

TOWN BOARD

COUNTY OF ALBANY

TOWN OF COLONIE

A PUBLIC HEARING AND SUBSEQUENT VOTE IN CONNECTION WITH THE PROPOSED LOCAL LAW AMENDING CHAPTER 190 OF THE CODE OF THE TOWN OF COLONIE ENTITLED COLONIE LAND USE LAW FOR THE PURPOSE OF AMENDING SECTION 197.22 RELATING TO PERMIT RENEWAL AND REGISTRATION

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter, on April 4, 2019 7:10 p.m. at Memorial Town Hall 534 Loudon Road, Newtonville, New York 12128

BOARD MEMBERS:

- PAULA A. MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- PAUL ROSANO
- DAVID GREEN
- CHRISTOPHER CAREY
- MELISSA JEFFERS-VONDOLLEN
- JENNIFER WHALEN

ALSO PRESENT:

- Michael C. Magguilli, Esq. Town Attorney
- Julie Gansle, Town Clerk
- Susan Weber

1 MS. GANSLE: This public hearing being held by
2 order of the Town Board to hear all persons in
3 connection with the proposed Local Law amending Chapter
4 190 of the Code of the Town of Colonie entitled Colonie
5 Land Use Law for the purpose of amending Section 197.22
6 relating to permit renewal and registration.

7 Notice of the public hearing has been posted in the
8 official Town newspaper which is the Spotlight and has
9 been posted on the Town Clerk's bulletin board. I have
10 an affidavit for each. The Town Board will now hear all
11 persons interested in this proposal.

12 MR. MAGGUILLI: Basically what we have with this
13 amendment to the Local Law is removing the \$25 renewal
14 fee for building and zoning permit applications and
15 taking it out of the Local Law status and putting it in
16 so that in the future these can be changed if necessary
17 by a simple Town Board Resolution. By doing this, we
18 save the Town time and money with respect to
19 advertising costs and the like. Again, it is just one
20 renewal fee that is being changed only by taking it out
21 of Chapter 190 - 22D of the Town Code.

22 SUPERVISOR MAHAN: Any questions from the Board on
23 this amendment?

24 FROM THE FLOOR: When are we going to have the
25 public hearing on the Comprehensive Plan?

1 SUPERVISOR MAHAN: As soon as were done with the
2 Resolutions.

3 MS. WEBER: That will be an hour.

4 SUPERVISOR MAHAN: It will not be an hour.

5 MS. WEBER: It was an hour last time.

6 FROM THE FLOOR: Is there some reason why -
7 everyone here is here for the public hearing. Can we
8 have the public hearing first?

9 SUPERVISOR MAHAN: We have to have the public
10 hearing either at 7:00 or anytime after. They will
11 probably be a lot of public comment so for a lot of
12 other people who are here that want to hear all of the
13 Resolutions, if they want to stay they can stay. If
14 they don't, it is up to them. That's the format that
15 were using.

16 MS. WEBER: Excuse me, but the agenda calls for
17 the public hearing now.

18 SUPERVISOR MAHAN: Excuse me, the agenda calls for
19 the time - it can't go any earlier than 7:00. It can go
20 on any time after that.

21 FROM THE FLOOR: It is the first item - - it is
22 right here.

23 SUPERVISOR MAHAN: I just explained to you why
24 were doing it after the Resolutions.

25 MS. WHALEN: Can we have a motion to move it at

1 the end?

2 MR. MAGGUILLI: No.

3 SUPERVISOR MAHAN: No, we don't need to vote.

4 MS. WHALEN: Can I ask a question just to expedite
5 things on Resolution number 207 that Mike just read -
6 about the \$25 building permit fee? The language says
7 the fee for annual renewal shall be established by the
8 Town Board by Resolution from time to time.

9 MR. MAGGUILLI: Correct.

10 MS. WHALEN: I just want to make sure that there
11 is no interpretation of that - - it will be consistent
12 - the price of the fee. It won't vary based on the
13 applicant. That would be about interpretation, correct?
14 Like, the intent of this -

15 MR. MAGGUILLI: It has nothing to do with who the
16 applicant is.

17 MS. WHALEN: Right, I want to make sure that is
18 clear - that the intent of this is not to make it on a
19 fee based on the applicant. I want to make sure that is
20 not the intent of this.

21 MR. MAGGUILLI: It is clearly a fee that is just
22 based on the type of application and not the applicant.

23 MS. WHALEN: So, the fee will consistently be -
24 the fee will run consistently for the year - - I don't
25 understand why it would not be a set fee for a set

1 time.

2 MR. MAGGUILLI: Well, right now it is. Any time
3 anybody wants to go in and have his building permit
4 application renewed, he has to pay a \$25 fee. That is
5 not changing. The only thing that is changing is that
6 in the event that the Town Board wants to either raise
7 or lower the fee sometime in the future, it can do so
8 merely by adopting the Resolution rather than having to
9 go through the amendment process to change a Local Law.
10 That's all there is to it.

11 MS. WHALEN: Okay.

12 MR. MAGGUILLI: The intent of this is to save
13 money. We normally do all our other fee changes by Town
14 Board Resolution and this is just a holdover from '07
15 that when we were reviewing the Land Use Law, a came
16 up. To make it consistent and easier and less expensive
17 for the Town, we are doing it this way.

18 SUPERVISOR MAHAN: It is a flat fee.

19 MS. WHALEN: Yes, but why is it that we struck out
20 the \$25 for each renewal language, then?

21 MR. MAGGUILLI: Because we are replacing it with
22 the underlying language immediately following in the
23 next sentence. "The fee for annual renewals shall be
24 established by the Town Board by Resolution from time
25 to time." That is replacing "there shall be a charge of

1 \$25 for each renewal."

2 MS. WHALEN: I understand that but it is not from
3 time to time, like, based on each applicant.

4 MR. MAGGUILLI: No. It has nothing to do with the
5 applicant, other than they are applying.

6 SUPERVISOR MAHAN: Any other questions on this
7 amendment?

8 (There was no response.)

9 Anybody in the audience?

10 (There was no response.)

11 We will close the public hearing.

12 MS. GANSLE: We have a Resolution adopting a
13 proposed Local Law amending Section 190-22 Accessory
14 Dwelling Annual Permit Renewal Fee of the Town Code.

15 MR. ROSANO: So moved.

16 MS. JEFFERS-VONDOLLEN: Second.

17 SUPERVISOR MAHAN: Supervisor votes Aye. Clerk,
18 call the roll.

19 (The roll was called.)

20 MS. GANSLE: The ayes have it, Madam Supervisor.

21 SUPERVISOR MAHAN: The Resolution is adopted.

22 (Where is the above entitled proceeding was
23 concluded at 7:20 p.m.)

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CERTIFICATION

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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.

NANCY L. STRANG

Dated _____