

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

One Commerce Plaza
Albany, New York 12260
518.487.7600

Terresa M. Bakner
Partner
518.487.7615 phone
tbakner@woh.com

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Via Electronic Mail

coonsj@togny.org

Jacqueline Coons
Town of Guilderland
Chief Building & Zoning Inspector
PO Box 339
5209 Western Turnpike
Guilderland, New York 12084

Re: Hiawatha Land Development LLC Senior Apartments Project located at 6025 & 6051 State Farm Road

Dear Ms. Coons:

The Hiawatha Land Development LLC Senior Apartments Project located at 6026 and 6051 State Farm Road was approved by the Town Zoning Board of Appeals on May 15, 2019. Almost immediately after the approvals were issued, an Article 78 Proceeding was commenced against the project sponsors and the Town in an unsuccessful effort to overturn the approvals. Unfortunately, it was not until August of 2020 that the attempts to litigate ceased. Both the extended period of litigation and the Covid-19 situation have substantially slowed progress on the Project.

My client has asked that I request an extension of time for the Project to obtain a building permit and to complete construction. The Town of Guilderland Zoning Code provides that once a special use permit has been issued, the Project must be completed within two years. My client respectfully requests that given the circumstances an additional two years be granted to complete the project, i.e. from May 15, 2021 until May 15, 2023. Since the Project is contemplated to be constructed in two phases, this extension will make it less likely that any further extensions will be necessary.

My client is in the process of satisfying the pre-construction conditions of the approval. Dan Hershberg will be submitting a request for an administrative lot line adjustment which will reconfigure the existing parcel lines so that there is a parcel to be transferred to the Town of Guilderland. Mr. Hershberg will also be preparing a phased plan of development consistent with

condition number 3, however, Hiawatha Land Development LLC would like to confirm with the Town that it is the company's intention to construct all of the approved units, but that it will develop the first 130 units as phase 1. Condition 3 of the Special Use Permit indicates that the Chief Building and Zoning Inspector will decide the feasibility of the remaining units of the project and we would respectfully ask that you confirm this upon the receipt of the drawings prepared for phase 1. This is directly relevant to the Company's ability to finance the project.

Mr. Hershberg will be in contact with the Town of Guilderland Water and Wastewater Department to schedule the video review inspection of the existing town sewer "trunk line" on the property. Mr. Hershberg is in the process of updating the engineering drawings to show the construction in two phases and to comply with condition 2 related to stormwater; condition 5 regarding sewer and water; condition 6 concerning snow removal; conditions 7 and 12 obtaining approval from the Town of Guilderland Parks Director on the final layout of the trail, the materials to be used and the timeline for construction of the trail, and also the Chief Building and Zoning Administrator on the number of parking spaces for the trail as well as adding a secondary emergency vehicle gated entrance off of 155 in the vicinity of the parking lot and trail.

Wendy Holsberger, the project traffic engineer is in the process of submitting the paperwork to the NYSDOT for the conceptually approved improvements in the NYSDOT ROW as set forth in condition 14. In her on-going communications with NYSDOT it is clear that no traffic signal will be required by NYSDOT and the Company respectfully requests that you confirm that no escrow account for a future traffic signal is necessary. It is the Company's understanding that they are proceeding with the design and construction of the public trail instead.

If you have any questions or concerns, please do not hesitate to contact Dan Hershberg or me. Thank you for your patience as we move forward with this senior apartment project in what can only be described as challenging times.

Very truly yours,

/s/ *Terresa M. Bakner*

Terresa M. Bakner

cc: Peter Barber, Town of Guilderland Town Supervisor
Steve Feeney, Chair of Planning Board of Town of Guilderland
Jacob Crawford, Deputy Chair of Zoning Board of Appeals of the Town of Guilderland
Kenneth Kovalchik, Town of Guilderland, Town Planner