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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

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2044 CENTRAL AVENUE

MINIMART REDEVELOPMENT

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THE STENOGRAPHIC MINUTES of the above entitled matter  
by NANCY L. STRANG, a Shorthand Reporter commencing on  
April 7, 2020 at 6:00 p.m. held via Zoom Video  
Conference

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- CRAIG SHAMLIAN
- STEVEN HEIDER
- SUSAN MILSTEIN
- CHIP ASHWORTH
- LOU MION
- PAUL ROSANO

ALSO PRESENT:

- Sean M. Maguire, AICP CEcD, Director, Planning and  
Economic Development
- Kathleen Marinelli, Esq., Counsel to the Planning  
Board
- Joseph Grasso, RLA, CHA
- Zachery Harrison, Planning and Economic Development
- Victor Caponera, Esq.
- Scott Shearing, PE, Bohler Engineering
- Jaafir Khan

1                   CHAIRMAN STUTO: Welcome everybody to the Town  
2 of Colonie Planning Board. This is a new era. We did our  
3 first virtual Zoom meeting a week ago and it turned out  
4 well. I would say that the meeting took a little bit  
5 longer. I'm not sure exactly why, but I think because we  
6 all had to take turns. There's may be a certain  
7 inefficiency to it, but I think we did a good job.  
8 Everybody was heard and I think everybody was polite and  
9 the discussion went well. We hope everybody out there is  
10 doing well and feeling well.

11                   Is Steve Heider?

12                   MR. MAGUIRE: Yes, he's having difficulty with  
13 his video, so we have him on audio only.

14                   CHAIRMAN STUTO: Okay, then let's say for the  
15 record who is here.

16                   I see Steve Heider is here, you just  
17 confirmed; Lou Mion, Paul Rosano, Chip, Craig  
18 Shamlan, myself and Kathy Marinelli, our counsel.  
19 Sean Maguire, the head of the Department is here. The  
20 applicants - I can see them there and they will be  
21 called at the appropriate time.

22                   Sean, do you have any business you would like  
23 to discuss before we call the agenda?

24                   MR. MAGUIRE: No, just my report. We have five  
25 referrals from the Town Board that we are working on

1 that we're going to start stacking into those into  
2 future meetings for your consideration. We have two more  
3 that are on hold.

4 CHAIRMAN STUTO: Okay, we will call up the  
5 first item on the agenda. Sketch plan review for 2044  
6 Central Avenue, it's a minimart redevelopment. The  
7 description is redevelopment waiver request for the  
8 construction of a new one store 3,000 square foot  
9 minimart with four fueling pumps in a 720 square foot  
10 self standing car wash on a parcel that was previously a  
11 Getty gas station.

12 Sean, do you have a comments before we turn  
13 this over to the applicant?

14 MR. MAGUIRE: I'm going to have Zach, if he has  
15 his microphone on, review this project. Zach is the  
16 Planner leading this project. I'm not sure if his  
17 microphone is on.

18 I will just jump in here.

19 So, 2044 Central Avenue is a redevelopment of  
20 a former Getty gas station. That station was closed  
21 and subsequently demolished with the demolition  
22 completed in January 2014. What we have before us is a  
23 redevelopment proposal. That's why we don't have a TDE  
24 assigned to this. This is for 3,000 square foot  
25 convenience store with four fuel pumps making this

1 actually a minimart by our definition and including a  
2 720 foot car wash. We saw this at DCC on, I believe,  
3 February 12 for review and comment. We have completed  
4 the DCC review. This is before the Board for sketch  
5 plan.

6 CHAIRMAN STUTO: I just want to question one  
7 thing. I'm not sure there's a precedent for no TDE just  
8 because it is a redevelopment. I'm not sure where that  
9 comes from.

10 MR. MAGUIRE: Okay, we will verify that.

11 CHAIRMAN STUTO: Because I think there probably  
12 should be a TDE on this.

13 MR. MAGUIRE: Okay.

14 CHAIRMAN STUTO: So, you want to turn it over  
15 to the applicant now, right?

16 MR. MAGUIRE: Yes, if I could.

17 CHAIRMAN STUTO: Do you want to do a sidebar  
18 with Zach to figure what's going on with the audio?

19 MR. MAGUIRE: Yes, he and I will figure that  
20 out.

21 MR. HARRISON: Can you hear me now?

22 CHAIRMAN STUTO: Yes.

23 MR. HARRISON: Sean, he had me muted.

24 MR. MAGUIRE: Sorry about that.

25 MR. CAPONERA: This is Vic Caponera. I haven't

1 heard a thing yet. This the first time I've heard  
2 anybody.

