

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 AUDI ALBANY  
723 LOUDON ROAD  
5 APPLICATION FOR FINAL SITE PLAN REVIEW, DESIGN  
CODE WAIVERS & SEQR DETERMINATION

6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter by NANCY L. STRANG, a Shorthand Reporter,  
9 commencing on February 9, 2016 at 8:32 p.m. at The  
Public Operations Center, 347 Old Niskayuna Road,  
Latham, New York

10

11 BOARD MEMBERS:  
12 PETER STUTO, CHAIRMAN  
13 BRIAN AUSTIN  
14 TIMOTHY LANE  
15 LOU MION  
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 Daniel Hershberg, PE, Hershberg & Hershberg

23 Ryan Caponera, Esq.

24 Peter Lilholt, PE, CHA

25 Frank Flanigan

Scott Wallens, Wallens Architects

1                   CHAIRMAN STUTO: Next item on the agenda is  
2 Audi Albany, 723 Loudon Road. This is an application  
3 for final site plan review, design code waivers and  
4 environmental determination, SEQRA determination.  
5 This is to raze the existing dealership and replace  
6 with a 35,526 square foot two-story auto dealership.

7                   Joe, I'm going to ask you to do an introductory  
8 remarks. Can you address the increase in the size?

9                   MR. LACIVITA: I'm just going to over through  
10 that, Peter. I think that we need some clarification.  
11 Yes, you were correct. When this project came before  
12 us, it was Langan Audi at the time during the concept  
13 acceptance that was given July 28, 2015. We gave  
14 concept on square footages for this property of 27,631  
15 square feet -

16                   CHAIRMAN STUTO: That's the Audi building -  
17 because there are other buildings on the site, right?  
18 I think that everybody knows that.

19                   MR. LACIVITA: There are numbers that are  
20 floating around when you look through the entire  
21 packet. On the zoning verification it shows 35,526  
22 based on a January 26, 2016 zoning verification. The  
23 application from a site plan perspective shows only  
24 34,400 and Dan, your site plan only proposes 34,786.  
25 I know that with the new owners, they've added a

1 second floor. So, in order to get to final, I need to  
2 clarify what that is for the updated application.

3 MR. HERSHBERG: Mr. Chairman, my name is Daniel  
4 Hershberg from the firm of Hershberg and Hershberg.  
5 With me is Ryan Caponera, the attorney. Frank Flanigan  
6 representing the owner and Bill Mafrici, the guy that  
7 did most of the work on the project.

8 The site change - we had originally shown this  
9 area back here for a future expansion. It turned out  
10 that by the time the applicant went through the  
11 process and talked to Audi, they said that they wanted  
12 that expansion built.

13 You may remember that there was a sanitary  
14 sewer easement that traversed the whole site. We had  
15 to stay off of it and consequently after that easement  
16 was abrogated, we were able to add this piece here.

17 CHAIRMAN STUTO: The dark piece on the corner?

18 MR. HERSHBERG: Yes, we color coded it. The  
19 dark areas are -- this is the building that you saw at  
20 the original DCC.

21 CHAIRMAN STUTO: Is the height of the building  
22 changing?

23 MR. HERSHBERG: No, 27 feet stays the height.  
24 What happened originally is there is only a small  
25 mezzanine area that made up the second floor. The

1 applicant determined that they wanted to complete the  
2 second floor so most of the square footage is internal  
3 to the building. It doesn't affect the outside view.  
4 We apologize for these changes, but during this issue  
5 here there were two things taking place. First, Audi  
6 has the right to review these plans and accept them.  
7 We were dealing with them and also the owner was  
8 contemplating selling the property which they  
9 eventually did. So, there is a new owner here. We  
10 apologize for the changes, but the only change in the  
11 shape of the building really was adding this. This  
12 was shown on an original building as a future  
13 extension so it was always considered part of the  
14 building footprint.

