

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 STEWART'S SHOPS
406 ALBANY SHAKER ROAD
APPLICATION FOR CONCEPT ACCEPTANCE

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled matter
7 by NANCY L. STRANG, a Shorthand Reporter commencing
8 on January 22, 2019 at 7:26 p.m. at The Public
9 Operations Center, 347 Old Niskayuna Road, Latham,
10 New York

8

9 BOARD MEMBERS:
10 PETER STUTO, CHAIRMAN
11 CHIP ASHWORTH
12 BRIAN AUSTIN
13 LOU MION
14 CRAIG SHAMLIAN
15 STEVEN HEIDER
16 SUSAN MILSTEIN

13

14 ALSO PRESENT:

15 Joseph LaCivita, Director, Planning and Economic
16 Development Department
17 Kathleen Marinelli, Esq., Counsel to the Planning
18 Board
19 Nicholas Costa, PE, Advance Engineering and
20 Surveying
21 Joseph Grasso, RLA, CHA
22 Chet Powell, Stewart's

20

21

22

23

24

25

1 CHAIRMAN STUTO: We will let the next applicant
2 get set up. That would be Stewarts Shops, 406 Albany
3 Shaker Road, application for concept acceptance,
4 redevelopment of existing facility and constructing a
5 new 3,336 square foot store with six fueling stations,
6 which is really six pumps at three fueling stations at
7 two per.

8 Joe, do you have any comments before we
9 start?

10 MR. LACIVITA: Yes, this project started back
11 in 2016 with a parcel that was the same size parcel with
12 more fueling stations in a single footprint for the
13 actual store. The project did get held up during the
14 course of the Albany County Corridor Study. That study
15 has been completed and its format and the applicant is
16 before us tonight for concept acceptance. Peter, you
17 laid it out as to what it is. I will hand it over to
18 Nick.

19 MR. COSTA: Good evening. I'm Nick Costa from
20 Advance Engineering here tonight with me is Chet Powell
21 from Stewart's and also the project attorney.

22 As Joe mentioned, this project has been in
23 front of the Board previously and most recently we
24 were here about a month ago to bring the Board up to
25 date as to the changes that were made to the project

1 and also since the study was completed to get this
2 project back in front of you for what we are
3 requesting tonight which is concept acceptance. This
4 is a site that is a redevelopment of an existing
5 Stewart's store that is located at the corner of
6 Everett and Albany Shaker Road.

7 What Stewart's is proposing to do is they are
8 purchasing a portion of land that is owned by the Audi
9 family. The Audi family has owned this portion of the
10 land for quite a long time. Stewart's is currently
11 located right here and they have come to an agreement
12 to purchase a portion of it and expand their size of
13 the parcel to a little more than two acres. They will
14 be relocating the building, as shown on this plan,
15 over to here (Indicating). They will put in a canopy
16 with three pumps; six fueling facilities. The access
17 to it - currently there is a curb cut that is right in
18 this area (Indicating) and the other curb cut to
19 Everett Road is generally - - it's a little more over
20 to the side. We are proposing to move the entrance
21 from Albany Shaker Road as far as we can from the
22 intersection and we are also relocating the
23 entrance/exit off of Everett Road a little further
24 down away from the intersection.

25 The site does meet all the requirements for

1 green space. It did require a zoning special use
2 permit because it is located within 200 feet of a
3 residential area. We did get that special use permit
4 back last year. This is a plan that now focuses more
5 on the site itself than the neighborhood area. This
6 shows clearly what is being proposed to be developed
7 at this corner.

8 The utilities for the site are already in
9 place. The site does has sanitary sewer and water with
10 the municipal systems that are in the neighborhood.
11 Those will be utilized again.

12 We are also showing the stormwater management
13 that will be completed at the site. There will be two
14 stormwater management areas. One will be back here
15 (Indicating) and that will capture most of this area
16 right here. Then, there will be another underground
17 system here that will capture most of the runoff that
18 comes off of this area (Indicating). We have
19 investigated the site for infiltration. So, this area
20 will use infiltration, which won't have any of the
21 hotspots runoff.

22 Just as a reference, anything that runs off
23 of the fueling area is considered a hotspot. So, that
24 will be directed to a separate stormwater management
25 area. There will be sidewalks that will still be

1 improved so that people can walk to Stewart's. In the
2 past what we have heard the neighbors say is that they
3 utilize the facility to walk and get coffee or other
4 items that are sold at the Stewart's Shop.

5 This also shows the landscaping that is being
6 proposed. There is some screening here because of the
7 residential use in this area. There are some
8 additional improvements to the landscaping along the
9 frontage on the corner. So, that's pretty much what I
10 have.

