

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 CUMBERLAND FARMS
1159 TROY SCHENECTADY ROAD
APPLICATION FOR FINAL APPROVAL, SEQR DETERMINATION
5 & DESIGN CODE WAIVERS

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY L. STRANG, a Shorthand Reporter,
8 commencing on October 4, 2016 at 7:08 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
9 Latham, New York.

10

11 BOARD MEMBERS:
PETER STUTO, CHAIRMAN
12 LOU MION
CRAIG SHAMLIAN
13 BRIAN AUSTIN
TIMOTHY LANE
14 KATHLEEN DALTON

15

16 ALSO PRESENT:

17

18 Kathleen Marinelli, Esq. Counsel to the Planning Board
Joseph LaCivita, Planning and Economic Development
19 Department
Michael Tengeler, Planning and Economic Development
20 Department
Stephanie Bitter, Esq.
21 Jim Gillespie, PE, Bohler Engineering
Brad Grant, PE, Barton and Loguidice
22 Joseph Grasso, PE, CHA
Susan Quine Laurilliard
23

24

25

1 CHAIRMAN STUTO: Next item on the agenda is
2 Cumberland Farms, 1159 Troy Schenectady Road,
3 application for final approval, environmental SEQOR
4 determination and design code waivers, 4,786 square
5 foot convenience store with eight pump fuel canopy.

6 Joe, do you have any introduction remarks
7 before we turn it over to the applicant?

8 MR. LACIVITA: Sure. I think that the Planning
9 Board has seen this a couple of times. We've already
10 seen one of their products lower on Route 2.

11 Stephanie Bitner is here this evening to talk
12 through the process, the easements through the bike
13 path and a few of the other things that they had from
14 our last meeting, in order to obtain final approval.

15 I'll turn it over to Stephanie.

16 MR. BITTER: Good evening Members of the
17 Board. I'm Stephanie Bitter here with the applicant
18 with Jim Gillespie from Bohler Engineering.

19 What you had mentioned in the beginning - we're
20 all familiar with 211 Troy Schenectady road. This is
21 essentially going to be a book-end on Troy Schenectady
22 road; the same design that has been well received by
23 this community. This property is actually two lots of
24 the 1171 Route 7 subdivision Waldorf and Associates.
25 It's considered Lot 3 and Lot 4. The parcel size is

1 4.53 acres which is a fairly large size for a
2 Cumberland Farms store. One access point will be
3 shared with the adjacent landowner which was
4 contemplated as part of the subdivision approval.
5 Dorenzio LLC - there is already an easement agreement
6 in place with that corridor that's being held in
7 escrow -- that would allow that access will be through
8 the signalized intersection that exists there today.

9 The second access point will be on the
10 southeastern corner right in/right out. We already
11 received a letter dated October 3rd from DOT that they
12 had reviewed Creighton Manning's assessment for the
13 mitigation measures and do support the conclusion that
14 was reached in that traffic assessment.

15 The store design, as I mentioned, is very
16 similar to 211 Troy Schenectady Road. It's colonial
17 style, new corporate logo, not your old school or
18 average box blue and orange Cumberland Farms store.
19 There is columns and stonework and those architectural
20 features that are carried out to the canopy to provide
21 a very aesthetically pleasing site. There are 48 off
22 street parking spaces that are proposed for this site,
23 internal seating, external seating, bike paths, a 24/7
24 operation. A brand new store like this just opened on
25 1632 Central Avenue; the old Butcher Block.

1 We are seeking waivers for this project because
2 of the COR design standards and because of the layout
3 having the canopy being placed in the front. We
4 understand that will require a waiver from the
5 building. It must present the main facade and
6 entrance toward the street. We feel that there
7 shouldn't be a detriment considered with this waiver
8 since there are other similar stores in the vicinity
9 that have the canopy in the front.

10 We're also seeking a setback from the maximum
11 setback of 25 feet. Similar to the Troy Schenectady
12 Road site, we are incorporating fencing and
13 landscaping to mitigate that setback that we are
14 seeking.

15 Parking prohibited in the front yard -- as I
16 mentioned, we're obviously having a canopy in the
17 front for internal circulation. We need to have those
18 parking spaces in the front. We are also asking for
19 the parking spaces to be larger in size, which
20 requires a waiver but we found that is a positive
21 feature with these sites. People are rushing out to
22 get their coffee and bringing their kids to the Chill
23 Zone and they need that extra room to open their
24 doors.

