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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

O'REILLY AUTO PARTS
1929 CENTRAL AVENUE
APPLICATION FOR SEQR DETERMINATION
DESIGN CODE WAIVERS AND FINAL REVIEW

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on January 23, 2018 at 8:46 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

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

ALSO PRESENT:

Joseph LaCivita, Director, Planning and Economic
Development Department
Kathleen Marinelli, Esq. Counsel to the Planning
Board
Charles Voss, PE, Barton and Loguidice
Robert Osterhoudt, PE, Bohler Engineering

1 CHAIRMAN STUTO: O'Reilly Auto Parts, 1929
2 Central Avenue, Application for SEQOR Determination,
3 Design code waivers and final review.

4 Joe LaCivita, do you have any introductory
5 remarks?

6 MR. LACIVITA: Just to get some dates on the
7 record.

8 This is a project that is in our COR zoning
9 district. It was before the DCC January 4, 2017. The
10 Planning Board had reviewed it for sketch March 21,
11 2017 and then gave it concept on May 9, 2017. It is in
12 the Lishakill GEIS area, so there will be mitigation
13 fees paid for that.

14 I don't think that you have those numbers
15 yet.

16 We will get those to the applicant upon the
17 end of this meeting.

18 I'll turn it over to Rob.

19 MR. OSTERHOUDT: I'm Rob Osterhoudt from Bohler
20 Engineering.

21 Thanks for the intro, Joe.

22 We've been working since that last Planning
23 Board meeting very closely with Town staff and the
24 various Town departments, the TDE and New York State
25 DOT and CDTA with this project. We've made a lot of

1 head-way. We have gone through several iterations of
2 the plans and responses to comments. I feel like we
3 are in pretty good shape with the project at this
4 time. We have addressed the majority of the comments
5 that we have received through those various
6 iterations.

7 A couple of items that I would like to talk
8 through and present to the Board as far as changes -
9 there are significant changes that we made to the
10 project.

11 Before I do flip this site plan, we have the
12 aerial exhibit here that identifies the site. Again,
13 we are 1929 Central Avenue. It's a relatively narrow
14 rectangular parcel here (Indicating). Central Avenue
15 is off to the left side of this sheet. West is up the
16 page and east is down the page. Again, we are
17 proposing to redevelop the site for the O'Reilly Auto
18 Parts.

19 Some of the bigger changes that have happened
20 since the last Planning Board meeting and all of the
21 coordination with the TDE and Town staff and
22 departments resulted in the building being slid a
23 little bit closer to Central Avenue. We reduced some
24 of the pavement widths that we have on the site. We've
25 got our stormwater area to the back of the site. We've

1 done soil testing with Town staff to document what the
2 existing soil conditions are out here and designed the
3 stormwater system accordingly. We've been through
4 several iterations of review with the stormwater staff
5 on the Town level and with the TDE. We've also
6 incorporated additional landscaping along the site and
7 landscaped islands here (Indicating).

8 The building had been improved based on
9 previous Planning Board feedback and one of the bigger
10 changes that you'll see here - and we had talked about
11 this at the last Planning Board meeting - there is a
12 CDTA bus turn-out from an old bus stop along our
13 frontage here.

14 At the last Planning Board meeting we talked
15 about keeping that bus turn-out - that pull-off for
16 the busses in place because it kind of acted as a
17 Segway and a turn lane into the site. We received
18 feedback from CDTA and from DOT that they would like
19 that bus turn-out eliminated and brought back so that
20 the curb line is consistent along Central Avenue. So,
21 that's one of the bigger changes that you'll see on
22 this site plan.

23 I know that the Board had expressed an
24 interest in us maintaining that right-in land, if you
25 will. DOT came back and wanted that removed.

1 CHAIRMAN STUTO: Is that in writing?

2 MR. OSTERHOUDT: It is.

3 CHAIRMAN STUTO: Do you have it to show us?

4 MR. OSTERHOUDT: It's actually in the Town staff
5 comments, as well.

6 CHAIRMAN STUTO: Can you guys help us? You know
7 that we have been fighting for those pullovers. Are you
8 guys fighting with us with DOT?

9 MR. SHAMLIAN: Is this one that's being used or
10 has this been abandoned one?

11 MR. LACIVITA: It's my understanding that it's
12 abandoned.

13 MR. OSTERHOUDT: That's what CDTA had
14 documented.

15 CHAIRMAN STUTO: They want to continue to block
16 traffic on Central Avenue; is that what they are saying?

17 MR. LACIVITA: It says here, April 24, 2017 -
18 last year CDTA removed the bus stop at this site to
19 improve pedestrian and transit user safety in concert
20 with the recommendations of 214 Route 5 Comprehensive
21 Pedestrian Safety Study.

