

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

STEWARTS SHOPS

19 FULLER ROAD

APPLICATION FOR CONCEPT ACCEPTANCE

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY L. STRANG, a Shorthand Reporter,
8 commencing on June 7, 2016 at 7:02 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York.

9

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 LOU MION
13 TIMOTHY LANE
14 KATHY DALTON
15 SUSAN MILSTEIN
16 CRAIG SHAMLIAN

14

15 ALSO PRESENT:

16 Kathleen Marinelli, Esq. Counsel to the Planning Board
17 Joseph LaCivita, Director, Planning and Economic
18 Michael Tengeler, Planning and Economic Development
Department
19 Chuck Marshall, Stewarts
Joseph Romano, PE, CHA
20 Laura Weid
Mary Barber
21 Kathy Karknard
Ali Yip
22 Weiqiang Xu
Ryan Diosantos
23 Terri Haywood
Suzanne O'Connor
24 Bob Spiak
Kirby Haysman
25 Paul Katzman
Pamela Katzman
Agnes Skiff

1 CHAIRMAN STUTO: We have three items on the
2 agenda. The first item is a voting item and if the
3 public wants to make comment, there is a sign-in sheet
4 on that item. The other two projects are not voting
5 items.

6 Joe LaCivita is attending his son's last high
7 school concert, so Mike Tengeler will be representing
8 the Planning Department.

9 Do you have any preliminary matters that you
10 need to discuss?

11 MR. TENGELER: No, we can get right into this,
12 Pete.

13 CHAIRMAN STUTO: First item on the agenda is
14 Stewarts Shops, 19 Fuller Road, application for
15 concept acceptance. Raze existing building and replace
16 with a 3,975 square foot convenience store and four
17 pump fuel canopy.

18 Any comments on this, Mike?

19 MR. TENGELER: I know that it's gone through
20 the DCC which is the Developmental Coordination
21 Committee where all the department heads meet and
22 briefly overlook the project. Basically, it's the
23 same presentation that you're going to hear today.

24 I see that it's received a use variance from
25 the ZBA, 16-004 which was in February of 2016.

1 We can get right into the presentation.

2 CHAIRMAN STUTO: Who are those plans for?

3 MR. MARSHALL: They are for anyone who doesn't
4 have plans.

5 CHAIRMAN STUTO: If any member of the public is
6 interested in this one, there are extra copies of the
7 plan right there.

8 MR. MARSHALL: Good evening, my name is Chuck
9 Marshall and I'm one of the real estate
10 representatives from Stewarts Shops. We are here for
11 19 Fuller Road which is from Catherine Street to
12 Pinehurst with frontage along Fuller Road.

13 The project originally came in using 3
14 Catherine Road as part of the development in the
15 realization that is inappropriately zoned. That was
16 eliminated from the proposal and a project that runs
17 up and down Fuller Road is what you see before you.
18 This will be a 3,975 square foot convenience store
19 with four fueling positions. We will eliminate the
20 four existing structures on the property for the
21 construction of the Stewarts store and associated
22 landscaping and such.

23 I know that CHA had sent a comment letter so
24 if Mr. Romano would like to go through those comments
25 with the Board, I can share Stewart's response.

1 CHAIRMAN STUTO: Does the Board have any
2 questions at this point?

3 (There was no response.)

4 Okay, we'll turn it over to our Town
5 Designated Engineer who is CHA, Joe Romano.

6 Joe, what say you about this project?

7 MR. ROMANO: I'll go through our comment letter
8 dated May 25, 2016.

9 In general, the concept plan addresses most of
10 the comments from the DCC meeting and the comments
11 raised by the Planning Board during sketch plan
12 review. There are currently two waivers that the
13 applicant is requesting. One is for landscaping
14 interior to the parking area and the second is a
15 non-masonry dumpster enclosure where a vinyl fence is
16 currently proposed. We are requesting that the
17 applicant provide justification for each of those
18 waivers requested. A waiver requested for the
19 landscaping interior to the parking area is generally
20 consistent with waivers that have been previously
21 requested and supported by CHA and approved by the
22 Planning Board for projects of similar use and size.

23 The Planning Board has requested masonry
24 dumpster encloser during recent reviews of similar
25 projects. If the waivers are acceptable to the

1 Planning Board, we'll draft Resolutions during the
2 final site plan review.

3 One of the comments raised by both CHA and the
4 Planning Board during sketch plan review was the
5 visibility of the north side which is the back of the
6 building from Fuller Road southbound traffic and the
7 plan includes a substantial masonry wall topped with
8 a decorative fence as well as appreciable
9 landscaping. The views from Fuller Road has been
10 addressed to our satisfaction. We recommend a row of
11 arborvitae behind the wall. We relocated along
12 Pinehurst Road frontage to screen views from the
13 residential neighborhood. Those arborvitaes should
14 be staggered.

15 The concept plan proposed substantial
16 landscaping throughout the site which is expected to
17 result in a very aesthetically pleasing site.

18 The plan shows a proposed fence along the
19 residential properties to the north. We just want
20 some clarification as to the height, material and
21 style of that fence.

22 Consideration should be given to shifting the
23 curb cut on Fuller Road approximately 10 feet to the
24 north to better line up with the access drive in
25 front of the store and increase separation to the

1 Catherine Road intersection.

2 The site is currently mostly impervious. It
3 appears that there will be a greater than one acre
4 disturbance and that a full SWPPP will be required.
5 As the plan moves forward, in terms of grading,
6 additional storm water management provisions may be
7 required to address the potential impacts to the
8 Catherine Road drainage system.

9 I think that just about covers everything
10 that we wanted to talk about at the concept review
11 phase.

12 CHAIRMAN STUTO: Are you prepared to respond?

13 MR. MARSHALL: We are prepared to respond to
14 most of them.

15 In regard to the waivers that we are
16 requesting, we have come up with a solution to the
17 masonry or non-masonry dumpster enclosure. What we
18 would like to do is extend the stone veneer and hardy
19 board in this area here (Indicating) and then do a
20 surround around the dumpster with a wall here
21 (Indicating) and put a white vinyl fence on the front
22 so that the dumpster enclosure will match the
23 building elevation and because it's a combination of
24 stone and building material, we think that satisfies
25 the request and is more blending with the nature of

1 the development than a large masonry dumpster would
2 be.

3 CHAIRMAN STUTO: Okay, keep going on the rest
4 of the comments.

5 MR. MARSHALL: Regarding the row of arborvitae
6 relocated along Pinehurst, it's our preference not to
7 provide a landscape wall through here. If you look at
8 S3 on your plans there is a storm water component
9 through here. So, to address some of the concern, I
10 think that planting trees in this area here would
11 address the ability to block the back of the building.
12 I don't think that it should be fully blocked from
13 Pinehurst.

