

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 STEWART'S SHOP  
5 FULLER ROAD  
6 APPLICATION FOR CONCEPT ACCEPTANCE RAZE  
7 EXISTING BUILDINGS AND REPLACE WITH A 3,975 SQ. FT.  
8 CONVENIENCE STORE AND FOUR-PUMP FUEL CANOPY

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10 THE STENOGRAPHIC MINUTES of the above entitled  
11 matter by NANCY L. STRANG, a Shorthand Reporter,  
12 commencing on February 7, 2017 at 6:58 p.m. at The  
13 Public Operations Center, 347 Old Niskayuna Road,  
14 Latham, New York.

15

16 BOARD MEMBERS:  
17 PETER STUTO, CHAIRMAN  
18 LOU MION  
19 BRIAN AUSTIN  
20 TIMOTHY LANE  
21 KATHLEEN DALTON  
22 CRAIG SHAMLIAN  
23 SUSAN MILSTEIN

24

25 ALSO PRESENT:

26

27 Joseph LaCivita, Planning and Economic Development  
28 Department  
29 Michael Tengeler, Planning and Economic Development  
30 Department  
31 Christopher Potter, Stewart's  
32 Chuck Marshall, Stewart's  
33 Alanna Moran, Creighton Manning  
34 Ali Yip  
35 Weiqian Xu  
36 Ryan Diosanto  
37 Terri Haywood  
38 Diane Prock-Cornell  
39 Roberts Ott  
40 George Collins

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1                   CHAIRMAN STUTO: The next item on the agenda is  
2                   Wagoner Office and that's been cancelled. We don't  
3                   start items early in case there are neighbors that  
4                   will be coming in. So, we are going to take a break.

5                   (There was a brief break.)

6                   Okay we're not quite ready yet but in order to  
7                   fill the space and also to inform the public about  
8                   some matters, Joe LaCivita is going to talk about the  
9                   Comprehensive Plan Committee.

10                  So, I see some familiar faces that have  
11                  attended some of the meetings of the Comprehensive  
12                  Plan. We're actually having a very lively discussion  
13                  with our committee members that are coming week after  
14                  week. They are attending some of the Town wide  
15                  meetings that we have been holding as well. I got to  
16                  say that I'm very happy with the Committee as a whole  
17                  as was selected. These guys were really like sponges  
18                  because they're asking the right questions or trying  
19                  to find out the information. They are being educated  
20                  on various topics that we have such as the GEIS which  
21                  is the impact statement that we have. We have three  
22                  of them throughout the Town which is in Lisha Kill  
23                  area, Boght Road and the Airport Area and they are  
24                  specific to traffic mitigation fees. So, any  
25                  development that comes with the Town, they have to pay

1 for a portionate share of mitigations to their project  
2 to develop within the Town. So, we have done websites  
3 and educational PowerPoints on the GIS. We have done  
4 it also on traffic. When you look at the Town - as to  
5 what the Town looks like, the success that we have  
6 with development and being positive - we gave kind of  
7 a tutorial that what our Roads looked like and who  
8 owns them such as the State of New York or Albany  
9 County or the Town and how traffic carries throughout  
10 it and once they get into a rotary or connecting and  
11 then they get into the Town and how it disburses  
12 throughout. So, we did a nice educational component  
13 on that as well.

14 We're into our community survey development  
15 now. We're working with the Siena College Research  
16 Institute. They are going to be actually developing  
17 all the questions and sending that out to what they  
18 look at as the professional survey which will be about  
19 1,500 to 1,800 residents and it drills down the  
20 specific numbers and they'll probably get about 80% to  
21 90% success rate. Not only did they mail it out but  
22 give an opportunity to do it on a website. Also, they  
23 will call to walk through those questionnaires as  
24 well. So it looks to be about 89%.

25 We do have a meeting coming up next Wednesday.

1 We meet right here at 6:30 and that is February 15th.  
2 We'll hold another one again March 15th. We try to do  
3 it the third Wednesday of every month.

4 We're looking to probably have a draft  
5 somewhere about September or October. We hope to  
6 adopt shortly thereafter - hopefully in November and  
7 maybe as late as December. Once we get all the  
8 information codified and make some recommendations to  
9 our Town Board So, that's where we are today.

10 CHAIRMAN STUTO: Thank you. I think that it's  
11 7:00 so we will call the next item on the agenda.  
12 Stewart's Shop, 19 Fuller Road, application for  
13 concept acceptance, raze existing buildings and  
14 replace with a 3,975 square feet convenience store and  
15 four-pump fuel canopy. Do you have anything to say  
16 about this, Joe, before we turn it over to the  
17 applicant?

18 MR. LACIVITA: We have seen the project twice  
19 before; once was January 26, 2016 which was for DCC  
20 and then again June 7th of this past year when we  
21 looked at it for our sketch plan. Tonight we are here  
22 for concept acceptance.

23 In the meantime I think that we received a  
24 variance on the site which was February 23rd. I don't  
25 want to steal your thunder, Chuck. We're going to let

1           you go right into your presentation.

2                   CHAIRMAN STUTO: I'm just going to make one  
3           comment. I think that some members of the public are  
4           aware, but if you'd like to speak on this project,  
5           there is a piece of paper to your left and to our  
6           right - if you could sign in there, that would be  
7           helpful. Thank you, Chuck.

8                   MR. MARSHALL: Thank you. We did receive two  
9           variances; Decision 160.04 pertaining to the distance  
10          of the residential zone to our use and then the  
11          distance from the dumpster enclosure also to the  
12          residential zoning.

13                   At that appearance there were a number of  
14          concerns outlined, particularly traffic, petroleum  
15          bulk storage and the alternatives that we selected to  
16          get to the presentation that we made that night.

17                   So, with us tonight is Chris Potter but  
18          typically does the meetings in Colonie with the  
19          exception of when he's on vacation which was June 7th  
20          and Alanna Moran from Creighton Manning Engineering.

21                   We contacted Creighton Manning after the last  
22          June 7 meeting. On July 13 we had a meeting with the  
23          neighbors to outline the traffic findings and Alana  
24          will walk us through that here tonight.

25                   CHAIRMAN STUTO: I also would like you to tilt

1           that slightly toward the public and stand on the left  
2           of it so that the public can see it as well.

3           MR. MARSHALL: So, at the June 7 meeting there  
4           were a number of concerns regarding traffic. Alanna I  
5           will go through that. Albany County and CHA have both  
6           agreed to the traffic configuration as proposed. The  
7           changes to the building or the site that we have made  
8           since then - we have moved the building 10 feet to the  
9           north which does not affect the variances that we  
10          received. We moved the driveway 22 feet approximately  
11          to the North, eliminated the Mason area wall segment  
12          to affect the Pinehurst view. We installed a smaller  
13          turn for the arborvitae. Again, one of the concerns  
14          from the neighbors on Pinehurst was blocking the  
15          visibility for left turns out of Pinehurst and  
16          northbound cars on Fuller.

17          With that, I will let Alanna go through the  
18          majority of her traffic presentation. Then, we will  
19          obviously answer any questions the board has.

20          MS. MORAN: Alanna Moran with Creighton  
21          Manning. Good evening.

22          As Chuck stated, we have completed a traffic  
23          evaluation for this particular project in the late  
24          summer. So, the proposed project is the construction  
25          of the 30,975 square foot Stewart's. It does replace

1 the existing Stewart's that's just down the street.  
2 So, traffic that is going to that Stewart's right now  
3 will actually be going to this Stewart's instead.

4 Access to the site is proposed to be via the  
5 two full access intersections. One is intersecting  
6 Catherine Road the other intersecting Fuller Road.

7 We completed some traffic volume counts at the  
8 time of the traffic evaluation. Fuller Road currently,  
9 based on DOT traffic volume data, serves about 16,700  
10 vehicles per day. The traffic count that we completed  
11 on Catherine Road shows at the time Catherine was  
12 carrying about 270 cars per day. During the morning  
13 peak that was roughly 19 vehicles on Catherine and  
14 during the PM peak that was roughly 23 vehicles on  
15 Catherine Road.

16 The project is expected to generate a total  
17 number of what we call driveway trips. For trip  
18 generation we look at how many trips are going to be  
19 coming in and out of the driveway and how many of  
20 those trips in and out of the driveway are actually  
21 new to the study area.

22 When we have a convenience market/service  
23 station type of land-use there is a large percentage  
24 of those trips that are actually already on the road.  
25 So, those are not actually new trips to the area but

1 they do go into and out of the driveway themselves.  
2 So, what we are looking at during the morning peak  
3 hour is about 160 trips into and out of driveways, but  
4 only 65 of those are actually new trips to the study  
5 area.

6 During the PM peak hour it is about 200 trips  
7 into and out of the driveway, but only 70 of those are  
8 actually new trips to the study area itself.

9 One thing to note is that although this  
10 particular project is going to replace the Stewart's  
11 down the street, we didn't actually take a credit for  
12 that. So, the 65 and 70 can actually further be  
13 reduced based upon a trip that would have been going  
14 to the old Stewart's and would instead be going to  
15 this one.

16 The next thing you do is look at levels of  
17 service at the site. How was the driveway going to  
18 operate? How are the intersections going to operate?  
19 Basically, what is happening right now is that the  
20 Catherine Road/Fuller Road intersection -- the  
21 Catherine Road approach is operating about level of  
22 service see during both the AM and PM peak hours. With  
23 construction of the project, that level of service is  
24 going to be basically maintained. I'm sorry, the  
25 actual level of service right now is B during the

1 morning peak of about 12 to 13 seconds on average.  
2 During the PM peak hour it is about 14 seconds right  
3 now and it will bump to about 15 seconds. So, we are  
4 not looking at a large increase in delay associated  
5 with this project itself. Basically it is the same  
6 kind of thing with site driveways themselves. During  
7 the morning peak hour exiting the site onto Fuller  
8 Road will be level of service B and again that's  
9 around 12 or 13 seconds of average delay. During the  
10 peak hour - that is the PM peak hour - that is about  
11 18 seconds. So, less than 20 seconds delay on those  
12 approaches.

13 For the Catherine Road driveway, because there  
14 is such a very small amount of traffic on Catherine  
15 Road itself already, the driveway is going to operate  
16 at level of service A during both peak hours with less  
17 than 10 seconds of delay.

18 One of the other things that came up had been  
19 concerns raised by neighbors about the potential for  
20 traffic destined for the actual site to cut through on  
21 Nolan Road and Catherine Road rather than using the  
22 existing Roadway network while that is existing.  
23 Rather, and using the more major Roadway network of  
24 Central and Fuller.

25 We did travel time runs during the noon time

1 peak hour to see how long it would actually take to  
2 take those different routes. Basically what was found  
3 is that in order to travel northbound - using Fuller  
4 and Central Avenue or else coming through Catherine to  
5 Nolan was the same amount of time. Each route was  
6 basically the same amount of time to accomplish.

7 Going southbound it was found to be faster to  
8 take Fuller Road and Central rather than traveling  
9 through the neighborhood itself. One of the reasons  
10 that is so is the neighborhood has narrow streets,  
11 vegetation right up against the roadways, vehicles are  
12 parked and it winds through. So, it's really not  
13 something that the average person is going to use as a  
14 detour because it is not an easy thing to do. These  
15 numbers really do support that finding, as well as the  
16 fact that Catherine Road is already - you're seeing  
17 that it is a low-volume roadway. If it were a cut  
18 through, you would see that as a higher traffic volume  
19 under existing conditions.

