

1 PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

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4 FASTTRACK
1159 TROY SCHENECADY ROAD
5 SKETCH PLAN REVIEW
5,000 SQUARE FOOT CONVENIENECE MARKET
6 AND FUEL CANOPY

7 THE STENOGRAPHIC MINUTES of the above entitled
matter BY NANCY STRANG VANDEBOGART, a Shorthand
8 Reporter, commencing on September 23, 2014 at 7:02
p.m. at the Public Operations Center, 347 Old
9 Niskayuna Road, Latham, New York 12110.

10 BOARD MEMBERS:

- 11 PETER STUTO, CHAIRMAN
- 12 LOU MION
- 13 TIMOTHY LANE
- 14 KATHY DALTON
- 15 SUSAN MILSTEIN
- 16 CRAIG SHAMLIAN
- 17 BRIAN AUSTIN

18 Also present:

- 19 Kathleen Marinelli, Esq., Counsel to the Planning Board
- 20 Joseph LaCivita, Director, Planning and Economic
- 21 Development
- 22 Michael Tengeler, Planning and Economic Development

- 23 Kevin Penry, Life Church
- 24 Ryan Dowdy, Life Church
- 25 Rodney Waltshire
- Nikki Tonic
- Don Collin
- Matt Napierala, PE, Napierala Consulting
- Chuck Voss, PE, Barton and Loguidice

1 CHAIRMAN STUTO: Welcome everybody to the Town
2 of Colonie Planning Board. We have one item on the
3 agenda, which is a sketch plan review. I see that
4 there is a big crowd here, so obviously there is a
5 question of why, but we only have one item on the
6 agenda.

7 Do you have any administrative matters?

8 MR. LACIVITA: Yes, we can talk about that now
9 or we can do that at the end of the meeting, but we
10 do have one item that this Board will take action on
11 at the October 7th meeting. That is the GIS
12 Recreation Resolution. I do have a packet for
13 everyone, so that they can have an opportunity to
14 review it. Then, we can go through it.

15 CHAIRMAN STUTO: We have a lot of people here.
16 Is there a representative of most of the folks that
17 are here?

18 Do you mind coming to the microphone? You're not
19 on the agenda today. I think that you know that,
20 right?

21 MR. PENRY: Yes, we know that.

22 CHAIRMAN STUTO: Can you tell me who you are
23 representing?

24 MR. PENRY: My name is Kevin Penry. We're
25 representing Life Church. We understand that the

1 application is not on the agenda. We just want to
2 be present so that you can see and recognize our
3 interests, and our concerns and our desire to be
4 here.

5 CHAIRMAN STUTO: We can give you five minutes,
6 but only to you. If you want to ask us any
7 questions --

8 MR. PENRY: I would rather defer to Ryan.

9 CHAIRMAN STUTO: I would like to welcome
10 everybody here to the Planning Board meeting.

11 In fairness to the other applicant and the other
12 matter that we have after that, we can only give you
13 five minutes.

14 MR. PENRY: We'll keep it brief and maybe we
15 can get as many people here as possible if we keep
16 it five minutes. Our concern is - I think that
17 you've probably received a notification in the mail
18 - or at least Mr. LaCivita received a notification
19 in the mail that we are ready to move to legal
20 action and we just want you to know our hearts and
21 our desires.

22 First of all, I just want to appreciate those of
23 you that serve in this roll. I served as a Chairman
24 of a Planning Commission for 10 years and I
25 understand the sacrifices that you guys have to make

1 as individuals, so thank you.

2 We just feel frustrated with the process and are
3 just looking for fair treatment and our desire to
4 move forward with the church. We really need to
5 move forward with the church. We're overflowing.
6 We need to get the new building going that we're
7 ready to move with. We would just ask for your best
8 and most prompt attention and just know our hearts
9 and our desire. We are here in the community and we
10 want to continue to be a big part of the community
11 and even a bigger part of the community in helping
12 those around us. Any attention and anything that
13 you could bring to help the process proceed would be
14 greatly appreciated.

15 CHAIRMAN STUTO: Thank you.

16 MR. DOWDY: My name is Ryan Dowdy and I'm the
17 local campus pastor here in Albany. Part of what we
18 want to communicate tonight is we already exist in
19 this community.

20 CHAIRMAN STUTO: You're on Sandcreek Road,
21 right?

22 MR. DOWDY: Yes, we're on Sandcreek Road in the
23 Village and we feel like we add a tremendous amount
24 of value to this community and we are looking
25 forward to the opportunity to continue to grow and

1 do even more of that. I know that we have many
2 citizens here tonight who would love to express
3 their interest and just what our church means to
4 them - this local church that they found so much
5 hope and encouragement in and that this is really
6 their church home. I would actually defer to just a
7 couple of people if you would extend us that
8 opportunity. It wouldn't take much time -

9 CHAIRMAN STUTO: How much time per person?

10 MR. DOWDY: A few minutes at the most.

11 CHAIRMAN STUTO: Okay, go ahead.

12 Joe LaCivita is the most well-versed in this so
13 we'll let him just give us a status report when
14 you're done.

15 MR. WALTSHIRE: Mr. Chairman, Mr. LaCivita, I'm
16 Rodney Waltshire. My family - we don't live in
17 Colonie. We live in Troy, New York. I'm actually
18 an elected official over in the City of Troy.

