

A regular Meeting of the Town Board of the Town of Guilderland was held at the Town Hall, Route 20 McCormick's Corners, Guilderland, NY, on the above date. The meeting was called to order at 7:31pm and opened with the Pledge of Allegiance to the flag. Roll call by Jean Cataldo, Town Clerk, showed the following to be present:

Councilman Forte  
Councilwoman Slavick  
Councilman Pastore  
Councilman Maikels  
Supervisor Runion

**ALSO PRESENT:** James Melita, Town Attorney

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Supervisor Runion welcomed everyone to the meeting. He requested the minutes of the March 4, 2014 Town Board meeting be tabled for additional detail.

Supervisor Runion invited Girl Scout Troop 1503 leaders to introduce the Brownie members and to explain their Little Free Library project.

Supervisor Runion invited Tim Wiles, the new Director of the Guilderland Public Library, to come up and introduce himself.

**PUBLIC COMMENT PERIOD:**

Cynthia Wadach, 12 Woodlake Road, Apt. 11 – complimented the Town Board on their wonderful accomplishments over the years making Guilderland a great place to live.

Supervisor Runion announced the continuance of the March 4, 2014 Public Hearing regarding the 1700 Western Avenue rezone from R15/R40 to a Planned Unit Development (PUD). He clarified the issues surrounding the 1,000 foot notification and advised that we've re-noticed the residences within the boundaries from the outside border.

Dave Ingalls, on behalf of the developer, updated the Board on previous-asked questions. They met with the fire department and the primary access would be the 1700 Western Avenue driveway and the secondary ingress/egress from the Town Center. The fire department is content with these two Western Avenue access points. Regarding questions and concerns about Newman Road, it is still forested with tree vegetation remaining and no closer than 100 feet to the property line in the back. There are no plans for access from the elementary school (scrapped for some time) or from Newman Road and the plans have been modified to show no emergency connection to Newman Road. There is an email from the Westmere Fire Department confirming only two Western Avenue access points to the parcel. Vince Wolanin will further touch upon that aspect.

Mr. Ingalls further advised that there is a 200 foot setback from the property line of Joseph Terrace parcels. There is more than a 100 foot setback to Newman Road. He continued with a brief overview of the project and elaborated on the views from Joseph Terrace as requested at the previous March 4, 2014 Town Board Meeting. Mr. Ingalls turned the presentation over to Vince Wolanin.

Vince Wolanin presented to the Town Board a packet of information he said containing letters of support and petitions in favor of the project. Mr. Wolanin expanded on the Summary of Findings included in the packet.

Councilman Maikels questioned the promotion of biking as it is very difficult in this high traffic area. Mr. Ingalls responded that sidewalks inside the development and new sidewalks on Western Avenue will make it pedestrian and bicycle friendly.

Councilwoman Slavick questioned the commercial building being behind the security gate. It was thought that it was going to be a public building. Mr. Wolanin clarified that it will not be behind the gates, the public will have access to it.

Supervisor Runion invited those present to speak in favor or opposition to this project and please give their name and address so that it can be recorded by the Town Clerk.

Mary Griggs Longenback, 480 Joselyn School Road, East Berne spoke about the choices between "city life" or "country life." She is in favor of the project.

Charles Ayes, 1 Heatherton Ct., Albany, former employee, spoke in favor of the project with respect to the Wolanins reinvesting in the community.

Ania Bickum, 1704 Western Avenue, spoke in favor of the project and feels it will grow the economy in the Town.

Aaron Carbone, 4 Joseph Terrace, spoke against the project stating several arguments including statistics that the Westmere area is over saturated with apartments versus single family homes within a 12 square mile community; when considering buying his home on Joseph Terrace he checked out the Comprehensive Plan to see the zoning which led him to believe additional single family homes on this nearby parcel would increase the value of his home; he feels the traffic study is flawed due to a limited hour of study; he referenced a real estate agent who owns a parcel next to the project is against the project knowing his value most likely will decrease being next to this development; he learned that the Wolanins were cited in the past by the Army Corp of Engineers for tampering with the wetlands; he feels this project does not meet the criteria of a planned unit development.

