

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

PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

\*\*\*\*\*  
STEWARTS SHOP  
1218 TROY-SCHENECTADY ROAD  
SKETCH PLAN REVIEW  
\*\*\*\*\*

THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on May 17, 2011 at 7:07 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- MICHAEL SULLIVAN
- THOMAS NARDACCI
- LOUIS MION
- TIMOTHY LANE
- KATHLEEN DALTON
- PAUL ROSANO
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

Joe LaCivita, Director, Planning and Economic  
Development

Tom Lewis, Stewarts

Joe Grasso, Clough Harbour and Associates

1                   CHAIRMAN STUTO: We'll call the meeting  
2 to order. As you can see the Sable Woods  
3 public hearing has been postponed to June 7<sup>th</sup>.

4                   Next on the agenda is the Stewarts Shop,  
5 1218 Troy-Schenectady Road sketch plan.

6                   MR. LEWIS: If I may, let me give you a  
7 brief description of what we want to do. If  
8 it's okay with the Board, I'd like to go over  
9 the engineer's comments and then I'll address  
10 them and you'll see why. This is even harder  
11 than last week.

12                   We went to the neighbors to the east of  
13 the shop who had purchased this bowling alley  
14 lot to see whether we could buy their land.  
15 That didn't work out. So, we said, what if we  
16 remove the three rental units?

17                   This is what we're showing. As I think  
18 all the members have heard me say at one time  
19 or another, the gas has to be the most  
20 prominent thing as opposed to being a  
21 destination use like a doctor's office or a  
22 lawyer. I don't care if we have the parking in  
23 the back.

24                   What we're showing is the canvass in the  
25 front and the building in the back. It gives

1 us way more parking and that's basically what  
2 we're hoping to do. After, if we could hear  
3 the engineers comments that we've heard  
4 before - it makes what I wanted to do almost  
5 impossible.

6 I've got some diagrams to hand out.

7 When I left this afternoon, I wasn't  
8 going to hand these out. This is why there is  
9 only four. We go through so many different  
10 ways of doing this. We're very particular that  
11 the site has to work.

12 The engineer would have said that there  
13 is no left in allowed in the plan that we're  
14 showing. That will just not work for us. A  
15 highway like this, having a left in would  
16 force our customers -- they would be heading  
17 west down Route 7 and if there's no left in  
18 here, now they have to go all the way around  
19 this way and that's not going to happen  
20 (Indicating). That's the same thing that we  
21 had last week on Boght. Some of the diagrams  
22 that you'll see here, we flipped it. It's not  
23 as bad here if we had the building over here  
24 (Indicating) in what would be the front. The  
25 gas island back here - in my opinion - when

1           you're heading east, you can kind of see the  
2           gas. Not as well as here (Indicating). For me,  
3           it's not a deal killer. I showed these and  
4           Mr. [SIC] Daig said to me, ask the Board  
5           whether they have ever seen this. This is  
6           where the back of the building is and all the  
7           cars that are heading this way see the back of  
8           the building with a dumpster on the corner.  
9           These are all just variations (Indicating).

10                  I'm not sure what to do. I can listen to  
11                  what the Board's comments are.

12                  Actually, we did a lot more than what  
13                  you're seeing there. That was just what was  
14                  done this morning.

15                  CHAIRMAN STUTO: I'd like to hear from  
16                  our TDE. Are you versed in this, Joe?

17                  MR. GRASSO: I'm versed. I have not seen  
18                  these diagrams. The layout that we had last  
19                  reviewed was a slight revision to the plans  
20                  that you have already received. That plan  
21                  still showed the canopies up toward the  
22                  corner, but it showed the curb cut on Route 7  
23                  shifting to the east about 20 feet from where  
24                  it was, Tom?

25                  MR. LEWIS: We lost the turnaround in the

1 back and I sent it to Kevin Novak with 35 feet  
2 and he still said no.

3 MR. GRASSO: The big issue really that is  
4 going to drive the site plan is the access  
5 locations - where they are and the orientation  
6 of the building and the fuel canopy. Those are  
7 really the two big issues that I think you're  
8 looking for direction on.

9 CHAIRMAN STUTO: You have no fuel there,  
10 correct?

11 MR. LEWIS: Yes.

12 MR. GRASSO: So, it's a complete demo and  
13 then rebuild a new convenient store and fuel.

14 DOT has provided some comments regarding  
15 the access on Route 7. There are two existing  
16 curb cuts on Route 7 and both are full access.  
17 They indicated that they're going to restrict  
18 lefts out. So, lefts leaving the site heading  
19 west on Route 7 are going to be restricted no  
20 matter what.

