

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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ZORLAK CAR LOT (ECONOMY CAR)

1985 CENTRAL AVENUE

WAIVER REQUESTS FOR PARKING WITHIN FRONT YARD

SETBACK, MAXIMUM BUILDING SETBACK AND INCENTIVE

ZONING CONSIDERATION

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on June 9, 2015 at 7:13 p.m. at
The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

10

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

18 ALSO PRESENT:

19 Kathleen Marinelli, Esq. Counsel to the Planning Board

20 Joseph LaCivita, Director, Planning and Economic
21 Development

22 Michael Tengeler, Planning and Economic Development

23 Frank Herba, Herba Consulting

24 Luis Martinez

25

1 CHAIRMAN STUTO: The next item on the agenda is
2 Zorlak Car Lot. This is at 1985 Central Avenue. This
3 is a waiver request for parking within the front yard
4 setback, maximum building setback and incentive zoning
5 consideration.

6 Mike Tengeler, is this yours? I don't know if
7 you want to give any introductory remarks.

8 MR. TENGELER: Yes, briefly. The Board saw this
9 last on April 14th. It's a property at 1985 Central
10 Avenue and Oliver Street. It's been in a state of
11 disrepair since about early 2011. Like I said, the
12 applicant was here a couple of weeks ago. The Board had
13 a couple of concerns when they saw the initial proposal
14 as far as layout is concerned and as far as having an
15 inviting frontage towards Central Avenue. The applicant
16 went back to the drawing board to re-engineer the site
17 and came up with a different facade that is a little
18 more appealing.

19 I'll turn it over to Frank and he can go from
20 here.

21 MR. HERBA: My name is Frank Herba from Herba
22 Consulting. I am representing Mr. Zorlak on his
23 development for the used car facility.

24 The plan of the building itself, beside the
25 building, has not changed. What we have done is we

1 have expanded the paved area to create a little bit
2 more ease of motion around the site. There was some
3 concern by the Board that it seemed to be a little
4 bit tight. In order to overcome that, we have
5 expanded the paved area and cut down on the green
6 area slightly. We're still going to maintain
7 approximately 30% green area or maybe a little bit
8 less.

9 CHAIRMAN STUTO: It says 26% on the drawing.

10 MR. HERBA: Excuse me, you're right. It's 26%.
11 Whatever fees will be attached to that by the Town
12 regulations, the owner is prepared to deal with that in
13 time when it has to be done.

14 The facade of the building - there was some
15 concern that it was pretty flat, so what we have
16 done is we have introduced a canopy at a level that
17 will cover the door entry. We brought the entry of
18 the door itself around to the front and put a window
19 on it and covered it to break up the facade. You
20 still have the stonework down below and they have
21 introduced some low landscaping in the front of the
22 building between the property line and the front
23 paved line along Central Avenue. That was another
24 one of the concerns that the Board had.

25 Those were basically the three concerns.

1 As far as drainage is concerned, that is
2 something that we will handle right on-site. We can
3 do that very easily. As a matter of fact, the
4 expanded drainage based on a 100-year storm is going
5 to be very, very small compared to what was there
6 before.

7 We feel that we have addressed the concerns of
8 the Board and if we have any questions, let's
9 discuss it now.

10 CHAIRMAN STUTO: I'll just open it up to the Board.
11 To me, the tightness was the biggest issue. The
12 architectural stuff I think is -

13 MR. MION: I liked what you did. The one question
14 that I will ask is in the winter when that snow blower
15 comes down to clean out the sidewalks, is there enough
16 room for them to dump the snow onto the greenspace and
17 not harm the vehicles that will be parked there?

18 MR. HERBA: I believe that it something that the
19 owner and the Town are going to deal with at the time.
20 There is enough room -- there is approximately 10 feet
21 of green area there that you can deal with.

22 As far as the lot is concerned itself, I would
23 imagine that the owner would -- if that snow bank
24 gets a little too high, they would want to cut it
25 down anyways. They would take care of that

1 themselves.

2 MR. MION: I just don't want to see the Town coming
3 through, blowing the snow onto the greenspace and then
4 accidentally harm the car. That's the problem.

