

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 NORTHWAY TOYOTA
737 LOUDON ROAD
5 APPLICATION FOR SEQR DETERMINATION
DESIGN CODEWAIVERS & FINAL REVIEW

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
8 on January 23, 2018 at 7:00 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

9

10 BOARD MEMBERS:
PETER STUTO, CHAIRMAN
KATHLEEN DALTON
11 BRIAN AUSTIN
LOU MION
12 CRAIG SHAMLIAN
STEVEN HEIDER
13 SUSAN MILSTEIN

14

15 ALSO PRESENT:

16 Joseph LaCivita, Director, Planning and Economic
Development Department
17 Kathleen Marinelli, Esq. Counsel to the Planning
Board
18 Victor Caponera, Esq.
Daniel Hershberg, PE, Hershberg and Hershberg
19 Joseph Romano, PE, CHA
Tim Dooley

20

21

22

23

24

25

1 CHAIRMAN STUTO: Any preliminary comments, Joe,
2 before we start calling the agenda?

3 MR. LACIVITA: Nothing at this point, Peter.

4 CHAIRMAN STUTO: The first item on the agenda
5 is Northway Toyota, 737 Loudon Road, application for
6 environmental SEQR determination, design code waivers
7 and final review.

8 MR. CAPONERA: As the Board recalls, we have
9 had several appearances in front of this Board. Back in
10 February we came in front of the Board and we made an
11 application to build our new Toyota store that you are
12 looking at tonight.

13 As everyone recalls, this project has been an
14 ongoing project for a few years.

15 As you know, we recently have had our grand
16 opening for the new Audi building over here to the
17 south (Indicating).

18 Since that time and as part of the whole
19 overall project, I have merged this entire parcel. It
20 is now nearly 11 acres. It took a process because
21 there are lands in the back that we acquired. We
22 acquired also the former Friendly building.

23 As Mr. Chairman recalls there was a question
24 raised about a year ago why that wasn't merged. I said
25 it was a funny story. When they built the Friendly's,

1 they built it on top of the gas station and guess what
2 they never did? They never took out the tanks.

3 Regardless, when we came in front of the
4 Board in February, the Board asked us to go back and
5 make some modifications. There were some neighbors who
6 came and these neighbors are neighbors who live along
7 Old Loudon Road.

8 Some of the big questions were: What are you
9 going to do with this piece here (Indicating)? This
10 piece is the piece that leads to Old Loudon Road. The
11 answer is nothing.

12 There were some concerns about whether or not
13 that was going to go through and was going to be used.
14 The answer is no. It is going to stay that way.

15 There were also questions raised about the
16 trees in the rear. Mr. Hershberg and his crew marked
17 all of the trees which were over six inches and
18 color-coded them.

19 We met with the neighbors out there on a cold
20 April day. They asked us to move the fence back off
21 off their property line, which we have done in our
22 proposal.

23 Mr. Lynch asked me to meet with his parents
24 and we actually acquired some of the Lynch's property.
25 He asked us to adhere to the setback on the fencing

1 and add some more green space.

2 The Board asked us to move the building back
3 a little further - further back than the Audi building
4 is located. So, we did. In fact, I think the number is
5 27 feet from the property line and approximately 39
6 from the curb line.

7 MR. HERSHBERG: No. It is 27 from the overhang
8 and 39 to the base of the building.

9 MR. CAPONERA: So, it has been moved back
10 further, as was requested. We didn't move it back any
11 closer to the neighborhood. That was in February.

12 We came back and got concept approval on
13 8/8/17.

14 I don't know if any of the neighbors are here
15 tonight.

16 Is everything I have said so far accurate?

17 MR. DOOLEY: Yes, it is.

18 MR. CAPONERA: We try to accommodate the
19 neighbors.

20 They spoke on the 8th of August when we were
21 here - favorable to what we had changed. The Board
22 also felt the same way.

23 We then engineered it and Clough Harbor has
24 looked at it and we are here tonight for your
25 consideration for SEQR, a couple waivers and hopefully

1 final approval.

2 I did bring Mr. Hershberg in case the Board
3 had any questions.

4 CHAIRMAN STUTO: How is Mr. Hershberg shoulder
5 doing?

6 MR. CAPONERA: Well, he doesn't have a sling
7 on. That's a good thing.

8 MR. HERSHBERG: I went to an orthopedist and
9 they told me I didn't have to wear a sling anymore.
10 Actually, the doctor said wear it for another four weeks.
11 I said no, it gets in the way of everything. I just
12 can't pinch-hit.

