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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

NORTHWAY TOYOTA
737 LOUDON ROAD

APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on August 8, 2017 at 7:30 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- LOU MION
- BRIAN AUSTIN
- STEVEN HEIDER
- KATHLEEN DALTON
- SUSAN MILSTEIN

ALSO PRESENT:

- Michael C. Magguilli, Esq. Town Attorney's Office
- Joseph LaCivita, PEDD
- Michael Tengeler, PEDD
- Joseph Grasso, PE, CHA
- Daniel Hershberg, PE, Hershberg & Hershberg
- William Mafrici, PE, Hershberg & Hershberg
- Victor Caponera, Esq.
- Greg Finin
- Corinne Steinmuller, Conservation Advisory Council
- Tim Dooley

1 CHAIRMAN STUTO: Last on the agenda is Northway
2 Toyota, 737 Loudon Road, application for concept
3 acceptance, raze two existing buildings and construct a
4 new two-story 48,176 square foot showroom and sales
5 facility.

6 MR. LACIVITA: Peter, I think we are familiar
7 with the design team. We have seen them here with the Audi
8 location just to the south of this location.

9 This project is in the COR zone. They were
10 before our DCC on January 25, 2017 and were here before us
11 at sketch plan back on February 28, 2017.

12 There are two waivers that they are looking for
13 from the design that we show; parking in the front yard
14 and a waiver for the interior parking lot.

15 Before us is Victor Caponera to start off the
16 presentation.

17 MR. CAPONERA: Thank you. Mr. Chairman, I like
18 to welcome your newest Member of the Board who once served
19 on the Planning Commission of the Village of Colonie. He
20 was an esteemed member.

21 With me tonight I have several folks.
22 Obviously, we have the Honorable Mr. Hershberg. We also
23 have with him Bill Mafrici. We have Brent Kozak from BBL
24 and Greg Finin from Toyota.

25 The last time that we were here at sketch plan

1 was back on February 28th. There were various comments
2 made and going to kind of walk through some of the things
3 that we talked about then.

4 Back then, as the Board may or may not recall,
5 there was a new proposed Toyota building that was close to
6 Route 9. In fact, we had a marquee that was kind of the
7 curved design.

8 You didn't see that, Steve.

9 It was 7 feet from the property line. The Board
10 basically said that is not going to work and make sure
11 when you come back that the front setback from the front
12 the building to the road is further than the Audi building
13 that is already up and has a CO.

14 He went back to Toyota. They took this Board's
15 advice, they moved the building back and got rid of the
16 Marquis. So, now you will see this building is farther
17 back.

18 Bill, you and I talked about this earlier this
19 morning in my office. The way the way goes here, it's a
20 little skewed. For some reason it just goes deeper into
21 the property. From the property line on this area right
22 here -

23 Bill, what is it?

24 MR. MAFRICI: It's about 38 feet.

25 MR. CAPONERA: Quoting from one of the Board

1 Members who is not with us tonight - he said, make sure it
2 is back and I think he said 35 feet. He said, I will
3 support that waiver. We all know that you have that 20
4 foot requirement.

5 If you go all the way to the curb line, it is
6 about 47 feet. So, it's a fairly significant from where we
7 are over here (indicating) again, we are taking the
8 recommendation of the Board.

9 When I was confronted you a year or two ago
10 when we were getting this property approved, I talked to
11 about before merging three parcels. Specifically, the Audi
12 piece, where the building - is a separate piece. the
13 Toyota piece building is a separate piece. Then, we
14 acquired the rear piece which I refer to as the Hoffman
15 piece, which was the vacant lands. We merged those
16 properties and it is now merged into one deed, which
17 created about a 10 acre parcel.

18 I talked to the Board about how the existing
19 Friendly's building is not merged. I told the history to
20 the Board about how and why wasn't merged. Way back, it
21 was a gas station. When they built the Friendly's, they
22 didn't take the time to take out the tanks. Where did they
23 build the Friendly's? On top of the tanks. Probably not
24 the best plan. We are proposing to now merge this piece
25 with the entirety of the property that will create one

1 parcel. Therefore, we are able to do the configuration
2 that we are doing.

3 CHAIRMAN STUTO: Do you know what type of
4 remediation you have to do?

5 MR. CAPONERA: Not yet, but one thing I can
6 tell you this before we bought the property, originally
7 when we were negotiating for the Friendly piece, I
8 discovered this when I started reviewing the
9 environmental. We made the previous owner, which was a
10 real estate investment trust, go back and clean it up.
11 When they went back to clean up, they basically couldn't
12 remove the tanks for obvious reasons. You had a building
13 on top. DEC said that when you come back and you remove
14 that building, you've got to remediate. So, that is going
15 to have to happen. The cost, I don't know.

