

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 THE PROPOSED PROJECT OF PAPA JOHN'S PIZZA
5 471 TROY-SCHENECTADY ROAD
6 REVIEW AND ACTION ON PAVEMENT SETBACK WAIVERS,
7 SEQRA AND FINAL SITE PLAN APPROVAL
8 *****

9 THE TAPED AND TRANSCRIBED MINUTES of the above
10 entitled proceeding BY NANCY STRANG-VANDEBOGART
11 commencing on October 12, 2010 at 7:41 p.m. at the
12 Public Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

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

23 Also present:

- 24 Tom Andres, ABD Engineering
- 25 Joe Grasso, Clough Harbour and Associates
- Joe LaCivita, Director, Planning and Economic Development
- Christian King, Property Owner
- George Ferris
- Geraldine Ferris
- Peg Allen
- Matt Allen

1 CHAIRMAN O'ROURKE: Next on the agenda we
2 have Papa John's Pizza, 471 Troy-Schenectady
3 Road. It's a 1,930 square foot restaurant and
4 cooler. They are looking for review and action
5 on the waiver, a SEQRA determination and final
6 site plan approval and they are being
7 represented by ABD Engineers.

8 Mr. Andres?

9 MR. ANDRES: I'm Tom Andres with ABD
10 Engineers. Also in the audience is the owner,
11 Christian King. We were here about a month
12 ago.

13 This is a redevelopment of two existing
14 buildings. One just went down in the last
15 couple of days. This will be a single tenant,
16 which is Papa John's, which is the franchise.
17 I guess the discussions at the last meeting
18 centered around two things.

19 It's pretty straight forward. We have a
20 parking lot up on the top here (Indicating).
21 There is a waiver request that we were
22 discussing at the last meeting that shows some
23 parking on the other side. There would be two
24 rows of parking, and without the two rows of
25 parking there would be justification in there.

1 In addition, we have parking in the front
2 yard because the property has frontage on both
3 Old Loudon Road and on Route 2. There is not
4 parking in the front yard on Route 2. Without
5 the parking in this location here (Indicating)
6 we would have a very small amount of parking.
7 This brings the plan from 18% green space to
8 just around 33%. That's a significant increase
9 in green. In fact, that was a decrease in
10 green from the last time we were before the
11 Board because we knew from the sidewalk that
12 it was principally outside of the property,
13 mostly from a DOT incident. The right of way
14 came onto our property completely to resolve
15 some of the issues that were brought up in
16 reference to easement and sidewalks. We have
17 now resolved this all along the property. It
18 will be maintained by a plow.

19 The sidewalk is in a new location. The
20 decorative fence is similar to what was
21 expressed for Fresh Market - the same kind of
22 decorative fence that defines out and turns
23 back into the property. That defines that
24 corner landscaping with some flowers and some
25 landscaping behind it, which will then also

1 define the patio area. I know that there was
2 concern from one of the members about small
3 children potentially running out from the
4 patio and this will define that area and close
5 it in toward Old Loudon.

6 There is landscaping on the upper end.
7 We've gone back and forth. We have storm water
8 along there and we did have some discussions
9 and presented a letter to the Planning Board
10 at the last meeting. Because of this small
11 amount, they were not interested in that. We
12 have a fence across this east area.

13 There have been changes in a few of the
14 trees - we have a little more of a tree scape,
15 but not all the way through the front.

16 Other than that, I know that we provided
17 elevations, which were pretty much the same
18 elevations as last time.

19 There was some discussion in reference to
20 the cooler. We do have a cooler that extends
21 out from the building. We have an elevation
22 that shows that. The proposal is to paint that
23 and it would be the same color as the
24 building. We do have a fair amount of
25 landscaping around it. We do have some large

1 trees that we're keeping over there and
2 protecting those is part of the development
3 (Indicating).

4 There was also some concern in reference
5 to the noise levels. Again, the condensers
6 start out inside so it would be away from the
7 residential apartment on the second level to
8 the building to the east. There are no units
9 on the roof.

