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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

CRUM RUBBER
7 CAVANAUGH DRIVE
70,877 SQUARE FOOT CONCRETE STORAGE PAD

THE STENOGRAPHIC MINUTES of the above entitled
public hearing BY NANCY STRANG-VANDEBOGART, a
Shorthand Reporter, commencing on
November 15, 2011 at 8:36 p.m. at the Public
Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- MICHAEL SULLIVAN
- LOUIS MION
- TIMOTHY LANE
- BRIAN AUSTIN
- KATHLEEN DALTON
- PAUL ROSANO
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

- Joe LaCivita, Director, Planning and Economic Development
- Joe Bianchine, PE, ABD Engineers and Surveyors
- Peter Lattanzio, Chief, Fire Protection Services

1 CHAIRMAN STUTO: Next on the agenda is
2 Crum Rubber, 7 Cavanaugh Drive, 70,877 square
3 foot storage pad for consideration for final
4 site plan approval.

5 Joe, would you like to give us an
6 introduction on this?

7 MR. LACIVITA: Sure. We're here tonight
8 for final site plan approval for Crum Rubber
9 located at 7 Cavanaugh Drive. It's a 70,877
10 square foot concrete storage pad. This project
11 actually creates what they call crumb rubber.
12 It's a type of recycling plant. The storage
13 capacity was for bags of crumb rubber that are
14 stored in bags and then shipped off to another
15 location.

16 We have Joe Bianchine here this evening
17 from ABD Engineers for the developer.

18 CHAIRMAN STUTO: Mr. Bianchine, you want
19 to give a presentation?

20 MR. BIANCHINE: Thank you, yes.

21 This is Cavanaugh Drive which is off of
22 Albany Street. It's a few hundred feet in from
23 New Karner Road to the west. It's a big white
24 warehouse building. Crum Rubber purchased that
25 building on Cavanaugh Drive and about 14 acres

1 about five or six years ago and converted the
2 building into a manufacturing facility for
3 Crum Rubber. Crum Rubber takes shredded tires
4 and they super-cool them and that shatters the
5 shredded tires into crumb rubber. That product
6 is then used for athletic fields, it's used in
7 asphalt, landscaping and so forth.

8 The site was, when they first purchased
9 it, in an industrial zone. It still is in an
10 industrial zone, but the zoning has now added
11 a contradiction to the conservation overlay
12 district. This area to the back over here
13 (Indicating). Over the past five or six years
14 Crum Rubber has added a truck scale back here
15 for a turn around. They added an 8,000 square
16 foot building for putting in the shredded
17 tires into the building. They cleared some
18 land. They added a couple of tanks and so
19 forth on the side for their product. They
20 built a slab out here and that was built
21 without permission from the Town of Colonie.
22 What we're here today for is for the actual
23 approval of the slab. What they intended to
24 build is actually a total of a little less
25 than 80,000 square feet of slab in this area.

1 The existing slabs that are there will
2 not really be used because they're at a grade
3 that is too low to make the stormwater system
4 work. We have to raise up those slabs and use
5 them as base and then bring in new slabs up to
6 the current grade so that we can pitch that to
7 a stormwater management facility around the
8 outside from the run off from the concrete.

9 The stormwater management facility has
10 already been approved through the Town. We
11 have an acknowledgement from DEC for the NOI
12 and the approved stormwater management report.
13 A SWPPP report has already been prepared.
14 We're here basically for this slab.

15 In addition to the slab we are also
16 adding a waterline from a hydrant here back to
17 the new hydrant here so that this slab is
18 within 500 feet of the fire hydrant. That's
19 pretty much it. The slab will be used, as Joe
20 indicated, for the bagged crumb rubber. They
21 are about four by four. They sit on a pallet.
22 They're stored in bags. They're stored outside
23 because they're used for outside use.

24 CHAIRMAN STUTO: If the Board is okay,
25 we'll let Joe Grasso speak.

1 MR. GRASSO: We have a comment letter
2 dated October 25th that everybody should have
3 received a copy of. This project had gone
4 under concept review back in December of 2009
5 and concept acceptance was granted subject to
6 addressing comments by the Town departments
7 and from our office at the time. The Planning
8 Board decided to wait to make a SEQRA
9 determination until additional information was
10 provided in response to the comments and until
11 additional detail of the plans have been
12 provided.

