

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 IPEK AUTO SALES

5 62 FULLER ROAD

6 APPLICATION FOR CONCEPT ACCEPTANCE

7 *****

8 THE STENOGRAPHIC MINUTES of the above

9 entitled matter by NANCY STRANG-VANDEBOGART, a

10 Shorthand Reporter, commencing on January 8, 2013

11 at 8:04 p.m. at The Public Operations Center, 347

12 Old Niskayuna Road, Latham, New York

13 BOARD MEMBERS:

14 PETER STUTO, CHAIRMAN

15 TIMOTHY LANE

16 LOU MION

17 BRIAN AUSTIN

18 KAREN GOMEZ

19 SUSAN MILSTEIN

20 KATHY DALTON

21 ALSO PRESENT:

22 Elena Vaida, Esq., Counsel to the Planning Board

23 Joe LaCivita, Director, Planning and Economic Development

24 Joe Grasso, PE, Clough Harbour and Associates

25 Zareh Altounian

Scott Reece

Hadi Ipek

1 CHAIRMAN STUTO: We'll call up the final project.
2 This is Ipek Auto Sales, 62 Fuller Road. This is an
3 application for concept acceptance.

4 Who is going to do the introduction? Joe?

5 MR. LACIVITA: Sure. This project actually dates
6 back to November of 2007 when we first saw the project
7 come to DCC. A project of this size would typically
8 now go through what we call a redevelopment process.
9 Unfortunately, the project was before the Planning
10 Board for concept acceptance on December 2, 2008.
11 There were a couple of items that needed to be worked
12 out. There were also changes in Fuller Road and the
13 Ipeks actually concentrated their efforts on
14 redesigning their site on Railroad Avenue at the
15 recycling center. That is coming along pretty well.
16 So, here we are tonight again back before us for
17 concept acceptance for a 1,508 square foot used car
18 dealership.

19 CHAIRMAN STUTO: How long ago did we see this?

20 MR. LACIVITA: This came back to us December 2, of
21 2008 and like I said, there have been some changes in
22 Fuller Road. The Ipeks were actually moving forward
23 with their other site on Railroad Avenue where this
24 Board had actually done all the final approvals for
25 that as well.

1 CHAIRMAN STUTO: For the purposes of explaining,
2 can you pretend that we never saw it before? A lot of
3 time has passed and a lot of us weren't here back then.

4 MR. ALTOUNIAN: This project started in 2008 and
5 it's been four years. In the meantime, the owners were
6 working on another project on Railroad Avenue. Some is
7 due to the renovation of Fuller Road. At that time we
8 applied to Albany County Public Works and we had a few
9 meetings with them for the stormwater to direct the
10 stormwater to the existing area on Fuller Road instead
11 of collecting it. They accepted it and approved it.
12 Then when they started with their renovations, they
13 wanted to put the pipe in and they changed their mind.
14 They said that we can't have it, so we were stuck again
15 and we had to redo the whole stormwater design on the
16 site. We'll get a little better description of that a
17 little later.

18 After that there was a change in the zoning,
19 the building was changed to be closer to the road.
20 The new zoning was 20 feet, so we had to move it.
21 There was another design change.

22 In the meantime we had gone through the
23 Planning Board and we had three meetings with the
24 Planning Board for concept at the time. We went
25 through and then it stopped, so now we're back for

1 concept. If you realize that in the meantime we
2 had done all the drawings, it's almost a complete
3 design right now. We have to go through the
4 planning stages.

5 So, this site is on Fuller Road and it's
6 between another used car sales, which is on the
7 right side of it. There also is a gas station
8 right next to it. This is about just less than a
9 one-half acre lot. We have to figure out the
10 parking requirements. That was 12 for a parking
11 area and we have 13. So, there is padding in
12 there. Also, the new stormwater design that was
13 included here will be an in-ground design. We'll
14 get you the description later on. We have a
15 building which is about 1,500 square feet located
16 here (Indicating). It's a one-story building with
17 a full basement and the building is divided into
18 two areas. One is car sales area, and the other
19 half is an office area.

