

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LANGAN AUDI
723 LOUDON ROAD
5 SKETCH PLAN REVIEW

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand
8 Reporter, commencing on April 14, 2015 at 8:45 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

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10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 LOU MION
13 BRIAN AUSTIN
14 SUSAN MILSTEIN
15 TIMOTHY LANE
16 KATHY DALTON
17 CRAIG SHAMLIAN

18 ALSO PRESENT:

19 Joseph LaCivita, Director, Planning and Economic
20 Development

21 Michael Tengeler, Planning and Economic Development

22 Victor Caponera, Esq.

23 Joseph Grasso, PE, CHA

24 Daniel Hershberg, PE, Hershberg and Hershberg

25 Scott Wallant, Wallant Architects

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1 CHAIRMAN STUTO: Next on the agenda is Langan Audi,
2 723 Loudon Road. This is a sketch plan review. This is
3 to raze an existing dealership and replace with a
4 27,630 square foot dealership.

5 Okay, we're going right to the applicant.

6 MR. CAPONERA: Good evening, folks. I'm Victor
7 Caponera representing the owner of the property. With
8 me tonight from Langan Audi is Rick Waldron. From
9 Hershberg and Hershberg, the honorable Dan Hershberg.
10 From Wallant Architect, Scott Wallant in case there are
11 any questions relative to the architecture.

12 I'm sure that you have studied this closely,
13 but everyone knows where this property is. It's
14 right on Route 9 in Latham. Langan Audi has been
15 there for many years, as has Langan Toyota. The
16 object of this proposal is for sketch plan review. I
17 just want to give you a little background.

18 There are several pieces of property here that
19 are in play and several pieces that we are proposing
20 to merge. I'm going to go through that with you and
21 this is kind of important so just follow me, if you
22 will.

23 First of all, we have the 723 New Loudon Road
24 property. This is the existing Langan Audi piece
25 and it measures -- it's not that big of a piece, but

1 it's almost two acres and the parcel next to it is
2 the piece known as 727.

3 This is the piece that's over here that has the
4 existing Toyota building and we have recently
5 acquired property to the rear. You see this area
6 that is colored in green - it was property that was
7 owned originally by the Hoffman's many years ago.
8 They own everything in the Town, pretty much. We
9 negotiated with them to buy this property and
10 recently acquired it.

11 So, here is the proposal. We're going to merge
12 that property with the piece which is the current
13 Langan Audi which is 723 and the current Langan
14 Toyota which is 727 and by the way, this piece in
15 the back is 124 Old Loudon Road. In the top site
16 statistics, as done by Hershberg, they kind of show
17 what ultimately we're going to end up with and that
18 was a little more than 9 acres of land.

19 CHAIRMAN STUTO: Can you trace the property because
20 we have an aerial that slightly different shaped.

21 MR. CAPONERA: By all means. That's why I knew
22 that there is going to be an interesting proposal
23 tonight.

24 It starts down here which is at the corner and
25 then goes up. This is a Hess gas station down here

1 (Indicating) and then it goes all the way behind
2 Hess, curves up and then goes all the way along the
3 rear property line of Old Loudon Road residents,
4 which are back here. This is a deep piece. Then it
5 goes up and follows the rear property line of the
6 folks along Old Loudon Road.

7 MR. SHAMLIAN: Can I interrupt you? Our aerial
8 shows that it goes to Old Loudon.

9 CHAIRMAN STUTO: It shows a strip going to Old
10 Loudon.

11 MR. HERSHBERG: This is labeled on our map as a
12 right of way. It turns out that we may have fee title
13 to that property. So, again, even though it's labeled a
14 right of way on tax maps, it will show as a piece that
15 we have fee title. That's a narrow strip of property.
16 For computation purposes, we can't count it as
17 greenspace because that's in the SFR zone. We cannot
18 count it as greenspace. The nine acre computation that
19 we have here does not include that right of way piece.

