

Village of Altamont Planning Board
Meeting - Online
April 27, 2020

Deborah Hext, Chairperson	Lance Moore, Building Inspector/ Code Enforcer
Stephen Caruso, Board Member	Dean Whalen, Village Liaison
John Hukey, Board Member	Allyson Phillips, Village Attorney
Connie Rue, Board Member	
Barbara Muhlfelder, Board Member	
Dan Hitt, Alternate Board Member	Chuck Marshall, Stewart's Shops, Applicant Leah Everhart, Esq., Stewart's Shops

Guests: 32

Chairperson Hext opened the meeting at 7:04 p.m. and welcomed everyone. Planning Board Meeting was held online using Zoom video communication due to covid-19. She stated that due to the Covid-19 virus, this meeting is being held remotely and all audio and video portions of this meeting will be recorded. She asked everyone to mute themselves if they are not speaking. She asked the Board Members to introduce themselves, which they did as follows: Barbara Muhlfelder; Connie Rue; John Hukey; Steve Caruso and Dan Hitt, Alternate. She said we also have present: Allyson Phillips, Village Counsel; Ginger Hannah, Village Administrative Assistant; Dean Whalen, Village Board Liaison; Lance Moore, Building Inspector.

Chairperson Hext stated that she guessed most people are here for the Stewart's review and there will be an opportunity for public comment for both the lot line adjustment and the Stewart's SUP (Special Use Permit). She asked everyone to try their best to limit their comments to three minutes at the most, to give everyone an opportunity to speak, and to be respectful of each other. She said we would time the comments and as it gets close to the three minutes, we will tell you to wrap up your comments. If your camera's on and you have something to say, just raise your hand. If you are on by phone only, I will call you by your phone number. If you're not displaying your phone number or your name, just speak up at some point. If you have any questions, the Village Board has contracted with Barton and Loguidice, our Village Engineer. They reviewed the site plan and the SWPPP (Storm Water Pollution Prevention Plan). There have been comments out there from Barton and Loguidice and also Stewart's response on our Village website since Friday. There were also a few questions that have been coming in over the past couple of weeks from our Planning Board folks and the questions are out there on the Village website as well, and they've been addressed by Stewart's. So hopefully we'll get through everything tonight. I am not looking to make a judgment whatsoever tonight. As a matter of fact, and maybe this will help things, I would probably consider at the end of this meeting, depending on how far we go, extending public comment and keeping the public hearing open for Stewart's for at least another 10 days after this. That way if any new information is given that people want to review, if any questions are asked of Stewart's, Stewart's will have time to review and that way we'll give everyone fair share and a reason to be able to continue on and have their voices heard. She then asked Village Attorney Allyson to read the Public Notice for the Lot Line Adjustment.

Village Attorney Phillips read the notice as follows:

Village of Altamont Planning Board - Notice is hereby given that the Planning Board of the Village of Altamont, New York, will hold a Public Hearing on April 27th, at 7:00 p.m., on the application of Albany, Schenectady, Greene County Agricultural and Historical Societies, Inc., for a lot line adjustment waiver on a property at 243-247 Brandle Road, Altamont (Tax map ID 37.00-3-2 and 48.07-1-14). The Property is zoned Planned Unit Development (PUD). The meeting will be held remotely as part of the Village of Altamont's COVID-19 response plan and can be accessed by the public using the following internet link or dial in phone number.

Topic: Planning Board Public Hearing on Albany, Schenectady, Greene County Agricultural and Historical Societies, Inc. Application for a Lot Line Adjustment Waiver

Time: April 27, 2020 at 7:00 PM Eastern Time (US and Canada)

Internet Link: <https://zoom.us/j/405274801>

Meeting ID: 405 274 801

Or Join by Phone: +1 646 558 8656 US (New York)

A copy of the Planning Board Agenda and related materials will be available on the Village website at www.altamontvillage.org. Hard copies may also be obtained by contacting the Planning Board Secretary, Deborah Hext, Planning Board Chairperson, Village of Altamont

Chairperson Hext asked for a motion to open the public discussion on that topic. Board Member Rue made the motion. Board Member Caruso seconded. All in favor.

Chairperson Hext asked if the applicant had anything they would like to discuss with us?

Applicant for the Fair, Michael Biscone, said: Well, first of all, I'm being shown as Darlene's iPad. So Michael Biscone - I guess will be shown on your screen as Darlene's iPad. This is kind of an historic application. I was the attorney for the Fair since 1979 and at one time we had requested the village to change the zoning out there to PUD, because we had some concerns that the Fair was going to be taken over, or attempt to be taken over or bought out, by land developers and we thought that this would be used as a defensive shield. As you know, we've sold some land to a housing development across Brandle Road from our main entrance and that's there and that's been improved and exists as we speak now. We have two one acre lots that we'd like to split into two with the rear half acre to be joined in with our parking lot as additional overflow parking lot and the front half acre, and this would be, 243 and then 247 Brandle Road, to be, listed for sale. One has a one family house and the other one is vacant land. We would incorporate the rear areas into our parking lot using them as grassed areas, which our main parking lot is. And as you can see from the map in front of you, the access or the area traveled by vehicle is crushed stone. I'm sure you're all familiar with the Fair - it's not deep crushed stone, but it's a light coating of crushed strong to give you some traction. That would be just more of an overflow parking lot. It would be incorporated into our master deed. And then the two front areas, as we said, one's a one family existing dwelling and the other one would be sold as potentially a one family residence dwelling subject to your leadership and your decision tonight or as the Chairperson said, potentially in 10 days. So that's what we're asking for. We have two lot line amendment waivers before you, one for each lot, and we're open to any questions from the Board or the public.

Chairperson Hext asked: Does the public have any questions at this time?

PUBLIC: I do.

Chairperson Hext: Okay. Please state your name and where you're calling from.

Nancy O'Bryan, 244 Brandle Road.

Chairperson Hext: Okay, Nancy, thank you. What's your question?

Ms. O'Bryan: If I'm looking at the house that the Altamont Fair owns, the red brick house, is the lot that you're going to involve on the left or is it only on the right, the wooded lot that goes along the Altamont Fair entrance?

Mr. Biscone: Pat answer that please.

Ms. Canaday: The lot is the wooded lot, not the one along the road. It's the one between the two houses.

Ms. O'Bryan: Okay. I was misinformed. I was told by someone that the Village told me to call and he told me and assured me that it didn't involve the lot to the left. It was a wooded lot to the right of the house that you own, that Altamont Fair owns and it would be adjacent to the entrance that's already there. Is your plan to take the entire lot or just half of it? The lot between the two houses.

Mr. Biscone: We know what you're asking. We're going to split that a lot in two, and a half acre to the rear or what would be to the West would be joined to the parking lot and the half acre to the East, which fronts on and is contiguous with Brandle Road would be the lot to be sold.

Ms. O'Bryan: Okay. That lot's in the town of Guilderland.

Mr. Biscone: No. A portion of it is in Guilderland, but for jurisdictional purposes Guilderland has been advised of this and has deferred to the Village because the majority of the one acre, and by that I mean fully three quarters of the acre, is within the Village solely. And as a result of that, Guilderland's interest in it has been waived.

Chairperson Hext: Do you have something? I have nothing on that. This is Deb Hext again, I'm sorry.

Mr. Biscone: Yeah, Allyson notified them of that.

Chairperson Hext. She did, but I see nothing from Guilderland waiving the rights to the decision to the Village of Altamont.

Village Attorney Phillips: This is Allyson. We provided notice of the application that has been made to the Village, to the town of Guilderland as well as the notice of this public hearing. The response that we got was from the Guilderland Town Assessor. It didn't speak directly to whether or not any approvals

were required from the Town of Guilderland. It's simply, I think was referring for tax purposes, basically just, we'll make the correction to the tax parcel number at tax time. We would encourage the Applicant to confirm with the Town of Guilderland whether any approval is needed from Guilderland, but for our purposes, since we do have one of the lots and then a majority of the second lot in the Village of Altamont, we have jurisdiction to review the request for lot line adjustment as it affects the Village of Altamont. That's what we will be approving tonight. The applicant can confirm with the Town of Guilderland, what if any additional reviewer approvals it needs for their Town, but for our purposes we will be voting on or considering the request that's under our subdivision regulations (inaudible) review process for this simple lot line adjustment in the Village.

Mr. Biscone: And what I'll do, Allyson, is I'll get the confirmation to indicate that you're the lead agency because you normally do that when some form of an application affects two municipalities, one will defer to the other, the lead agency. And clearly by acreage you are the lead agency on both applications.

Village Attorney Phillips: I leave it up to Guilderland. It certainly wouldn't be unreasonable for them to defer to the Village as the majority of the property is located in the Village and if you get that confirmation, certainly, give us a copy so we have it for record. Also just to note for everyone, the reason why we're not doing a SEQRA review for this is a simple lot line adjustments are considered (inaudible) exempt from review under SEQRA. So, again, another reason why this is a more simplified process.

Mr. Biscone: Okay.

Chairperson Hext: Thank you, Allyson. Any other questions from the public?

Ms. O'Bryan: I just want to confirm that the front half of that property will not be part of the Altamont Fair.

Chairperson Hext: Is this Nancy again?

Ms. O'Bryan: Yes.

Chairperson Hext: Okay. Thank you.

Mr. Biscone: Yes, that's correct, Nancy.

Ms. O'Bryan: I live across the street and I know that the lot's less than an acre.

Mr. Biscone: Right. It's not going to be part of the Fair. So I guess the thrust of your question is will it be more cumbersome or less cumbersome on your enjoyment of your property, and the answer is less cumbersome. We're not going to extend the Fair out to Brandle Road, and I think that's the thrust of your question.

Ms. O'Bryan: Yes. I don't want my property to be diminished because of the Altamont Fair.

Mr. Biscone: Right. Neither do we, Dear, neither do we.

Ms. O'Bryan: Okay. Thank you.

Mr. Biscone: You're welcome.

Chairperson Hext: Thank you. Nancy.

Board Member Muhlfelder: I have a question - on my screen, no matter who's talking, I keep getting a green circle with a picture of a white phone.

Chairperson Hext: That is because the person isn't joined via video only a phone. So if they don't have a camera on their laptop or their phone or their tablet, you will see only a little like old fashioned phone receiver.

Board Member Muhlfelder: Okay. Even though they're not talking?

Chairperson Hext: Yes.

Board Member Muhlfelder: Oh, okay. Thank you.

Chairperson Hext: You're welcome. Any questions from the floor regarding the applications for the lot line adjustment waiver? I don't see any hands or I don't hear anybody. Alright. I think what we'll do then, because we have two lot line adjustment waivers, I think we will vote on each one individually. So can I have a motion to approve the waiver for the lot line adjustment for tax map number 37.00-3-2?

Board Member Hukey: So moved, Deb.

Chairperson Hext: Thank you, John.

Board Liaison Whalen: Deb, point of order. You need to close the public hearing, correct?

Chairperson Hext: You're right. Thank you. It takes a village. Could I have a motion to close the public hearing for Altamont Fair's lot line adjustment?

Board Member Muhlfelder: I make the motion. It's Barb.

Board Member Hukey: I'll second it.

Chairperson Hext: Thank you, John. Ginger, roll call please.

Secretary Hannah:

- Board Member Hukey: Approved.
- Board Member Caruso: In favor.

- Board Member Rue: In favor.
- Board Member Muhlfelder: In favor.
- Chairperson Hext: In favor.

Secretary Hannah: Thank you.

Chairperson Hext: Thank you.

Mr. Biscone: I didn't hear the first vote, was the first vote opposed or in favor?

Board Member Hukey: In favor.

Mr. Biscone: Okay. Thank you.

Chairperson Hext: Okay, Let's try me again here. Can I have a motion to approve the lot line adjustment waiver for tax map number 37.00-3-2?

Board Member Muhlfelder: I make that motion. Barb.

Chairperson Hext: Thank you.

Board Member Rue: I second it. It's Connie.

Chairperson Hext: Thank you. Roll call please, Ginger.

Secretary Hannah:

- Board Member Hukey: In favor.
- Board Member Caruso: In favor.
- Board Member Rue: In favor.
- Board Member Muhlfelder: In favor
- Chairperson Hext: In favor.

Secretary Hannah: Thank you.

Chairperson Hext: Okay. Could I have a motion then to approve the lot line adjustment waiver for tax map number 48.07-1-14?

Board Member Muhlfelder: I make the motion. Barb.

Chairperson Hext: Thank you.

Board Member Hukey: I second it. John.

Chairperson Hext: Thank you. Roll call please.

Secretary Hannah:

- Board Member Hukey: In favor.
- Board Member Caruso: In favor.
- Board Member Rue: In favor.
- Board Member Muhlfelder: In favor
- Chairperson Hext: In favor.

Secretary Hannah: Thank you.

Chairperson Hext: Thank you. Just one other thing, since it is zoned PUD, if you ever do think about selling those lots as residences, you may want to go before the Board to have that rezoned correctly to R-10 or R-20, whatever it was. I'm not sure. Just a thought.

Mr. Biscone: For single family homes, what would it need to be rezoned, Allyson, from PUD to what?

Chairperson Hext: R-10 or R-20, it depends on what the size of the lots are.

Mr. Biscone: Okay. Here they would be one-half acre, they're both one-half acre. So whatever one fits into, one or the other categories?

Chairperson Hext: Right, right.

Mr. Biscone: Okay. And if I remember that procedure that goes first through you and then a reference to the (inaudible) and then back, am I correct?

Village Attorney Phillips: I think for the rezoning it would be the Village Board would make the decision on the rezoning and it would involve a referral to the Planning Board for an advisory opinion or a recommendation on the request for zone change.

Mr. Biscone: Okay.

Village Attorney Phillips: I'll note the parcels are zoned PUD right now and there is an existing residence on the one lot which had been owned by a third party up until I think 2013.

Mr. Biscone: Right.

Village Attorney Phillips: So the residence I think actually was there before the PUD zoning designation. But in order to construct a new single family home on the other lot, you would have to have a zone change. And so for planning purposes I think it makes sense to look into changing the zoning on those two front parcels if they are going to be used for residential use.

Mr. Biscone: Yeah, the one would be grandfathered, the one pre-dating the zone change, so its use has been continuous since before we bought it. So I agree with you. I don't believe that needs to be rezoned,

Secretary Hannah:

- Board Member Hukey: In favor.
- Board Member Caruso: In favor.
- Board Member Rue: In favor.
- Board Member Muhlfelder: In favor
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VILLAGE OF ALTAMONT COUNTY OF ALBANY
PLANNING BOARD

PLANNING BOARD MEETING

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing on April 27, 2020 held via ZOOM Video Conferencing and commencing at 7:04 p.m.

