

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 (arrived at 8:15pm)

Supervisor Runion welcomed everyone to the evening's meeting and asked for a motion accepting the minutes of the March 4, 2014 Town Board meeting.

MOTION #65 Councilwoman Slavick moved to **APPROVE THE MINUTES OF THE MARCH 4th, 2014 TOWN BOARD MEETING.** Councilman Forte 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 |

PUBLIC COMMENT PERIOD: None

Supervisor Runion explained that the Public Hearing was closed, however, yesterday a Town resident stopped by with some pictures to share with the Board. Also a number of additional letters have been received for or against the rezone. A letter from the Albany County Planning Board will be added to the Town record. A call from Price Chopper confirms that they are interested in renovating if the project is approved. This would only be a renovation, not an expansion. The Supervisor continued to share the concerns that have been raised include traffic, wetlands and proper density for this site. He opened up discussion by the Board members relative to questions or concerns about the actual site plan.

Councilman Forte wants reassurance from Mr. Wolanin that there will be a 200 foot buffer for Joseph Terrace and a 100 foot buffer on Newman. Mr. Wolanin advised it is shown on the plan and he agrees to it.

Councilman Maikels questioned if there is a plan to widen the drive area in front of the Price Chopper to exit onto Johnston Road. Dave Ingalls, Project Engineer, remarked there's a traffic

calming plan from the new development out to the Town Center going by the existing Wolanin Offices there are some new curved islands to slow people down to a Stop sign, and continue to go out past the existing Price Chopper or turn right to exit onto Western Avenue. The current plan is to keep it two-way traffic.

Councilwoman Slavick asked if there is only one driveway in and out. Mr. Ingalls explained that the primary ingress/egress will be the existing 1700 driveway. The 1700 PUD would connect to that existing driveway that goes out onto Western. There is no plan for the existing 1700 Western Avenue tenants to be able to exit out through the new development and out to Price Chopper.

Supervisor Runion asked if the Developer would consider doing that. He explained that due to the traffic coming out of 1700 Western Avenue and going past Alton Road makes it difficult for the people to get out onto Western Avenue. The Supervisor feels that Price Chopper wouldn't mind additional traffic going through their area and it would help alleviate additional traffic on Western Avenue. Mr. Wolanin responded that he believes it could be done with Smart Phone access so they could go through the gate and out that way. If they don't have a Smart Phone they could be given a fob.

Supervisor Runion questioned if the 12,000 square foot office space could be eliminated and put the clubhouse and pool in that area creating a little more buffer for the Joseph Terrace and Patricia Lane residents. Mr. Wolanin responded that it would be impractical to have it at that end of the project. They could come up with a way to put up a privacy fence around the entire community room itself and additionally the pool does not operate in the evening, lifeguards have to be there. There shouldn't be any noise issues. They could do a double fence, outside and inside; a solid wooden fence to insulate the property. That area could also be buffered up with additional landscaping.

Councilman Pastore asked if the circular road could be changed in the area of the pool. Mr. Wolanin and Mr. Ingalls said they'd be able to deal with a change in the circular road. Councilman Pastore also asked if there could be a traffic light at Alton Road. Mr. Wolanin replied that a number of issues have to be present for a traffic light to be installed. Mr. Ingalls agreed that the intersection did not meet the State's requirements for a controlled signal. Mr. Wolanin shared that the residents can petition DOT for a traffic signal. Councilman Pastore inquired if the developer would be willing to pay for the traffic light. Mr. Ingalls advised that the applicant would not be responsible.

Town Attorney James Melita arrived at 8:15pm.

Councilman Pastore wanted to explore the alternative of single-family homes, perhaps 30. He requested Mr. Ingalls to respond to this scenario. It was explained that access would need to be at Patricia Lane and Newman Road. Church Road would most likely be the most impacted with a single family design.

Councilman Pastore asked about Phasing-In the project. Mr. Wolanin shared that it's far better to get in quickly and get the site work done, probably the noisiest part of the project. Single family construction can go on for years and years, thus the neighbors suffer for years. Mr. Wolanin would like to work diligently and get it built quickly.

Councilwoman Slavick inquired about the number of student age children that might impact the school district. Mr. Ingalls responded just over seven school age children per the fiscal impact analysis report. For single family homes it would be 35.

