

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 J. LUKE OFFICE  
767 TROY SCHENECTADY ROAD  
APPLICATION FOR CONCEPT ACCEPTANCE

5 \*\*\*\*\*

6 THE STENOGRAPHIC MINUTES of the above entitled matter  
by NANCY L. STRANG, a Shorthand Reporter commencing on  
7 March 10, 2020 at 8:22 p.m. at Memorial Town Hall,  
Loudon Road, Newtonville, New York

8 BOARD MEMBERS:  
9 PETER STUTO, CHAIRMAN  
10 CRAIG SHAMLIAN  
11 SUSAN MILSTEIN  
12 CHIP ASHWORTH  
13 LOU MION  
14 PAUL ROSANO

12

13 ALSO PRESENT:

14 Kathleen Marinelli, Esq., Counsel to the Planning  
Board  
15 Sean M. Maguire, AICP, CecD, Director, Planning and  
Economic Development  
16 Zach Harrison, Planning and Economic Development  
Department  
17 Joseph Grasso, RLA, CHA  
John Luke Hodorowksi, Hodorowski Group  
18 Luigi Palleshi, ABD Engineers  
Victor Caponera, Esq.  
19 Joseph Grasso, RLA, CHA  
Iotr Sklaczinski  
20 Stephen Garabedian  
Joseph Hogan  
21 Michael Brennan, Colonie Conservation Advisory Council

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1                   CHAIRMAN STUTO: Next item on the agenda is J.  
2 Luke Office, 767 Troy Schenectady Road, application for  
3 concept acceptance. The application is to construct a  
4 one-story 15,000 square foot medical office building for  
5 multiple tenants with 88 parking spaces. Primary access  
6 via a new driveway on Troy Schenectady Road.

7                   MR. HODOROWSKI: Good evening. My name is John  
8 Luke Hodorowksi. I'm here on behalf of the Hodorowksi  
9 Group. I just want to kind of review where we are and  
10 how we got here tonight.

11                   We have been in front of this Board a few  
12 times with some different proposals for this property  
13 at 767 Troy Schenectady Road, if you can remember,  
14 last year. Our proposal in the past has been for much  
15 larger buildings - anywhere from 40 to 50,000 square  
16 feet and the buildings were all three-story in  
17 construction. The comments from the Board at that time  
18 when we made the proposals for the larger buildings -  
19 the common theme we heard was we are trying to put too  
20 much on too small a piece of property. So, as the  
21 Chairman said, we have revised our plan.

22                   We are proposing now a single story 15,000  
23 square foot building - medical office building as per  
24 the recommendations of this Board.

25                   The other major point of discussion that we

1           have had in the past with the Board was always the  
2           accessibility. If you can remember, the major  
3           discussion we had was we were trying to gain access to  
4           Whitney to get to the light. We tried several  
5           different ways to accomplish that, none being  
6           successful with any of them. This proposal tonight  
7           just has the one curb-cut onto Route 7, ingress/egress  
8           from that point and we are not asking for any kind of  
9           access through Whitney, through the service road or  
10          anything like that. You will see by our plan we have  
11          also incorporated some of the other comments that we  
12          heard from the Board and actually one of them is a  
13          waiver that we are looking for, which is to move the  
14          building back a little bit which actually was a  
15          recommendation of the Board that we push it back to be  
16          more in line with the adjacent buildings but also -  
17          again with the one-story - not to have that kind of  
18          looming presence over Route 7. So, our hope tonight -  
19          we are here tonight seeking the concept approval.

20                   I just wanted to give a brief overview of  
21                   where we were and the changes that we made. I am going  
22                   to reluctantly handed over to Luigi.

23                   MR. CAPONERA: Luigi may want to talk.

24                   I am Victor Caponera in behalf of the  
25                   proposed owner. I think the owner of the property, Mr.

1           Greene, is also here.

2                       As you heard Mr. Hodorowksi indicate, this is  
3           not our maiden voyage before this Board on this  
4           project.