13 Regarding SEQRA, it's an unlisted action.
14 The Planning Board is in the position to
15 accept lead agency status. On behalf of the
16 Planning Board, we have prepared a draft
17 negative declaration for the Planning Board's
18 consideration. A full EAF was provided as well
19 as substantial additional studies in support
20 of the application. We've gone through and
21 completed the Part II of the full EAF that
22 addresses potential impacts that are
23 associated with the project. Part III goes
24 through a narrative discussion of each of
25 those potential impacts and why we don't feel

1 that this project is going to result in
2 significant environmental impacts. I can go
3 through that in more detail in a couple of
4 minutes.

5 One of the supporting studies that was
6 recommended to be done in support of the
7 project was a threatened and endangered
8 species survey. This site is within an area
9 known as a full protection area of the Albany
10 Pine Bush and therefore has potential to
11 possibly have habitat that would support
12 threatened or endangered species or actually
13 whole populations of threatened and endangered
14 species. We had recommended that the applicant
15 conduct that survey. They had hired a
16 consultant to complete that survey which was
17 done in 2010. The conclusion of that study was
18 that none of the species= in question exist or
19 have the potential to exist on the subject
20 site. We reviewed that study and the findings
21 and we concur with that ultimate finding.

22 Additional study included a Phase I and
23 IB archeological survey to see if there were
24 any sensitive areas of the site regarding
25 previous occupations. That study was done also

1 in 2010 and the results of that study
2 indicated that there were no prehistoric or
3 historical material recovered on the site and
4 no further archeological work was recommended.
5 A lot of that had to do with the fact that so
6 much of the site had already gone through
7 previous disturbance, or at least the areas of
8 the site that are currently under proposed
9 development. That's really the big area of the
10 site that they had to investigate and not the
11 areas of the site that are going to remain
12 undisturbed.

13 Additional study that we had previously
14 recommended was an evaluation to determine
15 whether or not there were any DEC or federally
16 jurisdictional wetlands on the site. The
17 applicant hired a consultant which went out
18 there and did a federal wetland delineation.
19 There is a small area of wetlands that have
20 been mapped on the site. This project, as
21 currently proposed, is not going to impact any
22 of those designated wetlands. Therefore,
23 because there are no impacts to those, they
24 really don't require the review and approval
25 of the state or the Army Corps of Engineers.

1 We had recommended to the applicant that we
2 would like to see them get a letter from the
3 Corps of Engineers and DEC saying that they
4 don't have any jurisdiction over the wetlands
5 and they agree with the delineation. The
6 applicant has not been willing to provide that
7 and we understand that it was difficult to
8 sometimes get the agencies to act on these
9 types of projects when in fact they are not
10 currently proposing any impacts to what the
11 applicant believes are the federally
12 jurisdictional wetlands. We agree with the
13 delineation but in order to close the loop on
14 that issue, we recommend that the consultant
15 that did the delineation state that the
16 wetlands that have been designated are the
17 only jurisdictional wetlands and he has no
18 reason to believe that other wetland areas had
19 been impacted in the past on the wetlands
20 site. Just because we know that there has been
21 work that has occurred in the past that has
22 not going through the Town's approval process
23 or any other regulatory agency review, we want
24 to make sure that no wetlands were impacted as
25 a result of those activities.

1 In the file you may have seen
2 correspondence from the Albany Pine Bush
3 Preserve Commission. They recommended that the
4 undisturbed area of the site be protected by a
5 conservation easement. We supported that
6 recommendation early on in the project's
7 conceptual review. The applicant has not
8 proposed to establish a conservation easement
9 on the undeveloped portions of the project
10 site. Currently, as proposed, the project
11 meets the intent of the current zoning
12 regulations regarding the limiting of
13 development of conservation density overlay
14 zone and all other greenspace and density
15 requirements in accordance with the zone. The
16 applicant has not offered to further restrict
17 the currently undeveloped portions of the
18 project site.

19 CHAIRMAN STUTO: If he gets approval on
20 this, is he built out?

21 MR. GRASSO: No, because additional
22 development could take place on the site and
23 still be within the intent of the zoning.

24 MR. MION: How much more?

25 MR. GRASSO: About two acres more. There

1 are maybe four or five acres?

