

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3

4 *****
5 THE SKETCH PLAN OF THE PROPOSED STEWART'S PROJECT
6 (FOLLOW-UP) LOCATED AT 605 LOUDON ROAD,
LATHAM, NEW YORK

7 THE TAPED AND TRANSCRIBED MINUTES of the above
8 entitled proceeding
9 BY NANCY STRANG-VANDEBOGART commencing on
10 April 20, 2010 at 10:09 p.m. at
the Public Operations Center
347 Old Niskayuna Road, Latham, New York 12110

11 BOARD MEMBERS:

12 CHARLES J. O'ROURKE, CHAIRMAN
13 THOMAS NARDACCI
14 MICHAEL SULLIVAN
15 ELENA VAIDA
16 PETER GANNON
PAUL ROSANO
PETER STUTO, Jr. Esq., Attorney for the Planning
Board

17

18 Also present:

19 Joe LaCivita, Director, Planning and Economic
20 Development

21 Joe Romano, Clough Harbour & Associates

22 Tom Lewis, Stewart's Shops

23 Brandon Meyer

24

25

1 MR. LEWIS: I'm Tom Lewis. I'm the real
2 estate representative for Stewart's Shop and
3 we're hoping to get a verbal on the waiver.

4 So, we're looking at one of the existing
5 shops that we have and we're looking to make
6 it better. We're willing to make a 1.4 million
7 dollar investment in order to make the
8 building size 50% larger, the gas operation
9 50% larger, and we're doubling the size of the
10 lot. The internal circulation is awful now. We
11 want to eliminate one of the curb cuts.

12 One of the most important things is that
13 we're limited with the amount of land that we
14 have. We have an attorney here tonight
15 representing Mr. Goldstein. I wish that I
16 could tell you that we could buy more land,
17 but we can't. We're hoping to show how to best
18 operate within the limits.

19 At the last meeting we were asked a
20 number of different things to show the said
21 distances with the pumps and the road, the gas
22 islands, and parking, while still maintaining
23 the safety and internal circulation. The most
24 important thing from my point of view is we
25 cannot put the building along Route 9 and gas

1 by it. I think in some of our 18 different
2 sheets that Brandon will be going over
3 soon -- will show that we will be asked to
4 define why those distances are and looking for
5 ways to maintain your greenspace. It's 26% now
6 and the law on redevelopment allows us to
7 remain at that, or there is a fee paid for
8 every percent under that. So, we were at 23%
9 when we were here last time and we found
10 another 2%. I'll show you how we did that.

11 We were asked to define why we need the
12 parking spaces that we were asking for. We
13 were asked to look at different architecture.
14 We have to do a cross connection to justify
15 the area to show the gas path and show some
16 other existing shops.

17 Now I will turn it over to Brandon who
18 will go over each of those 18 pages.

19 MR. MEYER: This plan that we had
20 originally - the building and the gas island
21 are exactly in the same locations - right to
22 the edge. As Tom said, the two other changes
23 included reducing the parking down to 18
24 spaces. We were also asked to moved the
25 interconnect to the opposite driveway.

1 If you just take a look at that first
2 sheet that you have - sheet number one, we
3 mapped it to show existing conditions which
4 are the existing islands. That's the contrast
5 of the reds and the black that we're
6 proposing. We picked up the greenspace by
7 reducing the parking to what we know that we
8 need here. There are six spaces at the gas
9 island. So in total there are 24 parking
10 spaces. We picked up a little greenspace.

11 We actually sat down and went over these
12 plans like four different times to generate
13 all these explanations which all of these
14 sheets justify how operationally this site
15 plan works. But we have pulled the greenspace
16 out in the center island two feet. We massaged
17 this .78 acre site right down literally to the
18 foot.

19 MR. LEWIS: I'm going to interrupt
20 Brandon just to say that when we made this
21 area here larger, Mr. LaCivita asked whether
22 we would put this fencing all along here
23 (Indicating).