PRESENT:
BOARD MEMBERS:

- DEBORAH HEXT, CHAIRPERSON
- JOHN HUKEY
- STEPHEN CARUSO
- BARBARA MUHLFELDER
- CONNIE RUE
- DAN HITT, ALTERNATE

ALSO PRESENT:

- GINGER HANNAH, PLANNING BOARD SECRETARY
- ALLYSON PHILLIPS, ESQ, COUNSEL TO THE BOARD
- DEAN WHALEN, VILLAGE BOARD LIAISON
- DANNY RAMIREZ, ZONING BOARD OF APPEALS
- CHARLES MARSHALL, STEWART'S
- LEAH EVERHART, ESQ., COUNSEL TO STEWART'S
- KERRY DINEEN, MAYOR
- KRISTEN CASEY
- TED NEWMAN
- FRAN PORTER
- KATE PROVENCHER
- CAROL ROTHENBERG
- LARA STELMASZYK
- HARVEY VLAHOS
- STEVE WICKHAM
- KIRBY WILSON

1 CHAIRPERSON HEXT: Allyson, you're up. Do you
2 want to read the legal notice for Stewart's?

3 MS. PHILLIPS: Legal Notice, Village of
4 Altamont Planning Board, notice of public hearing.
5 Notice is hereby given that the Planning Board of the
6 Village of Altamont, New York will hold a public hearing
7 on April 27th at 7:00 p.m. on the application of
8 Stewart's Shop Corp., Stewart's, for a special use
9 permit and site plan approval submitted to the Planning
10 Board in conjunction with its proposed Stewart's Shop
11 redevelopment project located at 101 Altamont
12 Boulevard/109 Helderberg Avenue; tax map number
13 48.06-2-3 and 48.06-2-2. The property is zoned Central
14 Business District, CBD. The project plan includes an
15 internal lot line adjustment to combine two lots and
16 demolition of an existing structure.

17 The meeting will be held remotely as part of
18 the Village of Altamont's Covid19 Response Plan and
19 can be accessed by the public using the following
20 internet link or dial-in phone number. Topic: Planning
21 Board, public hearing on Stewart's application for
22 special use permit and site plan; Time: April 27th,
23 2020 at 7:00 p.m. eastern time; Internet link,
24 [HTTPS://zoom.us/j/405274801](https://zoom.us/j/405274801); Meeting ID: 405274801 or
25 join in by phone at 16465588656. A copy of the

1 Planning Board agenda and related materials will be
2 available on the Village website at
3 www.altamontVillage.org. Hard copies may also be
4 obtained by contacting the Planning Board's Secretary.
5 Deborah Hext, Planning Board Chairperson, Village of
6 Altamont.

7 CHAIRPERSON HEXT: Thank you, Allyson.

8 Could I, at this time, have a motion to open
9 the public hearing for the Stewart's special use
10 permit, please?

11 MR. HUKEY: So moved.

12 CHAIRPERSON HEXT: John.

13 MS. MUHLFELDER: Second; Barb.

14 CHAIRPERSON HEXT: Thank you, Barb.

15 Roll call, please, Ginger?

16 Ginger, it sounds like you're playing ping
17 pong. I can't really hear you.

18 MS. HANNAH: Can you hear me?

19 CHAIRPERSON HEXT: Now we can, yes.

20 MR. HUKEY: You're gone again.

21 CHAIRPERSON HEXT: Could everyone else please
22 mute their microphones? That might be the problem.

23 MS. HANNAH: And if you're on the phone, you
24 can mute your phone by hitting star six. So, if you're
25 calling in only by phone, please mute your phone by

1 hitting star and six. Thank you.

2 CHAIRPERSON HEXT: We're clear, I think, now
3 Ginger, try it again, please.

4 (The roll was called and the motion was
5 passed unanimously.)

6 At this time, Chuck, if you want to give an
7 overview of your site plan - I know we've all had a
8 chance to review this. I want to give the public ample
9 time to speak. So, I don't want to say make it short
10 and sweet, but you know, give us your best laid plans
11 in the most condensed way.

12 MR. MARSHALL: Yes. I just want to make sure
13 you can hear me.

14 CHAIRPERSON HEXT: Yes, I can hear you and we
15 can see you right now.

16 MR. MARSHALL: Okay. So, you can see my screen.
17 We're proposing a building that has a porch on the front
18 or northeast elevation. That porch will wrap around to
19 the northwest elevation.

20 The delivery area is proposed along the
21 southeast and the rear of the building that faces 111
22 Helderberg Avenue and is proposed with the mechanical
23 units on the back.

24 Important elements include that this is where
25 Stewart's does not propose any lights. This was a

1 question that was raised in the Barton and Loguidice
2 letter in addition to some of the Planning Board
3 letters or Planning Board questions.

4 We do propose one single externally
5 illuminated sign. The sign does not have LED
6 components. It has a mechanical scroll. The scroll
7 will change to a certain price and then remain
8 relatively stagnant. It's not an electronic message
9 Board and will not constantly change.

10 At the gasoline canopy elevation you see that
11 we propose two pumps. Each pump will have dual fueling
12 capacity and on top of the roof a mansard building.

13 The biggest issue, I think, from a site plan
14 perspective is this. This is the site plan that was
15 proposed (Indicating). This shows the dumpster
16 location on the property line with 111 Helderberg Ave.
17 Then, here we show moving the dumpster to a position
18 outside the rear of the property.

19 The Zoning Code for the Village indicates the
20 dumpster should be located in the rear of the
21 property. That's not something that needs ZBA action,
22 but instead a waiver from the Planning Board.

23 So we had, in March, sent a letter indicating
24 or requesting consideration for moving the dumpster.
25 That was one of the anticipated elements of the Zoning

1 Board's review. We did achieve all the variances from
2 the Zoning Board for front setback, setback to 111 and
3 then the lot size.

4 So that's, I think, the biggest site plan
5 issue that has to be addressed tonight; the location
6 of the dumpster and its potential impact. When you
7 move the dumpster, you're also able to move the light
8 that's associated with it.

9 From there, we just have plans identifying
10 the utilities, which are water and sewer connections,
11 where the electric is coming from, the proposed
12 grading plan and the stormwater plan, which
13 essentially shows an array system in the southeast
14 corner or northeast corner of the property. Then, the
15 roof drains directly to - - discharges directly to the
16 creek.

17 After addressing the dumpster location, the
18 next element to consider for the Board is plantings
19 along the property line here (Indicating). So,
20 Stewart's is willing to take the foundation from
21 107-109 Helderberg and incorporate it as a retaining
22 wall, which is why our retaining wall detail was not
23 provided. However, to do so, when you get to plantings
24 and you put the fence on top of the retaining wall,
25 there was some concern raised in the Barton and

1 Loguidice letter that said the species selected, which
2 were Austrian Pine, might not be the best.

3 If the Board desires, we are willing to
4 switch to an arborvitae. That does not have a canopy,
5 but would provide the vertical screening and we can
6 space them out differently. This plan was developed by
7 a registered landscape architect. That was a condition
8 of the Zoning Board of Appeals approval.

9 The next plans are the photometric plan,
10 which speaks to just the lighting configuration.
11 Again, altered, if the dumpster enclosure moves and
12 then some miscellaneous details.

13 So, obviously at this point it's up to the
14 Board whether the Board asks questions, or you wait
15 for the public to speak and then I answer questions at
16 any time. I am comfortable with either.

17 CHAIRPERSON HEXT: Okay. Thank you, Chuck.

18 Well, I think at this point, some of our
19 questions you've addressed and we've published those
20 on the Village's website.

21 I would just like to ask one question here
22 that came in from a resident and it has to do with the
23 site plan, which is why I'm asking it now.

24 Is there a way that the electrical units -
25 the electrical panel can be moved to the rear of the

1 building? I believe according to Rick Grant's letter,
2 access would still be available for maintenance.

3 MR. HUKEY: And the compressors would be moved
4 over to the side.

5 CHAIRPERSON HEXT: Hang on a second, John.
6 Go ahead, Chuck.

7 MR. MARSHALL: I just want to make sure I
8 understand the question. Does that mean the exterior
9 electric cabinet, or did you mean the mechanical units
10 along this elevation?

11 CHAIRPERSON HEXT: It states: electrical
12 contractor Rick Grant's letter states how the units can
13 be moved to the creek side of the building and the
14 electrical panel can be moved to the rear of the
15 building. Access is still available for maintenance. The
16 letter is included below, but - - nevermind, you don't
17 need that.

18 MR. MARSHALL: So, we reviewed this on the
19 southwest and southeast elevations. The potential exists
20 for moving one of the compressor units. I think it's the
21 cooler compressor, which would basically be this one
22 here (Indicating) - can move here if this ice chest is
23 eliminated. Unfortunately, with the panelized systems
24 for the cooler and the freezer -- you'll see here - this
25 is one of the compressors and here is one of the HVAC

1 units, and here's one of the HVAC units (Indicating).
2 The HVAC units are all proposed to be outside the
3 panelized systems. So, what we're asking is if we could
4 - - and we're asking this of the ice supplier and the
5 contractor - - if we eliminate this ice chest, we think
6 we can move this compressor. So, no, not all of the
7 mechanicals can be moved to the creek side, but the
8 potential exists for one or some of them being moved.

9 CHAIRPERSON HEXT: So, that's a question that
10 you have out there to be answered yet?

11 MR. MARSHALL: Yes, and then we'll provide
12 that in written correspondence with the subsequent
13 submission.

14 CHAIRPERSON HEXT: Okay, alright, thank you.

15 John, you were going to say something?

16 MR. HUKEY: I just mentioned when you said
17 moving the electrical units -- I added: and take the
18 compressors in the back and move them on the side where
19 the electrical units -

20 I do have a question once you get to it, or a
21 few questions.

22 CHAIRPERSON HEXT: Okay. We can give some time
23 for the Board's questions, but at this point I want to
24 make sure that we allot enough time for the public, even
25 given the fact that we may and probably will extend the

1 public hearing 10 days or more. If the Board can just
2 ask a few simple questions at this point and let's give
3 some time to the public, as well.

4 So, go ahead John.

5 MR. HUKEY: Chuck, just to confirm: There will
6 be two handicapped parking spots up front?

7 MR. MARSHALL: Correct. Because we exceed 25,
8 we have to go and do a second handicap parking space. In
9 my letter I indicate that.

10 MR. HUKEY: Okay, I just want to make sure I
11 understood that in the letter.

12 The other one was a wall. Why did you say you
13 could not provide a cross-section of the wall in back?

14 MR. MARSHALL: Because we're not using a stock
15 vendor supplied wall. We're going to take the foundation
16 from the house and repurpose the stone into the
17 retaining wall.

18 MR. HUKEY: Okay.

19 CHAIRPERSON HEXT: Thanks, John.

20 Any other Board Member? I see Chuck's plans,
21 so I really can't see -

22 MR. MARSHALL: I can stop sharing. You want me
23 to stop sharing?

24 CHAIRPERSON HEXT: Yes, stop sharing for the
25 moment and if you need to bring it back up - - okay.

1 Connie, Barb, anybody, Steve?

2 Dan, you as our registered architect -
3 you've given a lot of insight to us. I know you're the
4 alternate. You can't vote, but if you have any
5 insights as far as the Austrian Pines versus the
6 Arborvitaes, certainly chime in.

7 MR. HITT: I understand Chuck has mentioned
8 that they will resubmit a landscape plan, right?

9 MR. MARSHALL: Yes.

10 MR. HITT: Okay, so it will be updated and
11 we'll take a look at it from there.

12 MR. MARSHALL: The Code says Pines and that's
13 why we submitted the Austrian Pine, but if you want to
14 deal with something that doesn't have the canopy and
15 you're willing to switch to the Arborvitae, we're
16 willing to do it. We just need the direction from you.

17 MR. HITT: Yes. My original comment wasn't
18 against Austrian Pines. It's just that they're difficult
19 sometimes to transplant and you don't usually have a lot
20 of success, so the comment was just to look at options.
21 That's all.

22 CHAIRPERSON HEXT: Anyone else?

23 Connie? You're unmuted, so you're up.

24 MS. RUE: Okay. I mean, I do have some
25 questions, but I wasn't sure if this was the time for

1 the public to speak.

2 CHAIRPERSON HEXT: It's time for the public and
3 us, so if we can't answer your questions now, we will
4 certainly get them answered for you.

5 MS. RUE: Okay. Actually, Chuck brought up
6 repurposing the foundation to a retaining wall. I know
7 I've brought it up in the past and some others about
8 repurposing other stuff from the building that's going
9 to be taken down. I saw something at a Stewart's in
10 Brunswick where they have taken - they worked with the
11 local historian and were able to put a really nice sign
12 that described the house that was demolished and really
13 brought a lot of the history of the Village into a
14 really big display and used some pieces from the old
15 house and incorporated it into the presentation in the
16 store. So, I wondered if something like that could be
17 generated for this store.

18 MR. MARSHALL: So, this store is not eligible
19 for the historic register.

20 The project in Brunswick - the house that was
21 razed was eligible for the register. So, as part of
22 our mitigation with SHPPO, we did the building
23 features that you saw. Those building features were
24 not actually part of the house. They were
25 architectural components - fiberglass-type pieces that

1 were replicated to incorporate into the design. The
2 only actual piece that came from the house was the
3 weather vane.

4 The house at 107-109 is not eligible. And
5 it's frankly not - - it's a nice house and I'm not
6 going to say it's not a lovely two-family
7 non-compliant residence, but it's not a historical
8 house. So, it's our feeling that because of the way we
9 construct buildings, the elements are not useful to
10 us, but to repurpose anything the only thing
11 salvageable would be the stone. We are willing to
12 allow architectural salvage. If like a Historic Albany
13 or someone of that nature wants to come in and take
14 banisters, doorknobs, etcetera.

15 MS. RUE: I guess the historical nature of the
16 house itself, but of the Village - if we're building new
17 construction in the Central Business District of
18 Altamont, I thought the idea was to use the historical
19 properties nearby as a model. So, pieces like the - I
20 don't know if gingerbread is the right word - but some
21 of the the additional features that I saw on the dormers
22 and the windows and the poles just to soften the look a
23 little, so it wasn't so - I'm not sure what the word is
24 - - industrial - - so plain. I guess that's not quite
25 the right word. But I thought some, some features like

1 that might soften the look.

2 CHAIRPERSON HEXT: Chuck, can we take that into
3 consideration going forward and perhaps discuss it a
4 little more?

5 MR. MARSHALL: Yes, I mean, we're just looking
6 at where the columns meet the porch roof. Maybe we can
7 do some type of corbel or some you know -- I know Dean
8 is on the line and he knows I'm not an architect and I
9 never claim to be one, but we could do something fancier
10 at that point.

11 CHAIRPERSON HEXT: Okay. I don't want to take
12 up too much time.

13 MR. MARSHALL: That's fine.

14 CHAIRPERSON HEXT: Connie, if you can keep your
15 thoughts and email them and we'll email those to
16 Stewart's. If we are giving the public two to three
17 minutes, I don't think we should take any longer than
18 that.

