

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

GOLDSTEIN CHRYSLER JEEP DODGE RAM
1 AUTOPARK DRIVE
APPLICATION FOR FINAL APPROVAL
SEQR DETERMINATION
& DESIGN CODE WAIVERS

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY L. STRANG, a Shorthand Reporter,
9 commencing on September 27, 2016 at 7:02 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 SUSAN MILSTEIN
15 CRAIG SHAMLIAN
16 BRIAN AUSTIN
17 KATHLEEN DALTON

15

16 ALSO PRESENT:

17

18 Kathleen Marinelli, Esq. Counsel to the Planning Board
19 Joseph LaCivita, Planning and Economic Development
20 Department
21 Michael Tengeler, Planning and Economic Development
22 Department
23 Daniel Hershberg, PE, Hershberg & Hershberg
24 Joseph Grasso, PE, CHA
25 Allen Goldstein

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1 CHAIRMAN STUTO: Good evening, everyone?

2 Welcome to the Town of Colonie Planning Board.

3 We have several items on the agenda. We'll get
4 right to those.

5 Joe, do you have any business matters you would
6 like to discuss before we get started?

7 MR. LACIVITA: Nothing at this point, Peter. I
8 think that we updated the Board at our last meeting
9 about the progress that have with the Comprehensive
10 Plan. We are still moving forward with that.

11 The studies that we are have are Albany Shaker
12 Road. That is going forward and as we get more
13 information, we will share it with the Board.

14 CHAIRMAN STUTO: I see that the first item on
15 the agenda is Hershberg and Hershberg.

16 Goldstein Chrysler Jeep Dodge Ram, 1 Autopark
17 Drive, application for final approval, SEQOR
18 determination and design code waivers.

19 MR. HERSHBERG: Thank you, Mr. Chairman. My
20 name is Daniel Hershberg from Hershberg and Hershberg.

21 The project has been before you in the past.
22 We did get Joe's comments and there was a request to
23 add some more shade trees across the front. The red
24 ones are the new ones that we have added on the site.
25 We have adjusted both the sidewalk configuration at

1 Autopark Drive.

2 There was a discussion about this island. We
3 have a very large island. We have two Eastern Red
4 Buds on there which are significant trees. They are
5 not as large as some, but they do have the capability
6 of providing significant colors.

7 You'll see on that sheet the Eastern Red Bud.
8 It's the primary tree that we have added internal to
9 the site. There are five. They are significant
10 trees. These five trees in front, we are proposing as
11 Honey Locusts. One of the few trees that have the
12 yellow foliage on it in the spring. These don't have
13 the pods. The pods drop and these are ones that are
14 pretty nice. I think that we selected the proper
15 trees.

16 There was another question raised about the
17 one-acre disturbance. This has been an issue that we
18 went over back and forth with the stormwater people.
19 This plan shows how we are doing it.

20 First of all, the land is not considered
21 disturbed as long you maintain six inches worth of
22 gravel or another DOT recommended sub-grade product.
23 The existing sub-grade will stay in place. We'll
24 probably do pavement, but the subgrade underneath the
25 pavement will stay in place.

1 These red spots are the only place that we have
2 to excavate for the footings. We have to excavate for
3 a little area over here and it's less than a half-acre
4 worth of disturbance. So, I think that the issue of
5 whether or not we'll ever get to an acre worth of
6 disturbance can be satisfied. Although, obviously if
7 we put a note on the plan that said if it ever reached
8 an acre worth of disturbance, we have to go through a
9 final SWPPP. Our goal there was to maintain it
10 without disturbing an acre.

11 The other landscaped things that we show on
12 that sheet that I handed out are trees that are along
13 here (Indicating). We used some lilacs here
14 (Indicating). We used some double knock-out roses
15 around this island here. We have a good variety of
16 trees and shrubs for the site. I think that it will
17 be an attractive site and Goldstein does a good job of
18 maintaining the landscaping, once it goes in place.

