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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

STEWARTS SHOP
1218 TROY-SCHENECTADY ROAD
FINAL SITE PLAN REVIEW

THE STENOGRAPHIC MINUTES of the above entitled
public hearing BY NANCY STRANG-VANDEBOGART, a
Shorthand Reporter, commencing on
March 27, 2012 at 7:05 p.m. at the Public
Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- MICHAEL SULLIVAN
- BRIAN AUSTIN
- LOUIS MION
- TIMOTHY LANE
- KATHLEEN DALTON
- BRIAN HAAK
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

- Tom Lewis, Stewarts
- Joe Grasso, Clough Harbour and Associates
- Chris Potter, Stewarts
- Eric Coleman

1 CHAIRMAN STUTO: First on the agenda is
2 Stewarts Shop, 1218 Troy-Schenectady Road,
3 application for final site plan review,
4 presented by Tom Lewis from Stewarts
5 Corporation and reviewed by CHA, our Town
6 Designated Engineer.

7 MR. LEWIS: Good evening everybody.

8 CHAIRMAN STUTO: We have some students
9 here. Are you here for a particular class?

10 FROM THE FLOOR: Law and government
11 class.

12 CHAIRMAN STUTO: Well, you're going to
13 see government at its finest today.

14 MR. LEWIS: So, what we're proposing is
15 to improve an undesirable internal circulation
16 service problem. The lot isn't large enough.
17 You get over 35,000 cars a day there. There
18 isn't enough parking. The existing building is
19 too small. The land is about seven-tenths of
20 an acre. The building size will go down from
21 5,313 with three rental units down to 4,370
22 square feet and that includes the canopy in
23 that calculation. The building is only about
24 3,000 feet. Currently there is about 17
25 parking spaces for all four uses and if this

1 is approved we'll go to 25 for the one use.
2 The two curb cuts will be reduced down to one.
3 We've added a gas island with three pumps. The
4 greenspace increases from 20 percent to 22.
5 Signage decreases from 76 down to 42. The
6 number of employees remains the same with a
7 dozen; six full-time and six part-time. Hours
8 of operation are the same; 5:00 a.m. to
9 midnight.

10 The sequencing as we did at our Loudon
11 Road shop is build a new store, tear down the
12 old store and then build the gas so that we
13 only lose one day's business. We are asking
14 for a number of waivers; all about the same as
15 before. We've addressed almost all of the
16 comments of the TDE and I'll turn it over to
17 Chris Potter.

18 Everyone should have a narrative and the
19 answer to all of those. That was submitted
20 some time ago.

21 Joe, that's accurate?

22 MR. GRASSO: That's accurate.

23 MR. LEWIS: Okay, I'm going to turn it
24 over to Chris and I'm going to get a hardcopy
25 out of my package and give to you.

1 CHAIRMAN STUTO: This is a narrative from
2 Stewarts?

3 MR. LEWIS: Yes.

4 CHAIRMAN STUTO: You're saying that the
5 Planning Board Members have them?

6 MR. LEWIS: They should.

7 MR. GRASSO: There was a resubmittal on
8 March 21st which we didn't get a copy of. Tom
9 is going to go through our comments and then
10 the responses and we'll see if those are
11 adequate for Planning Board consideration.
12 We'll see if there is anything major there or
13 any changes warranted.

14 MR. POTTER: The first thing was the
15 waivers listed on the plan. They have been
16 listed on the plan and also there is a
17 separate list in there of all the waivers
18 requested.

19 The interior landscaping has been
20 increased. At the last meeting you had
21 mentioned that to increase this island to what
22 we had done at our previous location on Loudon
23 Road - that was increased and we still don't
24 meet the required interior landscaping. We're
25 now at 380 square feet from the 243 waiver for

1 the additional 192 square feet that is
2 requested.

3 We also added going into the question
4 three - we added a porch onto the
5 Troy-Schenectady Road side to help the
6 individual look from Route 7 with picnic
7 tables underneath and an additional
8 landscaping.

9 The white vinyl dumpster enclosure - we
10 took the recommendations from the TDE and
11 increased the size and also ran the fence
12 along the property line to screen the back of
13 the buidloing delivery area from any cars down
14 Troy-Schenectady Road.

