

The Mechanicville Zoning/Planning Board held a meeting at the Mechanicville Public Works Building, 4 Industrial Park Road, Mechanicville, New York on April 5, 2016. Frank Scirocco opened the meeting at

Roll Call:	Frank Scirocco	- present
	Robert Chase	- present
	Richard Delaney	- present
	Anthony Fiacco	- absent
	Keith Johnson	- absent
	Ed Morcone	- present
	Adelynn Waldie	- present
	Sam Carabis	- present

Frank Scirocco: Has everyone had a chance to read the minutes from the last meeting? Is there a motion to approve?

Motion made by Richard Delaney

Seconded by: Sam Carabis

All in Favor: Ayes: 6

Frank Scirocco: We have 3 applications tonight. We are going to hear from Angelo Rosse, Bill Moran, and Bohler Engineering. We will start with Angelo Rosse who wants to locate an office building at 44 Main Street for the purpose of conducting administrative business for his corporation. Reason for him to be here is it needs site plan approval even though it is a store front. So Angelo do you want to briefly tell us about your application?

Angelo Rosse: It is a non for profit; Nina's a Touch of Heaven we would like to open an office to have our administrative services.

Frank Scirocco: So the office is for administrative purposes only? Now in regards to site plan we don't really need to find out where the desk is or any of that. As far as fire extinguishers everything has to be to code so with that being said are there any questions? It is an allowable use by code, the reason he is here is because it is a change of tenancy. Prior to this it was The Gazette Business office and now it will be the Business office of Nina's A Touch of Heaven. Are there any Questions?

Bob Chase: What kind of business is this?

Angelo Rosse: It's a non for profit.

Bob Chase: Are you selling sheets, what are you doing?

Angelo Rosse: We are providing services to possible to people who need some assistance with getting through difficult times in their lives.

Bob Chase: Isn't this the same thing that we voted no last month on?

Angelo Rosse: No, it is not

Frank Scirocco: No

Angelo Rosse: It is just going to be an office.

Frank Scirocco: These are administrative offices. If you asking him if he is going to be pushing food out the door then ask it.

Bob Chase: Are you going to be pushing food out the back door?

Angelo Rosse: No, or the front door.

Bob Chase: What reassurance do we have of that?

Frank Scirroco: He just told you, he just told you that he wasn't going to do it.

Bob Chase: And if he starts to do it?

Frank Scirocco: It is up to the Building/Code Enforcement Officer to say hey you have to stop. What else can I tell you.

Sam Carabis: This is nothing to do with the food pantry?

Angelo Rosse: Zero

Frank Scirocco: Again, the application is specific; corporate administrative offices.

Sam Carabis: Any idea how many people you are going to be employing?

Angelo Rosse: Where will be one (1) volunteer besides myself.

Sam Carabis: You are open during the day, 5 days a week and so forth?

Angelo Rosse: Most likely between 8 and 5 or 9 to 5 Monday through Friday.

Sam Carabis: And you are going to assist people?

Angelo Rosse: No it is just going to be for an office to do some administrative work that my assistant may deem necessary to assist people, whether it be sending out letters to donors, I have a speaking engagement tomorrow. That is it just an administrative office.

Sam Carabis: Thank you.

Addy Waldie: No questions.

Richard Delaney: Are you still a 501C3 organization?

Angelo Rosse: Yes we are.

Richard Delaney: Will you be having people visit the office at all?

Angelo Rosse: It is possible, yes.

Richard Delaney: Where will they be parking?

Angelo Rosse: On the road.

Richard Delaney: On your other application you mentioned the garbage (dumpster); will you need anything like that?

Angelo Rosse: No but I put it in here that garbage is in the back provided weekly. Snow removal will be done by landlord.

Richard Delaney: So this is just being used for administrative purpose? Do you have any thinking about what you might do with it in the future?

Angelo Rosse: Just administrative offices that's all.

Ed Morcone: It is just serving as an office; if there is a change in any type you know you need to come back here correct?

Frank Scirocco: If he wants to change from an office to whatever then yes.

Do we have a motion to accept the application as submitted?

Motion made by: Adelynne Waldie

Seconded by: Richard Delaney

Call for vote:

Bob Chase - No

Frank Scirocco: Reason

Bob Chase: I don't think it fits in with the area it is in right now.

Sam Carabis	-	Yes
Adelynne Waldie	-	Yes
Richard Delaney	-	Yes
Ed Morcone	-	Yes
Frank Scirocco	-	Abstain

Frank Scirocco: Passed

Angelo Rosse: Thank you, have a good night.

Frank Scirocco: The next application is for Bill Moran looking for an area variance.

Bill Moran: Let me explain. Technology has changed since I was a kid, they have now which is a big business, it is a growing business are car ports, you can put over a driveway. Bramski sells them and a whole bunch of other companies do too. Think about it, it doesn't really make a lot of sense to have your car in your driveway covered with snow when it is so easy to avoid it. So I don't think this is necessarily an issue simply for Mechanicville but really for the whole Northeast. Basically I am here to just ask to put a car port up. As I think really would benefit so many people especially as you get older to try to shovel out ice and snow around cars. Cars would be safer with a cover over them. So I think there is so

much good potentially with this news technology that I really think all communities in the Northeast should consider it.

Frank Scirocco: So you personally want a car port?

Bill Moran: Yes.

Frank Scirocco: So you are looking for an area variance. You know that an area variance goes with a property not with the individual, number one. So your hardship here is the neighbors have a history of hitting my cars and property with rails and other projectiles. That is the personal hardship.

Bill Moran: That particular paragraph in question is ranking different about your property than the others.

Frank Scirocco: Why is it unique?

Bill Moran: It is unique in my neighborhood, but that is only because it fits that criterion of being unique in that particular context. So it is unique but that is not the main issue. The main issue is snow and ice.

Frank Scirocco: I am going to read this to the board before they start questioning. The criterion for a use variance is whether an undesirable change would be produced in the character of the neighborhood; a detriment to the nearby properties would be created by granting this variance, whether the benefits sought by the applicant can be achieved by another method feasible for the applicant to pursue something else; whether the requested area variance is substantial; whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and whether it be alleged difficulty will self-created which is really not a condition for denial. So my question to you is the car port is going to be in the rear of the property, correct?