3 CHAIRMAN STUTO: Okay, Vic. This is Pete. You  
4 know your project and we didn't say anything of real  
5 substance except that this is a redevelopment project  
6 and Sean talked about the history of it.

7 We are ready to turn it over to you. We  
8 apologize for that. We are still working out the  
9 kinks.

10 MR. CAPONERA: That's okay. I'm happy that were  
11 able to do it this way.

12 Everyone I think knows that this is an old  
13 Getty station. When I did my FOIL prior to doing my  
14 variance I found that this property has been used as a  
15 gas station for at least 50 years. At one point,  
16 believe it or not, I'm sure Mr. Rosano will know this,  
17 it had 16 fuel pumps on it and 32 fuel stations.

18 MR. ROSANO: I do remember, Victor.

19 MR. CAPONERA: I figured that you would.

20 MR. MION: I remember that very well.

21 MR. CAPONERA: The old Getty station has been  
22 removed. The property has been cleaned up. It was  
23 remediated under DEC standards and I sent a copy of the  
24 no further action letter when I wrote back on October to  
25 Mike Tengeler and Joe LaCivita. Then, we received the

1 variance from the Zoning Board with some limited hours  
2 of operations.

3 When we went to the first Board meeting, the  
4 neighbors on both sides, Marjorie and Alta, had some  
5 really good comments and some concerns. The Zoning  
6 Board listened to it and when they granted the  
7 variance, they limited the hours of operation from  
8 6:00 to 11:00. They required down-style boxed  
9 lighting, no vacuums, dumpster pickup at reasonable  
10 hours, fuel delivery at reasonable hours. They were  
11 placed on the approval after my office, myself and  
12 Bohler Engineering had a really productive meeting  
13 with the neighbors on both sides of the street and we  
14 listened to their concerns.

15 When we went back in on October 3, two of the  
16 seven neighbors showed up and spoke in favor of the  
17 project and the Board granted us the variance.

18 So, this is a redevelopment. We are looking  
19 to build a 3,000 square foot C-store with four fuel  
20 pumps and a single car automated car wash, as you can  
21 see on the site plan.

22 As I said, we believe and I believe that Joe  
23 Grasso would believe it - we fall within the  
24 redevelopment guidelines under Section 190 - 55.1 of  
25 the Code. We are looking to get this sketch plan

1 review tonight and move on towards concept. That's  
2 pretty much it.

3 CHAIRMAN STUTO: Joe Grasso, I'm going to  
4 impose upon you since you're here anyway. I'm not sure  
5 if you're the assigned TDE. Have you absorbed enough to  
6 make any - give us any thoughts before we discuss it as  
7 a Board?

8 MR. GRASSO: Not too much. We have not been  
9 assigned as the TDE, but one thing that I think the  
10 Board has to consider early on is the access  
11 arrangements. Obviously, we have cross-connections to  
12 both sidestreets which is something that we are always  
13 supportive of. Although, sometimes it meets some  
14 concerns of the neighbors. That's something to keep in  
15 mind. Whether or not the project warrants a direct full  
16 access curb cut on Central Avenue is something that the  
17 Board should be mindful of. Then, there are some just  
18 general - - separation when were looking at commercial  
19 up against single-family residential buildings. We want  
20 to make sure that there is some good physical screening  
21 there. Typically, it is a combination of landscaping and  
22 fencing.

23 With the way the building is located so close  
24 to the back property line and the utilities that are  
25 proposed there, it doesn't seem like it would allow

1 much room for separation to the single-family  
2 residential properties. Those are a couple thoughts to  
3 consider at this time.

4 CHAIRMAN STUTO: I had something similar,  
5 myself.

6 Victor, can I ask you one question and then  
7 will turn it over to the Board Members?

8 The sixth condition - the variance says  
9 deferred to PEDD. That's the Planning and Economic  
10 Development Department. Do you know what your  
11 interpretation of that is - and if Kathy Marinelli has  
12 any ideas -

13 MR. CAPONERA: I've got to be honest with you.  
14 It was so long ago that I got the variance, I'm not 100%  
15 sure what they meant by that.

16 I want to quickly respond to what Joe Grasso  
17 said. There are no residential homes behind the  
18 property. In fact, as you're looking at the site plan  
19 right now to the right, it's a commercial operation.  
20 I'm not 100% sure what it is, but while it is  
21 residentially zoned, it is a commercial operation.