16 That the history lesson on what is going on
17 there.

18 When we got this parking approved, the Board
19 made sure that the parking didn't go any closer to the
20 road in the front of the building. We moved to the
21 parking. We had also shown on that site plan this future
22 area - which at the time we were talking about an
23 improvement of the existing Toyota building - putting some
24 additions on. In retrospect, the owners want to build a
25 new building, but this parking is where it was. So, the

1 Board considered that when they were looking at this.

2 Another thing that I want to bring to the
3 Board's attention because I want to talk about a meeting
4 that we had with the neighbors. And, they were here in
5 February. You asked us meet with them, and we did. I will
6 talk about that in a second.

7 We had proposed to put a fence along the
8 property line. When the demolition and building start
9 happening with this building - I know there were some
10 concerns. I know the neighbors called.

11 I think you, Joe, may have been involved with
12 it. I think you were because I went out there.

13 So, an agreement was made to basically put the
14 fence off the property line.

15 Again, Bill, I need your numbers but how far
16 off the property line the current fence?

17 MR. MAFRICI: It is about 35 feet over the rear
18 line.

19 MR. CAPONERA: So, when we met with the
20 neighbors back on April 13th, the fence was not there. One
21 of the good neighbors will talk tonight about that in a
22 few minutes. There were four of them there and they were
23 questioning why isn't the fence there? I said well, it's
24 going to be off about 35 feet to give you a little more -
25 offering you a little more green space. So, the fence is

1 up now. It is a 6 foot white fence. Actually, there are
2 photos that the neighbors took. So, we are proposing to do
3 the same thing along the development of the new Toyota
4 building - to keep the fence off the property line. This
5 was discussed with the neighbors when we met with them
6 back in April. One of the neighbors in particular, Mr.
7 Lynch - his family owns 110 Old Loudon Road. He was
8 concerned about the parking which is existing parking
9 which is closer than 50 feet to the property line. We
10 argued that it was a prior nonconforming use.
11 Notwithstanding that, I went to the clients and we arrived
12 at an agreement where we purchased about a 4,200 or 4,300
13 square foot parcel of land from the Lynches. That was
14 concluded about a week ago. I went to the Lynches home and
15 we signed.

16 So, this darkened area - we now own. In fact, I
17 mailed in the deed today for filing.

18 CHAIRMAN STUTO: Did you merge it in?

19 MR. CAPONERA: It hasn't been merged yet
20 because I have to do the whole thing when I do it. When
21 that happens, I will merge the whole thing in together.

22 Right now, for this instance, I wanted to show
23 that we acquired this property. By doing that, we meet the
24 50-foot setback. So, the issue of whether it's a
25 nonconforming parking issue or not is irrelevant. So, we

1 took care of that.

2 Another thing that was brought up when we had
3 the meeting out there in April - which was a fairly cool
4 night if I recall - there is this drainage that sits in
5 the back and the neighbors want to make sure that was
6 taken care of. I confirmed this with a neighbor who will
7 speak in a moment - it was substantially cleaned up back
8 there. There were tires and other debris that I
9 physically saw myself.

10 You will also hear some comment about the area
11 that we still own that was kind of cleared but there were
12 trees taken down and not put back in. One of the
13 neighbors back here will talk to you about that.

14 Essentially, that's what I wanted to talk to
15 the Board about. So, we met with the neighbors. We had a
16 good discussion. The Board also wanted this laid out.

17 Bill, how many trees -

18 MR. HERSHBERG: There were 168 trees.

19 MR. CAPONERA: There were 168 trees that were 6
20 inches or greater.

21 MR. HERSHBERG: That boxed area is the area
22 that we do have to grade. That includes 6 trees. The
23 other 180 trees will not be touched at all. The 6 trees
24 had to be moved to accommodate the back of the parking
25 lot.

1 MR. CAPONERA: It was another concern that the
2 Board back in February. They wanted us to identify these
3 and meet with the neighbors to discuss it. Part of the
4 discussion was this map that we walked through and
5 discussed when we met back in April.

6 This is the layout of what this building will
7 look like - the elevation.

8 Another thing that was mentioned before with
9 the Maserati dealership -- by the way, Toyotas don't carry
10 the same exhaust systems as a Maserati. Kudos for
11 mentioning that.

12 I would like one of these guys to discuss where
13 the location of the garage is here.

14 MR. MAFRICI: This is the conceptual floor
15 plan. So, circulation would be up through here
16 (Indicating), then they would circulate through the
17 building to the overhead doors to the side. There is not
18 an exit back here, but there is one wash bay in the
19 corner. The car wash which is only to be used by the
20 facility has overhead doors not facing the residences.

21 So, you can kind of see the traffic pattern. It
22 will be to the service bays and you will circulate around
23 the building. The majority is going to go into whatever
24 service bays are in the back. This car wash, again, runs
25 parallel to Loudon Road and not facing the residences.

1 MR. CAPONERA: I think that was discussed at
2 the last meeting. I am not 100% sure. It is something that
3 we considered and it has been designed that way.

