

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, on May 23, 2019 7:51 p.m. at Memorial Town Hall 534 Loudon Road, Newtonville, New York 12128

BOARD MEMBERS:

- PAULA A. MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- PAUL ROSANO
- DAVID GREEN
- CHRISTOPHER CAREY
- MELISSA JEFFERS-VONDOLLEN
- JENNIFER WHALEN

ALSO PRESENT:

- Timothy MacPhearson, Esq. Town Attorney's Office
- Michelle Turcotte, Deputy Town Clerk
- John Drake
- Mary Cox
- Mark McCauslin
- Jim Quirk

1 SUPERVISOR MAHAN: Now, we will open it up to
2 anyone who has public comment.

3 MR. DRAKE: Good evening. My name is John Drake
4 and I live at 4 Catalina Drive. I want to give you an
5 update on my concern about the Summit at Fort's Ferry
6 that I first raised during the October 2018 Planning
7 Board meeting with then Director LaCivita on February
8 22 and finally with you on March 21 on whether there is
9 space for the proposed spruce tree buffer to grow and
10 mature between the garages and the 100 foot buffer.

11 On April 16 my wife and I met with the Summit team
12 along with Supervisor Mahan, Board Member Von Dollen,
13 Attorneys Magguilli and Kennedy and Director LaCivita.
14 Thanks to everyone for taking the time to participate in
15 the discussion. Here's what we learned on April 16:

16 There's definitely not room for the spruce trees to
17 grow and mature outside of the buffer. At least 23 of
18 the 52 trees will be partially or completely in the
19 buffer when initially planted. At one point, trees would
20 be planted with one foot of space between the buffer and
21 the garages. We learned that the spruce trees will be
22 planted at the current ground level while the garages
23 will be built on 5 to 10 foot retaining walls. Per the
24 Summit team, the garages are 18 feet tall so the top of
25 the spruces would be 15 to 23 feet below the garage roof

1 line. We learn that the trees are planted on 15 foot
2 centers, but only 4 to 5 feet from the retaining wall
3 under the garages. At maturity these spruce trees should
4 grow to be 40 feet tall with a 20 foot diameter. So,
5 they clearly do not have room to grow and mature.

6 With this information, Supervisor Mahan suggested
7 that an alternate planting plan to give the spruce trees
8 room to grow and mature would make sense. The Summit
9 team committed to try and come back with timing for
10 providing a revised plan for planting by April 23. On
11 May 21 Mr. Magguilli followed up with the Summit team to
12 get a status update. The Summit team responded that they
13 had not taken any action in the last 5 plus weeks as
14 quote the weather continues to make it very difficult to
15 get to the back of the site to review the tree
16 relocations discussed. Given the fact there have been 10
17 to 20 contractors and multiple pieces of heavy equipment
18 operating on the site almost every week day from 7:00
19 a.m. to 3:30 p.m. since we have met on April 16, I find
20 it hard to believe that the Summit team is making a
21 good-faith effort to resolve this issue. I don't know if
22 there was anything down that was illegal or in violation
23 of any Town Code, I do know that what the Summit team
24 has done is just wrong. I do not believe that they made
25 a good-faith effort to provide a real buffer to the

1 single-family homes along Omega, Catalina and
2 Harrowgate.

3 During the October 2018 Planning Board meeting Mr.
4 Tucker of the Summit team stated and I quote we are now
5 proposing a really thick buffer along the back of the
6 garages with spruces, again outside of the 100 foot
7 buffer along the back of that garage. That statement is
8 clearly not true. Now the Summit team is not making a
9 good-faith effort to resolve the issue.

10 At a minimum, I would ask that you do whatever you
11 can to have the Summit team start meeting with
12 interested neighbors, Director LaCivita and the Town
13 Designated Engineer for the project on at least a
14 bi-weekly basis to put a real buffer in place. I would
15 also ask that you consider whether or not the project
16 should be stopped and sent back to the Planning Board
17 for review and approval as clearly the Planning Board
18 was given an accurate information by the Summit team
19 during the October 2018 Planning Board meeting.

20 SUPERVISOR MAHAN: Thank you, John. I do remember
21 all the meetings and everything you talked about
22 regarding going over there to take a look at it.

23 I can tell you that I know that Mike Magguilli, the
24 Town Attorney had to go out of Town for a few days.
25 Before he left, he did write to their attorney and there

1 was a return on that from the attorney stating that even
2 though - something was agreed but I don't have word for
3 word - - it is still muddy, but they need to get
4 together so we can do this. So, we are still waiting for
5 that part of it to be done before everybody can go over
6 and look at this. That's what we wanted to do.

