

**Town of Guilderland Planning Board
Public Hearing
May 13, 2020**

Steve Feeney

Okay, I would like to welcome everybody to the May 13th, 2020 meeting of the Town of Guilderland Planning Board this evening. We are going to hold a public hearing on the Draft Environmental Impact Statement for Rapp Road residential Western Avenue mixed-use Redevelopment Project Draft Environmental Impact Statement. All right, so we'll be taking phone calls on that. Ken if you want to give us a brief rundown on how we are going proceed here.

Ken Kovalchik

Sure, so we are in this process. We are in the public comment period for the Draft Environmental Impact Statement. The public comment period commenced on February 10, 2020. It will end on May 26, 2020 at end of business for a total of 96 days of a public comment period. From the public hearing date of the lead agency has 45 days to prepare the final environmental impact statement. To date as of 4:30 this afternoon. The town has received 360 written comments on the draft environmental impact statement.

Steve Feeney

Okay, anything else you want to say on the process as far as taking calls.

Ken Kovalchik

The guidelines set for the public hearing this evening are the members of the public were encouraged to submit written comments and they are encouraged to summarize their written comments in 3 to 4 minutes per comment. I will give a warning at three minutes and 30 seconds. At four minutes I will ask the speaker to end their call and then we will go to the next call. Given the number of public comments we are expecting this evening we want to give everybody a fair chance to provide their comments. The public hearing will end at 11:00 this evening if we have callers still on the line.

Steve Feeney

All right, I guess with that Terry you want to read the public notice?

Terry Coburn

The Town of Guilderland Planning Board Notice of Public Hearing. Please take notice that the Planning Board of Town of Guilderland as SEQRA agency has determined that the draft environmental impact statement. DEIS for the type one action and entitled Rapp Road Residential/Western Avenue mixed-use Redevelopment projects is complete and adequate with respect to its scope and content for the purpose of commencing public review and comment and will conduct a public hearing on May 13th 2020 at 6 p.m. at the Town of Guilderland Town Hall, 5209 Western Turnpike Route 20 Guilderland New York pursuant to 6 NYCRR 617.9 to obtain public comment regarding the DEIS. The proposed action generally consists of the following site: Site 1) development of 222 one- and two-bedroom apartments and 3,900 square feet of commercial space on a plus or minus 19 Acre Site. Site 2 development of a plus minus one 160,000 square feet Costco retail use with Associated fueling facility located on plus or minus 16 acres and Site 3 conceptual development of plus or minus a 1,500 square feet of retail 50,000 square feet of office space and 48 apartments on 11.34 acres. The proposed action is located generally at Rapp Road, Crossgates Mall Road and Western Avenue in the Town of Guilderland. The public comment period will expire at close of business on May 26, 2020. A copy of the draft environmental impact statement has been posted on the Town of Guilderland's website at [HTTPS://www.TownofGuilderland.org/planningboard/Pages/environmental impact statement Rapp Road residential Western Avenue mixed-use](https://www.TownofGuilderland.org/planningboard/Pages/environmental%20impact%20statement%20Rapp%20Road%20residential%20Western%20Avenue%20mixed-use). The planning board will hear all persons desiring to be heard at this public hearing on the DEIS. Pursuant to Governor Cuomo's executive order 202.8 which bans large meetings due to the coronavirus the covid-19 an executive order to 202.1 which suspends the open meeting laws. The meeting will be held electronically by a conference call instead of a public meeting open for the public to attend in person. Members of the public may listen and view the meeting live on Verizon Channel 34 and Spectrum Channel 1303 on the town website and may dial 518-579-3721 to participate in a conference call. Minutes of the meeting will be transcribed and posted on the town's website. For further information,

please contact the Guilderland Town planning board in care of Kenneth Kovalchik, Town Planner Guilderland Town Hall 5209 Western Turnpike Route 20 Guilderland, New York 12084 at 518-356-1980.

Steve Feeney

Thank you, Terry that was a mouth full. We will start with the first phone caller.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then start with your comments, please.

Caller #1

Good evening. I'm **Tom O'Connor**, vice president of government relations for the Capital Region Chamber. The chamber represents over 2,900 businesses and organizations throughout the region and employs more than 160,000 area residents. The members include large corporations and small family-owned businesses. We are the largest and most diverse Chambers in the region. On behalf of the capital region Chamber I fully support the Pyramid Management Group's proposed residential development as well as the construction and location of Costco on land already owned by Pyramid. These projects will provide the housing and retail diversity that our region demand. Pyramid has developed these plans in good faith with input from stakeholders including Pine Bush, neighborhoods and local governments, and adjusted these plans were appropriate. These projects will have a positive impact on the region's economy, including both short-term and long-term jobs. They will also bring much-needed revenue to our local government in the form of new sales and property taxes. The chamber places a high value on companies that are responsible and engaged members of our community. As an example, just this past weekend Crossgates hosted a veteran's food drive working with local veteran's organizations, military units and local businesses and first responders. Enough supplies were collected for our veterans to fill a 520 truck. This is exactly the type of corporate citizenship our region needs. As vice-president of the capital region chamber and long-time resident from the Town of Guilderland, I support Pyramid's

development plans and I respectfully request that you provide approval without delay. Now more than ever when our region looks to reopen after a devastating crisis we must ensure that these types of projects move forward. Thank you in advance for your consideration from the chamber's perspective.

Ken Kovalchik

Thank you, sir.

Hello, good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your public comments?

Caller #2

Danielle Walsh. My address is 409 State Street, Schenectady, New York 12305.

My name is Danielle Walsh. I'm the executive director at the Guilderland Chamber of Commerce. I am in support of the Rapp Road Residential Western Avenue mixed-use Redevelopment project from an economic development and local economy standpoint. Crossgates and Pyramid Management have continually thought to diversify their offerings at Crossgates to ensure the mall continues to be a vibrant and successful destination for the region. Over the years they have added more restaurants, entertainment venues and even a hotel. Crossgates is a vital part of our local economy. The redevelopment projects are anticipated to create an influx of jobs providing construction jobs, and once completed new employment opportunities. On top of the benefits to the local economy, the project will also be an economic development driver for the region. The residential project proposed includes 222 new units that will provide an attractive addition to the Guilderland housing market for young professionals and empty-nesters. The residential project will also allow Guilderland to compete with other local destinations to retain residents and attract new residents to live, work and spend money in the local economy. The potential of bringing a Costco to Guilderland will create a draw to our town from around the capital region and beyond. The addition of Costco to the retail Market in Guilderland will potentially attract new visitors and customers to the town who will in turn patronize other businesses along Western Avenue. Now more than ever we need to support economic

development projects that will provide an influx of jobs and tax revenue to the town. That is why I wanted to voice my support for the Rapp Road residential and Western Avenue Redevelopment project being proposed by Pyramid Management. These projects are anticipated to provide jobs to the community throughout the process and provide an important tax revenue to the town all of which the town and business community will greatly need as we emerge from this crisis. Thank you for your time.

Ken Kovalchik

Thank you for your call.

Good evening caller. You're on with the planning board. Could you please state your name and address for the record and then begin your comments.

Caller #3

Jason Derulo, Livingston Energy

I just wanted to mention I put a letter in allowing the development and I like some of the donations of land that they were proposing giving. I like giving the local residents options of where they want to shop and I think Pyramid has done a good job of pin-pointing what the local needs are as far as shopping options. Otherwise, they wouldn't be as successful as they are today. I think I'm having a Costco, a lot of people would probably benefit from lower prices and buying in bulk and at least having the option to shop there.

Ken Kovalchik

Okay. Thank you, sir. Is that it for your comments?

Caller #3 continued

Yeah, okay. I appreciate it. Thank you.

Ken Kovalchik

Thank you.

Good evening caller you're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #4

Hi. **Joey Slawinski**. My address is 1404 Applebriar Lane in Marlborough, Massachusetts. I'm calling on behalf of Apex Entertainment in the Crossgates Mall. I'm very much looking forward to this project taking place. Mike Gately and everybody has an awesome crew over there and we've had nothing but good things to say about Crossgates, the staff and kind of the project that we've developed with them going into that mall. And I know we've worked on a couple of other projects, you know, what the couple of sister companies that we have. We are full supporters of hoping to bring whatever support we can to the Crossgates Community, the Albany area and obviously Guilderland as well. Hopefully you are in good hands with the staff that you have, and I think that you'll make a wise decision of being able to support them moving forward. Okay.

Ken Kovalchik

Thank you for your call, sir.

Caller #4 continued

I appreciate it. Thank you guys. Have a good night.

Ken Kovalchik

Good evening caller. You're on the line with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #5

Hi, my name is **Jonathan Dal Pos**. My address I'll give you our physical address is 1 Crossgates Mall Road N207 Albany, New York

Yeah, so I'm speaking on behalf of Spa Mirbeau in Crossgates Mall. We recommend very strongly that the planning board approved this project. We think this would be a substantial benefit to the community which would include adding substantial tax revenue,

which is something that the Pyramid Companies have been successful with Crossgates Mall for a number of years. Secondly, the location, I can think of very few other locations that would be better served to have this type of development both the mixed-use residential as well as this type of commercial development being directly adjacent Route 20, 87 and 90. It is very easy access to and from without disturbing the rest of the community. I think this is a rare opportunity that very few communities get to increase their tax revenue without due to without the negatives that other smaller communities might get. I think the COVID present situation really reveals how important and necessary these brick-and-mortar retailers are to the local communities, especially providing discount bulk retail products like this one does. I really think is showing in probably no greater time than the present. Finally, I believe strongly that it's not what it is but who it is. I think the Pyramid Companies have a reputation of being positive developers in the upstate communities that they are in especially in Guilderland where they have built something, they stayed there and had a long reputable relationship with the government Community for a number of years. So we trust that they'll do the same on this one. As always, it's important to consider all aspects of a development project. We trust that the planning board has done so with traffic studies as well as SEQRA review with no negative findings, which I believe is the case. I strongly advocate for this project moving forward.

Ken Kovalchik

Okay. Thank you for your comment, sir.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #6

My name is **Barbara Peplowski**. My address 2849 Rowland Avenue Macadenia NY. I'm actually a store manager at Justice at Crossgates Mall. My comments are that it would be great to have Costco there. It's really not going to affect the different businesses because in traffic because it's the same traffic no matter what. It will bring more people back to the area because they're travelling to different area to go to Sam's and BJ's. So I

think it would help us out at the mall to drive more traffic to Crossgates and the Guilderland area. People will travel outside the area from Milton, Saratoga, and Clifton Park just to come up to our area and then they'll come to our mall and they'll use all our restaurants also in this area that they haven't gone to in a while since they opened.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments, please?

Caller #7

Hi, my name is **Poornima Potluri**. I live at 1206 Alexander Court and I support Costco coming to the area. It's going to be great financial benefits to us. It's going to give a lot of new jobs for everyone. Also, it's going to increase traffic in your area so all the other businesses in the area will also see a lot of new business. With this coronavirus going on right now we need a lot of jobs. So if Costco is able to come we'll get a lot of new jobs and a lot of people will benefit. Thank you.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments, please?

Caller #8

Hugh Johnson from Albany 12208

I'm a member of Save the Pine Bush. I've been hearing most of the calls so far supporting the Costco and you're going to hear something a little different to me. I'm not opposed to the growth in the business in Guilderland and I definitely understand, you know, but here's my concern. So we're in a COVID-19 crisis. We have an economic meltdown going on. I

understand JCPenney and a couple other stores may be filing for chapter eleven in the mall. My thinking is instead of tearing up the Pine Bush, again I'm part of Save the Pine Bush, instead of messing with the Pine Bush we should be taking what we already have in the mall, the Crossgates Mall looks like there's going to be vacant making buildings when this is all said and done. Costco could move into one of those so it would still bring growth to the area, but you wouldn't be bringing in wrecking more, bringing down more trees in the Pine Bush to do that. So you could actually have your cake and eat it too. So instead of rushing into do this and they already took down bunch of trees illegally but again, that's another story and water under the damn, but you could actually go ahead and have them move into like JCPenney or whatever stores are going to be vacant. I mean, I know its calling so it's a little different but there's already a vacancy at Sears there. No one's moved into that before this all happened. So that's my proposal as far as the gas station part. We've already a vacant gas station on Western Avenue. I don't see why couldn't look into that again. And also there's plenty of other gas stations. But again, maybe they could work something inside the mall. I just hate to see natural land being destroyed when there's going to be vacant buildings available at the mall. So you could still have the growth and things like that, but you wouldn't have to take away part of the Pine Bush. As far as the apartments go, I think 220 is too many. I did a search and I checked about 5 different apartments I know in the area and every one of them has availability. So there's not a hundred percent occupancy right now. So they build all these apartments are they really going to fill them. Even if they would my opinion is I don't think they should be developing in that area. It is a very precious area of the Pine Bush. I think there are other areas. I don't know where they are. But I know there are other areas that we work out they can bring smaller apartment complexes and not a huge one into that area because it is part of the Pine Bush and its very sensitive areas of the Karner Blue and I think it will really mess up traffic really badly. So I guess I am kind of opposed to that but you know again maybe looking to other areas to build smaller spread out apartments. For Costco go and work in the mall with existing structures that we have infrastructure instead of tearing down, you know trees and putting another infrastructure there. So that's my opinion. Again part of the Pine Bush and I'm an active member and

that's how I feel so that my opinion on the situation. Thank you for allowing me my time to time to speak.

Ken Kovalchik

Thank you very much, sir.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #9

Hi, my name is **Bill Paro**, West Winds Contracting.

I'm here to support the Pyramid project. I'm a local company that employs 70 families. I've worked with Pyramid often on a number of projects over the years. I'm proud to say they are pioneers of their companies. The growth factor has been very successful. Even now I'm working on Amazon, which is a couple of counties away. Thank g-d we have these people that are willing to put the effort and time to facilities like Costco and Amazon to help my employees keep working full-time. Now more than ever I support their project to help our families to be successful in the region and keep people working. This is a great project and facility and fully support it. I want to thank you guys for listening today and we appreciate your time.

Ken Kovalchik

Okay. Thank you, sir.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #10

Yes. Hi. Good evening. This is **Rick Vesly**. My wife and own the adjacent property on Western Avenue 1724, 1726 and 1728 and operate a family business on the property in one of the buildings. I'm calling today to express my support of this project not only for

the area but for our school systems, our towns and to provide an opportunity for us to bring better economic resources to the small businesses that operate in this area. A Costco on this site would allow us to have people spend their time and their money within this area before traveling to other parts of the county. With that said, I believe that this plot where the Costco site plan is proposed and already owned by Pyramid offers a perfect opportunity to redevelop a deserted and old development where the land is not in its current natural state. Small business owners in the area are hurting from this Global pandemic and we need to maximize that economic power and the commercial part of town that we have. With that said again, I'd like to restate that I fully support this project being approved and ask that you guys also see the power that it has to support the small businesses and the school system.

Ken Kovalchik

Thank you.

The 6:30. We have 15 callers in the queue just for those holding online. Thank you.

Good evening, you're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller#11

My name is **Adam DiPietro** and I live at 3865 East Old State Road Schenectady. I was just calling to comment on the Costco project over at the Crossgates Mall property. I just wanted to thank the Planning Board obviously for your time and your service during this crazy time we are in but I think more now than ever this proposed Costco will really have a positive effect on Guilderland financially and specially the school district. With two young kids just entering second grade I was already a little concerned about funding with the state cuts and things like that. I saw the proposed development is expected to generate, you know, more than \$400,000 in school taxes alone each year. I've been pretty excited about all the additions on and near the Crossgates property. I think when these businesses decide against coming here is when we should be worried. As a family

paying taxes in this area for over 10 years we welcome and support, especially from vacant land. Thanks for listening, and I hope everybody stays safe.

Ken Kovalchik

Thank you, sir.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #12

Adaha Abbas my address is 774 Walden's Pond Road, Albany, New York 12203.

Hello everyone. My name is Adaha Abbas and this is my letter in support of the Crossgates Rapp road project. Dear Mr. Kovalchik. I have been a Guilderland resident for past ten years and I'm an active member of the Guilderland community. I'm also running successful Salon business in Crossgates Mall since 2011. In my personal opinion the Town of Guilderland would tremendously benefits from this project. We need to evolve our community in order to keep up with the needs of modern day life styles. The Pyramid Group has always tried to remodel and adapt their properties with the changing retail market. The new Hilton Hotel by Pyramid Group is a wonderful example of this. It's been an amazing addition to the town. This new project will provide convenient walkable communities with low maintenance and easily accessible amenities. Its design will add walking, bike trails thus connecting residents to its surroundings. This will attract senior citizens looking to downsize and also encourage our youth to stay in town. It will provide new jobs for unemployed residence and will in return help boost our economy. For the construction purposes, this project will hire local construction companies and workers. Once it's filled it will provide permanent job opportunities for the local residents. The town and school will benefit from higher funding received from the taxes. The development is close to the bus line therefore it will increase business for the CVTA. It will directly and indirectly increase revenue for local businesses inside and around Crossgates Mall. Overall, it's a healthy growth which will significantly benefit for the town and its residents. It will be mutually advantageous for Crossgates mall and the entire

Guilderland Community. I commend the efforts of Pyramid Company for bringing this new project to the area as they continue to invest in the future of Guilderland. I stand in full support of this project, and I'm excited to see it happen. Thank you for your time.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #13

Hi, my name is **Bill Smith**, and I'm the owner and president of Wrap City, Inc. at 128 Petro Lane in Albany. I'm here to voice my support for the project.

Ken Kovalchik

Do you have any additional comments or you just wanted to call in to say you're supportive of the project?

