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TOWN BOARD COUNTY OF ALBANY

TOWN OF COLONIE

PUBLIC COMMENT

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing on June 4, 2020 at 7:26 p.m. at Memorial Town Hall, 534 New Loudon Road, Latham, New York

BOARD MEMBERS:

- PAULA MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- MELISSA JEFFERS-VONDOLLEN
- RICK FIELD
- JILL PENN
- DAVID GREEN
- DANIELLE FUTIA

ALSO PRESENT:

- Michael C. Magguilli, Esq, Town Attorney
- Julie Gansle, Town Clerk

MARKED EXHIBIT INDEX

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<u>#</u>	<u>DESCRIPTION</u>	<u>PG #</u>
1	LETTER FROM HOFFMANS, BURKE & BURKE COMPANIES OF 6/4/20	9
2	WYTRWAL LETTER OF 6/4/20	21
3	DESANTIS EMAIL OF 6/4/20	25
4	HOMESTEAD NEIGHBORHOOD ASSOCIATION LETTER OF 6/4/20	33

1 SUPERVISOR MAHAN: As we do each and every
2 meeting, the public cannot be here at this time so we
3 will be reading comments that we received into the
4 record. So, we will do that, as we always do. Julie has
5 them numbered to read, so please be patient and she will
6 go through the comments.

7 MS. GANSLE: Thank you.

8 Request for PDD Approval and open development
9 area permit for 606/608 Loudon Road, the former
10 Hoffman's Playland.

11 Dear Supervisor Mahan and Town Board Members:
12 This letter is submitted in support of the proposed PDD
13 application for 606 - 608 Loudon Road, the former
14 Hoffman's Playland. It is jointly submitted by the
15 property owners Ruth and Dave Hoffman, the principals
16 of the applicant New Loudon Rd Realty Co, LLC, and the
17 project developer Tom Burke of the Burke Companies.

18 As many know, the Hoffman family operated
19 Hoffman's Playland for over 60 years at the site
20 creating many happy memories for local families. Tom
21 Burke is one of the area's most respected commercial
22 developers with many successful projects within Colonie
23 and throughout the Capital Region.

24 The proposed PDD allows for a
25 Retail/Restaurant building at the front of the parcel

1 with an independent senior apartment building and
2 assisted living residence upon the rear of the parcel.
3 Since the original request for a PDD was made in
4 November 2018, this project has been extensively
5 reviewed by the Planning Board and Planning Department
6 staff at five separate Planning Board meetings and 11
7 additional meetings with Town staff and TDE. Based upon
8 their review, the Planning Board issued positive
9 recommendations to the Town Board for approval of the
10 PDD, a SEQRA negative declaration and an open
11 development area permit.

12 As a result of the Planning Board's in-depth
13 review over the course of many meetings, the size and
14 scope of the proposed project has been drastically
15 reduced from its original form.

16 From the time this Board first saw the initial
17 application dated November 16, 2018, the square footage
18 of the proposed retail/restaurant building in front has
19 been reduced by 13%. The size of the landscaped buffer
20 to be placed along Route 9 has been increased by 100%.
21 The Planning Board, in its findings statement, includes
22 limitations upon the number of restaurants allowed in
23 the retail/restaurant building and also limits their
24 size and seating capacities.

25 The square footage for the senior apartments

1 and assisted living facility has been reduced by 11%.
2 The number of apartment units was reduced from 101 to
3 85. The number of assisted living beds reduced from 99
4 to 92. The overall building footprint was reduced by
5 12%.

6 As part of their review, the Planning Board
7 determined that the proposed parking for both buildings
8 is properly sized to accommodate the uses. A
9 significant portion of the parking will be underground
10 below the rear building.

11 Following review by Town Fire Services,
12 hydrants will be installed in three locations upon the
13 property and the ring road around the buildings is now
14 designed to allow for movement, staging and operation
15 of the Fire Department's largest trucks. Water is to be
16 provided through a looped system and sewer line will be
17 connected to the existing main directly along the
18 property line.

19 The proposed project's potential impact to
20 traffic along Route 9 has been extensively reviewed. As
21 shown to the Planning Board, the traffic generated by
22 this PDD will be significantly less than the amount of
23 traffic that could be generated if the property was
24 developed under the current NCOR zoning. According to
25 the Town's Designated Engineer, quote, if the project

1 site was developed in accordance with existing zoning
2 at the maximum allowable commercial density of 140,022
3 sf, the amount of site generated traffic would be
4 approximately four times greater than what would be
5 generated by the proposed development, endquote.

6 The project provides cross easement access to
7 the Village at Loudon Square property to the north. The
8 Applicant requested a cross easement from the owner of
9 Newton Plaza which was not granted. The project will
10 still build a stub road to the south property line to
11 allow for a future cross connection which the Planning
12 Board could require for any future proposals submitted
13 by the southerly property owner. The Applicant has also
14 coordinated with CDTA regarding the proper location of
15 a bus stop.

16 The visual impact of the project's buildings
17 was modeled. The modeling reveals that the rear
18 building will not be visible from Route 9 at pedestrian
19 height. The front building has been architecturally and
20 aesthetically designed to contain distinct decorative
21 and visually appealing features.

