

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LIFE COVENANT CHURCH  
685 WATERVLIET SHAKER ROAD  
5 SKETCH PLAN REVIEW AND UPDATE

6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
9 Reporter, commencing on October 21, 2014 at 7:43  
p.m. at The Public Operations Center, 347 Old  
Niskayuna Road, Latham, New York

10 BOARD MEMBERS:  
11 PETER STUTO, CHAIRMAN  
12 SUSAN MILSTEIN  
13 LOU MION  
14 BRIAN AUSTIN  
15 KATHY DALTON  
16 CRAIG SHAMLIAN  
17 TIMOTHY LANE

18 ALSO PRESENT:  
19 Kathleen Marinelli, Esq., Counsel to the Planning Board  
20 Joe LaCivita, Director, Planning and Economic Development  
21 Donald Zee, Esq.  
22 Andy Brick, Esq. Donald Zee, PC  
23 Brian Sipperly, PE, Sipperly and Associates  
24 Michael Wieszchowski, Greenman-Pedersen, Inc.  
25 Mark Allen, Life Covenant Church  
Ryan Dowdy, Life Covenant Church  
Joe Grasso, PE, CHA

1 (also present cont.)

2 Jessica Carrow

3 Erin Crane

4 Steven Daggette

5 Sabrina Daniels

6 Chuck Decker

7 Takis Dikas

8 Amanda Moorhouse

9 Shawn Nethaway

10 Don Pagano

11 Dave Skinner

12 Dan Snyder

13 Armen Williams

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1           CHAIRMAN STUTO: Okay, we'll call up the next  
2 project. Life Covenant Church, 685 Watervliet Shaker  
3 Road. This is an application for concept acceptance.  
4 This is a one-story, 36,601 square foot building.

5           Again, there is a sign-in sheet right here  
6 where I am pointing (Indicating). If you'd like to  
7 speak on it, please sign in there. It will help us  
8 take the comments in an orderly fashion.

9           Joe LaCivita, do you have any introductory  
10 comments?

11          MR. LACIVITA: This project has been before us a  
12 couple of times for sketch plan, most recently an update  
13 to the Board on August 12, 2014. The project sits  
14 within the office/residential zoning district. It is  
15 also in the airport -

16          CHAIRMAN STUTO: Joe, let me just stop you for a  
17 second.

18          You have a sheet there with your letter head on  
19 it with a lot of names on it. Everybody there wants  
20 to speak? Is that what you're saying?

21          MR. DOWDY: That's correct. There is almost 75  
22 people who have signed up to speak.

23          CHAIRMAN STUTO: It could cause a postponement of  
24 the meeting.

25          MR. DOWDY: Part of our presentation is to assure

1 you that is not our intent.

2 CHAIRMAN STUTO: If you want to hand that in as a  
3 petition, that's fine but our sign in sheet is right  
4 there. I would ask people to sign in there.

5 MR. DOWDY: We have to sign another sheet?

6 CHAIRMAN STUTO: We have a sheet that we put out  
7 there in the beginning of our meeting.

8 MR. BRICK: Mr. Chair, if I may, would it be  
9 possible to substitute the sign-in sheet that they have  
10 already signed?

11 CHAIRMAN STUTO: I'd rather not. We have a system  
12 in place. Seventy-five people is a lot of people. We  
13 might have to postpone this for another night.

14 MR. BRICK: I don't anticipate, Mr. Chair, that all  
15 75 will speak. I believe that representatives of the  
16 organization will speak and they will probably address  
17 the majority of the comments that other people may have.

18 CHAIRMAN STUTO: Then I would ask the  
19 representatives to sign on our sheet.

20 If you want the petition in our record, we will  
21 take it. I don't want it on that table. It's  
22 confusing. We'll take it in our file as a record.

23 Joe LaCivita, do you have any introductory  
24 remarks?

25 MR. LACIVITA: It is in the Airport Business GEIS

1 Mitigation Area, so mitigation fees will apply on the  
2 project. There are four waivers based on our last  
3 review of the application that is before us.

4 I'll turn it over to Andy Brick and then to our  
5 Town Designated Engineer after that.

6 MR. BRICK: Good evening, Mr. Chairman and Members  
7 of the Board, Town staff. My name is Andy Brick and I'm  
8 with the law firm of Don Zee, PC. We represent Life  
9 Church, the applicant.

10 With me this evening is Kevin Penry and Mark  
11 Allen of the Life Church leadership and here from  
12 Oklahoma as well as their special counsel, Mike  
13 Knapek from Jackson Walker of Dallas, Texas, as well  
14 as my law partner, Donald Zee, PC from here in  
15 Colonie. Also, Pastor Ryan who is the local pastor  
16 of the Life Church is here as well as Katherine Codd  
17 who is the regional pastor. Our engineers are also  
18 with us this evening. They are Brian and Lynn  
19 Sipperly of L. Sipperly and Associates as well as  
20 Mike Wieszchowski from GPI, our traffic engineer.

21 Joe did a quick overview of the project. We  
22 are here for concept acceptance this evening for a  
23 36,000 square foot house of worship located on  
24 Watervliet Shaker Road. The address has actually  
25 been changed. The address is 687. That's the

1 mailing address of Watervliet Shaker Road.

2 We have obtained a zoning area variance for the  
3 size of the structure. It exceeded the allowable  
4 square footage and we have that variance. It's  
5 located on 24.4 acres of property located off of  
6 Watervliet Shaker Road next to the post office and  
7 Moffit Lane. I'm sure you're all familiar with the  
8 project.

9 What I would like to do is start off my remarks  
10 is by calling your attention to the fact that this  
11 proposal is a religious use of property. It's a  
12 proposed house of worship. The rules that apply in  
13 New York State when you, as a Board, are reviewing a  
14 proposed religious use are different than the rules  
15 when you are reviewing say for example a veterinary  
16 hospital or warehouse which you have reviewed this  
17 evening. You must, as a matter of law, in New York  
18 State, reasonably accommodate and suggest reasonable  
19 accommodations to allow a beneficial use which a  
20 house of worship has been determined to be by the  
21 courts. It's a per se beneficial use to the  
22 community which you must reasonably accommodate as  
23 well to suggest accommodations to make sure that the  
24 project is successful.

25 I want to briefly read to you a quote from the

1 New York State Court of Appeals, which is the New  
2 York State's highest court when they were discussing  
3 the issue of traffic concerns resulting from a  
4 proposed religious use and the religious use itself.  
5 The Court stated: "We have not said that  
6 considerations of the surrounding area and potential  
7 traffic hazards are unrelated to the public health,  
8 safety and welfare when religious structures are  
9 involved. We have simply said that they are  
10 outweighed by the Constitutional prohibition against  
11 the abridgement of the free exercise of religion and  
12 by the public benefit and welfare which is itself an  
13 attribute of religious worship in a community.  
14 Where irreconcilable conflict exists between the  
15 right to erect a religious structure and the  
16 potential hazards of traffic, the latter must yield  
17 to the former."

18 That is the basis under which you as a board  
19 would have to review this application. You have to  
20 reasonably accommodate a religious use and if there  
21 is a question between diminution of value and  
22 potential traffic concerns, the Court is clear that  
23 you have to yield to the former - being the  
24 conflicts between traffic and other issues - to the  
25 latter - the beneficial use of the religious use.

1           Within that context we are here to present for  
2           concept acceptance the proposal for Life Church and  
3           at this time, Mr. Chairman, in an effort to expedite  
4           things, if you would allow me, I would like to have  
5           Pastor Ryan speak very briefly because he can  
6           address a lot of the concerns that some of those  
7           other people may have wanted to address.

8           Also, there are some people here that have some  
9           other commitments, so if he can address real quick,  
10          we may be able to get some people on their way - if  
11          that's acceptable to you.

12          CHAIRMAN STUTO: Yes, that would be great.

13          Do you have a copy of that case for our  
14          attorney?

15          MR. BRICK: Yes, I do. I'll bring it up right now.

16          CHAIRMAN STUTO: Hello, and welcome to the Town of  
17          Colonie Planning Board.

18          MR. DOWDY: Thank you, Mr. Chairman. I appreciate  
19          it. It's good to be back. That's what I want to  
20          express tonight is just our appreciation for partnering  
21          with you to get us back on the agenda. Obviously, we  
22          have a small group of people here from our church who  
23          are passionate about seeing this project through to  
24          completion. In an effort to expedite, we did bring our  
25          own sign-up list to speak. It wasn't a petition. I

1 just wanted to clarify that.

2 As Andy mentioned, we do have people who have  
3 small children and it's a school night and there is  
4 homework. So, there will be people who will need to  
5 leave. I just want to let you know that there is no  
6 disrespect. We didn't want to disrupt the meeting  
7 but if you see people who are exiting, it's because  
8 they have to get home to their families and things  
9 like that. They just wanted to be present to show  
10 their support and their appreciation for, like I  
11 said, you partnering with us to see our church built  
12 on our land.

13 We do have a group of people that would like to  
14 speak at the appropriate time. We would be pleased  
15 if you guys would allow us that opportunity at this  
16 public hearing.

17 CHAIRMAN STUTO: Yes, we will. Are you asking if  
18 we would open it up to the public now?

19 MR. DOWDY: No, sir. At the appropriate time.

20 CHAIRMAN STUTO: Yes, we will.

21 MR. DOWDY: I just wanted to thank you for having  
22 us here tonight.

23 MS. DALTON: Can I just ask for a show of hands how  
24 many of you are Town of Colonie residents now?

25 (A number of people raised their hands.)

1           Okay, thank you.

2           MR. DOWDY: Thank you, very much.

3           MR. BRICK: By way of history, this project has  
4           been in the application process now for about a year and  
5           a half. Originally, it was suggested to the applicant  
6           that they obtain an open development area permit and  
7           utilize Moffit Lane as an access point. In September of  
8           2013 we were informed that the Town Board wasn't  
9           interested in granting an ODA for this particular  
10          project and we resubmitted at that time and went to a  
11          redesign showing direct access to Shaker Road.

12          There was a meeting with Town staff and I  
13          believe that DOT was there as well where they said  
14          show an access point to Watervliet Shaker Road since  
15          the ODA wasn't something that the Town Board was  
16          interested in pursuing. We redesigned it to show  
17          that access point and then there was a subsequent  
18          meeting where the Town came back and requested that  
19          actually we would prefer an ODA.

20          There was a recommendation, I believe, from the  
21          TDE that Moffit Lane would be the preferred access.  
22          I believe that DOT at one point said that they would  
23          prefer to see it at Moffit Lane. The use of Moffit  
24          Lane is contingent upon the Town Board approving an  
25          open development area. So, at a meeting in May when

1           again, it was requested that we consider utilizing  
2           Moffit Lane, the way that the meeting was left was  
3           that the Town Attorney who was present at the  
4           meeting was going to process the request to the Town  
5           Board for the open development area permit to be  
6           able to utilize Moffit Lane. What we had said at  
7           that meeting was that we can no longer wait. The  
8           applicant can no longer wait. We wanted to continue  
9           approval process with the direct access point to  
10          Watervliet Shaker Road with the knowledge that  
11          reasonable accommodations for the project are the  
12          responsibility of the Board.

13                 So, we have continued to process the  
14          application with the direct access point. We were  
15          informed in June that the ODA was not going to be on  
16          the Town agenda. By my calculation there have been  
17          at least eight or nine Town Board meetings since  
18          that meeting in May and there has been no  
19          application for an ODA process through the Town  
20          Board. Again, when we left the meeting in May it  
21          was encumbered upon the Town officials to process  
22          that open development area permit with the Town  
23          Board. It was not the applicant's responsibility.  
24          We said that we were going to continue to pursue our  
25          concept plan showing direct access to Watervliet

1 Shaker Road and that is why we're here this evening.

2 The zoning verification that was submitted  
3 showed an access point within 25 feet of Moffit  
4 Lane. We have since studied the State DOT  
5 regulations, which I presented to you last month at  
6 the sketch meeting, and showed that we can meet all  
7 applicable State DOT access point regulations and by  
8 moving this roadway 90 feet from Moffit Lane, which  
9 provides sufficient space between the access points  
10 of Moffit Lane and our driveway under State DOT regs  
11 which we have provided at the last meeting. Again,  
12 what we would submit tonight is concept acceptance  
13 with a condition that a plan we provided shows that  
14 move and the alteration of the driveway. Again, in  
15 the nature of a reasonable accommodation approving  
16 it as a concept acceptance with a condition that we  
17 submit that plan showing the 90 foot separation -  
18 that would be a reasonable accommodation. That's an  
19 example of what the Courts say municipalities must  
20 do in order to accommodate beneficial religious  
21 uses. So, we can meet all access regulations with  
22 DOT and separation distances by moving it 90 feet  
23 from Moffit Lane. We have no objection to that  
24 being a condition of concept approval. The other  
25 issue from the TDE letter of October 3rd relates to

1 traffic issues.

2 Before I get to those I'd like to first  
3 introduce Brian Slipperly to get up and go over some  
4 aspects of our re-design and then we'll get into  
5 traffic which was the other big issue in the comment  
6 letter from October.

7 CHAIRMAN STUTO: Okay, thank you.

8 MR. SIPPERLY: Good evening. My name is Brian  
9 Sipperly with Sipperly and Associates.

10 A little bit about the site plan - it is  
11 comprised of two parcels totaling 24.4 acres. The  
12 parcel that I'm pointing to here (Indicating) is a  
13 single family and the 21.4 acre parcel is located in  
14 an office residential, as Andy mentioned. The site  
15 is bounded on the west by the I87 Northway. On the  
16 northerly side are apartment buildings. On the  
17 east, by the Niagara Mohawk/National Grid power line  
18 easement and of course along the south by Watervliet  
19 Shaker Road which is 155. The site has about eight  
20 acres of federal wetlands under the jurisdiction of  
21 the Army Corp of Engineers. There is no New York  
22 State DEC jurisdictional wetlands on the site. We  
23 have about 400 feet of road frontage along  
24 Watervliet Shaker Road, about 187 of that is what is  
25 called right of way without access to accommodate

1 the right turn taper lane for the I87 northbound  
2 entrance. The site today consists of wooded and  
3 meadow and brush. We're positioning a single-story  
4 house of worship, 36,601 square feet.