19 The other issues, I think, are technical in
20 nature. I think that we could probably handle those
21 at the proper time. We have proposed to make that
22 decorative aluminum fence black power-coated aluminum
23 fence.

24 I think essentially the rest of these items on
25 Joe's letter are fairly technical in nature but we can

1 handle those.

2 I think that all of the department comments
3 have been satisfied. If there are any questions by
4 the Board, I'll try to answer them.

5 CHAIRMAN STUTO: We're going to hear from our
6 Town Designated Engineer, but I want to mention to the
7 public that if anyone has an interest in this project,
8 please sign in on the sign-in sheet to the left on the
9 table.

10 Joe Grasso is our Town Designated Engineer from
11 CHA. He has reviewed the project on behalf of the
12 Planning Board.

13 Joe, can you give us your report?

14 MR. GRASSO: In your packet there is a final
15 plan review letter from our office dated September
16 19th and Dan has touched on the highlights of the
17 letter.

18 In terms of those trees, we appreciate that
19 you've added the ones along Loudon Road. The size of
20 the Honey Locust - you didn't mention that in your
21 presentation.

22 MR. HERSHBERG: Two to three and a half on the
23 plan.

24 MR. GRASSO: And the size of the Red Bud?

25 MR. HERSHBERG: Two and a half.

1 MR. GRASSO: Those are relatively small sizes
2 for a commercial site plan where you're looking for an
3 impact at the time of planting. The Board may want to
4 consider increasing the size to three or three and a
5 half inches.

6 Other than that, we're satisfied with the plans
7 that Dan has proposed and the location of those
8 plantings address our concerns.

9 The landscaping does tie into one of our
10 comments and that was regarding the number of waivers.
11 There are four waivers from the design standards that
12 are required as part of the application. Each of
13 these waivers is relative to an existing condition
14 that is not met by the current site and I think that
15 it's important to note that this redevelopment project
16 won't make any of those waivers worse. It actually
17 reduces the extent of these waivers, but it doesn't
18 make these waivers go away.

19 The first one is that the building exceeds the
20 25-foot front yard setback from Loudon Road which I
21 don't think that would be appropriate to pull the
22 building up any closer to Loudon Road than where it
23 sits right now.

24 The second waiver is the parking lot pavement
25 within 15 feet of Autopark Drive. That's an existing

1 condition that is pretty much unrelated to the
2 proposed redevelopment plan which is more towards the
3 north/west side of the project site.

4 The third one is the last comment that we made
5 and that's the landscaping interior to the parking
6 area. Right now there are no interior landscaped
7 islands and the Board had requested that those be
8 considered. When the project was up for concept
9 review and what Dan has chosen to do which I think is
10 a good feature is to put one sizable landscaped island
11 right in between the two buildings and more up-front
12 so that it would be mostly visible from the Loudon
13 Road corridor and appreciably landscaping with trees
14 and shrubs which is what Dan was describing. That
15 would be located where that eastern redwood trees
16 would be located.

17 So, I think that Dan there are two Eastern Red
18 Buds proposed in that island and then some understory
19 planting. Can you just point that out to the Board?

20 MR. HERSHBERG: Sure. It's this island right
21 here. There are two Eastern Red Buds. And by the way,
22 there is a flag pole in there and sidewalks so that
23 somebody can go out and raise the flag. We have
24 knock-out roses and Gold Dark Ninebark. There is a
25 transition from things that look more natural. The

1 Ninebark is more of a natural shrub. It's more formal
2 than double knock-out roses.

3 MR. GRASSO: The fourth and final waiver is the
4 parking in the front yard setback. Where the proposed
5 new dealership is being located actually dramatically
6 reduces the amount of parking within the front yard.
7 We think that's a great aspect of the project and
8 reduces the extent of that waiver.

