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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

2044 CENTRAL AVENUE

WAIVER REQUEST

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
May 19, 2020 at 7:00 p.m. held via Zoom Video
Conference

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

ALSO PRESENT:

Sean M. Maguire, AICP CEcD, Director, Planning and
Economic Development
Kathleen Marinelli, Esq., Counsel to the Planning
Board
Michael Tengeler, Planning and Economic Development
Department
Victor Caponera, Esq.
Scott Shearing, PE, Bohler Engineering

1 CHAIRMAN STUTO: Welcome to the Town of
2 Colonie Planning Board meeting. We hope everyone is
3 well. I think we have a relatively short agenda. The
4 meeting is now called to order.

5 Are there any members who are not present,
6 Sean, do you know?

7 MR. MAGUIRE: Looks like everybody's here.

8 CHAIRMAN STUTO: Okay, so we have seven members
9 present.

10 Report of the Planning and Economic
11 Development Director - Sean, do you have a report for
12 us?

13 MR. MAGUIRE: Nothing specific. We are back in
14 the office. I am back every day. The staff is back at
15 50%, every other day. So, we are moving things along.
16 That's just an update on how staffing is working out
17 right now.

18 What I want to share with you is this
19 Saturday is Arbor Day and I want to ask Paul to talk
20 to you about What CAC is doing.

21 MR. ROSANO: Thank you, Sean.

22 So, Saturday from 9 to 12 - The normal Arbor
23 Day that we do at the library every year - we had to
24 move it over to Town Hall for lots of different
25 reasons. Basically, the library is closed. So, if

1 anybody is interested, we could use volunteers on
2 Friday night and Saturday morning 9 - 12. It's going
3 to be curbside only. There are free giveaways. We will
4 give a list out to people as they pull in the parking
5 lot - different trees and shrubs.

6 As Craig just said, we couldn't get any of
7 the outside people at the Cooperative Extension or the
8 Fort Orange Club or anybody else in. The whole world
9 kind of shut down there, but we will begin the give
10 aways. We will be fully masked with gloves and we're
11 going to go for it.

12 CHAIRMAN STUTO: Okay, thank you. We wish you
13 well with CAC on that one. It's Friday evening and
14 Saturday?

15 MR. ROSANO: Friday evening at 3 o'clock. It's
16 3 o'clock to whenever we finish. Usually the kids from I
17 Care come over from Colonie Central and they knock the
18 job off in no time with wrapping the trees, or seedlings
19 I should call them. Obviously, they're not going to be
20 there so it's up to the seniors only. So, we will be
21 there at 3 o'clock until we finish and then Saturday
22 morning at 9 o'clock we will start.

23 CHAIRMAN STUTO: Okay, thank you.

24 Sean, do you have anything else to report?

25 MR. MAGUIRE: That's it for this week.

1 CHAIRMAN STUTO: The first item on the active
2 agenda is a waiver request at 2044 Central Avenue. It is
3 a minimart redevelopment.

4 I will let the applicant tell us what the
5 waivers are as they make the presentation.

6 MR. CAPONERA: Sean, did you want to talk? I
7 don't care how you want to do it, but I should relate to
8 the Board when we were here the last time.

9 MR. MAGUIRE: Yes, go ahead.

10 MR. CAPONERA: Peter, can you hear us?

11 MR. ROSANO: We can hear you, Victor.

12 MR. CAPONERA: Okay. So, as the Board knows a
13 few weeks ago we came before the Board -

14 MS. MARINELLI: I think that Peter dropped off.

15 MR. CAPONERA: I've never seen so many joggers
16 on our street since the Covid thing. They are by the
17 dozens. There are big dogs and little dogs. I've grown
18 to know my neighbors pretty well, I must say.

19 MR. SHAMLIAN: Is that a good thing or bad
20 thing, Victor?

21 MR. CAPONERA: It's great. We've been here for
22 quite a long time; almost 36 years. It's good to know
23 them all better, I should say.