5 We did receive an area variance back in  
6 December of 2013 for a structure over 30,000 square  
7 feet.

8 We did talk a little bit about why the driveway  
9 was positioned where it is. I don't want to rehash  
10 that.

11 In terms of utilities, water and sewer are  
12 located out here at the curb along with gas and  
13 telecommunications (Indicating). So, that really  
14 shouldn't be an issue. We're showing parking for  
15 459 spaces. It was noted earlier that the waiver -  
16 it's bigger than 25 percent over what the zoning  
17 allows for parking.

18 What you see here at the site at the concept  
19 level are provisions for stormwater basins. About  
20 18 of the 24 acres are what we call Class A soils  
21 that are well suited for infiltration and good  
22 stormwater practices, so we haven't really got to  
23 that. The idea here might be porous pavement or  
24 underground infiltration. That's how we are going  
25 to deal with the stormwater.

1           It should be noted that between the SFR and the  
2           OR zone a place of worship is an allowed use in  
3           those two zones.

4           We talked a little bit about the waivers a few  
5           minutes ago, so I don't want to rehash that.

6           At this point, Andy, did you want to turn this  
7           back over to the Board?

8           MR. BRICK: In terms of traffic, again, I would  
9           refer to Joe's letter of October 3rd. Brian had  
10          submitted a response and it is in your packets. Again,  
11          the major issue with traffic -- and first of all, let's  
12          keep in mind that traditional traffic analysis looks at  
13          peak p.m. hours and Saturday p.m. hours. We don't have  
14          that here. We're not generating any traffic on  
15          Watervliet Shaker Road in traditional weekday peak p.m.  
16          hours or minimal - custodial staff type stuff. No  
17          significant impact to traffic whatsoever. Our traffic  
18          is going to be generated during services on Saturday  
19          afternoons and on Sunday mornings. Mike from PGI will  
20          speak to you and they have addressed and have analyzed  
21          and have responded to all of Joe's comments. The bottom  
22          line with the traffic issue is a queuing level of  
23          service problem coming out - exiting from the services  
24          and what we have proposed is providing traffic control  
25          officers at the intersections - flag people to assist in

1 that. Again, that is something that we're offering as a  
2 reasonable accommodation to address a potential traffic  
3 concern that has been identified.

4 Life Church staff - their security team - I  
5 believe their Director of Security has been in  
6 contact with Colonie PD because it's our  
7 understanding that Colonie PD does provide traffic  
8 control services for special events.

9 My firm represents Hoffman's Playland and they  
10 recently on the last day of business had traffic  
11 control and it was through Colonie PD to provide for  
12 traffic there. We also represent Krause's Candy  
13 where on certain holidays traffic control has been  
14 provided to them in the past.

15 We did contact Colonie PD and we would be  
16 willing to contract with Colonie PD for traffic  
17 control and whatever flagging is necessary to  
18 eliminate the queueing and the concern of people  
19 coming out. Again, let me point out the traffic  
20 issue that has been identified would be people  
21 leaving a service. It would not impact Watervliet  
22 Shaker Road. It's just the delay in exiting the  
23 property when services are over. We believe that a  
24 reasonable accommodation to provide a traffic  
25 control -- we reached out to Colonie PD and they

1 wouldn't commit. They said that we review each  
2 contract on a case by case basis, so we don't have a  
3 commitment from them but that would be our preferred  
4 method of accommodation.

5 We have also contacted private security firms  
6 and we did have confirmation from a private security  
7 firm that they would be willing to provide trained  
8 traffic control offers to assist in that traffic  
9 operation after Saturday and Sunday services. We  
10 have also reviewed New York State DOT standard  
11 specifications for traffic control and flagging  
12 operations and we can commit on the record now that  
13 we would meet those standard specifications and DOT  
14 - I believe 319.102 for the standards for proper  
15 traffic control training, use of traffic control  
16 devices, etcetera. We can provide that service in  
17 response to the concern about traffic in that  
18 particular location.

19 At this point I would turn this over to Mike  
20 Wieszchowski from GPI for the more specifics of the  
21 actual traffic analysis and what has been conducted  
22 throughout the year and throughout the application  
23 process in term of traffic analysis.

24 MR. WIESZCHOWSKI: Good evening everyone. My name  
25 is Mike Wieszchowski and I'm a professional traffic

1 operations engineer with Greenman Pedersen,  
2 Incorporated. I'm here today to document for the record  
3 the traffic study and analysis performed today on this  
4 project.

5 In March of 2014 we prepared a traffic impact  
6 study for the project. This study documented  
7 traffic projections, level of service analysis and  
8 queueing analysis for the proposed church assuming  
9 an access via Moffit Lane.

10 Soon after that study it became apparent that  
11 Moffit Lane may not be accessible for this project,  
12 so on April 9, 2014 we prepared a supplemental  
13 traffic study with outlying traffic operations with  
14 a separate access driveway located between Moffit  
15 Lane and the I87 northbound ramp intersection. This  
16 supplemental analysis included a queueing analysis  
17 and provided recommendations to where the new  
18 driveway should be located.

19 Subsequent to that to address and address from  
20 the Town Designated Engineer, we also conducted a  
21 study to assist the trip generation rate at the  
22 existing Life Church location on Sandcreek Road. We  
23 personally didn't feel that this was applicable to  
24 proposed trip generation estimate with a new  
25 facility because of the significant difference in

1 sizes of the two churches and the number of staff  
2 required and the ratios of that staff. We did it as  
3 requested and gathered the field data and presented  
4 the information in an August 29, 2014 letter.  
5 Additionally, we twice responded to comments from  
6 the Town Designated Engineer; once in May and again  
7 last week by clarification and additional  
8 information for each of the review questions they  
9 generated.

10           Regarding the traffic study and analysis  
11 performed the following should be noted: The trip  
12 generation estimates were performed using industry  
13 standard techniques using data from the trip  
14 generation manual published by the Institute of  
15 Transportation Engineers. These projections were  
16 then verified using data from five separate Life  
17 Church locations that are all of similar size to the  
18 proposed facility.

19           We additionally performed a trip generation  
20 estimate for the existing Life Church location on  
21 Sandcreek Road and found that the existing location  
22 generated less traffic per square foot and per seat  
23 than the trip generation rates used in the traffic  
24 study. The traffic impact study reviewed build  
25 condition traffic operations for key intersections

1 adjacent to the proposed site during the periods  
2 where the additional site traffic would generate the  
3 most potential impacts to the roadway. The overall  
4 peak hour of service for each of these intersections  
5 was found to be a level of service C or better. No  
6 approach fell below a level of service D. This  
7 meets New York State DOT criteria for acceptable  
8 operations.

9 Queueing was reviewed for each location and it  
10 was found that site access driveway could be  
11 separated from Moffit Lane by 100 feet and the  
12 eastbound left turn queue would still not extend far  
13 enough back to interfere with the left turn lane  
14 operations at the I87 northbound ramp signal. The  
15 study recommended the use of a traffic control  
16 officer during periods when services let out. This  
17 type of control is similar to that used in several  
18 other local churches to include Grace Fellowship in  
19 Latham, St. Edward's in Clifton Park and St.  
20 Clemmons in Saratoga Springs. If a traffic control  
21 officer is not used at these times, the operations  
22 of Watervliet Shaker Road will actually be better  
23 than with the traffic control officer. Those  
24 approaches would see much less delay and shorter  
25 left turn queues. The only difference is that some

1 traffic on the site driveway may take several  
2 minutes to exit instead of the less than 30 seconds  
3 projected in the study. Looking at the queues, if  
4 that was the case, there would be 12 vehicles queued  
5 on the driveway which can be sufficiently handled  
6 with the length of driveway that they have.

7 Overall, the project only generates significant  
8 traffic in the non-peak hours; Sunday mornings and  
9 to a lesser degree, Saturday evenings and Sunday  
10 afternoons. This traffic will cause no significant  
11 change to the existing intersection levels of  
12 service. Additionally, it will not produce queues  
13 that interfere with any of the adjacent signals.  
14 The site traffic can be accommodated by the road  
15 network and even in the worst case period for the  
16 church, would not cause traffic operations as bad as  
17 a typical afternoon peak hour.

18 CHAIRMAN STUTO: Thank you.

19 MR. BRICK: In terms of non-traffic issues raised  
20 in the TDE letter and Mike Lyons' PDD letter, there was  
21 an issue about SEQRA forms. The prior version of the  
22 short form was submitted to you because that was the  
23 version that was in place when this application was  
24 first started so that's what was filed. We could gladly  
25 go through the sections two and three of the new form

1 just as you did with the first project with Chuck Voss  
2 utilizing the existing short form that you have. If you  
3 want to go through Parts II and III you can use the  
4 information that you have in the record. Everything  
5 that is requested by the new Part I of the short form  
6 had been provided to you and is a part of this  
7 proceeding as part of the record and as part of the  
8 packet that was provided to us, at least, from October  
9 10 from PEDD. We don't think that the SEQRA forms are  
10 an issue and again, we think that would be a perfectly  
11 reasonable accommodation if you wanted to utilize the  
12 older form and we can go through Parts II and III of the  
13 new form. We'd be willing to go through that analysis  
14 with you this evening. I don't know that it's  
15 appropriate at concept level to do that, but we can do  
16 that if you'd like.

17 In terms of visual impact and if you recall  
18 from the last meeting, there were three things that  
19 you requested from us before we return. First, was  
20 to reach out to the TD and talk about traffic  
21 control officers, conduct the traffic analysis at  
22 the Sandcreek site and last, to provide visual  
23 impact. The visual impact analysis has been  
24 provided to the Board and you should have copies of  
25 that from the PEDD department.

1           So, that leaves us with the waivers that we  
2 requested. We are requesting a waiver for front  
3 yard parking. Clearly, due to the nature of the  
4 property and due to the nature of that neighborhood,  
5 we think that it's consistent to set it back and  
6 request a waiver for the 20 foot being right up  
7 against the road. We think that's a reasonable  
8 waiver request. It's more than 20 feet.

9           Also, we're showing front yard parking because  
10 this is one of those strange situations where  
11 because it's facing the Northway, the front yard  
12 could conceivably be the Northway side.

13           Regardless, the design works. It's not  
14 obtrusive, it's not up against the road and it's not  
15 going to have an impact to anybody. We are showing  
16 greater than 258 percent of the minimum required  
17 parking. We are requesting a waiver for that and  
18 the reason for that is that we know that we are  
19 going to need the parking that we're showing.

20           The reason that we are here and it's important  
21 that everybody keeps this in mind, Life Church has  
22 an existing church. It's on Sandcreek Road. They  
23 have outgrown it. They literally can't fit their  
24 fellowship into that building anymore. That's a  
25 good thing. They want to stay in the community and

1           they want to build a bigger structure so that they  
2           can house who they have and they'll bring more  
3           people.

4           Life Church is one of the fastest growing  
5           churches nationwide. It's incredibly successful and  
6           although it may not be the stained glass windows and  
7           incense and crushing guilt type churches that I grew  
8           up with, it's a church. It's a church that people  
9           believe in. This is a testament to the belief that  
10          these people have and the vision of this church and  
11          it's kind of a neat place. I had the opportunity to  
12          go down there. It was pretty exciting. It's a  
13          great group of people. The reason that they need  
14          this building is that they are growing and in this  
15          day and age for a religious use to be growing and  
16          bringing in more people and wanting a bigger  
17          building to do more for people and more for the  
18          community is a good thing. So, that's why we are  
19          requesting the waiver. It's one way of saying that  
20          we are requesting a waiver for more than 25 percent  
21          of the minimum parking.

22          In terms of the necessary square footage of  
23          landscaping within the parking area and the islands,  
24          I asked Brian and Mark and Kevin to go back and  
25          relook at the plan and see if possibly we can meet

1           that requirement of the design standard and we now  
2           believe that we can provide the necessary  
3           landscaping square footage within the parking lot  
4           and the islands. We'd be withdrawing that request  
5           for a waiver. We only want the waivers that are  
6           absolutely necessary and we think that we can make  
7           that one work and it will improve the site, so we  
8           will be withdrawing that one.

9           Lastly and again, I'm referencing all the  
10          comments from Mike Lyons' October 10th PDD letter,  
11          the decorative wall fencing landscaping along the  
12          frontage - we have absolutely no objections to  
13          providing the necessary decorative features along  
14          the frontage of Watervliet Shaker Road. It's not  
15          shown on this plan, but we have no objection to that  
16          being a condition of concept approval that we submit  
17          to the PEDD plans that show the appropriate and  
18          necessary decorative wall fencing and landscaping  
19          along the frontage.

20          With that being said, that's where we are.  
21          We're requesting concept acceptance here this  
22          evening. I know that there are some people here  
23          representing the church that would like to speak and  
24          we are also available to answer any questions or  
25          concerns that the Board or staff may have this

1 evening and would request that you consider this for  
2 concept acceptance this evening. Thank you.

3 CHAIRMAN STUTO: That's the end of your initial  
4 presentation?

5 MR. BRICK: Yes, but I have one submission. We  
6 have an item from the traffic engineer and the engineer.  
7 I just want for the record a list of all of the studies  
8 that they have conducted throughout this process so it  
9 is a part of the record.

10 CHAIRMAN STUTO: Sure. Do you want to recite it,  
11 or did you just want to hand it up to us?

12 MR. BRICK: Handing it in is fine.

13 CHAIRMAN STUTO: We normally at this point turn it  
14 over to our Town Designated Engineer. I think that it's  
15 a good idea to do that now for his comment on the  
16 project. Again, that's CHA represented by Joe Grasso.

17 Joe?

18 MR. GRASSO: Sure.

19 Our letter is dated October 3rd in your packet.  
20 There are a couple dozen comments itemized. In  
21 general most of the comments that we have heard  
22 raised by the Planning Board and from the Town  
23 Departments and DOT and CHA here in previous reviews  
24 of the project are still applicable to the current  
25 concept application and we have summarized those

1 comments in four bullets.

