

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 7:34pm. The meeting was 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 evening's meeting and asked for a motion accepting the minutes of the April 1, 2014 Town Board meeting.

**MOTION #75** Councilman Pastore moved to **APPROVE THE MINUTES OF THE APRIL 1, 2014 TOWN BOARD MEETING.** 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 acknowledged the community service work of several of our local Boy Scout troops and their adult leaders who worked maintaining and improving the recreational trails in Tawasentha Park. Additionally they prepared the grounds for the Guilderland Performing Arts Center for the upcoming concert season. Over eighty youths and adults from Troops 24, 33,50, 83 and 264.

**PUBLIC COMMENT PERIOD:**

John Haluska, 3135 Lone Pine Road – Mr. Haluska talked about deteriorated buildings including Nedco Pharmacy, Governors Motor Inn and the Rustic Barn. He added comments concerning the first agenda item in regard to a rezone request for 2444 Western Avenue from Local Business to General Business. His immediate concern is for the bank on 2430 Western Avenue which is an eyesore and has been for almost a decade. Before granting any special permission to a rezone, Tri-Way Services should have to address this abandoned building first.

Cindy Wadach, 12 Woodlake Road – Ms. Wadach commended the great work of the Guilderland Police Department for their recent help on behalf of her neighbor and also for a situation she had. She was impressed by their quick and professional response. Ms. Wadach praised the leadership of Chief Lawlor and Captain Cox. As a former Town employee, she continued with praise for all of the hard work by Town Hall employees.

**Agenda Item #1**

Stefanie Bitter, local Counsel for Cumberland Farms, introduced herself, Tom Burke, the Property Owner, Chuck Meek of Cumberland Farms and Dave Cobbo from Clough Harbor Associates, the Traffic Engineer on the project. Her hope this evening is for a Public Hearing to construct a Cumberland Farms Convenience Store with a 6 pump fuel island. The convenience store is permitted at this time, however, a change of zone is needed for the 6-pump fuel island. She clarified that they are only seeking the rezoning for the 1.35 acre parcel (Lot 1). Stephanie presented that the convenience store and the fuelling stations have very similar trip generations as the Stewarts just across the street. The architecturally pleasing design would revitalize this corner with the benefits of jobs, sales tax revenue and real property taxes. It is consistent with the neighborhood plan and will provide pedestrian amenities such as sidewalks.

Dave Cobbo, Senior Transportation Planner with CHA, advised, according to NYS Department of Transportation, that there is no local funding available at this time for the round-about at the intersection of Route 20 and Route 146. The projection for the round-about is for the year 2026. The activity of this site would not create traffic congestion or change the level of service at this intersection. Some data suggests that a convenience market alone may generate more trips than one without a fuelling station during peak hours.

Councilman Pastore asked for clarification about the level of traffic with vs. without fuel sales. He also asked if the Board were not to grant the rezone, would there still be interest by the owner to have the site merely as a convenience store or is it an all or nothing deal with the fuelling stations. Supervisor Runion is concerned about the conflicts created by the left-hand turns onto Route 146 or Route 20. He added that there was also some confusion about the information contained in the supplement dated May 6.

Tom Burke, President of Tri-Way Services, commented that tonight they came here not to debate and have a Public Hearing but simply to ask that they could be placed on the agenda to have this discussion at another time when the Public has been noticed. He agrees with the gentleman from Lone Pine Road who would like to see derelict vacant sites in Town cleaned-up. He has owned the property for 12 years. This parcel was an eye-sore when he bought it and it's an eyesore now. If the Board does not grant this relief to Tri-Way, like they have for others, most notably his neighbor directly across the street, Stewarts, that has expanded and intensified its use not once but twice, taking out residential properties currently zoned General Business. The character of this neighborhood has been well established. The Mobil Station at the corner was rezoned to General Business. Tonight is not the time, they are not prepared but they'd welcome the opportunity to engage in a vigorous debate, but not tonight.

Supervisor Runion wanted to know the intention of the former Marine Midland Bank building. Mr. Burke added that the building has been there for about 40 years. Mr. Burke has spoken with the Building Department and the Police Department about trucks parking on the lot and break-ins. It is his intention and desire to redevelop this site. This is step one of a redevelopment of that corner. Adjustment of the lot line, rezone to General Business for Cumberland Farms would enable him to effectively market the remainder piece for an appropriate use. He is not seeking a rezone of the remainder parcel to General Business. He is asking for the relief he needs to develop this. This is the first legitimate bite that he has had in 12 years.

Councilman Pastore asked if it is relevant for this Board to consider the deterioration of the parcel over the years regardless of if there has been direct communication between him and the Supervisor. Mr. Burke contends the parcel hasn't deteriorated, it's exactly as it was when he bought it, a vacant piece of land. He continues to pay taxes and insure it. He's reached out to the Town to enforce action against any trespassers over the years.