24 MR. MEYER: If you want to look at sheet
25 two, all those sheets purport that this layout

1 works. Behind the parking spaces a car could
2 be parked at the island. There were a lot of
3 questions last time of where would a car be
4 parked when the door is opened, etcetera,
5 etcetera. We have some alternate layouts to
6 show you. We've put islands too close and
7 we've learned the hard way.

8 A few years ago when we did Cooperstown,
9 New York we were six and a half feet too close
10 to that building and we moved that gas out six
11 and a half feet and it's like a whole new
12 site. We have learned the hard way.

13 The 26 feet here is a backup distance
14 that does work with this angled dispenser.
15 This is not too big and it's not too small and
16 it works. We have proven it to ourselves time
17 and time again. We massaged that two feet to
18 get this distance here (Indicating).

19 Are there any questions on this plan?

20 ***(There was no response.)***

21 MR. MEYER: All the rest of them - number
22 three through like nine really goes to the
23 unloading area, the side door and our truck
24 path. There were a lot of questions about the
25 truck in and out. All of these other sheets

1 basically just illustrate the truck and
2 vehicle movement and how it works on this
3 site.

4 You can look at number nine and we were
5 asked to move this canopy from the building.
6 That shows why it doesn't work when you go
7 from that with 39 feet as proposed to 34 feet.

8 Number 10 is really the dimensions to
9 maintain that 15 feet of backup near the road,
10 which as I said was really looked at.

11 I will go through the alternative.

12 We were also asked to show if we met with
13 code which has a building up front and the gas
14 in the back and why that doesn't work. There
15 is no way to do a delivery.

16 We can to number 12 and again we can show
17 what we don't like about this. This is
18 somewhat of a compromise. This doesn't work
19 because if it's a gas only customer, they have
20 a much longer distance for the guy that is
21 only getting gas.

22 In addition, we have agreed to do the
23 interconnect. The town will have to give the
24 okay to this.

25 CHAIRMAN O'ROURKE: Have you had any

1 conversation with the adjacent owner at all?

2 MR. LEWIS: I don't really see any point
3 in doing that until the board is actually
4 comfortable this. We would also have to go to
5 the Zoning Board. The best case for me this
6 evening is the board tells me to go to the
7 Zoning Board.

8 This is one where we lose 2% of
9 greenspace and go to 27%. The greenspace works
10 when we have more area in here (Indicating).
11 We can build the interconnect but now your gas
12 island is perpendicular here. I would like as
13 few deal crushers as possible.

14 CHAIRMAN O'ROURKE: How would you lose
15 the interconnect?

16 MR. LEWIS: Where would you put it?

17 CHAIRMAN O'ROURKE: I thought it was
18 further back.

19 MR. LEWIS: Those are the laws, but you
20 still have the option -

21 CHAIRMAN O'ROURKE: You could still do
22 it.

23 MR. LEWIS: But I think that you're
24 asking for a conflict. This looks like a
25 liability.

1 CHAIRMAN O'ROURKE: It's already a
2 liability thing. Look at that store now.

3 MR. LEWIS: I know. I don't know if you
4 really have to go through the other ones. I
5 know that someone asked for different sizes.
6 We have five different existing sites. But let
7 me just make it a little more complicated or
8 simpler.

9 The board asked for different
10 architecture.

11 MR. NARDACCI: How many stores does
12 Stewart's have?

13 MR. LEWIS: Three hundred and
14 twenty-seven.

15 MR. NARDACCI: We want the best
16 architectural store here. The best one that
17 you look at and go, that's the showcase
18 Stewart's.

19 MR. LEWIS: I think that's what this is
20 about. There are reasons why you may not want
21 this. This hasn't been built anywhere and
22 we've been working on this for a long time. It
23 has its downside.

24 If the board likes this better than we
25 need the board to recommend to the Zoning

1 Board so that they allow us to get a rear yard
2 variance that we didn't need before. Where the
3 parking is and where the gas island and the
4 building can't be changed -

5 CHAIRMAN O'ROURKE: So what do you need
6 for the rear yard?

7 MR. LEWIS: Let me tell you what we've
8 added here first. The yellow part that I just
9 showed you between the building and the
10 sidewalk and the parking - that's greenspace
11 and we've put landscaping in. We had a problem
12 in Guilderland with this so don't call Don
13 Cropsey if you like this one.