2 The first one being access to the site; the  
3 second one is traffic generation of the project and  
4 its impacts; the third is as it relates to a traffic  
5 control personnel to control access; and the fourth  
6 being visibility of the project from the Northway  
7 corridor. I'll get into a little bit more detail  
8 and add some color to each of those topics in a  
9 minute.

10 First, regarding the SEQRA review of the  
11 project, as of right now, this is considered an  
12 unlisted action. As Andy mentioned, they did  
13 prepare a short environmental assessment form to  
14 describe the project and its potential environmental  
15 impacts. It's the old version of the form that we  
16 have. It does not provide very much information  
17 regarding the details of the project or the scale of  
18 action, and doesn't readily assist with the Board's  
19 review of the level of significance of potential  
20 impacts. The only thing to keep in mind is this  
21 project is going to disturb approximately nine acres  
22 which is close to the 10-acre threshold that would  
23 automatically trigger it being a Type I action which  
24 would require a full EAF. Again, as we know the EAF  
25 forms have been recently updated so that they

1 provide more information to assist the lead agency  
2 in the review of the application. We would  
3 recommend in terms of the SEQRA review that the  
4 applicant prepare for the Planning Board's benefit a  
5 full environmental assessment form and given the  
6 potential impacts that we have addressed so far and  
7 we've heard from the Town on this - the project  
8 could support the need for an environmental impact  
9 statement which would allow a very systematic review  
10 process for the Town to follow in its review of the  
11 application and get into much more detail regarding  
12 potential impacts and their significance and  
13 appropriate mitigation measures for those things.

14 In terms of those four things that I mentioned  
15 early on, the first one is regarding access.  
16 They've done a great job during their presentation  
17 talking about the various access considerations.  
18 Moffit Lane was developed when the post office was  
19 developed and it was always thought that Moffit Lane  
20 would also provide access to the site and that was  
21 in keeping with the access management along the  
22 Watervliet Shaker Road corridor. Obviously, the use  
23 of Moffit Lane would mean that the project wouldn't  
24 be using its road frontage for access so it would  
25 require an open development area which would require

1 Town Board approval. As Andy mentioned, we haven't  
2 heard from the Town Board regarding the  
3 acceptability of an open development application.  
4 So, we are going to basically review the access as  
5 if Moffit Lane is not available for access. So,  
6 they have proposed an access location just adjacent  
7 to Moffit Lane. Unfortunately that access location,  
8 because of its proximity to Moffit Lane, doesn't  
9 meet the DOT intersection spacing along that  
10 roadway. So, we don't think that it would be  
11 supported by DOT.

12 Moving the access further down Watervliet  
13 Shaker Road along its right of way that it has with  
14 access provisions would put it in close proximity to  
15 the Feiden Lane public road across the street. So,  
16 we are concerned that there isn't a viable access  
17 point along the project road frontage that will be  
18 appropriately separated from Moffit Lane, will be  
19 appropriately set off from Feiden Lane where you  
20 don't get any conflicting turning movements and  
21 would still be within the right of way that does  
22 have access rights to the property. So, it's an  
23 issue that we haven't seen and acceptable proposal  
24 yet presented to us.

25 In terms of the traffic impacts, they correctly

1 noted that the traffic from his project is generally  
2 during off peak hours in terms of the normal peaks  
3 that we deal with for applications during the p.m.  
4 peaks during Saturday mornings or during weekday  
5 afternoons. Obviously because of the church use,  
6 the peaks is going to be when services let out on  
7 Saturday evenings or on Sunday mornings or some  
8 afternoons. Nonetheless, there is going to be a  
9 substantial amount of traffic to and from this  
10 facility and they have done a number of studies that  
11 have evaluated those impacts and there are going to  
12 be impacts associated with the project, not only  
13 along the Watervliet Shaker Road corridor but also  
14 trying to access to and from the site.

15 A lot of their analysis was based on the use of  
16 a traffic control officer. What we asked them to  
17 provide was something from the Town that would  
18 indicate that the Town would be supportive of a  
19 traffic control officer at this site on a regular  
20 basis and we have not gotten any written  
21 documentation to that effect.

22 When you have a traffic control officer out  
23 there, what that person is trying to do is stop the  
24 traffic on the adjacent street traffic or Watervliet  
25 Shaker Road in order for vehicles trying to exit the

1 site or enter the site to get access from Watervliet  
2 Shaker Road. It would create additional delays of  
3 the thru-traffic along Watervliet Shaker Road in the  
4 benefit for the facility. So, it does have a  
5 positive impact in terms of people being able to get  
6 to and from the site which is important because if  
7 we don't have a traffic control officer, their  
8 analysis shows that we've got excessive delays for  
9 vehicles trying to exit the site. It would be  
10 levels of service F. Although the queue could be  
11 kept within the site, we've still got to deal with  
12 that issue of those people not being able to get out  
13 at appropriate gaps in the traffic, and then you  
14 have to run the risk of people making unsafe  
15 maneuvers during those periods of high traffic  
16 demand.

17 In terms of the traffic control officer, the  
18 Town hasn't indicated that they would be willing to  
19 provide somebody at the site on a regular basis and  
20 the Town hasn't given us any indication that they  
21 would allow non-police force to go out there and  
22 provide traffic control along Watervliet Shaker  
23 Road. So, it is an unresolved issue that needs to  
24 get worked through. We do recommend that if the  
25 project application continues to be before the Town,

1           that if we don't have any documentation regarding  
2           the acceptability of a traffic control officer out  
3           there, that all the analysis be provided to show us  
4           what the traffic impacts are going to be without a  
5           traffic control officer so that we can appropriately  
6           analyze those impacts and help get the Board  
7           informed on those things.

8           The other item that we raised as a potential  
9           significant concern is the visibility of the project  
10          from the Northway corridor. In response to the  
11          comments that we made at the initial concept review,  
12          they have done a visual simulation from the Northway  
13          corridor and I think that information is in your  
14          packets. It has demonstrated that the site is going  
15          to be highly visible from the Northway corridor.  
16          Right now the site is entirely wooded or has some  
17          open meadow areas, so it will be a visual change to  
18          what you see along the Northway corridor. The  
19          building is situated toward the Northway corridor.  
20          Obviously, the aesthetic impact is something that is  
21          sometimes difficult to quantify and it's obviously a  
22          subjective thing, but it's something that I think  
23          that the Planning Board should pay particular  
24          attention to. If the visibility of the facility  
25          from the Northway corridor is a concern, it's

1 something that we would normally look to see  
2 landscaped buffering and berming provided -  
3 something that we can at least see as part of site  
4 plan applications.

5 The site plan, as presented, may have to  
6 change. They have parking in close proximity to  
7 their western most property boundary. So, there  
8 isn't large open space area for them to landscape  
9 and berm so it could require a change to the site  
10 plan to accommodate some mitigation there. That's a  
11 summary of the comments that we got and the issues  
12 that we think are most significant.

13 I'd like to hear from the Board.

14 CHAIRMAN STUTO: Do we want to hear from Board  
15 Members or the public?

16 MS. DALTON: Joe, going back -- I'm not sure I  
17 understand about DOT's recommendation.

18 MR. GRASSO: DOT's recommendation is similar to  
19 ours where they recommend that if the use of Moffit Lane  
20 is available to the applicant, that the access should be  
21 provided from Moffit Lane. It reduced the number of  
22 intersections on Watervliet Shaker Road and provides an  
23 appropriate separation from Feiden Lane.

24 MR. BRICK: Mr. Chair, can I address that briefly?

25 CHAIRMAN STUTO: Sure.

1           MR. BRICK: I would refer you to -- and it should  
2           be in your packet - to the email from Michael Lyons to  
3           Kevin Novak of DOT. It's dated April 30th where they  
4           discuss the three possible scenarios.

5           The first scenario being used for Moffit Lane -  
6           the use of Moffit Lane isn't a possibility because  
7           the Town Board has not granted the open development  
8           area. We requested it. In September of 2013, we  
9           received an email from Mike Magguilli who confirmed  
10          that the Town Board was not interested in granting  
11          and ODA to this project to allow the use of Moffit  
12          Lane and they actually suggested that my client find  
13          another location for the project in that email. So,  
14          it was pretty clear that an ODA wasn't going to  
15          happen. In May, when we met with Town Staff, they  
16          said that we still think that it should be an ODA  
17          and so does DOT. Town staff was going to run with  
18          it to get the ODA from the Town Board. Nothing has  
19          occurred since that meeting in May. So, the idea of  
20          using Moffit Lane at this point is no longer a  
21          scenario. I would reference scenario three in that  
22          same email from Mike Lyons to Kevin Novak where he  
23          says "the proposed separate driveway to Watervliet  
24          Shaker Road would be shifted westward closer to the  
25          I87 Exit 5 signalized intersection to meet the New

1 York State DOT minimum spacing standards as  
2 recommended in the GPI traffic impact study  
3 supplemental dated April 9, 2014. The New York  
4 State DOT would be able to issue an access permit  
5 without the need to grant a policy exception  
6 provided the design standards are met and the Town  
7 provides a New York State DOT letter explaining the  
8 reasoning behind the change of direction from the  
9 previously envisioned and preferred access plan.

10 We would submit that the letter to DOT from the  
11 Town explaining the reasoning behind the change that  
12 we're requesting is the fact that it's a per se  
13 beneficial religious use and it is a reasonable  
14 accommodation to allow for movement of the access  
15 point to create the 90 foot separation. Again,  
16 that's from Mike Lyons, the planner, recognizing  
17 that under scenario three, DOT standards weren't  
18 being met.

19 Also, I would point out in terms of the visual  
20 impact, we did provide a visual impact analysis.

21 I would point out a little further that up the  
22 Northway there are multi-storied buildings that sit  
23 directly on the Northway; Angio Dynamics, School  
24 Board Association and I don't even have to mention  
25 the gigantic RV parking lot across the street that

1 is clear cut right to the southbound lanes. Also, I  
2 would point out that the project earlier on  
3 Sparrowbush backs onto the Northway and is visible  
4 from the Northway, but there was no discussion or  
5 request for visual impact analysis for the  
6 veterinary hospital that was just on the agenda  
7 earlier that is also viewed from the Northway.

8 Also, I'd like Mike to briefly address the  
9 comment about providing analysis without the traffic  
10 control officer.

11 MR. WIESZCHOWSKI: After the May TDE comments, we  
12 did provide a comment. Apparently, the analysis sheet  
13 didn't go with it. With this last run of comments we  
14 did provide a comment and eventually the analysis sheet  
15 did get to them. It does show the analysis as an  
16 unsignalized intersection. As I stated in my last  
17 narrative, the operations along Watervliet Shaker Road  
18 are actually much better. Going westbound is the zero  
19 delay. Eastbound is about five seconds of delay and the  
20 queue going into the site is less than 75 feet. So,  
21 Watervliet Shaker Road actually operates much better.

22 The only problem was beyond the private  
23 driveway to the church. Without a traffic control  
24 officer the church patrons understand that they're  
25 going to have significant delay. Instead of all

1 leaving within the first 15 minute, they could  
2 spread out that time to allow the queue not to build  
3 up. Even if the queue built up it would still only  
4 be within this area on the driveway (Indicating) and  
5 would not extend back to the parking lot.

6 CHAIRMAN STUTO: Thank you. Anything else from the  
7 Board at this point?

8 (There was no response.)

9 Steven Daggette.

10 MR. DAGGETTE: Thank you. I'll be brief here. I'm  
11 Steven Daggette for the record.

12 I work for a global banking firm here in Albany  
13 and they have an office here locally. I have lived  
14 my whole adult life here in the capital region.

15 The discussion of building a house of worship  
16 is interesting to me because in the late 50's my  
17 father came along with my grandfather and they moved  
18 into the capital region. They bought little  
19 abandoned churches in this area and they reopened  
20 those doors and they again began serving the public  
21 with services - churches that had just kind of  
22 fallen by the wayside.

23 So, later in the 60s when I came along, my  
24 father went to South America and I went with him and  
25 continued to go to churches in that country and I

1 have a lot of experience building churches with my  
2 own hands. So, interesting unique kind of  
3 relationship there.

4 When I came back as a teenager to the capital  
5 region, I became involved in churches right away and  
6 served my own adult life in some capacity  
7 volunteering in various functions within the church.

8 When I came to Life Church and I found my  
9 church or they found me or whatever that scenario  
10 is, I had a unique view of what church life looks  
11 like and what a church should do or could do in a  
12 community. One of the things that I noticed right  
13 away that Life Church had a real passion for  
14 reaching outside of its four walls. They weren't  
15 just contained to what was going on inside, but they  
16 leveraged community groups whether it's Habitat for  
17 Humanity or youth clubs or food banks to really get  
18 involved with things that are happening in the  
19 community. So, from that point of view they really  
20 did an outreach that really was valuable. We  
21 noticed that right away.

22 My wife and I had very specific reasons for  
23 coming to Life Church. Our daughters who are  
24 teenagers needed a place to plug in and really be a  
25 part of, and I think that the church globally does

1 not do a good job at kind of grabbing the  
2 imagination of our youth these days with all of the  
3 distractions that they have available. The Life  
4 Church leverages technology in a way that really  
5 helped them get involved and even my older daughter  
6 now who is in college participates in Life Church  
7 online. It's really a great way to bring them in.

8 My younger daughter who is still with us  
9 participates there now with the weekly youth meeting  
10 that they have. Again, that's another opportunity  
11 where the community can get involved and a safe  
12 place for youth to come and participate.

13 We really found a great home in the church and  
14 obviously are advocates for it. As you know, as  
15 Board Members here, every community is really the  
16 sewn together with fiber and string of certain  
17 institutions and it takes a group of those to make a  
18 community viable. We believe that the local church  
19 continues to be in America, one of those vital  
20 institutions. So, it's with that that we come to  
21 you today and thank you for your time and ask you  
22 that you allow us to build our house of worship on  
23 our land. Thank you so much for your time today.

