

Village of Altamont Planning Board  
Special Meeting - Online  
June 8, 2020

Deborah Hext, Chairperson  
Stephen Caruso, Board Member  
John Hukey, Board Member  
Connie Rue, Board Member  
Barbara Muhlfelder, Board Member  
Dan Hitt, Alternate Board Member

Lance Moore, Building Inspector/  
Code Enforcer  
Dean Whalen, Village Board Liaison  
Allyson Phillips, Village Attorney  
  
Chuck Marshall, Stewart's Shops, Applicant  
Leah Everhart, Esq., Stewart's Shops  
Brad Grant, PE, Barton and Loguidice

Guests: 34

Planning Board Meeting was held online using Zoom video communication due to covid-19. Chairperson Hext opened the meeting at 7:00 p.m. and welcomed everyone. She stated that due to the Covid-19 virus, this meeting is being held remotely and all audio and video portions of this meeting are being recorded. She asked the Board Members to introduce themselves, which they did as follows: Barbara Muhlfelder, John Hukey, Steve Caruso, Connie Rue, and Dan Hitt, Alternate. She said also joining us tonight we have Allyson Phillips, Village Counsel; Lance Moore, Building Inspector; Ginger Hannah, Planning Board Secretary; Dean Whalen, Village Board Trustee Liaison and Brad Grant, Engineer (Barton and Loguidice).

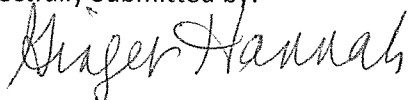
See attached Transcript, pages 1-94, prepared by Nancy L. Strang, Shorthand Reporter, for a full transcript of the minutes of this meeting.

Motions made during this meeting:

Board Member Muhlfelder made a motion to hold a special meeting next Monday, June 15, 2020 at 6:00 p.m. Seconded by Board Member Hukey. **Roll Call: All in favor.**

Board Member Hukey made a motion to adjourn the meeting. Seconded by Board Member Muhlfelder. **Roll Call: All in favor.** Meeting was adjourned at 9:16 p.m.

Respectfully Submitted by:



Ginger Hannah, Planning Board Secretary

STATE OF NEW YORK COUNTY OF ALBANY

VILLAGE OF ALTAMONT

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PLANNING BOARD MEETING

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THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing on June 8, 2020 at 7:00 p.m. via ZOOM Video conferencing

BOARD MEMBERS:

DEBORAH HEXT, CHAIRPERSON

CONNIE RUE

STEVEN CARUSO

JOHN HUKEY

BARBARA MUHLFELDER

DANIEL HITT, ALT.

ALSO PRESENT:

ALLYSON M. PHILLIPS, ESQ., COUNSEL TO THE BOARD

DEAN WHALEN, VILLAGE TRUSTEE

GINGER HANNAH, SECRETARY TO THE BOARD

BRAD GRANT, PE, BARTON AND LOGUIDICE

CHARLES MARSHALL, STEWART'S

1 CHAIRPERSON HEXT: Okay, good evening  
2 everyone. Welcome to the Village of Altamont  
3 Planning Board meeting. Today is June 8, 2020  
4 at 7:00 PM.

5 Due to the covert 19 virus, this  
6 meeting is being held remotely and all  
7 aspects, including audio and video of this  
8 meeting are being recorded.

9 At this time, I would like each  
10 Planning Board Member to introduce  
11 themselves. We probably know how we do this  
12 by now. So, unmute yourself and Barb, if you  
13 want to start, please?

14 MS. MUHLFELDER: Barb Muhlfelder.

15 MR. HUKEY: John Hukey.

16 MR. CARUSO: Steve Caruso.

17 MS. RUE: Connie Rue.

18 MR. HITT: Dan Hitt, alternate.

19 CHAIRPERSON HEXT: I think we have  
20 everybody. Also, joining us tonight -- we  
21 have our legal counsel Allyson Phillips,  
22 Lance Moore, our Building Inspector; Ginger  
23 Hannah, our Planning Board Secretary; Dean  
24 Whalen, our Village Board Trustee and I  
25 think I see Brad Grant, our engineer is

1 here.

2 I don't know if Jeff is here. I know he  
3 wasn't feeling well at home early today. I  
4 doubt he's on. I think we have the important  
5 players here.

6 No offense, Jeff, if you are on.

7 I would like to make some opening  
8 comments. There will not be opportunity for  
9 public comment tonight.

10 One more thing I would like to bring  
11 up, yet again. The Planning Board cannot  
12 accept emails or letters or comments from  
13 the public after the public comment is  
14 closed. It doesn't matter what we perceive  
15 that letter to be. We can't accept it. It's  
16 not acceptable.

17 Also, we can't have people walking up  
18 to us and post offices, in Stewart's and  
19 other public places trying to get us to talk  
20 about this -- any application that is before  
21 our Board before a decision has been made on  
22 it. That's not going to be tolerated. That's  
23 not acceptable. You cannot try to influence  
24 us one way or another. That's just not fair  
25 to the applicant. It's not fair to the Board

1 Member and I'm sure if you were in our  
2 position, you wouldn't want that either.

3 So, after saying that, let's get  
4 started with the agenda. The topic we are  
5 discussing tonight is Stewart's Shops  
6 application for special use permit.

7 Chuck, you have updated your plan since  
8 our last meeting. If you want to do a quick  
9 rundown on what you changed, I will give you  
10 a few minutes to do that.

11 MR. MARSHALL: Sure. What I'll just do  
12 is I'll go through the cover letter that I  
13 provided. There was a supplement to that  
14 which was provided by Miller Mannix. If you  
15 have any questions, Leah is on the line. I  
16 think that the main emphasis of Leah's  
17 letter was to just indicate that the 1979  
18 Village filing for the historic designation  
19 did not single out one architecture type.  
20 Zoning code does not reference one  
21 architectural type, particularly not  
22 Victorian.

23 So, the Stewart's building as proposed  
24 does take elements of some other buildings  
25 that are throughout the Village. In

1 attachment one, we kind of provide a  
2 comparison Of those buildings to what we  
3 have brought into our building.

4 So, as you can see -- I'm assuming you  
5 can see my screen on T1, little things -- we  
6 removed the gooseneck lighting. We replaced  
7 it with a solid LED bar. There was some  
8 confusion about the sign at the last  
9 meeting. Again, this sign does rotate or  
10 scroll to the price and then stays fixed at  
11 that price. It is not a constantly changing  
12 message board.

13 CHAIRPERSON HEXT: Chuck, why did you  
14 change that from the gooseneck light into an  
15 LED bar light?

16 MR. MARSHALL: It was just an internal  
17 switch. We felt that it cleaned up the sign.  
18 It didn't change the light emitted. So, we  
19 can go back if you want to. There is no  
20 gooseneck lighting anywhere else on the  
21 site. So, we just removed it.

22 CHAIRPERSON HEXT: Is there an LED bar  
23 light anywhere else on the site?

24 MR. MARSHALL: There is not, but we had  
25 to light the price somehow. That's how we

1 saw it best to do. From our perspective, it  
2 doesn't matter gooseneck or the LED bar.

3 CHAIRPERSON HEXT: We can take a poll  
4 on this a little later and I will make a  
5 note of it. I don't want to hold you up. I  
6 think that's something we should come back  
7 to.

8 MR. MARSHALL: With any of these you can  
9 do them now, or do them later. Obviously,  
10 that is the Board's discretion. I will  
11 continue to go -

12 CHAIRPERSON HEXT: What does the Board  
13 think of that? Gooseneck or LED bar light -  
14 on the sign?

15 Barb?

16 MS. MUHLFELDER: Either way, I think  
17 the LED would be fine.

18 CHAIRPERSON HEXT: Connie?

19 MS. RUE: I don't have a strong opinion.  
20 The gooseneck seemed to focus more of a  
21 spotlight on the sign versus the LED  
22 overhead I would imagine that is more like  
23 what you would find in a shop or store. I  
24 guess without seeing the lighting  
25 difference, it's sort of hard to tell if I

1 prefer one to the other.

2 CHAIRPERSON HEXT: John?

3 MR. HUKEY: As Chuck says, it emits no  
4 greater light and the light emittance would  
5 be the same. I don't have a preference. It  
6 looks cleaner without the gooseneck.

7 However, I would go with whichever has the  
8 lower light emittance.

9 CHAIRPERSON HEXT: Steve?

10 MR. CARUSO: I would lean the same way  
11 as John. I think the gooseneck -- the LED is  
12 probably a little bit more what I would  
13 prefer to see, but I have no feelings one  
14 way or the other which one is worse than the  
15 other. It's whatever the group -

16 CHAIRPERSON HEXT: All right. Let's  
17 leave it like it is for now.

18 Thank you.

19 MR. MARSHALL: The building elevations  
20 have been altered to incorporate a blue  
21 stone veneer. Again, in attachment one, this  
22 is the closest stone that we could take from  
23 the home front café. I'm also pretty sure  
24 that it's close to the small retaining wall  
25 that's in Orsini Park. So, the bluestone has



1        been chosen as the stone. We then  
2        incorporated that into the freestanding sign  
3        and the canopy columns at the gas pumps.

4                We did incorporate a scalloped shingle  
5        in the peaks of the dormers. We removed the  
6        smaller brackets and placed larger brackets  
7        where each column meets the roof and dentil  
8        box along the roofline.

9                There was some discussion at the May  
10       18th meeting or the meeting before about the  
11       cupola. We did add a note to indicate that  
12       there would be no lighting for the cupola;  
13       so, no internal illumination.

14               There were no changes on S1 or S2.

15               S3 - we did indicate that the wood  
16       framed dumpster would replace the white  
17       vinyl. We eliminated the plantings along  
18       Altamont Boulevard and installed the  
19       benches.

20               One of the things that I think will  
21       come up again, or as the Board desires we  
22       can handle now. Anything on the northern or  
23       outside of the dashed line really requires  
24       New York State DOT approval. So, This is our  
25       site plan, but anything outside of that may

1 require a use and occupancy permit from the  
2 Department of Transportation. So, anything  
3 that we include or show, may or may not be  
4 permitted under their guidelines. There is a  
5 fair amount of discretion that they have.

6 We have submitted the Phase II -- and I  
7 believe maybe even Phase III of the New York  
8 State DOT permit. In a correspondence shared  
9 for the last meeting, they are fine with the  
10 access configuration as proposed. We are  
11 down to just kind of the details for them to  
12 issue the permit.

13 So, one of the things that I think  
14 there was a little bit of concern with  
15 was the benches - as we would like to use  
16 the benches. Again, we cited or selected  
17 benches that are seen in Orsini Park Or  
18 outside the Park Row Apartments. These  
19 benches may or may not be permitted under  
20 the DOT permit. So, if the Board would like  
21 to address the screening along Altamont  
22 Boulevard, I think now would be the time to  
23 discuss it.

24 CHAIRPERSON HEXT: I definitely think we  
25 need to do something as far as screening. I

1 had sent you an email -- you and Dan an  
2 email the next day that we need to put some  
3 type of vegetation and screening back in  
4 their so that we don't have this huge  
5 expanse of macadam. I know Dan did some  
6 research. He tried to reach out to your  
7 version of Allyson, as opposed to our  
8 version of Allyson, and I don't think that  
9 they connected.

10 Dan, can you speak to that?

11 MR. HITT: I did not connect with  
12 Allyson today. She was not in the office.  
13 She said she would be in tomorrow.

14 I did summarize my recommendations in  
15 an email last night.

16 I don't know if you got that, Chuck.

17 MR. MARSHALL: I did get it. For those  
18 who didn't receive a copy of it, what Dan is  
19 effectively requesting is that the plantings  
20 that are proposed along where it says  
21 proposed wing curb - for lack of better  
22 terms - be shifted to the outside edge along  
23 Altamont Boulevard.