20 That is it for kind of the overall summary. Are  
21 there any questions?

22 CHAIRMAN STUTO: It does not sound like there  
23 are. Not at this point. Okay, we will turn it over to  
24 our Town designated engineer from CHA - Joe Grasso, to  
25 give his formal comments representing the Town.

1 Joe?

2 MR. GRASSO: We did another review of the  
3 project plans based on the revised concept site plan.  
4 As has been stated, the last concept review meeting  
5 was back in June. Subsequent to that, our office along  
6 with the Planning Department staff in the Albany  
7 County Department of Public Works staff got together  
8 to review the access arrangement and we provided some  
9 comments that has resulted in some revisions to the  
10 site plans.

11 One of the topics of our meeting was a close  
12 review of the access considerations and whether or not  
13 there were better alternatives that should be  
14 explored. We think that the plan, as currently  
15 proposed, provides the optimum access arrangement to  
16 the site.

17 The driveway on Catherine Road is consistent  
18 with good access management strategies because it  
19 allows any neighborhood traffic to not have to go out  
20 onto Fuller Road and then turned back into the site  
21 off of Fuller Road. It also eliminates the need for  
22 additional curb cuts on Fuller Road which would  
23 provide some safety concerns as well as poor access  
24 management. To access is onto Fuller Road was  
25 something that was considered, but we didn't think it

1 was a recommended approach for that site plan to  
2 consider.

3 I am not going to get into the traffic study  
4 data. Alanna did a good job summarizing that. We are  
5 in agreements with the results of the traffic study  
6 and have done a thorough review of that. We do think  
7 that it is noteworthy that the impacts to Catherine  
8 Road in terms of average delay during the peak hour  
9 are less than one second. We think that it will have a  
10 minimal impact on traffic delays there.

11 We also have commented talked about the cut  
12 through and the travel times to the neighborhood and  
13 we agree with those findings and I think it is  
14 important to note that because the intersection of  
15 Nolan Road and Central Avenue is unsignalized and it  
16 provides a difficult left-hand turn which makes a cut  
17 through in the northbound direction less desirable.

18 CHAIRMAN STUTO: You say that you agree and you  
19 have illuminated part of it. Can you restate -

20 MR. GRASSO: So, they do the travel times; how  
21 long it actually takes to get there. That shows that  
22 it is no quicker to cut through the neighborhood then  
23 to stay on the mainline. It is important to understand  
24 that during - one traffic conditions on Fuller Road  
25 and Central Avenue are heavier when you would think

1           okay, that is the time that people are going to want  
2           to use the neighborhood is a cut through -- because it  
3           is unsignalized at Nolan and Central Avenue, left  
4           turns out become difficult and that's where you add  
5           back and a substantial delay period. If that  
6           intersection was signalized, then it would be much  
7           more likely to be used as a cut through. Because it is  
8           unsignalized, we don't expect that to occur.

9                   CHAIRMAN STUTO: Do you think there is any  
10           reason to restrict the right-hand turns out of  
11           Stewart's to Catherine - to restrict that it all?

12                   MR. GRASSO: No, because for neighborhood  
13           traffic we think that is a desirable opening.

14                   CHAIRMAN STUTO: Is somebody who lives there  
15           and wants to get back out -

16                   MR. GRASSO: That's what we definitely would  
17           not want to see is any neighborhood traffic being  
18           forced out onto Fuller Road. Maybe it's Chestnut that  
19           is weight restricted. The Planning Board counsel has  
20           suggested a possible restriction on those neighborhood  
21           Roads to local traffic. I think that is a good  
22           suggestion and something that the Planning Board could  
23           recommend. I think the final decision of that would be  
24           up to -

25                   CHAIRMAN STUTO: Can you repeat that

1 suggestion?

2 MR. GRASSO: Sign those neighborhood streets to  
3 local traffic only, just to further discourage cut  
4 through traffic.

5 MR. MARSHALL: We are open to that but we did  
6 include no right turns for trucks is a change from the  
7 last meeting on to Catherine Street.

8 MR. GRASSO: There are a couple of other  
9 notable features on the revised concept plan. One is a  
10 stone wall extension of the building along Fuller  
11 Road. We think that is a really desirable feature.

12 Chuck also mentioned about the landscaping  
13 behind the wall and then the return along Pinehurst to  
14 cut off the views towards the back of the building.  
15 That was a concern that we had heard earlier on during  
16 the sketch plan review.

17 There is also decorative fencing and stone  
18 columns - both along Catherine Road and along full of  
19 Road and that is something that is consistent with the  
20 Town of Colonie's design standards to provide some  
21 screening up along the front yard.

22 If you look at the landscaping plan, extensive  
23 landscaping and fencing along the adjacent residential  
24 properties to the north side of the site - we think  
25 those are very desirable features of the plan. \*There

1 are three waivers from the design standards that are  
2 being requested. Our letter had only noted two of  
3 them, but there is another one that the Planning  
4 Department picked up on. One is the landscaping  
5 interior to the parking area.

6 The second one is use of a non-masonry  
7 dumpster enclosure where they are currently proposing  
8 a solid vinyl fence around the dumpster enclosure.

9 The last one being parking in the front yard.  
10 We did not pick up on the fact that there are a couple  
11 parking spots that just extend out in front of the  
12 building by a couple of feet. That is the third  
13 waiver.

14 The one for the landscaping interior to the  
15 parking area is consistent with the ones that you  
16 typically see for convenience stores. The Board has  
17 given strong opinions on the use of a masonry dumpster  
18 enclosure and we have seen Stewart's do both within  
19 the Town. We would suggest consideration of possibly a  
20 split theme where you have masonry along the lower  
21 half of the dumpster enclosure tied into the building  
22 and then the use of vinyl above that there would still  
23 provide an 8 foot solid screening.

24 CHAIRMAN STUTO: I'm going to ask Joe LaCivita  
25 - Joe, you've been around a lot. What is your opinion?

1                   MR. LACIVITA: Actually I believe that the one  
2                   that we did across from Hoffman's we had a vinyl  
3                   enclosure.

4                   MR. MARSHALL: The note on the dumpster  
5                   enclosure says dumpster enclosure to match building  
6                   materials. So, our proposal was the masonry stone on  
7                   the bottom and a hardyboard top. The only thing that  
8                   will be vinyl is the door swings.

9                   MR. LACIVITA: Actually, Peter, it's better  
10                  than having all vinyl all the way down because once  
11                  those things start getting banged around, that gets  
12                  to be replaced all the time. This actually goes to a  
13                  better function.

14                  CHAIRMAN STUTO: Any comment by the Board?

15                  MR. LACIVITA: The site visit when we did the  
16                  review of some of the redevelopments in the Town, we  
17                  were out there looking at it.

18                  CHAIRMAN STUTO: The one on Route 9?

19                  MR. LACIVITA: Yes.

20                  MR. GRASSO: The last thing that I would want  
21                  to comment on was the SEQRA review of the project. The  
22                  Town Attorney's Office classified this as an unlisted  
23                  action pursuant to SEQRA, so it only required the  
24                  preparation of a short Environmental Assessment Form.  
25                  The applicant did provide that. We have reviewed it.

1           The two involved agencies are the Colonie Planning  
2           Board and the Albany County Department of Public  
3           Works. The short EAF does adequately describe the  
4           environmental setting of the project site and the  
5           minimal impacts that are expected as a result of the  
6           project. We would recommend that the Planning Board  
7           withhold making a determination until you have had a  
8           chance to review the final plans.

9                   CHAIRMAN STUTO: Okay, we're going to ask the  
10           neighbors to come up. We would ask that you come up  
11           and speak into the microphone. We will call you in  
12           the order in which you put your name on the sheet.

13                   Ali Yip.

14                   MS. YIP: Good evening, Board.

15                   I need clarification on one thing. I believe  
16           that the applicant had received two variances; one for  
17           the use of 1 Catherine to be rezoned from residential  
18           to COR or rezoned in this project. The second one was  
19           the masonry boundary towards our boundary line.

20                   CHAIRMAN STUTO: We're not going to have a lot  
21           of back and forth. You can make your comments and ask  
22           your questions and we'll do our best to try to answer  
23           them at the end.

24                   One was the use and I think that's the gas  
25           pumps within the area of the residential and the other

1 was the distance of the dumpster from the residential;  
2 am I correct?

3 MS. YIP: Yes. I will be representing quite a  
4 few neighbors due to the inclimate weather. They were  
5 unable to attend here. We do have a petition and in  
6 addition attached to the -

7 CHAIRMAN STUTO: We have that in our file.

8 MS. YIP: I will have additional for you, as  
9 well.

10 So, first I would like to address - if I could  
11 please continue, thank you - we would like to first  
12 address the applicant's request for a waiver to  
13 landscaping interior to the parking areas and CHA and  
14 Planning Board's comments regarding the shifting of  
15 the curb cut on Fuller Road approximately 10 feet to  
16 the north.

17 Applicant's plans have fences and landscape on  
18 the south along Fuller Road, which is right over here  
19 that I'm pointing at (Indicating), which makes vision  
20 clearance compromised for traffic coming from out of  
21 Pinehurst and Catherine. Currently the proposed site  
22 plan has only a 12-foot setback from the front of the  
23 building on the south and the required setback is 20  
24 feet which is noted on their plans as well. They are  
25 proposing 12 feet and the required is 20 feet. I'm

1 not sure if a variance was obtained by the applicant.

2 Applicant was only granted a use variance last  
3 February and we believe that no area variance was  
4 granted for the front setback, which would be critical  
5 if ignored. Most of applicant's traffic will come  
6 from Fuller Road making this setback requirement  
7 essential to not cause danger to traffic. It will  
8 obstruct the traveling public's view for the  
9 applicant's traffic and those from Pinehurst and  
10 Catherine. Chapter 190.26(2) of the Town of Colonie  
11 Local Law states: Vision clearance - no wall, fence,  
12 sign or other structure should be erect and no hedge  
13 of tree, shrub or other growth shall be maintained  
14 within the required front yard space so as to cause  
15 danger to traffic by obstructing travel lane public's  
16 view. Therefore, we encourage the Board to stand firm  
17 on this requirement for the safety of its citizens and  
18 enforce the front setback requirements of 20 feet  
19 minimum and denying of a waiver to landscaping  
20 interior to the parking area of 20 feet on the south.

21 The second issue that we have is the noise from  
22 the applicant's operation and patrons with regard to  
23 truck traffic. The applicant's narrative states the  
24 hours of operation will be Monday through Sunday 4:00  
25 AM to midnight.

1           Further, in the June 2016 meeting, the  
2           applicants stated that deliveries will occur between  
3           the hours of midnight to 4:00 AM Chapter 135.5(f)  
4           states no persons shall cause or permit to cause any  
5           noise which one measure by a sound level meter at the  
6           real property line of the parcel of residential or  
7           commercial property, public space or the dwelling  
8           unit, within a multi-dwelling unit building from which  
9           it is emanating is in excess of 64 decibels between  
10          the hours of 10:00 PM to 7:00 AM from Sunday through  
11          Thursday or between the hours of 11:00 PM and 7:00 AM  
12          on Friday and Saturday.

13                 CHAIRMAN STUTO: Normally we wait until the end  
14                 until we answer your questions but you're raising  
15                 somewhat technical questions so I'm going to ask the  
16                 applicant, with the help of our Town Designated  
17                 Engineer, to raise the two issues that you have raised  
18                 so far.

19                 One had to do with a 12-foot setback and also  
20                 the fence blocking the visibility, as I understood it.  
21                 We'll talk generally about visibility, pulling out of  
22                 the two Roads that surround the Stewart's and then  
23                 we'll talk about the noise.