20 Also, we have an area here - it's 2,000
21 square feet area which will hold 14 display cars
22 for sale. The rest of it came from discussions
23 with the Planning Board years ago and they will
24 put an iron fence and brick piers to block the
25 cars a little bit. We had a waiver for that and

1 the Planning Board was okay with it. I don't know
2 if it was actually accepted at that time.

3 CHAIRMAN STUTO: I don't think that we voted on
4 any waivers yet. We don't do that until final.

5 MR. ALTOUNIAN: The rest of it, as you can see
6 here, is the new renovated Fuller Road part. We went
7 and talked with the departments of the Town of Colonie
8 for water, sewer and we had the whole design done for
9 that. This is what the proposed building will look
10 like (Indicating).

11 Basically, I don't know if you have any more
12 questions.

13 I would like to have Scott just briefly
14 describe the stormwater system.

15 MR. REECE: Hi my name is Scott Reece and I did
16 stormwater for this site. Basically, it is a flat
17 site. It was open. It's generally sloping from Fuller
18 Road to the back of Wilson Court. Originally, as Zareh
19 said, we were going to be draining into Fuller Road but
20 the system that was on Fuller Road is at capacity and
21 they didn't want to have any additional waters go in
22 there. So, we did stormwater test holes with the Town
23 of Colonie. That was all sand material down to at
24 least five or six feet. The infiltration rate was
25 almost immediate. So, all the impervious areas are

1 sloping towards the back. We have heavy vegetated
2 swales along both sides of the property, going down
3 both sides directed into the back area which will be an
4 infiltration basin. This is less than one-half acre so
5 it doesn't need to follow DEC standards, but we are
6 following the Town of Colonie standards where we are
7 trying to infiltrate everything on site so that there
8 will be no additional run-off from the site because it
9 will all be trapped within the infiltration area.
10 There is an overflow for any kind of emergency area
11 that would come up along Wilson Court, but as it is
12 with a 100 year storm, you're not going to get more
13 than a little over half for the site. Generally, it's
14 low producing, high infiltrated soils. Thank you.

15 MR. ALTOUNIAN: Also, we had comments from CHA and
16 we had sent comments back.

17 CHAIRMAN STUTO: Okay, well, we'll let Joe Grasso
18 from CHA go through that and let us know.

19 MR. GRASSO: Zareh, do you have copies of the
20 elevation? We don't have one in our file.

21 MR. ALTOUNIAN: The building one?

22 MR. GRASSO: Yes. It's the same one that you have
23 up there.

24 We have a comment letter dated October 2012.
25 The first comment in our letter is regarding the

1 requested waiver. It's 14 lot paving within the
2 front lot waiver. The project narrative includes
3 the justification for it. In general, the
4 rationale appears justified because the property
5 is a corner lot and the proposed development is
6 consistent with the adjacent properties. If the
7 Planning Board agrees with the justification for
8 the requested waiver, we will draft a Resolution
9 for consideration by the Planning Board during
10 final plan review.

11 CHAIRMAN STUTO: Can you elaborate a little bit?
12 I have the minutes from the December 2008 meeting
13 minutes. The Board Members expressed concerns and
14 questions regarding the need for front yard parking
15 waiver. There is more here that actually raises
16 interesting questions.

17 MR. GRASSO: I don't know what plan that was based
18 on. We didn't do a review of it, so I don't know if
19 that plan was consistent with what was proposed here.
20 I think that the waiver here is that it's parking
21 within the front yard. It's a corner lot. So, a
22 corner lot, by its definition, has two front yards.
23 So, both Wilson Court serves as a front as well as
24 Fuller Road. Based on where the building is located,
25 all the parking between the building and Wilson Court

1 is going to be within the front yard. So, that's going
2 to require a waiver. Based on our review -- even
3 though the design standards which say the building
4 should be tucked up into the corner of Fuller Road and
5 Wilson Court and then all the parking behind the
6 building - we don't think that's appropriate, given the
7 setting of the site, the use of Wilson Court and the
8 use for the vehicle sales.

9 CHAIRMAN STUTO: It appears that there is another
10 auto sales across the sides street and they're
11 configuring themselves in a similar fashion.

12 MR. GRASSO: You're talking about Wilson Court?

13 CHAIRMAN STUTO: Yes.

14 MR. GRASSO: Yes, where the cars are lined up
15 along Fuller Road, they're stacked up there.
16 Obviously, this plan is more sensitive from an
17 aesthetic standpoint by putting the cars back a little
18 bit.

