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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

THE SKETCH PLAN OF THE PROPOSED STEWART'S PROJECT
LOCATED AT 605 LOUDON ROAD, LATHAM, NEW YORK

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding
BY NANCY STRANG-VANDEBOGART commencing on
February 23, 2010 at 7:35 p.m. at
the Public Operations Center
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

- CHARLES J. O'ROURKE, CHAIRMAN
- THOMAS NARDACCI
- MICHAEL SULLIVAN
- TIMOTHY LANE
- ELENA VAIDA
- PAUL ROSANO
- PETER STUTO, Jr. Esq., Attorney for the Planning Board

Also present:

- Joe LaCivita, Director, Planning and Economic Development
- Joe Grasso, Clough Harbour & Associates
- Tom Lewis, Stewart's

1 CHAIRMAN O'ROURKE: Next we have the
2 sketch plan for Stewart's.

3 MR. LEWIS: Hello. I'm Tom Lewis and I'm
4 from Stewarts. I'd just like to hand out a
5 short copy of what you have already on the big
6 copies. It may be easier to just flip through.

7 With me is Anthony Maney, the attorney
8 for Goldstein Auto who is behind us, where we
9 hope to buy some land and Brandon Meyer our
10 construction engineer.

11 Before I get into my notes, let me just
12 give you a short history as to what is
13 basically here. I have been doing this
14 18 years and I've done about 100 stores and we
15 are running out of locations. The saturation
16 point - there is only so many corners.
17 Business has been good, we're building up a
18 surplus and we're looking to improve a bad
19 situation.

20 If anyone in this room has been to our
21 shop on Loudon Road - you would never approve
22 that now. We wouldn't even come here and sign
23 a contract on a piece of land that small.

24 I think that there are significant
25 waivers that we're asking for.

1 We asked for this meeting to hopefully
2 get your honest gut reaction as to whether it
3 makes sense to violate a number of things, but
4 making something which is not good, much, much
5 better.

6 I've known Joe Grasso for years and he
7 will tell you that I'm a gracious loser. If
8 you guys say Tom, thanks for the company but
9 we really don't think that it works - bye bye.

10 So just to recall the numbers, the shop
11 is 1,902 square feet. There are two pumps so
12 that we can serve up to four cars at one time.
13 There are ten parking spaces. I won't even go
14 to the store because it's just too hard going
15 in and out. So, we were able to negotiate to
16 almost double the size of our parcel. There
17 are about 20,000 cars a day in that dealership
18 so the shop does well. It's worth the
19 investment. Lots of shops and markets also
20 need improvements, but the market doesn't
21 warrant it. This is a growing end. This is not
22 in any decline.

23 What we'd like to do is also eliminate
24 one of the curb cuts. I know that Joe has to
25 contact DOT and we have a letter here and we

1 can pass out that letter from DOT.

2 This was just an informal e-mail.

3 CHAIRMAN O'ROURKE: Any curb cuts being
4 eliminated on Route 9 - I'm sure that they're
5 happy about.

6 MR. LEWIS: That's what they said.

7 This basically says, yes, conceptually
8 this is a good idea, if you get through this
9 meeting and if I leave here and feel warm and
10 fuzzy and then go through all of the TDE stuff
11 and the DCC stuff and all of that. I don't
12 think that we'll have any difficulty with DOT.

13 Over the years we actually added three
14 times onto the existing building. This is
15 about a 1.4 million dollar investment. I think
16 that it was well worth it. Our building would
17 be 2,990. We would have three pumps. We
18 originally only wanted four, but I don't want
19 to go to one of the same things saying that I
20 wouldn't build it now and it's not long enough
21 for four. So, we're fine with the three.

22 We had originally proposed 24 parking
23 spaces. In looking at the DCC report, we found
24 another two.

25 With the greenspace we're at 26% now and

1 under the incentive amenity zoning, I think
2 that we'd have to pay about \$18,000 for the
3 extra 3%.

4 We have to do the six waivers which is
5 our narrative. The first one is that the
6 minimum frontage build out has to be 80%.

7 Let me put my notes down and show you.
8 When you have over 300 stores, we figured out
9 the quirks. There is a multitude of new zoning
10 ordinances that call for the building in the
11 front and the parking there. In those towns
12 where we understand that the code is the code,
13 we just don't go there because they just don't
14 work.

