

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 STEWARTS SHOP

5 204 WADE ROAD EXTENSION

6 APPLICATION FOR FINAL SITE PLAN APPROVAL AND WAIVERS

7 *****

8 THE STENOGRAPHIC MINUTES of the above

9 entitled matter by NANCY STRANG-VANDEBOGART, a

10 Shorthand Reporter, commencing on May 21, 2013 at

11 8:02 p.m. at The Public Operations Center, 347 Old

12 Niskayuna Road, Latham, New York

13

14 BOARD MEMBERS:

15 PETER STUTO, CHAIRMAN

16 LOU MION

17 KAREN GOMEZ

18 BRIAN AUSTIN

19 TIMOTHY LANE

20 SUSAN MILSTEIN

21 KATHY DALTON

22

23 ALSO PRESENT:

24 Elena Vaida, Esq., Counsel to the Planning Board

25 Joe LaCivita, Director, Planning and Economic Development

Tom Lewis, Stewarts Shops

Tom Fahey

Chris Potter, Stewarts

1 CHAIRMAN STUTO: Next project is Stewarts Shops,
2 204 Wade Road Extension. This is an application for
3 final site plan approval with waivers. This is 3,504
4 square foot convenience store with fuel canopy.

5 MR. LEWIS: Good evening folks. I want to include
6 my partner, Chris Potter. He's the one that has all
7 the answers. I just drive the bus.

8 CHAIRMAN STUTO: Let me just ask Joe LaCivita if
9 he has anything to say before you start.

10 MR. LACIVITA: No, I think that we can stay right
11 with Tom. I think that's fine.

12 MR. LEWIS: This is the last site plan that you
13 saw last July. We got conceptual and we went through
14 -- I don't want to bore you with all the things that we
15 did. We made it, I think, less. So, you can see that
16 there are six gas islands. In an unprecedented move,
17 this was decided that this was not really a heavy gas
18 market. There is a Mobil here and a Mobil there
19 (Indicating). So, we made the building 16 percent
20 larger, but the gas island is 80 percent smaller. We
21 have 1.1 acres in the COR zone.

22 The greenspace went from 30.9 to 35.

23 CHAIRMAN STUTO: Are your stores getting bigger?

24 MR. LEWIS: Yes.

25 CHAIRMAN STUTO: Because we had one of your

1 unnamed competitors in here last time and they're
2 building over 7,000 square feet.

3 Do you know what I'm talking about Joe?

4 MR. LEWIS: It's probably Cumberland.

5 CHAIRMAN STUTO: Yes. It was huge. It was
6 probably twice the size. I can't remember.

7 Joe, do you remember?

8 MR. LACIVITA: I do not.

9 MR. LEWIS: That's over by Swatling. By the way,
10 we bid on that property and we lost. That's life.

11 CHAIRMAN STUTO: Why are they getting bigger?
12 Whats going on?

13 MR. LEWIS: You have less deliveries and the area
14 is more open. It is just much more customer friendly.
15 You have a larger back room. The trucks get there less
16 and we haven't increased what's inside the store lot.

17 CHAIRMAN STUTO: What are your competitors
18 thinking? Why are they 7,000 plus?

19 MR. LEWIS: They just think differently than we
20 do. Down south in Dutchess and Orange, Quick Check has
21 like 11 or 13 or 14 pumps and they're nine to 11,000.
22 They're way more grocery and they're way more food to
23 go, sandwiches, deli and a huge amount of open space.
24 We're real efficient.

25 Chris measures thing by inches between

1 shelves.

2 CHAIRMAN STUTO: What's your average new store?

3 MR. LEWIS: This is a new store; 3,500. When I
4 began, we were 2,400. The first time that I appeared
5 here maybe four or five years ago with the Town it was
6 3,500.

7 The greenspace went up from 30.9 to 35. We
8 had originally had a free standing sign and
9 decided at this location that we don't need it.
10 There is only one building sign which is 10 square
11 feet. You can't have signs on the gas island, so
12 all the signs added up are less than 40 square
13 feet. There are 35 parking spaces with seven
14 penciled in. Those are future and those are over
15 here (Indicating). I don't think that we needed
16 it. We want to be able to get it approved, if
17 it's needed.