9 Dan has touched on eliminating the disturbance
10 to less than one acre which is mentioned in the Town's
11 stormwater regulations and that just relates to how
12 the construction is going to be phased. We're
13 confident that it can be done as long as it's
14 appropriately controlled during construction.

15 Comment six in our letter related to the
16 sidewalk. They are proposing a sidewalk continuously
17 across the site's frontage on Route 9 which is an
18 extremely desirable feature. I think that the
19 long-term intent of the Town is to continue to extend
20 sidewalks along the Route 9 corridor and possibly down
21 Autopark Drive, as additional development takes place
22 down there. There are no other sidewalks along the
23 Route 9 corridor that we're aware of and there are no
24 sidewalks on Autopark Drive. So, when this gets
25 built, it may appear to be a sidewalk to nowhere but

1 hopefully as additional future projects come in, the
2 Town can look to have the applicants build these
3 connections that extend to other businesses along the
4 corridor.

5 The last thing that I just want to touch on is
6 the SEQR review. It is an unlisted ACTION pursuant to
7 SEQR. The applicant did provide a short EAF which
8 adequately describes the environmental setting of the
9 project as well as the project's anticipated impacts.
10 Because this is a redevelopment project, based on the
11 scale of the project, there is really very little
12 environmental constraints associated with the project
13 site. We don't believe that there is going to be any
14 significant environmental impact as a result of the
15 project. We've gone through and drafted a negative
16 declaration for the Planning Board's consideration.

17 The only other thing that I wanted to mention
18 is that also in your packet on the Land Use Law waiver
19 of findings, there is a Draft Resolution in support of
20 those four waivers that I had spoken.

21 Other than that it's ready for consideration
22 for final site plan review.

23 CHAIRMAN STUTO: Does the Board have comments
24 or questions?

25 MR. SHAMLIAN: Dan, how big is that island?

1 MR. HERSHBERG: The distance from side to side
2 is about 20 feet and it's about 35 feet long. So,
3 it's about 700 square feet of island.

4 MR. SHAMLIAN: The fence that is going along
5 the front?

6 MR. HERSHBERG: You may recall that this corner
7 has very elaborate detail with signs. Our fence
8 starts at that point and goes along here (Indicating).
9 It goes along here and it stops at this point here
10 because it starts to run into a utility easement at
11 this point which is why we stopped the decorative
12 fence and the landscaping at this point here. From
13 here on in, we are right over the top of an easement.

14 MR. GRASSO: My recollection is that there are
15 a few display pads up there that extend out from the
16 parking lot so the fencing and the landscaping would
17 come up to the sides of those display pads. It would
18 do a pretty good job of creating a visual separation
19 between the front lawn area, which is very extensive
20 along Route 9, and the inventory or visitor parking
21 lot site.

22 MR. SHAMLIAN: Is it just an aluminum fence or
23 are there block piers?

24 MR. HERSHBERG: I think that we have it
25 proposed as aluminum fence without the brick.

1 MR. LACIVITA: I think that because of the
2 water easement that is going through there - our guys
3 wanted to keep any of the piers out of the easement.

4 MR. HERSHBERG: Again, we're very tight in
5 there with this easement with the location of that
6 fence.

7 MR. GOLDSTEIN: Show them that wrap-around
8 sidewalk on that south wall.

9 We wrapped the sidewalk right around that.
10 We're going to have green in that area too. It's a
11 real pretty wall that sits there.

12 CHAIRMAN STUTO: Any other comments or
13 questions?

14 (There was no response.)

15 The size of the trees - do you want to repeat
16 that issue, Joe?

17 MR. GRASSO: Would you consider installing
18 larger size trees?

19 MR. HERSHBERG: Sure, I'll spend Allen's money.
20 Three to three and a half caliper for both.

21 MR. GRASSO: Three to three and a half should
22 be readily available.

23 CHAIRMAN STUTO: Is the Board in agreement on
24 that?

25 (The Board agreed.)

