

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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4 STEWART'S SHOP  
5 186 TROY SCHENECTADY ROAD  
6 APPLICATION FOR FINAL REVIEW

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8 THE STENOGRAPHIC MINUTES of the above entitled  
9 matter by NANCY L. STRANG, a Shorthand Reporter,  
10 commencing on June 20, 2017 at 7:20 p.m. at The  
11 Public Operations Center, 347 Old Niskayuna Road,  
12 Latham, New York

11 BOARD MEMBERS:  
12 PETER STUTO, CHAIRMAN  
13 LOU MION  
14 BRIAN AUSTIN  
15 KATHY DALTON  
16 CRAIG SHAMLIAN  
17 SUSAN MILSTEIN  
18 STEVEN HEIDER

16 ALSO PRESENT:  
17 Joseph LaCivita, Director, Planning and Economic  
18 Development  
19 Michael Tengeler, Planning and Economic Development  
20 Michael C. Magguilli, Esq., Town Attorney's Office  
21 Joseph Grasso, PE, CHA  
22 John Miller  
23 Carol Miller  
24 Laura Weed, Conservation Advisory Council

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1           CHAIRMAN STUTO: Next item on the agenda is  
2           Stewart's shop, 186 Troy Schenectady Road, application  
3           for final review, 3675 square foot convenience store and  
4           to fuel canopies totaling 12 pumps.

5           Joe LaCivita, any introductory remarks?

6           MR. LACIVITA: Yes, Peter. There are a couple of  
7           things that I want to put in here. Because this is  
8           final, they will be a SEQR action. Also, I just want to  
9           remind the Board on many times this project was before  
10          the Board and before the Town Departments.

11          Back on May 14, 2014 first came to us to the  
12          DCC. Then, they came to a revised DCC on November 5,  
13          2014.

14          The first time this Board side was May 19, 2015  
15          from a sketch plan review.

16          We asked the applicant to go back into a lot of  
17          changes. They came back on January 26, 2016 again  
18          for sketch. We saw that they were on the right path.  
19          March 22, 2016 they were here for concept and they  
20          have been through the Town processes now with the  
21          town departments and the TDE we are here for final.

22          As Joe reminded me here, this is Type II action  
23          for SEQR and it is a COR design standard.

24          MR. GRASSO: No further SEQR action is required.

25          CHAIRMAN STUTO: We will turn it over to the

1 applicant for your presentation.

2 We do have a new Board Member so if you could  
3 explain what we have going here.

4 MR. POTTER: Sure. I think it has been a while  
5 since everyone has last seen it so, I will go through  
6 it.

7 Chris Potter from Stewart's. We are here  
8 tonight to seek final approval for our site located  
9 at 186 Try Schenectady Road. You are proposing a  
10 3,675 square foot convenience store with gas. There  
11 will be two gas canopies both 20 feet by 73 feet  
12 with six fueling points under each canopy. It would  
13 be a total of 12. There will be two end dispensers  
14 that are closest to the road. They would also have  
15 diesel both locations.

16 Our fuel tanks - there will be two tanks in the  
17 ground; 15,000 gallon and a 12,000 gallon storage  
18 tank. The 12,000 gallon will be split into two  
19 compartments.

20 As far as building architecture, it is very  
21 similar to what we have done in the past.

22 CHAIRMAN STUTO: Can you put that up?

23 MR. POTTER: Cement board and clap board siding  
24 with stone veneer along the bottom, asphalt shingles.  
25 We would have a porch on the front with a door and also

1 a porch on the side which would house a patio with  
2 picnic tables.

3 Access on Delatour Road will be through an  
4 access easement with the adjacent parcels, Foresth  
5 Realty, which is established and part of our  
6 subdivision approval. Then, access on Troy  
7 Schenectady Road would be right-in/right-out. That  
8 would be on our site as well as a proposed  
9 connection to the Salvation Army. The easement is  
10 also granted to us for cross access easement with  
11 the ability of this to shift one way or the other.

