

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 FASTRAC MARKETS
1150 TROY SCHENECTADY ROAD
5 APPLICATION FOR CONCEPT ACCEPTANCE

6 *****

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on February 10, 2015 at
8:20 p.m. at The Public Operations Center, 347 Old
Niskayuna Road, Latham, New York

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TIMOTHY LANE
14 CRAIG SHAMLIAN
15 SUSAN MILSTEIN

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq., Counsel to the Planning Board

18 Mike Tengeler, Planning and Economic Development

19 Joseph LaCivita, Director, Planning and Economic
20 Development

21 Brad Grant, PE, Barton and Loduidice

22 Jeff Szkolnik, Fastrac Markets

23 Jack Faddegon

24 Matt Spiak

25

1 CHAIRMAN STUTO: The next item on the agenda is
2 Fastrac Markets, 1150 Troy Schenectady Road. This is an
3 application for concept acceptance. This is a new 5,000
4 square foot convenience market with fuel canopies.

5 Joe LaCivita, do you have any introductory
6 comments on this?

7 MR. LACIVITA: The applicant is before us tonight
8 for a concept acceptance. They have been before us back
9 in September and they made some significant changes to
10 the site, which is inclusive of any future access to the
11 north and to the east and west of that site.

12 I'd like to turn it right over to Fastrac and
13 they can get moving.

14 MR. NAPIERALA: I'm Matt Napierala, a site engineer
15 with me tonight is my colleague Jeff Szkolnik to answer
16 any questions. I'll go through essentially some of
17 those changes and as well we are requesting some waivers
18 from the design standards. We are aware of those. The
19 first of which is to allow the building to exceed the
20 25-foot maximum front yard setback. We are looking to
21 allow parking within that front yard setback. We have
22 12 cars understacking -- Mike Lyons' review is
23 eliminating two of those, so we have 10 cars because two
24 of those cars conflict with our entry drive here
25 (Indicating). So, we are asking for a waiver with

1 regard to that.

2 Then, a waiver with regards to the width of the
3 parking lot space and the design standard says nine
4 feet. We would like it to be 10 feet to be more
5 comfortable for our customers.

6 Other items that we have addressed and would
7 like to give the Board's attention to is we will be
8 providing, as required, a cross access easement with
9 regard to the future development to our neighbor.
10 We understand and will be providing an appropriate
11 decorative fencing along the frontage to meet the
12 design standard and the code requirement with regard
13 to that.

14 Some other minor items with regard to bike
15 racks and screening around the air pumps and some
16 other landscape items we are aware of and we will be
17 compliant with as well we are aware that we will be
18 providing a complete stormwater and SWPPP
19 requirements per Town Designated Engineer review and
20 fully aware of what we have to do there and we will
21 prepare all of that for the preliminary final
22 submittal. We understand and actually the project
23 surveyor will be providing the consolidation map.
24 Currently, we are on two parcels from the previous
25 subdivision that will be consolidated into a single

1 lot. So, we are aware of that and we will be
2 compliant with that.

3 We are well aware that this project is within a
4 SHPO bubble and we will be having at least one
5 archeological survey performed once we get a little
6 bit better weather and we can get out on the site.

7 With that, we are here again to review, take
8 notes and answer any questions for concept plan
9 approval. Thank you, very much.

10 CHAIRMAN STUTO: We'll take comment from our Town
11 Designated Engineer. I see that we have a letter in the
12 file. Then, we'll open it up to the Board and to the
13 public.

14 MR. GRANT: The Board has a letter from Chuck Voss
15 dated January 21, 2015. I will go over the highlights.

16 Under general, the site is located in a COR
17 zoning district with a proposed use that is allowed.

18 The total greenspace provided will be 60% which
19 exceeds the 35% COR requirement. Access to the site
20 is via two proposed curb cuts directly off of Route
21 7. There was some discussion about the easterly
22 one. Under SEQRA, the site is within the airport
23 GEIS mitigation area with cumulative impacts
24 required to be coordinated with Town Planning.

