

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 THE PROPOSED PROJECT OF
4 DUNKIN DONUTS/MINI-MART
5 993 AND 999 TROY-SCHENECTADY ROAD
6 APPLICATION FOR CONCEPT ACCEPTANCE

7 THE TAPED AND TRANSCRIBED MINUTES of the above
8 entitled proceeding BY NANCY STRANG-VANDEBOGART
9 commencing on March 15, 2011 at 8:58 p.m. at the
10 Public Operations Center
11 347 Old Niskayuna Road, Latham, New York 12110

12 BOARD MEMBERS:

- 13 PETER STUTO, CHAIRMAN
- 14 MICHAEL SULLIVAN
- 15 LOUIS MION
- 16 KATHY DALTON
- 17 THOMAS NARDACCI
- 18 ELENA VAIDA, Esq., Attorney for the Planning Board

19 Also present:

- 20 Joe LaCivita, Director, Planning and Economic
21 Development
- 22 Edward Esposito, Monarch Design
- 23 Charles Voss, PE, Barton and Loguidice
- 24 Fred Sharifipour, Landowner

25

1 CHAIRMAN STUTO: Next on the agenda is
2 Dunkin Donuts.

3 MR. ESPOSITO: We have the owners here
4 tonight. I'm Ed Esposito from Monarch Design.
5 I'll be brief.

6 CHAIRMAN STUTO: We're going to have Joe
7 do an introduction and then we'll lead into
8 your presentation.

9 MR. LACIVITA: I can let Ed take over if
10 you like, but again this is another project
11 that has been through the Planning Board
12 through sketch plan and a couple of reviews.
13 They're been working closely with the TDEs.

14 I think that one of the things that we're
15 going to try to discuss tonight is the turning
16 radius that they've been sent away with. The
17 last time that we left this, they had agreed
18 to get it back to the next step which was to
19 get it through the concept acceptance.

20 MR. ESPOSITO: As this project evolved we
21 did have a few sketch meetings. Very briefly,
22 we were asked to submit a full traffic study.

23 I trust that since we've been working
24 with Barton and Loguidice, I feel confident
25 that the plan has evolved.

1 We did address the streetscape and the
2 site's interconnectivity. There are some
3 trade-offs. We are seeking some type of
4 incentive with the loss of space on this last
5 maneuvering from the graphic that B & L
6 submitted. As a truck turns the corner, we
7 lost 243 square feet of green, so we're
8 seeking a little incentive zoning. In lieu of
9 the parking strip connectivity, we did provide
10 walkways to the adjacent site, but we have
11 this parkland that was determined to be very
12 consistent with the design standards. Overall,
13 it's still the same application. We feel that
14 the site works. I trust that we'll hear from
15 them if we weren't accurate,

16 CHAIRMAN STUTO: Thank you.

17 MR. SHARIFIPOUR: We were here a few
18 other times and we brought what the front will
19 look like. The new people probably haven't
20 seen it.

21 What we created here was a space where we
22 have an older house right now that just sits
23 and we have come up with a plan for something
24 to accent the Dunkin Donuts.

25 My family owns most of the Dunkin Donuts

1 in the area. We keep it very clean. We're
2 probably one of the top franchises in the
3 upstate market. We have designed something to
4 accent Dunkin Donuts, but we're not looking to
5 build a full-blown gas station. We really
6 don't want it to be a gas station. We just
7 want it to be an accent to Dunkin Donuts. It's
8 a convenience store.

9 Basically, what we concentrated on was
10 the patio over here where people can sit.
11 People can take their coffee and sit over here
12 and just hang out. We have a connector with a
13 sidewalk. We've designed a beautiful space up
14 front. The convenient store is going to be
15 nothing much that is sold there. We have a
16 window in the back so people don't really have
17 to come inside. It's only 800 square feet.
18 There won't be any lotto or any of that other
19 stuff. The tanks are in the back. These are
20 the things that we have discussed in the past
21 meetings.

22 We have worked closer with the TDE and
23 after working with them we came up with this
24 sketch which we attempted to do a little bit
25 of tweaking, but all in all it works. I guess

1 that's what we discussed in our last
2 meeting - to make sure that it works and to
3 prove it with the Town Engineer. That's what
4 we did and that's what we came up with.

5 Our family lives off of Troy-Schenectady
6 Road and it's something that's close to our
7 heart.

8 CHAIRMAN STUTO: We'd like to now hear
9 from our Town Designated Engineer, Chuck Voss.

10 MR. VOSS: Mr. Chairman, thank you.

11 As Mr. Sharifipour mentioned, we've been
12 working with them now for quite some time.
13 Since their initial application submission and
14 early on we had many comments, I think.