7 MR. DRAKE: Again, I find it hard to believe when
8 I look at my window every day and see 20 contractors
9 walking all over the site seeing bulldozers, lifters,
10 dump trucks, drills and everything else operating all
11 across this massive site, that people can't be walking
12 in the woods, around the edge of the site for five
13 weeks. I find that statement hard to believe.

14 The other thing is when I read the transcript from
15 the Planning Board meeting today for the multiple time,
16 that's when I found the statement from the engineer from
17 VHB, Mr. Tucker, clearly stating that the spruce trees
18 were not going to be in the buffer and the TDE also
19 stated in that transcript that those spruce trees would
20 not be in the buffer and then for us to meet and find
21 out that they absolutely are in the buffer. Either or
22 neither one of them knew what they were talking about at
23 the Planning Board meeting or there was intentional
24 misinformation being given. Whatever it is, the Planning
25 Board did not have the information that they deserve to

1 make a decision. Those buffers were things that the
2 Planning Board brought up multiple times to the last
3 several years about how important that buffer was.

4 I would just remind everybody that I submitted a
5 FOIL that was initially refused and that was just
6 approved 24 hours before the Planning Board meeting. I
7 asked this Board and I asked the Planning Board either
8 to delay the meeting, or to at a minimum not make a
9 decision that night. Again, that request was denied. We
10 had 24 hours. We didn't have time to hire an engineer to
11 review it. For them to present false information to the
12 Planning Board and to get a project approved and now be
13 basically ignoring the request from the Town to come up
14 with an alternative plan, I find it offensive. I think
15 an action need to be taken by the Board to make sure the
16 project team, Mr. Nigro, VHB and Ms. Slevin understand
17 that what they have done is wrong and something needs to
18 be done about it.

19 So, that's why I'm here tonight saying this is
20 wrong. We need to take an action as a Town. We can't
21 allow developers to present on false information to the
22 Planning Board.

23 This meeting went on until 11:30. The Planning
24 Board was exhausted. They are going based on what they
25 see in front of them. They don't have time to review

1 every drawing either. They were given information and
2 based upon what they saw, they approved the project.
3 That information was not correct. That's why I am here
4 saying that at a minimum we need the buffer, but I think
5 additional action needs to be taken and say how did this
6 false information get presented? Was it an honest
7 mistake, or was it something else going on? This was a
8 critical element that I'm not sure the project would
9 have been approved without those trees as a buffer. It
10 certainly would've been a point of discussion.

11 SUPERVISOR MAHAN: I understand your concern
12 fully. I can't answer those questions for you, but when
13 Mr. Magguilli gets back - I believe it is Wednesday
14 that he will be back - he will see the response that he
15 got from their attorney. He is pushing to get over
16 there so that we can get this squared away. We will
17 make sure that he gets that first thing on Wednesday.
18 We will have to go from there. I can't speak for him
19 and he needs to be involved in this because this was
20 initiated by him out of that meeting that we had.

21 MR. DRAKE: Any other questions? I will be back
22 for the next meeting, then.

23 SUPERVISOR MAHAN: We are waiting for them to get
24 over there but at this point, it's never going to stop
25 raining. It rains every other day. My suggestion is

1 that everybody puts their boots on and just go over and
2 look at it.

3 MS. WHALEN: This is the buffer we have been
4 talking about all four years of my term? Like, you had
5 a 200-foot buffer but then -

6 MR. DRAKE: Yes, this one back to 2007.

7 MS. WHALEN: Unfortunately there was confusion, I
8 guess.

9 MR. DRAKE: Just to restate: There was confusion,
10 but there wasn't. In 2007 a buffer was put in place. In
11 2010 the owner of the property went before the Zoning
12 Board of Appeals to put in town houses. As part of that
13 appeal she clearly stated there was a 300-foot buffer
14 and why the buffer was there. So, the owner of that
15 property fully understood the existence and the reason
16 for the buffer and Mr. Magguilli was involved.

17 I have a letter written by Mr. Magguilli in 2010 to
18 the Planning Board saying we need to wait.

19 MS. WHALEN: May I just interrupt for a second?
20 This buffer is a very sensitive issue. You all got
21 pretty much a very small buffer in the end and that was
22 unfortunate. I agree. I read the record. I have been
23 here just four years, but I looked at the history and I
24 have heard people come in - Crystal Bruno and everybody
25 else. So, unfortunately your buffer is like 100 feet.

