

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 STEWART'S SHOP  
2005 CENTRAL AVENUE  
5 SKETCH PLAN REVIEW

6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above entitled matter  
8 by NANCY L. STRANG, a Shorthand Reporter commencing on  
9 February 25, 2020 at 7:21 p.m. at Memorial Town Hall,  
10 Loudon Road, Newtonville, New York

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

18

19 ALSO PRESENT:

20 Kathleen Marinelli, Esq., Counsel to the Planning  
21 Board  
22 Sean Maguire, Director, Planning and Economic  
23 Development  
24 Chris Potter, Stewart's  
25 Joseph Grasso, RLA, CHA

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EXHIBIT INDEX

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1                   CHAIRMAN STUTO: Next item on the agenda is  
2                   Stewart's Shop, 2005 Central Avenue. This is a sketch  
3                   plan review. The proposal is to construct a 4,124 square  
4                   foot shop with a 2,000 foot canopy and eight fueling  
5                   stations.

6                   We will turn it over to the applicant.

7                   MR. POTTER: Good evening. Chris Potter from  
8                   Stewart's. We are under contract currently to purchase  
9                   property at 2005 Central Avenue as well as 1 and 3 Emery  
10                  and 7 Waterman and also we are purchasing a portion of  
11                  land at five Emery. We've been doing a subdivision on  
12                  that piece.

13                 Then, we would combine all those into one lot  
14                 that would equal about 1.2 acres, which would allow us  
15                 to construct 4,124 square foot convenience store with  
16                 eight fueling positions under a 2,000 square foot  
17                 canopy. We would have diesel, as well as gasoline.  
18                 Both will be available.

19                 As far as the building layout goes, we tried  
20                 to keep it up close to Central Avenue and away from  
21                 the residential area behind us. We do meet the setback  
22                 to the residential - the 200 foot required setback.  
23                 The closest property line I think is 240 something  
24                 feet from the residential area.

25                 Currently the shop does not meet the setback

1 to the Central Avenue. We would go forward and move  
2 that to the 20 foot maximum setback that is required,  
3 so the building would go a little bit closer to  
4 Central Avenue.

5 CHAIRMAN STUTO: If we required it, is that  
6 what you're saying?

7 MR. POTTER: That's correct - just to get rid  
8 of another waiver.

9 We also have a sidewalk with a patio with  
10 outdoor seating on the Central Avenue side. We would  
11 have sidewalks in the front with additional seating  
12 outfront with landscaped planters along the front of  
13 the building. Then, we would also have a sidewalk that  
14 would go on the other side of the building.

15 We have reached out to some of the neighbors  
16 on Waterman just to get their take on what we're doing  
17 here. There were a few concerns just with screening.  
18 So, in going forward we will be adding some fencing  
19 and some landscaping to hopefully address their  
20 concerns.

21 As far as access, we are proposing restricted  
22 driveway on Central Avenue. We are restricting  
23 rights-in/rights-out. We reached out to New York State  
24 DOT and they have conceptually approved the plan. We  
25 would be requesting a full access driveway on

1 Waterman. It did come up in the DCC meeting to explore  
2 the option to have access out onto Emery. That's  
3 something we would be amenable to, if the Board feels  
4 that's necessary.

5 As far as parking, we are requesting a waiver  
6 for seven spaces for this proposed plan. We would be  
7 utilizing all existing utilities - existing water and  
8 existing sewer. As far stormwater, we would be doing  
9 something subsurface underground.

10 The lighting would all be LED fixtures that  
11 will comply with the COR zoning.

12 I guess just to touch base on what is  
13 currently there, it is a former Casale rental building  
14 which occupied 2005 Central Avenue and 1 Emery. The  
15 same owner also owns 3 Emery, which is a condemned  
16 house right now.

17 Then, we would be purchasing a single-family  
18 home that's on 7 Waterman and then the portion on 5  
19 Emery is vacant land.

20 If anybody has any questions?

21 CHAIRMAN STUTO: This is being reviewed by our  
22 Town Designated Engineer, CHA. Joe Grasso is here. I  
23 know he hasn't completed a formal review.

24 Joe, could you give us your preliminary  
25 thoughts?

1                   MR. GRASSO: Sure. I will go through some of  
2                   our comments - our initial comments.

3                   There weren't many significant comments  
4                   raised during the DCC meeting from the various Town  
5                   departments. Their review will obviously pick up as  
6                   the project goes through the design process.