11 CHAIRMAN STUTO: Okay, we have seen this
12 project quite a few times. I think the Board has worked
13 hard with you to improve this. It's been pretty
14 thoroughly reviewed by our Town Designated Engineer.
15 That would be CHA with Joe Grasso.

16 Joe, can you give us your comments?

17 MR. GRASSO: Sure. There is a comment letter in
18 your packet dated January 11; the last review letter on
19 the project. As Nick mentioned, this addresses many of
20 the comments from the DCC meeting and then several
21 sketch plan reviews by the Planning Board. It was last
22 before the Planning Board for sketch plan review last
23 month without any additional further comments regarding
24 the general layout.

25 Like Nick said, it has gotten a variance for

1 the fueling station canopy and the dumpster enclosure
2 being located within 200 feet of the single-family
3 residential zoning district and for the fueling
4 station canopy being located in the front yard.

5 The current plan will require two waivers
6 from the COR design standards. One is exceeding the
7 maximum of 25 foot front yard setback from Albany
8 Shaker Road and Everett Road. The second one being
9 locating the parking and the fuel canopy in the front
10 yard.

11 Nick's project narrative includes the
12 justification for each of those waivers and these are
13 the typical waivers that we get with the convenience
14 store and fueling station use. If the waivers are
15 acceptable to the Planning Board, we would prepare a
16 Draft Resolution for consideration by the Planning
17 Board during the final site plan review of the
18 project.

19 One of the COR design requirements is to
20 provide a minimum frontage build-out of 80%.

21 The plan does show decorative fencing across
22 much of the front but it doesn't appear as though the
23 80% build-out is met. So, an additional waiver may be
24 warranted. So, we would like some additional
25 information regarding the applicant as to their intent

1 for meeting the 80% build-out.

2 CHAIRMAN STUTO: Do you want them to address
3 that now? Is this the appropriate time?

4 MR. GRASSO: Yes.

5 Go ahead, Nick.

6 MR. COSTA: I think that we do show the
7 fencing. I think we are missing it in this area. We can
8 extend that.

9 MR. GRASSO: If you could just go through the
10 calculation? We are not even sure if it is warranted to
11 do more, but we would just like to see the calculations.
12 So, we would like to bring it to the Planning Board's
13 attention that we do think in between the two curb cuts
14 is really where we want to focus the build-out with
15 fencing and maybe some cement masonry piers. But if you
16 can at least get us the data as the plans advance, that
17 would be great.

18 The concept plan depicts concrete sidewalks
19 continuously across the projects frontage and a
20 connection from the intersection towards the store
21 which are both really desirable features. As Joe had
22 mentioned, the Albany Shaker Road corridor study was
23 just completed which recommended additional
24 improvements at the Albany Shaker Road, Everett Road
25 intersection which included elimination of the second

1 westbound thru-lane through the signal and then
2 crosswalks at all four lights at the intersection and
3 installation of handicapped curb ramps and pedestrian
4 activated signals.

5 It is our understanding that the development
6 on the north side of the intersection, which was the
7 Crisafulli project, was developed in a number of
8 phases - when that came in for the last phase of
9 development, it was our understanding that they were
10 going to contribute towards future pedestrian
11 improvements at the center section. Obviously, this
12 redevelopment is also going to result in some
13 additional traffic and pedestrian activity at the
14 site. So, we would recommend the applicant for this
15 project also contribute towards those identified
16 improvements at the intersection.

17 We have scheduled a coordination meeting with
18 the Town, Albany County DPW and the applicant to
19 discuss the possible shared responsibility and the
20 implementation of the improvements and that is
21 scheduled for this Thursday. Both roads are both
22 Albany County DPW controlled roads. So, any
23 improvements to the roads is going to be at their
24 discretion.

25 The other comment that Albany County DPW has

1 raised thus far - - well, a couple of comments that I
2 want to bring to your attention. One is that they are
3 accepting of the full access curb cut in its location
4 of Everett Road. They recommended that the curb cut on
5 Albany Shaker Road get shifted further to the west,
6 although we don't think that would work well with the
7 site plan and would actually force the building to be
8 shifted more towards the SFR zone, which we are not
9 supportive of. They made a comment about possibly
10 shifting that curb cut further west. They also
11 recommended restricting left's out onto Albany Shaker
12 Road which would mean that any vehicles wanting to go
13 west on Albany Shaker Road would need to take a left
14 out of the Everett Road curb cut and a left at the
15 signal. We don't think that movement is any safer than
16 making a left out onto Albany Shaker Road. It is
17 important to understand the improvements that were
18 identified in the corridor study because Albany Shaker
19 Road has two westbound thru-lanes and I think if the -

20 CHAIRMAN STUTO: On what side of the light? At
21 narrows down, doesn't it?

22 MR. GRASSO: It does, but it actually narrows
23 down further west of this project site. So, when you
24 come to the signal, there are still two thru-lanes which
25 adds to the safety concern that Albany County DPW has.