Mr. Haluska commented again that Tri-Way Services owns both of these parcels and that for years this parcel has deteriorated. He continued, until we get something definite about what Mr. Burke and his firm are going to do regarding the bank because we're entitled to nice looking places, here's a chance to work with the owner to get two problems solved. One to renovate the bank or take it down and two develop the corner lot. Mr. Haluska feels that doing something about 2430 Western Avenue is long, long overdue. Mr. Burke intends to redevelop the bank site but doesn't have a specific plan just yet. He feels this is step one in the process.

Councilman Pastore says Mr. Burke has always had the right to develop the property. The neighbors and Town Board has not prevented him from developing the property. We are considering a rezone here and we have to consider the history behind the deterioration of the property. It's a whole other issue to that you feel the neighbors or the Town Board have or have not prevented him from developing the property. Mr. Burke knows the history better than anyone. The concern of certain individuals here is if we are going to allow for a rezone we have to consider the history behind the deterioration of the property.

Mr. Burke asked to be treated exactly as his neighbors have been treated.

Stefani Bitters sees several steps here. She appreciates the concerns for the adjacent land and Mr. Burke will make a plan during this timeframe. We are all interested in discussing the plan.

Councilman Forte questioned Ms. Bitter if the lot line issue has been resolved with the Planning Board. She commented that it has been submitted for final approval with the Planning Board and should be heard this month.

Supervisor Runion asked if the representative from Cumberland Farms would like to say anything. The Supervisor finds it intriguing about their want to construct a new structure next to an old bank in a deteriorating condition. Chuck Meeks of Cumberland Farms does not find it a problem to go ahead with a plan to occupy that corner despite the building next door. They anticipate that it will be developed. Stefani Bitters added that with business comes business. The Supervisor asked Stefani if the site plan has been submitted to the Planning Board. She advised that everything was submitted to the Town Board in February. She can provide additional copies. The boundary line adjustment was conceptual because the Planning Board wanted to leave it open in case there were any adjustments that needed to be made later on in the process.

Councilwoman Slavick asked if the Traffic Study was submitted to D.O.T. Ms. Bitter replied that she was told by Kevin Novak that it was premature because a site plan itself wasn't before the Planning Board. He needs direct permission from the Town to evaluate because D.O.T. would get involved during the curb permitting and that type of analysis.

Councilman Maikels asked the Supervisor if this can be put on for a Public Hearing if the Planning Board hasn't approved the final lot line indicating that we'd be saying to the

Planning Board you have to do something either way. Stefani interjected that they have conceptual approval from the Planning Board that's what they did in December.

It was clarified that D.O.T. will be involved with reviewing at the site plan level and then they'll be reviewing for the access permits. They would review and comment on issues such as the information presented tonight in the comparisons of the trip generations of the different zones but would only respond to the Town if the Town requested them to. They will not respond to the applicant asking for an opinion at that point. D.O.T. involvement relates to how the property is accessed and any curb-cut permits and any off site mitigation related to a specific site plan.

Councilman Pastore asked if it is the applicant's desire to have the Public Hearing at the next meeting for the Town Board or in the month of June. Stefani just wants to start the process.

Mr. Haluska feels we're entitled to something better than we have now. He feels we need to make both of these parcels work better for the Town. We need to have a resolution for both parcels and not ignore the one that the developer doesn't want to deal with.

David Corey, 5 Betty Lane, asked does Guilderland really need another gas station. We already have three within a quarter mile radius. We already have the Sunoco and across the street we have Joe's and down the street Stewarts. It would be nice to have something on this property...but is it really worth having another gas station. Joe's is a family business, small owned. If Cumberland Farms is allowed to build their gas station there it may not only take business away from them and may even put them out of business. We should be focusing on improving Guilderland and not just building up big companies like Cumberland Farms.

Stefani Bitter added that it is included in the application materials all the ways that Cumberland Farms gives to the community, as does Joe's.

Councilman Forte feels the public has the right to be heard; we're not granting the rezone, we're not giving them carte blanche but we are giving the right of the public, our residents, to come here and speak for or against a proposal. It makes sense to hold the public hearing and see what the residents have to say. Councilman Pastore added that he agrees.

Councilwoman Slavick asked if conditions could be put on this rezone approval. Supervisor Runion advised not in this case.

Supervisor Runion suggested the Applicant might want to wait until the second Board meeting in June for the Public Hearing so that they'd have a report from D.O.T. Ms. Bitter was confident that they'd have it in time for the June 3, 2014 meeting.

**MOTION #76** Councilman Pastore moved to **SET A PUBLIC HEARING FOR JUNE 3, 2014 AT 7:30PM ON A REQUEST TO REZONE 2444 WESTERN AVENUE FROM LOCAL BUSINESS (LB) TO GENERAL BUSINESS (GB).** 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 requested that on June 3 the Applicant bring in some actual drawings that can be displayed to the public as well as a site plan, preferably in color.