Caller #13 continued

Well, I just think it would be a great thing for the town of Guilderland, you know both for the residents that live here and for the town itself. The increased property tax and sales tax revenue would be fantastic for the town and I'm actually looking forward to possibly moving there when the project is complete. So I definitely think it'd be a great thing all around for the town and I really wanted to voice my approval and my support.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #14

Audra Paro. I own my own union carpenters Construction Company. I've owned it for over twelve years. Like all small businesses, I work very hard to recruit talented employees and spend hours looking for future projects to keep us all busy. I like nearly

all my colleagues in the industry and in our region I am proud to say that I have a woman-owned Union business. Our team is the most dedicated group of professionals. I have had the pleasure of working with and I even more proud of the fact that we consider ourselves one large family. We had been fortunate to have worked with Pyramid Management and several different construction projects over the years. As with nearly all work done with Pyramid, they have high standards and clear budgets and timelines. The organization produces excellent results because they expect excellent results. They are now planning on building a Costco and mixed-use space on their property. I know they will create first class buildings and will not have any problem getting tenants. We should welcome their continued investment into our community and support their efforts to create hundreds of jobs and support countless businesses in the capital region. Tonight I ask you to support these plans and our regional Workforce. Thank you.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #15

My name is **Elizabeth Floyd Mair**. I live on Maywood Avenue in Guilderland.

Hi. I wanted to say that the pandemic has put many things on hold and I believe it should put the consideration of the Pyramid DEIS on hold as well. Nobody knows how long it will take before local businesses and stores can reopen and then equally importantly stay open without resulting in a second wave of illness and the need for another lock down. Likewise nobody knows at this point, what stores and businesses in our area will be able to survive and reemerge from the pandemic. Nobody knows at this point whether Crossgates Mall tenants will be able to continue to pay rent or whether they like national retailer and Crossgate tenant J Crew will declare bankruptcy. As we all know malls across the country were already facing challenges before covid-19 with shoppers increasing preference for shopping from home rather than heading out to a brick-and-mortar stores. In fact according to recent reports from the Rockland County Business Journal, Pyramid Management itself is in danger of declaring bankruptcy. If Crossgates Mall is not able to

survive the lock down but the DEIS goes ahead and is approved, we could see a future in which the apartment complex, the hotel, the Costco and Pyramid's other future buildings have at their Center a shuttered ghost Mall. The lawsuits currently pending are another reason to put off consideration of the DEIS. Supervisor Peter Barber announced in late 2019 that the town would be asking residents to get involved in helping them revise the nearly twenty year old comprehensive plan and to think together about what kind of town they want to shape for the future. I'm surprised to see the DEIS going forward when the other process seems to be on hold. Just to be clear and this is my conclusion here, whether it comes up for consideration now or later I am opposed to both the apartments and the Costco for several reasons. I don't believe Western Avenue can handle the traffic I don't think we need a big box store in town and traffic studies notwithstanding I am afraid for the impact on traffic through the Rapp Road historic district of historic African American settlements between Crossgates Mall and Crossgates Commons. Guilderland should at least require as a condition of approval that Pyramid find a way to make significant traffic concessions to the historic district such as creating a Rapp Road Bypass or dead ending the existing Rapp Road out of respect for this Unique Piece of living history on our borders. Thank you.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #16

My name **Karen O'Shaughnessy** and I live on Old State Road in Guilderland. I just wanted to tell you I'm all for a Costco. My husband and I've lived here long enough that we use to go to the Sam's Club that used to be there at Crossgates Commons and we're pretty sorry that it moved out. We like to support local businesses. And I think this will help bring a lot more people into the area and jobs for people and I'm in favor of it.

Ken Kovalchik

Okay. Thank you for your call and your comments.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #17

Hi. My name is **Brendan Brown**. I live over of 405 Steeple Way in Rotterdam. I'm in support of the Costco project in Guilderland. My company does a lot of work for Pyramid Companies and we're looking forward to another opportunity. I know that my wife and I would love to see a chain store like this in this area. She's in support of it also.

Ken Kovalchik

Great. Thank you for your comment.

Hi, you are on with the planning board, could you please state your name and address for the record and then begin your comments?

Caller #18

Jack Campbell 494 Western Turnpike, Altamont, New York

I'm with the Carver companies which is a local construction company operating in Altamont, New York. We employ over 300 in the greater Capital District area with numerous residents in Guilderland. We strongly support the proposed development of land off of Western Avenue near Crossgates for Costco store. It is an important well-thought-out project that will benefit the entire community. This project will generate jobs for our local trades and construction companies and will inevitably generate new taxes for the town of Guilderland and the county of Albany. The immediate and long-term benefits are tremendous and will prove to be an asset for the local Guilderland community. We applaud the efforts of Pyramid Companies to bring the Rapp Road residential Western Avenue mixed-use Redevelopment project to our area. They continue to invest in the future of Guilderland and upstate New York. If approved, we would be able to get local employees back to work on this project as soon as possible. This project could have

an extremely positive impact on our local Workforce and our regional economy. Thank you.

Ken Kovalchik

It is 6:45 when we have 12 callers in the queue just for those watching.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #19

My name is **James Valentino**. I'm the owner of Capital Photo. We are a seasonal photo booth operator. I've been in business for 32 years over at Crossgates. I'm just calling to voice my support for this project. I think that the addition of Costco project would be a great advantage to the Town of Guilderland as well as all the businesses in and frankly around the mall. I employ over 20 people each year annually and I know that the more economic strength that Pyramid Company can bring to the area will only benefit everyone. So I just wanted to put a minute and voice my support for this project and thank you very much. Hope you have a great evening.

Thank you.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #20

My name is **Edward Pennie**. My address is 1823 Fox Run Terrace Warrington, Pennsylvania.

I would like to read a letter of support for the project, please. As a valued business partner of Pyramid Management Group in the custodial service provided at Crossgates Mall, we write to support the Rapp Road development projects. This project will generate a number of benefits for the community including additional housing, the creation of construction

jobs and permanent jobs after the project is completed as well as increased tax revenues for the town and the school district. The addition of a Costco store with a strong National brand will be well received by area resident. This project represents a significant positive investment in the community. Thank you for your consideration Louis Jalen Zillow, CEO
UG2

Ken Kovalchik

Good evening you are with the planning board. Could you please state your name and address for the record and then again your comments.

Caller #21

This is **Neil Gifford** from Albany Pine Bush Preserve Commission. So I'm calling on behalf of the commission and the commission offices are located on New Karner Road at the Discovery Center 19195. I will be brief for the sake of time. I would like to start with the commission's conclusion then try for the sake of time give a little bit of context and if it's the planning board has any questions. In a nutshell you've seen the three letters regarding this project that the commission has submitted and in particular our most recent letter dated March 10, 2020 providing our summary of comments on the DEIS. In summary, the Commission does not believe that the current proposal depending upon the alternatives for any realignment of Rapp Road given the scope of the project in the totality and the mitigation proposed that the project is likely to have a significant negative impact on the commission's ability to create and manage viable Preserve. Of course, that's not to say that the sites, all three of them says one, two, and three don't support plants and animals and some kind but given the scope of the project, the location of sites two and three it is unlikely that the project as proposed depending again on the realignment of Rapp Road is likely to have a significant negative impact on the commission's ability to create and manage a viable Preserve. As you know I've been doing this on behalf of the commission now for the better part of the quarter Century 23 plus years and the commission relies heavily upon its committee members and commission members in particular the management the plan that was unanimously adopted by commission members that spells out how we try and create and manage a

viable preserve. It's important to us in support of the commission that would remain consistent in with our word with that management plan as such considering that site one that area recommend the partial protection. It is adjacent to preserve and protected land that's managed by the commission and DEC. The proposed mitigation for impacts to that site in particular adding land in The Preserve and various things that the applicant has outlined that they intend to complete will offset any potentially significant negative impact on the commission's work to create a manage a viable preserve. Again, you've seen the letters that the commission has submitted and are familiar with and our recommendations outlined in the management plan for partial protection and full protection areas that we believe that the applicant's proposal in a nutshell is consistent given mitigation with that management plan. I'll leave it at that for the sake of time, and I don't know if now is an appropriate time for me to try and answer any questions from planning board members, but of course you know how to reach us if there is additional detail that you would like from the commission. I would ask that you not hesitate to contact us, and we will do our best to provide you with whatever additional information you might need. Again. Thank you for holding the meeting tonight and for providing an opportunity to comment.

Ken Kovalchik

Thank you.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #22

My name is **Mary Hillman** and my address is 699 State Route 146 Altamont.

And I'm calling because I'm for the project. I do like Costco. I've been to many Costco's and I believe that it will be a greater good for our area. The apartments also. There's also bus service quite close there at the mall. I think having a bus service in our area also is important that sometimes young people or other people don't want to always take a drive a car to work. So if there's apartments they can take a bus and I think it would just

be really excellent for our community. Thank you very much for having your meeting and any other things I can support for this project. I'll be glad to thank you.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #23

Margaret Stein, Troy NY

First of all, I'm not in support of this project. I feel that it's putting profits above people and places. You are pushing a promised project through in a disgraceful non-public inaccessible way. It's difficult for some people to get online. It's difficult for some people to hear. For the hearing disabled and for other folks that have impairments. Those folks are not being allowed access to provide input. The concerns with the project are the incomplete, inaccurate and review of the cumulative impact to the character of the town. Impact on the ecological effects under SEQRA, the State Environmental Quality Act it appears this project does the opposite of segmentation because for over 30 years now agencies and municipalities have allowed for the destruction of an environmentally significant area. And now the quality of life for the residence of an historic African-American District on Rapp Road is now being threatened. The fact that piecemeal development and piecemeal review of development projects have been carving away bit by bit of our area's most unique and sensitive areas. The unique and vital historical and cultural characteristics are going to be negatively affected by traffic, high-density and out-of-control development and lands which could go toward recreation and ecological sanctity are being again eaten away and diminished. Within a mile or two you have a gargantuan mountain of trash that there is not a Statewide Solid Waste plan to manage our refuse and solid waste in this area and now we want to add a huge residential project and a huge retail project when there's not a plan in place. Basically, what is Pyramid's responsibility to the region in terms of cultural enhancement, recreational enhancement, protection to our ecology of the area? So again over many years now, we've had development, development, development and given the economic downturn that may

come about due to the pandemic it doesn't seem feasible to me to think about let's add more destruction to the environment in our area.

Ken Kovalchik

Okay. Thank you for your comments.

It is 7:00 and there's eleven callers in the queue just for those watching.

Good evening. You are on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #24

My name is **Donna** 33 Wilan Lane(?), Albany, New York.

And like you speak in opposition to the project as negatively impact the quality of life of those that actually live in the area. So far from what I've heard, it doesn't sound like many of the speakers are actually living within walking distance of what is being proposed. It's not clear to me how the town will be handling the increase in crime, which has already taken place even before these new projects have come on board. There are better locations for this proposal. The incomplete documents and the rush to the inappropriate cutting of trees points to the town's premature endorsement and approvals without following the process. I would also question how much of the alleged sales tax benefit will actually have to be spent addressing the traffic and crime issues that will result. There are already problems with traffic on Western Avenue. These two proposals will only exacerbated it. The project itself doesn't fit within the town's own zoning and planning vision for the transportation oriented District. The current economic crisis does make one question how either one of these projects would actually be viable and it also makes you wonder if indeed as other speakers mentioned that some current property that they all may soon be vacant and maybe better suited for what is being proposed. That is what I wanted to say in opposition to the project. Thank you.

Ken Kovalchik

Thank you for your call.

Good evening caller, you're on with the planning board. Would you please state your name and address for the record and then begin your comments?

Caller #25

My name is **Maureen Galafaro**. I live in 1796 Hamburg Street Schenectady New York. I'm here to show my support for the Crossgates Mall proposal including the Costco and the Rapp Road redevelopment. I worked at Crossgates Mall for over ten years as a manager of retail store in the mall. I'm very proud to say that I work at Crossgates Mall. The management of the mall is top-notch. The marketing team is amazing and does a great job at drawing crowds and having many exciting and engaging events throughout the calendar. From events to community interests and local fundraising there is always something to do and bring people to our Marketplace. The mall is always clean, well-maintained and I always feel safe and welcomed part of the mall family. Crossgates Mall and Pyramid are truly good neighbors to the Guilderland Community. Further development of the Costco will only enhance the Crossgates Mall community in addition to more employment opportunities. It will draw new residents to the area. The affordable housing will be a huge attraction for all businesses in the area, and the residents will frequent the local businesses as well as provide housing for Mall employees in the Guilderland Community. Thank you for your time.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #26

Yes, my name is **Lisa Pettograsso**. My address is 1275 Glass Court, Albany, New York. And my comment is that I am in favor of Costco coming into the area. I think that it would bring a lot of opportunity in jobs to people that are currently in need of work in the area.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #27

Yes, my name is **Jonathan Kaplan**. I live at 1373 Rail Road in Nikayuna, New York. My family owns two gas stations in the town of Guilderland at 1667 Western Avenue, which is a Mobile station and one 1979 Western Avenue, which is a Sunoco. We've been responsible corporate citizens of the town for decades. A Costco with gasoline would most likely put both of our locations in the town out of business. So will not be the benefit to all local businesses that previous callers have claimed that will be. That being said, I am very confused by the direction of the town on the project. Why conduct studies and set policy based on those studies or to ignore them later. According to the Capital District transportation committee the CDTC website the town of Guilderland and the CDTC spent a year-and-a-half developing the Westmere Corridor Study which was adopted by the Guilderland Town board on November 15th 2016. In order to mitigate traffic and congestion in the area the study called for redevelopment of beacon and underutilized buildings, common parking and shared access for multiple owners and improved access to non-auto oriented modes of transportation. The town reinforces its position of this concept in 2018 by adopting its Transit-Oriented Development District the TOD which is intended to protect nearby neighborhoods calm traffic and encourage non automobile modes of transportation along with reducing the number of parking spaces. How could the same town that's been a year and half studying a problem area identifying and adopting measures to mitigate the problems in that area now permit a Costco to be

placed right in the middle of that area. A Costco will only aggravate the problem identified in the Westmere Corridor Study and implies the intent of almost every aspect of the TOD. Is the town wrong when they spent years identifying and hopefully solving the problems in the Westmere Corridor, or they wrong today allowing Costco to be placed there. If there study and plan were correct, they can't possibly allow a Costco in the Westmere Corridor. You did the study, identify the problems and then set policy to mitigate those problems. How can you do the opposite tonight? Thank you for your time.

Ken Kovalchik

Thank you, sir.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller # 28

Kristen Mary Bethlehem, I am a Costco Shopper and very excited about the prospect that one could be coming to the capital region. I do travel outside of the State to shop which usually leads to buying gas and meal outside of the region. This is revenue that could be spent here and taxes that could be applied to the town of Guilderland and the school districts. Without a Costco locally this money goes somewhere else. I understand there's opposition to the development because of the proximity to the Pine Bush, the impact the neighboring Rapp Road Association and the additional Traffic Systems development would bring to the area but the developer is donating acres of land to both the Pine Bush and Rapp Road and has offered nine options on how to best mitigate traffic in the area. I believe these actions show there can be a balance of business, natural resources and appropriate traffic control for the area. Crossgates Mall and all of their new development with the hotel, entertainment and restaurants has been very successful. It is easy to extrapolate that Costco would be just as successful. Costco shoppers are very loyal and like their stores. Shoppers will come into the capital region to shop. Just like I leave to go elsewhere. Given the current situation we are all facing, we need development like this right now. It'll bring a new tax base to the Town and County and

new jobs at a very important time. I don't think we could ask for a better laid plan in terms of being well-developed and providing balance for the community. I hope you approve this development. Thank you.

Ken Kovalchik

Thank you.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #29

Good evening. Hi. My name is **Tatiana Morani**. I live 2318 3rd Avenue in Watervliet.

I wanted to say that I think the decision to approve the Pyramid project was a bad decision. I think what is more valuable is protecting the space of the Pine Bush Preserve. I understand Costco's are nice. I like Costco too, but I think when you add pros and cons, there's more value in sacred natural space, especially when there is not a lot out there that is available to that area, or in general. I actually sent you an email. Not sure if you actually read it. I stated that there has to be a point where enough is enough and you decide that the environment matters. The planning board is really who decides these types of things. Obviously, you know, they could be made that decision but you are the last people who are kind of our last line of defense, we're protecting natural faces. So to me, it's really the duty of the planning board to not allow things like this to happen. I trust that you will continue to move forward in good conscience and make decisions that I believe are for the best. I do appreciate you guys holding this public comment period on line. Thank you.

Ken Kovalchik

Thank you.

Good evening. You are on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #30

My name is **Dennis File**. I live at 332 West Highland Drive in Guilderland. I object to Costco's mainly because it's going to produce a lot of asphalt. If you go down Washington Avenue Extension, you see Pyramid parking lot. If you go down Western Avenue, you see Pyramid's parking lot. It's not going to add anything. It's gone to bring low income employment to the area and it's not going to create a community. If you look at Costco's buildings, in other areas all you see is pavement. It does not bring any green space to your area, it doesn't bring any frontage. It doesn't make it feel like a neighborhood. This is a bad idea for where they want to put it.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comment?