14 The fence along the residential properties
15 will be a six-foot white vinyl fence. It was a note
16 missed from the plans and will be corrected on
17 additional submissions.

18 The comment regarding the relocation of the
19 curb cut 10 feet to the north - there is one that we
20 do have a little bit of problem with. The reference
21 in the CHA letter is for lining it up with cuts on
22 the other side of Fuller Road. Currently on the
23 other side of Fuller Road there are a number of small
24 retail food service businesses and there is not one
25 large trip generator on the other side. So, if we

1 move this curb cut 10 feet to the north, we think
2 that it has a dramatic impact on the operation of
3 parking spaces 7 and 8 and the store in general. We
4 are willing to work with CHA. I know that they
5 request in the subsequent components of their letter
6 a truck driving plan and we think that may be one of
7 the reasons why this is aligned the way that it is.
8 Apparently the truck would come in off of Catherine,
9 circulate around, drop fuel and then continue out to
10 Fuller Road or vice versa.

11 SWPPP will be submitted as requested. The
12 use of 3 Catherine Road and the component of the
13 development has been eliminated so we believe that
14 variance is no longer pertinent to the application.

15 In looking at the request from the Albany
16 Pine Bush, we are inclusive of native plantings. The
17 plantings that we provided are an invasive or
18 prohibited so we will just look to see if we can
19 accommodate some of the grasses and such.

20 With that, I think that we have addressed
21 most of the comments in the CHA letter.

22 CHAIRMAN STUTO: Okay, does the Board want to
23 speak now? Does anybody want to say anything?

24 MR. LANE: What are the distances of the fuel
25 canopy to the residential as well as the dumpster?

1 MR. MARSHALL: The dumpster is 25 and the fuel
2 canopy is approximately 80 but I believe that relief
3 was provided by the Zoning Board for that.

4 MR. LANE: That states that here but I just
5 wanted to know distances.

6 Other than the fencing, could there be
7 screening around the dumpster?

8 MR. MARSHALL: We'll put the fencing around
9 four sides. There is the arborvitae that goes along -
10 in addition to the six-foot white vinyl fence, there
11 is a row of arborvitae that extends the entire length
12 of the perimeter with the residential.

13 MR. LANE: Was that part of the variance from
14 Zoning?

15 MR. MARSHALL: Unfortunately, I did not
16 handle that component of it. With that and the trees
17 - typically one type of barrier would be standard but
18 here we have redundancy in the fence and the
19 arborvitae and the additional leaf trees.

20 MR. LANE: You said that there are utilities
21 coming through the back that interfere with plantings
22 that were requested. As you have it now, that's the
23 way that you want to set it or is that the way that
24 you have been advised to set it? These are your
25 plans and the way that you can get around the

1 utilities?

2 MR. MARSHALL: The storm water infrastructure
3 is through here (Indicating). There is area to
4 improve the plantings back through here, but I don't
5 think that forming a monolithic arborvitae row on
6 Pinehurst is -

7 MR. LANE: Would it interfere?.

8 MR. MARSHALL: It wouldn't interfere with the
9 operation.

10 MR. LANE: No, with the drainage component.

11 MR. MARSHALL: Again, if you look at the
12 planting, it's essentially this area through here
13 (Indicating) where there is nothing shown. There are
14 some large sugar maples shown along Pinehurst but not
15 the row of arborvitae that was recommended. I would
16 prefer to do something in here to screen it but not
17 to -

18 MR. LANE: Not closer to the building?

19 MR. MARSHALL: Correct, there is a small area
20 in here (Indicating) where I could do another leaf
21 tree.

22 MR. LANE: Why not put the arborvitae up
23 against the building?

24 MR. MARSHALL: That's fine. You mean along
25 the fence along Fuller Road?

1 MR. LANE: Yes.

2 MR. MARSHALL: So, essentially make like an
3 L-shape along the back of the building and fence.

4 MR. LANE: Right.

5 MR. MARSHALL: In this area here (Indicating)
6 it will be hard to install because of the grading.
7 If you look on the site, there is some slope. We can
8 work to address that.

9 MR. ROMANO: Then we can work on staggering
10 some trees between the storm water management area
11 and Pinehurst.

12 MR. LANE: I was looking for something to
13 more screen the back of the building.

14 MR. MARSHALL: I think that we can
15 accommodate it closer to the building but in this
16 area here, I don't support putting it immediately
17 along or adjacent to Pinehurst.

18 MR. MION: What is your objection again to a
19 masonry dumpster enclosure?

20 MR. MARSHALL: I just think that this blends
21 - continuing the stone veneer around the back of the
22 building -- I just think blends better than -- the
23 building is veneer and hardy board so I think that
24 something that looks like this continued around it
25 with white vinyl gates would just blend better than a

1 brick enclosure or something of that nature. I think
2 that the goal is to achieve something that matches
3 the architecture of the building and is not a fence
4 material; chain-link or vinyl -- I think that to do
5 the stone veneer and the hardy board addresses that
6 desire.

7 MR. MION: So you have it on three sides and
8 then a gate.

9 MR. MARSHALL: Yes, the vinyl gate would be
10 the side that the dumpsters are accessed from.

11 CHAIRMAN STUTO: Craig, do you have anything
12 to say at this point?

13 MR. SHAMLIAN: No, not at this point.

14 CHAIRMAN STUTO: We have quite a list here so
15 we'll try to do as well as we can calling up the
16 neighbors. If it gets too long, we may ask you to
17 curtail your remarks and then wait to go to the end
18 and come back so that everyone has a chance to speak.

19 Laura Weed is the first one on this list.

20 MS. WEED: Hello, I'm here representing the
21 Colonie Conservation Advisory Council. We were the
22 ones that requested the arborvitaes at the back of
23 the building. So, we would like to keep that in
24 consideration as we move forward. I understand that
25 it has implications for the storm water management

1 issues as well. We would like in consultation with
2 the TDE as they discuss that.

3 CHAIRMAN STUTO: Thank you, and we will take
4 that into consideration. I'm sure that we'll get
5 back to that. Thank you.

6 Mary Barber.

7 MS. BARBER: I'd rather wait for a while, if
8 I could, please.

9 CHAIRMAN STUTO: Kathy Kuhn Karknard.

10 MS. KARKNARD: Can I wait also? Is that
11 possible?

12 CHAIRMAN STUTO: You don't want to speak; is
13 that what you're saying?

14 MS. KARKNARD: I do.

15 CHAIRMAN STUTO: Okay, then let's go.

16 MS. KARKNARD: My name is Kathy Karknard and
17 I've lived on Catherine Road for 30 years. Stewarts
18 has never been a good neighbor. I don't expect them
19 to be a one now. The plan that they set forth for
20 our neighborhood, in my opinion, is not acceptable.
21 We live in homes and we're going to have trucks and
22 gasoline trucks, gasoline tanks buried 80 feet from
23 our houses. I don't know who approved this or why
24 this is the first time that we've all been involved,
25 but I think that there are a lot of other people here

1 that share my displeasure over this situation. I
2 don't appreciate traffic brought onto my street from
3 a business that is going to make thousands of dollars
4 a day from my discomfort. I don't feel safe and I
5 just think that it's just wrong. That's all I have
6 to say.