25 You mentioned five of the waivers. Apparently

1 you took care of two that were going to be waivers.
2 One was a parking lot pavement within 10 feet of the
3 side property line is not permitted.

4 MR. NAPIERALA: We have taken care of that one.
5 That was pretty easy. We were just under, so we modified
6 the plans.

7 MR. GRANT: There was another one - with greater
8 than 20 parking spaces provided with a minimum of 20
9 square feet of landscaped island will be included in the
10 parking area.

11 You were able to address that?

12 MR. SZKOLNIK: Yes, sir. We took a look at that
13 and provided what we needed to do. Essentially, we
14 reduced our parking from our initial submission. We had
15 a misunderstanding with regards to some requirements and
16 double counted the stacking room.

17 MR. GRANT: Going to page 5 of our letter, the site
18 access and site details - provide the location of any
19 mechanical equipment be placed on the roof such as air
20 conditioners and generators and be sure that these items
21 are hidden from view to the suggested methods and the
22 COR design standards.

23 MR. SZKOLNIK: We have no issue with that. We have
24 proper parapets so that they will not be seen from the
25 road.

1 MR. GRANT: And gain approval from DOT for the
2 proposed curb cuts. I think that it's Kevin Novak's
3 opinion - the preference would be to have a singular
4 access at that intersection, as you have shown to the
5 west.

6 The easterly one - it would probably be right
7 in and right out only.

8 Where are you with DOT?

9 MR. SZKOLNIK: Frankly, we were waiting to get
10 Board comments under concept and we're going to be
11 working with CME and Wendy with regards to the overall
12 single design as well as any of the DOT piece. We're
13 waiting for feedback under concept and then we're going
14 to engage that process and start talking to Mr. Novak
15 and get into the nuts and bolts of that curb cut
16 approval. We'll refer back to DOT when we hope to have
17 that completed within the next four weeks.

18 MR. GRANT: I think that there was some concern
19 about the stacking length. Is a double drive-thru
20 conceivable here?

21 MR. SZKOLNIK: I think that we asked for a little
22 bit of flexibility if the Board deems that they really
23 need to have 12 stacking spaces for this type of
24 drive-thru. We're not a McDonald's. This is a
25 convenient store with the goods inside. This is a

1 relatively new concept for Fastrac and Mr. Szkolnik can
2 address some of that. We have only one under operation
3 that was opened up this past fall, prior to the
4 Christmas season. We haven't seen a summer yet. We
5 don't anticipate a stacking lane greater than five feet
6 so we feel that 10 is a factor of safety. If the Board
7 deems necessary, I think we do have some ability to
8 provide an overflow lane prior to getting to the order
9 board and to dig into those 12 spaces, if so deemed
10 necessary. I know that McDonald's is coming up with a
11 double order board system before they get to the actual
12 dispensing of the food. We don't feel that would be
13 necessary. We're only two cars short, so that's
14 essentially 45 feet or so short. We think that we can
15 accommodate it as deemed appropriate by the Board.

16 CHAIRMAN STUTO: Do we have any feed back from the
17 Board Members on that particular point?

18 Craig, do you have opinion on that?

19 MR. SHAMLIAN: Twelve cars is a lot of cars. Not
20 knowing anything specific about your operation but
21 knowing about other drive-thrus, there is not a lot of
22 drive-thrus that would allow 12 car stacking.

23 CHAIRMAN STUTO: Do they have a place to bail out
24 if they come in and it's all jammed up?

25 MR. SZKOLNIK: We have a complete bail out land all

1 the way - full width bail out lane; yes sir.

2 CHAIRMAN STUTO: I'm okay with that, unless the
3 engineer's say otherwise.

4 MR. GRANT: If I'm coming in through the drive thru
5 lane, what are your typical customers getting?

6 MR. SZKOLNIK: As Matt says, this is a new concept
7 for Fastrac. We are getting more into the fresh
8 food/fast food things. The drive-thru will be used
9 mostly for morning traffic, breakfast sandwiches, coffee
10 and things like that. It can also be used for other
11 items within the store. We legally cannot have
12 cigarettes or lottery at the drive-thru.

