

1 STATE OF NEW YORK COUNTY OF ALBANY
2 TOWN OF COLONIE
3 *****

4 MILLVIEW EXTENDED CARE FACILITY
5 514 OLD LOUDON ROAD
6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY L. STRANG, a Shorthand Reporter
9 commencing on August 25, 2020 at 8:06 PM at
10 Memorial Town Hall 534 New Loudon Road, Latham,
11 New York.

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13 Board MEMBERS:
14 PETER STUTO, CHAIRMAN
15 CRAIG SHAMLIAN
16 PAUL ROSANO
17 SUSAN MILSTEIN
18 STEVEN HEIDER, RECUSED
19 LOUIS MION
20 FREDERICK ASHWORTH

- 21
22 ALSO PRESENT:
23 KATHLEEN MARINELLI, ESQ. COUNSEL TO THE Board
24 SEAN MAGUIRE, AICP, CEcD, DIRECTOR, DEPARTMENT
25 OF PLANNING AND ECONOMIC DEVELOPMENT
ZACHERY HARRISON, PLANNING AND ECONOMIC

1 DEVELOPMENT
2 VICTOR CAPONERA, ESQ.
3 NICHOLAS COSTA, PE, ADVANCE ENGINEERING AND
4 SURVEYING
5 JAMES HENS
6 RAJESH TANEJA
7 KIRTHIVASAN NAGARAJAN

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1 CHAIRMAN STUTO: Next and final item on
2 the agenda is 514 Loudon Road Millview Extended
3 Care Facility Concept site plan approval for
4 the proposed construction of a 20,000 square
5 foot one-story extended care building with
6 parking, sidewalks, and associated utilities.

7 Sean, do you have any introductory
8 remarks before we turn it over to the
9 applicant?

10 MR. MAGUIRE: No, we can just turn it
11 over.

12 CHAIRMAN STUTO: Are there any members of
13 the public who are looking to speak on this?

14 We will ask you to sign in on the
15 sign-in sheet so that we can call you in an
16 orderly fashion.

17 Okay, we will turn it over to the
18 applicant.

19 MR. CAPONERA: Good evening Chairman and
20 Members of the Board. My name is Victor
21 Caponera representing the owner of the property
22 who is Mr. Hens who is sitting to my right and
23 to your left.

24 Last time I was here I didn't get up
25 and say a word. Some of the members were

1 quite shocked, so I couldn't do it for
2 second time. A lot of people were shaking
3 their heads.

4 The last time we were in front of this
5 Board was back when we had sketch plan in
6 September. Actually it was September 10,
7 2019.

8 Before that, I had gone before the
9 Zoning Board and gotten the modification to
10 the numerous previous variances that were
11 granted on this 7.7 acre parcel. Basically
12 what we have right now is the adult home
13 that sits in the upper part that everyone is
14 aware of and you can see it on the site
15 plan. When we came in we had asked for
16 sketch plan review of the 20,000 square-foot
17 building, which is now reduced to 18,720.
18 The reason we were talking about this -
19 Chuck, the TDE engineer indicated that
20 ambulance access and vehicular access was
21 important for this proposal because
22 basically what we were looking for is
23 independent senior housing, or senior
24 apartments for this use. Certainly Mr. Hens
25 who spoke at the sketch plan meeting when we

1 were here back in September, can discuss
2 that in more detail, if the Board wants.
3 Essentially, we are here for concept
4 tonight. We have revised the plan to
5 accommodate the concerns or comments that
6 were made - not so much the concerns - by
7 Chuck.

8 So, this is much like what we have
9 there now, which is a single story building
10 as you can see. It is proposed to have a
11 little courtyard. If you look at the plan -
12 that site plan that's in front of you. The
13 existing building has a courtyard to. That is
14 what is proposed here. If you look a little
15 closer at the top and even the second,
16 third, and fourth, you will see an area for
17 the access for emergency access and
18 vehicular traffic which was located in this
19 right back corner which was cut off --
20 that's what we modified and changed from
21 when we were here last time.

22 MR. HENS: That is not a courtyard in the
23 center. That's a flat roof.

24 MR. CAPONERA: Okay, I thought it was a
25 courtyard. There's a flat roof in the center.

1 So, that's really what we are doing and
2 pretty much exactly what we proposed last
3 time in September. It's unobtrusive, clearly
4 as you can see and it's in the left quadrant
5 of this property and from Route 9 it kind of
6 goes up and back down again. So, I don't
7 even know if you would see this from Route
8 9. Chances are you won't because it's only a
9 single-story building, unlike the ones
10 you've been looking at all night tonight
11 which are multi-sized buildings.

