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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

THREE UNIT APARTMENT ADDITION
2194 CENTRAL AVENUE
APPLICATION FOR WAIVER REQUEST

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on December 5, 2017 at 8:07 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
BRIAN AUSTIN
LOUIS MION
CRAIG SHAMLIAN
STEVEN HEIDER
SUSAN MILSTEIN

ALSO PRESENT:

Kathleen Marinelli, Esq, Counsel to the Planning
Board
Joseph LaCivita, Director, Planning and Economic
Development Department
Michael Tengeler, Planning and Economic Development
Department
Ted DeLucia
Angela Jennings

1 CHAIRMAN STUTO: Next item on the agenda is
2 Three Unit Apartment Addition, 2194 Central Avenue,
3 application for waiver request, three unit apartment
4 building on an existing mixed-use lot.

5 MR. TENGELER: Peter, before we start, I'm just
6 going to pass out a letter from the owner that he could
7 not attend the meeting tonight.

8 CHAIRMAN STUTO: Mike, do you have any comments
9 on this before we get going?

10 MR. TENGELER: Yes. The Board has seen this for
11 sketch plan review back in February 2017. It is an
12 existing parcel that has various buildings on it now.
13 There is a space in the back that actually has frontage
14 to Arrow Street. This is a proposal for a three unit
15 apartment building.

16 The density was granted by the ZBA through
17 variances in 2017. After that meeting they came here
18 and made a sketch plan presentation. The Board looked
19 at the proposal and understood what the three waivers
20 were. There were no fundamental issues at that time.

21 There was a concern about the parking and
22 proximity to Arrow Street and the lack thereof at that
23 time. The Board voiced that to the applicant.

24 The applicant went back to the ZBA again to
25 request greater parking in the front yard due to the

1 setbacks. They received that variance.

2 They are back for final approval.

3 You will see in your packets that there is a
4 record about DPW and Planning reviews, our SEQR
5 recommendation and sign-off and all the other
6 appropriate agencies that have been consulted.

7 At this time, I will hand it over to Ted
8 DeLucia to give a full presentation.

9 CHAIRMAN STUTO: Can you go over the projects
10 and what the waivers are?

11 MR. DELUCIA: Absolutely. I just want to make
12 one correction. We went to the Zoning Board one time and
13 it was for the setback variance for the parking in
14 front. We did not go there for a density issue.

15 Doing the formula, this parcel would allow a
16 four unit building, but we just did not want to build
17 something that large in the space that was provided.
18 So, we made it a three unit building. There is no
19 density variance requested. It was that the parking
20 was 25 feet closer within the setback to the
21 residential structure.

22 CHAIRMAN STUTO: Do we have the drawing? We
23 have a drawing here from 2014. Is that what is being
24 proposed by O.J. Meyer?

25 MR. DELUCIA: Yes. Chris Meyer is here with

1 O.J. Meyer if there are any questions.

2 Just to summarize, we were here quite some
3 time ago to start the projects. We had permits from
4 the Board.

5 Again, we went back for the variance. I think
6 it was in June. The comments that we heard from the
7 Board the first time where that they wanted all the
8 parking to be closer to the unit, if you will. We have
9 some shared parking because we have enough parking
10 spaces here to facilitate what we need for the
11 building.

12 Also a comment was made that we want to have
13 some more green space. So, we relocated dumpsters. We
14 actually cut down the display area of a very small car
15 lot here (Indicating) that only seems to house about
16 five cars at a time for sale. That is part of the
17 retail building in the front. When you shorten the
18 parking area down, we could move the dumpster over
19 here and we added more green space (Indicating).

20 We did a lot of changes around this building.
21 We will remove concrete aprons that are not necessary.

22 We also added some more arborvitaes
23 throughout this whole area here for blockage and that
24 was recommended the last time we were here. We
25 provided some residential amenities. We put picnic

1 tables in the back and a bike rack over on the side
2 here and this is going to have our own residential
3 pickup here for refuse.

4 Even though this seems to be a little large
5 on the site plan, that is not really the size of the
6 footprint. There are cut ends from porches and things
7 like that. This is the illustration of the building
8 that you have there. It is one story level in the
9 front with a two-story façade for the second floor -
10 one unit. It is transitional from the commercial to
11 residential.