7 CHAIRMAN STUTO: For the record, can someone
8 talk about -- this has gone before the Zoning Board
9 of Appeals. Is it a variance that we have in front
10 of us?

11 MR. TENGELER: It's a variance signed by the
12 Chairman.

13 CHAIRMAN STUTO: Were the neighbors noticed
14 on that?

15 MS. KARKNARD: No. The meeting notice and
16 that was it.

17 CHAIRMAN STUTO: Chuck if you know that if
18 the ZBA was noticed?

19 MR. MARSHALL: I don't specifically know who
20 was noticed but again, with the guidelines that are
21 set forth under the requirements under the law, yes,
22 they should have been noticed.

23 MR. MARSHALL: There were neighbors present
24 at the Zoning Board of Appeals, but I can't speak to
25 specific neighbors being noticed.

1 CHAIRMAN STUTO: Okay, we don't have that
2 record here.

3 MR. TENGELER: We can always pull those
4 minutes from that meeting and see if people spoke on
5 the record.

6 CHAIRMAN STUTO: We'll check with the ZBA.

7 MS. DALTON: There might have been people
8 that spoke on the record but I would like to know if
9 the notices were given out as per protocol.

10 CHAIRMAN STUTO: Weiqiang Xu.

11 MS. DALTON: I actually have one question
12 from the previous speaker. You said that you didn't
13 feel safe which is a concern to me. Can you
14 elaborate on what specifically you find a safety
15 issue?

16 MS. KARKNARD: Gasoline in quantity. I'm not
17 allowed to possess that kind of gasoline on my
18 property.

19 MS. DALTON: Okay.

20 CHAIRMAN STUTO: Sir?

21 MR. XU: My name is Weiqiang Xu and I've
22 lived at 23 Pinehurst Road for 10 years. My main
23 concern is that right now, even without a store or a
24 gas station over there, there are a lot of people
25 that drive through the neighborhood to bypass the

1 Fuller Road corner to get out to Central Avenue,
2 which is a great disturbance to the neighbor. With
3 all these gas station traffic and the store, it's
4 going to be a big traffic impact with the
5 neighborhood. Also, we're talking about not just
6 cars. It's going to be trucks -- gasoline trucks as
7 well, going through these neighborhoods. That's very
8 unsafe to me and also I think that Catherine for this
9 type of traffic. I don't know if there was a traffic
10 study that has been done on the feasibility of such a
11 project for this small site.

12 Also, I was very concerned also with the size
13 of the gas station -- could they either eliminate the
14 gas station element or decrease it to four pumps.
15 Thank you.

16 CHAIRMAN STUTO: Just so that everyone
17 understands what our job is here tonight and
18 continuing in subsequent meetings, the use here is a
19 permitted use. Our job is to make determination s
20 with respect to the design of the project and to
21 mitigate the impact on the neighbors, the circulation
22 inside the project, screening, architecture and
23 things like that. This is a permitted use so they
24 are legally entitled to use this. We will take your
25 comments into consideration. We will ask the

1 questions about traffic and scale and so forth. Just
2 so that everybody is clear about what our role is
3 here, this is a permitted use. They are legally
4 entitled to build something to this use. The Planning
5 Board can have an impact on certain configurations
6 and so forth to mitigate the impact on the neighbors.
7 I want everyone to know that.

8 MR. XU: Can they scale down the size of it
9 to minimize the impact of the neighbors?

10 CHAIRMAN STUTO: We'll talk about that.
11 Thank you.

12 Ali Yip.

13 MS. YIP: Hello, my name is Ali Yip and I
14 live at 7 Lake Road. I represent a certain portion
15 of neighbors who are unable to attend this evening
16 due to family and a portion are able to attend. In
17 total, we have 32 signatures of the neighborhood
18 petitioning objecting to this size specific to the
19 Catherine Road entrance and exit. That entrance and
20 exit, regardless of how you use it -- especially if
21 we just heard that it's going to be tractor trailers
22 and delivery for oil. It's just going to be a
23 nightmare. I think that we are trying to bring to
24 the attention of the Board that the current situation
25 is as-is.

1 The current Stewarts has a back parking lot
2 where the majority of the tractor trailers are
3 already parked there on a daily basis and the
4 neighbors can verify. That's okay because it's in
5 the back of the store. Granted, this plan and design
6 has in no way actually accommodated or addressed the
7 concern that we have with tractor trailers and
8 clients that they have. A lot of them don't actually
9 turn in to park to the back of the building
10 currently. What they do is park in the middle
11 turning lanes of Fuller Road. This side of Fuller
12 Road is a single lane (Indicating). It's not a
13 double-sided lane. There is no consideration from
14 their customers that are tractor trailers that go
15 into the store. They just park in the middle lane
16 where we actually cannot turn out and that's the
17 problem that we are having. To pull it into
18 Catherine Road --- we are not here to pay the price
19 of their success here. It's going to be at our
20 consequence here that they are going to have to
21 divert the trailer traffic into our residential
22 street. Based on my understanding, there is a burnt
23 down hotel that has another planning hearing proposed
24 next week or a little further down your agenda. Who
25 knows what they are going to do? This will close up

1 Catherine Road. I'm sure that the neighbors can
2 further elaborate on the traffic. The entrance in
3 and out of Catherine Road is what we really want to
4 see addressed. They really need to address the fact
5 that they do have clients that drive tractor
6 trailers. These parking spots are for private
7 vehicles. They are not for tractor trailers. That
8 needs to be addressed.

9 This is the petition that I'm going to hand
10 to the Board.

11 CHAIRMAN STUTO: Thank you. We'll take it.

12 Are you saying that tractor trailers deliver
13 things?

14 MS. YIP: No, customers. Delivering things
15 --- they deliver fine early in the morning.

16 In addition, they are extending their hours
17 from 4:00 a.m. to midnight on the store. It's
18 already a nightmare by 6:00 a.m. when the tractor
19 trailers come. Now, they are going to open up for
20 more business hours.

21 CHAIRMAN STUTO: Okay, thank you. Let's
22 address some of the issues that have been raised so
23 far. Let's start with tractor trailers and hours of
24 operation and then we'll go backwards.