24 CHAIRMAN STUTO: Thank you.

25 I do just want to comment and I'm not trying to

1 curb anybody's comments. We're talking about this  
2 site plan here. So, nobody is saying that they  
3 don't want a church here. Nobody said that a church  
4 is not a permitted use. The issues that have been  
5 raised that there is not complete agreement have to  
6 do with site plan review, traffic, site lines and so  
7 forth.

8 MR. DOWDY: Mr. Chairman, if I could?

9 CHAIRMAN STUTO: Sure. I'm not going to cut  
10 anybody off, but I'm just saying, nobody said that this  
11 is not a permitted use.

12 MR. DOWDY: Right, but what we presented at the  
13 very beginning was that we are asking for reasonable  
14 accommodations based on the fact that we are a house of  
15 worship and standing here listening, these don't sound  
16 reasonable to me. I think that you're going to hear  
17 that from people as they express their faith and let you  
18 know what God is doing in our church and how passionate  
19 they are about it and why we're passionate about this  
20 piece of property. So, we feel that is very much a part  
21 of this public hearing for you to hear from the people  
22 about why this is such a special place for them so that  
23 you can take into consideration what would be a  
24 reasonable accommodation to partner with a house of  
25 worship in this community. Right now it does not feel

1           like you're partnering with us in a reasonable manner at  
2           all.

3           CHAIRMAN STUTO: I'm sorry that you feel that way.

4           MR. ZEE: I'm Donald Zee -

5           CHAIRMAN STUTO: You're not on the list. I'm going  
6           down the list here. This is the public comment period.  
7           I have people on the list that are supposed to be making  
8           public comments. I have to keep order here, Don.  
9           You've been here many times and you've had your chance  
10          and you'll get another chance. When your turn comes  
11          back, you'll get your chance. I'm going to go through  
12          the list, okay?

13          MR. ZEE: There was a point raised that I would  
14          really like to address.

15          CHAIRMAN STUTO: Hold your thought and we'll let  
16          you address it.

17          Jessica Carrow.

18          MS. CARROW: Hi, I'm Jessica Carrow. I live in  
19          Guilderland and I travel to Colonie to go to Life  
20          Church. I have been to many churches throughout the  
21          years. Why do I choose Life Church? Life Church has  
22          made a great impact in my life. The people there are  
23          absolutely awesome. They care not only about helping  
24          themselves and the community but globally. It's not  
25          easy to find that in a church.

1 I can give you one example of someone who  
2 really needed help and where they really stepped up.  
3 A very special man who is 88 years old, a veteran,  
4 loved to go to Life Church with me. He was very  
5 sick. Ryan, our pastor, offered to go to the VA  
6 hospital to comfort him. That's really something.  
7 He sat there and held his hand and prayed with him.  
8 When he died, Life Church said that they would be  
9 honored to say his services. How many churches do  
10 we go to that would offer something like that? I  
11 really appreciate all that they do, locally and  
12 globally. I am very proud to be a part of that  
13 church. Thank you.

14 CHAIRMAN STUTO: Thank you.

15 Dan Snyder?

16 MR. DOWDY: Mr. Chairman, also for the record, one  
17 of the reasons why people are so passionate about us is  
18 because we actually have heard in the community that one  
19 of the reasons that this project is being delayed is  
20 because we are a house of worship and that a church is  
21 not wanted at this property. That is one of the reasons  
22 why you see the turn out and the passion that you're  
23 going to hear tonight. I just wanted to share that with  
24 you for the record.

25 CHAIRMAN STUTO: I appreciate that. I have not

1 heard that.

2 MR. SNYDER: Hi, my name is Dan Snyder and thanks  
3 for the opportunity to speak. As a fourth generation  
4 resident of the Town of Colonie, I appreciate your  
5 service.

6 The last week of September 2008 my son invited  
7 me to Life Church as a direct result of having an  
8 extraordinary experience at their youth ministry on  
9 Wednesday night. There was a time where me and my  
10 family were going through a particularly tough time  
11 and I reluctantly went. What I found was a hospital  
12 for hurting people instead of a sanctuary of saints  
13 that may be the picture of church that many people  
14 have.

15 Through the church we have been restored. Our  
16 family has changed course. We're doing much better.  
17 I was able to baptize my son there. My kids, all  
18 three of them, look forward to worship experiences.  
19 How many of us can say that all three kids want to  
20 go to church? So, for those reasons, it has  
21 benefitted us greatly. It's time for Life Church to  
22 have a building that it's deserving of for the work  
23 that it's doing for me and for the community. I  
24 formally request that this Board does an about face  
25 and doesn't stand in the way of the progress of this

1 building. Thank you.

2 MS. DALTON: Mr. Snyder, first of all I am thrilled  
3 that your family is doing better and I'm amazed that  
4 your three kids want to go to church because I have  
5 three children of my own and that's not an easy thing.

6 Having said that, your last comment was for the  
7 Board to do an about face. That's what I'm going to  
8 object to because I haven't taken a position and I  
9 haven't seen my Board Members take a position and we  
10 haven't taken a vote. So, I don't want there to be  
11 a perception here that we have to turn around  
12 anything. I don't have a preconceived notion. I  
13 just wanted to mention that.

14 MR. SNYDER: There is a tone here and there has  
15 been a lead up to this and it's been a long time since  
16 we have closed on what is \$1.8 million dollars in  
17 putting money into this community. It's a long time to  
18 build this building and there is something that is  
19 standing in the way.

20 MS. DALTON: I do understand your concern. I just  
21 wanted to address that so that at least I can go on  
22 record as saying that I don't have to turn around. I'm  
23 listening to the information as it's being given.

24 CHAIRMAN STUTO: Amanda Morehouse.

25 MS. MOREHOUSE: Hello. I just want to thank you

1 all for being here. If you've never been to Life  
2 Church, I would encourage you to come check it out,  
3 whether your life is looking picture perfect or it's in  
4 shambles. Life is pretty good when we came to Life  
5 Church and we didn't even recognize the need or know  
6 that we had needs that this church met in our life.  
7 When they say that it multiplies, it multiplies;  
8 extended family, neighbors - we've seen so many  
9 marriages that were ready to go down the tubes and not  
10 turn out that way.

11 I was born and raised in Colonie and I'm  
12 currently a homeowner there now with three kids and  
13 my husband. My gosh, finances, foreclosure,  
14 marriage, out of control teenagers - we're all busy  
15 people just like you guys. We're tired. This life  
16 gets hard and we leave there every week inspired and  
17 encouraged. I encourage you to come and I just  
18 believe in what they are doing with the next  
19 generation, especially. I think that it's going to  
20 benefit the community. It's going to blow our mind  
21 how much it's going to benefit the community and  
22 these kids. They're opening up and they're talking  
23 to us. They're finding hope and they're living in a  
24 tough time right now. They walk through that door  
25 and every single one of them is important. Thank

1           you so much for your time tonight. We hope to see  
2           you there some day.

3           CHAIRMAN STUTO: Thank you.

4           Dave Skinner?

5           MR. SKINNER: Good evening. I'm David Skinner. I  
6           had a speech all ready. I bring a lot of the same  
7           things that people have said. I agree with everything  
8           that has been said. They are heart-felt comments for  
9           people that I have known since I started attending my  
10          church. It's terrific to hear what they have to say. I  
11          agree with it completely.

12          I'm a Town of Colonie resident. I've lived  
13          here for five years. I live here with my wife and  
14          we've been married 22 or 24 years. If she were here  
15          she would tell me the right number.

16          So, in any event, we discovered Life Church.  
17          On Thanksgiving five years ago - why it occurred to  
18          me to discuss religion during a family event -- but  
19          I did. It led us to Life Church and coming down to  
20          our existing location, we didn't know that it was a  
21          church. We couldn't see it. It was just so small  
22          and difficult to find. We were in drastic need of  
23          the new location.

24          The points that have been brought up tonight -  
25          I want to address the request that you made about

1 addressing the points that were discussed here at  
2 the meeting.

3 A view of the church from the Northway - I've  
4 been to Oklahoma and I've seen churches in Oklahoma  
5 and other areas. It's a great sight to see a  
6 church, no matter where you are. We're not building  
7 something that is ugly; it's inspiring. When you  
8 see a church when you're going down the Northway -  
9 I'm still inspired to see churches, whether it's my  
10 church or any church. I get to drive a lot for my  
11 work and I see churches all the time. They are  
12 inspiring to see. It strikes a chord in my heart  
13 and I love it.

14 The other traffic issues - we're dealing with  
15 traffic now. It's not a problem. I read one of the  
16 transcripts about wanting a comparison to our  
17 existing site to be able to extrapolate that to our  
18 new site. The traffic is not a problem now. It's  
19 not going to be a problem then. It sounds like we  
20 are well prepared to handle those issues and there  
21 isn't any reason not to get approval tonight. Thank  
22 you.

23 CHAIRMAN STUTO: Thank you.

24 Chuck Decker?

25 MR. DECKER: Thank you so much for giving us this

1 opportunity to share how much Life Church means to us.  
2 I'm a union plumber and I know the hard work that you  
3 guys put in. The Town of Colonie is one of the largest  
4 growing towns in the area. Because of you, me and my  
5 fellow plumbers have work. So, I do appreciate your  
6 hard work.

7 First and foremost I am a man of faith. I love  
8 the Lord and he is the leader of my life. I'm a  
9 husband and father of three. I've lived in this  
10 community my entire life. I love this church and I  
11 love these people. This is just one-third of our  
12 congregation. I met my wife there five years ago.  
13 My life would not be the same without the  
14 mentorship, the connections and the fellowship that  
15 I met. There are so many stories and miracles about  
16 this small little building off of Sandcreek Road.  
17 We'd be here for hours and we've been here long  
18 enough, but I do want to share one.

19 Last summer me and my family found out that my  
20 father had lung cancer. He was 59 years old. Like  
21 any family, we were sad but there wasn't a day that  
22 my text messages weren't flooded with support, love,  
23 how can we pray for you, what meals can we make for  
24 you? It was just countless support. Pastor Ryan  
25 Dowdy came to the hospital during that tough time.

1 To summarize that, my father passed away in  
2 February. He gave his life to Christ, which is  
3 incredible. The last few weeks of his life the  
4 majority of these people were in and out of the  
5 hospital and in and out of our homes and just  
6 sharing their hearts with us. We're forever  
7 grateful for that.

8 In closing, the one thing about Life Church  
9 that I love is the effect that we have on the youth.  
10 We just started a new ministry and it's been going  
11 for about five weeks. We went from 30 kids to 80  
12 kids in five weeks. It's out there. I have two  
13 children that go to Shaker High School. It's grown.  
14 The logistics - I don't know a lot about that, but I  
15 know from my heart that this church is going to make  
16 an impact in this community, whether it's here or  
17 anywhere. We are exploding. We have five services  
18 on a Sunday and during holidays we have Saturday  
19 services. We'll do a service on Tuesday, Wednesday  
20 and Thursday if we have to in order to accommodate  
21 the need. I really appreciate your time this  
22 evening.

23 CHAIRMAN STUTO: Thank you.

24 Takis Dikas?

25 MR. DIKAS: My name is Takis J. Dikas and I work

1 for Golub at Price Chopper and I share my faith at work.

2 Just to make it quick, I see a lot of residents  
3 all around Upstate New York being attracted to the  
4 church and you'll see a lot of residents in Upstate  
5 New York wanting for the church to expand and to  
6 build a new building. It will make a big impact.  
7 I've worked many years at -- I worked in a family  
8 business. I have a lot of years of experience  
9 within a family business that was growing and  
10 expanding. You'll see in the future how it's going  
11 to attract the public in Upstate New York and how  
12 the majority of Upstate New York is going to want  
13 the church to expand. That's my point.

14 CHAIRMAN STUTO: Thank you.

15 MR. DOWDY: Again, Mr. Chairman we have more people  
16 who have expressed an interest in speaking, but I think  
17 that for the sake of time and -

18 CHAIRMAN STUTO: I have one more on the list. I  
19 should at least give that person an opportunity. If  
20 they don't want to, that's fine.

21 Don Pagano.

22 MR. PAGANO: Everything looks beautiful here. I'm  
23 Don Pagano and I live on Feiden Lane in Latham right  
24 across from the post office. That was a disaster and  
25 everybody is saying that there is no traffic congestion

1           whatsoever. That's a lot of baloney because I cannot  
2           get out of my driveway in the morning. It takes me a  
3           half hour. All the big traffic is from nine in the  
4           morning to seven at night.

5           Also, if you get on the Northway and it starts  
6           to snow out, and the Northway gets jammed up and  
7           then on the twin bridges - last week it happened  
8           three times. They all got off at Exit 5, went down  
9           to 9 and for four hours I couldn't get out of the  
10          house. They say that there is more people coming to  
11          Life Church. God bless Life Church. Even if the  
12          catholic church was going across the street, I'd be  
13          against that too. I don't care what the pope said.  
14          I'm trying to get out of my driveway and get out of  
15          my house. I've lived there 46 years and everyday  
16          there is a traffic jam. They come in and out of the  
17          post office helter skelter the wrong way. Now, if  
18          they don't get anybody to take care of Sunday  
19          service, they said that there is no traffic trouble?  
20          That's baloney. There is going to be traffic and it  
21          will back up maybe half an hour or maybe an hour and  
22          a half.

23          Also, what about snow plowing in the  
24          wintertime. Did they think about that? You can't  
25          use Moffit Lane for snow plowing. All the snow gets

1 jammed up on sidewalks or any place like that.  
2 You're not going to be able to move. Sunday, they  
3 say, traffic is light. If it snows on Sunday and  
4 people can't get through to the Northway, they're  
5 going to come up here on 155. I'd like to find out  
6 what DOT says. How many cars go there during the  
7 daytime? A couple of years ago it was a couple of  
8 thousand cars daily coming from Watervliet up to  
9 155. What is the amount of cars coming daily now?  
10 They're making all kinds of suggestions. There is  
11 no traffic trouble and nobody to worry about. I  
12 worry about it and I worry all the time. There are  
13 no signs that say there is no parking on 155. If  
14 something happens and it snows out, the people in  
15 Life Church can't get in, there will be cars parking  
16 along the driveways. I'm just thinking about that.

