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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

ON THE FARM
271 TROY-SCHENECTADY ROAD
APPLICATION FOR WAIVER FROM FRONT YARD SETBACK

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on March 15, 2011 at 7:08 p.m. at the
Public Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- LOUIS MION
- KATHY DALTON
- MICHAEL SULLIVAN
- ELENA VAIDA, ESQ., COUNSEL TO THE PLANNING BOARD

Also present:

- Joe LaCivita, Director, Planning and Economic
Development
- Nick Huban, Landowner
- Stanley Kutryb

1 CHAIRMAN STUTO: We're going to proceed
2 with On the Farm.

3 I understand that one of the
4 representatives is going out for a drawing on
5 the elevations.

6 Joe, if you could get us started with a
7 presentation on that?

8 MR. LACIVITA: Sure. The first project
9 that we have on tonight is On the Farm, which
10 is located at 271 Troy-Schenectady Road. The
11 application before us is for the review of a
12 waiver from the front yard setback.

13 On the Farm has been in business for
14 probably the past 25 years. It exists in a COR
15 district zoning. Currently, the building sits
16 back about 50 feet from the property line and
17 from the street. In the COR design standards,
18 it asks for a 22 setback. The building, like I
19 said, currently sits about 50 feet back. The
20 addition is under a minor application review
21 in our department. The addition is only
22 1,048 square feet, which is an addition to the
23 footprint. That makes it a minor application
24 which is under our review. So, that's only
25 going to make the building about 18 feet

1 closer in that setback design standard. So, we
2 are here before the Board tonight asking for a
3 waiver for the minimum of 20 feet from the
4 front yard setback. That's the waiver that
5 will be before you this evening.

6 MR. STUTO: Okay, there is an existing
7 building that they're building an addition to;
8 correct?

9 MR. LACIVITA: Correct.

10 CHAIRMAN STUTO: There is no board up, so
11 we don't have the benefit of that.

12 MR. LACIVITA: Mr. Huban is here tonight
13 to answer any questions of the Board as to
14 what he is trying to do. I know that his son
15 is actually heading home and looking to bring
16 in an elevation of the project. That should
17 hopefully be here soon.

18 CHAIRMAN STUTO: I want to ask a
19 question. How did the original building - the
20 one that's being built around - how did that
21 avoid the setback requirement?

22 MR. LACIVITA: Actually, 25 years ago the
23 setbacks were much different from the zoning
24 as compared to where we are today.

25 Nick can certainly articulate any

1 changes.

2 MR. HUBAN: When I put that building up,
3 we were actually going to put it too close to
4 the road and I had to get a variance for the
5 50 feet. This is totally the opposite.

6 CHAIRMAN STUTO: Okay, understood.

7 Any questions from the Board?

8 MS. DALTON: None, thank you.

9 CHAIRMAN STUTO: Lou?

10 MR. MION: No.

11 CHAIRMAN STUTO: Mike, you want to see
12 the elevation, right?

13 MR. SULLIVAN: I would like to see the
14 elevation, but I also had one question.

15 Is there another building that's being
16 demolished to make room for the additional
17 parking?

18 MR. HUBAN: No, sir.

19 MR. SULLIVAN: Do you have a storage shed
20 or something?

21 MR. HUBAN: That's being moved out of
22 there.

23 MR. SULLIVAN: Okay, that was the only
24 other question that I had. Thank you.

25 CHAIRMAN STUTO: I personally have no

1 problem with this.

2 MS. DALTON: I love your ice cream.

3 CHAIRMAN STUTO: Okay, we'll entertain a
4 motion to approve the waiver, based on the
5 recommendations before us.

6 And do we have anyone from the public
7 that has any comments?

8 MR. KUTRYB: My name is Stanley Kutryb
9 and I live at 21 Grove Avenue. I got a flyer
10 in my mailbox.

11 Will parking be an impact also? How far
12 will this go?

13 CHAIRMAN STUTO: I'm not sure that I
14 understood the question.

15 MR. HUBAN: He wants to know if the
16 project is going to have any effect on
17 parking.

18 MR. KUTRYB: There is some space back
19 there where the parking already is. Will that
20 be extended further?

21 MR. HUBAN: It will be extended further.
22 It will be toward the [SIC] Simmons property.

23 CHAIRMAN STUTO: Do you want to take a
24 look at this map?

25 Anyone else from the neighborhood?

1 setback waiver?

2 MR. HUBAN: Because they want to be close
3 to the road, from what I understand.

4 MS. VAIDA: Did everyone read their
5 packets on the explanation?

6 MR. HUBAN: We're also moving the
7 building eight feet backwards, but we
8 redesigned it to move it over to be in
9 compliance as best as possible.

10 MS. VAIDA: I think that it's clearly
11 laid out in the materials. I just wanted to
12 make sure that it's clear.

13 MR. LACIVITA: One of the key things to
14 know is that you'll never probably meet the
15 intent of the setback because there is a
16 sanitary sewer easement that runs right
17 through the front of the property down
18 Troy-Schenectady Road. Any building, based on
19 sanitary or Pure Waters' recommendations would
20 probably be behind that sanitary easement
21 anyway.

22 We have been working with Mr. Huban as
23 far as design standards, fencing, landscaping
24 and things like that. I know that we were
25 talking about the elevations and hopefully

1 your son will be here in a few minutes to show
2 them, if needed. But we have been working with
3 them to really try to adhere to the design
4 standards that are coming up.

5 CHAIRMAN STUTO: I'm personally satisfied
6 that there is no practical alternative to
7 what's here. The building is already sitting
8 there and it's grandfathered in.

9 MS. VAIDA: He looks like he's making
10 substantial improvements to the site.

11 CHAIRMAN STUTO: Okay, that said, I'll
12 entertain a motion.

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

14 MR. MION: I'll second that.

15 CHAIRMAN STUTO: All those in favor?

16 ***(Ayes were recited.)***

17 CHAIRMAN STUTO: All those opposed?

18 ***(There were none opposed.)***

19 CHAIRMAN STUTO: The ayes have it.

20 Thank you.

21

22 ***(Whereas the proceeding concerning the***

23 ***above entitled matter was adjourned***

24 ***at 7:14 p.m.)***

25

CERTIFICATION

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4 *I, NANCY STRANG-VANDEBOGART, New York*
5 *State Approved Transcriber and Notary Public*
6 *in and for the State of New York, hereby*
7 *CERTIFY that the record taped and transcribed*
8 *by me at the time and place noted in the*
9 *heading hereof is a true and accurate*
10 *transcript of same, to the best of my ability*
11 *and belief.*

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15 _____
 NANCY STRANG-VANDEBOGART

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18 *Dated March 30, 2011*

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Legal Transcription

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