

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 STEWART'S SHOP
186 TROY SCHENECTADY ROAD
APPLICATION FOR CONCEPT ACCEPTANCE
5 *****

6
7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY L. STRANG, a Shorthand Reporter,
9 commencing on March 22, 2016 at 7:45 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 TIMOTHY LANE
13 LOU MION
14 BRIAN AUSTIN
15 SUSAN MILSTEIN
16 KATHLEEN DALTON

17 ALSO PRESENT:
18 Kathleen Marinelli, Esq. Counsel to the Planning Board
19 Joseph LaCivita, Director, Planning and Economic
20 Development
21 Joseph Romano, PE, CHA
22 Christopher Potter, Stewart's
23 Carol Miller
24 John Miller
25 Ellen Rosano, Conservation Advisory Committee
John Moore

1 CHAIRMAN STUTO: We have two more items on the
2 agenda, which are both voting items. I just want to
3 let the public know that there is a sheet of paper
4 over there, if you want to speak on either one of
5 these projects, please sign up over there and I'll
6 call up the next item.

7 Stewart's Shop, 186 Troy Schenectady Road,
8 application for concept acceptance, 3,675 square foot
9 convenience store and two fuel canopies totaling 12
10 pumps.

11 MR. LACIVITA: This is an action for tonight,
12 Peter, for concept acceptance. We have seen this
13 project a couple of times, most recently as an update
14 to the Board. It was before us on May 19, 2016 and
15 prior to that January 6, 2016. Again, we are here
16 tonight for concept acceptance and we're going to turn
17 it right over to Chris Potter from Stewart's to go
18 over the presentation.

19 MR. POTTER: Good evening. I'm Chris Potter
20 from Stewart's.

21 As Joe said, we are here for concept acceptance
22 for our 1.87 acre parcel at 186 Troy Schenectady Road.
23 This will require a minor subdivision. That will be
24 the next step in the process. We're proposing a 3,675
25 foot convenience store with two 20 by 73 canopies with

1 three dispensers each. Two of those dispensers - one
2 under each canopy will have diesel. We'll be
3 installing two underground fuel storage tanks located
4 over here in this area (Indicating). The proposed
5 buildings, architecture wise will be similar to the
6 ones that we've just built over the past couple of
7 years within the Town.

8 Access was a big issue on this site. As far as
9 the access on Delatour Road, it will be a shared
10 access. It will be opposite the church cut and it
11 will be a roadway for future development that would
12 also access through that driveway, as well as a
13 connection to the Salvation Army piece which will
14 utilize the light on Route 2, as well as we are
15 proposing a right-in and right-out onto Route 2 for
16 our site.

17 As far as site lighting, again, similar to the
18 other stores that we built recently, all LED lights
19 would comply with the Town standards as far as height
20 and full cut-off lights.

21 We've also added some sidewalks to the site
22 along the frontage across our site as well as the
23 opposite side of Delatour. The grading would not
24 allow it on our side of Delatour as well as it would
25 require a marked crossing, which I would assume is not

1 desirable to connect to the existing sidewalk down by
2 the church.

3 We did meet with the stormwater Department
4 today. We did our test holes and tests so we are
5 proceeding on our stormwater design.

6 We were going to entertain the idea of the
7 gateway concept for the corner. I don't know if CHA
8 has the drawing with the sign rendering on it.

9 CHAIRMAN STUTO: CHA has something to pass out,
10 so you may as well pass that out for the Board
11 Members.

12 You've seen this?

13 MR. POTTER: We have and we are in agreeance
14 with doing something on that corner. It's really not
15 that much different from what we are doing. It would
16 just be a stone wall and a little bit different
17 landscaping to dress up the corner as you come into
18 Colonie.

19 Does anybody have any questions?

20 CHAIRMAN STUTO: We'll turn it over to our Town
21 Designated Engineer for comment. They have a formal
22 review letter.

23 My question was still that is still unresolved
24 in my mind is the right-in and right-out. As you go
25 through, you can address that.

1 We have Joe Romano here with CHA who is our
2 engineer.

3 MR. ROMANO: Thanks. We did issue a letter on
4 this project on March 14, 2016. In general, it
5 appears as though the concept plan addresses most of
6 the comments from the DCC meeting held on November 5,
7 2014 and comments raised by the Planning Board during
8 sketch plan review. The applicant should ensure that
9 future plan submissions address DCC and department
10 comments, as indicated in their response letter.

