

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 THE PROPOSED PROJECT OF
5 DUNKIN DONUTS/MINI-MART
6 993 AND 999 TROY-SCHENECTADY ROAD
7 REVIEW AND ACTION ON CONCEPT ACCEPTANCE
8 *****

9 THE TAPED AND TRANSCRIBED MINUTES of the above
10 entitled proceeding BY NANCY STRANG-VANDEBOGART
11 commencing on November 9, 2010 at 7:05 p.m. at the
12 Public Operations Center
13 347 Old Niskayuna Road, Latham, New York 12110

14 BOARD MEMBERS:

- 15 CHARLES J. O'ROURKE, CHAIRMAN
- 16 MICHAEL SULLIVAN
- 17 TIMOTHY LANE
- 18 LOUIS MION
- 19 PETER GANNON
- 20 PAUL ROSANO
- 21 ELENA VAIDA, Esq., Attorney for the Planning Board

22 Also present:

- 23 Joe LaCivita, Director, Planning and Economic
24 Development
- 25 Edward Esposito, Monarch Design
- Donald Fletcher, Barton and Loguidice
- Fred Sharifipour, Land Owner
- Tom Johnson, Barton and Loguidice

1 CHAIRMAN O'ROURKE: First on the agenda
2 this evening is Dunkin Donuts Mini-Mart, 993
3 and 999 Troy-Schenectady Road. It's an
4 828-foot square foot Mini mart,
5 3,000-square foot canopy.

6 Are you still looking for action on the
7 concept?

8 MR. ESPOSITO: Yes, we are.

9 CHAIRMAN O'ROURKE: Joe, do you have
10 anything to add?

11 MR. LACIVITA: They are here for concept
12 acceptance. They were here before the Planning
13 Board in September and they were asked to
14 adjust some of the traffic patterns within the
15 site. They're here tonight to show you how
16 they have addressed those concerns.

17 MR. ESPOSITO: In the last 24 hours we
18 have worked and e-mailed between us and the
19 TDE. Here is a copy of one of the exhibits
20 that clarify the changes.

21 CHAIRMAN O'ROURKE: We're going to let
22 you present and then we'll let the TDE make
23 their statement and representation to the
24 Town.

25 MR. ESPOSITO: In late September, we

1 presented a sketch concept and we were asked
2 at that time to update our plans.

3 Also at that time we discussed certain
4 features of the site plan that had
5 improvements of diagonal parking and that was
6 out of the several suggestions that we
7 received from the Town and TDE comments. That
8 was one of the items that we are giving back
9 to you.

10 Another one was the introduction of the
11 banana left turns coming out of the driveway
12 circulation that exists, and this area of
13 cross connection pavement. It would be an
14 introduction of DOT's comment on the design as
15 a one-way entrance. We illustrated that on the
16 plans.

17 Also through the Town Engineer we
18 submitted more exhibits regarding the signage
19 and the crosswalk connections. We particularly
20 have been looking at traffic and circulation
21 at the entrance.

22 What you have in front of you is the last
23 site plan where the Town Engineer had looked
24 at our plan.

25 There are very different sizes of fuel

1 trucks that would enter the site on delivery.
2 Actually, that's on the smaller handout. They
3 basically showed the vehicle maneuvering and
4 how it would go through the site and three
5 conflict areas were shown and highlighted on
6 that handout. For the audience who has not yet
7 seen this, the conflict areas are here
8 (Indicating). If vehicles were to circulate
9 around and they were between over 40 feet and
10 50 feet was the model, the rear axle would hit
11 this lawn area and also hit this interim as
12 they would exit the property. That's shown in
13 the vehicle circulation exhibit.

14 Since then, we've put a mountable curb at
15 certain points where a truck of that size
16 would hit that area. They could simply mount
17 and ride the curb. We have this nice pattern
18 of grass free installed in certain areas.

19 The Town Engineer also recommended
20 that -- it does show that we do have an
21 agreement of the owner. They've been long-time
22 friends. There have been benefits to this
23 cross connection to the site and the property
24 uses. So, we have also determined with the TDE
25 that it does allow the plan for the larger

1 vehicles to exit right onto this area
2 (Indicating). It was defined in that letter
3 that he called it from time to time something
4 of this nature. The letter speaks for itself.