15 The sidewalks were requested to be
16 uninterrupted through the entrances. Per your
17 state DOT, they requested us not to carry the
18 sidewalks through the entrances. It's been
19 their experience for premature surface failure
20 for a differential settlement and it's all
21 asphalt and concrete interferences.

22 MR. LEWIS: We don't care. If the Board
23 wants it -- it's DOT.

24 MR. POTTER: No, DOT doesn't want it.

25 CHAIRMAN STUTO: Can you show on the

1 plans where it is?

2 MR. POTTER: The sidewalks were requested
3 to continue uninterrupted through the
4 entrances.

5 CHAIRMAN STUTO: DOT doesn't like that.

6 MR. POTTER: Based on our submittal to
7 DOT, they did not support that. They felt that
8 with minor commercial entrances, their
9 experience is premature surface failure
10 because there is a difference in settlement
11 between materials.

12 CHAIRMAN STUTO: Do you want to address
13 that now, Joe?

14 MR. GRASSO: I think that we should defer
15 to DOT. That curb cut is in their right of way
16 to appease their concerns. We don't think that
17 it's major not to have the concrete sidewalk
18 running through.

19 MR. LANE: Was the other part of it
20 giving people a false sense of security?

21 MR. GRASSO: Yes.

22 MR. HAAK: Is a crosswalk going to be
23 marked on the pavement at all?

24 MR. POTTER: They also mentioned that
25 crosswalks -

1 MR. HAAK: They don't like crosswalks?

2 MR. POTTER: They gave a false sense of
3 security.

4 Increasing the curb cut width to 35 feet
5 from 30 on Route 7 - that's been submitted to
6 DOT and we're awaiting their comments. We
7 don't have an issue with increasing to the 35,
8 as long as their okay with it.

9 The truck turning movements - we've
10 plotted the fuel tanker and it has no problem
11 getting in through Route 7 and exiting out
12 onto Vly.

13 The sidewalk connection between Route 7
14 and the building - that has been added.

15 Sanitary sewer plates have been added, as
16 requested.

17 CHAIRMAN STUTO: Can you show the
18 sidewalk?

19 MR. POTTER: The sidewalk continues along
20 the side of the building and then down here
21 (Indicating).

22 Sewer cleanouts have been added. Water
23 surface curb stop locations have been added,
24 also.

25 The proposed concrete patio was located

1 on the side, but now that we added the porch,
2 the picnic tables are now underneath the porch
3 on the patio adjacent to the building. This
4 gives a better location there versus the side,
5 due to grading and proximity to the dumpster.

6 CHAIRMAN STUTO: Did you do a stamped
7 concrete for this one?

8 MR. POTTER: Yes.

9 The flow patterns along Route 7 will not
10 be changed from what they currently are today.
11 There will be extra spot elevations as
12 requested.

13 Number 13 was a typo. The elevations have
14 been changed to reflect that.

15 Additional no parking signs - that has
16 been added as requested.

17 CHAIRMAN STUTO: Can you show that also?

18 MR. POTTER: You wanted an extra no
19 parking sign right in this vicinity
20 (Indicating).

21 The phasing plan - with Phase I, access
22 to the curb cut onto the private access drive
23 out to Vly Road will be maintained for the
24 entire project. That is not an issue.

25 Landscaping - we added an additional five

1 trees throughout the landscaping.

2 I believe also in that packet is the
3 manufacture's sheet regarding the lights; as
4 requested.

5 For the proposed sewer, additional
6 manholes have been added. The elevation drops,
7 so there will be a drop into a manhole coming
8 out of our building.

9 There is proposed spill containment. We
10 have done valves in the past. This site really
11 wouldn't work with this site. The catch basin
12 going out has two pipes. One is a six-inch and
13 a four-inch going into the DOT structure. If a
14 spill was ever to occur at any of these
15 locations, it would get into that catch basin
16 and out before you actually had a chance to
17 shut it off. So, we proposed this so that the
18 oil would stay at the top and not allow it to
19 enter the DOT system.

20 We have been over the change in the frame
21 with DOT and they want an onsite visit when
22 the project starts with their engineer to see
23 which frame and grade to switch that outlet.

