

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

PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

GREEN LIGHT AUTO SALES
1376 LOUDON ROAD
CHANGE IN TENANT APPLICATION

THE STENOGRAPHIC MINUTES of the above entitled
public hearing BY NANCY STRANG-VANDEBOGART, a
Shorthand Reporter, commencing on July 26, 2011 at
7:00 p.m. at the Public Operations Center
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

PETER STUTO, CHAIRMAN
KATHY DALTON
LOUIS MION
TIM LANE
PAUL ROSANO

Also present:

Joseph LaCivita, Director, Planning and Economic
Development

Thomas Ballard, Applicant

Michael Tengler, Planning and Economic Development

1 CHAIRMAN STUTO: Okay, we'll call this
2 meeting to order.

3 The first thing on the agenda is Green
4 Light Auto Sales, 1376 Loudon Road; change in
5 tenant application, request for waiver for
6 parking in front yard and waiver for front and
7 side yard setbacks.

8 Do you want to give an introduction, or
9 do you want to turn it over to them?

10 MR. LACIVITA: We can turn it right over
11 to Michael and have them present.

12 MR. TENGLER: Good evening, Joe, Chairman
13 and Board Members.

14 I'm Michael Tengler of the Planning
15 Department. I'm a Planning Project
16 Coordinator.

17 The site is at 1376 Loudon Road. It's in
18 a COR zoning district. It's a gateway site
19 just south of the Colonie/Halfmoon border. The
20 use of the sale of used cars is an approved
21 use and the zoning has been improved.

22 Tom Ballard, the owner and applicant, is
23 here to talk about the new tenant moving in,
24 Green Light Auto; as well as the request for
25 the three waivers.

1 First is to allow parking in the front
2 yard. The second is to allow parking within a
3 15-foot setback and the third is to allow less
4 than a 10-foot side yard setback.

5 One bit of useful information: There was
6 a previous tenant onsite with a similar use.
7 It was Northeast Auto. The Town has no record
8 of them having occupancy.

9 MR. LANE: I read that. They had no CO
10 for this? No waivers on their parking
11 requirements?

12 MR. TENGLER: No. That's why we're
13 considering it.

14 MR. LANE: What happened with that? Is
15 the business gone?

16 MR. TENGLER: To my knowledge, when Tom
17 purchased the parcel in 1999, the business was
18 in operation already for 10 years previous to
19 that. The business has recently moved out. Tom
20 came to us with a change in the application
21 and wanting to go by the book and thinking
22 that it would just be a simple change in
23 tenant.

24 MR. LANE: When you bought it, were you
25 under the impression that all these things

1 were a given; setback waivers, front yard -

2 MR. BALLARD: I didn't know about any
3 waivers or anything. All I know is that the
4 tenant said that he had a permit to be there.

5 MR. LANE: And as it turns out, he
6 didn't.

7 MR. BALLARD: Correct.

8 MR. LACIVITA: Just to qualify that a
9 little bit more: When Mr. Ballard bought the
10 property in 1999, that was under the prior
11 zoning. So, when 2007 came, even if it was
12 under a simple tenancy prior to, there
13 wouldn't have been parking in the front yard
14 issues or any of that. Now with 2007 with the
15 parking in the front yard, that's why those
16 waivers are now coming into play. Again, we're
17 doing this as a brand new business because
18 there are no historical records. So, we're
19 trying to put it through the process and put
20 it by the book as we should. It's a simple
21 change in tenancy and it would not even be
22 before the Board.

23 MR. LANE: It always comes into this
24 buyer beware situation. When you buy a
25 property, don't you have to go through a

1 series of reviews and title searches and
2 things of that nature to determine if this met
3 all the requirements?

4 MR. LACIVITA: That would have been
5 during the due diligence phase of purchasing
6 your property. Again, back in 1999, those
7 waivers and maybe that business CO - maybe
8 that wasn't part of the concern, but it wasn't
9 examined at the time.

10 MR. ROSANO: What was the zoning there in
11 1999?

12 MR. LACIVITA: The zoning really hasn't
13 changed.

14 I think that this is a COR district;
15 isn't it Michael?

16 MR. TENGLER: Yes.

17 MR. LACIVITA: COR would have been like a
18 Business E component and everything has
19 changed. We have all new designations as we
20 went through the zoning and land use change.
21 So, it would have had a similar use back then.

