

Village of Altamont Planning Board
Regular Meeting - Online
May 18, 2020

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

Guests: 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, Steve Caruso, Connie Rue, Dan Hitt (Alternate), and John Hukey. She said we also have present: Allyson Phillips, Village Counsel; Lance Moore, Building Inspector; Ginger Hannah, Planning Board Secretary; Dean Whalen, Village Trustee Liaison and Brad Grant (Barton and Loguidice).

See attached Transcript, pages 1-98, prepared by Nancy L. Strang, Shorthand Reporter, for a full transcript of the minutes of this meeting.

Copies of letters submitted to the Planning Board included with official minutes.

Motions made during this meeting:

Board Member Muhlfelder made a motion to set a special meeting to continue review of the special use permit for Stewart's on June 8, 2020 at 7:00 p.m. This would be a meeting and not a hearing. The public will not be allowed to speak. Seconded by Board Member Rue. **Roll Call: All in favor.**

Chairperson Hext asked Building Inspector Moore: what's the status of the Bozenkill development- they are coming up on a year. Anything in escrow yet for the sidewalks? Building Inspector Moore said he spoke with the engineer last week, and the engineer said the client had some financial setback and he was going to look into it. Mr. Moore will follow up tomorrow. Chairperson Hext said the 6 month extension you gave him is almost up - he would have to come back before us. It was a year in July.

Board Member Muhlfelder made a motion to adjourn the meeting. Seconded by Board Member Hukey. **Roll Call: All in favor.** Meeting was adjourned at 9:58 p.m.

Respectfully Submitted by:



Ginger Hannah, Planning Board Secretary

VILLAGE OF ALTAMONT COUNTY OF ALBANY

PLANNING BOARD

PLANNING BOARD MEETING

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing on May 18, 2020 held via ZOOM Video Conferencing and commencing at 7:08 p.m.

PRESENT:
BOARD MEMBERS:

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

ALSO PRESENT:

- GINGER HANNAH, PLANNING BOARD SECRETARY
- ALLYSON PHILLIPS, ESQ, COUNSEL TO THE BOARD
- BRAD GRANT, PE, BARTON AND LOGUIDICE
- DEAN WHALEN, VILLAGE BOARD LIAISON
- CHARLES MARSHALL, STEWART'S
- LEAH EVERHART, ESQ., COUNSEL TO STEWART'S
- KERRY DINEEN, MAYOR

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1 CHAIRPERSON HEXT: Good evening everyone.
2 Welcome to our virtual Planning Board meeting. It's
3 Monday, May 18th at 7:00 p.m. For the record, due to
4 the Covid 19, this meeting is being held remotely and
5 all audio and visual aspects of this meeting are being
6 recorded.

7 At this time I would like each Planning Board
8 Member to identify themselves and say hello. By now
9 you should know the drill.

10 So, starting with Barb, please.

11 MS. MUHLFELDER: I'm Barb Muhlfelder.

12 MR. CARUSO: I'm Steve Caruso.

13 CHAIRPERSON HEXT: Hi, Steve.

14 MS. RUE: Connie Rue.

15 CHAIRPERSON HEXT: Hi, Connie.

16 MR. HITT: Dan Hitt.

17 CHAIRPERSON HEXT: Hi, Dan.

18 MR. HUKEY: John Hukey.

19 CHAIRPERSON HEXT: Hi, John.

20 I think we also have Allyson Phillips, our
21 Village Attorney; Lance Moore Building Inspector;
22 Ginger Hannah, Planning Board Secretary; Dean Whalen,
23 Village Trustee Liaison. I know we have Brad Grant.

24 Jeff, are you on from the DPW?

25 (There was no response.)

1 Maybe he doesn't know how to mute - - are you
2 just on the phone, Jeff? I'm not sure.

3 All right, well we can move on with until
4 Jeff joins.

5 I just want to make some opening comments.
6 There will not be an opportunity for the public to
7 speak tonight. This is a meeting - our hearing was
8 closed out as of May 11th at 11:59 p.m. Anything that
9 we received between the April 27th meeting and --
10 actually we accepted things that came in before the
11 April 27th meeting that were too late for that meeting
12 that had been included in any record or anything that
13 we received up until tonight.

14 So, I just want to take a moment to thank
15 everyone - the residents and the public that have
16 taken the time and expended a lot of energy doing the
17 research in further interest in this project. It
18 really does take a village. I know myself, I have
19 really been heartened by a lot of this that you have
20 all had to say.

21 I'd also like to thank the Village Staff who
22 are sending all these emails, printing all these
23 emails out, putting the packages together and getting
24 them to us in rapid time - all the while conducting
25 normal - - so thank you all for everything that you've

1 done for us, for the Village, for the residents, and
2 for this project.

3 So, with that said, Chuck - Stewart's, do you
4 have anything new that you would like to present to
5 us?

6 MR. MARSHALL: I don't know how do you want to
7 go about - - I could either go through the May 4th
8 letter that just highlighted the changes, or I can go
9 through and you guys can provide guidance on some
10 outstanding items. Does that seem reasonable?

11 CHAIRPERSON HEXT: That sounds good.

12 MR. MARSHALL: So, the first page on the title
13 page T1, we swapped the stone for brick. We also
14 relocated the light on the creek side rear on the back
15 near Carol's house to the side near the Creek. We also -
16 which we'll get into in the proposed site plan -
17 relocated the dumpster.

18 We did some dressing up. We bracketed around
19 the columns, added some dentil work or fixture work to
20 the peaks of the dormer and the Gable. This pitch on
21 T1 as we see it, is compliant which we indicated in
22 the May 15th letter with 355.20 of the Village
23 Code. So this is a roofline that we feel comfortable
24 with and think it should stay.

25 That section of the Code also references -

1 including dormers and porches, both of which we have.

2 CHAIRPERSON HEXT: Can the host mute
3 everybody's mic? Thank you.

4 MR. MARSHALL: So, when we relocate the
5 dumpster, which was in the proximity here (Indicating),
6 we're able to move the retaining wall closer to the
7 building. That is the Helderburg Ave. side - a minimum
8 of six feet and toward the creek side of the property a
9 maximum of 68 feet between the fence at Carol's and the
10 proposed retaining wall. And again, remember that
11 retaining wall will vary from three to four feet and
12 we'll have an eight-foot fence atop of it.

13 At the last meeting we'll get in to the
14 landscape plan, we had discussed going to all
15 Arborvitae in this area. One of the things I had
16 included in a letter on Friday the 15th, is now with
17 more room as you approach the creek if you want to
18 vary the species of tree, that is definitely something
19 we're willing to do.

20 Other than that, the next most substantial
21 change would be on the photometric plan.

22 I'm just scrolling through quickly.

23 This is the grading plan that has a cross
24 section - stormwater management. Again, the landscape
25 plan has the Arborvitae the protected DOT right-of-way

1 and has been delineated.

2 Then here with the photometric plan - by
3 relocating the dumpster and associated light you get
4 to zero candles at the property line. Again, this is a
5 lighting plan that we think is compliant.

6 We did get guidance from the Board and was
7 discussed in I believe the Barton and Loguidice letter
8 or one of the public comment letters was the selection
9 of a decorative fixture on the northern side of
10 the Helderberg driveway. That's something that was not
11 discussed at the last meeting. The other changes I
12 think were mostly technical in nature.

13 At this point I would be willing to entertain
14 any questions the Board has on either the plans or the
15 response letter of May 15th or May 4th.

16 CHAIRPERSON HEXT: Okay. For my Board Members,
17 do you have anything at this time for Chuck? Any
18 questions? I know that for myself, seeing the brick as
19 opposed to the stone was a little bit of an eye-opener.
20 That being said, I'd like to hear everybody else's
21 opinion and not only that, but any other features that
22 we might want to discuss.

23 MR. HUKEY: What was an eye opener to you,
24 Deb?

25 CHAIRPERSON: To me, one of the eye openers -

1 just to try to get things started here - was the brick
2 as opposed to the cultured stone. I'm not really sure
3 where that came from. It's just my opinion. I want
4 everybody else to speak first, but just my opinion. I
5 think that the cultured stone is a little bit more
6 keeping the character than the brick. That's just my
7 opinion. Some people like blue, some people like black.
8 So, that's why we're all here.

9 Dan, did you have something you wanted to say
10 about the landscape plan?

11 MR. HITT: I was going to ask about the light
12 fixture and comment about the landscaping.

13 First, to the light fixture that Chuck just
14 mentioned on Helderberg Ave. - wouldn't that be better
15 to match the existing light fixtures at the
16 intersection of Altamont Boulevard and Main Street, so
17 that's in keeping with the historic character?

18 Is that what you were referring to, Chuck?

19 MR. MARSHALL: There's one there now. Can you
20 still see my screen, or no?

21 MR. HITT: Yes.

22 MR. MARSHALL: That fixture is in the DOT
23 right-of-way. Our light fixture would be proposed on the
24 southern side of this driveway. So, our light fixture
25 that is here - that light fixture is approximately here

1 (Indicating). I could look to source that light and
2 replace it with this light. I think that those lights
3 are a little bit darker than our lights. This side of
4 the line is our property. On the other side of the line
5 is DOT. So, I don't want to commit to doing one on their
6 property, and the likelihood of needing a UNO, but I
7 could put it on the Stewart's side of the driveway.

8 MR. HITT: Well, I'm commenting as far as just
9 a Board Member. I retired two and a half weeks ago, so
10 I'm not speaking on behalf of DOT. I'm just saying any
11 light fixture that's along Helderberg Ave. or Altamont
12 Boulevard, regardless of whether it's Stewart's or DOT,
13 that it match the light fixtures of the historic period
14 lighting that's on a DOT right-of-way would just help
15 with the character. It really doesn't matter who owns
16 it.

17 CHAIRPERSON HEXT: The only thing to remember
18 is the lights in the new lighting plan for the village -
19 I don't know that the lights, the light fixtures and the
20 lights themselves won't be changing with that. Now that
21 might be a year or two down the line, but it's just
22 something to keep in the back of your mind.

23 MS. RUE: So, the Village is changing their
24 lights?

25 CHAIRPERSON HEXT: National Grid, is proposing

1 the LED lights at - I think it's 3,200 or 3,000. So, the
2 the light fixtures themselves, I believe, will have to
3 change to incorporate the new lights. I'm just saying
4 it's from memory from one of the Village Board meetings.
5 I might be totally off-base. So, if somebody else - Brad
6 or Lance knows that any different with that, please feel
7 free to speak up - or even Dean.

8 MR. GRANT: It's a street light and it's a
9 whiter light that does not require anywhere near as much
10 power and will be quite a bit of energy savings.

11 CHAIRPERSON HEXT: Will the fixtures themselves
12 be changing?

13 MAYOR DINEEN: Deb, the fixtures are going to
14 possibly change.

15 CHAIRPERSON HEXT: Thank you, Kerry.

16 Just something before we go and not that I
17 don't agree, Dan - I think that absolutely would make
18 sense. Before we go doing that, maybe we could get
19 clarification as to whether they're changing, or if
20 they change what they might be before we make that -

21 MR. HITT: That's a good point. I wasn't aware
22 that they would change.

23 I had other comments on the landscape plan.
24 If you want to go over those, I will put them in
25 writing, Chuck, so Deb could forward them just so you

1 have them. Thanks for revising the plan based on the
2 comments from the hearing.

3 In my opinion, starting with the Bradmore
4 Junipers proposed behind the sidewalk where you're
5 cutting off the driveway access along Altamont
6 Boulevard - I know that was brought up at the last
7 meeting during the hearing. People commented on it. It
8 appears that there's only about 30 inches and the
9 width being behind the curb and then the back edge of
10 the concrete section. That's very little room to
11 maintain shubs - to establish and maintain them.
12 Personally, I think you're going to have a hard time
13 establishing and maintaining the Junipers. Just based
14 on the amount of gravel that's behind the curb and
15 under the sidewalk, you'll have limited soil space in
16 that area. Personally, I think that junipers aren't
17 going to make it. I didn't agree with a comment at the
18 last meeting either.

19 I think it would be better to just continue
20 with the textured concrete that matches what's out
21 there now. The Junipers, even though they're
22 salt-tolerant, I don't think they're going to make it
23 in that area. So, it would look worse with them dying
24 in that area.

25 Over to the east side - the additional

1 plantings - the Red Twig Dogwood are good. I think
2 that would help to put a few more Dogwood adjacent to
3 them behind the dumpster and a propane exchange
4 facility there and that would soften the edges of
5 those because they're going to look very prominent
6 where they are just out in the middle of nowhere. So,
7 some Dogwoods behind or between them around them would
8 help.

9 The east corner between the Oak and the white
10 vinyl fence - there hasn't been much discussion on the
11 view of the Stewart's building from the property
12 owners to the southeast. It's hard to tell now from
13 the plan - I know you've maintained a few of - you
14 retained a few of the deciduous trees that are out
15 there. It's hard to visualize those on the plan, but
16 in the area where you have shown lawn, it may help to
17 put in an evergreen or two in that corner off the end
18 of the fence if you have the room with the existing
19 trees to help with the screen of views from the
20 southeastern corner.

21 MR. MARSHALL: Well, while we're talking about
22 the fence from the southeast corner, one of the comments
23 that appeared in both of Brad's letters and one of the
24 areas I needed some guidance on was the fence itself.
25 Right now obviously there's a cedar fence there that I

1 would say is in better than average condition probably
2 for a fence of its age. Does the Board want to maintain
3 the Cedar fence or does the Board want to switch to the
4 vinyl fence? The only reason I ask is obviously to
5 develop a compliant plan, but also it changes the view
6 as there is a kind of starkness of the white. That is
7 one of the things that do need some guidance on while
8 we're talking about the view from the southeast. I think
9 it would be appropriate that we have that conversation
10 now.

