

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 CRISAFULLI CAR LOT
5 BOARD UPDATE

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY STRANG, a Shorthand Reporter,
8 commencing on August 11, 2015 at 8:45 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

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

17 ALSO PRESENT:

18 Kathleen Marinelli, Esq., Counsel to the Planning Board
19 Michael Tengeler, Planning and Economic Development
20 Joseph LaCivita, Director, Planning and Economic
21 Development
22 Nina Crisafulli

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1 CHAIRMAN STUTO: Okay, we're going to call up the
2 next item on the agenda.

3 This is the Crisafulli Car Lot, 4232 Albany
4 Street. And this is a Board update.

5 MR. TENGELER: This is a project that the Board saw
6 in a previous incarnation. This was going through a
7 major project at the time. It was about a year ago;
8 July 2014.

9 The applicant Nina Crisafulli owns the property
10 at 4232 Albany Street. She came in before with a
11 250 plus or minus spot parking lot - a reserve
12 auxiliary lot which is the plan that you see on the
13 far right over there (Indicating). Since then, she
14 came in and asked to scale the project down. So, we
15 have taken in the submission at the department
16 level.

17 We have brought it around to departments.
18 Prior to any approval, we're moving forward to a
19 final look and see with department comments.

20 Peter had requested the project come back for a
21 Board update and a placard to alert the public -
22 just so that everyone knows what happened since the
23 last time that they came here for concept, which was
24 about a year ago to see what is happening and also
25 to update the Board as well to everything that has

1 happened since. We can go through how the project
2 has changed. We can speak to the applicant -

3 CHAIRMAN STUTO: Please do, and show us how the
4 project has changed.

5 MR. TENGELER: In your packets you'll see that
6 under the PEDD summary there is a number of bullet
7 points that I'll go through with you.

8 The applicant appeared before the Board on July
9 15, 2014 for a 243 vehicle storage lot at which time
10 the project was tabled. At the applicant's request,
11 the project has been scaled down to a 76 vehicle
12 storage lot, eliminating the scope of disturbance to
13 that of a minor project which has been reviewed
14 administratively through our Town Departments.

15 After review of the prior Planning Board
16 meeting on July 15, 2014 and a review of the latest
17 site plan submission, the applicant has addressed
18 the following concerns that were previously brought
19 up and I'll just go through some of these bullet
20 points.

21 1. The project has been scaled down from a 243
22 vehicle lot to a 76 vehicle lot.

23 2. A New York State DEC permit will be required
24 for encroachments into the 100-foot wetland buffer
25 area. A permit has been secured, but has since

1 expired. Confirmation of permit extension has been
2 received from DEC.

3 In your packets you'll see a letter from DEC
4 that confirms that the permit has been extended.

5 3. A letter from the New York Natural Heritage
6 Program for known occurrences and rare species
7 tracked by the Heritage has been furnished per the
8 Albany Pine Bush Preserve Commission. This was a
9 request that was made at the concept level for the
10 major project that we wanted to carry through into
11 this project.

12 4. Existing maple trees will remain along
13 Albany Street frontage and new white pine and maple
14 trees will be added for a better buffer and screen
15 the premises visually from the road. It was a
16 comment that was brought up by the Planning Board
17 and by the public hearing back in 2014.

18 5. The residential use has been eliminated and
19 has been verified with the Building Department. The
20 property has a previous variance that was granted by
21 the Zoning Board at which time one of the conditions
22 of that approval was that there would be no
23 residential use.

24 We have gotten the word that there was a
25 residential use in the building at one time so we

1 had the Building Department ensure that the use has
2 been eliminated, which it has. It's been verified
3 with Paul Shepard and Wayne [SIC] Spenzaro of our
4 Building Department.

5 6. The fencing will be chain link with black
6 vinyl coated and no higher than six feet and shall
7 have absolutely no barbed or razor wire. It's in an
8 industrial zoning district, however, in any zoning
9 district, especially one that has proximity to a
10 residential zoning district, barbed or razor wire is
11 clearly out of the question. So, that's a comment
12 that I have spoken with the applicant about. She is
13 all for that.

14 7. As far as gate placement - the gate has
15 been place far enough from Albany Street to allow
16 for safe maneuvering in and out of the site. Site
17 distance concerns have been reviewed and determined
18 to be a non-factor.

19 8. There will be no loading or unloading
20 allowed on Albany Street at any time. In speaking
21 with the applicant, deliveries will be used by way
22 of a flat-bed or individually brought in.