19 CHAIRMAN STUTO: What's the nearest residence over
20 there on that side road?

21 MR. GRASSO: It's behind the site --

22 CHAIRMAN STUTO: One Wilson?

23 MR. GRASSO: Right, so it's on the other side of
24 the stormwater management area.

25 CHAIRMAN STUTO: So, they'll have the greenspace

1 based on the stormwater management, I guess.

2 MR. GRASSO: Yes, and there is some landscaping
3 proposed on a berm. It's hard to see on the plan, but
4 there is a berm with some landscaping proposed on that
5 side. That's why we felt like the waiver was justified
6 for parking in the front yard.

7 MR. LANE: Mr. Altounian, has the position of the
8 building changed since 2008?

9 MR. ALTOUNIAN: One was changed because of the new
10 zoning. It's approximately where it is now.

11 MR. LANE: Originally in 2008 it was --

12 MR. ALTOUNIAN: It's similar to where it was.

13 MR. LANE: That's in order to get the cars out in
14 front?

15 MR. ALTOUNIAN: Yes, this is where the cars are
16 going to be set up. It's only 14 cars, so there is not
17 much space.

18 MR. GRASSO: Regarding the Fuller Road frontage,
19 we took into consideration that if you look at how
20 things line up on Fuller Road, the display area is set
21 back a little bit from the front wall of the building.
22 So, therefore, those don't encroach in the front yard.
23 It's the proximity to Wilson Court that creates the
24 wavier request.

25 CHAIRMAN STUTO: Is there going to be landscaping

1 within the display area? That's another comment in the
2 minutes.

3 MR. GRASSO: It does dovetail into our next
4 comment. That's regarding the 80-foot street frontage
5 build-out where obviously it's difficult on a site like
6 this to have 80 feet of build-out by the building, but
7 what they've done is they've picked up around the
8 display area and added a fence and some columns. It
9 still doesn't meet the 80 percent requirement which is
10 a recommendation, but we thought as long as what they
11 are doing there is substantial and it's a nice
12 decorative fence and it's got some landscaping around
13 it and it really accentuates the display area, we think
14 that the intent of the zoning by having that frontage
15 build-out at least along Fuller Road, is met. We
16 didn't see any merits to extending that fence further
17 down along the side of Wilson Court, although that's
18 something that the Planning Board can obviously weigh
19 in on.

20 CHAIRMAN STUTO: On the front section, do you like
21 the benches and the bike rack -- on Fuller Road in
22 front of the building?

23 MR. GRASSO: Yes, I mean there is a new
24 seven-foot wide sidewalk out there. Obviously, our
25 preference would be that they're out there right closer

1 to a paved surface so maybe there could be a little
2 apron that extends off the sidewalk on Fuller Road so
3 that they're not just within the landscaped area. It's
4 schematically shown here on the concept plan and it's
5 something that we can take a closer look at when we get
6 into the final plans.

7 Whenever we're dealing with a small site like
8 this and vehicle sales, we have a concern
9 regarding the delivery of vehicles.

10 Zareh, can you explain how a delivery truck
11 will access the site and avoid having to back out
12 onto Fuller Road?

13 MR. ALTOUNIAN: The way that it was proposed, I
14 think that proposal came from Albany County too. They
15 said that the truck will come to Warehouse Row which is
16 across from Fuller Road going this way.

17 MR. IPEK: Can I address this Board? I'm Hadi
18 Ipek, the owner of the property.

19 CHAIRMAN STUTO: Where is your brother?

20 MR. IPEK: He's actually out of Town and he's
21 giving me all this punishment.

22 I just want to remind the ladies and
23 gentlemen that there is one thing about this.
24 There really is not going to be truck deliveries
25 of vehicles. This is a small lot of cars. This

1 is going to be taken from the auction and brought
2 up to put up for sale. It's not going to be a
3 tractor trailer that's going to pull in and
4 dropping off cars. That's not going to happen.
5 That's not even a question. I know that they're
6 talking about trucking and whatnot - we're talking
7 about a 14-car lot.