11 MR. HITT: Does the fence the vinyl have to be
12 a white?

13 CHAIRPERSON HEXT: Good question. Can it be
14 like a tan, or a brown or whatever other color?

15 MR. HITT: Just something toned down a little
16 bit. I think any fence along that side - the east side,
17 if it matched what you're putting behind that building,
18 it would look better if it were all the same. But you're
19 right, it's going to be pretty bright and stark if it's
20 white vinyl all along there where now the cedar fence
21 isn't as noticeable. Can you change the color of the
22 vinyl?

23 MR. GRANT: I was going to say, it's also a
24 matter of showing dirt, too. The cedar fence is somewhat
25 forgiving in a natural tone, whereas a colored plastic

1 fence material - every rain drop is going to stir up
2 some dirt and it's going to be dirty on the bottom side,
3 in all likelihood. That's all under trees and they all
4 drip down.

5 CHAIRPERSON HEXT: Chuck, you said that was an
6 existing cedar fence?

7 MR. MARSHALL: Correct.

8 CHAIRPERSON HEXT: So, whose fence is that and
9 who would maintain it or be responsible for replacing it
10 if we kept that?

11 MR. MARSHALL: Stewart's

12 MS. RUE: I don't think we could keep that
13 fence.

14 MS. MUHLFELDER: I was there yesterday kind of
15 crawling around and it's not in good shape. I was just
16 checking out the whole thing and that fence, I think,
17 has seen better days. I think it would be prettier, but
18 I think that fence has to be replaced. I agree that the
19 plastic - - I have an aversion to plastic, but maybe
20 there's another alternative. I know nothing about
21 fences, but maybe someone else has an idea.

22 CHAIRPERSON HEXT: Any other Board Member?

23 MR. HITT: Well, if any fence is replaced, can
24 it just be cedar and can the fence behind the building
25 be matching as well?

1 MR. MARSHALL: Yes, 100%. So, yes, it can be
2 cedar and yes, the fence behind the store can match it.

3 MR. HITT: I would think it would be better to
4 be Cedar throughout - both behind the building and along
5 the creek there.

6 CHAIRPERSON HEXT: Connie, John, anybody else?
7 Steve?

8 MS. CONNIE: I was going to suggest exactly
9 what Dan said. I liked the idea of the cedar fence, but
10 put in new fence along the creek and have it be cedar
11 fence back by the back of the building, as well.

12 CHAIRPERSON HEXT: All right, good.

13 Steve, John?

14 MR. CARUSO: I also think that a cedar look
15 would kind of match a lot better than the brightness of
16 the white plastic fence. To be able to run it - -
17 I agree wholeheartedly with that. I think it would
18 really match a lot better. It might take a little more
19 maintenance to upkeep, but long-term I think it would
20 look much better.

21 CHAIRPERSON HEXT: Thanks Steve.

22 John?

23 MR. HUKEY: I have a question, but not on the
24 fence.

25 CHAIRPERSON HEXT: Stay on the fence a second,

1 John. Let's get one thing at least straight here.

2 Do you agree that the Cedar fence all the way
3 around would be the way to go?

4 MR. HUKEY: I would agree that it would look
5 nice and last longer; yes.

6 CHAIRPERSON HUKEY: I'll let you speak in one
7 second, John. I just want to make sure that we get one
8 thing at a time collaborated here.

9 So, I think Chuck, we're all saying that a
10 cedar fence and a new fence to replace the existing
11 fence and then a cedar fence along the back of the
12 building as well would be the way to go as opposed to
13 the white vinyl or any vinyl. Now along that line, if
14 we do that, would it be feasible to also do something
15 with the enclosure for the dumpster?

16 MR. MARSHALL: One of the comments was to mimic
17 kind of the Latham enclosure.

18 CHAIRPERSON HEXT: I saw that - - with the
19 stone?

20 MR. MARSHALL: I don't like the full masonry.
21 Those look pretty beefy. What I think would look nice is
22 depending upon what stone you go with, whether it's the
23 brick at the building veneer or the cultured stone, to
24 do the Hardie board to match the building, because it is
25 going to be out front now.

1 CHAIRPERSON HUKEY: I like that. Whoever sent
2 that in - that picture of Latham - - that looked really
3 nice with the cultured stone.

4 MR. MARSHALL: Not to complicate or go
5 backwards and I'm sure you're going to get to it, but
6 one of the things with the brick - you can change the
7 color of the brick and go with a lighter tone brick if
8 you want to go away from the stone. If you want to keep
9 the stone, that's fine on my end as well. That is
10 somewhat of a Board decision, but we are fine with a
11 brick, a brick of a different color or stone.

12 I will change the dumpster to match the
13 building.

14 CHAIRPERSON HEXT: Okay, good. Thank you.

15 John, you were going to say something before
16 I steered toward the fence.

17 MR. HUKEY: I had a question on the side of the
18 building where the condensers are and the entrance door.

19 When you look at the elevation, it does not
20 look like it's an 18-foot extension. That looks as
21 though it's going to go into the 25, 26 parking lot,
22 isn't it Chuck?

23 MR. MARSHALL: Sorry, I don't understand the
24 question.

25 MR. HUKEY: On the southwest side of the

1 building.

2 MR. MARSHALL: Right here (Indicating).

3 MR. HUKEY: Let's go to the other end, then.

4 Where you have the ice chest and the electrical
5 information, you also have a roof coming off there. When
6 you look at the elevation, that does not look like it
7 extends out as far as it does. When you measure it, it's
8 approximately 18 feet out almost into parking lot 26.

9 MR. MARSHALL: No, the roof overhang would be
10 this kind of line right through here (Indicating).

11 MR. HUKEY: Well then the plans are not to
12 scale like they say they are. One end goes out 20 and it
13 comes out about 18 feet. So, if it's not going to come
14 out into the parking lot, maybe that's something you
15 want to look at and change the next time you send them
16 in.

17 MR. MARSHALL: My sheet has about a six-foot
18 overhang.

19 MR. HUKEY: On the proposed site plan, it looks
20 like two pole bases or foundation bases right on the
21 parking lot line of 26. What am I looking at Chuck?

22 Oh, I see it now.

23 MR. MARSHALL: That's where the roof drain ties
24 into the stormwater system.

25 MR. HUKEY: Okay, I see it. That's better now.

1 Okay.

2 I have a question. One of your responses to
3 Barton and Loguidice where they recommend the lighting
4 should not be brighter than the surrounding street
5 area -- tone down the outside lighting a bit -- should
6 not be brighter than the streetlights. You say that
7 your proposed lights are source or special order and
8 cannot be sourced. Why can't you have lower
9 streetlights? What's so unique about that and why
10 can't you?

11 MR. MARSHALL: When we went to our vendor - -
12 again, there's two different pieces to the lights. One
13 is the temperature of the light and then one is the foot
14 candle. So, in regards to the temperature, there's a
15 request at the last meeting for us to go to
16 approximately 3,000 Kelvin which is a yellow hue light.
17 We went to our supplier and they don't make that light.
18 So, the 4,000 Kelvin is a special order light because
19 our lighting is compliant and we don't see the reason
20 that we should have to lower the footcandles
21 particularly because you have an activity that requires
22 a somewhat warm light. You want white light under the
23 gasoline canopy particularly as people are using the
24 fuel dispensing. So, we tried to go to a 3,500 or
25 something in that range to make the accommodation. We

1 cannot source the light in because our lights are
2 compliant, we don't think we have to go any further.

3 MS. MUHLFELDER: Could you use another vendor?

4 MR. MARSHALL: No. We really do try to maintain
5 the same fixtures. If we could replace the bulbs with
6 the light that would make it a warmer or lower Kelvin
7 light, we look to do that. We couldn't, so we like to
8 maintain the same fixtures throughout the company. As
9 you can imagine if the light breaks, we want to be able
10 to fix it somewhat immediately and not have additional
11 special order equipment. As it is, the bulbs - the LEDs
12 are special order.

13 CHAIRPERSON HEXT: Brad, do you have anything
14 to add to that?

15 MR. GRANT: Yes, as far as the photometric
16 plan, Chuck is right. There is minimal light spillage
17 off the site. It's typically zero.

18 The nature of my comment was - I wasn't at
19 that April 27 meeting and conversation, but from a
20 simple lay-point, if I am walking up the street from
21 lower in the Village and I'm at the railroad tracks
22 and I look up at Stewart's, how white a light - - what
23 does it look like in comparison to the existing
24 lighting? That goes to kind of the hue of the
25 lighting. Is it a brilliant light?

1 At some point in the Enterprise I had saw
2 someone did an aerial of a nighttime lighting at the
3 Stewart's site as proposed. I'm not sure if the
4 consultants who did the photometric plan did that.

5 Chuck, do you know who did that?

6 MR. MARSHALL: Yes, we had a consultant for the
7 photometric plan do that.

8 MR. GRANT: Can that same consultant do a
9 person's view from the railroad with the same type of
10 technology so we have -- cut sheets aside, what's it
11 going to look like? That's my point.

12 MR. MARSHALL: My response is going to be the
13 same.

14 CHAIRPERSON HEXT: One thing to remember, too,
15 again getting back to National Grid and the Village of
16 Altamont changing over our lighting - our Village
17 streetlights will also be changing. What that's changing
18 to, I don't know. At the last meeting, again -- I'm
19 trying to remember the last meeting that there was talk
20 about -- it was like 3,000 or 3,500 or 3,100. It's kind
21 of like an HGTV. The naked eye may not see the
22 difference. However, will the neighborhood that's
23 looking at it all the time see the difference? That's my
24 concern. That's just my two cents.

25 MR. MARSHALL: So, the plan I have in front of

1 you is the plan that was used at the Zoning Board.
2 Obviously, it has not been modified because in the plan
3 you see here, the dumpster is still in the back corner.
4 So, the light effectively along the edge of the building
5 has been eliminated. Your intensity is going to be under
6 the canopy and then in front.

7 CHAIRPERSON HEXT: Can we do something to
8 shield the lighting around there?

9 MR. MARSHALL: If you look at the photometric
10 plan, some of the lights are already back-shielded
11 lights. So, it would be the inventory - - the lights
12 with the blue legends - so, the one around the dumpster
13 - the one at the Altamont Boulevard driveway are, I
14 believe, back-shielded lights.

15 CHAIRPERSON HEXT: It seems like everybody is
16 concerned, though, with the bright lights at the pump.

17 Is that everybody's thought - under the
18 canopy?

19 MS. RUE: Is it just the lights under the pump
20 that are going to be the 4,000, or is it going to be all
21 of the pole lights on the property?

22 MR. MARSHALL: All the lights would be the
23 4,000 Kelvin with the exception of if we switched to the
24 decorative fixtures that match the one on the corner of
25 Altamont and Main or Altamont and Helderberg. If you

1 switch the perimeter lights, you would change
2 effectively two fixtures out and you would get the
3 decorative fixtures and then the rest would be the
4 Stewart's lights.

5 MS. EVERHART: Just to interject a bit, I think
6 the relevant provisions of the Zoning Code about the
7 lighting requirements that we are compliant with - they
8 seem to be focused - - there's a list of things, but
9 they all seem to be basically focused on preventing
10 glare - a blinding glare to motorists. We don't really
11 think that the lighting plan that we have submitted
12 demonstrates that there be any sort of concern that way.
13 We certainly don't think that it would create an issue
14 for roadway traffic or folks driving across our parking
15 lot. What it does do, however, is provide sufficient
16 light for people at night who are getting out of their
17 cars, fumbling with their wallets and selecting gas in
18 the light. I guess what we are trying to get determine
19 is: Is there being any sort of glare into the roadway or
20 elsewhere?

21 MR. HUKEY: Yes.

22 CHAIRPERSON HEXT: For me and my concern, it
23 was more the bleed into the neighborhood and whether or
24 not there would be glare that's going into someone's
25 bedroom window or whatever. That's why I was asking.

1 You're absolutely right Leah, that's one of
2 the reasons I was asking. Are there preventative
3 measures perhaps that we can do, as opposed to
4 changing out all the lights?

5 MR. MARSHALL: If you go back to looking at
6 this plan, this plan shows that essentially at the
7 property boundaries the light is gone. The photometric
8 plan would say the same. So, what I was saying is if you
9 change the fixture to a decorative fixture at the two
10 driveways, now you have just the operational lights of
11 Stewart's that are the 4,000 Kelvin unshielded. The
12 decorative fixtures are fully globed and our
13 canopy lights and our building lights are all flush
14 mounted soffits. I think you would be down to
15 essentially just the one pole light near the dumpster.

16 MR. HUKEY: I would like the name of a couple
17 of Stewart's stores that use these 4,000 Kelvin so at
18 night I can go and see what it looks like. To say it's
19 going to look like this or look like that -- like Brad
20 said, you're walking up from the railroad tracks and I
21 don't want it to look like a big Christmas tree out in
22 the middle of nowhere and have it be bright.

23 MR. MARSHALL: Where we did the most prominent
24 installation of these lights are at the corner of Route
25 147 and Route 67 in the Town of Charlton. In that

1 proximity, Stewart's is located on the southeast corner.
2 At the northwest corner is a historic registered
3 graveyard and on the southwest corner is a historically
4 registered church. In that instance, our lights were the
5 same lighting scheme as proposed here and again,
6 something that met compliance. That would be the best
7 installation to look at.

8 MR. HUKEY: Chuck, what city?

9 MR. MARSHALL: It's the Town of Charlton and it
10 is at the corner of Routes 147 and 67.

11 MR. HUKEY: Okay, thank you.

12 CHAIRPERSON HEXT: Connie?

13 MS. RUE: I guess I had a couple of questions.

14 What lights will be on - - first of all, what
15 are your hours of operation and what lights would
16 still be on when you're closed?

