

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

3 \*\*\*\*\*  
4 THE PROPOSED PROJECT OF  
5 DUNKIN DONUTS/MINI-MART  
6 993 AND 999 TROY-SCHENECTADY ROAD  
7 REVIEW AND ACTION ON CONCEPT ACCEPTANCE  
8 \*\*\*\*\*

9 THE TAPED AND TRANSCRIBED MINUTES of the above  
10 entitled proceeding BY NANCY STRANG-VANDEBOGART  
11 commencing on November 9, 2010 at 7:05 p.m. at the  
12 Public Operations Center  
13 347 Old Niskayuna Road, Latham, New York 12110

14 BOARD MEMBERS:

- 15 CHARLES J. O'ROURKE, CHAIRMAN
- 16 MICHAEL SULLIVAN
- 17 TIMOTHY LANE
- 18 LOUIS MION
- 19 PETER GANNON
- 20 PAUL ROSANO
- 21 ELENA VAIDA, Esq., Attorney for the Planning Board

22 Also present:

- 23 Joe LaCivita, Director, Planning and Economic  
24 Development
- 25 Edward Esposito, Monarch Design
- Donald Fletcher, Barton and Loguidice
- Fred Sharifipour, Land Owner
- Tom Johnson, Barton and Loguidice

1                   CHAIRMAN O'ROURKE: First on the agenda  
2 this evening is Dunkin Donuts Mini-Mart, 993  
3 and 999 Troy-Schenectady Road. It's an  
4 828-foot square foot Mini mart,  
5 3,000-square foot canopy.

6                   Are you still looking for action on the  
7 concept?

8                   MR. ESPOSITO: Yes, we are.

9                   CHAIRMAN O'ROURKE: Joe, do you have  
10 anything to add?

11                  MR. LACIVITA: They are here for concept  
12 acceptance. They were here before the Planning  
13 Board in September and they were asked to  
14 adjust some of the traffic patterns within the  
15 site. They're here tonight to show you how  
16 they have addressed those concerns.

17                  MR. ESPOSITO: In the last 24 hours we  
18 have worked and e-mailed between us and the  
19 TDE. Here is a copy of one of the exhibits  
20 that clarify the changes.

21                  CHAIRMAN O'ROURKE: We're going to let  
22 you present and then we'll let the TDE make  
23 their statement and representation to the  
24 Town.

25                  MR. ESPOSITO: In late September, we

1 presented a sketch concept and we were asked  
2 at that time to update our plans.

3 Also at that time we discussed certain  
4 features of the site plan that had  
5 improvements of diagonal parking and that was  
6 out of the several suggestions that we  
7 received from the Town and TDE comments. That  
8 was one of the items that we are giving back  
9 to you.

10 Another one was the introduction of the  
11 banana left turns coming out of the driveway  
12 circulation that exists, and this area of  
13 cross connection pavement. It would be an  
14 introduction of DOT's comment on the design as  
15 a one-way entrance. We illustrated that on the  
16 plans.

17 Also through the Town Engineer we  
18 submitted more exhibits regarding the signage  
19 and the crosswalk connections. We particularly  
20 have been looking at traffic and circulation  
21 at the entrance.

22 What you have in front of you is the last  
23 site plan where the Town Engineer had looked  
24 at our plan.

25 There are very different sizes of fuel

1 trucks that would enter the site on delivery.  
2 Actually, that's on the smaller handout. They  
3 basically showed the vehicle maneuvering and  
4 how it would go through the site and three  
5 conflict areas were shown and highlighted on  
6 that handout. For the audience who has not yet  
7 seen this, the conflict areas are here  
8 (Indicating). If vehicles were to circulate  
9 around and they were between over 40 feet and  
10 50 feet was the model, the rear axle would hit  
11 this lawn area and also hit this interim as  
12 they would exit the property. That's shown in  
13 the vehicle circulation exhibit.

14 Since then, we've put a mountable curb at  
15 certain points where a truck of that size  
16 would hit that area. They could simply mount  
17 and ride the curb. We have this nice pattern  
18 of grass free installed in certain areas.

