

1 PLANNING BOARD COUNTY OF ALBANY
 2 TOWN OF COLONIE
 3 *****
 4 CUMBERLAND FARMS
 5 1157 CENTRAL AVENUE
 6 APPLICATION FOR CONCEPT ACCEPTANCE
 7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
 9 matter by NANCY STRANG, a Shorthand Reporter,
 10 commencing on March 21, 2017 at 7:35 p.m. at The
 11 Public Operations Center, 347 Old Niskayuna Road,
 12 Latham, New York

13 BOARD MEMBERS:
 14 PETER STUTO, CHAIRMAN
 15 LOU MION
 16 BRIAN AUSTIN
 17 SUSAN MILSTEIN
 18 KATHY DALTON
 19 TIMOTHY LANE
 20 CRAIG SHAMLIAN

21 ALSO PRESENT:
 22 Katheen Marinelli, Esq. Counsel to the Planning Board
 23 Michael Tengeler, Planning and Economic Development
 24 Stephanie Bitter, Esq.
 25 James Gillespie, PE, Bohler Engineering
 Wendy Holzberger, VHB
 James McGinn
 Michael Brennan, Conservation Advisory Committee
 Joanne Shear
 Tim Agars
 Jerome Thomas

1 CHAIRMAN STUTO: Next on the agenda is Cumberland
2 Farms, 1157 Central Avenue, application for concept
3 acceptance, raze former hardware store and construct a
4 4,786 square foot convenience store and sixth pump fuel
5 canopy.

6 Mike Tengeler, any remarks before we get
7 started?

8 MR. TENGELER: No. I know that the applicant and
9 the TDE have been working right up until this meeting to
10 update everyone. We will wait for them to set up and go
11 right from there.

12 MS. BITTER: Good evening. My name is Stephanie
13 Bitter and on local counsel with Cumberland Farms. We
14 are here this evening to discuss concept and open it up
15 for the public hearing.

16 If I could give just a brief presentation
17 before we have the public come up and ask their
18 questions, that would be great.

19 This site is being proposed as a convenience
20 store which will be 4,786 square feet in size with a
21 six pump fuel island. The property, as it stands
22 today, is currently a vacant retail store which is
23 Philips Hardware. The proposal is to remove all of
24 the structures to revitalize the site with this new
25 Cumberland Farms Store.

1 A little history of the permitting process for
2 this application - the owner had started this
3 process with DCC review as well as sketch plan for a
4 convenience store and gas station. Our proposal is
5 smaller than what was originally proposed by the
6 owner. The original proposal was a 5,000 square foot
7 store. This is a little smaller. It also had a
8 drive-thru that was originally being proposed. That
9 concept has been eliminated.

10 The store would be an exact replica of what
11 exists at 211 Troy Schenectady Road - the new and
12 improved Cumberland Farms Convenience Store. It is
13 not your box, blue and orange store as we may have
14 remembered from the past. This is a colonial style
15 store with architectural features, columns and
16 stonework that carries out into a canopy. It is a
17 very beautiful product that this Town has been
18 enjoying for about two years now.

19 The access points of the site plan are
20 identified as being on Reynolds Street. A right in
21 on Central Avenue closest to Reynolds Street and an
22 access point closest to the northwestern property
23 line. When those access points were proposed, Wendy
24 Holzberger from VHB was retained. She collected the
25 data, data traffic study which was submitted as part

1 of this concept review. She is here tonight to
2 answer questions along with Jim Gillespie from
3 Bohler Engineering.

4 The property itself is 1.9 acres in size. This
5 is in the NCOR district and there are waivers that
6 we are seeking with this design proposal.

7 We tried very hard to meet the priorities of
8 the NCOR district. But in doing so there still are
9 some waivers that we need to achieve. Those, if I
10 can name them, are the 20 foot maximum build
11 setback, the parking and drive-thru being in the
12 front, the canopy in the front, the frontage
13 build-out and the parking being 39 spaces with nine
14 spaces banked.

15 Looking at the justifications, if you familiar
16 with the site there are residence located in the
17 back. So, placing the canopy in the front we feel is
18 beneficial to protecting those residential
19 structures in the back having this door being that
20 barrier. We had, in the past done a decorative
21 fence and landscaping to try to achieve that 80%
22 build-out which has been successful in other
23 projects. The parking of 39 spaces we feel is
24 sufficient especially when you consider the fueling
25 spots also adding as parking spots into that total.

1 this will be a 24/7 operation.