17 The second part would be: Is there a
18 possibility that lights could be dimmed before and
19 after certain hours so that it wasn't so bright? I
20 know some places have that where things will dimm
21 down when it gets late or if it's very, very early.

22 MR. MARSHALL: So, a couple of answers.

23 One: The hours of operation are about 5 a.m.
24 to 11 o'clock, but I will confirm with my next
25 submission. The lights are both on a timer and a

1 photocell. So, let's say you have an instance where a
2 storm comes in and it gets dark, the photocell would
3 trigger the lights to come on. Otherwise, they are on
4 a preset timer for on and off. The lights would remain
5 on as long as the store was open and operating. Then,
6 all lights with the exception of some internal
7 emergency lights would go dark when the store was
8 closed. That's it.

9 The delivery door light would effectively be
10 the only light that comes on off those hours. That's
11 so someone who is opening the store or closing the
12 store - enters or exits - has light for safety
13 purposes.

14 CHAIRPERSON HEXT: Can that be a motion sensor
15 Chuck?

16 MR. MARSHALL: We don't do motion sensors. We
17 do the timer. Again, in that proximity you have the
18 finished floor elevation of 470 and you have a light
19 that's at approximately 478. You have fences on both
20 sides.

21 CHAIRPERSON HEXT: So, to answer Connie's
22 question - after the store has closed and everyone is
23 out, all the exterior lights with the exception of
24 perhaps a security light -

25 MR. MARSHALL: Except for the light over the

1 delivery door which is effectively shielded by fences on
2 both sides, is the only light that remains on for
3 approximately one-half hour.

4 CHAIRPERSON HEXT: That sort of makes a
5 difference, at least in my mind.

6 MS. RUE: I would agree with Brad and
7 John about the sense of that this is a very pedestrian
8 oriented Village - when people are walking through town,
9 as they're walking up from Maple Avenue to the railroad
10 - do those bright 4,000 Kelvin lights stand out and make
11 the Stewart's much much brighter than the surrounding
12 area? I think that's the concern that we've been hearing
13 about.

14 MR. MARSHALL: The lights at the current store
15 are LED. If memory serves me and the picture is
16 accurate, the lights at the current store are LED in the
17 same range. It's going to be effectively no different.

18 MR. HUKEY: Are those 4,000 Kelving, too?

19 MR. GRANT: There is one exception to that. The
20 canopy, as it currently exists up there has two small
21 LED lights.

22 As far as Stewart's canopy goes, it probably
23 has the lowest lighting in the four-county area, at
24 least. That's going to get brighter. As Chuck says,
25 they are downcast underneath the canopy. If there were

1 some changes at those two streetlights, one at each
2 entrance, that would soften it up quite a bit.

3 MR. MARSHALL: Yes, your canopy light is the
4 light that you have least control over because the light
5 bounces between the white concrete and the lights are
6 fixed at approximately 14 feet 6 inches. It's not
7 absorbed by asphalt as it is in other places. It really
8 just bounces back and forth.

9 I'm very reluctant and almost to the point
10 where I'm not willing to change the canopy lights and
11 the lights throughout the facility and instead change
12 the perimeter lights to soften those levels of
13 intensity. Again, what that would do is at this
14 vicinity here at the driveway (Indicating) and this
15 vicinity here at the driveway, it would lower those
16 intensities of green.

17 MR. GRANT: And with a better looking fixture.

18 MR. MARSHALL: Yes, one that matches what's
19 there now.

20 CHAIRPERSON HEXT: So, what happens if what's
21 there now changes? Would we just leave those two, or
22 would we try to get National Grid or someone to change
23 it? I agree with what we're saying. I think that's a
24 good idea. If the rest of the Board agrees with that, I
25 have no problem with it. I just wonder if National Grid

1 or when we change our lights out in the village, will
2 that then be an eyesore? I'm just throwing every
3 opportunity out to ask questions.

4 MR. HITT: As long as the light fixtures are
5 complementing the building itself - whether they match
6 the existing ones now, or if the ones on Main Street and
7 Maple -- all that change out to something else - - as
8 long as the ones that Stewart's puts in on their
9 property complement the building, they should be fine.

10 MR. MARSHALL: I would go to match the light
11 that's there. I think it's like an acorn shape light or
12 something. What I will do is give you guys another light
13 and I will try and get the lighting - the photometric
14 plan to display not in the foot candle measurements, but
15 in the color scheme that I just displayed. .

16 CHAIRPERSON HEXT: And the lighting under the
17 canopy is recessed, you said, Chuck?

18 MR. MARSHALL: Yes, all lights are
19 flush-mounted lights. With the exception of the yard
20 lights, everything is a flush-mounted soffit fixture or
21 flush-mounted canopy fixture.

22 CHAIRPERSON HEXT: So, it's not like we are
23 going to walk up Main Street and the spotlight will be
24 in our eyes. The glare will be cut down significantly by
25 being recessed like that.

1 MR. MARSHALL: That's correct. I'm not going to
2 convince you - - again, at 147 and 67 - when you drive
3 through there and it's in a rural area, I'm not going to
4 tell you it's not bright. When you look from darkness
5 into light, it's bright. That's what light is supposed
6 to do. It doesn't spill and that's the primary function
7 of the LED fixture.

8 MR. GRANT: That's kind of where I was coming
9 from. I'm really not concerned about glare into
10 the motorists' eyes. These are downcast.

11 It is: What does it look like when you're
12 coming from down the street and looking at it? Is it a
13 white island or softening up those two streetlights -
14 does that take away a lot of the sting? It doesn't
15 really spill out over the property, but you see it.
16 It's a visual.

17 Chuck, can the people that model the aerial
18 do a street view, knowing what they know?

19 MR. MARSHALL: I don't know.

20 MR. HUKEY: That would help.

21 CHAIRPERSON HEXT: I think at this point, we
22 are all in agreement that the two decorative lights as
23 opposed to the normal streetlights that they were going
24 to have there would be a preferred option. Again, with
25 our lights in the Village changing to probably 3,000 or

1 3,100, I'm not sure it's going to be the visible. Again,
2 they are complying with our Code. As much as I would
3 like to see changed, I think their mitigating it
4 whatever way they can.

5 Chuck, if you could get that photometric
6 reading or picture from the guys that did the one from
7 above, that would help. Whether it would change
8 anything or not, I don't know. At this point, I'm not
9 sure there's a choice in the lighting that can be used
10 if we have them go by our Code.

11 MR. MARSHALL: Deb, I just looked this up but I
12 want to make sure everyone kind of understands what
13 we're talking about. On my screen now is - the 3,000
14 Kelvin is the light that I'm kind of hovering over
15 (Indicating). The 4,000 is the light that I'm hovering
16 over now. What we had originally proposed was 5,700
17 which skips effectively to almost a stark white light.
18 So again, we're heading into the yellow hue, just not
19 quite a yellow light. If everyone understands
20 what we're talking about, this is probably one of the
21 more difficult topics for myself and Boards to kind of
22 relate because people just think bright or not bright.
23 It's a warmth versus cold, I guess you would say.

24 Are you all right with that?

25 CHAIRPERSON HEXT: Yes. I'm okay with it. I

1 think the other thing - - and this is something we've
2 got to get to, or at least discuss so we can take it and
3 think about it is the color of the building, I think,
4 would reflect how much light is being cast off. If we
5 have a bright white building just like if we had a
6 bright white vinyl fence, that's going to give an
7 entirely different effect than if we had maybe a more
8 muted color on the building and the stone or brick or
9 whatever we go with.

10 MR. MARSHALL: Yes, if that's the topic you
11 would like to take up next, I'm fine with that.

12 MR. HITT: Did you want to finish the
13 landscaping first that we kind of got sidetracked from?

14 MR. MARSHALL: Sure.

15 CHAIRPERSON HEXT: Trying to keep everybody on
16 one track is like trying to keep three trains on a
17 track.

18 Yes, Dan, why don't you go ahead?

19 MR. HITT: If you want to jump back to that --
20 if you could put the landscape plan back up, it would be
21 helpful.

22 Like I was saying in that back corner and now
23 if you go with the cedar fence, that would be better.
24 That back corner, from what I've noticed, looking at
25 the site, nobody is paying attention to the properties

1 to the east. I think depending upon where the existing
2 vegetation that is being retained is - - that's not
3 shown on the proposed site plan - possibly an
4 evergreen or two, whether it's a dog fur or spruce or
5 something - a couple could be put back in that corner
6 to help with the lighting and also help with the view.

7 The last comment that I had has to do with a
8 hot topic last time which was everything to the south
9 toward Carol's property. I saw that you changed
10 everything to Arborvitae that was commented on before.
11 Personally, I think there's problems with just the way
12 the trees are shown.

13 First, I don't think planting five or six
14 foot high evergreens - whether they be Austrian Pines
15 or the Arborvitae - are going to do anything for a
16 number of years because the fence is already eight
17 feet high. So, if you put a five or six-foot tree in
18 front, it's going to take a few years just for the
19 tree to get as high as the fence. So, the fence is
20 already going to screen the view from anybody on
21 Carol's property because the average height for the
22 site is 5 foot. So, no one is going to see most of the
23 Stewart's building anyway, regardless of if there's
24 any vegetation or not.

25 One thing I know the Zoning Board said -

1 vegetation for screening, but also for noise.

2 Vegetation does nothing for noise unless it's hundreds
3 of yards deep of very dense forest. So, you could
4 plant as many trees as you want and it will do nothing
5 for noise in that area. It is strictly a visual
6 concern.

7 I think the proposal of Arborvitae which
8 shows slightly less than 15 feet on center is going to
9 look like a picket fence rather than any type of hedge
10 or screening for years until the Arborvitae got big
11 enough.

12 I mentioned quite a while ago that I think a
13 mixture of evergreen and deciduous or even a couple
14 deciduous trees would be far more effective than just
15 putting in a line of evergreens. To put vegetation
16 like Arborvitaes or even Austrians between the vinyl
17 fence or the cedar fence and the existing property
18 line which has a hedge now, which I assume is the
19 property line -- there is a chain-link fence and a
20 hedge.

21 MR. MARSHALL: That is the property line.

22 MR. HITT: That Is the property line. So, if
23 you put in evergreens, it's going to be difficult for
24 anybody to get in and mow the lawn area between there if
25 it's four to six feet, once the trees get big enough.

1 With the existing vegetation on Carol's property - she
2 has a large Norway Spruce that already screens a lot of
3 her view of the building anyway - - it almost seems like
4 a couple trees - a couple deciduous trees like the Oak
5 as shown on the east side of the property - a three to
6 three and a half inch caliber tree is going to be 14 to
7 16 feet high, so the canopy of the tree is going to be
8 above the fence. At least seasonally it provides some
9 screening. It almost seems like a couple, you know, just
10 possibly towards the west side of the fence and
11 depending on what's retained in the back on the east
12 side. It seems like putting a couple deciduous trees
13 would be far more effective than the Arborvitae that are
14 lined up along there, considering the existing
15 vegetation on Carol's property.

16 I don't know if you've approached Carol, but
17 strategically planting a tree or two on her property
18 could be far more effective than putting something
19 right up against the fence, if she were willing to
20 provide you access to plant a tree.

21 CHAIRPERSON HEXT: Dan, can we talk about the
22 Norway Spruce? I know Carol has some concerns about
23 plantings interfering or the wall and the fence or all
24 of the above - doing any damage to her Norway Spruce.
25 Have you seen those emails?

1 MR. HITT: I saw them and she asked for me to
2 go look at them and give my professional opinion and as
3 I said, I'm not going to provide a separate independent
4 opinion to her because I don't want conflict of interest
5 either with my participation on this Board for my
6 current or future job in two weeks. I don't understand
7 where the concern would be because it appears that the
8 retaining wall and the fence are going to be located
9 where the existing building is that's coming down. So, I
10 don't know what's underneath - whether it's just a
11 foundation, a crawlspace or a full basement - the root
12 system of the Spruce or any of the other vegetation
13 doesn't extend under the house, albeit the house is to
14 be demolished. So, if there's any excavation in and
15 around that - or fill, it can't possibly affect the root
16 system of the tree. The roots aren't there - where the
17 basement is.

18 Is there a basement under that building?

19 MR. MARSHALL: There is a full basement.

20 MR. HITT: So, any work in that area of that
21 existing house - how could you possibly affect the trees
22 that there's a full basement underneath it? Most root
23 systems of trees are within the top 18 to 24 inches of
24 the surface. So, putting in a post for a fence should
25 not be a problem and the retaining wall shouldn't have

1 to be that big of a deal.

2 MR. MARSHALL: I read the letter from Jack
3 Magee. It was very much in line with what the
4 construction methods would have been anyway. All the
5 equipment on the Stewart's side of the property -
6 excavation and demolition is to occur from that side of
7 the property. So, I don't think we would have a problem
8 complying with the recommendations, as he outlined
9 them.

10 CHAIRPERSON HEXT: Dan, I wasn't trying to put
11 you on the spot as an expert for Carol or depending on
12 you for an expert for us. We are at least trying to
13 mitigate any damage to any property.

14 MR. HITT: Also, I would defer to Allyson. Not
15 to put her on the spot, but in my experience when you
16 affect vegetation on your own property - - whether it's
17 trees or shrubs that are off your property, it's my
18 understanding you can do what you want on your property.
19 Like, if you were to take a limb on the tree, but the
20 tree is not on your property but it extends over the
21 property line and you can do what you like. That's a
22 legal issue. I don't think that's the concern here. My
23 comments are more about an eight-foot fence going up and
24 I think cedar would be much better than white vinyl.

