

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 STEWART'S SHOPS  
 406 ALBANY SHAKER ROAD  
 5 SKETCH PLAN BOARD UPDATE

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8 THE STENOGRAPHIC MINUTES of the above entitled  
 9 matter by NANCY L. STRANG, a Shorthand Reporter,  
 10 commencing on April 4, 2017 at 7:30 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 KATHY DALTON  
 18 TIMOTHY LANE  
 19 CRAIG SHAMLIAN

20 ALSO PRESENT:

21 Katheen Marinelli, Esq. Counsel to the Planning Board  
 22 Joseph LaCivita, Director, Planning and Economic  
 23 Development  
 24 Michael Tengeler, Planning and Economic Development  
 25 Joseph Grasso, PE, CHA  
 Nick Costa, PE, Advanced Engineering  
 Christopher Potter, Stewart's  
 Paul Rosano, Town Board  
 Susan Weber  
 Lisa Barron  
 Patrick Quinn, Green Meadows Civic Association  
 Jim Kitts, Green Meadows Civic Association  
 Chris James  
 Tim Dennison

1           CHAIRMAN STUTO: Next item on the agenda is  
2           Stewart's Shops, 406 Albany Shaker Road, sketch plan  
3           Board update. Raze existing convenience store and fuel  
4           canopy and replace with a 3,675 square foot convenience  
5           store and four pump island fuel canopy.

6           Joe LaCivita, any comments?

7           MR. LACIVITA: Just for the record, Peter, the  
8           development coordination committee was on 9/28/16. We  
9           had sketch toward the end of that year which was  
10          December 13, 2016. We asked Stewart's at that time to  
11          come back and present to the Board various options for  
12          the workings of the site and show a preference. You have  
13          six plans for you and Nick is going to take us through  
14          along with Chris.

15          MR. COSTA: Thanks, Joe.

16          Nick Costa, again, from Advanced Engineering.  
17          With me tonight is Chris Potter from Stewart's  
18          Shops.

19          What we have done is developed several options  
20          or alternatives - development options for the site.  
21          This first maximizes the site. It meets the green  
22          space requirements and as you can see there could be  
23          a separate 4,000 square foot retail building that  
24          could be developed on the site, along with meeting  
25          the parking requirements for it.

1           As far as the number of pumps, there are eight  
2           fueling stations with this scenario. This is one  
3           option.

4           MR. LACIVITA: Nick, this is to show maximum  
5           build-out on the density table and the zoning.

6           MR. COSTA: That is correct.

7           The next one shows somewhat less of a  
8           development of the site. This is substantially less.  
9           It takes out the 4,000 square foot building with the  
10          associated parking and driveway aisles. It still has  
11          the Stewart's Shop and the fueling stations.  
12          Again, access is maintained similar in all of these.

13          This third option basically stays the same with  
14          the exception of the number of fueling stations.  
15          This has six fueling stations that show.

16          This option turns the building at an angle to  
17          the parcel. It also relocates the driveway further  
18          away from the intersection. It does have the  
19          fueling islands or stations.

20          This option - instead of having all the fueling  
21          stations under the one canopy, it has two canopies  
22          and six fueling stations.

23          This one reduces the number of fueling stations  
24          to four under two separate canopies. They also  
25          maintain circulation around the site. You would come

1 in from Albany Shaker Road and go around the  
2 building. This is more for convenience of  
3 deliveries and picking up the dumpster enclosure. It  
4 would not be restricted from its use.

5 This one is the proposed -

6 CHAIRMAN STUTO: Is that the one that you came in  
7 with last time?

8 MR. COSTA: With some minor modifications. We have  
9 eliminated the circulation around the side of the  
10 building. That is pretty close to what you had seen  
11 back in December.

12 MR. SHAMLIAN: How many pump -

13 MR. COSTA: This has four fueling stations, so it  
14 has eight pumps.

15 CHAIRMAN STUTO: The one on Route 9 has three  
16 pumps, right? The one across from Hoffman's?

17 MR. POTTER: Yes.

18 CHAIRMAN STUTO: I'm just trying to get a sense of  
19 scale on that.

20 MR. COSTA: Just as a refresher, we brought the  
21 architectural elevations of the building. That is very  
22 similar to what you see being developed and built in the  
23 Town of Colonie with the Stewart's Shops.