2 If the Board has any questions we can answer
3 them now or open it to the public, whichever you
4 would prefer.

5 CHAIRMAN STUTO: How many parking spots are you -

6 MS. BITTER: There are 39 spaces.

7 CHAIRMAN STUTO: How many are you supposed to have?

8 MS. BITTER: We are supposed to have 48.

9 MR. GILLESPIE: I am Jim Gillespie from Bohler
10 Engineering.

11 I just want to reiterate that we are showing
12 some land banked parking that would meet the
13 requirement.

14 CHAIRMAN STUTO: This has been reviewed by our Town
15 Designated Engineer, Joe Grasso, from CHA.

16 Joe, do you want to give us your comments
17 before we speak to the neighbors?

18 MR. GRASSO: Sure. So, this is up for formal
19 concept review. There is a comment letter that we
20 issued. It is dated March 10 and it should be in all of
21 your packets.

22 There is a lot of detail even though we are
23 only at concept. There is a lot of detail shown on
24 the plans. We appreciate them providing that level
25 of detail. It obviously helps with detailed review

1 of the site. We actually included a number of items
2 in our comment letter that really are more
3 appropriate for final plans, but we throw them out
4 there just so that they can have them for
5 consideration.

6 The site layout actually does a good job being
7 sensitive to the neighbors - the neighborhood to the
8 rear of the site. We agree with Stephanie's comments
9 in trying to keep the developments more toward the
10 Central Avenue corridor. It does a good job of that.

11 There were some other comments that were raised
12 during the DCC meeting and during the sketch review
13 meeting that have been predominantly addressed in
14 the new concepts site plan.

15 Like Stephanie said, there are a number of
16 waivers that are required. Those waivers are
17 consistent with what we have seen given for
18 convenience stores throughout the Town. I know that
19 Stephanie put a package together with justification
20 for the waivers. Although I don't think the Planning
21 Board has seen those, we have taken a look at those
22 and they do provide substantial support for the
23 waivers granted.

24 We do have a comment regarding the 80% frontage
25 build-out which we believe they will be able to come

1 close to meeting through evolution of the design as
2 it gets into the final plans.

3 Our primary concerns raised in the letter are
4 really regarding the access arrangement. Like
5 Stephanie said, there are three access points
6 proposed; 14 access on Reynolds Street which we are
7 supportive of. We don't think that the project,
8 based on the traffic study, is going to have a
9 significant impact on traffic in the neighborhood.
10 We think traffic generated to and from the site is
11 primarily going to be from the Central Avenue
12 corridor. We are supportive of that access point
13 because if the neighborhood does patronize the site
14 and go there, we would want those vehicles to be
15 able to use that side street access and not have to
16 circle out to Central Avenue to get back into the
17 neighborhood.

18 CHAIRMAN STUTO: Are there weight limitations on
19 that side street, do we know?

20 MR. GRASSO: There are weight limitations and they
21 start right about where that curb cut is proposed.

22 CHAIRMAN STUTO: What are they?

23 MR. GRASSO: Four tons, so any heavy delivery
24 vehicles, fueling tanker deliveries would be restricted.

25 CHAIRMAN STUTO: But they can't go into the

1 residential neighborhood.

2 MR. GRASSO: That's right. So, small box vehicles
3 would probably be able to use that curb cut access.

4 MR. LANE: How do we ensure that the vendors do not
5 have access to the side access, should that be the case
6 - the delivery trucks - how do we ensure that?

7 MR. GRASSO: Right now, it is posted on both ends
8 of the road. So, that is the restriction. There is
9 really no other provisions to further restricted, other
10 than that.

11 MR. LANE: Can you direct the vendors?

12 MS. BITTER: We can work with that. I was just
13 going to let Joe finish his comments because it all
14 depended on how we end up with the access points to make
15 sure we have other directions to provide to those
16 vendors.

17 MR. GRASSO: So, in terms of the other access
18 points, they are proposing a rights-in only on Central
19 Avenue which is where there is an existing inbound -

20 CHAIRMAN STUTO: Can you point to that?

21 MS. BITTER: It is right here (indicating).

22 MR. GRASSO: And then they are proposing a full
23 access curb cut to the north west side of the site. In
24 between those two access points there is an existing
25 CDTA bus pullout. There has been concerns raised by our

1 office and DOT regarding the rights -in only access. so,
2 we had previously commented that access point should be
3 removed.

4 CHAIRMAN STUTO: Can you explain the rationale for
5 that so we understand that as laypeople?

6 MR. GRASSO: There are a number of curb cuts given
7 to commercial properties along the Central Avenue
8 corridor. The concept is to try to minimize the number
9 of curb cuts because it reduces the number of conflicts
10 within the site. Obviously, Route 5 is also a high
11 pedestrian use corridor -

12 CHAIRMAN STUTO: Haven't I heard you talk about
13 right-ins as a free movement?

14 MR. GRASSO: It is. So, from a traffic impact
15 standpoint in terms of impact on the traffic on Central
16 Avenue, it has a very minor impact. Typically, we would
17 consider that a free movement and we would normally
18 support multiple access points. This is a very narrow
19 project site. It does not have a lot of frontage on
20 Central Avenue. It had a bus turn out right in the
21 middle of it. So, there are a lot of things happening.
22 So, we have Reynolds Street is a side street access, we
23 have a rights-in, we have the bus turnout and we have
24 another proposed access curb cut.