1 So, to add insult to injury, you are now telling me
2 that they are planting these trees in your little
3 buffer?

4 MR. DRAKE: Yes.

5 MS. WHALEN: Not even leaving you that scrap of a
6 buffer?

7 SUPERVISOR MAHAN: Jennifer, you have to
8 understand -

9 MS. WHALEN: I wasn't at that meeting on April 16.

10 SUPERVISOR MAHAN: You have to understand the
11 legal problem with this.

12 MS. WHALEN: I can understand the frustration.

13 SUPERVISOR MAHAN: I understand the frustration.

14 MS. WHALEN: If someone said to the Planning Board
15 the they were planting the trees outside the buffer
16 because they were probably - I feel badly that you only
17 have a 100-foot buffer. I was upstairs in somebody's
18 bedroom of their house -

19 MR. DRAKE: That was my bedroom - with my wife.
20 There was three of us just looking out the window.

21 MS. WHALEN: It's like I went there and it's right
22 on top of your neighborhood. Like, it would've been
23 kind of nice if maybe those trees are not in your puny
24 little buffer and they are instead outside of your
25 buffer.

1 MR. DRAKE: And that was what was communicated
2 throughout the project and honestly that's why it's
3 such a shock that these trees are in there.

4 MS. WHALEN: They should be ripped out and planted
5 outside the buffer, or the garages moved.

6 MR. DRAKE: That would be right. I completely
7 agree. The garages they have may not fit anymore.
8 That's a big change to the project, but tough nuggies.

9 MS. WHALEN: They do something and apologize
10 later. That's not right either.

11 SUPERVISOR MAHAN: I think we are mixing too many
12 things here. I think we have to correct the record. The
13 buffer that you were saying that they had - that was
14 300 feet or 200 feet. Let me just explain because this
15 went through - the Town fought for that on that
16 possible intent that the previous administration had
17 the intent to put it there. However, what happened was
18 they did a Local Law for Corporate Woods. The Judge
19 came back and said we lost the case because the Judge
20 came back and said the Town had to have a Local Law to
21 create that buffer. That's the first problem. They
22 never created the Local Law for that particular area.
23 However, they did it correctly when they did one for
24 Corporate Woods. The records are there. They did one
25 right and back of their on Harrowgate. They created a

1 buffer by a Local law.

2 So, why they didn't create a buffer in this
3 particular area - they could've done it because they
4 just needed to create the Local Law. That's why we tried
5 to defend it on intent and we lost the case.

6 What happened was there were some things that were
7 on a map from 2007 that they revised all of the Zoning
8 Laws and land use in the Town. There were lots of
9 undeveloped areas and different things in that
10 particular area was - I believe it was residential at
11 one time -

12 MR. DRAKE: It was split zoned. It was a
13 residential lot next to Catalina and that it was
14 commercial on the other side. As part of that thing, it
15 went to OR with the buffer.

16 I understand the 2007 law wasn't done properly. I
17 would just say that in 2010 the owner submitted a zoning
18 appeal that recognized the buffer. There was no concern
19 raised that it was illegal, was done incorrectly, didn't
20 exist. She fully acknowledged it. That owner then came
21 before this Board in 2013 claiming no knowledge. The
22 Town Attorney and this Board did not reach out to the
23 neighbors, could not find out any information and you as
24 a Board - not you as people - the Town Board went to 100
25 feet.

1 I would argue that if that wasn't done then, the
2 Supreme Court may not have ruled against you in 2015,
3 but we will never know.

4 So, there needs to be responsibility for the 2013
5 Board as well because it was clearly documented in the
6 Town Board transcripts in 2007 why the buffer was there.
7 It was clearly documented in the Zoning Board of Appeals
8 in 2010.

9 Again, I wish Mr. Magguilli who isn't here - he was
10 certainly aware of that. He may have forgotten it. It's
11 one of a 1,000 things that he does. He was aware of it
12 and the Town was aware of the buffer and the zoning
13 appeal going on in 2010.

14 So, this current administration - people in your
15 administration were aware of the buffer in existence in
16 2010 and at that time, no one said there needed to be a
17 Local Law. The owner didn't say it, nobody said that.
18 She only argued that after you change the buffer back to
19 300 feet when the neighbors all said wait a second, this
20 isn't right. So, there is a lot of history in this. The
21 buffer got changed. It is gone forever. The Supreme
22 Court has decided.