19 Barb, do you have anything?

20 MS. MUHLFELDER: I feel differently about that.
21 I haven't really gone around the whole house, but I
22 don't see anything that I find attractive, to be honest,
23 like about that house. I do feel that we could play
24 around with some of the design of the new building and I
25 agree with Connie to maybe add some elements that are

1 possibly throughout the Village because it really is a
2 beautiful Village. I personally don't see anything to
3 add from the house that's going to be destroyed.

4 CHAIRPERSON HEXT: Okay, thank you.

5 MS. RUE: This is Connie. I just would agree.
6 My focus is more on the Village itself and the Central
7 Business District. The look of the Village - not
8 necessarily the specific house.

9 CHAIRPERSON HEXT: I agree, Con.

10 Steve?

11 MR. CARUSO: As far as the landscaping
12 situation goes - and we were discussing, I am a great
13 supporter of Arborvitaes. I'm certainly not somebody
14 who's an expert in that department, but I've driven
15 around in a lot of areas and one of them that really
16 kind of comes - I think they make a great barrier. One
17 of the areas that I've often seen is down near the
18 Colonie Country Club down in Voorheesville as you're
19 heading towards Stonewell - before the old entrance,
20 there used to be - there's a house there before Levy's
21 and they had planted Arborvitaes and they grew very
22 quickly and made a tremendously nice hedge, which really
23 seems to do a nice job. So, I would go on record as
24 saying that I would like to see that - look at it and
25 investigate it, but I guess we have to kind of wait

1 until the official landscaping report comes in, right?

2 CHAIRPERSON HEXT: No, but it's good to get the
3 ideas out there now.

4 MR. MARSHALL: There is no official landscape
5 report. The plan was developed by a landscape architect.
6 So, if you guys want to switch the species that's
7 strictly or wholly up to you. The Code calls for pines,
8 but again, it's not an element that needs a variance.
9 The Planning Board can waive or alter the design
10 features. So, if you guys say Arborvitae, I'll put them
11 in.

12 MR. CARUSO: Okay.

13 MS. MUHLFELDER: This is Barb and I would go
14 with the Arborvitae, too. I think they, they do provide
15 a lot of protection as they get bigger.

16 CHAIRPERSON HEXT: Okay, good.

17 I think I've got all of the Board Members.

18 .Dan, do you have anything more to add as far
19 as your level of expertise goes on what folks have
20 said about the Arborvitae versus Austrian Pines, or
21 anything else?

22 MR. HITT: Arborvitae will work as a screen.
23 The thing is with vegetation, you'll never get the solid
24 feel of a fence with vegetation. So, Arborvitae, if it
25 does last and 20 years from now, it might be a solid

1 vegetative barrier, but you don't always get that. So,
2 that's why the idea of evergreens and deciduous was
3 recommended to provide a screening. I can take a look at
4 the landscape plan when it's resubmitted. I only took a
5 quick look at it the other day.

6 The other comment I would make is the
7 vegetation that's in the area that's by the
8 intersection that's actually within the highway right-
9 of-way should be protected. Currently, the landscape
10 plan shows a lawn area. It's a vegetated area right
11 now - planting. It should be retained. I think once
12 the landscape plans are resubmitted based on the
13 comments, we could take a look at it and go from
14 there.

15 CHAIRPERSON HEXT: Okay.

16 MR. HITT: I'm not against Arborvitae or like a
17 Red Cedar or White Cedar, but it's just an option. But
18 there are other ways to provide a screening as well, not
19 just having a solid barrier of Arborvitae.

20 MR. MARSHALL: We acknowledge - one of the
21 comments from Barton and Loguidice, or one of the
22 Planning Board Members was that the DOT right-of-way was
23 designated on it, or something. That will obviously be
24 corrected in the future submission.

25 MR. HITT: Thanks.

1 CHAIRPERSON HEXT: Thank you.

2 I think at this point -

3 MS. RUE: I have one more comment, while we're
4 on landscaping. It has nothing to do with Arborbitaes.
5 On the Altamont Boulevard side where they're going to be
6 closing in the one egress, it looks like on the current
7 landscape plans it calls for Creeping Juniper, which
8 would be ground cover I assume. I thought the idea of
9 the landscaping was to - again, I'll use the word
10 soften -- screen the parking area. I was wondering if
11 that could be built up to something - I don't know if it
12 needs to be trees, or more like what's on the corner
13 now. I'm not sure what those are - maybe Dogwood or -

14 CHAIRPERSON HEXT: You want to create a
15 canopy-type thing?

16 MS. RUE: Well, something more than ground
17 cover along that edge.

18 CHAIRPERSON HEXT: I noted it. I'm trying to
19 take notes as we go here so that I can send them off to
20 Stewart's, but thankfully this is being recorded so I
21 can refer to that.

22 At this point I would like to turn it over to
23 public comment. Again, if we can please try to be
24 respectful. I know we took up some time.

25 Who wants to speak first? Maybe Carol? I

1 would give you the option to speak first. Are you out
2 there, Carol?

3 MS. ROTHENBERG: All right. How's that?

4 CHAIRPERSON HEXT: There you go.

5 MS. ROTHENBERG: Hi, thanks. Officially, let
6 me say Carol Rothenberg, 111 Helderberg Avenue.

7 I'll begin by stating that I understand how
8 challenged we all are by this virtual format for a
9 public hearing and I'm number one being challenged
10 here, so bear with me.

11 To make my requests clear and more detailed
12 as submitted to all of you last week, my letter of
13 concerns with photographs - - Thank you, Deb. I
14 understand that you've referred to some of those. I
15 appreciate that. I'm going to limit most of my
16 requests for your serious considerations to my own
17 property, as I'm trying to secure some semblance of
18 privacy, reduction in noise and light pollution and
19 keep the damage to my property and tree and hedges to
20 a minimum. So, I have six concerns.

21 I know Chuck has already had some discussion
22 here with the HVAC units, but if you could, please
23 study the placement of the condensing and HVAC units
24 that are placed behind the building indicated on the
25 southwest side. So, this is facing my property. If

1 you've been up to my property, it's a porch and a
2 bedroom is above it and that's less than 20 feet from
3 the property line. So, I'm requesting that the four
4 units be placed along the southeast wall that faces
5 the creek side. Then, the electrical panel box to be
6 moved to the back corner on the back side, still
7 allowing for easy access - - maybe only one ice
8 machine, like on Western Avenue.

9 Thanks, Chuck. I know that you had mentioned
10 that.

11 Also, Rick Grant, who's a local electrical
12 engineer wrote in a proposal referencing the above
13 suggestions. He feels it's possible. He looked at the
14 plans. He went to the local store here. He also drove
15 out to the Western Avenue store. So, that was his
16 conclusion. I had another professional look at it as
17 well and they thought that was possible.

18 Number two: Because of those units, there
19 needs to be the stone or cement wall, then a vinyl
20 fence on top of the wall to try and block the 24/7
21 noises. So, that leaves about four feet for planting.
22 So, I do understand for those of us listening tonight
23 that most of us would feel that four feet is not too
24 big for tree plantings.

25 So, my request that the condensing and HVAC

1 units be moved to the creek side which would alleviate
2 the need for all of this encroachment so close to my
3 property.

4 Then, the fence could be placed closer to
5 Stewart's building and there would be room for
6 appropriate plantings. So, I see that as a win/win for
7 all of us - - possibly not even the need for a fence
8 at all.

9 Number three would be to please be attentive
10 to the creek side landscape. I am requesting that rock
11 gabions be placed along the creek side where the four
12 trees were removed. I now have rock gabions along my
13 side of the property line that were installed by
14 Pollard. Where they end, there has been erosion of my
15 property and on the adjoining property. So, the roots
16 will rot, minus the living trees and then the erosion
17 will continue.

18 Also, the creek rises and floods and
19 therefore I pay flood insurance as requested by FEMA.
20 So, that is indicative of more erosion - creek erosion
21 - bank erosion, I should say.

22 Number four: If you could please be attentive
23 to the run-off from the back of the store, as there is
24 traditionally standing water in that area each spring.

25 I didn't notice gutters on the back of the

1 store. I saw from Chuck's plan, there's some - a way
2 for the draining of the water and I have to say I
3 haven't studied that, but I didn't notice any gutters
4 there. If there are gutters, where would the water
5 drain to? If not addressed, I'm requesting
6 consideration for a French drain system that would
7 keep the water from pooling and be able to move away
8 from my property in the back of the store. A cement
9 wall in that area, plus the drainage issues certainly
10 complicates proper drainage. So, that's another reason
11 maybe the wall might not be there if the HVAC units
12 could be moved and the condensing units.

13 Number five: There are lots of discussion on
14 appropriate plantings. I can see that's already
15 happened. I suggest that the Planning Board possibly
16 consult with Nan's Stolzenberg's plans. She recommends
17 various plantings there. The trees certainly will help
18 filter out light and help soften the harshness of that
19 treeless landscape. I know that's been discussed
20 somewhat already.

21 Although some people thought that the tree
22 root removal wouldn't really be that bad, it turns out
23 that our neighborhood is already seeing the effects.
24 So, some car lights now shining into living and
25 bedroom windows nightly is something that people are

1 seeing from the traffic that comes on the Altamont
2 Boulevard side and pulls into the parking lot. Once
3 the house is removed, I assume there'll be more light
4 and noise pollution.

5 Number six would be demolishing the house. I
6 know those specifics are yet to come, but if you could
7 please give serious considerations to the dust, need
8 for asbestos investigation with possible floor tiles
9 and how to keep my property safe, or any of the other
10 activity that would be going on at the funeral home in
11 our neighborhood because you can imagine how that's
12 going to be.

13 So, that's the short list, but thank you very
14 much for your thoughtful consideration for all of
15 these various considered areas - serious
16 considerations for me and my property and on our
17 neighborhood up here. And again, I appreciate, even
18 though it's a virtual meeting, the opportunity to
19 speak. So, thank you very much, Deb and everyone.

20 CHAIRPERSON HEXT: Thank you, Carolyn. Like I
21 said, right now I'm pretty sure we'll be keeping the
22 public hearing open for 10 days. So, whatever comes out
23 of tonight, if anyone has any further comments on it,
24 you will have the opportunity for either email or to
25 drop it in the drop slot at the Village Board.

1 MS. ROTHENBERG: Thank you.

2 CHAIRPERSON HEXT: I'm sorry, at Village Hall.

3 So, who would like to go next? I'm trying to
4 see if there's a hand waving. You might want to just
5 speak up.

6 MAYOR DINEEN: You have Kirby Wilson waiting.

7 MS. WILSON: Can you see my hand, Deb?

8 CHAIRPERSON HEXT: Go ahead.

9 MS. WILSON: Thank you.

10 This is Kirby Wilson, 272 Brandle Road.

11 Can you hear me okay?

12 CHAIRPERSON HEXT: I can hear you fine, yes.

13 MS. WILSON: Good. I wanted to say that I
14 support Carol Rothenberg's request to mitigate the
15 impact of building the larger store within four feet of
16 her hedge. Carol's taking the major brunt of this big
17 project and on the value of her property and the quality
18 of life. So, please seriously consider Carol's requests.

19 I have three questions, myself. The first is
20 for Chair Deb Hext.

21 I was wondering if the questions I sent in my
22 April 20th letter to you were forwarded to Stewart's
23 and how we can get the answers.

24 CHAIRPERSON HEXT: Most of the questions that
25 you asked were also questions and comments by B&L,

1 Barton and Loguidice. So, did you have an opportunity to
2 look at the questions and answers that were on the
3 Village website?

4 MS. WILSON: Yes, ma'am.

5 CHAIRPERSON HEXT: Okay. So, I thought and I
6 might be wrong, but I thought most of those questions
7 that you asked were also asked by either us or Barton
8 and Loguidice. If not, I will certainly forward this
9 again in its entirety to Stewart's and ask them to
10 comment on it. But again, I might be wrong, but I really
11 did think that most of them were addressed.

12 MS. WILSON: Well, I think some of them were,
13 but there were some errors that I'll just highlight.

14 There were conflicts between the acreage
15 figures in the report. On page one, it said 0.78 acres
16 for the whole project and then on page 97 there was a
17 map that said 0.84 acres.

18 CHAIRPERSON HEXT: Where are you getting that?
19 Is that from the SWPPP?

20 MS. WILSON: That was from the SWPPP from MJ
21 Engineering.

22 CHAIRPERSON HEXT: Okay.

23 MS. WILSON: They also had an error on page 15
24 where they put the site elevation at zero, which should
25 be 463 feet. They also had an error with a page on peak

1 discharges for Well Now Urgent Care in a different
2 project number of page 17.

3 CHAIRPERSON HEXT: I'm not sure where that came
4 from.

5 MS. WILSON: I think it points to a little
6 sloppiness that I was concerned about, but maybe there's
7 a reason that it's included.

8 I also had some questions about whether
9 there's any soil or groundwater beneath the pavement
10 that's going to be affected.

11 CHAIRPERSON HEXT: I know that was answered in
12 the SWPPP - stormwater.

13 MS. WILSON: It wasn't real clear to me. I know
14 they did address some of the systems, but -

15 CHAIRPERSON HEXT: It wasn't clear to me
16 either, but I'm not a SWPPP expert, so I guess we'll
17 have to leave that to the engineers. I'm pretty sure
18 they were CC'd on this, but what I will do is I will
19 send your email again to Stewart's and to Barton and
20 Loguidice and ask them to review each and every
21 question. Does that work?

22 MS. WILSON: Yes, ma'am. Thank you.

23 My second question was about -- Stewart's
24 agreed this Friday to provide 13 additional documents
25 to the Village engineers and including a permit

1 request and had plans for demolition of the two-family
2 house, the store, the gas pumps, canopy and pavement.
3 I wonder if there would be an extension or another
4 public hearing scheduled to allow public input about
5 those new plans.

6 CHAIRPERSON HEXT: There will be. Like I said,
7 right now in all probability there will be another -
8 there will be an extension to this public hearing that
9 will allow either email - or drop to the Village offices
10 any concerns, anything that's being brought up tonight,
11 anything that Stewart's needs to address tonight. So,
12 I'm thinking 10 to 14 more days of public comment will
13 be allowed.

14 MS. WILSON: Does that mean the new reports -
15 the 13 new reports and the revised drawings will be
16 posted online?

17 CHAIRPERSON HEXT: Yes.

18 MS. WILSON: Okay, good.

19 My third question was: Does Stewart's
20 insurance cover financial losses due to a force
21 majeure? What financial assurances can Stewart's give
22 us that construction will not be halted midway due to
23 losses caused by the current pandemic, leaving a big
24 eyesore for months or years?

25 CHAIRPERSON HEXT: I don't know.

1 Chuck, if you want to address these - all
2 these questions at the end so that we can get as many
3 questions in as possible - I'm sure that some
4 questions are going to be redundant.