19 I understand the position that we're in as we need
20 to benefit the best interest of the public and the
21 quality of life as well as the physical and
22 fiduciary responsibilities that we have as far as
23 making sure that our tax base is strong. I'd just
24 like to point out that if it weren't for this
25 church, we wouldn't be over here in Colonie every

1 single Sunday. We travel across the bridge and we
2 come over here and experience a tremendous
3 enrichment in our life. I can attest first-hand
4 that this is a benefit to the community. There is a
5 public benefit to the quality of life that many of
6 the residents here feel and many of the parishioners
7 of this church. This is our church.

8 This only represents a fraction of the members of
9 this church. These people here tonight wanted to
10 come and we all stand together in solidarity as well
11 as conveying this message that this is our land,
12 this is our church and we just want to have a fair
13 opportunity to be heard - to be on the agenda so
14 that we can build our church on the land that we own
15 and we can become a better outreach into the
16 community that we already do call home in. We hope
17 that you will consider that and place us on your
18 agenda for October 7th so that this process can move
19 forward.

20 MS. TONIC: My name is Nikki Tonic. I've lived
21 and worked in the Town. The blessings that this
22 church has brought us as a community and as a family
23 is just unspeakable - leaps and bounds. There are
24 many, many things that I can say but I just want us
25 to be able to build our church on our land so that

1 we can expand in the community and just get out
2 there and share with our neighbors and our coworkers
3 and our friends what God is doing here for us.

4 CHAIRMAN STUTO: Thank you.

5 Joe, can you give us a status report for where
6 their application is?

7 MR. LACIVITA: Sure. I don't have the specific
8 date, Peter. Had I known, I would have had that
9 information.

10 We did get a packet shortly after our last meeting
11 regarding the Life Church. Typically, the Town
12 Designated Engineer who reviews it - it's typically
13 about a two week turnaround to get information back
14 to us. That wasn't sufficient time in order to
15 place that onto the agenda. I did say to Joe
16 Grasso, who is the Town Designated Engineer, that we
17 are trying to get them on for an October 7th date.
18 I know that we are trying to get information back
19 from them.

20 CHAIRMAN STUTO: Has he been communicating with
21 the church's engineer?

22 MR. LACIVITA: Yes, and I believe that we had a
23 conversation with Brian Sipperly on Friday as well
24 and went through that process. I think that Brian
25 knew that the 23rd wasn't doable and that we were

1 looking at the October 7th date. That's kind of
2 where we stand at this point. We're waiting for
3 something back from the Town Designated Engineer.

4 I know the submission tried to address three
5 talking points from that last meeting from the
6 Planning Board minutes. I went through and I think
7 that there was a fourth item. Again, not having the
8 file in front of me, I think that we have to look at
9 it and see. I think that we are positioning it for
10 October 7th.

11 CHAIRMAN STUTO: Thank you. That's where we
12 are.

13 FROM THE FLOOR: I just want to reiterate what
14 these people have said. These people are an
15 extension to my family. Without the church that we
16 go to - now my wife, my three boys - I don't know
17 exactly where we would be. I know that because of
18 Life Church and because of the message that we
19 receive every week, it's made a tremendous growth in
20 our marriage, my parenting ability and our finances.
21 I moved to Colonie. I lived in Guilderland my whole
22 life and moved to Colonie about 10 years ago, partly
23 because of the great community that we have here in
24 Colonie and partly because of the great work that
25 you guys do. We just want to continue to build our

1 community and get it stronger and we want to be able
2 to build our church.

3 Thank you very much for your time tonight.

4 CHAIRMAN STUTO: Thank you.

5 MR. COLLIN: Hi, my name is Don Collin and I
6 have lived in the Capital District my entire life.
7 I'm a mailman here in Latham and my route is right
8 down the road from the property which is purchased,
9 and I feel that the businesses would greatly benefit
10 from the church as it is growing - moms and pops up
11 to the larger corporations. It would be a great
12 asset to this community.

13 Thank you for your time and your consideration and
14 look forward to the 7th meeting.

15 CHAIRMAN STUTO: Thank you.

16 MR. DOWDY: He says this is the last one and it
17 is for tonight. I think that you have a room full
18 of people here that would say a very similar message
19 and that is that we appreciate you guys and the hard
20 work that you put into making this such a great
21 community. We feel that we are a valuable part of
22 that community too, and we are just looking forward
23 to an opportunity to build our church on our land
24 that we already own and we appreciate you helping us
25 and partnering with us to expedite that process

1 because we love this city and we love this town and
2 this is our home. This is our home church. We want
3 to be a thriving member of the community and right
4 now where we are, we're pretty limited in our
5 location and we don't want to have any limitations
6 in our ability to worship and to gather together and
7 to contribute to this community. That's what we are
8 asking for - specific consideration to be added to
9 the agenda on October 7th. We feel that is a
10 reasonable request and we'd appreciate you putting
11 us on that meeting.

12 Thank you for your time.

13 MR. LACIVITA: Thank you.

14 CHAIRMAN STUTO: Thank you.

15 The item on the agenda is Fasttrack Markets, 1159
16 Troy Schenectady Road. This is a sketch plan
17 review. This is a new 5,000 square foot convenience
18 market and fuel canopy.

