

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

3 \*\*\*\*\*  
4 ROMAN CATHOLIC DIOCESE  
5 52 HACKETT AVENUE  
6 CONSIDERATION OF PROPOSED REZONING  
7 \*\*\*\*\*  
8 \*\*\*\*\*

9 THE STENOGRAPHIC MINUTES of the above entitled  
10 proceeding BY NANCY STRANG-VANDEBOGART, a Shorthand  
11 Reporter, commencing on June 19, 2012 at 7:04 p.m.  
12 at the Public Operations Center  
13 347 Old Niskayuna Road, Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, CHAIRMAN
- 16 LOUIS MION
- 17 BRIAN AUSTIN
- 18 KAREN GOMEZ
- 19 TIM LANE
- 20 ELENA VAIDA, Esq., Attorney for the Planning Board

21 Also present:

- 22 Michael Tengeler, Planning and Economic Development
- 23 Anne Frederickson
- 24 Richard Touchette, Director of Cemeteries for the
- 25 Roman Catholic Diocese

1                   CHAIRMAN STUTO: We'll call the first  
2 meeting on the agenda. This is the Roman  
3 Catholic Diocese, 52 Hackett Avenue.

4                   Mike, do you want to give us an  
5 introduction on this item?

6                   MR. TENGELER: Sure. This is the Roman  
7 Catholic Diocese and they're here in reference  
8 to Our Lady of Angels Cemetery, which has  
9 property at 52 Hackett Avenue. There is  
10 currently a residence at that address where  
11 traditionally a caretaker for the cemetery  
12 would reside.

13                  Due to a change in the operations and  
14 management to Our Lady of Angels, there will  
15 not be a need for that caretaker to be  
16 residing there anymore. The diocese requested  
17 a rezoning and per Town Board Resolution 245  
18 for 2012, the Town Board required the Planning  
19 Board to review and consider the proposed  
20 rezoning of land located at 52 Hackett Avenue  
21 of CEM, cemetery Zoning to single family, SFR  
22 zoning.

23                  Mr. Richard Touchette, the Executive  
24 Director of the Albany Diocese Cemeteries can  
25 answer any questions. Basically, they're

1 looking for a recommendation to the Town Board  
2 to zone the property that's currently cemetery  
3 zoning to single family residential.

4 CHAIRMAN STUTO: Mr. Touchette?

5 MR. TOUCHETTE: Good evening. My name is  
6 Rick Touchette and I'm Director of Cemeteries  
7 for the Roman Catholic Diocese of Albany.

8 CHAIRMAN STUTO: Do you have anything  
9 that you'd like to add to the presentation?

10 MR. TOUCHETTE: Not really. We don't  
11 need the house for cemetery purposes anymore  
12 and we'd like to subdivide it and sell it.

13 CHAIRMAN STUTO: It's not subdivided now?

14 MR. TOUCHETTE: I don't think that it was  
15 one parcel. Part of the application is to  
16 subdivide that parcel off and then rezone it  
17 so that we can sell it.

18 CHAIRMAN STUTO: Is that a minor  
19 subdivision?

20 MR. TENGELER: Yes, that will have to go  
21 administratively through planning and economic  
22 development office. What they're here for  
23 tonight is just the recommendation back to the  
24 Town Board to allow that parcel to be zoned  
25 single family residential.

1           CHAIRMAN STUTO: Let me just ask, is  
2 there anybody in the audience that has an  
3 interest in this that is going to want to  
4 speak on it?

5           MS. FREDERICKSON: I live next to it.

6           CHAIRMAN STUTO: We'll give you a chance.  
7 Anything else you'd like to add, sir?

8           MR. TOUCHETTE: No, thank you.

9           MS. FREDERICKSON: My name is Anne  
10 Frederickson, 48 Hackett Avenue.

11           This maybe premature, but as far as  
12 subdividing that property the driveway for  
13 that house is in the entrance to the cemetery.  
14 So, will you be moving that driveway  
15 somewhere?

16           There is also a large pump in the back of  
17 the residence that runs the water for the  
18 cemetery. Are back-hoes going to come in and  
19 dig all that up?

20           MR. TOUCHETTE: First of all, we'll  
21 provide and easement for the new owners. They  
22 can use the cemetery driveway to access their  
23 driveway.

24           As far as the water pump and tank go, we  
25 might have to abandon that as a water source

1 and use a water source down by the office. I  
2 don't think that we'll take that out.

3 CHAIRMAN STUTO: Ma'am, can you show us  
4 on this map where you are referring to the  
5 driveway?

6 MS. FREDERICKSON: I'm not really good  
7 with maps.

8 MR. TOUCHETTE: This is the cemetery  
9 entrance (Indicating). This is the driveway to  
10 the garage right here (Indicating).