10 CHAIRMAN O'ROURKE: Joe?

11 MR. GRASSO: Since this project got
12 concept approval a couple of months ago, we
13 have issued a couple of comment letters. The
14 first being September 21st. It had a number of
15 items that the applicant then did. They did a
16 resubmission addressing many of those. We did
17 a follow-up comment letter on October 5th. I'll
18 go through those and how they are looking to
19 resolve those. The first item is that it's a
20 Type 2 action pursuant to SEQRA and there is
21 no SEQRA review required for Type 2 actions.
22 That is because the building site is less than
23 4,000 square feet.

24 The second one is regarding the parking
25 lot pavement within three feet of the site's

1 property line. As such, the Town Planning
2 Board will need to adopt a resolution for a
3 waiver from the Town Land Use Law to allow the
4 parking setback as well as parking in the
5 front yard.

6 The project narrative cites increased
7 green space quantity and quality for
8 compensation of the waiver request. The plan
9 indicates the minor green space will increase
10 from 18% to 32%, which we consider a
11 substantial improvement. An additional
12 landscaping plan demonstrates that the green
13 space will have an aesthetically greater value
14 and typically provided for a commercial site
15 plan. There are other things that we've asked
16 them to add as our reviews have taken place.
17 There appears to be sufficient justification
18 for a waiver and we attached for the Board's
19 consideration a draft resolution with findings
20 justified by those waivers.

21 We had recommended that the sidewalk on
22 the west portion of the site be shifted closer
23 to Old Loudon Road so they can continue along
24 side of the parking spaces there. In taking a
25 closer look at it with the applicant's

1 consultant, there are grade issues there from
2 whoever put that sidewalk in. We weren't
3 comfortable with the changes that would be
4 required to the plan in order to extend that
5 sidewalk -- I think only by another 18 feet or
6 so. We would prefer to see the sidewalk
7 constructed as it's currently proposed.

8 We commented that there be a return on
9 the fence across the front of the site just so
10 that it looks sealed off around the patio
11 area, but there was a lot of discussion along
12 the preparation of final plans regarding the
13 location of the fence. There was some original
14 talk about providing a fence along the
15 street's frontage. We thought that it was more
16 in keeping with the design standards to
17 actually cut that back and do some other type
18 of landscape treatments across the front of
19 the site along the Route 2 frontage and have
20 the fencing be more towards the corner of the
21 building and around the patio area. That's
22 something that the Planning Board may want to
23 chime in on.

24 Our last comment was if the fence is
25 going to be around the patio area, we thought

1 that it should be returned just so that fence
2 is more visible as you approach the site from
3 the west on Route 2 so they would agree to do
4 that extension.

5 There was some comments made relative to
6 the sanitary sewer service design and the
7 grease traps, the depth of the grease traps,
8 as well as the lateral extending out of the
9 grease traps. We worked through those comments
10 with the applicant's engineer as well as the
11 Pure Waters Department. I think that those
12 could easily be addressed in a follow-up plan
13 that could be on a presubmission or on that
14 plan that we have not reviewed.

15 The last item was regarding the lighting.
16 We thought that the lighting levels were still
17 insufficient in the one corner of the parking
18 lot. They have agreed to have additional
19 light. The lights are 15 and 18 feet tall,
20 depending on their location in the coverage
21 area. I believe that those are consistent with
22 the design standards in the zoning so those
23 were acceptable to us.

24 We did have a comment regarding the New
25 York State Highway work permit. It's still

1 required, but DOT has provided some comments
2 that they are generally comfortable with the
3 plan as proposed and they are prepared to
4 issue a permit upon submission of an
5 application.

6 That is all we have at this time.

7 CHAIRMAN O'ROURKE: Thank you, Joe.
8 Peter?

9 MR. GANNON: I think that it's a great
10 improvement of a blight spot. My childhood
11 dreams of turning Stanley's into On The Farm
12 have been deferred once again.

13 This is kind of the area that DOT was
14 talking about - this corner where you are
15 going to be located - it's bottlenecked
16 because of traffic. I thought that they were
17 talking at one point to make a turn into Old
18 Loudon Road. I don't know if there is any way
19 to check into that to see if that's still on
20 the table.

21 MR. GRASSO: I would have thought that
22 DOT would have made a comment. They looked at
23 the project a couple of times and they didn't.
24 They would typically alert us to those types
25 of things and we would work those into the

1 plan. They haven't.

