

STATE OF NEW YORK COUNTY OF ALBANY

TOWN OF COLONIE

A PUBLIC HEARING PURSUANT TO RESOLUTION 334 FOR 2020 TO CONTINUE TO HEAR ALL PERSONS REGARDING A REZONING OF LAND LOCATED AT 1222 TROY SCHENECTADY ROAD FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL OFFICE RESIDENTIAL

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing at 7:10 PM on September 24, 2020 at Memorial Town Hall, 534 New Loudon Road, Latham, New York

Board MEMBERS:

- PAULA A. MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- MELISSA JEFFERS
- DANIELLE FUTIA
- RICHARD FIELD
- JILL PENN
- DAVID GREEN

1 ALSO PRESENT:

2 MICHAEL C. MAGGUILLI, ESQ., Town ATTORNEY

3 JULIE GANSLE, Town CLERK

4 JAMIE EASTON, PE, MJ ENGINEERING

5 TRACY EAGAN LASEK

6 BILL LOGAN

7 MALENE INGRAM

8 BRIAN MASERVEY

9 BOB LEUPOLD

10 TOM JASIEWICZ

11 JEFF LUDWIN

12 BRIAN LEMANSKI

13 LINDA MASERVEY

14 JOYCE DONAHUE

1 MS. GANSLE: This public hearing is
2 being held by order the Town Board pursuant
3 to Resolution 334 for 2020 to continue to
4 hear all persons regarding a rezoning of land
5 located at 1222 Troy Schenectady Road from
6 single-family residential to
7 commercial/office residential. The Town Board
8 will now hear all continue to hear all
9 persons interested in this proposal.

10 MR. MAGGUILLI: If I can, make a
11 statement beforehand?

12 What we are going to do tonight is to go
13 forward with these public hearings that are
14 requesting zone changes and hear the public
15 and hear the applicants on these, but we are
16 going to table these Resolutions. The reason
17 why we are doing this is because the Town has
18 always intended that as part of its
19 Comprehensive Plan review that we approved
20 last year - once the review is done, we were
21 going to do a comprehensive review of the Land
22 Use Law to make sure that the terms of the
23 Land Use Law are in conformance with the terms
24 of the newly adopted Comprehensive Plan.
25 Because of Covid - that was the main reason

1 that was sidetracked.

2 The other reason is that the assistant in
3 my office Rebekah Kennedy was heading up what
4 we call LUC the Land Use Review Committee and
5 she left to take up a position with the
6 County. We have just recently replaced - not
7 that she is replaceable, but someone who could
8 take up her duties and rather than address
9 these zoning changes requests on a piecemeal
10 basis which could be problematic. The Town
11 Board will address these issues subsequently
12 as part of the total review of Chapter 190 Of
13 Town Code which is the: Land Use Law.

14 MR. EASTON: Good evening, Board. My
15 name is Jamie Easton and I am with M.J.
16 Engineering. I'm here tonight to talk about
17 1222 Troy Schenectady Road.

18 As mentioned by Mr. Magguilli, the parcel
19 is currently zoned single-family residential.
20 The parcel is -- really as you look at the
21 Martin Harding Mazzotti building fronting on
22 Route 7, that building has been there for
23 certainly over 20 years. Martin Harding is a
24 corporation who owns three parcels of land.
25 They own their building and one vacant parcels

1 and one basically with a house behind it.

2 The proposal is to rezone these three
3 pieces of land, that existing building and
4 these other two pieces into the neighboring
5 abutting zone of COR zoning that abuts it. Why
6 do we feel that this is appropriate?

7 Obviously, you're going to go through your
8 land use code and look at this, but previously
9 this building has been there longer than the
10 2007 rezoning of the Town. This parcel was
11 absolutely zoned Business E, which was an
12 allowed business use.

13 If anybody has been here before 2007,
14 this parcel has been used by multiple business
15 entities for longer than 2007 and has been
16 around. This has always been a business
17 establishment. We want to incorporate all
18 those three parcels into one common zoning.

19 If you look at the overall plan, you kind
20 of see what is to the northeast and southwest,
21 but basically I want to highlight the purple
22 area. This is the Town line that cuts the
23 middle of Martin Harding and Mazzotti's
24 property and the Rite Aid building, and to the
25 top of the page is the Town of Niskayuna. This

1 purple zone in the Town of Niskayuna is
2 actually the commercial zoning. The commercial
3 zone falls in line with their allowed uses and
4 zoning of what the Town of Colonie has for COR
5 zoning. For example, office space, parking and
6 things like that. If you look at it, half of
7 the property is already zoned commercial in
8 Niskayuna. Half of it is not in the Town of
9 Colonie.

10 The other thing is as you look at it
11 across the street, this is the Stewart's and
12 you can kind of see that's already COR zoning
13 to begin with. If you just extend that line,
14 we are proposing it it matches the frontage
15 along Troy Schenectady Road for the commercial
16 zone.

17 The other thing is that we looked at this
18 project or this rezoning of this existing
19 driveway right here (Indicating). It provides
20 a natural barrier between the proposed COR
21 zoning and the single-family residential that
22 exists to the bottom of the page. You can see
23 the homes down and through here (Indicating).
24 This is a thoroughfare or access point for Vly
25 Condominiums in Niskayuna. People come in and

1 out either on Troy Schenectady Road, or come
 2 directly out onto Vly Road. So, by making
 3 these three pieces into COR zoning and not
 4 just Niskayuna's underlying zoning and uses in
 5 intensity, it matches what we currently have
 6 along Troy Schenectady Road at a distance
 7 coming back. It really resolves an issue in
 8 2007 that I believe is an oversight of zoning
 9 a commercial building at the time to
 10 single-family residential.

11 What that really means for the applicant
 12 is that if you want to do any kind of site
 13 improvements, he can't do those. He would have
 14 to get a use variance to do anything on that
 15 building in the Town of Colonie. His business
 16 operation, even though it's grandfathered in,
 17 has an issue if you want to do any site
 18 improvements to the existing facility just
 19 because of the property was rezoned, in my
 20 opinion, in the wrong classification back in
 21 2007.

22 At this point, I will turn it over to the
 23 Board and if you have any questions, I
 24 certainly will be able to answer them.

25 MR. GREEN: Jamie, there's one owner for

1 all three parcels, correct?

2 MR. EASTON: That's correct.

3 MR. GREEN: How long have they owned it
4 in its entirety?

5 MR. EASTON: Over 20 years.

6 MR. GREEN: Martin Harding and Mazzotti
7 is a tenant, because they don't own it,
8 right?

9 MR. EASTON: No, they own it. They are
10 just a different LLC, but Martin Harding and
11 Mazzotti own the parcel of land, as outlined
12 in the narrative, for over 20 years.

13 MR. GREEN: So, my question is: So when
14 the zoning changed back in 2007, were they
15 aware of that?

16 MR. EASTON: No. They purchased the
17 property before 2007. Zoning happened and
18 they didn't attend any meetings.

19 MR. GREEN: But they were put on notice
20 and they just dismissed the notices?

21 MR. EASTON: Well, you're not going to
22 get notice that your property is rezoned. You
23 just get notice to attend public hearings.
24 That's just what happened. I believe that was
25 an oversight and they're just looking at

1 their property and the first thing he said to
2 me was a couple years ago was what can we do
3 on the property? My first response was
4 nothing because your zone single-family.