22 On the left, it is a vacant parcel. So, I  
23 just want everyone to understand that.

24 Now, regarding the access point, I should  
25 have mentioned it before - there were two full access

1 points on Central Avenue. He removed one of them, as  
2 you can see. When we had the DCC meeting there was a  
3 comment made by DOT that they wanted to remove the  
4 front - the only one - because of the turning radius  
5 for the truck to get in and out. They reversed their  
6 position and said they were okay with that access.

7 When we had this discussion at the Zoning  
8 Board, there were comments made by both neighbors on  
9 both sides, Marjorie and Alta, and we agreed that we  
10 would put signs up to prevent vehicles from going left  
11 into the residential roadways of Marjorie and Alta.  
12 And it was a right-out only for all traffic. That was  
13 a comment that was made by the neighbors when we were  
14 discussing this at the two Zoning Board meetings and  
15 we agreed to accommodate them by doing this. It is in,  
16 but right out only when you come out of the operation  
17 - or the facility, so you cannot go back into the  
18 residential areas.

19 If you go just to the west, I believe it's  
20 Lisha Kill Road that's close there - - you talked  
21 about neighbors - and avoid that light, go down their  
22 streets to come out onto Central.

23 So, the direct answer to your question, Pete,  
24 as to what it meant - refer to PDD - - I think the  
25 Zoning Board wanted to look to you guys to make any

1           comments or conditions on this.

2                   CHAIRMAN STUTO: I think we would anyway.

3                   MR. MION: Are you saying a right-out only onto  
4           Alta?

5                   MR. CAPONERA: Yes. When you come out Alta, we  
6           are supposed to have the signage there that says you  
7           have to go to the right and you cannot go left - unless  
8           you live in the neighborhood, of course.

9                   CHAIRMAN STUTO: What about the other side? Is  
10          it left only? Is that what you're saying?

11                  MR. CAPONERA: That's what I meant to say. In  
12          other words, when you're coming out of the operation,  
13          you've got to go toward Central. So, if you're coming  
14          out onto Marjorie, you go left. If you're coming out  
15          onto Alta, you go right.

16                  CHAIRMAN STUTO: I'm having trouble with audio.

17                  MR. ROSANO: Peter, are we up for comment?

18                  CHAIRMAN STUTO: Sure. You want to go? Go  
19          ahead.

20                  MR. ROSANO: Victor, are you there?

21                  MR. CAPONERA: Yes, sir.

22                  MR. ROSANO: The first question that I have is:  
23          The position of the gas tanks underground - you've got  
24          the truck coming in off of Central and it's a 24-foot  
25          driveway. Then, you have a mountable curb. Where is the

1 truck going to position itself when it downloads the  
2 gas?

3 MR. CAPONERA: Is Scott on this call?

4 MR. SHEARING: I am. Can you hear me okay?

5 CHAIRMAN STUTO: Yes.

6 MR. SHEARING: Great. Scott Shearing from  
7 Bohler Engineering.

8 It's nice to meet everybody.

9 As a vehicle would enter the site from  
10 Central Avenue, they discharge on the passenger side  
11 and they will run parallel - - you can see where the  
12 tanks are.

13 MR. ROSANO: Yes, I can.

14 MR. SHEARING: So, that will be the placement  
15 for the fuel. Those spots will most likely be dedicated  
16 to employees only. They anticipate getting a fuel  
17 delivery - freely, it remains to be seen at this point,  
18 but maybe once a week. We will gauge that accordingly.  
19 It would be pulled up parallel to those tanks and you  
20 would still have circulation in the site.

21 MR. ROSANO: I guess my question is: It's a 24  
22 foot driveway. If I have a tanker truck sitting parallel  
23 to the tanks, how is anybody else going to come in off  
24 Central Avenue? The going to have to go into the other  
25 lane to go around to get to the convenience store?

1                   MR. SHEARING: These are going to be done  
2 off-peak hours and it takes 40 minutes to do a fuel  
3 drop. There is certainly enough other circulation  
4 throughout the sites to access the various points.

5                   I know it was mentioned - the delivery trucks  
6 on the side roads and I know we talked about that a  
7 little bit. As Victor had pointed out, that was to  
8 deter - it was for trucks only so if a vehicle,  
9 specifically a truck, was leaving the site and coming  
10 out onto Alta Road, it's going to be a right-turn  
11 only. For Marjorie, it's going to be a left turn only.  
12 This is specific to trucks only. That was what the  
13 residents felt comfortable with and the Town staff -  
14 that we had discussed earlier.

