

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

\*\*\*\*\*

3 CRISAFULLI MIXED-USE  
4 106 EVERETT ROAD  
5 REVIEW AND ACTION ON PARKING IN THE FRONT YARD  
6 WAIVER, THREE SPACE PARKING WAIVER AND CONCEPT  
7 ACCEPTANCE (CONTINUED)

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8 THE TAPED AND TRANSCRIBED MINUTES of the above  
9 entitled proceeding BY NANCY STRANG-VANDEBOGART  
10 commencing on November 9, 2010 at 7:48 p.m. at the  
11 Public Operations Center  
12 347 Old Niskayuna Road, Latham, New York 12110

13 BOARD MEMBERS:

- 14 CHARLES J. O'ROURKE, CHAIRMAN
- 15 PAUL ROSANO
- 16 LOUIS MION
- 17 TIMOTHY LANE
- 18 MICHAEL SULLIVAN
- 19 PETER GANNON
- 20 ELENA VAIDA, Esq., Attorney for the Planning Board

21 Also present:

- 22 Joseph LaCivita, Director, Planning and Economic  
23 Development
- 24 Paula Mahan, Supervisor
- 25 Victor Caponera, Esq.
- Don Fletcher, Barton and Loguidice
- Tony D'Adamo, Capital Architecture, PC

1 CHAIRMAN O'ROURKE: Next on the agenda we  
2 have Crisafulli mixed-use, 106 Everett Road.  
3 This is 3,050 square feet of retail, and three  
4 residential apartments.

5 Mr. Caponera is looking for review and  
6 action on parking in the front yard.

7 That parking has increased, correct?

8 MR. LACIVITA: Yes, that has increased.

9 CHAIRMAN O'ROURKE: So an increase in the  
10 parking waiver and concept.

11 Mr. Caponera?

12 MR. CAPONERA: Thank you, and good  
13 evening Mr. Chairman, and members of the  
14 Board.

15 As everyone knows, I was here last on  
16 this project with Mr. Crisafulli on May 18<sup>th</sup>.  
17 There were a number of questions that were  
18 raised and the Board took no action that  
19 night. What we have done since then is we took  
20 into consideration the comments that were made  
21 by the Board and I'm going to go through them  
22 with you and the changes that we have made as  
23 well as meeting with Barton and Loguidice.  
24 Actually, Chuck Voss and I have met several  
25 times and Chuck isn't here tonight, obviously,

1 but we have Don here. We have talked about it  
2 this morning. At any rate, let me just go  
3 through this with the Board.

4 Back in May, we came before the Board and  
5 the Board had several suggestions and  
6 questions. One of the questions raised was  
7 that we initially had some parking that was  
8 located in front of the building. That's been  
9 eliminated. We had asked for a parking waiver.  
10 We had provided 30 spaces. After we discussed  
11 with the Board that this was going to be a  
12 single one-way access only, the Board felt  
13 that we didn't need this many parking spaces  
14 that we had because there was going to be  
15 shared parking with the property next door,  
16 which also happens to be owned by  
17 Mr. Crisafulli, himself. So, what we did was  
18 we spoke to Chuck Voss of B and L and we  
19 reduced the number of parking spaces. Now we  
20 have 20. That has created more green space,  
21 and a more substantial area in the back of the  
22 property, which backs up to some residences.  
23 The Board also wanted to see a layout of the  
24 way the traffic was going to be. I'm not sure  
25 that we were clear back in May that it was a

1 simple one-way in and one-way out.

2 Also, at the Board's suggestion, I  
3 created a leaps and bounds description for an  
4 access easement. It's too bad that I didn't  
5 bring the last one, but I provided the Board a  
6 copy of the access easement that was done by  
7 Mr. Meyer, who is here tonight. That access  
8 easement provides exactly what we talked about  
9 in May, which was a way in and out of the  
10 property using an adjacent property coming off  
11 the back. That access easement would be signed  
12 and recorded in the County Clerk's office. We  
13 wouldn't have to worry about agreements signed  
14 and notarized. That's in your packet and it's  
15 pretty obvious what that is.

16 Some of the other items that the Board  
17 talked about were insuring that there was  
18 enough of a buffer in the back to the adjacent  
19 property owners. I think one of the property  
20 owners is with us tonight.

