

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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5 STEWARTS SHOP
6 1218 TROY-SCHENECTADY ROAD
7 APPLICATION FOR CONCEPT ACCEPTANCE
8 *****

9 THE STENOGRAPHIC MINUTES of the above entitled
10 public hearing BY NANCY STRANG-VANDEBOGART, a
11 Shorthand Reporter, commencing on
12 January 24, 2012 at 7:06 p.m. at the Public
13 Operations Center 347 Old Niskayuna Road,
14 Latham, New York 12110

15 BOARD MEMBERS:

- 16 PETER STUTO, CHAIRMAN
- 17 MICHAEL SULLIVAN
- 18 BRIAN AUSTIN
- 19 LOUIS MION
- 20 TIMOTHY LANE
- 21 KATHLEEN DALTON
- 22 BRIAN HAAK
- 23 ELENA VAIDA, Esq., Attorney for the Planning Board

24 Also present:

25 Joe LaCivita, Director, Planning and Economic
Development

Tom Lewis, Stewarts

Joe Grasso, Clough Harbour and Associates

Chris Potter, Stewarts

Eric Coleman

24

25

1 CHAIRMAN STUTO: Next on the agenda is
2 Stewarts at 1218 Troy-Schenectady Road. This
3 is an application for concept acceptance.

4 I think that some of us may have seen
5 this as a sketch plan, Joe. This is the first
6 time for concept approval. Do you want to give
7 us an introduction?

8 MR. LACIVITA: The same thing with this
9 one here - this one is before us for concept
10 acceptance. They're going to demolish an
11 existing building and replace it with a 2,900
12 square foot convenience store with fuel at
13 this location. It's currently under review by
14 the Town Designated Engineer, Clough Harbour.
15 The address is 1218 Troy-Schenectady Road and
16 Mr. Lewis has been before us for a number of
17 locations. I can turn it over to him for
18 information.

19 CHAIRMAN STUTO: Thank you.

20 MR. LEWIS: Thank you, very much.

21 The yellow is what we have now and the
22 overlay is what we will have.

23 I'm Tom Lewis and I'm the real estate
24 rep. We're once again hoping to do what we had
25 done on our Route 9/Loudon Road which is that

1 we have another existing site that really
2 doesn't work well. We wouldn't do it if it was
3 just a vacant seven-tenths of an acre - which
4 it is. I'm not sure that we could do it. We
5 want to make it better. There are about 75,000
6 cars every day on that road. That's even more
7 than Route 9. There is not enough parking and
8 the building is too small. There are a number
9 of waivers that we're asking for, again.

10 The existing shop is 1,865 and the rental
11 is 3,347. So what we're going to do is knock
12 that down.

13 MR. LANE: Currently there is 1,300
14 there?

15 MR. LEWIS: The shop is 1,865 and the
16 rentals are 3,347 square.

17 The new shop will be 2,990 down from
18 5,212. However, we're now adding gas tanks and
19 it fits. What is existing now is that it has
20 19 parking spaces for all four uses. What we
21 hope to have is 25 if this is approved for
22 just one use.

23 Just like Route 9, again, there are two
24 curb cuts on the main road that we reduced
25 down to one and we're doing the same thing

1 here. We had a lot of discussions with the
2 TDE, DOT and we think that we have reached
3 something that they're comfortable with.

4 Greenspace, unlike Loudon Road, actually
5 increases 20 percent to 23 percent.

6 The number of employees remains the same.
7 There are six part-time and six full-time. The
8 hours of operation remain the same; 5:00 a.m.
9 until midnight.

10 The sequencing just like Loudon - we
11 build the new building while leaving the old
12 building open so that we don't close. A day
13 later, the old building is down and we're open
14 for business and then the gas island gets
15 built. So, we're asking for a number of
16 waivers and I can go over them, but I think
17 that you have them all. That would be the
18 overview.

19 I have Chris Potter, our engineer, who
20 can answer anything about the DEC comments and
21 other things.

22 CHAIRMAN STUTO: Okay, I want to repeat
23 Tim's question because I was a little bit
24 distracted when you answered it.

25 We're going from a multi-use building to

1 just a single purpose Stewarts shop

2 MR. LEWIS: That's correct.

3 CHAIRMAN STUTO: And we're going from how
4 many square feet to how many square feet?

5 MR. LEWIS: From 5,212 down to 2,990;
6 unless you want to count the gas canopy.

7 CHAIRMAN STUTO: I don't want to do that.
8 We get the picture.

9 MR. LEWIS: Less is more.

10 CHAIRMAN STUTO: And you have no gas now,
11 right?

12 MR. LEWIS: That's correct. We had gas
13 years ago. We had one tank and we pulled it
14 because it was too small.

15 CHAIRMAN STUTO: It wasn't working.

16 MR. LEWIS: Right.

17 CHAIRMAN STUTO: If you have no further
18 comments, I'm going to ask our TDE to go over
19 his comments.

20 Joe Grasso?

21 MR. GRASSO: In your packets, I think
22 that it's about in the middle of your packets
23 we have our December 28th concept site plan
24 review letter. I'm going to go through just
25 about all of the items in there. The first one

1 has to do with access which has been a large
2 topic of discussion during the initial
3 presentation regarding the project.