13 If a mother with two kids in the car wanted a
14 gallon of milk, the drive-thru can be used for that,
15 and she doesn't have to go through the issues of
16 getting the kids out.

17 McDonalds functions around their drive-thru for
18 the most part. This is more of an accessory use for
19 us. We see it as a growth in our business model,
20 but it's not a primary part. It's something that we
21 feel that we need to do to keep up with the Dunkin
22 Donuts.

23 MR. GRANT: Ten does seem like the perfect storm of
24 the drive-thru.

25 MR. SHAMLIAN: If you go follow the DOT drive-thru

1 recommendation which I think is probably proper with
2 rights in and rights out, then the chances of having
3 another incident - they don't go away, but they
4 diminish.

5 MR. GRANT: I think that most people would be
6 choosing the light for a safer ingress and egress -

7 MR. SZKOLNIK: And the right in and right out is
8 consistent with some of the other things that we've done
9 with Fastrac.

10 MR. GRANT: Continuing on page 5, the bottom line
11 of number 6 - provide cross access easement agreement
12 and documentation for the proposed main access drive
13 which is located on the parcel, located at 1167 Troy
14 Schenectady Road.

15 The proposed south easterly curb cut onto New
16 York State Route 7 should be restricted to right in
17 and right out only, unless DOT says otherwise. They
18 are the approval agency here.

19 Provide an internal circulation analysis of the
20 site showing how large fuel tankers will access and
21 service the site.

22 Maybe if you could show us that?

23 MR. NAPIERALA: Jeff is also involved with the
24 distribution. Fastrac has their own distribution trucks
25 so that we control not only the trucks but the time of

1 the deliveries and such.

2 We anticipate that the fuel truck would enter
3 and the actual nozzles for dispensing is on the
4 passenger's side of the vehicle and they would come
5 up the common access drive which would gain those
6 appropriate easements. They would make the
7 maneuver, park next to the tanks, unload on that
8 passenger side and maneuver back and circumvent
9 to get back to the light. We have applied an auto
10 turn turning radius with regard to this.

11 One thing that we are cognizant of is that the
12 fuel truck cannot clip our canopies and such so we
13 have to make sure that we have proper clearance and
14 such with regards to that as well. The turning
15 movements that we are providing here and are
16 familiar with a lot of gas operations there is a lot
17 of tighter sites than what we are showing. We have
18 frankly ample room for those movements for that
19 anchor truck. The deliveries - that's our biggest
20 vehicle is a fuel tanker truck - the store
21 deliveries tend to be the bread sized trucks and all
22 of that is served through the front door. Those
23 trucks would pull up and provide deliveries through
24 the front door. Those wouldn't have a problem at
25 all, but we certainly provide that auto turn as

1 requested and show you those movements and how that
2 truck can get in there. We don't have an issue with
3 that.

4 In your comment letter we talked about fire and
5 fire access equipment. We'll provide that truck on
6 here so you can see it. The worst case is going to
7 be that fuel truck.

8 MR. GRANT: You kind of beat me to the punch.
9 Verify it with Colonie Fire Services and along those
10 lines.

11 It's not on here, but it just came to mind.
12 The canopy design - the more recent designs seem to
13 like detail as to the site profile of the canopies.
14 It's more than just a route. It contains the fire
15 apparatus on top, but we have seen some
16 architectural aesthetic approaches. Some
17 of the Stewarts did some of those?

18 MR. LACIVITA: Yes, they did.

19 MR. GRANT: With a cornis-like effect and it looks
20 much better. We've got to provide one anyway but the
21 extra cornis really makes it stand out nicely.

22 With a detail of the dumpster and garbage truck
23 turning radius - we've talked about that. The
24 details and the color renderings with the building
25 mounted side is proposed to be included in your

1 preliminary final submission.

2 I guess at this time I should go back to the
3 waivers. That's on page 3 of the letter.

4 The first one that we discussed before is the
5 waiver on the major road the maximum setback shall
6 be 25 feet. We see quite a few of these waivers on
7 the commercial areas.