21 She just shook her head.

22 What will be provided is exactly what the  
23 Board wanted. We've got a lot of buffer trees  
24 that we are proposing to put up, as well as a  
25 six-foot stockade fence that wasn't in the

1 previous proposal. We've made other revisions  
2 and notations on this plan. It's not  
3 substantially different, but it's basically  
4 been changed to accommodate the concerns that  
5 the Board had and the concerns of what B & L  
6 had with their comments.

7 I sat down and I met with B & L's Chuck  
8 Voss a couple of times and in fact, there were  
9 some comments that were made as recently as  
10 October of B & L's October letter. They wanted  
11 further clarification on modification of  
12 stormwater.

13 On November 1<sup>st</sup>, our engineers, Lynn  
14 Sipperly, responded to that and that was also  
15 submitted to the Board. We wanted to make sure  
16 that the Board had everything.

17 The other thing that the Board wanted to  
18 make sure of was the way that the front, the  
19 back, and the side of the building was. There  
20 is a hand-out that has the color renditions of  
21 what everything is going to look like in the  
22 back. Everything is going to look the same.  
23 It's going to be the way that the front is.

24 The Board also wanted to see the location  
25 of the lighting and where it was on the back.

1           That's on the plan. It shows the height of the  
2           plan and where the lights are. It's all down  
3           lighting.

4                     I don't want to bore you with the  
5           comments, but we've basically taken into  
6           account everything that this Board had asked  
7           for.

8                     Also, the Board asked for a clarification  
9           on the size of the apartments and that was  
10          done also. It's 3,050 square feet. A4 on your  
11          hand-out was the old articulation. I have  
12          given the revised to Mr. Fletcher, and we have  
13          discussed that on a conference call that we  
14          had today with Mr. Voss, Mr. Fletcher and Joe  
15          LaCivita. I can hand this out to the Board if  
16          you want it to replace A4 that's in your  
17          hand-out. It's the same as JL that's in the  
18          hand-out. It's all the same. It articulates  
19          everything and specifies exactly sizes;  
20          notably 1,000 square feet, 800 square feet and  
21          920 square feet. It explains that 170 square  
22          feet is the common stairway and it explains  
23          that the wall on the exterior is 160 square  
24          feet. It's all pretty consistent in our  
25          application. That's pretty much it.

1 CHAIRMAN O'ROURKE: Thank you.

2 Don?

3 MR. FLETCHER: I think that we hit the  
4 majority of the items. As you see we had a  
5 letter on October 13<sup>th</sup> and talked about some of  
6 the design standards, building placement,  
7 parking. You've discussed parking in quite a  
8 bit of detail. Obviously there is also the  
9 greenspace. They are providing about  
10 41 percent on greenspace.

11 There were some general discussions on  
12 stormwater. There was a response letter back.  
13 Practically at the state that we are at now, I  
14 think that the stormwater is generally in good  
15 shape for where we're at during this time.

16 There was some discussion of stormwater  
17 piping and so on. That's all been looked upon  
18 and reviewed with the letter that came back  
19 November 1<sup>st</sup>. So, that's all set.

20 Other than that, in terms of the last  
21 page, miscellaneous comments, I would say that  
22 the proposal used in the COR are in general  
23 conformance with the intent of the  
24 Comprehensive Plan. That would also include  
25 providing existing water/sewer facilities and

1 so on. Generally, I think that's where we  
2 stand.

3 CHAIRMAN O'ROURKE: Paul?

4 MR. ROSANO: Nothing to do with the  
5 project, but I just want to make a comment.

6 Victor, I've known you for many years and  
7 you are never boring. I just want to put that  
8 in the record.

9 MR. CAPONERA: I'm not as boring?

10 MR. ROSANO: You're not boring at all. I  
11 just want to make sure that gets put in the  
12 record.

13 MR. CAPONERA: Thank you.

14 CHAIRMAN O'ROURKE: Thank you.

15 Lou?

16 MR. MION: I don't have anything.

17 CHAIRMAN O'ROURKE: Tim?

18 MR. LANE: Nothing at this time.

19 CHAIRMAN O'ROURKE: Mike?

20 MR. SULLIVAN: I just had one comment. I  
21 commend you on all the changes that were made  
22 and all the attention that was paid to the  
23 Board's comments.