12 Obviously, Nick is here and exhausted
13 from the previous sketch plan I'm sure.

14 CHAIRMAN STUTO: Can somebody talk about
15 the visual impacts to the neighbors in the
16 northerly direction? I think they are here.

17 MR. CAPONERA: We don't think there's
18 going to be a substantial visual impact due to
19 the fact that it is a single-story building.
20 You can see the roof that was proposed and as
21 you can see, the parking is located towards the
22 front of the property with landscaping from the
23 side of the building towards what I think is a
24 residential subdivision that was approved by
25 this Board some years ago.

1 CHAIRMAN STUTO: Does the cul-de-sac exist
2 right now?

3 MR. CAPONERA: I can't answer that.

4 MR. COSTA: Thank you, Victor. This
5 already exists. The slight gray is already
6 existing. The darker gray is what we are
7 proposing. This is a one-story building. This
8 is on a knoll here with the elevation being 350
9 here (Indicating). This sits down here and will
10 have a finished floor elevation of 440 2/5.

11 CHAIRMAN STUTO: So, it's going to be 8
12 foot lower?

13 MR. COSTA: Lower. The building is here
14 and it's actually above this so they are higher
15 (Indicating). There's really no visual from
16 here or here. These homes over here - there's
17 some green space right here and it's very
18 distant from the -

19 CHAIRMAN STUTO: How far away is it?

20 MR. CAPONERA: For everyone's edification,
21 back in 1993 when I was just 18 years old, the
22 Zoning Board at that time required a 100 foot
23 buffer and it is shown on the site plan - A
24 100-foot buffer from the property.

25 MR. COSTA: It's about 220 feet.

1 CHAIRMAN STUTO: From the aerial it looks
2 Woody.

3 MR. CAPONERA: Substantially.

4 MR. COSTA: Right here it is heavily
5 wooded (Indicating). Our clearing limits are
6 shown on here.

7 Just so I can flush out some site
8 items, there is water service to this
9 building. We are extending this out on Old
10 Loudon to provide water service to the
11 proposed building. There is also sanitary
12 sewer out on Nottingham Way. There is an
13 easement that comes up to have sewer service
14 for this building. What we are doing is
15 extending that to service the new building.
16 For stormwater, there is an old-style
17 stormwater detention basin. It's dry and it
18 has an outlet that's uncontrolled. So, what
19 we are proposing to do is put in an outlet
20 control structure and bring it up to the
21 current standards for the water quality and
22 quantity treatment and if we need to make it
23 a little bit bigger, we can make it a little
24 bit bigger. So, the stormwater is all going
25 to be directed towards this area here

1 (Indicating). The Water Department would
2 like for us to eventually loop the water to
3 the development that is being proposed
4 next-door, down south of us. So, we have
5 shown the water coming in, but we don't
6 really know where that water main is going
7 to be. They would like to have a looped
8 system back out to Old Loudon Road. So, as
9 Victor mentioned, that's really the proposal
10 that is in front of you that we are
11 requesting concept acceptance for.

12 So, if there are any questions, I would
13 be more than happy to try to answer them.

14 CHAIRMAN STUTO: So, this project has been
15 reviewed by our Town Designated Engineer. In
16 this case, it is Barton and Loguidice. We have
17 Chuck Voss here to give comments.

18 MR. VOSS: Peter, thank you. The Board
19 should have in their packets a letter dated
20 August 11, 2020 where we have done a concept
21 review of this. As Nick said, the project has
22 evolved since the last time the Board has seen
23 it. In particular the scale of the building has
24 been reduced in size. The location is generally
25 the same. They did add in some extra access

1 points, basically, in front of the building to
2 allow for emergency vehicle access which we
3 think is certainly an improvement to the
4 project.

5 I will go through just some of our
6 comments here in the letter quickly for the
7 Board.

8 As Nick just described, there is an
9 existing stormwater system on-site that
10 services the existing facility. They intend
11 to reuse that, which we certainly think is a
12 good idea and will just be curious how Nick
13 does that and how your final design will be
14 for that. But there certainly appears to be
15 plenty of space to expand that retention
16 basin and improve it were necessary. We
17 think that is certainly a bonus to the site.
18 You don't have to re-create a brand-new
19 stormwater management system on-site.