2 MR. BIANCHINE: About four or five acres.
3 There is no intent to develop it at this
4 point.

5 CHAIRMAN STUTO: Is there a portion that
6 can't be developed?

7 MR. BIANCHINE: You can't go beyond this
8 wetland here (Indicating). This area to the
9 north - you can't cross the wetlands or you've
10 disturbed it. So, this area up in here could
11 potentially be developed up to two acres and
12 still meet the Town's requirements.

13 CHAIRMAN STUTO: What would the logical
14 conservation easement be if there was going to
15 be one?

16 MR. GRASSO: It would probably be in the
17 back two acres of the site. I must say that I
18 think part of the reason why it was initially
19 requested to have a conservation easement on
20 the property was because of either important
21 ecological sensitivity of the site, or this
22 area providing an important buffer to other
23 sensitive areas.

24 Immediately to the left of the site is
25 the railroad. The railroad really provides a

1 distinguished barrier between other very
2 important sensitive lands.

3 MR. BIANCHINE: There is debris all along
4 here from the railroad.

5 MR. GRASSO: Therefore based on our
6 analysis and the supporting studies that
7 they've done, we don't feel like the remaining
8 open space within the site has such importance
9 that it's really worthy to doubly protect the
10 area by establishing a conservation easement
11 areas. Not a lot of wetlands. It's not habitat
12 that we've said is important for the Karner
13 Blue Butterfly, or any of the other species.

14 It has some mitigation for noise impacts
15 because of the trains being on one side in a
16 residential and commercial development on the
17 opposite side of the site. Even that is
18 marginal buffering at best. I at least want to
19 get that issue out there.

20 MR. ROSANO: Joe, go back to the wetlands
21 area. Just point to it again. When you use the
22 word wetlands, it's kind of a broad
23 brushstroke, isn't it? Are those federally
24 protected wetlands?

25 MR. BIANCHINE: Yes, federally protected

1 wetlands.

2 MR. ROSANO: Is it flat?

3 MR. BIANCHINE: Yes.

4 MR. ROSANO: Has it been established as
5 federal wetlands? Has the Army Corp actually
6 gone in and -

7 MR. BIANCHINE: The Army Corps has not
8 actually been out to the site. We've had our
9 own consultant delineate the wetlands. We
10 stayed away from them. Wetland delineation was
11 done before any of this was done.

12 MR. ROSANO: I guess going back to your
13 point of what's already been done, we can't
14 test that soil.

15 MR. GRASSO: It's very difficult to try
16 to -- there's been different occupations on
17 the site in the past. It's extremely difficult
18 to try to determine when those disturbances
19 may have occurred and whether or not they
20 could have impacted other wetlands. The
21 wetland regulations have been constantly
22 changing since 1984 when they first went into
23 effect. So, it would be very difficult. It's
24 really not incumbent on this Planning Board to
25 go through that level of research. Those

1 wetlands, if they're regulated by the Army
2 Corps and if there is other permitting that
3 should have been done, that would be up to the
4 Army Corps of Engineers to come forward and
5 work with the applicant to address those. I
6 just at least wanted to bring it to the
7 Planning Board's attention. A wetlands is a
8 common issue that we look for a lot of due
9 diligence from the applicant through the
10 Planning Board process.

11 MR. ROSANO: Thank you.

12 MR. GRASSO: One of the other comments
13 that we had was there are three exterior
14 storage piles proposed and the piles of the
15 waste tires, before the process, has the
16 potential for mosquito breeding habitat as
17 well as a potential fire hazard. We had
18 commented that we recommend that they be
19 covered with a fire retardant material. The
20 applicant has indicated based on their typical
21 processing that the amount of tire storage
22 within the site which would be limited to that
23 which is required for less than one day's
24 worth of processing. So, in order to provide a
25 safeguard that we don't have piles of tires

1 out there for months and years on end -- that
2 could pose significant potential for
3 mosquitoes as well as fire - we thought that
4 we could cover it by a note being added to the
5 plans stating that tire storage piles shall be
6 covered with a fire retardant covering, if
7 stored for more than seven days. So, as long
8 as they're within a day or a few days, they're
9 covered, they don't need to do anything
10 special. But if we get into a situation where
11 the Town notices piles of tires being out
12 there for weeks or months, they have a site
13 plan regulation saying that there are
14 additional mitigation measures that really
15 should be put in place.