4 I think that is it.

5 MR. HERSHBERG: Can I say a couple of things?

6 MR. CAPONERA: Certainly.

7 MR. HERSHBERG: We did have some discussions
8 with Joe Grasso. The plan that we had submitted before
9 showed a basin back here. That basin is not required
10 anymore. We do show a drainage ditch to collect the water
11 that comes off of the side here (Indicating) and diverts
12 it. That drainage can be put in without disturbing any
13 trees. It won't affect the roots of the trees. They
14 plotted that very carefully. We did have a basin here
15 which required that we clear everything inside the fence.
16 We reduced that significantly. We are now collecting at to
17 an underground storage facility and we are treating it
18 through hydrodynamic separators.

19 This is a redevelopment site. So, hydrodynamic
20 separators are an approved treatment method. We think we
21 resolved the question on needing a basin back here. It's
22 all connected to the same drainage course, which had
23 created a pond for which the neighbors kept saying should
24 be cleaned out and the Town of Colonie did come and clean
25 out that drainage ditch significantly since the Audi

1 project was started.

2 CHAIRMAN STUTO: Is this your final comment for
3 the initial presentation?

4 MR. CAPONERA: Yes.

5 CHAIRMAN STUTO: Again, this has been reviewed
6 and is being reviewed by CHA, Joe Grasso. I know that he
7 has some comments.

8 Joe?

9 MR. GRASSO: I will start off with the two
10 waivers that were identified as being required.

11 The first one is parking located in the front
12 yard setback. My understanding is that the Audi building
13 sets the front yard setback in that the parking that was
14 built with the Audi dealership, I think, came and
15 encroached it in that front yard and a waiver was granted.
16 If you are maintaining that line, I'm not sure if you need
17 a waiver. That is something that we can work out. Even if
18 it is, it would be minor and it would be something that we
19 would support.

20 The second is the interior green space
21 requirement within the parking area. Like I said for the
22 last application, this is typically requested and we
23 support it for car dealerships because of the amount of
24 inventory parking. We would like the focus of the interior
25 parking requirement - trying to be met within the first

1 three days of parking. That would be the first 180 feet
2 of the lot. That is the primary parking area that is
3 going to be viewed from Loudon Road. So, if you could
4 just give us data on that. I think you're going to be
5 close to meeting it, if not already meeting it.

6 We would have to provide written waiver
7 findings for the Planning Board's consideration during
8 final site plan review.

9 The next comment was regarding the tree survey.
10 We really appreciate Dan's office doing a good thorough
11 job on the tree survey. Dan had mentioned the 168 trees,
12 noting the species of them, the size of them and the
13 health condition of them which is very useful in terms of
14 reviewing the potential impacts. The tree survey did
15 substantiate the comments that were raised during sketch
16 plan review that the clearing along the back of the site
17 could definitely wipe out a lot of significant old quality
18 trees, including oaks and maples.

19 Dan, I have some questions because our comment
20 later was based on the clearing limit that was shown on
21 the concept plant which showed clearing up to about 20 or
22 25 feet from the property line where the fence was shown.
23 What you described in your presentation is something very
24 different.

25 MR. HERSHBERG: It is significantly less than

1 that, yes. This line here is just behind the parking,
2 just enough to make that grade line there. That's the
3 limit of the clearing. This is just about the depth of the
4 parking here (Indicating) and then it comes across. That
5 green box is the only area that we are clearing.

6 MR. GRASSO: You talked about installing a
7 fence at a certain location from the property line. Is it
8 the intent to install the fence within the wooded area?

9 MR. HERSHBERG: There was discussion last time
10 about the location of that. We tried not to clear any
11 trees but there were some small trees that had to be
12 cleared just to make sure it was a straight line and we
13 didn't have to jog it all over. Our goal would be to try
14 to do the same thing. The rationale there is that we keep
15 some of the screening on our side of the fence and on the
16 other side of the fence. It is a reasonable place to put
17 it and not putting it all in back of the parking lot. Some
18 of these homes do have an existing chain-link fence on the
19 property line. We are going to do a replica of the
20 existing white plastic fence. We think that works. We
21 think the location that is shown here is approximately 20
22 feet off of the rear line -- 25 feet off of the rear line
23 is where we want to put that fence.

24 MR. GRASSO: Could you just described the type
25 of fence and the height of the fence?

1 MR. HERSHBERG: It's going to be a 6 foot white
2 vinyl fence, similar to the fence that was installed in
3 the back.

4 MR. GRASSO: So, that is something that should
5 be considered by the Board and made aware to the neighbors
6 seeing is that they will be looking at it also.

7 CHAIRMAN STUTO: Do you have a particular
8 opinion on that? You are pointing it out.

9 MR. GRASSO: It seems appropriate. Sometimes we
10 have seen 8 foot high white vinyl fence. I think the 8
11 foot is what we saw along the back of the Wolf Road
12 properties, which is a very substantial fence and provides
13 a lot of visual screening.

14 I know the lots that are along old Loudon Road
15 are set up a little bit higher. I don't know if they are
16 going to be able to look over the top of it and down into
17 the lot. I know you are saving a lot of trees, but I don't
18 have a good sense of the sight line.