25 Putting plantings in - like I said,

1 evergreens - it would take a number of years before
2 they got high enough to be effective, but the fence is
3 already higher than the average person's eyesight. So,
4 all it's going to do is block the skyline and not the
5 view of the building.

6 MR. MARSHALL: Dan, just remember that the top
7 of the fence is approximately 11 to 12 feet taller than
8 the finished floor of the store because the fence sits
9 atop the retaining wall and the retaining wall is 3 to 4
10 feet. So, you're in the 482 range for top of fence.

11 MR. HITT: That's why I think a few deciduous
12 trees might be better to provide that canopy that's
13 higher than the fence, if that's what Carol is
14 interested in. Like I said, they can be strategically
15 placed and it doesn't have to necessarily be up against
16 the fence to be effective.

17 MR. GRANT: Underneath Carol's evergreen there
18 is a limitation as far as canopy height. So, you
19 wouldn't want to plant a real big tree in close
20 proximity.

21 As Dan said earlier, going out beyond that
22 towards the stream or toward the west, you don't have
23 those those issues.

24 MR. HITT: Right. I wouldn't recommend any
25 plantings that are in the vicinity of that existing

1 Spruce.

2 MR. MARSHALL: I was just trying - in my
3 letter, I indicated we did it because that's what we
4 discussed, but we are willing to change it because the
5 separation from her fence to the retaining wall fence
6 has changed. We will change it again.

7 CHAIRPERSON HEXT: What does everybody think
8 from the Board's perspective? Dan suggested some
9 deciduous and evergreen, or evergreen with Arborvitae -
10 the way it was on the plan. What does everyone think? We
11 don't have to make all these decisions tonight, but just
12 have these things in the back of your mind to think
13 about. As long as Stewart's has some direction, if and
14 when we get to that point.

15 MS. MUHLFELDER: I think having both would be a
16 good idea. I think having a deciduous tree or two would
17 soften also just the view. There are some pretty trees -
18 Some maples or something with color. Then, put in two or
19 three evergreens. So, that's my opinion.

20 CHAIRPERSON HEXT: Thank you, Barb.

21 Anybody else, Connie, John, Steve?

22 MS. RUE: I would defer to Dan's expertise. I
23 do agree with Barb that a softening - - a mix in the row
24 of Arborvitae's might as well be a fence. We are already
25 putting up a fence. That's my opinion.

1 MR. CARUSO: I would certainly defer to Dan
2 because to be perfectly honest, he's a heck of a lot
3 more of an expert in that area than I am. Obviously I do
4 think that the Arborvitaes would make it look more like
5 a fence area. So, I'm going to defer everything over to
6 Dan and I wholeheartedly agree with his
7 recommendations.

8 CHAIRPERSON HEXT: Thank you, Steve.

9 Mr. Hukey, do you have anything for us?

10 MR. HUKEY: Not on the trees, I don't. I have a
11 question on the site work, once you get off the trees
12 and the fence. .

13 CHAIRPERSON HEXT: No pun intended.

14 MS. RUE: This is Connie. I do have a question.
15 It's not exactly the landscaping, but it's in that
16 general area.

17 Somebody mentioned the propane exchange. I
18 didn't know if that was in compliance. I thought
19 outdoor storage of any stock had to be within four
20 feet of the building perimeter and not across the
21 parking lot.

22 MR. MARSHALL: That's news to me. Do you know
23 the section?

24 MS. RUE: Yes, 355.38F2 - outdoor storage of
25 any stock or other material or outdoor display or sale

1 of goods shall be prohibited unless stored or displayed
2 within four feet of the building perimeter.

3 MR. MARSHALL: So 38 -

4 MS. RUE: F2, I believe. That's what I have in
5 my notes.

6 MR. MARSHALL: Okay. So, we will move that.

7 CHAIRPERSON HEXT: Where are we thinking to
8 move it to?

9 MR. MARSHALL: We would probably have to move
10 it against the building.

11 CHAIRPERSON HEXT: Well, it would have to be
12 accessible because of cars and traffic.

13 MR. MARSHALL: No, that's the propane tank
14 exchange. That's not any element of the gasoline
15 filling.

16 CHAIRPERSON HEXT: No, I know that. How are you
17 going to get the propane tanks in and out through the
18 trucks that deliver the propane?

19 MR. MARSHALL: I think we would have to put
20 them on the side of the building here, so that they are
21 within four feet (Indicating).

22 MS. RUE: What side of building?

23 CHAIRPERSON HEXT: We are not seeing your
24 drawing here, Chuck. The Altamont Boulevard side?

25 MR. MARSHALL: I don't want to put that - - I

1 don't think they belong in that kind of the picnic area
2 that we are trying to establish. I will see where they
3 end up. Most likely the electric cabinet shifts down and
4 maybe the condenser/compressor - the ice chest and
5 everything move south and then they end up on the corner
6 there.

7 CHAIRPERSON HEXT: So, we are moving that again
8 toward Carol's?

9 MR. MARSHALL: Yes.

10 CHAIRPERSON HEXT: So, we are shifting
11 everything down and moving more toward Carol.

12 MR. MARSHALL: Well, it's really only the one
13 compressor/condenser that we move from the south side.
14 It still stays on the east side of the building, but
15 just moves down eight feet.

16 CHAIRPERSON HEXT: And you're putting the
17 propane tanks next to the electrical box?

18 MR. MARSHALL: No. I'm saying take the ice
19 chests and all of this and basically just slide
20 everything down so that you can move the propane to the
21 corner here. (Indicating) You're not going to put it in
22 front of the windows. I would imagine it would have to
23 go on that edge of the building right there.

24 MR. HUKEY: Deb, question?

25 CHAIRPERSON HEXT: Go ahead, John.

1 MR. HUKEY: The comment about the storage
2 within four feet is under a convenience store. It has
3 been determined by the Zoning Board that this is a gas
4 station. Does that make a difference? It doesn't have
5 any such comment like that under a gas station.

6 MS. RUE: Good point.

7 CHAIRPERSON HEXT: Very good point.

8 MR. MARSHALL: That's an excellent point,
9 actually.

10 MR. HUKEY: It's not pertinent to this
11 particular structure, since it has been deemed to be a
12 gas station.

13 CHAIRPERSON HEXT: And this is why it takes a
14 Village.

15 MS. RUE: A gasoline station with a convenience
16 store, though?

17 CHAIRPERSON HEXT: It was rezoned as a gasoline
18 service station and not a convenience store any longer.
19 There isn't a gasoline service station/convenience
20 store. It's one or the other.

21 MS. RUE: That's not the way it reads in the
22 appendix with the usage chart.

23 MR. MARSHALL: Unfortunately, this element is
24 not subject to further interpretation. So, it has to be
25 the 355.38E standards and not F.

1 CHAIRPERSON HEXT: Allyson, I have to agree
2 with that.

3 Allyson, can we ask for your interpretation
4 of that, or Leah?

5 MS. PHILLIPS: No, it's an interesting
6 question. I know that originally the interpretation of
7 the Code Enforcement Officer was that this was a
8 convenience store and that interpretation was overruled
9 by the ZBA who ultimately determined that qualified as a
10 gasoline/service station it was subject to the
11 requirements of 355.38F which is what prompted the need
12 to request a variance that we just obtained from the
13 ZBA. I understand the definition of gasoline service
14 station indicates that you can have a convenience store
15 as part of that use. My recollection is that the
16 determination was that it was a gasoline service
17 station, so the requirements of 355E applied. I would
18 like to go back and review that, but that is my
19 recollection. I would think that because that
20 requirement is under subsection F and applicable to
21 convenience stores, that it wouldn't apply here. I would
22 like to go back and just review the ZBA's determination
23 on that.

24 MS. EVERHART: We obviously wouldn't want to
25 put Allyson on the spot here because this is a new issue

1 that has just come up. It's true that the definition of
2 gasoline/service station can include a convenience store
3 as well, but the location of our convenience store
4 aspect of the project was subject to variances that it
5 would not have otherwise been subject to because it was
6 deemed be a gasoline/service station. So, I think sort
7 of the jumping off point is probably the right one -
8 that even though there is a component of this is a
9 convenience store, that the provision specific to that
10 use probably doesn't apply. The provisions subject to
11 the gasoline/service stations probably do. But, we will
12 have time to take a closer look at it.

13 CHAIRPERSON HEXT: Absolutely.

14 MS. PHILLIPS: So, we will go back and review
15 what the ZBA's determination was when it heard the
16 appeal from the Code Enforcement Officer's determination
17 on the proper use category. It sounds as though if that
18 requirement were applicable, which I am not seeing right
19 now that it is, it's something that could be addressed
20 with some adjusting. It may not be necessary if that
21 requirement doesn't apply.

22 CHAIRPERSON HEXT: Thank you, Allyson.

23 Thank you, Leah.

24 MR. HUKEY: Can I ask my question on the site
25 work?

1 CHAIRPERSON HEXT: Yes, go ahead.

2 MR. HUKEY: Chuck, There are gabions behind the
3 Stewart's. There are gabions behind Carol's. There is
4 nothing behind your house that you're taking down. It's
5 my feeling that you need to put gabions in because the
6 erosion is bad. The bank is washing there and it is in a
7 floodplain and with the trees down, how long would it be
8 before the roots are compromised and trouble starts? So,
9 I feel you should put the two gabions between the
10 existing gabions that are already there.

11 MR. MARSHALL: I will take a look of that
12 concern.

13 I won't put him on the spot, but I think
14 Brad, you were there more recently than I.

15 MR. GRANT: I took note of that area in between
16 the gabions. The reason there aren't gabions is because
17 it has not failed the section where the gabions are
18 dictated to be. The slope in between is relatively
19 stable - the existing stumps, which I wish were full
20 trees now, they are maintaining the stability of the
21 bank. I do think it is bolstering.

22 The one thing about a gabion wall is often
23 times that's also accompanied with fill within the
24 floodplain. The floodplain is pretty narrow there. It
25 winds out a little at Altamont Boulevard, but I was

1 thinking a more vegetative approach with some of the
2 Dogwoods - additional Dogwoods up at the top of the
3 bank, but bolstering it with vegetation because I
4 didn't think the erosion was that bad. There is
5 basically two small areas of erosion. There's the
6 Stewart's gabion wall at the very beginning of that
7 and at the very end of that, near that big Locust
8 tree. There was little bit of bank erosion there. Not
9 all that bad, though. So, I was taking a greener
10 approach.

11 MR. MARSHALL: In the last letter we submitted,
12 we don't have a problem taking down that large dead
13 tree. I just has to be done in compliance with the Fish
14 and Wildlife guidelines. So, it would have to be done
15 between November and April. I think that would remove
16 Brad's concern.

17 Brad, if you want to meet on site to just
18 walk it and show the areas where you're concerned and
19 then we'll address it with the plan change.

20 CHAIRPERSON HEXT: Thank you. I would like
21 Jeff's opinion on this and if you are going to walk that
22 site, Brad and Chuck, I would like Jeff to go along with
23 that.

24 MR. GRANT: I did walk it with Jeff.

25 CHAIRPERSON HEXT: You did? Okay.

1 MR. GRANT: About a week ago.

2 CHAIRPERSON HEXT: And those were the
3 conclusions that you came to at the time?

4 MR. GRANT: Yes. The gabion walls have been
5 there for a while. The root systems of the stumps are
6 working. Some stumps can die. Some grow back and some
7 die, but that's Stewart's property and it's not
8 Village's property. They own approximately to the center
9 of the stream, just like the people on the other side -
10 the eastern side do. Being private property, they have
11 to maintain it. That's why we commented on the Locust
12 tree and tried to identify a green approach towards
13 stabilizing a portion of the streambank that doesn't
14 have a gabion wall.

15 CHAIRPERSON HEXT: Were there any DEC conflicts
16 going into the streambed? You wouldn't have to worry
17 about that at all?

18 MR. GRANT: It depends on how far you go down.
19 Sometimes you need a stream disturbance permit. If
20 you're moving a tree on top of the bank, generally not
21 so much. If it involves getting wet, then it involves a
22 stream disturbance permit.

23 CHAIRPERSON HEXT: Okay, thank you.

24 MR. HITT: Can I answer that? You don't have to
25 be in the water that you need a DEC permit because if

1 it's any regulated stream, DEC has jurisdiction under
2 Article 15. So, you should be careful what's dictated
3 here because the Corps of Engineers and or DEC could
4 have jurisdiction. From my experience, you can't go in
5 and touch a stream just because you want to. You have to
6 have good reason to do so.

7 MR. GRANT: That's correct. It kind of matters
8 if you leave the stump or don't. If you mess with the
9 stump, that's a bird of a different feather.

10 MR. HITT: There is no erosion problem at the
11 moment. The green approach that has been mentioned might
12 be the better solution.

13 CHAIRPERSON HEXT: Just something - I thought I
14 had heard it at some point in time that you've got to
15 leave the streambeds alone or get some type of permit.
16 If we do that - not that this is a Village issue, but
17 just try to put it out there.

18 Anybody else have any other comments on that?

19 (There was no response.)

20 What are everyone's thoughts about the
21 building façade?

22 Chuck, can you bring up the new plan again
23 with the brick?

24 I don't know if I had this conversation, but
25 did you show at one point in time - or, maybe I am

1 imagining this, - did you do a Victorian looking
2 Stewart's somewhere?

3 MR. MARSHALL: Give me one second. I'm going to
4 stop sharing my screen so I can look for the files.

5 CHAIRPERSON HEXT: You don't have to. I'm just
6 trying to -

7 MR. MARSHALL: In the Town of Brunswick we
8 razed a building that was eligible for the historic
9 register. Part of our mitigation with SHPO - we had to
10 do some fairly decorative work to match what that
11 building was. At the last meeting I attempted to show
12 that building and I don't know if it just got kind of
13 caught in the weeds there for a moment but if you like,
14 I can pull that building up.

