

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 CUMBERLAND FARMS

5 211 TROY SCHENECTADY ROAD

6 APPLICATION FOR CONCEPT ACCEPTANCE

7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on September 24, 2013 at 7:34 p.m.
11 at The Public Operations Center, 347 Old Niskayuna
12 Road, Latham, New York.

10

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 BRIAN AUSTIN
14 SUSAN MILSTEIN
15 KATHY DALTON
16 LOUIS MION
17 TIMOTHY LANE

14

15 ALSO PRESENT:

16 Joseph LaCivita, Director, Planning and Economic
17 Development
18 Michael Tengeler, Planning & Economic
19 Development

18

19 Stephanie DiLallo Bitter, Esq., Cumberland Farms

20 Joseph Grasso, PE, CHA

21 Chris Boyea, PE, Bohler Engineering

22 Chuck Voss, PE, Barton and Loguidice

23 Peter Seaman

24 Tim Goldman

25 Ross McGallon, Cumberland Farms

1 CHAIRMAN STUTO: The last item on the agenda is
2 Cumberland Farms, 211 Troy Schenectady Road. This is an
3 application for concept acceptance. This is 4,500
4 square foot convenience store and fuel canopy.

5 Joe LaCivita would you like to give us an
6 introduction on this?

7 MR. LACIVITA: Sure. This is also in the COR zone
8 district. I'm going to have Chris Boyea present with
9 the applicant. Also, Chuck Voss from B & L is our TDE.

10 The project was before the Planning Department at
11 DCC on February 15, 2013 and also sketch plan was here
12 on May 7, 2013.

13 The design waiver has changed a bit since its
14 inception. They were once asking for four waivers and
15 now it's been redesigned and we're looking for two
16 waivers during the course of the review of this
17 project. One is a front yard setback and the other is
18 the parking. Again, it is a convenient store of 4,513
19 feet with a fuel canopy.

20 I'll turn it over to Chris Boyea.

21 MR. BOYEA: Good evening. For the record my name
22 is Chris Boyea and here with me tonight is Stephanie
23 DiLallo Bitter. She is our project counsel.

24 We have a new face from Cumberland Farms. He is
25 the area Sales Manager for this district.

1 CHAIRMAN STUTO: Would you like to come up and sit
2 with your folks? What do you do for Cumberland Farms?

3 MR. ROSS: I'm the District Manager.

4 CHAIRMAN STUTO: And where do you hang your hat?
5 Where is your office?

6 MR. ROSS: I don't have an office. I work out of
7 my home.

8 CHAIRMAN STUTO: And you travel around to different
9 locations?

10 MR. ROSS: Yes, I have 11 stores locally.

11 CHAIRMAN STUTO: Thank you.

12 MR. BOYEA: So, we have a great project here that
13 was introduced at a sketch plan meeting back in May.
14 Since May, we have gone back and revised some of the
15 plans that accommodated some of the comments that were
16 provided here. We've gotten all that in so that we
17 could proceed as fast as possible with the approval
18 process so that we can hopefully be in the ground early
19 next year.

20 We're here tonight for concept approval. I've got
21 an aerial up here (Indicating). It shows Troy
22 Schenectady Road here and then the Swatling Road and
23 the intersection here. This is Stewart's. We are
24 proposing a 4,500 square foot convenience store. It is
25 on a 2.4 acre lot. So, as you can see from the site

1 plan, we are very much zoning compliant. There is not
2 a lot of development overall on this piece of property.

3 We are asking for two acres, which we reviewed
4 with the Board and with the sketch plan. That's the
5 reason for us coming to sketch plan to make sure that
6 the Board was okay with those waivers before we invest
7 to come to concept. We've furthered the plan.

8 Just from a site plan standpoint, we did hear from
9 people from that last meeting and we did hear those
10 people. We do have this rendering (Indicating). The
11 green areas show the grass where existing vegetation
12 will remain. The existing trees in the back will
13 remain as we get into the residential complex that is
14 behind us. Then, the canopy will face towards Troy
15 Schenectady Road. The building will be slightly behind
16 the back of the building. It is intended to be a
17 buffer so that all the headlights and cross circulation
18 is out front just like it is at Stewart's. There would
19 not be a lot of invitation for people to go behind it.
20 That would be continued as greenspace.

