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PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

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STEWARTS  
605 LOUDON ROAD  
APPLICATION FOR FINAL SITE PLAN APPROVAL  
\*\*\*\*\*

THE STENOGRAPHIC MINUTES of the above entitled  
public hearing BY NANCY STRANG-VANDEBOGART, a  
Shorthand Reporter, commencing on July 26, 2011 at  
8:02 p.m. at the Public Operations Center  
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

PETER STUTO, CHAIRMAN  
KATHY DALTON  
LOUIS MION  
TIM LANE  
PAUL ROSANO

Also present:

Joseph LaCivita, Director, Planning and Economic  
Development

Stewart's Shops Corp, Applicant

Tom Lewis, Stewarts

Heather Wyld, PE, Clough Harbour and Associates

1 CHAIRMAN STUTO: Tom?

2 MR. LEWIS: Hi there. Tom Lewis, I'm a  
3 representative of Stewarts.

4 CHAIRMAN STUTO: I'm sorry, Tom.

5 Joe, did you want to give an  
6 introduction, Joe?

7 MR. LACIVITA: I think that Tom is  
8 comfortable enough to just jump right in.

9 We are here this evening to look at  
10 605 Loudon Road, which is a new construction  
11 of an existing store site. We here for final  
12 site plan approval. If they receive approval  
13 tonight, you're going to see a new Stewarts  
14 being erected of 2,900 square feet.

15 Also with Tom is Heather from Clough  
16 Harbour, who is here tonight with us.

17 CHAIRMAN STUTO: Okay, Mr. Lewis?

18 MR. LEWIS: At the last meeting, we  
19 showed Boght Road - the firehouse and there  
20 was a lot of talk about the curb cut. My  
21 answer was that there was no way to move that  
22 curb cut.

23 Then I remembered someone said talk to  
24 the neighbors. So, we had a third  
25 conversation. The first and second time - they

1 weren't interested. He suggested that I'll  
2 give you my land in exchanged for four times  
3 the land that I have now. So assuming that he  
4 doesn't change his mind -- we met with Joe  
5 Grasso already to go over the conceptual  
6 plans.

7 MR. ROSANO: Tom, sometimes you just have  
8 to listen to us.

9 MR. LEWIS: So, to very briefly goes over  
10 what's happened. We changed the architecture a  
11 bit. We had a cupola which this morning, it  
12 was looked at and they said, how come there is  
13 a lighthouse there?

14 We wrote down greenspace issues. We're  
15 going to pay about \$15,000 or more to the  
16 zoning fund by incentive. We showed 18  
17 different options as to why the space between  
18 the road and the canopy and the parking and  
19 the building had to be the way that it was. We  
20 showed various turning configurations. We  
21 solved the sewer easement by moving everything  
22 back seven feet. We added more interior  
23 landscaping. We changed our refuse enclosure  
24 to stone. We think that we've given the Board  
25 everything that they've asked for.

1           CHAIRMAN STUTO: Okay, we'll turn it over  
2 to Heather.

3           MS. WYLD: We received a set of final  
4 plans submitted from Stewarts and did a  
5 technical review. We issued a comment letter  
6 on June 27<sup>th</sup> to Stewarts. They have since  
7 addressed all of our comments in that letter.  
8 We did a complementary review on the plans and  
9 issued just this past Friday, July 22<sup>nd</sup>,  
10 another letter with a few minor comments.

11           CHAIRMAN STUTO: That was e-mailed to us.

12           MS. WYLD: Yes, Joe Grasso sent that out  
13 on Friday.

14           Stewarts has done a very good job in  
15 working with us with all of our comments.  
16 We're satisfied that they have done a good job  
17 with working with all the Town Departments as  
18 well.

19           Would you like me to go through the few  
20 remaining comments?

21           CHAIRMAN STUTO: Yes, in the latest  
22 letter from Joe Grasso.

23           MS. WYLD: Okay. Comment one - CDTA  
24 requested a concrete landing pad and bench in  
25 the area of the existing bus stop which is now

1 proposed on the plans. At our request, the  
2 plans show a short cut to the site from the  
3 bus stop. The plan should more clearly show  
4 what would be constructed at this time. In  
5 addition a drop curb, a detectable warning  
6 strip should be installed on the sidewalk  
7 entrance. The location of the bench should be  
8 aligned with the back of the sidewalk. The  
9 make a model of the bench will be to  
10 specifications.

11 They've addressed CDTA's request to put  
12 in a bench and at this point, it's very minor  
13 in details to get that resolved.

14 Comment two is regarding the incentive  
15 zoning fee to account for the 1,181 square  
16 foot reduction in greenspace. That totals  
17 \$15,353. At this time, the applicant has  
18 accepted that and it will become a condition  
19 of the site plan approval.

20 At such time that the two additional  
21 parking spaces are constructed, an additional  
22 zoning fee of \$7,020 may apply.

23 Comment 3 - the light pole base detail  
24 indicates a minimum from the ground to the top  
25 of the concrete base. The details should

1 indicate a six inch maximum in order to ensure  
2 that the total light does not exceed 18 feet,  
3 which is the maximum permitted in the design  
4 guidelines. That's a very minor detail that  
5 I'm sure the applicant is willing to adjust.

6 Our last comment was just that additional  
7 minor comment about receiving the revised  
8 stormwater management report. We just received  
9 that this evening. We reviewed the initial  
10 submittal back in June and that remaining  
11 comment and that will be very minor. We can  
12 adjust that.

