

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 7:36pm 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

Supervisor Runion welcomed everyone to the meeting and asked for a motion to accept the minutes of the February 4, 2014 Town Board meeting.

MOTION #39 Councilwoman Slavick moved to **APPROVE THE MINUTES OF THE FEBRUARY 4th, 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 |

PUBLIC COMMENT PERIOD: No Public Comment

AGENDA ITEMS:

Supervisor Runion introduced Dave Ingalls as the presenter for the Wolanin Companies' request for a re-zone to allow for the construction of 10 multi-dwelling buildings and commercial space in a Planned Unit Development located behind the Western Avenue/Johnston Road Town Center and 1700 Designer Apartments. Mr. Ingalls presented a slideshow on of the proposed project.

Comments:

Dan Pfofzter of 8 Janet Lane spoke against the project. He expressed concern that the neighborhood was not adequately notified of this hearing. His additional concerns were regarding the traffic study, the possibility of an egress out of Newman at some point, excessive traffic on Zorn Road (a one-way) and Church Road and lastly he asked if we need more apartments.

For the record, Vince Wolanin stated that he will never request an egress onto Newman Road.

Jeffrey Kline of 5856 Newman Road expressed concerns against the project. His main concern was the potential of an egress onto Newman Road, next to his home. He added that he did not receive a notice regarding this hearing.

Due to concerns that not everyone in the neighborhood received a notice, Supervisor Runion explained that a new notification will be mailed to property owners within 1,000 feet of the outside border of the parcel prior to the closing of the public hearing and any decision on the request.

John Driessen, 10 Joseph Terrace, spoke against the project and submitted a petition containing 82 names recommending its rejection.

Mary Longenbach of East Berne, a contract employee of the Wolanin Companies, spoke in favor of the project.

Aaron Carbone of 4 Joseph Terrace expressed appreciation that Supervisor Runion assured another notification will be mailed out to the homeowners and the Public Hearing will be continued for others who may want to come in and be heard or mail in comments.

Richard Arensberg of 1700 Western Avenue spoke in favor of the project.

Christine Bell of 1684 Western Avenue, an employee of the Wolanin Companies, spoke in favor of the project.

Garry DeGonza, owner of a parcel on Patricia Lane, spoke against the project.

Judd Feinman, President, New York Capital Region Apartments Association and Feinwell Companies, spoke in support of the project.

Supervisor Runion once again expressed that there will be another notification for the April 1, Public Hearing. Additionally, he stated that written comments would be accepted up to April 1, 2014.

Supervisor Runion asked that the Engineer submit material showing the visual impact of the project from Newman Road.

Supervisor Runion asked Mr. Wolanin if the Fire Department requested an egress from Newman Road. Mr. Wolanin stated there was no request by the Fire Department, and that he did not want to exit onto Newman Road.

Mr. Wolanin stated that if the project was for single family residences that there would be lots along everyone of the property lines on Joseph Terrace, they'd be able to use the access on Newman and on Patricia Lane. It would not be closed off as it is now. There would be homes backed up right against their neighborhood, not 200 feet away.

Mr. Ingalls added that the D.O.T. Traffic Study was performed in accordance with D.O.T. standards covering the key intersections of Johnston and Rapp Roads, existing 1700 Western Avenue driveway, Town Center entrance and Crossgates Mall Road. Conclusions from the report indicate there would be no appreciable or substantial impact from any new traffic coming from the proposed 1700 development. Albany County DPW signed off on the same traffic report. Councilwoman Slavick questioned the stated 82 cars exiting during the peak time. Mr. Ingalls explained that the number represented the peak hour. Supervisor Runion also questioned the report details and requested the D.O.T. counts.

Supervisor Runion requested that the Engineer contact the Westmere Fire Department to discuss prospective fire access from Newman Road to this development. Supervisor Runion indicated a preference for no access from Newman to the parcel.

Councilman Pastore questioned the reasoning behind the reduction from 248 to 210. Mr. Ingalls responded that it was an effort to cluster the development and move it away from the residential homes on Joseph Terrace.