24                 I'll ask the applicant to address those issues  
25                 first. Did you understand the issues as they were

1 raised?

2 MR. MARSHALL: I'll just talk about the setback  
3 for a second. I believe that it's a 20-foot maximum  
4 and not minimum.

5 MR. LACIVITA: Front yard setback - the minimum  
6 setback for that is 20 for that area.

7 Did you receive the waiver? Did you receive a  
8 zoning variance on that at one point?

9 CHAIRMAN STUTO: They are saying that they are  
10 closer. They are not violating that, Joe. That's what  
11 they are saying.

12 MR. MARSHALL: If it's a minimum and it's 20,  
13 we would have to have either received a waiver or a  
14 variance.

15 MR. GRASSO: It would be a variance. What is  
16 your plan? What is it currently?

17 MR. MARSHALL: It's 12 feet.

18 CHAIRMAN STUTO: So, they are in compliance or  
19 they're not.

20 MR. GRASSO: It doesn't look like it's in  
21 compliance.

22 MR. MARSHALL: I believe that we are based on  
23 our variances.

24 CHAIRMAN STUTO: That's not in your file?

25 \*We'll let them look.

1 Does somebody want to talk about the noise?

2 MS. MORAN: So, intersection site distances are  
3 measured at a distance of roughly 15 feet back from  
4 the edge of the travelway. Actually the stop bar here  
5 is roughly 12 feet back from the edge of the travelway  
6 and then you add another 12 feet beyond that. So,  
7 there is basically 20 to 24 feet between the edge of  
8 the travelway and the actual building line and the  
9 fence line. So, those should not be in the way of any  
10 type of site distance or visibility from the  
11 intersections.

12 MR. GRASSO: I think that her concern was the  
13 fencing cutting off the views from Catherine.

14 CHAIRMAN STUTO: From Catherine or from  
15 Pinehurst?

16 MS. YIP: Actually from both.

17 MR. GRASSO: If you look at where the fence is,  
18 I think that the concern is the corner of the fence at  
19 the intersection of Catherine and Fuller Road.

20 MS. YIP: I think that the proposal is to have  
21 this landscaping in - I think that what they are  
22 requesting to landscape this entire area and I think  
23 that it's going to be hard to make turns.

24 CHAIRMAN STUTO: How high is the landscaping  
25 going to be there?

1 MS. YIP: A three-foot fence.

2 MR. GRASSO: What we normally do is we draw a  
3 line across the intersecting street and we restrict  
4 anything within 10 feet of that site line, which is  
5 what I thought that they met but it's something that  
6 we'll follow-up on. That's as far back as a car would  
7 be reasonably expected to stop. We'll track it.

8 MS. YIP: The noise - I already brought up that  
9 question.

10 CHAIRMAN STUTO: I would like somebody to  
11 address the noise.

12 MS. GRASSO: I think that she is making  
13 reference out of the Town Code.

14 MS. YIP: Yes, and I didn't finish.

15 MR. GRASSO: So, that is the restriction in the  
16 Town Code regarding the noise -

17 MS. YIP: Can't they obtain a noise variance as  
18 well, though?

19 CHAIRMAN STUTO: No, they don't have a noise  
20 variance.

21 MR. MARSHALL: The plan comment number eight  
22 says that refuse collection must be restricted to 7:00  
23 AM to 7:00 PM which is the noisiest of our deliveries  
24 or pick-ups.

25 MS. DALTON: Not if you're going to be having

1 deliveries between midnight and 4:00 AM, especially if  
2 your trucks are backing up. Don't they have that  
3 beeping noise?

4 MR. MARSHALL: The truck routing configuration  
5 does not show the truck backing up.

6 MR. LACIVITA: It goes in, delivers and goes  
7 back out?

8 MR. MARSHALL: Correct.

9 MR. LACIVITA: Can you just walk through the -

10 MR. MARSHALL: It would be southbound on Fuller  
11 Road. It would take a right into the site, deliver  
12 fuel, make a left on Catherine and exit back out onto  
13 Fuller. There is no reason for it to back-up.

14 MS. DALTON: What about deliveries to the  
15 store?

16 MR. MARSHALL: Deliveries for the store are  
17 outside the hours of midnight to 4:00. The store has  
18 to be open to accept the deliveries.

19 MS. YIP: You're opening at 4:00 AM. You'll be  
20 receiving everything.

21 MR. MARSHALL: If the Code says 7:00 AM to 7:00  
22 PM -

23 MS. YIP: That's 7:00 AM to 10:00 PM

24 MR. GRASSO: So, I think that she's referencing  
25 what the Town Code is regarding noise restrictions and

1 this applicant will be required to comply with those.  
2 That is a Town wide restriction.

3 CHAIRMAN STUTO: Can you say what they are?

4 MR. GRASSO: I don't have the Code in front of  
5 me.

6 MR. MARSHALL: In deference to the neighbor, we  
7 have to comply.

8 MR. GRASSO: "No person shall cause or permit  
9 to be caused any noise which, when measured by a sound  
10 level meter at the real property line of the parcel of  
11 residential or commercial property, public space or  
12 the dwelling unit from which it is emanating, is in  
13 excess of 65 dBA between the hours of 10:00 PM and  
14 7:00 AM on Sunday through Thursday or between the  
15 hours of 11:00 PM and 7:00 AM on Friday and  
16 Saturday."

17 So, those requirements are Town wide and they  
18 would apply to this project.

19 CHAIRMAN STUTO: So, you have to be quiet  
20 during the nighttime hours.

21 What about deliveries? Are there any  
22 restrictions on deliveries?

23 MR. GRASSO: There are no restrictions on  
24 deliveries. This is just something that is very  
25 measurable at the property line.

1                   CHAIRMAN STUTO: Understood. I thought that we  
2 had something in the Code about times of deliveries.

3                   MR. LACIVITA: Not in the Land Use Code - in  
4 the General Municipal Code, though.

5                   CHAIRMAN STUTO: The applicant should be coming  
6 out with variances - copies of your variances. Do you  
7 have them?

8                   MR. MARSHALL: I don't have that page - I don't  
9 have the attachment.

10                  CHAIRMAN STUTO: A setback of 12 feet is  
11 mentioned here.

12                  MR. MARSHALL: The front area setback of 12  
13 feet, also the minimart fueling canopy and dumpster  
14 enclosure are not permitted uses within 100 feet of  
15 the zoning boundaries between single-family  
16 residential or multi-family residential as stated in  
17 the Town of Colonie land-use section 190 - 20c3, 190 -  
18 24 and 190-2 dimensional table. So, we received the 12  
19 foot setback relief and the other two variances that I  
20 had previously alluded to. So, I'm sorry missed the 12  
21 foot setback.

22                  CHAIRMAN STUTO: So, they have a variance for  
23 that and you'll double check the safety of the site  
24 lines?

25                  MR. GRASSO: Yes.

1 MS. YIP: So, if they have it we would ask the  
2 Town to really look into the Planning of the  
3 landscaping, especially turning out on Catherine  
4 because that is seriously what I believe in  
5 obstruction of view.

6 CHAIRMAN STUTO: Yes, we will do that.

7 MS. YIP: The noise situation - diesel engines  
8 produces approximately 100 decibels at idle. I do want  
9 to bring that to the Town's attention. It is a fact.  
10 You can Google it.

11 We do have a unique situation here being that  
12 the site is in such close proximity to the residences.  
13 Therefore, certain measures are requested for the Town  
14 Board to take into consideration and address these  
15 concerns.

16 The third and the fourth issues -- this is the  
17 last final issue that we really have. That issue is  
18 regarding truck travel generated by the applicant's  
19 patrons - not their deliveries but their patrons and  
20 their customers.

21 We did a count of the applicants patrons and  
22 travel via 18 wheelers, tractor-trailers and vehicles  
23 that are single axle at 12,000 pounds or six ton  
24 weights or above unloaded on an average weekday. We  
25 counted a total of 36 such vehicles that were used by

1 the applicant's patrons on one weekday. On the  
2 weekend, it was much lower in value.

3 Prior to the applicant installing a fence  
4 around his perimeters, we were able to take some  
5 pictures that showed the semi-trailer attempting to  
6 turn from the current Catherine driveway which is  
7 directly across from the parking lot of the hotel, 31  
8 Fuller Road onto Catherine.

9 I will show some pictures in these pictures  
10 will kind of reference and clarify what I'm talking  
11 about. I have copies for each member. So, the pictures  
12 show that in order for the truck to make the turn they  
13 have to go into the parking lot of the burnt hotel.  
14 Because of that, we do have a couple additional  
15 concerns. First, the burnt hotel has submitted their  
16 building permits for their plans. They have about 12  
17 parking spots plans for the development where their  
18 vehicles will be traversing out of Catherine Road at  
19 that area that the truck is trying to make that turn.  
20 That causes additional traffic concerns for the  
21 applicant's driveway on Catherine Road.

22 The applicant's driveway on Catherine Road is  
23 directly across from a resident on Catherine Road. As  
24 you can see in the pictures, these are actual pictures  
25 taken when the applicant was nice enough and kind

1 enough to invite us to their public meeting at the  
2 site to review the site plans. What you will see in  
3 these pictures are cones. These cones were placed by  
4 the applicant to show where the driveway on Catherine  
5 is going to be. In one of the pictures, you will see  
6 the current property which is 1 Catherine -- the other  
7 picture is 2 Catherine which is exactly the neighbor's  
8 front lawn that is directly across from the driveway  
9 that the applicant is proposing. In order for trucks  
10 to make this turn - I'm sorry to say that the neighbor  
11 at 2 Catherine Road is going to have a lot of trucks  
12 driving over your lawn.

13 The other concern that we have would be - is  
14 there adequate emergency vehicle clearance for  
15 Catherine Road? This is also a major concern that we  
16 have. If the truck is trying to turn out of this  
17 driveway and there is an emergency vehicle coming in,  
18 there really is not enough clearance on the Road to  
19 address that.

20 The applicant's design does not allow enough  
21 turning radius within their property -

22 CHAIRMAN STUTO: Can you hold that thought for  
23 just a moment? We will try to address some of the  
24 other issues.

25 As I heard you, you said you did something of

1 the traffic count seeing 36 vehicles -

2 MS. YIP: That was an average. So, we did a  
3 count -

4 CHAIRMAN STUTO: Per day.

5 MR. GRASSO: At which site?

6 MS. YIP: At their current store.

7 MR. GRASSO: On Fuller Road.

8 MS. YIP: I'm 35 Fuller Road I believe that is  
9 their current store address.

10 CHAIRMAN STUTO: The other had to do with the  
11 impact on 2 Catherine Road, including driving on the  
12 lawn for the bigger trucks. I am not sure how it  
13 played into the impact of the burnt down motel.

14 MS. YIP: Right now there is an entrance.  
15 Currently there is a driveway on the site as is and  
16 then driveway is where it is right now. Soak, it kind  
17 of shows that the semi-trailer in order to make that  
18 turn onto Catherine, it has to hug into the burnt  
19 hotels parking lot. The road is not wide enough. I  
20 have the turning radius minimum requirement rules and  
21 widths for you to review as well which I was going to  
22 address later.

23 This will be a 90° angle turn. The minimum  
24 requirement for the Road is 20 something feet. That is  
25 the reason why the semi-trailer has to go over our

1 neighbor's lawn, eventually.