25 MR. MARSHALL: Actually, the tractor trailers

1 park in the middle of Fuller Road --- that's the
2 reason that we are doing this project. If you've
3 ever been to our existing Fuller Road store, there is
4 approximately 10 feet or less between the parking
5 aisle in the front of the store and the curbing.
6 It's a one-way in and one-way out. So, tractor
7 trailers who are our customers do access the site.
8 This will allow them to come into the site where they
9 currently can ---

10 CHAIRMAN STUTO: That's on the other side of
11 the road?

12 MR. MARSHALL: It's on the same side of the
13 road. It's just further to the south.

14 MS. YIP: Where are they going to park? If
15 they come in, where are you going to position those?
16 How are they getting out?

17 MR. MARSHALL: It was requested by CHA ---
18 we'll provide a truck routing plan that includes
19 deliveries.

20 MR. SHAMLIAN: You say that this design is
21 partially to deal with tractor trailers that are
22 parked in the turning lane. Where are they parked in
23 here?

24 MR. MARSHALL: First of all, our canopies are
25 14 feet, six inches so they are designed to allow

1 tractor trailers -- and our tractor trailers included
2 - to go underneath them. So, you could align them on
3 the outside perimeter in addition to which you could
4 circulate through the lot and either park in the
5 perpendicular spaces or occupy the delivery area
6 which we are not having a delivery on the street.

7 MR. ROMANO: The layout that is shown is
8 consistent with other convenient type store layouts
9 and although the site couldn't accommodate multiple
10 tractor trailers at a time, I think that what Chuck
11 is saying is correct. Typically the spaces furthest
12 away from the store aren't utilized by passenger
13 vehicles. If those spaces are open, a truck could
14 park in that area.

15 CHAIRMAN STUTO: Let's talk about hours of
16 operation.

17 MR. MARSHALL: I would have to defer to the
18 narrative that was submitted. I believe that the
19 proposed hours should be 5:00 a.m. to midnight.

20 CHAIRMAN STUTO: Traffic generation and
21 potential traffic study?

22 MR. MARSHALL: If I were to do a net trip
23 generation analysis, which would take the existing
24 uses on the site including multi-dwelling residential
25 houses and enlarge a bar or high turnover restaurant,

1 I would think that the net trip generation would be
2 in the 20-car range. The reason that I say that is
3 that Stewarts use is a significantly high pass by
4 trip generator. So, the premise is that you are not
5 leaving your house to go to Stewarts or when you're
6 in your car you're stopping at Stewarts because you
7 need gas or a bottle of water or whatever it may be.
8 That pass by trip association is 65%. So, for four
9 fuel pumps, that's eight fueling positions. Eight
10 fueling positions in the p.m. trip generation would
11 generate typically 160 trips. When you multiply the
12 160 trips by 65% -- it would be 56. So, there would
13 be 56 new trips generated by this site. If you look
14 at the New York State DOT average annual daily
15 traffic, it's probably in the 12,000 count range.
16 So, you're talking about a percentage in the p.m.
17 peak that's probably less than 4%.

18 CHAIRMAN STUTO: What do you have to say about
19 that, Joe?

20 MR. ROMANO: Obviously, the Board has
21 reviewed a lot of these types of facilities. I think
22 that the numbers -- although I think that maybe we
23 can have them verified and we can review them, but
24 typically these facilities or the majority of them
25 are about users that are already on the road that are

1 turning off, stopping and then getting back on the
2 system. They are not generating new trips to the
3 roadway system.

4 CHAIRMAN STUTO: Okay, let's generate some
5 new numbers that can be securitized by our Town
6 Designated Engineer.

7 Is there any potential to eliminate the
8 Catherine Road curb cut?

9 MR. MARSHALL: I do not believe so. The
10 governing equation for our design is typically the
11 delivery of gas. So, even with the ability to
12 circulate underneath the gas canopy you couldn't
13 circulate the truck around the canopy and then back
14 out Fuller Road. So, two curb cuts are required.

15 CHAIRMAN STUTO: Is there any way around
16 that, Joe?

17 MR. ROMANO: I wouldn't think so, but we can
18 validate that once we see the fuel turning movements
19 on the plan. I'm not sure how they would get a fuel
20 truck doing a 360 degree turn.

21 MR. MARSHALL: Also, eliminating the
22 Catherine Road curb cut forces all trips through one
23 curb cut so you can have an internal stacking problem
24 that would ultimately decrease the level of service
25 both to the driveway and to Fuller Road.

1 CHAIRMAN STUTO: What about two curb cuts on
2 Fuller?

3 MR. MARSHALL: The problem with that, if I'm
4 correct in my understanding of the history of this
5 project, the original presentation incorporated the
6 use of 3 Catherine Road with the pumps toward Fuller.
7 I believe that it was four pumps in a row. That
8 design is more favorable for two curb cuts along
9 Fuller Road but with this circulation, I don't think
10 that's achievable because you'd have to put a curb cut
11 behind the building. You couldn't have two curb cuts
12 in this small area.

13 CHAIRMAN STUTO: You'd probably have to move
14 the building.

15 MR. MARSHALL: We have certain design
16 parameters for the operation of our stores. One of
17 those design parameters is that we maintain 30 feet
18 from the canopy to the rear of the parking spaces.
19 So, if you separate the building from the canopy and
20 you lose an operational aspect.

21 MS. DALTON: Why does the building not facing
22 Fuller Road?

23 MR. MARSHALL: The building technically has two
24 fronts. So, the building has an elevation on Fuller
25 Road and then an elevation internal to the site facing

1 gas. So, there is a picnic area along Fuller Road
2 that's supposed to be a pedestrian accessible feature
3 and the building does have two doors and two fronts.

4 MS. DALTON: Is there value to having it
5 positioned that way? I guess I was surprised that
6 you didn't have to bring the building closer to
7 Catherine facing Fuller as there was a lot of activity
8 going on in that direction and that would give you a
9 full front.

10 MR. MARSHALL: So, you mean that way
11 (Indicating)?

12 MS. DALTON: No, I mean put 9, 10, 11 and 12
13 back there (Indicating). You'd have the building back
14 there facing Fuller, which is the primary road.

15 MR. MARSHALL: I believe that the building
16 setbacks and the canopy setbacks -- I don't think that
17 they work where that's accessible. This property,
18 even though we own it, can't be incorporated in the
19 design. When you put this building back here, you are
20 too close to the setback from residential. You don't
21 have enough room to put this building here with a gas
22 canopy here to get circulation around the gas.

23 MS. DALTON: No, you can move the canopies back
24 toward where the current building was sitting. That
25 way you could have your two curb cuts on Fuller Road

1 and therefore eliminating the curb cut on Catherine.

2 MR. MARSHALL: To do that, you'd have to put
3 that building on an angle going this way (Indicating)
4 and you're too close to the residential zone. So, 3
5 Catherine Road is zoned residential. You can't move
6 the building closer to it.