22 The PDD as proposed achieves many of the
23 important goals of the Town's Comprehensive Plan. It
24 involves redevelopment of an existing commercial site
25 that was active for over 60 years. It creates

1 opportunities for increasing value of underutilized
2 commercial areas since the property has been vacant for
3 5 years. It includes high density mixed-use development
4 containing apartments, assisted living, retail and
5 restaurants. And it emphasizes pedestrian friendly,
6 high quality design that will allow for residents to
7 walk to the various existing commercial establishments
8 in the Route 9 vicinity.

9 In support of the project's pedestrian
10 friendly design, the proposed public benefit to be
11 provided by the project applicant to the Town of
12 Colonie is \$500,000 for construction of public
13 sidewalks along Route 9 and in other areas of the Town
14 where sidewalks are lacking. The applicant's original
15 offer of \$200,000 was for sidewalks along Aviation
16 Road. The benefit contribution was increased to
17 \$500,000 after Town staff and Planning Board determined
18 that dollar amount to be a more appropriate level of
19 public benefit to be contributed by the applicant.
20 Based upon public input from project neighbors and
21 local residents, the Planning Board changed the
22 location of sidewalks to be constructed and prioritized
23 sidewalks in the vicinity of the project to be
24 constructed. These sidewalks include construction of a
25 new sidewalk from Homestead Avenue, north to the

1 Stewart's Shop; a new sidewalk along Route 9 from
2 Glennon Road to Route 155; and, if there are any
3 remaining contributed funds, completing an existing
4 sidewalk where a gap exists along Spring Street Road.

5 We hope that this information helps your
6 deliberations upon our request for PDD classification,
7 a negative SEQRA determination, and an open development
8 area permit. Along with this submittal, we have
9 included for your reference boards showing an aerial of
10 the site operating as the Playland, our proposed site
11 plan, and a building elevation viewed from Route 9. Our
12 project team will be available during the public
13 hearing via telephone or internet to answer any
14 questions that may arise.

15 On behalf of our entire project team, we thank
16 you and the Town Board for your consideration of this
17 request. Sincerely, Dave and Ruth Hoffman, Tom Burke,
18 The Burke Companies.

19 MR. MAGGILLI: Julie, If I may, I'd like to
20 have that document - have it marked Exhibit 1 to
21 Resolution number 212, Exhibit 1 being a five page
22 document dated June 2, 2020 and signed initially by
23 Thomas Burke on page 3.

24 (Exhibit 1 was marked for identification.)

25 Thank you.

1 MS. GANSLE: Our second public comment:

2 Good afternoon, I have two questions for
3 tonight's Board meeting. Thank you for your time.

4 Question for Linda Murphy, Liaison to Colonie
5 Police: Given the important goals and message of
6 peaceful protests around this nation, can you speak to
7 past actions or proposed actions to address how Colonie
8 Police Officers are trained and monitored for proper
9 use of force? Transparency and communication help build
10 a safe community for all. Thank you.

11 Question for the Board: Although Colonie is a
12 predominantly white municipality, its diversity is
13 improving. What efforts has the Board itself or Colonie
14 government taken to empower minorities to play a more
15 active role in our community? Best, Andrew Scott.

16 SUPERVISOR MAHAN: Julie, those two questions
17 -I think personally we can answer those.

18 Linda is not the liaison to the Police
19 Department. David and I have the Police Department. I
20 can make a few comments regarding the first question as
21 far as the goals and message of of the peaceful
22 protests around the nation and how our Colonie Police
23 Officers are trained and monitored for proper use of
24 force. Transparency and communication does help build a
25 safe community for all. We also pride ourselves on

1 that. I can tell you that our Police Department is one
2 of the top in the nation and they have extensive
3 ongoing training that is a major part of our public
4 safety program to make sure that our officers have all
5 the opportunities on the latest training in whatever
6 area it may be, including working with the community,
7 transparency, problem-solving, bringing the community
8 together with not only our officers, but all of our
9 administration as well as the work that they do with
10 our schools. We work very closely with our school
11 districts in Town. We have built up programs with the
12 districts for Resource Officers to assist them with
13 teaching our children how to understand diversity and
14 individual differences and how to get along in the
15 community and how to become productive citizens in
16 their communities. They also work with a lot of our
17 volunteer programs. They are well-trained in community
18 policing in our neighborhoods. That's an important part
19 of their job. They have a very positive approach. They
20 are very respectful. They understand and they have the
21 respect for treating everyone the same.

22 Also, one of the things that they have
23 developed on their own to bring the community together
24 and to foster communication and help to build a safe
25 community and help to build awareness and foster

1 relationships with people in the community - they have
2 developed on their own time with their own efforts a
3 great community night that we can all enjoy. They pride
4 themselves on safety.

5 The question talks about what's going on
6 around us at this time - they certainly are doing their
7 best to keep it peaceful and safe for everybody and
8 they certainly have an understanding of how to approach
9 these types of situations to keep a safe department.