20 MS. DALTON: So, just to be clear, the difference
21 between what we have in front of us and what you're
22 showing us is that little kind of jutting out to Old
23 Loudon Road is not on yours, and the back property line
24 actually runs along the back of residential homes.

25 MR. CAPONERA: Correct.

1 CHAIRMAN STUTO: Are you proposing access from Old
2 Loudon Road? I guess that's an important thing.

3 MR. CAPONERA: No.

4 CHAIRMAN STUTO: Our map shows that you're touching
5 in a different spot too.

6 MR. CAPONERA: I'm going to get there.

7 CHAIRMAN STUTO: That's a big issue.

8 MR. CAPONERA: We're going to get there and we're
9 going to talk about that. That's why you guys get the
10 big money.

11 MS. DALTON: What you have up there don't show
12 those residential homes that are still bordering -

13 MR. CAPONERA: The reason that it doesn't show,
14 Kathy, is because the homes are way up there
15 (Indicating). These pieces are very, very deep. If you
16 have an aerial, you probably see that.

17 Anyway it goes along the rear of the property
18 and by the way I wasn't aware of this ROA until Dan
19 brought it up to me and we talked about it. Anyway,
20 it goes along and continues along the rear property
21 lines of the folks that live and own property on Old
22 Loudon Road. This is the other area that goes back
23 to Old Loudon Road.

24 MR. HERSHBERG: Because it exceeded the capacity of
25 our map, we have a match line which shows this piece

1 right here (Indicating). This is a match line.

2 CHAIRMAN STUTO: Our aerial shows that.

3 MR. HERSHBERG: It has this other piece that goes
4 around here and because of the scale situation, without
5 making the map too small of scale, we put it on two
6 sheets.

7 MR. CAPONERA: So, you can see how it continues
8 over here even more. We have this right of way that
9 goes up to Old Loudon Road. We own that property. Are
10 we going to use it? The answer is no. It's in a SFR
11 zone. So, there is no proposal to use that for access.
12 I knew that was going to be a question.

13 CHAIRMAN STUTO: I did anticipate the question.

14 MR. CAPONERA: Of course and we talked about that
15 in great length. So, anyway, that piece that we just
16 recently acquired from the Hoffman family is now
17 incorporated into this to make this a nine plus or minus
18 acre parcel. It's a little more than nine acres.

19 CHAIRMAN STUTO: Do you mind telling us what the
20 commercial properties are? I know that there is a
21 Friendly's there.

22 MR. CAPONERA: Sure. I was just going to get to
23 that. This is the old Friendly's that closed and we
24 just want that also. Your next question should be: Is
25 that going to be merged? The answer is no. Your next

1 question will probably be: Why? I'll tell you why.
2 Believe it or not, there was a gas station here many,
3 many years ago and Friendly's came in and built their
4 building right on top of the gas tanks. Why, you might
5 ask? I don't know that answer. So, when we went in and
6 we were looking at this property to acquire, what did we
7 do? We did our due diligence.

8 We did a Phase I and our Phase I people came in
9 and said, guess, what? Did you know that there was
10 a gas station there? We, of course, didn't. Did
11 you know that the gas tanks are under the building?
12 No. So, we delayed the closing for a couple of
13 years. We had Friendly's which was then bought by a
14 real estate investment trust go in and basically get
15 a letter from the State of New York DEC which says
16 that we cleaned it up. They have cleaned it up. We
17 got the letter of no further action, but it doesn't
18 meet standards. That's a standard letter that we
19 get. So, after we got the letter, we bought the
20 property. The reason that we are not going to merge
21 it is because it still has some issues.

22 CHAIRMAN STUTO: How did they clean it up? The
23 building is still there, isn't it?

24 MR. CAPONERA: Yes. What they did was they dug
25 around it. I don't know if anybody noticed it over the

1 last couple of years -- that there was activity there.
2 They put test wells in and they dug around it and they
3 got rid of anything that was in the tanks and remaining
4 remnants - they pumped it and they poured the concrete.
5 So, that what was going on was that under my advise - I
6 don't want to merge that piece with the rest of it
7 because of the issue with DEC.

