

2 TOWN OF COLONIE

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4 LIA JEEP/CHRYSLER PARKING EXPANSION
2116 CENTRAL AVENUE
5 APPLICATION FOR PARKING IN FRONT YARD AND INCENTIVE
ZONING REQUEST

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on June 3, 2014 at 8:02 p.m. at
The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TINA GOODWIN SEGAL
14 SUSAN MILSTEIN
15 BRIAN AUSTIN
16 TIMOTHY LANE
17 LOU MION
18 KATHY DALTON

19 ALSO PRESENT:
20 Kathleen Marinelli, Esq., Counsel to the Planning Board
21 Joe LaCivita, Director, Planning and Economic Development
22 Michael Tengeler, Planning and Economic Development
23 Daniel Hershberg, PE, Hershberg and Hershberg

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1 CHAIRMAN STUTO: We'll call up the last project 2
2 This is Lia Jeep/Chrysler Parking expansion, 2116
3 Central Avenue. This is an application for parking in
4 the front yard waiver and incentive zoning request.
5 This is a 27 car parking expansion.

6 Joe, or Mike, would you like to give us an
7 introduction to this?

8 MR. TENGELER: This site received final approval
9 recently. Construction has begun. I believe that the
10 applicable departments have all done a final walk-thru
11 on the additions and the new buildings. I believe that
12 Mr. Hershberg is here tonight to present for an
13 amendment to the original parking approval for some
14 additional parking in the front shaded area that Dan
15 will speak of.

16 I'll turn it over to Dan.

17 MR. HERSBERG: Thank you. Daniel Hershberg from
18 Hershberg and Hershberg here today representing Lia Auto
19 Group.

20 The project obviously was already approved with
21 the building here and this new parking (Indicating).
22 At the time, we left a small piece of federal
23 wetland at the front. I'll be candid. The reason
24 was that if we eliminate it we would have to go
25 through a much longer process and the Army Corp of

1 Engineers would have delayed us from starting the
2 Lia Jeep building in a timely manner. Lia Auto
3 Group was under some pressure from Jeep and Chrysler
4 to get the building up and running. So, we delayed
5 that and now we're back to ask that this area be
6 eliminated as a wetland.

7 We were granted a permit by the Army Corp of
8 Engineers to do that in exchange for which a deed
9 restriction was put on this area at the back of the
10 site. There was a wetland creation easement. There
11 is no public ownership, but they're still privately
12 owned by Lia Auto Group. They may not be used for
13 any use other than to maintain a wetland, and in
14 addition to that we added about 70 trees along the
15 edge of it. We had to put up a fairly intense
16 buffer along that edge of the site to protect that
17 wetland buffer.

18 When we did this another issue occurred. We
19 fell below our 35 percent of green by six-tenths of
20 one percent. Through a process called incentive
21 zoning, we're asking this Planning Board to approve
22 it so my client will have the pleasure of paying
23 forty-three thousand six-hundred and some odd
24 dollars for six-tenths of one percent that he is
25 short. That's the cost of that six-tenths of one

1 percent. It was based upon a formula that is set up 4
2 in the Code. It's obviously important to him to
3 have the parking because it's in a critical area
4 right at the front of the site and quite honestly,
5 this is one of the more successful auto dealerships
6 in the Town and they really need additional parking,
7 or we wouldn't be back in front of you asking for
8 that.

9 So, we're asking for two issues; first, the
10 incentive zoning to be approved and to increase the
11 amount of parking in the front yard by 27 cars.

12 CHAIRMAN STUTO: Do we have to do anymore SEQRA on
13 this?

14 MR. HERSBERG: I don't believe so. We've already
15 been through a SEQRA review in order to get the Army
16 Corp of Engineers review and we dovetail that with your
17 SEQRA review of the original site. I don't think that
18 this rises to a level of needing an additional SEQRA.

19 CHAIRMAN STUTO: Does the Department agree with
20 that?

21 MR. LACIVITA: Yes.

22 CHAIRMAN STUTO: Do the Board Members have any
23 questions?

24 MR. MION: You're talking about that one piece
25 right out front?

1 MR. HERSBERG: Right. It's a federal wetland, 5
2 even though it was created when the drainage was put in
3 under Central Avenue, they left it higher than the
4 ground that was draining so it created a federal wetland
5 out of the site. Even though that's the genesis of it,
6 it's a drainage wetland. It's caused by the
7 accumulation of drainage. In fact to get permission to
8 fill it, we had to go through a nationwide permit
9 process.

10 MR. MION: So, you're going to bring it right
11 across -

12 MR. HERSBERG: Yes, and all the landscaping is
13 already in place. I don't know whether people were out
14 there, but he did a pretty good job with the street
15 trees this time. They look pretty nice and healthy and
16 it's quite a difference when you see a three and a half
17 to four inch caliper tree versus a two to two and a half
18 inches. They really do significantly different.

19 MR. MION: I was going to comment. They really
20 improved it. They are going to keep vehicles off that
21 grass, right?

22 MR. HERSBERG: Not on the grass. We're going to
23 fill with paving and put the vehicles on paving.

24 MR. MION: I know that in the past, they have stuck
25 the vehicles up on the grass, but I also saw that the

1 way that they did the landscaping and the way the tr 6
2 are maturing that it would be very difficult to put
3 vehicles in there.

