

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LIA HONDA  
5 1258 CENTRAL AVENUE  
6 APPLICATION FOR FINAL REVIEW OF  
7 SEQRA DETERMINATION

8 \*\*\*\*\*

9 THE STENOGRAPHIC MINUTES of the above  
10 entitled matter by NANCY STRANG-VANDEBOGART, a  
11 Shorthand Reporter, commencing on October 22, 2013  
12 at 7:28 p.m. at The Public Operations Center, 347  
13 Old Niskayuna Road, Latham, New York

14 BOARD MEMBERS:  
15 PETER STUTO, CHAIRMAN  
16 LOU MION  
17 KATHY DALTON  
18 TIMOTHY LANE

19 ALSO PRESENT:  
20 Elena Vaida, Esq., Counsel to the Planning Board  
21 Joe LaCivita, Director, Planning and Economic Development  
22 Daniel Hershberg, PE, Hershberg and Hershberg  
23 Harry Nopper  
24 Amy Patentreger  
25

1                   CHAIRMAN STUTO: Next on the agenda is Lia Honda,  
2                   1258 Central Avenue. This is an application for final  
3                   review of the SEQRA determination. This is a 95 car  
4                   expansion.

5                   Joe do you have any remarks on this?

6                   MR. LACIVITA: No, Peter, we can go right into  
7                   this one.

8                   CHAIRMAN STUTO: Okay, this is being presented by  
9                   Hershberg and Hershberg.

10                  MR. HERSHBERG: Thank you, Mr. Chairman. We're  
11                  here today representing Lia Auto. This is Lia Honda  
12                  and this project had started in November of 2012 where  
13                  we had proposed to expand the parking in this area here  
14                  (Indicating) and that led to a significant neighborhood  
15                  reaction. Since that time we have relocated the  
16                  parking to Kairnes Street via the expense in there  
17                  which is a commercial area. This parking area now  
18                  accommodates 92 additional parking spaces. In order to  
19                  do that we had to acquire the cul-de-sac at the end  
20                  which is abandoned by the Town. We were also asked to  
21                  provide a 20-foot snow easement at the end of Kairnes  
22                  so that the snow plow coming down Kairnes could put the  
23                  snow there. So, we left a 20-foot grass strip at the  
24                  end.

25                  This map actually shows a fence around there.

1           The applicant believes now that the plowing  
2           can take place there. We just as soon take the  
3           fence so that it won't be subject to damage by the  
4           snow plow. The fence is not really required. For  
5           someone to get here, they'd have to drive across  
6           the grass area. Not that people won't do it, but  
7           again, if they're stealing a car, they'll have to  
8           get out that way and leave their tracks.

9           Here is a blow-up of the area here  
10          (Indicating). From a stormwater management  
11          standpoint we're using porous asphalt. The soil  
12          is very porous. It's all Colonie B soil. This  
13          area right here -- we're putting an underdrain to  
14          make sure that no water gets trapped in that grass  
15          strip at the end of Kairnes.

16          As part of this project, we are still adding  
17          some additional landscaping to the site. We're  
18          adding it along this side right here (Indicating).  
19          We originally proposed to put some Serbian Spruce  
20          there. We proposed to add those now even though  
21          we are not changing, and we're not clearing any of  
22          the site at that location. We also were asked to  
23          put a bike rack in the front in conformance with  
24          current standards, and we've done that on the site  
25          here (Indicating).

1           Those are primarily the changes. This body  
2           had granted concept approval a number of months  
3           ago and primarily we're resolving the title  
4           question of acquiring a cul-de-sac at the end of  
5           the street.

6           CHAIRMAN STUTO: That transfer has occurred?

7           MR. HERSHBERG: Yes.

8           CHAIRMAN STUTO: Thank you. We'll hear from our  
9           Town Designated Engineer. I'm not sure if there are  
10          any members of the public that would like to speak, but  
11          we'll hear from them after that.