15 We have our November 3rd letter here. The
16 applicants have really been very cooperative
17 and working with us in going through with us
18 and adjusting things. The plans truly reflect
19 that. I think that at this point, really as
20 was mentioned by Joe and the
21 applicant - really the last issue that we had
22 any concern with was how do you move a tanker
23 truck through the site? How do you access the
24 back? According to the regional circulation
25 plan, the traditional 50-foot

1 tanker/truck/tractor trailer - it seems to be
2 tight. At that point we'd ask the applicants
3 to try a couple of models and see what action
4 works.

5 We have worked with their engineer very
6 closely. We actually used some of our own
7 modeling software in our office and ran a
8 series of tractor trailer lights through that
9 site, theoretically. What we did was we came
10 to the conclusion that the site could
11 technically be served by a 40.5 foot long
12 tractor trailer. Just to mention again and
13 make clear to the Board, not only do we work
14 with the applicant but we also work with the
15 Sunoco representatives and distribution
16 representatives to coordinate what size trucks
17 could deliver fuel to this site. To make a
18 long story short, we came to an agreement that
19 a truck of 40.5 feet in length would work for
20 the site. The applicant has proposed to use
21 that truck for delivery services.

22 MR. SHARIFIPOUR: There are also smaller
23 trucks used which we are pushing for. We've
24 been asked to render the drawings for
25 14.5 feet. We couldn't get an exact letter

1 from Sunoco to guarantee a smaller truck, but
2 we are looking at smaller truck deliveries.
3 This is based on the larger truck in a worst
4 case scenario.

5 MR. VOSS: From a technical perspective,
6 to be able to maneuver a truck through there,
7 the applicant did have to do a little redesign
8 work. There was a curve coming in from the
9 westbound lane to make that curve. There are
10 mountable curbs into the site to be able to
11 allow the tractor and the trailer to swing
12 through the site and around the existing
13 Dunkin Donuts to come back out. We've
14 concluded that that vehicle could make that
15 swing into that site. We are now pretty
16 comfortable with that.

17 The only other concern that we initially
18 had that I think that the Board was aware of
19 was just the waivers. There were two waivers
20 potentially for a setback. If you remember the
21 original Dunkin Donuts was constructed prior
22 to the design guidelines. It does not meet the
23 maximum of 25 for the setback. The new
24 convenient store will be almost 60 feet and
25 with virtually the same setback as the

1 existing Dunkin Donuts. From a design
2 standpoint, that makes a lot of sense. We feel
3 that the waivers and the setback certainly
4 would be something that the board could
5 consider, as they move the process forward.

6 Basically, that's it in a nutshell. We've
7 seen the project a couple of times now and we
8 feel that they have addressed all of our
9 comments to date, outside of the technical
10 issues that we normally look at during a
11 typical site plan review.

12 MR. SHARIFIPOUR: And with regard to the
13 setback for this building, even though we have
14 it adjacent to the Dunkin Donuts, we've
15 created this patio space with custom gating
16 and receiving area so it doesn't look like
17 it's just blacktop, even though the setback is
18 adjacent to it. We've created this to have
19 more feeling from the road.

20 CHAIRMAN STUTO: Okay, three of us
21 weren't here. Can you tell us about
22 landscaping and architectural?

23 MR. VOSS: Architectural of the
24 building - this is in the COR district so
25 there are certain design guidelines that are

1 in place for this. The new proposed convenient
2 store and then the associated canopy were
3 designed in keeping with the COR standards.
4 Consistent materials will be used between the
5 different structures to create a kind of
6 uniform look, if you will.

7 Abundant landscaping is being provided.
8 They're also providing, I believe, enhanced
9 landscaping out along the front setback in
10 that wide area just behind the sidewalks that
11 are existing there, which is certainly
12 adequate for the design standards for the COR
13 area. There is going to be a parking and
14 sidewalk interconnect out of the front of the
15 convenient store out to the front sidewalk on
16 the site which is certainly encouraged. They
17 are proposing ample side and rear landscaping
18 behind the canopy to the north of the site,
19 that's where the proposed stormwater is. The
20 landscaping might offer a little bit back
21 there, depending on the final design and
22 layout. Other than that, we're comfortable
23 with those designs.

24 CHAIRMAN STUTO: Can we get some more
25 specifics on architectural and exterior

1 services of the buildings from the applicant
2 or from the engineering design person?