5 MR. MARSHALL: I would prefer to wait till the
6 end so, if there's a thematic, you know, sense of
7 questions. I don't think that anyone's going to be as
8 detailed as Ms. Wilson was with their reading of the
9 SWPPP.

10 I do want to make it clear we're not
11 providing 13 new documents, or there are no 13 new
12 documents. There might be 13 instances where we've
13 said we will submit with new material, but that's not
14 a new document. So, I just want to make sure that
15 that's clear.

16 MS. WILSON: My reading of the attachments
17 online did refer to 13 new submissions, in addition to
18 changes to the drawings, but I could be wrong.

19 MR. MARSHALL: Well, there might be an instance
20 where we said something along the lines of comment
21 acknowledged and provided on future submissions, but
22 that doesn't generate 13 new documents. That would
23 probably be included in all plan revisions.

24 CHAIRPERSON HEXT: If anything changes - if
25 there are any major changes to the plan as a result of

1 tonight's meeting or as a result of any questions coming
2 in from the public or the Planning Board, we will make
3 sure that those questions are posted and those answers
4 are posted - whether it's from Barton and Loguidice or
5 Stewart's - are posted on the Village website. Does that
6 work?

7 MS. WILSON: Okay, thank you. I'm done.

8 CHAIRPERSON HEXT: Okay. All right. Everybody's
9 going over a little bit, but I certainly understand it.

10 So, who's next? I can't see hands, so I'm
11 going to rely on everybody else to see hands.

12 MAYOR DINNEN: Jeff Perlee, you have, Deb.

13 CHAIRPERSON HEXT: Hello Jeff, go ahead, sir.

14 MR. PERLEE: Hi. Can you hear me?

15 CHAIRPERSON HEXT: I can hear you.

16 MR. PERLEE: Great. Thank you, very much. Deb,
17 as you know, I sent to the Board a lengthy letter
18 submitted today and that's why I'm glad that you're
19 looking to extend the public comment period to give
20 folks a chance to hopefully digest some of the points of
21 the analysis contained in that letter. The main thrust
22 was to introduce for the Board's consideration the
23 question of the proposed design by Stewart's and the
24 impact of that design on the existing historic nature of
25 the existing commercial district. And it's really kind

1 of following up on comments made by both Connie and
2 Barbara earlier in the meeting and to put those comments
3 in the context of the actual standards that the Board
4 needs to consider before giving affirmative approval to
5 both the special use and the site plan.

6 Section 355.36(e)(r) of the Village Code
7 requires that in order to issue the special use and to
8 approve the site plan as proposed, this Board has to
9 make an affirmative finding that there is no adverse
10 impact on the character or integrity of any land use
11 within the immediate neighborhood having unique
12 recreational, cultural, historical, archeological or
13 other special community values. So, it's not just
14 something that Board Members would like for Stewart's
15 to - out of the kindness of their heart incorporate
16 this or that. It's actually a requirement of the Board
17 that you - in order to approve what Stewart's submits,
18 you have to find that what they have submitted in fact
19 does not have any adverse impact on the existing
20 historical and cultural character of the surrounding
21 neighborhood. Frankly, I think with the proposal that
22 Stewart's has submitted, I think that's going to be a
23 very, very hard task. I don't know how you would
24 necessarily characterize the architectural style of
25 the building proposed, whether it's neo-colonial or

1 sort of suburban commercial, but it's not Victorian
2 and it's not of the type that characterizes the
3 buildings that characterizes the Central Business
4 District, which is the reason -

5 CHAIRPERSON HEXT: Well, it is. It does look
6 exactly like Altamont Corners. So, I mean, there is
7 precedent for that design in the business district.

8 MR. PERLEE: Well, I would disagree with that
9 because if you look, I think that Altamont Corners
10 actually did, I think, a much more thorough job of the
11 scale of the features that they incorporated. They went
12 very much off of the train station.

13 To Jeff Thomas's credit, they spent, I think,
14 some money and some time to make sure that the
15 incorporation of the features that make Altamont
16 Corners actually a contributing building to the
17 historical character - because they did in fact
18 replicate both the cupolas and the eyebrow dormer that
19 are the central features of the train station next
20 door.

21 CHAIRPERSON HEXT: So, for you it's more that
22 the scale and size of the features, than the features
23 themselves. I'm just trying to understand where you're
24 going.

25 MR. PERLEE: Well, scale and size actually

1 determines whether a particular feature is in fact a
2 Victorian feature or a colonial feature or a modern
3 feature, right? You can put a cupola on a building and
4 that doesn't make it a Victoria building if in fact the
5 cupola is colonial in design, right? So, these are the
6 details, but it's the sum of these various details that
7 define whether a particular building has an adverse or a
8 positive impact on the surrounding historical character.
9 That's how the National Trust for Historic Preservation
10 determines whether an area qualifies to be a historic
11 district, or whether an individual building qualifies.
12 However you characterize and if you break down - and
13 that's what the attempt of my letter was to break down
14 the various features; to look at the dormers, to look at
15 the gable, to look at the use of stone, to look at the
16 cupola and determine are those truly consistent, or are
17 they actually kind of an affront to the Victorian style?
18 I think it's axiomatic that if you place a neo-colonial
19 or a suburban commercial building in the middle of a
20 unusually integral historic commercial district, that
21 new building is going to have an adverse impact on the
22 integrity of the district. And that's exactly the
23 standard that the Planning Board is tasked with
24 determining, right?

25 CHAIRPERSON HEXT: Hopefully we'll be able to

1 come to some type of compromise that everyone is happy
2 with.

3 Obviously, we have a lot to review here, Jeff
4 tonight. We'll take your letter into consideration,
5 especially since we only got it at 3:00 today. We
6 really can't give too much time to that.

7 I understand what you're saying and I kind of
8 - I like how you phrase that about the scale and the
9 size and what the difference is. I made a note for
10 myself. So, I thank you for that and you know, I hope
11 that you will understand when I say I'd like to move
12 on to the next resident -- I do thank you and we will
13 definitely take your letter into consideration.

14 MR. PERLEE: Yes, and I would just close by
15 saying I think that it's not that difficult to do, as
16 Barbara and Connie referenced. You need only spend 15
17 minutes to walk around Altamont and look at some of the
18 key features of the buildings that define the area such
19 that the National Register saw fit to recognize it and
20 incorporate those features as they exist in the historic
21 district into the new proposal. That would make a world
22 of difference and would enable the Board to conclude
23 that this building, though new, can still make a
24 positive contribution to the historic district - not
25 have an adverse impact by being something that is

1 contrary to the overall design standards of all the
2 other buildings that currently exist.

3 CHAIRPERSON HEXT: Thanks, Jeff.

4 MR. PERLEE: Thank you.

5 CHAIRPERSON HEXT: Who do we have next? Anybody
6 on the phone?

7 MS. STELMASZYK: Hi. I would like to speak.

8 CHAIRPERSON HEXT: Who is that? Fran?

9 MS. PORTER: Oh, sorry, go ahead.

10 MS. STELMASZYK: Would you like to go first?

11 CHAIRPERSON HEXT: Whoever wants to go first,
12 just say your name so I know who you are.

13 MS. PORTER: I'll be second. This is Fran. I'll
14 wait.

15 CHAIRPERSON HEXT: Okay.

16 MS. STELMASZYK: Hi, my name is Lara Stelmaszyk
17 and I live at 160 Maple Avenue. I just have a few
18 comments based on what I was hearing now.

19 I'd like to comment that the representative
20 from Stewart's, Mr. Marshall, said that they consulted
21 a landscape architect. First, excuse me, I think a
22 certified arborist and he switched and he said it was
23 a landscape architect. Those are two different types
24 of people. Landscape architects are hardscape people
25 generally and are trained plant professionals and that

1 is not their primary focus. So, I'd like to just point
2 that out. He's was couching it as if it is a choice
3 simply between Arborvitae and some manner of pine - he
4 did name Austrian Pine. That, of course, is silly.
5 It's not a choice between those two.

6 Mr, Hitt pointed out probably a mix of
7 deciduous and coniferous would work best - perhaps
8 more shrubs. There's certainly a world of options of
9 tall polymer shrubs that could be introduced as well
10 on heights and the specifics. More than five minutes
11 worth of thought would generate more options than the
12 very generic Arborvitae. That's going to be a very
13 unlovely option.

14 CHAIRPERSON HEXT: Is this Lara?

15 MS. STELMASZYK: Yes, it is.

16 CHAIRPERSON HEXT: I'm sorry, you were breaking
17 up a little bit, so I wasn't exactly sure who we had on
18 there.

19 We've benefited from the fact that, our new
20 alternate, Dan Hitt is a registered landscape
21 architect and he has already contributed a lot to
22 this. So, believe me when I say we will be leaning on
23 him a lot and going with his suggestions and asking
24 Stewart's to go with his suggestions and hopefully
25 come up with a nice mix of plantings and ground cover

1 and things that could provide maybe a canopy that
2 might slow traffic down if you get more of a tunneling
3 effect. Hopefully, we'll be able to work through these
4 options and come up to something that will be an
5 advantage and something that people would want to see
6 as opposed to not see in the Village.

7 MS. STELMASZYK: Excuse me. I'd also like to
8 say that other people - Mr. Hitt's comments were very
9 informative and very interesting and very specific,
10 which I certainly appreciate it.

11 I'd also like to say that Ms. Rue pointed out
12 that and maybe Mr. Hitt as well, that the front
13 plantings do need to be green. There should be
14 plantings that soften on all sides of the building.
15 And as Carol Rothenburg also pointed out along the on
16 the screen side - so, we're not just talking about one
17 small row along the back.

18 The other thing I would like to point out is
19 that there is talk about a vinyl fence, I believe, on
20 the back that will amplify sound, I believe. So, I do
21 hope that the plantings will work with the fence to
22 soften the sound because you know a hard surface will
23 amplify and there will be echo.

24 The other point, beyond the plantings, is
25 that I would like to ask that the roof material - I

1 believe it's asphalt and it seems to me that it's
2 unkind to make this poor woman stare at a very large
3 expanse of asphalt, which is a road. So, she'd be
4 looking essentially at a shingled road. I would ask
5 that you consider to have - as Stewart's changes their
6 design, hopefully, that they will be asking for a
7 higher grade roofing - perhaps metal - something that
8 will work better and that will give Carol a little bit
9 more to look at than a shingled road.

10 Also, in hearing Mr. Perlee's very
11 interesting comments - it is a historic village, but
12 not a historic district in name, but it's also a
13 mountain village and the design that the Village has
14 allowed Stewart's to purport is simply one of their
15 stable -

16 CHAIRPERSON HEXT: Lara, you are breaking up
17 bad. We're not hearing you hardly at all. Are you on a
18 cell phone?

19 MS. STELMASZYK: No, I'm on a computer. Can you
20 hear me now?

21 CHAIRPERSON HEXT: We can hear you, but you
22 keep breaking up.

23 MS. STELMASZYK: Mr. Perlee's comments
24 reference that this is a Victorian Village. It is also a
25 mountain Village and Stewart's is putting in a design --

1 one of their generic maybe six designs that they do
2 throughout the region and there's nothing vernacular
3 about it as Mr. Perlee pointed out. And so I would ask
4 that you not - - you use the word compromise. You
5 shouldn't have to compromise. The point of the Zoning
6 Board and the Planning Board is to protect the interests
7 of the Village and I would like to see you do so. Thank
8 you. I'm finished.

9 CHAIRPERSON HEXT: Thank you, Lara.

10 Okay, Fran? Are you muted?

11 MS. PORTER: Yes, I was. Can you hear me?

12 CHAIRPERSON HEXT: We can.

13 MS. PORTER: Good. Members of the Board, thanks
14 so much for listening to my comments tonight. I just
15 want to acknowledge first - but I know that a lot of
16 people think that the approval process for Stewart's has
17 already gone on too long and that with the Zoning Board
18 approvals people probably think that a lot of things
19 have been decided that I am not entirely resigned to
20 they're being decided. The only thing that I can say for
21 sure is that we have approved certain variances, that
22 some of the Codes and also that the property itself has
23 been rezoned for commercial use. I think virtually
24 everything else is left on the table. So, I would see
25 the Planning Board as the appropriate place to raise

1 things that may already have been raised before other
2 Boards, but I think that this is the Board where the
3 real decisions can and should be made. I also think that
4 a public hearing like this is a genuine opportunity to
5 be heard and not a proforma exercise.

6 So, with that in mind, I would say that what
7 we still really need to look at is the size of the
8 building, the square footage and height, the lot
9 configuration, including the dumpster, which is also
10 something that has been mentioned - landscaping,
11 signage, lighting and the drainage plan.

12 I would say in terms of the size of the
13 building, the variances do in fact allow the building
14 to be built within a stone's throw of 111 Helderberg
15 Avenue, but that doesn't mean that it should be built
16 that close. I think we've been given an alternative of
17 both. Either we have a 3,300 square foot building, or
18 there is no new building at all.

19 So, I think there are gradations. I think
20 that Stewart's could build a smaller store. Naturally
21 Stewart's would like to go with a design that's
22 already in place, but perhaps they are choosing the
23 Latham model. Stewart's has resources to tailor the
24 building to Altamont that will better fit in with it
25 and not be such a burden for the neighbors.

1 So, as an aside, I think it's important to
2 say that in past comments I've referred to the address
3 111 Helderberg Avenue, but I do think it's important
4 to remind people that that house has an actual person
5 living in it and her name is Carol Rothenburg, as you
6 know. I know her, also. She keeps up her property well
7 and she is really bearing the brunt of the burden for
8 Stewart's expansion. That's an unfair thing and it's
9 an unnecessary thing. I think, if we knew our neighbor
10 had a fire and was in sort of distress, as a community
11 we come together to help. I think, really I see this
12 as an instance where Carol is being injured in terms
13 of her property value, in terms of her loss of privacy
14 and just generally in the way of her lifestyle. So, I
15 think we could all speak out.

16 I think the lighting is dense. I think it's
17 too extensive. I think the signage - I'm little
18 worried about the scrolling that I heard mentioned
19 tonight by Mr. Marshall. I think regardless of how
20 much scrolling is done, I think that calls even more
21 attention to the sign, which looks very large and
22 extensively lighted.

23 As far as the landscaping is concerned, I
24 would echo Carol's point that we should have large
25 trees put on the creek side because the neighbors now

1 are experiencing light pollution.

2 If I understood it, did you say that we do
3 have - there is a Village architect who is consulting
4 with Stewart's - would we give him approval? I won't
5 ask you to answer that question, but I hope that
6 that's the case because I think that that's a strong
7 point that the Zoning Board made.