19 MR. HERSHBERG: The sight line is such that at
20 least the first floor in the second floor of those
21 buildings are definitely going to be able to see. We are
22 not going to be able to screen out with the fence. The
23 fence would have to be 15 or 20 feet high. We don't think
24 the difference between a 6 foot or 8 foot fence makes much
25 difference. If the Board thought that they wanted an 8

1 foot fence, we would not argue with changing into an 8
2 foot fence.

3 MR. GRASSO: That is something for the Board to
4 consider. We would normally mean more conservatively and
5 go 8 feet. We would also typically been to have the fence
6 closer to the parking area than the property line. I
7 understand and I like the fact that you can have
8 landscaping on both sides or retain trees on both sides of
9 the fence too, so that fits into the landscape. I think we
10 can get some better information on that for the Planning
11 Board later on in the design process.

12 I think conceptually - I really appreciate the
13 fact that they tightened up those areas to respect the
14 significant trees back there. I think that will really add
15 a lot to the project.

16 Regarding the lighting, we had some
17 recommendations for may be some house side shields along
18 the lights along the residential side of the property.

19 There are a fair amount of wetland areas within
20 the project site. I think it is about 1/2 acre or 1/2 acre
21 that will be impacted. That is a pretty substantial amount
22 of wetland impacts from one commercial development site.
23 Those wetlands are an important environmental resource.
24 They also provide flood storage. We heard from the
25 neighbors regarding drainage problems back there.

1 Obviously, these wetlands probably provide some flood
2 storage. I think you're going to be impacting about 1/2
3 acre of wetlands. So, you're going to have to deal with
4 that loss of wetlands and also flood storage in your
5 drainage analysis.

6 In terms of the loss of wetlands, what is the
7 proposed mitigation plan? Are you doing on on-site or
8 payment in lieu of fee or off-site mitigation? What is the
9 plan? So, when we look at the environmental impacts of the
10 project to make a SEQR determination, that is something
11 that the Planning Board should take into consideration.

12 MR. MAFRICI: Bagdon Environmental had done a
13 delineation. We have a wetland permit that allows us to
14 disturb .49 acres with mitigation that is going to take
15 place at the Woodlawn preserve, which is in Schenectady -
16 a DEC wetland that is already existing. Part of the
17 mitigation will be the expansion of the wetlands. I think
18 it is equivalent of 1/2 acre worth of expansion along with
19 deed restrictions for the balance of the wetlands on the
20 site, track lighting, seasonal spraying for fragmites
21 within the Woodlawn Preserve area. This is accepted by
22 DEC.

23 Like I said, we do have a permit. I think it
24 expires next spring. We had a one year permit to actually
25 get the construction done and everything in place. We do

1 have the permit in place and we would be more than happy
2 to share with you -

3 MR. GRASSO: Is there a process that you go
4 through? Obviously, we are talking about filling wetlands
5 in Colonie and creating wetlands I assume, in the City of
6 Schenectady. Is there a process that goes through the
7 selection of why you chose that site? Are you steered in
8 that direction by the regulatory agencies?

9 MR. HERSHBERG: The situation there was that
10 their first desire was that we had in area right near it
11 or we could create wetlands that would be tributary to the
12 same drainage course. That would be preferable. We don't
13 own any property there that fits that definition. We can't
14 create that additional wetland.

15 Their second choice is that they do have areas
16 where there are ongoing projects that they recommended.
17 That process was recommended to us by DEC Region 4 - that
18 would be a good place to do it. Ideally, if we had more
19 space on here it would be nice to do an on site one and
20 also less expensive to do it on site. We can't do it
21 because we don't own enough property to do it.

22 MR. GRASSO: You mentioned due to restrictions.
23 Are those deed restrictions on the wetlands that remain on
24 this site?

25 MR. HERSHBERG: The wetlands that remain on the

1 site would all become deed restricted.

2 MR. GRASSO: The Planning Board can basically
3 comment on that. I would just say make sure that you
4 provide some data regarding your mitigation approach as
5 part of your application materials so that we can consider
6 that and put it into the findings of the Planning Board.

7 CHAIRMAN STUTO: That all sounds well and good.
8 The part that concerns me - I'll get some help from Joe on
9 this - you said that was in part flood storage. Is there
10 any hydrological study or backup to say that is not going
11 to worsen the situation?

12 MR. GRASSO: Because we are at concept review,
13 they haven't done a full blown drainage study. It is
14 something that we typically get during preliminary design.
15 We have brought it to Dan's attention and I'm sure that he
16 will give us the quantitative data to build assurance
17 within ourselves that we are going to compensate for that
18 flood storage and we are not going to impact any
19 downstream properties. We basically can't just increase
20 the amount of runoff from the site and impact those
21 downstream properties.

22 MR. HERSHBERG: The two issues are -- runoff
23 generated from the site which we can easily handle because
24 we did have pre-existing impervious area.