25 There was a question as to the parking islands.

1 I think that was mentioned as a waiver necessary. We
2 just want to talk that through. We thought we did
3 have the percentage met to achieve that standard in
4 this COR zone.

5 Overall, we think that asking for these waivers
6 shouldn't be considered a detriment to this project.
7 It is a positive project with a positive result as we
8 have already seen on 211 Troy Schenectady Road.

9 Ultimately tonight we are not only seeking site
10 plan, but the merger of these two lots in the
11 subdivision because we are looking at 3 and 4 of the
12 subdivision.

13 If I could just review the comments -- the GIS
14 mitigation fees. We have had a chance to review
15 those. Joe was kind enough to give us those
16 calculations. We want to have those discussions with
17 Joe because of the public benefit and the mitigation
18 measures that we are talking about at that
19 intersection -- to discuss that number and what we
20 need to be contributing and what credits can be
21 provided with that number.

22 We also have incorporated and spent time with
23 the Town to talk about that bike path at the rear of
24 this parcel. We definitely see that as a positive.
25 We understand the vision that the Town is trying to

1 achieve. We just appreciate that this is conceptual at
2 this point in time. You can't see it on this plan.
3 There is an easement noted and it's probably easier to
4 see it in your packets.

5 As staff has recently pointed out, they are
6 looking for it to not only be a bike path, but also a
7 possible access easement for vehicular connectivity.
8 Cumberland is definitely willing to work with the Town
9 on this because obviously we see the positives in it
10 too but because it's at a conceptual stage, we don't
11 want it to be tied into any of our permits that are
12 being achieved along the way. We want to be able to
13 work with the Town so that when it is placed on the
14 ground and defined, we can come up to a mutually
15 agreed upon easement.

16 I'll turn it over to Jim to see if I forgot
17 anything relative to site details.

18 MR. GILLESPIE: Good evening. I'm Jim
19 Gillespie from Bohler Engineering.

20 There were a couple other comments. Stephanie
21 went into good detail with the easements. There were
22 a couple of other comments that we would like to
23 discuss with the Board and get some clarification and
24 some agreement on, hopefully.

25 One of the comments was a request for a double

1 row of conifer trees between the easement and the
2 limits of clearing. There is a substantial amount of
3 heavily wooded buffer where it's been requested for
4 some additional trees. We are limiting the clearing
5 of this area as much as possible to get our stormwater
6 management area there. Our intent is to not clear any
7 more trees than we have to. We would actually have to
8 clear some additional space to install a row of
9 conifer trees and we just don't see any point in that.
10 This will be heavily screened and to install these
11 when we don't know where exactly that future road is
12 going to go or the future bike path hasn't been nailed
13 down -- that certainly requires some grading, drainage
14 improvements. That would have to be designed. So, to
15 plant that type of buffer when there already exists --
16 this would show this buffer a little bit better
17 (Indicating). There is 115 feet from this limit of
18 clearing just to the property line. There is about
19 280 feet from the building to the property line.
20 There is about 400 feet of heavily wooded area from
21 the limits of clearing to the nearest yard and about
22 570 feet from the building to the nearest yard. It
23 just doesn't make a lot of sense to plant additional
24 evergreens in such a heavily screened and wooded area.
25 If the intent was to screen that future road to plant

1 those and possibly have to come in and have to grade
2 that for the road for stormwater, those trees would
3 probably have to be removed and replanted. Before you
4 saw the details of that road, you want to see that
5 type of detail for the grading and stormwater and then
6 propose appropriate street trees or some type of
7 buffer. We'd like the Board to reconsider that
8 request.

9 The other request that we'd like to talk about
10 is the request for street trees along the frontage at
11 50 foot on center. There is not a lot of space out
12 here. There is a utility easement that is chewing up
13 most of our property along here that we couldn't
14 plant. We're proposing a fence, very similar to Troy
15 Schenectady Road along the frontage which would have
16 nice masonry columns and a wrought iron look along
17 there. One of the requests was for a two to three
18 foot berm. There is sufficient room for the fence,
19 some low-level shrubs and a berm to stay out of that
20 easement. We have no problem with that. We would
21 like to -- there is certainly an opportunity to add
22 more trees, but to get the 50 foot on center -

23 CHAIRMAN STUTO: Who is suggesting the 50 foot
24 on center?

25 MR. GILLESPIE: It was a staff comment. So,

1 what we would like to do is add another one here and
2 here (Indicating). If we did this, again, there is
3 not a lot of room and we would completely block our
4 pylon sign which can't be any closer to the road than
5 what we are showing. We have an existing ones and
6 would put those two in (Indicating). Hopefully we'd
7 get that tree look -

8 MR. LANE: That and a fence and a berm?

9 MR. GILLESPIE: Yes; the fence and the berm.
10 And this sign is going to have some nice landscaping.
11 There is landscaping all along here (Indicating).
12 There is landscaping at the entrances and there are
13 proposed evergreens here to buffer the house. There
14 is a mixture of maples and oaks along the back.

