

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 7:32pm. 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

**ABSENT:** 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 January 6, 2015 Town Board meeting.

**MOTION #25** Councilman Pastore moved to **APPROVE THE MINUTES OF THE JANUARY 6, 2015 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 |

**PUBLIC COMMENT PERIOD: No Public Comment**

Supervisor Runion asked for a reading of the Legal Notice for a Local Law for Flood Damage Prevention. The Town Clerk read the notice.

Supervisor Runion explained that this is a Local Law that the Town is required to enact in order for Town residents to continue to purchase flood insurance from the federal government. We had a Resolution from the last Board meeting which indicated that the Town would participate in the flood insurance program. This local law is the last requirement that we need to adopt to maintain the Town's participation. The Local Law has been reviewed by the New York State Department of Environmental Conservation who will be filing all of our paperwork with the federal government. They have found that the local law meets the necessary criteria for participation.

There were no public comments.

**MOTION #26** Councilman Forte moved to **CLOSE THE PUBLIC HEARING.** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

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

This would be Local Law #1 for 2015. It's called the Local Law for Flood Damage Prevention as authorized by the New York State Constitution Article 9 Section 2 in the Environmental Conservation Law Article 36.

Supervisor Runion advised this is a model law that was sent to each community. The Building/Zoning Administrator will oversee it.

**MOTION #27** Councilman Pastore moved to **APPROVE LOCAL LAW #1**. 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 added that this Law will be filed with the Secretary of State and transmitted to the Department of Environmental Conservation.

Supervisor Runion advised the next item on the agenda is a Local Law which contains proposed zoning law amendments as recommended by the Zoning Review Committee. This is a Committee that met over a period of a year or so to look at the Town Zoning Law and came up with a number of amendments that they want the Town Board to consider. This is our first Public Hearing and it is anticipated that we receive comments concerning the Local Law, if any, and at the conclusion of receiving the comments, the Town Board will hold a series of workshops to review the proposed language in the Local Law. Later another Public Hearing will be held on the final draft of the proposed Local Law. He asked for a reading of the Legal Notice. The Town Clerk read the notice.

If anyone is interested in making any comments concerning the proposed revisions to the Town's zoning law, they are welcome to come up to the microphone at this time. Supervisor Runion continued that email comments were received from Michael Shanley, on behalf of Pyramid Companies and they will form part of the record. Jerry Houser also submitted comments concerning the proposal to permit pet hens or chickens in residential areas. This, too, will be part of the record. He once again asked for any other comments.

Councilman Pastore asked the Supervisor about the comments from Crossgates. The Supervisor explained there are quite a number of comments concerning parking and loading requirements and definition changes. Councilwoman Slavick asked how it would be determined if these changes would be incorporated into the law. Supervisor Runion said that they would look at them as part of the workshop and determine what we thought was valid. In the definitions, for example, under the proposed zoning law changes, changes to gross floor area would require 10,695 spaces at Crossgates and 107 loading docks and currently Crossgates has 7,217 parking spaces and 13 loading docks. Just that small definitional change would require a pretty substantial change to the configuration of a mall. They have a number of other items that they pointed out with respect to the mall. They also made some general comments as well. They would become part of the record and can be discussed at the workshop. These comments are available to the public so if any member of the public would like copies of the comments we receive, they can obtain those from the Town Clerk's office. There being no comments from the public, we do not want to close the public hearing so we'll just continue it on February 3<sup>rd</sup> at the conclusion of the normal Town Board meeting. We can

have a workshop to discuss some of the additional items and the comments that we have received. Also, we will receive comments from the public in writing in the case that you do not want to attend the public meeting or discuss things in the public forum you can mail comments to the Town Board or to the Supervisor's office and they will review those comments as they review the amendments to the local law.

There being no public comment, Supervisor Runion asked for a motion to continue the public hearing to an undetermined date.

**MOTION #28** Councilman Maikels moved to **CONTINUE THE PUBLIC HEARING TO AN UNDETERMINED DATE.** 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 asked the Supervisor for a point of clarification, are we going to adjourn it to February or are we going to leave it open? The Supervisor advised that they'd leave it open because the workshop would not be a public hearing, but of course, the people are invited to attend and participate if they would like to.