4 The current Stewarts store as well as the
5 other businesses that are there have two full
6 access curb cuts on the Route 7 and one full
7 access on the curb cut on Vly Road via the
8 common access drive. One of the existing curb
9 cuts on Route 7 is only 90 feet from the
10 intersection with Vly. We say that in order to
11 promote access management along Route 7 and
12 minimize conflicting movements. We support the
13 consolidation of curb cuts and relocating them
14 further from the intersection of Route 7 and
15 Vly Road. The current proposal consolidates
16 the two existing curb cuts on Route 7 into one
17 which is approximately 140 feet.

18 During the initial DCC review of the
19 project, DOT expressed some concerns about
20 continuing to allow full access onto Route 7
21 but because of the closing of the one curb
22 cut, which is closer to the intersection, they
23 had provided us additional comments also
24 included in your packets which states that:

25 "The access configuration proposed

1 including a full movement driveway on Route 7
2 appears to be an improvement over existing
3 conditions and in our opinion is an acceptable
4 compromise, given the other site constraints
5 involved."

6 So, the current access configuration is
7 supported both by our office as well as New
8 York State Department of Transportation.
9 Obviously, the final approval of that curb cut
10 onto Route 7 is going to require a formal
11 approval and work permit from DOT.

12 The second comment in our letter goes
13 through some of the waivers that are required.
14 I'll list them.

15 They include a maximum building setback
16 and the building orientation because it
17 doesn't face Route 7. It faces towards Vly
18 Road. The parking and drive lanes are located
19 in the front building setback, the pavement
20 setback from the front lot line, five parking
21 spaces less than the required minimum required
22 by Code, and also the fuel canopy being
23 located in the front yard.

24 The applicant has provided additional
25 information in support of all the waivers and

1 we are in agreement with all of the waivers
2 except for the amount of interior landscaped
3 island that they provided which we feel that
4 they could accommodate through a redesign and
5 some increased landscaped islands within the
6 paved areas of the site.

7 CHAIRMAN STUTO: Do you mind going
8 through them one by one and tell us why you
9 think that they are a good idea - or the ones
10 that you don't like?

11 MR. GRASSO: Yes. They're enumerated. We
12 summarized them, but they are enumerated in a
13 better format in the PEDD's comments which is
14 also in your packet.

15 There is a memo to you from the Planning
16 Department on January 13th. It was sent out to
17 Pete Stuto from Planning and Economic
18 Development Department. Assuming that you have
19 printed both sides, it was the fourth page in
20 my packet. January 13, 2012.

21 I'm going to read staffs comment:

22 "The following waivers from the Planning
23 Board will be necessary with the design as
24 proposed. The PEDD does not support the
25 waivers as the project is new construction and

1 no attempt has been made to conform to the
2 Land Use Law design code.

3 The building exceeds the 20-foot maximum
4 front yard setback. As this is a corner lot,
5 the setback would only apply from
6 Troy-Schenectady Road."

7 This waiver has been applied for and
8 successfully granted by the Planning Board in
9 the past because of the circulation throughout
10 the Stewarts site and the need to have access
11 to the fuel canopy and sight lines along the
12 major thoroughfare.

13 Is that a summary of the waiver comment,
14 Chris?

15 MR. POTTER: Yes.

16 CHAIRMAN STUTO: So, the building is
17 pulled further away from Troy-Schenectady Road
18 than would normally be required.

19 MR. GRASSO: Exactly. The Code requires a
20 maximum setback of 25 feet which would
21 basically put it right up on Route 7.

22 MR. LANE: Is there any particular reason
23 why it couldn't be pushed closer to the
24 Troy-Schenectady Road and the parking that's
25 on that side could be put to the opposite

1 side?

2 MR. POTTER: It would get tighter for our
3 deliveries. This would be the width of the
4 property line (Indicating). Also, when you
5 pulled into the entrance, you'd be basically
6 driving into where cars are backing out and
7 there would be no separation from that. It
8 would give it more room for stacking. If
9 somebody is pulling up here (Indicating) you
10 wouldn't be able to get off of Route 7 and
11 stop. If it was flipped, they'd be backing out
12 and someone could come in from Route 7. They
13 would have a little bit of room to stop. They
14 would be stopping on Route 7, if someone was
15 backing out of the spaces.

