

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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4 \*\*\*\*\*  
5 STEWARTS  
6 29 WADE ROAD EXTENSION  
7 SKETCH PLAN REVIEW  
8 \*\*\*\*\*

9 THE STENOGRAPHIC MINUTES of the above entitled  
10 proceeding BY NANCY STRANG-VANDEBOGART, a Shorthand  
11 Reporter, commencing on February 28, 2012 at  
12 11:37 p.m. at the Public Operations Center  
13 347 Old Niskayuna Road, Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, Chairman
- 16 LOUIS MION
- 17 MICHAEL SULLIVAN
- 18 KATHY DALTON
- 19 BRIAN AUSTIN
- 20 TIM LANE
- 21 BRIAN HAAK
- 22 ELENA VAIDA, ESQ., Counsel to the Planning Board

23 Also present:

- 24 Joseph LaCivita, Director, Planning and Economic  
25 Development
- Tom Lewis, Stewarts
- Chris Potter, PE
- Joe Grasso, PE, Clough Harbour and Associates

1 CHAIRMAN STUTO: Tom?

2 MR. LEWIS: Hi folks. I'm Tom Lewis and  
3 I'm the real estate representative for  
4 Stewarts Shops. This is my partner, Chris  
5 Potter. I'll do my best to keep it short. I  
6 won't go over the bulk area and meeting the  
7 setbacks, and all that stuff.

8 As I think that most of you know, we've  
9 had or are in the process of four different  
10 projects here. They're appearing before you in  
11 order of difficulty.

12 So, the first one was actually the  
13 easiest one. Loudon Road is built and it looks  
14 great and that's wonderful.

15 Our second one was at Route 7 and Vly  
16 where we received conceptual approval and  
17 thanks to the good graces of Mr. Potter, I'm  
18 fairly sure that we're able to meet all of the  
19 requirements and requests of this Board. When  
20 we appear next we think that you will be happy  
21 because we basically said yes to everything.

22 This is one on Wade Road and Forts Ferry.  
23 I may have mentioned before that in 2002 we  
24 got a call from Phil Pearson and Mike  
25 Bianchine who said we'd really like you to

1 look at these three houses over here because  
2 we have this big project targeted. They're  
3 houses, so we'd really like you to do a shop  
4 here.

5 We submitted plans and signed contracts.  
6 We had four years of deposits and back and  
7 forth and then when it came time to appear  
8 before the Board, someone decided that they  
9 really didn't want us there. As we have said  
10 before, we really do accept no very  
11 gracefully; at least we try to. There are  
12 certain issues that have to be met in order  
13 for it to be viable.

14 You've got an aerial inside your plan.

15 So, I went to Mr. Dake and he recognized  
16 immediately, as even I did, that the biggest  
17 issue here was the access. So, what he said to  
18 me was, we have to have a full access on Wade  
19 and I said, I'm not sure that we'll get that,  
20 but let's see. We submitted with DCC, and Joe  
21 laughed at me with a full access cut over here  
22 (Indicating) and said that's not going to  
23 happen. Obviously, I'm talented because I went  
24 to Bill and said, Bill, this is right-in and  
25 right-out and it's not a problem and we can

1 live with it. He said okay.

2 In discussing this with the TDE, he let  
3 me know basically that he has a real problem  
4 with that. After I'm done here, he'll tell you  
5 the same thing.

6 Also, originally when we submitted for  
7 the DCC -- we had discussed with Mark  
8 Goldstein - this is owned by Joe from Columbia  
9 Development.

10 CHAIRMAN STUTO: I know who he is.

11 MR. LEWIS: We had a cross access  
12 connection -- I think that I've heard a little  
13 bit about that this evening -- over here  
14 (Indicating) and then when we submitted, Mark  
15 went to whoever owns the Capital District  
16 Medical -- whatever this thing is and they  
17 said, no we don't want to do a cross  
18 connection.