Supervisor Runion asked if all of the traffic from the 210 units could exit out only via the Price Chopper Plaza so that it doesn't exit out in the 1700 drive aisle. Mr. Ingalls doesn't think this would be the preferable choice. He thinks it's better to distribute the traffic. Logically movement is out 1700 especially for east bound traffic. Supervisor Runion feels if the traffic went through Price Chopper there would still be two areas to exit, through the right-turn only to Western Avenue or to Johnston Road area to go either left on Johnston or turn right on Western or go through Rapp Road. Councilman Pastore suggested entering only through the 1700 driveway. Mr. Ingalls offered to look into it and explore it with the Planning Board. Mr. Wolanin offered that this would interfere with the other units that he doesn't own. Supervisor Runion suggested that it could be configured not to allow the 1700 units to exit out onto Western Avenue. Mr. Wolanin would rather not go against the Traffic Engineer's recommendation. Supervisor Runion asked if the Traffic Study looked at Alton Road. Mr. Wolanin did not feel it was a major intersection being impacted by this project. He offered to get an answer on the traffic exiting Alton Road. Supervisor Runion said that a number of people did talk about an impact on Alton Road and nothing has been presented to say that their testimony is incorrect in any way from a traffic point of view.

Supervisor Runion deferred to the Town Clerk, Jean Cataldo, to ask a question about traffic at Alton Road. Mr. Wolanin and Mr. Ingalls did not feel that the impact of the traffic from the 1700 driveway would have a significant impact on the wait time at Alton. Both the 1700 driveway and the Alton Road traffic would have to use the gap in the traffic provided by the red light at Western Avenue and Johnston Road. Mr. Wolanin offered to ask the State DOT to change the signal timing to give us a little more time to exit from Alton Road.

Councilman Pastore inquired if it would be possible to reduce the density to eliminate another building. Mr. Wolanin said the development is at bare bones. He doesn't have anything else to give between the Wolanin Company and Price Chopper investing \$30 million in this project.

Supervisor Runion confirmed that the circle of traffic will be put behind the buffer at the access drive and parking at the clubhouse.

Councilman Pastore asked for the percentage of view shed from the homes on Joseph Terrace. Mr. Ingalls indicated that it would be 64-65% of green space.

Mr. Wolanin clarified for Supervisor Runion that a good percentage of the 12,000 square foot

building will be office space to run the complex. His company may grow into the whole building some day.

Councilman Maikels asked about the rent. Mr. Wolanin replied \$1.25 to \$1.50 a square foot per month. Mr. Wolanin feels that this will be a high class building.

Supervisor Runion then referred to SEQRA. At the last meeting, the Town Attorney was asked to draw a statement of findings. The Developer has previously submitted a full environmental assessment form as well as an archeological review. The findings, as prepared by the Town Attorney, described the proposal as well as various impacts concerning surface ground water, quality and quantity, drainage, wetlands, traffic, construction impacts, noise, historic and archaeological issues, community character, fire service. Supervisor Runion asked for a motion based on the summaries presented by the Town Attorney that rezoning this property from R15/R40 to a Planned Unit Development would not have a significant impact on the environment. This would be a Type 1 Project. This would only be the SEQRA resolution.

MOTION #66 Councilman Forte moved to APPROVE THE SUMMARIES PRESENTED BY THE TOWN ATTORNEY THAT REZONING THIS PROPERTY FROM R15/R40 TO A PLANNED UNIT DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT. THIS WOULD BE A TYPE 1 PROJECT.

Councilman Maikels 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 |

Supervisor Runion explained the process under the Zoning Ordinances that the Town Board has to look at whether they want to grant a conditional approval for a rezone to a Planned Unit Development. It would be conditional only based on the findings that the Board would establish. It would then go to the Planning Board for a final site plan review. They would take testimony and hold public hearings to determine a final site plan for the project. Engineering would be submitted in detail before the Planning Board would issue their approval. The plan would come back to the Town Board for a final rezone. Supervisor Runion explained what types of issues should be included in the conditional rezone.

He agreed to entertain a motion from the Board to conditionally rezone the rear portion of 1700 Western Avenue from R15/R40 to Planned Unit Development and send it to the Planning Board for final site plan review with conditions.