11 There are waivers being requested for this
12 project. The 20 foot minor road, maximum front
13 building setback, parking in drive lanes located
14 within the front yard setback, landscaping interior to
15 the parking area, the location of the fuel canopies
16 and the parking in the front of the site and the
17 non-masonry dumpster enclosure.

18 We recommend that the applicant provide
19 justification for each of these waivers. The waivers
20 requested were generally consistent with the waivers
21 that have been previously requested and supported by
22 CHA and approved by the Planning Board for projects of
23 similar use and size. If the waivers are acceptable
24 to the Planning Board, we will prepare a Draft
25 Resolution for consideration by the Planning Board

1 during site plan review.

2 CHAIRMAN STUTO: On the point of the waivers,
3 I'm familiar with them except for the dumpster one.

4 Have we waived that a lot, Joe?

5 Can someone give me a little history of that?
6 I remember early on, that was an issue. Years ago we
7 used to talk about that a lot.

8 MR. LACIVITA: Honestly, for the Stewart's uses
9 before, we have not waived the masonry enclosure.
10 There have been a couple of areas. One in particular
11 is the Lennon's site. That is actually adjacent to
12 the water system, so we opted not to do it. We put in
13 a waiver for that -- where the fencepost went into the
14 ground.

15 CHAIRMAN STUTO: Okay, so what is the reasoning
16 here for requesting that?

17 MR. LACIVITA: We'll leave it to the applicant.

18 CHAIRMAN STUTO: Do you want to address that
19 now?

20 MR. POTTER: Sure. We have, in the last two
21 stores that we have constructed within the Town, have
22 been vinyl dumpster enclosures at both sites.

23 CHAIRMAN STUTO: You slipped that one by us,
24 huh?

25 MR. ROMANO: I think that it was part of the

1 one on Route 9.

2 CHAIRMAN STUTO: I don't remember voting on
3 that waiver.

4 MR. LACIVITA: The one on 9 has a masonry
5 enclosure.

6 MR. POTTER: The first one that we did had the
7 masonry which was the Loudon Road.

8 MR. LANE: Are you tying that into the style of
9 the building; is that what you're saying?

10 MR. POTTER: No. What we do is we have a lot
11 of hits with our dumpster enclosures with the dumpster
12 company. So, they are much easier to maintain and
13 more cost effective to maintain a vinyl fence panel
14 than a masonry enclosure.

15 MR. LANE: There is no reason why any waiver
16 would be -- there is no reasonable alternative to
17 this.

18 MR. POTTER: With the amount of landscaping
19 that is around it, essentially you're not going to see
20 the masonry enclosure and your gates are going to be a
21 vinyl or a chain link fence, anyway.

22 CHAIRMAN STUTO: We don't vote on the waiver
23 until final, so I would take a hard look at that. I'm
24 inclined to agree with Tim on that. I don't know how
25 everybody else feels. Your first reason wasn't that.

1 It was that we did it the last two times.

2 Okay, back to our engineer.

3 MR. ROMANO: As discussed at the sketch plan
4 meeting, CHA prepared on the attached westbound
5 gateway concept for the corner of Troy Schenectady
6 Road, Route 2 and Delatour Road, the applicant has
7 indicated a willingness to incorporate these
8 improvements into the development plans which should
9 be included in future plan submissions. That's a
10 sketch rendering that we prepared. That's what I
11 passed out.

12 MR. POTTER: I believe that it came from the
13 Planning Department, but obviously that can be further
14 addressed.

15 MR. ROMANO: I think that we're in agreeance
16 with the concept of the stone wall and the
17 landscaping. We're okay with that.

18 CHAIRMAN STUTO: That's the corner drawing you
19 gave us. Is that what you're saying? I don't
20 understand what you're saying about the naming of it.

21 MR. POTTER: Down at the bottom it shows East
22 Latham as the gateway. We got that from the Planning
23 Department as the hamlet and that's what they want to
24 describe.

25 CHAIRMAN STUTO: You may want to ask the Town

1 Board about that too. We're already saying that's an
2 entranceway.

3 MR. ROMANO: The applicant has proposed a
4 sidewalk on the east side of Delatour Road in lieu of
5 a sidewalk across the project site frontage in order
6 to connect the pedestrian half-way along Delatour Road
7 to the intersection with Route 2, including pedestrian
8 signals and cross walk. We support the inclusion of
9 the sidewalk along Delatour Road as it provides a
10 greater public benefit.