2 CHAIRMAN O'ROURKE: Mike?

3 MR. SULLIVAN: Just to confirm, the
4 recurrence of the fence that will be provided?

5 MR. ANDRAS: It's actually on the plan.
6 It turns back to the building. It seals off on
7 the side.

8 MR. SULLIVAN: It will stay in the same
9 configuration? It will stay as it is and just
10 add a leg to it?

11 MR. ANDRAS: Yes. It will end here at
12 this stone pillar (Indicating) and then the
13 fence just turns back into the building. It
14 was really the intentions to follow a certain
15 distance back from the sidewalk because you're
16 going to see a sidewalk and you need to have
17 something that's going to work with a
18 sidewalk.

19 MR. SULLIVAN: Thank you, very much.

20 CHAIRMAN O'ROURKE: Tim?

21 MR. LANE: The trees on the southside
22 over there - are they going to be removed?

23 MR. ANDRAS: There are no trees at all
24 being removed. Everything is being 100 percent
25 retained on the site.

1 MR. LANE: Now the necessity for the
2 waiver on the pavement setback. The
3 requirement is 10 -

4 MR. ANREAS: Correct, the 10 foot is
5 right there (Indicating) and it's shown on the
6 plan. We wouldn't have a width between here
7 and here (Indicating) to have double parking.
8 It would be in a situation where we would have
9 this whole row of parking. We would then have
10 nine spaces and we would not meet the Town's
11 requirements.

12 Of course we are maintaining no parking
13 in the front here (Indicating). That could go
14 around and this would be the front of the
15 building. We'd then have four spaces, maybe
16 five, depending on how generous.

17 MR. LANE: This is the only way that this
18 would really work.

19 MR. ANDRAS: Right, and to be able to
20 keep this area green, you have to have the
21 parking back here (Indicating). Traffic would
22 be maintained and we really didn't have
23 anything else we could come up with.

24 MR. LANE: Thank you.

25 CHAIRMAN O'ROURKE: Actually in terms of

1 the Land Use Law, it's a corner lot so you
2 would actually have two front yards. That's
3 what necessitates the waiver. I just want to
4 respond to Tim appropriately.

5 Lou?

6 MR. MION: Did I hear that you said you
7 want the patio kind of closed in so kids can't
8 be running?

9 MR. ANDRAS: Correct. You would have this
10 continuous fence (Indicating).

11 MR. MION: Thank you.

12 CHAIRMAN O'ROURKE: Paul?

13 MR. ROSANO: With such a small area,
14 especially parking, I'm surprised to see a
15 snow storage area stuffed in the corner. What
16 are your plans for a major snow storm?

17 MR. KING: Just what we do on our other
18 sites, we have maintenance guys that would
19 come in and take it out and move it off-site
20 to another property.

21 MR. ROSANO: In the meantime though, at
22 different times we get four to six inch snow
23 storms. You're going to push all that snow to
24 that corner?

25 MR. KING: We'll put everything in the

1 big area that's right back here (Indicating).
2 So, during the season, once it gets filled in,
3 we'll move it to another site.

4 CHAIRMAN O'ROURKE: Tom?

5 MR. NARDACCI: C.J., just a point of
6 information. In reviewing the files it has
7 come to my attention that I'm going to have to
8 abstain from this vote because a client of my
9 public relations firm did the architectural
10 work on this. I just want to make that clear
11 publically and let you know that it's
12 something that I didn't see before.

13 CHAIRMAN O'ROURKE: Thank you.

14 Most of my questions have been answered.

15 The last thing that I had was the decibel
16 level on those units. Do you know what it is?

17 MR. ANDRES: With the level of the units,
18 it was less than the ambient level out on the
19 road, especially when the trucks were
20 accelerating at the intersection. We provided
21 the number, we just can't find it. It was on
22 one of the earlier reports. I actually did the
23 study.

24 MR. GRASSO: I thought it was 67

25 MR. KING: I have it here. It's 63 at

1 30 feet.

2 CHAIRMAN O'ROURKE: And that falls within
3 the Town noise ordinance?

4 MR. KING: Yes.

5 CHAIRMAN O'ROURKE: Anyone in the
6 audience?

7 MS. FERRIS: I have a couple things from
8 the last meeting.

9 You did bring up about the zoning and
10 that it changed back in 2007 and the food
11 establishment that was not approved.

