

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 SHELTER COVE PDD  
5 45 NANTUCKET STREET  
6 REQUEST TO AMEND THE SETBACK  
7 FOR RESIDENTIAL HOME

8 \*\*\*\*\*

9 THE STENOGRAPHIC MINUTES of the above entitled matter  
10 by NANCY L. STRANG, a Shorthand Reporter commencing  
11 on December 4, 2018 at 8:00 p.m. at The Public  
12 Operations Center, 347 Old Niskayuna Road, Latham,  
13 New York

14

15 BOARD MEMBERS:  
16 PETER STUTO, CHAIRMAN  
17 KATHLEEN DALTON  
18 LOU MION  
19 STEVEN HEIDER  
20 SUSAN MILSTEIN  
21 BRIAN AUSTIN

22

23 ALSO PRESENT:

24 Joseph LaCivita, Director, Planning and Economic  
25 Development Department  
James Easton, PE, M.J. Engineering

26

27

28

29

30

31

32

33

34

35

1                   CHAIRMAN STUTO: We have one more item on the  
2 agenda. I am recusing myself from that. So, Brian, do  
3 you mind calling this one up?

4                   MR. AUSTIN: Sure.

5                   CHAIRMAN STUTO: I will be leaving this room.

6                   (Chairman Stuto exited the room.)

7                   MR. AUSTIN: The last item on our agenda  
8 tonight is Shelter Cove PDD, 45 Nantucket Street - I  
9 believe that is the correct address. It is not Avenue,  
10 as mentioned on the agenda. The request is to amend the  
11 setback for residential home and it is presented by M.J.  
12 Engineering.

13                   MR. EASTON: Good evening, Board. My name is  
14 Jamie Easton and I am with M.J. Engineering. I am here  
15 to talk about Lot 45. It is one particular lot in the  
16 Shelter Cove PDD.

17                   It is located on this overall map, as you can  
18 find it. It is on the corner of Cove Road and  
19 Nantucket Street.

20                   Originally, as part of the PDD legislation,  
21 there were requirements that were granted by this  
22 Planning Board going through the process and during  
23 the Town approval of the PDD process. So, what we have  
24 here is the Town Code required during the PDD a 15  
25 foot front yard setback in a 5 yard side setback. That

1 was as per the PDD Code requirements. That is what we  
2 did. That is what is shown on the approved subdivision  
3 plans. Some of the design aspects of this had a rear  
4 alley on the backside of Cove Road, for those houses  
5 that front part of the PDD legislation, we kind of  
6 also explored what you could physically build. So, we  
7 know there is an alley way back there. We want enough  
8 space between the edge of pavement of the alley way  
9 and the rear of the garage. That was determined to be  
10 18 feet. That's what we incorporated in the final  
11 plans. We know it wasn't part of the subdivision or  
12 the PDD process or approval process, but that was a  
13 condition through Planning that they wanted done so  
14 that the cars were not sticking out in the alleyways  
15 and getting hit. At the time, we kind of looked at  
16 those things and we didn't realize some of these other  
17 impacts of the PDD legislation that was started, I  
18 believe, in 2006. It was a long time ago. So, some of  
19 these things kind of came up.

20 On Lot 45, as we looked at it - I gave you a  
21 sheet with the proposed foundation plan. You can kind  
22 of see where the 15 foot setback on the two frontages  
23 on the corner of Cove Road kind of clips the corner of  
24 the rear foundation of the building, while still  
25 maintaining the 15 foot front and still maintaining

1 the rear and the 5 foot side setback. Some of the  
2 problem and the reason why is that Cove Road is a  
3 little bit of an angle. It is not perfectly square.  
4 So, because of that angle, this lot got a little bit  
5 smaller compared to the other ones and then trying to  
6 stick a standard foundation in it for the standard  
7 house caused a problem. So, that's why you barely see  
8 it clipping the edge on the backside of the property.