**Agenda Item 2**

Consider accepting a utility easement along Fathers Way, Crown Street and St. Marks Square within the Mill Hill Subdivision

Andy Brick from the law firm of Donald Zee on behalf of the Michaels Group, developer of Mill Hill, is here to answer any questions or address any concerns related to the acceptance of this utility easement. Supervisor Runion asked if he got approvals from the water department and engineer. It is his understanding that he needs the resolution from the Town to be filed with the Albany County Clerk and then the Michaels Group can begin installing the infrastructure. Supervisor Runion asked so the infrastructure has not been placed yet? This is Phase Two to begin work on Phase Three the infrastructure needs to reach to Phase Three. He doesn't believe they've completed the infrastructure work and are on hold pending filing of this utility easement. Supervisor Runion explained you do all of the construction and place the infrastructure within the utility easements and after that has been done and accepted by various departments that are responsible for accepting the utilities, that is when we take the easements, not before then. This acceptance is necessary to move onto Phase Three, this is Phase Two. All the utilities have been place on Fathers Way, Crown Street and St. Marks Square and those have all been approved by the Water and Sewer Department and the Town Designated Engineer. They were coordinating through Mr. Sherwood who signed off per a conversation with Attorney Melita. Supervisor Runion wanted to know if we all know if these have all been accepted by the Town Designated Engineer and Attorney Melita will look into it. Supervisor Runion said that we usually get a sign-off letter for the Town Designated Engineer, from Ken Johnson, as well as the water department. No highway dedication because they are private roads. We normally get something from Ken Johnson and Tim McIntyre. Attorney Melita will check into it with Dick Sherwood. Supervisor Runion asked if the legal implications of the easements and the descriptions match the filed map, but he doesn't see the sign-off letter. Supervisor Runion would like to table this item to May 20. In the meantime, the Town Attorney will check with the various departments to be sure we get the sign-off letter.

**Agenda Item 3**

The Department of Water and Waste Water Management have found other municipal contracts which they want to piggyback off of for the purchase of these two items.

**MOTION #77 Councilman Forte moved to AUTHORIZE THE PURCHASE OF A MINI TRACKED EXCAVATOR AND A HIGH ANGLE MOWER AS REQUESTED BY THE DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT.**

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

Agenda Item #4

We have a SEQRA resolution for the NYS Route 146 Pedestrian Safety Improvement Project. It's a determination of non-significance. There is one correction in the first paragraph which references to Round Lake road traffic and mobility which should be change to NYS Route 146 Pedestrian Safety Improvement Project. Everything else is correct.

**MOTION #78** Councilwoman Slavick moved to **APPROVE ADOPTING THE SEQRA RESOLUTION IN REGARD TO THE GUILDERLAND CENTER SIDEWALK PROJECT.** 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 #79** Councilwoman Slavick moved to **AUTHORIZE THE SUPERVISOR TO SIGN A COLLECTOR'S WARRANT FOR THE GUILDERLAND WATER DISTRICT.** 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

Agenda Item 6

Supervisor Runion has one additional item for the Preventative Maintenance Contract for Town Hall and Town buildings. He stated he has a letter from our Building Maintenance Department indicating that they've requested a number of bids for a contract for building preventative maintenance. Only one bid was submitted from Technical Building Services. They were the successful bidder last year and the bid amount is unchanged from 2013 to 2014.

**MOTION #80** Councilman Forte moved to **AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT FOR PREVENTATIVE MAINTENANCE WITH TECHNICAL BUILDING SERVICES INC. (TBS).** 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 asked if the Board members have anything to share.

Councilman Maikels advised that there were a couple incidences in Town where the First Responders had to help a couple of guys out of the Normans Kill Creek in Frenchs Hollow and all of our Fire Department had to fight a fire at Regency Apartments. His friends who were involved with the fire at Regency Apartments had profusive praise for the Fire Departments. They were afraid that they were going to lose their property. Although they had a little smoke damage, the fire department was so good that they kept the fire contained to one building. Councilman Maikels said we take it for granted how good these guys and gals do a great job and they should know how much we appreciate them. They are there when we need them.

Supervisor Runion reminded everyone of Hazardous Waste Day this Saturday along with a Confidential Shredding Day which is being held on Saturday as well at the Highway Garage in Guilderland Center. A pass is available at the Town Clerk’s Office or the Transfer Station. The car registration is required to obtain the pass.

Next meeting May 20 at 7:30pm.

**MOTION #81** Councilman Forte moved to **ADJOURN THE MAY 6, 2014 TOWN BOARD MEETING AT 8:43 PM.** 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

**Respectfully submitted,**

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