12 CHAIRMAN O'ROURKE: I don't know that to
13 be factual, ma'am. I'm not sure.

14 MS. FERRIS: That is the question that I
15 want answered and I don't know where to get
16 it.

17 Before 2007, a food establishment could
18 not be placed in that corner. Last time I
19 asked this, you told me that the zoning was
20 changed in 2007.

21 CHAIRMAN O'ROURKE: It was.

22 MS. FERRIS: And that's in the Land Use.

23 CHAIRMAN O'ROURKE: Yes.

24 MS. FERRIS: IN 2007 and 2008 - two food
25 establishments wanted to go in there and were

1 denied.

2 CHAIRMAN O'ROURKE: Denied by whom,
3 ma'am?

4 MS. FERRIS: The Town of Colonie. I would
5 like that checked.

6 CHAIRMAN O'ROURKE: By which entity?

7 MS. FERRIS: Those are documents that you
8 would have; not me. That's something that I
9 would like checked. There were variances sent
10 out to neighbors.

11 CHAIRMAN O'ROURKE: Variances?

12 MR. LACIVITA: Variances sent out to the
13 neighbors?

14 MS. FERRIS: Letters sent out to
15 neighbors for a variance.

16 CHAIRMAN O'ROURKE: So, it must have gone
17 to the ZBA.

18 What was the date, approximately, ma'am?

19 MS. FERRIS: 2007 was one of them and
20 2008 was another one.

21 MR. LACIVITA: Do you know if it was
22 going to be using the existing building?

23 CHAIRMAN O'ROURKE: It wouldn't have
24 mattered. It would have been within the
25 zoning.

1 MR. LACIVITA: If it was denied, I
2 wouldn't know how the building was actually
3 positioned. I don't know what the application
4 was.

5 MS. FERRIS: I guess I'm just confused
6 about that. We were being told one thing, but
7 then other things happened. I would like some
8 type of documentation or something because I
9 was told that the zoning changed in 2007 and
10 then two more were put in. I can't find that
11 information.

12 Has a traffic study been done?

13 CHAIRMAN O'ROURKE: It wouldn't be
14 required for a project of this size.

15 MS. FERRIS: And why isn't it?

16 MR. GRASSO: We made that determination
17 based on the volume of traffic and we don't
18 expect that to have a significant impact.

19 MS. FERRIS: Who would do the traffic
20 study, the Department of Transportation for
21 New York State or the department of
22 transportation for the Town of Colonie?

23 CHAIRMAN O'ROURKE: No, if this Board
24 requires the applicant to get a traffic study,
25 the applicant has to pay for the traffic

1 study.

2 MS. FERRIS: But who does the traffic
3 study?

4 CHAIRMAN O'ROURKE: An engineer for the
5 applicant.

6 MS. FERRIS: So the town or the state
7 does it?

8 MR. GRASSO: The state sometimes does
9 traffic studies.

10 CHAIRMAN O'ROURKE: But not on something
11 like this.

12 MS. FERRIS: That's just a concern. I did
13 read through some minutes. I believe that it
14 was Joe LaCivita said that there was a place
15 on Route 9 that he went out and was almost
16 rear-ended from both ends. You have someone
17 turning in this way and have someone running
18 in this way (Indicating) and you have someone
19 turning in Mobil. That backs that traffic all
20 the way from Old Loudon to almost the funeral
21 home and the other way. Where is it that a
22 traffic study doesn't have to be done?

23 MR. GRASSO: New York State DOT generally
24 requires a traffic study for projects that
25 generate over 100 trips during the p.m. peak

1 hour. This project doesn't generate that
2 during a p.m. peak hour. It doesn't come close
3 to DOT's standard for requiring a traffic
4 study. Traffic and access were important
5 considerations during the concept review and
6 we thought that access to the site is going to
7 be difficult during peak traffic times. We
8 thought that their plan for access is the best
9 to access this site and this type of facility,
10 and we didn't warrant any further traffic
11 studies to be done.

12 MS. FERRIS: What does that mean; 100
13 what?

14 MR. GRASSO: If you had a type of use
15 that generated 100 trips in and out during a
16 p.m. peak hour, which is generally 4:30 to
17 5:30 in the afternoon, we and DOT would
18 typically want to see a traffic study to see
19 where those trips were going to go, and if
20 they were going to have a substantial impact
21 to traffic operations.

