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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

CASALE CAR WASH
951 LOUDON ROAD
SITE PLAN UPDATE

THE STENOGRAPHIC MINUTES of the above entitled
public hearing BY NANCY STRANG-VANDEBOGART, a
Shorthand Reporter, commencing on
October 25, 2011 at 7:46 p.m. at the Public
Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

TIM LANE, ACTING CHAIRMAN
LOUIS MION
KATHLEEN DALTON
BRIAN AUSTIN
PAUL ROSANO
ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

Joseph LaCivita, Director, Planning and Economic
Development

Tom Andres, PE, ABD Engineers and Surveyors

Joe Grasso, PE, Clough Harbour and Associates

1 ACTING CHAIRMAN LANE: Next on our agenda
2 is Casale, 951 Loudon Road. This is a Planning
3 Board update on the 2,210 square foot car
4 wash.

5 MR. ANDRES: Tom Andres with ABD
6 Engineers and Surveyors representing Mr. and
7 Mrs. Casale, who are in front of the audience
8 tonight.

9 We're coming back to this Board because I
10 don't think that there is anyone on this Board
11 that saw the project when it got concept
12 approval back in March of 2008.

13 ACTING CHAIRMAN LANE: Peter Stuto was,
14 but he's not here.

15 MR. ANDRES: So, we're three and a half
16 years later here for the Board to have an
17 update so that we can get back on for final
18 approval.

19 I'm not sure if you're familiar with the
20 Hess site on Route 9, North of Columbia. What
21 we're proposing to do is put a two-bay car
22 wash on the south side of the property, tucked
23 into the embankment.

24 When you look at the site now, there is a
25 retaining wall that comes across that is

1 approximately even with front of the
2 convenience store. The proposed site was set
3 into the hill. Old Loudon Road is about 15 to
4 20 feet higher than Route 9 so it really sits
5 into the site. What we're proposing to do is
6 to put the two-bay car wash into the site,
7 take the retaining wall that is here and
8 basically just build it around the drive.

9 There are a couple of spaces that would
10 be lost in this area, because we would have to
11 have a place to get in and go around.

12 At the concept level we're reducing the
13 site by one space. At concept we got a waiver
14 for that one space reduction. I'm not sure if
15 this Board would have to do it again. That was
16 a one-space reduction from what the approved
17 site plan had. We had significantly greater
18 amount of parking that was required for the
19 code.

20 Part of the discussions at the last
21 meeting was there was some debate between the
22 Planning Department at that time and some of
23 the Board Members on what the architecture
24 should look like. We presented something that
25 would be matching Hess. So, there was some

1 discussion in reference to trying to have it
2 more colonial looking. It's something that we
3 can certainly discuss with this Board. It does
4 sit 18 feet below both Loudon Road and sort of
5 sits in the corner. If you're picturing the
6 Hess station, as you drive by, you're looking
7 sort of up. Visibility of this structure which
8 is 2,100 square feet is not going to be overly
9 great.

10 It's pretty straight forward. There are
11 two doors and a maintenance area.

12 Some of the other discussion was because
13 it's in the Boght Road. Of course, we have to
14 conform to all the GEIS fees. I believe that
15 the neg dec determination was in conformance
16 with the GEIS.

17 There were some discussions that were
18 made at that time and I'm sure that you've had
19 an opportunity to look through the records
20 that were sent to you - whether a sidewalk
21 should be extended. At one point, the Planning
22 Department had suggested that a sidewalk be
23 not be out there, but the comments of the
24 previous Chair was for a sidewalk and there
25 were discussions back and forth.

1 There are no sidewalks in the area. I
2 think that the Planning Department's position
3 is that there aren't any sidewalks and there
4 aren't any plans for them to be constructed
5 through that area. Whether they escrow for one
6 or this was all dropped was something that was
7 left at the concept level.

8 The only other issue -- and I'm sure that
9 you all had an opportunity at least one to go
10 into there -- there was a concern about the
11 way that the access goes into it. There is a
12 concrete gutter that conforms to DOT.
13 Mr. Casale was not happy because he had to put
14 that gutter in. DOT forced him to specifically
15 do that design and then we came back later and
16 DOT said that you have to fix it. It conformed
17 to the design, but we have gone through and
18 shown on this plan that we will effectively
19 take that gutter out. We will be reducing that
20 in such a way that there will not be a sharp
21 drop down.

