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PLANNING BOARD COUNTY OF ALBANY TOWN  
OF COLONIE

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WIDEMAN SPECIAL USE PERMIT  
827 TROY-SCHENECTADY ROAD  
REVIEW AND ACTION ON PROPOSED  
SPECIAL USE PERMIT

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THE STENOGRAPHIC MINUTES of the above entitled  
matter BY NANCY STRANG VANDEBOGART, a Shorthand  
Reporter, commencing on November 27, 2012 at 7:05  
p.m. at the Public Operations Center, 347 Old  
Niskayuna Road, Latham, New York 12110.

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- LOU MION
- KAREN GOMEZ
- KATHY DALTON
- MICHAEL SULLIVAN

Also present:

Elena Vaida, Esq., Counsel to the Planning Board

Michael Tengeler, Planning and Economic  
Development

Joe LaCivita, Director, Planning and Economic  
Development

Lynn Sipperly, PE, Sipperly and Associates

1                   CHAIRMAN STUTO: First on the agenda is  
2                   the Wideman Special Use Permit, 827  
3                   Troy-Schenectady Road. This is the review and  
4                   action on a proposed special use permit  
5                   regarding one proposed two-family dwelling.  
6                   This is presented by Lynn Sipperly.

7                   Joe do you want to give us an introduction?

8                   MR. LACIVITA: Michael will be giving us  
9                   the introduction on this one.

10                  MR. TENGELER: This is for a proposed  
11                  special use permit to construct a 1,920 square  
12                  foot duplex with associated parking,  
13                  landscaping and the curb cut on a vacant lot in  
14                  an NCOR district. It's gone through the DCC  
15                  meeting about two weeks ago and they're  
16                  progressing through comments. They're here  
17                  tonight for the special use permit. They need  
18                  a special use permit to authorize a duplex in  
19                  an NCOR zoning district, so they're here  
20                  tonight to present that.

21                  There will also be two waivers being requested.

22                  CHAIRMAN STUTO: Mr. Sipperly?

23                  MR. SIPPERLY: Thank you, Mr. Chairman.  
24                  As Mike indicated, what we're here to ask the  
25                  Planning Board tonight for a special use permit

1 for 827 Troy-Schenectady Road. It's presently  
2 a vacant parcel of land of approximately 12,600  
3 square feet, there is 85 feet of frontage on  
4 Troy-Schenectady Road and there are utilities  
5 on Troy-Schenectady Road. There is water and  
6 there is also sanitary sewer in the rear of the  
7 lot, so utilities are readily accessible to  
8 this parcel.

9 What is proposed is to construct a one  
10 two-story, two-unit dwelling which it could be  
11 summed up by saying duplex unit. Each unit would  
12 be 960 square feet in size, and would be two  
13 levels. Each unit would be an up and down stairs  
14 level. There is a total of two bedrooms with  
15 this whole dwelling.

16 We propose to request a curb cut from DOT. The  
17 applicant, Mr. Bruce Wideman, is here and has  
18 talked to DOT and DOT is ready to issue a permit  
19 based on receiving plans and also indication that  
20 the Planning Board will issue a special use  
21 permit.

22 What is shown on the drawing here in the darker  
23 brown is a location of the proposed home  
24 (Indicating). We're also proposing four parking  
25 spaces which is consistent with the NCOR district

1 for residential use.

2 As Mike indicated, we are looking for two  
3 waivers. One of the waivers is that we have set  
4 the building back 40 feet from Route 7 or  
5 Troy-Schenectady Road. The Land Use Code  
6 indicates 25 feet as a maximum building setback  
7 along a major highway. We're asking for 40 feet  
8 for a couple of reasons. First, the existing  
9 homes are set back between 33 and 35 feet, so we  
10 would be consistent with the existing home  
11 setbacks are on either side of this property.  
12 Also, by setting it back a little bit further, we  
13 kind of break up the linear effect of all the  
14 homes being lined up. We could move this out to  
15 30 or 35 feet. We thought that it would be a  
16 little bit nicer presentation when you drive down  
17 the road to have this all set back a little bit  
18 further.

19 Naturally, the setback also helps in regard to  
20 the road noise. Route 7 is a four-lane highway  
21 and the further that we set it back from the  
22 roadway, the less impact there will be.

23 The second waiver that we are requesting is we  
24 are proposing the edge of pavement for our  
25 parking area to be five feet off the right side

1 property line. We're really doing that based on  
2 the dimension of the lot and the dimension of the  
3 home to provide a proportion as we go across the  
4 lot.

5 CHAIRMAN STUTO: Can you point to the map  
6 where that is?

7 MR. SIPPERLY: Yes, that would be this  
8 area right here. (Indicating)

9 CHAIRMAN STUTO: What would it be under  
10 the code?

11 MR. SIPPERLY: Under the code it would be  
12 10 feet. What we are proposing are several  
13 things to soften that. We are proposing a row  
14 of evergreen shrubs to break up the parking  
15 from our site to the adjacent neighbors. Also,  
16 the neighbors property - his driveway is  
17 located kind of close to his property line, but  
18 it is at least 10 feet off. He's not in  
19 violation.