5 MR. HERBA: Okay.

6 MR. MION: As long as you're comfortable with it,
7 we're comfortable.

8 MR. HERBA: As far as the winter operation is
9 concerned, there is room there that the cars could be
10 pulled back a little bit, if they have to also.

11 CHAIRMAN STUTO: Anybody else?

12 MR. SHAMLIAN: As we said before this is a really,
13 really tight site. I think that you have done an
14 admirable job of trying to do the best that you can with
15 something as small as it is.

16 MR. HERBA: The one thing to keep in mind is that
17 this is a small operation.

18 CHAIRMAN STUTO: Are there any members of the
19 public that got notices that want to be heard on this?

20 MR. MARTINEZ: My name is Luis Martinez and I live
21 at 5 Oliver Street. My concern is when the customers
22 come when where are they going to park? We have kids on
23 that road.

24 CHAIRMAN STUTO: Have you seen the drawing?

25 MR. MARTINEZ: I have not.

1 CHAIRMAN STUTO: You can take my copy if you want
2 or look up there.

3 MR. MARTINEZ: Also, across the street there is a
4 convenience store. What happens when they come for a
5 delivery is they actually park parallel to Central?
6 What is going to happen then?

7 CHAIRMAN STUTO: What do you mean parallel? Parallel
8 to Central?

9 MR. MARTINEZ: Well, on Oliver Street. If
10 customers come to visit them and the delivery truck
11 happens to be there, people turning into Oliver - cars
12 come in and out of his business. Cars are going to get
13 backed up on Central. There is only so much space from
14 their lot to Central.

15 CHAIRMAN STUTO: I'm trying to visualize it. I
16 remember the area. I know that there is a convenience
17 store across Oliver on the corner. I'm trying to
18 visualize how they are going to park parallel to
19 Central.

20 MR. MARTINEZ: They manage to do so. When they
21 pick up their garbage, they do the same thing. They
22 kind of come in at an angle and take the garbage, back
23 up and leave toward Central again.

24 CHAIRMAN STUTO: I'll ask the applicant to try to
25 address that. Do you have any other comments?

1 MR. MARTINEZ: Well that and property value; do we
2 lose property value because of the business? It will be
3 hard for us to sell. It's a good thing that we don't
4 want to sell our house.

5 CHAIRMAN STUTO: I'll let the applicant address
6 that, too. It's not a good looking site now. That's my
7 own opinion. You're welcome to take my drawings if you
8 want. They're putting a decent looking building on that
9 parcel.

10 I'll let the applicant address your concerns
11 about the delivery to the convenient store across
12 the street. I'm not seeing what he is saying about
13 the parallel.

14 MR. HERBA: I'm not exactly sure myself, unless
15 they are talking about when delivery trucks arrive at
16 the convenience store, they pull out of Oliver Street
17 and then back into the store. Possibly the tractor is
18 sticking in the road at that point. I don't have any
19 control over that.

20 MR. LACIVITA: That's a different location.

21 MR. HERBA: I would imagine that the deliveries are
22 pretty generally -- are the early a.m.?

23 MR. MARTINEZ: Yes.

24 MR. HERBA: I don't really see any interface
25 between selling cars and the deliveries at the store.

1 The number of people who are expected at the car
2 dealership at any one time is not more than one or two.
3 It's not like you're going to have 10 people in there so
4 you won't have a bunch of cars around. They should be
5 able to maneuver a little bit. Actually, with the
6 access area for the car facility here (Indicating), it
7 should give people a little bit more room to even pull
8 around if they have to. This should improve the
9 conditions, I would think, a little bit for the
10 convenience store.

11 CHAIRMAN STUTO: In one way, you can't hold him
12 responsible if somebody else is doing something wrong.
13 If there is a real problem there, we should probably
14 think about it.

15 Joe or Mike, do you have any comment on that?

16 MR. LACIVITA: I think that the only thing that we
17 could do there, Peter, is -- again, I totally agree that
18 we can't control what is happening across the street.
19 Central Avenue is controlled by New York State DOT. We
20 can make them aware of what may happen, but again I
21 don't know what control we can put on this site for some
22 deliveries being made across the street. We can only
23 make New York State aware of what is going on and see
24 what they could potentially do. We don't have control
25 of that area.