18 CHAIRMAN STUTO: Those are actual parking, or
19 banked parking?

20 MR. LEWIS: Those are banked.

21 We originally asked for a full access here
22 and that was almost a deal killer. The Board had
23 asked us to get an easement from the Health Park
24 here, so that we could move the curb cut that was
25 here and have an interconnect (Indicating). We

1 had a conversation a year and a half ago with the
2 Health Park and they're willing to work with us.
3 In fact, they don't own this, so we have to give
4 them this (Indicating). It actually works out for
5 them. There are some waivers that are not any
6 different than the other two that came before.
7 The building exceeds the 20 foot maximum setback,
8 parking in the front yard and front parking lot,
9 parking pavement, 15 feet from Wade, minimum of 20
10 square feet of landscaping in the interior. So,
11 that would be a short version of where we are. We
12 think that it's better than it was before. We
13 hope you do, too.

14 CHAIRMAN STUTO: We'll turn it over to our Town
15 Designate Engineer. Once again, Joe Grasso.

16 MR. GRASSO: This project is up for consideration
17 of final site plan approval. Like Tom had mentioned,
18 there are some waivers that the project will require.
19 Based on the previous discussions with the Planning
20 Board and information provided by the applicant, we
21 have drafted waiver findings for consideration by they
22 Planning Board and that is included in your packet.

23 In terms of SEQRA, because the building is
24 less than 4,000 square feet, it's a Type II SEQRA
25 action and no SEQRA determination is required by

1 the Planning board.

2 Going through our comment letter, the first
3 comment identifies the four required waivers. One
4 is the maximum front building setback is exceeded.
5 There is going to be a parking and drive lane
6 located within the front yard, which are
7 restricted. There is going to be encroachment
8 into the parking setbacks at the front and the
9 side lot lines. There is going to be a lack of
10 landscaping interior to the parking area. We have
11 worked with the applicant on those required
12 waivers trying to reduce them as much as possible
13 through the design process, and we think that the
14 plan has come a long way.

15 Our second comment is regarding the access
16 out to Forts Ferry Road. As you're coming out of
17 that access and you're looking left on Forts Ferry
18 Road, there is some vegetation there that
19 restricts sight distance and they've gone out and
20 identified that landscaping, but they haven't
21 clearly shown exactly what was going to be removed
22 and what was going to remain on the site plans.
23 We would like some clarity there.

24 Skipping down through our comment letter,
25 there are some modifications that are required to

1 the splitter island out there on Wade Road
2 extension. That's a rights in and rights out
3 access drive and there is going to be a sidewalk,
4 where there is a side walk along Wade Road
5 Extension there. We want to make sure that the
6 sidewalk is provided through that splitter island,
7 so we're going to have to work with the applicant
8 to get that design the way that we prefer to see
9 it.

10 There is also some signage that we are
11 recommending on comment eight. That's really just
12 to alert people that are already within the site
13 that the Wade Road Extension curb cut is rights-in
14 and rights-out, so for traffic that wants to head
15 north on Wade Road extension, we want them to kind
16 of use the Forts Ferry Road entrance so they come
17 out and take a right and hit the signal at the
18 intersection of Forts Ferry Road and Wade Road
19 extension, and take a left heading north. The
20 last thing that we want are cars coming out of
21 that rights-in and rights-out and trying to make
22 illegal turns.

23 That's really all we have in our comment
24 letter. Everything else is a minor item, which we
25 are sure will be addressed at post hearing.

1 CHAIRMAN STUTO: We'll turn it over to the public,
2 but I want to ask the applicant if he has any troubles
3 with any of the comments?

4 MR. LEWIS: No, no problem.

5 CHAIRMAN STUTO: Anybody from the public want to
6 be heard tonight? Mr. Fahey?

7 MR. FAHEY: My concerns pretty much still stand
8 from the first time, so I'm not going to rehash those.

9 Mr. Grasso mentioned vegetation impacting the
10 site.

11 MR. AUSTIN: Mr. Fahey, my memory fails me. Can
12 you repeat those concerns?

13 MR. FAHEY: You really want to go through all of
14 those? I didn't bring a copy of the minutes with me.

15 MR. AUSTIN: Maybe briefly?

16 MR. FAHEY: It was the operation - the way that
17 the signal on Forts Ferry operates and the right-in and
18 right-out. I disagree. This one just came up tonight.
19 What about that rise in the road up here (Indicating)?
20 There is a hump and I think that once you cross the
21 hump near the fire hydrant there, that's when you first
22 see this area. It's an unlighted road in there and
23 there is no street light down on that road. It's kind
24 of dark. I'd be more concerned at night, and it would
25 be good if you could take a look at that.

