

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 ZORLAK CAR LOT  
1985 CENTRAL AVENUE  
5 WAIVER REQUESTS

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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
8 Reporter, commencing on April 14, 2015 at 7:00 p.m.  
at The Public Operations Center, 347 Old Niskayuna  
Road, Latham, New York

9

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 Frank Herba, Herba Consulting and Contracting

22 Ismail Zorlak

23

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1           CHAIRMAN STUTO: Good evening, everyone. Welcome  
2 to the Town of Colonie Planning Board. We have a number  
3 of items on the agenda.

4           Joe, do you have any introductory remarks  
5 before we go onto the agenda?

6           MR. LACIVITA: Nothing at this time, Peter.

7           CHAIRMAN STUTO: First item on the agenda is Zorlak  
8 Car Lot, 1985 Central Avenue. This is for waiver  
9 requests. This is a redevelopment of a 620-foot office  
10 garage to car lot.

11          Shall we hand it over to the applicant?

12          MR. TENGELER: I'll do a little intro, Pete.

13          CHAIRMAN STUTO: Please.

14          MR. TENGELER: This is an administrative project  
15 that has come through our Planning Department. We have  
16 had a couple of iterations on the project back and forth  
17 between the Planning Department, and the applicant who  
18 is represented here by Frank Herba tonight.

19          Just to sum it up really quick - I'll set the  
20 table for Frank.

21          I just passed out some Google Earth imagining.  
22 The site has been in a state of disrepair since  
23 about 2008. It used to home the Razor and Hair  
24 Salon which was a commercial business that came from  
25 a make-shift home that was there previously. The

1 Building Department issued a stop work order after a  
2 demolition because permits were never secured for an  
3 erection of a new building.

4 Mr. Zorlak has since purchased the property in  
5 the state of disrepair that you can see in this  
6 packet here and is looking to redevelop the business  
7 into the Zorlak Car Lot. In doing so, he is  
8 proposing to erect a 520 square foot office with a  
9 garage which is all going to be accessory to the  
10 compliant use of a car lot. It's a corner lot on  
11 the corner of Oliver and Central Ave. It's in a COR  
12 zoning district which allows for the use.

13 As you can see from the pictures it's been in a  
14 state of disrepair for a while so we are happy to  
15 have a compliant use and a use that this gentleman  
16 is going to be running himself.

17 I'll turn it over to Frank and Frank will go  
18 over the merits of the site plan and the elevations,  
19 and we'll go over the waivers that are being  
20 requested as well, through the presentation.

21 MR. HERBA: My name is Frank Herba from Herba  
22 Consulting in Schenectady, New York. Mr. Zorlak has  
23 contacted me to help him move this project through the  
24 Planning Process. He has been working on the project  
25 for approximately six months.

1           There was a little bit of misunderstanding as  
2 far as what really needed to be done for the  
3 project. He does have a zoning verification and he  
4 didn't really understand that he needed to have  
5 Planning Board approval. He was of the belief that  
6 he was going to be able to start building.

7           Here we are now and when the project was first  
8 presented to me, the location of the building is  
9 exactly where it is right now. Across the back of  
10 the property you do have a sewer easement that the  
11 Town has for the sewer service - this property and  
12 the property next door at 1983. Originally, there  
13 was less than 20% greenspace on the lot. It's a  
14 relatively small lot anyway. It's only 4,516 square  
15 feet. You're roughly one-tenth of an acre. The 35%  
16 greenspace is really going to limit what you can  
17 really do on the site. What we have done is  
18 rearranged it and we've come up with a little bit  
19 better than 30% greenspace and it still accommodates  
20 the loading that he would have for the four to six  
21 cars that he would have on the site at any one time.

22           CHAIRMAN STUTO: How many cars did you say?

23           MR. HERBA: Four to six. Nothing is going to be  
24 larger than 16 feet on the outside. The bulk of the  
25 cars are going to be in the 14 foot range.

1           What we have developed is parking off of Oliver  
2           Street and we have essentially two facades here. We  
3           have two front views. You have the elevations plans  
4           for Central Avenue and Oliver Street where there is  
5           a mix of stone facade and vinyl siding. What we  
6           have created is essentially two parking spaces for  
7           the occupants and there are two additional spaces  
8           that are available for customers coming in. Mr.  
9           Zorlak has given this quite a bit of foresight  
10          because he's been looking at this property for four  
11          years and he finally did make the move to buy it.  
12          He has a website set up. That's the kind of  
13          business that he is talking about setting up.  
14          You're not going to have a lot of street traffic  
15          coming in here. It would be more by appointment,  
16          generally speaking.