16 MS. DALTON: I'm worried about the tires.
17 I was wondering, is there a reason that it's
18 seven days?

19 MR. GRASSO: Well, if they're only out
20 there for a day or two or less than a week,
21 the potential for the fire and mosquito
22 breeding obviously goes down. But obviously
23 our main concern is if we got standing piles
24 of tires that continue to grow because there
25 are a lot of areas on the site where they can

1 store them now and if they're out there for
2 months or years on end, the Town would
3 otherwise have no enforcement authority to go
4 back and have them provide any kind of
5 mitigation. We thought that the seven days was
6 a good compromise that worked within the
7 applicant's currently operational plans and
8 still provides us appropriate level of
9 protection.

10 MS. DALTON: Is it hard to cover them up
11 every night?

12 MR. GRASSO: I would think that would be
13 problematic. If they're only talking about a
14 day, they're talking about a constant incoming
15 of tires and moving them throughout the site
16 and then creating the crumb rubber that then
17 gets wrapped in a fabric. Those are not our
18 concerns. Our concern would be piles of tires
19 that are waiting to be shredded.

20 Joe, do you want to add any more at this
21 point?

22 MR. BIANCHINE: I'd like to add first
23 that we're not shredding tires there. We
24 haven't. We had at one time thought about
25 shredding tires there and that's why this is

1 on there. Right now, we're just buying
2 shredded tires and trucking them to the site.
3 If we do use them in the future, we did agree
4 that we would change it to a 30 day, because
5 that's what the actual state requirement is.

6 MR. GRASSO: And that's acceptable to us.

7 MS. DALTON: I know that tire fires are
8 supposed to be a big attraction for arsonists.
9 While the length of time that the tires are
10 there uncovered, they make a bigger or smaller
11 pile, if someone is interested in that kind of
12 activity, whether or not you cover them on the
13 seventh day or not at all, I'm not sure it's
14 going to matter. I worry about the fire
15 attraction factor.

16 MR. BIANCHINE: The entire site will be
17 fenced in with a six-foot high chain link
18 fence.

19 MR. GRASSO: Like Joe said, the state
20 requirement is 30 days. We would obviously
21 recommended seven. Is it the feeling of the
22 Board to go one way or the other?

23 MR. AUSTIN: Pete Lattanzio is here and
24 he submitted a letter regarding the safety
25 issue.

1 MR. LATTANZIO: That's correct. As they
2 stated it has to be fenced in and it has to be
3 done by code. There also has to be separation
4 from the piles to meet the full requirements
5 for tire storage. From what was proposed to
6 us, it does meet all the requirements for the
7 site.

8 MR. GRASSO: So, we're comfortable with a
9 note saying 30 days?

10 CHAIRMAN STUTO: I have no objection.

11 MR. GRASSO: There were some other
12 comments in our review letter that I think Joe
13 will be able to respond and address
14 satisfactorily in his next submission. I'm not
15 sure if the Planning Board has had a chance to
16 go through the draft negative declaration that
17 we have provided. If you want, I can go
18 through the items and just for the sake of
19 time, I'm just going to touch on those items
20 that we identified in Part II as potentially
21 having a significant impact.

22 If you skip to Part III we list those
23 things one by one. The first one is the impact
24 on land potential impacts. That could be where
25 the depth of the water table is less.

1 CHAIRMAN STUTO: What page?

2 MR. GRASSO: I'm Part III of the
3 environmental assessment form. Out of our
4 letter it's page 4 at the bottom of the
5 negative SEQRA declaration. In order to
6 address the effects on groundwater, they did a
7 series of test pits out there. They proposed
8 grading to elevate themselves above ground
9 water. Like Joe had mentioned, that is
10 allowing them to provide appropriate
11 stormwater management controls that therefore
12 reduces the potential impacts on groundwater.
13 So, just because they're working in areas that
14 have groundwater within three feet of the
15 surface, we feel like they have adequately
16 mitigated any potential impacts and don't
17 think that any significant impacts would
18 occur.

19 The other thing under the same mitigation
20 measures -- it talks about the clearing and
21 the grading may result in the two acres of the
22 Pine Bush. Again, like I discussed before,
23 they engaged the services of a qualified
24 biologist and found that there is no objection
25 to the application that is currently proposed.

