

***GML Hearing:
Public Hearing pursuant to Section 859-a
of the New York State General Municipal Law:
Town of Guilderland IDA
Crossgates Releaseco LLC Project***

May 31, 2023

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STATE OF NEW YORK

ALBANY COUNTY

INDUSTRIAL DEVELOPMENT AGENCY

A PUBLIC HEARING REGARDING THE PROPOSED
PROJECT OF CROSSGATES RELEASECO, LLC AND
FINANCIAL ASSISTANCE RELATING THERETO

THE STENOGRAPHIC MINUTES of the above
entitled matter by Nancy L. Strang, a
Shorthand Reporter, commencing on May 31,
2023 at 7:08 p.m. at the Guilderland Town
Hall, 5209 Western Turnpike, Guilderland,
New York

APPEARANCES:

DONALD CSAPOSS, APPOINTED MEETING CHAIRMAN

DANIEL CENTI

VERA DORDICK

WILLIAM SMART

KEVIN HICKS

PAUL PASTORE

ALSO PRESENT:

A. JOSEPH SCOTT, ESQ., COUNSEL TO THE BOARD

MILAN TYLER, ESQ., PHILLIPS LYTTLE, LLC

JAMES SOOS, PYRAMID MANAGEMENT DEVELOPMENT

JAMES BACON, ESQ.

GERD BECKMANN

IRIS BROYDE

LINDA DELFS

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(cont.)
SANDRA DOLLARD
WENDY DWYER
MARK EAGAN
MARGARET ECKHARDT
ROBYN GRAY
JOHN HALUSKA
LYNNE JACKSON
CHUCK KLAER
ROBERT LANG
PAT MCCARTHY
KARL POGGE
BRIDGET SCHULTZ
KAREN WHITE
STEVE WICKHAM
RUSSELL ZIEMBA

NOTICE OF PUBLIC HEARING
ON PROPOSED PROJECT
AND FINANCIAL ASSISTANCE
RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act") will be held by the Town of Guilderland Industrial Development Agency (the "Agency") on the 31st day of May, 2023 at 7:00 o'clock p.m., local time, in the Town Board Room of the Guilderland Town Hall located at 5209 Western Turnpike in the Town of Guilderland, Albany County, New York (the "Town") in connection with the following matters:

Crossgates Releaseco, LLC (the "Company"), a limited liability company duly organized and existing under the laws of the State of New York, submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, and its designees, said Project consisting of the following: (A) the acquisition of (1) fee simple title absolute to lands underlying five (5) former Town Roads, and any buildings and other improvements, if any, situated thereon, that the Town has previously discontinued, which are associated with the Project site (the "Town Roads"), (2) purported historic deed restrictions that may apply to properties along Crossgates Mall Road and Western Avenue, in the Town of Guilderland, Albany County, New York, which are located within and adjacent to the Project site (the "Purported Deed Restrictions"); and (3) any rights or interests to enforce the Purported Deed Restrictions that certain properties within and adjacent to the Project site may have (the "Purported Rights to Enforce") (the Town Roads, the Purported Deed Restrictions and the Purported Rights to Enforce hereinafter collectively referred to as the "Restrictions, Rights, or Property"); (B) (1) the acquisition of a lease/leaseback interest in the Company's various parcels of land containing approximately +/- 16.0 acres located along Crossgates Mall Road and Western Avenue, in the Town of Guilderland, Albany County, New York (such parcels being referred to hereinafter as the "Land"), (2) the construction of a commercial and retail facility to contain in the aggregate approximately +/- 160,000 square feet of space (the "Facility"), and (3) the acquisition and installation therein and thereon of certain machinery, equipment, improvements and fixtures (collectively, the "Equipment") (the Restrictions, Rights, or Property, the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company, or its designee, and operated as a Costco facility and any directly or indirectly related uses; (C) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (D) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

The Agency has been advised (a) by counsel to the Company that, for a variety of reasons, including a change of the zoning district within which the underlying properties are located that a court would likely find that the Purported Deed Restrictions and Purported Rights to Enforce are no longer valid or of legal effect; and (b) that, with respect to the Town Roads, the Superintendent of Highways of the Town (the "Superintendent") discontinued the Town Roads pursuant to Section 207 of the Highway Law of the State of New York (the "Highway Law").

In connection with the undertaking of the Project, the Company has requested the Agency to consider exercising its powers of condemnation in accordance with the provisions of the Eminent Domain Procedure Law of the State of New York (the "EDPL") to assist the Company in: (A) acquiring the Purported Deed Restrictions, if and to the extent the same remain enforceable; (B) acquiring the Restrictions, Rights, or Property; and (C) filing an appropriate instrument confirming the extinguishment of Purported Deed Restrictions.

The Agency is considering whether to (A) undertake the Project, (B) exercise its powers of condemnation, and (C) provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Agency with respect to the Project in the office of the County Clerk of Albany County, New York or elsewhere, and (2) exemption from sales taxes relating to the acquisition, construction and installation of the Project Facility. If any portion of the Financial Assistance to be granted by the Agency with respect to the Project is not consistent with the Agency's uniform tax exemption policy, the Agency will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the Financial Assistance.

If the Agency determines to proceed with the Project, the Project Facility will be acquired, constructed and installed by the Agency and will be leased (with an obligation to purchase) or sold by the Agency to the Company or its designee pursuant to a project agreement (the "Agreement") requiring that the Company or its designee make certain payments to the Agency.

The Town of Guilderland Planning Board previously completed a comprehensive Final Environmental Impact Statement ("FEIS") for the Project consistent with Article 8 of Environmental Conservation Law and the regulations thereunder, known as the State Environmental Quality Review Act ("SEQR"). Consistent with SEQR, the Agency will issue findings pursuant to the FEIS prior to taking any action on the Project.

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, or the Financial Assistance being contemplated by the Agency in connection with the proposed Project. Members of the public are invited to (1) attend the Public Hearing in-person on the 31st day of May, 2023 at 7:00 o'clock p.m., local time, in the Town Board Room of the Guilderland Town Hall located at 5209 Western Turnpike in the Town of Guilderland, Albany County, New York; (2) present oral and/or written statements or other documents concerning this matter; and (3) view or listen to the Public Hearing via the Agency's live-stream at: <https://www.townofguilderland.org/town-meeting-videos>. A copy of the Application filed by the Company with the Agency with respect to the Project, including an analysis of the costs and benefits of the Project prepared by Camoin Associates dated August 11, 2022, is available for public inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to: Donald Csaposs, Chief Executive Officer, Town of Guilderland Industrial Development Agency, Guilderland Town Hall, 5209 Western Turnpike, Guilderland, New York 12084; Telephone: (518) 356-1980, and electronically at: csapossd@togny.org.

Dated: May 16, 2023

TOWN OF GUILDERLAND INDUSTRIAL
DEVELOPMENT AGENCY

BY: /s/ Shelly Johnston
Chair

1 APPOINTED MEETING CHAIRMAN: My
2 name is Donald Csaposs, and I am the
3 Chief Executive Officer of the Town of
4 Guilderland Industrial Development Agency
5 In connection with the project, which is
6 the subject of this public hearing. I
7 would like to introduce the following
8 members of the Agency that are attending
9 this Public Hearing.

10 To my left is Daniel Centi and
11 Vera Dordick. To my right is Agency
12 Counsel Scott, William Smart, Kevin
13 Hicks and Paul Pastore.

14 This Public Hearing is being
15 held by the Agency to satisfy the
16 provisions of Section 859-a(2) of the
17 General Municipal Law of the State of
18 New York. Following this public hearing
19 the Agency will hold a second public
20 hearing to satisfy the provisions of
21 Article 2 of the Eminent Domain
22 Procedure Law of the State of New York
23 as further discussed below.