2 CHAIRMAN STUTO: Joe, whether you address it or  
3 not I'm going to ask you to help me answer her  
4 questions either through you or through the applicant.

5 MR. GRASSO: I want to stick with the 36 trucks  
6 per day.

7 MS. YIP: They are not all semi-trucks; single  
8 axle and above. Single axle, 12,000 pounds, 6 tons - -  
9 that is important because that is going to be  
10 addressed on another local law on this application.

11 MR. GRASSO: Do you want to address any  
12 concerns regarding truck usage of this site versus -

13 MR. MARSHALL: I just think that what we show  
14 here is a truck routing that is adequate. The access  
15 configuration agreeable by both CHA and Albany  
16 County -- the issue that I have is that this access  
17 configuration in the site is actually safer than the  
18 current full a road site as those trucks are parked  
19 either on the roadway or in the median. So, I think  
20 while there might be 36 of them, they are not able to  
21 access that site properly and they would be able to  
22 access the site properly albeit it not at the same  
23 time.

24 CHAIRMAN STUTO: Ma'am, what you doing?

25 MS. YIP: I just want to make sure that you are

1 seeing what he was saying.

2 MR. LACIVITA: We want to see the truck  
3 traffic.

4 MR. GRASSO: The truck traffic is really what  
5 we want to see.

6 MR. MARSHALL: I have done this before.

7 CHAIRMAN STUTO: Joe, what is your reaction to  
8 that - particularly the bigger trucks going onto  
9 Catherine and headed towards Fuller. Do they have  
10 enough room there?

11 MR. GRASSO: They do. These sites are not  
12 purposefully designed for tractor-trailers because the  
13 intent is not to accommodate them within the site  
14 because they can cause a host of circulation issues.  
15 What we do ask the applicant to do is to take their  
16 largest delivery vehicle and route that using modeling  
17 consistent with your turning templates here but also  
18 using computer programs which are conservative and to  
19 make sure they can route through the site without  
20 tracking off the roadway. That is basically what this  
21 diagram would do is that it would show how that truck  
22 would maneuver through the site and to get out safely  
23 without blocking intersections or having to drive on  
24 somebody else's property.

25 CHAIRMAN STUTO: So, you are saying that they

1 have answered that question.

2 MR. GRASSO: It is important to understand that  
3 she is bringing up a different issue of the 36 trucks,  
4 but this site is not being designed for trucks larger  
5 than that designed vehicle. The picture that we have -  
6 I think it is like a moving van. It is what we refer  
7 to as a WB 67 whereas this is like a WB 50. So, this  
8 is a smaller design vehicle that they have routed  
9 through the site.

10 MR. MARSHALL: To further on Joe's comments  
11 about not looking to accommodate this type of vehicle,  
12 we don't propose a standalone or high flow diesel  
13 here. There are truck corridors where we do that type  
14 of service.

15 CHAIRMAN STUTO: So, the diesel attracts the  
16 larger trucks. You are not going to have diesel here.

17 MR. MARSHALL: We will have diesel in a 3 plus  
18 one dispenser. Anyone who drives like a Volkswagen or  
19 something of that nature - that market is growing --  
20 that will be under a canopy and not a large  
21 tractor-trailer type fueling. In addition, when you  
22 fuel a tractor-trailer you look for double fueling -  
23 simultaneous fueling. I believe that our 3 plus 1  
24 fuels and 12 gallons a minute or something and then  
25 nature. The larger tractor-trailer fueling is like 25.

1           There is too of them so it is almost 50.

2                   CHAIRMAN STUTO:  So, you do not expect to  
3           attract any tractor-trailers.

4                   MR. MARSHALL:  Our use is highly driven by pass  
5           by trips which is why we received a number of trip  
6           generation reductions that we do - it is approximately  
7           63%.  Whatever trucks that would enter the site are  
8           already on the Road and it will not become a truck  
9           stop or a destination for large vehicles.

10                   MR. GRASSO:  I think that it is important from  
11           a site design perspective that these sites are not  
12           designed to accommodate trucks in instances like that.  
13           If this site was someplace else we may take a  
14           different stance but we discourage designing these  
15           sites to accommodate large trucks.  As you will see,  
16           there is no truck parking.  There is enough room on  
17           this site to add truck parking, but we discourage it  
18           when you are in a neighborhood setting like this.

19                   CHAIRMAN STUTO:  What do you think the impacts  
20           on 2 Catherine is going to be?

21                   MR. GRASSO:  We think that it is going to be  
22           minimal.  There will be additional trips for vehicles  
23           to use Catherine to get out.  That is a desirable  
24           feature of the site plan.  There will be additional  
25           traffic seen on Catherine.  In terms of the typical

1 impacts and in terms of delay or safety concerns, we  
2 think they are minimal.

3 CHAIRMAN STUTO: She had mentioned emergency  
4 vehicles and I'm not sure exactly what her point was  
5 on that.

6 MR. GRASSO: What we would be concerned with  
7 there: Is Catherine going to be blocked because of  
8 this queuing or staging of a truck. The curb cut is  
9 far enough away from the Road for that vehicle. Once  
10 it pulls out, it is going to queue up at Fuller Road  
11 without causing an obstruction. It is a valid concern  
12 and to these plans to get reviewed by the emergency  
13 services Department of the Town through the process.

14 MS. YIP: Since Chuck has mentioned that he  
15 does not believe that the additional gas canopies will  
16 attract tractor-trailers - I am not sure and I cannot  
17 speak on that, but my numbers are current with no gas  
18 canopies. Those are 36 heavy vehicles - overweight  
19 vehicles that will be traveling. So, the addition of  
20 the gas - I am not sure if there will be additional or  
21 not. I cannot speak to that.

22 I am going to go into the last final points.  
23 The applicant's design does not allow enough turning  
24 radius within their property for semi-trailers  
25 entering and exiting from only Fuller Road, which only

1 means that Catherine Road's driveways serves as an  
2 exit and entrance for those over weighted vehicles as  
3 further demonstrated on this diagram as well. That is  
4 the intention and the plan of this design and proposal  
5 here.

6 The applicant has also stated their intention  
7 with the sign - during the June 7 meeting that they  
8 will be using Catherine Road as a means of exit for  
9 over weighted vehicles. So, we can definitely confirm  
10 that is the case. That being said, it is very  
11 comfortable for us to conclude that the applicant's  
12 design before us is in direct violation of local laws  
13 chapter 181 - 17(a), which are vehicle overweight  
14 limitations. I did choose to omit the A's through K's  
15 up until Catherine Road. This is the local law that  
16 really is the biggest issue and biggest concern that  
17 we have. It clearly states the entire length - it does  
18 not say one third - of Catherine Road and Nolan Road  
19 has a weight limit of 4 tons or 8,000 pounds loaded or  
20 unloaded and honestly when I read 4 tons I said wow  
21 that's a lot of weight. When I looked it up, a pickup  
22 truck semi loaded is over 8,000 pounds. That is a  
23 pickup truck. I guess that weight is not that heavy.

24 Can we grant approvals this evening given that  
25 there is a local law which should prevent the driveway

1 on Catherine Road? We did confirm with an attorney  
2 that this would require a change in the law at which  
3 the citizens and neighbors at this point would like to  
4 put on record that we object to this amendment and/or  
5 change because this local law was put into place with  
6 sound structural reasons. Catherine Road does not have  
7 the structural integrity to sustain such weights. As a  
8 matter of fact, several years back the Road collapsed.  
9 About one third into Catherine Road before it splits  
10 into Nolan Road is a substantial distance of travel on  
11 Catherine for those 36 overweight vehicle patrons when  
12 the entire length prohibits overweight vehicles.

13 I didn't bring an aerial for the Board to  
14 review.

15 I'm sorry Chuck, I'm going to borrow your  
16 plans. If you hire me, I will give you a discount.

17 MR. MARSHALL: Judging from the way this is  
18 going, it is not heading that way.

19 MS. YIP: This driveway right here (Indicating)  
20 looks really small from our perspective. It looks like  
21 a couple hundred feet. It is not really big. The  
22 entire length of Catherine Road before it splits, I  
23 believe, is under 700 feet in length and I have an  
24 actual aerial to demonstrate that.

25 CHAIRMAN STUTO: We understand what your point

1 is. You are saying that overweight vehicles cannot go  
2 on the road. The section you provided -

3 MS. MARINELLI: Do you have 181.36(a)?

4 MS. YIP: That is 8 tons, right?

5 MS. MARINELLI: I don't know what it is. It is  
6 just referenced in here.

7 MS. YIP: Those are the actual schedules of the  
8 roads -

9 MS. MARINELLI: Did you cut and paste?

10 MS. YIP: Yes. I just omitted - like I said,  
11 before I deleted from the streets that were A until  
12 Catherine Road.

13 MS. GRASSO: Do you want me to respond to some  
14 of this?

15 CHAIRMAN STUTO: Yes.

16 MS. GRASSO: It is my understanding of the  
17 weight restrictions on roadways is that it excludes  
18 deliveries to establishments or residences. If you are  
19 delivering product to those facilities, then the  
20 restrictions do not apply. It is similar to if you are  
21 having a sidewalk poured at your house -

22 CHAIRMAN STUTO: She's talking about patrons.

23 MR. GRASSO: Patron use is restricted on  
24 Catherine.

25 CHAIRMAN STUTO: So, is the current design

1 going to encourage overweight vehicles -

2 MR. GRASSO: Like I said, it dovetails into my  
3 last comment that this site is specifically not  
4 designed for oversize vehicles.

5 CHAIRMAN STUTO: Where does 4 tons start? What  
6 size vehicle is 4 tons?

7 MR. GRASSO: Small dump truck. I think it's  
8 great. That is a great law that is already in effect  
9 that provides an assurance to the neighborhood that if  
10 this use starts to accommodate overweight vehicle than  
11 the Town can bring enforcement. I think it is a great  
12 safety feature that's built in.

13 CHAIRMAN STUTO: An ounce of prevention is  
14 worth a pound of cure in the sense of if it would  
15 encourage that.

16 MR. GRASSO: And this does not encourage it.

17 CHAIRMAN STUTO: Can you convince us that it  
18 does not? Dump trucks are not going to be pulling onto  
19 that Road, right? They're not going to use Stewart's  
20 because they know they're not going to fit there?

21 MR. GRASSO: No, I could not say that. What I'm  
22 saying is that if they do, the Town has a law in place  
23 that they can enforce.

24 CHAIRMAN STUTO: Right, but we would rather  
25 present it than have to worry about enforcement. That

1 is why we are here.

2 MR. MARSHALL: Similar to the restriction for  
3 no rights into the neighborhood, I think signage would  
4 be the only way to prevent trucks of that size from  
5 using Catherine Road at all. Obviously, we are  
6 amenable to that. A dump truck or something of that  
7 nature could circulate the site and leave out Fuller  
8 Road which there is no restriction on.

9 CHAIRMAN STUTO: Is the Road signed already?

10 MS. YIP: The weight limit sign is there.

11 MR. GRASSO: Can you point that out on the  
12 plan?

13 MS. YIP: The sign is right there (indicating).

14 CHAIRMAN STUTO: Facing Fuller Road?

15 MS. YIP: Facing Fuller Road and then there is  
16 one on Nolan Road now, as well -as soon as you enter  
17 Nolan Road.

18 CHAIRMAN STUTO: We will think about that. Does  
19 anyone have any questions or comments?

20 MR. MION: How about one the entrance and exit  
21 going out onto Catherine?

22 MR. MARSHALL: It's the same as a no right turn  
23 restriction. We would just put another sign that has a  
24 weight restriction. I don't know how that sign would  
25 read; whatever the Code says.