MOTION #67 Councilman Forte moved to APPROVE A CONDITIONAL REZONE REQUEST FOR 1700 WESTERN AVENUE FROM R15/R40 TO PLANNED UNIT DEVELOPMENT (PUD) with the following conditions:

FIRST, THERE WILL BE NO ENTRANCE OR EXIT FROM THE PROJECT TO PATRICIA LANE OR NEWMAN ROAD

SECOND, THERE WILL BE NO ENTRANCE OR EXIT FROM THE PROJECT THROUGH THE WESTMERE ELEMENTARY SCHOOL

THIRD, PRESENT OCCUPANTS OF 1700 APARTMENTS SHALL BE ABLE TO ENTER AND EXIT THROUGH THE PROJECT AND THE PRICE CHOPPER ON JOHNSTON ROAD EXIT

FOURTH, THE ENTRANCE ROAD TO THE CLUBHOUSE WHICH IS DEPICTED ON THE MAP AS A CIRCULAR DRIVEWAY WILL BE RECONFIGURED SO THAT NO PART OF THE DRIVEWAY OR THE PARKING SHALL FALL WITHIN THE 100 FOOT SETBACK FROM THE RESIDENTIAL AREA ON JOSEPH TERRACE AND PATRICIA LANE

FIFTH, THE CLUBHOUSE AND THE POOL AS DEPICTED ON THE PLAN SHALL BE SIGNIFICANTLY BUFFERED BY LANDSCAPING AND FENCING TO PREVENT NOISE TO ADJOINING NEIBORHOOD AND TO SCREEN THOSE AMENITIES FROM VIEW OF THE ADJOINING NEIBORHOOD.

SIXTH, IN ADDITION TO THE SETBACK REQUIRED FOR PLANNED UNIT DEVELOPMENT FROM THE PROPERTY LINE 200 FOOT BUFFER RESTRICTION IS SHOWN ON THE MAP SHALL BE IMPLEMENTED AND THERE SHALL BE NO BUILDING OR STRUCTURE WITHIN THAT 200 FOOT BUFFER AND THAT SHALL RUN WITH THE LAND

SEVENTH, THE BOARD ESTABLISHES THE MAXIMUM DENSITY OF THE PROJECT AT 210 UNITS

EIGHTH, REQUEST THE PLANNING BOARD TO, AS PART OF THEIR REVIEW, HAVE THE DEVELOPER CONTACT D.O.T REGARDING THE TIMING OF THE LIGHT AT JOHNSTON ROAD AND WESTERN AVENUE.

NINTH, ALSO AS A CONDITION OF THE APPROVAL SOMEWHERE THERE WILL BE A CDTA BUS STOP. THE PLANNING BOARD WILL DETERMINE THE LOCATION IN CONSENSUS WITH THE DEVELOPER AND D.O.T.

TENTH, THE PLANNING BOARD WILL HAVE A MINIMUM OF ONE PUBLIC HEARING AND THEY SHALL NOTIFY ALL PROPERTIES INCLUDING FROM CHURCH ROAD TO JOHNSTON ROAD TO THE WEST AND ZORN AND NEWMAN ROAD TO THE SOUTH UP TO WESTERN AVENUE. CROSSGATES, GABRIEL TERRACE, REILTON COURT AND WESTMERE TERRACE, AS WELL

ELEVENTH, THE PLANNING BOARD IN THEIR DELIBERATIONS AND FINAL PLANS AND REVIEW SHALL TAKE INTO ACCOUNT THE PROPER SCREENING AND BUFFERING OF THE PROJECT FROM THE RESIDENTS THAT ADJOIN THE REAR OF 1700 WESTERN AVENUE.

TWELVETH, THE PLANNING BOARD WILL BE DIRECTED TO WORK WITH THE RESIDENT AT 5865 NEWMAN ROAD TO ADD MORE PLANTINGS TO MAKE SURE THERE IS ADEQUATE BUFFERING

Councilman Maikels 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 |

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| Councilman Maikels | Aye |
| Supervisor Runion | Aye |

The Supervisor wanted to clarify that the Planning Board will get into the details of engineering and other issues that were raised in the letters the Board received. They will look in detail at the traffic reports, Army Corp of Engineering studies, the engineering to handle the storm water drainage and retention.

