

STATE OF NEW YORK COUNTY OF ALBANY

TOWN OF COLONIE

A PUBLIC HEARING PURSUANT TO RESOLUTION 347 OF 2020 IN RELATION TO A REZONING OF LAND LOCATED AT 44 WATERFORD AVENUE EAST FROM SINGLE-FAMILY RESIDENTIAL TO MULTIFAMILY RESIDENTIAL

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing at 8:33 PM on September 24, 2020 at Memorial Town Hall, 534 New Loudon Road, Latham, New York

BOARD MEMBERS:

- PAULA A. MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- MELISSA JEFFERS
- DANIELLE FUTIA
- RICHARD FIELD
- JILL PENN
- DAVID GREEN

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

ALSO PRESENT:
MICHAEL C. MAGGUILLI, ESQ., TOWN ATTORNEY
JULIE GANSLE, TOWN CLERK
NIA CHOLAKIS, ESQ.

1 MS. GANSLE: Our third public hearing is
2 being held by order of the Town Board
3 pursuant to Resolution 347 of 2020 to hear
4 all persons in relation to a rezoning of land
5 located at 44 Waterford Avenue East from
6 single-family residential to multifamily
7 residential. The Town Board will now continue
8 to hear all persons interested in this
9 proposal.

10 MS. CHOLAKIS: Good evening. Nia
11 Cholakis from Rossetti Development Companies.
12 I'm here on behalf of the applicant Richard
13 G. Rossetti LLC.

14 I would like to start off by apologizing
15 for not having the map with me. At previous
16 meetings before the Planning Board in this
17 room it was usually up on the screen and I was
18 expecting that to happen.

19 Having said that, I would like to explain
20 the parcel itself it's located at 44 Waterford
21 Avenue East. It is a 2.3 acre parcel. It's
22 vacant land, currently. It's located in the
23 single-family residential district. We were
24 requesting a rezoning from single-family to
25 multi-family to permit the construction of

1 eight townhomes on eight lots. Each townhome
2 building would house two units.

3 Earlier this year we sent to the Town a
4 request for the rezone, so hopefully you have
5 copies of that correspondence with you which
6 included at that time an aerial map of the
7 parcel and surrounding parcels highlighting
8 the mixed-use nature of the neighborhood. It
9 also included the character of the
10 neighborhood in a historical data.

11 The property is located to the immediate
12 north of the Woodlands which is a 180-unit
13 apartment complex. That is located in a
14 multi-family residential district. This parcel
15 literally is in the same boundary line between
16 our property and the Woodlands. The parcel is
17 also located immediately across the street
18 from three-unit buildings which are located
19 and built on one lot. They are located at 333
20 and 36 Waterford Avenue East.

21 The property is also located to the
22 southeast of the two-unit duplex which we do
23 own, but it was originally owned by Mr. [sic]
24 Tentor. He sold it to us and prior to the sale
25 he acquired in 2016 a use variance to permit

1 the construction of a two-unit building in the
2 single-family residential district. The
3 property is also located to the south of a two
4 unit residential building located at 20
5 Waterford Avenue into the southwest of a
6 four-unit residential building located at 18
7 Utica Avenue. Utica Avenue is the street
8 immediately parallel to the rear of the
9 property. For some additional location
10 information, the Northway is located to the
11 west and Troy Schenectady Road. Latham Farms
12 is located in the north.

13 The Vinciguerra family assembled 39
14 parcels which make up this 2.3 acre parcel
15 from the years of 1964 to 1975. The lots were
16 located in a 1920 subdivision map where each
17 individual lot measured 25 x 100' and the
18 assemblage yielded again the newly constituted
19 2.35 acre parcel.

20 Again, I think the packet was submitted
21 earlier this year as well as the information
22 that was submitted to the Planning Board
23 indicates again that the Vinciguerra family
24 and I believe even the [sic] Tentor family
25 because I recall seeing the information that

1 Victor Caponera submitted for the area
2 variance for 23 Waterford - never received
3 communication or notice of the 2007 land use
4 change. I know we have discussed that a lot
5 over the course of this evening. I think we
6 discussed it on other properties that our
7 company owns. It was a very large dramatic
8 land use change in 2007 which affected many,
9 many people throughout the Town. Frankly, I
10 was working at Rossetti at the time and I've
11 been there since 2005 and we have no
12 notification of those changes.

13 The Vinciguerra had no notification of
14 the change from the zoning which permitted a
15 two-family dwelling. So, again, I know a lot
16 of people can't believe that maybe people
17 didn't get notification, but I am telling you
18 that from from my vantage point that's exactly
19 what happened. I think what we are trying to
20 accommodate and do this to really correct what
21 I perceive to be mistakes or oversights when
22 that whole Town changed in the zoning
23 occurred. Again, I don't think anybody did it
24 and there's no malfeasance to anybody. They
25 just made significant changes which affected a

1 lot of people.