24 CHAIRMAN STUTO: Okay, I think we have a picture.

25 Joe Grasso, what do you think?

1           MR. GRASSO: The major points in terms of some  
2 differences between plans -- I commend the applicant's  
3 for providing the various options which I think is  
4 exactly the Planning Board wanted was a bunch of  
5 different options to consider so that you can understand  
6 the pros and cons to different ways that the site could  
7 be laid out. I would be in support of more focus on the  
8 last couple of iterations that you have shown then the  
9 plan you had last time. That is most similar to plan  
10 that Nick has right now which is rendered from a  
11 building orientation standpoint. Some of the options  
12 had the building with the back squared to the residents  
13 and the building facing Everett Road. From an aesthetic  
14 and sense of place standpoint we thought that having the  
15 building oriented to the corner with this type of  
16 orientation is preferred rather than having the building  
17 square to the single-family residential zone.

18           One of the things that you mentioned is the  
19 access behind the building and that was something  
20 that I think we brought up last time.

21           The recommendation was to try to look at a  
22 layout that did not have the road loop around the  
23 building facing the residential side, but only  
24 having a side loading along the Everett Road side. I  
25 thought that you had done that before on other

1           Stewart's plans. That would be the preference from  
2           a layout standpoint. I don't know if it works from  
3           an operational standpoint. So, it would basically  
4           be soon not have the pavement behind the building  
5           and have it on the left-hand side of the building  
6           and have that be like a back in a loading bay or  
7           have your dumpster truck pull in there. It would  
8           increase the buffer toward the residential zone.

9           MR. LANE: I was going to ask exactly that  
10          question.

11          MR. COSTA: The only thing that - this helped us  
12          with that elevation - besides eliminating the  
13          circulation is that we looked at a retaining wall by  
14          removing that access from there - we would be able to  
15          reduce that retaining wall. Again, that can be worked  
16          out.

17          MR. GRASSO: So, it's more of how much buffer we  
18          can get to the SFR zone. So, it is just something that  
19          we can keep in mind.

20          The last thing and probably the most important  
21          was the scale of the canopy. Before they had four  
22          multi fuel dispensers across the front which is a  
23          rather long canopy. When you look and to the site  
24          from the intersection which is a dominant view shed,  
25          that canopy is basically quite cut off your view to

1 the Stewart's store. That Stewart's store is really  
2 going to be beyond the canopy. I think the option  
3 where it's got the four dispensers split where you  
4 have the pair - I think it really does a good job  
5 minimizing the scale of the canopy. The length  
6 overall is drastically cut. When you look towards  
7 the site you are definitely going to have a  
8 prominent view of the Stewart's behind the canopy  
9 and your view won't get totally cut off. There are  
10 some distinct differences between the plans.

11 MR. COSTA: This option of having the four under  
12 two separate canopies, Chris, that is something that we  
13 would consider; right?

14 MR. POTTER: This is less desirable for us as far  
15 as disability from the folks that are in the store being  
16 able to see all the dispensers. The ones on the end are  
17 not visible from the inside. So, the likelihood of drive  
18 offs is greater than where you could be seen. Especially  
19 on the side - park on the side and come out and shoot  
20 out Everett. we try and stay away from this  
21 configuration for that reason.

22 MR. GRASSO: If you had a preference between this  
23 one and just having three dispensers like you have in  
24 Loudonville -

25 MR. POTTER: Loudonville - if we had the room, we

1 would have done four. The site only allows us to do  
2 three. All of the sites that we are doing now that are  
3 this large are 4 to 6 or larger.

4 MR. MION: You said somebody would drive off? All  
5 your pumps are prepay.

6 MR. POTTER: We don't do prepays. It inconveniences  
7 the customers to have to go in and pay for the gas  
8 first.

9 MR. AUSTIN: But it inconveniences you when they  
10 drive off.

11 Do you guys tag the plates, though? A friend  
12 of mine drove off and they got her plate. Are there  
13 cameras to get the plates?