1 MR. HERBA: I would think that a recommendation
2 might be that rather than having the trucks back into
3 the building parallel to Central Avenue, that they
4 unload off of Oliver and come across their parking area
5 there.

6 MR. TENGELER: I know the convenience store that
7 Luis is talking about and there are two tenant spaces in
8 there. The next time that either one comes through for
9 a change in tenant, I would imagine that the convenience
10 store would remain, but I think that they have an empty
11 spot next door or a spot that is changing a lot. I can
12 review that again when it comes through and then we can
13 try to address this with the owner of the property and
14 make it a condition or at least start opening the
15 dialogue towards rectifying that.

16 MR. HERBA: As far as the building itself is
17 concerned - as far as values are concerned, Mr. Zorlak
18 is willing to put money up and he wants a building that
19 looks attractive. I think that it's going to be a major
20 improvement to the area. It should really help values,
21 I would think, more so than reducing them.

22 MR. TENGELER: The Board has pictures in your
23 packets of what the site looks like now. It's in a
24 state of disrepair with the foundation and that is the
25 only thing that is existing from what was there.

1 Everything else is milling scattered all over the place,
2 down trees and weeds. I know that you can compare that
3 to what Ismail is proposing.

4 MR. LANE: Going back to parking, there is only
5 going to be one employee generally on site?

6 MR. HERBA: Correct.

7 MR. LANE: There is a letter from Lieutenant Pero
8 with Highway Safety recommending that the employee be
9 required to park on site. Is there a designated parking
10 space for the employee, so they're not parking on
11 Oliver?

12 MR. HERBA: Actually, there are three parking
13 spaces. We have designated ones that are handicapped.
14 Because there are three independent parking spaces, they
15 all pretty much qualify for handicap access and egress.
16 One of those parking spots would be used by the
17 occupant.

18 MR. TENGELER: There is also a garage too, as a
19 spill over spot, if you will, for an employee if there
20 were two employees on site at one time.

21 MR. LANE: Thank you.

22 CHAIRMAN STUTO: Anyone else?

23 (There was no response.)

24 Where do we stand with the environmental?

25 MR. TENGELER: The SEQRA review is completed. It's

1 also in your packets. It's an unlisted action per the
2 Town Attorney's office and a neg dec has been signed off
3 on by Rebekah Kennedy and Joe LaCivita, Director of
4 Planning.

5 My recommendations on the check list on the
6 front page illustrate the four waivers as well as an
7 Incentive Zoning Schedule that's at the back of your
8 packets, I believe, as well as the Resolution.

9 CHAIRMAN STUTO: Kathleen, do you think that you
10 can help us with the environmental, or Mike?

11 MR. TENGELER: Yes, absolutely.

12 CHAIRMAN STUTO: We should probably say some things
13 for the record.

14 MR. TENGELER: Sure. The short form was completed
15 due to the specifics of the proposal and it was deemed
16 an unlisted action. It was signed off on by Rebekah
17 Nellis Kennedy of the Town Attorney's office on November
18 21, 2014.

19 There is a notice of determination of no
20 significant effect on the environment; a negative
21 declaration.

22 Letter A: The lead agency is the Town of
23 Colonie Planning and Economic Development
24 Department. The person to contact for further
25 information would be Rebekah Nellis Kennedy,

1 Assistant Town Attorney.

2 The reasons of determination of
3 non-significance: the lead agency has reviewed the
4 application, site plans, project description and all
5 supporting documentation and conducted such further
6 investigation of the project and its environmental
7 effect as lead agency has deemed appropriate. Based
8 on this review the lead agency has determined that
9 the action will have no significant effect on the
10 environment.

11 CHAIRMAN STUTO: Does anybody have any questions on
12 the proposed environmental negative declaration or any
13 environmental assessment form?

14 (There was no response.)

15 Do we have a motion on the negative
16 declaration?

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

18 MR. LANE: Second.

19 CHAIRMAN STUTO: Any discussion?

20 (There was no response.)