25 Secondly, as Joe says, is the impact by

1 reducing the actual flood storage that takes place in a
2 wetland. It is also necessary to show that your system
3 maintains enough drainage to the wetlands to maintain the
4 wetlands. You don't want to intercept the drainage. If we
5 have a site that drained perfectly and it drained out the
6 wetlands, then your wetlands would cease to be wetlands in
7 a short period of time. So, it is a balancing act. We do
8 have to show that our system creates no downstream impact
9 due to flooding it also maintains the elevation of the
10 water and the water table and the wetlands.

11 CHAIRMAN STUTO: That is a DEC permit and not a
12 federal permit, correct? Is that what I heard?

13 MR. HERSHBERG: We needed a water quality cert
14 from New York State DEC. even though the permit is issued
15 from the Army Corps of Engineers, it is a collaborative
16 process.

17 MR. GRASSO: It's only federal wetlands, but
18 it's a joint permitting process.

19 CHAIRMAN STUTO: But the permit and the
20 mitigation are Army Corps.

21 MR. GRASSO: Right.

22 MR. LACIVITA: Dan, I don't want to throw a
23 monkey wrench into the permit that you've already received
24 that just accepted hundred 18 acres from the Hoffman
25 family over off of Sand Creek Road. If we could find

1 something that could be done on that site instead of
2 taking it out to Schenectady, is there potential for that?

3 MR. HERSHBERG: We would just have to go
4 through a rather tedious and long permit process. It is
5 not something that we would really like to have to do.

6 MR. LACIVITA: I have a concern that it is not
7 in the Town. If it is already permit that is granted -

8 MR. HERSHBERG: Again, we will try to work with
9 Joe's concern regarding the flood storage but we would
10 really like to not have to redo that permit again. Army
11 Corps permits - the permits you have to go through and to
12 do it over again, it would probably push it out another
13 year.

14 CHAIRMAN STUTO: Did you have further
15 comments?

16 MR. GRASSO: That's all.

17 CHAIRMAN STUTO: If the Board is okay, we have
18 two members of the public that are signed up; Corinne
19 Steinmuller, Conservation Advisory Committee Member.

20 MS. STEINMULLER: We just have a few comments.
21 We are requesting that the wetlands not be disturbed and
22 obviously you have addressed that you are going to be
23 impacting half an acre. It sounds like you have a
24 reasonable plan in place for mitigation.

25 It was also addressed that an investigation be

1 made to the prior toxic condition of the site.

2 We also request that the developer should use
3 native plantings and monitor any possible effects to the
4 aquifer.

5 We also commend the developer for using porous
6 pavement.

7 As you stated, two meetings were held for
8 residents. We don't have much information but you didn't
9 touch on that tonight - about the outcome. It would be
10 nice to have something further mentioned in the paperwork
11 discussing these meetings.

12 CHAIRMAN STUTO: Can you repeat your last
13 point? I am not sure that I got it.

14 MS. STEINMULLER: Just more information
15 regarding the discussion with the local residents.

16 CHAIRMAN STUTO: You're shaking your head,
17 Victor.

18 MR. CAPONERA: I gave you all the information
19 that we discussed. What more can I say? I don't
20 understand.

21 MS. STEINMULLER: It was just a request for a
22 formal writing.

23 MR. GRASSO: In the terms of the application
24 materials it was mentioned that there were two meetings
25 regarding the resolution of any discussion items. I know

1 that you presented it tonight, but there was nothing in
2 the record.

3 MR. CAPONERA: It was not requested that I make
4 a written presentation of my meeting with the neighbors.
5 It was just requested that I meet with the neighbors and
6 have a discussion with the neighbors about what their
7 concerns were. I did. I reported the results to the Board.

8 MR. GRASSO: The CAC reviews the application
9 materials just like we do. I think they just raise the
10 question that you mentioned there were two meetings, but
11 nothing else.

12 CHAIRMAN STUTO: That was a pre-written
13 question. I think you did address that to the Board.

14 MR. CAPONERA: Thank you.

15 CHAIRMAN STUTO: The one thing that may not
16 have been addressed is the native plantings. I don't know
17 if you want to talk about that.

18 MR. HERSHBERG: We are big these days on native
19 New York State plantings. The pine oak forests or the
20 beech maple forest are the two basic forests that are
21 primarily in our area. There is a somewhat limited number
22 of trees that are truly native that are commercially
23 grown. There are a whole bunch of things there like sweet
24 birch. It is a wonderful tree, nurseries don't grow it.
25 You have to go out in the field and find one.

1 On our major trees we would definitely try to
2 stick with New York State native trees. When you start
3 talking about shrubs, there is only one which is a two to
4 five-foot shrubs in both of those forests and that is
5 witch hazel. Common witch hazel is a nice-looking shrub,
6 but it certainly is not as decorative a shrub as you would
7 normally have. It has little yellow flowers that stay all
8 winter. It is not my normal desire to use it. Native
9 landscaping the maximum extent possible - I think that's
10 what we try to do.

11 MR. GRASSO: I think the interpretation of the
12 comment is that there is a list of invasive species and to
13 avoid those invasive species.