15 CHAIRMAN STUTO: Is the Friendly's part of  
16 complex?

17 MR. HERSHBERG: No, Friendly's is here  
18 (Indicating), and it's not part of the complex.

19 CHAIRMAN STUTO: It's not part of the  
20 operation?

21 MR. HERSHBERG: Part of the operation will  
22 include the Friendly's building.

23 CHAIRMAN STUTO: Let's speak for the record.

24 MR. HERSHBERG: The representative from Audi  
25 says that the Friendly's is part of the overall

1 operation.

2 CHAIRMAN STUTO: I remember talking about  
3 circulation and Ryan's father was here.

4 MR. CAPONERA: I can actually address a little  
5 bit of what you're asking for.

6 CHAIRMAN STUTO: I'm just trying to remember so  
7 that we can get it squared away.

8 MR. CAPONERA: There were merger deeds that  
9 were filed as part of this process.

10 I'm Attorney Ryan Caponera on behalf of the  
11 Caponera Law Firm on behalf of the project here.

12 We filed merger deeds as part of this  
13 presentation and this application.

14 CHAIRMAN STUTO: So, what did that merge?

15 MR. CAPONERA: What happened is we merged the  
16 Audi, the Toyota and then a rear parcel which was  
17 formally known as the Hoffman parcel together. The  
18 Friendly's parcel is sitting on its own. It is not  
19 merged in the other parcels.

20 CHAIRMAN STUTO: But it has common ownership?

21 MR. CAPONERA: It has common ownership, but it  
22 is not merged in with the other properties.

23 CHAIRMAN STUTO: Is there a reason why you're  
24 not merging it?

25 MR. CAPONERA: There are reasons. There are

1 potential environmental issues with the project.

2 CHAIRMAN STUTO: Okay, but there aren't cross  
3 connections as part of the operation, right?

4 MR. HERSHBERG: The cross connection was  
5 constructed between the two sites.

6 MR. CAPONERA: That's correct. There were two  
7 places where we're doing cross access easements.  
8 Those are drafted and they're waiting for this  
9 approval to be filed with the Town.

10 CHAIRMAN STUTO: Thank you.

11 MR. HERSHBERG: The principal additional space  
12 was making the mezzanine on the second floor. Like I  
13 said, if you take a look at the original plan we have  
14 four bays in here for future expansion and the  
15 determination was made to build them out. So, we  
16 apologize for how the building seemed to grow, but it  
17 really didn't grow very much in the building  
18 footprint. It's primarily the addition of the second  
19 floor.

20 There was another issue brought up about the  
21 impact of our planting berm on the existing trees. We  
22 have modified the shape of some of the planting and  
23 the berm a little bit to accommodate -

24 CHAIRMAN STUTO: Do you agree with that  
25 comment? In other words, you proposed a berm and that

1 might kill the street trees that are already there.

2 MR. HERSHBERG: We proposed a berm, but the  
3 question was: Would the berm impact the street trees?  
4 What we did is we cut down the height of the berm by a  
5 foot so that we could contour it better to avoid some  
6 of the trees and we proposed to do it out of a light  
7 sandy top soil which will allow it to breathe much  
8 better. If you use a heavier top soil, the roots will  
9 tend not to breathe. We think that those trees will  
10 survive and we're certainly willing to review it  
11 further as we are constructing. We determined to  
12 maintain the berm because the berm was an issue with  
13 this Board previously. The Board wanted the berm, but  
14 the berm could adversely affect the roots of the  
15 trees.

16 CHAIRMAN STUTO: We wanted a berm for a barrier  
17 so that you can't pull the cars up. Am I recalling  
18 that correctly?

19 MR. HERSHBERG: You didn't want people parking  
20 on the front area and putting a berm there certainly  
21 makes it difficult.

22 MR. LILHOLT: Can I just jump in? Would it be  
23 possible to have instead of a linear berm of  
24 consistent height, just kind of break it, so to speak,  
25 within the drip line of the trees?