21 All those in favor say aye.

22 (Ayes were recited.)

23 All those opposed say nay.

24 (There were none opposed.)

25 The ayes have it.

1 We're voting on the waivers, correct?

2 MR. TENGELER: Correct.

3 CHAIRMAN STUTO: And there's a waiver Resolution in
4 here?

5 MR. TENGELER: There is. It's a two-pager. It
6 should be near the back of the packet.

7 CHAIRMAN STUTO: And I'll ask that the stenographer
8 enter the entire Resolution into the record.

9 Can you say in lay terms what the three waivers
10 -- there were three waivers, right?

11 MR. TENGELER: Yes.

12 CHAIRMAN STUTO: Can you say what they are in lay
13 terms and then the resolves?

14 MR. TENGELER: Absolutely. Essentially there are
15 four waivers. I worded it as three waivers and an
16 incentive zoning consideration, but basically the
17 waivers are as follows:

18 Waiver to allow new pavement within the front
19 yard setback. Article 9 of the design standards of
20 the COR zoning district as off-street parking is
21 encouraged to be at the rear or the side of the
22 building. The Board can waive that as it deems
23 acceptable for reasonable development of the site.
24 This proposal proposes eight feet of separation,
25 seven feet shy of the Code's 15.

1 Waiver to allow pavement within 15 feet of the
2 front yard setback. Article 10 of the Land Use Law
3 190.47, parking setback requirements, no parking or
4 loading or multifamily use shall be permitted within
5 15 feet of the front yard setback, which is the
6 second waiver.

7 Waiver to allow for minimum building setback
8 greater than 20 feet because there are two front
9 yards here. There are two front yard setbacks. The
10 parcel is a corner lot. The maximum building
11 setback is 20 feet. The proposal meets this in
12 reference to the Oliver Street frontage, however,
13 the Central Avenue frontage is 45 feet. This is due
14 to the applicant's necessity to display four
15 vehicles along the Central Avenue frontage which is
16 required for reasonable development of the site in a
17 practical use to move the building back to the 45
18 feet that you see on the site plans.

19 Last, the incentive zoning consideration - 35%,
20 as the Board knows is the standard for greenspace
21 within the Town of Colonie. Under no circumstances
22 shall greenspace drop below 15%. They are proposing
23 26% greenspace which equates to an incentive zoning
24 payment of \$4,701.00. One of the reasons why the
25 department supports this other than the fact that

1 it's a redevelopment of the site is that it's such a
2 small site at 5,000 square feet, any incremental
3 reduction of greenspace is going to make that
4 percentage jump even more because it's such a small
5 variable.

6 We are supportive of all the waivers. They are
7 not deemed unreasonable and it's up to the Board to
8 vote on it.

9 CHAIRMAN STUTO: Can we make the Resolution and the
10 waivers and the incentive zoning Resolution contingent
11 upon compliance with all the Town comments? Tim, in
12 particular wants -

13 MR. LANE: Yes, based on the recommendation of Ken
14 Pero's statement from Highway Safety regarding the
15 employee parking?

16 CHAIRMAN STUTO: Does anyone have any objection to
17 that?

18 (There was no response.)

19 MR. HERBA: Can you read that?

20 MR. LANE: Per Highway Safety, the recommendation
21 was that no employee or no car for sale on Oliver
22 Street.

23 MR. HERBA: In other words, no continuous. If they
24 are moving cars or something like that -

25 MR. LANE: No. Just not display -

1 MR. TENGELER: No display or parking.

2 CHAIRMAN STUTO: Parking is parking. Stopping is
3 probably something else.

4 Any discussion?

5 (There was no response.)

6 Motion?

7 MR. SHAMLIAN: I'll make that motion.

8 MS. DALTON: Second.

9 CHAIRMAN STUTO: Discussion?

10 (There was no response.)

11 All those in favor say aye.

12 (Ayes were recited.)

13 All those opposed say nay.

14 (there were none opposed.)

15 The ayes have it.

16 Thank you.

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19 (Whereas the above referenced proceeding was

20 concluded at 7:24 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 30, 2015