15                  MR. ROSANO: A couple of other points. Going  
16 forward, we decided a while ago - would you consider,  
17 even though it is a gas station - an EV post somewhere?

18                  MR. SHEARING: In our experience, those are  
19 designed - - like, in a mall. You see them frequently in  
20 a mall and less frequently at a retail store because  
21 people spend - - the idea for the convenience store or  
22 minimart, in this case, is people are in and out in  
23 several minutes and it's not enough time. It's a big  
24 investment and it's very unlikely to be used. That has  
25 been our experience in this type of use.

1                   MR. ROSANO: I would think you would want  
2                   somebody spending more time in your store, if the car  
3                   was hooked up to an EV station. That's my personal  
4                   opinion. I'm not going to try to hold you to that, but I  
5                   think going forward we're going to have to look at this  
6                   a little closer because it's going to be the future. I  
7                   probably won't be around, but it's going to be the  
8                   future. We'll have electric cars and there will be a  
9                   designation on their dashboard and it would be great if  
10                  somebody needed to charge that they could pull up to  
11                  this minimart and they would have to go in and charge  
12                  and probably walk into the store and shop. That's just  
13                  my opinion and I have no proof of that. I can see that  
14                  happening in the future.

15                 The question on the back of the property - -  
16                 when I visited the site, there's a stockade fence all  
17                 the way down the property line. Whose property is that  
18                 on?

19                 MR. CAPONERA: Scott, do you know?

20                 MR. SHEARING: I'm trying to zoom in on the  
21                 plan because that would've been pulled up on our survey.  
22                 Is the good side facing the neighbors?

23                 MR. ROSANO: No, it is the opposite. The good  
24                 side is facing Central.

25                 MR. SHEARING: Then I would suspect that it's

1           actually not on the property line. The rule of thumb is  
2           - again, it's just a rule of thumb - the good side  
3           faces -

4                     MR. ROSANO: Residential.

5                     MR. SHEARING: Yes.

6                     MR. ROSANO: If you could clarify that - just  
7           going forward, if you could clarify that for me just to  
8           make sure. It's a pretty ratty looking fence and the one  
9           lot is definitely vacant. Even though it's residentially  
10          zoned - I don't want to get into it, but it doesn't look  
11          very good. We might be requiring some kind of screening  
12          going down and I can't see how you can get another fence  
13          in there, if that's on their property.

14                    MR. MION: I agree. Looks like it's on the gas  
15          station's property.

16                    MR. ROSANO: Yes, that's what I'm seeing here,  
17          Lou. I would rather get that confirmed - that concept  
18          and get that done.

19                    MR. MION: I agree with you.

20                    MR. KHAN: That would be replaced, anyway.

21                    This is Jaafir.

22                    MR. ROSANO: About the height of the building  
23          itself - the total height of the gas station/convenience  
24          store?

25                    MR. SHEARING: Well, if I am not mistaken, it

1 was not to exceed 24 feet. I'm just going to go through  
2 and see the statistics table - - I can't seem to roll up  
3 on the top right part of our plan.

4 There is no building there now. It's going to  
5 be a single-story building. You have some  
6 architectural - probably a gable or a hip roof. It  
7 hasn't been determined yet. It is suspected to be  
8 about 24 to 26 feet.

9 MR. ROSANO: And sufficient screening of the  
10 HVAC?

11 MR. SHEARING: Yes.

12 MR. ROSANO: Thank you. That's all I have right  
13 now.

14 CHAIRMAN STUTO: Who is on the Board would like  
15 to speak?

16 MR. MION: I would like to address the car wash  
17 and where you have it located. I would almost like to  
18 see - it looks like it's interfering with the flow of  
19 the traffic, really, the way it is. If you took that car  
20 wash and moved it back to along side of the building - -  
21 you might have to redesign the building so it comes  
22 forward a little bit. You would have a queuing line  
23 behind the actual building that goes into the car wash  
24 building. Then, when it comes out, it could go out  
25 Marjorie or whatever which way it wants to go out. I

1 just don't like it sitting where it sat. It looks like  
2 it interferes with the flow of traffic and it could be a  
3 hindrance.