Dan Pholtzer, 8 Janet Lane, agrees with Mr. Carbone for the above reasons and feels the traffic study is highly suspect and this area of Western Avenue is a nightmare. If this project were to pass, he asks for Mr. Wolanin to pay for a traffic signal at Alton Road. He also requests a permanent covenant with no access to Newman Road or Patricia Lane be included on the deed. He stated concerns regarding the wildlife, traffic and believes it will cause more problems.

Bill Peterson, 14 Warren Street, stated there are new complexes going up in all the surrounding areas. This new project is needed and should be approved and quickly.

Judd Finemann, Capital Region Apartment Association, is in favor and feels this project will be a boon to our community. Urges the Town Board to move forward and approve this project.

Sal Cannistraci, 5 Joseph Terrace, expressed serious traffic issues for the neighborhood. When he purchased it was zoned for single family homes. The construction will be very

disruptive to the Westmere Elementary School. The school age children figure could be incorrect, could end up needing more classrooms. Future sales of homes in the Joseph Terrace neighborhood will be negatively impacted by apartments vs. single family units.

John Autry, 2203 Brandywine Parkway, this proposed location is a great location for ease of getting around; feels the residents will spend their money in the Town.

Roberta Marie Miller, corner of Church Road and Zorn Road. Learned through a neighbor of this project; would appreciate a wider area of notification. This project would have a tremendous impact on traffic. She's very familiar with the land and cannot understand how a project of this size can fit on an area of so much wetlands.

Tom Donovan, 1700 Western Avenue, is in favor of the project. He states the Wolanins take good care of their property; traffic isn't an issue when he leaves his house at 9:00am, and he would like to see this project go through.

Chris Rodgers, 1701 Western Avenue. He's a 15 year resident of the 1700 apartments. He proposes no more right on red in this area. He spoke in favor of the project.

Christine Bell, 1674 Western Avenue, doesn't find a problem with the traffic. She manages the 1700 Designer Residences building. She is in favor of the project because more apartments are needed. As the Governor is trying to bring new businesses into New York State, more housing is needed, especially apartments. 1700 apartments are at 100% occupancy.

Dick Arensburg, 1700 Western Avenue, is in favor. He's 68 and has lived there 20 years. Most apartments are full and so people like it.

Sandy Smith, Church Road, just heard of the project and knows there are water issues in this area. She cannot get out of her driveway due to so much traffic. She no longer shops in Town because it's too busy. Her taxes tripled in 17 years and the house is still the same size. Understands the right to develop, but this project is too big and needs to be cut down.

Bryan Clenahan, represents Westmere in the County Legislature. He expressed several concerns about this project. The Albany County Planning Board does not pass judgement on the merits or desirability of this project. The County has not taken a position on this project. He has concerns about the impact of an additional 210 units increasing property values, on traffic, the entrance at 1700 Western being the only ingress/egress is challenging as it's a very difficult corner, the lights and noise will have a negative impact on neighboring streets. The project may increase the tax base but will require more services from police, fire and the rescue squad. It's unclear if this is a Senior resident project; if not, there could be a greater impact on the school. He raised issues about promoting walking and bicycling, however, currently there are no bike racks on the parcel. For many years, a covered bus stop was requested on the property but the Wolanins refused to do so. He encouraged the Town Board to listen to the residents of the area and take that into consideration.

John Driessen, 10 Joseph Terrace, has concerns about the number of cars, the actual need for more apartments and the greed. He recalled the expectation of Crossgates Mall decreasing homeowner taxes and it didn't happen. It's zoned for single-family houses.

Dale Barrell, 13 Joseph Terrace, stated that Mr. Wolanin drained the wetlands into her water easement. He illegally connected to her pipe within the Town limits, but unfortunately it was covered up and allowed to stay that way. Currently the water constantly runs in the sewer. She bought her property because that surrounding area was zoned for single family units. Her research indicates that Planned Unit Developments are made up of a combination of different housing...largely privately owned, not rental housing. For 15 years we've been for single-family housing.

Tom Paonessa, 5863 Newman Road, nearby 12-acre properties zoned R15/R40 may follow suit for a rezone if you set a precedent. He also expressed concern that when the 1700 entrance/exit doesn't work, will the Board be strong-armed to open Newman Road and Patricia Lane?

Linda Griggs, 6163 Klink Road, a proud employee of Wolanin Companies welcomes this development. Building this project will provide over 67 new jobs, provide \$4.8 million to the local annual revenue in the Town and \$800,000 in annual taxes and fees to the Town. Demographics are changing and there's a constant need for apartments. People are willing to pay more to get more.