24 MR. HITT: No, that's not what I am  
25 suggesting. The idea was that if you take

1 the sidewalk, as shown, where it's parallel  
2 with the curb along Altamont Boulevard, move  
3 the sidewalk behind the curb - basically  
4 getting rid of the snow storage area between  
5 the curb and sidewalk -- it would be the  
6 same cross-section as you find on the north  
7 side of Altamont Boulevard, right across the  
8 street. That provides more room behind the  
9 sidewalk and that Stewart's lot for the  
10 benches and plantings.

11 Does that make sense?

12 CHAIRPERSON HEXT: I thought that was an  
13 excellent idea, Dan.

14 MR. HITT: The handicap ramp at the  
15 eastern end of that curb extension would  
16 still have to have the 5-foot landing at the  
17 top for ADA requirements and then the  
18 sidewalk can taper 45 degrees and then go  
19 right behind the sidewalk - the length of  
20 that extension. Then, taper back in when it  
21 gets towards the intersection. That would  
22 provide more room between the benches there  
23 for plantings in that area. I know that it  
24 would be contingent upon DOT approval. I'm  
25 aware of that.

1 CHAIRPERSON HEXT: You said that in your  
2 email.

3 MR. HITT: It shifts the sidewalk to the  
4 curb and that would provide more room behind  
5 the sidewalk and the Stewart's lot to put  
6 some plantings in there with the benches and  
7 put the benches on concrete pads so you're  
8 not having any plantings trampled down by  
9 people walking through there.

10 MR. MARSHALL: Just to make sure that I  
11 understand it: Take the sidewalk and move it  
12 to the curb, as the red arrow shows?

13 MR. HITT: Yes.

14 MR. MARSHALL: Then, by moving the  
15 sidewalk closer to the curb, install the  
16 plantings behind this row here (Indicating)?

17 MR. HITT: Yes. The sidewalk still has  
18 to come back out to the right of that arrow  
19 to meet the handicap ramp, because you still  
20 need to meet the ADA requirements. It  
21 provides some room in between the benches  
22 there for plantings.

23 MR. MARSHALL: As long as the Board is  
24 under the understanding that would be a  
25 contingency that DOT would have to sign off

1 on, I'm okay with that. I do think that it  
2 likely affects our timing because we are at  
3 the point where DOT is getting ready to  
4 issue the permit. I will go back to them  
5 with the change.

6 Just so we are all on the same page, it  
7 will be shifting the sidewalk closer to the  
8 curb along Altamont Boulevard and putting  
9 the plantings in here.

10 Dan, I know that you didn't get a  
11 chance to speak with Allyson. In my  
12 conversation with her, she was pretty  
13 reliant on the junipers just because of the  
14 salt tolerance. I don't think that the  
15 arborvitae would be an appropriate use here  
16 because they get so tall.

17 MR. HITT: No, arborvitae would not  
18 work. I think that you have to keep  
19 something lower - maybe not as low as a Blue  
20 Row Juniper, but Andorra Junipers or  
21 something like that. You need to keep shrubs  
22 low enough so that they don't affect the  
23 sight distance with anybody pulling out of  
24 the driveway.

25 MR. MARSHALL: Okay.

1 CHAIRPERSON HEXT: Is the Board okay  
2 with this proposed change, as far as  
3 plantings are concerned?

4 (All Board Members agreed.)

5 I think that was everybody.

6 Chuck, I had the benefit of knowing who  
7 Allison is.

8 MR. MARSHALL: You will see on the  
9 landscape plan - Allison Levine is a  
10 Registered Landscape Architect with M.J.  
11 Engineering. The Board relied on Dan and  
12 Chuck relies on Allison.

13 CHAIRPERSON HEXT: Not everybody might  
14 have the benefit - the rest of the people in  
15 the meeting don't know exactly who we are  
16 talking about. So, I wanted to clarify that.  
17 Thank you.

18 MR. MARSHALL: That was the only  
19 revision along Altamont Boulevard, except  
20 for the note from Dan that the benches be  
21 placed on concrete pads. Is that correct?

22 CHAIRPERSON HEXT: That's the only  
23 change I saw on Altamont Boulevard.

24 MR. GRANT: Chuck, just one question.  
25 Will the temporary planters still require

1 use and occupancy from a DOT standpoint on  
2 their land.

3 MR. MARSHALL: There were no -- I will  
4 switch to the photometric, but there were no  
5 temporary planters because the concern was  
6 raised by the Board to go back to permanent  
7 plantings. The junipers would replace any  
8 temporary boxes that would be installed and  
9 the benches would just be placed on the  
10 outside edges of the sidewalk -- I'm  
11 sorry -- outside edges of the curb - our  
12 curb.

13 So, since we are here already, the  
14 landscape plan which is S7 has been modified  
15 pretty substantially. It includes the  
16 dogwoods that were requested. It went to two  
17 deciduous trees in the southeast corner and  
18 then the arborvitae was used for screening  
19 the fence along the 111 Helderberg property  
20 line. This obviously is the minimum of six  
21 feet with a 16-foot range of separation.  
22 Those were deciduous trees that had been  
23 planted.

24 While we are talking about 111  
25 Helderberg Avenue, I know that Carol - I saw



1 Carol join the conference. Her and I have  
2 met a number of times and while we kind of  
3 agree to disagree on certain elements of the  
4 project, we have come to an understanding  
5 and will mitigate as neighbors with some of  
6 their concerns that she has expressed.  
7 Particularly those concerns outside site  
8 plan issues. She has been pleasant and I  
9 think the exchange was very mutual on both  
10 sides.

11 CHAIRPERSON HEXT: Carol has been  
12 pleasant throughout this whole thing and I  
13 thank her for that. She is one of the people  
14 who have been polite and pleasant and kind  
15 and understanding.

16 While we are talking about Carol, let  
17 me just ask you a couple of things. The  
18 condensing unit that we can't move - is that  
19 the one that is the quiet kind too?

20 MR. MARSHALL: It is in the cut sheets  
21 that were provided in the submission which  
22 were omitted in previous submissions.

23 CHAIRPERSON HEXT: I looked that up and  
24 I saw that in audiology that the quiet  
25 climate to lower the decibels from 57 to 37

1 is equivalent to a library conversation.  
2 Have you heard anything like that? Has  
3 anybody heard that?

4 MR. MARSHALL: I have measured them in  
5 other situations. The benefit of this site  
6 is I went through repeatedly -- the  
7 condensing unit sits in an approximate  
8 three-foot hole with its back to a stone  
9 retaining wall and then a top of that sits  
10 an eight-foot fence. I think the cedar fence  
11 being solid makes the fence a better barrier  
12 - a better buffer than the vinyl would have  
13 because the vinyl components would have been  
14 hollow. I do think that is favorable.

15 As I expressed to her and to the Board  
16 previously, the only other location for that  
17 condensing unit is on the Helderberg Avenue  
18 side. I think on that side you cannot have  
19 the benefit of the eight-foot fence. So, you  
20 do have a segment of the retaining wall, but  
21 you do not have the fence and you are  
22 simultaneously introducing it to the picnic  
23 area, the funeral home and all of the other  
24 Helderberg Avenue residents. I do think that  
25 these are the best locations for the

1           condensing units and the HVAC and why we  
2           have not moved them since the original  
3           submission.

4           When we were asked to move the  
5           condensing units for the cooler, there is  
6           obviously much more room along that unit to  
7           do so and we did. Here, we cannot and will  
8           not.

9           CHAIRPERSON HEXT: Is there going to be  
10          any kind of sound blanket or anything on  
11          those units?

12          MR. MARSHALL: Again, they are  
13          approximately 18 inches tall and the  
14          retaining wall is three to four feet, so we  
15          were not proposing any other mitigation  
16          because they essentially sit in a hole.

17          CHAIRPERSON HEXT: While we are still  
18          talking about Carol, I just want to make  
19          sure I get all of her questions out there.  
20          I'm sorry I am taking over here -

21          MS. RUE: Hey Deb, this is Connie.  
22          Before we Move on to Carol's other  
23          questions, I did have another question on  
24          the noise.

25          We were talking about the condenser

1 units and I saw that we got the cut-sheets  
2 for the HVAC units, but I did not see the  
3 decibel ratings for those in the submission.

4 MR. GRANT: It wasn't in the data. I  
5 noticed that, too. Everything you ever  
6 wanted to know about HVAC units -

7 MS. RUE: Exactly, except the sound  
8 data.

9 MR. GRANT: TBD means to be determined,  
10 which doesn't tell me that data.

11 CHAIRPERSON HEXT: Chuck?

12 MR. MARSHALL: Again, these are the  
13 cut-sheets provided by the manufacturer.  
14 This is not a Stewart's generated item.

15 CHAIRPERSON HEXT: I don't think we're  
16 asking who generated them. I think we're  
17 asking what the decibel levels would be.

18 MR. HUKEY: Wouldn't that be something  
19 that you could get from the manufacturer? I  
20 would find it hard to believe that you  
21 can't.

22 MS. RUE: Is there a way to test decibel  
23 ratings - like the other stores that might  
24 use the same units?

25 MR. MARSHALL: I have done exactly that.

1 I used a handheld decibel reading. The  
2 problem is that when you test decibel  
3 readings and other locations, you are not  
4 providing the same mitigation as you are in  
5 this situation. So, I can tell you that at  
6 roughly 20 feet - the average is like in the  
7 64 decibel range, as far as noise. The 64  
8 was in the Town of Schroon and to the back  
9 of the store where the Bard units are, there  
10 is no fence and there is no wall. So, it is  
11 just an open area. It won't take into  
12 account the testing or any other  
13 modifications of this site.

14 MS. RUE: That's for the HVAC units?

15 MR. MARSHALL: Yes, just for the Bard  
16 units. Again, noise does not have a  
17 compounding effect. So, 64 decibels at 20  
18 feet - if you turn the second Bard unit on,  
19 it's not an additional 64 decibels. So, it's  
20 not a 128 total. It might only increase it  
21 three to four decibels. Again, the Village  
22 doesn't have - at least in my  
23 understanding -- a specific noise ordinance  
24 for decibel ratings. So, we wouldn't be  
25 mitigating to anything other than the

1 guidelines under SEQRA. The SEQRA negative  
2 declaration has already been issued. So, the  
3 HVAC units are going to be -- whether they  
4 are along this elevation - they're going to  
5 be on the site, regardless.

6 CHAIRPERSON HEXT: I think that we  
7 should give a little bit more consideration  
8 to that - possibly adding one of those sound  
9 blankets if they don't come with them --  
10 they could probably be retrofitted to be  
11 able to adapt to one.

12 MR. MARSHALL: You could put them on  
13 the fence. If you want to take decibel  
14 readings at the property line, you would  
15 effectively just be mitigating to just six  
16 decibels. If you want sound blankets for the  
17 length of the wall - the length of the fence  
18 where the HVAC units are -- that's also  
19 something we can do.

20 CHAIRPERSON HEXT: I think that we need  
21 to do everything we can to mitigate the  
22 sound trespass as opposed to light trespass  
23 to the neighbors. We may not have anything  
24 specific in our Code, but this is why we do  
25 this to try to get some concessions to make

1       it the least impossible intrusiveness to  
2       neighbors. I think we can work through that.

3               MR. GRANT: They tried the operation in  
4       another place. I was surprised when I got to  
5       the sound data and had TBD; to be  
6       determined. Maybe that was when this was  
7       being manufactured and put out there two  
8       years ago. Maybe they do all that sound  
9       information -- a call to their factory might  
10      jingle up an answer, but just to keep it in  
11      context, two condenser units were 52 -- I  
12      believe 58 decibels, if I remember  
13      correctly. So, a little quieter but you  
14      would expect those versus an HVAC unit.