10 David, did you have something to add?

11 MR. GREEN: Yes, in addition to having a very
12 well-trained staff, they also have top-notch equipment.
13 I have been in contact with Chief Jon Teale a number of
14 times this week, as I know Paula has. He has just really
15 relayed the message how impressed he is with his staff
16 and their response times and how they cope with it. They
17 are worn out. They are tired. They're doing a great job.
18 They are keeping us safe.

19 I live on one of the borders and I see their
20 presence. We have fortunately been able to put them in
21 the position of having adequate staffing and great
22 equipment to do their job when it's necessary. They are
23 doing that exact job. You're doing a wonderful job. I
24 thank them for that.

25 MR. MAGGUILLI: If I may? As their attorney, I

1 can state that recently there was a poll conducted where
2 the residents of Colonie provided a 91% favorability
3 rating on their impression of the Colonie Police
4 Department. As far as this question goes to training,
5 our Officers meet all the requirements of the New York
6 State Municipal Training Program, plus our department
7 conducts its own in-house training on matters of
8 diversity, use of force and the like.

9 I can state in the 12 years that I have been
10 representing our Town Police Department, we have not
11 had one successful case brought against them for any
12 type of negligence, let alone any type of intentional
13 claim. They have been a true joy to represent. We are
14 blessed with having one the best Police Departments in
15 the state, if not the country.

16 SUPERVISOR MAHAN: We are very proud of the
17 work that they do. They work extremely hard for
18 everybody.

19 The second question has to do with the
20 demographics of our community and the growing
21 diversity, which is something that adds to our
22 community in a positive way. What have we done as a
23 government to empower minorities to a play more active
24 role in the community? I will tell you that all of us
25 here in the administration - we all come from different

1 backgrounds, from different socioeconomic backgrounds
2 as well - different training - - many of us come from
3 different careers. So, we bring a lot of diversity to
4 the Board.

5 I, myself, personally, have always tried to
6 foster an administration that treats everyone with
7 respect and that's everyone - and do what's in the
8 betterment of the community as a whole.

9 We heard this evening from our Community
10 Development Director who does a lot of work, working
11 with community members in need or assistance in some
12 way.

13 As far as what we do here and what's open for
14 everyone, we are open to everyone. We are an equal
15 opportunity employer. We have the same policies that a
16 lot of places follows in terms of service. We welcome
17 everyone to participate. Again, we also do an awful lot
18 with our young people to again have them work together
19 to understand diversity and individual differences and
20 to be respectful and those types of character traits
21 that I know are taught in schools, which are very
22 important and to bring the family members into it as
23 well. There's an awful lot of that goes on and for
24 every population in Town. This question is specific to
25 minorities - - I would like to say that the Town is

1 always open to everyone and treat everyone the same.

2 I don't know if anyone has anything to add.

3 MS. JEFFERS-VONDOLLEN: Yes, I will just add,
4 Paula, that coming from a background of working in
5 immigration specifically - just a few weeks ago actually
6 Paula and I were invited to speak on an Asian American
7 Herald broadcast of the local news and we have been
8 invited multiple times to speak at different and various
9 events around Town with different communities. We are
10 actively working to bridge the gap and make sure that
11 everyone feels included and that their voices are heard.

12 MS. MURPHY: I, too, have been on several
13 occasions invited to grand openings of mosques and
14 temples and the people there couldn't be any kinder or
15 more genuine or interested in the Town and meeting the
16 people who are running the Town. It was a very
17 delightful experience at both places. I went with
18 another Board Member and it was just wonderful.

19 MS. JEFFERS-VONDOLLEN: They are very
20 interested in getting to know how our government works
21 and wanting to be involved and wanting to have a voice
22 since they are choosing Colonie as their home. I think
23 that's very important. I think everyone has done a great
24 job in being welcoming and opening their doors to
25 listening and helping them achieve their goals.

1 MS. PENN: I know the school Board in South
2 Colonie - last evening -- because we do have a number of
3 families that are coming in as English as their second
4 language - and we are seeing a huge influx. We have
5 opened another elementary building just so we could meet
6 the needs of our students. We will have two middle
7 school sites and obviously the high school just make
8 sure we could provide and supply the support and
9 education that our students need. Again, I think it
10 speaks volumes about the choices that everyone is making
11 about coming to our community.

12 SUPERVISOR MAHAN: Okay, I think that answers
13 those two questions.

14 We will go on to the next letter, Julie?

15 MS. GANSLE: Our next public comment: Town of
16 Colonie Board Members and Planning Board Members, I
17 attended the February 25, 2020 Planning Board meeting
18 regarding the proposed Galleria at Loudonville,
19 Hoffman's, development project. At that meeting, I
20 raised concerns about what appears to be an increasingly
21 higher watertable in my neighborhood.

22 I live at 67 Maxwell Road and share what used
23 to be a seasonal wetlands pond with a neighbor. Over
24 the last few years, there have been several building
25 projects on the periphery of the wetlands, the expanded

1 Newton Plaza, the Village of New Loudon stores, the
2 apartments and townhouses behind the Village of New
3 Loudon, the Elderwood adult complex on Watervliet
4 Shaker Road, etcetera, and there have been changes in
5 the wetlands. For the last few years, my vernal,
6 seasonal pond that disappeared after the spring, is now
7 a year round pond. Of most concern to me is that my
8 sump pump now operates year round, too - - instead of
9 mostly in the spring.