15 CHAIRMAN STUTO: Are those the two issues where
16 you are disagreeing with staff right now?

17 MR. GILLESPIE: There are a couple more.

18 The next one that we'd like the Board to
19 consider is the request for a masonry dumpster
20 enclosure. We have had great success - we are
21 proposing a vinyl fence dumpster enclosure. We are
22 not proposing a chain link fence with vinyl slats and
23 something that is going to fall apart. We are
24 proposing a very heavy duty vinyl fence. We installed
25 it most recently on Central Avenue in Colonie and in

1 South Glens Falls. It's very heavy duty.

2 MR. LANE: That's in Colonie?

3 MR. GILLESPIE: This is the Village of South
4 Glens Falls. This is Hudson (Indicating). This is a
5 residential neighborhood. They have that nice fence
6 that you are all familiar with as well. It goes very
7 well with the building. It's heavy duty.

8 MR. LANE: For me, myself - we don't want to
9 set precedents doing things like that. That's my
10 opinion on that. This is what we require and I
11 wouldn't be in favor of that at all.

12 MR. LACIVITA: Tim, if you remember, one of the
13 competing businesses in the Town -- we actually gave
14 them a little bit of leeway in the standard where we
15 actually had - three-foot was the concrete block. The
16 vinyl was up on top of it. In fact, I think that we
17 even took a site visit to that - several of the
18 Planning Board Members -

19 MR. LANE: Why was that done?

20 MR. LACIVITA: The Board did it.

21 MR. LANE: What were the circumstances that you
22 didn't want to do the masonry?

23 MR. GILLESPIE: Actually, they think that it
24 looks better.

25 MR. LANE: Bottom line is cost; that's what

1 you're talking about.

2 MR. GILLESPIE: It's cost and they like the
3 looks of it, honestly. The masonry block - it doesn't
4 necessarily go as well with the building.

5 CHAIRMAN STUTO: We'll come back to it. That's
6 fine.

7 You want to go through your other ones?

8 MR. GILLESPIE: That was pretty much it.

9 CHAIRMAN STUTO: The bike path connection - I
10 have heard that's an issue. I have discussed it with
11 Brad beforehand - our Town Designated engineer. Can
12 you address the bike path and also the issues that
13 were just raised by the applicant - which would be the
14 planting of the trees in the back and how we are going
15 to lock that in; the planting of the trees in the
16 rear; the street trees and the masonry dumpster.

17 MR. GRANT: We'll start off with the double row
18 of conifers. I tend to agree with Jim, quite
19 honestly. That's usually not where you want trees to
20 grow there. You're so close to the hardwood forest
21 there and not knowing the exact path of the bike path,
22 I would tend to agree with Jim.

23 CHAIRMAN STUTO: Does the Board have any
24 questions on that?

25 (There was no response.)

1 MR. GRANT: That leads into the bike path.
2 Right now it's a floating easement. There is a
3 recognition that there needs to be a 30-foot easement.
4 The location of that bike path is not entirely nailed
5 down. Quite often in a design phase someone would go
6 out and try to pick the path of least disturbance to
7 better retain the greatest amount of trees.

8 CHAIRMAN STUTO: A picture can be a thousand
9 words. Can you go over where the bike path ends and
10 where it's supposed to connect up?

11 MR. GILLESPIE: Right now, unfortunately, this
12 is not the best exhibit. You can't see the forest
13 through the trees here.

14 CHAIRMAN STUTO: Do you have a bigger aerial
15 there or no?

16 MR. LACIVITA: Peter, the one that's coming to
17 you shows the talking points on there.

18 CHAIRMAN STUTO: Finish your site so that
19 everybody understands that.

20 MR. GILLESPIE: This is our site (Indicating)
21 and the limits of our site are shown in yellow. What
22 we have shown is the conceptual location.