5 MR. MAGGUILLI: I think what Dave's
6 question is if they owned this back in 2007
7 when this was going through rezone and they
8 felt that this was done in error, why didn't
9 they raise it with the Board at that time in
10 2007?

11 MR. EASTON: They were unaware. To put
12 it mildly, there living their own lives and
13 doing their own thing and not looking at a
14 zoning map they got changed on them. They
15 bought a business that was zoned Business E.
16 They went in there and rehabbed the building
17 and did what they wanted over time. They just
18 didn't realize that the underlying zoning got
19 changed.

20 MR. GREEN: This is going to get
21 revisited after the Land Use Committee takes
22 a look at this. What are they proposing for
23 that lot? It would appear that it entails a
24 lot of clearing.

25 MR. EASTON: Right now we did provide a

1 concept plan for another office behind them,
2 but anything can happen there. The main
3 intent that we have shown with that concept
4 plan is as you apply the 100-foot building
5 setback and 54 parking setback from a
6 residential zone, what would be the available
7 land or something you could build with enough
8 space? That was the intent of the concept
9 plan. It's just to give you something to look
10 at and understand. That concept plan is just
11 that. It still has to go through the SEQRA
12 process, the site plan review process,
13 planning, and things like that. The idea was
14 just to spur at least an idea of what could
15 be developed there. As you look at the plan,
16 there is not a ton, but it fits in harmony
17 with the roadway and connectivity from a site
18 plan perspective.

19 MR. GREEN: Would it involve
20 single-family house back there?

21 MR. EASTON: No, it would involve
22 removing the current building which is
23 currently used as flex space for Martin
24 Harding and Mazzotti. You can see the parking
25 field. It's kind of used as a small office or

1 accessory use for them. Right now their IT
2 department is housed in there as a satellite
3 from their main building. It is certainly not
4 being used as a single-family residential
5 unit, but certainly it looks like that.

6 MR. GREEN: Does that lot have the
7 ability to utilize the access road to Vly
8 Pointe as ingress and egress for that back
9 lot? Is that something that is contemplated?

10 MR. EASTON: No, the property allows
11 easements rights for Vly Pointe to exit out
12 through their property, but it doesn't have a
13 reciprocal easement for patrons of this to
14 utilize -

15 MR. GREEN: They would have to come back
16 out onto the curb cuts on Vly or out to Troy
17 Schenectady Road.

18 MR. EASTON: That's correct. So, if any
19 development happens here, he would come out
20 onto the existing curb cut or the existing
21 curb cut on Vly Road.

22 MR. GREEN: I was just curious, thanks.

23 MR. MAGGUILLI: Are any other
24 single-family residences near this location
25 of 1222 Troy Schenectady Road.

1 MR. EASTON: No, the closest
2 single-family residents are these three
3 buildings (Indicating). Currently this one is
4 owned by Stewart's and these two houses back
5 here - those of the only single-family
6 residential homes that are nearby. That's
7 about the only close thing you have.
8 Everything is kind of commercial in nature.

9 MR. FIELD: Jamie, are the offices they
10 work out of - I know I've seen the commercial
11 of like 150 attorneys. Are they all over at
12 this location?

13 MR. EASTON: No, currently they have
14 people here and on British American, so they
15 do have people in both locations. Their
16 ultimate goal is to make one consolidated
17 location for all their employees because of
18 the dynamic of having employees of two
19 different locations. That was presented to me
20 about two years ago and what can we do to do
21 that. That's why there's a concept plan of an
22 additional office building to use and expand
23 upon.

24 MS. FUTIA: So, this office building
25 will be used to bring the other employees

1 from British America.

2 MR. EASTON: That's correct, but that's
3 tentative right now.

4 MS. FUTIA: So, there's no real definite
5 plan.

6 MR. EASTON: There is no real definite
7 plan, no.

8 SUPERVISOR MAHAN: That's part of the
9 confusion because someone put on Facebook
10 something about a three-story building. It's
11 just confusing when everybody puts things out
12 there.

13 Jamie, let me ask you a question. I'm
14 just trying to think of what was the rationale
15 of going from commercial to single-family. I'm
16 wondering why the Town would rezone it when
17 you have multiple families. I can point to
18 commercial all around it. They put in the new
19 categories - when that was done, wouldn't it
20 have made more sense for that to be COR?

21 MR. EASTON: Yes.

22 SUPERVISOR MAHAN: In your research, did
23 you find any rationale as to why they took
24 that one piece and made it residential?

25 MR. EASTON: No, I believe at the time

1 it was certainly an oversight. It's a tiny
2 sliver at the corner of the Town and somebody
3 took the map and kind of isolated that one
4 piece and it just happens to extend -

5 MR. MAGGUILLI: After Forts Ferry, we're
6 never making that assumption again.

7 SUPERVISOR MAHAN: We don't have
8 anything that tells us why that was done.

9 MR. EASTON: I don't know why it was
10 done in 2007 when you would have classified a
11 business that has been in operation. This
12 place has never been not occupied or anything
13 like that. I don't know why that oversight
14 occurred that you had a business
15 classification and that someone desired to
16 zone it single-family on top of it,
17 considering the prior use is commercial.

18 SUPERVISOR MAHAN: Years ago it was
19 commercial/office and it was also Dall's
20 Clothing Store.

21 MR. EASTON: It was also a ski shop. I
22 got my skis there when I was 16 and that was
23 30 years ago.

24 SUPERVISOR MAHAN: I never remember it
25 not being anything else. I'm just curious as

1 to why it would not have been COR.

2 MR. EASTON: I don't know why it was. I
3 think that it was an oversight when the
4 zoning map was created. Certainly in the
5 Building Department there are records as to
6 when this was built in the past and all it's
7 classified is Business E, which was an
8 allowed use for an office building in this
9 location. There has been a past history from
10 prior 2007 for 20 years plus before that and
11 it was always a commercial use.

12 SUPERVISOR MAHAN: Like Mike said, we
13 can make assumptions that it was an oversight
14 or whatever it was and that's why we have to
15 have some time to really dig into some of
16 these things that have popped up as
17 questionable. We may not ever find out. If
18 you didn't find anything when you were
19 looking, we probably won't find anything
20 either. I was just curious about that.

21 MS. FUTIA: Jamie, it's also a little
22 difficult for me to form some kind of opinion
23 without really knowing what your plan is for
24 right there.

25 MR. EASTON: Their plan right now, which

1 is my understanding, is potentially
2 developing this parcel for additional space
3 with additional office space as shown in
4 their concept plan. As you look at it,
5 doesn't make sense that it is on
6 single-family? Is a single-family residential
7 unit ever going to go there? It doesn't
8 matter what Martin Harding and Mazzotti do
9 with this parcel. whether they can build on
10 it or whatever. Does this parcel of land and
11 this parcel of land truly act as a
12 single-family zone and people are going to
13 live there and play with their kids there and
14 things like that? That is versus the
15 adjoining zoning and a different district and
16 what is the abiding zoning in the Town of
17 Colonie. The natural divide here of this
18 commercial entity is Vly Pointe and it acts
19 as a natural divide for that zoning district
20 to change in those two zones. It makes a
21 natural division point. I can't tell you
22 exactly what's going to happen here. I can't.
23 The question you have to ask yourself is: Do
24 you ever see single-family residential really
25 in this location from these three parcels of

1 land based on what is surrounding it and doe
2 it really fit? That's the question you have
3 to ask yourself.