24 However, it still looks pretty tight on  
25 the first corner coming in around that

1 building. I was wondering if any other  
2 alternatives were considered to try to free up  
3 that corner. I realize that it's tight and we  
4 have had parking waivers to try to alleviate  
5 that but, it's a concern.

6 MR. CAPONERA: We did eliminate a lot of  
7 parking spots according to B & L's feelings  
8 were that they could accommodate it. I suppose  
9 if need be, we could do something here in this  
10 corner, if that's what you're talking about  
11 (Indicating).

12 MR. SULLIVAN: Right, but then that spot  
13 has to go somewhere.

14 MR. CAPONERA: Well, it may not have to  
15 go. We could go down to 19. Don't forget we  
16 have more than enough parking on the adjacent  
17 property. That was part of the Board's  
18 consideration that you don't need this amount  
19 of parking here. We do have 40 percent  
20 greenspace, which is overboard. We're beyond  
21 the 35 percent, as required. We can certainly  
22 work with that.

23 MR. SULLIVAN: I'd like to confirm with  
24 the turning radius of a vehicle to see what  
25 would fit through there.

1 MR. CAPONERA: Absolutely.

2 MR. SULLIVAN: Thank you. That's all I  
3 had.

4 CHAIRMAN O'ROURKE: Thanks, Mike.  
5 Peter?

6 MR. GANNON: I think that the aesthetics  
7 of the outside of the building are going to  
8 stand out on Everett Road, but in a good way.  
9 Hopefully, it will encourage some similar  
10 improvements. I know that there is some work  
11 going on right next to the site, or maybe two  
12 doors up. I don't know if that's your project  
13 or not, but again, I think that it's smart to  
14 reduce the parking. I've complained about it  
15 the last time around.

16 That corner that Mike is pointing  
17 out - again, it could be the rendering. It  
18 could be the fact that it's just as tight.  
19 That's going to be a tough corner right there  
20 between spots eight and seven; especially with  
21 14 and the mix there. Somebody doesn't get in  
22 very close to the back and -

23 MR. CAPONERA: I think that we can talk  
24 about that. We may lose a parking space or  
25 two, but I'm not sure that the Board is that

1 concerned about losing a few parking spots on  
2 this.

3 MR. GANNON: In May when you were here, I  
4 asked to hear what your needs were on parking.  
5 That's what I'm most concerned about. I trust  
6 you, as the applicant, to an extent to  
7 determine what your needs are for the site. I  
8 don't want to dictate to you how many parking  
9 spots I think that you need for the operation.  
10 I think that we should hear from you and  
11 together we can try to come to a consensus.

12 With the parking in the rear of the  
13 building, have you made a determination of how  
14 access is going to be there for handicapped,  
15 or elderly, or moms or dads with small  
16 children - there are going to be access into  
17 the retail operation back there, as well?

18 MR. CAPONERA: Yes, there will be doors  
19 in the back. You can see where the handicapped  
20 spots are in the back.

21 MR. GANNON: That's all I had on it for  
22 now. Again, I'm certainly open to hearing the  
23 applicant's needs on parking - what they think  
24 they are and consulting with the engineers and  
25 the Planning Department on what they think

1 needs to be utilized in terms of the number of  
2 spots. But again, I have the same concern as  
3 Mike on that corner. I think that can be kind  
4 of tricky.

5 CHAIRMAN O'ROURKE: Mr. Lane would like  
6 to follow-up.

7 MR. LANE: Victor, not having been at the  
8 prior meeting, what type of tenants are being  
9 sought for the building?

10 MR. CAPONERA: Tony?

11 MR. D'ADAMO: Retail space.

12 MR. LANE: But you have apartments there.  
13 Would those tenants have designated parking  
14 areas?

15 MR. D'ADAMO: Most will park next door.

16 MR. LANE: Thank you.

17 CHAIRMAN O'ROURKE: Thank you.

18 I have quite a few things to go through.  
19 Most of them are legal. I know you can answer  
20 them for me.

21 The COR design standards - why are we  
22 building 80 percent build-out in the front? It  
23 states in the Land Use "significant  
24 architectural structures, build-out, wrought  
25 iron fences" - I know you're aware of that.