15             MR. HUKEY: Just to add to your comment  
16      about this in the Code: In 355.36 we do say  
17      protection noise, glare and sight limit. We  
18      do address both sight and noise. I agree  
19      with the blankets and what you are saying.

20             MR. MARSHALL: The only mitigation I  
21      can consider that we haven't already done  
22      would be the blankets. What I would propose  
23      doing is where the condensing unit meets the  
24      fence -- to the second HVAC unit is 36 feet.  
25      I would be willing to install the blanket

1 for that 36 feet because those are the only  
2 areas where there is noise generating  
3 equipment on the property line with 111  
4 Helderberg.

5 CHAIRPERSON HEXT: That sounds good.  
6 Like I said, this is why we are doing this.  
7 We are working through this to mitigate - as  
8 much as possible. You can't mitigate  
9 everything - but, as much as possible -- the  
10 impact on the neighboring homes.

11 MR. MARSHALL: Were there other  
12 questions, or would you like me -

13 MR. HITT: This is Dan. I had one  
14 comment.

15 Typically, a noise barrier or those  
16 noise blankets, as you're talking about -  
17 they are used a lot for construction. As  
18 long as the blanket breaks the line of sight  
19 between what is generating the noise and the  
20 receiver, then you will have abatement. From  
21 where your unit is that is generating the  
22 noise -- and if you extend the blanket far  
23 enough so that it breaks the line of sight  
24 between the condenser and the adjacent  
25 property, then you should have some



1 abatement. You might have to go a little  
2 more than 36 feet. It shouldn't be very much  
3 further, but you should really look at  
4 drawing a line between the condensing unit  
5 and the adjacent property at an angle - what  
6 is the usable space of the adjacent property  
7 to see where the limit of the blanket would  
8 extend to.

9 MR. MARSHALL: Do you want the blanket  
10 the length of the building?

11 MR. HITT: No, no.

12 MR. MARSHALL: What I was saying was  
13 from this unit to this unit is 36 feet  
14 (Indicating). So, you want to continue it?

15 MR. HITT: If you take a line from the  
16 condensing unit to the bottom and at an  
17 angle projected to Carol's backyard, you are  
18 going to have maybe a 45-degree angle or  
19 something like that so that the blanket  
20 would actually go a little bit further  
21 because from the source of the noise to  
22 where the usable space is on the adjacent  
23 property is how sound travels. So, the  
24 blanket doesn't stop at the end of the  
25 condenser unit. It would extend a little

1 further. Does that make sense?

2 MR. MARSHALL: Yes. I'm just trying to  
3 provide -

4 MR. HITT: I'm not saying that it would  
5 be much longer than 36 feet, but you take a  
6 line from that unit -

7 MR. MARSHALL: It looks to be about 45  
8 feet.

9 MR. HITT: Yes, something like that. I  
10 really think that the retaining wall and the  
11 fence are going to add some abatement  
12 because breaking the line of sight with  
13 something solid is how noise walls are  
14 designed. I've done it for years.

15 So, adding the blanket is only going to  
16 add that much more additional abatement  
17 because it makes that cedar fence more -

18 MR. MARSHALL: It's like wearing a  
19 sweater under a raincoat.

20 MR. HITT: Right.

21 MR. MARSHALL: The raincoat keeps you  
22 dry and your sweater keeps you warm. We're  
23 good.

24 MR. HITT: Yes.

25 CHAIRPERSON HEXT: The only other

1 question is: Who maintains that fence?

2 MR. MARSHALL: Stewart's does.

3 CHAIRPERSON HEXT: Is it going to be  
4 weathered, or will you seal it with  
5 something? What was the plan for that? That  
6 was another one of Carol's questions. I'm  
7 just making sure because -

8 MR. MARSHALL: Again, the last round of  
9 submission or the last round of conversation  
10 had kind of no plantings in this area. So,  
11 the plantings, I think, add some screening  
12 between her property and the fence, but it  
13 would be natural cedar - untreated.

14 CHAIRPERSON HEXT: You will maintain  
15 that if one of the slats break or becomes  
16 rotten or whatever - Stewart's is going to  
17 take care of that.

18 MR. MARSHALL: Yes. It's unlikely that I  
19 personally will inspect it, but if Carol has  
20 a problem she definitely knows how to reach  
21 me.

22 CHAIRPERSON HEXT: I don't mean just her  
23 fence, I mean the fence around the dumpster  
24 and all that. That's all going to be  
25 maintained by Stewart's; correct?

1 MR. MARSHALL: Yes, it's on our  
2 property.

3 CHAIRPERSON HEXT: There is someone that  
4 is not on mute.

5 Lara, you're not on mute. Can you  
6 please mute? We can hear everything that's  
7 going on in the background.

8 MR. MARSHALL: These are the last  
9 changes I highlighted. We will probably  
10 spend some time discussing -- the decorative  
11 fixture was incorporated in the two driveway  
12 entrances. We did do the two decorative  
13 fixtures in the driveway. The Altamont  
14 Boulevard driveway would be back-shielded  
15 lights. The Helderberg Avenue would not.  
16 They would both be an acorn-style fixture  
17 that would match the fixture that's in the  
18 current DOT area on the corner. An  
19 attachment to - we did provide -- can you  
20 see the lights I'm pulling up?

21 CHAIRPERSON HEXT: Yes.

22 MR. MARSHALL: So, the first lights were  
23 the lights on 147 and 67. Again, as  
24 indicated, this property is on the southeast  
25 corner. On the northeast corner is a

1 cemetery on the historic register. On the  
2 southwest corner is a church on the historic  
3 register. Our lighting there was compliant  
4 with the SHPO guidelines.

5 Then, that lighting is in the 4,000  
6 Kelvin range. Then here is light at the  
7 5,700 Kelvin range (Indicating). We provided  
8 some samples to the Board and the public  
9 through the link that showed various  
10 lighting. This was the kind of 5,700 or  
11 5,000 Kelvin light. We provided about six of  
12 them to you. What we were able to do after  
13 that - can you see the photo that's now  
14 across my screen?

15 CHAIRPERSON HEXT: Yes.

16 MR. MARSHALL: This is the hue of light  
17 in the 4,000 Kelvin range. This is the light  
18 that we would be installing at the proposed  
19 project in Altamont. So, it matches,  
20 essentially, the light at the 147 and 67  
21 location. Obviously, the big difference  
22 between that proposed lighting and the  
23 proposed lighting scheme here is the canopy  
24 in that situation is larger. All four sides  
25 of the building are visible and there is

1       circulation. Obviously, we have no lights on  
2       the southern elevation that face 111  
3       Helderberg. We removed the yard light and  
4       relocated the dumpster. So, again, this is  
5       the lighting scheme as proposed today.

6               MR. HUKEY: After our last meeting,  
7       Chuck, I went to 147/67. I got up there just  
8       after sunset. It wasn't totally dark, but it  
9       was dark enough. I was pleasantly surprised  
10      at the lighting and the gas canopy. The gas  
11      canopy looks similar, as I remember it in  
12      the pictures that I took. The store, as I  
13      remember it and as my pictures show, is a  
14      heck of lot brighter than what I see in this  
15      picture. I took pictures at the gas canopy  
16      and in front of the Stewart's and across the  
17      street kitty-corner at the walk-in health  
18      clinic and from the health clinic it just  
19      had a glow at night. I don't want that in  
20      Altamont. If that's what it's going to be, I  
21      don't think that it's going to look good at  
22      all.

23              MR. MARSHALL: When I looked at that  
24      location, the most bright thing that I saw  
25      at the intersection was the blue light in

1 the urgent care signage, which was less the  
2 Stewart's. The Stewart's really isn't  
3 visible as you approach from the east. You  
4 have to remember that the 147 and 67  
5 building is four-sided. So, effectively you  
6 only get -

7 CHAIRPERSON HEXT: Lara, you need to  
8 mute or we are going to kick you off of this  
9 meeting. We cannot understand anything that  
10 anyone else is saying except for your  
11 arguing in the background.

12 MR. MARSHALL: So, John, to your point:  
13 The pumps in Altamont would be angled. So,  
14 it would be a little different, but I put a  
15 box -- it would be the two lights interior  
16 to the two fueling positions and then the  
17 two on the outside. The building  
18 elevations -- this doesn't have the full  
19 porch as we are proposing in Altamont. So, I  
20 don't know really what mitigation we could  
21 do.

22 MR. HUKEY: Are the interior lights  
23 exactly the same? It was extremely bright.

24 Again, Chuck, I was very surprised at  
25 how bright it was there. When I was out by

1 the road looking face in at the front when I  
2 was across the street at the walk-in clinic.  
3 It just seemed to glow at night and I can't  
4 imagine walking up Main Street and seeing  
5 that.

6 CHAIRPERSON HEXT: Is it the same lumen  
7 under the canopies, Chuck?

8 MR. HUKEY: The canopy is good. The  
9 canopy is more subdued and that wasn't the  
10 problem. The problem is light coming from  
11 the building and around the outside of the  
12 building.

13 MR. CARUSO: John, this is Steve. So,  
14 you're basically saying that the inside of  
15 the building was what you were talking  
16 about?

17 MR. HUKEY: When you're standing in  
18 front of the building, Steve, looking at it,  
19 you're not sure how much of that light is  
20 coming from within and outside. I'm just  
21 saying that the whole thing glowed.

22 MR. CARUSO: Yes, I've seen it myself. I  
23 was just curious at what you were trying to  
24 emphasize.

25 MR. HUKEY: I asked Chuck if the



1 interior lighting was exactly the same, as  
2 far as the illuminates at this 67/147 -- as  
3 it's going to be in the new Stewart's, or if  
4 this is going to be brighter like the  
5 Stewart's here.

6 MR. MARSHALL: It will be about the  
7 same.

8 CHAIRPERSON HEXT: That's in a darker  
9 place than this will be in - the setting  
10 itself, correct?

11 MR. MARSHALL: Those two corners - the  
12 southwest and the northeast corners are  
13 completely dark at night. The urgent care  
14 center is on the northwest corner which is  
15 the former Stewart's - is somewhat  
16 illuminated. Again, the largest light issue  
17 is that the bright blue sign that the urgent  
18 care was allowed to put up. All the light  
19 here is essentially pointed into the central  
20 business district. The lights on the canopy,  
21 which John does not seem to have a problem  
22 with the most visible lights -- we did  
23 switch to the decorative fixtures on the  
24 outside.

25 What I could do again -- I would be

1 willing to decrease the number of soffit  
2 lights under the porch. Right now we show  
3 five. I think that we could go down to four.  
4 You really don't want to get rid of the one  
5 at the front door, as we discussed last  
6 time. All the parking is to the store. Your  
7 site is not really that bright.

8 CHAIRPERSON HEXT: Again, I'm seeing  
9 it -- John, I'm seeing your pictures against  
10 a dark sky with nothing else lit around.  
11 This is in the middle of the central  
12 business district. You've got Altamont  
13 Corners and you've got Ketchem's. The  
14 funeral home has some lights. I don't know  
15 that it would be as stark as the pictures  
16 that you sent, but I certainly understand  
17 what you're saying.

18 Is there any way that we can tint the  
19 windows and somehow mitigate the light  
20 coming out?

21 MR. MARSHALL: No. I'm not going to lie.  
22 For the past two weeks, this is the number  
23 one thing that I've been banging my head on  
24 the wall about because we went and tried to  
25 source to see if we could go to a lower

1 temperature Kelvin light and we've made a  
2 number of customizations to this site which  
3 we don't, or haven't done in other  
4 locations. One of the things that we try to  
5 do -- and you can understand from our  
6 perspective with the number of stores that  
7 we have - is trying to -- even if the light  
8 is not the same -- even if just the fixtures  
9 were the same so that we could have similar  
10 fixtures throughout the company and swap  
11 components we couldn't source the lower  
12 Kelvin lighting.