21 The stormwater management is to the rear.

22 Our underground fuel tanks will be just that.
23 They're be completely underground. They are located up
24 here towards the corner of the intersection
25 (Indicating). We had access points to the road -- two

1 of them. One of them is here on Troy Schenectady away
2 from the intersection. The same is true on Swatling.
3 We have one access up here away from the intersection.
4 These access points were requested as part of DPW for
5 the Town, as well as New York State DOT. That was one
6 of the items from sketch plan that we went back and got
7 some consensus on it. There was a former subdivision
8 approved here on this lot and it was discussed that
9 multiple curb cuts were not encouraged and they believe
10 that they have these two shown and that any future
11 development would utilize those two. A road or a
12 network of roads would come through those so that we
13 would have just these two points of access on these
14 roads.

15 CHAIRMAN STUTO: So, in other words if the lot to
16 the east was developed, they could share that driveway?

17 MR. BOYEA: That's correct.

18 CHAIRMAN STUTO: Do you own both lots?

19 MR. BOYEA: No.

20 CHAIRMAN STUTO: And how are we going to
21 memorialize that?

22 MR. BOYEA: It is memorialized now, but it was also
23 talked about in the staff notes and things of that
24 nature - the final plans -

25 CHAIRMAN STUTO: Is there some kind of cross

1 easement that's purported now?

2 MR. BOYEA: That's correct and that was all worked
3 out with DOT back in 2006.

4 MR. LANE: So, long before you guys.

5 MR. BOYEA: Right. We're buying this lot.

6 CHAIRMAN STUTO: We're going to take comments from
7 the public at the right time. If you could sign in over
8 there, we'd appreciate it.

9 MR. BOYEA: So, those things have been worked out
10 back in 2006 for cross access. This eventually is going
11 to be a drive that comes right back to service the rest
12 of it. We're going to construct it on our dime. If and
13 when somebody else builds on the remaining two lots that
14 are there, they would be able to use our access.

15 In general, that's the proposal that we have here
16 in front of you tonight. Thirty-four parking spaces
17 are proposed here (Indicating). We have eight fueling
18 dispensers.

19 CHAIRMAN STUTO: Okay, we have a Town Designated
20 Engineer which is Barton and Loguidice. They reviewed
21 this project and have been reviewing it on behalf of the
22 Planning Board and the Town.

23 MR. BOYEA: Actually, if I could interrupt - sorry.
24 I missed the best part. I have the elevations. We
25 worked hard on it, so they would be mad if I didn't show

1 this.

2 CHAIRMAN STUTO: So would our Board Members; I'm
3 sure.

4 MR. BOYEA: This is about as good as it gets. We
5 went right for the best design that we could right from
6 the start. This is a pretty tall building that's in
7 here and we did this -- we wanted to get the mass on the
8 site and the presence behind the canopy (Indicating).
9 It would also block any noise that goes backwards. We
10 want to keep everything out in front. This building
11 will act as a shield.

12 Also, it was discussed that we should try to hide
13 all the mechanicals and the utilities as much as
14 possible. That's what this loop design does
15 (Indicating).

16 MR. LANE: So, there is an HVAC up there some
17 place?

18 MR. BOYEA: Actually, yes. Because you mentioned
19 it last time, we actually did the rendering on the other
20 side too. There is a step in the rear where we can put
21 the HVAC on the top and we have shielded them with a
22 decorative fence. Not many people can see the back. As
23 you can see, it's still pretty attractive.

24 We also do a colonial-type canopy. So, these are
25 canopy elevations that have that colonial trim along

1 the top of it. It does show that it has that cornice
2 around the top and it is four feet in dimension - the
3 fascia of the canopy. That's is per your request. It
4 was asked to make sure that we don't see any fire
5 suppression system that is mounted on top of that
6 canopy, so the four foot fascia from the facade of that
7 canopy will hide those canisters that are required to
8 extinguish any access.

9 CHAIRMAN STUTO: That's very nice. Can you tell us
10 about the surface treatments of the main building? I
11 can see that there is some stone work and so forth.

12 MR. BOYEA: Sure, and we'll bring the additional
13 information on that as we get through with more. There
14 is a stone fascia that is here that is a cultured stone
15 veneer. Then we have a vinyl siding that is in the gray
16 color and synthetic wood trim. Then, we have the
17 asphalt shingles that are up on top (Indicating).

