

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 NEWCOMER FUNERAL HOME
5 181 TROY SCHENECTADY ROAD
6 APPLICATION FOR ODA RECOMMENDATION
7 TO TOWN BOARD

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9 THE STENOGRAPHIC MINUTES of the above entitled
10 matter by NANCY STRANG-VANDEBOGART, a Shorthand
11 Reporter, commencing on March 10, 2015 at 7:01 p.m.
12 at The Public Operations Center, 347 Old Niskayuna
13 Road, Latham, New York

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11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TIMOTHY LANE
14 LOU MION
15 TIMOTHY LANE
16 CRAIG SHAMLIAN
17 SUSAN MILSTEIN

18 ALSO PRESENT:

19 Kathleen Marinelli, Esq., Counsel to the Planning Board
20 Michael Tengeler, Planning and Economic Development
21 Joe LaCivita, Director, Planning and Economic Development

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1 CHAIRMAN STUTO: Welcome to the Town of Colonie
2 Planning Board. We have several items on the agenda.
3 For those items which call for a vote, we'll be taking
4 public comment and we have a sign-in sheet on that and
5 you can sign in on that over there (Indicating).

6 Do you have any preliminary matters before we
7 call up the first item on the agenda?

8 MR. LACIVITA: Not today.

9 CHAIRMAN STUTO: Okay, the first item on the agenda
10 is Newcomer Funeral Home, 181 Troy Schenectady Road.
11 This is an application for ODA which is an open
12 development area. This is a recommendation to the Town
13 Board.

14 Joe, I'll turn it back to you if you have any
15 introductory comments? I think that we've seen this
16 project several times.

17 MR. LACIVITA: And we have. I think that if the
18 Board remembers back on February 24th, we made concept
19 acceptance on this project, which actually is to raze
20 the existing restaurant and then construct a new 10,800
21 square foot funeral home with a 1,125 foot garage. The
22 applicant has made a lot of the changes in
23 recommendation and that's why concept was given. The
24 fact that there is no longer a curb cut on the Troy
25 Schenectady Road street requires the ODA. We're here

1 tonight and I think that Brian Sipperly will be
2 presenting or talking or answering any questions tonight
3 for the ODA.

4 CHAIRMAN STUTO: If I can summarize, you can
5 correct me if I'm wrong. We may not even need to hear
6 from you. We've seen this project several times. They
7 are going to access this through their site - through an
8 easement that is adjacent to the property. When you do
9 that, you need compliance with Section 280A of the Town
10 Law which accounts for that and it's called an open
11 development area; is that correct?

12 MR. LACIVITA: That is correct.

13 CHAIRMAN STUTO: When we talked about this at the
14 last meeting. There are conditions and there is a
15 Resolution before us to consider and perhaps vote on.
16 We'll probably read the conditions of the open
17 development area part of the Resolution into the Board
18 minutes. I will ask if there is any public comment or
19 questions on this project before we proceed.

20 (There was no response.)

21 Is the Board comfortable with just reading the
22 relevant parts of the Resolution?

23 (All Board Members agreed.)

24 Can either Chuck or Kathleen read the part that
25 starts "now therefore"? We have the entire

1 Resolution before us and I'll ask the Stenographer
2 to enter the whole thing into the record. We've had
3 this in our possession for a while for reviewing.

4 MS. MARINELLI: Now therefore be it resolved the
5 Planning Board recommends the open development area as
6 requested by the applicant be approved in all respect
7 subject to the following conditions:

8 1. The address of the parcel must meet required
9 911 communication designations; and be it further

10 2. Any further changes to the recommended open
11 development area, including but not limited to
12 additions, demolition, structural or site changes,
13 subdivision, and/or change in use must comply with
14 all applicable Town of Colonie processes; and be it
15 further

16 3. A hold harmless and indemnity agreement
17 shall be entered into with the Town protecting the
18 Town from liability in connection with the access
19 and maintenance of the roadway to the subject
20 property; and be it further

21 4. The applicant must demonstrate to the Town
22 by satisfactory proof that the proposed 2.25 acre
23 subject parcel and any future heirs, assigns and
24 successors in interest have a legal right of way or
25 perpetual easement providing unrestricted

1 ingress/egress access over the adjoining property of
2 179 Troy Schenectady Road. Such proof must be
3 provided prior to final stamping of any such final
4 site plans for the subject parcel; and be it further

5 5. The granting of the open development area
6 does not relieve the applicant from compliance with
7 all other underlying COR zoning list of permitted
8 uses, dimensional requirements, or applicable
9 environmental, building and Land Use Law
10 requirements; and be it further

11 6. The owners of the proposed 2.25 acre subject
12 parcel and buildings to be constructed thereon,
13 their heirs, assigns and successors in interest
14 shall be fully responsible for all maintenance,
15 upkeep, required improvements, snow plowing,
16 etcetera of the private drive which abuts and
17 provides access to the subject property.

18 CHAIRMAN STUTO: Thank you.

19 Any discussion by the Board on this?

20 (There was no response.)

21 Do we have a motion to approve this Resolution?

22 MS. MILSTEIN: I'll make the motion to approve.

23 MR. SHAMLIAN: I'll second.

24 CHAIRMAN STUTO: Any discussion?

25 (There was no response.)

1 All those in favor say aye.

2 (Ayes were recited.)

3 All those opposed say nay.

4 (There were none opposed.)

5 The ayes have it.

6 Thank you.

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10 (Whereas the above entitled proceeding was

11 concluded at 7:07 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 March 2, 2015

