

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****
4 BROADWAY CARS, LLC
5 1972 CENTRAL AVENUE
6 WAIVER REQUEST
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on June 17, 2014 at 9:10 p.m.
11 at The Public Operations Center, 347 Old Niskayuna
12 Road, Latham, New York

13 BOARD MEMBERS:
14 PETER STUTO, CHAIRMAN
15 LOU MION
16 TIMOTHY LANE
17 TINA GOODWIN SEGAL
18 SUSAN MILSTEIN
19 TIMOTHY LANE

20 ALSO PRESENT:
21 Kathleen Marinelli, Esq., Counsel to the Planning Board
22 Joe LaCivita, Director, Planning and Economic Development
23 Richard Catalano, Broadway Cars, LLC

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1 CHAIRMAN STUTO: Mike Tengeler, would you like to
2 introduce this?

3 MR. TENGELER: Absolutely, yes.

4 This is Broadway Cars, 1972 Central Avenue,
5 waiver request to allow parking within a front yard
6 setback.

7 I just want to give a little history as to the
8 site and the narrative of his request.

9 Rich owns Broadway Cars which came through a
10 change in tenancy through our office. It was an
11 administrative approval for a simple retro fit of an
12 old bank on Central Avenue. Rich graded some
13 landscaping in the front. He's got some existing
14 pavement in the front where he can pull cars around.
15 What he is requesting is really what we would like a
16 lot of the major car dealerships in the Town to
17 really start looking at.

18 Every year when the weather gets nice I do my
19 drive bys down our roads where the car dealerships
20 are and there is always parking on the greenspace.
21 It requires numerous letters to come out of the
22 Planning and Economic Development office to ask
23 people to remedy the situation. In the summertime I
24 probably devote three to five hours a week on just
25 writing letters to these dealerships. So, what we

1 have here is a site on Central Avenue where the
2 applicant has over 50 percent greenspace on the site
3 and he is coming to us and he's asking permission to
4 actually market the display of one vehicle in the
5 front of his property without having to face the
6 consequences of receiving numerous letters from
7 Planning and Economic Development. Normally it
8 would be just an administrative review. However,
9 because he wants to put the display in the front
10 yard, we're considering that the front yard parking
11 which we require a waiver for. So, even though
12 there is no pavement in the front for front yard
13 parking, we're still considering this display front
14 yard parking.

15 I'll give it to Rich who can just take it from
16 there. We'll take a couple of minutes and start a
17 discussion.

18 MR. CATALANO: We moved in about six months ago and
19 we have some parking in the front area that we decided
20 that we'd like to put a display in. We went to Mike for
21 permission. He explained the rules of the Town of
22 Colonie and put us before the Board this evening.

23 It's going to be a raised platform using
24 Versalock locks to show as a landscaped area also.
25 We're also incorporating a cut back onto our

1 greenspace in front of the building where we have
2 four flagpoles and we'd like to cut back that space
3 and open up a paved area. It's about five feet by
4 60 feet. That's basically what we are looking to
5 do.

6 MR. TENGELER: Basically, this will improve the
7 circulation around the building while still allowing him
8 to have that front display that he is proposing. Also,
9 if you notice there is an easement that runs through the
10 whole front of the property. We're using this as kind
11 of our teeth to get out a hold harmless agreement in
12 place for the existing landscaping for the sign that is
13 barely encroaching into the easement - any other
14 encroachments as well. We're working with John Reardon
15 out of the DPW Engineering Department to make sure that
16 we have all that buttoned up before any kind of final
17 approval get issued.

18 MR. MION: How does this affect your current
19 greenspace with percentages?

20 MR. CATALANO: We actually have over 50 percent
21 greenspace.

22 MR. MION: How far back do you own?

23 MR. CATALANO: We own back to the two houses that
24 are positioned on both Virginia and Massachusetts.

25 MR. MION: I know that you have a lot of greenspace

1 after that with the houses. But it doesn't impact your
2 greenspace?

3 MR. CATALANO: No.

4 MR. MION: And you're putting it right where there
5 sign is and that tree - as you're facing the building on
6 the left side.