14 MR. HERSHBERG: We would clearly do that. I
15 will point out that the Burning Bush may come back. Our
16 favorite shrub was always the Burning Bush. It became
17 invasive, but they are now working on -- in fact,
18 Connecticut has just approved a species that saves it from
19 being able to be carried by the birds and rejuvenated
20 someplace else. It may shortly come off the invasive
21 species lists.

22 CHAIRMAN STUTO: Thank you.

23 Tim Dooley.

24 MR. DOOLEY: Thank you for hearing me out. I am
25 one of the neighbors who met with Dan and Victor. I don't

1 know if all the neighbors were there, but I want to ensure
2 that you sent letters out to everybody because there are
3 only a few of us that were there that night.

4 We had a great discussion. Some of the things
5 that we are happy about is the cleanup of all the tires
6 that were left from when the place was part of Nemith's
7 Corporation. The gentleman and I went out and gave him a
8 bottle of water. He really took out about 50 tires, maybe
9 more. What they pointed out in this might be something for
10 the Town to look at - he said you're probably going to
11 have less mosquitoes in your neighborhood now because
12 there was a lot of larva and those tires. I didn't
13 realize that. The water was collecting and the ones that
14 were above ground. That was a positive.

15 One thing that we were concerned about with the
16 Toyota project is to keep the trees. It is a mature area.
17 I am so happy that the Board recommended to do the tree
18 study. I would say do that as common practice going
19 forward. I think it heightened Vic's awareness of the
20 trees that were there when we walked the property that did
21 all of that. I think that is another good positive thing
22 That they are saving the trees.

23 The other thing that we learned from the Albany
24 Audi project was one thing on the fence. That is one
25 concern that we have. The gentleman that were there -- I

1 have some photos of before and what it looked like. I will
2 pass this around. Before the Albany Audi project, it was
3 pretty green.

4 Then, when the guys came in to do the work,
5 they were a little aggressive. I took a picture of a guy
6 when I came home from work with his chainsaw. They really
7 clear cut it - all the trees on our side. In the future,
8 if we are going to do this type of thing somebody needs to
9 be supervising these folks. You will notice the guy in the
10 photo does not have any personal protective equipment on.
11 That is just a side thing that I shared. He is supposed
12 to wear chaps and protection and all of that. That is
13 something that the contractor should address.

14 They are trying to save the trees which is a
15 positive and then we have these guys coming in and running
16 a fence right down the middle of the green zone and go
17 everything down. It's not good.

18 Here are some additional photos of our side.
19 We have just blank space. The destruction was massive. The
20 young trees that they cut out -- I welcome anybody if you
21 would like to do a field visit to come to my house.

22 MR. GRASSO: Do you remember the height of the
23 fence that was installed?

24 MR. DOOLEY: it was 6 feet. Now, they did do a
25 nice job. They did plan some great trees. We watched and

1 saw them being planted. They were excellent for about a
2 week and then they put the vinyl fence up and we can see
3 the trees anymore. Kind of defeated the purpose of putting
4 all the trees in. I think that when we do these reviews,
5 make sure that the neighbors have the trees on their side
6 after then mow everything down.

7 The other thing that is happening is - I know
8 the Albany Audi guys are tight for space right now, but
9 they are parking on their cars in the green space. Like I
10 said, they were a little aggressive putting up that fence.
11 I would recommend on the other side for the Toyota project
12 that we put the fence out about 40 feet from the property.
13 to me, it looks like the Berlin wall went up because there
14 is no vegetation and there are huge gaps. Otherwise, we
15 are very happy with everything else that occurred. It was
16 very positive.

17 The crew that was there, I talked to them when
18 I got out of work. At the time I got there, these guys
19 were already down to my property and already at their cut
20 a path about 8 feet wide to put this fence down the
21 center. It is a lesson learned there. That is all I am
22 trying to point out.

23 I don't know if it is too late to ask, but if
24 the folks from Albany Audi plant some trees on our side to
25 fill in those gaps, it would be nice.

1 MR. CAPONERA: You mean on the other side.

2 MR. DOOLEY: The other side, yes.

3 MR. CAPONERA: So, the photos that you show are
4 showing your view of the fence and then the cutting that
5 was done on our clients property.

6 MR. DOOLEY: Actually, it was from my
7 neighbor's side. It was from Diane's side.

8 MR. CAPONERA: So, you are saying that there
9 are pine trees -

10 MR. DOOLEY: Yes, we actually like to them. I
11 think they're fantastic. They look great. We just can't
12 enjoy them.

13 MR. CAPONERA: You're suggesting something be
14 done this side (Indicating).

15 MR. DOOLEY: Yes. If you had seen the first
16 photo - we had a nice green space. It's like my friends
17 place up in East Meadows. They have a nice buffer and it
18 is between another residential area that is 100 feet wide.
19 When you shorten down to 50, you need some of those bigger
20 trees. Those are some of the guys that got taken out.