10 Of note, all rainwater runoff for the building
11 projects listed above drain their rainwater runoff to
12 the wetlands - - the bulk of which is located near my
13 home.

14 Per the Project Narrative Proposal, Galleria
15 at Loudonville prepared by Advanced Engineering and
16 Surveying PLLC, February 2020, page 3 submitted at the
17 last Planning Board Meeting, rainwater runoff from the
18 proposed project will also drain into the existing
19 wetlands.

20 Since that meeting, my neighbor, who lives on
21 the boundary of the wetlands, and I have walked through
22 the wetlands and encountered a large number of
23 rainwater runoff basins built to retain rainwater
24 runoff from all the previous building projects
25 mentioned above. There are a lot of them and they are

1 all full. There are so many, I have to wonder where
2 additional runoff basins could be built to handle the
3 additional rainwater run off generated by the Hoffman's
4 Galleria project.

5 At the last meeting we attended, someone on
6 the Board said: quote, we need to keep the wetlands
7 wet, end quote. Yes, but the wetlands are being
8 inundated by dramatically increased rainwater runoff
9 caused by all the building projects mentioned above.
10 The solution to rain water runoff for all of these
11 places is to send it to the constructed retention pools
12 in and around the wetlands.

13 In support of this perspective, per quote,
14 Reviewing Stormwater Management In Site Design: A Guide
15 For Planning Board Members, end quote, prepared by the
16 Lower Hudson Coalition Of Conservation Districts, page
17 3, natural ground cover allows for 40% evaporation of
18 rainwater and saturation absorbs 50% of rain water.
19 Rainwater runoff is only 10%.

20 In contrast, with development, in the form of
21 buildings, parking lots, sidewalks, etcetera,
22 impervious cover, rain water evaporation is reduced to
23 30%, ground saturation falls to 15% and rainwater
24 runoff increases to 55% - - more than 5 times greater
25 rainwater runoff.

1 Put another way: Where does rainwater go?

2 Natural Land Evaporation 40% Saturation 50%,
3 Runoff 10%, Developed land 30% evaporation, 15%
4 saturation, 55% runoff.

5 The amount of development on the periphery of
6 the wetlands – the original Newton Plaza, the expanded
7 Newton Plaza, the Village of New Loudon stores, the
8 apartments and townhouses behind the Village of New
9 Loudon, the Elderwood adult complex on Watervliet
10 Shaker Road, etcetera – all direct their subsequent
11 runoff, 55% of rainfall, to constructed retention pools
12 in the wetlands. Per the above data, before development
13 of the area surrounding wetlands, the amount of
14 rainwater runoff into the wetlands was a fraction of
15 what it currently is.

16 Similarly, Siena College prepared a technical
17 report about improving water quality and reducing
18 flooding in areas adjacent to the college. The college
19 and other nearby development has resulted in
20 significantly increased rainwater runoff with related
21 problems.

22 Per the above data, the collective runoff from
23 all building projects on the periphery of the wetlands
24 has dramatically increased the rainwater runoff into
25 the wetlands.

1 Pre-development, all of the previously
2 undeveloped land on the periphery of the wetlands made
3 its contribution to regulating the amount of water
4 finding its way into the wetlands. The wetlands were
5 alternately seasonally wet, drenched and somewhat dry -
6 like letting a sponge dry out before expecting it to
7 absorb water when you need it to. Unfortunately, with
8 over development, the wetlands have been inundated with
9 far more water than nature had ever intended. What were
10 once seasonal ponds are now year round and all that
11 water now funneled in to the wetlands and its now
12 supersaturated ground keeps sump pumps running in the
13 surrounding homes all year round instead of mostly in
14 spring.

15 I believe this issue needs further examination
16 and consideration. Given the wetland circumstances
17 outlined above, I do not believe the rainwater runoff
18 from this new project will be effectively dealt with
19 via more rainwater runoff retention basins. With regard
20 to this new project, on page 3 of project narrative
21 proposal submitted by the developers, they note that
22 the current natural, undeveloped green space is 220,998
23 square feet. Once the proposed building project is
24 completed, there will be a loss of 91,393 square feet
25 of natural green space. This will only worsen an

1 already bad situation.

2 In this vein, within the past few years, I had
3 gone to the Latham Post Office on Watervliet Shaker
4 Road. As I headed east to Fresh Market, traffic was
5 stopped and emergency vehicles were alternating traffic
6 one lane at a time. Water was pouring over the road
7 with a great deal of force and the traffic was limited
8 to prevent cars from potentially being swept across the
9 road. I had never seen anything like this before in
10 this area. In the intervening time, I now know what
11 happened. We had several days of rain and the wetlands
12 flooded, the culvert running under the road was
13 overwhelmed and water subsequently came up over the
14 road. At that time, all of the aforementioned building
15 projects were sending their rainwater runoff - 55%
16 runoff instead of 10% with undeveloped land - to the
17 wetlands.