8 CHAIRPERSON HEXT: Fran, I'm going to have to
9 ask you to wrap it up here.

10 MS. PORTER: I have one more point.

11 CHAIRPERSON HEXT: We're trying to give
12 everyone a chance to speak here.

13 MS. PORTER: Thanks, Deb. I have one more point
14 and I'll make that very fast - very quick.

15 I noticed that in the schematics one of the
16 pumps will be dedicated to diesel fuel. Mr. Marshall
17 has indicated in the past that there would not be an
18 increase in the number of customers at one time, and
19 then another time that might be an increase of 10
20 customers per day. Obviously, there is going to be a
21 difference in the kind of customers or the type of
22 business with diesel fuel being introduced. If you
23 look at the size of the fuel tanks and extrapolate, it
24 looks like perhaps 30% of Stewart's gas or fuel
25 business will now be diesel fuel and that means that

1 we will see probably more truck traffic. So, that
2 sort of explains to me why Stewart's wants so much
3 pavement and a high canopy over the gas pumps and -

4 CHAIRPERSON HEXT: Fran, I have to stop you
5 here. It's getting late and we have to let a bunch of
6 other people talk.

7 Quickly, As far as the diesel is concerned,
8 they're not adding another pump. One side will be
9 diesel, the other side will be just regular gasoline.
10 The size of the canopy and all that, that's Code.
11 They have no choice.

12 MS. PORTER: There is no diesel now though,
13 right?

14 CHAIRPERSON HEXT: We will certainly ask
15 Stewart's to mitigate in any way possible - truck
16 traffic and we will take it from there. Hopefully that's
17 what we can do to make things a little bit better.

18 Anyway, I'd like to turn it over to the next
19 person.

20 MS. PORTER: Okay, thank you.

21 THE STENOGRAPHER: Madam Chairman, I apologize.
22 This is Nancy, your reporter. I did not get Fran's last
23 name. Can you give that to me, please?

24 CHAIRPERSON HEXT: Her last name is Porter,
25 P-O-R-T-E-R.

1 THE STENOGRAPHER: Thank you, so very much.

2 CHAIRPERSON HEXT: You're welcome.

3 Do we have anyone else on the phone or that's
4 waving that I can't see. I'm trying to scroll through
5 here.

6 MR. VLAHOS: This is Harvey. I'm having trouble
7 with my camera.

8 CHAIRPERSON HEXT: You're on the clock, Harvey.

9 MR. VLAHOS: All right. I hope I get as much as
10 everyone else?

11 CHAIRPERSON HEXT: You will.

12 MR. VLAHOS: Well, I guess one thing is that we
13 should take the time to do it right. That's the one
14 thing and it's a little bit of an issue. Some of the
15 comments may go longer and they're all good. People
16 aren't really repeating anything of what they are
17 saying. They're all individual points.

18 As far as time goes, I would like to see,
19 not so much even a 10-day extension, but another
20 meeting so that everything is up to date. By that I
21 mean I've heard many references that this plan is
22 going to be changed -- that's going to be adapted.
23 You're going to make some additions and if it just
24 gets dumped into an email and sent to the Board,
25 there's no chance for this back and forth. So, in

1 terms of doing it right the first time and for an
2 issue of full transparency, I think that you should
3 really try and schedule another public hearing so that
4 all of these things can be visited and thoroughly
5 vetted, if you will.

6 Kirby has really good technical questions and
7 it's very impressive with what she did with that. I
8 think the only way to really do that is to have
9 another hearing, rather than just opening it up for 10
10 days, or have a televised hearing at the end of 10
11 days so that the answers can be provided and be out
12 there.

13 Then, there's an opportunity for the public
14 to comment on it.

15 I would like to also hear - I know Dean is
16 there and I would like to hear some of his comments on
17 this. My understanding, as a former Trustee and the
18 role as a liaison is that he really needs to be called
19 on, I guess. He's sort of there to observe and then
20 report back.

21 You've got someone who is an architect - has
22 a whole career as an architect. He does it for a
23 living and I'd like to hear his comments on some of
24 these points that were raised. I would also like to
25 comment about the salvage elements - possibly historic

1 Altamont. There are elements there that can be used
2 like they were saying about doors and trim and things
3 like that. I mean, rather than just tossing it away -
4 just like Historic Albany, I think, has a warehouse
5 where you can take some of these things. I've bought
6 things there myself. So, if you're going to lose it,
7 you might as well try to save some of that as much as
8 you can.

9 So, I think some people that have some
10 knowledge should be able to go in there and strip it
11 out and do what they want with it.

12 The other thing is, as far as with Jeff
13 Perlee, I'm just going to reinforce that -- this is
14 the character and the nature of the Village. I don't
15 want to overstate it, but you know so many people put
16 in so many hundreds and hundreds of hours over two
17 years to do this comprehensive plan, and it's like a
18 big middle finger to say, we don't care. We're going
19 to give you the rezone. We're going to give Stewart's
20 whatever they want. So, I would like to at least try
21 to get as much possible done that preserves the
22 character and the nature of the Village; like what
23 Fran was saying and what Jeff was saying. This is why
24 we live here. People don't move here because there's a
25 big Stewart's. People move here because of the

1 character of the Village.

2 So, I guess that's pretty close to the three.
3 I appreciate your indulgence. Thank you.

4 CHAIRPERSON HEXT: Anyway, one thing I would
5 like to say is I totally agree with you as far as the
6 architectural salvage and that type of thing. That was
7 one of the questions we sent to Stewart's.

8 As far as letting someone in the building
9 goes -- to get that, I don't know that that could be
10 done. We'd have to discuss that. But you know, that's
11 certainly something that we will ask Stewart's to take
12 under serious consideration.

13 You were good, Harvey. You were right on
14 target there. You're just about four and a half
15 minutes.

16 So, who's next?

17 I know you want to have Dean comment at one
18 point, but I'd like to give the public a little bit
19 more opportunity to comment here.

20 MAYOR DINEEN: Kristen Casey has a question,
21 Deb.

22 CHAIRPERSON HEXT: Hi Kristen, go ahead.

23 MS. CASEY: Hi, all. I have just two general
24 areas of concern. One is lighting.

25 I think that the lighting of this site is

1 going to be important to how this whole thing feels
2 when it's all done. I have been assured by the Mayor
3 that when they put in the new LED lights around the
4 Village, that they will all be 2,900 - or close to
5 that - Kelvin.

6 Now there are three variables that have to do
7 with lights. There's the color of the lights, which is
8 Kelvin. There's the foot candles and there's the
9 lumens. I really did my homework as much as I could.
10 Every single one of the lights, at least on the plan,
11 says that they will be 4,000 K, which is a brighter,
12 whiter light. It's not as warm. So, this area - all of
13 the lights - - however many there are - 22 or whatever
14 will have a different color than all the rest of the
15 Village lights. So, that will actually make it kind of
16 stick out and be a little different. Now I know that
17 they're going to have downlights and I know they're
18 going to be shielded and I know they're doing
19 everything they can in terms of how much the light
20 spreads, but the color of the light will be different.
21 And I really hope that the Planning Board can ask them
22 to change the Kelvin to be consistent with the
23 Village.

24 I talked to both Jeff Thomas because I think
25 he's done a pretty good job about making it feel

1 consistent with the Village and I talked to Rick
2 Grant, who I think is an electrical engineer, but
3 anyway, they all said that the 2,900 is important. It
4 would be a wonderful thing if we could say, hey,
5 Stewart's let's just fit in with the rest of the
6 Village. So, I'm hoping that is something that
7 seriously could be considered.

8 The other thing, I hope it's so that we can
9 do an analysis - is to take the current lighting at
10 the current Stewart's and do an analysis of what the
11 lumens and the footcandles and the Kelvins are for
12 right now so that we can them and compare it to what
13 it's going to be. Some of them, like the footcandles
14 for the canopy are quite high and the lumens for the
15 soffits are as high as the pole lamps. There is a
16 bunch of them. There is an analysis that has to be
17 done there so that we don't end up with something that
18 we go, oh gosh, why didn't we think about that?

19 I also noticed that the pole light over at
20 Jeff Thomas' is much more in keeping with the
21 character of the Village. And I'm wondering why we
22 couldn't have pole lights at Stewart's with what Jeff
23 Thomas has rather than something modern, which is what
24 the new lights proposed for Stewart's are. So, that's
25 lighting.

1 The other thing that I had was landscaping.

2 Dan - I'm sure that he doesn't remember me, but I was
3 very impressed with him when we were doing the new
4 road - Main Street through Altamont and worked with
5 him on landscaping then. I have real respect for his
6 expertise.

7 So, I agree that it looks like on the plans
8 like there would be a lawn in where now we have
9 matured growth shielding the corner - shielding the
10 bigger parking lot that we were going to have. I was
11 not happy to see that that would be a lawn. I think
12 the mature plantings should stay. I think that's what
13 Dan was saying.

14 I also was concerned about the size of the
15 Junipers that were all going to be like ground cover
16 along Altamont Road. I agree with what Connie said,
17 those should be at least two feet tall bushes of some
18 kind. Again, we have a much larger parking lot so if
19 we're trying to cushion it, then let's do as much of
20 this kind of landscaping that will make it feel more
21 neighborhoody through landscaping.

22 The last thing is that I did some homework on
23 the Pines and Spruce - that Austrian Pine and black
24 something or other that were going to be between
25 Carol's property and Stewart's. Then she told me that

1 there's only four feet between her fence and the
2 retaining wall. Well, that's hardly enough to put a
3 big tree. So, I started to look at Arborvitaes and
4 there are some - I think they're called, if I could
5 find it, Green Giant Arborbitaws that grow like three
6 feet a year. I think trying to put something there
7 that mimics what was there before - - that's why I
8 liked the Spruce and the Austrian Pines because they
9 get big, just like all these big wonderful trees that
10 are part of Altamont. If we have to have an Arborvitae
11 which won't be as high and big and beautiful in the
12 long run, we can get ones that will grow taller that
13 you can buy at 10 feet and will be much taller - space
14 them close enough that they will provide a shield
15 within a shorter number of years than 20 years, than
16 trying to get something more immediate.

17 So, those are my issues.

18 The only last thing I would ask is: So, what
19 happens now? Let's say there's 10 days more of the
20 public hearing and then does the Planning Board get
21 together and talk? How do you decide what you ask
22 Stewart's to do and what you don't decide to ask them
23 to do? Does that become a public document, or is that
24 all discussed at the next Planning Board meeting at
25 the end of May? Just what is the process, I guess, is

1 my only question.

2 CHAIRPERSON HEXT: Yes, yes and yes.

3 One thing that I want to say to you about the
4 lighting is we've already addressed - we had a
5 Planning Board and one of our questions to Stewart's
6 was to not make Stewart's look like an oasis of light
7 in the middle of Altamont. So, hopefully they will
8 take that into consideration and I'm sure that Chuck
9 will comment on this.

10 MS. CASEY: Excuse me for interrupting, but his
11 response to that question was that the footcandles that
12 are right around the lights by the street will be
13 higher, but they'll be decimals along that.

14 CHAIRPERSON HEXT: Right.

15 MS. CASEY: Well, he didn't address the soffit
16 and he didn't address the canopy, which is part of it.

17 CHAIRPERSON HEXT: Which is why I'm saying that
18 I'm sure Chuck will address some of these questions.

19 As far as the 10 days, 14 days, however we
20 decide to do this, right now - - and we have to make a
21 motion to do this. This is just something that I had a
22 feeling was going to happen. Right now the plan is to
23 hold the public hearing open for 10 days; not to close
24 it. That gives the public time to digest. It gives
25 Stewart's time to digest. Hopefully, we'll be able to

1 get some of the questions answered tonight. I don't
2 want it to go to midnight. I don't want people to lose
3 interest.

4 However we decide, I think we've been very
5 transparent. We've put as much as we possibly can out
6 there on the Village website. Everyone will be
7 informed. Everyone will know what's going on. We won't
8 try to do anything on the sly. Whether or not we will
9 hold another meeting that the public will be allowed
10 to comment - I can't answer that right now. I'm going
11 to have to consult with Allyson, our attorney and the
12 rest of the Board to see what the best options would
13 be for us right now. So that being said -

14 MS. CASEY: When would you take action, I guess
15 is my question. I guess you have to take some action,
16 right? So, that would have to be at a public meeting.

17 CHAIRPERSON HEXT: Well, it would have to be -
18 and there's a difference. What you're saying is that
19 there would have to be an action. There would have to be
20 a decision. There would have to be whatever at a public
21 meeting.

22 MS. CASEY: Not a public hearing, a public
23 meeting.

24 CHAIRPERSON HEXT: Correct.

25 MS. CASEY: Thank you, very much.

1 CHAIRPERSON HEXT: You're welcome, Kristin.

2 Do we have someone else?

3 MAYOR DINEEN: Steve Wickham, Deb.

4 CHAIRPERSON HEXT: Steve Wickham, you're up.

5 You're on the clock, Steve.

6 MR. WICKHAM: Hi, I'm Steve Wickham. I live at
7 235 Executive Drive, in Guilderland and I'm Chair of the
8 steering committee for the Guilderland Coalition for
9 Responsible Growth. I just wanted to make a brief
10 comment tonight to support the residents of Altamont who
11 oppose the current plans for this proposal.

12 The primary objection to this project is that
13 the applicant seems to have basically convinced the
14 Village of Altamont to bend the rules for them for
15 problems that they've pretty much entirely created on
16 their own. They could really solve these problems, for
17 the most part, by just proposing a slightly smaller
18 store. It's understandable that a large company with
19 many locations would like to standardized their
20 facility to the largest extent that they possibly can,
21 and it's within their rights to ask for everything
22 that they've asked for. Just because they've asked for
23 it, doesn't mean that the Village has to give it to
24 them. Large corporations like to pout and shout and
25 stamp their feet and threaten to take their marbles

1 home and basically set up a false choice. It's
2 certainly very doubtful that they would give up
3 entirely on a project on the central corner of
4 Altamont.

5 So, I just want to say please deny this
6 application as it has been suggested and requested.
7 If Stewart's wants to operate in the Village of
8 Altamont, they should build a store that fits within
9 the existing lot and within the Village of Altamont,
10 itself. Thank you.

11 CHAIRPERSON HEXT: Thank you, Steve.

12 Allyson, I don't know if you wanted to touch
13 on this, but when someone uses phrases like bending
14 the rules, that sort of worries me in the sense that
15 everything that we've done so far, everything each
16 Board has done is within the rules - within the laws -
17 the variances have been granted -- the Village Board
18 rezoned a property. They went through the SEQRA
19 process. There's nothing that we have bended the rules
20 for.

21 Allyson, do you want to address that at all,
22 or did I sum it up okay?

23 MS. PHILLIPS: Deb, I think you're right on.
24 Our Village Zoning Law is set up with some inherent
25 flexibility where as a property owner you have the

1 ability to request a zone change. You have the ability
2 to request area variances and our Code has established
3 certain uses that it has determined should be permitted
4 in the Central Business District by issuance of a
5 special use permit and site plan review. Under New York
6 Law, the uses permitted by special use permit - it's
7 considered consistent with the existing uses and
8 character of that district, provided that it requires an
9 enhanced level of review to make sure that the standard
10 Zoning Code can be met for each particular project.