7 MR. CATALANO: Correct. It would be the left side
8 in the positioning in front of that sign.

9 MR. MION: There are remnants of another sign that
10 was there, isn't there?

11 MR. CATALANO: Yes, that's actually going to be
12 covered over by this display over here (Indicating).

13 MR. LANE: I guess I should direct this to Joe and
14 Mike.

15 The elevated or display area - what is the
16 allowable square footage for a sign for a facility
17 their size? Do they already meet that requirement
18 and in an elevated auto display, wouldn't that be
19 the equivalent of an additional sign? I know that
20 there are requirements and you can only have so much
21 signage area per the square footage. They put
22 advertising on a vehicle.

23 MR. TENGELER: Let's be specific here, Rich. This
24 is just for the marketing of the vehicle. It's not
25 going to say Broadway Cars across with some fancy

1 airbrushing.

2 MR. CATALANO: It's not going to be a sign
3 whatsoever placed on the vehicle in that position.

4 MR. TENGELER: Essentially you could put a Mercedes
5 Benz up there, it gets sold or he rotates them around
6 and puts a Beemer up there or whatever he's looking to
7 market up there. I think that we can make that a
8 condition of the approval that there not be any
9 advertising at all.

10 MR. LACIVITA: I think that every car in every
11 dealership has a 2014 year and --

12 MR. LANE: I understand that. There are the ones
13 that are in the display lot. This is somewhat outside
14 the display lot as its own billboard.

15 MR. LACIVITA: Right, but as the Building
16 Department looked at it -- who oversees the sign
17 review -- they didn't see any concern that this would
18 have been considered an additional signage.

19 MR. LANE: When you see a truck out in front of a
20 building with a big sign on the side, that's signage.

21 MR. LACIVITA: I think that you just heard Richard
22 say that he would not be doing that.

23 MR. CATALANO: I don't do that type of advertising.

24 MR. LANE: But did they ask that question?

25 MR. LACIVITA: When it went through the review, we

1 talked about what the potential could be and nothing
2 came up additionally about signage, to be honest.

3 MR. TENGELER: Actually, Rich has an application
4 efore our Sign Review Board, is that correct?

5 MR. CATALANO: That has been approved and it's just
6 waiting for the CO at this point in time.

7 MR. TENGELER: That's for the other sign.

8 CHAIRMAN STUTO: Anybody from the public want to be
9 heard on this?

10 (There was no response.)

11 CHAIRMAN STUTO: Any questions or comments from the
12 Board?

13 (There was no response.)

14 CHAIRMAN STUTO: Okay, this is a Type II action so
15 no further environmental review has to be done.

16 Can we get somebody to read the now therefore
17 be it resolved?

18 MS. MARINELLI: Now therefore be it resolved the
19 Board hereby finds the extent of the requested waiver to
20 not be considered substantial, and

21 Be it further resolved the Board finds the
22 applicant has established that there are no
23 practical alternatives to the proposed waiver that
24 would conform to the standard and the waiver is
25 necessary in order to secure reasonable development

1 of the project site, and

2 Be it further resolved the Board hereby issues
3 a waiver from the prohibition of adding one new
4 raised parking display within the front yards, and

5 Be it further resolved that this waiver finding
6 be a condition of the site plan approval of the
7 application and be kept in the project file in the
8 office of the Planning and Economic Development
9 Department.

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

11 MS. GOODWIN SEGAL: I'll second.

12 CHAIRMAN STUTO: Any discussion?

13 (There was no response.)

14 CHAIRMAN STUTO: All those in favor say aye.

15 MR. MION: Aye.

16 MR. AUSTIN: Aye.

17 MS. MILSTEIN: Aye.

18 MS. GOODWIN SEGAL: Aye.

19 CHAIRMAN STUTO: All those opposed say nay.

20 MR. LANE: Nay.

21 CHAIRMAN STUTO: Thank you.

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23 (Whereas the above entitled proceeding was
24 concluded at 9:20 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 July 2, 2014