23 There were some concerns when this was a major
24 project with maneuvering when you have a full lot,
25 especially with a full loaded truck. So, we have

1 confirmed that everything will come in and out
2 individually, or will be by way of a small flatbed
3 truck.

4 9. Any site lighting will be down-style high
5 pressure sodium vapor cut off fixtures on poles to
6 not exceed 18 feet tall.

7 Again, in the industrial zoning district there
8 are certain freedoms for lighting, however, in the
9 proximity to the Pine Bush the high pressure sodium
10 vapor cut offs were specific criteria that the Pine
11 Bush had asked us to consider, which we agree with
12 as we do with all projects that abut the Pine Bush.

13 10. Handicapped parking space with an adjacent
14 access aisle will be paved and identified by
15 appropriate signage per ADA requirements.

16 In the closest proximity to the office building
17 there is a handicapped parking space, striped, paved
18 with proper access proposed to the building that
19 conforms to ADA requirements.

20 11. Deed restrictions will be placed on the
21 wetland areas to ensure their preservation.

22 This is in a conservation overlay district.
23 There is a narrative that is also in your packets.
24 I believe that page 2 of that narrative specifies
25 the criteria of a conservation overlay district. In

1 layman's terms, there are additional areas that have
2 to be conserved through one way or another to ensure
3 proper preservation. We can get into specifics, but
4 this project actually exceeds that requirement. The
5 breakdown of the conservation analysis is located in
6 your packets in the narrative on page 2 or 3. We
7 can come back to that point as well.

8 Hours of operation will not exceed 8:00 to
9 5:00, which is the normal hours of the commercial
10 car lots that this site would be servicing. Hours of
11 operation will not exceed 8:00 to 5:00 and there can
12 no entering or exiting by any party other than the
13 hours from 7:00 p.m. to 7:00 a.m. What we mean by
14 that is that the lot will be open for inventory
15 purposes only, which is the only use of the lot that
16 is being proposed - for inventory purposes only with
17 absolutely no retail component. The building that
18 is on-site is strictly an office for the attendant
19 who will be on-site. Hours of operation will be
20 from 8:00 to 5:00. If there is a garbage pick-up,
21 it can be no earlier than 7:00 a.m. and it can be no
22 later than 7:00 p.m. So, that's what we mean by
23 saying that absolutely no one can exit or enter the
24 site between 7:00 p.m. and 7:00 a.m.

25 13. Clean up is mandated by DEC. No

1 construction may start until area is fully mitigated
2 and inspected by DEC as well as that of the Town of
3 Colonie DPW Office of Stormwater Management, which I
4 would accompany those inspectors as well. This is a
5 project that has a valid DEC permit. In my
6 conversations with DEC, they're happy that the area
7 is being mitigated but due to the history of the
8 site, they want to ensure that all mitigation occurs
9 before any construction including the pavement gets
10 underway.

11 So, we will be looking for a sign-off letter
12 and something from DEC prior to any construction or
13 issuance of permits.

14 I'm just going to read the definition of the
15 conservation overlay district.

16 "The site is covered by the Town's conservation
17 overlay district. The purpose of the overlay
18 district is to require that the use of the
19 conservation development design principals to
20 preserve open space and viable agricultural lands."

21 Furthermore the Town's Land Use Law states
22 "Conservation development will preserve tracts of
23 environmentally scenic and recreationally
24 significant undeveloped land and preserve contiguous
25 open spaces and important scenic and environmental

1 resources. This proposal has mechanisms through
2 deed restrictions that will guarantee to protect and
3 preserve open spaces and conserve important scenic
4 and environmental resources while at the same time
5 mitigating any historical encroachments or negative
6 impacts having to do with the past use of the site."

7 We have Nina Crisafulli here who owns the
8 property. She can answer any additional questions.

9 We have the new plan and we can pass this
10 around. That shows the scale-down version compared
11 to what she came in with when this was a major
12 project concept and we can walk those around to the
13 Board. Basically as you can see this is far less
14 disturbance than was originally proposed. Again,
15 DEC is still the agency of this project. Nothing
16 goes forward until they are satisfied with the
17 mitigation on the site. That is per Nina's permit
18 that she was issued - where the phasing is
19 structured.

20 Again, it's come through an administrative
21 review thorough our office. We've had it for a
22 couple of months now. It's gone through two
23 incarnations. We have one comment left, I believe
24 from our Stormwater Department. It's not a
25 deal-breaker by any means. It's just a label on the

1 plans, I believe. She is going to be essentially
2 mitigating the site through DEC.