20 In terms of access from Old Loudon
21 Road, as proposed in the narrative it will
22 really be minimally additional looking to
23 service the site and given the nature of the
24 residence, there's really not a lot of
25 mobility from a traffic standpoint. You'll

1 see that in this site above and beyond that
2 already. So, we certainly feel the existing
3 driveway off old Loudon Road can certainly
4 handle the additional site and building.

5 There's not really a sight-line issue
6 or anything like that which would prevent
7 it and we will take a harder look at the
8 traffic issues of the site.

9 In terms of visibility, we will be
10 talking about infrastructure first. There is
11 existing water on the site. There is
12 existing sewer on the site.

13 Nick did touch quickly on the sewer
14 easement off to the north. In talking to
15 Pure Waters, they feel that a gravity system
16 would be the ideal way to go here. Nick and
17 I were discussing it and we think that's
18 probably a good feasibility that that will
19 happen. I think that will make the Pure
20 Waters Department very happy. There will be
21 no additional pumps on the site.

22 There is an existing water main to the
23 site with sufficient capacity to handle not
24 only the existing site, but the proposed new
25 building.

1 Nick, it was unclear initially but will
2 the new building be sprinklered?

3 MR. COSTA: Yes, it will.

4 MR. VOSS: So, as long as we size the
5 maintenance coming at sufficiently you should
6 be okay there.

7 In terms of access around the building,
8 I know one of the comments that you always
9 hear from the Chief is we would like to make
10 sure we can get equipment and personnel
11 around the site on all four sides. It looks
12 like we've got that ability. Just as the
13 plan evolves, we want to see that.

14 Landscaping will certainly be something
15 that would come up. Right now I see you've
16 got some light landscaping proposed, but we
17 will look forward to seeing more of that.
18 Really, the landscaping, in our opinion, is
19 more of an aesthetic quality to the site
20 versus a screening of the site. Nick touched
21 on earlier that this new building sits well
22 below the current elevation of Old Loudon
23 Road - nearly 20 feet below based on the
24 elevations we are seeing, which will
25 significantly screen the new building. Plus,

1 it is a one-story structure which will keep
2 a very low and basically be within the tree
3 line.

4 One of the questions came up from the
5 Board earlier about potential visibility
6 issues from Nottingham Way residents. The
7 existing facility will certainly screen any
8 view of the new building from the northeast.
9 If somebody is looking back down towards the
10 new site, they're really not going to be
11 seeing anything. Really, the only potential
12 homesites on Nottingham that might have some
13 visibility would be 8 and 6. Certainly we
14 can work potentially with Nick and the
15 applicants to add any additional screening
16 if the additional vegetation layer is
17 insufficient. Other than that, it's going to
18 be minimal visual impacts through the tree
19 line in the wood.

20 Other than that, I think I've touched
21 on everything. It looks like a nice view to
22 that site and it's nice to see the building
23 tucked back in. We look forward to seeing
24 additional designs from you.

25 CHAIRMAN STUTO: I think we have one

1 gentleman from the neighborhood.

2 MR. TANEJA: My name is Rajesh Taneja and
3 I live at 6 Nottingham Way, which is basically
4 north of the proposed building.

5 CHAIRMAN STUTO: Can you point your house
6 on that map?

7 MR. TANEJA: I'm right there.

8 I couldn't come to the meeting when the
9 zoning was granted from single-family homes
10 for the commercial building and that
11 variance has been granted, I suppose. I
12 don't think I can talk about that.

13 CHAIRMAN STUTO: I don't know if that's
14 correct.

15 Do want to repeat the status of the
16 variance that's in our file? That's accurate
17 with the gentleman said?

18 MR. CAPONERA: Yes.

19 MR. TANEJA: The question is - from my
20 understanding, the variance is granted. Is it
21 for specifically this - what they are proposing
22 with the adult extended care?

23 MR. CAPONERA: Yes.

24 MR. TANEJA: What happens tomorrow if the
25 building was done and the owner decides to

1 lease it to somebody else?

2 CHAIRMAN STUTO: I will let the attorney
3 address that. I'm just looking for the variance
4 because we have a copy of it here.

5 MR. CAPONERA: The variance was approved
6 for the specific use that we are asking for.
7 So, to answer to the gentleman's question, if
8 it were to change use, they would have to go
9 back in front of the Zoning Board.