1 The second one is the impact on water.
2 The potential impacts on water include the
3 following: It is going to require a stormwater
4 discharge permit and it could potentially
5 affect groundwater. It could result in
6 siltation or erosion downstream of the site or
7 cause substantial erosion. The mitigation
8 measures include the stormwater plan that
9 provides both temporary stormwater management
10 controls as well as permanent stormwater
11 management controls on the site. Based on
12 that, we don't feel that there is going to be
13 any significant impact on water resources.

14 The third one listed on page 5 is the
15 potential impact on air. That really relates
16 to industrial uses which commonly result in
17 impacts on the air quality. But because of the
18 unique circumstances of this project and their
19 operations being internal and conforming with
20 the Town's industrial land use regulations, we
21 don't think that this project is going to have
22 any significant impact on the land resources.

23 The fourth one enumerated on page 6 is
24 the impact on plants and animals. This
25 project, when it was initially reviewed could

1 have a potential impact on threatened and
2 endangered species through the removal of Pine
3 Bush habitat. Like we have discussed before,
4 that went through an in-depth site specific
5 study regarding the potential of those
6 threatened and endangered species as well as
7 their habitats on the site and found none. We
8 have agreed with that conclusion and therefore
9 don't expect that the project is going to have
10 a significant impact on plant and animal
11 resources.

12 The fifth one on page 6 is a potential
13 impact on historic and archeological
14 resources. At our request they have done a
15 Phase IA and Phase IB archeological survey on
16 the project site which concluded that there
17 would not be any impacts on sensitive,
18 historic and archeological resources on the
19 site. That study recommended that no further
20 investigations were warranted and therefore
21 based on that, we determined that there would
22 be no significant impacts on those resources.

23 The sixth one is the potential noise and
24 odor impacts due to the removal of a natural
25 barrier that could potential act as a noise

1 screen. The mitigation measures include
2 working with the current zoning regulations
3 that require a certain amount of open space be
4 left within the conservation density overlay
5 district. Therefore with the project being
6 brought before us in conformance with the
7 zoning permits, we didn't expect there to be a
8 significant impact on noise resources.

9 The seventh and last one also on page 7
10 is the impact on growth and character of
11 community or neighborhood. The proposed action
12 has the potential to set an important
13 precedent for future projects because of its
14 location within the full protection area.
15 Like, we previously stated, the project has
16 been developed in strict accordance with the
17 current zoning regulations which have built in
18 provisions to try to mitigate impacts on that
19 full protection overlay area. Therefore, based
20 on that, we did not expect the project to have
21 a significant impact on the growth and
22 character of the community and would not set a
23 negative precedent for other applications.

24 Based on that we have a negative
25 declaration prepared for the Planning Board's

1 consideration. If the Planning Board is going
2 to take final action tonight, before it does
3 so, it should accept lead agency status and
4 consider a negative declaration pursuant to
5 SEQRA, based on the application materials that
6 have been brought before it and the SEQRA
7 determination that have been recommended and
8 prepared by us.

9 CHAIRMAN STUTO: Any discussion on the
10 SEQRA?

11 MS. VAIDA: Are there any agencies that
12 needed to be notified?

13 MR. GRASSO: It's an unlisted action so
14 coordinated review was not required. Comments
15 have been solicited, and those comments have
16 been discussed in our application. They're in
17 our response application materials.

18 CHAIRMAN STUTO: Okay, I think that was a
19 good review of the environmental. We'll keep
20 that in abeyance, because we have to hear from
21 the public too.

22 Any comments on the main project?

23 MS. DALTON: I made mine already.

24 CHAIRMAN STUTO: Anyone sign up from the
25 public on this one?

1 below. The lead agency has determined that the
2 said proposed action will result in no major
3 impacts, and therefore will not have a
4 significance effect on the environment, and
5 therefore that an environmental impact
6 statement is not required to be prepared with
7 respect to said action.

8 CHAIRMAN STUTO: Do we have an motion?

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

10 MS. DALTON: I'll second it.

11 CHAIRMAN STUTO: All those in favor?

12 ***(Ayes were recited.)***

13 CHAIRMAN STUTO: All those opposed?

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

15 CHAIRMAN STUTO: The ayes have it.

16 On the main motion, which is for final
17 site plan approval with the conditions set
18 forth in the Town Designated Engineer letter,
19 we changed paragraph 7 to be 30 days and not 7
20 days with respect to tire piles shall be
21 covered with fire retardant covering if stored
22 for more than 30 days.

