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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

FUCCILLO NISSAN
976 LOUDON ROAD
APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY STRANG-VANDEBOGART, a Shorthand Reporter, commencing on March 18, 2014 at 9:10 p.m. at The Public Operations Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
TINA GOODWIN SEGAL
KATHY DALTON
BRIAN AUSTIN
TIMOTHY LANE

ALSO PRESENT:
Kathleen Marinelli, Esq., Counsel to the Planning Board
Joe LaCivita, Director, Planning and Economic Development
Michael Tengeler, Planning and Economic Development
Daniel Hershberg, PE, Hershberg and Hershberg
William K. Mafrici, I.E., Hershberg and Hershberg
Chuck Voss, PE, Barton and Loguidice

1 CHAIRMAN STUTO: Okay, last on the agenda is
2 Fuccillo Nissan of Latham. This is in the same
3 township. This is 976 Loudon Road. This is an
4 application for concept acceptance. This is to raze
5 existing auto dealership and construct a new 35,858
6 square foot auto dealership.

7 MR. HERSHBERG: Mr. Chairman, my name is Daniel
8 Hershberg.

9 The project site - you people on the Board will
10 be very familiar with. It was the same site that we
11 proposed for Cap Com about two years ago before it
12 moved out to Winners Circle which seems to be a
13 win/win for everybody. We think that is coming
14 along fine.

15 This plan calls for demolishing the existing
16 dealership which actually had three buildings on it.
17 The building previously was 35,031 square feet and
18 the greenspace area actually goes down by less than
19 three percent from the previous use. So, there is a
20 small change in there. The greenspace still stays
21 above 36 percent.

22 The layout of the building will require a
23 waiver from this Board because we are more than 25
24 feet back from this major road and we do put some
25 parking in the front yard. We also believe that we

1 would like to request the variance from the 20
2 square feet worth of landscaping per parking space
3 more than 20 in a row. Essentially, we do have a
4 request to have that also waived.

5 The drainage issue which has been an on-going
6 issue with this site since our last proposal here --
7 we have done additional infiltration pits on the
8 site and all this area could be porous pavement.
9 The minimal infiltration rate was about two inches
10 per hour for a maximum infiltration of about 19
11 inches per hour. So, it's porous enough to accept
12 everything. The separation of the ground water
13 exceeded four and a half feet and there are no
14 problems with regard to infiltration too close to
15 the ground water. It's another great use for porous
16 pavement.

17 We do show an area here that we will want to
18 use some standard pavement. The reason that is is
19 because occasionally you do have a vehicle in that's
20 being repaired and we want to be able to reserve
21 that space for something that comes in with a leaky
22 crank case or something like that. We prefer not to
23 have leaking petroleum products on our porous
24 pavement. You don't want it anyplace, but you are
25 better to have it on standard pavement which is

1 going to be graded to a system that can treat it.

2 The system that can treat it is a proposed sand
3 filter.

4 Let me explain how the existing drainage comes
5 off the site. The existing drainage, including roof
6 drainage all come down to a drainage point right
7 about here (Indicating). It goes across the
8 National Grid right of way and goes all the way down
9 towards the Northway. That's the existing drainage.
10 These roof drains currently come in totally
11 unretained. I believe that it antedates the
12 stormwater management departments. So, consequently
13 we are taking the roof drainage from this building
14 (Indicating) and this little area of standard
15 pavement and we are going to take that down and put
16 it into a basin, a filter basin and a SWPPP overflow
17 basin and discharge that to through this piece of
18 federal wetland. The federal wetlands actually
19 surrounds where that discharge comes out. We think
20 that essentially that is going to resolve any issue.
21 The amount of water coming off the site is
22 significantly less than comes off it now because of
23 the porous pavement. These roof drains come
24 directly off the site. The pavement also drains in
25 exactly the same direction. This is the low point

1 of the entire site (Indicating) and it's not a
2 stream course. It's like a gully that was washed
3 out over a period of years. It's definitely where
4 the water ends up. We think that we have a solution
5 that solves the drainage issue.