23 CHAIRMAN STUTO: Where is the current bike path
24 and where it exists - the nearest spot.

25 MR. LACIVITA: Right now you have a sidewalk

1 connection right here (Indicating) which is on British
2 American.

3 CHAIRMAN STUTO: Where does that terminate
4 right now?

5 MR. LACIVITA: Right here (Indicating).

6 CHAIRMAN STUTO: So, you'd have to cross the
7 street.

8 MR. LACIVITA: Correct. What the initial
9 thought was is that it was coming through -- this is
10 Hewitts over here and there is an access easement that
11 goes right through here and cuts up through properties
12 right from there (Indicating). This is the Orlop Farm
13 where the pond is (Indicating). Right about in this
14 area is about a 15 to 18 foot drop. Mountain bikes
15 would have a good time but normal walking -

16 CHAIRMAN STUTO: Where are we trying to pick it
17 up?

18 MR. LACIVITA: What we are trying to do is make
19 the fourth leg of the intersection right here where
20 you have a light (Indicating). The intent is that
21 this comes up to the end. The cross access easement
22 comes across this way for cars to come out and have
23 access to a light and then the bike path in walking
24 with the property owner -- we looked at where the
25 topography would be greater and better to connect so

1 that there would be a future connection right in this
2 area where the grades are a little bit easier and
3 sloping and as this project comes in here (Indicating)
4 we can work to obtain easements to go right along the
5 property line and get right to the Mohawk River right
6 here that we have done with the bike path where the
7 connection is all the way through Niskayuna.

8 CHAIRMAN STUTO: How do we lock that in?

9 MR. GRANT: I think that's a discussion. Right
10 now it just shows as a floating easement for a -

11 CHAIRMAN STUTO: When you say that it shows -
12 does it show on the drawing?

13 MR. GRANT: It does show on the drawing.

14 CHAIRMAN STUTO: It says possible 30 foot wide
15 future bike path and then possible 10 foot wide bike
16 path easement; is that correct?

17 MR. BITTER: That's correct.

18 CHAIRMAN STUTO: Can you show where the
19 possible 30 foot is and where the possible 10 foot is?

20 MR. GILLESPIE: That's right here (Indicating).

21 CHAIRMAN STUTO: Okay, so how do we lock that
22 in? Do we agree that's going to fall within those two
23 areas right now?

24 MR. GRANT: I think so, based on what is known.

25 CHAIRMAN STUTO: We can work with that and make

1 the connection.

2 MR. GRANT: Yes.

3 CHAIRMAN STUTO: The one going north/south is
4 not going to be on this property; is that right? In
5 other words, connecting the road to the 30 foot - is
6 that going to be on this property?

7 MR. BITTER: No, the adjacent lands.

8 CHAIRMAN STUTO: It's going to be on the next
9 door neighbor's property.

10 MR. BITTER: Right.

11 CHAIRMAN STUTO: And that's not locked in yet
12 either; right?

13 MR. LACIVITA: No, that would all be done
14 through easements that we get -

15 CHAIRMAN STUTO: When they develop. That's
16 almost completely undeveloped; right?

17 MR. GRANT: As we discussed, I think that the
18 best way of preserving this easement - the 30 foot
19 wide requirement - we can note on the plans but we can
20 also require a deed restriction that there is no meets
21 and bounds as to really get down where that 30 foot
22 is. It's a recognition that there is an obligation
23 for -

24 CHAIRMAN STUTO: Does the applicant have any
25 objection to that?

1 MR. BITTER: What I suggested and I talked to
2 Joe - having it be a condition of the site plan
3 approval, noted on the plans that there is a
4 reservation of the proposed 30 foot easement and I
5 think that it's a 20-foot bike path and that it would
6 be mutually agreed upon the terms and the location
7 when it is yet to be defined by the Town.

8 MR. LACIVITA: And that would be done through
9 our Town's legal department.

10 MR. BITTER: It's going to be on the plan and
11 obviously going to be filed with the Town. Obviously
12 when it's defined, then the parties can have that
13 conversation.

14 CHAIRMAN STUTO: Whatever the Town Attorney
15 agrees to.

16 MR. GRANT: An additional layer may be a deed
17 restriction but if the notes go on the plans -- it's
18 enforceable. If it's in the deed, it goes along for
19 the ride and in 20 years from now when we're looking
20 at files, it's right there.

21 MR. LACIVITA: Whatever the Town Attorney
22 decides.

23 CHAIRMAN STUTO: Okay, back to the other
24 issues. The street trees?

25 FROM THE FLOOR: Can someone give me a

1 definitive answer as to a floating easement?