7                   In terms of some of our comments, obviously  
8                   the site access is going to be very important. While  
9                   we will be getting involved in the project and  
10                  understanding how the site will operate, we are  
11                  supportive of the rights-in/rights-out curb cut on  
12                  Central Avenue. DOT is going to control that access  
13                  point, but we think they will be in favor of that  
14                  access restriction as well as its location, mid-block.  
15                  It will be an improvement over the access points that  
16                  were there previously.

17                  We are supportive of the full access on  
18                  Waterman. Obviously, you get access to the signal that  
19                  way which is vitally important for westbound vehicles  
20                  leaving the site.

21                  Regarding the access on Waterman Avenue, we  
22                  are not sure if that's the best access point location  
23                  - I guess it's the east side of the site. It may be  
24                  better situated if it was closer to the Central Avenue  
25                  intersection. We will see how that fits within the

1 site plan and when we get to understand the comments  
2 from the neighbors across the street.

3 CHAIRMAN STUTO: How many feet is it now,  
4 roughly?

5 MR. GRASSO: From the intersection, I would say  
6 about 125 feet, Chris?

7 MR. POTTER: That's probably pretty close.

8 MR. GRASSO: I'm not talking about a  
9 significant shift too close to the intersection because  
10 obviously we would be concerned about queuing. I can  
11 possibly see shifting 20 or 30 feet closer to the  
12 intersection.

13 Chris mentioned the access on Emery Avenue  
14 and that is something that we don't have a strong  
15 feeling right now on that. It is something that we  
16 would like to get feedback from - not only the  
17 Planning Board, but also from the neighbors. I'm sure  
18 we are going to hear some from those folks and whether  
19 or not they feel an access connection there on Emery  
20 would be desirable for that neighborhood. Obviously  
21 you can look around the backside of Emery and come  
22 down Waterman to get to the site, so you're not forced  
23 to come out at an unsignalized intersection there. It  
24 would be a highly used curb cut if there was a  
25 connection to Emery. Nonetheless, it's really whether

1 or not the Board feels like it would benefit that  
2 neighborhood or not. There's more to come on that.

3 Chris touched on the need of significant  
4 visual screening between this large commercial  
5 property and the residential neighbors to the east.  
6 That is something that I'm sure we're going to hear a  
7 lot about. They've done a really good job on other  
8 Stewart's sites and I'm sure they will bring  
9 everything to the table regarding fencing and  
10 landscaping to make sure there is a strong visual  
11 separation from day one operations to those  
12 residential properties.

13 It is something that the Board has always  
14 been cognizant of - the orientation of the building -  
15 facing the fuel pumps. They have designed these  
16 Stewart's buildings to have really multiple front  
17 façades. Nonetheless, there's always a back and no  
18 matter how much they improve the aesthetics, that is  
19 something that the Board should be aware of. It would  
20 be good for Stewart's, when they come in for concept,  
21 to have views as to what the back of the building will  
22 look like primarily from Emery. That's the one we are  
23 primarily concerned with. So, that's something that  
24 the Board may want to weigh-in on.

25 Pedestrian accommodations are going to be

1 really important. There are some sidewalks along  
2 Central Avenue. We would like a continuous sidewalk  
3 connection along Central, up along Emery Drive and  
4 connecting into the site as well as along Waterman  
5 Avenue connecting into the site to really strengthen  
6 pedestrian accommodations in this neighborhood.

7 I'm sure that the site plan is going to go  
8 through some tweaks regarding the amount of green  
9 space around the site and the amount of green space  
10 between parking and the building. There will be more  
11 to come when we get into the concept site plan review  
12 on that.

13 CHAIRMAN STUTO: Okay, those are excellent  
14 comments. We will turn it over to the Board.

15 Paul?

16 MR. ROSANO: I would like on the record that I  
17 am against going out Emery under any conditions. I just  
18 want to be on the record for that. I can't see why you  
19 would want to do that.

20 Secondly, the fuel truck would be coming in  
21 off of Waterman?

22 MR. POTTER: That's correct.

23 MR. ROSANO: So, essentially that would be too  
24 tight for trucks to get in so they couldn't use Central  
25 Avenue?

