look at those two things, we are still

1 looking at a multimillion dollar public benefit
2 contribution to balance and get the increased density.
3 I think that is something that the Planning Board
4 wants to think hard about to make sure that you feel
5 like there is ample public benefit.

6 I will say from our review of this community
7 as it relates to other projects - I think the extent
8 of public benefit is higher than we have ever seen. We
9 think for good reason. We think it is a unique
10 project. We think that the connector road is a really
11 important component that needs to be built as part of
12 the project, but it's something that I think the
13 Planning Board wants to consider as it reviews the
14 project.

15 CHAIRMAN STUTO: Joe, on that point before you
16 move on to the next topic - what you are saying is that
17 you understand that it would work well with the
18 connector road and so forth. However, there are
19 counterpoints to it. Even if they did single-family,
20 they would have to build a road and turn it over to the
21 Town.

22 MR. GRASSO: That is correct

23 CHAIRMAN STUTO: So, they increasing the
24 density by a significant amount. Traffic is not the only
25 impact. So, they went from 38 up to 200 and something.

1 MR. GRASSO: That's right.

2 CHAIRMAN STUTO: So, I just want to get that on
3 the record - that is the case, as well.

4 MR. GRASSO: Yes, absolutely. We are talking
5 about a substantial increase in density on the property
6 and substantial public improvements. I think I'm just
7 trying to get the facts out there so that the Board can
8 understand that it's not about my opinion, it's about
9 how you guys feel about the project.

10 CHAIRMAN STUTO: I would look to a more
11 specific analysis.

12 MR. GRASSO: And we would be glad to continue
13 to work on that. Right now we're just trying to go
14 through some of the metrics of the project.

15 At the last Planning Board meeting one of the
16 comments was - understanding that SFR may not be the
17 appropriate type of development, there was a question
18 about well, what would the site be allowed to be
19 developed as if it was zoned COR which is
20 commercial/office/residential.

21 CHAIRMAN STUTO: Who brought up that point?

22 MR. GRASSO: One of the Planning Board Members.
23 I had written it in my notes from the last meeting. So,
24 I kind of went through a little analysis. Based on the
25 size of the site and the constrained lands, if it was

1 developed strictly as commercial uses, you could fit
2 about 350,000 square feet of commercial office space on
3 the site.

4 CHAIRMAN STUTO: I'm going to interject. You're
5 making a hypothetical analysis.

6 MR. GRASSO: Absolutely. it was a question that
7 was raised and I just wanted to make sure I provided an
8 answer. I'm not saying that it is a scare tactic to say
9 well, that would be appropriate.

10 CHAIRMAN STUTO: That's what it sounds like.

11 MR. GRASSO: The property is not zoned COR. The
12 question was: If it was COR, what could this type of
13 site accommodate? It could accommodate that much
14 commercial. If you converted the residential, you could
15 do 56,000 square feet of commercial and 93 residential
16 units. Again, that's a good ground in terms of where we
17 are in terms of the proposed uses. That's all I've got.

18 CHAIRMAN STUTO: Okay. Any preliminary comments
19 before we turn it over to the residents?

20 MS. MILSTEIN: I just have one question. The
21 assisted living - is it all memory or is it part memory
22 and then assisted living?

23 MR. EBY: It is 46 units of assisted living.

24 CHAIRMAN STUTO: According to my sheet here,
25 Ken and Joanne Taylor.

1 MS. TAYLOR: Mr. Grady wanted to go first.

2 MR. TAYLOR: My name is Ken Taylor and I live
3 it 28 Rustyville Road. We have Cap Com in our backyard
4 and we have Mr. Radtke's trees - the greenery that they
5 are talking about. My major concern is Mr. Radtke's
6 partnership and the attorney did not tell you that we
7 have backups every weekend with the farmer's market. We
8 have backups in the morning. It used to be that I could
9 take a right turn - because I have to take a left to go
10 to work and stuff. I used to take a right turn, go into
11 the Crossings, but you guys took that away from us. We
12 can't make a U-turn in the Crossings anymore. I am sure
13 that if you come out on a Saturday morning, it will be
14 backed up into the traffic circle - that roundabout.