25 In addition to everything DOT brought up, there

1 is another curb cut just to the west of the project
2 site. The separation between full access curb cut
3 and the adjacent property doesn't meet the desired
4 intersection spacing standards. We don't think the
5 most appropriate access arrangement for the site.
6 We are supportive of some level of access on Central
7 Avenue. We are just not supported of the rights-in
8 in the fall access curb cut to the west. we do think
9 there are other alternatives that should be
10 considered that can address the concerns that we
11 raised in our letter, in the concerns raised from
12 DOT.

13 Some options could include changing the full
14 access curb cut to the West to a rights-out only and
15 keeping the one way in. Another option could be
16 eliminating the right turn in only in keeping full
17 access to the west. Although, the concerns that we
18 raised about the proximity to the bus turn-out would
19 need to be addressed possibly by relocating the bus
20 turnout. Or, possibly relocating the full access
21 curb cut to the other side - to the east side of the
22 site and closer to Reynolds Street and eliminating
23 the western one altogether.

24 So, there are a number of options but those are
25 things that would have to be worked out with the

1 applicant in terms of options that would be
2 acceptable to them. I think it is important that we
3 keep the DOT in the review process so that we are
4 addressing their concerns. Obviously, they are going
5 to have some ultimate authority over the curb cut
6 locations and their design and obviously they are
7 already on record with some concerns regarding the
8 current access configuration.

9 MR. SHAMLIAN: Didn't the right-in as you head west
10 occur before the bus turn out?

11 MR. GRASSO: It is, yes.

12 MR. SHAMLIAN: Isn't that safer than the other side
13 of the bus turnout?

14 MR. GRASSO: Absolutely. That was one of our
15 concerns. In Wendy's traffic study she demonstrates that
16 the bus is therefore times an hour. So, say every 15
17 minutes. When that bus is staging there, to go past the
18 bus and take that right turn in could be a conflict with
19 pedestrians. It's not a frequent occurrence, but it is a
20 safety concern that we raised. That right-in is a safer
21 location for that.

22 MS. BITTER: I would like Wendy to chime in. We had
23 the opportunity to talk to Joe today to explore this.
24 Just to give you some of the feedback that we talked to
25 Joe about, I'd like to have Wendy talk about that bus

1 stop for second.

2 MS. HOLZBERGER: Wendy Holzberger, for the record.

3 Part of this right turn-in is for the
4 circulation of the fuel vehicles on the site to
5 avoid Reynolds Street which has a restriction for
6 the weight. Part of that dual access is because of
7 the circulation of the fuel vehicles. We understand
8 that CHA had some concerns. We did have a good
9 conversation today. We did have some responses to
10 some of the safety things that were brought up. CDTA
11 has chimed in. they sent a letter on a previous
12 application where they actually did like how we
13 moved this driveway. Right now, the existing
14 driveway is in the middle of the storage area. They
15 were in agreement with moving it outside of that. We
16 understand that there is a little less spacing than
17 DOT typically would like to say, but in this type of
18 corridor when you have a constraint such as a bus
19 pullout in the middle of your site, it doesn't leave
20 you with a lot of options to work around that. A
21 specially built up corridors that is something that
22 we often have to deal with - is some of those
23 spacing issues.

24 The driveway closest to Reynolds - we did move
25 that and narrow it so that it does meet that DOT

1 standard. So, where we could do it, we did it --
2 from a safety and operation standpoint moving that
3 access outside of the driveway.

4 To the point about the buses, we looked at the
5 schedules. There is one bus every 15 minutes during
6 the peak times. It separates out a little bit longer
7 during some of the day so that an average bus stops
8 about 15 seconds at a stop like this. So, literally
9 there is a bus there one minute out of a 60 minute
10 period in an hour. So, 59 minutes there is not that
11 conflict. Looking where we moved it, and the
12 operation and the use of the two way left turn lane
13 and keeping a lot of the traffic off of Reynolds
14 Street - that is kind of where our access scheme
15 came from.

16 We also got information from CDTA - that bus
17 stop services less than 40 people a day. So, as far
18 as volume pedestrian - obviously, there is a
19 pedestrian associated with all those movements, but
20 if you are spreading those 40 people through an
21 entire day there is not a lot of pedestrians
22 continually at that bus stop during the day.

23 CHAIRMAN STUTO: There probably are pedestrians
24 during a.m. peak and p.m. peak hours.

25 MS. HOLZBERGER: These are the average conditions

1 from CDTA.

