

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 LIA JEEP/CHRYSLER
 5 2116 CENTRAL AVENUE
 6 APPLICATION FOR SEQRA DETERMINATION
 7 AND FINAL REVIEW

8 *****

9 THE STENOGRAPHIC MINUTES of the above
 10 entitled matter by NANCY STRANG-VANDEBOGART, a
 11 Shorthand Reporter, commencing on June 4, 2013 at
 12 7:02 p.m. at The Public Operations Center, 347 Old
 13 Niskayuna Road, Latham, New York

14 BOARD MEMBERS:
 15 PETER STUTO, CHAIRMAN
 16 LOU MION
 17 BRIAN AUSTIN
 18 TIMOTHY LANE
 19 SUSAN MILSTEIN
 20 KATHY DALTON

21 ALSO PRESENT:

22 Joe LaCivita, Director, Planning and Economic Development

23 Daniel Hershberg, PE, Hershberg and Hershberg

24 Heather Wylde, PE, CHA

25

1 CHAIRMAN STUTO: Joe, do you have any business
2 before we call up the first project?

3 MR. LACIVITA: Nothing this evening.

4 CHAIRMAN STUTO: Lia, Jeep, Chrysler, 2116 Central
5 Avenue. This is an application for SEQRA determination
6 and final review.

7 You want to give an introduction before we
8 turn it over to the applicant?

9 MR. LACIVITA: No, I think that the agenda shows
10 that it's a two-phased project, but that's basically
11 the way that the applicant has brought the project
12 forward. It's approved, in total. There will be a
13 construction phase as we go along. The applicant is
14 represented by Mr. Hershberg and he'll explain that for
15 us this evening.

16 CHAIRMAN STUTO: And that's internal phasing?

17 MR. LACIVITA: Yes, it is.

18 CHAIRMAN STUTO: Mr. Hershberg?

19 MR. HERSHBERG: Good evening and thank you Mr.
20 Chairman. I'm Daniel Hershberg of Hershberg and
21 Hershberg. I'm here today representing Lia in regard
22 to a new Jeep dealership which is proposed in this
23 building right here (Indicating). There is temporary
24 Jeep dealership set up in this building right here.

25 As most of you know, the auto dealers have

1 gone around and they make their dealerships meet
2 certain criteria. That dealership right there
3 does not meet Jeep criteria, so they will have to
4 construct this new building. As Joe said, it's a
5 two-phased project. Phase I, we want to add this
6 parking here so that when we start work on this
7 parcel here, we won't be short of parking. That
8 means essentially that this will be the Phase II.
9 As a Phase II primarily because Lia and the
10 architect are still working on the internal layout
11 of the buildings to satisfy Jeep's requirements
12 for dealership. Therefore, they're not getting
13 ready to submit the building permit for that so
14 what they will do is apply for a grading permit
15 and apply to put this piece of pavement in place,
16 and then they'll follow it thereafter with a
17 building permit for this building and this parking
18 here (Indicating).

19 There are a couple of time constraints. I
20 think that concept approval is only good for 18
21 months, so the time clock has started I think
22 about six or seven months ago. We'll fall within
23 that time frame and get the second phase going.

24 This is all porous asphalt. I want to say
25 that it's wonderful soil. This area right here is

1 porous pavement and people that drive by can see
2 the difference between that pavement and the
3 porous pavement. This area here is all porous
4 pavement (Indicating). There was a little concern
5 regarding the wetland issue, but by placing the
6 granular fill on that, it will still give us the
7 are that we need. There is only a small portion
8 that lies within the wetland area.

9 The application has been made under
10 Nationwide permit 39 to allow the abandonment of
11 the .09 acres with wetland, and that was obtained
12 and is part of the package that you folks have
13 received. We believe essentially that other than
14 that, we've met most of the requirements.

15 Again, there were a few other technical
16 issues that were raised on Clough Harbour's list.
17 There was one issue regarding how to protect the
18 existing catch basins on existing pavement from
19 infiltration of silt into it. We will work with
20 Clough Harbour and John Dzialo to make sure that
21 the conceptual will handle that.

22 CHAIRMAN STUTO: Are you looking for waivers on
23 this?

24 MR. HERSHBERG: We're looking actually for three
25 waivers. One is for the distance back. It does,

1 however, line up with the other buildings. Parking in
2 front of the building - this portion is parking in
3 front of the building, but it's consistent with what
4 was done up and down the line.

