

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 NORTHWAY TOYOTA
5 737 LOUDON ROAD
6 SKETCH PLAN

7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY L. STRANG, a Shorthand Reporter,
10 commencing on February 28, 2017 at 8: p.m. at The
11 Public Operations Center, 347 Old Niskayuna Road,
12 Latham, New York

13 BOARD MEMBERS:
14 PETER STUTO, CHAIRMAN
15 LOU MION
16 BRIAN AUSTIN
17 SUSAN MILSTEIN
18 KATHY DALTON
19 TIMOTHY LANE
20 CRAIG SHAMLIAN

21 ALSO PRESENT:
22 Joseph LaCivita, Director, Planning and Economic
23 Development
24 Michael Tengeler, Planning and Economic Development
25 Daniel Hershberg, PE, Hershberg & Hershberg
Victor Caponera Esq.
Tim Duly
Larry Lynch
Rob Faraone
Joseph Grasso, PE, CHA

22
23
24
25

1 CHAIRMAN STUTO: I'll call up the next item on the
2 agenda. Northway Toyota, 737 Loudon Road, sketch plan,
3 demolition of existing building and construction of
4 two-story 48,903 square feet car dealership.

5 Joe LaCivita, do you have any introductory
6 remarks before we turn it over to the applicant.

7 MR. LACIVITA: Again, these are all in sketch
8 tonight Peter. You can go right to the applicant to get
9 moving on it.

10 Victor?

11 MR. CAPONERA: Thank you, Joe. Mr. Chairman and
12 Members of the Board, I'm Victor Caponera representing
13 the owner of the property.

14 As everyone here knows about a year and a half
15 ago we were here in front of the Board where we got
16 approval to construct the Audi building that is
17 shown on this site plan. It's nearly finished. As
18 part of that I discussed with the Board the history
19 of this site which is almost 11 acres. To be
20 specific, there was what I call the Audi parcel, the
21 Toyota parcel, the Friendly parcel and the Hoffman
22 parcel. I don't know if everyone remembers that but
23 we talked about it.

24 CHAIRMAN STUTO: Which one is the Hoffman parcel?

25 MR. CAPONERA: The Hoffman parcel is the rear

1 vacant piece that we acquired as we were moving forward
2 with this project. What we did is when we got this
3 approval for Audi, we merged what I call the Audi
4 parcel, the Toyota parcel and the rear piece that I call
5 the Hoffman parcel to create about a nine-acre parcel.

6 CHAIRMAN STUTO: So, that's all on one deed now?

7 MR. CAPONERA: It's all on one deed. It's been
8 merged and filed at the County Clerk's office.

9 As you recall, we talked about the Friendly
10 piece which is right here where my finger is
11 (Indicating) and this has about 5,000 square foot
12 former Friendly's site. One of the members of the
13 Board said why aren't you merging that? I said, I'll
14 tell you why. Back in the 70's they had a gas
15 station there. When they put the Friendly building
16 on the site, guess what they didn't do? They didn't
17 take the tanks out. So, when my client and I were
18 looking at this piece to buy the Friendly piece to
19 bring all these parcels together, create a nearly 11
20 acre site, I said to the client, maybe we ought to
21 back off of this purchase of the Friendly site until
22 they do some clean-up. They did. That's what
23 happened and that's why we didn't merge the Friendly
24 piece.

25 CHAIRMAN STUTO: What's the status of it right now?

1 MR. CAPONERA: It's been cleaned up. We have a
2 letter from DEC of no further action required, but not
3 does not meet standards. What does that mean?

4 If you take a raw piece of land and you never
5 contaminate it, it meets standards. If you do
6 anything on a piece of property that contaminates
7 it, whether it's pesticides, herbicides or petroleum
8 and you clean it up, unless you bring it back to the
9 original pure site, you get a letter from DEC and it
10 says no further clean-up required. Does not meet the
11 standards. What that means is that our proposal is
12 to merge this Friendly piece with the entire three
13 pieces that I merged about a year to create nearly
14 an 11-acre site. The proposal is to take down the
15 Friendly's building which is about 5,000 square
16 feet, to take down the existing Toyota building
17 which is about 28,000 square feet. So, you're
18 30-some thousand square feet of existing building to
19 build this new proposal which is 47,991 square feet.
20 When that building comes down, that's when DEC comes
21 in and says, now you've got to get another letter
22 because you're taking the building down and when you
23 take the building down there is the pre-existing
24 tanks. That's got to be cleaned up.