2 CHAIRMAN STUTO: When you get your chance to
3 speak, we'll go through that. It's sort of a lay-term
4 that they are using. It's really going to be a
5 demarcation on the plans.

6 FROM THE FLOOR: I was just looking for the
7 definition.

8 MR. BITTER: It hasn't been defined yet.

9 CHAIRMAN STUTO: In other words, the meets and
10 bounds are defined. It's anywhere within this area
11 that the parties agree to later within that 30-foot
12 spot. We'll get to the public section.

13 The street trees in the front?

14 MR. GRANT: I see that Jim has penciled in
15 three additional street trees; the ones in the east
16 and there are two to the west. I think that's a good
17 addition. That whole frontage is a little sensitive
18 to any deep rooted plants because of the utilities
19 there. Those are outside the easement where you have
20 drawn them in?

21 MR. GILLESPIE: Yes.

22 MR. GRANT: What species would you proposed
23 there?

24 MR. GILLESPIE: These are Flowering Dogwoods.

25 MR. GRANT: But not a tall tree.

1 MR. GILLESPIE: No, not a tall tree.

2 MR. GRANT: I would be in favor of more street
3 trees than the one that is shown. Adding those three,
4 I think, balances it, quite honestly.

5 MR. GILLESPIE: So, there would be five, total.

6 MR. GRANT: In other areas we've had Cumberland
7 Farms and their main competitor who shall remain
8 nameless, request the vinyl dumpsters. It is a Town
9 standard for the masonry enclosure. It's solid.
10 These things get plowed around and up against. Often,
11 snow is being pushed right past it. There are quality
12 vinyl ones. They do look pretty good, though. It
13 depends on it if ties in with your architecture. If
14 you have a lot of white trim, it's something that you
15 could think about but the best ones that I have seen
16 have been masonry enclosure with the masonry units.
17 The split-faced units match them.

18 CHAIRMAN STUTO: That would be my preference.
19 I don't know how the rest of the Board feels.

20 Do the other Board Members have opinions on
21 that?

22 MS. DALTON: We visited this before. In terms
23 of my thinking about it, at the end of the day whether
24 it's a snow plow or truck, this is a high trafficked
25 area where people are going in and out. We get one

1 shot at this to make sure that it looks nice for a
2 long time. The only way to make sure that it looks
3 nice for a long time -- we can't come back to you
4 later and say, oh, the snow plow dinged it and now it
5 looks like crap. It's our one shot.

6 CHAIRMAN STUTO: I think that there is almost a
7 consensus here.

8 I think that at least four of us has spoken on
9 that. I'm okay with the solutions on the pines in the
10 back.

11 MR. GILLESPIE: So, you want a split-faced
12 block with a color that matches the building,
13 basically.

14 CHAIRMAN STUTO: Yes.

15 The plantings in the front, as Brad suggested,
16 and the plantings in the back are probably not
17 necessary for a double row of pines. The solution on
18 the bike paths seems okay, subject to the Town
19 Attorney approval, right?

20 MR. GRANT: Yes. If you really wanted to nail
21 it down for the future, you might require it.

22 CHAIRMAN STUTO: And they might. You guys can
23 have that discussion with them.

24 Any other things that you want to present
25 before we move on?

1 MR. GILLESPIE: No.

2 CHAIRMAN STUTO: Okay. We've had this reviewed
3 by our Town Designated Engineer. Brad has been
4 speaking already on some of the issues that needed
5 clarification.

6 Brad, you want to give us your review of the
7 project?

8 MR. GRANT: Sure. We have offered a review
9 comment letter dated September 30th. I'm going to hit
10 the highlights.

11 I have in possession tonight essentially a
12 sign-off letter from the DOT regarding their review of
13 the traffic signal and additional entry ingress/egress
14 exit on the west side. They are good with that. I
15 think that there were at least four or five different
16 alternatives that they were looking at, but this was
17 the best one that they selected.

18 Stormwater Pollution Prevention Plan - we have
19 some minor comments that can be addressing them for
20 approval. They are just housecleaning items for the
21 most part.

22 We would like to get a copy of the off-site
23 improvement plans to DOT.

24 Have you submitted those to the Town?

25 MR. BITTER: Not yet.

1 MR. GRANT: When you're at that point, we would
2 like to have those.

3 One of our comments were: Please indicate if
4 there roof drains and where they are being directed.

5 Will this have gutters?

6 MR. GILLESPIE: Yes. They're on the drainage
7 plan. They're close to the foundation, so it might
8 not have made it on here.