5 During the review process, we had several
6 opportunities to look closer at the vehicle
7 percolations.

8 CHAIRMAN O'ROURKE: I'm sorry, do we have
9 a copy of that letter for Counsel to look at?

10 MR. LACIVITA: These came late in the
11 day, C.J. I have them here and I was going to
12 print them out for everybody. It's the revised
13 concept plan that Ed just gave you and the
14 access agreement that's going to be with
15 Allied Waste and so on. These are letters that
16 we just got this afternoon.

17 MR. ESPOSITO: What Joe is handing
18 out - one of the three other issues of the
19 adjacent owner for cross connectivity
20 regarding the traffic circulation, we have
21 some cross walk connection so residents there
22 can walk over and have donuts in the new plaza
23 area that's in front of the concession.

24 Last month we did look at the design
25 review boards that show that we're trying to

1 hit the design standards right on. Elements
2 such as the patio, maintaining the same
3 setbacks, minimizing pavement, and especially
4 looking environmentally for pollution control
5 with our storm drainage system. We obviously
6 will go through the process and look more
7 closely and work with Barton and Loguidice.
8 The oil and water separators do remove any
9 potential contaminates from this fueling or
10 spillage or otherwise all the site run-off
11 that hits the pavement comes to a trench
12 drain. It's filtered. It's displaced. We
13 talked last month about that. There are
14 quarters of protection and redundant
15 pretreatment. We can go further at that and
16 explore that. That was a very important issue
17 to me to make sure that we have the removal
18 and the goals for that. We've got a good plan
19 base to do that.

20 Our landscape plan - we did take some
21 comments from the county, and we have since
22 revised our landscape plan to have water
23 tolerant plants that add some value as far as
24 more of a fiber filtering mechanism; the
25 willows, and dogwood are all back in there.

1 So, we would be taking more comments as
2 we go along. This is pretty much the concept.
3 In the site plan handout, this is the
4 roll-off. It shows the three areas. There is
5 no curve in this one, but if a truck were to
6 round that area, there is support there and
7 we're looking for that pervious - so we have
8 that pervious paver or the grass free design
9 at these three areas that show.

10 We've left the DOT intersection to speak
11 for itself. We drew comments and we'd be
12 looking at getting a permit. That was looked
13 at. We got a good letter from DOT on that.
14 That was the radius that they wanted.

15 I'm here to answer any additional
16 questions. That's still the visual character
17 of the site. The submission is still the same
18 with the twist that we did take some comments
19 on checking our radiuses and these two
20 conflict areas internally for this vehicle
21 circulation.

22 We had a letter, as Joe has stated, from
23 Allied that the dumpster is okay. They always
24 have serviced that site. They have smaller
25 vehicles. We have spoken to the internal

1 mechanism of how people drive in, fuel, and
2 exit, which was controlled by signage. In
3 fact, we do have ample car queuing. It's not a
4 large site, but we do circulate people in an
5 orderly fashion and we do believe that there
6 is a learning curve for - once you get fuel,
7 you know how to exit. It's controlled with an
8 exit bypass lane.

9 The Dunkin Donuts has flourished. It's a
10 very good family business. We have the
11 Sharifipours here tonight.

12 Rocky Cocca is the adjacent owner. He
13 really wants the plan to go through for
14 supporting use. For people traveling, he knows
15 the value of having them come next door to go
16 to the restaurant or stay overnight. He can
17 comment on that.

18 I don't know what else I've left out
19 other than we're awaiting comments to tailor
20 the plan. Sunoco is behind this plan. They
21 have looked at this plan. We've got good
22 feedback so far so I'm here to answer any
23 questions that the Board may have.

24 CHAIRMAN O'ROURKE: Thank you.

25 Don?

1 MR. FLECTHER: Thank you, C.J.

2 As you know, the sketch plan was
3 developed. Comments and submission was made to
4 us. We have reviewed it and we have provided a
5 letter dated in early November. A lot of the
6 things were just presented - it talks about in
7 here.