24 MR. SHAMLIAN: At least something good comes
25 from this, right?

1 MR. CAPONERA: It's unbelievable.

2 It's good to hear that Sean is in the office.
3 That's encouraging and it's getting back to closer to
4 being normal.

5 So, we lost Peter?

6 MR. SHAMLIAN: Looks like a bunch of people are
7 muted right now.

8 MS. MARINELLI: I think we lost Sean now, too.
9 I think Sean is trying to find Peter.

10 MR. MION: Victor, I want to say that your
11 client has done a good job of his project across the
12 street at the car lot. He's been pretty much in
13 compliance since our last meeting.

14 MR. CAPONERA: That's good. As you know, Lou,
15 you're kind of like the gatekeeper up in that neck of
16 the woods. I always try to maintain everything on an
17 even keel and good level.

18 MR. MION: Yes, you do.

19 MR. HEIDER: At least for this week.

20 MR. CAPONERA: Thank you, Chief.

21 MS. MILSTEIN: Of course, it is helpful when he
22 wants something from us to follow through. That's always
23 good.

24 MR. HEIDER: Doesn't hurt.

25 MS. MILSTEIN: Some don't do that.

1 MR. CAPONERA: I know.

2 MS. MILSTEIN: Only too well.

3 MR. CAPONERA: It's funny, I was on a Zoom call
4 earlier today with a committee and they shut me out.
5 It's funny, I got into it and I couldn't hear any voices
6 and then I got completely shut out. I had to call on my
7 iPhone to the person who was controlling it to have him
8 let me back in.

9 MR. ROSANO: Was that an accident?

10 MR. CAPONERA: He kind of admitted -- she said
11 I'm sorry I kind of let you out and I will let you back
12 in. I know what you're saying. Maybe he wanted to kick
13 me out, but no.

14 Normally these Zoom meetings have gone pretty
15 good in terms of the technology.

16 MR. ROSANO: So much for our short meeting.

17 MR. CAPONERA: Yes, and I'm supposed to be
18 going into our Planning Commission at the Village at
19 6:15. I don't think that's going to work out.

20 MR. MAGUIRE: Peter is having a little bit of
21 difficulty.

22 Craig, he asked if you would take over
23 running the meeting while I work with him to get him
24 back on.

25 MR. SHAMLIAN: Okay. We're just going to turn

1 it over to Victor, right?

2 MR. MAGUIRE: Yes.

3 MR. CAPONERA: As the Board knows, a few weeks
4 ago we were in front of the Board to do our first sketch
5 plan and just to cut to the start, the Board Members
6 were uncomfortable with the proposed layout and proposed
7 addition of not only a C-Store convenient mart, but also
8 the car wash.

9 After we met, I talked with my client and of
10 course Scott, from Bohler Engineering and he made a
11 pretty substantial revision that you have in front of
12 you now which eliminates the carwash totally, as you
13 can see in the new site plan. Still, we retain the
14 proposed four fuel islands. The only change to this
15 plan other than removing the carwash is to add an
16 additional 210 square feet to the c-store. The
17 convenient mart that was proposed was 3,000 square
18 feet and due to the elimination of the automatic car
19 wash, the client asked if we could add another 210
20 feet to the proposed convenient mart, which we have
21 done. You can see that on your site plan. We've also
22 added a small outside patio which is on the east side
23 of the building as you look at your site plan.
24 Everything else is the same. The egress/ingress is the
25 same. We have just cleaned up - - I should say that we

1 changed the site to make it more without the carwash.

2 I think one or more of the Board Members felt
3 that it may have been too much congestion. So, without
4 that there is obviously a lot more flow-ability on the
5 inside of the lot.

6 As everyone also should know, this is a
7 redevelopment of a previous gas station. It's been a
8 gas station use for at least 50 years. The most recent
9 one was a Getty and obviously this is a redevelopment
10 under the Code.