1                   MR. POTTER: They could just make the movement  
2 going out.

3                   MR. ROSANO: Three: hours of operation -  
4 generally what are you using now at the other Stewart's?

5                   MR. POTTER: I would be 4:00 a.m. to midnight.  
6 Obviously with this being a new location, we don't have  
7 that down yet. Generally, that 4:00 a.m. to midnight -

8                   MR. ROSANO: And your deliveries of your goods?  
9 I'm not trying to pin you down but -

10                  MR. POTTER: Normally it could be as early as  
11 opening - 4:00 a.m. Generally, not late. It's more  
12 toward the morning and midday hours.

13                  MR. ROSANO: This is the last one. It's time to  
14 start talking about EV extensions. Have you given that  
15 any consideration? We have to start going down that  
16 road. It's the future. I just want you to consider that.  
17 These are things that we have to be doing.

18                  MR. POTTER: With us requiring a parking waiver  
19 here, I don't know if this is the right location. I  
20 think at some point we will probably get there, for  
21 sure.

22                  MR. ROSANO: We will work on that one. Thank  
23 you, Chris.

24                  MR. POTTER: Thank you.

25                  CHAIRMAN STUTO: Chip?

1                   MR. ASHWORTH: I thought that the 25 parking  
2 spaces was a little excessive. Is it possible to bank  
3 some of those? You only use two or three people working  
4 there.

5                   MR. POTTER: The newer shops have four.

6                   CHAIRMAN STUTO: Lou?

7                   MR. MION: I do have an issue where the  
8 building is situated. It's address is Central Avenue and  
9 I think it should be facing Central Avenue. It should  
10 conform with everything else that was on Central Avenue.  
11 I don't like the idea that the back of the building is  
12 facing another street. You've got enough property there  
13 where you could turn the building and still have it  
14 facing and may be redesigned where you can have the  
15 pumps. That's up to you.

16                   The other issue with the way the building is  
17 now, your picnic tables on the Central Avenue side.  
18 The average speed down Central Avenue, although it is  
19 marked 40, is somewhere around 50. I would hate to see  
20 a car run into the tables. Whether you're on the Emery  
21 side or the Waterman side, I'm looking at it from more  
22 of a safety aspect which would be better. That's my  
23 biggest issue.

24                   CHAIRMAN STUTO: Susan?

25                   MS. MILSTEIN: I agree about the location for

1 the building. I think it should be facing Central and I  
2 think the pumps, rather than facing Waterman, a  
3 residential street, should be facing Central.

4 Also the delivery trucks - I presume they  
5 would be going to the rear of the building. Basically  
6 they would be taking the delivery in front of Emery  
7 Avenue

8 MR. POTTER: That's correct.

9 MS. MILSTEIN: It's just more of a disturbance.  
10 I would like to see reposition.

11 CHAIRMAN STUTO: Craig?

12 MR. SHAMLIAN: I agree. I would least like to  
13 see a plan where the building is along the back property  
14 line so that the building is actually the buffer to the  
15 neighbors rather than a fence and landscaping. It may  
16 not work, but at least I would like to see that option.  
17 Unless there is a zoning issue - - is there a zoning  
18 issue that is associated with that?

19 MR. GRASSO: I think that there is. I think  
20 there's a 100 foot minimum separation -

21 MR. POTTER: Isn't it to the residential zone?  
22 We are 200 - - to our property to the residential zone,  
23 were 240 plus feet - 248 feet.

24 MR. GRASSO: Okay, I thought they were up  
25 against the residential.

1 MR. POTTER: No. The COR goes quite a ways  
2 back.

3 MR. GRASSO: So, I think we're okay

4 MR. SHAMLIAN: Again, I would at least like to  
5 see that as an option.

6 Where is the closest locations from here?

7 MR. POTTER: We have one on Central Avenue.

8 MR. MION: Vly Road.

9 MR. POTTER: That doesn't have gas.

10 MR. SHAMLIAN: One of the things that I would  
11 like to see with the building reconfigured in the  
12 location reconfigured it is - - I actually don't think  
13 you have enough parking. I'm not sure how much I am in  
14 favor of a waiver.

15 The one that you mentioned that doesn't have  
16 gas - I think it's quite a ways to your next nearest  
17 location.

18 I'm driving by some of your newer locations  
19 and they seem very busy. That's great for you. I'm not  
20 sure I'm in favor of the waiver on this particular  
21 site. That's about it for now.

22 One other thing - it typically seems like  
23 Stewart's is not doing internal curbing on some of the  
24 locations, or not all the locations. I think that  
25 might be something that you give some consideration

1 to. Your competition - their sites look better, once  
2 you're on the site because of the internal curbing.