1 MR. HERSHBERG: We can certainly do that.

2 CHAIRMAN STUTO: Does that serve as an adequate  
3 barrier for parking on the front? Do we need another  
4 physical barrier? That was what the whole purpose of  
5 the thing was anyway. We hear comments again and  
6 again about car dealerships which shall remain  
7 nameless, pulling up where they are not really  
8 supposed to be pulling up. We understand it so we are  
9 trying to put physical barriers in.

10 MR. HERSHBERG: I believe that we could contour  
11 this so that we leave some of the berm at the rear  
12 portion in there. So, it might be down -- so it's  
13 just six or eight inches above the pavement but with  
14 the bushes on it, it would still be difficult to park  
15 a car on it.

16 CHAIRMAN STUTO: What does our engineer think?

17 MR. LILHOLT: The other option is to do a  
18 low-level decorative fence.

19 MR. HERSHBERG: Again, we're willing to work  
20 with the Board, whatever they would like to see as the  
21 final landscaping solution there. You may recall our  
22 original landscape plan - we took some advice from Joe  
23 Grasso and we did beef it up to include a variety of  
24 different species on the site so that there would be a  
25 more dense and attractive landscaping buffer.

1                   CHAIRMAN STUTO: I think that the Board Members  
2 are saying that they want a fence.

3                   MR. HERSHBERG: Okay. Again, I think that the  
4 trade-off would be to reduce the height of the berm  
5 down so that it does not impact any roots and a  
6 decorative fence. It's certainly a condition that we  
7 can live with.

8                   CHAIRMAN STUTO: I think that's what the Board  
9 wants.

10                  MR. HERSHBERG: We are asking for a couple of  
11 waivers. One is the building is 22 feet back. We're  
12 supposed to be within 20 feet of the right of way  
13 according to the Code.

14                  I know that Ms. Milstein thought that it was  
15 much too close to the road, even though it's two feet  
16 more than the Code requires. We think that it works  
17 better here primarily due to the circulation pattern.  
18 If we push it back further, we're going to start to  
19 lose significant circulation patterns.

20                  Another issue was the lights. We are willing  
21 to put back -- these light centers are only 18 feet  
22 tall. We're not doing the 35 foot tall lights that  
23 you often see on automobile parking lots. So, if  
24 there is a concern about that screening, we can  
25 certainly can shield on the back shield of those

1 lights. That was another item in the letter. I think  
2 that we don't take issue with the final letter by the  
3 TDE at all.

4 The other waiver that we asked for the 20 feet  
5 of landscaping. That's fairly normal with a parking  
6 facility. We do need it up in this area here - the  
7 front area. The back area is obviously just for  
8 storage.

9 CHAIRMAN STUTO: Are there members of the  
10 public looking to speak on this one?

11 (There was no response.)

12 Town Designated Engineer, what say you?

13 MR. LILHOLT: Thank you, Mr. Chairman. I'll  
14 reference CHA's TDE review letter dated January 29,  
15 2016 which is in your packet.

16 Dan touched on many of the points. We reviewed  
17 the preliminary final site plan. As noted, there was  
18 a discrepancy with regard to the building size and Dan  
19 has clarified that as shown on the plan.

20 The revised building square footage does not  
21 appear to change the proposed site or change our SEQRA  
22 recommendation.

23 With regard to the requested waivers, Dan spoke  
24 of those. There are two proposed from the COR design  
25 standards with greater than 20 parking spaces

1 proposed, a minimum of 20 square feet of landscaped  
2 area. Landscaped island shall be included in the  
3 interior of the parking for each stall and as noted,  
4 they do show landscape islands toward the front of the  
5 building where it's most visible from the site,  
6 whereas the back of the site is where it's short. So,  
7 we support that waiver; justification has been  
8 provided. Likewise, the maximum building set back of  
9 20 feet is exceeded by only two week.

10 We prepared a Draft Resolution in support of  
11 the requested waivers for consideration by the  
12 Planning Board for tonight. We spoke about the  
13 grading and the berms within the trees and it sounds  
14 like they're going to do a combination of reduced berm  
15 height and low level decorative fencing.