17 I don't have anything against the church.  
18 Church is a nice thing and a nice place to go. I  
19 thank everyone for their comments about the church.  
20 I believe in my faith and they believe in their  
21 faith. I just don't believe that they should be  
22 there without any supervision of traffic. That's  
23 all I got to say. Thank you.

24 CHAIRMAN STUTO: Thank you. I'll turn it over to  
25 the pastor, or to Don Zee or whoever wants to speak.

1           If there is anyone else from the public, you  
2           can still sign up.

3           MR. ZEE: Good evening. Donald Zee, attorney for  
4           the applicant.

5           It's a very difficult thing to say but the  
6           reason why a lot of residents and church members are  
7           here and why the pastor and members from Oklahoma  
8           are here is because they have heard directly from  
9           former employees of the Town of Colonie as well as  
10          heard from a legislator and another municipality who  
11          spoke to members of the Town of Colonie staff that  
12          the Town does not want this church at this location.  
13          That has really angered the residents - I'm sorry,  
14          the parishioners. That's why they're here. They're  
15          really too polite to raise those issues because they  
16          do want to work with the Town.

17          As Andy was eluding to from the beginning, it's  
18          been a very long journey just to get to this time.  
19          As you know, I was here a couple of meetings ago and  
20          I've implored to the Town to allow us to get on the  
21          agenda.

22          With regard to the issue of Moffit Lane, as  
23          Andy had mentioned right from the beginning, there  
24          was an application for the ODA. That was rejected  
25          by the Town Board. At the time that we were advised

1 of the rejection by the Town Board, there was a  
2 written communication advising my client of the  
3 rejection but it also eluded to the fact that the  
4 Town thought that the church did not fit here  
5 however, other uses and business would fit here.  
6 That is problematic from my perception because if  
7 there are problems with ingress and egress because  
8 you can't use Moffit Lane, why would someone then  
9 elude to the fact that there are other uses that  
10 would be appropriate here and that the Town would  
11 help the church find another user for the site?  
12 That started the whole through process of what is  
13 going on? Why is this being offered as a proposal?

14 With regard to the traffic control devices and  
15 the fact that the Town had initially spoken to my  
16 clients, they were willingly saying that we have no  
17 problems having a contract out with the church at  
18 \$67.00 per hour which is the going rate for the  
19 church - for the Town Police staff. My clients have  
20 no objection to paying that, but after our pushing  
21 the issue about getting the letter per Joe Grasso's  
22 request, the Town staff has now indicated that they  
23 can't respond to us at this point in time, which  
24 further unfortunately leads to the belief as to what  
25 happened? Why can't they put in a letter that they

1 provide services and they provide them at a rate of  
2 \$67.00 per hour?

3 As Andy has said, we have clients who called up  
4 and said, we're closing up our business on Route 9.  
5 On September 16th we need Police services and they  
6 get it immediately. There were no ifs ands or buts.  
7 There wasn't any questions there, but here we have a  
8 question.

9 In addition to, as Andy indicated, having  
10 contacted the Town Police force and ask them for a  
11 letter which we never got, we then looked at the  
12 possibility of using private security.

13 I'm a sports nut so I figured how do people get  
14 in and out of Yankee Stadium? How do people get in  
15 and out of City Field? Do you know that the hourly  
16 rate for the people at Yankee Stadium - and if you  
17 Google it, you'll find out - they only pay \$40.00 an  
18 hour. At City Field, they only pay \$37.00. The  
19 Town of Colonie is offering it for \$67.00 an hour  
20 and my clients are willing to pay that. They could  
21 probably hire somebody at a cheaper rate but if the  
22 Town wants to have its services, my clients would  
23 pay it.

24 As Andy also eluded to, you look at  
25 construction vehicles and everything. You have

1 flagmen out there and there are DOT regulations that  
2 permit the flagmen going on directing traffic. We  
3 would have the same type of services hired. They  
4 would be insured and they would handle all services  
5 that my client's church has.

6 With regard to DOT, as you said, we would meet  
7 DOT standards by moving the driveway to the west a  
8 minimum of 87 feet. It could be 75 feet, depending  
9 on how the Town defines the roadways that we are  
10 adjacent to whether they are residential or  
11 commercial in nature. If it's 75 feet, if it's  
12 labeled 87 feet, it's another, we can meet those  
13 standards.

14 The gentleman who just spoke up with regard to  
15 the traffic concerns and him getting out on the  
16 property - he was talking about the post office and  
17 how willy nilly the traffic is at the post office.  
18 We are not going to be operating at the point in  
19 time when the post office is open. That conflict is  
20 not going to exist.

21 With regard to Mr. Grasso's comment about the  
22 possibility of requiring a full environmental impact  
23 statement, we have a building that's 36,000 square  
24 feet. We're under the 10 acre threshold. We're  
25 talking about this comment letter where there are 24

1 items. Of the 24 items, 22 of them dealt with  
2 traffic. Two of them dealt with the visual aspects  
3 of the building, as you see it from the Northway.

4 The other one was the Sandcreek Road analysis.  
5 With regard to that I think that we've addressed all  
6 those and I don't perceive what an environmental  
7 impact statement would further require, but for the  
8 issue of traffic and you have the summary of traffic  
9 that has been submitted. I believed that as Mr.  
10 LaCivita said at the beginning, this is already in  
11 the airport GEIS. So, a lot of the environmental  
12 issues have already been addressed by way of payment  
13 of mitigation fees which my clients are willing to  
14 do. I really think that to even throw out the  
15 thought of requiring an environmental impact  
16 statement which as we all know would cost somewhere  
17 in the neighborhood of \$200,000.00 to my client, It  
18 would probably delay the project another two years.  
19 That's really excessive at this point in time.

20 With regard to the project, the concern with  
21 regard to landscaping along the Northway, my clients  
22 would be more than willing to sit down with staff  
23 and talk about a landscaping plan which would buffer  
24 or shield some of the viewscape along the Northway.  
25 As Andy has indicated and other people have

1 indicated, there are a lot of structures already  
2 along the Northway that you see as you travel the  
3 Northway itself.

4 MS. DALTON: Mr. Zee, I have a question for you.

5 MR. ZEE: Sure.

6 MS. DALTON: Going back to the beginning of your  
7 comments which were that you heard from a former Town of  
8 Colonie employee said that the Town - which by the way,  
9 the Town doesn't have a feeling because the Town is not  
10 ot a human but anyway, the Town doesn't want a church  
11 here. Then you said that some legislator - I missed the  
12 description of the legislator.

13 MR. ZEE: It was a legislator from another  
14 municipality spoke of a Town official.

15 MS. DALTON: So, could you enlighten me why  
16 wouldn't we want a church?

17 MR. ZEE: That's a good question. That's why, as I  
18 said in the past, it's taken a year and a quarter to get  
19 to the point where we're having this public discussion.  
20 That's our concern because -- I'll give you an example.

21 MS. DALTON: I don't want an example. I just asked  
22 you a question and it was a very specific question. It  
23 was essentially there is hearsay that we don't want a  
24 church. I wanted to know what the hearsay included with  
25 regard to why wouldn't we want a church? Your answer

1 was that you don't know. So, that's the answer; right?

2 MR. ZEE: It is my understanding that the Town does  
3 not want to lose the potential tax revenues that could  
4 be generated by this parcel because of its proximity to  
5 the Northway because of the high visibility and because  
6 of what it's zoned for. There is potential of  
7 generating sales tax revenue and real estate taxes from  
8 this parcel. If a church is approved there, the answer  
9 would be that it would get no tax revenue.

10 MS. DALTON: At least that's a reason. Thank you  
11 for telling me what you thought the reason was. I  
12 appreciate it.

13 CHAIRMAN STUTO: We have three other people that  
14 have asked to speak.

15 Shawn Nethaway.

16 MR. NETHAWAY: Good evening everybody. My name is  
17 Shawn Nethaway and I'm a resident of Colonie here for  
18 about 30-some years with my family. I'm just returning  
19 back from Iraq in 2013.

20 My main concern here is I see where this is  
21 going and I live one exit right up the Northway from  
22 here. With the new Latham Farms area there - that  
23 new shopping plaza that's going to be built and  
24 everything else, you have to look at the positive  
25 side also. We, as a community and as a church -

1 after church we always go out into the areas - the  
2 coffee shops and stuff like that. This is a great  
3 opportunity for everybody to share more fellowship  
4 and bring in economic growth into this community.  
5 Everything starts with a cup of coffee and food and  
6 that's what everybody loves.

7 Thank you for your time and I just want to  
8 readdress the condition that some people are not  
9 thinking. This is a good opportunity for this  
10 community and more fellowship to be established.  
11 Thank you.

12 CHAIRMAN STUTO: Thank you.

13 Sabrina Daniels?

14 MS. DANIELS: Good evening, Mr. Chairman, ladies  
15 and gentlemen of the Board. Again, thank you for your  
16 time this evening. I appreciate all the work that you  
17 have put in already.

18 For the record, again, my name is Sabrina  
19 Daniels. I am a resident of the Town of Colonie. I  
20 graduated from Colonie Central High School. I was  
21 born and raised in the capital district area. I  
22 currently work for the office of the State  
23 Comptroller as an auditor. I have my son and I am a  
24 single parent who attends the Colonie School system  
25 currently.

1           If you would bear with me a couple of minutes,  
2           I wanted to share my story of Life Church. My story  
3           kind of goes to the effect of Life Church where it  
4           is currently located on Sandcreek Road and where it  
5           can and will be located here in Latham.

6           Over two years ago I felt the desperate need to  
7           be able to go to church and I was currently already  
8           attending a church in Albany, New York. Church  
9           services were scheduled to start at 10:00 a.m.  
10          Because I have a teenager, he didn't want to get up  
11          out of bed that morning. Therefore, I was late  
12          going to church. Like I said, I was on a mission to  
13          go to church that particular Sunday. So, I ended up  
14          driving down Sandcreek Road looking to go to a  
15          church, not knowing that Life Church was even there.  
16          Then I happen to look up and I saw a sign that said  
17          Life Church and it said that the time of the church  
18          was going to start at 11:30 a.m. This was  
19          beautiful. I was going to be able to make it to  
20          church and not be late. I proceed, and like I said  
21          I don't know whether or not any of you have ever  
22          been to the current location of Life Church. You  
23          don't even know that it's there from the road. It  
24          looks like absolutely nothing except for a driveway.  
25          When I first went down the driveway to Life Church I

1 actually ended up driving into a house because of  
2 the fact that I needed to be on the other side of  
3 the fence in order to be able to make it down to  
4 Life Church. So, once I finally did go in the right  
5 direction to get there, I see this tiny little  
6 building. I mean tiny. It looked like an igloo. I  
7 was like, what is this place? There is no way in  
8 the world that it can be a church. So, here I am  
9 unsure as to what this building is - just knowing  
10 that there was a sign that said it was Life Church.  
11 I go into the church and I say to my son, wait here  
12 for a minute. I need to find out what this place  
13 is.

14 So, I go into the church and thank God our  
15 Pastor Ryan Dowdy was there and he embraced me into  
16 the church and he told me what Life Church was all  
17 about and the fact that there was a program  
18 specifically for my son that he would be able to go  
19 to and that he would probably enjoy. On the faith  
20 that my son would enjoy his experience in being at  
21 Life Church, I said okay, I'm going to go into the  
22 church here. I stayed. You know what? My son  
23 loved it. This is my son who I dragged to church  
24 with me on countless occasions ever since he's been  
25 a young child. He would take and throw his head

1 back every single time I would have to be at church.  
2 He is now fully committed to being a server and a  
3 leader at Life Church. He is a junior leader and he  
4 actually helps to teach kids. Him and I together  
5 serve at the church.

6 Now, like I said, somebody like me had my life  
7 changed significantly by being a member of Life  
8 Church. If I was able to take and find this church  
9 off of this long driveway that looks like an igloo  
10 at the end of the road and the way that it changed  
11 my life, I know that with this new location when  
12 it's there and built in Latham will have a  
13 significant impact on other people as well and make  
14 a difference in their lives the same way that it has  
15 made a difference in mine. Therefore, when we say  
16 that we want you to make a reasonable  
17 accommodations, please make reasonable  
18 accommodations. Please understand that this church  
19 can have an impact not only on the people that are  
20 here, but on people yet to come.

21 So, thank you again for your time. God bless  
22 each and every one of you. I love you and I thank  
23 you for your time and I love my Life Church family.

24 CHAIRMAN STUTO: Thank you.

25 Armen Williams?

1 MR. WILLIAMS: I'm Armen Williams. Thank you, Board  
2 very much for your time tonight. I just wanted to very  
3 briefly tell my story.

4 Again, my name is Armen Williams and I am on  
5 Armen and Levack on 104.5, ESPN Radio and I was born  
6 and raised in Dallas 30 years of my life and never  
7 left. The same thing with my wife.

8 I got a call last summer in 2013 offering me  
9 this job. My wife was scared. We had a six-month  
10 old baby. All of her family were within an hour  
11 radius of us. I talked to one of my mentors in the  
12 radio industry. He said, look, if this is what you  
13 want to do, you have to move. You have to move for  
14 opportunities and the trick is making your house  
15 your home. My wife and I gave up everything back  
16 home and came to this community with that goal of  
17 making our house our home.

18 Hindsight is 20/20 and perhaps we chose the  
19 wrong winter. I woke up almost every morning last  
20 winter going what the heck am I doing here? None of  
21 us in this room can control that. It made the  
22 transition tough and we went from church to church  
23 and as my wife and I were very involved in the  
24 church back home. We couldn't find that right fit.  
25 It took us about six or seven months and the

1 difference was that we walked into the door of Life  
2 Church and a young lady came up to us and said hi,  
3 I'm Christina. What's your name? We were like, hi,  
4 I'm Armen and hi, I'm Amy. We went back the next  
5 week, two times in a row which was a big deal for us  
6 and Christina walked up and said hi, Armen, hi Amy;  
7 how are you guys doing?