11 So, going through these processes and these
12 reviews -- and it's not in any sense bending any
13 rules. The law is set up just for this purpose so that
14 an applicant can come in and request a use of their
15 property and be required to go through a process that
16 will require a height and level of review just to
17 ensure that the standards and the goals that we aspire
18 to achieve through our land use plans and our zoning
19 are achieved. So, the Village has taken great care to
20 go through these processes first and our SEQRA review
21 under the environmental law for the State of New York;
22 then, a zone change review through the Village Board;
23 then, a review by the ZBA for the area variances and
24 now we're before the Planning Board for review of the
25 special use permit and overall site plan.

1 So, this is a project in a process I think
2 that the residents of Altamont should take comfort in
3 that their government is set up to go through this
4 heightened review for projects like this. Everyone has
5 an opportunity to be heard and in this case, through
6 four separate review processes. So, ultimately each
7 Board determines if the application meets the
8 standard, depending on what their jurisdiction is and
9 what approval they're seeking from that Board. We're
10 going to do this process. I think the processes worked
11 very well, so far.

12 CHAIRPERSON HEXT: Thank you, Allyson.

13 Okay, do we have someone else that would like
14 to speak? On the phone - wave your hand - - I'm trying
15 to page through -

16 MR. VLAHOS: I'd like to hear from Dean.

17 CHAIRPERSON HEXT: Who said that?

18 MR. VLAHOES: Harvey - - and get his comments
19 on this.

20 CHAIRPERSON HEXT: If the public has nothing
21 else to say, Dean - not that you're not the public, but
22 I just want to make sure everybody gets their say, at
23 least tonight.

24 Dean you're up, if you don't mind commenting.

25 MR. WHALEN: I can try.

1 CHAIRPERSON HEXT: You're breaking up. I don't
2 know if someone else is trying to talk at the same time.

3 MR. VLAHOS: I think that Ted Newman wanted him
4 to talk.

5 MR. NEWMAN: I did have one thing to say.

6 CHAIRPERSON HEXT: Go ahead, Ted.

7 MR. NEWMAN: I appreciate what the attorney
8 said and I appreciate what Mr. Wickham said. I don't
9 know that the Village has been bending rules
10 necessarily, but they do seem to be pretty tone deaf as
11 to the public's comment. Public comment is great, but it
12 should be listened to occasionally and I think more than
13 half of the Village has been pretty adamant that they
14 didn't like this Stewart's plan from the get-go. And yet
15 there's been a super majority for Stewart's in their
16 favor by the Village. The majority of the Village was
17 against the variance requests, but the Board said go
18 right ahead. So, there might not be a bending of the
19 rules.

20 I appreciate that we've done everything
21 according to Hoyle, but it would be nice if the Boards
22 actually listened to the comments. I think Jeff's
23 comments earlier about the building looking more
24 Victorian are very important and I don't think we need
25 to compromise at all. I think they need to do

1 something to make it look like a Village building.

2 It's up to the Planning Board now as the final resort
3 to actually listen to the public and make Stewart's do
4 something that the public is asking for. Thank you.

5 CHAIRPERSON HEXT: Thank you, Ted. And you know
6 you said that we should listen to the public every now
7 and then. I think that no matter what Board you're on, I
8 think you should always listen to the public. We can't
9 always do what the public wants, but as far as I'm
10 concerned, I'm always listening and I'm always trying to
11 do what I think is best for the Village and what the
12 Village thinks is best. So, just saying that you think
13 we should sometimes listen -- I think if you're a public
14 figure, you should listen. That's just my comment.

15 Go ahead Dean.

16 MR. WHALEN: Thank you, Deb. Sometimes this
17 computer does break up, so I apologize.

18 First I want to acknowledge that I can
19 certainly look into the proposal architecturally, as
20 has been suggested. I have to first acknowledge though
21 that what Jeff put together and submitted today, in a
22 tight timeframe crunch, is very, very comprehensive.
23 I'm not sure - actually I'm pretty sure I couldn't do
24 a better job, but I'm certainly willing to weigh in on
25 what Jeff documented.

1 The other thing I need to add is it's just
2 really strictly at the discretion and direction of
3 this Board because as a liaison, as you pointed out
4 earlier, I'm really in a receiving mode for the
5 Village Board at this point.

6 CHAIRPERSON HEXT: I know that speaking for
7 myself only, we obviously value your opinion and you
8 wouldn't be the liaison to the Board if the Village
9 Board didn't value your opinion. So, like I said before,
10 nothing is going to be decided tonight. Nothing might be
11 decided for another two or three meetings. I don't know
12 that, but there's certainly a lot of information that
13 has come in, certainly in the past few days; Jeff's
14 letter, Kirby's questions about the SWPPP - I thought it
15 was addressed by B&L, but I will certainly send these
16 out again to B&L and to Stewart's. I just don't know how
17 we can say that we're going to have another public
18 hearing at this point. Right now I will definitely say
19 that we will make a motion to - if it's okay with the
20 Board - extend the public hearing for another 10 to 14
21 days. There's a lot that has to be gone through.

22 Chuck, I don't know if you can address some
23 of the questions easily tonight, or if you want to
24 digest some of them, speak with your experts and take
25 it from there.

1 MS. EVERHART: Madam Chairwoman, before Chuck -
2 I'm so sorry, but I think we have a virtual hand being
3 held in the participanht column under Judy Dineen.

4 CHAIRPERSON HEXT: No, thank you for doing
5 that. It really does take a Village.

6 Judy, go ahead. Are you on mute?

7 MS. DINEEN: Deb, I just want to put in my 2
8 cents. I'm hoping that - I know it's Planning Board, but
9 I'm hoping the fence will be anything but white. I'd
10 love it to be like the color of the Altamont Corners.
11 That would maybe bring it in together and make it look
12 like all of one in those two corners.

13 And the other thing I would say is I would
14 love to see more land -- more greenspace and perhaps
15 maybe mixed foliage. You could get like the golden
16 bushes and a couple more vertical ones, like someone
17 mentioned; I think it was Connie. I agree with that -
18 just to give it some interest and some contrast.
19 That's all.

20 CHAIRPERSON HEXT: Thanks, Judy.

21 MS. DINEEN: You're welcome.

22 CHAIRPERSON HEXT: Does everybody, does anybody
23 else see any other hands waving? I've got five screens
24 I'm trying to page through here.

25 MR. VLAHOS: I want just like to get an answer.

1 CHAIRPERSON HEXT: Harvey - is that Harvey?

2 MR. MARSHALL: It was Harvey, yes.

3 CHAIRPERSON HEXT: Okay, Chuck, I guess you're
4 up. Do you want to try to answer some of these
5 questions?

6 MR. MARSHALL: I would actually rather spend -
7 - I know that it might seem like a longer meeting for
8 you guys, but I would rather spend kind of as much time
9 as we can tonight going through some of the pieces
10 because we have been working on this for some time.

11 I'm going to kind of go through the comments
12 that were received and what I took to be either a note
13 or something that needed to be addressed by me. I will
14 go into the screen-share mode, just as we discuss the
15 plans.

16 I am at a slight disadvantage. I did not
17 receive Jeff Perlee's explicit comment letter. So, if
18 those could be shared with me, that would be
19 appreciated.

20 CHAIRPERSON HEXT: Well, the reason you didn't
21 receive them Chuck, is we have to limit the time that we
22 can look at these emails that are coming in. So,
23 normally we say it's noon on the Friday before and we
24 just received his letter at 3:00 today.

25 MR. MARSHALL: That's fine, but if you could

1 just forward it - because if someone feels that it's a
2 comprehensive architectural review - - so, to speak to
3 that, I pulled up the Stewart's in Brunswick that one of
4 the Board Members had discussed. This building that you
5 see on the screen, which is yellow in color now - - the
6 building that we're proposing in Altamont is a one-of-a-
7 kind building. While the interior may be replicated from
8 only one other store of its size, Stewart's actually
9 can't decrease the size of the building as the current
10 store. This is only about a 20% increase in size from
11 from the existing store. So, while some may say it's out
12 of scale, this is the size building that we need to
13 continue for our business for the next approximate 40
14 years.

15 The building that I'm showing here shows some
16 of the elements I think that we could incorporate into
17 the building that we're proposing in Altamont. That
18 would be the Fypon bracketing bracketing where the
19 columns meet the roofs. Then, the dormer bracketing as
20 well. So, we'll look at bringing some of those
21 elements into play and we will look at also colors to
22 see if we can source and match Altamont Corners.

23 One of the things -- I do think it's somewhat
24 important to speak to regarding the lighting,
25 particularly. Stewart's will not decrease to a 2,900

1 Kelvin light. That's not a desire to have our lighting
2 stand out any more than any other lighting. The
3 concern we have with decreasing the lighting from
4 4,000 Kelvin, which is already a decrease from our
5 5,700 Kelvin that is kind of standard stock. You have
6 some business functions that are taking place and
7 while the highest footcandle measurements occur under
8 the canopy, they occur under the canopy because the
9 light refracts off the concrete and has virtually no
10 place to escape. We think it's important for our
11 customer's safety, particularly while they're using
12 the gasoline filling that that light be obviously
13 available to them. I will look to see if we can go to
14 like a 3,500 Kelvin, which would introduce the
15 yellowish hue - I think some are trying to direct us
16 toward, but I'm not sure if that provides enough light
17 for a safety element.

18 CHAIRPERSON HEXT: Chuck, could you do some
19 type of motion sensor that if there's someone under the
20 canopy, it would increase the lighting and then decrease
21 once they leave.

22 MR. MARSHALL: No.

23 CHAIRPERSON HEXT: Okay, just a thought.

24 MR. MARSHALL: Think about it from the
25 perspective of if that mechanism fails, then there's no

1 light under the canopy.

2 CHAIRPERSON HEXT: No. If that mechanism fails,
3 you would still have like - - I mean, just to use the
4 2,900 versus 3,500 - you would still have the 2,900, you
5 just wouldn't have bright -

6 MR. MARSHALL: So, 29 versus 35 isn't like the
7 footcandle measurement. That's the actual temperature of
8 the light. So, 2,900 is like a yellow light and 3,500 is
9 like yellow-white, and then 4,000 is white and then
10 5,700 is pure white. So, with all of those things, I'll
11 see about changing the 3,500, but I can't see going to
12 anything less than that. As Stewart's does have a number
13 of locations across the state, I don't know we've ever
14 gone to 3,500, so let me see if that's something we can
15 achieve.

16 One of the speakers made a comment about the
17 scroll sign. I think it's very important to know that
18 this sign scrolls to the price and then is fixed. It's
19 not an electric message board that would constantly
20 change and have advertising or something of the sort
21 on it. There's no internal illumination on the
22 Stewart's portions, nor the regular or diesel signage.
23 So, the only the gooseneck lights would be used to
24 light the proposed sign.

25 The next thing is fuel storage and the number

1 of changes in customers. We do propose changing the
2 fuel storage configuration. That storage will be done
3 through two underground petroleum bulk storage tanks.
4 The tanks will be located in the eastern corner of the
5 property. We are introducing diesel. One of the
6 reasons that we don't think there'll be a dramatic
7 change in the number of customers is because the
8 number of fueling positions remains effectively fixed.
9 So, even though we are introducing diesel on the
10 outside pump, which would be this pump here
11 (Indicating), by having diesel in that location, you
12 cannot use this location for regular fueling. That is
13 also not high-flow diesel. That is low-flow diesel
14 which would be customary for a passenger car, or some
15 type of landscape truck - box truck - something of
16 that nature. That is not looking to introduce tractor
17 trailer fueling into the mix.

18 I do think in hearing the comments in regard
19 to the landscape plan - there were a couple of
20 elements that were raised. One - the lawn area shown
21 here, as Dan had brought up initially - that's outside
22 Stewart's property area and in the DOT right-of-way.
23 So, Stewart's will not alter that.

24 In addition, the Creeping Juniper that was
25 shown along Altamont Boulevard will be changed. We'll

1 introduce some type of Boxwood, or a tree or a bush
2 that's 18 inches or two feet off the ground. I'm
3 assuming that the landscape architect that was
4 selected or the reason that the landscape architect
5 did that was to prevent conflict with people's doors
6 as they open. But to get something of little height,
7 we'll go to a shrub in that area.

8 I did on purpose say that a landscape
9 architect was involved in the development of the
10 landscape plan because that was a component of the
11 Zoning Board of Appeals' determination and condition
12 of their approval. The certified arborist had to do
13 with the tree clearing that was previously done and
14 that letter was provided to the Board on April 6th. So
15 on my part, there was no intermingling of the
16 disciplines of those two people.

17 To me, the two biggest elements still remain
18 -- the location of the dumpster, which I really need
19 the Board to provide guidance on. While I don't want
20 to say it's this or that, the species selection along
21 the property boundary to Carol -- as a kind of a
22 consensus of the Board, I've heard Arborvitae. I
23 understand that it might not be Arborvitae, but in the
24 assumption that we do have the fence in place, a non
25 canopy tree would be appropriate.

1 One of the other things that everyone's kind
2 of focusing on is the Stewart's site plan, because
3 what's up for review and consideration before the
4 Board. But the reality is that Carol herself has a
5 large canopy pine tree on the northern elevation of
6 her property, which affects the ability of Stewart's
7 trees for growth. So, I just remind you that while
8 this Board is only evaluating the Stewart's site plan
9 and special use permit, there are factors outside of
10 our site plan that do alter what we are able to do.

11 So, if the Board has specific questions now
12 or can kind of discuss the location of the dumpster
13 and the plantings, I'd appreciate it.

14 Then just one last thing, and I apologize for
15 going backwards - - in regard to the location of the
16 dumpster, which to me has the most direct impact on
17 Carol's property as she currently knows it, I do think
18 -- and a number of people have kind of pointed to this
19 - - while the store has the potential for impacting a
20 change in her life, both the Village Board's SEQRA
21 negative declaration and the Zoning Board of Appeals'
22 granting of the variances permit to use and identify
23 the potential implications or mitigations that are
24 needed. To date there's been nothing put on the record
25 indicating a diminution of value to her property. So,

1 I think that those are kind of all important elements
2 for how we evaluate going forward.

3 CHAIRPERSON HEXT: Chuck, just one
4 consideration, and you sort of already answered this,
5 but Carol brought it up again and it would make a
6 difference as to what we could put between the store and
7 the building - is the relocation one of the - I think it
8 was a condenser.