24 I note that as required by New
25 York Law, the Agency is live-streaming

1 this public hearing. We have also made
2 arrangements for a stenographer to be
3 present in order to accurately make a
4 record of the public comments. Copies of
5 the notice of this public hearing are
6 available on the table by the front
7 door.

8 Speaking of the front door,
9 there is a sign-in sheet. I know that
10 many of you signed in when you arrived.
11 We take it as a courtesy if all those in
12 attendance would sign in as attending in
13 order that we may accurately gage the
14 level of public interest in this matter.

15 Today we are holding this
16 public hearing to allow citizens to make
17 a statement, for the record, relating to
18 the involvement of the Agency with a
19 project, the proposed project, for the
20 benefit of Crossgates Releaseco LLC, a
21 limited liability company duly organized
22 and existing under the laws of the State
23 of New York.

24 The proposed project consists
25 of the following: (A) the acquisition of

1 (1) fee simple title absolute to lands
2 underlying five former Town roads, and
3 any buildings and other improvements, if
4 any, situated thereon, that the Town has
5 previously discontinued, which are
6 associated with the Project site, the
7 Town roads, (2) purported historic deed
8 restrictions that may apply to
9 properties along Crossgates Mall Road
10 and Western Avenue, in the Town of
11 Guilderland, Albany County, New York,
12 which are located within and adjacent to
13 the project site, purported deed
14 restrictions; and (3) any rights or
15 interests to enforce the purported deed
16 restrictions that certain properties
17 within and adjacent to the project site
18 may have, the purported rights to
19 Enforce, the Town roads, the purported
20 deed restrictions and the purported
21 rights to enforce hereinafter
22 collectively referred to as the
23 restrictions, rights, or property; (B)
24 (1) the acquisition of a lease/leaseback
25 interest in the company's various

1 parcels of land containing approximately
2 16.0 acres located along Crossgates Mall
3 Road and Western Avenue, in the Town of
4 Guilderland, Albany County, New York,
5 such parcels being referred to
6 hereinafter as the Land, (2) the
7 construction of a commercial and retail
8 facility to contain in the aggregate
9 approximately 160,000 square feet of
10 space, the facility, and (3) the
11 acquisition and installation therein and
12 thereon of certain machinery, equipment,
13 improvements and fixtures, collectively,
14 the Equipment, the restrictions, rights,
15 or property, the land, the facility and
16 the equipment hereinafter collectively
17 referred to as the project facility, all
18 of the foregoing to be owned by the
19 company, or its designee, and operated
20 as a Costco facility and any directly or
21 indirectly related uses; (C) the
22 granting of certain financial
23 assistance, within the meaning of
24 Section 854/14 of the Act, with respect
25 to the foregoing, including potential

1 exemptions from certain sales and use
2 taxes and mortgage recording taxes,
3 collectively, the financial assistance;
4 and (D) the lease, with an obligation to
5 purchase, or sale of the project
6 facility to the company or such other
7 person as may be designated by the
8 company and agreed upon by the Agency.

9 The Agency has been advised
10 (a) by counsel to the company that, for
11 a variety of reasons, including a change
12 of the zoning district within which the
13 underlying properties are located, that
14 a court would likely find that the
15 purported deed restrictions and
16 purported rights to enforce are no
17 longer valid or of legal effect; and (b)
18 that, with respect to the Town roads,
19 the Superintendent of Highways of the
20 Town, the Superintendent, discontinued
21 the Town roads pursuant to Section 207
22 of the Highway Law of the State of New
23 York.

24 In connection with the
25 undertaking of the project, the company

1 has requested the Agency to consider
2 exercising its powers of condemnation in
3 accordance with the provisions of the
4 Eminent Domain Procedures Law to assist
5 the company in: (A) acquiring the
6 purported deed restrictions, if and to
7 the extent the same remain enforceable;
8 (B) acquiring the restrictions, rights,
9 or property; and (C) filing an
10 appropriate instrument confirming the
11 extinguishment of purported deed
12 restrictions.

13 Again, the purpose of the
14 hearing is to solicit public comment
15 with respect to the Agency's involvement
16 with the project, specifically the
17 granting of the financing assistance. We
18 are not here to answer questions.
19 Questions or comments regarding
20 environmental, planning, zoning, design
21 and related issues regarding the project
22 are outside the scope of this public
23 hearing. General comments regarding
24 industrial development agencies are not
25 relevant to this public hearing.

1 I intend to provide general
2 information on the Agency's general
3 authority and public purpose to provide
4 assistance to this proposed project. I
5 will then open the comment period to
6 receive comments from all present who
7 wish to comment on either the proposed
8 project or the financial assistance
9 contemplated by the Agency with respect
10 to the proposed project.

11 Amount of financial assistance
12 being considered by the Agency.

13 Before discussing the general
14 information and opening the hearing for
15 public comments, I would like to first
16 describe some details regarding the
17 project, as outlined in the completed
18 application.

19 In the application, the
20 company has represented the following:

21 1. That the project will
22 create various construction jobs during
23 construction of the project facility and
24 at least 100 full-time equivalent jobs
25 following the third year of operation of

1 the project facility. The creation of
2 these jobs will increase local tax
3 revenue and consumer spending in the
4 community.

5 2. That the company would not
6 undertake the project without the
7 assistance being offered by the Agency.

8 3. That the company
9 understands and recognizes that the
10 assistance being offered by the Agency
11 is subject to claw-back under the
12 Agency's Claw-Back Policy if the company
13 does not complete the project or
14 maintain the required employment levels.

15 The estimated costs of the
16 project are equal to approximately
17 \$41,400,100 and the estimated benefits
18 being considered by the Agency are
19 described briefly as follows:

20 1. Sales Tax Exemption,
21 estimated at \$2,123,600; and

22 2. Mortgage Recording Tax
23 Exemption estimated at \$75,000.

24 Please note that no real
25 estate abatement is being granted by the

1 Agency to the company in connection with
2 the undertaking of the proposed project.

3 Please further note that,
4 under the IDA documents, the company
5 will be subject to recapture of the
6 financial assistance upon the occurrence
7 of certain recapture events. Examples of
8 recapture events include the failure to
9 complete the proposed project and make
10 the promised investment, and maintenance
11 of the promised job levels.

12 The provisions of Chapter 1030
13 of Laws of 1969 of New York,
14 constituting Title I of Article 18-A of
15 the General Municipal Law, Chapter 24 of
16 the Consolidated Laws of New York as
17 amended, and Chapter 146 of the 1973
18 Laws of New York, as amended
19 constituting Section 909-a of said
20 General Municipal Law, collectively, the
21 Act, authorize the Agency to promote,
22 develop, encourage and assist in the
23 acquiring, constructing, reconstructing,
24 improving, maintaining and equipping and
25 furnishing of manufacturing,

1 warehousing, research, commercial and
2 industrial facilities, among others.

3 Pursuant to Section 859-a(2)
4 of the Act, prior to the Agency
5 providing any financial assistance, as
6 defined in the Act, of more than
7 \$100,000 to any project, the Agency,
8 among other things, must hold a public
9 hearing pursuant to Section 859-a of the
10 Act with respect to said project. Since
11 the proposed financial assistance to be
12 provided by the Agency with respect to
13 the proposed project may exceed
14 \$100,000, then prior to providing any
15 financial assistance, as defined in the
16 Act, of more than \$100,000, the Agency
17 must hold a public hearing on the nature
18 and location of the project facility and
19 the proposed financial assistance to be
20 provided by the Agency with respect to
21 the proposed project.

22 After consideration of the
23 application received from the company,
24 the members of the Agency adopted a
25 resolution on March 28, 2023, the Public

1 Hearing Resolution, authorizing the
2 Agency to, among other things, conduct
3 this public hearing with respect to the
4 proposed project pursuant to Section
5 859-a(2) of the Act.