7 MR. SHAMLIAN: If you say that your setback was
8 back on the property line on Pinehurst --

9 MR. MARSHALL: The building setback is 15 feet
10 from Pinehurst.

11 MR. SHAMLIAN: You said industrial was 25.

12 MR. MARSHALL: The required setback from
13 Pinehurst for the building --

14 MR. LANE: Not the building, but the
15 residential property.

16 MR. MARSHALL: Actually, it's 45 feet. The
17 building itself is 53 by 75.

18 MR. SHAMLIAN: So for the purposes of
19 discussion, you could eliminate the Catherine curb cut
20 and conceivably have two curb cuts on Fuller Road.

21 MS. DALTON: And move your tanks further down.

22 MR. MARSHALL: So, this was rejected at sketch
23 plan.

24 CHAIRMAN STUTO: Okay, now we're hearing from
25 the neighbors and we're rethinking that.

1 MR. MARSHALL: You are the Board. Ultimately I
2 still don't think that you get two curb cuts on Fuller
3 Road and I don't think that this eliminates the
4 Catherine one. The distance between this and this
5 would require variances and then typically the
6 building -- the curb cuts here and here (Indicating) -
7 this one is for someone just coming in but curb cuts
8 would be centered around the gas canopy. You couldn't
9 center them that way. So, you'd have a site that is
10 essentially askew.

11 CHAIRMAN STUTO: We may not agree with your
12 internal design standards; just so you know.

13 MR. MARSHALL: I understand that.

14 CHAIRMAN STUTO: You may have to move the gas
15 canopy down. Let's keep that thought in mind. We'll
16 get some more comments.

17 MR. SHAMLIAN: What is the typical -- this
18 seems like an awfully big Stewarts store at 4,000
19 square feet.

20 MR. MARSHALL: All of our new stores are in the
21 range of 3,700 to 3,975. If I had to guess, Vly Road
22 is about 3,600 and New Loudon Road is about 3,400.

23 CHAIRMAN STUTO: Ryan Diosantos.

24 MR. DIOSANTOS: I'm Ryan Diosantos. I'm a
25 resident at 16 Lake for roughly five years.

1 Basically, I just want to reiterate the traffic
2 situation.

3 Basically, Pinehurst Road and Katherine Road -
4 Pinehurst obviously being the more narrow - if you
5 have oncoming traffic on either one of these roads,
6 you pretty much have to veer off to the side to avoid
7 the oncoming car. Either one of them has room for a
8 sidewalk or even a center line divider. Obviously,
9 traffic is a concern also because we have kids that
10 walk and they have nowhere else to walk, ride their
11 bikes or walk their dog other than the middle of the
12 street.

13 The entrance on Katherine or the entrance and
14 exit - if a tractor trailer truck was even to be able
15 to pull out here to get onto Fuller, it's blocking
16 both sides of the road. The trailer is not allowing
17 for thru traffic anymore on Katherine. Even on
18 Fuller Road, going towards SUNY Albany, this is a
19 one-lane road. This becomes three lanes going
20 towards Central Avenue. It's a complete bottle-neck.
21 So, at any peak hours of the day, the Central Avenue
22 light can be blocked all the way down to the junction
23 on 90. Sure, right now we have thru traffic that
24 will come and they know that it exists that you come
25 down Katherine or come down Pinehurst and get out and

1 get onto 87, but not much. A truck driver is going
2 to make the least amount of turns as possible.
3 That's the way that they work. If I don't need to get
4 gas, I'm going to park my truck on Pinehurst and I'm
5 going to walk into Stewarts, or I'm going to park it
6 at Katherine or I'm going to park at the burnt down
7 motel parking lot and walk across the street, but I
8 still need to go through the neighborhood to get to
9 where I'm going. Or still, they'll park in the
10 middle of Fuller. It's not a joke. I take picture of
11 it all the time. They leave the bus right in the
12 middle of the street of a main road. It's too close
13 to the Central Avenue light to put another light
14 there. There is no crossing for people to walk from
15 the other side of Fuller to where they are proposing
16 the Stewarts. There are only a couple of cross-walks
17 here. There is no countdown crosswalks or anything
18 like that. There is only painted lines in the road.
19 It's really something that needs to be studied, I
20 think, just purely from a traffic perspective. The
21 gas is obviously a concern too, but the traffic can't
22 really handle it. That's all I have to say. Thank
23 you for your time.

24 CHAIRMAN STUTO: Thank you.

25 Terri Haywood.

1 MS. HAYWOOD: I'm Terri Haywood and I live at 8
2 Katherine Road and this would empty out pretty much
3 right into my front yard. It was a quiet -- as close
4 in proximity it was to everything. It was a quiet
5 little road that kids are skateboarding down the road,
6 they were playing baseball in the road. They play
7 basketball in the road. They ride their bikes and
8 it's because it's been a safe street.

9 You have this here (Indicating) and like Ryan
10 says, you're going to have a bottleneck. You can't
11 come down Fuller Road and try to turn into your own
12 street when you've got a tractor trailer coming out
13 or any kind of big truck.

14 In the winter, snowplowing -- the way that the
15 snowplowing was, you couldn't see trying to pull out
16 of your street. You had to pull out almost into the
17 lane to see around the snowbanks. Where are they
18 going to put all the snow? If they take out some of
19 this blocking here (Indicating), there should be a
20 way -- Stewarts now has the in and out on Fuller Road
21 and they've had no problems with it. My house backs
22 up to the access road where every morning there are
23 five or six moving trucks, all kinds of big tractor
24 trailers that go park and on access road that is
25 behind Stewarts now in the middle of the street.

1 They are going to be parking all through here
2 (Indicating) on Katherine.

3 Also, the road two years ago collapsed. We
4 had an aging water main break. The whole length of
5 the road collapsed. I don't believe that cars aren't
6 going to be coming down the street and trucks are
7 going to short cut through Nolan and coming through
8 over by Lake and trying to come down Katherine to try
9 to avoid traffic. Our road can't handle it. Big
10 trucks can't come around that corner - Nolan by Lake
11 and onto Katherine. Trucks can't navigate that and
12 like I said, my whole yard was flooded because the
13 whole road literally collapsed.

14 CHAIRMAN STUTO: Ma'am, do you mind if we
15 interrupt for one second?

16 MS. DALTON: If you have more information,
17 we're certainly happy to hear from you or from the
18 rest of the neighbors. I think that there is pretty
19 much consensus here that we need to do more studying
20 on this and we won't be voting on it tonight. If you
21 have more information to put on the list of things
22 that we review, please keep your name on the list but
23 otherwise, if it's reiterating about the traffic -

24 MS. HAYWOOD: And the bright lights and
25 everything.

1 CHAIRMAN STUTO: We'll get that all on.

2 Are we going to make some more points?

3 MS. HAYWOOD: I just feel that if you take out
4 the gas pumps, I know how much business that Stewarts
5 does with all these moving trucks and all these trucks
6 that stop. They're on the access road. If you take
7 out the gas pumps, then you have to have a safe place
8 for the tractor trailers to pull. We've already got
9 three gas stations within a two-block mile. If they
10 need gas, people aren't going to be stopping at
11 Stewarts just to get gas when they can go to any one
12 of the three other places.