9 MR. MARSHALL: Yes. So, I think that the -

10 CHAIRPERSON HEXT: Because if that makes a
11 difference between four feet and say 10 feet and being
12 able to put something between -

13 MR. MARSHALL: Ultimately, I don't think
14 there's any way to move all of the mechanicals off the
15 back of the building and to the creek side of the
16 property. I just don't see any way to move all that
17 equipment. But, that said, the Bard units which are now
18 circled in blue. Then, the ice chest circled in red and
19 the compressor circled in red would effectively have to
20 swap to get the Bard unit - or to get the compressor
21 outside the location of the panelized cooler on this
22 side (Indicating). No, I don't think that you're going
23 to bring that retaining wall three to four feet closer
24 to our property.

25 CHAIRPERSON HEXT: Okay, you said that you

1 don't think that there's a possibility of doing that?

2 MR. MARSHALL: I don't. This compressor unit,
3 now circled in turquoise (Indicating) - I don't think
4 that one can ultimately be moved. The reason for that is
5 that it's the one that services the freezer, which is in
6 that proximity. I don't think that it can be relocated
7 on the floor plan layout here. If you could see my mouse
8 scrolling, this is the area of the freezer (Indicating).
9 So, I don't think that this compressor can be moved
10 because it moves away from the freezer here.

11 CHAIRPERSON HEXT: Yes, I understand what
12 you're saying. Maybe we could table this for now and
13 maybe - is there someone that you could speak with and
14 ask what could possibly be done? The difference in
15 space, if it's just a matter of moving that condenser
16 and a couple other Bard units - - I don't know. To me,
17 that's a big difference and it would be a big difference
18 to Carol if we are talking 10 feet versus 4 feet. It's
19 just my thought. I mean, I don't know how the rest of
20 the Board feels, or I'm taking up everybody's time here.
21 I'm trying to listen to what the public saying.

22 MR. WHALEN: Deb?

23 CHAIRPERSON HEXT: Yes, Dean. Go ahead.

24 MR. WHALEN: This is Dean, if I could?

25 CHAIRPERSON HEXT: Absolutely.

1 MR. WHALEN: Just a clarification. I may have
2 this wrong, but my understanding was the thought of
3 looking at moving all or some of those units - hooded
4 HVAC units - was more of a noise issue than primarily to
5 try to move any more closer to building. I do agree with
6 Chuck that what he was pointing out probably can't be
7 moved because it's specific to the freezer. I do think
8 that there should be some consideration to look at the
9 other three units moving someplace and taking that
10 electric room to the back of the building, if at all
11 possible. I mean, that's what I understood was the
12 intent of that suggestion - more for a noise issue than
13 it was a distance issue.

14 MR. MARSHALL: I think that, Dean, the Board
15 was basically saying if we do that though, you might be
16 able to change the orientation of the retaining wall and
17 plantings. Because if you move the other three units,
18 the freezer unit can't be moved. I mean, that's not
19 happening. Sitting here and looking at it and in
20 speaking with the people I spoke with earlier today,
21 that's not happening. What I don't know is if the HVAC
22 units, the Bard units, are relatively close to the
23 building. They're not very deep off the wall. So, the
24 air intake is more what affects the proximity to the
25 retaining wall.

1 CHAIRPERSON HEXT: Dean?

2 MR. WHALEN: Again, just again to clarify, my
3 understanding was the consideration was more for noise
4 of any of the four units, not really trying to get the
5 retaining wall closer for any of the reasons. If three
6 of those four units could move, that's reducing the
7 noise by 75%.

8 CHAIRPERSON HEXT: That's certainly something,
9 whether it's a noise factor, a factor of the wall and
10 being able to put different plantings in there, I think
11 it's certainly a step in the right direction. So, if you
12 could do that, Chuck, that would be great.

13 MR. HUKEY: Deb, Can I ask Chuck a question?

14 CHAIRPERSON HEXT: Sure, go ahead, John.

15 MR. HUKEY: Chuck, that unit we're talking
16 about that you said definitely can't be moved - I'm not
17 an electrical or mechanical contractor, but why couldn't
18 that be moved around the corner on the north face?
19 You're still in the vicinity of the freezer.

20 MR. MARSHALL: Because that's the seating area
21 on that side and now it's open to everybody. So, the
22 retaining wall wraps around the southwest corner of the
23 building and it's blocked. One of the original versions
24 of the site plan had individual surrounds that were
25 vinyl enclosures. What we've now done is dropped the

1 building. So, the back of the compressors and the back
2 of the HVAC units are up against - - well, they're not
3 up against anything, but they have a space until they're
4 up against a concrete or rock structure versus something
5 that would vibrate like the individual vinyl surrounds.
6 Again, I'll look at it. I do kind of struggle with what
7 we're going to be able to do and if the real answer may
8 not be uniform. It might be four feet in the area of
9 that compressor and then a change in course and be six
10 or eight feet somewhere else. We'll look at it by the
11 next submission.

12 CHAIRPERSON HEXT: Thanks, Chuck.

13 Now, as far as your dumpster relocation, that
14 wasn't our next topic on the agenda, but if the Board
15 wants to make a motion on that now - if you can get
16 your schematic off there for a second, I can see if
17 the Board is raising their hands.

18 Does any of the Board have a preference one
19 way or another where the dumpster should be located?

20 Dan, although like I said, you can't vote,
21 you can certainly chime in here if you want to.

22 How about Barb? Barb, are you muted? Did you
23 fall asleep?

24 MS. MUHLFELDER: So, I have no objection to it.
25 Now, as far as I know, eight and nine parking spots are

1 going to be where the dumpster is going.

2 CHAIRPERSON HEXT: Correct. So, they would lose
3 two parking spots.

4 MS. MUHLEFELDER: Okay.

5 MR. MARSHALL: Deb, I don't want to jump in.
6 Except, I'm only going to jump in where there are
7 technical - - I don't want you to misspeak.

8 So, we're not eliminating - - we would have
9 to relocate the parking spaces in order to be Code
10 compliant. If you look at sheet 2A, it shows the
11 alternatives. But yes, it is in the general vicinity
12 of spaces eight and nine overall.

13 CHAIRPERSON HEXT: So, we wouldn't
14 quote/unquote be losing those two spaces. They would
15 just be - - I think I remember you showing on that one
16 schematic where you would be moving those two spaces to.

17 MR. HUKEY: Well, even where it showed
18 originally, to me, it's safer for the truck backing out
19 rather than moving it to eight and nine. Now, when they
20 back out, they're going to be backing - if there's a lot
21 of cars there - into other parking spots. So, I would
22 think it would be harder for them to navigate the truck
23 into where they want to put it in eight and nine.

24 But on the other hand, as Dan pointed out in
25 one of his messages, by moving the dumpster you're

1 eliminating the light closest to Carol's house. So, to
2 me it's a catch 22. I'm just wondering about the
3 safety of the truck backing up when the dumpster is
4 located between eight and nine.

5 CHAIRPERSON HEXT: Yes, that's a good point.

6 MR. HITT: This is Dan. In one of my emails I
7 had mentioned that it almost seems like it's more
8 appropriate to put it to the side of the building rather
9 to the rear of the building because I think it's
10 actually safer because of trucks backing up, regardless.
11 If people are aware of the truck being there and it
12 backing up, they're going to notice where if the truck
13 has to pull to the rear of the building and then back
14 all the way out, there could be a conflict. It just
15 seems like it's a smarter place to put it - is to put it
16 on the side, rather than in the back.

17 CHAIRPERSON HEXT: So, put it at eight and
18 nine, basically.

19 MR. HITT: Yes. It's going to back up
20 regardless, but at least people will see it if it's up
21 at eight and nine. Then, put employee parking or
22 something back where nine and 10 is, or something like
23 that.

24 CHAIRPERSON HEXT: That was my thought - to
25 make it employee parking and that if need be, they could

1 move it.

2 Connie?

3 MS. RUE: Yes, I agree with the site location
4 that eight and nine would be better. I like the fact
5 that we'd eliminate a light and keep the dumpster itself
6 farther away from the property line - Carol's property
7 line. I think that make sense.

8 The dumpster is fully enclosed? Is there
9 fence or landscaping around the dumpster?

10 CHAIRPERSON HEXT: No, there would not be
11 landscaping around the dumpster and in spaces eight and
12 nine, because the space immediately east or north of it
13 would be accessible.

14 MS. RUE: Right.

15 MR. MARSHALL: It is proposed to be - if I
16 understand the the details - a white vinyl fence.

17 MS. RUE: So, somebody would have to open the
18 fence to actually use or put something in the dumpster.

19 MR. MARSHALL: Yes.

20 CHAIRPERSON HEXT: Thanks, Connie.

21 Steve?

22 MR. CARUSO: I totally agree with putting it on
23 the side, like what Dan and Connie have both said. I
24 like the fact that we're eliminating a light in the
25 back. Whether they've got to back-up on either side,

1 people are just going to have to pay attention. I do
2 believe that would be the best spot for it.

3 CHAIRPERSON HEXT: Yes, I concur with that. So,
4 I guess this is one thing that we could make a motion on
5 - is to make a motion to approve the new location for
6 the dumpster - - for the lack of a better description -
7 parking spaces eight and nine.

8 Could I have a motion to approve that move?

9 MR. CARUSO: I'll make that motion. That was
10 Steve.

11 CHAIRPERSON HEXT: Thank you.

12 MS. RUE: I'll second it.

13 CHAIRPERSON HEXT: Thanks, Connie.

14 Ginger, roll call please.

15 (The roll was called and the motion was
16 passed unanimously.)

17 Okay. Chuck, does that satisfy that question?

18 MR. MARSHALL: Yes. Voting on things provides
19 clarity for direction.

20 CHAIRPERSON HEXT: Absolutely. I couldn't agree
21 more.

22 MS. WILSON: This is Kirby. I had a question
23 for Chuck that he didn't address from my previous
24 question.

25 CHAIRPERSON HEXT: Okay. We can allow one more

1 question from you Kirby. We can't keep having people
2 going back and forth, but go ahead.

3 MS. WILSON: He said he would address it later
4 and the question was: What kind of insurance does
5 Stewart's have to protect against business losses due to
6 the Corona Virus and the risk of shutting down
7 construction, mid project.

8 MR. MARSHALL: I think that's a valid question,
9 but obviously the Corona Virus element is only to
10 Stewart's - to stop Stewart's construction. So, no other
11 business would effectively be or essentially be affected
12 other than ours.

13 Obviously, under the Governor's Executive
14 Orders, our business is an essential business. I do
15 not believe that new construction for essential
16 businesses is permitted. In his remarks yesterday, he
17 did indicate that construction jobs would be the first
18 that kind of come out of the Pause New York. In my
19 mind there's no two people more socially distant than
20 a guy in an excavator and a guy in a dump truck. All
21 that said, I mean we don't anticipate a period of
22 starting and stopping. Once we get going it is
23 approximately a 14-week project. That would start with
24 the house removal. So, Stewart's would provide the
25 necessary asbestoes testing and receive the

1 appropriate demolition permits from the Building
2 Inspector. Nothing obviously would be done that was
3 not compliant with state and local ordinances.

4 I do think it is relevant - we brought it up
5 earlier in this process - several neighbors invited
6 themselves into the building and sent to the
7 Department of Labor what they perceived was samples.
8 There was no asbestos in the pipewrap or the visible
9 elements of the building.

10 There is asbestos in the roof, so there the
11 roof would have to come down and treat it as asbestos
12 in the demolition. But again, all of that will be
13 provided to Lance as part of our demolition permit
14 request.

15 CHAIRPERSON HEXT: Danny, did you have a
16 question?

17 MR. RAMIEREZ: It light that you might be able
18 to move the dumpster over to the creek side, a question
19 to Mr. Marshall: Does that eliminate the lighting pole
20 there?

21 MR. MARSHALL: It does, yes. If you remember,
22 obviously through your Board's deliberation, that was
23 the element that we kept returning to. We couldn't move
24 the dumpster without Planning Board authorization
25 because we proposed it Code compliant. Yes, now we are

1 able to move the light pole that was utilized for
2 illuminating the dumpster enclosure. The light that's
3 proposed over the delivery door does still have to
4 remain.

5 MR. RAMIREZ: That's a safety consideration.
6 That, I understand.

7 MR. MARSHALL: I'll check the elevations of the
8 light, but that light should be under - if you do like
9 a finished floor of 470 and imagine that that light is
10 at 480, the top of the retaining wall in that vicinity
11 is 477 and then you go eight feet above that for the
12 fence. So, you're at 485. So, the top of the fence would
13 effectively be five feet taller than the top of the
14 light over the delivery door.

15 CHAIRPERSON HEXT: Thank you, Chuck.

16 I think at this point we should make a
17 decision as a Board to keep open the public hearing
18 for 10 days, at this point. We can digest what we've
19 heard tonight. I can get some of the documentation
20 that's been sent to me that I guess didn't get
21 forwarded to Stewart's or B&L. That includes the
22 letter that Jeff sent today, Kirby's letter and of
23 course anything else that we received in the meantime
24 -- we'll make sure that either we address or Stewart's
25 addresses. I don't think we can make a decision

1 tonight whether or not we're going to have another
2 public hearing, but certainly we can make a decision
3 tonight whether or not we want to keep open this
4 public hearing.

5 Allyson, did I sum that up correctly?

6 MS. PHILLIPS: If the Board right now wants to
7 give additional time for members of the public to be
8 able to submit written comments, it can decide to leave
9 this public hearing open for a number of days, 10 days,
10 14 days. I know Deb mentioned both - whatever the Board
11 feels comfortable with. You can decide to leave this
12 public hearing open until that time at the end of the
13 extended 10 or 14 day period. The public hearing would
14 be closed and then the Board can consider at some point
15 in the future if it thinks it's necessary to re-notice
16 the public hearing, but presuming that it has provided
17 sufficient opportunity for the public to comment, the
18 Board is able to - - I'm sorry, members of the public
19 are able to submit additional written comments following
20 the discussion tonight during this extended time period
21 for written comments. The Board can proceed to
22 deliberations if it feels comfortable that there's no
23 need for additional opportunity for comment.

24 CHAIRPERSON HEXT: In a public forum, you mean.

25 MS. PHILLIPS: In a public hearing.

1 CHAIRPERSON HEXT: Okay. Alright. Like I said,
2 I don't think that that can be decided tonight. I think
3 it's going to be based on what we receive from here on
4 in.

5 But if everybody's okay with it, can we have
6 a motion to hold open this public hearing for - let's
7 start with 10 days. We'll keep it the same as the ZBA
8 did. I don't want to deviate from Board to Board - -
9 hold it open for 10 days and we'll accept written
10 public comments, whether they're via email or mailed
11 to the Village offices, or dropped in the Village slot
12 at the Village office and we'll take it from there.

13 What does the Board think about that?

14 MR. HUKEY: Yes, I agree with you, Deb.

15 MS. RUE: Yes, we should leave it open.

16 CHAIRPERSON HEXT: Then, can we have a motion
17 to do that - to leave this public hearing open for 10
18 days from this date for more public comments via email,
19 regular mail - U.S. mail or dropped off at the office?