14 MR. POTTER: We do cameras, but not in all  
15 locations.

16 MS. DALTON: I have a question about volume at that  
17 particular site. Do you typically have people backing  
18 up in a line waiting to use a pump?

19 MR. POTTER: Currently?

20 MS. DALTON: Yes.

21 MR. POTTER: Yes, we do.

22 CHAIRMAN STUTO: I go there and it is very cramped.  
23 You almost cannot wait in line because you would be  
24 blocking the driveway.

25 MS. DALTON: That was my question. Might it not be

1 safer to do the six instead of the four so that you  
2 would not have that queuing problem?

3 MR. POTTER: The six layout for us is not  
4 desirable. Would we like to have six here? Sure. This  
5 layout is preferred to us because they are all visible  
6 from inside the store. If we had the room to spread it  
7 out and do six, that would be something to look at. We  
8 just don't have the space here.

9 MR. SHAMLIAN: What is the total length of that  
10 canopy?

11 MR. POTTER: That is 118 feet.

12 MR. SHAMLIAN: And the building is how wide?

13 MR. POTTER: Almost 72 feet.

14 MR. LACIVITA: What are your clearances on each  
15 side of that canopy where the pavement is?

16 MR. COSTA: I think it's 43 feet there. From here  
17 to the property line (Indicating) is 66 1/2 feet.

18 MS. DALTON: Is this the same one that you have at  
19 the corner of Wade and Forts Ferry?

20 MR. POTTER: Yes, the canopy layout is the same.  
21 there are only three at that location.

22 MR. LANE: Is the Albany Shaker entrance - is that  
23 the same as where it is now located?

24 MR. COSTA: It is pretty close to where it is  
25 located.

1 MR. LANE: Is it closer to Everett?

2 MR. COSTA: No, I think if anything, it is a little  
3 further back. During the design we are probably going  
4 to try to move it a little further away to try to  
5 increase that distance from the intersection.

6 MR. SHAMLIAN: One of the choices that you  
7 presented as much further back and the building is  
8 configured the same.

9 MR. GRASSO: The one with the dual canopies -- they  
10 can shift it further back. It would be preferred from an  
11 access standpoint.

12 MR. COSTA: We will probably try and go for that.

13 MR. SHAMLIAN: Can you make that configuration work  
14 with three?

15 MR. POTTER: That would not be a deal killer for us  
16 if we had to go with three.

17 CHAIRMAN STUTO: Do we have to grant a waiver to  
18 put those pumps in front?

19 MR. GRASSO: No. The waiver would be parking in the  
20 front yard.

21 MR. SHAMLIAN: My preference is that with three in  
22 the front.

23 MR. POTTER: We go by our competition as well as  
24 what we can fit on the site and what the site could  
25 accommodate. The mobile that is up the road on Osborne

1 and Albany Shaker - that has six. We are actually less  
2 than what they are.

3 CHAIRMAN STUTO: I think the scale is huge for what  
4 surrounds that. I think it is a radical change of the  
5 look in that particular corner. That is my opinion. I  
6 think it is too big. The whole project is pretty big and  
7 I don't think you really appreciate it because it is  
8 just a drawing. It is bigger than the one on Route 9  
9 nine, compared to what is there right now and compared  
10 to what surrounds that which is mostly residential.  
11 There was a fence company across the street. It is  
12 commercial and they built offices there. This is just a  
13 radical change of that neighborhood, in my opinion. I  
14 was hoping for a scaled-down, but you came down with  
15 more pumps. Showing us what the theoretical build-out  
16 could be -- but, there are waivers, too. It's not that  
17 you necessarily would have gotten that build-out. You  
18 did not come in with anything smaller. You came in with  
19 bigger and then went back to where you started. That is  
20 just my initial reaction on it. I prefer three pumps, as  
21 well.

22 Does anyone else want to talk?

23 (There was no response.)