8 CHAIRMAN STUTO: So, you have no problem with the
9 note being added to the plans, right?

10 MR. IPEK: Yes, I mean, it's not going to have
11 delivery trucks. If you want to add the note to the
12 plans, you can.

13 It's like the place right next to me. When
14 they get lumber, guess where they deliver it?
15 They're right on the center lane. Everybody sees
16 that. It's not just me. I own 400 different
17 properties in that area and every one of them do
18 the same. The same thing with Railroad Avenue.
19 They pull right on the railroad tracks and unload
20 their vehicles. In this case, it's not going to
21 happen because it's only a 14-car parking lot. If
22 I was Lia, then we can talk about that. This is
23 just to keep one of our brother busy. That's
24 basically what it's for. Have a good evening.

25 MR. GRASSO: So, the summary of that is just to

1 add a note to the plans to control the operations.

2 The other comments are really minor. They
3 are things that will be addressed during the
4 preparation of the final plans.

5 Our last comment is regarding the SEQRA
6 review. The Town Attorney's office has classified
7 this as a Type II action, so no SEQRA review is
8 required, even though they put a short EAF in the
9 application materials.

10 Just one other thing. Regarding the
11 stormwater design, Scott, you described it as it's
12 an infiltration design with sands on the site.
13 Have you considered the use of pervious pavement
14 at all?

15 MR. REECE: Being an auto dealership, you have the
16 autos kind of there. You always think about the
17 drippings of the cars themselves. It's a thought and
18 it's used in different areas or parking areas. I think
19 that right now you have the impervious area and it's
20 such a small site and the amount of pavement is such a
21 small amount of area. I'm not sure if there is a cost
22 variation in having it or not.

23 MR. GRASSO: Understood. You may want to consider
24 it. There are existing dealerships in the Town that
25 have pervious pavement with success. I would consider

1 it, but obviously it looks like you have adequate area
2 to infiltrate there.

3 MR. REECE: During the 100 year storm, it only
4 goes up a foot to two feet to fill that basin. It's
5 not going to be a large area for the pavement that we
6 have on the site.

7 MR. GRASSO: Seems appropriate.

8 CHAIRMAN STUTO: Is there anybody from the public
9 that wants to be heard?

10 MR. KENNERLY: I'm William Kennerly. I'm just
11 curious. Can you describe - I think that you called it
12 a vegetative -

13 CHAIRMAN STUTO: Swale.

14 MR. KENNERLY: Right. That separates whatever
15 your catch basin is from Wilson Court and the
16 properties - I'm a resident of the area. Can you tell
17 me in a little more detail what that's going to look
18 like?

19 MR. REECE: All this is a grass swale. A grass
20 swale is a low depression that carries water from one
21 point to another. It's a ditch, but a very shallow
22 ditch. Basically, it's just making sure that water is
23 not running onto Wilson Court from this area or onto
24 this property from this area(Indicating). So, any kind
25 of run-off is mostly going to sheet drain across the

1 parking lot. Anything that is coming along the front
2 or along the side runs down these grass ditches and all
3 of it is going to be grass going down - just draining
4 into another depression. It's only about three or four
5 feet deep. In the back it's going to be berms, so it's
6 going to be humped up and you're going to have a
7 planting area along the back along the top of that
8 berm. That berm is approximately two to three feet.
9 You're only talking about the berm and some additional
10 plantings on the top of it.

11 MR. KENNERLY: Is there a pavement access off of
12 Wilson Court?

13 MR. REECE: No, there's not. There will just be
14 one access here (Indicating).

15 CHAIRMAN STUTO: Anyone else from the public?
16 (There was no response.)

17 CHAIRMAN STUTO: Kathy?

18 MS. DALTON: I don't have anything.

19 CHAIRMAN STUTO: Lou?

20 MR. MION: No, I don't.

21 CHAIRMAN STUTO: Brian?

22 MR. AUSTIN: No.

23 CHAIRMAN STUTO: Can you describe where the
24 greenspace is again? I think that I have an idea from
25 here.

1 MR. IPEK: The greenspace starts here near the
2 property line (Indicating).

3 CHAIRMAN STUTO: It goes right up to the building?

4 MR. IPEK: This whole thing is greenspace
5 (Indicating).

6 CHAIRMAN STUTO: So, basically around the
7 perimeters.

8 MR. IPEK: Right.

9 CHAIRMAN STUTO: The comment from the neighbor
10 that someone pointed out up here was can we somehow
11 block or barricade to make sure that they don't park in
12 the greenspace?