2 The property immediately to the north of
3 this property was Business E. We have property
4 on Central Avenue that was business E and got
5 changed to COR. A lot of that happened not
6 taking into consideration the then current
7 uses of those properties. So, again, from 1961
8 to 2007 the zone was zoned residential B2,
9 which would've permitted what we are asking to
10 do. The 500 feet south of Troy Schenectady
11 Road was business E, which I've already
12 indicated. We believe that the 2007 Land Use
13 Law disregarded the then mixed-use complexion
14 of the surrounding area and again, in my
15 opinion, I believe this was an oversight or
16 mistake resulting from the 2007 Land Use Laws.

17 We appeared before the Planning Board
18 twice on this matter and at the first meeting
19 the Planning Board raised questions of density
20 in the Comprehensive Plan. We addressed those
21 at the public hearing of the Planning Board
22 and the Planning Board approved the
23 recommendation of the rezoning at its meeting
24 on August 11.

25 When I was here last time, I handed out a

1 handout which addressed at the Planning Board
2 level the issue of density. So, this property
3 again is 2.3 acres. It's a single-family
4 residential district that allows me to build
5 four units. To increase it in multi-family
6 residential district, that gets you six units
7 I believe per acre, versus two units per acre.

8 The Woodlands as an example has a density
9 of 6.4 units per acre. The property across the
10 street from our parcel at 33 - 36 Waterford
11 has a density currently of 6.6 units per acre.
12 The parcel at 20 Waterford Avenue has a
13 density of 4.7 units per acre. The parcel at
14 18 Utica Avenue has a density of 22.2 units
15 per acre and 48 Troy Avenue has a density of
16 6.9 units per acre. What we are asking for is
17 eight units on eight lots resulting in a
18 density of 3.4 units per acre. So, it's only
19 slightly above what would be permitted even if
20 it stayed as single-family residence. The
21 other thing that is notable is that the zoning
22 code -- again, I don't know when this was
23 changed but the Zoning Code indicates that a
24 townhome is not a single-family residence. It
25 indicates that it's essentially a

1 single-family attached home, but it's not
2 permitted in single-family residential. It's
3 only permitted in a multi-family residential
4 district.

5 Some other considerations that we
6 addressed at the Planning Board level was
7 doing what we could to lessen or mitigate any
8 impact and we agreed that we would pay
9 particular attention to building and site
10 design including the preservation of existing
11 vegetation mostly along the back of the
12 property which is more adjacent to Utica
13 Avenue, but also on the northeast sides as
14 appropriate. We will try to preserve as many
15 trees as we can fronting on Waterford Avenue.

16 I think that is all I have. So, if you
17 have any questions I'd be happy to try to
18 answer them.

19 MR. GREEN: Nia, I know that you
20 probably know where this is heading because
21 you sat through the other one -- could you
22 get a variance versus the zone change?

23 MS. CHOLAKIS: I don't think so under
24 the circumstances. This, I believe, is more
25 appropriate and again I don't see this as

1 spot zoning which I know you're trying not to
2 piecemeal things, but because the Woodlands
3 is literally on the border of this property
4 essentially what we are asking for you to do
5 is just to move the line. Because the
6 complexion of the neighborhood is such, I've
7 already indicated there are many multi-family
8 residences in a single-family residential
9 zone up and down Waterford Avenue East,
10 Waterford Avenue and Utica Avenue -- we
11 didn't think was a stretch, in all honesty. I
12 think in the past the Zoning Board of Appeals
13 was more willing to provide these use
14 variances like they did at 23 Waterford
15 Avenue. I think they looked at things
16 differently recently and so that's why we
17 went this route.

18 MR. MAGGUILLI: As far as I know there
19 has been no neighborhood opposition to this,
20 whatsoever.

21 MR. GREEN: That's what's a little
22 discouraging about it because we don't want
23 to behave in hypocritical approach in saying
24 this one can this one can't, but you're right
25 there's no opposition to it and this is the

1 second time you've been before us.

2 MR. CRISAFULLI: I will be candor with
3 you. When we sent out notifications at the
4 Planning Board level in addition to sending
5 out the requisite notice that we were given
6 to by the Town, we also sent a rendering, the
7 map the proposed concept map so that if
8 anybody did have questions they could call
9 us. We did receive two calls.

10 One call was that the property is located
11 at 44 Waterford Avenue East. This particular
12 resident lives at 44 Waterford. There is
13 confusion by the address. We indicated to her
14 obviously they're going to the process that
15 and we would rely on 911 to rename each of the
16 individual lots.