Bill Moran: It is actually the front of the property.

Frank Scirocco: Has everyone already looked at the site? Whose property is behind it, that you will be approaching?

Bill Moran: There is no property behind it, this is facing the street. In the back of the property is my house; in the front of the property is the street. To the left is a street and to the right is a

Frank Scirocco: I am confused; maybe I looked at the wrong house. You gave the address as 30 Walnut. So you want to put this in the front of your house?

Bill Moran: The address is here, this actually looks like the front of the house. It is a very unique house. This looks like the front, the address is on Walnut. So actually in the classic colonial, center hall colonial, it would appear as though the front of the house faces Pittsburgh Avenue. That is the way the house was designed to look. The front of the house is facing Pittsburgh.

Frank Scirocco: So the entrance to your house is here, correct? So if we are on

Bill Moran: There are 3 entrances to the house and that is one of them

Frank Scirocco: If we are on Walnut Street, I am just trying to figure out where this is, and who you are approaching on. So what is here right now?

Bill Moran: Driveway

Frank Scirocco: So you want to put a car port?

Bill Moran: Over the driveway.

Frank Scirocco: How big of a car port?

Bill Moran: roughly 30 feet wide and 18

Frank Scirocco: A standard car port is like 12 by; do you have anything we can look at? So the approachment is going to be in the Town of Stillwater?

Bill Moran: No, that is Mechanicville property until you cross, Stillwater would be about 50 feet up the hill. This is clearly Mechanicville.

Frank Scirocco: This is an accessory use so this is allowed. Is it removable, portable, what is it?

Bill Moran: It is not really permanent, you can move it, it is just a structure that would be bolted down so a heavy wind wouldn't send it flying. It is not going to have a true foundation but will be bolted down to the ground in 4 or 6 locations.

Frank Scirocco: Is it open is there just a roof?

Bill Moran: It will be open. It will be totally opened in the front, and totally open in the back.

Frank Scirocco: I am going to look at this. Bob do you have any questions?

Bob Chase: So he is also looking for a setback right?

Frank Scirocco: Well he is looking for a variance. You need 25 feet for the front of the building.

Bob Chase: But if you look at the drawing he is right on the 5 foot set back on the left hand side.

Frank Scirocco: He needs 9 and 5, he needs 14 feet.

Bob Chase: He doesn't have it.

Frank Scirocco: He doesn't have it anywhere that is why he is here.

Bill Moran: I don't see it that way. I think that the 5 feet from my neighbor from the Mignacci property is also 5 feet from her property.

Frank Scirocco: It needs to be a total of 14, 9 and 5.

Bill Moran: Oh, I didn't hear about the 9.

Frank Scirocco: If you don't have it you need to come for a variance, area variance, which is why you are here.

Bill Moran: Well my house itself is not....

Frank Scirocco: Probably 60 to 70 percent of the homes were prior to zoning. When they enacted zoning there is a 9 and 5 minimum. So let's just for example, god forbid a house was to burn down and they wanted to rebuild it they would have to come and get the variances. They could be 2 feet away from their neighbor. Zoning came in after most of the homes. It was 1964 to 65.

Bill Moran: I read the rules about this I was under the impression that the way the rules were written was that it would be totally legal to put it in what we call the back yard. It is funny how the law is written.

Frank Scirocco: You need a minimum of 25 feet in the rear and there are allowable accessory uses. You may or may not have to come before the board to get a variance there. You have to maintain those setbacks. Sorry Bob I interrupted you.

Bob Chase: I am just trying to figure this out; he is still going to be on the line even if we give him the variance. He won't have a setback at all.

Frank Scirocco: I wish I had a photograph. Sam?

Sam Carabis: It looks awfully crowded there. How are you going to secure this to the ground? Are you going to put a concrete floor under this?

Bill Moran: No basically what I think they do is they have these auger style screws and they screw them into the ground and then the structure would be attached to the auger screws.

Frank Scirocco: That would be a building code thing. Our question is whether or not to allow a structure this big to approach on the property line, not on how it is going to be attached to the ground.

Sam Carabis: I am thinking about the appearance. Do you have neighbors next door here too?

Bill Moran: There are no neighbors left or right of me.

Frank Scirocco: You definitely would need an 18 by 31?

Bill Moran: Not definitely. I would say it could be slightly smaller

Frank Scirocco: What's the minimum you can get? That would work for you.

Bill Moran: Wide is the real issue. 30 wide with be the minimum but it could be shorter it could be 16 it could be 14 it wouldn't necessarily have to be 18.

Frank Scirocco: And it is the length that concerns you?

Sam Carabis: It looks like it is right up against the sidewalk too.

Bill Moran: That sidewalk is just my own personal sidewalk it is not a city sidewalk. It is a sidewalk to a door.

Frank Scirocco: What is that dimension?

Bill Moran: Of the sidewalk? 3 feet by maybe 20, no, probably not even. Probably 3 by 18.

Frank Scirocco: So it is 3 foot wide.

Bill Moran: Yes

Frank Scirocco: Tell me something here. The distance from your house to the property line, your property line, is how much? Do you know? I am just trying to figure out how much you are approaching.

Bill Moran: The house itself is not square on the property as you can see here. So down here is closer to the property line and up here is farther from the property line.

Frank Scirocco: What would you say you have from where your carport is going to be to your property line?

Bill Moran: I would have to measure it, I could guess. My property line is 5 feet from the curb, so if the city curb is here would my property line begin 5 feet back? I am not really sure where property lines are. My lot is a 50 by 100 lot.

Frank Scirocco: So it is 50 wide.

Bill Moran: Yes.

Frank Scirocco: This is the neighbor's property line right here. See that 5 foot right there. I am thinking you might have 9 feet over here, is what I am trying to say.

Bill Moran: It should be 15 feet from the property line.

Frank Scirocco: So he is not encroaching on his neighbor's property, he has the 5 feet. There is 5 there and 15 on the other end. That takes care of the length. You look puzzled Robert.

Bob Chase: How are you allowing for the diagonal, where it says 5 foot setback on the right hand side?

Sam Carabis: I do a lot of drawings. I drew all the drawings in this room and I am having trouble reading this here, and I know drawings.