4 MS. PENN: I think another question, as
5 well, that comes up is the impact on traffic
6 in that area. I live towards that end of Town
7 and I know that's already a very busy area. I
8 think, as you indicated to Dave, the traffic
9 still comes out onto Vly Road and also onto
10 Route 7 because they can't use that road from
11 Vly Pointe Condominiums. So, I think you're
12 going to expand the visitors and that's part
13 of the idea. As Danielle just pointed out,
14 that will have a significant impact on that
15 traffic in that area and there is a lot of
16 residential around there.

17 MR. EASTON: I absolutely agree with you
18 that there's a lot of residential once you
19 get really 300 or 400 feet beyond the
20 intersection. Anything that happens here from
21 a traffic standpoint, or stormwater
22 standpoint or utility standpoint is the
23 reason that has to go through the complete
24 review process from the site plan point of
25 view. If there is a traffic impact associated

1 with it, the buildings may need to get
2 smaller. It may need to do something. We May
3 need to get an easement to the adjoining
4 property to have an additional exit because
5 DOT may want that curb cut completely
6 removed. Those are all things that typically
7 occur at the site plan review process at the
8 Planning Board stage. Those things are
9 detailed and engineering reports are done and
10 that's where that study and analysis are
11 done.

12 The real question for this Board is
13 again, do you see these three parcels really
14 being used as single-family residential in the
15 next 5, 10, or 20 years? I think because of
16 the natural road and everything else in the
17 past history of this parcel, this would be an
18 ideal candidate to extend the COR zoning to
19 these three parcels into the COR underlying
20 zone.

21 MR. FIELD: It looks like on both sides
22 of the road there is an approximate footage
23 that is commercial. That's all the way down
24 to Keeler.

25 MR. EASTON: The commercial line of the

1 Town of Colonie goes right typically down the
2 center of the road. So, for Vly Road the
3 center line is where the commercial zone is
4 for the old bowling alley and Stewart's. The
5 other side of the road on the other striped
6 side is single-family.

7 MR. FIELD: I mean, on both sides of
8 Route 7 you have the north side and the south
9 side and it appears like commercial is - 300
10 feet on the side of the road is commercial.
11 In this case it wouldn't be. It would be like
12 50 feet or something.

13 MR. EASTON: It's right on the road.

14 MR. FIELD: It looks like it's a natural
15 thing to have commercial a certain distance
16 on both side of the road.

17 MR. EASTON: I would say that's how the
18 rest of Troy Schenectady is as you go down
19 towards Watervliet. You can see that the
20 houses along Troy Schenectady Road - the
21 parcels that are fronted on commercial and
22 the ones that are behind it are more
23 residential. It gets to that other type of
24 zoning of single-family residential. You
25 would see a strip where it's kind of

1 consistent going down the roadway, or down
2 the lots would be an even width.

3 MS. JEFFERS: I think for me, I respect
4 that you came out here and that your
5 explaining from the point of view of the
6 applicant because it is certainly helpful
7 even though there aren't necessarily a set of
8 plans that are set in stone yet.

9 Respectfully, I think the conversation that
10 we should be having -- which I applaud the
11 Town Attorney and the Town Supervisor for
12 making this suggestion to us because we are
13 getting more and more of these piecemeal
14 zoning variance requests. I think that we
15 should be obviously listening to the public
16 and their concerns about what is going on in
17 the neighborhood, but there is a lot of
18 conversation that needs to happen about land
19 use and zoning that needs to start taking
20 place right away. I think that's a good idea
21 that Mike had suggested tonight because there
22 are a lot of these that are happening around
23 Town and I'm just not comfortable with the
24 idea of going forward with one and denying
25 another. It just sets a weird precedent and

1 it doesn't sit well with me. That's kind of
2 how I feel at the moment. Again, I appreciate
3 you coming and your time. So, thank you.

4 MR. EASTON: I respect that the Board
5 needs more information from the Comprehensive
6 Plan. If they look at this, this has been
7 identified for probably the last 18 months
8 about this parcel of land. If the
9 Comprehensive Plan comes out and says we
10 really need to incorporate it and help
11 support your decision on which way you go and
12 may help you make an educated decision --
13 Martin Harding and Mazzotti is not going
14 anyplace. They have been there for a long
15 time and will still be there for a long time
16 but that's where we were at.

17 SUPERVISOR MAHAN: It's good that we're
18 having this conversation because looking at
19 it as an entire piece and knowing that back
20 in 2007 when the changes were made, we have
21 also had other people through the years that
22 didn't know their property got rezoned so
23 that's a legitimate concern. I think we need
24 more time. We need time to do our jobs first
25 and do our due diligence. This is a perfect

1 example of shaking your head that you don't
2 understand it, but that's the kind of thing
3 that really throws you. We need to make sure
4 that we understand it fully and in comparing
5 it to the goals of the Comprehensive Plan. At
6 first thought you look at it and you scratch
7 your head because it's like a prime example
8 of COR and so why would it be single-family
9 in that one spot? I don't know. I don't think
10 any of us have the answers and that's why we
11 need more time.

12 MS. MURPHY: It is very confusing. It's
13 not like anyone would want to buy that house
14 and live there as residents. It presents a
15 very confusing issue for the property.

16 MR. EASTON: It does.

17 Like I mentioned, typically what happens
18 in the Town of Colonie when there's a change
19 in business, for example, they sell the
20 business and then they need a change of
21 occupancy permit for the Town's building
22 Department, that permit would be denied
23 because it's not a use allowed within the
24 building. So, please understand where the
25 applicant is coming from. He can't sell and he

1 can't do anything with it because the Town
2 won't even allow him to attempt to take over
3 the space because it's not appropriately zoned
4 even though it's been four a long time. It's
5 been there, least in my memory, for the last
6 35 years.

7 SUPERVISOR MAHAN: I know it was there
8 back when I was in high school. Thank you
9 very much and certainly our Planning Director
10 is here tonight.

11 Sean, I don't know if you had any further
12 comments or questions of Jamie?

13 MR. MAGUIRE: I don't have any comments.
14 I think what I would encourage Jamie to do --
15 we're going to sort of wait on this. What I
16 would prefer to do with a project like this
17 is bring this through DCC and sketch so that
18 the Planning Board and this Town Board knows
19 if they're going to rezone. I think one of
20 the challenges for the Board is trying to
21 rezone something without knowing what the
22 overall impact is. The reason for that
23 drawing on there is not to create issues of
24 segmentation where we underestimate the
25 environmental impact, but what project what

1 is possible there - in terms of assessing a
2 environmental impact. That's a little bit of
3 a challenge. I think something that is a
4 little bit more concrete from the Board would
5 help us get to that. So, if you want to work
6 on that, you can go through that process.

7 MR. EASTON: Certainly, this project has
8 been here. We certainly already have had a
9 DCC meeting and TDE meeting and preliminary
10 comments. We actually met with everybody in
11 the Town, as per the normal DCC requirements.
12 We did that approximately two years ago.

