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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

LAZARE KIA (REDEVELOPMENT)
144 WOLF ROAD
REVIEW AND ACTION ON PROPOSED PARKING WAIVERS

THE STENOGRAPHIC MINUTES of the above entitled
matter BY NANCY STRANG-VANDEBOGART, a
Shorthand Reporter, commencing on
June 19, 2012 at 7:20 p.m. at
the Public Operations Center 347 Old Niskayuna
Road, Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- LOUIS MION
- BRIAN AUSTIN
- KAREN GOMEZ
- TIM LANE
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

- Michael Tengeler, Planning and Economic Development
- Daniel Tompkins, Environmental Design Partnership

1 CHAIRMAN STUTO: Next on the agenda is
2 Lazare Kia, redevelopment, 144 Wolf Road.

3 Mike, you want to give us an
4 introduction?

5 MR. TENGELER: Yes, sure.

6 This is Lazare Kia. This is a
7 redevelopment project that has been -- it's in
8 the middle of review, administrative review
9 with the Town in conjunction with DPW and
10 Planning and Economic Development. They're
11 basically here today for review and action
12 from the Planning Board on one waiver and
13 that's to allow parking within the front yard
14 setback.

15 Just to put on record, this is concurrent
16 with every other car dealership in Colonie.
17 It's part of the nature of the beast of the
18 visibility in the front for cars and vehicles.

19 Without further ado, I'll turn it over to
20 Dan Tompkins.

21 MR. TOMPKINS: For the record, my name is
22 Daniel Tompkins. I'm with Environmental Design
23 Partnership.

24 Mr. Joseph Lazare is also here, in case
25 there are any questions about the operation.

1 As Mike had indicated, other than an
2 application specific to redevelopment for
3 Lazare Kia. Lazare Kia is over on one end of a
4 six-acre parcel that's shared with Lazare
5 Lincoln. The work that we've been involved
6 with has been concentrated on this end over
7 here (Indicating). It's bordered by Cerone
8 Commercial, Automation Lane and of course,
9 Wolf Road.

10 Right now they're selling Kias on the
11 building that's less than 3,000 square feet.
12 It's basically a glassed in box and it's
13 unusual to say the least, in terms of
14 co-compliance issues and other things like
15 that. The floor sits about three feet up in
16 the air and there are ramps coming into the
17 building. They've been successful with the Kia
18 franchise and are trying to move onto the next
19 stage. The next stage would be a larger full
20 sized facility. It's going to have a foot
21 print of 15,000 square feet. It's going to
22 have service coupled in with the sales and
23 it's going to have a drive in for service. If
24 it's raining or snowing, you can physically
25 drive into the building and be greeted someone

1 who would take your car and get it right into
2 the service department.

3 So, this is what Kia, the manufacture, is
4 looking for.

5 The pink outline is where the existing
6 building is - just so you have a sense of
7 what's going on. The footprint is imposed over
8 the existing building. It's larger. It's going
9 to be closer to Wolf Road. Part of this
10 overall improvement on this end of the parcel
11 is to reconfigure the circulation for parking.

12 I put together an argument as far as the
13 parking wavier is concerned. It's all for the
14 plus. Instead of having 69 cars between the
15 building and Wolf Road and along Cerone, we're
16 going to be dropping down to 32. We're going
17 to have a proper 15 foot setback of the
18 pavement edge off of the right of way line
19 along Wolf Road. Right now for this portion of
20 the site, the pavement is actually right up to
21 the right of way. It has been for years. Now,
22 we're going to get that into the guideline's
23 compliancy.

24 The same thing over in this area as well
25 (Indicating). We're going to get a lot of the

1 kinks out of the circulation for the overall
2 alignment. There is going to be parking spaces
3 that are going to clearly be for customer
4 parking. There is a lot going forward with
5 this. We do need to have parking in front of
6 the building. It's just part of the retail
7 industry of car dealerships.

8 CHAIRMAN STUTO: Excuse me, I need to
9 interrupt you for one second.

10 This is only here for waiver review, is
11 that what you're saying, Mike?

12 MR. TENGELER: Correct.

13 CHAIRMAN STUTO: In our discussion before
14 the meeting you said that it's not here for
15 site plan review because it's over a 10,000
16 square foot building?

