

A regular Meeting of the Town Board of Guilderland was held at the Town Hall, Route 20 McCormick's Corners, Guilderland, NY, on the above date at 7:30 pm. The meeting was opened with the Pledge of Allegiance to the flag. Roll call by Anna Russo, Deputy Town Clerk, showed the following to be present:

- Councilman Redlich
- Councilwoman Slavick
- Councilman Pastore
- Councilman Grimm
- Supervisor Runion

ALSO PRESENT: Richard Sherwood, Town Attorney

Supervisor Runion welcomed everyone to the evening's meeting and asked for a motion accepting the minutes of the April 5, 2011 Town Board meeting.

MOTION #80 Councilwoman Slavick moved to **ACCEPT THE MINUTES OF THE APRIL 5, 2011 TOWN BOARD MEETING.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Abstained
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

PUBLIC COMMENT PERIOD: Mr. Arthur Kline asked when Verizon FIOS would be attending Town Board meetings
Supervisor Runion stated that they had up to one year to bring the cable to Town Hall for the broadcasting of school and board meetings.

PUBLIC HEARINGS:

7:30 PM – Rezone request of Carver Realty, LLC, Lynwood Square 2969 West Old State Road from R-30 to Multiple Residence (MR) and Business Non-Retail Professional (BNRP)

Deputy Town Clerk, Anna Russo, read the legal notice.

Donald Zee, attorney for the applicant, Carver Realty, LLC, owner of the property, explained the project. The re-zone of 21 acres would be for Multiple Residence as well as a half acre parcel along the lands to the east for BNRP.

The lands along this half acre piece are already zoned BNRP and this would give the adjoining property owners some set back and buffering.

Mr. Zee explained that the project would be to build up to 68 condominium units. He further proposed that the applicant would build a sidewalk from this property all the way to the Lynwood Elementary School.

The applicant would address existing stormwater issues with a detention pond that would handle the existing stormwater issues as well as further stormwater issues that would develop at this site.

Mr. Zee stated this project would be looking for a mixed-age community with at least a third of the project being set aside for seniors aged 55 years of age or older.

In order to make the project affordable, they would market and commit to selling first floor units to seniors at a base price of \$195,000.00 and second floor units to seniors at a base price of \$199,000.00.

He further stated that the applicant would commit to having the standard features be the exact same specifications for seniors and non-seniors.

He described the units stating that there would be 17 buildings with four units per building. He handed out an analysis of costs and taxes to the Board stating that they were looking for affordability.

Mr. Zee further stated that he found that most seniors wanted to live in a mixed age community.

He further requested that in light of what he presented to the board, they would add as mitigation to the SEQR documents, restrictions of one third of the units to seniors, a restriction that the maximum units to be developed at 68 and those senior citizen units have a price restriction. He further stated that they had already appeared before the Planning Board and they recommended in favor of the rezone.

Supervisor Runion stated that with respect to the Mill Hill Project, which is a long standing project, it dealt with changing the project from an affordable type housing unit, almost entirely senior citizen project, to one that was less affordable.

He further stated that there were a number of issues outside of the affordability issue that needed to be addressed such as traffic and stormwater management.

When this project was initially reviewed, there was a lot of discussion concerning the issue of stormwater drainage. There was an attempt to work with the developer to come up with a storm drainage plan which would make sense, a plan that would insure the neighbors living in the area that the storm drainage would be taken care of, not only in the initial stage when constructed by the developer but also that it would be maintained in a positive fashion without placing any burden on the neighbors.

He asked how the storm drainage would happen, how it would be maintained and the cost of it.

He further stated that the applicant was asking for quite a lot.

Councilman Redlich stated that there had been a proposal for a drainage district.

Supervisor Runion stated that the applicant was not in favor of the drainage district.

Mr. Zee stated this was not the same applicant. He further stated that the DEC regulations effective as of March 1, 2011 have been changed. He stated that all stormwater on site has to be handled on site now.