13 CHAIRMAN STUTO: We may have some questions.

14 This has been reviewed by our Town Designated
15 Engineer, CHA.

16 Joe, could you give us your comments?

17 MR. ROMANO: Sure. I think the applicant has
18 covered many of the issues that arose during concept
19 regarding buffering and the existing trees, the
20 installation of the six foot high fence and in addition,
21 the storm water management drainage was a concern.

22 We have gone through a number of reviews and
23 the Board in their packet has a letter dated December
24 18, 2017. Since we have issued that letter, the
25 applicant has responded to our technical comments in

1 that letter. They have been addressed.

2 There are two items in that letter for the
3 Board to be aware of.

4 Comment number one, as stated in the Planning
5 and Economic Development review letter, incentive
6 zoning will apply to the proposed 32.7% green space in
7 the COR district in the amount of \$105,666.

8 As was mentioned, the applicant is requesting
9 the following waivers from the COR design standards;
10 that the building exceeds the 25 foot minor road
11 maximum front yard setback from Loudon Road and the
12 interior green space requirements for the parking
13 area.

14 All of the other technical comments
15 associated with that December 18th letter have been
16 addressed.

17 CHAIRMAN STUTO: Would you mind showing us the
18 elevations and maybe somebody could describe it?

19 MR. CAPONERA: This is the proposed new
20 building (Indicating). As you know, we are tearing down
21 an existing Northway Toyota building. The Toyota
22 building is coming down, as is the old Friendly's
23 building. The difference is a few thousand square feet.

24 For the most part, it is almost the same -
25 between the two buildings on this (Indicating). This

1 is what it's going to look like. We think that it will
2 match up nicely with the existing Audi building that
3 we just finished.

4 CHAIRMAN STUTO: We will open it up to the
5 Board. We have seen this several times and it has been
6 noticed several times with the neighbors.

7 Did the neighbor in the back want to speak on
8 this?

9 MR. DOOLEY: My name is Tim Dooley and I live
10 at 104 Old Loudon Road.

11 I just want to thank the team here for
12 working with the neighbors. I am representing several
13 neighbors here tonight that can't make it. They are in
14 their late 80's and 90's. I just want to thank you
15 guys for saving the trees behind the properties and
16 the drainage concerns.

17 We do have some concerns about the demolition
18 of the existing Friendly's and the old Toyota
19 building.

20 The Toyota building - I had different
21 accounts from neighbors when it was built back in the
22 60's. I am worried about the asbestos insulation in
23 the building and also asbestos adhesive that is on the
24 floor tiles. I have been told they used back then in
25 the windows -- I don't know what the windows are like,

1 but they used some kind of putty that contained
2 asbestos.

3 We want assurances that they are going to do
4 an asbestos survey before they tear the building down.

5 CHAIRMAN STUTO: Okay. Is that your only
6 question?

7 MR. DOOLAY: No, that's just one of them.

8 The next one is dust control. When they tear
9 the buildings down, we don't want all that dust coming
10 into our properties. When they put in the parking lot,
11 they brought in a lot of crusher run - DOT stone. I
12 can't remember how many dump trucks were in there, but
13 a strong wind came up and blew it all into our yards -
14 all that cement dust. I had a coating on my pool and
15 it took me a while to get it off. We are just worried
16 about the dust.

17 The other thing is noise. I know they
18 mentioned in their thing that they are going to be
19 courteous to the neighbors. We really don't want
20 anybody in there with big equipment at 6:30 in the
21 morning on a Saturday waking all of our elderly people
22 up, and even me.

23 Light pollution - the lights that they had
24 installed in the Audi project - they said they were
25 going to come in and put these little shields on. They

1 have not been installed yet. The neighbors that are
2 down at that end in back of the Toyota project - they
3 are concerned about the same thing. Some of them have
4 been down in my yard at night. It is shining into the
5 back of our properties.

6 CHAIRMAN STUTO: We will give the applicant a
7 chance to respond to those issues.

8 MR. LACIVITA: I can respond to the first one
9 about the demolition process and the asbestos survey.

10 Before they pull a demolition permit, there
11 is a checklist of items they have to go through. One
12 is the survey and one is the practice that has to be -
13 it has to be submitted to the Building Department.
14 They have to work with Latham water, Pure Waters,
15 National Grid and everything.

16 As far as the asbestos survey, there will be
17 one on file with it. We will know all the readings and
18 what they are - what the percentages are before
19 anything is done. So, we will make sure there is a
20 practice in place to do that, as well.

21 MR. HERSHBERG: I would point out that the type
22 of asbestos in here is not the type of material that is
23 loose. Adhesives and putty and some roof adhesives that
24 holds down the tiled roof -- those are the kind of
25 adhesives that are on the site. They do have to be

1 treated as asbestos, but they are much easier to treat.
2 They don't get airborne.