22 MS. FERRIS: Is DOT - is that the state?

23 MR. GRASSO: DOT is general guidance for
24 preparation for traffic study.

25 MS. FERRIS: Is that state or town?

1 MR. GRASSO: State.

2 MS. FERRIS: So there isn't delivery
3 cars?

4 MR. GRASSO: There could be. It's up to
5 the applicant to answer that.

6 MR. KING: Would you like me to answer
7 that?

8 CHAIRMAN O'ROURKE: Yes.

9 MR. KING: Yes, there will be delivery
10 trucks.

11 MS. FERRIS: So there will be delivery
12 cars pulling in and out of there.

13 CHAIRMAN O'ROURKE: Yes.

14 MS. FERRIS: Public notice - are they
15 sent out? Who are they sent out to?

16 Sorry for all the questions.

17 CHAIRMAN O'ROURKE: Not at all, ma'am.

18 MR. LACIVITA: Public notice typically
19 goes out to anyone affected within 200 feet of
20 a property. That goes to the property owner
21 and also placards are placed on the building
22 location that's going to be here in front of
23 the Planning Board.

24 MS. FERRIS: Why aren't the transcripts
25 up on the website?

1 MR. LACIVITA: That's one of the things
2 that we're trying to get done. I don't know
3 why the webmaster hasn't posted the minutes. I
4 don't know. We try to get those on. We're
5 trying to get the ability to post them right
6 from our department.

7 MS. FERRIS: I think that's all I had.
8 Thank you.

9 MR. LACIVITA: Could just clarify one
10 thing, C.J.? In reference to getting
11 rear-ended - that was on Route 9 with another
12 location where the speed was much faster than
13 this location that is before us here. I was
14 checking out a recommendation by the Planning
15 Department because there was a corridor where
16 they were looking to change the curb cuts.

17 CHAIRMAN O'ROURKE: I don't think that it
18 has any bearing on this project.

19 MS. ALLEN: My name is Peg Allen and I
20 don't think that you're considering all the
21 school busses that pass there. You've got
22 Boght Hills, you've got Latham Ridge and Forts
23 Ferry.

24 CHAIRMAN O'ROURKE: I'm sorry that you
25 feel that way, ma'am.

1 MS. ALLEN: You're not stopping to
2 consider how many busses go over there.

3 CHAIRMAN O'ROURKE: Ma'am, I'm not sure
4 how that is pertinent -

5 MS. ALLEN: It's pertinent when you look
6 at how many cars are coming out into traffic.
7 The traffic there is horrible. You have the
8 gas station coming out there and it dangerous.

9 CHAIRMAN O'ROURKE: So, ma'am, is the
10 solution to close the gas station? I'm just
11 trying to understand your point.

12 MS. ALLEN: There has never been that
13 much traffic there. If they are building more
14 homes up in that area, there is going to be
15 more students. You're going to get more busses
16 up there.

17 MS. FERRIS: The point is that the
18 traffic all there is just horrible. There was
19 just an accident that not even three weeks
20 ago, somebody lost a life there. It is a big
21 concern.

22 CHAIRMAN O'ROURKE: In my opinion, and
23 again, I own a home down there - I think that
24 lighting - if this project was there, I don't
25 think that gentleman would have been struck

1 for Papa John's, 471 Troy-Schenectady Road
2 Land Use Law Waiver Finding.

3 Whereas KNC Holdings Incorporated, the
4 applicant, has proposed the redevelopment of
5 the existing retail plaza on a .33 acre parcel
6 of land at 471 Troy-Schenectady Road, Town of
7 Colonie, Albany County, New York, the
8 construction of a 1,922 square foot standalone
9 Papa John's Pizza and the demolition of
10 approximately 3,000 square feet of existing
11 retail space along with associated site
12 approvals, and whereas the applicant is
13 requesting waivers from the Town of Colonie
14 Land Use Law Article 9c design standards for
15 NCOR, office residential, and
16 Article 10(190-47g) related to the parking
17 setback and parking spaces within the front
18 yard, and whereas the Town of Colonie Planning
19 Board, the Board, may waive these standards to
20 the extent it deems necessary in order to
21 secure reasonable development of the site, and
22 in the case of the design standards, the
23 applicant must establish that there are no
24 practical alternatives to the proposed waiver
25 that would conform to the standard, and the