15 With our customer, whether it's me,
16 Mobil, Hess or any convenience operation with
17 gas, I think that it's fair to say that we
18 have a firm understanding of how our customers
19 function. Certainly in this situation, having
20 the gas in the back, it just doesn't work. We
21 have a lot of loyal customers at the same
22 time. It's not easy in and it's not easy out.
23 I'll bet you that anyone who's been to any
24 Stewart's or shop like it, you'll see how many
25 people park right up against the building;

1 sometimes illegally. We have customers at the
2 corner of the building where there is no
3 parking, but they park there anyway.

4 So, the point is that in this type of
5 use, we will only build what we feel works. I
6 think that we are a better than average
7 applicant in terms of amenities and sidewalks
8 and landscaping. It's not a money issue with
9 us anymore.

10 The code calls for an 80% of the
11 frontage. I know the same thing is up in
12 Saratoga Springs. Our canopy is 45%. To meet
13 the code we would have to have a huge canopy
14 or pumps and it doesn't make sense. We can't
15 get there from here. The maximum building
16 setback is 25 feet, but we're at 104. Again,
17 for us the lot only works having the building
18 when it's there with the parking out front to
19 be easy in and easy out. They get their gas,
20 they leave their car at the gas station, they
21 go inside and they pay.

22 The third item is the same thing again;
23 having the parking in the rear. The drive
24 lanes are not allowed in the front yard. There
25 is obviously no room behind it. It went into

1 the green space. The minimum that it requires
2 is that the parking is 30 and we're at 26.
3 There is the short of it. If this board
4 accepts that even though it doesn't meet the
5 code, they would still realize that we're
6 making something bad considerably less bad.

7 We don't have to do the roofs anymore.
8 Whether it's a hip roof, or a mansard roof or
9 this kind of roof (Indicating), our sign top
10 is our signature. We haven't done that for
11 years. We have all kinds of designs now. You
12 just can't live in that world anymore.

13 So, now I think that I should listen to
14 the board and get some feedback and see what
15 you think.

16 CHAIRMAN O'ROURKE: Well, Tom, I frequent
17 this store. I'm not diametrically opposed to
18 what you're looking at. I'm not sure that you
19 hit the nail on the head the first time, but I
20 think that there's merit to what you're
21 looking to do.

22 I'm not sure that I'm sold on the pumps
23 being as close as you have them on the plans,
24 to the building. I'm sure that Mr. Dake will
25 be happy to hear that you've said that money

1 is no option.

2 MR. LEWIS: I don't remember saying that.

3 CHAIRMAN O'ROURKE: We do have a
4 transcriptionist.

5 The reason that we, as a board, have
6 initiated these sketch plan reviews is before
7 anybody that develops in the Town of Colonie
8 and comes and spends a bunch of money on
9 engineering, let's get together and put a
10 couple of good minds together and come up with
11 a good project. So, especially in this area of
12 the town and come through old Loudonville, you
13 hit Newton Plaza and you can see the facades
14 on the buildings there. We certainly want a
15 better looking Stewart's there. That would be
16 number one.

17 As you just mentioned about the mansard
18 roof styles, I know that I would be interested
19 in looking at something architecturally more
20 significant.

21 I don't think that I'm opposed in terms
22 of the waivers that you're looking for. I
23 don't think that they're out of the question.
24 There is probably some tweaking that can be
25 done with them.

1 I would ask you to possibly look at how
2 close the pumps are to the road.

3 MR. LEWIS: Are you saying that you'd
4 rather have them closer to the road or farther
5 away from the road?

6 CHAIRMAN O'ROURKE: Farther away. Again,
7 that's my opinion as a member of the board.

8 I'm all for removal of an access point to
9 Route 9. I would love to be able to see it
10 somehow connected to the plaza on that side
11 (Indicating). The other side and the cross
12 connections I think are very important in this
13 area because Route 9 is a two lane road. We've
14 expanded a little bit for turn lanes, but
15 obviously when people are shopping at Newton
16 Plaza and the different places or just for a
17 stop for coffee and gas, to have that access
18 point I think would be another thing that you
19 might want to look at. I don't know what you
20 would have next door with the beverage mart
21 for a cross connection. I would be very happy
22 to see a cross connection there, especially
23 with the reduction of one off of Route 9.

24 That being said, I won't say a whole lot
25 more. We'll open it up to the rest of the

1 board.

2 I don't think that what you're asking is
3 not doable. I think that there are things that
4 you may have to give up and some things that
5 we as a board may be willing to do to fix part
6 of this site.

7 Tom?

8 MR. NARDACCI: I would echo some of
9 C.J.'s comments about a new Stewart's. I think
10 that it would be very good for that area. Let
11 me just understand what you're looking for.
12 You're doubling the size of the land, right?

13 MR. LEWIS: Yes.

14 MR. NARDACCI: You're taking new land?

15 MR. LEWIS: I think it's like 96% larger.

16 MR. NARDACCI: I'm not opposed to the
17 waivers, depending on the final plans and the
18 setbacks. The one thing that I'd like to see
19 is a lot more detail and try to do a better
20 job with the greenspace. I know that it's a
21 constrained site, but you are doubling the
22 size of the parcel.

23 Our greenspace requirement is 35%. I
24 think that 23% is pretty low. So, take a look
25 at that and come in with a good landscaping

1 plan that shows us - not just the picnic table
2 but what types of trees are we looking at?
3 That can be very important when considering a
4 greenspace waiver.

5 CHAIRMAN O'ROURKE: Thanks, Tom.

6 MR. ROSANO: I've got a question about
7 the gas pumps. You're showing three sets of
8 gas pumps with six total?

9 MR. LEWIS: Correct. You can have six
10 automobiles all at one time.

11 MR. ROSANO: My wife has a car with a gas
12 tank on one side and I have one on the other.
13 It gets to be a real problem when you get to
14 some of these gas stations and you have these
15 gas pumps. One person is trying to get in and
16 then they have to go around these pumps to get
17 to the gas tank. Are you going to have enough
18 room to make all of these maneuvers?

19 MR. LEWIS: That's a really good
20 question. That's what drives all these
21 decisions. You'd be amazed at how many draws
22 and redraws there are. Now, again, we have
23 over 300 stores. A few weeks ago Bill Dake was
24 talking about the distance. We've been doing
25 24 feet and a few years ago we did one that

1 was 21 feet and that was too tight. Now this
2 is more than we need and now we're going to go
3 to 22 and a half. Because the same thing that
4 you just said we hear all the time from
5 customers that just say, well, gee, I just
6 opened up my door and this other guy opened
7 his door and hit me. We can certainly show the
8 diagrams showing where the cars are and the
9 distance that a car opens. Our goal is exactly
10 what your goal is; welfare and safety. The
11 answer to your question is yes.

12 CHAIRMAN O'ROURKE: And you'll show us
13 that?

14 MR. LEWIS: Yes.

15 CHAIRMAN O'ROURKE: Elena?

16 MS. VAIDA: I just have a couple of
17 questions.

18 Can you just explain what the problem is
19 going to be with your proposal in complying
20 with the greenspace requirement and the
21 parking requirement?

22 MR. LEWIS: Sure. The code actually
23 allows in a redevelopment - you're allowed to
24 keep what you have now. So, we now have 26%.
25 If we propose 26 then we meet the code. The

1 extra 3% allows for things like room between
2 the pumps and the parking spaces. If we find
3 more greenspace and then we're going to give
4 up parking spaces. It's not the end of the
5 world. That's the kind of thing that if this
6 board feels that they would rather have X than
7 Y - I think that we work fairly well with
8 boards.

9 MS. VAIDA: I'm looking at something
10 that's not your submission; it's DCC's
11 summary. You have a problem with meeting both
12 the greenspace and the parking. So, that's
13 because of the size of the building?

14 MR. LEWIS: That's because that is all
15 the land that we could negotiate. That's a
16 serious answer.

17 CHAIRMAN O'ROURKE: Right now how
18 deficient are you parking wise?

19 MR. LEWIS: I think that we have a good
20 parking lot here.

21 CHAIRMAN O'ROURKE: No, I mean the
22 current store.

23 MR. GRASSO: Just so everybody
24 understands the magnitude of the increases and
25 the deficiencies, the lot size has gone up

1 basically 100% on the site. The building site
2 is going up 30% from 2,000 to 3,000. The
3 amount of parking is going up 150%. It's going
4 from 11 to 26. The greenspace is a 3%
5 reduction from 26% down to 23%.