12 Sidewalks are proposed along Troy Schenectady  
13 Road. We would also have a connection from those  
14 into the site as well as sidewalks that connect to  
15 the existing sidewalks down by the church entrance  
16 all the way up to Delatour with proposed pedestrian  
17 signal crossings at the crosswalk.

18 We have propose the decorative fencing with  
19 stone columns along the front of the site.

20 One of the comments was the decorative stone  
21 wall on the corner in the signage on it.

22 Signage - we proposed a freestanding sign on  
23 the corner.

24 As far as the site lighting, 15 foot high pole  
25 lights up around the site and the soffit lights and

1 wall lights on the building are all down-lit and  
2 everything is LED.

3 We have received some comments from DOT. They  
4 had minor comments. They wanted us to move the  
5 sidewalk up to the right-of-way line from Route 2,  
6 so it's further away from Route 2. Then they also  
7 wanted us to make the connection from our end down  
8 to the Salvation Army.

9 CHAIRMAN STUTO: They wanted you to make a sidewalk  
10 connection there, that's what you're saying?

11 MR. POTTER: Yes. Right here (Indicating) we're  
12 leaving that off and they and they wanted us to make  
13 that connection so there wasn't that gap.

14 CHAIRMAN STUTO: So, we are going to put that on.

15 MR. POTTER: Correct.

16 They also had some minor comments - just extra  
17 details they wanted for the pedestrian signal  
18 crossing at the intersection. That was it for their  
19 comments.

20 CHAIRMAN STUTO: Does the Board have anything  
21 before we hear from the TDE?

22 (There was no response.)

23 This has been reviewed by Joe Grasso with CHA  
24 on behalf of the Town.

25 Joe, can you give us your comments and could

1           you also spend a little time on the ingress and  
2           egress and the access? I think it bears  
3           understanding why it is way it is and how it is  
4           safely designed.

5           MR. GRASSO: There is our last review letter the  
6           project. There has been a number through the process  
7           but our last review letter is in your packets. It is  
8           dated February 24. The first thing is, as Joe mentioned,  
9           from a SEQR perspective - because the building is less  
10          than 4000 square feet, it doesn't qualify as an unlisted  
11          or Type I action. It is classified as a Type II.  
12          Therefore, no additional SEQR review is required because  
13          the state states that any project less than 4,000 square  
14          feet is it likely to result in significant environmental  
15          impacts.

16          The project, as designed, would require some  
17          various waivers from the COR design standards. Those  
18          waivers have been previously reviewed by our office  
19          and discussed with the Planning Board during  
20          multiple rounds of concept review of the materials  
21          supported and we have drafted some waiver findings  
22          for your consideration which we can review a little  
23          bit later.

24          The terms of the access arrangement - the  
25          project has changed substantially during the past

1 couple of years to address many comments both from  
2 the town and other involved agencies regarding the  
3 access to the parcel. Normally, Stewarts pushes to  
4 have multiple access points, especially their corner  
5 sites along the road frontage. Because this project  
6 site fits in with the planning of adjacent  
7 properties, those access points in some respects  
8 aren't along the project site's frontage. There is  
9 one rights-in/rights-out access on Route 2.

10 CHAIRMAN STUTO: Can you point to that?

11 MR. GRASSO: That is really the only access point  
12 along the site's frontage. The reason why that was  
13 restricted to rights-in/rights-out is because we would  
14 like those vehicles taking a left out of the site - we  
15 would like them to go over to the new signal it was  
16 recently installed during the development of the  
17 Salvation Army site so that those cars are protected I  
18 that signal from those two planes that are eastbound on  
19 Route 2.

20 Furthermore, lefts for traffic that is heading  
21 west on Route 2 - the only way left into the site  
22 would be to take a left at the signal onto Delatour  
23 and then a right into the site. Again, that is so  
24 you would not have those vehicles trying to cross  
25 those eastbound lanes of Route 2.