25 So, that's the history of how the site became

1 this nearly 11-acre site. So, the proposal - this is
2 a sketch plan of course - is to construct a new
3 Toyota building that would look something like this
4 (Indicating) and obviously the existing Toyota
5 building comes down, the existing Friendly building
6 comes down and this goes in its place.

7 I know that there has been a DCC meeting and
8 there was discussion, but there is a structure here.
9 *What do you call this Mr. Hershberger?

10 MR. HERSHBERG: A marquee.

11 MR. CAPONERA: So, I filed a zoning verification
12 and the Town of Colonie Building Department denied it.
13 The reasons that they denied is because this marquee is
14 only seven feet from the front property line. So, the
15 Building Department called this a marquee and they said
16 no because it's the minimum. Correct me if I'm wrong,
17 but is it the minimum/maximum of 20 feet -

18 MR. HERSHBERG: The minimum is 20 feet and the
19 maximum is 25 feet because you are on a major road.

20 MR. CAPONERA: So, this proposal - the building,
21 per se, is 28, which is on the north side and it's 35.6
22 on the south side from the front property line but the
23 marquee is only seven feet. So, I wanted to bring that
24 up to the Board to hear your feelings because unless we
25 get a variance, we can't do that. We have to go back to

1 the client, obviously, after we have this meaningful
2 discussion tonight. We have got to go back to the client
3 and say this is what we discussed, this is what I got
4 from the Building Department. I just picked it up a day
5 or so ago. That's really the proposal.

6 MR. GRASSO: It's not in your application
7 materials. You're presenting something that we don't
8 have. The plan doesn't show it and we obviously don't
9 have the elevations. You may really need to show them
10 closer exactly what you are describing.

11 MR. HERSHBERG: The site plan detailed the marquee.

12 MR. CAPONERA: If you look at your site plant,
13 you'll see.

14 MR. HERSHBERG: It's on the right hand side of the
15 building.

16 MR. GRASSO: I thought that was a sidewalk.

17 MR. CAPONERA: It's a marquee.

18 CHAIRMAN STUTO: There is a dark line which has an
19 angular structure. That's why it doesn't jump out at me.

20 MR. CAPONERA: You're absolutely right.

21 CHAIRMAN STUTO: Is it separate from the building?

22 MR. HERSHBERG: No, it's connected to the building.
23 That's why we got the no.

24 MR. GRASSO: On that rendering it looks like it's a
25 corner element and on the plan it doesn't look that way

1 at all.

2 MR. CAPONERA: That's why we'd like full disclosure
3 tonight. To look at that you'd never know that it was
4 separated from the building.

5 MR. GRASSO: The building actually extends on this
6 side of the marquee which you don't show. When you look
7 at this, it looks like it's a corner element.

8 CHAIRMAN STUTO: Okay, why don't you go on.

9 MR. CAPONERA: Absolutely. So, that is essential
10 what the presentation is.

11 MR. GRASSO: I just think that it's important. This
12 mass of the marquee is going to be inconsistent with the
13 frontage of the other buildings all along the road. I
14 think that it's important to understand - it may look
15 imposing along the Route 9 corridor because it's
16 substantially closer than that Audi building.

17 How far is that?

18 MR. CAPONERA: It's seven feet from the marquee.

19 MR. AUSTIN: I think that the marquee is going to
20 be more imposing.

21 MR. SHAMLIAN: My preference would be to move the
22 whole thing back substantially, come to us for a waiver
23 that I would be in support of for the whole building to
24 be back 35 feet or so from the road. I think that the
25 Audi building is too close to the road. That's not your

1 fault.

2 MS. DALTON: So, the parking would be in line with
3 the Audi building?

4 MR. SHAMLIAN: My personal preference is that it be
5 back further than that.

6 MR. CAPONERA: That's why we are here.

7 CHAIRMAN STUTO: I would support that waiver.
8 Is there more to the presentation?

9 MR. CAPONERA: No, unless Dan wants to speak.

10 MR. HERSHBERG: I have a little additional, if you
11 don't mind.

12 The one issue here is that we have a permit to
13 the Army Corps. We expect the packet within a couple
14 of weeks. We got .47 acres with the wetland that's
15 abandoned. We proposed some off-site mitigation. The
16 Woodland Preserve in Schenectady would take some
17 property that we are going to place under a
18 conservation easement. There was a site that the
19 Army Corps is interested in so that's what was done
20 with that.