6 We understand that Chris Bette contacted the
7 Board and asked you to take a hard look at it.
8 Barton and Loguidice had so many pages of their
9 review letter that already talks about stormwater
10 management, you don't have to worry about the hard
11 look being taken by Chuck's office with regard to
12 stormwater management issues. A lot of details have
13 to be worked out, but we think that there is no
14 problem with resolving them.

15 There are currently two curb cuts there. We
16 eliminate one curb cut. This was aligned with a
17 curb cut across Route 9. This is the ideal location
18 that was chosen when we went through the Cap Com
19 review. New York State DOT doesn't have any problem
20 with it. They just asked that we have the sidewalk
21 going out. They asked some questions about what the
22 Town's plan for sidewalks were and we know for a
23 fact that there may be future plans for a sidewalk,
24 but there are currently no plans to put sidewalks
25 along Route 9. Shall we take out the sidewalk? We

1 think not because someone that decides to drop
2 somebody off at the roadway drop off would have a
3 way to walk in and not walk in the driveway. We
4 think that the sidewalk is a reasonable use for us
5 even though the terminus of it really isn't
6 anything. If DOT has a concern about it, we will
7 cut it back and stop it at our property line and
8 direct somebody across there and into the building.
9 That's the only reason for that piece of sidewalk.
10 There wasn't an intension of making an entire
11 pedestrian solution for the Town in there, although
12 I would cite that CDTA's letter expected to. If you
13 read the CDTA's comment letter, they anticipate a
14 sidewalk will be run up to Century Hill Drive and a
15 mile east of the site, hopefully not by our client.
16 Our client doesn't really think that they have to
17 put in a 1.5 miles worth of sidewalk, but they
18 understand that there might be a demand that we're
19 willing to work with the Board to quantify a proper
20 escrow amount to put in if there is a plan to do a
21 future sidewalk. We're not so sure that there is
22 but if there is, it might be appropriate to figure
23 out the proper escrow amount for this building and
24 not build a sidewalk now, but at a future date make
25 it available. Our hope there was that there would

1 be some sunset on that - some limited number of
2 years that if it doesn't take place, that the escrow
3 gets refunded. There's no point in leaving it in an
4 escrow account if there is no work that will be done
5 to the sidewalks.

6 The other issues had to do primarily with
7 landscape issues. We do intend to treat this with
8 probably brick pillars and aluminum imitation
9 wrought iron fence and, landscaping here
10 (Indicating). We think that due to the position
11 here, this is somewhat different than Central
12 Avenue. I say that because people tend to speed on
13 Central Avenue. They don't speed as fast as they do
14 on Route 9. The viewscape is less important for the
15 dealership to have cars in such a visible location.
16 They think that the dealership itself can reserve a
17 couple of these parking spaces for their nice cars
18 and that would be good enough for them. They don't
19 really need that row of display cars. The rationale
20 is there that when you're driving by at 60 or 65
21 miles an hour, you don't have a chance to look at
22 it. You shouldn't have a chance to look at it.
23 Central Avenue is different with the stop and go
24 traffic. The display area is more important with
25 regard to the last project we presented. We think

1 that this layout works well.

2 We kept the building up as close as we could.
3 We think that it's important to have convenient
4 parking spots for people who come into the building
5 to negotiate their deal, but it's important to have
6 that customer parking in front. We tried to limit
7 it. There is only one row of parking and it's as
8 narrow as we could have it to have it functional.

9 Over here, people will remember that this is
10 parking that is over on National Grid's property.
11 It's by easement. A point was made last time and we
12 can see the fact that it was built without review by
13 this Board as a first go around and this gives you
14 an opportunity to review it and we will talk with
15 you about landscaping. We will have to have
16 something that is suitable to National Grid also.
17 They will have a say in what we will be allowed to
18 plant there, but we can certainly talk about
19 planting the edges of it with whatever we can fit in
20 and meet with National Grid's approval.