13 Is that practical, Joe?

14 MR. GRASSO: You're talking about the display
15 vehicles, I assume?

16 CHAIRMAN STUTO: Yes.

17 MR. GRASSO: Because that's a common concern with
18 vehicle sales and that they aren't parking cars all
19 over. At least on this site we have a very defined
20 display area, even though we don't show how the cars
21 are going to be oriented. Then we have that ornamental
22 fence and the columns seven feet off the pavement. It
23 allows them an area to store the snow when they push it
24 off that paved area. I don't really know how much they
25 can go with that fence, which wraps around the display

1 area. Is there a specific concern area?

2 CHAIRMAN STUTO: There is still 10 or 12 feet to
3 park cars.

4 MR. GRASSO: There will be a note on the final
5 plans that says that the display of all the vehicles
6 needs to be within that display area.

7 CHAIRMAN STUTO: I think that they're looking for
8 a physical barricade.

9 MR. GRASSO: Between the fence and the trees that
10 are going to be planted and the swale, I don't think
11 they're going to be able to park any more cars there.

12 CHAIRMAN STUTO: I see a rendering of the
13 building. Can you describe a little bit in terms of
14 materials and surfaces?

15 MR. ALTOUNIAN: We're thinking about using stucco
16 for the building. The building itself was changed
17 about three or four times. The Planing Board at that
18 time liked the shape and the entrance. So, basically
19 we worked with the Planning Board at that time to
20 produce a final layout.

21 CHAIRMAN STUTO: Thank you.

22 MR. ALTOUNIAN: The benches were their idea, also.
23 At that time they wanted it back more and closer to the
24 sidewalks.

25 CHAIRMAN STUTO: Joe, do you want to comment on

1 that? Sometimes it's the littlest aesthetics at the
2 end that make the difference.

3 MR. GRASSO: You've got a sidewalk that extends
4 and addresses the frontage of your building and extends
5 out to Fuller Road. I think that a good location would
6 be along that sidewalk extension, just so that they're
7 not floating out there in the middle of the lawn area.

8 CHAIRMAN STUTO: So, if you're walking on the
9 sidewalk and you want a rest?

10 MR. GRASSO: Yes.

11 MR. ALTOUNIAN: We can bring it back closer to the
12 sidewalk.

13 MR. GRASSO: It's a subjective comment. Again, I
14 think that once we get into the final plans, we can
15 take a closer look at those.

16 CHAIRMAN STUTO: Tim?

17 MR. LANE: Nothing.

18 CHAIRMAN STUTO: Karen?

19 MS. GOMEZ: Nothing.

20 CHAIRMAN STUTO: Susan?

21 MS. MILSTEIN: No questions.

22 CHAIRMAN STUTO: This is just for concept so we
23 don't have to act on SEQRA. This is only for concept
24 acceptance and we don't have to act on any waivers.

25 Does anyone want to comment on the waivers?

1 (There was no response.)

2 CHAIRMAN STUTO: I think that Joe gave a fairly
3 adequate explanation.

4 If we get far enough, would you draft the
5 Resolution about the waivers?

6 MR. GRASSO: Yes.

7 CHAIRMAN STUTO: Are we ready to vote on concept
8 acceptance? Does someone want to make a motion taking
9 into consideration the Town Designated Engineer's
10 comments and the department comments?

11 MR. MION: I'll make the motion.

12 MR. AUSTIN: Second.

13 CHAIRMAN STUTO: Any comments or questions?

14 (There was no response.)

15 CHAIRMAN STUTO: All those in favor say aye.

16 (Ayes were recited.)

17 CHAIRMAN STUTO: All those opposed say nay.

18 (There were none opposed.)

19 CHAIRMAN STUTO: The ayes have it.

20 Thank you.

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22 (Whereas the above proceedings were adjourned
23 at 8:35 p.m.)

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CERTIFICATION

I, NANCY STRANG-VANDEBOGART, 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 STRANG-VANDEBOGART

Dated January 10, 2013