8 Mainly the highlight is talking about
9 that circulation. I think that we've had some
10 good exchange working back and forth. We have
11 further talked about it. It's not like there
12 are trucks coming in every day coming in to
13 fill this up. It's not that often. We have run
14 this through here (Indicating), especially at
15 concept level. We're at a good level of
16 understanding of what needs to be done to make
17 this site happen. I don't think that it's
18 ideal to try to go through the whole area to
19 come in and try to go here and back up and go
20 here (Indicating). It's always there if
21 absolutely needed. I think that the letter
22 kind of talks a little bit about that. It's an
23 option. That's why we wanted to look at. Let's
24 make sure that we can get what needs to go
25 through this site and not have to worry about

1 the other way.

2 CHAIRMAN O'ROURKE: What size vehicle
3 right now, Don, can get through the site?

4 MR. FLETCHER: It's a 50.

5 CHAIRMAN O'ROURKE: Fifty what? Single
6 screw? Twin screw?

7 MR. ESPOSITO: I'm not sure about that
8 category, but our plan graphics from our
9 engineer stated a 55-foot truck with these
10 turning areas. They have an auto-turn
11 software. They looked at larger vehicles, but
12 we agreed that a 50 is reasonable. In
13 actuality, the fuel truck with the king pin
14 adjustment is 40.5 feet. So, it's eight feet
15 short of -- I was told by our engineer that is
16 an exaggerated standard for maneuverability
17 for convenience. I'm not sure how that
18 relates.

19 CHAIRMAN O'ROURKE: So, they're not
20 running 6,000 tanks?

21 MR. ESPOSITO: No. They're having the
22 smallest fuel servicing to the site. I've been
23 told that they run down to New York City for
24 maneuverability. I only received a late e-mail
25 that was provided by the tank hauler, and he

1 tells me that the measurement from his king
2 pin on his trailer is 42 feet and it's set two
3 feet back. That leaves him 40 feet instead of
4 the 50 foot allowance that we gave.

5 CHAIRMAN O'ROURKE: Yes, but that doesn't
6 leave room for the tractor. It's probably
7 17 feet and it's a twin-screw.

8 MR. ESPOSITO: I can call on Tom Johnson,
9 or we can work that out internally.

10 CHAIRMAN O'ROURKE: That's fine. I'm just
11 saying that you don't know the size of the
12 truck.

13 MR. ESPOSTIO: No, but when I spoke to
14 Don, he had a whole stiff vehicle 50 foot -

15 MR. FLETCHER: Oh yeah, we used those
16 vehicles the first time around.

17 CHAIRMAN O'ROURKE: That's what I'm
18 saying, Don. Do you know right now in the
19 turning radius that you ran through your
20 software - what the largest vehicle can make
21 that turn without -

22 MR. FLETCHER: Tom, I'm going to turn to
23 you on that.

24 MR. JOHNSON: There is a 50 foot overall
25 length of a truck - that's what we presented

1 last time which is probably what is shown as
2 far as the yellow areas. That was a 50 foot
3 overall length and that's 37 and one half per
4 trailer.

5 CHAIRMAN O'ROURKE: Right, no tanker is
6 37 feet.

7 MR. ESPOSITO: It sounds to be a little
8 bit more than that. What was called into to me
9 was 40 to 45 feet plus the cab. It's over the
10 37 and a half.

11 MR. JOHNSON: A 40 foot trailer plus the
12 cab would roughly be 42 and a half foot long
13 trailer plus the cab. We also ran a WD 50,
14 which had a little bit more impact than this
15 other one that is shown.

16 CHAIRMAN O'ROURKE: With a 6,000 gallon
17 tank?

18 MR. JOHNSON: I don't know how big the
19 tanks are.

20 MR. ESPOSITO: That's what was quoted by
21 Sunoco. How many gallons fit on that truck
22 that Tom was describing is what they're using.