21 That leaves us with a problem of mitigating
22 this area back here (Indicating). This area is
23 secondary woods. There are some large trees but
24 there are primarily smaller trees.

25 Our stormwater management will be porous

1 pavement. You may remember that we put in additional
2 pavement back here which is all porous asphalt. We
3 will do that here.

4 This is either going to be a SWPPP basin or a
5 dry swale or something similar to that. We are not
6 exactly sure the dimensions of it. In the course of
7 doing that we would like to be able to supplement
8 the landscaping back there.

9 I will just take a moment of your time.

10 I have always pushed the White Fir as a great
11 tree to use.

12 CHAIRMAN STUTO: They are not deer candy?

13 MR. HERSHBERG: No. Those are arborvitaes. These
14 have needles and are not as tasty.

15 The reason that I am showing this - we show
16 trees planted in 2005. These are 5 feet to 6 feet
17 tall. These show them at 2015, three years ago. They
18 are 30 feet tall. When I keep on telling you that
19 they grow fast, they add to feet a year - everybody
20 says do they really? These are two real pictures. I
21 can attest to the fact that since that time, the
22 next year and a half - these have actually filled in
23 more. I know because I look outside my exercise room
24 every morning and see those trees. This is my
25 backyard in Albany (Indicating). I have been able to

1 show them. These, we cannot plan any longer. These
2 are burning bushes. They are considered invasive in
3 New York State. They were not at the time. Those
4 grow up nicely.

5 So, the combination of some White Fir and some
6 understory will do a pretty good job of landscaping
7 back there.

8 I just want to say that essentially when we
9 say -- I use the White Fir a lot and if you drive by
10 some of the sites that have been planted with White
11 Fir, I think you will now see them growing up. They
12 are wonderful for screening. First, they hold their
13 shape. Here it is growing (Indicating) and is all
14 the way down to the ground, still, even though it's
15 now 30 feet tall. That will stay that way for its
16 entire maturity. I point this out because we do want
17 to provide new screening at the back. We have a
18 problem anyway. We can not clear any trees under the
19 Army Corps permit. The Army Corps permit will
20 restrict us from clearing trees from March 1 through
21 October due to the potential presence of bats on the
22 site. These might be snags that a bat might decide
23 to live in. We don't think so, but we are prohibited
24 from clearing during that time.

25 The only thing that we can clear now is - if we

1 start clearing now and I don't know whether or not
2 the board would be comfortable with that.

3 CHAIRMAN STUTO: No.

4 MR. HERSHBERG: The concern here is that we will
5 have to clear. The edge of the existing woods is about
6 here (Indicating). The rest of this is wetlands and we
7 do have to clear a portion of it. We are honoring the 50
8 foot parking setback from the residential properties. We
9 can talk later about whether or not the presence of a
10 fence is required. I just want to point out that we can
11 do a significant landscaping job back there to protect
12 the parking from view.

13 The building itself is a two-story building.
14 So, it will take a little bit more to screen that.
15 We think essentially that we can mimic some of the
16 landscaping proposed in front of the building.

17 CHAIRMAN STUTO: The two gentlemen back there - are
18 you both neighbors?

19 MR. DULY: Yes.

20 CHAIRMAN STUTO: Okay, this is sketch plan. We
21 normally don't take comments on sketch plans. We are not
22 taking a vote. That being said, you all on the
23 properties back there?

24 Have you all conferred? Do you know where each
25 other lives?

1 MR. DULY: I do, yes.

2 CHAIRMAN STUTO: Where do you live?

3 FROM THE FLOOR: I live at 126 Old Loudon Road. I
4 am to the left of the green space.

5 CHAIRMAN STUTO: Was there someone else from the
6 neighborhood?

7 MR. DULY: We are in the same residence.

8 CHAIRMAN STUTO: Okay, you have to make a brief.
9 Normally, we don't take public comment period.

10 MR. DULY: My name is Tim Duly, 104 Old Loudon
11 Road. I just want to preface that we do have bats in our
12 neighborhood and they come down in my pool to take a
13 drink. Hopefully, they will be in those trees that you
14 are going to take down.

