

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 AUTO ZONE  
5 886 LOUDON ROAD  
6 APPLICATION FOR FINAL APPROVAL  
& SEQRA DETERMINATION  
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7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter by NANCY STRANG, a Shorthand Reporter,  
9 commencing on September 15, 2015 at 9:07 p.m. at The  
Public Operations Center, 347 Old Niskayuna Road,  
Latham, New York

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

15

16 ALSO PRESENT:  
17 Kathleen Marinelli, Esq., Counsel to the Planning Board  
18 Michael Tengeler, Planning and Economic Development  
19 Joseph Grasso, PE, CHA  
20 Nathan Kirshener, Langan Engineering

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1           CHAIRMAN STUTO: Next project is Auto Zone, 886  
2 Loudon Road. This is an application for final approval  
3 and environmental SEQRA determination. This is to raze  
4 the existing retail building and construct a new 7,381  
5 square foot retail building.

6           Mike Tengeler, do you have any introductory  
7 remarks? I know that we have seen this a couple of  
8 times and they have made a number of changes.

9           MR. TENGELER: I think that the Board is pretty  
10 familiar with it. I say that for the sake of time,  
11 let's get right into this.

12          CHAIRMAN STUTO: Okay, we'll turn it over to the  
13 applicant.

14          MR. KIRSHNER: For the record, my name is Nathan  
15 Kirschner and I'm with Langan Engineering here on behalf  
16 of Auto Zone Parts, Inc. It sounds like everybody is in  
17 the same boat. We're trying to move this along and it's  
18 late in the evening and we have the longest commute of  
19 anybody, so I'll be pretty succinct and I'll go through  
20 the comments. There is a color rendering of the site  
21 plan which I believe all Members of the Board have in  
22 front of them. I'll move pretty quick. If there are  
23 any questions, please feel free to ask.

24          I'll turn it over to Mr. Grasso for his  
25 comments and hopefully we'll get through this in an

1 efficient manner for everyone's sake.

2 We did receive final comments from Town staff.  
3 I apologize.

4 In my haste -- the 30-second flyover: The  
5 property is located at 886 Loudon Road. It's  
6 formerly the Blockbuster site. To orient everybody  
7 with the property, Blockbuster was here  
8 (Indicating). Latham Farms development is to the  
9 rear of the property. Citizen's Bank is directly to  
10 the left. Loudon Road is at the bottom of the page  
11 and then Dunkin Donuts you can see underneath. It's  
12 kind of near the site data on the right hand side.  
13 Hopefully, everyone is familiar with the property.

14 I was just handed a copy of the newspaper  
15 article that talked about the redevelopment of the  
16 Blockbuster property. I'm guessing that it's on the  
17 forefront of everyone's mind a little bit.

18 We started this process quite a while ago. I  
19 won't go through several iterations as we have done  
20 in the past with respect to arriving at the current  
21 layout. The current layout does propose as like all  
22 options that we've shown, approximately a 7,400  
23 square foot Auto Zone auto parts store. It's a  
24 national retailer. Everybody is probably familiar  
25 with their operations, but I can speak to that as

1 need be.

2 The building orientation has been moved based  
3 on recommendations from this Board. The site  
4 proposal is 37 parking spaces which is the minimum  
5 required based on Code for a retail use.

6 Site improvements are extensive. We're  
7 obviously razing the Blockbuster building and the  
8 landscaping improvements I would consider  
9 significant. They're also well beyond what Auto  
10 Zone would like to do and those are really based on  
11 comments received from the Board, as well as working  
12 with Mr. Grasso and CHA on several revisions of the  
13 plan.

14 I believe that at this point all waivers have  
15 been eliminated from our application. It is a site  
16 plan review, as I understand it.