17 MR. TENGELER: Yes.

18 CHAIRMAN STUTO: But you said because
19 it's under the redevelopment legislation, it
20 doesn't have to be?

21 MR. TENGELER: Correct. It's being
22 reviewed administratively under the
23 redevelopment legislation, administratively
24 between the DPW office and the PEDD offices.

25 CHAIRMAN STUTO: Elena, can you just

1 verify that it doesn't have to go before full
2 site plan for the Board as the presentation is
3 being made?

4 MS. VAIDA: Yes, there is that new
5 section that was passed in 2011 -
6 redevelopment site plan review. It says:

7 "It provides a streamline mechanism for
8 and to encourage the redevelopment and
9 revitalization of areas within the Town which
10 contain vacant and underutilized properties
11 and/or properties that are being used in a way
12 that is inconsistent with or counterproductive
13 to the vision for the Town.

14 Applicability - application for
15 redevelopment site plan review is made to and
16 decisions are rendered by the Planning and
17 Economic Development Department. It's
18 available only for commercial redevelopment on
19 lots less than one acre which meet the
20 following conditions"

21 CHAIRMAN STUTO: Is that applicable here?

22 MR. TENGELER: The reasoning behind this
23 particular project - and this was a decision
24 made your Director, Joe LaCivita - that the
25 area of work being done is limited to that of

1 an acre. This is kind of an unusual parcel in
2 which you have two buildings and two different
3 businesses on the same parcel. Again, this was
4 an administrative decision made by Joe
5 LaCivita.

6 CHAIRMAN STUTO: Elena, can you think
7 about that as we go through this presentation
8 and if that's a correct interpretation of
9 this?

10 MS. VAIDA: Okay.

11 MR. TOMKINS: I don't know if you heard
12 me -- I guess we were talking at the same
13 time.

14 The impacted area is less than one acre.
15 Because we are working over pavement surfaces
16 a lot of which aren't being taken up -- when
17 using a scalpel, if you will, dropping that
18 building in and doing a minimal amount of
19 impact to the surface and any grading -

20 CHAIRMAN STUTO: I'm not saying that it's
21 not a good project. I just want to make sure
22 that it gets the appropriate review.

23 MR. TOMPKINS: The other thing that we
24 really need in terms of the reason that the
25 parking is in the front and the drive aisle is

1 in front is that the interconnectiveness*
2 between this portion of the site and the other
3 portion of the site - no one wanted it to be
4 more disjointed than it already is. What I
5 mean by that is that this building is up very
6 close to the site. There is a green area.
7 Circulation has to go around the back of the
8 building and through the service areas on the
9 site. What we don't want to do is effectively
10 land lock this existing area here that's
11 actually allocated for the Lincoln franchise.
12 So, we want a drive aisle that continues
13 connection between this area right here
14 (Indicating) and the Kia area. So, those are
15 all part of the arguments. The bottom line is
16 that our car dealership - you need
17 presentation along the front of the street. If
18 this was Ferrari or Mazaradi, then everybody
19 is making appointments to go to the showroom
20 and that's one thing. There doesn't need to be
21 a presentation in front of the street. That's
22 the argument.

23 CHAIRMAN STUTO: Is that the end of your
24 presentation?

25 MR. TOMKINS: It is.

1 CHAIRMAN STUTO: We have a letter from
2 one of your neighbors and I think that you've
3 gotten a copy of it. Do you want to talk about
4 that or have somebody else talk about it?

5 MR. TOMKINS: Do you want me to read it
6 into the minutes?

7 CHAIRMAN STUTO: I just want you to tell
8 us what they were saying and how you responded
9 to it.

10 MR. TOMKINS: Albany Management owns -

11 CHAIRMAN STUTO: Is there somebody here
12 from Albany Management?

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

14 MR. TOMKINS: They own 6 Automation Lane,
15 which is right here (Indicating). They had
16 four basic complaints and concerns.