24 At the DCC meeting, the stormwater
25 coordinator recommended that we design to

1 mitigating the 100 year event. We only
2 mitigated to the 25 year event which has been
3 designed in accordance with the Town Code
4 requirements?

5 CHAIRMAN STUTO: Do you want to address
6 that now, Joe?

7 MR. GRASSO: Chris, did you look at what
8 the affect would be for designing for a
9 100-year storm? I know that we had talked
10 about that, looking at the elevations within
11 the system.

12 MR. POTTER: The 100-year storm event is
13 almost totally contained within the system
14 except for I think that it's seven minute
15 duration or something like that where it would
16 come out the top of the catch basin at the
17 entrance on Troy-Schenectady Road and spill
18 out onto the DOT structure.

19 MR. GRASSO: Because it's a redevelopment
20 project, we think that just going by the
21 Town's current regulation regarding stormwater
22 is appropriate, the Stormwater Management
23 Coordinator had recommended an over design of
24 this. We support that, but we followed through
25 with our comment and if chosen not to do it,

1 we feel that it's acceptable.

2 MR. POTTER: We have reevaluated the
3 stormwater management system and we feel that
4 it has been accurately modeled. What happens
5 is the detail that you guys were looking at
6 was the elevations for the storm events in the
7 outlet structure. When it backs up, it didn't
8 take into account that all these pipes are
9 actually higher than this (Indicating), so it
10 wouldn't taken into account all of that
11 storage.

12 All the calculations were performed using
13 the appropriate values and not required to
14 follow the DEC stormwater design manual.

15 MR. GRASSO: Comment 24 is similar to
16 comment 22 where there are certain recommended
17 design standards that the Stormwater
18 Management Officer would like applied to the
19 project and this project has not met those
20 recommendations to the letter of the how they
21 are requested by the Stormwater Management
22 Officer. They have met the regulations that
23 are in place.

24 CHAIRMAN STUTO: Do you think that is
25 more appropriate for new development?

1 MR. GRASSO: Yes, we do think that it's
2 more appropriate for new development.
3 Sometimes when the site doesn't have the
4 limitations that this site has, it's easier
5 for applicants to provide the additional
6 storage, or do the calculations differently.
7 We see that there is a certain amount of
8 conservatism that the Town Stormwater
9 Management Officer makes that is not required
10 or supported by law.

11 CHAIRMAN STUTO: Should the law be
12 changed, or should he stop making those
13 recommendations?

14 MR. GRASSO: We understand that the
15 purpose of making the recommendations, but
16 they are just that. There is a reason why they
17 aren't made into the law.

18 CHAIRMAN STUTO: So, we'll discuss them
19 on an individual basis?

20 MR. GRASSO: Absolutely. Sometimes
21 applicants are able to accommodate it.
22 Sometimes they can't. We work with them and we
23 make a determination of what is appropriate.
24 We feel like the site, as designed, is
25 appropriate. There is no detention on the site

1 right now. There will be when the project is
2 done. There is a stormwater benefit that we're
3 going to see with the redevelopment project.

4 MR. POTTER: I guess we're ready for
5 questions.

6 CHAIRMAN STUTO: We'll hand it over to
7 the TDE.

8 MR. GRASSO: Chris did a good job going
9 through all of our letters. He did touch on
10 each and every one of them. The only ones that
11 I think that are worthy of discussion or
12 clarification is 2 and 3. That's the interior
13 landscape island requirement. It dovetails
14 into 3 which is about the building aesthetics.

15 The interior landscaped island
16 requirement would require 500 square feet.
17 They have modified the previous concept plan
18 to up it from 243 feet up to 308 feet. It
19 doesn't appear that there are many areas to
20 increase it further without sacrificing more
21 parking.

22 One small area that I see on the plan
23 along the east side of the site - the five
24 foot tail - the area between the last parking
25 space and the sidewalk - it wouldn't meet the

1 requirement of 75 percent abutted to the
2 parking, but it would still serve a similar
3 benefit. Is that a viable area for additional
4 landscaping?

5 MR. LEWIS: Yes.

6 MR. GRASSO: Is that something that the
7 Board could consider? They need a five foot
8 area for cars to back into, but obviously
9 there aren't going to be any cars in that five
10 foot spot because it's adjacent to the parking
11 stall. So, they could probably pick up another
12 18 by 5. It's almost 100 square feet.