1 This might be a question for the applicant.
2 Can you show us the ingress and the egress for
3 deliveries, fuel trucks and the soda trucks and
4 Stewarts trucks? How are they going to get in and
5 out of the site?

6 MR. POTTER: Everything is going to enter off of
7 Forts Ferry, due to the right-in and right-out and
8 everything with that exit.

9 MR. FAHEY: That concerned me because that's got
10 to be about a 130 degree angle and a 1,000 fuel tanker
11 going through there - I think that it's going to be
12 difficult.

13 MR. AUSTIN: Can it come through the cross
14 connect?

15 MR. LEWIS: No.

16 MR. FAHEY: That is an extremely acute angle.
17 That's almost a hair-pin turn. I can see a car doing
18 it with difficulty, but a large delivery vehicle going
19 this way - there are a lot of great truck drivers out
20 there but -

21 CHAIRMAN STUTO: I'll have the applicant and/or
22 Joe Grasso respond to that.

23 MR. LEWIS: We had handed out all of the turning
24 movements for both the tankers and the delivery at
25 concept, and they clearly worked. We wouldn't do the

1 project if those didn't work.

2 MR. GRASSO: We did review those. I will say that
3 sometimes during the planning process of the project,
4 we overlook those things. It's something that we'll
5 just check. Obviously, that curb cut modification
6 that's gone through a series of design iterations - I'm
7 sure that they have adequate room there to modify, but
8 we don't think that is an issue. We'll double check
9 that.

10 MR. FAHEY: I didn't hear it asked at the last
11 meeting about the delivery turns, and all that.

12 CHAIRMAN STUTO: I think that he had the things
13 with the little stick men and the trucks going through.

14 MR. FAHEY: On the south elevation - I was looking
15 at the plans yesterday. This is what their HVAC and
16 their utilities and I think that large door is for;
17 deliveries on this side.

18 MR. POTTER: This is actually exterior electric
19 enclosure. This would be our delivery door.

20 MR. FAHEY: The plans that I saw showed that the
21 vegetation on this side which Forts Ferry faces Route 7
22 and that's more visible from Route 7. They only have
23 perennial plants. I know that this is a tough location
24 because the store is actually visible from 360 degrees.
25 There is no buffer area behind this stuff. Any chance

1 that we could get some evergreens there?

2 MR. POTTER: There is actually a seven foot wide
3 stockade vinyl fence that will run to this point
4 (Indicating).

5 MR. FAHEY: I didn't see those elevations. Is
6 that going to be enough? This is going to go down all
7 the way to here (Indicating)?

8 MR. POTTER: No, this is a retaining wall. The
9 top of the retaining wall all the way to this point -

10 MR. FAHEY: Okay, I missed that. Here's another
11 one. When your fuel delivery trucks get in, where are
12 they going to park? I assume that's where they're
13 going to be refilling the underground tanks. Where are
14 they going to park?

15 MR. POTTER: Right here (Indicating).

16 MR. FAHEY: So, you're blocking this and this
17 (Indicating).

18 MR. POTTER: They're blocking the interconnect.

19 MR. FAHEY: You're partially blocking here too,
20 because you've got active hoses going in here
21 (Indicating).

22 MR. POTTER: It would be adjacent to that and
23 you'd still be able to squeeze by.

24 MR. FAHEY: I don't know what the widths are here,
25 but that jumped out at me that a fuel delivery is going

1 to block the internal traffic pattern in here.

2 MR. POTTER: Mr. Fahey, we would not do the
3 project if those things didn't work.

4 MR. FAHEY: I've seen some of your customers in
5 some of your locations with a cell phone in one hand
6 and a coffee cup here -

7 CHAIRMAN STUTO: Okay, I don't want to get into a
8 debate. If you want to give us your comments, we'll
9 try to do it in an orderly fashion.