13 MR. MAGUIRE: Let's refresh that, then.

14 MR. EASTON: Okay.

15 MR. GREEN: It wasn't proposed at that
16 time, though.

17 MR. EASTON: Yes, the same thing that
18 was on the concept plan.

19 MR. GREEN: I don't have the concept
20 plan. What was on the concept plan?

21 MR. EASTON: In the project narrative it
22 does talk about it a little bit. Basically
23 this is the existing Martin Harding and
24 Mazzotti building up in front. This is the
25 two-story office building with a parking

1 garage underneath it. There is an elevation
2 change on the site from front to back. So,
3 the ideas to make this a three-story
4 building, was better versus having a
5 two-story building overlooking the
6 residential homes which doesn't sit very well
7 with them. So, we're taking advantage of the
8 elevation change and trying to do two things
9 at once; as a focal business point and from a
10 site plan point of view reducing the impacts
11 of the adjoining property.

12 MR. GREEN: I had asked previously about
13 the outlet. You said they would not be going
14 on the private road there and this distinctly
15 shows there are two access points on that
16 road.

17 MR. EASTON: This is an existing curb
18 cut, this is an existing curb cut and this is
19 an existing curb cut (Indicating). We are not
20 proposing any new curb cuts.

21 MR. GREEN: Where's the primary road
22 they go to the apartments?

23 MR. EASTON: Right here (Indicating).

24 SUPERVISOR MAHAN: You can go through
25 the apartments.

1 MS. JEFFERS: No, but could you go
2 through those two points. The two gray areas
3 where there are breaks onto Vly Pointe Road.
4 Are those to going to access onto Vly Road?

5 MR. GREEN: I'm looking at this as a
6 natural buffer there. On the other side of
7 the road there's only about 10 feet or 15
8 feet of trees. There's a house there and
9 there's a house back there and that's a
10 pretty ugly view.

11 MR. EASTON: Certainly through the site
12 plan review process if this exit point needed
13 to be eliminated, we could certainly do that.
14 Again, that's part of the DCC and site plan
15 review process as we go through that, from a
16 planning standpoint. This is just a
17 conceptual plan developed by the client to
18 see what he could potentially get on the
19 property. We went to the DCC meeting and the
20 preliminary review of the project.

21 SUPERVISOR MAHAN: But there's nothing
22 in stone that there is a three-story
23 building.

24 MR. EASTON: No, we would have to go
25 through planning. It's too dense.

1 MR. FIELD: Approximately how many
2 square feet is that building?

3 MR. EASTON: For upstairs and downstairs
4 it is approximately 20,000 square feet.

5 MS. PENN: What's the square footage
6 based on the whole lot -

7 MR. EASTON: I believe this was
8 approximately 14,000 square feet. Even though
9 it's a bigger footprint, it's the same size,
10 but there's no second floor on it. There's
11 only a small portion of the building that's
12 the second floor. It's bigger on the ground
13 floor.

14 MS. JEFFERS: I just have a problem even
15 looking at that because if you going to
16 increase the traffic on Vly Point Road,
17 that's obviously going to be closer to the
18 residents that are living down Vly Road.
19 That's a little problematic.

20 MR. EASTON: Again, that's a
21 conversation for planning and the planning
22 process. These concerns would come out and we
23 don't want you exiting down this way
24 (Indicating). Let's do a midpoint or let's go
25 closer to Vly Road. We have no objection to

1 that. There is nothing requiring us to do
2 that. My guess is we actually go through the
3 planning process and this exit point is
4 actually eliminated from a traffic
5 standpoint. The Planning Board and probably
6 the TDE would want that exit eliminated and
7 you would want a right-in/right-out only at
8 that location.

9 SUPERVISOR MAHAN: That makes sense. We
10 just want to be clear. Again, there was not
11 another one out there.

12 MR. EASTON: I think the only other one
13 I had was just a larger - we wanted to have
14 it easily identified. If someone came up
15 tonight and said I live here, we should be
16 able to see where they were.

17 SUPERVISOR MAHAN: All right, thank you.

18 I don't know if anybody came in later,
19 but we are not voting on this. Does anyone
20 else have any comment?

21 MS. EAGAN LASEK: My name is Tracy Egan
22 Lasek and I live at 416 Vly Road. That 1222
23 Troy Schenectady Road is Martin Harding and
24 Mazzotti, but the other two parcels are not
25 on Troy Schenectady Road. They are on Vly

1 Road. There's 418 and 418 A. My husband and I
2 own 416 and 416 A. So, we are the neighbors
3 next to these parcels.

4 There just two things - I won't belabor
5 the Board, but I know you're not voting.

6 Number one: I think that this gentleman
7 said this was around for 18 months. We just
8 found out about this last month and not
9 officially. We found out about it officially
10 three weeks ago. We didn't have a lot of time
11 to think about it and look what was going to
12 happen and to make plans. That's my first
13 point.

14 My second point is that it was really
15 duplicitous to only put 1222 Troy Schenectady
16 Road on the notice I received. I don't know
17 who did that and I'm not pointing fingers, but
18 really if we had gotten that and didn't know
19 the background information on the parcel, my
20 husband and I would've said, all right they're
21 going to do something and recycled the noticed
22 and not known there were to be construction
23 vehicles behind us. We are the people with the
24 long driveway next-door. We would rather not
25 have it rezoned. I won't belabor the point

1 tonight. I just want to let you know that I
2 would like some extra time and notice for when
3 this goes forward with more accurate
4 information.

5 SUPERVISOR MAHAN: Somebody was talking
6 tonight that the reason that it's numbered
7 the way it is was because that's the way it
8 is on the tax map.

9 MR. GREEN: It's just a 911 address,
10 really.

11 MS. EAGAN LASEK: I understand that, but
12 there is a mailbox out front of the little
13 gray house that says 418. So, that's why I'm
14 saying something about that.

15 SUPERVISOR MAHAN: That will be
16 something to take note of, Jamie.

17 MR. EASTON: Certainly, the notice was
18 produced by the Town. It's my responsibility
19 to mail it out to the people. Next time we
20 will make sure that all four parcels are
21 identified.

22 MR. GREEN: That's perfect.

23 MS. EAGAN LASEK: Thank you.

24 SUPERVISOR MAHAN: Thank you.

25 Yes sir.

1 FROM THE FLOOR: I live in Vly Pointe
2 Condominiums. If I understood the gentleman,
3 he said that the owners never knew about the
4 zoning change from commercial to
5 single-family. Is that possible that you
6 would make a zoning change and not contact
7 the owner?

8 SUPERVISOR MAHAN: We had other cases
9 with that. We had other cases that things got
10 rezoned and the owners didn't know.

11 FROM THE FLOOR: That's hard to believe.

12 MR. MAGGUILLI: This was done in 2007
13 before this administration got here. We can't
14 really speak to what happened at that time.
15 All we can say is that there are others that
16 have made the same observation.

17 FROM THE FLOOR: Wasn't there someone
18 there to transcribe what was happening? Can
19 somebody go back and see some kind of
20 information, or why they changed it and what
21 they did?

22 SUPERVISOR MAHAN: Well, they did a
23 total rezoning back in 2007. So, they
24 basically took a whole map of the Town and
25 looked at everything.