17 Mr. Grasso, please correct me if I'm wrong on  
18 that particular matter.

19 MR. GRASSO: No, you're right.

20 MR. KIRSHNER: And then with respect to Town  
21 Comments, we did receive four on a letter dated August  
22 28th. Three of those have already been addressed and  
23 the remaining outstanding one -- actually, I apologize,  
24 all four of them have been addressed. I have one where  
25 there is an application that needs to be submitted and

1 actually was submitted, I believe, in late July. I  
2 talked to Mr. Lyons regarding this matter. He didn't  
3 have a copy of it, but Mr. [SIC] Riordan had it. It's  
4 been reviewed and it's been approved. It just needs to  
5 be executed upon obtaining approvals and Auto Zone would  
6 execute that upon receiving their building permit.

7 I too have an acceptance letter from the New  
8 York State DOT. We have talked at length with Kevin  
9 Novak from DOT. I believe that Mr. Grasso was on  
10 some of those correspondence. He didn't issue a  
11 letter. He did receive a reply with an email  
12 outlining some questions and concerns. We have  
13 updated the plan based on some of his concerns and  
14 then responded with some additional information on  
15 some of his questions. I don't particularly  
16 foresee, based on my conversations with Mr. Novak,  
17 any issue with obtaining the DOT permit. I think  
18 that this email constitutes his conceptual  
19 acceptance of the application, the curb cut location  
20 and what we are proposing to do. Then, obviously,  
21 we have to go through the whole DOT permit process  
22 upon obtaining approval tonight.

23 The third and fourth comment from the Town were  
24 really just respect to providing additional plans to  
25 your office. I guess that we were told that we

1 wouldn't meet tonight without those. So, that's all  
2 set, as far as I understand.

3 Finally, the only other comments that were  
4 outstanding were a problem with CHA. They had four  
5 comments as well and one of them was similar to a  
6 DOT comment that I just spoke about that concerns  
7 one of the red maples in the proximity to the  
8 stormwater line. We are going to relocate that, as  
9 need be.

10 There was a comment with regard to one of our  
11 signs. It's a minor tweak that we will address.

12 The last comment was regarding the orange and  
13 red exterior band colors. I'm not going to speak to  
14 those until Mr. Grasso goes through his comments and  
15 then I'll respond. I'm not going to speak to those  
16 until Mr. Grasso goes through his comments and then  
17 I'll respond. That seems appropriate.

18 CHAIRMAN STUTO: Do you have an elevation of the  
19 building?

20 MR. KIRSHNER: There is a black and white elevation  
21 in the plan set.

22 CHAIRMAN STUTO: We actually have them here; thank  
23 you.

24 Joe Grasso, our Town Designated Engineer with  
25 CHA?

1           MR. GRASSO: Nate did a really good job describing  
2           the comments that were raised in the process. They've  
3           been extremely responsive to our comments and we commend  
4           the applicant and their consultant for being so  
5           responsive to the comments. There were some big  
6           comments when we were looking at sketch plan when the  
7           site plan was flipped around a couple of times. We  
8           provided comments all the way through the design process  
9           which they have been very responsive to address to our  
10          satisfaction, so we think that the project is ready for  
11          final site plan consideration. The one outstanding  
12          comment that we raised in our last review letter is  
13          regarding the exterior design of the building and the  
14          colors that are chosen which we have some concerns with  
15          how that will fit into this commercial corridor. So, we  
16          raised it for the Planning Board's consideration.

17                 I did want to clarify that all of the September  
18                 4th letter in your packet was our last letter.  
19                 There was a previous letter that we issued on July  
20                 30th on the preliminary plans which also included  
21                 Draft Resolution for the negative declaration. So,  
22                 I handed out copies tonight. It was not in your  
23                 packet that you received, so if we're ready to move  
24                 forward with this project and SEQRA determination,  
25                 we can refer to that Draft Resolution, which I have

1 provided tonight.

2 CHAIRMAN STUTO: We do have the rendition. I think  
3 that the big issue is the exterior look of the building.

4 Any members of the public want to speak?

5 MS. DALTON: Are those corporate colors on all of  
6 the buildings?

7 MR. KIRSHNER: That is correct. To caveat that,  
8 I'm sure with the Google search you may find some  
9 deviations from that color scheme.