22 CHAIRMAN STUTO: Can you cite that study again?

23 MR. LACIVITA: It says the 2014 New York State
24 Route 5 Comprehensive Pedestrian Safety Study.

25 CHAIRMAN STUTO: Can we get a presentation on

1 that? I'm serious about that.

2 MR. LACIVITA: Sure.

3 CHAIRMAN STUTO: Who would be the logical one
4 to do it?

5 MR. LACIVITA: I'm going to talk with CDTC, the
6 Capital District Transportation Committee and see if
7 they were involved with this study and I can get
8 somebody from that office -

9 CHAIRMAN STUTO: It sounded like it was a CDTA
10 study.

11 Do you know, Chief?

12 MR. HEIDER: I think that probably due to the
13 number of fatal accidents up there by pedestrians -- I
14 think that it's a DOT study. I don't think that it's
15 CDTA.

16 CHAIRMAN STUTO: Okay, instead we keep saying
17 that we want bus pullovers and they don't want them - is
18 the Board in agreement that we should get educated on
19 that?

20 MR. MION: Yes, we should.

21 CHAIRMAN STUTO: Thanks, Joe.

22 MR. OSTERHOUDT: This is a letter from New York
23 State DOT dated December 21st.

24 MR. MION: What was your logic for doing away
25 with them?

1 MR. OSTERHOUDT: I can't really address what
2 their logic was behind it. I can read the comment.

3 MR. MION: I think that it's a good idea to
4 leave it.

5 CHAIRMAN STUTO: They conceptually approve of
6 the removal of the existing bus pull-out. I don't see
7 any rationale for that.

8 MR. OSTERHOUDT: I can give you a little more
9 background on it.

10 CHAIRMAN STUTO: They say that they approve it
11 and it sounds like somebody applied for it. It sounds
12 like you asked for it and they said yes, we approve it.

13 MR. OSTERHOUDT: When we were before the Board
14 at the last meeting, we had that conversation. We kind
15 of took a straw poll of the Board and understood that
16 the Board preferred to maintain that bus turn-out.

17 We went to New York State DOT with the plan
18 showing the bus turn-out to remain, as the Board
19 suggested. They got back to us and said, CDTA is
20 recommending that the bus turn out be eliminated. So,
21 where is it that you are maintaining this curbed
22 island?

23 We went back to them and showed them the
24 minutes from the Planning Board meeting - the
25 document - and what the Town Planning Board's position

1 was. Then, that went through several iterations
2 between CDTA and New York State DOT and ultimately at
3 the end of the day, DOT issued this letter in December
4 that the bust turn-out needs to be removed. There was
5 a lot of back and forth. We didn't just roll over -

6 CHAIRMAN STUTO: It says we approve the
7 removal. It doesn't say that we mandate the removal. I
8 do appreciate your explanation.

9 Go ahead, Sue.

10 MS. MILSTEIN: I have a question. Is that
11 binding? Is it a recommendation? Is it a mandate?

12 MR. VOSS: Rob, I'm going to jump in. I have
13 CDTA's letter of April 24th. It provides a little more
14 insight maybe. It says: Last year CDTA removed the bus
15 stop at this site last year to improve pedestrian and
16 transit user safety in concert with the Route 5
17 Comprehensive Pedestrian Safety Study in the interest of
18 providing an even safer, friendlier, more accessible
19 pedestrian transit user environment.

20 CDTA recommends the following changes: The
21 first one was the removal of the bus pull-out,
22 re-establishing the sidewalk and curb lines. Then, it
23 talks about some ADA compliance. Clearly CDTA felt
24 that removing that would provide a little bit safer -

25 CHAIRMAN STUTO: It still doesn't provide a

1 rationale. It's just conclusory statements.

2 Thank you. We're going to have a minute here
3 and have a chat.

4 MR. OSTERHOUDT: Believe me, we went to them and
5 shared the minutes and thought what better information
6 can we give them to let them know what the Planning
7 Board's position was. At the end of the day, that letter
8 came back.

9 CHAIRMAN STUTO: Go ahead.

10 MR. OSTERHOUDT: Those are the highlights of the
11 changes that we made. The utilities are all here at the
12 site today.

13 We have worked through the utilities with
14 Pure Waters and Latham Water and with the stormwater
15 coordinator, so I believe that we are in good shape
16 from that perspective. We're here tonight to talk
17 through any further items that there may be.

18 CHAIRMAN STUTO: Thank you. We have seen the
19 project before and this has been reviewed by our Town
20 Designated Engineer. We appreciate your presentation.
21 Our TDE is Barton and Loguidice.