Frank Scirocco: Ok. But, the numbers add up as far as the sides go. Now we are looking at the front. 20 foot setback I believe there is a code, no building I believe (there may be 1 or 2 in the City that has it). So he wants to put an accessory use that usually goes in the rear, he wants to put it in the front. Now, it is going to be 18 feet long, according to this, and you want 31 feet wide, so going from the front of your house to Walnut Street has to be 31 feet.

Bill Moran: No, from the front of the house to Walnut Street is 18 feet.

Frank Scirocco: Ok so now we are talking about a 7 foot variance. He is encroaching 18 feet instead of 20. Addy do have anything?

Addy Waldie: I just wanted to see what it would look like, to see the architecture features that it has, a photograph, and the impact in the neighborhood.

Bill Moran: That is a good point; I never thought to bring a photograph. In my mind it would be the exact same color as the house, which is gray and white.

Frank Scirocco: Do you have any other questions Addy?

Addy Waldie: No, my concern is the appearance.

Richard Delaney: What construction materials are you using for the carport? What will it look like?

Bill Moran: Have you ever been down to Joe's he has a couple different kinds of carports and garages out there. I believe it is corrugated steel. They make a whole bunch of different variations, you can order these things. I will be happy to work with anybody in planning to do what would be architecturally attractive. There are eaves and sides and a lot of different options.

Richard Delaney: Does this cover the sidewalk as well?

Bill Moran: That will be my goal. I would like to cover just the very edge of the sidewalk and from that point over let's say 30 feet. I don't even think they make 31 footer.

Richard Delaney: There would be 5 feet from the edge of the carport to Walnut Street?

Bill Moran: Yes at minimum.

Frank Scirocco: This is what I suggest we do before we go any farther. I would like to table this tonight, and have you come back and bring us photographs of what you plan on buying, what you decide to do is what we will decide on to allow or deny. Part of your application says something might change, you may decide to change your mind. You need to be more specific.

Bill Moran: I totally agree with you. I guess what I didn't realize it was going to go to this kind of setting. I was just trying to say that I can work with somebody. I just had a general idea but I know you want to see more specifics and that is no problem.

Frank Scirocco: What we would like to see are accurate measurements from your property line to see exactly how much you are approaching because there appears to be some questions.

Sam Carabis: Can you make it the scale?

Bill Moran: Yes

Richard Delaney: I just have one more question. In your application you talk about hardship and I didn't understand what you meant.

Frank Scirocco: That is not a hardship that is a personal hardship. A personal hardship can't be used to grant an area variance it has to be property wise. Is there anyone here who would like to speak on behalf of the applicant? Is there anyone here that would like to speak period? State your name.

James Middleton: I live at 33 Walnut Street, across the street. As far as I can tell from what he wants this carport of his is literally going to come right up to the end of the street. There is just not that much clearance there. His driveway is a car

length from the street to the garage. He has a garage why doesn't he just clean his garage out? Get the pool table out of the garage.

Frank Scirocco: Ok, ok

James Middleton: I don't want to look at this. I am going to be looking out my front window and I don't want to look at it.

Frank Scirocco: Anyone else?

Laura Liberty: I live at 35 Walnut Street. I just don't want it to come all the way to the road. I don't want it to interfere with the snowplow that is my biggest concern.

Frank Scirocco: Anyone else? Ok I will close this part of the meeting. We are going to table this. We will reschedule hearing it at the meeting next month, at that time come back with accurate measurements, pictures, if you would like I will give you a copy of this code so you can follow it so you know exactly what the board is talking about. When we talk about an undesirable change in the neighborhood, what type of impact it would have on your neighbors, whether your request is substantial for the property.

Bill Moran: I would love to have a copy of the code. I can stop by City hall.

Frank Scirocco: See Gina

Bill Moran: Ok.

Frank Scirocco: Anyone else have any questions? Eddie I am sorry I never got to you.

Ed Morcone: No I think everything was basically answered. The pictures you are going to bring in are going to be of your home too? Not just of the metal carport?

Bill Moran. Yes

Frank Scirocco: Mr. Moran, thank you very much. We will table that until the next meeting.

The next and final application will be the application of Bohler Engineering.

Stephanie Bitter: Actually Cumberland Farms.

Frank Scirocco: Cumberland Farms to raise the existing structure and build a 4700 square foot convenient store with a 4 pump fueling station. Would you like to make your presentation?

Stephanie Bitter: I would, thank you. Good evening my name is Stephanie Bitter and I am local council for Cumberland Farms. With me this evening is Jim Gillespie from Bohler Engineering as well as our team from Cumberland Farms and I will advise you there is someone at the store, as well as the retail district managers. We are here tonight to talk about this renovation project which would be on the corner of South Second Avenue and First Avenue. As my Dad always told me show me what you got. This is a replica of the store that we would want to see in your community. What we are seeking to do this evening or at least to start the process is to remove the existing store, P.J. Baker Electrical facility, the building that is owned by P.J. Baker, as well as Palmeri's Auto which would bring us all the way to his corner. Collectively there is about 8000 square feet in structures that we would be taking down. The parcel that Cumberland Farms currently owns is about 2400 square feet, very small. Once we take over the other 2 parcels we will 1.09 acres. As was mentioned by the chairman we are seeking to construct a 4786 square foot store. This store, the closest one to this community was just constructed in the Town of Colonie on Route 2 if you are going towards Watervliet. Very well received in the community and we are trying to hit every community in the Capital District with this new model. There is the new logo that is incorporated in columns, architectural features, and a colonial design not your yesterday Cumberland Farms box store. With that there would be a construction time of about 6 months and we would obviously do it as quickly as possible so there is not an infraction in the community. Some of the site specifics before I turn it over to Jim; 24 parking spaces including the new 4 pumps, there would also be outside seating which would be along the South Central Avenue side, as well as internal sidewalks for pedestrian safety and access. Do you want to add anything?