He stated that they would be taking the existing stormwater problems and reducing them, and taking their stormwater issues and addressing them on the property.

Supervisor Runion asked that during the public hearing, people be respectful of others.

Bob Smith, Woodlawn Drive, stated his concern with stormwater management and groundwater. He stated that he was not opposed to the development, or that it be a mixed development.

Gene Therriault, Birchwood Drive, stated that he did not have a problem with the project. His concern was with the fact the water table was already high in the area and he would like to see, and be assured, that the stormwater and drainage are not made worse by the project. He asked if the senior housing would be at one end of the project or interspersed throughout.

Mr. Zee stated that after meeting with a group of seniors, the consensus was that it should be spread throughout.

Councilman Redlich asked about resale for the senior units.

Mr. Zee stated that the resale market is usually for seniors or singles.

Councilman Grimm asked what would stop someone from buying the less expensive senior unit and reselling at a profit.

Mr. Zee stated that they would be discussing this and other issues.

Councilman Pastore asked how they would insure that the percentage of seniors would remain. He also asked if those occupied by seniors would have to be occupied by seniors. He also asked if it would be a restrictive covenant.

Mr. Zee stated that yes, and it would be in the Declaration of the Condominium, which would be filed in the County Clerk's office.

The right to enforce it would be given to the other owners, the board of directors of the condominium association, and they could also have the Town as an arm to enforce it with no objection by the applicant.

Gerry Sagliocca, Pinewood Drive, stated his concern with the traffic that the project would generate, and the number of units. He felt that the numbers used for loans and financing were outdated.

The condo fees, he felt, would increase considerably over the years. He further stated that the previous owner, Mr. Stutz, only wanted a few houses built. He was not in favor of the project.

Steve Bass, Regina Drive, agreed about the traffic situation on Carman Road. He asked about the BNRP strip and if anything would be built.

Supervisor Runion explained that the BNRP strip would be added to the piece that was already BNRP to firm things up

Mr. Bass stated that he was in favor of the sidewalk. He asked about setbacks of the buildings set on Old State Road, if there would be a buffer and signage.

Supervisor Runion stated that all of the issues stated by Mr. Bass would be discussed at a Planning Board meeting.

Mr. Bass asked if someone bought the property for a senior family member and they eventually moved or the owner died could it be rented to others.

Supervisor Runion stated that it could be rented.

Councilman Pastore asked if the units restricted to seniors would remain restricted. Mr. Zee stated that they would. He further stated that he had never been involved in a project whereby the common charge fees increased. He also stated that he had drafted language regarding stormwater management.

Paul Gleasman, W. Old State Road, stated his concern with the water problem. He stated that when the farmer owned it, his sump pump went on in late spring, but since they filled in the trenches on the property, his sump pump has been on since the beginning of winter to late spring.

His further concern was with the size of the buildings and traffic. He would prefer houses.

Councilman Redlich stated that when the rezone first came to the board he voted in favor based on Mr. Gleasman's prior comments for the drainage issue on the land and the fact that the detention pond that was recommended would relieve some of the water problems on W. Old State Road.

He felt that, at the time, drainage relief was worth accepting the impact on the traffic.

Supervisor Runion stated that the applicant of the prior project opposed any relief of the stormwater issue particularly the issue of the management of it on the site.

The applicant also opposed a local law regarding drainage districts.

Phil Battaglino, Old State Road, stated that there was no plan to fix the drainage, which he felt was the biggest issue. He asked about a turning lane on Carman Road.

Councilman Grimm asked Mr. Zee what the applicant would do to address these issues.

Mr. Zee stated that the previous applicant sent a letter, unbeknownst to the owner of the property, which stated that they would not agree to certain requirements.

He stated for the record that if the Town would like to revisit the establishment of a stormwater drainage district for guaranteeing the future maintenance, along with paying the mitigation fee upfront, as was discussed previously. We would be agreeable to that, as well as reaffirming the stormwater design initially presented under this roadway system that the previous contract vendee had proposed, asking for changes so that it would be compliant with DEC stormwater regulations, as engineering possible, and addressing all stormwater concerns raised by residents today.

