

TOWN BOARD

COUNTY OF ALBANY

TOWN OF COLONIE

THE CONTINUED PUBLIC HEARING IN RELATION TO THE
PROPOSED UPDATES AND AMENDMENTS OF THE
COMPREHENSIVE PLAN PURSUANT TO NEW YORK STATE
TOWN LAW SECTION 272 A

THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY L. STRANG, a Shorthand Reporter, on
June 27, 2019 7:21 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:

- Michael C. Magguilli, Esq. Town Attorney
- Julie Gansle, Town Clerk
- Gloria Knorr
- Susan Weber
- Joseph LaCivita, Director, Planning and Economic
Development
- Wendy Allen
- Sharon Ally
- Elaine Sacco
- Lisa Baron

1 MS. GANSLE: Our first public hearing is being
2 held by order of the Town Board to continue to hear all
3 persons in relation to the proposed updates and
4 amendments to the Comprehensive Plan, pursuant to New
5 York State Town Law Section 272 A.

6 Notice of this public hearing has been published in
7 the official Town newspaper which is the Spotlight it
8 has been posted on the Town Clerk's bulletin Board. I
9 have an affidavit for each. The Town Board will now hear
10 all persons interested in this proposal.

11 SUPERVISOR MAHAN: We have the final copy of the
12 plan. It has been on the website for a few weeks. We
13 will not be voting tonight because part of the process
14 is this goes down to the county. When receive the
15 feedback from them, then we will be at a point where we
16 can determine whether or not a vote will take place. We
17 have not received anything back from them yet. They
18 have 30 days. This is the final we wanted to get it on
19 the website so there would be ample time to review it.
20 It's been on now for about two weeks. So, if anyone has
21 any public comments for this public hearing, please
22 come forward.

23 MS. KNORR: I want to thank all of you for all
24 these public hearings that we could put our input into
25 this very important study of our Town and how we want

1 the vision and then the Land Use Law.

2 What I am so happy to say - on my sister's
3 birthday, June 22, I could tell her that three
4 landscapers were looking at the farm. It is close. We
5 are lawyer to lawyer. I'm seeing a lawyer the next Board
6 meeting. It is a relief. I'm going to tell you that I
7 fought the good fight. I stayed the course. I kept the
8 faith with my family lands and what I feel now is the
9 right thing to happen.

10 Paula, I'm seeing my accountant who is a graduate
11 of Schenectady High School and I believe my new lawyer
12 will be - - I have not met with him, but I asked my
13 accountant. We know I ramble. We know.

14 I have done a lot of work and I know this farm. I
15 know the land. This person I have worked with five years
16 has a good vision, but now we have to know if he can use
17 the land. I really feel - - this is so good and freeing.

18 I saw another doctor today and he said I could have
19 died from the pulmonary embolism. It is time. My sister
20 is 77. I am 78.

21 The point is: A lot of farmers - do they have a
22 401(k)? Did they have retirement? Their lands would help
23 their family for their old age - their long term
24 insurance.

25 My daughter did not like with the Times Union - -

1 remember the article graying in the suburbs? Remember
2 the newspaper article that I used to come to these
3 meetings and always talk about affordable housing? So,
4 then they asked me - they interviewed me, but I said I'm
5 taking care of my mother. So, they came to my home and
6 they did that article graying in the suburbs.

7 MR. MAGGUILLI: Gloria, I'm sorry to interrupt you
8 and I apologize, but this is a public hearing about the
9 proposed Comp Plan. If you could please - - we will
10 have public comment in a few minutes when this is over.
11 If you could address any comments that you have to the
12 proposed Comp Plan, we would appreciate it. It would be
13 better for the stenographer. Thank you, Gloria.

14 MS. KNORR: I will. I don't have a computer, so I
15 don't know what we are going to get tonight. I just
16 wanted to thank you for your time that we can give our
17 input and thank you very much. I am relieved. I'm
18 really happy about what's happening.

19 SUPERVISOR MAHAN: You can get a copy from Holly,
20 if you would like one.

21 MS. KNORR: Thank you so much, yes.

22 SUPERVISOR MAHAN: Does anyone else have any
23 comments or questions? We have the representative from
24 Barton and Loguidice here tonight. If anyone have any
25 questions or comments, please feel free to come up.