23 To Ms. Whalen's point, I'm trying to protect the
24 100 feet that we have and to get something that works.
25 We talked about it. If we were going to put trees in, they

1 need to live. It doesn't do any good to plant 52 trees
2 that are going to be dead in a year.

3 SUPERVISOR MAHAN: We are on the same page. You
4 know that.

5 MS. WHALEN: But you have the scrap of a buffer -
6 whatever happened, happened. So, that little scrap of
7 the buffer should be like -

8 SUPERVISOR MAHAN: That's why we are trying to
9 address it. The thing is that I know Mr. Magguilli has
10 said over and over again the buffer was never created
11 legally. So, it was not there.

12 There were other mistakes in the 2007 plan that
13 were corrected.

14 Unfortunately, they were looking for the Local Law
15 because that would make it the buffer. There was no
16 Local Law. The only ones on record were those -

17 MR. DRAKE: Our attorney had said the map is part
18 of the Local Law. The buffer was on the map. Our
19 attorney that we hired felt that the map was part of
20 the Local Law. We would've argued that. We did argue it
21 to the Zoning Board of Appeals, but it appeared that
22 the decision was already made before we went into that
23 meeting.

24 MR. CAREY: Isn't the issue now that the developer
25 hasn't gotten back to us? The buffer thing is long

1 gone. It is over with. Why do we keep reliving this?
2 Let's concentrate on working with the developer and the
3 neighbors to try to resolve the buffer and the
4 plantings.

5 MS. JEFFERS-VONDOLLEN: Can I say something?

6 MS. WHALEN: That's what I have said -

7 MS. JEFFERS-VONDOLLEN: I have been waiting to
8 speak.

9 MS. WHALEN: One second.

10 MS. JEFFERS-VONDOLLEN: I haven't had a chance to
11 get a word in.

12 MS. WHALEN: Well, I have to raise my hand at
13 times.

14 MS. JEFFERS-VONDOLLEN: I just did.

15 MS. WHALEN: It's just adding insult to injury.
16 This buffer that is definitely like not end well for
17 the neighbors. Legally, the buffer is the buffer.

18 MR. DRAKE: I have let that one go, mostly.

19 MS. WHALEN: That little scrap of a buffer -

20 MS. JEFFERS-VONDOLLEN: Can I just say one thing
21 without being interrupted?

22 It is my understanding from the April meeting that
23 when we walked away from that meeting, in full
24 disclosure to anyone who is not there on this Board -

25 MS. WHALEN: I wasn't there.

1 MS. JEFFERS-VONDOLLEN: Which is why I wanted to
2 talk to you about it.

3 We walked away and there was a compromise between
4 everyone that was there that going forward we were
5 trying to make the best of this buffer that we are
6 talking about that everyone feels badly about. The
7 compromise was that we were going to go meet and that we
8 were going to try to find a way to fill the buffer so
9 that it could be the best possible buffer that it could
10 be.

11 Clearly, Mr. Drake is correct. Those trees aren't
12 going to grow if they're growing into the back of a
13 garage. We all agreed with him and we wanted to get the
14 trees to be offset. That way, they would be a full
15 healthy buffer. That's where we are at. That's where
16 we were going forward. We are not here to re-litigate the
17 entire history. That was the compromise. Right now, he's
18 saying that the developer is not getting back to us
19 because they are claiming it is too muddy to go and walk
20 the area and plan it out. That is the issue that Mike is
21 working on and that's what we are working on. So, we are
22 working to make this buffer happen and at least give
23 them the buffer that they want.

24 MR. DRAKE: I totally agree with you, Ms.
25 VonDollen. The only thing that I would add is the other

1 thing that I found just today is: In the final Planning
2 Board meeting that at least two of you were at, the
3 developer stated that the trees were going to be
4 planted outside the buffer. Again, I think that is
5 something that needs to be looked at and addressed with
6 the developer.

7 MS. WHALEN: Because they are not, you are saying.

8 MR. DRAKE: They are in the buffer. That's what we
9 found out on April 16. In the Planning Board meeting
10 they clearly stated that the trees were going to be
11 planted outside the buffer. I raise the question of the
12 meeting and I foolishly did not get an answer. I
13 probably should have stood up again and been a pain in
14 the butt which I am good at doing. I didn't get an
15 answer then and that's why when I started seeing the
16 building getting built, I said there is not room for
17 this all to fit and the answer was: That's right,
18 there's not room.