Mr. Zee stated that they would be proposing a berm along Old State Road, maintained and landscaped, so that people driving along Old State Road, would not be able to see the bulk of the buildings. These were issues that would be addressed with the Planning Board if the rezone were adopted.

Angelo Serafini, expressed his concern with drainage. He stated that Mr. Stutz, owner of the farm, never had an issue with drainage. He made sure that the ditches were cleaned out and cared for.

He further stated that the fields were severely altered but the natural drainage courses were not maintained. It created a flooding situation for the residents. No one is maintaining the natural drainage course.

In 2006, Supervisor Runion and the Highway Department got the natural drainage courses cleaned out. Since 2006, the owner had not done anything.

He stated that the most important issue was drainage and that they should take care of the drainage on the property.

He submitted pictures of flooding in the area.

Councilman Redlich expressed his concern that if they did not approve the rezone, nothing could be done for the drainage.

Mr. Serafini stated that when the applicant altered the drainage of the farm fields he needed to maintain the natural course of the drainage. He should be on the property once a year to clean out the drainage ditches. They should be maintained regardless of whether it is rezoned.

Councilman Pastore asked how Rainbow Drive flooded.

Stewart Finton, Old State Road, stated that before there were three or four drainage ditches, draining into culverts. These were filled in causing flooding.

Angelo Serafini stated that they were not against building on the site but he felt that the stormwater issues should be separate.

The drainage pond should only be for the development. There should be two mechanisms, one for the perimeter and one for the site to be developed.

Mr. Zee stated clarified that the stormwater currently coming from the property should be a separate stormwater system and maintained by the Town.

He further stated that his client would need to deed to the Town of Guilderland the necessary easements to maintain the stormwater flowing from offsite properties. He stated that they would not have a problem with that or with the cost of the Town establishing a mechanism to handle the second offsite drainage, mitigation fees. They would be willing to work on that and talk about paying a reasonable fee.

They would have their engineers provide some ideas and plans regarding this issue.

Supervisor Runion stated that he would like to hear from the applicant's engineers regarding a plan concerning the drainage issue. He would like to hear about what was done regarding the filling in of the ditches. He further stated that he would like to hear from the owners as to what they were planning to do regarding the maintenance of the ditches while the rezone was being considered. He asked that the traffic issues be addressed.

Mr. Serafini wanted a commitment that the ditches be maintained.

Arthur Kline, Ashford Drive, stated that as a senior he wants to stay in the Town.

He felt that the senior aspect of this project was right on target.

Paula Stone, W. Old State Road, stated that there is a need for this type of residence in Guilderland. She felt that this will be done right if all of the concerns are met.

Bob Smith said that he that it was not only stormwater that needed to be addressed.

Supervisor Runion asked that they meet with Delaware Engineering, Town designated engineers.

Public Hearing continued until May 17th, 2011.

AGENDA ITEMS:

Item #1 on the agenda concerned setting a public hearing in regard to the renewal of a franchise agreement with Time Warner Cable.

MOTION #81 Councilman Redlich moved to **SET A PUBLIC HEARING ON MAY 17TH, 2011 AT 7:30 PM IN REGARD TO THE RENEWAL OF A FRANCHISE AGREEMENT WITH TIME WARNER CABLE.** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

Item #2 on the agenda concerned whether to set a public hearing on request of John Celebucki to rezone 3423 Carman Road from BNRP (Business Non-Retail Professional) to LB (Local Business).

Supervisor Runion read the comments of the Town Planner, Jan Weston. **(46A)**

Councilwoman Slavick explained that this was not a permitted use in either zone. Discussion was held by the Board.

Jason Celebucki, owner of the property, stated that his attorney had not received notice of the meeting.