2 CHAIRMAN STUTO: You hear about various pedestrian
3 accidents.

4 MS. HOLZBERGER: Understood. There are eight people
5 that Board the bus -- actually, this kind of makes sense
6 because I think a lot of people are going - that live in
7 this area might be using the bus to go to Albany to go
8 to work and instead of going down the other way. So,
9 there are only eight people that Board the bus and 31
10 they get off the bus. So, you can say that it makes
11 sense that those eight would probably be a little more
12 focused towards the morning. The others might be more
13 focused in the afternoon.

14 The state conducted a pedestrian safety study
15 along the whole corridor of Route 5 and the whole 15
16 miles -- I happen to be involved in a project. There
17 really isn't a lot of history and patterns of the
18 pedestrian accidents that are with driveway bus
19 vehicle turning conflicts. More of the pedestrian
20 accidents are with pedestrians crossing midblock.
21 Crossing Route 5 itself is where there is more of a
22 history. CDTA actually notes in their first letter -
23 - sorry, it was in the letter it was a conversation
24 we had. We have an email from them where they talked
25 about the lack of accident history here. That is one

1 of the reasons why they want to keep this stop.

2 MR. MION: Would it be possible to make it a two
3 way in and out where you have the right-in and where you
4 have the two way in and out now -- make that a right-out
5 only? You're putting it at the rear of the bus stop -
6 in and out and you still have your flow of vehicles --
7 the tractor trailers going in - and then you still have
8 the ability to go out right only.

9 MS. HOLZBERGER: It is something that we could
10 possibly look at. We have not looked at that yet from
11 Cumberland standpoint as how that site circulates and
12 works. It does put a full access driveway closer to a
13 side street - if you are comparing a driveway to a side
14 street versus a driveway to another commercial facility
15 next door. It is a little different comparison, but it
16 is certainly something that we can look at.

17 CHAIRMAN STUTO: I can come up with a different
18 determination, but I am not a traffic engineer. It seems
19 unresolved, to me. I would like to have an agreement on
20 it at some point. That is my feeling.

21 MS. HOLZBERGER: When we talked to earlier today we
22 suggested that may be an agency meeting because there
23 are so many -- CDTA has an interest here and the
24 Department of Transportation, the Town and Cumberland
25 Farms. There are a lot of people that have different

1 aspects there. It would be good to maybe sit down and
2 really got into the pluses and minuses and see if we can
3 come up with an agreement.

4 CHAIRMAN STUTO: Joe Grasso, what to think of that?

5 MR. GRASSO: Yes, I think it's a great approach.

6 CHAIRMAN STUTO: As of now, we have one president
7 signed up for this project, James McGinn.

8 MR. MCGINN: Hello, James McGinn. I live at 30
9 Corthell Street. the numbers here are the old ones; 92
10 and 94. My aunt owns the whole corner.

11 CHAIRMAN STUTO: Thirty appears to be the corner on
12 the map that I have.

13 MR. MCGINN: Yes.

14 CHAIRMAN STUTO: Are you there, or are you next
15 door to there?

16 MR. MCGINN: No, I am there. My aunt lives next
17 door at 40.

18 The back property is what our concern is. My
19 only concerns are this entrance and exit. I have
20 lived there all my life and the Town of Colonie made
21 Terminal Hardware put up steel columns - concrete
22 columns to stop from coming into their parking lot
23 off of Reynolds because of safety concerns. this was
24 a while ago. They were concerned about that. Right
25 now, you cannot enter Phillips from Reynolds. There

1 are concrete barriers. They were made to put them
2 up.

3 CHAIRMAN STUTO: Can you point to on the map where
4 you think that is? Is it closer to the corner?

5 MR. MCGINN: Yes. They are right here
6 (Indicating). That's where they were made to be put up.
7 I used to live right over the top of it.

8 CHAIRMAN STUTO: You are saying that there are
9 barriers there now?

10 MR. MCGINN: Yes, there is.

11 My other concern - they have a proposal to move
12 the garbage back closer to our property. That is a
13 concern to me. I really like that they are leaving
14 this all wooded. They are doing a very good job with
15 that. The project alone - we have no problem with
16 it. It will dress it up.

17 You said about the 4 ton rating -- Philips
18 Hardware's tractor trailers would pull up the
19 street, they would turn around -

20 MR. LANE: So, they ignored it.

21 MR. MCGINN: They ignored it.

22 Somebody had said about making this just a
23 right out. Unless you have a cop sitting here, if
24 they are backed up going out to Central Avenue,
25 which they will be at peak times, this intersection

1 right here probably has 6 to 7 cars parked at it in
2 the mornings for families waiting for their kids to
3 catch the bus. That is a major school bus pickup for
4 the whole neighborhood. There are cars lined up by
5 my lawn and down here (Indicating) at peak times to
6 drop their kids off and wait for them to get on the
7 bus and to pick them up in the afternoons. I do
8 believe that the traffic is going to increase. If
9 people cannot get out, they are going to shoot up
10 and they are either going to go down to Knapp or
11 they're going to go over to Cramond or they're going
12 to come down here to Osborne. it's just going to be
13 easier. Once people learn that this entrance is
14 here, instead of going out to Osborne, up Central,
15 up Cramond, down Reynolds and they're going to use
16 the side entrance.