18 Now, we're here to answer any questions.

19 CHAIRMAN STUTO: Okay we'll turn it over to Barton
20 and Loguidice who is our Town Designated Engineer.
21 They've reviewed this on behalf of the Planning Board
22 and Chuck Voss is here from that firm.

23 Chuck, would you like to give us your comments?

24 MR. VOSS: Sure. I'll go through my review letter
25 of September 12th. I believe that the Board all has a

1 copy of that in your packet.

2 What we did was initially look at this in terms of
3 our concept acceptance review process and as the
4 applicant noted, it did come before the Board for
5 sketch plan review to get the Board's general feedback,
6 and I think that the feedback at the time was generally
7 positive.

8 The zoning is COR and does allow this type of use
9 in this location and I think that the only change that
10 we have really seen from now as opposed to the last
11 iteration of this was the reorientation of the rear
12 access drive. When they first approached the Town,
13 there was not really a thorough understanding of the
14 Swatling ingress PDD and how access to that area would
15 impact the site. Subsequent meetings with the Planning
16 office and other entities revealed that the rear access
17 on Swatling would be better oriented to allow future
18 access back further. So, the applicants were going to
19 make some adjustments to that. I think that you
20 remember that the original curb cut on Swatling was in
21 that location (Indicating), which posed some concerns
22 of access issues for folks. Pushing it further to the
23 north seems to help that out quite a bit. Other than
24 that, the site in conceptual form appears to work.

25 We looked at their preliminary stormwater issues

1 and concerns and we had no real concerns there. The
2 project site slopes gently off to the north to where
3 there is a wet area.

4 The applicants have preliminarily demonstrated
5 that there is sufficient access to the site. We've
6 certainly taken a look at pedestrian access. That was
7 one of the questions that came early on. We did
8 witness several folks coming out of Swatling Road area.
9 There were a couple of families, early on in the sites
10 visits, that were walking up there to the bus stop
11 that's on the corner of Swatling and Route 2. Now,
12 that's a sign -- that bus stop location. The
13 applicants have incorporated that into their site
14 design to have a sidewalk to come all the way through
15 which again, makes it much safer. We actually
16 witnessed a young family with young children walking on
17 the side of the road during February and it looked
18 tenuous at best. So, that will be a significant
19 improvement to allow access to the apartments that are
20 further up the north of Swatling Road.

21 Generally, from a SEQRA standpoint, it's an
22 unlisted action. The Town Attorney's office reviewed
23 this. The applicant submitted an EAF for us to look at
24 and review.

25 As the applicants mentioned, there are two waivers

1 that they are looking for. A minimum front yard
2 setback, pavement in the front yard, and then there is
3 the parking there which we believe is fine at this
4 point.

5 Precedent for the location of the canopy in the
6 front setback has been pretty well established with the
7 Stewart's across the way. The Stewart's does have
8 their canopies out front as well as their primary
9 customer parking, so this is not out of character for
10 that general area.

11 CHAIRMAN STUTO: On the parking -- is it going to
12 be banked so that if the need arises --

13 MR. VOSS: I think that there is plenty of space on
14 that site to allow additional parking. You can
15 certainly address it, but I think that in your
16 description of your waiver request, having 16 spaces
17 under the canopy adds to the general parking as well as
18 having the flexibility of spaces, but I don't want to
19 speak for you.

20 MR. BOYEA: No, you're absolutely right. I suppose
21 it would be possible to bank parking, however, one of
22 the criteria for New York State DEC Stormwater is to
23 really minimize things. I think that the code probably
24 really needs to be adjusted to more of a modern
25 convenient store idea. Thirty-four is more than any

1 convenient store has.

2 CHAIRMAN STUTO: Is there a particular ratio of
3 square footage or any other ratio to that particular
4 kind of store that you think is an industry or should be
5 the industry standard?

6 MR. BOYEA: I don't have one off the top of my
7 head.

8 CHAIRMAN STUTO: When you come back for the next
9 meeting -- just think about it.

10 MR. BOYEA: Just so you know the mini-mart requires
11 one space for 100 square feet.

12 CHAIRMAN STUTO: And you're 45.

13 MR. BOYEA: Yes, so when you think of a
14 mini-mart -- they might be thinking about the old
15 facilities when you have two cars getting worked on and
16 you have a small candy and newspaper facility. That
17 makes sense for a smaller area. We're very comfortable
18 with the 34. We could bank if we needed to, but I don't
19 think that it's necessary.

