

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 O'REILLY AUTO PARTS
5 1390 CENTRAL AVENUE
6 APPLICATION FOR WAIVER REQUEST AND SETBACK

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7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY L. STRANG, a Shorthand Reporter,
9 commencing on April 25, 2017 at 8:21 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 BRIAN AUSTIN
15 KATHY DALTON
16 TIMOTHY LANE
17 CRAIG SHAMLIAN

18 ALSO PRESENT:

19 Kathleen Marinelli, Esq. Counsel to the Planning Board
20 Joseph LaCivita, Director, Planning and Economic
21 Development
22 Michael Tengeler, Planning and Economic Development
23 Peter Puskuldjian, PE, Casco Architects & Engineers
24 Barbara Spieak
25

1 CHAIRMAN STUTO: I'll call up the next item on the
2 agenda. O'Reilly Auto Parts, 1390 Central Avenue,
3 application for waiver request and setback.

4 MR. TENGELER: This is a formal waiver request
5 tonight. This is a site that we have been reviewing for
6 the past couple of months. This is O'Reilly Auto Parts,
7 not to be confused with the major O'Reilly project that
8 the Board is looking at. This is at the other end of
9 Central Avenue. It's a totally different project.

10 This is a redevelopment of the former Big Sur
11 Waterbed site on Central Ave. - at 1390 Central
12 Avenue. It's pretty self-explanatory review process
13 that it's gone through. Really, it's just an
14 internal fit-out and façade improvements to the
15 building.

16 We hit a little snag when we were reviewing the
17 project and we noticed that there was existing
18 pavement that's out there now. We're talking about
19 the rear of the property. The existing pavement that
20 is there was actually done in the mid 90's in an
21 unauthorized fashion. So, the last tenant or the
22 tenant before that was in there, in the mid 90's
23 expanded the pavement past what was previously
24 approved.

25 So, when O'Reilly's and the Town started

1 reviewing the project, that was one of the first
2 things that we noticed. We put it back to O'Reilly
3 to see if it was mandatory to have that pavement and
4 it really is to allow the vehicular maneuvering in
5 the back. I have a pretty good idea that was the
6 reason why the pavement was expanded in the first
7 place, albeit unauthorized. The way that pavement
8 was expanded makes a better maneuvering ability for
9 traffic in the rear, especially loading and
10 unloading, people turning around or even people
11 parking back there.

12 So, the pavement was done in an unauthorized
13 fashion. They are here tonight to have it
14 memorialized specifically through a waiver and to
15 offer improvements back there as well.

16 We'll hear from O'Reilly's tonight and we'll
17 just briefly answer any questions that the Board may
18 have. We can look at some elevations, as well, if
19 there are any questions that the Board has with the
20 project.

21 The SEQR is completed and has been signed-off
22 on in your packets.

23 You'll see the Town comments, all of which have
24 been addressed in the newest submission that the
25 Board should have. They are here tonight to

1 formally request the waiver for pavement that is
2 currently on the site.

3 CHAIRMAN STUTO: The floor is yours.

4 MR. PUSKULDJIAN: My name is Peter Puskuldjian. I
5 will spell that for you P-U-S-K-U-L-D-J-I-A-N. I am a
6 New York licensed architect and I work for Casco
7 architects and engineers. O'Reilly is our client.

8 As Mike well explained we have an existing
9 building - vacant building that O'Reilly wants to do
10 a tenant fit in. Along with a lot of site
11 improvements, landscaping, dumpster enclosure -
12 along the road we are going to provide builders and
13 fencing. We have another change to the pylon sign.
14 That's it, and a nutshell, as far as the site
15 improvements.

16 With respect to the building, there are really
17 too many improvements to the existing building other
18 than painting.

19 The rear and two sides will be painted as shown
20 on these elevations (indicating). The front will
21 have additional enhancements. It is all a new
22 storefront that is a green color. We are going to
23 provide a green canopy. If you know the building,
24 the corners have like a curve to them. We are going
25 to remove the curves or cover up the curves with

1 squared corners and provide an effus finish.

2 CHAIRMAN STUTO: It is going to be in O'Reilly's
3 when you are done?

4 MR. PUSKULDJIAN: That's correct.

5 CHAIRMAN STUTO: Do you need that many square feet?
6 How big is your store?

7 MR. PUSKULDJIAN: Generally, yes. This is 13,000
8 and change.

9 MR. TENGELER: If you recall, the other one is more
10 of a hub store. It is a larger kind of warehouse hub
11 store that the Board is going to be reviewing. This is
12 more of a traditional retail establishment.

13 CHAIRMAN STUTO: Any questions from the Board?

14 (There was no response.)