15 CHAIRPERSON HEXT: I just want a sense of
16 comparison. I don't know how everybody else feels, but I
17 looked at it online and it did look interesting -- at
18 least for sense of comparison. In the meantime, what
19 does everybody think just to do something easy - brick
20 versus cultured stone?

21 MS. MUHLFELDER: I like the stone idea better.
22 There was something about the brick that I thought was
23 kind of jarring. I don't know but it would not be my
24 first choice. I would like to see the Victorian plans. I
25 think a lot of people in the Village would be pleased -

1 - maybe not what we have now, but may be more Victorian.

2 I'm done.

3 CHAIRPERSON HEXT: Oh, no. I like the stone on
4 the bottom and the cobbles, But the clapboard and
5 everything - I don't know.

6 MS. MUHLFELDER: No, it's just awkward. The
7 design seems to be strange on this. I agree that I like
8 the stone and I like the posts, but that's it. Sorry, I
9 don't mean to be rude.

10 CHAIRPERSON HEXT: That's why I wanted a sense
11 of comparison as to what they could do and maybe just
12 incorporate some of these features that we are seeing
13 here.

14 What does everybody else think?

15 MR. GRANT: The picture also gives you context
16 of what the light tan would look like.

17 MR. MARSHALL: It's yellow.

18 CHAIRPERSON HEXT: Yes, it's more of a yellow.

19 Is the roof the same - the slate gray roof?

20 Is that the same, Chuck?

21 MR. MARSHALL: Yes.

22 MS. RUE: The roofline is different, correct?

23 MR. MARSHALL: So, going back to - - to see the
24 brick again?

25 CHAIRPERSON HEXT: No.

1 MS. RUE: The yellow, for me, is not a good
2 color.

3 MR. MARSHALL: So, the difference in this - -
4 so when you share your screen you actually have to share
5 the file. It's not like I can switch between files. I
6 guess you don't see different things. The building we
7 are proposing in Altamont has an extended porch that
8 wraps around the northeast and northwest elevations. So,
9 that's the main difference in the roofline of the two.

10 CHAIRPERSON HEXT: And you don't have corbels
11 or anything like that on this one, which you could do.

12 MR. MARSHALL: Yes, we can certainly do the
13 same thing and the gable that was here - - we could do
14 the corbels. Obviously the porch is different because
15 you have a full porch and you don't have this lower
16 roofline.

17 We can do the corbels easily.

18 MR. GRANT: Hey Chuck, the brick veneer
19 proposed here - that's just on the porch on the outside,
20 or is it both on the inside? It's not the building,
21 true?

22 MR. MARSHALL: True. It's just the porch on the
23 outside.

24 MR. GRANT: So, what would you have on the
25 inside? Hardie board?

1 MR. MARSHALL: Correct.

2 MR. GRANT: And then on the building is Hardie
3 board right down to the bottom.

4 MR. MARSHALL: Yes.

5 MS. MUHLFELDER: What is Hardie board?

6 MR. MARSHALL: It's a concrete clapboard.

7 So, one of the things that we could do or
8 consider is to keep the porch and to go back to the
9 stone instead of where the brick veneer is on the
10 bottom of the porch. You could use gates.

11 CHAIRPERSON HEXT: Gates?

12 MR. GRANT: Like a picket fence?

13 MR. MARSHALL: Yes, I wasn't thinking picket,
14 but the aluminum fence that's made to look wrought iron.
15 So, that way you would see through the fence and into
16 the veneer and the building, but still get that
17 separation.

18 CHAIRPERSON HEXT: So, that would eliminate the
19 stone?

20 MR. MARSHALL: No, the stone would just go onto
21 the building.

22 CHAIRPERSON HEXT: Okay, I was opposed to the
23 porch.

24 MR. MARSHALL: So, you would see through the
25 gate, as I'm calling it, into the building instead of

1 having brick out front.

2 MR. HITT: So, if you did that, at least for
3 the others on the Board - what would be the harm in
4 having it white because you would have the stone
5 breaking up the white façade as well as the fence that
6 Chuck is talking about. Most of the buildings in
7 Altamont are white - most of the store buildings.

8 CHAIRPERSON HEXT: The thing with having white
9 is, remember, we are reflecting more light if it is
10 white as opposed to a tan.

11 MR. HITT: But there's less façade if the stone
12 is on the building. There's just a little white space.

13 MR. MARSHALL: To Dan's point, you are
14 reflecting the light with the white, but the other side
15 of it is even though almost all of your light is a
16 minimal soffit light on the Helderberg side, it's all
17 going into the corner. There is somewhat minimal light.
18 The biggest part of the light on the whole site is the
19 canopy. You can't screen that because you're screening
20 with vegetation on the corner. You can't screen it with
21 siding or stone or anything else.

22 CHAIRPERSON HEXT: Everything would be white -
23 the peak would be white, the gable -

24 MR. MARSHALL: Yes, yes.

25 CHAIRPERSON HEXT: So, where we have the

1 tannish color now, what color would the post be?

2 MR. MARSHALL: White.

3 CHAIRPERSON HEXT: Is there such a thing as
4 like an Adirondack stone? Could there be - - I'm
5 thinking like Helderberg Bluestone - Adirondack stone -
6 something like that?

7 MS. MUHLFELDER: That would be pretty

8 MR. MARSHALL: Darker stone and then the color
9 of the building that we are proposing - the lighter
10 building?

11 CHAIRPERSON HEXT: It's just my thought. I'm
12 just putting it out there. Just something to try to hold
13 the area together. I think we could make a mistake if
14 we're trying to make it look what it isn't. It's not a
15 historic house. It's not an old house. I think we can
16 add detail to make it fit in better, but I also think
17 that having something that ties everything together
18 would also add to the uniqueness of the historic
19 district. If we could blend it all and not make it look
20 like the old Johnny Cash song - one piece at a time.

21 MS. RUE: When you talk about the historic
22 district - I also read the definition of the central
23 business district. We have a regular business district,
24 but the purpose of the central business district is to
25 promote the preservation and restoration of existing

1 buildings, if we can. Also, to use those buildings as a
2 model for future development around the central business
3 district. So, you've got the spinning room, the library,
4 Veronica's, you have Bella Fleur, you've got the funeral
5 home, you've got Renew, the Enterprise building, several
6 residences - they are not all the same. I think you're
7 right. We don't want to just piece it together. I'm no
8 good at design, but we want it to look like a unique
9 business in Altamont and not just another Stewart's.

10 MR. HUKEY: I don't know how we accomplish
11 that.

12 CHAIRPERSON HEXT: I think we are chipping away
13 at it.

14 MS. RUE: I agree.

15 MR. GRANT: Are we talking about the regular
16 sized, somewhat round but not stacked stone - cultured
17 stone?

18 CHAIRPERSON HEXT: Yes.

19 MR. MARSHALL: I'm trying to find a good -

20 CHAIRPERSON HEXT: I am too, Chuck. The stone
21 at Veronica's is nice. That's the cultured stone. It's
22 got colors that make the color of the building pop.

23 MR. HITT: So, if you go with the gray stone or
24 blend of gray, why not make a light gray siding rather
25 than the tan or something and then you don't have the

1 white glow. You could have a very light gray clapboard
2 siding. It's just an idea.

3 MS. MUHLFELDER: We could do dark gray with
4 white trim, just like my house.

5 CHAIRPERSON HEXT: I know Stewart's doesn't
6 like to go dark, but if anybody has looked at the
7 Elizabethtown or the Lake Placid or Scroon Lake - their
8 buildings - I like that. I like that look.

9 MR. MARSHALL: I would not recommend the brown
10 and taupe color scheme. I read some of the comments
11 about what I am proposing and that would be really far
12 off. I'm good. I'm not doing that.

13 I think I have some guidance on mixing some
14 grays. Just so we are clear on the guidance that I
15 have, we are going to do the veneer on the building.
16 That's going to be a darker gray stone and then a
17 grayish somewhat darker, but not dark building and
18 then we're going to add corbels to the gables.

19 CHAIRPERSON HEXT: And white trim.

20 MR. MARSHALL: We already proposed the white
21 trim. Everything would be white. Do you have the
22 building in front of you again?

23 CHAIRPERSON HEXT: Yes.

24 MR. MARSHALL: So, the building - the columns
25 would be white. All the trim would be white. It would

1 just be a gray stone and a grayish building.

2 CHAIRPERSON HEXT: Maybe the stone could be a
3 mix of colors that would complement each other - like a
4 blue, like a gray, like a dark gray, maybe some -

5 MR. MARSHALL: It's going to basically come
6 down to what we can source in that scheme. I get the
7 directive and I will come as close as I can.

8 MR. GRANT: Chuck, sometimes - I did this with
9 my chimney - I had a large chimney to reface. It was
10 brick before and I had - Coronado Stone was a
11 manufacturer, but I had three different patterns.

12 If you ever go through subdivisions and you
13 see the cultured stone and it goes right up to the
14 gable and you say, that looks fake, the reason is that
15 they stayed with one family of stone and there's only
16 four patterns of stone. So, out of that 800 stones
17 that did their veneer, 200 are all the same. You know
18 I'm saying? Even if you order a couple different kits,
19 you can match it up. I mixed some natural stone in
20 with mine. I don't expect you guys to do that, but
21 most people don't think it's cultured stone when it
22 is.

23 CHAIRPERSON HEXT: I like that idea. They tell
24 you to do that with even flooring and stuff - to mix
25 different boxes to give different effect. Everybody else

1 is pretty quiet, though.

2 MR. GRANT: Chuck, if you put the stone on the
3 building, what are the columns going to rest on? What is
4 that porch wall going to be now.

5 MR. MARSHALL: They would be what I would call
6 somewhat standard Stewart's columns where they will just
7 come the length - they will be full height columns.
8 There would be the fencing between them. So, you would
9 just lay them on a concrete plate.

10 MR. GRANT: The fence that I think Chuck is
11 referring to - I see it a lot in Colonie. It's actually
12 a requirement on frontage, but it's aluminum - like
13 one-inch tubing with a top rail and a bottom. It's
14 aluminum, but it's powder coated black or whatever color
15 you want but often times it's black. It gives a good
16 offset to a lighter building color.

17 Is that what you were talking about, Chuck.

18 MR. MARSHALL: That's it.

19 MR. GRANT: There are one-inch bars and like
20 five-inche center or something like that.

21 MS. RUE: Could we have a couple of drawings or
22 a couple of options? It's sort of hard to imagine.

23 CHAIRPERSON HEXT: You mean different colors?

24 Go ahead, Dean.

25 MR. WHALEN: I guess I'm just a little confused

1 by what Brad was asking about. I can't see brick in the
2 drawings between the columns. Is that what we're talking
3 about?

4 MR. MARSHALL: So, Dean, what we are trying to
5 get is that they don't like the building that I proposed
6 and they would like to switch it. So, what I'm trying to
7 do is get guidance on what should replace what I've
8 submitted.

9 MR. WHALEN: Right, what I am asking is, it
10 seems odd per the plan to be putting fence between the
11 columns the way the parking is laid out. I'm just trying
12 to understand what the intent of that is.

13 MR. MARSHALL: Well, there's no difference
14 between fence between the columns and brick between the
15 columns.

16 MR. WHALEN: But your site plan currently
17 doesn't show brick between the columns. That's what I'm
18 asking.

19 MR. MARSHALL: There is a misinterpretation on
20 my end. I apologize. I thought the porch had the veneer
21 - - and the building - - I think Dean is right. I will
22 get clarification on this. I apologize. I think because
23 the veneer matches the columns, there is brick
24 between the columns now. Is that we are saying, Dean?
25 The space is open between the columns.

1 MR. WHALEN: I thought the column has the brick
2 or the stone.

3 MR. MARSHALL: And I thought because it blended
4 in -

5 MS. PHILLIPS: It says the brick veneer is
6 wrapped around the building. On the bottom of the
7 columns -

8 MR. MARSHALL: I'm apologizing. I thought that
9 the way we left it was the porch was going to have - -
10 right now between these columns, it would essentially be
11 open and I was under the impression that the porch came
12 out. I will get some clarification on that. I apologize.
13 That's an error on my part. I will clarify that for the
14 next meeting. I apologize.

15 So, I guess with that - - does the Board want
16 it open, or would you prefer the fence?

17 MR. HUKEY: I like it open.

18 MR. HITT: Considering how you're parked, I
19 think it needs to be open so people can access the
20 parking spaces in the entrance. Otherwise, they're all
21 filing down the center there out in the parking lot to
22 get to their vehicle.

23 MR. WHALEN: That was actually the nature of my
24 question.

25 MR. MARSHALL: Dean, Thank you. I apologize.

1 MR. HITT: For safety, it seems like you'd be
2 better off leaving it open. You can put stone and veneer
3 on the building and stone around the base of the
4 columns.

5 CHAIRPERSON HEXT: Yes.

6 MR. MARSHALL: My co-worker just texted me
7 back. It is open. I apologize for misrepresenting it. I
8 can switch out the stone for the brick. That's not a
9 problem.

10 So, Brad, to your point, it would rest the
11 same way and just be stone and the column wouldn't be
12 on full.

13 MR. GRANT: All right.

14 At the base of the column at the pier, if you
15 will, I see that you have a capital at the top - one
16 of those trim type of things at the top of the column.
17 Can you have the similar type of thing at its base?
18 Those are typically - - are these fiberglass columns?

19 MR. MARSHALL: I'm pretty sure that they are. I
20 don't want to misrepresent it, now that I have been
21 wrong, but I think there's some type of plastic. Yes.