24 Just as a matter of procedure we don't normally  
25 take comments, but I think there are a couple

1 neighbors that want to see something.

2 Does anyone have any objection to that?

3 MS. DALTON: Not to be disagreeable, but I was not  
4 here to see the last one.

5 CHAIRMAN STUTO: It was that one.

6 MR. POTTER: The change is that this blacktop went  
7 all the way around (Indicating).

8 MS. DALTON: I meant in terms of the comments of  
9 them looking for something smaller. To me, you've got a  
10 bigger parcel now than you have currently. I would have  
11 expected something larger. It is a really busy corner so  
12 I think that having that additional space seems to me to  
13 almost be safer than trying to make it smaller than it  
14 is.

15 MR. COSTA: This parcel is 2 acres. It is more than  
16 2 acres. It is 58% green on this parcel.

17 MS. DALTON: I know that it will be much different  
18 than what it is now, but what it is now, in my opinion,  
19 is too small for what it's trying to service in the  
20 area.

21 CHAIRMAN STUTO: Any other comments?

22 MR. AUSTIN: On the last plan that you have with  
23 four pumps - the ingress off of Albany Shaker is pushed  
24 back to the back of the property, further away from the  
25 intersection, which I think we liked.

1           MR. COSTA: We too, too. As we progress to final,  
2 we will be pushing it. Maybe not that far, but we will  
3 be pushing towards the west.

4           MR. AUSTIN: That part is good. I mean, being  
5 further away.

6           MR. COSTA: That is correct.

7           MR. LANE: I think that would make it a little more  
8 comfortable, especially if you're going to ask for those  
9 pumps.

10          MR. COSTA: What is not visible on this is the  
11 grading. We have done some grading, but we have not  
12 done the grading for the whole site. It also helps us.  
13 We are trying to go from elevation that's here to and  
14 elevation that is here (Indicating). We lengthened that  
15 distance. So, the slope gets gentler.

16          CHAIRMAN STUTO: Any other comments?

17          MR. MION: On the one that we like, if you angle  
18 them a little bit more, that would give you a better  
19 view of the pumps too.

20          MS. DALTON: If you angle them so that entrance on  
21 the top right - if you angled them towards that it would  
22 create a situation where people are literally pulling  
23 straight into the pumps and not swinging around.

24          MR. LACIVITA: I see what you are saying.

25          MS. DALTON: That way, it would seem to be a better

1 travel pattern and in addition give you a better line of  
2 sight.

3 MR. COSTA: So, it is not necessarily the four  
4 dispensers that are the issue. It is the mass of the  
5 canopy?

6 MR. LANE: As Pete said, it is a scale issue. So,  
7 it might help.

8 MR. POTTER: If it is splitting it up into two  
9 canopies of two, we can look at some additional designs  
10 for that. If you have to have three, that is a different  
11 story.

12 MR. LANE: You have a 118 foot canopy right now?

13 MR. SHAMLIAN: I mean, you were close to the same  
14 total footage, but it just doesn't appear as being as  
15 massive. My issue was not the four pumps. It was the  
16 massive canopy. If you can diminish the mass and keep  
17 the four pumps -

18 CHAIRMAN STUTO: Do we have any traffic information  
19 on this? Not on the corners, but the projections for  
20 the store compared to what they have now. I think it's  
21 going to be an awful busy store, which obviously you  
22 want. They are going to be a lot of people floating in  
23 and out of that place.

24 MR. GRASSO: Yes, we do have data but I don't have  
25 the file with me.

1           CHAIRMAN STUTO: I would like to see a comparison  
2 of current versus protected. The number of pumps  
3 probably matters.

4           MR. GRASSO: I would estimate that it is probably a  
5 doubling of the traffic volume.

6           CHAIRMAN STUTO: I would like some real numbers on  
7 that.

8           MR. GRASSO: Chris, is that accurate - that it  
9 would be about double the current number?

10          MR. COSTA: Yes, that would be about double.

11          CHAIRMAN STUTO: From what to what?

12          MR. GRASSO: From what it is now -- maybe 100 trips  
13 an hour from 50 or 60. I would guess that - not having  
14 the study in front of me.