Jim Gillespie: The only thing I would add, Stephanie did a great job, I would just want to take a look at the existing conditions plan just for comparison. Just to give you an idea of what we are looking at here is where the existing Cumberland Farms is on this side of it there is a P.J. Baker Electrical and, there is the auto sales building. This is has got a lot of stuff going on here. It is very crowded, there is a lot of pavement, there are cut troughs, it a lot of impervious area and a lot of stuff going on. We are looking at this as a major improvement to the intersection, this is a gateway into Mechanicville, and I have been coming here for years I lived in

Waterford. My parents took me to Bubbles every other weekend so I am very familiar with this and I think it is going to be a wonderful improvement and addition to that corner. Just to clean up that asphalt and to open this up it will be a nice green area. It is hard to tell how many curb cuts are here because everything is flush. It is probably 9; I mean this thing is one giant curb cut. There is a lot of curb cuts and pavement going on. We are going to look to increase green space, consolidate some of that and get a little better traffic management through there. It is a convenient store, we are going to get rid of two uses, we are going to knock it down from 8000 square feet to 4700 it is not a huge increase in the number of pumps it is actually pretty much the same. We are looking at this as an improvement all the way around and we are happy to be here especially with this building. Like Stephanie said this is in Watervliet. Here are some other renderings of it, just to give you an idea of all sides of it. There is a nice outdoor seating area; there is the stone veneer at the bottom, gable roof, gable entrance with the columns. It is just very nice cultured stone along the whole thing. There are dormers and windows, colonial style architecture, nice outside lighting for the seating area. We are very happy to be here. There is one thing on your plans I would like to point out, there is actually more of an increase in green space as I was getting ready for the meeting and going through these calculations I had someone double check it. There is probably roughly 4000 square feet increasing in green space and most of it is out front for everybody to see. Again we are happy to be here, happy to answer any questions.

Bob Chase: Not right now.

Sam Carabis: It is a great project, the City needs it, look at it all over, I go there for coffee every morning, but I do have some questions. One thing I notice when I go there, in the morning I pull into directly toward the store with my car and when I have to back up but there are cars pulling towards me from the pumps. When I was backing up I almost got in an accident coming out of there one time. My concern is with cars backing up directly from the store and cars coming out from the pumps. They are going face to face and there is not enough room to swing it. In fact I went down and measured and the distance is about the same as it was.

Jim Gillespie: This is quite a bit different, this is quite a bit tighter. Cumberland has done a lot of research as to the optimum distance. There is 58 feet from the pump to this curb proposed now. What this allows them to do is it's the perfect distance for circulation it also allows these customers to pull straight forward. What they would like to promote is the customer once he is done fueling is to pull straight ahead into a parking spot. The relationship with the canopy and the store

has got many of variables. They need to be able to see it, they need it to be a distance that is safe for pedestrians to travel, they don't want it to be a huge distance, and they would like the opportunity for customers to pull ahead straight into the spots to free up the fueling spots. Visibility, the distance for the pedestrians to travel, circulation, they have really done a lot of stuff here. 58 foot is the magic number; we try to center this right in front of that entrance so there is visibility from the cashier station to the canopy. I know what you are saying and this was a very tight lot and this distance is pretty tough here so I think you will see a big improvement here. I mean you can see here how much room there is, there is a full travel lane in here.

Sam Carabis: I just wanted to mention it to you, like I said I am there every morning and I am familiar with situation. The thing is when you put your gas in your gas tank basically you are at the back of the car, and the front of the car is closer to the building and you have to be very careful when you back out of there. Another thing too is the parking spaces, I noticed you have parking spaces that come right off Central Avenue right up to the sidewalk.

Jim Gillespie: Yes there is one here.

Sam Carabis: Cars pulling in there off the street and a car backing out of the spot there, they are going to meet. Another word if a car is coming off Central Avenue and there is a car backing out of that spot then that car that is pulling in there has to put on his brakes very quickly and someone could back into him in the other direction.

Jim Gillespie: We can take a look at that.

Sam Carabis: The other thing, going out onto First Street, that is one way, what is they going to do there?

: First Street is Two-Way, it should be one-way but it is Two-way.

Mayor Dennis Baker: A number of years ago they talked about making it one-way and I believe they even did it at a meeting but they never passed it with the Traffic Safety Council. I think that is where it stands now but I could be wrong.

Sam Carabis: The book does say one-way there. Water, there is flooding down there underneath the overpass. It presents a problem, I think everyone is aware of it, I don't think it is your problem I think it is the City's problem. Then down on

First Street that floods out too down there and that goes over to Palmieri's property, it goes over to that lot down there. I talked to one of the neighbors and he mentioned it gets as high as 18 inches down there. I don't think it is your problem but it could happen. It is a situation that should be looked into. As far as handicapped parking I think you have 1 spot there and sometimes there is more than 1 car there with handicapped stickers and they have to park wherever they can, I don't know if it would be advisable to go to 2 spots for handicap or not but it is something you may want to give some thought to.

Frank Scirocco: Let me just say your application is fantastic I think you have addressed a lot of problems as far as traffic, design, and parking. My question is your lighting; you are going to provide LED lighting. Want to explain some of that, you have neighbors in the back and bright lights would be affected them.

Jim Gillespie: All the lights would be down lit in a shielded so the light itself is recessed. The foot candles don't go off the property just too safely luminate the access. Lighting is one of those things that there is always a happy medium between providing safe lighting for access obviously your dealing with customers that are fueling, some are elderly, some don't see well, so we want to provide safe lighting and then there is always the sensitivity to the neighbors and surrounding traffic so we always try to find that happy medium to get a picture so that it is down lit, doesn't provide glare, but also provides safe lighting for everybody to get in and out of here.

Frank Scirocco: So our neighbors wouldn't be able to read at night with their lights off from your reflection.

Jim Gillespie: No, they want to make it safe and fit it into the neighborhood.

Addy Waldie: I do have a question, with the neighbors that are currently on First Avenue I know that you have increased the green spaced but the bushes that you have, there is nothing taller than 36 inches, my concerns is that although the buildings might be unattractive they do provide a barrier to the houses that face the property on First Avenue. Is there a way that we could get trees with a wide span canopy that are taller on those three islands and on the First Avenue portion of it? It is going to change the appearance of the entire corner, which I agree with, but now First Avenue homeowners have no shield from South Central Avenue where before there were structures that were there. I do see there are 46 bushes and 25 small but there is nothing taller than 36 inches on the First Avenue side.

Jim Gillespie: We can certainly look at that, obviously Cumberland Farms wants to be visible they want a presence on here but they are also sensitive to the neighbors.

