

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 MID-TOWN AUTO

5 1158 LOUDON ROAD

6 APPLICATION FOR WAIVER REQUEST

7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled

9 matter by NANCY STRANG-VANDEBOGART, a Shorthand

10 Reporter, commencing on September 10, 2013 at 7:40 p.m.

11 at The Public Operations Center, 347 Old Niskayuna

12 Road, Latham, New York

13 BOARD MEMBERS:

14 PETER STUTO, CHAIRMAN

15 BRIAN AUSTIN

16 SUSAN MILSTEIN

17 KATHY DALTON

18 KAREN GOMEZ

19 LOU MION

20

21 ALSO PRESENT:

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

23 Michael Tengeler, Planning & Economic

24 Development

25 Joe Nicholas, Mid-Town Auto

Donald Zee, Esq.

Sudhir Kulkirni, CAC

Eric Ameres

1 CHAIRMAN STUTO: The next two projects are subject
2 to public comment. If you want to comment I would ask
3 that you sign in over at the sheet over there if you'd
4 like to be heard on either of the next two projects.

5 We'll call up Midtown Auto, 1158 Loudon Road.
6 This is an application for waiver request to allow
7 pavement within the front yard setback for proposed
8 retail sale of automobiles.

9 Mike Tengeler, do you have an introduction?

10 MR. TENGELER: Sure, this is an administrative
11 review project that our Planning Department and DPW
12 departments have been working on concurrently. We've
13 been working with the applicant here, Joe Nicholas who
14 is the owner and operator of Mid-Town Auto in Clifton
15 Park on Route 9. They are looking to expand to a
16 different location keeping the old location in Clifton
17 Park and expanding to the old Peanut Principal on Route
18 9. It's been a vacant building for about a year now.
19 Joe approached us a couple of months back and we've been
20 working with him to bring the site into better
21 conformance and in doing so, he is here to request a
22 waiver to allow parking within the front yard setback
23 before the Planning Board tonight.

24 CHAIRMAN STUTO: So, normally, this is not a major
25 site plan review?

1 MR. TENGELER: Correct.

2 CHAIRMAN STUTO: You would have done it in your
3 office as an administrative matter, but they're seeking
4 a waiver and we're going to get a look/see at it.

5 MR. TENGELER: There is a need for him to have
6 proper inventory of his vehicles. Traditionally in the
7 Town if you look at other car dealerships in the Town,
8 they have kind of that frontage of pavement from a
9 marketing perspective. That's really where they are
10 coming from with this.

11 CHAIRMAN STUTO: So, a waiver has been granted
12 before for auto dealers?

13 MR. TENGELER: Correct.

14 CHAIRMAN STUTO: Are you related to the Nicholas in
15 Menands? I'm from Menands and I see them.

16 MR. NICHOLAS: Yes.

17 CHAIRMAN STUTO: But you don't have an ownership in
18 his?

19 MR. NICHOLAS: No, not at all.

20 CHAIRMAN STUTO: Please go forward with your
21 presentation.

22 MR. NICHOLAS: Good evening. My name is Joe
23 Nicholas and I own Mid-Town Auto Group and we have been
24 in business since 2001. We currently have a dealership
25 in Clifton Park New York and we are purchasing --

1 actually we just purchased the Peanut Principal property
2 at 1158 New Loudon Road. We're asking for permission
3 for parking in the front which faces Route 9 and
4 everything would be set forward towards Route 9.

5 We sell pre-owned high lined cars; BMW, Mercedes
6 and our price plan is a little bit higher - Maserati,
7 Ferrari. Our price point is actually a little bit
8 higher than normal car dealerships.

9 CHAIRMAN STUTO: Where is your current store,
10 precisely located? I don't know if I've seen it.

11 MR. NICHOLAS: Enterprise Car Rental, Clifton Park
12 - directly across the street, right on the corner. We
13 do a lot of Mini Coopers, BMW, Porsche and Ferrari.

14 MS. GOMEZ: Where is the entrance? There is a
15 light right there -

16 MR. NICHOLAS: The entranceway would still be the
17 same entranceway. This is the front of the building
18 here (Indicating) and the request that I have would be
19 for the vehicles to be in the front of Route 9. That
20 way, towards the back there is kind of a bunker here
21 that sets back (Indicating).

22 MS. GOMEZ: So, the driveway is in the front of the
23 Peanut Principal? You would take that left at the light
24 and then go right to get back into where the Peanut
25 Principal is and then the Colonie Town Park is down here

1 (Indicating).

2 MR. NICHOLAS: No, if you're heading north and you
3 go past the light heading north, you would go past the
4 Colonie Town Park entrance and make a left right into
5 here (Indicating). If you're heading up Route 9, the
6 park entrance is way over here (Indicating). You would
7 take a left right here into the parking lot. It's from
8 Route 9.