6 The Chief Executive Officer of
7 the Agency caused notice of this public
8 hearing to be (A) published on May 16,
9 2023 in the Times Union, a newspaper of
10 general circulation available to the
11 residents of the Town of Guilderland,
12 Albany County, New York, and (B) mailed
13 on May 19, 2023 to the Town Supervisor
14 of the Town of Guilderland, the County
15 Executive of Albany County, and the
16 Superintendent and the Board of
17 Education President of the Guilderland
18 Central School District. In addition, a
19 copy of the Public Hearing Notice was
20 posted on May 15, 2023 on a public
21 bulletin board located at the Town of
22 Guilderland Town Hall and on the
23 Agency's website.

24 Copies of the notice of this
25 public hearing are available on the

1 table.

2 Now, unless there is any
3 objection, I am going to suggest waiving
4 the full reading of the notice of this
5 public hearing, and instead request that
6 the full text of the notice of this
7 public hearing be inserted into the
8 record of this public hearing.

9 The comments received today at
10 this public hearing will be presented to
11 the members of the Agency at or prior to
12 the meeting at which the members of the
13 Agency will consider whether to approve
14 (1) the undertaking of the proposed
15 project by the Agency and (2) the
16 granting by the Agency of any financial
17 assistance in excess of \$100,000 with
18 respect to the proposed project. The
19 Agency currently intends to consider the
20 comments received this evening regarding
21 the proposed project at the meeting of
22 the Agency to be held on June 27, 2023.
23 This meeting, like all meetings of the
24 Agency, is open to the public.

25 The notice of this public

1 hearing indicated that written comments
2 could be addressed to: Donald Csaposs,
3 the Chief Executive Officer of the
4 Agency. Written comments have been
5 received by the Agency prior to this
6 public hearing and they will be inserted
7 into the record being prepared of this
8 public hearing.

9 To date, we have received
10 approximately 100 written comments prior
11 to 3:00 p.m. this afternoon. All
12 comments received prior to this
13 afternoon have been posted to the IDA
14 website. Comments received after 3:00
15 this afternoon will be posted in the
16 future to this website and comments made
17 in writing or by email will be accepted
18 with respect to this request until the
19 close of business on June 21, 2023.

20 Now we are going to have some
21 introductory remarks by representatives
22 of the company and at this point, I
23 would like to introduce Mr. Milan Tyler
24 of Phillips Lytle who will speak to this
25 application.

1 MR. TYLER: Good evening. My
2 name is Milan Tyler and I'm a partner at
3 the law firm of Phillips Lytle. I'd like
4 to thank the IDA Board for the
5 opportunity to briefly address the
6 pending application filed by our client.
7 I know the purpose here is to hear all of
8 you and not hear me speak, so I will try
9 to be brief.

10 Our client, Crossgates
11 Releaseco, LLC filed an application
12 relative to the construction of a new
13 Costco facility at the northeast corner
14 of Western Avenue and Crossgates Mall
15 Road. As you are aware, this is a
16 project that has been working its way
17 through the required approvals since
18 approximately November of 2019, when the
19 application for the special use permit
20 was submitted to the Zoning Board of
21 Appeals.

22 Since that time, the EIS
23 process has completed and finding
24 statements have been issued by the
25 Planning Board. At its March 22, 2023

1 meeting, the Planning Board made a
2 favorable recommendation to the ZBA. The
3 ZBA issued its special use permit for
4 the project at its May 3rd meeting, just
5 this month.

6 With respect to the assistance
7 requested, I think that it's already
8 been mentioned that we are only
9 requesting mortgage recording tax, sales
10 tax and the exercise of the IDA's
11 eminent domain powers. We are not
12 requesting any exemption from any real
13 property taxes. These are similar to
14 other benefits that the IDA has granted,
15 as I understand it, to a hotel that is
16 dual-branded on Western Avenue.

17 We recently amended our
18 application to increase the overall
19 project cost and to revise the requested
20 sales tax exemption. The first is
21 because costs have gone up; inflation,
22 supply chain issues, etcetera. The
23 second is that we have analyzed what
24 project costs would otherwise be subject
25 to sales tax. So, that number has gone

1 up. I would like to emphasize that the
2 sales tax exemption being requested is
3 only on the initial construction and
4 fit-out of the facility. It does not
5 apply to the ongoing operation of the
6 Costco facility.

7 I would like to emphasize that
8 this is not a giveaway of taxes. These
9 taxes don't exist today. If we did not
10 do the project, there would not be any
11 sales tax or mortgage recording tax.
12 This is only additive to the tax base.
13 In particular, this project, if approved
14 by the IDA, the financial assistance
15 would add to the tax base because the
16 roads beds are currently off of the tax
17 rolls and if they are acquired, they
18 would be added to the real property
19 taxes. We will pay 100% of the otherwise
20 applicable taxes. There are no deals or
21 understandings or anything else. We have
22 estimated that number is about a
23 \$140,000 per year increase.

24 Lastly, as I just mentioned,
25 the sales tax from the ongoing

1 operations at the Costco would all be
2 subject to sales tax, payable to the
3 county and the state.

4 At this time, I would like to
5 provide some additional context for the
6 Board and members of the public.

7 I would like to introduce Jim
8 Soos, Pyramid's Director of Development
9 who will walk through some of the
10 physical aspects of the project.

11 MR. SOOS: Thank you. Good
12 evening. My name is Jim Soos I am the
13 Director of Development for Pyramid
14 Management Group.

15 The project site reviewed by
16 the Guilderland Planning Board and
17 approved by the Guilderland Zoning Board
18 of Appeals is roughly 16.5 acres. The
19 site is generally positioned, as Milan
20 just discussed, between Western Avenue
21 and the dual-branded hotel and it was
22 also an IDA project and is also located
23 between both sections of Crossgates Mall
24 Road. The site plan, which is directly
25 behind me right here (Indicating) shows

1 the positioning of the building and
2 location of its back to the north facing
3 Western Avenue. Costco chose this
4 location because it's one of the best in
5 the capital region. Being adjacent to
6 Crossgates Mall and at the crossroads of
7 I90 and I87 were primary factors for
8 their decision.

9 As you know, Costco is a
10 membership warehouse club providing a
11 wide selection of merchandise including
12 specialty departments and member
13 services. The Costco building is an
14 estimated 163,000 square feet and will
15 include an 18-pump fueling station for
16 Costco members.

17 Also related to the site plan,
18 stormwater will be managed on-site with
19 an underground management system. The
20 landscaping plan shows primarily all
21 native plant species that have been
22 reviewed and accepted by the Albany Pine
23 Bush Preserve Commission. The site is
24 accessible to vehicular traffic from
25 Crossgates Mall Road and Gabriel

1 Terrace.

2 Before I show the plan that
3 summarizes the road diet improvements, I
4 wanted to show a rendering of the
5 building that shows the entry point at
6 dusk.

7 As you will see from plan,
8 there are two driveways on Crossgates
9 Mall Road. The southernmost driveway is
10 right-in only. The northern driveway is
11 a full movement access driveway. The
12 Gabriel Terrace driveway access will be
13 available from both Western Avenue and
14 the east/west section of Crossgates Mall
15 Road.

16 The off-site improvements
17 include the roundabout construction that
18 is currently underway at the
19 intersection of Crossgates Mall Road and
20 interstate ramps. This work began in
21 early April and will be completed by the
22 end of July, weather permitting.
23 Additionally, sidewalks and a multiuse
24 path will be constructed that connect
25 the site of Crossgates Mall, Western

1 Avenue, Crossgates Mall Road and also
2 Rapp Road.

3 As you will see from the plan
4 that is behind me right now, both
5 sections of Crossgates Mall Road will
6 undergo a road diet that includes one
7 lane in each direction with a center
8 turn lane. The road diet improvements
9 are located between the signalized
10 intersection near the Tru Homewood
11 dual-branded hotel driveway to the
12 intersection of the northernmost Costco
13 driveway.