13 CHAIRMAN STUTO: Suzanne O'Connor.

14 MS. O'CONNOR: I'm Suzanne O'Connor and I live
15 at 4 Pinehurst so I'm going to be a neighbor of this
16 Stewarts and I just had three concerns that I want to
17 bring up that haven't been discussed.

18 I'm curious why a nine-foot wall is being
19 built next to the vacant lot next to my home.

20 Secondly, I'm curious about the structure and
21 the life of the gas tanks. I care deeply about the
22 environment. I'm thinking is gas going to leak into
23 the groundwater?

24 Thirdly, what are the requirements for
25 cleaning the dumpster? Will there be rats and cats

1 and things hanging out there?

2 CHAIRMAN STUTO: Thank you. We'll get to those
3 things. I'm writing those questions down but we're
4 going to allow more people to speak.

5 Barb and Bob Spiak.

6 MR. SPIAK: I'm going to pass. I think that my
7 neighbors have said it all.

8 CHAIRMAN STUTO: Kirby Haysman.

9 MR. HAYSMAN: My name is Kirby Haysman and I'm
10 a three-year resident at 10 Pinehurst Road.

11 I just want to say that we're not a bunch of
12 anti-development NIMBY types. I think that a lot of
13 what you are hearing tonight is frustration, partly
14 due to what we talked about at the very beginning
15 about not having been notified about the Zoning Board
16 of Appeals meeting in February. I think that's where
17 a lot of emotion might be coming from.

18 Also, I am hoping that what Suzanne mentioned
19 about a nine-foot high wall might have been because
20 we printed it at a reduced size. Is that a three-foot
21 wall?

22 MR. MARSHALL: It's a three-foot wall with a
23 three foot wrought iron fence.

24 MR. HAYSMAN: That makes a lot more sense.

25 I think that if we had a chance to be present

1 at the Zoning meeting in February, we may have been
2 able to talk about our concerns on Katherine. I
3 think that we just have to say that the curb cut here
4 is a non-start. That's all.

5 CHAIRMAN STUTO: Thank you.

6 Paul Katzman.

7 MR. KATZMAN: My name is Paul Katzman and I'm a
8 resident of Pinehurst Road for the last 28 years.

9 I would just like some clarity on the fence
10 and landscaping. Is the landscaping too close to the
11 corners; both on Pinehurst and Katherine which would
12 cause an obstruction to make an egress in or out of
13 those street onto Fuller? That's all.

14 CHAIRMAN STUTO: Okay, we'll get that answered.

15 Pamela Katzman?

16 MS. KATZMAN: I'm Pam Katzman and I live at 16
17 Pinehurst Road and I've lived there for 28 years. My
18 question is: The opening on Pinehurst Road - if you're
19 sitting there trying to take a left or right onto
20 Fuller and another car wants to come into your street,
21 they cannot come in. We actually have to back up or
22 they have to hold up traffic and let us out. Is there
23 anything with all of this to open that so that we can
24 get in and out safely?

25 CHAIRMAN STUTO: We'll address that.

1 MS. KATZMAN: I'm also concerned about the time
2 that the gasoline will be delivered and the time that
3 the products are being delivered so that those tractor
4 trailers -- when are they going to be there? Are they
5 going to be there early in the morning to wake up
6 everybody?

7 CHAIRMAN STUTO: We'll address that one, as
8 well.

9 MS. KATZMAN: On your planning, are there
10 arborvitaes right along the front of Fuller Road?

11 CHAIRMAN STUTO: I don't think that's what they
12 were saying.

13 MS. KATZMAN: So, if I pull up on Pinehurst and
14 Fuller Road is right there, I'm going to have a good
15 opening so that I can see? It's going to be wide open
16 like a parking lot?

17 MR. MARSHALL: No.

18 MS. KATZMAN: What is going to be there? Right
19 now, it's very difficult to get out.

20 MR. MARSHALL: There will be a tree here, which
21 can be eliminated.

22 MS. KATZMAN: So, it will be right here
23 (Indicating) and we're trying to take a left or a
24 right and we need to be able to see.

25 MR. ROMANO: I think that your concern is sight

1 distance as you're pulling out which is something that
2 we would review.

3 MR. SHAMLIAN: The property line is set back by
4 the road.

5 MS. KATZMAN: Is there going to be a tree
6 there?

7 MR. MARSHALL: There is going to be a tree
8 there at the stop -

9 MS. KATZMAN: Can we eliminate that? I know
10 that they are environmental but we need to have it
11 open to see. There is a lot of traffic there.

12 CHAIRMAN STUTO: We'll talk about that one,
13 too.

14 MS. KATZMAN: That's it; thank you.

15 MR. MARSHALL: I think that there is a growing
16 or overall consensus of a couple of the issues. Why
17 don't I go through some of them to address the
18 concerns that I have heard repeatedly.

19 CHAIRMAN STUTO: Sure. Go for it.

20 MR. MARSHALL: Because you're not voting and
21 I'm coming back. I think that I can work to satisfy
22 some of the issues.

23 Regarding the gas: Stewarts has 275 locations
24 with gas. We account for essentially 1% of all New
25 York State DEC petroleum bulk storage permits.

1 The type of tank that we use is a double-wall
2 fiberglass tank. There is a brine solution between
3 the interior wall and the exterior wall so when the
4 volume of the brine solution between the two walls is
5 effected by a petroleum product, alarms go off
6 alerting both the store and our corporate office of
7 an interior crack. With the redundancy in the second
8 wall, there is no exposure to the environment.

9 We also use double-wall piping. So, we are
10 ahead of DEC standards regarding our storage
11 compliance.

12 CHAIRMAN STUTO: How long do they generally
13 last?

14 MR. MARSHALL: Thirty years - something in that
15 range. Double-wall steel tanks -- I think that we
16 have only three or four left in the company. We are
17 self-insured. We have done a job of being ahead of
18 the standard and replacing all of our double-wall
19 steel tanking with the double-wall fiberglass. AGain,
20 we can provide a detail with that to satisfy the
21 request.

22 Goods deliveries and gas deliveries: Our
23 current location - and everyone keeps alluding to
24 that location -- that's not by any means an optimumly
25 designed Stewarts. We don't own the property which

1 is one of the reasons that we're seeking to move.
2 AGain, we can't control our customers. So, if we put
3 up a Stewarts sign and someone parked on the lawn out
4 here (Indicating) you'd be like, that guy is an
5 idiot. Parking in the middle of Fuller Road is not
6 something that we suggest that anyone do.
7 Unfortunately when you put something out there, the
8 public does what they will.