14 This shows landscaping between the
15 building and the sidewalk and the parking.

16 MR. NARDACCI: The whole point that I'm
17 trying to drive at is that there aren't a lot
18 of places in the capital region that are kind
19 of iconic areas. This little stretch of
20 Route 9 has a certain appeal. It's great that
21 this is being redone. There is a lot of
22 different talk about a lot of different plans
23 in this area and basically what I would ask is
24 make this a showcase.

25 MR. LEWIS: I'm on your side. Nothing

1 would make me happier to invite everyone in
2 this room -

3 MR. NARDACCI: I would rather give a
4 variance on a rear yard setback and have a
5 better looking store -

6 CHAIRMAN O'ROURKE: Me too.

7 MR. LEWIS: I would love to invite
8 everyone in this room to the grand opening and
9 have you walk up to me and say, that's a
10 beautiful design.

11 CHAIRMAN O'ROURKE: I love this design. I
12 really think that it would fit. The one thing
13 that I would tell you -- don't think that I'm
14 crazy. I would like to see a slate roof with
15 copper.

16 MR. LEWIS: I will tell them.

17 CHAIRMAN O'ROURKE: Please tell them.
18 This is old Loudonville. A slate roof with
19 copper accents.

20 MR. LEWIS: My hope would be that we
21 could move on to the Zoning Board.

22 Look, this isn't going to get built this
23 year at any time. I'm not rushing anything. If
24 you want to take longer and not send us to the
25 Zoning Board, that's okay.

1 MR. NARDACCI: The only other comment
2 that I had -- just to jump in and expedite
3 things is with regard to the landscaping. I
4 like this ornamental fencing with the brick
5 columns. I think that's a nice touch. What is
6 underneath that? Is that blacktop there or is
7 that going to be mulch?

8 MR. LEWIS: That's going to be green.

9 MR. NARDACCI: That's going to be green
10 right there -- grass or what?

11 MR. MEYER: Small shrubs.

12 MR. NARDACCI: So this whole island, not
13 just this corner, but this island underneath
14 the fence. What is that?

15 MR. MEYER: That's all grass.

16 MR. NARDACCI: The only other thing was,
17 I know that visibility is important. There are
18 seven trees on the site and they're all in the
19 rear and everything else is real low.

20 MR. LEWIS: Over here there is some
21 visibility.

22 MR. NARDACCI: These are six foot trees.

23 MR. MEYER: We have that one radius on
24 that interconnect because it's hard because
25 it's not really wide enough to do anything.

1 MR. ROSANO: I just don't want to end up
2 like Wolf Road where you can't drive anyplace
3 if you don't know where you're going. That
4 drives me crazy.

5 MR. NARDACCI: You have six inch shrubs
6 and you have the towering trees in front of
7 Newton. There's something in the middle that I
8 think that you can bring a little bit to the
9 front of the site. I'd really like to see it.
10 I think that it's in character with what's
11 there. I like the fact that it's green up
12 front and that there is grass.

13 MR. MEYER: The thing is that if you look
14 at what is there now, there is really no green
15 strips at all.

16 CHAIRMAN O'ROURKE: And a rotted fence.

17 MR. NARDACCI: I think that with the
18 ornamental fencing I think that it's going to
19 look really nice. I think that the slate and
20 copper would look great.

21 CHAIRMAN O'ROURKE: I think that it would
22 look really great.

23 MR. NARDACCI: That's the whole point is
24 that we should look at this as a special area
25 of town. We need to do what we can to maintain

1 the characteristics.

2 MR. LEWIS: We understand what you're
3 looking for.

4 CHAIRMAN O'ROURKE: The only other
5 comment I have is how bowed the canopy is
6 going to be. It's black and white and then
7 Sunoco and I don't want that.