9 CHAIRMAN STUTO: There is no other driveway. Just
10 that one entrance.

11 MR. NICHOLAS: Just the Route 9, which is the
12 existing driveway.

13 MR. AUSTIN: So, you're looking at the existing
14 driveway and the existing building. You're just looking
15 at more pavement.

16 MR. NICHOLAS: Right. We're going to do upgrades
17 to the property; landscaping, painting the building.
18 We're just looking for the front yard for more parking.

19 MS. GOMEZ: How much parking in the front?

20 MR. NICHOLAS: Probably 50 cars.

21 MR. MION: Is that the only place that you're going
22 to extend the pavement?

23 MR. NICHOLAS: Just in the front park where there
24 will be 15 or 20 cars. The rest of the vehicles will be
25 parked in front of the existing building and along the

1 side.

2 MR. MION: Right now it's already approved. You're
3 going to repave it?

4 MR. NICHOLAS: Right. It needs to be repaved and
5 it needs to be all dug out. This is a grass part here
6 and this would be paved over in the front (Indicating)
7 and the existing blacktop needs to be done.

8 MR. MION: You're not going to extend it back?

9 MR. NICHOLAS: Nothing back; no. Everything would
10 be existing. The only thing that we're asking for is
11 the front setback here which is about 4,000 square feet.
12 The greenspace is 35 percent and this covers well over
13 the amount for the greenspace.

14 MR. TENGELER: The minimum greenspace standard in
15 the Town is 35 percent. I think that they have
16 something like 50 to 60 percent as it's proposed here.

17 One of the things that we looked at in the
18 Planning Department was keeping everything in the front
19 for two reasons. First, that's where the access is and
20 then there is a residential neighborhood off of
21 Schermerhorn. So, we wanted to keep everything in the
22 front away from the rear or where the residents are.
23 They're keeping all the existing landscaping that's
24 back there in the back, and that was one of the reasons
25 why we didn't want to add any other ingress/egress out

1 to Old Loudon in the back. We wanted to try to
2 preserve that as best as we could.

3 CHAIRMAN STUTO: Could I have a show of hands who
4 is interested in this project?

5 (A audience member raised their hand.)

6 CHAIRMAN STUTO: Have you seen the drawing? I'll
7 bring this out to you.

8 MS. GOMEZ: I have questions because obviously I
9 live there.

10 I know where Route 9 is and you take that left and
11 you go all the way down to the Colonie Town Park. It's
12 a running path for where all the kids are all the time.
13 This being built - we're going to get more people
14 coming back up Schermerhorn where all the school busses
15 come by the running path, by the Town pool and by the
16 football field and the walking path -- you know Dutch
17 Meadows is there so people are going to be coming in
18 the front off of Route 9, and they're not going to be
19 going back where all the kids are.

20 MR. NICHOLAS: There is no entranceway in the back.
21 The only entranceway is from behind -- it's 100 percent
22 sales facility. There is no work being done. There is
23 no noise being made. It's just an office with sales.

24 MS. GOMEZ: Oh, it's just sales.

25 MR. NICHOLAS: It's 100 percent sales.

1 MR. TENGELER: That's another thing. There isn't
2 going to be any working on the vehicles. There isn't
3 going to be any engine mechanics. This is strictly a
4 retail office use.

5 MS. MILSTEIN: What is permitted without the waiver
6 right now?

7 MR. TENGELER: The use is permitted. Again, the
8 only reason that he is here tonight is that he is
9 requesting additional pavement to be put in the front of
10 his building.

11 MS. MILSTEIN: So, where is that there?

12 MR. TENGELER: Could you show that again, Joe?

13 MR. NICHOLAS: Sure. That would be right here
14 (Indicating). This is the existing building here and
15 this is the front yard which faces Route 9 where there
16 is a light at the end.

17 MR. MION: Just to be clear about that, it is going
18 to be pavement and not gravel, right?

19 MR. NICHOLAS: That's correct.

20 MR. AUSTIN: On the plans it says gravel.

21 MR. NICHOLAS: We discussed it and we changed it
22 over that we were going to blacktop.

23 MR. TENGELER: That will be referenced on the final
24 subplans.

25 MS. MILSTEIN: You're looking for an area for about

1 14 cars?

2 MR. NICHOLAS: That's about it, yes. We're
3 probably going to use that for a display area. We're
4 one of the few dealerships in the area that would carry
5 a Maserati or a Ferrari or a BMW. That would probably
6 be our showcase area and the rest of the vehicles would
7 be around the existing building.