1 None of that is shown.

2 MR. CAPONERA: We discussed this when we  
3 were here in May. Essentially what we're  
4 trying to do is integrate this property with  
5 the adjacent property to the left or to the  
6 south. If you recall, before my client bought  
7 these properties, it really wasn't the most  
8 attractive looking set of properties in this  
9 area. He's completely upgraded it. "It" being  
10 the adjacent property. He wants to do the same  
11 here. So, the intent here was to integrate  
12 this property with the adjacent properties to  
13 make them better looking. That's the intent. I  
14 do know that the COR calls for the wrought  
15 iron fences, but in a nutshell what we're  
16 trying to do is incorporate this site with the  
17 adjacent sites and make it aesthetically as  
18 pleasing as we can.

19 CHAIRMAN O'ROURKE: Let me just say that  
20 we, as a Board, have considered these  
21 corridors, and I would have to say that this  
22 is a minor corridor into the Town. Certainly  
23 the county, the state, and the Town of Colonie  
24 put a lot of money into the Everett Road  
25 rehabilitation of the roadway itself.

1           Certainly your client did purchase the  
2           property in a state of disrepair.

3           That said, it still has to meet the  
4           design standards. So, I would certainly like  
5           to see along those lines -- if we don't make  
6           you do it, the people up the street as it  
7           grows will say, well, you didn't make  
8           Crisafulli do it. So, in fairness to anyone  
9           that were to develop on that road, I think  
10          that we have to make an attempt to meet those  
11          design standards.

12          MR. CAPONERA: If I could have  
13          Mr. D'Adamo speak to that - he's the  
14          architect.

15          MR. D'ADAMO: I believe that we were at  
16          80 percent originally. These parking spots  
17          down here are the other spots (Indicating).  
18          So, when you take the length of this building,  
19          I believe that you have the landscaping here.  
20          And with the design standards, it's tall  
21          enough so it meets the standards. It doesn't  
22          have to be just the fence, correct?

23          MR. LACIVITA: Actually, in the DCC  
24          comments of November 19, 2008, it did call out  
25          that the decorative wall or fencing should be

1 added to provide a minimum frontage build-out  
2 of 80 percent. We were asking for that back  
3 when the original came in for DCC.

4 MR. D'ADAMO: I'll take a look at it, but  
5 I believe that we are at 80 percent. I don't  
6 think that there is a problem. Along here,  
7 we've got about 120 feet (Indicating).

8 CHAIRMAN O'ROURKE: Again, within the  
9 design standards, they were looking for  
10 decorative items. So, I don't think that it's  
11 a deal killer, but along those same lines it  
12 talks about the decorative and architectural  
13 value of the buildings. Again, I don't think  
14 that it's a bad building. I just don't know  
15 that I'm all for building in this corridor  
16 with vinyl siding. It's not a million dollars  
17 to do a cement board siding or something along  
18 those lines. Again, we're looking at it as a  
19 corridor to the Town. I would put it to you  
20 that it would be something that you would need  
21 to take a look at.

22 I'm not diametrically opposed to this. I  
23 think that it's good for that corridor, but we  
24 only have one chance to get it right. So, I  
25 just picked up on some of the architectural

1 things. Again, I'm just one person on the  
2 Board speaking. Other people may have other  
3 opinions.

4 MR. D'ADAMO: I think of vinyl siding  
5 because you really won't notice it. I know  
6 what you're talking about, but on the bottom  
7 when you're doing something nice, and then  
8 there is the upper area that is out of your  
9 view. If you're looking really hard between  
10 the siding and the hardy board, you'll have to  
11 look pretty hard for that second story. I know  
12 what you're saying. We tried to look at that  
13 by only using that on the second story.

14 CHAIRMAN O'ROURKE: It doesn't actually  
15 say what you're doing with the parapet on the  
16 flat roof.

17 MR. D'ADAMO: We're creating like a tub  
18 where we're going to put all the mechanicals  
19 in there and it won't be seen from the  
20 outside.

21 CHAIRMAN O'ROURKE: So all the HVAC - all  
22 of those things will be contained within that  
23 parapet.

24 MR. D'ADAMO: Instead of bringing it up  
25 another 10 feet, we're stopping it and

1 dropping it back down.