10 MS. DALTON: It's just like all the Dunkin Donuts  
11 are pink and orange.

12 MR. KIRSHNER: Yes, that is their national  
13 identity.

14 MS. DALTON: Got it. Thank you.

15 MR. MION: Is this going to be the same brightness  
16 of colors as it is on Central Avenue?

17 MR. KIRSHNER: There are two that we recently did  
18 on Central Avenue. I believe that the answer is yes, on  
19 both accounts.

20 MR. SHAMLIAN: I assume that they have locations  
21 where the banding isn't around all four sides of the  
22 building.

23 MR. KIRSHNER: The deviations from their  
24 architecture is based explicitly on the requirements  
25 within the regulations. In other words, the Town has,

1 in their zoning regulations that it's a requirement that  
2 all building facades be brick.

3 Our understanding through a very lengthy review  
4 process here -- and I put myself in the place of  
5 Auto Zone, we are a little surprised at the concerns  
6 being raised at this stage of the game regarding the  
7 building architecture. We did start this process  
8 back in November of last year and as Mr. Grasso  
9 indicated, we addressed any and all comments to  
10 include the significant changes to the building  
11 orientation access drives and things of that nature.  
12 So, I guess our standpoint on it is that it's really  
13 -- I haven't heard any negative comments, I guess  
14 with respect to the architecture. I have just heard  
15 some questions. I'll leave that open-ended to field  
16 the rest of the questions. The intent is -- they  
17 have made a lot of concessions. They would like to  
18 hold their corporate identity and maintain their  
19 building as it stands with respect to the  
20 architecture, as it is compliant with regulations.

21 MR. MION: To be quite honest with you, I have seen  
22 the store that they have in the village and I drive by  
23 it almost every day. I don't mind it.

24 MR. KIRSHNER: If I may, the only thing that I  
25 would say is that driving by the site today -- there are

1 a couple of electronic reader boards in the area that  
2 are moving. I would consider a driver - those are  
3 significantly more distracting than the signage that we  
4 are building.

5 MR. LANE: Joe, as far as that comment goes, I  
6 think that we would be hard pressed -- if it's a  
7 corporate identity name - it's a logo -- I don't have a  
8 big concern with it.

9 CHAIRMAN STUTO: I wouldn't mind toning it down. I  
10 don't know if it needs to be on all four sides.

11 Do you want to go through the environmental?

12 MR. GRASSO: Just for the sake of time, the short  
13 EAF is in your packet along with your September 4th  
14 letter. Out of all of the potential impacts identified,  
15 the correct answer to those is no, or small impact may  
16 occur. So, based on that, there is a Draft Resolution  
17 for consideration of a negative declaration pursuant to  
18 SEQRA.

19 CHAIRMAN STUTO: You're doing great.

20 MR. GRASSO: Whereas the project is an unlisted  
21 action under SEQRA, whereas the Planning Board has  
22 reviewed the short EAF, now therefore be it resolved  
23 that the Planning Board declares itself lead agent and  
24 be it further resolved that based on review by the  
25 Planning Board that there will be no significant adverse

1 impacts and no EIS will be required. And be it resolved  
2 that the attached neg dec be adopted in accordance with  
3 SEQRA.

4 All I would say is that the architecture of the  
5 building is tied to the visibility - and visibility  
6 is one of the biggest impacts in terms of SEQRA, I  
7 would ask that you complete an aesthetic review of  
8 the building and whether you're going to warrant any  
9 changes before you make a negative declaration  
10 saying that there are no visual impacts.

11 CHAIRMAN STUTO: I would support toning it down in  
12 some fashion.

13 MR. LANE: Even if you alter in changing the  
14 colors, how does that deviation -

15 MR. KIRSHNER: I know that CHA's original comment  
16 was with respect to the banding. Are we still speaking  
17 specifically to the orange and red banding on the  
18 building?

