

Village of Colonie



ZONING BOARD OF APPEALS

ALBANY COUNTY
NEW YORK

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MINUTES WEDNESDAY, NOVEMBER 6, 2019 7:00 PM

The regularly scheduled meeting of the Village of Colonie Zoning Board of Appeals was held on Wednesday, November 6, 2019 at 7PM. The meeting was called to order by Acting Chairman Prevratil at 7:00 p.m.

ROLL CALL:

Chairman:	Lou Van Buren (Absent)
Members:	Frank Prevratil Trevor Normandin Joshua Rowinski
Alternate:	Jim Splonskowski Phil Minissale
Counsel:	Victor Caponera (Absent) Henry DeCotis
Liaison:	Trustee Murphy (Absent)

Acting Chairman Prevratil called the meeting to order with the Pledge of Allegiance and indicated the exits.

The minutes from the August 7, 2019 meeting were reviewed. Commissioner Minissale made a motion to approve the minutes. Commissioner Normandin seconded the motion.

VOTE: All in favor of the motion.

APPLICANT:

**VISION PLANNING CONSULTANTS
557A SAND CREEK ROAD
(AREA VARIENCE)**

Mr. Ted DeLucia came before the Zoning Board of Appeals to request an area variance for a proposed duplex on 557A Sand Creek Road. Attorney DeCotis read from the September 24, 2019 letter from Village Engineer R.J. Laberge regarding the required three variances:

Based upon the proposed plan the following variances are required prior to any action being taken by the Planning Commission:

1. Section 242-5.F(1) – required minimum lot frontage is 125 feet. Proposed project has 99.9 feet.
2. Section 242-5I(3)(b) – No two family home shall be placed on any portion of a lot less than 125 feet wide. The proposed lot width at the building is 50 feet.
3. Section 242-5I(4)(b) – The required sideline clearance is 15 feet since the proposed structure is two stories. The proposed project sideline clearance of 13 feet on each side of the proposed building.

Acting Chairman Prevratil noted to the Board that there is not a proper site plan included in the applicant's submission while Commissioner Minissale noted there is lack of information on the site plan. Mr. DeLucia came forward to explain the proposal. Mr. DeLucia stated Mr. Arthur Sgambelluri, present in the audience, has owned the land for over 50 years and wishes to develop the property. Mr. DeLucia stated the parcel is oddly shaped, is approximately 2.44 acres, and is within the Residential B district. Mr. DeLucia explained the proposed site plan that was submitted to the Board, stating that the parcel starts at Sand Creek Road at 99.9 feet across, then narrows down to 50 feet across, then widens back out again to 200 foot of wooded wetlands.

Mr. DeLucia stated he has been in talks with the Department of Environmental Conservation, with the DEC stating they are comfortable with the current proposal, but the back 200 feet must remain forever wild. Mr. DeLucia stated that there have been discussions about donating the back portion of the parcel to the Village of Colonie, as they would be better equipped to ensure the wetlands stay forever wild. Attorney DeCotis stated that in regards to the donation, the Mayor and the Board of Trustees are the only ones that can act on that proposal.

Attorney DeCotis stated to the Board that since the frontage of the of the property is 99.9, the applicant will need an area variance of 25 feet, as well as 2 side yard variances for 2 feet each. The proposal will also need an overall area variance, as any Residential B property must follow the guidelines of the Residential A zone.

Mr. DeLucia stated that this application was originally a 4 unit proposal, but the concept has since downsized as the Army Corps of Engineers were not comfortable with a 4 unit project in such close proximity to the wetlands. A three unit apartment complex was also

not favorable to the DEC, as they did not want the wetlands to be disturbed. Mr. DeLucia stated the proposal is now a 2 unit duplex with the width being 22 feet and the depth 40 feet. Mr. DeLucia stated they are willing to work with the Zoning Board of Appeals and request a 1 foot variance on each side instead of the proposed 2, but that would be cutting it close with housing requirements in terms of width. At this time, Mr. DeLucia turned the proposed site plan to the audience and explained the concept the audience members, adding that each unit will be two stories, with one unit facing Sand Creek Road, and the other unit facing the woods. Both units will have a porch and be approximately 1,100 square feet. No other building will be on the property.

Mr. DeLucia stated the application has a tentative approval with the DEC as it is presented and they are only permitted to clear 20 feet behind the new building, with the rest of the parcel remaining forever wild. Mr. DeLucia pointed out the building will be placed farther back in regards to the neighboring houses. Mr. DeLucia pointed out that the neighboring house to the right of the parcel has a garage that encroaches on the property, but that can be deeded to the owner so they would not have to move the garage.