12 We do have a letter that provided to you from
13 the owner because he couldn't be here tonight.

14 CHAIRMAN STUTO: What are the three waivers?

15 MR. TENGELER: Yes, there are three waivers.
16 They all kind of tie into each other. One is for the
17 maximum building setback on Arrow Street. This has two
18 front yards; one is on Arrow Street and one is on
19 Central Avenue.

20 There is one waiver for new parking within a
21 front yard building setback. Again, there is parking
22 being proposed for the three unit in the front of
23 Arrow Street.

24 Also, there is a front yard pavement setback
25 from Arrow Street partly due to the increase of

1 pavement that they are proposing for new parking.
2 It's closer to Arrow Street than what the Code allows.

3 MR. DELUCIA: Arrow Street is narrow. I have
4 provided some photos and this is actually what we are
5 seeing throughout the street. There are sporadic
6 two-families throughout this neighborhood, as well.

7 Due to the waiver scenario, our closest
8 neighbor at 8 -- this is the outline of their home.
9 It's a considerable distance back off Arrow Street. If
10 we were to have the parking in the back, it would be
11 adjacent to her home and also it would be basically in
12 the back yard of this home over here at 1. I believe
13 that is Lansing.

14 When I went there to do the postings - I have
15 five signatures from the neighbors that are adjoining
16 that are in favor of the project. They don't want the
17 parking in the back. They don't have a problem at all
18 with parking in the front. They were very receptive of
19 the design of the building. Not that it's for this
20 venue, but most of what they wanted to talk to me
21 about was the building across the street which is a
22 terrible eyesore. I felt that I needed to take a
23 picture, but I know that is not for this Board to
24 discuss.

25 Another reason why we can't flip this around

1 is the engineering aspect of this.

2 We are using Advance Engineering, Nick Costa,
3 to do this project if we get that far. So, they went
4 out and did some calculations already, some borings
5 and elevations. Chris can really comment more about
6 that but if this was approved, we would have to go
7 through the design to make it work. We can't do it in
8 the back. Excuse me, we can't have parking in the back
9 with the drainage analysis and system in the front
10 because it can't go anywhere. The elevation to the
11 catch basin on Central Avenue is too high. I don't
12 know if you want to get into that technical end, but
13 Chris can actually comment on that.

14 I did get an email from Mr. Costa today
15 saying more to it than that, but I don't have the
16 letter from him due to the timing. So, the project
17 won't work if we can't have the parking where we have
18 it.

19 CHAIRMAN STUTO: Okay, we have a neighbor here.
20 I think that she lives on Arrow. Angela Jennings?

21 MS. JENNINGS: Right, I run the whole length of
22 his one side.

23 CHAIRMAN STUTO: Right, I see that lot goes all
24 the way to both streets.

25 MS. JENNINGS: As a matter of fact I'm looking

1 at my window right here and I'm like five feet from
2 their grass.

3 I have everybody's comments on my paper from
4 my neighbors who belong to all the property lines and
5 behind and in front across the street. They all agree
6 that the parking needs to be in the front, like all
7 the rest of our driveways on our street.

8 CHAIRMAN STUTO: It is in the front on Arrow.

9 MS. JENNINGS: Right, that's what we talked
10 about last time we were here. So, everybody agrees with
11 that because everybody has beautiful stuff going on in
12 their back yards. We don't want to see a parking lot.
13 This man that lives right here (Indicating) has a
14 beautiful gazebo.

15 This is John. John has been here --
16 grandfathered in. He just put a modular home in and
17 beautiful trees right here (Indicating). He doesn't
18 want this parking lot and blacktop.

19 My house is right here (Indicating). Here is
20 where you are going to be building your project. I'm
21 going to look out my window and I don't want to see
22 blacktop either. We all want to see grass. So, when
23 we are in our yards we can all enjoy our back yards
24 with their back yard which make sense, right - that
25 everybody has parking in front? When these people move

1 in, they can have picnic tables in the back and
2 grills.

3 CHAIRMAN STUTO: So, you are in agreement the
4 way that it's laid out there?

5 MR. JENNINGS: Yes, but here is one thing that
6 I'm worried about. You were just mentioning the water
7 line - the drainage.