13 Does that feel acceptable to the Board?

14 CHAIRMAN STUTO: It sounds like an
15 improvement.

16 How does the applicant feel about that?

17 MR. LEWIS: Yes.

18 MR. GRASSO: It's going to be a little
19 short, but they do have a waiver written up
20 that supports a waiver of that requirement.
21 They have provided with the March 21st
22 submission, there is a separate letter
23 provided that lists the waivers.

24 The third comment is about the aesthetics
25 of the building for vehicles approaching the

1 site from the east heading west on Route 7.
2 They have added a substantial element from the
3 concept review being the porch and the picnic
4 tables and the landscaping on the north side
5 of the building which will be visible from
6 cars traveling from the east. The back of the
7 building is somewhat simple and does not look
8 like a side or a front.

9 Do you have an elevation of that, Chris?

10 They've also added a cupola to the
11 building? I would consider that a substantial
12 element.

13 CHAIRMAN STUTO: Is this the east
14 elevation on this here (Indicating)?

15 MR. GRASSO: Yes. So, in our comment
16 letter, we had asked for consideration of
17 false dormers or false windows.

18 Dovetailing into our comment about the
19 false windows is kind of a moot point because
20 we recommend that the vinyl fence extend
21 across the back of the site to hide that whole
22 dumpster refuse area, which they have done.

23 That leads us to our only recommendation.
24 The intent was to try to improve the
25 aesthetics of the building by adding some

1 false dormers, which I think was not well
2 received by the applicant.

3 CHAIRMAN STUTO: Is that expensive?

4 MR. LEWIS: How does the Board feel about
5 dormers?

6 CHAIRMAN STUTO: You don't think that it
7 looks good?

8 MR. LEWIS: We don't but we don't have a
9 vote.

10 MR. GRASSO: We thought that it would
11 break up the roof a little bit and make it
12 more like the front or the side elevation of a
13 building.

14 MR. LEWIS: I think that this Board knows
15 that we certainly want to accommodate the
16 Board.

17 MR. STUTO: It's like picking a color for
18 the bedroom. I'll defer to my wife.

19 It does look kind of plain.

20 MR. HAAK: I had a question on the north
21 elevation. In the drawing, there is nothing
22 depicted on the side; no false windows. There
23 is a notation with the faux windows and
24 frosted glass and if you look at the design
25 below, it looks like there are two faux

1 windows to be on that side. I was just curious
2 as to -

3 MR. POTTER: It must have been carried
4 over from the west elevation. These windows
5 here on the west elevation are in the
6 bathrooms (Indicating). There are no windows
7 proposed on the north elevation.

8 MR. HAAK: I think that last time I asked
9 to look at the possibility of putting in an
10 actual window there.

11 MR. LEWIS: We did look at that.

12 MR. HAAK: I know that at the Loudonville
13 store where you have the counter, behind the
14 counter there is actually a window.

15 MR. POTTER: There will be here, too. It
16 just ends up being a south elevation here
17 (Indicating), the way that the counter is. We
18 looked at flipping it, but when you flip the
19 interior, the visibility to the gas is
20 compromised.

21 CHAIRMAN STUTO: Back to the east
22 elevation. Anyone have any opinions on that?

23 MR. MION: I don't think that it's
24 necessary. You're talking about the back end.
25 It is the back of the building.

1 MR. LANE: My only question is: Because
2 we're having fences up, we're going to have a
3 masonry dumpster enclosure?

4 MR. GRASSO: We were supportive of the
5 waiver of the masonry dumpster enclosure.

6 MR. LANE: No doors on the enclosure?

7 MR. GRASSO: They previously had an
8 enclosure right around the dumpster and we
9 thought that it would be better to extend
10 right off the end of the building and parallel
11 the back property line, so that the whole area
12 was enclosed. What we find at the Stewarts is
13 there are crates and other things that
14 invariably end up outside of the dumpster
15 enclosure.

16 MR. LANE: Yes, but isn't it part of the
17 purpose of the enclosure to retain not only
18 all the trash, but to keep out the rodents?
19 Isn't that the purpose of that?