21 CHAIRMAN STUTO: Okay, thank you. We will ask
22 the applicant to respond to that.

23 MR. DOOLEY: I appreciate your time. Thank you.

24 CHAIRMAN STUTO: I don't know if you have a
25 reaction, Joe.

1 As the applicant want to respond to that?

2 MR. GRASSO: You bring up good comments. This
3 is something that the Planning Board typically reviews
4 closely. There are zoning requirements and then there are
5 the planning considerations. The zoning says that you have
6 to have the parking setback 50 feet from the property
7 line. That's where the zoning regulations stop. There is
8 nothing saying that you can't clear past or the fencing
9 requirements. That is really up to the Planning Board.
10 There is a tree clearing ordinance which says you want to
11 try to keep the clearing within 10 feet of your property
12 line, which is what they said they would do. In terms of
13 the location of the fence, I feel that whether it's too
14 close to your property line and looks like the Berlin wall
15 - should it be on this side - the landscaping on one side
16 of the fence -- that is really up to the Planning Board to
17 weigh in on. We do appreciate your comments.

18 MR. HERSHBERG: I have talked to Mr. Dooley ca
19 number of times during the project. I was aware of that.
20 The 25 feet actually comes to a clear spot in here where
21 none of those major trees have to be cleared. It doesn't
22 mean some brush won't be cleared. Those 168 major trees -
23 those that are staying will not be impacted by the fence.
24 Whether or not we can plant some other infill, certainly
25 we can consider that between now and final.

1 CHAIRMAN STUTO: Thank you.

2 We will turn it over to the Board.

3 MR. HEIDER: I have one question for Mr.
4 Dooley. Do you like the fence or do you like the wall?
5 You sort of like the fence, but then you talk about
6 looking like a wall.

7 MR. DOOLEY: I don't really care for it because
8 I liked are green space before.

9 MR. HEIDER: So, you probably wouldn't like an
10 8 foot fence either.

11 MR. DOOLEY: No, I wouldn't. I think the 6 foot
12 is fine. I would just like some greenery instead of
13 looking at a white fence.

14 MR. HEIDER: The only other comment I have --
15 the service bay entrance - coming off of Route 9, that
16 doesn't give a whole lot of the area for a person who
17 makes a mistake and makes the turn in there thinking that
18 is your main entrance. I know that is a great commonplace
19 now for service bays so that you can pull right in, but to
20 have it right off of Route 9 like that - there is not a
21 whole lot of room. I can just see somebody rolling past
22 the main entrance, seeing that entrance and trying to make
23 a U-turn and there in the middle of a Monday morning.

24 MR. FININ: There is stacking for about 19
25 cars. There are three lanes here.

1 MR. HERSHBERG: I think the Chief's concern was
2 if somebody is driving -- until they see a service sign
3 right here -

4 MR. FININ: That's one of the reasons that we
5 have this parking area which might act as a T-turn, if
6 somebody does make a mistake. There is an option for a
7 technician to meet them and drive them through the
8 building and around. That was also discussed. That's why
9 on the second design of these three service bays we had an
10 outlet for the oops.

11 MR. CAPONERA: We also reduced a curb cut. When
12 we first came in back in February we had four curb cuts.
13 The fourth one was right here (Indicating). Again, I
14 don't memorize the minutes of the meeting, but I do
15 believe that it was a suggestion that we cut that down to
16 three. So, we eliminated this curb cut.

17 MR. HEIDER: I'm sure that they know -- many
18 people do they service during one day? What's the maximum
19 number in the morning that have appointments? I guess
20 that would answer my question.

21 MR. FININ: Early in the morning probably 15 to
22 20. If they pull in and make a mistake, they go around.

23 MR. HERSHBERG: It's actually where you come
24 through the building and out the back.

25 MR. HEIDER: How many cards are stacked inside

1 the service bay?

2 MR. FININ: Like I said, there are three bays.
3 So, there are 24 cars inside stacked bumper-to-bumper.

4 MR. HERSHBERG: Which probably means closer to
5 16 to 18 because people won't pull up exactly. Even though
6 you tell them to pull up, they won't.

7 CHAIRMAN STUTO: Joe Grasso, do you have an
8 opinion on the comments that were just made? It seems like
9 a valid point. I don't know if it is adequately addressed
10 or not. I'm not sure what the alternative is.

11 MR. GRASSO: I think understanding what they
12 are looking to develop on the site, I think in order to
13 have a continuous drive lane across the front, you would
14 have to push this building and probably push it back 40
15 feet or so. I think as long as it is appropriately signed
16 -- both entrances are appropriately signed, people learn
17 to know which entrances are which. Obviously, if they make
18 the wrong turn they are going to have to go back out to
19 Route 9. We obviously hope that doesn't happen. It is not
20 the safest place to be - having to make those movements.
21 There is going to be a lot of traffic coming out of those
22 curb cuts onto route nine anyway. I think to have
23 reasonable accommodations and I don't recommend pushing
24 the building back so far to have that drive lane across
25 the front. I think that is inconsistent with what we have

1 tried to establish along the façade of this building
2 starting with the Audi dealership.