6 CHAIRMAN O'ROURKE: You get 13 if you
7 park along the fence, right?

8 MR. GRASSO: That's one of the things
9 that the board should weigh in on as to
10 whether or not they feel like maybe he doesn't
11 need to increase the parking as much and add
12 that 200 square feet per space to green space
13 to keep the green space up at 26%; or try to
14 get it closer to the code requirement at 35%.

15 CHAIRMAN O'ROURKE: But honestly - he
16 doesn't have to by code to redevelop.

17 MR. GRASSO: That's right. There are
18 provisions in the code that he can go less
19 than 26%. It's just that he has to provide
20 other amenities or a fee.

21 MR. NARDACCI: One of the reasons that I
22 think that it's important is just because of
23 the stretch of line that it's on. We just had
24 this other proposal in as well trying to
25 develop. The thing that sets apart Newton

1 Plaza from other strip malls isn't just the
2 façade, it's the fact that you drive on
3 Route 9 and you find yourself under a canopy
4 of trees. This just gives it a whole different
5 boulevard type vibe. I think that trying to
6 find the balance between what's green and
7 what's necessary -- I'd be interested to know
8 other stores this size - how many parking
9 spots you typically have.

10 MR. LEWIS: Less than this in almost
11 every case.

12 I can argue legitimately that we're over
13 parked here. I'm not sure of that.

14 CHAIRMAN O'ROURKE: Just so that you
15 know, we have these sketch plans so that we
16 get the facts. What we as a board are really
17 after are the facts. So, if we're going to
18 allow a parking waiver, come in and tell us
19 that these are the parking spots and these are
20 the stores that we have, this is what our
21 customer does and these are the number of
22 parking spaces that we need. We need a waiver
23 of this and we can provide greenspace to this.
24 We can put canopy trees in the front, if you'd
25 let us do this. A store of this size in this

1 area needs 15 parking spots, but your code
2 requires that we have 35, which isn't unheard
3 of. We've had other people with parking issues
4 across the town. What we're trying to do is
5 reasonably look at your project and your
6 specific site so that we can make the best
7 determination for the residents of the Town of
8 Colonie.

9 MR. LEWIS: We can certainly do that.

10 MR. NARDACCI: A similar store, a similar
11 size and a similar car count. You know, there
12 are 20,000 cars and this is what we typically
13 have.

14 MR. LEWIS: It's not hard.

15 MS. VAIDA: Okay, that clarified
16 questions and I assume that you have read over
17 the summary.

18 MR. LEWIS: More than once.

19 MS. VAIDA: Were there any issues that
20 you thought you'd have in the summary?

21 MR. LEWIS: We bent over backwards to
22 have as few deal killers as possible. I didn't
23 see anything on that list that jumped off the
24 page and said, that's a problem. My assumption
25 is that you're a sophisticated board and

1 you've been through this with a lot of
2 applicants. We'll be able to find common
3 ground.

4 MS. VAIDA: Thank you. It sounds like a
5 good idea. It sounds like you're going to be
6 improving the store. I like the concept.

7 CHAIRMAN O'ROURKE: Tim?

8 MR. LANE: I'm looking at the way that
9 this is laid out and it just seems to be that
10 the traffic flow is awkward.

11 You say that your customers like to see
12 the pumps first and I always wonder that when
13 things are moving this way so much now a
14 days -- to bring the store frontage out
15 towards the road and put the pumps in another
16 location to the back and the traffic would
17 flow around behind instead of the way that
18 it's going here, doesn't seem as though that's
19 the way that it's going to actually go. Even
20 if the building is on the left instead of to
21 the right -- do you keep the other sketches of
22 the other ideas that were thrown out?

23 MR. LEWIS: Yes, I keep most of them.

24 MR. LANE: Would it be possible to say,
25 here is the other alternative that we looked

1 at and this is why this won't work?