20 MR. GRASSO: Yes, but I'm not sure if
21 that was the purpose of the masonry enclosure.

22 MR. LANE: I would prefer to see it all
23 enclosed; whether it's masonry or not. If the
24 doors are eliminated, I don't see that just
25 because you put a fence there that kind of

1 screens it, why you still wouldn't want the
2 doors.

3 MR. LEWIS: We can do a door.

4 MR. POTTER: We can add the front gates
5 back.

6 MR. LANE: If we're going to waive the
7 masonry, I would still prefer to see the doors
8 on it, at least.

9 CHAIRMAN STUTO: Back to the east
10 elevation, the plantings that are there - what
11 are they? I'm just trying to figure what the
12 people driving west are really going to be
13 looking at.

14 MR. LEWIS: You should have that on sheet
15 5.

16 MR. GRASSO: These are hollys which is
17 like a deciduous evergreen shrub. They're
18 calling for four to five foot high shrubs; a
19 continuous row.

20 I think that the height of the fence is
21 about 8 feet? Do you remember the height of
22 the vinyl fence?

23 MR. POTTER: Six.

24 MR. GRASSO: So, the shrubs are going to
25 come up two-thirds of the height of the vinyl

1 fence.

2 CHAIRMAN STUTO: We'll ask the Board
3 Members how they feel.

4 MR. POTTER: There is also one deciduous
5 tree planted there.

6 CHAIRMAN STUTO: Any Board Member want to
7 pipe in?

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

9 CHAIRMAN STUTO: Anything else, Joe?

10 MR. GRASSO: No.

11 CHAIRMAN STUTO: Does the Board want to
12 hear from the public?

13 MS. DALTON: Yes, the public first.

14 CHAIRMAN STUTO: Eric Coleman.

15 MR. COLEMAN: I threw this together real
16 quick. Hopefully I don't screw it up here.

17 First and foremost, the Zoning Law states
18 that this project should be 200 feet from a
19 single family residence. It's not. It's about
20 59 or 83. I didn't stand in the way with the
21 belief that Stewarts, a million dollar
22 company, will work with their neighbors and I
23 was assured that by Mr. Lewis.

24 There was a request to be presented to
25 Stewarts that we hoped that they would grant.

1 My concern is that Stewarts is unwilling to
2 put up a fence on the backside of my property.
3 They had no issue with the taking out of the
4 tress and brush which is appreciated.

5 In an earlier conversation that I had
6 today with Mr. Lewis, he stated that the
7 lighting would be placed as a safety concern.
8 My children in the backyard doesn't seem to be
9 a concern. Right now we feel pretty
10 comfortable when the children are in the back
11 area. With this new project, it will bring
12 more traffic, people, and strangers we don't
13 know. From the last time I saw -- and it could
14 be the same - the picnic area will be about
15 100 feet or less from my property. I'm not
16 interested in strangers wandering onto my
17 property. I've seen it before. There have been
18 more people back there. I'm not going to stand
19 in the way of this project. It should be said
20 that we've been very fair during all the
21 proceedings.

22 It was stated at one of the meetings that
23 it was refreshing to see two parties not going
24 at each other's throats. Basically, everyone
25 wins here; Stewarts wins because their

1 property value goes up. You guys win - the
2 Town wins because they need more tax dollars.
3 My property value is likely to go down and
4 basically I'm looking to not get screwed.
5 That's it.

6 CHAIRMAN STUTO: So, is the fence a big
7 issue? Is that where we're at?

8 MR. COLEMAN: Pretty much.

9 CHAIRMAN STUTO: You want it on your
10 property?

11 MR. COLEMAN: Yes.

12 MR. AUSTIN: Is there a fence there now?

13 MR. COLEMAN: No.

14 MR. AUSTIN: The plan that we see here
15 has a fence.

16 MR. COLEMAN: The fence is directly
17 across from where the dumpster currently is. I
18 put up 30-some-odd panels along that way
19 there.

20 MR. LEWIS: Mr. Coleman sent me an e-mail
21 asking for a fence. As he said, lighting - and
22 we'll do any kind of lighting whatsoever along
23 here - his property. That's fine with us.

24 CHAIRMAN STUTO: Let me go back.

25 You want lighting or you don't want

1 lighting?