16 With regard to SEQRA, the Town Attorney's  
17 office has classified the project as an unlisted  
18 action and a short EAF has been provided in the  
19 application materials. Involved agencies associated  
20 with the site plan approval would be the Town of  
21 Colonie Planning Board and New York State DOT referred  
22 to the Albany County Planning Board for recommendation  
23 on the site plan. We go into the short EAF which  
24 adequately describes the environmental setting of the  
25 proposed project. Based on the apparent limited

1 impacts, we did not believe significant environmental  
2 impacts are expected and we've prepared Part II of the  
3 SEQRA short EAF and Draft Negative Declaration  
4 Resolution for the Planning Board's consideration.

5 CHAIRMAN STUTO: We'll open it up to the Board.  
6 Craig, did you have anything?

7 MR. SHAMLIAN: Yes. Dan, I have one question.  
8 The Friendly's site - I understand that it's not part  
9 of this application, but it is common ownership -- it  
10 is part of the operation. What would the applicant's  
11 response be to extend the fence and berming that we're  
12 talking about on this site down through the Friendly's  
13 site?

14 MR. HERSHBERG: We would think that would be a  
15 little much. However, what we might do is extend it  
16 down to this driveway here so it's more contiguous  
17 there. I don't think that putting it all across the  
18 Friendly's site does much for us right now because we  
19 don't know the future of that Friendly's building.  
20 Again, it may very well change in a short order, at  
21 which time we will be back to this Board to take care  
22 of that.

23 MR. LACIVITA: But you're going to use it  
24 during the operation of the site; right?

25 MR. HERSHBERG: Yes, it's currently used during

1 the operation of the site.

2 Frank, can you tell us what is used at the  
3 Friendly's site right now?

4 MR. FLANIGAN: A temporary sales facility.

5 MR. HERSHBERG: Right now, it becomes important  
6 for us as we demolish this building of getting a sales  
7 facility over there.

8 MR. FLANIGAN: It's also being used for storage  
9 of cars.

10 MR. HERSHBERG: It is; yes. Again, if the  
11 Board insists on it, we'd obviously do it but we think  
12 that it might be a significant change for the owner,  
13 especially since there will be another use for that  
14 site. The Friendly's building will probably not  
15 survive in its current form.

16 CHAIRMAN STUTO: I tend to support Craig, so  
17 let's keep that issue open for now. I don't know how  
18 everybody else feels.

19 Any other comments, Craig?

20 MR. SHAMLIAN: No.

21 CHAIRMAN STUTO: Susan?

22 MS. MILSTEIN: So, is Toyota building -- is  
23 that remaining?

24 MR. HERSHBERG: That remains; yes.

25 MS. MILSTEIN: I'm confused about how the

1 square footage can be the same if you're adding a  
2 second story.

3 MR. HERSHBERG: Scott Wallens is here and he  
4 has some renderings of the building.

5 MS. MILSTEIN: I mean is the height different?

6 MR. HERSHBERG: The existing building had this  
7 very high floor to ceiling height, but it was all  
8 one-story. What they did is they interceded a second  
9 story in there so it didn't change the outside view of  
10 the building at all.

11 MR. WALLENS: I'm Scott Wallens from Wallens  
12 Architects.

13 Initially, the second floor was almost  
14 completely confined to this mezzanine area,  
15 overlooking a two-story space. This glass area in  
16 front is entirely an open two-story show room. It's  
17 going to be very dramatic. There is a mezzanine that  
18 opens to that. As the project evolved, the mezzanine  
19 came to include some offices in the back and part  
20 storage grew somewhat, but the new owners wanted to  
21 create some additional office space in the back.

22 Dan's comment also I think addressed the fact  
23 that the tall parapet allowed the additional floor  
24 area to take place within the building that you saw  
25 before. The building was always a tall building but

1           there was empty space above it. So, that shell has  
2           been filled, if you will, a little more in terms of  
3           the second floor.

