

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3

4 *****
5 D & R PAVING
6 1 APOLLO DRIVE
7 APPLICATION FOR CONCEPT ACCEPTANCE
8 *****

9 THE TAPED AND TRANSCRIBED MINUTES of the above
10 entitled proceeding BY NANCY STRANG-VANDEBOGART
11 commencing on February 15, 2011 at 8:42 p.m. at the
12 Public Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, CHAIRMAN
- 16 THOMAS NARDACCI
- 17 LOUIS MION
- 18 KATHY DALTON
- 19 PAUL ROSANO
- 20 ELENA VAIDA, Esq., Attorney for the Planning Board

21 Also present:

- 22 Sang Kim, SY Kim Surveyors
- 23 Chuck Voss, Barton and Loguidice
- 24 Joe LaCivita, Director, Planning and Economic
25 Development
- 26 Neil Gifford, Director, Albany Pine Bush Preserve
27 Commission
- 28 Suzanne Perry-Potts
- 29 Daniel Booth, D & R Paving

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1 CHAIRMAN STUTO: Joe, would you like to
2 give us a short intro of this?

3 MR. LACIVITA: Sure, D & R Paving is on
4 1 Apollo Drive - it's an office warehouse and
5 it's here for concept review. It's a project
6 that dates back to early 2007.

7 There will be some conversations that
8 we'll have regarding the fact that this is in
9 a conservation overlay district. I know that
10 has certain parameters as to how it has to be
11 designed, which Chuck and Sang will talk
12 about. We've been working with the developer
13 and they have been working collaboratively
14 with the Pine Bush Commission.

15 There have been discussions about the
16 fact that it's an access point for properties
17 and that they would have to make it
18 contiguous. We've looked at several areas and
19 there are several locations in that area.
20 Unfortunately, it didn't come to be that it
21 actually worked, but the site has a nice
22 design and I'll turn it over to Sang for him
23 to go forward with it now.

24 MR. KIM: Thank you.

25 Mr. Chairman, Board members, and

1 audience. I don't think that the Board Members
2 received a copy of those older letters from
3 DEC.

4 MR. NARDACCI: DEC Fish and Wildlife?

5 MR. KIM: Yes.

6 MR. NARDACCI: We have those.

7 MR. KIM: Okay. I brought the extra
8 reports here. I don't know if the Board
9 Members have these or not (Indicating).

10 MR. LACIVITA: I think those things are
11 in the file, Sang.

12 MR. KIM: Okay, then you have that.

13 The property consists of about less than
14 one acre. It sits in the middle of the Albany
15 Pine Bush area. We contacted the Albany Pine
16 Bush Committee and DEC and also the federal
17 government.

18 The D & R Paving Company has a couple of
19 dump trucks and he just wants to store them
20 here (Indicating). Right now he has an office
21 here and he needed this built as soon as
22 possible.

23 A 2007 letter indicates that the proposal
24 to have an easement in the back. That's what
25 we propose. Right now the storm sewer is along

1 Apollo Drive and we propose the detention
2 pond. I believe that this size is quite big.
3 We did propose the detention pond in this
4 area.

5 We all know that in the Pine Bush area,
6 it's fine sand. Right in this area is where
7 the water main runs. It's not too far from here
8 (Indicating). This would be less than one acre
9 here. We have the discharge of less than
10 10 percent. Right now we're just at concept.

11 One comment with regard to the employees:
12 There will be a total of 10. Most people will
13 be working outside the site. Most of the
14 employees aren't coming right here. They go to
15 the work site and not here. At most, however,
16 there will only be 10 employees.

17 The TDE has some additional parking
18 information. I don't think that we need to get
19 into that at this moment.

20 This parcel is just less than one acre.
21 That's our proposal.

22 I can answer questions you might have.

23 CHAIRMAN STUTO: We'll let our Town
24 Designated Engineer speak now.

25 Chuck?

1 MR. VOSS: My name is Chuck Voss and I'm
2 with Barton and Loguidice and we were the Town
3 Designated Engineers to work with this concept
4 review. We have put together a letter for the
5 Board's consideration dated February 9th of
6 this year.

7 I'll just run through quickly some of the
8 general comments that we had and some of the
9 highlights just for the Board's review. The
10 Board has this letter, I believe.

11 As Mr. Kim notes, the parcel is about a
12 .98 acre parcel. It has roughly 142.7 feet of
13 frontage along Apollo Drive which does sit in
14 the Pine Bush Preserve area, in general.