15 We are concerned about the green space - this
16 base rate here (Indicating) where Albany Audi --
17 there is no fence up. I have some photos here of
18 what it looks like now. I will pass that around. I
19 think his efforts to putting in green space - it
20 really has not been done yet. The dust and
21 everything from the project - I just want the Board
22 to know - I think the fence should have been erected
23 ahead of time to prevent all that dust when they are
24 building the parking lot. When they had all of that
25 DOT crushed stone - when the wind kicked up, we get

1 all that stuff into our yards. It was like a white
2 powder in my pool. I think we have to be cognizant
3 of that and make sure that stuff doesn't happen for
4 these neighbors.

5 The other thing is the drainage ditches. Right
6 now, the water coming off of Old Loudon Road goes
7 into our backyards. If we go back in that time
8 machine that was a big swamp back then when the
9 founders put the road in and they drained it right
10 into our back yards. Where he is proposing to put
11 this parking lot - this neighbor here - the Lynchs
12 at 110 - there is a ditch back there now currently
13 that is overgrown and filled in. The Town used to
14 maintain it. So, we are worried. We want that
15 cleaned out to make sure that the water drains from
16 all those properties. It was historically a wetland.
17 I disagree with taking out the wetland that is there
18 now because that is a toad habitat. I used to go
19 back there with my kids and we look at the pollywogs
20 and everything. Think about that, too.

21 The other thing is light pollution. When they
22 put in the parking lots, we want to make sure that
23 those are not aimed back into our yards.

24 MR. LANE: It is always required to be down
25 lighting.

1 MR. DULY: Great, because the lights that are there
2 now are the old-fashioned ones that shine in our yards.

3 CHAIRMAN STUTO: It should be an improvement.

4 MR. DULY: The other thing is noise pollution. They
5 are going to be doing work there - automotive work.
6 Right now, we can hear the guns when the guys are taking
7 the wheels off. We are concerned about that and where
8 the garage doors are going to be facing so they won't
9 open up into the neighbors' yards and you will hear all
10 the noise.

11 The other is -- what trees are there now to see
12 the bigger trees. They provide a lot of shade to our
13 yards. That is a concern of the neighbors. I don't
14 know if you guys agree with that.

15 MR. LANE: Absolutely.

16 MR. DULY: Those trees are very nice. They shade
17 and in the fall we do get all the residual light that
18 comes in off the parking lots.

19 I agree with him - in Albany, those are nice
20 trees. If we could plant those all around, that
21 would be great.

22 I have several neighbors' comments so please
23 bear with me.

24 The demolition concerns - I don't know if the
25 Town has any guidelines for demolition but when they

1 tore down the old IHOP which was part of the Albany
2 Audi, there was a lot of dust created when they took
3 that building down and that also came into our
4 yards. So, when they take down the Northway Toyota
5 building which is an older builder, we are concerned
6 about asbestos. I don't know if there is some way
7 that we can do a check or a screening of the
8 building to make sure that there is no asbestos, or
9 lead paint. That is the concern of that stuff coming
10 into our yards.

11 When they took down the old Fannie's there was
12 a lot of dust created for the neighbors up there.
13 That was pretty bad because it was windy out.

14 The other concern about the demolition is again
15 just the noise if they do it after 7:00 when people
16 are getting up and going to work and not doing it
17 early in the morning. I would be more than happy to
18 meet with you guys and talk about any of this stuff.

19 CHAIRMAN STUTO: And that would be a great idea.
20 Thank you.

21 We're going to talk about these issues.

22 MR. LYNCH: My name is Larry Lynch and I live at
23 110 Old Loudon Road. I just have one comment. When I
24 look at this I see that we came out 50 feet but when it
25 comes across my family's property it's not 50 feet. I

1 thought that was the original agreement. I also thought
2 that or was told that there was going to be a fence.
3 Tonight I heard that may or may not be.

4 CHAIRMAN STUTO: We'll talk about that.

5 MR. LYNCH: The way that the water irrigates back
6 here - this is awful wet. Right back here is where that
7 stream goes into the sewer that's over here
8 (Indicating). Probably this much of my family's property
9 is saturated and was saturated all year last year. It's
10 kind of ruining their property. I just wanted to know if
11 we were going to come out the 50 feet that we agreed on
12 or if that's changed.