1           One of the things that is important to note on  
2           the site plan is that this cross connection to the  
3           Salvation Army parcel is being built together with  
4           be additional development of the Stewarts site plan  
5           even though that access drive is crossing the lots  
6           that is set up for future development and it is not  
7           part of the project site. So, when you look at the  
8           plan is say well, it is a small development  
9           footprint in relation to the size of the project  
10          site. Really, what Chris is trying to do on that  
11          rendering a show you that full extension.

12           Chris, if you can just show where that property  
13          line is?

14           So, that cross access drive - that location may  
15          change as that additional lot gets developed, but  
16          they have put easements in place to guarantee that  
17          logical connection there at any point in the future.

18           CHAIRMAN STUTO: Will there be clear way finding  
19          signage on the lots to direct cars that are leaving the  
20          property.

21           MR. GRASSO: Yes, to direct them to that exit  
22          location.

23           Lastly, regarding access on Delatour Road - it  
24          is actually off the frontage of the project site.  
25          The reason is because two-fold. One is that we want

1 to that access point to line up with the access to  
2 the church across the street. We anticipate  
3 additional development South on Delatour Road to  
4 occur on the parcel and we want to that access point  
5 to serve not only the Stewarts but also that future  
6 development site. That's what dictated that  
7 location. There is also an ingress/egress easement  
8 covering that access point as well.

9 We commend the applicant for working with the  
10 town and DOT regarding access configuration changes  
11 over the past couple years.

12 CHAIRMAN STUTO: Does the Board have any comments  
13 or questions on the access?

14 (There was no response.)

15 MR. GRASSO: The other thing that is not in our  
16 letter that is a salient point that I think is really  
17 important is the level of pedestrian accommodation shown  
18 on this project. It is rare that we get applicants to  
19 build pedestrian improvements off of there project site.  
20 This one includes multiple things. There are pedestrian  
21 improvements within its frontage at the intersection of  
22 Route 2 and Delatour Road. There is probably 300 feet  
23 of sidewalk being built on the east side of Delatour  
24 Road. That was at the request of the Town because that's  
25 where we have an existing sidewalk extension coming up

1 from the south which connects all the way to the signal  
2 at Route 2.

3 Then, furthermore, even though it wasn't a  
4 requirement or a recommendation based on our review,  
5 DOT suggested a connection across that vacant  
6 development site to the West on Route 2 so that we  
7 have a continuous sidewalk when the site gets  
8 developed with the Stewarts all the way over from  
9 the Stewarts and over to the Salvation Army site.  
10 We think that is extremely desirable as a pedestrian  
11 connection as well. Obviously, there is a connection  
12 from those frontage sidewalks to the Stewarts site.

13 Our other comments are relatively minor. They  
14 are minor technical comments that we would expect  
15 Chris to be able to address post hearing submittal.

16 With that, we would turn it back over to the  
17 Planning Board for any comments.

18 CHAIRMAN STUTO: We will hear from the members of  
19 the public.

20 John and Carol Miller.

21 MR. MILLER: I have a couple questions.

22 First, is there going to be a buffer on the  
23 back of the property to block some of the light, the  
24 noise?

25 MR. GRASSO: Keep going to your comments and then

1 will have been addressed.

2 MR. MILLER: The second question I have - the close  
3 proximity to the traffic light and during rush-hour  
4 traffic it backs up. I'm just wondering the feasibility  
5 of that with all the traffic that is going to be backing  
6 up.

7 The third comment that I have is this entrance  
8 off of Delatour with Grace Bible Church there -  
9 there is a heck of a lot of traffic that will make  
10 that whole intersection jam packed.

11 The first time that I was here, I asked about a  
12 traffic study and a feasibility of the entrances and  
13 exits. I don't know that was ever done.

14 CHAIRMAN STUTO: Okay we'll ask the applicant to  
15 address those questions.

16 MR. POTTER: As far as the buffer goes, we will  
17 have a row of trees here (Indicating). In this location  
18 is our storm water for our storm water system. This  
19 parcel is not owned by us. So, we can't plan anything  
20 additional on that because it's ours.