5                       There were three previous appearances -  
6           50,000, 48,500, 40,500 and at the end of the day I  
7           think the Board's position was too much. So, this is a  
8           building that is substantially smaller than anything  
9           we have proposed before with a proposal to have 63%  
10          green. We all know that the Town requires a minimum of  
11          35%. So, this is, in my humble opinion, a substantial  
12          improvement from where we were back on November 27,  
13          2018, March 12 and May 28, 2019 which was the last  
14          time we were in front of this Board. We believe that  
15          given all of the very close scrutiny this Board had as  
16          well as your TDE - and Joe and I have had many  
17          discussions on this project, we feel that the Board,  
18          certainly after listening to any other comments,  
19          should act favorably on the proposed concept approval.

20                      Despite the fact that I usually take 20  
21          minutes, I'm going to humbly step down.

22                      CHAIRMAN STUTO: I'm just trying to plan out  
23          this presentation. Other members of the public looking  
24          to speak on this?

25                      (Members of the audience raised their hands.)

1                   This has been reviewed by our Town Designated  
2                   Dngineer, CHA.

3                   Joe Grasso, can you give your comments?

4                   MR. GRASSO: So, there is a letter in your file  
5                   dated March 3. I will quickly go through those.

6                   The first comment acknowledges the changes of  
7                   the size of the building and the various reductions  
8                   down to the 15,000 square feet. We also touch on the  
9                   fact that the plan is in conformance with the  
10                  commercial density requirements of the NCOR zone where  
11                  the site resides. We also acknowledge the access  
12                  comments that John Luke Hodorowksi brought up.

13                  We are supportive of the proposed access  
14                  arrangement. We were actually supportive of that  
15                  access arrangement with the last proposal, which was a  
16                  much larger building. We are supportive of one large  
17                  single access directly onto Route 7. It is subject to  
18                  DOT approval and Town departments have reviewed it and  
19                  feel that it's adequate from an emergency access  
20                  standpoint, as well.

21                  Based on pushing the building back, it would  
22                  require a waiver from the maximum 25-foot front yard  
23                  setback requirement from Troy Schenectady Road. We are  
24                  supportive of the waiver. We feel that it's very  
25                  consistent with the setback of the adjacent buildings

1 along the frontage of that section of Route 7. If that  
2 waiver is acceptable to the Planning Board, we would  
3 draft a Resolution for consideration by the Planning  
4 Board during final site plan review.

5 In terms of the parking, the plan is parked  
6 per Code. So, we are supportive of that.

7 At the various Planning Board meetings there  
8 was a lot of discussion about the landscaping  
9 primarily to the north side of the site and the rear  
10 of the site and then the two sides towards the back.  
11 We feel that landscaping is appropriate. We do think  
12 that some consideration should be given to extending  
13 the decorative fence along the western property line  
14 to provide a physical separation from the residential  
15 property and the proposed stormwater management  
16 because we are in the residential area along the  
17 sides. Additional landscaping should be considered on  
18 the street side of the decorative fence along the  
19 Route 7 frontage, so that there is something to break  
20 up towards the decorative fencing.

21 Next, the project site is in the airport area  
22 GEIS study area and as such, mitigation of cumulative  
23 impacts in accordance with the finding statement would  
24 be required.

25 The stormwater practice feasibility analysis

1 indicates the proposed use of a bio retention facility  
2 and while we know that bio retention can provide water  
3 quality treatment and run-off reduction, additional  
4 practices are going to be required to provide peak  
5 flow mitigation.

6 We also recommend that the outlet of the  
7 stormwater management area discharge to the existing  
8 storm sewer system along the Route 7 drainage system.

9 The applicant's proposal indicates an  
10 archaeological study will be completed following  
11 concept acceptance.

12 Just a reminder that a sign-off letter from  
13 the office of Parks and Recreation and Historic  
14 Preservation will be required as part of the  
15 stormwater pollution prevention plan. Notification to  
16 the FAA and the Albany Airport Authority regarding  
17 aeronautical impact notifications will be required.

18 The site plan includes a note restricting  
19 garbage collection between 7:00 a.m. and 7:00 p.m. The  
20 timing of this restriction should be considered by the  
21 Planning Board.

22 Lastly regarding the SEQRA review, this is an  
23 unlisted action pursuant to SEQRA. The applicant has  
24 gone and taken the next step and provided a full  
25 environmental assessment form where Part I was

1 completed by the applicant. The only involved agencies  
2 include the Town of Colonie Planning Board and the  
3 Albany County Planning Board. We believe the full EAF  
4 adequately describes the environmental setting and  
5 proposed project.