Caller #31

Yes, my name is **Dr. Jedediah Brewer**. My address is 809 Chuckanut Drive and I live in Bellingham Washington. So the other side of the country from you guys and thanks for having me. A quick comment, I was asked by Attorney James Bacon to provide a comment. My PhD is in economics. I'm a private-sector consultant in the convenience retail and petroleum market industries amongst some other industries. In the past I taught economics at the University of Arizona and Western Washington University. So the reason for my comment is I know much interest in this case and in other cases surround the economic impact of New Market entrants on incumbent firms. In 2007, I wrote a paper it was called Big Box Stores and Pricing by Traditional Retailers and it was published as part of a larger dissertation that I wrote down and was funded in part by the National Science Foundation. In short, Costco, Kroeger, Sam's Club's other non-traditional multi-product retailers at the time were entering into the gasoline retail industry. The question was what if any impact there would be on nearby incumbent firms. I created two data sets analyzing the market characteristics of gasoline retailers and two cities Tucson, Arizona and Nashville, Tennessee, and in the latter it was kind of neat because I was able

to take advantage of a corporate experiment that the Home Depot was conducting and it was the Home Depot was considering whether it should enter the retail gasoline industry Across the Nation. To summarize my findings and brief which I emailed. First thing was that big box stores for example, like Costco not surprisingly priced their fuel statistically significantly lower than traditional gasoline retailers. 2) Big box stores lower prices that they offered forced geographically nearby gasoline retailers to respond and reduce their fuel prices holding all other factors constant. 3) being co-located near Big Box store reduced the gasoline retailers fuel prices significantly more than had the same gasoline retailer had been solo located near another traditional gasoline retailer. 4) Big box stores were able to reduce their nearby competitor's prices over a larger geographic area. So the average traditional gas station it only not a competitive impact on another gas station if they were co-located within a mile of one another. Where a big box store tends to have a competitive impact on a competing traditional gas station up to three miles away. So not only did they have a deeper impact but also a broader impact than in terms of its geography. So all that boiling down if we think about nearby competitors ultimately in the samples that I studied and looked at being located near Big Box store reduced an incumbent gasoline retailers profit significantly and in a one year period which is what I studied a traditional gasoline retailers profit was reduced between 50% and 100% the kind of the range to the new Big Box competitor. Taken as a whole, my conclusion was the impact of this magnitude. They played substantial pressure on incumbent firms, and they may force some to exit the market. My full study I encourage you to take a look at it. It can be found online. Also Attorney James Bacon has it. I think there's some things relevant to the case at hand and if you have some questions later on I provided my contact information, and certainly welcome you to contact me with any questions. Thank you.

Ken Kovalchik

Thank you, sir.

It is 7:20 just for the callers online there are ten callers in the queue

Good evening you're on with the planning board could you please state your name and address for the record and then begin your comments

Caller #32

This is **Christina Randazzo** owner of Via Fresca on 1666 Western Avenue in Albany 12203. I'm also a resident an Altamont. I wanted to say that I do agree and I'm looking forward to Costco and the development around the Crossgates area. As a business owner and we've been working with Pyramid over the years and even as a small family-owned restaurant they have made such efforts to work with us and drive business in our direction. I know as a resident and a Mom shopping for my family I do bring business to Colonie and Latham to the super stores like Sam's and having a Costco locally would keep people in town so that they could shop and budget for their families and you know spread the business around locally. So, I'll keep it brief. I am in favor of the project and that's about it.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #33

Michelle McEnerney 42 Willow Street, Guilderland

As a family living here in the capital region, we're lucky to have nearly everything within a short drive. One of the few stores we need but don't yet is a Costco so we were thrilled to hear there are plans to bring one and have it right here in our hometown. So the proposed site at Crossgates is a perfect location. It's positioned right within all the retail area within Guilderland where it would be. So my family support the construction.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #34

Hi, John Decatur 6747 Fuller Station Road Guilderland. I just want to start I wrote a letter in favor of the project. I've lived in Guilderland for over 30 years, and I one thing I don't see going down is my school tax bill. I feel these projects will definitely help with that and we definitely need more business in town. So I'm strongly in favor of the project. Thank you.

Ken Kovalchik

Thank you for your call.

Good evening. You are on with the planning board. Can you please state your name and address for the record and then begin your comments?

Caller #35

I'm **Drue Sanders** from Drue Sanders Custom Jewelers 1675 Western Avenue, Right on the corner near where Costco will be built. I'm looking forward to it. I'm definitely in favor of the expansion of the apartments as well and residential units and Costco. At this time I'm looking forward to any traffic. This is unprecedented what businesses are going through now. Your town and all of us will be affected for many months and we need, I need Costco there to build some traffic back. I think Pyramid has always done a great job. One of the reasons that I built there to begin with 26 years ago was because Crossgates was there and I had never regretted being there on Western Avenue doing business. My business has grown and I think it would be great for our area for employment, for taxes because now our tax revenue as a whole will be down due to covid-19. So, I just want to say I look forward to it, and I'm in support of the project and thank you for listening.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #36

Hi, my name is **Steve Ridler**. My address is 40 Nathaniel Boulevard in Delmar, New York I want to go up on record saying I'm opposed to this project. I think the project will cause the closure of small business who will be unable to compete. Small businesses are already having trouble due to the covid-19 and this will really put them under. The project will also add to an already overburdened traffic congestion on Western Avenue, and also the project will harm the historic district of the Rapp Road community. So thank you for listening and have a good night.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #37

My name is **Grace Nichols** and I live on Parkwood Street in Albany, New York. Yes, so as far as I understand it, we have three different issues tonight. The first one is does this hearing fulfill the requirements of the law. The second question is is the environmental impact statement adequate. And then third of course is the project all three sites are a good idea. So starting with question one, the website does not have closed captioning and I'm a hearing impaired individual. I rely on hearing aids and whenever I watch anything, I need closed captioning. I don't even have a TV because there's no point. I can't really understand most of it. So I want to just point out that you have now made sure that many of our people particular our elders cannot participate. So I believe

that we really do need to have a hearing in which there is closed captioning. There's a way for people with hearing impairment to participate. That's a good proportion of our elders. I'm not even an elder. I just happen to have a genetic problem. So, then the second question is the environmental impact statement adequate and there a lot of parts to that but I'm going to focus my comments on Appendix G. In Appendix G the B. Lang which is an engineering company that was procured by Pyramid to assess the site and talk about the environmental wisdom of putting three five-story apartment buildings, a bunch of Townhouses, 1700 parking spaces, a Costco and a large gas station in sandy soil parcel of an aquifer. So the question is is that a wise use of land particularly land that is slightly overlapping with the buffer zone around Butterfly Hill, which was the last stand of the Karner Blue butterfly when Crossgates nearly extricated from the state. So Crossgates, Pyramid owns a lot of land and they have developed a 167 acres of that land largely devoting it to parking spaces and they proposed to devote a whole lot more 46 more acres largely to parking spaces. So is that a good idea environmentally? Well to find that out you've got to look at the status of the over 70 rare species they call the rare Inland Pine Barrens of the Pine Bush home. You have to look at the way they're adapted to flee to surrounding lands and times of disturbance. Then you to look at the fire management plan for this that the Pine Bush Preserve just issued. It says they're going to burn next to Butterfly Hill in the coming years, right and which point of course the species going to flee the surrounding land right there the land that is proposed development. So those issues have to be looked at but you also have to do an adequate survey of the site to find out what is there before you destroy it. As we are reading through what they were able to find, it was a little distressing. We have our own small group of, we are just birders and naturalist and students going out there. But who walk along the road, you know, not on the site, but on the road next to the site so that's Rapp Road and observe. We've seen groups of turkeys from 7 to 12 turkeys pretty much every morning out there. We've observed woodpeckers. We've talked to the neighbors of site one and they all say they see bats all summer long in the evenings. We read the report which said they were not able to observe any bats. They were not able to observe any reptiles. They didn't see a pileated woodpecker. They didn't see turkeys, they didn't see chipmunks. They didn't see squirrels and a lot of species they just couldn't see. So we wondered about that especially

because there are rare reptiles that could be there and have been found right next to the site - there was an eastern worm snake found and it hadn't been seen in decades so, you know, that's kind of important if it's rare species. So we decided what can we see and so because we're concerned that they're saying there's no bats at all we wonder about that. So we took out some little machines that are sensors and they can hear bats. We took them out and we had six different observers and five of us observed the big brown bat. And then three of us observed higher calls that we couldn't identify, you know, they could have been several different species. So really no one knows. Then we found the garden snake that they couldn't find because they say there is no reptiles out there but we have photo of it. What I am saying is that list of species is completely deficient. You cannot supported by any list of methodology or credentialed people who did it. So the environmental impact statement is faulty. It's wrong and it does not create the proof that you would need to say it's safe to build there. So that's just wrong. But we also know that it's just plain wrong to build 1,700 parking spaces in a transit-oriented district. You know, that's against our climate goals and guess what the environmental impact statement didn't even have a climate impact statement in it. So there's a variety of issues. There's the fact that level of concrete is going to affect the local climate which will affect the Karner blue butterfly which has been extirpated from Canada, Minnesota and Indiana since we last discussed the butterfly and really the Albany Pine Bush population is extremely important nationally. So there is a number other issues. How it's going to affect pollinators, what taking away that habitat is going to do to the over 70 rare species that depend on that land. I do not think that you are ready to make this decision until adequate surveys which lists when they went out, how they went out, how they look up so we can see it was adequate or not like. What we have there is absolutely inadequate for you to even make the decision on the basis of its. So we expect that we are going to rewrite this environmental impact statement and make it credible. Thank you very much.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #38

My name is **Rajesh Kumarswamy**.

Well, we would like to bring Costco to Guilderland because it is good for our economy, especially for the town either the school tax and brings more job. A lot of people are concerned about traffic, but that's not a concern at all. Traffic for us would only be from morning 7:30 to 9 and evening 4 to 6 that's about it.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #39

My name is James Bacon, PO Box 575 New Paltz New York 12561.

I've trimmed these comments down to about 3 minutes and 30 seconds. Thank you for holding this public hearing allowing the public to hear various viewpoints on this application. I'm an attorney with over 30 years' experience in revealing SEQR projects represent Jonathan Kaplan whose family owns the Mobile station at 1667 Western Avenue and surrounded by site #3 and it's about 375 feet from Site #2 where Pyramid proposes a Costco and fueling facility, which will likely drive out the Mobile station from its business. My DEIS comments appear as comment 61 on the town's website and includes an affidavit by Eric Kiviat and address zoning and SEQRA compliance. Our comments also include a report by Ferrandino and Associates indicating the DEIS is flawed by conclusory assertions and the lack of evidence concerning traffic, community character and socio-economic impacts. Ferrandino is very familiar with Costco as they prepared Costco's market and Community Services impact analysis for a project in Yorktown, New York. I gave that analysis of a town last December in an effort to have the DEIS cover those issues. However, unfortunately the DEISA does not include that type of detailed analysis. Based on all that data, we respectfully request the board to update and recirculate all environmental documentation to involved agencies with a notice of intent to re-establish lead agency pursuant to 6 NYCRR 617.6B6 and allow another agency to take the lead and completing the SEQRA review. On April 25th I filed litigation

in the northern district of New York on behalf of Red Cap sales and Westmere residents, The Hearts and McDonald's requesting this very relief due to the clear-cutting of the woodlands and other SEQRA violations such as establishing lead agency before announcing that June's sites were to be developed with two additional type one actions a Costco at Site 2 and over two hundred thousand square feet of commercial office and residential development at Site #3. The complaint also alleges improper segmentation regarding alienation of portions of five town roads, which were not identified in the EIS or the scope. If the lead agency was re-established many of these SEQRA issues could be corrected now ultimately saving time and resources. Now, why was the clear-cutting improper? SEQRA prohibits a removal of vegetation on property undergoing review until after the review process is complete. As shown by Kiviat's affidavit more than two acres of trees were felled up to eighty years of age and up to three feet in diameter. Some say DEC authorized this but there's no proof of that. Now why is this important? Well the purpose of SEQRA for the lead agency to assess all reasonable alternatives and to choose from among those alternatives a design or layout that minimizes significant impacts of the maximum extent practicable. By clear-cutting Site #2 any real analysis preventing harm to those woodlands is impossible. The procedural harm of cutting of trees is a reputable harm. Thus on paper the board might review a scaled-down Costco without a fueling facility for example, but the environmental damage has been done setting off what it's called in federal litigation a bureaucratic steamroller rendering this board's continued review a hollow exercise. That is why we respectfully request that the board disqualify itself now. There is no reason to wait until the end of the process to correct the SEQRA violations, which can be addressed now before further be irretrievable commitment of resources occurs. Thank you very much. And again, thank you for holding the public hearing.

Ken Kovalchik

Good evening you are on with the planning board. Could you please state your name and address for the record?

Caller #40

My name is **Susan Dubois**. I live at 24 Jeanette Street in the city of Albany. My comment is that I do not support this project and I ask that the planning board give serious consideration to the concerns that were being raised by Save the Pine Bush, and by other critics of the project. On the economic side, the planning board should require a new evaluation of the economic aspects in view of the COVID pandemic and economic downturn. Hugh Johnson's comment I thought was good and also the comment of another speaker who talked about potential vacant space within the existing Crossgates Mall. The other aspect I would talk about is the land clearing. I went out the sites on the late afternoon of March 26th, when the clear cutting occurred, I heard about it from Save Pine Bush. I was struck by how the town of Guilderland police appear to be protecting the land clearing. I was also struck by the rush that the company doing land clearing appeared to be in because they worked right up until almost sunset. I was also got struck by the apparent unresponsiveness of the Town officials who various people who are Town residents and watching what was going on were trying to contact them. The clear cutting was a violation of the State Environmental Quality review Act process and apparently that was facilitated by the town. The town supervisor, I'm quoting from an article that was in the April 30th. 2020 Altamont Enterprise "the day after the clear-cutting supervisor Barber told the Enterprise to Jacqueline M. Coons Chief Building and Zoning inspector contacted the DEC and was told tree cutting is not a physical alteration of the land and therefore not illegal. They are leaving logs on site" said Barber at the time "I'm not sure what constitutes physical alterations apparently it's a question that comes up relatively often". That's the end of the quotes from the article. It's pretty apparent what constitutes physical alteration if you look at the regulations, the DEC regulations the governs SEQRA process part 617.2 (AC) it's a physical alteration includes but is not limited to the following activities vegetation removal and then it goes on to list a number of other activities. Parts 671.3 requires a project sponsor may not commence any physical alteration related to the action until the provisions of SEQRA have been viable. I thought that was pretty clear and I really question whether DEC gave the advice that the supervisor is sighting and if DEC did it really is unfortunate because they got it dead wrong. The clear-cutting may have destroyed the evidence that would be needed to make for any further evaluation of what

animals and plants were on that area that was clear-cut. So those are the concerns that I wanted to bring up and thank you for your time.

Ken Kovalchik

Thank you for your call ma'am.

It is 7:45 and there are seven callers in the queue just for those on hold.

Good evening. You're on with the planning board. Could you please state your name and address for the record.

Caller #41

My name is **Andy** _____ and I live in 15A Elm Avenue Delmar New York. I recreate and do major studying of nature at the Pine Bush. I enjoy photography, bird watching and other outdoor pursuits. Section 6 of the DEIS says irreversible and irretrievable commitment of resources. My concern is analysis in the DEIS to not provide a cumulative impact analysis. The 42 acres of land that is being used to develop in these sites is relatively small in the current context of the Pine Bush but ignores all historical development and that's what the real problem because there has been so much development over the years. Over the past 60 years there has been more the 2,500 acres of pine bush that have been developed. There have been highways, buildings, parking lots and other facilities that have disrupted animal quarters, forced natured species including the Karner Blue butterfly to the brink of extinction. The major developments that should be considered in the context of environmental review includes NYS thruway which took up 750 acres, the Adirondack area 200 acres, the University at Albany 280 Acres, the landfill 120 acres, Washington Avenue extension and neighboring businesses 480 acres and a whole bunch of others. The DEIS should be considering all of these developments in context of what true development means and chewing away the Pine Bush one acre at a time and I think that's a problem and that's something that needs to get more serious look at environmental review. I would hope that the planning board would require the developer to take a more cumulative look at the whole proposal and

how it fits into a historical development patterns over the past sixty years and work to insure that that we don't continue to lose Pine Bush. The problem is not one development the problem is with many development. We need to expand the Pine Bush, but I would hope that the developers who try to look at alternative site plan. Develop the plan on existing Crossgates facility or other existing areas that have been developed rather than developing green space in the Pine Bush. Thank you for consideration of my comments and you have a great night. Thank you.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #42

Bill Coons _____ Avenue in the Town of Guilderland

I've been a resident of Guilderland since 1972. I've some of my background being here that long. I have been a chief at one of the fire departments, president of the Guilderland Babe Ruth, chairman of the Guilderland Chamber of Commerce and also a member of The Guilderland zoning board of appeals. The reason I state that is I'm also an associate broker with a local real estate firm and a few concerns that I've heard them, have been property values and is this going to hurt them. Over the years that has not been the case. Crossgates Mall went in back in the 80s and from that point on property values have increased substantially. The other thing I'm looking at is traffic. I don't believe the traffic is going to be a problem. We have 87, 90, Washington Avenue, which a lot of this traffic is going to be diverted to. I heard a lot of talk about the Pine Bush. The land that Costco and the apartments are going on after looking into the application and reviewing things and my understanding is it's not prime land to the Pine Bush. It's not conducive for the Karner Blue or any of the other species. Crossgates is donating 15 acres of land to the Pine Bush. That land is going to be land that borders the other preserve which is more conducive to what we're looking for. I'm all in favor of doing whatever we can to save the Pine Bush and all its species. The other thing I'm looking at is I heard one of the callers talk about bankruptcy with Pyramid. That also is not the case that has since been

corrected. It was falsely put out there. So I just want to call and say that I am a hundred percent in favor. It's going to be a huge asset to the town and what construction like this does with the crisis that were in right now the activity gets people going. They see this stuff going on. The store goes in and helps bring traffic into the area. It's going to help other businesses, and with that one of the restaurants that came into town recently people were concerned that the other restaurants in the same mall we're going to get hurt - their business actually increased. That's going to happen with a lot of the other businesses on Route 20. We're going to bring some new traffic in, it's going to help generate revenue for those business. So, I just want to say I'm one hundred percent in favor of the project and hope you get it approved. Thank you.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #43

My name is **Susan Mosier**. My address is 332 West Highland Drive Schenectady
My comment is in strong opposition to this project and I really believe that this town as well as every other person in this world and country and state needs to get with the norm we are in now. Shopping malls are not a thing of the present. They are a thing of the past and putting more stores in a place where there are already businesses that are going to fail in that mall. Why are they not considering using those empty spaces? People have been speaking and long drawn-out statements about how it's going to benefit all the local businesses and I find that to be almost absurd. Stores for example like Hannaford and Price Chopper, they're not going to benefit from Costco being there. Smaller stores the Mom and Pop stores that are further away from Crossgates - how are they getting benefit from that? It doesn't seem likely and now I hear repeatedly to that the town is a twenty-year-old comprehensive plan. That's not the present. We need to live in the present. We are not in a time that more construction is going to be beneficial. Destruction of an environmental area. I'm sorry. I think it's all very, very it's almost a moot point. I think that the town needs to stop and say hmmm in the long-term is this going to be beneficial or is

this a right now do it kind of thing because that's how I hear it's all operating. Thank you for taking my comment. Good luck.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #44

My name's **Allison Glover**. I live at 5211 Johnson Road, Albany, New York 12203. I would like the Costco to be built. I think it would be great for the community.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #45

Yes. Hello. My name is **Steve Wacksman**. I live at 3 Chapman Drive in Guilderland. We are about a half a mile from the proposed project location. We are in favor of the project. We like the idea of bringing tax revenue and jobs to the community of Guilderland. I've lived in Guilderland for 47 years. I've never found any traffic issues or anything like that. I think the town and all the Committees are doing an excellent job building the town and leading the town in the direction we need to go to. I'm in favor of the project. Thank you.