15 Currently, there are no utilities on the
16 site. There are no sewer or water lines on
17 Apollo Drive. There is a 10-inch stormwater
18 line that runs on the southwest side of
19 Apollo Drive. That's an existing facility.
20 Other than that, there are no other facilities
21 on site, in terms of utilities.

22 We'll go through some of our more
23 technical comments first.

24 CHAIRMAN STUTO: So how are we hooking up
25 to the utilities?

1 MR. VOSS: There is a proposal of an
2 on-site well and on-site septic. Having said
3 that, we wanted to simply just verify the
4 proposed on-site septic system located at the
5 front of the property and that it can
6 accommodate the proposed used. Because we're
7 really in concept, we just want to make sure
8 that the applicant understands that they do
9 have to give us more detailed plans on that
10 design that they're now proposing. That will
11 come if concept is granted.

12 Information provided by the applicant
13 indicates that the perk tests were done
14 on-site. The plans indicated that four tests
15 were done for percolation. All of those under
16 about four and a half minutes, which on the
17 surface appears to be adequate, given the
18 soils that are there to deal with stormwater
19 infiltration.

20 The impervious area may be increased on
21 the site, obviously. Currently now it's a
22 vacant parcel. There are simply trees and
23 scrubs and bush areas. Proposed with the new
24 building which is about 4,400 square feet with
25 additional parking are some turning bays in

1 the back area.

2 Stormwater flows would be basically
3 conducted on-site, with the proposed
4 stormwater detention basin. Our early
5 preliminary review appears to be a little
6 oversized for concept, but certainly you
7 needed to show and demonstrate that there was
8 an area that was sufficient to be able to
9 handle it on-site, which I think that you've
10 done.

11 You did indicate a well on-site. The one
12 question that we had was: It appears that the
13 well is an existing well that was -

14 MR. KIM: It was proposed.

15 MR. VOSS: Okay, because there was some
16 information in the application package to
17 indicate a five gallon per minute draw right
18 off that well. We were just a little confused
19 and asked for further information. We want to
20 see a potential well-draw down there as well.

21 MR. KIM: We will have the appropriate
22 test performed under the supervision of the
23 Albany County Health Department.

24 MR. VOSS: Excellent. The other thing
25 that we wanted to see is that because there

1 are no existing sewer and water facilities
2 on-site, we just wanted the applicant to show
3 us the location of the existing wells and
4 septic systems on the two adjacent properties.
5 I believe that there was the G and F Property
6 Management, Land/Air Express truck yard to the
7 north and the veterinary clinic, the kennel,
8 down to the south. We just didn't see those.
9 Again, just for separation issues, we'd like
10 to see those there.

11 We didn't see any information about a
12 wetland analysis. So, we would just simply ask
13 the applicant to provide additional
14 information on potentially existing wetlands,
15 given the sensitive nature of the area.

16 MR. KIM: We didn't find any wet area
17 there.

18 MR. VOSS: Okay. I'm glad that you did
19 provide clarification on how the maintenance
20 bays were going to be used. I was a little
21 unclear from the application information what
22 was going to occur there. We also wanted to
23 just make sure that in our comment letter we
24 noted the circulation plan. If you could
25 potentially show us what size vehicles would

1 be accessing the site and how they would be
2 able to move around that back area -

3 MR. KIM: It would be just a dump truck.

4 MR. VOSS: A large scale dump truck. So
5 there will be no large semis or tankers or
6 anything like that?

7 MR. KIM: No.

8 MR. VOSS: The other question that we had
9 was related to raw materials - paving related
10 materials that you might accrue. I know that
11 sometimes some paving companies have left over
12 asphalt or something that they tend to store
13 somewhere on-site.

14 MR. BOOTH: What we're doing is we keep a
15 pile of stone that we take off-site for touch
16 up grading. There are no more than four or
17 five truck loads. There's a pile that doesn't
18 exceed 15 feet high. Our waste material is
19 recycled. When it reaches one load, we load it
20 up and take it to the recycling plant.

21 MR. VOSS: We just didn't see the
22 information in the narrative. If the Board
23 decides to move forward -

24 MR. BOOTH: There is no liquid storage.
25 At the end of the day there might be some

1 hot-mix that goes in and out of the shop and
2 then when it reaches one dump truck load, we
3 load it on the truck.