19 Joe, do you want to introduce this thing any
20 further?

21 MR. LACIVITA: No, I guess that we can go right
22 into it.

23 MR. NAPIERALA: My name is Matt Napierala,
24 principal of Napierala Consulting. We're a site
25 engineering firm. We represent Fasttrack Markets.

1 Unfortunately, my colleague from Fasttrack had a
2 death in the family and couldn't be out here
3 tonight, but he will be in the subsequent meetings.
4 We work together on Fasttracks.

5 Just to kind of give a quick and brief background
6 on the Fasttrack Markets and the facilities:
7 Fasttrack is a convenience store chain that it out
8 of East Syracuse, New York. There are 48 current
9 facilities within all of Central New York. This
10 particular facility that we are proposing here in
11 Latham is a new prototype that they have been
12 working on for the last two years. The new
13 prototype is to include what we would consider the
14 new age for the convenience store market. The
15 principals of Fasttrack have been working with -
16 they call it a study group of convenient store
17 chains across the country.

18 If you have driven down south or into the mid-west
19 and you are familiar with the Sheetz or the Wawas or
20 Quik Trips, this is the type of model that they are
21 bringing to upstate New York. That model is a
22 little bit different from what you would normally
23 see out of the convenient store market and I'm kind
24 of taking some of Jeff's words here in his absence.

25 The model essentially is that they prepare food at

1 a convenient store and that prepared food is inside
2 the store. They're going to have a full array of
3 different types of sandwich type of foods - panini
4 type of foods. They're new chief food preparer is
5 coming from Panera Bread. There will also be a full
6 array of drinks and coffees and those type of
7 prepared items. Essentially, there will still be a
8 small array of what you would consider a convenient
9 store - a couple trays of your breads and snack
10 foods. But for the most part, they're looking at a
11 prepared foods scenario.

12 As such, the model of the store had to be changed
13 in this particular change. As you can see from the
14 elevation, it's a little bit of a modern twist. The
15 principal that we are looking at is trying to get an
16 attraction instead of the gas feel. The facility
17 would have a food approach and a food appeal; hence
18 the architectural enhancements of the awnings and
19 different other pieces that you wouldn't
20 traditionally see in any relatively small 5,000
21 square foot convenience store. At the same time,
22 they still are a convenient store with the ability
23 for having the fuel dispensing and those types of
24 materials.

25 What this model is also looking at is providing a

1 drive-thru service. Essentially that drive-thru, as
2 you would see in today's modern Panera Breads where
3 you can come in and come to the drive-thru for a
4 prepared sandwich or prepared breakfast food - you
5 can come to the drive-thru for these types of items.
6 At the same time through the model, what they are
7 trying to do is anything that is in the store is
8 available through the drive-thru.

9 One of the scenarios could be a mother who has
10 young children in the car and needs to get a quart
11 of orange juice or something, can pull up to the
12 drive-thru and ask the attendant, hey, can you go
13 get me a quart of orange juice? Even though it's
14 not necessarily on the display menu, the attendant
15 would go get that out of the store and provide that
16 for the customer. That is a little different
17 dynamic than we're used to seeing with this new
18 model. This new model is again, something that they
19 are trying to approach and take convenience stores
20 to the next level and trying to meet the consumer's
21 needs. The consumer today is even at a faster pace
22 than we are all used to -- the ability to get that
23 service on that immediate basis. Hence, the need
24 for the drive-thru, the need for convenient parking,
25 and the need as well to have the fuel dispensing and

1 essentially a no-wait scenario.

2 With that, essentially, through the real estate
3 division, they have looked at this particular piece
4 of property at the intersection of British American
5 and Troy Schenectady Road. This was recently a
6 subdivided piece. The approach here is there is an
7 agreement for lots three and four of that
8 subdivision with a common access road to be coming
9 right off the signal in that it will be a shared
10 access for future developments that would occur on
11 lots one and two. This particular development in
12 total would be a 4.5 acre area in lot for
13 essentially about a little bit under two acres of
14 development. In a development sense, it's sensitive
15 to the environment and sensitive to what we are
16 trying to do here.

17 We did meet with the staff level people from
18 Colonie and we have received their input, but we
19 have not had an opportunity to make modifications
20 and address all those items. We wanted to start
21 this process and get here before the Planning Board
22 as fast as we could and essentially get your
23 comments as well so that we can continue this
24 process as we move forward.

25 With that, hopefully you've had a chance to quickly

1 review both the comments and our particular plan.
2 Frankly, short of some of the frontage layout
3 issues, I think that we can handle all of the
4 comments but we would certainly like to entertain
5 and have a conversation of the layout as it stands,
6 versus pushing the building right up to Troy
7 Schenectady Road. Part of the reason is that with
8 that pedestrian feel and the ability to have the
9 consumer to come in the front door, at the same
10 time, to have the safety of the drive-thru along
11 the back. The configuration isn't really conducive.
12 If we rotate the building one way, we don't have
13 enough stacking room for the drive-thru on the other
14 side. If we flip the building, the drive-thru works
15 but the front door of the building is on the
16 opposite side of the gas dispensing canopies. Then
17 a person who is in getting gas would then have to
18 essentially circumvent the entire area.