Ken Kovalchik

Hello, you're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #46

Janel Cocoma, Guilderland New York

I am a store manager at Crossgates Mall. I'm also a Guilderland resident. I look to purchase a home in the town someday as well. I wanted to thank you guys for taking the time to listen to everything that we have to say through these extenuating circumstances, but I would like to state that I am in full support of Costco and the benefits that it brings with it for tax purposes to the school and County. I travel up and down Western Avenue every day for work and the traffic is not considered that heavy. I also feel that Costco would be a great addition to the area as it was built for commercial development. And again, I am in full support of Costco being built.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #47

Adam Gollub 781 Malta Ave Extension, Malta, New York

Good evening. I'm calling to represent not only Crossgates Mall and Pyramid but also as a dual general manager of the Homewood Suites and Tru by Hilton at Albany Crossgates Mall. Pyramid has been instrumental in leading the investment in development in Guilderland. As the general manager of these properties, I can attest to this wonderful growth first-hand and I'm writing in to support the proposed development near Crossgates. Our hotels opened back in October of 2018 on a previously vacant lot adjacent to Crossgates on the proposed site for Costco. Our hotel went to a smaller right to build process. Since opening we've heard from the community members and guests that it has greatly improved visual appearance of the neighborhood. We feel that with the addition of Costco and the proposed apartments this will continue to add value and visual enhancements of Guilderland at the hands of Pyramid. In just a short year-and-half that our hotel has been open, we have some guests visit our hotel from all 50 states as well as over fifty countries. These guests have had numerous hotel options in Albany County. We know they are choosing our hotel specifically due to the location of Crossgates which

offers our guests an added value with numerous shop and dining and entertainment options just steps away from their hotel. With ever-changing landscape of the hospitality industry, the addition of Costco will continue to enhance our guest experiences and set further ourselves apart as the leader in the hospitality industry in Albany County. As active members of the Guilderland Chamber of Commerce our hotel provides the Guilderland business Community a place to meet, network and collaborate on increasing Guilderland's visibility as a driver of positive economic growth. We should embrace this continued investment in our community and we ask you to join in support in this great opportunity.

Ken Kovalchik

Great. Thank you for your comments.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #48

Hi **Michelle Coons**, 12 Lee Avenue Guilderland NY

I am in favor of Costco. A Costco's going to help with our taxes about adding children to our school system. It will help bring people to our businesses, other businesses in Guilderland. There is already traffic on that road, and I don't think it's going to really add to it. I work in Albany. I commute home from close to the Guilderland border and whether I go down Carmen and Western or if I take the Thruway, it's still the same amount of time. So I don't see there being an impact on traffic. Costco is a respectable company. They are very clean, there very neat. They keep the outside of the building looking very nice. So it's not going to be an eye sore like some of the places that we already have on Western Avenue that are boarded up because they didn't make. If you go by Crossgates right now it's still beautiful, even though a lot of the businesses are closed for covid-19. There is the hotel there and just lots of cars there so I don't see it having a bad impact. It's going to be a very positive for Guilderland, so I'm one hundred percent in favor and I hope we will pass that. Thank you.

Ken Kovalchik

So just for everybody watching and for the board members, I have zero callers in the queue. So if anybody is watching that wants to make comments to the planning board, we were to ask that you please call in. I'm showing zero calls in the queue.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #49

Good evening. My name is **Lisa Hart** I live at 5 Westmere Terrace Guilderland NY
My husband and I have lived on Westmere Terrace for 20-plus years, but being Guilderland residents for over 30. We raised our three children here. We've been happy to live on a very quiet and tranquil street with wonderful neighbors who look out for each other. With the proposed projects from Pyramid Corporation of apartments and townhouses and the Costco and gas station we will be forever negatively impacted by these projects. I would also like to remind all the callers that this meeting isn't just about Costco. It's about building on three sites that will affect our town and specifically our neighborhood. Our street will be permanently changed as our cul-de-sac and its current location is being taken away and moved to where there's an existing home that will be torn down. The apartments will be approximately 55 feet in height with berms and trees that are planned on being put there. That's only thirty three feet so the two upper floors will be able to see into our neighbor's backyards and homes so they will be losing a major amount of privacy. As far as our school district our school system, Westmere Elementary will end up having additional students because of these apartments. The school now holds almost five hundred students. I do not believe they will be able to accommodate the new students and they may have to build a new wing which would increase our school taxes. And also with the covid-19 being the way it is how will they deal with the students when they eventually come back to school as the classroom sizes are roughly 20 plus

children and to keep them safe we need to keep them so many distance apart. So again, how is all this going to happen and keeping our children safe. With the building of Costco, we have many concerns one of them being about light pollution spilling over into our yard. The light poles closest to our home are thirty feet high and others will be thirty-six feet high. We're also concerned as the location of the gas station as it seems to be within a couple hundred feet of our yard. What kind of odors will we have to deal with? What will the air pollution from the cars do to us as we will be exposed to this daily? We have a pool in our yard that we like to use during the summer and have our family over. Will we be able to enjoy that? How often will tankers be in there filling up in the in ground tanks? Will there be an odor from that too? Many people are happy about these projects especially Costco, but I feel it's safe to say it's not in their backyards. We've been calling in these for the way we feel but we ask you to see the total effects these projects will have on us and other neighborhoods that are also affected by these projects. As far as traffic goes, people have been saying there will not be an effect on traffic. They don't live here. They don't deal with this every day. They don't have to wait 5 to 7 minutes to get off the street as it is during normal rush-hour. Add on all these thousands of cars where people are going to be coming in from other areas of our state and they'll be just glomming Costco. So again, it's just going to make it worse for us and our neighbors. So we ask that this project be turned down. Please be considerate of the taxpayers on our street that are already here. Thank you very much for your time. I hope you will stay safe.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #50

Yes, this is **Karen Howe**, 27 Westmere Terrace Albany New York.

Some of the comments I've heard are in favor of the project have not addressed the DEIS. I thought the purpose of this hearing was to address the DEIS. I'm not in favor of the approval of the DEIS. I do not feel as though the traffic issues have been adequately

addressed. I also did not see the social economic impact on the neighborhoods addressed sufficiently. Thank you.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #51

Yes. Hi. My name is **Ginny Sussman**, and I live at 10 Westmere Terrace.

I want the board to know that we oppose this project one hundred percent. When I moved to Western Terrace thirty-eight years ago it was a quiet dead-end street surrounded by the Pine Bush. Two years later I watched from my front porch as trees toppled like in a science fiction movie. Crossgates was built. Our town was changed forever. In 1994 the mall was remodeled and at that time Westmere Terrace residents objected loudly. To appease us, Pyramid built a cul-de-sac at the end of our street and totally surrounded our neighborhood with a wooden privacy fence. From 1994 to the present, 26 years our street has remained a quiet family-centered close-knit community. The TOD specifically requires any development to “protect viable residential neighborhoods from commercial and higher density residential development pressure”. Every aspect of this proposal will directly impact this residential neighborhood. The traffic now does not allow us in or out of our street and this will only make it worse. As numerous previous callers have just said this will bring much more traffic to this area. Our air quality will be jeopardized, the noise levels will rise, crime already high at Crossgates will be out of control and yes, our property values will decline. The quality of life on the street will never be the same. At this time we are all in confinement and most just realized just how really little we need. We live in Guilderland because of a small town feeling. We shop in Guilderland with local businesses. We do not need another apartment complex and Big Box store to make this another Wolf Road. Please take it elsewhere. Thank you.

Ken Kovalchik

Thank you for your call.

Good evening you are on with the planning board. Could you please state your name and address for the record and then begin your comments.

Caller #52

My name is **Lynn Jackson**. I live at 223 South Swan Street in Albany.

I'm very concerned about this project. First, I think that this project should not be reviewed now while during the pandemic. I just want to say it's really hard to do this because you have to keep your phone on so you can hear the music but then you want to listen to what people are saying. So then you have to turn off your computer. I think this might work a lot better if you could make it so the on hold is not music, but the on hold is the meeting so that we can hear the meeting. So my first comment is that we should not review a project of this magnitude during the epidemic. Building this is going to make a massive change in the town of Guilderland and it really should not be worked on now because it's such a big project. I mean quite frankly, who knows when we're going to be able to go shopping again because that is one of the big issues with the coronavirus is safe distancing that kind of stuff. I believe that the Town of Guilderland planning board should not be the lead agency. And the reason for this is because when the project was first proposed it was a 20 Acre Site on Rapp Road and then between the time that Guilderland became the lead agency and the draft scoping document was created. The project was doubled in size and it the project affects people who live in Albany and it's a much bigger project. It's more of a regional project not a town project. It's going to affect people who live in Albany and it just seems to me that the lead agency status needs to be re-evaluated. The third comment I would like to make is that currently the world is in a crisis of habitats crashing as one of the previous speakers mentioned that we need to look at the cumulative impacts of this development on the Pine Bush, but he also mentioned the historic cumulative impact which I think is a really important thing to look at because what is happening right now is that we're eating away our habitats a couple acres at a time a few acres in a time. Eventually it's going to be all gone and we need to protect our habitats. We have this huge loss of biodiversity. The environmental impact statement does not address the issue of loss of biodiversity. It doesn't address the issue of crashing animal

species, and I think it's really important to look at these issues. The whole idea of mitigation. So the question is, setting aside, Pyramid Crossgates has land that is currently Pine Bush and it's acting as Pine Bush habitat and they give it to the preserve whether they could actually develop that 8 acres of land in the City of Albany is a good question. The problem is this is going to destroy habitats. So it seems to me that the only fair thing is that proper mitigation would mean that the Crossgates Mall would need to, I mean, the Pyramid Corporation would need to create habitats like when you take away a wetland you have to create more wetlands somewhere else. I think the same thing should be for habitat that you can't just willy-nilly go and pave over habitat and not recreate that habitat. The thing that is not addressed in the DEIS, which is really important is that one of the issues of the crashing habitats is that when we take away the places where the plants and animals live and we destroy them then there's more interaction between people and wild animals because wild animals are losing their homes and they have nowhere to go so the animals and people are more like to come in contact. That is probably what caused the pandemic we have now. The interaction between people and wild animals is theorized that the novel coronavirus which causes covid-19 came from a bat because of the way the virus is what it looks like. This is what's going on around the world is that we keep destroying our natural habitat thus more people come in contact with wild animals, which causes these issues and this has been repeated around the world. This is not the only time it is happened. The other things that the planning board needs to consider and that are not in the DEIS and they should be is the issue of the current cumulative impact of the Pine Bush and analysis of what other projects are going on right now today in the Pine Bush and how these projects in a cumulative manner if you look at all these projects together, how do they affect the ability of the Albany County Pine Bush Preserve Commission to manage the land? Also the issue of the Karner Blue is really important as one of the previous speakers pointed out. The Karner Blue butterfly populations have become extricated in other places. I believe in Canada, Indiana, and that the ability of the Karner Blue to survive in the Pine Bush has become of utmost importance. Now that the 20 acre Site #1 is adjacent to be the National Grid power line right-of-way which connects the butterfly Hill to Blueberry Hill. When you build so close, because of course they're proposing to build pretty close, how will that impact the ability of the Karner Blue to

survive? The other thing that is not addressed is fire management in the Pine Bush. How does the Commission control burns near the 20-acre site.

Ken Kovalchik

Miss Jackson please try to summarize your comments to finish up because we do have a number of callers on the line waiting.

Caller #52 continued

Sure. So DEIS is inadequate because it does not look at those issues. In summary, I believe that the DEIS is inadequate because it does not address the issue of the pandemic and the economic survival of these proposed developments. It doesn't look at the cumulative impact both the historical cumulative impact and the current cumulative impact of all these developments on the survivability of the Pine Bush and it doesn't deal with the issue of crashing habitats and that kind of thing. Also, I really think that we need to change in the lead agency. Thank you very much.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments,

Caller #53

This is **Christina Napierski**. I live at 3 Dutch Hill Terrace in Voorheesville, New York Town of Guilderland.

I am a lifelong resident of Guilderland. I've grown up in this town and I'm voicing my opposition to the apartments on Rapp Road and also to the location of the Costco. Currently, this town including the state and the entire planet is going through a pandemic and our state is under lockdown. When we emerge from this crisis we will see a new normal. The demands of high-density housing such as luxury apartments, the need to live closer to public transportation will all be decreased as more people telecommute and work from home. There's no need for these expensive high-end apartments. There is a need in our country for more affordable housing, which will not be addressed by Rapp

Road development. Pyramid has destroyed or is about to destroy a perfectly good neighborhood in Westmere. This was not a deserted neighborhood of what Pyramid would like people think. It wasn't deserted until they bought all the houses and made everyone sign a non-disclosure agreement. I think these projects will hurt the neighborhoods in close proximity to Crossgates and the Costco like Westmere Terrace and the historic Rapp Road neighborhood. They will see their home values decreased and this will be negatively impacting on their daily lives including traffic, noise and pollution. This is not a good long-range plan for Guilderland. Big retailers are dinosaurs facing extinction. People will shop more and more online, retailers are going out of business day after day. We see new news stories. Why invest in another big box store that's not much different than a Walmart, BJ's, The Sam's Club which we already have in our area. Costco's a shiny new toy on Christmas morning. This will be forgotten the month after Christmas. It may generate initially excitement. But in the long run, we all know people go back to shopping online. We need to support our own local companies and businesses. We need to put more money back into our economy by supporting those businesses that are owned and operated by our friends and neighbors. Pyramid financial status is questionable. News reports that Pyramid can't be pay their loans and is considering Chapter 7 bankruptcy. What happens is Pyramid filed bankruptcy and does not pay all the local companies and suppliers hired for these projects. They already have two substantial mechanic's liens file by Christa Foley at Apex. We should be preserving what is special and unique about our town, Rapp Road in the Pine Bush. That's what makes this town special not Crossgates and not Costco. Once these neighborhoods are gone and once the Pine Bush is gone they will be gone for good and we'll have nothing but another giant cement concrete Big Box store with no character, no beauty just like every other big-box store undercutting our friends and neighbors and local businesses. Is this Costco even appropriate for a transit-oriented district? It has large areas of paved asphalt and parking lots. I believe the Albany planning board pointed out that this was not consistent with the idea of a transit-oriented district. They did not even approve it. Finally, I want to just express my disappointment with the meeting being held in this manner. Residents deserve a hearing at a time and place when they can participate in person. The state is under a state of emergency. Large meetings are banned. Last I

heard this will be changed around June 6th or 7th. A few more weeks things will be getting back to more normal, lets extend the hearing until after the state of emergency and at least until after the ban on large meetings for the people who live in this town and have opinions about this matter can come out in public and voice their concerns. Thank you.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #54

Yes, my name is **Gordon McClelland**. I live at 713 Adams Court in Guilderland.

I am calling in opposition to the current development of a Crossgates Mall by the pyramid companies, I'm opposed to building a mass apartment complexes, additional office space and expansive retail on Rapp Road, the mall Road and Western Avenue including a Costco retail facility with a 700 acre parking lot with a gas station on what used to be a wonderful wooded lot until the illegal tree cutting on March 26th of this year. The draft environmental impact statement (DEIS) for this project does not adequately address the many environmental concerns. #1 the expansion by Pyramid to include a Costco with 18 gas pumps and a huge store must be stopped. It does not fit the stated purpose of a transit-oriented district and gas stations should not be built over known aquifers and environmentally sensitive areas. #2 a project this size will not help the traffic in Guilderland to increase the development on these roads and expect traffic to go down on Western Avenue is a pipe dream. The traffic congestion, #3 is already horrible and dangerous in this area. More traffic will only make it more difficult to patronize local businesses in that area. It is almost impossible to make left-hand turns from either direction in a safe manner with the addition of a transient non-local traffic there's an increased probability that there will be more accidents in the area because of the increased traffic. The current roadways are not built to handle such an influx of traffic on a daily basis and will only get worse around the holidays in the winter. #4 - the Pine Bush borders the Crossgates expansion.