12          MR. GRASSO: The project had, like Dan described  
13          it, been revised substantially since it was first  
14          proposed and based on its current configuration for all  
15          intents and purposes has addressed all of the concerns  
16          that we've heard from the public and were raised by the  
17          Planning Board during the project's initial  
18          application. Because we've had quite a bit of time to  
19          review and work on the final plans, there are no longer  
20          any comments from our office or from the departments  
21          that require any additional engineering. So, there is  
22          basically a sign-off letter in the packets from CHA  
23          dated October 9th.

24          We have included in your packet environmental  
25          assessment forms. It's an unlisted action

1           pursuant to SEQRA. So, a short EAF was adequate  
2           to describe the project. The applicant completed  
3           Part I of the short EAF. We have drafted Part II  
4           and Part III which is also included in your packet  
5           on behalf of the Planning Board. The project is  
6           ready for review and determination by the Planning  
7           Board.

8           CHAIRMAN STUTO: Are there any members of the  
9           public that would like to speak on this project?

10          MR. NOPPER: My name is Harry Nopper and I live at  
11          41 Lockrow Boulevard which borders on the property in  
12          question.

13          CHAIRMAN STUTO: You want to point to where your  
14          house is, roughly?

15          MR. NOPPER: It's here (Indicating).

16          CHAIRMAN STUTO: Got it; thank you.

17          MR. NOPPER: My concern is the noise and how that  
18          is going to impact our neighborhood with the  
19          encroachment on what had been kind of wooded space, if  
20          you will. As it stands right now, in warm weather with  
21          your windows open at night the Honda dealership -- you  
22          can hear these trucks that come in and drop the cars  
23          off. You hear them in the middle of the night with  
24          unloading cars and so on. I assume that if they extend  
25          further back, the impacts will be greater than what it

1 already is. I don't know if legally they're supposed  
2 to unload cars in the middle of the night.

3 CHAIRMAN STUTO: I don't think that they are, but  
4 we'll answer that.

5 MR. NOPPER: That's been my major concern here.  
6 This is the first letter that I got to be here tonight.  
7 This is the first that I even knew of this project  
8 going forward.

9 CHAIRMAN STUTO: I'm not sure how to explain  
10 whether you got a letter or not; you may have. A lot  
11 of the residents came to the earlier meetings. To my  
12 recollection, a lot of questions had been addressed.  
13 There might be some of your neighbors here now. I'm  
14 not sure.

15 I'll let our Town Designated Engineer address  
16 what you just said.

17 MR. GRASSO: We should let Dan do that.

18 MR. LANE: You're on the list of who was notified  
19 individuals.

20 MR. HERSHBERG: And I think that we used the same  
21 list this time that we used last time. Last time was  
22 November of 2012. It has been awhile. Concept  
23 approval was granted not quite a year ago. The  
24 question raised - I don't know whether the gentleman  
25 understands that originally we were going to clear the

1 woods at this location and move the parking over here  
2 (Indicating). We're now going over to the other side  
3 of the parking lot and this extension of Kairnes Lane  
4 has no trees that would screen his sound that we're  
5 aware of. Essentially, it's a grassy field area  
6 basically at this location here (Indicating). All of  
7 the trees in this location here are going to remain.  
8 There is no plans to clear them.

9 I don't know whether or not he was reacting  
10 to our original plan which did have the clearing  
11 of those trees to expand the parking.

12 CHAIRMAN STUTO: And at the reaction of the  
13 neighbors, you decided not to do that.

14 MR. HERSHBERG: Correct.

15 CHAIRMAN STUTO: What are the hours of operation?

16 MR. HERSHBERG: The hours of operation are  
17 primarily 7:00 a.m. -- they start accepting cars into  
18 their service area and I think that a couple nights a  
19 week they're open to 9:00 to accept cars for people  
20 that work.

21 CHAIRMAN STUTO: They're not supposed to take  
22 deliveries in the middle of the night; is that correct:

23 MR. HERSHBERG: I'm not aware of whether that is a  
24 regulated activity. The business is closed, but quite  
25 often the car carriers do arrive after hours because

1           it's a lot more convenient for them to get into the  
2           site. I'm not sure what hours they would unload cars.  
3           Again, the business isn't open on this site. The  
4           question had to do with drop-offs, we can certainly  
5           take it up with the Lias and find out when they would  
6           come and if necessary, have them drop in this area here  
7           (Indicating), the furthest from the Lockrow area.

