

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 DUNKIN DONUTS/MINI-MART
5 993 AND 999 TROY-SCHENECTADY ROAD
6 APPLICATION FOR FINAL SITE PLAN APPROVAL
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 proceeding BY NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on July 12, 2011 at 8:37 p.m.
11 at the Public Operations Center
12 347 Old Niskayuna Road, Latham, New York 12110

13 BOARD MEMBERS:

- 14 PETER STUTO, CHAIRMAN
- 15 MICHAEL SULLIVAN
- 16 LOUIS MION
- 17 KATHY DALTON
- 18 THOMAS NARDACCI
- 19 ELENA VAIDA, Esq., Attorney for the Planning Board

20 Also present:

- 21 Joe LaCivita, Director, Planning and Economic
- 22 Development
- 23 Edward Esposito, Monarch Design
- 24 Charles Voss, PE, Barton and Loguidice
- 25 Fred Sharifipour, Landowner

1 CHAIRMAN STUTO: Next on the agenda is
2 Dunkin Donuts, 993 and 999 Troy-Schenectady
3 Road; application for final site plan
4 approval.

5 Joe, would you like to give us an
6 introduction on this?

7 MR. LACIVITA: Sure. We're here this
8 evening for final site plan approval for
9 993 and 999 Troy-Schenectady Road, which is
10 the proposed mini-mart from the connection to
11 the Dunkin Donuts. It's going to be Sunoco
12 that is the gas provider and the canopy that's
13 going to be put in.

14 The applicant was before the Town
15 February 10, 2010 and before the DCC. That was
16 before the sketch plan review September 28,
17 2010. Concept was granted on the project
18 March 25, 2011. The project has three waivers
19 which Mr. Voss will talk about later. One is a
20 front yard pavement and the other is a side
21 yard pavement and then there is incentive
22 zoning also attached.

23 As mentioned, the developer and the TDE
24 have worked together towards final and we're
25 anticipating final approval this evening.

1 CHAIRMAN STUTO: I'm going to ask our
2 Town Designated Engineer from Barton and
3 Loguidice, Chuck Voss -- can we have your
4 comments?

5 MR. VOSS: If the Board recalls, we
6 looked at this project for quite some time now
7 and we've issued two comment letters over the
8 last year and a half. Some of the members were
9 here when the applicant first came in. You
10 might remember our initial concerns with the
11 site layout early on in the project were
12 really related to internal circulation within
13 the site. We had issues with potential
14 maneuvering large tractor trailers or tanker
15 trucks, if you will, through the site as it
16 was originally proposed. The applicant worked
17 with us extremely diligently, I would have to
18 say, over several months of providing numbers
19 in terms of truck size, how they were going to
20 service this site and how they were going to
21 lay the site out. We ran several modeling
22 scenarios that depicted tractor trailers and
23 tankers of various sizes and ran those through
24 our modeling software at the request of this
25 Board and the Town. The applicant was

1 certainly on board with that. Through a series
2 of modeling simulations, we determined that
3 the tanker - roughly the size of 40 and
4 one-half foot trailer with a kingpin could
5 maneuver through the site with some minor
6 modifications internally, such as ramped up
7 curbs, apron areas and some minor radius
8 issues towards the back of the site. That was
9 really our initial concern.

10 Once they submitted additional
11 information and started looking more at the
12 detailed plans, we looked at stormwater and we
13 looked at water connections.

14 If the Board will recall, there is an
15 existing single family home on the site now
16 that's going to be proposed to be removed. It
17 is roughly just south of where the proposed
18 one-story canopy building is going to be - the
19 up front building. We had our engineers look
20 through and basically look at the site from a
21 technical standpoint. The zoning layout worked
22 out nicely with the uses allowed in this area.
23 It's a COR overlay area. We looked at the
24 initial design standards and they seem to flow
25 and the property seemed to conform to those

1 quite nicely.