19 As we all learned on the 16th, it's not just that
20 there is not room, these trees are planted well below on
21 the north facing side of a garage. They're going to get
22 no sunlight for most of the year. They're not going to
23 grow. The plan doesn't work.

24 I have a problem with the plan submitted by VHB.
25 That plan should not have been approved. It was not a

1 buffer plan. It was something on a piece of paper that
2 wasn't going to happen. I have a problem with the work
3 that they did. Now we need to address it. The
4 construction is going on. The lot has been cleared. So,
5 now what do we do with this problem? That's what were
6 trying to move forward with. They need to move faster.

7 It has been five weeks. In five weeks they
8 should've figured something out and gotten back to all
9 of us and that's where I need your help with Mr.
10 Magguilli to aggressively say: They've got to move. We
11 have to meet with all the neighbors and not just my wife
12 and I and move this thing forward. That's what I'm
13 asking for your help. It sounds like you are helping us.

14 MS. WHALEN: Since I wasn't at that meeting on
15 April 16 and you are here now when we are all here --
16 so I would like to know what you think really should be
17 happening. The trees should be moved out of the buffer
18 into the other part - after the buffer. Then, they will
19 be crowded by the garages which will ultimately and
20 ideally should be moved to make room for a buffer. Is
21 that we are saying what really should be happening?

22 MR. CAREY: The trees aren't up now are they?

23 MS. WHALEN: The garages are up.

24 MR. DRAKE: The garages are not up. It's just a
25 pile of dirt. There are no garages yet. They built the

1 building, but not the garages. In my selfish thing
2 before my wife kicked me in the leg at the meeting on
3 the 16th, I would have said take the garages out and
4 plant trees there. That's probably not realistic to be
5 honest for this project. It may not be realistic but
6 one option -

7 MS. WHALEN: We've been talking about this buffer
8 in these garages for like ever.

9 MR. DRAKE: One option is to remove the garages
10 and really do the planting where the garages are. We
11 already know that they did excess parking for some
12 reason in this development, more than what was
13 required. Why they did that, I have no idea but they
14 have excess parking. That is certainly an option.

15 We talked about clearing dead trees and trash.
16 There is a truck cap that has been sitting in that lot
17 for a decade or more. Clear out the dead stuff and plant
18 trees, certainly not behind the garages but look at that
19 whole buffer and say what trees can go in there and
20 thrive so the 10 or 15 years from now it's a real
21 buffer. That is an option. Taking the garages out - that
22 is an option. Those are all options because again, in my
23 mind, what the developer presented to the Planning Board
24 to get final approval is not accurate.

25 They need to pay a price and they need to be held

1 accountable for presenting wrong information to the
2 Planning Board. I'm not just saying this as a neighbor,
3 but I would think as a Board, as a Town government, you
4 should be very upset with this developer and what they
5 did on October of last year. They presented false
6 information intentionally or unintentionally to the
7 Planning Board and they got a project approved. Now they
8 are coming back and there is no apology. The statement
9 from the team was: Well, that's what was on the drawing.
10 It was on the drawing, but that's not what was
11 communicated in the Planning Board meeting. It was
12 communicated to the project team.

13 MS. WHALEN: Are you okay with trees in the
14 buffer, or not okay with trees in the buffer?

15 MR. DRAKE: I am okay with them doing what they
16 said, which is coming back with alternate proposals for
17 us to look at and to say: Is this a reasonable
18 solution? I expect them to do some real work to say
19 what is it going to look like? I don't know what
20 they're going to come back with. Based upon what I've
21 seen, they have done nothing. So, it's hard for me to
22 feel good about it went through the course of the last
23 five weeks - they said they would at least get back to
24 us in a week to say when they would have a proposal. In
25 five weeks, they have done nothing. So, their say/do

1 ratio is poor.

2 Honestly, this isn't the first time we have seen
3 this. So, I have a bad history with this project on a
4 whole bunch of different fronts. That's why I am here
5 tonight asking for your help to give you an update and
6 to make sure that we are all focused on this and that we
7 don't get the garages built until we know what were
8 going to do.

9 Someday soon those garages are going to go up.

10 MS. WHALEN: I was in your upstairs bedroom. It's
11 right on top of your house. I feel very sadly for you
12 and all of your neighbors, honestly.