4 MR. HERSBERG: I think that essentially they've
5 matured a little bit. Car dealerships are comfortable
6 with the fact that people now know what they sell. If
7 you want a Toyota or a Jeep or a Chrysler, you know
8 where to go.

9 MR. LACIVITA: Is there a mitigating off-set to
10 this for this wetland being filled in?

11 MR. HERSBERG: No, the Army Corp was pleased with
12 the fact that we deed restricted this area back here
13 under the buffering. There is a process that the Army
14 Corp goes through in evaluating the value of a wetland.
15 They determined that it was not a wetland of any
16 significant value. Therefore, they didn't object to us
17 going in, in exchange for protecting the rear portion
18 which is a more significant wetland.

19 CHAIRMAN STUTO: Any other questions?

20 (There was no response.)

21 CHAIRMAN STUTO: We may as well go through the
22 reading of this, since this is a shorter Resolution.

23 MR. TENGELER: There are actually two. The waiver
24 for parking within a frontyard setback, as well as the
25 incentive zoning findings. So, there are actually two.

1 We have two Resolution for you to sign, Peter. I ca 7
2 through them both.

3 CHAIRMAN STUTO: Maybe we should just read the
4 resolved - now therefore be it resolved.

5 MR. TENGELER: Sure. In regard to the waiver of
6 findings to allow parking within a frontyard setback:
7 "Now therefore be it resolved, the Board hereby finds
8 the extent of the requested waiver is not considered
9 substantial; and be it further

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

16 Resolved, the Board hereby issues a waiver from
17 the prohibition of new parking within the front
18 yard; and be it further

19 Resolved the Board hereby issues a waiver from
20 requiring 20 square feet of landscape island for
21 each parking stall; and be it further

22 Resolved, the Board hereby issues a waiver from
23 the maximum light fixture height for area lighting;
24 and be it further

25 Resolved, this wavier finding be a condition of

1 the site plan approval of the application and be
2 kept in the project file in the office of the
3 Planning and Economic Development Department."

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4 CHAIRMAN STUTO: What's the light waiver?

5 MR. HERSBERG: The height of the light standard -
6 that's actually with the original site plan. I don't
7 think that we added a new light standard to light this
8 portion, but we do have light standards on the original
9 site. That was a repetition of the original waiver
10 given for the height of the lights that we have now.

11 MR. LACIVITA: That actually was one of the things
12 that we talked about today in the Land Use Law
13 Committee, Peter. When we had existing site light on
14 this and they add parking or they do something that
15 expands the current use where lighting is needed,
16 instead of asking for a waiver of that standard, we're
17 going to have that be part of the planning process and
18 review. It makes perfect sense here to continue,
19 otherwise you'll see lighting poles that are different
20 heights.

21 CHAIRMAN STUTO: Any comments or questions?

22 (There was no response.)

23 CHAIRMAN STUTO: Do we have a motion?

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

25 MR. MION: Second.

1 CHAIRMAN STUTO: Any discussion?

2 (There was no response.)

3 CHAIRMAN STUTO: All those in favor say aye.

4 (Ayes were recited.)

5 CHAIRMAN STUTO: All those opposed say nay.

6 (There were none opposed.)

7 CHAIRMAN STUTO: They ayes have it.

8 The last is that the Resolution be given to the
9 stenographer and entered into the record in its
10 entirety.

11 Do you want to read the "now therefore"?

12 MR. TENGELER: Sure. In regards to incentive
13 zoning for Lia Jeep/Chrysler 2116 Central Avenue.

14 "Now therefore be it resolved that the Board
15 hereby recognizes the Central Avenue corridor as an
16 area of increased density; and be it further

17 Resolved the Board hereby recognizes the
18 granting of this incentive does not hinder the
19 Town's objectives to protect its important natural
20 resources to conserve farmland, create recreational
21 or wildlife trail corridors, the preservation of
22 historic resources or protected viewsheds or scenic
23 roadways; and be it further

24 Resolved the Board hereby finds the incentive
25 zoning request reasonable to allow the further

1 development of the site and grants the incentive
2 zoning request to reduce the site's greenspace to
3 34.4 percent provided the payment of \$43,600.00 in
4 accordance with the incentive unit schedule is made
5 to the Town; and be it further

6 Resolved this incentive zoning finding be a
7 condition of site plan approval of the application
8 and be kept in the project file in the office of the
9 Planning and Economic Development Department.

10 CHAIRMAN STUTO: Okay, I'll ask that the
11 Stenographer enter the entire Resolution into the
12 record.

13 Any discussion?

14 (There was no response.)

15 CHAIRMAN STUTO: Do we have a motion on this
16 Resolution?

17 MR. MION: I'll make the motion.

18 MR. LANE: Second.

19 CHAIRMAN STUTO: Any discussion now?

20 (Thee was no response.)

21 CHAIRMAN STUTO: All those in favor say aye.

22 (Ayes were recited.)

23 CHAIRMAN STUTO: All those opposed say nay.

24 (There were none opposed.)

25 CHAIRMAN STUTO: They ayes have it.

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MR. HERSBERG: Thank you.

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(Whereas the above entitle proceeding was
concluded at 8:11 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 16, 2014