8 The person who just built the house behind me
9 on the right side - his name is Frank something. He
10 was the owner and he also built it. Whoever gave him
11 the way to build that hump in the ground behind the
12 person's house - he hit my water thing where my sump
13 pump comes out. So, every time my sump pump goes off,
14 the guy in the back who owns the new house said it's
15 like a fountain of youth. It's coming right up in the
16 air like five feet.

17 I don't want to get screwed in the front by
18 these guys and in the back I'm drowning and I've been
19 there since 1990.

20 I put a lot of money into this house.
21 Everything here is all new. I worked really hard. My
22 husband is in heaven. This is my sanctuary and
23 everybody is coming in at me and I really hope John -
24 when you said there is 10 feet and he only had 7 feet
25 to put his new house in there, I signed off on that. I

1 signed off in the back. I don't know who that guy is.
2 I told the guy who owns the place - him and his
3 girlfriend, I said, you guys have to notify that
4 person. He goes, well, the Town passed that. It's not
5 working because he's drowning in his back yard. My
6 thing is going up. He stuck a thing in there - like
7 one of those things that twirl around. He says that
8 the water comes up five feet high.

9 CHAIRMAN STUTO: I'm not sure he can address
10 that.

11 What is your concern about the parking?

12 MS. JENNINGS: We're all happy about the
13 parking in the front, if it's got to happen. If this
14 building is going to go in here and they are going to
15 snugly put it in here in this area, we don't want this
16 blacktop. We want it in the front because we all want to
17 enjoy our neighboring lines with him - with our own
18 houses and our own decks and our own picnic tables. Do
19 you understand?

20 If you guys went home and you went home to a
21 parking lot -- I mean, we are in a nice section. We
22 want to keep it that way. We all pay taxes and we all
23 work hard to keep our place nice. I'm sure that you
24 wouldn't want headlights coming in your dining room or
25 living room at night. Otherwise, we are very much okay

1 with that.

2 CHAIRMAN STUTO: Okay, thank you. We appreciate
3 it.

4 Any other further comments from the Board?

5 (There was no response.)

6 Okay, we have a waiver Resolution in front of
7 us.

8 Mike, can you read the title and the
9 resolves?

10 MR. TENGELER: Waiver Resolution, New
11 Three-Unit Building, Laundry Room Addition/2194 Central
12 Avenue, Land Use Law Waiver Findings.

13 Now therefore be it resolved, the Board
14 hereby recognizes the granting of these waivers to
15 allow parking within the front yard building setback
16 of Arrow Street, new pavement five feet from the front
17 lot line of Arrow Street and important natural
18 resources; conserve farmland; create recreational or
19 wildlife trail corridors; the preservation of historic
20 resources; or protected view sheds or scenic roadways;
21 and be it further resolved the Board hereby find the
22 waiver requests reasonable to allow the further
23 development of the site and grants the waiver request
24 to allow parking within the front yard building
25 setback of Arrow Street; and be it further resolved

1 the Board hereby grants the waiver to allow the
2 further development of the site and grants the wavier
3 request to allow parking within the front yard
4 building setback of Arrow Street and be it further
5 resolved, the Board hereby grants the waiver to allow
6 new pavement to be five feet from the Arrow Street
7 front lot line; and be it further resolved the Board
8 hereby grants the waiver to allow for a building
9 setback greater than 20 feet from the Arrow Street
10 front lot line; and be it further resolved, these
11 waiver findings be kept in the project file in the
12 office of the Planning and Economic Development
13 Department.

14 CHAIRMAN STUTO: We'll ask the stenographer to
15 put the entire Resolution into the record.

16 Do we have a motion on the Resolution?

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

18 MR. HEIDER: Second.

19 CHAIRMAN STUTO: Any discussion?

20 (There was no response.)

21 All those in favor, say aye.

22 (Ayes were recited.)

23 All those in favor, say nay.

24 (There were none opposed.)

25 The ayes have it.

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(Whereas the above entitled proceeding was
concluded at 8:15 p.m.)

CERTIFICATION

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I, NANCY L. STRANG, 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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