There are at least fifteen known endangered species that live in the Pine Bush; their habitat is threatened by the expansion of this commercial venture whether it is adjacent to the construction or a few hundred feet away. These species are important not only to the Pine Bush but to the local ecosystem. #5 - the quality of life in this town is changing drastically with the uncontrolled growth that is occurring. The building of hotels, expansion of Crossgates Mall, expansion of apartment complexes and the building of new ones as well as a Costco is creating a city urban area which should remain suburban. We need to preserve the way of life that the suburban area has offered to the residents of this town. The town's infrastructure has not had any major updates in quite some time. By allowing the project that Pyramid wants will stress the water, sewer and road infrastructures. This town cannot continue to allow the unfettered growth without major concerns from the infrastructure of the entire town. In addition Pyramid has already reneged on its promise to pay for police officers. The core vision for the town of Guilderland includes a balance of business and residential components that are conducive to the suburban rural way of life in this town. The growth that is occurring specifically that of what the Pyramid Companies want to do does not belong in the town of Guilderland. Huge malls and big-box stores are better situated in areas zoned industrial or more densely populated areas that are for businesses. Over the past 20 years we have watched urban and multi-dwelling apartments projects continue westward into Guilderland. This is increased traffic noise, dirt that everyone who lives a block or two from Western Avenue. Let's protect what we have and say no to any future corporate expansion in this town. Thank you so much and have a great evening a good night.

Ken Kovalchik

Thank you for your call.

Just for those waiting on line. There are six callers in the queue just for those waiting.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #55

Yes, this is **Iris Brody**. I live at 9 Westmere Terrace.

I'd like to begin by reiterating a position that I've heard Chairman Feeney relay on numerous occasions, that it is not the purview of this board to evaluate the merits of a business under review. The purpose of these proceedings is to evaluate the environmental impact that this project will have if permitted to go forward as proposed for the submitted DEIS. That being said any input regarding fandom for Costco is irrelevant to these proceedings. Relevant is the impact that this will have on the neighborhood at its epicenter Westmere Terrace. A thriving residential neighborhood of long-standing precisely what the Westmere Corridor Study set out to protect in recommending development consistent with TOD zoning. The DEIS traffic study shows that conditions for Westmere Terrace will decline from level E already difficult to level F the worst. The study suggests that these intolerable conditions will remain steady for all the measured projection periods whether the development is built or not. What this really demonstrates is that traffic analysis based on a rating continuum is an invalid measure for truly anticipating impacts once you are already at the bottom. To suggest that there would be no difference in the real time experience of traffic congestion where 360 apartments, Costco and additional office and retail establishments not to be built is preposterous. A routine wait of 3 to 5 minutes before you can exit your street is quite different from a wait of seven or nine all of which can conveniently be labeled level f. If the contention is that this will not be the case then show me the data that says that it won't. The mitigation strategy here, because there needs to be one when creation of an adverse condition is proven to open up a resident access road from a replacement cul-de-sac to be built is a violation of a twenty-five-year-old special use permit agreement with Pyramid from their 1994 expansion. In it Pyramid is required to maintain a cul-de-sac a defining feature of the street and intended to ensure a boundary of seclusion from the expansion. In the new configuration, access to Rapp Road off of the cul-de-sac does not comply with either the definition of a cul-de-sac or the intent of the commitment to that provision. Then there is the undeniable invasion of privacy, which a five-story apartment building overlooking from the distance of a parking lot presents. There is nothing to screen the tenants on floor three, four and five from becoming observers on their terraces or the lighting from their

apartments a permanent night time feature. In a short, there is no mitigation for the ruination to a way of life that this project will exact upon Westmere Terrace. The DEIS dismisses the negative impacts to Westmere Terrace as minor relative to the project as a whole but in heralding the benefits of jobs and tax revenue office has been no accounting for the losses to be incurred from our small businesses who will be in no position to compete with the big box rival that is a keystone of this proposal. It is the cruelest of ironies that at a time when we are encouraging loyalty to our struggling independent business community that there is cheerleading for a prospect which will almost certainly guarantee their demise. The Westmere Corridor Study encouraged establishment of TOD zoning to promote development that would and I quote "help protect viable residential neighborhoods from commercial and higher density residential developmental pressure". This project is the antithesis of that recommendation. As proposed it should not be permitted to go forward. Thank you.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #56

My name is **Glenn Liebmann**. I live at 17 Westmere Terrace Albany 12203.

Thank you for the opportunity tonight I appreciate it very much. So I live as I said I live on Westmere Terrace. My wife Kathy and I have lived here for twenty six years. Our son was born here. We have been neighbors with many of our neighbors for many years. We have about 30 houses on our block and I would say well over half of the residents have lived there for twenty-five years or more, you heard from several of my neighbors already. So, you know what a great street it is, how friendly people are, how it's just a wonderful place, a wonderful environment for people to grow up in, great school district, it's been a wonderful experience. We have been very engaged, my wife and I have been very engaged in the town. I've been a baseball coach in Pine Bush for many years,

basketball coach for many years as well. My wife was on the foundation Board of Guilderland Library so we are very engaged in the community. We feel very strongly, we're proud to be residents of Guilderland and have been practicing residence for a long time. So you can only imagine the surprise and shock and anger that many of us and I think it's been well said by my terrific neighbors, I think they've articulated very well. This one two punch that we're now facing. Can you imagine anybody who's been supportive? And I know many of you can support but none of you live where we live and you can only imagine how difficult it is. Behind us is going to be this townhouse community with hundreds people coming in and out and now we're going to have Costco facing us. This is like a one two whammy that I don't think anybody could have imagined. When people are talking about some of the issues and they're like kind of like, oh, it's not going to be a big deal. Well, I mean we live here we know what a big deal traffic already is a very big deal on Western Avenue. If you're going to Western Avenue during the course of the day, you know what our traffic is like and to say that Costco moves in and thousands of more cars are coming in back and forth. You don't think that's going to be incredibly impactful. You don't think the environment is going to be incredibly impacted by this. That pollution - What's that going to be? What's the impact of safety concerns and criminal behavior and things like that. I mean it's on going and ongoing. There are so many legitimate concerns that are still in our minds are not addressed by this. I think the other thing that we have to bear in mind is that we are in a pandemic right now. Nobody has ever been in a pandemic like this in the last, you know hundred years nobody has faced anything like this. We have no idea what to expect. We have no idea what the coronavirus is going to be or do impactful to people. How can we sit there and talk about let's create this huge box store in this area when we don't even know from day to day how we're going to operationalize anything in terms of staffing, in terms of getting back to work or anything like that. It seems to me at least to be preposterous at this point to be having these kinds of conversations while we are in the biggest health crisis that we've ever been in. So I think that at some point we have to really make a determination here and we also have to say this is Guilderland. Guilderland means a lot to us as you heard from the people on my street and many other people. Guilderland is foundational to us. We are proud Guilderlanders. Do we want to be an area that's just a thrawling shop after shop after

shop store after store after store or do we want to be about green space and our children's health and happiness and about Parks and Recreation and things like that. This is kind of a penultimate moment I look at and I think my G-d, how are we possibly supporting this kind of stores in this kind of time frame. So I would ask you respectfully to consider rejecting both of the townhouse community and as well as Costco. We really think that it's the time where we have to make this decision about where we going to go as the community, and I think that most of us strongly support the idea of green space and parks and not big box stores. Thank you very much for your time.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #57

Yes, my name is **Beth Pagan**, and my address is 168 Lincoln Avenue, Albany, NY 12206. I am a long-standing manager in Crossgates Mall with Signet Jewelers. We have three pieces of real estate in the mall. And I think that the development and bringing the Costco to the area would be wonderful for the economy and for Crossgates and Guilderland itself. I think that it would be a big area of opportunity for us to draw more people in especially since there isn't one for 4 hours away.

Ken Kovalchik

Thank you for your comments.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #58

My name is **Russell Ziemba**. My address is 1813 Highland Avenue, Troy NY 12180.

Here are my comments - Crossgates Pyramid wants to develop this land with these proposals not because they are needed, not because these locations are the best locations for the community. But only because they own the land and it is in close proximity to their current mall and they want to make money for themselves. All of what is being proposed would be better located somewhere else like in the city or nowhere else because it is not needed. The housing should go where there is already a complex infrastructure and dense development where redevelopment is needed like the inner cities of Albany, Schenectady or Troy. It should go where people can walk to what they need rather than having to drive everywhere. This housing should be infill in an urban area not on green space, especially such a valuable and rare ecosystem like the Pine Bush. Costco is not a local business. So most of the money spent there will be leaving the community rather than circulating and recirculating in our area. Building a new gas station is perpetuating the old and outmoded practice of individual car driving. This is particularly appalling since this is a transit-oriented development district or TOD. If we are going to build something, you should embody what we want, not what we need to change. The purpose of a TOD is creating vibrant livable communities which are compact and walkable pedestrian oriented mixed-use communities centered around high quality train systems. This makes it possible to live a lower stress life without dependence on a car for mobility or survival. In our current era of climate change and global warming, this would allow us to reduce our carbon footprint and other negative impacts on the environment while revitalizing urban areas. Growing Guilderland with the associated lowering of the quality of life of residents it's not smart for the town or for the capital region. Transit-oriented development districts placed walkable design with pedestrians as the highest priority. In this plan pedestrians are an afterthought. Your safety will be more at risk from vehicles and their health more impacted from the air pollution the vehicles create. What should happen to these three Parcels of land? Green space especially Pine Bush should not be built on. They should be environmentally manage so that they can revert back to Pine Bush. Nothing that is being proposed uses or enhances what is unique or special about Guilderland. Nothing proposed supports the local character of the

Town, it is all cookie cutters mall that is consuming and debasing our country. The Pine Bush is a globally rare feature and of immense value not only locally but to our region, our country and the world. It is not only a value to us, aesthetically, biologically and ecologically, it has huge potential economically. If these three sites were managed as to allow the return of the Pine Bush ecology, they would not cost the town much in services, but would improve the quality of life for town residents and efforts of the economy by stimulating visitors to this unique area. Crossgates Pyramid should utilize this gold mine in the backyard and not destroy it with proposals that would be much better located where they are needed and more appropriate. I ask the town of Guilderland planning board to not approve any of these proposals on these three sites. Thank you for your time and your consideration. Thank you.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #59

Dr. Cynthia Lane. My address is N3729 McGrath Lane up in Wisconsin 54759

I'm calling with some concerns about the environmental assessment and impacts on the proposed project. I have 30 years of experience as an ecologist. I do my PhD dissertation on the Karner Blue butterflies. I'm often hired to do third party reviews as an independent scientists. I have concerns about the assessment and materials to date. One of those is that the method section as written is basically either too generally stated or completely missing. So in particular there are survey search methods that it's not possible to determine whether the survey methods meet the industry standards or whether the assessment is complete. In particular things like what dates, exact dates the Karner Blue butterfly would have been surveyed for and whether they would have detected in the adult stage. It's not known. Same thing true for frosted Elfin. What dates were the surveys done and it was it aligned appropriately with when adults would have been flying. There

are plants that were recorded on this site such as various raspberry species that are a plant that the frosted elfin are known to utilize. In general for all inspections the timing, temperature and moisture are really critical to know whether you're doing the survey at the right time and the right conditions is not in the report. So that's a really big red flag for me that you are not able to tell whether the report is complete. Another thing that does concern regarding the completeness of the report is that there is only one grass species listed and appendix G they just say there are grasses. The reason that is a concern, again there is typically more grass species than that so it makes me wonder is the report complete. Do they know their grass identification? Grass identification is more difficult species to figure out and so it's possible that they did not but again, you know detailed methods I can't determine up. One of reasons that is important is because there's a layered sections that occur in these kinds of habitats. Did they know how to look for those and what defined them. Again a big concern on whether that report is adequate and if the report is not adequate a whole lot things in the assessment are based on that so I think that brings the whole thing in the question. They talk about traffic and the impacts on wildlife dispersal and certainly different designs will affect that but really there was nothing that truly mitigated for the impacts of traffic and why that becomes important for a lot of wildlife species I think is obvious because if they get killed crossing the road, there's direct mortality, but specific to the Karner Blue butterfly its known to be a metapopulation dynamic, those people that don't know I will explain that very briefly. It means it's a population of populations. So you have several populations that interact with each to form the other larger population. So one year one area might be high because the temperature and light and climatic conditions are good for that area and the next year it might be low. Another site the population pops up low and some sites might even wink out for a year and then it will recolonize. It's theoretically important because it's proven in the scientific literature on the subject that you could eliminate one population and cause the demise of the entire questionable population. So it's not insignificant that there could be potentially reduction of dispersal between the Karner Blue butterfly. So I think that's a critical point. Let me briefly mentioned night lighting impact. _____ Island and cumulative effects and climate change impacts should be very significant and really are not addressed. The report says, you know in relation to _____ island, the residential buildings will not add

materially to any _____ island effect. There's no evidence or analysis or review for why they come up with that conclusion. So I think that needs much more support if they're going to make that kind of comment. I know we're short on time so I will jump to some of the other concerns I have and one of those is the mitigation measures that are presented. In my opinion, based on my experience are insufficient and unsupported. So, what is the rationale for 200 foot buffer on the other side of Site 1? Why 200 feet? What is the buffer actually specifically there to do? Is it there to prevent light pollution, create a barrier to reduce human use? Buffers are specific to what the threat or what the habitat needed so it needs to be much more clear and say that this is what the buffer is going to do and this is why it needs to be this height and this width which I don't believe has been done anyway. The other thing is I think this is a really key point, is the rationale for justifying mitigating the loss of the 19.68 Acres in Site #1 with the protection of 8.4 acres to the north is lacking. There is really no stated reason why you could protect one area that's already habitat and then lose 19 acres. Typically there's a lot of examples of this wetlands probably being one of the primary cases where the mitigation is at least one to one but I've seen it be as high as 3 to 1.

Ken Kovalchik

Please wrap up your comments in the 30 seconds to a minute, please.

Caller #59 continued

So I think that's a very key point that the mitigation needs to have some rationale and should be I think a 1:1 ratio. You could argue to be more than that. So I think the two key points to summarize again is that the assessment based on my expert opinion is lacking and potentially incomplete so it puts a lot of questions on the conclusions of the environmental assessment the DEIS. Also the mitigation measures are insufficient and unsupported by the report and the science. Thank you very much for your time.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then you can begin your comments?

Caller # 60

My name is **Barb St More**. I'm at 17 Cavalry Court in Mechanicsville

First of all, when I learned that Costco was starting to scout the area several years ago. I was thrilled out of my mind because as of then and now the closest one to us is about an hour and three-quarters away one way in West Springfield, Massachusetts. My other option is one of the down to visit my sister in Virginia. Once a year I drive so I can go to the one that's close to her so I can stock up and it would be wonderful to have one that was a little bit closer than in a minimum of one hour and three quarters away. That's for my own selfish reasons, but given all of what's going on right now, especially the construction would bring temporary jobs to the area and then later on permanent jobs. I feel the Costco is very good employer and when I go down to my sisters Costco I see employees there that has been there for as long as I've been going there. We're talking like fifteen, twenty years. So I see your Costco must be doing something right. My family jokes as do I that is the family Jeweler because usually once a year I get a beautiful gift from their jewelry department. I believe they're things are high-quality. I don't think I've ever had a bad food item from them and just it's one of those places that you can go with a list and you come back twice as much as what you went in for because you never know. Basically what you're going to find. I mean their clothing selection varies or they'll have like what I would call trunk shows. It's just very good store. I know he has BJ's and I'm a member of Sam's Club now, but just to hold me until we get a Costco. I do want to say that when Costco comes and I say that optimistically I'm going to be one of the first people in line to sign up for a membership. I know understandably the neighbors have their concerns as well but I believe that Costco coming to the area would be especially where there's one now in Syracuse and there's one in Rochester. So I would also kid that they are going in the wrong direction. They need to be moving further east to the Capital District. I would tell all of you that please, please, please go forward with the construction and okay for Costco.