10 MR. FAHEY: My other main concern was, again, the
11 operation of this. There is something like 54 feet
12 from this, which is the main entrance to the Health
13 Park (Indicating). I've been in and out of there. You
14 have left turns coming out and you're going to have
15 right turns coming here and you have five driving lanes
16 plus a turning lane and there is another one down here
17 (Indicating). I see a lot of conflict here. Suppose
18 this doesn't work? For some reason, what if you see
19 accidents go up, something goes wrong and this doesn't
20 work? What recourse does the Town have once this is up
21 and running? Do you drop a Jersey barricade there? I
22 don't think so. I'd like to hear that there is a way
23 out.

24 MR. GRASSO: Well, we believe that it is going to
25 work. We've reviewed other sites. Can we guarantee

1 that there isn't ever going to be an accident there?
2 No, we can't. We do believe that it's going to be
3 appropriate safe access and it is going to work.

4 MR. FAHEY: Suppose something happens and it
5 isn't? What recourse does this Town have?

6 CHAIRMAN STUTO: Is that the end of your comments?

7 MR. FAHEY: Yes, that's it.

8 CHAIRMAN STUTO: We'll try to address those in an
9 orderly fashion. I don't know if there is any remedy
10 if something fails. I see a gas station on Wolf and
11 Albany Shaker where people take a left onto of there
12 going towards the airport and that's just dead wrong.
13 That's one of the bad old ones that I see. I'll let
14 you go through and address Mr. Fahey's comments, if you
15 could.

16 MR. FAHEY: I heard the comment raised by the
17 Board on the record about certain projects "we made a
18 mistake". I point to the Sunoco station behind Dunkin
19 Donuts on Route 7. I heard it said in this room.
20 Mistakes do happen, so I was concerned. Is there a way
21 to put this Jeannie back in the bottle and make it work
22 for the applicant and make it work for the people who
23 use that corridor? I know that this is going in.

24 MR. GRASSO: You bring up a valid concern. Access
25 to these types of establishments are something that we

1 closely review and there has been a lot of
2 modifications to the project to address our concerns.
3 This started out as unrestricted access on Wade Road.
4 It wasn't in the current location, so through a lot of
5 detailed evaluation and review and modifications. We
6 did support the rights-in and rights-out access. We
7 did have it shifted to a certain spot. We wanted it
8 further enough from the intersection of the signal as
9 well as far enough from the intersection of the Capital
10 Region Health Park entrance. We don't expect that it's
11 going to be conflicting turning.

12 MR. FAHEY: Back in 2004 when they proposed a
13 store here, they proposed a right-in and right-out on
14 Wade and had full service on Forts Ferry and that
15 didn't fly. I don't know why. Those are the same
16 concerns that were expressed back then about the
17 stacking and all the other -

18 CHAIRMAN STUTO: We'll give you another shot, but
19 I want to let him go through it and then if you want to
20 rebut it, you can.

21 MR. GRASSO: There was a concern about the
22 delivery of fuel and those trucks can stay right over
23 that concrete pad, or where those banks are. There is
24 adequate room for vehicles to get by, but I think that
25 most importantly, there are three curb cuts into the

1 site. Very often we're looking at sites that only have
2 one curb cut. On this one we have three. So, we have
3 options for patrons to be able to access the site and
4 then exit from the site if there are delivery trucks
5 there, and there is congestion.

6 In terms of the site distance along Forts
7 Ferry Road, they've demonstrated that there is
8 going to be adequate site distance provided at
9 that curb cut. There are some trees that have to
10 be removed in order to meet that minimum
11 requirement and that's something that we have
12 discussed with them and they will need to clarify
13 which trees will be removed and what the result of
14 the site distance will be.

15 In terms of the maneuvering of the trucks, we
16 reviewed those truck turning templates. They run
17 them for themselves before we even see them. We
18 are confident that it worked.

19 Like I said, the plan did evolve as it goes
20 through the design process and once you get to
21 this point you stop looking at those things; it's
22 a valid comment. We'll take a look and we'll do
23 another review to make sure that trucks can make
24 that without tracking off the pavement.

25 MR. AUSTIN: Joe, has it ever been explored or it

1 is even feasible to do a shared entrance with the
2 Capital Region Health Park? Get rid of the curb cut
3 onto Wade Road?

4 MR. GRASSO: It was something that we looked at
5 initially. We don't think that it would provide
6 appropriate access to the facility. We need to look at
7 the needs of the facility, as well.