3 CHAIRMAN STUTO: What about pushing it over so
4 you could get around the side? I have to ask the
5 question.

6 MR. FININ: The issue with that is the actual
7 construction of it. We take 10 feet between the existing
8 building for this purposely so that we can continue the
9 Toyota operation and build the new facility before we
10 demolish the existing facility.

11 MR. HERSHBERG: Even if we do have the three
12 service lanes - even if we accommodate one service lane
13 with the method of not going through the building, if
14 somebody makes a mistake and they didn't mean to go to
15 service and they wait in there, they will be escorted
16 through the building to go around it. That's the best that
17 we can do. You realize that the great majority of people
18 come for service are repeat customers coming back for
19 their 5,000 mile and stuff like that.

20 MR. GRASSO: Which you consider having at one
21 way and only.

22 MR. HERSHBERG: I think this is one way in.

23 MR. FININ: There is some customer parking.

24 MR. HERSHBERG: But we don't want someone
25 coming out that way. We want them to go through the

1 building.

2 MR. GRASSO: I think right now it is
3 unrestricted. Is that something you would consider that
4 would address the concern if you restricted it to one way
5 in only?

6 MR. HERSHBERG: I don't think that creates a
7 problem for the service bays.

8 MR. GRASSO: I guess you have to understand
9 the operational concerns that the Planning Board has
10 regarding cars having to pull back out onto Route 9 or do
11 a T-turnaround.

12 MR. HERSHBERG: Yes.

13 MR. MION: I have a question for you, just like
14 I did for Audi. Where are you going to unload your
15 vehicles?

16 MR. FININ: The center aisle is a 30 foot wide
17 aisle. The circulation for Audi was that we made this the
18 main traffic aisle. So, a tractor-trailer would come in,
19 drop it off and then exit.

20 Similarly, they probably will use this main
21 area and then circulate back around.

22 MR. MION: Could we have that identified on the
23 plan?

24 MR. HERSHBERG: Yes.

25 MR. GRASSO: Joe, you and I had discussed

1 before the meeting the pavement - the new pavement near
2 Route 9. It is obviously the same distance as the Audi. I
3 have heard some complaints from other Board Members and a
4 member of the public that Audi is just too close to Route
5 9. In some ways it is a subjective opinion, but do you
6 think the pavement is too close to Route 9?

7 MR. GRASSO: No. I think you asked me that
8 question last time, too. I said that I didn't. I said once
9 the landscaping is done and fills in there, I think it is
10 going to seem appropriate.

11 I like the fact that the pavement doesn't
12 encroach closer to the road than the front of the
13 building. Obviously, this one does a little bit. As long
14 as you appropriately landscape it across the front -- you
15 have some really nice honey locust along that southern
16 section. Make sure that you continue that theme all the
17 way to the North. You can probably get four-inch caliper
18 trees. As long as it is appropriately landscaped I think
19 that the setback is appropriate.

20 CHAIRMAN STUTO: We have been asking this from
21 all the auto dealerships. I can't remember if we asked it
22 from Audi or not. Is there a physical barrier to prevent
23 them from -- it looks like there is landscaping there --
24 to prevent them from parking beyond the pavement to show
25 off cars? I don't know if the applicant can address that.

1 MR. HERSHBERG: From this area here
2 (Indicating) we actually have a small berm that is a
3 landscaped berm and there. I don't think they conceivably
4 would park cars there. This line of cars is for parking so
5 they would really have to be anxious to park on their own
6 landscaping. On some parcels we invited it by putting
7 sodded areas out there which are very easy to drive over.

8 MR. GRASSO: But Dan, in terms of the building
9 design, there is a plaza area across the front that you
10 already have inventory, right?

11 MR. HERSHBERG: This plaza area right here
12 (Indicating) is for the display cars. They are they are
13 shown on the plan.

14 MR. GRASSO: They actually project out in
15 front.

16 MR. HERSHBERG: We have a 10-foot wide pad that
17 is adjacent to the building. Maybe they won't have to get
18 their cars closer to Route 9.

19 CHAIRMAN STUTO: And you just take a close look
20 at that, Joe - in terms of if a barrier is going to be
21 effective or not. Thank you for addressing that.

22 Other than that, I don't have any other
23 questions.

24 The question before the Board is concept
25 acceptance. Do we have a motion.

1 MR. AUSTIN: I will make a motion.

2 MR. MION: Second.

3 CHAIRMAN STUTO: We are assuming that the
4 applicant heard all the comments and suggestions and all
5 the things that we have to follow up on.

6 Any other comments or questions from the Board?

7 (There was no response.)

8 All those in favor of the motion, say aye.

9 (Ayes were recited.)

10 All those opposed, say nay.

11 (There were none opposed.)

12 Thank you.

13 MR. HERSHBERG: Thank you.

14

15 (Whereas the above entitled proceeding was
16 concluded at 8:26 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 _____