19 CHAIRMAN STUTO: Why do you think that  
20 they don't want to do it?

21 MR. LEWIS: I'm going to find out. Maybe  
22 they don't want to give up the parking spots.  
23 I don't know. When Joe was asked earlier, he  
24 gave a very eloquent answer as to why cross  
25 easements and interconnections are important.

1 I'm thinking that the real reason is that on  
2 page 32 of the rule book it says, thou shall  
3 have cross connections and we're very happy  
4 with that. We'll make every possible  
5 effort -- and I phoned Mark in Florida before  
6 this meeting and said, the Planning Board is  
7 going to want this. He knows that already.

8 We do meet the 35 percent greenspace with  
9 this. We're only short one parking spot and  
10 we're proposing 29 rather than 30. We  
11 obviously do have to have a left-in. There is  
12 no way that we can do this if we don't have a  
13 left-in somewhere and we'll get to that soon.

14 There are a number of waivers. I think  
15 that one of the things that I appreciate very  
16 much is that this Board has been very patient  
17 with our kind of use both in allowing Loudon  
18 Road and Vly -- the Board has acknowledged  
19 numerous times that the waivers that we're  
20 asking here are basically the same as we've  
21 always needed.

22 I'm done now and I'll listen.

23 CHAIRMAN STUTO: There is no letter,  
24 correct?

25 MR. GRASSO: There is no letter. These

1 are just sketch plan review comments. We  
2 talked a little bit about this before.

3 Our primary concerns with the applicant -  
4 and really what I think that we need to talk  
5 about tonight here is access. Where the access  
6 points are and how they operate, whether or  
7 not there is a cross connection to Capital  
8 Region Health Park, and then the building  
9 orientation.

10 I'm going to start with the building  
11 orientation. We have a significant concern  
12 over -- and you've heard this on another  
13 Stewarts project - the one on Vly Road. When  
14 you're looking at the number of vehicles on  
15 Wade Road Extension and the visibility of the  
16 site both from Wade Road Extension and Forts  
17 Ferry Road, as well as from the Route 7  
18 corridor, the back of the Stewarts is facing  
19 towards Route 7. We have talked on other  
20 applications about the type of architectural  
21 treatment and we think that - I'm sure that  
22 Stewarts would be willing to do a lot of those  
23 similar architectural treatments that improve  
24 the aesthetics to the back of the building.  
25 There are some general orientation issues

1           regarding the building and we think that it  
2           should be facing towards Wade Road and we  
3           really think that Stewarts should look at a  
4           reorientation of this site. I don't want to  
5           belabor that point because Tom has heard me  
6           raise that concern in previous discussions.

7           In terms of the access situations: This  
8           parcel was at one time part of - it used to be  
9           the Edward's Food Warehouse. When Capital  
10          Region Health Park was built and the old  
11          Edward's was taken down, this was an out  
12          parcel. There were no plans what it was going  
13          to be developed with. It was subdivided out.  
14          So, this is a separate parcel that stands  
15          alone. There was some kind of a concept plan  
16          that showed this being a daycare facility with  
17          an internal connection to the Capital Region  
18          Health Park and no access onto Wade Road  
19          Extension, or on the Forts Ferry Road. This  
20          project appropriately fits the zoning. When we  
21          look at the proposed use of the site, we do  
22          feel like access can be provided off of Wade  
23          Road Extension and Forts Ferry Road in safe  
24          manners as long as we're careful about where  
25          we decide to restrict turning movements and

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1 exactly where those curb cut locations are.

2 In term of the access on Wade Road  
3 Extension, it's not the best place to have a  
4 curb cut location on that section because of  
5 the signal spacing between the signal at Route  
6 7 and the one at Forts Ferry Road. But if  
7 there is going to be a curb cut  
8 allowed - which we do support what's proposed,  
9 we would require that there be rights-in and  
10 rights-out because that basically takes out  
11 the left turns trying to cut across Wade Road  
12 Extension, and there are very little impacts  
13 to vehicles as they come through the  
14 intersection on Forts Ferry Road because they  
15 have a dedicated right turn lane there.