Addy Waldie: My concern with the two entrances you have off South Central the headlights will be going directly back with nothing blocking the light. The LED lights won't spread but the headlights from the (2) Two entrances will be facing directly at those homeowners front of their houses.

Jim Gillespie: There wouldn't be any landscaping to stop the headlights, we need that access but we can certainly look at street trees to soften that frontage.

Addy Waldie: My other question is with the landscaping I saw lots of grass and green space, I didn't see a sprinkler plan, am I missing that?

Jim Gillespie: They typically do irrigate, I will double check.

Addy Waldie: I didn't know if it was on one of the plans and I just missed it.

Jim Gillespie: Usually they don't provide an irrigation plan but they put a note in the plans but I will double check. I just don't want to speak without knowing for sure.

Addy Waldie: My concern is that it stays green.

Jim Gillespie: That is a concern of theirs also they certainly don't want a big brown field in front of their store. I am pretty sure but I will double check and have that answer for you.

Addy Waldie: My third question is with the two (2) entrances that you have now on South Central, currently you have one-way in and one-way out, now you are having two (2) accesses to Central with two (2) exits. Are you allowing left hand turns because that is (2) two left hand turns on South Central.

Frank Scirocco: That would be something we would allow or disallow.

Jim Gillespie: To have those options usually gives a little better traffic flow so you are not bottlenecking in one spot. That is something we would be looking to have. We have done it in many spots and have found success. You can pull into the canopy, to give the option because someone has a tank on one side and others

have it on the other side so if those options are there we find a smoother traffic pattern. That way there is a little bit better option to get into the spot you want and to get out of the spot. This circulation in and out of here works very well. If you give people options you are not creating a traffic problem in one congested area. This way we have a quick egress out of here that gets customers out of the way, there is a little bit of parking over here to get people out of the way, and then there are some options and it just smooths up the circulation in and out this way and around the canopy.

Ed Morcone: What is the distance between the back of your building now to what used to be the City Garage?

Jim Gillespie: This is 13 feet from here to the back of that building. Proposed.

Ed Morcone: I was just curious because I know that in looking at it on the maps they have a bay in the other building that tractor trailers come in on an angle as it is now. I was just wondering if it was going to cause any problems. There is one that is straight in and one that is angled in if I am correct.

Jim Gillespie: Here is the edge of pavement and our property goes out to here and they are not proposing to modify that so we wouldn't be cutting that off. Our green space would start right at the edge of that pavement. I don't think they are going any farther than that edge of pavement.

Ed Morcone: Trucks come in on an angle and they are half in the street and I was just wondering if it was going to cause any congestion over there. Are you putting sidewalk on the First Street side?

Jim Gillespie: We don't have any proposed, there weren't any there now. We don't like to put any sidewalks where there isn't any connection. If you leave people there they have nowhere to go then you have some type of responsibility.

Ed Morcone: Do you know if there are still any tanks underground where Lane's used to be? That would be Palmieri's now.

Jim Gillespie: I know they fully investigate that and it will be cleaned up. I just don't know off the top of my head.

Ed Morcone: Again, we don't want a brown spot here later but we don't want a _____ either, do you have groundskeepers? That is a lot of green space there will it be kept up?

Jim Gillespie: This would be important to them they are going to have their signage here so they are going to want it kept up.

Richard Delaney: On Saturday I drove down and looked at your store in Cohoes on Delaware and Ontario Streets you aren't referring to that store were you?

Stephanie Bitter: No that is another one.

Richard Delaney: I looked at the one in Cohoes very carefully, is this one going to be comparable or identical to that site?

Jim Gillespie: Unfortunately I didn't have anything to do with the Cohoes project.

Stephanie Bitter: Cohoes is a little smaller because now there is a vestibule addition but similar in style and such.

Richard Delaney: It was pretty busy there on Saturday. I have a couple questions on the Environmental Assessment form that you filled out. You talked about a highway permit and a DEC permit you mentioned that in the application. You didn't include that on the assessment form but I was just curious as to what information do you need to provide those agency with to get the permits?

Jim Gillespie: For DEC we would have to file the New York State Storm Order Design Manual, we would have to get a general permit and file a notice of intent and follow that whole procedure and all their current storm order regulations. For DOT you would file an application, give them all the proper details for your entrances, dimensions, specifications for pavement, concrete, whatever kind of work you are doing. Right away they are going to want to look at everything grading, they are going to want to see drainage if there are any drainage that impacts them and if there is any additional information they want they will ask for it.

Richard Delaney: Do you have those permits now?

Jim Gillespie: No

Stephanie Bitter: No, not until after we get the City's approval.

Frank Scirocco: They would need to get our approval first of at least get the process started.

Richard Delaney: You mentioned # 12 on the Assessment Form, is the proposed action located on an archeological census barrier, and you said yes.

Stephanie Bitter: That is part of the EAF mapper. The DEC actually assisted us in filing this out that is if you look there is an EAF summary. That is something that was identified but as you guys are aware all this property is already disturbed. Because of that disturbance it lifts that sensitivity so that it is not necessarily site specific.

Richard Delaney: The last item in the Assessment form it says has the site of the proposed action been the subject of remediation for hazardous waste? You checked yes?

Stephanie Bitter: That again was an EAF mapper response, so I can research that to see what remediation area are in the nearby vicinity. But, that means if DEC had a file that was located in the immediate vicinity of this location.

Richard Delaney: I thought maybe it referred to when you remove the existing gas pumps. You say no substantial increase in traffic above present levels. I am just wondering about the traffic entering and exiting the facility from both the south and the north. There were (3) three businesses there and now there will only be (1) one but because of the services you offer, the gas and the store, you will be having a lot more exiting and entering in traffic that I think will result in an increase in traffic flow from what is currently there. Especially in reference to the high commute times in the morning and evening traffic is very heavy going in both directions I just wondered if you studied that at all.

Jim Gillespie: It is simple for them to look at the use and determine what kind of trips it is going to generate and they are going to subtract. This is an existing Cumberland Farms so the square footage is not, it is an increase in square footage, it has the same amount of pumps but you are also removing two uses so the difference between the traffic and a convenient store is mostly pass-by trips it is not a huge traffic generator. People are typically just stopping there on their way by, so it is not a huge traffic generator to the surrounding highway, and the trips are not going to be substantial enough for the DOT. I just know this from working

with them for years, for warrant a traffic study. We are going to go through that process with them. Believe me if they want one they are going to ask for one.