22 MR. GRANT: You have six along the front. It's
23 a simple thing. I have one downstairs and that would
24 kind of complete that look like you have at the top.

25 CHAIRPERSON HEXT: That would look nice, Brad.

1 I know we talked about this for brick - is it
2 going to be stone at the base of the canopy where the
3 pumps and everything are?

4 MR. MARSHALL: It's not currently, but it can
5 be, yes; it can match.

6 MR. GRANT: And the monument sign?

7 CHAIRPERSON HEXT: You see how he's got it
8 around the pumps with the brick? That should be stone.
9 Everything should match, basically.

10 MR. MARSHALL: There is no stone proposed there
11 now. Whatever we do at the building would match the sign
12 and the canopy. If you want the stone on the canopy,
13 everything will match. It won't be different.

14 CHAIRPERSON HEXT: In my opinion - I don't know
15 what everybody else thinks -

16 MR. HITT: I think that works. Then, include
17 the dumpster enclosure as well.

18 MR. MARSHALL: Yes.

19 CHAIRPERSON HEXT: About the bollards in front
20 of the store - someone had mentioned making it similar
21 to Altamont Corners. I think they are lit as opposed to
22 just a black metal post.

23 MS. MUHLFELDER: What are the bollards?

24 MR. CARUSO: What's that?

25 CHAIRPERSON HEXT: Is that the posts in front?

1 MR. MARSHALL: They are these things
2 (Indicating).

3 CHAIRPERSON HEXT: That's what I thought they
4 were; okay.

5 MR. GRANT: It prevents a drive-through.

6 CHAIRPERSON HEXT: Because now we just have
7 this metal post proposed, correct?

8 MR. MARSHALL: What I'm showing you here is
9 exactly what is proposed. Again, just grabbing pictures
10 as I can find them, but this isn't paved. It would be
11 these gray plastic sleeves. It's a steel tube that's
12 filled with concrete.

13 CHAIRPERSON HEXT: Take a look at the ones at
14 Altamont Corners. I think they're a little bit more
15 ornate. They might tie-in. Again, trying to
16 piecemeal everything and tying in some things with
17 either Altamont Cornders or the library. We have a whole
18 bunch of choices.

19 We could walk through this Village. I walked
20 through the Village the other day and counted 10
21 different styles - 10 different architectural styles.
22 Well, which style do we want them to match? I think as
23 long as we put a few things here and there without it
24 being piecemeal -- again, we are chipping away at it.
25 I think we're getting there.

1 MS. MUHLFELDER: These are unattractive.

2 CHAIRPERSON HEXT: These are, I agree. If you
3 look at the ones at Altamont Corners - - and I thought
4 somebody had sent the picture in. I got like 7,000
5 pieces of paper on my dining room table. It was the same
6 email that we got, Chuck, that addresses the dumpster
7 enclosure.

8 MR. MARSHALL: Yes, it was from Kristin Casey.
9 The only thing I will say is that I'm not putting in
10 illuminated bollards.

11 CHAIRPERSON HEXT: Well maybe not illuminated,
12 but maybe how to dress up the top of that. Again, if you
13 could go over there tomorrow or whenever and take a look
14 at the ones at Altamont Corners, maybe you could do
15 something like that.

16 How tall are those posts, Chuck? They look
17 bigger than the wall.

18 MR. MARSHALL: I think they're about five feet.
19 I don't think we have a detail sheet attached. I'll get
20 you some information.

21 MS. MUHLFELDER: We are getting there.

22 CHAIRPERSON HEXT: We haven't really addressed
23 the SWPPP or anything like that.

24 Brad, Stewart's answered all your questions
25 regarding stormwater runoff?

1 MR. GRANT: I don't think so, but I don't think
2 it would take much. There's a couple of things that I do
3 want to talk about. One of them is landscaping back over
4 by the stream. We can get to that.

5 Chuck, the main feature of the stormwater
6 management is some storage piping underneath the
7 canopy and going out towards the Altamont Boulevard
8 entrance. I had a comment about one part of it that
9 was shallow.

10 There is going to be some truck traffic on
11 the site and I was a little concerned about the
12 quality of the fill around those storage pipes. It is
13 plastic pipe, so it usually gets some decent gravel
14 both underneath and around the sides. The use of
15 excavated material there - I don't think is going to
16 result - - I think it's going to result in the pipe
17 that deflects over time and shows its face on the
18 surface pavement. I would just like to see a good
19 filler on it.

20 MR. MARSHALL: The note on S-6, Brad, has been
21 changed to include flowable fill.

22 MR. GRANT: I see the note you reproduced in
23 your letter and it says when underground array has less
24 than 1.5 feet of cover. That addresses one part of my
25 comment, but even that that has two feet of cover - if

1 it's not clingy existing material with no strength or
2 little strength to it, the pipe is going to be
3 compromised. I would just put gravel around it. It's not
4 perforated. We're not creating a conduit for fuel
5 leakage to get anywhere.

6 MR. MARSHALL: What would you like the note to
7 read?

8 MR. GRANT: Crusher run, New York State DOT
9 Type II; six inches under and maybe six inches over the
10 pipe and then do whatever you're doing over your
11 pavement. If you do that, I don't think you're going to
12 need the flowable fill.

13 On stormwater management - - that's pretty
14 much it that you responded to.

15 There's a number of comments from our May 12
16 letter that you responded to your 15th letter that
17 I've got here. Some of these, you have indicated are
18 going to be addressed on a future submission and I
19 will look for those. As far as a question for this
20 group, that was it for the stormwater management.

21 I did want to talk about the landscaping plan
22 over on the creek side of the store. If somebody could
23 put up the landscape plan?

24 Looking on the east side of the site towards
25 the creek, you've got the edge of the pavement there

1 and then in between the fence is designated lawn area.
2 There are three plantings proposed of trees there.
3 Then, there are the six dogwoods on the backside of
4 the fence. It's the lawn area - what's labeled lawn
5 area that I would like to talk about. Instead of
6 having that as a lawn area, the way that it's
7 currently landscaped - somebody went out there and
8 spread some very nice mulch up against that fence,
9 almost out to the pavement. I would convert quite a
10 bit of that lawn area to a mulch planting bed, have
11 your three trees, throw in maybe two or three
12 flowering type of shrubs, a couple of boulders and now
13 instead of a 10 minute mow job, you've got a two
14 minute job and it looks like something. You're using a
15 fence as a nice backdrop for some landscaping of
16 interest. Right now it's just three trees and a lawn.
17 Where does the lawn stop and the root system of the
18 tree take over? If you mulch right out to the canopy
19 of those three trees, leave just a little strip of
20 grass - - that's where I was talking about putting the
21 bench or picnic table. A lot of people like to eat
22 lunch over there.

23 MR. MARSHALL: I think I have a problem with
24 the mulch. I know that the picnic area was over there
25 and then when the trees came down between the store and

1 107, the picnic table moved. I do struggle to put the
2 picnic area or benches in between the parking area and
3 the fence. That seems a little awkward to me, especially
4 when we're introducing picnic tables to the Helderberg
5 side of the building. So, I don't think -- only between
6 these two trees would be the only appropriate spot, if
7 at all. Otherwise you're behind the dumpster. You're
8 behind the propane.

9 MR. GRANT: I would agree with that. Some
10 people want to sit in the shade out of the sun and not
11 under the porch. Between those two trees, just like you
12 said, there's your opportunity.

13 CHAIRPERSON HEXT: Could we maybe do Adirondack
14 chairs or something like that? Something smaller that
15 doesn't take up so much room?

16 MR. MARSHALL: It's literally right behind the
17 bulk petroleum bulk storage. I'm not trying to be
18 defiant and I'm not trying to just say no, but it's an
19 awkward spot.

20 MR. GRANT: Well, they are buried tanks,
21 right?

22 MR. MARSHALL: Yes, Brad, who has his four
23 types of stone around his chimney. Those are buried
24 tanks.

25 You want a bench? I mean, the most I think

1 you could fit is a bench and then your traipsing mulch
2 everywhere.

3 MR. GRANT: Yes, I realize you've got most of
4 this under the porch, but there was some comments from
5 others. I don't think their talking so much as a picnic
6 table as much as a bench.

7 CHAIRPERSON HEXT: I think that's something
8 that could be added if need be. It's hard to envision
9 exactly where it would be, or if anybody would want to
10 sit there without actually seeing a completed project. I
11 don't know. I get what you're saying because that was
12 one of my suggestions way back when. Maybe people who
13 are just walking - just to sit down and relax for a
14 minute.

15 MR. MARSHALL: I've got an idea. Instead of
16 where Dan had recommended removing the plantings along
17 Altamont Boulevard, why don't we put two or three
18 benches along there?

19 CHAIRPERSON HEXT: That could work because
20 there are walkers and things too.

21 MS. MUHLFELDER: Is there enough room there? I
22 don't know if people want to sit right next to the
23 road.

24 MR. MARSHALL: Well, you have a five-foot
25 sidewalk. The 30 inches of plantings, you would be

1 removing - it could easily be replaced by a bench.

2 MS. MUHLFELDER: Maybe.

3 MR. MARSHALL: I would rather sit facing the
4 road than sit facing the gasoline fueling.

5 MR. GRANT: I would agree with that.

6 MS. MUHLFELDER: Yes, you're right.

7 MR. MARSHALL: Okay, benches, it is.

8 CHAIRPERSON HEXT: Is that good, Brad?

9 MR. GRANT: I'm not even sure that you need
10 more than one, but that whole length - I would be
11 supportive of some vegetation. I was talking about -
12 instead of all Hunipers, put a couple of different kinds
13 in there. It's not a lot of space to work with, though.

14 MR. HITT: You're talking about the Altamont
15 Boulevard area there?

16 MR. GRANT: Yes, the 20 Junipers is kind of
17 monolithic. I was saying that maybe do 17 Junipers and
18 three of something else that is salt resistant, compact
19 and colorful.

20 MR. HITT: I think the problem that's really
21 going to occur is we have ground behind the curb from
22 the gravel - - you have gravel under the sidewalk. There
23 appears to be about two and half feet. By the time you
24 take out the area for the gravel underneath, you have
25 very little soil left for any vegetation to actually

1 grow. You could plan that it's going to look good in the
2 first season and then over time it's just going to dry
3 out and die because even the Junipers which will
4 tolerate the condition more than most plants -- that's a
5 harsh environment right there of pavement. There is no
6 shade. There's nothing. I don't think the Junipers will
7 even survive there. That's why I suggest just go with
8 complete pavement, but have the textured concrete on
9 either side of the sidewalk like it is throughout Main
10 Street and Maple Avenue. Then, you could always put a
11 bench or two there that matches the benches that are
12 throughout the Village.

13 When DOT redid Main Street and Maple
14 Avenue, there are some of the metal benches that are
15 free-standing and nobody skateboards on them or
16 whatever because of the way they are fashioned. They
17 also match the lighting throughout the Village - the
18 ornamental lighting.

19 MR. MARSHALL: So, I think that solves kind of
20 the screening and use of that space issue in addition to
21 Brad's desire for a bench somewhere that doesn't face
22 the gas canopy - is Chuck's condition.

23 The only outstanding item that I had that has
24 not yet been addressed from Brad's letter or both
25 letters was the cupola light. This was a pretty

1 lengthy conversation at the Zoning Board. It was
2 really determined to be more of a planning issue and
3 the Board at that time had gone through a series of
4 iterations of no light, light facing only northeast
5 with the other two sides effectively shaded in and no
6 light. There is access through an attic and that light
7 can be placed on a timer. The same is kind of
8 like the rest of the exterior lights. So, from my
9 perspective, the easiest and maintenance-free is no
10 light. If you wanted it to be lit, we worked pretty
11 hard to not have any light on the southern elevation.
12 I think at a minimum you would want that side blocked
13 in. I just need some guidance on that.

14 CHAIRPERSON HEXT: What does the Board think?

15 MR. HUKEY: I like it with no light.

16 MS. MUHLFELDER: No light.

17 MR. CARUSO: No light.

18 MR. HITT: I have no preference.

19 MS. RUE: I could go either way.

20 MR. MARSHALL: No light wins.

21 MR. GRANT: One if by land and two if by sea.

22 CHAIRPERSON HEXT: I was just kind of thinking
23 G, you could purchase those little lights that look like
24 candles and there, but then Chuck would have to get up
25 there and change it and there probably would be cobwebs

1 and everything.

2 MR. MARSHALL: Well, I'm going to be spending a
3 lot of time on the bench with Brad. Changing light
4 fixtures is second nature.

5 MS. RUE: There are lights in the dormers,
6 right?

7 MR. MARSHALL: Actually, it can be the same
8 thing. There can be lights in the dormers, if you like.

9 MS. RUE: No, I just want to clarify.

10 CHAIRPERSON HEXT: No, that's a good question.

11 MR. MARSHALL: Typically we don't unless we
12 work in municipalities that request it. Some places want
13 fully functioning second floors which we don't build.
14 They want to create that living space feel.

15 MS. MUHLFELDER: No lights.

16 MR. MARSHALL: Okay.

17 CHAIRPERSON HEXT: One other question and I
18 don't want to throw this out or throw a wrench in
19 everything but the peak - does anybody prefer an eyebrow
20 to the peak like Altamont Corners. Think of Altamont
21 Corners that's got that eyebrow window in the roof as
22 opposed to a peak.

23 MS. MUHLFELDER: Eyebrow window.

24 CHAIRPERSON HEXT: Think Altamont Corners.

25 MS. MUHLFELDER: Eyebrow window. This has kind

1 of bothered me the whole time. I really liked it, but
2 haven't heard any comments on it. I think the eyebrow
3 window would look pretty.