17 When we came to the Zoning Boards when it was
18 first proposed as just the minimart, they said that
19 the hours were not going to be 24/7. They have
20 assured us all that. Now they are saying that they
21 are going to be 24/7. That is a concern for the
22 neighborhood also - for them to be open 24/7 - at
23 least as far as I'm concerned.

24 I love the building and it will be huge and it
25 will upgrade to what is there. I think for the

1 majority, they are doing a great job with this and
2 the front. It's just, that is a very big concern of
3 mine.

4 MR. LANE: Ask what your suggestion would be as far
5 as the bus stop? Are you suggesting moving the bus
6 stop?

7 MR. MCGINN: No, this is a school bus stop.

8 MR. LANE: That's what I mean, the school bus stop.

9 MR. MCGINN: I don't know where you could.

10 MR. LANE: If you move it up or down the block, is
11 that going to have any effect?

12 CHAIRMAN STUTO: The school district chooses
13 those.

14 MR. MCGINN: The school district comes up Cramond
15 and they stop here (Indicating) and they pick up all the
16 kids from this whole area. Then, they come down Reynolds
17 out to Central and up to Colonie Central.

18 CHAIRMAN STUTO: You don't have any objection to
19 the school being there?

20 MR. MCGINN: No. It was mine when I was a kid. I'm
21 just saying that it's large. There are a lot of kids
22 there. If you have kids waiting here - they put a house
23 right here on this corner lot. This used to be a vacant
24 lot about half the size of mine. They have since put a
25 house here. That has congested it more with the kids can

1 actually be standing off the street anymore because they
2 are standing on this person's side lawn.

3 MR. LANE: That's where I am going. For
4 clarification, what does that have to do with the
5 Cumberland Farms and why is that -

6 CHAIRMAN STUTO: He's arguing against the side
7 entrance.

8 MR. MCGINN: The side entrance on Reynolds, that's
9 all. It is because of traffic.

10 MR. LANE: So, what I am saying is what if the bus
11 stop was able to be relocated?

12 MR. MCGINN: That would be fine. My main thing is
13 the traffic coming through the streets.

14 MR. LANE: Would that have an effect?

15 MR. SHAMLIAN: You're concerned about it more than
16 just the bus stop.

17 MR. MCGINN: Yes, more than just the bus stop. I'm
18 concerned about traffic in the bus stop. The bus stop is
19 part of -- that is peak times from 7:00 to 8:00 in the
20 morning and 2:30 to 3:30 in the afternoon when I believe
21 those are peak times -- the morning is peak for
22 Cumberland Farms also. I just think it's going to
23 increase traffic in that area and it's going to make it
24 more dangerous.

25 MR. LANE: Going back to my question - should there

1 be any conversation about relocating it to reduce that
2 stress?

3 MR. MCGINN: Yes. As I said, there is still going
4 to be an increase in traffic in the neighborhood. As I
5 said, I don't know whether Cumberland Farms tankers will
6 ignore it. With Philips Hardware the tractor trailers -
7 every time they got a delivery, there was no way -- they
8 cannot physically come up Cramond.

9 CHAIRMAN STUTO: Okay, we are going to talk about
10 your issues. Thank you. We will let you get back up if
11 you still want to.

12 Okay, the dumpster, the Reynolds entrance and
13 the 24/7.

14 Joe Grasso, to have any opinions on those
15 things?

16 MR. GRASSO: I would prefer that they respond
17 first.

18 In terms of Reynolds, if you can quantify the
19 additional traffic and the curb cut that may help
20 that?

21 MS. BITTER: I will start with the dumpsters and
22 then I'll turn it over to Wendy again.

23 The dumpsters - pushing them back is only if we
24 need those banked spaces and as I had indicated, we
25 feel confident that we have sufficient parking. We

1 are very confident that we're going to keep that
2 dumpster in that location.

3 Relative to the 24/7 operation, I was not part
4 of the discussion with the Zoning Board or what the
5 exact concerns were relative to limiting that time.
6 The story itself doesn't have any negative impact by
7 keeping itself open. The lighting is obviously not -
8 - it's going to be reviewed so that the pollution is
9 not going to spread to the adjacent lots. There is
10 not going to be any noise impacts.

11 Actually, the purpose of the convenience store
12 is for those late night issues that the residents
13 usually have. I know if I visited a convenience
14 store in the middle of the night, it is because I've
15 had a sick kid or need something. So, it does serve
16 a purpose. That's why we located it in these
17 mixed-use zones. So, we would like to keep that 24/7
18 operation because it is beneficial to the community.