Roberta Miller, 6425 Zorn Road, asked Mr. Wolanin about the existing pond on the property: will that be the catch basin in addition to the pond or will it be the catch basin. Mr. Wolanin replied there is no existing pond, there's a delineated area by the Army Corp of Engineers. Dave Ingalls explained it's a conceptual layout for the storm water management pond. It shows that they will have some type of holding pond or detention pond to manage the storm water prior to releasing it offsite to the existing drainage pattern. They have not finalized the dimensions or type as it is part of the detailed analysis with the Planning Board and their Town Designated Engineer and, of course, with all of the applicable State regulations by DEC.

Supervisor Runion confirmed with Mr. Ingalls that he has to get permits for the storm water management from the DEC. Mr. Ingalls advised that he needs to file an N.O.I., Notice of Intent, part of the storm water management plan is also a SWIP which they put in all of their erosion and sediment control plans. It all gets packaged together, although it isn't submitted to the DEC, they only file a Notice of Intent. The Town Designated Engineer will review all the materials as part of the technical review for site plan. The Supervisor confirmed that these materials will be available for the public to review as well. They will be on file with the Town. Supervisor Runion advised Ms. Miller she can review them at the Town Clerk's Office when available.

Mr. Wolanin wanted to clarify the difference between a no building zone and a no construction zone. The no building zone means there are no buildings in that area...it doesn't mean no construction or conveyance of water, or electric utilities etc...these are construction items.

Supervisor Runion also requests the Planning Board in their deliberations and final plans and review take into account the proper screening and buffering of the project from the residents that adjoin the rear of 1700 Western Avenue. There may be some other neighbors in the back that do not feel the screening is appropriate. The Supervisor wants to make sure that the Planning Board looks at that screening issue.

The Supervisor asked if anyone wanted to make a motion to that effect and Councilman Forte made the motion and Councilman Maikels seconded the motion and it was carried by the following roll call vote:

Councilman Forte Aye – he expressed that he's taken a long and hard look at this plan. He's talked and listened to a number of people. For the growth and future of our Town, this project is new and unique. He has read that there's a drastic need for apartments in the Capital District. This looks like a project that really fits Guilderland. With all of the

stipulations we put in place it really protects the closest neighbors and has the least impact on the neighborhoods around it.

Councilwoman Slavick Aye – Thanked everyone for their input whether in person or by letter for or against it. Tonight she is satisfied with all of the conditions placed on the Planning Board. If this land were to remain residential, there would be more traffic on the neighboring streets. Now the neighboring streets will not have all of the traffic. Another concern was the road in front of Price Chopper with additional traffic, however, it seems Price Chopper will be working to mitigate that situation. She's satisfied that the residents can't see the apartments with all the buffering and trees. The storm water concerns were addressed. Hopefully something can be done with the signal (at Johnston Road and Western Avenue) to help the Alton Road situation.

Councilman Pastore Aye – This is not an easy decision. As public servants it is our responsibility to take a good hard long look at this project and we've done that. We've heard from many individuals who have raised their concerns and voiced their opposition to the project and many who have voiced their approval and desire for the project. He is not convinced that this project will increase the value of the homes in the adjoining neighborhoods by 20% or otherwise. Likewise, he is not persuaded by the testimony to indicate and conclude that this project will necessarily diminish the value of the homes. The most pressing issues of concern amongst the neighbors are: size and density, increased traffic and potential effects on those residing on, to name a few, Newman, Patricia, Joseph and Alton etc. The third area of concern is the visual impact of the development on those neighbors. It's incumbent upon the

developer, here or for any project in the Town, to attempt to alleviate, mitigate and, in some cases, eliminate concerns and he thinks the Developer has over the course of time expressed a willingness and displayed again this evening to do that. We benefit as this Developer currently exists in the Town, he's a known entity. Regardless of the decision tonight, we all expect that the Developer will be a good neighbor. Because of the heavy traffic that currently exists on this road, even the additional traffic of some 200 units does not create a significant degradation in that. We need to channel our efforts to insure that any project of this magnitude or this conception follows the principles of smart growth. This plan follows the spirit and adheres to the expressed intent of our Comprehensive Plan. There's the opportunity for increased pedestrian flow with the addition of sidewalks on Western Avenue this year and next. The traffic impact on Western Avenue, even if minimal, has to be weighed with the alternative of what would go in there if the proposal is not approved. It would be detrimental for even 30 houses to be built as that traffic would go through those neighborhoods. This project insures no through traffic with the restrictive covenants that run with the land. It is unprecedented that we have some 60% of greenspace. That would not exist with residential single family homes. The berms, existing vegetation coupled with buffers and no building setbacks will help minimize, if not completely reduce, the visual impact these newly built structures would have on those neighborhoods.