17 Employees, parking on Automation Lane and
18 on the greenspace within the site and within
19 the right of way. Car carriers off-loading on
20 Automation Lane, a public address
21 system -- you can hear them sometimes in
22 dealerships if someone is being paged and
23 landscaping issues. I want to address each one
24 of those things.

25 I did it in written form, so it's in the

1 file.

2 With the redesign of the site, one of the
3 things that we were able to do is set up a
4 simulation so that a tractor trailer or car
5 carrier can better accommodate it on site. So,
6 as of now, car carriers are going to be
7 delivering on site and not utilizing
8 Automation Lane. So, Lazare worked out a
9 pattern, if you will, for a truck to go in and
10 exit. Right now, without any improvements and
11 when the improvements happen, it will better
12 facilitate -

13 CHAIRMAN STUTO: Can you show where they
14 go now and where they will go?

15 MR. TOMPKINS: Yes. This is the Kia
16 building (Indicating). There is a curb cut
17 here off of Wolf Road and there is a curb cut
18 here onto Automation (Indicating). So, they'll
19 circulate in either direction. But with a car
20 carrier, you really don't want them backing
21 up. So, it's going to be nose in and nose out.
22 But they can circulate through without much
23 interference with the cars parked or anything
24 like that. That's how we're going to solve the
25 problem right now - by utilizing the curb cut

1 on Wolf Road and Automation.

2 After the improvement, it will come
3 through an existing curb cut here (Indicating)
4 and it will go this way and out onto Wolf
5 Road.

6 Through the years, car carriers just used
7 Automation Lane. It was easier and no one had
8 complained up until now. We thought that they
9 were okay.

10 As far as greenspace parking and parking
11 on Automation Lane by employees, Mr. Lazare
12 has instructed the managers to instruct the
13 employees to stop doing it. It's just
14 overenthusiastic folks trying to pack cars in
15 certain areas of the site; out of site, out of
16 mind. We did notice it and the policy now is:
17 Don't do that.

18 On the next point - the landscaping is
19 going to reinforce that.

20 The complaint of 6 Automation is this
21 area here (Indicating). This is an area where
22 cars were what's called dense packed. As they
23 were coming off of car carriers, they would be
24 parked nose to tail. Some of the people would
25 also be putting them on greenspace. They've

1 been told not to do that. There will be
2 plantings put there. What's happened is that
3 over the years - and we're talking a lot of
4 years; probably 35 or 40 years, a row of
5 scotch pine has grown and matured and gotten
6 so that the branch radius, if you will, has
7 gotten very large. The lower limbs were taken
8 off, and it kind of facilitated people driving
9 on the grass.

10 We've indicated that there is some gaps
11 in the tree line. We're going to plant
12 Austrian Pine, which is a dense tree and keeps
13 its low branches and put them in the areas
14 where they need them the most, which is
15 actually on either side of this driveway
16 (Indicating). Because of the shade that the
17 mature trees are putting out at like 2:00 in
18 the afternoon, we're going to put in some
19 lower shrubs. So, we're going to fill the
20 understory, if you will. They'll have the
21 existing mature trees. That's how we propose
22 to do that to sort of help remedy that issue.

23 The last issue of the public address
24 system - they don't have one. So, we're not
25 sure where that came from other than sounds

1 carry and it might be somebody else. But
2 Lazare Lincoln Kia doesn't use an exterior
3 address.

4 CHAIRMAN STUTO: Do you have any idea
5 what she is referring to?

6 MR. TOMKINS: No.

7 MR. LAZARE: Sometimes we can hear
8 DeNooyer across the street.

9 CHAIRMAN STUTO: Have you communicated
10 with them - with Albany Management?

11 MR. TOMKINS: We wrote the letter and
12 because of the timing, there wasn't a lot of
13 conversation. The only communication that we
14 received from them was heads-up that a letter
15 was coming into the department. There was
16 never any direct communication.