19 The Town Engineer also recommended  
20 that -- it does show that we do have an  
21 agreement of the owner. They've been long-time  
22 friends. There have been benefits to this  
23 cross connection to the site and the property  
24 uses. So, we have also determined with the TDE  
25 that it does allow the plan for the larger

1 vehicles to exit right onto this area  
2 (Indicating). It was defined in that letter  
3 that he called it from time to time something  
4 of this nature. The letter speaks for itself.

5 During the review process, we had several  
6 opportunities to look closer at the vehicle  
7 percolations.

8 CHAIRMAN O'ROURKE: I'm sorry, do we have  
9 a copy of that letter for Counsel to look at?

10 MR. LACIVITA: These came late in the  
11 day, C.J. I have them here and I was going to  
12 print them out for everybody. It's the revised  
13 concept plan that Ed just gave you and the  
14 access agreement that's going to be with  
15 Allied Waste and so on. These are letters that  
16 we just got this afternoon.

17 MR. ESPOSITO: What Joe is handing  
18 out - one of the three other issues of the  
19 adjacent owner for cross connectivity  
20 regarding the traffic circulation, we have  
21 some cross walk connection so residents there  
22 can walk over and have donuts in the new plaza  
23 area that's in front of the concession.

24 Last month we did look at the design  
25 review boards that show that we're trying to

1 hit the design standards right on. Elements  
2 such as the patio, maintaining the same  
3 setbacks, minimizing pavement, and especially  
4 looking environmentally for pollution control  
5 with our storm drainage system. We obviously  
6 will go through the process and look more  
7 closely and work with Barton and Loguidice.  
8 The oil and water separators do remove any  
9 potential contaminates from this fueling or  
10 spillage or otherwise all the site run-off  
11 that hits the pavement comes to a trench  
12 drain. It's filtered. It's displaced. We  
13 talked last month about that. There are  
14 quarters of protection and redundant  
15 pretreatment. We can go further at that and  
16 explore that. That was a very important issue  
17 to me to make sure that we have the removal  
18 and the goals for that. We've got a good plan  
19 base to do that.

20 Our landscape plan - we did take some  
21 comments from the county, and we have since  
22 revised our landscape plan to have water  
23 tolerant plants that add some value as far as  
24 more of a fiber filtering mechanism; the  
25 willows, and dogwood are all back in there.

1           So, we would be taking more comments as  
2 we go along. This is pretty much the concept.  
3 In the site plan handout, this is the  
4 roll-off. It shows the three areas. There is  
5 no curve in this one, but if a truck were to  
6 round that area, there is support there and  
7 we're looking for that pervious - so we have  
8 that pervious paver or the grass free design  
9 at these three areas that show.

10           We've left the DOT intersection to speak  
11 for itself. We drew comments and we'd be  
12 looking at getting a permit. That was looked  
13 at. We got a good letter from DOT on that.  
14 That was the radius that they wanted.

15           I'm here to answer any additional  
16 questions. That's still the visual character  
17 of the site. The submission is still the same  
18 with the twist that we did take some comments  
19 on checking our radiuses and these two  
20 conflict areas internally for this vehicle  
21 circulation.

22           We had a letter, as Joe has stated, from  
23 Allied that the dumpster is okay. They always  
24 have serviced that site. They have smaller  
25 vehicles. We have spoken to the internal

1 mechanism of how people drive in, fuel, and  
2 exit, which was controlled by signage. In  
3 fact, we do have ample car queuing. It's not a  
4 large site, but we do circulate people in an  
5 orderly fashion and we do believe that there  
6 is a learning curve for - once you get fuel,  
7 you know how to exit. It's controlled with an  
8 exit bypass lane.

9 The Dunkin Donuts has flourished. It's a  
10 very good family business. We have the  
11 Sharifipours here tonight.

12 Rocky Cocca is the adjacent owner. He  
13 really wants the plan to go through for  
14 supporting use. For people traveling, he knows  
15 the value of having them come next door to go  
16 to the restaurant or stay overnight. He can  
17 comment on that.

18 I don't know what else I've left out  
19 other than we're awaiting comments to tailor  
20 the plan. Sunoco is behind this plan. They  
21 have looked at this plan. We've got good  
22 feedback so far so I'm here to answer any  
23 questions that the Board may have.