9 MR. GRANT: Okay, I see.

10 On the construction detail sheets there is a
11 spilling basin, bioretention and retention basin
12 profile. I'm just asking that the elevations and the
13 Hydrocad model transfer over all directives.

14 That's essentially it for our comments.

15 SEQOR is tonight?

16 CHAIRMAN STUTO: Yes.

17 Okay, is that it for now?

18 MR. GRANT: Yes.

19 CHAIRMAN STUTO: We'll go through that at the
20 appropriate time.

21 I realize that Joe Grasso is here. He did a
22 lot of work on the bike path, in general.

23 Do you have any comments on what you have heard
24 tonight, if you don't mind?

25 MR. GRASSO: What you're discussing tonight is

1 what is consistent to what the plan has always been
2 for the development of the property. They can get in
3 from the British American Boulevard section, across
4 Route 7 at this location and then through the property
5 in a location to be defined as properties come up for
6 development. It sounds like you're accomplishing that
7 through this property.

8 CHAIRMAN STUTO: Okay, thank you.

9 We have a number of residents who have signed
10 up. I'm not sure if they are for this project or for
11 the next one.

12 Susan Quine Laurilliard.

13 MS. QUINE LAURILLIARD: Hello, again. I just
14 wanted to acknowledge and thank the Planning Board and
15 the Planning Department for facilitating this bike
16 path. I know that when I was back here in May it
17 wasn't clear whether or not -- the plans did not show
18 location for a bike path. I just wanted the record to
19 reflect since I was here in May I have been doing a
20 little bit of research and I'm glad that the Planning
21 Department has dusted off that pathways plan. One of
22 the things in there speaks directly to why this bike
23 path connection is important and it's right on page
24 18.

25 In 2008 the Town had said that it was currently

1 in the process of connecting the Troy Schenectady Road
2 sidewalk with the Mohawk Hudson Trail on the
3 mid-western most side of the Town. So, back then it
4 was contemplated that we were going to have this
5 connection and also since then I have had a chance to
6 talk with the Capital District Transportation
7 Committee. This is apparently a floating idea but
8 will be a requirement that there be a bike path
9 connection here. I would ask that they be put into the
10 process for the right location for this bike path
11 connection. I don't know if they have been consulted
12 to date on the plans that you have here and where you
13 want the bike path to be.

14 Have they been consulted, Joe?

15 MR. LACIVITA: They have our plans so I'm
16 assuming that they were part of the process too.

17 MS. QUINE LAURILLIARD: If this Board could -

18 MR. LACIVITA: They have been consulted several
19 times.

20 MS. QUINE LAURILLIARD: With these plans?

21 MR. LACIVITA: They look at them from a
22 mitigation standpoint. They'll look at them from a
23 full -

24 MS. QUINE LAURILLIARD: I meant as part of the
25 bike path. Have they been consulted on where this is

1 going to be here?

2 MR. LACIVITA: Yes.

3 MS. QUINE LAURILLIARD: What I do know is that
4 this is part of the new vision 2040 long-range plan -
5 this bike pathway. It's also consistent with the Tech
6 Valley Trails Greenways Concept Plan for the Capital
7 Region. I just wanted to reinforce how this is a
8 long-term planning goal of the Town for 2008 as part
9 of the regional Capital District Transportation
10 Committee planning. I hope that you can lock this
11 down so that if this property is developed, that bike
12 path is there.

13 CHAIRMAN STUTO: It's locked down.

14 MS. QUINE LAURILLIARD: And in the future, if
15 someone else comes in -- I know that this was a
16 Fastrak at one point - different owner.

17 Is it the same owner?

18 MR. BITTER: No, it's a different owner. They
19 only came in for sketch.

20 MS. QUINE LAURILLIARD: That's my concern that
21 there be a requirement that is in perpetuity that this
22 connection be here.

23 CHAIRMAN STUTO: As we have agreed with the
24 applicant, and as we have just discussed, we're going
25 to have the note on the plan and if there is anything

1 further required to make it permanent, it has to be
2 run through the Town Attorney's office - if it has to
3 be a deed restriction or something else.

4 MS. QUINE LAURILLIARD: As you had noted, I'm
5 concerned that there is a paperwork issue and that
6 someone 15 years from now will have to look back
7 through paper. If it's in the deed or on the plans
8 noted, it's a better idea.