2 Let me just run through the more recent
3 technical comments that we had. We appreciate
4 the applicant's willingness to work with us.
5 We actually met with them the other day and
6 went through our preliminary list of final
7 technical comments that really dealt more with
8 stormwater management and some site layout
9 issues. The list, if you look at it in our
10 most recent letter that was submitted from
11 July 11th, looks rather long but in reality
12 it's just minor comments in terms of some of
13 the design elements. Let me point out a few of
14 those.

15 If you look at the rear of the site where
16 they are proposing their stormwater management
17 area, there is an underground storage basin
18 that's being proposed under the pavement. Just
19 in front of those detention ponds. The ground
20 water in this area tends to be potentially
21 high. So, we asked the applicant to do a new
22 test pit in this area down to a depth of about
23 266 feet just to basically prove to us that
24 the facility that they're going to build there
25 won't become inundated with groundwater. The

1 applicant has certainly agreed to do that. I'm
2 sure that Mr. Esposito will talk about this in
3 a second. They did conduct some test pits
4 further back in the proposed stormwater
5 management area, but they didn't go quite deep
6 enough as what they're proposing for their
7 structure out front.

8 MR. LANE: What's their elevation now
9 that they would be digging down to 266?

10 MR. VOSS: Ed, what are you at now; about
11 275?

12 MR. ESPOSITO: We dug as far as our
13 10-foot extension. We discussed going four
14 feet deeper. They wanted to see groundwater.
15 We didn't encounter groundwater.

16 MR. LANE: So, 10 feet?

17 MR. ESPOSITO: We dug a 10-foot pit.

18 MR. LANE: And you didn't hit
19 groundwater?

20 MR. ESPOSITO: No, but that was in the
21 back of the property and now the question
22 raised yesterday was what about this
23 underground chamber design because of the
24 redundant pretreatment that we need with the
25 hotspot use. We feel that it's a good idea

1 also to comply and dig the extra four feet to
2 see if it's safe.

3 MR. VOSS: The structure that they are
4 proposing at that location is about the 267
5 level.

6 MR. LANE: So, you're above the
7 waterline.

8 MR. ESPOSITO: Yes.

9 MR. VOSS: And they were certainly
10 amendable to doing that and improving those
11 numbers so that was adequate.

12 Looking down the list, the other question
13 that we had - the original plans didn't show
14 adequate curbing along the back side of the
15 site such that any potential run-off or even
16 fuel leak or fuel spill from the canopy would
17 be captured along the back edge of the
18 property.

19 Ed, can you just show them on the plan
20 what we were describing?

21 MR. ESPOSITO: Sure. They were concerned
22 about any washout or spillage from the
23 dumpster along this area (Indicating) so we
24 graded as a simple curve and that complies
25 with that.

1 MR. VOSS: That effectively channels
2 anything that may spill, or any additional
3 stormwater back to their stormwater management
4 facility that they're proposing at that lower
5 rear corner. That was a simple fix as well.

6 The other suggestion was their stormwater
7 catch basin. We just asked them to put a gate
8 valve in there so that in the event that there
9 is a release of fuel on the site, that the
10 stormwater facility would capture that fuel.
11 The operator could certainly go and close that
12 gate valve off and prevent any fuel from
13 spilling back into the stormwater catch
14 basins, which could be quite a mess back
15 there. It's one of those standard things that
16 we've been asking on a lot of plans recently.
17 It's just good practice and back up system for
18 any leaks.

19 A lot of the detail we have on here - a
20 lot of the questions were certainly answered
21 by Ed. There were some detail sheets that
22 weren't quite legible because of the scale of
23 their size and we asked the applicant to split
24 those detail sheets out, but their
25 calculations and things were correct. A good

1 example is item 21 on page 3 of our letter.
2 There was a typo - they described impermeable
3 liners and not impenetrable liners; things
4 like that.

5 Moving forward - we just wanted
6 clarification on the new waterline running to
7 the site. There were notations on the plan
8 that the existing half-inch service water
9 service to the house would be disconnected,
10 but that we wanted to be sure that a new
11 copper service line to the specifications of
12 the Town Water Department would be run back
13 into the site and that was fine. I think
14 that's kind of the bulk of the technical
15 comments.