23 MR. FLETCHER: We ran it based on the
24 information we were provided. We took a first
25 stab with some area sized trucks. Especially

1 when the larger one showed not a good
2 situation, if you will, that's when we started
3 engaging in some dialogue what exactly the
4 size of the truck should be.

5 MR. ESPOSITO: We could have, obviously,
6 more time to explore with Tom to make sure
7 that you're getting what we're selling.

8 CHAIRMAN O'ROURKE: I think certainly
9 that would be prudent. But I certainly want to
10 have the opportunity to let the Board Members
11 who have taken the time to go through their
12 packets give you additional information. I
13 don't think that we're in a position tonight
14 to move forward on what you're looking for, in
15 my opinion.

16 Don, would you agree?

17 MR. FLETCHER: I don't have any problem
18 with that. Let's just nail down and then come
19 back, primarily, on that issue.

20 MR. O'ROURKE: I've spent a number of
21 years in the dairy industry, so I'm very
22 familiar with tankers and trucks and the
23 operations and the different turning radius. A
24 tanker is totally different in terms of radius
25 turning than a tractor trailer. We certainly

1 don't want to rush forward into something like
2 this. I'm sure you don't in the applicant's
3 behest.

4 MR. ESPOSITO: I apologize for the late
5 entry. We were notified three days ago that we
6 had some conflict areas -

7 CHAIRMAN O'ROURKE: I'm not sure that's
8 wholly correct. There is comment letters from
9 the Town Designated Engineer as far back as
10 June stating the tightness of the site and
11 there were concerns about the turning radius.
12 You're right. Three days ago is when the
13 e-mails all shot around, but I think that it's
14 something that you guys are smart enough to
15 fix this so that everybody is happy going
16 forward.

17 I'd like to open to the Board now.

18 Paul?

19 MR. ROSANO: I have a couple of concerns
20 on some of the verbiage we had going here.
21 We're going on a smaller version of a gas
22 station. Am I Understanding this? Smaller
23 tanks in the ground - - you're not thinking
24 that you're going to do any volume of gas the
25 way that I see this right now. Is that fair?

1 MR. ESPOSITO: The whole site - the fuel
2 canopy is in the back. It's already
3 eliminating a feature. The owner wants to
4 cater to specific patrons and customers that
5 go there and know that it's an off-line
6 system.

7 There are two tanks with all the bells
8 and buzzers for protection.

9 As far as the size goes, to me, it's
10 still three islands but we can queue two deep,
11 given the layout. It is a very small station
12 that is comparable to some of the Stewarts. It
13 is stand alone and has its own character. It
14 is very unique because the cabin is forward
15 and the hierarchy of the visuals - we feel
16 that's the draw.

17 MR. ROSANO: I'm just concern with the
18 combination of Sunoco with the Price Chopper
19 effect and Dunkin Donuts -- I think that it's
20 going to draw more, in my mind, than the
21 Stewarts does. That's my only concern.

22 I'd like to see the project go forward,
23 but I can just see a major traffic jam,
24 especially when that tanker truck pulls in
25 there to download, I don't know where you're

1 going to put the cars. If you've got one way
2 for those cars to come into those gas pumps,
3 someone is going to want to back up because
4 they're on the wrong side and the opening is
5 on the other side of the canopy and I just
6 foresee, possibly, some major traffic issues
7 at certain times.

8 MR. ESPOSITO: I would agree to the point
9 where they do have a letter and I take them at
10 face value. They're stand-up guys. If they say
11 that they're scheduling off beat night
12 deliveries, that is probably a very important
13 feature that would be required. They've
14 already signed on to that.

15 MR. ROSANO: Okay, thank you.

16 CHAIRMAN O'ROURKE: Lou?

17 MR. MION: I think that Paul addressed it
18 with the right and left side of the car prior
19 to fill up. I think that's where you're going
20 to run into the biggest problem is that when
21 someone is on the wrong side of that pump. I
22 can see where it would really cause some
23 suggestion. I like the whole concept there. It
24 looks good, but I do have concern in that
25 area.