3 The question about the lighting: We
4 definitely will have directional lighting. We are
5 using LED lighting on the site. I might point out that
6 on the other project - the Audi project - it was a
7 different arrangement. This general manager and
8 contractor on the project are going to be in charge of
9 everything. There were some subs on the other project
10 that did some of the things that Mr. Dooley complained
11 about. That will not happen under BBL's control.
12 People will not be out there warming up their engines
13 at 6:30 in the morning and will adhere to the Town's
14 requirements regarding the noise.

15 I think we did as good a job as we could with
16 the vegetation. We saved all the trees that we could.
17 We originally had graded more of the site to put a
18 swale in there. We pulled that swale back. We are not
19 using much of the site for stormwater issues.
20 Stormwater was an issue and we went back and forth
21 with this SWPPP.

22 There were probably four iterations of the
23 SWPPP to get it where everybody was comfortable with
24 it. The problem is we also have to maintain a level of
25 water in the wetland. We don't want to drain and then

1 the wetland dries up. We have to maintain the wetland
2 level while we handle the drainage from the site. We
3 came up with a solution that does that quite well.

4 The other issue regarding dust: Certainly
5 that is a consideration has to be taking care of
6 during demolition.

7 The gentleman is correct. Crusher run does
8 have stone dust and it can get dusty. It can be
9 watered to be relatively dust free from the amount of
10 dust that escapes.

11 CHAIRMAN STUTO: Thank you.

12 Do you have any further questions?

13 MR. DOOLEY: Yes, just one more.

14 I know we talked about the wetlands before.
15 There is a small body of water there that people were
16 concerned about for the wildlife. That's where they
17 get their water during the summer and that type of
18 thing. Is that going to still be preserved - that
19 area?

20 MR. HERSHBERG: Yes, the small water body is
21 over here (Indicating). That is retained in our plan.
22 We didn't go back that far. The water sheets across the
23 site and goes that way. We piped a portion of it across
24 the site. It's like an open ditch back there. We piped a
25 large portion of it. An open ditch did give the Town and

1 the residents some problems because a lot of debris was
2 put into it and it plugged up. By piping it, we saved
3 some of the concern regarding debris going into an open
4 ditch.

5 MR. DOOLEY: Thank you.

6 CHAIRMAN STUTO: Thank you.

7 Okay, we will open it up to the Board. I
8 think I may have one or two questions.

9 Kathy?

10 MS. DALTON: Nice job.

11 MR. MION: Dan, where are we going to bring our
12 truck in to unload the vehicles?

13 MR. HERSHBERG: We have an island here
14 (Indicating) and we checked the turning radius. The
15 truck can come in, drop cars off and all the turning
16 radius work. I think we have a plan with the turning
17 radius, but it's not one that I posted right here.

18 MR. MION: So, provisions have been made to
19 drop off on the property.

20 MR. HERSHBERG: They will be dropped off on the
21 site. No drop offs will occur on Loudon Road.

22 MR. MION: Thank you, sir.

23 MR. HERSHBERG: I don't want a neighbor to come
24 by and take a picture of a truck unloading in the middle
25 of Loudon Road. We are telling you that Northway Toyota

1 will unload all trucks within their site.

2 CHAIRMAN STUTO: Brian?

3 MR. AUSTIN: Nothing.

4 CHAIRMAN STUTO: Susan?

5 MS. MILSTEIN: Would it be possible to correct
6 that lighting issue that's on the Audi project?

7 MR. HERSHBERG: Again, I wasn't aware. What
8 they are called are shields. There is an outside shield
9 that you put on it to direct the light down. I thought
10 those were already done. If they're not, they should be
11 done.

12 The lights that we are using are similar
13 designs. They do have the shield. We call for the
14 shields on every installation that will direct the
15 light. We did a photometric analysis and photometrics
16 do not spread any light beyond the edge of the
17 pavement going back towards the Old Loudon Road
18 properties.

19 MS. MILSTEIN: So, is that a yes?

20 MR. HERSHBERG: Yes.

21 CHAIRMAN STUTO: Craig?

22 MR. SHAMLIAN: Susan asked my question.

23 CHAIRMAN STUTO: Chief?

24 MR. HEIDER: The signage at that maintenance
25 entrance - I have a concern that people will be coming

1 from the north and thinking that is the main entrance
2 into the place. The main entrance is 300 feet down or
3 so. There still isn't a whole lot of turning movement.
4 I can see that place at 7 o'clock in the morning. It's
5 just a concern.