Deputy Town Clerk, Anna Russo stated that the Town Clerk's Office had not received any request for notification of the meeting.

This item was tabled until the May 17th, 2011 meeting.

MOTION #82 Councilwoman Slavick moved to **AUTHORIZE THE SUPERVISOR TO SIGN AN EASEMENT TO NIAGARA MOHAWK POWER CORPORATION AND VERIZON INC. FOR UTILITY PLACEMENT ALONG FRENCH'S MILL ROAD.**

Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

Item #4 on the agenda concerned authorizing the Supervisor to sign an agreement with the State University of New York for services for Liberty Place student apartments and athletic facility/stadium.

Superintendent of Water and Wastewater Management stated that in reviewing the capacity for the request, it became apparent that work needed to be done to improve the system. The mitigation cost paid by SUNY would just about cover the cost of the improvements.

Councilman Redlich expressed his concern with the agreement stating SUNY had the right of first refusal with regard to any expansion for usage of the system.

Bill West explained that there would not be much build out or development in the area for concern.

Mr. West explained the project. The Town would bid the project. Engineering work should start immediately.

MOTION #83 Councilman Pastore moved to **AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH THE STATE UNIVERSITY OF NEW YORK FOR SEWER SERVICES FOR LIBERTY PLACE STUDENT APARTMENTS AND ATHLETIC FACILITY/STADIUM.** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

MOTION #84 Councilwoman Slavick moved to **AUTHORIZE THE DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT TO GO OUT TO BID FOR ANNUAL EMERGENCY GROUT & SEAL, SEWER LINER, CCTV AND MANHOLE REPAIR FOR THE 2011 CALENDAR YEAR.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

MOTION #85 Councilman Redlich moved to **AWARD THE BIDS FOR THE SALE OF SURPLUS OF THE DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT FOR TWO SURPLUS DUAL DIADISC PUMPS TO KOESTER, INC. (Sole Bidder) IN THE AMOUNT OF \$700.00 EACH.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

MOTION #86 Councilman Pastore moved to **APPROVE THE REQUEST OF THE HIGHWAY DEPARTMENT TO DONATE SURPLUS EQUIPMENT TO THE ALTAMONT FAIR FARM MUSEUM.** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

MOTION #87 Councilwoman Slavick moved to **AUTHORIZE THE RELEASE OF REMAINING ESCROW FOR TOWN DESIGNATED ENGINEERING SERVICES IN THE AMOUNT OF \$700.00 TO DAVID BUTTON IN REGARD TO**

CONSTRUCTION OF A SINGLE FAMILY HOME AT 34 PINWOOD ROAD.

Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

MOTION #88 Councilman Pastore moved to **AUTHORIZE THE SUPERVISOR TO SIGN THE ANNUAL RENEWAL SERVICE CONTRACT WITH TECHNICAL BUILDING SYSTEMS FOR GUILDERLAND TOWN HALL.** Councilman Redlich seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

Item # 10 on the agenda concerning the request of Altamont Fire Dept. and Village of Altamont of release of \$11,943.20 from the Altamont Protection District reserve fund for purchase of 18 complete bail out systems was tabled at the request of the Village until May 17th, 2011.

MOTION #89 Councilman Pastore moved to **ENTER INTO EXECUTIVE SESSION IN REGARD TO COLLECTIVE BARGAINING AGREEMENT WITH THE POLICE BENEVOLENT ASSOCIATION AT 9:56 PM.** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

MOTION #90 Councilman Redlich moved to **NOT RATIFY THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF GUILDERLAND AND THE POLICE BENEVOLENT ASSOCIATION.** Councilman Grimm seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Opposed

MOTION #91 Councilman Redlich moved to **EXIT EXECUTIVE SESSION AT 12:00 AM.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

MOTION #92 Councilwoman Slavick moved to **ADJOURN THE MAY 17TH, 2011 TOWN BOARD MEETING AT 12:01 AM.** Councilman Redlich seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye