

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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5 THE PROPOSED LIA TOYOTA 130 CAR PARKING EXPANSION
6 REVIEW AND ACTION ON FINAL PLANS LOCATED AT
7 2116 CENTRAL AVENUE
8 *****

9 THE TAPED AND TRANSCRIBED MINUTES of the above
10 entitled proceeding BY NANCY STRANG-VANDEBOGART
11 commencing on April 6, 2010 at 10:28 p.m. at the
12 Public Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

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15 BOARD MEMBERS:

- 16 CHARLES J. O'ROURKE, CHAIRMAN
- 17 MICHAEL SULLIVAN
- 18 ELENA VAIDA
- 19 TIMOTHY LANE
- 20 PETER GANNON
- 21 PAUL ROSANO
- 22 MICHAEL SULLIVAN
- 23 TOM NARDACCI
- 24 PETER STUTO, Jr. Esq., Attorney for the Planning
25 Board

Also present:

- 19 Joseph LaCivita, Director, Planning and Economic
20 Development
- 21 Joe Grasso, Clough Harbour & Associates, LLP
- 22 Dan Hershberg, Hershberg & Hershberg

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1 CHAIRMAN O'ROURKE: Last but not least,
2 Lia Toyota, 2116 Central Avenue; the parking
3 expansion - they're looking for a review and
4 action on final plan.

5 Joe?

6 MR. LACIVITA: I think that you said it
7 all right there, C.J. It's just a parking lot
8 expansion. I think that they're using some
9 great materials. It's been under Clough
10 Harbour TDE review. It's 130 spot parking lot
11 and we're ready to go for final on this.

12 CHAIRMAN O'ROURKE: Mr. Hershberg.

13 MR. HERSHBERG: Thank you, Mr. Chairman.
14 I might suggest that this will be the last
15 meeting that I call Mike Lyons and asked to be
16 put last on the agenda. I had two projects on
17 the Bethlehem Planning Board. I got here when
18 your public hearing was still going on. I
19 could have kept whatever position you gave me.

20 There appears to be only one issue here
21 and I'll get to it quickly.

22 First of all, the drainage situation
23 using all porous pavement - it's a great
24 solution and we think that it solves a whole
25 bunch of problems. We are filling in all of

1 the existing curb cuts up and down the street
2 in that area there while putting in a new curb
3 and new sidewalk all along there and that will
4 clean up that entire frontage, even though
5 there are pieces that aren't even adjacent to
6 this area.

7 The key element that still keeps on
8 lingering is that when we first went through
9 concept approval, a review letter was read in
10 from the Pine Bush Preserve Commission that
11 said that they recommended that we consider
12 using Pine Bush type landscaping. This current
13 planting plan is based upon Pine Bush type
14 landscaping.

15 We have four pitch pines in the front and
16 we have little blue stems, low bush blueberry,
17 and we have some hemlocks along the side. The
18 question was raised and I think appropriately
19 as to whether this was the appropriate
20 landscaping. We changed that in response to
21 the request that we have Pine Bush type
22 landscaping. However, the Planning Department
23 and Joe Grasso have said that it's not
24 appropriate here. The rest of the site has
25 street trees along it. I think they might be

1 honey locust on that entire run and why don't
2 we consider using the same down here. Also
3 people are aware that it's a Toyota
4 dealership.

5 I think that it's a pretty good plan.
6 It's a well landscaped with a whole bunch of
7 landscaping which the Pine Bush Commission
8 considered invasive. We have a whole bunch of
9 things that the Pine Bush Preserve Commission
10 doesn't like planted in the Pine Bush. We're
11 in the Pine Bush consideration area but we're
12 not in the Pine Bush.

13 The question that I have here is: Do we
14 follow the original direction and go with the
15 Pine Bush plan which has the pitch pines along
16 here, or do we change it to a more
17 contemporary type of normal landscaping. We
18 have no axe to grind here. We're willing to do
19 it either way that the Planning Board directs
20 us.

21 Joe might want to make a point that he
22 made in his letter that he thought that it was
23 inappropriate. Like I said, we're prepared to
24 do whatever this board likes or leave it as a
25 condition to be fulfilled with either staff or

1 the TDE after the fact.

2 MR. GRASSO: Dan did a good job
3 summarizing the one outstanding comment. There
4 were a couple of other minor comments that Dan
5 has been able to address with a resubmission
6 of application materials.

7 Regarding the landscaping, because of the
8 confusion over what direction the applicant
9 should go in not wanting to require that the
10 plans be changed to address our comment and
11 comments issued by the Planning Department, we
12 thought that it would just be best to bring
13 the applicant back and deal with it at a
14 Planning Board forum. We do continue to
15 recommend that the landscaping along the
16 frontage of the site be consistent with
17 existing landscaping, which includes some
18 significantly sized street trees across the
19 frontage. We don't think that the use of pitch
20 pines and some other ground covers proposed
21 there are consistent with the streetscape
22 that's been established there along Central
23 Avenue and is appropriate for this type of
24 use. If those species are going to be used,
25 they should be used elsewhere on the site.

1 That's our recommendation, but obviously it
2 should be done at the purview of the board.

3 Just to go back a little bit, the project
4 had received a concept approval and a neg dec
5 last August which included waivers from the
6 front yard parking setback and to not put bike
7 racks as part of the project unless it was
8 deemed necessary by the applicant.

9 I just want to state that the applicant
10 is using permeable pavement for all the
11 proposed pavements for the new parking area
12 and that was a recommendation that was
13 supported by our office, as well as the town's
14 stormwater management officer. It does meet
15 and actually exceeds DEC's requirements for
16 stormwater management. So, we think that is a
17 project betterment and we commend the
18 applicant's engineer for proposing that use
19 for this site.

20 With that, I'd be happy to follow up with
21 any other questions that the board has.

22 CHAIRMAN O'ROURKE: The PDD summary
23 recommendation - just to bring out that it has
24 got the wrong date on the concept acceptance
25 and SEQRA. It wasn't February 25th, it was

1 August 25th. It's just a typo, but I wanted to
2 state that for the purpose of clarity.

3 Am I reading this right in terms of
4 mitigating funds of \$129.78?

5 MR. GRASSO: Yes. This is the
6 Lisha Kill/Kings Road area and I'm not sure
7 what that fee is. It might just be for
8 reimbursement to the town for the GIS prep.
9 There are no traffic fees or capital sewer or
10 water infrastructure fees.

11 CHAIRMAN O'ROURKE: Again, without going
12 into a whole lot of detail, I've gone by the
13 site a few times and I tend to agree with the
14 town designated engineer that with a different
15 plan, it might even look like a totally
16 different operation. I think that this will
17 add to the frontage on Central Avenue. That's
18 my two cents worth. I'm very happy that we're
19 doing a lot of green products and the porous
20 pavement. Overall, I'm happy with the project.

21 Tom?

22 MR. NARDACCI: Just a brief comment. Lia
23 has done a great job in the town. Their
24 facilities are all top notch. I think that's
25 just a positive comment about that. Everything

1 that I've seen is really high quality as far
2 as the properties and the maintenance.

3 CHAIRMAN O'ROURKE: Do you have an
4 opinion on the landscape?

5 MR. NARDACCI: No.

6 CHAIRMAN O'ROURKE: Paul?

7 MR. ROSANO: Nothing, really. I just saw
8 my old friend Frank McClosky and I haven't
9 seen him in many years. One of us got older
10 looking. I'm not sure who it was.

11 I have nothing.

12 CHAIRMAN O'ROURKE: Elena?

13 MS. VAIDA: It looks like a bike rack is
14 going to go in.

15 MR. HERSHBERG: We show one at the main
16 door.

17 MS. VAIDA: Thank you.

18 CHAIRMAN O'ROURKE: My colleague won.

19 MS. VAIDA: The other thing that I have
20 is really a question as to how this works. I
21 understand that the stormwater system that you
22 set up is a private one, which I guess you do
23 the inspections for. I'm just wondering, is
24 the report supposed to be generated when the
25 privately owned - does the owner file

1 something with the town?

2 MR. GRASSO: They are still required to
3 create the stormwater pollution prevention
4 plan and go through the same process as public
5 infrastructure improvements like you would get
6 with a residential subdivision. They go
7 through the same review. It has to comply with
8 the same DEC permit conditions, conditions by
9 the town and then during construction it does
10 require inspection by a qualified individual
11 and not necessarily a town employee or a town
12 hired inspector. The town typically does allow
13 the applicant to hire a private consulting
14 engineer such as Dan's firm to do those
15 inspections. They do have to do them weekly or
16 after any significant rain event. They have to
17 maintain those files on site for public view.
18 If the town ever wants to see those records,
19 those inspection reports, the monthly reports
20 that are required, we have the ability to go
21 onsite and follow up with those and make sure
22 that they are following the appropriate rules
23 and regulations.

24 MR. HERSHBERG: I might point out that
25 John Dzialo with the stormwater office comes

1 out fairly regularly as he built the balance
2 of the system. They've looked at it and as a
3 matter of fact they complemented us on our
4 design because the surface filter works very
5 well as opposed to a wet system and they have
6 been monitoring it fairly closely.