**MOTION #29** Councilwoman Slavick moved to **APPOINT WALTER PACHOLCZAK TO THE INDUSTRIAL DEVELOPMENT AGENCY.** 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 #30** Councilman Forte moved to **APPROVE GOING OUT TO BID FOR CRUSHED STONE AND GRAVEL.** 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 the next item on the agenda is scheduled for 8:00pm. We still have about 15 minutes until it is 8:00pm. We will take a 15 minute break. In the meantime, as there are some people from the neighborhood concerning the group home request and we have some representatives from the Living Resources here, we'll make them available for some discussion before we get to the Public Information Session. We'll be back at 8:00pm.

The last item on our agenda is an 8:00pm presentation by Living Resources for a group home that is proposed at 3272 East Lydius Street. Supervisor Runion turned the microphone over to Fred Erlich, Chief Executive Officer of Living Resources. Mr. Erlich, who has been with Living Resources for about 36 years explained their mission. They are the regional provider of a full range of services to over 1,500 individuals with intellectual and developmental disabilities as well as individuals who are brain injury survivors. The residents gain skills and confidence and contribute to society. It is a long-term home for the residents and they always strive to be a good neighbor.

Supervisor Runion confirmed with Mr. Erlich that there are no exterior changes expected. Mr. Erlich stated that they'd like to add an additional sidewalk from the driveway to the front door. They are looking at some fencing and shrubs to offer more privacy in the back yard. Inside they're looking at converting part of the family room to a bedroom and a half bath to a full bath.

Supervisor Runion questioned the onsite staffing. Mr. Erlich replied generally there will be two staff onsite during the day and one or two overnight. Residents will be out during the day in programs and on the weekends out enjoying the community.

Councilman Pastore questioned when the off-site activities are held, is there still someone in the home. Mr. Erlich replied yes and there is never anytime when the individuals are not having staff assist them.

Councilwoman Slavick questioned if there is additional staff for cooking or housekeeping. Mr. Erlich indicated that the staff could be doing that during the day or overnight. They are supporting the activities of the house.

Councilman Pastore asked if the maximum number of individuals in the house at one time would be six to seven. Mr. Erlich confirmed that to be the case unless perhaps a nurse came in for a short period of time.

Councilwoman Slavick questioned if the residents would have visitors. Mr. Erlich said it is more likely that the residents would be transported to their family's home.

Councilman Pastore asked Mr. Erlich to comment on what types of features in a home Living Resources looks for in a house. Mr. Erlich stated the key feature is for every resident to have their own bedroom. Adults prefer their own space. Additionally, a nice living room, kitchen and dining area are the main features. Councilman Pastore inquired if the living space be handicap accessible? Mr. Erlich replied that it is not an issue at this house. There are some houses that need to be handicap accessible. This house does not need to be handicap accessible.

Supervisor Runion invited anyone from the audience to come up to comment. He requested that those commenting provide their name and address.

Adrienne Kleiber, 3275 Marilyn Street - She passed a hand-out to the Town Clerk and members of the Town Board. Mrs. Kleiber shared that she's lived on Marilyn Street for 2 ½ years with her husband and two elementary age children. They chose their house because it is in a quiet neighborhood. She shared that she has general concerns and specific issues to her property. Referring to her hand-out, she included a picture of a Living Resources home a mile from the proposed site on East Lydius Street with four cars in the driveway, another

picture of one of their homes on Pine Knob Drive with three cars in the driveway indicating potential additional traffic. Another sheet referenced the Padavan Law – that a municipality has 40 days after receipt of notice to suggest one or more suitable sites within its jurisdiction which could accommodate such facility. The same sheet notes LET’S FIND ANOTHER LOCATION WITHIN GUILDERLAND. Adrienne referenced her research came up with 14 other properties in Town between \$200,000 to \$225,000. She’s requesting additional time to research and suggest another suitable site. The last sheets of the hand-out show pictures of the view from her backyard to the East Lydius Street parcel, a picture of her own backyard and a picture of the 3272 East Lydius Street driveway. She would need mitigation of noise, traffic and head lights in the back yard. Mrs. Kleiber concluded reminding the Board of the Padavan Law, their right to review other properties.

Councilman Pastore asked Mrs. Kleiber for some clarification as to why she focused on parcels in the \$200,000 to \$225,000 range. She advised that she tried to stay within Living Resources range of their purchase price. Councilman Pastore also inquired of Mrs. Kleiber if perhaps there was a solid fence without spaces, would that take care of the glare and she agreed that would probably be true. Mr. Erlich advised that they would do whatever necessary to remedy the situation.