15 Anyone from the audience?

16 MS. SPIEAK: My name is Barbara Spieak. I live at 1
17 Lake Road. I just want to make sure that it's going to
18 stay at the existing lot in not expanding it. I know
19 from the past business that was in there - trucks have
20 an awful hard time turning in that area. I just want to
21 make sure that it is going to stay at the 25 that you're
22 asking for.

23 CHAIRMAN STUTO: Do you understand her question?

24 MR. PUSKULDJIAN: Absolutely; yes.

25 MS. SPIEAK: I have no problem and I am accepting

1 of the variance that they want. That's not a problem. I
2 just want to make sure that it is not going to be more
3 than that, because it is right on my fence line.

4 CHAIRMAN STUTO: Pavement wise?

5 MS. SPIEAK: Yes.

6 MR. TENGELER: Pavement wise, it is my
7 understanding that everything is exactly the way it is.

8 MR. PUSKULDJIAN: It will be an improvement for you
9 because there is a lot of overgrown landscaping and
10 everything back there. It is totally going to be cleaned
11 up.

12 MS. SPIEAK: That would be nice, because I have
13 been doing it for years.

14 CHAIRMAN STUTO: Is there screening, Mike?

15 MR. TENGELER: There is, but a lot of it is kind of
16 overgrown brush. What the applicant is proposing is to
17 kind of remove just kind of the overgrown kind of dead
18 brush that is there and really doing a pretty extensive
19 landscaping plan. You will see in the back -

20 MS. SPIEAK: We didn't know until we came here who
21 was even coming in. I just wanted to make sure that I
22 don't have to move any fences or anything like that. I
23 just spent \$10,000 to put that fence in.

24 CHAIRMAN STUTO: Can you show her the landscaping
25 plan?

1 MR. TENGELER: Absolutely. In fact, you can take
2 this with you. This is exactly what they are proposing.
3 Some of these are existing trees, but a lot of these are
4 going to be new; Norway Spruce, White Pine. They are
5 really mixing up some different types of trees.

6 MS. SPIEAK: This area over here (Indicating) is a
7 real water collection area. It all floods into my yard.
8 I've had the business over here - he has helped try to
9 fix it. He tore it out and there was a drainage thing to
10 help hold the water back and he removed it and that's
11 why my yard floods. He just filled it in with rocks and
12 stuff.

13 MR. TENGELER: We want to make sure that this is
14 green and that our Stormwater Department really reviews
15 everything. They're not going to be increasing any
16 pavement.

17 MR. LACIVITA: Is O'Reilly the owner of record or
18 tenant of record?

19 MR. PUSKULDJIAN: I don't know.

20 MR. TENGELER: As per the zoning verification, they
21 are owners.

22 MR. LACIVITA: So, any issue moving forward we will
23 have the applicant, as owner, that we can go to.

24 MR. PUSKULDJIAN: Yes.

25 MR. LACIVITA: So, I think we are in a much better

1 position than we were before because it was always
2 tendency. This way we haven't owner who is going to be
3 actually going to be occupying the building, so that we
4 can really keep things in check.

5 MS. SPIEAK: So, the homeless people are going to
6 have to move?

7 MR. LACIVITA: My suggestion, Mike, is give her
8 your card and then we can get all this wrapped up.

9 MS. SPIEAK: I am comfortable with the variance and
10 the way that the parking lot is. I have no problem with
11 that. My concern was that they were not going to extend
12 it right to the fence. I know that the tractor
13 trailers -

14 MR. LACIVITA: Again, the use is changing and I
15 believe your distribution is going to be doing it in pup
16 trucks and not larger trucks.

17 MR. PUSKULDJIAN: No, it is a large truck.

18 MR. LACIVITA: But it's one of the larger pup
19 trucks. It's not a tractor trailer. What we were told
20 by O'Reilly in the other location -

21 MR. PUSKULDJIAN: The truck maneuverability plan.

22 MR. LACIVITA: Is it a tractor-trailer now?

23 MR. TENGELER: Interstate semi-trailer, WB/67
24 interstate semi-trailer.

25 MR. LACIVITA: That's not what we were told from

1 all Riley during the major project, so to check with
2 them.

3 MR. TENGELER: It looks like the loading is handled
4 on the side, for the most part. I can make that a
5 condition.

6 MR. PUSKULDJIAN: There's no way that a truck can
7 make it into the back.

8 MS. SPIEAK: I have seen them and it is not easy.

9 MR. PUSKULDJIAN: No, that is not going to happen.
10 It's going to be right on the side of the building; in
11 and out.