14 The eastbound Crossgates Mall
15 Road slip lane will be eliminated as
16 part of the project. The Crossgates Mall
17 Road and Rapp Road intersection will
18 become a traditional four-way signalized
19 intersection. Thank you.

20 MR. TYLER: As Jim noted, the
21 benefits to the community that will
22 result from the IDA providing the
23 requested assistance include both on-site
24 and off-site improvements to the roadways
25 and intersections in the area around the

1 project site. Another probably more
2 important benefit to the community, of
3 course, will be the new good paying jobs
4 created by the project, which not only
5 include the construction jobs but
6 probably more importantly the 100 or so
7 full-time equivalent jobs that will be
8 created after the opening of the Costco.
9 The additional of those jobs which are
10 expected to have an average annual salary
11 of over \$60,000 with a top end of the
12 range at approximately \$160,000 plus
13 benefits will obviously have positive
14 benefits within the community.

15 The Town will also benefit
16 from its share of the new sales tax
17 revenue resulting from all the goods
18 sold at Costco along with the new
19 property taxes for the Town, school
20 district and county from the real
21 property taxes being paid. These
22 benefits were all outlined in the report
23 that has been previously provided to the
24 IDA.

25 So, with that, thank you. We

1 look forward to hearing the public's
2 comments.

3 APPOINTED MEETING CHAIRMAN:

4 Thank you, Mr. Tyler and Mr. Soos.

5 It is now 7:30 and at this
6 time we will be opening the floor for
7 public comment. What we are going to do
8 is ask people to line up over on this
9 side of the room (Indicating), coming up
10 past Mr. Tyler, approaching the
11 microphone. When you get to the
12 microphone, we're going to ask you to
13 state your name, including spelling for
14 the stenographic record. We request that
15 you provide your address so that we can
16 determine if you are a resident of
17 Guilderland or not, and make your
18 comment.

19 There are a couple of things.

20 This public hearing relates to the
21 application for financial assistance. If
22 your comment relates to eminent domain,
23 I would request that you await the
24 following public hearing which is on the
25 eminent domain request. We are going to

1 request that you limit your comments to
2 an absolute maximum of five minutes. Mr.
3 Scott will be keeping time. He is
4 functioning as the Sergeant at Arms for
5 this portion of the meeting and we also
6 ask that you remember that this is your
7 opportunity to comment.

8 We have been available for
9 questions for weeks now. I have only
10 heard from one person who submitted a
11 list of 10 questions, which we responded
12 to. Those questions and responses are
13 posted to the IDA website. So, off we
14 go.

15 MR. BACON: Good evening, Mr.
16 Chairman and members of the Board. My
17 name is James Bacon and I'm an attorney,
18 P.O. Box 575, New Paltz, New York. I'm
19 here representing 1667 Western Avenue and
20 Thomas and Lisa Hart.

21 I will definitely keep my
22 remarks under five minutes. I have
23 submitted remarks today in writing - 20
24 pages with Exhibits A through H. I
25 submitted them at 2:35, so it should

1 have been under the limit.

2 APPOINTED MEETING CHAIRMAN:

3 They're posted to the website, sir.

4 MR. BACON: And I appreciate
5 the Board holding open the public comment
6 period until the 21st.

7 So, on the issue of financial
8 assistance, as the Board knows,
9 conformance with the General Municipal
10 Law is what is required. I thought it
11 would be important just to go over the
12 policy and purposes of the GML Article
13 18(a) quickly. It is to promote the
14 economic welfare, recreation
15 opportunities and prosperity of its
16 inhabitants and actively promote,
17 attract, encourage and develop
18 recreation, an economically sound
19 commerce industry and economically sound
20 projects. Obviously, this was meant to
21 be for businesses - up-and-coming
22 businesses to be able to give them a leg
23 up and give them some assistance to gain
24 a foothold in the community, with the
25 overall process of helping the

1 inhabitants of the community in making
2 their lives better.

3 So, you have an applicant
4 here -- Costco's revenue of 2022 was
5 \$226 billion. This profit was \$5.84
6 billion and it's net worth was over \$143
7 billion. Hardly the person or entity
8 that comes to mind that would need
9 financial assistance in a community like
10 this.

11 So, generally, the General
12 Municipal Law also says that retail
13 projects are generally prohibited from
14 receiving financial assistance, unless
15 it falls into one of the narrow
16 exceptions. The exception with regard to
17 retail is whether or not the project is
18 a tourism type project drawing a
19 significant number of visitors from
20 outside the economic development region.

21 I read the application and I
22 was trying to see in the application
23 whether or not they discussed their
24 definition of what the economic
25 development region was. They did not do

1 that. It's not in the DEIS and is not in
2 the Camoin study that was submitted by
3 the applicant in October 2019. As we all
4 know, the region seems to be generally
5 Guilderland and the Albany region and it
6 is interesting that the Camoin economic
7 report from the DIS said that there are
8 plenty of dollars in Albany and
9 Guilderland to support this project
10 without going beyond that. So, my focus
11 on that tells me if there is enough
12 dollars to support this project in that
13 economic region, then that does not
14 qualify for financial assistance from
15 the Agency.

16 The second thing in the GML is
17 whether or not the project is in
18 conformance with zoning. I know that the
19 special use permit was issued about a
20 month ago, but the purpose of the TOD,
21 the transit oriented district, in
22 Guilderland is a very clear area. There
23 are two studies; the Westmere Corridor
24 Study and TOD itself. The purpose of
25 those studies was to reduce traffic and

1 encourage mixed-use development. This
2 project does the opposite. By their
3 numbers they are going to do sales of
4 \$170 million a year and according to
5 Costco's latest annual report, 14% of
6 their sales are gasoline. If you
7 extrapolate that out, that means about
8 1,600 vehicles per day at about 12
9 gallons of fill-up and going by my
10 clients - the Hart's property, that's
11 two cars every minute. That is not a
12 reduction in traffic. It's the most auto
13 centric use you possibly imagine. So,
14 you could not find a project that would
15 be in more conflict with the TOD's
16 purposes.

17 So, it is important that the
18 Board take that into account and review
19 those and not defer simply to the ZBA
20 because this Board has an independent
21 duty under the statute to look at that
22 issue.

23 How am I doing on time?

24 APPOINTED MEETING CHAIRMAN:

25 You got 30 seconds, sir.

1 MR. BACON: All right. So,
2 please look at that. I appreciate the
3 Board listening to the comments and if I
4 need to, I will supplement them with
5 additional written comments and present
6 something during the next part of the
7 public hearing. Thank you.

8 MS. DOLLARD: Good evening. My
9 name is Sandra Dollard and I am the
10 Executive Director of the Chamber of
11 Commerce. I am here to support this
12 particular project.

13 My home address is 802 Heather
14 Lane, Altamont New York, 12009.

15 I have been to every meeting
16 so far on this project. I had not seen a
17 company who has been more attentive to
18 changes that have been asked of them to
19 make. As a past business owner in the
20 Town of Guilderland and currently trying
21 to help my small businesses -- and I
22 have someone who is going to speak after
23 me who has a small business in this
24 Town. We see this as a positive and the
25 reason being is that it is going to be

1 commerce coming from all over the state.
2 Costco is very popular store. It creates
3 a synergy within our area that we could
4 really use.

5 As far as the tax credits are
6 concerned, it is a customary protocol in
7 this state to do such things. As far as
8 the traffic studies that were done, I
9 believe that was done pre-Covid. I could
10 be wrong. As a retailer myself, I can
11 tell you the shopping trends have
12 changed drastically, so the traffic
13 changes happen which means people shop
14 all the time; sometimes during the day,
15 sometimes early evening - not as much
16 late evening anymore. You are now
17 finding people - people are normally
18 going home after work. I did a study on
19 this when I owned my own business.