2 MR. COLEMAN: Sure. I'd like to have
3 lighting.

4 MR. LEWIS: As long as the Board is okay
5 with whatever lights we do. I'd like to talk
6 about the fence and then we can go back to the
7 lighting, if that's okay because that's the
8 issue.

9 Then, Mr. Coleman asked us to remove six
10 trees on his land and grind down the stumps.
11 When I showed this e-mail to my boss, he said
12 why would we do that? I said because he's a
13 neighbor, so let's do it.

14 The fence that Mr. Coleman is talking
15 about - there is a fence here and here
16 (Indicating), but I believe that Mr. Coleman
17 is asking for the fence on the other side of
18 his land over here.

19 MR. COLEMAN: That's not what I'm asking.

20 MR. LEWIS: Come here and show me. I must
21 have misunderstood you, then.

22 MR. COLEMAN: This is where your picnic
23 area is going to be right here (Indicating).
24 This is my garage. This is fencing that you
25 can see right there. This is where we want a

1 fence; right here.

2 MR. LEWIS: No problem. Happy to do it. I
3 misunderstood you.

4 So, if this gentleman wants a fence here
5 and here (Indicating), - as long as it's on
6 his land, no problem. We're happy to do it.

7 MR. COLEMAN: To be honest with you, I'd
8 like something in writing.

9 MR. LEWIS: It will be on the site plan
10 and we will not get a CO if we don't do what's
11 on that plan.

12 CHAIRMAN STUTO: And he won't get final
13 approval from us.

14 MS. DALTON: And it's in the transcript.

15 MR. GRASSO: Do you have an estimate over
16 how many feet you think -

17 MR. COLEMAN: I actually called a few
18 people -

19 MR. GRASSO: No, just how many feet; just
20 a ballpark.

21 MR. COLEMAN: The paneling - like the
22 six-foot vinyl - I don't have a footage. I can
23 measure it out.

24 MR. LANE: What would you guess?

25 CHAIRMAN STUTO: 20 feet? 15 feet?

1 MR. COLEMAN: I would say 10 panels,
2 maybe. The panels are about six feet.

3 MR. LEWIS: The only issue that we'll
4 work out is that it's got to be on your
5 property.

6 MR. COLEMAN: Okay.

7 MR. LEWIS: When we did our survey, the
8 existing fence is actually on the land of the
9 people who own this. We purchased, if you
10 will, an access easement here as long as we
11 maintain it and pave it. Then, over in my
12 pile, I have an aerial that shows where we're
13 going to rent some land here (Indicating) as a
14 staging area. So, we're happy to do a fence
15 here and here, as long as we work out where
16 we're going to put the fence.

17 CHAIRMAN STUTO: There is also a
18 transcript of this, sir. It will be online as
19 well as a record of what he has agreed to.

20 MR. AUSTIN: Are you talking about the
21 picnic area under the porch?

22 MR. COLEMAN: I thought that the picnic
23 area was going to be right here (Indicating).

24 MR. LEWIS: This is our delivery area and
25 employee parking (Indicating).

1 MR. COLEMAN: People come over here all
2 the time and it's going to be that much more
3 traffic going through, and I don't want any
4 dregs on my property.

5 MR. LEWIS: Okay, with regard to the
6 lighting, this Board may have an opinion of
7 what they do and don't want.

8 CHAIRMAN STUTO: I'm not sure of what Mr.
9 Coleman's proposal of lighting is.

10 MR. COLEMAN: We talked about motion
11 lights. Basically, that's whatever hour of the
12 night - if someone gets close to the
13 property - even if it was just a few. I don't
14 need to have a whole row of lights.

15 MR. LEWIS: We don't want to over light
16 it and I don't want to under light it. So, a
17 couple of lights?

18 MS. COLEMAN: I think that we're mostly
19 concerned if somebody is hanging around in the
20 back after hours late at night.

21 CHAIRMAN STUTO: He's the only resident
22 that's affected there, right?

23 MR. LEWIS: Right.

24 MR. COLEMAN: We've found drug
25 paraphernalia, beer bottles and there has been

1 prophylactics and all that stuff back there.
2 There is going to be more stuff that we don't
3 want. At the very least, we want to be
4 somewhat protected from it.