21 The service area is clearly accessible. We
22 have this driveway and again, similar to the
23 Volkswagen building, there is a service drive that
24 can fit about half a dozen cars there and probably a
25 total of nine cars can be inside. We think that the

1 queue distance is not a problem here. It's not like
2 taking one or two cars at a time. They open the
3 doors and fill them up pretty quickly and get them
4 out fairly quickly.

5 The other germane issue with regard to the
6 site plan primarily has to do with the volume of
7 parking and the greenspace. We think that for a
8 busy dealership it's not overkill with 400 cars.
9 That's a reasonable amount of cars to have for an
10 active dealership. Some dealerships need 800 or
11 1,000 cars due to their proximity. As I explained
12 once or twice before, the problem is that these
13 dealers have to accept cars in big lots when they
14 come. The companies don't send them out at 10 cars
15 at a time. When is the last time you told the
16 dealership what you want in your car? You look on
17 the lot and see what is there and you may be able to
18 wait for a better color to come in, but they don't
19 really build the cars to spec anymore at a
20 dealership. What they sent is a lot of cars. To
21 have less than 400 cars would probably not be
22 conducive to a good business operation.

23 Also, like most dealerships, you have leases.
24 When the lease runs out, the car gets cleaned up and
25 every car that's leased for three years -- other

1 than my car - can be sold for a reasonable amount.

2 I have a very small car, but it's an off-road
3 car. Every time I go to a project site, I end up
4 driving it through the mud. I sort of worry about
5 when I turn that car in what sort of price they put
6 on cleaning it up. An awful lot of cars clean up
7 very nicely and they put them out on the lot and
8 they are an important portion of their sales - their
9 leased cars or their used cars.

10 That's pretty much my presentation. I'm
11 prepared to answer any questions that the Board may
12 have.

13 CHAIRMAN STUTO: We will take our comments from our
14 Town Designated Engineer, Chuck Voss.

15 MR. VOSS: Thank you. The Board should have in
16 their packets our letter from March 11th. It's our
17 concept letter and as Dan mentioned it was fairly
18 detailed considering the history of the site and some of
19 the prior stormwater issues. So, we focused a little
20 bit on that to get a jump start on the project.

21 In consideration of the overall project I think
22 that we're fairly comfortable that the site can
23 certainly fit the proposed use, in general. As we
24 all know, there is a defunct car dealership there.
25 Currently the site can certainly handle the new

1 building that is being proposed to be relatively
2 close to where the existing building was that is
3 going to be taken down.

4 Dan, you didn't mention but I'll give it
5 quickly for the Board.

6 This site will be a little bit different from
7 the other site we just looked at where cars will be
8 brought to the site and off-loaded on the site. I
9 think that we mentioned that earlier at the DCC.
10 So, tractor trailers will pull in and discharge
11 vehicles and move on. However, I'm going to discuss
12 some of the highlights of our letter.

13 As Dan mentioned, there will be a few waivers
14 and we have expressed our thoughts on those here.
15 The first waiver is for the maximum setback for the
16 major road. I think that we all concur that it is a
17 potentially acceptable waiver request. In
18 consideration of the elevation of the building, the
19 proposed location of the existing building and the
20 proposed use -- that waiver appears to make certain
21 sense.

22 The second one was no parking in the front
23 yard. Again, I think that we concur with the waiver
24 request as proposed and a limited amount of parking
25 out front would be acceptable for this location. It

1 certainly is consistent with the Lexus dealer not
2 too far away across the road and some of the other
3 dealerships that are out there the Board has looked
4 at over the recent years.

5 The third waiver is for relief from the
6 landscaped islands within the parking lots. I think
7 that we can work with that. This proposed use is
8 like the Latham Circle Mall that we looked at
9 recently where you had oceans of parking, but it was
10 for customers to come and go and utilize those
11 spots. The primary use of these parking spaces will
12 be vehicle storage. It's a totally different
13 animal. You don't really need to landscape that,
14 per se. We think that the waivers are certainly
15 justified as we look at them now.