20 CHAIRMAN STUTO: Do we know how that  
21 neighbor feels about it?

22 MR. SIPPERLY: We have not contacted him.  
23 I haven't contacted him myself.

24 CHAIRMAN STUTO: Are those neighbors in  
25 the audience?

1 (There was no response.)

2 CHAIRMAN STUTO: Is that owner occupied?

3 MR. SIPPERLY: It is now. Before it was a  
4 rental house.

5 Presently the neighbor has their back up  
6 encroaching onto our property in this area here  
7 (Indicating). What is proposed also by putting  
8 the parking lot on the right side of the lot is  
9 that we kind of created a shared back-out so that  
10 we're not cutting off the back-out that the  
11 neighbor is presently using. We're just  
12 connecting the driveways in the sense that each  
13 owner can use the back-out so they can go face  
14 forward out into Route 7.

15 As part of the consideration of the special use  
16 permit, the Land Use Code has a 11 different  
17 standards with regard to how the Board would look  
18 at this and determine how it's compatible with  
19 the adjacent neighborhood. We looked at that in  
20 our project narrative that we presented to the  
21 Board. It identified how we think this two-unit  
22 dwelling is very much consistent and compatible  
23 with the neighborhood.

24 CHAIRMAN STUTO: Can you go over a little  
25 bit of that rationale?

1           MR. SIPPERLY: I sure can. One of them is  
2           that it's consistent with the neighborhood in  
3           that we're proposing a residential. The  
4           properties on both the left and right -- in the  
5           rear it's residential occupation.

6           Because we're only proposing two bedrooms it's  
7           really kind of a small impact with regard to  
8           traffic. There is no noise created by this  
9           particular land use.

10          CHAIRMAN STUTO: What's the total square  
11          footage?

12          MR. SIPPERLY: It's about 1,900 square  
13          feet, which is very similar to perhaps a single  
14          family home.

15          We have no impacts on utilities because the  
16          water and sewer -- we're actually looking at a  
17          single family home with regard to the amount of  
18          water usage that we would have here; 300 gallons  
19          a day. That's equivalent to a two bedroom home.

20          There really is no traffic impact here. There  
21          is like one to two vehicle trips during the peak  
22          hour for this facility.

23          It's very much consistent with the particular  
24          Troy-Schenectady Road corridor and it's  
25          consistent with the land uses that are allowed in

1 the NCOR district. A two-family dwelling is a  
2 permitted use.

3 CHAIRMAN STUTO: Are there any other  
4 multiple family -

5 MR. SIPPERLY: I didn't study the whole  
6 Route 7 Corridor, but a lot of the homes along  
7 Route 7 are either owner occupied or rentals.  
8 Some of them have been converted to commercial  
9 use. It's kind of a big huge corridor.

10 MS. DALTON: Isn't Kelly Ann's right there  
11 on the corner? So, there are single family  
12 homes and commercial as well.

13 CHAIRMAN STUTO: Right on the side street?

14 MS. DALTON: Right on the corner.

15 Who got notice, neighbor-wise?

16 MR. SIPPERLY: Notices went out to the  
17 typical 200 foot radius to the property and  
18 they were actually distributed by Mr. Wideman.

19 CHAIRMAN STUTO: Is that the end of your  
20 presentation?

21 MR. SIPPERLY: Yes.

22 CHAIRMAN STUTO: Anyone in the audience  
23 like to be heard on this matter?

24 (There was no response.)

25 CHAIRMAN STUTO: Kathy, you want to start?



1 MS. DALTON: I think that some of my  
2 questions have already been answered. I do  
3 have one question for the Planning Department.

4 For everybody else's information, this parcel  
5 is kitty corner to the parcel that we talked  
6 about - the mixed use parcel?

7 MR. TENGELER: The mixed-use.

8 MS. DALTON: Top Tile; it's the opposite  
9 side of the street. Having said that, the  
10 setting is back 40 feet instead of 35 feet.  
11 Does anybody have an opinion about whether or  
12 not that will make it inconsistent in an  
13 unpleasant way versus as Mr. Sipperly suggests,  
14 offering a little variation in a way that's  
15 more pleasing?

16 MR. TENGELER: I think that as you go down  
17 Troy-Schenectady Road - correct me if I'm  
18 wrong, Lynn - each dwelling is a few feet  
19 apart. It's not a uniform 35 or 30 feet down  
20 the road. I think that this there is a  
21 consistency with what is there. Again, it's  
22 not dramatically set back to where it would be  
23 a dramatic difference. I think that it's  
24 acceptable.

25 MS. DALTON: My next question, Mr.

1 Sipperly, is with regard to the parking. Is  
2 there a reason why you chose to have the  
3 parking by the road instead of kind of swinging  
4 the roadway to the back so that it would be  
5 easier for them to swing around so that they  
6 could go head first into Route 7?