8 I've talked to my parents about this a lot the  
9 last month or month and a half. I told them that we  
10 feel like we can stay here in the Albany area for a  
11 long time to come and we finally made our house our  
12 home and it's because of these people. It's because  
13 if I need a doctor, I can call them and they can  
14 give me advise. For somebody to talk to, I can call  
15 them and they help me out. They are my backbone.  
16 We didn't have that before. We were lost and I  
17 wasn't sure what to do. I was very nervous because  
18 being in radio you would think that I'm on two or  
19 three times a week talking to people all the time.  
20 Listeners are great but this organization, Life  
21 Church, is what gives us that stability on a daily  
22 basis. Life Church has made our house our home and  
23 we feel like this is a place where we can raise our  
24 family in this community. Again, thank you very  
25 much for your time. I appreciate you guys.

1           CHAIRMAN STUTO: Thank you.

2           MR. DOWDY: Mr. Chairman, again, I want to thank  
3 you for your time and of course I want to thank all of  
4 you for being here to support this project.

5           I did want to address Ms. Dalton, with respect  
6 to Dan Snyder. You said, what reason do you have to  
7 believe that we need to do an about face, or you  
8 alluded to the fact of what reasons do we have to  
9 believe that you wouldn't want a church in this  
10 community? Maybe it was how I was raised in the  
11 south because I'm from Texas as well. I got here as  
12 soon as I can to be a part of all this. I love it  
13 here and this is our home. I think that actions  
14 speak louder than words. It's not necessarily  
15 anything that you have said, it's what you haven't  
16 done. It's the fact that this process has taking so  
17 long. By the people here that we trust who have  
18 worked with you on previous projects, your peers,  
19 they seem to think that this process is taking way  
20 too long. So, we have legitimate reason to think  
21 that the request that we have put in front of you,  
22 this beautiful location with a beautiful church that  
23 is going to partner with the community to make a  
24 difference -- yet we have been doing this song and  
25 dance for 17 months. It's been through that process

1           that we've requested that a group of your peers,  
2           again, attorneys that you recognize and Mr. Chairman  
3           you have recognized -- you said, Mr. Zee, we know  
4           you. You have worked on all these projects and  
5           you're here all the time and yet you can see the  
6           passion for him to say hey, what is going on here  
7           isn't normal. It doesn't seem reasonable. We've  
8           got representation here from Texas. It doesn't seem  
9           reasonable. We have issued a letter talking about  
10          the RLUIPA Law and religious freedoms and we've  
11          cited law and case study and it doesn't seem  
12          reasonable in how we are being received by the Town  
13          of Colonie.

14                 So, I wouldn't say that it's anything that  
15                 you've said. I would say it's what you're not doing  
16                 to partner with us to make this a better community.  
17                 That's what we are passionate about. We want to see  
18                 lives changed. We want a place to worship to make a  
19                 difference to contribute to give back and I don't  
20                 think that's an unreasonable request. That's all I  
21                 have to say.

22                 MR. MION: As a Planning Board, we have  
23                 responsibilities. We have responsibilities to you. We  
24                 also have responsibilities to the rest of the people in  
25                 the community. When we request something from you, as

1 Mr. Zee knows because we've seen him many times, we  
2 request things because we want, as a Board, to make a  
3 good sound right judgment decision when we take a vote.  
4 When I see things here that say if you can't make a turn  
5 on Feiden, let them go down to Holly - let them turn and  
6 go down that way, that's fine. But has anyone addressed  
7 the community down on Holly as to how they feel? We  
8 take into consideration not only you, but the rest of  
9 the community. We have a responsibility for everybody.  
10 That's where we are coming from, as this Planning Board  
11 is concerned.

12 MR. DOWDY: Yes, sir and I appreciate that. That's  
13 why we have been nothing but appreciative for your time  
14 and understand, as many people echoed here, the  
15 responsibility and the judgment that you have to use to  
16 represent this community that we call home and we  
17 appreciate that. However, there is due process and  
18 there is reasonable requests and I think that year to  
19 date, we've had 176 different requests that have been  
20 submitted through this process and we've answered those  
21 questions and concerns. We feel that 17 months is long  
22 enough time for you to take into consideration the  
23 entire capital region if you need to. We don't  
24 understand why we're continuing to face the delays that  
25 we're facing and that's not just our opinion. To be

1 honest, I'm a pastor. I serve people. that's what I do.  
2 I don't know what this drawing even means. I default to  
3 experts, but it's your peers - those experts opinions  
4 that say, no, we just can't agree. You are not taking  
5 those things into consideration. This has not been a  
6 reasonable process. Something is not normal. That's  
7 where we look and say wait, based off of law and the  
8 fact that we are a religious institution, it should  
9 actually be the other way around. There should be more  
10 help for us to be able to facilitate this project to  
11 expedite it, to go and ask every resident in the Town  
12 how they feel about it - but to do something and not  
13 delay and bump us off the agenda, have us cancel flights  
14 and spend more money. We're a non-profit organization.  
15 We're taking donation money to spend to accommodate  
16 ridiculous requests; cancelled flights days before a  
17 meeting where this Board bumped us off the agenda for  
18 what didn't seem like a reasonable request.

19 So, I appreciate your heart and again, I pray  
20 for each one of you by name. I pray for your  
21 families and I understand that you have a tremendous  
22 responsibility to help make this a great place to  
23 live for us. We are thankful for that, but if we  
24 really thought that you were being reasonable, you  
25 wouldn't see a room full of people here. That,

1           again, I'm going to default to our legal counsel and  
2           the professionals who are in this industry and your  
3           working peers who are saying -- sorry, this just  
4           isn't the case. Thank you for your time.

5           MS. DALTON: I have a question for you. Many of  
6           the parishioners have spoken about your youth ministry.  
7           I don't know if you have a Youth Minister here who can  
8           talk more about that or if you'd like to be the person  
9           who talks about that, but I'd like to hear more about  
10          it.

11          MR. DOWDY: Pastor Erin Crane is our Youth Pastor.

12          MS. CRANE: My name is Erin Crane and I'm the Youth  
13          Pastor at Life Church Albany. Do you have specific  
14          questions?

15          MS. DALTON: First, I want to tell you that I just  
16          saw your ministry in action because when I was walking  
17          into this building tonight I saw you greet somebody at  
18          the door - I'm not sure which of the young ladies it was  
19          - and said, hi, I'm so glad you're here. You haven't  
20          met me yet, but I know who you are.

21          MS. CRANE: Yes, ma'am.

22          MS. DALTON: That was awesome. So, tell me more  
23          about what you do with the young people in our  
24          community.

25          MS. CRANE: We have a ministry called Switch and

1           it's for students sixth through 12 grade and it happens  
2           on Wednesday nights between 6:30 and 8:30 p.m.  
3           Additionally, we have on Wednesday night a different  
4           ministry that goes from birth to fifth grade so  
5           basically birth through 12th grade. We have curriculum  
6           and programs going on for all those students on  
7           Wednesday nights.

8           I am over Switch which is just the sixth  
9           through 12; just to be clear. That ministry is  
10          biblically based. It's about reaching kids in the  
11          next generation as many of the people have said. We  
12          all know that kids are growing up in a really tough  
13          time and so Switch ministry is all about reaching  
14          those kids where they are at and helping them find  
15          who they are and who God has created them to be.  
16          It's all biblically based, but then we do things  
17          like worship. We have a worship pastor here as  
18          well. We have small group time where many of these  
19          people in this room actually serve and give their  
20          time to mentor these students in small group  
21          relationships that actually extend outside of  
22          Wednesday or Sunday. They extend into the week  
23          where they are attending their games or their  
24          concerts or meeting with their families and this is  
25          something that is not just reaching the students,

1 but in fact, it's reaching the families.

2 I can tell you a story if you like later about  
3 Carolyn Decker, sitting right here in this room, and  
4 how she first started mentoring students in 12th  
5 grade and that has now extended to reach her entire  
6 family and help benefit that entire family in an  
7 extremely difficult situation.

8 So, it's more than I could explain to you as  
9 far as if you're just asking in general what it is,  
10 but if you have some specific questions I'd really  
11 love to answer those.

12 MS. DALTON: I was mostly interested in how you  
13 engaged them and who the classes were for and when they  
14 were and you've answered that. So, mostly Wednesday  
15 nights and Sundays. It's biblically based and you do  
16 specific outreach.

17 MS. CRANE: Correct. You mentioned earlier that  
18 you have students; is that correct?

19 MS. DALTON: No. I had three children.

20 MS. CRANE: Our Life Church pastor is here as well  
21 and I'm sure that she would love to talk to you about  
22 your students. In all seriousness, I do want to take  
23 the opportunity -

24 MS. DALTON: My kids are gone.

25 MS. CRANE: I do want to take the opportunity to

1 say that this is isn't something that specifically  
2 relates to youth ministry, but I am also not originally  
3 a New Yorker. I'm from Oklahoma and you can also not  
4 hold that against me. Much like Armen said earlier,  
5 Life Church is the reason that this place has become my  
6 home. My husband and our seven month old son - we have  
7 made a home here because of Life Church. I was actually  
8 a pastor in Oklahoma and moved up here specifically to  
9 be a part of this and I would not want to be anywhere  
10 else. This is where we plan to be indefinitely because  
11 of this church, and it has done more in me than I could  
12 ever express to you. I don't think that it's necessary  
13 for me to express because what it has done to me is very  
14 small in comparison to what I have seen in our community  
15 and what I know the potential is as far as in the  
16 future, and what we believe that God wants to do  
17 through. I want to echo what everyone else has said.

18 We thank you for your time and we'd love to  
19 answer any other questions, but we really do believe  
20 that this is something that would be beneficial for  
21 our entire community and not just for us. We do  
22 want to take into consideration the rest of the  
23 community. Because of that, we truly believe that  
24 we would be a benefit and not a hindrance in any  
25 way. Thank you, so much.

1           CHAIRMAN STUTO: Thank you.

2           I'd like to move the process along. If you  
3 have something critical to say, go ahead.

4           MR. BRICK: No. I'm here to answer any further  
5 questions that the Board has, but I would like to  
6 briefly in response to Ms. Dalton's question earlier to  
7 my law partner Don about why would people not want a  
8 church at this particular location.

9           The information that I'm receiving back is that  
10 there is a perception in Town Hall that Life Church  
11 isn't a real church. I think that we can all agree  
12 that we kind of put that issue to bed here this  
13 evening.

14          CHAIRMAN STUTO: Okay, we'll open it up to the  
15 Board and then I'm going to go back to you, Joe Grasso.

16          Craig, do you have any comments or questions?

17          MR. SHAMLIAN: What is the provision for getting  
18 emergency vehicles into the site when you have 459 cars  
19 looking to get out and 459 cars looking to get in?

20          MR. BRICK: I'll let the engineers address that.

21          MR. SHAMLIAN: I wasn't expecting you to.

22          MR. SIPPERLY: I don't think that I have a real  
23 special answer for you other than the fact that the road  
24 was proposed to be 36 feet wide and that when sirens are  
25 on people pull over and make room for emergency

1 vehicles. I don't think that there is any magical  
2 answer about how to get an emergency vehicle in there.  
3 Church people - I think that they know what a siren is  
4 and they know what to do when they hear one.

5 MR. SHAMLIAN: That sounds great. It's wintertime  
6 and you have snowbanks on both sides and you're trying  
7 to get a fire truck through because someone needs  
8 medical assistance in the facility or on the grounds.  
9 Just looking at it -- this is the first time that I've  
10 really seen your project, but that was the thing that  
11 jumped out at me probably most immediately. It is a  
12 pretty intensive use with only one point of ingress and  
13 egress.

14 MR. ZEE: If I may, we have an easement permitted  
15 on Moffit Lane so if the Board so determines that we  
16 need an emergency access, we do have an easement to  
17 Moffit Lane and we could talk about designing some sort  
18 of system. I think that the Town and everybody would  
19 prefer it not to be the principal access point because  
20 they're not granting the ODA, but we could for emergency  
21 purposes talk about the proximity to Moffit Lane and do  
22 a little bit of connection. As I mentioned, we are  
23 approximately 80 to 90 feet away. You could probably  
24 put a stub to Moffit Lane - a stub both ends of it so  
25 that there would be no access except for emergency

1 vehicles.

2 MR. SIPPERLY: There was a comment that we provided  
3 the response to the 10/3 TDE letter that did state that  
4 we could put a dirt road here. We do have some  
5 wetlands. We'd like to not go through a challenge of  
6 disturbing those wetlands to get this dirt road.

7 There was consideration of an outparcel towards  
8 Watervliet Shaker Road and that's off the table now,  
9 so that is really land that could be used to create  
10 a secondary dirt access road. I think that there is  
11 plenty of available accommodations on the site to  
12 take that into account. It's a good point; thank  
13 you.

14 MR. BRICK: My firm also represents the purchaser  
15 of the Forest Hills subdivision project up on the west  
16 side of the airport. That project, as approved by the  
17 Town and I'm sure that you will recall, shows a  
18 cul-de-sac with a crash gate and then an 80 foot access  
19 road to another crash gate solely to be used for  
20 emergency access to access the property from Dennison  
21 Road from Vly Road even though the access is on  
22 Dennison. The same type of situation could be created  
23 here with dual crash gates - emergency crash gates and a  
24 porous pavement with grass pavers in the middle, again,  
25 just in the case of emergency. This similar type of a

1 situation was approved for the Forest Hills project that  
2 would work just as effectively here.

3 CHAIRMAN STUTO: Susan?

4 MS. MILSTEIN: The question that I have is just  
5 basically about the use of the church over the week.  
6 When we first started hearing about the project we heard  
7 about Sunday services and now I'm hearing about youth  
8 services. I just want to get an idea of what a typical  
9 week would look like in times of services.

10 MR. DOWDY: Currently at our current location we  
11 have one Wednesday night youth ministry.

12 MS. MILSTEIN: From what time?

13 MR. DOWDY: It starts at 6:30 and goes to 8:30 - so  
14 it's non-peak and currently we have Sunday morning from  
15 8:30 to 10:00, and an 11:30 service time. We also have  
16 a 5:00 and a 6:30 p.m. Again, they are off peak hours.