11 CHAIRMAN STUTO: Can we talk about the
12 pedestrian improvements in detail? Can you point to
13 them? It's quite an improvement and it's pretty
14 important.

15 MR. POTTER: Certainly. Down here is where the
16 sidewalk ends right now (Indicating), at the entrance
17 to the church.

18 CHAIRMAN STUTO: So, you're going to put
19 improvements on the other side of the road.

20 MR. POTTER: Correct, because right now on our
21 side with the grading of the site, there are some
22 catch basins that are along in the right of way. That
23 would prevent us from doing that on that side. So, we
24 would install the sidewalk up to Route 2. We would
25 install pedestrian push-buttons and crosswalk and then

1 we would also have a connection from the sidewalk at
2 the intersection into the site, as well as a
3 connection to the existing bus stop and continue it
4 down along the frontage of our site down onto Route 2.

5 CHAIRMAN STUTO: Is there already a crossing of
6 Route 2?

7 MR. POTTER: Yes, it's basically the bus stop
8 and it goes up to this point here (Indicating) and
9 this crosswalk is there.

10 MS. DALTON: So, I want to go to the note that
11 is here. When that parcel to the west gets developed,
12 that's when you would expect that the sidewalk on
13 Route 2 would be continued?

14 MR. POTTER: Correct.

15 MS. DALTON: So, can we talk a little bit - is
16 there a plan for that parcel on the west that you
17 bifurcated now with that access road to Salvation
18 Army? So, is there any plan for that now?

19 MR. LACIVITA: There is nothing before the
20 Planning Department at this time for that site yet.

21 MS. DALTON: Can you explain because I don't
22 remember - Lou said that it might have been addressed
23 but he doesn't know. Why are we going right through
24 that parcel with that access road?

25 MR. LACIVITA: I think that one of the plans

1 was that DOT was actually suggesting -- and I think
2 that CHA is in favor of, but the access point which is
3 the right-in and right-out -

4 CHAIRMAN STUTO: Can you point to that?

5 MR. POTTER: This is the right-in and right-out
6 (Indicating).

7 MR. LACIVITA: - be eliminated. The access
8 point to get left can be one of two ways. You go
9 through that site and then back out to the light which
10 is where the Salvation Army project is installed, or
11 you come down to Delatour Road, go out and then you
12 take your left.

13 MS. DALTON: Doesn't it make sense to either
14 move it up or move it down?

15 MR. LACIVITA: Right now where that is planned,
16 there will be a building there in the future and they
17 will somehow have to traverse through that site to get
18 to the other. Where you see it right now - Stewart's
19 sees the right-in and right-out as the primary access
20 point to their site. You won't be seeing people come
21 to that light and come through. That's what DOT is
22 really pushing for is that access point coming into
23 the light and getting over to that site. I think that
24 Joe Grasso has made a suggestion that be moved to the
25 front and I know that the attorney for the site has

1 been looking to try to work with the applicant as
2 well.

3 MS. DALTON: It doesn't work for me, right
4 through the middle.

5 MR. LACIVITA: I know that it kind of looks
6 that way, but once that site develops, that will
7 change.

8 MR. ROMANO: And that is something that we can
9 look at as they move to preliminary. You want to be
10 careful about pushing it too close and having a
11 conflict for those vehicles that are using the
12 right-in and right-out off of Route 2, that they have
13 to make a decision too quickly within the site.

14 MS. DALTON: I just think that eventually when
15 that other parcel gets developed, it could -- it's
16 either going to have to be moved or it's going to
17 create a traffic hazard to the people who are trying
18 to move back and forth on that site. There could be
19 parking on one side or parking on another. I'm just
20 not seeing it work the way that it's turned.

21 MR. LACIVITA: As Joe says, I think that we can
22 work through the process as we get towards final with
23 it. If it can be done away with and the right-in and
24 right-out can be there and allow that future middle
25 site to help develop it, it would probably make a

1 better project.