19 CHAIRMAN STUTO: Yes.

20 MR. SHAMLIAN: In my case, it's not about changing  
21 the color. It would be a question of removing the  
22 banding on some of the faces of the building. You  
23 surely don't need it on the backside of the building.

24 MR. KIRSHNER: One of the reasons that I wasn't  
25 sitting in the audience for some of the subdivision

1 applications is we did present at the Sign Board this  
2 evening. The signage application was approved. There  
3 is no signage on the back of the building. I think that  
4 in lieu of a sign, the intent would be to maintain that  
5 corporate color scheme. They are not permitted an  
6 additional sign, so in lieu of seeking a variance or  
7 some other form of identification from anybody coming  
8 through the rear or Latham Farms, I think that color  
9 brand is pretty small concession.

10 MR. LANE: The sign board approved it tonight?

11 MR. KIRSHNER: The sign variances; correct.

12 MR. AUSTIN: I did look up online for some of the  
13 other stores. Some of the options were beige. I don't  
14 know about toning it down because I know that is the  
15 corporate identity.

16 MR. KIRSHNER: Again at this stage of the game, the  
17 situation that we have is very similar to what was  
18 spoken in regard to the Fire Department, although my  
19 understanding is significantly further along in the  
20 process, Auto Zone is doing everything that they can to  
21 get the store into construction and out of the ground  
22 and prior to winter conditions. I continue to harp on  
23 that there have been significant concessions made going  
24 back to -- the original building orientation and  
25 throughout this process, the architect really hasn't

1           been appointed. It's the color election. I think that  
2           the corporate entity similar to all the other uses up  
3           and down the commercial corridor is appropriate. We are  
4           abutting the residential zone and we had a residential  
5           neighbor in the rear. I would think that there would be  
6           more consideration and more sensitivity to that  
7           particular matter. As it stands now, I don't see that  
8           concession being something that would be considered. I  
9           could be very wrong, but the hope is that we provided  
10          the HVAC screening. That was one of the additional  
11          comments. That's a nonprototypical architectural  
12          upgrade. I don't know in lieu of having to come back  
13          here for another meeting that any other architectural  
14          options could be vetted, and I think that those delays  
15          would be a significant impact to considering the stance  
16          being that we have already tried everything we can to  
17          address all concerns and comments.

18                 MR. LANE: Is the Auto Zone logo actually lit?

19                 MR. KIRSHNER: The actual sign is lit, correct,  
20                 along the building.

21                 MR. MION: Not the stripes.

22                 MR. KIRSHNER: No.

23                 CHAIRMAN STUTO: It's lit on three sides?

24                 MR. KIRSHNER: The signage on the building is lit  
25                 on three sides; correct. On the front facade, the

1 racing strip -- I guess the other thing to point out is  
2 the village Auto Zone that everybody is referencing that  
3 is in the Village of Colonie, to be clear, that's a  
4 20,000 square foot building. It's significantly taller.  
5 It's a significantly bigger building. It's one of their  
6 hub stores. So, from a comparison perspective, colors  
7 are appropriate. Mass and massing and the size of the  
8 building. That's actually a pretty bad example. The  
9 hub stores - they only do a few per state. I just  
10 wanted to clarify that point.

11 MR. MION: The building itself is grayish?

12 MR. KIRSHNER: Yes, it is gray.

13 MR. LANE: Is that a corporate color, too?

14 MR. KIRSHNER: This is a corporate prototype. The  
15 color scheme as it stands is a prototype. Is there a  
16 color scheme that I guess the Board would consider with  
17 respect to the building that would be approvable this  
18 evening? If it was conditionally? What we are focused  
19 on right now is final approval in order to move forward  
20 with the process. If that approval is conditioned upon  
21 the Town buy-in with respect to color scheme, I think  
22 that might be something that might be simple.