9 CHAIRMAN STUTO: It is on the plans.

10 MS. QUINE LAURILLIARD: As of right now it says
11 possible connection. Can that language be removed and
12 say something that is more -

13 CHAIRMAN STUTO: I agree with that.

14 MS. QUINE LAURILLIARD: That's my only comment.
15 Thank you.

16 CHAIRMAN STUTO: Thank you.

17 Anybody else on this project?

18 (There was no response.)

19 Any comments or questions from the Board at
20 this point?

21 MR. SHAMLIAN: It looks like on the landscape
22 plan you're irrigating the planter around the sign.
23 Is that correct?

24 MR. GILLESPIE: Correct; yes.

25 MR. SHAMLIAN: I'm just thinking that it would

1 maintain a nice look across the whole front if you
2 could irrigate the whole front.

3 MR. GILLESPIE: All the greenspace is
4 irrigated.

5 MR. SHAMLIAN: I wasn't sure if that was clear
6 on the plan.

7 CHAIRMAN STUTO: Somebody had mentioned,
8 actually, that Route 2 - sod and irrigation might be a
9 good note on the plans -- that the grass isn't doing
10 so well.

11 MR. GRANT: That probably has as much to do
12 with road salt -- but it has been a very dry year.
13 Not that they were throwing a lot of salt around last
14 year -

15 CHAIRMAN STUTO: Can we make sure the
16 irrigation covers all the grassed area?

17 MR. GRANT: Yes.

18 CHAIRMAN STUTO: Okay, can someone walk us
19 through the environmental review?

20 MS. MARINELLI: Sure, I'll do it.

21 This has been designated as an unlisted action
22 and an Environmental Assessment Form Part II has been
23 completed. There are 11 questions that make up Part
24 II and for all of those questions it has been
25 determined that there is no or small impact which may

1 occur and I'll read all 11 questions.

2 Will the proposed action create a material
3 conflict with an adopted land use plan for zoning
4 regulations?

5 Will the proposed action result in a change in
6 the use or intensity of the use of land?

7 Will the proposed action impair the character
8 or quality of the existing community?

9 Will the proposed action have an impact on the
10 environmental characteristics that cause the
11 establishment of a critical environmental area?

12 Will the proposed action result in an adverse
13 change in the existing level of traffic or affect
14 existing infrastructure or mass transit, biking or
15 walkway

16 Will the proposed action cause an increase in
17 the use of energy and fails incorporate reasonably
18 available energy conservation or renewable energy
19 opportunities?

20 Will the proposed action impact existing
21 public/private water supplies; public/private
22 wastewater treatment utilities?

23 Will the proposed action impair the character
24 or quality of important historic archeological or
25 architectural or aesthetic resources?

1 Will the proposed action result in an adverse
2 change to natural resources, e.g. wetlands,
3 waterbodies, groundwater, air quality, flora or fauna?

4 Will the proposed action result in an increase
5 in the potential for erosion, flooding or drainage
6 problems?

7 Will the proposed action create a hazard to
8 environmental resources or human health?

9 The impact has determined to be no or small
10 impact that may occur.

11 Based on the information and the analysis
12 stated above and the supporting documentation that the
13 proposed action will not result in any significant
14 adverse environmental impact.

15 CHAIRMAN STUTO: That last language is the
16 negative declaration.

17 Do we have any discussion or questions on that?

18 (There was no response.)

19 Do we have a motion on that negative
20 declaration?

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

22 CHAIRMAN STUTO: Do we have a second?

23 MS. DALTON: I'll second it.

24 CHAIRMAN STUTO: Any discussion?

25 (There was no response.)

1 All those in favor say aye.

2 (Ayes were recited.)

3 All those opposed, nay.

4 (There were none opposed.)

5 The ayes have it.

6 On the waivers, do we have a Waiver Resolution?

7 MR. GRANT: The Resolution is for Cumberland
8 Farms, 1150 Troy Schenectady Road.

9 CHAIRMAN STUTO: Can we make sure that the
10 stenographer has a full copy and we will have that in
11 the record and please continue.

12 MR. TENGELER: Now therefore be it resolved
13 that the Board hereby finds that the extent of the
14 request for waivers is not considered substantial,
15 and.

16 Be it further resolved that the Board finds the
17 applicant has established that there are no practical
18 alternatives to the proposed waivers that would
19 conform to the standards that the waivers are
20 necessary in order to secure reasonable development of
21 the project site, and.