1 CHAIRMAN O'ROURKE: Tim?

2 MR. LANE: Do we have some kind of
3 confusion regarding the addressing?

4 MR. ESPOSITO: I thought that I cleared
5 that up. When I met the owner, his address was
6 999 and for some reason over the course of
7 things - if that is a misprint then it's got
8 to be fixed at this 999 section. I think that
9 the Town Assessor agreed, in any case, that
10 the application of the cabin and the Mini-Mart
11 is 993. So, we're going to skip a few numbers.
12 I think that you asked about that last time,
13 too.

14 MR. LACIVITA: We'll have to amend that
15 because the application is 993 and 995.

16 MR. LANE: That's just a minor issue.

17 Within the comments from Barton there
18 were general submission comments; one, two and
19 three. The EAF - it supposedly was submitted,
20 but none has been received. The traffic report
21 prepared, but not received. Landscape and
22 lighting not received. Has this been resolved?

23 MR. FLETCHER: At this point, not that I
24 know of. Some of these we look at with regard
25 to concept versus moving forward.

1 MR. LANE: So they will be addressed at
2 concept?

3 MR. FLETCHER: Absolutely.

4 MS. VAIDA: If I could interrupt you, the
5 EAF is required as part of the concept
6 application. So, we should have that. It's not
7 considered a complete application until we
8 have that.

9 MR. ESPOSITO: I've got 25 sets of these
10 that I'd love to give you. At some point, it's
11 got everything that you just named. Even in
12 the packet that I received, it has the
13 traffic. Nevertheless, I trust that we can
14 coordinate this through planning, including
15 the full archeology that was in a prior
16 comment.

17 MR. LANE: The stormwater management
18 section of Barton's comments - there was also
19 an issue regarding the underground storage
20 tank and the piping. There is no piping shown.
21 Would this be the containment area - or
22 whether or not it has some kind of a range
23 from the tank area?

24 MR. ESPOSITO: I can speak to that.
25 That's this other supplement. It's regarding

1 the stormwater management and it's regarding
2 this cross connection. On these designs there
3 is a sediment basin, but then the sand filter
4 that is pretreatment has an overflow pipe
5 which connects to a control in this
6 underground chamber design. So, now we've got
7 DCC, sediment control sheets, full
8 drainage -- only five sets were given for
9 engineering.

10 Joe, Pete, they got the thick version,
11 but I'd be glad to copy the Board with
12 anything that they need.

13 MR. LANE: I know that this is a small
14 site, but it is a gas station and stormwater
15 and run-off and that kind of thing is a big
16 issue with any of these kinds of sites. We
17 just want to make sure that you're aware that
18 these are still major issues.

19 Other than that, at this point, the
20 traffic issues aside, I think that overall I
21 like the concept. Based on Counsel, I don't
22 know if we can vote on this until these other
23 things are resolved.

24 MR. SHARIFPOUR: I spoke the last time.
25 My family lives right off of Route 7. We're

1 not doing this to get a higher traffic count.
2 We don't want the alcohol or lottery. I
3 understand about the traffic. We're thinking
4 that this is all going to be credit card.
5 We're going to have a window out there for the
6 cash person, but the credit person can go in
7 and out. We've been talking about it a lot. We
8 don't want a negative effect on our business.
9 The problems that are anticipated would be
10 with like any other gas station. It doesn't
11 matter what gas station you go to, you
12 encounter the same issue. You can go to the
13 best truck stop or gas station in the world,
14 but if you park on the wrong side, it's a
15 battle to get to the side you need to be on.

16 MR. LANE: There is always going to be
17 someone who can't follow the pattern.

18 MR. FRED SHARIFIPOUR: Like I said, we
19 studied it so much, we think that most of the
20 issues that are coming up are things that any
21 gas station would encounter. I understand the
22 concern with the radius. They have different
23 sizes of trucks, though, and those will be
24 doing the deliveries.