6 As is customary, we recommend that the  
7 Planning Board withhold making a SEQRA determination  
8 until additional details are known about the project.

9 CHAIRMAN STUTO: Good comments, thank you.  
10 We will take comments from the public.

11 FROM THE FLOOR: I live at 16 Bailey Avenue,  
12 which is this area here (Indicating).

13 Is this five feet back here?

14 MR. PALLESHI: It is three feet.

15 FROM THE FLOOR: Your vinyl is here, but then  
16 you have chain-link here. Don't cheap out on us. Are you  
17 going to put vinyl?

18 MR. PALLESHI: We are proposing to do vinyl.

19 CHAIRMAN STUTO: Can you direct your comments  
20 to the Board?

21 FROM THE FLOOR: The last time we were here,  
22 the setback was like five and then they changed it to 15  
23 because that was one of your concerns.

24 Then, fencing. I don't know the plans and I  
25 saw chain-link. Mine is actually busted, but I got it

1 fixed. Then, you guys talked about opening it to 15  
2 and putting a fence there. I didn't see that on the  
3 plans. I downloaded it, but you're saying that is  
4 going to happen?

5 MR. PALLESHI: Yes.

6 FROM THE FLOOR: You are close to the service  
7 road here. No plans to connect?

8 MR. PALLESHI: No plans to connect.

9 Just want to show you the note right here;  
10 six foot vinyl fence.

11 FROM THE FLOOR: I don't know because mine  
12 wasn't in color. It might've been an old one.

13 CHAIRMAN STUTO: Here is a copy of the plan, if  
14 you wanted.

15 FROM THE FLOOR: I downloaded one and I didn't  
16 see it.

17 CHAIRMAN STUTO: Sir?

18 MR. SKLACZINSKI: I would like to identify the  
19 property that I own. It's right here (Indicating).

20 CHAIRMAN STUTO: That's commercial.

21 MR. SKLACZINSKI: This buffer is 30 feet. I  
22 have only 15 here, in and out - the proximity to the  
23 white building.

24 CHAIRMAN STUTO: That's 20 feet to the pavement  
25 from the driveway?

1                   What line of business do you have there?

2                   MR. SKLACZINSKI: It could be any business. It  
3 is an accounting firm. It is a financial services firm.

4                   There's going to be standing traffic here at  
5 4:00 or 5:00. I know that. It's going to affect me,  
6 greatly. They created a large barrier on this side.

7                   CHAIRMAN STUTO: Well, they need that other  
8 side for the stormwater.

9                   MR. SKLACZINSKI: I understand but -

10                  CHAIRMAN STUTO: Is that your main comment?

11                  MR. SKLACZINSKI: Yes.

12                  CHAIRMAN STUTO: Joe, can you address that at  
13 the end?

14                  MR. GRASSO: Yes.

15                  MR. BRENNAN: Michael Brennan from the Colonie  
16 Conservation Advisory Council. We spoke about this at  
17 our last meeting. Our question was: Could the Council  
18 see a landscaping plan for this project?

19                  CHAIRMAN STUTO: Absolutely. I don't know if it  
20 is prepared yet.

21                  MR. GARABEDIAN: My name is Steve Garabedian my  
22 house is directly west of the project. I've been here  
23 before in front of the Board and the last time I was  
24 supportive of the property. At this point I think with  
25 the changes that have been proposed, the reduction in

1 size of the building and the fact that the parking lot  
2 is smaller, there is a decent amount of buffer between  
3 my property and the proposed property. There were  
4 concerns about traffic at the last meeting. I'm the only  
5 one in this room that actually uses the entrance and  
6 exit to that road every day. I have no issues. I don't  
7 see that being an issue and I am supportive of the  
8 project this time, considering the changes that have  
9 been made.

10 CHAIRMAN STUTO: Sir?

11 MR. HOGAN: My name is Joseph Hogan and I'm  
12 actually a neighbor next to you - the gentleman who  
13 immediately spoke before me. I live on one Whitney Road.

14 I was at the meeting prior when they were  
15 proposing another project which of course had to do  
16 with access on Whitney Road. This project does seem to  
17 be agreeable and as long as DOT approves the less  
18 impact of traffic here - - I did have a basic  
19 question. You are proposing - this is a medical office  
20 you're proposing to build?