Stephanie Bitter: With this being an existing use that helps. I do not ever say I am a traffic engineer it goes by common understanding as to when you go into a convenient store if it is busy you may pass by because it may not be as quick as you need.

Frank Scirocco: It would seem to me if the building is approved and doesn't generate any more traffic and you are losing (2) two businesses that would normally be generating traffic the end result would be less traffic.

Richard Delaney: Except I don't think there is much traffic going into Palmieri's. The visibility for the traffic heading South, when they come under the railroad trestle would you expect the southbound traffic to use the northern entrance?

Jim Gillespie: I can see them using both. I can see this being a convenient movement. I can see someone wanting to pull into the canopy this way because my car is on the right hand side. It is a nice circulation pattern, it gives you the option to get into the spot the way that you want to. Everyone is different, some might want to pull in here and then they decide they want to pull over here. Everyone has a little different preference. It is nice to have those options then you are not bottlenecking anyone.

Richard Delaney: What about the traffic entering on First Avenue? You have (2) two entrances on First and (2) two exits.

Jim Gillespie: That is right; this one is an exit only. You need that because the fuel trucks need to be able to unload on the passenger side, this gets them out of the way of all the traffic so this is a nice way for him to get out as far away from everyone as he possible can. This is again is that smooth circulation and to have those options you're not loading everybody essentially loading everyone at first and you can split that up for us it just seems.....

Frank Scirocco: Right now heading south trying to get in sometimes the way it is right now is difficult on First Street.

Richard Delaney: Will some of the delivery trucks enter from Central Avenue as well?

Jim Gillespie: They are probably going to drive in here and back up into here. Our operational guys would probably know a little better as far as that goes, but they are definitely going to want to get here. It is probably going to be up to the driver, he has options, I can see him either coming in here and pulling up and backing in or coming in here and pulling this way and backing his way in here. Each driver is probable going to figure out the best way to do it.

Richard Delaney: They probably wouldn't want to come from the North go down to First and then make that that is a very sharp turn there onto First Street.

Jim Gillespie: They have a little more turning movement there.

Richard Delaney: Parking spaces, you say you have 19 parking spaces, 11 spaces provided all in front of the store?

Jim Gillespie: There are 12 here and 4 here.

Richard Delaney: You mentioned the 8 at the fuel dispenser.

Jim Gillespie: They end up being parking spots most of the time.

Are there any other parking spaces if needed? In your application letter you said there are 24 parking spaces total.

Jim Gillespie: There are 8 and 12 that is 20 then there are 4 here that is 24.

Richard Delaney: I didn't see the 4 here. I didn't count those. The sidewalks, I assume that the sidewalk covers the front of the store and goes around the side.

Jim Gillespie: There is sidewalk all the way around here; there is an employee access in the back.

Richard Delaney: So the one in the back is employee access?

Jim Gillespie: Yes, and there is a seating area out in front and there is an access here, customer access and a customer access in front.

Richard Delaney: That would be the extent of the sidewalk? Just around the store. I have a question about the sidewalk enhancement. On Central Avenue I

noticed the sidewalk isn't in that great of shape in some of the areas are you going to do enhancements to those sidewalks. They are not on your site.

Jim Gillespie: It would be something we would have to look into and get Cumberland's input. Certainly cost is always an issue; it is a pretty big investment so we will have to look at that.

Richard Delaney: I guess it would be an increase in pedestrian accessing the site just because the store is much bigger. Is that flush curb and how high is will that curb be?

Jim Gillespie: Yes it is flush curb. We were going to turn it into green space. There is existing curb here now I guess we will look at that in more detail, I mean you could just take the pavement out of it from the curb back and turn that into greenspace. Since it is an irrigated plush lawn I wouldn't think you would have a cut through problem.

Richard Delaney: Our city code states ideally the site should have 30% coverage with landscaping. Do you have an estimate of what percent you will have?

Jim Gillespie: It is 33% percent right now, purposed.

Richard Delaney: You will have trees and shrubs? So you plan on any kind of visual or noise buffer for the residents on First Avenue?

Jim Gillespie: We wouldn't want to block ourselves and then site distance is also an issue. I mean cars coming in and out of here you don't want to deal with site distance. We could look at softening that with some street trees. I am sure we could do something there.

Richard Delaney: In the present store you have kind of a couple large trees right on the corner of the store. They may have just grown they may have been smaller before. The fencing, the screening around the service and storage utility area, it think I saw that on the map.

Jim Gillespie: The dumpster area? Yes, that is enclosed, fully enclosed and we would have landscaping all around it.

Richard Delaney: Is that the only fencing, just around that area?

Jim Gillespie: Yes the only fencing is in that area. There is a small fence around the seating area but it is more of a decoration.

Richard Delaney: The storm drainage ditches look pretty adequate. Sam brought up the flooding on Central that occasionally happens. The engineer will talk about that. I had questions about lighting plan but you did talk about that. The signage, the signage on the façade of the building looks like it is right up above the entrance there.

Jim Gillespie: We will submit a complete sign application. We have a pre-standing sign out here and probable want a canopy sign as well. I will have to look at that in a little more detail.

Richard Delaney: How high is your free sign standing sign?

Jim Gillespie: I am not sure if that was in our application or not.

Frank Scirocco: We will look at that when we move along and progress.

Richard Delaney: Snow removal I guess will just be piled somewhere, just plowed and piled somewhere?

Jim Gillespie: We have a good opportunity; this is a lot better than normal. Typically, they would have to remove it if it gets out of control. But they do have a good spot here.

Richard Delaney: The last thing is construction, how long? How much truck traffic is involved in that? How much of a disturbance will it be to Central Avenue?

Jim Gillespie: They have a lot of room to work with so obviously they would be looking everybody here.

Frank Scirocco: We are not going to close Central Avenue down while they are working.

Jim Gillespie: No, we are not going to close Central Avenue.

Robert Chase: My questions was answered, where the fuel trucks were going to unload and it won't be in the way of anything and will go right out First Avenue.