13 CHAIRPERSON HEXT: Can you put up that  
14 comparison again? You put up a lighting that  
15 showed the coolness versus the warmness,  
16 versus -- remember that chart that you  
17 showed?

18 Just throwing this out there - the  
19 lighting does meet Code and in some cases it  
20 exceeds Code. I'm not sure how much we can  
21 push this.

22 MR. GRANT: Could it be as simple as a  
23 different lens cover that has more -

24 MR. MARSHALL: Brad, do you see it now?

25 CHAIRPERSON HEXT: Yes.

1 MR. MARSHALL: Again, our lights are  
2 here and the lights -- everyone wanted us to  
3 go to the 3,000 and we are at 4,000. The  
4 issue is that the lights are individual  
5 bulbs. So, there is no screen or shield that  
6 goes over the fixture. Each pole is  
7 individually set in the row.

8 MR. GRANT: I'm just wondering if a  
9 translucent lens could be fitted onto the  
10 fixture, or is it an option?

11 MR. MARSHALL: No, but each bulb is made  
12 that color.

13 MR. GRANT: But isn't that within the  
14 mounting box?

15 MR. MARSHALL: Yes, but the mounting box  
16 just shows the bulbs. It doesn't have --  
17 there is no cover or slide over it.

18 MR. GRANT: And you're sure that there  
19 isn't an option for them - on Page 6 of  
20 the -- I'm just throwing it out there.

21 CHAIRPERSON HEXT: Just as a comparison  
22 for everybody, National Grid right now - if  
23 and when they change out the lights and go  
24 to the LED, they are proposing 4,500. So, if  
25 you look at the difference between 3,000 and

1 4,000 or 4,000 and 5,000 and we are going  
2 4,500 to 4,000 that Stewart's will be -

3 MR. MARSHALL: Yes, we'll be less than  
4 the Village.

5 CHAIRPERSON HEXT: It's actually going  
6 to be less than what the Village -- yes,  
7 exactly.

8 MR. HUKEY: It might be less, but there  
9 is going to be more problems involved. You  
10 might have a lower bulb, but you have more  
11 of that, which is going to make a  
12 difference.

13 MS. RUE: There was a previous meeting -  
14 there was a discussion that the Village had  
15 two choices of the 4,500, or like 2,900. I  
16 didn't realize that it was going to be a  
17 higher number. There was a lot of discussion  
18 about the lower number -

19 CHAIRPERSON HEXT: I think it was 3,100.  
20 Maybe they did say that they were going to  
21 the 3,100. So, yeah, you're right, Connie.  
22 So, then we are talking a difference between  
23 the 3,000 and 4,000. I mean, 3,100 is a  
24 little bit bright.

25 John, I see what you're saying. To the

1 naked eye, I'm not sure how -- again, I  
2 don't want to play the devil's advocate  
3 here, but they are meeting Code.

4 MR. HUKEY: They are meeting Code, but  
5 there are other things -- we said it before  
6 - as far as appearance.

7 Chuck, again, what bulb is up at the  
8 167/47?

9 MR. MARSHALL: The 167/47 - it's the  
10 4,000 Kelvin. I can't circle it but -

11 MR. HUKEY: Similar to what you are  
12 proposing in Altamont.

13 MR. MARSHALL: Correct. If you had  
14 continued north, you would have seen the  
15 5,700 which puts you -- that's the light at  
16 147/29. That's this light (Indicating). As  
17 many have watched this project go through  
18 the various stages, we made the reduction at  
19 the Zoning Board of Appeals from 5,700 which  
20 is what I will call our standard light - to  
21 the 4,000. So, in our defense, we have  
22 already made one major change from what we  
23 would call standard. If this Board was the  
24 only reviewing Board, that compromise may be  
25 looked at differently.

1           In this instance, there is a certain  
2           element -- I'm kind of stuck because most  
3           people have a larger problem with the canopy  
4           which you seem to be okay with and then the  
5           store -- which I think that you can look at  
6           this elevation pictures here - the southern  
7           and western elevation of the image here  
8           (Indicating). I think that kind of speaks to  
9           part of the problem. This light, which is a  
10          soffit light here - which would be a wall  
11          pack in the Altamont situation - that might  
12          be one of the problem areas. Again, these  
13          buildings both at 147/67 and 147/29 are  
14          four-sided buildings. The Altamont proposal  
15          is really only the main elevation - the  
16          northern elevation and to a certain extent  
17          the western elevation, while the southern  
18          elevation has no lights. Again, with the  
19          relocation of the dumpster and the  
20          associated light -- to the best of our  
21          ability, we have done what we can to  
22          mitigate the lights impact of the project.

23                 MR. HUKEY:    The southern and western  
24                 elevation - you said that was 4,000 Kelvin.

25                 MR. MARSHALL:  This one is 5,700. This

1 is the 4,000 Kelvin (Indicating).

2 MR. HUKEY: What is the gas island?  
3 What is that canopy?

4 MR. MARSHALL: Everything is 4,000. We  
5 don't differentiate the bulbs from the  
6 fixtures.

7 MR. HUKEY: Why does it look so  
8 different than, Chuck? It looks tremendously  
9 different. No matter how I approached the  
10 building - from whatever direction, it just  
11 seemed like the canopy was a more subdued  
12 light and the building just stood out like a  
13 stark white. It was a big difference.

14 MR. MARSHALL: It is probably  
15 associated with the internal light. So,  
16 John, maybe one of the things that we have  
17 to consider is that on this building, there  
18 is roughly six or seven windows and two  
19 doors. If you look at the proposal in  
20 Altamont, it's not that. You have three  
21 windows on the northeast elevation and the  
22 door. Then, on the northwest elevation, you  
23 only have one window. So, some of the light  
24 that you see emitted from the store  
25 operation isn't going to be here because



1 there's not going to be any windows - or as  
2 many windows.

3 CHAIRPERSON HEXT: Do you go from five  
4 to three - two on each side and one over the  
5 door?

6 MR. MARSHALL: Sure.

7 CHAIRPERSON HEXT: That might help. I  
8 agree with you about the internal lighting  
9 with windows. Is the store approximately the  
10 same size?

11 MR. MARSHALL: The store is a little  
12 smaller.

13 CHAIRPERSON HEXT: The same number of  
14 internal lights?

15 MR. MARSHALL: Because of the smaller  
16 store, the floor plan gets altered a little  
17 bit.

18 My coworker Steve is sitting here with  
19 me and what were kind of looking at is -  
20 what we would do is keep the central light  
21 over the door. Then, we would space  
22 approximately half to each end. Just on the  
23 interior of each dormer, we would put  
24 another soffit mounted light.

25 MR. HUKEY: Chuck, do you know the

1 Kelvin of the interior lights?

2 MR. MARSHALL: I'm not going to lie. I  
3 don't.

4 MR. HUKEY: Okay. They would be the  
5 same -

6 MR. MARSHALL: Interior lights are  
7 different. I would guess that they are  
8 closer to 5,000, if not over.

9 MR. HUKEY: Which would be the same in  
10 Altamont, then.

11 MR. MARSHALL: Yes.

12 MS. MUHLFELDER: This is Barb. I do  
13 think we need bright lights in the store for  
14 security reasons.

15 MR. MARSHALL: The store lights wouldn't  
16 be affected. What we are really talking  
17 about are these individual -- I am hovering  
18 over one that is the most obvious. That is a  
19 soffit mounted light. So, the soffit mounted  
20 light there would be what we are talking  
21 about. Those would actually essentially  
22 be -- the proposed configuration would be  
23 three on the elevation facing outward. So,  
24 the lights on the outside would be 4,000.  
25 The interior lights would probably exceed

1 5,000. Because of the four windows, it would  
2 essentially light the building.

3 CHAIRPERSON HEXT: Don't forget that  
4 these lights are not staying out all night.

5 MS. MUHLFELDER: That was going to be my  
6 question. We asked Chuck last time what the  
7 hours of operation were.

8 So, how long will these outside lights  
9 be on?

10 MR. MARSHALL: I forgot to ask Carmen. I  
11 am fairly confident that the store either  
12 opens at 4:30 or 5:00. Then, it remains open  
13 until midnight. The hours should be the  
14 same.

15 MS. MUHLFELDER: The last time I think  
16 you told us 5:00 to 11:00. So, now you think  
17 it's midnight. I would like to have some  
18 confirmation.

19 I guess that leads me to my question  
20 which is: Can the lights have like a dimming  
21 feature so that after a certain hour, they  
22 are not quite as bright? Again, you have to  
23 balance that with the inside.

24 MR. MARSHALL: The lights would go dark.  
25 All lights go dark except for the light over

1 the delivery door one half hour before the  
2 store closes and one half hour before the  
3 store opens. That's so the person coming  
4 into the store has a light to walk into.

5 CHAIRPERSON HEXT: With all the outside  
6 Village Hall lights - when those lights are  
7 not on, it's dark -- so, we know we want  
8 some kind of lighting for employees or  
9 patrons coming in and out of the store.

10 MS. MUHLFELDER: Agreed. I guess is  
11 there something in between off and full  
12 brightness for later at night?

13 MR. MARSHALL: No, there is not. The  
14 lights are on a timer on a photometric plan  
15 or a photocell. So, they come on when there  
16 is a certain amount of darkness detected.  
17 Then, otherwise, they are on a timer.

18 CHAIRPERSON HEXT: I'm trying to think  
19 if there are any homes around there that  
20 would be impacted by this bright light  
21 before midnight and before 4:30.

22 I just keep going back to - I don't  
23 know where we are going with this. They meet  
24 our Code. They made a concession already  
25 about the lights in the front. I think that

1 would help.

2 Is the building color the same, Chuck?  
3 Would that may be make a difference?

4 MR. MARSHALL: The building color is the  
5 same. A couple of things: One - on the hours  
6 of operation, it is 4:30, to midnight and  
7 those are not proposing to change. I brought  
8 up the grading plan because I do think that  
9 this is an element where the retaining wall  
10 and the fence are of benefit. We are  
11 proposing a light above the delivery door.  
12 That is the light that would remain on after  
13 hours, for a lack of better terms. The  
14 finished floor in that location is 470.5  
15 which would mean a light would be atop the  
16 delivery door. The delivery door is, I  
17 believe, eight feet and the light above it  
18 is two feet. So, the height of the light of  
19 that area would be around 480. The top of  
20 the fence in that location is 484. The  
21 delivery door light is approximately four  
22 feet lower than the top of the fence to 111  
23 Helderberg.

24 As far as shielding the lights - that  
25 light would be the most impact or the

1 closest light to Carol's property on that  
2 side. So, that is the light that would stay  
3 on and go off.

4 CHAIRPERSON HEXT: And that would really  
5 be no different than having your neighbor  
6 leave their door light on all night.

7 MR. MARSHALL: Correct. Again, because  
8 they are downcast lights, she would  
9 essentially be over them and would not see  
10 them.

11 Then, you have eliminated two of the  
12 soffit lights along that front elevation.

13 CHAIRPERSON HEXT: So, you are  
14 eliminating 8,000 lumens then, right, if  
15 each of those soffit lights are 4,000?

16 MR. MARSHALL: I don't think is linear.  
17 We look at it as more of a foot candle than  
18 a lumen. There is a conversion, but you are  
19 basically compressing the foot candles to  
20 two areas versus five.

21 MS. PHILLIPS: This is Allyson. It might  
22 be helpful at this point to actually look at  
23 the standard that we have in our Zoning Law  
24 for a special use permit. Relevant to glare,  
25 I am looking at 355.35-86. They are talking

1 about the use and design of the building and  
2 site facilities are appropriate in that  
3 location and have incorporated reasonable  
4 efforts to harmonize with surrounding usage  
5 and make any adverse impacts on surrounding  
6 uses, including but not limited to -- you  
7 have glare included in that standard. So,  
8 for a special use permit, you are really  
9 looking at - have they incorporated  
10 reasonable efforts to harmonize with the  
11 surrounding uses and mitigate adverse impact  
12 on surrounding uses?