20 MR. HUKEY: So moved.

21 MS. MUHLFELDER: Second.

22 CHAIRPERSON HEXT: John made the motion.

23 Barb, did you second it?

24 MS. MUHLEFELDER: Yes, I'll second it.

25 CHAIRPERSON HEXT: Ginger?

1 (The roll was called and the motion was
2 passed unanimously.)

3 As far as the Stewart's topics are concerned,
4 I believe that wraps that up. We have one other topic.

5 MR. MARSHALL: No, this is Chuck.

6 CHAIRPERSON HEXT: Chuck, sorry.

7 MR. MARSHALL: I don't know if you're next
8 topic - - I don't have the agenda in front of me. I
9 apologize. Your next meeting - the submission date for
10 your next meeting - if you could just clarify that?

11 CHAIRPERSON HEXT: Well, it depends on if - -
12 and that that is like my last one. We will hold it
13 either on the 18th, if we decide that we want to have a
14 meeting to discuss what we've had and/or on the 26th. We
15 won't hold it on Monday, the 25th of May because that is
16 Memorial Day. So, my thought right now is I suppose we
17 could set the next public meeting for the 26th and if we
18 need a meeting in between, we could do it at that time.
19 What does everybody think about that?

20 MR. HUKEY: That's fine.

21 CHAIRPERSON HEXT: All right. So, then before
22 we make a motion to look at the minutes, could we have a
23 motion to set the next public meeting to be May 26,
24 which is a Tuesday - not a Monday at 7:00 p.m.?

25 MS. MUHLFELDER: I make that motion.

1 CHAIRPERSON HEXT: Thank you, Barb.

2 Is somebody going to second?

3 MS. RUE: I'll second. Connie.

4 CHAIRPERSON HEXT: Connie, thank you.

5 Ginger?

6 (The roll was called and the motion passed
7 unanimately.)

8 MS. EVERHART: Madam Chairwoman. I am so very
9 sorry to interrupt, but it occurs to me that the
10 submission deadline for Stewart's will obviously depend
11 on whatever date the next meeting would be. I guess what
12 we would suggest, if the Board is willing, is to
13 reconsider how long you give the public to comment so
14 that the public's ability to comment is also on any new
15 submissions Stewart's makes. We just want to make sure
16 we're crossing all of our T's and dotting all of our
17 I's. The way it's set up now might have the public
18 comment period - - for purposes of the public hearing,
19 the written comment might have that closing before
20 Stewart's ever submits revised documents.

21 CHAIRPERSON HEXT: So, your suggestion was to
22 hold it open for maybe 14 days or -

23 MS. EVERHART: Enough days after Stewarts'
24 submission to provide the public with adequate time to
25 review the materials online and also to be able to

1 communicate with the Board in writing any comments they
2 have about them.

3 MS. PHILLIPS: So, Deb, you had mentioned a
4 minute ago that it may be worthwhile for the Board to
5 schedule a meeting in between now and the meeting on the
6 26th, which would we would notice as a special meeting
7 if we wanted to do that. If we want to do that, we could
8 try and establish a submission date for Stewart's that
9 would be - I don't know if we could get two weeks before
10 that meeting. I don't know. I'm thinking about how many
11 days out we would be. If you had a meeting - say a
12 special meeting May 18th -

13 CHAIRPERSON HEXT: I'm trying to pull up my
14 calendar quickly.

15 MS. HANNAH: This is Ginger. Can I say
16 something?

17 CHAIRPERSON HEXT: Hi, Ginger; sure.

18 MS. HANNAH: I believe that May 18th - and I'd
19 have to check my listing at the office, but I believe
20 that that's the actual next scheduled meeting of the
21 Planning Board because the week after that - the 25th -
22 is Memorial Day. So, that's the one day out of the 12
23 months that gets moved because of Memorial Day. So, I
24 believe that May 18th is actually the next scheduled
25 regular meeting of the Planning Board.

1 CHAIRPERSON HEXT: Thank you, Ginger.

2 MS. PHILLIPS: So, we're already scheduled for
3 the 18th. That is exactly four weeks from today. If we
4 wanted to give Stewart's until - - and I guess Chuck and
5 Leah, you tell us - if we were to get you all the
6 written comments that we have so far, you guys could
7 provide any additional submissions you are going to make
8 in response to B&L comments and address any comments
9 that have come in, so far. I don't know if a week is too
10 short amount of time. Then, the public could get 14
11 days, which would be to the 11th. Then, the Board has a
12 week to review everything that's come in before the
13 meeting on the 18th. I don't know if that's cutting it
14 too short for you guys - a week from today to have new
15 submissions in.

16 MR. MARSHALL: It certainly wouldn't be done.
17 We have, outside Kirby's comments and I'm not singling
18 her out, but she read the SWPPP more thoroughly, I
19 think, then than a lot of people. We've addressed a lot
20 of the plan issues; pipe sizing and some of the kind of
21 low hanging fruit in the SWPPP for changes. So, I don't
22 think that all elements will be fixed by next week. I do
23 think that the majority of the things we discussed -
24 because we've already started looking at the HVAC, the
25 landscape plan, the lighting - - we've already developed

1 a site plan with the dumpster relocated. I think some of
2 the other pieces kind of can fall into place. I do think
3 it would be - from what we're hearing, the architecture
4 - for a lack of a better term, Jeff Perlee's comments -
5 getting those to us would probably expedite - if we
6 could address some of the building feature elements he
7 had raised. So, I think May 4th is achievable.

8 CHAIRPERSON HEXT: May 4th? No.

9 MR. MARSHALL: Yes, that would give two weeks
10 before the May 18 scheduled meeting for public comment.

11 MS. PHILLIPS: If the Planning Board wants - -
12 it's up to the Planning Board. If we give May 4th -
13 Stewart's would have their next admission into us.
14 That's a week from today. You can either extend the
15 public hearing comment out - 10 days would only give the
16 public two or three days after Stewart's submissions
17 come in, to comment. So, you may just want to bump that
18 out to - if it's 14 days, that would give the public
19 until May 11th to submit any additional comments. That
20 would give them two weeks to submit comments on anything
21 they've heard tonight and a week after Stewart's makes
22 an additional submission to submit anything specific to
23 that new information that comes in. Then, that would
24 also build in a week from the 11th to the 18th for the
25 Planning Board to kind of review everything that's come

1 in and prepare for the 18th so that it can kind of
2 discuss all the comments and the response to comments.

3 CHAIRPERSON HEXT: What does the Board think? I
4 think those days all seem to work. If we hold the next
5 public meeting on the 18th, we extend this public
6 hearing out until -- for 14 days. Does not bring us to
7 the 11th?

8 MS. PHILLIPS: It would be til the 11th.

9 CHAIRPERSON HEXT: Right. So, that brings us to
10 the 11th. Then, that would give Stewart's time - a week
11 to address anything that comes in, in between.

12 Do I have those dates right?

13 MS. RUE: That sounds right to me. I'm sorry,
14 my computer died. I had to jump on with another device.

15 Stewart's was okay with the 4th?

16 CHAIRPERSON HEXT: I believe so, right?

17 Stewart's was okay with the fourth?

18 MR. MARSHALL: Stewart's is fine.

19 CHAIRPERSON HEXT: So, we're going to rethink
20 this and we will extend this public hearing till May
21 11th and schedule our next public meeting on the 18th.
22 Does that make sense?

23 MS. DINEEN: Deb, a question?

24 CHAIRPERSON HEXT: Who said that?

25 MS. DINEEN: Judy Dineen.

1 CHAIRPERSON HEXT: Hi, Judy.

2 MS. DINEEN: Hi. Just a question.

3 So, I asked a couple little things. I'm not
4 supposed to write - - do you want me to read and in
5 writing, too? Or are the comments coming in different
6 and new? I'm not quite sure what we're sending in.

7 CHAIRPERSON HEXT: If you want to put those in
8 an email or whatever to Ginger and then Ginger will
9 forward it to us and we will get it to Stewart's - is
10 probably best if we can get whatever we can in writing.
11 I was writing fast and furious here, but I'm sure I
12 missed some stuff.

13 MS. PHILLIPS: Just to clarify for everyone:
14 All the comments that you've made tonight orally at the
15 public hearing are going to be part of the record. You
16 have submitted the comments. You don't need to repeat
17 your comments in writing, but you now have an additional
18 opportunity - a two week period from tonight to submit
19 any additional written comments that you would like
20 included in the record.

21 MS. DINEEN: The additional ones, okay.

22 MS. PHILLIPS: You will also have - Stewart's
23 will be making a new submission by May 4th, which we
24 will put online. So, you will have a week if you want to
25 submit any new comments on those new submissions. Those

1 comments would be submitted in writing to the Planning
2 Board and they will become part of the record.

3 MS. DINEEN: Thank you.

4 CHAIRPERSON HEXT: Thank you, Allyson.

5 MS. PROVENCHER: May I ask a question? This is
6 Kate Provencher. Why wouldn't you extend the public
7 hearing until the meeting on the 18th?

8 CHAIRPERSON HEXT: Because then that wouldn't
9 give Stewart's any time to comment on what we're
10 receiving from the public.

11 MS. PROVENCHER: But it would give the public a
12 time to address you verbally.

13 CHAIRPERSON HEXT: No, it wouldn't give them
14 time to address this verbally. Right now we're not
15 saying there's going to be another public hearing. We're
16 saying the public will be - - just like you did in the
17 ZBA, we're extending this - we're keeping this public
18 hearing open for written communication, whether it's via
19 email, snail mail, or dropped at the office for 14 days.
20 The next meeting on May 18th will not be a hearing.
21 It'll be a public meeting.

22 MS. PROVENCHER: Yes, I understand what you're
23 saying. I'm just saying that you could extend the public
24 hearing to the 18. There's no rule that says you can't
25 do that.

1 CHAIRPERSON HEXT: That's correct. There's no
2 rule that says we can't. Right now we're going to extend
3 this public hearing for 14 days. I think that's fair for
4 everyone. It's fair for Stewart's. It's fair for the
5 public. They've had this time to comment and it will
6 give us time to digest all the new material coming in.

7 So, that being said, let's try this again.
8 Can I have a motion to extend this public hearing for
9 14 days, which would take us to May 11th.

10 MS. MUHLFELDER: It's Barb. I make that motion.

11 CHAIRPERSON HEXT: Thank you, Barb.

12 Second?

13 MR. CARUSO: I'll second it.

14 CHAIRPERSON HEXT: Steve seconded it.

15 Roll call please.

16 (The roll was called and the motion passed
17 unanimously.)

18 MS. HANNAH: So, let me just ask a point of
19 clarification here. Is this motion replacing the
20 previous motion before that was - - is it replacing the
21 motion about the extension only to 10 days?

22 CHAIRPERSON HEXT: Yes, it's replacing two
23 motions, actually. It's replacing the motion to extend
24 the public hearing for 10 days, and we're replacing that
25 with 14. It's also replacing setting the public meeting

1 for the 26th because it was already - thank you, Ginger
2 - set for the 18th.

3 MS. HANNAH: Okay, great. Thank you.

4 MS. PHILLIPS: It's extending the public
5 hearing for an additional 14 days for additional written
6 comments.

7 CHAIRPERSON HEXT: Right. So, can we have a
8 motion then to set the next public meeting for May 18th
9 at 7:00 p.m.

10 MR. RAMIREZ: That was already said.

11 MS. PHILLIPS: Ginger, was that already said as
12 part of the Planning Board's yearly calendar?

13 MS. HANNAH: Yes.

14 CHAIRPERSON HEXT: Oh, okay. All right. We
15 don't have to do that, then.

16 MR. RAMIERZ: You may want to rescind the 26th.

17 CHAIRPERSON HEXT: Make a motion to rescind the
18 26th is that what you're saying, Dan?

19 MR. RAMIERZ: Didn't you pass that motion?

20 MS. HANNAH: Yes, we had a motion before this
21 one that said the next meeting as May 26th so we want to
22 rescind that.

23 CHAIRPERSON HEXT: Yes, we probably should do
24 that. Alright. We should have a motion to rescind.

25 You know, I don't drink and I need a drink.

1 Quiet Danny.

2 Could we have a motion to rescind the
3 previous motion to set the next public meeting for May
4 26th.

5 MS. MUHLFELDER: I make that motion.

6 CHAIRPERSON HEXT: Thank you, Barb.

7 Second?

8 MS. RUE: I'll second it. It's Connie.

9 CHAIRPERSON HEXT: Connie.

10 Roll call.

11 (The roll was called and the motion passed
12 unanimately.)

13 I think we have one more item on our agenda
14 and that is to approve the minutes from the March 30th
15 meeting. Anyone have any comments on the minutes? They
16 were sent out. They were really good. You know, can I
17 have a motion then to approve the minutes from March
18 30th, 2020?

19 MS. MUHLFELDER: I make that motion.

20 CHAIRPERSON HEXT: Thank you, Barb.

21 MR. HUKEY: I'll second.

22 CHAIRPERSON HEXT: Second?

23 Who did that? John?

24 MR. HUKEY: Yes.

25 CHAIRPERSON HEXT: John?

1 Roll call?

2 (The Roll was called and the motion passed
3 unanimately.)

4 Chuck, before I make a motion to adjourn the
5 meeting, I will get Jeff's email out to you right
6 after this meeting.

7 MR. VLAHOS: Deb, can I make like a ten second
8 point about something that Chuck made? Can I get 10
9 seconds?

10 CHAIRPERSON HEXT: You're on the clock, Harvey.
11 Go.

12 MR. VLAHOS: We did not let ourselves in to
13 take those pictures. We were in the presence of the
14 tenant.

15 MR. MARSHALL: It's okay. Harvey.

16 MR. VLAHOS: Don't paint us that way then,
17 Chuck. You said they let ourselves in, just like a
18 break-in.

19 CHAIRPERSON HEXT: Okay, Harvey. Thank you.
20 Alright, everyone.

21 Can I have a motion to adjourn the meeting?

22 MS. MUHLFELDER: I make that motion.

23 MR. HUKEY: Second.

24 CHAIRPERSON HEXT: Thank you.

25 Roll call please.

1 MS. HANNAH: I'm sorry. That was Board Member
2 Muhlfelder made the motion and Board member Hukey
3 seconded it?

4 CHAIRPERSON HEXT: Correct.

5 (The roll was called and the motion was
6 passed unanimously.)

7 Okay everyone, by the time we get this all
8 figured out, we'll be back meeting in person.

9 Thank you. Thank you everyone. Thanks
10 especially to the public for your input. We will
11 definitely take things into consideration. I have a
12 good night all.

13 (Whereas the above proceeding was concluded
14 at 9:48 p.m.)

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CERTIFICATION

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I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York, hereby
CERTIFY that the record is a true and accurate
transcript of same, to the best of my ability and
belief.

Dated: _____

NANCY L. STRANG
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