13 MR. CAREY: Can we be in the email loop on this
14 because I know you guys met, but I didn't know anything
15 about the outcome - or John, send me an email please?

16 SUPERVISOR MAHAN: Certainly, but the emails that
17 Mike has been going back and forth was to get a date to
18 go over there to talk about - first of all, take a look
19 at it, but also to talk about options that we talked
20 about at the meeting. We need some options and things.

21 MR. CAREY: I didn't even know that the buffer -
22 that we can do the plantings because the plantings are
23 now in the buffer. I didn't even know that part.

24 MR. DRAKE: That's okay because that's legal.
25 That's one of the things that we heard.

1 MR. CAREY: I thought it was a question.

2 Originally, what I was told was there was a question
3 with where the foundation was and what the measurements
4 were. That's all I knew. I didn't know the outcome of
5 the meeting.

6 MR. DRAKE: So, the outcome is yes the trees are
7 going to be partially or completely in the buffer. Yes,
8 that is the drawing that we submitted and approved. No,
9 that's not what was communicated during the Planning
10 Board meeting. No, that's not what I believe the
11 Planning Board thought they approved. Which one do you
12 believe?

13 MR. CAREY: Do me a favor and when you communicate
14 with the emails, could you include the entire Board?

15 MR. DRAKE: I will include the entire Board.

16 MR. MURPHY: When Mike gets back, I'm sure the
17 Paula will make sure -

18 SUPERVISOR MAHAN: I know for fact that he sent it
19 just before he left because he has been working on this
20 and trying to get a date. There was a response from
21 their attorney.

22 MR. DRAKE: That was the one on May 21.

23 On Tuesday he sent a note to Ms. Slevin and that's
24 when she responded that the site is still not
25 accessible. Again, if you watched out my window all the

1 work that goes on, you would find it hard to believe
2 that somebody couldn't put on a pair of boots -

3 MR. CAREY: I was able to mow my lawn over the
4 last two months. I think we can walk the site.

5 MR. DRAKE: I think that we can, too.

6 Thank you, very much.

7 MS. COX: Mary Cox, 31 Omega Terrace. I just want
8 to reiterate - I think one of the big things that we
9 are asking for tonight is not to rehash anything, but
10 we do want action. We don't want to wait for an email.
11 We don't want to wait for phone call. Timing is of the
12 essence at this point. They are building. This is what
13 they do. Developers do this. We know that. It's better
14 to ask forgiveness than ask permission. That's the
15 famous saying. Do you do is stop work? You guys have
16 the power to do that. They have lied. Maybe we need
17 something really abrupt like that. Stop work until you
18 have this figured out. I think that's what we are
19 asking for; and action - a really strong action because
20 the rest isn't working.

21 SUPERVISOR MAHAN: Thank you, Mary.

22 Anyone else?

23 MR. MCCAUSLIN: My name is Mark McCauslin, 2
24 Surfwood Drive. I'm here tonight to ask the Town Board
25 to recognize June as LGBT Pride Month. For those

1 unaware, LGBT stands for lesbian, gay, bisexual,
2 transgender.

3 So, I was born and raised in Colonie. I have lived
4 here for most of my life. I don't recall seeing any LGBT
5 Pride Month being recognized. Our state does it, Albany
6 County does, federal agencies do but not Colonie.
7 Colonie has over 80,000 residents. Statistically, there
8 are thousands of LGBT residents in the Town.

9 Although I can't pretend to be a spokesman for
10 anyone, I'm sure that there are thousands of LGBT
11 residents and our straight family members, friends and
12 allies would be ecstatic if our Town recognized June as
13 LGBT Pride Month.

14 Some of you may not know what LGBT Pride Month -
15 why it is important to us. It is important to the LGBT
16 community as a time to celebrate progress for equal
17 rights as well as to highlight the work that still needs
18 to be done. Being able to go to pride events gives hope
19 to those facing bullying at school or discrimination at
20 work. It gives strength to those who face ignorance or
21 stereotypes in our daily lives. It also gives joy to be
22 able to celebrate as a group living openly and
23 authentically. Importantly, pride events and recognition
24 of June as LGBT Pride Month allows us to feel pride in
25 our identity and pride for the strong and brave

1 individuals who came before us to fight for the rights
2 that we have today.