5 MR. LANE: So, that's the area that's
6 going to be fenced? That's the street and
7 that's the area where he really wants the
8 fence.

9 MR. COLEMAN: To be honest with you, if
10 it's going to look kind of silly out there
11 with the lights, then don't worry about it.

12 MR. LEWIS: If it's okay with this Board,
13 we'll work it out with the neighbors.

14 CHAIRMAN STUTO: That's fine. We can see
15 it when you come back.

16 So, we agreed to the fence and we'll work
17 on the lights.

18 MR. COLEMAN: And the trees.

19 CHAIRMAN STUTO: He's agreed to that
20 already.

21 Anybody else from the audience want to
22 speak on this project?

23 FROM THE FLOOR: What does TDE stand for?

24 CHAIRMAN STUTO: Town Designated
25 Engineer. What they are is a third-party

1 engineer paid for by the developer, but they
2 work for us.

3 Brian?

4 MR. HAAK: I had my questions answered on
5 the one elevation.

6 MR. SULLIVAN: I have no questions.

7 MR. LANE: Nothing.

8 MR. AUSTIN: I just want to say how
9 pleased I am to see a company work so well
10 with the neighbors. That's always nice to see.

11 My question was on the north elevation
12 where the picnic tables are going to be. There
13 is a diagram of faux windows there. I'm not
14 sure where that is. Is that on the side?

15 MR. POTTER: There is actually no faux
16 windows proposed.

17 MR. AUSTIN: That side looks great now.
18 You've done a lot with it. I like the signage
19 on that side. I like it as it is, but it still
20 looks kind of -

21 MR. POTTER: My only thing is with the
22 faux windows being there - just the presence
23 of us looking closed from Route 7. There are
24 no lights. During the day it would look fine,
25 but at night when you're heading down

1 Route 7 -

2 MR. AUSTIN: I like it. It's not a deal
3 breaker for me at all.

4 MR. MION: No questions. It's a great
5 project. I want to congratulate you with the
6 way that you've worked with the neighbors.

7 MS. DALTON: Great job. I have no
8 questions.

9 CHAIRMAN STUTO: I have no questions
10 either. I think it's shaping up nicely. I
11 think that when you finally do get the
12 waivers -- you have the findings form that
13 sets forth the rationale? We're not at the end
14 yet.

15 MR. GRASSO: We'll look at that, based on
16 what Tom has read in and what's in the record
17 for the Planning Board

18 MS. VAIDA: The Board has to decide and
19 vote on each waiver and decide that -- I think
20 that all of them are mandatory design
21 standards. They still can be waived, but only
22 if the Board finds that to the extent it deems
23 necessary in order to secure a reasonable
24 development of the site. In such case the
25 applicant must establish that there are no

1 practical alternatives to the proposed waiver
2 that would conform to the standard and that
3 the Planning Board would issue a written
4 findings stating the extent and justification
5 of the waiver.

6 Did you prepare a letter in the March 21st
7 letter that has the list of waivers and their
8 explanation as to why - did everyone get that?

9 You want to just go through that and if
10 you feel that meets the standard so that you
11 can make that finding?

12 CHAIRMAN STUTO: We're not voting on that
13 tonight.

14 MS. VAIDA: We're not?

15 CHAIRMAN STUTO: We're not at final. You
16 vote on waivers at final.

17 MR. LEWIS: This is kind of my fault. I
18 didn't communicate well with Joe. We had met
19 with him a couple of weeks ago and I thought
20 that I had said that I think that as long as
21 we address all of these, the Board might be
22 inclined to go to final and I didn't know
23 that -

24 CHAIRMAN STUTO: I'm not opposed to it.
25 I'm not going to stand in the way of final if

1 the Boards not going to.

2 MR. LEWIS: We didn't want to alienate
3 your TDE because he's important to us, also.

4 CHAIRMAN STUTO: I had a discussion with
5 Joe prior to the meeting and he said that he
6 hadn't gotten the response.

7 MR. LEWIS: We sent it, but I should have
8 driven it down here. I didn't do that. I
9 assume and you know what happens when you
10 assume. I foolishly told my folks back home,
11 you know, we might be able to build this right
12 away. If not, we can live with that. We'll be
13 back in two weeks with Boght Road and then
14 we're going to have a difficult time. This is
15 easy, next to that one.