19 We have evaluated and tried to look at different
20 layouts to kind of meet the particular land planning
21 aspects here in Colonie. We will certainly work
22 with the Land Planners and the Town Engineers to do
23 the best that we can. We have ample room, but we
24 have to make it safe for our customer and for the
25 people as well so that we get that mobility. So,

1 we're open to suggestions. We're open for
2 commentary. I think that we have the land area to
3 do a lot of different things, but we've internally
4 taken this building and flipped it and slid it and
5 moved different things around and this layout and
6 seems to make a lot of sense and understanding the
7 sensitivity of the concept of the frontage layouts
8 and the ability for that feel and the Town feel --
9 but we are still dealing with a four-laned road with
10 vehicle traffic coming around and we need to make
11 sure that traffic occurs safely on our site as well.

12 So, with that, we are here to entertain questions,
13 input -- we are certainly going to take our notes
14 and be willing to work with the Town members here
15 for the next couple of months and get a good plan so
16 that everyone is happy and certainly Fasttrack and
17 their principals are excited to come to Colonie.

18 CHAIRMAN STUTO: We will give you some back and
19 forth on the issues that you raised.

20 Can you pass the board down and then we'll give our
21 Town Designated Engineer, Chuck Voss, a chance to
22 weigh in.

23 MR. LACIVITA: Can I ask one question, Peter?

24 CHAIRMAN STUTO: Sure.

25 MR. LACIVITA: Matt, this is the first time

1 that I've seen this question here, which I must have
2 overlooked. It says here "need to submit a zoning
3 verification for three sites." I should have asked
4 the Building Department, but the control that you
5 have on 1167 is merely by access only. Do you know
6 why they are asking for all three sites to be on
7 that zoning verification?

8 MR. NAPIERALA: I can just talk about the real
9 estate deal that I'm familiar with just as the
10 Engineer.

11 The deal was in the acquisition of Lots 4 and 5.
12 Since we are the first party in, we would build the
13 common road. That's why it shows up on our plan.
14 Whether that becomes an access/egress type of an
15 easement, that's typically how it will be. We're
16 certainly going to have to show the ability to do
17 that on Lot 2. So, we'll get those agreements
18 because certainly we have a purchase agreement with
19 the overall owner who owns all four. We're
20 purchasing 4 and 4. We also will have to have the
21 right to build the common access on Lot 2.

22 CHAIRMAN STUTO: We do have that.

23 MR. NAPIERALA: I thought that you had that
24 one. The second sheet gives you a feel of the
25 interior of the building and the friendly tones of

1 the building and as well an interior seating area.

2 That interior seating area will also have the
3 modern WIFI and plug in connections. We want people
4 to stay and have a sandwich and deal with their
5 modern conveniences of not being able to get too far
6 away from their cell phones or their laptops or
7 their tablets or those types of things.

8 We are in Upstate New York, but there is an outdoor
9 seating area for those two months of good weather
10 that we have - hopefully six. The whole intent here
11 is to make that a friendly area for indoor and
12 outdoor seating for our customers.

13 CHAIRMAN STUTO: Chuck, do you want to comment
14 and then we'll ask our questions?

15 MR. VOSS: Yes. I apologize to the Board for
16 my voice. If you don't understand me I'll try to
17 speak up. I'm coming off of a cold.

18 We're really just as sketch plan at this point.
19 We've taken a quick look at it and we've attended
20 the DCC meeting. We listened to the comments from
21 the Town staff. Several issues can be worked out.

22 Right now under the current scenario, they're
23 looking at seven waivers from the COR standards.
24 One of them, as Matt mentioned, was building
25 location, parking in the front and location of the

1 canopy. These are all issues that the Board will
2 have to look at in greater detail and kind of give
3 the applicant some guidance.

4 Access to the site is going to be critical. I know
5 that it's a state route and DOT is probably going to
6 mandate that the signalized intersection with
7 British American Boulevard be the primary access
8 into the site, regardless of how the lots layout and
9 then the other kind of easterly entrance that we're
10 seeing on the plan - DOT may request that be a
11 right-in only, just to limit the amount of
12 conflicting traffic from that intersection.

13 Other than that, those are issues that can
14 certainly be worked out.

15 We haven't heard from Kevin Novak yet at DOT as to
16 what his concerns are, but just in general it's kind
17 of the standard layout that we've seen for a lot of
18 convenient stores. There is plenty of access or
19 plenty of size in the site to handle, we think, the
20 stormwater.

21 It is in the Airport Area GEIS so mitigation fees
22 will be required. It also has to be considered a
23 hot spot for the fueling capacity. We do that with
24 all the gas stations which require a more intense
25 stormwater management control down the road.

1 They're not even at that stage yet. I think that
2 the COR design standards were really - some of the
3 focus will need to be in the next whole iteration
4 for the plan. That's it for now.

5 MR. NAPIERALA: For the stormwater, we left a
6 placeholder there. We are very familiar with our
7 requirements and totally agree that this is a hot
8 spot and we'll be dealing with the water quality
9 aspects. At the same time, the conflicting issues
10 of run-off reduction and infiltration that occurs --
11 we don't really want that to happen on a hot spot
12 area. So, we will be dealing with those types of
13 things and we'll certainly be working with Chuck's
14 office to work those things out.