3 I do hope the Town Board recognizes June as LGBT
4 Pride Month and I would respectfully offer you some
5 ideas on how you can do that. I know June is almost here
6 so you don't have time to organize a parade down Wolf
7 Road. You could easily pass the Resolution and issue a
8 proclamation that is easy and simple but your words have
9 power and can have a positive effect on the community.

10 You could raise a pride flag at Townhall or the
11 Crossings or other locations around the Town. A
12 delegation could march in the Albany pride parade. Other
13 Towns do that. The library could showcase LGBT history
14 and LGBT authors. You could invite speakers to Town
15 events and meetings. There are so many ideas in the list
16 can go on and on. If you plan to make this an event and
17 you choose to do this and make this an annual thing, you
18 could really plan some great events that bring community
19 together.

20 I respectfully ask that you make June - you
21 designate June as LGBT Pride Month and showcase our
22 Town's diversity which, as you know, has been named best
23 suburb in the area.

24 I did start a petition online on change.org. It's
25 great. I got a couple of hundred signatures the first

1 few days. I am not a community activist. I didn't get
2 much more, but I printed out some copies to give to you.
3 Look it over and read some of the comments that we got.
4 Thank you.

5 SUPERVISOR MAHAN: Thank you.

6 MR. CAREY: Thank you.

7 SUPERVISOR MAHAN: Anyone else?

8 MR. QUIRK: My name is Jim Quirk and I live on
9 Sylvan Avenue. I have just a couple things.

10 I just wanted to profess my solidarity with the
11 folks over on Catalina and Omega and the problems that
12 you are having. We've got a development going in
13 adjacent to our neighborhood as well and while we don't
14 have the problems that you have, it still is disruptive
15 and it's got to be tough to kind of wean your way
16 through that process.

17 Also I have a couple of questions about the IDA,
18 the Industrial Development Agency. Is anything online
19 that explains or gives a tutorial on the process for
20 that? The only thing I could find online as far as
21 current or proposed projects that would get pilot
22 benefits was a cost-benefit analysis on the Ayco
23 Starlite project. Then, an application submitted by 10C
24 Airline Drive and First Columbia projects.

25 It seems like there is a lot of money at stake

1 there. Those developers are looking for some pretty big
2 tax breaks. In the interest of transparency, I think it
3 would be helpful if there was an online resource to know
4 the processes as well as what projects in the Town are
5 currently receiving pilot benefits and even a table or
6 spreadsheet of some sort that shows - here's what the
7 tax revenue would be if it was left a vacant property or
8 whatever. Here's what the tax revenue would be if there
9 was no tax abatement and here is what has been approved
10 for that project by the Town IDA so that residents can
11 see just how much is at stake here.

12 Is there any way to get some funding for some AV
13 equipment for both this room and the Planning Board? The
14 engineer who's already left - he stood up at this map
15 and nobody in this room could see it. Nobody who was
16 watching online could see it. I have been to a number of
17 Planning Board meetings when they were projects going on
18 and it was crazy. The guys over in the corner - Nick
19 Costa, actually who was here earlier - - in the corner
20 with this map and nobody in the room could see the map
21 because it's too small when he is pointing here and
22 there.

23 Also, as you're looking over the plans earlier, the
24 stenographer had no idea what you were talking about.
25 This is a public hearing and everything should be

1 recorded at a public meeting.

2 I know that the developer has left the room, but by
3 some top-of-the-line AV equipment for this room and the
4 Planning Board room and finance over 20 years and charge
5 the developers a small fee for every time they get a
6 project approved in the Town. Thank you very much for
7 the opportunity.

8 MS. WHALEN: Can we enter that as part of the
9 record - that map we were looking at?

10 SUPERVISOR MAHAN: Just to address a few things -
11 it's pretty new that you can see the meetings online
12 now. So, that's been done. I can tell you that for the
13 Planning Board meetings, they did just get recently I
14 believe new microphones and our MIS technology
15 department - they are working on some of the
16 configurations so that they can go on the screens
17 instead of putting up these cardboard maps.

18 So, they are working on that. I don't know if
19 that's helpful, but I think we have something else to
20 fix here. It's been one of those things that - there is
21 a long list of priorities and that is just recently
22 being addressed.

23 Secondly, the IDA - - our first house was on Sylvan
24 Avenue, by the way - anyway, the development that's
25 going back On the Farm - - one of the things that I know

1 became important to a lot of people and that was the
2 fact that was built so there was a connection to some of
3 the side streets. There is Sylvan and Vista and Grove -
4 there was a connection there somewhere.