12 MS. SPIEAK: With Oak Express, they would go back
13 there if they can't turn around and they can't back out.

14 As I said, I didn't know who was coming in
15 there until tonight. In the paper that we received
16 it just said for clearance.

17 MR. TENGELER: There is no real construction
18 happening. We are reviewing its in-house. We want to
19 make sure that this memorialized after 20 years of it
20 being the way that it is. Now is the chance for us to
21 really have it memorialized and make it official.

22 MS. SPIEAK: That sounds good to me.

23 MR. TENGELER: I'm sorry, I don't have the
24 resolution on me.

25 CHAIRMAN STUTO: Can we open the criteria for the

1 waivers and read some of that in?

2 MR. TENGELER: Sure.

3 CHAIRMAN STUTO: What was the one condition that we
4 were putting on that, Mike?

5 MR. TENGELER: I wanted to confirm the hours of
6 delivery - to off-hours. Also, where the actual trunk
7 and what kind of truck will be delivering there.

8 CHAIRMAN STUTO: Can you say that for the record?

9 MR. TENGELER: Sure.

10 We would like to approve this based on two
11 conditions. One is confirming the hours of delivery
12 pickup and the type of trailer that will be making
13 those deliveries.

14 CHAIRMAN STUTO: Which is what?

15 MR. PUSKULDJIAN: According to the plan, it is a
16 WB/67 interstate semi-trailer.

17 MR. MION: What are the hours of delivery?

18 MR. TENGELER: During the off hours, I would like
19 to confirm exactly what those hours actually are.

20 MR. PUSKULDJIAN: We will get that information from
21 O'Reilly.

22 MR. MION: I don't think we want to disturb you.

23 MS. SPIEAK: I have a garbage truck that comes back
24 and picks up the dumpster every morning.

25 MR. LACIVITA: The waiver is specific to the paving

1 setback. We want to find out -- although it says it in
2 there, the major project said that they deliver with
3 small trucks. That was the major component of doing that
4 distribution center on Central Avenue. Now, we are
5 hearing that were having a tractor-trailer.

6 CHAIRMAN STUTO: So, you recommend that we come
7 back?

8 MR. LACIVITA: I would just do it from a
9 clarification standpoint as to what is being used in the
10 hours of delivery -

11 MR. MION: The other thing, Mike - what are the
12 hours of garbage pickup?

13 MR. TENGELER: That is already covered in the
14 approval; 7 o'clock to 7 o'clock. There will be assigned
15 to memorialize that and that will be required on the
16 dumpster as well.

17 CHAIRMAN STUTO: So, we are going to come back with
18 that information before we vote on the waiver?

19 MR. TENGELER: Whatever Joe's preference is.

20 MR. LACIVITA: I would suggest that we get some
21 clarification on this point so that we can have
22 something concrete that she can hear, if that's okay.

23 CHAIRMAN STUTO: Sorry about that. That's what
24 we're going to have to do.

25 MR. PUSKULDJIAN: Can I just have O'Reilly provide

1 you with a letter, or do have to physically come back?

2 MR. LANE: Something written is good for me.

3 MR. LACIVITA: Again, we can do that
4 administratively - almost like they do with the other
5 one that was before us tonight.

6 CHAIRMAN STUTO: And then we vote on the waiver?

7 MR. LACIVITA: Yes.

8 CHAIRMAN STUTO: Then you're going to make a
9 presentation?

10 MR. TENGELER: I have no problem with that, yes.

11 CHAIRMAN STUTO: Is the Board okay with that?

12 (All Board Members agreed.)

13 Thank you.

14 MR. PUSKULDJIAN: Okay, thank you.

15 MR. LANE: I have one announcement. I just want to
16 say and announce to the Board that tonight is my final
17 Planning Board meeting. It has been my pleasure to serve
18 on the Planning Board since October 2008. Just to let
19 you know, my wife - it looks as though she is going to
20 be a candidate for a Town office position and I don't
21 want to present the Town or her with any conflicts. I
22 thought would be in the best interest of everybody if I
23 step down. It has been my pleasure to serve on for all
24 these years two different chairs - Pete, Jeanne Donovan,
25 C.J. O'Rourke - I have really enjoyed it. There were

1 many important decisions on projects within the Town. I
2 just want to thank everybody.

3 CHAIRMAN STUTO: Well, Tim, that comes as a
4 surprise, but it has been a pleasure serving with you
5 for almost 10 years. Congratulations on your new
6 endeavor for you and your family and I have enjoyed
7 serving with you and I'm sorry to see you go.

8 MS. MILSTEIN: Ditto.

9 CHAIRMAN STUTO: Thank you, and good luck.

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11 (Whereas the above entitled proceeding was
12 concluded at 8:45 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 _____