8 CHAIRMAN STUTO: Is that going to be part of the
9 new dealership?

10 MR. CAPONERA: It's going to be used right now in
11 conjunction with the Toyota dealership and I already
12 have an access easement and cross easements that I have
13 filed with the Town, so they have it. There is access,
14 so that the Toyota -- we're going to use this in
15 conjunction with his offices.

16 CHAIRMAN STUTO: If you don't mind, what are the
17 next two commercial properties? It shows on the map -

18 MR. CAPONERA: Going north, this piece is Wendy's
19 (Indicating). Then there is the Mavis Tire store and
20 then Valvoline and then Kunker. Believe it or not, if
21 you look over here at this extension, here is Kunker
22 right here (Indicating) and this piece comes dangerously
23 close to coming all the way out to Kunker. There is an
24 old Kentucky Fried Chicken that used to be there and it
25 had a fire or something. We looked into buying that,

1 but that didn't work out. That's what the proposal is.

2 Getting back to why we are here: We are
3 looking to take the existing Audi dealership, knock
4 it down and build a new Audi dealership. Believe me
5 when I tell you that we spent hours with the Audi
6 people about what they think and how they want it to
7 look.

8 MR. WALLANT: I apologize, these will have better
9 renderings next time. It's a German design that we are
10 helping realize.

11 MR. CAPONERA: For the Board's edification, I was
12 in all these meetings and I saw these designs. It's the
13 most unusual design that I've ever seen in my life. The
14 inside of the building is designed like a race track.
15 It's got the road on it and everything. It's a German
16 design that is very, very specific and very beautiful.

17 What we are asking the Board here is we're just
18 showing you a sketch plan of what we are doing just
19 so that there are no issues later on. Ultimately,
20 Toyota also needs some modifications to the existing
21 building and there are some bump-outs that are shown
22 here. We're just kind of laying it out here for the
23 future. We're not asking for that right now. We're
24 only looking for this proposal.

25 Let me add something else. Today, at

1 approximately 3:00 in the afternoon after multiple
2 conversations with Chretien Voerg, with the Town
3 Attorney's office and Sue Pelligrini, we found out
4 that this easement to the Town of Colonie - see how
5 this building is cut off? It's angled off. There
6 is a reason for that. There is an easement there in
7 the Town of Colonie for sewer. Well, it's not there
8 anymore. It's not usable. The Town has told us
9 through Chret that it's to be abandoned, so I'm in
10 the process of filing an extinguishment of that
11 easement. The only trouble is that when I spoke
12 with the Town Attorney's office today, nobody can
13 find the easement. So, we may have to do a title
14 search on the property if we do that. Needless to
15 say, this will be eliminated and this building will
16 be squared off. Not that it matters a lot, but that
17 is what our proposal is.

18 There are also a couple of waivers that we
19 typically come in front of the Board with car
20 dealerships. One is to allow vehicles to be parked,
21 as we all know in a COR zone, there are some design
22 standards. The design standard says that any
23 parking has to be either on the side of the building
24 or the back of the building and it can't be anything
25 in front of the building, and if you look at this

1 proposal there is some parking that bumps out just
2 in front of the building.

3 The other one is my favorite of all time and
4 that is when you have more than 20 parking spots,
5 you have to have islands laid out, which has always
6 kind of tweaked me a little bit, especially in car
7 dealerships when you basically use this for storage
8 of cars, why do you need the islands? We have as a
9 proposal here a tremendous amount of greenspace even
10 after this is all done. It's 41.35%.

11 Am I correct, Dan?

12 MR. HERSHBERG: Yes, sir.

13 MR. CAPONERA: So, that's it.

14 CHAIRMAN STUTO: This is being reviewed also by our
15 Town Designated Engineer, and it might be helpful to get
16 Joe Grasso's comments from CHA.