9 We do think that this site will accommodate
10 those vehicles and bring them internal to the lot.

11 We will provide a truck routing plan and a
12 photometric plan that will show the various routing
13 of trucks through the site; both gas and a goods
14 delivery. Because we don't have gas at our current
15 location, we can't anticipate what the volume of gas
16 that we're going to sell is. HOver, we will store
17 approximately 25,000 gallons of petroleum at the
18 site, again, regulated by DEC. I would anticipate a
19 fuel delivery three times a week. I would also
20 anticipate dry goods or deliveries to the store every
21 three days from Stewarts and from outside vendors;
22 Frito-Lay, Pepsi, etcetera. So, the likelihood is
23 two, maybe three trucks per day. The good delivery
24 has to be when the store is open. The best time for
25 gas delivery is when the store is closed because then

1 there are no vehicles in the lot. However, if the
2 Board or Code requires delivery off those hours, we
3 would be compliant.

4 There are two things that I want to talk about
5 and they both pertain to the traffic study.

6 If I heard correctly, the trip generation -- I
7 think that Mr. Romano would be on the same path of
8 what I said about the trip generation - that it's
9 going to be in the 50 or 60 cars during the p.m.
10 peak. So, the net trip generation as a percentage
11 would be minimized.

12 I'd like to Board to direct what type of
13 traffic study they would like because the starting
14 point of a traffic study is the trip generation
15 analysis. So, brining that study to a second level
16 -- because the traffic doesn't meet the threshold --
17 that's something that I need guidance on.

18 CHAIRMAN STUTO: I'm going to ask our engineer
19 what he suggests.

20 MR. ROMANO: I guess it comes back to what the
21 concerns of the Board are. I think that we would
22 recommend a trip generation that evaluates the
23 proposed use, but in addition the former uses of the
24 site, so we can get a net.

25 MS. DALTON: Can I go one step further on that?

1 I find this a uniquely located space. It is between
2 several highway exits and entrances. I frequently get
3 off of 90, come off of Fuller, do some business and
4 hop back on 87, so that corridor is very familiar to
5 me. I'm sure that it is to truck drivers as well.
6 I'm sure that it is to anyone that is trying to avoid
7 a lot of the traffic of state workers who get out at
8 3:30 or 4:00 and that's when 87 is really backed up.
9 I find this unique with its location and because of
10 the uniqueness of it, I think that it also probably
11 generates a lot more commercial traffic than we would
12 necessarily expect in our locations. I'm not a
13 traffic engineer and I can't tell you how to
14 accommodate some of those considerations but I would
15 like to begin to think through the fact that it's a
16 unique location and it's a location that is going to
17 generate a lot more commercial enterprise than some of
18 the other sites that we are seeing so far.

19 MR. MARSHALL: So, there is a balance between
20 being an applicant -- because I'm technically seeking
21 your approval. The use is what generates the traffic.
22 The fact that it's in a heavily trafficked corridor
23 means that I did my job right and I picked a busy
24 location. Here is the part where I'm going to do
25 something that my boss will say: Why did you do that?

1 If I understand the concern correctly, there
2 is a concern here about the sight distance and the
3 fact that this essentially operates as a one-way
4 road. Seeing as this land is not incorporated or
5 usable in the Stewarts project, what if we made a
6 two-way road that operates as a two-way road?

7 FROM THE FLOOR: And you're still bringing more
8 traffic in.

9 MR. MARSHALL: But there is no access on
10 Pinehurst, so it would improve the sight distances and
11 the turning movements onto and off of -- there is no
12 access for Stewart on Pinehurst. I have told the
13 Board, I don't think that the Katherine Road curb cut
14 -- I don't think that can be closed. I have obviously
15 been asked to consider some design alternatives and
16 I'll do that, but the turning movements onto and off
17 of Pinehurst are addressed, does that help at all?

18 MS. HAYWOOD: The entrance onto Pinehurst is
19 something that I think we would all like to see
20 addressed, regardless of what happens on this
21 property.

22 MR. MARSHALL: But I own the property. That's
23 the issue.

24 CHAIRMAN STUTO: What are you proposing?

25 MR. MARSHALL: I'm proposing widening Pinehurst

1 at its mouth.

2 CHAIRMAN STUTO: Let's look at it and study it.

3 MR. MARSHALL: We're trying to make a
4 win/win/win - Stewarts gets their site, neighbors get
5 some of their concerns addressed, the Town of Colonie
6 gets a new Stewarts building that looks nice.

7 I'll go back and do that. From the Board's
8 perspective, I guess I'll just take the directive to
9 work with CHA. I think that we need is a loading
10 analysis, basically stacking and turning movements
11 and sight distances.

12 CHAIRMAN STUTO: And traffic generation.

13 MS. SKIFF: My name is Agnes Skiff and I live
14 on 3 Lake Road and I've lived there for about six
15 years. I know that this has been mentioned many times
16 but I just want to stand here and represent the
17 parents that have children. I have a nine-year old
18 son who is disabled. We like to be outside. We like
19 to enjoy our space. When we bought the house six
20 years ago, there was a house at the end of Pinehurst,
21 which unfortunately five years ago there was a fire
22 and the house was destroyed. There was no commercial
23 property. It was a nice little residential area. I
24 really would like to see it kept that way. There are
25 a lot of parents with small children who aren't here

1 today because they are home with their children. They
2 ride bikes, they skate and they're young kids. I
3 really encourage people to look.

4 The way that this looks right now, I didn't
5 even realize that Pinehurst is actually going to be
6 looking at the back of the building. I think that
7 the design looks really ugly. It looks like the shop
8 is actually located on Katherine Road. I know that
9 if I didn't live here and I was just driving, I would
10 say, oh, it's on Katherine Road. I know a great
11 little cut-thru. You cut-thru Nolan and you come
12 around to Katherine. And hey, you can just by-pass
13 the light on the corner. You can by-pass all of this
14 and you can just zip in there. If you look, Nolan is
15 a blind corner. When you loop around past Lake Road
16 onto Katherine, it's like a knob. It's a blind
17 corner. Cars zip through there. Children are
18 playing and you're going to have more traffic.

19 Right now there is a gym over on Nolan and
20 people zip through there because they just want to
21 get to the gym and be done with their day. My husband
22 and I have actually yelled at cars to slow down.
23 This is just for a gym. You're going to have a ton
24 of people just coming through. I just want a quick
25 cup of coffee right before work. I'm running late.

1 They're going to be speeding. That's one of my
2 concerns. You're going to have a lot more traffic.

3 I'm also concerned about the property value of
4 my house. When I bought it, it was a residential
5 area. Now, to have all these cars coming through
6 there. People don't want to live there. They will
7 want to raise their family and their children there.
8 I wouldn't want that.