Councilman Maikels Aye – With the conditions that are attached, the Planning Board will make sure we reach out to everyone in the immediate area and a little further out, and they will go through the process and I think these are the appropriate steps.

Supervisor Runion Aye – We needed to get the neighbors' opinions. After reviewing the materials available, there were several issues that struck home. People living

within Joseph Terrace, Janet Lane, Patricia Lane area wanted to insure that there was no access to their neighborhood from this project. That condition has been placed this evening. If this was a residential subdivision, the access from this subdivision would be out into the Zorn Road, Patricia Lane or Joseph Terrace. You wouldn't want to purchase a single-family home and go through the Price Chopper parking lot. Another concern from the people living in this subdivision, you would get sheds and other structures located within 10-15 feet of the property lines of the homes that border the project. It was important to create enough buffering and screening so that there would be some privacy to the residents that live within the subdivision to the east. The circular road is being moved out so there will be some buffering from the neighborhood. We have to trust that the Planning Board will use their best effort to make sure that all of the other issues that storm water, drainage and traffic are appropriately dealt with. Based on the conditions we imposed on the Developer, the impact on the surrounding properties will be minimal.

Supervisor Runion wanted to thank everyone who came this evening both in opposition and in favor. Without your input it is difficult to do this job. If there are any issues that you have as the project moves forward, do not hesitate to contact his office. We will work with you to try to alleviate any problems you have.

Supervisor Runion advised that we'll take a five minute break.

The meeting resumed at 10:00pm

Supervisor Runion announced that we have a couple of Town residents from NY4Democracy that would like to address the Board to look at a resolution concerning campaign financing.

William Goergen briefly explained the request.

MOTION # 68 Councilwoman Slavick moved to **APPROVE REQUEST OF BILL GOERGEN OF NY4DEMOCRACY TO ADOPT RESOLUTION IN REGARD TO ELECTION CAMPAIGN FINANCING.** Councilman Maikels 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 |

MOTION #69 Councilman Pastore moved to **APPROVE AUTHORIZING THE SUPERVISOR TO SIGN A CONTRACT FOR BASIC EMERGENCY AMBULANCE SERVICE WITH WESTERN TURNPIKE RESCUE SQUAD.** Councilman Maikels seconded the motion and it was carried by the following roll call vote:

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

MOTION #70 Councilman Pastore moved to **APPROVE A CONTRACT FOR INTER-MUNICIPAL SHARED HIGHWAY DEPARTMENT SERVICES WITH THE TOWN OF NEW SCOTLAND, TOWN OF KNOX, VILLAGE OF ALTAMONT, AND THE VILLAGE OF VOORHEESVILLE AS REQUESTED BY THE SUPERINTENDENT OF HIGHWAYS.** Councilman Forte 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 |

MOTION #71 Councilwoman Slavick moved to **APPROVE AUTHORIZING THE DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT TO GO OUT TO BID FOR ALL WHEEL DRIVE HIGH ANGLE MOWER AND MINI TRACK EXCAVATOR (BUDGETED ITEMS).** Councilman Forte 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 |

MOTION #72 Councilman Pastore moved to **APPROVE AWARDING BIDS FOR VARIOUS HIGHWAY MATERIALS AS RECOMMENDED BY SUPERINTENDENT OF HIGHWAYS.** Councilman Forte 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 |

MOTION #73 Councilman Pastore moved to **APPROVE AUTHORIZING MUNICIPAL FUNDING ASSISTANCE IN THE AMOUNT OF \$2,907.00 TO THE PROSPECT HILL CEMETERY ASSOCIATION AS AUTHORIZED BY CHAPTER 69 OF THE LAWS OF 2010.** Councilman Maikels seconded the motion and it was carried by the following roll call vote:

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| Councilman Forte | Aye |
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REGULAR TOWN BOARD MEETING

April 15, 2014

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

MOTION #74 Councilman Maikels moved to **ADJOURN THE MARCH 4th, 2014 TOWN BOARD MEETING AT 10:21 PM.** Councilman Forte seconded the motion and it was carried by the following roll call vote:

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

Respectfully submitted,

Jean J. Cataldo
Town Clerk