7 MR. SIPPERLY: I think that there is  
8 probably a cost issue here, too. To put the  
9 parking in the back is - actually it adds more  
10 impervious area. Then, they would have to deal  
11 with that and the stormwater management. I  
12 don't want to get into the LEEDS or green  
13 infrastructure design. We could have the  
14 driveway brought to the back of the site.

15 MS. DALTON: In my recollection -- and I  
16 pass this every day -- I don't recall anybody  
17 else having their cars in their driveways in  
18 the front there and parking in the front.

19 MR. WIDEMAN: Actually, they are. The  
20 neighbor to my right parks directly at that  
21 turnabout. She has two cars.

22 MS. DALTON: All right, thank you.

23 CHAIRMAN STUTO: Lou?

24 MR. MION: Do you have an agreement with  
25 the neighbors that the back out is on their

1 property?

2 MR. WIDEMAN: They're on my property.

3 MR. MION: Okay, that's all I had.

4 CHAIRMAN STUTO: I'm going to ask a couple  
5 of questions. I usually go last.

6 This is approximately a quarter acre lot;  
7 correct?

8 MR. SIPPERLY: Correct.

9 CHAIRMAN STUTO: Somebody can tell me how  
10 this works, but I thought that the minimum lot  
11 size is like 18,000; in other words almost half  
12 an acre.

13 MR. SIPPERLY: I didn't bring sheet one  
14 that shows all the site specifics on it that  
15 tell us what to do.

16 CHAIRMAN STUTO: Did you submit it to us?

17 MR. SIPPERLY: Yes, that was part of the  
18 package.

19 MR. TENGELER: It did receive zoning  
20 verification approval, so zoning did see it.

21 MR. SIPPERLY: I think that this could be  
22 12,000-something.

23 CHAIRMAN STUTO: I did some rough math.  
24 It's probably 12,000-something according to the  
25 dimensions. That's why I was wondering.

1 MS. VAIDA: NCOR is 6,000 minimum - the  
2 building and lot requirements.

3 CHAIRMAN STUTO: Mike?

4 MR. SULLIVAN: I don't have any questions.

5 CHAIRMAN STUTO: Karen?

6 MS. GOMEZ: No questions; thank you.

7 CHAIRMAN STUTO: My final comments are  
8 that I'm not overly offended by it, given what  
9 the corridor is like with the mixed-use and so  
10 forth. It is NCOR. You have two waivers. I'm  
11 not offended by pushing it back five more feet  
12 than the surrounding buildings. That's 15 feet  
13 from what the code says. I would have liked to  
14 hear from the next door neighbor about the  
15 paving, but they didn't show up and they were  
16 notified; correct?

17 MR. SIPPERLY: Yes.

18 CHAIRMAN STUTO: Okay, if there's nobody  
19 else, does someone want to make a motion?

20 MR. MION: I'll make the motion.

21 MS. DALTON: I'll second it.

22 CHAIRMAN STUTO: Okay, the motion will be  
23 for the special use permit and the granting of  
24 the two waivers.

25 Are there any other conditions on this?

1 Mike Tengeler?

2 MR. TENGELER: Just to put on the record  
3 that it received a Type II SEQRA  
4 recommendatio,n which means that there is no  
5 more environmental review needed.

6 CHAIRMAN STUTO: I appreciate that. Yes,  
7 it's a good point.

8 MR. TENGELER: And also I would make the  
9 suggestion that any remaining Town comments be  
10 addressed.

11 CHAIRMAN STUTO: The motion being so  
12 stated --

13 MS. DALTON: We had a motion and a second.

14 CHAIRMAN STUTO: Any discussion on that?

15 (There was no response.)

16 CHAIRMAN STUTO: All those in favor?

17 (Ayes were recited.)

18 CHAIRMAN STUTO: All those opposed?

19 (There were none opposed.)

20 CHAIRMAN STUTO: The ayes have it.

21 Thank you.

22 MR. SIPPERLY: Thank you.

23 Mr. Chairman, we also require site plan approval  
24 by the Planning Board for this action.

25 MR. TENGELER: Part of the special use

1 permit requires a quick site plan review by the  
2 Planning Board, as well.

3 CHAIRMAN STUTO: We have a motion for site  
4 plan approval as the plans are presented,  
5 conditioned upon meeting all of the other Town  
6 conditions and suggestions?

7 MR. MION: I'll make the motion.

8 MS. DALTON: I'll second.

9 CHAIRMAN STUTO: Any discussion?

10 (There was no response.)

11 CHAIRMAN STUTO: All those in favor?

12 (Ayes were recited.)

13 CHAIRMAN STUTO: All those opposed.

14 (There were none opposed.)

15 CHAIRMAN STUTO: The ayes have it.

16 MR. SIPPERLY: Thank you, Mr. Chairman.

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18 (Whereas the above proceedings were concluded at

19 7:21 p.m.)

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CERTIFICATION

I, NANCY STRANG-VANDEBOGART, 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 STRANG-VANDEBOGART

Dated December 10, 2012