4 MR. SHEARING: I can offer you a little  
5 insight.

6 Just due to the size in the shape of this  
7 parcel - - obviously, we are working between fixed  
8 points which are the roads and of course the rear  
9 property line. Being rectangular shaped, we need to  
10 have 24 feet to the front. Obviously, for vehicle  
11 movements, you're the canopy and aisle circulation. We  
12 looked at a variety of ways to orient the car wash in  
13 relation to the pumps and in relation to the primary  
14 building, as well. We can have any rear circulation  
15 for vehicles on the car wash behind the building  
16 because that would push everything forward and it  
17 would be a trade-off with vehicle movements - either  
18 before the canopy or behind the canopy, but it would  
19 just be very clunky for circulation within the site.  
20 Without exaggeration, we are almost into the teens for  
21 a variety of plans and orientations and the best fit -  
22 - and to really keep the car wash kind of independent  
23 because it's going to be dedicated and there is  
24 another brand new car wash across the street. It's  
25 just one of those things that we hope to get a little

1 bit of traffic and people interested in doing their  
2 vehicles and we know there's competition across the  
3 street. We are okay with that.

4 MR. MION: I am one of the ones that remembered  
5 Indiana oil. That was huge.

6 MR. ROSANO: Peter, I have one more question  
7 and then I will stop.

8 CHAIRMAN STUTO: Sure, Paul.

9 MR. ROSANO: The way I am looking at this now,  
10 you only have 15 and half feet circulation around the  
11 rear of this building. Has Fire Services signed-off on  
12 that? I don't see how you're going to get a fire truck  
13 back there, if you have to.

14 MR. HEIDER: Victor, there has to be 20 feet  
15 for a fire truck.

16 MR. ROSANO: And on this I am only seeing 15.

17 MR. HEIDER: I don't think the size of the  
18 building requires it, Paul,

19 MR. ROSANO: Just because it's 3,000 square  
20 feet?

21 MR. HEIDER: Yes.

22 MR. ROSANO: So, they have access on three  
23 sides?

24 MR. HEIDER: Yes.

25 MR. ROSANO: Okay, fair enough. Thank you.

1                   MR. HEIDER: Peter, I have a couple points, if  
2 I can?

3                   CHAIRMAN STUTO: Sure, Chief.

4                   MR. HEIDER: As to the traffic, we have to  
5 remember one thing. I realize that Victor has talked to  
6 the neighbors at length. The neighbors also have to be  
7 concerned with the traffic coming from Albany Street to  
8 go to the gas station. There's a lot of traffic on  
9 Albany Street who will come up to the back roads. So, we  
10 have to keep that in mind going forward. Even though  
11 they may not have access out to go back to Albany  
12 Street, you're going to get a lot of traffic into the  
13 gas station from Albany Street.

14                   Secondly, I too remember Indiana Oil. Indiana  
15 Oil had a kiosk of about 100 square feet. I realize  
16 that's 3,000 square feet and that's small for a  
17 convenience store today, but I think going forward  
18 with this project that we have to remember even though  
19 it was a gas station for 50 years, it wasn't a  
20 convenience store plus a car wash for 50 years. There  
21 were 16 pumps, but a very small kiosk that could hold  
22 one person and a bunch of cigarettes and that's about  
23 it.

24                   MR. CAPONERA: They had the world record for  
25 cigarette sales in the place.

1                   MR. HEIDER: They did and I'm not too sure they  
2 were all stamped at the right time.

3                   Another point that I had that I sort of just  
4 forgot - the left-out or the right-out would be hard  
5 to enforce. We can say they were going to put signs up  
6 there, but it's can be hard to enforce. Whoever made  
7 the comment about the neighbors - yes, that does apply  
8 to the neighbors too. We can't forget that and the  
9 fact that there is no landscaping around the place.  
10 Other than those three points, that's about it.

11                  CHAIRMAN STUTO: Who else? Craig, did you want  
12 to say something?

13                  MR. SHAMLIAN: Yes, I will jump in here, Peter.  
14 The traffic flow for this car wash just doesn't work.  
15 The only way you can get to this car wash is if you come  
16 in off of Marjorie. You going to have people coming in  
17 off of Central and there is no way - - you can't make  
18 that turn. I don't think most people could make that  
19 turn.

20                  In a general way, I think you're trying to  
21 put too much on the site. It's 37,000 square feet and  
22 I think you're trying to jam too much and, especially  
23 given the fact that I appreciate the fact that the one  
24 property is being used as commercial and that the  
25 others vacant. The fact of the matter is that they are

1 zoned single-family residential. Whether or not they  
2 are occupied for that now or not, we need to protect  
3 those properties as if they are occupied for  
4 single-family residential. That's pretty much what I  
5 have.