4 MR. VOSS: If you could just describe
5 that in a revised narrative for us so we'd
6 have it on record.

7 We did see the archeological survey. That
8 was provided.

9 The number of employees - I think you
10 listed as 10 and Mr. Kim did talk briefly
11 about the parking issue for that. So, I don't
12 think that we have any additional concerns.

13 The conservation development
14 overlay - the project does sit in the
15 conservation development overlay district.
16 There were some comments in regard to that and
17 I'll just run through those quickly.

18 Commercial density calculation - as per
19 the conservation development overlay, the
20 applicant calculated the amount of developed
21 lands correctly, however the applicant did not
22 provide any of the information on the
23 existence of any constrained lands on-site.
24 Such information may alter the density
25 calculation so we would just ask that for

1 future submissions - for any additional
2 constraints on that site, that you just note
3 those on the plan.

4 MR. KIM: That .62 acres is the correct
5 amount.

6 MR. VOSS: Conservation analysis, as per
7 Section 190-30d of the Code - this is to be
8 prepared by the applicant to provide the
9 description of land and analysis of the
10 conservation value of various features. Again,
11 we didn't see this analysis provided in the
12 application information so we would just ask
13 that we can.

14 CHAIRMAN STUTO: Is there a potential to
15 affect the project - of that analysis?

16 MR. VOSS: It could be. I think that
17 essentially what we are looking to see if
18 there are existing constrained lands that may
19 shrink the development area of the site or
20 expand it. We would just want to see that and
21 have it codified in the plans.

22 CHAIRMAN STUTO: We probably should have
23 that for now.

24 MR. VOSS: Ideally, yes. We responded to,
25 I think, what the applicant submitted.

1 Special standards for areas influenced by
2 the Albany Pine Bush Preserve - we didn't see
3 a snow storage area noted. However, it's
4 assumed that it would be at the rear of the
5 site. We just wouldn't want that to encroach
6 on that 50-foot proposed buffer area.

7 Native Pine Bush species are required to
8 be used for any replantings on the site and
9 any landscaping.

10 I know that Mr. Gifford is here, but I'll
11 just make a quick note.

12 The parcel has been identified by the
13 Albany Pine Bush Preserve Commission for full
14 protection. I'm sure that Mr. Gifford will
15 speak a little bit about that for the Board.
16 We just wanted to point out that it was an
17 important feature for the Pine Bush Preserve
18 Commission.

19 Again, the applicant should not level the
20 entire site and preserve as many existing
21 trees and natural features as possible.

22 The applicant should provide a lighting
23 plan that utilizes high pressure sodium vapor
24 lights, shielded fixtures and minimizes
25 lighting spill over.

1 Lastly, if any excess sand is removed
2 from the site during construction, any excess
3 materials should be possibly considered for
4 donation to the Pine Bush for their reuse.

5 Last but not least, I know that
6 Mr. Gifford will probably touch on this. The
7 Pine Bush Preserve Commission had a
8 January 20th letter and asked that the
9 applicant provide quantification that the US
10 Fish and Wildlife Service as well as New York
11 State DEC provided opinions on the existence
12 of threatened and endangered species on the
13 site. To date, I believe that we did get one
14 letter dated January 20th of this year from the
15 US Fish and Wildlife Service that actually did
16 provide an opinion on that.

17 MR. LACIVITA: That's correct.

18 MR. VOSS: That's all I had.

19 CHAIRMAN STUTO: Kathy?

20 MS. DALTON: I was mostly concerned
21 obviously with the conservation plan. There
22 was some language with regard to migration
23 patterns and I'm wondering or not whether they
24 are in an affected area. I'd like to see more
25 about that.

1 CHAIRMAN STUTO: Will you be addressing
2 that?

3 MR. GIFFORD: Yes.

4 CHAIRMAN STUTO: Okay, we'll hear from
5 the Pine Bush.

6 MS. DALTON: I think that you answered
7 all my other questions.

8 CHAIRMAN STUTO: Lou, did you have
9 anything?

10 MR. MION: I think I'll wait to hear from
11 the Pine Bush for their comments.

12 MR. NARDACCI: I'm interested in hearing
13 about it being identified as a potential
14 feeding ground for the Karner Blue Butterfly.