4                     Is that making sense?

5                     MS. MILSTEIN: So, the size of the building  
6           isn't changing but you're just putting in another  
7           floor.

8                     MR. WALLENS: The building footprint changed  
9           slightly, but most of the additional square footage  
10          between the 27,000 and the 35,000 was second floor  
11          additional floor space.

12                    MS. MILSTEIN: Yes. And in terms of the  
13          parking area, what is there now and what would be new?

14                    MR. HERSHBERG: The existing conditions are  
15          pretty much - with the exception of the additional  
16          buildings on it 1, most of the rear part is the same.  
17          We've added additional parking back here where we put  
18          in porous asphalt back here.

19                    MS. MILSTEIN: How many spots back there?

20                    MR. HERSHBERG: About 40 back here that were  
21          added. We also restructured some spots in here, but  
22          we actually did lose a few spots due to the changes.

23                    MS. MILSTEIN: How many parking spots are  
24          there?

25                    MR. HERSHBERG: We have a total of 410 spots.

1 The table on the plans says we had 415 but we lost  
2 five so we're down to 410.

3 MS. MILSTEIN: That's on the parcel that has  
4 the Audi and the Toyota.

5 MR. HERSHBERG: Yes, and that doesn't include  
6 anything in front of this (Indicating).

7 There will be a problem here during  
8 construction while they take the spaces out of there  
9 for construction. They're going to have to look for  
10 other locations to store cars.

11 MS. MILSTEIN: I don't have any other  
12 questions.

13 CHAIRMAN STUTO: Tim?

14 MR. LANE: I don't have anything.

15 CHAIRMAN STUTO: Lou?

16 MR. MION: Dan, where are we going to unload  
17 our vehicles when we receive them from the  
18 manufacturer?

19 MR. HERSHBERG: They'll bring them around the  
20 rear of the building. They'll come in here and unload  
21 back here someplace in this area (Indicating).

22 MR. MION: Is there a designated area there for  
23 that? What I would like to see you do is put a  
24 designated area or something on the plan that states  
25 that all your off-loading of vehicles is going to be

1 done on the premises.

2 MR. HERSHBERG: I think that it's easier to put  
3 that note on because I think that they way that they  
4 move cars around, if we designate a specific area  
5 sometimes not to be filled with cars, sometimes it's  
6 vacant. We can certainly put a note on that no truck  
7 unloading can take place except within the private  
8 property.

9 MR. MION: Okay, because currently it's being  
10 done in the center of Route 9. That's really a safety  
11 hazard.

12 MR. HERSHBERG: I didn't realize that but as  
13 usual, with car dealerships you're on top of  
14 everybody.

15 MR. SHAMLIAN: The cross easement to the  
16 Friendly's - what is the purpose of that?

17 MR. HERSHBERG: We were asked to have the cross  
18 easement at an earlier application and we provided  
19 that on the theory that even if this became not part  
20 of the facility, it will be a good idea to have a  
21 cross easement. The cross easement definitely makes  
22 sense using this for storage because now the cars come  
23 around and store over there without going out on Route  
24 9. It makes sense in its current operation but it's  
25 also a good idea when you have separate parcels in a

1 commercial area to provide for the cross easement in  
2 case they go to a different applicant, you would have  
3 the capability of providing a cross easement.

4 MR. FLANIGAN: When we did the change of tenant  
5 application and we were dealing with the Planning  
6 Department, that was a request of the Town.

7 CHAIRMAN STUTO: Anything else?

8 (There was no response.)

9 Okay, I think that it's a great project. I  
10 think that the one unresolved issue is whether you  
11 carry the frontage across the Friendly's building. My  
12 thinking is that you've gone to the Town Departments  
13 and have used this certain function in connection with  
14 the car dealership and you say that you may eventually  
15 sell it. You know more than we know, in other words.  
16 You know who your perspective buyers might be. I  
17 would be inclined to say that it's part of the same  
18 operation. I don't think that we should piece meal  
19 it. I would be inclined of being in favor of  
20 extending the fencing and the berming all the way  
21 across. I don't know how everybody else feels.