21 MR. HODOROWKSI: That is the elevation.

22 MR. HOGAN: I have an information question  
23 because we do have the Capital Region Health Park  
24 located on Troy Schenectady Road within walking distance  
25 here. Will these offices be working in conjunction with

1 that?

2 MR. HODOROWKSI: We don't have all the tenants  
3 of the building. We have two tenants at this point and  
4 they are both medical. It doesn't mean that there  
5 couldn't be a business in their - another type.

6 MR. HOGAN: Thank you. That's all I had. I just  
7 had that basic question.

8 CHAIRMAN STUTO: Thank you.

9 Would someone else like to speak from the  
10 public?

11 MR. SKLACZINSKI: One more time.

12 By having that narrow space, it limits my  
13 customers and how I can use my property because there  
14 will be eight cars coming in and out and waiting to  
15 enter Route 7, Troy Schenectady Road. It's about 10  
16 feet from my property.

17 My building is here (Indicating). The cars  
18 are all lined up here trying to leave. They will be  
19 coming and going.

20 I am a licensed massage therapist. I have  
21 been using the site. I don't think they will stick  
22 with me, if you have a driveway right next to it.  
23 There's a small buffer of 15 feet.

24 CHAIRMAN STUTO: Okay, thank you for your  
25 point.

1 MR. PALLESHI: I'm Luigi with ABD.

2 The proposed location that we have, after  
3 going through the first few go-arounds we have  
4 actually submitted the plan to DOT and we have  
5 conceptual approval at this location. One of the main  
6 reasons is because DOT wants it furthest away from the  
7 traffic light. We are providing a 20-foot buffer here.  
8 It will be green space, grassed or some other type of  
9 vegetation. It is 15 feet from edge of pavement. As we  
10 go through the preliminary stages and when we really  
11 get to grading this out, we may be able to move things  
12 around a foot or two. Time will tell if we are allowed  
13 to advance the site plan.

14 CHAIRMAN STUTO: Joe Grasso, what say you?

15 MR. GRASSO: So, there was a comment about the  
16 fencing that's proposed. I just want to clarify why the  
17 resident is here.

18 Luigi, you have the pointer, but there is a  
19 retaining wall also proposed along the property line.  
20 That is to cut into the slope. So, that is a cut  
21 retaining wall. The existing grades along the property  
22 line will be retained and then it will step down into  
23 the project site. The fencing is right along the  
24 property line.

25 One of the questions is when we talk about

1 residents that have their existing chain-link fence  
2 and the applicant is going to propose a new fence,  
3 does that mean the adjoining owner wants their fence  
4 removed, or do we want two fences? That's something  
5 that we don't need an answer tonight, but we should  
6 have that discussion so by the time he comes in for  
7 final, there is clarity regarding how we are going to  
8 address that.

9 So, we would recommend, Luigi, that you could  
10 work with the adjacent landowner and work out that  
11 fencing issue.

12 Regarding the commercial property to the  
13 east, we are in agreement with the access location.  
14 This is the best spot. We consider what's on the  
15 adjacent property and whether or not it's a similar  
16 use or different use of commercial up against  
17 residential to kind of help us understand the need for  
18 the appropriate separation of buffering.

19 We did make a comment about additional  
20 landscaping being considered along the property line,  
21 but we also look in terms of how much buffer is being  
22 provided, or what is the setback being provided on  
23 this project site compared to the existing setbacks  
24 that are on the adjacent property. We feel that it is  
25 better than what is there on the adjacent property,

1 when you compare the building to the setback line as  
2 well as the driveway to the setback line.

3 There were some comments about the traffic  
4 queues and although there is parking for, I think, 86  
5 vehicles, it's not to say that we're going to get 86  
6 vehicles coming in and out or during any peak hour of  
7 the site. We would expect that with the traffic queue,  
8 could be a couple of vehicles up on Route 7 during the  
9 p.m. Hour, but we don't expect it to be more than two  
10 or three vehicles at any point in time.

11 Regarding whether or not some changes can be  
12 made, I think that is something that Luigi can look  
13 at. Obviously we are supportive of that large storm  
14 water portion on the west side of the site in the  
15 buffer to the residences on that side of the property.  
16 We don't want to compromise that.