11 When Scott Shearing wrote the updated
12 narrative, he copied a little language that I wrote
13 when I worked with the Planning Commission back in
14 October after we got a variance that basically just
15 said that we needed area variances and use variances
16 because of the location of the canopy, as well as the
17 location of the building. What was proposed was an
18 outside vacuum which is now gone and what was proposed
19 as a single carwash is gone.

20 We had two meetings at the Zoning Board. I'm
21 sure everyone remembers. We had pretty meaningful
22 discussions with the neighbors after the first
23 meeting. After we met with them and heard their
24 concerns, we got rid of the vacuum. We limited hours
25 of operation and the Zoning Board incorporated this

1 into their decision limiting the hours 6:00 AM to
2 11:00 PM, requiring down-style box lighting, no
3 vacuum, dumpster pickup at reasonable hours, same
4 thing with fuel delivery and they were placed on the
5 approval.

6 One of the things that Peter mentioned when
7 we were last in front of the Board was why the Zoning
8 Board decision says refer to PEDD. That was because
9 this is a redevelopment and typically a redevelopment
10 doesn't go in front of the full Planning Board, but we
11 do need waivers here. Sean can talk about specifics of
12 what the waivers are. That is essentially it.

13 We didn't come back in for concept. I felt it
14 would be appropriate to bring this back in front of
15 the Board to see the changes that we made. I think
16 that we have listened to what the Board suggested and
17 we would just like the Board's input on this so we can
18 move forward to concept -- actually, to go back to the
19 PEDD for approval.

20 MR. SHAMLIAN: Okay, thank you.

21 Sean, can you put up the site plan?

22 MR. MAGUIRE: Sure can.

23 MR. SHAMLIAN: Chief, do you want to get
24 started?

25 We may have lost a Chip, too.

1 MR. ASHWORTH: I'm here.

2 MR. SHAMLIAN: Okay, all right.

3 MR. HEIDER: I advocated for the smaller
4 building, so I'm a little surprised that the building
5 got bigger. I was up there today. The fence is clearly
6 on their property so that should be removed and then
7 reinstalled with a new fence in the back facing the
8 residential area. To be honest with you, the whole tree
9 line across the back, which is the south side, is better
10 referred to as garbage. It's probably stuff that's 30,
11 40, 50 or 60 years old. It's old Austrian Pines. It's
12 stuff that was probably required when Indiana Oil first
13 opened up 50 years ago. It's not that I'm normally in
14 favor of clear-cutting a property, but other than street
15 trees that should stay - - if you're going to make that
16 building look halfway decent, you can have to take all
17 those trees out and maybe replace it with a nice fence
18 in the back and some plantings in front of the fence.
19 That's my main concern as far as that goes.

20 MR. SHAMLIAN: Okay, thank you.

21 Chip?

22 MR. ASHWORTH: I agree with everything that the
23 Zoning Board said.

24 MR. SHAMLIAN: Okay, anything else to add,
25 Chip, or is that it?

1 MR. ASHWORTH: No, that's it.

2 MR. SHAMLIAN: Paul?

3 MR. ROSANO: Thank you.

4 When we come to concept, I'm starting
5 something new here. I want to see the landscaping plan
6 at concept. I don't want this dumped on us at final.

7 The only other thing that I have is I just
8 want to be clear that this is a mini-mart/gas station.
9 It's not to be used for any other retail of any kind.
10 I just want that on the record. Thank you.

11 MR. SHAMLIAN: Lou?

12 MR. MION: I agree with both Chief and Paul.

13 You're going to have trucks with no left turn
14 onto Marjorie - or, excuse me on Alta. Maybe you want
15 to have trucks to go right through on the Marjorie
16 side.

17 MR. CAPONERA: I think we discussed that at the
18 previous meeting. I think we agreed on that.

19 MR. MION: Okay, because that's not what it
20 says in the write-up. I just wanted to bring that up.

21 MR. CAPONERA: I can let Scott talk about that
22 after everyone talks. I think we are okay with that.

23 MR. MION: Okay, good. I really support what
24 Paul says about this is a convenience store and gas
25 station and it should not be used for anything else.