Ken Kovalchik

Okay. Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #61

My name is **Claire Nolan** and I live at 11 Norwood Street, Albany, New York 12203
And I just want to thank the planning board for giving us this opportunity to comment on the proposal for our lovely town. Forty years ago, we fought Crossgates and obviously we didn't win. Although we have won some fights along the way. I'm a proud member of Save the Pine Bush. So, tonight as I was first tuning into this program or this hearing, I was actually in the Pine Bush. I was in the Pine Bush and I was flying a kite and it was magical. It's a beautiful place if you haven't visited the Pine Bush, I recommend that you get there as soon as you can. And after I left the Pine Bush, I rode my bicycle along Rapp Road and I saw Crossgates Mall and the parking lot was empty, of course, because nobody is shopping right now. And I got to thinking about a conversation I recently had with my grandson. He's eight years old. He's the same age his father was when they first built Crossgates and I said, what will you do first, what do you miss the most, what you will you do first when we can start to go places that we miss and see people. And my grandson who is eight years old, said he would go to the library. And I just thought that was so wonderful. He didn't say he wanted to go to the mall. He didn't say he needed to go to a big box store and buy a hundred and ten rolls of toilet paper, He said he wanted to go to the library. And I appreciate the callers who are concerned about having places to shop, but along Western Avenue, if you're traveling from Mechanicville, that's a long way to go shopping. But if you're going to go shopping along Western Avenue, there's lots of opportunities. We have a lot of independent stores and a lot of variety. We don't need more. We don't need another box store. We don't need mall the Pine Bush anymore. And I can't say this eloquently as the other callers who know so well the fragility and the beauty and the uniqueness that is the Pine Bush. The Pine Bush is so unique. It is as unique as the Grand Canyon. There are other Pine Barrens in the United States,

but this is the only Inland Pine Barren and what have we done with this jewel. What have we done with this unique piece of land that I can practically walk to? I'm so fortunate to have that right here in my backyard. What do we choose to do with it? Put a big store that we don't need. Put a bunch of gas station pumps that we don't need. Thank you.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #62

Michelle Viola Straight, 1385 Burn Altamont Road, Altamont, New York

I am calling you in favor tonight of the Pyramid project to put in Costco. Pyramid has been a huge part of the community over the years, has supported many local businesses and has basically gone out of their way to make sure that they're doing everything in their power to keep our communities safe, to grow responsibly, to support our local organizations and they've been an absolute pleasure to work with. They're always very forward-thinking when it comes to development and they have quite a plan in place to look at things that they have done. They research other areas and they come back always with the perfect plan to put something new into the mix. So I myself as a resident, I've owned a couple of businesses in the town. I was a chamber president for a couple of years. I am completely for this. I moved up here twenty years ago to live in Altamont because it is rural, but also, I wanted a mall and I'm very happy that in ten minutes I can get to where I want to be, do the shopping that I need to do and you know, hopefully my children will come back. They're looking to stay in this area too. My children are now older and graduating school. They're looking to stay in the area because Guilderland does have these things to offer them. So again, I believe that Crossgates and Pyramid as a whole should be able to go forward with this project and I myself and am in full support of it.

Ken Kovalchik

Okay. Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #63

Hi, this is **Phillip Bandolino**, 2921 West Old State Road.

I've been a resident of Guilderland for over twenty-five years. I'm in favor for Costco. I work for a large food manufacturer. Costco is a great company and they're growing across the country. This is our opportunity to have this type of retailer in our backyard. They are a great employer. They work, they pay their people well, great benefits. They're going to help us pay taxes in the town and I don't think we should miss this opportunity. There's other towns in the surrounding area that really want Costco. This is going to bring folks from other towns into Guilderland and help us with sales tax. Their prices are great for the consumer. They have major buying power and they'll also help small businesses because small businesses can shop at this location and they'll be able to get great prices on their supplies and anything they need for their business. Let's see what else I have in my notes. I just feel we can't miss this opportunity. I mean, they're coming knocking, they're about two hours away their next closest store. I just feel that you know, we need to work with all the residents of this town. I know there's a lot of concerns, but we need to overcome those because we need more tax base in the state. I mean, you see Cuomo on TV every day. He's looking for taxes. He said the deficit is \$61 billion and if we don't get this type of business to move into New York, we're just going to continue to suffer and not move forward as a state, as a town. So I think I'm really, you know, I really appreciate you guys doing this meeting and I hope you guys really pass this opportunity for the town of Guilderland. Thank you.

Ken Kovalchik

Thank you for your call.

Time is now 9:04 for all the callers on the line. There's seven people in the queue, seven people in the queue at the moment.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #64

This is **Robin Gray**. I live on Amanda Lane in Guilderland.

I'm going to just read a prepared statement because I think it will kind of save time. This is a contentious project for many reasons most notable are the environmental concerns, the traffic concerns and the disruption of life and the well-being of the residence of Westmere. A project of this size will continue to bring and expand city like borders from the city of Albany to Guilderland where it is a suburban town. As much as progress can be good and can enhance many towns, this type of progress is not and changes Guilderland and not for the better. This project is very close to the Pine Bush. The Pine Bush harbors and nurtures endangered and threatened species and animals and insects, most notably, the Karner Blue butterfly. We need to continue to preserve these species. Jjust because the proposed development is not directly next to this habitat, it doesn't mean it won't be impacted, it will. We need to understand that this is important and that this is something that we need to pay attention to. The same is true for the surrounding neighborhood. They will suffer immeasurably from the one plus years of construction alone. The dust, the noise, the traffic. All of that, their lives are going to be disrupted, five days a week, eight hours a day, sometimes longer. They're going to wake up at 7:00 o'clock in the morning to hear jackhammers and what-have-you, big trucks coming through. That's very disruptive to everyday life. Once built, there will still be issues such as the lighting, the traffic and the noise. When you're in a situation where you've got acres and acres of parking lot. You have lighting that beams down from 35 feet above you that's going to impact your everyday life. The same thing with apartment buildings. The apartment buildings that are five stories high. Those people are going to be looking into the backyards of the residents out in Westmere Terrace. That is not conducive to a good neighborhood. It makes life there very intolerable. As town residents, we've had

an opportunity to make our views and opinions and concerns known and we all have. I've taken the time to read every single letter or email that was submitted in opposition and in support of this project. Of the letters and the emails sent in support of this project, most of them are not from town residents. Many are from current tenants of Crossgates and quite a few are from businesses outside of Guilderland, many just say I want other site, taxes and jobs. This project of a Costco is not all it seems to be; for example, are you aware that Costco does not hire a lot of full-time staff. All employees of Costco start out at part-time. It takes two to three years for somebody to become full-time when you work for Costco. You can find all of this information on their website. This is what they advertise to the public. So, what does that mean? That means that when, if and when a Costco comes to Guilderland, they're going to bring in their full-time management staff. That's not going to go to a Guilderland resident and then they're going to hire maybe 30 to 40 part time people to work in the store. And then it's going to take another two to three years for them to be full time. Do you think that you can sustain a family on part-time work? We know how difficult that is to do. That's not going to happen. The same thing will happen with the apartments. Apartment building and if you look in the DEIS. When you look at the apartments are going to do and how they came up with their staffing, what you will see is that they are going to have a total of approximately ten full-time staff to work in those apartment buildings. That's essentially your rental staff and probably some of your maintenance. The rest of it is going to be farmed out to another company. We don't know where that company is going to come from. We don't know if they're going to be local. I wouldn't count on it. How is that adding to the economy of the area? I don't believe that it does. When you look at taxes when you think about the lower taxes for the area that these places are supposedly going to do, is it really worth the taxes, the difference in taxes for roughly a hundred jobs. I don't think that it is. Most of these jobs are going to be part-time. They're not going to be full-time. I believe that full-time work is what helps our area, not part time work. Both in opposition sight many concrete reasons for delaying the project or denying the project. Many reports were submitted by the public, experts in various fields and the general public. They are all extensively reports that detail the impact of this project on the environment. This project is not supported by the Albany County planning board. In fact, they mentioned several things that it's not compatible land use

and it doesn't meet the TOD. They also make statements about the traffic being detrimental to the surrounding area and it does not protect the community character.

Ken Kovalchik

Could you wrap up your call please in the next 30 seconds to a minute, please?

Caller #64 continued

Per the SEQRA process, the planning board is required to address substantive issues. From what I have read and from what I have seen, I have not seen that many substantive issues other than those that had to do specifically with traffic, with the environment or the locale or the neighborhood or the environmental issues. I think that those are primarily what needs to be addressed. Thank you very much.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #65

My name is **Kathleen Liebmann** and I live with my family at 17 Westmere Terrace, Albany, New York 12203.

I have listened tonight. I have heard the various statements for and against these proposed projects. I am impressed with the callers in their passion for these issues. I feel I need to add my own comments. Although I am not a proficient public speaker, I will attempt to articulate some of my reasons opposing the Costco project and the Rapp Road residential project within the confines of your time allowed. I have lived in our great state of New York for almost fifty-seven years and in Guilderland for twenty-six plus years. I love Guilderland. I have been involved in volunteer work at Westmere Elementary School, the Guilderland Public Library, the Pine Bush little league and other organizations in the past. I have enjoyed doing so. I even enjoy Crossgates Mall for shopping, mall walking

and I have frequented restaurants in various venues at the mall as the mall is literally just about my backyard. However, as I stated previously, I am in opposition to both of these projects. The Rapp Road joint retail and residential project is planned for the end of my dead end street. We have been told that a fence, berm and tree planting will be the buffer between our streets and this new large retail and residential complex of 200 plus apartments. I must point out that when the mall had their expansion in 1994, in addition to the ground shaking beneath my house and windows cracking, I realized that Pyramid did put a fence around our area and added a cul-de-sac with fencing. However, in those twenty six years, that fencing has not been maintained in what I believe to be an adequate manner, nor has the cul-de-sac at times, as I have seen my neighbor's going out to mow the cul-de-sac grass in the surrounding grassy area because it has not been done-so by the owners of the of the cul-de-sac which I believe to be the town/Pyramid. However, you want to work it. I would like to add that the five-story apartment buildings that are being proposed, have the pleasure of peering into the private homes and backyard of my neighbors who have chosen along with the rest of the people on this street to live in Guilderland, to have family, to live a good life and to pay our taxes, schools and towns. Our cul-de-sac will be taken over by the apartments. Okay, we have been told that a house will be torn down by Pyramid and a new cul-de-sac will be put into its place with a possible fob/key type system for residents to leave the street in that way. We don't want that. We don't want any kind of pass through to that area. We don't want that area to be built. I have seen more happy people on our street in that beautiful cul-de-sac admiring the trees, the Majestic Willow Tree, for one, bike riding, the kids skate-boarding, the razor scooters in their day, the scooters that are now electric; baseball games; all kinds of wonderful town activities that normal families like to engage in have been done at the cul-de-sac and on our street. That is always going to be different if these apartments are built. I am opposed. I am also opposed to Costco, not for the fact that it is a Costco. I've never been to a Costco. I know it is a religion to many people. They travel far. I think this is a terrible location for a Costco due to one, the negative impact on the Pine Bush that has already happened and the future destruction that will happen if this project goes forward. I also want to mention that I have seen those wild turkeys all the time. So they have already started to disappear with the cutting down of the trees. So the Costco and

this apartment complex will be adding to the traffic. Anybody who has commented tonight or online to the town planning board in favor of this project or plural, projects, excuse me, has you know many have talked about the traffic not being a big deal. It not adding traffic. I disagree. I live right near Crossgates. I'm here every season in the winter, at the holidays. You can't get out of our street. If there is a snowbank, G-d forbid you don't pray, that you're going to get bashed into when you pull out onto Western Avenue and that is a valid concern. Anybody who doesn't have to do that or think that it's a problem, should come here and try to do it or try to teach their children to drive and to go out onto a larger street without fear. It doesn't, it can't happen. So that's my point. I may not have made them as eloquently as some, but I do oppose both of these projects. I have more things to say, but I'm trying to keep within that time constraint. Again, I thank you and everyone be safe. Take care.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #66

Hi, my name is **Charles Clare**. I live at Meadowdale Road. 829.

I just hope that the record of this remote public hearing is better than accessing it from the internet cause the internet has the sound, it's impossible to follow it on the internet with the volume up cause there's a repetitiveness and I hope that the members of the Town board and the town attorney spent some time trying to follow the hearing via the Internet rather than via Spectrum or Verizon. Just an introduction. The various proposals related to the, the SEQRA violations, the Crossgates expansion, the Rapp Road Apartments, Costco. Costco's proposed gas station. 16 to 18 gas pumps and the new Crossgates CDTABRT Rapid Transit Terminal, in addition to the impact on Westmere Terrace and the other neighboring residential districts to the Rapp Road Historical African American community and to the Pine Bush are too controversial and impactful to be

discussed and resolved through a remote public hearing. It will not satisfy the spirit of the open meetings law standards that the residents of Guilderland, in general expect. Until the covid-19 crisis issues are manageable, it's clear that resolving this via remote is really unreasonable to expect to meet the standards of the open meetings law. It's clear that Pyramid Management Corporation/ Crossgates itself has a survival issue being that that being transferred to a special servicer for imminent default. There's according to the Bond rating agency and JCPenney's is rumored to declare bankruptcy or and close many, if not all of its stores within the near future. Other Crossgates tenants may follow and so coming to closure on the Crossgates issues should definitely be postponed until the covid-19 crisis is manageable. Crossgates was reviewing its business model even before the covid-19 crisis turn the whole world upside down. So we are trying to deal with this public hearing at this time seems to be really unreasonable. Now to specifics, the draft environmental impact statement DEIS for the proposed development of the Pyramid Crossgates on Rapp Road in the mall and Western Avenue to build up the 360 apartments with up to three to five story apartment buildings. Fifty thousand square feet of office space and up to 278 square feet of commercial expensive retail, including Crossgates with seven hundred parking lot and sixteen to eighteen pump gas station should be rejected because of the following and are not adequately addressed. The quality of life in Guilderland is changing drastically with the explosion of growth that is incurred in the previous building of the hotel and now its expansion of the Crossgates Mall on over forty six additional acres with multiple high-rise apartment buildings, office buildings and our proposed big box retail, Costco's. Is creating a very dense City urban area that will directly impact neighborhoods and should remain suburban. The transit-oriented district is supposed to incentivize development "that adequately protects nearby residential neighborhoods, according to the stated purpose in section 280-18 19A of the town code. This development does not meet that standard and the town appears to be losing control of a vaguely developed concept in the Westmere Corridor Study. The proposed expansion by Pyramid to build a huge Costco Big Box store does not fit the stated purpose of the transit-oriented district and gas station should never be built over known aquifers and environmentally sensitive areas of traffic to and from the gas pumps like the traffic to

and from the car wash will aggravate traffic on Route 20 and the Ring Road, even though traffic during this covid-19 era.

Ken Kovalchik

Mr. Clare could I ask you to try and finish up your comments in the next minute or so.

Caller #66 continued

I'll do my best. The Capital District Transportation committee was a sponsor of the Westmere Corridor. CDTA is mentioned almost twenty four times and what hasn't been discussed by other people that I've been able to listen to while I've been waiting is that CDTA in addition to the Crossgates is planning to and is part of their deal with regards of development of their contribution and the TOD to build a very large Port Authority Center. I just want to reiterate that the neighboring towns are so disturbed with their experiences with the inadequacy of remote public hearings. Not meeting their understanding of the open meetings law requirements. That some may choose to sue to require controversial open meeting that we postponed due to the pause required by the governor or the resolution of the covid-19 era impact on the ability of the applicants to even proceed if approved. Guilderland should postpone making controversial decisions until the town is confident of the financial status of the applicant and the Crossgates tenants are sound. New reports indicate that Pyramid Management Group is considering filing bankruptcy. The town of Guilderland should not allow projects to begin that have a high likelihood of not being completed. Dealing with this issue at this time under these circumstances I think is poorly thought-out and we need to postpone such a controversial issue until such time as we can have a real public hearing rather than what we're observing here this evening. Thank you. Thank you.

Ken Kovalchik

Thank you, Mr. Clare.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comment?

Caller #67

This is **Steve Wickham**. I reside at the 235 Executive Drive, Guilderland, New York. I'm also a volunteer for Save The Pine Bush and the chair the Guilderland Coalition for Responsible Growth however my comments tonight are my own personal comments and don't necessarily reflect the positions of these organizations. First of all, I think it's inappropriate that this board has not suspended evaluation of DEIS and this project since the town is now being sued in federal court after allowing the illegal tree cutting on the proposed Costco site during a SEQRA process on March 26th, 2020. Pyramid provided the town advance notice of the clear-cutting and yet the town allowed them to proceed even though such actions are clearly prohibited by SEQRA law and even common sense to make one realize that destruction of the sites environment while going through an environmental review and before the project has even been approved, should not be allowed. Second, I don't understand how this board arrived at their decision that the DEIS was complete at the February 12th, 2020 meeting. The DEIS apparently did not include a wetland report for the Costco site, had multiple deficiencies as pointed out by Dr. Lang and others tonight. And the traffic study that was posted to the town's website is dated February 17th, five days after the DEIS was being complete. Regarding traffic, I think its magical thinking that you can do all this development on Rapp Road, the mall's ring road and Western Avenue and think that somehow traffic problems we have in Westmere already will be mitigated. There are several proposed and approved projects occurring in Guilderland and traffic impact should be considered cumulatively with these other projects. Also, building a big box store like Costco with 700 car parking lot and 16 gas pumps is completely antithetical to the stated purpose in the transit orienteed district. In fact, the Albany County planning board in their review of the Costco special-use permit said "seven hundred parking spaces does not show evidence of reducing the number of parking spaces and is in direct contradiction of the purpose of the TOD zone" and they made similar comments regarding the amount of parking to the proposed apartments on Rapp Road in a previous review. Lastly I do not believe the DEIS considers well enough alternatives to doing this project at all, which would mitigate all these problems that are even admitted in the DEIS and the other commenters have raised. I think it's very

disingenuous of the applicant to state on page 123 of the DEIS that “at site 2, the project involves new redevelopment that will replace an existing largely unoccupied residential neighborhood”. Single family dwellings are prohibited uses in the TOD. When it is the applicant that bought up all the properties and created the on an unoccupied residential neighborhood to begin with. They also did not consider any alternatives east of Rapp Road or the development of the proposed Site #1 which would make better use of the already developed mall property and the underutilized parking lots. The applicant claims “Rapp Road development does not have common ownership with Crossgates Mall”, but it's my understanding that Pyramid Companies are behind all of this development and they own the mall. In the day of ever-increasing climate-change, Bergen insect decline and outright species extinction, it is not responsible to turn vacant land into parking lots. This DEIS should be disapproved and the project should be denied. Thank you.

Ken Kovalchik

Thank you.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #68

My name is **Suman Nerallapali**. My address is 1006 Coffee Drive Schenectady, NY 12303

I'm actually calling for the Costco the call that you guys have this evening. So I actually support for that. The reason fiscally, you know it's good for the county get some revenue. I think getting this new business will definitely help the county. I'll be saying yes in support of the Costco going to be implemented near the Crossgates I know that you're planning nearby. Thank you.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #69

Sure, my name is **Kevin McDonald**. I live at 29 Westmere Terrace.