16 We do have to take a close look at the  
17 spacing of that curb cut between the signal at  
18 Forts Ferry Road and the full access curb cut  
19 at Wade Road Extension. That's something that  
20 we'll look at with the traffic study that Tom  
21 has prepared to try to determine exactly where  
22 that rights-in and rights-out curb cut should  
23 be. In summary, we are supportive of that  
24 access curb cut location.

25 We also know that a facility like this



1 needs a full access curb cut so we are  
2 supportive of one on Forts Ferry Road. The  
3 problem there is that we have a turn lane on  
4 Forts Ferry Road heading towards Wade Road  
5 Extension and this curb cut location is  
6 proposed and relatively close in proximity to  
7 the signal. When you look at all the access  
8 management considerations - and I did bring up  
9 at the last project, but we actually have an  
10 access management manual that talks about the  
11 things that we need to look at. It's whether  
12 or not your curb cuts are going to be in an  
13 operational influence area of that traffic  
14 signal.

15 Based on our cursory review of the  
16 traffic study, this curb cut location is still  
17 within that operational influence. There is a  
18 traffic study that says that the queue that  
19 currently occurs on Forts Ferry Road doesn't  
20 back up to this curb cut. But that traffic  
21 study really looks at the current conditions  
22 and how that intersection currently operates,  
23 and it really doesn't project how this is  
24 going to operate in the future.

25 You probably all remember that Wade Road

1 Extension is not that old. It was done when  
2 the Capital Region Health Park was developed  
3 about 10 years ago. There is a long range plan  
4 as to how this roadway network is going to  
5 operate. When we look down the road, there is  
6 definitely going to be conflicts between this  
7 proposed curb cut location and that right turn  
8 lane on Forts Ferry Road. If somebody is  
9 trying to take a left out of the Stewarts site  
10 and you've got cars backed up at that signal,  
11 there are sight line constraints by trying to  
12 look to the signal whether or not you have a  
13 clear shot. If the queue ever backs up at the  
14 signal past the curb cut and you're trying to  
15 take a left in from Forts Ferry Road, you're  
16 not creating an obstacle in those vehicles and  
17 forcing cars to stop. As of right now, we are  
18 supportive of a full access on Forts Ferry  
19 Road, but we would like that shifted further  
20 down Forts Ferry Road. We don't know what the  
21 exact measurement is. It's probably at least  
22 50, 60 or 70 feet down and I don't think that  
23 it's possible for you to have that curb cut  
24 entirely within the project site. That's an  
25 issue that the applicant is going to have to

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1 work out.

2 The last access consideration was the  
3 cross connection to the Capital Region Health  
4 Park. We're supportive of that internal cross  
5 access connection. We would want to make sure  
6 that it's not in a spot where we are going to  
7 get cut through traffic where a vehicle could  
8 come in off of Forts Ferry Road in order to  
9 access Capital Region Health Park, rather than  
10 go and try to take the left on Wade Road and  
11 then come in the full access. So, when we  
12 looked at the layouts, we wanted to make sure  
13 that it's so aligned with the access off of  
14 Forts Ferry so that could become a cut  
15 through. We don't think that a lot of vehicles  
16 are going to use this cross access connection.  
17 So, I wouldn't say that it's a deal breaker  
18 for the project, but it is something that we  
19 support and we think that it adds merit to the  
20 project.

21 I think that if you want to talk about  
22 the alternative layouts, Tom or other  
23 feedback?

24 MR. LEWIS: We have the alternative  
25 layouts or whatever the Chair's pleasure is.

1                   CHAIRMAN STUTO: Sure. Go ahead.

2                   MR. LEWIS: We have two options here;  
3                   option 2 and option 9. What happened to the  
4                   other ones? We sent it to the engineer who  
5                   said, please Tom, don't bring nine options. I  
6                   don't like this one, we're not going to do  
7                   this, this won't work. The reason that we did  
8                   9 was to show the Board that we're looking at  
9                   alternative designs and reasons why this won't  
10                  work or that won't work. I brought the two  
11                  that are acceptable to Joe and to us. They  
12                  work.