20 So, again, as the Guilderland
21 Chamber, as a small business advocate,
22 as a large business advocate, I strongly
23 support them to go forward. Thank you.

24 MS. SCHULTZ: Good evening. My
25 name is Bridget Schultz. I reside at 22

1 Coralberry Court, Albany, New York,
2 12203. Despite the Albany reference in
3 the address, I do live in the Town of
4 Guilderland and own property in the Town
5 of Guilderland. I also work and practice
6 law in the Town of Guilderland. I have
7 family in the Town of Guilderland. I was
8 born in the Town of Guilderland.

9 I am here to voice my strong
10 support for this project and for the
11 Agency's assistance for it. I believe
12 the Agency's assistance for the project
13 will show its support for businesses
14 large and small in the community of
15 Guilderland and of course by extension,
16 supporting the community at large. Thank
17 you very much.

18 MR. POGGE: Good evening. My
19 name is Karl Pogge and I am the owner of
20 Mattress Express. I am in the Crossgates
21 Mall and I'm a retailer within the Town
22 of Guilderland. I do also strongly
23 support this project. The reason being is
24 it is going to increase traffic to the
25 mall and other local businesses within

1 the Town of Guilderland. Keep in mind
2 that yes, Costco is a destination for a
3 lot of folks that are coming from other
4 areas. There is no other Costco within
5 several miles from Albany. It is
6 definitely going to be something that is
7 going to pull people into this area to
8 spend money and also dine and shop and
9 visit other retailers in this area.

10 Also keep in mind right now it
11 is vacant land. There are trees that are
12 there. They are paying a minimal amount
13 of taxes. Once this business is up and
14 running, they are going to pay a
15 substantial tax burden in the future
16 which is going to lessen the tax burden
17 for other businesses and retailers as
18 well as most homeowners, more
19 importantly, within the Town of
20 Guilderland.

21 So, again, I support this
22 project and I think all positive
23 thoughts and support them. Thank you.

24 MR. EAGAN: Good evening. My
25 name is Mark Egan; E-A-G-A-N. I am

1 president and CEO the Capital Region
2 Chamber of Commerce, 5 Computer Drive
3 South, Albany. I'm happy to be here
4 tonight to support this project. Someone
5 from our organization has been here for
6 each of the meetings.

7 As you know, it has gone
8 through numerous Town Boards and Town
9 approval from all of those Boards. I
10 think that everyone knows that part of
11 what makes Guilderland a desirable
12 community is because the tax base
13 covered by Crossgates Mall - and you
14 think about when Crossgates first opened
15 and the way that its original purpose
16 and shopping has changed over the years,
17 really. Without Pyramid's vision, now
18 more than a decade ago, to really
19 diversify and having been known for more
20 than shopping but also for restaurants
21 and entertainment for lodging. This is a
22 natural extension of that. We noted
23 significant dollars that will be spent
24 on construction of this project. We know
25 the construction jobs and the permanent

1 jobs that will be created. We know that
2 it will strengthen tax revenue not only
3 in the Town of Guilderland, but the
4 County of Albany and what it will do for
5 consumers throughout the greater capital
6 region.

7 As was referenced earlier, the
8 request that is being made is similar to
9 requests that have come before the IDA
10 before that you have supported for other
11 projects along Western Avenue. As Costco
12 has expanded across the country, other
13 communities have also provided the
14 support. At the end of the day, the Town
15 of Guilderland is going to have so much
16 more tax base because of this
17 investment.

18 As was referenced earlier,
19 this is not taking money away that the
20 Town currently. The Town is going to get
21 more money that will help residents and
22 businesses within the community. So,
23 again, on behalf of the Capital Region
24 Chamber of Commerce I want to express
25 our support. Thank you.

1 MS. ECKHARDT: Good evening. My
2 name is Margaret Eckhardt;
3 E-C-K-H-A-R-D-T. I thank you for the
4 opportunity to speak in front of all of
5 you and my neighbors. I live at 24 Kent
6 Place in Westmere. I have been a resident
7 there for 30 years. We raised our kids
8 here. We sent them to Guilderland
9 schools. We've paid our taxes and
10 supported all our local businesses as
11 much as we could. As such, I feel very
12 compelled to come forward and speak out
13 against this request.

14 There is no justifiable reason
15 to give this corporation additional
16 funds in the form of tax breaks. You
17 will in effect be paying them with the
18 privilege of seriously damaging our
19 community in many ways - many untold
20 ways. The project will be done, tax
21 breaks or not. They don't need this
22 money. They're making billions of
23 dollars all over the state. They are a
24 really large operation with a large
25 footprint and they don't need our money.

1 I urge you all to stick to the
2 deal that had already been done. They
3 don't need any more. Thank you very
4 much.

5 MS. BROYDE: Good evening. My
6 name is Iris Broyde; B-R-O-Y-D-E. I live
7 on Westmere Terrace. I would like to
8 speak to the presumed benefits of this
9 project.

10 I have looked at the Camoin
11 Report that accompanied the applicant's
12 documentation. While glossy numbers are
13 touted for new net sales revenue, there
14 is also a disclaimer that those
15 projections are imprecise and an
16 estimate at best. Noteworthy is where it
17 is stated that revenue to Costco will be
18 coming from similar mass merchandisers
19 those supposedly so far away that
20 Guilderland was described as lacking in
21 accessibility and from smaller chains
22 and retailers. So, while not
23 highlighted, it is clear that much of
24 the new revenue to the county and state
25 coffers will merely be an offset for the

1 decline of contribution from these two
2 other sources. Guilderland will be the
3 only one of the multiple municipalities
4 that will be divvying up the proceeds
5 from those pots. The \$2 million in tax
6 breaks that Crossgates Releaseco is
7 seeking seems to me to be an investment
8 hedge to a bigger ultimate payoff in the
9 end.

10 What we have seen from the
11 history of the Pyramid Corporation is
12 the promises and projections that rarely
13 pan out, and as is currently ongoing
14 become lengthy and costly exercises to
15 garner their expected financial
16 locations.

17 As an aside, \$2 million being
18 requested is in fact an increase about 1
19 1/2 million dollars from the ask in the
20 original application file. So, already
21 the projections are off. No one in this
22 room believes that the project will not
23 go forward if the tax break is not
24 granted, but it is interesting that the
25 money is being requested before the

1 property needed to actualize it has
2 been. I urged the members of the Agency
3 to allow all of the residents of
4 Guilderland to make that determination.
5 Thank you.

6 MS. GRAY: My name is Robyn
7 Gray and I live in Guilderland. I too am
8 opposed to giving any tax break to this
9 corporation. I couldn't state any more
10 clearly the reasons that Mr. Bacon gave
11 them, the reasons that Ms. Brodye gave.

12 One person got up here and
13 mentioned they're going to get rid of
14 the nasty neighborhood that has been
15 derelict for years. Let's not forget how
16 that neighborhood got that way. The
17 neighborhood got that way because of
18 Crossgates. They were the ones that
19 purchased those home and let those homes
20 deteriorate the past 25 years. No, it is
21 absolutely horrible to see the disrepair
22 and nothing being done there. It's
23 horrible and that is not being a good
24 neighbor. If you have abandoned
25 property, you still have an obligation

1 to keep it so that is not a problem to
2 the Town. You go through there, there
3 are doors off the front of buildings,
4 there are broken windows, there are
5 trees, there are limbs, there is
6 whatever. To give this company a tax
7 break - they don't deserve it. They
8 absolutely don't deserve it.

9 The other thing is that they
10 do not meet the criteria under the
11 municipal law in order to receive that
12 tax break. Those tax breaks are not
13 supposed to be given for retail
14 businesses. This is a retail business.
15 Thank you.