18 I appreciate you taking the time to read these
19 concerns. In my opinion, it would be far better to
20 solidly address these concerns before the project goes
21 any further.

22 Thank you, Bill Wytrwal.

23 MR. MAGGILLI: If we could, I would like to
24 have Mr. Wytrwal's letter - - I believe it may be an
25 email - marked as Exhibit 2 to Resolution number 212

1 this consists of a two-page document dated May 15, 2020
2 and signed by Mr. Wytrwal.

3 (Exhibit 2 was marked for identification.)

4 MS. GANSLE: Our next public comment is
5 regarding 606 to 608 Loudon Road Planned Development
6 District.

7 Resolution 165 of 2020 was unanimously adopted
8 at the April 9th, 2020 Town Board Meeting and stated
9 the quote, public hearing adjourned to a date to be
10 established after the first Town Board meeting in June,
11 2020, end quote. Accordingly, the public hearing on
12 this issue should not be held tonight as it is the
13 first Town Board meeting in June. Furthermore, a local
14 law change of this significance warrants a full and
15 thorough public hearing which is not possible when held
16 virtually.

17 Summit at Forts Ferry:

18 The 13-acre site was zoned Office/Residential
19 and allowed for a mix of office and residential uses or
20 strictly office. The max build scenario allowed for
21 235,000 square feet of office along with a parking
22 structure. We attempted to get the property rezoned as
23 a planned development district, PDD, for a 110 unit
24 senior housing project at 8.5 units per acres. Our
25 request was denied due to density concerns. After

1 several redesigns of the project and no favorable
2 progress before the Board we came back with a zoning
3 compliant proposal of 62 units of senior housing and
4 47,500 square feet of office, both in three stories.
5 This zoning compliant plan still had considerable
6 objection from the Planning Board primarily related to
7 density and traffic. Ultimately, we reduced the office
8 component to 30,000 square feet in two stories and
9 years after first presenting the project it was
10 approved. If we conceptually split the site with ten
11 acres for the senior housing and three for the office
12 we were allowed 6.2 units per acre for the residential.

13 Hoffman's Proposed Project: The Hoffman's site
14 is eight acres and is zoned Neighborhood Commercial
15 Office Residential, NCOR. The developer is proposing 85
16 independent living units and 92 assisted living units
17 along with 22,000 square feet of retail. If we grant
18 three acres for the retail along Route 9 that leaves
19 five acres for the residential at 35 units per acre or
20 5.5 times more than we were allowed. Due to the small
21 size of the site the developer is proposing a mix of
22 three and four stories to achieve the number of units.
23 The 22,000 square foot of retail includes two, 4,000
24 sqft restaurants that will seat between 240 - 340
25 combined.

1 The primary concerns with the Forts Ferry
2 project were density, traffic and building height. The
3 Hoffman's project is proposed on a parcel with more
4 restrictive NCOR zoning however the same concerns do
5 not seem to apply. The scale of the Hoffman's project
6 warrants a full and public review that is not feasible
7 in a virtual setting.

8 Please see the attached letter from Town of
9 Colonie residents and business owners which should be
10 read into the record, along with this email, at the
11 Town Board meeting this evening. Regards, Adam J.
12 DeSantis, Summit Senior living.

13 Dear Supervisor Mahan and Members of the Town
14 Board: We understand that the Town is working to
15 process matters as they come before the Town in the
16 reasonable manner possible given the current
17 circumstances and environment. We applaud the efforts
18 of the Town Board to work to continue the business of
19 the Town of Colonie notwithstanding the many challenges
20 confronting everyone.

21 Nonetheless, we do have significant concerns
22 about the process undertaking by the Town to schedule
23 and conduct the public hearing in connection with a
24 local law rezoning 606 & 608 Loudon Road from
25 Neighborhood Commercial Office Residential, NCOR, to a

1 Planned Development District, PDD, Classification,
2 Loudon Road Planned Development District. This is a
3 significant project, which is likely to have a lasting
4 impact on the Town. It would seem unwise and
5 inappropriate to move forward with the truncated
6 version of a public hearing that is possible through a
7 virtual meeting at the current time. As investors in
8 the future of Colonie through ownership in other Town
9 projects, we know how thorough and deliberate the Town
10 review processes are. Proceeding with the public
11 hearing for this project, at this time, in this
12 abbreviated manner is simply not in the public interest
13 not in the interest of the Town.

14 For these reasons, it is respectfully
15 requested that the public hearing for this project
16 either be delayed, or, at a minimum, held open until
17 such time as full and adequate public participation in
18 the review will be possible.

19 Thank you for your attention to and
20 consideration of these matters. Adam DeSantis.

21 Dear Supervisor Mahan and Members of the Town
22 Board: We understand that the Town - -

23 So, this is exactly the same copy it's just
24 signed by Dave Cerniglia, Paul Harding, Alex Tronco and
25 John Luke Hodorowski.

1 MR. MAGGUILLI: If we could, I would like to
2 have this marked as Exhibits 3 consisting of an email
3 dated June 4, 2020 from Adam DeSantis with the attached
4 letter he referred to dated June 4 and April 9, 2020 in
5 total it is five pages. (Exhibit 3 marked for
6 identification.)