21 MR. LEWIS: He also said going in.

22 CHAIRMAN STUTO: You can currently do  
23 that.

24 MR. GRASSO: Right, you're unrestricted  
25 right now.

1           MR. LEWIS: There are two curb cuts there  
2 now.

3           MR. GRASSO: But there is no fueling so  
4 the use of the change is going to change. It's  
5 going to be much more transitional. People  
6 will be in and out. So, there is going to be  
7 no lefts out of the site on Route 7. Lefts in  
8 would be restricted unless the curb cut on  
9 Route 7 gets shifted all the way to the east.  
10 That was the position made by DOT and also  
11 supported by CHA.

12           CHAIRMAN STUTO: Was that drawing 7, Joe?

13           MR. GRASSO: Seven works. Basically when  
14 we said all the way to the east, we said get  
15 it to the second curb cut on the east and we  
16 would assume that would be acceptable to us  
17 and DOT without having looked at the detail of  
18 the queuing and things like that. So, when we  
19 look through these layouts from a quick  
20 orientation, number 7 appears to address our  
21 comments regarding access. Obviously, with a  
22 canopy up in the corner, those same waivers  
23 that Tom has come in on the previous two sites  
24 of the past couple of months would need to  
25 apply to this one, right?

1 MR. LEWIS: Right.

2 MR. GRASSO: Is there a land-use variance  
3 issue with the setback to the residential  
4 zone?

5 MR. LEWIS: There is a variance we would  
6 need of the 200 foot rule.

7 MR. GRASSO: That's 200 feet from a  
8 C-store to a residential zone.

9 MR. LEWIS: Correct. It's the building  
10 and the dumpster.

11 MR. GRASSO: So, all of these you're  
12 going to have to go for a variance. So the  
13 reason that Tom is looking for some direction  
14 on the building placement is because he  
15 doesn't want to go for a variance knowing that  
16 the layout wouldn't be acceptable to the  
17 Planning Board. So, when I look through these,  
18 7 is acceptable.

19 When you go through the next one - number  
20 4, he's showing the building up towards the  
21 corner, flip-flopping the fuel island canopy  
22 and the building. That was a comment supported  
23 by the Planning Department staff during their  
24 initial review. Also, commented on by DOT.  
25 From our perspective we're kind of

1           indifferent. We understand that every site is  
2           unique and we understand that the typical  
3           arrangement for these is to put the canopy  
4           towards the front. That's why Tom is in to get  
5           some direction from the Planning Board as to  
6           the preferred -

7                   CHAIRMAN STUTO: Which do you prefer; 7  
8           or 4?

9                   MR. LEWIS: I prefer 7. My best case is  
10          that this Board says 7 is better than what is  
11          there now. When I talked to my senior VP about  
12          this - she never comes to Planning Boards -  
13          she doesn't get that the responsibility of the  
14          Board member isn't always look at what's there  
15          now as to what will be, and that there are  
16          certain guidelines that the Planning Board  
17          members have to follow. I understand that. My  
18          best case is that a majority of this Board  
19          says, go do your work and see whether you can  
20          make 7 work and that may be acceptable.

21                   CHAIRMAN STUTO: Can you repeat the  
22          waivers again? There's the parking up front  
23          and then - is there a greenspace waiver?

24                   MR. GRASSO: The parking in the front  
25          yard and the drive aisle in the front yard -

1 MR. LEWIS: The greenspace remains the  
2 same.

3 MR. LANE: What about the fuel canopy?

4 MR. GRASSO: The maximum building setback  
5 of 25 feet for Route 7 and 20 feet maximum  
6 from Vly Road. Those are maximums. The design  
7 guidelines would force the building up into  
8 the corner, as you see on layout 4 - or number  
9 5. I don't know if 4 gets close enough.

10 CHAIRMAN STUTO: I don't see a benefit in  
11 pushing the building closer to Route 7 than to  
12 Vly Road.

13 MR. GRASSO: The thing to understand is  
14 that with the Stewarts, the way that it is,  
15 it's going to be difficult from an aesthetic  
16 standpoint as you travel east on Route 7.  
17 That's if you're looking at the back of the  
18 building. It's the back of a Stewarts. I would  
19 assume that as we go through an architectural  
20 design review, it's going to be difficult to  
21 make the back of a Stewarts look like the  
22 front and a nice looking building.

23 CHAIRMAN STUTO: For that reason, 7 is  
24 better.

25 MR. GRASSO: Yes. I'm just trying to

1 bring that issue up to the Planning Board.  
2 It's easy enough to say let's just go with  
3 what is going to meet the design guidelines,  
4 but I'm trying to jump ahead a couple of  
5 months and thinking about when we start to  
6 review the architectural of the building and  
7 how their building has to operate.