1 We think by eliminating that lane which is an identified
2 improvement, it could make that left out onto Albany
3 Shaker Road more palatable. So, those are the kinds of
4 things that we want to bring up in a meeting with the
5 Albany County DPW this Thursday.

6 CHAIRMAN STUTO: Before you move on from
7 traffic, are you done or no?

8 MR. GRASSO: No.

9 CHAIRMAN STUTO: I'm traffic, I mean.

10 MR. GRASSO: Go ahead.

11 CHAIRMAN STUTO: Does the Board have any
12 comments or questions on that?

13 (There was no response.)

14 Does the applicant? I know that you still
15 have to have a meeting with the county, but in
16 contributing to the improvements in that area?

17 MR. POWELL: On behalf of Stewart's, we would
18 be amenable to contributing to improvements. We just
19 want to put in money. We don't want to do the work. We
20 would be amenable to making that commitment.

21 MR. GRASSO: Nobody wants to do the work.

22 CHAIRMAN STUTO: Chief, you usually have
23 comments on traffic and turns

24 MR. HEIDER: I expressed it before. I'm not in
25 favor of the left out down on Everett because that seems

1 like more of a dangerous left than the one on Shaker. I
2 hope that the county acquiesces on that, especially when
3 it is reduced to one lane.

4 My only other comment that I would make is -
5 you're talking about sidewalks. You show the
6 termination of the sidewalk on Everett all the way
7 back by the building, it came in from the corner
8 straight back to the parking lot, but you terminate
9 the one on Shaker Road without bringing a sidewalk and
10 towards the building. I think I would like to see
11 that.

12 MR. COSTA: Yes, and it makes sense to have
13 one.

14 MR. HEIDER: So, you could terminate in both
15 directions. That's the only spot you don't have one
16 coming into the building.

17 MR. COSTA: Yes, that makes sense.

18 CHAIRMAN STUTO: Anybody else?

19 (There was no response.)

20 MR. GRASSO: There are some more comments that
21 we wanted to get through.

22 Another comment that Albany County DPW had
23 was the width of the Albany Shaker Road driveway curb
24 cut. It is shown as 39 feet and they recommend that it
25 be reduced to somewhere between 22 and 30 feet. I

1 think the Everett Road one was okay.

2 They also asked that the sidewalk along the
3 frontage be pushed in toward the site a little bit so
4 that there could be snow storage between the curb and
5 the sidewalk. I think that can be easily accommodated
6 in the plans.

7 The Planning Department had raised a
8 suggestion back at DCC that this intersection could
9 actually serve as a gateway to traffic heading
10 westbound into the Town. They would like more of a
11 nicely landscaped - may be some kind of a design
12 feature at the intersection. If that could get
13 articulated more as the plans get advanced, that would
14 be great.

15 CHAIRMAN STUTO: The applicant is nodding in
16 agreement that looks like.

17 MR. COSTA: Yes. We had intentions of doing
18 that and it will be detailed as we develop the plans;
19 that is correct.

20 CHAIRMAN STUTO: Thank you.

21 MR. GRASSO: So, even though we are at concept,
22 there were some comments regarding the stormwater
23 management approach. You're generally not allowed to use
24 infiltration when you're dealing with a fuel facility.
25 What Nick was describing was to try to separate the

1 run-off from the fueling facility from the run-off from
2 the rest of the site and therefore be allowed to use
3 infiltration in the back. That is just something where I
4 have to get our stormwater folks with John Dzialo from
5 the Town Stormwater Management office to make sure they
6 are comfortable with that approach. Either way, even if
7 infiltration is not allowed, I think Nick is going to be
8 able to design a co-compliant stormwater management
9 system for the site.

10 Lastly, in terms of SEQR, this is a Type 1
11 Action because the site to the west is a historic
12 house on the National Register of Historic Places so,
13 it is a Type 1 Action. A coordinated review is
14 required. The Town Attorney's office will handle that
15 coordinated review, but we would expect involved
16 agencies to include the Town Planning Board, Albany
17 County Planning Department and Albany County
18 Department of Public Works.