13 CHAIRPERSON HEXT: Thank you, Allyson. I  
14 was trying to get to that. They do meet our  
15 Code and they have actually done one step  
16 better than what we say they can have. So,  
17 do we as a group feel that they have  
18 mitigated in every way possible the impact  
19 on surrounding areas and try to harmonize  
20 with the surrounding area? Remember, there  
21 are other businesses in that area. There is  
22 Altamont Corners, there is the Home Front,  
23 there is Veronica's and those are not all  
24 dark all the time.

25 MR. HUKEY: I think by eliminating the

1 two soffit lights, they met the standard.

2 MR. HITT: I think they have, also.

3 One point that hasn't been mentioned is  
4 that it still needs to remain safe. There is  
5 going to be a lot of pedestrian potential  
6 conflicts of vehicles in the front of that  
7 store and it still needs to be lit well  
8 enough so that people can see.

9 MS. MUHLFELDER: I agree with Dan. I  
10 think it is important for the security  
11 lighting and I do think that Stewart's has  
12 come back and they are doing the best they  
13 can to accommodate us. I think the plan, as  
14 it is now, is a good plan.

15 CHAIRPERSON HEXT: Does everybody agree  
16 that we can move on from the lighting part.  
17 here?

18 MR. CARUSO: This is Steve and I have  
19 got one thing that I wanted to say. I think  
20 one of the issues that maybe we are all  
21 having to a certain extent -- this is a  
22 completely different style building than  
23 what we have there now. When you start to  
24 try to compare lighting and visual from a  
25 brick building that's been there for a long



1 time which may look obviously different than  
2 what Stewart's is proposing, it may have  
3 something to do - at least in my mind - the  
4 lighting aspect of it. I think Stewart's has  
5 done everything they possibly could with  
6 what's been handed to them on that lot with  
7 the lighting.

8 MR. MARSHALL: Was that a motion?

9 MR. CARUSO: No.

10 MR. MARSHALL: My computer glitched.

11 MR. GRANT: Chuck, one question. The two  
12 examples up north here - did they have as  
13 deep of a front porch as is being proposed  
14 here?

15 MR. MARSHALL: They don't. They only  
16 have the shorter porches so kind of like the  
17 gable with the columns -- again, that's what  
18 I'm trying to get at. There is circulation  
19 around all four sides of those buildings so  
20 the lighting is just different. They have  
21 more yard lights. The whole thing is  
22 different.

23 MR. GRANT: The reason I ask is that the  
24 4,000 Kelvin store up in Charlton - the  
25 bottom right picture is where it looks most

1 illuminated and a lot of that is reflecting  
2 off of possibly white siding. Are we still  
3 talking white siding here, or did we talk  
4 about gray last time?

5 MR. MARSHALL: No, we kept the lighter  
6 siding because we went to a darker stone.

7 MR. GRANT: Okay.

8 MR. MARSHALL: If you have a gray  
9 building, that is dark.

10 MR. GRANT: I was trying to make a point  
11 with the porch that it somewhat envelops  
12 some of the light from going upward and  
13 outward to some degree.

14 CHAIRPERSON HEXT: I agree with that.  
15 Good point.

16 Can we move on from the lighting?

17 MR. HUKEY: Sounds good, Deb.

18 CHAIRPERSON HEXT: Chuck, have you  
19 summarized all the changes that you just  
20 sent to us? I'm not even sure where we left  
21 off.

22 MR. MARSHALL: Yes. Despite significant  
23 conversation, the three changes are the five  
24 soffit lights along the northeast elevation  
25 will be changed to three, a 45-foot sound

1 blanket will be added and measured from the  
2 building corner to the southeast along with  
3 111 Helderberg. The Juniper will be selected  
4 as the planting along Altamont Boulevard,  
5 provided the New York State DOT is accepting  
6 of the plan. The juniper will be selected  
7 regardless and then the sidewalk relocation  
8 would be contingent upon DOT's accepting of  
9 the plan.

10 CHAIRPERSON HEXT: That includes the  
11 benches.

12 MR. MARSHALL: Correct, which would be  
13 put on concrete pads.

14 CHAIRPERSON HEXT: Okay, that's what I  
15 had, too.

16 MS. RUE: Did we decide the color of the  
17 building? It's going to be this tan? Is it  
18 cobblestone and it is tan with a darker tan  
19 for the scallops?

20 MR. MARSHALL: It would be a  
21 cobblestone -

22 MS. RUE: Cobblestone and Monterey Taupe  
23 in Crayola talk.

24 MR. MARSHALL: It scans in with that  
25 yellowish background. It's a series of

1 beiges, I guess you would say.

2 CHAIRPERSON HEXT: A building that is in  
3 Latham or Loudonville -

4 MR. MARSHALL: That's yellow.

5 CHAIRPERSON HEXT: Is that yellow, or is  
6 that a tan? I went by there the other day -  
7 I was going somewhere and I love the color  
8 of their stone.

9 MR. MARSHALL: The one on Loudon Road is  
10 yellow. The one on Wade Road is tan.

11 CHAIRPERSON HEXT: I think I was on  
12 Loudon.

13 MR. MARSHALL: Where Hoffman's used to  
14 be?

15 CHAIRPERSON HEXT: Yes.

16 MR. MARSHALL: That building is actually  
17 yellow.

18 CHAIRPERSON HEXT: Does that help at  
19 all, Connie?

20 MS. RUE: I guess I was thinking with  
21 the stone - I thought that we had talked  
22 about like a light gray for the building and  
23 a darker gray for the scallops.

24 CHAIRPERSON HEXT: We had talked about  
25 that. I think because we mentioned at one

1 point the bluestone or something. Maybe  
2 that's why it went back to the tan.

3 MR. MARSHALL: We came as close as we  
4 could to the bluestone with the stone. What  
5 we are willing to do is swap the scallop  
6 siding for a darker gray and leave the  
7 building tan.

8 CHAIRPERSON HEXT: What color is the  
9 roof?

10 MR. MARSHALL: It's dark gray.

11 CHAIRPERSON HEXT: It's slate or  
12 something?

13 MR. MARSHALL: It is estate gray.

14 MR. GRANT: You're talking about  
15 eliminating the fish scales and just  
16 changing it to a colored regular siding?

17 CHAIRPERSON HEXT: No, making them dark  
18 gray.

19 MR. GRANT: Okay, still fish scales.

20 CHAIRPERSON HEXT: The scallops, yes. I  
21 think that will kind of look nice with the  
22 dark gray roof. I don't know what everybody  
23 else thinks.

24 MR. HUKEY: I agree.

25 MR. GRANT: Chuck, do you still have

1 those Queen Anne posts for the dormers?

2 MR. MARSHALL: Yes, we removed those.

3 MR. GRANT: Are you doing the column  
4 bases like we talked about on the porch?

5 MR. MARSHALL: We looked at that and we  
6 took that out. The concern was that it  
7 creates more of a -- you're talking about  
8 the crown -- to match this area here  
9 (Indicating)?

10 MR. GRANT: Yes.

11 MR. MARSHALL: We looked at it and we  
12 would rather not do it because it extends  
13 the column, we think, too far and doesn't  
14 have the perceived benefit. It's just a  
15 view.

16 MR. GRANT: What I'm talking about is a  
17 piece of phipod that has a hole in it that  
18 matches the column diameter but doesn't go  
19 out as far as the stone does. It's a white  
20 polystyrene column base.

21 MR. MARSHALL: So, you would just  
22 basically like that last course of stone to  
23 be raised four or six inches and the phippod  
24 would be that thickness?

25 MR. GRANT: Or as a concrete on top of

1 it and you put the phipod on top of that.

2 MR. MARSHALL: I guess I don't see the  
3 benefit of it.

4 MR. WHALEN: This is Dean. Just to  
5 clarify, those are not round columns. I  
6 wanted to make sure you understood that. You  
7 said round.

8 MR. GRANT: Oh, those aren't round  
9 columns. They're square?

10 CHAIRPERSON HEXT: They're square.

11 MR. MARSHALL: Again, Steve is sitting  
12 here and has physically built more Stewart's  
13 than I. He says that is not something that  
14 we want to do.

15 MR. GRANT: I was thinking that they  
16 were circular.

17 MR. MARSHALL: That's all right, Brad. I  
18 thought that there was a whole porch  
19 extended through them last time. We all make  
20 mistakes.

21 CHAIRPERSON HEXT: We are now thinking  
22 tan and gray? Do they match?

23 MR. HUKEY: I think that it would look  
24 better than white.

25 CHAIRPERSON HEXT: I think that it would

1 look better than white.

2 MS. RUE: The scallops were going to be  
3 either dark or tan, or dark gray?

4 CHAIRPERSON HEXT: Or dark gray.

5 MR. HUKEY: Chuck said light gray with  
6 the roof dark gray.

7 MR. MARSHALL: No, I was of the dark  
8 gray scallop.

9 MR. HUKEY: Okay, to match the roof  
10 then.

11 MR. MARSHALL: Yes.

12 MR. HUKEY: Once you're off the color, I  
13 have a question, Deb.

14 Chuck, you've been so agreeable on  
15 everything and we spoke about it at the last  
16 meeting and the meeting before. You seemed  
17 to say no quick.

18 What's wrong with changing the bollards  
19 to be more aesthetically pleasing than a  
20 piece of metal?

21 MR. MARSHALL: Again, I brought this up  
22 and we have a group of people - although I'm  
23 the one who says yes or no and I appreciate  
24 you saying that I am agreeable. That's the  
25 closest thing to a complement I've gotten in



1 a while.

2 The problem we have with the bollards  
3 is that first of all, the darker gray  
4 building will effectively hide them with a  
5 darker gray stone. The other issue is: If we  
6 special order those and the sleeve gets  
7 cracked, then we are special ordering. We  
8 would rather have a replacements kind of  
9 stocked so we can swap them out when they  
10 break versus specially ordering them again  
11 as individual components.

12 CHAIRPERSON HEXT: Do they have to be  
13 there because of the front porch?

14 MR. MARSHALL: Yes. You would be  
15 surprised how many buildings get hit even  
16 with bollards. It does happen.

17 CHAIRPERSON HEXT: I would not be  
18 surprised at all. I jog and I know how  
19 people drive.

20 MR. HUKEY: I guess the only way around  
21 that, Chuck, is to add more decorative  
22 bollards so that you will have a supply.

23 MR. MARSHALL: But you would feel less  
24 special, John.

25 CHAIRPERSON HEXT: I agree with that,

1 John, but they're going to be a dark gray.  
2 They're going to match the stone, basically.

3 Do we have an agreement on color? I'm  
4 still wondering if tan and gray go together,  
5 or if we just want the tan and then a dark  
6 color bollard.

7 MS. MUHLFELDER: What about a lighter  
8 gray?

9 CHAIRPERSON HEXT: Building color?

10 MS. MUHLFELDER: Uh huh.

11 MS. RUE: I kind of thought after the  
12 last meeting, that's what we were leaning  
13 towards.

14 CHAIRPERSON HEXT: I think it might have  
15 been me that had said something about  
16 Bluestone. I'm not sure that would not go. A  
17 light gray building with dark gray scallops  
18 with the Bluestone.

19 What is everybody thinking?

20 Chuck, would that be something that you  
21 could do?

22 MR. MARSHALL: How about like a pearl  
23 gray?

24 CHAIRPERSON HEXT: Yes.

25 We are talking about the siding now.

1 MR. MARSHALL: Peal gray.

2 CHAIRPERSON HEXT: Yes, pearl gray and  
3 then dark gray scallops.

4 MR. MARSHALL: Pearl gray with a gray  
5 slate scallop.

6 CHAIRPERSON HEXT: Yes. Is everybody  
7 okay with that? We are not going to keep  
8 putting these guys through the ringer like  
9 this.

10 MR. CARUSO: With the white columns and  
11 trim.

12 MS. MUHLFELDER: Yes.

13 CHAIRPERSON HEXT: Okay, Connie?

14 MS. RUE: Yes, I like that.

15 CHAIRPERSON HEXT: Steve?

16 MR. CARUSO: I'm for that.

17 MR. HITT: We agreed on something.

18 CHAIRPERSON HEXT: I think at this  
19 point, we may have hashed everything out. I  
20 am not sure.

21 MR. HUKEY: We have all night. I  
22 brought this up before. In the report of  
23 Barton and Loguidice, with regards to the  
24 stream they said there was moderate wear, or  
25 wash-out or erosion - however they put it. I

1 still think that they ought to put gabions  
2 in that area. There are gabions above behind  
3 Carol's house, gabions below the existing  
4 Stewart's and in that one area of the house  
5 that they are taking down, there's nothing.  
6 I think that now is the time to put the  
7 gabions in instead of waiting until the  
8 moderate erosion goes to severe erosion.  
9 Something has to be done after the store is  
10 up.

11 CHAIRPERSON HEXT: Do we need to go into  
12 a streambed to do that? If we do, that's  
13 going to be a whole other ballgame.

14 MR. HUKEY: Yeah, we do.

15 MR. MARSHALL: I was under the  
16 impression that between Dan's conversation  
17 and Brad's conversation at the last meeting,  
18 the proposed planting scheme was the more  
19 desired mechanism for handling this than the  
20 gabions. If one of those two gentlemen can  
21 clarify?

22 CHAIRPERSON HEXT: I thought that Brad  
23 said that and I thought that Dan had said  
24 that, as well, last time.

25 MR. HITT: I will add to this. I have

1       dealt with the Corps of Engineers and DEC  
2       for 36 years. They do not want hard  
3       materials like gabions or anything else,  
4       when the green approach can be taken. So,  
5       unless it is a flood control project, the  
6       permitting would be very difficult and it  
7       would take a long time to justify - to get  
8       the core of engineers permit to do the work,  
9       from my experience. I think the green  
10      approach with the plantings is far better  
11      idea and it is what is usually promoted by  
12      DEC and the Corps of Engineers.

13           MR. GRANT: Correct.

14           CHAIRPERSON HEXT: There is green  
15      engineering mentioned in our Code multiple  
16      times, as opposed to hardscape or whatever  
17      word I want to use.

18           I hear what you're saying, gentlemen. I  
19      think the mitigation at least at this point  
20      by two different engineers seems to be the  
21      way to go.

22           So, let me move on. I went through  
23      section 355.35 and 355.36. I think the  
24      easiest way to approach this is in those two  
25      sections, we can refer to Leah's - - I

1 actually didn't really look much at Leah's.  
2 I looked through it on my own. I found  
3 points that they meet our standard or still  
4 had questions on. I think the best way to  
5 handle this is to ask everyone if there are  
6 any areas that they feel that they didn't  
7 meet our standar,d or that they want  
8 clarified in those two sections.

9 Barb, do you want to start? We can do  
10 this in alphabetical order.

11 MS. MUHLFELDER: I don't think -- I'm  
12 just looking at my notes and I don't believe  
13 I had any questions. I think Stewart's has  
14 met all of the requirements. I'm good.

15 CHAIRPERSON HEXT: So, you feel that  
16 they have met the standard in mitigating any  
17 issues.

18 MS. MUHLFELDER: I do.

19 CHAIRPERSON HEXT: Connie?

20 MS. PHILLIPS: I'm sorry, this is  
21 Allyson. If I can just interject for one  
22 moment.

23 At some point, it sounds like it may be  
24 following this meeting, I'm going to look to  
25 the Board to give me some direction as to

1           how they would like me to draft a decision  
2           document that the Board could then come  
3           back, review, consider and have a final vote  
4           on. So, as we go through this, I think, Deb,  
5           this is a good approach when we're focusing  
6           on - are there any Board Members who feel  
7           there's any particular standards that want  
8           further discussion or that they don't feel  
9           need documentation and the record  
10          establishes the standards have been met.  
11          Even if you do feel that the standard has  
12          been met, feel free to mention anything  
13          specific that may have influenced your  
14          decision such as thinking about mitigating  
15          measures from what we talked about tonight  
16          with the changes - reducing the number of  
17          soffits in the lighting plan. Anything you  
18          feel is of particular importance that should  
19          be incorporated into the Board's final  
20          findings.

21                 CHAIRPERSON HEXT: Thank you, Allyson.

22                 Barb, does that change anything for  
23                 you?

24                 MS. MUHLFELDER: No. I am pleased with  
25                 decreasing the lights. I think that It's

1 going to be a better decision. I think that  
2 again, Stewart's is doing everything that  
3 they can to grant our wishes. It doesn't  
4 change my mind, but I am pleased about the  
5 lighting.

6 CHAIRPERSON HEXT: Okay. Connie?

7 MS. RUE: So, for the first one -- it  
8 talks about the scale and the physical  
9 design of the whole project.

10 I guess I just want to comment that it  
11 has been a struggle from the beginning.  
12 There have been several hurdles that had to  
13 be overcome first by the Village Board and  
14 when they did the SEQRA declaration. Even  
15 though it ended up being negative, they did  
16 have three points - factors that they  
17 considered it to have a moderate impact on  
18 the Village.

19 Then, will the proposed action create a  
20 material conflict with an adopted land use?  
21 Will the proposed action result in a change  
22 of use or intensity of use? Will the  
23 proposed action impair the character or the  
24 quality of the existing community? So, the  
25 Village Board didn't consider all those to



1 be moderate impacts.

2 Then, it went to the ZBA Board and  
3 there were very large variances that had to  
4 be addressed for allowing the gasoline  
5 service station on a small lot size, having  
6 the building 30 feet closer to Carol's  
7 property than the zoning was supposed to  
8 allow 90 feet closer to the Boulevard. I  
9 know that we had really struggled in  
10 particular with being 20 feet from Carol's  
11 property as opposed to 50 with the noise and  
12 the fencing and the landscaping. I just want  
13 to say that this whole process has been a  
14 struggle because of the scale of the  
15 project.

16 The other thing was - somebody read  
17 tonight, but I think we have made some good  
18 progress with the noise and lighting. When I  
19 wrote my notes up, we were still struggling  
20 with those.

21 The last one was number eight in terms  
22 of property value. I know at some point we  
23 received a letter from Carol indicating  
24 concerns. She had discussions with the real  
25 estate folks about the decrease - the

1 negative impact on her property value.

2 CHAIRPERSON HEXT: Do you feel that what  
3 we struggled with has been mitigated in the  
4 best possible way?

5 MS. RUE: I think we have struggled with  
6 it and mitigated it as much as we have been  
7 able to. It has been difficult to meet  
8 everyone's - make the project be  
9 satisfactory for everybody. That's been very  
10 difficult.

11 CHAIRPERSON HEXT: It has been. I agree.  
12 I couldn't agree more. Fortunately and  
13 unfortunately, there are just some things we  
14 can and cannot do, based on our Zoning Laws.

15 Do you have anything else - anything  
16 else that you want to add? I'm just trying  
17 to have something for Allyson to write up in  
18 our decision document. There have to be  
19 reasons why we came to our conclusions. If  
20 we feel that they have met our standard, I  
21 don't know that we can go too much further  
22 unless you have some substantial evidence  
23 that they have done it. I don't mean just  
24 you, Connie - anyone.

25 Am I saying that correctly, Allyson?

1 MS. PHILLIPS: Yes. Essentially the  
2 Board has to base its decision on the  
3 evidence in the record - that they have met  
4 the standard to the mitigated features that  
5 have been incorporated into the project  
6 design or conditions that they are  
7 voluntarily agreeing to that we can impose  
8 on the approval, or that there is  
9 substantial evidence in the record to show  
10 they have not met the standard of our Zoning  
11 Law. The decision has to be based on the  
12 evidence in the record. The law in New York  
13 is clear that generalized objections through  
14 the project for generalized concerns do not  
15 provide a proper basis to deny a special use  
16 permit. We have a specific criteria in our  
17 law that should guide the decision-making.

18 CHAIRPERSON HEXT: John.

19 MR. HUKEY: I had questions about the  
20 lighting, but Chuck helped me with that a bit.  
21 I think the color of the building is going to  
22 help a little bit, too, rather than a stark  
23 white as far as standing out. I was glad that  
24 the color had changed to a lighter gray. I'm  
25 all set the way we discussed it.

1 CHAIRPERSON HEXT: Thank you, John.

2 Steve?

3 MR. CARUSO: Since this project was first  
4 introduced - maybe it was in 2014 or 2015 -  
5 when Stewart's came to us originally and asked  
6 and we were very reticent with the idea that  
7 the building was too big - they went back and  
8 went through to try to accommodate to the best  
9 of their ability the Village by getting the  
10 zoning variances that they needed to get and  
11 working with us. I agree with everybody on this  
12 Board that this is a very difficult decision  
13 and not everybody is going to be happy with  
14 whatever decision that we come up with. But, I  
15 have found that my biggest issues was  
16 addressing lighting which I think Stewart's has  
17 done. I think they've done an excellent job as  
18 far as noise. I do understand the impact that  
19 the neighborhood is going to have, but I think  
20 they've done everything that they can to try to  
21 mitigate that to the best of their ability.

22 I agree with John with the color. I  
23 think they've tried to work and they have  
24 listened to as much as possible to what the  
25 Village wants and what we want. I am

1 comfortable with what they have done up to  
2 this point.

3 CHAIRPERSON HEXT: Thank you.

4 I guess I'm up and I hate to tell you  
5 all this, but I've got three sheets of stuff  
6 that I wrote. Let me start.

7 Again, I agree with everybody and with  
8 what everyone is saying. I think that  
9 Stewart's has put their best foot forward. I  
10 know we're not going to please everybody. I  
11 know we're going to probably show up again  
12 in the local paper. Hopefully it will not be  
13 as nasty as this last week. I will try to go  
14 through a few of the points that I found to  
15 be important.

16 I went as far back as 355.20 that  
17 suggests the use of design features such as  
18 porches, cupolas and they are using both.  
19 Then there six a of the same section,  
20 exterior materials. New construction should  
21 be compatible with those used traditionally  
22 in the Village like simulated clapboard --  
23 they are doing that- vinyl, gripper stone --  
24 they are architectural features that are  
25 similar to what we have in the Village.

1 I need some clarification, Brad. The  
2 roof pitch and scale I believe -- we say  
3 it's a minimum of five on 12 and they have  
4 six on 12. They meet that, correct?

5 MR. GRANT: Yes, that's correct. The six  
6 on 12 would be a little steeper.

7 MR. WHALEN: This is Dean.

8 CHAIRPERSON HEXT: Dean -

9 MR. WHALEN: Excuse me, Deb, this is Dean.  
10 Just as you're talking about the pitch -- very  
11 very minor but just for the record, they are  
12 showing eight on 12 for the cupolas and the  
13 dormer over the entrance. That's actually  
14 incorrect. That's actually six on 12 as well.  
15 That should be corrected.

16 CHAIRPERSON HEXT: Thank you. I didn't  
17 notice that.

18 MR. WHALEN: It's just a typo.

19 CHAIRPERSON HEXT: Got that, Chuck?

20 MR. MARSHALL: Yes, we will double check  
21 it and revise.

22 CHAIRPERSON HEXT: Again, in the same  
23 section - 7B - peaked or sloped roof of dormers  
24 and cupolas are encouraged. They are doing  
25 that. Porches and other architectural elements

1 are encouraged. They are doing that.