Zachary Barder, 221 Schenectady Avenue, Schenectady, NY a commuter drives through the Town, if he lived in the Town, he'd probably drive out of the Town.

Supervisor Runion asked for any further comments:

Sal Cannistraci expressed the Board has heard from residents of the Town and from people who work in the Town...it brings back the old days when people were paid \$5 to go vote.

Mary Griggs Langenback expressed she works for the Wolanins and if they weren't a good company she wouldn't work for them.

Frank Pensabene, 6065 Klink Road, 30 year plus resident, owns a business just across the driveway from the Town Center entrance, just got a notice on Monday. Have sufficient residents in the area been notified? There's a decision to be made, please make it with all the facts.

Dan Pholtzer, 8 Janet Lane, insists upon no punch through to Patricia Lane or Newman Road.

Ten Minute break from 9:20pm-9:30pm

Supervisor Runion offered anyone one final opportunity to speak.

Tom Donovan, 1700 Western Avenue, believes this is a good project and he hopes it goes forward.

Garry DeGonza, owner of 26 Patricia Lane, sees the current property as an eye sore. He has photos that he will deliver to the Town Board members.

John Driessen, 10 Joseph Terrace, requests the Board think hard on this project and be sure to stipulate that the "forever wild" area be a stipulation because, if passed, the new zoning would be for the entire parcel.

Aaron Carbone, 4 Joseph Terrace, commented on the negative impact to local properties will cause the neighborhood homeowners to grieve and, if successful, any tax surplus will be lost. He requests that the Board consider long and hard on this decision and reconvene in another month for an extension to this public hearing.

Dave Ingalls representing the Wolanin Companies feels many of the previously heard issues presented tonight were already mitigated. New York State DOT concurred with the Engineers' traffic study. Albany County Public Works Commissioner, Walt Vanderloo, agreed with the study. Mr. Ingalls summarized the wetlands, storm water, fiscal impact, parking, green space and fire department issues.

Supervisor Runion inquired about a soil boring issue and underground parking suggesting that it's possible that the green space area will be reduced. Mr. Ingalls said he is comfortable that the garages can be established as show and the green space will be 60-65%.

Mr. Vincent Wolanin spoke that he's been in the Town for 45 years. He commented that he has no interest in going out the side streets. This will be a gated community. He's asked that the Board consider his 45 year reputation in the Town and he has paid millions of dollars in taxes.

Bryan Clenahan commented that the Traffic Study report was commission by and for the Applicant and not an objective study. The DPW report earlier mentioned was based on a prior version of the plan that doesn't have any relevance.

Supervisor Runion asked for questions by the Board members, there being none, he requested a motion to close the Public Hearing.

**MOTION #52** Councilman Maikels moved to **CLOSE THE PUBLIC HEARING.**

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

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

Supervisor Runion asked for the Board feelings and Councilwoman Slavick and Councilman Forte requested more time to review comments and new information. Supervisor Runion proposed that this issue be added to the April 15 Board Meeting. He is giving anyone the opportunity to submit correspondence in favor or against the project in writing. He is also looking for a response from the developer on the issues raised by the Albany County Planning Board.

Councilwoman Slavick questioned if DOT actually came out and took a look at the area or just based it on the study provided. Mr. Ingalls explained that Traffic Engineers reviewed the report and compared them to their own counts.

Supervisor Runion requested that the Town Attorney prepare some findings for the April 15<sup>th</sup> Board Meeting.

Supervisor Runion asked for a motion to continue this item for decision only on April 15, 2014.

**MOTION #53** Councilwoman Slavick moved to **CONTINUE THIS PUBLIC HEARING ON THE PROPOSED WOLANIN PUD FOR DECISION ONLY TO THE APRIL 15, 2014 TOWN BOARD MEETING.** Councilman Forte seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye*
Councilman Maikels	Aye
Supervisor Runion	Aye**

\*Councilman Pastore wanted to state for the record that there was no effort on the part of this Board or by the Town itself to be less than forthright in providing notice to the neighbors and to those who are involved. It's clear that a previous notice was deficient. There was no effort by the members of the Board or the Town to fail to provide the sufficient legal notice that is required. As shown by the increased attendance at tonight's meeting and the number of residents that did speak, it is only prudent not to render a vote this evening. This issue has also been before the Planning Board. We should work collectively as a Board to review if there has been a failure or lack of notices in the past to correct this for the future.