16 MR. LANE: I would think that would
17 improve it. If you didn't have parking spaces
18 toward Troy-Schenectady -

19 MR. POTTER: No, you would have all these
20 ones in the front face right here
21 (Indicating).

22 MR. LANE: Okay, you're talking about the
23 front spaces.

24 MR. POTTER: Yes.

25 MR. GRASSO: And this building also - the

1 second waiver is similar. Parking in the front
2 yard is not permitted. Obviously, it's their
3 intent to have some parking spaces between the
4 building and the main road out in front so
5 that they have customers that could park there
6 and it's visible. They can show that they're
7 open and for ease of circulation through the
8 site.

9 MR. HAAK: So, we're measuring the space
10 on Troy-Schenectady Road.

11 MR. GRASSO: Any time between the
12 building and the road out in front - that's
13 considered the front yard.

14 I'm just going to go through the waivers
15 and then if you want we can come back to them.

16 The parking lot pavement within 10 feet
17 of Vly Road, 10 feet of Troy-Schenectady, west
18 of the curb cut, as close as two feet from
19 Troy-Schenectady Road east of the curb cut and
20 the parking lot access aisle with the 30 feet
21 for parking spaces exceeds the standard width
22 at 24 feet, but it's standard for Stewarts
23 just because of the high turn over of vehicles
24 and they like to keep their drive aisles
25 wider, which we support.

1 The next waiver is: The layout doesn't
2 conform with the Corps design standards for
3 building placement which requires a main
4 façade and entrance toward Troy-Schenectady
5 Road. Right now the building is oriented
6 towards Vly Road and not Troy-Schenectady
7 Road. I think that the rationale provided was
8 because the building is rectangular in shape
9 and when you rotate it so that it was parallel
10 with Troy-Schenectady Road, they wouldn't have
11 a line of sight towards the pumps and it would
12 compromise their drive lane which they need
13 between the building and the pumps.

14 Chris, is that correct about the building
15 orientation?

16 MR. POTTER: Yes.

17 MR. LANE: I'm having a little trouble
18 seeing why they can't just change the
19 configuration. It would just require that you
20 change the configuration inside the store, as
21 well. Seeing the pumps only requires a window.

22 MR. POTTER: The way that the cooler and
23 the freezer and the bathroom and everything
24 would be on the side walls - we don't have
25 visibility out of the sides of the store. It's

1 only out the front.

2 MS. DALTON: Isn't there some way that
3 you could shift it to the corner?

4 MR. POTTER: You would lose the parking
5 on the sides if you did that.

6 MR. GRASSO: When they came in for a
7 sketch plan review, they provided us eight
8 concept sketch layouts. This was referred to
9 as layout 7. Based on the Planning Board
10 minutes and our notes, they had gotten
11 favorable feedback from the Board. There is a
12 layout 8 that had the building oriented kind
13 of angled towards the corner.

14 CHAIRMAN STUTO: Is the orientation an
15 aesthetic thing?

16 MR. GRASSO: There is a comment later on
17 in our comments about concerns over views
18 towards the back of the building. When we look
19 at the building, aesthetics - this is the
20 elevation that would be facing all of the
21 westbound traffic. We thought that there would
22 need to be some substantial upgrades to the
23 architectural treatment so this didn't appear
24 to be the back of a building. We talked about
25 adding dormers. We talked about adding faux

1 windows so that they could look more like the
2 front of a building.

3 It's vehicles on Route 7 heading west
4 that would be looking right at that.

5 MR. LEWIS: Mr. Chairman, you may
6 remember from Loudon Road and Boght Road - we
7 don't do the gas canopy behind the building,
8 but on Vly Road one of the options that we
9 gave - I said, if you flip it, you're still
10 going to see everything. I think that it was
11 the curb cuts that would have to be shifted
12 back this way (Indicating).

13 CHAIRMAN STUTO: At least as far as I can
14 think of now, I have no problem operationally
15 with where it is and the setbacks. It's the
16 aesthetics from the travelers that are
17 westbound, or if you're looking directly at it
18 from Route 7, you're going to see the side
19 rather than the front. So, the aesthetics
20 bother me here and also, the back view; as Joe
21 just pointed out. It's just a comment. We're
22 still going through it.

23 Where will your sign be? Brian is asking
24 that.

25 MR. LEWIS: One free standing sign and

1 one building sign.

2 CHAIRMAN STUTO: Where will they be?

3 MR. LEWIS: The freestanding sign will be
4 on the corner and the one on the building will
5 be on the front.

6 CHAIRMAN STUTO: Only the eastbound
7 traffic will see the front sign.

8 MR. LEWIS: Our main sign would be the
9 freestanding sign.

10 CHAIRMAN STUTO: Mike Sullivan is just
11 suggesting that the landscaping on the
12 easterly corner might be able to help the
13 aesthetics.