2 MS. DALTON: Did you guys have to purchase that
3 access?

4 MR. POTTER: The access to Salvations Army?
5 No, this is owned by all of the same person. There
6 are easements in place with the subdivision that will
7 allow access through there. Whether this road gets
8 constructed now or when the other piece gets
9 developed, that's entirely up to you. We would
10 certainly do it now with the possibility in moving or
11 we leave it off and we -

12 MR. AUSTIN: Can you explain the sidewalk
13 north? I know that there is a little curb coming off
14 of the right-in and right-out. Is it really necessary
15 to have that? I would love to see the sidewalk
16 extended because it's defeats the whole purpose of the
17 pedestrian connection when you just end the sidewalk
18 and you just have to walk across whatever is there to
19 meet the other sidewalk, and you have to wait for
20 whatever is going to be in there to be developed. I
21 understand that it's dollar and cents issue for you
22 guys as well as the Salvation Army, but is there a
23 reason why that whole spur is there?

24 MR. LACIVITA: We typically ask for sidewalks
25 to be property line to property line. I agree with

1 you that it's a sidewalk to nowhere, but Stewart's
2 doesn't have control over the other parcel.

3 CHAIRMAN STUTO: Do you have any sidewalk
4 money? I know that sometimes we collect.

5 MR. LACIVITA: Not in this area. If we collect
6 it, it's through mitigation. This is not in the area
7 that would have it anyway.

8 CHAIRMAN STUTO: On the same topic, which is
9 the question that I raised in the beginning - I think
10 that you said it, Joe, and it's just a question that
11 is unanswered in my mind. I thought you said that DOT
12 doesn't prefer the right-in/right-out. Yet, everyone
13 is sort of steering us in that direction.

14 What little that I've learned about traffic
15 since I've been on this Board, it's preferred to have
16 fewer curb cuts, especially on state roads which Route
17 2 is, and it's preferred to have traffic light access.
18 The road that Kathy is talking about provides that.

19 Down on Delatour - that seems to be a situation
20 that works well; the rights and lefts there. So, can
21 somebody elaborate on that a little more?

22 Joe, do you have any opinions? You were
23 talking about it. I don't know. I know that
24 Stewart's wants it.

25 MR. LACIVITA: Right; it's their function.

1 CHAIRMAN STUTO: They want to get people in as
2 quickly and as easily as possible.

3 MR. LACIVITA: I know that Joe Grasso has spoke
4 favorably of the right-ins and right-outs as well.

5 I'm not going to put you on the spot.

6 I know that with the function based on what
7 Stewart's does and how we would like to see traffic,
8 my conversation with DOT, Peter, actually says that
9 they can live with the right-in and right-out because
10 you're actually taking them to queue and go to the
11 east and there is certainly enough function in
12 queueing to get there. They said it's really based on
13 the Town with the berm. We don't know what is going to
14 happen in the future component.

15 I agree that DOT in the on-set and our future
16 conversations have led to believe that
17 right-in/right-out is a good functional use.

18 CHAIRMAN STUTO: Can you say again why it's
19 good?

20 MR. LACIVITA: As far as people leaving the
21 site to get to the light to go to the east, they have
22 two options; getting right-in and right-out. There is
23 significant enough queuing there to be -

24 CHAIRMAN STUTO: A few cars can wait there.

25 MR. LACIVITA: Yes. They also have that

1 secondary means of egress to get out there and go down
2 Delatour Road to the south or get back to the light to
3 go west or east. I don't see people traversing
4 through that parcel to get out to the light there and
5 turning left. I could be wrong.

6 CHAIRMAN STUTO: Does anybody have any thoughts
7 or opinions on that?

8 MS. DALTON: I agree with Joe. It's
9 reminiscent of the traffic pattern that you have on
10 Wade Road. I use that one all the time. Sometimes
11 it's a little annoying to have to turn and go all the
12 way around but I get over it.

13 CHAIRMAN STUTO: Do you want to continue with
14 your letter?

15 MR. ROMANO: I think that the only other
16 comment is that we did have some technical comments
17 which they can address as they move forward. I just
18 wanted to point out that the Town Attorney's office
19 has classified this as a Type II action pursuant to
20 SEQRA and that no further action is necessary.

21 CHAIRMAN STUTO: Other comments and questions
22 from the Board?

23 (There was no response.)

24 Is there anybody here interested in speaking on
25 this?

1 MS. MILLER: Moving the setbacks and all of
2 that - we are in favor of it, being neighbors up on
3 Semons. It puts all of the parking and all of the gas
4 pumps away from our residences. So, we are all for
5 the exceptions that they are asking for.