23 Do we have a motion for final approval
24 with the conditions set forth in that letter?

25 MR. SULLIVAN: I have a question. Do we

1 have a condition that there is a letter from
2 the biologist to close the loop on the
3 wetlands?

4 CHAIRMAN STUTO: That would be a
5 reference to paragraph 6. I'm going to read
6 the whole paragraph so that the Board
7 understands it.

8 According to the plans, federal wetlands
9 labeled as possibly isolated have been
10 delineated by Michael Hale of Synthesis on
11 April of 2006. It is our understanding that
12 since there are no proposed disturbances to
13 these wetlands, the applicant has not
14 requested that the Army Corps of Engineers
15 make a jurisdictional determination to confirm
16 the wetland boundaries. If an Army Corps of
17 Engineers jurisdictional determination is not
18 completed, then at a minimum we would
19 recommend that the wetland biologist provide a
20 letter certifying the wetland boundaries and
21 confirm that there has been no previous
22 disturbance on the outside wetlands.

23 You've recommended that, right Joe?

24 MR. GRASSO: We have recommended it.

25 MR. SULLIVAN: Then we will be requiring

1 that.

2 CHAIRMAN STUTO: It's in the letter and
3 I'm in favor of that.

4 MR. SULLIVAN: What are we going to do
5 with the conservation overlay? Are we
6 requiring that?

7 CHAIRMAN STUTO: I forgot which paragraph
8 that was, but there was some discussion. The
9 Pine Bush has asked for a conservation
10 easement. The discussion was that there are
11 only wetlands which are only to the right of
12 the line of the map up there. The applicant
13 could develop a couple more acres in the back.
14 He will comply with the conservation overlay.
15 Should we also ask for a conservation
16 easement?

17 MR. LANE: But he's unwilling to.

18 CHAIRMAN STUTO: Joe, could you repeat
19 what you said? I think that there were some
20 reasons that we don't necessarily need it.

21 MR. GRASSO: The area that the Albany
22 Pine Bush Preserve Commission sought to have
23 protected with the two acres are areas to the
24 back of the site which are currently not
25 proposed for development. Obviously, there are

1 about four or five acres currently
2 undeveloped. If this project comes back and
3 starts to encroach closer to that area, the
4 Planning Board would then have another
5 opportunity to establish a conservation
6 easement at that time. There is nothing
7 proposed back there as long as they comply
8 with the law and don't do any work back there.
9 There is really nothing that he can do back
10 there without him having to come back before
11 the Town and seek the Planning Board's
12 approval.

13 MR. SULLIVAN: I would be opposed to a
14 deed restriction. That's why I'm saying I
15 wouldn't want us to be requiring that. The
16 motion then is not requiring that.

17 CHAIRMAN STUTO: Does anybody have an
18 objection to what Mike is proposing?

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

20 CHAIRMAN STUTO: So, we are explicitly
21 not requiring a conservation easement.

22 MR. GRASSO: Understood.

23 CHAIRMAN STUTO: Okay with those
24 provisos, no conservation easement, the 7 days
25 changed to 30 for covering the tires - and we

1 will require the determination from a wetland
2 biologist certifying the wetland boundaries as
3 mapped and confirm and that there has been no
4 previous disturbance to the onsite wetlands.
5 That's an affirmative. Is everyone in
6 agreement?

7 **(All Board Members agreed.)**

8 CHAIRMAN STUTO: Does someone want to
9 make a motion with those conditions?

10 MR. SULLIVAN: I'll make the motion.

11 MR. LANE: I'll second.

12 CHAIRMAN STUTO: All those in favor?

13 **(Ayes were recited.)**

14 CHAIRMAN STUTO: All those opposed?

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

16 CHAIRMAN STUTO: The ayes have it.

17

18

19 **(Whereas the proceeding concerning the**

20 **above entitled matter was adjourned**

21 **at 9:10 p.m.)**

22

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CERTIFICATION

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

11
12
13
14 _____
 NANCY STRANG-VANDEBOGART

15
16
17 ***Dated December 5, 2011***