16 MR. HALUSKA: My name is John
17 Haluska and I live at 3135 Lone Pine Road
18 here in Guilderland. I have looked
19 through various sources of materials. I
20 don't see anything in the Town of
21 Guilderland law favoring corporate
22 panhandling. This is what this is. This
23 is corporate panhandling. We see it with
24 taxes that Crossgates has repeatedly
25 challenged. Here we are supposed to give

1 them a gift? This is not a
2 poverty-stricken corporation by any
3 stretch of the imagination. Please don't
4 sell us out. Please take the correct
5 stand and go with the original deal, as
6 you should, but please no corporate
7 panhandling. Come on. We can do better
8 than that.

9 MS. JACKSON: Hello, my name is
10 Lynne Jackson; J-A-C-K-S-O-N. Lynne is
11 spelled L-Y-N-N-E.

12 I live at 223 South Swan
13 Street in the South end of Albany. I am
14 a volunteer for Save the Pine Bush and I
15 speak for Save the Pine Bush tonight.

16 I think that the IDA should
17 not give a tax break to Pyramid for many
18 of the reasons already stated. I don't
19 think this company needs the tax break.

20 I live in an impoverished
21 neighborhood and because I am a resident
22 of Albany County, and these are Albany
23 County sales taxes that are being
24 waived, that will impact me also. It
25 just seems to me that is so grossly

1 unfair and I cannot believe that the
2 representative from Pyramid said, and I
3 quote, not a giveaway. How is this not a
4 giveaway? So, Pyramid has not bought the
5 stuff yet. When they go buy the stuff,
6 it is a tax giveaway. I haven't bought
7 groceries for tomorrow yet, but when I
8 go to the store and buy something that
9 is taxable, I'm going to pay tax on it.
10 It makes no sense. In my opinion, if
11 they don't build the Costco, this is
12 going to be a benefit.

13 I realize that the IDA is
14 going to say they can't look at
15 environmental issues, but I can't go
16 away without saying that the Town of
17 Guilderland needs to do something to
18 protect its remaining ecosystem. We are
19 going to lose more Pine Bush ecosystem
20 with this. Even though it is somewhat
21 disconnected from the ecosystem, it is
22 an important place. We know that there
23 are bats that live there. There are
24 animals that live there. This is an
25 important piece of land that should be

1 protected.

2 This corporation has so much
3 money, it's hard to understand how much
4 money they have. They are asking for
5 this small amount - relatively speaking,
6 small amount of tax relief; \$2 million.
7 That \$2 million to the County of Albany
8 is a lot of money. It's a lot of money.

9 It just seems like the only
10 people who get richer on this are the
11 rich. The poor suffer. Thanks.

12 MR. LANG: My name is Robert
13 Lang and I'm a former resident of 37
14 Woodlake Road. I just now lived at three
15 Fragelli (sic) Lane in Glenmont, New
16 York.

17 The Costco store is a
18 fantastic store and I love the store and
19 I'm in favor that the Board should meet
20 the approval of giving this amount of
21 tax breaks to them. It seems like it is
22 a large amount of money to everybody
23 because nobody has a million.

24 This is a really big deal -
25 this Costco store. It can be a tourist

1 attraction. People from other counties
2 and other places can come and see the
3 Costco because it is a big deal. There's
4 no Costco up here.

5 Also, it will be providing a
6 lot of jobs for people in the community
7 while they are building the Costco.
8 People will be paying federal taxes and
9 state taxes and the city taxes and there
10 will be a benefit for the community.

11 Once the Costco store is open, it will
12 be providing jobs for the people in the
13 community.

14 There's a block where they
15 have all of those abandoned houses and
16 it is a nightmare if you look back
17 there. When Costco comes, I guess all of
18 that is going to be cleared out which
19 will be a great thing.

20 Once the Costco store is open,
21 all the sales tax that will be
22 accumulated by the store will go into
23 the community and provide revenue for
24 the schools, for the police, for the
25 EMS, for the library. So, it's a great

1 thing and it is a big deal.

2 People are afraid of a big
3 store coming and the traffic and all of
4 that, but times are changing and you
5 have to get into the groove. I would
6 love it for the store to be here.

7 I came from Brooklyn and when
8 I came up here, that was the biggest
9 thing - that there was no Costco store
10 here and I would really appreciate the
11 Board's approval. They approved all of
12 these monies for that hotel on Western
13 Avenue, why not just do the same for the
14 Costco store? It will be a benefit for
15 the community.

16 They have so many great things
17 in that store. It's a whole new way of
18 going to the store. It's like going to
19 the supermarket, but you buy in bulk and
20 you save more money. They have so many
21 different departments. Once you go to
22 Costco, that's the end of the story and
23 you don't need to go to anymore stores.

24 I would appreciate it if the
25 Board would make the approval to bring

1 the Costco store, to get the tax breaks
2 to them and let them come. Everything so
3 far has been going forward. Everything's
4 been going good, just keep the ball
5 moving forward. Thank you.

6 MS. DELFS: Thank you for a
7 stand that I can actually be seen behind.
8 That's not always the case.

9 My name is Linda Delfs and I
10 live at 1818 Western Avenue. That's
11 about 1/2 mile away from Crossgates. I
12 want to associate myself with the
13 remarks that have made previously by
14 people who are opposed to the benefits
15 that Pyramid would like you to make to
16 them. I would also like to point out
17 that the jobs which they believe are
18 going to bring such a benefit to
19 Guilderland will not necessarily be
20 filled by residents of Guilderland. They
21 are likely to be filled by residents of
22 Rotterdam or Albany.

23 The second thing that I would
24 like to point out is that although they
25 would love for us to give them money,

1 when we asked them to pay the taxes that
2 we were assessing to them, they fight
3 them tooth and nail. It doesn't matter
4 whether it is school tax or county tax
5 or county tax, they don't want to pay
6 it.

7 The third thing that I would
8 like to mention is that this is very
9 popular for Costco that is going to be
10 coming here. What they do not realize or
11 perhaps have forgotten is that
12 originally Costco was going to go to
13 Colonie to a location near the Times
14 Union which would have been much less of
15 a traffic problem and no matter how you
16 slice it, this is going to be a traffic
17 problem. We have already seen plenty of
18 traffic problems from Pyramid and their
19 various schemes that they would like to
20 lay on us.

21 My understanding is that if
22 the IDA agrees to Pyramid's request,
23 this will indicate that there is public
24 support for the project. I suggest to
25 you that this is not the case. There are

1 people who are in favor of this who have
2 spoken in favor of this. There are
3 business people who are not necessarily
4 residents and I think there are probably
5 many people who did not get out tonight
6 and may not come out to the next meeting
7 because they say, what's the point? This
8 is going to go through anyway. I don't
9 think that it is right that it should
10 appear that there is public support for
11 this project. I don't agree that there
12 is overwhelming public support. I think
13 there are many people who oppose it.

14 Thank you.

15 MR. WICKHAM: Good evening. My
16 name is Steve Wickham and I am a former
17 resident of Guilderland. I live at 14
18 Marion Lane in Delmar.

19 I just wanted to get out and
20 emphasize what the previous speaker just
21 said. Once you go to Costco, you don't
22 have to go to any other store. That's
23 quite true. Having been in an area
24 before where I used to have a Costco
25 within blocks of where I live, I went

1 there and I didn't go anywhere else. So,
2 I think you should take that to heart.
3 People are trying to tell you that
4 building this is going to bring in more
5 business for everybody else, it's more
6 likely that it's going to drive
7 businesses out, particularly gas
8 stations.

9 If you go back and look at the
10 reports that were submitted during the
11 EIS, there was significant research in
12 knowing how a Costco gas station drives
13 out businesses for other stations. If I
14 recall, there are about five different
15 gas stations just on Western Avenue.
16 There is already one defunct one across
17 from the Crossgates entrance.