22 Be it further resolved that the Board hereby
23 issues a waiver from the prohibition of new parking
24 within the front yard, and.

25 Be it further resolved that the Board hereby

1 issues a waiver from a maximum front building setback
2 of 25 feet, and.

3 Be it further resolved that the Board hereby
4 issues a waiver from the requirement of the placement
5 of the fuel island canopy and parking in the front of
6 the site, and.

7 Be it further resolved that the Board hereby
8 issues a waiver from the three minimum 20 square feet
9 of landscaped island to be included within the
10 interior parking areas, and.

11 Be it further resolves that the Board hereby
12 issues a waiver from the parking space and shall be
13 nine feet wide by 18 feet deep, and.

14 Be it further resolved that the waiver of
15 findings be a condition of the site plan approval of
16 the application and be kept in the project file of the
17 office of the Planning and Economic Development
18 Department.

19 MR. LANE: I thought that the request was for
20 10 foot by 20 foot for the parking spaces.

21 MR. GRANT: It is. The standard is nine by 18.
22 They want to go a little larger.

23 MR. LANE: Okay, I understand.

24 CHAIRMAN STUTO: Maybe we should make that part
25 of the Resolution. All it says is that it's a waiver

1 from the requirement that the size be nine by 18.

2 MR. LACIVITA: So, say actual size to be at 10
3 foot by 20 foot.

4 CHAIRMAN STUTO: Any other comments or
5 questions?

6 (There was no response.)

7 Do we have a motion on that Resolution?

8 MR. LANE: I'll make that motion.

9 MR. MION: Second.

10 CHAIRMAN STUTO: Any discussion?

11 (There was no response.)

12 All those in favor say aye.

13 (Ayes were recited.)

14 All those opposed, nay.

15 (There were none opposed.)

16 The ayes have it.

17 On the main question before the Board which is
18 for final approval of this project, do we have any
19 discussion?

20 (There was no response.)

21 Any questions or comments?

22 (There was no response.)

23 Do we have a motion?

24 MR. MION: I'll make a motion.

25 MR. LANE: Second, and that goes along with the

1 recommendations on the landscaping.

2 CHAIRMAN STUTO: Tim is making a point that the
3 record tonight showed that we have several comments.

4 MS. DALTON: And the bike access.

5 CHAIRMAN STUTO: The bike access will be
6 reviewed by the Town Attorney's office, if required by
7 the Town Attorney. They don't have to plant the trees
8 in the rear. We've modified the street berm streets.
9 The masonry dumpster will be masonry and not vinyl.

10 I had made a note before. Should the sidewalk
11 into the site be an eight foot wide paved bike path
12 instead of five foot concrete? I'm sorry to raise
13 that at this late time.

14 MR. LACIVITA: Are you saying like a striped
15 off of the road bed?

16 CHAIRMAN STUTO: Yes.

17 MR. LACIVITA: That's the way that some of the
18 street designs are going now with bike paths. It's
19 off to the side and it's kind of identified. We can
20 look at it as to the design at that time.

21 MR. GRANT: That's what I would say. Right now
22 it's a path to nowhere expect a busy parking lot.

23 CHAIRMAN STUTO: Can you make a note on that
24 and make it the Town Department's option on the plans?

25 MR. LACIVITA: I think that the design is going

1 that way with that.

2 MR. BITTER: Or when the adjacent land is
3 developed.

4 CHAIRMAN STUTO: Joe, do you have an opinion?

5 MR. GRASSO: I think that through British
6 American Boulevard and through that corridor - Albany
7 Shaker Road -- I think that's separate from the road.
8 I would try to maintain that through the site. I
9 think that right now it's the sidewalks.

10 MR. LACIVITA: We can adhere to whatever is on
11 the other side and look at it and kind of make those
12 provisions through the design.

13 CHAIRMAN STUTO: Okay, mark it on the plans and
14 make it happen.

15 We're in the middle of our motion now.

16 MR. BITTER: Does that include the merger of
17 the lots?

18 MR. LACIVITA: Yes.

19 CHAIRMAN STUTO: For the record, it includes
20 the merger of the lots - the motion that's going on
21 right now.

22 All those in favor say aye.

23 (Ayes were recited.)

24 All those opposed, nay.

25 (There were none opposed.)

1 The ayes have it.

2 Thank you.

3 MR. BITTER: Thank you.

4

5

6 (Whereas the above entitled proceeding was
7 concluded at 7:46 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 _____