16 The waivers that Joe suggested - the COR
17 overlay district - those require a few
18 variations that the applicant and the project,
19 as proposed, will probably not meet. The first
20 one is the front yard waiver request. The COR
21 area on a major road requires a maximum
22 25-foot setback. The building that is proposed
23 certainly exceeds that. However, if you recall
24 the Dunkin Donuts when it was built, it was
25 built prior to the new overlay design

1 standard. The new building will set back a
2 little bit further than Dunkin Donuts, but
3 doesn't sit back as far as the adjacent hotel.
4 It seemed to be a reasonable waiver request
5 with the existing conditions in this area,
6 given the fact that the Dunkin Donuts is an
7 existing structure and it does sit a little
8 farther forward. In our opinion that seems to
9 be a reasonable request.

10 The request for waiver with pavement
11 within 10 feet of the site area, again, due to
12 the constraints of the requirement of moving
13 larger vehicles such as tanker/tractor
14 trailers through the site, we had asked the
15 applicant to kind of expand some of the paved
16 area just to make some of those radiuses work
17 a little bit better. I can certainly describe
18 that more. The side yard setback on the east
19 side is, we feel, designed appropriately not
20 only to accommodate internal circulation, but
21 also to provide that existing buffer area that
22 currently is there between the hotel. Some
23 enhanced landscaping, I think, will further
24 increase that buffer through there. So, we
25 think that again, that's a reasonable request.

Legal Transcription

1 The zoning incentive - again, if you look
2 at this one in terms of a minor loss of open
3 space - I think that we're talking about
4 243 square feet of green space - will push
5 this just under the 35 percent requirement for
6 open space. Again, that loss of minor open
7 space is due to several modifications that we
8 requested based on curbing and slightly
9 increasing some of the permeable surfaces. I
10 believe that's about a .8 percent difference
11 in loss of open space. That's certainly an
12 amendable amount.

13 CHAIRMAN STUTO: Do they have to pay for
14 that?

15 MR. VOSS: They will. Joe has some
16 calculations on the mitigation as well.

17 MR. LACIVITA: That .8 percent
18 calculation will be about \$3,159 for
19 incentive.

20 MR. VOSS: In working with Mr. Esposito
21 quite diligently - and we appreciated all his
22 effort - the remaining comments here are
23 really technical in nature. I'm sure that they
24 can be worked out. I think that the applicant
25 has agreed to cover all these.

1 CHAIRMAN STUTO: Do the Board Members
2 have any questions?

3 *(There was no response.)*

4 CHAIRMAN STUTO: Does the applicant want
5 to say anything in addition?

6 MR. ESPOSITO: It's been explained well,
7 we'll be glad to answer any questions you
8 might have.

9 MR. NARDACCI: I just have a comment. I
10 want to give the applicant a lot of credit. He
11 did a lot of work on this project. We really
12 appreciate it. We know that it's not an easy
13 task or process, but you've worked closely
14 with the Town Designated Engineer and
15 departments and I just want to say that we
16 appreciate everything. It's the best project
17 that it could be.

18 CHAIRMAN STUTO: I was looking through
19 the minutes. Was there a comment about the
20 architectural last time -- with the striping?

21 I don't know if you talked about that,
22 Chuck.

23 MR. VOSS: Yes, we made a quick comment
24 in there. If you look at some of the sight
25 layout plans, some of the striping wasn't

1 designated on certain plans, but was on
2 others. That was a comment that we had.

3 CHAIRMAN STUTO: Can you tell us how
4 you're proposing that right now? I forgot who
5 asked that question.

6 MR. SHARIFIPOUR: I don't remember the
7 exact comments but like I said, we designed it
8 more so that it's not like looking at a gas
9 station from the road - the canopies are all
10 in the back, which we had a hard time with
11 Sunoco accepting. We pushed the canopy to the
12 back. This is the front store layout
13 (Indicating) you have the front gates going in
14 and a walkway. There is a patio here so that
15 people can sit out here.