6 CHAIRMAN STUTO: Chip?

7 MR. ASHWORTH: Would you propose to do about  
8 the stormwater?

9 MR. SHEARING: We are under an acre here. We  
10 are going to use best practices. We are establishing -  
11 we are working with the Town, obviously - - we haven't  
12 completed our design yet, but we are matching the same  
13 amount of green space as currently exists and were going  
14 to review and make sure that we find a design that works  
15 best obviously. We are still under an acre and we have  
16 good soils.

17 MR. ASHWORTH: Okay.

18 CHAIRMAN STUTO: Is Susan here?

19 MS. MILSTEIN: Yes, I am here.

20 CHAIRMAN STUTO: Did you want to say something,  
21 Susan?

22 MS. MILSTEIN: There's not much that I would  
23 add, but I agree that there seems to be too much on this  
24 site. Between the gas pumps and the car wash, I can see  
25 a lot of traffic problems in there.

1                   CHAIRMAN STUTO: Lou, did you have something  
2 else?

3                   MR. MION: Yes. I have a couple things. I think  
4 the owner of this property is the same person who owns  
5 the property across the street on Central Avenue on  
6 Atwood - the used car place. You're in here for waivers  
7 and I know the waivers that we granted over there for  
8 the used car place - you've been in violation, Jaafir.  
9 You know this because it's been discussed with you often  
10 that you are in violation. I just went back through  
11 there about an hour ago and you're in violation right  
12 now.

13                   I think whatever we do with this piece of  
14 property, we have to make sure that the green space,  
15 of what there is, is protected and that he follows  
16 through with what we grant waivers for. I know we're  
17 going to have to grant waivers - unless it's already  
18 been taken care of because it is a redevelopment of  
19 the canopy in front and all that. We should be very  
20 aware that anything Jaafir does to this - that he  
21 follows through with it and carries through.

22                   Secondly with the signage - doesn't that go  
23 to the Sign Board? I believe you have to go before the  
24 Sign Board for that, right?

25                   MR. SHEARING: Yes, that's correct.

1                   MR. MION: Are you going to use the LED type  
2 signage?

3                   MR. SHEARING: We haven't determined what is  
4 best for the site yet.

5                   MR. MION: If you use the LED type signage, all  
6 I ask is that you don't make it so bright that it lights  
7 up the whole area. We have had that in previous  
8 situations right back by that quarter there. I know that  
9 the LED lighting can be adjusted so that it's low and it  
10 doesn't show up like the sun at 3:00 in the morning.

11                  MR. ROSANO: Peter, I have one more point

12                  CHAIRMAN STUTO: Okay, Paul.

13                  MR. ROSANO: The site has several street trees  
14 along Central Avenue. There are a couple on Alta. Not on  
15 sketch plan, but when you come back for concept I would  
16 like you to talk about those - what your plan is.

17                  CHAIRMAN STUTO: Okay.

18                  MR. SHEARING: Just to clarify, you are looking  
19 for a landscape plan at that level.

20                  MR. ROSANO: Yes, because the CAC has to go out  
21 and review this. Once this goes to concept, they have to  
22 go out and review this and they're going to see those  
23 trees and they're going to want to know what your plan  
24 is. Because they are street trees, in general, the Town  
25 does not like those to be cut. I know you need

1 visibility for the project. I understand that. I was a  
2 businessman. We need to know at concept what your plan  
3 is - if you're going to remove them, what are you going  
4 to replace them with? There really isn't a lot of  
5 landscaping. This is only sketch and I don't want to go  
6 any further with it, but be aware that's coming. That's  
7 it.

8 CHAIRMAN STUTO: Sean, can you unmute Joe  
9 Grasso.

10 MR. MAGUIRE: Yes.

11 CHAIRMAN STUTO: Did DCC review this? We didn't  
12 get a DCC comment on this.

13 MR. CAPONERA: Yes, they did.

14 CHAIRMAN STUTO: I look forward to seeing what  
15 they had to say.

16 MR. MAGUIRE: I thought that was in your packet  
17 there, but I apologize if that was missed.

18 CHAIRMAN STUTO: Maybe I just didn't find it  
19 because things are a little crazy nowadays.

20 MR. MAGUIRE: Just to clarify, they are here  
21 requesting waivers for the fueling station canopy, the  
22 car wash, a dumpster enclosure, a front yard building  
23 setback.