\*\*Supervisor Runion wanted to remind everyone that written comments can still be presented to the Board between now and April 15 and they will be part of the record.

**MOTION #54** Councilman Maikels moved to **WAIVE BUILDING PERMIT FEES FOR THE GUILDERLAND FIRE DEPARTMENT, LOCATED AT 2303 WESTERN AVENUE** and Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Recused, he's in that district
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

**MOTION #55** Councilman Pastore moved to **APPROVE TRANSFER AS REQUESTED BY THE TOWN COMPTROLLER** and Councilman Forte seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

**MOTION #56** Councilman Maikels moved to **APPOINT NICOLE VENTRESCA COHEN TO THE BOARD OF ASSESSMENT AND REVIEW, TO FILL UNEXPIRED TERM OF MELISSA KLEIN. TERM EXPIRES SEPTEMBER 30, 2015** and Councilman Forte seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye

Councilman Maikels	Aye
Supervisor Runion	Aye

**MOTION #57** Councilwoman Slavick moved to **ADOPT A RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SUBMIT AN APPLICATION TO NYS DEC FOR GRANT FUNDING IN SUPPORT OF HOUSEHOLD HAZARDOUS WASTE DAY** and Councilman Forte seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

**MOTION #58** Councilwoman Slavick moved to **APPROVE A REQUEST FOR REDUCTION OF ESCROW ACCOUNT FOR PHASE 2 OF TWENTY WEST SUBDIVISION, AS PER RECOMMENDATION OF THE TOWN'S DESIGNATED ENGINEER** and Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

**MOTION #59** Councilman Forte moved to **APPROVE AUTHORIZING THE SUPERVISOR TO SIGN A COLLECTOR'S WARRANT FOR THE GUILDERLAND WATER DISTRICT** and Councilman Maikels seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

**MOTION #60** Councilman Pastore moved to **APPROVE REVISIONS TO LOCAL PURCHASING POLICY TO CONFORM WITH STATE REQUIREMENTS FOR COMPETITIVE BIDDING** and Councilman Forte seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

New York State has amended the competitive bidding requirement amounts. See attached guidelines.

**MOTION #61** Councilman Maikels moved to **TABLE TO MAY 6, 2014 A REQUEST FROM CUMBERLAND FARMS FOR THE TOWN BOARD TO SET A PUBLIC HEARING FOR PROPERTY REZONE FROM LOCAL BUSINESS TO GENERAL BUSINESS** and Councilman Forte seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

Stephanie Bitter, Local Counsel for Cumberland Farms and Tony Stiletto, Clough Harbor Project Engineer

Cumberland Farms request for rezone from LB to GB

Supervisor Runion read comments from Jan Weston, our Town Planner.

Stephanie just learned of Jan’s memo. Stephanie and Tony have a Traffic Study to submit (as she did in February). She was aware of traffic issues and the possibility of a round-about that wasn’t acted upon. They’ll work on the Traffic Study as soon as possible.

Proposal for the rezone is just for the 1.35 acre parcel. Their proposal is to maintain the other parcel as LB...not requesting the rezone for both. There is the shared access as noted in plan as they believe this to be a good planning tool. Their purpose this evening was to try to understand the initial issues as presented with the application...to take the month of May to address those concerns. They’ll work with Jan’s memo and try to address the concerns.

Supervisor Runion has concerns with the property especially the parcel with the bank (which has been vacant for years). The bank has trees growing up through it...it’s an eyesore. Why should we reward a landowner for just leaving a derelict property in the Town. The other issue is the corner parcel has been left in a derelict state for a long time. He thinks they allowed materials to be deposited there from time to time. It’s used as an illegal truck stop for the trucks going to and from the Industrial Park. There’s not much lawn to it, but it’s not maintained and it gets to be several feet in height. That’s the kind of respect the landowner has for the residents of the Town and now they’re in requesting the best zoning we have. He finds this problematic.