1 CHAIRMAN STUTO: Did you get a copy of this?

2 MR. MARSHALL: No, but I will look it up.

3 It is not something that is typical. Obviously,  
4 she has done her diligence.

5 It is just not something that we would look at.  
6 It's not in the typical use of the site - something  
7 that we would have entertained.

8 CHAIRMAN STUTO: That is why we are going over  
9 it now.

10 MR. MARSHALL: And as with the restrictions on  
11 deliveries and noise, we have to be compliant. Trust  
12 me, a lot of neighbors call me regularly and say there  
13 is a delivery off-hours or something like that. I  
14 offer the same to these neighbors. We have a lot of  
15 stores in the Town and we don't want to ruin our  
16 reputation with one site.

17 MR. GRASSO: The only other thing that I would  
18 say on the truck signage is we would consider a sign  
19 actually on Fuller Road. Once you are onto Catherine,  
20 your decision is already made. That's probably  
21 something that will have to talk to the county about.  
22 The additional sign placed I think -

23 CHAIRMAN STUTO: A sign placed were in saying  
24 what?

25 MR. GRASSO: As you are heading northbound on

1 Fuller Road, no left turns for overweight vehicles.  
2 That's just so they see that before they get to the  
3 site.

4 MR. MARSHALL: So, you will probably have to  
5 put it on the east side of the Fuller, south of the  
6 intersection.

7 CHAIRMAN STUTO: Okay, let's take a close look  
8 at that.

9 Ma'am?

10 MS. YIP: Chairman, thank you, I agree with  
11 you. We are here to try to prevent certain issues from  
12 happening. At that point, we don't know who will be  
13 accountable for our neighborhood.

14 Alanna's address about the traveling distance -  
15 I agree with her. The travel distance cutting in here  
16 is not substantial in terms of turning onto Fuller. We  
17 all do understand the traffic nightmare on Fuller Road  
18 during rush hours between 4:30 until 6:00. Any traffic  
19 here coming out of the proposed applicant site will  
20 not be able to make a left turn onto Fuller Road  
21 either. So, that is something that I wish Alanna will  
22 address during rush hours. Patrons exiting out of your  
23 site onto Fuller to try to make that left turn during  
24 rush hours 4:30 and on - if you could address that?  
25 You will realize that you cannot make a left-hand turn

1 on for a Road either. They will be forced into coming  
2 in here. Granted, the left turn is discouraging but  
3 people are more open to make that left turn exiting  
4 out of Nolan because there is a center turning lane  
5 for cars to make that left turn, because that's what I  
6 do. I will avoid Fuller Road during rush hours.

7 CHAIRMAN STUTO: Morning and night, or just  
8 evening?

9 MS. YIP: Evenings.

10 CHAIRMAN STUTO: The traffic going north on  
11 Fuller Road -- and possibly the opposite way in the  
12 morning, or no?

13 MS. YIP: I don't recognize it to be that big  
14 of an issue during the day for that road for some  
15 reason. It always seems to be the evening impact.

16 The final comment that I have is as posted on  
17 your website, we understand that you are here for a  
18 reason. You are here because you represent the  
19 citizens of the Town of Colonie and Planning for  
20 generations for the future to live and work and enjoy  
21 the natural environment of the Town. That said, your  
22 citizens this evening are asking the Board to deny the  
23 applicant's application from a legal standpoint -  
24 certain local laws are not in conformance with the  
25 safety and well-being of the neighbors and citizens of

1 the Town of Colonie.

2 This kind of concludes some of our arguments,  
3 but does not constitute a waiver for additional  
4 defense. The citizens will reserve the rights for  
5 additional actions if deemed necessary. \*Thank you  
6 for your time.

7 MS. MILSTEIN: I have a question. When you are  
8 talking about the trucks -- there was a certain size  
9 truck that you were talking about. The Stewart's  
10 truck, are you saying that they can make a left-hand  
11 turn without going on the lawn? If it's a larger one?

12 MS. YIP: Yes.

13 MS. MILSTEIN: So, it is possible that you have  
14 the larger ones that are going to be going to  
15 Stewart's whether it is for coffee and then going out  
16 onto Catherine, correct? That could cause a problem  
17 whether there is enough of a turning radius?

18 MS. YIP: That was kind of getting to as well  
19 -- the 18 wheelers and tractor-trailers which are  
20 Stewart's patrons like coffee, including myself.

21 MR. GRASSO: It has not been evaluated.

22 MS. MILSTEIN: The problem is that these bigger  
23 trucks may not be able to -

24 MR. GRASSO: We have not evaluated it, Chuck. I  
25 don't know if you have. There are a couple things.

1           There are the impacts on Catherine, but we don't even  
2           know if they could get around the fuel canopy. That is  
3           why I said that this site is purposefully not been  
4           laid out to accommodate large vehicles. That is the  
5           last thing we want to do is start to accommodate  
6           tractor-trailers at this site. You can make site  
7           changes and that is what you're going to get; large  
8           tractor-trailers.

9                     MR. MARSHALL: I just want to elaborate on the  
10           trucks. We do show that is a fuel tanker that is on  
11           there so, it is very large tractor-trailers that can  
12           enter and exit the site without going onto adjacent  
13           properties by Catherine. I think anything larger than  
14           what we show here would not even be able to enter the  
15           site from because the curb cut is not wide enough to  
16           allow that to happen. The curb cut cannot be made  
17           wider because of Albany County DOT driveway standards.  
18           So, that will turn larger vehicles from getting it a  
19           lot because that will be able to fit. We are  
20           considered a minor commercial entrance which standards  
21           which we meet. The larger trucks need a larger  
22           driveway to get in. We do not account for that.

23                     MR. AUSTIN: What happens with the existing  
24           site?

25                     MS. YIP: They park on Fuller Road or they park

1 and block the entire road. That is what they are doing  
2 right now, and the burnt motel parking.

3 MR. MARSHALL: Which is what we are looking to  
4 correct.

5 MS. YIP: But if you are not going to  
6 accommodate it, were not correcting it. That's trying  
7 to address here. The 18 wheelers that currently park  
8 on Fuller Road are not going to be able to enter in  
9 here.

10 CHAIRMAN STUTO: Okay ma'am, we are going to  
11 think about that.

12 Weiqian Xu.

13 MR. XU: Thank you for the time. Obviously, my  
14 neighbor has covered most of the issues. I just wanted  
15 to bring to your attention that if Stewart's currently  
16 operates with all of these customers driving in  
17 transit whether it's lightweight or heavyweight, they  
18 are already the customers. They're not going to go  
19 away. They will continue to come to Stewart's. Having  
20 a gas station over there is going to encourage them to  
21 have more of its customers to come into that spot.  
22 It's going to put heavy, heavy traffic into our  
23 neighborhood. Currently all roads are not wide enough.  
24 They are not capable of handling this. I think that  
25 certainly we just want to ask the Board to consider

1           rejecting the application to have an exit from  
2           Catherine Road. If there are any other options, we are  
3           open to discuss that. Thank you very much.

4                   CHAIRMAN STUTO: Ryan Diosanto.

5                   MR. DIOSANTO: Thank you, Board. I just want to  
6           reiterate the fact that the customers - the large  
7           truck drivers, the semi-truck drivers and the large  
8           box trucks are already customers of Stewart's. The  
9           majority of them park in the middle of Fuller Road.  
10          Most of them don't even get into the back of their  
11          current spot. The hypothetical is we design the plan  
12          not to allow them to come in, which the current plan  
13          is also technically not designed for the same people  
14          that still go there. So, they are just going to park  
15          in the street continuously. That's really my main  
16          concern.

17                   CHAIRMAN STUTO: I understand the point. I am  
18          going to see that is addressed.

19                   Terri Haywood.

20                   MS. HAYWOOD: Just bear with me. I am not good  
21          at this that I do have a big emotional stake in it. I  
22          live it 8 Catherine, across the street. I have  
23          pictures of what it looks like from my bedroom window  
24          looking out at a gas station. They are all on my cell  
25          phone. I have pictures here the Camco truck parks in

1 the middle island every morning - that these trucks to  
2 park out there every single day. I have a stockade  
3 fence behind my house where all The Ideal Move --  
4 various size pickup trucks. Sometimes there are five  
5 at a time back there.

6 CHAIRMAN STUTO: Where are they parking? On the  
7 current lot?

8 MS. HAYWOOD: In the current lot, behind  
9 Stewart's. I've lived there for seven years. Every  
10 day without fail, The Ideal Move trucks and the moving  
11 trucks are there. By count, it's 36. They do it twice  
12 a day because they go out evidently for coffee in the  
13 morning and then when they come back. I took a  
14 picture at 5:00 tonight of the big 32-foot pick-up  
15 truck right in my back yard. They are regulars of  
16 Stewart's.

17 CHAIRMAN STUTO: Ma'am, can you show me where?  
18 I'm not following you. We have an overhead where I  
19 can see where 8 is. You're saying that the parking on  
20 the lot that Stewart's is going to be constructing  
21 on -

22 MS. HAYWOOD: No. They are parking right now  
23 behind the old Stewart's store.

24 CHAIRMAN STUTO: Chuck, can you help her with  
25 where her house is? That is just as good as anything.

1 MR. MARSHALL: It's right here (Indicating).

2 CHAIRMAN STUTO: Where are they parking, ma'am?

3 MS. HAYWOOD: The current Stewart's.

4 CHAIRMAN STUTO: Okay. You're the fourth house,  
5 right?

6 MS. HAYWOOD: Yes, I'm the fourth house.

7 CHAIRMAN STUTO: So, they are in your backyard  
8 behind the current Stewart's.

9 MS. HAYWOOD: They are there every day and here  
10 is a picture of the Camco truck that parks out there.  
11 This is from my bedroom window looking out at where  
12 the gas pumps are going to be with the noise and  
13 everything.

14 I take a picture every morning of the Camco  
15 truck.

16 MR. AUSTIN: I know that you have the pictures  
17 there, but can't you call the cops?

18 MS. HAYWOOD: As I'm trying to get out onto  
19 Fuller Road to go to work in the morning? They're  
20 there every day. We're being told that they're not  
21 going to have those trucks there?

22 CHAIRMAN STUTO: Which median is that?

23 MS. HAYWOOD: Right in front of Fuller Road.  
24 The front of the burnt out motel. That's a Camco  
25 truck.

1                   CHAIRMAN STUTO: You're saying that they're  
2 parked there?

3                   MS. HAYWOOD: They park and get out and the  
4 Luizzi Brothers do it, too. They're regulars. They  
5 leave the trucks in the middle of the Road. We live  
6 there and we know. People that live in fancy  
7 developments don't know what the people know that are  
8 there every day.

9                   So, I take pictures of them and I have  
10 different days - everybody knows on the street that  
11 Camco parks out there and the Liuzzi Brothers park  
12 there. Then, they park over in the Subway store too -  
13 in their parking lot.

14                  MR. MARSHALL: I don't want to take this  
15 woman's time -

16                  CHAIRMAN STUTO: We have all the time in the  
17 world.

18                  MR. MARSHALL: This is what we are trying to  
19 prevent. The parking in the middle of the median is  
20 an enforcement issue but we will not be able to  
21 accommodate that in the lot.

22                  MS. HAYWOOD: Where are you going to put all  
23 The Ideal Move trucks when there are five of them that  
24 you don't see that every morning I see in my backyard.  
25 This was at 5:00 tonight. They are not going to go

1 away. They stop there every morning and every night on  
2 their way. You don't know that because you don't live  
3 there.