15          MR. COSTA: We have about 70.

16          CHAIRMAN STUTO: I am noncommittal.

17          MR. GRASSO: There may be pass-by factors and  
18 stuff. That's why I am saying that my number of 108 may  
19 not include pass by reduction. So, it is 100 vehicles  
20 going to the store, but there are only 70 actually new  
21 trips that are on the adjacent roadway network.

22          MR. COSTA: The pass by trips could be 60%.

23          CHAIRMAN STUTO: Anything else from the Board?

24          (There was no response.)

25          Any objection to hearing a couple comments from

1 the neighbors?

2 (There was no response.)

3 We would ask you to be brief, if you could.

4 This is only sketch plan. It is a little bit out of  
5 order, but it is fine.

6 Susan Weber, did you want to speak on this one?

7 MS. WEBER: Sure.

8 Hi, I am Susan Weber and I live just around the  
9 corner from Stewart's where I show up quite  
10 frequently to get my hit of bruhaha.

11 I am wondering, first of all, where is the big  
12 tree?

13 CHAIRMAN STUTO: Ma'am, you will have to direct  
14 your questions here.

15 MS. WEBER: I'm sorry.

16 CHAIRMAN STUTO: That's okay. We will ask you to be  
17 brief.

18 MS. WEBER: I will be quick.

19 There is a 18 foot diameter tree that we  
20 measured.

21 CHAIRMAN STUTO: Diameter or circumference?

22 MS. WEBER: Circumference. So, we were hoping that  
23 it would be saved. Would it be possible to say that? Do  
24 you know where that is?

25 CHAIRMAN STUTO: Okay, keep going. What is your

1 next question?

2 MS. WEBER: The next point is I agree with you that  
3 this is a vast expansion of the size. The scale is  
4 giant.

5 There are also three gas stations with less  
6 than a mile a half of this place and I would ask  
7 that we have no more than six pumps. I'm done.

8 CHAIRMAN STUTO: Three stations. Six pumps.

9 Big tree - she made a comment on the scale.

10 MR. COSTA: The big tree is in this area right here  
11 (Indicating).

12 CHAIRMAN STUTO: Is that a maple?

13 MS. WEBER: It is a maple.

14 CHAIRMAN STUTO: Joe Grasso, do you any comment?

15 MR. GRASSO: I do know the tree and based on, I  
16 think, all of the layouts that we are looking at, that  
17 tree would be right in the middle of the development  
18 area. We thought about what could be done to the layout  
19 to try to avoid the tree and based on the size of the  
20 tree we think that your area of preservation around it -  
21 because it is such a large tree - would also be so large  
22 that it would drastically impact the developability of  
23 the additional lands.

24 CHAIRMAN STUTO: In a minute I will ask the  
25 developer to go over and see what they could do -

1           MR. GRASSO: They could work right around it, but I  
2 think over time with the impacts within the drip line of  
3 the tree, that tree would end up dying.

4           CHAIRMAN STUTO: We will get into the landscaping  
5 plan later. I want to keep this moving along.

6           Lisa Barron, did you want to make a comment?

7           MS. BARRON: Yes. I am Lisa Barron. I live not far  
8 from this proposal on Upper Loudon Road. I have been in  
9 Loudonville for 48 years.

10           First of all, I want to object to the size. I  
11 agree with Mr. Stuto that this size is humongous for  
12 the site. I think you could get a lot more out of  
13 the site if you did something that could preserve  
14 that tree and make it a gathering place with tables  
15 underneath and a park-like atmosphere. It would  
16 really attract people rather than upset them because  
17 of all the pumps and the size of the building. I  
18 think variances are given rather often and I'm  
19 wondering sometimes why there are zoning laws that  
20 just don't say residential or commercial without  
21 giving so many variances that seem to diminish the  
22 character of the neighborhood - and to consider more  
23 of the residents and how they would be impacted.

24           I think the traffic increase would affect the  
25 quality of life there. I am hoping that a smaller

1 plan -- I don't see that they are smaller - could be  
2 adopted and the tree saved for the benefit of the  
3 community.