9 So, what we are asking for is the Planning  
10 Board - make a determination or make a recommendation  
11 to the Town Board whether they would like to see this  
12 one and only front yard setback on Cove Road only for  
13 Lot 45 only to be changed from 15 foot to 12 foot.  
14 That's what we are asking for. I just wanted to give  
15 the background information on it. Most of these lots,  
16 especially on Nantucket, were all 50 foot in width and  
17 again because of that road angle, it cost us that one  
18 problem - that little area in the back. Most of the  
19 rest of the carriage home lots - they start getting a  
20 little bit bigger and wider so this concern - - I  
21 don't anticipate this concern coming up again with  
22 this Board. Thank you.

23 MR. AUSTIN: Thank you very much.

24 Joe LaCivita, any comments from the Planning  
25 Department on this project?

1                   MR. LACIVITA: I think Jamie summarized it very  
2 well and the Resolution that is in your packets kind of  
3 supports the fact that the Resolution is being made  
4 specific to the site amendment to 45 Nantucket. We  
5 talked to the Building Department. We talked to the  
6 applicant. We are in support of it because again, it's  
7 not going to change the PDD. It's not changing the  
8 characteristic of the intent of the PDD. It's shifting  
9 the building setback just ever so slightly. So, we  
10 recommend the Resolution that is before the Board.

11                   MS. MILSTEIN: Well, it is an internal road  
12 anyway.

13                   MR. LACIVITA: It is. It is an internal road -  
14 a private road and we don't have any concern with it.

15                   MR. AUSTIN: I don't believe we have any  
16 comments from the public on this. That's not necessary.

17                   Any comments from the Board?

18                   (There was no response.)

19                   MR. LACIVITA: Before we take a motion, I would  
20 just like to read, as we typically do, the  
21 recommendation to the Town Board. You have a copy of it.

22                   Nancy, I'm going to give you one for your  
23 records.

24                   It is the recommendation of the Planning  
25 Board and required findings for the amendments of the

1 plan development district known as Shelter Cove at  
2 1308 Loudon Road, a site-specific amendment to 45  
3 Nantucket Street.

4 I would just read a couple of the whereas  
5 clauses.

6 Whereas Shelter Cove PDD adopted in 2013 is  
7 under construction has made an application to the Town  
8 Board to amend the original PDD for 45 Nantucket  
9 Street. Whereas the Town Board reviewed such request  
10 and adopted Resolution 474 of 2018 on November 29.  
11 Whereas the amendment is specific to the parcel known  
12 as 45 Nantucket Street, due to setback of a  
13 residential unit.

14 Now therefore be it resolved the Planning  
15 Board has reviewed the application for the Town at the  
16 Planning Board meeting held on December 4, 2018.

17 Be it further resolved that the Planning  
18 Board recommends the approval of the amendment is  
19 being requested as a creates no additional density to  
20 the overall PDD originally approved. The amendment  
21 being sought is specific to the address of 45  
22 Nantucket Street. The revised setback is only allowed  
23 for this location and not to be standard for this PDD.  
24 This Resolution shall take effect immediately and  
25 shall be transmitted to the Supervisor and members of

1 the Town Board.

2 MR. AUSTIN: We will have the entire Resolution  
3 put into the minutes by the stenographer.

4 MR. MION: Shall we state the amount of the  
5 change in there, Joe?

6 MR. LACIVITA: We can. I have no problem doing  
7 that. I do have this as the attached - to my Resolution  
8 to the Town Board.

9 Jamie, we can make that specific to say:  
10 whereas -

11 MS. DALTON: The amendment is specific to the  
12 parcel known as 45 Nantucket Street due to the setback,  
13 a residential unit and therefore must be reduced to 12  
14 feet from the original 15 feet.

15 MR. EASTON: The setback on Cove Road would  
16 only change from 15 feet down to 12 feet. That is what  
17 we are asking. Only the frontage on 45 Cove Road.

18 MR. AUSTIN: Okay, we have a recommendation  
19 Resolution before us. I'll entertain a Resolution to  
20 that motion.

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

22 MR. MION: With the changes.

23 MS. DALTON: Yes, with the changes.

24 MR. AUSTIN: Second?

25 MR. MION: Second.

1 MR. AUSTIN: All those in favor, say aye.

2 (Ayes were recited.)

3 All opposed?

4 (There were none opposed.)

5 The motion carries.

6 (Where is the above entitled proceeding was  
7 concluded at 8:08 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATION

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