2 MR. LEWIS: Sure.

3 MR. LANE: I'm just saying why it
4 wouldn't make sense to bring you the store out
5 to the front corner and maybe orient the pumps
6 perpendicular to the street and have the flow
7 in and out and around and behind -

8 MR. LEWIS: You mean have the pumps this
9 way (Indicating) and have the building out
10 front?

11 MR. LANE: Yes, or at least closer to the
12 front. There is probably still going to need
13 to be a drive space there. I don't see why the
14 pumps couldn't be perpendicular and then you
15 change the orientation of where they're
16 actually on the other side and you move that
17 exit further - I guess that would be east.
18 Does that make sense?

19 MR. LEWIS: Move what further east?

20 MR. LANE: The exit that you have over
21 here on the side.

22 MR. LEWIS: The access point?

23 MR. LANE: Yes. Basically, you're putting
24 the traffic around the other side of the
25 building.

1 If you oriented the pumps this way
2 (Indicating).

3 Is this one that you've looked at?

4 MR. LEWIS: Okay, let me also address one
5 of the first things that you said.

6 MR. LANE: That's the way that it's
7 moving. Even the developments that we're
8 looking at now like the Berkshire Bank,
9 they're up towards the road.

10 MR. LEWIS: I acknowledge that. Have you
11 ever seen a single gas station here in the
12 Capital District like that?

13 MR. LANE: Probably not.

14 MR. LEWIS: I have been all over the
15 state and I know of one. It's in Dutchess
16 County in the Town of Rhinebeck.

17 If there was a location that we had
18 looked at where it was like the only thing
19 around and the visibility, you'd have people
20 lined up to see it.

21 There was one that we were willing to at
22 least think about. There were other reasons
23 why it didn't work out. So, it's not like that
24 on 100% of all cases, but on this lot we
25 wouldn't do the business that would get a

1 return on the investment to make it
2 significantly better than it is now.

3 We'll be happy to show examples of what
4 you just showed me and why we believe that
5 this works significantly better and hope that
6 you look at the whole thing with a balance and
7 say well, even though they wanted it this way,
8 the balance is a plus to the town.

9 MR. LANE: I agree with that. The first
10 store I agree is one of the older stores. I
11 think that improvements to it would be great,
12 but to try to do something that matches the
13 other things that are going to occur down the
14 road is smart.

15 CHAIRMAN O'ROURKE: Next time could you
16 just tell us how far off the road the pumps
17 are and how far off the road they will be on
18 the next plan.

19 MR. LEWIS: Sure.

20 CHAIRMAN O'ROURKE: Is that all you have
21 Tim?

22 MR. LANE: Yes,

23 CHAIRMAN O'ROURKE: Tim?

24 MR. SULLIVAN: I had two questions. One
25 deals with the greenspace. I hate to beat it

1 to death. Actually, I was going to recommend
2 could we move the dumpster enclosure -- I
3 don't know if you could run this by your
4 architects, but could we move this dumpster
5 enclosure here (indicating) and then shift the
6 store over a bit? Then you could utilize the
7 parking lot as access for the garbage truck.

8 MR. LEWIS: We know that this needs to be
9 the minimum in which to have our deliveries
10 (Indicating).

11 MR. SULLIVAN: Is it that wide to get a
12 trailer in there?

13 MR. LEWIS: Yes. And again, this is
14 another one of these things that there is an
15 exact measurement that we know works that's a
16 minimum and you don't want to go over it
17 because it then eats into all of those other
18 things.

19 Let's say that you thought that this
20 should be wider (Indicating). That means now
21 that I'm going to lose a parking space or I'm
22 going to lose some greenspace. We have to
23 balance all of those different factors in
24 order to meet as much of the code as possible.
25 I'll certainly bring this up.

1 MR. SULLIVAN: I understand that you're
2 saying that this works and that you have 300
3 stores and that you need that distance. I was
4 just thinking that this looks really wide as a
5 paved area. If you made that a little
6 narrower, you'd gain probably that 3% and then
7 you could still utilize the parking lot to get
8 access to the dumpster. It's just something
9 that I was thinking of.