25 CHAIRMAN O'ROURKE: I can appreciate

1 that, but having spent a long time in
2 operations in different companies, it's all
3 about cost per drop. They might like you a
4 lot, but if it cost them money, they're not
5 sending you a smaller truck. That's the
6 economics of it. I think that we have to do
7 our due diligence, as a Board, to ensure that
8 we protect not only you and your site - which
9 I'm sure that you want to - but we have to
10 feel comfortable through the Town Designated
11 Engineers that we have. Everybody knows that
12 it's a tight sight and I don't think that
13 you've heard anybody say that they're opposed
14 to the project moving forward.

15 MR. FLETCHER: This is really a tough
16 part. You can say what trucks you feel are
17 going to be there -

18 CHAIRMAN O'ROURKE: You don't control
19 Sunoco.

20 MR. FRED SHARIFIPOUR: Right, but we
21 agreed that would be what they would send.

22 CHAIRMAN O'ROURKE: I fully appreciate
23 that. The Board is just looking at different
24 areas and we want to make sure that we touch
25 on all of the areas before the project goes

1 forward.

2 Mike?

3 MR. SULLIVAN: I have a few questions.

4 Do you have an update on any contact with
5 the landowner that's to the northwest?

6 MR. SHARIFIPOUR: She's still alive. I
7 have no knowledge of her comings and goings.

8 MR. SULLIVAN: I was hoping that perhaps
9 another attempt was made. I'm sure that you
10 would like to do it more than I would - to
11 initiate this land purchase.

12 MR. SHARIFIPOUR: We've been trying o
13 purchase that since the day we bought this
14 property.

15 MR. SULLIVAN: I'm sure that it's obvious
16 to everyone that would be the easiest solution
17 to this problem. I was hoping that there was
18 movement on that.

19 CHAIRMAN O'ROURKE: Even if it wasn't a
20 purchase, they could work out an easement
21 arrangement, as well. I think that's what Mike
22 is looking towards.

23 MR. SHARIFIPOUR: With all the projects
24 here, I think that she is emotionally attached
25 to the property. Five years ago when we were

1 here with a different project - the original
2 was a strip mall, we approached her son and
3 there hasn't been any movement on that. It
4 would really have no other value to anyone
5 else.

6 CHAIRMAN O'ROURKE: You wouldn't think
7 so.

8 MR. SULLIVAN: The only other question I
9 had I think Tim just asked. The traffic study
10 that was prepared, have you had a chance to
11 review it?

12 MR. FLETCHER: No, we haven't reviewed
13 it. We were looking at doing that as part of
14 moving into final.

15 MR. SULLIVAN: Okay.

16 CHAIRMAN O'ROURKE: Nothing out of the
17 ordinary that you've seen?

18 MR. FLETCHER: The big thing is those
19 movements. I think that the one thing that we
20 want to make sure is that we have some clear
21 direction on is the ability in an emergency,
22 if you will, to go to the motel in that
23 direction. I think that we can't control the
24 size of the vehicle.

25 I think that C.J., you said it right

1 about the drops and how it's the economics and
2 stuff. To some degree, what are we looking
3 for? Do we want to make sure that this traffic
4 flow can take a worst case vehicle, or can it
5 take the typical vehicle through a cross ease?
6 I want to make sure we have direction of what
7 the Board is thinking. You may not know right
8 now, but if anyone does about what the maximum
9 movement would be.

10 CHAIRMAN O'ROURKE: It should be their
11 maximum delivery vehicle, in my opinion.

12 MR. FLETCHER: Okay.

13 CHAIRMAN O'ROURKE: Board member Paul
14 Rosano said if they sell more gas than they're
15 planning on then their going to send the
16 biggest trucks. Again, there are weight limits
17 so it's not going to be over 80,000 pounds,
18 but it's still 6,000 gallons.

19 MR. FLETCHER: I just want to make sure
20 that we're all on the same page.

21 CHAIRMAN O'ROURKE: And there is winter
22 in the northeast so they're not running a
23 single screw tractor. I just want to make sure
24 that we have the proper access on-site.

25 MR. FLETCHER: And I just want to make

1 sure that we're all on the same page.

2 MR. SULLIVAN: That's all I had, C.J.

3 CHAIRMAN O'ROURKE: Thanks Mike.

4 Peter?

5 MR. GANNON: On the new rendering that
6 you gave us tonight, Mr. Esposito, in front of
7 995, the diagonal parking there is an arrow
8 which I think indicates traffic flow that's
9 kind of in the converse of the one-way that we
10 had discussed. It could just be a typo.