13 MR. FARAONE: I'm Rob Faraone and I'm at 126 Old
14 Loudon.

15 When the Hoffman property was - when they came
16 in and surveyed, they brought in a bulldozer behind
17 my property.

18 CHAIRMAN STUTO: Where is your house?

19 MR. FARAONE: Right here (Indicating).

20 They knocked down a lot of the underbrush. That
21 is a very wet area, as everybody said. Now there are
22 30 and 40-foot trees leaning at a 45 degree angle on
23 top of other trees. The wetness just sits there now.
24 There is no place for it to drain. All the
25 undergrowth is gone. Also, I'm afraid it's going to

1 hit my fence.

2 CHAIRMAN STUTO: I took notes. I don't know if the
3 applicant wants to address some of these issues.

4 Do you want to talk about the site? Should they
5 expect more screening and/or fences?

6 MR. HERSHBERG: Yes. The fences are going to be
7 installed on this side here (Indicating) and we did call
8 for an in-fill of evergreens back there. We certainly
9 can take a look at the existing trees. The limit of our
10 development is someplace like here (Indicating). We can
11 look at the existing trees within the developed area and
12 figure out what is big, what is down, what is at a huge
13 angle. We can document the foliage information.

14 The drainage situation - there is a problem.

15 CHAIRMAN STUTO: Do you know about the leaning
16 trees that he's talking about?

17 MR. HERSHBERG: Yes. I believe that a number of
18 those were leaning before.

19 CHAIRMAN STUTO: He'll meet with you and talk with
20 you.

21 MR. HERSHBERG: We are certainly willing to meet
22 with the neighbors on Old Loudon Road to talk about it.
23 They are our neighbors and we do want to have an
24 opportunity to talk to them in a private forum where we
25 don't have to have the notes taken.

1 This was never proposed to range in 50 feet.
2 This is a pre-existing limitation and we tend to
3 leave that. The 50 feet that is indicated here and
4 here (Indicating) and that was the way that it had
5 always been shown on the plan.

6 CHAIRMAN STUTO: Is the pavement already back to
7 where it shows on that?

8 MR. HERSHBERG: Yes. The existing building is right
9 here (Indicating). The circulation is behind here.
10 That's the existing pavement area.

11 The drainage situation here is that there is a
12 drainage ditch that runs behind the site in here and
13 it comes down through an area here. There was also
14 an old storm sewer through the site. When we worked
15 on Audi, it turned out that when we dug up that
16 pipe, it was badly cracked. Audi went in and
17 replaced a significant portion of that pipe. The
18 catch basins over it were entirely filled up with
19 debris. We cleaned them out and we reactivated that
20 drainage course down to here.

21 CHAIRMAN STUTO: So, it should work with that.

22 MR. HERSHBERG: What the gentleman is talking about
23 - there is a ditch line that runs all the way down here
24 that has not been cleaned out. We did talk to John
25 Dzialo, the Stormwater Management Officer for the Town

1 and we talked to them about whether or not they come in
2 and clean it out since in the past it had been
3 maintained by the Town. I don't think that we ever got
4 agreement on that. That is an outstanding issue on how
5 to maintain that ditch line.

6 MR. GRASSO: There is no Town easement.

7 MR. HERSHBERG: There is no Town easement.

8 MR. LANE: So, if the Town did it, they did it as
9 what?

10 CHAIRMAN STUTO: Some kind of handshake. If they
11 had done it, they haven't done it recently.

12 MR. GRASSO: They could have been trying to protect
13 their facilities downstream to make sure that the
14 drainage was going.

15 MR. HERSHBERG: And it does carry drainage off the
16 back of the properties of Loudon Road. It does carry
17 drainage in this direction. So, it is a fairly intense
18 drainage area that this line should be maintained and
19 we'll have to work out how to have it maintained.

20 MR. SHAMLIAN: Whose property is the ditch line on?

21 MR. HERSHBERG: It's partially on our property, but
22 it does cross over. One reason why we didn't propose to
23 anything with that ditch is that the centerline of that
24 ditch is right along the property line of these four
25 houses and actually crosses the property line at a point