1 MS. WEBER: Hello. My name is Susan Weber. I am a
2 member of Save Colonie. I reside in Colonie and have
3 most of my life. I am a former legislative counsel for
4 the New York State Department of Environmental
5 Conservation and a Hearing Officer for that agency. I
6 currently work as an Administrative Law Judge and a
7 Hearing Officer for the state on a per diem basis. In
8 that capacity, I have presided over numerous public
9 hearings.

10 Before I give my prepared testimony, I have a very
11 brief announcement for candidates for Colonie Town
12 positions.

13 MR. MAGGUILLI: Ma'am, please address your
14 comments to the Comprehensive Plan. If you have public
15 announcements to make, wait until - - as I did with
16 Gloria - - public comment, please.

17 MS. WEBER: Can I have as much time as you let
18 Gloria have before you cut her off? This will be very
19 short.

20 MR. MAGGUILLI: Ma'am, again, if we could, please
21 address your comments to the public Comprehensive Plan
22 that we are dealing with, please?

23 MS. WEBER: That's very nice of you. Thank you,
24 Mike.

25 A Comprehensive Plan is a blueprint for a future

1 development goals objectives and should be a plan to get
2 to those goals and objectives. It is the community's
3 vision for its own future. Once a Comprehensive Plan is
4 adopted by a Town, it is supposed to guide development
5 decisions and Code changes. Consequently, we must get it
6 right.

7 Save members and many other residents have
8 expressed concerns about the loss of open space, natural
9 wooded areas and community character, increased and
10 sometimes unsustainable traffic congestion, allowing
11 single-family parcels to be densely developed as PDD's
12 without the required public benefits and rising taxes,
13 despite the development always touted as keeping taxes
14 low. Save has followed the renditions of this plan and
15 provided thoughtful and detailed input throughout the
16 process. Sadly, most of our recommendations have been
17 ignored. The resulting document resembles campaign
18 propaganda and congratulatory rhetoric rather than
19 reasoned analysis and a coherent plan for getting from
20 where we are now to where we need to go. Here are some
21 details: there are procedural flaws. Public comments
22 from the public hearings are not addressed nor reflected
23 in the final draft or appendices. Business and
24 government agencies input is not reflected in the Comp
25 Plan. There is no input from the Planning or Zoning

1 Boards which are vital to implementation of the plan.

2 That's where the rubber meets the road. Neither SEQRA
3 findings nor full environmental assessment form for this
4 document are included, referenced or posted online.

5 Posting of testimony from these hearings, hearing
6 transcripts, public comments and other documents have
7 been spotty throughout the process. The public hearing
8 facilitator has repeatedly and at length interrupted in
9 talks back to residents during their testimony.

10 Substitute flaws - although Save and others have on
11 several occasions pointed out these issues, they have
12 not been addressed in the Comp Plan.

13 Number one - the Comp Plan fails to provide a
14 baseline of where the Town was in 2005 from which this
15 update is to be derived. For example, there is no data
16 on open lands developed since 2005 or remaining vacant,
17 no data on categories of residential units built since
18 2005, no estimate of types of residential units to be
19 needed going forward, no data concerning parks, usage or
20 recreational needs going forward, no information on
21 remaining agricultural resources. Sadly, there is not
22 even a map delineating the open space available for
23 preservation or for development.

24 Second, as we have pointed out over and over again,
25 2005's Section 7 is what is needed in this Comp Plan.

1 That Section 7 provides detailed action items and a
2 timeline for actions to be taken towards achieving the
3 plan's goals. The Town's reluctance to include this
4 common sense task list can only be explained by the
5 Planning Director's attitude.

6 Excuse me, Joe.

7 Expressed at the first meeting of the committee
8 that the Comp Plan would change nothing and was
9 basically a waste of time and it appears that he has
10 made it so.

11 Three: again, the June 2019 draft makes reference
12 to missing planning documents such as a draft open space
13 plan. It is not there. A Townwide pedestrian plan; it's
14 not there. Town parks and rec master plan; it's nowhere.

15 Despite public requests for audio/visual and tech
16 tools to make Planning Board, Town Board and Zoning
17 Board of Appeals meetings accessible to the public, the
18 plan fails to call for these basic modern advances and
19 why?

20 I noticed on our agenda we have a proposal - a
21 Resolution to buy lands from Ayco for \$1.2 but we don't
22 have money to put decent audio/visual for community.