17                 What we have done is created the 35%  
18                 greenspace. We have sewer access in the back.

19                 Various departments have come back with some  
20                 feed back and there isn't anything -- there are some  
21                 minor changes that we are going to make, but  
22                 basically the building is going to stay pretty much  
23                 where it is and we can accommodate all the changes  
24                 and all the questions that they have had.

25                 I don't know if you're really interested in

1 going through all of those or not at this particular  
2 time.

3 CHAIRMAN STUTO: We should have comments in here  
4 and that won't be necessary.

5 MR. HERBA: All of the issues that you have right  
6 there can be dealt with very easily on-site.

7 CHAIRMAN STUTO: If somebody wants to speak, please  
8 sign in on the sign-in sheet.

9 Is there any public interest on this one?

10 (There was no response.)

11 Kathy, do you have anything?

12 MS. DALTON: I didn't find the drawing very visual.  
13 We like to kind of get a sense of what exactly you're  
14 talking about. Four to six cars doesn't seem like a  
15 lot, but I'm having a hard time trying to visualize the  
16 business that you want here. Can you explain, or do you  
17 have anything else from a visual standpoint?

18 MR. HERBA: Would you like to offer some input on  
19 this?

20 MR. ZORLAK: This isn't going to be a big business  
21 to run. It will be a small business. I live two  
22 minutes from here. I was looking for a business to buy.

23 MR. TENGELER: When Mr. Zorlak initially approached  
24 us - he's exactly right, he lives down the road a couple  
25 of blocks. His kids have him hooked up through a

1 website where they can sell automobiles through that.  
2 This is kind of his -- I want to say retirement package,  
3 but I don't want to put words in his mouth. It's  
4 something that will occupy his free time.

5 MS. DALTON: So, it's not going to be a big  
6 business. I'll just be straightforward. My concern  
7 here is that while it looks like it's really important  
8 to redevelop this parcel because nothing good is  
9 happening, I want to make sure that we do something that  
10 has some value in perpetuity. While I appreciate that  
11 this is going to be his retirement activity for the  
12 applicant, at the end of the day what are the  
13 implications -

14 MR. TENGELER: That is a good point.

15 A couple of things that we went through with  
16 Ismail and Frank was building architecture. There  
17 is a foundation there now. There is nothing there  
18 now. The building that was there was extremely old  
19 and dated - borderline dilapidated -- it was  
20 removed. There are elevations on the second page of  
21 the building plans. They meet a lot of the  
22 architectural enhancements straight out of the Town  
23 Code with the stones, veneer and the architectural  
24 shingles, the vinyl siding. Part of the thing that  
25 we want to do is make it a sustainable property and

1 something that met our Town Code, something that was  
2 not an eye sore anymore but could lend itself to not  
3 only the topography of the site but the size of the  
4 site and to Ismail's needs.

5 MR. HERBA: Just to answer the question with regard  
6 to perpetuity, this building lends itself very nicely to  
7 any kind of expansion or conversion to some other kind  
8 of operation some time in the future.

9 MS. DALTON: That's mostly what I was concerned  
10 about. When you are looking at redeveloping something  
11 that is an eyesore -- it is better than what we had  
12 before. I am concerned about the long-term as well.

13 MR. MION: I'm concerned in looking at this in what  
14 you are trying to do with the amount of space that you  
15 have. I have been there and even looking at the diagram  
16 here, I see that one of the cars is behind -- at least  
17 with what I have here. I think that six cars is an  
18 awful lot. Maybe five would be fine with two in the  
19 back. You have to keep at least two parking spots right  
20 behind the car that is parked. How do you move the  
21 cars? What happens if you get two cars out? How do you  
22 move these other cars?

23 MR. ZORLAK: The business is not that big. Someone  
24 can move those cars.

25 MR. MION: You have to be able to maneuver those

1 cars. You don't want people parking on the street.

2 MR. HERBA: No.

3 MR. MION: You're going to put just two cars in the  
4 back?

5 MR. ZORLAK: Right.

6 MR. MION: Are you going to build on the foundation  
7 that is there?

8 MR. HERBA: No. The foundation is coming out.

9 MR. MION: So, you're building on the footprint?

10 MR. HERBA: Yes.

11 MR. MION: Right now there are bricks on the back  
12 part. Is that on your property, or is that on the next  
13 door neighbor's property?