1 FROM THE FLOOR: So, there was a massive
2 change in 2007.

3 SUPERVISOR MAHAN: Yes, a massive
4 change. When we were talking about different
5 categories for designation of what the
6 property is -- for example there is
7 single-family residential. There is
8 commercial, there's commercial/office, there
9 is commercial/office/residential. So, all
10 these new categories were developed. Years
11 ago that property was commercial and was
12 called Business E and that was commercial.
13 Everything kind of got approved with the map.
14 Under the areas that were labeled undeveloped
15 - I'm just trying to go back in my memory and
16 remember seeing that map where it was
17 relabeled. There were cases where many people
18 said they weren't notified of the change.
19 There was some glitches, too.

20 FROM THE FLOOR: I just can't believe
21 there wasn't some kind of information
22 available and there was some discussion of
23 what changing this from commercial to
24 single-family. You just don't do stuff
25 without discussing it. It seems they did it

1 deliberately to make a buffer between Vly
2 Road and Troy Schenectady Road.

3 SUPERVISOR MAHAN: We can't speak for
4 anybody else because we don't know what they
5 knew. It was a long time ago.

6 FROM THE FLOOR: With all the traffic
7 issues and that type of thing - that's the
8 planning Board, correct?

9 SUPERVISOR MAHAN: Yes.

10 MR. LOGAN: My name is Bill Logan and I
11 live at Vly Pointe. I heard they were
12 building a 67,000 square-foot building. Did
13 that fall through?

14 MR. EASTON: I don't know anything
15 related to that topic. The only thing I know
16 that and was told back then was that they
17 were looking at business opportunities to buy
18 commercial properties. Whether or not they
19 were moving their employees all they are not
20 -- I think they're looking at everything as a
21 business opportunity, whether they move their
22 employees there, or move from this site or
23 wherever it happens to be. I'm not sure what
24 their ultimate plan is.

25 MR. MAGGUILLI: I heard there was

1 nothing formal filed with the Town - with the
2 Planning Economic Development Department or
3 any other Town Department that I am aware of.
4 Normally, these things start with a zoning
5 verification and DCC meetings and the only
6 thing we ever saw was an allegation on a
7 Facebook page they were going to build a
8 three-story 100 million square-foot building
9 here. We looked and couldn't find anything.

10 MR. LOGAN: Business journals or
11 something like that?

12 MR. GREEN: I'm not sure what day it
13 was.

14 MR. LOGAN: I didn't know that this was
15 going to before them, or if they're just
16 trying to get this so it's sellable - which
17 they certainly have that right to do. I just
18 didn't know where it was coming from.

19 The other concern I have is I certainly
20 don't want our road being used.

21 MR. EASTON: You have an easement to
22 cross on his property, but he doesn't have
23 easement rights to go through your property.

24 MR. LOGAN: All right. That's all I've
25 got.

1 SUPERVISOR MAHAN: There was something
2 in 2019, but it never actually went to
3 planning or to concept. What you showed us
4 there, that's as far as it got.

5 MR. EASTON: As far as a concept plan
6 was developed, we scheduled the DCC meeting
7 and we went to the DCC meeting. At that point
8 we did that because we wanted to have
9 information from the Planning Board to have a
10 recommendation to go to the Town Board for
11 the rezoning of this parcel. That was the
12 process we were starting and I got put on
13 hold and then Covid hit. There were all these
14 other things that came in to play.

15 So, that was a start to the process.
16 that's the planning process. We go from this
17 board and there is a referral from this Board
18 to the Planning Board for that referral back
19 to the Town Board to see if this is feasible.
20 First, we went to the DCC meeting and we
21 attended that and basically at that point we
22 stopped.

23 SUPERVISOR MAHAN: That makes it more
24 clear. Thank you.

25 MS. INGRAM: My name is Malene Ingram

1 and I live at Vly Pointe also. I did have one
2 question.

3 Once this goes to the DCC Board, since we
4 are Niskayuna, will we be notified or can we
5 participate in those meetings because we are
6 in a different county?

7 SUPERVISOR MAHAN: Yes, Sean can answer
8 that question for you.

9 MR. MAGUIRE: Through this process,
10 because we are located right against the
11 municipal boundary, it will end up going to
12 the County Planning Board and I can tell you
13 as a former County Planner that there's a
14 condition on there that the other town is
15 notified of the project. That means that the
16 applicant is obligated to tell the Town of
17 Niskayuna about the project whether or not
18 they go further. It's sort of the weird part
19 of where we are on the line there. That would
20 be the difference.

21 MR. MAGUIRE: There are always the signs
22 of how it was noticed before. We post signs
23 on the property for a public meeting so that
24 is the way we do that. You can also check the
25 Town's website.

1 MS. INGRAM: I mean, just because we are
2 not in the county, or in the city, or county,
3 I just wanted to make sure.

4 MR. EASTON: The formal notification
5 process for this is we have to notify
6 Niskayuna. The planner's name is Laura and
7 maybe you would want to reach out to the
8 planner there or the Homeowners Association
9 and inform them. Laura is pretty thorough.

10 MS. INGRAM: I'm actually the Board
11 President.

12 MR. MAGUIRE: I guess to make sure of
13 that you can email Laura or call Laura at the
14 Planning Department and see if there's any
15 application for the project there that comes
16 in and that the Board may notify you about
17 that. We want to make sure that you are fully
18 notified in case you missed the signs that
19 are put up.

20 MS. INGRAM: Okay, thank you.

21 SUPERVISOR MAHAN: Okay, thank you.

22 MR. MASERVEY: My name is Brian Maservey
23 and I live on Cascade Terrace, off of Vly
24 Road. I just wanted to let you know for
25 future reference for clarification of this

1 before when you go to make a decision that I
2 also belong to Verdoy Fire Department for
3 over 20 years and I'm also a Fire
4 Commissioner and right now that intersection
5 is horrendous. I know he's talking about down
6 the line about traffic control and whatnot,
7 but sometimes in the morning at peak hours in
8 the morning and even in the afternoon
9 responding to fire calls is even difficult at
10 that intersection because there's no right
11 turn from Vly Road onto Route 7. So, that
12 traffic light is so long, you have to wait
13 two cycles through to get to the fire
14 department because Vly Road is backed up with
15 traffic. Any more congestion coming onto Vly
16 is not feasible. Right now you have people
17 cutting through Stewart's to avoid the light.
18 You got people cutting behind Stewart's to
19 come out onto Vly Road and they are not
20 stopping. More traffic coming out from Martin
21 Harding and Mazzotti's entrance onto Vly Road
22 - I make a left onto Vly Road and people stop
23 short to turn into the first driveway at
24 Martin Harding and Mazzotti and there's
25 almost fender benders there because the drive

1 is so close to Route 7.

2 Just for future reference, when you go to
3 make the decision as far as the traffic
4 congestion now - it is terrible - just trying
5 to get to that intersection.

6 SUPERVISOR MAHAN: The state would be
7 brought in as well on that.

8 MR. MASERVEY: I understand that, but
9 right now without turning right onto Route 7
10 right now - when they did Stewart's over,
11 they should've put a right turn lane onto
12 Route 7. Right now you have just a straight
13 and left. It's kind of poor planning on their
14 part.