2 CHAIRMAN O'ROURKE: Don, has all that  
3 roof drainage been picked up in terms of -

4 MR. FLETCHER: We'll make sure of that on  
5 the final review.

6 CHAIRMAN O'ROURKE: I did not see an EAF.

7 MR. CAPONERA: I submitted a short form  
8 EAF.

9 CHAIRMAN O'ROURKE: I didn't see one in  
10 my packet.

11 MR. CAPONERA: I'm sure I can dig mine  
12 out, if you want to see it.

13 CHAIRMAN O'ROURKE: You certainly  
14 understand the law. We cannot do anything with  
15 concept unless there is an EAF.

16 Has it been reviewed by the Town  
17 Designated Engineer?

18 MR. FLETCHER: Yes. It's an unlisted  
19 action.

20 MR. CAPONERA: We spoke about that.

21 MR. FLETCHER: Yes, and that's what we  
22 talked about here. It's in our letter. It's an  
23 unlisted action. It's in our May letter.

24 MR. LACIVITA: I have a copy of the  
25 May 18<sup>th</sup> packet submission, and it was provided

1 at that time. Unfortunately, it didn't seem  
2 like it made it to this packet, but I think  
3 that the TDEs reviewed it under their  
4 submission of May 18<sup>th</sup>.

5 CHAIRMAN O'ROURKE: Nothing has changed  
6 from the EAF?

7 MR. CAPONERA: No.

8 CHAIRMAN O'ROURKE: What are you legally  
9 required in terms of parking?

10 MR. CAPONERA: Under the statute we have  
11 34, correct. Right now, we're asking for 20.

12 CHAIRMAN O'ROURKE: What is that  
13 percentage? We have up to 50 percent and trust  
14 me, I'm all for reducing parking. I just  
15 wanted to be on the record that we're giving  
16 you a parking waiver nearing 50 percent.

17 MR. CAPONERA: I'll agree with that.

18 CHAIRMAN O'ROURKE: And by law, we can  
19 only grant you 50 percent. We could lower it  
20 to 17. If, in fact, you did need additional  
21 space, we would have that ability to reduce  
22 the parking to a 50 percent level, in terms of  
23 the law. I just want to put that in.

24 Counsel, can we do the waivers under that  
25 Section of the Code in the law?

1 MS. VAIDA: Maybe it would be helpful for  
2 the record if you could just discuss whether  
3 or not there are any environmental impacts  
4 being caused by this project.

5 MR. CAPONERA: We basically went through  
6 this with the EIS that was submitted, as well  
7 as our engineer, Mr. Sipperly. Mr. Costa was  
8 supposed to be here, but I don't believe that  
9 he's here. There was no significant  
10 environmental impacts on this property. There  
11 is no water, land, or wetlands affected. It's  
12 an existing site that has an existing  
13 residence on it as well as an existing two-car  
14 garage previously used. This is a  
15 redevelopment of a previously used site. There  
16 are no significant environmental issues. B & L  
17 has confirmed that.

18 MR. FLETCHER: I would agree with that.

19 MS. VAIDA: It's a determination that I  
20 think the Board needs to make.

21 CHAIRMAN O'ROURKE: Because it's a  
22 determination on SEQRA.

23 MR. CAPONERA: Absolutely. That's why  
24 B & L has made that comment that they have  
25 reviewed it and they have determined, as your

1 engineers, that it's an unlisted SEQRA action,  
2 thereby allowing the Board to make an action  
3 on that.

4 MS. VAIDA: The question to the Board  
5 Members is if they have enough information or  
6 need any other information regarding any  
7 impacts this may have on the environment.

8 MR. LANE: Not having been at that first  
9 meeting, I can't recall why, what, or where. I  
10 didn't get to look at it.

11 MS. VAIDA: Maybe Victor has extra  
12 copies.

13 CHAIRMAN O'ROURKE: Maybe Tim can look at  
14 that while I open it to the public.

15 Does anyone else have any comments or  
16 questions?

17 SUPERVISOR MAHAN: My only question is  
18 are you comfortable with the environmental  
19 issues, Don?

20 MR. FLETCHER: Yes. The form came in, as  
21 Joe said, and it didn't go into this last  
22 packet. It was in the original packet. It was  
23 dated back in January 2010. That's when the  
24 EAF was done. We had acknowledged back then at  
25 that review letter that it was an unlisted

1 action.

2 CHAIRMAN O'ROURKE: I think that  
3 Mr. Caponera knows that it has to be part of  
4 the record.

5 MR. CAPONERA: Absolutely.

6 SUPERVISOR MAHAN: I think that it's an  
7 important thing to be getting into the record,  
8 as long as you don't have any problem with it.