4 CHAIRMAN STUTO: Thank you.  
5 Patrick Quinn.

6 MR. QUINN: I am Patrick Quinn and I live in Green  
7 Meadows. I am here representing the Green Meadows  
8 Association and of course, myself.

9 I have two comments.

10 First of all, I don't find the scale -- as an  
11 architect who has practiced for some 15 years on  
12 three continents and given the context of  
13 development in the last 20 years in this area, I do  
14 not find the scale of the building objectionable. if  
15 you look at all the newer Stewart's, they are so  
16 much better than the old ugly tiny ones. They are  
17 really ugly. However, the scale is modified by the  
18 height of the pumps - 17 feet seems ridiculous. Why,  
19 I would like to ask, does it have to be 17 feet? Do  
20 we have some 16 foot high trucks going underneath  
21 there? I don't think so.

22 The next point is that this plan is not the one  
23 that was published on the agenda. Neither is the  
24 narrative as we heard it tonight. I think we are a  
25 little disadvantaged.

1           In the plan that was published on the site I  
2           found that I could make a sketch showing how that  
3           great maple tree could be saved without moving the  
4           building. I understand Mr. Grasso's point of view  
5           and I think it's very, very well taken indeed. It  
6           would have to be studied quite a bit more.

7           Thank you very much.

8           CHAIRMAN STUTO: Do you have your sketch? Would you  
9           like to share with Joe?

10          MR. QUINN: Yes.

11          CHAIRMAN STUTO: Can you answer to the 17 foot -

12          MR. POTTER: Yes. It is 17 to the top. It needs  
13          the clearance for fuel trucks that would deliver to the  
14          site. It is 14 and one half at the bottom.

15          CHAIRMAN STUTO: Thank you.

16          Jim Kitts.

17          MR. KITTS: Thank you. I am Jim Kitts from the  
18          Green Meadows Civic Association.

19          My only comment is that if I compare this with  
20          the shop in Latham's across from Hoffman's, I notice  
21          that as you drive in there between the pumps and the  
22          store that if someone is waiting to get into a pump,  
23          you cannot get into the parking lot to park. Is this  
24          the same distance between the pumps and the store as  
25          the one across from Hoffman's in Latham?

1           CHAIRMAN STUTO: The point is that if they are in  
2 line for the pumps, you can't get around them to park.

3           MR. KITTS: It is too crowded right there. There is  
4 not enough space.

5           MR. POTTER: This is greater - the space between  
6 the back of the parking spaces and the gas canopy is  
7 greater - as well as the space out here (Indicating).  
8 Again, that site is much smaller than the site and did  
9 not allow for the additional blacktop. I don't know  
10 off-hand what that one is, but it is substantially  
11 smaller than this one.

12          CHAIRMAN STUTO: Chris James, did you want to talk  
13 or no?

14          MR. JAMES: I think this scale - they have covered  
15 the scale.

16          CHAIRMAN STUTO: Okay, back to the Board.

17           I'll summarize what we have heard. You have  
18 somewhat of a varied response. I think some people  
19 prefer -- I am noncommittal until I see the traffic  
20 counts, myself. I think you have some feedback. Some  
21 people want the canopy broken up. Some people don't  
22 object to two twos - you know, the canopy with two  
23 pumps each. A lot of the neighbors want to think  
24 about saving that tree. Some of the neighbors spoke  
25 to the scale. I spoke to the scale.

1 Any other Board Members want to summarize?

2 MR. LANE: If they could somehow managed to reduce  
3 or realign the building so that they could save the tree  
4 and create a space around the tree -- that is a nice  
5 idea. I don't know how much of a possibility that is.

6 CHAIRMAN STUTO: Do you want to talk about your  
7 landscaping plan and how they mitigate against that in  
8 some way?

9 MR. POTTER: Sure. Just first off, with the tree  
10 being in this location - moving this driveway up would  
11 not allow that to happen. That is something to take into  
12 account.