4 CHAIRMAN STUTO: Ma'am, can you finish your  
5 presentation? We are going to do our best to address  
6 what you're saying.

7 MS. HAYWOOD: Paula Mahan said last spring in  
8 the Chronicle - I truly believe that the most  
9 important part of my job as supervisor is protecting  
10 quality of life. And 52% of residents said the  
11 community has lost a small Town feel. Residents also  
12 reported concerns about traffic congestion - 80%.

13 Do we need another Stewart's? Within 15 miles  
14 of ZIP Code 12205 there are 51 Stewart's. Do we really  
15 need any more Stewart's?

16 There is a reason that they did the 3,975  
17 square feet proposal. They added another 25 feet for  
18 4000 feet they would have had to do the full  
19 environmental impact thing that. So, for 25 little  
20 feet they get to not do the environmental impact.  
21 This is a personal issue for me. I am going to have a  
22 gas station literally in my front yard. I have the  
23 PTSS because the back of my bathrobe caught on fire  
24 four years ago. I have skin graphs and third degree  
25 burns on my back in Westchester in two weeks.

1           I go to BJ's and every time I see a tanker  
2           truck I always think of stop drop and roll. If there  
3           is water, I look at that. This isn't just my safety.  
4           It's anybody's safety. You look at the safety that you  
5           read when you dump gasoline into your lawnmower which  
6           about the big expensive kind so you don't have to  
7           worry about getting anything on you. A burn is not an  
8           easy thing to live with and I'm going to have gas  
9           tanks right in my front yard. What am I going to get  
10          for living in Stewart's parking lot? I am 61 years old  
11          and I'm going to be 62. I pay my taxes. I bought a  
12          house on a quiet little neighborhood street. Anybody  
13          in the Town of Colonie now - ask all the questions  
14          that you want to ask when you buy a house but then you  
15          can have a developer come in and that all away from  
16          you.

17                 We have about 19 vehicles per hour. Now there's  
18                 going to be 160 per hour. That is going to totally  
19                 destroy the neighborhood that we have. When I'm  
20                 getting my butt out of bed every morning to go to work  
21                 to pay the taxes that I just paid in my house and I'm  
22                 paying it to live in the middle of a Stewart's parking  
23                 lot. If it can happen to us, and can happen to anyone.

24                 There is major traffic congestion trying to get  
25                 out of our street - as there is now in the morning.

1           It's not going to be a matter of one or two seconds.  
2           It takes quite a while. It's going to change the  
3           character of the neighborhood. Tell me one other place  
4           in this Town where there is a gas station one third  
5           the way down - a small residential neighborhood street  
6           that kids skateboard in the middle of the street, play  
7           kickball in the middle of the street. Now we are  
8           supposed to see 160 cars?

9                     The head CEO of Stewart's can rake in more  
10           money while I have to go to work and pay for a house  
11           that I don't even want to live in anymore.

12                    When you have a burn injury, living with a gas  
13           station in your front yard -- there is no place in the  
14           Town of Colonie that has a gas station in that small  
15           of the neighborhood. Every other Stewart's are on  
16           major highways with access roads. If you look at the  
17           ones in the Lansingburgh, both sides are on major  
18           roads. There is no smaller neighborhood than our  
19           street.

20                    Paula Mahan says that she wants to protect our  
21           quality of life. This isn't going to protect my  
22           quality of life and it's not going to protect my  
23           neighbors' quality of life.

24                    There are going to be accidents out there. That  
25           needs to be denied. Stewart's is not making any

1 concessions. If anything, we all have agreed that  
2 there are two cuts on Fuller. When we moved here, we  
3 knew that. That was commercial. The only reason that  
4 they were getting to remove that other house was  
5 because they bought the two parcels and then apartment  
6 house became, as I understand it, commercial and not  
7 residential anymore. It's kind of like buying two and  
8 get one free. Now we have a gas station in the middle  
9 of our neighborhood because of it.

10 Thank you for bearing with me. Stewart's just  
11 does not need a Stewart's as badly as we need our  
12 homes in that little neighborhood.

13 CHAIRMAN STUTO: Thank you. Diane  
14 Prock-Cornell.

15 MS. PROCK-CORNELL: I do have a very high  
16 emotional stake in this. I have lived at 16 Nolan Road  
17 for 46 years and I have raised my three sons. We first  
18 bought our house was a very quiet residential little  
19 neighborhood that we absolutely loved. I feel in the  
20 last may be 10 years that we are getting squeezed out  
21 of our little residential area. Being on Nolan Road me  
22 and the Beer Universe up in the one and with the tire  
23 store and now we have on the other side of perspective  
24 Stewart's. We are just getting squished in by all the  
25 commercial. I realize now that there are some young

1 families moving into my neighborhood again. I was a  
2 young person at one time when I first moved in there.  
3 The speed of the cars that come through -- this is one  
4 of our big concerns. There are little children playing  
5 out on the street in these cars do not go through the  
6 neighborhood at 20 miles an hour. They are going at  
7 least 50. Good music. I have seen this over the years.  
8 That's one of my concerns.

9 The other concern is the difficulty making a  
10 left out of Noland Road during traffic hours. Because  
11 there is no light there we are dealing with the  
12 traffic that is coming from the former Northway Mall  
13 and over and Colonie Center. This makes it very  
14 difficult. So, if you do get out into the median then  
15 you have another way to cross over to get into the  
16 inside lanes to go up to the Northway - trying to get  
17 out onto Fuller Road, which we have done often and  
18 once again the 4:00 traffic is ridiculous. I feel like  
19 between the hours of 4:00 and 6:30, we are trapped in  
20 our neighborhood. We cannot get out.

21 With the location of the new Stewart's it's  
22 going to be very difficult to take a left out of  
23 there.

24 I remember at one time Nolan Road was so narrow  
25 that they were going to make it a one way street

1 because of emergency vehicle access, the Fuller Road  
2 Fire Department and the police cars - it is very  
3 difficult to get down that road because it is a very  
4 narrow road. My concern is now bad if we have to deal  
5 with tractor-trailers making turns at the end of the  
6 low Road and there is an emergency, how are these  
7 trucks going to get down then?

8 I realize that there are all these Town  
9 ordinances about trucks that can't come through and  
10 stuff. Truck drivers don't have those rules and their  
11 trucks when they are driving. I have seen with my own  
12 eyes tractor-trailers trying to get through on Nolan  
13 Road. There's a ship protrudes between - it is right  
14 across the street from 20 Nolan. These  
15 tractor-trailers trying to get around there -- it's  
16 really ridiculous.

17 Also, being that I have lived in the  
18 neighborhood for 46 years, and remember in the past  
19 there was an ordinance to put a parking lot when the  
20 Golden Fox was there, down behind the houses on Nolan  
21 Road. That was denied because of the fact that we were  
22 saying that we are a residential neighborhood. We want  
23 to remain residential and we want to be able to raise  
24 our children and our grandchildren safely. Thank you  
25 for your time.

1 CHAIRMAN STUTO: Robert Ott.

2 MR. OTT: I live at 22 Catherine Road It is the  
3 very end of the street. I am the last house on the  
4 left. My concern with the Stewart's is -- I am kind of  
5 resigned to the fact that they are going to do this to  
6 matter what. I concern is the placement of the sign  
7 that will be on the road.

8 When I was hit the last time, the sign was  
9 going to be on the corner of Catherine and Fuller.  
10 When I looked at the plan, the plan is such -

11 CHAIRMAN STUTO: You are saying the sign for  
12 Stewart's?

13 MR. OTT: Yes. When I looked at the plan,  
14 Stewart's is going to be facing down Catherine Road  
15 toward SUNY. It's not going to be parallel to Fuller  
16 Road.

17 CHAIRMAN STUTO: The front is going to be  
18 looking at SUNY.

19 MR. OTT: Exactly. Why can't the sign be put up  
20 on Fuller? There will be an entrance on Fuller Road.  
21 If you coming up SUNY, you can see the Stewart's. It  
22 is right there. If you coming from Central Avenue and  
23 you don't know it is a Stewart's, you're going to  
24 drive down Fuller and you're going to say oh, I have  
25 to turn here. You're going to be turning and on

1 Catherine. There will be more traffic coming in on  
2 Catherine. So, why can't the sign be put on Fuller  
3 instead of down on the corner of Catherine?

4 CHAIRMAN STUTO: Can you show me where on that  
5 map?

6 MR. OTT: So, do have the sign over here  
7 (indicating). This is Catherine right here. This is  
8 Fuller. How come the sign can't be right here  
9 (Indicating)?

10 CHAIRMAN STUTO: Okay. We will get that answer.  
11 Do you have any other questions?

12 MR. OTT: That is basically it. Thank you.

13 CHAIRMAN STUTO: Can we answer that?

14 MR. MARSHALL: The sign could not go here  
15 because it would be in the driveway. The current  
16 location of the sign does meet the setback requirement  
17 of 15 feet to both Catherine and Fuller Road frontage  
18 is. It does not block visibility -

19 CHAIRMAN STUTO: What is the dimension? How big  
20 is that sign?

21 MR. MARSHALL: It is 7 by 10 by 8.

22 CHAIRMAN STUTO: How high?

23 MR. POTTER: It is 15 feet high. If you were  
24 coming from Central Avenue down Fuller, you are going  
25 to see that sign before you would pass by the Fuller

1 Road driveway. There would be no need for you to make  
2 the right to Catherine. You would see that sign from  
3 back far enough to where you could still make that  
4 right turn into the driveway.

5 CHAIRMAN STUTO: Joe Grasso, do you have an  
6 opinion?

7 MR. GRASSO: I think that one reason that it is  
8 where it is - is because of that front setback  
9 requirement that forces it to be back. I think Chris  
10 said it is 15 feet, is that what it is currently set  
11 at?

12 MR. POTTER: That is what it is currently set  
13 at.

14 MR. GRASSO: So, that is what prevents it from  
15 shifting to the other side.

16 MR. OTT: There is no space in this area here  
17 (Indicating)?

18 MR. GRASSO: Not in order to comply with the  
19 Town's requirements for setback of the sign.

20 CHAIRMAN STUTO: Leaving that requirement side,  
21 would you think the best spot for the sign would be?

22 MR. POTTER: If you put the sign in a location  
23 other than where it is proposed, as you had northbound  
24 you will pass the sign. The pricing is advertised so  
25 you can see it ahead of time. Right now when gas is

1           \$2.39, people are less selective about where they go  
2           for gas. If gas hits \$3.65 again, that advance notice  
3           is the notification for people to stop or not. It  
4           cannot be parallel to Fuller Road and it has to be  
5           visible from both north and south bound directions.

6                   MR. GRASSO: It is clearly in the best spot to  
7           serve both directions. The one thing is whether it  
8           needs to be a pylon sign. I assume it is pylon and 15  
9           feet high -- whether or not they could use a lower  
10          monument style sign that is lower to the ground.

11                   CHAIRMAN STUTO: This is a good time to mention  
12          this. Joe and I were talking in the Town Attorney's  
13          office. With respect to signs, we don't generally  
14          review signs. I can't recall if we relayed this  
15          message to the Planning Board or not but on some  
16          occasions there are miscommunications between what  
17          happens here and what happens at the Sign Review  
18          Board. Sometimes they see a sign on the plan - we  
19          don't review signs, but if they see it on the plan  
20          than they think that we have already blessed it in a  
21          sense. I think that the suggestion was that we make  
22          sure that we have it in a location on the drawings  
23          that we agree with. I think that it is appropriate  
24          that we think about that.