23 Finally, there are no goals section recommending
24 specific Code changes to effectuate the plan's goals.

25 Sadly, this document reads more like campaign propaganda

1 than a plan to guide growth and preservation in Colonie.
2 After all this time in all this effort in the
3 expenditure of significant public monies, it is most
4 disappointing that a document so unprofessional and come
5 incompletes and as was predicted on the outset of this
6 effort, so useless, is the result. I am sorry to take
7 that position.

8 SUPERVISOR MAHAN: For those of you in the
9 audience, this is the actual Comp Plan. It is modeled
10 after the 2005. This is an update of that plan.

11 Also, where we left off from 2005 and progressed to
12 this point - all of the areas that have been achieved
13 are in there to show the progression from where we were
14 in 2005 and how far we have progressed. So, you will see
15 that in there. That was actually something that the
16 members of the Save group had requested. It was a
17 meeting that we had and it is in there.

18 Also the notes on the website, and the appendix -
19 there are four sections A, B, C and D. There is a lot of
20 information in there, as well pertaining to the
21 statistics regarding the latest statistics that were
22 given in the profile and also there are maps in there
23 and a lot of the things - - I don't want to debate it,
24 but a lot of the things that are in there are internal
25 operations and we have all of that information. *After

1 reviewing it, if you have further questions, please feel
2 free to ask and we can point you in the right direction.
3 Keep in mind, this is an update of the plan. It is
4 modeled after the 2005 plan. There is a wealth of
5 information in the four appendices; A, B, C, and D. I
6 think it would be good, if you're interested, to review
7 it. If you have any questions, feel free.

8 I will respectfully disagree with Ms. Weber. This
9 is certainly not campaign material. This is a
10 Comprehensive Plan for the Town which looks at the
11 entire Town globally and takes into account all of the
12 residents in Colonie who all have different wants and
13 needs and opinions and we take that onto consideration.
14 Thank you for your comments. There is a lot of the stuff
15 that was mentioned that is documented. Thank you.

16 MS. WHALEN: Can I ask a question, since Joe
17 LaCivita is here? As everyone knows, I really fought
18 hard to get this camera here in this board room video -
19 live taping our Planning Board meetings and also I
20 noticed that we do have a little bit more specificity
21 in this update as to what the communications
22 improvements would be between the Planning Board and
23 the residents. There were some additional more specific
24 bullet points, but there was nothing the talked about
25 improving the set up so that the residents can actually

1 see what the developers are presenting. I attended a
2 lot of them and sit in the back and I can't see either.
3 I don't think we really need a plan to tell us that we
4 should be fixing this like soon - yesterday. It's
5 common sense. People shouldn't have to go and waste - -
6 not waste, but it's a waste of time for people if they
7 go for four hours and sit in an audience and they can't
8 really see what's being presented. I know that there
9 has been some discussion on fixing that. We tried to
10 even configure the chairs, but the Planning Board
11 didn't like that idea, so we didn't drive on that.
12 Where are we on that?

13 MR. LACIVITA: We've been working with Lisa
14 Travis, the Director of our MIS Department.

15 I am Joe LaCivita, by the way, standing up in front
16 of the microphone.

17 We've got several proposals over time. One was for
18 a complete overhaul of that department, pulling up the
19 wiring that the Town didn't own the way that was built
20 back in the day because it was supposed to be this hub
21 for police, background and state police and everything
22 at the airport. That was about \$60,000.

23 We are now down to about \$16,000 where there's
24 going to be some screens and everything put in. It is in
25 my 2020 budget because every time this comes up, we are

1 past that budget. We never put it into capital
2 improvements. It would have to come directly out of my
3 budget, based on the way it is. I am at a bare-bones
4 budget, as it is now. So, we are proposing in 2020 to
5 put that \$16,000 into it.

6 For the short term, on our July 9 meeting that we
7 are doing - we are actually going to be getting
8 presentations from all the developers that we're going
9 to put up on the screen to actually show in a video
10 capacity and start to test it that way. Each one of our
11 applicants that will be at our July 9 meeting is going
12 to supply me some PDFs on a USB. We then put them onto
13 our laptop and then project them through video camera.
14 It's not the greatest way to do it. It's probably a way
15 to do it, but were trying to at least be cognizant of
16 getting that to show projections.