8 MR. LANE: Generally two or three sides  
9 of the building are brick faced.

10 MR. LEWIS: Right, that's easy.

11 MR. ROSANO: The only question that I  
12 have is that we're going to basically end up  
13 with a blank sheet of paper here, if you're  
14 going to knock all these buildings down; is  
15 that fair to say?

16 MR. LEWIS: Yes.

17 MR. ROSANO: But the greenspace is  
18 staying the same - it's almost like we just  
19 ignored 35 percent and we said 20 is  
20 acceptable and we want to stay at 20. If you  
21 do the math, it's actually only 28 square feet  
22 on this design.

23 MR. LEWIS: I'll find it.

24 MR. ROSANO: You know what I'm saying? I  
25 wanted to see a rendering with more greenspace

1 and then show me that it wouldn't work. You  
2 basically said well, 20 percent is acceptable  
3 to you -

4 MR. LEWIS: It's what the code allows.  
5 The code does allow the same.

6 MR. ROSANO: But you took some away. I  
7 want it back.

8 MR. LEWIS: That space is like a row of  
9 these chairs.

10 MR. GRASSO: Well, spaces 8 and 9 are  
11 standard. There is 200 right there.

12 CHAIRMAN STUTO: Refresh me on the  
13 variance that he's going to need for the 200  
14 feet of a residential -

15 MR. GRASSO: The Land Use Code requires a  
16 200 foot separation from a convenient store to  
17 a residential zone boundary. The residential  
18 zone is right on the other side of Vly Road.

19 MR. LEWIS: It's not only my use, it's  
20 the building and the dumpster. It's not just a  
21 convenient store. The building and the  
22 dumpster has to be 200 feet away. I think that  
23 it's a use variance. Did I hear that?

24 MR. GRASSO: That's correct.

25 MR. LEWIS: I don't know where that is

1 going to go. There is no point in me having to  
2 make that case if I don't get a sense of doing  
3 something to make this look new and better  
4 than what it is now.

5 CHAIRMAN STUTO: Tom?

6 MR. NARDACCI: I don't have a problem  
7 with number 7. It seems like it makes the most  
8 sense. I think that as long as we come to some  
9 agreement on these waivers, I don't have a  
10 problem with it.

11 To Paul's point and some of the PEDD  
12 comments, going forward, because of the  
13 constraints of the site, we can't increase the  
14 percentage of the greenspace; I'd like to see  
15 a good plan. The street tree plantings - what  
16 can you do along the roadways?

17 MR. LEWIS: Any place that I can do that,  
18 I'll be happy to do that.

19 MR. NARDACCI: Then getting down the road  
20 with decorative fencing mentioned in the PDDD  
21 comments. It's a smaller site. You're going to  
22 add gas to it so it's going to make it a much  
23 more busier turn over site, but you can make  
24 it nicer. Obviously we're going to see an  
25 architectural when that comes forth.

1           In general, I think that it's good. I  
2           like the fact that, you know, we'd like to  
3           find you other spaces in Town, but the fact  
4           that you've reinvested in the older  
5           properties, that goes along with everything  
6           that the Supervisor has been trying to say. We  
7           want to try to reinvigorate older properties  
8           in Town and better to see you redo the  
9           property and readapt it then leave it and find  
10          someplace else. I'd rather see you redo the  
11          current properties.

12           MR. LEWIS: We're happy to invest money  
13          and then our assessment can  
14          legitimately -- because I really don't feel  
15          like we're paying our fair share.

16           MR. ROSANO: Tom, I've been to the site  
17          several, several times. Where are you going to  
18          put the school busses?

19           MR. LEWIS: I don't know how to answer  
20          that. Where do they go now?

21           MR. ROSANO: Behind the building. They  
22          hide behind the building.

23           MR. LEWIS: Well, they won't be able to  
24          hide behind the building.

25           MR. ROSANO: Good enough for me.

1 Every time I go there, there are school busses  
2 in that lot.

3 MR. LEWIS: It's the coffee and donuts.

4 MR. MION: I like Route 7 also. I was  
5 there this morning and said, boy this is going  
6 to be interesting to see how they're going to  
7 fit this in and make it look good. Again, I'd  
8 like to see some more greenspace too, if  
9 possible.

10 CHAIRMAN STUTO: Do we know if all the  
11 turnarounds and all that stuff is going to  
12 work?

13 MR. GRASSO: They haven't shown us the  
14 templates.

15 MR. LEWIS: It will be easy to show you a  
16 template where everything works.

17 CHAIRMAN STUTO: I'm not opposed to the  
18 concept. I'm not sure how the ZBA is going to  
19 react and I would be interested to see what  
20 the neighbors have to say. But if you get the  
21 variance, I'm sure that it will be noticed.  
22 I'm not opposed to the waiver and I like the  
23 cleanup of the site.

