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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

O'REILLY'S AUTO PARTS
1390 CENTRAL AVENUE
BOARD UPDATE

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter Commencing
on August 22, 2017 at 7:06 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:

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

ALSO PRESENT:

- Michael C. Magguilli, Esq. Town Attorney's Office
- Michael Tengeler, PEDD
- Peter Puskuldjian, Casco Architects & Engineers
- David Erikson, O'Reilly's Auto Parts

1 CHAIRMAN STUTO: Welcome to the Town of Colonie
2 Planning Board.

3 Mike Tengeler is here for Joe LaCivita -
4 filling in for the Planning Department.

5 Do you have any news matters or preliminary
6 matters before we continue?

7 MR. TENGELER: Nothing tonight, Pete.

8 CHAIRMAN STUTO: Mike Magguilli is sitting in
9 for Kathleen Marinelli, our attorney for the Board.
10 We will start right with the agenda.

11 The first item on the agenda is O'Reilly's Auto
12 Parts, 1390 Central Avenue, board update, hours of
13 operation, delivery time review.

14 MR. TENGELER: I like to make some remarks
15 really quick.

16 The Board will remember that we have two
17 O'Reilly projects that are currently before the Board.
18 This is a minor O'Reilly project. It is a more or less
19 change in tenant over at 1390 Central Avenue. If you
20 remember, they were here about a month or two ago to
21 memorialize some old work that was done with the pavement
22 in the rear yard. If you recall, the Board was favorable
23 about granting the waiver.

24 The Planning Director Joe LaCivita had some
25 questions about the delivery trucks and how the planned

1 deliveries were going to occur. So, we decided at that
2 time to table the action and come back and just describe
3 the delivery process a little bit better for the Board to
4 make their final decision.

5 It is an internal project that is being
6 reviewed administratively with the tenant change in use
7 criteria. So, without further ado we will turn it over to
8 Peter and David representing O'Reilly.

9 MR. PUSKULDJIAN: Good evening. My name is
10 Peter and I was here last time to testify about the
11 proposed improvements for the O'Reilly store.

12 We pretty much satisfied all your questions
13 except for deliveries.

14 With me tonight is David Erickson from
15 O'Reilly's to answer all your questions about deliveries
16 and hopefully satisfy your concerns.

17 MR. ERIKSON: Good evening. You had a question
18 regarding deliveries - the night deliveries.

19 As I understand, the night delivery will be
20 around 12 o'clock to 1:30. It will be done by a semi
21 trailer.

22 Were there any other questions regarding
23 deliveries?

24 MR. TENGELER: There was some discussion as to
25 where the deliveries will take place. I think I know that

1 answer, but I will have you just go on the record for the
2 Board.

3 MR. ERIKSON: The deliveries will be on the
4 side of the building. The vehicle will back in from the
5 road.

6 CHAIRMAN STUTO: Do you want to show us as you
7 go?

8 MR. ERIKSON: Sure. The vehicle will back up
9 from the road right here (Indicating). It delivers right
10 here. Once it is done - once all the product is unloaded,
11 it would actually exit out back to the Northway. This
12 vehicle does not idle. O'Reilly vehicles do not idle when
13 the driver is not in the truck. It is against company
14 policy.

15 MR. TENGELER: Is it anticipated that when the
16 driver pulls up - will they wait or basically pull up and
17 they are ready to go?

18 MR. ERIKSON: Can you explain what you mean?

19 MR. TENGELER: So, the driver backs into the
20 site and into the loading area. Does he start unloading
21 right away? Does he have to wait for someone?

22 MR. ERIKSON: No, he has a key to the building
23 and he will actually leave the truck and do deliveries
24 immediately. They are typically in and out of there within
25 a 15 or 20 minute time span. It is usually two to 2 1/2

1 pallets a day. That is going to be Monday night through
2 Friday night. So, no deliveries on the weekends.

3 CHAIRMAN STUTO: Were there members of the
4 public they wanted to be heard on this?

5 (There was no response.)

6 Do you recommend any conditions be put -- so,
7 we have to vote on the Land Use Law design standard
8 waivers.

9 MR. TENGELER: Correct, that is right.

10 CHAIRMAN STUTO: Do you recommend any
11 conditions be put on this?

12 MR. TENGELER: I think that they just put on
13 the record that they do not idle when there is no driver
14 in the vehicle. We could go a step further and require
15 that the signage be put on the building in case they have
16 a new driver or something like that. That is not out of
17 line with what the Planning Board has asked for with other
18 projects. I like it that it is part of their policy and
19 that it is a quick in and out and they don't have to wait
20 for anyone. It seems like it is a pretty organized ship
21 they run.