8           CHAIRMAN STUTO: We restrict delivery areas in  
9           other business, don't we, Joe?

10          MR. LACIVITA: Yes, we do. It's usually 7:00 to  
11          7:00.

12          CHAIRMAN STUTO: Do you have a comment on any of  
13          that, Joe?

14          MR. GRASSO: No.

15          CHAIRMAN STUTO: Do you think that we should  
16          restrict the deliveries from 7:00 to 7:00?

17          MR. GRASSO: I think that it would be more  
18          appropriate to control where on the site the deliveries  
19          could occur. If it's a current operational issue where  
20          they are taking cars during later hours, I think that's  
21          acceptable as long as it's in an area that's not going  
22          to cause any effect on the neighbors or at least  
23          minimize the impact to the greatest extent possible. I  
24          think that we have an advantage on the site that the  
25          residents can be a sufficient distance from where the

1 unloading can occur and we've got a substantial wooded  
2 buffer on that side.

3 CHAIRMAN STUTO: There are other warehouses around  
4 there, too right?

5 MR. GRASSO: Yes, Kairnes Street is light  
6 industrial.

7 CHAIRMAN STUTO: Can you give us a suggestion of  
8 where we should restrict the deliveries?

9 MR. GRASSO: I would say that it's going to be in  
10 the northeast corner of the site. So, someplace down  
11 closer to Central Avenue.

12 MR. HERSHBERG: Actually, it's the southeast  
13 quadrant of the site. That limits the opportunity for  
14 them to come in the access drive and drop cars here.  
15 We do have a note on here that dumpster pick up can't  
16 take place other than 7:00 a.m. to 7:00 p.m., but there  
17 is no note on here about truck delivery. We could put  
18 on that there cannot be any car carrier delivery any  
19 place other than the southeast corner after maybe 7:00  
20 a.m. to 7:00 p.m.

21 CHAIRMAN STUTO: I think that's the direction that  
22 we're headed, sir.

23 Ma'am can you state your name.

24 MS. PATENTREGER: My name is Amy Patentreger and I  
25 live at 11 Lockrow, so I'm in one of the areas that was

1 originally going to be impacted. I very much  
2 appreciate that it's moved.

3 Just to comment on the garbage pick-up. I  
4 will tell you that between 10:15 and 10:20 every  
5 night there is a garbage pick-up that occurs.  
6 Every night we hear it. It's a few minutes and  
7 it's annoying.

8 CHAIRMAN STUTO: On that property?

9 MS. PATENTREGER: Yes. I'm pretty sure that's  
10 what it is. I've looked out before and it seems like  
11 it's a dumpster.

12 MR. HERSHBERG: What time did you say?

13 MS. PATENTREGER: Between 10:15 and 10:20 p.m.  
14 every night.

15 CHAIRMAN STUTO: There's a note on this drawing  
16 and this approval that the requirement will be that it  
17 has to be between 7:00 in the morning and 7:00 at  
18 night.

19 MS. PATENTREGER: It would be nice because then I  
20 don't have to mute my TV or pause my TV then.

21 MR. GRASSO: And that will be an enforcement  
22 action by the Town.

23 MS. PATENTREGER: I did have a question about the  
24 additional landscaping that's being planned for that  
25 original parking lot. How are you anticipating going

1 in there to actually plant trees that were suggested?

2 MR. HERSHBERG: We intend to access it off of the  
3 end of Richland Avenue and go back. Those trees are at  
4 the edge of the existing woods and most of you folks  
5 have cleared land over the property line and you're  
6 encroaching or trespassing on my client's property.  
7 However, we're going to place it next to the woods and  
8 we're not going to put it on the property line. It's  
9 going to be next to the woods. We're going to take and  
10 put the trees that we originally proposed here and  
11 those are pretty much what we proposed originally for  
12 landscaping. Other than the fact that we were going to  
13 berm it, we're not going to grade it this time. So,  
14 it's easier to put up. We're going to have a tree  
15 planter in there to dig the holes.