17 MR. GRASSO: This is the first time that we're
18 seeing it. It's just for sketch so there is no formal
19 review letter that we did, but we did attend DCC and we
20 did a cursory review of the plan. I'm not sure how
21 quick you're going to come in for concept. You can
22 address them in your concept submittal. There are some
23 really nice street trees along the frontage and they
24 create a certain context of the site. So, we would
25 recommend that they try to preserve those trees where

1 possible. When you come back for concept, if you can
2 provide your layout on an aerial, I think that it would
3 help clear up some of the confusion of reading the site
4 plan and understand how your changes relate to things
5 that are out there today.

6 I'm just going through this on my notes. They
7 are in no particular order. We support a sidewalk
8 across the frontage. Right now I think that there
9 is a little paved snow storage apron, but we would
10 support a sidewalk there. Obviously, you're going
11 to be reconstructing curb along much of the
12 frontage. I found a plan where you can denote the
13 visitor spaces and the employee parking separate
14 from your inventory, so the Planning Board can see
15 where those areas are going to be allocated for and
16 kept free. There is a number of flood lights out
17 there. This is a redevelopment project which we
18 always support and sometimes it gives the Planning
19 Board an opportunity to look for improvements on the
20 site. The floodlights create a lot of impact out
21 there at least from the Route 9 corridor. If you
22 could take a look at possibly switching all of those
23 out.

24 Along the south east part of the site you'll
25 see the proposed parking creates a very jagged

1 layout along the property line of those lots on Old
2 Loudon Road. If there is way to simplify that maybe
3 with consistent 15 foot minimum width off of the
4 property line just for snow storage, because that's
5 where you're going to be pushing that. And maybe
6 define that edge with a fence and berm because we
7 can tell from the plan and being out there that
8 there is definite encroachments of this site on
9 those properties. There are some sheds there that
10 are on adjacent properties and I think that part of
11 it is because those lots are so deep people may not
12 know that the back property lines -

13 MR. CAPONERA: Are you talking along here?

14 MR. GRASSO: Yes. Those property lines may have
15 been blurred through the years. If you can clean those
16 things up as part of your site plan application, that
17 would be great.

18 Dan, I know that you will look at the merits of
19 porous pavement on this site. I don't know if there
20 is any stormwater management that currently exists
21 on the site, but because it's so large, if it
22 supports porous pavement there may be the ability to
23 introduce some porous pavement into some of the
24 existing paved areas to dramatically reduce the
25 stormwater impacts of the project site.

1 In terms of your site coverage statistics, if
2 you can, you talk about the proposed greenspace
3 being 41%, is that with or without the future
4 parking that you have dashed in? If you could
5 clarify that on the plan?

6 MR. HERSHBERG: I think that is all the proposed
7 parking. This table says proposed is the full
8 build-out.

9 MR. GRASSO: Okay, if you could clarify that?
10 Then, you talk about the existing greenspace being 48%.
11 It would appear that a lot of that is provided by the
12 appendages off the site. So, if you could just give us
13 what the existing greenspace is on a site by site basis,
14 we can understand those changes.

15 MR. HERSHBERG: What we didn't include, Joe, is the
16 piece going in this direction (Indicating) and this
17 right of way.

18 MR. GRASSO: Oh, okay, you didn't include them. If
19 you could just note those on the plans so that we don't
20 have to worry about checking them.

21 CHAIRMAN STUTO: The piece on the flip side -
22 you're proposing to keep that green?

23 MR. HERSHBERG: Yes.

24 MR. CAPONERA: We're not using as part of our
25 statistics the space that goes into the SFR zone.

1 CHAIRMAN STUTO: So, you are committed to not
2 developing that piece.

3 MR. CAPONERA: Correct. By the way, just for
4 everyone's knowledge, it's mostly wet anyway. Nothing
5 is going to happen there. We had that study done by a
6 wetland specialist.

7 CHAIRMAN STUTO: Thank you.

8 MR. GRASSO: The plan proposes parking being
9 shifted toward the Route 9 corridor. We would like you
10 to reconsider or if you were going to do that, you're
11 doing it across the frontage -- if you would look at
12 those specific areas, we would recommend that you try to
13 not require a waiver and at least have it as far back as
14 the front setback of the building. It looks like it
15 would only need to go back about seven or eight feet.