13 CHAIRMAN STUTO: Are we moving the driveway up?

14 MR. POTTER: There was talk from a number of people  
15 to move this away from the intersection. In doing so,  
16 you are going to come straight into the tree.

17 MR. COSTA: In the grading, also. We have to start  
18 grading right from where that driveway is down to here  
19 (Indicating). If you look at it in the field, the  
20 elevation of the tree - the base of the tree is  
21 substantially lower than the road.

22 MS. WEBER: It is not lower than Shaker Road. It  
23 is higher than Shaker Road. You have to climb up from  
24 the Stewart's store now up the hill to get to the tree.

25 MR. COSTA: We will look at it.

1           CHAIRMAN STUTO: He is saying that if you were at  
2           Shaker Road right there, the base of the tree is a  
3           little bit lower than Shaker Road. That is what he is  
4           saying.

5           MS. WEBER: I disagree.

6           MR. COSTA: Well, we will get elevations. If we can  
7           work with it, we certainly will. Any grading that goes  
8           around the base of the tree, will jeopardize the tree.

9           MS. WEBER: Could I just make one more comment?

10          CHAIRMAN STUTO: Sure.

11          MS. WEBER: The size of the tree could balance the  
12          vast size of the new building and help to make it look  
13          not quite so out of scale.

14          MR. LACIVITA: Nick, the fact that this is a  
15          multi-trunk tree and the age of the tree, you also have  
16          to look at potentially what could happen: Around it.

17          MR. COSTA: Right, and the equipment that's going  
18          to be running by it. That is exactly it, Joe. The  
19          disturbance that is going to be occurring near the tree  
20          is going to jeopardize the tree.

21          Discussing the landscaping - there will be  
22          several trees both deciduous and evergreens that are  
23          going to be planted around the pavement - the buffer  
24          and the property line to help buffer the adjacent  
25          lands to the west.

1           CHAIRMAN STUTO: That's the end of the property  
2 that you own, though.

3           MR. COSTA: That's correct.

4           CHAIRMAN STUTO: What is zoned behind it?

5           MR. COSTA: It is single-family residential.

6           MR. POTTER: This lighter green here (Indicating)  
7 is all open now. We don't have anything proposed, but we  
8 could sprinkle some additional trees in there.

9           CHAIRMAN STUTO: Does the gentleman in the back  
10 want to say something? We're not going to go back and  
11 forth on this too much longer.

12           Can you stand up and go to the microphone  
13 please?

14           MR. DENNISON: My name is Tim Dennison and I teach  
15 at Hudson Valley Community College. I teach site  
16 development. We have pulled this site off here to use in  
17 class.

18           In reading the current Land Use Law I had a  
19 couple of students come up with that they want to  
20 put the building in front here (Indicating), and put  
21 the less aesthetically pleasing items - primarily  
22 the pumps that people are objecting to - behind  
23 there. It also gave us a chance to make that grade  
24 change coming down and possibly save that tree. We  
25 would exit out to the back to Shaker Road or over

1 here on Everett.

2 Basically, all my kids did was change the  
3 building -

4 CHAIRMAN STUTO: Do you agree with that?

5 MR. DENNISON: Yes. As I'm looking at it and  
6 studying it with them, it seems quite feasible. I don't  
7 think anybody else has looked at it. I am pretty sure  
8 that stewards wants their pumps in front. Is there  
9 anybody here that doesn't know that Stewart's sells gas?  
10 We know that, right? You will go there and buy it now.  
11 So, I'm just saying that maybe we should look at it.

12 CHAIRMAN STUTO: Yes, I like that idea.

13 MR. DENNISON: On all the commercial projects that  
14 I do with my students, we put the parking behind like  
15 you want it with the Land Use Law. Let's put the pumps  
16 behind. That's a big pavement area that you are  
17 concerned about. What if we put that behind and put the  
18 building up front?

19 CHAIRMAN STUTO: That's a little bit of a radical  
20 notion in the sense that we have not thought about it,  
21 but I think it is an interesting idea.