20 MR. VOSS: And I think that in their analysis --
21 they know their site better than anybody and the
22 circulation of those sites. If you're relatively
23 comfortable with that -- certainly it helps the
24 stormwater issues and management of the site.

25 Other than that, DOT had a few comments about

1 access onto Route 2. We also made mention of some
2 access easement that might need to be filed certainly
3 as the project progresses. All things considered, we
4 think that it's a pretty decent project so far.

5 CHAIRMAN STUTO: I think that we have one member of
6 the public. Would you like to speak on the project, Mr.
7 Seaman?

8 MR. SEAMAN: I just had a question. The access off
9 of Swatling, is that the same location that's on the map
10 on Route 7 back in 2003?

11 MR. BOYEA: That's correct.

12 MR. SEAMAN: Thank you.

13 CHAIRMAN STUTO: Tim Goldman?

14 MR. GOLDMAN: I live in this area. What it doesn't
15 show are the lights here and the lights here
16 (Indicating). There are two sets of lights here. When
17 you say that you see families walking up there, this
18 whole area has become so congested that -- I don't know
19 how many accidents have been reported. I don't know
20 what's being reported by the Town, but it's dangerous.
21 Has there been any traffic study done here?

22 CHAIRMAN STUTO: I'll let the engineers address
23 that.

24 MR. VOSS: At this point, no. At this stage of the
25 game, no.

1 MR. GOLDMAN: What you have in this whole area is
2 Swatling and I've been there 50 years. In 50 years that
3 road has never been improved. You've got Old Loudon up
4 here (Indicating) and you have Boght over here. Those
5 are the only three access roads going up to the
6 Northway. This road is becoming a major traffic zone.
7 You've got Archmont Knolls over here and you have that
8 new one over here (Indicating) and then there is
9 Northridge, I think that it's called. Then, you have
10 another development going in. This is just a major
11 traffic mess in this whole area right now. You can look
12 at where they put the Cumberland Farms and Stewart's has
13 an access going out here. I live in this area and I
14 walk in this area. This is a major problem right here.
15 I'm afraid if you put this Cumberland Farms in here
16 where it's going right now, you're going to have a lot
17 more accidents and possibly fatalities on Route 7.

18 CHAIRMAN STUTO: You said the way that it is now.

19 MR. GOLDMAN: The way that it is right now, you
20 have a light here (Indicating) and in less than 20 feet,
21 you have another light coming out at Youngs Place. As
22 they come into the Stewart's here there is a volume lane
23 and people are pulling into Youngs here and you have the
24 old Sipperly's here and you have the Dentist's office
25 here and you have all this traffic now going into there

1 with a huge development in this area. I think that you
2 really need a traffic study for this.

3 CHAIRMAN STUTO: We will ask them to take a closer
4 look at that and the layout there. I'm not sure if
5 you're making a particular point or just saying
6 something about the curb cuts or that there is too much
7 traffic --

8 MR. GOLDMAN: There is too much traffic in these
9 areas. There is going to be more.

10 CHAIRMAN STUTO: But something is going to get
11 developed there.

12 We will ask the applicant and the TDE to look at
13 that.

14 MR. GOLDMAN: Again, this road has been here for 50
15 years and there have been no improvements in this road.

16 CHAIRMAN STUTO: Okay. We're not here for final
17 approval or anything like that. Something is going to
18 go there. We can't stop the project in the sense of
19 telling him that he can't do something there. We can
20 try to mitigate the issue of traffic on the project.

21 MR. GOLDMAN: Certainly it has to enter on
22 Swatling.

23 CHAIRMAN STUTO: Well, I'll let the engineers
24 address that.

25 I don't know if you want to address that

1 preliminarily or not. I thought that two entrances was
2 a good thing.

3 MR. VOSS: Yes. Ideally two entrances is good for
4 a site like this. We can certainly ask the applicants
5 to take a look at that question and determine if the
6 Swatling Road access is feasible or not.

7 MR. BOYEA: Just in general, there was a lot of
8 thought that was put into this. We know our business
9 too. We want to make sure that there is a safe facility
10 and environment, as well. It was requested not to have
11 multiple curb cuts. DOT has looked at this because I do
12 have letters from New York State DOT. There are a lot
13 of good points to raise.