17 MS. MILSTEIN: And those are Sunday?

18 MR. DOWDY: Sunday only. We do not have any -- nor  
19 do we have plans necessarily to add any services on  
20 Saturday at this time.

21 MS. MILSTEIN: What about any other services? If  
22 you have a larger building, are there going to be  
23 anymore services, daycare or anything like that?

24 MR. DOWDY: No, we do not have daycare or  
25 childcare. This facility is for the sole purpose of

1 worship and those worship experiences so we don't have  
2 any sort of extracurricular activities like that.

3 MS. MILSTEIN: And no plans for it?

4 MR. DOWDY: No.

5 MR. ZEE: I just want to point out that when we  
6 first made our presentation - you may not have been here  
7 that evening - we had also mentioned the fact that this  
8 church doesn't have weddings for its members whatsoever  
9 or funeral services like some other churches now have.  
10 It's really just for services on Sunday and youth  
11 ministry on Wednesday evening.

12 MS. MILSTEIN: Thank you.

13 CHAIRMAN STUTO: Tim?

14 MR. LANE: The wooded areas - these are still going  
15 to be left wooded beyond the pavement?

16 MR. BRICK: There is no intention to impact any of  
17 the green. If you are familiar with the site, some of  
18 it is already cleared. So, we're trying to locate  
19 everything within that cleared area and maintain  
20 everything. It's not necessarily trees, but it's brush.  
21 It's all intended to remain as is.

22 MR. LANE: So, it's a fair amount of paved area for  
23 parking. Where would your snow storage be?

24 MR. SIPPERLY: I would say that we haven't taken a  
25 look at that at this point. As we advance the project

1 past what we call sketch phase, we would take that into  
2 account; whether we have melt pads or porous pavement or  
3 whether we have seepage pits -- we would take a look at  
4 those kinds of logistics at a later date.

5 MR. LANE: You're definitely going to have a plan  
6 for that because if you have that kind of constrained  
7 lot to some extent, you obviously need a place where you  
8 can put it. You have one road in and one road out. It  
9 was a good point made about when the traffic is coming  
10 in, you'll need all the width of that road to be able to  
11 get vehicles in and out, especially if you do have an  
12 emergency. It's nice that we're talking about emergency  
13 routes and so forth, but I think that you want to have a  
14 main in and out and make sure that your parking is clear  
15 and things of that nature.

16 MR. SIPPERLY: Duly noted. We think that it's an  
17 obstacle and not a constraint.

18 MR. BRICK: We have no objection to providing a  
19 snow storage plan - snow removal plan to the PEDD that's  
20 subject to their review and approval prior site plan.  
21 We will make it work.

22 CHAIRMAN STUTO: I have enjoyed hearing everyone's  
23 comments here today including representatives from the  
24 church and the members of the church. However, we still  
25 have to do our job and I do want to comment that I

1 haven't heard anybody say to me that they're worried  
2 about tax revenues or lack of tax revenues. Nor have I  
3 heard anybody suggest to me that a church shouldn't go  
4 here. I want to be clear on the record about that. I  
5 have, however, heard a lot of discussion about traffic  
6 -- ingress and egress, changing the Watervliet Shaker  
7 Road corridor from one level of traffic to another and  
8 even tonight the potential of going to an F function  
9 within the grounds of the church if things don't go  
10 right. It's a challenging site. It's a relatively  
11 large building and at the times that the services are  
12 coming in and out there are a lot of cars coming in and  
13 there are a lot of cars coming out. There are a lot of  
14 people here who have spoken about growth that they  
15 expect and growth that they anticipate.

16 I'll just mention screening a little bit of the  
17 view from the Northway only because people compared  
18 it to the RV and the veterinary facility.

19 The RV facility - specifically we had them do  
20 renditions of the view from the Northway and they  
21 had a smattering of the vegetation that was still  
22 there because they had wetland issues. They  
23 addressed our view issues from the Northway. I  
24 don't think that it's wrong for us to ask that. In  
25 fact, that's our job to ask that. It's also our job

1 to analyze the traffic. My perception of what I see  
2 in here and I don't want to disparage what everyone  
3 else has said is that we ask a question and we get a  
4 slightly -- we don't get a direct answer, but a  
5 slightly different answer. That's my perception of  
6 some of the responses that are in my package and as  
7 we have lived through this application. So, I  
8 respect the sincerity of the church leadership and  
9 the church members, but I hope that they respect our  
10 sincerity too. There are rumors flying and  
11 innuendo. I don't buy it. I think that the main  
12 issue is traffic. That's the thing that we are  
13 trying to get addressed. Even though it's not a.m.  
14 and p.m. peak hours Monday through Friday, when you  
15 have 800 cars trying to get in and 800 cars trying  
16 to get out it's not a pretty scenario.

17 I went to pick up my son at Shaker. They had  
18 their homecoming last weekend. It was a nightmare.

19 I will mention one other thing. Pastor  
20 mentioned that your consultants we see here day in  
21 and day out. Yes, we do. They are paid by you and  
22 they have a bias. They are advocating for your  
23 project. We have our own engineer and our own  
24 consultants who do their best to give an unbiased  
25 opinion taking into consideration the good of the

1 applicant balanced against the good of the  
2 surrounding neighborhood. So, I need to turn to my  
3 engineer at the end and say, how do we make this the  
4 best project? That's where I'm at. I hope that you  
5 can respect my sincerity in saying that.

6 MR. DOWDY: Just to provide some more information,  
7 because you just eluded to the fact that there would be  
8 800 cars coming in and 800 cars going out, we don't even  
9 have the parking for 800 cars to go in and 800 cars to  
10 go out. I just want to make sure -

11 CHAIRMAN STUTO: Okay, how many parking spots are  
12 there?

13 MR. SIPPERLY: It's 459.

14 MR. DOWDY: That's total parking.

15 CHAIRMAN STUTO: My understanding is that the  
16 building capacity is for 800 people. Correct me if I'm  
17 wrong.

18 MR. DOWDY: That's families, so that's children and  
19 they don't drive.

20 CHAIRMAN STUTO: Okay, I'll ask my engineer. I'll  
21 have my engineer address that. I appreciate your  
22 response.

23 MR. DOWDY: Also, I'm trying to give you the most  
24 knowledge to be able to do your job and make a decision.  
25 We build in time between our worship experiences to

1 allow people to leave when people aren't coming in. So,  
2 it's not like there they're both going and then we're  
3 out there flooding this entryway at the same time in and  
4 out. Instead, there will be people leaving during a  
5 certain time and then afterwards there will be people  
6 coming in at that time. There are margins built in  
7 because we have to turn the entire facility -- it's not  
8 the same people. And then a lot of people do stay for  
9 multiple experiences. So, the majority of the people in  
10 this room will attend the 8:30 and then they serve other  
11 families who show up later. So it's not this constant  
12 racetrack of going up and down our entryway as you're  
13 presenting it.

14 I just want to make sure that you have the best  
15 knowledge to make your decision. I agree, you've  
16 got to keep in mind the cares of the community and  
17 not just us. I just want to point that out as well.  
18 Also, our willingness to accommodate those kinds of  
19 requests so if we need emergency vehicles, we can  
20 get them in there. Right now if you've ever come to  
21 our location - I don't know how an ambulance is  
22 getting into our current location and if you're  
23 really worried about safety, hope someone doesn't  
24 have a heart attack this weekend when it snows  
25 because we can't even get cars in there on the

1 street. This is a huge improvement to the concerns  
2 that we currently face. I'm so worried about the  
3 people that come this weekend because our God's not  
4 big enough to do that. So, I just want to make sure  
5 that in this process you have the facts. We're  
6 willing to accommodate those requests.

7 MS. DALTON: We have no jurisdiction in the Village  
8 of Colonie.

9 MR. DOWDY: Actually, I think that Village of  
10 Colonie was tougher to get into which I don't believe  
11 anymore. My thing is that you make a request and we  
12 say, okay, we'll do that. You said, okay, we need you  
13 to do this. We said, okay, we'll do that. All along  
14 the process we say yes, yes -

15 CHAIRMAN STUTO: Okay, we've been through that. We  
16 have to keep the process going.

17 MS. DALTON: The questions with regard to the view  
18 from the Northway and as I have heard people talk and  
19 you can correct me, Pastor, if I'm wrong, but it's  
20 starting to sound to me like the view from the Northway  
21 is actually part of the value of this site to you.  
22 Because part of what I'm hearing folks say is that they  
23 were drawn to this church and they want other people to  
24 be drawn to this church. They think that this church  
25 has value to the community, so in order for the

1 community to know that you're there they need to be able  
2 to see you. Is that accurate?

3 MR. DOWDY: Just so that I understand - that we  
4 would have exposure from the Northway?

5 MS. DALTON: No, is it accurate to characterize  
6 your desire for this particular site -

7 MR. DOWDY: Yes, I think that visibility is the  
8 value of the location.

9 MS. DALTON: So, if somebody came to you and said  
10 I'll give you another site in the woods that's twice as  
11 big as this with no parking problems at all, you would  
12 still say this site has some value to us?

13 MR. DOWDY: Sure. But we own this piece of  
14 property. If I came and told you to move your house and  
15 build it somewhere else, it would be an interesting  
16 conversation.

17 MS. DALTON: I'm not sure that's the same thing.  
18 Thank you.

19 MR. AUSTIN: First of all, I want to apologize for  
20 being late. I did want to make every effort to come to  
21 this particular meeting, late or not, and be a part of  
22 this discussion and hear what you guys had to say about  
23 the church. I've had numerous people contact me outside  
24 of the meeting as well and chat about it and talk about  
25 it. I'm speaking for myself, but I don't believe that

1           there is any sort of religious discrimination going on  
2           here or any intent of that. I don't believe that's ever  
3           the case. If anybody is reading that into anything that  
4           we are saying up here, I believe that's wrong. I don't  
5           think that you should. Whatever we believe on the Board  
6           definitely should not be represented in a religious sort  
7           of way. This is a business that we're running here and  
8           it's part of the Town of Colonie. Church or no church,  
9           we do things pretty much the same way, I believe, for  
10          everybody.

11                 That being said, let's get back to the main  
12          topic at hand. A lot of it has been the parking and  
13          such. My thought is that I have attended Grace  
14          Fellowship numerous times, which is church similar  
15          in size that you are thinking about building. Their  
16          church seats approximately 1,000 people. Many times  
17          they have three services on Sunday and one on  
18          Saturday. They don't pack every single service but  
19          they are at capacity numerous times, such as  
20          Christmas and Easter, and so at that time they do  
21          have Police presence there to direct the traffic  
22          which is very important. They also have weekends.  
23          They have a motorcycle ministry as well where they  
24          have people come out and they have a big motorcycle  
25          thing where they all drive up to barbeque and all

1 this kind of stuff and that also has a Police  
2 presence.

3 We've heard that you are willing to support the  
4 Police presence as well. These are things that we  
5 need to take into consideration. This particular  
6 site only has one egress and ingress. Grace  
7 Fellowship has multiple ingress/egress. I believe  
8 that they have three; one out to Route 2 and two out  
9 to Delatour Road. I see that area that you are  
10 talking about with emergency access and all that  
11 stuff too. This is all stuff that's kind of new,  
12 especially with the emergency access. I don't think  
13 that we've even talked about that. So, that's new  
14 to us as well. Those are all the considerations  
15 that we need to take into account when we talk about  
16 this.

17 The process and how it's going - I'll apologize  
18 for that. I'm sorry. It's a long process. These  
19 things can take a long time. You can ask Mr. Zee  
20 and you can ask Mr. Sipperly. They're here all the  
21 time. Some of their projects take years. They  
22 really do. Yes, as the Chairman said, they're  
23 slightly biased in that they are working for you,  
24 which I understand that too. These are things that  
25 we have to take into consideration, we really do.

1           My last question was - you mentioned that there  
2           are no weddings or funerals, so where do they get  
3           married and where do they get buried?

4           MR. DOWDY: I can speak to that. I've done  
5           multiple weddings - wherever you want. I'll travel and  
6           don't charge anything, so it's a value deal. I've done  
7           weddings and things like that in Saratoga. We've gone  
8           to Lake Placid for people. Because of our facility,  
9           that's not the ideal use for it. So, we partner with  
10          people who are looking to get married. We do have  
11          marriages. We sign-off on that based on the fact that  
12          we believe that in their marriage because we're pastors.  
13          Then we'll go and we suggest, hey if there is another  
14          venue -- because we don't want to charge them but also  
15          it cost money to open up the facility and we found that  
16          it's better to find another venue. We still conduct the  
17          marriages.

18          As far as funerals, I've done that at a couple  
19          of different funeral homes, as well as grave-side.  
20          Again, it's about partnering with those people in  
21          that time of need to find another location, just  
22          because this isn't ideal for that type of service.

23          MR. AUSTIN: Thank you very much for answering  
24          that.

25          On the back of Kathy's comment about the view

1 from the Northway, it is advertising. You're  
2 putting up this big building with Life Church TV on  
3 it. I think that there is also the Kids' Church TV  
4 - Kid's Life TV -- I saw a car with a sticker in the  
5 parking lot. I guess that's another option for the  
6 kids as well.

7 FROM THE FLOOR: You can download it to your phone  
8 or Ipad.

9 MR. AUSTIN: That's cool. The advertising - you're  
10 looking to bring in more people. You're looking to draw  
11 in more people.

12 Grace Fellowship started off in a storefront on  
13 Wolf Road. They have now gone into mega-church.  
14 It's big. It's an old shopping center. They built  
15 the place up; they really did. It's a machine.

16 MR. DOWDY: Actually, they brought me in to advise  
17 them on how to help create that machine. We have worked  
18 with this model very successfully and we're not trying  
19 to wave this flag or banner, but we are in multiple  
20 locations across the United States. In addition to the  
21 people that we pay for their opinions, which I hope that  
22 you're not implying that we pay them to lie to us - but  
23 based off of their professional opinion, they're telling  
24 us that it's a delay, not only that but based off of our  
25 experience across the nation this has been the most

1 difficult project that we have had in our close to 19  
2 years of existence.