14 MR. LANE: Could they be extended the
15 whole length where the trucks enter?

16 MR. LEWIS: If it's up to me, we'll do
17 landscaping wherever it fits.

18 CHAIRMAN STUTO: You're saying here
19 (Indicating).

20 MR. SULLIVAN: No, near the dumpster.

21 MR. POTTER: We could do that. This was
22 planned as the snow storage area.

23 CHAIRMAN STUTO: You still have some
24 greenspace there, don't you?

25 MR. LEWIS: We're fine with that.

1 CHAIRMAN STUTO: Okay, we can continue
2 with the presentation.

3 Joe?

4 MR. GRASSO: "A minimum of 20 square feet
5 of landscape island shall be included in the
6 interior of the parking lot for each stall.
7 The design and layout of the interior
8 greenspace within the parking area does not
9 meet the definition of at least 75 percent of
10 the green island perimeter abutting the
11 parking area of pavement."

12 We went into a little bit more detail on
13 our comment letter and said that it looks like
14 a minimum of 500 square feet is required.

15 Can you just point out the one interior
16 landscaped island that you've got as right at
17 the corner? That's probably 150 square feet.
18 So, they would need roughly three or four of
19 those. Seventy-five percent of the perimeter
20 has to abut parking spaces and you're not
21 going to meet 50 percent there.

22 MR. LEWIS: Joe, where do you think that
23 we should put it?

24 MR. GRASSO: I think that you're going to
25 have in increase the size of that corner

1 island.

2 MR. LEWIS: We'll lose this space.

3 MR. GRASSO: Yes.

4 MR. LEWIS: We're short five now; we
5 might as well be short six. Is that what you
6 mean?

7 MR. GRASSO: Yes.

8 "In order to obtain increased interior
9 island greenspace we recommend the elimination
10 of parking spaces in the vicinity of spaces
11 number 7 and 8."

12 I think that if you did that, you would
13 meet that.

14 MR. LEWIS: This is one of these things
15 that if it's important enough to the
16 Board - you know that we'd rather say yes than
17 no, but the function of this building and
18 these buildings is that you get a lot of cars.
19 They demand to park as close to the building
20 as possible. We've had a number of cars go
21 through the building. We've documented it.
22 It's a true story. If you look at what's there
23 now and consider the aesthetics of the whole
24 project, we're going to make this look a whole
25 lot nicer. If it's important to the Board that

1 we lose either one or two -- one would be
2 better than two - we'd rather not lose any.
3 We're short, as it is, by the Code. With that
4 many cars, I think that they will all be used.
5 That's up to the Board.

6 MR. GRASSO: We have a comment regarding
7 the parking, so I'll just touch on that.

8 "Per the Town Code, the existing site
9 requires 36 and only provides 17."

10 That's comment five in our letter.

11 "Based on the elimination of the retail
12 space in the proposed site plan, it requires
13 30 parking spaces whereas they provide 25.
14 Although we support the reduction in parking,
15 additional parking spaces will be lost in
16 order to satisfy the interior island
17 greenspace requirement."

18 If sufficient parking is anticipated,
19 based on that reduction, then we would
20 recommend a corresponding decrease in the size
21 of the building. I think what I've heard Tom
22 say is that they're willing to sacrifice the
23 two additional parking spaces and feel like
24 they can still accommodate their parking
25 needs.

1 CHAIRMAN STUTO: What do you think about
2 the parking?

3 MR. GRASSO: Understanding that they only
4 have 17 right now and the fact that you add a
5 fuel pump does not increase your parking
6 demands on the site.

7 CHAIRMAN STUTO: But it's an increase
8 from the current situation.

9 MR. GRASSO: That's right. Right now they
10 are providing 47 percent of what is required
11 by Code. The current plan proposed 83 percent
12 even if you lose two more; you're still going
13 to be in the 65 or 75 percent range of what is
14 required. We support that.

15 MR. LEWIS: The reason for that is that
16 it will aesthetically look nicer.

17 I'll refer back to my comment. We think
18 that the aesthetics - without losing the
19 practicality and the practical side of things.

20 CHAIRMAN STUTO: Well, you have set a
21 high standard for yourself on Route 9.

22 MR. LEWIS: That's good.

23 MS. DALTON: The building looks great.

24 CHAIRMAN STUTO: I've had a lot of
25 positive comments about that.

1 MR. LEWIS: I'll thank the Board for
2 that. You guys voted yes and you could have
3 voted no.

4 CHAIRMAN STUTO: We massaged the original
5 plan.

6 MR. GRASSO: Going back to comment four:

7 "Per the design standards, the minimum
8 frontage build out of 80 percent should be
9 provided. This is just a recommended design
10 standard. An ornamental black fence with stone
11 columns is proposed in order to try to satisfy
12 this requirement which is similar to what they
13 did on Route 9."