2 On 355.22 - sorry, I cross that one  
3 out.

4 On 355.35 -- the one question I had:  
5 Have all the conditions of the ZBA been met?  
6 Do we know the answer to that?

7 MR. MARSHALL: The conditions of the ZBA  
8 were to limit the hours of pickups and delivery  
9 which obviously we can meet until we open.

10 Secondly was a landscape plan to be  
11 developed by a registered landscape  
12 architect. That has been satisfied.

13 CHAIRPERSON HEXT: That's kind of still in  
14 the plan now, isn't it?

15 MS. PHILLIPS: This is Allyson. I can  
16 speak to that.

17 The condition from the ZBA was that the  
18 applicant would provide the opinion of a  
19 qualified professional as to what the best  
20 or most appropriate plantings would be,  
21 taking into account the physical  
22 characteristics and limitations on the site  
23 and what species could provide the most  
24 screening, taking into account maturity - at  
25 what level of maturity they could be

1 planted. So, Stewart's did provide the  
2 opinion from a qualified professional early  
3 on in this process before the Planning  
4 Board. The Planning Board has taken it upon  
5 themselves to also utilize their own  
6 recommendations from their own professional  
7 consultants, Barton and Loguidice. We also  
8 have Dan who is able to provide us with a  
9 professional opinion on the landscaping  
10 plan.

11 The way this review has progressed, the  
12 Planning Board with the assistance of its  
13 professional consultants has looked at that  
14 opinion from the applicant and they have  
15 taken into account the physical  
16 characteristics of the site including the  
17 plantings that are already located on 111  
18 Helderberg that provides some shading. All  
19 of that had to be taken into account in  
20 determining what could be a viable and  
21 appropriate species for that landscaping  
22 plan and what level of maturity space wise  
23 could be put in that area or on Altamont  
24 Boulevard - what would work with being so  
25 close to the roadway in sight distance



1 limitations. That has been part of this  
2 Planning Board's reviews since the  
3 beginning.

4 CHAIRPERSON HEXT: Thank you. I just  
5 wanted to make sure.

6 So, 355.35 e - the architectural  
7 characteristics - help to mitigate the size  
8 of the parking lot with various plantings.

9 Vehicular traffic, I think, the way  
10 they've got the parking arranged will help  
11 with pedestrian safety as well as safety  
12 backing in and out. The sight-lines appear  
13 to be better. They have moved some mechanics  
14 away from 111 Helderberg. The one condenser  
15 unit that remains - there having an 8-foot  
16 wall with a cedar fence on top of it and now  
17 they have agreed to a sound blanket. I think  
18 they are meeting everything there.

19 The nature and intensity of operations  
20 - it shouldn't be any more objectionable to  
21 the surrounding area than the one that is  
22 there now. The operating hours will be the  
23 same. I think the store will even look a  
24 little better. The store has been there  
25 since 1980. I'm not sure how much it can

1 interfere too much more than what it already  
2 does.

3 As far as any type of religious  
4 institutions or anything like that, there's  
5 nothing like that around there.

6 DOT and Stewart's submitted a traffic  
7 study that was done by Creighton Manning  
8 Enterprises. Any increase in traffic seems  
9 to be negligible. As far as parking is  
10 concerned - Village parking allows up to 20  
11 percent of their parking that can be on  
12 street or a public parking lot.

13 Number six of that - they have the  
14 addition of scalloped peaks, cupolas,  
15 brackets, stone veneers and a porch which  
16 helps harmonize with the surrounding area.

17 The stormwater plan has been okayed by  
18 both B and L and our DPW.

19 Impact of use - it should not interfere  
20 with the growth of the neighborhood. As a  
21 matter fact, I hope it encourages more  
22 businesses to come into our neighborhood  
23 which is simply part of the comprehensive  
24 plan.

25 As Connie mentioned - and this is one

1 thing that I haven't read here - it cannot  
2 be overlooked that it will affect the real  
3 estate value of Carol's home. However, I  
4 think Stewart's has worked with Carol and I  
5 believe will continue to work with Carol to  
6 mitigate its effects on her property in  
7 every way possible.

8 It does conform with our comprehensive  
9 plan. As decided by the Village Law, Board  
10 and Local Law to, it offers a greater  
11 selection of goods to customers. It's more  
12 pedestrian and vehicular friendly, like I  
13 mentioned before.

14 The ingress and egress are going to be  
15 a lot better. They are adding sidewalks.  
16 They are adding benches. The lighting now  
17 has changed to be more conforming to what we  
18 would normally have in the Village. They've  
19 added bike racks which is something that our  
20 Code suggests. They have one freestanding  
21 sign. They have no signs on the building or  
22 on the roof of the building.

23 The delivery and trash pickup has been  
24 agreed to between the hours of 7:00 AM and  
25 7:00 PM and 9:00 AM and 7:00 PM on weekends.

1 That should help eliminate noise in the  
2 surrounding neighborhoods.

3 Other than that, I can keep going down  
4 on that section.

5 They added a fence, a berm, trees, a  
6 wall, they're moving the dumpster and the  
7 light will move as well when the dumpster  
8 moves.

9 Am I boring anybody yet?

10 Again I'm still on 355.36 right now.

11 The trees and greenery will need to be  
12 kept by Stewart's in good working order. If  
13 anything dies out or is damaged, Stewart's  
14 will fix that.

15 Personally - this is my personal  
16 opinion - I think the new building fits in  
17 more with the surrounding area, especially  
18 now with the stonework. It's like Veronica's  
19 and the Home Front.

20 Again, something that is really hard on  
21 everybody's mind - everyone is talking  
22 historic. It is outside of the historic  
23 district. It is not contiguous to the  
24 historic district. Stewart's has added some  
25 features that are more consistent with what

1           you might see in a Village.

2           If you look at 355.20 C, one thing that  
3           is suggested there is that buildings should  
4           add a distinct character all their own so as  
5           to not have one building that looks like the  
6           next building, that looks like the next  
7           building, that looks like the next building.  
8           They have done that. They have done that and  
9           yet they have kept it somewhat consistent.

10          Other than that, I think I've made my  
11          point and then some. I feel that they have  
12          mitigated in the best possible way. Again, I  
13          know and I understand that not everybody is  
14          going to be happy. Like everyone has said  
15          here, this is difficult. It's very  
16          difficult. We have endured a lot of  
17          criticism and a lot of nastiness. We've  
18          gotten through it and hopefully people will  
19          realize that in the end that it was what was  
20          best for the Village, whatever decision we  
21          come to. I have no idea at this point what  
22          decision were going to come to.

23          With that, do we want to take a poll of  
24          sorts to see where we are at and maybe have  
25          Allyson draw a decision document and have a

1 special meeting later this week? I see no  
2 reason to hold it over any later than this  
3 week. At this point, it just seems to be  
4 getting nastier and nastier and like I said  
5 in previous meetings, we are stuck in the  
6 mud and were just slinging mud on each  
7 other. I think Stewart's has done what they  
8 have to do.

9 MR. HUKEY: Let's take a vote.

10 MS. RUE: I have three questions.

11 CHAIRPERSON HEXT: Go ahead, Connie.

12 MS. RUE: We talked about the location for  
13 the propane exchange last time and there was  
14 some clarification of whether or not it was  
15 allowed. I just want to confirm that was  
16 verified that it could be moved away from the  
17 building.

18 MS. PHILLIPS: I can speak to that. I went  
19 back and reviewed the minutes from the ZBA when  
20 the Code Enforcement Officers determination on  
21 the nature of the use was appealed to the ZBA  
22 and the decision of the ZBA was that this use  
23 qualified as a gasoline service station and not  
24 as a convenience store. So, looking at the  
25 plain language of our Zoning Law, that

1 limitation on the outside display storage area  
2 was under this section with supplemental  
3 regulations for convenience stores and there  
4 was no parallel provision under gasoline  
5 service stations or any kind of language like  
6 we had seen in the parking section saying if  
7 you have one use that includes two uses, you  
8 can look to those other requirements. There's  
9 just nothing like that in the plain language of  
10 our Zoning Law. I did speak with Lance about  
11 this and it seems pretty clear to both of us  
12 that requirement did not apply to gasoline  
13 service stations.

14 CHAIRPERSON HEXT: Chuck, you can answer  
15 this - are there going to be any type of  
16 bollards or anything along to protect those  
17 storage tanks?

18 MR. MARSHALL: There are bollards proposed  
19 on the outside of the propane exchange. Those  
20 are per Code. That's the Building Code and not  
21 the Village Code. They are required.

22 CHAIRPERSON HEXT: I didn't think I saw  
23 those on the plans, but I don't know every  
24 little thing.

25 MR. MARSHALL: They are included on S3 on

1 the site plan. I've sent you guys a lot of  
2 paper, unfortunately.

3 MS. RUE: My next question is for Chuck.  
4 Those decorative lights at the two entrances,  
5 are they also going to be the 4,000 Kelvin?

6 MR. MARSHALL: Yes, they both will be  
7 4,000 Kelvin. The Altamont Boulevard light will  
8 be back shielded. The Helderberg light will  
9 not, which one of the reasons we are willing to  
10 decrease the number of soffit lights because  
11 that's a 360-degree globe.

12 MR. GRANT: It could be brighter than the  
13 existing one on the DOT section?

14 MR. MARSHALL: Unfortunately, we're not  
15 able to get the DOT spec. We are kind of  
16 winging it.

17 CHAIRPERSON HEXT: Did you have another  
18 question, Connie?

19 MS. RUE: Yes. The last one: We have the  
20 demolition plan, but is there or should there  
21 be hours of operation for the demolition?  
22 Should there be some kind of limitation?

23 MR. MARSHALL: I would defer to Lance on  
24 this because it's more of a Village -- you  
25 probably delineate the hours of operation for



1 construction activities.

2 CHAIRPERSON HEXT: I don't know exactly  
3 where it is, but I think it's in our Code.

4 MS. RUE: I looked under demolition. I  
5 searched a couple of different ways and I  
6 didn't find anything.

7 CHAIRPERSON HEXT: It might be just  
8 generalized under construction. I'm not sure.

9 Lance, do you know, offhand? Lance, did  
10 you leave us or are you on mute?

11 MS. RUE: I see him.

12 MR. MOORE: Can you hear me now?

13 CHAIRPERSON HEXT: I can hear you now.

14 MR. MOORE: Okay. I believe there is  
15 something in the Code in regards to hours of  
16 operation. I've talked to Chuck's foreman who  
17 is the person is going to do the demolition.  
18 Were going to work within those confines with  
19 the neighborhood involved. Were going to be  
20 very sensitive about that.

21 Did that answer your question, Connie?

22 MS. RUE: Yes.

23 MS. PHILLIPS: Stewart's did represent, I  
24 think, at one of its first submissions way back  
25 in April - they did acknowledge that they would

1 have to submit a full demolition plan with  
2 their application for the demolition permit  
3 which would be reviewed by the Building  
4 Department. They've already recognize that will  
5 be a requirement, for they would get the  
6 permit.

7 MS. RUE: I had one other comment or  
8 suggestion or idea. When we talk about - it's  
9 obviously been very, very important to everyone  
10 and myself included, the character of the  
11 Village of Altamont and its history is very  
12 important and I was wondering if there had been  
13 any outreach by Stewart's to the Altamont  
14 Archives and Museum. What I'm referencing is in  
15 that Brunswick store that we were looking at,  
16 there was a beautiful plaque set up inside of  
17 the building that recognized a particular  
18 house. Could something similar be designed to  
19 recognize the history of that particular corner  
20 which goes back to the 1700's, and the  
21 significant points about Altamont? It's a  
22 plaque that's inside the building and I'm sure  
23 Chuck knows -

24 CHAIRPERSON HEXT: I have actually  
25 suggested something similar to that, Connie,

1 not only representing the historic nature of  
2 that corner, but that house that's going to be  
3 demolished and also possibly using some  
4 material from that house to create that plaque.

