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PLANNING BOARD  
TOWN OF COLONIE

COUNTY OF ALBANY

\*\*\*\*\*  
ON THE FARM  
271 TROY-SCHENECTADY ROAD  
APPLICATION FOR WAIVER FROM FRONT YARD SETBACK  
\*\*\*\*\*

THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on March 15, 2011 at 7:08 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- LOUIS MION
- KATHY DALTON
- MICHAEL SULLIVAN
- ELENA VAIDA, ESQ., COUNSEL TO THE PLANNING BOARD

Also present:

- Joe LaCivita, Director, Planning and Economic  
Development
- Nick Huban, Landowner
- Stanley Kutryb

1                   CHAIRMAN STUTO: We're going to proceed  
2 with On the Farm.

3                   I understand that one of the  
4 representatives is going out for a drawing on  
5 the elevations.

6                   Joe, if you could get us started with a  
7 presentation on that?

8                   MR. LACIVITA: Sure. The first project  
9 that we have on tonight is On the Farm, which  
10 is located at 271 Troy-Schenectady Road. The  
11 application before us is for the review of a  
12 waiver from the front yard setback.

13                   On the Farm has been in business for  
14 probably the past 25 years. It exists in a COR  
15 district zoning. Currently, the building sits  
16 back about 50 feet from the property line and  
17 from the street. In the COR design standards,  
18 it asks for a 22 setback. The building, like I  
19 said, currently sits about 50 feet back. The  
20 addition is under a minor application review  
21 in our department. The addition is only  
22 1,048 square feet, which is an addition to the  
23 footprint. That makes it a minor application  
24 which is under our review. So, that's only  
25 going to make the building about 18 feet

1 closer in that setback design standard. So, we  
2 are here before the Board tonight asking for a  
3 waiver for the minimum of 20 feet from the  
4 front yard setback. That's the waiver that  
5 will be before you this evening.

6 MR. STUTO: Okay, there is an existing  
7 building that they're building an addition to;  
8 correct?

9 MR. LACIVITA: Correct.

10 CHAIRMAN STUTO: There is no board up, so  
11 we don't have the benefit of that.

12 MR. LACIVITA: Mr. Huban is here tonight  
13 to answer any questions of the Board as to  
14 what he is trying to do. I know that his son  
15 is actually heading home and looking to bring  
16 in an elevation of the project. That should  
17 hopefully be here soon.

18 CHAIRMAN STUTO: I want to ask a  
19 question. How did the original building - the  
20 one that's being built around - how did that  
21 avoid the setback requirement?

22 MR. LACIVITA: Actually, 25 years ago the  
23 setbacks were much different from the zoning  
24 as compared to where we are today.

25 Nick can certainly articulate any

1 changes.

2 MR. HUBAN: When I put that building up,  
3 we were actually going to put it too close to  
4 the road and I had to get a variance for the  
5 50 feet. This is totally the opposite.

6 CHAIRMAN STUTO: Okay, understood.

7 Any questions from the Board?

8 MS. DALTON: None, thank you.

9 CHAIRMAN STUTO: Lou?

10 MR. MION: No.

11 CHAIRMAN STUTO: Mike, you want to see  
12 the elevation, right?

13 MR. SULLIVAN: I would like to see the  
14 elevation, but I also had one question.

15 Is there another building that's being  
16 demolished to make room for the additional  
17 parking?

18 MR. HUBAN: No, sir.

19 MR. SULLIVAN: Do you have a storage shed  
20 or something?

21 MR. HUBAN: That's being moved out of  
22 there.

23 MR. SULLIVAN: Okay, that was the only  
24 other question that I had. Thank you.

25 CHAIRMAN STUTO: I personally have no

1 problem with this.

2 MS. DALTON: I love your ice cream.

3 CHAIRMAN STUTO: Okay, we'll entertain a  
4 motion to approve the waiver, based on the  
5 recommendations before us.

6 And do we have anyone from the public  
7 that has any comments?

8 MR. KUTRYB: My name is Stanley Kutryb  
9 and I live at 21 Grove Avenue. I got a flyer  
10 in my mailbox.

11 Will parking be an impact also? How far  
12 will this go?

13 CHAIRMAN STUTO: I'm not sure that I  
14 understood the question.

15 MR. HUBAN: He wants to know if the  
16 project is going to have any effect on  
17 parking.

18 MR. KUTRYB: There is some space back  
19 there where the parking already is. Will that  
20 be extended further?

21 MR. HUBAN: It will be extended further.  
22 It will be toward the [SIC] Simmons property.

23 CHAIRMAN STUTO: Do you want to take a  
24 look at this map?

25 Anyone else from the neighborhood?

1                                    **(There was no response.)**

2                                    CHAIRMAN STUTO: Okay, we'll entertain a  
3 motion, if someone wants to make it.

4                                    MS. VAIDA: Before you make a motion, I  
5 just think that we need to make the record  
6 clear in seeking a design waiver and that's  
7 under 190-40 of our Land Use Law. It talks  
8 about the setback requirements actually being  
9 mandatory. However, it does say that the  
10 Planning Board may waive these standards to  
11 the extent that it is necessary in order to  
12 secure reasonable development of the site. In  
13 such case the applicant must establish that  
14 there are no practical alternatives to the  
15 proposed waiver that would conform to the  
16 standard and the Planning Board shall issue a  
17 written finding.

18                                   I just think that we should have  
19 Mr. Huban speak a little bit about why the  
20 waiver is necessary, unless the Board is  
21 satisfied with the written material that was  
22 presented on that issue.

23                                   MR. HUBAN: The question was?

24                                   MS. VAIDA: If you could just explain  
25 simply why the waiver is necessary - the

1 setback waiver?

2 MR. HUBAN: Because they want to be close  
3 to the road, from what I understand.

4 MS. VAIDA: Did everyone read their  
5 packets on the explanation?

6 MR. HUBAN: We're also moving the  
7 building eight feet backwards, but we  
8 redesigned it to move it over to be in  
9 compliance as best as possible.

10 MS. VAIDA: I think that it's clearly  
11 laid out in the materials. I just wanted to  
12 make sure that it's clear.

13 MR. LACIVITA: One of the key things to  
14 know is that you'll never probably meet the  
15 intent of the setback because there is a  
16 sanitary sewer easement that runs right  
17 through the front of the property down  
18 Troy-Schenectady Road. Any building, based on  
19 sanitary or Pure Waters' recommendations would  
20 probably be behind that sanitary easement  
21 anyway.

22 We have been working with Mr. Huban as  
23 far as design standards, fencing, landscaping  
24 and things like that. I know that we were  
25 talking about the elevations and hopefully

1 your son will be here in a few minutes to show  
2 them, if needed. But we have been working with  
3 them to really try to adhere to the design  
4 standards that are coming up.

5 CHAIRMAN STUTO: I'm personally satisfied  
6 that there is no practical alternative to  
7 what's here. The building is already sitting  
8 there and it's grandfathered in.

9 MS. VAIDA: He looks like he's making  
10 substantial improvements to the site.

11 CHAIRMAN STUTO: Okay, that said, I'll  
12 entertain a motion.

13 MS. DALTON: I'll make a motion.

14 MR. MION: I'll second that.

15 CHAIRMAN STUTO: All those in favor?

16 ***(Ayes were recited.)***

17 CHAIRMAN STUTO: All those opposed?

18 ***(There were none opposed.)***

19 CHAIRMAN STUTO: The ayes have it.

20 Thank you.

21

22 ***(Whereas the proceeding concerning the***

23 ***above entitled matter was adjourned***

24 ***at 7:14 p.m.)***

25