16 CHAIRMAN STUTO: Where are we on SEQRA?

17 MR. GRASSO: It's been classified as an
18 unlisted action because there was a use
19 variance that tripped it. They provided a full
20 EAF as part of their first preliminary plan
21 submission. We had provided comments on the
22 full EAF. They submitted the full EAF and we
23 have it in the file. It should be in
24 everybody's packet. There haven't been any
25 significant environmental impacts identified

1 that would require a Part III. So, Part II
2 would be just going through and checking the
3 appropriate boxes.

4 MS. VAIDA: You know that normally this
5 would be a Type II.

6 MR. GRASSO: Because it's under 4,000
7 square feet.

8 CHAIRMAN STUTO: Which means no further
9 action.

10 MS. VAIDA: They would have to get a use
11 variance.

12 MR. GRASSO: Before the Planning Board
13 took action on the site plan application, they
14 would need to make a resolution for a negative
15 declaration which appears appropriate given
16 the scale of the project.

17 CHAIRMAN STUTO: Having looked through
18 this, I don't see any significant
19 environmental impacts.

20 MR. LANE: I'll make the motion to find a
21 negative declaration on SEQRA.

22 MR. MION: Second.

23 CHAIRMAN STUTO: All in favor?

24 **(Ayes were recited.)**

25 CHAIRMAN STUTO: All opposed?

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

2 CHAIRMAN STUTO: The ayes have it.

3 MR. GRASSO: The next motion would be on
4 the request of waivers based on the
5 documentation as provided by the applicant and
6 based on the Planning Board's discussion.

7 MR. LEWIS: And if that form needs to be
8 different -

9 MR. GRASSO: We'll take care of it.

10 MR. LANE: Are we voting on each one
11 individually?

12 MR. GRASSO: I don't believe so.

13 CHAIRMAN STUTO: I would suggest a motion
14 of them all together. If somebody wants to
15 pull one out, we can do that.

16 MR. GRASSO: Number 8 will be revised
17 slightly based on the additional landscaped
18 area as mitigation.

19 MS. VAIDA: So, basically the motion
20 would be for them all together since they all
21 seem to be mandatory. You can just say that
22 the Board finds all the waivers are necessary
23 without going to that letter - that the Board
24 finds there is practice alternative to the
25 proposed waiver and that conforms to the

1 standard.

2 CHAIRMAN STUTO: Somebody want to make
3 that motion?

4 MR. AUSTIN: I'll make that motion.

5 MR. LANE: Second.

6 CHAIRMAN STUTO: Any discussion?

7 ***(There was no discussion.)***

8 CHAIRMAN STUTO: I just want to say that
9 there is sufficient rationale here for
10 justifying all the waivers. Being that's a
11 redevelopment site and you're working with
12 what you have, I think that's sufficient.

13 All in favor of the waivers?

14 ***(Ayes were recited.)***

15 CHAIRMAN STUTO: All opposed?

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

17 CHAIRMAN STUTO: The ayes have it.

18 Now, we'll have a motion on that final
19 site plan review with all the comments
20 reviewed tonight, all the comments made by the
21 Town Designated Engineer, the departments and
22 agencies of the Town and with respect to the
23 neighbor across the right of way.

24 We have on the record, Mr. Coleman, that
25 the Stewarts is going to take down the trees,

1 as is in the record, grind the stumps, place a
2 fence there provided it's on Mr. Coleman's
3 property, or they have permission from the
4 rightful owner, and you negotiate in good
5 faith on the lights; motion lights to the
6 satisfaction of the neighbor. If that fails,
7 we can call this back to us.

8 MR. MION: I'll make that motion.

9 MR. AUSTIN: I'll second.

10 CHAIRMAN STUTO: All in favor?

11 ***(Ayes were recited.)***

12 CHAIRMAN STUTO: All those opposed?

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

14 CHAIRMAN STUTO: The ayes have it.

15

16 ***(Whereas the proceeding was concluded***

17 ***at 7:59 p.m.)***

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CERTIFICATION

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2
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

15
16
17 ***Dated April 25, 2012***