

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 44 WATERFORD AVENUE EAST

5 REFERRAL TO TOWN BOARD TO REZONE

6 FROM SINGLE-FAMILY RESIDENTIAL

7 TO MULTI-FAMILY RESIDENTIAL

8 *****

9 THE STENOGRAPHIC MINUTES of the above entitled
10 matter by NANCY L. STRANG, a Shorthand Reporter
11 commencing on July 21, 2020 at 6:00 p.m. at
12 Memorial Town Hall 534 New Loudon Road, Latham,
13 New York.

14

15 BOARD MEMBERS:

16 PETER STUTO, CHAIRMAN

17 CRAIG SHAMLIAN

18 PAUL ROSANO

19 SUSAN MILSTEIN

20 STEVEN HEIDER

21 LOUIS MION

22 FREDERICK ASHWORTH

23

24 ALSO PRESENT:

25 KATHLEEN MARINELLI, ESQ. COUNSEL TO THE BOARD

1 SEAN MAGUIRE, AICP, CEcD, DIRECTOR, DEPARTMENT
2 OF PLANNING AND ECONOMIC DEVELOPMENT

3 ZACHERY HARRISON, PLANNING AND ECONOMIC
4 DEVELOPMENT

5 NIA CHOLAKIS, ESQ., MARINI HOMES

6 ADAM LEONARDO, MARINI HOMES

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1 CHAIRMAN STUTO: Welcome to the Town of
2 Colonie Planning Board. We will try not to get
3 too loud because we just got a big improvement
4 on our microphone system.

5 Thank you everyone for spreading out
6 and wearing a mask because of our Covid
7 situation.

8 I think, for the record, all seven
9 members are here of the Planning Board.

10 The first item on the agenda is report
11 of Planning and Economic Development
12 Director and that would be Sean McGuire.

13 Sean, I would just turn it over to you.

14 MR. MAGUIRE: I will just remind folks of
15 the set up in the room. Everyone will remain
16 masked and we have a capacity to maximize that
17 25 so once all the chairs are filled, we will
18 hold people back until the case that they're
19 interested in is brought forward.

20 CHAIRMAN STUTO: And we have some empty
21 seats, so we're okay right now.

22 MR. MAGUIRE: So, in my report this week
23 or this meeting I bring to the Planning Board a
24 review of a rezoning request for 44 Waterford
25 Avenue East. This is a referral from the Town

1 Board requesting that the Planning Board make a
2 recommendation to on a request to rezone
3 approximately 2.35 acres located at 44
4 Waterford Avenue East from single-family
5 residential to multi-family residential with
6 the intent to construct four two-family homes.
7 The site is currently zoned single-family
8 residential.

9 If a representative is here to make the
10 case, I would invite them to come up to the
11 podium.

12 MS. CHOLAKIS: Good evening. My name is
13 Nia Cholokis with Rossetti development, Adam
14 Leonardo is also here to answer any additional
15 questions which I may not be able to answer.

16 As Mr. Maguire indicated, this is a
17 2.35-acre parcel located at 44 Waterford
18 Avenue East which generally is south of
19 Route 2 and east of the Northway. The
20 property -- I know he indicated four
21 two-family homes. What I would like to say
22 is it's really eight attached
23 single-families.

24 CHAIRMAN STUTO: This is eight separate
25 lots, in the end, right?

1 MS. CHOLAKIS: Correct. We are here
2 because the Town Code now indicates that
3 townhomes are in fact, no longer classified as
4 single-family residences. So, these are
5 proposed to be single-family residences on
6 separate lots and attached by a party-wall so
7 that each building contains two homes.

8 I think again the information that you
9 should have in your packet indicates that
10 this property is also immediately adjacent
11 to the Woodlands Apartment complex which is
12 between 100 and 200 apartment units. We
13 would be looking to have the line
14 essentially expanded to include our parcel.

15 The parcel across the street, which
16 again is in your packet, contains I believe
17 two or three-family homes down the street at
18 23 Waterford which is also a two-family
19 home.

20 On Utica Avenue - the information that
21 I was able to get - I'm not 100% sure, but
22 the information that I was able to glean
23 indicates that there is at least a
24 two-family home at 18 Utica Avenue and may
25 actually be a three or four-family home in

1 two buildings. The nature of this
2 neighborhood, in my opinion, is mixed-use.
3 It's kind of just over the course of time
4 evolved into that.

5 The property before the 2007 rezone was
6 a residential B-2 which allowed what we are
7 asking to do right now. When it was rezoned
8 in 2007, some homes were already two-family
9 homes in that district in that location and
10 others have received use variances over the
11 course of the past number of years including
12 the most recent use variance which was
13 obtained by Mr. Tentour [sic] at 23
14 Waterford Avenue. So, what we are looking to
15 do is what we think is consistent with the
16 neighborhood. We are certainly willing to
17 listen to whatever questions, or issues or
18 concerns you may have to make sure these
19 look like, in fact, single-family homes.