1 Okay, so we'll make that a condition of this.

2 Okay, if there are no further questions, could
3 you want us through the environmental review?

4 MR. GRASSO: I'm going to go through the short
5 EAF. Part II of the short EAF there are a series of
6 questions that we believe that the appropriate answer
7 is either no or that there would be a small impact as
8 a result of the project, as opposed a moderate or
9 large impact would be likely to occur.

10 I will read through those.

11 Will the proposed action create a material
12 conflict with an adopted land use plan or zoning?
13 Will the proposed action result in a change in the use
14 or intensity of the use of land? Will the proposed
15 action impair the character or the quality of the
16 existing community? Will the proposed action have an
17 impact on the environmental characteristics that cause
18 the establishment of a critical environmental area?
19 Will the proposed action result in an adverse change
20 in the existing level of traffic or affect existing
21 infrastructure for mass transit, biking or walking?
22 Will the proposed action cause an increase in the use
23 of energy and fails to incorporate reasonably
24 available energy conservation or renewable energy
25 opportunities? Will the proposed action impact public

1 or private water supplies or public or private
2 wastewater treatment utilities? Will the proposed
3 action impair the character or quality of important
4 historic, archeological or aesthetic resources? Will
5 the proposed action result in an adverse change to
6 natural resources? Will the proposed action result in
7 an increase in the potential for erosion, flooding or
8 drainage problems? Will the proposed action create a
9 hazard to environmental resources or human health?

10 We filled out the boxes indicating that there
11 would either be no impact or that a small impact could
12 occur.

13 The summary of that REVIEW is that based on the
14 information and analysis above and any additional
15 supporting documentation, the proposed action is not
16 going to result in any significant adverse
17 environmental impacts.

18 CHAIRMAN STUTO: Okay, any comments or
19 questions on that?

20 (There was no response.)

21 With respect to the Negative Declaration that
22 you just read, do we have a motion?

23 MR. MION: I'll make that motion.

24 MR. AUSTIN: Second.

25 CHAIRMAN STUTO: Any discussion?

1 (There was no response.)

2 All those in favor say aye.

3 (Ayes were recited.)

4 All those opposed say nay.

5 (There were none opposed.)

6 The ayes have it.

7 CHAIRMAN STUTO: The Waiver Resolution -- I
8 would ask that the stenographer enter the whole
9 Resolution into the record. We have all reviewed it.
10 Could you just read the title and the resolves?

11 MR. GRASSO: Whereas the applicant is
12 requesting waivers from the Town of Colonie Land Use
13 Law, be it resolved that the Board hereby finds that
14 the extent of the requested waivers is not considered
15 substantial; and be it further.

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

22 Resolved, that the Board hereby issues a waiver
23 to allow the maximum building setback to be exceeded;
24 to allow parking within the front yard setback; to
25 allow parking within 15 feet of Autopark Drive; and to

1 grant a waiver from the interior parking area
2 greenspace requirement; and be it further.

3 Resolved, that these waiver findings be a
4 condition of site plan approval of the application and
5 be kept in the project file in the office of the
6 Planning and Economic Development Department.

7 CHAIRMAN STUTO: Any comments or questions on
8 that?

9 (There was no response.)

10 Do we have a motion?

11 MS. DALTON: I'll make a motion.

12 MR. AUSTIN: Second.

13 CHAIRMAN STUTO: Any discussion?

14 (There was no response.)

15 All those in favor, say aye.

16 (Ayes were recited.)

17 All those opposed, say nay.

18 (There were none opposed.)

19 The ayes have it.

20 With respect to the main question on this
21 application which is for final approval, do we have
22 any discussion among the Board?

23 (There was no response.)

24 That is conditioned upon all TDE comments and
25 Town Department comments and the tree size comment

1 that we just made.

2 Do we have a motion on that?

3 MR. AUSTIN: I'll make a motion.

4 MS. DALTON: 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 7:20 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 _____