8 MR. LEWIS: There is a choice. The Sunoco
9 people demand that they require one of two
10 things. Either this canopy, which is what
11 you've got there with the red and yellow, or
12 you'll see on the second to last page the
13 change there. However, then, we'll have to do
14 the freestanding sign. We can give up this and
15 have a white fascia, but then we need the
16 sign. On the last page, we've given you an
17 alternative, which would be a monument sign
18 rather than that larger.

19 CHAIRMAN O'ROURKE: I like that the best.

20 MR. NARDACCI: That's 100% better.

21 CHAIRMAN O'ROURKE: Don't forget the
22 slate. There's no sense in putting a 200 year
23 roof on a building and using aluminum. Use the
24 copper and it will last forever. Tell them
25 I've saved them money because 30 years from

1 now when his kids have to reroof it, he won't
2 have to reroof it. It will be good for 200
3 years.

4 MR. NARDACCI: What we should do as we
5 move forward - it would be helpful to have
6 this in color.

7 MR. LEWIS: We are working on that also.
8 The year 2010 is going to be a good year.

9 Hopefully when we come back we'll be able
10 to show you something. Hopefully, when we come
11 back, we'll give you something in color.

12 CHAIRMAN O'ROURKE: Does anybody on the
13 board have a problem with the waivers that
14 they're seeking to send them to the Zoning
15 Board?

16 MR. SULLIVAN: No. Can we comment on the
17 two options?

18 CHAIRMAN O'ROURKE: Sure.
19 Pete, you want to start?

20 MR. GANNON: No, I have nothing to add at
21 this point.

22 CHAIRMAN O'ROURKE: Mike?

23 MR. SULLIVAN: I would just say that I
24 much prefer the second option - the one on
25 sheet 12. If you look at sheet five the

1 fuel truck is blocking most of the parking
2 spaces. I realize that the fuel truck is not
3 there all day but when it is there, it can
4 impact quite a few people.

5 The other issue that I have is on sheet
6 eight. You're showing a car exiting trying to
7 go north on Route 9. It's a very awkward
8 turning movement trying to get out to the
9 exit. If there is a car coming south on
10 Route 9 trying to come in to the store, I
11 think that could be an issue. If you're
12 exiting, you're going to be looking back to
13 see if there is a gap in traffic and you're
14 going to be coming out at an angle. I doubt if
15 they're going to make that S-turn to make it
16 perfectly perpendicular.

17 On sheet 12, the traffic is coming in and
18 out perpendicular where the drivers have
19 better visibility both getting in and out of
20 Route 9. Also on the access road, it also will
21 provide you with a more out of the way area to
22 have your fuel tanker. It could be parallel to
23 the corridor of the Goldstein property. You
24 could have your fills for the fuel tanks
25 there. Your delivery truck will be out of the

1 way.

2 I realize your concern about having a
3 longer route for the gas only customer, but I
4 think that it would be better served for
5 everyone to know that there are quite a few
6 customers going in for just milk, ice cream or
7 coffee. I would think that it would be a
8 better change for all the customers.

9 There are other gas stations in town,
10 such as the Hess farther up Route 9 and that's
11 perpendicular to the road and people at the
12 gas station have no problem. I would really
13 prefer this option to the one that you have.

14 My main concern is the traffic getting in
15 and out on Route 9 with that angled movement.
16 I have to say that either of them is a
17 tremendous improvement to the existing store.
18 I'm there about every other day and it's a
19 nightmare to get out of. I would much prefer
20 to see moving forward with the second option.

21 MR. LEWIS: I'm not sure that your design
22 works with that.

23 CHAIRMAN O'ROURKE: Mike brought up some
24 really good points in terms of it being
25 perpendicular that I hadn't noticed. I don't

1 think that ultimately it changes our opinion
2 going to the Zoning Board.

3 MR. LEWIS: It just make a difference -

4 CHAIRMAN O'ROURKE: That's right because
5 once the canopy is there, it can't move.

6 MR. LEWIS: This plan just works so much
7 better.

8 CHAIRMAN O'ROURKE: If there is a
9 cut-through, there is a light there. There is
10 a traffic signal.

11 MR. LEWIS: You mean right here
12 (Indicating)?

13 CHAIRMAN O'ROURKE: Right, thorough to
14 the beverage center.

15 MR. LEWIS: You're going to have cars
16 that are going this way (Indicating). That's
17 just a bottleneck waiting to happen.