15 CHAIRMAN STUTO: Okay, I'm going to ask a
16 couple of questions just for clarity so that I
17 understand.

18 How many acres are you developing? What size is
19 the total lot?

20 MR. NAPIERALA: The combined two lots is
21 approximately 4.5 acres.

22 CHAIRMAN STUTO: And how much are you
23 developing?

24 MR. NAPIERALA: It will probably be 1.9 or
25 1.85; something like that.

1 CHAIRMAN STUTO: I think that it says something
2 else here. It says 2.8.

3 MR. NAPIERALA: Total impervious impact area -

4 CHAIRMAN STUTO: This says utilizing
5 approximately 2.8 acres.

6 MR. NAPIERALA: I'm talking about the
7 impervious area. If we get into where the grating
8 is and for the stormwater, you're probably right;
9 2.8. The 2.8 is probably all of this green area,
10 all the way back (Indicating). When I talk about
11 impact, typically I'm looking at the impervious lot
12 covered up.

13 CHAIRMAN STUTO: So, you're talking about
14 pavement and the buildings.

15 MR. NAPIERALA: Exactly.

16 CHAIRMAN STUTO: You're leasing the land or
17 your not buying it? Are you going to own some of
18 it?

19 MR. NAPIERALA: Right now through this
20 planning process they had essentially the agreement
21 to purchase once we get through and everyone is
22 confident -

23 CHAIRMAN STUTO: So, you're going to merge all
24 the lots if this all goes through.

25 MR. NAPIERALA: Lots 3 and 4 will be merged.

1 We will have an access easement legalized with Lot
2 2.

3 CHAIRMAN STUTO: Which is Lot 2; the one on the
4 left?

5 MR. NAPIERALA: Yes, the one on the left.
6 Where the entry road is, Mr. Chairman.

7 CHAIRMAN STUTO: You're not going to own that
8 lot.

9 MR. NAPIERALA: Correct; we will not own the
10 lot.

11 CHAIRMAN STUTO: He says that there are seven
12 waivers that you're asking for. One appears to be
13 front yard parking, the other is front yard setback.
14 You want to push the building back further than is
15 called for.

16 MR. NAPIERALA: Correct.

17 CHAIRMAN STUTO: What are the other five?

18 MR. VOSS: You want me to walk through them
19 real quick? I have the list right here.

20 CHAIRMAN STUTO: Yes, please.

21 MR. VOSS: The first one is building exceeds
22 the 25-foot major road maximum yard setback.
23 Parking in the front yard setback is not permitted.

24 The next is parking lot pavement within 10 feet of
25 the side property line is not permitted. That would

1 be for the canopies and on both sides.

2 CHAIRMAN STUTO: Can you point to that again?

3 MR. NAPIERALA: We're at 13 here, but here
4 we're tied to this lot line (Indicating).

5 MR. VOSS: It's basically the westerly side
6 there. With greater than 20 parking spaces
7 proposed, a minimum of 20 foot landscaped islands
8 shall be included. That's kind of the standard
9 parking lot landscaping.

10 A parking waiver would require 12 stacking spaces
11 for the drive-thru that will be necessary. They
12 don't allow for enough stacking for the drive-thru
13 right now.

14 A parking space with waiver to allow 10 feet wide
15 spaces that will be necessary. I'm not exactly sure
16 what Mike was referring to on that one. We'll look
17 into it.

18 The layout is proposed does not meet the intent of
19 the COR design standards with the placement of the
20 fuel canopy and parking in the front of the site.

21 MR. NAPIERALA: What Mike was talking about
22 there -- frankly, the first two items are issues.
23 There are other items that maybe we can deal with
24 and we can get out of those waivers, Mr. Chairman.

25 The fuel canopy issue is our canopy was kind of

1 pushed in front of the building and we have to keep
2 that essentially behind the front of the building
3 which we have the ability to do. This plan is the
4 same plan that we sent to the DCC and we have not
5 modified it to address let's say the last five
6 items. The top two items are really the critical
7 items that I talked about. That even goes back to
8 if we start flipping and flopping we're certainly
9 not going to get 12 car stacking.

10 MR. LANE: You have that now.

11 MR. NAPIERALA: We kind of just showed this,
12 but if we pushed this all the way back I can get 12
13 cars; yes, sir.

14 CHAIRMAN STUTO: Okay, I'll open it up to the
15 Board for more questions. Now, I understand the
16 project and the waivers a little better. I may have
17 some comments.

18 Craig, are you ready?

19 MR. SHAMLIAN: I'm not sure whether it's on
20 your map, but point 28 on the map is kind of the
21 choke point. How wide is the pavement there? Is
22 that wide enough to get a car in the drive and a car
23 around behind it - next to it as well, or not?

24 MR. NAPIERALA: Right now that's probably 16
25 feet wide. Again, if we need to get a by-pass at

1 that point we would probably have to have 20 feet,
2 so we would have to add 4 feet of pavement to have a
3 lane plus a by-pass lane around it at that
4 particular choke point. We certainly have it once
5 we wrap around here (Indicating). Again, you have
6 to be careful when you talk about channelizing
7 traffic and not having too much lot, too. Again, I
8 think that we have room on the site to kind of work
9 that out and if that's a requirement, we can
10 certainly eliminate that choke point and have
11 complete by-pass all the way around.