8 MR. AUSTIN: That would address that extra curb
9 cut.

10 MR. GRASSO: It would, but we don't think that it
11 would be a successful for this use. I think that once
12 you go to a restricted rights-in and rights-out, it
13 addresses a lot of the conflicting turning.

14 MR. AUSTIN: Unfortunately, it's not working very
15 well in the Forts Ferry entrance and exit to the
16 Capital Region Health Park. With the rights-in and
17 rights-out, people constantly turn the wrong way. They
18 put some really large boulders there recently to try to
19 prevent that.

20 MR. GRASSO: I will say that vehicles don't always
21 obey them. If it is obeyed, it would fix the
22 conflicting turning movements.

23 CHAIRMAN STUTO: Did we hit all the comments?

24 MR. GRASSO: I touched on the ones that I had and
25 jotted down.

1 CHAIRMAN STUTO: Do you have anything to add?

2 MR. POTTER: No.

3 CHAIRMAN STUTO: Is there anything else you'd like
4 to say?

5 MR. FAHEY: No, there was just stuff that I didn't
6 hear during the previous hearings.

7 MR. GRASSO: There was one point that I didn't
8 bring up in our comment letter because it had come up
9 in our review of the project earlier regarding the
10 dumpster enclosure. I just want to make sure that the
11 Planning Board is aware of exactly what is proposed.
12 There has been some evolutions to the plan in terms of
13 the stormwater management approach.

14 Chris, if you could just highlight - there is
15 now a stormwater basin on the southwest corner of
16 the site down there. There is a retaining wall.
17 In order to make the grade for the retaining wall,
18 the building is elevated a little bit and there is
19 a basin. So, there is a retaining wall that goes
20 around that one side of the basin there. You're
21 going to see that it varies from three feet to six
22 feet of block retaining wall, like a fractured
23 faced bloke. Above that fractured face block is
24 going to be a white seven feet high vinyl fence,
25 which is going to go around that dumpster

1 enclosure. We didn't feel like adding more stone
2 on top of that retaining wall would be visually
3 appealing. We thought that having four to six
4 feet of stone and the seven foot white vinyl fence
5 above it was more aesthetically appealing than
6 just shear stone. I know that the Planning Board
7 has looked at this closely in the past and I
8 wanted to make sure that the Planning Board was
9 aware of how this dumpster area was going to be
10 enclosed. There is a gate in the one corner of
11 the fenced in area, but the whole area itself is
12 not fenced off. It's just fenced on the side and
13 the rear of that area. So, if the Planning Board
14 has any concerns with that, now is the time to
15 take a close look at it.

16 Chris, could you explain what those features
17 are in the plans so that the Planning Board has a
18 better indication?

19 MR. POTTER: Yes, the retaining wall will start at
20 the back corner of the building and will wrap all the
21 way around to this point here (Indicating). The
22 highest point is actually back here and then it starts
23 to climb up.

24 CHAIRMAN STUTO: It would be an attractive rock
25 facing the building in the parking lot, correct?

1 MR. POTTER: Yes. Then there is greenspace
2 between the top of the retaining wall and the fence.
3 There are plants to help screen the fence to help break
4 it up. There was a four foot strip between this fence
5 - the fence is going to start at the building and then
6 run all the way to this point, which will be seven foot
7 high which will screen this whole delivery area and
8 then the dumpster itself is there (Indicating).

9 CHAIRMAN STUTO: And that's the whole south
10 elevation of the building - that side?

11 MR. POTTER: Yes.

12 CHAIRMAN STUTO: You won't be able to see that
13 from Route 7?

14 MR. GRASSO: Just above that seven foot high
15 fence, but they're going to basically screen off that
16 whole delivery side with the mechanical equipment
17 that's there.

18 CHAIRMAN STUTO: So, we'll see the roof?

19 MR. GRASSO: Yes, so we thought that was an
20 important feature and Mr. Fahey spoke to the look of
21 that from Route 7 and its visibility, so I think that's
22 important item to talk about.

23 CHAIRMAN STUTO: The wall that's part of the roof.
24 What's the surface on that? It's hard to tell on this
25 elevation. What's the material there?