5 MR. MARSHALL: We were just talking about  
6 the asbestos abatement and then the  
7 selective -- so, we have someone do the  
8 selective demolition now.

9 That's the first I've heard of Historic  
10 Altamont. If somebody could provide me a  
11 contact, I will do a plaque or some writing.

12 Carol, Tuesday of last week, gave me  
13 kind of a lesson on the Seversons, the inn  
14 and the construction of the house and the  
15 reason there is no parking and stuff like  
16 that. So, if somebody provides me with a  
17 contact, I'll get some type of signage made.

18 I try to manage expectations on some of  
19 these things. Because we decrease the size  
20 of the store, we are somewhat limited with  
21 where inside the store something like this  
22 could go. I think it would probably be  
23 appropriate to put on the picnic area  
24 outside.

25 MS. RUE: That sounds like a great idea.

1 MS. MUHLFELDER: I like that idea. I think  
2 it would be very nice.

3 CHAIRPERSON HEXT: Does anybody have any  
4 thing else they want to add at this point,  
5 before we take sort of a vote and see whether  
6 or not what direction we want Allyson to take  
7 this?

8 MS. PHILLIPS: Just to make clear for the  
9 record, all the Board would be doing tonight --  
10 I think it's happening as though there is a  
11 consensus right now that I would get direction  
12 to draft up a decision document with the  
13 findings everyone has discussed tonight and  
14 also just reflecting the deliberations we have  
15 had thus far to see how we got to the building  
16 design, where we are in the lighting plan and  
17 that would be incorporated into findings that I  
18 could bring back as a draft that the Board  
19 would have an opportunity to review and then  
20 vote on at a future meeting.

21 CHAIRPERSON HEXT: Is everybody okay with  
22 that?

23 So, basically what we are saying is  
24 that we all agree that we would like Allyson  
25 to proceed with the decision document and

1 that we think we have come to a decision.

2 I'm not hearing anybody.

3 MR. HUKEY: Yes.

4 MR. CARUSO: Yes, yes.

5 MS. PHILLIPS: Okay. So, I have the  
6 direction and I can go and start drafting that  
7 decision document with findings. I can get  
8 started on that right away for the Board.

9 As far as timing, if we are thinking of  
10 scheduling another special meeting to have  
11 that vote or - you tell me.

12 CHAIRPERSON HEXT: I would like to have  
13 another special meeting this week. Allyson, it  
14 is up to you. If we set Thursday?

15 MR. HUKEY: I have a meeting Thursday, so  
16 I won't be here.

17 CHAIRPERSON HEXT: How does everybody's  
18 schedule look for next week? I don't want to  
19 push Allyson too hard here.

20 MR. HITT: How about next Monday?

21 MS. RUE: Next Monday makes more sense,  
22 then later this week.

23 MS. MUHLFELDER: That works for me.

24 MS. RUE: We going to see what Allyson  
25 wrote up before the meeting?

1 MS. PHILLIPS: Yes, that will give me an  
2 opportunity to get it to you guys ahead of time  
3 so you have a chance. I will commit to getting  
4 to you - I'll shoot for Thursday, so you have a  
5 chance to go over it over the weekend and you  
6 can get me back any comments or suggested  
7 revisions.

8 MR. HUKEY: That would be good, Allyson.

9 MR. WHALEN: Deb, this is Dean. This is a  
10 question for Ginger.

11 Is there a timeframe to be able to post  
12 this for another meeting? Does that apply?

13 CHAIRPERSON HEXT: Not for special  
14 meeting, nothing.

15 MS. PHILLIPS: The requirements for  
16 special meeting - a week ahead of time- a  
17 notice has to be posted in a public place at  
18 least 72 hours before the meeting and notice  
19 transmitted to the news media, but there's no  
20 requirement that it be published as a legal  
21 notice. So, we would do as we have been doing.  
22 We would post it in public places in the  
23 Village and also on our website and also do the  
24 email blast to those who have signed up would  
25 also provide a copy of that notice to the

1 Altamont Enterprise. But there is no legal  
2 requirement to have it published as a legal  
3 notice.

4 MS. EVERHART: Madam Chairwoman?

5 CHAIRPERSON HEXT: Yes, Leah?

6 MS. EVERHART: I'm sorry to interject, but  
7 the Board has discussed a number of conditions  
8 tonight that Allyson will likely incorporate  
9 into any draft document that she generates for  
10 the Board later this week. There is one that we  
11 are hoping for a little bit of clarification on  
12 just so that the process doesn't slow down.

13 Concerning the plantings and the  
14 benches along Altamont Boulevard and  
15 possible changing of sidewalk location - all  
16 of that which is subject to DOT approval -  
17 what we are hoping is that if the condition  
18 is crafted, there is some indication of what  
19 happens if DOT doesn't approve so that we  
20 are not in a position so that we would have  
21 to come back to the Board for a formal  
22 amendment, but rather the Village Zoning  
23 Officer knows compliance and is required at  
24 that point. You could update maps  
25 accordingly for the files but we are

1 hoping -- if DOT approves, this is what  
2 happens. If DOT does not approve, this is  
3 what happens - sort of direction.

4 MS. PHILLIPS: Thanks, Leah. I think  
5 that's a good idea to incorporate into the  
6 decision. Now is the opportunity to make sure  
7 we know what the Board's thinking was is  
8 correct. Now we have to show on the plans the  
9 benches along Altamont Boulevard which we know  
10 DOT still has to review and approve. We  
11 discussed tonight about incorporating that  
12 species of Juniper that Dan had recommended  
13 into that plan, if the sidewalks -- this is  
14 where I need the clarification. We had talked  
15 about incorporating those junipers into that  
16 area in between the benches, if possible. Also,  
17 to adjust the location of the sidewalk if  
18 possible so those benches and plantings go on  
19 the inside of that sidewalk area. If New York  
20 State DOT does not approve the benches and New  
21 York State DOT does not approve the  
22 modifications to the location of the  
23 sidewalk -- is kind of the default fallback  
24 position that we would have that area planted  
25 with that same species of juniper.



1 MR. MARSHALL: From Stewart's perspective,  
2 that would be the preferred wording of the  
3 condition. We are fine with the species of  
4 juniper that was recommended. It would just be  
5 planted between the edge of the wing curb and  
6 the sidewalk, that was previously proposed.  
7 That's only if DOT does not permit the sidewalk  
8 relocation and expanded green space area.

9 CHAIRPERSON HEXT: I think that sounds  
10 good as long as if DOT denies both of our  
11 requests, that we have some plantings there and  
12 it's not just this expanse of Macadam.

13 Is everybody okay with that on the  
14 Board?

15 MR. CARUSO: Yes, I agree with that.

16 MS. MUHLFELDER: I agree.

17 MS. RUE: I agree. We have to have some  
18 kind of green space there.

19 MR. MARSHALL: Can I ask one other favor?  
20 I guess it's probably not the first I've asked,  
21 but on the lower end. Would you be willing to  
22 start your meeting at 6:00 PM? I would  
23 appreciate the accommodation. Unfortunately, I  
24 have a conflict that starts at 7:00. So, either  
25 start the meeting at six or would you like to

1 have just Leah represent me?

2 CHAIRPERSON HEXT: I have no problem  
3 starting the meeting at 6:00.

4 MS. MUHLFELDER: I don't either.

5 MS. RUE: No problem here.

6 MR. CARUSO: No problem.

7 MS. PHILLIPS: I am also available.

8 CHAIRPERSON HEXT: Okay, good.

9 MR. MARSHALL: I appreciate the  
10 consideration.

11 CHAIRPERSON HEXT: Then, I believe we have  
12 to make a motion to hold a special meeting next  
13 Monday, June 15 at 6:00 PM.

14 MS. MUHLFELDER: I will make that motion.

15 CHAIRPERSON HEXT: Second?

16 MR. HUKEY: Second.

17 CHAIRPERSON HEXT: Ginger, roll call  
18 please?

19 (The roll was called and the Motion was  
20 unanimously approved.)

21 With that, Allyson, is there anything I  
22 have missed or anything you want to clarify  
23 or touch on?

24 MS. PHILLIPS: No, I think I have the  
25 direction that I need from the Board. I have

1           been taking notes this whole time. So, I will  
2           also be incorporating the conditions that we  
3           had discussed and I appreciate Leah providing  
4           an opportunity for clarification on the  
5           landscaping one. I think I have everything I  
6           need to get that drafted.

7           MS. MUHLFELDER: I would just like to make  
8           a couple of comments. I've been very disturbed  
9           by what's been happening - the negativity. It's  
10          just not good. It's getting, I think - people  
11          are getting very upset. I just want everybody  
12          to know that we have worked very, very hard. We  
13          all live in the Village and I'm not just  
14          talking about the Planning Board, but also the  
15          Zoning Board, the Board of Trustees. I think a  
16          little civility is in order. Hopefully, we will  
17          not be threatened anymore. I just think it's  
18          very important, especially in what is going on  
19          the world these days. We just need to be a  
20          little bit more civil. Thank you.

21          CHAIRPERSON HEXT: Thank you, Barb. I  
22          couldn't agree more.

23          Anyone else have anything to add?

24          MR. MOORE: I just wanted to be on the  
25          record - Jeff Muller at DPW -- this goes to

1 John.

2 Jeff doesn't want us messing around  
3 with the stream at all, period. he says it  
4 will be nothing but a nightmare.

5 I think he talked to Brad about that,  
6 didn't he?

7 MR. GRANT: Yes.

8 CHAIRPERSON HEXT: Did everybody catch  
9 that? He doesn't want them messing around with  
10 the stream at all.

11 MR. GRANT: Deb, I just had a couple of  
12 minor comments.

13 Chuck, I put them on the chat line  
14 that's part of Zoom here, but Jeff Muller  
15 did want a new sewer lateral all the way out  
16 to the sewer main and Helderberg and not to  
17 reuse any of the old -- the plans still show  
18 retaining what's under the pavement. The  
19 existing lateral will be able to be used by  
20 the existing store until they switch over to  
21 the new lateral out to the sewer main and  
22 Helderberg.

23 One last thing was the - I didn't want  
24 to see any native fill used around those  
25 detention pipes out under the canopy. The

1 going to need good material. It's only a  
2 plastic pipe and it depends on having good  
3 material around it. That was it.

4 CHAIRPERSON HEXT: Chuck, you're okay with  
5 that? We really didn't have a public discussion  
6 about that.

7 MR. MARSHALL: They are pretty technical  
8 and pretty straightforward.

9 CHAIRPERSON HEXT: I just wanted to make  
10 sure got added to the record. A chat session  
11 doesn't necessarily get added to the record.

12 MR. GRANT: That's why I wanted to say it.

13 CHAIRPERSON HEXT: With that, I don't  
14 think we have minutes from the last meeting in,  
15 so we don't have that to approve. If nobody  
16 else has anything, can I have a motion to  
17 adjourn?

18 MR. HUKEY: I'll make the motion.

19 MS. MUHLFELDER: I second.

20 CHAIRPERSON HEXT: Roll call, please.

21 (The roll was called and the motion  
22 passed unanimously.)

23 Thank you everyone. Hopefully nothing  
24 will happen violently to any of us. There  
25 remains to be seen. Thank you everyone.

1 (whereas the above entitled proceeding  
2 was concluded at 9:16 PM)  
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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and Notary Public in and for the State of New York, hereby CERTIFIES that the record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy L. Strang  
Legal Transcription  
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