21 As far as the access, if they are stacking up  
22 past this, I think there is quite a bit of room here  
23 for queuing. With this connection to the light, we  
24 would be able to do that.

25 CHAIRMAN STUTO: They do have two options here.

1 MR. POTTER: That's correct.

2 As far as the access to Delatour, this was a  
3 request of the Town to put it in that location.

4 MR. GRASSO: And that location on Delatour is far  
5 enough away to get past the queuing to there. We  
6 understand the level of traffic that comes out of the  
7 church. It's a relatively infrequent peak and obviously  
8 the Stewarts is expected to generate a fair amount of  
9 traffic most hours of the day. It is something that we  
10 looked at. They did provide us traffic data as part of a  
11 study. We did review that and felt comfortable with the  
12 access points.

13 Just to elaborate on the Route 2 access point:  
14 that one along the frontage is rights-in/rights-out.  
15 It shouldn't have any impact on the traffic coming  
16 out onto Route 2. We understand that's going to  
17 queue up way past that intersection. So far they  
18 are waiting to get out onto Route 2, we're going to  
19 have to wait to take that right turn out until that  
20 queue clears. Obviously, anybody else who wants to  
21 take a right to the site off of Route 2 of have to  
22 wait until they come up to that curb cut. It is  
23 something that we closely looked at and we do think  
24 that this is substantially improved from what we  
25 originally looked at based on some of the comments

1 that we had heard.

2 MS. MILLER: You said that connecting parcel -  
3 connecting road would be built in the future depending  
4 on the development of that vacant piece, is that  
5 correct.

6 MR. GRASSO: Yes. So, there are two vacant parcels.  
7 One is to the west of the site and one is to the South.  
8 We would expect that those are going to come up for  
9 development at some point.

10 CHAIRMAN STUTO: Just to be clear, it is going to  
11 be built now. They may move it in the future.

12 MS. MILLER: That's what I wanted to know. Are  
13 they going to wait until those are developed?

14 MR. GRASSO: No. The road will be built now.

15 MR. MILLER: So, there are no trees or anything  
16 blocking the rear -

17 CHAIRMAN STUTO: Go ahead, show us where the trees  
18 are, again. What type of trees are they?

19 MR. POTTER: There is a row of arborvitae that goes  
20 along that edge of blacktop.

21 CHAIRMAN STUTO: To go along the back and how far  
22 do they curve around?

23 MR. POTTER: It is from here to all the way back  
24 here (Indicating).

25 MS. MILLER: So, it covers that whole dumpster

1 enclosure.

2 MR. POTTER: Correct.

3 As far as like spell it should, we put zero  
4 footcandles at the rear of the property.

5 MR. LACIVITA: John, there is one right outside the  
6 dumpster. Probably that one in the one right by the  
7 dumpster are probably the two closest to the  
8 neighborhood behind you.

9 MR. GRASSO: Chris, do you know the heights the  
10 lights?

11 MR. POTTER: They are 50 foot poles.

12 MS. MILLER: As per previous meetings, they are  
13 going to go off after you shut down, correct?

14 MR. POTTER: That's correct. Typically it is an  
15 hour after closing. It is a very short window because  
16 we close at midnight and open again at 4:00 a.m. It  
17 would appear that they are on night to meet people.

18 MR. SHAMLIAN: But they are zero foot candles.

19 MR. LACIVITA: Chris, does the site go completely  
20 dark or is it light sparsely throughout?

21 MR. POTTER: No, when they go out, they all go out.

22 CHAIRMAN STUTO: Comments or questions from the  
23 Board?

24 (There was no response.)

25 We have seen it a number of times.

1           MR. HEIDER: The only comment that I had is that  
2           the right-in/right-out to only works until somebody  
3           makes a left out. It can be a major problem. I do  
4           understand it and it works here. It will work until the  
5           first time somebody makes that left.

6           MR. GRASSO: That's a great comment. Pete's comment  
7           about the signage - if you can let people know that  
8           there is another good option to make that movement -- I  
9           think we had made that comment to make sure that's well  
10          signed.