17 We've also made some huge enhancements with our
18 sound systems.

19 MS. WHALEN: I know, I know, you can hear the
20 Board Members a little bit better but you still can't
21 see anything.

22 MR. LACIVITA: Unfortunately it's the design of
23 that building. The design of the building is not like
24 this. You have a dais that's presented to the entire
25 body. The way that was designed - you really have to go

1 in and overhaul that if you look at it from a real
2 useful projection.

3 MS. WHALEN: So, now you're going to try to - -
4 the presenter will still be at the easel facing the.
5 Planning Board.

6 MR. LACIVITA: Correct.

7 MS. WHALEN: But you will have those pictures on
8 the easel, on the drop down screen for people to see.

9 MR. LACIVITA: Yes, correct.

10 MS. WHALEN: So, no one will actually be there
11 with a pointer pointing at the pictures but at least
12 the residents -

13 MR. LACIVITA: They will be able to see them, but
14 we will have a little red button that people can use
15 while they are speaking.

16 MS. WHALEN: And it will be something that the
17 residents can look at head-on.

18 MR. LACIVITA: Sure absolutely.

19 MS. WHALEN: When will this be in effect?

20 MR. LACIVITA: The July 9 meeting, we're going to
21 be looking to do that.

22 MS. WHALEN: What about live - you know how we
23 live stream video and tape these meetings here now?
24 What about that? Where are we with respect to that?

25 MR. LACIVITA: That's the capital component that

1 you really have to talk to our Town Comptroller about.

2 I don't know where they are as far as - - you would
3 need the wireless infrastructure, which we don't have
4 into that building. We can't Skype with other companies
5 that Skype to us, so I know that we are a little bit
6 behind the times. That's a huge capital improvement.
7 That's outside of my budgetary document.

8 MS. WHALEN: Okay, thank you.

9 SUPERVISOR MAHAN: Just one more thing. If anybody
10 is wondering about the funds for project is going on,
11 those are not Town funds. That's GEIS funds. We have
12 three GEIS areas in the Town; Boght, airport and
13 Lishakill. Anyone that is developing in those GEIS
14 areas has to contribute to that for infrastructure
15 improvements. You will see that on Resolution 305. This
16 is not coming from - - where Ms. Weber just stated. You
17 can see that in 305. Thank you.

18 MS. ALLY: Hello, I'm Sharon Ally. I greatly
19 appreciate that you had public hearings about the Town
20 Comprehensive Plan. I have attended and followed it. I
21 hope that the character of the Town is preserved
22 because I've been here most of my life.

23 I have a particular concern about protected
24 watercourses. For most of my life I am the owner of a
25 section of the cemetery brook which runs along Spring

1 Street Road and down to the Hudson. When my family was
2 appraising the land, one of the considerations was that
3 in preparation to sell it as part of my mother's estate,
4 the cemetery brook land is protected. You cannot disturb
5 vegetation or do any grading next to the stream for a
6 100 foot corridor on either side.

7 Now, the lands that belong to Marjorie Rockwell are
8 being denuded of vegetation and fill is being brought in
9 by the truckload.

10 When my neighbors report to me that they are
11 calling Joe LaCivita, he says that Tom DesPart, the
12 owner of that property has plausible reasons to do this.

13 So, my question is: You have on page 33 that
14 approximately 91 miles of watercourses are protected in
15 the Town of Colonie. These are protected watercourses.
16 What is our recourse to make sure that this watercourse
17 is respected? It is a tributary of the Hudson. We are
18 getting no response from the Town or the state that a
19 pond that was part of the Whitney estate has been
20 drained and has been empty for several years. The
21 wetlands are not being protected and I'm concerned that
22 there is a new development planned parallel to Campus
23 View, but also impacts the cemetery brook. Who do we
24 appeal to? Who would we call?

25 SUPERVISOR MAHAN: Joe, can you speak to this?

1 MR. LACIVITA: As soon as she gets at all of her
2 questions.

3 MS. ALLY: Who would we call? How do we protect
4 the protected watercourses in the pond that has been
5 drained illegally? How do we protect this?

6 MS. WHALEN: Is that the pond that is behind that
7 house?

8 MS. ALLY: It was Charlie Wheeler's house, behind
9 the Holub's house. One of those two ponds has been
10 drained. It's been reported to the Department of
11 Environmental Conservation and nothing has been done.