14 MR. ZORLAK: That's on my property.

15 MR. MION: The pavement that is here -

16 MR. TENGELER: That's existing pavement.

17 MR. MION: You can't put a 15 foot driveway back  
18 there. That's a wide driveway.

19 MR. HERBA: The driveway is not going to be the  
20 full 15 feet because you have four feet of greenspace  
21 there on the back of the driveway. Actually, there is a  
22 little bit more -- I'll call it the east end of the  
23 property.

24 MR. MION: The other thing is if it's on a corner,  
25 does it matter what side the door is on? The address

1 is on Central Avenue?

2 MR. TENGELER: I looked into this, Lou, to see if  
3 that would require a waiver. Because there is no curb  
4 cut being proposed or existing on Central Avenue --  
5 there are two front yards because it's a corner lot, but  
6 because of the curb cut is actually by way of Oliver  
7 Street, that's the way that the building should be  
8 facing.

9 I did talk this over with Frank and if it is  
10 going to be an issue with the Planning Board, they  
11 can definitely engineer the entrance of the building  
12 to have a front door on Central Avenue if it's  
13 something that the Board would absolutely like to  
14 see. From our perspective, because it's a corner  
15 lot and because more importantly the curb cut comes  
16 in by way of Oliver Street and there is no access way  
17 from Central Avenue other than the pedestrian  
18 access way, we're comfortable with the interpretation  
19 that a waiver is not required in this instance for  
20 that particular point.

21 MR. MION: I am concerned about the amount of cars.  
22 I don't think that you need four cars in the front.

23 MR. HERBA: It is a small site. It's very  
24 important because you are going to be dealing with  
25 clientele that are going to be talking about that also.

1           One thing that you want to take a look at with  
2           the four cars that are in front there when the plan  
3           was put together by Ray [SIC] Koch. He does have  
4           that one car off the property line onto Oliver, but  
5           that whole group of car could be moved east and  
6           everything would be on the property.

7           MR. MION: You still have parking spaces behind the  
8           cars. There is no room.

9           MR. HERBA: If people are parked there, you're  
10          right. In order to get to the advertised vehicles out,  
11          some vehicles would have to be moved; yes.

12          MR. TENGELER: There is a portion in our Town Code  
13          that allows for stacked parking and I want to say for  
14          lack of a better word, the valet service - where the  
15          Town Code says if there is a responsible party that is  
16          in charge of the keys and the maneuverability of  
17          vehicles, you can in a sense stack parking in some  
18          instances for better organization on the site. Some car  
19          dealerships around Town do it. Your larger car  
20          dealerships -- granted they have mass acreage to have  
21          their inventory on. The Town Code does allow for  
22          stacking and for a valet-type of use as long as there is  
23          a responsible party that can maneuver everything safe  
24          and reasonably. I would think that in this instance  
25          Ismail or Frank -- if on a good day he had two cars and

1 two possible patrons at one time, each taking this  
2 parking spot and someone wanted to take the farthest car  
3 for a spin, I would think that it would Ismail's  
4 responsibility or the owner to probably pull into an  
5 on-deck spot here. That could give you room to make a  
6 three-point turn or in this case, maybe a five-point  
7 turn to get out of there.

8 MR. HERBA: There is also a location -- there is a  
9 10-foot overhead door on the Oliver side that somebody  
10 could park in front of on a temporary basis, if a car  
11 had to be moved to do that.

12 MR. TENGELER: It's definitively a tight site, but  
13 I think that with a small amount of inventory that's  
14 being proposed, I think that it can work.

15 CHAIRMAN STUTO: Brian?

16 MR. AUSTIN: I have to agree with the other two. I  
17 think that it's a lot on the site. Depending on the  
18 size of the cars -- what if you're selling large SUVs or  
19 if you are selling compact vehicles -- it all depends on  
20 that as well. If you're selling Yugos -- they don't  
21 make those any longer. If you're selling Smartcars --  
22 then you could -- I just think that I agree with them.

23 MS. DALTON: I want to go on record as saying that  
24 I like it when they agree with me.

25 CHAIRMAN STUTO: I'd like to ask a couple of

1 questions.

2 Who is our next door neighbor on Central  
3 Avenue? It looks like it's a residence from this  
4 map. Is it a resident?

5 MR. ZORLAK: Yes.

6 CHAIRMAN STUTO: Is that a resident on Oliver  
7 Street?

8 MR. HERBA: Yes.

9 CHAIRMAN STUTO: I, too, think that it's a lot on  
10 one lot. I'm not an expert in the maneuverability on  
11 parking lots, but it looks really jammed in. I'd also  
12 say that it's hard to understand the architecture.