11          CHAIRMAN STUTO: Some of them are designed better  
12          than others. You like the geometry of that? This seems  
13          to be a physical barrier like a pork chop, or whatever  
14          you guys call it.

15          MR. GRASSO: This one isn't a pork chop. It is a  
16          rights-in/right-out divider island. Sometimes they  
17          design and in such a way that they are accommodating  
18          tanker trucks to go over them. In those cases, it is  
19          not much of a physical barrier. I can't remember what  
20          the design detail of that is. There is a curb.

21          MR. POTTER: This will be full curbed, especially  
22          because before it was going to have a drop for the  
23          sidewalk that now DOT wants to shift the sidewalk away  
24          so that the sidewalk will be behind that. That will be a  
25          full raised curb.

1           CHAIRMAN STUTO: So, it's like a little island in a  
2 sense.

3           MR. MION: When you take deliveries, where will the  
4 truck go?

5           MR. POTTER: The deliveries can enter through here,  
6 but they would have to exit and go through Delatour or  
7 to the Salvation Army.

8           MR. MION: So, the tanks have enough room?

9           MR. POTTER: Yes.

10          CHAIRMAN STUTO: Any other comments or questions  
11 from the Board?

12          MR. SHAMLIAN: The only other comment that I have  
13 was I wanted to thank the applicant because we talked  
14 long and hard about the sidewalk and the extension on  
15 Delatour and the great problem there. I think it's  
16 fantastic that you guys were able to step up and do  
17 that. That ended up being a much more extensive project  
18 than we expected. So, thank you.

19          CHAIRMAN STUTO: We also have a representative from  
20 the Conservation Advisory Council.

21                 Could we hear your comment?

22          MS. WEED: I'm just wondering how much green space  
23 you have?

24          MR. POTTER: We have 38%.

25          CHAIRMAN STUTO: Joe, could you walk us through the

1 Waiver Resolution?

2 MR. GRASSO: That is in your packet. It's probably  
3 the last page of your packet.

4 CHAIRMAN STUTO: It's on the back of your letter.

5 MR. GRASSO: So, the applicant requested waivers  
6 from the Town of Colonie Land Use Law as it relates to  
7 the maximum front building setback of 20 feet, parking  
8 in the drive lanes located within the front yard  
9 setback, fuel pumps and parking be located in the front  
10 yard and the non-masonry dumpster enclosure and  
11 approximately 204 square feet less than the required for  
12 interior landscaped islands.

13 Be it resolved that the Board -- I am  
14 summarizing - be it resolved that the Board finds  
15 that the applicant has established there are no  
16 practical alternatives to the proposed waivers it  
17 would conform to the standard and that the waivers  
18 are necessary in order to secure reasonable  
19 development of the project site.

20 The it further resolved that these waivers  
21 would be a condition of site plan approval of the  
22 application and be kept in the project file in the  
23 Office of the Planning and Economic Development  
24 Department.

25 CHAIRMAN STUTO: I will ask that the stenographer

1           that the entire resolution into the record.

2           Any comments or questions on this Resolution?

3           (There was no response.)

4           Do we have a motion?

5           MR. MION: I will make a motion.

6           MR. AUSTIN: Second.

7           CHAIRMAN STUTO: Any comment?

8           (There was no response.)

9           All those in favor, say aye.

10          (Ayes were recited.)

11          All those opposed, say nay.

12          (There were none opposed.)

13          The ayes have it.

14          The main question before the board which is for  
15          final site plan approval, do we have any comments or  
16          questions?

17          (There was no response.)

18          Do we have a motion?

19          MR. MION: I will make a motion.

20          MR. AUSTIN: Second.

21          CHAIRMAN STUTO: Any comment?

22          All those in favor, say aye.

23          (Ayes were recited.)

24          All those opposed, say nay.

25          (There were none opposed.)

1           The ayes have it.

2           Thank you.

3           MR. POTTER: Thank you.

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5                   (Whereas the above entitled proceeding was  
6 concluded at 7:40 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 \_\_\_\_\_