6 MR. HERSHBERG: We did add a bypass lane. So,
7 if somebody didn't want to be there, they could
8 theoretically go here and in this direction
9 (Indicating).

10 Before, we had circulated all the vehicles to
11 the building to the service lanes so, we did add that
12 bypass lane. You can't really bypass the building, but
13 if somebody really didn't want to go to the service
14 lane they could open a door and let them go out the
15 back. A lot depends upon people knowing where they are
16 going for maintenance.

17 MR. HEIDER: That's what concerns me. Is there
18 going to be clear signs on the front saying that is the
19 maintenance entrance only?

20 MR. HERSHBERG: Yes.

21 MR. CAPONERA: Service reception express
22 service.

23 MR. HERSHBERG: Those are large signs on the
24 building. I think what the Chief is talking about the
25 one upfront to say - if someone would be looking when

1 they're turning in and it would say maintenance
2 entrance. We can add a sign that says service only. We
3 don't have it shown on the plan now, but we can
4 certainly do that.

5 CHAIRMAN STUTO: Any other questions?

6 (There was no response.)

7 My questions have been answered and we have
8 seen this project several times before.

9 Joe, can you guide us through the
10 environmental review?

11 MR. ROMANO: Sure. As part of the Board's
12 packet, we had reviewed the short assessment form
13 provided by the applicant. There was a part two that
14 was prepared.

15 Based on our review, there is no anticipated
16 significant environmental impacts. The requested
17 approval is an unlisted SEQR action and recommend
18 based on the attached EAF that the Board determine
19 that the action will not have a significant effect on
20 the environment.

21 CHAIRMAN STUTO: Any comments or questions on
22 that?

23 (There was no response.)

24 Do we have a vote on that negative
25 declaration recommendation?

1 MS. DALTON: I will make that motion.

2 CHAIRMAN STUTO: Do we have a second?

3 MR. AUSTIN: Second.

4 CHAIRMAN STUTO: Any discussion?

5 (There was no response.)

6 All those in favor, say aye.

7 (Ayes were recited.)

8 All those opposed, say nay.

9 (There were none opposed.)

10 The ayes have it.

11 The waivers - we have two waivers. To have a
12 Waiver Resolution?

13 MR. ROMANO: Yes, in the Board's packet there
14 is a Draft Waiver Resolution.

15 CHAIRMAN STUTO: I will ask the stenographer to
16 put that entire Resolution into the record.

17 Can you be the title and then now therefore
18 be it?

19 MR. ROMANO: Resolution, Northway Toyota, 737
20 Loudon Road, Land Use Law waiver findings. Now therefore
21 be it resolved that the Board hereby finds that the
22 extent of the requested waivers is not considered
23 substantial; and be it further resolved that the Board
24 finds the applicant has established that there are no
25 practical alternatives to the proposed waivers that

1 would conform to the standard and that the waivers are
2 necessary in order to secure reasonable development of
3 the proposed site; and be it further resolved that the
4 Board hereby issues a waiver to allow the building
5 setback to be greater than the 20 foot maximum; and be
6 it further resolved that the Board hereby issues a
7 waiver from the interior parking area green space
8 requirement; and be it further resolved that these
9 waiver findings be a condition of site plan approval of
10 the application and be kept in the project file in the
11 office of the Planning and Economic Development
12 Department.

13 CHAIRMAN STUTO: Do have any questions from the
14 Board on that?

15 (There was no response.)

16 Do we have a motion on that Resolution?

17 MR. MION: I will make a motion.

18 CHAIRMAN STUTO: Second?

19 MS. DALTON: I will second

20 CHAIRMAN STUTO: Discussion?

21 (There was no response.)

22 All those in favor, say aye.

23 (Ayes were recited.)

24 All those opposed, say nay.

25 (There were none opposed.)

1 The ayes have it.

2 The main Resolution before the Board, which
3 is final site plan review contingent upon all Town
4 comments, Board comments and comments in the Town
5 Designated Engineers letter; do we have a motion?

6 MR. MION: I'll make the motion.

7 MR. AUSTIN: Second.

8 CHAIRMAN STUTO: Discussion?

9 (There was no response.)

10 All those in favor, say aye.

11 (Ayes were recited.)

12 All those opposed, say nay.

13 (There were none opposed.)

14 The ayes have it. Thank you.

15 MR. HERSHBERG: Thank you.

16 MR. CAPONERA: Thank you.

17

18 (Whereas the above entitled proceeding was concluded
19 at 7:25 p.m.)

20

21

22

23

24

25

CERTIFICATION

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

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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