9 MR. FLETCHER: Right.

10 MS. VAIDA: I think that we actually  
11 looked at this. It has been considered and the  
12 Board has taken a hard look at those issues  
13 already

14 MR. LACIVITA: I was trying to find that  
15 location in the minutes.

16 MR. CAPONERA: Considering that it's  
17 unlisted -

18 CHAIRMAN O'ROURKE: It's still an action.

19 MR. CAPONERA: Absolutely.

20 CHAIRMAN O'ROURKE: Is there anyone else  
21 in the audience that would like to speak on  
22 this project?

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

24 CHAIRMAN O'ROURKE: So at this point, we  
25 would have to make a motion on the SEQRA

1 determination being an unlisted action with a  
2 negative declaration. I'd be looking for that  
3 motion from someone on the Board.

4 MR. ROSANO: I'll make that motion.

5 CHAIRMAN O'ROURKE: Do I have a second?

6 MR. SULLIVAN: I'll second it.

7 CHAIRMAN O'ROURKE: All those in favor?

8 ***(Ayes were recited.)***

9 CHAIRMAN O'ROURKE: Opposed?

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

11 CHAIRMAN O'ROURKE: SEQRA has been  
12 completed.

13 Joe, if you could just make a note to  
14 have that drafted for me to sign at the next  
15 meeting?

16 MR. LACIVITA: Sure.

17 CHAIRMAN O'ROURKE: They are looking for  
18 an action on the parking waiver in the front  
19 yard.

20 Do I have a motion on that?

21 MR. LACIVITA: Actually, C.J., before we  
22 do that, page two of that letter from Barton  
23 and Loguidice says in addition to the  
24 application, it proposed to locate all parking  
25 on the sides of the rear and the side.

1           Therefore, they have eliminated the parking  
2           within the front yard.

3           CHAIRMAN O'ROURKE:   Okay.

4           MR. LACIVITA:   So, we don't have to worry  
5           about that waiver. It's just the number has  
6           increased to 14 from three.

7           CHAIRMAN O'ROURKE:   So, they are looking  
8           for a parking waiver of 14 spaces to the Code.

9           MR. GANNON:   I'll make the motion, C.J.,  
10          that we grant the waiver of 14 spaces.

11          MR. CAPONERA:   Mr. Chairman, before the  
12          Board acts on that -

13          CHAIRMAN O'ROURKE:   Well, we're going to  
14          allow you a parking waiver contingent upon it  
15          not to exceed the 50 percent threshold. So,  
16          when we make the motion, it will be contingent  
17          upon not exceeding the 50 percent town  
18          maximum.

19          Will that suffice?

20          MR. FLETCHER:   Yes.

21          CHAIRMAN O'ROURKE:   Do I have a motion on  
22          that?

23          MR. GANNON:   I'll make a motion on  
24          setting the waiver up to 50 percent, the  
25          maximum allowed by the Town.

1 CHAIRMAN O'ROURKE: Second?

2 MR. MION: I'll second.

3 CHAIRMAN O'ROURKE: All those in favor?

4 ***(Ayes were recited.)***

5 CHAIRMAN O'ROURKE: Opposed?

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

7 CHAIRMAN O'ROURKE: You have your parking  
8 waiver.

9 They are looking for an action on  
10 concept. I will make the motion on concept  
11 contingent upon increasing the  
12 design - meeting more of the design standards  
13 in this COR area being presented at final, as  
14 well as Mr. Sullivan's concern regarding the  
15 turning radius be approved along with anything  
16 else that the Town Designated Engineer were to  
17 find until final.

18 MR. GANNON: Second.

19 CHAIRMAN O'ROURKE: All those in favor?

20 ***(Ayes were recited.)***

21 CHAIRMAN O'ROURKE: Opposed?

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

23 CHAIRMAN O'ROURKE: You have your  
24 concept.

25 MR. CAPONERA: Thank you, very much.

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*(Whereas the proceeding concerning the  
above entitled matter was adjourned  
at 8:18 p.m.)*

**CERTIFICATION**

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

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15            -----  
16            **NANCY STRANG-VANDEBOGART**

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19            **Dated November 26, 2010**

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