6 The one thing that I will say is that the
7 right-in and right-out here - it's hazard. We can't
8 even pull into our own street without literally the
9 risk of -- you have to get into the shoulder to turn
10 onto Semons because it's a 60-mile an hour pathway
11 there. It's a 50-mile and hour road, or whatever.
12 People do not drive that speed. They go quite a bit
13 faster. If they are trying to get this light, they're
14 going to continue going quite a bit faster. So,
15 you're going to have people driving on the shoulder to
16 try to make that right turn. If you have ever driven
17 past the new Walmart property at Latham Commons, there
18 is a right-in and right-out right there before the
19 circle. Every day I see people making lefts out of
20 the right-out. So, that's going to happen here as
21 well.

22 Anybody who has ever been to this property on a
23 Saturday evening or a Sunday, you will not access
24 Delatour Road because of the church. There is like
25 500 cars here trying to leave this road. This weekend

1 will be a great example when they come in for Easter,
2 but it's like that every weekend. You almost need a
3 light there to accommodate weekend traffic.

4 MR. MILLER: At the light here (Indicating)
5 it's backed up and the same thing here on Delatour
6 (Indicating), the traffic is going to be backed up and
7 it backs up quite frequently to the church driveway.
8 So, you're going to have access problems getting
9 people in and out of these properties.

10 MS. MILLER: During the summer, this whole
11 parking lot at this church becomes a day camp. We
12 hear the noise. We definitely know that it's there.
13 I would think that you have to put a cross walk of
14 some sort here. You're going to have kids crossing to
15 get ice cream and whatnot at Stewart's. If you don't
16 have a safety measure here, I doubt people are going
17 to walk all the way up to this corner to walk back
18 down. That's just an observation of the neighborhood.

19 MR. MILLER: I don't know what Stewart's has as
20 far as air condition units on the roof or any other
21 units to the back, which would be facing our property.

22 MS. MILLER: I saw it on the plan that there
23 were HVAC units on the back.

24 MR. POTTER: They are wall-bound.

25 MR. MILLER: How loud are they? Are we going

1 to hear them?

2 CHAIRMAN STUTO: I'm sorry, but you have to
3 address the Board and then we generally allow them to
4 answer after you make all your comments or questions.

5 MR. MILLER: How loud are these units going to
6 be to the back of the property and will it impact our
7 quality of life?

8 MS. MILLER: I assume that the building
9 structure is going to be similar to the one that was
10 put on Wade Road.

11 CHAIRMAN STUTO: They said that it's
12 architecturally similar to the one that they've had
13 before.

14 MS. MILLER: I did notice that when we drove by
15 today and took a few pictures just to see the garbage
16 area - the dumpster area is vinyl fenced in. I know
17 that you talked about masonry. As a neighbor, I
18 really don't care which it is.

19 I would love to see the fence not just go
20 around this (Indicating), but to continue around the
21 entire back of the property.

22 MR. MILLER: The Salvation Army has a fence
23 coming out the side.

24 MS. MILLER: It's an earth tone that matches
25 their building.

1 MR. MILLER: We would prefer that to the back
2 so that we wouldn't have to see a lot of the trucks,
3 vehicles, cars and hopefully shut down some of the
4 noise. But it will be to the rear so it will protect
5 the neighborhood to the rear. That's my question.

6 MS. MILLER: This is a very bright
7 neighborhood. In the winter, if there is snow cover
8 on the ground, the lights never turn off at the
9 church. The lights never turn off at the old Kmart
10 parcel. I have no idea why. The lights are never off
11 at Cumberland Farms. I assume that the lights are
12 never really going to be off here, even though it's a
13 midnight closing property. It makes a very bright
14 neighborhood, so I don't know how much landscaping you
15 could possibly put in to kind of attenuate that. Even
16 a berm that the Salvation Army put in is only six feet
17 high. That's just an observation.

18 CHAIRMAN STUTO: We'll ask the applicant to
19 address it and if you have more questions, you can ask
20 those. I'll just rattle off the notes that I took,
21 if you could address; right-in/right-out and the
22 stacking because people pulling over to the shoulder
23 etc.

24 Then she suggested a light on Delatour at the
25 lower intersection. Across into that spot. Those are

1 all traffic related. Why don't you address that and
2 if our Town Engineer wants to chime in, they can.