12 MR. MAGGUILLI: Could you please address all the
13 comments to the Board please?

14 MS. ALLY: So, that's my question. Who do we call?
15 Who protects the protected watercourses? If we are
16 talking about protecting our environment and with
17 climate change, it is important.

18 MR. LACIVITA: I have a little difference of an
19 opinion as to the conversation you just heard. We did
20 get several phone calls regarding the DesParte
21 property.

22 I have been out to the houses - two of the homes
23 off of Turner Lane. They actually have a shared
24 driveway. I have forgotten their names, offhand.

25 I have walked that property and with me I have also

1 taken John Dzialo and Adam Wans out to that site. They
2 are the ones that once I get a phone call in my
3 department that there is an issue with a watercourse, I
4 bring them with me or I give them the conversation and
5 the contact information and they go out and look at that
6 to see if in fact there are any intrusions into the
7 watercourse area.

8 Mr. DesParte was clearing less than one acre at a
9 time. He was actually grubbing the first time I was out
10 there this past spring. He was taking up some old area
11 of what we call the dump area where people were dumping
12 over time or have been dumping over time. He was
13 cleaning that up and he was reseeding the area. This is
14 everything that was found by our Stormwater Department
15 and it was noted.

16 I have a little difference of opinion about that.
17 As far as a water pond being drained, I have never even
18 heard of this until this evening. That will be something
19 that we will look into.

20 MS. WHALEN: So, the activity that the Town was
21 engaging and was what? What was your conclusion?

22 MR. LACIVITA: I did see when we were out there
23 that day that there was a person running around in a
24 Bobcat moving some dirt in leveling some soils. That
25 was going to be reseeded. I spoke directly to Mister

1 DesParte and his son and probably an hour before that
2 John Dzialo was out there talking to the same people.
3 We then collaborated when we got back to the office. We
4 found that there were no violations and they were
5 outside the boundary of the watercourse.

6 MS. ALLY: This is Sharon Ally, again. I would
7 like to just state that the trees that were growing
8 along the watercourse were cut down. There was never a
9 dump. I was born in 1957 and was at that property from
10 1957 through my adult life and there never was a dump.
11 This was not a clearing of some trash heap. There were
12 live trees, willow trees there that were cut down and
13 there has been a systematic clearing of trees and in
14 Marjorie Rockwell's will it is supposed to be a nature
15 preserve.

16 The Autobahn International, a rogue version of the
17 Autobahn Society which does greenwashing of golf courses
18 bought this property and sold it to Tom DesParte and it
19 has the look that he is trying to create an area to
20 develop and not an area to preserve. Thank you.

21 SUPERVISOR MAHAN: Jack, if you could, which is
22 make a note to contact John Dzialo and what I would
23 like to see is if you and John and Joe if you could
24 make an appointment with Ms. Ally and review this.

25 Also, if there are papers or some type of documents

1 that indicate that it is supposed to be preserved, we
2 need to know that as well so we can follow the
3 background of it and see where we are at.

4 If that's okay with you, Ms. Ally, will have Jack
5 set that appointment up and everybody can go through it
6 at the same time. If you could just give your contact
7 information to Jack Cunningham. He is our Commissioner
8 of Public Works. Then, I think we can get a better
9 understanding of what you are referring to. Thank you.

10 MS. ALLEN: I just have two points of
11 clarification.

12 First of all, Joe, I was here for the budget
13 discussion and asked specifically about the technical
14 upgrades for the Planning Board meetings and was told
15 they were not a priority. It has been brought up during
16 the budget process.

17 The second clarification is about Section 7 of the
18 2005 Comprehensive Plan. Susan Weber was saying that all
19 of the goals and actions are not tracked in this update
20 which is what this plan is supposed to be. The
21 Supervisor says that they are. I think that some are and
22 some aren't. I think the ones that have been achieved or
23 worked on are tracked. I think the ones that have fallen
24 by the wayside are just left out. Can anybody answer
25 whether that is true?