22 There has been correspondence back and
23 forth with DOT. The last letters that I have
24 were in March of this year from both Clough
25 Harbour and DOT, and they indicate those

1 changes.

2 ACTING CHAIRMAN LANE: What is the grade
3 to the entrance of that lot?

4 MR. ANDRES: The problem is that it goes
5 down before it comes back up. That's the
6 issue. If you start at the point here
7 (Indicating) and start going up, we only have
8 to bring it three-quarters of the way through
9 the entrance to smooth it out. The concrete
10 swale that DOT has is a very specific design.
11 It's very sharp and it comes up.

12 ACTING CHAIRMAN LANE: Once you do start
13 coming up, do you have any idea what the grade
14 is?

15 One other project that I can think of
16 where DOT had all kinds of issues with the
17 grade of the entry way was Fresh Market.

18 MR. ANDRES: This was, as I said earlier,
19 required to be designed that way. Mr. Casale
20 put the original Hess station in there. I
21 don't have an actual profile, but I can
22 provide it for you.

23 ACTING CHAIRMAN LANE: That's okay. I was
24 just wondering.

25 MR. MION: I know the area and there are

1 not a lot of sidewalks up there. We're trying
2 to connect sidewalks from the east side of
3 Route 9 coming into the circle. I think that
4 we would want to be consistent going the other
5 direction also. With what we're talking about
6 in possibly putting in there various
7 businesses and what have you, you want access.
8 People won't be able to walk. I don't know
9 what the answer is to that sidewalk.
10 Personally, I'd like to start seeing
11 sidewalks.

12 ACTING CHAIRMAN LANE: If you ever go
13 down there - which I did one time -- to have
14 to walk along that roadside. It's a scary
15 proposition. It's just something to think
16 about.

17 MS. DALTON: Do we want to hear from the
18 TDE?

19 ACTING CHAIRMAN LANE: Yes we do.

20 MR. GRASSO: As Tom had mentioned, the
21 project has been in preliminary and final
22 design for quite some time. We had reviewed
23 the last set of final plans last winter. Our
24 last comment letter on the project is dated in
25 April. I think that the project has been

1 trying to work though the various design
2 issues, but there seems to be some comments
3 that we've had out there that have not been
4 addressed to our satisfaction. Rather than let
5 more time go by, we thought that it would be
6 appropriate to have that come before the Board
7 and give us an update and focus on the
8 outstanding issues and get some comment from
9 the Planning Board to see what direction the
10 applicant should proceed to get them resolved.
11 I'm going to go through a couple of the
12 comments.

13 One has already been talked about a
14 little bit and that's about the need for the
15 sidewalk along Route 9 or money in lieu of or
16 no sidewalk provisions at all. It was a topic
17 back in 2008 during the concept review and the
18 need for a sidewalk didn't have much support
19 by the Planning Board at that time. The
20 Planning Board decided during its concept
21 acceptance to let it be revisited when the
22 project comes back for preliminary final
23 review. So, we're here. Now, it's time to make
24 some decisions.

25 The first comment in our letter - we talk

1 about the sidewalk and we said:

2 "Sidewalks along the Route 9 corridor
3 appear appropriate and we believe as
4 commercial properties get developed, each
5 applicant should be responsible for the
6 construction of the sidewalk, continuously
7 across their sites' frontage. Where logical
8 determinations exist in close proximity
9 off-site, we typically recommend the
10 extensions of sidewalks to those points, even
11 if it involves work across an adjacent parcel.
12 In this case, there aren't any logical
13 connections and we know of no other sidewalks
14 planned in the area. Although the site is in
15 the GEIS study area, mitigation fees at this
16 time are not being collected to fund a
17 sidewalk across the site's frontage."

18 So, the decision is, if the Town is
19 interested in holding funds in escrow to be
20 put towards a future sidewalk system, we
21 estimated the value of the sidewalk at about
22 \$15,000. So, that's an option for the Planning
23 Board. If the Town is not interested in
24 holding funds in escrow, we recommend that a
25 consideration for a sidewalk be provided

1 across the site's frontage. The DOT - even
2 though this is their right of way, did not see
3 any need for sidewalks in this area. They
4 would probably let that decision be made by
5 the local Board. There are no other sidewalks
6 in the area. There are no others that are
7 planned in the immediate future. Obviously,
8 it's a busy commercial corridor and we think
9 that sidewalk accommodations across this
10 property and other properties along the
11 corridor make sense to serve the walking
12 public.