22 Correct me if I'm wrong, Mike, the zoning
23 really hasn't changed consistently enough
24 where there is going to be a concern.

25 CHAIRMAN STUTO: Do you have more

1 presentation to make?

2 MR. TENGLER: That's it.

3 CHAIRMAN STUTO: Would the applicant like
4 to speak?

5 MR. BALLARD: No.

6 CHAIRMAN STUTO: Kathy, do you have
7 anything?

8 MS. DALTON: I don't.

9 CHAIRMAN STUTO: Lou?

10 MR. MION: I was out there and I know
11 where the one cut is. Was there another cut?

12 MR. BALLARD: It's a horseshoe driveway
13 and then it enters Route 9.

14 CHAIRMAN STUTO: Does it come back out?
15 From the aerial view, it doesn't look like it.

16 MR. BALLARD: You can enter or exit from
17 either side.

18 MR. MION: I saw the one, but didn't see
19 the other.

20 MR. BALLARD: Near the garage - if you
21 follow it back around, it will bring you right
22 back around.

23 MR. ROSANO: We went in the other
24 direction.

25 MR. MION: So there is already a curb

1 cut.

2 MR. BALLARD: Yes.

3 CHAIRMAN STUTO: Okay, we have this
4 aerial view which I find very helpful.

5 Thank you, Joe for putting that in.

6 Does this reflect the tax maps? Because
7 the shape of the lot on this does not look
8 like the sketch plan.

9 MR. LACIVITA: Our orthoimaginery goes
10 back to 2007. It may not be up to date as the
11 tax map might be.

12 CHAIRMAN STUTO: It's way off. Do you
13 know what the explanation for that is?

14 MR. BALLARD: The property is actually in
15 two pieces. There is a line - there are two
16 separate deed readings and the one that I have
17 is the one that you have in front of you.
18 There is a line here that separates the two
19 but they are connected together (Indicating).

20 CHAIRMAN STUTO: That's a trailer park?

21 MR. BALLARD: Yes.

22 CHAIRMAN STUTO: Do you have that under
23 contract to sell?

24 MR. BALLARD: No. That's my neighbor.
25 Seymour's is up here (Indicating).

1 CHAIRMAN STUTO: Is this landlocked?

2 MR. BALLARD: They have a 12-foot
3 easement through my property.

4 I do own this piece here, but it's all
5 connected.

6 CHAIRMAN STUTO: Tim, do you have anymore
7 questions?

8 MR. LANE: No, I don't.

9 CHAIRMAN STUTO: Paul?

10 MR. ROSANO: No.

11 CHAIRMAN STUTO: Anyone in the audience
12 have any questions?

13 ***(There was no response.)***

14 CHAIRMAN STUTO: Just a moment on SEQRA.
15 Have you reviewed the SEQRA on this,
16 Mike?

17 MR. TENGLER: I haven't. Part of my
18 recommendations were going to entail just to
19 put it through the minor review with the Town
20 for a minor site change. This would just let
21 all the departments review it, do a short
22 environmental assessment form - all consistent
23 with a minor site plan application.

24 CHAIRMAN STUTO: Elena saw the action
25 tonight as being under Type II, which means no

1 further action is needed because it's the same
2 as varying the setback. That's how she saw it.
3 So, I just wanted to get that on the record.

4 I'll ask again if anyone from the public
5 wants to speak.

6 **(There was no response.)**

7 CHAIRMAN STUTO: Are we ready to take a
8 vote here?

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

10 CHAIRMAN STUTO: So, you're making a
11 motion for all three waivers?

12 MS. DALTON: Yes.

13 MR. ROSANO: I'll second it.

14 CHAIRMAN STUTO: All those in favor?

15 **(Ayes were recited.)**

16 CHAIRMAN STUTO: All those opposed?

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

18 CHAIRMAN STUTO: The ayes have it.

19 Thank you.

20

21 **(Whereas the proceeding concerning the**

22 **above entitled matter was concluded at**

23 **7:10 p.m.)**

24

25