24 CHAIRMAN O'ROURKE: Thank you.

25 Don?



1 MR. FLECTHER: Thank you, C.J.

2 As you know, the sketch plan was  
3 developed. Comments and submission was made to  
4 us. We have reviewed it and we have provided a  
5 letter dated in early November. A lot of the  
6 things were just presented - it talks about in  
7 here.

8 Mainly the highlight is talking about  
9 that circulation. I think that we've had some  
10 good exchange working back and forth. We have  
11 further talked about it. It's not like there  
12 are trucks coming in every day coming in to  
13 fill this up. It's not that often. We have run  
14 this through here (Indicating), especially at  
15 concept level. We're at a good level of  
16 understanding of what needs to be done to make  
17 this site happen. I don't think that it's  
18 ideal to try to go through the whole area to  
19 come in and try to go here and back up and go  
20 here (Indicating). It's always there if  
21 absolutely needed. I think that the letter  
22 kind of talks a little bit about that. It's an  
23 option. That's why we wanted to look at. Let's  
24 make sure that we can get what needs to go  
25 through this site and not have to worry about

1 the other way.

2 CHAIRMAN O'ROURKE: What size vehicle  
3 right now, Don, can get through the site?

4 MR. FLETCHER: It's a 50.

5 CHAIRMAN O'ROURKE: Fifty what? Single  
6 screw? Twin screw?

7 MR. ESPOSITO: I'm not sure about that  
8 category, but our plan graphics from our  
9 engineer stated a 55-foot truck with these  
10 turning areas. They have an auto-turn  
11 software. They looked at larger vehicles, but  
12 we agreed that a 50 is reasonable. In  
13 actuality, the fuel truck with the king pin  
14 adjustment is 40.5 feet. So, it's eight feet  
15 short of -- I was told by our engineer that is  
16 an exaggerated standard for maneuverability  
17 for convenience. I'm not sure how that  
18 relates.

19 CHAIRMAN O'ROURKE: So, they're not  
20 running 6,000 tanks?

21 MR. ESPOSITO: No. They're having the  
22 smallest fuel servicing to the site. I've been  
23 told that they run down to New York City for  
24 maneuverability. I only received a late e-mail  
25 that was provided by the tank hauler, and he

1 tells me that the measurement from his king  
2 pin on his trailer is 42 feet and it's set two  
3 feet back. That leaves him 40 feet instead of  
4 the 50 foot allowance that we gave.

5 CHAIRMAN O'ROURKE: Yes, but that doesn't  
6 leave room for the tractor. It's probably  
7 17 feet and it's a twin-screw.

8 MR. ESPOSITO: I can call on Tom Johnson,  
9 or we can work that out internally.

10 CHAIRMAN O'ROURKE: That's fine. I'm just  
11 saying that you don't know the size of the  
12 truck.

13 MR. ESPOSTIO: No, but when I spoke to  
14 Don, he had a whole stiff vehicle 50 foot -

15 MR. FLETCHER: Oh yeah, we used those  
16 vehicles the first time around.

17 CHAIRMAN O'ROURKE: That's what I'm  
18 saying, Don. Do you know right now in the  
19 turning radius that you ran through your  
20 software - what the largest vehicle can make  
21 that turn without -

22 MR. FLETCHER: Tom, I'm going to turn to  
23 you on that.

24 MR. JOHNSON: There is a 50 foot overall  
25 length of a truck - that's what we presented

1 last time which is probably what is shown as  
2 far as the yellow areas. That was a 50 foot  
3 overall length and that's 37 and one half per  
4 trailer.

5 CHAIRMAN O'ROURKE: Right, no tanker is  
6 37 feet.

7 MR. ESPOSITO: It sounds to be a little  
8 bit more than that. What was called into to me  
9 was 40 to 45 feet plus the cab. It's over the  
10 37 and a half.

11 MR. JOHNSON: A 40 foot trailer plus the  
12 cab would roughly be 42 and a half foot long  
13 trailer plus the cab. We also ran a WD 50,  
14 which had a little bit more impact than this  
15 other one that is shown.

16 CHAIRMAN O'ROURKE: With a 6,000 gallon  
17 tank?

18 MR. JOHNSON: I don't know how big the  
19 tanks are.

20 MR. ESPOSITO: That's what was quoted by  
21 Sunoco. How many gallons fit on that truck  
22 that Tom was describing is what they're using.