Acting Chairman Prevratil stated the Board did not feel comfortable acting on a proposal without proper site plans. Mr. DeLucia stated he will be submitting two maps for the Board's further review and consideration: a full survey map and a topography map.

At this time, Acting Chairman Prevratil opened the floor to anyone who wished to speak.

Ms. Diane Welter of 1 Peter Drive asked what purpose the duplexes would be used for, stating concerns that a small business could be rented out of the 2 units. Mr. DeLucia stated this is proposed as a residential use and the Village Code does not allow for commercial use in this particular zone. Acting Chairman Prevratil also stated to the audience that if whoever purchases the property and in the future wishes to turn the parcel into a commercial use, they would need to come back before Planning and Zoning. This particular application is strictly for a residential duplex. Ms. Welter expressed her concern for the existing traffic on Sand Creek Road, stating there is currently a dentist's office as well as a new day care center, making already difficult to get out of Peter Drive.

Ms. Kathy Syndennis of 508 Sand Creek Road asked the applicant if he is building the duplex to sell. Mr. Sgambelluri stated the proposed plan being presented tonight is from the potential buyer, with Mr. DeLucia stating the residential usage is the developer's intent. Attorney DeCotis stated to the audience that the Planning and Zoning Boards can condition approvals that will have to go into the deed.

Mr. William Gariepy of 587 Sand Creek Road stated that he had previously requested to build on his property next to his house in the 80's, but the Board denied his request. Mr. Gariepy had stated he lives in house at the end of Hunting Road and the traffic is so bad that no one is able to take a left out of Hunting, and for anyone to pull out on Sand Creek Road they are taking their life in their own hands. Mr. Gariepy asked if this will become some sort of doctor's office, like the dentist's office across the street, stating concern for

the traffic already on Sand Creek Road. Mr. DeLucia once again stated that the proposal is for what the law allows, which is a residential use.

Ms. Meg Roberts of 555 Sand Creek Road also expressed concerns with the current traffic situation on Sand Creek Road. Ms. Roberts also asked how far back the proposed building would sit from the property line. Mr. DeLucia stated the building will sit about 75 feet from the property line, noting that they need to provide a turnaround for the parking lot.

Acting Chairman Prevratil stated the Board, as well as the Traffic Committee, is aware of how bad the traffic currently is on Sand Creek Road. The Village has been contact with the Town of Colonie regarding the speed limit on Sand Creek Road, with the Town recently lowering their portion of Sand Creek Road to 30MPH to directly correlate with the Village. Acting Chairman Prevratil explained the Village is also working on a comprehensive plan to try and break up the traffic on Sand Creek Road, whether that be stop signs, speed bumps, or red lights.

Mr. Phillip Wickert of 557 Sand Creek Road also expressed his concern for the traffic on Sand Creek Road. Mr. Wickert also expressed his concern for his privacy, as he lives in the adjacent lot, noting that the potential tenants would have visual access to his bedroom windows and backyard. Mr. Wickert asked if the applicant would be opening to installing a higher fence. Mr. Wickert also expressed his concern that the proposed project is too big for the given lot size.

Mr. DeLucia stated there are currently no windows that face Mr. Wickert's property, however floorplans and layout can be something that can be discussed in the future and at Planning meetings, as this proposal will require a special permit from the Planning Commission.

Mr. Jamie Mattison of 518Realty.com noted to the Board and the audience that adding the protection of the wetlands behind the parcel won't stop future developers from building, should the Zoning Board of Appeals denied the requested variances. Mr. Mattison also stated that the parcel will be deeded appropriately. Acting Chairman Prevratil asked Mr. Mattison who he was in relation to this application, with Mr. Mattison stating he is part of the potential transaction.

Mr. Gariepy stated his concern regarding rental properties, stating that the owners of the properties don't seem to care about their rental properties, renting their homes and apartments to people who won't take care of them and have loud parties.

Acting Chairman Prevratil stated that the Board has heard all the concerns of the residents present and will take them all into consideration when taking a vote on this application.

Commissioner Minissale made a motion to table this application until the December 4, 2019 meeting. Commissioner Normandin seconded the motion.

VOTE: All in favor of the motion.

Commissioner Splonskowski made a motion to adjourn the meeting at 8:05PM.
Commissioner Minissale seconded the motion.

VOTE: All in favor of the motion.

Respectfully Submitted,

Julianne Okun
Zoning Board of Appeals Coordinator