14 Stewart's does have an access that comes off of
15 Swatling which is quite problematic because it is so
16 close and the volume of traffic has grown. These are
17 all facts that are true and good points. The traffic
18 stacks at the light when it's red and it actually goes
19 way past Stewart's entrance.

20 CHAIRMAN STUTO: You're talking about down
21 Swatling?

22 MR. BOYEA: Swatling is getting busier, just like
23 the gentleman said. So, that is why DOT wants us to
24 push it far back.

25 CHAIRMAN STUTO: Does Stewart's have an application

1 in?

2 MR. LACIVITA: Not at this location. They are
3 looking at another location in the area, but we really
4 can't disclose exactly what is going on with the
5 Stewart's project. A full application hasn't been
6 before us. They are looking at the impacts of what is
7 currently there.

8 I think as Chris had mentioned that when this
9 project first came in, and being the fact that I am in
10 that area where I live, the curb cut was close to the
11 proximity of where Stewart's was and that was the first
12 thing that we looked at internally in our office.
13 There is a lot of congestion that goes on.

14 To Mr. Goldman's point about the improvements to
15 Swatling Road - unfortunately the existing housing
16 stock that goes down the length of Swatling - the
17 development that's currently on there doesn't allow for
18 any type of improvements as far as widening the road
19 because houses are so close. They don't have the right
20 of way to do so. That's already been checked out with
21 the Town. I think as time goes on and development goes
22 on to the very end, as Mr. Goldman was talking about on
23 the Haswell Road area, in the Boght Road GEIS study
24 there are provisions for traffic improvements in that
25 area whether that be a light - but again, you're

1 looking at a country road with a light or potentially a
2 roundabout in that area. It's just a matter of
3 collecting other mitigation fees in the Boght GEIS area
4 that will make for those provisions and as more
5 development goes within the area, as this site is
6 doing, they'll have mitigation impacts that will pay
7 into the improvements that are needed not only for this
8 site, but also for future sites in the Boght. So, I
9 think that you will start to see those improvements
10 come into the Boght area and particularly in the
11 residential components that are being built up.

12 CHAIRMAN STUTO: I'll just make this comment. At
13 the last meeting that we were here, the people that were
14 looking for the rezone down the road towards Watervliet
15 - there was a landowner down there that was arguing that
16 they need more traffic on Route 2.

17 MR. BOYEA: That brings up a very good point about
18 mitigation fees. Rest assured that we're putting in our
19 fair share money for future -

20 CHAIRMAN STUTO: Can you throw that number out or
21 no? Do we know roughly what it is?

22 MR. BOYEA: Do you know off the top of your head?

23 MS. DILALLO BITTER: I know that its in the tens of
24 thousands.

25 MR. LACIVITA: I don't think that we've gotten the

1 full assessment from the Capital District Transportation
2 Committee.

3 MR. BOYEA: That's a fee that's going to get put
4 into a fund for future improvements.

5 The last thing that I wanted to mention about
6 traffic, so that you know that we are looking at this,
7 is that the use that we are proposing here is an
8 allowed use. It won't generate as much traffic. That
9 means that it's a highly passed by traffic and not a
10 lot of people from 10 miles away are going to drive to
11 this location specifically. We're counting on picking
12 up people who are already there. We're not trying to
13 drag out a lot of new trips here in, such as a medical
14 office or something like that. It's not a specific
15 trip that would add traffic. We're looking at just
16 feeding off of the existing traffic if it's there.

17 CHAIRMAN STUTO: I want to make this comment. I
18 don't know if I'm looking at it correctly, but if
19 someone is coming from Watervliet or Shaker High or
20 Delatour and they stop in for gas or a cup of coffee and
21 they actually wanted to head down Swatling, it's helpful
22 to have an exit on Swatling - it would seem to me. It
23 would take people off of the intersection. Maybe the
24 reverse is true if you're coming from the other way.

25 MR. BOYEA: So, we've looked at it and done the

1 best that we can with it and we think that it's a great
2 project.

3 CHAIRMAN STUTO: Okay, can you please take a very
4 hard look at the traffic?

5 Those are very good comments, sir.

6 If you can take a very hard look at that -- and
7 Joe, let us know what improvements are specifically on
8 the boards, we'd appreciate that.