16 CHAIRMAN STUTO: Are they going to look
17 like they match?

18 MR. SHARIFIPOUR: Yes. We're going to do
19 copper roofing.

20 CHAIRMAN STUTO: Did you see the
21 architectural details, Chuck?

22 MR. VOSS: Yes, we did.

23 CHAIRMAN STUTO: How does it meld with
24 the Dunkin Donuts?

25 MR. VOSS: From a corporate logo

1 standpoint, it's probably a little bit reduced
2 from what the Dunkin Donuts has in terms of
3 overall scale and it's really the motel
4 adjacent to it just to the east that has
5 relatively large signage. It does seem to
6 conform with the sign requirements as well.

7 CHAIRMAN STUTO: I'm talking aesthetics
8 too, not just the signage.

9 MS. DALTON: What about the building
10 right next door?

11 MR. SHARIFIPOUR: Yes, it's kind of an
12 eyesore. It's outdated. It's got a different
13 color roof.

14 MR. VOSS: We looked at the landscaping
15 as well and they certainly are adding some
16 increased landscaping out front. They are
17 moving the existing trees. You have a fence
18 configuration and it certainly conforms with
19 the COR design standards. The landscaping
20 around the interior of the site is certainly
21 more than what they've got now.

22 MR. LANE: The Board had a discussion on
23 the angles of the parking spaces.

24 MR. SHARIFIPOUR: We changed it. We
25 angled it.

1 MR. LANE: Okay, it's angled.

2 CHAIRMAN STUTO: Okay, any more Board
3 questions?

4 *(There was no response.)*

5 CHAIRMAN STUTO: Anyone from the public
6 have a comment?

7 *(There was no response.)*

8 CHAIRMAN STUTO: Okay, SEQRA.

9 MR. LACIVITA: In your packets you'll see
10 that.

11 MR. LANE: Do we just need a motion on
12 SEQRA?

13 CHAIRMAN STUTO: No, I think that we need
14 a discussion on it.

15 MS. VAIDA: I'm just trying to clarify
16 and make sure that the record supports the
17 waiver requirements. It's my understanding
18 that the setbacks requirement - Subdivision 5
19 kicks in where it says:

20 "On a lot containing an existing
21 building, the maximum setback requirement
22 shall not be mandatory. However, any new
23 construction should comply with the intent of
24 the maximum setback provisions as far as it is
25 practicable."

1 I just wanted to make sure that to the
2 applicant - somebody put something in the
3 record - we have to issue written findings
4 justifying the waiver to make sure that we
5 have those findings of fact.

6 MR. VOSS: And they do have that criteria
7 for waiver and setup in their submission. The
8 Board does have a copy of that.

9 This is provided by you?

10 MR. ESPOSITO: Yes.

11 MR. VOSS: Do you just want to go through
12 that briefly with the Board to describe that?

13 MR. ESPOSITO: Sure. That criteria simply
14 explains not to be in the shadow of the
15 existing Dunkin Donuts. We maintain virtually
16 the same setback line. In order to mitigate
17 that to conform with the design standard, the
18 only waiver for pavement was to allow vehicles
19 to pass through who were parked here to get
20 fuel (Indicating). So, that supports the
21 circulation.

22 Secondly, to mitigate that and buffer
23 that, we once again performed a design
24 standard to provide that landscaped patio with
25 the standards clearly named with the lowest

1 area of fencing and the masonry here
2 (Indicating). So, that whole character was
3 really worked out well. I applaud the
4 applicant for pushing the fuel station back,
5 as he said, and to try to respond and define
6 that waiver of criteria. So, it's not all one
7 way.

8 MS. VAIDA: So, the main reason was for
9 the flow of the traffic in the front. That's
10 why you needed more of a setback.

11 MR. SHARIFIPOUR: I think that the
12 recommendation was to get the parking angles
13 so that when people get out they can just
14 follow the flow.

15 MR. VOSS: And to keep the two buildings'
16 footprint consistent.

17 CHAIRMAN STUTO: I'm satisfied with the
18 waiver criteria.

19 And the loss of greenspace - do we need
20 to get anything about that on the record?

21 MS. VAIDA: Yes, I think that's what's
22 required.

23 CHAIRMAN STUTO: Elena, are you prepared
24 to talk about SEQRA?

25 MS. VAIDA: You can do it if you like.

1 CHAIRMAN STUTO: The record from the last
2 transcript states:

3 "I just couldn't remember in the past if
4 we had talked about the SEQRA classification.
5 I'm just confirming that it would be an
6 unlisted action. I also think that at one
7 point we talked about some of the
8 environmental issues such as traffic safety,
9 drainage and so forth."