15 The front yard - what's that going to
16 look like? Is that grass? What are you doing
17 there?

18 MR. KIM: Yes, where the septic tank
19 is - that's where there will be grass. We will
20 be planting trees over here (Indicating). We
21 will try to minimize the cutting of the trees.
22 This area would be seeded and will be restored
23 as a green area. The trees would be cut just
24 because of the detention pond.

25 MR. NARDACCI: Do you have a snow storage

1 plan?

2 MR. KIM: We're not planning any storage.

3 MR. NARDACCI: For snow?

4 MR. KIM: This is a seasonal business. In
5 the wintertime, there will be a minimum amount
6 of snow pushed - maybe two or three feet here.
7 That's just to be pushed up.

8 MR. NARDACCI: With the architectural, I
9 know that it's an industrial zone. Are these
10 the colors that we're looking at?

11 MR. BOOTH: Yes, but I'm totally open to
12 whatever -

13 MR. NARDACCI: Just instead of
14 considering fire engine red, maybe some earth
15 tones.

16 MR. BOOTH: I would like some stone on
17 the front. I don't want it to look like a big
18 metal box.

19 MR. NARDACCI: I understand that it's a
20 garage and storage, but if there is something
21 that you can do to enhance it
22 architecturally -

23 MR. BOOTH: Absolutely. My office is in
24 the front and I want it to look good. I don't
25 want this great big metal box look.

1 MR. NARDACCI: Colors don't cost money.
2 If you could just dress up the front a little
3 and take a look at the colors, that would be
4 good.

5 MR. BOOTH: In our comments with DEC they
6 had asked that we appropriate some of their
7 suggestions in the landscaping part and what
8 plans they want that are favorable. We were
9 going to put some landscaped islands in the
10 front.

11 CHAIRMAN STUTO: We'll see a little bit
12 more detail on that as we go.

13 MR. ROSANO: Mr. Kim, I'm going to ask
14 you a question. I don't know if you can answer
15 this or not. I have a problem when I read
16 letters that come from someone who is not
17 here. They have lines crossed out on them. Do
18 you know why she crossed that out?

19 MR. NARDACCI: I think that's
20 highlighter.

21 MR. ROSANO: Why do you think that she
22 highlighted that?

23 MR. KIM: I don't know who highlighted
24 that.

25 MR. ROSANO: Would that be a concern to

1 you that that was highlighted?

2 MR. KIM: Not quite.

3 MR. ROSANO: Okay. When you highlight
4 something, usually that means that you're
5 wanting to bring attention to something very
6 important.

7 MR. LACIVITA: Paul, to your point, it
8 says:

9 "At this time the Pine Bush Preserve
10 Commission has requested a 50-foot no
11 disturbance buffer along the boundary."

12 I think that one of the suggestions or
13 one of the comments to the Planning Board is
14 that it says here:

15 "In addition to the conservation
16 easement -" This is by the Planning Board that
17 talks about that 50-foot buffer that the
18 property has in the back. I think that they're
19 trying to show that it is in compliance with
20 what they were asking for.

21 I think that you guys are providing that
22 50-foot buffer.

23 MR. ROSANO: I think that the part that
24 is confusing me is the comment that it is at
25 the Commission's discretion. Who owns the

1 property?

2 MR. LACIVITA: This gentleman, here
3 (Indicating).

4 I think that's one of the things that
5 when you look at this area - and it's very
6 confusing - when you have to try to balance
7 the conditions of what they're trying to do,
8 and you try to balance what commercial
9 activity is trying to do, that's a hard thing
10 to do. I think that they're working in unison
11 here. They're working as a partnership. The
12 fact that they're providing that buffer, I
13 think that we even requested that they provide
14 a little bit more on the side because that
15 whole parcel -- and as I started earlier, this
16 was actually a contiguous piece of land and
17 this happens to be right in the heart of where
18 you have transfer of wildlife. What they're
19 trying to do is show a balance here.

20 MR. ROSANO: I guess my question is: Is
21 that a problem for you?

22 MR. BOOTH: Is what a problem?

23 MR. ROSANO: What you have highlighted
24 here. When I see words like at the discretion
25 of the Commission -- you own the property. So,

1 who is going to make these decisions on your
2 property on this buffer?

3 MR. BOOTH: As far as what's planted, I'm
4 open to -

5 MR. ROSANO: I want to hear on the record
6 you saying that you're open to it. We're going
7 to move forward with this. If you come back
8 and say, well, I don't want those people going
9 onto my property. It's a buffer area. I need
10 to know that. Are you fine with someone making
11 decisions for your property?