Frank Scirocco: Sam you had some follow up, do you want to do them now or would you like to hear from our engineer first.

Sam Carabis: Yes I took some pictures a while back.

: Again this isn't there problem.

Frank Scirocco: Well if this isn't there problem, let's get to our City Engineer.

Sam Carabis: Well I think it is there problem.

Frank Scirocco: Ok let's hear it.

Sam Carabis: Well it is and it isn't, I am pretty sure it is going to be addressed by the City. The State has been looking at it.

Frank Scirocco: Is this something we have any control over, as this board?

Sam Carabis: There are (3) three drains here on the property and they are all going into Central Avenue into that line and the thing is like I say you can see here there is flooding there, not that often but occasionally. I know the State has been up looking at it.

Frank Scirocco: That is why I want to have the gentleman from Barton and Loguidice to address it. We have a representative from our Engineering firm Barton Loguidice. I am sorry your first name again?

Ryan White: Ryan White, it is a pleasure for us to be here, thank you for having us.

Frank Scirocco: Any questions you have you may direct to the applicants.

Ryan White: Absolutely. We are pleased to be offering review services to the City Planning Board for this application. We have received the application, reviewed it at a cursory level and are setting everything up move forward with a full review. Following the application tonight, I have just a couple of quick questions. We are going to be taking a look at the site plan, over all flow, design elements, but taking a good look at the storm water system as you noted there is going to be over an acre of disturbance so you are going have your permit. We will want to take a look at that. Just a little curious the plans show it appears 3

catch basins coming out to Central and then some other drainage, roof and canopy drainage directed to another facility. Can you explain that a little?

Jim Gillespie: Right now, as far as quantity, we already are getting a reduction without any mitigation just by the decrease in impervious cover. But, above and beyond that, we are looking at RV that is Runoff Reduction Volume requirement that DEC puts on us. Basically, they are looking for you to get storm water into the ground and not directly discharge it into the storm system. That is going to certainly help out your drainage system, the reduction and impervious and then trying to slow down storm water and promote infiltration. There are certain requirements with gas stations; they are considered a hot spot, so there are portions of this site that we cannot infiltrate. There are portions that we can. That is roof top runoff and the canopy runoff. So that is a pretty good chunk of impervious cover that is going to go into an infiltration system and the greenspace and will slow down water and will promote infiltration prior to the discharge into the drainage system. You are going to see an overall reduction in flow into the system, a substantial reduction. This infiltration will promote water quality and will promote runoff reduction. Those are the key words and things that DEC is looking for us to do here.

Ryan White: At this time the Planning Board members have definitely expressed some thoughts that we had looking through the Site Plan and the Environmental Assessment form. Upon getting everything in order we will conduct a review and review the script when it becomes available and provide a common letter to the Planning Board at that time. If there are any other questions I would do my best to answer them.

Frank Scirocco: Thank you very much. At this point I am going to open it to the general public for comments. I am going to ask you to state your name, speak loudly so we can get you on the record. If you have a question direct it to the board, not the applicant. We will note it and it will be addressed, and if you have a comment just keep them as brief as possible.

Michelle Eidens: I actually have property on South Second the front of my house but the back of my house is on First, my driveway is right across from Cumberland Farms right now. I don't understand, or I want to know why there has to be entrances and exits on First?

Frank Scirocco: Ok we will address that.

Phil Sweet: I live behind actually Baker's and Palmieri's and I am concerned with the traffic there because there are a lot of accidents as it is and there is two-way traffic and there is also on street parking. It would be ridiculous to try and pump off people from the back side of the store. You have Baker's and Cumberland Farms, Cumberland Farms in the back has like a curb on most of it so very few people come from the back of Cumberland Farms and go out the front. Palmieri's has very little traffic and Baker's has vans they load up and whatever they are and they leave it isn't like it is a store, it is technically you can go in there and buy something but they don't have no traffic. If you open this thing up to a wide open store, well just six months ago someone can through Baker's parking lot pulled out and bang. All the mirrors have been smashed on my cars and neighbors and everyone else's because when you come down that street you have to go in like this and then hope someone else is looking and whatever. Some people come down that street 50-60 MPH. They are shooting radar on Central Avenue but they don't shoot radar on First but they really should. That part of it I don't see any way that would work, not that I wouldn't like to see it work I mean I don't want to see someone not be able to build a business but you have a slew of kids walking through there all the time and people just... it is surprising that some kid hasn't got run over, mine almost did get run over. He made it right out to the corner of the car and for some reason in his mind he stopped and this kid went through at least 55 MPH and there are cars parked I stopped the kid and had a chat with him but we are talking about having a store where also late at night people aren't going in there to buy ice cream, candy and soda at 1:00 in the morning. So that is coming in and out all night long, drinking, and no room on the road to begin with and that is another problem in itself. Unless they could change the road or something, thank you.

Jim: I use that convenient store down in Latham, beautiful store and I am one of the few people that don't pay at the pump. I park my car, I take up the spot, go in and get my coffee, it is a beautiful store its convenient marketing, sandwiches and stuff it is phenomenal. One positive thing in Latham there is a Stewart's right across the street, there is a gas war every week.

David Hicks: 241 First Avenue. Here are some of the issues dealing with us on First Avenue. It has a severe flooding issue with moderate to heavy rains; water comes down Pruyn Hill and South Street to flood First Avenue.

Frank Scirocco: We are definitely looking into that now.

David Hicks: Ok. The storm drain that is supposed to remove water contributes to the flooding. It has been as high as 28 inches. The water has been as much as 18 inches deep; in spots it runs from curb to curb. It is border line right now flooding the cellars and if this plot goes in I doubt they are going to make it lower than Frist Ave to redeem the water. The only partial relief we have right now is the water flowing in back of Palmieri's car lot otherwise we all have our cellars flooding. The water has no other drainage except that particular set up. It is border line from flooding the cellars at this particular moment with the rain, this has been a problem for 50 plus years and the City have done nothing substantial to correct it.

Frank Scirocco: Is this all about the flooding?