15 My major concern is looking at his plan - he
16 is saying that you can only take a right turn, which
17 makes it harder for me to get out of my street for the
18 assisted living.

19 I was wondering how many employees are
20 working at the assisted living and how many handicap
21 parking spots do they have?

22 CHAIRMAN STUTO: Okay, you are going to have to
23 make your presentation to us and then we will try to get
24 your questions answered.

25 MR. GRADY: Okay, that is that.

1 The other thing that I have is the noise
2 factor. With Cap Com being in our backyard, everybody
3 uses their clicker, so you constantly hear horn beeps
4 all throughout the day. I was wondering if we could
5 make that - he is saying that it eventually might be a
6 parking lot, but how about making that greenery
7 forever wild? We only have a little barrier there
8 between us and Cap Com.

9 Why does it have to be so big? Why can't they
10 to a two-story building? That alleviates traffic. I
11 think that this should be changed where they can only
12 make a right turn. Maybe block that entrance for them
13 to do that and come around over this way (Indicating),
14 whereby, nobody is coming back out onto Albany Shaker.

15 Albany Shaker has a traffic problem. It is
16 very bad. About a month ago I noticed the Fire
17 Department could not get through under the bridge
18 because everything was backed up - people trying to
19 get on the Northway from Wolf Road and everything. I
20 don't think this road is going to alleviate that much
21 traffic by us putting more and more in the Town.

22 Until you build more roads, better roads - -
23 ask the Fire Department. I think they were going to
24 the airport and they couldn't get through because cars
25 had no place to go. That is the point that I wanted to

1 make. It's going to increase traffic. There are
2 backups. If these people tell their friends that the
3 farmer's market is great at the Crossings on Saturday
4 - look at the traffic. There has been nothing done for
5 parking over there. There should be another entrance
6 into the Crossings for projects like this. That's all
7 I have to say.

8 CHAIRMAN STUTO: We will at least try to touch
9 on some of these. This project has a little bit of a
10 ways to go.

11 The first questions were about the number of
12 employees and the number of handicap spots. Could the
13 developer answer that?

14 MR. EBY: I have to count the handicap spots.
15 It looks like there are four up in front

16 CHAIRMAN STUTO: How many employees do you
17 expect to have on the given shift?

18 MR. EBY: On a given shift - a maximum shift is
19 about 15 to 16.

20 CHAIRMAN STUTO: How about the evening shift?

21 MR. EBY: You go down to about four or five.

22 CHAIRMAN STUTO: This is more for the general
23 applicant.

24 The proposed overflow parking - sometimes we
25 call it banked parking - he is asking why it cannot be

1 forever wild or what we anticipate. It may be a little
2 early to definitively answer that.

3 MR. GRASSO: Based on our preliminary review,
4 we feel like that reserved parking would not be needed
5 and should be taken off the plan and should be kept
6 forever wild and that corner. We agree. It is something
7 that obviously we want to do more validation as it goes
8 through the design process. As of right now where we
9 stand, we don't think that parking will be utilized.

10 CHAIRMAN STUTO: Okay, if you can convince us.
11 Do you want to talk about traffic, generally?
12 I'm sure it's going to be coming up again.

13 MR. GRASSO: And there is no study at this
14 stage of the project. The project is going to generate
15 additional traffic. It is a new traffic generator. It's
16 going to be on the local roadway system. Some of these
17 trips are going to get out to Albany Shaker Road and
18 they're going to head down toward the Crossings or down
19 to the east. I don't know the data. Based on the project
20 design and its focus towards the connector road,
21 obviously the larger traffic generator is going to be
22 the market rate apartments. That traffic is directed to
23 the connector road and not out to Albany Shaker Road
24 directly. There will be traffic distributed through the
25 local roadway network.

1 CHAIRMAN STUTO: Okay, and we are going to
2 study that further.

3 MR. GRASSO: I would say that as we talk about
4 the traffic on Albany Shaker Road, there is a lot of
5 data in the Albany Shaker Road Corridor Study - useful
6 data that doesn't solve all the traffic problems. There
7 is always going to be congestion on Albany Shaker Road.
8 It talks about the levels of service and ways to
9 maintain traffic conditions along the Albany Shaker Road
10 corridor. I would refer the Board to that study for
11 information. Again, I think it is important that the
12 traffic from this project was taken into consideration
13 in the Albany Shaker Road Corridor Study, as well as
14 full build-out of about 30 other undeveloped parcels
15 that are in the corridor area.