1 SUPERVISOR MAHAN: There are a lot of ongoing
2 goals in the Plan and the ones that have been achieved
3 - that was a question that was posed to me at our
4 meeting that it would be valuable to see what progress
5 has been made. So, we tried to show that in the plan. I
6 think it's really user-friendly and easy to follow. The
7 goals that have not been completed due to - - if you go
8 back to the 2005 Plan you will see that in their goals
9 there is a statement referring to - and I don't know
10 word for word, but the statement refers to if funding
11 allows. It is something to that degree. So, if the
12 funding wasn't there, obviously they probably couldn't
13 tackle it at that time.

14 As far as from 2008 when we were here, we tackled
15 as many as we could. There are other goals in the Plan
16 that we felt were valuable to continue and those ongoing
17 goals are identified in the goals section. There are
18 things that we looked at.

19 We looked at following the 2005 Plan; what's
20 working and what needs to be approved. There are parts
21 of that in there. I think maybe it's not laid out the
22 way you anticipated, but we try to lay it out very
23 user-friendly to continue from where the 2005 left off
24 and also to have a format similar to the 2005, being
25 that it is an update to the Plan.

1 MS. ALLEN: I understand that. I think though that
2 because this is an update of the 2005 Plan, I think for
3 full transparency I would recommend that all of the
4 goals and actions are mentioned in those that are not
5 followed for whatever reason is indicated. I think that
6 people would be able to do a side-by-side and
7 understand the bigger picture.

8 SUPERVISOR MAHAN: Maybe we just have different
9 learning styles. I think if you look, you will find
10 most of what you're talking about - I believe it's in
11 there. Most people have commented that it is very easy
12 to read and easy to follow and has a tremendous amount
13 of information for an update.

14 MS. ALLEN: That's because you don't know what
15 you're not seeing. That's my point.

16 SUPERVISOR MAHAN: You can always go back to the
17 2005. It's still there and you can see it. Thank you,
18 Wendy.

19 Anyone else?

20 MS. SACCO: Elaine Sacco. I like to thank
21 everybody for the work they've done on this. It is a
22 tedious process and I realize that the meetings
23 themselves are a tedious process.

24 I noticed on page 20 about continuing to preserve
25 and enhance open space - I'm basically up here because

1 of the climate crisis that we're going to be facing. Not
2 just us, but the future generations - make sure that we
3 really follow that goal of continuing open space. I
4 appreciate that it's in there to reevaluate recreational
5 space so that the green space isn't just near the Mohawk
6 River or the Crossings, but it's throughout the whole
7 Town - the people have access to that and that it will
8 help with the future heavy rains. The more green that we
9 have, the less impacted we are by the heavy rains that
10 will be coming. I appreciate that. *The second thing is
11 about the goal on page 33 about providing a business
12 friendly atmosphere for small business. We have been
13 seeing lots of big businesses come into Colonie and they
14 affect our traffic a lot. I feel that we really need to
15 support the small business. It keeps the vitality of a
16 small community and to feel an identity of the community
17 when we encourage small business. As much as possible.

18 SUPERVISOR MAHAN: We do work side-by-side with
19 both chambers throughout the year. The Town is so
20 large. There are places all over the place.

21 We have had a very significant number of's ribbon
22 cuttings for small businesses along with the chamber. We
23 do support them and work with them and it is pretty
24 strong throughout the Town. It's cumulative because they
25 are all sections of the Town.

1 The idea of big-box stores is kind of out the door.
2 We don't need those. That's the opinion of most people.
3 That's what they say. So, there are a lot of little
4 smaller stores when something is being developed.

5 You're exactly right. The small businesses are the
6 backbone of our Town and we appreciate them.

7 MS. SACCO: And they keep all the tax dollars rate
8 here instead of outside.

9 SUPERVISOR MAHAN: We get the tax dollars here. We
10 get 40% of that. 60% of that goes to the county but 40%
11 - we are not complaining. It is something that is very
12 important to us, as well. For the open space and
13 recreation, we do have a goal in updating the Master
14 Plan - the Town in the past really had more of a
15 listing than a Master Plan. So, that is something that
16 is one of the goals to create a real master plan of
17 parks and recreation which is quite extensive
18 throughout the Town. We do try to capture any
19 opportunity for open space.

20 We have increased the open space and we have set up
21 a fee so that it is a level playing field when anyone is
22 developing, everyone has to contribute and not just
23 those in the GEIS areas. So, trying to do that - - it's
24 very important. Part of those fees cumulatively as time
25 goes on, it gets used for - as you mentioned - not just

1 the Riverfront, but it could be used for farmland. It
2 could be used for trails and things like that throughout
3 the whole Town. I hope that you can see that.