9 We'll open it up for comments and questions from
10 the Board members.

11 MS. DALTON: I don't really have any.

12 MR. MION: I don't have any.

13 MR. AUSTIN: I don't have any, but I just want to
14 say that with regard to the traffic, the line of sight
15 going east on Route 2 is precarious. When you're
16 heading over that hill and hit the Stewart's and try to
17 turn into the Stewart's, it can be very precarious. So,
18 maybe with this upcoming - or whatever they are doing
19 with the Stewart's, it will fix itself. I think that
20 Cumberland Farms will work very nicely. I think that
21 it's a great project. It looks great and they are very
22 nice elevations.

23 CHAIRMAN STUTO: I have a couple of questions.
24 They are tangentially related, but not directly related
25 to the project. The fellow from two weeks ago who was

1 talking about traffic on Route 2 - I think that he was
2 making the point that when Alternate Route 7 came in and
3 took a lot of traffic off - is that factually true?
4 Does anybody have any statistics on that? Was this a
5 main thoroughfare like the other part of Route 7?

6 MR. LACIVITA: There are a lot of changes going on
7 because you have Alternate 7 where people used to come
8 up 19th street. The traffic counts have gone down
9 drastically since that. I think that when you guys were
10 first looking, there were estimates and the traffic
11 counts were somewhere around 34,000 or something like
12 that. When those traffic counts came back in a
13 historical nature, we were only in the tens of thousands
14 in comparison because it had dropped.

15 CHAIRMAN STUTO: They used to be in the 30's and
16 now they're in the 10's?

17 MR. LACIVITA: Yes.

18 CHAIRMAN STUTO: Tim, that reminds me of Menands.

19 MR. LANE: Sure.

20 CHAIRMAN STUTO: The second question is this: I
21 don't know if you're an engineer or an architect.
22 Somebody was telling me about a faux slate roof shingle
23 that's a 50-year shingle. I don't know if it's PVC or
24 plastic. Do you know anything about that? It just
25 sounded very interesting.

1 MR. BOYEA: I do know that those products are out.
2 It's not something that we would use.

3 CHAIRMAN STUTO: And I'm not necessarily suggesting
4 that.

5 MR. BOYEA: Yes, that product does exist out there.
6 It is a plastic composite material. It's a lot more
7 labor intensive to install. If you ever had to match
8 it, that could be a problem with fading and with those
9 types of things, but it does have its applications.

10 CHAIRMAN STUTO: Tim and Susan?

11 MR. LANE: I will say that I really like the design
12 of the building. It has a very appealing look and I
13 think that it's going to look great.

14 I think that I'll direct this question to Mr.
15 McGallon. We had discussed when you were in here
16 previously - I see a lot of the new stores that are
17 going in angle the pumps at 45 degrees and I think that
18 helps the traffic flow getting out. We had discussed
19 it previously and you weren't too keen on that. I
20 wanted to find out what your thinking was on that.
21 This is what I see with the new designs that are coming
22 in. You see that a lot of the new places have that. I
23 think that's a perfect spot there.

24 MR. MCGALLON: I can only speak for the operations
25 of the actual business. As far as the way that they

1 decide the layout for the gas area, I don't have any
2 insight on that.

3 MS. STEPHANIE: From a legal perspective, I drive a
4 diesel vehicle and it's very difficult because if
5 someone is using the pump for gas and you have only one
6 option on your side, you're kind of hanging out on the
7 outskirts with that angled turn going in. I had an
8 experience at a gas station and I wanted to tell you
9 that.

10 MR. LANE: How does the non-angled pump help that?

11 MS. DILALLO BITTER: It actually gives you more
12 room because when I was waiting, I had to wait until the
13 end because I was waiting to -

14 MR. LANE: How many cars out of 100 are diesel?

15 MS. DILALLO BITTER: In this day and age, more than
16 you would expect.

17 MR. LANE: You don't have to answer that now. If
18 you could come in next time with information on why this
19 versus that, it would be good. You don't have to say
20 something off the cuff. You can think about it.