24 The dumpster enclosure is not permitted  
25 within 25 feet of the boundary line of an existing

1 single-family use. That's what we're looking at here.

2 CHAIRMAN STUTO: Can you say that last part  
3 again because it went in and out.

4 MR. MAGUIRE: These are the waivers they are  
5 seeking: The fueling station canopy, car wash and  
6 dumpster enclosure, the front yard building setback -  
7 and just a note that the dumpster enclosure is not  
8 permitted within 25 feet of the boundary line of an  
9 existing single-family use.

10 CHAIRMAN STUTO: Were some of those things  
11 addressed in the variance?

12 MR. CAPONERA: Yes, they were.

13 CHAIRMAN STUTO: I thought they were, but there  
14 are so many electronic devices going.

15 MR. CAPONERA: That's okay. It was definitely  
16 discussed at the Zoning Board. The Board looked at this  
17 and at the end of the day they felt comfortable with the  
18 location of the dumpster being next to the building and  
19 tucked in where it is.

20 CHAIRMAN STUTO: Is that specifically  
21 addressed?

22 MR. CAPONERA: Was it addressed?

23 CHAIRMAN STUTO: In the document was produced.

24 MR. CAPONERA: In the actual decision of the  
25 Board - - think I have it in front of me. Hours of

1 operation, no vacuum, dumpster pickup at reasonable  
2 hours, fuel delivery at reasonable hours, refer to PEDD.

3 The dumpster was discussed - the location was  
4 discussed in the meeting.

5 Scott, you can confirm that, correct?

6 MR. SHEARING: Yes, they talked about - at the  
7 time we talked about the various locations for the  
8 dumpster - pulling it back a little bit.

9 CHAIRMAN STUTO: Victor, in the paragraph on  
10 the top in the variance - - not where the conditions are  
11 in, but it's part of the application. I would interpret  
12 that they granted the application with the provisos -  
13 the six provisos that are at the bottom.

14 MR. CAPONERA: That's right - that's exactly  
15 right.

16 CHAIRMAN STUTO: Doesn't the paragraph above  
17 address some of those issues?

18 MR. CAPONERA: Yes, and talks about dumpster  
19 enclosure, vacuum islands not permitted - - yes, it  
20 does.

21 CHAIRMAN STUTO: Okay, we will have to take  
22 another close look at that.

23 I will give my comment. I agree with Craig.  
24 He pointed out an obvious thing - that you can only  
25 pull into the car wash off of Marjorie and not from

1 any other spot on the lot. That is unusual, in my  
2 opinion. I would like a TDE to review this.

3 I agree with the comments that they are  
4 trying to do too much in too small of a space. The  
5 obvious thing about the curb cuts - is that the right  
6 traffic circulation? I would like to have that  
7 reviewed by a TDE.

8 How does everybody feel about having a TDE  
9 appointed?

10 MS. MILSTEIN: I agree.

11 MR. ASHWORTH: I agree with you.

12 MR. MION: Agreed.

13 CHAIRMAN STUTO: Sean, can you unmute Kathleen.  
14 I think she has something she would like to say.

15 MS. MARINELLI: No, just wanted to talk about  
16 the conditions in the Zoning Variance, but I think you  
17 went through it. This defer to the PEDD thing - I don't  
18 know that I am comfortable with that. I think maybe a  
19 conversation has to take place with the Chairman of the  
20 Zoning Board to see what they were thinking. I don't  
21 know if it's deferred to the PEDD or deferred to the  
22 Planning Board. I'm not sure what they meant.

23 CHAIRMAN STUTO: Okay. Well, we have set a lot.  
24 Does anybody have anything else to add?

25 MS. MILSTEIN: I just have one last comment.

1 Asking for four waivers on a project this small is  
2 really significant. That's my only comment.

3 CHAIRMAN STUTO: That's what I was trying to  
4 clarify whether we are granting the waivers or whether  
5 the ZBA already granted the variance, which already  
6 addressed that.

7 MS. MILSTEIN: Or even requesting it is  
8 significant.

9 CHAIRMAN STUTO: Okay.

10 Any other comments or questions?

11 MR. HARRISON: Pete, I did want to say that  
12 this was Mike Tengeler's project, but I was in that DCC  
13 meeting.

14 The landscaping along the front - Pure Waters  
15 had a concern because they have sewer in the front.  
16 So, they don't want large trees within 10 feet of that  
17 sewer line. So, the landscaping, from what I was told,  
18 should be minimal as per the Pure Waters Department -  
19 or small.