12 CHAIRMAN STUTO: Susan?

13 MS. MILSTEIN: I don't have anything.

14 CHAIRMAN STUTO: Tim?

15 MR. LANE: I'm not particularly bothered by
16 where the fuel canopy is, actually. I can see that
17 will shield the building better. It will still be
18 visible from the road. Is there any consideration
19 given to angled pumps in this area on this layout?

20 MR. NAPIERALA: Frankly, if we have a single
21 line, the ownership likes to have a thing called a
22 dive-in which are the angles. This is a double
23 array essentially front and back with eight
24 dispensers (Indicating). It gets a little confusing
25 for the customer if all the dispensers are all on

1 angles. So, again, the main ownership person idea
2 who has 40 years experience in the dispensing
3 business is typically not wrong about how to make
4 this work.

5 MR. LANE: You got a chance to go over the
6 other comments?

7 MR. NAPIERALA: Yes, both verbally and we
8 reviewed -

9 MR. LANE: Did you find anything that you had
10 difficulties with?

11 MR. NAPIERALA: Again, the main issues are
12 those first two waiver items that we need to work
13 with everyone to make sure that we are meeting the
14 COR requirements, and at the same time meeting the
15 safety and this business model.

16 MR. LANE: This is actually 6,000 square feet
17 and not five?

18 MR. NAPIERALA: When we take away and deal with
19 the building proffer, for all intents and purposes
20 it's 40 by 110, so it's a little bit even under
21 5,000 square feet. When we add the outdoor seating,
22 that puts us up closer to 6,000. So, again, when
23 you round things off and say what are you building?
24 That's what we are.

25 MR. LANE: The parking in the back - would that

1 be the employee's parking?

2 MR. NAPIERALA: Essentially there is kind of a
3 duel purpose. It's to have employee parking but as
4 well, the model and what we often see especially at
5 lunch time is the landscape guys with trailers and
6 we want to have ample room for those guys as well so
7 that they have the ability - and again, in this case
8 that gives us some room in the back here
9 (Indicating). You can even see a model of a truck
10 and a trailer, but we have room to take that
11 customer base and allow them to come to our
12 facility.

13 MR. LANE: And your snow storage will be
14 on-site and that will be to the back?

15 MR. NAPIERALA: Yes, sir. We have plenty of
16 room on this site for snow storage. We can depict
17 that once we get into some operational stuff.

18 MR. MION: How far back are you going? Are you
19 going back to the present tree line or beyond that?

20 MR. NAPIERALA: The way that we graphically
21 input this is we took that aerial and kind of
22 overtopped it. The back of the pavement gets into
23 that tree line, but for the building part, we are
24 still in that open area. We can show that - we have
25 it on our survey. We're sitting back this far and

1 that's really the flat area (Indicating). We're not
2 getting into the heavy treed area and we even have
3 some jurisdictional wetland areas all the way to the
4 back that we will not be anywhere in.

5 MR. MION: I know right where the tree line is
6 now. There is a drop there on the back side of it.

7 MR. NAPIERALA: That's kind of what I'm saying.
8 We're impacting it with this trailer area in this
9 back parking (Indicating), but where the building
10 sits right now we are about a total of 120 feet back
11 from Troy Schenectady Road to the back of the
12 building.

13 MR. MION: So, you are going to go back into
14 the woods there.

15 MR. NAPIERALA: Just a little bit.

16 MR. LACIVITA: I don't know if you saw the
17 arrow here, Lou. It shows you what the site looks
18 like now. That was part of your packet. It gets
19 into some sparse trees - dotted, until it gets to
20 heavy vegetation towards the back.

21 MR. MION: I know because I walked back there.

22 MR. LACIVITA: And it just goes down.

23 MR. MION: Yes.

24 MR. NAPIERALA: The color depiction is not
25 based on a landscaping plan. We'll get into all of

1 that as we get to fine tune the details, but these
2 guys will typically try to do a real nice job and
3 they keep it up. Their maintenance is pretty good
4 once they are under operation.

5 MR. LACIVITA: There is also an easement that
6 goes across the front of this property?

7 MR. NAPIERALA: Yes.

8 MR. LACIVITA: What is the width on that
9 easement?

10 MR. NAPIERALA: It kind of varies, as we were
11 talking about at the DCC. There is water and sewer
12 that is kind of running right along the frontage.
13 To my review, it fits within the landscape buffer
14 area but we'll have to certainly be sensitive.

15 MR. LACIVITA: To my point, it is already
16 pushing you back against the 25-foot setback that
17 typically happens. So, that waiver is still going
18 to be asked for no matter what because of the
19 easement that exists currently.

20 MR. NAPIERALA: Either that or it will be
21 sitting right on the easement.

22 MR. LACIVITA: Which we wouldn't be able to do
23 anyway.

24 MR. MION: Just looking at the trailers - it's
25 fine to have it parked now but what happens if he

1 comes into the pump portion all the way around the
2 drive-thru - will that go into that side?