13                  CHAIRMAN STUTO: Before you hand those  
14                  out, is the big difference the building  
15                  orientation?

16                  MR. LEWIS: Yes.

17                  CHAIRMAN STUTO: Let me ask the Board how  
18                  they feel.

19                  MR. SULLIVAN: I'd like to see the back,  
20                  so that it's not facing Route 7.

21                  CHAIRMAN STUTO: At a right angle? I see  
22                  it a little twist, but not a 45 degree twist.

23                  MR. SULLIVAN: I like it parallel to the  
24                  parking lot.

25                  MR. LEWIS: We did it at 45.

1 I won't tell you which one that I'd  
2 rather have. Sometimes they work and sometimes  
3 they don't.

4 MR. LANE: Does this one wind up moving  
5 the access on Forts Ferry back a little?

6 MR. LEWIS: I'm more worried about this  
7 than anything. This is really over as far as  
8 we could get on our property.

9 Tomorrow I'm going to send Mark Goldstein  
10 an e-mail. Call me when you want. Here is what  
11 happened. It's just my opinion that the Board  
12 adamantly wants to see the curb cut moved that  
13 way. He's going to do whatever and yell and  
14 then I'll say, make the phone call and ask. As  
15 the last applicant said, they're going to say,  
16 okay, how much money are you going to give us?  
17 That may become my problem. This would be the  
18 second most expensive site that I've ever  
19 bought. So, if it's a reasonable number, I'll  
20 wind up paying a little bit more. Sometimes  
21 they ask for silly numbers. We will make every  
22 good faith effort to make it happen. If it  
23 doesn't, this Board will have to decide  
24 whether it can or can't.

25 CHAIRMAN STUTO: I didn't hear the last

1 thing that you said.

2 MR. LEWIS: That we will make every good  
3 faith effort to move that cut.

4 MR. GRASSO: All of the Stewarts layouts  
5 are going to require those waivers that we  
6 typically hear regarding exceeding the maximum  
7 front yard setback and parking in the front  
8 yard.

9 MS. DALTON: Can we get the pretty fence  
10 like we did on Route 9?

11 MR. LEWIS: Joe said 15 minutes ago let's  
12 just deal with these major issues, but I would  
13 ask the Board for just a little bit more  
14 comments like that. We really would like to  
15 walk away from here with a sense - if you're  
16 able to solve the interconnect and move the  
17 curb cut not. There are also these other  
18 issues. We would like the fence. I would also  
19 ask the Board: Are there any other issues so  
20 that we can address anything that, in theory,  
21 if we are successful, on the next date we'll  
22 go to concept? We would like to build this in  
23 2012.

24 The next one that we're here for is Boght  
25 Road. That will never happen this year. There

1 will be no hurry on that one. If it's not  
2 possible, then we won't build it this year.

3 CHAIRMAN STUTO: We want it to look good  
4 like the one on Route 9.

5 MR. LEWIS: I know and I'm very confident  
6 that we will reach an accommodation where this  
7 Board will be satisfied so that the next  
8 one - we'll have more good will with the Boght  
9 Road one.

10 MR. LACIVITA: Tom, what about the  
11 parking spaces on option 9?

12 MR. LEWIS: I'm very comfortable with 25  
13 and not 30 parking spaces. What we could do is  
14 the lower section - we could dot in where we  
15 could do five. If you look at option 9, in  
16 this area here (Indicating), there is room for  
17 five more. We could dot it in and after it's  
18 built, if we need it, we could build it. The  
19 greenspace with option 9 is 35 percent. The  
20 answer is that this site doesn't need more  
21 than 25 and the Board knows that we care a lot  
22 about the number of parking spaces. This is  
23 going to be more in and out. We're comfortable  
24 with either one.