23 MR. FLETCHER: We ran it based on the  
24 information we were provided. We took a first  
25 stab with some area sized trucks. Especially

1 when the larger one showed not a good  
2 situation, if you will, that's when we started  
3 engaging in some dialogue what exactly the  
4 size of the truck should be.

5 MR. ESPOSITO: We could have, obviously,  
6 more time to explore with Tom to make sure  
7 that you're getting what we're selling.

8 CHAIRMAN O'ROURKE: I think certainly  
9 that would be prudent. But I certainly want to  
10 have the opportunity to let the Board Members  
11 who have taken the time to go through their  
12 packets give you additional information. I  
13 don't think that we're in a position tonight  
14 to move forward on what you're looking for, in  
15 my opinion.

16 Don, would you agree?

17 MR. FLETCHER: I don't have any problem  
18 with that. Let's just nail down and then come  
19 back, primarily, on that issue.

20 MR. O'ROURKE: I've spent a number of  
21 years in the dairy industry, so I'm very  
22 familiar with tankers and trucks and the  
23 operations and the different turning radius. A  
24 tanker is totally different in terms of radius  
25 turning than a tractor trailer. We certainly

1 don't want to rush forward into something like  
2 this. I'm sure you don't in the applicant's  
3 behest.

4 MR. ESPOSITO: I apologize for the late  
5 entry. We were notified three days ago that we  
6 had some conflict areas -

7 CHAIRMAN O'ROURKE: I'm not sure that's  
8 wholly correct. There is comment letters from  
9 the Town Designated Engineer as far back as  
10 June stating the tightness of the site and  
11 there were concerns about the turning radius.  
12 You're right. Three days ago is when the  
13 e-mails all shot around, but I think that it's  
14 something that you guys are smart enough to  
15 fix this so that everybody is happy going  
16 forward.

17 I'd like to open to the Board now.

18 Paul?

19 MR. ROSANO: I have a couple of concerns  
20 on some of the verbiage we had going here.  
21 We're going on a smaller version of a gas  
22 station. Am I Understanding this? Smaller  
23 tanks in the ground - - you're not thinking  
24 that you're going to do any volume of gas the  
25 way that I see this right now. Is that fair?

1           MR. ESPOSITO: The whole site - the fuel  
2 canopy is in the back. It's already  
3 eliminating a feature. The owner wants to  
4 cater to specific patrons and customers that  
5 go there and know that it's an off-line  
6 system.

7           There are two tanks with all the bells  
8 and buzzers for protection.

9           As far as the size goes, to me, it's  
10 still three islands but we can queue two deep,  
11 given the layout. It is a very small station  
12 that is comparable to some of the Stewarts. It  
13 is stand alone and has its own character. It  
14 is very unique because the cabin is forward  
15 and the hierarchy of the visuals - we feel  
16 that's the draw.

17          MR. ROSANO: I'm just concern with the  
18 combination of Sunoco with the Price Chopper  
19 effect and Dunkin Donuts -- I think that it's  
20 going to draw more, in my mind, than the  
21 Stewarts does. That's my only concern.

22          I'd like to see the project go forward,  
23 but I can just see a major traffic jam,  
24 especially when that tanker truck pulls in  
25 there to download, I don't know where you're

1 going to put the cars. If you've got one way  
2 for those cars to come into those gas pumps,  
3 someone is going to want to back up because  
4 they're on the wrong side and the opening is  
5 on the other side of the canopy and I just  
6 foresee, possibly, some major traffic issues  
7 at certain times.

8 MR. ESPOSITO: I would agree to the point  
9 where they do have a letter and I take them at  
10 face value. They're stand-up guys. If they say  
11 that they're scheduling off beat night  
12 deliveries, that is probably a very important  
13 feature that would be required. They've  
14 already signed on to that.

15 MR. ROSANO: Okay, thank you.

16 CHAIRMAN O'ROURKE: Lou?

17 MR. MION: I think that Paul addressed it  
18 with the right and left side of the car prior  
19 to fill up. I think that's where you're going  
20 to run into the biggest problem is that when  
21 someone is on the wrong side of that pump. I  
22 can see where it would really cause some  
23 suggestion. I like the whole concept there. It  
24 looks good, but I do have concern in that  
25 area.