3 MR. NAPIERALA: When you look at it
4 dimensionally, there is certainly - as Chuck said if
5 this entrance becomes a right in only for DOT
6 reasons - if somebody comes in, there is ample width
7 both here (Indicating), in this location for them to
8 get to that back. It's a 30-foot drive beyond the
9 parking area. Again, because of the knowledge of
10 how we don't want to have our customers getting into
11 trouble while they are driving, there is ample room
12 for those to get in and as well, we left ample room
13 for them to make a turning movement and get back out
14 to the signal. We tried to think about that and
15 those operational things. In a certain sense,
16 certainly environmental sensitivity says that we
17 want to keep an impervious area less but at the same
18 time we want to make it operationally safe for our
19 customer base.

20 MR. AUSTIN: I still don't see how you can run
21 a trailer around that.

22 MR. NAPIERALA: It will be a K-turn, but there
23 is more room than in other situations. If that
24 becomes a question of how we make that work, we can
25 put a turning radius on it and if we have to bump

1 out in a certain area, we bump out. Again, we're
2 here for sketch plan and we're to work these issues
3 out.

4 MR. AUSTIN: I'm kind of going with what Craig
5 was saying about the trouble point at 28 there. If
6 you're going to make that wider, you can actually
7 drive straight back along the south of the
8 drive-thru. That would make it a lot easier. I've
9 driven trailers before and that's tight, but again,
10 I'm not a professional trailer driver.

11 MR. LANE: Would it be an issue to lose some of
12 that landscaping?

13 MR. NAPIERALA: Certainly not. Again, I think
14 that in this particular sense we have a lot of
15 flexibility both at choke points or opening up some
16 things in the back. It isn't like we're slammed in
17 and doing two acres in 2.1. We're doing - rough
18 numbers - 2 acres in 4 so we have some room and
19 flexibility and still can work with the tree lines
20 and the existing vegetation.

21 CHAIRMAN STUTO: I'll give a couple of my
22 opinions. The two main waivers that you are
23 concerned about - I don't have any problem favoring
24 those or granting those and we have done that in the
25 he past. We have a history of having done that,

1 providing that the greenspace looks attractive from
2 the front.

3 With respect to the side lot pavement, I'm not that
4 crazy about any of the other waivers, frankly. The
5 10 feet on the east side is there for a reason.
6 It's to create a separation and a little bit of a
7 greenspace and in fairness to your next door
8 neighbors.

9 With respect to the part where you have the
10 easement, I would suggest if I were making the
11 decision all by myself that you need to control
12 enough property whether by easement or by deed in
13 order to still have that 10 foot separation. That's
14 my opinion.

15 I agree with Craig about the drive-thru and making
16 it wider. It looks like you're trying to do a lot
17 on the footprint that you have decided to disturb.
18 Either make the whole thing smaller -- I wouldn't
19 want to get rid of the greenspace on the front.

20 MR. LANE: I don't think that they have to get
21 rid of it, but maybe reduce it.

22 CHAIRMAN STUTO: Maybe you're trying to do too
23 much or maybe not. I'd like to hear from the
24 engineers with respect to the circle issue
25 throughout the site.

1 There is one waiver here that I didn't understand.
2 A parking with waiver to allow 10 foot wide space
3 will be necessary.

4 MR. NAPIERALA: I think that the code shows
5 nine and we're showing ten.

6 CHAIRMAN STUTO: You want a wider parking
7 space?

8 MR. NAPIERALA: Yes, we want tens.

9 CHAIRMAN STUTO: I don't have any trouble with
10 that. Is there an engineering reason why not to
11 have that?

12 MR. VOSS: No.

13 CHAIRMAN STUTO: The fuel canopy - I don't have
14 trouble with either. The side yard setbacks and the
15 interior greenspace - those are the ones that
16 trouble me. I'd like an attractive site. I wait to
17 hear from the engineers about the circulation and so
18 forth work.

19 MR. AUSTIN: Do you feel that you're
20 overparked?

21 MR. NAPIERALA: We misinterpreted some of the
22 zoning issues and we'll take a look. Typically, we
23 want to have for this store approximately 50 to 55
24 spaces. I think that when we are dealing with
25 additional spaces and the way that the code was

1 reading, we misinterpreted for the drive-thru. We
2 needed to have some additional spaces specifically
3 for overflow of the drive-thru and I think that Mike
4 helped us re-interpret that. Yes, we're going to
5 take a look at that under our final review. We
6 don't need 70-some parking spaces. Fifty-five or so
7 is what we need.

8 MR. SHAMLIAN: What is your reason for going
9 for the 10 foot wide as opposed to 9?

10 MR. NAPIERALA: You know I'm the owner of my
11 company and I'm not the boss of the job. The boss
12 of the job is the principal of Fasttrak Markets and
13 he sees a lot of stuff that we don't see as far as
14 his customers coming in for certain reasons and a
15 10-foot wide space is more comfortable, especially
16 in the wintertime today with SUV vehicles that we
17 see. Even though the ITE model says nine-foot
18 spaces, we live in Upstate New York. We've got a
19 lot of bigger vehicles around here and we need
20 bigger spaces.

21 CHAIRMAN STUTO: Where is your closest store?

22 MR. NAPIERALA: I'm the engineer so I'm trying
23 to think. They have one coming out towards
24 Amsterdam right now.

25 CHAIRMAN STUTO: It's not done yet?

1 MR. NAPIERALA: No, that's in. It's an old
2 store though.

3 CHAIRMAN STUTO: Where is their main market?

4 MR. NAPIERALA: Their main market is Syracuse,
5 Central New York. They have about four or five
6 stores in Rochester and two under proposal right
7 now. I know that beyond this one in Latham they
8 have under real estate preliminary infancy stages
9 and are looking at three or four more sites right
10 here in the capital district.