4 MS. SACCO: It looks like it's pursuing that.

5 SUPERVISOR MAHAN: Just for the sake of
6 understanding how much is in the appendices; A, B, C
7 and D - it is quite large. That's why the one that is
8 most valuable to most people is A. There is a lot of
9 other background information. There is actually this
10 additional information, if anyone's interested. They
11 are all different categories and stuff, but it's pretty
12 extensive. Again, if you have any other questions, feel
13 free to ask.

14 MS. SACCO: As you mentioned, the open space and
15 using farmland - - it kind of goes along with our
16 historical history of being a farming area and it would
17 be good to keep building on that. I noticed it was on
18 some of the future goals.

19 SUPERVISOR MAHAN: It's finding the farmers that
20 are willing to do that, as someone mentioned. Gloria,
21 you mentioned it. It is a retirement for many, but
22 there are some different options that we are exploring
23 so we are hoping that in that regard whether it's
24 farmland or near water or environmentally sensitive
25 land, anything that we can capture in any of those

1 areas is important.

2 MS. SACO: Thank you for your time.

3 SUPERVISOR MAHAN: Thank you.

4 Anyone else?

5 MS. BARON: Lisa Barron, Loudonville.

6 I want to thank the Town for starting this
7 reevaluation of the Comp Plan.

8 I have to admit that I'm very disappointed that
9 nothing has really been addressed towards the climate
10 change actions that the Town would take as other
11 communities are planting trees and preventing trees from
12 being cut down. We are not doing that. Even on the sites
13 that should be considered natural resources, steep areas
14 - they are just being cleared instead of protecting the
15 mature trees and planting new trees. It's not going to
16 do it because the new trees take a long time to grow and
17 they don't provide the erosion that the old trees are
18 doing. So, this is really a very essential thing if
19 we're going to face the climate crisis that is already
20 upon us. We really have to be doing more. Other
21 communities are doing it. Scarsdale I know has done it
22 for many many years and we can do it too if we have the
23 will.

24 I ask that we protect the trees that we have and
25 plant more. That's not in the Plan anywhere.

1 SUPERVISOR MAHAN: Lisa, I know that trees are
2 very important to you and we all know the benefits of
3 them. Our Conservation Advisory Council does work on
4 this. There are times when we can keep more or - -
5 people are planting them. It is throughout the entire
6 Town. Again, it's very big and there are lots and lots
7 of trees. No one wants to cut them down if they don't
8 have to.

9 There are times that in order to get the
10 infrastructure in, they do with the need to do. We're
11 trying to keep a close eye on that and we do have the
12 Conservation Council at Planning meetings and they have
13 their own meetings and they are very active in that
14 area. I agree with you on climate change. We have taken
15 steps in other areas as well. You will see it in some of
16 the Resolutions and you'll see it in the Plan. We are
17 working on converting all of our streetlights to LED
18 lights which is going to -

19 MS. BARON: I just wanted to say -

20 SUPERVISOR MAHAN: I just want to point these out
21 to you so that you are aware of the hydroelectric
22 plants and those types of things that were working
23 with. If you have any questions on that further, let us
24 know and we will try to provide you -

25 MS. BARON: There is another thing. I think it

1 should be forbidden for people who want to sell their
2 property to clear the property of any trees to make it
3 more desirable to developers. I think that should be
4 forbidden. That is unconscionable and against the
5 interest of the Town as a whole to have that done.

6 MS. WHALEN: We could use some work on bringing
7 our regulations into the 21st century because they are
8 pretty loose. Like, it almost goes to what Ms. Ally was
9 talking about. I think under our law currently if you
10 don't - if you haven't filed a plan to develop, then
11 under the land development activity regulation, you can
12 go in almost clear land. It only requires - - Joe - a
13 permit if after there has been land development
14 activity.

15 MR. LACIVITA: I'm saying yes, but I'm not sure
16 what you're speaking to.

17 MS. WHALEN: Well, I did a lot of research earlier
18 on in my term and I remember reading that there are a
19 lot of regulations in other Towns where people are
20 required to get a permit whether they're going to be
21 developing or not, if they are removing trees on
22 certain amounts of acreage. We don't have such a
23 regulation here.