3 We minister 63,000 plus people on a given  
4 weekend at multiple locations. This is actually  
5 something that we do very well. So, this model that  
6 you're seeing here works. It's not just something  
7 that we say, I wonder if this thing is going to be  
8 good. It works. It's a ministry to eight to  
9 10,000 people at other locations.

10 So, just to clarify because this is my  
11 frustration, I feel like we can do this for months  
12 under the nature that this is our job. So, what I  
13 would like is based off the information that we've  
14 presented to you in a timely fashion - to call for a  
15 vote now. If we can get a vote now, at last we know  
16 where we stand. We feel that you have been  
17 presented with enough information to make a vote.  
18 Tell us if you do or don't want this project here  
19 because we are at the concept stage and we have  
20 shown a willingness to accommodate all these  
21 requests and to work with you. So, I would like to  
22 see a vote now of do you want to work with us so  
23 that we don't have to speculate why we would not  
24 want a church there. Do we want a church there?  
25 Why would we be opposed to this project? Let's

1 partner together and vote and tell us yes and we  
2 will accommodate your requests because we want to  
3 see the benefit in the community. That's what we  
4 would like to see.

5 MR. AUSTIN: Not necessarily me, but we are talking  
6 traffic and we're talking about numbers and then all the  
7 sudden we come into these grandiose numbers here.  
8 You're advertising to bring more people. That's more  
9 people and more traffic and more cars more everybody.

10 MR. DOWDY: We've done traffic studies based off of  
11 those projects and not just currently. Currently we  
12 don't have traffic problems at our current location  
13 based off of the fact that nobody wants to have that  
14 many people in that facility. It is not conducive to  
15 the crowds that we are already having gather but yet  
16 we're still able to exist without problem. Most of you  
17 haven't even heard of us because we're not causing any  
18 problems. People come in and out of the building during  
19 the weekend and we're ministering at Christmas and  
20 Easter. We call them CEOs because it's Christmas and  
21 Easter only. When they show up, we have 1,200 people at  
22 our current location on Sandcreek Road with limited  
23 access, no visibility and no safety precautions. You  
24 have a dentist office here - we haven't had any issues.  
25 So, for you to raise those concerns, yes, it's part of

1 your job, but it's also wisdom to say can't we go off of  
2 what we know and not fear the unknown? I would rather  
3 see us base our decision off of the facts that have been  
4 presented, make a decision, call for a vote and let's  
5 get down to it. My fear is that I would hate for us to  
6 continue down this path indefinitely. We just can't do  
7 it. We're busting at the seams.

8 MR. BRICK: For Member Austin's benefit because he  
9 wasn't here when I cited case law, I would just cite  
10 from the Court of Appeals, New York State's highest  
11 Court and I quote "Where an irreconcilable conflict  
12 exists between the right to erect a religious structure  
13 and the potential hazards of traffic, the latter must  
14 yield to the former." The law in New York is that you  
15 cannot refuse or you cannot restrict the approval of  
16 religious structure based upon traffic. If there is an  
17 irreconcilable conflict between the traffic created and  
18 the religious use. The latter must yield to the former.  
19 You must approve the religious use. It's case law that  
20 I have provided to your attorney. I just wanted to  
21 raise that.

22 Also for the record, no one here this evening  
23 was accusing or implying any member of this Board of  
24 any type of bias or discrimination. I also do admit  
25 that I am completely biased in favor of this

1 project, and not just because they pay me but  
2 because they are good people. Thank you for your  
3 time this evening.

4 CHAIRMAN STUTO: I don't think that the conflict is  
5 an irreconcilable one. That's why we are turning to our  
6 engineer, Joe Grasso.

7 Joe, can you sum up where you think that we are  
8 and what you think from an engineering perspective  
9 where it should be.

10 MR. GRASSO: There are obviously a number of  
11 comments that we identified in the letter. They have  
12 provided over the past few days responses to some of  
13 those comments. We have not had a chance to go through  
14 those. Some of them have been spoken to this evening.  
15 Some of them have been raised also by the Planning Board  
16 members. The applicant hasn't provided direct responses  
17 to those questions that have been raised in our letter  
18 and some of the thoughts that you have brought up. The  
19 project is up for concept review, so the Board has some  
20 decisions. Concept approval is a non-binding thing, but  
21 it basically says that based upon the information that's  
22 being presented, we're supportive of the information and  
23 the access arrangement and the traffic impacts and how  
24 the site is laid out and then they can typically move  
25 into final design. I would say that if you decide to

1 not grant concept acceptance tonight, it doesn't mean  
2 that the project is denied approval. All that it means  
3 is that you're not ready tonight to make a decision to  
4 grant concept acceptance and you require additional  
5 answers to the questions that have been raised or  
6 changes to the plans. Sometimes we hear specific things  
7 at concept regarding things that you specifically want  
8 to see changed in the plan. I haven't heard those types  
9 of comments made by the Planning Board.

10 There aren't many comments in our letter that  
11 say that we recommend specific changes to the plan.  
12 Questions have been raised and I don't know if we  
13 have answers that -

14 MR. MION: Traffic control needs to be resolved.

15 MR. GRASSO: Exactly, so there are questions.

16 MR. BRICK: Mr. Chair, if I may?

17 CHAIRMAN STUTO: Yes.

18 MR. BRICK: In speaking with my clients, they would  
19 be willing to request that you forgo making a decision  
20 tonight to give us the opportunity to meet with Clough  
21 Harbor and Town staff to address these issues providing  
22 that we are on the next available agenda. For the  
23 record, GPI has requested meetings with Joe and the  
24 meetings didn't take place. So, we have no objection to  
25 putting this on - and continuing this to your next

1 available agenda providing that we do get to meet with  
2 Town staff and the Town Designated Engineer, resolve any  
3 issues and again, to Ryan's point, in the interest of  
4 working together, potentially we could come back in the  
5 next meeting and we'll all be on-board with this.

6 CHAIRMAN STUTO: Okay, I think that we have a  
7 consensus that is a good approach.

8 MR. DOWDY: Mr. Chairman, if I could, one of the  
9 members of our directional leadership team -

10 CHAIRMAN STUTO: I want to stay on point here  
11 because we're getting to a Resolution.

12 MR. BRICK: He is the appropriate person to address  
13 you. He can make the decisions right here.

14 MR. PENRY: Mr. Chairman, I've chaired Planning  
15 Commissions for over a decade so I know exactly where  
16 you sit. As I was listening, I put myself back in those  
17 years when I was in that role and it's wrong for us to  
18 transfer what we may be experiencing on a day to day  
19 basis to you guys sitting in these chairs here tonight.  
20 So, I want you to remember that. I think that there may  
21 be challenges and there may be opinions that exist on a  
22 different level in your organization that don't exist in  
23 the people that are sitting before us tonight. So, I  
24 want to acknowledge that.

25 I am opened to the latitude. I think that

1           tonight we got to know each other better. I just  
2           got to feel some sense of progress because I was  
3           getting to the point that there was none. There was  
4           no sense of progress and anything that could happen  
5           tonight - maybe what your consensus is - would send  
6           a signal that we are progressing forward. We're  
7           going to show up at the next meeting and we're not  
8           going to start all over again. We're going to pick  
9           up where we left off. We're going to keep the  
10          process going and we're going to figure out how to  
11          resolve these issues and come up with a solution  
12          that allows everything to work. I've had to be in a  
13          position where I've had to draw some lines and I  
14          don't want those lines to be overly rigid, but at  
15          the same time it just felt like every month it just  
16          keeps on going and keeps on going. We bring A and B  
17          and then you ask for C and D. I think that there  
18          was progress tonight. I feel that. If we can keep  
19          that sense of progress going and if we feel like  
20          there can be solutions relatively eminent and that  
21          we can continue this process with a sense of trust  
22          that brings mutual respect and appreciation, that  
23          would be my wish.

24                   CHAIRMAN STUTO: Thank you. I appreciate that.  
25                   One of our Board Members suggested that we may

1           need more specifics on the record here of what we  
2           are looking for. I'll speak for myself first, just  
3           to help with that. It has to do with traffic.

4           My sense is that you said that you'd move the  
5           road, and I may be wrong about this but the traffic  
6           study was based upon the location of the current  
7           road. If our engineer suggests that the traffic  
8           study needs some updates, that's kind of where my  
9           focus is - to specific questions.

10          Joe, can you help me with that?

11          MR. GRASSO: No. I think that's accurate.  
12          Obviously, I think that we are all in agreement that if  
13          the project is going to move forward, the access  
14          location will have to change. Obviously, if it changes  
15          we need to understand exactly what effects that could  
16          have and whether or not those effects are on Feiden  
17          Lane, or the right turn lane for Exit 5 or how it  
18          effects the post office. We'll get those answers and  
19          we'll figure out the best access location and evaluate  
20          the impacts of it and present that data to the Planning  
21          Board.

22          MR. PENRY: These are all things that we can work  
23          out. Our sense is that we have already provided that  
24          data. That's a bit of an incongruity. We're saying  
25          something and then something else is being said back.

1 I'm sure that we can work it out.

2 MS. DALTON: I want to make sure that I understand  
3 properly that the applicant is coming back with  
4 information only about traffic and that they will not  
5 then be asked about long form and short form EAF.

6 MR. GRASSO: That's up to the Planning Board.

7 MS. DALTON: That's why I want to get it on record  
8 now that we are not doing concept approval because of  
9 the traffic issues then once we get our traffic issues  
10 in a row and that we will be ready to vote. I don't  
11 want to see us go oh, we forgot to ask about the long  
12 form/short form.

13 MR. GRASSO: We've raised the issue of whether or  
14 not - you need to make a decision regarding the  
15 potential impacts of the project. You need data to back  
16 up that decision and what we are saying is the short  
17 environmental assessment form - the one-page form  
18 doesn't get into a lot of the detail regarding the site  
19 and the proposal that you may need to make that  
20 decision. It's really up to you. If you feel like the  
21 one page short EAF is enough to support your analysis,  
22 that's okay. We recommended that based on the scale of  
23 the project, we asked them to at least prepare a full  
24 environmental assessment form that a lot of projects  
25 that have come before you -- a Stewarts has come before

1 you and they had a full EAF.

2 CHAIRMAN STUTO: If you recommend it, I'm for it.

3 MR. GRASSO: So, we are supportive of that.

4 MR. PENRY: We'll give you the full form.

5 MR. GRASSO: Hang on.

6 It's important for the Planning Board to have  
7 the back up to your decision - whatever it may be.

8 MS. DALTON: And I don't care if you're willing to  
9 do it - I was a little concerned that Mr. Zee said it  
10 was going to be - the long form would be two years -

11 MR. PENRY: No, we're not going that route. We're  
12 talking about the full environmental impact statement  
13 that was referenced.

14 MS. DALTON: That's what I want to make sure of.  
15 We'll do the long form along with the traffic. I just  
16 want to make sure that we have it on the record what we  
17 are asking for.

18 MS. MILSTEIN: Do you know what they are looking  
19 for in terms of the traffic? Do you understand? I want  
20 to make sure that you understand what is being sought.

21 MR. PENRY: I feel like that there is disagreement  
22 between the Town Designated Engineer and our engineer's  
23 report. I guess maybe the council has to understand how  
24 they are going to ultimately reconcile that  
25 disagreement. What we are looking for is to be dealt

1 with in the same fashion as everybody else that comes  
2 before you.

3 MS. MILSTEIN: Joe, can you tell him the  
4 information that you would be looking for specifically?

5 MR. GRASSO: What I think that we will do is we'll  
6 work with them to decide what is the best - maybe not be  
7 acceptable or unacceptable, but what is the best access  
8 arrangement for the project assuming that they can  
9 accommodate it and they'll have a study that supports  
10 that access arrangement and addresses the potential  
11 impacts and then we'll present to the Planning Board  
12 what those issues are and then it will be up to a  
13 decision whether or not it's acceptable.

14 MS. DALTON: Can we ensure that when we do the last  
15 assessment that also includes consideration with regard  
16 to the safety vehicles and emergency access? Quite  
17 honestly when I was listening tonight and I was always a  
18 fan of the Moffit Lane option along with DOT and  
19 everyone else, but when we started talking about  
20 emergency vehicles - it occurred to me that it might  
21 actually be better to go with this plan and use that  
22 Moffit Road as an emergency access. So, I would like  
23 for that alternative to be considered as well.

24 MR. PENRY: Our engineers are available first thing  
25 tomorrow morning to meet with you and begin to process

1 this. Are you available?

2 MR. GRASSO: I have an 8:00, but I'm sure that I'm  
3 available tomorrow.

4 MR. PENRY: This is what it looks like and this is  
5 the process that we have to break down. I can't keep up  
6 this dance, all right? A two million dollar investment  
7 of somebody else's money. It's got a big G on it too.  
8 I can't continue this dance. I'm a believer that this  
9 project can be completed in an acceptable way. If this  
10 dance continues, I must interrupt it. Please, let's  
11 start this process and get it back on track. Let's have  
12 our people meet with your people. It's too easy to sit  
13 down and arrive at the appropriate conclusion. It  
14 should look like the last two applications. If it  
15 doesn't, all I would ask the rest of the folks that sit  
16 on this Board -- if it doesn't look like that, ask  
17 yourself why. Instead of me pointing the figure at any  
18 of you today, I'll just ask you if it doesn't look like  
19 it - as you begin to see this process continue, why does  
20 it or would it look different? Thank you. I really  
21 appreciate your patience and your time.

22 CHAIRMAN STUTO: Okay I think that we have an  
23 agreement and consensus that's on the record.

24 If there is no further business, we'll adjourn.

25 (Whereas the above referenced proceeding was

1 concluded at 10:02 p.m.)

2 CERTIFICATION

3

4 I, NANCY STRANG-VANDEBOGART, Shorthand  
5 Reporter and Notary Public in and for the State of  
6 New York, hereby CERTIFY that the record taken by me  
7 at the time and place noted in the heading hereof is  
8 a true and accurate transcript of same, to the best  
9 of my ability and belief.

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NANCY STRANG-VANDEBOGART

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Dated November 5, 2014

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