16 MS. PATENTREGER: I just wanted to make sure that  
17 there wasn't actually any clearing taking place in  
18 order to bring in equipment.

19 MR. HERSHBERG: Again, we come down Richland and  
20 have a landscape truck go in there and I'm pretty sure  
21 that the area is all clear once you get in there.

22 MS. PATENTREGER: Okay, thank you very much.

23 CHAIRMAN STUTO: Any other comments or questions  
24 form the neighbors?

25 (There was no response.)

1                   CHAIRMAN STUTO: Okay, to the Board, we'll open it  
2 up.

3                   MR. MION: I have no questions.

4                   CHAIRMAN STUTO: I don't either.

5                   The first matter would be the SEQRA  
6 determination.

7                   Joe, can you walk us through that?

8                   MR. GRASSO: Yes, the short EAF is included in  
9 your packet. Part I describes the project and the  
10 potential or lack thereof of environmental impacts.  
11 Part II goes through a more detailed impact assessment.  
12 It's got a series of five questions.

13                   Does the action exceed any Type I threshold?

14                   It does not.

15                   Will the action receive coordinated review?

16                   It did not receive nor was it required.

17                   Could the action result in any adverse  
18 effects associated with the following: existing  
19 air quality, surface or ground water quality,  
20 existing traffic patterns, solid waste, aesthetic,  
21 archeological or historic, vegetation, fauna,  
22 community's existing plans or goals, growth and  
23 subsequent development, long-term/short-term  
24 cumulative or other effects and then the other  
25 impacts?

1           It's not to say that there won't be any  
2           impacts that occur as a result of the project, but  
3           we've got to identify any significant impacts that  
4           are going to occur.

5           The next question has to do with whether or  
6           not the project includes critical environmental  
7           areas designated by the state, which it does not.

8           The last one is: Is there or is there likely  
9           to be controversy related to the potential adverse  
10          environmental impacts?

11          As we have discussed, there was considerable  
12          public controversy with the project, as initially  
13          proposed. Much of the public comments have been  
14          addressed through the redesign of the project.  
15          Part III the determination of significance by the  
16          lead agency would be to check this box if you have  
17          determined that based on the information and  
18          analysis above and any supporting documentation  
19          that the proposed action will not result in any  
20          significant environmental impacts and provide as  
21          necessary the reasons supporting its  
22          determination.

23          CHAIRMAN STUTO: Do we have any discussion on  
24          that?

25          (There was no response.)

1 CHAIRMAN STUTO: Do we have a motion?

2 MR. LANE: I'll make a motion.

3 MR. MION: I'll second.

4 CHAIRMAN STUTO: Any discussion?

5 (There was no response.)

6 CHAIRMAN STUTO: All those in favor say aye.

7 (Ayes were recited.)

8 CHAIRMAN STUTO: All those opposed say nay.

9 (There were none opposed.)

10 CHAIRMAN STUTO: They ayes have it.

11 There are no waivers, correct?

12 MR. GRASSO: There are no waivers.

13 CHAIRMAN STUTO: On the main question before the  
14 Board which is for final site plan approval contingent  
15 upon Town comments Town Designated Engineer comments  
16 and restricting delivery of vehicles after hours to the  
17 southeast quadrant.

18 Do we have a motion?

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

20 CHAIRMAN STUTO: Do we have a second?

21 MS. DALTON: I'll second it.

22 CHAIRMAN STUTO: Do we have any discussion?

23 (There was no response.)

24 CHAIRMAN STUTO: All those in favor say aye.

25 (Ayes were recited.)

1 CHAIRMAN STUTO: All those opposed say nay.

2 (There were none opposed.)

3 CHAIRMAN STUTO: The ayes have it. Thank you.

4 MR. HERSHBERG: Thank you.

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9 (Whereas the proceeding was concluded at

10 7:43 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 November 1, 2013