22 MS. DALTON: Michael, in the summary and
23 recommendations there is a note here about the landscaping
24 in the rear. So, is that automatically a part of what we
25 are recommending, or should we put it on the record here

1 tonight?

2 MR. TENGELER: We should definitely discuss it.
3 If it is a preference by the Board, definitely memorialize
4 it on the record. They are proposing to get rid of some of
5 the scrub brush that is back there and put in new
6 landscaping that will grow and be an effective buffer. If
7 the Board would like to add some landscaping, I don't
8 think that's out of line. I don't think O'Reilly will have
9 a problem with that. If it is done correctly and
10 staggered, it could be an effective buffer. It would make
11 the buffer that they are proposing a little bit more
12 hefty. I think that's totally reasonable.

13 CHAIRMAN STUTO: Kathy, what document are you
14 looking at?

15 MS. DALTON: I'm looking at the summary
16 recommendations. Under Board update there is a suggestion
17 that they stagger evergreens. I would like to go on the
18 record with that.

19 MR. ERIKSON: O'Reillys would have no objection
20 to that.

21 MS. DALTON: That would be great. That way it
22 is part of the approval.

23 MR. TENGELER: Sure.

24 CHAIRMAN STUTO: Any other comments from the
25 Board Members?

1 MR. MION: I would like to ask -- not so much
2 concerning this. Mr. Erickson, are you responsible for the
3 other property?

4 MR. ERIKSON: I am responsible for the other
5 property.

6 MR. MION: Are you aware that the grass is
7 three feet high and that they are selling used cars out of
8 the driveway?

9 MR. ERIKSON: I am aware that the grass is
10 three feet high. Could you repeat what you mentioned about
11 the cars?

12 MR. MION: There are numerous cars in the
13 driveway with for-sale signs on them.

14 MR. ERIKSON: I will definitely take care of
15 that portion immediately. It is not something that
16 O'Reilly would want.

17 As for the grass being three feet high, I do
18 apologize for that. As of this morning we did hire a
19 landscaper that would take that job on. That will be
20 rectified within this week. Actually, I can't say that. It
21 probably will be done by next Wednesday. That will be
22 taken care of.

23 MR. MION: Thank you, sir.

24 MR. ERIKSON: Thank you.

25 CHAIRMAN STUTO: Any other comments from the

1 Board?

2 (There was no response.)

3 Onto the waivers Resolution. Do you want to
4 read the title and the resolves and we will ask the
5 stenographer to put that in the record. We will then
6 condition it upon the other conditions.

7 MR. TENGELER: Planning Board findings: Land
8 Use Law design standard waivers for 1390 Central Avenue,
9 O'Reilly Auto Parts.

10 Now therefore be it resolved the Board hereby
11 recognizes the improvements proposed to the site will not
12 overload municipal sewer, water or school districts.

13 Be it further resolved that the Board hereby
14 recognizes that the granting of the above referenced
15 waiver does not hinder the Town's objectives to protect
16 its important natural resources to serve farmland, create
17 recreational wildlife trail corridor, and the preservation
18 of historic resources are protected view sheds for scenic
19 roadways.

20 Be it further resolved that the Board hereby
21 finds the waiver request a reasonable to allow the further
22 development of the site and grants the waiver request to
23 allow for a 26 foot, one inch rear pavement setback at its
24 closest point.

25 And be it further resolved this waiver findings

1 be kept in the project file in the Office of the Planning
2 and Economic development Department.

3 There is a place for the Chairman to sign and
4 date.

5 CHAIRMAN STUTO: Suggested conditions upon this
6 approval -- the last sentence of the PEDD summary
7 recommendation states: PEDD also recommends that the
8 Planning Board conditions the waiver on the applicant
9 making the improvements outlined by the Planning Board at
10 the August 22, 2017 meeting including the above listed
11 comments regarding mitigation of delivery operations which
12 includes the landscaping that Kathy brought out in the
13 discussion. I think we would also like to have a no idling
14 condition and a sign that says vehicles may not idle.

15 Do we have a motion to that effect.

16 MR. AUSTIN: I will make that motion.

17 MR. MION: Second.

18 CHAIRMAN STUTO: Any discussion?

19 (There was no response.)

20 All those in favor, say aye.

21 (Ayes were recited.)

22 All those opposed, say nay.

23 (There were none opposed.)

24 The ayes have it.

25 Thank you.

1 MR. ERIKSON: Thank you.

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3 (Whereas the above entitled proceeding was concluded
4 at 7:11 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 _____