7 MS. GANSLE: Town Board in relation to
8 Resolution 212. Dear Supervisor Mahan and Town Board:
9 please find attached a letter signed by several members
10 of the Homestead Neighborhood Association concerning the
11 proposed public hearing and adoption of Resolution 212
12 at tonight's Town Board meeting. We just learned of this
13 meeting as it was not publicized.

14 We object to the inclusion of the Resolution
15 tonight simply for the reasons stated in the attached
16 letter. Under State Law, we are entitled to an
17 opportunity to be informed and to participate in the
18 public hearing. The opportunity to submit comments
19 based on information posted on the Town's website is
20 not equivalent to participation. Sincerely, Amy Duncan.

21 Dear Supervisor Mahan and Town Board: First,
22 we are writing to object to the inclusion of Resolution
23 No. 212 in the Town Board agenda for the June 4, 2020
24 meeting, which is as follows:

25 Quote, Resolution adopting/not adopting a

1 Local Law rezoning 606 & 608 Loudon Road from
2 Neighborhood Commercial Office Residential, NCOR, to a
3 Planned Development District, PDD, Classification,
4 Loudon Road Planned Development District, and approving
5 the application to create an open development area
6 located at 606 & 608 Loudon Road.

7 Whereas, New Loudon Road Realty Company, LLC
8 has requested a rezoning of 8.39 plus or minus acres of
9 land known as 606 & 608 Loudon Road; and

10 Whereas, due to the Corona Virus the public
11 hearing that was scheduled for March 26, 2020 was
12 rescheduled to April 9, 2020 and adjourned to June 4,
13 2020; and

14 Whereas, proof of notice having been
15 furnished, a public hearing on a proposed Local Law was
16 held on June 4, 2020 at 7:00 p.m. with all persons
17 desiring to be heard, having been heard; end quote.

18 Please note that this differs from the agreed
19 course of action when the public hearing in connection
20 with the Local Law rezoning was postponed, as set forth
21 in Resolution No. 165 dated April 9th, 2020. Resolution
22 No. 165 states that: quote be it resolved that a Local
23 Law rezoning 606 & 608 Loudon Road from Neighborhood
24 Commercial Office Residential, NCOR, to a Planned
25 Development District, PDD, classification, Loudon Road

1 Planned Development District, be, and hereby is
2 adjourned; and be it futher resolved that the
3 Recommendation of the Planning Board annexed hereto as
4 Exhibit A be, and hereby is, incorporated and adopted
5 as if fully set forth in the Local Law herein.

6 Be it further resolved that the public hearing
7 was called for March 26, 2020 which was not held do to
8 the Corona virus crisis and, therefore, the public
9 hearing will be adjourned to a date to be established
10 after the first Town Board Meeting in June, 2020, end
11 quote.

12 Resolution 165 clearly states that a date will
13 be established for the public hearing after the first
14 Town Board meeting in June, which is the June 4, 2020
15 meeting. Therefore, Resolution No 212 is in violation
16 of Resolution 165, since it assumes that the public
17 hearing for this rezoning is occurring concurrently
18 with the first Town Board meeting in June 2020. Since
19 Resolution 212 directly contradicts the public hearing
20 process previously set forth in published Resolution
21 165, as residents of the Town of Colonie and neighbors
22 to the proposed rezoning location, we are requesting
23 that Resolution 212 be removed from the June 4, 2020
24 Town Board agenda effective immediately, to be replaced
25 by a Resolution to schedule the required public hearing

1 as set forth in Town Board Resolution 165.

2 Second, in accordance with NYS Town Law 261-c
3 and Town of Colonie Code 190-71 B, any Town Board
4 action to approve a PDD requires a public hearing.
5 Under New York State Town Law, this is not the same as
6 a public comment period. According to Governor Cuomo's
7 Executive Order 202.1 in response to COVID-19, a public
8 hearing can be held remotely via videoconferencing or
9 conference call; however, the public must be able to
10 listen or view the meeting and participate in the
11 public hearing.

12 Upon inquiry to the Town Clerk today
13 concerning participating in the public hearing, we were
14 advised that the only mechanism for resident
15 contribution to tonight's public hearing is to submit
16 comments in advance via email at infoclerk@colonie.org,
17 to be read into the meeting record. We were further
18 advised that there is no provision for actual
19 participation in tonight's public hearing. This
20 approach does not meet the requirements for a public
21 hearing, even under COVID-19 restrictions. Further,
22 there is no evidence of a public notice concerning this
23 meeting. Therefore, the public hearing must be
24 rescheduled.

25 Third, New York State Open Meetings Law 103(e)

1 requires that the Town post and make available to the
2 public the records that will be the subject of
3 discussion tonight.