21 MR. BOYEA: Well, it's not off the cuff. We're
22 prepared for it. Some of the issue is that we have
23 dealt with stack dispensers. If you are looking at some
24 of our competitors that start with an S, they have the
25 single row of dispensers. So, they only have one row

1 and we have two rows here. The minute that you put two
2 in series, meaning here - angling it can mean that it
3 can get really awkward. If you can think about how many
4 stations that you've seen where it's double stacked, I
5 think that you would be quite pressed to find one here
6 in the Town of Colonie.

7 MR. LANE: So, the angling only works for single
8 line up pumps?

9 MR. BOYEA: Cumberland does have some angled pumps.
10 Clifton Park has some. It's not that Cumberland doesn't
11 do them, it's just the way that the design works.

12 MR. AUSTIN: Your competitor that starts with S -
13 don't they have double stacked - the one across from
14 Hoffman's?

15 MR. BOYEA: I don't believe so. I think that it's
16 a single row of dispensers.

17 MR. LACIVITA: To Tim's point and to your point as
18 to the constraints of the property the way that it's
19 designed, I'm looking here where there are actually the
20 fueling tanks for when your tankers come in, and an
21 angled design wouldn't allow for the dispensing of that
22 tanker fuel into the ground. It would be more
23 difficult. You would actually lose a couple of those
24 pumps along the way as well; wouldn't it?

25 MR. BOYEA: I think so. I think that anything

1 could be done. In general, it's that double stacking of
2 dispensers. We could move the tanks or do something
3 like that, but this is definitely been a well thought
4 out layout. We've had a few months to make sure that we
5 get it right.

6 MS. MILSTEIN: My problem has to do with the
7 traffic and Swatling Road and the residents across the
8 street as well. So, that's where my concern is.
9 Especially with eliminating one problem, I don't want to
10 replace it with another one.

11 CHAIRMAN STUTO: I have a couple of final
12 questions, if you don't mind. I see this drawing sketch
13 which says PEDD dated 9/17. I don't know if someone
14 wants to explain that. It says replace large paved area
15 with greenspace to improve traffic circulation.

16 MR. BOYEA: It's changed.

17 CHAIRMAN STUTO: Okay, it's an alteration. In
18 conjunction with that, do you have picnic tables or any
19 outdoor area? I'm not advocating one way or the other.

20 MR. BOYEA: Yes.

21 CHAIRMAN STUTO: Can you address both of those
22 things? It looks like a shade tree and conifers and so
23 forth.

24 MR. BOYEA: We did receive that sketch and we will
25 try to incorporate that into the final design.

1 CHAIRMAN STUTO: Who generated this, Joe?

2 MR. LACIVITA: That came internal. I guess there
3 were some conversations that Chris and Mike Lyons had as
4 to the possibility or a little bit more of a buffer area
5 and a realignment to put more greenspace in the front
6 area. Mike kind of showed me that design and that's
7 where we're at to see if that possibly can be
8 incorporated in the design.

9 MR. BOYEA: And I think that we can do something in
10 this area here (Indicating). That would be reflective
11 on the final plans which will be part of the next step
12 that we go for with the landscaping.

13 On this side (Indicating) there is approximately
14 four picnic tables and they are shown in that
15 rendering. As you can see, they have the umbrellas.

16 CHAIRMAN STUTO: There is a covered area there,
17 too?

18 MR. BOYEA: There are just umbrellas.

19 CHAIRMAN STUTO: That's all I had.

20 Okay, we'll take a close look at traffic. We
21 appreciate those comments. They are quite valid and
22 we'd appreciate a full report.

23 Anything else from the TDE?

24 MR. VOSS: No.

25 CHAIRMAN STUTO: The issue before us is an

1 application for concept acceptance. Does somebody want
2 to make that motion?

3 MS. DALTON: I'll make that motion.

4 MR. MION: I'll second.

5 CHAIRMAN STUTO: Any discussion?

6 (There was no response.)

7 CHAIRMAN STUTO: All those in favor say aye.

8 (Ayes were recited.)

9 CHAIRMAN STUTO: All those opposed, say nay.

10 (There were none opposed.)

11 CHAIRMAN STUTO: The ayes have it. That's a
12 non-binding acceptance subject to further review and of
13 course final approval.

14 MR. BOYEA: Thank you. We'll be back with full
15 design plans.

16
17 (Whereas the above proceeding was concluded at
18 7:57 p.m.)

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CERTIFICATION

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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 October 3, 2013