14 CHAIRMAN STUTO: Are you in your letter?

15 MR. GRASSO: Yes, on number four.

16 "However, the fence only occurs for
17 approximately 50 percent of the site's
18 frontage. Consideration should be given to
19 extending the fence along Route 7 in order to
20 more fully meet the requirement."

21 Can you just show, Chris, where there
22 fence is currently proposed?

23 MR. POTTER: It's all up to the corner of
24 vly all the way around to this entrance on 7.

25 MR. GRASSO: We thought that they could

1 possibly pick it up on the other side of the
2 curb cut and extend it if that was something
3 that the Planning Board thought would be an
4 improvement.

5 MR. POTTER: The only thing that we
6 haven't shown here is their right of way is
7 like two feet from our curb line. So,
8 physically there is not enough space to keep
9 the fence in and on our property.

10 CHAIRMAN STUTO: Any response to that,
11 Joe?

12 MR. GRASSO: There is no room to tighten
13 that -

14 MR. POTTER: We're at 28 feet. We'd like
15 to have 30.

16 MR. GRASSO: How wide is that aisle?

17 MR. POTTER: This is 28 here
18 (Indicating).

19 MR. GRASSO: Yes, I would take the aisle
20 down a couple of feet.

21 MR. LEWIS: In the Town of Wilton, the
22 Code calls for 24 feet. We offered them 28
23 feet. The Code calls for 24 and they demanded
24 32.

25 MR. GRASSO: When you're between the

1 building and the fuel canopy, I definitely
2 think that an increased drive aisle width of
3 30 feet is beneficial. The normal parking
4 aisles are 24 feet and I could see that could
5 go down to that minimum, if it's going to
6 allow greater greenspace and accommodate the
7 fence.

8 MR. LANE: That will increase their
9 greenspace, right, if they bring that out?

10 MR. GRASSO: Yes.

11 MR. SULLIVAN: Would that solve the
12 island?

13 MR. GRASSO: No. But it's all give and
14 take. These are all things that we could look
15 at. If they do something like this, we could
16 then bring more support for the waiver of the
17 interior island.

18 CHAIRMAN STUTO: What is the interior
19 island situation on Route 9? I know that you
20 have the fence and the post.

21 MR. LEWIS: The sewer easement was what
22 messed that up.

23 MR. GRASSO: He's talking about the other
24 site.

25 MR. POTTER: It's similar to this and it

1 went out more and the only reason that this
2 isn't going out more is because of the
3 entrance of our fuel trucks.

4 CHAIRMAN STUTO: And Joe wants to
5 increase the size of that. I'm just wondering
6 what's on Route 9. I can't recall. I've driven
7 in and out of there a few times.

8 MR. GRASSO: They have an island.

9 MR. LEWIS: Why don't we bring in
10 something of a compromise and we'll show you
11 what that is and what this is. We can see if
12 we can work that out at the next meeting.

13 CHAIRMAN STUTO: That sounds good. I like
14 the idea of the fence and Joe's suggestion.

15 MR. GRASSO: Narrowing up the drive
16 aisles of 24 and 26 feet give you enough room
17 to keep the fence on the property line?

18 MR. POTTER: It would be close. The only
19 other comment was that they were concerned
20 about sight line with these columns. It's
21 something that we'll have to look at. If that
22 can even be where it is or if it has to be
23 pulled further away from the right of way.

24 MR. GRASSO: If you do like you did on
25 Route 9 and use that low fence - 36 inches -

1 MR. LEWIS: One of the reasons why it was
2 such a long time between when we appeared here
3 last time for concept on this on is that there
4 was a lot of back and forth between the DOT
5 and Joe.

6 MR. GRASSO: I'm going to keep going
7 through our comments.

8 "We're concerned with the aesthetics of
9 the building when it's viewed from vehicles
10 heading west on Route 7, seeing that views
11 would be to the back of the building, loading
12 and dumpster enclosure area. In order to
13 enhance aesthetics, additional architectural
14 treatment should be given to the east building
15 elevation including potential use of faux
16 windows, dormers and/or copulas. In addition,
17 additional landscaping should be provided
18 along the east side of the site and along the
19 south building elevation."

20 CHAIRMAN STUTO: I think that's a
21 critical comment.

22 MR. GRASSO: Will doing those things
23 address the orientation of the building?

24 MR. LANE: I especially like the idea of
25 the cupola.

1 MR. GRASSO: Yes, Route 9 has the cupola.

2 CHAIRMAN STUTO: You made the comment on
3 the orientation.

4 MS. DALTON: I would rather provide a
5 variance on the setback in the back, if they
6 got enough parking spaces around.

7 CHAIRMAN STUTO: We just went over
8 comment six which said they were going to do
9 some work on the architectural aspects of the
10 east side of the building, the landscaping and
11 the cupola to make it look better from - if
12 you're coming west. That's to address the
13 orientation comment. I don't know if you have
14 any comments on that.