10 CHAIRMAN STUTO: In looking at the
11 variance, I agree with you and I will give you
12 a copy of it if you want.

13 Do you want a copy of the variance?

14 MR. TANEJA: No, that's fine. I saw it
15 yesterday online. My question is: The building
16 is already there, but if they decide to lease
17 the building to somebody else -- there is a
18 history of this owner that 15 years ago they
19 extended the existing building and at that time
20 they got a variance approved by saying it would
21 be only used for adult day care. It's never
22 been used for adult day care. They've had two
23 businesses in the last 15 years. They have
24 leased it to two different businesses. What if
25 they do the same thing tomorrow? How do we make

1 a check on that?

2 MR. CAPONERA: Every time a new tenant
3 changes in the lower part of this building
4 which is in the back, I had to reappear in
5 front of the Zoning Board and get their
6 approval for any use that varied from the
7 variance I originally got to expand the
8 building.

9 CHAIRMAN STUTO: So, you have had a series
10 of variances.

11 MR. CAPONERA: Oh, absolutely. In answer
12 to the gentleman's question: Clearly it's a
13 specific use and when one tenant left in the
14 lower, I had to go back in front of the Zoning
15 Board and present the case and get an approval
16 for the change of tenant.

17 MR. HENS: Originally, we had medical
18 distribution and their office personnel. The
19 second tenant has been a Montessori school and
20 that was for 10 years.

21 MR. HEIDER: And they satisfy the
22 requirement for the building it's being used
23 for.

24 MR. CAPONERA: Yes.

25 CHAIRMAN STUTO: The attorney for the

1 applicant is saying that he would have to go
2 back to the Zoning Board if they change the
3 type of use. I'm just going to read for the
4 record with the variance says.

5 The application was for the proposed
6 construction of a single-story extended care
7 facility at a 20,000 square foot in a
8 single-family residential zoning district as
9 an expansion of a nonconforming use and is
10 not a permitted use as stated in the Town of
11 Colonie Land Use Law Article V, Section 190
12 -20a, Article VI, Sections 190-24; 190-25;
13 Article VIII, Section 190-34B, 1A and 190
14 Attachment 1, Table for Permitted Uses.

15 So, it was approved - that application
16 is for the proposed construction of a
17 single-story extended care facility. It
18 makes sense what the attorney for the
19 applicant is saying - in order to vary from
20 that to change it - to change the use, they
21 have to go back to the zoning Board.

22 MR. TANEJA: Okay, we have vegetation
23 there that in the wintertime is not there.

24 CHAIRMAN STUTO: Can you show us where on
25 the drawing that is so.

1 MR. TANEJA: This is my home and the
2 vegetation is right here -

3 CHAIRMAN STUTO: The goes away in the
4 winter, you are saying?

5 MR. TANEJA: Yes, it goes away and I don't
6 know -

7 CHAIRMAN STUTO: What would you like to
8 see put in there? We could perhaps have the
9 applicant put something in there that would
10 screen your view to be more permanent.

11 MR. TANEJA: Something like winter trees
12 that don't show the leaves or something like
13 that.

14 CHAIRMAN STUTO: What is our favorite
15 planting nowadays?

16 MR. ROSANO: White Fir, Norway Spruce.

17 CHAIRMAN STUTO: Is the applicant amenable
18 to screening there?

19 MR. CAPONERA: Yes.

20 MR. TANEJA: Just one more question. I
21 don't know if the Town Engineers are looking at
22 it. I just saw it.

23 This is an existing storm basin which
24 gets all the stormwater and now they are
25 proposing to use the same. This is almost

1 the same size as the last extension. Does
2 this have enough capacity? What this
3 basically means is that the water will stay
4 there for a longer time and attract
5 mosquitoes and will not allow us to use our
6 backyards.

7 CHAIRMAN STUTO: Okay, I will have the
8 engineer address that concern.

9 MR. COSTA: The plan is to reuse the
10 existing basin, but bring the existing basin to
11 the correct size for the additional water.

12 CHAIRMAN STUTO: This is going to be
13 deeper, or more surface area?

14 MR. COSTA: It will be a combination of
15 both. The other thing is that we have to bring
16 this up to the current regulations. The New
17 York State DEC Stormwater Design Manual
18 requires that not only water quality which it
19 doesn't do currently. Currently, it only
20 handles the quantity and doesn't do anything
21 for quality. We have to bring it up to
22 regulations to have quantity and quality. It
23 will be enlarged and it will be enlarged both
24 in area and depth and I will have an outlet
25 control structure so that it will control the

1 rate of the water that goes out of this
2 facility - this practice. Currently, it doesn't
3 have that. Currently, it's an open discharge
4 without any controls.

