

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 24, 2013 at 7:00 p.m.  
 at The Public Operations Center, 347 Old Niskayuna  
 Road, Latham, New York

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 12 BOARD MEMBERS:  
 13 PETER STUTO, CHAIRMAN  
 14 BRIAN AUSTIN  
 15 SUSAN MILSTEIN  
 KATHY DALTON  
 LOUIS MION  
 TIMOTHY LANE

16  
 17 ALSO PRESENT:  
 18 Joseph LaCivita, Director, Planning and Economic  
 19 Development

20 Michael Tengeler, Planning & Economic  
 21 Development

22 Joseph Grasso, PE, CHA

23 Joseph Nicholas, Mid Town Auto

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1           CHAIRMAN STUTO: Good evening. The clock says  
2           7:00, so we'll start the meeting. All three of these  
3           items on the agenda are up for action tonight. So, if  
4           you have any comments that are from the public that you  
5           want to make, please sign in on the sheet over there  
6           (Indicating) and we'll try to do it in an orderly  
7           fashion.

8           Joe, do you have any housekeeping business before  
9           we call the first project?

10          MR. LACIVITA: Not at this point Peter.

11          CHAIRMAN STUTO: Okay, the first project on the  
12          agenda is Mid Town Auto, 1158 Loudon Road. This is an  
13          application for waiver request to allow pavement within  
14          the front yard setback, proposed retail sales of  
15          automobiles. We saw them at the last meeting. We made  
16          a few requests of them.

17          Please come on up and get set up. I don't know if  
18          you're by yourself, or if you have a consultant here.

19          MR. NICHOLAS: Good evening. My name is Joseph  
20          Nicolas and I operate Mid Town Auto Group. We sell  
21          pre-owned high end vehicles and we'd like to move to the  
22          Town of Colonie. We are currently located in Clifton  
23          Park. We purchased the Peanut Principal which was  
24          vacant for about a year.

25          I am requesting pavement in the front setback just

1 to display vehicles. We are 100 percent retail sales  
2 only. There is no mechanical work on the premises.

3 The last time that we were here at the meeting we  
4 added some more landscaping as requested from the Board  
5 and it's showing in the back --

6 CHAIRMAN STUTO: Is this drawing in our packet?

7 MR. TENGELER: Yes.

8 MR. NICHOLAS: Also, there is only one entranceway  
9 which is on Route 9. All the vehicles will be faced  
10 forward toward the Route 9 entrance. There would be  
11 nothing affiliated back towards the Town Park or  
12 Schermerhorn Road. All test drives would be north and  
13 south accompanied by a Mid Town Auto Group employee.

14 CHAIRMAN STUTO: Are you going to leave your other  
15 location or are you going to have two locations?

16 MR. NICHOLAS: Probably for about six months we're  
17 going to stay in Clifton Park and then we're going to  
18 move it down here.

19 CHAIRMAN STUTO: I didn't mean to interrupt your  
20 presentation. Do you have more?

21 MR. NICHOLAS: No, that's fine. That was it.

22 CHAIRMAN STUTO: Can you show us around the  
23 property and show us what you're going to add?

24 MR. NICHOLAS: Sure. I was adding new pavement to  
25 the back yard just for a display area and on the front

1 grass. It requires 35 percent greenspace and the 4,100  
2 square foot is well beyond that. Also, we were going to  
3 add new pavement to the property, upgrades to the  
4 property which is a new roof, new pavement on the front  
5 area as well as the existing parking lot.

6 MR. TENGELER: When the Board saw this last week  
7 there were a couple of requests by the public and the  
8 board. First of all he says that he's requesting  
9 pavement in the front yard setback which is what the  
10 action is before the Board tonight.

11 CHAIRMAN STUTO: On that point, let me ask a  
12 question. Cars that are displayed on the left -- that  
13 was one of the areas that was gravel and you changed  
14 that to pavement.

15 MR. NICHOLAS: Correct.

16 CHAIRMAN STUTO: Now the one in the front, was that  
17 on the drawing last month?

18 MR. NICHOLAS: It was stated as crusher run and is  
19 now shown as being paved.

20 CHAIRMAN STUTO: And the waiver would apply to that  
21 part, as well. Is that correct?

22 MR. NICHOLAS: Yes, because that is not existing.  
23 There is an existing parking lot to the left. We were  
24 going to extend it about 10 feet.

25 MR. TENGELER: It's two areas on the site, but it's

1 considered one waiver.

2 CHAIRMAN STUTO: Okay, I just want to be clear  
3 about what we're talking about. Can you walk us around  
4 about the landscaping?

5 MR. NICHOLAS: Sure. The landscaping would be in  
6 back of the existing building which I have driven many  
7 times on Old Loudon Road. It's a little bit of an eye  
8 sore because it's bright yellow. We are going to change  
9 the color of the building. Also, we're going to add  
10 fencing and landscaping all across the back.

