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TOWN BOARD COUNTY OF ALBANY

TOWN OF COLONIE

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

THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY L. STRANG, a Shorthand Reporter, on
July 11, 2019 7:21 p.m. at Memorial Town Hall 534
Loudon Road, Newtonville, New York 12128

BOARD MEMBERS:

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

ALSO PRESENT:

- Michael C. Magguilli, Esq. Town Attorney
- Julie Gansle, Town Clerk
- Carol Flanagan
- Sharon Ally
- Jonathan Teal, Chief, Police Department
- Gloria Knorr
- Dennis Karius

EXHIBITS:

- Flanagan Exhibit 1 - Statement

1 MS. GANSLE: This public hearing is being
2 continued by Resolution of the Town Board 296 for 2019
3 dated June 27, 2019 to continue to hear all persons in
4 relation to the proposed updates and amendments to the
5 Comprehensive Plan for the Town of Colonie. The Town
6 Board will now hear all persons interested in this
7 proposal.

8 MR. MAGGUILLI: If we could, anyone speaking
9 tonight on this matter - if possible, limit your
10 comments to new matters and new material that they have
11 not discussed in the past. It would be greatly
12 appreciated by the Town Board.

13 MS. FLANAGAN: Hello my name is Carol Flanagan. I
14 live on Spring Street Road in Loudonville and I have
15 been living there for over 50 years.

16 I was looking at the land use regulations and I
17 have two items that I would like you all to take under
18 consideration in your updated comprehensive review.

19 One is on trespass lighting. As our Town grows and
20 populations of the land vastly increase per square foot,
21 perhaps we should address the prospect of trespass
22 lighting.

23 Some neighbors might be inclined to use 24/7
24 spotlight or high-voltage lighting systems that
25 interfere with their neighbors right to privacy and

1 serenity within their own homes. For example, strong
2 lights mounted to shine on areas surrounding their home
3 yet penetrate the windows of a neighbor's home, making
4 peace of mind impossible within their own domicile.
5 There should be some time limits or voltage limits in
6 this case for all areas of the Town.

7 My second point has to do with the Fire
8 Departments. I didn't see any discussion of smoke
9 control that could endanger our pure air and our
10 environment caused by the licensing of fire pits. Do
11 these pits operate 24/7? Could these pits emit endless
12 smoke, endangering the health of the elderly? I am
13 elderly with asthma - our infant populations, not to
14 mention the health of all the Town's inhabitants. What
15 is being done to address this issue?

16 Thank you for your consideration relative to these
17 two topics in our new Comprehensive Plan.

18 SUPERVISOR MAHAN: Could we have a copy of that?

19 The Land Use Laws actually come after the
20 Comprehensive Plan. So, thank you for bringing that to
21 our attention.

22 MR. MAGGUILLI: Nancy, we will mark this as
23 Flanagan Exhibit number 1.

24 (Flanagan Exhibit 1 was marked for identification.)

25 MS. ALLY: Hello, I am Sharon Ally and I would

1 like to say that I second Carol Flanagan's mention of
2 trespass light.

3 Over 10 years ago Siena College tried to get a
4 variance to have 90 foot high light posts to illuminate
5 their all weather field. Neighbors came together from a
6 wide area to protest this and were successful. It is the
7 only time that Siena did not get a variance to change
8 our Zoning Board to get leeway within our laws to do
9 what they wanted.

10 I hope that in the laws that are made, based on
11 this new Comprehensive Plan, that lighting is still
12 limited to 45 feet, as other buildings are limited. The
13 trespass light does glare into homes and it also has an
14 effect on wildlife.

15 I have commented previously two weeks ago about my
16 concern about waterways and tributaries of the Hudson
17 and the 100-foot barrier on either side seems to be part
18 of what we're talking about when we talk about the
19 wildlife corridors in the Town. I haven't seen a
20 designation for wildlife corridors, although they are
21 mentioned as something that our Town wants to preserve.

22 In our Comprehensive Plan we talk about keeping
23 some farming and keeping some wildlife corridors.

24 My friend, Gloria Knorr, has also talked about how
25 farm families depend on income from selling their

1 property. I hope we can follow other counties.

2 Washington County and Columbia County have been very
3 very active with their land conservancy in paying for
4 conservation easements.

5 I applaud the Town for what we have done with the
6 Pryun House and The Crossings and the bike path along
7 the Mohawk to preserve space for recreation and people
8 coming together and wildlife. I hope that you will have
9 space for residents to participate in planning and
10 discussions. I would be happy to be part of that.

11 Thank you all for your service.

12 SUPERVISOR MAHAN: Thank you.

13 I'm not sure if you know, but in addition to what
14 you have mentioned, there is about 57 acres right along
15 the Mohawk on Onderdonk Road. That's all preserved for
16 open space. There is a lot of wildlife that lives there.

17 MS. ALLY: I'm glad. I didn't know that about
18 Onderdonk Road.

19 SUPERVISOR MAHAN: We also have a new one on River
20 Road where we did some work where there was an old
21 water treatment plant and that connects to the bike
22 path which is along the river. There are lots of areas
23 there, as well.