16 CHAIRMAN STUTO: You're saying push the building
17 back?

18 MR. GRASSO: No, just push the front parking line
19 back a little bit.

20 MR. HERSHBERG: The alignment here is essentially
21 about five feet of this parking that is in front of this
22 pole.

23 MR. GRASSO: I think that if you looked at the
24 proposed layout on an aerial, it would more clearly show
25 the encroachments going in front. Even on the Toyota

1 dealership it's set back quite a ways. I think that it
2 would be good to highlight that for the Planning Board's
3 review. When you are looking at the minimum interior
4 landscape island calculation, I understand that because
5 it's a car dealership, it's really not applicable for
6 the whole site, but if you could just try to address
7 that and accommodate that within your front parking
8 areas that are going to be viewed from the corridor, it
9 would go a long way.

10 That's all that we have at this point.

11 CHAIRMAN STUTO: We'll just open it up to the
12 Board.

13 MR. MION: On the traffic that goes out to Old
14 Loudon Road, I know you're not going to use and you
15 don't want to use it for an entrance or an exit but
16 would there be any advantage to putting it in for
17 emergency access?

18 MR. HERSHBERG: We think that it would be quite
19 disruptive to the neighbors if we built an emergency
20 access in there. We would have to grade it and you do
21 have to make it passable -

22 MR. CAPONERA: You're talking about this, Lou?

23 MR. MION: Yes.

24 MR. CAPONERA: I think that there would be a riot
25 in here if we did that.

1 MR. MION: That was just a thought. You have the
2 cars parked back in there.

3 MR. CAPONERA: I've done a few projects along this
4 roadway and -

5 MR. LACIVITA: Besides the fact that behind
6 Friendly's it's all wet there too.

7 MR. CAPONERA: Yes, it would be very, very
8 difficult.

9 MR. HERSHBERG: One issue here, Lou, is that we do
10 have three curb cuts. We're cutting them to two. We
11 did try to take carefully concern with fire truck access
12 getting around in there. This plan eliminates one curb
13 cut. There are currently three on the site and we're
14 cutting them down to two. We are quite careful to make
15 certain that this route can work to get fire ingress and
16 egress around.

17 MR. MION: That's very tight. I had a hard time
18 today getting my Toyota. I know that.

19 MR. HERSHBERG: We have redone the alignment of the
20 layout. I think that essentially it's going to be more
21 amendable to truck traffic getting in and out.

22 CHAIRMAN STUTO: I agree with all of Joe Grasso's
23 comments. I'm concerned about the impact on the
24 neighbors in the back. I know that you said that their
25 houses are far back, but they are just standard lots. I

1 don't think that they are all that big. If you could
2 take a look at that. I'm not sure about the elevation
3 change. I think that it slopes down toward the
4 residences out to Route 9.

5 The renditions of the architecture -- I'm sure
6 that it's cutting edge and new design and so forth,
7 but it's very hard to tell what we're looking at
8 from the exterior. We may have more comments of
9 what you come back with.

10 It's the old issue of how close to pull the
11 building to the road. To me, the Audi building
12 that's there now is relatively close to the road and
13 you're pulling this closer and I know that the Land
14 Use Law may call for that there but if Joe, can you
15 can look at that as well? Sometimes it's
16 appropriate and sometimes it's not.

17 MR. HERSHBERG: Right now it's about 51 feet back
18 and we're moving it up to 23.

19 MR. CAPONERA: We'll take a look at that.

20 CHAIRMAN STUTO: Those are my comments.

21 Anyone else?

22 (There was no response.)

23 Okay, thank you. Thanks for coming in. We
24 appreciate it.

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1 (Whereas the above referenced proceeding was
2 concluded at 9:10 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.

NANCY STRANG-VANDEBOGART

Dated May 8, 2015