25 MR. GRASSO: While we're considering the

1 two orientations, understand that from a land  
2 use issue that there are single family  
3 residential homes on the other side of Forts  
4 Ferry Road. As we think about the visual, the  
5 building, the canopy and the curb cut, we're  
6 going to have to be mindful of the residents.

7 CHAIRMAN STUTO: Which do you think is  
8 better for them; 9?

9 MR. GRASSO: I think that from their  
10 perspective, 9. It's the orientation of the  
11 building. It's also the scale of the canopy.  
12 It's not that long linear -- although I like  
13 the pump orientations like this from an  
14 efficiency traffic flow standpoint, the  
15 setting is more of a commercial setting.  
16 Whereas when you get the square type canopy,  
17 it looks a little bit more residential in  
18 scale, smaller structure. You can do some  
19 different things with it.

20 MR. LANE: And the delivery trucks can go  
21 around to the rear?

22 MR. LEWIS: Yes, with all of these, we  
23 would only do one where the delivery works. I  
24 wouldn't submit anything where the delivery  
25 doesn't work.



1           On both of these, if the adjacent  
2           property owner agrees, we've already  
3           determined that we could have room for the  
4           interconnect.

5           MR. LANE: There is something about the  
6           angled pumps that kind of throw me when I  
7           drive in.

8           MR. LEWIS: We had another one exactly  
9           the same as this one without the angled pumps.

10          MR. GRASSO: We can dictate the  
11          orientation of the cars as they approach the  
12          canopy and they're always going in the right  
13          direction, they can really make it much  
14          easier -- you can just tell how vehicles are  
15          going to be coming in and leaving the site.  
16          The angling of the pumps is really going to  
17          help them.

18                 Is there a preference here?

19          MR. AUSTIN: I like 9. I think picnic  
20          tables would be nice on the greenspace.

21          MR. LEWIS: Picnic tables are easy. We  
22          love picnic tables and landscaping. We love  
23          that stuff and our customers like it.

24          MR. AUSTIN: Gazebo?

25          MR. LEWIS: We hate gazebos.

1           MR. GRASSO: We would probably look for a  
2 pedestrian connection from the sidewalk on  
3 Wade Road towards the front of the store.

4           MR. LEWIS: Any other issues?

5           MR. DALTON: Just my fence.

6           CHAIRMAN STUTO: When you come in for  
7 concept you'll have more.

8           MR. LEWIS: Yes. We'll do our best and  
9 talk to the neighbors.

10           As to Boght Road: all the Members that  
11 were here last year - and Michael wasn't here  
12 for this so he may not know this - Boght Road,  
13 as you recall, Michael and Tim were very  
14 concerned about the curb cut on Route 9. We  
15 have to have the curb cut on Route 9 south of  
16 Fuda's Pizza Place.

17           So, what you don't know is that many  
18 moons ago we had met with Mr. Fuda and I  
19 alerted him that after we have our site plan,  
20 I'll show it to him and he said isn't there  
21 some way that we can work this out with you  
22 where you buy my land and you can buy the land  
23 across the street and build me a building? I  
24 said no. He came up with what if we swap land?  
25 Five Board Members saw the site plan where we

1           were going to give him four times more land  
2           than he was giving us. Then he said, I'm  
3           having difficulty with the financing and we  
4           said we'll be his bank at a good rate.  
5           Everything was great. We showed everyone the  
6           plan. We solved the issue and then about 45  
7           days later he backed out of the deal.

8                     My point of that is to prep you for what  
9           is coming, and I think that the Board know  
10          this but we make every effort to move curb  
11          cuts and intercuts. If we can't do it, we  
12          can't do it. Thank you very much for your  
13          time.

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

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***11:59 p.m.)***

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**CERTIFICATION**

*I, NANCY STRANG-VANDEBOGART, Shorthand Reporter, and Notary Public in and for the State of New York, hereby CERTIFY that the record taken by me in the place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.*

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**NANCY STRANG-VANDEBOGART**

**Dated March 22, 2012**