Stephanie indicated that they are in on behalf of Cumberland Farms, the Applicant, who hopes to establish the convenient store as pictured on the cover of the application. She feels with this project, they will revitalize this site. She cannot speak to the uses with the truck stop or the condition of the site, but this is what they hope to be the vision for this site.

Cumberland Farms has been constructing new sites with this Colonial design which is very architecturally pleasing. As the “Applicant” Cumberland Farms is seeking to do the rezoning.

Supervisor Runion cannot imagine anyone investing a substantial amount of money and have a vacant bank for the past 25 years with trees growing through it and it looks like a forever wild site. Stephanie will look into the plan for the bank site. One owner owns the two parcels and just came in for a boundary adjustment. Per Supervisor Runion periodic calls were made to the land owner regarding trucks idling all night. From time to time it’s closed off and then



all of a sudden it's open again with more tractor trailers. The Supervisor has had more complaints about the bank building and the corner site over the past 15 years. Supervisor Runion would like to know from the owner what he intends to do with the bank site. Stephanie will look into that. The Supervisor would like a copy of the "Traffic Study". Stephanie provided one and offered additional copies in the near future. Supervisor Runion asked if there's anything from DOT about the round about or the traffic study. Stephanie replied not at this time. They haven't requested curb cuts. Tony advised they'd typically submit for that after the Town process is underway. Our Planner is concerned about the traffic on this corner. It's been an issue for a long time. There are concerns that the traffic issues would worsen with another gas station or General Business use on the property. It would be beneficial to get something that DOT has at least looked at the traffic report. Tony offered that there is something about a fueling station that would reduce the number of trips. If there was an office building or retail center it would be a destination with the intent of going there. Tony continued that there's a certain aspect of a fueling station that tends to reduce the number of trips. With the development of fuel dispensing there are a lot of pass by trips which is existing traffic. A fuel dispensing site does not necessarily mean more traffic just drawing more traffic in. Depending on where the curb cuts are it could cause more conflicts for traffic making right and left hand turns onto Route 146. There are substantial backup during peak morning hours and on Route 20 with lefts onto Route 146 in the evening hours.

Tony requests the Traffic Study be review and formulate questions. They'll return with the Traffic Engineer who prepared the study and he'll be on hand to answer detailed questions. Not sure if they'll have a formal review from DOT by May 6 without making application for the curb cut, but they'll reach out to DOT and advise that the Board is interested in their comments. Supervisor Runion feels the Board should not be setting a Public Hearing until they get some concrete answers on the issues discussed.

Stephanie is comfortable returning on May 6 and the Supervisor will table the item to May 6.

**MOTION #62** Councilman Forte moved to **APPROVE REQUEST FROM CHIEF FIRE INSPECTOR TO ACCEPT BID PROPOSAL FROM BULLEX FOR THE THERMAL LINING SYSTEM TO BE INSTALLED AT THE FIRE TRAINING CENTER** and Councilman Maikels seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

Seven fire departments use this training tower to do controlled burns. Each year the facility is evaluated by an Engineer as to the deterioration of the cement products. In order to extend the life for another 15-20 years, they are looking to install a thermal lining system. We've entered into an agreement with each of the departments which utilize the Training Center to contribute \$2,000 a year each which will be used to line the various pores of the building. This bid is for the first floor. We'll look to possibly do the second and third floors in the next several years. See attachments.

**MOTION #63** Councilman Forte moved to **APPROVE THE EXPANSION AND RENOVATION OF THE CURRENT TOWN COURT ROOM** and Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

Supervisor Runion explained an overflow problem in the Court Room where people are also waiting in the Town Board room on Court nights. We're looking at ways to expand the size of the Court Room. The least expensive way is to expand it into the hallway, expanding it by 30-35 seats. The entrance will be changed to face the old Tax Receiver's space. The metal detector will go closer to the entrance on the other side. This will improve security as well as provide only one access to the room. To enter the Court Room everyone will have to go through the metal detector.

A new entrance will be created for the Justices to have outside access to their Chambers without going through all of the people waiting for their case to be heard.

Two bids were received from the Webber Brothers who are familiar with the workings of the Town Hall's mechanical systems.

**MOTION #64** Councilman Forte moved to **ADJOURN THE APRIL 1st, 2014 TOWN BOARD MEETING AT 10:38PM.** Councilman Maikels seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

**Respectfully submitted,**

**Jean J. Cataldo**  
**Town Clerk**