13 Let me ask some questions about the building.  
14 The building is one story or two story?

15 MR. HERBA: It's one story with a storage area; the  
16 second floor.

17 CHAIRMAN STUTO: How does that work because it's 20  
18 or 25 feet high. How does that work internally with the  
19 second story?

20 MR. HERBA: The first floor, we were looking at 13  
21 feet high and add the peaks and the neighborhood of  
22 eight to nine feet and at the ends where it's cabled  
23 down, it would probably be 4 feet -

24 CHAIRMAN STUTO: Finished or unfinished on the  
25 second floor?

1 MR. HERBA: Unfinished.

2 CHAIRMAN STUTO: And how do you get up there?

3 MR. HERBA: It would be through an access hatch.

4 CHAIRMAN STUTO: It's a little hard to visualize.  
5 I know that it's a small time operation. We're not  
6 dealing with large developers. I don't think that the  
7 building is especially attractive either, but maybe I'm  
8 wrong about that. The side is facing Central Avenue -  
9 it needs a little bit more pizzazz. I think that the  
10 driveway is all jammed up.

11 MR. LANE: Has there been any notification to the  
12 neighbors on this?

13 MR. HERBA: Yes.

14 MR. LANE: Because there is nothing in the packet.

15 MR. TENGELER: I have notification, Tim.  
16 Notification was given to the neighbors, there were  
17 placards hung. I do have that.

18 MR. LANE: That wasn't in here, but I just wanted  
19 to be sure.

20 MR. TENGELER: I didn't include it. I didn't know  
21 that was something that we normally include, but I've  
22 got it here in the file.

23 MR. LANE: I just wanted to make sure that we get  
24 the public comments.

25 I agree that it's pretty tight in that spot.

1           CHAIRMAN STUTO: Susan?

2           MS. MILSTEIN: I agree that it's tight. Is there a  
3 possibility that maybe there could be four cars where  
4 you have three in the front and one in the back, maybe?

5           CHAIRMAN STUTO: It's not our job to redesign it, I  
6 don't think. I don't know if that works the way that it  
7 is.

8           Craig?

9           MR. SHAMLIAN: It is very tight -- just to  
10 reiterate. By the same token it's a 4,600 square foot  
11 lot. There isn't much that is going to work on this  
12 that isn't going to be tight and isn't going to be  
13 cumbersome. So, I think that the cars need to stay on  
14 the property, obviously.

15           I do agree that the elevation on Central Avenue  
16 is a little blah. It could be made a little more  
17 attractive, but given the fact that this is such a  
18 small site, as long as the cars remain on the paved  
19 area, I don't have a huge problem with it. I don't  
20 know what else you can do with this property.

21           MR. HERBA: There is one thing to keep in mind as  
22 far as the facade is concerned. I did talk with the  
23 owner tonight because I was concerned about that too -  
24 just exactly what he was planning on doing with colors.  
25 I know that we are installing the stone facade. He was

1 talking about using green siding with white trim  
2 corners, windows, soffit and fascia. It will decorate  
3 up, I believe. There would be some signage which we  
4 aren't really addressing on the front of the building  
5 when it comes out.

6 MS. DALTON: What kinds of requirements can we  
7 build around it to make sure that -- I think that what  
8 I'm hearing from everybody is that we are happy with the  
9 concept of redeveloping something that is not really  
10 attractive, but we also have a concern about the fact  
11 that it can't over-reach the parameters of the property  
12 that we're looking at. What kinds of options do we have  
13 to build requirements around the development?

14 MR. TENGELER: Our counsel isn't here.

15 Kathy, the Planning Board can impose -- I don't  
16 want to say any condition, but any condition that  
17 they find reasonable to the approval. The Board is  
18 going to be voting on waivers. There can be  
19 conditions every time we vote on any type of waiver  
20 on any project, there is always the condition - Town  
21 department TDE, comments -- that's a condition.  
22 There can be any type of condition.

23 MS. DALTON: What kind of enforcement options are  
24 there for these kinds of conditions?

25 MR. TENGELER: Virtually anything. Let the

1 imagination go. You can have the Planning Department  
2 enforce it. We can do periodic check-ups. You can even  
3 invite the applicant to come back in a years' time or six  
4 months' time and say, hey we want to look at the site  
5 and make sure -- I haven't seen it done very often, but  
6 I have pulled old files before where the Planning Board  
7 has taken field trips to site, they've asked someone to  
8 come back down the road as just kind of a check-up to  
9 make sure everyone is following the conditions and that  
10 everyone is okay with the conditions that have been  
11 imposed. Virtually you can impose almost anything that  
12 you feel is reasonable.