4 Aimee McKane reached out to Sean Maguire on
5 March 9, 2020 behalf of the Homestead Neighborhood
6 Association with a request to obtain a copy of the Town
7 Designated Engineer's, TDE, letter concerning
8 recommendations for \$500K in public benefit funding
9 associated with the Galleria project on the former
10 Hoffman's Playland property at 606 & 608 New Loudon
11 Road. This letter was referenced by TDE Joe Grasso
12 during the Feb 25th Planning Board meeting as support
13 for the original decision to include sidewalks on
14 Spring Street as part of this public benefit, endquote.
15 Mr. Maguire was advised by the Town Attorney that the
16 Town had to take this as a formal FOIL request so that
17 we are consistent with anyone who requests records. If
18 we need anything more, one of us will let you know,
19 endquote. The requested information was never
20 received. Sidewalks on Spring Street are still included
21 as part of the written findings from the Planning Board
22 attached to this Resolution, even though they provide
23 no benefit to the surrounding neighborhood and no
24 rationale has been provided for this use, which is
25 inconsistent with the Town's own recently updated

1 Comprehensive Plan. Finally, given the multiple
2 ownership of the property under consideration, how will
3 the obligation to pay the stated PDD public benefit of
4 \$500,000 be assessed and when is payment due?

5 Respectfully submitted, Homestead Neighborhood
6 Association, as represented by: Steve & Elaine
7 Blanchard, Ed & MaryAnn Duncan Paula Fitzpatrick,
8 Justin & Elise Gregory, Laura and Marc Mattiske, Gordon
9 and Aimee McKane and Steve and Etta Fink.

10 SUPERVISOR MAHAN: Is that all you have, Julie?

11 MS. GANSLE: I have three more.

12 SUPERVISOR MAHAN: I have two on my phone, as
13 well. I'll wait until you're done.

14 MR. MAGGUILLI: If I may Just briefly on this,
15 to answer a couple of his questions - - first, he is
16 right. They are entitled to a copy of the Town
17 Designated Engineer's letter regarding the
18 recommendations for the \$500,000 in public funds.

19 While that letter was being considered by the
20 Planning Board, it was considered under the FOIL
21 statutes to be an internal document, not subject to
22 FOIL disclosure. However, now that the Planning Board
23 is done and has made its recommendation, that no longer
24 applies and they should have received a copy of the
25 Town Designated Engineer's letter. Why they have not, I

1 don't know but I will make sure that they get a copy
2 tomorrow.

3 I disagree with one statement they have made
4 and that's according to Governor Cuomo's Executive Order
5 202.1. A public hearing can be held remotely via
6 videoconferencing or conference call. However, the
7 public must be able to listen or view the meeting and
8 participate in the public hearing. They marked that
9 with a footnote number one, Legal Alert, Keane & Bean,
10 P.C., 3/30/30 - - that might be 20. It is supposed to
11 be. Conducting public meetings during Governor Cuomo's
12 stay-at-home order.

13 The actual language in Section 202.1 of
14 Governor Cuomo's Executive Order with respect to
15 conducting public hearings - - I would just like to
16 read this into the record for future reference.

17 Suspension of law allowing the attendance of
18 meetings telephonically or other similar service.
19 Article 7 of the Public Officers Law to the extent
20 necessary to permit any public body to meet and take
21 such actions authorized by the law without permitting
22 any public in person access to meetings and authorizing
23 such meetings to be held remotely by conference call or
24 similar service provided that the public has the
25 ability to view or listen to such proceeding and that

1 such meetings are recorded and later transcribed.

2 That is the exact language of the Executive
3 Order. There's nothing in there about direct
4 participation at a Town Board - for the public rather
5 although this Town Board has always provided for that.

6 Then, with respect to - they are actually
7 correct. Resolution 165 did say that a date for the
8 public hearing would be established after the first
9 meeting in June which is tonight. Again, we never
10 intended to vote tonight and we are going to extend the
11 public hearing to June 18. So, I thought that complied.
12 However, the better practice in a project such as this,
13 as you pointed out, would be to wait until such time as
14 the public can participate in person in Town Hall. So,
15 I think we have addressed all the concerns in their
16 correspondence - the Homestead Neighborhood
17 Association.

18 If we could, I would like to mark as Exhibit 4
19 consisting of a two page letter dated June 4th And it
20 is signed by the neighborhood Association - homestead
21 neighborhood Association.

22 (Exhibit 4 was marked for identification.)

23 MS. GANSLE: Our next public comment: I have
24 lived on Homestead Drive for 23 years and have seen the
25 traffic picked up tremendously with the growth of the

1 surrounding community. We walk our dogs on a daily basis
2 and have to constantly dodge traffic and have actually
3 had altercations with drivers. I don't feel safe on or
4 near the road as the traffic is constant and faster than
5 the speed limit.

6 I strongly stand behind Aimee McKane's
7 proposals to help alleviate the increase in traffic and
8 would appreciate the Board's understanding to implement
9 them. Thank you, Laura Mattiske.

10 SUPERVISOR MAHAN: Julie, there was a traffic
11 study done on Homestead. I'm not sure that the results
12 are the same.