3 MR. POTTER: Certainly in the past, crosswalks
4 would create a mid-block crossing and are not
5 desirable.

6 CHAIRMAN STUTO: Why don't you explain that?

7 MR. POTTER: You have cars that are coming down
8 the road and they're not expecting to stop.

9 CHAIRMAN STUTO: Crosswalks are usually at
10 corners for that reason.

11 Do you see any exception to that here, or not
12 really?

13 MR. ROMANO: In this scenario, no.

14 MR. POTTER: As far as the right-in/right-out I
15 think that you have peak times and you'll have
16 stacking that will go past the entrance and at that
17 point in time -

18 CHAIRMAN STUTO: Because they are going to have
19 to significantly slow down in order to make a right
20 hand turn. It's almost a 90 degree angle.

21 MS. MILLER: Any time of day at that red light,
22 you're going to probably get back to that drive. We
23 know where that is supposed to be. I think that
24 you're even going to have a line of cars always
25 exiting Stewart's in a line, if that light is red.

1 CHAIRMAN STUTO: They can stack off the road
2 and presumably wouldn't come out unless it was safe.
3 They are going to have to slow down significantly in
4 order to take a right hand turn.

5 It's like the busses on Central Avenue that we
6 talk about. Should they pull over or should they stay
7 right where they are? The CDTA said that they should
8 stay right where they are. Some people think that
9 they should pull over.

10 Can they do something to allow them to get off
11 quicker or encroach a little bit more to have -- I
12 don't want to say a turning lane, but a mini-turning
13 spot where they can get off Route 2 easier?

14 I ask our engineer that, as well.

15 MR. MILLER: I guess that it's no different
16 than essentially if this was not here. They would be
17 doing the same thing with any other driveway that
18 would go in.

19 CHAIRMAN STUTO: That's why DOT likes to
20 minimize that. The other one is a signalized
21 intersection.

22 MR. ROMANO: I'm not sure that the right turn
23 into this facility, for the rights-in and rights-out
24 is really that much different than the signal at the
25 Salvation Army.

1 CHAIRMAN STUTO: Why would you want to go
2 there?

3 MR. AUSTIN: Do we know the number of trips
4 that is generated and have you done any research on
5 that? Based on the one that is there up next to
6 Cumberland Farms, can you guestimate or can you
7 project how many trips that you will see with this
8 one? I know that it's probably in a little bit better
9 location. That would probably have a lot to do with
10 it too.

11 MR. POTTER: I would assume that our trips
12 would increase from over what we currently are.

13 As for ease of access, I have no idea what we
14 have for trips, but it's something that we can look
15 at. If that's something that you guys would want, I'm
16 sure we could do that.

17 MR. MION: I think that would be appropriate.

18 CHAIRMAN STUTO: You're saying that the
19 geometry of that can't be improved?

20 MR. POTTER: The right-in/right-out?

21 CHAIRMAN STUTO: More the right-in, but yes.

22 MR. ROMANO: It's designed with the New York
23 State DOT design manual. That would be something that
24 they would have to be on-board with to modify that.

25 CHAIRMAN STUTO: The light on Delatour, at the

1 lower intersection. I know that there has to be a
2 certain amount of traffic to justify it.

3 MR. ROMANO: My guess is that there would not
4 be the warrants.

5 CHAIRMAN STUTO: Can you explain that process
6 for the residents who asked?

7 MR. ROMANO: In order to warrant a signal, a
8 signal warrants analysis would have to be done where
9 you would do traffic counts and the number. I don't
10 know what the number of trips would be but just based
11 on an off-peak use, like a church, I would not
12 anticipate that a light would be warranted for this
13 application.

14 MR. MILLER: Was a traffic study done for this
15 project and if it was, what was the result?

16 MR. POTTER: A traffic study has not been
17 warranted.

18 MR. MILLER: Can we have the Town do one to see
19 what the increased flow would do to that intersection?

20 MR. LACIVITA: You can take your typical store
21 and see what type of increase in volume and kind of
22 apply it to this location and see where we go from
23 there. Once we come to final, we'd have that
24 presentation on it and get the TDE involved.

25 CHAIRMAN STUTO: So, look at that issue now,

1 assuming that you get a vote tonight.