20 The nature of the materials, the
21 landscaping and other amenities, again, we
22 are not looking to detract from the
23 neighborhood. We are looking to enhance the
24 neighborhood.

25 CHAIRMAN STUTO: I will start with an

1 initial question and then we will go across the
2 Board with everybody else.

3 How many houses can you get in there
4 under the current zoning?

5 MR. LEONARDO: Four single-family homes.

6 CHAIRMAN STUTO: Is it 18,000 minimum lot
7 size?

8 MR. LEONARDO: Yes.

9 CHAIRMAN STUTO: Okay, we will go down the
10 Board. Paul, would you like to start?

11 MR. ROSANO: No, I am all set, Peter.
12 Thank you.

13 CHAIRMAN STUTO: Craig?

14 MR. SHAMLIAN: So, is there actually no
15 frontage to meet -

16 MR. LEONARDO: For single family, yes;
17 80-foot frontage.

18 MR. SHAMLIAN: Are there neighbors here?

19 CHAIRMAN STUTO: No, I think you raise an
20 issue. Do you want to discuss whether or not
21 the neighbors were notified?

22 MR. MAGUIRE: There was no neighbor
23 notification here because there was a question
24 about the Town Code who had the responsibility
25 to do the neighborhood notification. Initially

1 it was believed that the Town Board during
2 their public hearing would do the notification.
3 I received a second read of that today actually
4 that said the Planning Board would also need to
5 do notification. So, we would need to table
6 this tonight and do notification and bring it
7 back if the Board would want to approach it
8 that way.

9 MR. SHAMLIAN: Okay, personally I would
10 like to know whether any of the neighbors,
11 especially the neighbors that have
12 single-family homes there - whether any of them
13 object to it. They rightfully purchased their
14 homes in that area conceivably with the
15 understanding that there would be other
16 single-family homes there and not more
17 townhouses. I understand we are looking at
18 townhouses here, but personally I'm not
19 prepared to take a vote tonight if that's we're
20 looking to do.

21 CHAIRMAN STUTO: I think we're looking to
22 table this.

23 Susan?

24 MS. MILSTEIN: My comment is you're
25 looking to use properties that allowed for

1 zoning change. However, on Utica Avenue, behind
2 it is all single-family. I think that's being
3 disregarded when you're viewing the other
4 properties as townhouses. I too think it should
5 be tabled at this time.

6 MS. CHOLAKIS: Can I respond to that?

7 CHAIRMAN STUTO: Sure.

8 MS. CHOLAKIS: So, I indicated and I think
9 it's in your packet that at least one homeowner
10 - I think it's actually two homes that are
11 located at 18 Utica Avenue which is behind -
12 and to the right, if I'm standing facing the
13 property -- I think there are two two-family
14 homes right on Utica Avenue and frankly I kind
15 of just looked in the general vicinity of where
16 the property was. We could certainly go back
17 and look to see - widen the search of that and
18 see what other additional homes other than
19 single-family homes -- but there is at least
20 that one location on Utica Avenue that I'm
21 aware of.

22 MS. MILSTEIN: I'm more concerned about
23 the single-family homes that are there.

24 MS. CHOLAKIS: Right, but right next door
25 to the single-family lots is multi-family.

1 MS. MILSTEIN: I see that.

2 CHAIRMAN STUTO: Chief?

3 MR. HEIDER: First of all, I vaguely
4 remember when the three-family got approved
5 because it caused that quite a stir in the
6 neighborhood because on the other side there's
7 also another three-family close to the
8 Northway.

9 I think you should check the notes from
10 that, Sean, and look at the history there. I
11 think the neighborhood was quite thoughtful
12 about it.

13 On the other hand, what it looks like
14 today - as to Susan's questions what it
15 looks like today - these are heavily treed
16 lots and I think if they leave the trees, I
17 don't think they will even see these houses.

18 MR. LEONARDO: I think there's also a
19 large elevation change.

20 MR. HEIDER: Correct, again I'm just
21 concerned about the neighborhood because when
22 that three-family went in, there was some
23 concern.

24 I have no problem with four
25 two-families.

1 MS. CHOLAKIS: I think there is a
2 two-family and three-family across the street.

3 CHAIRMAN STUTO: Lou?

4 MR. MION: I would just be repeating what
5 the Chief just said. I like the idea, but I
6 think we should hear from the residents.

7 CHAIRMAN STUTO: Chip?

8 MR. ASHWORTH: I don't have a problem with
9 them, but I would like to reserve judgment
10 until we hear from the neighbors.

11 CHAIRMAN STUTO: I think that's it.

12 MS. CHOLAKIS: Thank you, very much.

13 (Where's the above entitled proceeding
14 was concluded at 6:13 PM)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter
and Notary Public in and for the State of
New York, hereby CERTIFIES 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.

Date: _____

Nancy L. Strang
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