15 MS. DALTON: Not yet.

16 MR. GRASSO: "The plan depicts a white
17 vinyl dumpster enclosure that appears too
18 small to accommodate typical refuse. Since
19 this area would be highly visible from Route
20 7, the extension of the north wall that wraps
21 around the dumpster area should be considered.
22 The wall could be constructed with the stone,
23 veneer and siding to match that proposed for
24 the building exterior."

25 With your finger or your pointer, could

1 you just show where that is referring to?

2 **(Mr. Lewis indicates.)**

3 MR. GRASSO: Right, just wrapping around
4 that corner.

5 All of our other comments are relatively
6 minor.

7 "The sidewalk along the front of the
8 building should be extended to connect to the
9 private access drive. The sidewalk along Vly
10 Road should be extended across the private
11 access road and a landing should be provided."

12 So, the crosswalk along Vly Road and the
13 landing on the other side of the curb cut -

14 MR. LEWIS: you want a striped crosswalk?

15 MR. GRASSO: Just a striped crosswalk on
16 the landing pad.

17 MR. LEWIS: I forgot to mention that
18 after many months, we obtained an easement
19 along here (Indicating) - the whole thing.
20 This is owned by the people who own the
21 bowling alley. The agreement was that we have
22 to maintain it and snow plow it and repave it.

23 CHAIRMAN STUTO: That's a private drive?

24 MR. LEWIS: Yes.

25 CHAIRMAN STUTO: Can we go over the

1 sidewalk comment again so that we understand
2 that?

3 MR. GRASSO: The sidewalk along the front
4 of the building should be extended to connect
5 to the private access drive; the one across
6 the front of the building. That one little
7 extension - so that if someone is coming from
8 the bowling alley -- and then the other one is
9 just a crosswalk that we already talked about.

10 CHAIRMAN STUTO: Got it. No sidewalk on
11 Route 7, right?

12 MR. GRASSO: Yes, there is. It's
13 continuous. We thought that one was fine.

14 CHAIRMAN STUTO: What's on either side?
15 Is there one in front of the bowling alley?
16 Does that continue?

17 MR. POTTER: We're replacing it along the
18 front of the parcel.

19 CHAIRMAN STUTO: And it continues on?

20 MR. POTTER: Correct.

21 MR. GRASSO: I just want to check and see
22 if there are any other comments from the other
23 departments that I didn't touch on.

24 The comments from CDTA:

25 "We appreciate the sidewalks along Route

1 7 and Vly Road. It could be clear how a
2 pedestrian would walk safely to the Stewarts
3 from the sidewalk."

4 I think that our comment addressed that.

5 One or two bike racks would be a good
6 addition.

7 MR. LEWIS: Sure.

8 MR. GRASSO: I think that might have been
9 a comment from the Planning Department, as
10 well, to accommodate a bike rack.

11 CHAIRMAN STUTO: What is your opinion on
12 the bike rack?

13 MR. GRASSO: We support it for this type
14 of use.

15 That's it for our comments and those that
16 we thought we worthy of talking about from the
17 departments.

18 CHAIRMAN STUTO: Brian, do you have any
19 comments or questions?

20 MR. HAAK: No. I agree with a lot of what
21 Joe said. I would like to see a sidewalk
22 extended.

23 I guess it's on the north toward
24 Route 7 - in your drawings here you have faux
25 windows. Is there any possibility at least - I

1 guess what would be in the front section of
2 putting a real window in there to sort of open
3 up more lighting - natural lighting and
4 perhaps improve the aesthetics?

5 MR. POTTER: This side is grocery
6 shelving, which is six feet high. The other
7 window is the cooler area.

8 MR. GRASSO: So, could you do a clear
9 story over the top of the shelving?

10 MR. POTTER: We could.

11 MR. GRASSO: Maybe you could frost the
12 bottom panel and the top one clear?

13 MR. HAAK: Can you at least take a look
14 at it to see what it might look like?

15 MR. LEWIS: Sure.

16 MR. GRASSO: Even if it was frosted glass
17 at least you would get some natural light
18 inside.

19 CHAIRMAN STUTO: You're saying that it
20 would look different from the exterior though.
21 The top wouldn't match the bottom.

22 MR. POTTER: Correct.

23 CHAIRMAN STUTO: Well, we can take a look
24 at it.

25 MR. LEWIS: We'll see if there's a way to

1 depict how that would look.

2 MR. HAAK: Or it could be all clear glass
3 and you would just see the back.

4 MR. LEWIS: Which is kind of tacky.

5 MR. HAAK: I don't want it to look tacky,
6 but I'm thinking of how you would open it up
7 onto Route 7 and also make it a little bit
8 more light in there? Other than that I agree
9 with a lot of Joe's comments, certainly about
10 the landscaping in the back.