3 MR. ESPOSITO: Sure. The architecture is
4 storefront glazing. It's mill finish aluminum
5 because a lot of the accents are what they
6 call a looped panel. It's a polished aluminum
7 panel. That's very typical with the eave of
8 the canopy.

9 Everyone received the printed material.
10 I'm sorry for the new people.

11 There will be some signage that would go
12 there that was illustrated on that
13 presentation. The interior floor plans were
14 also submitted. Very simply, as Fred had
15 mentioned there's an island, a cooler and we'd
16 like the light come in the front windows.
17 There will be a walk-up window from the back
18 canopy and an area for people to pay if
19 they're not paying at the pump.

20 The architecture -- it's 18 feet high.
21 It's 15 feet high with a ribbon panel.

22 CHAIRMAN STUTO: Is this rendition
23 accurate?

24 MR. ESPOSITO: I think that's the one.
25 All of these show the heights. We've got the

1 masonry pier and the iron fencing, but that's
2 reflective of what the applicant is proposing.

3 CHAIRMAN STUTO: Do the Board Members
4 have any comments or questions?

5 Kathy?

6 MS. DALTON: I'm going to apologize up
7 front. I haven't gone through this
8 documentation as carefully as I normally do
9 because I just got back from vacation. If the
10 answer to these questions has been answered, I
11 apologize.

12 Just like I go to the Stewart's before
13 this, this is my Dunkin Donuts. I use this
14 parking lot quite a bit and in the morning
15 time it's really dangerous in front of your
16 building. Are you doing something that changes
17 that traffic flow so that you can have cars
18 pulling in and out to park and still be able
19 to have other cars going to the back window?

20 MR. SHARIFIPOUR: Yes. That has been
21 brought up in the past. We have created a
22 one-way and it's shown on this drawing. We
23 have slanted the parking spots so that people
24 can come from one way and it's slanted now so
25 that no one can come this way (Indicating),

1 and you can back out and go straight around.

2 MS. DALTON: So if I pull in, I've got to
3 pull out and I've got to go all the way around
4 before I can leave.

5 MR. SHARIFIPOUR: Right.

6 MS. DALTON: And there is the ability to
7 go around back so if I go that way, I don't
8 get stuck in the drive-thru line?

9 MR. SHARIFIPOUR: No, we have a bypass
10 lane on the drive-thru. What we have done is
11 created this a one-way. At prior meetings it
12 was suggested so we did change it. It is a
13 one-way. Parking is slanted now and you can go
14 around this way (Indicating). Nothing changes
15 with this being added on. Currently we have a
16 bypass around the drive-thru where it could
17 go. It's exactly the same way. The only thing
18 that changes is the slanted parking. It's
19 one-way now so that no one can go the other
20 way.

21 MS. DALTON: So if I wanted to go into
22 the Dunkin Donuts and then pull out from in
23 front of the mini mart, I could do that,
24 right?

25 MR. SHARIFIPOUR: Yes.

1 MS. DALTON: I mean, if I didn't want to
2 go all the way around - if I just wanted to
3 come out that other side there in front of the
4 mini mart -

5 MR. SHARIFIPOUR: This is one-way as
6 well.

7 MS. DALTON: So the answer is no. You
8 have to go all the way around.

9 MR. SHARIFIPOUR: Right.

10 MS. DALTON: With this building now your
11 property is adjacent to Cocoa's correct?

12 MR. SHARIFIPOUR: We have contacted all
13 the neighbors.

14 MS. DALTON: Right and I saw that. On
15 your rendering, I don't see a cut-through
16 between Cocoa's -

17 MR. SHARIFIPOUR: It's right here
18 (Indicating).

19 MS. DALTON: Thank you.

20 MR. MION: When you come around there and
21 you go between Dunkin Donuts and the service
22 store, there is a connecting sidewalk going
23 between the two; is that correct?

24 MR. SHARIFIPOUR: Yes.

25 MR. MION: Are we going to have some type

1 of signage or something there?

