

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 7:36pm. 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 (arrived 8:47pm)

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Supervisor Runion welcomed everyone to the evening's meeting and asked for a motion accepting the minutes of the May 6, 2014 Town Board meeting.

**MOTION #89** Councilman Forte moved to **APPROVE THE MINUTES OF THE MAY 6, 2014 TOWN BOARD MEETING.** 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 |

Supervisor Runion advised that we have two new Police Officers being recommended for appointment this evening. He invited Chief Carol Lawlor to make her remarks, Chief Lawlor thanked and praised our emergency services and introduced the two new Officers.

**MOTION #90** Councilwoman Slavick moved to **APPOINT NEW POLICE OFFICERS MATTHEW EGNOR AND JOHN LAVIANO (LATERAL TRANSFERS)** 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 |

Supervisor Runion swore in Officer Egnor and Officer Laviano.

**PUBLIC COMMENT PERIOD:** No Public Comment

Supervisor Runion asked the Town Clerk for the reading of the Legal Notice. The Notice was read.

Stefanie Bitter, local Counsel for Cumberland Farms, introduced her team; Chuck Meek and Ross Galloway from First Hartford who are representatives from Cumberland Farms Corporate, Marty Rizley and Dave Cobbo from CHA, the project Engineers and Tom Burke of Tri-Way Services the owner of the property.

Stefanie made a Power Point presentation regarding the re-zone of 2444 Western Avenue, from Local Business to General Business. She explained the parcel is the 1.35 acre parcel on the corner of Route 146 and Route 20. Cumberland Farms is looking for a 4,513 square foot convenience store with fuelling stations. Six pumps are being proposed totalling 12 fueling dispensers. Local Business allows for the convenience store use but not for the gasoline service station use that is only allowed in the General Business zone. Her hope is to extend the General Business district that exists across the street.

Stefanie elaborated on how her team feels this project would fit in with the Guilderland Hamlet's Neighborhood Plan. She touched upon the concept of the round about at this corner, however, from her research no funding has been set aside, locally or at the State level. They retained CHA which has compiled a traffic study. At the request of the Supervisor, they sat down on May 13, 2014 with Kevin Novak of D.O.T., with a request to review their study so they can work on any traffic study elements. They are now waiting for the meeting that Kevin Novak will want to have with some Town Officials to discuss the traffic study.

Supervisor Runion questioned the building next to the project. Charles Carrow, Carrow Real Estate, shared that he and his brother, Tony, have worked on this project for over ten years. There has been some interest in the parcel, however, the key is what the parcel will be on the corner. Mr. Carrow feels that Mr. Burke will do the right thing with the "bank" parcel. He is impressed with the Cumberland Farm plan. Supervisor Runion shared that the whole corner needs to be cleaned up. Supervisor Runion wanted a commitment that the "bank" parcel will be cleaned up. Mr. Carrow indicated that the owner, Tom Burke, gave the nod that the bank parcel will be cleaned up.

Supervisor Runion shared that there was a request to re-zone the whole parcel back in 1998 by Amerada Hess to put a 4,900 square foot convenience store and gas pumps. It was turned down by the Town Board at that time due to traffic issues. Tom Burke replied that he is asking for fair and equal treatment as others have had. He continued that traffic wasn't an issued when Stewart's expanded and intensified their use of the other corner. Mr. Burke's issue is the hardship of not getting anyone to redevelop this site in over ten years. The Supervisor asked if Mr. Burke, if he will remove the bank building if the re-zone is granted. Mr. Burke gave his word that if the Board deems it appropriate to move forward and grant the zone change, they will demolish the existing branch that is there. He said what happens on the corner drives what happens on the interior. He indicated that they would eliminate the curb cut from the second parcel and have a common drive access from Route 20.

Councilman Pastore asked why other businesses haven't followed through with their interest. Supervisor Runion advised that many businesses do not look past Route 155 going west for a national-type tenant. Charles Carrow agreed with the Supervisor that he's right, it's like an imaginary line that national tenants will not cross.