Councilman Pastore additionally asked the lowest number of units the developer would accept. Mr. Ingalls indicated that they reduced the units by 20% and are satisfied with that number. Councilman Pastore continued that the Town Planner and Planning Board has not objected to a rezone but questions the number of units. Councilman Pastore shared that the Town Board has to take in a number of considerations including the traffic and the density of the project. He continued to question some of the views especially from Joseph Terrace. Councilman Pastore inquired about the 23% of the site that is poorly drained according the Environmental Impact Statement. Mr. Ingalls responded that the Albany County Conservation Society maps the soil and agreed that the 23% represents the wetland area in the rear and are minimally impacted by this project.

There being no further questions from the Board, Supervisor Runion asked for a motion to continue the Public Hearing to 7:30pm April 1, 2014 and that the Town Clerk sent out new notifications to properties within 1,000 feet of the common borders of the subject rezone.

MOTION #40 Councilman Pastore moved to **APPROVE CONTINUING THE PUBLIC HEARING ON THIS RE-ZONING REQUEST FOR 1700 WESTERN AVENUE FROM R15/R40 TO A PLANNED UNIT DEVELOPMENT (PUD) TO APRIL 1, 2014 at 7:30PM.** 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 #41 Councilman Forte moved to **APPROVE THE REQUEST TO TRANSFER \$419,500 TO COVER CONSTRUCTION COSTS, FROM WATER RESERVE FUNDS TO CAPITAL PROJECT FILTER MEDIA REPLACEMENT, AS REQUESTED BY THE DEPARTMENT OF WATER AND WASTEWATER.** 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 #42 Councilwoman Slavick moved to **APPROVE THE REQUEST FROM COMPTROLLER'S OFFICE TO RELEASE \$92,799.84 ESCROW FOR 2014 DEBT SERVICE OBLIGATIONS OF STATE FARM UTILITY CORP.** 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 #43 Councilman Forte moved to **APPROVE THE REQUEST FROM COMPTROLLER'S OFFICE TO RELEASE \$55,025.00 STATE FARM SEWER DISTRICT ESCROW FOR 2014 OPERATING EXPENSES OF STATE FARM UTILITY CORP.** 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 #44 Councilwoman Slavick moved to **APPROVE ADOPTING AN UPDATED 2014 RESOLUTION FOR THE SOLID WASTE MANAGEMENT PLAN TO BE SUBMITTED TO NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AS REQUESTED BY THE SUPERINTENDENT OF TRANSFER STATION.**

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 #45 Councilman Forte moved to **APPROVE THE FIRE PREVENTION DEPARTMENT TO GO TO BID FOR HIGH TEMPERATURE LINING SYSTEM AT THE FIRE TRAINING TOWER.** 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 #46 Councilman Pastore moved to **APPROVE THE PERMANENT APPOINTMENT OF CHARLES CAHILL FOR THE POSITION OF PART TIME FIRE INSPECTOR FROM THE ALBANY COUNTY CIVIL SERVICE LIST.**

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 #47 Councilman Pastore moved to **APPROVE THE REQUEST FROM DEPARTMENT OF WATER & WASTEWATER TO ENTER INTO AN AGREEMENT WITH DELAWARE ENGINEERING TO EXTEND WATER SERVICE ALONG ROUTE 158 BETWEEN OLD STATE ROAD AND COUNTY LINE ROAD.** 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 #48 Councilman Forte moved to **APPROVE THE PURCHASE OF A 2014 DUMP TRUCK AND TWO 2014 PICKUPS WITH 9 FOOT PLOWS TO REPLACE OLDER TRUCKS, AS REQUESTED BY THE HIGHWAY SUPERINTENDENT.**

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 #49 Councilwoman Slavick moved to **APPROVE THE REQUEST FROM THE SUPERINTENDENT OF THE TRANSFER STATION TO AWARD BID RECEIVED FOR YARD WASTE GRINDING AND REMOVAL TO SM GALLIVAN, LLC.** 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 #50 Councilman Forte moved to **APPROVE CANCELLING THE MARCH 18, 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

MOTION #51 Councilman Forte moved to **ADJOURN THE MARCH 4th, 2014 TOWN BOARD MEETING AT 9:07 PM.** 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**