13 MR. LACIVITA: I think that I would be careful as  
14 to the limitations as to how you're going to affect the  
15 business model and the plan that the gentleman has  
16 before us. I understand that the site is tight. Maybe  
17 we can work with the applicant to try to redesign  
18 things.

19 MR. TENGELER: That's what I meant by reasonable.

20 MS. DALTON: That's exactly where I am. I see the  
21 value of redeveloping the site.

22 CHAIRMAN STUTO: I don't agree about the site. I  
23 think that we tell them that they have to scale it down.  
24 They're trying to do, in my opinion, too much.

25 MR. LACIVITA: I think that I explained that maybe

1 we could work with the applicant to maybe downsize the  
2 building and maybe do a couple of things that could make  
3 -- if he's looking at four cars or five cars, if we  
4 could make it work with downsizing the building, because  
5 again, it's less than an acre. What else is going to go  
6 in this site? We have an opportunity to redevelop it  
7 and we can make it the best project that we possibly  
8 can. I don't know if we can change the guy's business  
9 model.

10 MR. AUSTIN: I think that you do have limitations  
11 on how many cars you put on the site. If you don't do  
12 that, you can put 10 cars on the site.

13 MR. LACIVITA: It would have to be within reason.

14 MR. AUSTIN: Lou and I were talking. I guess there  
15 is some street lighting down there. I'm not sure. Is  
16 there street lighting down there?

17 MR. TENGELER: In the vicinity, yes. Not directly  
18 in front of the property. I believe that it's the  
19 neighboring property to the east, and then you cross  
20 Oliver Street and the next property to the west there is  
21 street lighting there. There is no street lighting  
22 directly in front of this building, though.

23 MR. AUSTIN: Is the applicant going to have safety  
24 lighting for the evening hours or for security purposes  
25 or anything like that? That might be an issue with some

1 of the neighbors at some point.

2 MR. TENGELER: We talked about the possibility of  
3 some building mounted wall sconces which don't  
4 illuminate past the property limits. Also, a  
5 down-style. Frank is familiar with the down-style shoe  
6 box fixtures. If a light is warranted and is needed for  
7 security issues, it would be held by the same standards  
8 as the Walmarts and McDonalds or anyone. Down-style  
9 shoebox fixtures are no more than 16 feet in height or  
10 whatever the Code calls for - they would certainly have  
11 to abide by that.

12 CHAIRMAN STUTO: Is the Town department responsible  
13 for sewers okay with them paving over the sewer  
14 easement?

15 MR. TENGELER: As long as there is a hold harmless  
16 agreement that they enter into.

17 CHAIRMAN STUTO: Are they on record saying that?

18 MR. TENGELER: Yes, it should be in the comments.

19 CHAIRMAN STUTO: I'm not ready to vote on what is  
20 submitted.

21 MR. SHAMLIAN: I think that if you go on any main  
22 dealership car lot, you're going to find situations  
23 where cars have to be jockeyed around to get cars out.  
24 As a practical matter, whether we were to take the four  
25 cars in the front and the two right behind it - so take

1           those six cars and take it to five - are we really  
2           accomplishing anything dramatic? There is a 4,600  
3           square foot piece of property.

4           CHAIRMAN STUTO: It's one-tenth of an acre. I  
5           don't think that we have to guarantee that they can do  
6           something viable on it. One-tenth of an acre is a hard  
7           spot to put a business on. I disagree with Joe  
8           LaCivita. I don't know how concerned we have to be  
9           about affecting his business.

10          MR. SHAMLIAN: I agree, but I think that if we want  
11          the property to be redeveloped we need to be mindful.  
12          There needs to be some economic value that works on the  
13          property. I'm not sure what else you could put on this  
14          property.

15          MR. TENGELER: The property has been on the market  
16          since 2008.

17          CHAIRMAN STUTO: What was it listed for?

18          MR. TENGELER: I don't have that information.

19          MR. ZORLAK: Forty nine thousand.

20          MR. LACIVITA: Why don't we table this project for  
21          the time being? I think that we have heard a number of  
22          concerns that the site is tight. I'd like the  
23          opportunity to work with Mr. Zorlak and his engineer to  
24          maybe bring something back to you and look to see what  
25          actually is viable. If we could table that, I'd greatly

1 appreciate it so that we can get a better project the  
2 next time around.

3 MS. DALTON: I move to table that.

4 MR. MION: Second.

5 CHAIRMAN STUTO: Without objection, we'll move to  
6 table it.

7 Thank you.

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9 (Whereas the above referenced proceeding was  
10 concluded at 7:19 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 5, 2015