16 CHAIRMAN STUTO: Do you recall - - I went to
17 the final presentation on the traffic study and I recall
18 one that may help of the mitigation measures. Do you
19 recall any? The one that I recall is parking for the
20 Crossings.

21 MR. GRASSO: There are some specific things
22 related to the Crossings. There was already some
23 signalization changes made out front. There was
24 additional access improvements off of the Aviation Road
25 corridor. Those are the things that I remember.

1 CHAIRMAN STUTO: And a turn lane near the
2 Crossings - is that at least on the wish list?

3 MR. GRASSO: I think that's on the wish list,
4 yes.

5 CHAIRMAN STUTO: So, we will continue to
6 discuss that as we move forward.

7 Lori Schmidt?

8 MS. SCHMIDT: Hi, my name is Lori Schmidt. I
9 live at 8 Rustyville Road.

10 Most of my concerns are addressed about the
11 traffic - going to work, coming home from work. Albany
12 Shaker is ridiculous. The same thing - if I have to
13 turn left, I have to go right going into the Crossings
14 by the light.

15 The other thing which is my main concern -
16 behind my house is going to be a parking lot. I'm
17 worried about the lights generated from the parking
18 lot coming into my yard - privacy, even with those
19 trees.

20 I'm also concerned about the security and the
21 safety of our neighborhood with a big apartment
22 complex going in there, too.

23 That's really all I have.

24 CHAIRMAN STUTO: Okay, we will ask the
25 applicant to address lights and security.

1 MR. ZAPPONE: As far as the parking lot, all of
2 the lights will be down facing, obviously.

3 As far as security goes, the Radtkes have
4 been on this property since 1972. They want to build
5 their apartments, own apartments and manage their
6 apartments. These are market rate apartments. It's
7 interesting to note -- and I just want to make this
8 point before we get too far into the actual building
9 plans, themselves. They are market rate apartments,
10 but what we have done is designed small apartments.
11 They are not going to have a lot of people in there.
12 The mix is high in studios, singles and just a dozen
13 two-bedrooms. These are going to be market rate
14 apartments. The going to be coming in and out of the
15 connector road.

16 There will be a walking path across Bonnie
17 Court over to the Crossings so they can enjoy the
18 Crossings also. I think Colonie is a very safe Town. I
19 think there are a lot of people that live in that area
20 now. I think there are a lot of apartments in that
21 area. I don't know if we have a big security issue. I
22 don't think that this particular apartment unit that
23 is going to be owned by the folks who have owned it
24 since 1972 - they're going to have studios, singles
25 and as I said, just a dozen two-bedrooms. It is not

1 going to be overcrowded. It's going to be a controlled
2 apartment complex.

3 CHAIRMAN STUTO: We will keep having
4 discussions on that.

5 Give anything to add, Joe?

6 MR. GRASSO: No.

7 CHAIRMAN STUTO: Steve Grady.

8 MR. GRADY: My name is Steve Grady. I live at
9 19, so I live directly across the street from them.

10 They brought up a good thing about Cap Com.
11 We have a commercial building there. Wolf Road is just
12 not too far from our neighborhood. We are having a new
13 Residence Inn and a new Marriott Courtyard being built
14 on the corner. We have dealt with Afrim's for the last
15 10 or 12 years. I have been on the street almost 17
16 years. It is already set as single-family homes. There
17 is not many single-family new homes in the Town of
18 Colonie. It is a very desirable Town to be in. We are
19 now going to put in more apartments.

20 I disagree with the traffic because we have
21 the Crossings and the Residence at the Crossings that
22 is now going to access directly Albany Shaker Road.
23 That is roughly about 350 apartments. They have a lot
24 of two-bedrooms. They have a lot of people who live
25 there. So, we, as a community on that street have had

1 that buffer. It has been nice to look at the farm for
2 17 years. We are looking at it as a community.