17 MR. HODOROWSKI: I just want to piggyback on  
18 exactly what you were just saying with regard to the  
19 traffic. Right on the easternmost part of the building  
20 right now is a 5,000 square foot tenant. It is a medical  
21 facility. They are by appointment. She probably has  
22 about four employees. So, it's not like you have 60  
23 people coming in there at 9:00 and then they are leaving  
24 at 5:00. You've got a few employees that are going to be  
25 coming in and then the traffic is going to be by

1 appointment. It is consistent all day long. So, our  
2 other tenant to the west has the same thing. It is  
3 another medical spa type thing by appointment. Yes, you  
4 have 80 parking spaces, but this is not an office  
5 building where you have 80 people coming in.

6 CHAIRMAN STUTO: Paul, did you want to jump in?

7 MR. ROSANO: Yes. I have a couple of questions  
8 Luigi. This elevation we have here - this is the parking  
9 lot? You're going to have people parking there and  
10 they're going to go in the back side?

11 MR. PALLESHI: That is correct.

12 MR. ROSANO: I would ask you to consider some  
13 sort of overhang like they would have at Ortho New York  
14 for senior citizens, so we don't have to get out in the  
15 rain.

16 MR. PALLESHI: Can we go back to the site plan?  
17 I'm glad you brought it up.

18 We had put this 15,000 square foot building  
19 together and then the architect came and started  
20 laying out the program.

21 When I laid this out as a medical, I had  
22 assumed there would be a drop-off area, but after  
23 understanding what this tenant's base really needs,  
24 they don't need a drop-off. So, as we go through  
25 preliminary, those will be parking. We will extend the

1 parking right along that front.

2 MR. ROSANO: The other question I had was: Is  
3 the dumpster enclosure - - for some reason, that's  
4 always a sticking point. Can we put a little bit of  
5 screening around that - as we do with all commercial  
6 properties? Just on the two sides - like in the driveway  
7 coming up against it. I would like to see that.

8 MR. PALLESHI: Okay.

9 MR. ROSANO: Thank you.

10 CHAIRMAN STUTO: Any of the comments from the  
11 Board?

12 MR. MION: I have a question. It's going to be  
13 a medical facility. Are they affiliated at all with 711  
14 - the one to the east?

15 MR. PALLESHI: No.

16 MR. MION: That answers my question. What I was  
17 thinking was: If they are, you might want to have that  
18 access road go up. If they're not affiliated, then okay.

19 CHAIRMAN STUTO: Susan?

20 MS. MILSTEIN: Nothing.

21 MR. SHAMLIAN: The trees that are proposed  
22 along the back line - I don't see landscaping plan that  
23 shows what you're proposing back there.

24 MR. PALLESHI: Typically, we propose mixed  
25 pines, similar to what we did at 399 Albany Shaker Road

1 for Crisafulli. It's kind of the same set up where that  
2 sits up high. You have the vinyl fencing along the  
3 property line and then we have the mixed pines right  
4 along the top row to buffer the neighbors.

5 As we advance the site plan with preliminary,  
6 we will certainly detail every shrub entry on that  
7 plan.

8 MR. SHAMLIAN: As the retention pond is sized,  
9 can we shift this a little bit to the west of the  
10 building in the parking and expand that border? Right  
11 now, especially where the retaining wall is, you have  
12 five feet or 10 feet and there's no real room for any  
13 plantings of any significant size. So, if you could  
14 shift everything five feet, that would give you a true  
15 15-foot buffer and you could put plantings on it and  
16 continue that line of plantings all the way down.

17 MR. GRASSO: I don't know if there's any reason  
18 why the access drive and the building couldn't be  
19 shifted like 15 feet to the west. There may be a utility  
20 pole right out there at Route 7 that you're trying to  
21 avoid with utilities on it and the touchdown spot may  
22 need to stay where it is. I don't know if there's any  
23 reason why they couldn't shift everything over a little  
24 bit.

25 MR. SHAMLIAN: If this were just general office

1 - what is the parking requirement for general office?

2 MR. PALLESHI: Medical is worst-case scenario;  
3 one per 175. I believe office is one per 225.

4 MR. SHAMLIAN: You are banking some spots that  
5 are above the requirement? Can you bank some of the  
6 spots that you are already planning to build? I see a  
7 lot of medical office buildings and most of them seem  
8 like they are way over parked.