13 MS. GANSLE: Next comment: as a concerned
14 resident who has lived on Homestead Drive for nearly 5
15 decades, and deeply troubled by the heavy traffic on our
16 street which has increased significantly over the last
17 45 years. My greatest priority is having Homestead Drive
18 become a one-way street. I have personally been hit
19 while trying to back out of my driveway in my husband's
20 car was totaled while parked in front of our house. We
21 have seen multiple pets killed including oral, and our
22 family dog that was hit and badly injured in maimed for
23 life. We now have several new residents with young
24 children on Homestead Drive and have witnessed close
25 calls with children.

1 Having Homestead Drive designated a one-way
2 street would greatly increase our safety and quality of
3 life and allow our children to play safely in front of
4 their homes. If the pattern of traffic continues as it
5 is, is only a matter of time before there is a human
6 tragedy. The time to act is now. Mary Ann and Ed
7 Duncan.

8 Finally: To the Colonie Town Board: as a
9 lifelong resident of the Town of Colonie and a
10 homeowner on Homestead Drive I would like to reach out
11 to the Board and ask you to consider some type of
12 restrictions on the increased traffic flow and rate of
13 speed on our street.

14 For 23 years I have lived at 15 Homestead
15 Drive and I have witnessed a constant increase in
16 traffic. I understand our residential street was
17 initially designed as a cut-through, but the increased
18 development in the area has brought traffic levels to a
19 dangerous level.

20 I understand progress and growth is important
21 to every town and municipality, but our street where
22 families with children live in play has become
23 dangerous due to the increased speed and volume of
24 traffic. I respectfully ask you to consider some type
25 of traffic restriction to keep myself and my neighbor

1 safe. Thank you, Marc Mattiske.

2 SUPERVISOR MAHAN: I received a few this
3 morning which I will forward to you for your record. I
4 have seen several questions from Mary Stapleton who
5 lives in the area of 11 Elks Lane, which is close enough
6 to it, but not right there. I received this this morning
7 from her. She asked these two things be read tonight.

8 I'll read Mary's first. This is Mary
9 Stapleton's comments. The facility proposed for the
10 Elks Club property on Albany Shaker Road - - I think
11 she means Watervliet Shaker Road - - has been
12 justifiably opposed in the past. The Elk's Club has
13 already received extended zoning changes to support the
14 current housing project. Those zoning changes were
15 feared by the neighboring residents to lay the
16 groundwork for additional commercial development. Those
17 fears have materialized. The cell tower facility poses
18 further encroachment and negative impact to the
19 residential neighborhood. The facility poses an eyesore
20 to the residential neighborhood as it is perched on a
21 land rise in projects over 75 feet in the air. A
22 natural topper adds to the height and the views.

23 First, the proposal to relocate the facility
24 from the southern portion of the Elk's Club property to
25 the northern portion does nothing to mitigate the

1 adverse effects to the residential neighborhood. It
2 brings it closer to neighboring private homes.

3 Second, the facility will emit light and noise
4 to negatively impact the surrounding neighborhoods. The
5 proposed tower will directly add to the bright lights
6 and noise. The current housing and garages are
7 literally in the backyards of the private homes.

8 Third, the facility will generate an increase
9 in heavy equipment traffic for maintenance and repair,
10 adding to the amount of traffic already generated by
11 the Elk's Club facilities. The residential
12 neighborhoods have already suffered enough with the
13 addition of the housing at this site. Please come and
14 view the bright lights visible for miles away in
15 increased traffic generated, often hazardous, by the
16 housing. Please do not approve this request. Please
17 protect our neighborhoods from further commercial
18 encroachment.

19 For those of you who are newer to the Board,
20 the housing on the Elk's property is the King Theil
21 housing, which was something that was requested for
22 years to have that type of housing with rents which was
23 meeting the needs of the population that were falling
24 through the cracks. King Thiel is run by Colonie Senior
25 Services Centers, Inc., which is where the Beltrone

1 Center is. It seems to be very quiet neighborhood and
2 building whenever of gone through several different
3 times - - I checked traffic and things like that. I
4 personally haven't seen any traffic generated by this.
5 I'm sure that people that live there may see something
6 different.

7 The next one is from Karen Smith. I'm not
8 quite sure why this is attached from 2015, but she sent
9 it to me, so I will read it.

10 Mike, I'm not sure - should I read this one
11 and also?

12 MR. MAGGUILLI: Let me take a look at it.

13 SUPERVISOR MAHAN: It pertains to that
14 particular property, so I think she meant to send it.

15 MR. MAGGUILLI: I don't think it's necessary to
16 read this in. It was not sent to infoclerk, for one
17 thing, which is one of the requirements. We can print
18 this out and make a copy of it and put it in the file,
19 but we probably have it in the file already.

20 SUPERVISOR MAHAN: I would say that it was
21 addressed at one time. It's five years old. I think what
22 we will do - as I said earlier, we will print out copies
23 of this or forward this to the Zoning Board.

24 Okay, that's all I have.

25 MS. GANSLE: That concludes anything submitted

1 to info clerk as well.

2 SUPERVISOR MAHAN: Okay, I guess we can go on
3 to our Resolutions.

4 (Where's the above entitled proceeding is
5 concluded at 7:56 p.m.)

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CERTIFICATION

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I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York, hereby
CERTIFY that the record taken by me at the time and
place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability
and belief.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309