22 MR. DENNISON: I can give you what they did. I will  
23 send a copy to you.

24 CHAIRMAN STUTO: Send an email to Joe LaCivita.

25 MR. GRASSO: This is something that we look at a

1 lot. All buildings have backs to them. You have to  
2 understand how the building will operate and what you  
3 would be looking at. When you say you're going to have  
4 the pumps in the back and slipped the building  
5 orientation around -- the other thing I think it is  
6 important to be sensitive to the SFR zone. These  
7 canopies and the fueling and cars coming in and out is a  
8 high turnover, high transitional use and we think that  
9 it's is better in the busy corners - the commercial side  
10 of the site. So, it is just something that you have to  
11 be sensitive about if you think about pushing the  
12 fueling canopy toward the SFR zone.

13 MR. COSTA: If I may add something, Joe? Safety is  
14 also important. You don't feel as safe in the back as  
15 you do being in the front where you are visible.

16 CHAIRMAN STUTO: Paul Rosano, did you want to say  
17 something?

18 MR. ROSANO: Yes. Fire Safety is never going to  
19 allow us to move those pumps closer to SFR under any  
20 circumstances.

21 MR. LANE: In addition, there is a Land Use Law  
22 that does not allow -- a certain proximity from the  
23 residence.

24 MR. ROSANO: Fire Safety would have an issue with  
25 that in a second. They are never going to let you bring

1 gas pumps closer, if you can avoid it. And obviously,  
2 you can avoid it.

3 MR. AUSTIN: Not to speak on behalf of Stewart's,  
4 but historically I know your model is to leave the  
5 existing store operational while building the new store.  
6 That would definitely affect that, also.

7 MR. POTTER: Yes, it would not allow for it.

8 Another thing, with the grade change, that  
9 canopy is going to be more pronounced up on top than  
10 it is down here (Indicating). It's going to be above  
11 the building.

12 MR. AUSTIN: Back to the tree real quick. Is there  
13 any sentimental value to the tree? Is there any special  
14 meaning to the tree other than it's really really big  
15 and old?

16 MS. WEBER: And it's next to the historic residence  
17 there.

18 MR. AUSTIN: So, thinking out-of-the-box - you  
19 can't save the tree. We will just say that right now.  
20 Take the tree and incorporate it into the Stewart's.

21 MS. WEBER: The dead tree?

22 MR. AUSTIN: The wood from the tree.

23 MS. WEBER: That's really clever.

24 CHAIRMAN STUTO: Mr. Quinn, do you have a final  
25 comment? We will let you finish.

1           MR. QUINN: Yes. I am just a little bit concerned  
2           about the grading. I have walked the site the other day  
3           and if I look at the distance between the entrance from  
4           Albany Shaker Road and the exit to Everett Road, it  
5           looks like a little over 200 feet. That means a 16 foot  
6           drop at 200 feet which is very close to the maximum  
7           slope for a wheelchair.

8           CHAIRMAN STUTO: Okay, we are at sketch plan. I  
9           don't think we should go over every engineering detail.  
10          No offense. It is a good comment. I think we need to get  
11          major themes out. There is still plenty of time to talk  
12          about the particulars. If you have comments in between,  
13          we appreciate emails or letters or whatever type of  
14          communication you have.

15          Did you want to make one more final point, Lisa  
16          Barron?

17          MS. BARRON: Yes. In response to the tree inside  
18          the restaurant, that is not the point. Trees are  
19          beneficial in and of themselves. A tree is a living  
20          entity that provides shade and many other benefits. They  
21          are disappearing. We need them desperately now with the  
22          global warming.

23          MR. AUSTIN: Yes, ma'am, but going back to Mr.  
24          LaCivita's comment about it being a multi-trunk tree in  
25          the age of it and the longevity of it, is it going to be

1 a viable tree -- I mean, looking at the picture that is  
2 provided -

3 MS. WEBER: It is winter.

4 CHAIRMAN STUTO: We will keep that in mind.

5 Thank you, very much. Hopefully, you have  
6 enough to chew on there.

7 MR. COSTA: Thank you.

8

9 (Whereas the above entitled proceeding was  
10 concluded at 8:01 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 \_\_\_\_\_