1 MR. POTTER: It's stucco efus material.

2 CHAIRMAN STUTO: Is it white? What color is it?

3 MR. POTTER: It's very light gray.

4 MR. AUSTIN: Is there a reason for that? I know
5 that the one on 9 is more of a clapboard siding.

6 MR. POTTER: We changed our design.

7 CHAIRMAN STUTO: What we're driving at is that
8 we've seen some of these elevations and some of the
9 sides look kind of plain and we're trying to figure out
10 -- since it is exposed on all sides, we want to make
11 sure that it looks good from all sides.

12 MR. AUSTIN: I know that you have the fake
13 windows. So, the side that faces Forts Ferry, people
14 can see that very readily.

15 MR. LEWIS: I'll give you a very candid answer.
16 Mr. Dick thinks that it really looks nicer plainer.

17 CHAIRMAN STUTO: Stucco doesn't look bad. The
18 stucco you said is gray?

19 MR. POTTER: Yes, a light gray.

20 CHAIRMAN STUTO: That's attractive. From the
21 diagram that we see, it looks light and no other
22 textures are there.

23 MR. AUSTIN: I guess I'm trying to understand the
24 other new ones like the Vly Road one and the ones with
25 a very similar design look. Now we're going to a plain

1 look. I'm trying to figure out why.

2 MR. POTTER: The stucco replaced the siding.

3 CHAIRMAN STUTO: All around the building?

4 MR. POTTER: Yes.

5 CHAIRMAN STUTO: Is there an example of that?

6 Where can we see an example of that?

7 MR. POTTER: Galway.

8 CHAIRMAN STUTO: Galway? Try to keep it in Albany
9 County. That's way off the Northway.

10 MR. LEWIS: This is kind of like a contradiction
11 but to be real candid, when you get older it's real
12 easy to be candid. When you look at the 70s and the
13 80s of building, you wouldn't think that anybody really
14 cares about how it looks. The past 10 years - he will
15 change things 19 different ways and that's why we took
16 almost a year to get here. This thing ran through so
17 many different permutations. I think that he does have
18 a good aesthetic eye.

19 CHAIRMAN STUTO: But your renditions don't really
20 show it.

21 MR. LEWIS: And we've been working on having Chris
22 and his partner learn how to do those 3-D drawings
23 which show better. That's a good point.

24 CHAIRMAN STUTO: Joe Grasso, do you have any
25 comment on that?

1 MR. GRASSO: No. We think that the elevation is
2 broken up enough with different materials. Between
3 having a pitched roof and a stone base all the way
4 around the building and having a copper cupola, we
5 think that there is enough that the efus expanse, it is
6 not that it's going to look like a blank wall there.
7 Especially on the side along Route 7 because they're
8 going to have a white slatted vinyl fence there in
9 front of it. As long as the efus is maintained well,
10 it's a great siding material. It's a little bit more
11 contemporary then what we saw in the Newtonville store.
12 It's still going to be very aesthetic. In this
13 setting, that carriage style/cottage style architecture
14 theme is not so fitting. I think that it's
15 appropriate.

16 MR. AUSTIN: I'm a big fan of the free air. This
17 is kind of an oxymoron in a way.

18 MR. LEWIS: You mean tire air?

19 MR. AUSTIN: Yes, free air?

20 MR. LEWIS: We always have free air.

21 MR. AUSTIN: I didn't see it on the plan and it
22 was concerning to me.

23 MR. POTTER: It's going to be on the southside of
24 the building.

25 MR. AUSTIN: That's all I need to know.

1 MR. LEWIS: I can't understand why people in this
2 business charge 50 cents for air. That's just silly.

3 MR. MION: Joe, I had a question for you. Going
4 back to that curb cut - it was a safety concern. We
5 got a right-in and a right-out, can you make that just
6 a right-in and you've got the other exits out on Wade
7 Road and the other one on Forts Ferry and not make it a
8 right-out?

9 MR. POTTER: A fuel truck at that point would not
10 be able to exit the lot. He can't make the swing
11 through the health parking lot with the cars parked
12 there, and then there is no way he can do a 180 in here
13 to get back out onto the Forts Ferry Road.