1 MR. SHAMLIAN: Okay, Susan?

2 MS. MILSTEIN: The only question that I have is
3 what is considered reasonable hours for the dumpster
4 picked up in the deliveries?

5 MR. CAPONERA: I can let Scott speak to that.

6 Scott, are you on?

7 MR. ROSANO: The Town Code calls for - there
8 can be no pick up before 7:00 AM.

9 MR. TENGELER: It's 7:00 to 7:00 -- are the
10 appropriate hours.

11 MR. SHAMLIAN: Susan, did you have anything
12 else or was that it?

13 MS. MILSTEIN: That's it.

14 MR. SHAMLIAN: I have a couple of
15 comments/questions.

16 One is: I know you're proposing a 6-foot
17 fence in the back. If I'm not mistaken, Town Code
18 would also allow an 8-foot fence.

19 Sean or Michael?

20 MR. TENGELER: Yes.

21 MR. SHAMLIAN: Since it's residential back
22 there, I don't see why we don't do an 8-foot fence
23 there.

24 The other question I had was: I did not go
25 back and look at the previous site plan, but it looks

1 like to me - did the canopy grow? Do we really need 34
2 feet in between the fuel - - when you look at other
3 gas stations in the Town, they seem to be in between
4 the fueling stations. About 30 plus feet seems
5 appropriate when they are double-stacked when there
6 are two fueling stations behind one another? With the
7 two fueling stations, I think we can actually shrink
8 this canopy down and you might actually get another
9 parking spot or two. If this is a successful location,
10 You can be tied-up with parking. You might actually
11 get a parking spot or two where the carwash was.

12 MR. TENGELER: Then I would ask if we can get
13 some extra green space in the front, if that were the
14 case as well, Craig. It could be an issue if they tinker
15 around with it a little bit.

16 MR. SHAMLIAN: I mean, 34 feet is pretty big in
17 between the fueling stations.

18 Other than that, I'm in favor and I agree
19 with everyone else's comments

20 MR. CAPONERA: Craig, I don't think the canopy
21 has gotten any bigger but again, I will wait until
22 everyone talks and will let Scott talk on that.

23 MR. SHAMLIAN: If it hasn't gotten bigger, I
24 still think we could probably shrink it down a little
25 bit. I actually think the site would look better for it.

1 MR. MAGUIRE: Craig, Sean here. I have the
2 original plan up here. At that point, the canopy was 113
3 feet in length. The new canopy has revised to 134 feet
4 at one point. So, it is a larger - wider canopy.

5 MR. TENGELER: It's something that we should
6 definitely look at when it comes to concept and I will
7 work with the applicant on it, as well.

8 MR. SHAMLIAN: Anyone else have any other
9 comments?

10 (There was no response.)

11 Okay, Victor, anything else to add?

12 MR. CAPONERA: Well, I want Scott to talk about
13 the canopy because I didn't think the canopy got any
14 bigger, to be honest with you. I didn't look.

15 Scott, you need to talk about the size of the
16 canopy as we proposed versus what we have now and the
17 idea of shrinking the canopy and the discussion of the
18 - - Scott, will you talk about the canopy?

19 MR. SHEARING: Of course. Good evening. The
20 original submittal, when we were trying to work with the
21 carwash itself, we had more compressed to accommodate
22 the carwash. When the carwash was eliminated, we tried
23 to work with five dispensers to really - for the benefit
24 of the site and to get the financial support behind the
25 dispenser. When the fifth dispenser was less than

1 savory, we worked with the same footprint of the five
2 dispensers and shrunk it down so that we would have four
3 dispensers. The reason for that is because we do a lot
4 of retail, we do a lot specifically of fuel stations.
5 When you're working with either a box truck, a
6 landscaping trailer, or snowmobile trailer or boats to
7 articulate movements around dispensers, it's very, very
8 troubling. It's a high-impact area. So, what we didn't
9 want to do - our client was looking - we didn't want to
10 have the problem that they're having at the new station
11 across the street. So, we kind of wanted to appeal to
12 that other market because we only had the four
13 dispensers and we lost the carwash. It's pretty standard
14 in the industry to see between 30 and 34 for that
15 additional circulation for the box trucks and the
16 trailers. We're trying to capture that market.