18 Your consideration of whether
19 or not to provide this additional
20 assistance for a corporation that
21 obviously doesn't need it, based on
22 their own revenue -- I would take that
23 into consideration as well as how you
24 are going to hurt the existing
25 businesses. Thank you.

1 MR. ZIEMBA: Good evening. My
2 name is Russell Ziemba; that's spelled
3 Z-I-E-M-B-A and my first name is
4 R-U-S-S-E-L-L.

5 I live at 1813 Highland Avenue
6 in Troy, New York. I have been a
7 resident of the capital district for the
8 last 50 years. In fact, when I first
9 moved here I lived in Guilderland as a
10 student at the University. I lived in
11 the Indian Quad. I am a longtime member
12 of save the Pine Bush. I work in Albany
13 County at the Honest Weight Food Co-op.

14 I'm very opposed to this
15 project, but I am also very opposed to
16 giving tax breaks to millionaires and
17 billionaires. If we are going to give
18 tax breaks to people, it should be the
19 low and moderate income people, which
20 there are plenty of in Albany County. Or
21 if we are going to give it to
22 businesses, they should be locally owned
23 businesses and preferably small
24 businesses, not huge corporations with
25 multibillion-dollar profits every year.

1 I found it interesting the
2 comments of the previous speaker who
3 said trees don't pay taxes. That is
4 true. They don't, but they do a very
5 important thing that has been
6 overlooked. I think that is kind of
7 indicative of the proponent of this
8 project in the giveaway. Trees don't pay
9 taxes, but they do provide oxygen which
10 we need to breathe and survive. They
11 store carbon dioxide, which reduces
12 global warming.

13 Actually, there is a financial
14 benefit which does not come in taxes
15 but -- money is important. We all need
16 to live. There are other things that are
17 more important than money, which is
18 breathing and clean air and quality of
19 life.

20 Western Avenue shouldn't have
21 more cars on it. There are already too
22 many. Although we talk about growth,
23 everyone seems to be in favor of growth.
24 I think I am in favor of growth
25 generally in places that have population

1 reduction like the cities and villages
2 of upstate New York and some cities
3 throughout the Northeast. Guilderland
4 has had loads of growth which can be
5 called sprawl, which takes a lot of
6 money to maintain. It is inconvenient
7 for people and it is very hard on the
8 environment.

9 I think that you should not
10 give tax breaks to these folks. Give
11 them to people who need them. If you're
12 going to give it to businesses, give
13 them to locally owned and small
14 businesses who could profit from it and
15 it might make a difference. These folks
16 are not going to draw business. They are
17 going to take it away. Thank you.

18 MR. KLAER: My name is Chuck
19 Klaer; K-L-A-E-R. I live at 829
20 Meadowdale Road. The post office is in
21 Altamont, although I am in the Town of
22 Guilderland; 12009.

23 I understand from what Don
24 said that if these benefits are not
25 given to Crossgates and Costco, they

1 won't proceed with the project - I want
2 to make sure that all of you members are
3 fully aware of the Albany County
4 Planning Board review which led to them
5 to recommend a disapproval of this
6 project - with a very sophisticated
7 disapproval report at 10 different
8 categories, each of which would make the
9 case for disapproval. Each of those 10
10 different categories have at least two
11 and as many as 7 subsets. So, what I
12 would request is that you assure that
13 all of you have had an opportunity to
14 review the Albany County Planning
15 Board's very persuasive, though not to
16 our Planning Board or Zoning Board,
17 unfortunately - the case against
18 approving this kind of project in our
19 own code for TOD. I would appreciate if
20 you would make sure that you are all
21 familiar with that disapproval. Thank
22 you very much.

23 MS. MCCARTHY: Good evening. My
24 name is Pat McCarthy and I live at 20
25 Kent Place in Albany, Guilderland. I have

1 been a resident of Guilderland for almost
2 50 years. My kids went to the schools
3 their whole lives and I request that this
4 Board do not grant any credits or
5 adjustments to Crossgates Pyramid for
6 this project. If you can't give to a
7 local business -- there was a businessman
8 here - not in front of your group, but
9 the Town really raked him over the coals.
10 That's who they should be giving money
11 to; local, not corporations. I, myself,
12 have only challenged my assessment once.
13 And if I can afford the taxes here, they
14 can certainly afford it.

15 The only thing that Pyramid
16 has done is give us headaches, increase
17 criminal activity and traffic
18 congestion. So, you tell me what they
19 have done for us as a community.
20 Nothing. Thank you.

21 MS. DWYER: My name is Wendy
22 Dwyer; D-W-Y-E-R. I was born here and I
23 grew up here. I went to Guilderland High
24 School. I still have land here that I
25 keep for nature. I pay taxes here just so

1 that there is a little bit of land for
2 nature. It was my parents' land that I
3 treasure very much.

4 I used to ride horseback in
5 the Pine Bush. We used to pick
6 blueberries in the Pine Bush. My father
7 used to fight the fires in the Pine Bush
8 before this scofflaw Pyramid Corporation
9 came along. And they really are
10 scofflaws.

11 I think that it is really very
12 tragic that Guilderland would consider
13 approving a continuation of the assault
14 on this community by Pyramid
15 Corporation. To me, it is shocking. I am
16 now a taxpayer in the City of Albany. I
17 bought a house in Albany, as well. I
18 will be moving back to the area. I just
19 see this as egregious.

20 Celebrating that people are
21 going to be burning fossil fuels coming
22 here to shop at Costco and go back home
23 and thinking that's good for Guilderland
24 - I find just horrific. The timing of
25 this conversation with Mr. Tyler saying

1 only the mortgage tax and only the small
2 sales tax and only \$2 million - the
3 timing when there are of asylum seekers
4 just arriving by bus from Latin America
5 and all over the place with nothing
6 coming to this county asking for help
7 and people talking about - we don't want
8 them here. We don't have money. We have
9 too much crime. All the comments that
10 have been made about asylum seekers who
11 are human beings just trying to have a
12 life and we can't help them, but we can
13 give \$2 million to this company so they
14 can join the fight for their taxes. I
15 appealed the tax on my land once. It has
16 no water, no sewer, no structure, no
17 anything except greenery, and hope that
18 maybe will just stay a flyaway for the
19 birds and I'm hoping that it will stay
20 that way forever.

21 I totally applaud what Mr.
22 Haluska said and so many other people
23 here. This is shocking that it would
24 even be considered. It is a scar and it
25 will always be a scar.

1 APPOINTED MEETING CHAIRMAN: Is
2 there anyone else who wishes to be heard
3 on this application?

4 MS. WHITE: Hi. Karen White;
5 just the like the color. I am also a
6 lifelong Guilderland resident.

7 I am also very opposed to
8 giving any assistance, whatsoever. We
9 have already heard how much they make
10 over the course of the year. They have
11 584 Costcos in the U.S.; 148 worldwide.
12 The average amount they pull in per
13 warehouse, per day when you do the math
14 is astounding at how much money they
15 pull in. As Wendy just said, it is an
16 atrocious that they would even ask. It is
17 awful really that they would even ask,
18 particularly in light of how many times
19 in the past 30 years that they have
20 contested their assessment.

21 The other part of the equation
22 that I don't think has been spoken on
23 very much - the employment component. I
24 don't think anybody has mentioned that
25 100 people or so asked that they plan to

1 employ are the same people that are
2 working at Adirondack Tire just down the
3 street now. When that goes out of
4 business, they're going to go work for
5 Costco. Will their situations be better,
6 or worse? Who knows? It is the same
7 people.

8 The people that are working at
9 the gas stations up and down Western
10 Avenue now - they're going to work at
11 the Costco because their place is going
12 to go out of business. Then, we will be
13 treated to five or six different defunct
14 gas stations in a row up and down Route
15 20 every day as people sit in their cars
16 just waiting to get home from work every
17 day.