7 The consideration about the Lisha
8 Kill - everybody is concerned about pollution
9 or overflow and they've gone through some
10 fairly major storms. The August '09 storm was
11 a major storm and those systems survived
12 without any overflow occurring. So, we're
13 comfortable that those designs are
14 functioning.

15 MR. GRASSO: Just to clarify: Before the
16 stormwater permit gets closed out, the
17 engineer that's been doing inspections has to
18 do a final inspection and certify that the
19 site has been stabilized and all the
20 stormwater management features have been in
21 place per the plan, then they're able to close
22 things out.

23 MR. HERSHBERG: And also it has to be
24 closed out by the MS4 corridor in the town
25 before it can be filed. The new form actually

1 has a MS4 co-signature on it so we have to
2 close it out and satisfy our own inspector
3 that everything is hunky dory and meets the
4 code. Then he has to sign it and submit it to
5 John Dzialo and John has to sign it before it
6 goes onto DEC. That was a step that was added
7 that wasn't in the last legislation.

8 MS. VAIDA: Thank you. Good job. It looks
9 great.

10 CHAIRMAN O'ROURKE: Tim?

11 MR. LANE: No questions. I just have one
12 comment. Porous pavement - I really like
13 seeing that used.

14 MR. HERSHBERG: We've been arguing for
15 porous pavement for many years. We actually
16 designed the first porous pavement so I know
17 of it all in the area. It was about 1978. That
18 was before it became popular at all. The
19 design was actually made up and done by King
20 Materials.

21 MR. LANE: I don't think that we see
22 enough.

23 MR. HERSHBERG: Your area has so much
24 porous soil. It's a shame that you can't use
25 it.

1 One concern that you do have in some
2 areas is the shallow depth and the ground
3 water. If in fact the ground water is too
4 close to the surface, you can't recharge the
5 groundwater as a method of treatment.
6 Especially over the Lisha Kill aquifer area
7 you have to keep a four foot separation unless
8 you get away with it from DEC. Those are some
9 of the problems with it. But wherever you have
10 enough depth of groundwater, with the Class A
11 soil it's a shame not to use porous pavement.
12 It works quite well.

13 I think that I mentioned before to this
14 board that we've had pavements - Great Oakes
15 Office Park - it's been there for 17 years
16 over in Guilderland and that's all porous
17 pavement. The rain that hits that goes right
18 into the ground. They haven't done a drop
19 worth of maintenance on it. They keep on
20 saying that it's a high-maintenance item. The
21 cost of porous pavement is almost identical to
22 normal pavement. There is no real additional
23 cost. That's why I don't understand why people
24 haven't used it for all these years.

25 MR. GRASSO: One of the other drawbacks,

1 just so that the board understands, obviously
2 the applicant can't seal coat the pavement and
3 they're not going to be able to pave it with
4 anything other than something more pervious.
5 It is a condition of the approval so they're
6 going to be bound to that forever for the life
7 of this facility that exists under this site
8 plan approval, assuming that it gets approved.
9 There are some drawbacks. We work with
10 applicants on a case by case basis.

11 MR. HERSHBERG: I would challenge
12 somebody to go look at Great Oaks, go look at
13 BBL's office; that's porous pavement. It looks
14 rough and we used to call it a popcorn mix
15 because it has more solids at the surface. You
16 can't really tell the difference. The only way
17 that you can tell is that the lines that are
18 painted on it look squiggly rather than nice
19 and clear on the solid pavement. I have grown
20 to like it. It looks more natural and it's a
21 good pavement. For the environmental benefits,
22 it's certainly worth the appearance of a less
23 formal solid pavement.

24 MR. LANE: As far as the landscaping - I
25 think that pitch pines would look fine. I

1 think that they're hardier trees as well. When
2 these other trees are long gone and died, get
3 a disease - those pines are still there.

4 MR. HERSHBERG: You have to plant them
5 relatively small because pitch pines don't
6 transplant big. You can't come and plant an
7 eight-foot pitch pine. You'll never get it to
8 grow. Four or five or six feet is about the
9 maximum that you can really get a transplanted
10 pitch pine into a site.

11 CHAIRMAN O'ROURKE: Mike?

12 MR. SULLIVAN: I had no questions for
13 you. If I had to choose, I would prefer to
14 match the existing - I would agree with the
15 TDE's comments to match the existing street
16 trees.

17 CHAIRMAN O'ROURKE: Thanks, Mike.
18 Peter?

19 MR. GANNON: I support the consistency of
20 the landscaping along Central Avenue. As much
21 as on paper it seems like a great initiative
22 by the preserve commission, I think that the
23 benefit from that doesn't outweigh the look of
24 the Central Avenue ride.