19 CHAIRMAN STUTO: That has not been initiated
20 yet?

21 MR. GRASSO: It has not been initiated yet. We
22 want to get it out there and we assume that the Planning
23 Board will desire lead agent for the SEQR review. *We
24 will be compiling the SEQR documents through the course
25 of preliminary and final plans and then we will draft

1 the necessary documentation for the Board to make a
2 decision later on in the project.

3 CHAIRMAN STUTO: Okay, we will take comments
4 from the Board Members.

5 Chip, do you have any comments or questions?

6 MR. ASHWORTH: No.

7 CHAIRMAN STUTO: Lou?

8 MR. MION: No.

9 CHAIRMAN STUTO: Brian?

10 MR. AUSTIN: No.

11 CHAIRMAN STUTO: Susan?

12 MS. MILSTEIN: Can you show me where the 200
13 foot radius - where the variance was granted? How was
14 that calculated?

15 MR. COSTA: This is a single family residential
16 area that was calculated from there. We don't meet that
17 because this is zoned SFR. So, we are within the 200
18 feet.

19 MS. MILSTEIN: I am confused. I thought you got
20 a variance.

21 CHAIRMAN STUTO: A special use permit.

22 MR. COSTA: We did to have this within the 200
23 feet. We can't meet that 200 foot separation.

24 MS. MILSTEIN: So, where does the 200 feet
25 bring it? That's what I'm trying to figure out.

1 CHAIRMAN STUTO: Well, they are adjacent to it.
2 So, that triggers the need. That is one way to look at
3 it.

4 MR. COSTA: There is a line that is shown here
5 that shows that 200 foot from the SFR. I don't know if
6 you can see it on the drawing. It goes through the
7 canopy. It is a dashed line.

8 MS. MILSTEIN: Oh, okay.

9 CHAIRMAN STUTO: Craig?

10 MR. SHAMLIAN: Not at the moment.

11 CHAIRMAN STUTO: Chief?

12 MR. HEIDER: I just have one comment. I talked
13 to Joe about this before - Joe LaCivita. In your
14 narrative you talk about this using only 350 gallons of
15 water a day. I find that impossible to believe. For our
16 Latham Water Department to truly look at a project and
17 knows what the impact is going to be - they use more
18 coffee than that.

19 MR. COSTA: Understood.

20 MR. HEIDER: I don't know where you come up
21 with 350 gallons a day. If they never water the lawn,
22 maybe.

23 MR. COSTA: Understood. I think we used it
24 based on the size of the building - the square footage
25 of the building.

1 MR. HEIDER: I've seen enough projects and I
2 brought it up to Joe because I know a little bit about
3 water use and when you're talking about the Latham Water
4 District being able to figure out -- this project might
5 be a little different, but when you talk about the Town
6 looking at the resources, you can't do a narrative based
7 on something that is imaginary.

8 MR. GRASSO: Yes, so we will review that with
9 Latham Water. There is a standard formula that they
10 apply. When you look at all uses from a larger
11 cumulative perspective, you come up with a more accurate
12 answer. I agree that ratio may not be applicable for the
13 specific use. We will figure it out with Latham Water
14 and see if they want the materials revised. That's where
15 comes from.

16 MR. COSTA: This is already an existing
17 building that already brings this water in. This is not
18 a brand-new user.

19 CHAIRMAN STUTO: Okay, anything else?

20 (There was no response.)

21 The motion before us is for concept
22 acceptance. Concept acceptance is not an approval and
23 it doesn't trigger an action under SEQ. Things can be
24 changed and it is not a commitment by the Planning
25 Board. It is an indication and an instruction, to the

1 extent that we want you to make further inquiries for
2 all the comments that we made.

3 MR. GRASSO: If I could just add to that? The
4 Planning Board would like to be lead agent just to get
5 it on the record.

6 CHAIRMAN STUTO: Without objection - any
7 objection to us being lead agent?

8 (There was no response.)

9 Okay, so on the record there is no objection
10 to that, which means consent.

11 Do we have a motion on the concept acceptance
12 with all that said?

13 MR. HEIDER: So moved.

14 CHAIRMAN STUTO: Chief moves.
15 Second?

16 MR. MION: Second.

17 CHAIRMAN STUTO: Any discussion?

18 (There was no response.)

19 All those in favor, say aye.

20 (Ayes were recited.)

21 All those opposed, say nay.

22 (There was none opposed.)

23 The ayes have it. Thank you.

24 MR. COSTA: Thank you.

25 (Whereas the above entitled proceeding was

1 concluded at 8:03 p.m.)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