15 MR. LEUPOLD: Bob Leopold of Vly Pointe
16 Condominiums. I would be interested and in --
17 I don't know if anybody else would have seen
18 the sketches to have a better idea of what is
19 proposed.

20 MR. EASTON: Sure, you can look at this
21 (Indicating).

22 MR. GREEN: Keep in mind that what you
23 are seeing now is what is in their mind and
24 not now. This is what their dream might be.

25 MR. EASTON: That's a very good way to

1 put it. All the steps that we would have to
2 go through to the Planning Board review -
3 there's a lot of different steps we need to
4 do first.

5 This building here is the current Martin
6 Harding and Mazzotti (Indicating). This is
7 their existing parking field. This is their
8 existing drive lane in the back of their
9 building. So, none of that really changes.
10 This is the proposed building behind there.
11 The existing home sits approximately here and
12 you can see a two-story building that would
13 actually face toward here (Indicating). There
14 would be underground parking, three-stories
15 facing Troy Schenectady Road and this is just
16 a general parking field. Some people mentioned
17 earlier that this location may be closed off
18 to residents because of Vly Road abutting
19 them. This is just an idea. It is an idea that
20 was presented to the Planning Board, the Town
21 Engineer and obviously we take all of their
22 input and concerns that assist us through the
23 planning process. This is a simple project.
24 It's almost doubling the existing building.

25 The existing building is about 15,000

1 square feet. This is about 20,000 square feet.
2 Even if it is zoned compliant, it doesn't mean
3 that it's going to be built.

4 FROM THE FLOOR: Isn't there a limit to
5 how many stories you can have there?

6 MR. EASTON: No, it goes by maximum
7 height. I believe in this location the height
8 is actually 50 or 60 feet. We could not put a
9 four or five story building on the site.

10 FROM THE FLOOR: Is there anywhere in
11 the Town of Colonie you could put that?

12 MR. EASTON: Yes, right on Wolf Road.
13 This is not an area that you typically put a
14 four or five-story building. Most of the
15 buildings around here are two or three
16 stories high. From a planning point of view,
17 they would never allow anything over three
18 stories because it's not characteristic of
19 the neighborhood. That would not even be
20 allowed or approved by the Town.

21 SUPERVISOR MAHAN: I think what's really
22 important for people to understand because
23 people say some things and some things are
24 out there as rumors and so forth - there is
25 nothing in stone for a three-story office

1 building. As Jamie is speaking and talking
2 about the planning process, lots of ideas get
3 thrown out or whatever. Just because someone
4 presents something doesn't mean it's
5 automatically accepted. There is nothing to
6 my knowledge that there is a three-story
7 office building being built there.

8 MS. FUTIA: There isn't anything set in
9 stone.

10 MR. EASTON: That's correct.

11 SUPERVISOR MAHAN: Nothing. Just so
12 everybody understands that because you might
13 read something and then just think it's true.
14 What you see is exactly what he is saying.

15 They went to DCC, which is conversation
16 and talk about ideas and things. Everything
17 because of time and Covid - that's what this
18 is about. They are coming back and asking at
19 this point for a rezoning of the property for
20 the reasons he stated earlier. As we said, we
21 are not in the position to vote. That's about
22 as clear as we can make it for you. Just so
23 everyone is on the same page.

24 MR. GREEN: Any different comments that
25 we haven't heard yet, or concerns?

1 MR. JASIEWICZ: Hi, I am Tom Jasiewicz,
2 412 Vly Road. I have just a couple of
3 questions.

4 This was on the agenda last month, I
5 believe; is that correct?

6 MR. GREEN: Yes, that's correct.

7 MR. JASIEWICZ: Had you voted on it last
8 month, the zoning would've changed; is that
9 correct?

10 MR. GREEN: Any time a vote occurs at
11 the conclusion of the public hearing, yes,
12 there would have been a change in Town Law;
13 correct.

14 MR. JASIEWICZ: So, there's a prime
15 example of how zoning could change and no one
16 would know.

17 MR. GREEN: Also, I have a few other
18 points. The property behind Stewart's is
19 owned by the Stewart's formally owned by
20 Rossetti. I think it's still residentially
21 inhabited. It's still a home.

22 SUPERVISOR MAHAN: There is a fence
23 around house right behind it.

24 MR. JASIEWICZ: And it still is a
25 residence.

1 MR. GREEN: Rich's counsel is here, if
2 we need to ask her.

3 MR. JASIEWICZ: I know it was a
4 residence recently. I just don't know if
5 someone is still currently there. I happen to
6 live across the street.

7 The point is that even though it's
8 commercially owned, it is a residence and all
9 the other homes around there are residents.
10 There's a home on that map that he just showed
11 that's underneath the legend that's actually
12 right there on the corner. The Lesek's house;
13 416. So, it is surrounded by residential
14 property, across the street, directly next
15 door and behind it. Vly Pointe is all
16 residential. I understand it is multi-unit,
17 but it is still residential. We have seen a
18 build up. It's currently being built up.

19 There is a new two-story building being
20 built there. I too heard rumors that it was a
21 three-story building going in and after seeing
22 this drawing of a three-story building that
23 went through planning, I can see how that
24 rumor got started. It's a wish list, I
25 understand, but had we not known this since

1 this whole thing happened, it would be a
2 reality. So, it is not pie-in-the-sky. It
3 actually could have been a reality had we not
4 stood up and said something at this point, or
5 at least brought it to the attention of the
6 Board here and say hey, there is some
7 opposition here.

8 SUPERVISOR MAHAN: Our intention has
9 always been to do the review of this portion
10 of the land use on zoning because it follows
11 the Comprehensive Plan. People can request a
12 public hearing and request a rezoning, but
13 our plan has always been that we have to do
14 that as part of the second step - the next
15 step after the Comprehensive Plan. People may
16 have a request and speak their piece on
17 whatever we have on the agenda, but we as a
18 Board are not ready to vote.

19 MR. JASIEWICZ: No, that's good
20 governance and I understand that. You have
21 checks and balances.

22 MR. MAGGUILLI: Resolution 334 was to
23 adjourn it to today's date and the reason for
24 the adjournment was that Albany County
25 Planning didn't meet until September 17.

1 Albany County Planning's permission did
2 recommend that this be approved.

3 MR. GREEN: There's also a notice
4 requirement - something with the notices that
5 were incorrect, but thankfully that was
6 correct and we are here and that's nice.

7 MR. JASIEWICZ: Thank you, I appreciate
8 your time and effort in looking into this for
9 us because again all the points that were
10 brought up are completely accurate. The
11 traffic there is difficult. The entrance into
12 Martin Harding and Mazzotti - it can be
13 dangerous because you're coming in and it's
14 not a 90-degree turn. It's maybe a 120-degree
15 turn. You're actually taking a left and you
16 have to turn backward somewhat sort of like a
17 hairpin so there's blindness. It's completely
18 blind when there's a line of traffic and
19 there's somebody at a dead stop turning into
20 Martin Harding and Mazzotti and you're coming
21 around the corner and you can hit them.