16 We looked at some water issues and sanitary
17 sewer issues and the utilities are all there on
18 Route 9. The site is currently serviced by sewer
19 and water. There is discussion of changing some of
20 those lines and reconfiguring potentially some of
21 those sewer and water lines to suit the building
22 layout and we're fine with what we have seen so far.
23 Certainly more information will be coming as we look
24 at that.

25 Stormwater was the other kind of big issue.

1 Historically with the site and then currently we
2 took a look at Dan's preliminary designs on this
3 before we had the information and the test pits and
4 the depth of ground water and those issues. Hearing
5 that information, we're certainly happy to see the
6 porous pavement can be accommodated on the site.
7 It's a great use, considering the amount of parking
8 and the amount of surface area that you may have.
9 We'll look at those designs in greater detail and
10 some of our comments have some of those technical
11 issues for stormwater and some of the modeling.
12 That is certainly going to change now that some of
13 the parameters are known on the site that weren't
14 previously known.

15 I think that we were comfortable with the site
16 access issues. Closing that second curb cut, I
17 think, made a lot of sense. We concur with Kevin
18 Novak of DOT on those comments. We are going to
19 want to see more additional information on the
20 wetlands that were out there and that's the typical
21 stuff that we ask for.

22 Landscaping, we'll get certainly as we move
23 along and I'm sure that the Board will be concerned
24 with that. In this case, we don't have any
25 residential properties nearby. It's all commercial

1 uses and wide open spaces. The landscaping can be
2 more design focused and instead of buffering focus.

3 The lighting - again, we'll look at some of
4 those issues. I think that in general, we're fairly
5 comfortable with what we have seen so far,
6 potentially from this project. Again, it's taking
7 an existing automobile dealership and a defunct
8 commercial site and bringing it back to life.

9 CHAIRMAN STUTO: Any members of the public want to
10 be heard on this?

11 (There was no response.)

12 CHAIRMAN STUTO: Okay, we'll just open it up to the
13 Board.

14 MS. DALTON: Can you talk again about the buffering
15 in the back with the neighbors?

16 MR. HERSHBERG: The neighbors are the bank at the
17 corner here and these are other commercial issues in
18 here (Indicating). We believe that the principal buffer
19 area, even though there are adjoining commercial uses
20 which do have some natural vegetation and would probably
21 be -- we could put some buffering in there, but I think
22 that our goal would be to buffer these two sides. There
23 is going to be natural vegetation staying in place.
24 That entire wetland will stay in place. Again, we're
25 certainly willing to take a look at the viewscape from

1 any direction, but we think that the key element here
2 would be an attractive landscaping out front which would
3 be primarily things of low habit which would be not much
4 taller than five or six feet. We can do some roses and
5 stuff like that which would give us some uniform color
6 up front. I think that is essentially what we are
7 looking for. Again, in this case here, this is a side
8 slope which is already landscaped. This area here is a
9 parking lot and the adjoining parcel comes right up to
10 the property line and here is the corner of that parking
11 (Indicating). So, to the level that we would have to
12 landscape that area, I think that it's a much less
13 critical landscape plan than we talked about on the
14 previous project.

15 MR. LACIVITA: I think that if you also take a peek
16 at the area, you'll see that it's really not changing
17 the whole lot from what currently exists except for the
18 two back buildings that you're going to demo.

19 MR. HERSHBERG: Right. And again, we're pretty
20 much sticking with it. As a matter of fact, there are
21 some decent sized trees along this side right now
22 (Indicating).

23 CHAIRMAN STUTO: Anybody else?

24 MR. LANE: I was just going to ask about the snow
25 storage, once again. It is off-site or on-site?

1 MR. HERSHBERG: My guess is that we're probably
2 going to try to use this area in here outside the
3 wetland and clear to here to stock snow at this location
4 here (Indicating).

5 MR. LANE: Can we just confirm that when you come
6 back?

7 MR. HERSHBERG: Yes. We'll designate snow areas.
8 It's probably a good idea on the plans so that somebody
9 knows where they are supposed to put it.

10 CHAIRMAN STUTO: I'm going to ask the question on
11 the third waiver which is the landscaping inside the
12 parking lot. I'm going to look to Chuck and whoever
13 else on staff for this.