8 The second one is parking in the front yard
9 that is prohibited. Again, that's often in
10 combination with the first waiver.

11 The third one is not any longer. The waivers
12 and this can be taken care of on the site plan.

13 The next one is a waiver to 190.40(a), a
14 parking waiver of the require 12 parking spaces for
15 the drive-thru will be necessary.

16 I think that perhaps in the narrative, it
17 should include some realistic -- you only have one
18 facility that has this type of arrangement now?

19 MR. SZKOLNIK: We started the process about a year
20 and a half ago for redesigning a lot of what our
21 Fastracs look like. The closest Fastrac we have to this
22 one is in Amsterdam. If any of the Board Members have
23 ever seen that, this is totally different.

24 We built a project in the fall out in the small
25 town of Camden, New York. That site was a lot

1 smaller. That was our first attempt at this
2 prototype to make it real. This one is bigger and
3 this is more the full-fledged one that we're looking
4 at. Realistically we haven't built one to full size
5 that this is. The one that we built in Camden does
6 have the drive-thru. It does have the elevations
7 and things. It does not have the indoor/outdoor
8 seating that this one has and some of the other
9 amenities on this one. This is the prototype that
10 we would like to go forward with in most markets.

11 MR. GRANT: Okay, the waiver was on the required 12
12 stacking spaces and it was doubled, it would be six.
13 Even six seems like a lot of cars stacked up to this
14 type of operation. To allow a parking space with 10
15 feet. I haven't heard that one in while. The cars have
16 gotten smaller and one of the things that we try to do
17 with stormwater is minimize impervious areas such as
18 pavement.

19 What is your thinking on the 10 feet? You're
20 looking for comfort and to avoid door dings?

21 MR. SZKOLNIK: Correct.

22 MR. NAPIERALA: Our boss has 30 years of experience
23 with this market - the convenient store market. With
24 that, comes with all kinds of claims and different
25 things that we don't see and we don't think about under

1 planning. His directive, based on his experience of 30
2 years in the convenient store market - frankly not only
3 in Central and Upstate New York, but through the midwest
4 aw's well, is that the 10 foot space and especially as he
5 has seen in central New York with our weather conditions
6 there are maybe smaller cars but there is a lot of SUVs.
7 I drive a Tahoe because I drive all over the state.
8 That's a bigger and wider car. That's the reason.

9 Because of his experience, the 10 foot space is
10 convenient and it makes customers have that freedom
11 and access. He sees it on the insurance side that
12 he is avoiding some claims.

13 MR. GRANT: The last one was the waiver - the
14 layout, as proposed, does not meet the intents of the
15 COR design standards with the placement of the fuel
16 canopy and parking in the front of the site.

17 MR. NAPIERALA: I will say that this type of layout
18 is not your standard convenience store layout where you
19 would see a canopy sitting directly in the front for the
20 convenience of, again, the customer to fuel up and go
21 off directly into the store. The same boss that we're
22 talking about has just been working with him for 15
23 years, and it's taken him 13 of those years to concede
24 that this type of side loaded fuel canopy is
25 advantageous to a community like Colonie and in some of

1 the other communities that we are looking at future
2 markets. It's really side loaded. We cannot put it in
3 the rear because there is no rear access door.

4 When we look at the circulation for it
5 internally in the floor plan layout for a 40-foot
6 store, especially with the drive-thru service, the
7 customers are coming in the front door here
8 (Indicating). By putting the fuel canopy in the
9 rear, it's not conducive to this particular
10 business.

11 We feel this is a win/win for the community and
12 as well, it allows frankly a nice architectural
13 elevation of this building which I do have a view.
14 That's a nice brick and hard-treated building with
15 some proper cornises and some awnings and those type
16 of things. That's what people are going to see and
17 then the canopy is going to be sitting off to the
18 side of the building. This area is the indoor
19 seating with the outdoor seating so that would be
20 potentially an access point to come to the seating
21 area to get to the store. We feel that this is a
22 pretty good compromise of the layout compared to a
23 traditional convenient store.