22 MR. LANE: Can we say that if that's not  
23 necessarily a part of this project.

24 MR. HERSHBERG: If we don't sell it or make  
25 another application for another use of that building

1 between now and the time that we apply for a CO, we  
2 will have a fence and a berm in the front of  
3 Friendly's.

4 CHAIRMAN STUTO: That works for me. Does that  
5 work for the rest of the Board?

6 MR. LANE: Sure.

7 CHAIRMAN STUTO: So, that's on the record.  
8 With that proviso, we still have to go through the  
9 other steps which would be the SEQRA and so forth.

10 Does our Town Designated Engineer with the  
11 assistance of the Department and the attorney want to  
12 walk us through the environmental review?

13 MR. LILHOLT: Yes. In your packet is a copy of  
14 the short EAF completed by the applicant and his  
15 consultants. We have reviewed the EAF and the  
16 supporting documents. We completed Part II of the  
17 short EAF. I'll read through the items now, one by  
18 one.

19 Will the proposed action create a material  
20 conflict with adopted land use planning or zoning  
21 regulations? The answer is no.

22 Will the proposed action result in a change in  
23 the use or intensity or use of land? No.

24 Will the proposed action impair the character  
25 or quality of existing living? No.

1 Will the proposed action have an impact on the  
2 environmental characteristics that cause the  
3 establishment of a critical environmental area? No.

4 Will the proposed action result in an adverse  
5 change in the existing level of traffic or affect  
6 existing infrastructure for mass transit, biking or  
7 walking? No.

8 Will the proposed action cause an increase in  
9 the use of energy and fails to incorporate reasonably  
10 available energy conservation of renewable energy  
11 opportunities? No.

12 Will the proposed action impact existing  
13 public/private water supplies? No. B. Public/private  
14 waste water treatment utilities? No.

15 Will the proposed action impair the character  
16 or the quality of important historic, archeological,  
17 architectural or aesthetic resources? No.

18 Will the proposed action result in an adverse  
19 change to natural resources, for example, wetlands  
20 waterbodies, groundwater, air quality, flora or fauna?  
21 No.

22 Will the proposed action result in an increase  
23 in the potential for erosion, flooding or drainage  
24 problems? No.

25 Will the proposed action create a hazard to

1 environmental resources or human health? No.

2 We have prepared a Draft Resolution for the  
3 lead agency in preparation of a negative declaration.  
4 The lead agency is deemed the Town Planning Board.

5 CHAIRMAN STUTO: I'll ask the stenographer to  
6 include that entire Resolution into the record.

7 MS. MARINELLI: Do you want to read the whole  
8 thing or just the resolve paragraph?

9 CHAIRMAN STUTO: It's so short, I'd like to  
10 read the whole thing.

11 MS. MARINELLI: The Resolution of the Town of  
12 Colonie Planning Board lead agency designation and  
13 preparation of a negative declaration. Langan Audi,  
14 723 Loudon Road.

15 Whereas, Colonie Motors, Inc. (the applicant)  
16 has submitted to the Town of Colonie Town Board (the  
17 Board) Langan Audi project (the Project) located at  
18 723 Loudon Road, Latham, New Yorks and.

19 Whereas, the project is an unlisted action  
20 under SEQRA; and

21 Whereas, the Planning Board has reviewed Part I  
22 of the Short Environmental Assessment Form (EAF)  
23 submitted by the Applicant and completed Parts II of  
24 the EAF in conjunction with the review of a  
25 significant number of documents related to this

1 project that are enumerated in the draft negative  
2 declaration and maintained in the Town files; and

3 Now, therefore, be it resolved that the  
4 Planning Board declares itself lead agency for the  
5 purposes of SEQRA review; and be it further.

6 Resolved that based on a thorough review of the  
7 project by the Planning Board that there will be no  
8 significant adverse environmental impacts and no EIS  
9 will be required; and be it further.