1 CHAIRMAN O'ROURKE: Tim?

2 MR. LANE: Do we have some kind of  
3 confusion regarding the addressing?

4 MR. ESPOSITO: I thought that I cleared  
5 that up. When I met the owner, his address was  
6 999 and for some reason over the course of  
7 things - if that is a misprint then it's got  
8 to be fixed at this 999 section. I think that  
9 the Town Assessor agreed, in any case, that  
10 the application of the cabin and the Mini-Mart  
11 is 993. So, we're going to skip a few numbers.  
12 I think that you asked about that last time,  
13 too.

14 MR. LACIVITA: We'll have to amend that  
15 because the application is 993 and 995.

16 MR. LANE: That's just a minor issue.

17 Within the comments from Barton there  
18 were general submission comments; one, two and  
19 three. The EAF - it supposedly was submitted,  
20 but none has been received. The traffic report  
21 prepared, but not received. Landscape and  
22 lighting not received. Has this been resolved?

23 MR. FLETCHER: At this point, not that I  
24 know of. Some of these we look at with regard  
25 to concept versus moving forward.

1 MR. LANE: So they will be addressed at  
2 concept?

3 MR. FLETCHER: Absolutely.

4 MS. VAIDA: If I could interrupt you, the  
5 EAF is required as part of the concept  
6 application. So, we should have that. It's not  
7 considered a complete application until we  
8 have that.

9 MR. ESPOSITO: I've got 25 sets of these  
10 that I'd love to give you. At some point, it's  
11 got everything that you just named. Even in  
12 the packet that I received, it has the  
13 traffic. Nevertheless, I trust that we can  
14 coordinate this through planning, including  
15 the full archeology that was in a prior  
16 comment.

17 MR. LANE: The stormwater management  
18 section of Barton's comments - there was also  
19 an issue regarding the underground storage  
20 tank and the piping. There is no piping shown.  
21 Would this be the containment area - or  
22 whether or not it has some kind of a range  
23 from the tank area?

24 MR. ESPOSITO: I can speak to that.  
25 That's this other supplement. It's regarding

1 the stormwater management and it's regarding  
2 this cross connection. On these designs there  
3 is a sediment basin, but then the sand filter  
4 that is pretreatment has an overflow pipe  
5 which connects to a control in this  
6 underground chamber design. So, now we've got  
7 DCC, sediment control sheets, full  
8 drainage -- only five sets were given for  
9 engineering.

10 Joe, Pete, they got the thick version,  
11 but I'd be glad to copy the Board with  
12 anything that they need.

13 MR. LANE: I know that this is a small  
14 site, but it is a gas station and stormwater  
15 and run-off and that kind of thing is a big  
16 issue with any of these kinds of sites. We  
17 just want to make sure that you're aware that  
18 these are still major issues.

19 Other than that, at this point, the  
20 traffic issues aside, I think that overall I  
21 like the concept. Based on Counsel, I don't  
22 know if we can vote on this until these other  
23 things are resolved.

24 MR. SHARIFPOUR: I spoke the last time.  
25 My family lives right off of Route 7. We're

1 not doing this to get a higher traffic count.  
2 We don't want the alcohol or lottery. I  
3 understand about the traffic. We're thinking  
4 that this is all going to be credit card.  
5 We're going to have a window out there for the  
6 cash person, but the credit person can go in  
7 and out. We've been talking about it a lot. We  
8 don't want a negative effect on our business.  
9 The problems that are anticipated would be  
10 with like any other gas station. It doesn't  
11 matter what gas station you go to, you  
12 encounter the same issue. You can go to the  
13 best truck stop or gas station in the world,  
14 but if you park on the wrong side, it's a  
15 battle to get to the side you need to be on.

16 MR. LANE: There is always going to be  
17 someone who can't follow the pattern.

18 MR. FRED SHARIFIPOUR: Like I said, we  
19 studied it so much, we think that most of the  
20 issues that are coming up are things that any  
21 gas station would encounter. I understand the  
22 concern with the radius. They have different  
23 sizes of trucks, though, and those will be  
24 doing the deliveries.