11 MR. ESPOSITO: It could just show the
12 one-way. I did see another plan that was
13 ghosted. It was the previous two-way, but this
14 is all agreed here that this is one-way.

15 MR. GANNON: That said, I don't want to
16 beat a dead horse, but I said it again on the
17 sketch plan and I feel the same way tonight. I
18 think that the tightness of the site has a
19 potential for a problem and I think that it's
20 great that you guys are doing the work with
21 the engineers so closely. I echo the concerns
22 of my colleagues on the Board. That's all I
23 have to say about it tonight.

24 CHAIRMAN O'ROURKE: Thanks, Peter.

25 I had a couple. The Albany County

1 Planning Board - Mr. Esposito, are you
2 familiar that there is a submission of an
3 agricultural statement to the Town as required
4 by Town Law for site plan, a special use
5 permit, use variance and subdivision approval
6 of sites within 500 feet of a farm operation
7 located in an agricultural district?

8 MR. ESPOSITO: I brought a couple of
9 copies of our draft submission, and I did show
10 that 500 foot radius. It's not even coming out
11 of the corridor. I really didn't know how that
12 applied in an AG district. He does have some
13 farm land over by Buhrmaster, but it doesn't
14 even touch the conservation areas. I could
15 submit a couple of copies of the - it's the
16 drafted FAA form which was one of the next
17 comments from the Albany County Planning Board
18 that shows the area map of that potential
19 conflict.

20 CHAIRMAN O'ROURKE: That is a separate
21 point in the Albany County Planning Board.

22 MR. ESPOSITO: Here is the exhibit. Its
23 500-foot radius doesn't even come out of the
24 red COR. I don't know how that applies. It
25 seems to be a comment that we should explore.

1 In drafting this site with a 500-foot radius,
2 here is the COR in red, the green is the
3 conservation, but really no additives per se.
4 I did look at it and I did merge this in as an
5 exhibit within that FAA form which shows the
6 height of the canopy, the area -

7 CHAIRMAN O'ROURKE: Don, can you just
8 make a note to get to the bottom
9 of -- usually when we get these things from
10 any other entity, they usually work from most
11 important to least important. This being
12 number one on their site, I just want to
13 understand what that is. This is dated
14 August 10, 2010, if you need to review it.

15 The EAF - we are going to get a copy of
16 that updated EAF to review?

17 MR. FLETCHER: Yes.

18 CHAIRMAN O'ROURKE: I did have an issue,
19 but I see that Mr. Cocca has arrived.

20 In the future, if you do submit something
21 to the Board, it really needs to be notarized,
22 if in fact that person is not going to attend.
23 I do see that Mr. Cocca did come, but it's
24 always best if you're entering into an
25 agreement that the Board have that agreement

1 and have it be notarized.

2 Mr. Esposito, you want to give us an
3 explanation of the letter that I'm referring
4 to?

5 MR. ESPOSITO: I think it might be best
6 to read it. In Mr. Cocca's interest, he didn't
7 really want to deter from any future
8 development in the plan and that was stated.
9 He does agree to, from time to time, some
10 access. So this was viewed as a limited use
11 option. We didn't want to make it an every day
12 occurrence and we really - I don't know. I was
13 told that fueling is once a month, but I'm
14 hearing that it may be more.

15 MS. VAIDA: If that's going to be
16 required or necessary as part of your
17 application, that you have some access to
18 Mr. Cocca's property, you're going to need a
19 document other than that letter. We're going
20 to need something that's recordable that gives
21 us some legal rights to do that.

22 MR. ESPOSITO: He can speak for himself,
23 but it's my understanding that they've been
24 long-term friends. They've always had an
25 exchange of vehicle circulation.

1 As far as getting a real easement, he
2 feels that it's asking a bit too much. From
3 day one we had our plan and access agreement
4 exclusively met. It's not a formal notarized
5 easement by any means.