13 MR. ROSANO: I'm still struggling with
14 the drive in to the parking lot. If you're
15 going to come in and then all the sudden
16 you're going to have a sidewalk, it's going to
17 change the driving and then back up again. You
18 know what I'm saying? It's going to go up and
19 plateau out.

20 MR. GRASSO: We probably wouldn't require
21 a sidewalk across the asphalt curb cuts. It
22 would have to be accommodated in the island in
23 between the two curb cuts. That would be the
24 only place where one would be required.

25 MR. ANDRES: One of the issues that we do

1 have for construction for sidewalks is that
2 there is a lot of utilities and the storm
3 drainage is under the ground there. If you
4 picture that site, as you come in, the areas
5 in the middle are mounted up fairly high. So,
6 to construct a sidewalk, you'd have to cut
7 that all out because DOT is not going to want
8 a sidewalk on their property. They're going to
9 want it on the applicant's property.

10 MR. GRASSO: And that's something that we
11 could work with DOT in terms of where its
12 desired location is - whether or not they
13 would be inside the right of way or outside.
14 We haven't had that discussion yet. I think
15 that we want to determine from the Planning
16 Board's perspective - is it the intent to have
17 a sidewalk be accommodated in the site plan?
18 If not, do you want in lieu of one an
19 appropriate mechanism or should we just
20 dismiss the issue?

21 MR. AUSTIN: I would say just knowing
22 that area, that would be the only sidewalk
23 that's in that area. I mean, there is no
24 sidewalk at Kirker's or the motel. This would
25 be a first, I guess.

1 MR. ROSANO: And maybe the only sidewalk,
2 if no body redevelops.

3 MR. GRASSO: That's correct.

4 MR. ANDRES: I don't believe that at the
5 time that we developed the Rite Aid or Eckerd
6 that sidewalks were put though that area.

7 MR. GRASSO: No, this would be a first.

8 MR. ANDRES: That would have at least
9 gotten you up to the next level. I guess our
10 concern is that you're just putting a
11 sidewalk -- sort of like the bike rack that
12 was debated three and a half years ago. We
13 didn't want to put a bike rack in so that
14 there would be kids riding on Route 9. The
15 Board, at that time, decided that we didn't
16 need a bike rack so that you could ride your
17 bike. It didn't seem real logical.

18 MR. AUSTIN: I'm just having a hard time
19 visualizing how much foot traffic or bike
20 traffic on the sidewalk -- which I'm not sure
21 if bikes are actually supposed to be on the
22 sidewalk -

23 MR. ANDRES: No, they're supposed to be
24 in the road.

25 MR. AUSTIN: So, how much foot traffic

1 would be on Route 9 in that area? That would
2 be my only concern, too.

3 MR. ANDRES: There are no residential
4 lots there.

5 MR. AUSTIN: I can't remember. Is there a
6 sidewalk on the other side?

7 MR. GRASSO: No, there are no sidewalks
8 at all along that corridor.

9 MR. ROSANO: Tom, a gas station is not a
10 destination place for people walking as far as
11 I know.

12 MR. ANDRES: It would be if it was in the
13 middle of a residential area. Then, you'd have
14 a lot of kids using the convenience store. It
15 really is nowhere near any residential.

16 MR. GRASSO: At the current time there is
17 no place for pedestrians to cross Route 9.
18 There are applications before the Town that
19 may warrant a signal across from Auto Park
20 Drive, just to the north of this. So, there
21 could be pedestrian demand on that side, or
22 the need for people to cross Route 9 and come
23 down to the Hess station. There is no
24 certainty that is going to occur either.

25 So, with that, that issue just remains

1 unresolved and it doesn't sound like there is
2 unanimous support with the Board to have
3 sidewalks built into the plan.

4 MS. DALTON: I think that consistently,
5 since I've been on the Board, we do ask for
6 the sidewalk money in escrow because typically
7 it is an area that we're talking about
8 developing and trying to make a sidewalk plan
9 for the Town. Personally, I'd like to see the
10 money there so that when we do come up -- I
11 mean, Kirker's right now is no longer Kirkers.
12 Who knows what's going to go there? If you put
13 something there where a person might be parked
14 and doing something and may want to walk down
15 to the Rite Aid, at some point, depending on
16 what goes on in around there - that might be
17 an option. Personally, I like the money in
18 escrow.