3 CHAIRMAN STUTO: We talking landscaping?

4 MR. SHAMLIAN: No, curbing.

5 MR. POTTER: We do an asphalt wing which is  
6 like a little wedge that we use blacktop for. It's a lot  
7 easier to plow over the concrete curb.

8 MR. SHAMLIAN: You chew up a lot of lawn doing  
9 it and then it does not get fixed.

10 CHAIRMAN STUTO: Good comments.

11 Susan, did you have something else?

12 MS. MILSTEIN: I did.

13 I really do have a problem with an entrance  
14 on Waterman Avenue. I think it's a commercial  
15 building. I know New York State may like it, but my  
16 preference is to keep all the traffic on Central just  
17 because it is a residential street.

18 CHAIRMAN STUTO: Okay, we've had a lot of good  
19 comments. I wanted to try to give you my clear thoughts  
20 and where I stand.

21 I am with Craig. I'm against parking waivers.  
22 I'm not against banking parking, if you have the real  
23 estate to do it and then seeing if you need it. When  
24 you tell me that your banking seven parking spaces, it  
25 makes me think you're trying to do too much with this

1 property. Stewart's has an extraordinarily successful  
2 business model. I admire that greatly, but I think  
3 sometimes they can get too busy. That leads me to  
4 conclude that the building is too big and there's  
5 probably one too many pump stations there. So, there  
6 are two too many pumps. So, I want to be clear on the  
7 record about that. I'm thinking you should reduce the  
8 size of it.

9 If you can show us alternative orientations  
10 of the building, I think that would be helpful.

11 MR. POTTER: I actually have some of those with  
12 me tonight that I can pass out.

13 CHAIRMAN STUTO: And that would be fine. Let's  
14 hold onto that for second.

15 If it does end up being oriented the way it  
16 is, I would like to seriously concentrate on screening  
17 the back of the building going toward Emery.

18 Paul is against a curb cut on Emery. I am  
19 open-minded to at least listening to arguments for it.  
20 I probably would rule in that direction as well. How  
21 the building looks is also going to be important. It's  
22 not just the building, but what the view should be  
23 going to be for the adjoining neighbors is going to be  
24 very important to me.

25 I think the pedestrian comments by Joe Grasso

1 with very good. I think all of the comments made by  
2 all of the Board Members were very good.

3 I think my main comment for me personally  
4 would be I'm not favor of the waivers. It indicates  
5 that you're trying to do too much with too small of  
6 the property.

7 Those are the conclusions of my comments.

8 Joe, do you have anything to wrap this up?

9 MR. GRASSO: We're only at sketch so we're  
10 coming back with concept and I'm sure Stewart's will  
11 take these comments to heart and present options when it  
12 comes back for concept. I think that was the biggest  
13 thing -

14 CHAIRMAN STUTO: Right, and when he does come  
15 back for concept the neighbors will be notified and we  
16 will take public comment from them and we always learn  
17 from the neighbors. We look forward to that.

18 Do you want to walk us through this briefly?

19 MR. POTTER: The first one rotates the  
20 building, so the main front is toward Central Avenue  
21 like someone requested with the gas out toward Central  
22 Avenue. Again, the plan we tried to come in with was  
23 with the least amount of waivers in trying to meet the  
24 green space requirements. That's how we got to where we  
25 were at with the original version.

1                   With the COR zone, they want the buildings  
2                   toward the street. So, these would also need waivers  
3                   for the building placement where it is with gas in the  
4                   front, parking in the front. So, there are a lot more  
5                   waivers that are needed with these additional layouts.

6                   Definitely I think the view from Central  
7                   Avenue is definitely better with it turned.

8                   The second option, B, has a lot more parking  
9                   out front. The gas is still on the side of Waterman.  
10                  We have an isolated delivery area to the rear of the  
11                  lot, so it doesn't conflict with any of the parking.

12                  Option C is very similar to A, other than it  
13                  has additional access onto Emery as well as the third  
14                  side of parking so we have some additional parking  
15                  with this option.

16                  Option D is very similar to the we had.  
17                  Instead of that additional parking toward the rear of  
18                  the site, we pushed her toward Central Avenue. That's  
19                  really the main difference. Then, it has a separate  
20                  delivery entrance in the rear.

21                  The final option is just the one that we  
22                  submitted with access onto Emery.

23                  CHAIRMAN STUTO: Joe, you're pretty good at  
24                  absorbing these things. There is a lot there.