2 MR. SHARIFIPOUR: Yes, there will be some
3 walkway signs there. We haven't decided the
4 proper markings yet.

5 MR. MION: Thank you.

6 CHAIRMAN STUTO: Tom?

7 MR. NARDACCI: I don't have any
8 questions.

9 CHAIRMAN STUTO: I don't have any
10 questions either.

11 Mike?

12 MR. SULLIVAN: Will there be a logo and
13 stripe on the canopy?

14 MR. SHARIFIPOUR: Actually, we had a
15 Sunoco representative come here. We actually
16 battled that as well. There is going to have
17 to be a Sunoco on the canopy however, if the
18 canopy is so far back. The canopy is behind
19 the building and you're not really going to
20 see it from the road that much because coming
21 and going, it's going to be blocked by the two
22 buildings. What we did do is we're going to
23 make a wraparound canopy with a better looking
24 wrap and we propose that they have a skinnier
25 racing stripe over here (Indicating). We're

1 trying to get copper all the way around the
2 front of this building. We don't like this
3 sign at all. We wanted to wrap around with
4 copper and we're going to try to keep this
5 skinny and behind it make it something more
6 modern and more appealing, instead of having
7 the whole thing be wrapped around. We didn't
8 win the battle of the Sunoco signage, but if
9 we make it thinner and make it something
10 prettier behind it -- that's what we did.

11 MR. SULLIVAN: The other question that I
12 had was with the tanker truck. You said that a
13 standard tanker -- meaning a regular twin
14 drive axel tractor with a standard length
15 trailer will work in the worst case scenario?

16 MR. SHARIFIPOUR: Yes, the worse case
17 scenario it works. We're looking to have the
18 smaller trucks deliver anyway. In the worst
19 case scenario, it works.

20 MR. SULLIVAN: But you will have to have
21 incentive zoning as far as greenspace
22 reduction?

23 MR. ESPOSITO: I don't think that we need
24 that. It turns out on the sheet as 243 square
25 feet. We're less than one percent. We're .87

1 percent less than 35 percent green. That comes
2 out to be about \$3,100.

3 We're working with DOT and we're going to
4 have granite there to make it much more
5 durable. We've worked with all the neighbors
6 and with Cocoa's and I think that moving the
7 dumpster will be appealing and it's going to
8 look really nice.

9 MR. ESPOSITO: We got a no hazard letter
10 from the FAA. We were requested by the County
11 to do that. That's done. I got off the phone
12 with DOT this morning. The whole set looks
13 good. She said that she just preferred the
14 granite versus concrete curve so that if it
15 gets pounded, granite is forever. Then we can
16 work for the final terms for the permit for
17 that one entrance that was recommended. That
18 worked out nice.

19 MR. SULLIVAN: Thank you very much.

20 CHAIRMAN STUTO: Any comments from the
21 public?

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

23 CHAIRMAN STUTO: Is there any more
24 discussion by the Board?

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

1 CHAIRMAN STUTO: Elena?

2 MS. VAIDA: I couldn't remember if in the
3 past we had talked about the SEQRA
4 classification on this. I'm just confirming
5 that it would be an unlisted action.

6 I also think that we at one point talked
7 about some of the potential environmental
8 issues, although I don't really think that
9 there has been any identified other than what
10 we have already talked about; traffic, safety
11 and things like that. If the Board doesn't
12 have any other questions on that, I take it
13 that you want to move forward to vote on
14 concept.

15 CHAIRMAN STUTO: I think that we're ready
16 to consider a vote on concept.

17 MS. VAIDA: I just have to make sure that
18 the applicant can understand and confirm that
19 the acceptance of conceptual plan, if that
20 happens tonight, doesn't bind the Board in any
21 way and that acceptance of concept is not to
22 be construed as an approval or partial
23 approval of the site plan. You need to
24 understand that.

25 CHAIRMAN STUTO: Motion?

1 MR. NARDACCI: I'll make a motion to
2 accept concept.

3 MR. MION: I'll second that.

4 CHAIRMAN STUTO: All in favor?

5 **(Ayes were recited.)**

6 CHAIRMAN STUTO: All opposed?

7 **(There were none opposed.)**

8 CHAIRMAN STUTO: The ayes have it.

9 Thank you.

10 MR. SULLIVAN: I'll make a motion to
11 adjourn.

12 MR. NARDACCI: Second.

13 CHAIRMAN STUTO: All in favor?

14 **(Ayes were recited.)**

15 CHAIRMAN STUTO: All opposed?

16 **(There were none opposed.)**

17 CHAIRMAN STUTO: The ayes have it.

18 Thank you.

19

20

21 **(Whereas the proceeding concerning the above**

22 **entitled matter was adjourned at**

23 **9:19 p.m.)**

24

25

CERTIFICATION

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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.**

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14
15 **NANCY STRANG-VANDEBOGART**

16
17
18 **Dated March 30, 2011**

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Legal Transcription

Ph 518-542-7699 Fax 518-831-1710
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