19 MR. ANDRES: The dedicated funds would
20 only be used for sidewalks?

21 MS. DALTON: We've done that before.
22 We've had escrow accounts for sidewalks.
23 Sooner or later it would be nice if the Town
24 actually made a sidewalk plan.

25 MR. GRASSO: The second comment in our

1 letter is regarding the frontage build-out. As
2 you all know in the design standards there is
3 an 80 percent required frontage build-out. You
4 have to keep in mind that this is an existing
5 developed site and that's a relatively new
6 zoning requirement. Obviously, the building is
7 set back. They're going to put another
8 building basically at the same setback. There
9 is no fencing or treatment across the frontage
10 to try to emulate that façade frontage as it's
11 talked about in the design code. There is a
12 fence now proposed as part of the plan. It
13 doesn't get into the 80 percent and it's up to
14 the Planning Board to decide if the intent of
15 the design standard is met by what's currently
16 proposed.

17 Tom, if you could just elaborate with the
18 design detail in terms of where you're looking
19 to build that fence.

20 MR. ANDRES: Yes. What we are proposing
21 is the same thing that Fresh Market has done
22 and the same thing that we did with Mr. King
23 for the Papa John's; the brick post and then
24 black metal fence between it. We were
25 proposing to put that in front because we do

1 have the center so high and there is a lot of
2 landscaping. We're proposing to put a fence on
3 each of the ends of the site.

4 MR. GRASSO: So, about what percentage of
5 your frontage -

6 MR. ANDRES: This would be within about
7 five to eight feet of the property line and
8 the curb line. This would be maybe 10 feet on
9 each side of the curb line to the property
10 line. We weren't going to extend all the way
11 across. There is a little bit of curb there
12 and I'm not quite sure that it just makes
13 sense.

14 MR. GRASSO: So, about 20 percent or so
15 of the frontage?

16 MR. ANDRES: Yes, this fencing would be
17 less than 20 percent of the frontage. It would
18 be fairly small.

19 MR. GRASSO: So, it would be up to the
20 Board to determine whether or not they feel
21 that fence provision meets -

22 ACTING CHAIRMAN LANE: My concern would
23 be how does that affect the sight lines?

24 MR. ANDRES: That's why we were keeping
25 it back and over so you don't have that.

1 ACTING CHAIRMAN LANE: Okay, so that's
2 already been considered.

3 I think that having something there would
4 be helpful.

5 MR. GRASSO: The site is already
6 developed. It wasn't developed that long ago.
7 This is a new zoning provision. There is no
8 other façade provision along that stretch of
9 Route 9 that starts to establish that front
10 line. So, this design would start to do that.
11 It seems appropriate.

12 Our third comment is a rather significant
13 one. It talks about how the cars stack to the
14 car wash. The zoning requires four stacking
15 spaces per bay, but it also stipulates that
16 each vehicle should be able to proceed to and
17 from the parking space without the moving of
18 any other vehicle. Obviously, we have two bays
19 proposed so there are eight stacked parking
20 spaces that are going to be required and Tom
21 has a plan that shows the eight stacked
22 parking spaces. It doesn't appear that each
23 vehicle would be able to proceed to and from
24 the parking space without the moving of
25 another vehicle. That doesn't meet the zoning.

1 So, again, it's up to the Planning Board to
2 determine if there is a proposed modification
3 to the plan that you would rather see,
4 rejection of the plan all together or a waiver
5 of that requirement. Obviously, it's there so
6 that if people are in line to have their car
7 washed and they seek to get out because of
8 delays or whatever, they're not, in effect,
9 blocked by other cars who are also waiting.

10 MS. DALTON: I have a question about the
11 turn radius. Are you talking about the same
12 space there?

13 MR. GRASSO: Yes, we are.

14 MS. DALTON: So, you have suggestions?

15 MR. GRASSO: Well, the site is
16 constrained and you have a 13-foot high
17 retaining wall behind the site and the lot is
18 so small. You have a building on one side and
19 a property line on the other. We're limited in
20 terms of how wide we could make that. I think
21 that we had a recommendation in our letter
22 saying that you would normally have 20 feet of
23 pavement so that you could have a car stacked
24 and still have a 10 foot escape lane. You
25 can't physically fit that in the space that

1 they have shown accommodating these two car
2 wash bays with the building.