13 CHAIRMAN STUTO: This is a Type II  
14 action, according to our Planning Board  
15 checklist. The EAF submitted by the  
16 applicant - no further action on a Type II.

17 MS. WYLD: That's right. There is no  
18 further action needed.

19 CHAIRMAN STUTO: Are there any question  
20 of the Board?

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

22 CHAIRMAN STUTO: I think that it would be  
23 helpful if we read this resolution into the  
24 record.

25 MR. LANE: "Resolution, Stewart's Shops,

1           605 Loudon Road, Land Use Law Waiver Findings:

2           Whereas, Stewart's Shops Corp, the  
3           applicant, has proposed the redevelopment of a  
4           mini-mart, gas pumps and associated parking at  
5           605 Loudon Road, Town of Colonie, Albany  
6           County, New York. The project will involve the  
7           construction of a 2,984 square foot  
8           convenience store, a gas island with three  
9           pumps and 22 parking spaces; and

10           Whereas, the applicant is requesting a  
11           waiver from the Town of Colonie Land Use Law,  
12           Article IX - Chapter 190-9, Design Standards,  
13           for the Commercial Office Residential (COR)  
14           zone related to the maximum front building  
15           setback of twenty feet, parking, drive lanes  
16           and fuel pumps being located within the  
17           front yard, and pavement within the fifteen  
18           foot front yard setback and Article X 190-10,  
19           General Regulations - Required number of  
20           parking spaces.

21           Whereas, the Town of Colonie Planning  
22           Board, the Board, may waive these standards to  
23           the extent it deems necessary in order to  
24           secure reasonable development of the site. In  
25           such case, the applicant must establish that

1           there are no practical alternatives to the  
2           proposed waiver that would conform to the  
3           standard, and the Board shall issue a written  
4           Finding stating the extent and justification  
5           of the waiver; and

6                       Whereas, an improvement will be made to  
7           the existing site conditions to correct an  
8           internal circulation and safety issue; and

9                       Whereas, access to and visibility of the  
10          fuel pumps is required for successful  
11          operation of the business and as such the fuel  
12          pumps are needed along the front of the  
13          building which dictates the front building  
14          being shifted toward the rear of the parcel;  
15          and

16                      Whereas, shifting the fueling canopy and  
17          building further away from the Loudon Road  
18          right-of-way will allow a greater amount of  
19          greenspace across the front of the site and a  
20          greater consistency with the adjacent property  
21          to the south; and

22                      Whereas, parking is located within the  
23          front yard to satisfy customer expectations  
24          that parking be located in front of the  
25          proposed store; and



1           Whereas parking in front of the store  
2 will accommodate fueling customers that wish  
3 to park in a conventional parking space,  
4 thereby decreasing congestion around the  
5 fueling canopy; and

6           Whereas the existing site has eleven  
7 parking spaces and there will be 22 parking  
8 spaces following redevelopment of the site,  
9 with 22 parking spaces having been purported  
10 to adequately serve the parking needs of the  
11 redeveloped facility; and

12           Whereas there are two additional spaces  
13 that can be constructed at a later date if  
14 demand indicates an inadequacy of parking on  
15 the site.

16           Now, therefore be it resolved that the  
17 Board hereby finds that the extent of the  
18 requested waiver is not considered  
19 substantial; and

20           Be it further resolved that the Board  
21 finds the applicant has established that there  
22 are no practical alternatives to the proposed  
23 waiver that would conform to the standard and  
24 that the waiver is necessary in order to  
25 secure reasonable development of the project

1 site; and

2 Be it further resolved the Board hereby  
3 issues a waiver from the maximum front  
4 building setback of 20 feet; and

5 Be it further resolved, that the Board  
6 hereby issues a waiver from the prohibition of  
7 parking, drive lanes and fuel pumps being  
8 located within the front yard; and

9 Be it further resolved, that the Board  
10 hereby issues a waiver from the prohibition of  
11 pavement within the 15-foot front yard  
12 setback; and

13 Be it further resolved, that the Board  
14 hereby issues a waiver for eight parking  
15 spaces of the required 30 parking spaces; and

16 Be it further resolved that these Waiver  
17 Findings be a condition of site plan approval  
18 of the application and be kept in the project  
19 file in the Office of the Planning and  
20 Economic Development Department.

21 CHAIRMAN STUTO: Tim, are you making a  
22 motion on that?

23 MR. LANE: I will make a motion on that.

24 CHAIRMAN STUTO: Second?

25 MR. MION: Second.

1 CHAIRMAN STUTO: All those in favor?

2 **(Ayes were recited.)**

3 CHAIRMAN STUTO: All those opposed?

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

5 CHAIRMAN STUTO: The ayes have it.

6 Now I'll consider a motion on final site  
7 plan approval, contingent upon satisfaction of  
8 all the Town Designated Engineer's suggestions  
9 and requirements and also contingent upon  
10 satisfaction of the Town Department  
11 requirements.

12 MR. MION: I'll make a motion.

13 MR. LANE: Second.

14 CHAIRMAN STUTO: All those in favor?

15 **(Ayes were recited.)**

16 CHAIRMAN STUTO: All those opposed?

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

18 CHAIRMAN STUTO: The ayes have it.

19 Thank you.

20

21

22 **(Whereas the proceeding concerning the**  
23 **above entitled matter was concluded at**

24 **8:14 p.m.)**

25