24 MR. LACIVITA: There does need to be filing in the
25 submission of a grading plan -

1 MS. WHALEN: But with one acre or over, you have
2 to get a permit to take down a tree?

3 MS. BARON: We have had a lot of violations of
4 this, you know. A lot of people - like on Maxwell Road,
5 they just cleared everything without any permit. What's
6 done? Nothing is done when that happens. There is no
7 significant penalties for doing that.

8 MS. WHALEN: In some Towns it's more like caliper
9 and age of the tree. Acreage limitations are even less.

10 SUPERVISOR MAHAN: It's something that we can look
11 at in the Land Use Law, Jennifer. That is the next step
12 after the Comp Plan - which would be any amendments to
13 the Land Use Law. So, there are some things that we
14 could do. We all agree with you 100%.

15 Mr. Finning just went in and topped the trees and
16 it wasn't right.

17 MS. BARON: This stream protection was thrown out
18 the window. There is nothing that's done afterwards.

19 SUPERVISOR MAHAN: I think Joe said that they had
20 been out to the site, but were going to send a group
21 out again to see where it is at this point and see if
22 there's any interventions that we need to make.

23 MS. BARON: But that stream is destroyed. It needs
24 the protections on the short to prevent it from being a
25 mudslide.

1 MS. WHALEN: I think our Land Use laws can do a
2 better job of requiring permits to take down trees. If
3 you have to have a permit to put up a shed that's 10 by
4 10, then maybe you should have to get a permit to take
5 down a 200-year-old Silver Maple even if you're not
6 developing the land. Like, I totally get where you're
7 coming from.

8 MS. BARON: On the corner of Everett and Shaker
9 there are some beautiful flowering trees that are going
10 to be removed for fence for no reason. They could very
11 easily leave those three beautiful - four beautiful
12 trees. It's going to be a desecration of the corner -
13 and make it much less desirable to go there. Something
14 like that ought to be instigated.

15 MS. WHALEN: I did notice when I went through this
16 that they have left the door open to amend our land-use
17 laws so that -

18 MS. BARON: I hope that is done.

19 SUPERVISOR MAHAN: That's the process. It follows
20 the Comprehensive Plan. That process been laid out.

21 MS. BARON: The trouble is we have had promises
22 and unhappily they have not been fulfilled.

23 SUPERVISOR MAHAN: I don't know what you're
24 referring to, but certainly you're welcome to - we've
25 tried to answer any time they've had emails or anything

1 like that and answer your questions. If we can do more,
2 we will.

3 Anybody else?

4 MR. MAGGUILLI: We can vote on the Comprehensive
5 Plan tonight because were waiting for Albany County.
6 You can close the public hearing and then just hold the
7 vote.

8 MS. WHALEN: I would like to see to keep it open
9 because we just handed out the final product today.
10 Even those on the website, we just handed it out to the
11 residents, why not just keep it open.

12 MR. MAGGUILLI: It was available before tonight,
13 Jennifer.

14 SUPERVISOR MAHAN: How does the rest of the Board
15 feel?

16 MR. CAREY: I'd like to keep it open.

17 MS. WHALEN: The comments are definitely
18 dwindling. We might as well just leave it open.

19 SUPERVISOR MAHAN: This is what we'll do. For
20 anyone who didn't see it on the website and you only
21 saw it a little bit of it tonight, we actually don't
22 know when we will be voting because we have to wait for
23 the county, but we will keep the public hearing open
24 for two more weeks or until the next meeting and that
25 will be sufficient time for everyone to review it.

1 After that, depending on when it is appropriate to
2 vote, the Town Board would just keep it open for the
3 vote. At this point, we will keep it open for two more
4 weeks for review and comment, and how's that?

5 Does everybody agree?

6 MS. WHALEN: Yeah, that sounds good.

7 MR. ROSANO: I'll make that motion that we keep
8 the public hearing open for two more weeks.

9 MS. WHALEN: I will second that motion.

10 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
11 call the roll.

12 (The roll was called.)

13 MS. GANSLE: The ayes have it, Madam Supervisor.

14 SUPERVISOR MAHAN: The Resolution is adopted.

15 Thank you.

16 (Whereas the above entitled proceeding was
17 concluded at 8:50 p.m.)

18
19
20
21
22
23
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 _____