14 MR. GRASSO: A free right out, we don't have a
15 concern with. The other thing that we have to look at
16 is that we're trying to balance the distribution of
17 traffic. These are busy intersections. There is a
18 high turn over and a high transition and there is a
19 certain character on Forts Ferry Road and there is a
20 reason why we don't want all the traffic being
21 converted to Forts Ferry Road. We took a look at it in
22 terms of having three viable access locations, the
23 distribution of traffic if we give people options and
24 appropriately sign them so that they can figure out the
25 safest way to get to where they want to go. That's

1 what we think that we have with this current access
2 arrangement. You could do it. We just don't think
3 that it's required to do it.

4 CHAIRMAN STUTO: Any other comments or questions?

5 MS. DALTON: I want to go on record as saying that
6 I'm really concerned about the view from Route 7. It's
7 probably because when I travel to the store on the
8 corner of Vly Road, I'm coming from the east. What I
9 get to see first is that white side of your back of
10 your building. It doesn't do anything for me. So,
11 this time I would just like to go on record as saying
12 that.

13 MR. LEWIS: We look at these things long and hard
14 before we sign a contract. One of the concerns about
15 doing this site at all is can you see it from Route 7?
16 I think that you'll find that it's pretty far away and
17 if you going on Route 7 east or west, I don't think
18 that it will be seen. You're traveling here about 30
19 miles an hour maybe more and we had a lot of concern
20 about seeing it. I think that you'll see that it's
21 going to be nice.

22 CHAIRMAN STUTO: Is the Board ready to consider
23 the SEQRA Resolution? It's Type II so there is no
24 SEQRA.

25 MR. GRASSO: The waivers are in your packet.

1 Would you like me to read it into the record?

2 CHAIRMAN STUTO: Wherever you think that it's
3 appropriate. I'd like it entered into the record by
4 the steno. Why don't you go through it. Just do the
5 resolves.

6 MR. GRASSO: I'll go through the waivers; the
7 maximum front building setback, the parking and drive
8 lane located in the front yard, the parking setback
9 with the front and side lot line and the landscaping
10 interior to the parking area.

11 Be it resolved that the Board hereby finds
12 that the extend of the requested waivers is not
13 considered substantial;

14 And be if further resolved that the Board
15 finds the applicant has established that there are
16 no practical alternatives to the proposed waivers
17 that would conform to the standard and that the
18 waivers are necessary in order to secure
19 reasonable development of the project site;

20 And be it further resolved that the Board
21 hereby issues waivers from the maximum front
22 building setback of 20 feet;

23 And be it further resolved that the Board
24 hereby issues a waiver from the prohibition of
25 parking and drive lanes being located within the

1 front yard;

2 And be it further resolved that the Board
3 hereby issues a waiver from the parking setback at
4 the front and side lot lines;

5 And be it further resolved that the square
6 footage of interior landscaped islands can be
7 reduced in order to maintain 36 parking spaces and
8 parking by the front door;

9 And be it further resolved that these waivers
10 findings be a condition of site plan approval of
11 the application and be kept in the project file in
12 the office of the Planning and Economic
13 Development Department.

14 CHAIRMAN STUTO: Do we have comments or questions
15 regarding this Resolution?

16 (There was no response.)

17 CHAIRMAN STUTO: Is there a motion to adopt the
18 Resolution?

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

20 MR. AUSTIN: Second.

21 CHAIRMAN STUTO: Any comments or questions?

22 (There was no response.)

23 CHAIRMAN STUTO: All those in favor say aye.

24 (Ayes were recited.)

25 CHAIRMAN STUTO: All those opposed say nay.

1 (There were none opposed.)

2 CHAIRMAN STUTO: The ayes have it on the waivers.

3 On the main Resolution, which would be for
4 final site plan approval, contingent upon meeting
5 all the requirements of the Town Designated
6 Engineer letter and all the comments of the
7 various Town departments.

8 Do we have a motion?

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

10 MS. DALTON: I'll second.

11 CHAIRMAN STUTO: Comments or questions?

12 (There was no response.)

13 CHAIRMAN STUTO: All those in favor say aye.

14 (Ayes were recited.)

15 CHAIRMAN STUTO: All those opposed say nay.

16 (There were none opposed.)

17 CHAIRMAN STUTO: The ayes have it. Thank you.

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21 (Whereas the above proceeding was concluded

22 at 8:38 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 at the time and place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

NANCY STRANG-VANDEBOGART

Dated May 30, 2013