25 CHAIRMAN O'ROURKE: I can appreciate

1           that, but having spent a long time in  
2           operations in different companies, it's all  
3           about cost per drop. They might like you a  
4           lot, but if it cost them money, they're not  
5           sending you a smaller truck. That's the  
6           economics of it. I think that we have to do  
7           our due diligence, as a Board, to ensure that  
8           we protect not only you and your site - which  
9           I'm sure that you want to - but we have to  
10          feel comfortable through the Town Designated  
11          Engineers that we have. Everybody knows that  
12          it's a tight sight and I don't think that  
13          you've heard anybody say that they're opposed  
14          to the project moving forward.

15                 MR. FLETCHER: This is really a tough  
16                 part. You can say what trucks you feel are  
17                 going to be there -

18                 CHAIRMAN O'ROURKE: You don't control  
19                 Sunoco.

20                 MR. FRED SHARIFIPOUR: Right, but we  
21                 agreed that would be what they would send.

22                 CHAIRMAN O'ROURKE: I fully appreciate  
23                 that. The Board is just looking at different  
24                 areas and we want to make sure that we touch  
25                 on all of the areas before the project goes

1 forward.

2 Mike?

3 MR. SULLIVAN: I have a few questions.

4 Do you have an update on any contact with  
5 the landowner that's to the northwest?

6 MR. SHARIFIPOUR: She's still alive. I  
7 have no knowledge of her comings and goings.

8 MR. SULLIVAN: I was hoping that perhaps  
9 another attempt was made. I'm sure that you  
10 would like to do it more than I would - to  
11 initiate this land purchase.

12 MR. SHARIFIPOUR: We've been trying o  
13 purchase that since the day we bought this  
14 property.

15 MR. SULLIVAN: I'm sure that it's obvious  
16 to everyone that would be the easiest solution  
17 to this problem. I was hoping that there was  
18 movement on that.

19 CHAIRMAN O'ROURKE: Even if it wasn't a  
20 purchase, they could work out an easement  
21 arrangement, as well. I think that's what Mike  
22 is looking towards.

23 MR. SHARIFIPOUR: With all the projects  
24 here, I think that she is emotionally attached  
25 to the property. Five years ago when we were

1 here with a different project - the original  
2 was a strip mall, we approached her son and  
3 there hasn't been any movement on that. It  
4 would really have no other value to anyone  
5 else.

6 CHAIRMAN O'ROURKE: You wouldn't think  
7 so.

8 MR. SULLIVAN: The only other question I  
9 had I think Tim just asked. The traffic study  
10 that was prepared, have you had a chance to  
11 review it?

12 MR. FLETCHER: No, we haven't reviewed  
13 it. We were looking at doing that as part of  
14 moving into final.

15 MR. SULLIVAN: Okay.

16 CHAIRMAN O'ROURKE: Nothing out of the  
17 ordinary that you've seen?

18 MR. FLETCHER: The big thing is those  
19 movements. I think that the one thing that we  
20 want to make sure is that we have some clear  
21 direction on is the ability in an emergency,  
22 if you will, to go to the motel in that  
23 direction. I think that we can't control the  
24 size of the vehicle.

25 I think that C.J., you said it right

1 about the drops and how it's the economics and  
2 stuff. To some degree, what are we looking  
3 for? Do we want to make sure that this traffic  
4 flow can take a worst case vehicle, or can it  
5 take the typical vehicle through a cross ease?  
6 I want to make sure we have direction of what  
7 the Board is thinking. You may not know right  
8 now, but if anyone does about what the maximum  
9 movement would be.

10 CHAIRMAN O'ROURKE: It should be their  
11 maximum delivery vehicle, in my opinion.

12 MR. FLETCHER: Okay.

13 CHAIRMAN O'ROURKE: Board member Paul  
14 Rosano said if they sell more gas than they're  
15 planning on then their going to send the  
16 biggest trucks. Again, there are weight limits  
17 so it's not going to be over 80,000 pounds,  
18 but it's still 6,000 gallons.

19 MR. FLETCHER: I just want to make sure  
20 that we're all on the same page.

21 CHAIRMAN O'ROURKE: And there is winter  
22 in the northeast so they're not running a  
23 single screw tractor. I just want to make sure  
24 that we have the proper access on-site.

25 MR. FLETCHER: And I just want to make



1           sure that we're all on the same page.