18 MR. SULLIVAN: I think that you have far
19 more cars coming in from Route 9. So, if
20 you're going out at an angle, I think that's
21 much more of a problem than any potential
22 problem that you have on this little connector
23 road.

24 MR. LEWIS: You're talking about the
25 north cut or the south cut?

1 MR. SULLIVAN: The north cut. Look at
2 sheet number eight. I think that most people
3 won't make that movement. They'll just try to
4 slide out at an angle.

5 CHAIRMAN O'ROURKE: He's right because I
6 do it now.

7 MR. LEWIS: You could have the access
8 point wider and that addresses that. I just
9 see this as being a real problem for us.
10 You've got a number of different issues.

11 CHAIRMAN O'ROURKE: Was that a deal
12 breaker for you, Mike?

13 MR. SULLIVAN: I would really rather see
14 this. I know that you want the aesthetics. I
15 think that you could do both. I think that you
16 could do the copper and the slate. I don't see
17 why you couldn't.

18 MR. LEWIS: Maybe you can. I'm just
19 asking the board if they sense that you have
20 an applicant that wants to work with you, this
21 is one - you're going to make it a lot easier
22 if you have the canopy up here (Indicating).

23 CHAIRMAN O'ROURKE: Where does the sign
24 go, then?

25 MR. LEWIS: I'm not worried about the

1 sign. The sign could go here (Indicating).

2 MR. NARDACCI: Mike, in eight, if they
3 made the access point wider - just to talk it
4 through, does that help, in your opinion with
5 people getting in and out and not being at
6 that angle?

7 MR. SULLIVAN: I don't think so. I don't
8 think that you have the room because you're at
9 an angle, and then you're trying to make an
10 S-turn so that you can get perpendicular to
11 get out onto Route 9. I don't think that there
12 is enough room there to complete the turn.
13 That's why the other option allows you to
14 navigate through the parking lot. By the time
15 that you get to the exits, you are
16 perpendicular. Right now to come in and get a
17 gallon of milk, you have to be able to back
18 out into the islands. The other way, the store
19 is just a little bit more set off. If you want
20 milk or coffee, you can get out without really
21 interfering with the gas operations.

22 I realize that the tanker is not there
23 eight hours a day, but when it is there,
24 you're going to lose half your parking lot.
25 Whereas the other option, you can back the

1 tanker in along the top, parallel to Goldstein
2 and also your delivery trucks are out of the
3 way. As long as the template shows that the
4 tanker can get in there, I think that's a much
5 more efficient movement for the customers.

6 MR. LEWIS: We don't have an opinion
7 other than how could we can make things easier
8 for the customer. I would suggest that this is
9 just like a 40% thing for a review. I would
10 tell you that this is an 80% thing for us.
11 Bill said that he would do it.

12 The first thing is that the interconnect
13 is not going to happen now. I don't know how
14 important it is. I don't know if you think
15 that it can. The interconnect is not that
16 important to me.

17 MR. SULLIVAN: You can still have that
18 movement and you can move it over.

19 MR. LEWIS: I think that the Chairman was
20 saying why can't you have it down here?

21 CHAIRMAN O'ROURKE: Actually, I had drawn
22 that in. I wasn't aware that was an
23 interconnect up on the top.

24 MR. LEWIS: I would ask the board to
25 think about the 80/40 rule. I'm not sure that

1 it's real important to us as it is for the
2 board in terms of just the whole picture.
3 We're looking to improve a lousy site and I'm
4 looking to make the best possible development.