24 MS. ALLY: Thank you very much, because it's a
25 great part of the character of our community. Thank

1 you.

2 MS. WHALEN: I've a question for Mike or counsel
3 about the trespass lighting issue. I was curious - not
4 so much about the lighting - although those are very
5 good issues. What are the laws with respect to security
6 cameras that people have on homes that might pick up
7 activity on other neighboring homes? What are the
8 provisions that guide for those types of intrusions?

9 MR. MAGGUILLI: There are none that I am aware of
10 that would prohibit a private homeowner from placing
11 surveillance cameras on their own property any place
12 they would like. If it happens to capture activities
13 that are going on office property, I know of nothing
14 that would prohibit them by using that.

15 MS. WHALEN: I would assume that there are laws,
16 federally or on a statewide basis, but what about on a
17 Town wide basis?

18 MR. MAGGUILLI: There are laws that prevent the
19 government. The Police Department could not go and
20 place surveillance cameras on private property without
21 a warrant. As far as private individuals go without any
22 government action, I'm not aware of any laws anywhere
23 that would prohibit that.

24 MS. WHALEN: So, not only are lights intrusive,
25 but you could have neighbors with security cameras

1 pointed at their own properties that would pick up
2 activity on your property, as well. That is an
3 interesting issue.

4 MS. ALLY: Drones are another thing that are
5 starting to appear. I have heard neighbors say that
6 drones have been hovering over there terraces and
7 looking in their windows and there's no idea who's
8 drone it is, or what they're doing looking into a
9 private home. I don't know if this is something that
10 the Town regulates. I don't even know how you know who
11 owns the drone because they zip all around and it is of
12 concern to think that Amazon may be trying to have
13 drones deliver packages.

14 MS. WHALEN: Maybe the Chief knows if like this is
15 within our jurisdiction to regulate, in part, the
16 drones or even the security cameras. Like, I know in
17 one instance we had a fire and somebody's security
18 camera picked up activity.

19 MR. TEAL: In New York State, that is permissible.

20 MS. WHALEN: It is permissible.

21 MR. TEAL: We don't initiate off of private
22 property without permission or a warrant. For the
23 drones, that is all covered by the FAA. That is beyond
24 our control.

25 MS. WHALEN: What about neighbor to neighbor?

1 Like, your security cameras? Can they just be pointed
2 wherever?

3 MR. TEAL: They can be pointed anyplace.

4 MS. WHALEN: In the street, on your next-door
5 neighbor's window, anyplace they can just be pointed?

6 MR. TEAL: The cameras they make now are powerful
7 enough to cover most of the street. Again, with the
8 drones, that is covered by the FAA. They're not
9 supposed to fly them over people. We have a police
10 drone unit, but we have special permission to fly over
11 certain areas and we have to get clearance from the
12 tower.

13 The only way to identify, that I am aware of, what
14 drone is in the air - some of them actually have a
15 transponder within the drone itself to let our drones
16 know that there's something else up there. A lot of
17 these drones are sold at sporting good stores. They are
18 very inexpensive, so they're all over.

19 MS. WHALEN: But the security camera issue in the
20 lighting issue - that does seem like it could be very
21 violative of your right to privacy. I don't know if
22 that is within our jurisdiction to regulate.

23 MR. MAGGUILLI: There are provisions in the New
24 York State Penal Law about unlawful surveillance as far
25 as - you can't take a camera and put it in your

1 neighbor's window -

2 MS. WHALEN: Intentionally directed at someone
3 else.

4 MR. TEAL: Or in your bathroom or things like
5 that. Generally outside video surveillance is not
6 covered on private property.

7 MS. WHALEN: So, Mrs. Flanagan, that's even worse
8 than lighting, you know? Big brother is watching you,
9 right?

10 MR. ROSANO: I don't think that all drones have
11 cameras on them. I worked for a company that sold
12 drones. This is very complicated. Not all drones - when
13 you see one in the air - actually has a camera on it. A
14 lot of people use it for sports. Some do - the bigger
15 ones - - but not everyone.

16 SUPERVISOR MAHAN: Anyone else about the
17 Comprehensive Plan?

18 Gloria?

19 MS. KNORR: In the appendix you gave out two weeks
20 ago on page 14, the Capital Region Coalition to end
21 Homelessness has compiled data to show where there are
22 affordable housing needs within the capital region.
23 Among all eight counties within the capital region,
24 Albany County had the largest deficit between number of
25 extremely low and low income households and the number

1 of available affordable housing units. It is estimated
2 that there are currently 13,615 extremely low to low
3 income households within the county while there are
4 only 5,312 affordable housing units available. The lack
5 of affordable units available leaves 8,303 households
6 in unaffordable living situations, or left without a
7 permanent place to call home.

8 This is my shadow. I have tried to work on
9 affordable housing for such a long time.

10 The last conversation I had with my son, Tim - he
11 bought three one-bedroom apartments that were about
12 \$1,000. They were brand-new. He just hit the market
13 right because he got out of the market. He knew to get
14 out and he went into housing.