17 The only other person - and I did not
18 speak with this person - but I believe it's
19 maybe a door or two doors down from this
20 property and they were more concerned about
21 the location of the homes and how close it
22 would be to him. I reassured him and
23 reemphasized looking at the map that there
24 wouldn't be any home near him.

25 So, those are the only two calls that we

1 received after having sent out how many
2 hundreds of notifications.

3 MR. FIELD: Are these two stories?

4 MS. CHOLAKIS: Yes. It is a townhome, so
5 it will be a two-story home.

6 MR. FIELD: Is the square footage 1,400?

7 MS. CHOLAKIS: It would be approximately
8 - that's a good question. I believe they are
9 a little bit larger than that probably about
10 1,500 or 1,600 square feet.

11 MR. FIELD: Basement?

12 MS. CHOLAKIS: We haven't designed it or
13 got to the point of designing at that point,
14 but essentially it would be a three-bedroom,
15 two-bath house.

16 MR. FIELD: A two-car garage?

17 MR. CRISAFULLI: A one-car garage.

18 SUPERVISOR MAHAN: We know the area and
19 it is mixed with apartments and single-family
20 duplexes. We know the area well. He described
21 it very clearly.

22 MR. GREEN: I'm in support of the
23 application, but I still think it's best to
24 have a once through look at the land use.
25 Certainly projects are going to push through

1 that process a little quicker than others,
2 perhaps.

3 SUPERVISOR MAHAN: I think this is more
4 clear-cut than the first one that was
5 presented by Vly Road.

6 MS. CHOLAKIS: It sounds like it's going
7 to be a lengthy process.

8 MR. GREEN: Certain ones will, I think,
9 but maybe some of them can be picked off
10 first.

11 MS. CHOLAKIS: We would appreciate any
12 consideration.

13 SUPERVISOR MAHAN: We have to be
14 thorough, but we can try our best. We do
15 recognize that what you are describing in
16 that area - there are other duplexes and
17 apartments around that area along with
18 single-family, as well.

19 Sean I think you recognize that, as well.

20 MR. MAGUIRE: Yes. When we looked at
21 this as Nia mentioned, we did examine it as
22 we do with everything with the Comprehensive
23 Plan - of the elements there.

24 One of the other pieces that we took a
25 look at was the character of the existing

1 neighborhood. In the mix of different uses,
2 they seem to suggest that this would not be
3 out of character in the area.

4 SUPERVISOR MAHAN: So, that's important
5 for us to know. As Dave said, we will try our
6 best and as I say, this one is not as
7 complicated as the other.

8 MS. CHOLAKIS: So, to expand a little
9 bit on what Sean was just saying, the only
10 thing that I really think that you mentioned
11 - which we haven't somehow resolved because I
12 think were all in agreement - is that it
13 doesn't change the character of the
14 neighborhood. The issue of density is really
15 not an issue.

16 MR. GREEN: It was the lowest one that
17 you gave.

18 MS. CHOLAKIS: Absolutely. That's what
19 I'm saying. So, the density we are looking at
20 is just slightly above what would be
21 permitted in a single-family and would be
22 rising to the level of even the six units per
23 acre, which would be permitted in that zone.

24 SUPERVISOR MAHAN: I think everybody up
25 here understands that. That would also be

1 clarified, as well. It's much more
2 straightforward.

3 MR. GREEN: I think after tonight we're
4 going to be pretty much pushing to get that
5 Land Use Committee back. We have a new
6 attorney and we can see if we can assemble
7 that.

8 SUPERVISOR MAHAN: They are already
9 working on that date because we're ready to
10 go with that.

11 MS. CHOLAKIS: Thank you.

12 SUPERVISOR MAHAN: We're you looking in
13 the spring to start?

14 MS. CHOLAKIS: Yes, at this point.

15 SUPERVISOR MAHAN: That kind of helps us
16 to as we move through and we'll be able to
17 take a look at that.

18 MR. GREEN: Mike, we're going to close
19 the public hearing?

20 MR. MAGGUILLI: Yes.

21 SUPERVISOR MAHAN: Does anyone else have
22 any comments on this public hearing?

23 (There was no response.)

24 Okay, we will close public hearing.

25 MR. GREEN: I will make a motion to

1 adjourn this without date, similar to the
2 couple resolutions before.

3 MS. JEFFERS: Second.

4 SUPERVISOR MAHAN: Supervisor votes aye.
5 Clerk, call the roll.

6 (The roll was called.)

7 MS. GANSLE: The ayes have it, Madam
8 Supervisor.

9 SUPERVISOR MAHAN: The Resolution is
10 adopted.

11 Thank you, Nia.

12 MS. CHOLAKIS: Thank you. We appreciate
13 it.

14
15 (Whereas the above entitled proceeding
16 was concluded at 8:48 PM)

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
 Legal Transcription
 2420 Troy Schenectady Road
 Niskayuna, NY 12309