1 down here (Indicating). So, we weren't concerned. We
2 couldn't even go on that property without getting
3 permission to go on that property. So, that was one
4 reason why that ditch line wasn't cleaned out. It would
5 have helped up to clean it out. We did end the porous
6 pavement here. The drainage off that porous pavement
7 does go into the groundwater. The general sheeting of
8 the groundwater direction is in this direction. So, it
9 shouldn't back up close to Old Loudon Road. *The
10 stormwater plan here is to use porous pavement again.
11 This building, we put a series of drywells up here to
12 take the roof drainage. Remember that these are
13 redevelopment sites. With a redevelopment site we're
14 permitted to use less intense methods of stormwater
15 managment. We chose not to. First of all, the area
16 disturbed here was less than an acre. We didn't have to
17 do a SWPPP on it due to the stormwater managment
18 report. That was approved by the Stormwater Management
19 Office which called for porous pavement and we kept it
20 so that we met the same requirements that we would have
21 been required to do, had we had to prepare a SWPPP. Now
22 we do have to prepare a SWPPP because we will be
23 disturbing more than an acre. Like I said, if we did do
24 it under Chapter 9 of the New York State Stormwater
25 Managment Design Manuel, we're allowed some flexiblilty

1 about how to treat it. All we have to do is treat the
2 WQV amount which is storm sewer for approximately one
3 year incidents but we will exceed that and we will treat
4 it pretty much like a new site so that we do propose a
5 substantial stormwater management plan. It's clear that
6 stormwater management is a problem not only for the
7 neighbors, but for our site too.

8 The foliage - we certainly will go back in
9 there and take a look at it and see what should be
10 saved. I suppose because this area is developed, we
11 should have a tree survey of this developed area
12 done probably with the same sort of proviso that was
13 mentioned with the last project; locate trees
14 greater than eight inches in diameter. Those will be
15 the major trees that the people notice in the back
16 of the site. We'll see what kind of condition they
17 are in and see what the root situation is and where
18 they are.

19 CHAIRMAN STUTO: That sounds good.

20 Lights, noise pollution and demolition?

21 MR. HERSHBERG: Let me assure you that no building
22 is demolished any place in New York State without doing
23 an asbestos or lead paint abatement review. It was done
24 on the existing building and it will be done on both
25 these buildings too and all the requirements are met. If

1 there is any esbestos insdie the building it will be
2 cleared out prior to demolition. If ther is paint, there
3 are requirements on enclosures and what has to be done
4 and how that is to be treated. That will all be taken
5 care of.

6 Demolition - I don't think that they've
7 violated the Town's Noise Ordinance. I don't think
8 that they start before 7:00 a.m. to do the work. If
9 they did, we certainly listed on our new application
10 7:00 a.m. to 6:00 p.m. Those are relaly the times
11 that we would allow work to be done on-site. That's
12 demolition or site work - anything other than
13 emergency. We do have to do some evening work here
14 because we are crossing Loudon Road with a water
15 main. We did have to do some evening work because we
16 did a sewer connection out there but that was all
17 with permits from Latham Water District or Pure
18 Waters and New York State DOT. Again, we are
19 cogniscent of the noise. If, in fact, there is
20 excess noise on the site it is certainly something
21 that we can try to address. I'm not aware of
22 operationally whether or not the doors are closed
23 like they are supposed to be when work is done. The
24 entrance doors are here. There will be exit doors at
25 the rear of the property. We will be concnered aabout

1 those being closed while work is done.

2 MS. DALTON: What time of year do you expect this
3 project to be done?

4 MR. HERSHBERG: I think as soon as we get site plan
5 approval, we'll make up a final schedule but I would
6 assume that we would like to demolish the building
7 first. There will be an arrangement made for temporary
8 service for Toyota people.

9 We didn't have to juggle this. When the
10 building was demolished they took a portion around
11 Toyota and that's why they built a new porous
12 pavement behind the building first. They had
13 vehicles that had to be stored there for new sales.
14 New sales moved over here (indicating). Essentially,
15 we had to juggle it. The same thing will happen with
16 Toyota from the existing dealership to the new
17 dealership. There is that transition time where they
18 have to keep their presence there or they will lose
19 a significant portion of the market. They are going
20 to work around that.

21 The building demolition will probably take
22 place early on our schedule. My guess is sometime
23 this fall.

24 MR. LACIVITA: Will you be using the site on old
25 Wolf Road like you did with Audi?

1 MR. HERSHBERG: I think that is going to stay in
2 service. They may change the sign on it to Toyota after
3 Audi comes up. But again, they definitely need vehicle
4 storage.