22 With that said, even Vly Pointe is very
23 difficult. You can take a left out of Vly
24 Pointe and if people egress out onto Vly
25 Pointe Road, even if only one of the entrances

1 are closed I don't see how it's going to
2 change anything. You can have people coming
3 and going out of the driveway instead of two.
4 The point is they're backed up because Vly
5 Road is backed up. Anyone who is now taking a
6 left is going to completely cause problems for
7 Vly Pointe as well.

8 I don't want to take up anymore your time
9 I just wanted to point out some of those.

10 SUPERVISOR MAHAN: It's going back to
11 how far back does the commercial go? That was
12 commercial before. I don't know if the
13 abutting house was commercial. We would have
14 to check that.

15 MR. JASIEWICZ: I am a resident of that
16 location, 412, since the 90's. That was a
17 field when I moved there that was being
18 created as a buffer to keep the commercial
19 from encroaching because they were building
20 residential and not commercial buildings.
21 They were building residences there and that
22 was being created as a buffer, therefore you
23 would think that the owners would have known
24 because it's not like they would just come in
25 and cut a road and get an easement for the

1 properties and the owners would have no idea
2 it's going on, especially if they are
3 attorneys.

4 SUPERVISOR MAHAN: There's a lot to look
5 into. Thank you, Tom.

6 MR. JASIEWICZ: Thank you.

7 SUPERVISOR MAHAN: Yes sir.

8 MR. LUDWIN: My name is Jeff Ludwin and
9 I live right next door to Stewart's property
10 at 407 Vly Road.

11 SUPERVISOR MAHAN: Is that behind the
12 fence there?

13 MR. LUDWIN: Yes, on the next property
14 after Stewart's bought that property from
15 Rossetti back in maybe January of last year.
16 Thank you for listening us tonight. I'm
17 against the commercial change in the zoning
18 to commercial around the house around where I
19 live.

20 I attended a couple Planning Board
21 meetings before with Rossetti. I voiced my
22 concerns and they laid down some rules which
23 were not followed. Variances - they wanted to
24 put a back road behind the old Bowlers Club
25 and I addressed my concerns. I said what

1 prevents them putting an 18-wheeler back
2 there? They said well, we'll put delivery
3 times between 7:00 in the morning and 7:00 at
4 night. It has never been followed at 3:00 in
5 the morning or at 4:00 in the morning there
6 are 18-wheelers.

7 The point I am trying to make is when I
8 bought the house, the map has residential
9 zoning. Even if it was an error back in - I
10 bought the house in 2010. So, when I bought
11 the house I knew what I was in for. If there
12 were oversights in the past, I wasn't aware of
13 that. I wasn't privy to that information. I
14 don't know that what they use law is. You
15 really don't know what happened before. All I
16 know is I have a property and it slowly being
17 infringed on based on variances and zoning
18 laws and whatnot. I'm kind of against this
19 project if this event does occur. I just want
20 to put that in writing in a statement. Thank
21 you for your time.

22 SUPERVISOR MAHAN: Thank you, sir.

23 Anyone else on this public hearing?

24 MR. LEMANSKI: Good evening, everyone.

25 My name is Brian Lemanski. I am at 414 Vly

1 Road. As alluded to earlier by the Supervisor
2 and also by Ms. Lasak there's a compositional
3 question I have regarding what the history of
4 the house which is next to 1222. I am
5 uncertain as to what that was previously in
6 terms of zoning; if it was commercial the
7 entire time, or if it was residential? With
8 real estate listings it seems that it was
9 residential and has been used in a commercial
10 aspect. So, that is something we had been
11 taking a look at there.

12 I also do want to build upon Mr. Green's
13 point as well. I do see that there are a
14 number of individuals that are from Vly Pointe
15 and I believe this gentleman here had asked
16 had anyone actually ever received a notice. We
17 either received a notice very late - myself, I
18 received it on Friday. That kind of alarms me.
19 For many, they did not receive anything until
20 we received a flyer that went around from one
21 of our neighbors that was distributed, I
22 believe, on Tuesday. That presents a problem
23 on our end because it doesn't really allow us
24 adequate time to fully digest what is going in
25 there. So, I do want to voice my concerns as

1 well. The main reason for that is because if
2 this decision is looked upon later on, if
3 we're not notified we can't be part of that
4 process again later which would then render
5 this meeting here moot. Again, it's a huge
6 concern that I have regarding the situation
7 here.

8 I believe the woman in the back had
9 pointed out that she had not received any
10 notification either. This gentleman here had
11 pointed out that any sort of change to zoning
12 would have posts on building or some
13 conspicuous location that we would see. I walk
14 past that property every single day and I do
15 not see any posts on that building. That's
16 very problematic too. There are multiple
17 checks and balances that I understand that the
18 Town strives for in order to make sure that
19 the people that surround that community have a
20 way of knowing that there's a change
21 happening. We almost missed it.

22 MR. GREEN: What is the statute for when
23 these mailings get sent out? Is it a period
24 of time which they get it in advance?

25 MS. GANSLE: In terms of a notification

1 for a public hearing?

2 MR. GREEN: Yes.

3 MS. GANSLE: Is published in the
4 Spotlight and it's on the Town website.

5 MR. GREEN: What gets sent to them?
6 What's the rule of thumb for that?

7 MS. GANSLE: It's the website. The
8 mailing does not come from my office.

9 MR. GREEN: So, they come from you,
10 Jamie?

11 MR. EASTON: Yes, the legal requirement
12 is that they are mailed out more than 10 days
13 in advance - all of the Planning Board public
14 hearings. So, that list went out to all
15 applicants. They were all notarized and sent
16 back to the Town. There was no physical
17 posting to the building, as per Town
18 requirements, but there were stakes on the
19 front yard with the notice recorded on it.
20 Those were given to the Planning Board and to
21 the Town Attorney's office stating that there
22 was clear notification on the property, per
23 Town Code requirements.

24 MR. GREEN: But the mailing is no less
25 than 10 days before.

1 MR. EASTON: That is correct.

2 MR. GREEN: Today is the 24th. So, this
3 would've had to been mailed out on the 14th.
4 If it was by mail, it would have to have been
5 the 14th?

6 MR. EASTON: That's correct.

7 MR. GREEN: So, when were they actually
8 mailed out?

9 MR. EASTON: They were mailed out, I
10 believe, earlier than the time requirement.
11 We mailed them out on the 13th or the 10th or
12 something like that. It was same time that we
13 gave the notification to the Town that all
14 those were mailed out.

15 MR. GREEN: So, you got this last
16 Friday.

17 MR. LEMANSKI: That's correct.

18 MR. GREEN: Well, that's the US postal
19 system at its best. I don't know. I was just
20 wondering what it was.

21 MR. MAGGUILLI: I have it that it was
22 mailed out on September 11.

23 MR. EASTON: So, whenever our
24 notification was with the notarization -
25 that's when it was mailed out.

1 MR. MAGGUILLI: That's timely.

2 MR. LEMANSKI: Was it timely for the
3 folks at Vly Pointe Condominiums who never
4 received them?

5 MR. MAGUIRE: I will say that in our
6 department we are experiencing delays and
7 seeing deliveries when we have to send a
8 piece of mail out. I did hear from a resident
9 who had that concern. That's my only thought
10 is that they drop it in the mail and they
11 provided us the notarized affidavit saying
12 they completed the requirement. We have no
13 control after that when the post office get
14 there. In the past it's always been timely.