5 MR. NARDACCI: I'm not looking at it from
6 where your expertise is, but just really more
7 from the aesthetics part of it. I'm trying to
8 visualize both of them and with the store
9 pushed back and it has a wider front. Cars go
10 north and south and have the same kind of
11 visual at the store. It just seems like a much
12 more appealing aesthetic. I think that number
13 eight would be much more appealing. I
14 understand that it cuts off the parking, but
15 that's any gas station. When the delivery
16 comes, it's going to alter people's access in
17 some way. They're not there for that long.

18 When I look at 12 - it just seems similar
19 to what's there now. It's not about the look
20 of the whole site. I understand that traffic
21 flow is important. It's a gas station. It just
22 gives me the same kind of vibe of what's
23 currently there.

24 MR. LEWIS: The Chairman is serious about
25 slate and copper and we'll see how it goes. We

1 can make a decision and go to the Zoning
2 Board. If they approve us, we could come back
3 here and at that time this board may make a
4 decision. It might, in fact, be 12 and it
5 might be fine. If the board is not happy with
6 it in three or four months, then you say we're
7 not happy with it and then see where it goes
8 then.

9 MR. NARDACCI: I personally don't like
10 that. I feel like we're just kicking a can
11 down the road. Let's just figure it out. Let's
12 move it forward. Let's get your development
13 going.

14 CHAIRMAN O'ROURKE: I agree.

15 MR. NARDACCI: We're going to punt it to
16 the Zoning Board and then we're going to come
17 back here. I understand what you're saying and
18 that it's an option. Let's figure it out.

19 Joe?

20 MR. ROMANO: If I could just throw my two
21 cents in here from an engineering standpoint.
22 I think that from a layout, I think that eight
23 works better from a circulation standpoint. If
24 you took a couple of northernmost parking
25 spots right against the building, when a car

1 is backing out from there, you have the
2 potential for a conflict, whereas eight sets
3 the building back separates those from that
4 access point. The other benefit of eight if
5 it's still a concern or want of the board to
6 have that interconnection to the south
7 directly across that curb cut, I don't see
8 that happening. I think that with the building
9 set back, it gives the cars a chance to hit
10 that access to Route 9 a little more room to
11 line up and be where they want to be. Whereas
12 I think seems more congested like it is
13 now. I think that eight allows for that
14 circulation throughout the site.

15 With the gas entrance, there is no way on
16 this site that you're not going to block some
17 parking spaces.

18 MR. LEWIS: We work hard to do it on off
19 hours. It's usually very early.

20 CHAIRMAN O'ROURKE: Why don't we put it
21 to a vote?

22 MR. LACIVITA: What are we voting on,
23 C.J.?

24 CHAIRMAN O'ROURKE: We're just voting on
25 either 8 or 12. I think that we have to give

1 them something to go to zoning. Once the
2 canopy moves - the canopy can't move.

3 MR. STUTO: A non-binding poll.

4 CHAIRMAN O'ROURKE: Yes, let's call it a
5 non-binding poll.

6 Pete, 8 or 12?

7 MR. GANNON: I support eight.

8 CHAIRMAN O'ROURKE: Michael?

9 MR. SULLIVAN: 12.

10 CHAIRMAN O'ROURKE: Elena?

11 MS. VAIDA: Eight.

12 CHAIRMAN O'ROURKE: Paul?

13 MR. ROSANO: Eight.

14 MR. NARDACCI: Eight.

15 CHAIRMAN O'ROURKE: I don't care either
16 way so I'll give you the eight. So, go with
17 eight. I'm going to have your cell number and
18 the first accident is probably going to be me
19 going in there for a gallon of milk.

20 MR. MEYER: When I left here last time,
21 that was my exact question that you brought
22 up, which was the perpendicular issue. I had
23 them work this radius out so that I would know
24 that this is a true radius.

25 CHAIRMAN O'ROURKE: But in my truck, I'm

1 not getting perpendicular.

2 MR. MEYER: And every other position from
3 that center gets better.

4 CHAIRMAN O'ROURKE: Okay, work it out.

5 MR. LEWIS: Thank you very much for your
6 time.

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*(Whereas the proceeding concerning the
10 above entitled matter was adjourned at
11 10:49 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**

15
16
17 **Dated May 24, 2010**