17 CHAIRMAN STUTO: You wrote a responsive
18 letter; is that what you're saying?

19 MR. TOMKINS: I did and it went to Mike's
20 attention.

21 MR. LANE: So, it only came to the
22 Planning Department and not to the neighbor.

23 MR. TOMKINS: That's right. We weren't
24 sure if we should be sending anything to
25 anybody.

1 CHAIRMAN STUTO: That's fine.

2 Have you communicated with them?

3 MR. TENGELER: I have not. The letter
4 from Albany Management just asks for the four
5 points to be addressed. In talking to Dan and
6 now hearing his presentation now, I feel like
7 he's addressed each point, with the exception
8 of the PA system which they don't have.

9 CHAIRMAN STUTO: Whenever we review a
10 project, we like to at least listen to what
11 the neighbors have to say.

12 MR. TOMKINS: We had to send
13 notifications to the neighbors and this is
14 what came out of those notifications. We're
15 not trying to blow anyone off. We're trying to
16 be responsive to the neighbors.

17 CHAIRMAN STUTO: Does anyone in the
18 audience have an interest in this project?

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

20 CHAIRMAN STUTO: Do you have more to your
21 presentation that you'd like to make?

22 MR. TOMKINS: No. I'm just here to answer
23 questions.

24 CHAIRMAN STUTO: Any comments from the
25 Board?

1 MR. LANE: We have a site plan here, but
2 it doesn't actually show the parking and how
3 it's going to be laid out.

4 MR. TOMKINS: That's not the site plan
5 that you have there. I put the existing
6 conditions in at the last minute, so you'd
7 have a before and after. What we're really
8 talking about is this area.

9 MR. LANE: So, there will be landscaping
10 there, as well (Indicating).

11 MR. TOMKINS: There is landscaping there
12 in the area of the pavement. Of course there
13 is going to be grass.

14 CHAIRMAN STUTO: Was your question
15 answered?

16 MR. LANE: Yes, it was.

17 CHAIRMAN STUTO: Anything else?

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

19 CHAIRMAN STUTO: I am looking for an
20 interpretation here of whether this falls
21 under the redevelopment. The particular
22 question is the lot size of an acre or less, I
23 think. That's what counsel is thinking about
24 right now.

25 MS. VAIDA: I also had a question and I'm

1 not sure what might be the language - the
2 drafting - but it says on lots less than one
3 acre -- I saw that your SEQRA says that you're
4 disturbing less than an acre, but if you read
5 this literally, it says lot and not area of
6 disturbance. The first condition says
7 "addition or other site change other than
8 demolition". I don't know if that means that
9 you're doing a demolition and replacing it
10 that this doesn't apply, or because you are
11 doing the demolition -- you can't rely on this
12 section. It's not clear.

13 MR. TOMKINS: What's our recourse? If
14 it's not clear, what's our recourse?

15 CHAIRMAN STUTO: To come back to us for
16 site plan review. If we're not clear, she has
17 to give a definitive interpretation. That
18 might not be tonight. If she decides that you
19 need to come for site plan review before this
20 Board, that's what we'll do. Then we would
21 have a Town Designated Engineer reviewing it
22 for us, as well.

23 MS. VAIDA: Did you speak with the Town
24 Attorney about whether you fit under this
25 section?

1 MR. TOMKINS: We had a DCC meeting and
2 everyone was there, including a representative
3 from the Town Attorney's office. No one
4 objected to that.

5 MR. TENGELER: Rebekah Kennedy was at the
6 DCC meeting and offered her expertise in
7 regards to SEQRA.

8 CHAIRMAN STUTO: Can we take five and get
9 her on the phone? SEQRA is different than when
10 it comes before us or not.

11 MS. VAIDA: Was there a SEQRA review
12 done, or no?

13 MR. TENGELER: It's in the process of
14 being done. The classification was made as an
15 unlisted action.

16 MR. TOMKINS: I'm going to have to
17 emphasize that there was no dancing around the
18 fact that it was called a redevelopment
19 application at the DCC meeting.

20 CHAIRMAN STUTO: This is what I suggest:
21 Let's take a five-minute recess and we'll try
22 to get a hold of one of the Town Attorneys. We
23 just want to do it right.

24 MR. TOMKINS: I understand, but these
25 folks have months invested in this.

1 CHAIRMAN STUTO: The process is not that
2 dissimilar. It's pretty similar, except we
3 review it as a site plan review instead of
4 reviewing just one waiver.