24 MR. GRASSO: The only thing that I would  
25 recommend be done before Tom proceeds any

1 further is that we run this layout by DOT to  
2 make sure that they're consistent with using  
3 this curb cut location and allowing the left  
4 in on Route 7, because I know that is a deal  
5 killer for Stewarts.

6 MR. LEWIS: We totally agree.

7 MR. GRASSO: Because DOT wouldn't  
8 normally provide another comment much further  
9 down the review process. I'd rather get their  
10 consensus right now that they are acceptable  
11 to that being full access.

12 CHAIRMAN STUTO: Any other comments?

13 Tim?

14 MR. LANE: I concur with Tom. It's all  
15 going to come down to if this one works the  
16 best and they can provide the greenspace and  
17 the land configuration, we can see a more  
18 finalized plan.

19 MR. ROSANO: The private road - Stewarts  
20 owns that?

21 MR. LEWIS: No. We have a signed  
22 agreement that we will get an access easement  
23 along the entire road as long as we maintain  
24 it correctly.

25 MR. ROSANO: When you say access, that's

1           also into that parking lot of the bowling  
2 alley?

3           MR. LEWIS: No.

4           MR. ROSANO: Are you going to block that  
5 off?

6           MR. LEWIS: No. It will be opened so that  
7 they have full access. They will own this  
8 road. We will have a legal file access  
9 easement in perpetuity so that our customers  
10 can go here. We have to snow plow in. We're  
11 going to have to pave it and maintain it.  
12 That's a win/win. They save money and they  
13 don't have to maintain it. We have access.  
14 That would have been another deal killer, had  
15 we not gotten that.

16           MR. NARDACCI: Just one last thing. There  
17 is a residential home behind you on the other  
18 side of that. Have you talked to the neighbors  
19 there yet?

20           MR. LEWIS: I haven't. These owners here,  
21 have. Supposedly they said that they wouldn't  
22 object.

23           MR. NARDACCI: I know that there is going  
24 to be an access point there, but is there  
25 going to be any screening?

1           MR. LEWIS: Anything that I can do to  
2 screen it, I will do.

3           MR. NARDACCI: As you get into the  
4 landscaping I think that's what we need to  
5 look at it. And to make it clear, obviously  
6 it's down style lighting so that the lights  
7 stay on the site - so, we want to talk about  
8 that, going forward.

9           MR. LEWIS: That's an easy part. If these  
10 folks here wanted a fence on their property,  
11 we'll do that, too. There is fence there now.  
12 Anything we can do to make the neighbors  
13 happy, we will do.

14           MR. ROSANO: Were you aware of any issues  
15 with -- I know that the garage for that home  
16 is on that street. Do you have any problem  
17 with people blocking their garage being able  
18 to get in? To get into their garage, you have  
19 to go down that street and turn into that  
20 garage. I was wondering if there was any  
21 problems as far as you know?

22           MR. LEWIS: Not that I know of.

23           MR. ROSANO: I didn't see anything and  
24 there didn't look like there was a problem. I  
25 just wanted to make sure that they don't

1 block it.

2 MR. LEWIS: That's perfectly reasonable.  
3 This is a pretty wide street.

4 MR. ROSANO: Yes, it is.

5 MR. GRASSO: This is going to require a  
6 shut-down of the store?

7 MR. LEWIS: No.

8 MR. GRASSO: So, the plan for the phasing  
9 is that you're going to keep the C-store open  
10 in operational and demolish the retail space?

11 MR. LEWIS: Get the variance, build a new  
12 store and then a day later the old building  
13 will be down and put the gas up. That takes  
14 about two and a half weeks to get the gas up.

15 Thank you, very much.

16 CHAIRMAN STUTO: Thank you.

17

18

19 ***(Whereas the proceeding concerning the***  
20 ***above entitled matter was adjourned***  
21 ***at 7:30 p.m.)***

22

23

24

25

**CERTIFICATION**

1  
2  
3  
4                    *I, NANCY STRANG-VANDEBOGART, Approved*  
5                    *New York State Transcriber and Notary Public*  
6                    *in and for the State of New York, hereby*  
7                    *CERTIFY that the record taped and transcribed*  
8                    *by me at the time and place noted in the*  
9                    *heading hereof is a true and accurate*  
10                   *transcript of same, to the best of my ability*  
11                   *and belief.*

12  
13  
14  
15                   

---

  
16                   **NANCY STRANG-VANDEBOGART**

17  
18                   *Dated June 6, 2011*