8 CHAIRMAN STUTO: Are you dressing up the current
9 building?

10 MR. NICHOLAS: Yes.

11 CHAIRMAN STUTO: Can you describe what you're going
12 to be doing?

13 MR. NICHOLAS: Probably paint the building and put
14 a few bay windows in the front and park a few vehicles
15 inside the building facing outwards - lighting and
16 landscaping, blacktop.

17 CHAIRMAN STUTO: I'm going to ask more about
18 landscaping.

19 Do we want to hear from members of the public on
20 this?

21 MS. DALTON: Yes.

22 MR. MION: Yes.

23 CHAIRMAN STUTO: Sudhir, do you want to be heard on
24 this?

25 MR. KULKIRNI: No, I'm just a member of the

1 Conservation Advisory Committee.

2 CHAIRMAN STUTO: Eric Ameres.

3 MR. AMERES: Sure. I am just a little bit
4 concerned about being careful of the development area.
5 I know that we have this sort of use and we need more
6 dealerships in the area. In the area that it's in is
7 the entrance to both the Town park as well as the Dutch
8 Meadows Estates. There is also the ball fields there.
9 I'm still concerned about in terms of overdevelopment in
10 the area. If something like this is done, I certainly
11 would want to see those improvements to the property. I
12 would definitely want to make sure that you're not
13 running the risk of over paving and changing the
14 character of the area. A lot of people do travel
15 through and especially coming to the Town park and going
16 to those recreational areas. Recently probably within
17 the last two years, most of the brush and the trees that
18 are behind that property have actually been taken down.
19 That was just done all of the sudden and that upset
20 quite a lot of people. I know that there is a lot more
21 traffic and people cutting through those lots and that
22 has occurred. Now, with the pavement I imagine that
23 will be more attractive of a shortcut and things like
24 that.

25 CHAIRMAN STUTO: You're saying that people cut into

1 that driveway to avoid -

2 MR. AMERES: Yes, they will come up Schermerhorn
3 and cut through the Peanut Principal to get onto Route
4 9.

5 MR. TENGELER: They'll actually drive on the grass?

6 MR. AMERES: There really isn't much grass in
7 between. It was cleared out wonderfully.

8 MS. DALTON: There will be cars parked back there
9 so that they can't run through there.

10 MR. AMERES: There is actually a pretty clear path
11 that could make a nice strip to cut through.

12 MR. TENGELER: Joe, what kind of security are you
13 proposing? Do you have cameras on-site?

14 MR. NICHOLAS: We have cameras on-site. There
15 will be seven set up on the premises. Again, I
16 understand his point of view. I know that's all grass
17 back there. If they're cutting across the lawn, I'm
18 assuming that would be some sort of traffic violation or
19 something like that.

20 As far as the neighborhoods back in that area -
21 I'd just like to address that from our dealership all
22 test drives would be subject to going up and down Route
23 9. Nothing would be granted for them to take a right
24 onto that back road and go into those neighborhood
25 areas. Route 9 travels north and south for miles and

1 miles. I would not recommend to anybody to go back in
2 those neighborhood areas.

3 CHAIRMAN STUTO: I do understand what you're saying
4 and I appreciate that.

5 MR. NICHOLAS: This is 100 percent sales. We don't
6 have any service facilities.

7 CHAIRMAN STUTO: What if you have a warrantee
8 issue?

9 MR. NICHOLAS: All of our cars are serviced at
10 Keeler Motor Car. We have a relationship with them and
11 the reason that we want to move south into the Colonie
12 area is we get our vehicles detailed at Northeast Motor
13 Sports right near the Lexus dealership and we get all
14 our cars serviced at Keeler - BMW Mercedes - so
15 everything goes these.

16 MS. GOMEZ: I'm just so concerned. I'm concerned
17 because my kids walk up and down that road and there are
18 no sidewalks. There's nowhere to walk. People on the
19 bike path go up and down. Kids are coming down from the
20 bike path and there is no way for them to get off the
21 road. My concern is that people are going to start
22 going down that back way probably where you live and all
23 the way down and someone is going to get hit. There are
24 no lights. I know that you say that they're going to go
25 out on Route 9. I don't know about you guys, but I have

1 a heart attack every time my kids walk up to the Colonie
2 Town Pool because I know what those turns are. I'm not
3 saying that's a problem. I'm just saying that I'm so
4 concerned that a car dealership is going so close to
5 where the kids get on the bus every morning. They're in
6 the park for all the seasons and they walk to Cumby's
7 and that's how they get to Cumby's. You know that. All
8 ages and all kids, whether they should or they shouldn't
9 be there, they are. I'm concerned about test drives. I
10 see that you're concerned, but all of our employees are
11 present for test drives. They're not allowed to go on
12 test drives by themselves. Again, everything will be
13 driven north and south.