10 Resolved that the attached draft negative  
11 declaration be adopted in accordance with SEQR Part  
12 617.12.

13 CHAIRMAN STUTO: Okay, do we have a motion?

14 MS. MILSTEIN: I have one question. It's  
15 referring to Langan Audi in the Resolution; correct?  
16 Should that be changed or amended?

17 MR. LANE: Yes.

18 CHAIRMAN STUTO: Maybe we can say formerly  
19 known as.

20 MS. MARINELLI: I'll just change it.

21 CHAIRMAN STUTO: The new name is Audi, formerly  
22 known as Langan Audi.

23 Okay, we have a motion.

24 MR. MION: I'll make the motion.

25 MR. SHAMLIAN: Second.

1 CHAIRMAN STUTO: Any discussion?

2 There was no response.)

3 All those in favor say aye.

4 (Ayes were recited.)

5 All those opposed?

6 (There were none opposed.)

7 The ayes have it.

8 On the Waiver Resolution. Can you read the  
9 title? It say Langan. Can you change the title of  
10 the Waiver Resolution?

11 We'll ask the Stenographer to put the entire  
12 Resolution into the record.

13 MR. LILHOLT: Resolution, Audi of Albany, 723  
14 Loudon Road, Land Use Law Waiver Findings.

15 Now therefore be it resolved, that the Board  
16 hereby finds that the extent of the requested waivers  
17 is not considered substantial; and be it further

18 Resolved, that the Board finds the applicant  
19 has established that there are no practical  
20 alternatives to the proposed waivers that would  
21 conform to the standard and that the waivers are  
22 necessary in order to secure reasonable development of  
23 the project site; and be it further

24 Resolved, that the Board hereby issues a waiver  
25 to allow the building setback to be greater than the

1 20 foot maximum; and be it further

2 Resolved, that the Board hereby issues a waiver  
3 from the interior parking area greenspace requirement,  
4 and be it further

5 Resolved, that these Waiver Findings be a  
6 condition of site plan approval of the application and  
7 be kept in the project file in the office of the  
8 Planning and Economic Development Department.

9 CHAIRMAN STUTO: Anybody want to make a motion?

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

11 MR. MION: Second.

12 CHAIRMAN STUTO: Any discussion?

13 MS. MILSTEIN: Is it Audi of Albany or Audi  
14 Albany?

15 MR. LACIVITA: Audi Albany.

16 MS. MILSTEIN: That needs to be changed. Okay,  
17 that will be formally known as Audi of Albany.

18 CHAIRMAN STUTO: Any more discussion with that  
19 change?

20 (There was no response.)

21 All those in favor say aye.

22 (Ayes were recited.)

23 All those opposed?

24 (There were none opposed.)

25 The ayes have it.

1                   On the main question before the Board which is  
2                   for final site plan approval. Based upon the Town  
3                   Designated Engineer comments and the various Town  
4                   Departments comments and also extending the frontage  
5                   as discussed and enunciated earlier in the meeting  
6                   tonight by Dan Hershberg, extending the fence, under  
7                   the conditions of if they don't sell the property or  
8                   don't come back for an application to use the Friendly  
9                   site for something else. With those conditions, do we  
10                  have a motion?

11                  MR. LANE: Motion.

12                  MR. MION: Second.

13                  MR. LACIVITA: Peter, we also talked about a  
14                  designated area note on the distribution of cars.

15                  CHAIRMAN STUTO: Good point. We'll amend the  
16                  motion. Is that acceptable?

17                  MR. MION: I'll amend that motion.

18                  CHAIRMAN STUTO: And any other conditions  
19                  enunciated by the Board tonight.

20                  That motion now being before us, any  
21                  discussion?

22                  (There was no response.)

23                  All those in favor say aye.

24                  (Ayes were recited.)

25                  All those opposed?

1 (There were none opposed.)

2 The ayes have it.

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5 (Whereas the above entitled proceeding was

6 concluded at 8:56 p.m.)

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CERTIFICATION

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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 \_\_\_\_\_