3 MR. ANDRES: If the Board would like, I'd
4 like to explain what we have here.

5 What we have here is what every single
6 car wash - probably most of them - have the
7 exact same thing. It's like the drive-thrus
8 for banks. We interpret that, in fact, you
9 have to have four cars per bay or drive in;
10 whatever you have. That being said, you have
11 to be able to put eight spaces in there.
12 That's been done for the last 30-something
13 years. I've been 20-something years practicing
14 in Colonie. That's been the case. We've never
15 had to have - and I think that you probably
16 all have gone to a bank that doesn't
17 have -- if there are four drive-thrus there,
18 that has four lanes wide all the way so that
19 any of the cars could get out as an escape.
20 It's just not done. The stacking starts as the
21 drive-thru was a single lane so that you don't
22 have people cutting in front, if nothing else.
23 You have set up where they are. That's exactly
24 what we have done. We've shown that we have
25 the eight spaces. If the car is in there

1 waiting, they have to wait until they get up
2 to the area where they are going to turn into
3 one of the bays to make the decision of I
4 forgot my money, I don't want to get the car
5 washed after all, the kids need to go
6 somewhere or whatever. We then have the
7 ability at that point to be able to drive out
8 to the bypass lane. I'm not sure if the
9 Planning Board Members have ever seen a set up
10 where if you have to get out at any point in
11 the stack lane -- it's just not done. We think
12 that we're in conformance with the
13 regulations. I'm sure that you've all driven
14 to banks and car washes.

15 MS. DALTON: Has this changed somehow
16 from what it used to be? This was approved
17 awhile ago.

18 MR. GRASSO: This is one that is in the
19 new design standards of 2008.

20 MR. ANDRES: The four cars per bay have
21 always been there. I think that's been there
22 pretty much forever.

23 MR. GRASSO: It requires that each
24 vehicle may proceed to and from the parking
25 space without the movement of any other

1 vehicle. It's that statement that creates the
2 conflict with the plan the way that it is now.

3 MR. AUSTIN: I'm concerned, I guess, with
4 the access. It's a very tight turning radius.
5 My own personal vehicle is quite large. It's a
6 Suburban, which is large.

7 MR. ANDRES: I have a suburban too and if
8 you have a large enough car, you may have to
9 turn to the outside one. We have a 45 foot
10 turning circle for the inside to line up. My
11 Saab has a 34 foot turning circle. We looked
12 at all the different cars and they will make
13 it. Overall, it's pretty tight for those types
14 of larger vehicles anyway. You can make the
15 turn because we have shown that you can make
16 the 45 foot turn.

17 MR. AUSTIN: It just brings up memories
18 of the Dunkin Donuts that has now moved
19 further down Route 9. It was the existing
20 Sunoco station. It had the retaining wall and
21 had a very tight turning radius, as well. I
22 see all sorts of scrapes and paint and such on
23 the wall. So, I guess it's all depending on
24 who is driving the car.

25 MR. ANDRES: It does and I would say that

1 if we ever had the ability to have as many
2 cars that go through the Dunkin Donuts for the
3 car wash, we'd be very happy.

4 MR. AUSTIN: Has any consideration been
5 given to a one bay car wash?

6 MR. ANDRES: It wouldn't be practical for
7 the mechanics and everything that you have to
8 put in for the mechanicals for one bay.

9 MR. AUSTIN: I just know, for example,
10 the Mobil station on the corner of Old Loudon
11 across from Papa John's has a one bay car
12 wash. It would solve a lot of issues, I think.

13 MR. ANDRES: We tried to do three, but in
14 this instance there is not enough room. There
15 could be if we pushed it over more.

16 MR. GRASSO: Any sense from the Board?
17 Any other comments regarding the stacking and
18 the circulation?

19 ACTING CHAIRMAN LANE: I've even been to
20 Hess and Hoffman's when it's been very busy
21 and you can find yourself in a situation where
22 once you're in line, you're in it. You're
23 stuck. If they've done a study to show that a
24 longer vehicle could make a turn and they
25 could get out by the bypass lane, I don't

1 necessarily have an issue with this.