5 MR. TOMKINS: I understand that.

6 CHAIRMAN STUTO: We'd be taking a closer
7 look at everything there and we'd have the
8 benefit of a Town Designated Engineer
9 reviewing it on our behalf.

10 MR. TOMKINS: It sounds like it takes
11 more time.

12 CHAIRMAN STUTO: Well, you'd have to come
13 back for another meeting.

14 Let's take a five-minute recess and we'll
15 see.

16 I don't mind you advocating for your
17 position at all. We're just in a gray area
18 ourselves. We just want to clarify.

19 MS. VAIDA: I'm actually troubled by the
20 procedure because I don't think that it's
21 right to have that happen to the applicant.
22 It's not really their fault. I'm also troubled
23 that maybe we need to change our review
24 procedures so that either myself or the Town
25 Attorney's office double checks to make sure

1 that these projects are meeting the
2 definition.

3 CHAIRMAN STUTO: That's fine. Let's take
4 five and try to get a hold of Rebekah or Mike
5 on this.

6 ***(There was a brief recess.)***

7 CHAIRMAN STUTO: Okay, the recess is over
8 and we're going to call the meeting back to
9 order. We were lucky enough to get the Town
10 Attorney on the phone with myself, Mike
11 Tengeler and our counsel, Elena Vaida.

12 Elena, could you make a recommendation as
13 to where we should go from here, based upon
14 our conversation?

15 MS. VAIDA: We're going to go ahead with
16 the project, as is, in light of the history
17 here and the fact that you were led to believe
18 that it is a redevelopment and the fact that
19 substantively, it would appear that the
20 project meets all the guidelines under the
21 Land Use Law, anyway, other than this parking
22 waiver that you need - we're going to treat it
23 as such and move forward.

24 CHAIRMAN STUTO: Any other questions from
25 the Board?

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

2 CHAIRMAN STUTO: Okay, where are we on
3 SEQRA?

4 MR. TENGELER: It's been classified as an
5 unlisted action. I'm waiting for the neg dec
6 to come in from Rebekah Nellis Kennedy, but
7 she has classified it as an unlisted action
8 and it will be handled administratively.

9 CHAIRMAN STUTO: Can we grant a waiver
10 before we have the neg dec?

11 MR. TENGELER: I spoke to Rebekah about
12 that today and the answer is yes because she
13 has made the classification.

14 CHAIRMAN STUTO: Do you agree with that,
15 Elena?

16 MS. VAIDA: No.

17 CHAIRMAN STUTO: Can we grant a waiver
18 contingent upon the neg dec -

19 MS. VAIDA: Yes. I assume that you've
20 done -- it's your department that's doing the
21 review and it's probably just a question of
22 putting your findings to paper.

23 MR. TENGELER: It's literally a question
24 of her sending me the negative dec document
25 with her information filled out.

1 MS. VAIDA: So, you basically found that
2 there is no impact to the environment by these
3 improvements that are being made.

4 MR. TENGELER: Correct.

5 CHAIRMAN STUTO: Can you restate what the
6 wavier is, just so that the Board knows what
7 they are voting on?

8 MR. TENGELER: Yes. It's to grant relief
9 from the NCOR design standards to allow
10 parking within the front yard setback of the
11 building.

12 CHAIRMAN STUTO: Anybody want to make a
13 motion on that?

14 MR. MION: I'll make that motion.

15 MR. LANE: With the condition that the
16 procedure of a neg dec be issued.

17 CHAIRMAN STUTO: Do we have a second on
18 that motion?

19 MR. AUSTIN: Second.

20 CHAIRMAN STUTO: All those in favor?

21 **(Ayes were recited.)**

22 CHAIRMAN STUTO: All those opposed?

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

24 CHAIRMAN STUTO: The ayes have it.

25 Thank you and good luck.

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*(Whereas the proceeding concerning the above
entitled matter was concluded at
7:55 p.m.)*

CERTIFICATION

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

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14 -----
15 **NANCY STRANG-VANDEBOGART**

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18 **Dated July 9, 2012**

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