3 MR. LACIVITA: This is a minor application. There
4 is no greater disturbance than really what is on-site
5 currently.

6 MR. TENGELER: Correct. Traditionally what the
7 initial approval called for was more or less that area
8 to be utilized. If you remember - and I think that
9 there is an aerial at the end of your packet - you can
10 see that there was once kind of a circular drive through
11 there. That actually had approval to be a hardscape.
12 It was never paved. It was utilized as that of a
13 roadway. You can see from the aerials. This
14 disturbance is really in-line with what was there
15 before.

16 MR. LACIVITA: I think that the only other thing
17 is that Michael did a very thorough review. The only
18 thing that I think that we would change to that number
19 five would be that the variances typically go with the
20 land. Even though the residence has been removed, I
21 think that would still be a condition upon approval from
22 the Planning Department and we would say that variance
23 remains open and that no residence will be at that
24 location.

25 MR. TENGELER: I believe that is correct and that

1 is the understanding of the Zoning Board, as well.

2 CHAIRMAN STUTO: You said that it was placarded?

3 MR. TENGELER: It was placard.

4 CHAIRMAN STUTO: Are there any neighbors that want
5 to speak on this?

6 (There was no response.)

7 Any questions from the Board?

8 MR. MION: I have a couple. How are we going to
9 pave that in there?

10 MR. TENGELER: Actually Lou, I'll just jump in
11 there. I believe that the lot is actually gravel
12 surfaced. The first 20 or 30 feet in is paved as well
13 as the handicapped area.

14 MR. MION: Because one of the things is when you
15 start moving the vehicles around and it's just dirt,
16 you're going to kick up a lot of dust for the neighbors.

17 MS. CRISAFULLI: Actually, as per DEC they are
18 requiring a certain amount of inches of two different
19 kinds of stone for the drainage purposes. There is a
20 swale on the end of the property to take the water back
21 to the swale, so nothing can disturb the wetlands. They
22 approved that design.

23 MR. LACIVITA: That stormwater basin up there is
24 kind of a recharge basin. The site slopes to that area.
25 Water is going to be collected there.

1 MR. MION: When we mentioned the hours of
2 operation, I know that when the corporations start
3 delivering cars, sometimes they request late night
4 deliveries. We are not going to have that, are we?
5 We're going to keep it 8:00 in the morning?

6 MR. TENGELER: From what I have been told and Nina
7 can comment as well, it's going to be just during the
8 normal business hours of a dealership. I believe that
9 it's 9:00 to 5:00. I put 8:00 to 5:00 in case they
10 start earlier in the morning.

11 MR. MION: You may want to make sure that's in
12 there because sometimes when these companies start
13 delivering cars, the truckers come in and they want to
14 keep going.

15 The other thing that I have to ask is when the
16 dealerships are picking up these cars, I don't know
17 what dealerships you're working with but how are
18 they going to get the cars? Are they going to drive
19 through the neighborhood, go to 155 and out? How
20 are they going to do that?

21 MS. CRISAFULLI: I know that one dealership that
22 was being considered - they were within 500 feet so they
23 would just go down to Albany Street and proceed to 155
24 where they are located.

25 MR. TENGELER: This is consistent with a lot of

1 other projects that we've had, especially car dealership
2 type projects. We can put a condition to restrict
3 driving through the neighborhoods.

4 MR. MION: I know that's a problem out on the
5 west end. It was a problem.

6 MR. LANE: Even in relation to test drives and
7 things of that nature.

8 MR. TENGELER: Absolutely. We're doing that with
9 the Nutwood project that was here. I think that what
10 I'll do is get a letter prior to final approval - just
11 something that guarantees that we'll keep the traffic on
12 Albany Street and not to 155, but to Cordell and Central
13 or something like that. We'll put that on the record, if
14 that makes everyone comfortable.

15 MR. LANE: I was just wondering what necessitated
16 the reduction in the size. Was it just not necessary to
17 have that much area?

18 MS. CRISAFULLI: I'm still moving forward with the
19 second part.

20 MR. TENGELER: This may come back as a major
21 project in the future. We're going to keep her money in
22 escrow with the TDE which was CHA at the time and if
23 this does come back for a major project at that time, it
24 would be logical that they would review it and pick back
25 up where they left off. At least this gets her foot in

1 the door and we can keep an eye on the property as well.
2 It's a win/win, I think. The clean-up is a win/win for
3 everyone, too.

4 CHAIRMAN STUTO: Okay, thank you.

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6 (Whereas the above entitled proceeding was
7 concluded at 8:55 p.m.)

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CERTIFICATION

I, NANCY STRANG, 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

Dated September 20, 2015