24 CHAIRMAN STUTO: Okay, I think that we've heard the
25 waivers and so forth a couple of times. It's worthwhile

1 to do that because there are quite a few of them. We'll
2 open it up to the Board with any comments or questions.

3 MR. LANE: I think that it's good. I don't have
4 any comments.

5 MS. MILSTEIN: I think that it looks great.

6 CHAIRMAN STUTO: Members of the public looking to
7 speak on this?

8 MR. FADDEGON: My name is Jack Faddegon. I own
9 Faddegon's Nursery, which is almost directly across the
10 street from the project. I have just a couple of
11 thoughts.

12 One is that there is an existing bike trail
13 that goes from Ann Lee Pond and goes down and kind
14 of parallels Albany Shaker Road and it ends up at
15 Route 7 right across the street from this project.
16 There is also a new Town park, as you are well
17 aware, that is down on River Road.

18 There has been conversations about at some
19 point trying to get an access from where the bike
20 trail ends now to Route 7, down to the new park. It
21 appears to me that if it's going to happen, it's
22 going to have to happen on this site because that's
23 about the only way you're going to get through. I
24 know that there are other obstacles down at the
25 other end, but I don't know if there has been any

1 other conversation about some future access from
2 this site to the bike trail.

3 MR. GRANT: There has. I meant to get through
4 Mike Lyons' comments, but he has a comment related to
5 that.

6 CHAIRMAN STUTO: Joe, do you know off hand?

7 MR. LACIVITA: Yes.

8 CHAIRMAN STUTO: Why don't you just speak to it?
9 You know it off the top of your head.

10 MR. LACIVITA: I sat with a room full of residents
11 from where the proposed connection was to the bike path
12 which is actually near the Hewitts' property, which is a
13 little further to the west of this. I have also sat
14 with the property owners, Mr. Nemith -- and I know that
15 he's in the room as well. So, we have a long history as
16 to how we can connect them better.

17 The initial thoughts were to go over the
18 waterline and utility easement that the Town
19 proposed by the Hewitt's property. Unfortunately,
20 the utility easement did not allow for an easement
21 of a pedestrian or bike path with it. That was how
22 I talked to Mr. Novak.

23 MR. FADDEGON: Who owns the property?

24 MR. LACIVITA: The property owners themselves.
25 Unfortunately, that easement that goes through it splits

1 their parcel.

2 CHAIRMAN STUTO: So, they don't mind the
3 underground, but they never gave permission for the
4 above ground?

5 MR. LACIVITA: Correct. So, again talking to Mr.
6 Nemith and looking at the topography there, there is
7 capability to potentially getting down to the bike path,
8 although it was a little further away from it. There is
9 accessibility to it, so we're working through that level
10 of design and know that we have to work with Fastrac to
11 see what type of access easements to get into the parcel
12 and in other future parcels along the way. That's I
13 think what we are trying to shoot for now. We're going
14 to come here with access agreements, get down -

15 CHAIRMAN STUTO: Go through where, the subject
16 parcel?

17 MR. LACIVITA: Yes, and we actually worked with Mr.
18 Bette a little further up with connectivity, which
19 connected through the Orlop parcel. So, we are trying
20 to get that continued down to the river.

21 MR. FADDEGON: So, the answer is that we are
22 working on it and the possibilities are still open.

23 MR. LACIVITA: I think that we're much further
24 ahead than we were years ago.

25 CHAIRMAN STUTO: Do you communicate with Joe on a

1 regular basis or no?

2 MR. FADDEGON: Yes.

3 CHAIRMAN STUTO: Continue to do so because that's
4 an important point.

5 MR. FADDEGON: I think so. I think that it would be
6 a great thing for the Town and the residents in the area
7 to have that happen. I just think that it's a nice
8 looking building and I have no objection ot it, but
9 since there is parking in the front which is something
10 that the Route 9 study was trying to not have happen, I
11 just wondered if it would be possible for, as a
12 condition, a berm for that front grass area - a little
13 bit. Maybe three feet so you don't see so much blacktop
14 and so on and all the parking area. I don't think that
15 it would be that difficult to accomplish. Other than
16 that, I think that it's great.