5 One problem with all car dealerships - I hate
6 to repeat the same mantra all the time but they are
7 under pressure from the manufactures to take a
8 certain number of cars at a certain time of the
9 year. You have to accept the cars and you cannot say
10 that you only want half that amount of cars. Either
11 they have to store them on-site or find off-site
12 places to store the vehicles. That's why all the
13 storage space is needed for vehicles. Anybody in the
14 new car market knows that is the case and they
15 always do have vehicles for sale - used vehicles for
16 sale also. They need storage for those too.

17 MR. MION: Are you going to be unloading the
18 vehicles on premises, or where?

19 MR. HERSHBERG: Again, our circulation pattern is
20 still the same. We tend to bring vehicles in this way
21 (Indicating) and unload them in here for both
22 facilities. If you see this island here, that was
23 designed for the turning radius for a loaded vehicle - a
24 loaded car transporter to get cars out of there. Again,
25 they will go in there and unload the cars, backup and go

1 right back out the same driveway. We don't intend to
2 pull over in the middle of Loudon Road.

3 CHAIRMAN STUTO: Can you address lighting? I think
4 that was one of the concerns.

5 MR. HERSHBERG: All of the new lighting on the site
6 - there are some older lights on the site that we have
7 left alone. Those are the older styles but I think on
8 this site all of the outside lights will be dark sky
9 down lighting. We can verify. I think essentially a new
10 fixture that we put back here (Indicating) was actually
11 a down light fixture. And should be fully shielded.

12 MR. CAPONERA: To know how big the lights are right
13 now - I'm a polls?

14 MR. HERSHBERG: About 30 feet.

15 MR. CAPONERA: Joe, what is the maximum height in
16 the Town?

17 MR. GRASSO: Eighteen.

18 MR. CAPONERA: Are we complying with that?

19 MR. HERSHBERG: They are all new polls.

20 MR. GRASSO: Yes, there are no waivers given for
21 that.

22 MR. HERSHBERG: Another question is that the
23 lighting with these places - they don't want it entirely
24 lit to a level where people aren't looking at cars. They
25 wanted four security lighting purposes. Obviously,

1 something less than a foot candle will work for most of
2 the site here. Up front where they are open at night or
3 after 5 o'clock in the winter, they will need more
4 intense lighting area where the new vehicles will be.

5 CHAIRMAN STUTO: Mr. Lynch's property is somewhat
6 unique. That is the one that sticks into your property.
7 What should consider plantings on his property, if that
8 helped?

9 MR. HERSHBERG: Sure. If he wants it, I'll take
10 some of those beautiful firs that I planted on my
11 property and put them on your property.

12 CHAIRMAN STUTO: And you will get together with the
13 neighbors?

14 MR. HERSHBERG: Sure. We can concur at the DCC
15 meeting and after this meeting we will try to set up a
16 meeting with the neighbors.

17 CHAIRMAN STUTO: And that usually helps resolve a
18 lot of the issues or at least narrow them down. If there
19 are remaining issues, then we have to make decisions.

20 MR. CAPONERA: One quick thing. We also on this
21 property here (Indicating). The question was raised the
22 last time that we were here - nothing is going to happen
23 with that piece. One of the questions was raised, or
24 there was a comment raised about us maybe bringing
25 traffic off of Old Loudon. The answer is no. Nothing is

1 going to happen. That is just for clarification.

2 Just quickly so that I understand - you would
3 support a 35 foot front yard setback?

4 MR. SHAMLIAN: I would.

5 CHAIRMAN STUTO: I would.

6 MR. LANE: I am not so sure. I think pushing it
7 back would impact these people (Indicating). I would
8 have to think about that.

9 MR. HERSHBERG: One thing that you might want to
10 consider is how much to move it back - if we move it
11 back so the front of that decorative marquee sort of
12 lined up with the Audi building and the 22 feet back -
13 the bulk of the building would now be over 35 feet back.
14 That decorative marquee -- we are sort of stock and
15 although we do have a local architect will be working on
16 the local design here, that design was generated by
17 Toyota's architect. They like to see it built like that.
18 That is why that marquee is sort of -

19 MR. LANE: I am more concerned with these folks.

20 CHAIRMAN STUTO: Maybe you can fatten building up
21 and not have it go too much further back.

22 MR. HERSHBERG: I think what we will have to do is
23 if we moved it back so the front of that marquee was
24 maybe 25 feet back, we may lose a line of parking in the
25 rear. I hate to say that because every auto dealership

1 in the world says we need all the parking that we're
2 showing there. I think that maybe we have to do that to
3 make it work so that there is a balance between the
4 front view of the building and the impact on the rear.