5 CHAIRMAN STUTO: Is the building lower
6 than the pond? Because you told me that that
7 the new building is 8 feet lower. I don't know
8 what that means with respect to the basin.

9 MR. COSTA: The basin is lower, yes.

10 CHAIRMAN STUTO: So, mosquitoes - you
11 didn't really say anything specifically about
12 that.

13 MR. COSTA: Well, the mosquitoes -
14 currently it's more of a mosquito attraction
15 because if there was open water it will be
16 better than just having mucky remnants of water
17 sitting there and running out.

18 CHAIRMAN STUTO: Is that what you are
19 seeing now?

20 MR. COSTA: That's what's there now.

21 CHAIRMAN STUTO: So, there will be cleaner
22 water.

23 MR. COSTA: Yes, it will be open water
24 which will be more attractive than what is
25 there now.

1 MR. TANEJA: I have one last comment. The
2 proposed sanitary sewer line goes right through
3 my driveway - through Nottingham. That's what
4 they are proposing from here to here
5 (Indicating). The capacity of that sort - I'm
6 not sure. If anything happens tomorrow, that
7 will affect my driveway.

8 CHAIRMAN STUTO: Okay, we will address
9 that. We have our engineer here, too. So, if
10 you disagree with anything, please let us know.

11 MR. COSTA: That pipe that picks up the
12 6-inch lateral that comes out of this building
13 is an 8-inch line. It's a line that has a
14 pretty good slope on it. We are looking at one
15 possible solution to the gravity sewer dilemma
16 that if we lower that to a flatter slope, we
17 will be able to get deeper to serve this
18 building. The 8-inch pipe that is there will
19 have plenty of capacity. At 1/2% it has almost
20 1/2 million gallons per day capacity. We are
21 not generating anything close to that.

22 CHAIRMAN STUTO: You going to have to
23 lower the line, that is what you're saying? Do
24 have to dig up his driveway?

25 MR. COSTA: No, we're going to dig up the

1 easement. There is an existing easement.

2 MR. MAGUIRE: Our mapping shows that
3 easement does go over the driveway.

4 MR. COSTA: It does go over the driveway?

5 MR. MAGUIRE: It straddles the property
6 line, but the orientation of the driveway is
7 pretty much a few feet off the property line so
8 that easement does cover that whole driveway.

9 MR. COSTA: It is an existing easement,
10 so.

11 CHAIRMAN STUTO: I understand, but he is
12 justified in being concerned about what the
13 plan is.

14 MR. COSTA: That's correct and if the
15 driveway gets disturbed, obviously it would be
16 replaced.

17 CHAIRMAN STUTO: New driveway or patch
18 job?

19 MR. COSTA: It would be whatever is in the
20 easement. We wouldn't be disturbing the rest of
21 the driveway.

22 CHAIRMAN STUTO: Well, it is nice to keep
23 the neighbors happy. I don't know what the
24 exact impact is. It could be a sensitive issue,
25 as I'm sure you understand.

1 MR. COSTA: And we will look into that as
2 we move the design forward. Hopefully we won't
3 have to disturb any of it. It is something that
4 we are considering.

5 CHAIRMAN STUTO: Chuck, can you shed any
6 on this.

7 MR. VOSS: In some of our discussions with
8 the Pure Waters Department that handles
9 obviously the sewer lines for the Town, they
10 expressed a willingness to reuse that existing
11 line. As Nick's design evolves, we will make
12 sure that it flows in the right direction and
13 there will certainly be capacity. With an
14 8-inch line there, there is, probably like Nick
15 said, enough capacity now and also to handle
16 this existing site. So, I don't think capacity
17 is going to be issue is just going to be were
18 going to be more interested in how you're going
19 to achieve your slope. Pure Waters is going to
20 require that you have a certain amount of
21 slope. They do not want a pumping station in
22 there and they have made that very clear.

23 With that being said, in terms of the
24 neighbor's driveway and encroaching on the
25 easement - it's technically a Town easement

1 and the neighbor is going to have to allow
2 work to be done within that easement. But
3 certainly under the condition that whatever
4 is disturbed, is replaced, in kind. If the
5 driveway has to be removed in one section,
6 it will certainly be replaced and not at the
7 owner's expense if it happens.