20 MR. ROSANO: Zach, I was talking about the  
21 existing street trees that were there and not anything  
22 new.

23 MR. HARRISON: Okay, I just wanted to make sure  
24 that was clear.

25 MR. ROSANO: Thank you.

1                   CHAIRMAN STUTO: Joe Grasso, did you want to  
2 say anything?

3                   MR. GRASSO: Just in terms of the survey base  
4 map - it would be helpful when it comes back for concept  
5 that it showed the existing vegetation on the site. The  
6 street trees obviously aren't showing up and there are a  
7 lot of utilities out there. So, saving those trees may  
8 be important.

9                   Also, in looking at the air photos I noticed  
10 there is a significant row of trees to the rear of the  
11 site that provides quite a bit of separation from the  
12 commercial property to the residentially zoned  
13 properties. It looks like those trees are going to be  
14 cleared out based on the utilities that are shown  
15 there. I think that when it comes back for concept, it  
16 would be important to understand exactly what  
17 vegetation is going to be removed on the site.

18                  CHAIRMAN STUTO: Good comments.

19                  Sean, Craig wanted to say something and I  
20 think he's muted. Could you unmute him?

21                  MR. MAGUIRE: You should all have control to  
22 unmute yourselves, too.

23                  MR. SHAMLIAN: Thank you. I just wanted to make  
24 at least my position clear.

25                  I'm not sure this project, at this point, is

1 ready for concept. I can't reiterate enough that I  
2 think that you're trying to do too much on this  
3 property or at least in the current layout. Again,  
4 speaking for myself, I don't want to send you down the  
5 road of coming back for concept thinking - at least  
6 from my perspective - that this project is even close  
7 to being acceptable.

8 CHAIRMAN STUTO: You know, it might be  
9 advisable to come back for another sketch. It's an  
10 easier discussion. Sketch is, in some ways, an easier  
11 discussion and you won't have to spend as much money  
12 getting to that point.

13 MR. MION: What I'm hearing is we're talking  
14 about the car wash that is a little bit maybe too much.  
15 Without that -

16 CHAIRMAN STUTO: You know, that is one  
17 possibility.

18 MR. MION: That's what I'm thinking. I feel the  
19 same way. If you can't figure it and moving it back  
20 along side of the building or something, maybe we should  
21 just do away with it.

22 MR. SHEARING: Can I offer one additional  
23 thought on the car wash, if I may?

24 CHAIRMAN STUTO: Sure.

25 MR. SHEARING: The former freestanding sign -

1 we have a proposed freestanding sign on the corner of  
2 Alta and Central Avenue. In talking to the Pure Waters,  
3 they propose no new footings in there and they prefer we  
4 don't have that sign in place. However, I asked if we  
5 could actually reuse the existing freestanding sign  
6 which is located on the corner of Marjorie Road and  
7 Central Avenue. It is an existing footing that's in  
8 place and the mast is already there. So, on that mast,  
9 in addition to identifying the site, we can also  
10 identify the entrance to the car wash with an arrow  
11 directing all traffic and controlling the circulation.

12 CHAIRMAN STUTO: We will think about it.

13 MR. SHAMLIAN: That's not going to work.

14 CHAIRMAN STUTO: Okay.

15 MR. MION: I guess the question is: Where are  
16 they going to queue up? Will it be on Marjorie Avenue?

17 CHAIRMAN STUTO: I think we should move along  
18 off of this. I think we raised a lot of issues. We  
19 should get a TDE appointed and they should try to work  
20 out some of the stuff. I think Victor has worked with us  
21 long enough and I think he understands what were trying  
22 to say.

23 MR. CAPONERA: Listen, this is Victor. I  
24 understand where you guys are coming from. I think these  
25 waivers that you're talking about have already been

1 resolved by the Zoning Board relative to the location of  
2 the dumpster and the canopy. However, I understand what  
3 Craig is saying and others involved about the car wash.

4 Let me do this: We will leave it at that. We  
5 will revisit this with my clients and our engineers  
6 and Scott and we will come back and have another  
7 sketch plan as quick as we can. Make some  
8 modifications and come back in front of the Board.

9 MR. MION: That sounds good.

10 CHAIRMAN STUTO: Okay, we appreciate your time.  
11 Thank you.

12 MR. CAPONERA: All right, thanks very much.

13 (Whereas the above entitled proceeding was  
14 concluded at 6:31 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  
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