Legal Transcription

1 Board shall issue written findings stating the
2 extent and justification of the waiver, and
3 whereas the applicant has agreed to demolish
4 the existing buildings and remove all access
5 points from Route 2 to create a lot conforming
6 to the goals of the NCOR district, whereas the
7 proposed green space will be increased from
8 18 percent to 32 percent and the green space
9 will be prominent as it is primarily along the
10 road frontage, whereas the applicant agreed to
11 provide a robust landscaping plan that
12 provides greater aesthetic value than what
13 would typically be provided for a commercial
14 site in the Town of Colonie and whereas the
15 building is being conformed to the NCOR
16 standards and the parking to conform to the
17 parking regulation due to the small lot size
18 and corner configuration to conform to the
19 requirement of no parking in the front yard
20 and no parking within 10 feet of the side
21 yard, the site would only be able to be
22 constructed with approximately seven spaces.
23 This parking would not accommodate the
24 development of the Papa John's and therefore
25 the applicant would have to develop the site

1 as a grandfathered site utilizing the existing
2 buildings. Access within would then be
3 uncontrolled and there would be no green space
4 in the front of the buildings. This scenario
5 is unacceptable to this Board. Therefore, the
6 applicant has established that there are no
7 practical alternatives to proposed waivers
8 that would conform to the standards and ensure
9 the reasonable development of this site.
10 Whereas it is understood that a redevelopment
11 project presents unique and challenging
12 difficulties, such as working with an existing
13 site constraints increased demolition and
14 removal costs and minimizing disruption to
15 adjoining property owners, the vast majority
16 of the project has been designed in accordance
17 with the NCOR district design standards. It is
18 anticipated that redevelopment by removal of
19 the vacant aged buildings and construction of
20 a new single building will have a positive
21 impact on the neighborhood and be substantial
22 improvement over the existing site.

23 Therefore the Board has determined that
24 the waivers are necessary in order to secure
25 reasonable development and there are no

1 practical alternatives to the proposed
2 waivers.

3 Now, therefore be it resolved that the
4 Board hereby issues a waiver from the 10-foot
5 minimum parking setback from the side property
6 line and issue a waiver to allow parking
7 within the front yard, and be it further
8 resolved that these waiver findings be a
9 condition of site plan approval of the
10 application and be kept in the project file in
11 the office of Planning and Economic
12 Development Department.

13 MR. LANE: I'll make a motion for the
14 resolution.

15 MR. MION: I'll second it.

16 CHAIRMAN O'ROURKE: All those in favor?

17 MR. ROSANO: Aye.

18 MR. MION: Aye.

19 MR. LANE: Aye.

20 MR. SULLIVAN: Aye.

21 MR. GANNON: Aye.

22 CHAIRMAN O'ROURKE: Aye.

23 All those opposed?

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

25 MR. NARDACCI: Abstain.

1 CHAIRMAN O'ROURKE: You have your
2 waivers.

3 I would be looking for a motion on the
4 final site plan approval.

5 I will make that motion

6 Do I have a second?

7 MR. MION: I'll second.

8 CHAIRMAN O'ROURKE: All those in favor?

9 MR. ROSANO: Aye.

10 MR. MION: Aye.

11 MR. LANE: Aye.

12 MR. SULLIVAN: Aye.

13 MR. GANNON: Aye.

14 CHAIRMAN O'ROURKE: Aye.

15 All those opposed?

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

17 MR. NARDACCI: Abstain.

18 CHAIRMAN O'ROURKE: Good luck, gentlemen.

19

20

21

22 ***(Whereas the proceeding concerning the***

23 ***above entitled matter was adjourned***

24 ***at 8:21 p.m.)***

25

CERTIFICATION

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2
3
4 ***I, NANCY STRANG-VANDEBOGART, Notary***
5 ***Public in and for the State of New York,***
6 ***hereby CERTIFY that the record taped and***
7 ***transcribed by me at the time and place noted***
8 ***in the heading hereof is a true and accurate***
9 ***transcript of same, to the best of my ability***
10 ***and belief.***

11
12
13
14 _____
 NANCY STRANG-VANDEBOGART

15
16
17 ***Dated November 5, 2010***

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Legal Transcription

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