2 MR. POTTER: Yes, we can do that.

3 CHAIRMAN STUTO: Next question is rooftop units
4 loudness and visualize.

5 More fencing in the back was suggested and
6 there was a suggestion about lights and ways to lessen
7 the impact on that.

8 MR. POTTER: As far as noise, from the distance
9 to the residence here, I don't see any reason why that
10 would transmit over to them. We do have two HVAC
11 units on the back as well as a compressor for the
12 cooler and a compressor for the freezer. We've had
13 some decibel readings on those that we can provide.

14 CHAIRMAN STUTO: How come you don't have them
15 tonight to provide?

16 MR. POTTER: Typically if there are questions
17 asked on this, we provide them.

18 CHAIRMAN STUTO: You guys are engineers. Can
19 you speak on the decibels and why the distance
20 wouldn't matter? I don't think that it will affect
21 them because of the distance. Of course, you are
22 going to say that.

23 MR. POTTER: I'm thinking that we are around 80
24 decibels, which really your traffic on the road is
25 actually greater than that. So, your road noise is

1 actually going to be greater than what we are
2 generating as far as our equipment. I don't think
3 that you are going to hear our equipment over the
4 ambient noise that is currently there.

5 MR. LANE: What are the opportunities for
6 plantings and small trees.

7 MR. POTTER: There is some existing vegetation
8 that is here. We are proposing some evergreen trees
9 along the back section.

10 CHAIRMAN STUTO: Can you describe that in more
11 detail, because the neighbors might be interested in
12 that.

13 MR. POTTER: We are proposing evergreens from
14 here all the way from here (Indicating) to the
15 dumpster.

16 CHAIRMAN STUTO: How about around the curb?

17 MR. POTTER: No. They stop here (Indicating).

18 CHAIRMAN STUTO: Can you put more screening
19 around the curb?

20 MR. POTTER: I was going to say, if that's
21 something that they would want, we can definitely add
22 some additional.

23 CHAIRMAN STUTO: Evergreens or fence?

24 MS. MILLER: I think that either is fine, as
25 long as there is something back there. Quite

1 honestly, what you know is on that other piece of
2 property -- it's scrub brush. As soon as that other
3 piece of property gets developed, it will be gone.
4 There has to be something on your existing -

5 MR. LANE: So, there is nothing of any height?

6 MS. MILLER: There are like cottonwood trees.
7 They are very thin trees. The vegetation is all at
8 the top.

9 MR. POTTER: We would be inclined to do trees
10 or a fence, whatever is preferred.

11 MR. LANE: I think that trees would be
12 preferable.

13 MS. MILLER: I think that trees would block the
14 noise better than a vinyl fence would. My personal
15 preference would be trees. They're talking fence. I
16 would rather see a natural barrier than a fence
17 barrier. As long as you're talking about putting
18 almost a border of trees rather than one every six to
19 eight feet.

20 MR. POTTER: No, there would be a border.
21 There would be a small space in between for them to
22 mature. We're not going to be putting in something
23 that's four feet tall either.

24 CHAIRMAN STUTO: So, you're amenable to trees?

25 MR. POTTER: Yes. I think some kind of spruce

1 tree.

2 CHAIRMAN STUTO: Okay, lights?

3 MR. POTTER: As far as lighting, I mentioned
4 before that they are LED lights. So, they are pretty
5 direct cut-off lights and we will provide a lighting
6 plan for the next time which will show our foot
7 candles and intensity on the site. There will be
8 minimal light on the backside. Obviously, it will be
9 on the sides and the front where the customers will be
10 able to have the most light. There will be no light
11 spillage off the back of the property here toward the
12 residents.

13 MS. ROSANO: I'm Ellen Rosano from the
14 Conservation Advisory Committee. We've submitted some
15 suggestions. When you were speaking about the
16 arborvitae in a line, they really need to be planted
17 staggered so that it's not just one straight line that
18 will grow in together. There should be some space
19 between the two, so that it will fill in there and
20 then certainly look better.

21 I think that we also suggested some plantings
22 around the area where the garbage pick-up is.

23 CHAIRMAN STUTO: Joe, do you have that letter?
24 I don't know if it's in our package.

25 MR. LACIVITA: It might have been done early

1 on, Peter.

2 CHAIRMAN STUTO: Can we make sure that our Town
3 Designated Engineer and the applicant get that letter?
4 I agree with that, myself, too.