4 CHAIRPERSON HEXT: I'm just trying to add
5 elements from different buildings.

6 MR. HUKEY: Just the way it is.

7 CHAIRPERSON HEXT: You like it the way it is?

8 MR. CARUSO: The details that Chuck was
9 suggesting look better. I like it the way it is, myself.
10 I think it looks very nice.

11 CHAIRPERSON HEXT: Okay. I'm just trying to
12 figure it out here. Does anybody have anything else or
13 questions? I know there was a bunch of questions and
14 suggestions and letters and emails from the public. From
15 what I can see, Stewart's - actually Stewart's addressed
16 - - I don't think it's necessary to go through each and
17 every one of those.

18 MS. RUE: Deb, it's Connie. How about noise and
19 decibel levels?

20 CHAIRPERSON HEXT: There was going to be my
21 next - - if everybody is good with what was said about
22 the building, we can move to the noise and decibel
23 levels. I had sent an email probably around 5 o'clock or
24 so to the Board of what Brad sent to me. In it it
25 addresses the decibel levels from the condensers. It had

1 a YouTube - - it was actually pretty good. Did everybody
2 get a chance to see that?

3 MR. CARUSO: I did, Deb. I saw it.

4 MS. RUE: So, my question for Chuck is: So,
5 there are four units, right? There are two condensers
6 and two HVAC units. I saw the details of the decibels on
7 the condensers. What are the decibels of the HVAC
8 units?

9 MR. MARSHALL: I was under the impression that
10 was provided in the May 4 submission.

11 MS. RUE: Okay, I may have missed it.

12 MR. GRANT: The cooling condensing unit is
13 58 decibels. Then, the freezer condensing unit is 53.

14 CHAIRPERSON HEXT: What is that compared to in
15 layman's terms?

16 MR. GRANT: Well, 50 decibels is like a window
17 air conditioner.

18 CHAIRPERSON HEXT: Okay, so that's kind of what
19 you said in your email. That would be outside unblocked
20 by anything?

21 MR. GRANT: Yes, that is standing close to it
22 outside. I didn't get any information on the HVAC units.
23 I don't know if Chuck has it. We requested that
24 information.

25 MR. MARSHALL: This is the freezer condenser

1 and the cooler condensing unit (Indicating).

2 MR. GRANT: Unless it's 68, that's not too
3 bad.

4 CHAIRPERSON HEXT: Did you see any of the
5 emails that Carol sent from the people that lived around
6 the Duanesburg Stewart's stating that because the air
7 conditioning, they can't sleep at night and they had to
8 move their bedroom? I'm not questioning whether it's
9 true or not.

10 MR. GRANT: I didn't see those emails, no.

11 MR. MARSHALL: I saw the email from the
12 neighbor in the Troy situation and not Duanesburg.

13 CHAIRPERSON HEXT: I thought there was one from
14 Duanesburg. It might have been the Troy one.

15 Are they the same levels, Chuck?

16 MR. MARSHALL: No, the HVAC units have been
17 switched out. The HVAC cut sheets are not provided, but
18 I'll make sure they are provided.

19 If you look at the site plan for the Troy
20 situation and the situation in Altamont -- the
21 Troy neighbors property - first of all is zoned B2.
22 So, she is actually a nonconforming use in the zone.

23 Secondly, that's the corridor of 112 Street
24 and 2nd Ave. in Troy. The ambient noise is in the 60
25 decibel range with the traffic that passes there -

1 roughly 12,000 cars. The big difference is that she is
2 12 feet off the back of the store and approximately 10
3 feet or 9 1/2 feet off the back of the condenser with
4 only a fence and some sound blankets between them.

5 The situation we are proposing in Altamont
6 has the freezer condenser units and the two HVAC units
7 surrounded by a fence and then approximately 20 feet
8 between the fence and Carol's property. So, the sound
9 situation is considerably different. It's not just
10 different.

11 CHAIRPERSON HEXT: Thank you for addressing
12 that in that way because I was trying in my mind to say
13 all right, well she's X amount of feet and she is X
14 amount of feet and that's kind of close. I'm just trying
15 to be the devil's advocate here as far as the noise
16 levels and what condenser units put out.

17 MS. RUE: So, I guess I'm confused on the 20
18 feet. I thought the back of the building was 20 feet
19 from Carol's property. Then you've got the units, then
20 you've got the fence. That's 20 feet from the fence to
21 her property, correct?

22 MR. MARSHALL: From the back of the freezer
23 condenser to the fence is six feet. Then, it's
24 approximately 15 feet to the fence.

25 MS. RUE: Fifteen feet is from where, Chuck?

1 MR. MARSHALL: From the back of the freezer
2 condenser to the retaining wall fence is six feet.

3 MS. RUE: Okay.

4 MR. MARSHALL: From the back of the condenser
5 to the fence atop the retaining wall is 15 feet. If you
6 measure to the corner of Carol's house from the back of
7 that unit, it's 50 feet.

8 Again, you have to remember that this is just
9 a condenser. The condenser is at an elevation of 475.
10 The retaining wall is three to four feet in that
11 proximity, so the retaining wall is higher than the
12 top of the condensing unit. Then, you have
13 the eight-foot fence atop that. That's for the
14 condensing unit. It obviously sits higher on the
15 wall.

16 CHAIRPERSON HEXT: And their decibel output in
17 comparison?

18 MR. MARSHALL: They are in the effective same
19 range. They're probably slightly higher. They are a
20 quiet line system. I will get cut sheets over to
21 everyone.

22 CHAIRPERSON HEXT: Does anyone else have
23 anything - any of the questions perhaps or concerns that
24 the residents or the public sent us emails on that
25 anybody on the Board wants to bring up that hasn't been

1 addressed in some way, shape or form?

2 MS. RUE: I have one more.

3 CHAIRPERSON HEXT: Okay.

4 MS. RUE: We have seen the vehicle circulation
5 plan within the property. Is there a way to demonstrate
6 that there is adequate and safe pedestrian circulation
7 within the site? It's a long walk from the pump to the
8 store. In fact, I believe it's farther from the pump to
9 the store than it is to cross Route 156. Even from the
10 pump back out to the curb is like 40 feet.

11 CHAIRPERSON HEXT: That was a question that I
12 had raised too. I know the speed bumps and those kinds
13 of things - - Chuck, has that been addressed? DOT -
14 we've got their documentation. Did DOT review the lot
15 configuration as well?

16 MR. MARSHALL: They typically don't. They look
17 at the truck circulation routing in the driveway
18 locations to make sure they are generally in agreement
19 with the access configuration and separations. Again,
20 all of those kind of meet the standards. I am sure there
21 are some small detail type things like radii that need
22 to be addressed, but ultimately per the email I
23 forwarded to you and Brad -- there's nothing at this
24 level that DOT is expecting from us to change.

25 CHAIRPERSON HEXT: That was the one from Tina?

1 MR. MARSHALL: Correct.

2 MR. GRANT: Is a painted crosswalk from the
3 pumps to the front of the store conceivable to kind of
4 containerize the pedestrians so they aren't all over the
5 place? Does that make any sense?

6 MR. MARSHALL: I personally don't think it
7 makes any sense to do anything other than what we're
8 proposing. It's 30 feet from the canopy to the back of
9 parking. We don't try and delineate pedestrian movement
10 through there because ultimately if a pedestrian comes
11 into the site, you want them to use the perimeter
12 sidewalk and enter off of Helderberg Avenue.
13 Effectively, and that's why your zoning pushes buildings
14 to the street the way that it does.

15 MR. GRANT: The crosswalk I was talking about
16 would just be essentially dedicated for people gassing
17 up. This is my path to get to the store - just giving
18 some structure to the pavement. That distance is not all
19 that atypical.

20 MS. RUE: So, if people are walking up Altamont
21 Boulevard and coming to the store, they're going to come
22 in that entrance and they're going to make a B-line to
23 the store. Then I can walk down to the corner and turn
24 left up Helderberg to follow the sidewalk. You would
25 like to think people would do that, but I think

1 pedestrians tend to walk in a straight line.

2 MR. MARSHALL: Yes, even if you're saying that,
3 the crosswalk you are recommending from the canopy to
4 the store wouldn't address that concern because they
5 could come effectively at an angle.

6 MR. GRANT: Yes, I'm just thinking out loud.

7 MR. HITT: If they fully painted a crosswalk,
8 even though it would delineate the area for pedestrians,
9 wouldn't a painted crosswalk wear off fairly quickly
10 because of all the turning movements in a parking lot
11 like that with everybody backing in and out and moving
12 around?

13 MR. GRANT: Yes people kind of walk where they
14 want to anyway; yes and yes.

15 MR. HITT: I like the idea of crosswalks and
16 textured crosswalks and stuff, but there are limitations
17 to surfaces and will it actually stay there.

18 CHAIRPERSON HEXT: Could we do some type of - I
19 don't say brick, but some type of - - I would want to
20 tie it in with something else that would delineate
21 perhaps a crosswalk, but if it were a break without
22 interfering with plowing - also tie into the building?

23 MR. HITT: You have to be careful of ADA
24 requirements with crosswalks. They shouldn't have any
25 texture to them whatsoever.

1 MR. MARSHALL: I was going to say that's my
2 problem with introducing - it would be nice to have --
3 to Connie's point - sidewalk along the outside edge, but
4 you lose all your landscaping on that side.

5 CHAIRPERSON HEXT: It's just a factor for
6 consideration in reviewing - is pedestrian access and
7 safety.

8 MS. PHILLIPS: Brad, do you think - - what
9 about the location on one of the driveways on Altamont
10 Boulevard?

11 MR. MARSHALL: That's not an option.

12 MS. PHILLIPS: I mean, we've already eliminated
13 one driveway from the existing location. That in itself
14 - - I would assume it's an improvement on the overall
15 site circulation. It creates, I think, less opportunity
16 for interaction between vehicles entering and exiting
17 the parking lot and pedestrians who may be coming in to
18 cross the parking lot to get to the store.

19 MR. GRANT: Sometimes what's there now was
20 actually one choice too many. It's like parking in the
21 wild west. Helderberg Avenue, I know, is pretty much the
22 same - having a larger width entrance and just one of
23 them on 156 controls the movements quite a bit more.

24 MR. MARSHALL: The other thing is that
25 currently the store in its current capacity is an island

1 that everyone has to cross from all sides to get. There
2 is access around all four sides of the building. So,
3 here you have the activity concentrated between the two
4 streets and the store.

5 I apologize Allyson. I thought you were
6 recommending closing the Altamont driveway and we
7 already did close one of the Altamont driveways.

8 MS. PHILLIPS: No, I was just thinking of what's
9 there now compared to what's proposed. As a layman, it
10 would seem that would be an improvement as far as
11 reducing the level of potential interaction for vehicles
12 entering and exiting the parking lot and pedestrians
13 trying to cross the parking lot.

14 MR. MARSHALL: No, I think what ultimately
15 would be nicest is if you could put a sidewalk along
16 kind of the creek side, but I think you get into some -
17 you move some landscaping and deal with some grading and
18 you have to have an ADA compliant sidewalk. I just don't
19 think there's room there to do it.

20 CHAIRPERSON HEXT: At some point - I walk and
21 jog just about every day. You learn as a pedestrian that
22 people - I always go by the plan that nobody sees me.
23 Nobody stops for the crosswalks around here. I'm not
24 saying that it's right or wrong but nobody stops. I do
25 think that we will do everything we can to assure

1 pedestrian safety, but there's also a level of
2 consciousness that the pedestrians have to show as
3 well.

4 MR. GRANT: Well stated.

5 MR. HUKEY: I appreciate your patience in
6 answering all these questions and your willingness to
7 delve into things. I do appreciate it.

8 MR. MARSHALL: Thank you. My review is in
9 December. I accept letters at any time.

10 CHAIRPERSON HEXT: And summer is coming so free
11 ice cream would help.

12 Just to try to wrap things up for tonight, at
13 least, as a Board, we have a lot to digest in the next
14 couple of weeks. If we look at Section 355.36 of our
15 Zoning Code, site plan approval, I think if you go
16 through each and every one of those factors, although
17 a lot of them have been considered and answered in the
18 negative declaration, that doesn't mean that we don't
19 have to look at it. I think if we take everything that
20 we've heard tonight and go through those factors and
21 answer them in the best and most honest way that we
22 can, I think the next meeting -- if we could set it
23 for the 26th of this month of May and perhaps move
24 toward some type of resolution and decision. I'm not
25 trying to hurry things along. If we don't get there,

1 we don't get there. We have learned a lot tonight. A
2 lot of questions have been answered and a lot of
3 questions remain.

4 I know, Chuck, you're taking away a few
5 things. There was a question about gasoline service
6 station versus convenience store. For my own benefit,
7 I feel that we've gotten as many questions as we could
8 answered tonight. I don't know how everyone else feels
9 about that.

10 MR. GRANT: I think it's been very useful.

11 MR. HUKEY: Again, going back to walking up
12 Main Street - what it's going to look like at 8 o'clock
13 or 9 o'clock at night? Is it going to look like a
14 spotlight in the middle of 40 watt bulbs all around? Is
15 it going to stand out? That's my big concern. Anything
16 Stewart's can do to give us an idea of how different
17 that lot is going to look like - the whole site - as
18 compared to the surrounding area is going to help me
19 make my decision.

20 CHAIRPERSON HEXT: Chuck, could you get - -
21 without having to drive all the way up to Charlton,
22 could you get a picture perhaps of the Charlton site at
23 night?