David Hicks: Yes everything having to do with the flooding. They will probably be raising the property level because they don't want to be flooded so it will increase the flooding potential on First. The way it has been going is nobody fixes it just like a roof; nobody fixes a roof until it rains, and it only leaks when it rains. The welfare of First Avenue is primarily should be for the taxpayers residents in that area, not trying to deflect any problems with the business but then again we are already there we already live there and we are dealing with these existing problems which are going to get worse unless something else is done. There are no sidewalks on the East side of First Avenue at all, from Spring Street down to South. The hazards and traffic on First Avenue are due to narrow two lane traffic that has to dodge back and forth. There is a children's day and night center directly across from Cumberland Farms and they have children that have drop offs and everything like this. Now all the traffic deliveries that come out of Cumberland Farms exit on First Avenue, the tankers, tractor trailers, delivery trucks, soda trucks, and chip trucks they all exit on First Avenue. Between 4 and 6:30 P.M., at the rush hour, the cars roar up that street to get away from Central Avenue that is another increase. This is going to increase the traffic more with this thing here. It says on the books the street is one-way south he said the transportation board or whatever says it was on there but I don't understand why this was never done. Now if this was done the First Avenue traffic would be reduced by 50% because of it being one way. Another thing with the lighting on the thing, the lights pulling into Cumberland Farms however they do since there is nothing to block that little pass over all the buildings into the windows; the headlights of any type of vehicle. So if you are talking traffic of 500 cars that is 500 cars that are going to light up the buildings at night. Where is the parking going to be for the trucks that deliver to Cumberland Farms? Right now they park in the back and partially on the street and in the street. He said also that the parking spot on the corner where they are pulling in, if somebody goes to back out of that spot as somebody is pulling in another person

following up behind is liable to hit the person who hesitated turning off because of the other car coming out. There is a lot of traffic issues here. And the flooding, serious flooding.

Paul Bull: I live at 2231 First Avenue. Basically in that middle section where that middle exit would be coming out I to have problem with traffic with this set up. There is only enough room for (1) one car, everybody dives right in the back of Palmieri's now to get away. You can see all the ruts and erosions from them doing it, and with this it is actually going to make it worse because they have nowhere to go. I mean cars are parked all the way down that street all the way to the daycare now as it is. I already have a problem with First Street the way it is set up and this is just going to add to it.

Kim Dunn: I think this is going to be a nice face-lift to Central Avenue. The fact that you are losing (2) two other businesses that obviously on their way out, I think this is great it will replace them. I don't often go to Cumberland Farms, not because I don't like the store, but because it is hard to get in and out of there now so anything that makes it more accessible and brings business to the City I am all for.

Roger Shufelt: 233 First Avenue. What if they do make First Avenue one-way and they make it from south to north? Like you were saying they were supposed to go from north to south what if they change it. Where are the fueling trucks going to go they are not going to be able to turn out of there. Make it one-way from south to north. How is gas trucks pulling out of there? There is no way they are going to pull out on First Avenue with the way it is set up now. Several times I have had tractor trailers beeping, just beeping. They had a tractor trailer go up on the parking lot because he was too big of a tractor trailer to make that turn. I mean I moved my car probably 15 times in the last year for a tractor trailer. When they pull out of P.J. Baker's they actually pull across the street up on the sidewalk. There was a snowbank on one side, he pulls up and the back tires of his truck caught the snowbank and tips the tractor now it's almost hitting the house, it is a foot from the house.

Michelle Eidens: Can I speak again? The last time Cumberland Farms did a renovation I went to the meeting and I complained about the trucks using First Street to come out and I was assured at that meeting that their vendor trucks and the tankers would not use First Street, which was why they made the renovations that they did at the time. It has never stopped. The tanker sits at night filling up the tanks and it is running.

Frank Scirocco: Who assured you that they wouldn't use it?

Michelle Eidens: When I went to the meeting the person from Cumberland Farms.

Frank Scirocco: What meeting? Was it a planning board meeting?

Michelle Eidens: Yes.

Frank Scirocco: Do you recall that?

Michelle Eidens: I was assured they would not be using that entrance any longer. The tanker sits at night filling up the tanks and it is running so you are constantly hearing the tanker run while it fills the tanks and it is probably there a good 45 minutes to maybe an hour while it is filling up the tanks. I was almost rear ended tonight, I have to back into my driveway because there is so much traffic and I can't see to back out of my driveway because I never know where the cars are going to be coming from. They come over the curb, tonight a car came right over the curb and almost rear ended me when I was trying to back in.

Frank Scirocco: Ok, we understand that there is a traffic issue. I assure you that all of your concerns will be addressed. All your questions will be answered by members of the board, by our Engineer, or by the applicants.

David Hick: We don't want answers we want results.

: I have a question, is this a 24 hour Cumberland Farms?

Frank Scirocco: Yes it is.

: Hey Frank, on that filling the gas tanks up I think there is a code about that. I don't think they are supposed to be filling gas tanks up at night.

Frank Scirocco: We will, believe me there will be more hearings.

: Just a suggestion, I was wondering if they could run the store until 12 o'clock at night because after those hours you are not really drawing a good crowd anyway.

: What time does the construction end at the end of the day?

Frank Scirocco: Our code says 7:00 o'clock at night. I am going to close this part of the opening hearing and I am going to bring it back to the board. Does anyone have any questions, any other questions?

I am going to schedule another hearing, this has been submitted to the County, for there review?

I did speak talk to Mike Valentine he said they would hear it on April 21st.

Frank Scirocco: Right and we will get something back so I would like to check with our members here, give me a date 3, 10, or 17 what is good for you guys? May 10th. We are adjourned for tonight and will reschedule this for May 10th and at that time hopefully we will have more answers to your questions. How will your report be?

Ryan White: By the 10th depending on, we will be able to review the Site Plan during that period and if we receive storm water.

Frank Scirocco: My concern would be really the storm to address their flooding issues and you will have a traffic study?

Stephanie Bitter: We can look into that, or a traffic assessment. Sounds as if most of the concern are with First that is what a lot of the public comments were. We can at least retain our traffic engineers to see if an assessment can be done, to see if there are migration measures adjusted.

Frank Scirocco: Sounds good. With that being said if there is nothing else make a motion to adjourn.

Addy Waldie: I make a motion

Richard Delaney: Second

All in favor: Ayes

Frank Scirocco: Adjourned to the 10th