10 We have a narrative in our packet. It
11 appears to be created by, I think, Rebekah
12 Kennedy of the Town Attorney's office. On part
13 two of that, it says notice of determination.

14 "Does the action exceed the Type I
15 threshold; no. Will action receive coordinated
16 review; no."

17 We, as the Planning Board, are the lead
18 agency.

19 "Will the project have an impact on the
20 environmental characteristics that cause the
21 establishment of a critical environmental
22 impact area; no. Is there or is there likely
23 to be controversy that would lead to potential
24 environmental impacts; no."

25 Does anybody disagree with those

1 conclusions?

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

3 CHAIRMAN STUTO: Do you have that in
4 front of you, Elena?

5 MS. VAIDA: Yes, I do.

6 CHAIRMAN STUTO: If we're going to neg
7 dec it, we have to agree with what's under
8 Item 4 on the first page. Do you mind reading
9 that into the record?

10 MS. VAIDA: No, not at all.

11 This is after the numerous meetings we
12 had of reviewing this project. We tried to
13 conclude in one paragraph the environmental
14 impact which we have found is not significant.
15 So, it's reasons for determination of non-
16 significance. It says:

17 "The lead agency has reviewed the
18 application, site plans, project descriptions
19 and also submitted supporting documentation
20 provided by the applicant and conducted such
21 further investigation of the project in its
22 environmental effects, the lead agency has
23 deemed appropriate and reasonable. The lead
24 agency also conducted a public hearing on the
25 project for the purpose of soliciting

1 comments. Based on this review, as well as
2 information provided by the lead agency's
3 technical consultant, the lead agency has
4 determined that the action will have no
5 significant adverse effects on the
6 environment."

7 CHAIRMAN STUTO: I agree with that
8 statement. Anyone have any comment?

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

10 CHAIRMAN STUTO: Anyone have a motion?

11 MR. LANE: I'll make a motion.

12 CHAIRMAN STUTO: Okay, motion for a
13 negative declaration.

14 MR. MION: Second.

15 CHAIRMAN STUTO: All those in favor?

16 ***(Ayes were recited.)***

17 CHAIRMAN STUTO: All those opposed.

18 ***(There were none opposed.)***

19 CHAIRMAN STUTO: The ayes have it.

20 Now, we can take an omnibus motion
21 meaning including the three waivers that are
22 mentioned. That would be in addition to the
23 final site plan review, conditioned upon
24 conforming to the comments in the Barton and
25 Loguidice comment letter. The three waivers

1 being the front setback, the side yard setback
2 and the loss of greenspace. I'll propose an
3 omnibus motion, unless someone wants to modify
4 that.

5 Amend that to include conformance with
6 the Town Department comments.

7 MR. LACIVITA: If you're making this all
8 inclusive, Peter, I gave Ed the mitigation
9 costs, the development costs for the airport
10 area district which has the transportation
11 analysis done by CDTC. The total mitigation
12 cost on this is \$46,560.68 and those will be
13 finalized once we go through Town Department
14 comments. I'm sure that there is not going to
15 be any change to the plans or anything else.
16 That seems to be a pretty solid number by
17 CDTC.

18 CHAIRMAN STUTO: Okay. With all that
19 said, do we have a motion?

20 MR. LANE: I'll make that motion.

21 CHAIRMAN STUTO: Second?

22 MR. NARDACCI: Second.

23 CHAIRMAN STUTO: All those in favor?

24 **(Ayes were recited.)**

25 CHAIRMAN STUTO: All those opposed.

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(There were none opposed.)

CHAIRMAN STUTO: The ayes have it.

MR. SHARIFIPOUR: Thank you.

*(Whereas the proceeding concerning the above
entitled matter was adjourned at
9:00 p.m.)*