18 If they don't plan to pay
19 every dollar of tax that is owed on
20 putting this Costco up, then they
21 shouldn't put it up.

22 Someone else mentioned quality
23 of life. We are only supposed to talk
24 about the dollars and cents here
25 tonight, but once it is gone you cannot

1 buy it back. It is gone.

2 MR. BECKMANN: Good evening. My
3 name is Gerd Beckmann; B-E-C-K-M-A-N-N. I
4 am a resident of Altamont, 12009.

5 I'm here to speak very
6 briefly, but I would like to request the
7 Board look carefully at all points
8 brought out by the first speaker. I
9 think that is foundational. The very
10 basis by which this decision is to be
11 made is whether or not the math passes
12 the muster and brings to light the
13 actual requirements for the award of
14 such an amount of money.

15 I commend the Harts moving
16 forward with legal counsel. I am not a
17 very eloquent speaker, but it seems to
18 me that it spoke volumes and I am for
19 the Board to look very carefully at it.
20 Thank you.

21 Not that Costco doesn't
22 deserve to be here, but where is now and
23 how it is. Thank you for the time.

24 APPOINTED MEETING CHAIRMAN:
25 Okay, is there anyone else? Going once,

1 going twice.

2 It is now 8:15 and at this
3 point, I'm going to close the public
4 hearing. And, I will remind you all that
5 the Agency will hold the comment period
6 for this proposed project open until
7 5:00 p.m., June 21, 2023. All comments
8 received by the close of business on
9 June 21, 2023 will be included in the
10 official record of the Agency with
11 respect to the proposed project.

12 Further, the meeting at which the Agency
13 will consider the proposed project will
14 be open to the public and all written
15 comments will be included in the public
16 record.

17 That concludes the hearing
18 under section 859(a) of the General
19 Municipal Law.

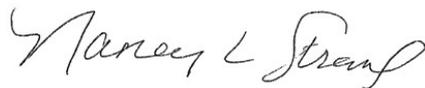
20 We will now proceed directly
21 to the next public hearing.

22
23 (Whereas the above proceeding
24 was concluded at 8:16 p.m.)
25

CERTIFICATION

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

Date: June 13th, 2023



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

<p>\$100000 12:7,14,16 14:17 (4) \$140000 18:23 \$143 27:6 \$160000 23:12 \$170 29:4 \$2 38:5,17 43:6,7 56:2,13 (6) \$2123600 10:21 \$226 27:5 \$41400100 10:17 \$584 27:5 \$60000 23:11 \$75000 10:23 100% 18:19 13th 61:11 14% 29:5 18a 11:14 26:13 18pump 20:15 21st 26:6 3rd 17:4 859a 12:9 60:18 859a2 3:16 12:3 13:5 909a 11:19 abandoned 39:24 44:15 abatement 10:25 ability 61:9 able 26:22 about 18:22 28:19 29:7,8 34:14 38:18 46:11 49:14 51:22 56:7,10 58:24 (12) above 6 60:23 absolute 5:1 25:2 absolutely 39:21 40:8 accepted 15:17 20:22 access 21:11,12 accessibility 37:21 accessible 20:24 accompanied 37:11 accordance 8:3 according 29:4 account 29:18 accumulated 44:22</p>	<p>accurate 61:8 accurately 4:3,13 acquired 18:17 acquiring 8:5,8 11:23 acquisition 4:25 5:24 6:11 acres 6:2 19:18 across 35:12 49:16 act 6:24 11:21 12:4,6,10,16 13:5 (7) actively 26:16 activity 54:17 actual 59:13 actualize 39:1 51:13 add 18:15 added 18:18 addition 13:18 additional 19:5 23:9 30:5 36:15 49:19 (5) additionally 21:23 additive 18:12 address 16:5 24:15 30:13 32:3 (4) addressed 15:2 adirondack 58:2 adjacent 5:12,17 20:5 adjustments 54:5 adopted 12:24 advised 7:9 advocate 31:21,22 afford 54:13,14 afraid 45:2 after 12:22 15:14 23:8 30:22 31:18 (5) afternoon 15:11,13,15 again 8:13 31:20 33:21 35:23 (4) against 36:13 53:17 agencies 8:24 agency 2</p>	<p>3:4,8,11,15,19,25 4:18 7:8,9 8:1 9:9,12 10:7,10,18 11:1,21 12:4,7,12,16,20,24 13:2,7 14:11,13,15 ,16,19,22,24 15:4,5 28:15 39:2 60:5,10,12 (40) agency's 8:15 9:2 10:12 13:23 32:11,12 (6) aggregate 6:8 ago 28:20 34:18 agree 48:11 agreed 7:8 agrees 47:22 air 51:18 albany 1 5:11 6:4 13:12,15 20:22 28:5,8 32:1,2 33:5 34:3 35:4 41:13,22,22 43:7 46:22 50:12,20 53:3,14,25 55:16,17 (25) allow 4:16 39:3 almost 54:1 along 5:9 6:2 23:18 35:11 55:9 (5) already 17:7 37:2 38:20 41:18 47:17 49:16 51:21 57:9 (8) also 18 4:1 19:22,22 20:17 22:1 23:15 25:5 27:12 32:5,22 33:8,10 34:20 35:13 37:14 41:24 44:5 46:16 50:15 57:5,7 (22) altamont 30:14 52:21 59:4 although 46:24 51:22 52:21 always 46:8 56:25 am 3:2 14:3 19:12 29:23 30:9,11 32:9,19,20 33:25 39:7</p>	<p>41:13,21 48:16 50:11,15 51:24 52:21 55:15 57:5,7 59:4,16,18 (24) amended 11:17,18 17:17 america 56:4 among 12:2,8 13:2 amount 9:11 33:12 43:5,6,20,22 57:12 59:14 (8) analyzed 17:23 animals 42:24 annual 23:10 29:5 another 23:1 answer 8:18 anybody 57:24 anymore 31:16 45:23 anyone 57:2 59:25 anything 18:21 40:20 56:17 anyway 48:8 anywhere 49:1 appealed 56:15 appeals 16:21 19:18 appear 48:10 appearances 10 applaud 56:21 applicable 18:20 applicant 27:3 28:3 applicant's 37:11 application 9:18,19 12:23 15:25 16:6,11,19 17:18 24:21 27:21,22 38:20 57:3 (13) apply 5:8 18:5 appointed 11 3:1 24:3 26:2 29:24 57:1 59:24 (7) appreciate 26:4 30:2 45:10,24 53:19 (5) approaching 24:10</p>	<p>appropriate 8:10 approval 34:9 43:20 45:11,25 (4) approvals 16:17 approve 14:13 approved 18:13 19:17 45:11 approving 53:18 55:13 approximately 6:1,9 10:16 15:10 16:18 23:12 (6) april 21:21 are 3:8 4:5,15 5:5,12 7:13,16 8:18,22,24 10:16,18 13:25 15:20 16:15 17:8,11,13 18:16,17,20 21:8 22:9 23:9 24:7,16,19,25 25:12 27:13 28:7,23 29:3,6 31:5,16,17 33:3,11,11,12,14 36:23 37:12,15 38:21 40:3,4,4,5,12,25 41:22,23 42:18,23,23 43:4,10 44:7 45:2,4 46:14,17,21 47:25 48:1,2,3,4,13 49:3,14,24 50:17,20,21 51:16,16,21 52:16,16,24 53:2,20 55:9,20 56:3,11 58:1,1,8,23 (93) area 22:25 28:22 31:3 33:7,9 48:23 55:18 (7) areas 33:4 arms 25:4 around 22:25 arrangements 4:2 arrived 4:10 arriving 56:4 article 3:21 11:14</p>
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