2 MR. GRASSO: Regarding the dumpster
3 enclosure - could you just review what you're
4 proposing for that issue, Tom?

5 MR. ANDRES: Yes. Right now the dumpster
6 sits in the front, right against the wall. I
7 believe that there is not an enclosure there.
8 It forms around the wall and the side of the
9 building sort of encloses it. We are proposing
10 to take that dumpster and push it to the back
11 area because the walls are being changed
12 around so this will be a lower area. We're
13 proposing to put landscaping between the
14 bypass lane and where the dumpster will be.
15 The dumpster on the other side will have the
16 wall of the building and it will set back
17 another 25 or almost 30 feet back from where
18 it is. Our intension was that there is no
19 reason to start trying to make some type of an
20 enclosure around there. It's sort of there in
21 the back away from everything. Certainly, much
22 further than it is right now. So, that's what
23 we were proposing. We're trying to put fencing
24 per se, around the dumpster area, screening it
25 on the carwash side and then because it's

1 sitting so much farther back from what it is
2 right now -

3 MS. DALTON: Is there some reason other
4 than you think that it's adequate?

5 MR. ANDRES: Where are you going to put
6 the fence? Because we're 18 feet below, you're
7 not going to have a fence in the back. You're
8 not going to put a dumpster fence on this side
9 (Indicating). So, we put a small piece of
10 fencing, I believe, on this side. I'll have to
11 check. I think that we had one small piece of
12 fencing along the side. A traditional dumpster
13 enclosure isn't going to fit in there. To put
14 a dumpster enclosure against that doesn't make
15 any sense to put it in the back.

16 MR. GRASSO: Tom, that's going to be
17 accessed from the front?

18 MR. ANDRES: The only way to come in is
19 that you have to come in this way
20 (Indicating).

21 MR. GRASSO: So, is there any kind of
22 screening gate that you can put across the
23 front -- across a normal dumpster enclosure?

24 MR. ANDRES: We don't have one now. I
25 know that we've had this discussion in this

1 Town and other Towns about the whole gate
2 issue. You could probably have a gate, but
3 they have a tendency to be more open than
4 shut.

5 ACTING CHAIRMAN LANE: They're supposed
6 to be shut, but doesn't the Land Use Law
7 require that it be enclosed and in a certain
8 type of enclosure?

9 MR. GRASSO: Yes, a masonry enclosure.

10 ACTING CHAIRMAN LANE: It can't be a
11 wooden fence.

12 MR. GRASSO: A masonry enclosure would
13 normally a combination of masonry and slat
14 fencing across the front.

15 ACTING CHAIRMAN LANE: Right now you
16 don't have any enclosure?

17 MR. ANDRES: No, because we're set so far
18 back. It's between the building and probably a
19 10 or 12 foot high retaining wall. There was
20 and still is an area behind the building right
21 now. If you had to get behind it, you'd have
22 to move the dumpster out of the way to get
23 behind it. You still would have to do the same
24 thing here. If you wanted to go around both
25 sides, you could get around that way. You

1 could take that dumpster and move it forward
2 and get it out of there and pressure wash it
3 or whatever you're going to do. It doesn't
4 make any sense to put a fence across the back
5 because you have a 15 foot high retaining wall
6 right behind it. We have a building on the
7 side. We're not going to put something along
8 that side. If we did propose a fence, we would
9 put a short piece of fence along the side of
10 the dumpster over here next to the trees
11 (Indicating) or if it disrupts the trees, we
12 could put it past that. We could put in posts
13 and have gates in the front.

14 ACTING CHAIRMAN LANE: It's not only
15 about a gate and vermin; it's about keeping
16 the trash where it is now. There is a purpose
17 for it.

18 MR. ANDRES: You keep vermin out with a
19 dumpster enclosure. That doesn't do anything.
20 You'd have to have it sealed.

21 ACTING CHAIRMAN LANE: But you also want
22 to keep the trash in. You don't want it
23 blowing around the lot and so on.

24 MR. ANDRES: We agree. We think that this
25 fits that area in there. Certainly we can put

1 gates on the front and I think that we were
2 just before this Board where we
3 determined -- or maybe it was Clifton Park
4 where we determined that it wasn't appropriate
5 for a masonry enclosure.

6 MR. ROSANO: That was here.

7 MR. ANDRES: I knew it was one of the
8 plans that were just approved.

9 ACTING CHAIRMAN LANE: We can waive that
10 requirement?

11 MR. GRASSO: Yes, if you think that it's
12 appropriate.

13 MR. ROSANO: We've done it.

14 MR. GRASSO: I think that it's something
15 that you can look at on a case by case basis.
16 If there are grounds for that particular site
17 plan that it doesn't need to be provided or
18 because of the site's location or use or
19 whatever -- based on our review, it looks like
20 an enclosure screening across the front should
21 be provided. That's up to the Planning Board,
22 though.