25                   MR. GRASSO: The one thing to keep in mind with

1 a location is that we had suggested the fencing in  
2 masonry column wall which is closer to Fuller Road  
3 than the sign. Obviously, if that sign was not work,  
4 we would have to deal with a conflict with the fence  
5 in it is still visible. It is appropriate than to have  
6 the sign and I think that location serves both  
7 directions. I think that the Planning Board has to  
8 consider the character of a pylon sign location  
9 because obviously Catherine Road serves a residential  
10 neighborhood.

11 CHAIRMAN STUTO: I would be looking for you to  
12 mitigate that and I would look for your recommendation  
13 on that.

14 MR. POTTER: We would not be opposed to a  
15 different sign design. We are allowed and 72 square  
16 feet per the Code and we are currently proposing 63.  
17 So, we are under the allowed square footage for the  
18 sign. Being its location - we can certainly look at a  
19 different to sign of the sign, like Joe mentioned,  
20 maybe a monument lower sign.

21 MR. GRASSO: Based on some of the other  
22 comments that we have regarding the intersection,  
23 looks like there are some creative things that we  
24 could to tie the fencing in the landscaping in to a  
25 monument sign there and open up that corner little bit

1 and lower the overall height of the sign where it  
2 gives the appearance that it is ground mounted as most  
3 on pylons.

4 MR. OTT: So, the location stands.

5 CHAIRMAN STUTO: I don't know. We're thinking  
6 about it.

7 MR. GRASSO: We'll look at it but right now our  
8 recommendation would be that the location stays.

9 CHAIRMAN STUTO: I want to let the Board talk a  
10 little bit and then we will open it back up.

11 Anybody have any opinions or comments at this  
12 point?

13 (There was no response.)

14 I think that what I'm hearing from the other  
15 Board Members is that we are not prepared to vote on  
16 this. I want to get them major issues out and fairness  
17 to the applicant and in fairness to everybody about  
18 what we are thinking.

19 I think the sign is another significant issue  
20 that I do what I think about a little bit more.

21 The trucks in the size of the trucks and  
22 whether there encouraged or discouraged by the current  
23 design is something that I want to think about and  
24 asked the applicant and our staff to think about as  
25 well.

1           I do believe the comments that cars are parking  
2           in the median - there was a photo there. I did try the  
3           site but it has been a long time since Stewart's has  
4           been here on this one. I want think about the best way  
5           to discourage people from parking on Fuller Road  
6           and/or parking on the side streets. Those are the  
7           issues that I'm thinking about. I'm not sure what the  
8           other Board Members are thinking or what they want to  
9           think about -- asked the applicant or Joe to review  
10          before we come back again.

11          MR. AUSTIN: I would like to know -- I am  
12          hearing from the public -- I don't know what you want.  
13          Do you want Stewart's to stay where it is with the  
14          parking in the middle lane?

15          MS. YIP: Yes because it's going to happen. As  
16          Chris already mentioned, the current entryway does not  
17          allow that type of vehicle. Unless they can address  
18          that concern -

19          CHAIRMAN STUTO: Let me make a comment will get  
20          back to your comment.

21          They have variance for this and are zoned for  
22          this. I do not think that by law we can prevent this  
23          type of store from going in there. I think our  
24          function is to require whatever measures we can  
25          require to mitigate the negative impacts on the

1 surrounding neighbors. That includes the sign as we  
2 talked about, the configuration on the property,  
3 screening and items like that. Signage or things that  
4 we can do -- I don't think that we can legally tell  
5 Stewart's that you can't build this type of store  
6 here. It raises another question that one of the  
7 residents raised which is: how many Stewart's do we  
8 need? Unfortunately, we don't have any say in what the  
9 market is and whether we want them to build a store or  
10 not. That is not our job. It is a permitted use here.  
11 They have variances for certain other things that are  
12 here. We cannot erase the variances. We cannot erase  
13 the type of use that it is. Our function is to  
14 mitigate the impacts on the surrounding neighborhood  
15 and to make it the best project that it can be. I  
16 think the current Stewart's is -- is terrible.

17 MR. POTTER: You can say awful.

18 CHAIRMAN STUTO: I think it is awful the way  
19 that it is laid out.

20 I have raised my concerns are and I want to  
21 hear about what the other Board Members want to have  
22 looked at hard before we come back.

23 MS. MILSTEIN: I was really concerned about the  
24 traffic contracts -- just by the fact that it is by  
25 Railroad Avenue and there are major trucks that are

1 going in there. Then, you add pumps and it's going to  
2 be worse. The way I understand this, they are still  
3 looking for waivers.

4 MR. LANE: Too many waivers.

5 MS. MILSTEIN: So, you're still looking for  
6 waivers, so it is not as if they have all the  
7 variances that they need at this point in order for it  
8 to go through.

9 MR. LANE: It is not a given. I think the  
10 decision of the Zoning Board puts us in a bad spot. I  
11 think the number of waivers that are being required  
12 here -- I see this as an unworkable location. I think  
13 there are too many issues. I don't think that anyone  
14 is going to be happy in this situation. I don't know  
15 if I agree with Pete that we cannot legally deny this.

16 CHAIRMAN STUTO: You can say no to the waivers;  
17 I will agree to that. Just for the record, my notes  
18 say that the waivers are the interior landscaping in  
19 the parking lot. So, if we did not waive that they  
20 would have to put trees and other growth inside the  
21 parking lot.

22 The vinyl dumpster, which we are addressing, is  
23 a combination of the same materials on the building.  
24 We can quibble about that, I guess. There is also  
25 parking in the front.

1           MR. GRASSO: If the Board thought that it  
2           resulted in a better way out, they could push the  
3           parking 3 feet. It does push to the back of the  
4           design, but if that's what the board feels is a better  
5           design solution, they could make that waiver go away.

6           MR. LANE: I don't think that you're going to  
7           be able to change of how the truck drivers -

8           MR. GRASSO: Well, I want to bring that up.

9           MR. LANE: People bring and deliveries and it's  
10          going to very negatively impact this area.

11          MR. GRASSO: Do you think that the layout as it  
12          is designed encourages trucks to stage on the Road  
13          more so than they do now?

14          MR. LANE: It probably won't make much of a  
15          difference. People have a habit and what they do every  
16          day.

17          MR. GRASSO: So, it is not a significant impact  
18          to build a new Stewart's, from trucks.

19          MR. LANE: The guys that do that each morning  
20          are going to do exactly that down the street.

21          MR. GRASSO: So, do you think that it would be  
22          better to try to accommodate trucks - large trucks  
23          within the site?

24          MR. LANE: No.

25          MS. DALTON: Why not?

1 MS. GRASSO: Because they can, if that is the  
2 direction of the Board.

3 MR. LANE: That impacts the locality in a  
4 negative manner.

5 MR. GRASSO: But they can. They could modify  
6 the site plan to accommodate trucks, if that was a  
7 concern that you had that you wanted to accommodate  
8 trucks within the site without using Pinehurst and  
9 Catherine - they could do that.

10 CHAIRMAN STUTO: Can you put one of your  
11 employees out there on a random basis and monitor what  
12 is going on there, maybe in a random morning? Can you  
13 give us an engineering report of what they're doing  
14 and what they are doing wrong and how we can prevent  
15 that on the new site?

16 MR. GRASSO: Sure.

17 MR. AUSTIN: I think we should stick a cop out  
18 there

19 CHAIRMAN STUTO: First want to gather data.

20 MR. AUSTIN: Yes, but she has proof on the  
21 phone.

22 CHAIRMAN STUTO: Understood. That is on a  
23 case-by-case basis.

24 I want to hear what Joe thinks. What would you  
25 do?

1           MR. GRASSO: Again, I would not modify the site  
2 to accommodate large vehilces.

3           CHAIRMAN STUTO: No, to gather the data, what  
4 would you do to see what is really going on out.

5           MR. GRASO: We will go out there and observe  
6 it.

7           CHAIRMAN STUTO: Yourself or you will send  
8 somebody out there?

9           MR. GRASSO: Yes, just to validate the facts. I  
10 trust their facts but just to see it ourselves -

11          CHAIRMAN STUTO: I don't know if something  
12 could be done in the median or something. I don't  
13 know. Signage? I don't know. You're more of an expert  
14 than we are.

15          MR. GRASSO: We'll talk to Albany County about  
16 it. Obviously, it's their road and they cover the use  
17 of Fuller Road. We could have that dialogue with them.  
18 I just wanted to shake out the issue about  
19 accommodating trucks within the lot. They could do a  
20 sketch that shows the modification of the site to  
21 accommodate large trucks -

22          CHAIRMAN STUTO: I don't think that's what the  
23 residents want.

24                 Are we in agreement that we don't want to  
25 accommodate larger trucks?

1 MR. MION: No.

2 MR. LANE: No.

3 MS. DALTON: I think that we are between a rock  
4 and a hard place. You've got people that are doing  
5 what they want to do and it's affecting our taxpayers  
6 and homeowners. Anything that we can do to modify the  
7 plan to not encourage this - if you're saying that  
8 accommodating these trucks within this plan won't  
9 solve any of the neighbors' problems -

10 CHAIRMAN STUTO: Well, I don't know. We're  
11 talking about it. I don't have all the answers.

12 MR. AUSTIN: You need to understand that we are  
13 all sympathetic to your neighborhood. You also have to  
14 understand that you are bordered on two sides by  
15 commercial and by two highways. Those are county  
16 Roads that are busy and to a commercial developer -

17 FROM THE FLOOR: Catherine Road is not a county  
18 Road.

19 MR. AUSTIN: I didn't say that. I said two  
20 sides.

21 CHAIRMAN STUTO: It looks like we're going to  
22 table this. We just announced the things that we  
23 think that we want to look at. If you guys want to add  
24 your final comment of what you want us to look at -  
25 can you go up and tell us for the record?

1 MS. PROCK-CORNELL: You're saying that we are a  
2 little residential area and I just feel like we are  
3 getting more commercial. Who keeps changing this  
4 residential zoning? Every few years and other business  
5 comes in and that one a little more space. We get  
6 smaller and smaller and smaller. I feel like we are  
7 just getting crammed in. We have all this commercial  
8 on Fuller Road in Central Avenue and we can't -- the  
9 traffic is just now ridiculous. Like I said, we can't  
10 get out of our street between 4:00 and 6:00 unless you  
11 want to wait an hour to get out. I don't know why  
12 everything just keeps changing so much as far as  
13 what's residential should stay residential. Let the  
14 commercial stay commercial. I have no problem with  
15 Stewart's wanting to be on Fuller Road. That is  
16 commercial. If they want to stay on Fuller Road, fine,  
17 stay there. Don't go bringing your business into the  
18 little side streets of Catherine, Nolan and Pinehurst  
19 in the other streets. It is squishing us all out.

20 CHAIRMAN STUTO: Thank you.

21 MR. GRASSO: It is important to understand that  
22 the zoning of the site - it is zoned commercial. There  
23 are four existing buildings there that will be  
24 demolished as part of the application and redeveloped  
25 into one 4,000 square foot building. There are 83

1 parking spaces on the site right now. That is going to  
2 be cut less than half. I think it is important to  
3 understand that although there is no active uses now,  
4 this was a heavily utilized commercial site. The  
5 amount of green space is going up, the pavement is  
6 being pulled away from the residential zone, there is  
7 a lot more landscape enhancements being brought in to  
8 try to buffer between the commercial and the  
9 residential.