5 MR. AUSTIN: Just speaking to the lighting too
6 - I know that we went over this with the Wade Road and
7 Forts Ferry. There were some folks here from Forts
8 Ferry Road. Now that it's going to be developed,
9 driving by it at night, it's definitely a bleed over
10 to the residence area with the lighting. When you
11 drive by, you can really see that. Please make sure
12 that it is appropriate lighting. Most of the lighting
13 is going to be up front anyways, facing the main road.

14 MR. POTTER: Correct. They will be mostly
15 toward the intersection.

16 MS. MILLER: A quick question about the canopy
17 height. If the building sits like the one on Wade
18 Road does, the roof goes up from the front and down in
19 the back. Will the canopy be at least at the same
20 height or lower than the roof? I assume that there
21 will be more lighting under the canopy than anywhere
22 else.

23 MR. POTTER: The building height itself is
24 23.5. The underside of the canopy where the lights
25 will be is 14.5 feet.

1 MS. MILLER: Is there a way to actually ask for
2 the lights to be reduced when the building is closed?
3 If they are closing at midnight, can the canopy lights
4 be turned off and maybe half the perimeter lights be
5 shut down?

6 MR. POTTER: All of our lights go off an hour
7 after closing. We have a timer and a photocell.
8 They'll go off an hour after closing and they come on
9 an hour prior. That's when we have staffing there.

10 MS. MILLER: When do deliveries typically
11 happen on the site?

12 MR. POTTER: Deliveries typically happen during
13 business hours. There is nothing that is off-hours.
14 On tighter sites the only thing that we do is fuel
15 deliveries. This one with the size of the site, it
16 will be only business hours.

17 CHAIRMAN STUTO: Brian Austin points out that
18 you have gas at 1.99 here. When you came in, it was
19 close to 3.99. He said that he will vote in the
20 affirmative if you can guarantee that.

21 MR. POTTER: I gave him the free air. And if I
22 remember right, he came in with a Dunkin Donuts coffee
23 at the last meeting.

24 CHAIRMAN STUTO: Yes sir.

25 MR. MOORE: I'm John Moore. I have a quick

1 question. You're talking arborvitaes and they are
2 complaining about light. Arborvitaes have a limited
3 height that they are going to grow. Maybe you could
4 go with an evergreen tree?

5 MR. LANE: I've seen them several feet high.

6 MR. MOORE: Ten feet?

7 MR. LANE: Yes.

8 MS. MILLER: I think that from our perspective,
9 the arborvitae was more of a screening to the back of
10 the building and all of those HVAC compressors.

11 MR. POTTER: I think that we are open to any
12 kind of evergreen tree that is preferred. We can do a
13 combination of both. We can do some kind of spruce
14 tree as well as an arborvitae. I think that there is
15 enough space back there to provide some trees. The
16 grade does fall off there. We will have stormwater
17 management practices down in this area (Indicating).
18 That will limit some of the things that we do, but I
19 think that we can get a pretty good buffer along the
20 edge of the blacktop to screen the back of the
21 building to the residents.

22 MS. MILLER: On the map that was available on
23 your website, there was an easement opposite the
24 church driveway that goes past that paved section.
25 What is that easement for?

1 MR. POTTER: That easement is for future
2 connections to the other site.

3 CHAIRMAN STUTO: Any other questions from the
4 neighbors?

5 (There was no response.)

6 Any other questions from the Board?

7 (There was no response.)

8 Do we have a motion for concept acceptance?

9 MR. MION: I'll make the motion.

10 MR. AUSTIN: Second.

11 CHAIRMAN STUTO: And I'll make a comment.

12 I think that you've heard questions that we'd
13 like a little more detail on. The traffic was one of
14 the main ones. So, if you could come back with better
15 information and more detail on the screening and so
16 forth, we'd appreciate that and any other comments
17 that were made.

18 Any other comments before we vote?

19 (There was no response.)

20 All those in favor say aye.

21 (Ayes were recited.)

22 All those opposed, nay.

23 (There were none opposed.)

24 The ayes have it. Thank you.

25 MR. POTTER: Thank you.

1 (Whereas the above entitled proceeding was
2 concluded at 8:15 p.m.)

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CERTIFICATION

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I, NANCY L. STRANG, 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 L. STRANG

Dated _____