9 Thank you guys.

10 CHAIRMAN STUTO: Ma'am, did you want to get up
11 and say something else?

12 MS. YIP: I'm only asking to participate in
13 conversations about possibly making alterations to
14 accommodate the business and the Board and the
15 neighbors. I'm not saying no to the project. We are
16 just pleading with the Board as to our concerns and I
17 am asking to be part of certain discussions so that
18 the next time around, maybe we can have a much more
19 pleasant evening. Thank you.

20 CHAIRMAN STUTO: Can you give your name to Mike
21 Tengeler?

22 I'll try to sum up the best that I can with
23 help from the other Board members.

24 MS. BARBER: Excuse me, I wanted to speak.

25 CHAIRMAN STUTO: Oh, okay, I'm sorry. Are you

1 Mary Barber?

2 MS. BARBER: I am.

3 I'm Mary Barber and I've lived on Katherine
4 Road across from the proposed site, next to the
5 burned motel -- well, it only burned seven years ago
6 but I've lived there almost 11 years.

7 The concerns that I have are: I already get
8 trash and garbage from Stewarts; cups, bags and
9 whatever. Thank God the fence is behind me because
10 I'm right in front of the Stewarts building.

11 I also get woken up at 6:00 every morning with
12 their back-up beeps. The lights in the window in the
13 winter when they are doing the plowing and
14 everything. I'm thinking of all the traffic in the
15 residential area with children around. The added
16 traffic, the safety things -- since they repaved the
17 road, I get water in my driveway up to my ankles.
18 I'm thinking that now I'm going to get gas in the
19 water. People are always spilling gas when they are
20 filling their cars or whatever. The whole idea makes
21 me think of the environmental impact of the litter
22 and everything.

23 The traffic is just going to be a nightmare
24 because anybody who has ever tried to go and watch
25 the traffic and people who can't drive. They stand

1 under that red light so that people coming in the
2 other direction that have the green can't go. We're
3 going to add to that.

4 The different impacts; the environmental - the
5 conservation piece with the potential gas spills and
6 things like that. The fact that we are now going to
7 have these gas pumps and all these different
8 locations. I'm starting to feel like maybe we're
9 living at ground zero. I don't know that I want to
10 live there. Is this going to have impact on my house
11 insurance? Living next to the burned motel not only
12 has -- this could effect everybody here, by the way.
13 I can't refinance my house. Why? Because I have a
14 burned motel next to me. Not only does it lower my
15 property value, it lowers my ability to sell my
16 property. So, all you guys that are going to be
17 living near Stewarts, how is that going to have an
18 impact? I think that somebody did bring that up. If
19 you do want to sell your house, does somebody want to
20 live next to a Stewarts? It's not all it's cracked
21 up to be. That's all I have to say about the early
22 mornings and the late nights. I can tell you that
23 when the different shifts bring their garbage to the
24 dumpster, by the way. The skunks all know it too.
25 We're going to have that extra little critter

1 population to deal with too, I'm sure.

2 I really would like to have people think about
3 this and the impact it's going to have. Thank you.

4 MR. XU: I would like to say one more thing.

5 I suggest that the Chairman take the actual
6 Board to the location and look at it. Take a field
7 trip and put yourself there and look at it and see if
8 it's feasible with a curb cut. Thank you.

9 CHAIRMAN STUTO: Thank you.

10 A lot of us have taken separate trips. We
11 generally don't go together for different reasons.
12 It's hard to coordinate and then we have to announce
13 that as a public meeting, if we have a forum.

14 MS. HAYWOOD: It's just that at 8:00 in the
15 morning - it's the same thing with traffic. It's a
16 very short distance from Katherine to try to pull out
17 of Katherine when there are more cars coming that way
18 but you also have those big busses coming up Central.
19 You tell me how you're trying to get out of Katherine
20 when you have other cars trying to pull in to Stewarts
21 the front way? There is no place that you can go.
22 How are you going to pull in and pull out of
23 Katherine? There is going to be a bottleneck. With
24 the busses there and everything, it's just not safe.

25 CHAIRMAN STUTO: Thank you.

1 I think that, as Kathy has stated -- if you
2 want to make any other comments, that's fine.

3 MR. MARSHALL: I did have one more comment.

4 Frequently people get concerned about
5 stormwater as a concern. Most likely it's an
6 existing condition. Actually the development of this
7 site might help the stormwater effects on the other
8 side of the street because New York State DEC
9 Stormwater Regulations require that post-development
10 standards are higher than pre-development standards.
11 In that regard, there might be a benefit.

12 CHAIRMAN STUTO: Do you also want to talk about
13 the gasoline containment systems that you have there?

14 MR. MARSHALL: The most likely instance of a
15 spill is actually a customer activated spill and not a
16 malfunction of the system. I'll submit the details
17 for the tanks. There is shear valving and emergency
18 shut-offs and things.

19 CHAIRMAN STUTO: Let's say that somebody misses
20 their gas tank or they walk away from it and it starts
21 spilling on the ground. Can you talk about how the
22 containment works in that circumstance?

23 MR. MARSHALL: They are contained in the catch
24 basins because the catch basin has the snout which is
25 a cloth material. The canopy drainage is handled

1 separately from the roof drains and such, which is why
2 DEC designates gas stations as a hot-spot and
3 prohibits infiltration into the ground. So, from the
4 stormwater design perspective and the redundancy of
5 the equipment, we think that we have addressed all
6 that can be done.

7 MR. SHAMLIAN: Your catch basins are different
8 than any other catch basins. I don't mean Stewarts.
9 I mean gas stations in general. They are different
10 from catch basins on any other project.

11 MR. MARSHALL: There are a number of design
12 elements that we can incorporate to provide further
13 redundancy. As far as the design perspective goes --
14 we do this a lot.

15 CHAIRMAN STUTO: Let me try to sum up. We are
16 going to go back to the drawing board. We are going
17 to look at alternative designs. We're going to look
18 at that design where you move the building and if it
19 requires a variance, we may not be sympathetic to that
20 requirement. You've been to the ZBA once. I don't
21 know how the rest of the Board feels about that. We
22 do want to look at those designs and you can tell us
23 why there are shortcomings or hopefully, it will work.

24 I think that you've heard the host of issues
25 that were here that we want to talk about; traffic

1 being one of them. The schematics or the passage of
2 the larger trucks, or tractor trailers or however
3 they were phased. Also, the landscaping, the sight
4 lines and you talked potentially about widening
5 Pinehurst. I think that it would be good to take a
6 closer look at that and all the other issues that
7 were raised tonight by the neighbors and by us.
8 You'll work with our Town Designated Engineer and
9 also with our Planning Department and hopefully we'll
10 come back with some answers and alternative designs
11 and so forth. Thank you.

12 MR. MARSHALL: Thank you.

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15 (Whereas the above entitled proceeding was
16 concluded at 8:05 p.m.)

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CERTIFICATION

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 _____