17 There's no reduction in the green space from
18 what is presently existing. So, that was the reason
19 for the 34 feet between the dispensers.

20 MR. SHAMLIAN: Okay, how does the rest of the
21 Board feel?

22 I don't know if Michael or Sean have anything
23 else to add.

24 We do not have a TDE on this project,
25 correct, Sean?

1 MR. MAGUIRE: Right, this is a redevelopment so
2 it's the Department and Public Works review.

3 MR. MION: Back to the previous - - what is
4 that, 27 feet?

5 MR. TENGELER: They are 30 to 35 feet. There's
6 typically more than enough room to maneuver, especially
7 if fueling trucks are coming in on off times. Even if
8 you have two-way traffic, the 12 feet on each side is
9 really what is desirable. I think there's a way where we
10 could increase the green space in the front slightly and
11 kind of make a couple of tweaks here and there. This
12 hasn't come in for concept review yet, so I haven't
13 technically issued one round of review comments yet.
14 That's exactly something that we will discuss moving
15 forward. I think when the Board sees this for the formal
16 waiver down the road, it will look a little more
17 enhanced. We will definitely take the comments and will
18 reflect them on the plans.

19 MR. MION: I kind of like it the way it was
20 originally proposed, myself. I think I agree with you,
21 Craig.

22 MR. MAGUIRE: Lou, in terms of the canopy size
23 - - some of the other changes here are the circulation
24 and the entrance on Marjorie Road shifts closer to
25 Central Avenue and Route 5 and not in the back to the

1 neighborhood with the removal of that rear parking area.
2 That was one thing that we found favorable about this
3 plan. We have the similar concern about the additional
4 pump. With that I was not expecting to see this in terms
5 of size. I think that shrunk down a little bit to be
6 more of a neighborhood scale here. I think moving
7 forward - something I discussed with Mike here is we
8 would like to see more about the lighting. I think we
9 are seeing some of the LED lights - there's a lot of
10 reflectivity on the surrounding buildings. We want to
11 understand better what the lighting plan is there,
12 including the lighting temperature.

13 MR. TENGELER: We will ask for some specs on
14 the temperature, as well as the specific fixtures. We
15 will look to have that memorialized in the plan and
16 checked-off in the final review - absolutely.

17 MR. MAGUIRE: We were also talking up here in
18 the office about again signage to communicate to
19 customers that turns down Marjorie or turns down Alta
20 are local traffic.

21 MR. TENGELER: Obviously, this will go to DOT,
22 as well and I know that they are happy with the one
23 curb-cut being reduced and with the side curb-cuts kind
24 of being modified a little bit. DOT will confer their
25 needs and standards for spacing and everything, as well.

1 The Board will definitely have some memorialization from
2 DOT that they are satisfied, as well.

3 I like the sidewalks. I like the way that
4 they connect to Central. They really go right into the
5 site and right to the building. So, that's a good
6 design for that.

7 MR. SHAMLIAN: Anybody have anything else that
8 they want to add?

9 (There was no response.)

10 MR. CAPONERA: I'm sorry about my
11 interpretation of the size, Craig. When you see the size
12 of the PDF's it's not like I got a big plan in front of
13 me.

14 Thanks for bringing that up, Sean.

15 MR. SHAMLIAN: Okay, thank you, very much.

16 Sean, is there anything else for us tonight?

17 MR. MAGUIRE: No, just next week is May 26th
18 and the day after Memorial Day. We will not have a
19 meeting. So, we will be back on June 2nd.

20 MR. SHAMLIAN: Okay, thank you and take care
21 everyone.

22 (Whereas the above entitled proceeding was
23 concluded at 7:25 PM)

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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: _____

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