19 MR. GRASSO: Just to reiterate, the dumpster
20 enclosure is a fully foresighted structure. It is
21 masonry construction on the three sides. If you have
22 been to the new convenience stores in Town, they are
23 very architecturally pleasing - for the concerns raised
24 by - whether the debris is getting out of them. It will
25 be designed as a substantial appendage to the building.

1 MS. HOLZBERGER: So, as far as the Reynolds Street
2 traffic, we did assume about 5% of the trips from the
3 site would come back from those neighborhoods. We don't
4 anticipate -- that equates to less than 10 trips in the
5 peak hours. I understand the concern about the cut
6 through, but really a cut through is meant to be a time
7 savings. It is not always a time savings to cut through
8 some of the side streets and then kind of meander
9 through the neighborhood. The site is located on Central
10 Avenue where it is in a free flow area. So, it's pretty
11 quick. If you are coming from Osborne and you came out
12 and took a right-hand turn and you're on Central Avenue
13 going 40 miles an hour - that versus meandering through
14 a neighborhood - we don't feel that's going to be a
15 dominant -

16 MR. LANE: So, you're saying that you need that
17 access part of it.

18 MS. HOLZBERGER: Part of the reason, which was
19 stated, it does provide a means for the neighborhood
20 traffic to come in and out of the site without going on
21 to Central Avenue.

22 MR. LANE: Going back to my prior point, you need
23 to ensure that the delivery vehicles are not using that.

24 MS. HOLZBERGER: Understood. Back to my original
25 point about the access points is why the two proposed

1 driveways on Central Avenue are really meant to service
2 the delivery vehicles and to keep them off of Reynolds.

3 I think Cumberland has had some say and some
4 authority to their own vehicles and the paths that
5 they take. I can't totally speak for Cumberland, but
6 I do know that they have some control over their own
7 vehicles. Our point is to keep them off of that,
8 plus there is a weight restriction posted.

9 CHAIRMAN STUTO: Joe, what is your reaction to
10 that?

11 MR. GRASSO: We agree. We think the side street
12 connection to Reynolds is really important. It's a
13 planning thing. It is something that the Planning
14 Department in the Town has always said that should be a
15 part of the project since day one. The Town should
16 probably desire that Reynolds connection more than the
17 applicant will from an operational standpoint. They
18 could probably live without it. We think that it is a
19 really important Town benefit. We would not want to see
20 the neighborhood traffic have to go out to Central
21 Avenue to access the site and then go back.

22 MS. DALTON: We agree that it is less safe for
23 neighbor residents to have to go out onto Central Avenue
24 in order to get milk and bread or something you need. I
25 think that is an important factor.

1 MR. SHAMLIAN: Especially if the access
2 configuration on Central Avenue stays as it is. You
3 would need to come out and get on to Central, go to the
4 site and then make a left back across traffic. It is
5 pretty convoluted.

6 MR. GRASSO: The only other thing that I would add
7 from a delivery standpoint is: We believe using that
8 short section of Reynolds to access the site would be
9 acceptable from a delivery standpoint.

10 CHAIRMAN STUTO: How do you discourage them from
11 going into the neighborhood beyond that point?

12 MR. GRASSO: By signing it, and that's where the
13 weight restriction signs would be. The weight
14 restrictions are not really governing local deliveries
15 so a truck would not be ticketed for using Reynolds
16 Street for delivery to the store anyways. So, signage
17 and through their operational controls and including
18 on-site signage, too. I don't think that the commercial
19 traffic leaving the site going through the neighborhood
20 is a concern that we can't address, either operationally
21 or through signage.

22 CHAIRMAN STUTO: Okay, what else?

23 Do you have any more presentation?

24 MS. BITTER: No.

25 CHAIRMAN STUTO: Any other neighbors want to speak

1 on this?

2 Does the Conservation Advisory Committee want
3 to speak?

4 MR. BRENNAN: A comment was in regard to this
5 residence here (Indicating) to make sure that the trees
6 in the back provide enough of a buffer for this house
7 here. I think there are mature trees already there.

8 MS. SHEAR: I'm Joanne Shear. My mom is number five
9 and number 10. Number 10 is this property right behind
10 (Indicating). I wanted to see what that was going to
11 look like. I really don't have a feeling for that.

12 Just to address the traffic: Very seldom can
13 you take a left at Central Avenue at certain times.
14 I grew up on Reynolds Street. I am there a lot. If
15 you want to go out to Central Avenue take a left, it
16 is difficult. My vision is people are going to go to
17 the Cumberland Farms, the going to come up Reynolds
18 Street and take a right over Corthell and hit the
19 light at Osborne Road. It will create more traffic,
20 just because it will be easier. It is a very
21 difficult left.