22 Chuck Voss can you give us your report?

23 MR. VOSS: Yes, Peter, thank you.

24 The Board in their packet dated November 30,
25 2017 has our third preliminary review letter and we've

1 also received a more recent submission from the
2 applicant.

3 At this time the project has really
4 substantially complied with all of our prior comments.

5 I would note that there are still the four
6 waivers that the Board is going to need to deal with.
7 Outside a couple of minor tweaks that the stormwater
8 management office has asked us to look at, in term of
9 their stormwater management system, we are
10 comfortable at this point to recommend a final
11 approval.

12 CHAIRMAN STUTO: Did the applicant go over the
13 waivers? Can you go over them quickly? We have them in
14 front of us. We just wanted to get them on the record.

15 MR. VOSS: There are four waivers being
16 requested for the project. Section 190.40-a, the minimum
17 front build-out of 80% is recommended to create near
18 continuous façade. That is that front build-out
19 requirement that the Board has seen quite often.

20 Section 190.40-a(1)(c) on a minor road - the
21 maximum setback shall be 20 feet. As Rob just
22 mentioned they are repositioning the building to come
23 closer to that. However, there is a utility easement
24 on that side of Central that kind of prevents them
25 from getting to that 20 feet clearly they can't get

1 too close to that.

2 Section 190.40-a(3)(a) off-street parking it
3 occurs at the rear of the building. The side of
4 building parking is also permitted. The applicants
5 have reduced a little bit of some of the parking in
6 the front as per the Board's requirements and reviews
7 and the bulk of the parking is now off to that west
8 side.

9 The last one, Section 190.47-k, the parking
10 shall be provided for the following uses - the retail.
11 They are providing 78 spaces. They are required to
12 have 78 spaces, but the applicant is proposing 64
13 spaces with four banked spaces at the rear simply
14 because we don't need the additional parking and it is
15 certainly reasonable at this time to not require them
16 if they are not needed at this time.

17 MR. OSTERHOUDT: One clarification on that -
18 and Chuck is absolutely right. Reading from the
19 materials, I do want to point out that the required
20 spaces are not 78. It is actually 80. Our building
21 square footage is 16,000 and change, so that requires 80
22 spaces and not the 78. That was something that carried
23 through on our original application narrative. The site
24 plan application has been updated for the square
25 footage, but the parking was not. I just wanted to

1 raise that so that it was clear.

2 CHAIRMAN STUTO: Thank you.

3 We will open it up to the Board.

4 MR. MION: I have a question for you. You're
5 going to enter the building from the side; correct?

6 MR. OSTERHOUDT: The main entry for the
7 building is going to be facing Central Avenue.

8 MR. MION: One thing that I would request is
9 you're going to have your air conditioning units on the
10 roof.

11 MR. OSTERHOUDT: Yes.

12 MR. MION: I'd like to see the façade all the
13 way around - all the way around - all four sides.

14 MR. OSTERHOUDT: Okay. When the architect was
15 here at the last meeting we had incorporated additional
16 cornis around the three sides of the building to help
17 with that. I think that was addressed by the architect
18 at the meeting. I think that we are in good shape with
19 the rooftop units.

20 MR. MION: Based on a building that you
21 designed we asked for the same thing and you didn't do
22 it. As a result, as you are going west you can see all
23 the equipment on top because you didn't put the façade
24 on the east side.

25 What I am requesting - I don't want to see

1 anything on top of that building when I'm coming from
2 the west or the east.

3 MR. OSTERHOUDT: I'll have to talk to the
4 architect about that, but I don't see any reason why
5 they can't incorporated that.

6 CHAIRMAN STUTO: That's Lou's frustration
7 because that's what you guys said last time. You're here
8 for final approval.

9 MR. OSTERHOUDT: We have no issue with that
10 being a condition of approval.

11 MR. MION: Last time we saw it and we voted on
12 the condition, you didn't do it and it slipped through.
13 I am frustrated with that. I want to make sure that it
14 gets done this time.

15 MR. OSTERHOUDT: I apologize for that. We are
16 not building architects. We are the site engineers. If
17 that's a condition of approval, we will certainly share
18 the with the clients. It's something that the Building
19 Department can enforce as well. As we reviewed the
20 plans, that can be reviewed - are Planning Staff could
21 coordinate with the Building Department on the future.

22 MR. MION: Thank you.

23 MR. OSTERHOUDT: Thank you and I apologize for
24 that.

25 CHAIRMAN STUTO: I want to make sure it's

1 locked in.

2 MR. LACIVITA: That is going to be locked in as
3 a condition of approval.

4 CHAIRMAN STUTO: Thank you.
5 Anything else?

6 (There was no response.)