3 I have been in the Town of Colonie for 45 out
4 of my 47 year life. I've been paying taxes. I live
5 here. My parents live here. We are looking to maintain
6 a single-family area. It can be many different things.
7 They can be cluster homes. I understand that they are
8 trying to generate revenue for their family for their
9 next hundred years. How does that benefit the Town? It
10 doesn't benefit the Town. We want people within our
11 community that are buying \$400,000 and \$500,000 homes
12 that are going to invest in that community and stay
13 there for maybe another generation in this community.
14 Apartments bring people in quick. They have a one-year
15 lease. They typically will not respect the services
16 that we have - the Crossings and those things. They
17 are not invested into it. They don't own property like
18 we do. With all the traffic and everything that's on
19 Wolf Road, having another residential buffer there and
20 giving 38 families the opportunity to own a new home
21 in the Town of Colonie is a lot nicer than 150+ people
22 who want to reside here for 12 months.

23 That's really all I have to say. It is more
24 of a community thing than anything else.

25 One other thing. Three stories - if you drive

1 by the Residence at the Crossings, I live in a
2 two-story home - 12 on 12 pitch. It is 42, front to
3 back. As a high pitch roof. Those residents over at
4 the Crossings - when you take three stories and you
5 look at these drawings and they are about 12 on 12
6 pitch, add another 18 feet. You are almost 50 feet
7 high. Her house - 20, is a flat roof house. I will be
8 able to see directly into the back of this monstrous -
9 - it's just like Cap Com in their backyard. Thank you.

10 CHAIRMAN STUTO: Thank you.

11 Rose Oppedisano.

12 MS. OPPEDISANO: My name is Rose Oppedisano. I
13 live off of Maxwell Road.

14 I would like to take this opportunity to
15 request that you deny changing the existing zoning. It
16 is too dense. We know the property and we have all
17 been at the firehouse on Albany Shaker Road. We have
18 heard it all. The character of our neighborhood has
19 been changed.

20 I agree with everything that last gentleman
21 said. Our community is changing and not for the
22 better. All the hotels that are there - the apartment
23 buildings - - there are just too many people and too
24 much traffic. We need to just consider the big
25 picture, which you all know. You all know future

1 development. You know the land that is available to be
2 developed in the future. You need to consider these
3 apartments and what it's going to do to our school.
4 Our school districts have been so impacted and that's
5 a huge problem. That has never ever been considered or
6 discussed at these Planning Board meetings.

7 The new hotel that is there on the corner
8 with the bank - when that opens it's going to have
9 retail. I am sure that is going to empty out onto the
10 new extension Road to add into that traffic. The right
11 in and out of what they are proposing - I see not
12 really happening at the bank. They are supposed only
13 go right out. They do a U-turn right there with people
14 going to the circle. That's violated all the time. It
15 is violated crossing over into the library.

16 The mitigation fees that everybody wants,
17 that land is valuable. Builders will come in there and
18 you will get mitigation fees. Don't sell yourself
19 short. Don't sell the community short. There is too
20 much happening in that area. Thank you.

21 CHAIRMAN STUTO: Okay, is there anybody else in
22 the community looking to speak at this point? We are not
23 taking a vote tonight.

24 (There was no response.)

25 Okay, we will turn it over to the Board.

1 MR. MION: Is that 35 feet or 45 feet high?

2 MR. GRASSO: I don't know.

3 MR. MION: What is the Town's Code?

4 MR. GRASSO: The maximum height?

5 MR. MION: Yes.

6 MR. LACIVITA: That is 75.

7 CHAIRMAN STUTO: Anybody else?

8 MR. HEIDER: I have one quick thing. Me and Joe
9 somewhat disagree on these right-in/right-out turns. You
10 only need to look at Moe's down the street and the
11 Starbucks in that development. Throughout the Town
12 wherever they have done a right-in/right-out, it just
13 becomes another way for somebody to take a left hand
14 turn in. I don't know what can be done with that
15 secondary entrance, but to think that is going to be
16 right-in/right-out is a fallacy. Most people, as you are
17 coming west on Shaker, will probably try to take a left
18 into there just so they don't have to go around the
19 roundabout. I am concerned about that.