25                  MR. GRASSO: The closest option that you

1 presented compared to the sketch plan that we reviewed  
2 was Option E and when I look at all five of the options,  
3 I like Option E the least because it's got the same  
4 orientation that we looked at tonight, plus it's got the  
5 access on Emery.

6 The one that I like second least would be the  
7 one that you presented tonight.

8 So, with Option A - I think you heard that  
9 access arrangement for Option A definitely doesn't  
10 work because it's going to push a lot of traffic to  
11 Emery Avenue as an unsignalized intersection. Would it  
12 be possible to mirror Option A and have that curb cut  
13 be off of Waterman Avenue in that location and then it  
14 would make that extra connection?

15 MR. POTTER: So, push the Waterman access  
16 closer to Central like you were talking about  
17 originally.

18 MR. GRASSO: It's taking that parking area and  
19 flipping it to the other side of the building. It would  
20 just be a mirror of the plan. That would probably would  
21 be what I would recommend is the best. You have looked  
22 at the number of pumps. That's a really long canopy.

23 When you go to Option B, I like the layout.  
24 It's got the canopy on the side. It's better than what  
25 we looked at earlier tonight. It's an improvement.

1                   Option C, I don't like it all with the  
2                   parking split on both sides. Again that's starting to  
3                   favor the Emery side. The less traffic you have on the  
4                   Emery side, the better.

5                   Option D is similar to Option B. I don't even  
6                   know what the difference is. The orientation of the  
7                   building which we would want the building oriented  
8                   more towards the front. If you could throw out D and E  
9                   and the one you presented tonight.

10                  MR. POTTER: That works for me. At least I  
11                  don't have to throw them all out.

12                  MR. ROSANO: I have a question from a safety  
13                  standpoint. On a, you would gas up at the pumps and walk  
14                  straight into the building. On be, you're going to have  
15                  to have a driveline to get from the pumps to the  
16                  building. I'm not too much in favor of people who have  
17                  to walk the distance across the drive I'll. Do you see  
18                  what I'm talking about? The pumps on the Waterman Avenue  
19                  side -

20                  MR. POTTER: Right.

21                  MR. ROSANO: I know in general he like to look  
22                  in from a business standpoint you like to see your pumps  
23                  from the desk. Should be able to walk straight into the  
24                  building and not cross a drive I'll.

25                  MR. POTTER: option B does have two doors. So,

1 we would have a door on the Central Avenue side as well  
2 as the Waterman side. So, you wouldn't have to  
3 necessarily walk all the way around the front. You  
4 wouldn't be able to walk straight in from outside.

5 MR. ROSANO: Thank you.

6 MR. SHAMLIAN: I have just one other comment.  
7 On some of your options the building site changes a  
8 little bit. I agree with the idea that if you go from 10  
9 pumps to eat or six or whatever, the parking can change.  
10 But your parking requirement regardless of what the code  
11 says - the difference in the size of the building is  
12 maybe a difference of about 300 square feet from what  
13 you showing those options. The reality is that the same  
14 number of parking spaces you actually need to run the  
15 business isn't going to change if that building is 300  
16 square feet smaller. It's a Stewart's. There are some  
17 businesses where 300 square feet make a difference. You  
18 can be just as busy with a 300 square foot building less  
19 than if it was bigger.

20 CHAIRMAN STUTO: Any other comments?

21 MR. GRASSO: So, what I would recommend is if  
22 they want to come back to concept Chris - if that's what  
23 you want, I would say may be refined a couple of these  
24 concept plans or these layouts and bring them back and  
25 then advance one of the concepts to the right level of

1           engineering so the various Town departments can weigh in  
2           on them.

3                       CHAIRMAN STUTO: That sounds good

4                       MR. POTTER: So, you're saying come back for  
5           another sketch?

6                       MR. GRASSO: If you want to, you can get into  
7           the concept review process but have multiple layout  
8           plans and basically meet some of the engineering and get  
9           the Town departments - - and may shorten up your overall  
10          plan. If you don't want to do that, then we can advance  
11          the sketch plans and you can come back for Board update.

12                      MR. POTTER: That works for me. Thank you.

13                      CHAIRMAN STUTO: We have one more thing. Kathy?

14                      MS. MARINELLI: We will mark the plans  
15          Stewart's A through E. The original be just Stewart's 1.  
16          (Whereas the above entitled proceeding was concluded  
17          at 7:42 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.

Dated: \_\_\_\_\_

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