11 CHAIRMAN STUTO: Where is your house,  
12 ma'am?

13 MS. FREDERICKSON: I'm 48, so I would be  
14 over here (Indicating).

15 CHAIRMAN STUTO: And that's your  
16 driveway?

17 MS. FREDERICKSON: Yes.

18 I also have another question.

19 CHAIRMAN STUTO: That's actually probably  
20 in your favor, right?

21 MS. FREDERICKSON: That's why I was  
22 wondering.

23 Also, there is nothing on this piece of  
24 land right here (Indicating). It's land in  
25 between the house and my house. I'm just

1 wondering what's going to happen with that.

2 CHAIRMAN STUTO: That's a valid question.  
3 It becomes part of the lot. That's what it  
4 appears to be on the application. You're going  
5 to sell it and whatever the new owner -

6 MR. TOUCHETTE: We would sell this as one  
7 parcel. Whatever the new owner decided -

8 CHAIRMAN STUTO: So, this is garage and  
9 single family home?

10 MR. TOUCHETTE: Yes.

11 CHAIRMAN STUTO: They would be treated  
12 like any other single family lot. If they  
13 wanted to put a shed up or expand their house  
14 or what have you, they would be under the same  
15 restrictions that you're under. They would  
16 have to apply for a building permit, if it's  
17 permitted, and there are setbacks from the  
18 sidelot just like there are from your side.

19 MS. FREDERICKSON: You're going to leave  
20 the driveway the same?

21 MR. TOUCHETTE: Yes.

22 MS. FREDERICKSON: So, they'll still be  
23 able to access the road?

24 MR. TOUCHETTE: Yes. The lawyer will have  
25 to figure out the details.

1 MS. FREDERICKSON: I though that this was  
2 maybe premature.

3 CHAIRMAN STUTO: No, that's a perfectly  
4 valid question.

5 MR. TOUCHETTE: I think that in our  
6 letter to Supervisor Mahan, we said that we  
7 would provide an easement.

8 MR. LANE: That easement will go with the  
9 property.

10 MR. TOUCHETTE: That's my understanding.

11 CHAIRMAN STUTO: An easement would  
12 generally run with the land.

13 I was looking at your letter to Mrs.  
14 Mahan.

15 "Please note that the driveway to the  
16 house at 52 Hackett Avenue is only accessible  
17 via the cemetery driveway. Our Lady of Angels  
18 will, of course, be willing to provide future  
19 purchasers with an easement or vehicular or  
20 pedestrian ingress and egress over the  
21 cemetery driveway."

22 Other questions?

23 MS. FREDERICKSON: No, I'll just keep  
24 going to the meetings. Thank you, very much.

25 CHAIRMAN STUTO: Do the Board Members

1 have any questions?

2 MR. MION: You do maintain that during  
3 the wintertime, right?

4 MR. TOUCHETTE: Yes, we do.

5 MR. AUSTIN: Will you be selling the  
6 other half of the subdivided lot as well for  
7 single family residential, or are you going to  
8 keep that as cemetery?

9 CHAIRMAN STUTO: I think that lot is  
10 actually quite bigger.

11 MR. TOUCHETTE: I think that there are  
12 three or four of these lots. This one has the  
13 house on it (Indicating). That would be sold  
14 as one parcel.

15 CHAIRMAN STUTO: Where is the driveway?  
16 Is it right here (Indicating)?

17 MR. TOUCHETTE: The driveway is right  
18 here (Indicating).

19 CHAIRMAN STUTO: That will just be part  
20 of the greater lot then?

21 MR. TOUCHETTE: Yes.

22 CHAIRMAN STUTO: Any other questions?

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

24 CHAIRMAN STUTO: Anybody want to propose  
25 a motion?



1           The motion would be to rezone this  
2 proposed parcel to residential. We also  
3 recommend as a matter of record that they  
4 provide a permanent easement over the cemetery  
5 driveway to the residential driveway and  
6 garage.

7           MR. AUSTIN: I'll make that motion.

8           MR. MION: I'll second that.

9           CHAIRMAN STUTO: All those in favor?

10                   ***(Ayes were recited.)***

11           CHAIRMAN STUTO: All those opposed?

12                   ***(None were opposed.)***

13           CHAIRMAN STUTO: The ayes have it.

14  
15                   ***(Whereas the proceeding concerning the above***  
16                   ***entitled matter was concluded at***  
17                   ***7:15 p.m.)***

**CERTIFICATION**

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4            ***I, NANCY STRANG-VANDEBOGART, Shorthand***  
5            ***Reporter, and Notary Public in and for the***  
6            ***State of New York, hereby CERTIFY that the***  
7            ***record taken by me at the time and place***  
8            ***noted in the heading hereof is a true and***  
9            ***accurate transcript of same, to the best of***  
10           ***my ability and belief.***  
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14            -----  
15            ***NANCY STRANG-VANDEBOGART***  
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18            ***Dated July 11, 2012***  
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