7 Can you walk us through the environmental?

8 MR. VOSS: The Board should have in their
9 packets a secret recommendation from the Town Attorney's
10 office along with a SEQR short form, Part I, Part II and
11 three. I will just read the SEQR recommendation. This is
12 from Rebekah Nellis Kennedy, the Town Attorney.

13 The requested approval is an unlisted SEQR
14 action. We recommend, based on the attached EAF that
15 the Board determined that the action will not have a
16 significant effect on the environment. There is a SEQR
17 Resolution attached.

18 CHAIRMAN STUTO: Can you read the conclusion to
19 that? We'll also ask that the stenographer put the
20 entire resolution into the record

21 MR. VOSS: Sure. This is notice of
22 determination of no significant effect on the
23 environment. It is a negative declaration. In accordance
24 with Article 8, Section 617.6 of NYCRR part 617, this
25 notice is a negative declaration for the purposes of the

1 act. The lead agency is the Town of Colonie Planning
2 Board. The reasons for determination of non-significance
3 are as follows: The lead agency has reviewed the
4 application, site plan, product description and all
5 supporting documentation and conducted such further
6 investigation on the project and its environmental
7 effects as the lead agency has deemed appropriate.

8 Based on this view, the lead agency has
9 determined that the action will have no significant
10 effects on the environment. An Environmental Impact
11 Statement, therefore, will not be required.

12 CHAIRMAN STUTO: Do you have a discussion or
13 questions on that?

14 (There was no response.)

15 Do we have a motion?

16 MS. DALTON: I will make a 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 The Waiver Resolution - can you read the
2 title? We also will ask the stenographer put the
3 entire Resolution into the record.

4 MS. MARINELLI: Resolution for O'Reilly Auto
5 Parts, 1929 Central Avenue land-use law waiver findings.

6 Now therefore be it resolved that the Board
7 hereby finds that the extent of the requested
8 individual waivers is not considered substantial; and
9 be it further resolved that the Board finds that the
10 applicant has established that there are no practical
11 alternatives to the proposed waivers that would
12 conform to the standards and that the waivers are
13 necessary in order to secure reasonable, orderly and
14 safe development of the project site; and be further
15 resolved that the Board hereby issues a waiver from
16 the prohibition of parking within the front yard and a
17 maximum driveway aisle width; and the further resolved
18 that the Board hereby issues a waiver from the 80%
19 minimum frontage build-out be further resolved that
20 the Board hereby issues a waiver from the maximum
21 front building setback of 20 feet; and be it further
22 resolved that the Board hereby issues a waiver from
23 the minimum parking requirement to allow 78 on site
24 parking spaces; and be it further resolved that these
25 waiver findings be condition of site plan approval of

1 the application be kept in the project file in the
2 office of the Planning and Economic Development
3 Department.

4 CHAIRMAN STUTO: Any discussion on that?

5 MR. LACIVITA: One thing I'm going to make a
6 change on the waiver that you see before us is to waiver
7 number three. It's actually 80 spaces and not 78. So,
8 I'm just going to make a notation on the waiver.

9 MR. OSTERHOUDT: And 68 spaces provided, Joe,
10 verse 70.

11 MR. LACIVITA: Yes.

12 MR. OSTERHOUDT: Thank you.

13 CHAIRMAN STUTO: Do we have a motion?

14 MR. SHAMLIAN: I'll make a motion.

15 MR. AUSTIN: I will second.

16 CHAIRMAN STUTO: Any discussion?

17 (There was no response.)

18 All those in favor, say aye.

19 (Ayes. were recited.)

20 All those opposed, say nay.

21 (There were none opposed.)

22 The ayes have it.

23 Thank you.

24 The main question before the Board is for
25 final approval of the site plan subject to the

1 conditions enunciated in the record today, subject to
2 Town Designated Engineer's conditions subject to Town
3 Department conditions.

4 Do we have a motion?

5 MS. DALTON: I will make a motion.

6 MR. MION: Second.

7 CHAIRMAN STUTO: Any discussion?

8 (There was no response.)

9 All those in favor, say aye.

10 (Ayes. were recited.)

11 All those opposed, say nay.

12 (There were none opposed.)

13 The ayes have it.

14 Thank you.

15 MR. OSTERHOUDT: Thank you very much for your
16 time and effort. It has been a long road, but I think at
17 the end of the day it's going to be a great project for
18 the town. Thank you and have a great night.

19 CHAIRMAN STUTO: Thank you.

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21 (Whereas the above entitled proceeding was concluded
22 at 9:05 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.

Dated: _____

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