I'd like to read the TOD law verbatim, if you don't mind. The first paragraph, A, under purpose says the TOD District encourages more compact development, traffic calming measures, better access management, improving the environment for non-automobile oriented modes of transportation, reducing the number of required parking spaces, supporting mixed-use buildings and pedestrian linkages and focusing intense development away from the existing residential neighborhoods. My comment is that the two projects that are proposed here are in direct opposite of the Town law. Site #1 is the apartment building which to me is intense and that's going to be right in our northern border and Site #2 to is right on our eastern border. I'd like to see more done for the residents of Westmere Terrace, you know, an established residential neighborhood. We all fear that this is going to be a detriment to our quality of life here on this road, and that's all I have for tonight. So thank you for your time.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #70

My name is **Steve Koch** and I live at 6 Westmere Terrace in Guilderland 12203.

So I just want to point out to the board that the Rapp Road project and the Costco development are not compatible with the goals of Guilderland's transit-oriented development district, the so-called TOD, which remember was meant as a kind of master plan to guide us in developing Guilderland in a thoughtful and visionary manner. In a manner that we would be happy with so many decades to come. Now I want to quote from the TOD as stated in section 280-18, so listen closely to this language. The transit-oriented development district is designed to adequately protect nearby residential neighborhoods. The TOD encourages more compact development, traffic calming measures, better access management and improving the environment for non-

automobile oriented modes of transport, supporting pedestrian linkages and focusing intense development away from existing residential neighborhoods. So it's clear that the proposed density in scale of the project really are entirely out of character, not the surrounding residential neighborhoods and the plans do not minimize impacts to adjacent properties. You recently opened a five-story hotel is not located near a residential neighborhood like this proposal. The other nearby hotel is also not near a residential neighborhood. Instead of focusing intense development away from existing residential neighborhoods, the proposed project places intense development right on top of our longstanding and lovely residential neighborhood, effectively destroying it. I cannot imagine how the planning board swears this extremely clear and explicit language with this proposed project. The residents of Westmere Terrace made this argument to the Albany County planning board last fall and they clearly agreed with us. And for the reasons I've stated, they voted this project down. So I strongly oppose this project. It's a kind of development that was done across this country fifty and sixty years ago, and that we now largely regret and I urge the planning board to pay close attention to the wording of its own much more Visionary TOD. The citizens of the future will thank you for exercising some restraint here and thanks for hearing me out.

Ken Kovalchik

The time is 9:39. There are five callers in the queue just for those waiting.

Good evening, you're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #71

My name is **Ward Stone** and my address is 59 Harris Road, Troy, New York

I was the wildlife pathologist for forty-one years and I had some strokes but I'm recovering from those strokes. I want to testify a little bit tonight and say that there should be a lot of careful looking in that area that was documented by the Altamont Enterprise article. Look for rare reptiles and amphibians. If there's not the money to get the expertise then the town or somebody should put the money up to give people with the proper expertise

to look at that area to see what's there. Also, malls are getting less and less important as more and more people are shopping online. That is going to continue, but endangered species are very important. It should be worked out as to what was there. What birds were lost when the Aspens and other trees were cleared out of there a couple of weeks ago? That should be taken up and the DEC does not have the right kind of surveys being done on developments these days because they're not up to date. There recently were science articles showing that America has lost three to five million birds, billion birds in North America and that birds are in pitiful shape for population wise. All the whole Pine Bush and everything else that has died should be looked at much more carefully than it is and the data is out there showing there is tremendous lack of birds. And also, there should be bird data for different times of year. There should be bird data now, nesting season, and there should be fall data as well, migrating birds and use. For example, do warblers use the area that was cut down and that data would be very hard to come by since it was obliterated. But it's a good chance that it would have been used by fall activity of birds. And one cannot expect to protect the corner of the world of New York State and of Guilderland by holding spotty hearings attended by old men with strokes who will not have had time enough to go out and do the kind of studies that need to be done to present at a hearing like this. But anyway, I would say that we should do more, and if you do not have a people with expertise to do it they could be hired and the town could pay for that or somebody could pay for that being done and all that data to be used later on. That's all I've got tonight. Thank you for allowing me to be at your ear.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #72

My name is **Alex Brownstein**. 1082 Regent Street in Niskayuna.

I was born and raised in Guilderland off of Willow Street, and I went to Guilderland High School, class of eighty-six and I cared deeply about the community. In fourth grade, I circulated a petition around the neighborhood to stop the building of Crossgates and they

were the last work there during my teen years. In past years as an attorney, I helped represent save the Pine Bush on certain legal matters. I go to the Pine Bush weekly and love it there. Others have brought up salient points about the habitat and the DEIS so I'd like to focus on an issue I haven't heard about quite as much. I think a lot of folks sincerely believe the project is good for the economy and think of a secure future. So to put things in perspective, I'd like to read a few statements from an article published just a couple of weeks ago, April 26th, 2020 in Rockland County Business Journal, their words not mine. The title is *Pyramid Group Owner Palisades Center Eyes Bankruptcy Last Minute Solutions*. The sub header is *Six of Pyramid's Loans Have Transferred to Special Servicers*. I'll read a section of that article next. And in fairness, I am skipping over irrelevant parts to speed this up, but I haven't skipped over anything that distorts this story in any way. It begins filing Chapter 7 bankruptcy is looking more possible for the Pyramid Group which owns the Palisades Center. Pyramid Companies, the largest privately-held shopping mall developer in the Northeast had two more of its CMBS loans transferred to special servicers in the past week due to imminent monetary defaults according to the coral bond rating agency. That brings the total to six. Skipping ahead a little, collateral for the latest two loans is secured by two phases of the Destiny USA Super Regional Mall in Syracuse. They have combined outstanding principal balance of \$430 million as of March 2020. These latest two loans join four others in special servicing. Crossgates Mall, near Albany, that would be us, and several others. A \$388.5 million dollar loan on the Palisades Center was transferred to a special servicing because of imminent default last week, according to article. Source at JP Morgan's said the property could go into foreclosure by mid-summer if Pyramid does not find a buyer, but it appears the mall developer is in imminent danger. Pyramid missed its most recent payment on its mortgage. The debt was originated by JP Morgan Chase and Barclays in 2016. It was included in a single asset CMBS transaction with Wells Fargo as both master and special servicer. The whole mortgage loan was originated in April 2016, and has a principal balance of \$418.5 million and a five-year term maturing in March 2021. Sources say several large tenants, including big boxes have not paid rent this month. Many have signaled an unwillingness or inability to pay next month's rents. Prospective tenants plan to fill significant spaces have pulled out. It isn't clear when the state will reopen for

business and, more specifically, when patrons will be comfortable to be in malls once again. That's the article and I presented as food for thought as we contemplate permanently destroying a critically important habitat, inserting our roads with endless traffic all while hoping the landlord doesn't go bankrupt and leave a dead vacant lot where we should have a vibrant community. Thank you.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #73

This is **Pat McCarthy**. I live at 20 Kent Place Albany, 12203.

I'm calling to say I oppose this development and the reasons first of all, traffic. The people that are saying the traffic would not be impacted, I don't know, but they obviously are not driving in the area at the 5:00. I've driven from downtown Albany to home in Westmere for over eight years. And I can tell you it takes me almost the amount of time it takes me from downtown to the ramp that it does from the ramp to my house in Westmere, which is just above Crossgates. I have driven on Western Avenue bumper-to-bumper traffic from Fuller Road, and now I'm driving from Central Avenue over to Western and its okay up until Washington Ave. But once you hit Washington Avenue, and you go towards Western, I'm driving eight miles per hour, and just to get home. So how can they say traffic is not going to be impacted is beyond me. As far as the apartments go, I think Guilderland has way too many apartment complexes as it is. I don't think we need it. I don't think people can afford the rent and if people move in there with kids, are our schools going to be impacted. We're going to be asked for bigger schools, more buses. And what about the fire departments? Are they going to ask for a bigger apparatuses because they need to be able to combat any fires on these tall buildings? I mean, I think there's just way too much. As far as Costco goes, I myself have never been to a Costco. People say it's better than BJ's. I had a BJ's membership. I got rid of it and I don't even miss it. I can't, you know, people that go there are not going to be walking. They're going to be driving. That 700 more cars already impacting the traffic. So again, I'm not for that either.

Lastly, the Pyramid Corporation. I don't know why Guilderland would want to even work with them. Pyramid has taken Guilderland to court over their taxes for how many years, fifteen to twenty years it took them. They went back on their word about paying for the Guilderland police to walk the mall. I understand that that's you know, not going on now, but still, they went back on their word. They also cleared the Costco site and we all know why they did it when they did it because they knew if they didn't do it then, they would have had to wait until October. So again, why would anyone want to deal with the company like this? And no one's mentioned the crime that was in Crossgates. So what are they going to do about that? They want to build more retail when they can't even keep the retail that they have in the mall. I'm totally against it all. I hope Guilderland does well by the people that live in Guilderland. So thank you for your time.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments.

Caller # 74

My name is Wendy Dwyer and I am a taxpayer at 6013 Depot Road in Guilderland Center, where I grew up.

I have read most of the draft environmental impact statement and I have read many of the comments from which were signed by anonymous or someone just with the first name or with just a sentence saying that they support the project. I am against the proposed development. I would only support Costco if it were built within the currently paved Crossgates site if you really feel that we need it. Although I prefer existing businesses be prioritized instead. Especially coming out of covid-19 our existing businesses are going to need our support not a new business. Is Pyramid really solvent anyway? So regarding lighting. On page 24 of the DEIS, it says the project is tenant driven. Lighting has been proposed as a variance. I learned from the Albany Planning Board meeting that light poles exceeding the town zoning are requested. Why? I would like to know why? I do not see the reason in the DEIS, maybe I missed it. Is it just that it's tenant driven? The Albany planning board said the lighting would be way overboard. There's research and far more

research needed and being done regarding the impact of artificial lighting on human health, wildlife, birds insects and more. Albany Planning Board recommended shielding the lights down as they would be a huge excessive glare on the surrounding area, but there are greater issues here. Research on polarized light pollution, January 7th, 2009 article polarized light pollution a new kind of ecological photo pollution outlines illustrious effects on animals and ecosystems. This article explains some of the interactions with human-made objects. As many as a billion birds a year died in the US when they collide with buildings, second only to death by feral and free-ranging health cuts. Artificial light impairs migration skills and birds can affect predator behavior at night, breeding, nesting biodiversity of animals, foraging, nocturnal wildlife and much more. How much more light will there be in Guilderland from this project? Many places now people can no longer enjoy the night sky in our country. Imagine migrating by the stars. Light also using the effects insects. Polarized light pollution creates glares and other images that can cause insects to make deadly mistakes like laying eggs in place where they will not survive such as on glass or a puddle of oil in a parking lot as it appears to be water from the light or some other materials. The eggs, of course die. When did you last have a windshield covered with insects? Antics are critical to migrating birds. Insecting birds such as Warblers are already threatened by diminished horseshoe eggs to sustain their migration and some are also noted too often to collide into the lighted buildings at night. Science Magazine reports since 1970 grassland birds have declined 70%, migrating bird masses have decreased by 13%. North America has lost three million birds and and these numbers may be higher now. This includes common species as well such as blackbirds and sparrows. More light is not good for anyone. LED light which use less energy create a type of light that has adverse effects on wildlife. This is the Pine Bush Preserve area full of significance of refuge for species critical habitat that has already been assaulted over and over across time. Regarding water, the DEIS claims Guilderland has ample water to manage the miles per gallons per day daily demand of 81,107 gallons cumulatively for the current plan for the proposed sites. I was on a call were Bill McKibben, founder of 350last.org was speaking about the future of water, it is frightening the US has a major threat to our 40 aquifers that are being rapidly depleted. Per the US Geological Survey of 2013, National Geographic has reported on this as well. Some aquifers are

down so far, it would take twelve years to refill them. There is a projected increase of water use as more is needed in population growth, farming to provide population growth and so on. And will cause water wars. Is Guilderland planning for the future? The DEIS does address fire protection briefly 3.8.3.2, but as a former volunteer firefighter in Columbia County where the companies are volunteers like Guilderland, I know expansion can tax departments. EMT's especially as covid-19, taxes, resources firematics, car crashes and so on. Can the department really handle it? There's a lot of development happening in Guilderland. The DEIS refers to abandon homes. This is very deceptive since the 1990s these homes were bought up under multiple llc's using different names that can be tracked back to Pyramid (see articles in the Times Union February 2016). The Altamont Enterprise had a story in November of '19 about a former resident who spoke out about having his family's neighborhood devastated. These were well-kept neighborhoods. Some of the homes were rented by Pyramid and then the people were evicted and the homes were sealed up. These neighborhoods were deceptively and evasively gutted and destroyed by Pyramid for their own benefit. What quality of life remains for existing residents? I grew up in Guilderland and it was a lovely place and I had hoped to come back someday when I could not manage my land here. Regarding demolishing these homes with seedy dump and rent flare, the dump next to schools emitting compost and gypsum is a huge threat to neighbors that were opposing it. The Seneca Meadows in Seneca Falls is a mountain of trash and people are resisting. Demolition and rebuilding is wrong headed. Build Costco in the existing Crossgates on the site of pavement. There will be empty stores. Preserve open green space. Do not create 1700 parking lots and more roofing to create heat. Try to cool the planet in Guilderland. We are facing increasing climate-warming with unshed greenhouse gas emissions. Spaces are going extinct every day and we may be in the midst of the six major extinction. We must look at science to finish up the international climate change now predicts about 8 years to reverse warming or there will be catastrophic effects. We need to stay below 1.5 degrees Celsius increase which itself is not good and go to net zero by mid-century, but we are on track for a three to four degree rise. There will be devastation of food production, Health Systems, ecosystems and more and it will be very difficult to survive. We must do our part and that includes The Town of Guilderland,

Pyramid, each one of us. The Pine Bush Preserve is a critical rare habitat of global significance and must be protected as well as must all the remaining green space on the planet. There's a prophecy attributed to the Creole Indian only when the last tree has been cut, the last fish caught, the last stream poisoned, will we realize we cannot eat money. Protect green space who will speak for the trees, the birds, nature of the planet. What will you tell your children?

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #75

Kevin Parisi 21 Jester Court, Colonie, New York.

I'm just calling to make a couple of comments. I grew up in the town of Guilderland, I actually went to Westmere Elementary School. We moved out of Guilderland about 10 years ago. We consider Guilderland near and dear to our hearts and have very much watched the transformation of the mall over the years and are very big supporters of this project. We listen to a lot of comments tonight and certainly understand where you the residents and other people are coming from as well as current tenants of the mall and other vested interests. I feel it's important to make a couple of statements from my perspective. One, this is a commercial area and I think it's important to talk about a couple of things about you know, employment how Costco does it and the fact that there are some statements made about that they hire Part-time employees. And you know, I have friends that work at different Costco's. Costco consistently year after year gets ranked one of the top five companies in the country to work for. It doesn't happen by mistake. They are a fantastically run company. They do have a "religious type following". A lot of that is because they bring a lot and bring a lot to the community. They operate a very clean, well-run, well-managed, aggressively priced, competitive alternative that that isn't really here right now in the market. Where they are proposing to go has access from major highways. There's a lot of opportunities to get to this site without having major impact on local streets. Costco in particular from the experiences I've had are a very

cautious and they protect their members and the neighbors dearly. Part of that is why they want the parking they need and the way they design their buildings to make them safe, is to make them well light, without impacting neighbors to have good access to get to the store without impeding traffic and making things difficult for everybody. So grew up going to Pine Bush. I ride mountain bikes in the Pine Bush. I'm consistently there. I'm a big fan of the whole region and the whole area. And I'm also a very big proponent of smart growth. I just feel like unfortunately sometimes everything gets lumped together and you look at the other things and people keep bringing up things like the current covid situation and you know, I heard things about potential bankruptcies and in all the times that we've had in my lifetime this is the exact thing that we need some positivity. We need growth. We need companies that are strong that are not going to be here and gone tomorrow, that are not here trying to have negative impact on the community. They're very supportive of local organizations. I've been personally to different groundbreaking grand opening and everyone up to the CEO comes to every single opening because it's just it's a very large company that's run by a very small group of people. So I just feel like it's an important consideration to take in a place that I think it would be hard for people to find who have been around other neighborhoods that a Costco was built around that didn't have a good experience if something went wrong, they tried very very hard to address it. I've heard it a lot. I have personally driven to Springfield to shop with them and think they'd be a huge asset to the New York State economy and to the employment base. I know there were some comments earlier about what their jobs are talking on the website and you know, you can specifically find on your website that their entire management staff is cultivated from within. So most of their upper management from executive VP's right up to the to the CEO, part of that entry level type positions in the town like Guilderland so I actually feel the exact opposite. I think that for our youth, for our local residents, it is a tremendous opportunity for jobs. It's a tremendous opportunity for tax dollars that we were desperately need over the next five or ten years. If people are worried about the health of the mall, it's one more benefit to bring a tenant like this that will just ensure the investment into the project, the investment into the property. A tenant like Costco is going to have a lot of requirements that require the mall owner, whether it's Pyramid today or a different owner in the future, to maintain it at a certain level of standard. I mean you can see that

when you go to any location they have, and I've been to many across the country and it's a super, its run very well. It's maintained very well and they are very cognizant of their neighbors and the community. I'm pro the project but I'm also pro-environment, I'm pro the Pine Bush I grew up there, and I'm there all the time. My property butts up to the back of the Pine Bush on the other side of the town. So it's very important to me as well to preserve that and to work together as a community. I appreciate you guys taking the time to do this. I know this is a very difficult forum to do it in so I want to just thank you guys for taking the time to let everybody voice their opinion and stay late and do it in this forum. I just think it's important for people to just know who this is, isn't just some big box retailer from my experience. This is a company that yes, there are corporate company. Yes to publicly traded but they are run very close-knit. They want things, they want growth from within, and the communities they go to are very important to them. And I just think that this is a tremendous opportunity for our market as well. I thank you very much for your time. I appreciate you guys listening to everyone's input. And I know it's a tremendously large decision and I wish you the best of luck with everything.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller # 76

Hi my name is **Tina Lieberman**, I live at 30 Aspen Circle Albany, New York I'm a frequenter of the Pine Bush, I love to hike and walk there. I request that the town planning board reject the draft environmental impact statement. I think it falls far short of addressing the impact of all this development on this beautiful Pine Bush which is a National Heritage and Conservation Area. It's very precious to me and to all the people who live in the area and the Town of Guilderland. The draft environmental impact statement doesn't do enough to mitigate the effects of developing 46 Acres on the wildlife that's there, some of which is endangered and threatened. The preserved beauty and the climate too. Frankly I don't think we need more big box stores and we don't need to

undermine the established businesses in the area that I frequent but I think we do need to have more pieces of paradise like the Pine Bush and less parking lots.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #77

Good evening. My name is **Frank Casey**. I'm at 560 Jefferson Court.