Councilwoman Slavick asked if it's perceived that there is not enough traffic in this area. Charles Carrow said that the western end of Town doesn't have the demographic numbers that the east end has. He once again agreed with the Supervisor that it's an imaginary line that many businesses will not cross.

Councilman Pastore asked Charles Carrow what businesses might be attracted to the adjoining parcel. Mr. Carrow believes it would be a financial institution.

Councilman Maikels asked if there is any idea of the volume of gallons. A Cumberland Farms representative advised that it would be from 40-60,000 a week. There would be two tanks in the ground.

Supervisor Runion advised this is a Public Hearing if anyone else would like to speak.

Anthony Carrow, professionally he's with Carrow Real Estate and personally a 40-year resident of the Town of Guilderland shared, as their sign has been on the site for many years, he and his brother have been asked many times what is going on. He gave the Board a copy of a letter from Wayne & Ellen Boyer, town residents living just down the road from the site that are in favor of development on that corner. Mr. Carrow sees this as a tremendous opportunity to start the right development on the west end of Town. He added that this site will not generate new traffic but redirect existing traffic.

Councilwoman Slavick wanted to clarify that it would only be traffic that was already in the area. Mr. Carrow explained that he would not expect to see someone specifically, for example, come from the Westmere area out to this location.

Donald Csaposs spoke and shared his prepared written remarks as a Town resident. Having served on both the Guilderland Comprehensive Plan and the Guilderland Hamlet Neighborhood Plan advisory boards in 2001 and 2007 respectively, he drew comparisons as to how this proposed project is not the best fit for that particular corner.

Mr. Burke countered the previous remarks indicating that these plans were 13 and 7 years ago. He commented that the previous speaker did not speak out about traffic at the Zoning Board meetings this past December and February when Stewart's asked for variances.

Anthony Carrow advised that the traffic volume in the area of Carman Road (Route 146) is greater than the traffic at Route 146 south area and much greater from Route 155 on. The Comprehensive Plan states that it should be reviewed, amended and possibly changed every five to seven years. The implementation of the Comprehensive Plan can be flexible to meet changing concerns, issues and opportunities.

Charles Carrow then spoke of the 2008-2010 real estate market crash. He believes we suffered from a lack of development in the western end of Town and this is a tremendous opportunity for us to develop that corner and it was a great business move to approve Tractor Supply on Route 20. Times have changed.

Mark Grimm spoke about blighted property on Western Avenue. The Board is faced with a choice, continue blighted property or to embrace this proposal. It will help fix the problem on that very busy corner. It'll increase tax revenue for our Town and also increase competition between Stewarts and Cumberland Farms. The choice is to do nothing and continue the blighted property in a high visible area or to work with a responsible developer to help fix the problem.

Councilman Pastore and Supervisor Runion had questions about the ingress and egress, stacking of cars with the heavy traffic during peak periods. These issues will be addressed by D.O.T. and the Supervisor added that the Planning Board will also be looking at traffic issues at their June 11, 2014 meeting. The Town Board members continued to ask questions about the curb cuts and traffic circulation. Anthony Carrow addressed the Board commenting that

these issues they are used to working out with the Planning Department. They will bring in D.O.T. and work hand and hand with the Planning Department.

Supervisor Runion explained that the Board needs to look at the environmental issues because they are going to have to adopt the SEQRA resolution and part of that resolution is going to be traffic. Therefore, they have to be concerned with traffic safety issues that have been depicted on the site plan. The Town Planner has indicated that there are a lot of other uses allowed in the General Business district other than gasoline service stations. So they have to look at some of those potential issues that could develop because of the other types of usage that are permitted in the General Business district. The Supervisor supposes that the Board could do a conditional rezoning for a specific use that would be a possibility. It is part of the Board’s job to look at some of the environmental issues, of course traffic and traffic safety are going to be one of those concerns. When you look at a site plan that shows some of the traffic conflicts, we need to flush out those issues and discuss them at this Board as well. The technical details will be handled by other Boards. They cannot adopt a rezoning resolution without looking at SEQRA first.