15 SUPERVISOR MAHAN: There have been
16 problems with the mail.

17 MR. MAGUIRE: There have been.

18 MR. LEMANSKI: Is the posting on the
19 signage because I don't see anything going
20 past those properties. In all seriousness
21 walking past the property I actually have
22 some photos just from my morning commute
23 because I enjoy seeing the sunrise and things
24 of that nature and I did not see any sign
25 there posted anywhere on that property. I

1 would just like to voice those concerns.
2 Thank you.

3 SUPERVISOR MAHAN: Okay, thank you.

4 MS. MASERVEY: Hi, my name is Linda
5 Maservey. I would just like to make a
6 comment.

7 Somebody said that these notices of the
8 meetings are posted in the Colonie Spotlight.
9 I live off of Vly Road and I have a
10 Schenectady mailing address and I do not get
11 the Colonie Spotlight and I have not received
12 any notice of this. So, our neighborhoods with
13 the Schenectady addresses will we be notified
14 of these meetings?

15 MR. GREEN: What is it within 500 feet
16 of the boundary line, Mike?

17 MR. MAGGUILLI: Correct.

18 MR. GREEN: Are you just outside of the
19 500 feet? What is your address?

20 MS. MASERVEY: Riverview Drive.

21 MR. GREEN: I'm not familiar with
22 Riverview Drive.

23 MS. MASERVEY: When you go up Vly Road -
24 first there's Talon and and then there's
25 Riverview.

1 MR. GREEN: It's probably outside the
2 500 feet.

3 MS. MASERVEY: So, I don't get the
4 Colonie Spotlight.

5 MR. GREEN: Our hands are tied with what
6 the legislature tell us what we have to do.
7 In this particular Town we increase that
8 distance to 500 feet.

9 MS. MASERVEY: But even the residents of
10 Vly Pointe have a contact person with the
11 Board. We don't have that, but we use Vly
12 Road every day 3 or 4 to 5 times a day. As my
13 friend said, he's a volunteer with the Fire
14 Department and there are seven responders
15 right now - volunteer firefighters that come
16 down Vly Road. When you're at the light at
17 Route 7 and you've got the car in front of
18 you going straight, you cannot make a right
19 on red, you can have seven volunteer firemen
20 waiting at that light trying to get to the
21 firehouse to come back to maybe Martin
22 Harding and Mazzotti. So, to put more traffic
23 coming out onto Vly Road - it cannot handle
24 it.

25 We also have that new building across the

1 street next to the dollar store that if they
2 want to make a left-hand turn, they have to
3 come out to Rosendale Road, which comes up to
4 that same intersection.

5 Actually, even if you could have someone
6 look at the traffic light - the traffic light
7 there is terrible. Maybe the turn signals have
8 to be adjusted. When your on Route 7 and you
9 want to turn left, you have to get a green
10 arrow but you have to wait through three
11 different cycles of different lights until
12 that can change. I have been behind a car that
13 will turn immediately on the green light - one
14 car gets through.

15 We have a definite problem on that corner
16 to put any type of more building on Vly Road
17 that's going to come out to that. I don't see
18 it happening. It's not going to be a good
19 result. Thank you.

20 MS. DONAHUE: My name is Joyce Donahue
21 and we live at Vly Pointe Condominiums. I
22 just want to make comment because I
23 appreciate you listening to all of us at Vly
24 Pointe Condos. We have every age you can
25 imagine. We have older folks and we have

1 young couples who have moved in with little
2 children - babies, etcetera. We have school
3 buses going through. We have the little ones
4 riding their bikes. We've had postings to
5 make sure nobody goes over 15 miles per hour.
6 My concern is the kids. I certainly am not a
7 grandmother, but we have a lot of young moms
8 there and grandmothers who walk the babies in
9 the carriage. That is a real busy area. We
10 stay in the little community because it was
11 protected.

12 One of the first things we asked was:
13 What about the house there? They said don't
14 ever worry about that. That's residential. So,
15 that made a difference to us. Certainly Vly
16 Pointe - I can speak for the residents there
17 in the condos - we certainly would be
18 concerned. We've got the little ones to think
19 about. We've got the traffic and the school
20 buses. We've got a lot of wonderful couples
21 there and families. That would be my concern
22 from the heart. We really want to keep that
23 safe. It really would not be good to have
24 another big building there. Thank you for your
25 time.

1 SUPERVISOR MAHAN: We appreciate you
2 also coming from Niskayuna.

3 MS. DONAHUE: I've never seen a notice
4 by the house, but the first notice that we
5 received was from our neighbors and it was a
6 flyer yesterday afternoon. So, we are here to
7 support our efforts as well. We had no other
8 notice.

9 MR. GREEN: The 500-foot rule does not
10 extend across the Town's line, correct?

11 MR. EASTON: That's correct. Our main
12 responsibility is to notify the Town of
13 Niskayuna -

14 MR. GREEN: And what they do after that
15 -- it is what it is. It is the law.

16 MR. MAGUIRE: It is kind of odd because
17 it abuts Niskayuna, so there are other people
18 who have interest as well.

19 As I said, you could contact Laura at the
20 Planning Department and notify her that if
21 there's any application - because we notify
22 her - that she sends it along to the Board and
23 that way you can inform all the people at Vly
24 Pointe. I think that's the easiest solution.

25 MS. EAGAN LASEK: It's not going to

1 cover all the others, but yes we will do
2 that.

3 MR. GREEN: But now the cat is out of
4 the bag, I don't think that will be an issue
5 for this project. It's good notice for future
6 matters.

7 Do we have any others who wish to speak?

8 (There was no response.)

9 I'm going to make a motion to table this
10 Resolution for a future date to be determined.

11 MR. MAGGUILLI: We have to close the
12 public hearing first.

13 MR. GREEN: Okay, thank you Mike.

14 SUPERVISOR MAHAN: Because we are not
15 voting on the Resolution yet. We will close
16 the public hearing.

17 MR. GREEN: Now I will make that motion
18 to table the vote for future date to be
19 determined.

20 MS. JEFFERS: Second.

21 SUPERVISOR MAHAN: Supervisor votes aye.
22 Clerk, call the roll.

23 (The roll was called.)

24 MS. GANSLE: The ayes have it, Madam
25 Supervisor.

1 SUPERVISOR MAHAN: The Resolution is
2 adopted.

3 MR. EASTON: Thank you. Is there any
4 projected date when you think - is a one
5 month. two months, six months?

6 MR. GREEN: Six months.

7 SUPERVISOR MAHAN: It's going to be a
8 while, Jamie, because the process for the
9 review that we have to do is very
10 comprehensive. We're not going to look at
11 anything piecemeal.

12 MR. EASTON: That's fine. Just so I can
13 let the applicant know where we are.

14 SUPERVISOR MAHAN: Thank you and we
15 appreciate that.

16 MR. EASTON: Thank you.

17 (Whereas the above entitled proceeding
18 was adjourned at 8:14 PM)

CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter
 and Notary Public in and for the State of New
 York, hereby CERTIFIES 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.

Date: _____

Nancy L. Strang
 Legal Transcription
 2420 Troy Schenectady Road
 Niskayuna, NY 12309

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