I'm one of the founding members of the Guilderland Coalition for responsible growth although this evening, I'm speaking for myself. I had the opportunity to write an email to you, and to the board. I know that you've all had an opportunity to read all that. So I'm not going to reiterate any of the things that I covered there in terms of basically saying that all of these projects should go inside of the Ring Road or not be outside. I realize that your main purpose is to discuss a DEIS but also as a planning board your planning has to encompass a socio as well as an economic consideration of projects and proposals that come before you, and this evening a number of people who have called in in-favor of the of the proposals talk in terms of glowingly of jobs, of the economic impact and of property taxes. So just very quickly, in terms of jobs with respect to Costco we're going to get some full-time jobs, we are going to get a lot of part-time jobs and if Guilderland town is going to be the host of this endeavor the jobs should be for Guilderland residents. I would submit that even if you look at Pyramid itself, that the majority of those jobs are not held by Guilderland residents, they held by people from outside of Guilderland. So I don't know what the great benefit is going to be for Guilderland. And as far as the apartments are concerned, I have no idea what kind of jobs would be held for the apartment buildings other than perhaps janitorial jobs to clean the place up. As far as the economy is concerned, yes a Costco would generate a lot of sales tax, the apartments of course would generate no sale tax but the sales tax is going to go primarily to the county and very little will come back to benefit the town. So I don't see a benefit to the Town of

Guilderland from that perspective either. And finally in terms of the people who say well this would be great for our taxes, I would probably paraphrase Jerry Maguire said show me the money. I would ask all those people to go back and take a look after tax bills, take a look at the proposals here and try to figure out for themselves in terms of absolute dollars and cents, what it is that they're going to save in terms of taxes of their school taxes, for their town taxes. I suspect the amount of money that they would probably save from their taxes today could be equally and well spent by patronizing one of our restaurants and a takeout to keep them afloat during the covid-19 crisis. In other words, they are not going to save that much in taxes. So I thank you for your time. I know you people have been there a long time tonight. It's going to be a long night for you. Thank you for what you're doing, listening to all we have to say, but I ask the people to go back and reassess what they think is the benefit in terms of jobs, the economics of sales tax and property taxes. Thank you very much.

Ken Kovalchik

Thank you for your call.

Good evening. You are on with the Planning board. Could you please state your name and address for the record and then begin your comments off?

Caller #78

This is the former president of Protect Your Environmental organization and a former head of and basically the BYE. What I'm going to basically outline because we don't have that much time, but we have to do a true economic impact statement on both sides - how much money Crossgates and all the developers are going to put in before the impact statement and I think the town has to do the true economic impact statement to see how much it's going to cost the town from all the 17 different organizations that the town has to put in once this. The other thing is the water impact is very important. We're right now, we have a problem and we're buying water from at this point and how much water and what is the cost going to be for making it for all the three developments. You have to look at the three developments cumulative impact of all three developments in all these areas

I'm going to talk about. The water impact, the air, you briefly talked about the highway but you almost have to do a roundabout to change the whole aspect so we don't have problems. The things that I think they should be put in into the you know, when we have a chance to do this- is to put in the community organization, the 17, we put together the Pine Bush ultimate master plan together and we'll be giving that back to the town also to the Pine Bush Preserve organization and all the different leaders from Albany, Guilderland and Colonie. Also the two books they should be part of this- the seed money that we had given to write the book Pine Bush Albany's Last Frontier should be part of this and also the master plan that we did to have for three days every owner of every property and lawyers come together to do the master plan for 3 days at the University Albany and all those notes of hearing should be part of it. Yes, we have experts in Guilderland on the issues, the water issues, and we have experts for the air. And also we have the experts, you know, basically International experts that will be coming in to talk about. Now, the last thing is that this was regarded as one of the jewels of New York State by both Governors. We have that information and we have to make sure right now there's only 356 acres was preserved. Okay. I think I started is that I think are looking to give only about ten acres of preserve, at least 150 acres should be put aside for this. The last thing that we can't the clay layer where we have 2.5 billion gallons of pure water, the three different layers of pure water. And, they're looking to put gas tank and gas facilities and we got to make sure that we don't break any of the structures. The structures don't basically break the clay layer for the pure water. Okay, and again, I don't have the time now, but when you look at the three purity impacts you're going to see a whole different picture. Okay. That's all I just want to say real fast. Okay.

Ken Kovalchik

Good evening, you're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #79

I'm **Rosemary Tobin**, I live at 11 Lauren Avenue in Albany.

Basically I'm totally opposed to any more development along Guilderland particularly along Western Avenue, Rapp Road area. I've been here since 1986 and I've seen the changes and it's just one huge parking lot, the removal of trees, development. It's takes much longer to get from Albany down to where I live. There's cars backed up from 155 and 20 back onto Western Avenue. They drive down the left-hand turn lanes. We just don't need another store. We don't need another apartment building. There's been too many going up in the past few years. I am just totally opposed to it. So that's basically it.

Ken Kovalchik

Ok, thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #80

Hi. My name is **Janet Maddox** and my address is 593 Aster Court Delmar, New York 13054. I just like to say that the Pine Bush is an irreplaceable treasure for the Capital District but also New York actually. Its part of a globally rare ecosystem and in parts have been erased and I just think it's a huge mistake to replace it with Costco and various other developments in Guilderland.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #81

Yes. Thank you. My name is **Fran Porter**, I live at 1119 Burn Altamonte Road in Altamonte I appreciate the opportunity to give you my comments tonight. Mostly, I would just like to suggest to you that the draft impact statement doesn't fully address against

when negative effect against the Pine Bush ecosystem and the unique habitat that is home to this very large diverse number of wildlife species in the Pine Bush. So please consider my statements and do not approve the project. Thank you. .

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #82

John Phillips 6545 Lanart Road, Altamont, New York

I happen to own Phillips Hardware in Guilderland and I just wanted to go on the record, even though Costco will probably sell products that will compete with me. I feel the revenue for the town and taxes, as well as right now, we need people having job potential. Costco will be bringing jobs to the area which will be very beneficial to our community. As well as the revenue to Crossgates them being a huge partner for the capital region, and especially our town. If that's going to help them have funds coming in to exist and they're going to need it even more with probably than the impact of the pandemic for them. So I think those are in the comments and I just wanted to make sure we're looking at on record for the final decisions that will be made with this. Thank you. Have a good night.

Ken Kovalchik

Okay. Thank you for your call.

Steve Feeney

Is there one in the que?

Ken Kovalchik

Yes there is one in the queue, Im going to put it on.

Steve Feeney

There is one in que. It is now 10:25. So I guess Ken ...should we give it a second?

Ken Kovalchik

I mean- I need to take a little break.... we can give it a couple of minutes

Steve Feeney

I would give it another half a minute and then we can just entertain a motion to close the hearing. Right, I guess if you want to sit for 20 seconds. We had a lot of comments. I think I counted 86 callers.

Ken Kovalchik

I've got somebody in the cue.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #83

Harry Howe 27 Westmere Terrace

Ken, I have met with you personally. I met with Mr. Barber. We've met with our street on several occasions. I have written to you about this project of my vehement opposition to it. And I just wanted to get your verbal admission of my vehement opposition to all phases of this project. A lot of the people that want this don't live anywhere near us and not going to have a five-story apartment building looking down into their swimming pool. We really don't appreciate it. And I think you people on that Board, who are all non-elected, you all hold of our futures in your hands. So don't forget that. I really would appreciate it if you would just hold this off and I do believe the town has to reply to the lawsuit on May 18th. And then it's going to be argued in District Court on June 2nd. So I don't think you should do a rush to judgment now, you should put all of this on hold temporarily. Thank you for your time. Good evening.

Ken Kovalchik

Thank you for your call.

Steve Feeney

Is that it?

Ken Kovalchik

I've got two more.

Good evening, you're on with their planning board. Could you please state your name and address for the record and then begin your comments?

Caller #84

Yes, my name is **Karen White** and I live on Old State Road.

I'd like to reiterate some of the points that other people have made and just to reinforce some of the things that they've already brought up. John Kaplan who owns the gas stations in town spoke about the need to really fight against blight happening in town. I'm not sure how long that defunct gas station that sits in front of Crossgates on Western Avenue has been there, but you know, I'd say at least two decades. So once something like that sets in its not easy to you know to get someone else to take it over and certainly paving over more of the Pine Bush adjacent property and green space is undesirable as Steve Wickham pointed out. The whole goal is to not create more parking spaces as stated in the TOD and several other people also have mentioned it. You know, Dennis File called hours ago and said that there's already too much pavement. The Stuyvesant Plaza area has flooded consistently for decades and you know, just paving more land will only make these types of problems worse. The environmental aspect, I don't believe have been even close to been covered in the DEIS correctly. Wendy Dwyer touched on that and she also touched upon supporting our local businesses like, you know, John who's been paying taxes on his gas stations for you know, who knows how long now. The shopping habits have changed and I do believe that we need to revitalize the existing mall before we even think about building something else and taking the Green Space away. The online shopping trend is continuing and it will continue even further with this covid-19 pandemic that we're right now, you know, it may take a very long time if ever for

people to really want to go back and do most of their shopping at brick-and-mortar stores. For people that truly want these club shopping experience, BJ's is only five miles and five minutes basically away from the site where Costco wants to build. And of course Sam's Club is already in Latham. I would suggest that, and many people have brought this up also, we already live in a retail rich environment. There are people that live just several miles away from us in Downtown Albany that basically live in a grocery desert. They can't get basic grocery supplies. Also people in the Hilltown, would love to have the shopping options that we already enjoy. So I would say to these folks, let's not focus on the one thing that we don't have- we already have so many shopping opportunities that other people don't enjoy. People lamented that we didn't have a Trader Joe's well, they'll now we have a Trader Joe's and people are always there never satiated by whatever they have or they are always looking at what they don't have and this is the human condition and I think it's not going to be satiated by a Costco either. They're going to be constantly looking for something else. We have to rely upon people like Ward Stone and other experts who really direct us as to what we should be doing here. I noticed that chairman Feeney is, you know, taking copious notes and keeping a tally of the for and opposed same way that Mr. Kovalchik is doing on the town's website. But really this is not a high school popularity contest. This is supposed to be decided by facts and expert testimony. So, you know as much as we like to quantify things this really should not be decided in that fashion. Also you know, Frank Casey just hit upon the fact that this is a very much a money-driven decision and I haven't seen in the DEIS, that they have really told, how they are coming up with their supposed tax revenue and school tax revenue and so forth. So, they seem to, one of the previous caller said that you know, there's going to be adding \$400,000 per year of tax revenue to the town. Well, I'm not sure a) where that data came from to begin with and b) that was whatever estimate they worked up was for the pandemic, so both figures don't even really apply anymore because people just are not going to have the disposable income that they had even just a couple of months ago. This is a whole brand new experience, and it's a game changer. People's buying habits are going to be changed for a very long time.

Ken Kovalchik

Ms. White, can I please ask you to summarize your comments in the next minute or so

Caller #84 continued

So unless someone can direct me to where there is this economic benefits that that would help me to understand where they're coming up with all these you know, glowing figures all this money that we are supposed to realize, I don't see it particularly since we've had this late change in events. And the other thing that's lacking in the finance department is even if they tell where the data is coming from only looking at –they're only looking at one aspect of it and that's the income portion- a couple of people pointed out that there will be a cost in services. We're going to have to pay for water, fire, sewer, and police. So we need to run it like people run their households, you look at what your income in but then, you have to also specify all of your expenses and you have to really count everything before you can come up with a good idea of what we're actually looking at here. I want to wind up with just one question and that is I'd like to know who on the town of Guilderland staff or if you are planning on hiring a consultant to do so, who is qualified to do the evaluation of the DEIS as far as environmental impacts are and what are their qualifications? So I would like to know the answer to that at some point.

Ken Kovalchik

Okay. Yeah, we have two TDE's working on it – One doing the civil, one doing the traffic. So that's who's working with the town.

Caller #84 continued

Okay, one town designated engineer one for traffic, and one for civil.

Ken Kovalchik

That is correct.

Caller #84 continued

Okay. Thank you.

Ken Kovalchik

Good evening, you're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #85

Yes, my name is **Susan Griffith** and I live at 6 Westmere Terrace.

It's been a long evening, and I know it's late. I just would like to state that I am in opposition to all of these endeavors. All the arguments have been stated before. So I just would like to state my opposition. Thank you.

Ken Kovalchik

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #86

Sure, my name is **Kristen Besley**. I'm at 215 Vicenza Lane in Schenectady 12303.

I own Pure Elements salon located at 1728 Western Ave. and I will keep it short for you guys tonight, as a small business owner that has been out of work for the past eight weeks. I'm in full support of the Costco project and I think it will do great things for the economy and for small businesses. Thank you.

Ken Kovalchik

Okay. Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #87

My name is **Dana Brady**. I'm at 40 Lincoln Ave in Colonie.

I would like to express my opposition to the development. I have my master's from Green Mountain College in Environmental studies and I'd like to just say that the development

that will happen, or is planned to happen is terrible for the environment. We need to work on getting this not done. I don't know what else to say other than I held a fundraiser in January – there were people young and old that attended and I can tell you that the majority of people who are not contractors in the area, are deeply opposed to this and I hope that it does not go through. Thank you.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #88

Sandy Stuben I live at 44 Summit Avenue in Albany.

My comment is that we do not need any more development, especially supporting big box stores. We do need development supporting small businesses and locally grown food, but not big box stores. We have precious little land in Albany that is devoted to nature and we should leave it that way.

Ken Kovalchik

Okay. Thank you for your call.

And good evening, you're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #89

Hello, my name is **Carol Waterman**. I live 18 Warren Street Guilderland 12203

I've lived at that address for 52 years and over the years, I have watched the progressive destruction of the environment in Guilderland and what is being proposed here is of course further destruction. I want to talk briefly about the traffic which anybody has a driven around here knows we already have a problem and it's going to get extremely

worse. But the adverse effect of the traffic go beyond difficulty in getting where we want to go it's all the pollution is going to be caused by the automobile exhaust, which will cause respiratory disorders. We know it affects cancer and recently a lot of evidence has been coming out that also plays a role in dementia. Now impact on all these projects effect on global warming also needs to be looked at. We know in terms of trying to prevent global warming is great importance of green space which of you course much of which is going to be destroyed by this. There's the importance of trees, now the cutting down of the trees, what happens is all the carbon that is stored in trees is released into the environment thus playing a role in global warming. Now, with them cutting them down of course was a) illegal and b) immoral and, I would love to know if anybody experienced any consequences for doing this. I'm guessing the answer is no. Since we're in a hurry to get to other speakers, I'm just going to ask one last question. Costco or the apartments – are these projects going to be receiving any tax abatements? Thank you for your time.

Ken Kovalchik

Thank you for your call.

Good evening. You're on with the planning board. Could you please state your name and address for the record and then begin your comments?

Caller #90

Yes, my name is **Sarah McDonald**. I live on Westmere Terrace.

I'm calling to oppose the project for many reasons that my neighbors have stated. I do feel that project is going to greatly impact this residential neighborhood.

Ken Kovalchik

Okay. Thank you for your call. Thank you.

Nobody in the queue.

Steve Feeney

I think I have 94 callers. All right, then its 10:45- that's four hours and forty five minutes. No one else in the queue. I guess I would entertain a motion to close the public hearing. Moved by Tom, seconded by Herb.

All those in favor -I.

Anyone opposed to that? All right, so that's 4 hours and 45 minutes of comment. So in theory Ken, there's 45 days to produce a FEIS.

Ken Kovalchik

So the next steps is just so everybody watching, who's still watching, May 26th is the end of the public comment period, so I would encourage everybody that hasn't written comments or if you have and you have other comments after the public hearing this evening, please provide those comments by end of business on May 26th. So that is the next deadline date. I appreciate all the callers this evening, appreciate all your feedback and to everybody that submitted written comments we appreciate all the written comments thus far as well.

Steve Feeney

And for us in two weeks we have

Ken Kovalchik

Yes, next planning board meeting is on the 27th, May 27th.

Steve Feeney

We will be meeting right

Ken Kovalchik

Yes, we have lots of projects.

Steve Feeney

All right, then. Motion to adjourn

Can we adjourn - we just closed the hearing, didn't we? We didn't adjourn – second by Gustavo. All those in favor – I. Thanks for being there.