11 MR. LACIVITA: I think that they are around
12 Exit 27 or something like that.

13 MR. NAPIERALA: You have the boards - this
14 particular facade and prototype in the next five
15 years, he's looking at up-grading every store so
16 that it all looks alike. They've got a program to
17 re-facade the stores. Where he has existing room on
18 existing lots, he's looking to add drive-thrus.
19 We've done an approval process in the Town of Clay
20 which is a northern suburb of Syracuse for just that
21 which is going to be under construction this winter.
22 The program right now is a pretty aggressive program
23 for the next five years he wants to add five stores
24 a year for the next five years in Upstate New York.

25 MR. LANE: How soon are they looking to get

1 started here?

2 MR. NAPIERALA: We understand the typical
3 timeframes. We were hoping this spring we'd be able
4 to get under construction. Once we have all
5 approvals and they hit the ground, it's about a
6 70-day process to get up and open. They move. It's
7 not a big store. It's 5,000 square feet. They push
8 it.

9 Again, outside of Oneida Lake in the small Village
10 of Camden they tore down an existing store and
11 they're building a new one within 30 days the shell
12 and the roof is on. They're outfitting the inside.
13 Concurrently while they are doing that, all of the
14 tank work and the dispenser work occurs. Once they
15 pour the slab and they put that canopy up, things
16 move really quickly.

17 CHAIRMAN STUTO: Any other questions or
18 comments?

19 (There was no response.)

20 Did you get enough feedback?

21 MR. NAPIERALA: Yes and I appreciate it.
22 Again, we look forward to working with you in the
23 next couple of months and making this happen. Just
24 as long as we can work through that major issues, I
25 think that all of those other things we can

1 certainly work with on the site and make it happen.

2 MR. LACIVITA: Typical lead time from this
3 point when you submit your concept, it will be five
4 weeks after that, providing everything is complete
5 to try to get you onto the next phase. We need lead
6 times in order to be on the agenda.

7 MR. NAPIERALA: I understand that. We have
8 completed surveys so we will be doing the design
9 development drawings, as we call them, so that we
10 will have full grading utility ties and get into
11 some of those issue from both the DCC and tonight
12 and work through completing a set of plans. Along
13 that as well we have a complete tank set of drawings
14 with the tanks and all of the conduit runs
15 associated with it. Of course, for Chuck's
16 pleasure, a full SWPPP.

17 CHAIRMAN STUTO: Thank you.

18 MR. NAPIERALA: Thank you appreciate your time.

19 CHAIRMAN STUTO: We do have one more matter and
20 it wasn't on the agenda, but the Town Attorney's
21 office has asked us to consider Resolutions that
22 will amend the three major GEIS'. That's Generic
23 Environmental Impact Statements; the Boght,
24 Lishakill and the Airport.

25 As by way of explanation, Kathleen, if you could

1 read the email from Allegra, that will explain for
2 us and if there are any questions, we can take it
3 from there. We're going to be asked to consider
4 this next time. I want to get everyone thinking
5 about it.

6 MS. MARINIELLI: This is a summary email from
7 Allegra Edelman regarding the GEIS Recreation
8 Resolution.

9 The Resolution addresses the recreation component
10 of the three GEIS' which have not been updated since
11 they were adopted in the late 1980s (Boght Road -
12 Columbia Street area) to mid-1990s (Lishakill -
13 Columbia Street area). The GEIS' and statements of
14 findings provide that funds were collected for the
15 acquisition and development of land for pocket parks
16 and for an additional nine holes at the golf course.

17 The Airport area - of the two acres of the proposed
18 27 acres only two were attributable to new
19 residential development in the study area for pocket
20 parks. Boght - 20 acres for pocket parks.
21 Lishakill - reference to five acres or one pocket
22 park and upgrades to three existing pocket parks in
23 the study area. The funds for parks were collected
24 from residential development. The primary purpose
25 of the Resolutions is to redirect the funds that

1 have been and will be collected for recreation
2 mitigation toward different improvements. As the
3 focus has shifted to improving existing parks, the
4 Resolution authorizes funds to be collected for and
5 expended on improvements to pool facilities,
6 playground facilities and the golf course. The goal
7 is to modify the focus of the improvement required
8 as a result of increased developments and the GEIS
9 study area not to replace into the general fund.

10 As of May 2014 the recreation/mitigation accounts
11 had the following amounts of funds: Boght:
12 \$368,506.61; Lishakill: \$48,816.18; Airport:
13 \$29,090.71.

14 That's the end of the memo.

15 CHAIRMAN STUTO: So, the Resolutions are
16 attached for your consideration and we'll have
17 Allegra or Kathleen or somebody here to answer all
18 the questions.

19 Any preliminary questions now? Does everybody seem
20 to understand this?

21 (There was no response.)

22 Any other business, Joe?

23 MR. LACIVITA: That will do it.

24 (Whereas the proceedings were adjourned at 8:02
25 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 October 24, 2014