2           MR. SULLIVAN: That's all I had, C.J.

3           CHAIRMAN O'ROURKE: Thanks Mike.

4           Peter?

5           MR. GANNON: On the new rendering that  
6           you gave us tonight, Mr. Esposito, in front of  
7           995, the diagonal parking there is an arrow  
8           which I think indicates traffic flow that's  
9           kind of in the converse of the one-way that we  
10          had discussed. It could just be a typo.

11          MR. ESPOSITO: It could just show the  
12          one-way. I did see another plan that was  
13          ghosted. It was the previous two-way, but this  
14          is all agreed here that this is one-way.

15          MR. GANNON: That said, I don't want to  
16          beat a dead horse, but I said it again on the  
17          sketch plan and I feel the same way tonight. I  
18          think that the tightness of the site has a  
19          potential for a problem and I think that it's  
20          great that you guys are doing the work with  
21          the engineers so closely. I echo the concerns  
22          of my colleagues on the Board. That's all I  
23          have to say about it tonight.

24          CHAIRMAN O'ROURKE: Thanks, Peter.

25          I had a couple. The Albany County

1 Planning Board - Mr. Esposito, are you  
2 familiar that there is a submission of an  
3 agricultural statement to the Town as required  
4 by Town Law for site plan, a special use  
5 permit, use variance and subdivision approval  
6 of sites within 500 feet of a farm operation  
7 located in an agricultural district?

8 MR. ESPOSITO: I brought a couple of  
9 copies of our draft submission, and I did show  
10 that 500 foot radius. It's not even coming out  
11 of the corridor. I really didn't know how that  
12 applied in an AG district. He does have some  
13 farm land over by Buhrmaster, but it doesn't  
14 even touch the conservation areas. I could  
15 submit a couple of copies of the - it's the  
16 drafted FAA form which was one of the next  
17 comments from the Albany County Planning Board  
18 that shows the area map of that potential  
19 conflict.

20 CHAIRMAN O'ROURKE: That is a separate  
21 point in the Albany County Planning Board.

22 MR. ESPOSITO: Here is the exhibit. Its  
23 500-foot radius doesn't even come out of the  
24 red COR. I don't know how that applies. It  
25 seems to be a comment that we should explore.

1 In drafting this site with a 500-foot radius,  
2 here is the COR in red, the green is the  
3 conservation, but really no additives per se.  
4 I did look at it and I did merge this in as an  
5 exhibit within that FAA form which shows the  
6 height of the canopy, the area -

7 CHAIRMAN O'ROURKE: Don, can you just  
8 make a note to get to the bottom  
9 of -- usually when we get these things from  
10 any other entity, they usually work from most  
11 important to least important. This being  
12 number one on their site, I just want to  
13 understand what that is. This is dated  
14 August 10, 2010, if you need to review it.

15 The EAF - we are going to get a copy of  
16 that updated EAF to review?

17 MR. FLETCHER: Yes.

18 CHAIRMAN O'ROURKE: I did have an issue,  
19 but I see that Mr. Cocca has arrived.

20 In the future, if you do submit something  
21 to the Board, it really needs to be notarized,  
22 if in fact that person is not going to attend.  
23 I do see that Mr. Cocca did come, but it's  
24 always best if you're entering into an  
25 agreement that the Board have that agreement

1 and have it be notarized.

2 Mr. Esposito, you want to give us an  
3 explanation of the letter that I'm referring  
4 to?

5 MR. ESPOSITO: I think it might be best  
6 to read it. In Mr. Cocca's interest, he didn't  
7 really want to deter from any future  
8 development in the plan and that was stated.  
9 He does agree to, from time to time, some  
10 access. So this was viewed as a limited use  
11 option. We didn't want to make it an every day  
12 occurrence and we really - I don't know. I was  
13 told that fueling is once a month, but I'm  
14 hearing that it may be more.

15 MS. VAIDA: If that's going to be  
16 required or necessary as part of your  
17 application, that you have some access to  
18 Mr. Cocca's property, you're going to need a  
19 document other than that letter. We're going  
20 to need something that's recordable that gives  
21 us some legal rights to do that.

22 MR. ESPOSITO: He can speak for himself,  
23 but it's my understanding that they've been  
24 long-term friends. They've always had an  
25 exchange of vehicle circulation.

1           As far as getting a real easement, he  
2           feels that it's asking a bit too much. From  
3           day one we had our plan and access agreement  
4           exclusively met. It's not a formal notarized  
5           easement by any means.