20 We are looking at another project later on
21 tonight that's got a 100 foot buffer and is actually
22 smaller than this. I think that you just have to look
23 at these things. My concern is that it's only 16 feet
24 off the backyards?

25 MR. ZAPPONE: The back of the building to the

1 front of the property line is much more than 21 feet.

2 MR. HEIDER: It is a very close site line.

3 Let's put it that way.

4 I do agree with Joe about making that parking
5 green. For one thing, to even get to that parking,
6 they have to take down all the trees. Other than that,
7 for right now that's it.

8 CHAIRMAN STUTO: Craig?

9 MR. SHAMLIAN: I'm not sure where I stand. The
10 changes you have made are dramatic and it is a vastly
11 improved project from what was presented back to us in
12 June. It's complicated. I don't know where I stand.

13 MS. MILSTEIN: I feel the same way. This is all
14 zone single-family. How much do we want to change the
15 area? I don't know.

16 CHAIRMAN STUTO: I will speak for myself. I
17 agree in the sense that this is a lot to take in. I
18 think the original plan was way over the top, frankly.
19 This is modified greatly, but it is still pretty high
20 density. I think I need time to think about the impact
21 and sleep on it.

22 MS. DALTON: I think this is a much better plan
23 than the first plan that was in front of us. I agree
24 that it is a lot to take in right now and I'm glad we
25 are not taking a vote. I also agree that it is a much

1 better plan than when we saw in June.

2 I am conscious of the fact that there is the
3 memory care facility and assisted living facility
4 which decreases to some extent the amount of traffic
5 that you're going to deal with. My biggest concern
6 along the traffic is the lack of buffer that you've
7 got. I just don't think it's enough room. I have
8 particular concern because you've got it all as trees,
9 but again if you ever need that banked parking, those
10 trees come down and you've got three or four homes
11 there that are going to be exposed. I find that
12 unacceptable. It would be unacceptable if it was my
13 house. I would not be happy with that.

14 It is a residential neighborhood and right
15 now this is zoned residential. So, if you put other
16 houses in there, again, you wouldn't be dealing with
17 parking lots and clickers. You would be dealing with
18 looking at your neighbor's backyard or their pool, but
19 it is a much different kind of encroachment on the
20 space than what you're proposing here. So, that said,
21 I'm clearly not ready to vote on this but as we go
22 through iterations, there's just not enough buffer
23 here if it's not going to be a single-family
24 residential project.

25 CHAIRMAN STUTO: Okay, any further comment?

1 MR. AUSTIN: I just have a quick comment
2 regarding the gentleman that wanted to have the
3 residential component. Having 38 homes on or next to a -
4 not a major thoroughfare, but a thoroughfare going from
5 Winners Circle all the way to Maxwell, I'm not sure how
6 appealing that is to the neighborhood either. Basically,
7 it's going to be a cut-through road that will be
8 utilized frequently. I'm not sure if you could sell
9 \$400,000 or \$500,000 homes in that area. We are on that
10 side of Albany Shaker and outside of Albany Shaker is
11 more commercial. The other side of Albany Shaker with
12 the library is more residential. I'm not in a debate
13 with you tonight.

14 I'm not ready to vote either. I need to see
15 more. I like what they have done.

16 If you were here at the last meeting and you
17 saw the last plans that were drawn, it was a lot
18 worse. I'm very, very pleased with what you did to
19 make it where it is now, but like the rest of the
20 Board, I'm not sure.

21 CHAIRMAN STUTO: Often on these types of
22 presentations we can give more concrete feedback. PDDs
23 are a special animal. I think we are all sincerely
24 expressing that we need to think about this a little bit
25 more. I'm sure other ideas will percolate and so forth.

1 I personally don't have anything more concrete to say
2 other than that at this point.

3 MR. ZAPPONE: Thank you for your consideration.

4 CHAIRMAN STUTO: Thank you.

5 (Whereas the above entitled proceeding was
6 concluded at 9:05 p.m.)

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CERTIFICATION

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I, NANCY L. STRANG, 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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