11 CHAIRMAN STUTO: Mike?

12 MR. SULLIVAN: The one question that I
13 have that remains is: Do you know who your
14 fuel supplier will be? Do you plan on using
15 Sunoco?

16 MR. LEWIS: It won't be because the
17 fellow across the street in Niskayuna is
18 Sunoco.

19 By the way, don't take this personal but
20 years ago, there was talk about us buying that
21 corner. It was decided no and it was a good
22 thing for us. Now we give you tax money
23 instead of them.

24 We will not be Sunoco.

25 CHAIRMAN STUTO: Tim?

1 MR. LANE: I don't have any questions. I
2 would like you to consider the cupola. I think
3 that would be a great addition to the
4 aesthetics on it; extending the fence,
5 sidewalks and bike racks - all the usual
6 extras.

7 MR. LEWIS: I'm sure that we will be able
8 to cover if not all, almost all.

9 CHAIRMAN STUTO: Brian?

10 MR. AUSTIN: I really don't have any
11 questions. My only thing is the aesthetics as
12 well, especially on the east elevation in the
13 backside of the store. I don't know what you
14 can do with that to try to hide it a little
15 bit more. You're driving westbound on 7 and
16 you can see the back of the store.

17 MR. POTTER: You'll see these trees and
18 you're not going to see through the dumpster
19 enclosure.

20 CHAIRMAN STUTO: Can we get a berm on
21 there or no? Can we raise it up a little?

22 MR. LEWIS: Sure.

23 MR. AUSTIN: The Route 9 one looks
24 fabulous. If this looks anything like that, it
25 will be great.

1 CHAIRMAN STUTO: Lou?

2 MR. MION: I don't have any questions. I
3 think you're doing a good job.

4 CHAIRMAN STUTO: Kathy?

5 MS. DALTON: The Route 9 has a cupola,
6 right?

7 MR. LEWIS: It does.

8 MS. DALTON: The fence and the
9 sidewalk - I too have a problem with the
10 exposure of the back of the building and the
11 way that it is. I think that the berm could
12 work. I do understand your concern with regard
13 to the parking.

14 MR. POTTER: There are a bunch of
15 existing trees that are off our property in
16 this green area.

17 MS. DALTON: There is, but I do know that
18 there are little stores along the side and
19 that whole side is open.

20 CHAIRMAN STUTO: I agree with all the
21 comments that have been made.

22 Is there anyone here from the public on
23 this particular project?

24 MR. COLEMAN: I am.

25 CHAIRMAN STUTO: I'll give you a chance

1 in a minute.

2 There is another memo in the file. One of
3 our Committees suggested that we use
4 indigenous plantings. I think it was from the
5 CAC. I'm not sure what that would be.

6 Counsel is pleased to see a slight
7 increase in the greenspace. Unfortunately, the
8 landscaping plan, S3, did not list specific
9 names of trees and shrubs being planted.
10 Counsel asked that the developer use plantings
11 that are native to this area.

12 MR. POTTER: That would be basically the
13 same as Route 9.

14 CHAIRMAN STUTO: I don't know what that
15 might be, but I wanted to put that on the
16 record.

17 Can you say your name for the record?

18 MR. COLEMAN: Eric Coleman.

19 I hadn't really planned on speaking. My
20 only concern - that is my house -- that white
21 part that is between the access road -- I was
22 hoping that access - the one on Vly Road could
23 be made a one-way. I don't know if that's
24 possible. There is a decent amount of traffic
25 that goes through there right now. You're

1 going to add this space which is going to
2 increase the traffic. You're talking about not
3 being up to Code as far as parking is
4 concerned - they're going to park in that
5 access road. They do it now and they're
6 definitely going to do it when these changes
7 come in.

8 CHAIRMAN STUTO: What customers park in
9 there? Stewarts?

10 MR. COLEMAN: Yes. The bowling alley has
11 been closed for about three or four years so
12 all the trucks -

13 CHAIRMAN STUTO: How many spaces are you
14 gaining from the current parking -- and the
15 building size is getting smaller.

16 MR. LEWIS: It's gone from 17 to 25, but
17 the uses go from four to one. The cars that
18 were parking for the rental units -- and some
19 of our customers, I don't doubt, parked over
20 here (Indicating). We think that this will
21 work substantially better.

22 MR. COLEMAN: I can tell you right now
23 that nobody parks where those businesses are.
24 The UPS trucks park there. That's it.

25 MR. LEWIS: I think that there is only

1 one business that's there. Once we knew that
2 we were going to do this, we didn't extend
3 leases.

4 MR. COLEMAN: If that road does stay
5 there, it would be nice for speed bumps or
6 something. Maybe we could get permission from
7 the people that own the bowling alley to get
8 some speed bumps or something because cars do
9 rip through there. I have two kids. They shoot
10 hoops out in the back.