10 MR. LEWIS: I can also make the case that
11 here the dumpster is more hidden and here it's
12 more visible.

13 MR. LANE: How many sides of the building
14 will have the brick face on it?

15 CHAIRMAN O'ROURKE: How many what?

16 MR. LANE: How many sides will be covered
17 by the brick face? Now all the sides have
18 that.

19 CHAIRMAN O'ROURKE: On Route 9 you will.

20 MR. LEWIS: Yes.

21 MR. LANE: So that will be three sides.
22 That will be the three sides that you can see.

23 MR. LEWIS: That's one of those things
24 that we really don't mind investing money in.
25 We hate wasting money.

1 MR. LANE: We always prefer to have the
2 visible sides -

3 MR. LEWIS: That's easy to do. That's a
4 given.

5 MR. SULLIVAN: I did have one more
6 question. Because you are enlarging this
7 store, and I agree that it is small and
8 cramped and I'd love to see it improved, will
9 you be closing any other stores as a result of
10 this? Will the store on 155 and Old Loudon
11 close?

12 MR. LEWIS: No. We're not closing any
13 Stewart's Shops. We want to build.

14 CHAIRMAN O'ROURKE: You'll fix the one on
15 Everett Road next, right?

16 MR. LEWIS: We'll look at it. We're
17 looking at every single one of the shops to
18 see what warrants the investment, which is
19 also doable.

20 MR. ROSANO: Are you going to be adding
21 any staff to this building?

22 MR. LEWIS: I'm sure that there will be
23 one or two people, but I will find that out. I
24 would think so because it's a larger building.

25 MR. ROSANO: The second question is your

1 tanker deliveries, same times? Different
2 times? Can you show me on your picture there
3 where the truck will be parked in this design
4 when you have those deliveries?

5 CHAIRMAN O'ROURKE: That actually is
6 going to be a very important thing - those
7 deliveries.

8 MR. ROSANO: Can you actually show them
9 on my sheet where the truck will be parked.

10 MR. LEWIS: Sure (Indicating).

11 CHAIRMAN O'ROURKE: Anybody have anything
12 else?

13 Joe, do you have anything?

14 MR. GRASSO: No. Most of our comments
15 have been discussed and it's been a good
16 discussion.

17 In terms of the process moving forward,
18 we recommend that Tom come in for a sketch
19 plan review.

20 Tom, I think that the Building Department
21 said that you were going to need a variance.

22 MR. LEWIS: That will be our next step.

23 MR. GRASSO: Some of the comments from
24 the Planning Board tonight talked about
25 shifting some things around. So, if we're not

1 set on where the canopy may be, we may want to
2 have Tom come back to the Planning Board with
3 some of the answers that the Planning Board
4 were looking for before he goes through the
5 process to get a variance that's going to be
6 null and void once we ship the canopy back
7 even a foot. If that's okay with the board,
8 we'll come back with another quick sketch plan
9 review. You really can't get into the process
10 without a variance.

11 CHAIRMAN O'ROURKE: Like Joe said, let's
12 iron out where the building is.

13 MR. GRASSO: We've heard from DOT and
14 you've touched on a lot of the critical
15 issues, but there is a couple of things that
16 the board wants to see.

17 MR. LEWIS: My instinct was not to do
18 that but that's because I sense that we're
19 going to reach agreement here. I don't know
20 what the Zoning Board is going to do; unless
21 someone has a feeling that that's really not a
22 big issue. I have gone before zoning boards
23 that we could be denied here and then there is
24 no point in going forward. I will follow
25 whatever you want to do.

1 MR. GRASSO: It's your prerogative, but
2 one of the comments was about shifting the
3 canopy around. Like I said, if you get a
4 variance and the canopy shifts a foot, you
5 will go back and start the process over again.

6 MR. LEWIS: Okay.

7 MR. GRASSO: Okay, that's all we had.

8 CHAIRMAN O'ROURKE: I hope you felt warm
9 and fuzzy. We treat everybody fair. They may
10 not like us but we treat you fair.

11 MR. LEWIS: Not every board does.

12

13 ***(Whereas the proceeding concerning the***
14 ***above entitled matter was adjourned at***
15 ***8:12 p.m.)***

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CERTIFICATION

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4 **I, NANCY STRANG-VANDEBOGART, Notary**
5 **Public in and for the State of New York,**
6 **hereby CERTIFY that the record taped and**
7 **transcribed by me at the time and place noted**
8 **in the heading hereof is a true and accurate**
9 **transcript of same, to the best of my ability**
10 **and belief.**

11
12
13
14 **NANCY STRANG-VANDEBOGART**

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17 **Dated March 15, 2010**