

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 PUBLIC HEARING
DEMOLITION - 69 HOMEWOOD AVENUE

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7 THE STENOGRAPHIC MINUTES of the above entitled
8 Matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on June 23, 2015 at 7:01 p.m. at
The Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 LOU MION
13 KATHY DALTON
14 TIMOTHY LANE
15 BRIAN AUSTIN
16 CRAIG SHAMLIAN

17 ALSO PRESENT:
18 Rebekah Nellis Kennedy, Esq., Town Attorney's Office
19 Joe LaCivita, Director, Planning and Economic Development
20 Paul Shepard, Manager, Building Department

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1 CHAIRMAN STUTO: Welcome to the Town of Colonie
2 Planning Board. The clock says 7:05, so we'll start
3 with the second item.

4 The first item has been postponed for two weeks.

5 The second item is the public hearing demolition of
6 69 Homewood Avenue presented by the Town Attorney's
7 office. This is a hearing, so if anybody wants to
8 speak, please sign in on the white sign-in sheet on the
9 this item.

10 We have Rebekah Kennedy.

11 Do you want to make a presentation on this and tell
12 us what our duties are?

13 MS. NELLIS KENNEDY: This is a hearing in relation
14 to a Town Board Resolution which ordered the demolition
15 and removal of the building and structures located at 69
16 Homewood Avenue, pursuant to Article 3 of Chapter 62 of
17 the Town Code.

18 This is an issue that goes back to 2006, but
19 earlier this year in, I believe, early April there was a
20 report from the Building Department in which the
21 Building Department reported that the structure was
22 partially collapsed and it was in a state of major
23 disrepair.

24 In April 23, 2015 the report from the Commissioner
25 of Public Works reports to the Town Board, which was in

1 your packet, indicated that the structure is collapsed
2 and unsafe, that it has been in continued disrepair for
3 a number of years, that the property appears to be
4 abandoned and creates a hazard and nuisance to the
5 neighborhood and adjoining landowners and that steps
6 have been taken to contact the owner who has refused to
7 respond. That report recommended demolition.

8 On April 30, 2015 the Town Board made findings that
9 the property and the structure on it were unsafe and
10 dangerous and the structure must be demolished and
11 removed. That Resolution is also in your packets.

12 The Notice to Repair and Demolish was served on Mr.
13 Peter Forman both by certified mail, which was not
14 accepted and regular which was not returned to the Town,
15 and the notice was posted at the structure. The notice
16 of repair and demolish was filed at the Albany County
17 Clerk in a notice of pendency.

18 We now ask the Planning Board to uphold the Town
19 Board's findings related to this parcel. Demolition may
20 be ordered if any of the following factors are met of
21 the Town Code: That is that a building structure,
22 equipment or site is or may become dangerous or unsafe
23 to the general public; or an object of attraction to
24 youths under 16 years of age or to vagrants or other
25 trespassers; that it is or may become a place of rodent

1 infestation; that presents any other danger to the
2 health, safety, morals and general welfare of the public
3 or is unfit for the purposes for which it may be
4 lawfully used.

5 If the Planning Board finds that any of these
6 conditions have been met, it may uphold the Town Board's
7 findings that the parcel and the structure on it are
8 unsafe and dangerous and that the structure must be
9 demolished and removed.

10 I can answer any questions you may have related to
11 this property and the Building Department Manager, Paul
12 Shepard is also here to answer any questions you may
13 have.

14 CHAIRMAN STUTO: Are there any members of the
15 public that want to be heard on this particular one?

16 (There was no response.)

17 Mr. Shepard, do you have anything that you want to
18 add to that?

19 MR. SHEPARD: We have done several inspections
20 there and the building is collapsed. It is dangerous.
21 If any kids got in there and started fooling around,
22 they could start a fire. The building could collapse
23 further. It's a blight to the neighborhood. We've had
24 no success in contacting the owner of the property after
25 years of trying to touch base with him.

1 CHAIRMAN STUTO: The picture seems to paint a
2 thousand words here.

3 MR. SHEPARD: Exactly.

4 MR. LACIVITA: You may remember that we did this
5 once before to on the Route 32 corridor when we had an
6 unsafe building. The Town Attorney's office had done
7 the exact same thing. This does happen from time to
8 time that we are asked to do such an action.

9 CHAIRMAN STUTO: Any questions from the Board?

10 (There was no response.)

11 I don't know what that language is in front of us.
12 Do we have to make findings? You can propose a motion.

13 MS. NELLIS KENNEDY: I would propose that the
14 Planning Board uphold the Town Board's findings that the
15 building and structure on the property are unsafe and
16 dangerous and must be demolished and removed.

17 MS. DALTON: I have a question. After we demolish
18 the property, does the property owner continue to own
19 the property or does it revert to us?

20 MS. NELLIS KENNEDY: No, Peter Foreman continues to
21 own the property. He is the current owner and he is up
22 to date with his taxes. The Town would seek to put a
23 lien on the property for the cost of demolition.

24 MS. DALTON: So, we would make that money back, if
25 he ever sells the property?

1 MS. NELLIS KENNEDY: Essentially, yes.

2 CHAIRMAN STUTO: Or if they foreclose on the
3 property.

4 MS. NELLIS KENNEDY: Exactly.

5 CHAIRMAN STUTO: And there will be interest
6 accruing on it too, I assume.

7 MS. NELLIS KENNEDY: Yes.

8 CHAIRMAN STUTO: Anybody want to make the motion,
9 as proposed by Rebekah Kennedy?

10 MR. MION: I'll make that motion.

11 MS. DALTON: I'll second it.

12 CHAIRMAN STUTO: Any discussion?

13 (There was no response.)

14 All those in favor say aye.

15 (Ayes were recited.)

16 All those opposed say nay.

17 (There were none opposed.)

18 The ayes have it.

19 Thank you.

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22 (Whereas the proceeding was concluded at 7:10 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 August 5, 2015