5 The third waiver that we ask for is the
6 hydrolyte standards. The height of the light
7 standards is higher than 18 feet, but they've
8 actually adjusted the existing light standards
9 that adjoin the site. I think that those are the
10 three waivers that are in the package that we
11 request -

12 CHAIRMAN STUTO: Are there any members of the
13 public that are looking to speak on this project?

14 FROM THE FLOOR: I just have a question on how far
15 from the cemetery is the parking - how close is it
16 going to be?

17 MR. HERSHBERG: Originally, we had it closer. It
18 is currently about 35 feet to the end of the parking.
19 That's where it is now. Existing parking is about 55
20 feet north of the cemetery and it's going to stick out
21 18 feet further. So, it's 37 or 38 feet off the
22 property.

23 FROM THE FLOOR: That's going to remain green?

24 MR. HERSHBERG: Yes, everything is going to remain
25 green over here (Indicating). As a matter of fact, we

1 show shrubs in here and we do have a landscape plan
2 that shows some shrubs here. Some are limited because
3 we have a sewer easement right through that strip
4 there, so we can't put any large trees there.

5 This area right here is pretty overgrown now
6 with a whole bunch of vine-type material. It's
7 not attractively landscaped now. This piece right
8 here, we have to leave undisturbed because it's
9 part of the wetland.

10 CHAIRMAN STUTO: Okay we have our Town Designated
11 Engineer here today. Clough Harbour is represented by
12 Heather --

13 I'm sorry Heather, I apologize that I don't
14 know your last name.

15 MS. WYLD: Heather Wyld.

16 CHAIRMAN STUTO: Would you like to give us your
17 comments on this project?

18 MS. WYLD: Certainly. I'll go through our letter
19 last dated May 14th. In general, our previous comments
20 before that letter had been addressed adequately. So
21 remaining in this letter.

22 "Applicant is requesting waivers from the
23 following COR design standards" which Dan just
24 went through as well.

25 Parking lot paving within the front yard

1 setback, maximum front yard building setback and
2 maximum light pole height. The applicant has
3 provided justification for each of the waivers.

4 Based on our review, it appears that the
5 waivers are justified due to the uniqueness of the
6 use being retail vehicle sales with the parking
7 being the merchandise display. The building
8 setback is consistent with the setback of the two
9 other vehicles sales building on the site, and the
10 light pole height matching the existing light
11 poles throughout the site.

12 CHA has prepared a draft Resolution which is
13 included in your packet for consideration by the
14 Planning Board tonight.

15 "The proposed project is an unlisted action,
16 pursuant to SEQRA and the applicant has provided a
17 short environmental assessment form."

18 Based on the information provided and lack of
19 sensitive environmental features on the site, the
20 project is not expected to result in significant
21 environmental impacts. CHA has drafted a negative
22 declaration for consideration by the Planning
23 Board tonight, which is also included in your
24 packet.

25 Beyond that, any remaining comments are very

1 minor and can easily be addressed between CHA and
2 Hershberg in a post hearing submittal.

3 CHAIRMAN STUTO: Thank you. I'll turn it over to
4 the Board for questions or comments.

5 MS. DALTON: I had two quick ones. The first is
6 in the letter from CHA. In number three they talk
7 about the filter fabric in the catch basin. I know
8 that you addressed the issue, but I was wondering if
9 you could explain in a little bit more detail how you
10 addressed the issue?

11 MR. HERSHBERG: The normal issue, if this was in
12 an unpaved area, the way that we normally would do it
13 is that we would excavate around the catch basin and
14 form a sump around it and let the water go into the
15 catch basin by putting a couple of holes in the side of
16 the catch basin. That would be our own layer of
17 protection. This is in the middle of a paved area
18 which makes it a little awkward.

19 What we intend to propose as an alternative
20 would be is that it allows us to put silk fence
21 around there and pave the bottom of the silk
22 fence.

23 If you will, I'm giving you a visual which
24 will not show up on the transcript.

25 If this is a vertical piece of the silk

1 fence, take it and have the pice that's normally
2 embedded in the ground, put laterally out in this
3 direction and weight it down with concrete blocks
4 around it (Indicating). That will form a barrier
5 around those catch basins. This only effects the
6 catch basins that are on the existing pavement
7 area. We don't need anything in the new paved
8 area because it's all porous pavement.