14 Why is that in the Land Use Law? Is that an
15 aesthetic thing? In order to waive it, you have to
16 say that there is no practical alternative. I don't
17 know if they have met that standard.

18 MR. VOSS: I don't know, Peter, if that's actually
19 the standard but certainly from a reasonability
20 standpoint, you want a landscape parking lot purely for
21 pedestrians. When you think about it, it's more for
22 aesthetics and it's certainly for safety issues.

23 In the Town of Colonie one of the things that
24 we were dealing with regarding the Latham Circle
25 Mall site was the landscaped islands out there that

1 weren't for stormwater management. They weren't
2 really being used in that capacity, so there was no
3 kind of engineering need for them. They were for
4 aesthetics and they were going to break up the sea
5 of parking. It was also to kind of provide a
6 pavement for pedestrians where they could step onto
7 the landscaped areas traversing across this 1,200
8 parking spaces of a parking lot. Again, it's really
9 for aesthetics and it's to break up some of the
10 issues with heat retention in parking lots. It kind
11 of breaks that up a little bit with the landscape
12 and the greenspace. But again, it's really oriented
13 towards folks who use those parking areas for
14 commercial reasons and customers coming and going
15 from sites on a continuous basis. For storage of
16 vehicles, people may walk through them and they may
17 drive through a car dealership parking lot. They
18 don't necessarily get out and walk unless they are
19 really looking for something specific. So in my
20 opinion, the need isn't great in my mind for
21 landscaping or aesthetic standpoint. It's more for
22 storage.

23 The Selkirk rail yard where they store the
24 vehicles coming and going to all the dealerships -
25 it's a wide open view of 50 or 60 acres of just flat

1 parking area. That's what they do when they store
2 vertices there until they put them on trucks.

3 CHAIRMAN STUTO: But there is a certain standard
4 that we have to meet in order to waive it and I think
5 it's harder on them.

6 MR. VOSS: In this case I think that the parking is
7 behind the building. The storage area, per se, is
8 behind the building. Aesthetically, you won't see it from
9 Route 9. It's hidden from view, per se.

10 CHAIRMAN STUTO: Thank you for your response on
11 that.

12 MR. HERSHBERG: Mr. Chairman, I might recommend for
13 the next addition for making our case - I think that the
14 major reason is that we can't fit in the 400 cars that
15 we need here without doing something like this. Either
16 that, or we have to invade this wetland area and do more
17 back here which we don't think is a good idea. However,
18 I believe that the only portion where we have 20 cars in
19 a row that might require breaking up is this area over
20 here (Indicating). Maybe what we will do is propose to
21 put an end-cap of landscaping and maybe a center line
22 there and break that up. The only one that is really
23 visible driving down Route 9 would meet that test of the
24 landscape area. I think that we could propose that as
25 an alternative. We'd probably lose half a dozen cars,

1 but I think that it's a good rationale for doing that.

2 CHAIRMAN STUTO: Do the Board members have anything
3 else?

4 (There was no response.)

5 CHAIRMAN STUTO: Okay, we have an application for
6 concept acceptance. Do we have a motion?

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

8 MR. AUSTIN: I'll second.

9 CHAIRMAN STUTO: Discussion?

10 (There was no response.)

11 CHAIRMAN STUTO: All those in favor say aye.

12 (Ayes were recited.)

13 CHAIRMAN STUTO: All those opposed, say nay.

14 (There were none opposed.)

15 CHAIRMAN STUTO: The ayes have it.

16 We'll see you next time.

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21 (Whereas the above proceedings concluded at

22 9:40 p.m.)

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1 CERTIFICATION

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3 I, NANCY STRANG-VANDEBOGART, Shorthand
4 Reporter and Notary Public in and for the State of
5 New York, hereby CERTIFY that the record taken by me
6 at the time and place noted in the heading hereof is
7 a true and accurate transcript of same, to the best
8 of my ability and belief.

9
10 _____
11 NANCY STRANG-VANDEBOGART

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14 Dated April 8, 2014
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