12 MR. BOOTH: Not necessarily, but I'm not
13 going to be argumentative if something doesn't
14 effect my business. I understand why they want
15 that 50-foot area in back. I have no problem
16 with that. It's cuts considerably into my yard
17 space, but if that's what they need to move
18 forward, I'm willing to try that.

19 MR. ROSANO: Okay. That's what I wanted
20 to hear.

21 CHAIRMAN STUTO: I'm going to wait until
22 I hear from the residents and Pine Bush.

23 The Town Designated Engineer made a
24 number of very good comments. Do you take
25 issue with any of those comments?

1 MR. KIM: I understand the comments.

2 CHAIRMAN STUTO: And you're going to
3 comply with the suggestions before final?

4 MR. KIM: Yes.

5 CHAIRMAN STUTO: Okay, I'm ready to hear
6 from the public.

7 I think that Neil Gifford is first.

8 MR. GIFFORD: Thank you, Mr. Chairman.

9 If I may, in the context of the 2010
10 management plan - the property - you have 76
11 here and you have 155. Here is the Discovery
12 Center and here is Central Avenue
13 (Indicating). It's sandwiched between two
14 existing pieces of land. I wanted to make sure
15 that you were all aware of that because it's
16 hard to tell from the plan.

17 CHAIRMAN STUTO: Can you just point that
18 out for the public as well?

19 MR. GIFFORD: Yes.

20 First of all, Mr. Chairman, it's good to
21 see you and the Members of the Board. Thank
22 you for the opportunity to speak on this
23 project. My name is Neil Gifford. I'm the
24 Conservation Director for the Albany Pine Bush
25 Preserve Commission.

1 Given that there are some new faces on
2 the Board that I have not had the pleasure of
3 speaking with before, I'd like to speak
4 briefly about the Commission.

5 The Commission is a public benefit
6 corporation created by the State Legislature.
7 We have no mandatory authority or power to
8 eminent domain. We are purely an advisory body
9 to the number of agencies of the Commission.
10 The Commission is made up of - chaired by DEC,
11 co-chaired by State Parks and the Commission
12 also consists of the Town Supervisors for
13 Colonie, Guilderland, the Mayor of Albany, the
14 County Executive, the State Director of the
15 Nature Conservancy and four individuals
16 appointed by the Governor and approved by the
17 State Senate.

18 That being said, the Commission in its
19 role of advisory body utilizes its management
20 plan which has gone through a full public
21 review of the State Environmental Quality
22 Review Act. It also resulted in a vision that
23 would be what we would like to see protected
24 as a viable Pine Bush Preserve.

25 On the map that is in front of you, the

1 darkest green areas and this shading
2 represented here are protected lands,
3 currently. Illustrated here by the gold line
4 are the 13,000 acre Albany Pine Bush study
5 area boundaries. Within that gold line are
6 areas of open space, irrelevant of parcel
7 boundaries, and are evaluated based on four
8 criteria. Those are then ranked and then
9 ultimately receive a recommendation for
10 protection. The four criteria are Pitch Pine
11 Scrub Oak Barrens, the value of open space for
12 buffer for linking protected properties, and
13 then lastly for significant environmental
14 features like the endangered species habitat,
15 wetlands and so forth.

16 When the applicant initially came to the
17 Commission at their request - they came and
18 met with us, which we certainly appreciated
19 and it did not receive a recommendation from
20 the 2002 management plan. Since then, the
21 whole 13,000 acres went through an updated
22 review and it ranked highly. It got 20 out of
23 20 for Pitch Pine Oak Barrens, and 16 out of
24 16 possible points for linkage, because it
25 does sit between three existing protected

1 parcels. This exists between parcels and it's
2 adjacent to a number of areas that are
3 currently occupied by not only the state and
4 federally endangered Karner Blue Butterfly,
5 but also the state threatened Frosted Elfin
6 Butterfly in addition to other rare species
7 that are there. So, as a result of that 2010
8 evaluation we did recommend the property for
9 full protection over the preserve.