14 MR. NICHOLAS: I understand your concern.

15 MS. GOMEZ: But you understand that there are kids
16 on that road.

17 MS. MILSTEIN: What are your hours of operation?

18 MR. NICHOLAS: Our hours right now in Clifton Park
19 are 10:00 a.m. to 7:00 p.m.

20 MS. MILSTEIN: How many days a week?

21 MR. NICHOLAS: Saturdays we are there 10:00 until
22 3:00. Monday through Friday and Saturday 10:00 to 3:00.

23 MS. DALTON: Are you planning to do the same
24 schedule?

25 MR. NICHOLAS: Yes.

1 CHAIRMAN STUTO: Linda?

2 MS. SAITO: It's not exactly in my back yard. From
3 what he is describing, I think that if they dress up
4 that area - it's just such an eye sore now.

5 Is there some kind of contract that you can put it
6 in writing that the test drives are going to stay on
7 Route 9? It doesn't concern me as long as you're on
8 Route 9. I wouldn't be concerned with the Town park.
9 I have kids over there all the time.

10 CHAIRMAN STUTO: I think that's a point well taken.

11 MR. TENGELER: We can have it put on the plans, if
12 it's warranted.

13 CHAIRMAN STUTO: That's one point well taken. My
14 perspective is that we would be granting you a waiver,
15 which is something that we're not required to do. There
16 is a certain demonstration that you have to make. In
17 order to mitigate the impact of that, I would like to
18 see a landscaping plan and make sure that you landscape
19 it particularly toward the residential in a way that
20 screens the visual and also ensures that nobody can
21 drive up back and forth on that. That's my opinion on
22 that at this point.

23 MR. NICHOLAS: Maybe a fence where the gentleman
24 was talking about. I've been on the property for a few
25 weeks and I can totally see how someone might drive

1 across the grass into the parking lot. Depending on the
2 Board, some sort of fence or shrubbery -

3 CHAIRMAN STUTO: Or a combination. I'd like to
4 have you come back to see the landscaping plan. We'll
5 get you back on soon.

6 MR. TENGELER: The landscaping is indicated on
7 there. It's indicated right on the plan that you're
8 looking at.

9 CHAIRMAN STUTO: But there is not much detail to
10 it.

11 MR. AUSTIN: There is noting in the back.

12 MR. TENGELER: Right. How do you feel about making
13 that frontage that you're proposing to the back?

14 MR. AUSTIN: I think that some heavy screening -- I
15 think that's what the neighbors are looking for.
16 Something that will prevent that traffic. I know that
17 property very well.

18 I think that it would be awesome if you served ice
19 cream, too.

20 I think that there should be heavy screening back
21 there so they don't cut through because I've seen
22 people do it, too. I'm not sure if Mr. Ameres and any
23 other members of the community that are here would be
24 amenable to heavy screening that might prevent that so
25 that you don't see a car dealership. Maybe you don't

1 know that it's there.

2 MR. AMERES: I think that it totally can be done
3 tastefully. I'm a little concerned about the speeding
4 aspect. Even without that business there it's always
5 going to be an issue for people going up and down. It's
6 a nice straight road and if you're going to test out a
7 Maserati, you're not going to do it on Route 9.

8 MR. AUSTIN: That would be my concern for Route 9
9 too. Route 9 is not a very densely traveled during many
10 parts of the day. You can get a Maserati going pretty
11 good up there.

12 MR. NICHOLAS: Just for the record, we've been in
13 business since 2001 and never had a traffic violation
14 with any of our dealer plates, as opposed to a vehicle
15 being driven.

16 MS. MILSTEIN: Also what you're saying is whenever
17 there is a test drive of a vehicle there, there is a
18 sales person in the car.

19 MR. NICHOLAS: Absolutely. They're not allowed to
20 go on one without a sales person.

21 MR. AUSTIN: For us as a Board and also the
22 community members, it might be good if there was
23 something in writing that said that with the straining
24 and such, the test drive would be on the main road and
25 not the residential roads -- I think Schermerhorn and

1 Nottingham was the other one.

2 MR. TENGELER: That's consistent with other plans;
3 absolutely.

4 CHAIRMAN STUTO: Okay, if you can turn over a
5 revised plan, we'll get you back on the next meeting.
6 So, change the gravel and change the driving
7 restrictions that we discussed and impress us with a
8 landscaping plan.

9 MR. NICHOLAS: Absolutely. Thank you.

10 CHAIRMAN STUTO: Mr. Zee?

11 MR. ZEE: I appreciate this gentleman's comments
12 and I'm sure that we will have no objections to what he
13 said except if we sold ice cream there.

14 The Board Members had mentioned a fence back there
15 and we think that would be appropriate along there.

16 CHAIRMAN STUTO: Thank you.

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18 (Whereas the above proceeding was concluded at
19 8:01 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 September 16, 2013