The Supervisor continued that the 1998 rezoning request for the Hess gasoline station basically failed on the SEQRA resolution. It was a 3-2 vote on SEQRA. Then they went to the actual rezoning request and then it was a 5-0 vote, denying the rezone 5-0.

Anthony Carrow shared that the 2001 Comprehensive Plan noted the traffic count for the corner of Route 20 & 146 was 30,000 cars a day, today’s traffic report registers 24,000 cars. He continued that the prudent thing to do is to look at the traffic flow as they plan to work hand in hand to work out the traffic issues.

Charles Carrow said that no matter what they put on that corner there will be the same SEQRA issues. He pledged that they will work out the issues.

**MOTION #91** Councilman Pastore moved to **CONTINUE AN OPEN PUBLIC HEARING TO JULY 1, 2014 AT 8:00PM ON THE RE-ZONE REQUEST 2444 WESTERN AVENUE FROM LOCAL BUSINESS TO GENERAL BUSINESS .** 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

**MOTION #92** Councilman Pastore moved to **APPROVE SETTING A PUBLIC HEARING FOR 7:30PM ON JULY 1, 2014 TO CONSIDER REQUEST OF PANGBURN FARM, LLC TO ANNEX TERRITORY TO THE VILLAGE OF ALTAMONT ALONG BOZENKILL ROAD (THIS WILL BE A JOINT PUBLIC HEARING WITH THE VILLAGE BOARD).** 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 Abstained

Supervisor Runion advised that he was abstaining from this motion and that he would not be participating in the joint public hearing being held on July 1, 2014. He asked senior Town Board member Pat Slavick to Chair and facilitate that agenda item on July 1.

**MOTION #93** Councilman Forte moved to **AUTHORIZE THE APPOINTMENTS OF JOY CHAMPLIN-BRENDLINE FOR THE POSITION OF TELECOMMUNICATOR IN THE POLICE DEPARTMENT AT THE UNION CONTRACT SALARY; JEFFREY GREGORY FOR NETWORK & SYSTEMS TECHNICIAN AT A SALARY OF \$55,000; SUSAN MERKLEY FOR SR. KEYBOARD SPECIALIST AT A SALARY OF \$37,348; AND PROVISIONAL\* APPOINTMENT OF KATHLEEN FOLEY FOR ANIMAL CONTROL OFFICER AT THE UNION CONTRACT SALARY.** 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

\*This is a Provisional Appointment because currently there is no Civil Service list and she is appointed provisionally and required to take the test.

**MOTION #94** Councilman Pastore moved to **AUTHORIZE A SALARY INCREASE FOR LINDA CURE TO \$45,000 PER YEAR EFFECTIVE JUNE 9, 2014 AS SHE HAS TAKEN ON ADDITIONAL DUTIES.** 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 #95** Councilman Forte moved to **AUTHORIZE THE TRANSFERS AS REQUESTED BY THE COMPTROLLER'S OFFICE.** 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 5: Supervisor Runion reported that the Town has negotiated an agreement to settle the certiorari filed by Twelve Twenty Eight Western Avenue, LLC from \$5,932,800 to \$3,200,000. The 2014 grievance would discontinue as well. Recent appraisals justify the reduction.

**MOTION #96** Councilwoman Slavick moved to **APPROVE TAX CERTIORARI SETTLEMENT IN REGARD TO TWELVE TWENTY EIGHT WESTERN AVENUE, LLC (BEST WESTERN)**. 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 #97** Councilman Forte moved to **AUTHORIZE THE SUPERVISOR TO SIGN A COLLECTOR'S WARRANT FOR THE GUILDERLAND WATER DISTRICT**.

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 #98** Councilwoman Slavick moved to **ADJOURN THE JUNE 3, 2014 TOWN BOARD MEETING AT 9:18 PM**. 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 took a moment to Congratulate Dennis Moore on his retirement. Dennis did a tremendous job and was always willing to take on new tasks.

**Respectfully submitted,**

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