John Tashjian, 156 Western Avenue, Altamont, NY – Mr. Tashjian said he can speak on three fronts regarding Living Resources, as a neighbor, Police Officer and as a parent of a special-needs child. He would like them to buy the house on the other side of him. There have been zero problems as far as crimes. Many of the fellows living next to him have become friends, they’ve also been very helpful. Round-the-clock staff is on hand. Someone is always awake and that provides free security.

Mike Connolly, 3266 Marilyn Street – Commented that he has known Fred Erlich for many years and he runs an excellent operation. It’s a great organization, well run, well administered. People that work there are dedicated, hard-working individuals. Mr. Connolly, himself, has worked 45 years in rehabilitation and would welcome this home to the neighborhood.

Supervisor Runion asked Mr. Erlich to look into a better quality fence. Mr. Erlich had already had a long discussion with Adrienne earlier in the day and he brought in Dave Hoffman to work out what is best. This may mean re-doing the fence or putting in arborvitae. Supervisor Runion asked that he work with the neighbor to provide whatever screening is required.

Dave Hoffman spoke that they are working with an architect right now and they will add this to the project to improve the fencing. They may be looking at two fences and it would be finished before the house is occupied.

Beverly Raiti, 3268 Lydius Street – Spoke out that this organization is family-oriented, not business run and because they do have a profit, they are not a non-profit organization.

Supervisor Runion interjected that Living Resources is a non-profit organization. Group homes are considered under the law to be residences. They are a typical single-family residence.

Councilman Maikels shared that he was Treasurer of the Board for Living Resources for a number of years. He was on the Board for a total of 20 years. He shared that profit is not their motive. They are not in any way, shape or form a profit business. From his long

experience they are an agency just devoted entirely to serving people and serving the people that need the most help.

Ms. Raiti continued that her home is right next door, so if anyone is going to have a problem, it would be her.

Councilman Maikels shared that there is a group home two houses down from him. Their driveway is cleaner than his own. They have standards that they have to meet.

Supervisor Runion shared that a reason that we have the informational meeting is so you can have some contact and communication with the representatives from Living Resources. They will provide you with contact information and phone numbers so if there are any issues they can resolve them instantly, they don't want to be a bad neighbor. We have two Living Resources group homes in the Town and we've never had an issue. Mr. Tashjian spoke about the one in Altamont. There's 10-11 occupants and he is not aware of any issues. There are three group homes in the Village of Altamont and other than one having a handicap ramp, you probably could not differentiate them from a typical single-family residence.

Supervisor Runion continued that the Town Board has a limited roll in this matter. Their roll is to determine if there is a saturation of group homes in one area. The Courts haven't found that there is a saturation in any given area.

Councilwoman Slavick shared there are 17 group homes out of 11,000 parcels in Town.

Supervisor Runion added that Living Resources has researched the homes that are available and this is the one that best suits their needs. He doesn't see any reason, unless Board members do, to ask them to abandon this home that they invested time in to look for another home. He feels that mitigation is important, though.

Councilman Pastore feels there is a willingness by Living Resources to accommodate the neighbors with respect to the headlight glare with the fencing. It wouldn't be within the discretion of the Board to insure that that happens if another single family owner were to purchase this property. Unless there was some sort of zoning request made by an alternative owner of this home, we would not have much ability to persuade the new land owner to make any accommodation with that fence, unless it wasn't up to code. You might have a gain by Living Resources coming in and accommodating your request versus some other landowner.

Councilman Pastore asked Mr. Erlich how relevant is the market value of the other properties as to where they would go. Mr. Erlich replied this house is getting at the limit after renovations. This is a good house situated in a good location.

Supervisor Runion concluded that there is nothing else the Board has to do. The 40 day time period will lapse and Living Resources will proceed with the home. Mr. Erlich agreed that is correct. Supervisor Runion thanked everyone who came out this evening and participated in this conversation and presentation. Living Resources will work with the neighbors to make sure this home integrates well with the neighborhood.

**MOTION #31** Councilman Maikels moved to **ADJOURN THE JANUARY 20, 2015 TOWN BOARD MEETING AT 8:55 PM.** 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

**Respectfully submitted,**

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