6 CHAIRMAN O'ROURKE: That's problematic.

7 MS. VAIDA: If you need that in order for
8 this to fly and pass muster, you're going to
9 have to get something that's a legal document
10 that we can all rely on in the future,
11 regardless of who owns it.

12 CHAIRMAN O'ROURKE: And future owners of
13 the property. Again, I appreciate that you
14 went and had Mr. Cocca do the letter, but I
15 don't think that as much as we can take into
16 account that you will work together and be
17 neighbors, anything can happen. Mr. Cocca can
18 sell his property. As the attorney stated, we
19 need some kind of recordable document. We are
20 all for the cross connection.

21 MR. FLETCHER: I was just going to get
22 into that. Obviously in the COR district -

23 CHAIRMAN O'ROURKE: We're all for that.
24 We're not looking for the cross connections to
25 blind side the tankers in and out of your

1 fueling pits.

2 You guys have some work to do before you
3 come back to the Board.

4 MR. SHARIFIPOUR: We'll review the radius
5 and work something out -

6 CHAIRMAN O'ROURKE: Mr. Johnson does all
7 their traffic at Barton and Loguidice so we'd
8 be looking - for the next time that you do
9 come before the Board for their standard
10 tanker size, which we need to know. He's going
11 to need to know all of that and plug all the
12 numbers in and work with you on that.

13 There is also the EAF that we're going to
14 have to look at to determine SEQRA on the
15 project for your concept because you are
16 requiring a couple of waivers. So, again,
17 there is a little bit more work to be done.

18 MR. ESPOSITO: I explained to him that
19 regarding the traffic, he assumed that his
20 model was only as good as my information. At
21 4:00 I received that late e-mail saying okay,
22 we're going to check the 37 and a half foot
23 trailer that Tom stated and the 40 foot that
24 they quoted me on -

25 CHAIRMAN O'ROURKE: I just ask that you

1 guys do that and not the day of the Planning
2 Board so that the members have the opportunity
3 to review your information and give your
4 project the credence that it deserves. Is that
5 fair?

6 MR. ESPOSITO: I did discuss this with
7 Mr. Cocca, but the township requires this
8 cross connection so when he came in for site
9 plan -

10 CHAIRMAN O'ROURKE: We're not requiring
11 it.

12 MR. ESPOSITO: I thought that it was in
13 the ordinance.

14 CHAIRMAN O'ROURKE: It encourages. The
15 word is "encourage". In this district we
16 encourage cross connectivity between sites.
17 So, I think that it's a benefit, certainly for
18 your clients in my opinion, to have access to
19 the motel and at some point to have that cross
20 connection into your client's property.

21 MR. ESPOSITO: I guess my question is:
22 Does it need to be a surveyed easement or will
23 a notarized letter agreement - a boosted
24 version of what we're providing -- the owner
25 is asking that we resolve our internal

1 circulation and keep it as an option.

2 CHAIRMAN O'ROURKE: I agree. I think
3 that's what you should do. You may or may not
4 need Mr. Cocca's assistance going forward.
5 That will be handled by the traffic engineer.
6 If you do, then you have that hurdle to cross,
7 in my opinion.

8 Anyone in the audience have anything?

9 ***(There was no response.)***

10 CHAIRMAN O'ROURKE: Gentlemen, thank you
11 for your time and we look forward to hopefully
12 see you rectify these issues and get back
13 before us.

14

15

16 ***(Whereas the proceeding concerning the above***
17 ***entitled matter was adjourned at***
18 ***7:47 p.m.)***

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CERTIFICATION

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4 **I, NANCY STRANG-VANDEBOGART, Approved**
5 **Transcriber for the State of New York and**
6 **Notary Public in and for the State of New**
7 **York, hereby CERTIFY that the record taped**
8 **and transcribed by me at the time and place**
9 **noted in the heading hereof is a true and**
10 **accurate transcript of same, to the best of**
11 **my ability and belief.**

12
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14
15 **NANCY STRANG-VANDEBOGART**

16
17
18 **Dated November 29, 2010**

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25
Legal Transcription

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