5 MR. LACIVITA: Dan, I have a question. Is the
6 dealership more concerned with the façade or the
7 footprint design itself or both? I think that what Tim
8 is getting at is he may support going backwards if we
9 don't encroach upon the residents, can we make the
10 building go sideways while it's going back?

11 MR. HERSHBERG: I will tell you that the
12 interworkings of these buildings is so well thought out
13 by the manufacturers and the dealers. It's very hard to
14 impact the arrangement of the inside of the building.
15 Exits and entrances and where the service bays are and
16 how they have space for the people pulling into the
17 building for service - those are some givens that we
18 have to work with. There isn't an awful lot of latitude
19 of the building footprint. Obviously, on certain
20 projects we have been able to make a building a little
21 bit narrower and a little bit deeper. It primarily takes
22 out places like the showroom area rather than the
23 working area of a garage.

24 MR. CAPONERA: We'll take a look at it.

25 CHAIRMAN STUTO: I think that you have heard us. I

1 thing you have heard from the neighbors. If you meet
2 with the neighbors and come back -

3 MR. GRASSO: Do you mind if we just touch on a
4 couple of things?

5 CHAIRMAN STUTO: Go a head, Joe.

6 MR. GRASSO: There are two things - just because we
7 are at sketch.

8 Dan described the wetland impacts in the back
9 which I think are pretty significant and from our
10 review and obviously this is only sketch, we are
11 concerned with the level of wetland impacts in the
12 back and the ability to not cause drainage impacts
13 and also being able to appropriate provide screening
14 in that 50 feet that is left, given the wetlands
15 that are back there. You kind of glossed over the
16 level of wetland impacts and the fact that you are
17 mitigating off-site. On the last project we were
18 fighting to preserve the 100-foot buffer. These
19 wetlands don't have a buffer.

20 CHAIRMAN STUTO: By mitigating, it means that they
21 are creating wetlands some place else?

22 MR. GRASSO: Yes, and we're taking about 50, 60 or
23 70 feet of wetland impacts into the wetlands. It's hard
24 to see that on the plan, but that's what we are looking
25 at here. I really thing that trying to minimize the

1 impacts in the back while at the same time making sure
2 that we have a good buffer, because we are looking at a
3 commercial use up against residences and that is
4 something that we always try to do a good buffer. I know
5 that Dan is sensitive to it, but the way that we see
6 this plan, we are not going to be able to accomplish all
7 of those conflicting interests.

8 The other thing that I want to mention is that
9 regarding the access arrangement - right now the
10 site has a Toyota dealership and an Audi with two
11 curb cuts. When this site is done, they're going to
12 have a Toyota dealership and an Audi with four curb
13 cuts. That's inconcistatne with what we would
14 normally support. Planning brought it in their
15 comments. DOT is going to bring it up in their
16 comments, understanding that the Friendly's did have
17 two curb cuts but they would never be allowed to
18 under today's access management requirement.

19 CHAIRMAN STUTO: Do you have a solution to the curb
20 cut?

21 MR. GRASSO: We would definitely recommend that it
22 gets cut. We don't think that they can keep it at two,
23 but we do think that they should keep it to no more than
24 three. That may require some changes to the site. I just
25 want to get it out there because it may change the next

1 iteration of the plans substantially.

2 CHAIRMAN STUTO: They are excellent comments.

3 MR. HERSHBERG: Just one comment about the
4 capability of us landscaping back there, I will point
5 out that the White Fir, according to the USDA, it
6 prefers moist well-drained soil which is the soil that
7 will be back there because again, we may have to build
8 some sort of berm around some of the new landscaping but
9 again, we think that the landscaping that we would
10 choose back there would certainly go a long way with
11 replacing the existing foiliage.

12 The wetland issue is a drainage issue but again
13 the qnantity of drainage that the wetland absorbs was
14 somewhat limited because we are taking out almost a
15 half acre of it and it does push back 50 or 60 feet
16 into it. The depth of the storage - if you take a
17 look at the storage profiles, the material that
18 stores the water - the sand layers were not that
19 deep. So, again, I don't know how we're going to
20 impact the storage facitliy. We'll take a look at
21 that when we do our stormwater management plan.

22 CHAIRMAN STUTO: Thank you.

23

24 (Whereas the above entitled proceeding was
25 concluded at 8:42 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 _____