9 MR. PALLESHI: Which ones would you propose to  
10 bank?

11 MR. SHAMLIAN: Until it's totally engineered  
12 out, I'm sure there are plenty of spots that you could  
13 bank.

14 MR. PALLESHI: Yes, I would agree that we could  
15 bank some more parking spots. We are not opposed to it.  
16 We will take a second look at it.

17 MR. GRASSO: Maybe the back row - the ones up  
18 against of the north. That something where they would  
19 design a stormwater management system based on them  
20 going in and then they could build it if they had to.  
21 Otherwise, it would be green space.

22 MR. SHAMLIAN: Then, the last comment I have  
23 is: I'm not a huge fan of the elevation of the building.  
24 That's just my opinion. That's it.

25 CHAIRMAN STUTO: Lou, did you have some

1 comments?

2 MR. MION: We are in the age of solar. Have you  
3 considered doing that - putting solar panels on the  
4 building?

5 MR. HODOROWSKI: It is something that we are  
6 considering.

7 MR. MION: How about the plug-in parking?

8 MR. ROSANO: EV station. We are going there,  
9 folks. I won't be around, but we are heading here and  
10 it's going to cost you a lot less to put it in now than  
11 it will be in the future.

12 MR. HODOROWSKI: We will look into it,  
13 absolutely.

14 MR. ROSANO: Okay, thank you.

15 CHAIRMAN STUTO: A couple comments for me -  
16 just express my opinion on the record.

17 With respect to the gentleman that owns the  
18 property next door: I'm sympathetic, but I'm not  
19 overly sympathetic, to be honest. It is Route 7. The  
20 new medical building is going to have the same  
21 distance. However, I'm not going to oppose the Board,  
22 if they want to shift it over. Every foot you shift  
23 over gets closer to the residents. Keep that in mind.  
24 So, you can strike a reasonable balance.

25 Shared parking - I am in favor of that. With

1 everything that's going on with the national news and  
2 Australia and also other things that are going on, it  
3 makes me think - it underscores the importance of  
4 going green. I'm just making a general statement. I'm  
5 not making it particular to this project, but I do  
6 want to express that. It has been on my mind.

7 No more comments from me.

8 Do we have a motion for concept acceptance?

9 MR. SKLACZINSKI: I have a question. On the  
10 right-hand side of the property there are a bunch of  
11 trees. Are they going to cut them down?

12 CHAIRMAN STUTO: I will let them answer that.

13 MR. PALLESHI: As of right now, yes. We did do  
14 a preliminary grading plan. You don't see it up here  
15 because it's not required for concept, but we are  
16 grading up to the property line.

17 CHAIRMAN STUTO: Are you for that or against  
18 that?

19 MR. SKLACZINSKI: They will be creating some  
20 new space for me. But, if they shift the acces to the  
21 west and widen it, they could leave those trees alone  
22 than I could maintain my value. Otherwise, it will  
23 devalue my property.

24 CHAIRMAN STUTO: I don't agree with you, to be  
25 honest. I just want to be on record. You are on Route 7.

1                   Can take a look at those trees and see if  
2 they're worth saving?

3                   MR. PALLESHI: Sometimes when trees are  
4 removed, it actually helps visibility to market your  
5 busy. Maybe it's different in his case.

6                   CHAIRMAN STUTO: We would like to get a  
7 picture.

8                   MR. SKLACZINSKI: It's for the neighbors in the  
9 back and not just the front.

10                  CHAIRMAN STUTO: We will look at it, thank you.

11                  Do I have a motion for concept?

12                  Concept is just concept acceptance. It's not  
13 a formal approval, just so the public knows, if you  
14 haven't been here before. If it gets concept  
15 acceptance, it will come back and all these things  
16 will be addressed between our Town designated  
17 Engineer, our department and the applicant. We will  
18 have another opportunity to have public comment on  
19 this and see where we are.

20                  That said, do have a motion for concept  
21 acceptance?

22                  MR. MION: I'll make the motion.

23                  MR. ASHWORTH: Second.

24                  CHAIRMAN STUTO: Any discussion?

25                  (There was no response.)

1 All those in favor, say aye.

2 (Ayes were recited.)

3 All those opposed, say nay.

4 (There was no response.)

5 The ayes have it.

6 MR. PALLESHI: Thank you.

7 (Whereas the above entitled proceeding was  
8 concluded at 8:45 p.m.)

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CERTIFICATION

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