22 CHAIRMAN STUTO: Okay, I see what you are saying.

23 MS. SHEAR: I was also concerned about what this is
24 going to look like behind the building.

25 CHAIRMAN STUTO: Are you getting an idea?

1 MS. SHEAR: Well, I can see a picture but they were
2 talking about a berm.

3 MR. GRASSO: I think they had elevations in their
4 packet.

5 CHAIRMAN STUTO: Tim Agars.

6 MR. AGARS: My name is Tim Agars and I live at 42
7 CortHELL Street.

8 One of my concerns - I am also concerned that
9 people will be coming this way - coming down here to
10 try to get to the light. If you haven't been there,
11 though streets are practically just a one way
12 street. They have blind corners and anybody who's
13 coming through that area doesn't know that they are
14 blind might come too quickly and somebody's going to
15 hit somebody else. That is my concern with that is
16 that people are going to be headed that way.

17 My other concern is this green section here. I
18 have not seen before. I'm not sure if it's going to
19 be redone, or if it's going to be left as it is. It
20 is not very good as it is right now. I know a number
21 of trees there - if you looked at the overhead, this
22 is not as lush as it appears in this picture here.
23 Many of these trees are gone or have come down or I
24 think even the hardware store took them down. It is
25 not terrible right now, but in the winter I can see

1 into the parking area.

2 CHAIRMAN STUTO: We will get them to talk about
3 that more and we will make sure that we get adequate
4 screening in there.

5 MR. AGARS: My third concern is I don't really like
6 the 24/7 operation. It was not 24/7 I think it would be
7 fine with it and if the other concerns were addressed.

8 CHAIRMAN STUTO: Can we talk about landscaping? I
9 know that you're putting in some stormwater treatment
10 there.

11 MR. GILLESPIE: The stormwater is conceptual right
12 now. We have not gotten into the detail design. We are
13 obviously going to minimize that is much as possible.
14 The intent was to keep as much of the existing buffer as
15 possible.

16 CHAIRMAN STUTO: Can you supplement that?

17 MR. GILLESPIE: Yes. We can certainly look a little
18 closer at what is there and supplement. we can
19 supplement all along the back, wherever this ends up. We
20 can supplement all along the perimeter to help screen
21 that with evergreens. We can certainly look at the site,
22 as well (Indicating).

23 CHAIRMAN STUTO: How about that other little
24 section to the right (Indicating)?

25 MR. GILLESPIE: We are proposing that now. They are

1 evergreens. We can continue that and it would build up
2 and help screen that.

3 CHAIRMAN STUTO: Anybody else from the neighborhood
4 would like to speak?

5 Okay, I'm going to try to sum this up unless
6 somebody else has something else to say right now.

7 I think that it is unresolved what the ingress
8 and egress is going to be. If a going to keep the
9 entrance on the side street, I think we have to
10 mitigate that somehow with signage. I think the
11 professional team including representatives from the
12 Town and the applicant and DOT and if he needs EDTA
13 - should get together and try to come up with a
14 solution that best benefits the public as well as
15 that particular neighborhood in the back.

16 MS. BITTER: We are willing and able to meet as
17 soon as possible so that we can resolve it. Obviously,
18 access is vital to the project. So, that's why we had
19 the conversation with Joe today and we already provided
20 a response letter to try to give him more data as to how
21 we have conclusions that support the access that is
22 presented. We are willing to sit down and talk about
23 some alternatives that might achieve all of the benefits
24 and address the concerns that have been raised.

25 CHAIRMAN STUTO: Okay, 24/7 - it seems to be a

1 concern of the neighbors. It was a concern of mine also
2 for that reason. Maybe you can tell us more about
3 screening - visual screening, what the lighting is going
4 to be, how much traffic do you expect during that part
5 of the day -- sometimes it's better to have an occupied
6 building for safety reasons than it is to not. So, can
7 you talk about all those things?

8 MS. BITTER: We can present that the preliminary,
9 but that was exactly what my question was going to be.
10 What exactly are the concerns? If I was living adjacent
11 to this area, I would want it to be occupied as opposed
12 to unoccupied because I think that the pollution and
13 things of that nature I think are going to be minimal. I
14 think we can utilize the screening and things to achieve
15 the noise barriers so that the late-night car door --
16 there's not going to be any loitering and there's not
17 going to be anybody outside. That is going to be
18 addressed so that can be achieved by the employees and
19 training. It is really going to be those customers
20 late-night. I can find out statistically how many people
21 in the middle of the night go to the store because there
22 is one on Central Avenue right up the street.

23 MR. MION: Is that one 24 hours?

24 MS. BITTER: I believe the one that is right up the
25 street -- I know the one that is in the village that was

1 just constructed is 24/7.

2 MR. SHAMLIAN: My bigger issue with the 24/7 is
3 what, if any, representations were made at the Zoning
4 Board?

5 MS. BITTER: I don't know that because I wasn't
6 part of that.

7 MR. SHAMLIAN: I understand the neighbors concerns
8 but it is Central Avenue and there does need to be a
9 reasonable expectation that some businesses on Central
10 Avenue are going to be open 24/7. That doesn't mean that
11 there are not lots of things that you can do to mitigate
12 any issues. My biggest question is: What, if any,
13 representations were made.