25 I was prepared to support the waiver for

1 the bike rack. I don't want to appear to be
2 contradicting Elena, but I think that the
3 equivalent to asking or even making the
4 assumption that car salesmen and women would
5 take a bike to work is like asking the kids at
6 Kurver Cream to eat a frozen yogurt before
7 they start their shift.

8 MR. HERSHBERG: We have agreed to put a
9 bike rack - probably a three bike - bike rack
10 at the main building.

11 MR. GANNON: Who wants a personal
12 anecdote at quarter to eleven? On Saturday
13 when I was getting my car repaired at
14 Goldstein, I walked back across the street
15 from Starbucks and about three salesmen
16 bombarded me like I was a customer walking off
17 the street without a car. I didn't think that
18 ever happened. It was like today is the day
19 that I'm finally going to purchase an
20 automobile.

21 My only other question is about the lot.
22 It may seem like an obvious question but is
23 the dealer's intension to occupy all 130 of
24 those spots?

25 MR. HERSHBERG: Yes, as a matter of fact,

1 they have been pushing us to get this approval
2 because even in the current situation, Toyota
3 is working with the possibility that they may
4 have to take a very large, once a year
5 delivery of models to carry them through the
6 whole season, which has been the potential and
7 that's why they want ample parking. Even with
8 the current Toyota problems, that lot has been
9 relatively filled with cars that keep moving
10 off and on and used cars that replace them.
11 They also have leased cars that come back and
12 they have to have those capabilities. They
13 think that they need the space here and
14 they're pushing us to get an approval.

15 MR. GANNON: I'd hate to see it built and
16 then not have to use 50 of the spots.

17 That's all I had.

18 CHAIRMAN O'ROURKE: That's Peter.

19 Anyone in the audience?

20 FROM THE FLOOR: I'm a representative
21 from the Lisha Kill Reformed Church. Our
22 property is on the east side of that and it
23 borders the Toyota property. I'd just like to
24 go on the record that I have a problem with
25 this.

1 If anybody has driven down there
2 recently, the greenspace that's there now is a
3 horrible gnarly mess and it borders our
4 cemetery. That's one point that I'd like to
5 make.

6 The second point that I'd like to make is
7 that when the original - I believe in '07 when
8 the original parking lot was increased over
9 and buffered a portion of the back part of the
10 cemetery, greenspace was provided from our
11 fence to the parking lot. That greenspace is
12 now being occupied by cars. Now, this was not
13 the intent of this body of people right here
14 to see that happen, but it is happening and it
15 has happened in the past.

16 I have called the Building Department and
17 talked to somebody there that basically said
18 that Mr. Lia would move those cars. That did
19 happen and they did move the cars but in a
20 couple of weeks they were right back there
21 again and they're there now.

22 My point is if you had a relative buried
23 in that cemetery, would you like a car about
24 five or six feet away from that gravesite? I
25 don't believe that you would. I would just say

1 that the trees are really nice and all that
2 but this is a situation that's still
3 happening. It would be nice if they could take
4 care of that gnarly mess.

5 CHAIRMAN O'ROURKE: Thank you, sir.

6 Where you aware of that, Mr. Hershberg?

7 MR. HERSHBERG: I wasn't aware of the
8 cars parking there. The gnarly area that he's
9 talking about is primarily federal wetlands so
10 that we are not able to do a clear cut of it.
11 We could if we went in with hand clippers. I
12 guess we could take care of it that way. But
13 they are primarily protected federal wetlands.
14 We would actually have to have a permit to go
15 in there and do it.

16 I can talk to Mr. Lia and the parking
17 taking place in that greenspace. When we get
18 that built, we probably won't need that.

19 CHAIRMAN O'ROURKE: I want to make sure
20 that he understands that we're allowing this
21 to go through and he needs to have some
22 respect for the neighbors.

23 They're looking for a motion on the
24 formal plans. Do I have a motion?

25 MR. LANE: Motion.

1 MR. ROSANO: Second.

2 CHAIRMAN O'ROURKE: All those in favor?

3 ***(Ayes were recited.)***

4 CHAIRMAN O'ROURKE: Opposed?

5 ***(None were opposed.)***

6 CHAIRMAN O'ROURKE: Good luck.

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9 ***(Whereas the proceeding concerning the above***

10 ***entitled matter was adjourned at 10:48 p.m.)***

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CERTIFICATION

*I, NANCY STRANG-VANDEBOGART, Notary
Public in and for the State of New York,
hereby CERTIFY that the record taped and
transcribed 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 STRANG-VANDEBOGART

Dated May 12, 2010