17 CHAIRMAN STUTO: Thank you, and I'll ask them to
18 address that.

19 I'm personally in favor of planting and berming
20 areas.

21 MR. GRANT: That would be a modest berm typically
22 with the wrought iron decorative fence and landscaping
23 for 80% of the frontages and typical requirements.

24 MR. FADDEGON: Maybe in a straight sense - this is
25 not part of the Route 7 study. They didn't want parking

1 in front of buildings and a little bit of extra help
2 might be something to consider.

3 MR. LACIVITA: That whole front yard is carried
4 throughout the county with not only Route 7 but I know
5 the design standards. That's the unfortunately thing
6 that time and time again, that's a consistent waiver
7 that the town and the Planning Board has to give on a
8 lot of occasions.

9 MR. FADDEGON: I know that the Mobil station down
10 on the other corner has done that. It looks nice. It
11 slims that parking lot down.

12 CHAIRMAN STUTO: We'll ask that the applicant look
13 at that with our Town Designated Engineer.

14 MR. SZKOLNIK: I just want to briefly indicate that
15 all of the comments have been great and we'll certainly
16 look into everything, we do have issues about water and
17 sewer. There are a lot of easements in our frontage
18 that we have to be aware of. I just want to make the
19 Board aware of that. We're going to do what we can and
20 we're very user friendly that way. We just have some
21 constraints that we have to be aware of.

22 MR. LACIVITA: One of the things that our Pure
23 Waters Department and our DPW has been very tough on the
24 Planning process is that where their easements are they
25 want nothing above it; whether that be fence posts or

1 shrubs or berming. We'll work with him to try to get
2 this because I agree. I think that it's a great point to
3 try to do in the landscaping perspective and buffer
4 that. We'll work with him.

5 MR. GRANT: Those improvements are affordable.
6 There are often requirements to hold the lease
7 agreements that they can go in and fix something, but
8 they're not going to redo the landscaping.

9 CHAIRMAN STUTO: Matt Spiak?

10 MR. SPIAK: Thank you. I'm not going to be long.
11 I didn't get a chance to really look at this, so I'm not
12 going to make a lot of comments on anything that has
13 anything to do with particulars except for the back part
14 of this. That's where I live. I live on this corner
15 and it makes a difference to me. I see woods right now
16 and I see an environmental easement. We have the
17 utility easement and we have a 24-inch waterline, tenant
18 sewer lateral and National Grid comes up to feed
19 actually it goes down to need the power plant to pump
20 water.

21 My questions are of course environmentally, how
22 harmful is that going to be to the environmental
23 easement? There are three or four springs in the
24 back there that feed this pond. I'm not really that
25 crazy about putting more gasoline in the ground. I

1 understand DEC permits and I understand cub cut
2 permits. Without seeing the actual site plan except
3 for 30 seconds here, I'd like to get the information
4 so that I can possibly aid them also. I've lived
5 here all my life and I know what is underground.

6 CHAIRMAN STUTO: Thank you. Do you want a copy of
7 ours?

8 MR. SPIAK: Sure; thank you.

9 CHAIRMAN STUTO: I'm sure that if you reach out,
10 they'll listen.

11 Anybody else from the public?

12 (There was no response.)

13 Anything else from the Board?

14 (There was no response.)

15 Do we have a motion for concept acceptance?
16 That does not include waivers. We do that later,
17 but I don't think that you've heard any objections,
18 unless we hear some now.

19 MS. MILSTEIN: I'll make a motion.

20 MR. SHAMLIAN: Second.

21 CHAIRMAN STUTO: Any discussion?

22 (There was no response.)

23 All those in favor say aye.

24 (Ayes were recited.)

25 All those opposed say nay.

1 (There were none opposed.)

2 The ayes have it.

3 Any further business, Joe?

4 MR. LACIVITA: No, we're all set.

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9 (Whereas the above entitled proceeding was

10 concluded at 8:43 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 February 23, 2015