14 MS. BITTER: I can find that out from the minutes.
15 I can find out how many people visit that 1632 store in
16 the middle of the night, just to get some numbers for
17 you.

18 CHAIRMAN STUTO: Anything else from the Board?

19 (There was no response.)

20 With all those things that we just said and
21 with our final conversation, do we have a motion for
22 concept acceptance?

23 MR. LANE: I'll make a motion.

24 MR. MION: Second.

25 CHAIRMAN STUTO: Any discussion?

1 (There was no response.)

2 All those in favor, say aye.

3 (Ayes were recited.)

4 All those opposed, say nay.

5 (There were none opposed.)

6 The ayes have it.

7 MS. BITTER: Thank you, very much.

8 CHAIRMAN STUTO: Should we get an interim report on
9 the traffic, or do you want to play that by ear? to have
10 any preliminary thoughts on that?

11 MR. GRASSO: I would rather play it by ear. If it's
12 an access situation that we agree to that we think that
13 the Planning Board or the public may have concerns with,
14 then I think that we would want to bring it back before
15 they advance to the final plans. I'd like to leave it on
16 the table.

17 CHAIRMAN STUTO: We have one more comment on this
18 project.

19 MR. THOMAS: Relative to tanker deliveries, have
20 any of the drivers then talk to as to how they can get
21 in there and which problems there would be for the
22 tankers? I would think that you would have to partly
23 back out onto Central Avenue. What size are the trucks,
24 do you know that?

25 MR. GRASSO: Jim will respond to that.

1 CHAIRMAN STUTO: Is that your only question or do
2 you have other questions?

3 MR. THOMAS: I just want to point out that Reynolds
4 Street - that access that came in from Reynolds, the
5 grade is extremely steep. I assume they will be doing
6 grading to take care of that. You will want to check
7 that out.

8 CHAIRMAN STUTO: Do you have any other questions?
9 We do questions and answers.

10 MR. THOMAS: I just thought that I would bring that
11 up. Do you talk to the people who do the actual driving
12 to see whether they can maneuver a tanker truck into a
13 drive?

14 MR. GILLESPIE: We do work very closely with
15 Cumberland Farms operations department. They review even
16 in the very early concept stages -- this truck turn
17 template is reviewed by their operations people and
18 their drivers for compliance with access. One of the
19 reasons we want this right in is for truck deliveries.
20 it has a mountable curb and concrete aprons on the right
21 side to facilitate them in over. The trucks will come
22 in, circulate around and deliver to the underground
23 tanks here (Indicating), and then back out onto Central.
24 There is sufficient room to make that maneuver and make
25 that delivery.

1 As far as the grades on Reynolds, we look at
2 the grading very closely to make sure that it's
3 drivable and friendly to customers, as well as storm
4 water drainage and all that stuff. Grading is
5 something we look at very closely. That will be
6 looked at.

7 CHAIRMAN STUTO: Thank you.

8 MR. MCGINN: As far as the bus stop is concerned -
9 the CDTA bus stop - there is another one down in front
10 of TJ's, a block and a half down. They have up towards
11 the corner of Fredericks - the bus stop is there because
12 of a crosswalk and there are no cutouts there either.
13 They took the one away from in front of the TD bank at
14 interstate and they did away with that one. Now, the bus
15 stop is at Dott Avenue. I think that's where Kentucky
16 Fried Chicken is. There are no cutouts for that. The bus
17 just stops in the middle of Central Avenue. I just
18 wasn't sure if it would facilitate taking this out
19 completely. The question for CDTA is because there is
20 one a block and a half down the road that is a cutout
21 and it is closer to Osborne Road -- I just wasn't sure.

22 CHAIRMAN STUTO: I will ask them to look at that. I
23 know that we have had this discussion with other project
24 and what those thoughts are. If you took the pull off
25 the way, you block up the traffic on Central Avenue.

1 Although, it does help CDTA because they can move their
2 buses a lot quicker. Those are the two competing
3 interests. We will have them look at it.

4 MR. MCGINN: When you talked about pulling out to
5 make a left-hand turn if there is a bus there - if they
6 did away with the bus stop it might alleviate -

7 CHAIRMAN STUTO: The bus stop, or the bus pullover?

8 MR. MCGINN: The bus stop, itself. They have moved
9 them up the street. As I said, there was one a block and
10 a half - and I don't know what the requirements are as
11 far as how far -

12 CHAIRMAN STUTO: Okay, we will ask them to take a
13 look at that. Thank you, very much.

14

15 (Whereas the proceeding was concluded at
16 8:20 p.m.)

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CERTIFICATION

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

NANCY L. STRANG

Dated _____