24 MR. MARSHALL: It's funny that you should
25 mention that because I have to go to my camp tonight and

1 I will go that way.

2 CHAIRPERSON HEXT: That might help. It would
3 give us an idea of what it would look like.

4 MR. MARSHALL: I'm spending too much time
5 taking the stone from Brad's chimney, Barb's columns -

6 CHAIRPERSON HEXT: Allyson, what were you going
7 to say?

8 MS. PHILLIPS: I was going to say that Chuck
9 had mentioned before that he would try and see if he
10 could get -- I think it was a photometric display - kind
11 of like a colored picture that we had for the ZBA - that
12 configuration - - I was wondering, will that also take
13 into account if you took the light posts at the
14 entrances and replace them with the decorative light
15 posts - I think the lights enclosed with a globe with
16 that -- if you did that photometric, would that be
17 reflected in the visual?

18 MR. MARSHALL: I'm trying to share my screen
19 here.

20 MR. PHILLIPS: It sounded like when you were
21 describing that -

22 MR. MARSHALL: I think this is kind of what - -
23 if you could see the the right hand - - I'm trying to
24 zoom in to give you a better - - something like that
25 (Indicating). That's kind of what I think you guys are

1 looking for is - where is the light going to be. You can
2 see the property boundary highlighted on the corner
3 here. You could see the freestanding sign. It's
4 effectively dark and that comes to my point earlier. If
5 you're looking in from a place that's dark or even less
6 lit, it's going to be - for lack of better terms -
7 bright. Other than this I don't know how else to show
8 it.

9 MS. PHILLIPS: With the decorative streetlights
10 that we talked about -

11 MR. MARSHALL: The decorative fixtures would
12 affect light. If we go back to the larger image, the
13 decorative fixtures would affect the lights in this
14 corner and in this corner. You have to remember the plan
15 hasn't been developed since we relocated the dumpster.
16 So, you're effectively drawing a line at the edge of the
17 store and bringing it toward the creek.

18 MR. HITT: Either way the illustration doesn't
19 put it into perspective for the setting because the
20 lights at Altamont Corners. There's lighting along
21 around the intersection. There's a light at the other
22 service station.

23 MS. PHILLIPS: The lighting at the entrances is
24 in keeping with what's kind of existing on the street
25 now. Really as you had said, the only place where you

1 have the more intensive lighting is at the store and the
2 gas island. I see the desire to kind of see what that
3 would look like from a distance, but I would think it
4 would take into account the existing lighting on the
5 street and the lighting you're going to have at the
6 entrances to the store. That would all kind of be
7 consistent with what's in the area right now. You have
8 the visual to kinda show the difference between 3,000
9 and 4,000. Would that change just at the store and the
10 gas station really create that much of a difference?

11 MR. MARSHALL: That's kind of my point. Even
12 the change in the light from three to four - I
13 personally don't believe it changes this intensity map.
14 They put out, I imagine, a similar range of
15 footcandles so the intensity is going to be the same,
16 since it's going to be somewhat similar in the intensity
17 map.

18 To kind of go to Dan's point, I don't know
19 how to model the lights on Altamont Corners, the
20 Villages' lights, the DOT lights, and then a person
21 looking up the hills perspective - that's definitely
22 what I'm struggling with.

23 MS. EVERHART: To just sort of jump in, I think
24 we're not really saying no, we're not willing to do
25 this. We're just not really clear on how to put a model

1 together that would be accurate and to show you what you
2 want to see.

3 MS. PHILLIPS: The photometric, you've got
4 right here. You've eliminated the light at the dumpster
5 which isn't there anymore. Then, I don't know if you
6 take into account the two light posts at the entrances.
7 Would this ball of light at the entrances be reduced?
8 Would a new photosystem of this just showing the changes
9 that you're making - - at least we could then see the
10 difference of what this visual is compared to after you
11 make the changes that we discussed tonight. It's the
12 same thing, but at least it's a comparison of the
13 changes.

14 MR. MARSHALL: That's what I was saying with
15 this perspective versus the kind of temperature. If you
16 look at the top right, or what I'm hovering my mouse
17 around now (Indicating) that's a view effectively
18 looking into the store - the site from the view that
19 people have alluded to about coming up the hill. I just
20 don't think I can simulate a six-foot person looking
21 into the site view. The modeling is kind of this way.

22 MR. GRANT: I don't think that's a problem.
23 This is the first time seeing this view. What does it
24 look like from down the street? This is somewhat
25 helpful.

1 CHAIRPERSON HEXT: I think seeing his actual
2 picture from the other store might give us that -

3 MR. GRANT: Yes, that's the real world. In a
4 Village setting, there's lights and other things going
5 on; absolutely.

6 MR. MARSHALL: That's the part I can
7 incorporate into our model. Just like with the sound,
8 the cut sheets will indicate a decibel level, but they
9 won't take into account the three to four foot of
10 retaining wall.

11 MR. GRANT: Right.

12 MS. EVERHART: So, is the Board looking for a
13 revised photometric plan that Chuck is hovering on now
14 with the change of lighting and the dumpster location?

15 MR. HUKEY: Yes.

16 CHAIRPERSON HEXT: I think I would like to see
17 that, yes. I'm not saying you have to redo the whole
18 plot, or every plan or anything like that.

19 MR. MARSHALL: I think I just need the
20 guidance. This is a temperature -- I'm assuming
21 that it outputs both maps, but this is a temperature
22 rating and this is kind of the view - a similar thing,
23 but kind of the view into the store. Is this something
24 in the range of what you're looking for?

25 MR. HUKEY: Chuck, is it possible to give - how

1 you have that brightness around the store and around the
2 islands - is it possible to get that view from the
3 railroad tracks?

4 MR. MARSHALL: That's the problem. I can only
5 model to the extent the software allows. I can only put
6 in the fixtures that we have information for. I can't
7 put in any other information - any streetlights which I
8 think there's a streetlight on the Helderberg side of
9 our store that's not incorporated in this lighting plan.
10 So, those things can't be taken into account because I
11 don't have the information and I can't build that
12 model.

13 MR. HITT: There's also a street tree or two in
14 the way, if you're walking up the sidewalk that would
15 block the view of the lighting from the east side
16 anyway.

17 I think I'm going to look at the Charlton
18 site as it's probably the more realistic way.

19 CHAIRPERSON HEXT: I do, too.

20 MR. MARSHALL: Speaking of free ice cream, I
21 will be there after this meeting ends plus about a
22 half-hour.

23 MR. CARUSO: Hey Deb, this is Steve. I can't
24 emphasize enough - I have driven by that store and been
25 there many many times. You really need to go see it. You

1 can look at all the pictures you want in the world, but
2 until you see an actual canopy and everything - the way
3 it looks - I think it will give everybody a different
4 perception. The problem is obviously it's not on the
5 corner. It's a little trip at night-time, but I do
6 recommend that everybody do that before our next
7 meeting.

8 MR. MARSHALL: I think if you do go up there,
9 if you do continue your journey and stay on 147 and just
10 head slightly north, you get to the corner of 147 and 29
11 and on the northwest corner there's another Stewart's.
12 At that Stewart's, I believe, they use the 5,700
13 lights.

14 MR. HUKEY: Chuck, the address - I thought you
15 said it was 147 and 57.

16 MR. MARSHALL: There's 147 and 67 in the Town
17 of Charlton and then there's 147 and 29 in the Town of
18 Galway.

19 MR. HUKEY: What was the last one in Galway?

20 MR. MARSHALL: That was 147 and 29. Just keep
21 going north on 147 until you get to 29.

22 MR. HUKEY: Thank you.

23 CHAIRPERSON HEXT: Take some pictures, Chuck.

24 MR. HUCKEY: There's no more questions. I move
25 we adjourn until the next meeting. my legs are getting

1 numb.

2 MS. MUHLFELDER: I have a question. It will be
3 like tonight's meeting, right? No comment?

4 CHAIRPERSON HEXT: This will be my motion next,
5 but it will just be a meeting to continue this
6 discussion. There will be no public comment.

7 MS. PHILLIPS: Deb, I have questions and maybe
8 it's a question for Ginger.

9 Would this be a special meeting that you guys
10 are going to schedule tonight?

11 CHAIRPERSON HEXT: Yes.

12 MS. RUE: Will we have enough information back
13 from Stewart's? I know the design plans - we talked
14 about a lot of changes along with a handful of other
15 things.

16 MS. EVERHART: We don't think a meeting on the
17 26th will provide us enough time, if that was the
18 Board's thought.

19 CHAIRPERSON HEXT: Chuck, what would be
20 feasible then? Our next meeting would be the fourth
21 Monday in June.

22 MR. MARSHALL: I think I can turn plans
23 around.

24 MS. RUE: What about June 8? That will give you
25 three weeks. No, that would give you two weeks.

1 MR. MARSHALL: I'm just trying to look at some
2 of the substantial nature of the plans.

3 CHAIRPERSON HEXT: Chuck, we are not asking you
4 to produce these huge plans again.

5 MR. MARSHALL: I don't actually draw them. I
6 just have someone draw them and I'm usually not popular
7 in my office, anyway.

8 MR. GRANT: We have a number of comments we
9 want to see Chuck do with the next submission. It can be
10 done for the next submission or if you went to June 8,
11 you would have a little bit more time.

12 MR. MARSHALL: Let's do that. That just seems
13 more reasonable.

14 MS. RUE: That's still a special meeting,
15 correct?

16 MR. MARSHALL: It is a special meeting.

17 CHAIRPERSON HEXT: It would still be a special
18 meeting, Yes.

19 Ginger, do you know anything else - is there
20 anything else on the Village calendar for that night
21 that might interfere with this meeting being held,
22 offhand? I don't need to put you on the spot.

23 MR. HUKEY: What's that night again, Deb?

24 CHAIRPERSON HEXT: Hang on a second, John.

25 MS. HANNAH: I don't know for positive, but

1 it's keeping it on a Monday. Normally that's fine and it
2 doesn't interfere with like the Village Board or a
3 Zoning Board meeting. So, I think that would be all
4 right. I will be in the office tomorrow and I will check
5 on that and get back to when I know for sure.

6 CHAIRPERSON HEXT: Okay, thank you.

7 I don't see a problem with it. I just want to
8 make sure there wasn't some sort of special meeting
9 from something else that was planned.

10 Chuck, are you okay with two dates?

11 MR. MARSHALL: Yes.

12 CHAIRPERSON HEXT: Is the rest of the Board
13 okay with two dates?

14 (All Board Members agreed.)

15 Then, I would like to make a motion to
16 continue to set a special meeting to continue the
17 special use permit for Stewart's on June 8, 2020 at
18 7:00 p.m. Again, this would be a meeting and not a
19 hearing. The public will not be allowed to speak.

20 MS. MUHLFELDER: I make that motion.

21 MS. RUE: I will second it.

22 MS. HANNAH: I will go down roll call here.

23 (The roll was called and the motion
24 carried unanimously.)

25 CHAIRPERSON HEXT: So, I think that concludes

1 our Stewarts business for tonight.

2 MS. RUE: Deb, I have just one quick question
3 for you on the Stewart's review you mentioned that we
4 should look at 355.36 - the site plan approval factors
5 for consideration. It's also a special use permit for
6 355.35. That also has factors for consideration. Should
7 we be looking at both?

8 CHAIRPERSON HEXT: I would recommend any
9 factors for consideration.

10 There's also 355.20 which deals with the
11 building layout and plan and façade and everything
12 else. I've been going to that one. I just check it off
13 and say did we do this? Was this addressed? Are we
14 doing the best possible plan here? Once we have all
15 that, we will put it all together and see what we come
16 up with.

17 MR. RUE: Thank you.

18 MS. MUHLFELDER: I'm sorry, you said 355.20?

19 CHAIRPERSON HEXT: That 355.20 was the other
20 one that I was looking at, yes.

21 MS. MUHLFELDER: Thank you.

22 MS. EVERHART: Madam Chairwoman I had a
23 question. I'm sorry to interrupt. It sounded like the
24 resolution setting the next meeting date was specific
25 just to special use permit. Is it the Board's intention

1 to also be reviewing site plan, as well?

2 CHAIRPERSON HEXT: Well, yes.

3 MS. EVERHART: I assume so. I just wanted to
4 make sure.

5 CHAIRPERSON HEXT: It's just continuing this
6 particular meeting, basically.

7 MS. EVERHART: That's what I thought.

8 MS. PHILLIPS: Just for the Board's benefit,
9 when we go through the actual - our Zoning Law
10 contemplates that when you have a special use that
11 requires both special use permit and site plan approval,
12 that it would be this integrated review where we would
13 be looking at it as a whole at the same time. When it
14 comes time to our decision-making, we will be looking at
15 the specific factors that are in our Zoning Law that
16 we're supposed to look at for granting a special use
17 permit and also the specific considerations that we're
18 supposed to go through when looking at a site plan
19 approval. We are looking at both those sections and also
20 the specific design characteristics that Deb had
21 mentioned. So, we're going to be going through all that
22 and our decision-making document will reflect the fact
23 that we looked at all of those factors and
24 considerations that are in each of those sections of our
25 Zoning Law.

1 CHAIRPERSON HEXT: Thanks, Allyson.

2 Ginger, I don't think we have the minutes
3 available yet, right? I can understand that.

4 MS. HANNAH: We have the transcript as it came
5 this past week and it's very lengthy. We should be able
6 to have that for the next meeting.

7 CHAIRPERSON HEXT: That's fair. Fair enough.
8 Anything else that anyone else wants to
9 discuss?

10 MS. MUHLFELDER: Do we need a second on the
11 motion?

12 CHAIRPERSON HEXT: Which one?

13 MS. MUHLFELDER: The one we just made.

14 MS. HANNAH: We did.

15 MS. MUHLFELDER: Sorry.

16 (Whereas the above referenced proceeding regarding the
17 proposed Stewart's site was concluded at 9:56 p.m.)
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CERTIFICATION

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

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

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