9 MS. DALTON: With the cement blocks on the side -
10 wouldn't that be awkward?

11 MR. HERSHBERG: Again, this is going to be an in
12 area where no one will be driving.

13 MS. DALTON: I'm talking about walking. I'm
14 really clumsy.

15 MR. HERSHBERG: The only catch basin that we
16 really require that for is a catch basin, which is
17 right here on the site (Indicating). We think that
18 essentially its not going to be accessible to the
19 public. It's going to be within the construction area
20 when this gets built. We're going to have a good sized
21 construction area with laydown areas for contractors in
22 there so that it won't be assessable to the public.
23 This is strictly a method of preventing the silk from
24 getting into our storm system in our construction site,
25 because we didn't want to have to rip up the pavement

1 to create this. We think that this is an alternative
2 and we have not yet submitted it or discussed it with
3 John Dzialo or Clough Harbour, but we think that would
4 be our proposal. If we need to, we will excavate and
5 remove the pavement around it and make the drop method
6 that is the preferred method.

7 As a matter of fact, when catch basin
8 protection first came out when the blue book was
9 first drawn up, the method was the surrounded silk
10 fence around it. It was found that it didn't do
11 an awful lot of protection because with major
12 storms, silk fencing was knocked over and only
13 took one section of the silk fencing to be knocked
14 over before it became inundated with soapy water.
15 That was a method that is still approved in the
16 bluebook, but was frowned upon by most MS4
17 Coordinators and most engineers because it doesn't
18 function that well.

19 MS. DALTON: I assume that whatever Clough Harbour
20 approves, I'll be fine with. I just wanted to make
21 sure.

22 My second question had to do with some
23 comments from the Albany Pine Bush. It has to do
24 with outdoor lighting and I know that the request
25 on the outdoor lighting is to keep the poles at

1 the same height. This talks about the type of
2 outdoor lighting and using high pressure sodium
3 vapor lights instead of your mercury vapor lights.
4 So, could you address that?

5 MR. HERSHBERG: I wish I could. Let me see if I
6 have my lighting plans.

7 These are metal halites and not high pressure
8 sodium. They match the existing fixtures that are
9 on the rest of the parking lot.

10 MS. DALTON: So, they're not what's being
11 requested - the sodium vapor.

12 MR. HERSHBERG: Right.

13 MS. DALTON: So, they're not talking about the
14 butterflies, but they're talking about the nocturnal
15 animals. I'm not sure why they're more interested in
16 that point.

17 MR. HERSHBERG: I have a good idea of what they
18 are talking about. There is a moth that habitats the
19 Pine Bush. It's not on the endangered species list,
20 like the Karner Blue Butterfly or the Frosted Elephant,
21 but it is attracted to metal halite lights. A lot of
22 people that have outside lights on their building in
23 the Pine Bush area probably have a lot of those moths
24 flying into them and incinerating them. That's what
25 they're talking about. Again, we're only adding a few

1 lights on the site that actually is well lit with metal
2 halite lights. We thought that it was inappropriate to
3 have the high pressure sodium.

4 MS. WYLD: There is a concern too when you mix
5 different lighting types. It is a different lighting
6 type, so there won't be consistency throughout the
7 site. Considering that they are only doing a few, we
8 thought that it was appropriate to be consistent.

9 CHAIRMAN STUTO: Anybody else on the Board?

10 (There was no response.)

11 CHAIRMAN STUTO: Anybody else in the public want
12 to be heard on this project?

13 (There was no response.)

14 CHAIRMAN STUTO: Okay, Heather, can you walk us
15 through the environmental form?

16 MS. WYLD: Absolutely. So, the applicant
17 submitted a short environmental assessment form. So,
18 Part I was completed by the applicant and we feel that
19 it adequate describes the project.

20 Part II on the back of that page is the
21 impacts assessment and CHA drafted the Part II for
22 the Planning Board's consideration tonight. I'll
23 briefly go through that.

24 "Does action exceed any type I threshold in 6
25 NYCRR, part 617.4? No.

1 Will action receive coordinated review as
2 provided for unlisted actions in 6 NYCRR, part
3 617.6? No.

4 Could action result in any adverse effects
5 associated with the following: C1. Existing air
6 quality, surface or groundwater quality or
7 quantity, noise levels, existing traffic pattern,
8 solid waste production or disposal potential for
9 erosion, drainage or flooding problems? No, there
10 are no adverse effects.

11 C2. Aesthetic, agricultural, archaeological,
12 historic, or other natural or cultural resources;
13 or community or neighborhood character? No,
14 adverse effects.

15 C3. Vegetation or fauna, fish, shellfish or
16 wildlife species, significant habitats, or
17 threatened or endangered species? No adverse
18 effects.