5 Correct me if I'm wrong, but I can recall, that's
6 only now an emergency access. That's a big improvement
7 so that the impact doesn't come through that
8 neighborhood. That was important to have done.

9 As far as the IDA, they are independent from us.
10 They are their own Board. I can tell you that they have
11 very strict - very conservative, I should say, compared
12 to most places.

13 Actual PILOTS - there aren't that many. Maybe Mike
14 or Tim can look all that information up and get back to.
15 It's mainly some of the senior places like King Theil
16 which is affordable senior housing and back of the Elks.
17 Shaker Point, which is senior housing and that has to do
18 with St. Joseph's Provincial House. They do have some
19 requirements and they take care of the retirees and the
20 nuns and the priests as well. So, that was one.

21 The Ayco - the Starlite - the Starlite has been
22 vacant since I think 1998. So, there have been no taxes
23 there since 1998. Obviously, something was going to go
24 there.

25 The connector road was recommended many years ago

1 when they did the traffic studies up in that area that
2 the connector road was needed and the Town never had the
3 funding to do that. So, when they did the cost-benefit,
4 one of the big things was also getting that road built
5 and bringing it back so it's taxable property.

6 Mike Magguilli, our Town attorney receives things
7 from the IDA as well as Chris Kelsey our Comptroller.
8 Our PILOTs are very, very limited. We don't have many.
9 *One of the things that they did when they developed the
10 PILOT policy is you will find many PILOTS go for 30 or
11 40 years. There's is either 8 or 10 years and each year
12 they pay more and more until they get to that last year
13 and then they pay the full amount. That I do know
14 because we reviewed those PILOT programs. I know that
15 helps but we can have the attorney's office in the
16 Comptroller's office and Joe LaCivita get back to with
17 more information or where you can find that information.

18 MR. QUIRK: Who can I give my contact information
19 to?

20 MR. MACPHEARSON: I was just going to suggest
21 that. I can bring you a business card after. You can
22 just email me. Your name was Mark, sir, is that
23 correct?

24 MR. QUIRK: Jim Quirk.

25 Maybe I was using the wrong terminology. I know

1 there are PILOTS and there are tax abatements.

2 In particular, with the two projects that currently
3 have submitted applications, one being the new Boces
4 building. BBL is building it; hence, Airline Drive. They
5 have requested a 15 year PILOT and they want to pay just
6 the tax on the land for the first 10 years as though it
7 was still vacant land. They don't want to pay anything
8 for the building. Then, if I'm reading it right and I'm
9 a bit of a novice at this. After 10 years - - they
10 wanted a 15 year pilot - they agreed year 11 through 15
11 that they gradually ramp up what they pay so in 15 years
12 they would be paying full. So, that's combined land and
13 building. In the Planning Board notes, they said that
14 they expect Boces to buy that building which after 10
15 years at which time it would be fully tax-exempt. So, as
16 long as Boces owns that building, the Town wouldn't
17 collect a dime in taxes on a building that I think is \$9
18 million worth of improvements on that property.

19 SUPERVISOR MAHAN: It's an educational building.
20 Again, I will check with Mr. Magguilli, but I believe
21 that they made some kind of request but I think they
22 are working through the county IDA at this point. I
23 don't believe that the Town IDA made any decisions.

24 MR. QUIRK: But the Town stands to lose, I
25 suspect, even if you going to the county -

1 SUPERVISOR MAHAN: It is an educational building.
2 If they built it today, we still wouldn't get any
3 taxes.

4 MR. QUIRK: But for the first 10 years it is
5 projected to - it's continued to be owned by BBL which
6 is not an educational purpose. There's no way anybody
7 in Town - - when they submit an application for the BBL
8 Boces building - where does it say on the Ayco Starlite
9 -- that there was a cost-benefit analysis done, but
10 nowhere on there does it say here's the final
11 determination made. Here's what they are paying in
12 taxes. Here is what they would've paid without this tax
13 abatement or PILOT or whatever the proper terminology
14 is. That's my only point is the transparency issue.

15 SUPERVISOR MAHAN: Tim will give you his card and
16 we will follow up on that for you.

17 MR. QUIRK: Thank you.

18 SUPERVISOR MAHAN: Thank you.

19 Anyone else?

20 (There was no response.)

21 Okay, you will go on to the regular Resolutions.

22 (Where's the above entitled proceeding was
23 concluded at 8:20 p.m.)

24

25

CERTIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

NANCY L. STRANG

Dated _____