8 We will look to see how Nick's design
9 evolves.

10 CHAIRMAN STUTO: I hope the applicant
11 appreciates that sensitivity. If that was your
12 house, you'd want it done right.

13 MR. COSTA: Just as an example, the entire
14 Dutch Meadows subdivision - that is all
15 tributary to an 8 inch line. It doesn't get any
16 bigger.

17 CHAIRMAN STUTO: Understood. Capacity is
18 not an issue.

19 MR. COSTA: No, and the flow is about this
20 depth. Thank you.

21 CHAIRMAN STUTO: Any other questions?

22 (There was no response.)

23 Work with us and we will keep a close
24 eye on it.

25 MR. NAGARAJAN: I'm at 10 Nottingham Way.

1 At number 10 and 12 there is a lot of deer
2 traffic. I personally like it. My question is:
3 Is any of that going to be affected with the
4 new thing coming on? It comes every day - there
5 are a dozen deer that travel every day going
6 back and forth in that area. I just wanted to
7 know that opinion.

8 CHAIRMAN STUTO: I will leave that to the
9 applicant.

10 Can anybody on the applicant's team
11 address that?

12 MR. COSTA: What usually happens on a
13 construction site is during the construction
14 there is some displacement of wildlife. Then,
15 it returns. I don't think that would be a
16 permanent change here to the wildlife. There is
17 plenty of space in woods that are going to be
18 left in place for the wildlife to enjoy. It's
19 not a permanent change.

20 CHAIRMAN STUTO: Chuck, do you have any
21 comment?

22 MR. VOSS: Yes, I was just going to say in
23 looking at the site plan where 10 and 12
24 Nottingham are, they are basically off to the
25 northwest of the site. There is no proposed

1 activity back there from this project. I think
2 what Nick was referring to - the disturbance
3 will occur because there's going to be
4 development nearby, but technically not that
5 exact area where the gentleman described the
6 wildlife corridor. As long as there's no
7 physical alteration back there, - as Nick said,
8 it would be the nature of the wildlife to
9 potentially disperse during the noisy
10 construction phase, but probably return pretty
11 quickly once things quiet down. The whole
12 western side of the site is basically being
13 left undisturbed in its natural state.

14 CHAIRMAN STUTO: Anything else from the
15 neighbors?

16 (There was no response.)

17 Chip, do you want to start?

18 MR. ASHWORTH: I have nothing.

19 CHAIRMAN STUTO: Lou?

20 MR. MION: I have nothing.

21 CHAIRMAN STUTO: Chief?

22 MR. HEIDER: Nothing.

23 CHAIRMAN STUTO: Craig?

24 MR. SHAMLIAN: Screening to the neighbors
25 - and when you come back for your next

1 submission, personally I would like to know
2 exactly how much of the driveway you are - or
3 if you're going to impact the driveway how much
4 of it. If you're doing anything more than a
5 tiny little bit, I would hope they would be
6 willing to replace the resident's driveway.
7 Personally, I would not want to patch on my
8 driveway.

9 MR. COSTA: The detailed design - we will
10 reveal that. Obviously, we are not at that
11 point here.

12 CHAIRMAN STUTO: Susan?

13 MS. MILSTEIN: I don't have anything.

14 CHAIRMAN STUTO: Paul?

15 MR. ROSANO: Nothing.

16 CHAIRMAN STUTO: Okay, thank you neighbors
17 for your presentation.

18 Before us we have a concept plan
19 acceptance. It's acceptance and not an
20 approval.

21 Do we have a motion on that?

22 MR. ROSANO: [Raises hand].

23 CHAIRMAN STUTO: Paul.

24 Second?

25 MR. HEIDER: [Raises hand.]

1 MR. HEIDER: Chief.
2 Any discussion?
3 (There was no response.)
4 Subject to all the terms and conditions
5 discussed tonight, we will take a vote on
6 this.
7 All those in favor, say aye.
8 (Ayes were recited.)
9 All those opposed, say nay.
10 (There were none opposed.)
11 The ayes have it. We will see everybody
12 back next time.
13 (Whereas the above entitled proceeding
14 was concluded at 8:39 PM)
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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter
and Notary Public in and for the State of
New York, hereby CERTIFIES 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.

Date: _____

Nancy L. Strang
Legal Transcription
2420 Troy Schenectady Road
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