23 MS. DALTON: Really, my point is that it's right  
24 next door to the Dunkin Donuts and we don't tell them  
25 that we don't like the pink and the orange. I think

1           that it's after 9:00 at night and it's their corporate  
2           brand and we can like it or not like it, but it's their  
3           corporate brand and is it really that important to make  
4           a corporation that wants to do business here to change  
5           it because we don't like their colors?

6           MR. SHAMLIAN: It's not a matter of changing the  
7           colors. It's a question of whether or not you allow the  
8           banding or not. The color of the Auto Zone is -- I  
9           agree. If that's their color, it's not our role to say  
10          that we don't like that at all. In some sense, the  
11          banding is some extension of the sign. It's identifying  
12          the building which is part of the definition of a sign.  
13          It is late in the game right now for this. The banding  
14          is not part of the sign, but it's part of the identify  
15          of the building.

16          MS. DALTON: But the color of the banding is  
17          another conversation which requires them to redesign  
18          even further. Now, we're not just changing the color,  
19          but we're talking about the whole sign on the building.  
20          If you take out that banding, then somebody else is  
21          going to be offended that it looks too plain.

22          MR. TENGELER: Does every building have that band  
23          in some way, shape or form?

24          MR. KIRSHNER: Every building has that banding.

25          MR. TENGELER: So, it would be safe to say that is

1 part of your corporate identity.

2 MR. KIRSHNER: It's part of the corporate identity.

3 With respect to the signage approval, the one  
4 thing that they have and in several municipalities,  
5 the banding has been discussed.

6 With respect to the definitions of signage.  
7 The racing stripe along the front wall -- what is  
8 considered and taken into consideration with respect  
9 to the square footage of signage - it was approved  
10 this evening. The rest of the red and the orange  
11 banding that goes around the rest of the building is  
12 just their corporate color scheme. It's not  
13 particularly signage. It can be looked at in the  
14 same way that any national retailer, whether it's  
15 Lowes or Home Depot - they have natural corporate  
16 colors that show up throughout their building and  
17 color scheme. I think that everyone would be  
18 shocked to show up to a home improvement store that  
19 was orange or had an orange color scheme and found  
20 out that it was a Lowe's inside. It's not signage.  
21 It's part of their corporate identity.

22 CHAIRMAN STUTO: I'm confused and I'm not trying to  
23 change the subject. I'm confused. It says front wall,  
24 west side.

25 MR. KIRSHNER: I think that there is a typo. I

1 think what ultimately happened is that they changed the  
2 building elevation -- they changed the picture and then  
3 changed the labels based on the revised building  
4 orientation. To be clear, the front is on Loudon.

5 CHAIRMAN STUTO: Which is the east side. Whatever  
6 it is, we should make a change of that.

7 MR. TENGELER: Yes, I'll make the adjustment before  
8 anything gets signed.

9 CHAIRMAN STUTO: So, we'll consider a motion on a  
10 neg dec.

11 MR. LANE: I'll make a motion.

12 MR. MION: I'll second.

13 CHAIRMAN STUTO: We seem to have a consensus Joe,  
14 that the aesthetics of the visual are acceptable as  
15 presented.

16 MR. GRASSO: Great.

17 CHAIRMAN STUTO: I think that we've already asked  
18 the stenographer to include the entire Resolution in the  
19 record.

20 Any discussion?

21 (There was no response.)

22 All those in favor say aye.

23 (Ayes were recited.)

24 All those opposed say nay.

25 (There were none opposed.)

1           The ayes have it.  
2           On the question of final site plan approval.  
3           MR. MION: I'll make a motion.  
4           MR. LANE: Second.  
5           CHAIRMAN STUTO: Any discussion?  
6           (There was no response.)  
7           All those in favor say aye.  
8           (Ayes were recited.)  
9           All those opposed say nay.  
10          (There were none opposed.)  
11          The ayes have it.  
12          Thank you.

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14                   (Whereas the above entitled proceeding was  
15 concluded at 9:29 p.m.)  
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CERTIFICATION

I, NANCY L. 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 L. STRANG

Dated \_\_\_\_\_