23 MR. ANDRES: There shouldn't be any
24 problem doing this in putting this on each
25 side and having a swing gate with screening on

1 it. Past that, you need to be able to get
2 access to the back. There would be no reason
3 to close around the dumpster itself.

4 MS. DALTON: I hear a significant
5 difference in what you're saying.

6 MR. GRASSO: Well, it's an interpretation
7 of the plan. I think that Tom is trying to say
8 that based on the location of the building and
9 where the dumpster is going to be located, he
10 doesn't think that it's going to be visible
11 from the project frontage. We disagree. We
12 have been to the site and we've looked at the
13 plan. The dumpster is going to be clearly
14 visible. We think that there should be
15 containment of it. We think that it should be
16 visually screened from the Route 9 corridor.
17 We think that it's easy to accommodate it on
18 the plan. Tom hasn't shown it. It's time to
19 come before the Planning Board for decision.

20 I think that what Tom has discussed is
21 putting a gate across the front. That's what
22 we had asked for, but we're not the Planning
23 Board. When you get to that point, we will
24 bring it to your attention and look for some
25 comments from the Board.

1 MS. DALTON: I'm inclined to go with the
2 screening, as you suggested.

3 ACTING CHAIRMAN LANE: I agree.

4 MR. ANDRES: What is the screen that is
5 suggested?

6 MR. GRASSO: Gates across the front with
7 slats.

8 Really the other things in our
9 letter -- we've got a number of technical
10 comments. In your packet you'll see that there
11 are some numerous technical comments from DOT.
12 We don't need to get Planning Board discussion
13 on any of those because I assume that Tom will
14 be able to do that in his final plans, and
15 we'll review it accordingly. When he has
16 addressed all the technical comments, we'll
17 come back to the Board for final site plan.

18 Is there anything else, Tom, on your end
19 that you want for discussion with the Planning
20 Board?

21 MR. ANDRES: No, these plans will
22 accommodate every single comment other than
23 the three comments that the Board had to make
24 a decision on.

25 MR. GRASSO: So, is there anything else

1 based on the review of the plans? Any other
2 concerns before we bring it back?

3 MR. ANDRES: I don't think so.

4 MR. GRASSO: From a SEQRA standpoint, the
5 project had a neg dec back in 2008. It's
6 actually a Type II action. The Town Attorney's
7 office made a determination that because it's
8 a Type II that no SEQRA determination is
9 required. There is going to be no SEQRA
10 decision made as part of final. The next time
11 that it comes back to the Board, it will be
12 for final site plan consideration.

13 MR. AUSTIN: It's not a concern, but
14 there was one comment made in the presentation
15 that said something about a colonial façade,
16 potentially.

17 MR. ANDRES: There was some discussion
18 from the Planning Department back then because
19 the new regulations -- the intent was trying
20 to get that new type of façade. We just didn't
21 feel like it was appropriate here.

22 MR. AUSTIN: Once again, I think of
23 another building that was redone; the Stewarts
24 on Route 9 down by Newton Plaza. It looks
25 phenomenal with the colonial façade that

1 they're putting on for that new style. I don't
2 know if that is something that you want to
3 integrate more. I think that it looks really
4 nice.

5 MR. ANDRES: We're not proposing to redo
6 the Hess station. We want to have something
7 that matched the Hess.

8 MR. GRASSO: It was a discussion at least
9 based on my review of the minutes. It seemed
10 to be a topic of discussion back in 2008 and I
11 think that a consensus of the Board was based
12 on the existing Hess gas station that it was
13 okay not to modify the design and that it
14 would be out of context of the area.

15 MR. ROSANO: I want to go on the record
16 in saying that this Planning Board had
17 everything to do with that design at Stewarts.

18 MS. DALTON: We worked hard on that.

19 MR. GRASSO: Do you want to ask if there
20 are any members of the neighborhood?

21 ACTING CHAIRMAN LANE: This isn't a
22 public hearing.

23 MR. GRASSO: I don't think that the
24 placards had gone out.

25 Then, we're all set.

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*(Whereas the proceeding concerning the above
entitled matter was concluded at
8:09 p.m.)*

CERTIFICATION

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

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15 **NANCY STRANG-VANDEBOGART**

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18 **Dated November 14, 2011**

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