11 MR. AUSTIN: Say, you're going from 17 to
12 25 and I count 19 -

13 MR. LEWIS: The extra six is the pumps.

14 MR. AUSTIN: So, they can park at the
15 pump.

16 MR. LEWIS: They do; they do park at the
17 pump.

18 MR. AUSTIN: So, that's a legal parking
19 spot.

20 MR. LANE: Because you're going into the
21 store from the pump.

22 MR. LEWIS: I know that I said this on
23 Loudon Road, but if you ever go to a gas
24 station, I'll bet you a cup of coffee that at
25 some point you leave your car at the pump and

1 you go inside and you pay. That's just what
2 people do. They park there.

3 MR. LANE: Does public safety have any
4 say over traffic on private roads? They
5 couldn't direct a one-way?

6 MR. GRASSO: It's not enforceable.

7 MR. LANE: Because it's private.

8 MR. GRASSO: I was going to make that
9 recommendation. We could look at no parking
10 signage along that stretch. Trucks are going
11 to park there. Let's try to control it with
12 signage and try to adjust it from an
13 operational standpoint.

14 MR. COLEMAN: We can talk with regards to
15 some things that we'd like to have done. I
16 understand that we chose to live there, but at
17 the same time, I don't want to have to deal
18 withal the stuff that comes with the building
19 of this. I'm going to have construction going
20 on along with the store being open. That's a
21 lot to deal with.

22 MR. LEWIS: And we'll do as little as we
23 can. There will be stuff; hammer and nails
24 that will be going on for awhile.

25 MR. COLEMAN: I understand. As far as the

1 Board before we consider this?

2 MR. LANE: Maybe a slow or children sign
3 that might be at the end of the street?

4 MR. GRASSO: Do you feel comfortable with
5 that sign?

6 MR. LEWIS: That's fine.

7 MR. COLEMAN: Well, there's nothing there
8 right now. There is nothing there.

9 MR. LANE: It would make people aware to
10 be on the lookout.

11 MR. GRASSO: So, this is up for concept
12 acceptance. There are findings but findings
13 get acted on at final. We will prepare written
14 findings in support of each of those based on
15 the minutes.

16 CHAIRMAN STUTO: Okay, and the applicant
17 has heard everything that we had to say.

18 We don't do SEQRA at this point. We will
19 consider that.

20 MR. GRASSO: Everything is in order.
21 There is a full EAF in the file. There is one
22 comment regarding the maximum build-out
23 density which I'm sure that they will address.

24 CHAIRMAN STUTO: Is there anything in
25 SEQRA that we want to talk about now? I know

1 that we're not going to vote on it.

2 MR. GRASSO: No.

3 CHAIRMAN STUTO: Do we have an EAF in the
4 package?

5 MR. GRASSO: That's correct.

6 CHAIRMAN STUTO: Which everyone has read
7 and we can reread them again.

8 MR. GRASSO: The only comment on the
9 SEQRA form was the question regarding what is
10 the maximum development permitted on the site
11 under the existing zoning and we didn't think
12 that it was a reasonable answer.

13 MR. LEWIS: You didn't get an answer to
14 that? It wasn't appropriate?

15 MR. GRASSO: No. I didn't see a response
16 in the file to that. It's a minor issue.

17 CHAIRMAN STUTO: Elena, do you want to
18 give your speech before concept, or do you
19 want me to do it?

20 MS. VAIDA: Why don't you do it?

21 CHAIRMAN STUTO: The applicant has been
22 with us before and we've said this before
23 every concept acceptance.

24 The concept acceptance - the Land Use Law
25 deliberately doesn't use the word approval

1 because you're not getting an approval. You're
2 getting a non-committal and we're happy to
3 take your application for final acceptance.
4 So, legally we view this as not binding on the
5 Planning Board or the Town. Consequently, we
6 don't have to complete SEQRA at this point in
7 time, either. You understand what I'm saying.

8 MR. LEWIS: I totally understand.

9 CHAIRMAN STUTO: You've received all of
10 our comments today and I think that you'll
11 incorporate them in the next go-around.

12 Do we have a motion for concept
13 acceptance?

14 MR. AUSTIN: I'll make a motion.

15 MR. LANE: Second.

16 CHAIRMAN STUTO: Okay, Brian made it and
17 Tim seconded it.

18 All those in favor?

19 ***(Ayes were recited.)***

20 CHAIRMAN STUTO: All those opposed?

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

22 CHAIRMAN STUTO: The ayes have it.

23 ***(Whereas the proceeding concerning the***

24 ***above entitled matter was adjourned***

25 ***at 7:53 p.m.)***

CERTIFICATION

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

11
12
13
14 _____
 NANCY STRANG-VANDEBOGART

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17 *Dated February 9, 2012*
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