6           CHAIRMAN O'ROURKE: That's problematic.

7           MS. VAIDA: If you need that in order for  
8           this to fly and pass muster, you're going to  
9           have to get something that's a legal document  
10          that we can all rely on in the future,  
11          regardless of who owns it.

12          CHAIRMAN O'ROURKE: And future owners of  
13          the property. Again, I appreciate that you  
14          went and had Mr. Cocca do the letter, but I  
15          don't think that as much as we can take into  
16          account that you will work together and be  
17          neighbors, anything can happen. Mr. Cocca can  
18          sell his property. As the attorney stated, we  
19          need some kind of recordable document. We are  
20          all for the cross connection.

21          MR. FLETCHER: I was just going to get  
22          into that. Obviously in the COR district -

23          CHAIRMAN O'ROURKE: We're all for that.  
24          We're not looking for the cross connections to  
25          blind side the tankers in and out of your

1 fueling pits.

2 You guys have some work to do before you  
3 come back to the Board.

4 MR. SHARIFIPOUR: We'll review the radius  
5 and work something out -

6 CHAIRMAN O'ROURKE: Mr. Johnson does all  
7 their traffic at Barton and Loguidice so we'd  
8 be looking - for the next time that you do  
9 come before the Board for their standard  
10 tanker size, which we need to know. He's going  
11 to need to know all of that and plug all the  
12 numbers in and work with you on that.

13 There is also the EAF that we're going to  
14 have to look at to determine SEQRA on the  
15 project for your concept because you are  
16 requiring a couple of waivers. So, again,  
17 there is a little bit more work to be done.

18 MR. ESPOSITO: I explained to him that  
19 regarding the traffic, he assumed that his  
20 model was only as good as my information. At  
21 4:00 I received that late e-mail saying okay,  
22 we're going to check the 37 and a half foot  
23 trailer that Tom stated and the 40 foot that  
24 they quoted me on -

25 CHAIRMAN O'ROURKE: I just ask that you

1           guys do that and not the day of the Planning  
2           Board so that the members have the opportunity  
3           to review your information and give your  
4           project the credence that it deserves. Is that  
5           fair?

6                     MR. ESPOSITO: I did discuss this with  
7           Mr. Cocca, but the township requires this  
8           cross connection so when he came in for site  
9           plan -

10                    CHAIRMAN O'ROURKE: We're not requiring  
11           it.

12                    MR. ESPOSITO: I thought that it was in  
13           the ordinance.

14                    CHAIRMAN O'ROURKE: It encourages. The  
15           word is "encourage". In this district we  
16           encourage cross connectivity between sites.  
17           So, I think that it's a benefit, certainly for  
18           your clients in my opinion, to have access to  
19           the motel and at some point to have that cross  
20           connection into your client's property.

21                    MR. ESPOSITO: I guess my question is:  
22           Does it need to be a surveyed easement or will  
23           a notarized letter agreement - a boosted  
24           version of what we're providing -- the owner  
25           is asking that we resolve our internal

1 circulation and keep it as an option.

2 CHAIRMAN O'ROURKE: I agree. I think  
3 that's what you should do. You may or may not  
4 need Mr. Cocca's assistance going forward.  
5 That will be handled by the traffic engineer.  
6 If you do, then you have that hurdle to cross,  
7 in my opinion.

8 Anyone in the audience have anything?

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

10 CHAIRMAN O'ROURKE: Gentlemen, thank you  
11 for your time and we look forward to hopefully  
12 see you rectify these issues and get back  
13 before us.

14

15

16 ***(Whereas the proceeding concerning the above***  
17 ***entitled matter was adjourned at***  
18 ***7:47 p.m.)***

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**CERTIFICATION**

1  
2  
3  
4 **I, NANCY STRANG-VANDEBOGART, Approved**  
5 **Transcriber for the State of New York and**  
6 **Notary Public in and for the State of New**  
7 **York, hereby CERTIFY that the record taped**  
8 **and transcribed by me at the time and place**  
9 **noted in the heading hereof is a true and**  
10 **accurate transcript of same, to the best of**  
11 **my ability and belief.**

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

16  
17  
18 **Dated November 29, 2010**

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25  
**Legal Transcription**

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