19 C4. A community's existing plans or goals as
20 officially adopted, or a change in use or
21 intensity of use of land or other natural
22 resources? No adverse effects.

23 C5. Growth, subsequent development, or
24 related activities likely to be induced by the
25 proposed action? No adverse effects.

1 C6. Long term, short term, cumulative, or
2 other effects not identified in C1-C5? No adverse
3 effects.

4 C7. Other impacts (including changes in use
5 of either quantity or type of energy)? No adverse
6 effects.

7 D. Will the project have an impact on the
8 environmental characteristics that caused the
9 establishment of a critical.

10 Environmental area? No.

11 E. is there, or is there likely to be,
12 controversy related to potential adverse
13 environmental impacts? No.

14 Part III - determination of significance."

15 CHA also drafted this Part III for the
16 Planning Board's consideration tonight.

17 "Based on the information and analysis above
18 and any supporting documentation, the project will
19 not result in any significant adverse
20 environmental impacts."

21 That's up for the Planning Board's
22 consideration at this time.

23 CHAIRMAN STUTO: Thank you. I agree with those
24 conclusions that you read through.

25 Does anybody have comments or questions?

1 MR. MION: I'll make a motion to accept.

2 CHAIRMAN STUTO: Okay a motion to accept the
3 negative declaration; is that what you're saying?

4 MR. MION: Yes, sir.

5 MS. DALTON: Second.

6 CHAIRMAN STUTO: Any discussion?

7 (There was no response.)

8 CHAIRMAN STUTO: All those in favor say aye.

9 (Ayes were recited.)

10 CHAIRMAN STUTO: All those opposed say nay.

11 (There were none opposed.)

12 CHAIRMAN STUTO: The ayes have it.

13 Would you like to walk us through the waiver
14 Resolution?

15 MS. WYLD: I'll just read through the waiver
16 findings that CHA prepared for the Board's
17 consideration.

18 Whereas the applicant is requesting a waiver
19 from the Town of Colonie Land Use Law, Article IX,
20 Chapter 1090-9 -

21 CHAIRMAN STUTO: If you don't mind, we'll waive
22 the reading of that. We'll enter the Resolution into
23 the record. If you could read all the resolve
24 paragraphs?

25 MS. WYLD: You don't want the justifications?

1 CHAIRMAN STUTO: Right. We'll just have the steno
2 put it in the record.

3 MS. WYLD: Okay, no problem.

4 "Now, therefore be it resolved, that the
5 Board hereby finds that the extent of the
6 requested waiver is not considered substantial;

7 And be it further resolved, that the Board
8 finds the applicant has established that there are
9 no practical alternatives to the proposed waiver
10 that would conform to the standard and that the
11 waiver is necessary in order to secure reasonable
12 development of the project site;

13 And be it further resolved that the Board
14 hereby issues a waiver from the maximum front
15 building setback of 20 feet;

16 And be it further resolved that the Board
17 hereby issues a waiver from the maximum light
18 fixture height for area lighting;

19 And be it further resolved that these waiver
20 findings be a condition of site plan approval of
21 the application and be kept in the project file in
22 the Office of the Planning and Economic
23 Development Department.""

24 MR. LANE: I make a motion to accept the
25 Resolution.

1 MR. MION: Second.

2 CHAIRMAN STUTO: Any discussion?

3 (There was no response.)

4 CHAIRMAN STUTO: All those in favor say aye.

5 (Ayes were recited.)

6 CHAIRMAN STUTO: All those opposed say nay.

7 (There were none opposed.)

8 CHAIRMAN STUTO: The ayes have it.

9 Can we make sure that our steno has a full

10 copy?

11 MS. WYLD: Yes.

12 CHAIRMAN STUTO: Now the main question before this

13 Board which is for final site plan approval for the

14 project contingent upon the conditions set forth in the

15 Clough Harbour May 14, 2013 letter and all department

16 comments. Do we have a motion?

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

18 CHAIRMAN STUTO: Do we have a second?

19 MR. AUSTIN: I'll second.

20 CHAIRMAN STUTO: Any discussion?

21 (There was no response.)

22 CHAIRMAN STUTO: All those in favor say aye.

23 (Ayes were recited.)

24 CHAIRMAN STUTO: All those opposed say nay.

25 (There were none opposed.)

1 CHAIRMAN STUTO: The ayes have it.

2 Thank you.

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4 (Whereas the above proceeding was concluded

5 at 7:23 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 June 5, 2013