10 MS. YIP: Chairman, I understand the legal  
11 standing. There is no way for us to object. The  
12 business that the applicant is in on this site -- we  
13 are well aware of that. That includes the gas station.  
14 As much as we don't like it, I understand there is not  
15 much action that we can take. In terms of a legal  
16 standpoint, the Local Laws that I have already  
17 addressed and mentioned earlier on - that includes the  
18 overweight vehicles and the entire length of Catherine  
19 Road. That said, if we are going to talk law, they are  
20 not allowed to put that driveway there because we know  
21 that it will encourage overweight vehicles. That is  
22 used as one of the ingress and egress for their  
23 turnarounds with overweight vehicles.

24 CHAIRMAN STUTO: We are going to run that by  
25 our attorney.

1 MS. YIP: Please also look into the sound - the  
2 noise.

3 The final thing that I do want to address - you  
4 won't really be able to see it on this drawing. A lot  
5 of the neighbors are concerned with the trucks right  
6 now - the heavy trucks. One of my neighbors Terry had  
7 mentioned and showed it. Those trucks are currently  
8 parked right here (Indicating). If we were to extend  
9 this map, it is in front of their current store which  
10 is 35 Fuller Road. The location right now has some  
11 buffer. The buffer is the burnt down motel right here  
12 (Indicating) and then there building. So, there is no  
13 true residential Street that is to the left or to the  
14 right. This development literally takes one block. The  
15 development is running from Pinehurst to Catherine. If  
16 we don't address that issue, this site with those  
17 heavy trucks is going to be more severe and dangerous  
18 for our vehicles. Those trucks will try to park in  
19 front of the store on this section of Fuller Road now  
20 (Indicating), instead of here which we are trying to  
21 solve the problem. The problem has not been solved  
22 with this plan because you really taking that truck  
23 that is parked here - which at least doesn't disturb  
24 these two rows dramatically. With Pinehurst - that  
25 truck is going to be right here (Indicating). Good

1 luck on making that turn. It is surrounded by two  
2 major residential Roads. The current site is not  
3 bounded by residential Roads, that's why it can be as  
4 poopy for lack of better words as it can be. I don't  
5 have any more classier words to say. At least it  
6 doesn't bring in the problems directly affecting our  
7 street.

8 CHAIRMAN STUTO: We understand what you are  
9 saying.

10 I will ask everybody this. Would you want the  
11 site to be able to accommodate bigger trucks or not?

12 MS. YIP: I think the only way, based on the  
13 design and the neighbors issues - my proposal to the  
14 applicant is that it is not that you can't do a gas  
15 canopy - granted, we don't like it, but the way to  
16 solve this entire issue is not to do the gas station  
17 because you will have more than enough room to suffice  
18 store. For the trucks to do that full turn and  
19 everything -- you can't just have your cake and eat it  
20 too. I think that all the problems would be solved.  
21 All the problems that the store has now will be  
22 solved. We would come here and say yes, please,  
23 approve it. It is the fact that they want the gas as  
24 well. I think if you eliminate either the gas or the  
25 store with solve everything. It would address all of

1 our problems.

2 CHAIRMAN STUTO: Thank you. We want to give  
3 everybody else a chance.

4 MR. XU: I just wanted to bring to the  
5 attention of the Board that with the current design -  
6 actually having the store facing Catherine - -  
7 Catherine will be the main entrance and the major  
8 entrance. Fuller Road is supposed to be commercial. As  
9 we set a number of times already Catherine Road is not  
10 capable of handling it.

11 Also, there are already three gas stations in  
12 the immediate neighborhood. Of course, we don't need  
13 another gas station but there is a gas station on  
14 Fuller Road right now. They have both their entrance  
15 and exit on Fuller Road. They don't come out on a side  
16 street. So, why can't we do this here? If you have to  
17 have a gas station -- we don't want a gas station for  
18 sure. We don't need another one. If we have to have  
19 it, why can't we have both entrance and exit on Fuller  
20 Road like the other one?

21 CHAIRMAN STUTO: Thank you. Anything else?

22 (There was no response.)

23 I know we visited this issue before. Can  
24 someone help me with that? It is a valid question.

25 MR. GRASSO: There are a couple things that we

1 look at. We look at the spacing between the curb cuts  
2 as well is the spacing from the new curb cut to the  
3 side streets. There are certain minimum distances that  
4 are required there. To put two curb cuts in between  
5 Pinehurst and Catherine violates Albany County's  
6 intersection space.

7 CHAIRMAN STUTO: What about one wide curb cut  
8 in there?

9 MR. GRASSO: They also restrict the width of  
10 the curb cuts too. You tried to site them in the most  
11 desirable spots and design them so that they are not  
12 excessively wide.

13 The other thing is we always encourage the  
14 connection to the side streets so that if you're in  
15 the neighborhood, you're not forced to come out to  
16 Fuller Road in order to access the site. It's a safety  
17 concern of the neighborhood.

18 MR. AUSTIN: Joe, can you remind us why it  
19 couldn't push the main building toward Pinehurst?  
20 There's a big space there between the actual store and  
21 Pinehurst. I think there was a reason for that at some  
22 point.

23 MR. GRASSO: I know the building was shifted  
24 closer to Pinehurst.

25 MR. POTTER: It was. I believe from Albany

1 County's comments - DOT wanted to more centrally  
2 locate the driveway onto Fuller which we did. We  
3 pushed the building back. There is a possibility to  
4 move it back further. I am not sure what that would  
5 accomplish.

6 MR. AUSTIN: What it accommodate the heavier  
7 trucks?

8 MR. POTTER: The trucks that they're talking  
9 about - the Camco in the moving trucks - those will  
10 fit into the lot. Those can circulate in and around  
11 the lot. These models show them exiting through  
12 Catherine, but that size truck could enter Fuller,  
13 drive around the canopy and then exit back out onto  
14 Fuller. It is the largest fuel tanker that is our  
15 delivery which is a local delivery which would exit  
16 onto Catherine. I believe the code allows for local  
17 deliveries.

18 CHAIRMAN STUTO: Anything else from the  
19 residents?

20 MR. COLLINS: Why is the store in the back of  
21 the lot? Where the gas pumps set up closer to the Road  
22 so the vehicles that are going to be servicing the  
23 gas -

24 CHAIRMAN STUTO: Do you want to get up and take  
25 the microphone?

1 MR. COLLINS: I have asked my question.

2 MR. POTTER: The building, where it sat, is  
3 because the design standards of the Town need to be  
4 met. That is the building toward the Road.

5 MR. COLLINS: Towards Catherine.

6 MR. POTTER: No, towards Fuller. That is what  
7 we have here.

8 MR. COLLINS: I thought it was facing  
9 Catherine.

10 MR. POTTER: The one side is facing Catherine.

11 MR. COLLINS: The front of the building.

12 MR. POTTER: Well, there are two fronts. There  
13 are doors on each side.

14 MS. HAYWOOD: Again, to make, shouldn't there  
15 be a law - we have laws for jaywalking and everything  
16 else. Gas is a flammable liquid - and how close the  
17 gas pumps can be located to a house, or residential  
18 area?

19 MR. LANE: There is. The Zoning Board gave them  
20 a variance.

21 MS. HAYWOOD: Some things should not be  
22 waiverable. Laws are enacted to protect people. What  
23 good is a law if it is not going to be an active and  
24 you say oh, it doesn't count? Like with a kid - if  
25 you're going to give the kid punishment because they

1 touch the stove, oh - you can do at this time. It is  
2 not going to burn you this time. So, what is the point  
3 of having a law if you're going to give someone a  
4 waiver?

5 CHAIRMAN STUTO: That's not our decision to  
6 make.

7 MS. HAYWOOD: Safety is a big concern in the  
8 gas pump in a residential neighborhood - four them -  
9 is not safe. I suggested - there is a number for  
10 Stewart's and I called and left a message for this  
11 gentleman here saying - what about that site for  
12 Camelot on the corner of Fuller and Railroad Avenue?  
13 To me, that would be a perfect site because you've got  
14 a light there, you have access for big trucks and  
15 everything. At the last meeting he said that it was  
16 such a good idea of his to put it there with all the  
17 traffic. It is not the right spot for residential. If  
18 you go down to the area where that Camelot Printing is  
19 for sale, to me, that is the type of area that his  
20 store would do better on. It would be perfect for gas.  
21 You've got a light. You've got major roadways there. A  
22 gas station is not safe in a neighborhood.

23 There is a young couple that lives in the white  
24 house, next to the house that they are razing. They  
25 have little kids. Do you want your kids sleeping next

1 to four gas pumps at night?

2 Like I said, I have pictures of a burn injury.  
3 Burn injuries are not easy. It even says when you are  
4 pumping gas, it is ignitable. There are morons that  
5 smoke and pump gas. Accidents do happen. Do you want  
6 to wait till they happen, or do you want to avert it?  
7 That is what laws are enacted for - to protect the  
8 safety of people.

9 My property value is going to go down. To me,  
10 safety and falling asleep at night -- I took the gas  
11 appliances out of my house. I can show you what burn  
12 injuries look like. We only have three burn units in  
13 New York State. Please consider what having a gas  
14 station is going to do. Maybe not having the gas  
15 station, like she suggested -- to make a waiver to let  
16 somebody pump gas there - but you can have a waiver to  
17 have two curb cuts. Which is safer? That's what needs  
18 to come down and decisions is: what is safer for the  
19 residents? Like Paula Mahan says, protecting the  
20 quality of life in Colonie.

21 CHAIRMAN STUTO: We have a lot on the record.  
22 We have a lot to think about. We have given our  
23 engineer and art TDE and also the applicant a lot to  
24 analyze. I think the Board was saying that they want  
25 to table this.

1                   Is there a motion to table?

2                   MR. MION: I will make that motion.

3                   MR. AUSTIN: I'll second that.

4                   CHAIRMAN STUTO: Any discussion?

5                   (There was no response.)

6                   All those in favor say aye.

7                   (Ayes were recited.)

8                   All those opposed say nay.

9                   (There were none opposed.)

10                  Chuck, did you want to say something on the  
11 record?

12                  MR. MARSHALL: I do. Unfortunately, I am  
13 uncertain outside the sign reconfiguration what the  
14 applicant's responsibility is because the Town's  
15 Designated Engineer and Albany County have agreed with  
16 the access configuration. The uses and the variances  
17 have been obtained. Outside the waivers we are  
18 requesting, which we can even push to achieve and may  
19 be compromised some of the layout, I don't understand  
20 what Stewart's responsibility is.

21                  CHAIRMAN STUTO: You don't have to do anything,  
22 then. We would just ask our Town Designated Engineer  
23 to address our questions and if he has questions of  
24 you, hopefully you will be available.

25                  MR. MARSHALL: I will be. As far as from a

1 resubmission standpoint, are you going to generate a  
2 comment letter indicative of a site visit?

3 MR. GRASSO: Yes, I think we will go through  
4 the comments that were raised in the questions that  
5 were raised and provide some additional information  
6 for the Board's consideration.

7 CHAIRMAN STUTO: Thank you.

8

9 (Whereas the above entitled proceeding was concluded  
10 at 9:16 PM)

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CERTIFICATION

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I, NANCY L. STRANG, Shorthand Reporter and  
Notary Public in and for the State of New York, hereby  
CERTIFY that the record taken by me at the time and  
place noted in the heading hereof is a true and  
accurate transcript of same, to the best of my ability  
and belief.

\_\_\_\_\_

NANCY L. STRANG

Dated \_\_\_\_\_