15 I had two tenants who didn't pay rent and my regret
16 was as I said - - I got so upset during this time. I
17 said, if Jesus asked me to rent this house for
18 affordable housing, the answer is no. I regret that.
19 That was one of the last things I ever said to Tim. Then
20 I said, you have three new one-bedroom apartments that
21 are in great condition and affordable. Then, he went on
22 and he talked about those apartments and how great
23 people liked them. So, that shadow - I will keep working
24 on that.

25 I love the auxiliary American Legion Magazine. One

1 veteran always says to me, it's all good. Sometimes I
2 don't feel that it's all good. He always says, it's all
3 good? Good news, good works, good to honor.

4 The history of our grandparents is remembered not
5 with rose petals, but in the laughter and tears of their
6 children and their children's children. It is into us
7 that the lives of our grandparents have gone. It is in
8 us that their history becomes a future.

9 Today all your lawyers on the panel will be so
10 happy. I have a lawyer.

11 Paul, thanks to you. You have always told me that
12 you need a lawyer. It's always just some times the means
13 - you have to have the money to pay it.

14 Thank you very much for the input you have allowed
15 the public to come here and talk about what is important
16 to us. I think you may vote on this tonight. Then, it
17 goes to Albany County. So, I'm pretty busy with
18 grandchildren, but I'm going to go to Albany County.

19 Now that our Town Comprehensive Plan went to them
20 and it's Albany County. So, I will be talking about
21 affordable housing there.

22 SUPERVISOR MAHAN: Gloria, we can't vote tonight
23 because we didn't receive feedback yet from the county,
24 but we should be ready in two weeks.

25 MS. KNORR: Thank you.

1 SUPERVISOR MAHAN: Anyone else?

2 MR. KARIUS: Dennis Karius from the Town of
3 Colonie. I also want to help our children and our
4 children's children because I really want to thank you
5 for your support for renewable energy and saving our
6 planet. It's not just for our children, or for our
7 great grandchildren, I want this planet to be habitable
8 for our great great grandchildren. If it ever gets
9 above 100 degrees or 200 degrees, they won't be able to
10 stay here and it really is happening. I really want to
11 thank God because when I first heard about something
12 called peak oil I was not happy but really now, we are
13 smart enough.

14 I'm with a group called Solarize Albany. It is in
15 Albany County. When you consider what's going on -
16 nobody wants to get behind a car and breathe in what's
17 coming out of the exhaust pipe, but that's going up
18 there. They say that when it goes above 800 parts per
19 million, there's no going back. It's just about there
20 now. So, all I am saying is that God gave us the oil we
21 needed when we were growing up, as human beings - we
22 needed that oil. Now, with the solar power, wind power
23 and renewable energy, we really are smart enough now to
24 replace the oil and going to great direction. It's only
25 99% of us that would agree. The 1% wants to get that oil

1 and bring it over here and sell it for three or four
2 dollars a gallon. Instead of millionaires, they can be
3 billionaires.

4 The bad news is that it's really causing climate
5 change - global warming. All I am asking is that I
6 really want to save our planet.

7 When you put solar panels on a roof - really, I'm
8 not joking. You get every penny back in seven or eight
9 years. It depends if you have trees over there or not.
10 You really do get every penny back.

11 Our country prints money and it's not just millions
12 and billions. Our country prints trillions of dollars
13 and not a penny for solar panels. Mostly, it's to send
14 our troops overseas.

15 Barack said they were all coming home in 2013 and
16 then president Obama in 2015 said they're all coming
17 home. After 2016, he wasn't president anymore even
18 though Hillary got 3 million more votes. All I'm saying
19 is that our troops overseas is the main reason that were
20 printing that money. If they really did come home -
21 really, we could print those trillions of dollars for
22 the solar panels.

23 They don't even have to be on your roof, my roof.
24 There are so many churches and schools and big business
25 buildings and shopping malls. There are so many roofs

1 out there. When you put the solar panels on the roof,
2 you get every penny back and about seven or eight years.
3 If you're in a country that prints trillions of dollars,
4 it would be so easy to reform things if they get
5 dysfunctional. Again, it's only 99% that would agree
6 with me. So, I would really like to go in a good
7 direction. We really could reform things if they get
8 dysfunctional and we would have the right leaders out
9 there and going to good direction. So, thank you.

10 SUPERVISOR MAHAN: Thank you, sir.

11 Anyone else?

12 (There was no response.)

13 If there are no more comments or questions, we will
14 close the public hearing. We will keep the portion open
15 for the vote and hopefully two weeks.

16 MR. ROSANO: I make that motion.

17 MR. MAGGUILLI: We could close the public hearing
18 and adjourned the matter to a vote.

19 SUPERVISOR MAHAN: Yes, adjourn. This was the last
20 week for public comment which we announced last week.
21 So, everyone should have that notice.

22 MS. GANSLE: So, it has been moved. Is there a
23 second?

24 MS. MURPHY: Second.

25 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,

1 call the roll.

2 (The roll was called.)

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

4 SUPERVISOR MAHAN: The Resolution is adopted.

5 Thank you.

6 (Whereas the above entitled proceeding was

7 concluded at 7:35 p.m.)

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CERTIFICATION

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

NANCY L. STRANG

Dated _____