10 That being said, the applicant's property
11 rights are paramount. Keeping in mind, again,
12 that the Commission has no powers of eminent
13 domain, nor do we seek them. We are happy to
14 work with the applicant provided that the US
15 Fish and Wildlife Service, which has federal
16 jurisdiction over Karner Blue Butterflies and
17 the New York State DEC which has state
18 jurisdiction over endangered and threatened
19 species is comfortable with the fact that the
20 project is not likely to have a direct
21 negative impact on either of those species.
22 The Commission, of course, is aware of where
23 this Karner Blue and the other species are.
24 With regard to the legal issues with
25 endangered species, the Commission couldn't

1 make a determination or recommendation on
2 that.

3 All of that being said, the Commission is
4 comfortable with the fact that the US Fish and
5 Wildlife Service and DEC and their regulatory
6 authority don't believe that the project is
7 likely to have significant negative adverse
8 impacts on those rare species and we are
9 similarly comfortable with that. We rely on
10 that. Ultimately it's the federal agency - if
11 they say that there is no impact, the
12 commission is comfortable with that.

13 Both the US Fish and Wildlife Service and
14 the DEC's letters to Mr. Booth specifically
15 went into some recommendations that if
16 properly implemented, will result in no net
17 impact. It's indicated in their plans that
18 they are happy to implement those contexts,
19 such as native plant landscaping. In
20 particular, Ms. O'Brien provided a list of
21 plants. There is no lupine which is the sole
22 food plant for the Karner Blue Butterfly
23 caterpillars, but there are a lot of
24 wildflowers on the property. Those wildflowers
25 serve as food resources for the butterfly.

Legal Transcription

1 Therefore, the DEC has asked and the applicant
2 appears to have agreed to planting certain
3 species to offset the loss of the nectar. That
4 certainly seems like a good thing to do.

5 Additionally, because the Commission will
6 be managing adjacent properties, that 50 foot
7 buffer -- ideally the way that it's been done
8 in other towns is there is a deed restriction
9 placed on that. Ms. O'Brien pointed out in her
10 letter if the applicant is willing, the
11 Commission would manage that land at our
12 expense to make sure that it doesn't become
13 infected with noxious weeds. We're willing to
14 work with the applicant to work out those
15 things.

16 In a nutshell, while I think that the
17 Commission's technical committee would have
18 liked to have seen the project on a different
19 site, the reality is that this is the
20 applicant's property and they own it and they
21 have the right to develop it. We're happy to
22 have been able to work with them and the state
23 and federal agencies to develop a resolution
24 to potentially contentious issue around the
25 environment to come to a mutual and balanced

1 approach in developing this site with the
2 least possible effect.

3 CHAIRMAN STUTO: Any questions before we
4 go to the rest of the public?

5 MR. MION: You're agreeable to what he
6 just said?

7 MR. BOOTH: I would prefer to have a
8 piece of property that I could plant what I
9 want. I would prefer that. Because of where I
10 own the property, I've got to make my
11 neighbors happy. They have some say in what I
12 plan. I grew up in the Pine Bush. I'm not
13 looking to level and pave the world. If it
14 works for them, it works for me.

15 MS. DALTON: It does seem ironic that you
16 have a paving company.

17 CHAIRMAN STUTO: It sounds like you're a
18 good neighbor.

19 MR. GIFFORD: Thank you, Mr. Chairman.

20 CHAIRMAN STUTO: Anybody else from the
21 public like to make a comment?

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

23 CHAIRMAN STUTO: Okay, back to the board.

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

25 CHAIRMAN STUTO: Okay, Elena?

1 MS. VAIDA: Again, if the Board were to
2 vote to accept the concept plan, the applicant
3 needs to understand that that acceptance is
4 not binding on any future decisions by this
5 Planning Board. The acceptance is not to be
6 construed as an approval of the project in any
7 way or an approval of any of the waivers, if
8 any waivers are needed. That acceptance should
9 not be construed as a determination of the
10 environmental impact under SEQRA. Even though
11 those considerations have been discussed
12 tonight, no final determination has been made
13 at this point.

14 CHAIRMAN STUTO: Okay, with that, would
15 someone like to make a motion?

16 MR. NARDACCI: I'll make a motion

17 MR. MION: Second.

18 CHAIRMAN STUTO: All those in favor?

19 **(Ayes were recited.)**

20 CHAIRMAN STUTO: All those opposed?

21 **(None were opposed.)**

22 CHAIRMAN STUTO: The ayes have it.

23 MR. KIM: Thank you.

24 CHAIRMAN STUTO: Thank you.

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*(Whereas the proceeding concerning the above
entitled matter was adjourned
at 9:18 p.m.)*