11 There was a concern last time with the neighbor  
12 about the people pulling through the existing parking  
13 lot and driving onto Schermerhorn. This is hopefully  
14 going to prevent anybody from driving through -

15 CHAIRMAN STUTO: Well, it's going to be almost  
16 impossible, right?

17 MR. NICHOLAS: Right.

18 CHAIRMAN STUTO: What kind of plantings are there  
19 there?

20 MR. NICHOLAS: Arborvitaes are shown on the  
21 blueprints. There is also a six foot PVC solid fence.

22 MR. TENGELER: It will be going six feet into the  
23 ground.

24 CHAIRMAN STUTO: What is the fence going to look  
25 like? You said PVC -- is that white solid fence?

1 MR. NICHOLAS: It would be white solid.

2 CHAIRMAN STUTO: Do you have anything to add Mike?

3 MR. TENGELER: No, not really. Since the last time  
4 that he appeared, a couple of notes were put on the  
5 plans to alleviate some of the concerns that the public  
6 and the Board might have had. Notably note five, "No  
7 cars shall be parked in the right of way or entrance  
8 driveway. All test drives will be accompanied by Mid  
9 Town Employees with a valid drivers license. There will  
10 be no traffic through the Schermerhorn Road or the Dutch  
11 Meadows neighborhood." So, there will not be test  
12 driving in the residential neighborhoods. They'll only  
13 be coming out of the existing main entrance.

14 CHAIRMAN STUTO: And those conditions will be part  
15 of this approval?

16 MR. TENGELER: Absolutely. It's shown on the plans  
17 and will be in the record.

18 CHAIRMAN STUTO: Is there anybody in the audience  
19 that wants to comment on this one?

20 (There was no response.)

21 CHAIRMAN STUTO: Okay, we'll open it up for the  
22 Board for any questions or comments.

23 MS. DALTON: I have none. Thank you for  
24 accommodating our requests.

25 MR. NICHOLAS: Thank you.

1 MR. MION: Thank you. I have nothing.

2 MR. AUSTIN: I don't have any negative comments.  
3 My only thought is driving up there on Old Loudon Road  
4 on the backside. I was tempted to see if I could drive  
5 across that little strip of grass to get in there, too.  
6 It's really not that much. I like the arborviteas, but  
7 I like how you spaced it out. I think that it looks  
8 nice that way but I think that the fence all the way  
9 along that one section -- I don't know. I just think  
10 that it would really kind of shield that.

11 CHAIRMAN STUTO: Are you saying connect it?

12 MR. AUSTIN: I just think that it would give the  
13 neighbors shielding. I think that was a concern. I'm  
14 not sure if the arborviteas would provide that  
15 screening.

16 MR. LANE: They grow pretty quick.

17 MR. TENGELER: That was one of the reasons that we  
18 recommended six-footers going into the ground right away  
19 rather than something dwarf. We figured that something  
20 six feet would take to the ground, and they grow about a  
21 foot and a half a year. They're pretty dense.

22 MR. AUSTIN: I think that it's great. Thank you  
23 for addressing our concerns.

24 MR. NICHOLAS: Thank you.

25 CHAIRMAN STUTO: Anybody else?

1           MR. LANE: I wasn't here last time and I just have  
2 a quick question. It said in the narrative that you had  
3 painting of the building done in a year after opening.  
4 Why wait?

5           MR. NICHOLAS: It's taken a little bit of a process  
6 to get it rolling. We've already started it a little  
7 bit of construction. Here would be a long-term site.  
8 It could be done in two months, and it could be done in  
9 three months.

10          MR. LANE: So, this is more or less just long-term  
11 planning and priorities.

12          MR. NICHOLAS: Right, to be hopefully opened and  
13 operational in a few months and get it all set.

14          MR. AUSTIN: What color are you painting it? I  
15 know that it's yellow right now. It's not going to be  
16 pink or purple?

17          MR. NICHOLAS: No, it will be a darker or maybe a  
18 wood color or something darker or earth tone.

19          CHAIRMAN STUTO: Anything else?

20                 (There was no response.)

21          CHAIRMAN STUTO: Do we have a motion on the waiver  
22 with the conditions that comply with this drawing and  
23 the notations that are set on there?

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

25          MR. AUSTIN: I'll second.

1 CHAIRMAN STUTO: Any discussion?

2 (There was no response.)

3 CHAIRMAN STUTO: All those in favor?

4 (Ayes were recited.)

5 CHAIRMAN STUTO: All those opposed?

6 (There were none opposed.)

7 CHAIRMAN STUTO: The ayes have it.

8 Thank you.

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11 (Whereas the above proceeding was concluded at

12 7:10 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.

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NANCY STRANG-VANDEBOGART

Dated October 3, 2013

